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PROCEEDINGS AND DEBATES OF THE 102^{d} CONGRESS, FIRST SESSION

SENATE—*Thursday, October 3, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And Jesus came and spake unto them, saying, All power is given unto me in heaven and in earth. * * * *lo, I am with you always, even unto the end of the world.*—Matthew 28:18, 20.

Gracious Lord, thank You for the assurance of Your constant presence, Your care and concern for us, Your love which is unending. You know infinitely better than the Senate what the future holds. You know the intense pressure under which the leadership labors. You know the issues and their consequences for the Nation and the world. Give to the leadership special grace at a time when tension increases, and the clock keeps ticking off the relentless movement of time. When debate is hot and emotions are high, infuse the Senate with Your peace and patience. Whatever their religious convictions and practices, help each Senator to find a few moments of quiet to reflect on the inexhaustible resources of Your grace.

Thy will be done in this place. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 3, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The time between 9:30 a.m. and 10:30 a.m. shall be under the control of the minority leader or his designee. During the time between 10:30 a.m. and 11 a.m., the Senator from Colorado [Mr. WIRTH] and the Senator from Minnesota [Mr. WELLSTONE] shall each be recognized to speak for up to 15 minutes each.

The Senator from Oklahoma is recognized.

COMPLIMENTS TO REVEREND HALVERSON

Mr. NICKLES. Mr. President, I compliment Chaplain Halverson. He has been a very close friend of mine. He has been a very loyal servant to the Senate and to the country. I think his prayer today exemplified it.

Many times we do not pause to say thank you to him for his service to this body and also to this country, not only for his prayers but also for his books and for his leadership and for the great pastoral way in which he has assisted us. It has truly been a real asset to this Senator, and I think to all of us who have had the pleasure of serving in the Senate for the last 11 years since he has been Chaplain of the Senate.

PASSAGE OF THE HIGHWAY BILL

Mr. NICKLES. Mr. President, I rise today to speak about the highway bill. Several of my colleagues will be speaking about the highway bill this morning, probably for about the next hour.

First, Mr. President, we wish to urge that the Congress move. Many people have been talking about a jobs bill. As a matter of fact, debate on the unemployment extension has dominated this body for about the last week. Congress has passed an extension on unemployment compensation, one that is expected the President will veto, and I think rightfully so, because it increases the deficit by $6.2 billion at a time—I do not know if most of my colleagues are aware of this—we just completed fiscal year 1991 with a deficit in the neighborhood of probably $279 billion, and next year it is estimated to be something like $350 billion.

However, the bill we just passed would increase that deficit—whatever it is, astronomically high—by an additional $6 billion. I find that to be irresponsible.

Mr. President, there is something we can do that will help create jobs. That is to pass the highway bill. We have already passed it in the Senate, so I am not really critical of our Senate colleagues. I think, Mr. President, it is a very good bill. It may not be perfect.

The House is working on the bill, but unfortunately the House has not passed it. The bill is still languishing in the House. As a result of that inactivity in the House, or the result of Congress not being able to pass a bill, we actually have thousands of people in my State who are going to lose jobs.

I have a letter from my Governor, Governor Walters, which I will include in the RECORD. I have a letter from the Association of General Contractors from the State of Oklahoma saying that—I will read this one line:

> Well over 20,000 Oklahomans will be collecting unemployment compensation soon.

He is talking about if Congress does not move forward on this bill. We are talking about real jobs. We are talking

• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

about jobs, not just an extension where we are going to pay somebody for not working. We are talking about paying somebody to build roads for which we have already collected taxes. Taxes are sitting, supposedly, in the road funds. They are just not being released. Why? Because Congress has not passed a bill.

I speak of Oklahoma. Yes, that is a parochial interest. I am concerned about my State. I am concerned about the roads not being built in my State. In Oklahoma, we were supposed to have $20 million of contracts to be let this month. Now that has been reduced to $12 million, and nationwide it has been reduced rather significantly.

It is estimated by the American Association of State Highway and Transportation Officials that if Congress does not move quickly, we will lose something like 87,000 jobs by December 31, 1991. If we do not enact the Federal highway bill—they say if it is not done by September 1992—we will lose 407,000 jobs.

Mr. President, I find that to be irresponsible; jobs lost because Congress has not passed a bill. Why has Congress not passed a bill? There is a lot of discussion or debate whether or not we would increase gasoline taxes by a nickel, and so on. Almost every State is going to have a significant increase in its allocation. In my State of Oklahoma, we are looking at something like a 38-percent increase over the next 5 years. Most States are looking at rather significant increases because we are spending some of the so-called reserve fund over the next 5 years. I find it totally irresponsible for the Congress not to enact a highway bill and not to enact it soon.

I look at the USA Today, and it has a chart—I will include that for the RECORD—of the States that are running out of money, the States where the contracts will not be let. Most of these States are in the 30-some percent category, that they can only let contracts at 30-some percent of what was anticipated. Those are jobs that are going to be lost because Congress has not acted. That is irresponsible. That means people will be receiving unemployment that should be out building roads, that should be getting good jobs.

I also noticed in the same article, Mr. President, that it says: "Congress is keeping States in the slow lane; 15 States to defy the 55 order."

Mr. President, what that deals with is an amendment which this Senator had passed several years ago on an appropriations bill that would allow States to have roads built to interstate standards to increase the speed limits, if they so desire, up to 65.

We passed on the previous highway authorization bill an amendment that I sponsored, along with Senator SYMMS and others, to allow States to increase speed limits on rural interstates to 65 miles per hour. I think that is good amendment. That is still the law of the land.

Unfortunately, we did not cover roads that were built to interstate standards, and so this Senator, on a transportation appropriations bill a few years ago, put in an amendment that said those roads likewise, if the State so desired—we leave this up to the States—could increase the speed limit up to 65. That authority expired September 30, and so the States now have been told by the Department of Transportation they have to roll those speed limits back to 55. That is ridiculous.

And so I might inform my colleagues and the Department of Transportation that on the transportation appropriations bill this year, yesterday Senator KASTEN, for himself and myself and several other interested Senators, put in an amendment that was agreed to in conference that would allow those States to have an additional year of authority where they could keep the speed limit at 65 for roads that meet interstate standards.

It is a very good amendment. In my State, there are 278 miles that fall into that category that are basically turnpikes that meet interstate standards. We do not want to have the State officials to have to go out and take these 65-mile-an-hour speed limit signs, roll those back to 55, and when Congress acts in a week or a month or two on the highway bill, to change them back. They will not have to now, because we put that on the appropriations bill and, hopefully, that conference will be finished today, and the President will sign that bill next week, or at least it is my hope that he will. So there is really no need for these 15 States to go to the expense and confusion of rolling the speed limit back to 55 and then changing them once again to 65.

Mr. President, I see my colleague, Senator SYMMS, is here. I ask unanimous consent to have printed in the RECORD material pertaining to the highway bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATES AT THE END OF THE ROAD

The expiration Monday of the federal Highway Trust Fund law has left many states short of roadway funding. Here are the states expected to run out of federal highway funding in the next two months, and the percentage of their highway funding that is federal:

	Percent
November:	
D.C.	34
Illinois	33
Indiana	24
Iowa	36
Kentucky	19
Maine	22
Maryland	26
Mississippi	34
Ohio	44
Texas	31
October:	
Alabama	45
Arkansas	26
Connecticut	29
Florida	39
Nebraska	37
North Dakota	43
Oregon	26
Tennessee	34
Virginia	21
Wisconsin	33

Source: USA TODAY research.

ASSOCIATION OF OKLAHOMA
GENERAL CONTRACTORS,
Oklahoma City, OK, October 2, 1991.

GENTLEMEN: Yesterday, we were informed by the Oklahoma Department of Transportation that FHWA had apportioned 29/365 of our federal aid highway funds for use at this time. This is $12,000,000, while our state has an unobligated balance of over one hundred million dollars in the fund.

This puny release will permit a highway letting in November of about $15,000,000, as opposed to the advertised amount of $20,000,000. This follows a letting in October at less than $10,000,000 and the future is in the hands of the Congress and the Bush administration while the balance in the trust fund continues to grow.

This is a deplorable situation and comes at an extremely bad time for employees in highway construction in Oklahoma.

With the recent completion of four new turnpikes that employed 12,000 citizens who will not now be re-employed by the timely passage of a new highway bill, plus the lack of authorization of funding at this time by FHWA, well over 20,000 Oklahomans will be collecting unemployment compensation soon.

It is imperative that a new federal aid transportation bill be passed at once! It should include among other things: (1) a spend down of the surplus in the Highway Trust Fund; (2) abolish categorical control of funds; (3) final authority for an overall transportation plan for each state be given to the Transportation Commission vs. fragmented authority among several elements of government.

We implore you to use your good office and influence in making the above occur at once. The release of infrastructure funding will do more to improve the economy of America than any single thing . . . fact not fiction.

Sincerely,

BILL SKEITH,
Executive Director.

STATE OF OKLAHOMA,
Oklahoma City, OK, October 2, 1991.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR DON: We received information from the Federal Highway Administration yesterday informing us that we would be able to obligate 20/365ths part of the last year's obligation authority. This amounts to a grand total of $12.6 million dollars of obligation authority for the Oklahoma Department of Transportation for the next 29 days. With this $12.6 million, we must take care of our November contract letting, buy right-of-way for our continuing program and continue our research programs. Our November letting alone was planned for $20 million. Obviously, a good portion of this will be deleted. Should this piecemeal approach be used for any length of time, it will seriously impact the heavy highway construction industry and the industries that support highway construction. The jobs lost in Oklahoma as a result of this approach will be significant.

We strongly recommend that the states be allowed to use all of their unobligated funds

(Oklahoma has approximately $117 million), and that the category restrictions be removed. This would allow our state to continue to operate in a reasonable fashion while the congress is debating reauthorization of the Surface Transportation Act.

Thank you for the support you have provided throughout this entire process.

Sincerely,

DAVID WALTERS,
Governor.

Mr. NICKLES. Included in that request, Mr. President, is a letter from the Governor of Oklahoma and also the Association of Oklahoma General Contractors that clarify the economic impact that this would have, not only on the Nation, but on our State as well.

Let me conclude by stating that, again, I hope that the Congress will enact a highway bill, and I hope they will do it soon. That will eliminate this confusion over the 65 or 55 for noninterstate highways, because we make it permanent in the highway bill. That was passed, and it was my amendment. It is a good amendment. I appreciate the support we have had from the Senator from Idaho to make that a reality. He worked tirelessly to make the highway bill a good, bipartisan bill which passed overwhelmingly in the Senate. His leadership on this bill, in my opinion, has been outstanding, and I compliment him for it. I hope that the House will act soon, so we can pass the bill, and it will have to be signed by the President and put these highway construction workers back to work.

I yield 10 minutes to Senator SYMMS.

CONGRESS SHOULD CONSIDER AMERICA'S AGENDA

Mr. SYMMS. Mr. President, I first thank my colleagues from Oklahoma for his kind remarks. I also think that he is quite correct. I have often said what Congress should do is the agenda for America, and that means, stop meddling in so many issues and questions in which Congress should not be involved, which really interferes with production and work, savings, thrift, and the American dream, if you will.

I say this, Mr. President: I do not think the American people expect much from Congress any more, as our level of public esteem seems to sink on a daily basis. But we appear well on the road to falling short of even those diminished expectations. What do the American people want from us? They want a balanced budget. They want policies to encourage and sustain a strong private sector. At the very least, they want the Federal Government not to make it more difficult to stop violent crime and get violent criminals out of their neighborhoods and off their streets.

What do they get? A political deadlock in which the Democratic majority in Congress shovels politically motivated bills, one after another, down to Pennsylvania Avenue only to have the President sink them with his veto pen.

Mr. President, I would say in defense of Congress and the President: The American people are the ones who elect the leftist, pro-Government-agenda people to the Congress and a conservative Republican to the White House and then expect a meeting of the minds. So the only time the President can get a bill passed is when he compromises with the people who want to pass more regulations or raises taxes.

We should have finished the work already on the highway bill. The President could sign it into law. This is one time I think—and I share the view of my colleague from Oklahoma—that the Senate did an excellent job. Senators MOYNIHAN, BURDICK, CHAFEE, and I brought to the floor the Surface Transportation Efficiency Act, which would complete construction of the Interstate System and provide the largest surface transportation program in history. The Senate completed its work on that important legislation with more than 3 months remaining in the fiscal year. It was PAT MOYNIHAN who came to me and said, the morning after the President called for 100 days, "Symms, let us get this done in 100 days, as the President asked." I said, "We will do it," and we came very close. We were on the floor debating it. If we had not had the deadlock on the apportionment, which was to be expected, we would have completed that within 100 days here on the floor, as the President asked us to do.

Unfortunately, the House coddled and cajoled Members for weeks trying to round up a sufficient number of votes for a bill that the President promised to veto. As a result of that unsuccessful effort, the Nation's surface transportation programs expired on this last Monday before a reauthorizing bill could even be brought to the House floor for consideration. So we are a long way off from a conference, the way it appears today.

The Federal Government provides few, if any, programs that do more to encourage and sustain a strong private sector than those intended to build or maintain our transportation infrastructure. Reauthorizing those programs, particularly with the Senate bill's focus on greater productivity in the transportation sector of our economy, should be one of our top priorities here in the Congress. Instead, Mr. President, the Congress is cynically raising the hopes of the long-term unemployed by passing a bill which the President will veto, and the veto will be sustained. In the meantime, those people who are unemployed and looking for a job may be buoyed today by false hopes and false expectations raised by Congress in a cruel, cynical fashion since we know the President said he will veto the bill, and the veto will be sustained.

Next, we will send the President a parental leave bill, which he will also veto, and it will easily be sustained, because of the anticompetitive burden it would mean for the private sector. It should be vetoed and sustained, and it will be.

But it is a political agenda. This is not a new leaf turned by the Democratic Party leaders because we are entering the political season. The Congress has already established a record of such political partisanship at the expense of legislation intended to address the issues Americans care about. What the people want is a progrowth, free enterprise economy where they have an opportunity to work, save, and invest and keep some of their money, and keep the Government out of their business. Let the Government take care of security issues, keep the criminals off the streets, and give us a program for the Nation's infrastructure.

First there was S. 3, the campaign finance bill. This was not vetoed last year, only because it never went anywhere. It was so blatantly political, Mr. President, that it provoked a filibuster supported by virtually every Senate Republican, every Senate Republican. It was so blatantly political, it could not go anywhere.

S. 4, the child welfare bill, would bust the budget summit agreement by spending over $2 billion over 5 years, much of which is in entitlements, to deal with problems with respect to which similar existing Federal programs have already been largely ineffectual; they have not worked. It is throwing good money after bad, and people are sick of it.

In the area of education, the President last year proposed a series of initiatives constituting a first step toward reasserting competence and choice in the Nation's. educational system. Senate Democrats took the President's $50 million program, added $750 million of Democratic sweetners, and attempted to send the bill to the President's desk. Fortunately, that bill was stopped by the objections of several Senators to some of its controversial provisions.

Mr. President, where does this end? Throwing money at education will not cure the problem. Competitive choice and greater discipline will go a long way toward improving the quality of the product—the graduates from those schools.

These are a few examples. The key to the Senate's lack of productivity is the politicized agenda which confronts it. Republicans are not wise if we consent to stay around here until Thanksgiving to consider legislation which is so obviously destined to be vetoed.

We should focus our efforts and our energy on legislation which the American people want, which the President will sign. That agenda is manageable and could be completed very shortly by a Congress intent on doing America's agenda rather than the Democratic Party's political agenda.

Mr. President, I close in saying I hope that in 1992 the American people elect one party to run the country and hold them accountable for the Government they provide. And after a given period of 4 years or so, if progress is not being made toward supporting and sustaining a strong growth-oriented economy, then I think it would be entirely appropriate for the American people to throw everybody out and try the Democrats for a while.

But what we have here is an agenda that is being pushed by one party that is totally out of step with what the American people voted for when they voted for George Bush. He should not, and he will not, I trust, condone these antigrowth, anticompetitive, populist measures brought up on the Senate floor and the House floor to promote this political agenda.

It is high time this Congress spend its time worrying about where our economy is going. All one has to do is look at what is happening with respect to the economy. We are going to have a budget deficit this year of $350 to $400 billion. Why? One reason is we passed regulation upon regulation that stifles productivity in the country. We refuse to reduce the taxes on capital assets in the country, on capital gains, to promote growth and investment opportunities. We continue to tax the working people too high and spend the money lavishly on unlimited entitlement programs that reduce incentives to work and produce.

It is time we accept a program such as suggested by Senators KASTEN, MACK, and GRAMM earlier this year, for starters. I think we ought to take a good look at all the regulations that have been passed. This country has the capability of having a regulatory recession just by the bills that have been passed by this Congress.

Look at what is happening in our hometowns with the wasted money spent digging up tanks that do not leak, on liabilities carried on forever when one small business tries to buy another one and finds out they cannot do it because of the liabilities.

We are destroying the right to private property in this country by excessive government.

Mr. President, I think it is high time that Members of Congress start looking forward, looking out to what it is their constituents need, which is a strong economy, an opportunity for jobs, work, savings, and investment. Congress should stop all this nonsense of politicizing every issue hoping to get a few votes back home with a purely partisan political agenda.

Mr. President, I yield the floor. I thank my colleagues for the time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, again I wish to compliment my colleague from Idaho for his leadership on the highway bill and himself for his statement.

I also note now we have the Senator from Wisconsin here. I complimented him earlier on the floor for the amendment that he put in the transportation bill yesterday that would allow States, if they have done so in the past, anyway, to keep the speed limit at 65 for roads that meet interstate standards. That amendment that he was successful in putting on the transportation bill will save those 15 States a lot of money and a lot of confusion.

I compliment him for his leadership in that effort.

How much time would the Senator like?

Mr. KASTEN. 5 minutes.

Mr. NICKLES. I yield the Senator 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin [Mr. KASTEN] is recognized.

Mr. KASTEN. Mr. President, I want to thank the Senator from Oklahoma.

First of all, I want to point out that I had the opportunity of introducing the amendment the Senator from Oklahoma has been backing and working on for a number of years. And it was with his help and assistance that we were able to be successful in passing the 65–55 road sign amendment. But I think it simply makes the point that we are trying to make here today.

We have talked about jobs, we have talked about unemployment, we have talked about the issues that we are faced with. Today we are here to express our concern, to express our anger that the surface transportation reauthorization bill has not been passed by the House of Representatives.

On June 19 the Senate passed the highway bill. It had a 5-year spending limit of $123 billion. These dollars will be spent all across the country. They would be spent in Wisconsin, Oklahoma, Idaho.

While I had hoped for and fought for a distribution system that treated the donor States more fairly, I stated at the time the importance of passing quickly this legislation so that we did not have the turmoil that we had in 1986, that we did not have the turmoil that we had in 1987. And because the House failed to act yesterday, as the Senator from Oklahoma referred, we had to fix, in an appropriations bill, the problem that had occurred because the House had failed to act.

We won our amendment to correct the mistake that will make $25 million in Federal highway funds available to Wisconsin by December. That amendment that we won yesterday would extend for 1 year a special law allowing 65-miles-per-hour speed limits on noninterstate, four-lane rural routes in 15 States including Wisconsin. Both the House bill, the Senate bill—and the administration bill—actually makes this provision permanent law, but because yesterday we were in an appropriations bill, it can only cover a year. We covered it for a year.

I hope that this will become permanent law, and we will not have to put this particular amendment back in the legislation year after year after year.

As I said, I would extend for 1 year a special law allowing 65-miles-per-hour speed limits on noninterstate, four-lane rural routes in Wisconsin and 15 other States.

Without this amendment Wisconsin would have been caught in the confusing dilemma of whether to roll back the speed limit to 55, in effect, forego the dough, go without the money.

Affected roads in Wisconsin included Routes 78 and 51, north of I–94, the area between Portage and Merrill, and Route 12 between I–43 and the Illinois line, near Lake Gevena.

Fortunately, we won on this amendment which allows the 65-miles-per-hour speed limit on 131 highway miles throughout Wisconsin without jeopardizing Federal funds.

This is important news, good news for Wisconsin. I will push for this measure when the Department of Transportation bill comes back to the Senate for a final vote.

But the key point here is that we are working through these fixes. We are working through these quick fixes because the House of Representatives has still not acted on the bill to provide the dollars to help develop the infrastructure.

I am not happy with the formula. We tried to improve the formula for the last 35 years. Wisconsin has not received a fair return on its Federal highway tax dollars, and we do deserve to do better. I think it is important to recognize that a number of us, including the Senator from Wisconsin, who is now in the chair, worked to try to improve this formula.

Since the mid-1950's, Wisconsin has paid approximately $1.2 billion more into the Federal highway fund than it has received. This has been a chronic problem.

It is time for a more equitable return on our highway dollars. But we need a bill. We need legislation. Our State departments of transportation are anxious, our contractors and our workers are worried. They are concerned. It is not as if we do not have the money. It is not as if we are not ready to go forward. It is because of a political delay. It is because of congressional inaction.

I urge the House of Representatives to act to protect jobs, to improve our infrastructure and move forward with the overall effort that we have to be pushing for. It is important that we recognize that the Senate has passed the bill. We in the Senate have passed the bill. Now it is time for the House of Representatives to act.

Mr. SIMPSON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. I yield 10 minutes to the Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, for the last several months we have been hearing the majority party of the Congress accuse President Bush of not having a domestic agenda, that he is not concerned about the needs of our Nation, that he is more interested in the road to Damascus than he is the roads of America.

Mr. President, if I recall correctly, it was the administration that proposed their own version of the surface transportation bill way back in March of this year.

The Senate passed our version of the surface transportation bill in early June. The Senate bill is a good bill which provides adequate funding to meet the infrastructure needs of this Nation, at least from the standpoint of transportation.

So, Mr. President, here we are 8 months after the administration initially proposed their legislation and the House of Representatives still has not passed a bill. It is the leadership of the House of Representatives, it seems to me, that ought to look inwardly instead of accusing the President of not having a domestic agenda, to ask what is the Congress of the United States doing about passing a domestic agenda.

It is the leadership of the House of Representatives that right now on a very important infrastructure piece of legislation has not functioned. It is the leadership of the House of Representatives that could not even pass a surface transportation bill by the deadline of September 30, so that we could avoid passing interim legislation so we could keep on building highways.

Why does the House of Representatives have a problem? Why have they been unable to pass legislation? It is because they played around with the idea of raising taxes, a gas tax increase, so some more appetite for spending of money could be satisfied.

Mr. President, I think it is this simple, when it comes to the issue of raising taxes whether it is the income tax, the gas tax or any other tax. We try to raise taxes to satisfy our appetite to spend money. Sometimes we raise taxes with the idea that we are going to be able to reduce the deficit, which does not happen because we had the second-highest tax increase in the history of our Nation, and yet the largest budget deficit in the history of our country in the compromise that was passed last fall.

When are we going to wake up to the proposition that you cannot raise taxes high enough to satisfy the appetite of Congress to spend money? Well, the House of Representatives has not come to that conclusion, at least maybe now they have but earlier they had not because they were trying to increase the gas tax and that held up the highway transportation bill.

Included in the initial version of the House of Representatives' highway bill was a 5-cent-a-gallon increase in the gasoline tax. This would have come on top of a 5-cent gas tax increase that just went into effect last December 1. You know a nickel here and a nickel there, and like the old saying of Senator Dirksen, it adds up to real money. You know somebody said, a nickel, just a nickel for America. All I want is for people who think taxes will solve our problems in this country to tell us, if they had a nickel last year, proposed a nickel this year, maybe a nickel next year, when are there going to be enough nickel increases in the gasoline tax until finally somebody says we have raised taxes high enough? Nobody has drawn that line yet, and until that line is drawn I am not willing to consider the second nickel gasoline tax increase on the top of the one that was passed last year.

The gas tax, besides not solving the problems that people think it will solve, is a regressive tax that hits hardest at America's working families and the lower- to middle-income levels. Specific to my State of Iowa, the inclusion of this increase in the gas tax would cost the taxpayers of my State over $600 million.

Ultimately, the House Democratic leadership in their own caucus discarded the idea of enacting the 5-cent-a-gallon hike in Federal gasoline taxes and this was after the Members of that body were home for the month of August and they heard the revolt of the taxpayers against this idea of increasing the gas tax. They decided it was too hot an issue and they backed off.

Where do we sit? We are still waiting for the Democratic leadership of the House of Representatives to pass what is left of their surface transportation bill. The easiest thing for them to do would be to pass what we passed here in the Senate and get the show on the road. There is obviously not going to be a bill in the near future because once the other body does act we are going to have a contentious conference to work out the considerable differences between the House bill and what has already passed the Senate. This will take some time. We will then need to come back to both bodies for final passage.

In the meantime what is going to be the effect on the country of inaction on the part of the House of Representatives?

The American Association of State Highway and Transportation Officials has presented a report which discusses the effect of a bill not being passed by October 1, Tuesday of this week. A delay in the timely passage of this legislation would have a shocking effect on the economy of the United States and put at jeopardy many of the important transportation projects in our country. The construction industry would be especially hard hit. According to the American Association of State Highway and Transportation Officials, an estimated 87,400 jobs and $5.9 billion in output could be lost in the next fiscal year if legislation is not passed. The impact of these jobs lost would be devastating just as we are moving out of the recession.

Other areas of our economy will be taking a hit because of inaction. The manufacturing and service sectors will feel the negative impact. This will resonate throughout our economy and it will affect everyone.

Recently, the Congress acted upon a bill that would extend unemployment benefits to those who need them. I support the idea of providing these additional benefits to those in need under a responsible bill that does not further increase the Federal deficit. But because of the inaction of the House of Representatives thousands of people will be losing their jobs that are associated with the highway construction business. That is a classic case of politicians talking out of both sides of our mouth. Claiming to be concerned about the unemployed in our Nation, while forcing thousands of individuals onto the unemployment rolls because of Congress' inaction and then in the process raising the gas tax which is going to have a further drag on an economy that is not recovering as quickly as it should

My own State of Iowa will feel the effects. Iowa will be faced with a logjam of projects and see project starts delayed until late spring or early summer next year. Iowa may experience an increase in projects costs and possibly as much as a 1-year delay in the completion of major projects.

All of this could occur because of a delay in the passage of the 5-year surface transportation bill and the delay caused by the House of Representatives leaders' passion for raising taxes on our working men and women.

I yield the floor.

Mr. SIMPSON. Mr. President, I yield 10 minutes to Senator SMITH of New Hampshire.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Hampshire.

THANKSGIVING ADJOURNMENT DATE

Mr. SMITH. I thank my friend from Wyoming for yielding.

Mr. President, 2 weeks ago the leadership announced intention to keep Congress in until Thanksgiving. More bad news for the American people. The longer we stay in the more it costs.

It is very appropriate perhaps that we are going to stay in until Thanksgiving. The taxpayers of America are going to be presented with a real turkey if the liberal Democratic agenda should pass.

It is not going to taste good. It will not go down very well. And on the way down it is going to gobble up a whole lot of our money.

In the past 9 months, Congress has continued to throw good money after bad, piling new programs onto a conflagration of debt which is already expected to exceed the projected budget agreement by $216.7 billion.

Let us look at some of that agenda. The House leadership is bottling up a highway bill that would create jobs, moneys that have been raised for that purpose to expand the highway system. They defeated legislation to reduce the capital gains and deregulate business so that small business can create more jobs.

We are throwing people out of work at the same time increasing their taxes, refusing to act to remove the earning limitations so that our seniors who want to work can work and be producing more taxes while they are doing it, and passing budget-busting bills which will have our national debt near $4 trillion within the next 2 or 3 years.

Is there any doubt, for all of the good intentions of their sponsors, that these programs will constitute the same waste of money as their predecessors?

The latest political football is the issue of education. Later this year, we will be asked to consider S. 2, a liberal education bill which will increase spending for handicapped education alone by $6.8 billion a year, on the theory that a lot more money will result in a lot better education.

Unfortunately, history has not borne out this presumption. In 1967, when the Federal Government spent a total of $6.4 billion on education, average SAT scores were 492 in math and 465 in English. In 1970, the Government spent $8.6 billion, SAT scores were 488 in math and 460 in English. By 1980, when spending had risen to $31.8 billion annually, SAT scores had sunk to 466 in math and 424 in English. Now we are spending $42.8 billion in 1991—a whopping 35 percent increase over 1980. What are our average SAT scores now? A pathetic 474 in math and 422 in English. Whatever our Federal dollars are buying, they are certainly not buying educational quality.

Next spring, we will be asked to tackle the health issue. The Federal Government spent $1.1 billion on medical care payments to individuals in 1960 and $57 billion in 1980. In 1991, medical care payments to individuals rose to $182.8 billion; and, by 1966, even President Bush's budget envisions $315.4 billion in medical care payments to individuals—a 286-fold increase over 1960 and a 73-percent increase over 1991. Yet, we will be treated to pronouncements that our Nation's health system is a shambles which demands new Federal Government intervention. Well, Mr. President, if we are proposing to spend over $300 billion under current law for medical payments—and if this $300 billion is not accomplishing the purpose of providing adequate medical care to our Nation's people—then something is seriously wrong—and someone ought to be held accountable.

Is it not reasonable to find out why what we are spending is not working before we spend more?

And so it goes with one program after another. In fact, there seems to be a direct relationship between Federal Government spending and the resultant severity of the problem. And, if there is any doubt about what that relationship is, it is: "Spend more money; make the problem worse."

Now, the congressional leadership proposes to spend an additional 2 months solving more of our national problems for us. In addition to a budget-busting education bill, the proposed agenda for this October surprise includes a bill to reregulate the cable industry, a bill which would cost over 5,000 lives a year by forcing Americans into smaller cars, a bill to effectively require the use of quota hiring by private employers, and possibly conference reports of bills to ban guns, support coercive sterilization in China, and remove the rights of employers and employees to determine what mix of employee benefits will be provided.

Mr. President, perhaps it is appropriate that Halloween is fast approaching. Taxpayers do not stand a ghost of a chance of getting any relief from this Congress. Congress is working its old black magic once again.

It has been said that visionary programs are upon us, that these liberal programs are visionary. Well, I think the vision is right smack on your wallet.

Is this the domestic agenda which the American people want: big government, reduced personal safety, and racial quotas? If this is supposed to be the vaunted domestic agenda which will form the center of the 1992 campaign season, I would advise Congress to leave town today.

The first session of the first Congress, composed of many of our country's Founding Fathers in 1789, obtained a quorum on April 6 and they adjourned on September 29—6 months. In those 6 months, they laid the framework for a new nation. The 1st session of the 102d Congress now proposes to stay in session 11 months, nearly twice as long. What a contrast.

Those fiscally responsible citizen legislators have now given way to year-round, professional big spenders.

Congress should do the American people a favor, Mr. President. To paraphrase a wiser man from an earlier era, "You have been around too long for any good you have done. For God's sake, go."

Thank you, Mr. President. I yield back the remainder of my time.

Mr. SIMPSON. Mr. President, I thank my colleague from New Hampshire for that powerful statement and true, indeed.

I now yield to my friend from Mississippi, Senator COCHRAN, 5 minutes.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, yesterday I read an article from the Commercial Appeal of Memphis, TN, with the headline, "Federal Highway Aid Measure Ends; Congress Inaction Stalls Spending."

Mr. President, I ask unanimous consent that the text of that article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL HIGHWAY AID MEASURE ENDS; CONGRESS INACTION STALLS SPENDING

WASHINGTON.—States and cities lost their authority to spend federal aid on highways, bridges and transit and traffic safety projects Monday.

The five-year, $90.7 billion federal highway act expired at midnight and Congress has failed to agree on legislation to succeed it. The Senate passed a five-year, $123.5 billion bill in June, but a House committee is still working on a six-year, $151 billion bill.

Transportation Secretary Samuel Skinner said that while more than $6 billion remains in the pipeline, the availability of the aid varies state to state. Officials in Tennessee, Arkansas and Mississippi said future road contracts could be delayed by Congress's inaction.

Industry and private groups say that even a temporary lapse in federal highway aid means thousands of workers will be laid off, billions of dollars in output will be lost and the national economy, fighting to pull out of the recession, will have another hurdle to overcome.

Meanwhile, Gwen Hopkins, spokesman for the Tennessee Department of Transportation, said construction contracts already approved will not be affected but future contracts could be. The next openings of bids for road and bridge construction projects is scheduled for Oct. 25.

According to federal and state estimates, Tennessee has $96.2 million in federal transportation funds available but Ms. Hopkins said most of that money is tied up.

In Mississippi, highway officials said they would continue with state projects but delay letting bids for new federally funded projects. The federal government pumps $142 million into Mississippi annually:

Randy Ort, a spokesman for the Arkansas Highway Department, said the failure of Congress to act on the highway bill could delay the letting of contracts for road projects approved by the 1991 legislature.

Mr. COCHRAN. Mr. President, this indicates the very real result of the Congress' failure to enact highway legislation this year by October 1.

That point is that Federal aid highway dollars are very helpful to the States to maintain a continuing program of highway construction and maintenance, bridge repair, and other activities at the State and local level that are funded in this highway bill.

I am genuinely concerned that, unless we build a fire under the committees of jurisdiction—the House Rules Committee and others that have an important role to play in this—we are going to see employment, troubled as it is right now in many of these States, become a yet bigger problem. There are people who are not going to be able to keep their jobs, they are not going to be able to maintain an earning capacity for their children and their families, unless this highway bill is passed expeditiously.

I am challenging the House of Representatives to move on its highway bill. We passed that bill here in the Senate. It provides about $120 billion over a 5-year period for highway construction projects. I hope we can see action on that soon.

It troubles me, at a time when we are seeing many of the leaders here in Congress trying to say that we are providing benefits for employees and those who are out of work, that at the same time we are saying we are doing something for them we are really harming them in many ways that we are not talking about. This highway legislation is one example, in my judgment. We need to see some action immediately. And there are other examples as well.

The energy bill that this Senate has already seen its Committee on Energy approve, has not yet been brought to the floor of the Senate by the Democratic leadership for action. We need action on that bill. It would help reduce our reliance on foreign sources of energy, stimulate the production of domestic energy resources, and help deal with very real problems that we see in our country today that are job related.

Another bill that concerns me that we have not seen any action on here on the floor of the Senate is the banking reform bill. Many are worried about the fact that there is a great deal of pressure on the bank insurance fund that safeguards the deposits of customers of banks throughout the country. The President has proposed some reforms and changes that would help bolster and protect that fund.

The Banking Committee on August 2 approved a bill that incorporates some of the President's requested reforms. It also, I might add, adds some new burdens on the banking industry that might not have the effect of really protecting depositors' interests or the interests that we all have in an ability of our financial institutions to meet the demand for loans that are needed so we can continue to see growth in our economy.

But, be that as it may, the point is that we need that legislation brought to the floor of the Senate so we can debate those issues, resolve them, and get on with it, so that consumers will have their confidence restored and our economy can move forward.

We see difficulty in our economy right now because of several factors. Many of them are induced by Congress' inaction and failure to come to grips with some of the problems that we are facing. Then we see, on the other hand, action being taken that has a negative effect, an expressing effect on our economy.

I think the legislation we passed yesterday, the mandated benefit legislation, is an example. That is going to increase costs. That is going to impose new burdens on business and industry and our economy. The legislation that we saw passed earlier this week, the unemployment benefit legislation, is going to add $6 billion to our Nation's deficit. That has a negative effect on economic growth and the stability that we are looking for in our economy.

It is amazing when we see the U.S. economic engine, the job-creating engine that it has been during the past 10 years, the envy of the world, stalled by our own Government. Compared with Europe, we have created during the past 10 years four times as many jobs as they have created in a similar period. I would hate for us to go down the path they have been on for the last 10 years and see us falling into a trough of economic stagnation at a time when we should continue to be the shining example of success for the rest of the world.

Mr. SIMPSON. Mr. President, I do thank my friend from Mississippi for his very powerful statement, and a very important one.

I now yield 5 minutes to my friend from Minnesota, Senator DURENBERGER.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

WHERE IS THE HIGHWAY BILL?

Mr. DURENBERGER. Mr. President, I rise to express my gratitude to the Republican whip for stimulating a number of us who care about the economy and about public policy as it relates to the economy to come and express some thoughts here this morning, and to our good colleague from Mississippi for sort of putting into context what we do here and some of the things we do not seem to get around to doing here.

We open our newspapers every morning and we discover the difficulties our parliamentary counterparts have in places like the Soviet Union, South America, and Africa. When we look at the pace at which this place works and look at the ability we seem to have here in dodging difficult issues, we wonder how in the world those people can accomplish anything under much more insurmountable odds.

I thought the comments made by my colleague from Mississippi were most appropriate. We spent a good part of the year here last year debating environmental policy in this country. I thought it was most appropriate. It was bipartisan. The President was involved in it. We made a lot of very difficult and tough decisions, not all of which everybody agreed with; but we did it, got it over and done with, and I was pleased to be a part of that debate.

We have been presented with the opportunities by the schedule, by events, by the economy, by necessity, to deal with the energy issues, and we have not done it. I have not seen an energy bill here in a long, long time. In fact, I do not think I have seen an energy bill on the floor of the Senate since 1981 or 1980—1981, I think, as a matter of fact. But I guess there is an energy bill floating around someplace. It is just we are not dealing with it here, and I think we ought to.

The same thing is true of banking legislation. Is there a greater problem with a greater overhang on this system than the banking problem? But, for whatever reason, it is not being dealt with here on the floor of the U.S. Senate.

The one I participated in because of my committee assignment is one I thought would be real easy. And it is not here. But it is no fault of anybody in the Senate.

So I came to the floor this morning, Mr. President, on October 3, 1991, to ask just a simple question, and that is: Where is the highway bill? Where is the highway bill?

I think all of us stood here—I know I did—on the floor exactly 106 days ago and passed the Senate version of the highway reauthorization bill. It was a good bill. It was forward looking. It was responsible. It was bipartisan. It was a tremendous improvement over the kind of meat and potatoes highway bill that we have passed every 5 years around here since I have been here. It contained a national highway system amendment which I authored and which President Bush wanted. Under the leadership of our colleague, PAT MOYNIHAN, it contained a solid basis for infrastructure planning in this country, which is very important for the next decade and beyond.

One hundred and five days before that I remember sitting on the House floor looking up at the President of the United States, and he said in effect if we can win a war in 100 hours, you folks—meaning us—should be able to pass a highway bill in 100 days. And I really thought we could do it.

We already had it on our agenda. The President did not spring that one on us. We knew the current bill expired on October 1, 1991. So where is the highway bill? Where is the highway bill?

As a member of the committee and a Senator representing a State with

26,000 miles of Federal aid highways, my people ask me what in the world is going on. We have a little 7-mile stretch on Route 52, just outside Rochester, MN, which has suddenly become the most important piece of concrete in my State because right now people can drive 65 miles and hour on it under special demonstration program, but that expires on midnight Monday.

The Minnesota Highway Department, the transportation department, is trying to decide whether to run down there next Monday, take down the signs, put gunnysacks over them, or risk cutting off the funding for all the other 26,000 miles. That is just another silly example of the kind of havoc we are starting to create because there is no highway bill.

Where is the highway bill? When will the doors in the back of this Chamber open to that happy messenger from the House of Representatives bringing us a highway bill which we can finally take to conference?

Is it too much to ask, that 211 days after the President of the United States asked us for a bill on national television, that the House send us a bill?

I feel like I am in the scene from "Waiting for Godot." Hopefully, someday, unlike Godot, the House highway bill will finally arrive.

Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, I thank my friend from Minnesota. Those were a very provocative and excellent series of remarks. Like the comments of my other Republican colleagues who have spoken today, they come at a time when we are waiting for the happy courier to come to the door of the Senate, tapping lightly, and finally bringing us a highway bill. I cannot wait for that experience. I am titillated by the prospect.

THE BUSINESS OF THE SENATE

Mr. SIMPSON. I think this has been an excellent special order. I thank my colleagues for their appearance and presentations. I hope we can heed the words of our colleagues here as to what we should be doing, and what is the important business of the Senate.

We have been considering legislation in fairly good order recently with our work on the parental leave bill; the issue of the Environmental Protection Agency Cabinet status; the Thomas nomination, which we will go to today. That will be a very fair presentation consisting of debate for the balance of this day, Friday, Monday, and Tuesday, and then a vote on Tuesday evening.

But I do want to, certainly, indicate my frustration at certain aspects of the agenda of this Congress. We did, in the Senate, pass an excellent highway bill. It was managed in a very fine bipartisan way by Senator MOYNIHAN and Senator SYMMS, two people who had been working on that measure for years together. Together, they represent the urban perspective, the rural perspective and the frontier perspective. And it was a good peace of work. It is $123 billion, and it is all jobs.

There is no mystery as to what is in that bill—that is a jobs bill. It is absurd to talk about the President's so-called insensitivity on the unemployment compensation issue. We on both sides of the aisle want to pass such a bill—except on our side, we want to pay for it by auctioning spectrum fees, and on the other side of the aisle, those of the opposing faith, wish to just add it up to the burgeoning deficit. Yet both of us are trying to do something. But whatever we do, if it goes up for a veto it is not going to come back soon. If you want to do something, then pass a bill that does not just go up to the President and back to Congress as a pingpong ball. Don't play the game of see who can veto it and then see if it can be overridden. That is just fun and games, not good governing.

So I hope we all put the heat on the House and say, OK, there is a jobs bill over there, and it is a dandy. It is a $123 billion jobs bill. We know what will happen in conference. It will go up to about $133 billion. It still will provide people with jobs in the United States.

So I think the basic tenet that we continue to hear is that the President is enamored by foreign policy and he is not doing anything on the domestic agenda. I have often said an attack unanswered is an attack believed. Some people say an attack unanswered is an attack agreed to. So those of us who want the real story to be understood are going to have to keep repeating that long list of the President's domestic initiatives. The clean air bill, the America 200. Education plan, the banking reform bill, the Americans with Disabilities Act, a child care measure, and on and on.

These partisan attacks on the President have become almost comic in their inappropriateness. When the President made his historic announcement last Friday, concerning reductions in our nuclear arsenal, a Member of the House responded, after some obligatory words of praise for the President, with: "the President has only gone halfway. Now, the President must turn his attention from weapons of destruction to this destructive recession." So I guess even the President's landmark achievements are to be turned against him. This theme is going to be chanted like a mantra, regardless of events.

I believe that the transparency of these attacks would be less obvious if the Democrat Congress weren't so busy belying its own professed concerns about the impoverished and the jobless. This past week, unemployment compensation was the issue. The President declared his willingness to sign a responsible, paid-for, extension of unemployment benefits.

The Senate was presented with several options which would have paid for the unemployment benefits package, from Senator DOLE, from Senator GRAMM, and others. The Gramm amendment would have meant 485,000 new jobs by 1996, and as the Senator from Texas so aptly put it, "the only real cure for unemployment is employment."

The Senate was also faced with the clear knowledge that if we chose instead not to pay for the benefits, but instead to merely add the cost of them to our deficit, the bill would be vetoed—meaning at the very least, a delay in the benefits. So make no mistake—the Democrat Senate made a clear and conscious choice in favor of rhetoric over real assistance. I do not know how else to explain what happened. It could well be that it really was distasteful to Congress to pass a revenue-neutral package when it could jack up the deficit by $5.8 billion instead—or it could well be that a good old Presidential veto was desired all along, and not the extended benefits.

Right now the Congress is just sitting on another bill which would create jobs and thus reduce unemployment in the present and the future—the highway bill. That has been left to rot in the House because Democrats there want to load it up with private projects and then stick the general public with the bill payable at the gas pump. In other words, the supposed legal defenders of the little guy are holding up a jobs bill with their efforts to hit all Americans with one of the most regressive taxes imaginable—the gas tax right at the old pump in your hometown.

Mr. President, it is my fond hope that the U.S. Congress will turn away from these partisan tactics and get on with the real domestic agenda. This strategy of trying to solicit vetoes which may be embarrassing to the President, is questionable politically, and more importantly, it does nothing for the jobless. Joblessness will be reduced in exact proportion to economic growth. Therefore it is my hope that my colleagues will join in promoting progrowth and projobs policies, beginning with the enactment of the transportation bill. If we are truly sincere in our professions of concern for the impoverished and the jobless—present and future—we can do no less. Give them a job. There is $123 billion there to do it. Get with it. A $6 billion unemployment bill is peanuts compared to the power package of the highway bill. I thank the Chair and I yield the floor.

MEDICAL MALPRACTICE REFORM

Mr. DOMENICI. Mr. President, I am concerned that we here in Congress have recently been playing dangerous position politics with the future of this country. Let me name just three areas where this comes to mind: Extended unemployment benefits, health care costs, and banking bill reform. Today, I would like to comment on health care costs and what we in the Senate ought to be doing about it.

Mr. President, some have accused the President of showing little leadership on health issues. I disagree. The President has proposed improvements in an area of health care that is in need of significant reform: Our medical malpractice system.

Many of us in Congress agree with the President. This is an area of health care that can be addressed this year. I introduced my own proposal in June of this year, Senate bill 1232, with the endorsement of former Surgeon General Koop.

This bill is cosponsored by Senators DANFORTH, RUDMAN, CHAFEE, and GRAMM, and was referred to the Committee on Finance. I am encouraged that the Finance Committee may be holding a hearing soon to address medical liability reform proposals. And I am hopeful that in the near future we can begin to move legislation in the Senate.

There is certainly plenty of support for this idea. Just last month, the Governors, on a bipartisan basis, urged medical malpractice reform. Medical liability reform should not be held up while we wait for a consensus on comprehensive health care reform.

Almost everyone that speaks of a new comprehensive health care reform sets a condition that we should find some ways to reduce costs, because we are never going to be able to support more access to health care when we cannot afford to pay for what we have now.

Frankly, one reform that we should enact as soon as possible, because it has a real chance of reducing costs—not necessarily overnight, but maybe over years—is dramatic medical malpractice reform. I know that there are still many who say let us get the comprehensive plan first. But if we take that approach, we could be waiting literally years before we make any progress on controlling health care costs and expanding access.

I believe there are some incremental steps that we can take this year, including medical malpractice liability reform, that would help millions of Americans get more affordable health care.

Let me suggest, as a political matter, if there are Senators who do not think malpractice reform has become a grassroots issue, try it on. Try some audiences of average citizens, not lawyers and not doctors; just ask a large group of your citizens if they think malpractice lawsuits which they read about in the newspapers are helping any of them. I believe they will answer as they have in my State. They will say it is helping very few, if any, and the rest are getting hurt.

And if you ask them should we change it; should we take it out of the courts; should we eliminate jury trials and let people that know something award the damages, believe it or not, you will—if not now, shortly—begin to get huge majorities saying yes.

In my State, it seems they clearly understand—senior citizens and others all the way down understand—they are getting ripped off in their medical bills because medical malpractice suits are setting a new standard of care that is not necessary and not beneficial, but avoids liability for the physician, and because premiums for the malpractice insurance, which the patients pay for are so high.

I will tell you about, anecdotally, a few of those shortly.

I do not think we should deny the American people some improvements in the health care system while we wait around for more sweeping reforms.

The problem with our medical malpractice system is well documented. Most recently, there was a thorough review by Harvard Medical School. Let me give you a couple of true stories to illustrate the problem.

In 1986 a medical malpractice suit was brought in Philadelphia.

A woman alleged that a dye, injected for a CAT scan triggered an allergic reaction and severe headaches. She claimed that the headaches impaired her job skills as a psychic with the powers to read auras, conduct seances, and predict the future. The jury deliberated 45 minutes and awarded her $1 million.

In March of 1990, at a trial in Florida, experts testified before a jury that a retired police officer suffered the loss of memory and sight, deafness, and the use of his left leg and arm due to negligence during back surgery. The jury awarded $2.25 million. One year later, he was seen boarding his new 46-foot yacht, driving to his home in the Florida Keys, and carrying luggage up the stairs—yes, luggage—with the left hand that was supposed to have been debilitated in the surgery.

Well, it is no wonder that malpractice insurance premiums are going through the roof. In the 1980's, premiums increased at an average annual rate of 15.1 percent, far outpacing the rate of inflation, even for medical care.

In Florida, Mr. President, obstetricians pay $150,000 a year for premiums for malpractice insurance. In Michigan, those same groups of specialists pay $134,000 a year. Just think of that. How long must they practice each year to pay that, or how much must they be raising the charges to the people they serve to pay this and still make a good living? These enormous premiums are just passed on to mothers who get prenatal care and delivery care. Their obstetricians simply charge them more.

In many parts of the country, patients simply cannot afford to pay these inflated bills. So doctors, believe it or not, are quitting the practice. In non-metropolitan areas in this great country, where we all assume obstetricians make plenty of money with their expertise, there has been a 20-percent drop in obstetricians in non-metropolitan areas in just 5 years, reducing access to primary health care to millions of American women; and in that area, on the one hand, political leaders are saying let us have a policy of helping the little children and the newborn, and we are trying to do that with new money—as the occupant of the chair has spoke to—and at the same time, there are no doctors in the area because they cannot afford to practice.

The current system, as I see it, is an expensive and inefficient lottery. A very select few hit the jackpot—usually those with good lawyers, or those who have suffered some sensational injury, and they draw the sympathy, and the juries award the money, and those are very few in number, just like a lottery. But the adverse effect on physicians is dramatic and, as a result, the cost of services is astronomical. A recent study—the one I referred to, the Harvard study—has documented the tremendous inequities of this lottery-of-success, or lottery-of-jury-awards approach. Eighty percent of the suits filed have no evidence of negligence, says this study. These are done by doctors, who are neutral, with no interest. But, they say, 15 people out of 16 injured due to negligent medical care never get compensated through the current litigation system.

This study went through the records of scores of cases, I say to my friends, and they found that only these potentially dynamite cases get filed, and they set the pattern for everyone; and the small negligence nobody bothers to file because nobody wants that kind of case, so they do not get anything. So it turns out that the system helps few and strangles the many with increased costs and defensive medicine, and the negligence remains rampant in the system, and we get nothing for it except compensation to a select few, and a select few of prominent trial lawyers who understand how to make the big cases worth the big bucks.

So doctors are sued much more often than they should be, according to these studies. Yet, many patients are getting substandard care without any penalty for the physician. Furthermore, the small chance of hitting this jackpot has induced thousands of frivolous suits. In the 1980's, the number of malpractice lawsuits per 100 physicians more than doubled from 3.2 to 7.4.

I will give you a couple of more summaries: In this day and age, nearly 40 percent of all physicians can expect to get sued at some point in their careers, and 50 percent of those performing any kind of surgery. Frankly, anyone around that thinks surgeons and doctors are terrible, and they want to be subjected to that kind of treatment, I do not at this point. They have other faults, but I think they are the best skilled and prepared in the world. Frankly, 50 percent getting sued in their lifetime for malpractice is unheard of. That is unheard of. Nearly 80 percent of all the obstetricians will have a claim filed against them, and an average obstetrician can expect to have three claims filed against him during his career.

This is destructive. This causes absolute undue kinds of tests and charges to avoid this—and who pays? It pushes the price of the delivery of health care up and up. This lottery system is costly and inefficient. Only 40 percent of all malpractice insurance premiums actually reach the injured patient. Again, only 40 percent of all malpractice insurance premiums reach injured patients. The other 60 percent pays for lawyers and other administrative costs.

But it is the hidden cost of unnecessary defensive medicine that is truly alarming. Physicians order countless unnecessary tests and procedures, to create the perception, for juries, that they did everything possible. And they provide the highest level of care, because they are concerned about liability and want an answer for almost every accusation. They pass these costs along. The unnecessary costs go to all of their patients. It is commonly referred to as "defensive medicine."

Defensive medicine is hard to estimate, but there is no doubt that it costs tens of billions of dollars a year.

The proposal which I have introduced—and I understand that it is an extreme reform, and it is literally taking all of the cases out of the courts and putting them into arbitration in the States, with caps. It will let small claims get heard because they can afford it and, clearly, it will bring down the costs dramatically. So I am not saying I have the right one, but I think it is among the best approaches. I think we ought to get on with it, because we must do it nationally.

The answer I get sometimes is that some States are trying it.

Sometimes, the answer is given when I raise this issue, well, California is trying some reform and maybe the State of New Mexico is and other States, and we do not have any real effects yet. Let me suggest something, and I think as we think through the idea of piecemeal reform of medical malpractice nationwide, let me suggest the following: Frankly, unless the Nation has medical malpractice reform, it is my humble opinion that you will probably get some insurance premiums down here or there, but you will not have the dramatic effect of changing the style of delivery, the defensive medicine and defensive service activities, because clearly, to get those down, all of the physicians, drug companies, and hospitals in the Nation have to know that there is indeed a new standard being applied.

The President's proposal is important because it focuses attention on this issue, but frankly I do not believe it is the answer to the problem. If we are to reduce defensive medicine, I believe we need to take the dramatic step of moving these cases out of the courtroom and into binding arbitration.

My bill would require all participants in Federal health programs—(Medicare, Medicaid, Veterans' health, military health programs, Indian Health Service, et critea—to take their cases to binding arbitration.

Furthermore, all those who are enrolled in private health plans that are tax deductible to an employer must also take their cases to binding arbitration.

We estimate that these two requirements will take 80 percent of malpractice cases out of court. Those not covered by these two requirements could voluntarily agree to take their cases to arbitration instead of court.

Binding arbitration would:

Significantly reduce the time and cost of adjudicating claims;

Allow more injured patients to get their cases heard; and

Improve the consistency and accuracy of the decisions for physicians and patients.

My bill would impose many of the same constraints on damage awards that the President proposes, but in the context of arbitration, not litigation.

These award constraints include:

a $250,000 cap on noneconomic damages;

reduced awards if the injured person is compensated by other insurance coverage; and

Periodic payments, rather than lump sums, for awards intended to compensate anticpated future losses.

My bill would also stop payment of punitive damages to the plaintiffs—redirecting these funds instead to State agencies for stricter discipline of grossly negligent physicians.

I hope my colleagues and others concerned about health care will take a look at my proposal. I believe they will find my bill a promising and effective approach.

I ask unanimous consent at this time that a review of this bill from a recent law journal be printed in the RECORD following my comments.

There being no objection, the material ordered to be printed to the RECORD, as follows:

COMMENTARY: S. 1232—A LATE ENTRY IN THE RACE FOR MALPRACTICE REFORM

(By Clark C. Havighurst* and Thomas B. Metzloff**)

I—INTRODUCTION

The field is growing in the race to take federal action to reform the law of medical malpractice.[1] Most of the entries are running under similar Republican colors, however.[2] They also bear a family resemblance in being generally concerned with such things as expanding the use of alternative methods of dispute resolution, limiting the amount and form of damages, shortening statutes of limitations, and altering the rule of joint and several liability. To be sure, each proposal features a different combination of specific reforms or a different means of getting them adopted by the states. But none of the initial entries in the federal race has generated great excitement among followers of the malpractice sport.

The latest entry in the race of federal malpractice reform, however, is a horse of a more interesting color. S. 1232, the "Medical Injury Compensation Fairness Act of 1991," was introduced on June 6, 1991, by Senator Pete V. Domenici (R., New Mexico).[3] This bill would go further than any other current proposal in using federal power directly to change the legal rights of health care consumers. One of its purposes is to impose limits on the damages recoverable in all malpractice cases arising out of care subsidized directly or indirectly by the federal government. The bill's most radical feature, however, is its bid to force all such malpractice cases out of the courts and into alternative forums for resolving disputes. This threatened federal entry into a sensitive area of plaintiffs' rights and state concern is certain to be controversial.

Although S. 1232 would be aggressively prescriptive of consumer rights in the foregoing respects, the bill is also notable for its forbearance in not using federal power to prescribe the details of all the reforms it would initiate. It would not, for example, finally specify the actual design of alternative dispute resolution ("ADR") mechanisms, thus opening the field to experimentation by competing ADR services and ultimately to private choice. Similarly, in addressing the vagueness and inefficiency of the legal standard of care traditionally employed in judging negligence in malpractice suits—a problem that previous legislative initiatives have rarely addressed at all—the bill would not mandate any particular change in the legal standards currently appearing in state law. Instead, it would simply indicate the receptivity of the federal government to alternative standards that might be independently specified either for federal health care programs or in private contracts between consumers and health care providers. Thus, even though the purpose of S. 1232 is to effectuate quite radical changes in a dysfunctional legal system, its method is not to legislate all such changes but to establish a new framework within which both procedural and substantive rights could evolve through the efforts and interaction of the parties affected.

We view S. 1232 as a highly constructive entry in the race to find solutions to some serious problems in American health care.[4] On the one hand, the bill is notable as an extreme assertion of federal authority, which it exercises by deeming (or requiring) certain private "agreements" to exist as pre-

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Footnotes at end of article.

conditions to the enjoyment of valuable federal benefits. In our view, however, an even more significant feature of the bill is the considerable room it leaves for parties to such mandatory "agreements" and providers of ADR services to introduce reforms of their own design, thus altering by private contract procedural and substantive rights that have heretofore been generally prescribed by the legal system alone. This move to endow the private sector with the freedom to create new procedures and different legal relationships is emphasized in much of the discussion that follows. Because the paradigm that has previously dominated decision making on medical care issues in the United States has generally curtailed the role of consumer choice,[5] the explicit recognition and exploitation of the contractual character of health care in Senator Domenici's bill should be especially highlighted. Indeed, the idea of expanding the effective realm of private choice might be usefully incorporated in federal proposals that seek more general reform of American health care.

II—OVER VIEW OF S. 1232

Unlike other federal malpractice reform proposals, S. 1232 would bypass state law in several important respects, directly imposing a federal solution in an area that has traditionally been governed solely by the states. There are several reasons why Congress might override federalism concerns and take preemptive federal action. First, Congress might perceive that malpractice law raises health care costs that the federal government bears directly through its own financing programs or indirectly through tax subsidies to the private sector. Congress might also believe that national uniformity is necessary in order that some federal beneficiaries do not enjoy more extensive (and expensive) tort rights than others solely by virtue of their place of residence.[6] Moreover, some members of Congress might appreciate that the attempts made in other proposals to coerce the states to incorporate federally prescribed reforms in state legislation are hardly less offensive to federalism than direct preemption.[7]

S. 1232 divides patients and providers into three categories for purposes of prescribing or influencing their future legal rights and responsibilities. In the first category are persons who receive or provide care that is paid for directly by the federal government. The second category comprises everyone engaged in health care arrangements the cost of which is a tax-deductible business expense for a private employer. The third category is everyone else. Because the federal government's relationship to the health care transaction differs in the three cases, they are addressed in separate sections of the bill. With respect to substantive matters, however, the first two categories are treated almost identically.

Section 3 of S. 1232 applies to "any person accepting or providing health care to be paid for, in whole or in part, directly or indirectly, with funds made available under . . . any . . . Federal Act."[8] All patients and providers thus reached by section 3 "shall be deemed to have agreed to participate in the Federal medical dispute resolution program established under this Act for the purpose of fairly and quickly resolving claims against health care providers for personal injury arising from care rendered under [any such Federal Act]." Participation in the "Federal medical dispute resolution program" has several consequences.

The most important reform that would be wrought by the dispute resolution program spelled out in section 3 of the bill is a requirement §§3(b)(1), (5)) that all covered malpractice claims must be submitted for final resolution (subject to only limited appeal rights[9]) to a public or private dispute resolution service certified by the Secretary of Health and Human Services (HHS). The bill sets forth basic procedures for filing claims (§§3(b)(2)-(4)) and incorporates state statutes of limitations while also introducing its own eight-year statute of repose (§3(c)). Later discussion explores the dimensions and implications of the procedural revolution that these and other provisions of the bill would accomplish.

The only substantive reforms that would be effected directly by the bill are the limits it would impose on the damages that can be recovered on a malpractice claim that is subject to its terms (§3(e)). Here, however, the bill does not differ much from several other pending proposals or from reforms that have been adopted by a number of state legislatures. Noneconomic damages would be capped at $250,000 (unindexed) or at any lower level provided in state law. The bill also provides for deducting amounts receivable from collateral sources—without any exception for, say, victim-purchased life, disability, or health insurance but with subrogation rights of collateral sources apparently preserved.[10] Whenever the total damages awarded exceed $100,000, amounts intended to cover future expenses or losses would have to come in the form of periodic payments. In a unique provision, the bill would allow the award of punitive damages above the cap on noneconomic damages, but only if they are payable to the state (not the claimant) pursuant to a state plan to use them in "monitoring, disciplining, and educating health care providers." The bill says nothing about joint and several liability.[11]

Although section 3 of S. 1232 speaks of providers and patients having "agreed to participate in the Federal medical dispute resolution program," such supposed agreements are obviously not voluntary in any meaningful sense. Comparable compulsion also appears in the bill's method of reaching care rendered under privately financed health care plans. Here Congress's constitutional authority springs not from its power to condition federal spending but from its power to tax.[12] Section 4 of the bill would amend section 162 of the Internal Revenue Code of 1986[13] in such a way as to disallow an employer's tax deduction for the cost of an employee health benefits plan "unless the employees covered by such plan have entered into agreements" that create a legal regime almost identical to the dispute resolution program created in section 3 of the bill.[14] Thus, provision would have to be made for ADR and for limiting damages as outlined above.

The Domenici bill reflects a preference for tying the bill's requirements to the employer's tax deduction over the alternative approach of attaching conditions to the exclusion of employer-paid premiums from the taxable income of employees. Although the latter approach would have allowed employees to decide individually whether to accept the new arrangement, the approach chosen may be more attractive politically because it would not so overtly coerce employees to accept a cutback of what many of them perceive to be valuable rights. Employers, however, despite approving the reform objectives of the bill, have restrained their enthusiasm for it largely because it shifts the political burden to them in dealing with their workers.[15] Another reason for the choice may have been a belief that it would ensure wider adherence to the new regime. But the alternative approach of conditioning employee tax benefits might actually reach farther because it would encompass the many employees of tax-exempt employers.

Although S. 1232 does not attempt to mandate acceptance of the new regime by those persons whose health care is not subsidized by the federal government, it does condition a provider's general eligibility to participate in Medicare and Medicaid on the making of "a good faith effort to enter into agreements with [such persons] . . . to provide for the resolution of medical injury claims" (§5). The bill requires the Secretary of HHS to promulgate standard form contracts to accomplish the desired objective.

One might ask why the Domenici bill does not take the simpler approach of directly preempting state law with respect to medical injuries, relying on Congress's constitutional power to regulate interstate commerce. Nevertheless, although S. 1232 may seem to struggle to find nexuses for forcing individuals to accept new legal rights, the approach it adopts—deeming or requiring certain agreements to exist—nods helpfully in the direction of consumer choice as expressed in private contracts. Although the bill would prescribe some very important choices by law, its reliance in other respects on the contractual character of consumer/provider/payer relationships is, as noted earlier, one of its main strengths. Adoption by Congress of a direct preemptive approach, assuming its constitutionality, might easily undercut not merely federalism but the basically private, contractual character of much American health care.

III—MANDATING ALTERNATIVE DISPUTE RESOLUTION WHILE ALLOWING FLEXIBILITY IN ITS DESIGN

S. 1232 is a bold attempt to impose mandatory and binding ADR for the great majority of medical malpractice claims. But even though various procedural alternatives have been used in malpractice cases in the past, experience with binding ADR has been limited, and its utility is unproved. What then might justify the leap of faith in ADR that is inherent in the Domenici proposal?

A. The benefits of ADR

There are many reasons why binding ADR might be considered an improvement over the current method of resolving malpractice claims. For example, the high cost of litigation in the courts strongly suggests that substantial cost savings could be achieved by shortening hearings and otherwise simplifying the litigation process. Similarly, binding ADR should be capable of speeding the final resolution of claims—a great benefit to claimants—by avoiding bottlenecks that exist in many court systems and by obviating most appeals. Mandatory ADR administered by selected ADR providers should also be capable of yielding results that are more reliable and more predictable, especially with respect to the amount of damages, than decisions of lay juries. Greater predictability of outcomes would seem in turn to facilitate more and fairer settlements, although it is also possible that the lower costs and quicker results associated with ADR would actually cause more cases to be litigated. In any event, it seems to us that Congress could reasonably conclude that, whatever the actual results of mandatory binding ADR in terms of cost, speed, and quality of claims resolution, they will probably be preferable on average to the results now being obtained. it must be admitted, nevertheless, that the Domenici proposal is based more on theory and instinct than on hard evidence—just as continued adherence to the jury system is justified primarily by tradition and the testimonials of trial lawyers.

Enthusiasm for mandatory binding ADR may also be justified by its potential for improving claimants' access to legal services and the legal system.[16] Lower litigation costs could well translate into lower contingent-fee rates for plaintiffs' lawyers and into a greater willingness of some lawyers to accept cases in which the potential award is not large. Although malpractice reform is often seen only as harming potential plaintiffs, an ADR system might prove more receptive to valid claims, bringing more cases of negligence to light than does the current system.[17] In addition, ADR services might advertise to attract claims and provide neutral experts, sparing claimants the cost of hiring their own expert witnesses. Even if the overall cost of medical liability would not decline under the Domenici bill, the public would almost certainly get better value for the money it spends and better protection against medical injuries.

An additional possible basis for sharing S. 1232's faith in mandatory ADR is belief in its strategy of creating a market for ADR services and affording competing ADR providers the power and flexibility they need to structure attractive programs. Although it might appear that such market exists already and that any benefits of ADR can be realized by its voluntary use, experience reveals impediments to its widespread voluntary adoption. There are only limited opportunities, mostly in health maintenance organizations, for patients and providers to enter into binding agreements concerning the handling of future disputes. Moreover, once a dispute has arisen, the number of adversarial interests involved in the case, particularly the individual interests and biases of the lawyers concerned, make it exceedingly difficult for the parties to reach an agreement to use ADR.[18] Thus, the current market for ADR is afflicted by high transaction costs and market failures that often prevent the parties from reaching efficient agreements. The Domenici bill would take the radical step of presuming or requiring the existence of agreements to use ADR while leaving the parties free to specify the particulars of the ADR scheme if they find the arbitration framework specified in the statute to be unsuitable. We see this strategy as having few downside risks and as offering many benefits to litigants and the health care system as a whole.

B. The benefits of a dynamic market for ADR services

Under S. 1232, covered malpractice disputes would be resolved pursuant to rules promulgated by freestanding dispute resolution services selected by the parties.[19] The bill's assumption that there will be a multiplicity of ADR providers operating in lieu of the monolithic court system is critical to understanding its potential impact. Prior proposals to use ADR in malpractice cases have either contemplated creation of a new adjudicative system under governmental auspices or specified in detail the arbitration procedures that must be used. The Domenici bill is distinctive in both tolerating a multiplicity of ADR services and allowing each service substantial freedom to develop and employ its own procedures.

Tolerating multiple providers may seem problematical in trading the existing court system, a know institutional commodity, for a collection of unknown entities. The growth of ADR in the past decade, however, has spawned a growing number of reputable private dispute resolution services. The existing pool of potential providers of ADR for malpractice cases and its potential for further growth should make the Domenici proposal feasible, particularly since the ADR requirement would apply only to health care provided, not claims filed, after its effective date (§8(a)). Nevertheless, many fledgling ADR organizations have little experience in handling malpractice claims, and too sudden an influx of demand might produce poor performance. Also, providers and consumers might rush into agreements with unproved ADR providers or with the few already established services, thus discouraging entry by new (especially nonprofit) organizations. Organizations with vested interests in the outcomes of malpractice cases—such as trial lawyers' organizations or state medical societies—might be quickest to organize ADR services, raising questions about their neutrality. For these reasons, the bill's effective date might be delayed somewhat longer than is contemplated.

To address concerns about the neutrality and competence of ADR providers—both during the development of a malpractice ADR industry and after an industry has had time to develop—the bill limits use to ADR providers certified by the Secretary of Health and Human Services.[20] The clear intention, however, is that the Secretary will certify as many services as meet the bill's relatively straightforward requirements (§§6(a)(2), (3)).

Under the certification requirements, an applicant must demonstrate expertise in administering ADR procedures, employ methods of selecting arbitrators that insure their neutrality, and disclose its funding sources. Taken collectively, these requirements represent an enlightened approach to the challenge of ensuring high-quality ADR services while also encouraging innovation and competition.[21]

Employing multiple ADR providers would make little difference if the bill mandated detailed ADR procedures. The bill's basic approach, however, is to describe a rudimentary arbitration procedure for use when the parties have not agreed upon an alternative. This "default mode" arbitration procedure is only a backstop, not a legislatively prescribed ideal. The bill's rules governing the arbitration are minimal, requiring only that ADR providers' rules give the parties (1) a period of discovery, (2) a right to a hearing conducted before a three-person arbitration panel "with expertise in medical injury disputes," and (3) a right to a written decision rendered within six months after the claim was filed (§6(a)(4)). (All rights are waivable or variable if the parties agree, of course.) The bill's spartan approach is unusual; other proposals to employ ADR methods have attempted to define a "better way" to resolve malpractice disputes by anticipating all procedural questions that might arise.

The outward simplicity of S. 1232 masks a sophisticated policy decision to foster competition among ADR services, broad flexibility in the design and use of ADR methods, and implementation of reforms by private contract. Several points deserve mention. First, although the bill requires use of a three-person arbitration panel in the absence of an agreement to employ a different model, it is notable for not prescribing the specific make-up of the panel. Other proposals would require, for example, that an ADR panel include a health care professional. S. 1232 would leave a certified ADR service quite free to structure panels and selection processes as it sees fit.

Second, the bill is notable in neither writing in nor excluding particular procedural reforms. Despite the obvious temptation to mandate currently fashionable procedural innovations, the bill would leave individual ADR providers unconstrained in many respects. Even in structuring the arbitration system to be used in default of an agreed-upon alternative, ADR services would have flexibility with respect to such matters as (1) selecting arbitrators; (2) assigning them to particular panels; (3) controlling the timing, amount, or type of discovery permitted; (4) requiring pre-hearing conferences; (5) using neutral expert witnesses; (6) prescribing the length of hearings; and (7) establishing evidentiary rules.

Another manifestation of the bill's receptivity to innovations is its unique requirement that an ADR provider demonstrate "an ability to advise parties to a dispute regarding alternatives to the basic dispute resolution approach and to carry out such alternative procedures" if the parties agree to their use (§6(a)(5)). Numerous consensual departures from the bill's default model of arbitration can be visualized. For example, requiring a panel of three arbitrators may add unnecessary expense in small-stakes cases or in cases involving only simple factual issues or a contest over the amount of damages. Parties also might agree to a shorter hearing than the ADR service's rules provide. In other cases, the parties could bifurcate the case and submit only one or more issues—liability, causation, or damages—to the arbitrators. The bill also clearly encourages ADR providers to advise the parties to consider such other ADR methods as mediation, nonbinding arbitration, early neutral evaluation, and summary jury trials, each one of which is available in a number of different formats.[22] Not only would the bill permit customizing procedures for particular disputes, but it would actively promote such options by specifically requiring the ADR provider to possess expertise in using them. These affirmative recognitions of the benefits of diversity in ADR are well calculated to achieve the goal of efficiency in resolving malpractice claims.

The Domenici bill provides a welcome contrast to other ADR proposals that have offered merely a substitute vision of how malpractice cases should be resolved. These earlier ADR proposals, rather than inviting innovation, have in fact been more restrictive than the current system, which allows litigants at least theoretical freedom to control much of the conduct of the litigation or to negotiate a method of ADR. The Domenici proposal reveals a clear and justified preference for giving ADR providers and their clients maximum flexibility in resolving claims.

IV—INVITING CONSENSUAL MODIFICATIONS OF LIABILITY RULES

Several other provisions in S. 1232 are equally consistent with the notion that consumers and providers of health services can safely exercise some choice with respect to their legal rights and obligations. These provisions contemplate and explicitly invite privately negotiated variations in the substantive standards by which liability is determined. Section 3 of the bill provides that liability on all claims subject to its terms would be governed by state law except insofar as (1) the Secretary of HHS provides otherwise by regulation for federally reimbursed care or (2) an organized health plan serving federally supported subscribers contracts with them to provide care meeting a different standard (§3(d)). A similar provision, allowing the adoption of different standards for care rendered under tax-subsidized employee benefit plans, appears in section 4. Under both sections 3 and 4, however, any alternative test for liability that is adopted would have to fall within one of several specified general categories.

The optional types of tests that could be used under S. 1232 for determining the compensability of injuries have significant implications for overall health policy. Each represents a different way of reducing liability risks under prevailing tort doctrine in order to facilitate responsible economizing in the provision of health services. Under section 4 of the bill, for example, health plans of private employers would be authorized to "specify an alternative standard to govern care rendered under the plan."[23] Thus, the bill expressly confirms the contractual freedom of consumers, acting through private health plans, to elect a clearer, more cost-conscious, and possibly less demanding standard of care. Until this freedom is clearly recognized by the courts—as it generally is not today—consumers will be unable effectively to authorize physicians to depart from customary medical practice, which is the traditional benchmark for judging physician liability. Customary medical practice, in addition to being ill-defined and highly variable, has been shown to be scientifically or economically questionable in many instances. Thus, there are good reasons why consumers, physicians, and organized health plans might choose a different standard to govern liability for future medical injuries.[24]

Sections 3 and 4 of S. 1232 also authorize specification of the qualifications of expert witnesses who can testify as to whether the applicable standard of care was met in a given case (§3(d)(2)). This is a way in which the *de jure* standard of care might at least be made more predictable.

The Domenici bill further endorses private adoption of alternative liability tests by authorizing the incorporation by reference, in both public and private health plans, of practice guidelines certified by the Secretary of HHS (§3(d)(1)). Such guidelines are currently being developed by a wide variety of professional and research organizations as a way of strengthening scientific base of medical practice. The Secretary of HHS is charged in S. 1232 with certifying practice guidelines that appear to be objective and up to date and are supported by proper documentation including justifications of the choices made (§6(b)(1)). The Secretary is to certify, not a single, official set of guidelines,[25] but any guidelines that meet these general standards. If some of these guidelines take account of cost considerations—that is, tradeoffs between the marginal benefits and marginal costs of particular measures in particular circumstances—consumers will possess a whole new set of practical tools of making explicit, enforceable economizing choices in purchasing health services.[26] Under S. 1232, these tools could also be used to assure physicians that economizing in accordance with the contract would not expose them to tort liability.

S. 1232 authorizes still another type of voluntary reform of the medical malpractice system. Under its terms, both public and private health plans would be permitted to reject fault as the basis for liability and to substitute an arrangement by which certain injuries would be compensated automatically (§3(d)(3)). Such alternative methods of compensation must be certified by the Secretary, however. Certification criteria set forth in the bill seek to ensure that incentives to maintain the quality of care are preserved, presumably by requiring the premiums of provider-purchased insurance to be experience-rated to reflect the outcomes actually achieved (§6(b)(2)). The bill would also require that the financial protection given consumers be "at least comparable, on an actuarial basis, to the legal protections they would otherwise enjoy." A number of proposals for "no-fault" compensation systems have been made in recent years.[27] The Domenici bill is an invitation to the private sector to consider these options as replacements for the costly and dysfunctional legal system that now dictates patient/provider relationships.

The reason why the Domenici bill is so noteworthy for inviting contractual reforms of malpractice rights is that private contracts have not heretofore been commonly thought of as legitimate vehicles for altering legal rules in this area.[28] Yet virtually all Americans are troubled by the high cost of state-of-the-art health care and by the inability of many persons, including many employed persons, to obtain health care coverage at affordable prices. A major reason why good low-cost coverage is unavailable is the legal system's insistence on dictating a single standard to govern the health care of all citizens[29] and its ability to define a standard that reflects essential trade-offs and induces efficient medical practice. Consumers, on the other hand, have been unable to specify in contracts precisely what they do and do not wish to purchase from health care providers on a prepaid basis. In addition to the immense practical difficulty of spelling out patient entitlements and provider duties in enforceable terms (a problem that practice guidelines may overcome in time), private contracts have generally not been viewed as useful instruments of consumer choice. Instead, they have been seen primarily as vehicles by which powerful payers or providers can exploit consumer ignorance and deny desirable care. Enactment of the Domenici bill would go far toward legitimizing private economizing initiatives that courts are now too inclined to view with suspicion. A Congress that does not want to take upon itself the responsibility for rationing health care to the American people ought to view private contracts as a welcome means of empowering federally subsidized consumers to make some economizing choices for themselves.

V—CONCLUSION

We have written this article in order to call wider attention to S. 1232, which we view as a notable new entry in what has heretofore promised to be an unexciting race to use the influence of the federal government to reduce the burdens of medical malpractice law on both consumers and providers of health care. We have presented the bill primarily as an invitation to private health plans to broker contracts between providers and consumers that customize the procedures and substantive rules to be used in determining liability for medical injuries. Instead of being bound by law to accept costly procedural and substantive rights of doubtful value and inefficient standards of medical care borrowed from the medical profession and made mandatory under applicable state law, parties to various health care arrangements would receive under S. 1232 strong encouragement to elect to be governed by a legal regime of their own making. The various alternative procedures and substantive rights among which they might choose would be made credible by the oversight provided by the Secretary of HHS under general certification criteria supplied in the bill.

S. 1232 may be too innovative to be enacted in its present form. On the other hand, we see immense potential for combining its encouragement of private reform of poorly designed, cost-increasing malpractice rights with other federal proposals that seek to make good-quality health care accessible to all Americans at reasonable cost. Only if private economizing choices of the kind visualized here are facilitated and accepted by the legal system will the nation's future health care bill accurately reflect consumers' individual willingness, and the nation's collective ability, to pay.

APPENDIX

Sections 3 and 6 of S. 1232, 102d Cong., 1st Sess (1991)

SEC. 3. FEDERAL MEDICAL DISPUTE RESOLUTION PROGRAM.

(a) AGREEMENT TO PARTICIPATE.—Any person accepting or providing health care to be paid for, in whole or in part, directly or indirectly, with funds made available under the Social Security Act, the Public Health Service Act, or any other Federal Act shall be deemed to have agreed to participate in the Federal medical dispute resolution program established under this Act for the purpose of fairly and quickly resolving claims against health care providers for personal injury arising from care rendered under such Acts. Such agreement to participate shall be binding on any person making such a claim and shall be enforceable in any court of competent jurisdiction.

(b) MANDATORY RESOLUTION OF CLAIMS THROUGH CERTIFIED DISPUTE RESOLUTION SERVICE.—

(1) REQUIREMENT.—When an agreement is deemed to exist under subsection (a), any claim of the type referred to in that subsection that is not settled voluntarily by the parties thereto shall be resolved only through a dispute resolution service that has been certified under section 6.

(2) PROCEDURES.—A person having a claim of the type referred to in subsection (a) may initiate the procedures to resolve such claim through a dispute resolution service by—

(A) filing a claim with a dispute resolution service then appearing on the applicable list of such services maintained by the Secretary of Health and Human Services under section 6; and

(B) providing notice of such filing . . . to the provider or providers against whom the claim is made.

(3) AGREEMENT TO USE SPECIFIC SERVICE.—If the person filing a claim under this section and the provider against whom such claim is filed agree or have previously agreed to use a particular dispute resolution service to resolve such claim, the claim shall be filed with that service.

(4) CLAIMS AGAINST MORE THAN ONE PROVIDER.—If a claim is made against more than one provider, such providers shall have not more than 30 days to agree that the claim will be resolved by any dispute resolution service to which the claimant has agreed with any one of such providers.

(5) RESOLUTION.—Once properly filed, a claim under this section shall be resolved by the dispute resolution service selected, under procedures prescribed by such service. The decision of the dispute resolution service with respect to a claim under this section shall be final and not subject to further review by any court, except that a party to a dispute may obtain review of the decision on any of the following grounds in any court of competent jurisdiction in the State wherein the decision was made:

(A) The award was procured by corruption, fraud, or other undue means.

(B) There was evident partiality or corruption on the part of the arbiter.

(C) The arbiter was guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy, or of any misbehavior by which the rights of any party were prejudiced.

(D) The arbiter exceeded its powers or so imperfectly executed them that a final and definite award upon the claim was not made. Where an award is vacated under this paragraph, the court shall direct that the matter shall be reheard by another arbiter under the procedures prescribed by the dispute resolution service.

(c) LIMITATIONS.—No claim of the type referred to in subsection (a) may be filed with a dispute resolution service after the expiration of any applicable time limitation as prescribed in State law, and in no event, except in the case of fraudulent concealment of relevant facts by the provider against whom the claim is made, may such a claim be brought in any forum more than 8 years after the date of the occurrence of the incident that gave rise to the claim.

(d) STANDARD FOR IMPOSING LIABILITY.—Liability for any claim that is subject to resolution under subsection (b) shall be determined under the standard of care prescribed under applicable State law, except that the Secretary of Health and Human Services may determine * * * and any organized health plan in which beneficiaries may voluntarily enroll may provide by contract, that—

(1) particular services shall be rendered in accordance with identified medical practice guidelines that have been certified pursuant to section 6(b), in which case such guidelines shall, to the extent applicable, be deemed to supply the standard of care to be employed in determining liability (the Secretary may determine that geographic or other factors affecting the availability of resources to meet health care needs may warrant some variation from an otherwise uniform standard supplied by such guidelines);

(2) any expert witnesses testifying as to whether the applicable standard of care was met must possess specified qualifications; or

(3) certain personal injuries and other losses resulting from specified services or procedures shall be compensated without regard to provider fault if such alternative method of compensation has been certified by the Secretary pursuant to section 6(b).

(e) DAMAGES.—When a claim that is subject to resolution under subsection (b) results in a finding of liability, the damages awarded to the claimant shall be determined and awarded as follows—

(1) awards for noneconomic damages shall be limited to $250,000 . . .;

(2) awards shall be reduced for any collateral source payments to which the patient is entitled for the medical injury for which the claim was filed;

(3) in the case of an award in excess of $100,000, claimants shall accept periodic payment of the amount of such awards that are intended to compensate the claimant for damages expected to be incurred in the future such as lost income and medical expenses; and

(4) an award for punitive damages shall not be paid to the claimant, but shall instead be paid to the State if the State has submitted a plan to the Secretary of Health and Human Services, and the Secretary has approved such a plan, to use such funds to improve the monitoring, disciplining, and educating of health care providers in the State to ensure they meet standards of competency.

(f) COSTS.—The party against whom a claim, that is subject to resolution under subsection (b), is substantially resolved (an issue to be expressly determined in resolving the dispute) shall pay the charges assessed by the dispute resolution service for resolving the claim (if any such charges are assessed), except that—

(1) any such charges payable by the claimant shall be paid in fact by the claimant's attorney if such attorney's fee for representing the claimant is contingent in whole or in part on achieving a successful outcome; and

(2) a claimant who is not represented by an attorney and who demonstrates an inability to pay such charges (according to criteria specified by the Secretary in regulations) shall be entitled to have liability for such charges (including any filing fees) waived by the dispute resolution service.

SEC. 6. CERTIFICATION.

(a) ALTERNATIVE DISPUTE RESOLUTION SERVICES.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations that establish the criteria and procedures by which the Secretary (or persons to whom the Secretary has delegated such authority) will determine whether or not to certify an alternative dispute resolution service, except that the Secretary may waive such criteria and procedures in certifying dispute resolution services sponsored by the State. The regulations shall include (but are not limited to) provisions requiring such services to—

(1) have procedures in place for providing to the Federal and State agencies responsible for monitoring or disciplining health care providers standardized information and data regarding evidence of medical injury and the causes of such injuries;

(2) maintain a roster of qualified and independent arbitrators willing to resolve medical injury disputes pursuant to the rules established by the service;

(3) demonstrate neutrality by disclosing funding sources and selection methods used for obtaining arbitrators in resolving medical injury disputes;

(4) demonstrate administrative expertise and an ability to conduct dispute resolution procedures that is consistent with a basic dispute resolution procedure which shall include—

(A) decisionmaking by a three person arbitration panel with expertise in medical injury disputes;

(B) a period to permit the discovery of evidence;

(C) the right to a hearing;

(D) the right to a decision not later than 6 months after the date on which the claim was filed; and

(E) the right to a written decision; and

(5) require administrative expertise and an ability to advise parties to a dispute regarding alternatives to the basic dispute resolution approach and to carry out such alternative procedures if all parties to a dispute agree to one of the alternative procedures.

(b) STANDARDS FOR IMPOSING LIABILITY.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations that—

(1) establish the criteria to be used for the certification of medical practice guidelines by the Secretary (or persons to whom the Secretary has delegated such authority), including criteria to ensure that such guidelines—

(A) reflect up-to-date scientific learning and the judgment of objective experts;

(B) are supported by proper documentation; and

(C) are accompanied by justifications for the standards established; and

(2) establish the criteria to be used for the certification by the Secretary (or persons to whom the Secretary has delegated such authority) of alternative methods of compensating personal injuries and other losses without regard to provider fault, including criteria to ensure that such alternative methods would—

(A) be administered fairly and efficiently;

(B) preserve incentives to maintain the quality of care; and

(C) generally give health care consumers financial protection that is at least comparable, on an actuarial basis, to the legal protections they would otherwise enjoy.

(c) OTHER REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate other regulations necessary to carry out this Act.

FOOTNOTES

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The authors discussed earlier drafts of the legislation analyzed in this commentary with Senator Domenici's staff during the drafting stage.

[1] See, for example, Health Care Liability Reform and Quality of Care Improvement Act of 1991, S. 1123, 102d Cong. 1st Sess (May 22, 1991) (proposal of the Bush administration, introduced by Sen. Orrin Hatch); Ensuring Access Through Medical Liability Reform Act of 1991, S. 489, 102d Cong. 1st Sess (February 26, 1991) (proposal of the American Medical Association, introduced by Sen. Orrin Hatch); Medical Malpractice Dispute Resolution Act of 1990, HR 4566, 101st Cong, 2d Sess (April 19, 1990) (introduced by Rep. Nancy Johnson).

[2] None of the bills cited in note 1 has a Democrat as a co-sponsor. Democrats' support of malpractice reform has been limited, partly because of their preference for more sweeping health care reform. Republicans, on the other hand, are content to proceed piecemeal, on the theory that lowering malpractice risks and costs can make both private coverage and expansions of public programs more affordable, thus addressing the problem of inadequate insurance coverage of the population.

[3] S. 1232, 102d Cong, 1st Sess (June 6, 1991). Senator Domenici's effort has been publicly endorsed by C. Everett Koop, M.D., former Surgeon General of the United States. See Pete V. Domenici & C. Everett Koop, *Sue the Doctor? There's a Better Way*, NY Times A25 (June 6, 1991).

Sections 3 and 6 of S. 1232 are set forth in the Appendix. These and other sections are cited parenthetically in this article. Section 4 of the bill is omitted because it so closely corresponds in structure and substance to section 3, while applying to a different category of malpractice cases. Unless otherwise indicated, cited subdivisions of section 3 have counterparts in section 4.

[4] Our general views on some of the topics discussed in this article appear in our respective individual contributions to this symposium. See Clark C. Havighurst, *Practice Guidelines as Legal Standards Governing Physician Liability*, 54 L & Contemp Probs 87 (Spring 1991): Thomas B. Metzloff, *Resolving Malpractice Disputes: Imaging the jury's Shadow*, 54 L & Contemp Probs 43 (Winter 1991).

[5] See generally Clark C. Havighurst, *The Professional Paradigm of Medical Care: Obstacle to Decentralization*, 30 Jurimetrics J 415 (1990).

[6] Congress might also wish that its payments to providers did not have to be adjusted to reflect geographic differences in malpractice climates. See Physician Payments Review Comm'n, *1 Annual Report to Congress* 71–89 (1991) (discussing adjustments

to physician fee schedule to reflect malpractice expense). Uniform legal rules do not necessarily yield uniform malpractice costs, however, because of other variables affecting the frequency and severity of claims.

[7] The Bush administration's bill (S. 1123, cited in note 1) would deny Medicaid payments to states that do not adopt its reforms. In addition to intruding upon state sovereignty, this method of achieving the federal purpose holds hostage the state's Medicaid beneficiaries, making them innocent pawns in a game in which they have little to gain.

[8] The apparent intention is not only to reach care covered by the Medicare and Medicaid programs but also to affect patient/provider relationships established in the Federal employees health benefits program, in facilities maintained for veterans, in federally supported community health centers, and under other Federal health care initiatives.

[9] The limited appeal rights specified in the bill (§3(b)(5)) are adapted from the Federal arbitration Act, 9 USC §10 (1991).

[10] The bill specifies that anyone suing over an injury (including a subrogee or a spouse suing for loss of consortium) would be bound by the injured patient's supposed agreement to arbitrate the claim (§3(a)).

[11] In this connection, we would recommend inserting the following new paragraph in the subsection on damages (§3(e)):

(4) in a case where the claimant has previously settled voluntarily with a party who is jointly and severally liable for the injury, the damages for such injury awarded against a second party liable for the injury shall be apportioned according to the degree of that party's fault as expressly determined in resolving the dispute.

Because this provision would not abolish joint and several liability, a plaintiff would not have to sue every possible tortfeasor or establish the degree of responsibility of each negligent party. But neither could a plaintiff hope to settle with one party and then recover full damages, less the amount of the settlement, from other tortfeasors.

[12] We have not addressed the constitutional questions that might be raised concerning the bill, preferring to address the policy issues alone.

[13] Many tax experts would probably object in principle to using the tax code to accomplish such substantive policy objectives. Nevertheless, the bill's approach may accomplish two tactical objectives—highlighting the large federal tax subsidy to private health plans and obtaining a hearing before the Senate Finance Committee rather than the possibly less receptive Committee on Labor and Human Resources.

[14] See note 3.

[15] Letter from Mary Jane England, President, Washington Business Group on Health, to Senator Domenici, May 20, 1991 (copy on file with authors).

[16] A possible barrier to access by would-be claimants to a largely private ADR system is the cost of operating the system, which, unlike most costs of the judicial system, would not be borne publicly. S. 1232 would solve this problem in a unique and interesting way. While requiring the losing party to pay such costs, the bill would eliminate the potential access-limiting burden on unsuccessful claimants by requiring a losing claimant's attorney to pay them "if such attorney's fee for representing the claimant is contingent in whole or in part on achieving a successful outcome" (§3(f)). Thus, the risk of ADR costs associated with unsuccessful claims would be shared by all claimants and finally borne by the successful ones—in the same way that the legal costs of unsuccessful claims are shared through the contingent-free system.

[17] The bill finds that "as many as 15 out of 16 persons injured due to medical negligence never get compensation through the current medical malpractice system" (§2(a)(3)). Authority for this assertion is found in Harvard Medical Practice Study, *Patients, Doctors, and Lawyers: Medical Injury, Malpractice Litigation, and Patient Compensation in New York* 6 (Harvard U Press, 1990).

[18] See, for example, US Gen Acct'g Office, *Medical Malpractice: Few Claims Resolved Through Michigan's Voluntary Arbitration Program* (December 1990) (legislation to encourage voluntary binding arbitration produced only 247 actual arbitrations out of approximately 20,000 malpractice claims in thirteen years).

[19] Under the bill, a claimant may initiate a claim by filing it with any certified ADR service and by providing notice to the health care provider against whom the claim is being made (§3(b)(2)). If, however, there is an agreement to use a particular service, the claim must be filed with it (§3(b)(3)). Provision is also made for claims against multiple providers where there are inconsistent agreements on which ADR service to use (§3(b)(4)). Because the bill gives the claimant a free choice of ADR services in the absence of an agreement, it encourages providers to seek prior agreements designating a particular service.

[20] The bill does permit the Secretary to waive the certification criteria for state-sponsored ADR services (§6(a)).

[21] The bill also requires dispute resolution services to have procedures for providing governmental agencies responsible for disciplining health care providers with information "regarding evidence of medical injury and the causes of such injuries" (§6(a)(1)). Currently, that reporting function is performed by liability insurers. See Ilene D. Johnson, *Reports to the National Practitioner Data Bank*, 265 J Am Med Ass'n 407, 407–408 (January 16, 1991) (description of federal reporting requirements). It is unclear whether the bill's reporting requirement is meant to supplement or replace existing systems. Duplicative reporting should of course be avoided.

[22] See, for example, Metzloff, 54 L & Contemp Probs at 104–14 (cited in note 4).

[23] This option of specifying a clearer and possibly less demanding general standard of care would not, for some reasons, be granted to the Secretary of HHS, however. Nor could private health plans adopt it for federal beneficiaries or federal employees who voluntarily enroll. This is almost the only substantive difference between sections 3 and 4 of the bill.

[24] For a discussion of possible alternative formulations of the general standard of care that might be incorporated in private contracts as a way of escaping ill-defined and inappropriate standards that induce the practice of "defensive medicine," see Havighurst, *Altering the Applicable Standard of Care*, 49 L & Contemp. Probs 265, 267, 273 (Spring 1986) (suggesting "reasonable and prudent" practice as a test of possibly limiting liability to cases of "gross negligence," suitably defined).

[25] Although the Secretary may select a single set of guidelines to govern all care for which the federal government pays directly (§3(d)(1)), his certification of guidelines for possible use by organized health plans would not be so restrictive. Even with respect to guidelines selected for federal programs, exceptions may be authorized by the Secretary where "geographic or other factors affecting the availability of resources to meet health care needs may warrant some variation from an otherwise uniform standard" (id).

[26] For expositions of the notion that practice guidelines should be certified by government and used as tools for clarifying and perhaps modifying patient entitlements and provider and payer obligations, see Clark C. Havighurst, *Practice Guidelines for Medical Care: The Policy Rationale*, 34 St Louis LJ 777 (1990); Havighurst, 54 L & Contemp Probs 87 (cited in note 4).

[27] For example, Laurence R. Tancredi & Randall R. Bovbjerg, *Rethinking Responsibility for Patient Injury: Accelerated-Compensation Events, A Malpractice and Quality Reform Ripe for a Test*, 54 L & Contemp Probs 147 (Spring 1991).

[28] See generally Symposium, *Medical Malpractice: Can the Private Sector Find Relief?* 49 L & Contemp Probs 1, 143–320 (Spring 1986).

[29] See generally John A. Siciliano, *Wealth, Equity, and the Unitary Medical Malpractice Standard*, 77 Va L Rev 439 (1991).

Mr. DOMENICI. I thank the Chair. I yield the floor.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. DOMENICI. I am pleased to yield to my friend.

Mr. THURMOND. Mr. President, I commend the able Senator from New Mexico in bringing this matter before the Congress and the American people. I heard complaints all over, not only from my State and others, about some of these unreasonable verdicts. Not only have those verdicts increased the cost of insurance to doctors, but also the psychology, the fact they are getting such verdicts have frightened many doctors. That is why they do not want to practice.

I have talked to some young people. They are undecided whether to study medicine or something else because of these tremendous verdicts that are being obtained. I understand exactly what he is talking about. I think it is important that we take action in this matter. I hope the Congress will do so.

Mr. DOMENICI. I thank the Senator very much.

I yield the floor.

If you leave that open where they are not sure which one will apply the very high standard, you will not get out of this system the savings necessary.

Frankly I usually am for States rights and I close on this proposition. But, frankly, for medical malpractice I believe you have to set a national standard. I believe you have to tell all the States, as I do in this bill, if you want Federal money, Medicare, Medicaid, if you want to deduct for premiums for employees, and if employees want to deduct all of the benefits and not pay taxes on them, if you want health benefits under VA, all of those, you only get them under one condition, and that is that the State adopts this system of taking the rights out of court, putting them into arbitration and setting the caps. I think it is the best way to get it done, and there are other examples in my remaining remarks.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Under the previous order, the Senator from Minnesota [Mr. WELLSTONE] is now recognized for up to 15 minutes.

NATIONAL ENERGY POLICY

Mr. WELLSTONE. Mr. President, S. 1220 was introduced by my distinguished colleague from Louisiana on June 5. It is now October, and the majority leader has indicated that we in the Senate have had time to study this legislation, and perhaps in a few weeks we will be called upon to act on this bill.

Soon we will be engaged in a historic debate, and I say historic debate with no exaggeration. My colleagues should know that some Members of this body will object to any unanimous consent request to proceed to the consideration of S. 1220. We do not object simply to obstruct. We do so to promote a vital debate.

We seek a debate, Mr. President, in the United States highest deliberative body, the U.S. Senate about the direction of our Nation's energy policy. This should not be a debate about details, not about Federal energy regulatory policy, not about standards or about how you calculate the full cost of energy. This should be a debate, and it must be a debate, about priorities and direction. Such a debate, Mr. President, is proper, and it can only effectively be engaged by challenging the motion to proceed.

When the Senate begins this debate, I will be joining with several of my colleagues to express our current opposition to the current direction of our Nation's energy policy, a direction which S. 1220 simply continues, a direction which leaves for future generations serious problems which this legislation simply addresses in no substantive way.

The proposals before us in S. 1220 are serious proposals with enormous consequences for people's lives. Before we get into the specific discussions of these proposals, if we do, some basic questions about this legislation can and must be asked.

To what end do we propose to spend billions of taxpayers' dollars, to rewrite dozens of laws, to confer privileges on some and burdens on others? What are the problems we face? What are we trying to solve? What do we need to have a credible, workable national energy policy?

Mr. President, I believe there are two overarching problems which any legitimate national energy policy must address: The economic and the security problems facing our Nation due to declining fossil fuel resources, and the potential environmental catastrophe facing this Earth by global warming, warming which is caused primarily by the buildup of carbon dioxide in the atmosphere. These are the two most compelling national and international problems directly related to our energy use which we must confront as a Nation, and if we do not confront these problems as a Nation, we will imperil future generations.

In my own examination, S. 1220 does little to address either of these problems. As I pointed out to my colleagues in July, all 16 titles of S. 1220 will produce only 3 percent of the oil savings that would result if this bill had strong fuel efficiency standards as proposed in the legislation introduced by my colleague, Senator BRYAN from Nevada.

There is tremendous potential for energy efficiency and renewable resources in our country that have not been tapped. Such an effort would bring about a multitude of benefits for people in our country, for economic development, for small businesses, for communities, for employment, and the scientific community, over and over and over again, has expressed its support for these conclusions.

The American people want an energy policy based on maximizing efficient energy use. They want us to focus on conservation or save energy. They want us to aggressively expand renewable energy production. In one recent poll, 75 percent of the public expressed support for giving conservation and efficient energy use and renewable energy production top priority in a national energy policy. That is, 75 percent of the people in this country said they want to see that as a priority.

By contrast, far fewer agreed with the priorities reflected in S. 1220. Only 12 percent chose coal and oil, and even fewer picked nuclear energy.

There are those who consider S. 1220 a bad energy policy. I consider it to be a profoundly mistaken energy policy. It is no secret that I will oppose this bill. It is not what the country needs, and it is not what people in this country have said they want.

The Department of Energy reported to the Congress that during its nationwide hearings about energy policy, the public over and over again strongly supported conservation and renewables. Dozens—not dozens—hundreds of ideas were put forth by citizens about how to promote a positive new energy direction, but something happened to that energy policy when it returned to Washington, DC. This was not the direction proposed by the Department of Energy; it was not the direction proposed by the administration; and it is not the direction proposed by S. 1220.

Somehow, the energy choices that the people in this country wanted us to confront, somehow their guidance and their direction and their wisdom was left out when the ideological screening started to happen at the Department of Energy and then the White House.

Meanwhile, other proposals by well established, powerful, money energy interests rose to the top. As a result, instead of proposing to expand energy efficiency, instead of proposing to produce ethanol or tap vast wind power as a resource, the national energy strategy chose instead to promote building hundreds of new nuclear powerplants and sacrifice the Arctic National Wildlife Refuge for a few months of oil.

Mr. President, I say to you and I say to my colleagues that there should be no mystery about what happened to the national energy policy on the way to the Senate floor. Maybe we do not talk about it openly, but the plain truth is there for people to see. It is played out on a daily basis. What the people want was systematically dismantled, and in its place rose a new agenda, one which is dominated by powerful energy interests. That is a powerful indictment about the process here.

What people wanted—this is worth repeating—what people said to us they felt should be the direction for themselves, for their children, for their communities, their concern about the environment, their concern about national independence, their concern about domestically produced clean fuels, their concern about conservation—they are way ahead of us—was dismantled, and in its place rose a new agenda, one crafted by powerful energy interests.

According to the Washington Post, these interests have now even paid a public relations firm a few hundreds of thousands of dollars to get their bill to the floor. According to the Washington Post, they have paid a public relations firm a few hundreds of thousands of dollars to get their bill to the floor. Those of us on the other side do not have such resources, but we have the people on our side.

Mr. President, if the Senate proceeds to consider S. 1220—and I say "if"—there will be many votes. Members of the Senate will be asked to go on record in many ways about nuclear power, about ANWR, about synthetic fuels, about utility deregulation, about hydropower and a lot of other controversial topics. I, for one, believe there should be a clear record about the vote on every one of those issues.

But today I rise on the floor of the Senate not to call these issues to my colleagues' attention but, rather, to call to their attention what will likely be the first vote on S. 1220, and that is the vote on the motion to proceed. When that vote occurs on the motion to proceed, there should be no ambiguity in my colleagues' mind. This will be the vote on whether or not we drill for oil in ANWR. This will be the vote on whether or not we get serious about conservation and renewals. This will be the vote on whether or not we care about how we produce energy and how we distribute energy and how we protect our environment. This will be the vote that will be the referendum on the future direction of energy policy in the United States of America, from the Arctic National Wildlife Refuge, across the board. Do we continue the failed policies of the past decade? That is what this bill does. Do we give the energy interests their next installment from Uncle Sucker, to borrow a phrase from my eloquent colleague from the State of Arkansas, or do we take a different path?

Mr. President, neither this Senator nor the Senate acting as a body can be expected to fashion an energy policy. We rely upon the executive branch. We rely upon executive agencies like the Department of Energy. And we rely upon relevant committees like the Senate Energy Committee. So, if we desire a new energy policy, one that is respectful of the environment, if we desire a new policy that will make us economically strong, if we desire a new energy policy which will make us energy independent, then we must send a powerful signal. We must reject S. 1220 as a profoundly mistaken energy policy by voting against—by voting against—the motion to proceed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was my leader time reserved?

The PRESIDING OFFICER. The Chair advises the Republican leader that the leader's time has been reserved.

Mr. DOLE. Mr. President, I will just take a couple of minutes.

EXTENDED BENEFITS

Mr. DOLE. Mr. President, in the next couple of days, perhaps even tomorrow, the extended benefits legislation is going to be sent to the White House and the President is going to veto it.

There is no surprise here. The President has been saying he would veto this budget-busting legislation for the past month. In fact, my colleagues on the other side of the aisle want him to veto it so that they can say that President Bush is against extended benefits for unemployed Americans.

Well, the opposite is true. The President has repeatedly said that he would sign the Dole-Domenici-Roth-Danforth-Bond, et al, alternative, S. 1791.

I believe the American people have started to figure out that my colleagues, or some of my colleagues, on the other side of the aisle care more about politics than they do about getting extended benefit checks in the mail. And while they are worrying about 1992, unemployed Americans are worrying about how they are going to put food on the table tonight, tomorrow, the next day, and next week. Certainly the debate the last couple of months underscores that fact. The bill that is going to the President is worse than the bill Congress sent to the President in August.

The only changes made between the two versions were to violate the budget agreement by taking away the President's statutory authority to declare an emergency and to up the benefits adding another $400 million to the Federal deficit.

For some, what is another $400 million when you are already adding another $6 billion that future generations must be concerned about and generations of Americans to come will have to pay back?

Mr. President, it is now 33 days and counting, that is, 33 days since benefits could have started under the Dole-Domenici-Roth-Danforth-Bond proposal that the Senate rejected before the August recess. That is 33 days that those who have exhausted their benefits and who have not been able to find a job have needlessly had to wait. For what? So that some could play politics and some could have a showdown with the President of the United States.

We see a lot of charts around this place talking about how bad things are, but perhaps I should bring a very simple chart to the floor. It would be a calendar. Let us just bring a calendar to the floor and chalk off the days: 1, 2, 3, 4, and 5. How many more days must the unemployed wait before the other side of the aisle stops playing politics and sits down to work out a responsible piece of legislation to get extended checks to the unemployed?

Mr. President, I urge all of my colleagues to review the proposal that we have introduced. We pay for it. I know that may come as a shock to some, that we are going to spend money and pay for it, but I think the American people would like to see that for a change. It would not be a shock to some to charge it up, bust the budget. Who cares whether the deficit is $3 trillion, $4 trillion, $10 trillion?

We have a responsible package. It is fair, 6 weeks for everyone, 10 weeks for others. And if we should reach a point, if we want to extend that, if we can find another way to pay for it, we can add some additional weeks. So I think we ought to start on the positive side. The President said he would sign such a measure. I urge the President, when he receives the conference report, to send it back here within the hour, do not deny extended benefits 1 additional hour if he can help it, and then ask the Congress before we leave here next Tuesday to pass a bill. Send him a bill that he will sign.

I also want to thank my colleagues from Minnesota and Montana, Senators DURENBERGER and BURNS, for trying to bridge the gap by offering an alternative which provides 8 weeks and 15 weeks, more generous than the 6-10 week proposal, a little less generous than the Democratic proposal. And again, they pay for it. It is paid for, which should not be a detriment. It should not be said, well, that is too bad, you paid for it, it does not have any merit.

The American people I think say, that is America, you pay for it. We support it. So it seems to me that we have reached a point where we can continue to play games, continue to send a bill to the President which he will veto, and the veto is going to be sustained. We have 35 votes; we may have more. There is not going to be any change that I know of.

So I hope maybe even before the day is out, or the week is out, our colleagues on both sides, men and women of good will, can sit down and hammer out a package that we can send to the President and that he will sign, and benefits will start flowing.

That will happen as soon as my colleagues on the other side of the aisle realize that unemployed Americans want extended benefits, not political benefits.

I reserve the remainder of my time.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will speak for just a moment and then my colleague from Colorado will enlighten all of us here.

THE NOMINATION OF CLARENCE THOMAS

Mr. SIMON. Mr. President, I want to take this opportunity simply to suggest that all the Members of the Senate ought to take this weekend time, those who have not had a chance to serve on the Judiciary Committee, to look carefully at the Clarence Thomas nomination.

One of the realities is that if we had voted in the Judiciary Committee before any of the testimony started, I think the vote would have been 11 to 3 or 12 to 2 for the nominee.

I, frankly, before reading the record, was inclined to vote for him. And then I read over 800 pages of documents, which my colleague from New York will appreciate, and then listened to the testimony, and then of course the net result was the 7-to-7 vote.

We are talking about something that will have a huge impact on the future of this Nation. Justice Thurgood Marshall is 83. Judge Thomas is 43.

I simply urge my colleagues who have not made up their minds, or even if they have declared one way or another, use this weekend time to read the record, to study the record. This is something of huge, huge import in terms of the future direction of this country.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I might proceed as if in morning business necessary.

The PRESIDING OFFICER. The Chair advises the Senator we are in morning business.

Mr. MOYNIHAN. Mr. President, as the Senate knows, the Federal surface transportation program expired at midnight on Monday. In a surprisingly short period we have begun to hear it said that the program has not merely lapsed, but rather that it has died. It has been suggested that the highway building era of the Eisenhower administration may now have gone the way of the dam-building era of the Hoover administration.

That could, in fact, be the case. That could be what comes about. It need not be. I would plead for a measure of good spirits and courage, but also candor. A whole sector of the public enterprise is at risk. This Senate, including the able distinguished leadership of the Presiding Officer, passed this legislation in June but the House, 91 to 7—an extraordinary measure, the largest transportation program ever, with the principles of productivity, competitiveness, efficiency, accountability, cost accountability—and nothing has happened.

The highway lobby was convinced it could get more of what it has always got. So far now it has got nothing. I regret that the head of the Highway Users Federation has reduced himself to personal calumny concerning this Senator, who only thought to represent the views of the committee and of the Senate.

Mind, having finished the Interstate Highway System, there are calls for the Federal Government to get out of the highway business. It is said that with a $500 billion deficit, we need every red cent we can lay hold of. I am aware of Senators who think this.

There are also Senators who feel that the direction our transportation programs have taken in recent years has in fact done harm both to the Nation's economy and its environment. Some would well be content to see the present programs ended or sharply curtailed. Their point is that present practices already impose unacceptable costs just because they do what they do.

Even so, I plead for patience and even a measure of tolerance. It is not clear that we can get a Surface Transportation Act this session of Congress. If we do not, however, everything is up for grabs, including the highway trust fund.

There are probably those in what is called, I am sorry to say, the highway lobby who think the highway trust fund is safe.

Think again. Already 2½ cents per gallon of the Federal gasoline tax is dedicated to deficit reduction. We may never see that money again. Why not the remaining 11½ cents?

Think, too, of the Social Security trust fund. The highway trust fund is important. But the Social Security trust fund is sacred. It is made up of the retirement savings of American working men and women. Every penny in that Social Security trust fund has someone's name on it. Yet we are at this very moment spending that trust fund on everything from B-2 bombers to savings and loans. Clearly unauthorized uses. Just as clearly, uses agreed to by the Congress and the President in the budget agreement hammered out at Andrews Air Force Base and brought to the floor a year ago this month.

Cannot happen you say? It sure can happen. I think with great fondness of the last time my dear friend Senator John Heinz and I were together on the "NBC Today Show"—January 22, 1990. This issue arose. Deborah Norville asked us about the use of Social Security trust fund money for other than retirement benefits. I responded:

> Senator MOYNIHAN. We are using that trust fund as if it were general revenue. And my friend John Heinz and others have been insisting that this misrepresents the facts of the budget, but also, as I put it, the term "thievery."

Senator Heinz demurred. He did not think that "thievery" was quite right.

> Senator HEINZ. I would use a slightly different word than Pat. He uses "thievery." I would call it "embezzlement."
>
> Ms. NORVILLE. Either way it's illegal.
>
> Senator HEINZ. Either way, it's something that's illegal, that should be stopped.

We are embezzling retirement funds, Mr. President. Let no one suppose we are incapable of embezzling something as mundane as a gasoline tax.

We ought not. We need not. But time is running out. The Senate passed a bill more than 3 months ago, and the response from the highway lobby was derisory. It was not funny then. It is not funny now. We may all regret the folly of the summer of 1991.

I should be clear that these programs have expired in spite of the best efforts of the Senate. We began work in 1987, when I served as floor manager of the surface transportation bill of that year and chairman of the committee of conference. I observed then on the Senate floor that our bill was to be the last one of the interstate era:

> After this 5-year bill, the highway program will undergo significant reform. We are about to enter a new era. The system is built. We finished the highway structure in this country, much as the day came when the railroads were built and the airline routes * * * were completed, and we would go onto other things.* * *

I did not expect it then, but it may be that the 1987 bill will be not just the last highway bill of the interstate era, but the last such bill ever.

This year, the Committee on Environment and Public Works began holding hearings in February. The bill we reported is not a modest reauthorization of current law. Our first Secretary of Transportation, the Honorable Alan S. Boyd, testified that the Surface Transportation Efficiency Act of 1991 was breakthrough legislation. It is a new vision for surface transportation in the postinterstate era. The vote in committee was 15 to 1. In the Senate, it was 91 to 7.

Our distinguished colleague Senator BAUCUS said it very well on Monday:

> We have done our job here in the Senate. But we have yet to see a bill even reach the House floor. However, from what we know so far, the highway bill likely to emerge from the House will be very different from what we have passed. The bill being discussed on the House side will lack the Senate's flexibility and urban-rural balance.

He went on to say:

> I realize that allowing the highway program to lapse will cause hardship in a number of States. However, these pale in comparison to the hardships an unbalanced highway program will cause for Montana and many other States * * * I commend the leadership of the Environment and Public Works Committee for a job well done. And I urge them to stay the course.

More than 3 months after the Senate acted, there is no certain prospect as to when the House will act. New spending has ceased, and the States will soon exhaust their limited supply of outstanding contract authority. In the mean while, Federal road and transit programs have been plagued by what I have termed "public sector disease." The principal symptom is a near zero rate of productivity growth in the transportation sector. The Chairman of the President's Council of Economic Advisers, Dr. Michael Boskin, has told us that productivity in the transportation sector broadly defined grew at a rate of 0.2 percent per year in the past 10 years. This takes 350 years to double.

Thus, just as we are completing the largest public works program in the history of the world, the Interstate Highway System, the conventional wisdom seems to be that our infrastructure is crumbling. A full page advertisement in Roll Call on September 12 purchased by the Coalition for an Efficient National Transportation System sums it up:

> After two decades of disinvestment, America's network of highways, bridges, and transit is failing.

This seems a paradox. How, after spending $128 billion to build the Interstate System, can it be crumbling? This is so far one reason: free goods are inevitably wasted. The States were given Federal money to build the interstates at a 90–10 ratio—that is, 90 cents of Federal money for every 10 cents of their own. In some States the ratio was 95–5. For a nickel, you got 95 cents. Who cared how long the road lasted as long as the money kept coming.

The Surface Transportation Efficiency Act of 1991 (S. 1204) proposes to address this imbalance by introducing the ideas of productivity and cost-effectiveness into transportation planning. We will begin to think about using scarce resources more efficiently. Those who do will prosper. Those who do not will not.

There is nothing in the Constitution that requires there to be a Federal highway program. Nor that we continue what Prof. John Kain of Harvard University has called a mindless, massive program of new construction. No bill may be preferable to a bad bill. Many of the parties with an interest in this legislation have failed to heed our message. Just possibly they will now do.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

ORDER OF PROCEDURE

Mr. WIRTH. Mr. President, I ask unanimous consent that morning business be extended until 11:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Senator from Colorado [Mr. WIRTH] is now recognized for up to 15 minutes.

Mr. WIRTH. Mr. President, I ask unanimous consent that time be extended to 22 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WIRTH. I thank the distinguished presiding officer.

ISSUES OF NATURAL RESOURCES, ENERGY AND THE ENVIRONMENT

Mr. WIRTH. Mr. President, Friday night President Bush delivered to the Nation what I thought was a very forward looking address on arms control, U.S. military policy and the cold war. I found myself, night before last, on a television program called "Crossfire," defending the President of the United States' position. And one of my colleagues from the other side and a reporter were going after the President.

I thoroughly enjoyed that. This was the President saying the cold war is over, it is time for us to change our ways, and we are changing our ways.

We are changing the approach. We are recognizing the fact that the cold war is over. We are going to change our expenditure pattern. We are going to change the pattern by which we use nuclear weapons or employ nuclear weapons. We are beginning, clearly, a very sharp builddown of our defense expenditures and, Mr. President, we are leaving the door open for a very significant set of other investments, investments which I believe everybody in this country knows that we have to make.

But while the administration is promoting this very future-oriented arms control policy, unfortunately it is still—on issues of natural resources, energy and the environment—hopelessly tied to policies of the past.

I want to address those for a few minutes this morning, Mr. President, with special reference to the energy legislation which will soon be brought before the Senate.

First, before getting to energy, let me give another example of what I believe is backward-looking policy. That is U.S. forest policy. The American public is rapidly coming to understand that the policies we are pursuing on our national forests are not only bankrupt in terms of the Treasury, bankrupt in terms of the flow of funds, bankrupt in terms of the environment, but are an insult to anybody who has a sense of where the country ought to go.

That has just come to a head most notably on the issues related to the spotted owl. Secretary Lujan has called for the so-called God committee to consider overruling the Endangered Species Act on the grounds that the spotted owl status is damaging the economy of the Northwest.

What he ought to be doing is convening a committee to understand why, in fact, we are stripping off the mountains of the Northwest the way that we are, and why in fact we are allowing taxpayer money to continue to subsidize the timber industry. He ought to be asking why we allow timbering to occur where forests are never going to grow back, on slopes that are absolutely inappropriate to be timbered. You can go out there and look at this, Mr. President, as I have, and see what is going on.

The God committee convened by the Secretary on the Endangered Species Act I believe would be horrified if they could look at the erosion that occurs in the Pacific Northwest, in my State of Colorado and elsewhere where we are allowing timbering on these steep and unstable slopes. That is what the God committee ought to be doing.

The real issue in the Pacific Northwest is not the spotted owl. It is that we have been cutting trees a lot faster than we can grow them, and we are running out of timber. Owl or no owl, the supply of timber from these forests will simply stop in a decade or two at the most. That we are running out of trees in the Northwest is inevitable. It does not hinge, as changes in the Soviet Union do, on the events of the day. It is coming because of our policies on how we should use our forests, and anyone looking forward can see it plain as day.

The real question is not the spotted owl getting in the way of timber. The issue is how we get the most out of a smaller harvest of timber and how we help the Northwest make a transition to a future which is going to be more different and perhaps more difficult than the past.

Blaming the spotted owl is a backward-looking policy focused on the impossible task of providing more timber than the forest can provide. To ask the forests to provide more timber than they can grow only hurries up the day of reckoning when we run out of places to log in that region.

Worse, that policy threatens to do untold damage to sport fisheries, recreational activities, and environmental values, resources which are growing in importance to this country and to the local economies of communities in the Northwest and the Rocky Mountain region, and elsewhere in our country.

In the 1980's, the Forest Service doubled the amount of timber it cut in the Pacific Northwest; yet, the region lost 26,000 jobs in the timber industry. The timber industry turns around and says that is the fault of the spotted owl. We cut more timber, but the number of jobs decline. How can that be the fault of the spotted owl? It is the inevitable trend of automation, of running out of timber, and of changes in the industry. Is that the fault of the spotted owl; that is a preposterous conclusion.

Despite the reality of the limits to logging, we continue to export raw logs from this region unprocessed, to Japan. We export huge volumes of cants to Japan, and the only thing we do to add value to cants is cutting the sides off of the logs. It is illegal to export whole logs, so we cut the sides off and they go off to Japan. What do the Japanese do? They mill the timber, add the value, and send it back to us. That is a crazy economic policy.

What we ought to be doing is reorganizing the way in which we look at the timber industry in the Northwest, so these logs go to American sawmills, and American plywood plants, and American milling operations, and American manufacturers. So that the value is added in this country. That is where the jobs are; that is where the economic value is.

We ought to be abandoning our colonial mentality. We are acting as a colony to Japan. They add the value and send it back to us. What kind of a policy is that? The industry's problems are not the fault of the spotted owl, Mr. President. They are the fault of a timber industry operating with the Government in a way that is absolutely shortsighted and looking in the rear-view mirror.

Similarly, Mr. President, this administration is locked into the past on energy strategy. Soon, the Senate is going to be considering national energy policy legislation that closely parallels the President's energy proposal. Unfortunately, the central item in that package, from the perspective of the administration and some of the authors of this legislation, is the opening of the Arctic National Wildlife Refuge for oil development. The administration has threatened that they are going to veto any energy bill that does not open the Arctic National Wildlife Refuge to the oil companies. The sponsors of the legislation have spent untold hours lobbying on this issue, and describe it as the key piece of the legislation, the one piece it must have.

That is also an example of policy looking backward. And it is as if we were driving along looking into the rear-view mirror, not ahead, at what is inevitably happening.

Is it so important to drill in the Arctic National Wildlife Refuge because the oil that may be found will be a major contributor to our national security? That argument is made, but nothing could be further from the truth.

In the first place, no one knows if there is oil there. The odds of getting no oil from the Arctic National Wildlife Refuge are greater than the odds of getting any. Initially, the estimates were that there was a 23-percent chance of getting oil there. That has now been jimmied up to 46 percent.

But even if we found a supergiant oil field there, it would not make a dent in the balance of oil power around the world. Mr. President, I will illustrate the balance of oil power around the world, and where the Arctic fits in. It can barely be seen. These are the reserves in the Middle East—660 billion barrels of oil. U.S. reserves are 26.5 billion barrels, here in the yellow; and here are the optimistic projections for the Arctic—an additional 3.2 billion barrels—a tiny little sliver of blue.

The argument cannot be made, Mr. President, that this potential optimistic projection for the Arctic is going to put us in a strategically more focused and more leveraged situation. Also, Mr. President, if we believe that we can produce our way beyond the ability of Middle Eastern monarchs to run the world oil market, this chart should make it very clear that there is no way in the world that we can do that. We simply do not have the reserves to do it.

The President's own national energy strategy points that out. His own strategy points out very clearly that, at the end of all of the drilling that he suggests we do in the Arctic, and all the other measures suggested to be taken, we are going to be more dependent on imported oil at the end of it than we are today. We are going to be importing more oil at the end of the President's national energy strategy than we are today. Certainly, that is not, at least for any rational analyst, way to reach energy security.

If we continue to keep our focus on oil, if the Arctic is to be as the administration claims, our answer, we are going to be dependent on the Middle East.

Is opening the Arctic Refuge so important because we have no policy alternatives? Hardly. The truth is that we have lots of alternatives to drilling in the Arctic refuge. The administration's own figures show that the potential for increasing U.S. production through further research and promotion of enhanced oil recovery at existing fields dwarfs the contribution that the Arctic might make, if there is oil there at all.

Let me show a second chart. This is from the administration's own data. If we were to make no changes at all, this bottom line is what would happen to U.S. domestic oil production. Notice the very tiny sliver for the Arctic. It is this tiny area in here which everybody says is the crucial area for a U.S. energy policy. That is hardly much of a contribution whatsoever.

A much more rational approach is advanced oil recovery potential, which is a major piece here, and then increasing our use of natural gas. This line—the potential for increasing our use of national gas in the place of oil—as we all know, can go up very significantly, if we followed enlightened policies designed to pull demand for natural gas. And we can supply ourselves to meet that demand, because we have an enormous amount of natural gas in the country.

So if we just followed advanced oil recovery, and increased use of natural gas that would dwarf the Arctic National Wildlife Refuge potential and, yet we are balancing a whole energy policy around this tiny sliver. It does not work out.

But the truth is, further, that our power to effect the world oil situation is not as a supplier, but as a consumer. We have only 2.6 percent of the oil reserves, but we use 27 percent of the world's oil production. So where do you think our leverage is? Where will it be in the future, if we continue our current path of consuming even more of the world's oil?

This chart shows the administration's own line on what is going to happen with oil imports, following current policy. We become more and more dependent on imported oil. If there is one imperative in an energy policy, it is that we have to turn away, long term, from oil.

It is to create a future in which we use less oil, by using oil efficiently and by replacing oil with other fuels, such as natural gas. Again, the administration's own figures show that increasing our use of natural gas has more potential to replace oil imports than the Arctic National Wildlife Refuge.

We have the technology today to use natural gas in our cars. My own jeep in Colorado runs on compressed natural gas. We can do that for millions of cars and trucks if we develop a distribution network for natural gas. We also have a tremendous opportunity to put domestically produced ethanol and methanol to work in the economy to replace the gasoline which accounts for nearly half the oil we use.

Finally, and importantly, we need to pursue energy efficiency, the one approach to this problem that has worked in the past. If we do not, our oil consumption will outpace the Saudi's ability to fill it, let alone our own.

The next two charts illustrate clearly what we can do, and how much room there is for us to improve in the area of energy efficiency.

This chart shows the relative efficiency of the economies of Switzerland, Japan, France, West Germany, United States, and Canada. The Swiss use energy 3 times as efficiently as we do—3 times as efficiently; the Japanese 2½ times as efficiently as we do; even the French are almost twice as efficient as we are; the West Germans 50 percent more efficient. Here is where there is enormous room for us in the United States to establish a reasonable energy policy.

The long-term potential of energy efficiency is so great. The point of this next chart is that cost-effective energy efficiency measures could hold our energy consumption virtually constant through the year 2010.

This chart, showing us holding our energy consumption to today's levels while our economy grows, uses the administration's own best estimates of what can be done with energy efficiency, which I put in the energy bill which I introduced early this year.

The Arctic National Wildlife Refuge is no panacea; it is no silver bullet. It provides a tiny little bit of oil. An energy strategy that is centered on alternatives to oil such as natural gas and other alternative fuels, and on energy efficiency is what we should be focused on. That would be good energy policy, good economic policy, and good environmental policy.

Drilling in the Arctic National Wildlife Refuge is none of those. It is not good energy policy, it is not good economic policy, and it is not good environmental policy. Do we need to open the Arctic National Wildlife Refuge because this will be a gold mine for the Treasury? Who will make the money if oil is found? The original argument was made that this was going to be a bonanza for Treasury and would finance all kinds of U.S. energy activities. But that is really not the case.

The facts are that S. 1220 would allow the State of Alaska to claim 90 percent of the royalties from the Arctic National Wildlife Refuge.

Let us look at where the money goes. If oil is found and if it is produced which will depend on the price, there might be as much as $100 billion worth of oil there. But who would get it?

Originally, the legislation provided that there was to be a 50-50 split in royalties between Alaska and the United States. The royalties are about 12½ percent of the oil to be discovered. Assuming we get about 108 billion dollars' worth of oil at $30 a barrel out of the Arctic National Wildlife Refuge, the total of the royalty payments would be $13.35 billion.

The original argument was that $13.35 billion was going to be used to fund alternative energy programs, conservation programs, research, and so on. Is that the case? Not the case. That under the original legislation that was going to be split half to the Treasury and half to Alaska. If Alaska, which maintains that its Statehood Act entitles it to 90 percent of those royalties, sued for more than their 50 percent share, then the whole deal was off. That was the original legislation, to make sure that the taxpayer got at least almost $7 billion out of this. But under the current legislation, if Alaska sues—which they said they are going to do—most of the money that is supposed to come to the Treasury is going to be escrowed and the American taxpayer gets a total of $1.3 billion out of $108 billion value.

The argument was made that is a great windfall to the taxpayer, a great windfall to energy research and development. Simply not the case.

The American taxpayers might get out of this about the equivalent of 1½ B-2 bombers. If the United States wins the lawsuit, that will go up a little bit more, but that is going to be years and years and years in coming.

Obviously, $1.3 billion is not a pittance. That is a lot money. The money is strung out over a 30-year period—so that it averages perhaps $40 million a year, starting in 2010. But let us look at what happens to the rest of this money. Where is the rest of this going?

We are going to see, if we follow the pattern of profits that have come out of Prudhoe Bay, the oil companies, making $6 a barrel after tax. That means the profit to a handful of major oil companies is going to be $21.6 billion.

That is what this is all about, Mr. President. That is why the American Petroleum Institute has reached out and put the arm on every single energy producer in the country. That is why this enormous effort is going on to open up the Artic refuge. That is why these companies have unleashed every bit of lobbying effort they possibly could to open up the Artic, and made this footnote to our energy security the be-all and end-all of this bill.

As the previous chart shows, it has nothing to do with the amount of oil we are going to get. We cannot get energy independence out of the Arctic. There are many, many other ways in which we can. The reason for opening the Artic is not our national security, energy independence or anything like it. These charts are absolutely clear why this proposal has such importance: Because there is a chance of an enormous windfall coming to a few oil companies. That is what this is all about, not national energy policy.

If I might, Mr. President, let me take a few minutes to talk about what the resources are that are at risk.

I ask unanimous consent to extend the remarks for an additional 5 minutes beyond the earlier agreement.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I've talked about the fallacies inherent in many of the arguments given about why we should drill in the Arctic refuge. I now want to talk about some of the reasons we shouldn't drill. Last July I went up to Alaska to see this area for myself. When you land at Dead Horse Airport at the Prudhoe Bay oil field, you see an enormous complex, an impressive $40 billion industrial site, a marvel of man's technical powers, totally misplaced. In the Arctic in the summer the haze never goes away. The footprint on the landscape, advertised as being small, has all the delicacy of dinosaur tracks. An indication of that is that the birth rate of the small local caribou herd is dropping ominously. And the product of Prudhoe, of course, is sent out for shipment on thousands of more *Exxon Valdez*'s.

I contrast this with the caribou we found herding up and leading back to Canada, the huge, migratory porcupine caribou herd, which was heading back to Canada after calving on the refuge. Larry McMurtrie and the characters of Lonesome Dove, lonesome for the departed buffalo, would eat their hearts out as more than 100,000 head of caribou swept around us no farther away than from that wall over there, hour after hour. I contrast the throb of the generators with the sounds of the water of the Hulahula River on the refuge, as we rafted through rock gardens and dens of Arctic wolves. There were grizzly bear running rapidly up the other side of the stream, looking around less menacingly at me than at the two cubs that sometimes did not follow along quite fast enough.

The Arctic National Wildlife Refuge is a huge, imposing wild, productive, pristine, and threatened last great wilderness. If we ruin that place, for a 200-day extension of our reliance on oil, how can we say to the Brazilians that they should stop tearing down the Amazon? And how can we take the moral high ground on any international natural resource issues? If we, in the United States, insist on business as usual, how can we assume the leadership that the world asks of us on the global environmental challenges we face? How will we be able to deal with the very real energy problems caused by our dependence on oil?

How can we say to our children that we are serious stewards of our land or rest secured that future generations will have the same wonderful opportunities for this beautiful Earth?

Mr. President, the battle for the Arctic reaches much beyond the Arctic Circle, far beyond Dead Horse or Sitka, far beyond BP or EPA. The decision on the Arctic refuge is extremely significant and important. It is a metaphor for our attitude in the United States, for our policy in the United States, for the leadership which we ought to be exercising around the world and which the world asks of us. If we decide the oil is worth risking these environmental values and our commitments to them, what we will be doing is sending a message to the world that we will sacrifice anything for more oil. And that is a policy of desperation and blind inertia not of national strength. It is also a policy that the Saudis, the Iraqis, and the Iranians are going to love to hear because they are banking on our having just such a policy—oil at at any price.

That is, Mr. President, a view of energy policy that, as I hope I have explained, ignores the fact, is mired in the past and presents a view of energy policy that is extremely damaging to our future.

Yet the administration continues to tell us that the opening of the Arctic National Wildlife Refuge is indispensable to our energy policy. The administration has threatened to veto any bill that does not include a big opening for the Arctic National Wildlife Refuge. The gauntlet has been thrown down.

The statements, Mr. President, have changed this bill from a potential vehicle for building an energy policy for this country that could be very progressive, that could be very far-reaching, that could be exactly the kind of leadership the United States ought to be doing, both for our own people, and for peoples around the world. It has changed energy policy legislation from that wonderful opportunity, Mr. President, to simply a vehicle for developing the Arctic National Wildlife Refuge.

That argument is made over and over and over again, for reasons that have no foundation other than a lot of money going into a few hands, that this is a policy that we cannot have without opening up the Arctic refuge. That is a policy which simply points us backward.

Mr. President, I do not have to remind you that I have spent hundreds and hundreds of hours on energy policy and hundreds and hundreds of hours trying to perfect S. 1220, the bill which will be coming to the Senate. I think that legislation has many good things in it, and many good things that I spent a great deal of time working on—conservation, emphasis on using natural gas, and requiring the use of alternative-fueled vehicles, improving energy efficiency. All of these issues, Mr. President, are in that legislation. And I would remind you, Mr. President, that all of those issues, if brought independently to the Senate floor, would pass the Senate, would pass the Congress by a very large margin.

Every one of those measures, every one of the research proposals, every one of the means to promote alternatives to oil, every one of the conservation proposals, if brought to the Senate floor, could be passed with very large margins. And yet we are bogged down because of one issue: the Arctic National Wildlife Refuge. That just does not make any sense.

We are being held hostage, the country is being held hostage, the Senate is being held hostage, our future is being held hostage to the opening up of the Arctic refuge, a policy that points us in just the wrong direction.

We get to a point in this institution, Mr. President, where we must learn to use the rules. And I will cite a parallel to where we are today.

President Bush, in June 1989, proposed in the White House a very progressive Clean Air Act. It was a very positive proposal. That legislation was considered at length by the Environment Committee, was strengthened, and was reported by that committee.

We were ready to come to the Senate floor with what I thought was a very enlightened and progressive clean air bill. It got stopped. The distinguished

Republican leader and others threatened a filibuster on the Clean Air Act, because they disagreed with it. They did that to force the Clean Air Act to go back into the smoke-filled rooms, which it did. And when the Clean Air Act went back in there, what happened? The Clean Air Act got smokey as well. The Clean Air Act got watered down.

It ultimately got passed, but not in anything like the form of the original design, as reported by committee.

The opponents of the Clean Air Act used the rules of the Senate. That was their right. I have no alternative, Mr. President, but to try to do the same sort of thing.

There are those of us who feel very strongly about the Arctic National Wildlife Refuge, both in itself and again, as I have said, as a metaphor for what energy policy ought to be, as a metaphor for the kind of leadership we need in this area.

So, Mr. President, following the example that was set by the Republican leader before, following the rules of the U.S. Senate, I think we have no choice but to use the same procedures of the Senate and do everything that we can to answer the threats of the administration, and to knock the opening of the Arctic National Wildlife Refuge to the oil companies out of this bill. That will be the first battle that we face, and I hope that we are victorious.

I hope that in fact we are victorious in stopping consideration until we are allowed to then go back and say, let us take these issues one at a time, let us look at them, take them one at a time. Let us not let ourselves be steamrolled by threats of what must be in this bill. Many positive and progressive measures on energy, Mr. President, could be passed here on the floor of the U.S. Senate. If we brought them up on their own, on their merits. I would hope that that is what we end up doing.

NEED FOR A MORE BIPARTISAN FOREIGN POLICY

Mr. LIEBERMAN. Mr. President, I would like to bring to the attention of my colleagues a fine article that has been written in the Washington Quarterly on the need for a bipartisan foreign policy, by Mr. Jay Winik, a senior research fellow at the National Defense University. Mr. Winik, a Yale graduate and a native of Connecticut, argues that a bipartisan foreign policy is needed now more than ever, given the threat of weapons of mass destruction. One does not have to accept all his points to agree that we should be seeking to create such a consensus between both political parties in the years ahead. I commend this fine article to the reading of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Quarterly, Autumn 1991]

THE QUEST FOR BIPARTISANSHIP: A NEW BEGINNING FOR A NEW WORLD ORDER

(By Jay Winik)

With the collapse of the Cold War as we have known it and the assumption by the United States of a leading role in forging a successful coalition to undo Saddam Hussein's invasion of Kuwait, a great debate is quietly—but still only quietly—beginning. President George Bush has introduced it in calling for a "new world order." But the debate really concerns something far more fundamental and, indeed, quintessentially American. Put simply, it is this: What ought to be the nature of U.S. participation in the world arena? This is a far from theoretical question, and the answer will dictate whether the United States will adhere to the internationalists tradition of actively playing a role in constructing a freer, more democratic and stable international system, or conversely, will return to neo-isolationism and focus almost exclusively on economic and social problems at home.[1]

At the very core of the debate, however, lies an even more fundamental issue. Can the spirit and practice of bipartisanship that enabled this country to lead the Western democracies with coherence and unity of purpose for four decades be recaptured? If not, and if the continuing breakdown of bipartisanship goes on unchecked, the creative U.S. international achievements that have culminated in the demise of the Soviet empire may well be sacrificed. Equally important, the opportunities available not just to end the Cold War but to win the peace may be squandered at this remarkable, perhaps even defining, point in world history.

Indeed, it can be argued that the need for a sense of rededication of effort is not less urgent today than when the wise men of both political parties assembled with a sense of dire urgency in the aftermath of World War II to create a bipartisan foreign policy and rally the nation behind the burdens of global leadership. It is true that there is scarcely a U.S. policymaker or legislator who does not pay lip service to or believe that the restoration of bipartisanship is a priority. Yet for all this sentiment, success in forging bipartisanship in all likelihood will be far more elusive than it was in the wake of the world war, when the fate of the industrialized democracies literally hung in the balance. This point has largely been overlooked by policy analysts or drowned out by the din of world events in the last year.

It is crucial, then, to understand the nature of the domestic divisions—the breakdown of executive-legislative relations, the philosophical chasm between the two political parties, and the absence of firm political leadership—that are fracturing the country and have reduced bipartisanship to the lowest common denominator. Only then can the United States move on to create a bipartisan policy that will enable it to provide the leadership and purpose made necessary by the opportunities and pitfalls that lie ahead on the international scene.

The U.S. stake in speaking and acting with one voice is enormous. Two former secretaries of state, themselves of different political parties and holding different political ideologies, have warned:

"The American national purpose must at some point be fixed. If it is redefined—or even subject to redefinition—with every change in Administration in Washington, the United States risks becoming a factor of inconstancy in the world. * * * Other nations—friend or adversary—unable to gear their policies to American steadiness will go their own way, dooming the United States to growing irrelevancy.[2]"

THE NEED FOR BIPARTISANSHIP IN THE NEW WORLD ORDER

The urgent need for creating a new bipartisanship is also an acknowledgment of the changed international system. In the early 1950s, the United States produced 52 percent of the world's gross national product. It enjoyed a nuclear monopoly and was without question the world's preponderant power militarily. The past 40 years, however, have witnessed a relative decline in U.S. wealth, dictating that the United States can no longer simply overwhelm any problem with its vast national resources. Economic realities have also changed domestic political realities, forcing the country to make very real choices between guns and butter and to establish its priorities. Indeed, in the absence of a bipartisan consensus on the role of the United States in the world, public sentiment—including among certain foreign policy elites—is already calling for the United States to turn inward.

The fact is, however, that the twilight of the Cold War actually creates a greater need for bipartisanship as the United States confronts a more anarchical international system. The transition of the postwar blocs from East-West bipolarity to multipolarity will significantly alter the structure of the international arena, making conflict more, not less, likely.

With the passage of time, Japan and a reunited Germany will almost certainly emerge as more assertive and independent actors pursuing their own national interests. China will continue to be a major player on the world stage and will have great sway over world events. Furthermore, as the two superpowers continue on the path of arms control and scale down their military efforts, as anticipated, the gap between their capabilities and those of rising powers will diminish significantly. Additionally, by the year 2000, at least a handful of new countries will possess long-range delivery systems and weapons of mass destruction, and greater numbers of countries, including rogue states that do not adhere to or respect traditional standards of deterrence, will possess crude but nonetheless similarly daunting weapons. These countries will be capable of terrorizing other states or of sowing general chaos in the international system.

The result will be a new international system characterized by highly dynamic interaction and, over time, shifting alliances and interests more akin to the strife-ridden European balance of power system than the twentieth-century system, in which peace has been enforced by the nuclear balance of terror between the two superpowers. Although the risk of cataclysmic nuclear war between the United States and the Soviet Union is at its lowest point in history and is likely to remain so, it is far from certain that this new international structure will be more stable than the one it replaces. Fixed lines between allies and adversaries will blur, and alliances will shift with greater regularity across different issues.

At the same time, these changes will occur against the backdrop of a Soviet Union in decay, itself a potential cause of vast instability; the existence of nuclear weapons; and rising nationalistic, religious, and ethnic strife stretching from Europe to the Middle

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East to Southeast Asia. To use Kaiser Wilhelm's words, the world may once again be made safe for "jolly little wars," the difference this time being the existence of weapons of mass destruction. There are few—and really no—parallels in history to serve as a model or paradigm for guiding U.S. policymakers in an international setting of this kind. Thus, at a time when bipartisanship is at its lowest ebb, U.S. policymakers are now being challenged in more ways intellectually, politically, diplomatically, and militarily than during the past 40 years.

The United States does have the resources to continue to play a major world role and to deal with its domestic problems at the same time, although admittedly those resources are now constrained. In addition, when one looks at military, economic, and even cultural factors, the United states has no challenger to its position as the preeminent world power should it choose this role. The problem for the United States is clearly not that epitomized by the apocalyptic cries of the "decline school" as portrayed by Paul Kennedy—that is, decline following upon "imperial overstretch."[3] Rather, the problem the United States faces is an international system in flux, characterized by the diffusion of military capabilities and power abroad, all of which will create far more complex, nuanced, and unpredictable challenges. In the future, deterrence of conflict will be more difficult, and U.S. defense planners and diplomats will have to address the capabilities and intentions of a wide array of actors far beyond that of the Soviet Union alone. Threats to U.S. interests and those of its allies will often appear ambiguous, falling in the greyer areas of "not war, not peace." Rather than following the well-defined and clearly understood rules of the road that largely governed U.S.-Soviet relations, the U.S. political system will have to react to the varied crises of the new world order. Even when working at its smoothest, it will have difficulty doing so effectively. Small-scale Sarajevos and Munichs may well be the norm, and their prevention or containment will require a cohesive nation, acting with a clear and consistent voice in the international arena, which will only happen if a new bipartisanship is forged.

Thus, it is demonstrably clear that, in the absence of bipartisanship, dealing with the new international system will be difficult at best and at times next to impossible. Friends and foes alike, watching U.S. indecision at home, will not see the United States as a credible negotiating partner, ally, or deterrent against wanton aggression. This is a recipe for increased chaos, anarchy, and strife on the world scene. The appeal, then, to recreate anew as the hallmark of U.S. efforts abroad the predictability and resolve that can only come from bipartisanship at home is as critical as during the perilous days following World War II.

BIPARTISANSHIP IN CONTEXT

The ease of constructing bipartisanship, however, should not be overstated. Its halcyon years are often idealized. People forget that the golden years from Pearl Harbor to the Tet offensive were the exception rather than the rule. Consensus was not a prevailing characteristic in the first 170 years of the Republic. Critics have noted with justification that it was the clear lack of purpose regarding vigorous U.S. involvement in world affairs that led to the U.S. rejection of membership in the League of Nations. In no small measure, this rejection led to the 20-year crisis that resulted in the rise of Hitler.

Proponents of bipartisanship point out its crowning achievements. Unprecedented unity between the two political parties made it possible for President Harry S. Truman and a Republican Senator, Arthur H. Sandenberg (R-Mich.), to join forces and create such monumental achievements as the Marshall Plan, the Truman Doctrine, the North Atlantic Alliance, and the United Nations Charter. Despite strains between the two parties over the Korean War and China, to name but two issues, that unity held firm and enabled the United States to act with continuity and consistency. Allies saw that the United States was strong and reliable, and the unmistakable message to adversaries was that the United States would abide by its commitments.

Some argue that it was the foreign policy consensus prevalent during the Cold War that made possible the tragic U.S. involvement in the Vietnam War. But his argument in no way invalidates the benefits of bipartisanship and, in the case of Vietnam, represents an oversimplification of the facts. The failure of U.S. involvement in Southeast Asia had as much to do with the unique circumstances of the war itself, which were exacerbated by the then current theories of limited war fighting. These factors, in conjunction with the profound domestic turmoil on both domestic and foreign policy that was tearing at the U.S. political fabric, made a complicated and protracted war abroad virtually impossible to prosecute.

More generally, the fact remains that the perception of strength resting on bipartisan unity has been crucial to the United States in times of crisis. This principle was most vividly displayed by the bipartisan support for President John F. Kennedy during the Cuban missile crisis. Had the Soviets felt the United States was divided, the situation might have ended in tragic defeat or quite possibly in a devastating war. Although history will be the final judge, it could be argued that in the recent Gulf crisis it was precisely the vast chasm that separated the Republicans from the Democrats over whether to use force or to employ sanctions in order to reverse Saddam Hussein's aggression that led him to calculate that the United States would never actually employ significant military power. This encouraged him to ignore the resolutions passed by the United Nations (UN) and wait for the United States to seek a watered-down diplomatic compromise. Certainly Hussein's statements that the American people would have to "face rows of coffins" if there were a war, echoing statements emanating from lengthy Senate hearings and floor debate, were designed to play into the antiwar sentiment that wanted to "give sanctions a chance." Tragically, the perception of division and weakness at home made the necessity for a military solution almost inevitable.

EXECUTIVE-LEGISLATIVE RELATIONS: THE SEARCH FOR BALANCE

The foundation of sustainable bipartisanship is effective executive-legislative relations. After the Vietnam War, however, the cold war foreign policy consensus, supported by harmonious executive-legislative relations and by both parties in Congress in a manner that minimized conflict over foreign affairs, was rudely shattered. Although it was not completely undone, as is often claimed by the pundits, and central elements of the postwar consensus enjoyed a fair degree of support, it was severely frayed. As a result, a slide began down a slippery slope leading to the balkanization of the U.S. approach to national security, and today this threatens to inject chaos into the foreign policy process. Congress lies at the heart of the issue.

In his inaugural address, President George Bush underscored that bipartisanship remains blemished by the Vietnam War and stressed his commitment to rejuvenating the traditional postwar pattern of foreign policy making. Bush said: "We need a new engagement . . . between the executive and the Congress . . . our great parties have too often been far apart and untrusting of each other. It's been that way since Vietnam. That war cleaves us still . . . and the old bipartisanship must be made new again." What the Bush administration appears never fully to have appreciated—a point to which we shall return—is the extent of the fragmentation of executive-legislative cooperation that is accounting for the increasing breakdown of bipartisanship. It thus underestimates the difficulty of mending it.

On its face, the problem of workable executive-legislative relations should not be intractable. The separation of these two branches of government is an indispensable element at the heart of U.S. constitutional democracy. As Justice Louis Brandeis put it:

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers . . . to save the people from autocracy."[4]

Over the past 20 years, however, the pattern has altered dramatically. The constructive tension between Congress and the president is no longer the product of a natural tug-of-war between a legislature and an executive operating as partners within an understood framework. Instead, the balance between Congress and the president has so radically shifted that the "inevitable friction" Justice Brandeis welcomed has devolved into something quite different—a real war marked by episodes of great rancor and a virtual battle over who controls foreign policy. Rather than becoming another stage in the natural push and pull between the Congress and the president it has reached crisis proportions, prompting fears that an "imperial congress," not an "imperial presidency," is the real problem. This has led one longtime policymaker, Eugene V. Rostow, to assert that the President is being transformed "into a ceremonial figure graciously presiding over the activities of an omnipotent Congress."[5]

Although Rostow may somewhat overstate the case, particularly given Bush's efforts to restore the balance in favor of the presidency, his portrayal aptly illustrates the tendency against which Madison so powerfully warned us in *The Federalist Papers*. Madison cautioned against "the dangers from legislative usurpation" that would lead to "tyranny." In prescient words that could easily describe today's process, he warned:

"[The legislative body's] constitutional power being at once more extensive, and less susceptible of precise limits, it can, with the greater facility, mask under complicated and indirect measures, the encroachments it makes on co-ordinate departments.[6]"

It is quite true, as defenders of interbranch conflict point out, that the increasingly divided government of the United States is preferable to the wild swings or complete paralysis that afflict various parliamentary systems. It is also certainly preferable to dictatorship, which is anathema to the U.S. tradition. But these comparisons constitute a straw man that obscures the real issue. The question is not whether the U.S. system is better than others (it is), but rather is it suitable in its present state for a superpower expected to bear the burdens of global leadership? Moreover, is the process less effective than it has been in the past?

The framers of the Constitution made the president commander-in-chief and the executive agent of Congress in negotiating treaties, while the Senate gives its advice and consent to treaties and the appointment of ambassadors. But words reminiscent of Madison's caveats, two prominent senators, David L. Boren (D-Okla.) and John C. Danforth (R-Mo.), have written that partisanship in the Senate has "increased alarmingly"; they have gone so far as to assert that "Congress has confused [its] shared responsibilities for foreign affairs" with "incessant and irrelevant meddling."[7] Coming from such consummately moderate Senators, these words are not to be taken lightly. In point of act, they understate the case: the "incessant meddling" is often highly relevant and has great impact on U.S. policy. Through amendments to routine authorization and appropriations bills, Congress takes advantage of almost unlimited opportunities to revise the administration's foreign policy. In doing so, it is aided by the breakdown of the congressional seniority system, the proliferation of subcommittees and congressionally mandated reporting requirements, and the expansion of staff (now numbering some 35,000 people) since the congressional reforms of the late 1960s. These factors enable individual members to pursue their own foreign policy and not only to increase Congress's authority and oversight of the administration's actions but also to constrain and block outright the president's initiatives as well.

Although Congress is not empowered by the Constitution to recognize or to negotiate independently with foreign governments, it has sought to do so, thereby illustrating the magnitude of the problem. Congressional discussion with the former Sandinista regime were but one notable example. More recently, Congress has tried through the appropriations process to legislate official discussions and relations between the United States and the Vietnamese-installed Hun Sen government in Cambodia with little regard for its effect on the UN-mediated peace process already under way. As a general practice, few of these congressional bills or amendments receive any serious consideration in the appropriate committees and often little if any debate on the Senate floor. Indeed, it has become common to slip cleverly worded and seemingly obscure amendments onto the floor late at night or early in the morning during the waning hours of the appropriations process, when few senators or staff are present to debate the issue.[8]

The practical effect of these actions, often overlooked by even the most serious observers of congressional behavior, is to give power to Congress beyond what the founding fathers intended, making it tantamount to a shadow government and vesting it with de facto powers that are prohibited by the Constitution.

The argument is often made in support of congressional activism that Congress can actually strengthen the hand of the president through a "good cop, bad cop routine," an idea that has existed for some time. With Congress acting as the bad cop, threatening to undo a particular set of negotiatons, whether on trade, human rights, or other issues, the president can then extract concessions that it may otherwise be unable to obtain. In theory this approach has merit, and on occasion it has worked, such as in buttressing the president's hand in negotiating with the Japanese on trade or in exacting human rights concessions from the Soviet Union. But on the whole, this approach assumes far more support by one branch of government for the other than actually exists. Benefits that do occur are usually more the result of accident and random behavior than of design.

As a practial reality, congressional activity is freewheeling, and everything is left open to debate or amendment, whether it be on aid to friendly governments, negotiations on arms control, tactics of war fighting, or U.S. involvement in regional conflicts to combat antidemocratic regimes. The result is that the U.S. government all too often sets out in one direction, only to change its policy abruptly in midstream. Quite frequently, this leads adversaries and allies alike to realize that they must hedge their bets in relations with the United States, and, even more, that they must negotiate with two partners: the administration and the Congress. In the face of this, it is little wonder that many feel Congress has exceeded its brief.

The gravity of executive-legislative disputes is exacerbated by the modern political habit of electing a Democratic congress and a Republican president. The Republicans, now embracing a philosophy based on internationalism and a balance of power view of the world, have won five of the last six presidential elections. In contrast, the Democratic party, more readily embracing a neo-isolationist and "peace through diplomacy" philosophy, has controlled Congress following 18 of the last 21 congressional elections. A stark statistic noted in *The Washington Quarterly* by two political scientists amply illustrates the effect of this "divided government."[9] Pointing out that ideological disputes between the two parties have increased in recent years, they show that Truman received bipartisan support for his foreign policy roughly two-thirds of the time during the 80th Congress, whereas in the 99th Congress, President Ronald Reagan received support on only one of every seven issues he supported. Given the nature of the electoral situation, there is little incentive for either party to engage in political compromise or seek to bridge their differences.

Furthermore, these statistics only partially indicate the magnitude of the crisis created by this divided government. Having lost the White House from 1967 to 1988, save for the one-term presidency of Jimmy Carter, the Democrats have become entrenched in an opposition mentality. Put more concretely, unable to govern from the White House, they seek to do so from the Congress. Notwithstanding the proliferation of staff and research resources, however, Congress still lacks the expertise to deal with the myriad of complicated issues the executive must face. Moreover, in view of the fact that Congress must also represent narrow parochial interests, it does not have the political space or mandate to represent the higher U.S. international interest on its own. Finally, it should not be lost on observers that Congress, in effect, undertakes to set policy from Capitol Hill, meanwhile enjoying the luxury of not being accountable for such major issues as war and peace as the president is—and must be. This gridlock only diminishes, rather than increases, U.S. influence abroad, precisely at a time when greater coherence and flexibility is needed by the executive to address the highly fluid and ever changing international system.

Congress, nevertheless, has an important role to play, and it would be wrong to conclude that congressional opposition in and of itself is unwarranted, new, or deleterious. Senate opposition led to the outright rejection of more than 100 treaties in the first 200 years of the Republic. The Senate's rejection of the Treaty of Versailles is to this day portrayed as a major foreign policy disaster for President Woodrow Wilson. It was also a sign of the legitimate, and powerful, influence Congress can have over decision making. Indeed, virtually every president has suffered a significant foreign policy setback in the face of congressional opposition. Congress did not act on the Threshold Test Ban Treaty negotiated by President Richard M. Nixon. It shelved the treaty on peaceful nuclear explosions negotiated by President Gerald Ford. So great was congressional opposition that President Carter did not even seek congressional ratification of the Strategic Arms Limitation (SALT) II treaty after the Soviet invasion of Afghanistan.

In the wake of the experience in Vietnam and the free-wheeling activities of the White House evidenced in the Iran-contra revelations, it is unreasonable for Congress to confer upon any administration a blank check reminiscent of the Tonkin Gulf resolution. Madison was equally cogent on this issue, reminding his readers that the accumulation of all power in the executive would amount to "the very definition of tyranny" no less than if it were concentrated in the legislative branch. It is also important to assert that bipartisanship should not mean an absence of healthy policy debate. Debate is the essence of a democratic society, and calls to stifle open discussion demean the spirit of bipartisanship and run contrary to the ethos of the United States. When executive-legislative relations are in proper balance, Congress can, as Alton Frye has thoughtfully noted, "affect policies at the margin." In doing so, he continues, Congress plays a crucial role in helping the administration fine-tune its policies. When the administration is wedded to outmoded or futile policies, Congress can "de-constrain" the executive branch and allow it to make necessary policy adjustments.[10] When adversaries believe U.S. resolve to be weak, Congress can demonstrate support that sends an unmistakable signal of the country's unity.

But the problem is not one of congressional participation, oversight, or comment. Rather, it is that the scales have tipped too far. More than at any time in recent memory, Congress is entrenched in an institutional, partisan, and ideological approach to national security that is at odds with the executive, and there is little indication that this downwarding-spiraling trend will be reversed. For all practical purposes, the spirit and practice of bipartisanship as it guided this country after World War II is dead, and the looming question is how to resuscitate it.

BUSH AND BIPARTISANSHIP

From the outset of his administration, President Bush sought to pursue a bipartisan approach to foreign policy. The preeminent examples cited to demonstrate his commitment were, first, his choice of a pragmatic foreign policy team and, second, the bipartisan accord on Central America that Secretary of State James A. Baker III negotiated with the congressional leadership in March 1989. Eschewing the potentially divisive policy that would have resulted if the administration had sought additional military assistance for the Nicaraguan resistance, the accord allowed for humanitarian aid to the resistance until the Nicaraguan elections of February 25, 1990. The executive-legislative agreement was negotiated in what amounted to extensive shuttle diplomacy between the administration and the congressional leadership, almost reminiscent of Baker's efforts in the Middle East. Once a pact was attained, Nicaragua was removed from the political arena as a source of contention.

This pace presaged later efforts that, upon closer scrutiny, were often geared as much toward avoiding domestic friction as toward achieving policy goals abroad. A careful look at the agreement on Nicaragua is revealing. The fact that Violeta Barrios de Chamorro would ultimately defeat the Sandinistas was in no way to be predicted upon the conclusion of the bipartisan accord. Indeed, many participants in the executive-legislative branch discussions, including seasoned Central America hands in the administration, felt the Sandinistas would win the election under the new arrangement. Many saw the endgame less as one of ending Sandinista rule than of putting an end to the bitter executive-legislative disagreements. In short, pursuing policy abroad took a backseat to domestic policy at home.

After eight years of deep division between President Reagan and the Democratic Congress over Nicaraguan policy, it may have been unrealistic to have expected President Bush's foreign policy team to see renewed military support for the resistance. For that matter, a close reading of the bipartisan accord shows that even asking only for humanitarian aid still met stiff resistance from the House Democrats. However, this agreement set the tone for an administration style that was often founded less on securing acceptance on difficult issues than on reaching domestic agreements.

In its present form, the Bush administration style of resurrecting bipartisanship is premised primarily on bureaucratic and procedural mechanisms for consultation rather than on defining shared principles and philosophy. Much of this is surely because the administration recognizes the highly politicized way the Democrats approach foreign policy and the vastly different philosophy that separates the two parties. As it stands, the administration's approach is an important first step, but only a first step, toward rejuvenating bipartisanship in the sense that President Bush called for in his inaugural address. Left in its present form, it will fall short of achieving the president's goals.

CONSULTATION IS NO SUBSTITUTE FOR CONSENSUS

In many ways, the Bush administration style is reminiscent of Dwight D. Eisenhower's Republican administration. Eisenhower knew that ignoring Congress was a sure recipe for exacerbating any existing lack of consensus. Although he sought congressional deference to the administration, he actively cultivated Congress, often employing what he referred to as "the personal touch." He ensured that Congress was there at the takeoff, the ride, and the landing. He saw to it that his secretary of state, John Foster Dulles, consulted Congress extensively, providing it with a continuous say in the development and execution of foreign policy. Dulles had 160 meetings with congressional groups from 1954 to 1957, among them a series of informal breakfasts and lunches. The Bush administration has replicated this style by significantly expanding the Office of Legislative Affairs in the State Department, which is charged with ensuring greater frequency of consultation with the Congress and more generally keeping its finger on the congressional pulse. Almost no major policy initiative is undertaken without input from this office. The idea behind this arrangement is largely to enable members of Congress to understand the rationale behind proposed policies better, to moderate initial partisan reactions, and to reduce mutual misunderstanding.

This procedure has been successful in reducing the discord of the past eight years between the two branches of government. But is has proved inadequate as a replacement for genuine bipartisanship based on shared goals and philosophy. Several examples illustrate this inadequacy. Congress cut in half military assistance to the democratically elected government of El Salvador, thereby weakening the efforts of its democratic center to achieve a negotiated settlement with the Farabundo Marti National Liberation Front (FMLN) and reducing the incentive of the FMLN to abide by a UN-sponsored ceasefire. This was done in spite of the FMLN's massive offensive that threatened to topple the Salvadoran government itself and in which civilians, including Americans in the Hotel Sheraton, were used as hostages. The FMLN's violence continued unabated up until the Senate vote; indeed, on the very day before the October 19, 1990, vote, the FMLN actually launched yet another attack on the government and so undermined the view that they were committed to a peaceful political settlement. Congressional sensitivities about the murder of the Salvadoran Jesuit priests on November 16, 1989, were rightly intense, but this does not explain Congress's willingness at the time to ignore the ongoing pattern of violence by the FMLN that belied their claims of wanting to take part in El Salvador's political process and be serious partners in the UN-mediated peace talks over a cease-fire.

In a second area, the Congress extensively debated giving the administration the authority to seek limited lethal aid for the non-Communist resistance forces in Cambodia as an inducement to help bring about a peacefully negotiated solution in the Paris peace talks on Cambodia. Even after prolonged Senate floor debate, during which a unique coalition of Republicans and southern conservative and northern liberal Democrats provided an overwhelming vote in support of aid for the non-Communists, the Democratic leadership and Democrat-controlled Senate Appropriations Committee nonetheless all but ignored the will of the Senate as expressed by the floor vote and sent the message to the administration that they remained strongly opposed to such aid. Consequently, the aid was never formally requested. In a third area, Congress all but unilaterally restructured the architecture of the Strategic Defense Initiative (SDI), depriving some of the program's more promising technologies of funding. In each of these instances of congressional micromanagement the philosophy of the Democrats prevailed.

Each time the president has taken a personal interest in an issue, however, he has managed to get his way by exerting executive leadership. As much as any president in this century, Bush is by training and instinct at home in the world of foreign affairs and has a keen appreciation for a strong United States that acts vigorously abroad. He was successful in his intervention in Panama to remove General Manuel Noriega from office; in previously extending most favored nation status to China against the stiff opposition of the Senate majority leader; and in the most compelling issue faced by the United States at any time since perhaps the Vietnam War—the resolution of the Gulf crisis through deployment of U.S. forces, including a ground war against Iraq.

The Gulf crisis is perhaps the most instructive instance of the consequences of today's dilemma of governance. President Bush had before him the example of one state's naked aggression, which additionally threatened both U.S. allies in the region and the U.S. economic lifeline and set a precedent for future aggression by other dictators. This enabled him to assemble an unprecedented political and military international coalition against Saddam Hussein's Iraq, and to garner equally unprecedented support from the UN Security Council, which passed 12 resolutions, one of which took the step of authorizing the use of force by the coalition after January 15, 1991, if it were deemed necessary. Bush was supported by 82 percent of the American people. Yet despite a high-quality Senate debate and the eventual support he received from Congress after the vote, only 10 Democrats in the Senate voted to support the president to authorize the use of force, and then only after extensive lobbying by the White House. Such a margin was too close for comfort and failed to send a message of unmistakable unity to Saddam Hussein about U.S. policy resolve. It demonstrated that even on an issue on which the stakes were high and the President enjoyed near world support, he could still not be completely confident of marshaling the full support of a Congress controlled by the opposition.[11] Speaking for the majority of the Democrats during the final hours of the debate, Senator Paul Simon (D-Ill.) made this very point. He said the vote "shows a deeply divided Congress . . . and it is the smallest vote for the authorization of force in the history of this country since the war of 1812."[12] The lesson to be drawn is that the two parties remain almost irreconcilably far apart.

Two others emerge from consideration of these issues. First, in the absence of consensus, presidential leadership is necessary and can enable the United States to act successfully in a crisis. Second, the two parties, controlling different branches of government, remain deeply divided over the role of the United States in the world, the use of force as a tool of statecraft, and the desirability of U.S. intervention abroad. This is hardly an optimal way for the United States to conduct foreign policy, nor does it augur well for the ability of the United States to lead in shaping the new world order.

The decay of the cold war consensus, the dispersion of congressional power, and the certainty that a Democrat-controlled Congress, whose view of the U.S. role in the world differs vastly from that of the administration, will continue to insist upon having a major role in foreign policy, suggest that more, not less, discord about U.S. interests will almost certainly be the norm. Simple exhortations that the two branches of government must respect each other's institutional sensitivities will solve nothing. At this crucial juncture in world affairs, the Bush administration's emphasis on greater interbranch coordination and cooperation is at best a palliative because the system underlying today's gridlock is too ingrained, too partisan, and too fragmented. For the new world order, what is needed is a new beginning.

A NEW BEGINNING: LESSONS FROM THE PERIOD AFTER WORLD WAR II

There is a strength to the U.S. system of government that is all too frequently overlooked in discussions of restoring bipartisanship. This system forces the executive to build and secure a consensus for its policies, in short, to develop a mandate. In the long run, there is no substitute for a reinvigorated consensus—whatever that consensus may be. The only alternative would be to condemn the United States to a period of drift and disagreement. That consensus requires, first, that Americans define their vital interests and goals, and, second, that the United States as a nation create anew a sense of national purpose in the world. There is at least moderate reason to believe it can be done. To start, it is instructive to recall the unique circumstances under which bipartisanship was first created in this period.

The terrible destruction wrought by World War II, the horror of the holocaust, and the enslavement of half a continent by the Soviet Union brought home the folly of isolationism—the policy long preferred by the Republican party. The sense of the Soviet threat, shared by so many Americans, left little doubt that the United States had to be actively engaged in the world lest the painful experiences of the past be repeated. This made possible one of the most creative phases in U.S. foreign policy. It rallied both ends of the political spectrum and ended the period of "fortress America" that had dominated U.S. involvement in world affairs.

At that time, a Democratic administration and a Republican Senate overcame their differences and embarked upon a working partnership to create consensus in the aftermath of war. It was made possible in part by the personal relationship President Truman developed with the chairman of the Senate Foreign Relations Committee, Arthur Vandenberg, who put his prestige on the line to obtain the support of his colleagues for U.S. participation abroad. In a burst of creativity and with an acute sense of the historic moment, Truman had his secretary of state, George Marshall, and undersecretary of state, Robert Lovett, meet informally with Vandenberg to draft a general statement of U.S. foreign policy principles. From these meetings emerged the Vandenberg Resolution 239, which laid the groundwork for the North Atlantic Alliance and the Marshall Plan and, in effect, served as a blueprint for U.S. participation in world affairs. This set of principles was buttressed by a practice that institutionalized congressional involvement in policy-making. It also included appointing leading policymakers from the opposition party to key positions—Lovett and John McCloy being two examples.[13] Finally, in contrast to the practice of the last two decades, this series of arrangements made Congress equally responsible—and culpable—for policy successes and mishaps. As such both sides had a shared stake in success and the temptation to use foreign affairs to achieve partisan advantage was minimized. All of this made effective executive leadership possible and the acceptance of executive leadership legitimate. The result: in good measure guided by a shared blueprint shaping the U.S. role in the world, the two parties created at a historic moment what could properly be called "a U.S. foreign policy."

TOWARD A BIPARTISAN U.S. FOREIGN POLICY

Now, at an equally defining point in world history, can a bipartisan U.S. foreign policy be recreated? There is little choice but to try, and the effort should be made first and foremost by the president. If President Bush truly wants the United States to have a successful hand in shaping the new world order and rejuvenating the old style of bipartisanship, then he should resurrect the initial arrangements and spirit that characterized Truman's administration. It will not be easy, nor will it be accomplished by calling on the opposition to support the administration blindly. But it can be done.

Reducing and explaining the problems of the world as a simple dichotomy of good and bad, democracy versus totalitarianism, has become increasingly difficult and with the end of the Cold War may no longer be possible. This dilemma is compounded by the complexity of the emerging international system. Sustaining support for an active foreign policy in the new world order will also prove to run counter to the cultural style of the United States, which is a nation of problem solvers. In international politics there are no permanent solutions, there is no such thing as enduring peace, and no such creature as complete peace. One solution often begets unforeseen problems. A prolonged engagement in the new world order, with no seeming end and no grand rationale to demonstrate conclusively the need for U.S. internationalism, will complicate this task further. The situation will be exacerbated by the almost ubiquitous presence of Cable News Network (CNN) and the other TV networks, with their instant but abbreviated coverage, and the sound bite analysis emanating from think tank experts. The American people will be given the impression that solutions, often absurdly simple, exist for deeply complex problems, or they may decide it is better to ignore these problems altogether.

In the face of all this, Americans may, in Averell Harriman's famous words, choose "to go to the movies and drink Coke"—to wit, opt for neoisolationism.

Bush and his eventual successor will also face another truism. Even with bipartisanship and harmonious executive-legislative relations, there will always be limits to the ability of the United States to pursue a foreign policy with subtlety and nuance. The new era of multipolarity, marked by smoldering ethnic and nationalistic conflicts and the proliferation of weapons of mass destruction, will place bipartisanship at a premium. It may be true, however, that the circumstances of the changed world are insufficient to provide an easily articulated rationale or simple rallying cry to unite the country and the two political parties around a new bipartisan consensus.[14] It is also certainly the case that a new consensus would look different from the one that governed U.S. policy during the Cold War. But over the long term, the alternative to bipartisanship is neo-isolationism and drift. At stake is no less than the shape of the new world order.

A starting point for rekindling bipartisanship in a national debate about the U.S. role in the world can be found in the constellation of goals Americans almost uniformly share. These goals include the preservation and expansion of freedom, the promotion of democracy, a wish to discourage dictatorship, and the desire for a defense capable of protecting U.S. interests. Each of these issues is consistent with the nation's heritage and has the potential to provide a fixed sense of national purpose in the world for U.S. foreign policy. Americans also clearly have been moved by the events of the last two years: the democratic revolution in Eastern Europe and Latin America and the call of the Chinese student movement in Tiananmen Square for greater liberty. Americans almost overwhelmingly supported U.S. leadership to defeat Saddam Hussein's aggression. And in the wake of the Gulf War, they demonstrated concern for basic human rights in supporting humanitarian measures to alleviate the plight of the Kurds.

Thus, if there is an overarching theme to rally Americans in shaping the new world order, it is that having won the Cold War, they should now win the peace, and that the United States should continue to foster the global trend toward democracy and human rights. Many conservatives will bristle at this notion, saying that looking after security concerns and not the domestic organization of other societies should be the focus. They will be joined by many on the left of the political spectrum who argue that the United States cannot be the schoolmaster of domestic politics everywhere in the world. Both sides would add that budget realities at home must constrain U.S. efforts abroad. But on the other side of the ledger, the majority of Americans have an affinity for democratic societies and believe in the promotion of freedom. The idea is dawning on policymakers of both parties that Americans believe in Edmund Burke's injunction, that "the principles of true politics are those of morality enlarged," and that the nation should act abroad out of both self-interest and principle.

Moreover, history suggests that the more democratic a society is, the less prone it is to oppress its people at home or to be warlike abroad. This makes a powerful case that a more democratic world is a safer world, one that best serves U.S. security interests as well. Thus, there is reason to believe that both political parties would support this goal, not just with rhetoric but with action. Fostering democracy through support for the National Endowment for Democracy and the Agency for International Development (AID), for actions by private voluntary organizations and entrepreneurial business ventures, and by making effective use of such multilateral institutions as the new European Bank for Reconstruction and Development should be a priority.

At times, the use of force, directly or through some military assistance, will be necessary (as in the Gulf) or desirable (in helping an elected government make the successful transition to democracy in the face of insurgent movements, as in the Andean countries). There can be no pat prescription as to where, when, and exactly how U.S. force should be applied. But in a world where managing complex regional problems that would erupt on a larger scale will almost certainly be the norm, securing a bipartisan agreement that there will be some circumstances requiring some application of U.S. power will be called for. This is not to say that there should be an excessive reliance on military solutions to problems that often have a political or economic dimension. But it is a sober recognition of the realities of international life, where power politics often governs activities between states, and where force, therefore, cannot be ruled out as a means of statecraft.

Balance of power politics should be complemented by an increased commitment to the use of multilateral institutions, including the UN. President Bush has discovered that the U.N. and related organizations can serve as powerful diplomatic tools to augment U.S. policy goals and facilitate greater burden-sharing. This has been the case for international peacekeeping, monitoring elections, building a foundation for collective action against a rogue regime such as that of Saddam Hussein, mounting massive humanitarian relief efforts, or helping to solve seemingly intractable problems such as the one besetting Cambodia. In short, there should be a blend of balance of power politics with world order politics to enable U.S. policymakers to confront complex challenges.

As the new world order begins to take shape, the United States must debate the nature of its own participation. Think tanks, the media, and the great universities can and should all take part. But the debate must be led and initiated by the president.

This is a time of enormous opportunity. After 40 years of the cold war struggle, the United States is now in a position to help create a more democratic and peaceful world, marked by respect for human rights and self-determination. It is also a time of peril and challenge. The democratic revolution could fail, nationalistic and ethnic tensions could lead to war, the boundaries of the state system could come under relentless assault, and terrorists could acquire atomic devices or chemical and biological weapons. Instead of a world characterized by international law as envisaged by Hugo Grotius and a "zone of peace" between liberal democracies described by Emmanuel Kant, it could be a world where borders are redrawn, anarchy sets in, and states and ethnic groups use force as a commonplace instrument to resolve outstanding differences. It is, then, a historic juncture for the United States, and the country has a choice as to the nature of the role it wants to play and the kind of world Americans want to live in. No less than after World War II, this is, in Paul Nitze's words, a time to debate the issues and "get it right." But if Americans continue to be wracked by partisan bickering, they will not "get it right." Instead, the remarkable achievements of the last 40 years will be squandered, as will the precious opportunity to secure a freer, more decent, more stable, and less conflict-ridden world. The United States can be a force of positive change into the next century. This will only happen, however, if the conflict that divides Americans at home is put to rest, and bipartisan consensus is once again restored.

FOOTNOTES

[1] No less prominent a commentator than William Hyland, editor of Foreign Affairs, has already called for a reorientation of U.S. energies to "our domestic crisis." "Downgrade U.S. Foreign Policy." New York Times, May 20, 1991. op-ed. A-15

[2] Henry Kissinger and Cyrus Vance. "Bipartisan Objectives for American Foreign Policy." Foreign Affairs 66 (Summer 1988), p. 899.

[3] Paul Kennedy. The Rise and Fall of Great Powers: Economic Change and Military conflict from 1500 to 2000 (New York. Random House, 1987).

[4] See Myers v. United States, 272 U.S. 52, 293 (1926).

[5] See the discussion in Eugene V. Rostow, President, Prime Minister, or Constitutional Monarch? McNair Papers, no. 3 (Washington, D.C.: National Defense University 1989), p. 5.

[6] James Madison. The Federalist Papers, Nos. 47—48 (New York: New American Library Books, 1961), p. 310.

[7] David L. Boren and John C. Danforth, "Why This Country Can't Lead," Washington Post. December 1, 1987, op-ed.

[8] One example alone is telling. At midnight, during the Panama/Nicaragua 1990 foreign and supplemental, a senator slipped in an amendment dictating that up to $5 million in aid go to "the children of Cambodia." Only the two Senate floor managers were present on the floor at this late hour, disposing of what were supposed to be noncontroversial amendments. The particular provision was never openly debated or discussed in committee or on the floor either with regard to its need, its potential deleterious impact on the peace process, or the signal if would send to the warring Cambodian factions. In contrast, the equivalent amount of $5 million in nonlethal aid the non-Communist resistance, under the long-standing "Solarz Program," was subject to extensive floor debate, as well as discussion in numerous hearings.

[9] See the discussion in James M. McCormick and Eugene R. Wittkopf, "Bush and Bipartisanship; The Past as Prologue?" The Washington Quarterly 13 (Winter 1990), pp. 5–16.

[10] See Alton Frye. "Congress: The virtue of Its Vices," Foreign Policy, no 3 (Summer 1971), pp. 108–121.

[11] It is noteworthly that perceptive commentators repeatedly spoke (and rightly so) of the political courage and the isolation of Representatives Stephen Solarz (D–N.Y.) and Les Aspin (D-Wis.) in actively supporting U.S. use of force in the Gulf.

[12] Congressional Record 137, no. 8 (January 12, 1991), p. S396.

[13] As deputy director of then-Secretary of Defense Frank Carlucci's bipartisan commission on military base closure, the author witnessed firsthand how the commissioners and senior staff, dedicated to a common goal, could overcome any possible partisan differences and work in a nonpartisan pragmatic fashion. Although a blue ribbon commission is by its nature different from the day-to-day workings of government, the work of the Carlucci commission demonstrated that the practice common in Truman's day of appointing able people to positions without regard to party affiliation can foster effective bipartisanship and sound policy-making. For discussion of this point. See Zbigniew Brzezinski. "The Three Requirements for a Bipartisan Foreign Policy," in Forging Bipartisanship, White Paper, The Washington Quarterly (Washington, D.C.: CSIS, Georgetown University, 1984), pp. 18–19.

[14] Strongly asserting that foreign entanglements in the future "are a necessity," Charles Krauthammer highlights the challenge of creating the consensus necessary for continued U.S. internationalism. He writes: "Compared to the task of defeating fascism and communism, averting chaos is a rather subtle call to greatness." Charles Krauthammer. "The Unipolar Movement," Foreign Affairs 70 (America and the World: 1990/91), p. 33.

PRESIDENT BUSH SALUTES ST. FRANCIS CONFERENCE—DEVEREAUX APARTMENTS AS THE 501ST "DAILY POINT OF LIGHT"

Mr. PACKWOOD. Mr. President, it is a pleasure for me to rise today in honor of the volunteers of the St. Francis Conference—Devereaux Apartments in Salem, OR. These volunteers have been outstanding in their efforts to provide low-income families with housing free of charge for up to 1 year, thus allowing them to focus on bettering their lives without the worries of rent payments.

Four years ago a group of volunteers setup the nondenomination St. Francis Conference with the goal of helping the homeless in Salem by providing them with a place to live for a longer amount of time so they can concentrate on finding a job and pulling themselves together.

In 1987, the St. Francis Conference purchased a dilapidated apartment complex in a low-income community and refurbished it, thus helping to improve the neighborhood while establishing the Devereaux Apartments, a facility that provides temporary housing to low-income families.

The apartment is comprised of 32 units—20 of which are rented at market prices and 12 of which serve as rent-free transitional housing. Over 50 volunteers and one full-time house manager keep the apartment complex up and running.

In addition to helping house low-income families, the Devereaux Apartments volunteers work with the residents while they are there, teaching them the skill needed to obtain employment and permanent housing. The apartment complex has only one full-time paid staffer, a remarkable, 81-year-old woman in Pendleton, OR. Her name is Sister Mary Florita Springer, and she has dedicated her life to improving the lives of others. The many contributions she has made to Oregon are best demonstrated by her work helping the elderly residents of the Umatilla Indian Reservation in my State.

Despite having suffered two heart attacks and two surgeries, Sister Florita regularly travels 8 miles to the Umatilla Reservation outside Pendleton to visit 30 homebound elderly individuals. She spends most of her day talking with them, assisting them with chores, and offering them reading materials. After completing her visits, she goes to the senior center on the reservation to pick up hot meals and deliver them to those who are unable to prepare meals for themselves. Sister Florita goes out of her way each day to ensure that all of her friends on the reservation receive a pleasurable meal.

Sister Florita became interested in working with the residents of the Umatilla Indian Reservation after a 45-year career in teaching. For the last 15 years of her teaching career she was the principal at the St. Andrews Catholic School on the reservation. After being forced to retire from teaching because of her health conditions, Sister Florita decided to come back to the reservation as a companion to the elderly who live there. Many of her friends are the grandmothers and grandfathers of the children she used to teach. Each day Sister Florita ensures that the elderly receive the friendship and care that they so deserve.

As recognition for her hard work and dedication to improving the lives of the elderly residents of the Umatilla Reservation in Oregon, President Bush has saluted Sister Florita as the 394th "Daily Point of Light." The Daily Point of Light recognition is intended to call every individual and group in America to claim society's problems as their own by taking direct and consequential action, like the efforts taken by Sister Florita.

On behalf of Oregon, and the many people on the Umatilla Reservation in whose lives you make a difference, many thanks, Sister Florita!

ALEX SCHOENBAUM TRIBUTE

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to an outstanding individual and a personal friend, Alex Schoenbaum. On November 21, 1991, the American Jewish Committee's Institute of Human Relations will pay tribute to Alex by presenting him with the Sarasota-South Central Florida 1991 Human Relations Award. I can confidently state, without a doubt, that there is not a more deserving individual.

Alex's father, who was an immigrant, started the first Shoney's restaurant in Charleston, WV. Back in the fifties, Shoney's was the gathering place for many Charleston teenagers. Alex built that one small drive-in into one of the largest restaurant chains on the east coast.

It was Alex Schoenbaum's strength, determination, and good business sense that turned Shoney's into the enormous success it has enjoyed. But, it is his humanity that defines the kind of man he is. He cares a great deal about people, and if he is your friend, you can depend on him. He has always been particularly concerned about the needs of young people, providing thousands with jobs and opportunities through his business.

Alex has always been a philanthropist, and has several programs setup to help people who are in need of assistance. One program, the Schoenbaum Foundation, helps those that are less fortunate in the States of West Virginia and Florida. Another is the Manna-Meal Program, which donates food to the homeless or underprivileged. As an example of his enormous love for the State of West Virginia, Alex established an educational scholarship program at West Virginia University whereby he will pay 1 year's tuition to students in education, in exchange for 1 year of teaching in West Virginia.

Alex Schoenbaum is dedicated to the improvement of life and the advancement of human character. I have tremendous respect for him and I'm proud to call him my friend. Although many view Alex's deeds as transcendent of human kindness, to him it is just a way of life.

IT IS TIME TO PUT THE BRAKES ON ROAD HOGS AND HIGHWAY ROBBERY

Mr. WALLOP. Mr. President, nearly 4 months ago, this body passed a highway reauthorization bill by an overwhelming margin. The Senate bill was, in my view, a very forward-thinking view, proposal for improving our Nation's infrastructure. It included flexibility provisions designed to meet the needs of each of our 50 States and I supported it wholeheartedly. And I, like many other Senators in his Chamber, hoped that our early completion of this measure would ensure that a reauthorization bill would be on the President's desk before the expiration of fiscal year 1991 and the last highway program.

But now that time has come and gone and House Members have still not reached agreement on a highway bill. One might understand this impasse if it were for good reasons. Disagreement over apportionment formulas, dedication of funds for safety programs or capacity need or the establishment of a National Highway System would be valid objections. But it is neither of those. It is taxes and demonstration projects, the very same problem which prevented timely enactment of a highway bill in 1982 and again in 1987.

If the House has its way, the highway program will be authorized through fiscal year 1997 and the additional gas tax we adopted as part of last year's budget agreement will continue through fiscal year 1999. To pay for what, you ask? Why 511 highway and mass transit demonstration projects worth some $12 billion, not to mention an amendment which doesn't take into account the wide range of good faith contributions each State makes to the highway program. Does every State benefit from these pet projects? No. Wyoming sure doesn't. We have no demonstration projects and we will not receive any additional funds as a result of the previously mentioned amendment. In fact, only 10 States get 95 percent of the earmarked funds for pork barrel projects. But will Wyoming pay for these boondoggles? My guess is Wyoming will pay considerably more than most other States and get nothing in return but higher gasoline bills.

Mr. President, the House of Representatives is trying to set a new record for the most loot confiscated in a highway robbery. The price of this year's pork went up 364 percent from the 1987 highway bill. America's hog farmers could be so lucky. But we shouldn't be surprised that House Members are overdrawing the highway account. The entire process is a sham and will only serve to bloat the deficit while shrinking the economy.

But these actions—or lack thereof—are leaving the Federal highway program and Federal Highway Administration operations dependent on the provisions of a continuing resolution good until October 29. After that, obligations are uncertain, causing further negative economic consequences for the highway construction industry and its employees. The long-range planning of projects characteristic of a well-managed highway program will be abruptly interrupted, leading to reduced productivity and higher costs as contractors attempt to maintain idle capacity. This is particularly troubling for firms in Wyoming which must already deal with a shorter construction season and less predictable work to ensure their survival.

Mr. President, several days ago, during consideration of the fiscal year 1992 Department of Transportation appropriations bill, we acted on two amendments relative to the House impasse. We adopted a sense of the Senate resolution offered by Senator COATS which rejected any further increase in the Federal gas tax and, sadly, voted down an amendment offered by Senator BOND to reduce funding for highway demonstration projects in the appropriations bill. Obviously, we have fallen short of our attempts to lead by example.

House Public Works Chairman ROE has stated he would like to enact their version of the highway bill as quickly as humanly possible. But it is anyone's guess how quickly that will be. In the meantime, however, middle America will continue its pedestrian ways while the Democrats look for enough traffic to justify the cost of their pet projects.

TRIBUTE TO JACK BIDDLE

Mr. WIRTH. Mr. President, I was saddened yesterday to learn of the death of Jack Biddle on Tuesday night. Jack was a good friend who I, and many others in Congress, worked closely with over the years. I would like to express my deepest sympathy for his wife Stephanie and her loss.

Jack helped found the Computer & Communications Industry Association. He came to Washington in the mid-1970's after a successful career in business to serve as president of the association. He quickly became very involved in telecommunication's issues. In fact, Jack was a leader in forming new policies in communications.

It was an exciting time to work in that area and I was fortunate to serve on and then chair the House Subcommittee on Telecommunications, Consumer Protection and Finance. That role gave me the opportunity to work closely with Jack and Stephanie, who worked alongside Jack as executive vice president of the association. Jack's talents and knowledge of the industry made him an extraordinary resource for me and others involved in telecommunications policy.

The communications sector has undergone dramatic changes in recent years. Yet, it was not long ago that our telecommunications sector was a relatively stagnant backwater where change came only grudgingly. As recently as the mid-1970's, when Jack first came to town, the industry was characterized by monopoly and heavy Government regulation that worked to foster the status quo. The promise of technological breakthroughs, new products and services, and a wide variety of opportunities for consumers and business was largely unfulfilled. Jack helped change that.

In recent years, few industries have changed as much or changed people's day-to-day lives as much as computers and communications have. Jack was instrumental in the changes that brought greater competition to the industry and led to the dramatic increases in services and products that we have seen in recent years. Jack was a driving force behind the changes in the industry, its regulation, and the marketplace that helped bring these and other products and services into widespread use. He had a very real impact.

As he was working so hard and well to usher in new communications technologies and make them available to more people, Jack was fighting a 10-year battle with cancer. It is a tribute to his strength and talents that he was so productive during those years. He was an extraordinary man and I feel lucky to have known and worked with him.

I ask that a memorial statement and the obituary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN MEMORIAM

A.G.W. BIDDLE (AUGUST 14, 1930–OCTOBER 1, 1991)

It is with a sense of profound sadness and loss that we inform you of the passing of our President and long-time friend, A.G.W. (Jack) Biddle. Following a 10-year battle with cancer, he died peacefully, among family, at home today.

Under Jack's tutelage, we have grown from an infant association in the early 1970's into a healthy and mature association. Our members range from young entrepreneurial firms to many of the largest in the industry. Together, we now generate annual industry-related revenues in excess of $165 billion and employ over one million people. We are healthy and strong and will remain so. Jack was incredibly proud of his members' accomplishments.

He was equally proud of his leadership role in the creation of the Corporation for Open Systems [COS]. By working toward interconnectivity and interoperability, COS has enhanced the industry competitiveness that Jack valued so highly and encouraged so strongly.

As all of you know, Jack worked effectively in both the computer and telecommunications arenas. A leading industry advocate of "letting the sun shine" on public policy discussions, he also was a continuing catalyst for bringing together our industry's senior management to effect positive change in the business environment. Jack consistently defended full, free, and open competition and a "level playing field", both domestically and internationally, over 150 times before Congressional Committees.

He prized his relationships, both professional and personal and, as you are aware, many of them overlapped. Measured by his contributions to the public and private sectors, Jack was a seminal industry figure for over 20 years; measured by his relationships with you—his friends, associates, peers, member company officials, and government leaders—he was even more extraordinary. We are all better and stronger for having known him.

A memorial service will be held at St. John's Episcopal Church on Lafayette Square in Washington, DC on Monday, October 7, at 10:00 a.m.

[From the Washington Post, Oct. 3, 1991]

A.G.W. "JACK" BIDDLE, COMPUTER ASSOCIATION FOUNDER

A.G.W. "Jack" Biddle, 61, president of the Computer & Communications Industry Association, a computer trade association, died of cancer Oct. 1 at his home in Great Falls.

Mr. Biddle moved here in the mid-1970s after helping found the association, which represents 60 companies. He was a former vice president of the Fairchild Aircraft and Mattel Toy companies and president of the Decision Resources management consulting firm on the West Coast.

He also worked for Booz, Allen & Hamilton as a marketing and planning specialist.

Albert George Wilkinson Biddle was born in Tulsa. He was a graduate of the U.S. Military Academy at West Point, N.Y., and served in the Army in Korea.

His military decorations included the Bronze Star.

Mr. Biddle was an adviser to the congressional Office of Technology Assessment, a member of the Informational Technology Advisory Committee of the Office of Management and Budget, and a member of the industrial sector advisory committee to the Commerce Department. He also was on the advisory board of the John F. Kennedy School of Government at Harvard University and a member of the executive committee of the National Association of Manufacturers.

His marriage to Leah Biddle ended in divorce.

Survivors include his wife, Stephanie Greher Biddle, and their daughter, Alexandra Biddle, both of Great Falls; three children from his first marriage, Albert George Wilkinson Biddle III and Lisa Fitzgerald Biddle, both of Annapolis, and James Anthony Biddle of Great Falls; and a brother, James Brubeck Biddle of Dallas.

REFUGEE ADMISSIONS FOR 1992

Mr. KENNEDY. Mr. President, as required by the Refugee Act of 1980, the Committee on the Judiciary recently met to consult with the President's representatives on refugee admissions to the United States for the coming fiscal year, and to review worldwide U.S. refugee programs.

Although this is a time of historic change in the world—with unprecedented opportunities for achieving peace and resolving some festering conflicts—we also continue to face many refugee problems and humanitarian emergencies in many areas of the world. Tragically, the plight of the homeless and dispossessed will likely be with us for many years to come.

In addition to our financial contributions to refugee relief efforts, the United States will admit next year 144,000 refugees.

For the information of the Senate, and as required by the Refugee Act, I would like to share excerpts from the President's Report to Congress and to review some of the issues the Judiciary Committee has raised following completion of our hearing and consultation.

Therefore, Mr. President, I would ask unanimous consent that the text of the letter the Judiciary Committee sent to the President concluding the annual refugee consultations, and excerpts from the Report to Congress, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 1, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with The Refugee Act of 1980 (P.L. 96-212), members of the Committee on the Judiciary have now consulted with your representatives on the proposed refugee admissions for fiscal year 1992. We accept your proposed numbers, but we would make the following recommendations and observations.

First, the Committee will not agree in the future to set admission levels above those provided for in the budget and, in effect, dumping the responsibility on the States and local communities. This is contrary to the explicit provisions of The Refugee Act.

To accommodate a 21% increase in refugee admissions over that which is in the budget of the Department of Health and Human Services, the Office of Refugee Resettlement has been forced to announce that it will only be able to reimburse States for eight months instead of the twelve months this year—down from 36 months just five years ago. There is a serious danger that some States will completely withdraw from the refugee program and that the refugee program will suffer a serious erosion in public support. We would urge the Administration to seek a supplemental appropriations next year if it is necessary or desirable to maintain the proposed level of admissions.

Second, it is clear the consultation process envisioned in The Refugee Act is not being fulfilled when it is held only days before the beginning of the fiscal year and after budgetary decisions and appropriations have already been made. We would urge the Administration to do what was in fact proposed by members last year as well as by officials involved in the refugee program—hold the consultations earlier in the year at the time budgetary decisions are being made.

Third, the Committee recommends that the proposed 1,000 unallocated numbers be reserved for refugees who the U.N. High Commissioner for Refugees identifies as being "at risk". Often these refugees must be moved within a matter of hours, or face refoulement and imminent danger to their lives or freedom. The United States has a proud record, but we do not always respond well to individual refugees in need of urgent protection. To respond to these needs the Committee suggests these unallocated numbers be used for this purpose, and that the Coordinator for Refugee Affairs establish a permanent procedure with the Attorney General allowing Consular Officers to admit these refugees "at risk" rather than waiting months for an INS "circuit rider" to interview them.

Fourth, for more than 10 years your representatives have stressed that the admission numbers are ceilings and not quotas. We have frequently observed that the congressional intent was that admissions numbers represent ceilings not to be exceeded, rather than quotas to be filled. However, for the first time the Administration has treated a ceiling as a quota and has proposed increasing numbers for a particular region to address a shortfall in admissions from that region in the previous year. We believe this is an unwise change in policy and in the future would encourage you to propose admissions based on current need, rather than to make up for "shortfalls" in a prior year.

Finally, as we discussed with your representatives at our hearing, this is a time of historic change in the world, and with the end of the Cold War it also provides an historic opportunity for the United Nations and its agencies to become more effective and involved. We are witnessing a greater willingness by governments to address humanitarian and other problems collectively through the United Nations. Whether it is the Kurdish refugee crisis, the continuing problems in southern Iraq, or the Cambodia issue, nations have joined together in looking to the U.N. as the best forum for resolving them. But if we are to expect the U.N. to finally be able to do what its original Charter gave it the responsibility to do, then there is a need to strengthen the U.N.'s capacity to do so.

Currently, there are major proposals to reform the U.N. Secretariat, to streamline operations, cut back on staff, and make the U.N. system more responsive to the Secretary General. We would urge the Administration to support similar action with the specialized agencies such as the UNHCR, WFP and others. In recent years, in Ethiopia and Sudan, and most recently with the Kurdish refugee crisis, we have seen major field problems in the U.N. response to humanitarian emergencies. A number of proposals for reform have been made, and we hope your Administration will lead in efforts to implement them. In the end, it is these reforms of the intentional system, more than even our generous resettlement program, which will save the lives of untold millions of refugees and displaced persons in need of urgent humanitarian assistance.

As in previous years, we continue to support the objectives of our program to assist refugees of "special humanitarian concern" to the United States. But we earnestly encourage you to consider the above suggestions as we implement this year's program and plan for the following year.

With best wishes,

Strom Thurmond, Ranking Member, Committee on the Judiciary; Alan K. Simpson, Ranking Member, Subcommittee on Immigration and Refugee Affairs; Joseph R. Biden, Jr., Chairman, Committee on the Judiciary; Edward M. Kennedy, Chairman, Subcommittee on Immigration and Refugee Affairs.

EXCERPTS FROM THE REPORT TO THE CONGRESS ON PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 1992

FOREWORD

The annual Congressional consultations on refugee admissions provide a unique opportunity for the Congress and the Administration to focus on the domestic and international implications of the U.S. refugee policy and mark the culmination of a many-faceted consultative process.

The U.S. Coordinator for Refugee Affairs and other Administration officials have periodic discussions with Members and staff of the House and Senate Judiciary Committees, the Senate Foreign Relations Committee, the House Foreign Affairs Committee, the House and Senate Appropriations Committees and other interested Congressional committees. The Coordinator has weekly interagency meetings which include representatives from the Department of State's Bureau for Refugee Programs and Bureau for Human Rights and Humanitarian Affairs, the Department of Justice's Immigration and Naturalization Service, the Department of Health and Human Service's Office of Refugee Resettlement, the Office of Management and Budget, and the Natural Security Council. In addition, consultations are held with representatives of state and local governments, public interest groups, private voluntary organizations, mutual assistance associations, and other organizations concerned with refugees.

A Policy Coordinating Committee, with representatives of Federal Agencies involved in refugee-related issues meets to ensure that policy and program issues requiring interagency attention receive prompt and systematic consideration.

The Administration is committed to strengthening and implementing the U.S. refugee admissions and assistance policy consistent with domestic and international concerns within a humanitarian framework. The task of balancing these concerns has become increasingly difficult because of growing numbers of refugees and constrained budgets. Nevertheless, we continue to admit select numbers to our country as refugees. At the same time, we contribute to life-saving assistance programs which impact on millions of the world's refugees who are not eligible for our admissions program.

This document presents the President's admissions proposals for FY 1992. It is intended to initiate the Congressional consultations process set out in Section 207 of the Refugee Act of 1980 and to elicit responses from the House and Senate Judiciary Committees and others interested in refugee policies and programs. After receiving the views of the Congress, the President will determine refugee levels and allocations for FY 1992.

1. PROPOSED REFUGEE ADMISSIONS PROGRAM FOR FY 1992

A. Overview of U.S. Refugee Policy

In the resolution of refugee problems, the United States gives highest priority to the safe, voluntary return of refugees, to their homelands. This policy, embodied in the Refugee Act of 1980, is also the first priority for the United Nations High Commissioner for Refugees (UNHCR). If safe, voluntary repatriation is not feasible, settlement in countries of asylum within the region is sought as the next preferred alternative. Often, however, political differences, lack of economic resources to support large numbers of additional people, or ethnic, religious or other deep-rooted animosities prevent this option from being exercised. Finally, consideration is given to resettlement in third countries, including the United States.

The United States considers for admission persons of special humanitarian concern who can establish persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The legal basis of the refugee admissions program is the Refugee Act of 1980 which embodies the American tradition of granting refuge to diverse groups suffering or fearing persecution. The Act adopted for the purpose of our refugee admissions program, the definition of "refugee" contained in the United Nations Convention and Protocol relating to the Status of Refugees. The definition which may be found in Section 101(a)(42) of the Immigration and Nationality Act (INA), as amended by the Refugee Act, is as follows:

The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

The estimated world population of refugees and externally displaced persons is 16 million; persons displaced within their own countries by war, famine and civil unrest may equal twice that number. The United States works with other governments, and international and private organizations to protect refugees and displaced persons and strives to ensure that survival needs for food, health care and shelter are met. Under the authority contained in the Migration and Refugee Assistance Act of 1962, as amended, the United States contributes to the international activities of the UNHCR, the International Committee of the Red Cross (ICRC) and other international and private organizations which provide ongoing relief and assistance for refugees and displaced persons. The United States has been instrumental in mobilizing a community of nations to work through these and other organizations in alleviating the misery and suffering of refugees throughout the world.

The United States, aware that more than 75 percent of the world's refugees are women and young children, recognizes the special needs of this vulnerable group, particularly in the areas of protection and assistance. We support the UNHCR and other relevant international, government and non-governmental organizations in their efforts to involve refugee women in implementing programs on their own behalf. We also support the assigning of women officers to positions where they can impact favorably on the protection and well-being of women and children refugees.

We continue to press for the most effective use of international resources directed to the urgent needs of refugees and displaced persons. During FY 1991, the United States supported major relief programs in Africa, Central America, Southeast Asia, South Asia and the Near East, including the Gulf region. Contributions for these funds were made through organizations including the UNHCR, the United Nations World Food Program (WEP), the ICRC, the United Nations Children's Fund (UNICEF), and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). This support averted further human tragedy and helped sustain life by providing food and other assistance to meet the basic human needs of refugees. Details are provided in the *World Refugee Report*.

With regard to refugees resettled in the United States, the U.S. Government aims to promote economic self-sufficiency as quickly as possible, limiting the need for public assistance and encouraging refugees to contribute to the diversity and enrichment of our country as previous newcomers have done. To this end, short-term English language and cultural orientation programs for certain groups of refugees have been established overseas to initiate the process of adapting to our complex society. Particular attention is paid to the health of refugees to ensure that communicable diseases are controlled before entry into the United States. Federally funded programs administered by the states, provide cash and medical assistance, training programs, employment and other support services to many refugees soon after arrival in the United States. These services are performed by a variety of institutional providers, including private voluntary agencies who also perform initial reception and placement services under cooperative agreements with the Department of State. All of these benefits are intended for short-term utilization during a refugee's transition to an independent, contributing member of the national economy and of American society.

TABLE I.—ESTIMATE OF U.S. REFUGEE ADMISSIONS IN FISCAL YEAR 1991

Region	Authorized levels	Adjusted levels (after reallocation)	Estimated arrivals
Africa	4,900	4,900	4,000
East Asia	52,000	53,500	53,500
Eastern Europe	5,000	7,000	7,000
Latin America/Caribbean	3,100	3,100	2,500
Near East/South Asia	6,000	6,000	5,000
Soviet Union	50,000	46,500	38,000
Subtotal	121,000	121,000	110,000
Privately funded	10,000	10,000	2,300
Total	131,000	131,000	112,300

Note.—Publicly funded refugee admissions to the United States for fisal year 1991 are expected to be approximately 110,000. Total admissions, including privately funded, are expected to total 112,300.

TABLE II.—*Proposed U.S. refugee admissions in fiscal year 1992*

Area of origin:	*Proposed ceiling*
Africa	6,000
East Asia	[1]52,000
Eastern Europe	3,000
Latin America and the Caribbean	3,000
Near East and South Asia	6,000
Soviet Union	63,000
Unallocated	1,000
Subtotal	134,000
Unallocated (privately funded)	10,000
Total	144,000

[1] Includes Amerasian immigrants and their families who enter as immigrants under a special statutory provision but receive benefits as refugees.

NOTE.—The President proposes to respond to the humanitarian needs for refugees by establishing for FY 1992 an admissions ceiling of 144,000 refugees for permanent resettlement in the United States.

Futher to the table of proposed U.S. refugee admissions in FY 1992 (Table II), the President also proposes to specify that special circumstances exist so that, for the purpose of admission under the limits established above and pursuant to section 101(a)(42)(B) of the INA, certain persons, if they otherwise qualify for admission, may be considered as refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence. The proposed designations for FY 1992 are:

Persons in Vietnam;

Persons in Laos;

Persons in countries of Latin America and the Caribbean;

Persons in the Soviet Union.

In addition to the proposed admission of refugees from abroad, The Immigration and Naturalization Service (INS) will be authorized to adjust to permanent resident alien status 10,000 persons who have been granted asylum in the United States and have been in the United States for at least one year, pursuant to Section 209(b) of the Immigration and Nationality Act.

In the regional descriptions which follow, an overview of refugee-generating conditions is provided. In addition, voluntary repatriation, resettlement within the region, and third country resettlement opportunities are mentioned. There is also reference to refugee resettlement by countries other than the United States. More detailed information and statistics are found in the companion *World Refugee Report.*

STATEMENT ON VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS BILL CONFERENCE REPORT

Mr. **SASSER.** Mr. President, the Senate Budget Committee has examined the conference report on H.R. 2519, the VA-HUD-Independent Agencies appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $36.3 million and its 602(b) outlays allocation by $38.2 million.

I compliment the distinguished manager of the bill, Senator MIKULSKI and the distinguished ranking member of the VA-HUD Subcommittee, Senator GARN on all their hard work in bringing the bill to this final stage in the congressional process.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the VA-HUD appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2519—VA, HUD, IA SUBCOMMITEE—SPENDING TOTALS

[Conference; dollars in billions][1]

Bill summary	Budget authority	Outlays
H.R. 2519:		
New BA and outlays	80.9	42.5
Enacted to date	0.0	39.9
Adjustment to conform mandatory programs to resolution assumptions	0.3	0.6
Scorekeeping adjustments	0.0	0.0
Bill total	81.2	83.0
Senate 602(b) allocation	81.3	83.0
Total difference	−(*)	−(*)
Discretionary:		
Domestic	63.6	61.4
Senate 602(b)	63.6	61.4
Difference	−(*)	−(*)
International	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Defense	0.3	0.3
Senate 602(b)	0.3	0.3
Difference	−(*)	−(*)
Total discretionary spending	63.9	61.7
Mandatory spending	17.3	21.3
Mandatory allocation	17.3	21.3
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	−1.2	−0.9
Senate-passed bill	−(*)	−(*)
House-passed bill	+(*)	0.1

[1] Conference report as amended in the House.

SOUTH DAKOTA/NEBRASKA HEARTLAND EXPRESSWAY

Mr. **PRESSLER.** Mr. President, for the past 4 years, citizens from my State of South Dakota and from the State of Nebraska have been advocating the construction of a new north-south "Heartland Expressway" that would link Interstate 90 near Rapid City, SD, with Interstate 80 near Kimball, NE. This would provide a new avenue for traffic between Denver, CO, and Rapid City, SD. I rise today to pay tribute to those who have worked hard on this project and to express my support for their visionary undertaking.

Mr. President, the House of Representatives recently included funding authorization for a feasibility study and the construction of the Heartland Expressway in its version of the Federal highway bill. I am pleased that the House of Representatives has recognized the importance of linking our cities with an efficient systems of corridors. I look forward to working with the transportation committees of both houses to ensure that this authorization is included in the final version of the Federal highway bill.

Mr. President, during my years in the Senate, I always have been a strong advocate of long-term economic development for rural States like South Dakota. The key to such development is a quality transportation system.

Large portions of many rural States do not have access to major airports, railroads, or seaports. We depend on over-the-road transportation to deliver our products to market, to transport tourists across our State, and to carry out day-to-day activities. So in a rural State like South Dakota, the importance of a sound network of good highways and roads cannot be overemphasized.

For rural States like South Dakota and Nebraska, this expressway could be a road to the future for economic growth and the revitalization. However, this expressway would benefit more than the States of South Dakota and Nebraska. Its positive economic impact could reach much farther than the immediate area.

Mr. President, if the United States free-trade agreement with Mexico becomes a reality, it will lead to increased north-south traffic through the upper Midwestern States. The flow of raw materials and finished products through the heartland of America will require a quality system of interconnected highways. An expressway linking two main interstates in the northern plains of Nebraska and South Dakota could only make our efforts in transnational trade more efficient.

Another aspect of economic development that relies heavily on a quality transportation system is the tourism industry. Although the population of South Dakota is only 700,000, our tourism industry has a nearly billion-dollar economic impact. Mount Rushmore itself attracts more than 2 million visitors to the Black Hills of South Dakota every year.

So I cannot overemphasize the importance of this project for the economic development in my State of South Dakota. I look forward to working with the various community leaders in South Dakota and Nebraska, and my colleagues in the Senate and House of Representatives in making this project a reality.

Mr. President, I ask unanimous consent that an article on the Heartland Expressway from the Rapid City Journal be placed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERSTATE LINKUP

TRANSPORTATION BILL CONTAINS FUNDS FOR STUDY OF WESTERN EXPRESSWAY

(By Rachel Spector)

WASHINGTON.—South Dakotans one day may journey down the four-lane "Heartland Expressway" from Rapid City to Denver if newly introduced House legislation passes.

The Heartland Expressway (known locally as the Western Expressway), which would connect interstate 90 in Rapid City to interstate 80 in Nebraska—and from there to Denver—has been in the planning stages for several years.

Now, in an effort to spur economic development in certain areas, the House Committee on Public Works and Transportation wants to make the construction of designated highways the centerpiece of its $153.5 billion transportation bill, which includes a 5-cent gasoline tax to help pay for the projects.

The proposal includes money to study the Western Expressway.

The committee does not yet have exact figures for each project, according to a committee staffer, but the entire highway allotment totals $121.5 billion. The legislation provides for a federal-state match of 80/20 for all programs except Interstate construction and repairs, which will remain at 90/10.

Funds first would be channeled into a feasibility study for the corridor, said Chuck Vanderziel, an economist at the Black Hills Council of Local Governments and coordinator of the expressway task force. Right now, the states of South Dakota and northeast are prepared to put $200,000 into the study in return for $800,000 from the Federal Government, Vanderziel said.

"This is just a first step, but it's a very important first step," said Vanderziel of Rapid City. "You always have to have this sort of study, whatever you do."

Vanderziel predicted that not only tourism but also commerce and industrial development likely would increase with better access to four-lane highways.

The Black Hills County Commissioners Association unanimously approved a resolution supporting the expressway at its meeting in Buffalo Friday.

"Everyone is very excited about our placement in the reauthorization bill," said Pennington County Commission Cheryl Kandaras of Rapid City. "It's no time to rest on our laurels. It's going to be a very long road through Congress."

According to Jim Jensen, director of planning at the South Dakota Department of Transportation, the entire portion of the highway in South Dakota would span 83 miles and cost approximately $146 million, or $1.8 million per mile.

If federal funding for the project remained part of the normal trust fund appropriations, rather than offered as a special allotment, then the state would be able to match its 20 percent without eventually having to raise taxes, Jensen said.

Linking I–90 and I–80 would give travelers the ability to go from Rapid City to Denver on four-lane highways, Vanderziel said.

Earlier plans called for a four-lane highway from Rapid City through Scottsbluff, Neb., and then to Limball, Neb., and then across I–80 to Fort Morgan, Colo., which is connected to Denver by the four-lane I–76. Now the plan is to build a four-lane from Rapid City to Scottsbluff. The northeast Legislature already has authorized building a four-lane road from Scottsbluff to Kimball. From there, travelers could take I–80 west to Cheyenne, Wyo., and then I–25 social security to Denver, Vanderziel said.

The legislation could run into difficulties in the Senate. The Senate proposal totals only $123 billion, $96 billion of which is designated for highways, and does not include a gasoline tax.

HONORING CONGRESSMAN ED PASTOR

Mr. DECONCINI. Mr. President, today is a historic day in Arizona politics. For the first time, Arizona will have a Hispanic serving in the U.S. House of Representatives. ED PASTOR, a native Arizonan, took the oath of office this morning as the Congressman for the people of the Second District in Arizona, the district that Mo Udall served so well for 30 years.

I have known ED PASTOR for many years. As a member of the Maricopa County Board of Supervisors, ED established as a hallmark of his political career the ability to stay in touch with the community. Whether it was serving on the Board of Directors for National Association of Counties, the Phoenix Economic Growth Corp., or as a member of the advisory board of the Phoenix Boys Club, ED has remained a man of the people.

Has election to Congress holds special meaning for many people. For the people of Gila County, ED becomes the latest in a distinguished line of politicians to come from the Miami-Globe area. Gov. George P. Hunt, Gov. Rose Mofford, State Senator Alfredo Gutierrez and Congressman ESTEBAN TORRES and just a few prominent statesmen from the area. Perhaps it is the work ethic demonstrated by the copper miners that inspired these individuals to careers in public service, but whatever the cause, Arizona has been fortunate to have them as leaders.

For the 620,000 Hispanic residents of Arizona, it will be the first time that Arizona will have a Hispanic in Congress. Hispanics have made great inroads in politics, with Hispanic mayors, legislators, Governors, and Congressmen being elected with increasing frequency. Hispanics in Arizona account for nearly 20 percent of the population, so it is time that the delegation representing Arizona includes a Hispanic. ED PASTOR has worked hard for the Arizona Hispanic community. Cambio! magazine honored him as the 1990 Hispanic politician of the year. He was a founding member of Los Diablos, the first Hispanic Alumni Association at Arizona State University. His activities in the Southwest Voter Research Institute led to an invitation to visit Nicaragua in February as part of a delegation of Hispanic leaders observing that country's elections. The election of ED PASTOR to Congress sends a strong message that Hispanics are a part of this country's political future, and that their voice will be heard.

But, Mr. President, the people who are most proud are the friends and family of ED PASTOR. As a young man growing up in Claypool, his parents, Enrique and Margarita, provided him with encouragement and the support to continue his education at a time when few Hispanics went beyond high school. Many people contributed to his campaign. But their contributions went beyond money and time. ED waged a hard campaign driven by a strong grassroots effort and the help of many volunteers. His wife, Verma and their two daughters, Yvonne and Laura, his sister, Eleanor and her son, Carlos, and countless others who have been with ED throughout his career looked on with great pride and hope watching from the House Gallery as he took the oath of office. ED PASTOR'S victory last week is one that will be shared by many people, and one that will not soon be forgotten.

I congratulate and welcome this newest Member of Congress with great enthusiasm. I look forward to working with him on issues of concern and importance to the people of Arizona.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,392d day that Terry Anderson has been held captive in Lebanon.

Today in London friends and relatives of former British hostage John McCarthy gathered with Mr. McCarthy, Prime Minister Major and Archbishop Runcie to celebrate McCarthy's release and to remember the men and women still in captivity. Mr. President, I ask unanimous consent that a Reuters article by Kate Dourian reporting the occasion be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MCCARTHY, CHURCHMEN, POLITICIANS VOW TO WIN RELEASE OF HOSTAGES

(By Kate Dourian)

LONDON, October 3, Reuter.—Former British hostage John McCarthy, churchmen and politicians vowed on Thursday to keep up pressure until all hostages held in Lebanon had been freed.

McCarthy, a television journalist freed in August after nearly five years in captivity in Lebanon, led a church service attended by Prime Minister John Major to celebrate his release and to remember the hostages left behind.

Friends and relatives of McCarthy wore yellow ribbons and promised to keep the candles burning at St Bride's, the journalist' church, until all hostages were free.

"We should have this church determined to play our part to end this barbarous obstacle to peace in what was once called the holy lands," former Archbishop of Canterbury Robert Runcie said.

Runcie's own envoy Terry Waite disappeared in Lebanon in 1987 while on a mission to rescue hostages in Lebanon and he remains the only British hostage still held by pro-Iranian groups there.

McCarthy's friends kept a single candle burning throughout his captivity in Lebanon.

There are now 12 candles. One for each of the nine Westerners still in Lebanon, one for Lebanese prisoners in Israel, one for missing Israeli servicemen and a 12th for British journalist Ronsanna Della Casa, missing in northern Iraq.

Sgt David Say, nephew of U.S. hostage Terry Anderson, the longest held captive in Lebanon, read out the names to the congregation, who included relatives of the other hostages.

The rector of St Bride's, Canon John Oates, said the candle of "understanding, of hope and of ultimate peace" would continue to burn until all the hostages are free.

After Major read a passage from John Tennyson's poem Ulysses, McCarthy stood at the lectern and recited from Konstantin Simonov's poem "Wait for Me."

"And when friends sit around the fire drinking to my memory, Wait, and do not hurry to drink to my memory too. Wait, for I'll return, defying every death," he read, as father Patrick, brother Terence and girlfriend Jill Morrell sat with heads bowed.

A moving moment came when the choir sang Haydn's "Et Resurrexit," a favourite of McCarthy's mother Sheila when she used to come to St Bride's to pray. She died without seeing her son again.

A piece of paper propped up beside the burning candles lists the names of the remaining hostages. One, that of former pilot Jack Mann, has been crossed out in pencil.

Mann, 77, was freed last week but was unable to attend the service. He sent a message through Runcie saying he would be there in spirit.

Runcie exhorted the congregation to pray "for all those caught up in the mess of the Middle East." He said the unbowed spirit of the released captives and reports that Waite had kept up his humour while in captivity showed that "the captives have shown themselves freer than the captors."

REPEALING U.N. GENERAL ASSEMBLY RESOLUTION 3379

Mr. MOYNIHAN. Mr. President, yesterday the Senate gave its unanimous approval to Senate Joint Resolution 110, calling on the United States and the Soviet Union to lead the effort to promptly repeal U.N. General Assembly Resolution 3379. This clearly demonstrates the great interest of the Senate in the prompt repeal of this infamous resolution. My colleagues may, therefore, be interested in an editorial I wrote for the Washington Post concerning the history of this odious resolution. I ask unanimous consent that the editorial be printed in the RECORD at this time.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 29, 1991]

BIG RED LIE

(By Daniel Patrick Moynihan)

On Monday last, in as fine an address as any American statesman will ever give, George Bush called for the United Nations to undo one of the most sordid acts of the age of totalitarianism: the 1975 resolution declaring Zionism to be a form of racism. In effect, it was a resolution to deny the state of Israel the right to exist.

If you would take the measure of just how monstrous that event was, you need only consult the news reports of the president's address. Without exception, so far as I know, Resolution 3379 is described as an Arab initiative.

It was nothing of the sort. It was a calculated lie of the Communist Party of the Soviet Union that began in the age of Stalin and culminated in a two-part article in Pravda Feb. 18–19, 1971, an article that asserted, among other things, "The tragedy of Babi Yar will forever be a reminder not only of the monstrous barbarity of the Nazis but also of the indelible disgrace of their accomplices and followers—the Zionists."

The author was one Vladimir Viktorovich Bolshakov, then or shortly thereafter head of the paper's international department. An English-language pamphlet followed promptly.

Today is the 50th anniversary of the massacre at Babi Yar. Just possibly the time has come when we can deal with the Holocaust—can "accept" it, "absorb" it or however it is the psychologists put it. For my part I can report that I never came near to understanding it until I encountered the Zionism resolution.

I was our U.N. ambassador at the time. The motion appeared as from nowhere in October 1975, in what is known as the Third Committee, which is to say the political committee. There had been faint rumblings of it—something floating about at the World Conference of the International Women's year, held in Mexico City that summer—but no real warning.

When the resolution appeared, our representative, Leonard Garment, spoke up hard on Oct. 3. The new Israeli ambassador, Chaim Herzog, was furious and fierce. We hadn't a third of the vote behind us. I went over and hugged him and said "— 'em," which was as much as I knew or understood of the situation.

We waited for State Department instructions. None came. We called Herzog. He had none either. Nor was there any outcry from the Jewish organizations in New York.

The first break finally came from William Korey, then director of the international affairs department of B'nai B'rith. He told Suzanne Garment, a member of our delegation, of the Pravda article.

After a little more digging, a historical pattern emerged. It went back as far as 1952, when Rudolph Slansky, then general secretary of the Czechoslovak Communist Party, was charged with Zionist connections, and confessed. By 1975 it had become common for Soviet television to show David Ben-Gurion's face superimposed on that of Hitler. On newsreels, footage of marching Israelis would be followed by marching Nazi stormtroopers.

The origins of this escalating campaign were complex. The disappearance of ethnic and religious attachments was central to Marxist prediction, but things weren't working out that way. The Israeli victory in the Six Day War of June 1967 generated great enthusiasm among Soviet Jews. Could the Ukrainians, they must have wondered, be far behind? Strong measures were called for.

What none could predict, certainly not a hack such as Bolshakov (now, incidentally, head of the Paris bureau) was the impact the charge would have.

At President Ford's personal direction, I lobbied vigorously against the measure when it came to the floor of the General Assembly. Herzog raised a storm of his own. A Belgian motion to adjourn almost succeeded, but on the final vote, we lost 2 to 1, and silence fell.

An Orwellian coup had occurred at the United Nations. The place that had been the embodiment of liberal expectation after World War II had moved toward totalitarianism: the inversion of truth, the Big, Big Lie—this was now the language of the General Assembly.

Even those who should have understood backed off from the fight. Ten days after the vote, my wife was seated at a formal dinner next to the French ambassador, who allowed that the resolution would never have passed if the American statement had not been so "confrontational." In point of fact, with that in mind, I had spoken after the vote.

After it was over, silence fell, or near silence. No one wanted to talk about Zionism and racism. The totalitarian effect took hold: Don't fight; it's hopeless. It even seems to have prevailed in Israel, where, so far as I am aware, nothing much was written.

In 1979 The President's Commission on the Holocaust visited Babi Yar in Kiev. Elie Wiesel was chairman. They were taken, as he describes it, to the "huge, ugly, blasphemous" memorial the Soviets had finally put up. He could not contain his shock, his anger. There was no mention of Jews. Now, this is Elie Wiesel, a survivor of the camps, the incomparable, unflinching witness to what totalitarianism can do, and yet he had never heard of the Pravda articles, the charge that Babi Yar was a collaboration of the Gestapo and the Zionists. Nor, evidently, had anyone with him. Like the Holocaust itself, it was somehow too horrible to know.

Now, finally, that long night has lifted. Two weeks ago, Wiesel was in Kiev, where Ukraninian President Leonid Kravchuk pledged to him that the Ukraine would vote to rescind the Zionism resolution. This past Wednesday, in Washington, Kravchuk met with senators and repeated this pledge, adding that the Ukraine had been "the" Soviet sponsor of the resolution back in 1975. This is something that appears all across what was once Soviet society: the need to face up to the lies, somehow to exorcise that past.

Presidents Bush and Kravchuk will need help. The gentlest thing to say about the U.S. State Department is that it has been indifferent to the issue from the first. I have been in the Senate 15 years now. We have enacted four statutes calling for the repeal of Resolution 3379. I have never once heard from the State Department acting on its own; never once heard of an embassy told to take the matter up with, say, Mexico, as we get into trade discussions, or say, Cameroon, during aid discussions.

The Arabs need help in this regard, too. They were not above accusing Jews of racism—such talk began to appear in their documents in the 1960s—but the Zionism resolution was not their initiative. The lead sponsor was Somalia, then a wholly owned subsidiary of Moscow. The Arabs went along, of course, but none of them whooped it up the way Guyana did—to cite one example.

Let the Arabs, then, vote to rescind now, or if they can't do that, just stay away when the matter is reconsidered. We can count on the three current Soviet votes, plus three new Baltic delegations. All of Europe will be with us. China doesn't matter. As for the nonaligned: Announce we will close our embassy in each and every country that votes no. And as for the U.N.: Do this, and you just may have a part to play in the next millennium.

A TRIBUTE TO MR. AND MRS. REGINALD LOISELLE

Mr. MOYNIHAN. Mr. President, I rise to salute the occasion of the 60th wedding anniversary of Reginald and Adrienne Loiselle of Beverly, MA. They were wed 60 years ago this day in Manchester, NH. I have good reason to note this event, as I have in a way so benefited from this happy union. Mr. and Mrs. Loiselle are the parents of my longtime special assistant and secretary in my New York office, Lucille Loiselle.

But they have even more to be proud of. Son Robert is a teacher in the Beverly High School system and had the great honor of being selected by the student body as Superteacher. Their daughter Jocelyn is married and is a registered nurse in Fresno, CA. Another daughter, Conni, is an actress and singer in western Massachusetts. They also have 11 grandchildren and 3 great grandchildren.

Mr. and Mrs. Loiselle were always closely involved in their children's lives, as good parents should. Mrs. Loiselle served on the mother's committee of St. Mary's School, which all her children attended. Mr. Loiselle was very active in helping the youth of the community. He served as an original committee member and former manager of the St. Mary's Cardinals, the drum and bugle corps of which all his children were members. His service was so appreciated in Beverly that he was named the town's Senior Citizen of the Year in 1986.

Mr. President, on behalf of my colleagues, I would like to extend great congratulations to Mr. and Mrs. Loiselle on their anniversary. I would also like to wish Mrs. Loiselle a very happy birthday. She is 80 tomorrow. May they enjoy a splendid celebration in the company of friends and family, and happy years to come.

THE MISTREATMENT OF BURMESE BY THAILAND

Mr. MOYNIHAN. Mr. President, I note that today the Foreign Minister of Thailand, Asa Sarasin, has arrived for a visit to the United States.

The Minister comes as the representative of a military junta which overthrew the democratically elected government of that nation. And it is a junta which has yet to hold new elections, as it has promised it would. The United States has suspended all assistance to Thailand in the wake of the military takeover.

Indeed, it would seem to be apparent that bilateral relations with Thailand are in their lowest state ever, and I see no immediate prospect for improvements. Trade relations with Thailand are strained, and section 301 investigations against Thailand's piracy of United States intellectual property are ongoing. Narcotics cooperation is nonexistent. Relations are also strained over Thailand's patronage of that most brutal military junta in Burma.

As Foreign Minister Asa visits, I would draw his attention to a recent report by Amnesty International, an organization of the greatest integrity, of the flagrant violations of international standards by Thai authorities in the treatment of Burmese refugees.

I ask unanimous consent that the report by Amnesty International be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From Amnesty International, August 1991]

THAILAND: CONCERNS ABOUT TREATMENT OF BURMESE REFUGEES

Burmese refugees in Thailand have no effective and durable protection against being forcibly returned to Myanmar (formerly Burma) where they fled from large-scale human rights violations. Also, they are being arrested and detained contrary to international human rights standards for the protection of refugees. There have been several instances in which Burmese refugees have been severely ill-treated in Thai detention centers. International organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) have been unable to prevent the Thai authorities flagrantly violating these international standards. In the absence of proper protection of their human rights. Burmese refugees are compelled to resort to bribery and cooperation with Thai military intelligence and security agencies to attempt to ensure their continued presence in Thailand.

Amnesty International opposes the forcible return of any person to a country where they risk being imprisoned as a prisoner of conscience, or subjected to torture, "disappearance" or execution. The forcible return of refugees to Myanmar is a direct contravention of the internationally-recognized principle of non-refoulement.

Since 1988, when mass civil unrest erupted in Myanmar and was violently suppressed by the military government, thousands of Myanmar nationals have fled to Thailand to escape large-scale human rights violations. In Myanmar the ruling State Law and Order Restoration Council (SLORC) continues its large-scale arrests of anyone publicly criticizing or opposing military rule. Reports of torture and ill-treatment of prisoners continue.

In recent months, Thai immigration and other police authorities have arrested increasing numbers of Burmese refugees for "illegal immigration", and have formulated plans for detaining them in a special camp. They have not forcibly returned refugees to Myanmar, but on at least three occasions in the first half of 1991 have done so by closely escorting refugees to the Myanmar border, where some of them were arrested by the Myanmar authorities.

Since January 1989 Amnesty International has repeatedly urged the Thai Government not to forcibly return refugees to Myanmar. The organization remains gravely concerned that Burmese refugees are being deported to Myanmar against their will, and with no consideration given to the risks of serious human rights violations they face in Myanmar.

This report summarizes a 17-page document (6604 words), "Thailand: Concerns About Treatment of Burmese Refugees" (AI Index: ASA 39/15/91), issued by Amnesty International in August 1991. Anyone wanting further details or to take action on this issue should consult the full document. International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.

THAILAND: CONCERNS ABOUT TREATMENT OF BURMESE REFUGEES

INTRODUCTION

Burmese refugees in Thailand have no effective and durable protection against being forcibly returned to Myanmar (formerly Burma) where they fled from large-scale human rights violations. They are being forcibly returned to Myanmar despite the fact that they risk being subjected to serious human rights violations in that country, and in direct contravention of Thailand's international obligations. Also, they are being arrested and detained contrary to international human rights standards for the protection of refugees. International organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) have been unable to prevent the Thai authorities flagrantly violating these international standards. In the absence of proper protection of their human rights, Burmese refugees are compelled to resort to bribery and cooperation with Thai military intelligence and security agencies to attempt to ensure their continued presence in Thailand.

Since 1989 or before the Thai authorities have been arresting and detaining Myanmar nationals for "illegal immigration". Those who cannot afford to pay off the police and who do not establish sufficiently good relations with the Thai military and security agencies are increasingly vulnerable to indefinite detention in Thailand. There have been several instances in which Burmese refugees have been severely ill-treated in Thai detention centres. They are also increasingly in danger of being forcibly returned to Myanmar, where they risk detention on political grounds without charge or trial, unfair political trial, and torture. Some may also risk being imprisoned for long periods for the peaceful exercise of their human rights, notably the right to freedom of assembly and expression.

Amnesty International opposes the forcible return of any person to a country where they risk being imprisoned as a prisoner of conscience,[1] or subjected to torture, "disappearance" or execution. Amnesty International believes that any Myanmar national who has been politically active and is forcibly returned to that country is at risk of such human rights violations there. Burmese refugees deported by the Thai authorities in the past have suffered such human rights violations after their forcible return to Myanmar.

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[1] A prisoner of conscience is a person detained or otherwise physically restricted by reason of his/her political, religious or other conscientiously held be-

Many more are not threatened with forcible return. At least five Burmese who have been forcibly returned from Thailand to Myanmar are believed to remain in detention there because the Myanmar authorities suspect they may be political activists.

The forcible return of refugees to Myanmar is a direct contravention of the internationally-recognized principle of non-refoulement, which, as set out in Article 33 of the 1951 Convention relating to the status of Refugees, states:

"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Although Thailand has not acceded to the 1951 Convention, this principle of non-refoulement is recognized by the international community as a norm of general international law, binding on all states, irrespective of whether they are party to the 1951 Convention itself.

An essential component of the non-refoulement principle is the obligation upon all states to undertake the task of identifying which persons are entitled to protection. In order to ensure that people at risk of serious human rights violations are protected against refoulement, states must establish and allow asylum-seekers access to a fair and impartial procedure for determining the merits of their asylum claim. The Thai Government has not established any procedure whereby asylum-seekers from Myanmar can present their reasons for fearing a forcible return to Myanmar.

Amnesty International is also concerned about the detention of Burmese refugees in Thailand. The Thai authorities routinely detain Burmese refugees as "illegal immigrants". However, under international standards for the protection of refugees, such as those set forth in Conclusion 44 of the Executive Committee of the Programme of the UNHCR, "illegal immigration" is not in itself a legitimate reason for the detention of refugees. Thailand was a member of this Executive Committee which passed Conclusion 44 by consensus. In addition, the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that in any case where a person is detained they must be given a prompt, fair, individual hearing before a judicial or similar authority whose status and tenure afford the strongest possible guarantees of competence, impartiality and independence. The procedure used by the Thai authorities to detain Burmese refugees as "illegal immigrants" falls short of these international standards.

The United Nations High Commissioner for Refugees (UNHCR) branch office in Bangkok has recognized 1.426 Myanmar nations as "persons of concerns" to the organization under this mandate (May 1991 figures). UNHCR's mandate, set out in its Statute, describes a refugee of concern to that organization is being one who:

"* * * owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable, or, owing to such fear, * * * is unwilling to avail himself of the protection of that country * * *"

In the past UNHCR issued "letters of concern" to those asylum-seekers from Myanmar whom it recognized as refugees after an application and interview. However, in late 1989 the Thai authorities requested that UNHCR no longer issue the letters, and UNHCR ceased issuing them. The Thai authorities continue to arrest and detain Burmese asylum-seekers, whether or not they are recognized by UNHCR as "persons of concern". Moreover, Burmese "persons of concern" run a greater risk of being arrested and detained indefinitely by the Thai authorities than Burmese "illegal immigrants". "Persons of concern" are sometimes held back from deportation because UNHCR has requested that they not be returned. If immigration officials comply with this request, "persons of concern" remain indefinitely in Immigration Detention Center (IDC) or other prisons, and they often prefer to risk being returned to Myanmar in the hope of escaping during their return.

SOURCES

Amnesty International bases its findings on first-hand testimonies given during detailed interviews of Burmese refugees conducted in June and July 1991. All of those interviewed had been imprisoned for "illegal immigration" at least once by the Thai authorities, and all but two have been recognized by UNHCR as "persons of concern". (Of the two who were not yet recognized by UNHCR, one was appealing the decision to UNHCR and the other was waiting for an interview.) Those who gave testimonies to Amnesty International expressed fear that they would be rearrested and deported to Myanmar. In the material that follows Amnesty International has therefore omitted details that could identify its sources.

All of those who gave testimonies had been students or were young people who were politically active at the time of the 1988 mass demonstrations calling for an end to 26 years of one-party military rule in Myanmar. Several of them were arrested for political reasons during the military crackdown on opposition activities, some of whom were subjected to torture and ill-treatment. Most of the refugees left Myanmar shortly after the coup of 18 September 1988, although one left as late as early 1991. In their testimonies the refugees mentioned a total of 68 other asylum-seekers who had been arrested with them in Thailand. Amnesty International also gathered information from people who had witnessed arrests, detention conditions, and deportations of Burmese refugees.

BACKGROUND INFORMATION

Since 1988, when mass civil unrest erupted in Myanmar and was violently suppressed by the military government, thousands of Myanmar nationals have fled to Thailand to escape large-scale human rights violations. In Myanmar the ruling State Law and Order Restoration Council (SLORC) continues its large-scale arrests of anyone publicly criticizing or opposing military rule. Reports of torture and ill-treatment of prisoners continue. Although the National League for Democracy (NLD), Myanmar's largest opposition party, won over 80% of the seats in the May 1990 parliamentary elections, the SLORC has not announced a timetable for the transfer of power to a civilian government. Instead it has arrested at least 45 NLD elected members of parliament, mostly in connection with plans to establish a counter-government, and has subsequently sentenced many of them to long prison terms. As these mass arrests were taking place, several elected members of parliament fled to the Thai border because they believed they could no longer be politically active except in areas controlled by armed opponents of the SLORC. They formed an opposition National Coalition Government of the Union of Burma (NCGUB) on 18 December 1990 in insurgent-held territory within Myanmar.

In recent months, Thai immigration and other police authorities have arrested increasing numbers of Burmese refugees for "illegal immigration", and have formulated plans for detaining them in a special camp. They have not only forcibly returned refugees to Myanmar, but on at least three occasions in the first half of 1991 have done so by closely escorting refugees to the Myanmar border, where some of them were arrested by the Myanmar authorities. However, members of Burmese anti-government political organizations that operate in Thailand with the authorization of local or national Thai military authorities generally appear to be exempt from arrest, detention, and deportation. It is the members of other organizations and those Burmese who are not affiliated with a particular group who are at greatest risk.

These increasing arrests followed an incident in November 1990 in which two Myanmar nationals who had fled to Thailand hijacked a Thai airliner to India. Myanmar nationals also seized a Thai fishing boat near Ranong Province in December 1990 and destroyed the vessel when they were not paid ransom. No one was injured in either of these incidents. The hijackers were arrested in India, and those who destroyed the Thai fishing boat are believed to be living along the Thai-Myanmar border, where they are understood to reside with the knowledge of local Thai military agencies.

A site was chosen for a temporary holding centre for Burmese students after the hijacking of the Thai Airways airplane to India. Recent reports indicate that plans for a temporary holding centre (or "safe area") for Burmese refugees are going ahead in Raatchaburii province. A Thai National Security Council spokesperson recently stated that the camp was not intended as "confinement", and that the students would receive education and vocational training there. However, Amnesty International is concerned that the detention of Burmese refugees in such a holding centre might be contrary to international human rights norms. If they are held only on account of their "illegal immigration" and if there is not opportunity for the refugees to have their detention reviewed in accordance with international standards.

While recognizing Thailand's right to detain and try people accused of recognizably criminal acts. Amnesty International has sought and continues to seek assurances from the Thai Government that no asylum-seeker from Myanmar will be detained in a manner contrary to international standards relating to the protection of his or her human rights. Moreover, since January 1989 Amnesty International has repeatedly urged the Thai Government not to forcibly return refugees to Myanmar. The organization remains gravely concerned that Burmese refugees are being deported to Myanmar against their will, and with no consideration given to the risks of serious human rights violations they face in Myanmar.

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liefs or by reason of his/her ethnic origin, sex, colour or language, provided that he/she has not used or advocated violence.

ARREST AND DETENTION

Most arrests of Burmese refugees documented by Amnesty International took place in Bangkok and surrounding areas from February 1990 until July 1991. However the Thai authorities arrest Burmese refugees in border areas as well. Arrests are made by both local police officers and immigration police officers. Refugees are arrested in their homes or on the streets and are often arrested in groups.

Burmese refugees are sometimes arrested near the office of the Foundation In Support of Refugee Assistance Programs in Thailand (FISRAPT), the agency which provides social services to "persons of concern" to UNHCR. One refugee interviewed by Amnesty International described such an arrest:

"I was arrested on the road on 7 February 1991 on the corner of Sutthiinsaan Road with seven other students, not far from the FISRAPT office at about 2.30. Three plain clothes immigration police came and arrested us. The police asked for our passports, but we didn't have them so we showed the UNHCR letter of concern. They said. 'Please come and meet our boss for a while'. We were taken directly to IDC [Immigration Detention Centre]. We were just walking down the street when we were arrested. The police watch the students near the FISRAPT office on their way back from attendance registration day."

The treatment of one Burmese refugee who was arrested in February 1991 with a friend on the street in the Lard Prao area of Bangkok is also typical of the testimonies obtained by Amnesty International.

"Four policemen came and asked 'Are you Burmese?' They were regular police from Lard Prao. We replied yes and [my friend] showed his UNHCR letter of concern to the police but it didn't do any good. The policeman said that he could't read it and threw the letter away."

The reason usually given by the arresting authorities for their arrest is "illegal entry into Thailand". However, sometimes the police simply tell Burmese that they are "no good". One woman interviewed by Amnesty International described her arrest in late November 1990:

"I asked the police. 'Why are you arresting us?' and they said, 'You are Burmese students, and two Burmese students hijacked the Thai Airways plane'. I said, 'That had nothing to do with us', but they said 'You are Burmese students and they are not good'."

In most cases Burmese arrested in the Bangkok area are taken to the Suan Phlu Immigration Detention Centre (IDC) after having spent a brief period in a local police station lock-up. Shorty after arrival at IDC, prisoners are usually taken to a local court and sentenced to terms of imprisonment for "illegal immigration" ranging from 21 to 70 days. However, most of them have remained in detention for longer periods—up to 6 months. Prisoners were not provided with legal counsel, and they were often not allowed to contact the local UNHCR office, as is required by international standards on the detention of refugees and asylum-seekers. In all of the cases documented by Amnesty International, none of the prisoners were provided with translation services either at the time of their arrest or during their sentencing. In one case the prisoner did not understand anything that was said to him during his hearing. He did not learn that he was sentenced to two months' imprisonment until he was told by another inmate on his return to prison.

During their hearings, refugees are not allowed to cite the fact that they are seeking asylum as a defense against the charge of "illegal immigration". They are not provided with the services of a lawyer. Moreover, because there is no provision under Thai law for seeking asylum there, it is impossible for them to apply for refugee status, either before, during or after their detention.

One detained refugee told Amnesty International about his hearing:

"[The judge] read out the charge and it was 2,800 baht—there was no chance to respond or defend ourselves. It was just like watching a movie. We were sentenced to 40 days. No lawyer or UNHCR officer was present. It only took five minutes and we were handcuffed and taken back to IDC."

Prisoners who can afford the pay a 2,800 baht (25 Thai baht is approximately equivalent to $1.00 US) fine do not always have to complete their sentences, and they may be deported if they can pay the transportation costs. However, it is reportedly routinely necessary to pay a bribe if a prisoner is to ensure release and that upon release he or she is not handed over to the Myanmar authorities. Over half of those interviewed by Amnesty International paid money to Thai officials to facilitate their release from IDC and/or to prevent forcible return to Myanmar.

ILL-TREATMENT WHILE IN THAI DETENTION

Burmese refugees who had been imprisoned in Thailand told Amnesty International of beatings, lack of medical care, crowded conditions, and poor sanitation. The organization was told of the case of one former prisoner who, after his release, died of malaria for which he did not receive proper medical treatment while detained.

On two occasions prisoners were beaten during or immediately after arrest. One refugee was slapped on the back of the head three times by a police officer at the Bangkapi police station in June 1991. The officer struck him after he accused the prisoner of attempting to make a phone call to UNHCR, which the refugee said he in fact had not tried to do. In another incident two refugees were arrested late at night in December 1990, and were beaten severely at the time of their arrest.

"Two policemen came up on a motorcycle and asked us for passports—they were drunk—we could smell it. We showed them our letters of concern. The policemen in the meantime started beating [my friend] with the butt of a pistol. The police said, 'You are Burmese' * * * [my friend] was cut on the elbow and left eye. The police called more policemen, and 16 more arrived. They all beat both of us. They beat me all over the body—I lost consciousness—I don't know how I got to the police station. They kicked us with boots ad punched us with their fists. We tried to run from the police and that is one reason they may have beaten us. * * * According to a newspaper report, we tried to grab their weapons * * * also because of the two Burmese who hijacked the plane. In fact we did not try to grab their weapons, there were too many."

Two women refugees who were interviewed expressed fears about treatment in detention because they had witnessed beatings of other Burmese held for "illegal immigration", and one said she had been beaten herself when she tried to intervene. The victims of such beatings included Burmese sold into prostitution through deals between Myanmar authorities and Thai brothel operators. In March 1991 police at IDC tried to force three female Burmese detainees to return to a brothel where they had been made to work as prostitutes. The brothel owner had come to pay fines for their release, but the women refused to go with him. They appealed to one of the other women detainees, interviewed by Amnesty International, who then asked the police not to take them. She told Amnesty International the police kicked her in the abdomen so forcefully that she fell over backwards. She said that they beat the three women as well. One was repeatedly slapped in the face until it became swollen, and was also dragged across the floor. None of the women was given any medical treatment.

Another woman interviewed by Amnesty International had been detained in a women's prison before she was moved to IDC in Bangkok. She reported that women prisoners were both hit by the guards and beaten with batons. When one of them complained about discrimination against Burmese women, she was struck very hard three times on the back of her head. The police officer then told the Burmese prisoners that if they complained again all of them would be beaten.

On another occasion several Burmese refugees detained at IDC were severely and repeatedly beaten. On 29 January 1991, some 30 Burmese prisoners began hitting the iron bars of IDC Room Four to protest their continued detention and lack of water in that cell. Police officers approached the cell, and the prisoners asked to speak to the Commander of IDC. The guards returned with 20 Burmese trustees of "Indian"[2] origin armed with batons, who refused to beat the prisoners once they realized that they were Burmese. The trustees were taken back to their cell, and 20 police guards, some in plain clothes, returned. The police then dragged about 20 Burmese prisoners downstairs after having handcuffed them.

Two prisoners were taken first into a room: One of them describes their treatment:

"They pushed both of us on the floor; four policemen and two trustees * * * they handcuffed us with our arms above our head face down on the floor and they started beating our backs. We could not remember how many times they hit us—three batons were broken in the process. They then took us outside and we saw [two others], and [one] had a head injury, his head was bleeding * * * all of the four of us were sent to room 2, and they continued the beating on the way * * * we received no medical care."

One prisoner reportedly had his nose broken, and several were beaten all over their bodies. Another prisoner was hit so forcefully with a baton that he lost consciousness for five minutes until the guards threw water on his face. Prisoners were beaten on the back with batons, punched in the face, and kicked with boots in the chest. A total of nine prisoners were beaten over a period of two days. None of those beaten received any medical attention for their injuries, which included swelling, cuts, and bruises. The prisoners were later separated into three different rooms. Although the UNHCR branch office in Bangkok made strong representations protesting the beatings to the Thai authorities, to Amnesty International's knowledge, there has been no official investigation into the incident.

Conditions for refugees held in police station lock-ups and at IDC were consistently reported to be crowded, with rooms often holding double their capacity. Prisoners suffered from a lack of proper medical care, and in several instances detainees seriously ill with malaria did not receive any treatment. One imprisoned Burmese refugee described conditions in a local police station lock-up:

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[2] The term "Indian" is used by Burmese to refer generally to people from or descendants of people from South Asia, including Indians, Bangladeshis, Pakistanis, Sri Lankans and others.

"We couldn't sleep well because the room was so crowded. We got a skin infection but the police didn't give us any medicine. We were allowed no visitors, and the visitors couldn't leave anything for us. One was seriously ill so we called the police so they admitted him into the hospital—he was nearly unconscious and couldn't walk. The patient was handcuffed and I was handcuffed—I carried him on my back * * *. They took the patient to the hospital by car. They tied the prisoner's legs to the bed and his hands to the bed with an iron ring."

FORCIBLE RETURN OF BURMESE REFUGEES

Thai immigration authorities routinely deport Myanmar nationals who have been detained in Thailand. Among these are refugees at risk of a wide range of human rights violations in Myanmar. On several occasions refugees and other Burmese deportees have been able to give money to Thai officials or to boatmen to facilitate their return to Thailand before they are taken into the custody of the SLORC. However, at least five Burmese who have been forcibly returned are thought to remain in prison in Myanmar because SLORC officials suspect they are political dissidents. Amnesty International considers them to be at grave risk of torture and ill-treatment, and imprisonment for political reasons without charge or trial, or after unfair trials. In one case Amnesty International believes that the prisoner has already been subjected to ill-treatment.

Amnesty International has gathered first-hand testimonies of six deportations occurring between July 1990 and June 1991, from Raatchaburii, Ranong and Kanchanaburi provinces. With one exception, all of the Burmese interviewed by Amnesty International were forcibly returned by the Thai authorities after having been detained for "illegal immigration". One, who was taken into Burmese Special Branch Intelligence custody, managed to escape. One paid a fine to the Myanmar authorities for his release, after misleading military intelligence officers into believing that he was a migrant worker, when in fact he was a political activist. Most avoided the worst consequences of deportation by bribing Thai officials or boatmen not to turn them directly over to the custody of the Myanmar authorities, or had such bribes paid on their behalf.

In the case of deportations occurring in 1990, the asylum-seekers were able to bribe Thai border police to allow them to re-enter Thailand, or pay the boat owner to turn the boat around before reaching the Myanmar coast. In July 1990, 37 refugees recognized by UNHCR were sent from Raatchaburii province in Thailand to Myanmar, where they bribed Thai border police to re-enter Thailand. In November 1990, after a hunger strike demanding their immediate release from IDC, 25 UNCHR "persons of concern" were able to prevent their forcible return to Myanmar by paying the boat owner to return them to Ranong unhindered by the Thai authorities.

However, in 1991, opportunities to return to Thailand after or during deportation were reduced. On 25 April 1991, the Thai immigration authorities at IDC sent a group of about 141 Myanmar nationals, 41 of whom were UNHCR "persons of concern", by bus from Bangkok to Ranong. Ranong is a town on the southwest coast of Thailand which is across a small strait from the coast of Myanmar. They were then taken by boat from a private pier to Kawthaung, Myanmar. The boats were escorted by a Thai navy boat with immigration and navy personnel. Although the refugees tried to pay the boat owner to return, he did not do so, apparently because of the official Thai escort. When the boat was less than 100 yards from the Myanmar coast, one of the refugees attempted to wound himself so severely as to either prevent his deportation from proceeding or bring about his death. He later told Amnesty International:

"* * * if I were deported it was sure I would be arrested by the SLORC. They know me because there is evidence—some people who supported me were questioned and detained * * * I already had a homemade short knife made from a spoon * * * I stabbed myself on the left side of my chest in the heart. If I stabbed myself there would be a chance for me to escape. I stabbed myself very secretly—I hammered the knife in with a handle. In face it is better to die—it's just enough. I don't want to go back."

One of the refugees who witnessed the suicide attempt describes the incident:

"[He] stabbed himself in the left chest with a sharp handmade knife. He showed his wound to the Thai immigration boat but they did not give any help. The boat was almost to the Burmese pier so we all jumped into the water * * * [He] was saved by a nearby boat who also took him back to Ranong to the hospital, where he was admitted."

The Thai immigration boat then turned back to Thailand. Other boats picked up the refugees and took them back to Ranong. However, two Burmese among those whom the Thai authorities were attempting to return ended up in Kawthaung and at last report remained in detention there because the Myanmar authorities suspect they may be political activists. 21 of the group who were able to return to Thailand were rearrested in Ranong but were released after 15 days. They were sent to the banks of the estuary again, and paid 200 baht each in order not to be subject to a second attempt to return them to Myanmar. They also had to pay 1,000 baht each to the Thai military officers to purchase passes that would make it possible for them to return to Bangkok.

Another deportation from IDC of about 300 people took place on 23 May 1991. It was difficult for those who were interviewed to determine how many of them were UNHCR "persons of concern" because "persons of concern" do not always identify themselves for fear of being detained at IDC longer than their actual sentence.

After being taken by bus to a private pier in Ranong, the group was met by about 30 immigration police, local police and military personnel. A Thai official read out the names of about 12 UNHCR "persons of concern": two of them who were later interviewed by Amnesty International were able to return to Bangkok. It appears that the 12 were saved from forcible return because over 5,000 baht had been paid for their release to Thai officials. However, one UNHCR "person of concern" who was not among the twelve was sent to Kawthaung. According to his testimony.

"They took us to the Tala hotel pier and they forced all the people to get out and beat the people and forced us to get into the boat. I was on the first boat. I was beaten on the back with a hard plastic pipe. They asked, 'Are there any Burmese students?', but I was already on the boat so I did not give my name and I couldn't come back. About 12 Burmese students were pulled back by the immigration police."

The boat crossed the channel, escorted by two Thai immigration boats, so no one was able to pay the boat owner to return to Ranong. About 15 Myanmar military and police personnel were waiting at the Kawthaung pier, including two police from the Special Branch.

The refugee who testified to Amnesty International was then forced on to the Kawthaung pier, when he was kicked in the ribs twice for "pretending to be a boatman" instead of admitting that he was a student. He was taken alone in the back of a truck to prison where he spent the night. The next day, he was escorted by two plain clothes Special Branch officers to an empty room in the Special Branch family quarters. He asked them what they planned to do with him, and they told him they were going to ask him some questions. They told him that if they suspected that he was a student, he would be sent to Magwe prison for six months and then be transferred to Insein Prison (the largest prison in Myanmar, where hundreds of political prisoners are currently held).

When he was first brought into the room, he noticed a back window which was open. He jumped the six foot drop from the window, and was able to hide among a crowd of people as he escaped. The two Special Branch men attempted to follow him but could not use their guns because of the crowd. He returned to Ranong and eventually made his way to Bangkok.

The most recent deportation documented by Amnesty International occurred on 20 June 1991. A UNHCR "person of concern" who had been arrested with 14 others on 8 June reported that when he and another prisoner heard there would be a deportation that day, they paid 2,000 baht each for release papers from other "illegal immigrants" who had completed their sentences and were due to be deported. The police recognized the second prisoner as a "person of concern" and kept him in detention at IDC. The first detainee was able to assume another identify in order to be sent to Ranong, where he hoped to escape from police custody. However, he was sent by the Thai military across the channel to Kawthaung.

Three hundred and twenty-four Myanmar nationals were deported to Ranong on this occasion, of whom approximately 12 were UNHCR "persons of concern". The deportees were put into three boats which were escorted on one side by a Thai immigration boat with eight armed soldiers, and a Thai navy boat on the other side. When they reached Kawthaung, Myanmar police personnel were waiting on the pier. Thirty people at a time were taken in trucks to the centre of town, and the refugee interviewed by Amnesty International was in the last group. When they arrived they were told by Myanmar immigration police that if they could pay 1,500 kyats[3] they would be released. If they could not pay the fine, they were told they would serve six months hard labour for "illegal departure".

The refugee was able to pay the fine, but was still interrogated by Military Intelligence. He gave false information and stated that he had been working in Thailand for many years. While he was waiting, he saw one person in one group and four others in another group handcuffed and taken away. Four eventually returned, but one remained in the custody of Myanmar Military Intelligence. Those who were with him heard him being kicked and beaten while being questioned by Military Intelligence personnel. He denied the interrogators' suspicion that the others were student activists. They showed him a photograph of himself and told him, "We know everything and don't lie."

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[3] Seventy-five kyat is the equivalent to approximately one USD.

The five "persons of concern" were eventually able to return to Thailand. They were released along with 177 other deportees after paying the 1500 kyat fine. Three others whom the Myanmar authorities suspect are political activists reportedly remain in detention in Myanmar. Amnesty International is concerned that they are at grave risk of torture and ill-treatment and that they are also at risk of being unfairly tried by either military tribunals or civilian courts in Myanmar.

An official Radio Rangoon report of 3 July 1991 corroborates the statement made by those interviewed by Amnesty International about interrogation and detention of deportees:

"A total of 440 persons who have entered Thailand illegally have been sent back to Kawthaung in Myanmar via Ranong in Thailand during the last week of June. Among those who were deported, 324 were sent back on 21 June, 34 on 23 June, and 82 on 28 June. It has been learned that the township-level border committee concerned in Thailand contacted the law and order restoration council in Kawthaung and deported the returnees * * * Based on interrogations, arrangements were made to take legal action against the returnees in accordance with the Immigration and Manpower Act of the Union of Myanmar * * * It was learned that 185 persons were fined Kyat 1,500 each and 84 persons, who were unable to pay the fine, were each handed a six-months prison term."

RECENT DEVELOPMENTS

On 2 July 1991, 38 Burmese refugees were arrested in front in IDC during a peaceful sit-in demonstration protesting the Thai authorities' detention and deportation of Burmese refugees. They also requested official refugee status in Thailand. The 38, among other Burmese "persons of concern" to UNHCR, remain in detention at IDC and other prisons in Bangkok.

On 4 July between 300-400 Burmese refugees gathered in front of the United Nations Building in Bangkok to protest the continuing arrests by the Thai authorities and to request official refugee status from Thailand. Although no arrests were made at the demonstration, Burmese "persons of concern" to UNHCR continue to be arrested in their homes and on the streets of Bangkok.

On 6 July 1991 seven UNHCR "persons of concern" were arrested in the Din Daeng area of Bangkok, when their apartment was raided by the police. All of these people remain in detention. More arrests reportedly took place on 10 July during another demonstration at the United Nations Building in Bangkok. Nine Burmese refugees were arrested when they attempted to stage a protest there against their treatment by the Thai authorities.

Amnesty International is concerned that the Thai Government policy of detaining refugees merely for "illegal immigration" has now resulted in the death of one detained refugee, Min Thein, during an escape attempt. Amnesty International is also concerned about allegations suggesting that the Thai police officer who shot him to death may have acted unlawfully. Min Thein was a student political activist from Myanmar who fled his country in 1988 because of human rights violations. He was one of four refugees from Myanmar recognized by UNHCR who were arrested on 29 July 1991 for "illegal immigration". The arrest came as part of the recent intensified crack-down by the Thai authorities on refugees from Myanmar. This crackdown was announced on 8 July after the two peaceful demonstrations in Bangkok (see above). In announcing the crackdown on refugees from Myanmar, Bangkok Deputy Police Commissioner Major General Chaisit Karnvanakit declared: "Their being here in the first place is not a right thing, yet they create disturbances". He reportedly instructed police to "take stringent action" against them.

Following Min Thein's arrest on 29 July, he was held for two days at the Immigration Detention Centre in downtown Bangkok. On 31 July he and a number of other Burmese accused of "illegal immigration" were reportedly put in a police pick-up truck and taken to a court in Minburii, on the northern outskirts of Bangkok. Min Thein and two other prisoners tried to escape when the pick-up truck reached the court, reportedly because they feared Thai authorities might eventually forcibly return them to Myanmar. One was recaptured almost immediately, but Min Thein and a second prisoner, a woman named Ma Thet, managed to climb a wall and run away. Two local policemen on a motorcycle chased them down at a construction site, and it was there that Min Thein was shot and suffered wounds from which he subsequently died. According to a statement issued by a police spokesman on 2 August, the policeman who shot Min Thein was acting in self-defence. The spokesman said that the policemen's motorcycle had overturned, pinning one policeman under it. Min Thein had allegedly tried to assault the trapped policeman, and was therefore shot. Ma Thet, however, reportedly denies that Min Thein threatened the police, and alleges that Min Thein was shot in the back while still attempting to flee. After the incident, Ma Thet and the other person who had attempted to flee were reportedly sentenced to four months imprisonment for "illegal immigration".

Amnesty International believes that the tragic death of Min Thein demonstrates the urgent need for the Thai Government to act according to international human rights standards in its treatment of refugees.

RECOMMENDATIONS

Amnesty International calls on the Government of Thailand to:

1. Make every effort to accede to the 1951 Convention relating to the Status of Refugees, and 1967 Protocol thereto, as an important step towards ensuring the protection of refugees and asylum-seekers in Thailand.

2. Ensure that it acts in conformity with the principle of non-refoulement by halting all forcible returns of Burmese refugees to Myanmar. Burmese refugees who have been recognized by UNHCR as "persons of concern", and all Burmese refugees who risk imprisonment as prisoners of conscience, torture, "disappearance" or execution in Myanmar should not be forcibly returned to Myanmar.

3. Establish a fair and adequate procedure by which asylum-seekers, including the Burmese, can present their reasons for fearing a return to a particular country, and ensure that all asylum-seekers who seek protection in Thailand have effective access to that procedure.

4. Provide all detained refugees with an opportunity to have the legality of their detention reviewed by means of a fair, prompt individual hearing before a judicial or similar authority whose status and tenure afford the strongest possible guarantees of impartiality and independence, and ensure that such judicial procedures meet international standards, including access to legal counsel and the services of a competent translator.

5. Recognize that, under international standards, "illegal immigration" is not a legitimate ground for the detention of refugees.

6. Initiate an inquiry by an independent and impartial body into the circumstances of Min Thein's death to establish whether he may have been killed unlawfully, and if he was unlawfully killed, ensure that any person(s) responsible for his death will be brought to justice.

7. Establish an inquiry by an independent and impartial body into the allegations of ill-treatment of Burmese refugees at the IDC. The results of the inquiry should be made public and any police or other authorities implicated in ill-treatment should be brought to justice.

THE SALVADORAN PEACE PROCESS

Mr. KENNEDY. Mr. President, a significant breakthrough was achieved last week in the United Nations-sponsored El Salvadoran peace process. An accord was reached in New York between the Government of El Salvador and the FMLN rebels that could, if negotiations stay on track, bring an end to the tragic civil war that has ravaged the country for the past 12 years and enable Salvadorans of all political persuasions to begin the long process of reintegration into a civilian-controlled political system.

In a most insightful article in the New York Times, James LeMoyne correctly points out that the most difficult issues underlying this conflict still remain to be resolved: access to economic opportunity, respect for human rights, and the establishment of a democratic system based on law.

Mr. LeMoyne observes that the peace will only come to El Salvador through the cooperation of both the right and the left. He emphasizes that the right must sever its ties to the death squads, support economic liberalization policies which permit the formation of trade unions, and allow guerrilla families to keep the land they currently occupy. The left, in turn, must give up their military struggle, lay down its arms, and join in the democratization of the country.

For these goals to be achieved, the United States and the international community will need to show a deeper commitment to social, political, and economic development in El Salvador.

Having fueled the bloody conflict in El Salvador for over a decade, the United States has a responsibility to use its enormous power and influence to bring a lasting and just peace to that troubled land. We must redouble our efforts to help bring about a cease-fire and insist on civilian control over the army and accountability for human rights abuses. The recent conviction of Col.

Guillermo Benavides and one of his lieutenants for the murder of the Jesuit priests is a step in the right direction. But more needs to be done to end the impunity with which gross human rights violations have been committed.

Mr. LeMoyne also urges the United States to consider offering scholarships, training, and other support to former guerrillas who now need new talents to create a new civil society. By helping these Salvadorans understand democratic institutions and the importance of economic growth, Americans can help foster a better future for the long-suffering Salvadoran people.

Mr. LeMoyne a former New York Times correspondent for Central America, is an renowned authority on Central American issues, and the author of "A Thin Waist of Tears," a forthcoming book on the region.

I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 27, 1991]

Hope Against Hope in El Salvador

(By James LeMoyne)

Watching the survivors of an army massacre or a guerrilla attack gather the broken bodies of sons, daughters, and others they loved, it was hard to image that peace could ever come to a land as soaked with blood and hatred as El Salvador.

Now, after 75,000 deaths in 12 years of terrible civil war, the new U.N. brokered agreement between the guerrillas of the Farabundo Marti National Liberation Front and the Salvadoran Government gives the first real cause for hope that a measure of peace may at last be achievable.

But major steps are needed before that possibility becomes reality. In El Salvador, the Government, army and guerrillas must all change more if peace is to prosper. The United States and the international community also face large obligations.

The weakness of the U.N. agreement just signed in El Salvador is that it still leaves the main issues for future negotiation. All sides are still armed and the war goes on. The accord's value is that it keeps all sides negotiating and establishes a commission that for the first time will bring the guerrillas, opposition political parties and the Government together under U.N. mediation to debate the real causes of the civil war.

The issues must involve demilitarization and access to economic opportunity, as well as respect for human rights and the establishment of a democratic system based on law. Salvadorans have been killing one another over these issues for most of this century and almost certainly will continue to clash until improvement is made.

It is not going to be easy to reduce the army, purge its many corrupt and homicidal members and finally break its century long domination of El Salvador. The army and the police will, as always, resist losing power.

Nor is it going to be easy for the ruling Nationalist Republican Alliance Party ARENA—to sever its old this to death squads and intolerance. The rightists must accept trade unions, along with decent wages, and leftist political parties."

President Alfredo Cristiani, who has become the first member of the conservative elite to reach out to his people and offer a national vision, deserves support in his struggle with the extremists in this party.

It is going to be perhaps even more difficult for the five guerrilla groups of the F.M.L.N. to practice democracy and give up once and for all clandestine political organization and their dreams of power.

Salvadorans in general now have to face the 500 years of social disaster that constitute their history and to learn to make their society a tolerable place.

But they cannot do this alone. Now, more than ever, the international community and the United States must lend a real helping hand. This process has already begun. The U.N. is playing a remarkable role in mediating an end to the civil war. This effort should be continued.

At the same time, nations of goodwill like Venezuela, Mexico, Costa Rica, Spain, Portugal and Canada, among others, could help heal El Salvador's wounds.

But the greatest responsibility of all now falls on the United States and countries like Cuba, Nicaragua, Vietnam and the Soviet Union that supported the war in El Salvador. Cuba and the Sandinistas in Nicaragua in particular should be pressured to stop their military support for the Salvadoran guerrillas.

The United States has special obligations. For 40 years of the cold war our nation trained brutal armies and supported corrupt dictators throughout Latin America in a Manichaean struggle against Communism. We did not create the instinct for violence and injustice that pervades El Salvador and most of Latin America—but we did at times urge and direct those dark habits in the dirty wars of an often dirty century.

In El Salvador, our nation has now shown it can oppose Marxists, if necessary, by supporting even a bloodstained army. But our nation has not yet shown a deeper long-term commitment to social, economic and political development that is the only soil enduring democracy can take root in.

The American Government should be lauded for supporting free elections and recent negotiations in El Salvador. But these have been only first steps in a long process.

The U.S. should now commit itself to an international effort to encourage demilitarization in El Salvador and the rest of Central America.

This means backing measures that place military budgets and armies in the region under control of civilian governments. The Salvadoran Army high command has to understand in no uncertain terms that the military murderers of six Jesuit priests have to be punished, and that a purge and reduction of the armed forces are a precondition for further American aid. The trial of Salvadoran soldiers accused of the killings that is to open today will be a test of both American resolve and the capacity for reform in the Salvadoran Government and army.

At the same time, the U.S. should seek contact with the F.M.L.N. guerrillas. It is time to recognize that in El Salvador, as in Spain, Portugal and Italy, the left is an authentic and necessary part of national life. If extreme rightists of the ruling party can be given the chance to become democrats, then why can't the rebels? Some of them are fanatics. But others are among El Salvador's finest people.

As it already does for other Salvadorans, the U.S. should consider offering scholarships, training and other support to former guerrillas who now need new talents to create a new civil society. To give them the chance to become democrats, why not assist them in visiting and studying trade unions, city councils, factories, businesses, police forces, courts, schools, legislatures and other civil institutions in the United States and other democracies?

But for such steps to occur, the rebels must face up to their own shortcomings and accept the historic responsibility this moment places on them.

The guerrillas have killers among them who should be purged—those who murdered mayors, Government officials and other civilian politicians, as well as two unarmed, wounded American soldiers. The rebels must acknowledge that Cuba is as failed a model as the Soviet Union, and they should visit Costa Rica rather than Havana.

If they are true to their pledges, the guerrillas will now work to create a democracy offering social security to the majority of Salvadorans, with a fair legal system and regular election of a civilian government under a constitution. To better the lot of their people, the rebels have to understand that economic growth is essential.

Simply distributing land will not do this; encouraging foreign investment and decent wage levels for agrarian workers will. If they take these many steps, the guerrillas will be true revolutionaries who helped end a tradition of intolerance and injustice in El Salvador.

As Marxists and soldiers, the rebels have guns but little future. As reformist democrats and politicians they will risk their lives—but ultimately they will win a better future for a small country that deserves one.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of Clarence Thomas, to be an Associate Justice of the Supreme Court of the United States.

The nomination will be stated.

SUPREME COURT OF THE UNITED STATES

The legislative clerk read the nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the United States.

Mr. THURMOND. Mr. President, I believe we were to start at 11 o'clock on the Thomas nomination, but something happened to intervene and it was put off until this time. We are now ready to begin. I might say the chairman of the committee has sent word to me to go ahead, so I will proceed.

The PRESIDING OFFICER. The Senator may proceed.

Mr. THURMOND. Mr. President, today the full Senate begins consideration of the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court of the United States. If confirmed, Judge Thomas will be the 106th person to serve as a Justice. As well, I might say, it is the 24th Supreme Court nomination that I have had the opportunity to review during my almost 37 years in the Senate.

As floor consideration begins, we must remain keenly aware that this body faces a solemn responsibility. When a nominee is considered for the Supreme Court, our responsibility is an enhanced one. Those chosen for a seat on our Nation's highest Court occupy a position of great authority, trust, and power as this appointment is one of life tenure without accountability by popular election. Members of the Supreme Court make vitally important decisions and can only be removed in very limited circumstances. A Supreme Court Justice must be an individual who understands the responsibility to the people of this Nation, the concept of justice, and the magnificence of our Constitution.

Mr. President, I have always believed that our Constitution is the most enduring document ever penned by the hand of man, and certainly remains the finest, most significant political document ever conceived. Our august Constitution confers tremendous responsibility on the Senate in a vast number of areas. In the confirmation process, the Senate alone holds exclusive authority to "advice and consent" on all judicial nominations. While the President of the United States has the constitutional authority to "appoint * * * judges of the Supreme Court," the "advice and consent role" of the Senate is one of the most important ones we undertake. The Senate has assigned the task of holding hearings and the detailed review of judicial nominees to the Judiciary Committee. It is a task that the committee undertook with the clear awareness of the importance of its role in the confirmation process.

Mr. President, the role of the Supreme Court in our history has been vital because the Court has been called upon to solve many difficult and controversial problems—using its collective intellectual capacity, precedent, and constitutional interpretation to solve them. Throughout the course of our Nation's history the Court has been called on to administer justice. As George Washington said, "The administration of justice is the firmest pillar of good government." There is every reason to expect that the Court's role in the administration of justice will continue to be a major factor in the future.

For this reason, an individual chosen to serve on the Supreme Court must be one who possesses outstanding qualities. The impact of the decisions of the Court require that a nominee is eminently qualified. During my consideration of the previous 23 nominations to the High Court in my almost 37 years in the Senate, I have often reflected on the attributes I believe a Supreme Court Justice should possess. As we again consider a nominee to the Supreme Court, I believe these special qualities warrant reiterating:

First, unquestioned integrity. A nominee must be honest, absolutely incorruptible, and completely fair.

Second, courage. The courage to decide tough cases according to the law and the Constitution.

Third, compassion. While a nominee must be firm in his decisions, he should show mercy when appropriate.

Fourth, professional competence. The ability to master the complexity of the law.

Fifth, proper judicial temperament. The self-discipline to base decisions on logic, not emotion, and to have respect for lawyers, litigants, and court personnel.

Sixth, an understanding of the majesty of our system of Government. The understanding that only Congress makes the laws, that the Constitution is only changed by amendment, and that all powers not delegated to the Federal Government are reserved to the States.

I believe an individual who possesses these qualities will not fail the cause of justice. I am convinced that Judge Thomas possesses them and will be an outstanding member of the Supreme Court.

Without question, Judge Thomas' background and experience will serve him well on our Nation's highest court. He has an exceptional educational background, graduating from Holy Cross College in 1971, with honors. In 1974, Judge Thomas earned his juris doctorate degree from Yale Law School, one of the country's most prestigious institutions. Following his graduation from law school, Judge Thomas became an assistant attorney general for the State of Missouri, under then Attorney General John Danforth.

In 1977, he joined the Law Department of the Monsanto Co. where he handled corporate matters, and in 1979 he relocated to the Nation's Capital to be a legislative assistant for newly elected Senator DANFORTH. In this capacity, he handled legislative issues related to energy, the environment, public works, and the Department of the Interior. In May 1981, Judge Thomas was nominated by President Reagan, and confirmed by the Senate, to be Assistant Secretary for Civil Rights at the Department of Education.

He then assumed the position of Chairman of the Equal Employment Opportunity Commission in 1982. President Reagan nominated Judge Thomas to this position twice, with the Senate confirming his nomination on both occasions. As Chairman of the EEOC, he was responsible for the administration and policy development undertaken by an agency comprised of 3,100 employees across the Nation and an annual budget of $180 million. Judge Thomas was responsible for revitalizing and reinvigorating the mission of the EEOC. At the close of his tenure, the EEOC had won nearly a billion dollars in relief for victims of discrimination.

At his recent confirmation hearings, Ms. Pamela Talkin, a Democrat who worked with Judge Thomas at the EEOC, testified that he "sought to vigorously enforce all the laws prohibiting discrimination on behalf of all workers, including women, older workers, and Hispanic Americans." Mr. James Clyburn, who has served 17 years as Commissioner of the South Carolina Human Affairs Commission and describes himself as a moderate to liberal Democrat, testified that he found Judge Thomas "to be highly compassionate, sensitive, and judicious * * * there is the integrity, the conscientious spirit, and the basic sense of fairness."

On October 3, 1989, President Bush nominated Judge Thomas to serve as a member of the U.S. Court of Appeals for the District of Columbia Circuit. At that time, the Judiciary Committee extensively reviewed his professional record. The full Senate overwhelmingly approved him to serve on what is commonly known as the Nation's second highest court. This was the fourth time the Senate had confirmed him for a position of great trust and responsibility. Judge Thomas has rendered distinguished service on the court of appeals, authoring a number of opinions while participating in some 150 other cases.

On July 8, 1991, President Bush nominated Judge Thomas to serve as an Associate Justice of the Supreme Court of the United States. The Judiciary Committee conducted thorough and extensive hearings which lasted 8 days. Judge Thomas testified before the committee for almost 25 hours, longer than any other Justice confirmed in the last 10 years. We heard testimony from approximately 100 outside witnesses.

As the Committee hearing commenced, Judge Thomas was introduced by a bipartisan panel of several of our distinguished colleagues: Senators NUNN, FOWLER, WARNER, ROBB, DANFORTH, and BOND.

Senator SAM NUNN, of Georgia, Judge Thomas' home State, stated:

> Clarence Thomas has climbed many jagged mountains on the road from Pin Point, Georgia, to this Senate Judiciary Committee. I believe that * * * Judge Thomas will remember his own climb and will always insist on fairness and equal justice under the law for those who are still climbing.

Senator DANFORTH, one of the strongest supporters of Judge Thomas, stated:

> I have no doubt whatever in giving the committee this assurance: Just as Clarence will resist any effort to impinge on his independence by seeking commitments on how he will decide cases before the Court, so he will never become a sure vote for any groups of Justices on the Court * * * [Judge Thomas] has special qualities he will bring to the Court * * * [He is a man] I know so well and believe in so strongly.

Of the witnesses who testified, I was most impressed by those who personally knew Judge Thomas and who could attest to his outstanding qualities.

Mr. Alphonso Jackson, executive director of the Housing Authority for the city of Dallas and a personal friend of Judge Thomas for the past 18 years stated:

> Judge Thomas is intuitive, insightful, and highly proficient in the law, with extremely valuable hands-on experience in public policy. He possesses keen intellect and strong values * * *. He will serve the Supreme Court well through his own strength of character, perseverance and strong belief in the American Dream.

There were other impressive witnesses who testified in support of Judge Thomas. Ms. Emily Holyfield is a member of the Compton, CA, Chapter of the NAACP that voted unanimously to support the confirmation of this nominee. She testified that Judge Thomas will be an "an excellent judge, a judge that will represent all of the people throughout the Nation."

Mr. President, upon reviewing the decisions Judge Thomas has written and participated in on the Court of Appeals and listening to his testimony, I have concluded that he has exhibited an adherence to the rule of law and the true principles upon which our Nation was founded. Without question, the opinions he has authored are within the mainstream of judicial thinking. The American Bar Association reported to the committee that throughout Judge Thomas' tenure on the Court of Appeals, he "has been consistently fair and open-minded." His legal opinions were carefully reviewed and described by the ABA as "clear and [carrying] the hallmarks of competent appellate craftsmanship." Further, the ABA found that his work evidences broad analytical skill and open-mindedness * * *. He has shown no evidence of judicial bias * * * and his opinions have been * * * well reasoned and well written." My own review shows he has articulated a clear and concise understanding of the law and conformance to established principles of Constitution interpretations. Ms. Barbara Bratcher, an attorney with Wilmer, Cutler and Pickering, who prepared a comprehensive report on Judge Thomas' judicial opinions, concluded that he "has demonstrated strict adherence to the rule of law." She noted his opinions demonstrated an "observance of controlling precedent and accepted principles of statutory construction." Ms. Bratcher stated that Judge Thomas "faithfully construed the law to preserve the rights of individuals and the rights of society."

Mr. President, some have stated that Judge Thomas has articulated a personal philosophy of law and constitutional interpretation which would curtail individual rights. I strongly disagree with those who have reached that conclusion. In fact, Judge Thomas has stated he believes, and I quote, that "equality is the basis for aggressive enforcement of civil rights laws and equal opportunity laws designed to protect individual rights." Those are words stated by a person who truly believes in the civil rights of the individual and a commitment to the principles of fairness and equality, not a nominee who is out of the mainstream of judicial interpretation and analysis. An examination of the professional record of Judge Thomas provides no valid reason to believe he would seek to diminish the rights of any American citizen. Judge Thomas acknowledges that he has been a beneficiary of the diligent work of individuals such as Justice Thurgood Marshall and others involved in civil rights efforts.

Judge Thomas also testified before the Judiciary Committee about several other important constitutional issues. In his testimony, he stated the Constitution protects the fundamental right of privacy, and that the Court has recognized in the case of Eisenstadt versus Baird that the rights of privacy extends to single persons, as well as married couples. He acknowledged that the Miranda warning requirements and the exclusionary rule are settled judicial principles.

Mr. President, during the hearings there was mention that Judge Thomas had undergone a confirmation conversion. This nominee was before the committee for almost 5 days. During that time, he explained the positions taken by him in some of his writings and speeches when he was a policymaker in the executive branch. In each of these policymaking positions, clearly Judge Thomas would be expected to be a strong advocate for the administration which he served. I found his explanations for the positions he took in the executive branch reasonable and consistent with his earlier speeches and writings. I firmly believe there was no confirmation conversion. Ms. Margaret Bush Wilson, who was chairperson of the national board of directors of the NAACP from until 1984 and has known Judge Thomas since 1974, testified before the committee on his behalf. In her written testimony she stated, and I quote:

> One of the most disagreeable charges leveled at Judge Thomas is that he has changed his stated views to gain confirmation. Those who make this unfair charge do not know the man. Judge Clarence Thomas would not violate this principle for any purpose—and certainly not to gain a seat on the Supreme Court * * *. I am confident he will make a great Justice and will continue to defend and protect the rights of the needy, the powerless, and those who have suffered from discrimination.

Additionally, there were lengthy discussions of the topic of natural law during the committee hearings. Judge Thomas testified that he has always discussed this topic in the context of civil rights and equality under the law. He has never referred to the use of natural law as a substitute for the language of the Constitution, judicial precedent, or legislative intent. Upon reviewing the opinions he wrote while on the D.C. Circuit, it is apparent that he has stayed well within the appropriate framework of judicial review and constitutional interpretation.

Mr. President, the issue of judicial philosophy, or ideology, has often been raised in relation to recent nominees to the Supreme Court. Some argue that philosophy should not be considered at all in the nomination process, while others state that philosophy should be the sole criteria. I believe it is not appropriate that philosophy alone should bar a nominee from the Supreme Court unless that nominee holds a belief that is contrary to the fundamental, longstanding principles of our Nation. Clearly, if a philosophical litmus test can be applied to defeat a nominee, then the independence of the Federal judiciary would be undermined. Judges are not politicians put in place to decide cases based on the views of a political constituency, but are sworn to apply constitutional and legal principles, and to arrive at decisions that do justice to the parties before them. To reject a nominee based solely on ideology, would be inappropriate. As well, requiring a nominee to pass an ideological litmus test on controversial topics would seriously jeopardize the efficacy and independence of the Federal judiciary.

Additionally, the Constitution provides that the President of the United States shall choose the nominee to fill a vacancy on the Supreme Court. For this reason, I strongly believe that a nominee comes to the Senate with a presumption in his favor. Accordingly, opponents of the nominee must make the case against him, especially since Judge Thomas has been confirmed to positions of great trust and responsibility on four separate occasions. Based on the exhaustive review completed by the Judiciary Committee, I am strongly convinced that the presumption in favor of Judge Thomas has not been overcome.

Mr. President, I believe the circumstance of Judge Thomas' background will give him a unique sense of sensitivity in understanding the impact his decisions will have on the parties before the Court. Judge Thomas has overcome difficult circumstances he faced early in life—both the anguish of poverty and the humiliation of discrimination. As Larry Thompson, an attorney with the law firm of King and Spaulding testified: "His background * * * is needed * * * inside the Court in its deliberations on a variety of issues." I am convinced that the life experiences of Judge Thomas show that he is a man of immense courage who will broaden the perspective of the Court and bring an added dimension to it. As Dean Calabresi of Yale Law School, who has known Judge Thomas since he began his legal education there, testified, Judge Thomas "has the integrity, * * * knowledge and the ability to be a very good Justice * * * he is fully as qualified as the people who have been appointed and confirmed to the Supreme Court over many, many years."

In closing, Judge Thomas has demonstrated that he possesses the attributes which will make him an outstanding justice: integrity, a keen understanding of the law, sensitivity, the intellectual capacity to deal with complex issues, fairness, patience, proper judicial temperament, and a willingness to be open-minded.

Mr. President, I urge the Members of this body to vote to confirm Judge Thomas for a position on the U.S. Supreme Court.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I rise, guided by the dictates of my conscience, to express my views about the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

I have reviewed the hearing transcripts and have conferred with many of my colleagues, both Democrat and Republican. Through my review and discussions, many more questions were raised about Judge Thomas than were answered. There are inconsistencies and contradictions between Judge Thomas' prior statements and his well-rehearsed and polished presentation to the Senate Judiciary Committee.

Article II of the U.S. Constitution provides the President with the power to nominate the Justices of the Supreme Court, with the advice and consent of the Senate. Our Founding Fathers intended that the Members of this honorable body share in the awesome responsibility of selecting the Justices of the highest court to ensure the quality, competence, and integrity of Presidential appointees, and to ensure that we, as public servants, are upholding to the best of our ability the letter and the spirit of the U.S. Constitution.

The advice and consent power acts as a check and balance. It is a responsibility I take very seriously. An error in judgment may have detrimental ramifications and may negatively impact upon the quality of life of all Americans for years to come.

For this reason, I am most disappointed at the current state of our confirmation process—a process our Founding Fathers intended to be an open and candid opportunity for the Members of the Senate to learn about the views and policies of the President's nominee. With such knowledge, we would be able to exercise our constitutional responsibility to provide advice and consent. Regrettably, the confirmation process has become a game of hide and seek, a game of semantical tag, and game of Simon Says. The ability to duck a question has gone from a sign of weakness to an art form. Rather than securing what I believe are simple answers to straightforward questions, my colleagues on the Judiciary Committee were trapped in a tangled web of evasion and skillful side-stepping. This cannot be what our Founding Fathers intended.

Judge Thomas' performance can be described in many ways. It was well-rehearsed, well-choreographed, and well-presented. Unfortunately, it did not provide for candid and open dialogues. I cannot believe that Judge Thomas has never discussed the right to privacy issues involved in Roe versus Wade. It is one of the most controversial issues of our time. It is discussed and debated on the streets of Washington, DC, Honolulu, HI, and St. Louis, MO. The housewife, the student, the teacher, and the mechanic each have a viewpoint on abortion—whether for or against, whether grounded in religious principles or personal experience. Judge Thomas' answers on the abortion issue are beyond belief. As a respected attorney and policymaker, I cannot fathom that he has "no position" or "no preconceived leanings" on this important issue. With each repeated and rephrased question relating to Roe versus Wade, Thomas' answers were generally the same. In fact, on at least 19 occasions they resembled the following:

> To take a position would undermine my ability to be impartial, and I have attempted to avoid that in all areas of my life after I became a judge.
>
> I have not made a decision one way or the other with respect to that important decision [Roe versus Wade].
>
> I don't recollect commenting one way or the other. There were debates about it [Roe versus Wade] in various places, but I generally did not participate.

Do these responses provide any answers or insights into the policies of Judge Clarence Thomas? With such vague and puzzling answers, I find it extremely difficult to exercise my responsibility to provide advice and consent. In all candor, I do not know the policies of Judge Clarence Thomas. Will he stand upon his past positions in accord with his belief in the doctrine of natural law? Will he have no position which is his present position? Or will he develop a new position if confirmed? I cannot with a clear conscience take such a chance. My doubts are too numerous, and the stakes are too high.

Judge Thomas wrote, "justice and conformity to the Constitution, not 'sensitivity,'' should be the object of race relations." I agree that we must be unfailingly loyal to the Constitution and to the Framers' intent. However, I take exception with Thomas' belief that justice and sensitivity are mutually exclusive. The very concept of "justice" embodies compassion and sensitivity. I believe that the Framers deliberately used broad language that invites us, as policymakers, to continue the process of shaping a just society. The principles of the Constitution are not stagnant. Rather, they change to fit the contours of our time, and in doing so, the Framers would have expected us to be sensitive and compassionate in according justice for all.

Judge Thomas' opposition to the established affirmative action and equal opportunity programs evidence, I believe, a lack of sensitivity for those struggling to reach their dreams. As the grandson of a poor sharecropper raised in the segregated South, he persevered, endured and strived for excellence, and all would agree that he has achieved it. On his way up the ladder of success, Judge Thomas was a beneficiary of the very type of affirmative action program he now opposes. Through the preferential admission policy of the Yale Law School, Thomas was admitted and later graduated.

In a recent Washington Post article, Thomas is quoted, "I've benefited greatly from the civil rights movement, from the Justice whom I'm nominated to succeed, from organizations such as the Urban League and the NAACP." Were not Justice Marshall and the NAACP motivated in their quest for equal justice by compassion and sensitivity? Judge Thomas is appreciative of benefits he received, but now believes that such policies should be abolished. If I understand him correctly, he would kick out the ladder he used which helped him to reach for and accomplish his dreams.

Mr. President, I, too, have scars from discrimination. I know what it feels like. I also know about personal drive and inner strength. Accordingly, while my sights are always set forward, I look back now and then to ensure that I do now forget where I came from and who I am. However, unlike Judge Thomas, I would not kick out the ladder of hope and make it more difficult for those who have come after me. Rather, in my 37 years of public service, I have worked to fortify and preserve that ladder in an effort to help those with the personal drive and inner strength to overcome the obstacles and achieve their dreams. Our differences in this regard go to the core.

Supreme Court Justice Oliver Wendell Holmes stated, "The life of the law is not logic but experience." I am disappointed that the lifetime experiences of Judge Thomas, from his humble beginnings in the segregated South, to his participation in Black Panther activities, to his present position of national prominence, are not embodied in his philosophy and constitutional interpretation. If they were, the very values of compassion and sensitivity which were bestowed on him would be carried forward to define who he is. Justice is not handed down in a vacuum. Rather, the Supreme Court, by its very mandate, concerns itself with the realities of human lives. It has embraced, throughout the years, the values of flexibility, sensitivity and justice to uphold not only the words, but also the spirit of this document that has guided this great Nation for 200 years.

Judge Clarence Thomas has an impeccable set of accomplishments. He has held important positions in all three branches of our Federal Government. However, I do not know who Judge Thomas is. I have reviewed his past statements and his hearing testimony. From it, I feel I know less about him than I did before I began my research. What are his insights, his motivations, his passions, and why? I do not know.

I have too many questions and too many doubts. To faithfully carry out my responsibility, my choice must be free of doubt. The future of the Court and its direction for years to come is too important to accept a lesser standard. Accordingly, I must respectfully oppose the confirmation of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, it is a great honor for me to address the Senate on behalf of the nomination of Judge Clarence Thomas.

I say this because I know Clarence Thomas very well. And when I got the call from the White House on July 1 telling me that Judge Thomas would be nominated for the U.S. Supreme Court, that was one of the happiest moments of my life, and I think the happiest moment of my life in the U.S. Senate.

I believed on July 1 that I knew Clarence Thomas very well. I hired him 17 years ago when he was a third-year law student at Yale Law School. I saw in him even during that hiring interview special qualities which I thought would lead to an outstanding future.

I brought him out to Jefferson City, MO, for a further interview, and that confirmed my initial impression of this person. Clarence Thomas worked for me in the attorney general's office for about 2 years, maybe a little more, and then I was elected to the U.S. Senate, and he went to work for Monsanto Co. located in St. Louis, in their legal department.

Then, after I had been in the Senate for a couple of years, I asked Clarence Thomas if he would come to Washington and join me here, and he did come here and stayed with me from 1979 until 1981, when President Reagan asked him to join the administration as Assistant Secretary of Education for Civil Rights.

So Clarence Thomas has worked with me for approximately 4 years, and I have kept in touch with him ever since he left my employ. I see him periodically. I have had many discussions with him on a whole variety of subjects. He is a person of great breadth.

On the basis of that knowledge, I believed on July 1 that this was an outstanding nominee for the U.S. Supreme Court. I believed I knew him on July 1 but, Mr. President, I did not know him then nearly as well as I know him now.

I have had an unusual, if not a unique, experience over the past 3 months with Clarence Thomas as we had face-to-face meetings with some 60 Members of the U.S. Senate. It is an interesting experience to do that for several reasons. It is interesting to be there in the office of our colleagues and see how they interact with visitors to their offices, and it is especially interesting to see a whole variety of snapshots of a person you thought you knew. Not that the meetings were really different in substance, because Clarence Thomas was not one thing in one office and something different in another office. But the questions would be a little different. The wording of the answers would be a little different. The anecdotes which I had never heard before would be a little different from office to office. And it was as though I had been furnished with 60 snapshots of the same person, each giving a slightly different perspective of the human being.

And then I was there, Mr. President, during what have been called the murder board meetings. I would call them batting practice sessions. These are sessions where a variety of people—almost all of them were lawyers—asked Clarence Thomas all kinds of questions relating to the work of the Supreme Court. It was the kind of preparation that we politicians do before going into an important debate, where questions are fired at us to see whether we have thought of them and whether we have some response at hand.

Some people have said, "Oh, well, Clarence Thomas has been coached. He has been overly coached." But, Mr. President, each one of those meetings started with a statement that we were not there to correct the substance of what Clarence Thomas said, and we were not there to change his opinion on anything. We were there to make sure that he had heard the questions, to the best of our ability, in advance, and that his answers were clear and understandable. But we were not there to coach him on the substance, and we did not do that.

Clarence Thomas is his own person. I found that out when he worked for me 17 years ago. He is not a person who is going to trim his position in order to make people happy. He certainly did not do that with me in the attorney general's office, and there was no effort to transform Clarence Thomas into something that he was not. As a matter of fact, Mr. President, the consistent advice that I gave him—hardly advice—throughout this whole process was: Be yourself. Let people see the person you are. Let people understand who you are. Then they will support you.

Clarence Thomas was himself. I must say that I was astounded by the way in which he prepared for his confirmation hearings.

Let us face it, Mr. President, even those of us in the Senate who are lawyers, other than perhaps members of the Judiciary Committee, do not exactly sit around reading slip opinions of the U.S. Supreme Court and talking about the latest developments in jurisprudence. At least this Senator does not. I might read a few opinions every year on something that is of specific interest. But as far as keeping up with the whole breadth of material that comes before the U.S. Supreme Court, I do not do that, and I do not think many other people do either.

Clarence Thomas set to work in early July studying for what amounted to a bar exam. He was furnished a number of thick briefing books by the Justice Department, and he read those books, and he read the cases in order to try to learn what the latest developments are before the Court. He had been at the EEOC, and at the Department of Education for most of the last 10 years, and 1½ years on the U.S. Court of Appeals. There were many issues that he had to learn about, and he took that mission very seriously. He wanted to give a meaningful response to the members of the committee, and he wanted to educate himself to the best of his ability. What was remarkable to me was the breadth of his knowledge that he brought to that hearing.

Mr. President, I would be quaking in my boots if I had to face murderers' row for 5 days and be peppered with questions, some of which come out of the blue, or asked to defend, sometimes line by line, words and speeches that I made 10 years ago. I would not know how to go about that. But Clarence Thomas prepared for us, and he did answer to the best of his ability, the questions that were put to him by the committee.

Mr. President, I have heard a number of comments of people who have at least attempted to give some kind of explanation for why they intended to vote against Clarence Thomas. And one of the pop explanations is, "Well, we really do not know who he is. We really do not know who this Clarence Thomas is. And, because we do not know who he is, we will not vote for him."

I ask, Mr. President, for my colleagues to consider what kind of answer that is, and how that answer squares with the vote on the confirmation of David Souter 1 year ago to the U.S. Supreme Court.

Here is a person, David Souter, who was confirmed by the Senate on October 2, 1990, 1 year ago yesterday, by a vote of 90 to 9.

Mr. President, I ask unanimous consent that the rollcall vote of the Souter nomination be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YEAS (90)

Republicans (44 or 100%).

Armstrong, Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Wallop, Warner.

Democrats (46 or 84%).

Baucus, Bentsen, Biden, Bingaman, Boren, Breaux, Bryan, Bumpers, Byrd, Conrad, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kerrey, Kohl, Leahy, Levin, Lieberman, Metzenbaum, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

NAYS (9)

Republicans (0 to 0%).

Democrats (9 or 16%).

Adams, Akaka, Bradley, Burdick, Cranston, Kennedy, Kerry, Lautenberg, Mikulski.

NOT VOTING (1)

Republicans (1). Wilson.[2]

Democrats (0).

Explanation of absence: 1—Official Business, 2—Necessarily Absent, 3—Illness, 4—Other.

Symbols: AY—Announced Yea, AN—Announced Nay, PY—Paired Yea, PN—Paired Nay.

Mr. DANFORTH. Mr. President, David Souter was called the "stealth nominee" for the U.S. Supreme Court. Those were the words used to describe David Souter—the "stealth nominee." Nobody knew what he believed. It was said he would not answer any questions; yet, he was confirmed by a vote of 90 to 9.

Now, it is said the Clarence Thomas is a person we do not know enough about and therefore we cannot vote for Clarence Thomas. What, Mr. President, is the difference between David Souter and Clarence Thomas? As a matter of fact, much of the commentary comparing the Souter nomination with the Thomas nomination is to the effect that David Souter had no track record; that he wrote very little, if anything; that he had not made a lot of speeches; but that Clarence Thomas had quite a paper trail, it was said, quite a paper trail, that people knew what he had said, knew what he had written. That was said to be the difference between David Souter and Clarence Thomas.

So, Mr. President, how can anybody conceivably argue that they will not vote for Clarence Thomas because they do not know Clarence Thomas when 1 year ago yesterday they voted for David Souter? What kind of double standard is that to apply to the Thomas nomination: "Oh, we do not know him"? Well, we knew David Souter enough to vote for him 90 to 9. We do not know Clarence Thomas; therefore, we will not vote for him? No, Mr. President. I do not think that is any kind of argument for voting against the Thomas nomination, that we do not know him. I think that is an excuse rather than a reason.

It is said that Clarence Thomas did not come clean when he was before the committee, that he did not really answer questions that came before him. But, Mr. President, Clarence Thomas took the same position that other Supreme Court nominees have taken. He said that he would not offer an opinion on a matter that could come before the Court, that it would be improper to do so.

He was asked repeatedly about the question of abortion. "What is your position on abortion?" At one point, about halfway through the hearings, Senator HATCH noted that he had counted 70 different times when Clarence Thomas had been asked about abortion one way or another by Members of the Senate Judiciary Committee; 70 times he had been asked about abortion. That was only halfway through the hearings. I have not made a count of how many times he was asked from beginning to end, but it was surely more than 70. Was it 80, 90, 100?

Mr. President, when do we move beyond an honest inquiry into a person's views and badgering somebody? Is it after the first five questions, or 10 or 20, or 50 or 60 or 70?

Repeatedly he was asked the question on abortion as though abortion is the litmus test for serving on the Supreme Court of the United States. "Answer our question on abortion. We insist on knowing what your position is. How would you vote on abortion? What do you think about abortion? Do you have a personal opinion of abortion? Have you ever discussed abortion with anybody?"

I do not know, Mr. President; the nominee said, "Oh, I haven't even discussed it with anybody."

I do not know how to prove a negative. I do not understand how to prove a negative. I know that my administrative assistant, who served as my administrative assistant both when Clarence Thomas was with me in the Attorney General's office and when Clarence Thomas was with me here in Washington, wrote me a letter saying that he has had probably thousands of discussions with Clarence Thomas over the years about everything ranging from English literature to jogging, and he has never discussed abortion with Clarence Thomas.

I know that a lawyer here in town named Chris Brewster, who served with me both in the Attorney General's office and here in Washington, and who worked with me on the brief of my own Supreme Court case on the subject of abortion, said that the whole time he served with Clarence Thomas he never discussed the subject with him.

Most people I suppose are intensely interested in the subject of abortion. It has just never been particularly on Clarence Thomas' screen. People say this is a question of credibility. "Of course he must have talked to somebody." And so the liberal interest groups are now taking out paid advertising in a newspaper to ask people to come forward if they have ever talked about abortion with Clarence Thomas.

I ask the Senate: Is that an honest inquiry into a matter that should be discussed by a Supreme Court Justice? Or is it picking on somebody?

I think it is picking on him.

He would not answer the question. He said, "I do not think it is appropriate for somebody to go to the Supreme Court and not be able to decide the case on the basis of the law and the facts in front of him. I think that a judge should be impartial," says Clarence Thomas. And I agree. And so have other people who have been confirmed for the Supreme Court agreed.

A judge should be impartial. And it truly is an interference with the independence of the judiciary to ask a nominee to promise a vote on the Court in exchange for our confirmation in the Senate. It is not right. It interferes with the independence of the judiciary and most Americans know that, no matter what their view is on the subject of abortion.

Have we not had enough judges who were trying to impose some preconceived idea of their own on the American people? And do not really want judges who will decide cases on the basis of the facts and on the basis of the law, without trying to fob off on the American people some personal philosophical point of view?

If a judge has a personal opinion, is not Clarence Thomas exactly right, that personal opinion should be put in the background, that personal opinion should be something that the judge takes off, as Clarence Thomas said, like a runner takes off his extra clothing before running a race.

The issue is the independence of the judiciary. And other nominees have stated that before the Judiciary Committee and their explanation was accepted. And people say, "Oh, we do not know, we do not know what his views are, because he won't prejudge cases for us."

When Justice Marshall, just retired, testified before the Judiciary Committee during his confirmation, a question was put to him by Senator McClellan. Here is the question:

> Do you subscribe to the philosophy, as expressed by a majority of the Court in the Miranda case, that no matter how voluntary a confession or incriminating statement by a defendant might be, it must be excluded from evidence unless the prescribed warnings of that opinion were given?

Here is the answer that Thurgood Marshall gave in his confirmation hearings:

> Respectfully, I cannot answer your question, because there are many cases pending in the Supreme Court right now on variations of the so-called Miranda rule, and I would suspect that in every State of the Union there are other cases on different variations of the Miranda rule that are on their way to the Supreme Court, and if I am confirmed, I would have to pass on those cases.

Question:

> I will not ask you about any presently pending case here. * * * But, I think it has become so critical that we who have this responsibility here of upholding confirmations need to have some idea, at least glimpse, some impression as to the trend of the thinking and the philosophy of the one who is to receive confirmation.

Answer:

> My difficulty is that from all of the hearings I have ever read about, it has been considered and recognized as improper for a nominee to a judgeship to comment on cases that he will have to pass on.

Different question from McClellan:

> Do you subscribe to the philosophy that the fifth amendment right to counsel requires that the counsel be present at a police lineup?

Answer by Thurgood Marshall:

> My answer would have to be the same. That is a part of the Miranda case.

Anything familiar about that exchange, Mr. President? Anything ring a bell with those who watched the proceedings before the Judiciary Committee?

Justice William Brennan, inquiry from Senator Joseph McCarthy of Wisconsin:

> Mr. Brennan, we are asked to either vote to confirm or reject you. One of the things I have maintained is that you have adopted the gobbledegook that communism is merely a political party, is not a conspiracy. The Supreme Court has held that it is a conspiracy to overthrow the government of this country. I am merely asking you a very simple question. It doesn't relate to any lawsuit pending before the Supreme Court. Let me repeat it. Do you consider communism merely as a political party or do you consider it as a conspiracy to overthrow this country?

Answer by William Brennan:

> I can only answer, Senator, that believe me there are cases now pending in which the contention is made, at least in the frame of reference in which the case comes to the Court, that the definitions which have been given by the Congress to communism do not fit the particular circumstances. * * * I can't say anything to you, Senator, about a pending matter.

Antonin Scalia, at his confirmation hearing.

Senator Kennedy:

> Do you expect to overrule the Roe versus Wade Supreme Court decision if you are confirmed?

Justice Scalia:

> Senator, I do not think it would be proper for me to answer that.

The confirmation of Abe Fortas. Senator Thurmond:

> Did you condone the [Escobedo]?

Justice Fortas:

> It is with the greatest regret that I must say that the constitutional limitations upon me prohibit me from responding.

So now we say, well, we do not know enough about Clarence Thomas. Well, he answered the same way that, as far as I know, everyone has answered who has been hauled up before the Senate Judiciary Committee.

Then, Mr. President, there are those who say, well, the problem is not that we do not know enough about Clarence Thomas. The problem is we know about Clarence Thomas. That is the next attack. First, we do not know him; second, we know him. Which way do we want to have it?

So it is said, well, Clarence Thomas cannot be confirmed because Clarence Thomas is a conservative. My answer to that is: This is a new standard.

I have already put in the RECORD, Mr. President, the rollcall vote on the confirmation of David Souter, confirmed 90 to 7, I believe.

I now ask unanimous consent to have printed in the RECORD the rollcall vote of September 17, 1986, on the nomination of Antonin Scalia to be an Associate Justice of the U.S. Supreme Court. The vote is 98 to zero. And further, the rollcall vote of February 3, 1988, of Anthony M. Kennedy to be an Associate Justice of the Supreme Court. The vote is 97 to zero.

There being no objection, the rollcall votes were ordered to be printed in the RECORD, as follows:

NOMINATION OF ANTHONY M. KENNEDY TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

YEAS (97)

Democrats (51 or 100%)

Adams, Baucus, Bentsen, Bingaman, Boren, Bradley, Breaux, Bumpers, Burdick, Byrd, Chiles, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Leahy, Levin, Matsunaga, Melcher, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Proxmire, Pryor, Reid, Riegle, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Stennis, Wirth.

Republicans (46 or 100%).

Armstrong, Bond, Boschwitz, Chafee, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Evans, Garn, Gramm, Grassley, Hatch, Hatfield, Hecht, Heinz, Helms, Humphrey, Karnes, Kassebaum, Kasten, Lugar, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Quayle, Roth, Rudman, Simpson, Specter, Stafford, Stevens, Symms, Thurmond, Trible, Wallop, Warner, Weicker, Wilson.

NAYS (0)

Democrats (0 or 0%).

Republicans (0 or 0%).

NOT VOTING (3)

Democrats (3). Biden—3 AY, Gore—2 AY, Simon—2.

Republicans (0).

Explanation of Absence: 1—Official Business, 2—Necessarily Absent, 3—Illness, 4—Other.

Symbols: AY—Announced Yea, AN—Announced Nay, PY—Paired Yea, PN—Paired Nay.

NOMINATION OF ANTONIN SCALIA TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

YEAS (98)

Democrats (47 or 100%).

Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Bumpers, Burdick, Byrd, Chiles, Cranston, DeConcini, Dixon, Dodd, Eagleton, Exon, Ford, Glenn, Gore, Harkin, Hart, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Leahy, Levin, Long, Matsunaga, Melcher, Metzenbaum, Mitchell, Moynihan, Nunn, Pell, Proxmire, Pryor, Riegle, Rockefeller, Sarbanes, Sasser, Simon, Stennis, Zorinsky.

Republicans (51 or 100%).

Abdnor, Andrews, Armstrong, Boschwitz, Broyhill, Chafee, Cochran, Cohen, D'Amato, Danforth, Denton, Dole, Domenici, Durenberger, Evans, Gorton, Gramm, Grassley, Hatch, Hatfield, Hawkins, Hecht, Heinz, Helms, Humphrey, Kassebaum, Kasten, Laxalt, Lugar, Mathias, Mattingly, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Quayle, Roth, Rudman, Simpson, Specter, Stafford, Stevens, Symms, Thurmond, Trible, Wallop, Warner, Weicker, Wilson.

NAYS (0)

Democrats (0 or 0%)

Republicans (0 or 0%).

NOT VOTING (2)

Democrats (0).

Republicans (2). Garn—2 AY, Goldwater—1.

Explanation of absence. 1—Official Business, 2—Necessarily Absent, 3—Illness, 4—Other.

Symbols: AY—Announced Yea, AN—Announced Nay, PY—Paired Yea, PN—Paired Nay.

Mr. DANFORTH. Mr. President, then it is said that, well, we really know what Clarence Thomas thinks because of speeches that he made when he was in the executive branch, and somehow those speeches are relevant to how he would decide cases before the Supreme Court. And so that has been this extremely careful, precise, analysis of words and phrases that have been used by Clarence Thomas in making speeches around the country when he was the chairman of the EEOC.

And, as a matter of fact, that analysis has been so specific and so precise that one line of questions that one member of the Judiciary Committee directed at Judge Thomas had to do with the citing of a case in a footnote in a Law Review article. He was asked about the citing of a footnote in a Law Review article when he was before the Judiciary Committee.

And then there is the famous case of the speech before the Heritage Foundation in which a single sentence in a 9-or-10-page single-spaced printed speech, complimenting a man named Lewis Lehrman during a speech given at the Lewis Lehrman Auditorium at the Heritage Foundation, is used as an explanation that Clarence Thomas has taken a full-blown position on the ralationship between natural law and abortion, which he never intended to do.

But, in any event, there is this fastidious, sentence-by-sentence review of speeches that have been made by Clarence Thomas around the country when he was a member of the executive branch.

Mr. President, my advice, after all of this, to any Member of the U.S. Senate who has aspirations to serve on the U.S. Supreme Court is: Forget it. Forget it. Because every speech is going to be analyzed sentence by sentence; every form letter to constituents is going to be analyzed sentence by sentence over years of time. Think of the wealth of material for those who are looking for something to criticize in the statement of anybody who has been in politics. And Clarence Thomas was in a political branch of government, the executive branch. He was an appointee of the President of the United States, and he made a lot of speeches. And there was this tremendous effort.

People say, oh, my, was Clarence Thomas not coached? Was Clarence Thomas not coached? How about the Senators who ask questions of him? How about all of the interest groups who have been pawing through every statement that he made, all of the staff members who have been analyzing every footnote in every Law Review article? What is coaching if that is not coaching?

Clarence Thomas said repeatedly: There really is a difference between being a judge and being a politician. There really is a difference between serving in a political branch of government and serving on the Court. Mr. President, that is absolutely true. There really is a difference and there must be a difference. What we say in a political context should not be relevant to how we judge cases. How we take positions on the stump should not be relevant to how we judge cases on the bench. Because, if it is relevant, then I submit that our Founding Fathers made a terrible mistake in giving lifetime tenure to members of the judiciary. There is a difference between what you say in one context and how you think as a jurist.

Again, I refer to the nomination of Thurgood Marshall to the Supreme Court because the debate in that nomination sounded so much like the questioning of Clarence Thomas. Many members of the Judiciary Committee stated the view that, as Clarence Thomas had made certain comments in the executive branch, so Thurgood Marshall had a paper trail. The chairman of the Judiciary Committee said to Thurgood Marshall during his hearing, concerning his views on the Miranda case and the Escobedo case:

"Judge, I have a clipping from a paper, the Daily Texan, for Sunday, March 19, 1967, in which you were interviewed, which reads, in part, as follows." And the quote then goes on, "Turning to criminal procedure cases"—and so on and so forth.

And Thurgood Marshall said to the Judiciary Committee, about that quote—here is the quote that he made:

That view was as the Solicitor General of the United States talking to law students, trying to give them the benefit of my advice, not as a nominee for this position." That is what Thurgood Marshall said. And then Thurgood Marshall refused to give his views on this matter to the committee, the same position that had been reported in the newspaper article. And here is what Senator Kennedy, our own Senator Kennedy, said in coming to the defense of Thurgood Marshall:

> Actually, Mr. Solicitor General, there would have been nothing improper for you to express an opinion down in Texas Law School because you were not nominated to the Supreme Court at that time. So, actually, now having received the nomination, then I assume that you have a different responsibility as far as commenting on these matters.

Mr. President, I agree with what I will call the Kennedy standard for reviewing past comments by Supreme Court nominees. What applied to Thurgood Marshall should apply to Clarence Thomas.

I have had an unusual experience. I serve on the Intelligence Committee as well as having been an advocate for Judge Thomas during these proceedings. So I have become, I guess, an expert on confirmation hearings. And people have said, is there something wrong with the process?

Mr. President, there is something wrong with the process. There is something wrong with the process. There is something wrong with the process because, if you have any kind of record, if you have made speeches, if you have written things, if you have served in positions of public responsibility, that is a terrible burden to bear before a committee of the U.S. Senate holding confirmation hearings. It is a terrible handicap to submit nominees today to grillings about things they have said in the past. So some people have said we are not going to have that anymore. We are not going to have known quantities. Everybody is going to be a stealth candidate. Everybody is going to come out of the mountains of New Hampshire or someplace.

I think to comb through prior speeches, taking what has been said in a political context as a foreshadowing of what might be said in a judicial context is mistaken, and it has the effect of inviting Presidents of the United States, present and future, to send us nominations of total nonentities. And I think that Senator KENNEDY was right back in 1967. I think that he was right that Thurgood Marshall should not have been held accountable for a speech he made as Solicitor General down in Texas.

So, Mr. President, those really are my comments for the moment. I guess I would just add one other comment. When the President asked Clarence Thomas, on July 1, to go to Kennebunkport, the President interviewed Judge Thomas and then they both went outside. The President of the United States said that in his opinion Clarence Thomas was the best qualified person in the country for the job.

And, of course, everybody immediately started dumping all over that and saying, "Oh, that cannot be. He's not the best person in the United States for the job. That is a stupid thing for the President to say. There are a lot of people who have much more experience or are smarter than Clarence Thomas," and that is true. But, Mr. President, I want the Senate to know that I agree with the President of the United States. I guess I am not exactly unbiased, having known this man for so long. But I agree with the President of the United States. I think he is the best person in America for the job, and I want to tell you why.

Yes, we could get law professors. Yes, we could get eminent jurists and elevate them to the Supreme Court. Yes, it may be that what we need is the greatest intellects of the country, nine strong, sitting on the Supreme Court of the United States. But, Mr. President, I do not believe that a Supreme Court Justice is a bottled brain, a brain disembodied from the rest of life, a computer with shoes on. I do not believe that is what a Supreme Court Justice is.

I believe that a Supreme Court Justice is a living, breathing human being and that person should be judged as a living, breathing human being. That is what Clarence Thomas brings to the U.S. Supreme Court.

I consider him to be a great American, and I do not say that lightly. I consider him to be a great American because he has come further in his life than anyone I have ever known. I have heard Members of the Senate say to me, "Well, I was poor, too. I was disadvantaged, too." Mr. President, there is no one who serves in the U.S. Senate who knows disadvantage as Clarence Thomas knows disadvantage. Nobody here. Nobody here was born black in the segregated South. Nobody here was raised in a shack for 7 years without plumbing, in a broken home. Nobody knows that. Nobody has experienced that. Clarence Thomas has. He knows what it is like to be very poor. He knows what it is like to have no advantages except his grandfather who loved him and had high expectations, and some nuns who taught him.

That is what he brings to the Supreme Court: The character of the man. When Guido Calabresi, the dean of Yale Law School testified before the Judiciary Committee, this was exactly the point he made. He has grown more than anybody else and he has the potential of future growth unknown by any other potential nominee for the Supreme Court. Who else is George Bush going to nominate for the Supreme Court who brings this kind of wealth of personal experience, this kind of history of personal growth and this kind of future of growth? Nobody.

Mr. President, I ask unanimous consent that an op-ed piece by Guido Calabresi, the dean of Yale Law School, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 28, 1991]

WHAT CLARENCE THOMAS KNOWS

(By Guido Calabresi)

NEW HAVEN.—I am a Democrat. Since the President and others have started to throw mud on liberals, I have proudly asserted that I am a liberal. I despise the current Supreme Court and find its aggressive, willful, statist behavior disgusting—the very opposite of what a judicious moderate, or even conservative, judicial body should do.

I think it strange that these strict destructionists should be allowed to get away with the claim that they are following the Constitution when, instead, they persistently reach well beyond the issues before them to impose their misguided values on the Great Charter and on all of us.

Yet I support the nomination of Clarence Thomas to that Court. Why?

First, because I know him and know he is a decent human being who cares profoundly for his fellows. He is not the caricature that some of his opponents have put forth. It is true that he has come to believe that some things we liberals have espoused to help African-Americans (and many other people, too) are counterproductive. I think that on the whole he is wrong.

But his conclusion is not so important as the fact that he does not deny that such measures helped him or that the people whom these remedies seek to help are deserving and often desperately need help. He has not turned his back on those in need, and especially not on African-Americans. If he had, he would be unworthy to sit on the Supreme Court. What he has done is to conclude, with many others and probably wrongly, that certain measures have done more harm than good. I wish I could convince him otherwise. Maybe some day someone will.

What matters most, though, is that, unlike many on the Court, he does know the deep need of the poor and especially of poor blacks, and wants to help. That will keep him open to argument as a Justice should be.

The second reason I support him derives from this direct knowledge of what it is like to be in need. This Court is outrageously homogeneous. It is overwhelmingly made up of gray Republican political hangers-on of virtually identical backgrounds. They all bring to the Court the same life experience and lack thereof.

How can they know what discrimination really means? How can they understand what fear of police, prosecutorial or state abuse and brutality is? When they babble that coerced confessions need not make trials unfair; that discrimination must be proved in individual cases and not through statistics, or that a single appeal is adequate even if a defendant is served by a lousy lawyer, they sound like what they are: people who neither through personal expeirence not academic thought could ever imagine themselves erroneously crushed by the power of the state.

Clarence Thomas, at least, knows better, and someday, in some case, that knowledge will make itself felt.

Of course, there are others as able as Clarence Thomas who also know this. And if I were President I would name someone like that who also shared my views. But it is a gross illusion to think that this Administration will do anything like that any more than the Reagan White House did when Robert Bork was cruelly caricatured and defeated. What we got then, what we would get now, is someone less able, with less life experience, a gray follower of all that is worst in the Court today.

And now, as then, The New York Times and eminent scholars who defeated the nominee will join the bandwagon of support for the nonentity. For in such a person the "offending" views will not stand out against the grayness of his background.

No, I would much rather have someone who does stand out, who holds his or her own views, with which I deeply disagree but who has somewhere, some time, experienced life and has been willing to stand up against the pack. Better such a one than someone who will readily blend in and be another anonymous vote for the activist and virulent views now so dominant on the Court.

For there is just a chance that such a one may stand up to the pack again, and remind us all of what it is like to be poor and friendless and to be facing a hostile state.

Mr. DANFORTH. Mr. President, this op-ed piece makes essentially the same point. Calabresi is a critic of the Supreme Court. In fact, he calls the modern Supreme Court disgusting. He says in the op-ed piece that he frequently disagrees with Clarence Thomas, but he believes that Clarence Thomas would bring to the Court the special qualities that come from his background that are totally unrelated to the qualities and the background of anybody serving on the Court today. And I think that is an excellent point.

The people who have come forward over the last 3 months, the people who feel strongly about this, are the people who have known Clarence Thomas for so long. Roy Allen, his former schoolmate, fellow altar boy, black State senator, Democrat from Georgia; the nuns who educated him in the Catholic schools in Savannah; the president of Holy Cross College; the dean of Yale Law School, all kinds of people who worked with him over the years in my office in Jefferson City, or here in Washington, or at Monsanto; the people at EEOC who have spoken to me with such a heartfelt view of this human being, the people who have known him and worked with him are those who have come forward, and it is those people against the interest groups. It is those who know him, on one hand, and the high hired guns, on the other hand. And that is the battle that is now going on.

The people who know Clarence Thomas believe in him. The little people who know him believe in him. That is where his heart is. When he walks the corridors of the Senate office buildings, the people he knows are the Capitol Police and the people who are pushing maps. He asks them about their kids. He knows them by name. The people who push the hampers around the halls with papers in them, those are the people he knows. Those are the people who have been hanging out outside the Senate caucus room. Amidst the lobbyists, amidst the special interest groups, have been the ordinary folk who have known Clarence Thomas over the years. Those are the people who feel strongest about him. That is where his heart is and that is where his heart would be if he is confirmed as an Associate Justice of the Supreme Court.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have spoken on this subject immediately after the hearings were concluded and again during the Judiciary Committee session, and I have sought recognition again today as the full Senate considers the confirmation process on Judge Thomas. I have sought recognition to state my support for Judge Thomas for the Supreme Court of the United

States because I believe that he is intellectually, educationally, and professionally qualified, and his nomination will bring a very important element of diversity to the Supreme Court of the United States.

My comments relate to the nature of the process and the questions which Judge Thomas did answer and the questions which Judge Thomas did not answer.

It is an evolving process in our consideration of Supreme Court nominees as to the scope of the answers which the nominees will give.

During the course of the past decade, and the seven Supreme Court nominees who have been heard by the Judiciary Committee in which I have participated, it is my conclusion that nominees answer just as many questions as they feel they have to in order to be confirmed. In my judgment, Judge Thomas answered a sufficient number of questions but, candidly, I would have preferred he had answered more questions.

He did answer questions about the freedom of religion, on the Jeffersonian wall of separation between church and State. He answered questions about the free exercise clause. He answered extensive questions on privacy, although he did not go to the ultimate question as to how he would decide Roe versus Wade, nor do I think he could reasonably be expected to do that. Because on that kind of a critical issue, which is the most divisive one facing America since slavery, that issue really in my opinion can be answered only in the context of a specific case, on the facts, briefs, argument, discussion among the Justices, and then a decision.

He did answer questions extensively with respect to following court precedents. He did not answer some questions which in my opinion he really should have answered.

Illustrative of that, and I would not detail many, would be the questions I asked him on whether Korea was a war or not. That was a question which I had asked Judge Souter, and he declined to answer saying the issue might come before the Court. And I disagreed, saying it seemed to me that was one which was 40 years old and was not going to come before the Court.

And when I met with Judge Thomas back on August 1, I commented that I would ask him that question, and he replied recognizing that I had asked Judge Souter the question and he had some 6 weeks to think about it, and he declined to answer that question. In my view, an issue on the constitutional interpretation of congressional authority to declare war contrasted with the authority of the Commander in Chief, the President, is a very basic issue, and that, with 40 years having passed, the Judiciary Committee and the Senate are entitled to an answer as to how he would approach an issue like that.

This is an evolving matter. When Chief Justice Rehnquist was before the Judiciary Committee for confirmation, he at first declined to answer questions about whether Congress had the authority to take away the jurisdiction of the Supreme Court on some constitutional issues. And when I reminded him that, as a young lawyer back in 1958, William H. Rehnquist had written an article for the Harvard Law Record criticizing the Senate for not asking Justice Whittaker some piercing questions to get his philosophy on due process of law and equal protection, Chief Justice Rehnquist relented a little and did say he thought Congress could not take jurisdiction from the Supreme Court on first amendment issues of speech and religion.

I then asked him about the fourth amendment, whether the Congress had the authority to take away the Court's jurisdiction on fourth amendment issues, and he declined to answer that. I asked him what the difference was between taking jurisdiction from the Court on the first amendment contrasted with the fourth amendment, and he declined to answer that—perhaps, he said, first amendment rights are more fundamental.

Justice Scalia answered virtually no questions, would not even comment about Marbury versus Madison, a rock bed decision from 1803, establishing the authority of the Supreme Court as the final arbiter of constitutional issues. Justice Scalia would not even respond there.

So then Senator DECONCINI and I had formulated a resolution to try to provide some guidance to what nominees should answer. Before that could be moved upon, Judge Bork's nomination hearings came, and in the light of Judge Bork's record and his extensive writings he answered many questions.

I believe that it is appropriate to inquire into judicial ideology. There have been many questions answered by Justice Kennedy, many questions answered by Justice Souter, and many questions answered by Judge Thomas.

The process has evolved where it has a lot of similarities to the National Football League, where each team looks at the other's tapes before the Sunday game. We read Judge Thomas' writings, get an idea of him, and he looks at the tapes where we questioned other Justices in the past, and that highly stylized process has some real limitations. There is a dynamic quality, a certain dynamism of the hearings. And when nominees appear to feel safe, they answer fewer questions. If they feel they have to answer more questions to be confirmed, they do so.

We are going to have some hearings on this subject. I frankly doubt we are going to find any magical formula and that the real recourse in disagreeing with what a nominee has done is to vote no. That is the only real way to establish the parameters and the boundaries.

But in my judgment, Judge Thomas answered a sufficient number of questions and we do have a substantial insight into his approach to the law. Most fundamentally, we have insight into his approach, his background, and his life experience as an African-American. It is my view, a strongly held view, that there is an urgent necessity to have that kind of background among the nine Justices who will decide important questions.

Judge Thomas has come through a bitter experience with discrimination. One of his statements—and this is illustrative again—about looking out of his judicial chamber's window and seeing young African-Americans being brought for criminal trials. "And there," he said, "but for the grace of God go I." So that life experience, in my view, is extremely important, and is a very important factor in adding Judge Thomas to the bench.

I have expressed a concern about Judge Thomas in terms of whether he will follow congressional intent. His former writings evidence certain disdain, if not hostility, for the Congress. And there is a concern which this Senator has about whether he will join what I call the revisionist Court. And it is a revisionist Court and not a conservative Court because the current Court is revising the law, not in accordance with the conservative approach on interpreting the law, but I believe in many cases they are making the law. They take opinions written by a unanimous Supreme Court, illustrated by the Griggs decision in 1971, that was written by the conservative Chief Justice Burger; and five Justices in 1989, changed the law. Four of those Justices came before the Judiciary Committee in the past decade, put their hands on the Bible and swore not to make law but only to interpret law.

That is not in accordance with the appropriate standard, where Justices are supposed to interpret the law rather than make the law.

Judge Thomas has under oath insisted that he will follow congressional intent and that he does not have an agenda. And given the totality of circumstances I accept what he says in that regard.

One final note. I regret the delay in confirmation until Tuesday at 6 o'clock. The additional time is not cataclysmic or overwhelming in the course of a lifetime appointment. A man who is 43 may be on the Court, if he lives as long as Justice Thurgood Marshall, for some 40 years. But it seems to this Senator that 48 hours of debate would have been sufficient.

I would be surprised if there is more than 48 hours of debate consumed on this subject. I think that I may make a prediction—I hope I am wrong—but there will be a lot of quorum calls here on Friday and Monday, although on Tuesday it will become a little more active. But we could have started last night at 6 o'clock. We could have gone late. We could have started early today and gone late. We could have started early tomorrow morning and gone late and finished our confirmation proceedings by the end of Friday so that the Senate would have concluded its business at least in time to allow Judge Thomas to take a seat if he is to be confirmed, or we could have come to the judgment before the first Monday in October. It would not have been a rush to judgment.

A number of Senators have commented about the problems of coming back. One Senator has to travel—Senator MURKOWSKI said on the Senate floor—some 20,000 miles in order to come back for a 6 o'clock vote on Tuesday. It is no major moment for this Senator coming from a relatively close State like Pennsylvania.

So it might be my hope that, at 1:12 p.m. on Thursday, we still might make a modification and vote before the end of business tomorrow. But I am realistic enough to know that is not likely to occur.

But I appreciate the opportunity to take the floor and make these remarks.

I support Judge Thomas for confirmation to the Supreme Court because he is intellectually, educationally, and professionally qualified and because he will bring an important element of diversity to the Supreme Court. I am concerned by his pre-nomination speeches disparaging Congress which raise a question as to whether he will follow congressional intent. Since he has insisted in Judiciary Committee hearings that he will uphold congressional intent, those earlier statements alone are insufficient to oppose his confirmation.

CONFIRMATION PROCESS

Some of my colleagues on the Judiciary Committee have criticized Judge Thomas for not answering enough questions. In my opinion, our procedures in the Judiciary Committee could be improved, but I believe that we have made considerable progress in terms of inquiring into the background and philosophical approach of a prospective Supreme Court Justice.

Since this country was founded in 1787, no nominee even appeared before the Judiciary Committee until Harlan F. Stone in 1925. Stone, then Attorney General, was treated to a barrage of questions concerning allegations of political revenge in the Justice Department's investigation into charges that Senator Burton Wheeler had improperly practiced law before a governmental agency. The Stone hearings, however, set no precedent: Testimony by nominees did not become a mandatory feature of the confirmation process for another 30 years.

Indeed, two nominees in the 1930's, Charles Evans Hughes and John J. Parker, did not testify, even though their nominations encountered significant opposition—in fact, Parker was defeated by a narrow vote of 39- to -41 over charges that he was insensitive to African-Americans and organized labor. While Felix Frankfurter testified before the Judiciary Committee in 1939, his testimony was limited to questions concerning his personal history and activities, especially his membership in organizations like the ACLU. Two months after the Frankfurter hearings, William O. Douglas, the next nominee, waited outside the door of the subcommittee in case any member wanted to question him, but none did.

In 1949, one nominee, Sherman Minton, went so far as to refuse to testify before the Judiciary Committee even though he had once made a speech arguing that a check was needed on the Supreme Court's power. That speech was made at the height of the Supreme Court's overturning of New Deal legislation and Minton, a Senator and ardent New Dealer, claimed that he had made that speech as a strong partisan of the New Deal, but that he had left politics behind when he became a judge. The committee respected his refusal and conducted hearings in his absence.

Since the nomination of John Marshall Harlan in 1955, however, every Supreme Court nominee has testified before the Judiciary Committee. And, in a departure from those few previous hearings where the nominee did testify, nominees increasingly were questioned regarding their views on substantive legal issues. Because isolationists opposed Harlan's nomination, he was questioned concerning his views on national sovereignty, the first time a nominee was asked his views on legal issues. Potter Stewart in 1959 became the first to be questioned about his political and social views, arising largely out of opposition to the Court's recent school desegregation and national security decisions. Even so, Byron White in 1962 was asked only eight questions by the Judiciary Committee, taking up barely five pages of the committee's hearing transcript. He was questioned about judicial disqualification, judicial review, the Court as a super-legislature, and Congress stripping the jurisdiction of the Court.

QUESTIONS CONCERNING PARTICULAR CASES

Even in present times, however, nominees have refused to answer questions as to how they would decide a particular case that could very well come before the Court during their tenure. In 1955, Harlan was the first nominee questioned about a specific case when he was asked to comment on the Steel Seizure Case, Youngstown Sheet & Tube Co. versus Sawyer. The questions came from conservative Senators seeking assurances that Harlan did not favor any diminution of national sovereignty. Senator Edward Jenner asked Harlan whether he agreed with the dissenters in the steel seizure case who, according to Jenner, "found that the President had the power to seize the steel mills * * * to meet his obligation to the United Nations, not to the Constitution. * * *" Harlan refused, suggesting that commenting on the case might prejudice his deliberation upon similar cases coming before the Court in the future.

Similarly, in 1967, Thurgood Marshall refused to answer questions concerning the Court's recent decisions in Escobedo versus Illinois and Miranda versus Arizona. Marshall explained that he could not answer the question:

> * * * because there are many cases pending in the Supreme Court right now on variations of the so-called Miranda rule, and I would suspect that in every State of the Union there are other cases on different variations of the Miranda rule that are on their way to the Supreme Court, and if I am confirmed, I would have to pass on those cases.

The Senator questioning Marshall, Senator McClellan, argued that since a new Supreme Court Justice could change the balance of the Court, especially since Miranda was decided by a 5-to-4 vote, the committee needed to glean some impression as to the trend of the thinking and the philosophy of the one who is to receive confirmation. Once again, Marshall replied that "on decisions that are certain to be reexamined in the Court, it would be improper for me to comment on them in advance."

Indeed, even though Lewis Powell had previously made comments about Escobedo and Miranda, he refused to answer questions about whether those cases should be overruled. As a member of the President's Commission on Law Enforcement and Administration of Justice, Powell joined in the minority statement which criticized the Miranda and Escobedo decisions. Later, Powell criticized the decisions again in an article in the FBI Law Enforcement Bulletin for October 1971. Powell argued in his article that the decisions had further strengthened the rights of accused persons and limited the powers of law enforcement. When questioned again by Senator Mathias, Powell stated that he believed that Escobedo was properly decided on its facts but that the Commission's minority report was concerned with the scope of the opinion rather than with its precise decision.

CONSIDERATION OF JUDICIAL PHILOSOPHY

A question which is still very much in debate is whether a nominee's judicial philosophy should be the subject of questioning and, ultimately, whether it may play a role in the Senate's vote on confirmation. The history of our country demonstrates—at least in my view—that a nominee's philosophy and approach to legal issues are indeed germane to the confirmation process and this view has evolved to become the predominant practice of the Judiciary Committee.

Thus, the Founding Fathers in earlier drafts of the Constitution gave the right of confirmation solely to the Senate. In their initial voting, the Constitutional Convention rejected both a plan granting advice and consent to the Senate and a proposal to place the appointing power solely with the Executive. Instead, what survived until the final days of the Convention was a provision giving the Senate sole power to appoint Judges of the Supreme Court: to wit, "The Senate of the United States shall have power * * * to appoint * * * Judges of the Supreme Court." (Aug. 6, 1787 Report of the Constitution, Art. IX, sec. 1). Then, in the last days of the Convention, the Committee of Eleven offered a compromise between those who wanted the power to reside solely with the President and those who wanted it to reside solely with the Senate: nomination by the President, and advice and consent of the Senate. Lest one view this change as undermining the Senate's role in this process, Alexander Hamilton, in Nos. 66 and 76 of the Federalist, clearly stated that the Senate would have a full role in the process:

> [T]he necessity of [the Senate's] concurrence would have a powerful, though, in general a silent operation. It would be an excellent check upon the spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachment, or from a view to popularity. (No. 76 at 457)

However, Hamilton also indicated that the Senate must accord some deference to the President's choice:

> There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President. (No. 66 at 405)

The history of rejected nominees confirms that the Senate may take into account legal philosophy and approach in determining whether to confirm a nominee. John Rutledge, the first nominee to the Supreme Court to be rejected by the Senate, was rejected because of his views. Rutledge, who was nominated to be Chief Justice by President Washington, had served as a delegate to the Constitutional Convention, as an Associate Justice of the Supreme Court, as chief justice of the South Carolina Supreme Court, and, pursuant to a recess appointment, as Chief Justice of the United States. He was a man of acknowledged professional ability; thus, integrity and judicial temperament simply were not at issue. Nevertheless, his nomination to serve as Chief Justice of the United States was rejected by the Senate.

John Rutledge's nomination was rejected largely because members of his own party strongly disagreed with the position he had taken, shortly after his nomination, in opposition to the Jay Treaty. The Jay Treaty had been negotiated by Washington to ease tensions with the British and resolve a number of trade issues. It was strongly opposed by many anti-British elements. Rutledge spoke out against the treaty, and that single political position led to the rejection of his nomination after a long and acrimonious debate. The vote to reject the Rutledge nomination was 14-to-10, and it is of particular import as we consider the constitutional advice and consent role of the Senate that among the Senators voting against the nomination were some who, like Rutledge, signed the Constitution.

Chief Justice Roger Taney, of Dred Scott infamy, originally was nominated to be an Associate Justice of the Supreme Court. Taney was not confirmed by the Senate because, as a member of the Jackson Cabinet, he had removed all Federal funds from the Bank of the United States on President Jackson's orders and thus incurred the wrath of certain Members of the Senate who supported the Bank.

In this century, ideology has continued to play a role in opposition to some Supreme Court nominations. There was considerable—although ultimately unsuccessful—opposition to the nomination of Justice Brandeis, based on his progressive political philosophy. Similarly, the nomination of Judge John Parker to the Supreme Court was rejected in large part because of his anti-union views and his views on race issues. More recently, ideological considerations played a determining role in the Senate's failure to confirm President Johnson's nomination of Justice Abe Fortas to be Chief Justice. Nor can there be any doubt that ideology played an important part in the Senate's rejection of President Nixon's nominations of Clement Haynesworth and Harold Carswell to the Supreme Court.

Hearings on nominations during the 11 years I have been on the Judiciary Committee demonstrate how important it is that nominees answer basic questions, including questions regarding legal philosophy. At the same time, I believe it is inappropriate for a nominee to answer questions regarding how he or she would decide a particular case, for example, Roe versus Wade.

Justice Scalia's hearing provides an example of a nominee refusing to answer even the most basic questions. For example, when asked whether he agreed with the bedrock decision in Marbury versus Madison that established the supremacy of judicial review of questions of constitutionality, Justice Scalia, while acknowledging that the decision was indeed a pillar of our jurisprudence, said: "I do not want to be in a position of saying as to any case that I would not overrule it." Justice Rehnquist—now Chief Justice—was also very reluctant in his confirmation hearing for Chief Justice to state views on whether he agreed with landmark Supreme Court decisions. When asked about Marbury versus Madison, he sought to justify his refusal, saying:

> [T]he fact that the issue is fundamental, and important, does not make it any less one that could well come before the Court. And I think the approach I have to take is, in a case like that, I ought not to attempt to predict how I would vote in a situation like that.

Justice Rehnquist's position represented a reversal of his own conclusion stated in a 1959 article in the Harvard Law Record. There he had criticized the Senate for failing to obtain Justice Whittaker's views during confirmation hearings on fundamental issues, including school segregation and Communists' rights and constitutional doctrines such as equal protection and due process. Indeed, he concluded his article saying, "The only way for the Senate to learn of these sympathies is to inquire of men on their way to the Supreme Court something of their views on these questions." In his own hearing, Justice Rehnquist retreated from answering many such questions, although he did finally answer on important substantive issues saying that the Supreme Court's jurisdiction could not be undercut on first amendment issues such as freedom of speech, press, and assembly and that the due process clause of the 14th amendment incorporated basic rights from the Bill of Rights such as freedom of religion.

JUDGE THOMAS' ANSWERS

I believe Judge Thomas' responses were adequate:

Judge Thomas answered questions in some detail on the establishment clause of the first amendment, saying that he agreed with the idea, first advanced by Thomas Jefferson, that there should be a wall of separation between church and State, a very important doctrine.

He answered questions on the free exercise clause, agreeing with Justice O'Connor's concurrence in Smith versus Oregon that Justice Scalia's majority opinion wrongly jettisoned the traditional strict scrutiny standard used by the Court for judging State practices which impacted on an individual's free exercise of religion.

He answered fairly detailed questions on stare decisis, specifically disagreeing with the view, expressed by Chief Justice Rehnquist in Payne versus Tennessee, that decisions involving individual rights should be accorded less deference than property and contract decisions.

Judge Thomas answered detailed questions on the right to privacy. He went beyond Justice Souter's answers on the issue to recognize a right to privacy for married and unmarried individuals grounded in the liberty component of the due process clause. Those answers were amplified by his answers to Chairman BIDEN's written questions on this issue.

He responded to questions regarding the death penalty, indicating that he had no philosophical opposition to it.

He stated his agreement with the Supreme Court's current three-tiered standards for analyzing equal protection cases.

He specifically stated that he accepted the Supreme Court's decisions on the validity of affirmative action. In particular, he stated his agreement with a statement by Justice Stevens in Metro Broadcasting versus FCC, which upheld the constitutionality of the FCC's policy giving preference to minority applicants for new broadcast licenses, that "Today, the Court squarely rejects the proposition that a government decision that rests on a racial classification is never permissible, except as a remedy for a past wrong." This is a significant statement on his part, recognizing the validity of decisions on voluntary affirmative action programs with which he personally disagrees.

Even when he felt constrained—rightly in my view—not to answer a question because it required him to indicate how he would vote in a particular case, Judge Thomas gave the Judiciary Committee a sense of how he would approach such a case. For example, when discussing Rust versus Sullivan, the recent decision affirming the constitutionality of regulations preventing federally funded clinics from mentioning abortion to patients, he stated that he would be troubled by the view that the Federal Government has an unfettered right, unimpeded by the first amendment, to restrict the speech of individuals simply because those individuals receive Federal funding. And, in refusing to answer a question about Payne versus Tennessee, which upheld the constitutionality of victim impact statements in the sentencing phase of capital cases, he nevertheless stated that he would be concerned about the possibility of emotion being injected into the serious decision whether to invoke the death penalty in a particular case.

Although he would not answer questions about Roe versus Wade, the abortion case, and Bowers versus Hardwick, the case on other privacy rights, we have to remember that these are very contentious issues which may very likely come before the Court in the near future. In particular, Roe versus Wade concerns the issue of the legality of abortion, which is the most divisive question to face this country since slavery.

There have been a number of witnesses who appeared before the Judiciary Committee, in particular Ms. Eleanor Smeal, a very powerful witness, who stated that Judge Thomas ought to state how he would have voted on Roe versus Wade. It is my judgment—and Senators differ on this—that it is not appropriate to compel or press nominees to answer how he or she would vote on a particular case involving difficult and hotly debated questions; rather, such a case ought to be decided in a specific factual context where there are briefs, arguments and deliberation among the Justices, and then a final decision is made.

THE COURT AS A SUPER-LEGISLATURE

From Judge Thomas' answers on following congressional intent, there is reason to expect him not to be a party to the recent decisions of the revisionist court. In Garcia versus San Antonio Metropolitan Transportation Authority, a decision recognizing Congress' extensive power to legislate in the field of economic regulation concerning wages and hours, two justices expressly stated they awaited another appointee who would overturn that decision. Similarly, in Wards Cover Packing Co. versus Atonio a majority of the Supreme Court overturned a unanimous Supreme Court decision, Griggs versus Duke Power Co., which had set the standard of proof for cases challenging employment requirements and tests that were discriminatory in their impact on minorities. That precedent had held for 18 years, during which Congress refused to act to change that decision; nevertheless, this did not stop Supreme Court Justices from making new law, including four Justices who had placed their hands on the Bible during the course of the past 10 years and swore not to make law but only to interpret it.

Similarly, in Rust versus Sullivan, a majority of the Supreme Court upheld regulations, put in place only in 1988, which reversed 17 years of regulations and prohibited clinics receiving Federal funds from discussing the alternative of abortion with patients. When Congress has acted, and contemporaneous regulations are put into effect, and Congress leaves those regulations untouched for a period of 17 years, it raised a strong if not conclusive, presumption that those regulations express the will of Congress.

I questioned Judge Thomas extensively on this issue because of his prior statements disparaging Congress. Illustratively, in a speech on April 8, 1988, Judge Thomas said that "it may surprise some but Congress is no longer primarily a deliberative or even a lawmaking body * * * [T]here is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business." In a speech on April 23, 1987, Judge Thomas criticized Johnson versus Transportation Agency, Santa Clara County, which upheld a voluntary affirmative action program for job categories traditionally segregated against women, and stated that he hoped Justice Scalia's dissent in the case would "provide guidance for lower courts and a possible majority in future decisions." Johnson and the other cases Judge Thomas has criticized involved purely statutory issues, not constitutional issues, and thus the intent of Congress must be controlling. Notwithstanding my concerns, I am relying on Judge Thomas' testimony that he will not promote an agenda on policy issues, but will follow congressional intent.

In my questioning of Judge Thomas, he stated that he accepted Johnson as well as other Supreme Court decisions upholding affirmative action programs as the law of the land. He also agreed that the fact that Congress had the authority to change those decisions but had not done so was strong evidence that those cases expressed Congress' intent regarding title VII of the Civil Rights Act of 1964. He also stated that he had no reason to disagree with the statement by Justice Stevens in Metro Broadcasting.

On the policy issue regarding affirmative action, while I disagree, I believe his views are within the realm of reasonableness. I accept his assurances that many of the statements he made regarding Supreme Court decisions on affirmative action represented a policy disagreement rather than any disrespect for the Court and Congress as institutions.

JUDGE THOMAS' BACKGROUND

Of paramount importance, I believe that Judge Thomas has the intellectual, educational, and professional qualifications for the Court. Yale Law School Professor Drew Days, who opposed Judge Thomas, conceded that Judge Thomas has the intellectual and educational capability to be on the Court. Yale Law School Dean Guido Calabresi testified that he thought Judge Thomas merited a "well qualified" designation from the American Bar Association compared to others who had received that rating from the ABA. Former Chief Judge John Gibbons of the Third Circuit testified he knew Judge Thomas well from their joint service on the Holy Cross College Board of Trustees; he had read all of Judge Thomas' opinions, and concluded he was well qualified for the Supreme Court. I personally found Judge Thomas' responses to intense questioning to be at a high intellectual level.

My own reading of Judge Thomas' opinions led me to believe that he is a solid judicial craftsman with a healthy streak of independence. They also show that he may defy those who would pigeonhole him in any particular mold. In United States v. Lopez, a decision when he sat on the three-judge appellate panel, the lower court, believing it had "no discretion" because of the Sentencing Guidelines' bar on consideration of socioeconomic factors in sentencing, refused to depart downward because of the defendant's violent and traumatic upbringing in which his stepfather threatened to kill him and he watched as his mother was thrown off a roof—allegedly by his stepfather. The circuit panel Judge Thomas sat on remanded for resentencing, noting that domestic violence is not necessarily socioeconomic and thus that the lower court had failed to differentiate between truly socioeconomic factors and Morales' tragic childhood.

However, implicit in the Lopez decision is that traumatic family history may, in unusual circumstances, require a reduction in sentence. Judge Thomas was willing to go the extra mile in giving this young Hispanic an opportunity to lessen his sentence, even though the statute and other case law prohibited consideration of socioeconomic circumstances.

At one point in the hearing, Judge Thomas poignantly testified that, as he looks out the window of his chambers in the courthouse and sees the police buses bringing in African-American defendants, he thinks, "There, but for the grace of God, would go I."

Judge Thomas will bring a measure of diversity to the Supreme Court with his African-American roots, which the Supreme Court sorely needs to give it a fuller picture of our great country.

Based on Judge Thomas' intellectual and educational background and the diversity he will bring to the bench, I believe he is qualified to sit on the highest Court in the land.

I want to congratulate the chairman of the Judiciary Committee on an outstanding job, congratulate the ranking member of the Judiciary Committee on an outstanding job. Senator BIDEN has just come back to the floor. So I would seek his attention on my congratulations on the work which he has done in collaboration with the ranking member, Senator THURMOND.

I notice I have gotten Senator THURMOND'S attention. It is a laborious proposition to run those hearings. It is one big job. They have excellent staff, some of who are on the floor now. I thank the staff of the Judiciary Committee.

I note my own staff, Richard Hertling, Tom Dahdouh, and Barry Caldwell have done an outstanding job. We have brought this matter I think to a good conclusion and, had we finished by Friday, I think it would have been preferable. But I think the Senate has done its job and soon will work its will.

Mr. BIDEN. Mr. President, I would like to thank my colleague from Pennsylvania for his kind remarks, and only add that I too would have been happier as the ranking member would have been had we been able to finish this by Friday. I expect that we will have a fair amount of downtime between now and the time we vote on Tuesday in terms of accommodating Senators' schedule to get to the floor to speak.

But having said that, nonetheless, we are pretty much on track and we will have a final vote on this matter on Tuesday at 6 o'clock. But I thank my colleague for his kind remarks.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am glad that we are finally getting to the point of consideration on the floor of this body of the nomination of Judge Thomas to be Associate Justice for the Supreme Court.

I hope that everybody has come to the conclusion that by this time, after several weeks now that this has been discussed publicly as well as behind the scenes and in the open on Capitol Hill, that there is little doubt in any Senator's mind that Judge Clarence Thomas is fully qualified to fill the position of Associate Justice of the Supreme Court to which he was nominated on July 1 by the President of the United States.

Even though I feel confident about this, even though I think everybody else should have come to that same conclusion obviously, probably not everyone has for one reason or another, we are devoting then 4 days of debate to this confirmation.

I agree with Judge Thomas' opponents that the Senate's advise-and-consent function is an important responsibility. I am not sure that I agree with how it is carried out, or that long hearings are necessary. But if we are also going to make Supreme Court nomination fights about our individual policy agendas, litmus test-type issues that we all have interest in, then I think that everybody here, both pro and con on Judge Thomas, ought to admit that politics is the real issue, and then be candid about the standards that we are applying.

Judge Thomas survived the strict scrutiny of our Judiciary Committee, as well as rhetorical lynchings by single-issue interest groups inside the Beltway but outside the Congress; but very much groups that can have and sometimes do have too much influence on Congress.

Despite the broad inquiry into Judge Thomas' record, no one can credibly question his qualifications as a judge or his commitment to judicial restraint. Members of the Judiciary Committee—and I am one of those—had a role in considering all things about Judge Thomas. We poured over 36,000 pages of documents that Judge Thomas was required to produce, looking for the extremist that groups outside of Congress, but inside the Beltway, describe Judge Thomas to be.

We did not find any evidence whatsoever of an extremist out of any of those 36,000 pages.

Judge Thomas' opponents did lift some throwaway lines, none of which were germane to the speech or the article in question, and read them back to Judge Thomas somewhat out of context to make this candidate appear to be scary.

I think Judge Thomas showed, through his testimony, as well as his legal opinions—for those who bothered to read his legal opinions—that he is very much of a mainstream judge. He looks at the factual record, considers the arguments, and applies the law fairly. He made it clear that he will use traditional methods of constitutional analysis, looking to the text and the framers' intent. Clarence Thomas is not a judge who will look to his personal preferences for the appropriate rule in a case.

There is nothing out of the mainstream about Clarence Thomas. Clarence Thomas stands for fairness, for equal treatment of every individual in our society; basic American values, I believe, is what he stands for and projects.

We know from the record of Judge Thomas, both on the bench and off the bench, and also as a public servant and from the powerful testimony of those who know him well, that this is the sort of individual he is. People of all political persuasions, people who care deeply about the composition of the Supreme Court, told the committee of the depth of their confidence in Clarence Thomas' fairness and commitment to the principles of equality and justice.

Former NAACP head Margaret Bush Wilson, Yale law school dean, Guido Calabresi, Holy Cross President Father John Brooks, and many others—all say Clarence Thomas is one of the most fair-minded individuals that they have ever met.

I find the testimony of those who know a man far more credible than ideologically motivated attacks by strangers, and there has been plenty of that.

I think every Senator should be convinced of Clarence Thomas' fairness and commitment to justice. But Clarence Thomas' opponents are not satisfied with fairness. They do not want a Justice who takes into account all sides. They do not want a Justice who reserves his judgment until the arguments are over. They want a Justice who has already picked a side, their side. They want a Justice who will side with the defendant in a criminal case every time, a Justice who will refuse to take into account the interest of the victims of crime. They seem to also want a Justice who will tolerate reverse discrimination in order to give special preferences to groups, regardless of individual need.

They also seem to want a Justice who would turn every special entitlement of the welfare state into a constitutional "right." They want a Justice who adheres to precedent, so long as it is their precedent—a liberal precedent.

Mr. President, Clarence Thomas is not outside of the mainstream. It is his opponents inside the beltway lobbying against this nomination who are outside of the mainstream. They are insulated from the rest of the country. They see the United States as 99 percent DC and the 1 percent the rest of the 50 States.

The opponents of Clarence Thomas are right to push for Supreme Court nominees who will sign onto their ideological checklist, because they cannot get the American people to implement this liberal social agenda through the legislatures or the executive. The only way they can get their program implemented is through activism in the least democratic branch of Government.

Let me say, when I talk about the Supreme Court as the "least democratic branch," it is not intended to be democratic. People do not seek election to the Supreme Court. They are appointed there with lifetime tenure, to be insulated from public opinion, so that they can interpret the laws, and so that they can interpret the Constitution free of that pressure, according to original intent, or the intent of the legislative bodies.

They should not look to the Court to adopt some social policy just because there is a vacuum created by the political branches of Government. These people are, hence, upset, because the Supreme Court is no longer dominated by Justices who would convene a Constitutional Convention of nine unaccountable people every October to solve some of these problems.

The opponents of Clarence Thomas have been talking a lot about the purported problem of conservative judicial activism. I am glad to hear that they are concerned about judicial activism per se, and the need for a proper regard for judicial precedent. I only wish, Mr. President, they would not be so selective about when they raise these concerns.

During the hearing, several Senators wanted Judge Thomas to agree with quotes from Justice Marshall's recent dissent in Payne versus Tennessee in which he says Justices should not overturn precedent simply because they have the votes to do so.

This is the same Justice Marshall who voted more than 750 times to hold the death penalty unconstitutional, despite the clear constitutional language and judicial precedent to the contrary. Justice Marshall joined his liberal colleagues last year to disregard a 1-day-old decision on the constitutionality of Arizona's death penalty in a case that Justices O'Connor and Kennedy could not participate in because of their involvement in lower court decisions. Justice Marshall overturned a 1-day precedent because—and simply because—he had the votes at that point, just for a 24-hour period of time.

The opponents of Clarence Thomas believe in judicial restraint and adherence to precedent—conservative Justices should restrain themselves and adhere to liberal precedent. That is not right. The same voices who now make pious declarations about adhering to precedent were noticeably silent when the Warren and Burger Courts were busy overturning dozens of cases.

These opponents voice concern about judicial activism, but I have not heard any of them criticize the Missouri judge who ordered a tax increase, or the New York judge who said the city could not prohibit panhandling in the subways, or the New Jersey judge who held that a city could not prohibit vagrants from making their home in the public library.

The fact is the opponents of Clarence Thomas, who are the most vocal critics of the Rehnquist Court, only insist on following precedent when it is liberal precedent, and only talk about judicial activism when they disagree with a judge's decision.

The opponents of Clarence Thomas have questioned his credibility. I think there is a credibility problem with those who question Judge Thomas' credibility. When the Court hands down decisions whose results they disagree with, they shout "judicial activism," and "no regard for precedent."

When someone they disagree with says judges should stick to the written text of the law and adhere to long-standing rules, they have a long list of names to call him: Reactionary, right-wing extremist, ultra-conservative, implications of being heartless, and so on and so on.

The opponents of Clarence Thomas present themselves as champions of civil rights, of equal opportunities for minorities. They are all for the advancement of minority individuals, so long as individuals stick to the list of politically acceptable ideas about civil rights.

The opponents of Clarence Thomas cannot be fighting him because they think he is unqualified. He has a solid record as a judge, and, at 43 years of age, he is one of only three nominees for the Court in this century who have worked as lawyers in all three branches of our Government, and at both the State and Federal levels of our Government.

They cannot be opposing him because he is a judicial activist. His opinions and writings show clearly that he is not. They cannot say he lacks credibility when he says the same things he said a year and a half ago when being confirmed to the court of appeals, and did not back away from any of those during the hearings for Associate Justice.

Maybe they oppose him because he is a Republican judicial conservative who opposes quotas, and also happens to be black.

As the warning calls from the top of the liberal watchtower here in Washington get louder, and they get louder in the next 4 days, I think maybe we can conclude that things for Justice Thomas are getting better.

To judge by the way this debate has been conducted, we can be confident that the more we hear about judicial nominees being out of the mainstream, the more mainstream these nominees probably and actually will be. The more we hear about conservative judicial activism, the more certain we can be that judicial activism has been eliminated on the Court.

We have been hearing a lot from the people who oppose Clarence Thomas, but I am sure that we are going to hear a lot more in the future, when they find they have to present their social agenda to the people of this country, making decisions through the democratic branches of our Government, through the legislative process, instead of foisting it upon us through the unelected officials on the highest court in this land.

So, after 2 weeks of hearings, after 3 months of this nominee's name being before the people of the United States, after my own questioning of him as to his competence, his integrity, and most importantly, his judicial philosophy, I am satisfied that the vote I cast for Judge Thomas a year and a half ago for the court of appeals was the right vote.

I thought with his nomination to the Supreme Court, that I could vote for him again. But I had an obligation to wait until those hearings were over. As the end of those hearings, I am still very satisfied with his judicial philosophy, with his integrity, and with his competence to be on the Supreme Court. And I praise President Bush for this nomination.

At this point, in the last 4 days of the debate, all I can do is urge my colleagues who have not made up their minds to think in terms of the entire record, and not the political agenda of the opposition and the lobby groups, and they will come to the conclusion I have.

And so I urge those colleagues to support Judge Thomas' confirmation.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. FOWLER. Mr. President, I rise in support of the nomination of Judge Clarence Thomas for the U.S. Supreme Court. I do so after reviewing this nomination for the last 2 months, including hundreds of pages of documentation submitted both for and against the nomination; and most importantly having watched Judge Thomas' testimony on his own behalf and the testimony of others before the Senate Judiciary Committee over the past 2 weeks; I have decided to cast my vote based on that review.

My support is based primarily on three factors:

First, based on all the evidence that I have received, Clarence Thomas' record as a judge, although brief, has been a very good one. Indeed, I was very impressed by the American Bar Association's testimony on this point. And in determining fitness for the highest court in the land, it is the nominee's actual record as a judge which is most important.

Second, in my personal meeting with Judge Thomas and in his testimony before the committee, I became convinced that he has both the proper judicial temperament for the Supreme Court and the necessary fundamental respect for the law and recognition of its real-life consequences.

Finally, there is the personal trait that is very hard to describe, but which might best be simply called character or integrity. And as a native Georgian, as well as a U.S. Senator from Georgia, I can say with pride that I believe the Nation has seen something distinctly Georgian in Clarence Thomas, in the strong sense of self and purpose he tracks back to a very close community.

I do want to stress that this decision has not been an easy one. As many of us have noted at the outset of this process, I believe that the responsibility for passing judgment on Presidential nominees to the Supreme Court is the most important constitutional duty of a U.S. Senator. The Senate's role of advice and consent is the last step along the road to permanent, lifelong service on the highest court in our land. As one Senator, my vote represents the last voice that more than 6 million Georgians have or will ever have on this issue.

I must also confess that, unlike others, my vote is not cast without some doubt. But from the day that I met with Judge Thomas last July, I told him, and I have tried to insist on every judicial nomination of every President, that I would give both the President and his nominee the benefit of the doubt.

Mr. President, I do not know—and I emphasize "know"—I do not know how Clarence Thomas will vote on any of the upcoming controversies facing the Supreme Court of the United States. And there are many, many examples in American history of Supreme Court Justices defying the expectations of those who appointed them. But even if we did know with certainty about the handful of cases that currently looms largest on the judicial horizon, it is more likely that future cases and controversies not yet articulated will prove at least equally important in setting the bounds for personal freedom and individual liberty in civil law as those currently pending.

So, in the final analysis, my vote is essentially one of hope and one based on what I consider to be Judge Clarence Thomas' promise, a hope that Clarence Thomas will demonstrate the same independence, the same self-reliance, and the same promise that have been the hallmarks of his struggle and his career; a hope that Clarence Thomas will not forget those who are seeking still to better this Nation and better themselves, yet who remain cloaked in the shadows of the injustice, intolerance, and inequality that still exist in our society; finally, a hope that Clarence Thomas will remain true to his promise to uphold the Constitution of the United States, to restrain from judicial activism, to approach each and every case before the Court with an open mind, and to judge each case on its merits and its merits alone.

Most Americans have seen the play "My Fair Lady." As we know, "My Fair Lady" is the theatrical depiction of George Bernard Shaw's play "Pygmalion."

The story is about a little flower girl, Eliza Doolittle. The old professor, Henry Higgins, decides and places some bets that he can make a proper lady out of this London street girl who sells flowers. After getting all the bets from his friends, he sets about his training.

There are many, many wonderful scenes, but my favorite is at the dinner table when Professor Higgins is trying to teach Eliza at least which knife to use, which fork to use, where she places her napkin; in other words, basic manners. But being frustrated in his attempt, suddenly, in this wonderful scene, he throws down his books and he looks over and he says,

> The great secret, dear Eliza, is really not whether you have good manners or bad manners, but the same manner towards all people, to act as if you are already in Heaven where there are no second-class characters and one soul is as good as another.

Under our constitutional system, Mr. President, it is the same manner toward all people that is the hallmark of the law, the mandate of justice, and in the end the responsibility of judges.

As I called Judge Thomas this morning and informed him of my decision, I asked him again simply, when he puts on the robe of judicial independence, to remember that there are still many, many people in our Nation who are left in the shadows, who seek and deserve simple justice, and all they ask of an individual Supreme Court Justice or those who serve on the highest court of the land is to have the same manner toward all people when judging these cases and controversies. That is my hope for Judge Clarence Thomas. I have every belief that he will rise to that standard.

I thank the Chair.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand that there has been a rotation policy between those who are supporters and those who are opposed to the nomination. I understand that has been the procedure which has been followed.

I see that my friend and colleague, the Senator from Ohio, would like to speak briefly. I ask unanimous consent that, following the Senator from Ohio, I be recognized and be permitted to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I appreciate the consideration of my good friend from Massachusetts. the Intelligence Committee is proceeding at this point, I have inquired of staff representatives on the other side of the aisle, and they indicated they did not see any problem with that.

Mr. President, I take the floor today with one purpose, and that is to urge Senators to take the time to read and reflect upon the record in the nomination of Judge Clarence Thomas for the Supreme Court. Two and one-half months ago, Judge Thomas' nomination was regarded as a shoo-in. In the days just prior to his confirmation hearing, it was still regarded as a sure thing.

Well, last week, Judge Thomas was unable to muster support from a majority of the Judiciary Committee. The reason for that turnaround is simple. The members of the committee have taken the time to study the lengthy and controversial record of this nominee and to reflect upon his evasive, unresponsive, and at times simply unbelievable testimony before the Judiciary Committee.

The message for the entire Senate is unmistakable. If Senators take the time to examine carefully Judge Thomas' record and his testimony and his failure to answer a host of questions, they will come away with a very different perception of him than was created by the White House media blitz this summer.

The White House spin doctors created a powerful picture of Clarence Thomas. They stressed his up-from-poverty roots and his childhood experiences with segregation. It was—and it is—a powerful story. But that is not the entire question before this body.

For weeks the media and most Members of the Senate obliged the White House by focusing chiefly on Judge Thomas' life story. Judge Thomas spent weeks visiting dozens of Senators, and it is a fact that he is a very warm and personable man. I would even say he is a nice guy and I am sure that he made a good personal impression with most Senators.

But, then, you have to look at the record. And when you look at the record you come up with a different conclusion. No Senator should be stampeded into voting for this nomination, and certainly no Senator should vote for this nomination by reason of loyalty to the President.

One of the most disturbing aspects of this entire confirmation process is the question of: You have to do it because the President nominated him and therefore it is a sense of loyalty; we have to vote to support him.

I say to my colleagues in this body that each of us has a solemn obligation to our constituents, and, yes, to our own consciences, and to all Americans, to thoroughly and carefully consider this nomination based on Judge Thomas' record, based on his credentials, based on his testimony before the Judiciary Committee. We owe the American people nothing less before the Senate confirms one of the nine people who are the final arbiters of the law of this land.

If Senators examine Judge Thomas' record, credentials, and testimony—and then reflect upon the fact that he could be on the Supreme Court until the year 2030—I believe that a majority of this body will conclude that Judge Thomas should not be confirmed for the U.S. Supreme Court. And I say to those on both sides of the aisle who have already indicated how they intend to vote, do not let that be the final answer. Go back and look at the record. Go back and see what he said and what he did not say. And if you do that, my guess is you may reconsider your previously announced position. I address that to those who have indicated they intend to support him at this point.

At a later point I will address myself more fully to the whole question of Judge Thomas' nomination.

I very much appreciate the courtesy of my good friend from Massachusetts, Senator KENNEDY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, there was a time, more recently than most of us would like to remember, when all Americans were not equal under the law. For nearly two centuries, the eloquent promises of the Constitution remained unfulfilled, as the Nation systematically denied equal justice under law to women, minorities, the poor, and the disadvantaged.

In our lifetime, however, we have seen the promise more nearly fulfilled, because of the genius of the Constitution, in which the judicial branch of Government is insulated from the unfair pressures that can sometimes be exerted by majority rule. When the legislative and executive branches failed to defend the rights of all Americans, the Supreme Court finally stepped in to protect those whom our political institutions had swept aside. The Court made clear that majorities cannot segregate Americans based on the color of their skin, cannot silence minorities by denying them the right to vote, cannot abuse the right of criminal defendants to due process of law, cannot dictate the most fundamental and most private decisions of individuals about how to live their lives, and cannot relegate women to the status of second-class citizens. By default, the Supreme Court became the principal defender of the constitutional rights of individuals against the will of the majority.

Justice Thurgood Marshall has been one of the champions of this renaissance. Throughout his lifetime, he has been one of the greatest and most committed defenders of individual liberty. He enabled us to see injustice more clearly and overcome it more fully. Now it is up to us as Senators to see that we do not squander the advances he spent a lifetime struggling to secure.

As the full Senate begins its consideration of Judge Clarence Thomas' nomination to serve as an Associate Justice of the Supreme Court, a central issue is the role of the Supreme Court in our Government of separated powers. For the unique and irreplaceable role of the Court defines the test each nominee must pass.

Will nominees continue the Court's progress? Will they be committed defenders of individual rights? Or will they turn back the clock, reversing the still-fragile protections which too many Americans waited too long to enjoy?

Nominees to the Supreme Court are different from all other nominees, because their decisions are so final. It is essential therefore for the Senate to insist that nominees shoulder the burden of demonstrating a commitment to fundamental constitutional values. If we are not confident that nominees possess a clear commitment to the fundamental constitutional rights and freedoms at the heart of our democracy, they should not be confirmed. The Constitution is too important, and the appointment of a Justice is too permanent, to accept anything less.

The merits of this nomination were not settled by the 1988 election. There is no presumption in favor of the President's nominee.

As we consider this nomination, we must also consider the context within which the President made it. As the hearings made clear, no one can credibly maintain that President Bush selected the most qualified person for the Supreme Court. A litmus test was clearly employed in this process, and it was not—as Judge Thomas' supporters claim—invoked by those who oppose his confirmation.

The 1988 Republican Party platform states:

> Deep in our hearts, we do believe: * * * That the unborn child has a fundamental individual right to life which cannot be infringed. We therefore reaffirm our support for a human life amendment to the Constitution, and we endorse legislation to make clear that the 14th amendment's protections apply to unborn children.

The platform goes on to say:

> We applaud President Reagan's fine record of judicial appointments, and we reaffirm our support for the appointment of judges at all levels of the judiciary who respect traditional family values and the sanctity of innocent human life.

This is the platform upon which President Bush was elected, and he has spent his entire Presidency upholding these provisions. We cannot ignore the President's explicit promise to appoint Justices who are hostile to a woman's fundamental right to choose.

Similarly, we must not ignore the current trend of the Supreme Court. Presidents Bush and Reagan have attempted to transform the Court into an institution that will be less vigorous about defending those whom it was designed to protect—those who must rely on the Court because they lack the political power to protect their fundamental rights in the political process.

Presidents Bush and Reagan have also attempted to create a Court which will reduce the power of Congress and extend the power of the President. By persistently taking a narrow view of congressional statutes, by tilting toward the President and his exercise of executive branch authority, the Supreme Court can dramatically shift the balance of power in Government and seriously diminish the constitutional role of Congress.

The Supreme Court is supposed to be the impartial umpire of our Federal system, resolving disputes fairly between the legislative and executive branches of the Federal Government. If a shift by the Supreme Court turns the judicial branch into an ally of the President against Congress, the Constitution will not work, and the entire Nation will suffer.

We have already begun to feel the effects of such a shift. In several critically important cases, the Court has adopted absurdly narrow interpretations of statutes, or has deferred to executive branch interpretations which defy the clear intent of Congress and disregard the plain legislative history. The President is then able to invoke his veto power, to prevent a majority of Congress from restoring laws nullified by the Court.

The shift we have already begun to see, however, pales in comparison to the shift that will occur if the President convinces the Supreme Court to recognize a line-item veto power. The Republican Party platform explicitly states that the President has this inherent power. Judge Thomas may well agree: In a 1987 speech, he described the line-item veto as within a range of concerns which "is coequal with the range of economic rights itself." According to Judge Thomas, these rights "are protected as much as any other rights" and "are so basic that the Founders did not even think it necessary to include them in the Constitution's text."

Presidents Reagan and Bush have clearly attempted to pack the Supreme Court with Justices who share a single one-dimensional view of the Constitution. The Senate has a constitutional right—and a constitutional duty to the country—to defend both individual rights and congressional power against this onslaught. We must reject any nominee who fails to demonstrate a basic commitment to fundamental rights. Judge Thomas is not a nominee to an executive branch post.

He is not a nominee to a lower court. If we make a mistake on this nomination, we cannot reverse it at the next election, or even in the next generation.

The Senate's role in confirming Supreme Court nominees is one of the most important checks in our system of checks and balances.

It is the only check we have to prevent a President's attempts to stack the Court against the basic individual rights that every American enjoys as a citizen of this land. We are abdicating our constitutional responsibility in the confirmation process, if we defer to the President, instead of making an independent evaluation of a nominee to the Nation's highest court.

Judge Thomas' record raises too many deeply troubling issues of great importance to permit his confirmation.

It is for this reason—the breadth and depth of the concerns which his record raises, and his failure during the hearings to satisfy those concerns—that so many members of the Judiciary Committee voted against his confirmation.

We cannot be confident that he will uphold a woman's fundamental right to choose whether to have an abortion. Indeed, when we study Judge Thomas' record, it is impossible not to draw the opposite conclusion—that he stands ready to overrule Roe versus Wade at the first opportunity, and that he will give the Government the power to substitute its will for one of the most private and important decisions any woman can make.

During his testimony before the Judiciary Committee, Judge Thomas attempted to shed a career of extremist views and cloak himself with more moderate positions than his record supports.

This is a nominee who has given literally dozens of speeches around the country on constitutional issues. Yet, it was not until the hearings that he acknowledged for the first time the existence of a right to privacy under the Constitution. Even at the hearings, he refused to answer questions about specific applications of that right.

In particular, Judge Thomas consistently refused to discuss whether the right to privacy protects a woman's right to decide whether to have an abortion. He said the issue was likely to come before the Court, as it obviously will. But he discussed the death penalty. He discussed habeas corpus reform. He discussed victim impact statements in criminal sentencing—all controversial issues likely to come before the Court.

He analyzed the Supreme Court's current test on church-state questions, even though a case seeking to overturn that test is already scheduled for argument before the Supreme Court this fall.

Most strikingly, he discussed a 1990 Supreme Court ruling on preferences for minorities in communications law, despite the fact that a virtually identical case is currently pending before him on the D.C. circuit. He failed in his comments even to mention that pending case.

Because Judge Thomas refused during the hearings to discuss the right to privacy in any meaningful way, we have only his prior record before us in deciding whether to trust this fundamental right to his care. Yet, this record contains many statements hostile to the right to privacy and the right to an abortion, and not a single expression of support.

In a 1987 speech to the Heritage Foundation, Judge Thomas commended as "a splendid example of applying natural law" an extreme antiabortion polemic which argues that a fetus has a constitutionally protected right to life, beginning at the moment of conception, and that abortion is murder. Judge Thomas now says that this endorsement was merely a rhetorical comment, a throw-away line designed to convince his right-wing audience to be more supportive of civil rights.

The concerns raised by Judge Thomas' reference to the Lehrman article are buttressed by other statements is his record. In 1987, he argued that blacks and conservatives agree on the abortion issue. In a 1989 article he wrote that "[t]he expression of unenumerated rights today makes conservatives"—a group which Judge Thomas has clearly joined—"nervous, while at the same time gladdening the hearts of liberals." He added in a footnote that "The current case provoking the most protest from conservatives is Roe versus Wade.* * *"

When questioned about this citation, Judge Thomas did not explain it—he simply said he did not remember making it.

Judge Thomas also claimed to be unfamiliar with a report issued by a White House Working Group on the Family, of which he was a member.

The group's 1986 report sharply criticized the Supreme Court's decision in Roe versus Wade and other abortion and privacy cases, and stated that this "fatally flawed line of court decisions can be corrected, directly or indirectly, through the appointment of new judges and their confirmation by the Senate." Judge Thomas attempted to distance himself from this section of the report by saying he did not read it. But he refused to state that he would have objected to it on its merits had he known of its contents.

Even President Bush, an avowed opponent of the right to choose, balked in 1988 at saying that women who have abortions should be treated as criminals. Yet the Senate is being asked to place this core constitutional right in the hands of a nominee who may well take this extreme position.

Judge Thomas' supporters defend his right to refuse to state any views on the subject, despite his willingness to comment on other issues which are equally likely to come before the Court. They urge us to believe that Judge Thomas—who was in law school when the Supreme Court decided Roe, who has referred to Roe as one of the Court's most important decisions, and who has spent more than a decade as a lawyer in Washington, DC—has never discussed Roe versus Wade with anyone.

They ask too much. They are asking us to suspend belief, and to ignore the only real evidence there is.

The Senate should not give its approval to a nominee who refuses to answer fair questions on issues of bedrock importance to the vast majority of Americans. When we contrast Judge Thomas' willingness to discuss many controversial issues with his reluctance to discuss issues like abortion, it is transparently clear that Judge Thomas was not demonstrating his impartiality, but defending his prospects for confirmation. We should not acquiesce in such conduct when the right at issue is so fundamentally important.

The concerns raised by Judge Thomas' record extend far beyond the right to privacy and abortion.

His record also reveals a number of reasons to question his understanding of and commitment to ending sex discrimination in our society. He has condemned a landmark Supreme Court decision recognizing an employer's right to engage in affirmative action to open its historically segregated work force to women. Indeed, his hostility to this decision was so strong that he expressed his hope that the dissenting opinion would provide guidance for the lower courts and form the basis for a future majority opinion.

In all of his writings, many of which deal with the problem of discrimination and virtually all of which were prepared when he was the chief Federal official responsible for protecting a woman's right to be free from employment discrimination, Judge Thomas mentions discrimination against women infrequently and only in passing.

On a number of occasions, Judge Thomas has actually made or endorsed stereotyped views of women and work. In 1987, he said that hiring disparities "could be due to cultural differences" between men and women, and that "[i]t could be that blacks and women are generally unprepared to do certain kinds of work by their own choice. It could be * * * that women choose to have babies instead of going to medical school."

In 1988, he commended as "a much needed antidote to cliches about women's earnings and professional status" a discussion of women and work which incorporates the very stereotypes which have historically been used to exclude women from full participation in the workplace.

During the hearings, after having spent almost a decade as the chief enforcement officer for the Federal antidiscrimination laws protecting women, Judge Thomas stressed the reasonableness of these stereotypical comments and his lack of knowledge about the causes of women's second-class status in America's workplaces, rather than stating categorically that discrimination is at the root of many of the problems faced by women.

Judge Thomas did attempt during the hearings to portray himself as a vigilant protector of women's rights. However, his comments did not create a convincing image. Although he appeared to state that he agrees with the Supreme Court's "heightened scrutiny" test for gender discrimination, he subsequently indicated that his statement may mean only that he does not know where he stands or has not reviewed the issue in detail, rather than that he personally agrees with the test.

Judge Thomas' record on civil rights also raises deeply troubling concerns, because it reflects a fundamental ideological disagreement with much of contemporary civil rights policy and jurisprudence.

He has sharply criticized Supreme Court decisions upholding the use of certain evidentiary methods to prove systemic discrimination, both in the voting rights and employment contexts.

During the hearings, he failed to explain his harsh criticism of recent Supreme Court voting rights cases. His comments left the inescapable conclusion that when he condemned these decisions, he had no idea what they held.

In his testimony, he also attempted to soften his repeated rejection of Griggs versus Duke Power, which outlawed practices that disproportionately exclude women and minorities from the workplace. His testimony, however, cannot be reconciled with his earlier statements condemning Griggs and the effort to combat the subtle forms of discrimination which have denied women and minorities equal opportunity in the workplace.

In his speeches and writings, Judge Thomas has argued strenuously against the use of race-conscious remedies for job discrimination, despite the Supreme Court's sanction of such remedies for certain types of discrimination. During the hearings, he repeated his objections to the Supreme Court's decisions upholding affirmative action to overcome past discrimination. We cannot escape the conclusion that Judge Thomas is committed to reversing these decisions, and thereby denying Congress, employers, and the courts the power to overcome the Nation's legacy of racism.

Judge Thomas' condemnation of race-conscious remedies for job discrimination is especially troubling when contrasted with his repeated attempts to distinguish the affirmative action program under which he was admitted to Yale Law School. His distinction ignores the fundamental similarity between education and job training, and ignores the needs of persons who must rely on on-the-job training because they lack formal education.

In the hearings, when pressed about his many extreme statements, Judge Thomas' only real defense was, "That was then and this is now." He claimed, in effect, that the rightwing policy positions he had advocated as an executive branch official were no longer operative, because now he is a judge.

But recent press accounts underscore the probability that Judge Thomas' opposition to all race- and gender-based programs has indeed accompanied him onto the bench. During the hearings, he was asked about the Supreme Court's recent decision in Metro Broadcasting, which upheld an FCC license preference for minority-owned broadcast stations. Although Judge Thomas stated that he had "no reason to disagree with" the state of the law under Metro Broadcasting, press reports now indicate that less than 3 months ago, he did have a reason to disagree—and that Judge Thomas had in fact circulated a draft opinion he had prepared for the Court of Appeals limiting the Metro Broadcasting case and rejecting the license preference for women. If this report is true, it indicates that judge Thomas may have had a more concrete, and apparently hostile, view of Metro Broadcasting which he concealed from the committee.

Judge Thomas' hostility to civil rights issues is underscored by his expressed hostility to civil rights leaders. In five 1985 speeches, he denounced the civil rights community for "wallowing in self-delusion and pulling the public in with it."

In 1987, he stated that there were no areas where he thought that the civil rights establishment was doing good work. He publicly castigated civil rights leaders who "bitch, bitch, bitch, moan and moan and whine."

During the hearings, Judge Thomas again expressed his bitterness toward the civil rights community, which is apparently the result of his belief that the community has excluded him and has not acknowledged his positions on civil rights issues as legitimate.

I might mention here, Mr. President, that during the period of the 1980's, civil rights leaders were extremely active and extremely effective in a number of different policies affecting voting and other civil rights. We had the extension of the Voting Rights Act in the early 1980's and we were able, when that legislation was sponsored by the former Senator from Maryland, Senator McMathias, and ourselves and was basically opposed by William French Smith at that time, after many weeks, months of hearings, debate in the House of Representatives and here, to get even an extension of the Voting Rights Act.

And then we faced in the mid-1980's the decision by the Supreme Court in the Grove City case. We had, I believe, in this body, made the decision that we were not going to use taxpayers' money to support further desegregation in this country. That was true with regards to segregation on the basis of religion or minorities or on gender, and yet the Supreme Court made the decision in Grove City that if there was no evidence of discrimination in the disbursing office of Grove City, even though there might have been discrimination in the athletic programs against women or minorities in terms of other departments, as long as in that limited area which actually received the Federal funds, you could not demonstrate in that very small office of the institution there was any discrimination, the Court was not bound to look beyond it.

It took us years to overturn that, Mr. President. The good work that was done by civil rights leaders during that period of time was enormously important. We found out on the important issue of sanctions on South Africa and overturning a Presidential veto in the last 1980's they were extremely important, and they were extremely important when we were able to accept and adopt with, I might say, President Reagan's support the housing provisions, fair housing provisions to eliminate discrimination in housing.

So there were major battles during this period of time, and many of these leaders were very much in the vanguard of trying to work with the American people and their representatives in the House and the Senate and were extremely effective, I believe. But nonetheless during this period of time the condemnation of many of those leaders in the general way that I have described must not be lost.

In addition to these concerns about Judge Thomas' commitment to specific fundamental rights, his record provides disturbing evidence that he has a view of the separation of powers which would grant excessive power to the executive branch and would limit the role of Congress in our constitutional structure.

His many bitter confrontations with Congress during his tenure at the EEOC have apparently left Judge Thomas extremely hostile to Congress. He has repeatedly condemned this body in very strong terms.

He has referred to Members of Congress as "petty despots," and has stated that Congress has been "an enormous obstacle to the positive enforcement of civil rights laws that protect individual freedom."

He has argued that Congress "has thrust the tough choices on the bureaucracy, which it dominates through its oversight function," and that congressional subcommittees "micro-manage the running of agencies." He also alleged that "[i]n obscure meetings, [Members of Congress] browbeat, threaten, and harass agency heads to follow their lead." In Judge Thomas' view, "there is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business."

Judge Thomas has expressed this underlying hostility in concrete ways. He has condemned the Supreme Court's decision in Morrison versus Olson, which upheld 7 to 1 the constitutionality of appointing independent counsels to investigate suspected criminal activity by high-ranking executive branch officials.

Although Judge Thomas now seems to say that he does not believe that the independent prosecutor law is unconstitutional, he never adequately explained his statement condemning the majority opinion, or his strong praise for Justice Scalia's dissent, which argued that any law enforcement by officials independent of the executive branch is unconstitutional. Obviously, in scandals like Watergate, the executive branch cannot be trusted to investigate itself. Yet that is the result that Judge Thomas' views would seem to require under his reading of the Constitution.

Press reports about Judge Thomas' pending decision in Lamprecht versus FCC also raise questions about his views of Congress and his willingness to defer to Congress. During the hearings, Judge Thomas testified that he accepts the Supreme Court's decisions directing courts to give greater deference to congressional enactments than to State or local laws. Yet according to press reports describing his draft decision in Lamprecht, Judge Thomas refused in this case to defer to Congress' decision to give women a preference in the award of broadcasting licenses. If the press accounts are true, Judge Thomas' only opinion in a case raising a significant question of deference to Congress sharply contrasts with his testimony to the committee.

Judge Thomas' views apparently go beyond disagreement with Congress and disrespect for particular judgments made by this body. He has argued in a number of speeches that during the last few decades, Congress has abandoned its proper constitutional role by ceasing to perform its deliberative, law-making function and transforming itself into a quasi-executive body. If one takes his statements at face value, he would be likely as a Supreme Court Justice to strike down congressional enactments which are too specific and to prohibit Congress from engaging in much of its oversight activity. Such a narrow view of Congress, when combined with his expansive view of the President, could dramatically shift the balance of power from the legislative branch to the executive branch.

In addition, Judge Thomas has made many other extreme statements which raise questions about his nomination.

He described one of America's greatest jurists, Justice Oliver Wendell Holmes, in the following harsh terms:

> If anything unites the jurisprudence of the left and the right today, it is the nihilism of Holmes.
>
> As Walter Berns put it in his essay on Holmes, most recently reprinted in William F. Buckley and Charles Kessler's "Keeping the Tablets": "* * * No man who ever sat on the Supreme Court was less inclined and so poorly equipped to be a statesman or to teach * * * what a people needs in order to govern itself well." Or, as constitutional scholar Robert Faulkner put it: "What [John] Marshall had raised, Holmes sought to destroy." And what Holmes sought to destroy was the notion that justice, natural rights, and natural law were objective—that they exist at all apart from willfulness, whether of individuals or officials.

He also criticized Justice Thurgood Marshall for noting a few years ago that the Constitution, as originally enacted, accepted slavery and failed to provide equality for black Americans:

> I find exasperating and incomprehensible the assault on the Bicentennial, the Founding, and the Constitution itself by Justice Thurgood Marshall. * * * His indictment of the framers alienates all Americans, not just black Americans, from their high and noble intention.

Perhaps, as Judge Thomas' defenders have suggested, he was simply willing to read anything that his rightwing speechwriters put in front of him.

But that strident take-no-prisoners attack on Thurgood Marshall is hardly the sign of a judicial temperament.

He has condemned much of the Supreme Court's recent work to enforce constitutional rights, alleging that:

> The Supreme Court has used the due process and equal protection clauses in a variety of extremely creative ways. The Court has used them to make itself the national school board, parole board, health commission, and elections commission, among other titles. But these activities overlook (when they do not trivialize) the fundamental purpose of the 13th and 14th amendments. * * *

He commended radical conservative blacks like Jay Parker for "refusing to give in to the cult mentality and childish obedience which hypnotizes black Americans into a mindless, political trance."

And finally, while an administration official, he commended the following extreme descriptions of modern America:

> [W]e are careening with frightening speed toward collectivism and away from free individual sovereignty, toward coercive centralized planning and away from individual choices, toward a statist-dictatorial system and away from a nation in which individual liberty is sacred.
>
> As the noted constitutional historian Forrest McDonald recently said of the size of our government, "Its only saving virtue is its incompetence." Otherwise it would really be dangerous.

These statements do not reflect the sort of careful, considered judgments we rightfully expect from a Supreme Court nominee.

In many speeches, Judge Thomas repeatedly and forcefully advocated the use of natural law in constitutional decisionmaking. But in his testimony he said that he does not—and never did—see a role for the use of natural law in constitutional adjudication. Like all the other rightwing baggage he brought to the hearing, he simply jettisoned a longstanding belief he had vigorously held and frequently argued for.

This nomination is not about whether there should be a black American on the Supreme Court. I join with many of my colleagues in believing very strongly that a black American should fill the seat vacated by Justice Marshall.

President Bush could have chosen among many who are obviously well qualified to hold that high position, and who would certainly have obtained a "well qualified" rating from the American Bar Association.

But the Senate's responsibility is to decide whether this nominee should be confirmed to sit on the Supreme Court.

We should not confirm a person to the Court who has not demonstrated his commitment to fundamental constitutional rights and values merely because we fear that the President will retaliate against the Senate and the country by selecting another nominee who might be even worse. In my view, the Senate would and should reject that nominee too.

Finally, each of us and all of us admire Judge Thomas for his background and his ability to rise above even the harshest imaginable conditions of poverty, adversity, and deprivation.

I have heard people I respect say that it is wrong to blame him for taking the right lane to the top when he found the left lane crowded. An eloquent black writer has suggested that he is a caged bird who will start to sing.

Perhaps, but that is a slender reed for the Senate to grasp in an effort to find a rationale to support his confirmation.

If his background were the issue—he would be confirmed by a vote of 100 to 0.

But his background is not the issue, and it should not be the issue.

I urge each of my colleagues to study the record on Judge Thomas compiled by the Judiciary Committee.

There are compelling reasons why the committee deadlocked over this nomination.

His soothing testimony of 1 short week when his confirmation was at stake is far from sufficient to warrant a lifetime position on the Supreme Court. On his record, Judge Thomas falls far short of demonstrating a commitment to fundamental constitutional values in numerous key respects. I therefore urge my colleagues to reject his nomination. If we confirm him, we deserve the Court we get.

Mr. President, I ask unanimous consent that a compilation of Judge Thomas' statements on a variety of important issues be included in the RECORD, and I urge my colleagues to look closely at Judge Thomas' views, in his own words.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDGE THOMAS: IN HIS OWN WORDS

ON THE STATE OF THE NATION

"[S]ince I've been here, I've thought a lot about the rights of the individual. If the things that are done to the individual in this city were being done by one person, we'd all think that we were living under a dictatorship. We'd all be thinking in a rebellious way about how we are going to get out from under this dictatorship. The erosion of freedom is incredible." Interview, Reason Magazine, November, 1987.

"[A]s the head of a government agency and as a citizen of this country, I find myself agreeing whole-heartedly with former Treasury Secretary, William E. Simon, when he asserts that: 'The most important thing I can conceive of in the realm of American political life is to make Americans aware . . . that the fundamental guiding principles of American life have, in fact, been reversed; that we are careening with frightening speed toward collectivism and away from free individual sovereignty, toward coercive centralized planning and away from free individual choices, toward a statist-dictatorial system and away from a nation in which individual liberty is sacred.' "—Cato Institute, April 23, 1987.

"[I]t is the principles and ideas of the nation which have become anathema to an influential and growing elite. In criticizing the practice of American institutions, they hope to undermine the public opinion which buttresses public support for the regime itself. They do so for the purpose of changing the form of government, from one which is a limited constitutional government—based on a self-evident truth, to a government dominated by the ever-changing—or progressive—private interests of a political and intellectual elite.—California State University, April 25, 1988.

"The passage of major civil rights legislation coincided with a revolutionary burst in the growth of government. You know the sorry tale as well as I do. As the noted constitutional historian Forrest McDonald recently said of the size of our government, 'It's only saving virtue is its incompetence.' Otherwise it would really be dangerous."—Cato Institute, April 23, 1987.

"I, for one, don't see how the government can be compassionate, only people can be compassionate, and then only with their own money, their own property and their own effort, not that of others."—California State University, April 25, 1988.

ON BLACK AMERICANS

"I have been the guinea pig for many social experiments on minorities. To all who could continue these experiments, I say please 'no more.' Please leave me alone."—Associated Industries of Cleveland, March 13, 1986.

"[A] few dissidents like . . . J.A. Parker have stood steadfast, refusing to give in to the cult mentality and childish obedience which hypnotizes black Americans into a mindless, political trance. I admire them, and only hope I could have a fraction of their courage and strength."—Heritage Foundation, June 18, 1987; Suffolk University, march 30, 1988; and California State University, April 25, 1988.

"Blacks know when they are being set up. . . . I object now to the leftist exploitation of poor black people. The attack on wealth in their name is simply a means to advance the principle that the rights and freedoms of *all* should be cast aside, to advance utopian schemes, which in fact end in despotism."—Pacific Research Institute, August 10, 1987.

The tragedy of the current state is, that those who have long had a legitimate reason for disenchantment—those who have been excluded from the American dream— . . . [i]ncreasingly . . . are being used by demagogues who hope to harness the anger of the so-called underclass for the purpose of utilizing it as a weapon in their political agenda. Not surprisingly, that agenda resembles the crude totalitarianism of contemporary socialist states much more than it does the democratic constitutionalism of our founding fathers."—California State University, April 25, 1988.

"It is preposterous to think . . . that the interests of black Americans are really being served by minimum wage increases, Davis-Bacon laws, and any number of measures that pose as beneficial to low-income Americans but which actually harm them."—California State University, April 25, 1988.

ON THE CIVIL RIGHTS COMMUNITY

"What, dare I ask, is the moral basis for racial policies today. I often hear that it is to make up for a history of deprivation. That's not much of a moral basis: It is merely some form of retribution."—Georgia Southern College, February 24, 1987.

The civil rights community is "wallowing in self-delusion and pulling the public with it."—American Bankers Association, September 11, 1985; EEO Coordinators, July 10, 1985; National Urban League, June 18, 1985; EEO Law Seminar, May 2, 1985; and Cascade Employers Association March 13, 1985.

"[T]he civil rights movement used the machinery of the New Deal and the Great Society to reserve spaces for its adherents. Affirmative action represented a new plateau for interest-group liberalism."—Palm Beach Chamber of Commerce, May 18, 1988.

The civil rights community "is effective and has a tendency to sensationalize. All too often, the players in this arena intentionally distort and misinform. The tendency is to exploit issues rather than solve problems."—Machinery and Allied Products Institute, December 15, 1986; Georgia Bar, December 12, 1986; North Carolina Affirmative Action/EEO Conference, December 8, 1986; and University of Tulsa, November 21, 1986.

"We must not merely be critical of the many blunders and follies that have occurred in the practice and theory of civil rights. We must show how our reliance on American principles produces better results than those of our enemies."—Pacific Research Institute, August 4, 1988.

Reason: Are there any areas where you think today that the civil rights establishment is doing really good work? By that I mean NAACP and . . .

Thomas: No.

Reason: None?

Thomas: I can't think of any.—Interview, Reason Magazine, November 1987.

ON SUPREME COURT JUSTICE THURGOOD MARSHALL

"I find exasperating and incomprehensible the assault on the Bicentennial, the Founding, and the Constitution itself by Justice Thurgood Marshall. . . . His indictment of the framers alienates all Americans, not just black Americans, from their high and noble intention."—Savannah Morning News, September 18, 1987.

ON JUSTICE OLIVER WENDELL HOLMES

"If anything unites the jurisprudence of the left and the right today, it is the nihilism of Holmes. As Walter Berns put it in his essay on Holmes, most recently reprinted in William F. Buckley and Charles Kessler's *Keeping the Tablets:* ". . . No man who ever sat on the Supreme Court was less inclined and so poorly equipped to be a statesman or to teach . . . what a people needs in order to govern itself well.' Or, as constitutional scholar Robert Faulkner put it: 'What [John] Marshall had raised, Holmes sought to destroy.' And what Holmes sought to destroy was the notion that justice, natural rights, and natural law was objective—that they exist at all apart from willfulness, whether of individuals or officials."—Pacific Research Institute, August 4, 1988.

ON JUDGE BORK

"I strongly support the nomination of Bob Bork to the Supreme Court. Judge Bork is no extremist of any kind. If anything, he is an extreme moderate, one who believes in the modesty of the Court's powers, with respect to the democratically elected branches of government. I am appalled by the mudslinging *cum* debate over the Bork nomination."—Pacific Research Institute, August 10, 1987.

"I know Bob Bork as such a man of integrity and moderation the founders would have wanted on the Court. . . . Judge Bork . . . if he is an extremist at all, is an extremist on behalf of the modesty of the judiciary."—American Bar Association, August 11, 1987.

"It was a disgrace on the whole nomination process that Judge Bork is not now Justice Bork."—Cato Institute, October 2, 1987.

ON EXTREMISM

"Perhaps the most powerful contemporary statement defending freedom based on our founding principles comes from an address [by Senator Goldwater in 1964] more noted for its controversial but true couplet, 'Extremism in the defense of liberty is no vice, moderation in the pursuit of justice is no virtue.' "—Cato Institute, October 2, 1987.

ON ROE V. WADE AND ABORTION

"The current case provoking the most protest from conservatives is *Roe* v. *Wade*, 410 U.S. 113 (1973), in which the Supreme Court found a woman's decision to end her pregnancy to be part of her unenumerated right to privacy established in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965)."—"The Higher Law Background of the Privileges or Immunities Clause of the Fourteenth Amendment," 12 Harvard Journal of Law & Public Policy (Winter 1989).

"Heritage Foundation Trustee Lewis Lehrman's recent essay in *The American Spectator* on the Declaration of Independence and the meaning of the right to life is a splendid example of applying natural law."—Heritage Foundation, June 18, 1987.

ON DEMOCRATS

"One reason I left the Democratic Party was the language barrier which I developed during law school—I could no longer understand globbledyguck and Berlitz does not offer a course. I also had a very serious problem with logic. . . . I could not follow the reasoning that more criminals on the streets, and fewer criminals in more comfortable jails (or hotels as my grandfather called them) solved the crime problem. . . . [I]f these criminal justice policies are so beneficial to society, I suggest that those who push such policies be willing to accept these criminals in their neighborhoods—if not in their homes. . . . I believe the President put it best: the Democratic party creates a desert—then gives you a glass of water and calls that compassion."—Undated handwritten speech (apparently from 1984).

"I had the highest hopes for the Reagan Administration in breaking the Democratic Party's hold on Black voters. If you'll pardon somewhat partisan remarks, I don't believe a party with a collectivist program for the economy and government should command such overwhelming allegiance from Blacks."—Tocqueville Forum, April 18, 1988.

ON CONGRESS

"To put it simply, there is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business."—Palm Beach Chamber of Commerce, May 18, 1988, and Brandeis University, April 8, 1988.

"In defending the administrative deliberative process, [Senator] Hatch expressed a sentiment shared by many who go before these [congressional] committees, but few would publicly state. 'If I were in the Executive Department,' he commented, 'I would tell us to go to hell, I really would.'"—Palm Beach Chamber of Commerce, May 18, 1988, and Brandeis University, April 8, 1988.

"In conclusion, let me emphasize the importance of upholding our ideals. What else could have kept me defiant in the face of some petty despots in Congress. . . ."—Harvard University Federalist Society, April 7, 1988.

Congress has "been an enormous obstacle to the positive enforcement of civil rights laws that protect individual freedom."—Tocqueville Forum, April 18, 1988.

"In obscure meetings, [members of Congress] browbeat, threaten, and harass agency heads to follow their lead. Thus Congress operates in the shadows, and then produces press releases to show what a fine job it has been doing."—Tocqueville Forum, April 18, 1988.

"I thought Ollie North did a most effective job of exposing congressional irresponsibility. He forced their hand, and revealed the extend to which their public persona is fake."—Tocqueville Forum, April 18, 1988.

"As Ollie North made perfectly clear last summer, it is Congress that is out of control."—University of Virginia Federalist Society, March 5, 1988, and Harvard Federalist Society, April 7, 1988.

"Partly disarmed by his [Oliver North's] attorneys' insistence on avoiding closed sessions, the [Iran-Contra] committee beat an ignominious retreat before Colonel North's direct attack on it, and by extension all of Congress."—Cato Institute, October 2, 1987.

"I reluctantly cite GAO, since, at a later point during my tenure I referred to it as the 'lapdog of Congress.'"—Creighton Law School, February 14, 1991.

"Not that there is a great deal of principle in Congress itself. What can one expect of a Congress that would pass the ethnic set-aside law [10% set-aside in federal construction grants for minority-owned businesses] the Court upheld in *Fullilove* v. *Klutznick?*"—"Civil Rights As A Principle Versus Civil Rights As An Interest," in *Assessing the Reagan Years* (D. Boaz, ed. 1988).

ON THE LINE-ITEM VETO

"I commend you to read the full text of President Reagan's economic bill of rights speech. . . . His proposals include protection of intellectual property, education reform, welfare reform, privatization initiatives, and a line-item veto."—American Bar Association, August 11, 1987.

ON THE CONSTITUTIONALITY OF THE INDEPENDENT PROSECUTOR

"Unfortunately, conservative heroes such as the Chief Justice failed not only conservatives but all Americans in the most important Court case since *Brown* v. *Board of Education*. I refer of course to the independent counsel case, *Morrison* v. *Olson*. . . . Justice Antonin Scalia's remarkable dissent in the Supreme Court case [holding the statute unconstitutional] points the way toward [conservative] principles and ideas."—Pacific Research Institute, August 4, 1988.

ON THE SUPREME COURT AND THE RULE OF LAW

"The Supreme Court has used the due process and equal protection clauses in a variety of extremely creative ways. The Court has used them to make itself the national school board, parole board, health commission, and elections commission, among other titles. But these activities overlook (when they do not trivialize) the fundamental purpose of the 13th and 14th Amendments. . . ."—Tocqueville Forum, April 18, 1988.

"Now from this experience [Thomas's experience growing up in the segregated South] you would correctly infer that I am deeply suspicious of laws and decrees."—Cato Institute, April 23, 1987.

ON THE NINTH AMENDMENT

"In a nutshell, this is the problem with the Ninth Amendment. Maximization of rights is perfectly compatible with total government and regulation. Unbounded by notions of obligation and justice, the desire to protect rights simply plays into the hands of those who advocate a total state. . . . Far from being a protection, the Ninth Amendment becomes an additional weapon for the enemies of freedom."—"Civil Rights As A Principle Versus Civil Rights As An Interest," in *Assessing the Reagan Years* (D. Boaz, ed. 1988).

ON DISCRIMINATION AND INDIVIDUAL RIGHTS

From an interview with Judge Thomas: "It could be, Thomas says, that blacks and women are generally unprepared to do certain work by their own choice. It could be that blacks choose not to study chemical engineering and that women choose to have babies instead of going to medical school."—Atlantic Monthly, February, 1987.

"[B]y analyzing all the statistics and examining the role of marriage on wage-earning for both men and women, Sowell presents a much-needed antidote to cliches about women's earnings and professional status. In any event, women cannot be understood as though they were a *racial* minority group, or any kind of minority at all."—"Thomas Sowell and the Heritage of Lincoln: Ethnicity and Individual Freedom," and Lincoln Review, vol. 8, no. 2 (Winter 1988).

"How can a principled person find preferences for a dominant minority repugnant and yet support them for groups of which he or she is a minority? . . . Personally, I would protect the rights of the biggest bigot to preserve individual freedoms—the safe harbor of liberty."—American Bankers Association, September 11, 1985, Tulsa EEO Coordinators, July 10, 1985, National Urban League, June 18, 1985; and EEO Law Seminar, May 2, 1985.

"Today we are far from the legal inequities my grandfather suffered. Indeed, our current explosion of rights—welfare rights, animal rights, children's rights, and so on, goes to the point of trivializing them."—Washington Times, January 1988.

ON BUSINESS RIGHTS

"I believe that the government's role is to assure a climate in which businesses can flourish and then stand back and stay out of the way."—Palm Beach Chamber of Commerce, May 18, 1988.

"[E]conomic rights are protected as much as any other rights."—American Bar Association, August 11, 1987.

"We have today ignored economic liberties as a vital part of the rights protected by constitutional government."—"Civil Rights As A Principle Versus Civil Rights As An Interest," in *Assessing the Reagan Years* (D. Boaz, ed. 1988).

Economic rights "are so basic that the founders did not even think it necessary to include them in the Constitution's text. . . ."—American Bar Association, August 11, 1987.

"Why do you need a Department of Labor, why do you need a Department of Agriculture, why do you need a Department of Commerce? You can go down the whole list—you don't need any of them really."—Interview, Reason Magazine, November 1987.

"When [the] EEOC or any other [government] organization starts *dictating* to people, I think they go far beyond anything that should be tolerated in this society."—Interview, Reason Magazine, November 1987.

ON ENTITLEMENT PROGRAMS

"As [Friedrich] Hayek has noted, the attack on freedom and rights had to be accompanied by their redefinition. In the socialist view, 'the new freedom was thus only another name for the old demand for an equal distribution of wealth.' The new freedom meant freedom from necessity. And it was a short road from rights to what we call today 'entitlements.'"—Pacific Research Institute, August 10, 1987.

"Winston Churchill noted [the] problem with socialism when he described capitalism as offering only unequal blessings, while socialism offered equal misery. Because we Americans have often failed to seize the opportunity of freedom, as restricted as that may have been, some thinkers and politicians want to call the promise of equal rights 'entitlements.'"—Washington Times, January 18, 1988.

ON NATURAL LAW

"The best defense of limited government, of the separation of powers, and of the judicial restraint that flow from the commitment to limited government, is the higher law political philosophy of the Founding Fathers. . . . [N]atural rights and higher law arguments are the best defense of liberty and of limited government. . . . Rather than being a justification of the worst type of judicial activism, higher law is the only alternative to the willfulness of both run-amok majorities and run-amok judges."—"The

Higher Law Background of Privileges or Immunities Clause of the Fourteenth Amendment," 12 Harvard Journal of Law & Public Policy (Winter 1989) Federalist Society, University of Virginia, March 5, 1988.

"The higher-law background of the American Constitution, whether explicitly invoked or not, provides the only firm basis for a just, wise, and *constitutional* decision."—"The Higher Law Background"; Federalist Society, University of Virginia, March 5, 1988; and Federalist Society, Harvard University, April 7, 1988.

"[W]ithout recourse to higher law, we abandon our best defense of judical review—a judiciary active in defending the Constitution, but judicious in its restraint and moderation."—"The Higher Law Background", and Federalist Society, University of Virginia, March 5, 1988.

"To believe that natural rights thinking allows for arbitrary decisionmaking would be to misunderstand constitutional jurisprudence based on higher law."—"The Higher Law Background."

"The Constitution must always be understood in light of the ends set forth in the Declaration."—Federalist Society, University of Virginia, March 5, 1988.

"[Justice] Harlan's [dissenting] opinion [in *Plessy* v. *Ferguson*] provides one of our best examples of natural right or higher law jurisprudence."—Federalist Society, Harvard University, April 7, 1988, and Federalist Society, University of Virginia, March 5, 1988.

"Justice Harlan's reliance on political principles [in his dissenting opinion in *Plessy* v. *Ferguson*] was implicit rather than explicit, as is generally appropriate for Supreme Court opinions. He gives us a foundation for interpreting not cases involving race, but the entire Constitution and its scheme of protecting rights."—"The Higher Law Background", Federalist Society, University of Virginia, March 5, 1988; and Federalist Society, Harvard University, April 7, 1988.

Mr. KENNEDY. Mr. President, I yield the floor.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, shortly after the President proposed Judge Clarence Thomas to the Supreme Court, I began receiving letters from across the country about the nomination. I told those who contacted me that I intended to examine carefully the views of Judge Thomas before making a decision.

I said I would use the same criteria to evaluate Judge Thomas as I did in examining the qualification of Justice David Souter last year. I was then, as I am now, most concerned about preserving individual civil liberties.

Throughout Judge Thomas' appearances before the Senate Judiciary Committee, I found him to be an engaging and informed individual with a robust sense of humor. I was also impressed by the resolute and steadfast support of his family, presently and in earlier years. After 5 days of testimony, Judge Thomas proved he was articulate, composed, and exceedingly good-natured.

He competently fielded most legal queries and was certainly forthcoming with information about his formative years. However, his quiet but adamant refusal to answer many other fundamental constitutional questions was thoroughly disturbing. Attempts by Judiciary Committee members to elicit answers were rebuffed by the simple response: To give an opinion would compromise his objectivity as a judge.

Yet, he had no compunction about compromising his objectivity when he willingly offered views on other volatile issues such as capital punishment and the use of victims' impact statements. Judge Thomas' retreat from past speeches and writings also causes me great concern. If Judge Thomas and the White House felt that refuting previous public expressions of his convictions would guarantee confirmation to the Supreme Court, I believe they were wrong.

Let us make no mistake about it, President Bush nominated Clarence Thomas because of his strong conservative views on a number of vital issues.

During the confirmation hearing of Judge Souter last year, I said his silence on the issue of reproductive choice placed a cloud of uncertainty over well-settled legal precedents governing the rights of individuals to make fundamental choices involving themselves and their families.

Regrettably, Judge Thomas' refusal to discuss his views on reproductive choice continues this pattern.

Unfortunately, we now have a Supreme Court nominee who is unwilling to shed any light on views that are already a matter of record. Over the past decade, Clarence Thomas has openly stated his opposition to Roe versus Wade through writings and speeches, including a White House report on the family. Therefore, I was dismayed and frustrated over his hesitance in admitting to having an opinion on the issue, not to mention skeptical of his contention that he had never discussed the subject at all. Although his statements are public record, Judge Thomas took great pains to distance himself from these highly visible positions.

I remain unconvinced that Judge Thomas would adequately protect older workers against age discrimination. As head of the EEOC, he willfully delayed rulings on age discrimination cases. He also admitted that he violated a court order concerning the handling of civil rights cases while head of the Office for Civil Rights at the Department of Education.

I am also deeply troubled that Judge Thomas declined to answer repeated inquiries concerning an unmarried individual's right to privacy. As I said last year when I opposed Judge Souter's nomination, a retreat in this area could deny millions of men and women basic constitutional guarantees that previous Supreme Courts have affirmed. Apparently, Judge Thomas continued to be evasive even when given the opportunity to respond to these questions in writing.

Since the nomination of Judge Thomas, our colleagues on the other side of the aisle have asked that we consider Judge Thomas within the same parameters as other recent Supreme Court nominees. They claim it would be unfair to subject Judge Thomas to a higher standard than Robert Bork, David Kennedy, and David Souter.

Unlike Justice Souter, whose record on matters relating to the Constitution was unusually sparse, Judge Thomas has an extensive record of speeches, writings, and rulings as Executive Director of the Office of Economic Opportunity, head of the Civil Rights Office in the Department of Education, and as a private citizen. It is on this record and his Senate testimony that I base my decision.

And, unlike Justice Souter, who refused to answer questions about fundamental constitutional rights, Judge Thomas has a lengthy paper trail reflecting a disregard for some of these basic rights. One can only assume that the beliefs he espoused as an administrator would shape his judicial philosophy.

In reaching my decision on this nomination, I compared Judge Thomas' statements before the Judiciary Committee with his statements and writings over the past years. As I made this comparison, it became clear to me that this nominee, while in Government service, viewed the Constitution in a manner different than he would as a member of the High Court.

Since the words of the Constitution have not changed, I must conclude that Clarence Thomas' views have undergone a transformation since his nomination to the Supreme Court. Regrettably, I must vote against this nomination.

I yield the floor.

Mr. HATCH. Mr. President, I have been listening to some of the remarks that have been made here today, and I have watched some of the comments on television that others have made. I am particularly troubled by some of the distortions of Judge Thomas' record and of some of the statements that he made while he was before the committee.

In particular, I know of at least two Senators on the committee who felt—or at least indicated—that they personally did not believe Judge Thomas was speaking the truth with regard to abortion and his position on abortion. I have seen a number of Senators use this argument that Judge Thomas said he never discussed the issue of abortion when he appeared before the committee. Not only is that false; it is wrong for them to say that.

I want to take a minute or two here today and go through the transcript of the record. I might add that I raised

Cain in the committee because Judge Thomas did answer the issue of abortion. He said:

> I have no reason or agenda to prejudge the issue, or * * * to rule one way or the other on the issue of abortion. * * * I think that it is most important for me to remain open. I have no agenda. I am open about that important cases.

He was referring to Roe versus Wade. I do not think you can have a better answer than that. He does not know which way he would rule. I have known him for nearly 11 years, and I do not know where he stands on it. I am perfectly willing to accept his statement there. That is a definitive statement.

Judge Souter, now Justice Souter, was asked 36 times about abortion; that was excessive. When I raised a fuss about it during Judge Thomas' testimony in front of the committee, up to that point, Judge Thomas had been queried about abortion 67 times. And by the end of the hearings, it was up to around 100 times, which is triple the number of times Justice Souter was asked. And every time, he basically said:

> I have no agenda; I do not know where I stand on that issue. I really do not think that it would be appropriate for me to answer in advance of hearing the matter when it is before the Court.
>
> When I am on the Court, I do not want to prejudice my right to decide these issues by telling you how I will decide them in advance, and especially since I do not know how I would decide.

Time after time, he explained that to the committee.

How about this point that he never discussed abortion with anybody? I have heard that mentioned by the distinguished Senator from Massachusetts more than once, here today, and in other areas.

The distinguished Senator from Vermont, Senator LEAHY, has also raised this issue. Let us look at the record. Here is Senator LEAHY speaking:

> Judge, you were in law school at the time Roe versus Wade was decided. That was 17 or 18 years ago. I would assume well, let me back up this way. You would accept, would you not, that in the last generation, Roe versus Wade is certainly one of the more important cases to be decided by the U.S. Supreme Court?

Judge Thomas:

> I accept that it has certainly been one of the more important, as well as one that has been one of the most publicized cases.

Mr. LEAHY:

> So, I would assume that it would be safe to assume when that came down, you were in law school, recent cases law is often discussed. Roe versus Wade would have been discussed in the law school while you were there?

Judge Thomas:

> The case that I remember being discussed most during my early part of law school was, I believe, in my small group with Thomas Emerson may have been Griswold, since he argued that, and we may have touched on Roe versus Wade at some point and debated that. But let me add one point to that. Because I was a married student and I worked, I did not spend a lot of time around the law school doing what the other students enjoyed so much, debating the current cases and slip opinions. My schedule was such I went to classes and generally went to work and went home.

I will skip over some of this.

Senator LEAHY says:

> Have you ever had discussion of Roe versus Wade, other than in this room, in the 17 or 18 years it has been there?

Judge Thomas:

> Only, I guess, Senator, in fact in the most general sense that other individuals expressed concerns one way or the other, and you listen and you try to be thoughtful.

Look what he says up to that point, "Yes, I guess I have." He did not quite say it that way, but he said he discussed it only in that other individuals expressed concerns one way or another; you listen and try to be thoughtful. Then he added this. It was a very thoughtful remark. He said: "If you are asking me whether or not I have ever debated the contents, the answer to that is no, Senator."

He was very careful to make it clear that he might have discussed it, but he did not remember it. As to whether he ever debated it—he chose the word "debate" specifically because he wanted to make it clear that he had not debated it. He might have discussed it, but he had not debated it. Basically, the implication by some of the people criticizing him is he must have lied. That is pretty clear, it seems to me.

Let me go further. Senator LEAHY said:

> Let me ask you this: Have you made any decision in your own mind whether you feel *Roe* v. *Wade* was properly decided or not without deciding what that decision is?

Judge Thomas:

> I have not made, Senator, a decision one way or the other with respect to that important decision.

I mean, how many times do you have to say it?

Senator LEAHY came back again:

> So you cannot recollect ever taking a position whether it was properly decided or not properly decided, and you do not have one here that you would share with us today?

Judge Thomas:

> I do not have a position to share with you here today on whether or not that case was properly decided. And, Senator, I think that it is inappropriate to just simply state that it is—for a judge, that it is late in the day as a judge to begin to decide whether cases are rightly or wrongly decided when one is on the bench. I truly believe that doing that undermines my ability to rule on these cases.

It then goes on and Senator LEAHY asked another question.

Judge Thomas responded:

> Senator, your question to me was did I debate the contents of *Roe* v. *Wade*. Do I have this day an opinion, a personal opinion or comment on the outcome in *Roe* v. *Wade*; and my answer to you is that I do not.

That is just as clear as a bell. Yet we went through a hundred questions by various Senators, did you or did you not discuss Roe versus Wade, and he indicated that he had and then he said to make it very clear, "I did not debate Roe v. Wade. I was too busy working my way through law school."

I understand that. I understand that because my wife and I lived in a two-room chicken coop with three kids as I went to law school. We lived on $150 a month, and I worked all night long so I could go all day to law school and sleep 4, 5, or at the most 6 hours in any one day. I did not have any time to debate people very much either while my other fellow law review students were studying 80 hours a week. The most I could give to it was 20 hours a week under most circumstances.

I suspect that is what Judge Clarence Thomas went through. He was a young black man with no money, really very little, very little opportunity in his life except that which he made for himself.

How many more times do we have to have this man and have the implication that he is a liar? That is how far some people have gone on this particular issue.

I have to say, Mr. President, there is a myth being constantly repeated in the media and even on the floor of this body that simply has not been corrected. And this myth has it that Judge Thomas somewhere stated that he never discussed the case of Roe versus Wade with anyone. Some who are perpetuating this false myth embellish on it, juice it up, where they claim that Judge Thomas somewhere stated he never discussed the Roe case with a single human living being in the 18 years since it was decided. Those claims, as I have just shown, are totally inaccurate. They are easily defeated by the careful reading of the actual transcript of the Thomas hearing. I was there and I remember those questions, I remember Senator LEAHY doing that. I recall what Judge Thomas said on this subject. I just read it to you. It is not what his opponents are claiming. For those of my colleagues who did not attend the hearings, I have the relevant portions of the transcripts that I have just read, and they are only a few pages, and they show that Judge Thomas never stated that he had not discussed Roe with anyone.

At the hearings—let me go through it again—Senator LEAHY asked Judge Thomas if the Roe case "was discussed in the law school while you were there."

Judge Thomas, trying to remember back nearly 20 years, recalled specifically the Griswold case was discussed most in his study group. He also stated: "We may have touched on Roe v. Wade on some point and debated that." Far from denying any discussion of Roe, Judge Thomas admitted he may have discussed it in a study group, but simply could not remember for sure after nearly 20 years.

How many of us even remember the courses we took in law school or college, let alone the specific cases and issues that were discussed? And I specifically point out that Roe versus Wade is hardly the only significant case in the last 20 years. Indeed Judge Thomas' professional career, as I understand it, never gave rise to that case being central in his work. In the last 10 years of his career, civil rights preferences loomed larger than any other issues for Judge Thomas. Still Senator LEAHY pressed Judge Thomas on this issue. He said: "Have you ever had discussion of Roe versus Wade other than in this room in the 17 or 18 years it has been here?"

Again, contrary to what many have been alleging in the press and here on the floor, during the committee hearings, Judge Thomas did not answer that he had never discussed Roe; he said just the opposite. He admitted that he had discussed the case "in the most general sense, that other sides have expressed concerns one way or another, and you listen and you try to be thoughtful". He only denied that he had debated, and he carefully chose that word, and it has been carefully overlooked, in my opinion, by some who have been criticizing him in their zeal in trying to defeat this young African-American, one of two ever nominated to the Supreme Court of the United States of America. So he only denied he had debated the contents of Roe versus Wade.

Clarence Thomas is a man who appeared in numerous public forums, including numerous formal debates. In denying he publicly debated Roe, he clearly stated only that he had not engaged in a formal debate on the subject. That does not imply that Clarence Thomas never discussed the subject in other settings.

But let me just tell you why he did not say, "Yes, Senator, I have discussed it with a lot of people." The minute he did, the Senators on the committee who are against him anyway because they feel that he must be against Roe versus Wade or Bush would not have appointed him, they would have said: With whom did you discuss it? Then they would have said: And what did you discuss and what were your contributions? After all of which he would have to go back and say, "Look, I have not formulated my opinion on this issue. I have no agenda. And even if I had, it would be wrong for me to tell you in advance of my tenure on the Court what I would do in any given case in the future."

Moreover, if he answered otherwise, said, "Well, I am for Roe versus Wade or against Roe versus Wade," he would have irritated one or the other side of the Judiciary Committee. He answered it in the only honest way he could. The fact is I do not think there was any confusion about the distinction that Judge Thomas was drawing at the hearing, and yet I have seen this misused and distorted on television and in open debate here today on the floor.

If there was any confusion, the Senators who wish to draw inferences from his testimony opposed to what he actually testified should have had Judge Thomas clarify the point. After all, we had him before us for nearly a week.

I notice the distinguished Senator from Rhode Island is here. Let me just finish making this point and then I will resume my comment and I will yield the floor so that his valuable time can be saved, and then I will come back to my remaining comments afterwards.

Judge Thomas, at a minimum, deserves to be considered on the basis of what he said, not on the basis of inaccurate comments by my colleagues or inaccurate press reports of that testimony or distortions of what he said, and that is what they are. These inaccurate reports are obviously fueled by increasingly desperate special-interest group trying to find out a way to deny him a seat on the High Court. What is the point of the Senate Judiciary Committee even having hearings on a judicial nominee if Senators are going to base their vote to confirm not on what was said at the hearing but on a fictional rendition of what was said, a rendition at variance with the actual testimony? I think we have got to be a little more fair to this young man, who I think answered as cogently and as best he could before the committee. If you look at this record, it is as clear as a bell, and to have these distortions by anybody, including Members of this august body, I think is just plain wrong.

I think it has to be rebutted now. And that is what I have been trying to do.

Let me just make one other point and then I will yield the floor temporarily to Senator PELL. I would like to get it back afterwards.

Charges were made and rebutted, but repeated again and again—we heard it said again just a few minutes ago—that Judge Thomas criticized civil rights leaders. In July, I quoted lengthy statements that he made in speeches praising the civil rights movement and civil rights leaders including Thurgood Marshall, Justice Marshall. I ask unanimous consent that those remarks be printed in the RECORD again at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRAISE FOR CIVIL RIGHTS GROUPS

In an October 23, 1982 speech before the Maryland Conference of the NAACP, as the then newly installed chairman of the EEOC, here is part of what Judge Thomas said:

"I would like to talk with you about why I believe that you are the group that can truly make a difference for blacks in this country; what I think the challenges will be in the future; and what we are doing at the federal level to address the problems of discrimination. * * * The pervasive problem of racial discrimination and prejudice has defied short term solution. The struggle against discrimination is more a marathon than short sprint. Political parties have come and gone, leaving behind them the failures of their quick fixes. Promises have been made and broken. But one group, the NAACP, has remained steadfast in the fight against this awful social cancer called racial discrimination.

"The NAACP has a history of which we can all be proud. From its inception in 1909 until today, the work this organization has done in the area of civil rights is unmatched by any other such group. At each turn in the development of blacks in this country, the NAACP has been there to meet the many challenges. * * *"

The Judge has often acknowledged the significant role of the civil rights movement and how he, personally, has benefitted from it.

In volume 21 of Integrated Education, in 1983, the Judge wrote, "Many of us have walked through doors opened by the civil rights leaders, now you must see that others do the same." In a January 18, 1983, speech at the Wharton School of Business in Philadelphia, Judge Thomas said, "As a child growing up in the rural South during the 1950s, I felt the pain of racial discrimination. I will never forget that pain. Coming of age in the 1960s, I also experienced the progress brought about as a result of the civil rights movement. Without that movement, and the laws it inspired, I am certain that I would not be here tonight."

In an October 21, 1982, speech at the Third Annual Metropolitan Washington Board of Trade, EEO Conference, Judge Thomas described himself as "a beneficiary of the civil rights movement."

In an April 7, 1984, speech at the Yale Law School Black Law Students Association Conference, Judge Thomas noted that the freedom movement of black Americans was not a sudden development, but "had been like a flame smoldering in the brush, igniting here, catching there, burning for a long, long time before someone had finally shouted "Fire!"

He asked, in effect, who was responsible for this. The Judge then went through a litany of people and events that helped fan the flames of black freedom. He asked, in part, whether it was "the founders of the NAACP * * * or the surge of pride which black folks felt as they huddled around their ghetto radios to hear Joe Louis preaching equality with his fists, or hear Jesse Owens humbling Hitler with his feet?

"Was it A. Philip Randolph, mobilizing 100,000 blacks ready to march on Washington in 1941—and FDR hurriedly signing Executive Order 8802 banning discrimination in war industries and apprenticeship programs?

"Or the 99th Pursuit Squadron, trained in segregated units at Tuskegee, flying like demons in the death struggle high over Italy?

"Was it Rosa Parks who said 'No' she wouldn't move; and Daisy Banks who said 'Yes,' black children would go to Central High School?

"Or the three men who had been the black man's embodiment of *blitzkrieg*—the most phenomenal legal brains ever combined in one century for the onslaught against injustice—Charles Houston, William Hastie, Thurgood Marshall?

"Or a group of students who said, 'We've had enough. I mean, what's so sacred about a sandwich, Jack?

"Or men named Warren, Frankfurter, Black, Douglas who read the Bill of Rights and believed?"

I realize it may seem more newsworthy to report the Judge's remarks only when they have been critical of the traditional civil rights leadership. I realize some of his critics, who object to his expressed views against reverse discrimination and preference, wish to make him look ungrateful. But it is a false portrait—a caricature—being drawn.

Mr. HATCH. Moreover, some civil rights leaders began severely criticizing Judge Thomas. Now, when they started to do that, no one surely can be expected to engage in unilateral verbal disarmament, so the judge responded to some of these critics.

Yet his current opponents pluck only those critical comments out of context to make this charge. They try to paint a false picture of the judge and I think that is absolutely wrong. He has always expressed his gratitude to the civil rights movement and to many of its leaders. And I think when they start criticizing him, he is entitled to defend himself, and that is what he did.

Let us not just lift the defense of himself against some scurrilous comments and some inaccurate comments made about him. Let us look at the whole set of statements of this fine young man.

Mr. President, I ask unanimous consent that I be permitted to yield to the distinguished Senator from Rhode Island, with the floor to return to me as soon as he has concluded with his remarks.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the distinguished Senator from Utah?

Without objection, the Senator from Utah yields the floor to the distinguished senior Senator from Rhode Island, and at the conclusion of the remarks of the distinguished senior Senator from Rhode Island, the Chair will again recognize the distinguished Senator from Utah.

The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair and I thank my friend and colleague, the Senator from Utah.

Mr. President, I address the Senate today regarding the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

At the outset, I admire and respect the rise of Clarence Thomas from a miserable life of poverty in the rural South to the achievements and honors of his still young life. His is a story which embodies the best of what is America. Yet, as compelling as is the story of Judge Thomas' life, it cannot be the sole determinant of whether or not he is qualified to sit on the U.S. Supreme Court. Of paramount importance are his qualifications as a judge. It is in this regard that this nomination causes me real concern.

One of the most striking aspects of the debate over the Thomas nomination has been the general acceptance of the notion amongst both supporters and detractors that this nominee does not possess any recognizable record of distinction within the various circles of the legal world, be it as a judge, a lawyer, or a legal scholar. Perhaps Erwin N. Griswold, a Republican, former Harvard Law School dean, and Solicitor General summed it up best when he said: "This was a time when President Bush should have come up with a first-class lawyer, of wide reputation and broad experience, whether white, black, male, or female. And it seems to me obvious he did not." Acknowledging the lack of Judge Thomas' judicial distinction, I too am deeply disturbed when considering his lifetime appointment to the Supreme Court of the United States.

I am additionally troubled by the record Judge Thomas has built regarding his philosophic outlook, a philosophy which he will inevitably carry with him to the Supreme Court. When questioned about this record during his confirmation hearings before the Judiciary Committee, Judge Thomas argued that the views that he took as a member of the executive branch should be discounted because he was acting as an advocate for that branch. While I believe that fairness allows for a tempering of those positions, I feel that permitting a complete disavowal of those views and statements is unrealistic on my part and, at the very least, disingenuous on Judge Thomas' part.

When one looks at that record, it is clear that Judge Thomas was espousing a political philosophy that rests somewhere near the far right wing of the American political spectrum. He has attacked the notion of the existence of the right of privacy in the Constitution and has praised a long-discarded jurisprudential theory of so-called natural law. He has also questioned the remedies, albeit imperfect ones, that have been developed to deal with the discrimination that has plagued our country since it was founded, and he has showed disdain for the balancing of powers between the various branches of our system of Government. Given this record, I believe that the desire to appoint Judge Thomas to what is universally seen as an already conservative Supreme Court smacks of court stacking—the pursuit of a political agenda by an administration.

Accordingly, I believe that I must oppose the Thomas nomination to the Supreme Court. I do not do so lightly and indeed, regret that I have come to this decision. I have voted to confirm each of the other eight sitting Justices on the Court and, in general, feel that Presidential prerogative speaks strongly in favor of a candidate subject to his appointment.

I also regret opposing an African-American for I believe that diversity on the Court is important and with the departure of Thurgood Marshall, the Court loses an important perspective as it debates and reaches its decisions. However, in this light I also believe that such a candidate still must be eminently qualified for the position. It seems apparent to me that this nominee lacks that qualification and that were he not an African-American conservative, he would not have been chosen.

Perhaps with a few more years on the Federal bench, Judge Thomas would dispel the doubts that I have about his qualifications, but we do not have that luxury. As a U.S. Senator, I have been asked to confirm a nominee who on the one hand has an extraordinary story of achievement to tell with regard to his personal life but who on the other hand is noticeably lacking in distinction as a judge and one who has espoused a curious and often extremist political philosophy. I must vote on this nominee as he now stands before the Senate, and in this regard feel that I must oppose his nomination.

The PRESIDING OFFICER. The distinguished senior Senator from Rhode Island yields the floor.

Under the unanimous-consent agreement, the Chair recognizes once again the distinguished Senator from Utah.

Mr. HATCH. I thank the Chair.

Mr. President, when President Bush announced that he was nominating Judge Clarence Thomas to the Supreme Court, I said that it was a great day for America. I have known Judge Thomas for over 10 years, and I knew at the time of his nomination that he is eminently qualified to be a Supreme Court Justice. Personally, I do not think President Bush could have sent a finer nominee to us.

The American people are now familiar with Judge Thomas's rise from poverty to the doorstep of the Supreme Court, overcoming the barrier of racial discrimination along the way. In that rise, Judge Thomas obtained an excellent education, and first served as an assistant attorney general of the State of Missouri, under our distinguished colleague, JOHN DANFORTH. Judge Thomas then worked in the private sector as a lawyer in the Monsanto Corp.'s legal department. So he has private sector experience. After that, he worked in all three branches of the Federal Government. In so serving, he won Senate confirmation four times in less than 9 years, perhaps more than any other person during the same period.

Judge Thomas warrants confirmation because his nomination is meritorious today and because he has an outstanding and courageous record of public service, not for the patronizing reason that he might "grow in the position." All persons learn from their experience. But I take it to mean that those who have voiced this thought hope that, once on the Supreme Court, he will vote in a more liberal way than they now think he might. No one knows how Judge Thomas will vote once on the Court, but I certainly do not support him out of any wishful thinking.

I share President Bush's view that a Justice of the Supreme Court should interpret the law according to its original meaning and not legislate his or her own policy preferences from the Bench. Based on a careful review of his writings and judicial opinions, and my knowledge of the man, I am confident Judge Thomas will interpret the law according to its original meaning, rather than substitute his own policy preferences for the law.

He will not act as a legislator from the Bench.

I am also confident that Judge Thomas will zealously safeguard the principle of equal justice under law for all Americans—not just white Americans, not just black Americans or Hispanic Americans or Asian-Americans, or Native Americans, but for all Americans, without unfair preference.

Mr. President, Judge Thomas has been most identified, by his writings and speeches, with positions on civil rights and affirmative action while a policymaker. Therefore, I think it appropriate at this point to digress for a moment to discuss what I believe are crucial distinctions in the often-clouded subject of affirmative action. Affirmative action can mean different things. It can mean reviewing one's employment practices to eliminate discriminatory practices. It can mean increasing an employer's outreach and recruitment activities aimed at increasing the number of minorities and women in the applicant pool, from which all applicants will then be considered fairly, without regard to race or gender. There are similar activities aimed at widening the pool of applicants. This form of affirmative action has widespread support. Judge Thomas has written and spoken in favor of it. I believe discrimination against anyone should be ended, and remedied. And there is still discrimination against minorities and women and we must root it out. And I favor the kind of affirmative action I just described. I am not aware of a single Member of the Senate who opposes that form of affirmative action.

But there is another form of affirmative action that is highly controversial, deeply divisive, and wrong. By whatever euphemism or label used to describe or to mask it, this form of affirmative action calls for preferences on the basis of race, ethnicity, and gender. Lesser qualified persons are preferred over better qualified persons in jobs, educational admissions, and contract awards on the basis of race, ethnicity, and gender. Some argue there is a distinction between a quota and a so-called goal and timetable, but that, in my view, is misleading and of no practical meaning. It is not the label that is objectionable, but the practice—and that practice is unfair preference that discriminates against fellow citizens in this country. It does not matter what one labels a numerical requirement that requires, causes or induces preference—if you are discriminated against because of it, the harm is all the same regardless of the feel-good label someone else puts on it. And the harm to the victim is the same whether the employer is private or public.

I just want to make this comment. During the hearings, the only people who basically asked about affirmative action policies were two Republicans, Senator SPECTER and myself. The only other person that I recall asking about affirmative action—one aspect of affirmative action—was, I believe, Senator KENNEDY when he raised the Johnson versus Santa Clara case briefly. But that is one little aspect of the overall problem.

I wondered why Members on the other side of the aisle did not ask a lot of questions on affirmative action. And I believe the reason why is because they knew that Clarence Thomas, a African-American who had lived through the sting of discrimination, understands that issue better than any of us and that his position is very, very difficult to undermine and that most Americans are against quotas in the form of preferences or other discriminatory action.

During the hearings, brief reference was made to the Johnson versus Santa Clara case, a 1987 Supreme Court decision. Under a nondiscrimination standard, Mr. Johnson would have been hired by the Santa Clara County Transportation Agency for a position in a job category that had 238 men and no women. Among seven qualified applicants, he was deemed under a neutral, nondiscriminatory hiring process as the most qualified for the job. The district court found that in the ordinary course of events, he would have been hired by the division director of that particular job category. What happened next, however, is that the county affirmative action office got involved and contacted the agency's affirmative action coordinator. The affirmative action coordinator in turn intervened and suggested to the agency director that he intervene and direct that the most qualified candidate, Mr. Johnson, be passed over and the most qualified woman of the seven qualified finalists be hired instead so that the county could make progress toward its affirmative action goal of attaining a work force in each job category whose composition was 36 percent female. It cannot be emphasized enough that the district court found that this recommendation was not to remedy any prior discrimination by the county against this individual woman, or even against women generally. In a word, the affirmative action coordinator's recommendation to hire the lesser qualified woman over the better qualified man was a preference made to reach an employment level of 36 percent women. Moreover, the agency director was not ordinarily involved in hiring at this level, and would not have been involved at all but for the intervention of the affirmative action coordinator.

Now, the district court found that the agency director directed that the woman be hired, without even inspecting the applications and related examination records of her and the man who was originally selected for the job by the division director. The district court found that it was enough for the agency director to know that both the woman and the man were minimally qualified, and that one was male and the other was female. Further, the agency director knew that as the head of the agency, his chances on further promotion depended in part on how well his agency's hiring advanced the county's official affirmative action plan of achieving statistical proportionality of 36 percent women in each job category. After a 2-day trial, the district court found, in factual findings that were not disturbed by the court of appeals and binding on the Supreme Court under the Federal Rules of Civil Procedure, that the woman's gender was the determining factor in her selection for the position.

Now, all of this was done under a plan that I believe one of my colleagues described in the Judiciary Committee hearings as not a quota, but just a mere affirmative action plan to increase female participation in the workplace. Supporters of racial and gender preferences like to say that the person preferred was qualified. But if a better qualified person, even if ever so slightly, loses a job because race or gender counts against him or her—as Paul Johnson did in the Santa Clara case—that is fundamentally unfair and violative of title VII as written. As Judge Thomas said in the hearings, if you reversed the facts in the Santa Clara case—if a more qualified woman was passed over in favor of a lesser qualified man in order to reach a statistical level of males in the work force—I do not think anyone would disagree that title VII had been violated.

I must stress that the label, whether called quota or affirmative action or anything else, is not the key. It is the practice of preference in hiring and promotion based on race, gender and other outlawed characteristics that is the key here. The reason to oppose a quota is because it causes preferences, not because the word quota sounds bad. So it is not enough to say we oppose quotas, we must oppose preferences. And we must oppose the various means by which preferences are required, caused or induced.

If I do not miss my bet, most young people who were raised in the sixties, regardless of gender, regardless of race, oppose quotas and preferences also. Because many of them at one time or another have either received a benefit from a quota system or have received the sting of having been rejected because of a quota system. Because that is the way it is being run, in part, in this country today.

Title VII as written bans preference. Title VII is not heavyhanded interference with the private sector as its opponents claimed in 1964.

It is the embodiment of the principle of equal opportunity and nondiscrimination. But in a 1979 decision George Orwell could appreciate, the Weber case, the Court construed title VII to permit preferences in training, not to remedy any prior discrimination by the employer, but to increase the numbers of minorities in a job category where there was a large statistical imbalance. In Weber, a more senior white male was discriminated against. In the Johnson case that I mentioned earlier, the Court extended this creative interpretation to hiring. Five members of the Johnson Court indicated that Weber was wrongly decided; that it had turned title VII on its head. Five of the Justices on the Court—in other words, a majority of the Court—said it was wrong. However, two of them adhered to stare decisis and not only let Weber stand, they also extended it, in this case, to hiring methods.

It is desirable to increase the number of minorities and women in various jobs, but not at the price of discriminating against other hardworking, innocent persons who are not privileged people in this country. I might add there have been many instances in which preferences for members of one minority group have disadvantaged members of other minority groups and women. Preferences for women have disadvantaged minority males, as well as white males. In an increasingly multicultural society, the preference problem is less and less a black-white issue.

The victims of preference do not have 150 groups out there lobbying for them. Nor do they have Justices and judges twisting the civil rights laws in their favor. But they do have a moral right to be free of discrimination. That moral right was codified in statute, at long last, in 1964 for all Americans. It is that statute to which judges must be faithful. The victims of preference know that, however labeled or candycoated, preferences are unfair, immoral, and they do not even have to be lawyers to understand it turns the statute on its head.

It is not divisive to defend the principle of equal opportunity for every individual—it is divisive to compromise that principle.

If all one wishes to require is equal opportunity for all individuals regardless of race, ethnicity, and gender—our laws and Constitution as written already require that. There is no need to establish a numbers requirement.

A racial, ethnic, or gender numerical requirement, however labeled, is intended to be met. It is not intended merely to increase recruitment of minorities and women into the applicant pool, which can be required in its own right. It is intended to induce preferences of lesser qualified over better qualified persons in order to reach the so-called right numbers in hiring and promotions, educational admissions, and contract awards. That is as true in the private sector as in the public sector.

Judge Thomas criticized this kind of preferential affirmative action while in policymaking positions.

I said at the beginning of his confirmation hearings that Judge Thomas is a man of fierce independence. He demonstrated that independence during the hearings when he took the position that the 14th amendment's due process clause contains a substantive content, a position with which many conservatives take issue. Judge Thomas demonstrated that independence again when he disassociated himself from Chief Justice Rehnquist's comment on stare decisis in Payne versus Tennessee to the effect that erroneously decided procedure cases are automatically entitled to less weight than erroneously decided property cases.

Judge Thomas' independence, however, does not sit well with some special interest groups and some liberal academics and pundits. These critics would like to impose their liberal policy agenda on the American people through the judiciary. They cannot win in Congress because people here are afraid of up-front preferences and rightly so, because they know the vast majority of Americans do not favor them. And the proponents of preferences want to achieve preferences through the courts, these liberal academics and other thinkers. They fear Judge Thomas will be faithful to the Constitution and Federal laws as enacted, instead of to their political agenda.

We have heard from some quarters that Judge Thomas' previously held views vanished when he was before this committee and that certainly was not so. For example, his writings on natural law were overstated by various pundits and interest groups. In his writings and speeches Judge Thomas said that the Framers' understanding of natural law requires limited government, and limited government requires that judges, no less than legislators and executive branch officials, not overstep their constitutional authority. His discussions with the committee were entirely consistent with this principle.

The judge's discussions of affirmative action with the committee were similarly steadfast. Judge Thomas refused to budge from his stated opposition to racial preferences, articulated as a policymaker in the executive branch. Much of the opposition to Judge Thomas, in my view, stems from his forthright stand on this issue. They are not saying it, but that is what is really behind a lot of the opposition to him. Judge Thomas was and is unequivocal in his support for outreach programs, for making efforts to broaden the scope of employee applicant pools, for making whole the actual victims of discrimination, and for punishing the wrongdoers rather than innocent third parties. At the same time, he defended his opposition to race-conscious preferences that do not provide relief to actual victims of discrimination, but rather provide benefits to members of particular groups solely because of their membership in those groups. His support for educational preferences based on disadvantaged status, regardless of race, is fully consistent with his opposition to racial preferences.

I would like to emphasize that again. Clearance Thomas said let us not discriminate against our fellow men and women on the basis of preferences, on the basis of race, ethnicity, and gender. Let us treat all disadvantaged people, regardless of race, ethnicity, and gender, all the same. That is acceptable because it is neutral on the basis of race, ethnicity and gender. Frankly, the most astonishing vanishing act was by supporters of racial preferences on the other side of the aisle, who barely raised the issue with the judge, other than the Johnson case which I think is a clear-cut case where the judges, if they could have overcome their deference for stare decisis in that matter, would have overruled Weber.

The advocates of preference and reverse discrimination know that these policies are extremely unpopular with the American people. Accordingly, supporters of these unfair policies couch their attacks on Judge Thomas in other language. Thus, they criticize him for his civil rights record or alleged lack of sensitivity, or for being against all affirmative action rather than only the preferential, unfair aspects of affirmative action, as reflects his position while in the executive branch. In my view, it is really the Judge's expressed belief in the equal rights of all Americans that some of these critics are really upset about. I do not know how Judge Thomas will vote on specific aspects of affirmative action. As a Supreme Court Justice, he will be in a new and unique role. But because he has spoken out while in policymaking positions against preferences and what has become popularly known as reverse discrimination, the supporters of these unfair policies wish to punish him. I trust, however, the Senate will not sacrifice Judge Thomas on the twin altars of preferences and reverse discrimination.

We have heard criticism of Judge Thomas stemming from his tenure as chairman of the Equal Employment Opportunity Commission. I will not recite the particulars of that criticism and then rebut them charge by charge. I think that the record of the Judiciary Committee hearings does that. Instead, I will make three brief points in response to this criticism. First, upon assuming the chairmanship of the EEOC in 1982, Judge Thomas inherited an agency that was left in a shambles by his Carter administration predecessors. Second, Judge Thomas markedly improved the performance of that agency. The Washington Post, no shill for the Reagan administration's civil rights record, praised "the quiet but persistent leadership of Chairman Clarence Thomas" in an editorial on May 17, 1987, entitled, "The EEOC is Thriving." The July 15, 1991 U.S. News & World Report wrote: "Overall, it seems clear that he left the [EEOC] in better condition than he found it."

Mr. President, I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 17, 1987]

THE EEOC IS THRIVING

Civil rights advocates have apparently given up on the Civil Rights Commission and disagree only on how little should be appropriated for the agency. Some groups have even suggested that the Treasury save the money and abolish the CRC altogether. This is probably due to the sharp philosophical disagreement between traditional civil rights lobbyists and those now leading the panel, most of whom have been appointed by President Reagan. Or it may simply reflect the fact that the commission, whose work was so vitally needed and so widely supported in the late '50s and early '60s, no longer seems to be fulfilling a function.

Another important executive agency charged with civil rights enforcement—the Office of Civil Rights in the Department of Education—has been hamstrung since 1984, when the Supreme Court sharply limited the scope of the law prohibiting discrimination by recipients of federal funds. Because Congress has not yet acted to overturn that ruling by legislation, OCR—even if its leaders were willing to act aggressively—has been unable to move against many kinds of discrimination that had been its responsibility before.

But things are markedly different at the Equal Employment Opportunity Commission, the federal agency ccreated in Title VII of the Civil Rights Act of 1964 and charged with rooting out employment discrimination. Here, the caseload is expanding and budget requests are increasing. Under the quiet but persistent leadership of Chairman Clarence Thomas, the number of cases processed has gone from 50,935 in fiscal 1982 to 66,305 last year. In the same time period, legal actions filed went from 241 to 526. To handle this much larger caseload and higher litigation level, this year's budget request was a record $193,457,000. That's one-third more than was spent at the beginning of this administration and $28,457,000 over last year.

Domestic budget requests, even for meritorious programs such as this, are being cut with a vengeance, and the request for the EEOC is no exception. The House did vote a $13 million boost, and the commission has asked the Senate to restore the full amount requested. Whether that is possible, given other budget constraints, is uncertain. But legislators who care about civil rights enforcements have a special obligation to sustain an agency doing this work and enjoying, to an unusual degree in these times, the support and encouragement of the administration.

Mr. HATCH. During his tenure, the agency brought over 3,300 lawsuits and recovered nearly $1 billion in relief for the victims of discrimination. Finally, these charges have all been aired before, sometimes several years before, yet Judge Thomas was subsequently confirmed by this body at least once and sometimes as many as three times after the charges were initially made. If these charges were serious, why did this body confirm Judge Thomas, and in particular why did this body confirm Judge Thomas for the court of appeals, clearly one of the most important courts in this country, or for a second term as EEOC chairman? The fact is, the Senate has implicitly rejected these charges before, and in some cases repeatedly.

What this confirmation struggle is really about is the vanishing liberal hope that the judiciary, under the pretext of interpreting the Constitution, will impose on the American people the same liberal policies that have been overwhelmingly rejected in five out of the last six Presidential elections.

If there was a central theme to Judge Thomas' testimony, it was this: The roles of the judge and the policymaker are wholly and completely distinct.

As Judge Thomas correctly stated on taking the bench, a judge must shed his previously held policy views and interpret the written law. The people themselves, through their elected representatives in their State legislatures and Congress, determine what the policy shall be. The role of the judge, according to Judge Thomas, is to discern the intent of the lawgiver and carry out that will. For a court to second-guess policy determinations made by the political branches is to overstep its role.

This distinction—between the judge as interpreter of the written law and the legislator as the author of the written law—appears to be wholly lost on some of Judge Thomas' critics. They are incredulous that Judge Thomas could, as a policymaker, have taken strong positions, and then, as a judge, forswear any policy agenda. For them, apparently, adjudication in the courts is nothing more than a continuation of politics by other means. Put more bluntly, some of the critics of Judge Thomas would collapse the distinctly different functions of adjudication and policymaking into an approach that simply reaches a preferred policy result, whatever the violence done to the written law, including the Constitution.

Any philosophy of judging other than adherence to original meaning permits unelected Federal judges to impose their own personal views on the American people, in the guise of construing the Constitution and Federal statutes. There is no way around this conclusion. This approach is judicial activism, plain and simple. And it can come from the political left or the right.

Let there be no mistake: The Constitution, in its original meaning, can readily be applied to changing circumstances. But while circumstances may change, the meaning—the principles—of the text, which applies to those new circumstances, does not change.

Alexander Hamilton, an advocate of a vigorous central government and a defender of the judiciary's right to review and invalidate the legislative branch's acts that contravene the Constitution, made clear that Federal judges are not to be guided by personal predilection in their exercise of that power of judicial review. In the Federalist No. 78, he rejected the concern that such judicial review made the judiciary superior to the legislature:

> A Constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body. * * * It can be of no weight to say that the courts, on the pretense of a repugnancy [between a statute and the Constitution], may substitute their pleasure to the constitutional intentions of the legislature. * * * The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body. [This] observation * * * would prove that there ought to be no judges distinct from that body.

Such a commingling of the legislative and judicial functions, of course, would tend to start us down the road to the kind of tyranny the Framers fought a revolution to overthrow, and warned about when they separated executive, legislative, and judicial functions in our constitutional scheme.

When judges depart from these fundamental principles of construction, they elevate themselves not only over the executive and legislative branches, but over the Constitution itself, and, of course, the American people. These judicial activists, whether of the left or right, undemocratically exercise a power of governance that the Constitution commits to the people and their elected representatives. And these judicial activists are limited, as Alexander Hamilton shrewdly noted over 200 years ago, only by their own will—which is no limit at all.

As a consequence of judicial activism, we have witnessed, in an earlier era, the invalidation of State social welfare legislation such as wage and hour laws. Since the days of the Warren Court, judicial activism has resulted in the elevation of the rights of criminals and criminal suspects, resulting in the strengthening of the criminal forces against the police forces of our country; the Orwellian twisting of the constitutional guarantee of equal protection of the law and statutory prohibitions against discrimination into a license to engage in reverse discrimination; the creation out of thin air of a constitutional right to abortion on demand; and more. I might point out that restoring the original meaning of the Constitution or statutes is not extreme, or ultra, or part of what one of my colleagues, in opposing Judge Thomas, called the rightwing extremist movement. One of the objectives of the judicial activists for the future is the elimination of the death penalty.

The Constitution, as it has been amended through the years, in its original meaning, is our proper guide on all of these issues. It places primary responsibility in the people to govern themselves through elections. That is why appointing and confirming judges and Supreme Court Justices who will not let their own policy preferences sway their judgment is so important.

While on the topic of judicial activism, I note that many of my liberal colleagues—now that they fear that their ideological brethren will no longer control the Supreme Court—have suddenly discovered the doctrine of stare decisis; standing by decided rulings. They even suggest that a failure to adhere to stare decisis now by the Rehnquist court would amount to judicial activism.

In my view, respect for legal precedent is important principally in order to facilitate adherence to the original meaning of statutes and the Constitution. Restoring original meaning by overruling earlier, overreaching decisions is not judicial activism. Rather, it is a reflection of fidelity to the Constitution and laws as enacted, not the personal preferences of the judiciary, be they liberals or conservatives. Overturning prior decisions that depart from original meaning is politically neutral. It is the fulfillment of the principle of democratic self-governance by which we are supposed to live. Now, some prior erroneous decisions are so embedded in our very way of life, with so many expectations and institutions built around them, that overturning them would be imprudent. But Justices across a wide spectrum, including Justices Brandeis, Cardozo, Frankfurter, Powell, and Brennan, have acknowledged that prior Supreme Court decisions can be overturned in a proper case. In fact, there have been about 200 of them that have been thus overturned.

The touching concern that some liberals express for precedents today is based largely on their desire to preserve only certain percedents—the judicial activist decisions of which they approve. But when the Supreme Court had earlier overturned precedents of which these liberals disapproved, they were not to be found among the ranks of the advocates of stare decisis.

In 1961, in Mapp versus Ohio, the Supreme Court overturned a 12-year-old precedent, Wolf versus Colorado, and imposed the exclusionary rule on States. I do not recall much, if any, concern expressed by liberals about stare decisis at that time. As Prof. Milton Handler of the Columbia University Law School had written as early as 1967:

> Eminent scholars from many fields have commented upon [the Warren Court's] tendency towards overgeneralization, the disrespect for precedent, even those of recent vintage, the needless obscurity of opinions, the discouraging lack of candor, the disdain for the factfinding of lower courts, the tortured reading of statutes, and the seeming absence of neutrality and objectivity. [Handler, the Supreme Court and the Antitrust Laws: A Critic's Viewpoint, 1 Ga. L. Rev. 339, 350 (spring 1967)].

Law Prof. Earl Maltz, in 1980, wrote:

> It seems fair to say that if a majority of the Warren or Burger Court has considered a case wrongly decided, no constitutional precedent—new or old—has been safe." [Maltz, Some Thoughts on the Death of Stare Decisis in Constitutional Law, 1980 Wis. L.Rev. 467 (1980)].

As the June 20, 1966 U.S. News and World Report report said:

> The upheaval in America * * * under the Warren Court has been characterized by legal scholars as the most "daring and revolutionary" period of "judicial activism" in constitutional history.

This disregard for precedent is acceptable to some when it implements a liberal social and political agenda. Then when the judicial activist decision is rendered, it is supposed to be sacrosanct under the suddenly reappearing doctrine of stare decisis.

One more example: The Supreme Court in 1976 held in Gregg versus Georgia that the death penalty is constitutional. Nevertheless, Justices Brennan and Marshall repeatedly dissented in subsequent cases and in denials of stays of execution on the ground that the death penalty is unconstitutional. I am not aware of any criticism of these Justices for ignoring stare decisis by liberal opponents of the death penalty.

In contrast to a result-oriented approach, the application of stare decisis for the purpose of retaining the original meaning of provisions enacted by the people through their elected representatives or convention delegates is a principled and politically neutral use of stare decisis.

While Supreme Court decisions obviously bind the lower courts, when it comes to the Supreme Court's later consideration of an issue, Justice Frankfurter's words are apt:

> * * * the ultimate touchstone of constitutionality is the Constitution itself, and not what we have said about it. [Graves v. O'Keefe, 306 U.S. 466 at 491, 492 (Frankfurter, J. concurring)].

In conclusion, Judge Thomas understands the limited role of the courts in our constitutional scheme. He is eminently qualified to serve on the Supreme Court, and he acquitted himself admirably before the committee, as he has done in all of his professional endeavors in the private sector, the State sector, and in all three branches of the Federal Government.

As a matter of fact, let us just be honest about it, those who are criticizing him for lack of experience: Not any of us in this body has the experience, at age 43, in my opinion, that Judge Clarence Thomas has had.

Let us give some credit for that. I think he is eminently qualified to serve on the Supreme Court. He did a good job before the committee, as he has done in all of his professional endeavors.

I look forward to voting for his confirmation and his tenure as Associate Justice of the U.S. Supreme Court.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, will the Senator yield for an inquiry? Might I pose a request to the Chair that I follow the Senator, so my waiting around will not be in vain?

Mr. GORTON. I will be delighted.

Mr. DOMENICI. I ask unanimous consent that the Senator from New Mexico follow Senator GORTON, when he has yielded the floor, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

(The remark of Mr. GORTON pertaining to the introduction of S. 1803 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1804 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

THE SENATE ROLE OF ADVICE AND CONSENT

Mr. SANFORD. Mr. President, history has a way of calling attention to itself. In 1932, just 2 months shy of his 91st birthday, Oliver Wendell Holmes informed then President Hoover of his intention to resign from the U.S. Supreme Court. Holmes, in declining health, submitted his letter of resignation to the President stating that he was compelled to sever "the affectionate relations of many years and the absorbing interests that have filled my life." The President replied, "I know of no American retiring from public service with such a sense of affection and devotion of the whole people." Chief Justice Hughes wrote of Holmes that his colleague's opinions "have been classic, enriching the literature of the law as well as its substance."

Last June, another icon of constitutional jurisprudence, Justice Thurgood Marshall, announced his retirement from the Nation's highest court. Coincidentally, this week marks the 24th anniversary of the day Justice Marshall was sworn in as a member of the Supreme Court. With Justice Marshall's retirement we are again met with the constitutional duty to raise to that body another justice, and must consider the individual whom the President has nominated. It is fair to measure the nominee by the career, legal scholarship, and wisdom of the one he would replace. The Hughes appraisal of Justice Holmes suggests an ultimate standard to which all Supreme Court Justices should aspire but few can attain. Now, as the Senate reviews the President's choice for a Supreme Court Justice, it is a fair question to ask how close might this nominee come to reaching the Oliver Wendell Holmes standard? How close will the nominee come to the Thurgood Marshall standard? The qualities possessed by those men and their great service are legitimate and proper standards. Why should the President not seek the best?

Whoever is ultimately confirmed will become only the 106th Justice of the Supreme Court—so few, serving so many, in a unique and important exercise of American freedom, protecting the unity and the diversity in our pluralistic society.

The determination of who shall be the 106th person in whom we place our trust for a lifetime is not a political decision. It is a sole and solemn obligation of each U.S. Senator. We each must decide how we will make such judgment. We should set tough standards and exacting standards.

My questions about nominees for the Supreme Court have not been related to what his or her decisions will be, but rather to how these decisions will be reached. Certainly those who vote on the confirmation of a Justice should examine prior positions and writings, but my approach has been to inquire about a candidate's scholarship as defined by the integrity of his intellect, his knowledge of the law, and his objectivity. True scholarship is the best guarantee we have of a justice's future performance. All other attributes pale in comparison.

I have said in deliberations about Supreme Court nominees that scholarship is definable and recognizable, and it is the relentless, uncompromising search for truth. The intellectual honesty of true scholarship and the concomitant intellectual capacity that will measure up to the challenge are the indispensable attributes that we should consistently demand, with no compromise, of a Supreme Court Justice.

These are the standards I have used for others, and are the standards I must use today in making my sole and solemn decision about the confirmation of Judge Clarence Thomas.

JUDGE CLARENCE THOMAS

Rarely has the Senate heard a more moving and impassioned opening statement to the Senate Judiciary Committee than the one delivered by Judge Thomas on September 10. Indeed, there is much to applaud in the life of Clarence Thomas. He is a self-made man, he has lifted himself out of an impoverished childhood in rural, segregated Georgia. His sruggles are not unique to those of his generation and race, but they are important statements about the man and his ability to face hostilities and prejudice, to educate himself, to work hard and to succeed. I praise that kind of success, and have dedicated my public career to shaping an America where far more such success stories can be achieveed. His record is more than relevant here, for it is, I might note, the peculiar place of the Supreme Court among all of American institution to protect the disadvantaged from abuse and prejudice and discrimination. It was the Supreme Court, after Presidents, Congresses, Governors and State legislatures had failed, who broke the shackles of prejudice and ended the racial segregation in our schools.

The question for us goes beyond his biography to his qualfiications to participate from such a special pedestal in the shaping of the Nation for the next half century.

Having spent a large measure of his adult life in various appointed offices in the executive branch before being appointed to the Federal bench a scant 18 months ago, Judge Thomas has been noted for his willingness and stridency in speaking out on a variety of issues.

During the confirmation hearing, Judge Thomas retreated from many of his opinions and positions in the speeches and articles of his past. His disavowal of previously held opinions as statements expressing hostility and lack of support for Supreme Court precedents, and his challenges to congressional authority, raise serious questions. By distancing himself from these earlier statements, the judge, at one time or another, offered reasons such as: he had not read a document before citing it in a speech; he had not agreed with the statements he explicitly endorsed in an article; or, he was only trying to make a point with his audience.

Are these the responses of a scholar—of a truth seeker? Judge Thomas, he seemed to be contending, had simply expressed frivolous views for the benefit of the moment. Consider some examples of his responses.

Judge Thomas was the highest admininstration official to serve on a White House working group which issued a report sharply criticizing as fatally flawed a series of decisions protecting the right of privacy including Roe versus Wade. The report noted that such decisions could be corrected by either constitutional amendment or by "appointment of new judges and their confirmation by the Senate." This may or may not be true. I am not concerned with the appraisal, nor with the suggested scheme. I find the explanation of Judge Thomas to be astounding. "To this day, I have not read that report," he said. That tells me something I did not want to know.

With respect to natural law, Judge Thomas in both speeches and articles repeatedly found the concept and application of natural law to constitutional interpretation attractive when advocated by others and praiseworthy as a firm basis for constitional decision-making. The danger with the application of natural law is, of course, that it can be whatever the beholder wants it to be, and used to achieve just about any result desired. These previous endorsements of natural law by Judge Thomas did not survive the confirmation hearing but they relate now to the soundness of his scholarship.

During a speech before the Federalist Society at the University of Virginia Law School in March 1988, Judge Thomas stated,

> The higher law background of the American Government whether explicitly appealed to or not, provides the only firm basis for a just and wise constitutional decision.

In an article published in the Harvard Journal of Law and Public Policy in 1988, Judge Thomas stated:

> Natural rights and higher law arguments are the best defense of liberty and of limited government.* * * rather than being the justification of the worst type of judicial activism, higher law is the only alternative to the willfulness of both run-amok majorities and run-amok judges.

As a final example, the praise and support for the Lewis Lehrman article, "The Declaration of Independence and the Right to Life: One Leads Unmistakably to the Other," which applied natural law to the right to life and afforded constitutional rights to a fetus at the moment of conception, was extravagantly praised in the speech Judge Thomas delivered before the Heritage Foundation in 1987. In that speech the judge stated that the Lehrman article was "a splendid example of applying natural law to the right to life."

Yet, during the hearings, Judge Thomas qualified his statement as merely an attempt to "convince his audience" concerning conservative views on civil rights. He stated that he "did not endorse the article" and did not agree with the Lehrman conclusions. He testified that he had only skimmed the article before praising it, that it was merely a throwaway line and that "I do not believe that Mr. Lehrman's application of natural law is appropriate."

During the hearings, Judge Thomas in rebuttal of his Harvard Journal article as well as these other examples, also told the Committee:

> I don't see a role for the use of natural law in constitutional adjudication. My interest in exploring natural law and natural rights was purely in the context of political theory. I was interested in that. There were debates that I had with individuals, and I pursued that on a part-time basis.

Unfortunately, there are other examples of this wrenching disassociation with former beliefs to be found in the judge's statements on economic rights under the Constitution, on Oliver Wendell Holmes, on the obligations of Government for the less fortunate. In explanation, although he did not see any inconsistencies in his own statements, Judge Thomas offered a rationale in the change of role he had assumed on moving from the executive branch to the judicial branch that his words then were those of an advocate and his words now are the result of efforts to remain above the fray and under the cloak of impartiality.

In a speech in 1987, Judge Thomas continued his attack on precedents as egregious and commended the lone dissent of Justice Scalia in the case of Johnson versus the Transportation Agency of Santa Clara expressing the hope that it would "provide guidance for lower courts and a possible majority for the future." That case tested the appropriateness of voluntary affirmative action plans by private and public employers. Judge Thomas called the law an improper creation of "schemes of racial preference where none was ever contemplated."

In response to questioning on this issue, Judge Thomas stated that "when one is involved in the midst of debate in the executive branch and advocating a point of view * * * one continues to advocate that point of view. When I moved to the judiciary, as I noted earlier, I ceased advocating those points of view."

I am also troubled by Judge Thomas's critical views on the limits of congressional power. In another case in which Justice Scalia was the lone dissenter and used natural law to opposed a statute authorizing the appointment of the special prosecutor, Judge Thomas said of the case, Morrison versus Olson, that the Chief Justice had "failed not only all conservatives but all Americans" and that Justice Scalia showed "how we might related rights to democratic self-government and thus protect a regime of individual rights."

As a member of the Court he would be charged with faithfully interpreting the congressional legislation and determining Congress' authority in our constitutional system. Despite his disclaimers, his views are disturbing for their bearing on his understanding and appreciation for the separation of powers and his qualifications to interpret statutory laws.

CONCLUSION

I cite these examples not to question Judge Thomas' views, but to examine his reasoning and intellectual processes. As Prof. Christopher Edley of Harvard put it, support for Judge Thomas would be "choosing evasion over candor, conversion over consistency, political scripts over constitutional debate."

I have examined Judge Thomas' qualifications to serve as a Justice on the Supreme Court of the United States. I have listened to his testimony and I have read his articles and speeches and I have found him wanting. His 5 days of testimony were less than convincing.

We witnessed a likeable individual with a hazy understanding of the law, a thought process frequently meandering and unsure of its path, and with ill-fixed and vacillating beliefs. I am also less than confident that he could stand up to his colleagues in debate and discussion of the law in all its shapes and shadows. The Winston-Salem Journal, in yesterday's editorial, affirms my own concern. The Journal refers to a seminar attended by Supreme Court reporters and constitutional law professors this past weekend, at the College of William and Mary's Marshall-Wythe School of Law, to preview the coming Supreme Court term. The editorial stated when evaluating Judge Thomas' qualifications, "(t)o a person, they noted that when Thomas departed from his scripted answers, he demonstrated little familiarity with constitutional jurisprudence. * * * For years, he is likely to remain in the shadow of better-prepared justices."

I am also reminded of a conversation I had recently with John Hope Franklin, emeritus professor of history at Duke University. He expressed deep regret that the President had sent forward the name of Judge Clarence Thomas. "Thurgood Marshall," he reminded me, "graduated first in his law school class, and served as Solicitor General of the United States, as well as sitting as a Federal appellate court judge." He went on to say it was "anything but complementary to the hundreds of highly qualified black men and women who are legal scholars to have the President declare a candidate such as Judge Thomas the 'best' for the job."

I hold my duty under the Constitution to render "advice and consent" on the nomination of an individual to the Supreme Court to be an honored and privileged responsibility and one that must be exercised with every effort to seek truth and reason.

Sadly, I come to the conclusion that I must exercise my duty by withholding my consent to the nomination of Judge Clarence Thomas to be a Justice on the Supreme Court of the United States.

Mr. President, I thank you and I yield the floor.

Mr. THURMOND. Mr. President, I yield to the Senator from Colorado.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Colorado.

RURAL HEALTH CARE IN AMERICA

Mr. BROWN. Thank you, Mr. President, for your willingness to sign on to a letter we will send to the White House asking if there is not some way we can fund the 1-800 lines for Medicare. I do not want to divert the Senate from this important deliberation, but I think this is a matter my colleagues will be interested in.

Rural health care has a number of problems in America. Through a variety of programs, we tried to address those and help out. One of the significant programs I know all of our colleagues are familiar with is the Medicare Program. One of the things that impacts the rural areas with the Medicare Program is the fact that when people have trouble filling out the very complicated forms, which are very difficult to understand, they have a 1-800 number they can call to get some help. It is important for the rural areas because our urban areas all have offices in them. That is perfectly obvious to everyone. But in the rural areas, often the areas with the least income of anyone in our country, they need that 1-

800 number to simply find out what is going on.

I think what is happening now is alarming. The suggestion by HCFA is to eliminate the 1-800 numbers. Some who live in urban areas may say, "So what? That is not a problem." But let me assure them that it is a problem for much of America.

The simple facts are these: Rural health care providers are paid a small fraction of what urban health care providers are paid for doing the same service. That is right. In rural Florida, or rural Colorado, oftentimes our rural health care providers will receive half of what health care providers are paid in the city for exactly the same function. In Colorado, we have some services that the rural areas get half of what the Denver hospitals get, and the Denver hospitals get half of what the Los Angeles hospitals get.

I am not here to address that issue. That is a separate issue. But the point is this: Rural health care in America is a major problem and it suffers in part because of the way we discriminate against them in the formulas. The 1-800 numbers per beneficiaries and providers are vital to them to at least be able to fill out the form and understand the law so they can submit their claims.

HCFA has proposed to eliminate the 1-800 numbers. What it means is you can no longer call in and find out why your claim has been turned down. If you do not have the money to pay a private physician, you no longer have a 1-800 number to call and find out which health care providers will take Medicare patients. If you do not have the 1-800 number, providers cannot call in and find out what the problem is with a form or a billing that was not paid or, more precisely, how to fill it out in the first place.

We are not talking about anything that is easy or simple. We are talking about something the IRS would find shocking and complicated. The simple fact is the regulations in Medicare are some of the most complicated in the history of mankind. Any OSHA inspector would be proud of the complications that have gone into those regulations. The simple fact is people need help in knowing how to fill these forms out. The regulations are complicated and involved.

Some may say: What is the problem? If they need help in filling out the forms, why not call directly on a regular number? A couple things happen. First of all, a portion of the people do not have the money to call. Second, if someone on the receiving end of the call does not want to deal with one more problem that day, all they have to do is put you on hold and it is on your nickel. Someone who does not have money to pay for a half an hour phone call soon gets discouraged.

There is no subtlety in this. The simple fact is Medicare is talking about 10 percent fewer inquiries. This is not designed to shift the burden of the cost of those calls. It is designed to eliminate those calls. In their own review, they have suggested this will eliminate 10 percent of the calls. It might.

Mr. President, let me suggest that problems do not go away. The inability to understand the regulations do not disappear if you make it difficult to find out the information. The inability to file a claim does not go away if you do not have an 800 number. What it does is it becomes compounded. Work will increase, not decrease. This is a bad idea. I think it is to HCFA's benefit that they have suggested they can save $37 million this coming year in administrative costs. My colleagues might be surprised to know that they spend $1.45 billion a year for overhead. Let me repeat that: Overhead on Medicare is $1.45 billion; $1 billion 450 million a year on overhead.

Sure, they ought to save some money; absolutely. But before we cut off the people who have the least money and who do not understand how to fill out their forms, let us take a look at the kinds of things you could do to really save money. Let us take a look at the offices in which they reside. Let us take a look at their travel budget. Let us take a look at simplifying the forms. We could even take a look at simplifying the regulations. What about suggesting ways to revise the insurance protection so the benefits are available, but you simply eliminate some of the paperwork?

There are a lot of ways to save that money, but cutting off poor people in rural areas from finding out why their health claim is simply plain wrong and reflects bad priorities.

Already 41 of our colleagues have signed a letter to the President of the United States asking him to take a look at this and review the decision to eliminate the 1-800 numbers. I think we need to do it.

Health care providers are involved in these, too. Health care providers have problems knowing what those regulations mean and call for. They are part of this. There are 6.2 million calls from health care providers every year simply to find out how to fill out the forms and how you follow up on claims.

Mr. President, I hope all of our colleagues will consider signing this letter. I think the letter can make a difference. I believe if the President of the United States understands what is at stake here, he will help HCFA and the Medicare system turn these priorities around. We ought to be eliminating waste and fat and complications in the Medicare system, not cutting people off from finding out how to comply with the laws and the regulations.

I ask all of my colleagues, please give our office a call. Let us add your name to this letter to the President. I think by quick movement now we can save the elimination of this phone service that is so vitally needed. The decision is to be made within the next week or two. Money has to be made available from the contingency fund to keep the 1-800 lines going. If it is not done within the next 2 weeks, millions of Americans in rural areas who do not have the money for those calls are going to be cut off completely.

I thank the Chair.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate resumed consideration of the nomination.

Mr. BIDEN. Mr. President, today, as we all know, the Senate has begun debate on how it will discharge one of the most important responsibilities, and that is deciding on whether to give our advice and consent to the confirmation of a Supreme Court Justice. It is a duty, obviously, we should not apologize for taking seriously, for it is precisely how the framers intended us to respond, that is, to take it very seriously.

Indeed, the early drafters of our Constitution gave this body and this body alone the power to select Justices to the Supreme Court now merely just to vote on them but to select them in the first instance.

It was only in the final hour of the constitutional convention, and as a matter of compromise it was decided that the President of the United States should also share in that responsibility. The Founders of our country did not envision that the Senate should be circumspect in exercising this advice-and-consent duty that we have. Otherwise, we should not gave gotten to the point where it was not until the very end that the President was even counted in on this arrangement.

Indeed, it was just 6 years after the Constitution was written when this body numbered 3 drafters of the Constitution among its Members. Just 6 years after the Constitution was ratified, the Senate voted to deny confirmation to George Washington's choice for Chief Justice. The Chief Justice nominee was John Rutledge. As the Senate of 1795 understood, so we should understand today; that is, that the gravity of our power to withhold our consent to the President's nomination should not overburden our exercise of that power where it is appropriate.

For me, Mr. President, the nomination of Clarence Thomas to be Associate Justice of the Supreme Court is just such a case. For me, now is the time again for the Senate to exercise its prerogative not to give its consent to the President's nominee.

Mr. President, my view on this matter has nothing to do with Judge Thomas' character, for he is a man of character; it has nothing to do with his competence, his credentials, or his credibility. None of these are the sources of my opposition to Judge Thomas' confirmation to be an Associate Justice of the Supreme Court.

Mr. President, for me the question concerns Judge Thomas' judicial philosophy, his approach to interpreting the ennobling but nonetheless ambiguous phrases of our Constitution. And on this score, as I made clear during the consideration of Justice Souter's nomination, the burden of proof, in my view, rests on the nominee to demonstrate that his or her suitability for the Court in fact exists.

The burden is on the nominee to prove that he should go to the Court, not, in my view, upon the Senate to prove that he should not go to the Court. Just as the nominee must, in my view, persuade the President that he or she is the right person for the job before the President nominates that person, it makes eminent sense that that requirement of persuasion exists with regard to the Senate, for no one would suggest that a nominee, as a matter of right, can say to the President, "Nominate me." Obviously, the nominee has to demonstrate to the President of the United States of America that he or she is worthy of the position.

Based on what I just said about our Founders' acknowledgment that we, the Senate, had an overwhelming responsibility with regard to this process of how to form the third branch of government, how to fill it out, it makes then equally as much sense, is equally as compelling that just as the nominee must prove to the President that he or she is qualified, he or she must so prove to the Senate that he or she is qualified. The nominee must persuade the Senate that he or she is the right person for the Court before receiving our vote for confirmation.

In my view, Judge Thomas has not met that burden. Let me say at the outset here I acknowledge that reasonable women and men in this body, listening to all of the testimony, men and women of good conscience and good intentions, can differ on the judgment that I have made. I do not believe this is an absolutely cut-and-dried case. This is a close call, Mr. President. But I have concluded, reluctantly I must note, that Judge Thomas has not met the burden.

It is not that I know for certain that he will take the Court in a troubling new direction as some have suggested. I am not nearly as certain as others who say with absolute certainty, "I know the judge will take us careening off the path of history in this direction or that." I do not know that. I do not know that.

It is rather that I have too many doubts about the judicial philosophy of Judge Thomas to be confident that he will not do that and, for me—every Senator makes a different judgment—the minimum burden that must be met is the nominee convincing me that he will not—will not—take us off careening in the path that in fact is against the interests of the people of the United States, in my view.

Given what is at stake, Mr. President, and where the Court currently stands, it is a risk that I believe we cannot afford to take.

So let me start by discussing for a few minutes—I will not take much time today—just what is at stake now with respect to the freedoms of all Americans given the current direction of the Supreme Court.

Because we have heard so much about abortion, many people seem to think that this is the only right at stake in this debate. Such a view is very much mistaken, for the issues here go far beyond any one concern. Were that the only concern, Mr. President, that would not be a sufficient concern, in my view, because the judge did not state what his view was for me to vote against him merely because he refused to state his view. What is at stake now is the entire fabric, in my view, of our modern Constitution, an entire framework of legal protections, rights, and powers built up with care and caution over the past 6 decades, which I believe is now on the verge of being repudiated by the Rehnquist Court. That is what is at stake here, Mr. President. That is what concerns me the most.

Since the mid-1930's the Supreme Court has been erecting a basic framework of protecting our constitutional rights, a framework which is elaborate, and any attempt to reduce it to a few principles is a vast oversimplification. But, in the interest of time, in an attempt to make my point, I think it is important to recognize that there are at least three basic tenets of this approach that are under aggressive attack from the far right, this approach that has been in place for at least the past four decades.

The three basic pillars of this structure that are now seriously threatened are as follows: First, the Court's increased protection of our personal and individual freedom, like the right of privacy, freedom of speech, and freedom of religion, and the Court's insistence that the Government can interfere with these rights only in the most extreme circumstances. That is a principle that has been established for the last 40 years, Mr. President, and has been built upon and built upon year after year, and one which I believe is now in jeopardy.

The second broad principle is that the Court grants to Congress broad powers to advance the common good by enacting laws to regulate health, safety, the economy, and the environment and its restraint—that is, the Court's restraint—from blocking such laws passed by the legislature in any but the most extreme cases; in short, giving the legislative body, in the name of the people, the right under the police power of this country to protect the health and welfare of the Nation.

Third, the Court's fair balance between the legislative branch and executive branch to make sure that laws passed by Congress are fairly and fully applied. Think about the significance of these three developments in our constitutional law, new in the past 60 years. Sixty years ago the Supreme Court recognized no right of individuals to choose their own marriage partners or to enjoy the freedom of the press, or the freedom of religion beyond the interference of State government. Sixty years ago those principles were not enshrined in our Constitution in the cases that have been decided by the Supreme Court. Sixty years ago there was no power of the Congress to pass laws regulating the safety in the workplace or the quality of our air and our water. And 60 years ago there was no ability of Congress to establish independent agencies to see that laws were evenhandedly administered.

Today, all these principles having been established over the past 60 years there is an ultraconservative campaign to undercut the basic legal framework the Court has erected around these three freedoms over the past 60 years. The far right aims to pull down the pillars which support our modern constitutional philosophy. Ultraconservatives want to rip apart the framework built over the past six decades, supplemented and sustained by both liberal and conservative Justices over the last 60 years, by Courts dominated by both Democratic and Republican appointees. And that demolition, Mr. President, has already begun.

To cite just one example, about a year ago, in the case of Employment Division versus Smith, the Supreme Court threw out a 30-year-old precedent and drastically limited the freedoms of religious minorities to practice their faith free of Government intrusion. In other respects, the ultraconservative agenda is clear and lacks only the votes on the Court to be turned into law immediately.

In the case called Michael H. versus Gerald D., for example, Justices Scalia and Rehnquist, speaking for a minority, outlined a judicial philosophy for dealing with the right to privacy that would vastly contract the scope of what rights that we now so highly treasure, which are highly treasured by Americans.

This radical approach, which Scalia and Rehnquist represented, so far has not won a majority of the Court.

In yet another respect, further assaults on the framework of protecting constitutional rights loom ever more clearly on the horizon, being advanced by legal scholars, whose ideas were once considered intellectual oddities, but who are now growing in power and influence.

In his writings and his speeches, Judge Thomas appealed, and appeared to embrace through his appeal, the views that advanced each of these three major items on the agenda of the far right. That is, he appeared to embrace the desire to narrow the protections for individual rights; he appeared to embrace the notion of the desire to limit the Congress' power to pass laws protecting our health, safety, and our environment; the desire to fundamentally alter the balance of power between the branches of the Government.

Like those who promote these views, Judge Thomas often phrased his support for them in the context of natural law. That is why there was so much questioning centered on this obscure and confusing matter—natural law. I want to make clear that I was not pressing Judge Thomas on natural law and his views on it because I wanted him to embrace it, or not to embrace it, nor because I wanted him to reject any particular view on it, as so many scholars whom I respect do. The point was to learn what philosophy, what method of interpreting the Constitution, Judge Thomas would bring to the Court, no matter what label he chose to put on his philosophy—natural law or otherwise.

Thus, what concerned me about his decision early in the hearing to repudiate his natural law writings was not that Judge Thomas was against natural law, any more than I feared that he was for natural law before the hearing began. What concerned me before the hearings, at hearings, and after the hearings, and as we stand here today, has been trying to learn just what approach to interpreting the Constitution Judge Clarence Thomas would bring to the Supreme Court; or, more specifically, whether Judge Thomas would join the emerging ultra conservative activist majority on the Court in dismantling the constitutional and legal framework I have described that has emerged over the past 60 years. In that regard, Judge Thomas' responses to the questions of the Judiciary Committee were, in my view, inadequate.

Many have expressed frustration at Judge Thomas' lack of responsiveness to the committee's questions. Others have said that vagueness and imprecision in responding to the questions was inevitable, because such an approach has become the most likely path for a nominee to win confirmation.

As I have made it very clear on many occasions, Mr. President, only the nominee can decide what question he or she will or will not answer. But if the choice is the nominee's to make, if this choice to decide whether or not the answer is theirs to make, the decision about what to do in response to a nominee's action is totally for us to make. If the nominee chooses not to answer a question, that is the nominee's right. But it is equally as much the right of a Senator to conclude that he will or will not vote for the nominee, based upon the refusal to answer, the inadequacy of the answer, or the vagueness of the answer.

I cannot force a nominee to complete a thought. I cannot force a nominee to engage the committee in his answers. But I am also not obliged to vote for the confirmation of a nominee who fails to do either.

Throughout his testimony, Judge Thomas gave us many responses and many full responses, but too few real answers.

Let me be clear. I am not talking about his refusal to say how he would vote on Roe versus Wade. For the 400th time, Mr. President, as long as I have chaired this committee, I have never asked any nominee, nor did I ask Judge Thomas, this question; nor am I opposing him because of his failure to answer this question when it was put to him by others. Instead, I am talking of the many constitutional issues on which Judge Thomas declined comment and provided unclear and uncertain distinctions.

What little we did learn about Judge Thomas' approach to the critical issues of the constitutional and judicial concerns has left a substantial question in my mind. As I noted before, Judge Thomas has praised some extreme ideas about economic rights, ideas which, if applied as their authors intended, would invalidate virtually every single modern legislative scheme to regulate the economy, the environment, and the workplace. He has endorsed a rigid view of separation of powers, an idea which, if fully implemented, would radically restructure government and its laws to affect a radical transfer of power from one branch of the Government, the Congress, to another, the President.

All of his writings and speeches, which address the question of the right of privacy, were hostile to the concept of the right to privacy—every one of them were hostile to the concept of the right to privacy.

Let me digress to make something clear with respect to the right of privacy. I asked about the right to privacy at such length, not in a result-oriented effort to determine how Judge Thomas would rule on Roe versus Wade, nor because I think there is any real chance that any State might ban the use of contraception in the year 1991. Rather, I made these inquiries because it is important that we place on the Court an individual who has an expansive view of personal freedom with respect to issues that will arise at the Court in the future, so we can have some faith that in issues that we have to even contemplated, they might very well be addressed in a way by someone who had an expansive view of personal liberties and freedoms.

So it is not good enough that a nominee begrudgingly pledges not to reverse the battles already won in the privacy area. Rather, I am looking for a nominee's disposition with respect to the question of personal freedom, not yet framed to the Court or the country.

I want to make it clear that this is not a liberal versus conservative question, and it does not require a liberal or conservative answer. There is no political or substantive reason why President Bush cannot nominate a jurist who would be good on these issues.

We all know many conservatives who think Government should stay out of people's private lives and that the courts, if necessary, should be vigorous in their defense of this ideal.

So to return to my principal point, Mr. President, these ideas on individual rights, economic rights, and on separation of powers, are part of an ultra conservative agenda to use the Court to fundamentally argue or alter the legal framework within which the Government operates. That is why I devoted so much of my time, Mr. President, at the hearings to questioning Judge Thomas on these matters.

Of course, Judge Thomas went out of his way at the hearing to assuage these fears. He said he had no agenda for the Supreme Court; that he had no disagreement with the Court's current approach to economic rights cases; that he had no idea of the full agenda behind the separation of powers views he endorsed in a speech, and that he supported the right of privacy. I accept each of these statements by the judge. I believe Judge Thomas when he says that he does not now have a checklist of cases to be overruled, and when he says that he never meant to advocate the full range of implications one could draw, or would have to draw, from his remarks.

So the question about Judge Thomas is what views will he, over time, apply to the Court?

I believe that Judge Thomas does not now know, nor does he have an agenda, but also he does not know, in my view, what views he will apply. But with the predisposition he articulated, I wonder what sort of an approach he will have as a Justice, once he does acquire a point of view on these issues.

This is a matter that I found to be of constant concern during the hearings and as I attempted to evaluate the judge after the hearings in determining how I should vote. Would Judge Thomas take the views hinted at in his speeches and writings and apply them to their full extent and conclusion as a Justice of the Supreme Court? This, for me, is the single most difficult question to resolve with respect to the nomination of Judge Thomas.

The major object of Judge Thomas' testimony was to reassure us that we need not worry. Unfortunately the major effect of his writings on these matters is to give great cause for concern. Where such doubts exist, I cannot vote to confirm the nominee. There is too much at stake for me to take a chance, too much at stake for us, as one newspaper urged, to "take a leap of faith."

Mr. President, Judge Thomas' writings sketch for us a judicial philosophy, if fleshed out and applied with force, would spell disaster for the balance this country has struck between the rights of individuals, the limits on abuses by businesses and corporations, and the powers of Congress.

I cannot gamble on what will happen once he arrives at the Court with the views he now acknowledges and the lack of a broader view of the role of the Court which he has demonstrated. This is a risk that I am not prepared to take.

Mr. President, these are the principal reasons why I will not vote to confirm Judge Thomas. It is not a decision I come to lightly, nor is it one that I enjoy making.

Everyone is impressed by Judge Thomas' personal life story. As I said at the outset, I have no questions at all about his fitness for high office in this country. Indeed, that is why I voted to place Judge Thomas on the second highest court in this land last year. But as difficult as this decision has been for me, it is one that I have made with conviction.

During the hearings, I found myself impressed by the testimony of Dean Calabresi, the dean of Yale Law School, who said of Judge Thomas: "I would expect that at least some of his views may change again." Having reference to the fact that he has changed his views over the past 20 or more years, as all of us have, to some degree or another.

Starting again and quoting:

> I would expect that at least some of his views may change again. I would be less than candid, if I did not tell you that I sincerely hope so,
>
> For I disagree with many, perhaps most of the public positions which Judge Thomas has taken in the past few years.
>
> But his history of struggle and his past openness to argument, together with his capacity to make up his own mind, make him a much more likely candidate for growth than others who have recently been appointed to the Supreme Court. * * *

Mr. President, like the dean of Yale Law School, I believe that Judge Thomas is likely to change his views once again, once he is confirmed. The problem for me, Mr. President, is that no one can know the direction that growth will take, not Dean Calabresi, not me, not even Judge Thomas himself.

I can best summarize my views on Judge Thomas' writings and speeches as follows: It seems to me that the major focus of Judge Thomas' works was the construction of an intellectual framework for an approach to the question of civil rights and equality that would be a marked departure from the prevailing view, an approach that is one I generally do not accept, but that does have a growing number of adherents, and I might add, does have some substance to it and is arguably correct.

In the process of developing this philosophy with respect to civil rights, Judge Thomas referenced theories being developed by other writers, for other purposes.

These theories, as I have pointed out in detail in my earlier speeches and to some degree earlier in this speech, would have devastating consequences if taken to the conclusion that their authors intend for them. I acknowledge that perhaps Judge Thomas, as he indicated at the hearing, I acknowledge the fact Judge Thomas, as he said, did not intend to embrace the conclusion of these theories and instead meant only to endorse them so far as they supported his view on civil rights.

But the litany of speeches and writings Judge Thomas has made in the past, the consistency with which they have appeared to embrace ultraconservative views, the State of the current Supreme Court and the danger of the fabric of our laws if these views were implemented all make it an unacceptable risk. Let me repeat that: If you take the views he stated, admittedly maybe only for the purposes of justifying and providing an intellectual framework for his view on equality and civil rights but nonetheless much more far reaching in their potential application, much more far reaching, if you take the intention of the persons whose views he speaks out in support of, take this as one element, Mr. President, take the second element that the Court is no longer a Court that is balanced in the sense that it has a Justice Brennan and a Justice Scalia on the Court, someone from the left and someone from the right, there is no longer any anchor on the left that I am aware of to any significant degree. There is a Court no longer in balance, Mr. President, add that to the equation, one, views stated if taken to their extreme although intended to be applied to civil rights but are applicable to many other fields, a Court that is about to make judgments and decisions that may have five votes to fundamentally change 60 years of accepted precedents with regard to the rights of individuals with regard to their privacy, with regard to the balance between the executive and legislative branches of Government, and with regard to the ability of government to protect the citizens against the intentions if they are bad—and they are not usually—but if they are bad, of major power sources and centers in society, you add those together, Mr. President, and it seems to me that the only way one can vote for Judge Thomas is to take a leap of faith, which I wanted to take. But when you think of those three pieces and the potential consequences, if any one of those pieces were missing, Mr. President, I would vote for Judge Thomas, who potentially is ultra-right but has not an agenda, but views that will take him down that road, if in fact Judge Thomas would be placed on a court where he became one or two of a nine-person Court sharing those views, I would be willing to take a chance he does not take those views. If Judge Thomas had reputiated the views as they applied to things other than equality and totally reputiated them, I would be willing to take a chance and, Mr. President, if the fabric of the laws of this Nation were not being reconsidered to such a degree at this moment in our history I might take the risk, but the fact is all three circumstances pertain.

Where Dean Calabresi and I part company is in the extent to which I am prepared to take a chance on Judge Thomas' change being in the right direction as opposed to the wrong direction. For me, because of where the court currently stands, the costs of adding yet another ultraconservative member could be extremely high indeed. Rulings deemed unthinkable just a decade ago may be on the verge of becoming reality.

In the era of the Warren Court, such views could have been seen as intellectually interesting, but in the era of the Rehnquist Court, these views present a truly daunting possibility of taking the country in the direction that I fundamentally disagree with, taking it in a direction that I ran for public office to prevent from happening.

I wish Judge Thomas had put to rest my misgivings on this score, but, as I have already indicated, he has not. And we are at a place in our country's history where the risks of confirming his nomination are simply too high.

So we have come to this difficult juncture, and all of us have come to it—the Senate, the President's nominee, and the President.

But this confrontation was not inevitable; it could have been avoided.

Later during the Senate's consideration of this nomination, I intend to have much more to say about where the confirmation process stands and where I think we should go from here.

I, for one, believe, respectfully, that the President of the United States must shoulder a major share of the responsibility for bringing us to this place of uncertainty by adopting the agenda of the legal ultra-conservatives in his administration and attempting to use judicial appointments to radically alter the legal framework of our government and so state in the platform of the party and so state while campaigning.

Most of our other Presidents have taken a far different approach—a far less ideological approach—to filling vacancies on the Court.

But as I said a minute ago, this is a topic I will address in more detail later on during this debate.

For now, I will say only that I hope the President will join us in breaking out of the cycle of political skepticism that has grown up around the confirmation process, because without him it will be impossible to make that break.

I hope that this is the last Supreme Court nomination I am forced to oppose during my tenure in the Senate, for it is with a truly heavy heart that I oppose the confirmation of this nominee—and it is with real regret that I contemplate the possibility of more such conflicts in the years ahead.

But neither sorrow, nor regret—nor a desire to be able to support Clarence Thomas—can permit me to vote for his confirmation when so much is in doubt and so much is at stake.

If Judge Thomas is confirmed, then I hope for the day when I could come to the Senate floor and announce that my decision to vote against his confirmation was the wrong one, that I should have followed my instinct and my heart and not my intellect. That is my hope, Mr. President. But I cannot today vote my hopes.

Therefore, I will not vote to confirm Clarence Thomas as an Associate Justice of the U.S. Supreme Court, while recognizing that equally well-intended, decent women and men in both parties can arrive at a very different view, because it is a close call.

Mr. President, I cannot vote my hopes. Too much is at stake.

I yield the floor.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that I be permitted to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. I thank the Chair.

(The remarks of Mr. SEYMOUR pertaining to the introduction of S. 1807 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you Mr. President.

MEDICARE TOLL-FREE LINES

Mr. GRAHAM. Mr. President, I wish to bring to the attention of the Senate this afternoon a matter that is of great importance to older Americans. In my State, we have 2.3 million older Americans who are Medicare beneficiaries.

Earlier this year, the Health Care Finance Administration, commonly referred to as HCFA, notified Medicare contractors that Medicare toll-free phone service for beneficiaries would be eliminated effective October 1.

HCFA announced that 800 numbers would be discontinued due to inadequate funding levels requested by the administration in its fiscal year 1992 budget request to the Congress and expectations of what congressional appropriations levels would be.

Although toll-free service was not, in fact, terminated as of the 1st of October, it is expected to be after the House and Senate Labor-HHS appropriations bills are completed in the conference committee if funding levels are not increased.

Mr. President, here are some important facts about the 800 toll-free numbers for medicare beneficiaries:

Nationally, the toll-free line received about 33 million calls during the last fiscal year—33 million older Americans used this service in order to seek information.

In my State, there were approximately 2 million calls made last year, roughly 6 percent of the inquiries placed nationally.

Toll-free phone service represents the front line of defense against Medicare fraud and abuse. Let me repeat that, Mr. President. Toll-free phone service represents the front line defense against Medicare fraud and abuse. In my State of Florida, there were 10,000 fraud inquiries last year, almost all of which were initiated by phone.

At an Aging Committee hearing held yesterday, witnesses testified the toll-free line represents the first and primary point of contact for most beneficiaries who are reporting circumstances that appear to be fraudulent or abusive to the Medicare system.

Miss Janet Shickles of the General Accounting Office opposed discontinuation of the phone lines. She argued that such a discontinuation "would be devastating as almost all of the complaints come in by phone. I think there are about 18 million calls a year to carriers from the beneficiaries and about 1 million letters addressing Medicare complaints."

Mr. President, I ask unanimous consent that an article which appeared in today's Washington Post entitled "Medicare Fraud Said to Cost Hundreds of Millions" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, Gloria M. Cartwright, from Pinellas Park, FL wrote to me on September 11 and asked that we continue toll-free services for this reason.

Miss Cartwright stated: "Please vote to keep the toll-free phone number for medicare in Jacksonville." Jacksonville being the office that services the citizens of Florida. "To have to pay to call Medicare and then be put on hold, as happens so frequently, could be disastrous for most senior citizens in Florida."

Mr. President, I ask unanimous consent that Miss Cartwright's card be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRAHAM. What will be some of the consequences of the termination of this toll-free service? Inattention to about one-third of the 30 million-plus inquiries about Medicare claims now submitted by beneficiaries and providers. That will be one of the consequences.

Further costs, stemming from increased physician administrative costs, costs attributable to fraud and abuse which would go unreported, and written inquiries, including those from Congress—that would be another consequence of cutting off the toll-free line.

Lack of access for beneficiaries to information on how Medicare, a complicated and ever-changing program, works, and how claims processing affects those beneficiaries; that would be a third implication of elimination of the toll-free line.

An especially troubling situation for the Florida Medicare contractor, Mr. President, is the fact that contractor experiences a distinct claims increase each winter due to the seasonal change in Medicare population. If 800 lines are turned off during these critical months, the effect in Florida could be even more dire than in States that do not experience this surge in Medicare population.

Over the last several months, in conjunction with a number of my colleagues, I have taken a series of actions relative to the maintenance of the Medicare toll-free service. On June 26, I wrote to the chairman of the HHS Appropriations Committee, Senator HARKIN, requesting an adequate appropriation level for the Medicare contractor budget in order to protect vital beneficiary services such as the toll-free line.

On October 1, I joined with over 20 of my colleagues in cosigning a letter to President Bush which asked for his intervention in continuing the toll-free service. It also requested that contingency funds contained in the House and Senate appropriations bills be released as soon as they become available to providers in order to maintain toll-free lines.

Mr. President, I ask unanimous consent that a copy of both of these letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRAHAM. Mr. President, I am deeply worried that pending elimination of the toll-free line in Florida and across the country will have a deleterious effect on the quality of program care, future program cost, and both provider and beneficiary satisfaction. Senior citizens depend upon the Medicare Program and its beneficiary services components and deserve timely and accurate service. It is my hope we can resolve this issue and continue to provide this vital phone service to the Nation's Medicare beneficiaries.

EXHIBIT 1

MEDICARE FRAUD SAID TO COST HUNDREDS OF MILLIONS

(By Spencer Rich)

Fraudulent providers of medical services are bilking the Medicare program of hundreds of millions of dollars, in part because those in charge of investigating false charges are not doing their job, the Senate Aging Committee was told yesterday.

Committee Chairman David Pryor (D-Ark.) said the General Accounting Office has found that about half of all complaints of false billings and abuse are not investigated. Pryor estimated the result is a loss of "hundreds of millions, if not billions, of dollars" annually.

The Blue Cross and Blue Shield Association estimated that because of inadequate funds Medicare this year will recover $3.7 billion in fraud, billing errors and erroneous payments, but will fail to catch about $1.5 billion more that could be saved.

In one example of Medicare fraud, Sen. William S. Cohen (R-Maine) said "fly-by-night operations" with "telephone boiler rooms" would constantly call Medicare beneficiaries. They pitched "free medical equipment" that Cohen said was "rarely needed, generally of inferior quality, of little or no therapeutic benefits and which could even prove dangerous. . . ."

Brandishing what looked like a large piece of foam rubber, Cohen said, "A dry flotation mattress pad was purchased by a medical equipment telemarketer for just about $28, and then sold for more than $1,100 . . . for which Medicare picks up the tab."

Sometimes a supplier will simply forge a doctor's name, okaying the purchase as medically necessary, but more commonly, Cohen aides said, the supplier sends a form to be signed by the doctor with a letter saying the patient has requested the equipment. The doctor may sign it for fear of upsetting or antagonizing the patient.

Yesterday, the National Association of Medical Equipment Suppliers announced that it is forming a consumer advisory council to combat unethical practices in sale of medical equipment.

At the Senate hearing, Department of Health and Human Services Inspector General Richard P. Kuserow testified about a case in which "over 700 Medicare and Medicaid claims for seat lift chairs had been falsified and $208,000 paid based on false claims."

In other cases, the General Accounting Office reported, insurance companies brushed off callers who tried to complain by phone about billings for optical services, X-rays and surgery not received. The companies told them to write a letter to Medicare, the GAO said.

Patients receive statements from Medicare on what it has paid out to doctors, hospitals and others for their treatments and many can spot fake claims. If they find an error, they can use one of Medicare's free "hot lines" to notify the program's local administrator, usually an insurance company working under contract to the government as a claims processor.

But the GAO's Janet L. Shikles testified that when patients call insurers, the latter often are lax in referring the matter for investigation. Shikles said that of 1,000 calls on various matters at five such insurers that the GAO monitored, 56 involved potential fraud or abuse, but 31 were not properly referred for investigation.

Kusserow said another major problem is that it is easy for unscrupulous operators to obtain from Medicare a "provider number," used by a supplier or medical group to identify them for payment purposes. The system does not request enough information and does not check it carefully enough. At four regional insurance firms, "we identified 4,770 active provider numbers belonging to providers not legally authorized to practice. We found over $300,000 in allowed charges for these provider numbers," he said.

Medicare official Barbara Gagel said the program is taking steps to clean up abuse, including stronger controls over provider applications and background checks of past abuses by applicants.

EXHIBIT 2

PINELLAR PARK, FL, *September 11, 1991*.

DEAR SENATOR GRAHAM: Please vote to keep the toll-free phone number for Medicare in Jacksonville. To have to pay to call Medicare and then be put on hold, as happens so frequently could be disastrous for most senior citizens in Florida. Thank you.

GLORIA M. CARTWRIGHT.

EXHIBIT 3

U.S. SENATE,
Washington, DC, June 26, 1991.

Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services, Education Agencies, Committee on Appropriations Washington, DC.

DEAR MR. CHAIRMAN: With more than 2.3 million Medicare beneficiaries in Florida, Medicare contractor funding is of paramount importance to our state.

The House Labor, Health and Human Services, and Education Appropriations Subcommittee provided $1.457 billion for the national Medicare contractors operating budget in its fiscal year [FY] 1992 appropriations bill. This level would result in a 60 percent cutback in services to beneficiaries and providers nationally. These service reductions would result in the following:

The elimination of beneficiary toll-free telephone lines which will dramatically increase the number of written and congressional inquiries and reviews, all of which are more costly to process than a telephone inquiry.

Inattention to about one-third of the 30 million plus inquiries about Medicare claims submitted by beneficiaries and providers;

The likelihood that about 7 million mandatory hearings on disallowed Medicare payments—70 percent of the total projected for next year—will be backlogged for 250 days or longer, violating an OBRA 1987 provision establishing a 90-day time limit during which Medicare hearings must be resolved.

Mr. Chairman, Florida will be hit hard by these service reductions, due to its large Medicare population and senior citizens from other States who migrate to Florida and set up residence during the winter months. Inquiries, including those to congressional offices, reviews, and hearings will be backlogged for months.

In establishing the Medicare contractor funding level, the House apparently has ignored instructions included in the fiscal year 1992 congressional budget resolution which called for a increase of 6.3 percent for Medicare administrative operations.

The House bill did establish a $257 million contingency fund for Medicare contractors to be controlled by the Office of Management and Budget [OMB]. The contingency fund will not, however, diminish the negative impact created by reduction and/or eliminations of programs that contractors will implement to stay within funding levels at the beginning of the fiscal year.

Historically, contingency funds are almost never released by OMB. If contingency funds are released later in the fiscal year, it will take months to re-establish such beneficiary services as toll-free lines, and to rehire and/or train new hearing officers to replace staff impacted by the initial budget reductions.

Senior citizens depend on the Medicare program and its beneficiary services' component and deserve timely and accurate service. While we recognize the budgetary considerations under which the Congress is operating this year, we urge the Senate to increase the contractor funding levels to $1.65 in its version of the Appropriations bill.

With warm regards,

Sincerely, Bob Graham.

U.S. SENATE,
Washington, DC, October 3, 1991.

Hon. GEORGE BUSH,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concern about actions by the Department of Health and Human Services [HHS] and the Office of Management and Budget to suspend toll-free telephone information services for Medicare beneficiaries and providers.

It is our understanding that toll-free information service for Medicare beneficiaries may be discontinued after October 1, by HHS's Health Care Financing Administration. This follows on the heels of the July 1 suspension of toll-free lines for health care providers.

We are deeply concerned that the elimination of toll-free service for information on Medicare will adversely affect the ability of Medicare patients, particularly low-income senior citizens, to fully understand and obtain the benefits they are entitled to receive.

In fiscal year 1991, beneficiaries' toll-free lines handled 15.8 million calls from Medicare clients at a cost of $22 million, about $1.39 per call. The elimination of toll-free service will force Medicare patients on fixed incomes to pay for costly, prime time, long-distance calls if they have questions about benefits or claims.

Similarly, the administration's earlier decision to no longer reimburse Medicare carriers for toll-free lines for health care providers eliminated one of the most cost-effective methods of meeting the needs of Medicare clients.

Medicare providers are required to submit all claims on behalf of their Medicare patients. With the anticipated changes in the Medicare fee schedule and the complexity of the program, health care providers need basic support services to help them comply with correct billing procedures.

Toll-free provider lines cost an estimated $3 million annually to maintain. In fiscal year 90 they serviced 6.2 million calls, for about $.48 per call. Toll-free provider lines have been especially important to physicians in rural areas who have relied on them to assist in answering patient questions and concerns about Medicare. It now will be much more difficult for physicians' offices to provide the same level of information services to their patients because of the added time and expense of calling the Medicare carrier long-distance.

On June 28, 10 Senators sent a letter to HHS Secretary Louis Sullivan asking for a review of the Department's decision to shut down the toll-free lines, but never received a response. Last July, the Senate Appropriations Committee report on the fiscal year 1992 Labor-HHS-Education appropriation bill identified the continued operation of the toll-free lines as a priority.

We ask that you intervene to stop the elimination of Medicare beneficiaries' toll-free lines. We also ask that as soon as they become available, fiscal year 1992 HHS contingency funds be released to support this service and reinstatement of the reimbursement allowance for provider toll-free lines.

Sincerely,

HANK BROWN, DAN COATS, J. JAMES EXON, CHARLES E. GRASSLEY, LARRY CRAIG, LARRY PRESSLER, RICHARD C. SHELBY, BOB SMITH, DENNIS DECONCINI, CHARLES S. ROBB, HERBERT KOHL, MARK O. HATFIELD, WILLIAM S. COHEN, THOMAS A. DASCHLE, JAMES JEFFORDS, BOB GRAHAM.

PAUL WELLSTONE, JOSEPH R. BIDEN, JR., TRENT LOTT, RICHARD BRYAN, PAUL SIMON, CONNIE MACK, CONRAD BURNS, SAM NUNN, QUENTIN N. BURDICK, TIMOTHY E. WIRTH, TOM HARKIN, ALFONSE M. D'AMATO, JOHN MCCAIN, MALCOLM WALLOP, JOHN WARNER, DANIEL K. AKAKA.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the Chair.

Mr. President, having served on the Labor and Human Resources Committee, I got to know, and certainly got to respect, Clarence Thomas as a man of outstanding integrity, of intellect, and independence.

I predict—with no more certainty than anybody can predict in the opposite direction—that he will be an outstanding Justice. I predict it because I know his mind, I think. I predict it because I know his character and his integrity.

In adding my own voice of support to those favoring his confirmation, I feel compelled to make some points both about the nominee and about the sadly deteriorated nomination process.

It is utterly astounding to this Senator to hear opponents of Judge Thomas attack him for allegedly lacking candor before the Judiciary Committee. Admittedly he gave cautious answers, a caution due not only to judicial prudence but also to the Star Chamber quality of the new proceedings, having unfairly earned him charges of lacking a well-informed judicial philosophy and, most astonishing of all, lacking intellectual curiosity.

Others, who evidently observed different hearings but who share the same agenda, accuse him of being a judicial extremist. Mr. President, he cannot be both.

Well, he is neither an extremist, a fool, nor disingenuous. He is a principled man trying to survive a politically dominated process calculated to humble and humiliate anyone who does not share its liberal pieties and prejudices about the place of blacks in America. Woe betide the man who in his politically correct atmosphere dares to have independent thoughts and judgments.

But I do agree with some of the judge's critics that the obsession with his admittedly remarkable personal story overshadows the far more important intellectual story that can teach Americans and all freedom-loving persons throughout the world. Particularly at this moment in world history it is essential to recall the significance of Judge Thomas' invocation of natural rights.

Now the judge said repeatedly that natural law would have no place in his constitutional adjudication, and he has often indicated this in his writings. But it is utterly shameful that the Judiciary Committee of the U.S. Senate would have he or any other American feel apologetic for invoking it as a basis for our constitutional liberties. It is nothing less than a travesty when the very basis of our limited, constitutional Government should be treated with leering skepticism by too many who ought to know better.

It is only natural that Thomas, a descendant of slaves, should find natural rights appealing. Whatever phases of black nationalism existed in his younger life, they were transcended in his discovery of natural rights, and his absorption in the rich freedom emanating from the minds of Madison and Lincoln, natural rights men to the core.

Invoking Martin Luther King, Abraham Lincoln, and the American Founders, the judge has argued that natural rights provide the basis for constitutional government. Without natural rights we would, as Judge Thomas has warned, be subjected to run-amok majorities as well as run-amok judges. Without providing a formula or a code, natural rights remind us that mere willfulness cannot serve as a legitimate, principled basis for democratic government.

Natural rights have ever been the voice of common sense and the commonpeople against the willfulness of tyranny, whether one man or a mob, a fascist, a Communist, a theocratic despot or a self-centered king. We hear the language of natural rights in the era of ancient Greek democracy, in the voice of Antigone, as she beseeched Creon for common decency. We hear it in the language of the English revolutionaries, as they sought to limit the power of the monarchy, and of course, we heard it again in that epoch-making declaration: "we hold these truths to be self-evident, that all men are created equal.* * *"

I would say, Mr. President, self-evident to all but Judge Thomas' critics.

Today, we hear that very language of natural rights echoed in Eastern Europe and in China, where workers and students read the declaration to assembled masses. We hear it in South Africa, now finally appearing to abandon apartheid. Even the recent Soviet declaration of human rights and freedoms begins: "Every person possesses natural, inalienable and invincible rights and freedoms."

And what are these natural rights that so frighten Judge Thomas' critics while they continue to inspire the lovers of liberty the world over? Natural rights generally mean what most people today mean by human rights: basic freedoms of speech and press, freedom of worship, fair trials, the right to emigrate, the right to buy and sell property, and equal rights for women, among many others. Are these things, struggled for since the dawn of civilization and the foundation stones of our democracy, really so terrible? To listen to some of my Democrat colleagues, one would certainly think so. But perhaps they are indeed anathema to those whose liberal agendas would ride roughshod over these and any other liberties and decencies to reach their quota-driven goals.

Our rights as human beings exist from time immemorial; they are not created by a piece of paper; nor do they cease to exist because they are so often denied. A devotion to natural rights means a devotion to constitutional government: For Government officials that means respect for the powers and responsibilities that each particular branch possesses. Natural rights confer obligations on all citizens through the Constitution and laws; it is not a license for judges—or anyone else—to do as they wish, thrusting themselves above the laws. Indeed, natural rights is why the law should be obeyed.

But as Lincoln emphasized in his speech on the Dred Scott decision, the declaration of the right does not mean its enforcement. It was the duty of the children and grandchildren of the founders, which means all of us, including the children of slaves, for the children of the founders are the upholders of their convictions to finally enforce that right. By recognizing that "all men are created equal" Americans could recover "the father of all moral principle in them, and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh of the men who wrote that declaration, and so they are." So wrote and so spoke Abraham Lincoln.

The Civil War was the tragic result of America attempting to resolve the contradiction with which it was born—slavery in a land founded on the self-evident—Read Natural—Truth of Human Equality.

But the dangers to Lincoln's natural rights political philosophy did not end with the 19 century. They lived on in the antinatural rights ideologies and resentment and hatred that swept the Nation and the Court into enacting and approving segregation laws.

This antinatural rights ideology was one element in the rise of both nazism and communism, movements predicated more than anything else on the denial of the natural rights of individuals. Each sacrificed human rights to the will of a master race, a master class, and a master social agenda. Each denied, with gas and gulags, that legitimate government had to respect a fundamental, natural, human decency.

Those, Mr. President, today who scoff at natural rights should remember what the 20-century alternatives to natural rights—both here and in the world—have been.

In the long fight against segregation, natural rights was a vital ally in one of Thurgood Marshall's briefs in Brown versus Board of Education: "The Roots of our American equalitarian ideal extend deep," Marshall said, "Into the History of the Western World."

Indeed, they do, and it is time that Americans, including Senators, remember these roots: the political philosophy of natural rights. Surely the least that a Senate seeking to avoid being characterized as a body of "little deliberation and even less wisdom" can do is reaffirm the natural rights doctrine that underlies all of our liberties, the liberty of the body to advise and consent not excluded.

Mr. President, this Senator intends to vote with pride for Clarence Thomas.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The nomination of Clarence Thomas is the pending business.

Mr. HELMS. I thank the Chair. I ask unanimous consent that, as in morning business, I be allowed to proceed for about 2 or 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the submission of Senate Resolution 190 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, like his predecessors, President Bush is entitled to nominate individuals to the Court who he believes share his philosophical views. It is my personal opinion that should we reject the President's nominee, the Senate must be convinced that his choice is so lacking in intelligence, personal or professional integrity, or judicial competence that the nominee's confirmation will result in a great disservice to the Court and to the Nation.

This is not to say that the Senate should simply act as a rubber stamp, deferring to the President's wishes on each and every occasion. Indeed, I think the Senate's role in the appointment of Supreme Court Justices is one of its most important and critical functions. In fulfilling its constitutional responsibility and duty of giving advice and consent, I believe the Senate does, in fact, share with the President the responsibility for shaping the quality of the Federal judiciary and thus the quality of justice in our Nation.

In order to meet the responsibility imposed by the Constitution, each one of us has an obligation to very carefully evaluate the qualifications and competence of the individuals who are nominated by the President. A considerable amount of time has been spent reviewing the background of Judge Thomas, his academic credentials, as well as his years of public service.

Having carefully reviewed Judge Thomas' qualifications, his writings, and his testimony before the Judiciary Committee, I believe he should be confirmed for a seat on the U.S. Supreme Court. I say this despite the fact that I am confident that Judge Thomas does not share my views on a number of key issues and despite the uncertainty on how Judge Thomas will rule on issues of considerable importance, such as a woman's right to choose to have an abortion.

I must say that I am troubled by Judge Thomas' testimony before the Judiciary Committee that he has no personal view on the issue of abortion, that he has not discussed the issue or the decision of Roe versus Wade. I personally can think of no other decision that has generated as much controversy and ongoing public and private debate during the past decade as Roe versus Wade.

As a strong supporter of a woman's right to choose, I share the concerns of pro-choice individuals and organizations about how Judge Thomas is going to rule on challenges to Roe. But I am also convinced after hearing his testimony, and also talking to people I respect who are strongly in support of his nomination, that Judge Thomas brings no personal agenda to the Court.

I am referring specifically to Senator DANFORTH of Missouri. I do not know of any other individual in this Chamber that I have more personal regard for in terms of the high standards that he demands not only of himself but of the people who work with him.

In large measure I have turned to JACK DANFORTH to tell me about the character of Judge Thomas. He knows him well. He has worked with him. Judge Thomas, in fact, worked with Senator DANFORTH over a long period of time. I think he is in a good position to make a judgment about the character of Judge Thomas, and he has assured me that Judge Thomas has no personal or hidden agenda, and that he will be openminded on the Court.

Therefore, I feel confident that Judge Thomas will meet the responsibility imposed by the Constitution and that he will, in fact, keep a fair and open mind as the abortion issue and other difficult issues come before the Court in the months ahead.

The American Bar Association Standing Committee on the Federal Judiciary concluded that Clarence Thomas "possesses integrity, character, and general reputation of the highest order."

I think he is clearly an intelligent and thoughtful man, an independent thinker, and a competent jurist. He has overcome poverty, segregation, and deep-seated racism in this country—and there is still deep-seated racism in this country—and has achieved a position as a Federal judge, a position of great public trust and respect. I think he is going to bring to the Supreme Court a perspective and range of experience unlike that of any of the current or previous Justices.

Mr. President, I recall reading in Justice Cardoza's book, "The Nature of the Judicial Process," that "In the long run there is no guarantee of justice except for the personality of the judge." That may come as a shock to many people, but I think a truth is revealed in that particular aphorism.

I have looked long and hard at the personality of Judge Thomas and I believe a man of his experience, while not fully developed in terms of his constitutional theories, nonetheless has the capacity for growth, moderation, and flexibility. I believe that he has the same capacity that we have witnessed in Justices such as Hugo Black, Earl Warren, and others, to become a truly outstanding member of the Supreme Court. For that reason, I intend to support his nomination when we have an opportunity to vote next week.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I shall vote to confirm the President's nomination of Judge Clarence Thomas to the Supreme Court when the Senate votes on this matter in the days to come.

I will cast this vote with the confidence that Judge Thomas will continue to distinguish himself as a thoughtful, fair, and independent jurist, and that he will bring a spirited and dynamic perspective to the Supreme Court.

Regardless of one's particular view on the issues raised in the debate surrounding his confirmation, all must be impressed by the exemplary life of Clarence Thomas. By now, most Americans are familiar with his rise from humble beginnings in Pinpoint, GA, his strict religious education, his distinguished legal training, and his ascension through the ranks to hold several key positions in Government.

The President's announcement that Judge Thomas would be his nominee to succeed Justice Thurgood Marshall on the High Court signaled the beginning of a fascinating national dialog about the Court, the nominating process and the nominee. Much attention has been focused on the often controversial constitutional and political views attributed to Judge Thomas prior to his judicial career.

I followed this debate, as I did when Judge Thomas was confirmed as a Judge on the United States Circuit Court of Appeals for the District of Columbia. Once again, I am convinced that he is well qualified for the position under consideration.

Mr. President, the nomination has again raised the difficult and possibly unanswerable question surrounding the Senate's proper role in the judicial confirmation process. Article II, section 2 of the Constitution, in classic constitutional ambiguity and brevity, provides plainly that the President shall nominate and "with the advice and consent of the Senate, shall appoint *** Judges to the Supreme Court."

The Constitution gives no further guidance. Thus, the Senate is required to address that aspect of the nomination, which Alexander Hamilton once characterized as "fitness."

As individual Senators, we are left to develop our own approach to this process. This is a highly, highly individualistic process.

Undoubtedly, there are organizations and individuals who oppose this nomination who will accuse those of us who vote to confirm Judge Thomas of being insensitive to their concerns. This charge exposes what I believe is a fundamental misunderstanding of the Senate's role in the confirmation process. If part of the Senate's responsibility under article II is to vote against nominees unless they hold views consistent with our own, I am afraid that I would never be able to support a judicial nomination.

I would certainly not be able to support this one, or any other nominee presented in the last decade. From this single-issue perspective, all of these nominees would fail the test on an issue that I care very deeply about, and that I have expressed myself many times about. This is the issue of the death penalty. Unlike the many who oppose Judge Thomas because of what they do not know about his position on Roe versus Wade, I know precisely where Judge Thomas stands in his judicial approach to capital punishment.

In response to questioning during his confirmation hearings, Judge Thomas stated that he would have no problem affirming a case involving capital punishment. In this regard, he is similar to every other Justice sitting on the Supreme Court today, with one exception. Justice Marshall, who has now confirmed that his retirement is effective next Monday, the first day of the Supreme Court's term, is the only Justice who opposes capital punishment and the application of capital punishment.

Some would argue that my opposition to the death penalty will somehow be diluted by my support for Judge Thomas' confirmation. Nothing could be further from the truth. In fact, to apply this type of single-issue litmus test to Supreme Court nominees would not only be a disservice to the particular cause, it would also imperil the separation of powers doctrine that has stabilized this Nation for over 200 years. In the words of former Chief Justice of the United States, Warren Burger:

> Presidents and legislators have always had platforms and agendas, but for judges the only agenda should be the Constitution and laws agreeable with the Constitution.

Our Nation which contains an infinitely diverse population has survived countless divisive national debates, including a bloody Civil War, partly because our forefathers endowed us with a constitutional government based on pluralism and individualism, and a Supreme Court free of daily political pressures. To hold up a single issue as the passkey to a seat on the Supreme Court is contrary to, and distorts, the fundamental principles this Nation was founded upon.

Mr. President, I do not believe that it is a coincidence or mere happenstance that single-issue politics have come to roost so firmly on the Supreme Court nominating process. In campaigns and speeches, we have continued to narrow the civic focus of this Nation. We have helped to addict Americans to the sugary junk food of single-issue politics. We talk the game of single-issue politics, but then, after all the talk, we duck the tough issues.

For a number of important policy areas, all of this has resulted in a continuing legislative void.

We have now reached a stage where it is not uncommon to see a throng of protesters march up Constitution Avenue, past the Capitol Building, and right past our buildings, and stop with their signs and slogans and calls for action directly in front of the Supreme Court Building. It is no wonder. Many questions intimate to diverse political agendas hang in the balance of the Court's membership.

In the current political landscape, exacerbated by the strains of a divided Government, who is surprised when Supreme Court nominees are asked to show their single-issue ID cards in order to gain admission to the most sacred branch of our Government? Few should be surprised, but each of us should be concerned about where this process is leading us.

The increasingly political nature of our confirmation process, and the strong influence of single-issue politics, in my view, seriously endangers the continuation of a truly independent judiciary. As I have said before, partisan politics should not play a part, either in support of or in opposition to a nominee.

Mr. President, some of us have the burden of history. Some of us were alive and can recall when President Roosevelt appointed practically all the Justices to the Supreme Court. It was not until President Truman came along and said maybe there ought to be a Republican on the Court, not for the sake of partisan politics, but certainly for the diversity and pluralism recognized in our body politic, did we see some balance on the Court.

Mr. President, Clarence Thomas has found himself the focus of this awkward and often painful process, and has emerged thus far as a thoughtful and principled jurist. Many have taken advantage of this forum to label him an ideologue, a jurist well outside the mainstream of judicial thinking, a fanatic who has forgotten his humble beginnings. And these charges clearly misunderstand Clarence Thomas the person.

I would be less than candid if I did not say that this nominee has taken positions that are of concern to me. However, if I were to judge this nominee or any other based on the number of political beliefs we hold in common, I would then surrender my ability to urge tolerance upon my colleagues when a nominee whose views match my own reaches this body for confirmation.

I do not view this decision as fundamentally different from the one I faced in the nomination of Kenneth Adelman to the directorship of the Arms Control and Disarmament Agency. While I disagreed with Mr. Adelman on nearly every basic issue that might come within the purview of the Agency, I nevertheless voted in favor of his nomination. He was qualified, and he was not an extremist. If I had opposed him, I would have forfeited my ability to fight in favor of the nominee more in step with my own views on arms control.

And that is another issue I feel very deeply about—arms control.

Mr. President, we flatter ourselves if we believe that we can accurately predict, through our political lenses, the great legal issues that will come before the Supreme Court during the tenure of the Justices we confirm today. Our time would be much better spent looking at the personal side of the nominee. We should focus on the family background, personal character, intellectual independence of the nominee. We should focus on his moral Constitution and his value system. it is here that Clarence Thomas, the person, excels.

On the matter of his judicial intellect, Judge Thomas brings to the Court a distinguished and hard won education, having graduated from the Yale University Law School. He is one of the few nominees in this century to have served in a legal capacity in each branch of our government, at both the State and national levels.

I have reviewed his record as a Federal circuit judge on what is commonly referred to as a second highest court in the land. And his is not the record of an ideologue. One commentator wrote in the Wall Street Journal that "the best way to predict how Justice Clarence Thomas would rule is to review how Judge Clarence Thomas has ruled. His political enemies won't find much grist in these rulings, which are textbook examples of judicial restraint."

We had a parallel case in the nomination of Judge Bork. We heard all the statements made by Bork the professor and Bork the Solicitor General. But when we began to review Bork the circuit court judge, we found that he voted with the liberals more often than he did the conservatives of that court. And yet he was presented to this body, to the same judicial review process, as some kind of a rightwing extremist.

I think we have to be total in our review of the record, especially when we are reviewing a record from a position that is most similar to the one which we are asked to conform him to, namely a circuit court of appeals judge.

Those who have known Clarence Thomas for many years testified on his behalf before the Judiciary Committee. They described a contemplative, caring, and warm person. I believe that these attributes will benefit the Court and this country long after the single issues have faded into the past.

One last point: I really disagree with labeling people. I think labels are so superficial and oftentimes lead to even inaccuracies when we talk about conservatives and liberals in our political process. This is no less the case when we talk about strict constructionists and liberal constructionists in the judicial world.

Mr. President, I would only say that in appointing Judge Thomas to the Supreme Court, we have an elected appointing authority that is basically conservative—the President of the United States. I am sure that we are going to get, as we have in the past from a conservative President, conservative nominees. Likewise, we get from liberal Presidents liberal nominees to the Court. Nobody would have ever considered any of President Roosevelt's nominees strict constructionists or conservatives. They were all liberals. And we believe that maybe there ought to be a balance on the Court. But let me point out that it is not necessarily true that once a Justice is appointed and remains in those so-called classifications as they are losely applied.

Let me remind you one of the most strict constructionist or conservative Members of the current Supreme Court was appointed by a liberal President. Three others who are considered today in the liberal wing of the Court were appointed by conservative Republican Presidents. And this anomoly has always been the case.

Look at the great feud that Thomas Jefferson had with Chief Justice Marshall. And yet, gradually, every one of those Jeffersonian appointments who came out of the Republican tradition of Jeffersonian Republicanism ended up under the influence of Justice Marshall.

So Justices on the Court are not locked into these artificial labels that are so loosely applied at times. I would also say that not only are we going to get a conservative nominee out of a conservative President, but we have confirmed three already in very short order. These were, I might add, white conservatives—Justice Scalia, Justice Kennedy, and Justice Souter.

But somehow the fact that we are now considering a so-called "black conservative," there is some difficulty because it does not fit some kind of predetermined mode. I think this is a point we ought to think about. Labels are transitory. Labels are not permanent. And labels are oftentimes very, very inaccurate. That is why I think fundamentally our role must always come back to basically the fitness of the person, the man or the woman, the personal, academic, scholarly and intellectual capabilities as demonstrated by the work and the personal and moral character of the individual.

And to apply some kind of a political litmus test under a single issue and to try to make a determination on the basis of labels about a strict liberal or a strict conservative, I think is really stretching the Senate's role and putting it on very loose sand.

We all know the historic fact of Justice William O. Douglas as a nominee who went around to knock on the doors of Judiciary Committee members to ask them if there were not some questions that they wanted to ask him after he had been nominated.

So the whole process has evolved and changed—even the confirmation process. Here we have four-star rated television programs based on the confirmation process. Mr. President, I might just gratuitously comment that from my mail and from the personal comments of my constituents, I do not think the institution of the Senate has been enhanced a great deal by the way these proceedings have turned into media events based on single-issue politics.

It is now almost an adversarial relationship between the nominees and the committee. In my opinion, this is part of the reflection of divided Government that we have today.

I do not know about your mail, but I must say that, while these great productions of the confirmation process may be getting some local coverage and may be providing some amount of political enhancement for individual Senators, I do not think that the production has been much of a plus for the U.S. Senate.

I am proud to stand here today and announce my support for Judge Thomas. I an very hopeful that somehow we will be a little more reflective as we think about nominees and how we conduct this process.

Of course, I could always come back and say I am one of those who voted against televising Senate proceedings and, very frankly, I would have included committee sessions at the same time. I am not sure televising the proceedings of the U.S. Congress has enhanced the institution either. But that is another subject.

I am very hopeful that we will act expeditiously and confirm Judge Thomas and get on with the other matters that are before the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLUE RIBBON AWARD KALAHEO HIGH SCHOOL

Mr. AKAKA. Mr. President, I rise today to congratulate Kalaheo High School for being selected as the 50th State's 1991 Blue Ribbon School.

As my colleagues are aware, the Department of Education, through the School Recognition Program, annually bestows meritorious distinction upon institutions of learning that have shown themselves to be at the forefront of educational excellence. Kalaheo High School has proven itself to be one of this country's leading institutions in offering topnotch educational programs within an exemplary learning atmosphere. Furthermore, Kalaheo serves as an extraordinary example of what can be achieved through student, teacher, parent, and community cooperation.

Mr. President, one of the keys to Kalaheo High School's success, according to Mr. William Tam, Kalaheo's principal, is the spirit of cooperative learning that has been fostered there. Mr. Tam refers to the school's environment to that of an "ohana," or family, where family values traditionally found in the home, such as giving, receiving, understanding, and mutual support, are unabashedly promoted. Small wonder, then, that the students at Kalaheo have garnered accolades on the State and national levels, as well as received international recognition for their production of a film depicting the life of Napoleon Bonaparte.

Mr. President, Kalaheo High is truly a Blue Ribbon School, eminently deserving of that prestigious designation. I commend the students, faculty, families, and the community at large for the high tribute they have earned and the signal honor they have brought to Hawaii Imua.

TRIBUTE TO CARROLL ROBBINS

Mr. KERRY. Mr. President I rise today to recognize Carroll Robbins, who recently retired after 5 decades as a journalist and 40 years with the Springfield Newspapers of Springfield, MA.

While the notion of a free press is intrinsic to our way of life, this constitutionally guaranteed right is only as strong as the character, honesty, and decency of those who work in the press.

Carroll Robbins' career has reflected these attributes. His decision to retire will leave a void in the daily operations of a news organization which has benefited from the perspective of a man with such a distinguished career.

From writing a column of high school notes for his hometown newspaper, the Norwood Daily Messenger, to becoming managing editor of the Springfield Newspaper's Daily News and later executive editor of the Union-News and Sunday Republican, Carroll Robbins has covered a half century of news.

He delivered local, regional, national and international news home to the doorstep of western Massachusetts citizens. He was responsible for seeing that his readers got complete coverage of the issues of the day from war and peace, civil rights and the election of President Kennedy to the revitalization of downtown Springfield, the Big E or the impact of current economic times on our region. Carroll Robbins has spent a lifetime working to inform the public.

Now Carroll's wife, Rose, their four children and nine grandchildren can enjoy a bit more time with their husband and father—though I'm told by a reliable source that Carroll's plans may also include some traveling and "getting back to nature" as well.

Next Tuesday, October 8, friends and colleagues will gather at the Carriage House, Old Storrowton Tavern in West Springfield to honor this fine gentleman. This day will bring full cycle the career of a journalist who believes so dearly in, and has worked so hard for, the concept of a free press.

On behalf of the U.S. Senate, I wish to extend my very best wishes to Carroll Robbins and his family as they experience this very special time.

SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. SEYMOUR. Mr. President, on June 19, the Senate passed S. 1204, the Surface Transportation Efficiency Act. But today, more than 3 months later, the Democratic leadership of the House of Representatives has still not acted to bring a surface transportation bill to the floor of the House.

Because of this delay, confusion reigns on many of our Nation's highways. These problems result from the Congress' inability to send a bill to the President and thus enact a surface transportation bill in time for the new fiscal year.

Mr. President, there is no excuse for this lapse. No one can claim surprise that current law authorizations expired 2 days ago. Those responsible for this costly and painful delay knew full well that our transportation programs and projects would come to a screeching halt if they didn't pass a transportation reauthorization bill before October 1. No, time lapse can only be blamed upon the politicking of the House Democratic leadership who have committed themselves to holding the bill hostage until they get what they want. Why are they holding the bill hostage?

Rather than moving forward and passing a viable bill, as the Senate did in June, the Democrats in the House preferred to waste time trying to foist on the American taxpayer yet another unpopular and economically unjustified gas tax. They wanted to terrorize the taxpayer with yet another foolish, unwise, and unnecessary taking of their hard-earned money.

And who loses, Mr. President? Well, I think it's pretty clear that we all do.

I was amazed yesterday when I saw the American Association of State Highway and Transportation Officials' estimates on the effects of this inexcusable delay.

An estimated $1.3 billion in output will be lost in the construction industry alone. And just as the other party is playing political football with the unemployment compensation bill trying to paint the President as uncaring, they invite the loss of an estimated 22,000 jobs or as many as 87,000 jobs, when you count those service industries, manufacturers, and other sectors that depend on mass transit and highway construction and maintenance programs.

Back home—where the rubber meets the road—such a loss will stab our fragile economy's halting recovery right smack dab in the back.

Who else loses, Mr. President? How about our small businesses, especially those who can ill afford delay and project uncertainties. Adding to the unemployment roles is not the way to bring this Nation out of recession.

Mr. President, Chairman ROE, NORM MINETA, and the other members of the House Public Works Committee are very talented in the transportation arena. They understand that much work needs to be done to help us move into the postinterstate era.

Under the leadership of Senators MOYNIHAN and SYMMS, the Senate bill takes us down the road in that direction. It is balanced; it redirects our focus with a greater emphasis on the State and local decisionmaking process. It gives local planners flexibility in determining how their transportation dollars can best be used.

I am hopeful that the House will move forward to put together a bill that will add a greater measure of equity to the distribution of Federal funds. This was a point of grave concern during the Senate debate, and it needs to be revisited.

We need to eliminate the gaping disparity that exists between the donor States and the donee States. I fervently hope our colleagues in the other body will move quickly and send to conference a bill that will help these people keep their jobs and provide a new and sensitive direction in the distribution of transportation dollars.

California is a donor State, Mr. President. As a Nation-State of 30 million residents and growing—we grew by some 26 percent during the 1980's—we can ill afford a funding formula that will allow current allocation policies to continue. And as a donor State, we have contributed some $5.2 billion more into the trust fund than we have received back. In the period from 1988–89, we contributed more than $400 million to recipient States.

In short, Californians are seeing one-way traffic in funding, and that traffic is leaving our State. At the same time, my State's work force spends a growing portion of its day in traffic, hindering productivity and contributing to decreasing air quality. During peak hours, some 6,000 miles of California's main roads are at a virtual standstill.

And this situation is repeated in numerous States. We need more resources if we are to break through and put into place the infrastructure improvements growing communities need.

Mr. President, California, a Western State, and many others would clearly benefit from the FAST proposal which moves away from the current formula that imprisons us and other growing States in our roles as donor States. The FAST proposal offered here in the Senate and supported by 41 Senators would have provided an extra $1 billion to California over 5 years. After years of donating almost 25 cents of very dollar to other States, such a change would be welcome indeed.

For the sake of California and virtually every other State with highway, mass transit, and other infrastructure needs, action is needed. But it can't take place until the House leadership produces a bill.

Let's hope something happens soon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 312, Arnold Lee Kanter, of Virginia, to be Under Secretary of State for Political Affairs. I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Arnold Lee Kanter, of Virginia, to be Under Secretary of State for Political Affairs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AUTHORIZATION OF TESTIMONY BY A MEMBER OF THE SENATE

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on authorization for testimony of a Member of the Senate and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 191) to authorize testimony by a Member of the Senate in People of the State of California v. Charles H. Keating, Jr.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Los Angeles district attorney has requested that Senator JOHN MCCAIN testify in the case of People of the State of California versus Charles H. Keating, Jr., which is a criminal proceeding in the Superior Court of the State of California for the county of Los Angeles. In this case the State of California is alleging that Charles Keating aided and abetted fraudulent securities sales in violation of State law. The district attorney has requested that Senator MCCAIN testify about a meeting with Mr. Keating, about which Senator MCCAIN has already provided testimony during the Ethics Committee proceedings.

Senator MCCAIN would like to cooperate with the district attorney and the court in this case, subject to the requirements of his legislative schedule. In accord with the Senate's standard practice, this resolution would authorize Senator MCCAIN to testify at this trial, except when his attendance at the Senate is necessary and except for matters for which a privilege should be asserted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 191) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 191

Whereas, in the case of People of the State of California v. Charles H. Keating, Jr., Case No. BA025236, pending in the Superior Court of the State of California for the County of Los Angeles, the plaintiff has requested the testimony of Senator John McCain;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator John McCain is authorized to testify in the case of People of the State of California v. Charles H. Keating, Jr., except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

Mr. MITCHELL. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SEA GRANT COLLEGE PROGRAM AUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 231, S. 1563, the National Sea Grant College Program Authorization Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1563) to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise today to discuss legislation to reauthorize the National Sea Grant College Program. S. 1563, the National Sea Grant College Program Authorization Act of 1991, authorizes funding for the National Sea Grant College Program [Sea Grant] from 1991 through 1995.

The National Oceanic and Atmospheric Administration [NOAA] estimates that 50 percent of the Nation's population lives within 50 miles of our coasts and Great Lakes. Congress enacted Sea Grant in 1966 to address the complex issues arising from this demographic trend and the resulting pressures on coastal resources. Sea Grant represents a national commitment to the sustainable use of the country's important Great Lakes and marine waters and has helped to focus our Nation's universities on the study of our coasts, the sea, and their complex interrelationships. As a result, Sea Grant is a primary national resource in the areas of water quality, aquaculture, biotechnology, seafood and marine products, fisheries recruitment, ocean and coastal engineering, and marine policy.

More importantly, Sea Grant is a problem-oriented program that builds bridges between Government and academia, as well as between research laboratories and groups in need of reliable information. It serves as a successful model for multidisciplinary research directed at scientific advancement and economic development—goals that have been embraced as keystones of our national science policy. With limited funds, Sea Grant, in partnership with our States, has had substantial and positive economic impacts over its 25-year existence. It has improved the competitiveness of the Nation's coastal and marine economy by increasing the pool of skilled manpower, fostering scientific achievement, facilitating technology transfer, and educating the public on critical resource and environmental issues. Studies have shown that Sea Grant has created $20 in benefits for each Federal dollar invested in the program.

The Marine Advisory Service of Sea Grant provides significant links among users of the Nation's coastal and marine resources. It is a model for technology transfer, bringing information out of Government agencies and universities into the hands of the people who can truly make use of it. We need to increase this capability in our country, not reduce it. The Marine Advisory Service also links NOAA with other public agencies concerned with coastal hazards and brings them together with affected communities. In addition, it serves as a credible source of information in areas of resource conflicts and as a public service for those adversely affected by the rapid changes in our coastal and ocean areas, such as fishery groups and indigenous populations.

Beyond these issues, Sea Grant provides for the desperately needed training of scientists and managers. It is working successfully with a number of public agencies to address the environmental education of our youth and citizenry, the talents of which have been recognized already by the National Science Foundation and the Environmental Protection Agency. In 1990 alone, a total of 453 graduate students received training because of Sea Grant.

To meet the challenges faced by the Nation's coastal and Great Lakes resources, Sea Grant must continue its role of supporting relevant research and transferring the results to coastal and marine businesses, the public, and government decisionmakers. A 5-year reauthorization of this program will allow its interactive approach to using and protecting marine resources to continue across the country, in 29 coastal States, Puerto Rico and throughout the Pacific Island network. Thus, I urge my colleagues to support the passage of this bill.

Mr. PACKWOOD. Mr. President, this bill authorizes appropriations for the National Sea Grant Program for the next 5 years. The program provides grants that support numerous academic and research programs. These grants improve the management of our marine resources by bringing industry, academia, and State and Federal governments together for the wise use of our ocean and coastal zones.

In my State, in addition to Oregon State University, there are programs at the University of Oregon, Lewis and Clark College, Oregon Health Sciences University, and Portland State University.

Several satellite facilities and the ocean vessel *Wecoma*, berthed at Newport, are also involved as is the Oregon State University seafood laboratory in Astoria, the Marine Science Center in Newport, and the Oregon Institute of Marine Biology in Charleston.

Sea Grant programs are supported by matching Federal and State grants. In Oregon, the program is supported by a 2-to-1 State funding ratio. In light of the present constraints on State budgets, this, I believe, shows the commitment of the people of Oregon to the Sea Grant Program.

Recent successes of the Sea Grant Program in Oregon include:

The patenting of vaccines against viruses that attack salmon, which are showing marked success;

Promising medical research that shows that eating seafood is good for your heart;

Research in marine pharmaceuticals, a largely untapped source of new drugs needed to treat a wide variety of diseases not now treatable by conventional therapies, such as cancer and AIDS.

Additionally, our coastal communities have been helped with the revitalization of their waterfronts, stimulating new economies based on tourism and retirement while preserving the natural qualities of the marine environment.

Mr. President, I ask for my colleagues' support for the National Sea Grant Program so that we can continue this successful partnership between Government, our universities, and the marine resources industry.

Mr. PELL. Mr. President, I urge approval by the Senate of S. 1563, legislation to extend the life of the National Sea Grant College Program.

The National Sea Grant College Program was created by legislation which Congressman ROGERS and I introduced 26 years ago, and which was enacted 25 years ago. The program provides 2-to-1 Federal matching grants to colleges, universities and other institutions for marine applied research, education and field extension services.

Despite limited funding, especially through the past decade, the program has played a very major role in developing scientific capabilities at the State and regional levels to support expanded and wiser use of marine resources.

Through the Sea Grant College Program we have today a national network of Sea Grant College Programs at colleges, universities and other nonprofit institutions directly serving 30 coastal and Great Lakes States as well helping to achieve important national objectives.

The Sea Grant College Program has proven itself to be a wise investment of taxpayers' money. Because the program focuses on applied research and on the application of research findings and technology to real problems and real opportunities in the use of the marine environment and marine resources, it produces a real and measureable return in increased efficiency, and greater productivity. A study conducted for the year 1987 showed that the Sea Grant Program produced a positive economic impact of $842 million in that year. This is a great return on a Federal Government investment of about $40 million a year in the Sea Grant Program.

Mr. President, I am proud to say the State of Rhode Island has played a central role in the establishment and success of the National Sea Grant College Program. I conducted the first hearing on proposed Sea Grant legislation at the University of Rhode Island in 1965. Among those who was most helpful in putting forward and developing the concepts on which the program was based was my good friend, John Knauss, who served at that time as dean of the graduate school of oceanography at the university. And I am pleased that John is serving today as Administrator of the National Oceanic and Atmospheric Administration.

In addition, the first director of the Sea Grant College Program was Robert Abel, a native of Rhode Island, who did a superb job in guiding the development of the program in its first decade.

If we did not have the Sea Grant College Program today, we would have to invent it quickly to meet our national, regional and State needs in marine resource protection and development.

Regrettably, the Sea Grant College Program was hobbled during the 1980's by the repeated insistence of the Reagan administration that the program be terminated. Congress, year after year, rejected the termination proposals, but budget constraints resulting the 1980's fiscal policies have resulted in level-funding of the Sea Grant Program for many years.

We are still confronted by severe budget constraints, and the proposed new authorization provides only for modest increases in funding that will at least allow an avoidance of further erosion of the program through inflation.

The National Sea Grant College Program has been immensely successful in assisting in the protection and development of our Nation's marine resources through the past 25 years. I look forward to speedy action on this authorization that will permit a continuation of this outstanding program.

Mr. KERRY. Mr. President, I rise today in support of the passage of S. 1563 a bill I introduced earlier this year, to reauthorize the National Sea Grant Program, a university-based research, education and advisory program designed to help participants understand, conserve and enhance the Nation's ocean and coastal resources.

The Sea Grant Program was established in 1966 as a counterpoint to Land Grant. Sea Grant provides funds for research, education, training, and advisory services or technology transfer in the marine field. The requirement for matching, non-Federal funds assures that Sea Grant is an inclusive program involving not only Federal funds and interests, but also those of State and local governments, industry, foundations and the participating universities.

Our ocean and coastal environment is subjected to increasing pressures from burgeoning population growth, increasing fishing and aquaculture pressure, greater recreational utilization, increasing international commerce carried in ships, escalating demands for energy exploration and transportation. Recognizing the complexity of the issues and the need to harness the intellectual resources of our Nation's universities, Congress, over the years has supported the National Sea Grant College Program.

Sea Grant now involves institutions in 30 coastal and Great Lakes States that in turn draw on faculty and students in almost 300 institutions of higher education with a commitment to "wise utilization of marine resources". By fostering collaboration among universities, State and local agencies involved in marine issues, fishermen and other users of our marine resources, and environmentalists, Sea Grant has become a leading national environmental marine resource. It has developed an expertise in coastal water quality and management, coastal ecology, ocean and coastal engineering, aquaculture, marine biotechnology, seafood and marine products, marine policy, fisheries technology and fisheries biology, and coastal resources economics.

Specifically in my own State of Massachusetts, the Sea Grant Program is based at two fine institutions, the Massachusetts Institute of Technology [MIT] and Woods Hole Oceanographic Institution. In addition, the two Sea Grant institutions work closely with the Massachusetts Maritime Academy [MMA]. Recently the three have helped create an education program for commercial and recreational fishermen that offers over 100 1- and 2-day programs each year in navigation, maintenance, new technologies, and safety at sea.

A special fisheries option at MMA offers new employment opportunity for graduates of MMA and brings a new level of technology and safety to our New England fishing fleet. A Sea Grant sponsored workshop at MMA this year addressed oil spill pollution planning with residents of Cape Cod and relevant State, Federal, and local officials.

Another innovation in Massachusetts occurred when Sea Grant in Massachusetts initiated the Mass Bay Marine Studies Consortium, an association of 20 smaller colleges and universities offering college credit marine courses and arranging public fora on marine research and policy in New England.

Sea Grant research is often directed at today's problems. For example, both MIT and Woods Hole Oceanographic Institution scientists have helped and are continuing to help to forecast the effects of the new pollution control measure for Boston Harbor and Massachusetts Bay. They are able to do so on a timely basis because basic Sea Grant research on computer simulation of water circulation was carried out a decade ago. Thus, Sea Grant research can be basic or applied, and may be directed at tomorrow's problems or today's.

Despite the accomplishments and obvious benefits of this important program, the level of support for Sea Grant has dwindled over the past decade. In terms of real dollars, the program reached a funding peak in 1978 and declined by 34 percent by 1989. Last year, Congress provided some modest gains so that the program could at least keep pace with inflation.

Mr. President, the bill we will pass today reauthorizes the National Sea Grant Program through 1995 and provides for modest increases in funding. This program is a very important element in our efforts to protect our environmental security, train young scientists and maintain our technological and economic competitiveness. I urge my colleagues to support this bill and this program.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there is no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Sea Grant College Program Authorization Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of this Act other than section 211, an amount—

"(1) for fiscal year 1991, not to exceed $45,000,000;

"(2) for fiscal year 1992, not to exceed $47,700,000;

"(3) for fiscal year 1993, not to exceed $50,562,000;

"(4) for fiscal year 1994, not to exceed $53,596,000; and

"(5) for fiscal year 1995, not to exceed $56,811,000.".

STRATEGIC MARINE RESEARCH PROGRAM

SEC. 3. (a) REPEAL.—Section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125) is repealed.

(b) CONFORMING AMENDMENTS.—(1) The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(A) in section 204(c)(3) by striking "sections 205 and 206" and inserting in lieu thereof "section 205";

(B) in section 205(b)(3) by striking "or section 206";

(C) in section 208(c)(5) by inserting "and" immediately after the semicolon;

(D) by striking paragraph (6) of section 208(c) and redesignating paragraph (7) as paragraph (6);

(E) in section 209(b)(1) by striking "sections 205 and 206" and inserting in lieu thereof "section 205";

(F) in section 209(c)(1) by striking "or 206"; and

(G) in section 212(b) by striking "section 206 and".

(2) Section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) is amended to read as follows:

"(A) $3,375,000 to fund grants under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and of this amount, $2,500,000 to fund grants in the Great Lakes region; and".

Mr. MITCHELL. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE DECENNIAL CENSUS IMPROVEMENT ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3280, the Decennial Census Improvement Act of 1991, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3280) to provide for a study, to be conducted by the National Academy of Sciences, on how the government can improve the decennial census of population, and on related matters.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NOS. 1251–1252

Mr. MITCHELL. On behalf of Senators KOHL and RUDMAN, I send to the desk two technical amendments and ask that the amendments be considered and agreed to en bloc, and the motion to reconsider these amendments be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 1251 and No. 1252) are as follows:

AMENDMENT NO. 1251

In that part of the text of the bill designated as section 2(a) line 6, insert after "of this Act," the following, "and subject to the availability of appropriations,"

Mr. KOHL. Mr. President, I rise in support of H.R. 3280, the Decennial Improvement Act of 1991, which was unanimously passed in the House earlier this week.

This legislation provides for a broad-based 3-year study by the National Academy of Sciences on ways to improve the accuracy of the census.

The legislation requires the Department of Commerce to enter into a contract with the Academy within 30 days of enactment. The Academy will issue an interim report within 18 months and a final report within 3 years to the Congress and the Commerce Department.

The Academy will review 1990 census methodology and will explore alternative methods of counting people. It will recommend ways to make the census more accurate for all Americans at all geographic levels.

The funding for this study will come from discretionary accounts available to the Secretary of Commerce, subject to the availability of a fiscal year 1992 appropriation. The Academy estimates that the study will cost $1.4 million. That funding was set-aside in the House-passed version of the fiscal year 1992 Commerce, Justice, State, and Judiciary Appropriations bill.

The Academy may suggest that the Census Bureau resort to shorter forms, in which case it will recommend alternative ways to collect population characteristic and housing data. The report may suggest that the Bureau rely more heavily on sampling techniques and discard its traditional head count methodology.

Whatever the Academy recommends, we can be certain that we will have finally taken strides to guarantee that all Americans are included in the 2000 census.

Although it seems early, planning for the 2000 census is already under way. The failure of the 1990 census, the first census in history to be less accurate than the census before it, was basically a failure of planning.

It is more difficult than ever to count our diverse population and in order to ensure a successful effort we must be bold in our preparation. This study will place us on the path toward census accuracy and fairness and move us away from the bitter battles that follow each census over those who have not been counted.

From the time of George Washington our Nation has been plagued by census undercounts. I believe this study places us one step closer to the full representation our democratic form of government requires. When Americans go uncounted, they also go unfunded and unrepresented. It is time to bring these citizens into the fold of our government. The way to do this is to ensure that they are counted in the census.

I would like to thank Senator RUDMAN for his assistance and hard work on this issue. I would also like to commend Congressmen SAWYER and RIDGE for the leadership they have shown in the fight for census accuracy.

I urge my colleagues to support this legislation in order to guarantee that the 2000 census is the most accurate in history and the first census in which all Americans are counted.

AMENDMENT NO. 1252

In that part of the text of the bill designated as section 2(b)(1)(C), strike out "refinement of population data; and" and insert in lieu thereof "refinement of population data, including a review of the accuracy of the data for different levels of geography (such as States, places, census tracts and census blocks); and".

Mr. RUDMAN. Mr. President, I rise today to explain briefly the reasons behind my amendment to H.R. 3280, the bill to provide for a study of census issues by the National Academy of Sciences. First, however, I would like to commend my friend from Wisconsin, Senator KOHL, for his expeditious treatment of this legislation. As the chairman and ranking member of the Governmental Affairs Subcommittee on Government Information and Regulation, he and I both share a commitment to ensuring that the country has the most accurate census count possible, and we are anxious to review the findings that this bill will provide.

My amendment, Mr. President, is a simple one—it modifies the language of H.R. 3280 to stress the importance of maintaining census accuracy not only on the national or regional level, but also for smaller segments of the population. The decennial census is currently taken by a nationwide headcount—people respond to mailed census forms, and professional enumerators canvass the country to tabulate those who did not respond or were otherwise omitted. According to the Census Bureau, this method resulted in 98 percent accuracy in 1990, a remarkable achievement by any standard.

Nevertheless, it is important to remember that anything less than 100 percent accuracy means that individuals are not being counted, underscoring the need for further improvements. Some have recommended replacing or refining the census enumeration with estimates based on population sampling, and this issue has become quite controversial. In fact, litigation is now pending which is designed to require the use of the Census Bureau's own sampling estimate, the postenumeration survey, for official enumeration purposes.

Mr. President, it is not my intention to argue the merits of either position in this controversy. Sampling techniques, especially with today's advanced methods, are a vital tool in the statistical analysis of our country. However, such methods have their limitations as well; the postenumeration survey, for example, is widely regarded to provide a better estimate of the total national population, but is less accurate when applied to smaller segments of the population, such as districts, towns, and precincts. Given the controversy surrounding this issue and the importance of achieving an accurate count, I believe it is appropriate for the National Academy of Sciences to include this aspect within their review, as my amendment requires.

Mr. President, our forefathers recognized the importance of maintaining a regular count of the country's population when the mission of the Census Bureau was embodied in the Constitution. Since then, the decades have been marked by this tremendous undertaking, and it is not too early to look ahead to the census for the year 2000. Any avenues which may lead toward obtaining a more accurate census count should be explored, and this bill is an important vehicle for that goal. My amendment is consistent with this goal, and I urge its adoption by the Senate.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 3280), as amended, was passed.

Mr. MITCHELL. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRIMINAL JURISDICTION OVER INDIANS

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1773

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1773) entitled "An Act to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians," do pass with the following amendments:

Page 2, line 5, strike out ["October 31, 1991"], and insert "October 18, 1991".

Amend the title so as to read: "An Act to extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.".

Mr. MITCHELL. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL FIREFIGHTERS DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 189, designating "National Firefighters Day," just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 189), designating October 8, 1991, as "National Firefighters Day."

Mr. MITCHELL. Mr. President, I ask unanimous consent that the joint resolution be deemed read a third time and passed, that the motion to reconsider be laid upon the table, that the preamble be agreed to, and that any statements appear at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 2608 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 1, 1991.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the conference report be temporarily laid aside, that the Senate concur in the amendments to the House to the amendments of the Senate, en bloc, that the Senate recede on amendment No. 1167, and that the motion to reconsider the votes be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2608) entitled "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 13, 17, 31, 40, 41, 46, 53, 57, 64, 68, 79, 86, 92, 94, 95, 129, 137, and 160 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount stricken and inserted by said amendment, insert "$90,004,000, of which $500,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate a Missing Alzheimer Patient Alert program".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount stricken and inserted by said amendment, insert "$499,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the stricken matter by said amendment, insert "$13,000,000 of the funds made available in fiscal year 1992 under chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act for Correctional Options Grants; (c)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert ": *Provided*, That $25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be provided to the Arkansas State Police for high priority drug investigations: *Provided further*, That funds made available in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *Provided further*, That funds made available in fiscal year 1992 under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available for the following grants in the amounts specified: (1) $1,000,000 to the National Judicial College to provide judicial education and training to State trial judges in the area of illegal drug and violent criminal offenses; and (2) $500,000 to the National College of District Attorneys to establish a permanent facility to improve the education and training of prosecutors involved in the war on drugs".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided further*, That $150,000 of the funds made available to the State of Kansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the City of Wichita, Kansas for Project Freedom's Drug Affected Babies Prevention Initiative".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken by said amendment, insert:

In addition, and notwithstanding section 214(b) of title II of Public Law 101-647 (104 Stat. 4794), $1,500,000, to remain available until expended, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse for technical assistance and training instrumental to the criminal prosecution of child abuse cases, as authorized in section 213 of Public Law 101-647 (104 Stat. 4793).

In addition, and notwithstanding section 224(b) of title II of Public Law 101-647 (104 Stat. 4798), $500,000, to remain available until expended, for a grant to the National Council of Juvenile and Family Court Judges to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized in section 223(a) of Public Law 101-647 (104 Stat. 4797).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$110,100,000.".

DRUG LAW ENFORCEMENT TRAINING

For necessary expenses of drug law enforcement training, $3,500,000, to remain available until expended, for planning, construction, and purchase of equipment incident thereto for an expanded training center at the FBI Training Academy at Quantico, Virginia, to be expended at the direction of the Attorney General.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$13,500,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken, amended as follows:

In lieu of the sum "$10,000,000" proposed in said amendment, insert "$13,500,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the phrase "within the State of South Carolina" proposed in said amendment, insert "on the campus of the University of South Carolina" and, in lieu of the sum "$728,259,000" named in said amendment, insert "$720,737,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount proposed by said amendment, insert "$57,221,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *Provided*, That, unless a notification as required under section 606 of this Act is submitted to the Committees on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, "$363,374,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "; and of which $48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to establish an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum "$740,667,000" proposed in said amendment, insert "$716,653,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount proposed in said amendment, insert "$938,241,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert "; and of which $312,473,000 shall be available to the Border Patrol program, unless a notification, as required under section 606 of this Act, is submitted to the Committees on Appropriations of the House of Representatives and the Senate".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount proposed in said amendment, insert "$1,598,920,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert:

SEC. 110. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year, or any other funds available from the Treasury of the United States, shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in 28 U.S.C. 1821(a)(2).

SEC. 111. Effective 60 days after enactment of this Act—

(a) Section 1930(a) of title 28, United States Code, as amended, is further amended—

(1) in subsection (3) by striking "$500" and inserting in lieu thereof "$600"; and

(2) in the second sentence of subsection (6), by striking "$150" and inserting in lieu thereof "$250", by striking "$300" and inserting in lieu thereof "$500", by striking "$750" and inserting in lieu thereof "$1,250", by striking "$2,250" and inserting in lieu thereof "$3,750", and by striking "$3,000" and inserting in lieu thereof "$5,000".

(b) Section 589a(b) of title 28, United States Code, as amended, is further amended—

(1) in subsection (2) by striking "three-fifths" and inserting in lieu thereof "50 percentum"; and

(2) in subsection (5) by striking "all" and inserting in lieu thereof "60 percentum".

(c) Section 589a of title 28, United States Code, as amended, is further amended by adding a new subsection as follows—

"(f) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation "United States Trustee System Fund", to remain available until expended, the following—

(1) 16.7 percentum of the fees collected under section 1930(a)(3) of this title;

(2) 40 percentum of the fees collected under section 1930(a)(6) of this title".

SEC. 112. Section 524 of title 28, United States Code as amended, is further amended—

(1) in subsection (c)(1), by deleting "purposes of the Department of Justice" and inserting in lieu thereof the following: "law enforcement purposes";

(2) by deleting subsection (c)(1)(C), and inserting in lieu thereof the following:

"(C) at the discretion of the Attorney General, the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any federal agency participating in the Fund;";

(3) in subsection (c)(1)(F), by deleting the word "drug" preceding the words "law enforcement functions";

(4) in subsection (c)(1)(F), by deleting "the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service", and inserting in lieu thereof the following: "any Federal agency participating in the Fund";

(5) by deleting subsection (c)(4) and inserting in lieu thereof the following:

"(4) There shall be deposited in the Fund—

(a) all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Secretary of Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)), or the Postmaster General of the United States pursuant to 39 U.S.C. 2003(b)(7);

(b) all amounts representing the federal equitable share from the forfeiture of property under any State, local or foreign law, for any Federal agency participating in the Fund.";

(6) by inserting in subsection (c)(5), immediately following "Amounts in the Fund", the following: ", and in any holding accounts associated with the Fund";

(7) by adding at the end of subsection (c)(9)(C) the following sentence:

"Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed $150,000,000."; and

(8) In subsection (c)(9)(E)—

(A) by deleting ", 1992", and inserting in lieu thereof "of each fiscal year thereafter";

(B) by deleting "to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution and correctional activities of the Department of Justice.", and inserting in lieu thereof the following:

"to be transferred to any federal agency to procure vehicles, equipment, and other capital investment items for law enforcement, prosecution and correctional activities, and related training requirements.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$13,500,000."

Resolved, That the house recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert ", but that any fees received in excess of $13,500,000 shall not be available until fiscal year 1993: Provided further, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, leasing, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, $33,200,000, to remain available until expended.

CONSTRUCTION

For construction, repair, and modification of facilities and minor construction of new facilities and additions to existing facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $34,917,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 61 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements;".

Resovled, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$1,000,000 shall be available for a grant to the South Carolina Coastal Council for the acquisition of the Victoria Bluff Tract in Beaufort County, South Carolina, of which $2,000,000 shall be available for a grant to make permanent improvements to the Woods Hole Marine Biological Laboratory, Woods Hole, Massachusetts, of which $600,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

GOES SATELLITE CONTINGENCY FUND

For costs necessary to maintain National Oceanic and Atmospheric Administration geostationary meteorological satellite coverage for monitoring and prediction of hurricanes and severe storms, including but not limited to the procurement of gap filler satellites, launch vehicles, and payments to foreign governments, $110,000,000, to be deposited in a "GOES Satellite Contingency Fund", to remain available until expended: *Provided*, That these funds shall not become available for obligation until the Secretary of Commerce notifies the Appropriations Committees of the House of Representatives and the Senate that a requirement for these funds exists through the reprogramming provisions of this Act.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 77 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$207,160,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ", of which $3,000,000 is for support costs of a new materials center in Ames, Iowa, and of which $15,221,000 is for the Office of Textiles and Apparel, including $3,315,000 for a grant to the Tailored Clothing Technology Corporation, and $8,000,000 for a grant to the National Textile Center University Research Consortium".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 81 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$40,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$15,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 89 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert "$4,600,000: *Provided*, That Section 212(a)(1) of Public Law 100-519 (102 Stat. 2594) is amended by adding a new paragraph (E) as follows: "(E) For the period of October 1, 1991 through September 30, 1992, only, retain and use all earned and unearned monies heretofore or hereafter received, including receipts, revenues, and advanced payments and deposits, to fund all obligations and expenses, including inventories and capital equipment"."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$2,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum "$565,000," insert "$800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 105 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$190,621,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 106 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$81,048,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 109 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$17,795,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking out "Barnwell, and Hampton" and inserting in lieu thereof "and Barnwell"; and

(2) in the first sentence of paragraph (11) by inserting ", Hampton," before "and Jasper".

SEC. 305. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 1992, to receive a salary adjustment in accordance with 28 USC 461.

Resolved, that the House recede from its disagreement to the amendment of the Senate numbered 112 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$73,200,000, to remain available until expended, of which not less than $8,872,000 shall be available only for the State maritime academy programs, and of which $1,200,000 shall be available for payments to State maritime academies to acquire maritime training simulators: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*,".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 121 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $350,000,000; of which $296,755,000 is for basic field programs; $7,848,000 is for Native American programs; $10,839,000 is for migrant programs; $488,000 is for special emergency funds; $1,229,000 is for law school clinics; $1,117,000 is for supplemental field programs; $697,000 is for regional training centers; $8,079,000 is for national support; $9,263,000 is for State support; $966,000 is for the Clearinghouse; $571,000 is for computer assisted legal research regional centers; $9,774,000 is for Corporation management and administration; $977,000 is for board initiatives; $97,000 is for special contingency funds; and $1,300,000, to remain available until expended, is for a grant for equipment, facilities, and other assets for a National Resource and Training Center suitable to accommodate National Trial Advocacy Institutes for Legal Services Corporation personnel: *Provided*, That the Corporation in awarding such a grant shall give preference to a university at which such Institutes have been held in at least four of the last five years.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 122 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$235,811,000 of which $60,500,000 is for grants for performance in fiscal year 1992 or fiscal year 1993 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended; of which $16,000,000 shall be available to implement section 24 of the Small Business Act, as amended, including $1,000,000 to be made available only to County of Monroe, New York; of which $1,500,000 shall be available to implement section 25 of the Small Business Act, as amended; of which $2,900,000 shall be available for the Service Corps of Retired Executives (SCORE); of which $4,000,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin, for a regional center for rural economic development; of which $1,000,000 shall be made available for a grant to the New Hampshire Department of Resources and Economic Development; of which $1,000,000 shall be made available for a grant to the New York City Public Library for equipment, supplies and materials for the new Science, Industry, and Business Library; of which $500,000 shall be available for a grant to the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to small and medium sized manufacturers located in rural areas; of which $150,000 shall be available for a grant to the University of Central Arkansas for the Small Business Institute program's National Data Center; of which $4,500,000 shall be available for a grant to the University of Kentucky in Lexington, Kentucky, to assist in construction of the Advanced Science and Technology Commercialization Center; of which $1,000,000 shall be made available for a grant to Seton Hill College in Greensburg, Pennsylvania, for a Center for Entrepreneurial Opportunity; of which $1,500,000 shall be available for a grant to the Massachusetts Biotechnology Research Institute to establish and operate a shared incubator facility and a science and business center; of which $1,500,000 shall be available for a grant for a New England Regional Biotechnology Transfer Center to be located at a university in the region that has accredited schools of Medicine, Dental Medicine, Human Nutrition and Veterinary Medicine; of which $1,500,000 shall be available for a grant to Indiana State University for the Center for Interdisciplinary Science Research and Education; of which $1,000,000 shall be available for a grant to the Michigan Biotechnology Institute for an advanced program of technology transfer in the field of industrial biotechnology to support evaluation, validation and scale-up of early-stage technology and technical assistance to small businesses; of which $800,000 shall be available for a grant for the development and implementation of an integrated small business data base for the Applachian Region to be provided to a non-profit organization based in Towanda, Pennsylvania; of which $340,000 shall be available for a grant to the City of San Francisco, California, for a trade office to provide support, assistance, and research into bilateral trade opportunities between the U.S. and Asia; of which $55,000 is for a grant to the City of San Francisco, California for the publication of a small business export promotion guide; of which $375,000 is for a grant to the City of Espanola, New Mexico and $375,000 is for a grant to County of Rio Arriba, New Mexico for the development of the Espanola Plaza center for cultural enhancement and economic development; and of which $550,000 if for a grant to County of Rio Arriba, New Mexico for the development of the Cumbres and Toltec Scenic Railroad rural economic development project; and of which $500,000 shall be available for a demonstration program to assist small businesses in complying with the Clean Air Act".

Resolved, That the House receded from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matters inserted by said amendment, insert ": *Provided further*, That, in addition, $2,600,000 are available until expended for the subsidy cost of $15,000,000 in direct loans for the Small Business Administration Micro-Loan program".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 135 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert "$2,015,335,000, which $5,000,000 shall be available only for grants, contracts, and other activities to conduct research and promote international cooperation and of which $15,000,000 shall be available until expended only for enhancement of the Diplomatic Telecommunications Service (DTS): *Provided*, That such DTS funds shall not be available for obligation until the Secretary of State notifies the Appropriations Committees of the House of Representatives and the Senate under the reprogramming procedures of this Act that a Diplomatic Telecommunications Service Program Office (DTS-PO) to manage a fully integrated DTS is established, in operation, and has developed a consolidation plan with common architecture, and that a requirement for these funds exists to expand the Diplomatic Telecommunications Service: *Provided further*, That none of the funds provided in this paragraph shall be available for the Department of State Telecommunications Network (DOSTN) project".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 140 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$545,000,000, of which $100,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 152 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter by said amendment, insert:

SEC. 502. None of the funds made available by this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion: *Provided*, That the Secretary of State may waive this provision on a country-by-country basis upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on the diplomatic functions of the United States.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 153 to the aforesaid bill, and concur therein with an amendment as follows:

Delete all after "employee", and insert "for the purpose of enabling that employee to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passports or other documents reflect that that person has visited Israel.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 155 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$44,527,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 162 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$194,232,000"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 165 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "*Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a): Provided further, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended; or for the purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Nonprofit Organizations), including the restrictions no compensation for personal services".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 171 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$27,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 173 to the aforesaid bill, and concur therein with the following amendments:

In lieu of the "$9.79" in subparagraph (1) of said amendment, insert "$9.76".

In lieu of the term "9 cents" in subparagraph 1 of said amendment, insert "8 cents".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 175 to the aforesaid bill, and concur therein with the following amendments:

In lieu of the section number named in said amendment, insert "608".

After the word "prohibition" in new Sec. 608(a), insert "in the national interest or"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 176 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 609.(a) Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1)) is amended by striking "except separate trust certificates shall be issued for loans approved under section 7(a)(13)" and inserting in lieu thereof the following: "or under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 660)."

(b) Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by striking "or a loan under paragraph (13)" from the first sentence.

(c) Section 215(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1990 (Public Law 101-574) is amended by striking "July 1, 1991" and inserting in lieu thereof "July 1, 1992."

(d) The Small Business Act is amended by adding the following new section:

"SEC. 28. PILOT TECHNOLOGY ACCESS PROGRAM.—(a) ESTABLISHMENT.—The Administration, in consultation with the National Institute of Standards and Technology and the National Technical Information Service, shall establish a Pilot Technology Access Program, for making awards under this section to Small Business Development Centers (hereinafter in this section referred to as Centers).

"(b) CRITERIA FOR SELECTION OF CENTERS.—The Administrator of the Small Business Administration shall establish competitive, merit-based criteria for the selection of Centers to receive awards on the basis of—

"(1) the ability of the applicant to carry out the purposes described in subsection (d) in a manner relevant to the needs of industries in the area served by the Center;

"(2) the ability of the applicant to integrate the implementation of this program with existing Federal and State technical and business assistance resources; and

"(3) the ability of the applicant to continue providing technology access after the termination of this pilot program.

"(c) MATCHING REQUIREMENT.—To be eligible to receive an award under this section, an applicant shall provide a matching contribution at least equal to that received under such award, not more than fifty percent of which may be waived overhead or in-kind contributions.

"(d) PURPOSE OF AWARDS.—Awards made under this section shall be for the purpose of increasing access by small businesses to on-line data base services that provide technical and business information, and access to technical experts, in a wide range of technologies, through such activities as—

"(1) defraying the cost of access by small businesses to the data base services;

"(2) training small businesses in the use of the data base services; and

"(3) establishing a public point of access to the data base services.

Activities described in paragraphs (1) through (3) may be carried out through contract with a private entity.

"(e) RENEWAL OF AWARDS.—Awards previously made under section 21(A) of this Act may be renewed under this section.

"(f) INTERIM REPORT.—Two years after the date on which the first award was issued under section 21(A) of this Act, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science, and Transportation of the Senate, an interim report on the implementation of the program under such section and this section, including the judgments of the participating Centers as to its effect on small business productivity and innovation.

"(g) FINAL REPORT.—Three years after such date, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science and Transportation of the Senate, a final report evaluating the effectiveness of the Program under section 21(A) and this section in improving small business productivity and innovation.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Small Business Administration $5 million for each of fiscal years 1992 through 1995 to carry out this section, and such amounts may remain available until expended.

"(i) Centers are encouraged to seek funding from Federal and non-Federal sources other than those provided for in this section to assist small businesses in the identification of appropriate technologies to fill their needs, the transfer of technologies from Federal laboratories, public and private universities, and other public and private institutions, the analysis of commercial opportunities represented by such technologies, and such other functions as the development, business planning, market research, and financial packaging required for commercialization. Insofar as such Centers pursue these activities, Federal agencies are encouragd to employ these Centers to interface with small businesses for such purposes as facilitating small business participation in Federal procurement and fostering commercialization of Federally-funded research and development.".

(e) Notwithstanding any other law, no funds shall be appropriated to carry out section 21(A) of ths Small Business Act after September 30, 1991, and such section is repealed October 1, 1992.

(f) Section 232 of the Small Business Administration Reauthorization and Amendments Act of 1990 is repealed.

(g) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking "March 31, 1991" in the first sentence and inserting in lieu thereof "October 1, 1992".

(h) Section 7 of the Small Business Act (15 U.S.C 636) is amended by adding at the end the following new subsection:

"(m) MICROLOAN DEMONSTRATION PROGRAM.—

"(1)(A) PURPOSE.—The purposes of the Microloan Demonstration Program are—

"(A) to assist women, low-income, and minority entrepreneurs, business owners, and other individuals possessing the capability to operate successful business concerns;

"(B) to assist small business concerns in those areas suffering from a lack of credit due to economic downturns; and

"(C) to establish a mocroloan demonstration program to be administered by the Small Business Administration—

"(i) to make loans to eligible to intermediaries to enable such intermediaries to provide small-scale loans to startup, newly established, or growing small business concerns for working capital or the acquisition of materials, supplies, or equipment;

"(ii) to make grants to eligible intermediaries that, together with non-Federal matching funds, will enable such intermediaries to provide intensive marketing, management, and technical assistance to microloan borrowers;

"(iii) to make grants to eligible nonprofit entities that, together with non-Federal matching funds, will enable such entities to provide intensive marketing, management, and technical assistance to assist low-income entrepreneurs and other low-income individuals obtain private sector financing for their businesses, with or without loan guarantees; and

"(iv) to report to the Committees on Small Business of the Senate and the House of Representatives on the effectiveness of the microloan program and the advisability and feasibility of implementing such a program nationwide.

"(B) ESTABLISHMENT.—There is established a microloan demonstration program, under which the Administration may—

"(i) make direct loans to eligible intermediaries, as provided under paragraph (3), for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing small business concerns under paragraph (6);

"(ii) in conjunction with such loans and subject to the requirements of paragraph (4), make grants to such intermediaries for the purpose of providing intensive marketing, management, and technical assistance to small business concerns that are borrowers under this subsection; and

"(iii) subject to the requirements of paragraph (5), make grants to nonprofit entities for the purpose of providing marketing, management, and technical assistance to low-income individuals seeking to start or enlarge their own businesses, if such assistance includes working with the grant recipient to secure loans in amounts not to exceed $15,000 from private sector lending institutions, with or without a loan guarantee from the nonprofit entity.

"(2) ELIGIBILITY FOR PARTICIPATION.—An intermediary shall be eligible to receive loans and grants under subparagraphs (B)(i) and (B)(ii) of paragraph (1)(B) if it—

"(A) meets the definition in paragraph (10); and

"(B) has at least 1 year of experience making microloans to startup, newly established, or growing small business concerns and providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers.

"(3) LOANS TO INTERMEDIARIES.—

"(A) INTERMEDIARY APPLICATIONS.—As part of its application for a loan, each intermediary shall submit a description to the Administration of—

"(i) the type of businesses to be assisted;

"(ii) the size and range of loans to be made;

"(iii) the geographic area to be served and its economic and unemployment characteristics;

"(iv) the status of small business concerns in the area to be served and an analysis of their credit and technical assistance needs;

"(v) any marketing, management, and technical assistance to be provided in connection with a loan made under this subsection;

"(vi) the local economic credit markets, including the costs associated with obtaining credit locally;

"(vii) the qualifications of the applicant to carry out the purpose of this subsection; and

"(viii) any plan to involve private sector lenders in assisting selected small business concerns.

"(B) INTERMEDIARY CONTRIBUTION.—As a condition of any loan made to an intermediary under subparagraph (B)(i) of paragraph (1), the Administration shall require the intermediary to contribute not less than 15 percent of the loan amount in cash from non-Federal sources.

"(C) LOAN LIMITS.—Notwithstanding subsection (a)(3), no loan shall be made under this subsection if the total amount outstanding and committed to one intermediary (excluding outstanding grants) from the business loan and investment fund established by this Act would, as a result of such loan, exceed $750,000 in the first year of such intermediary's participation in the program, and $1,250,000 in the remaining years of the intermediary's participation in the demonstration program.

"(D) LOAN LOSS RESERVE FUND.—The Administration shall, by regulation, require each intermediary to establish a loan loss reserve fund, and to maintain such reserve fund until all obligations owed to the Administration under this subsection are repaid. The Administration shall require the loan loss reserve fund to be maintained—

"(i) in the first year of the intermediary's participation in the demonstration program, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owned to the intermediary; and

"(ii) in each year of participation thereafter, at a level reflecting the intermediary's total losses as a result of participation in the demonstration program, as determined by the Administration on a case-by-case basis, but in no case shall the required level exceed 15 percent of the outstanding balance of the notes receivable owned to the intermediary under the program.

"(E) UNAVAILABILITY OF COMPARABLE CREDIT.—An intermediary may make a loan under this subsection of more than $15,000 to a small business concern only if such small business concern demonstrates that it is unable to obtain credit elsewhere at comparable interest rates and that it has good prospects for success. In no case shall an intermediary make a loan under this subsection of more than $25,000, or have outstanding or committed to any 1 borrower more than $25,000.

"(F) LOAN DURATION.—Loans made by the Administration under this subsection shall be for a term of 10 years and at an interest rate equal to the rate determined by the Secretary of the Treasury for obligations of the United States with a period of maturity of 5 years, adjusted to the nearest one-eighth of 1 percent.

"(G) DELAYED PAYMENTS.—The Administration shall not require repayment of interest or principal of a loan made to an intermediary under this subjection during the first year of the loan.

"(H) FEES; COLLATERAL.—Except as provided in subparagraphs (B) and (D), the Administration shall not charge any fees or require collateral other than an assignment of the notes receivable of the microloans which respect to any loan made to an intermediary under this subsection.

"(4) MARKETING, MANAGEMENT, AND TECHNICAL ASSISTANCE GRANTS TO INTERMEDIARIES.—Grants made, in accordance with subparagraph (B)(ii) of paragraph (1) shall be subject to the following requirements:

"(A) GRANT AMOUNTS.—Subject to the requirements of subparagraph (B), each intermediary that receives a loan under subparagraph (B)(i) of paragraph (1) shall be eligible to receive a grant to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection. In the first and second years of an intermediary's program participation, each intermediary meeting the requirement so subparagraph (B) may receive a grant of not more than 20 percent of the total outstanding balance of loans made to it under this subsection. In the third and subsequent years of an intermediary's program participation, each intermediary meeting the requirements of subparagraph (B) may receive a grant of not more than 10 percent of the total outstanding balance of loans made to it under this subsection.

"(B) CONTRIBUTION.—As a condition of any grant made under subparagraph (A), the Administration shall require the intermediary to contribute an amount equal to one-half of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(5) PRIVATE SECTOR BORROWING TECHNICAL ASSISTANCE GRANTS.—Grants made in accordance with subparagraph (B)(iii) of paragraph (1) shall be subject to the following requirements:

"(A) GRANT AMOUNTS.—Subject to the requirements of subparagraph (B), in each of the 5 years of the demonstration program established under this subsection, the Administration may make not more than 2 grants, each in amounts not to exceed $125,000 for the purposes specified in subparagraph (B)(iii) of paragraph (1).

"(B) CONTRIBUTION.—As a condition of any grant made under subparagraph (A), the Administration shall require the grant recipient to contribute an amount equal to 20 percent of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(6) LOANS TO SMALL BUSINESS CONCERNS FROM ELIGIBLE INTERMEDIARIES.—

"(A) IN GENERAL.—An eligible intermediary shall make short-term, fixed rate loans to startup, newly established, and growing small business concerns from the funds made available to it under subparagraph (B)(i) of paragraph (1) for working capital and the acquisition of materials, supplies, furniture, fixtures, and equipment.

"(B) PORTFOLIO REQUIREMENTS.—To the extent practicable, each intermediary that operates a microloan program under this subsection shall maintain a microloan portfolio with an average loan size of not more than $10,000.

"(C) INTEREST LIMIT.—Notwithstanding any provision of the laws of any State or the constitution of any State pertaining to the rate or amount of interest that may be charged, taken, received or reserved on a loan, the maximum rate of interest to be charged on a microloan funded under this subsection shall be not more than 4 percentage points above the prime lending rate, as identified by the Administration and published in the Federal Register on a quarterly basis.

"(D) REVIEW RESTRICTION.—The Administration shall not review individual microloans made by intermediaries prior to approval.

"(7) PROGRAM FUNDING.—

"(A) FIRST YEAR PROGRAMS.—In the first year of the demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 35 microloan programs, including no less than 1 program to be located in each of the following states: Arkansas, Illinois, Iowa, Kentucky, Maine, Minnesota, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, and Wisconsin.

"(B) EXPANDED PROGRAMS.—In the second year of the demonstration program, the Administration is authorized to fund up to 25 additional microloan programs.

"(C) STATE LIMITATIONS.—In no case shall a State—

"(i) be awarded more than 2 microloan programs in any year of the demonstration program;

"(ii) receive more than $1,000,000 to fund such programs in such State's first year of participation; or

"(iii) receive more than $1,500,000 to fund such programs in any succeeding year of such State's participation.

"(8) RURAL ASSISTANCE.—In funding microloan programs, the Administration shall ensure that at least one-half of the programs funded under this subsection will provide microloans to small business concerns located in rural areas.

"(9) REPORT TO CONGRESS.—On November 1, 1995, the Administration shall submit to the Committees on Small Business of the Senate and the House of Representatives a report, including the Administration's evaluation of the effectiveness of the first 3½ years of the microloan demonstration program and the following:

"(A) the numbers and locations of the intermediaries funded to conduct microloan programs;

"(B) the amounts of each loan and each grant to intermediaries;

"(C) a description of the matching contributions of each intermediary;

"(D) the numbers and amounts of microloans made by the intermediaries to small business concern borrowers;

"(E) the repayment history of each intermediary;

"(F) a description of the loan portfolio of each intermediary including the extent to which it provides microloans to small business concerns in rural areas; and

"(G) any recommendations for legislative changes that would improve program operations.

"(10) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'intermediary' means a private, nonprofit entity or a nonprofit community development corporation that seeks to borrow or has borrowed funds from the Small Business Administration to make microloans to small business concerns under this subsection;

"(B) the term 'microloan' means a short-term, fixed rate loan of not more than $25,000, made by an intermediary to a startup, newly established, or growing small business concern;

"(C) the term 'rural area' means any political subdivision or unincorporated area—

"(i) in a nonmetropolitan county (as defined by the Secretary of Agriculture) or its equivalent thereof; or "(ii) in a metropolitan county or its equivalent that has a resident population of less than 20,000 if the Small Business Administration has determined such political subdivision or area to be rural."

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Small Business Administration shall promulgate interim final regulations to implement the microloan demonstration program.

(c) PROGRAM TERMINATION.—The demonstration program established by subsection (a) shall terminate 5 years after the date of enactment of this Act.

(d) PROGRAM FUNDING AND REPAYMENT OF LOANS.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) in paragraph (1), by striking "and 7(c)(2)" and inserting "7(c)(2), and 7(m)";

(2) in paragraph (2), by striking "and 8(a)" and inserting "7(m), and 8(a)".

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out the demonstration program established under section 7(m) of the Small Business Act (as added by subsection (a)), there are authorized to be appropriated to the Small Business Administration—

(1) for fiscal year 1992—

(A) $15,000,000 to be used for the provision of loans; and

(B) $3,000,000 to be used for the provision of grants; and

(2) for fiscal year 1993—

(A) $25,000,000 to be used for the provision of loans; and

(B) $5,000,000 to be used for the provision of grants.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 178 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "610".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 179 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 611. Notwithstanding any other provision of law—

(a) For fiscal year 1992 and thereafter, the Department of Justice may procure the services of expert witnesses for use in preparing or prosecuting a civil or criminal action, without regard to competitive procurement procedures, including the Commerce Business Daily publication requirements: *Provided,* That no witness shall be paid more than one attendance fee for any calendar day.

(b) The Attorney General is authorized to enter into a lease with the University of South Carolina to carry out the provision required under the appropriation "Salaries and Expenses, United States Attorneys" in this Act.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 180 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 612. Notwithstanding any other provision of law, none of the funds in this Act shall be available for General Services Administration Rent System payments, unless such payments are processed through the Treasury Department's Billed Office Address Code System.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 116 to the aforesaid bill.

Mr. HOLLINGS. Mr. President, I am pleased to present the conference agreement on the fiscal year 1992 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill.

I have Chaired this subcommittee and managed this bill for 14 years, and I believe this may be the toughest bill we have had to fashion. The demands on this bill—have continued to grow—for law enforcement, the courts, NOAA, economic development, and regulatory agencies like the SEC and FFC. And yet under this budget agreement—which I opposed—the resources are shrinking for these high priority domestic discretionary programs.

Mr. President, under our new 602(b) allocation we were required to come out of conference with an agreement that is $140 million in outlays below the Senate bill which was passed on July 31. That was clearly not my desire—nor, I am sure was it Chairman BYRD's. But, the House insisted on reallocating these funds to other appropriations bills.

I also should note that the House and Senate conferees did not respond to this challenge by gimmicks and user fees. This agreement does not raise Federal Communications Commission [FCC] user fees as proposed by the administration. That is—fees on ham radio operators, public safety organizations and boaters. No, Mr. President, we have not done so. The House wanted us to follow the "read my lips" President's lead. I must admit, it would have made our task easier by allowing us to fund additional programs. But, we did not do so.

What is remarkable about this conference agreement is what we have been able to do within such a constrained budget. We have made hard decisions and set priorities. And I will briefly touch on a few of the highlights:

For the Department of Commerce:

We have provided $228 million to fix the Geostationary Weather Satellite [GOES] Program. That is $80 million above the President's budget. This includes funds for gap-filler satellites and equipment to maintain coverage of hurricanes and severe weather.

The sum of $107 million is included to fully fund the Nexrad Doppler Weather Radar Program to detect tornadoes and protect lives. This fully funds the recent agreement between Unisys and the Commerce Department.

The sum of $33.2 million is included to begin rebuilding the NOAA research and mapping fleet which has been neglected for far too long. No funding was included in the President's budget or the House allowance.

The sum of $242 million is provided for NOAA fisheries programs, which is $62 million more than the President's budget request.

The sum of $246.7 million is included for the National Institute for Standards and Technology [NIST] extramural and intramural research, an increase of almost 15 percent over last year.

The sum of $11.3 million is provided for textile research, to ensure competitiveness for this vital American industry.

The sum of $226.8 million, as proposed by the Senate, is provided for Economic Development Administration grants and planning support. The President's budget and the House allowance provided nothing for EDA programs.

For the Justice Department:

Overall Justice Department funding increases by $834.5 million—more than 9 percent over last year.

The FBI increases by $233.5 million or 13 percent, including funds for field programs, financial institution fraud and the automated fingerprint identification system.

The Drug Enforcement Administration [DEA] increases by $22.3 million. In addition, $3.5 million is included under the attorney general to begin architectural and engineering activities for a new drug training facility at the FBI Academy at Quantico, VA.

The Immigration and Naturalization Service funding increases by $40.6 million with increases for land border inspectors, detection and deportation, and Border Patrol agents.

The prison salaries and expenses account increases by $103.4 million reflecting activation of prisons constructed during the last decade. Prison construction has received an appropriation of $452 million for construction of additional correctional facilities.

The State and local drug grant program receives $499.5 million. The agreement includes $50 million for the discretionary grant program, $423 million for the formula grant program and $22 million for the "NCIC 2000" program to upgrade the nationwide information base to assist local law enforcement officials in apprehending wanted criminals, finding missing persons, and recovering stolen property.

Language has been added to permit State Governor's to use their formula grant funding to support State litigation of Federal habeas corpus capital cases.

Juvenile justice delinquency prevention receives $76 million and the U.S. Trustees Program is fully funded at $81.2 million through a combination of appropriations and bankruptcy filing fees.

For the judiciary:

Overall funding increases by $304.2 million or 14 percent above last year.

Death penalty resource centers are funded at last year's level of $11 million.

Bill language has been added to enable justices and judges to receive the pay raise COLA adjustment already agreed to.

The court of appeals, district courts, and other judicial services increases by $291.3 million, including $4 million for savings and loan caseload.

For the State Department:

The sum of $100 million is included for a new secure Embassy in Moscow and $30 million for new Embassies in the Baltics and consulates in the emerging Soviet Republics. I am pleased to note that after so many years, the House and Senate Appropriations Committees have been able to reach an agreement on the Moscow Embassy issue.

The conferees adopted an initiative proposed by the Senate and have terminated the Department of State Telecommunications Network [DOSTN] Program. Since the Senate bill passed in July, a high-level panel of experts were convened by the Senate Intelligence Committee, and they confirmed our position, that overseas telecommunications should be planned and programmed on a government-wide basis to reduce duplication and waste.

The sum of $794 million for USIA salaries and expenses, exchanges, and radio construction. We would like to have done more, and would urge both the administration and the authorization committee to assign a higher priority to this essential foreign affairs agency.

USIA academic exchange programs are provided $194.2 million and we have restored the Fulbright program cuts proposed by the President's budget and the House.

The sum of $277 million is provided for radio and TV Marti, Radio Free Europe and Liberty and the National Endowment for Democracy to get our free information to emerging democracies across the world and to specifically get free information to Cuba to help our neighbors free themselves from Fidel Castro's regime.

Bill language takes strong action against the Arab League boycott of Israel. This boycott is repugnant. The State Department must take an active stand to ensure that discrimination against individuals because of their religion is no longer tolerated.

CONCLUSION/ACKNOWLEDGMENTS

Mr. President, this is a good agreement. It is a bill that adheres to the stringent allocation in the Budget Enforcement Act for domestic programs. And it is a bill that wisely allocates the international and defense funds under the subcommittee's allocation.

Before concluding I would like to thank my vice chairman, Senator RUDMAN and our ranking member on the full committee, Senator MARK HATFIELD, who has been willing to help manage the bill through the legislative process this year.

I would also like to thank our staff who have worked so hard on this bill and this conference agreement. Our minority staff—John Shank, Rachel Sotsky and Mary Tenenbaum. And my own staff—Liz Blevins, Dorothy Seder and our subcommittee clerk Scott Gudes.

Mr. President, this is a good agreement. It is not perfect—no negotiated agreement ever is—but it presents a good bill that funds priority law enforcement and life/safety programs.

I urge its adoption.

Mr. RUDMAN. Mr. President, I join the Senator from South Carolina in recommending that the Senate adopt the recommendations of the conference committee on fiscal year 1992 appropriations for the Commerce-Justice-State Subcommittee.

After this appropriations bill passed the Senate, the subcommittee was given a new section 602(b) allocation which reduced domestic discretionary outlays by $140 million. This required a number of reductions in conference from levels approved by the Senate. Even with these reductions, we've produced an agreement that reflects the priorities of our colleagues in the Senate as well as the priorities of the administration.

Our primary goal was to protect the public safety, whether in the administration and adjudication of justice or in the maintenance and improvement of the ability of the National Weather Service to detect and predict severe weather. This priority is reflected in the recommendations for the Justice Department, the Federal Judiciary, and the Commerce Department.

The Justice Department will receive an increase of $835 million over the 1991 level, or 9.8 percent, under the conference agreement. In addition, the agreement reflects adoption of the Senate amendment to make permanent the 75-25 cost sharing ratio between the Federal Government and the States under the State and local drug grant program. In addition, the 4-year limit on the use of State and local drug grants for multijurisdictional drug task forces is permanently waived. This is particularly important for States such as New Hampshire which have successfully established drug task forces through the use of Federal grant funds.

I would also like to commend several of my colleagues for their continuing interest in, and support of, various Justice Department agencies and programs. Senator GRAMM has been a strong supporter of funding for the Drug Enforcement Administration and the Federal Bureau of Investigation. Although I am sure he shares my disappointment that we could not provide higher funding for these agencies, I know they appreciate his efforts on their behalf. In addition, Senator KASTEN has been a strong supporter of these programs, and was instrumental in the agreement to provide an increase of $500,000 for the Drug Abuse Resistance Program [DARE]. Both these Senators, as well as Senators HATFIELD and STEVENS, were extremely supportive of efforts to ensure that the needs of State and local law enforcement agencies were addressed.

The Federal Judiciary will receive an increase of $305 million, or 14.9 percent, over the 1991 level. In percentage terms, these is a very large increase, but it reflects the pressures being placed on the Judiciary by the increase in drug litigation activity.

Within the Department of Commerce, the conferees accepted the Senate recommendation that $110 million be provided for a satellite contingency fund to allow the administration to purchase a spare weather satellite. The new weather satellites being built for the National Oceanic and Atmospheric Administration by NASA and the Loral Corp. are far behind schedule and considerably over budget. There is the real possibility this Nation could face the loss of the single geostationary weather satellite now in operation and not have a new satellite ready for launch. The contingency fund is designed to allow NOAA to buy an off-the-shelf satellite if it becomes necessary to protect the public health and safety.

I would also like to clarify the funding for a new supercomputer for the National Meteorological Center. The $9 million shall be available only for the acquisition of a class VII supercomputer. Any shortfall in funding to cover the costs for maintaining the current class VII supercomputer shall not be taken from the $9 million appropriation. If there is a shortfall in funding, the Weather Service should secure additional funding from base or from slippages in other procurements.

The Commerce-Justice-State Subcommittee has been concerned for many years that this Nation could face a gap in geostationary weather satellite coverage. Senator HOLLINGS and I asked the General Accounting Office to look at this situation in 1989, and they reported that the program was far behind schedule and over budget. Unfortunately it is only recently that the administration choose to take concrete steps to address this situation. While the Office of Management and Budget did not request the contingency fund, we believe every reasonable step should be taken to protect the public health and safety.

I would like to thank the chairman, Senator HOLLINGS, for his leadership and cooperation in producing this conference agreement. We faced a very difficult job in conference, and it is a tribute to his skills as a negotiator that the final product provides important increases for the priorities established by the Senate. I would also like to acknowledge the majority staff of the subcommittee, Scott Gudes, Dorothy Seder, and Elizabeth Blevins. This was Scott Gudes' first year as majority clerk, and he did a splended job of protecting the interests of all the members of the Appropriations Committee—both Democrats and Republicans.

Once again I would like to express my support for this conference agreement and urge its adoption.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I understand that the conference report on the Commerce, Justice, State appropriations bill for fiscal year 1992 authorizes and provides funding for the Small Business Economic Opportunity Enhancement Act of 1991. I compliment the gentleman, who is the chairman of the Committee on Small Business, on sponsoring this important legislation which will provide credit and technical assistance to very small businesses and sole proprietorships.

I note that the conference report lists a number of States in which there are strong existing microprograms. In discussions with my colleagues it has come to my attention that there are a number of other States which have strong programs. These include: Arizona, Missouri, Vermont, Mississippi, Alaska, Indiana, and California.

Would the Senator agree that qualified organizations in these States should be among the first to be funded?

Mr. BUMPERS. I agree with the distinguished Senator that there are other strong programs and that the Small Business Administration should make every effort to include qualified organizations from the States cited.

Mr. DOMENICI. Mr. President, I rise to speak in support of H.R. 2608, the Commerce, Justice, State and the Judiciary Appropriations Bill for fiscal year 1992, as reported by the committee of conference.

This bill provides new budget authority of $21.4 billion and new outlays of $16.0 billion to finance the Departments of Commerce, Justice, State, the Judiciary, the U.S. Information Agency, the Small Business Administration, the Legal Services Corporation, the Maritime Administration and 24 other independent agencies and commissions.

I congratulate the distinguished chairman and ranking member for reporting a bill that is within the Senate Subcommittee's section 602(b) allocation and the spending caps established under the Budget Enforcement Act.

While this bill does not provide for Department of Justice and law enforcement activities at the levels recommended by the President, it will provide some of the urgently needed increases.

Increases in law enforcement have been a top priority of this administration. This bill demonstrates the continuing trend of support that Congress has shown in recent years for justice activities and law enforcement.

This bill dedicates $3.7 million for the support and improvement of the economic statistics initiative, a program of critical importance in the development of accurate economic assumptions contributing to sound policy judgments.

Mr. President, high-quality statistics are fundamental to assessing economic performance and formulating good fiscal policy. These funds are particularly important, as they target our basic national income and products accounts, international statistics and the service sector.

I am pleased to note the approval of $1.98 million for the Department of Justice to allow the establishment of the administrative machinery to process claims that will be filed under the radiation exposure compensation act of 1990 (Public Law 101–426).

This act authorizes the payment of claims filed by persons against the Government for health effects associated with radiation fall-out from open-air nuclear testing and radiation mining during the 1950's through 1970's in the southwest. Funding to pay claims that might be filed are being sought in the defense appropriations bill.

This conference report also includes necessary funding for the National Commission on Agricultural Workers, established in the 1986 Immigration Reform and Control Act.

Mr. President, the work of this commission is vital to addressing serious and ongoing crisis in the availability of a sufficient agriculture labor force.

New Mexico Farmers have had an increasingly difficult time getting sufficient workers to harvest the annual chile crop, New Mexico's largest agricultural crop, since the enactment of the 1986 immigration reform bill.

Approval of funding for the National Commission on Agricultural Workers will adequately support the Commission's congressional mandate, allowing a thorough assessment of the agricultural labor situation in New Mexico and other States.

Finally, I thank the distinguished managers of the bill for their support for important economic development activities in northern New Mexico.

Mr. President, I urge adoption of the conference report.

Mr. LAUTENBERG. Mr. President, I rise in support of Senate amendment numbered 153, as amended by the House. The amendment, which is authored, the Anti-Boycott Passport Act, is aimed at reversing Arab League countries' outdated passport policies which isolate and stigmatize our friend Israel and prohibiting the State Department and American citizens traveling in the Middle East from acquiescing in these policies.

The provision resulted from an experience I had trying to obtain a visa for a leadership sanctioned trip to Saudi Arabia and Kuwait earlier this year. Saudi Arabia would not issue to me a visa because my passport had an Israeli entrance stamp. The Kuwaitis have a similar passport policy. So do a majority of the Arab League countries.

The State Department acquiesced to the Saudis by issuing to me a new Diplomatic passport and rendering my old Diplomatic passport usable only for travel to Israel. That the Saudis wouldn't take an American passport from a United States Senator because of an Israeli entrance stamp is an outrage. So is the fact that the United States State Department acquiesces in the Arab boycott of Israeli and stigmatizes our friend and ally Israel by issuing "Israel only" passports.

It is not only Saudi Arabia and Kuwait that reject American passports if they have an Israel entrance stamp. The State Department has compiled a list of various countries' passport restrictions. According to the State Department's list, the following Arab League countries will not take a passport with an Israeli entrance stamp or marking: Algeria, Bahrain, Jordan, Kuwait, Oman, Saudi Arabia, Sudan, Syria, United Arab Emirates, and Yemen.

The provision in this appropriations bill seeks to reverse these passport policies and to prevent the State Department and American citizens from acquiescing. It would prohibit the State Department from spending funds for "Israel only" passports. It would also prohibit the State Department from spending funds on duplicate official or diplomatic passports for U.S. Government employees, official or diplomatic passports for U.S. Government employees, officials, and diplomats to acquiesce in or comply with the Arab League passport policy.

The provision in this bill is in line with the bill I introduced, S. 845, which was included in the version of the State Department authorization bill that the Senate approved. Representatives BERMAN and SNOWE, chairman and ranking minority member of the House International Operations Subcommittee of the Foreign Affairs Committee, introduced an identical bill in the House of Representatives. A hearing was held on June 13. Former State Department Legal Adviser Sofaer testified in support of this bill.

During the conference on the State Department authorization bill, the House receded to the Senate on this provision with some minor modifications. However, the outlook for the State Department authorization bill remains unclear. I hope that the conference report will be filed soon, and that it will be signed into law by the President. But there are no guarantees. Some difficult issues remain unresolved.

To ensure that the State Department implements the Anti-Boycott Passport Act, the provision withholding funds for so-called "Israel only" passports and for duplicate passports for diplomats, officials, and Government employees needed to remain in the appropriations bill. It is entirely consistent with the provision the conferees on the State Department authorization have agreed to include in their final version of the bill.

The authorization bill would require Secretary Baker to negotiate with Arab countries toward a reversal of their passport policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department would be prohibited from issuing duplicate passports to officials and employees of the United States Government to enable them to acquiesce in the Arab League passport policy which boycotts Israel. The prohibition on duplicate diplomatic official passports for Government employees, diplomats, and officials would kick in within 60 days if the required negotiations have not begun, or if the Secretary of State does not submit the required report on prospects for successful negotiations to the Congress.

The authorization bill would prohibit the State Department from issuing so-called Israel only passports. So, for example, if the Saudis want to persist in their policy, United States travelers would be issued Saudi only passports by the State Department, and Saudi Arabia would suffer the stigma and isolation United States policies currently impose on Israel. The State Department could and should do that now.

Mr. President, the provision in this appropriations bill closely mirrors the section on the Anti-Boycott Passport Act agreed to by the conferees on the State Department authorization bill. It has been modified by the House to address a specific concern raised by the State Department about certain couriers who travel between Arab countries and a very limited number of intelligence officials.

Mr. President, this legislation would not restrict travel of nondiplomatic citizens as the State Department has said it would. The State Department could still issue duplicate passports for U.S. nondiplomatic citizens who want to travel to Israel and Arab League countries. But it could no longer stigmatize Israel by issuing an "Israel Only" passport. The State Department would be forced to place the stigma where it belongs—on the Arab countries and not on Israel by issuing "Arab only" passports or "Saudi only passports, for example.

The provision would force the Arab League countries which the United States defended in the recent war to accept passports from United States officials, government employees, and diplomats even if they have visited Israel. They already should.

The provision in this bill would move the Arab League countries in the right direction, and would prevent the State Department from acquiescing in their policy which discriminates against Israel. Americans were welcomed to Saudi Arabia when they were in uniform, ready to defend the sovereignty of those nations and the security of the entire Persian Gulf. But today Saudi Arabia and a majority of the Arab League countries refuse to admit Americans who have committed the offense of having visited Israel.

To accept this Arab behavior is to give tacit approval to the Arab League's policy of isolating Israel and refusing to accept her right to exist. American law and policy reject the Arab League boycott. We should expect no less from our diplomats and officials. They too should not be permitted to comply with the boycott of Israel.

The Arab practice of denying entry to U.S. citizens with Israeli stamps in their passports is an insult to every American and every American soldier who fought in Desert Storm. The administration can act on its own to reverse this archaic and misguided Arab policy. It should. But it doesn't want to. We must enact this legislation and put an end to this outrageous practice.

Mr. President, I want to thank the chairman and ranking member of the subcommittee, Senator HOLLINGS and Senator RUDMAN for the strong and consistent support for this provision. They played a critical role in ensuring that this provision remain part of this bill.

PALAU'S ELIGIBILITY FOR CZM SECTION 305 GRANTS

Mr. JOHNSTON. There is an item in this conference report on which I would like clarification. As chairman of the committee with jurisdiction over insular areas, I have been contacted by the Washington Representative of the Republic of Palau requesting clarification on the availability of funds for Coastal Zone Management Program development grants—the so-called section 305CZM grants. I understand that the Coastal Zone Management Act includes Palau as an eligible grant recipient under the definition of a "state" as the Trust Territory of the Pacific Islands. However, it is unclear whether the funds to be appropriated by this act would, in fact, be available to Palau for program development purposes.

Would the chairman please state whether the Republic of Palau is eligible to apply for a section 305 grant, and whether funds are available to Paulau under this act to develop a CZM program?

Mr. HOLLINGS. The answer is yes to both questions. I understand the chairman's concern and assure him that Palau is eligible to apply for a section 305 grant, and that section 305 funding is available to Palau under this bill in addition to the $600,000 provided in the conference agreement for Texas, Minnesota, and Ohio.

Mr. JOHNSTON. I thank the chairman for this clarification.

Mr. LAUTENBERG. Mr. President, I am pleased that conference agreement on H.R. 2608, the Commerce, Justice, State appropriations bill, provides strong support for NOAA's coastal and fisheries programs. These programs, including the coastal zone and sea grant programs, are of immense importance to New Jersey's coastal economy and the health of New Jersey's marine ecosystem.

At my request, H.R. 2608 includes funding for a number of programs. The bill provides $2 million to establish a new undersea research center to conduct research in the waters off New Jersey and Long Island. New Jersey's coastal ecosystems generate $8 billion to the economy and provide enjoyment to millions. Yet, these ecosystems have been subject to much abuse. Expanding research efforts in the waters off New Jersey and Long Island, which is a congressional designated marine research region, is one important step in our effort to maintain the health of our coastal waters. Until the new center is established, the Rutgers Institute of Marine and Coastal Sciences is to remain in the role of acting undersea center. The establishment of this center is not intended to effect the establishment of the regional marine research program provided for by the Marine Research Act enacted in 1990.

H.R. 2608 includes $150,000 to complete research being conducted by the New Jersey Marine Science Consortium to study the feasibility of recycling fishnets. Fishing gear presents a threat to marine resources if not disposed of on land. Yet, there are few alternatives to disposal other than landfilling. This results in a solid waste problem. According to a recent report on beach cleanups by the Center for Marine Conservation, 3,600 plastic fishing nets came up on New England beaches last year.

The bill also appropriates $250,000 to establish a marine mammal tissue bank and to expand the marine mammal stranding centers. The tissue bank will contain tissues from dead marine mammals which would be archived for future retrieval and study. The bank would assist scientists in trying to identify the causes of catastrophic marine mammal events such as the dolphin mortality which occurred off the east coast in 1987. NOAA also would develop protocols for the collection of marine mammal tissues.

Funding also would be used to strengthen the marine mammal stranding network authorized under the Marine Mammal Protection Act including the stranding center in Brigantine, NJ. This will improve NOAA's capability to identify the causes of catastrophic marine mammal events and improve NOAA's ability to coordinate stranding network efforts.

H.R. 2608 provides $750,000 for observers on east and gulf coast fishing vessels to collect and analyze data to manage highly migratory species. Last year, the Congress passed the Fisheries Conservation Amendments of 1990, reauthorizing the Magnuson Fishery Conservation and Management Act [MFCMA]. That legislation gave the Secretary of Commerce authority over any highly migratory species fishery that is within the geographical area of authority of the five Regional Fishery Management Councils of the Atlantic Ocean. Section 304(f)(B) of the MFCMA as amended requires the Secretary to identify research and information priorities, including observer requirements and necessary data collection and analysis for the conservation and management of highly migratory species. The funding will provide statistically sufficient data for management of these stocks which are so important to fishermen in New Jersey and other east coast States.

I'm also pleased that the conference agreement rejects proposed administration cuts for the coastal zone management, sea grant and State fishery grant programs all of which are important to New Jersey. I opposed the administration's proposal.

Finally, I'm pleased that the conference agreement includes $110,000 for Rutgers to initiate a multispecies aquaculture center. These funds will be used for site selection, preliminary design and engineering. The center would facilitate the development of aquaculture in the Northeast.

Mr. President, on another matter, I want to highlight a provision that was included in the conference at my request that strongly encourages the Economic Development Administration to support a study into the feasibility of a conference center and international trade center in Newark, NJ. The Newark area now lacks adequate facilities for conventions and conferences, and there is considerable interest in the city in the development of such facilities. There is also real interest in an international trade center that could be connected to such facilities.

A convention center, and a related international trade center, could make a real difference for Newark and its residents. I hope the EDA will support the city's efforts to get such an initiative under way, and I am pleased that the conferees have expressed their strong support for a feasibility study of this initiative.

Finally, Mr. President, I want to point out that at my request this bill also includes $100,000 in SBA funds for the EXCEL Program in New Jersey. This management training and technical assistance program is for women who are starting a business or who wish to grow in their current businesses.

Women business owners now own more than one-third of the businesses in the United States, the fastest growing segment of the economy. However, traditionally they have not held the management positions, developed the business support networks or had the access to capital which would permit their businesses to prosper at the same rate as those started by men.

The New Jersey EXCEL Program will focus on training, technical assistance, access to capital, and information on government procurement. These are all areas which will benefit small business, but especially small businesses owned by women.

Mr. President, small business is the engine which drives our economy. With more and more women starting businesses, I believe that we must support training and assistance to the women-owned businesses which provide jobs and help to strengthen our economy.

I thank the subcommittee chairman, Senator HOLLINGS, and the ranking minority member, Senator RUDMAN for their cooperation on these matters.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 102–62, appoints the following individuals to the National Education Commission on Time and Learning: Mr. Norman Higgins, Jr., of Maine; and Mrs. S. Marie Byers, of Maryland.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2622 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 2, 1991.)

Mr. DECONCINI. Mr. President, I am pleased to bring before the Senate, the conference report accompanying H.R. 2622, the fiscal year 1992 appropriations bill for the Department of the Treasury, Postal Service, the Executive Office of the President, and certain independent agencies.

The funding recommendations contained in the conference report total $19.560 billion an almost identical amount to that included in the Senate-passed bill. The conference agreement is $345 million above the President's requested level but $1.6 billion below the fiscal year 1991 enacted level and $1.7 billion below the current services baseline level for programs and activities which receive funding under the bill. Finally, the conference report is $191 million above the House-passed bill and within the revised 602(b) allocations.

Mr. President, as I stated when I brought the bill to the Senate floor back in July, this has been an extremely difficult year to put together a spending bill for the Federal programs under the jurisdiction of the Treasury Subcommittee. The discretionary caps agreed to last year hampered our ability to sufficiently fund Federal programs to the levels required and going into conference, we were faced with a further reduction of $80 million in outlays from the Senate bill. Nonetheless, we have performed the job expected of us and, I think the conferees have done an excellent job of balancing the need to fund the highest of priorities while staying within the spending caps.

Mr. President, there are many important programs which receive funding under this bill. Programs like tax enforcement and revenue collection; drug interdiction and control; law enforcement training; firearms enforcement and compliance; civil service retirement and disability annuities; construction of Federal buildings and courthouses; and protection of the President. The conference agreement recognizes the increased requirements of these programs with the funding levels provided.

Briefly, I will go over some of the highlights of the conference agreement.

It contains $6.7 billion for the IRS. This level of funding will permit IRS to continue its efforts to modernize the tax systems to safeguard the long-term reliability of our Nation's largest revenue generating agency, while meeting adequate taxpayer service, returns processing and tax law enforcement levels.

It contains $1.5 billion for the U.S. Customs Service to ensure the facilitation of merchandise processing; prevent against fraudulent entries; and enforce our Nation's drug laws.

It contains $298 million for Executive Office of the President agencies which includes $86 million for drug enforcement activities in the five designated high intensity drug trafficking areas.

It includes $548 million for construction of new Federal office buildings and courthouses to meet the ever expanding requirements of the judiciary throughout the country.

The agreement also contains mandatory funding of approximately $8.7 billion to cover health, retirement, and disability payments to our Nation's civil servants.

With reference to the payment to the postal service fund for the Revenue Forgone Program, the agreement includes $470 million along with a reform which was unanimously adopted by the Senate in July when H.R. 2622 was considered by this body. The conference agreement would phase-in over a 2-year period, the full implementation of the reform suggested by the Postal Rate Commission. Mr. President, I know there has been considerable controversy over the actions taken with respect to the Revenue Forgone Program. None of the conferees including myself, wanted to be in a position of having to reduce funding for the Revenue Forgone Program or to enact reforms. However, due to the funding constraints, we had some choices to make. We could either fund law enforcement; basic Government operations; tax collection; or provide the full amount required to maintain current subsidized postal rates for preferred mailers. While I know this entire body, with few exceptions, strongly support the laudable activities undertaken by nonprofit and other organizations which benefit from this subsidized program, this year, due to a number of factors beyond our control, we were unable to provide the full amount the Postal Service says it needs to maintain current rates. Just for the record, Mr. President, I want to point out to this body that the conference agreement is $287 million above the administration's requested funding level of $183 million for revenue foregone in fiscal year 1992. Due to the rate increase, which took effect in February, the Postal Service requested $649 million or an amount which is $176 million above the fiscal year 1991 level, $266 million less than the President's requested level, and $179 million more than the conference allowances.

So, what did we do? We agreed to a reform which will save taxpayers money without raising rates for most classes of preferred mail. We accomplished that by adopting the Senate's original proposal on flats with a 2-year phase-in period. It will not increase postal rates for any preferred mailers in fiscal year 1992 except for the third-class nonprofit organizations which choose to send so-called flat pieces of mail. The provision specifically prohibits the Postal Service from raising the rates for any preferred mailers, including rural newspapers, and instead instructs the Postmaster General to reconcile any funding shortfalls against future year appropriations requests. The Postal Service classifies a letter as any piece of mail not larger than 6⅛″ × 11½″ × ¼″, a basic letter-size envelope. A flat is any piece of mail larger than the letter-size envelope. Flats cannot be processed via Postal Service automated equipment. Flats must be either hand processed or processed by antiquated equipment. As a result, this creates an additional cost of 4.4 cents per piece. The reform embodied in the conference report attempts to lower processing and operating costs of the Postal Revenue Foregone Program by requiring those organizations that choose to use flats to pay for additional attributable processing costs and does not penalize any organizations which use letter-size mailings. It also furthers the Postal Service Board of Governors' initiative to properly attribute processing costs to each category of mail—flats versus letters. However, in order to give organizations who utilize flat mailings a chance to plan and adjust to the new rates, the conference agreement requires that this reform be phased in over a 2-year period. In fiscal year 1992, the Postal Service can only raise the rates for flat pieces of mail by one-half the difference in the subsidy for letter-shaped pieces, or an average of 2.2 cents. In fiscal year 1993, the reform will be fully implemented and the increase would be the full difference in the subsidy for letter-shaped pieces or an average of 4.4 cents per piece.

This provision will save $90 million in funding for the Revenue Forgone Program in fiscal year 1992. In fiscal year 1993, when it is fully implemented, it will save an estimated $180 million. Again, Mr. President, the provision prohibits the Postal Board of Governors from raising rates above those rates in effect on the date of enactment for all other classes of mail. It also instructs the Board of Governors to utilize the reconciliation method if there is a funding shortfall in fiscal year 1992. This places the matter back in the jurisdiction of the Appropriations Committee for future funding requirements. I think this is an equitable solution to the funding problems with respect to the Revenue Forgone Program and one that will benefit the efficiency goals of the Postal Service.

Mr. President, I want to speak to another provision in the conference agreement which occupied a great deal of the conferees time. That provision relates to the transmission of the HIV virus or AIDS. The conferees dropped the so-called Helms amendment and instead are recommending a modified version of the Senate leadership amendment on implementation of the Centers for Disease Control [CDC] guidelines. The new provision requires each State public health official to certify to the Secretary of Health and Human Services that CDC guidelines or their equivalent on the transmission of HIV or the hepatitis B virus have been instituted in the State. The provision requires all health professionals practicing within a State to comply with these guidelines and requires a disciplinary or other procedure to be in effect for failure to comply. States must comply with the CDC guidelines within 1 year or risk the loss of all public health service funds.

Mr. President, I believe the conference agreement we bring before this Chamber is a good one and one that I hope will receive the support it deserves from this body.

In closing, Mr. President, I want to express my thanks and appreciation to all of those who helped formulate this agreement. I particularly want to recognize the contributions of my ranking member, Senator DOMENICI and his very professional staff, Rebecca Davies. In addition, I want to express my appreciation to the House chairman, Mr. ED ROYBAL and his very able staff, Mr. Bill Smith. Without the very close collaborative efforts of these individuals, we would not be bringing before this body the excellent bill we are today.

I also want to thank the chairman and staff of the Postal Rate Commission. Chairman Haley, Bob Cohen, David Stover, and Jerry Cerasale labored long and hard to help us formulate a reform to the Revenue Forgone Program which is fair and responsible. They worked long hours to help us while in the midst of rate cases and I want the record to show the appreciation of my panel to this very professional and dedicated organization.

Last, I want to thank Shannon Brown and John Shay of the subcommittee staff. Their long hours and efforts are sincerely appreciated.

Mr. President, I urge adoption of the conference report.

Mr. DOMENICI. Mr. President, we present for the Senate's approval today the conference report on H.R. 2622, the Fiscal Year 1992 Treasury, Postal Service, and General Government Appropriations Act.

This conference agreement provides total appropriations of $19.882 billion for fiscal year 1992. This includes $9.623 billion for the U.S. Department of Treasury; $298 million for the Executive Office of the President; $511 million in payments to the U.S. Postal Service; $8.717 billion for the Office of Personnel Management; $467 million for the General Services Administration, as well as authority for GSA to obligate $4.153 billion in Federal buildings fund revenues; and a total of approximately $266 million for 11 other rated independent agencies.

Including congressional budget scorekeeping adjustments and prior-year spending actions, the total nondefense discretionary spending recommended by this conference agreement is $10.824 billion in budget authority and $11.119 billion in outlays. These levels are within the fiscal year 1992 discretionary spending limitations established for this conference agreement.

The revenue forgone payment to the Postal Service has been one of the more controversial items in this bill this year. We entered conference with a $266 million spread between the House and Senate-recommended levels for this payment. I believe we reached a fair compromise. The conference agreement provides an appropriation of $470 million, instead of $649 million as proposed by the House and $383 million as proposed by the Senate. It also includes the reform in the mail subsidy program adopted unanimously by the Senate. The only change is that this reform would be phased in over fiscal year 1992.

As my colleagues will recall, this reform continues the mail subsidy for non-profit third-class mail, but limits the subsidy to the rate of a letter-sized, or less expensive piece of mail. The subsidy differential between the nonletter size or flat piece of mail is now an average of 4.4 cents above the subsidy for a letter-sized piece. This reflects the higher cost required to process these mail prices manually.

Under the conference agreement, this subsidy differential would be phased out. In fiscal year 1992, half the subsidy differential, or, on average, an additional 2.2. cents above the subsidy amount for a letter-sized mail piece will be provided; in future years, a basic per-piece subsidy is established at the letter-sized rate.

Because there has been a great deal of misinformation on the impact of the original Senate proposal now incorporated in this conference agreement, I want to once again clarify for my colleagues that this reform affects only one segment of one category of preferred rate mail—nonprofit, third-class nonletter sized mail. It gives third-class nonprofit mailers a choice. The subsidy is not removed. They can either continue to mail flat or nonletter sized pieces of mail and pay the difference between that higher-cost piece of mail and the lower subsidy amount for a letter-sized piece or convert their mailings to letter-size and pay no increase.

This conference agreement affects nothing else. Mail for the blind and for overseas voting will continue to be free. All other preferred rate mail categories—second-class nonprofit, classroom, and in-county which includes rural newspapers; third-class nonprofit letter-sized mail; and fourth class library—will continue to pay current rates. There will be no rate increase for those mailers as a result of the appropriation or language contained in this conference agreement.

Mr. President, there are two actions agreed to in conference which I cannot support. In both cases, the conferees accommodated spending recommended in the Senate-passed bill by appropriating the funds but delaying the obligation of those funds until the last day of the fiscal year. This includes $97 million of the funds appropriated to the IRS for tax information systems and $14.5 million of the funds appropriated for the Air and Marine Interdiction Programs of the U.S. Customs Service. As I indicated in conference committee, while I support the purposes for which these funds are provided, I cannot support these delays in the obligation of funds.

During the Senate's consideration of the Labor-HHS appropriations bill, I made my position on this tactic clear. It is a gimmick. The effect of these obligational delays is to move outlays from one fiscal year to the next. While it may get us inside our current year outlay target, it locks these outlays in the following fiscal year. I do not believe we should be making such funding commitments in advance. Next year will be no different. We will be facing another limitation on domestic discretionary appropriations. We should not make funds available for obligation on the last day of a fiscal year. We should wait one more day and make these fiscal year 1993 appropriations decisions when the full set of spending requirements for that year are before us for consideration. Obviously, my position did not prevail in conference committee on this bill. However, I cannot support this action on any appropriations measure.

Mr. President, the conferees on this bill had a tough job. Not only were we tasked with resolving a very different set of House and Senate funding priorities, but we were required to make further cuts in discretionary spending to meet an outlay target for conference which was $80 million below that set for the Senate bill. This was not easy. I would like to thank the House conferees and, in particular, the House subcommittee chairman, Congressman ED ROYBAL, and ranking member, Congressman FRANK WOLF, for their work on this measure.

My good friend and colleague from Arizona, Senator DECONCINI, who chairs this Senate Appropriations Subcommittee and who, this year, chaired the conference committee, deserves special recognition. He has done a tremendous job from start to finish and I thank him for all his efforts.

Mr. President, on balance, I believe this is a good conference agreement. While each and every item in disagreement was not resolved the way I would have preferred, we bring back what I consider to be a reasonable compromise between the House and Senate.

I urge its adoption by the Senate.

Mr. DECONCINI. Mr. President, one item included in the statement of managers accompanying the conference report on H.R. 2622 requires clarification. It is in reference to amendment number 10 concerning salaries and expenses for the Bureau of Alcohol, Tobacco and Firearms. The conferees have provided a total funding level of $336,040,000 for ATF in fiscal year 1992. Included in this amount is $2,444,000 for four Project Achilles task forces, not the $2,244,000 as indicated in the statement of managers.

Mr. INOUYE. Mr. President, I would like to ask the chairman of the Subcommittee on Treasury, Postal Service and General Government for clarification on a part of the conference agreement accompanying H.R. 2622, specifically amendment No. 59. In the agreement there is a statement, "balances remaining in the fund at the end of the third quarter in excess of $131,125,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists, expanding drug treatment capacity, drug abuse prevention and treatment related activities and shall also be transferred to the department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended." My question to the Senator from Arizona, is: Will this remaining fund be equally divided between ADAMHA and HUD?

Mr. DECONCINI. While there is no specific reference to an allocation of the funds included in the provision, it is my hope that ONDCP would divide the funds equally between ADAMHA and HUD.

Mr. INOUYE. My last question is directed at the provision of funds for treatment/prevention. Is my understanding correct, that you would expect these treatment/prevention funds to be expended for education to prevent substance abuse and/or treatment, and not for treatment/prevention research, and further, could a portion of these funds be used for increasing the programs for isolated, minority populations like former residents of American Samoa who may be in need of drug treatment/prevention services?

Mr. DECONCINI. I would expect that all of these funds would be used for direct treatment/prevention services and not for research. In answer to the second part of your question, I would see no restriction on such an expenditure for service to minority populations and would encourage both the ADAMHA and HUD where appropriate to target one or more programs for American Samoans.

Mr. LAUTENBERG. Mr. President, I am very pleased that the conference report includes at my request $500,000 for a demonstration program that promises to have a real impact on the problem of vehicle theft in New Jersey.

Around the country, vehicle theft has increased by 42 percent between 1985 and 1989, to over 1.5 million offenses per year. The total value of stolen vehicles nationally now exceeds $8 billion per year.

The problem in New Jersey is particularly serious. Newark, NJ, has the worst auto theft rate in the country, and several other New Jersey cities are in the top 10. Last year, according to the State's Uniform Crime Report, there were 72,626 motor vehicle thefts reported in New Jersey, or 199 thefts every day.

One of the reasons why the auto theft epidemic has hit New Jersey so hard is that organized rings of car thieves are stealing vehicles for export to foreign countries, and are using New Jersey's ports to do so. There is a great demand for vehicles in many overseas locations, such as South America, the Caribbean, and Africa, and law enforcement officers report that prices for cars abroad may be three times higher than in the United States. In some cases, stolen cars are used to repay drug dealers.

The scope of the international trade in stolen vehicles is striking. According to the FBI, one in five vehicles on the docks waiting for Customs clearance in some Caribbean countries show clear signs of having been stolen and shipped from the United States. For vehicles worth over $15,000, the rate is nearly four out of five. It's an outrageous situation and must not be tolerated.

Mr. President, the Customs Service has been working hard at intercepting stolen vehicles before they are shipped abroad. Yet this is a difficult task, and Customs agents lack the resources they need to do the job right. In the New Jersey/New York seaport area, Customs Service agents are able to inspect only 16 percent of all vehicles manifested for export that fall in the high-risk category.

Mr. President, the vehicle theft interdiction demonstration program funded in this bill should allow the Customs Service to raise the inspection rate significantly. Agents also will receive additional training and equipment, which should enable them to do a better job of locating stolen vehicles. I am hopeful that these enhanced efforts will reduce the number of stolen vehicles shipped from the ports, lead to apprehension of members of theft rings exporting stolen autos, and develop and evaluate techniques for detecting stolen autos.

Mr. President, this project was developed with the cooperation of the Customs Service, and I want to thank the Service for its help. I also appreciate the Service's assurance that money for this project will not be taken from the budget of the Customs office serving New Jersey.

Mr. President, while the epidemic of auto thefts is particularly serious in the New Jersey area, it infects the Nation as a whole, and Customs needs to increase its attention to the problem in several areas.

In fact, the national scope of the auto theft problem requires a multipronged response that goes well beyond interdiction of stolen vehicles. Recently, the Senate approved my legislation, the Motor Vehicle Theft Prevention Act, as an amendment to the crime bill. That legislation would reduce vehicle theft and enable the police to stop cars that are likely to have been stolen, by establishing a framework for a consent-to-stop program. Under that program, vehicle owners may voluntarily put decals on their car that give law enforcement officials the right to stop their cars if they are operated under certain conditions, such as late night hours, during which their vehicles are not normally driven.

It is also important that vehicle manufacturers take steps to make cars more theft-resistant. Many law enforcement officials have told me that certain types of cars are extremely vulnerable to thieves, because of the way certain components, such as their steering columns, are constructed. It is important that manufacturers make adjustments to such components, to stop making life so easy for auto thieves.

Another possible approach to reducing theft is to strengthen the Federal law that requires manufacturers to mark certain car components with identification numbers. I have been working with a coalition of law enforcement, insurance, and other groups to look into the possibility of steps to expand and improve the effectiveness of the law.

Together, Mr. President, these steps can make a real difference in our effort to reduce auto theft. And I would welcome any other ideas for legislation or other steps that can be taken to address the problem. It's time to get serious about auto theft, and I want to do everything I can to help.

The PRESIDING OFFICER. Is there further debate on the conference report? If not, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House to the amendments of the Senate in disagreement en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 1, 13, 20, 22, 23, 32, 33, 34, 35, 36, 46, 48, 50, 51, 60, 68, 83, 88, 89, 106, 112, 113, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, and 150 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$231,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

For payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty: *Provided*, That notwithstanding the provision of 31 U.S.C. Sec. 1342, the Bureau of Alcohol, Tobacco, and Firearms is authorized to accept, receive, hold, and administer gifts of services and personal property for hosting the General Assembly of the International Office of Vine and Wine (OIV) in the United States in 1993. The Bureau of Alcohol, Tobacco, and Firearms is authorized to use otherwise available funds from the appropriations to the Bureau for fiscal years 1992 and 1993, as necessary, to pay the expenses of hosting, including reception, representation, and transportation expenses. The Bureau of Alcohol, Tobacco, and Firearms' authority shall continue until all expenses for the General Assembly meeting have been paid or otherwise satisfied: *Provided further*, That

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$175,932,000, of which $14,500,000 shall not be obligated prior to September 30, 1992".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert "$12,100,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$141,372,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$3,579,879,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *Provided*, That of the $427,323,000 provided for tax systems modernization up to $15,000,000 may be available until expended for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization: *Provided further*, That of the amounts authorized to remain available until expended, $97,000,000, shall not be obligated prior to September 30, 1992."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 39 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "103".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 104. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

SEC. 105. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. No such transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 106. Notwithstanding any other provision of this Act, the amount appropriated to the United States Mint for salaries and expenses is $52,450,000.

SEC. 107. Notwithstanding any other provision of this Act, the amount appropriated to the Internal Revenue Service for Processing Tax Returns and Assistance is $1,657,944,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

$470,000,000: *Provided*, That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (I) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (II) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": *Provided further*, That section 3626(a)(2) of title 39, United States Code, is amended to read as follows:

"(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer, as the case may be: *Provided, however*, That with respect to mail under former section 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules."

Provided further: That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, "Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,": *Provided further*, That notwithstanding the provisions of section 3627 of title 39, United States Code, (1) the rates for free and reduced rate mail under section 3626 of title 39, United States Code, with the exception of the rates for third-class pieces other than letter shape, shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992; (2) the rates for reduced rate third-class pieces other than letter shape shall be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible one-half the difference between the sum requested for fiscal year 1992 in respect of mail under former sections 4452(b) and 4452(c) of this title as calculated under section 2401(c)(ii) of title 39, and the sum that would be requested for fiscal year 1992 in respect of such mail if paragraph (ii) of section 2401(c) had not been enacted not to exceed 2.2 cents per piece; and (3) the Postal Service is instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation or the requirements of this proviso against future year appropriations request: *provided further*, That pursuant to section 3627 of title 39, United States Code, the rates for reduced rate third-class pieces other than letter shape shall be adjusted to increase the revenues received from the users of such mail, but in no case less than 20 days following the date of enactment of this Act:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 52 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "*Provided*, That the Council shall carry out only those responsibilities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert "$51,934,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "of which $500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which $1,000,000 shall be available to the Counter-Drug Technology Assessment Center for counter-narcotics research and development activities".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$86,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *Provided*, That of the $86,000,000 made available, up to $50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act of implementing the approved strategy for each High Intensity Drug Trafficking Area and shall be obligated by the end of fiscal year 1992: *Provided further*, That not less than $36,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: *Provided further*, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: *Provided further*, That notwithstanding any other provision of law, the Department of the Treasury, is authorized to transfer funds to other Federal, State, and local drug control agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount stricken and inserted by said amendment, insert "$52,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "of which $19,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: *Provided*, That $10,000,000 shall be available to the Office of Substance Abuse Prevention for the implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities: *Provided further*, That $9,000,000 shall be made available to the Office of Treatment Improvement for drug treatment capacity expansion; of which $7,500,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 75 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: *Provided*, That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which $6,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, for the hiring, equipping, and training of additional special agents and administrative and support positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which $20,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities and for substance abuse addiction and rehabilitation research to remain available until expended: *Provided further*, That any unobligated balances remaining in the Fund at the end of the third quarter of fiscal year 1992 in excess of $131,125,000, shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists, expanding drug treatment capacity, drug abuse treatment, and treatment-related activities; and shall also be transferred to the Department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert "$271,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 65 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$4,152,613,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$548,482,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 67 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation, $11,047,000

Orange County, Courthouse, $250,000

District of Columbia.

U.S. Secret Service, (consolidation), $4,400,000

Florida:

Fort Myers, Federal Building and United States Courthouse, $977,000

Tallahassee, U.S. Courthouse Annex, $3,764,000

Georgia:

Albany, U.S. Courthouse, design, $921,000

Atlanta, Centers for Disease Control, $5,000,000

Augusta, U.S. Courthouse, $3,500,000

Indiana:

Hammond, Courthouse and Federal Building, $5,000,000

Kansas:

Wichita, U.S. Courthouse, $9,968,400

Maine:

Portland, Edward T. Gignoux U.S. Courthouse, $10,575,000

Maryland:

Bureau of the Census, Computer Center, planning and design, $2,700,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $200,000,000

Prince George's County, U.S. Courthouse, $10,747,000

Massachusetts:

Boston, Thomas P. O'Neill Federal Building, claim, $3,100,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $19,000,000

Missouri:

St. Louis, Federal Building and U.S. Courthouse, $30,000,000

Nevada:

Reno, C. Clifton Young Federal Building, United States Courthouse Annex, Design and Site Acquisition, $6,321,000

New York:

Brooklyn, U.S. Courthouse, $10,000,000

North Carolina:

Asheville, U.S. Courthouse and Federal Building, $29,791,000

Tennessee:

Knoxville, U.S. Courthouse—Post Office, $36,616,000

United States Virgin Islands:

Charlotte Amalie, Saint Thomas, U.S. Courthouse Annex, $8,524,000

West Virginia:

Beckley, Federal Building and U.S. Courthouse, $25,000,000

Nonprospectus Construction Projects, $5,000,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert ": *Provided further*, That the General Services Administration shall reprogram up to $16,200,000 to supplement funds previously authorized and appropriated for the National Oceanographic and Atmospheric Administration laboratory, Boulder, Colorado, subject to the approval of the House and Senate Committees on Appropriations according to existing reprogramming procedures: *Provided further*, That such funds will be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further*, That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101-509, dated November 5, 1990 is hereby deferred and shall be available for obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed $569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$266,331,000: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date:".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 80 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$112,273,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 81 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the Albany, Georgia U.S. Courthouse; the Augusta, Georgia U.S. Courthouse; the Wichita, Kansas U.S. Courthouse; the Portland, Maine Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina U.S. Courthouse and Federal Building; the Knoxville, Tennessee U.S. Courthouse-Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building; the Atlanta, Georgia, Centers for Disease

Control Building; the Orange County, California, U.S. Courthouse; the Worcester, Massachusetts, Harold D. Donahue Federal Building and U.S. Courthouse; the Hammond, Indiana, Courthouse and Federal Building; the Brooklyn, New York, U.S. Courthouse; and the Maryland, U.S. Census Bureau Computer Center; the District of Columbia, U.S. Secret Service Consolidation shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$4,152,613,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 87 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$31,155,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 2. The Administrator of the General Services Administration (GSA) is authorized to accept property from the State of Maryland at no cost for the purpose of constructing a computer facility for the Bureau of the Census and to begin preliminary design work on such a facility. GSA and the Office of Management and Budget are directed to submit to the appropriate authorizing and appropriations committees of the Congress an evaluation of need and a prospectus for this project no later than January 31, 1992.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "3".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "4".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "5".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 95 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "6".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "7".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "8".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 99 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment insert "10".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collection, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 101 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "12".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 102 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 13. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal Building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

SEC. 14. The Center and Federal Building located at 255 East Temple Street in Los Angeles, California, is hereby designated as the "Edward R. Roybal Center and Federal Building". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "Edward R. Roybal Center and Federal Building".

SEC. 15. Notwithstanding any other provision of law, where funds have been made available to the General Services Administration in the real property operations activity of the Federal Buildings Fund in fiscal year 1992, not to exceed $7,000,000, for expenses related to relocation of a specific agency as authorized by this Act, such agency is hereby authorized and required to reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1993.

SEC. 16. After certification by the City of Des Moines, Iowa (the city), that the YMCA of Greater Des Moines (YMCA) will serve significant educational purposes, including educational requirements of the city, the Secretary of Education (the Secretary) is authorized to consider the YMCA as an educational institution or organization for the purposes of section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. section 484(k)), with respect to use by the YMCA of a portion, to be designated by the City, of the land conveyed to the City by the United States pursuant to section 203(k) on or about November 6, 1972. Upon joint application by the YMCA and the City, the Secretary, acting in accordance with section 203(k) and regulations related thereto, shall promptly consider, and is authorized to approve, a lease by the City to the YMCA of the above property designated by the City, subject to such terms and conditions as the Secretary shall deem necessary to protect or advance the interests of the United States.

SEC. 17. Notwithstanding any other provision of law, funds previously provided under this heading in P.L. 101-136, for a grant to the County of Los Angeles, California, shall be provided directly to the City of Long Beach, California, for construction of a parking facility and the City will assume the role of grantee and all the responsibilities attendant therewith: *Provided*, That the City of Long Beach, California, shall provide to the GSA, without cost, 250 parking spaces for a period of 99 years, in a parking facility to be constructed: *Provided further*, That Section 16, GSA General Provisions, P.L. 101-136, is hereby repealed.

SEC. 18. Notwithstanding any other provisions of this Act the limitation on the real property operations activity of the Federal Buildings Fund of the General Services Administration is $1,071,372,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 110 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ", as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 115 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "523A".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 118 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 528. The provisions of section 515 shall not apply after October 1, 1991.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 119 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "529".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 120 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 530. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991 to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in Subsection (a) shall commence on or before September 30, 1992, and shall be complete by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

SEC. 531. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 121 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "532".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 122 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "533".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 123 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "534".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 148 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 627. Section 4521 of title 5, United States Code, is amended to read as follows:

"Section 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) a law enforcement officers within the meaning of section 8331(20) or section 8401(17) and to whom the provisions of chapter 51 apply;

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent in the Diplomatic Security Service;

"(5) a probation officer (referred to in section 3672 of title 18); and

"(6) a pretrial services officer (referred to in section 3153 of title 18).".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 151 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona, to new quarters in Florence, Arizona, without the prior approval of the House and Senate Committees on Appropriations.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 152 to the aforesaid bill, and concur therein with and amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 632. Notwithstanding any other provision of law, the Administrator of the Office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials" and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incorporated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 154 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "633".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 155 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 634. Notwithstanding any other provision of law, each State Public Health Official shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that guidelines issued by the Centers for Disease Control, or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State guidelines shall apply to health professionals practicing within the State and shall be consistent with federal law. Compliance with such guidelines shall be the responsibility of the State Public Health Official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If such certification is not provided under this section within the one-year period, the State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided, except that the Secretary may extend the time period for a State, upon application of such State, that additional time is required for instituting said guidelines.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON CONTINUED BLOCKING OF PANAMANIAN ASSETS, MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on April 23, 1991, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately $450,000 of the approximately $132.76 million that remained blocked at the time of my last report. The amount released represents blocked financial accounts that the Government of Panama requested be unblocked.

Of the approximately $137.3 million remaining blocked at this time (which includes approximately $5 million in interest credited to the accounts since my last report), some $136.5 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama to fund a portion of Panama's arrearages to international financial institutions. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 35 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *October 3, 1991*.

MESSAGES FROM THE HOUSE

At 6:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 13, 17, 31, 40, 41, 46, 53, 57, 64, 68, 79, 86, 92, 94, 95, 129, 137, and 160 to the said bill; it recedes from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 10, 12, 20, 22, 23, 24, 26, 28, 30, 32, 33, 34, 36, 42, 49, 51, 59, 61, 63, 69, 77, 78, 81, 83, 89, 93, 96, 105, 106, 109, 111, 112, 121, 122, 128, 135, 140, 152, 153, 155, 162, 165, 171, 173, 175, 176, 178, 179, and 180 to the said bill, each with an amendment, in which it requests the concurrence of the Senate; and that the House insists upon its disagreement to the amendment of the Senate numbered 116 to the said bill.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 1, 13, 20, 22, 23, 32, 33, 34, 35, 36, 41, 48, 50, 51, 60, 68, 83, 88, 89, 100, 112, 113, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, and 150 to the said bill; and it recedes from its disagreement to the amendments of the Senate numbered 7, 10, 24, 25, 27, 28, 31, 38, 39, 40, 43, 52, 53, 55, 56, 57, 58, 59, 62, 65, 66, 67, 69, 71, 80, 81, 84, 87, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 110, 115, 118, 119, 120, 121, 122, 123, 128, 148, 151, 152, 154, and 155 to the said bill each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (S. 1773) to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 21 to the bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1722) to provide emergency unemployment compensation, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 189. Joint resolution designating October 8, 1991, as "National Firefighters Day."

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 868. An Act to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes;

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week"; and

H.J. Res. 305. Joint resolution to designate the month of October 1991, as Country Music Month.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC 1983. A communication from the Assistant Secretary of the Army (Research, Development and Acquisition), transmitting, pursuant to law, a report on the intent to award a contract for all services, material, and facilities to the George C. Marshall Foundation for conduct of the annual George C. Marshall Awards Seminar; to the Committee on Armed Services.

EC 1984. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, a draft of proposed legislation to reauthorize subsection 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)); to the Committee on Banking, Housing and Urban Affairs.

EC 1985. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a report notifying the Congress that the time period for issuing a final decision in No. 40365, National Starch and Chemical Corporation v. The Atchison, Topeka and Santa Fe Railway Company, Et. Al., has been extended by sixty days to December 6, 1991; to the Committee on Commerce, Science and Transportation.

EC 1986. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, an annual report addressing royalty management and collection activities for Federal and Indian Mineral leases in 1990; to the Committee on Energy and Natural Resources.

EC 1988. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend the Fish and Wildlife Coordination Act, as amended; to the Committee on Environment and Public Works.

EC 1989. A communication from the Acting Chairman of the International Trade Commission, transmitting, pursuant to law, an annual report on the impact of the Caribbean Basin Economic Recovery Act on United States industries and consumers for calendar year 1990; to the Committee on Finance.

EC 1990. A communication from the Deputy Director of the United States Information Agency, transmitting, pursuant to law, a report on action taken by the United States in response to an official request from the Government of Peru for emergency import restrictions under the Convention on Cultural Property Implementation Act; to the Committee on Finance.

EC 1991. A communication from the Deputy Director of the United States Information Agency, transmitting, pursuant to law, a report on action taken by the United States in response to an official request from the Government of Guatemala for emergency import restrictions under the Convention on Cultural Property Implementation Act; to the Committee on Finance.

EC 1992. A communication from the Assistant Legal Adviser for Treaty Affairs (Department of State), transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States in the sixty day period to September 26, 1991; to the Committee on Foreign Relations.

EC 1993. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a monthly report on its committees and General Accounting Office reports from the month of August 1991; to the Committee on Governmental Affairs.

EC 1994. A communication from the Director of the Administrative Office of the United States Courts, transmitting, actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement System, and the Judicial Survivors' Annuities System for the years ending December 31, 1988 and 1989; to the Committee on Governmental Affairs.

EC 1995. A communication from the Deputy Executive Secretary of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report on proposed changes to an existing system of records of the Federal Deposit Insurance Corporation; to the Committee on Governmental Affairs.

EC 1996. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report on the activities of the Federal Courts; to the Committee on the Judiciary.

EC 1997. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to amend the Public Health Service Act and related laws to make changes related to the Commissioned Corps of the Public Health Service; to the Committee on Labor and Human Resources.

EC 1998. A communication from the Executive Director of the National Council on Vocational Education, transmitting, a report entitled "Occupational Competencies—A Study of the Vocational-Technical Education Needs of the Manufacturing and Aviation Maintenance Industries"; to the Committee on Labor and Human Resources.

EC 1999. A communication from the Chairman of the National Council on Vocational Education, transmitting, a report summarizing the quality factors that should exist in vocational-technical education, and details information about developing effective learning environments; to the Committee on Labor and Human Resources.

EC 2000. A communication from the Under Secretary of Education, transmitting, pursuant to law, a report entitled "Distribution of State-Administered Education Funds, Fourteenth Annual Report"; to the Committee on Labor and Human Resources.

EC 2001. A communication from the Assistant Secretary of Labor (Labor-Management Standards), transmitting, pursuant to law, a report entitled "Register of Reporting Labor Organizations 1990"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1297. A bill to authorize appropriations for the Coast Guard for fiscal years 1992 and 1993, and for other purposes (Rept. No. 102–169).

By Mr. BURDICK, from the Committee on Environment and Public Works, with amendments:

S. 455. A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors (Rept. No. 102–170).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1992" (Rept. No. 102–171).

By Mr. NUNN, from the Committee on Armed Services, with amendments:

S. 1539. An original bill to authorize appropriations for fiscal year 1992 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Retirement and Disability System, and for other purposes (Rept. No. 102–172).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 848. A bill to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes (Rept. No. 102–173).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 172. A concurrent resolution providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House Document.

By Mr. FORD, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. Res. 185. An original resolution to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 187. An original resolution to authorize printing of a revised edition of the Senate Rules and Manual.

S. Res. 188. An original resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook.

S. Res. 189. An original resolution to authorize the printing of a revised edition of Nomination and Election of the President and Vice President of the United States.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 1415. A bill to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Arthur J. Rothkopf, of the District of Columbia, to be general counsel of the Department of Transportation;

Ming Hsu, of Arizona, to be a Federal Maritime Commissioner for the term expiring June 30, 1996;

Rudy Boschwitz, of Minnesota, to be a member of the board of directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1994.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committees of the Senate.)

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral (lower half):

James C. Card

Roger T. Rufe, Jr.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably four nomination lists in the Coast Guard (printed in full in the CONGRESSIONAL RECORDS of September 16 and October 2, 1991) and ask, to save the expense of reprinting them on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 1799. A bill to suspend temporarily the duty on certain fine fabrics of wool or fine animal hair; to the Committee on Finance.

S. 1800. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Finance.

S. 1801. A bill to extend the temporary suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines; to the Committee on Finance.

S. 1802. A bill for the relief of certain persons having claims against the United States for damage to the MV *Iver Chaser* resulting from the explosion of a mine in the territorial waters of Nicaragua; to the Committee on the Judiciary.

By Mr. GORTON (for himself, Mr. ADAMS, Mr. KENNEDY, Ms. MIKULSKI, Mr. KERRY, and Mr. SARBANES):

S. 1803. A bill to prohibit recoupment of certain medicare payments to certain Uniformed Services Treatment Facilities; to the Committee on Finance.

By Mr. CONRAD:

S. 1804. A bill to provide humanitarian assistance to the peoples of the former Union of Soviet Socialist Republics; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 1805. A bill to amend title 17, United States Code, to clarify news reporting monitoring as a fair use exception to the exclusive rights of copyright owner; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. WIRTH):

S. 1806. A bill to amend the Federal Water Project Recreation Act and to authorize the Secretary of the Interior to manage the land resources of Federal reclamation projects and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SEYMOUR (for himself, Mr. LEAHY, Mr. DOLE, and Mr. LUGAR):

S. 1807. A bill to amend the Food Stamp Act to modify the application of such Act to disabled veterans and other disabled persons, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1808. A bill to provide a veterans bill of rights; to the Committee on Veterans' Affairs.

By Mr. CRANSTON:

S. 1809. A bill to amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information, to amend the Consumer Credit Protection Act to prevent consumer abuse by credit repair organizations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. KASSEBAUM (for herself and Ms. MIKULSKI):

S.J. Res. 210. Joint resolution to designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day"; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. DECONCINI and Mr. DOMENICI):

S.J. Res. 211. Joint resolution designating October 1991 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 187. An original resolution to authorize printing of a revised edition of the Senate Rules and Manual; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 188. An original resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 189. An original resolution to authorize the printing of a revised edition of Nomination and Election of the President and Vice President of the United States; from the Committee on Rules and Administration; placed on the calendar.

By Mr. HELMS (for himself and Mr. LOTT):

S. Res. 190. A resolution to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens; to the Committee on Rules and Administration.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 191. A resolution to authorize testimony by a Member of the Senate in People of the State of California v. Charles H. Keating, Jr.; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1799. A bill to suspend temporarily the duty on certain fine fabrics of wool or fine animal hair; to the Committee on Finance.

SUSPENSION OF DUTY

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to reduce the duty on fine wool fabrics, and eliminate altogether the duty on very fine fabrics of the same material.

Hickey-Freeman has produced fine tailored suits in Rochester, NY, since 1899. Near a century. However, the U.S. tariff schedule currently makes it difficult for Hickey-Freeman to continue producing such suits in the United States. Though finished suits of these materials are imported at a rate of 21 percent ad valorem, the fabric used to make such suits is assessed a duty of 36 percent, a significant price disadvantage for domestic producers.

The bill I am introducing today would eliminate altogether the duty on the finest wool fabrics, those made of 80 count and finer yarns, and would cut in half, to 18 percent, the duty for fabrics made of yarn counts between 70 and 79. There is no domestic production, as far as I know, of such fabrics.

This bill would be a small step toward correcting our trade deficit and would help maintain the employment of skilled American workers. I therefore urge my colleagues to join me in supporting its adoption, and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting at the end of the U.S. Notes thereto the following new note:

"13. For the purposes of headings 9902.51.12 and 9902.51.13, the term 'number', as applied to woven fabrics of wool or of fine animal hair, means the average yarn number of the yarns contained therein. In computing the average yarn number, the length of the yarn is considered to be equal to the distance covered by it in the fabric in the condition as imported, with all clipped yarn being measured as if continuous and with the count being taken of the total single yarns in the fabric including the single yarns in any multiple (folded) or cabled yarns. The weight shall be taken after any excessive sizing is removed. Any one of the following formulas can be used to determine the average yarn number—

$$\text{``}N = \frac{BYT}{1{,}000},\ \frac{100T}{Z'},\ \frac{BT}{Z},\ \text{or}\ \frac{ST}{10}$$

when:

"N is the average yarn number,

"B is the breadth (width) of the fabric in centimeters,

"Y is the meters (linear) of the fabric per kilogram,

"T is the total single yarns per square centimeter, "S is the square meters of fabric per kilogram,

"Z is the grams per linear meter of fabric, and

"Z' is the grams per square meter of fabric.

Fractions in the resulting 'number' shall be disregarded."; and

(2) by inserting in numerical sequence the following new headings:

"9902.51.12	Fabrics, of numbers 70 to 79 (provided for in subheading 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90)	18%	No change	No change	On or before 12/31/95
9902.51.13	Fabrics, of number 80 or higher number (provided for in subheading 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90)	Free	No change	No change	On or before 12/31/94".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. MOYNIHAN:

S. 1800. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Finance.

CHANGE IN RATE OF DUTY

● Mr. MOYNIHAN. Mr. President, I rise today to reintroduce a bill to amend the Harmonized Tariff Schedule of the United States. Imports of adult bicycles, those with front and back wheels larger than 65 centimeters, or 26 inches, are assessed a tariff rate of 5.5 percent. Imports of children's bicycles, either with wheel sizes of less than 65 centimeters or with different sized front and rear wheels, pay a 15-percent rate. Certain bicycles designed specifically for women are designed with smaller front wheels in order to provide proper handling along with a comfortable fit for women under 5 feet 4 inches. These bikes are, indeed, designed for adults, having standard-sized rear wheels.

Because of their unequal wheel size these special bikes are currently classified as children's bikes, subject to the 15-percent duty. Yet they are intended for and used by adults, and should be assessed rates as such. I am therefore reintroducing legislation to reduce the tariff on bikes with standard rear wheels and smaller front wheels to the 5.5-percent rate assessed other adult bicycles. I have added a minor change to assure that such bikes will not be confused with children's bikes, and therefore understand it to be the case that the Bicycle Manufacturers Association of America will withdraw its opposition to this bill as introduced last Congress and earlier in this Congress. The bill would provide for a retroactive change back to January 1, 1989. I urge my colleagues to join me in supporting this legislation, correcting an inadvertent discriminatory provision of the Harmonized Tariff Schedules, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN LIGHTWEIGHT BICYCLES.

(a) IN GENERAL.—Chapter 87 of the Harmonized Tariff Schedule of the United States is amended by redesignating subheading 8712.00.40 as subheading 8712.00.45, and by inserting in numerical sequence the following new subheadings, with superior text, with the superior text having the same degree of indentation as the article description for such subheading 8712.00.45:

	"Bicycles having a front wheel exceeding 55 cm in diameter but not exceeding 63.5 cm in diameter and a rear wheel exceeding 63.5 cm in diameter, having a weight of less than 16.3 kg complete without accessories, and not designed for use with tires having a cross-sectional diameter exceeding 4.13 cm.			
8712.00.41	Valued at $200 or greater	5.5%	Free (E, IL) 3.8% (CA)	30%
8712.00.42	Valued at less than $200	15%	Free (E, IL) 10.5% (CA)	30%".

(b) STAGED RATE REDUCTION.—Any staged reduction of a rate of duty for subheading 8712.00.20 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of the enactment of this Act and that would otherwise take effect after the date of the enactment of this Act shall also apply to the corresponding rate of duty set forth in subheading 8712.00.41 (as added by subsection (a)).

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of the enactment of this Act, any entry of an article described in subheading 8712.00.41 of the Harmonized Tariff Schedule of the United States (as added by this Act) that was made—

(1) after December 31, 1988; and

(2) on or before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of the enactment of this Act.●

By Mr. MOYNIHAN:

S. 1801. A bill to extend the temporary suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to extend a suspension of duty under the Harmonized Tariff Schedule of the United States. In the Omnibus Trade Act of 1988 we enacted a suspension of the duty on certain copying machine parts. The duty suspension was extended in 1990 until December 31, 1992.

The Xerox Corp. has long been a leader in the copying machine industry, and indeed, continues to succeed in today's competitive world markets. This while employing 9,600 workers at its main production plant in Webster, NY. In order to remain competitive, it has become necessary to import many of the parts used in the assembly of the copying machines. This is unfortunate, but a fact. Suspension of the tariff on these parts provides critical cost savings for Xerox.

It is for this reason that we enacted this tariff suspension in 1988, and for this reason we should extend the duty suspension. I urge my colleagues to join me in supporting adoption of this legislation, and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1801

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That subheading 9902.90.90 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/96".

SEC. 2. The amendment made by the first section of this Act applies with respect to articles entered or withdrawn from warehouse for consumption after fifteen days of enactment of the Act.●

By Mr. GORTON (for himself, Mr. ADAMS, Mr. KENNEDY, Ms. MIKULSKI, Mr. KERRY, and Mr. SARBANES):

S. 1803. A bill to prohibit recoupment of certain Medicare payments to certain uniformed services treatment facilities; to the Committee on Finance.

RECOUPMENT OF CERTAIN PAYMENTS TO UNIFORMED SERVICES TREATMENT FACILITIES

Mr. GORTON. Mr. President, today I introduce legislation, joined by Senator ADAMS, Senator KENNEDY, Senator MIKULSKI, Senator KERRY of Massachusetts, and Senator SARBANES, which will alleviate a serious problem facing three uniformed services treatment facilities in Maryland, Massachusetts, and Washington state.

In 1981, I worked with the late Senator Jackson on an amendment to designate 10 former public health service hospitals across the country as uniformed services treatment facilities. This enabled each hospital to continue to care for active duty and retired military personnel and their dependents after the public health service hospital system ended.

Since the passage of the Jackson amendment, these facilities have been exceedingly popular with the patients they serve. These facilities offer excellent, innovative approaches to assuring that the health care we provide our military and their dependents is the best possible.

In 1986, funding for USTF's was reduced. As a result, three of these facilities were given contracts by DOD to enable them to receive Medicare reimbursements for elderly USTF patients who were eligible for Medicare benefits. Each of these facilities complied with the contract terms and received Medicare reimbursements, enabling each facility to continue to provide for USTF patients. At no time, did these facilities receive double payments.

In 1989, the Department of Defense and the Department of Health and Human Services determined that USTF's could not bill Medicare. As a result, The Department of Defense changed its USTF regulations to prevent uniformed services treatment facilities from receiving Medicare reimbursements. Each facility stopped billing Medicare immediately following DOD's change in regulation.

Recently, however, the Health Care Financing Administration announced its decision to attempt to recover Medicare funds paid to these facilities between 1986 and 1989. These reimbursements, however, had been authorized and approved by the Department of Defense as a way to compensate for the cuts in the USTF program. If HCFA is successful in recouping these funds, these facilities will be financially devastated.

Each facility fully complied with the terms of the agreement and should not be punished for a crime it did not commit. Our legislation is simple. It prevents the Secretary of Health and Human Services from recovering money from the specified uniformed services treatment facilities, on the ground that these facilities received Medicare reimbursements in accordance with an agreement that was signed by both the Department of Defense and the Department of Health and Human Services.

I am committed to the survival of uniformed service treatment facilities, and will continue to work to remedy this problem.

Mr. President, I urge the adoption of this legislation and ask that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION AGAINST RECOUPMENT OF ALLEGED OVERPAYMENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services may not take any action to recover amounts that were paid by the United States under title XVIII of the Social Security Act to the facilities described in subsection (b) (or to providers under contract to such facilities) for items or services provided during the period beginning on October 1, 1986 and ending on December 31, 1989.

(b) FACILITIES DESCRIBED.—The facilities referred to in subsection (a) are the hospitals in Boston, Massachusetts, Baltimore, Maryland, and Seattle, Washington that, during the period described in subsection (a), were deemed to be facilities of the uniformed services under section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c).

By Mr. CONRAD:

S. 1804. A bill to provide humanitarian assistance to the peoples of the former Union of Soviet Socialist Republics; to the Committee on Agriculture, Nutrition, and Forestry.

HUMANITARIAN ASSISTANCE TO THE PEOPLE OF THE USSR ACT

Mr. CONRAD. Mr. President, I rise today to address two crises we confront, a food crisis in the Soviet Union, and a farm crisis right here at home.

The two are linked and require an immediate response. Mr. President, the evidence for both is clear and compelling.

The night before last, as I watched the evening television news reporting from the Soviet Union, one of the leading economists in the Soviet Union predicted a brutal winter with shortages in food and fuel. They then interviewed a middle-class family in the Soviet Union. They talked to them at their kitchen table, a man and wife and two small children. The family was contemplating how they were going to feed their children during the winter. They were contemplating sending the children to the countryside to the grandparents, so that they could be assured that their children would eat this winter.

They talked about gathering mushrooms and berries every weekend and every vacation so they would not go hungry this winter.

Mr. President, it is not just the evidence that comes from individual stories, but we see much other evidence as well. On page 1 of the New York Times of the 8th of September, a large headline read, "Experts Worried Over Food Supply for Soviet Winter. Poor Harvest Predicted."

The story goes on to cite that the consensus among agricultural experts in and outside Government is that the Soviet harvest will be as much as 25 percent smaller than last year's. Political turmoil in the wake of the failed coup against Gorbachev has delayed harvesting the crops, experts said, adding that the harvest may even be smaller if the work is delayed any further.

There is more evidence from the Financial Times of London, and I quote:

> As the Soviet grain harvest enters its final weeks, most Soviet and Western officials are expecting a poor yield of around 190 million tons, against 240 million tons last year, leading western diplomats in Moscow to estimate that the Soviet Union will need to import between 77 and 110 million tons.

From a story that came over the AP wire of October 2, 1991, quoting former Secretary of State Henry Kissinger, the lead is:

> The United States should lead efforts to help feed the Soviet people as their economy staggers under the changes that have rocked the nation, former Secretary of State Henry Kissinger said. The Soviet economy is "a horrendous mess," with the lack of food the most pressing problem, Kissinger said on Tuesday.

Mr. President, the evidence goes on. Time magazine from September 23 carried an article entitled, "Will a Weak Democracy Spawn a Dictatorship?" What are the stakes here, if the Soviets face real hardship this winter?

Let me just refer to this Time magazine article. It presents a chilling scenario.

> Inflation runs riot, sapping an already weakened economy, people go cold and hungry, a weak democratic government fails to maintain order and is vilified by nationals furious at the country's fall from world power to beggary. An attempted coup designed to install a dictatorship fails, and its leaders are tried for treason. But after a final economic breakdown marked by mass unemployment, fascists come to power with wide popular support and institute a ruthless totalitarianism.

Does that sound familiar? It is the story of the Weimar Republic in Germany after World War I. Time magazine repeats the story because it could be repeated in the Soviet Union, a warning to all of us as to whether and when we act on this crisis.

Lest anyone think that a right-wing dictatorship, a fascist dictatorship is out of the question in the Soviet Union after the events of recent days, let me refer to a Journal of Commerce article that appeared Thursday, September 19, entitled "Demagogue Who Wants Russian Empire Is no Laughing Matter."

This story, Mr. President, says that of the two men who drew the biggest hallway crowds at the latest meeting of the Soviet Congress, one was Gorbachev, the other was Mr. Vladimir Zhirinovsky.

Let me quote Mr. Zhirinovsky. I never heard of him, it says. Listen to what it had to say about his Presidential ambitions to the dozens of people clustered around him.

> What I am going to play on is this wave of Russian nationalism—

He said, in one of his manic 3-hour monologs.—

> The Slavs are going to get anything they want, if I am elected. We should scare all of the small nationalists now. I say quite plainly, when I come to power there will be a dictatorship. Russia needs a dictator somehow.

He goes on to say:

> I will be ruthless. I will close down newspapers one after another. I may have to shoot 100,000 people. But the other 300 million will live peacefully. You want to call it Russian fascism? Fine. I do not care if they want to call me a Nazi or a fascist. Workers in Leningrad told me, "Even if you wear five swastikas, we will vote for you all the same. You promise a clear plan."

Mr. President, some say, as this article reports, that Mr. Zhirinovsky is a clod whose racist authoritarian ideas will never win support among a broad mass of people. But others say he is no joke, and point to two things. First, in June's race for the Russian Presidency, Mr. Zhirinovsky finished third in a field of six, behind Boris Yeltsin. Mr. Zhirinovsky, a virtual unknown at the start of the 5-week campaign, pulled down 7 million votes, or 8 percent of the total. Some think he would have received twice that number if he had more time to spread his message.

Mr. President, we have reason to be concerned. We have a food crisis in the Soviet Union. We have a farm crisis in this country. The farm crisis is also very serious.

For those who are not aware of what has happened to farm prices in the United States let me refer them to this chart. It shows what has happened to U.S. wheat prices when they are shown in constant dollars. Mr. President, this chart goes from 1940 to 1991. When we take out the effect of inflation, we find we have the lowest wheat prices in 1991 that we have seen in the last 50 years. Wheat prices are at their lowest in 50 years—40 percent below prices only a few years ago.

All across my State, all across the heartland of America, farmers are in trouble. In my State, the State university has done a study, an analysis which shows that 35 percent of the grain farmers cannot survive under the terms of the last farm bill and these farm prices.

Mr. President, what is a crisis? Is it a crisis in the heartland when 1 out of 10 farmers faces being forced off the land? Is it a crisis when 1 out of 5 faces being forced off the land? I would say it is a crisis when 1 in 3 farmers in my State face being forced off the land. That is a crisis.

Mr. President, as I have gone across my State in the last several weeks meeting with people in community forums and other meetings, over and over they are saying to me, "Senator, we can't survive. These prices, the lowest in real terms in 50 years, will not allow us to stay on the land. And what is the response? Washington is doing nothing."

Mr. President, it is time to act. Two weeks ago, a very close friend of mine called me one afternoon and he said, "Senator, a neighbor called me last night at dinner time. And he said to me, 'Connie, if you want to buy any land or know anybody that wants to buy land, they can buy ours.'"

The person that called is a 40-year-old farmer, debt free, the best farmer that we have to offer, an outstanding farmer. My friend was so shocked, he called me and said, "Senator, if that family can't make it, none of us can make it. They are debt free, outstanding farmers. That family did an analysis of their farming operation over the last 3 years and found that they had not made any money in the last 3 years, that they were living off the balance sheet."

That is the reality of most of American agriculture, in my part of the country at least.

Mr. President, for that reason, the two crises we confront, I am offering legislation that will provide $2 billion in food loan guarantees to the Soviet Union, so that we can address the food crisis in that country and simultaneously the farm crisis in this country.

The President is given much discretion. He can decide where the food aid ought to go. He can decide the timing.

In addition, the legislation applies conditions, because everywhere I went in my State, people said, "Yes, let's do something to help, but let's not write a big check. We can't afford to write a big check."

That does not mean we cannot help. That does not mean we cannot provide food aid credit guarantees to help the Soviets through the winter. But they said to me, "Let's apply conditions."

So this legislation provides two conditions, Mr. President, one, "That the appropriate authorities of the Government of the Union of Sovereign States and the Government of the Russian Republic have made a commitment to negotiate further joint reductions in nuclear forces" and "That the Government of the Union of Sovereign States has made a commitment to adhere to a schedule for the withdrawal of its Armed Forces from Eastern Europe and Cuba."

Mr. President, there are two crises: The food crisis in the Soviet Union, the farm crisis here at home. This is one way of addressing them both. It is clearly time to act.

I urge my colleagues to support this modest measure which can address the problems in the Soviet Union and simultaneously the problems here at home.

By Mr. HATCH:

S. 1805. A bill to amend title 17, United States Code, to clarify news reporting monitoring as a fair use exception to the exclusive rights of a copyright owner; to the Committee on the Judiciary.

CLARIFICATION OF CERTAIN EXEMPTIONS UNDER THE COPYRIGHT ACT

Mr. HATCH. Mr. President, I rise to file a bill to amend section 107 of the Copyright Act, with respect to fair use. As another Presidential campaign season gets underway, we are all once again vividly reminded how broadcast news has unprecedented and nearly limitless influence over public opinion. News programming is, however, as ephemeral as it is powerful—it vanishes once it is aired. However, video cassette recorders, now a part of everyday life, permit an individual or institution to alter this situation by recording programming for later viewing, for preservation and analysis.

At the intersection of broadcasting and VCR technology is a new and growing industry: Broadcast news monitoring. Broadcast monitors meet a narrow public demand for tracking local and national news programs. Like newspaper clippings services, they monitor programming on behalf of individuals or institutions. Then they edit and compile segments of broadcast news, from local stations and from across the country, that are of specific interest to their clients.

Broadcast monitoring is absolutely invaluable to individuals, the Federal Government, corporations, advertising agencies, charitable organizations, and libraries and universities. Today, broadcast monitoring services are used to follow the reporting of issues at the local and national levels, for law enforcement, to respond to unfair, negative, or inaccurate reporting, for disaster relief, to monitor commercial advertisements, and for news research.

Through broadcast monitoring, viewers are no longer limited by time or geography to stations in their own areas, or to watching only one of several programs aired simultaneously. By acting as agents on behalf of their clients, broadcast monitors can do what their clients cannot do: Monitor broadcasts nationwide.

To date, broadcast monitors have relied on the constitutional balance of the copyright law to protect their interests and those of the public. Although copyright is intended to reward creators, its ultimate purpose is to ensure that works are made broadly available to the public. This goal is embedded in the Constitution, in the Copyright Act, and, particularly, in the fair use doctrine of the copyright law. Broadcast monitors have demonstrated repeatedly that they advance this constitutional and statutory goal, without having the slightest negative economic impact on broadcasters or on their incentive to produce news or other programming.

The underpinnings of the copyright law and fair use doctrine should, therefore, protect and encourage the development of monitoring services. As the Supreme Court decided in the Sony Betamax case, copyright law permits clients of broadcast monitoring services to monitor and record programming off-air. Monitors, with their greater technological resources and national reach, simply do for clients what the fair use doctrine would otherwise permit them to do for themselves.

Some courts have recognized the valuable first amendment interests advanced by broadcast monitors. Recently, the Court of Appeals for the 11th Circuit reversed a lower court's order enjoining one broadcast monitor from taping CNN programming, stating that "by approving a grant of injunctive relief for infringement of unregistered copyrighted transmission programs, we would close the door on public access to [broadcast news programming.]" *Cable News Network* v. *Video Monitoring Services of America*, No. 90-8798 (11th Cir. Sept. 4, 1991).

The Eleventh Circuit recognized the irony of the broadcast news media's efforts to preclude the public from exercising its first amendment interest in having access to news programming. The court stated "[i]n a society where the free flow of an access to ideas is mandated by the first amendment, it would be particularly pernicious to allow the news media, cloaked in the first amendment, to thwart such access and to control such flow under the title of a copyright owner." In balancing the copyright interests of the broadcast news media and the first amendment interests of the public, the court noted that "[p]articularly in an age when the broadcast media represent the source of news for so many citizens, thoughtful consideration must be afforded to the public interest."

Unfortunately, other courts have placed the narrow interests of the copyright owner over the public's interest in access to the news broadcasts that shape and inform our public perceptions and opinions. In several recent decisions, these courts have seemingly misapplied the copyright law, as it was enacted by Congress and as it has been interpreted by the Supreme Court. These decisions refuse to recognize the realities of broadcast monitoring and fail to accord significance to the manner in which it serves the public. By enjoining the legitimate and necessary monitoring activities that the public demands, these courts are defying congressional intent and ignoring the public's interest in access to information that is embodied in the copyright law.

Only Congress can act to restore the proper balance between the public's right to have access to broadcast programming and the incentives due to copyright owners.

Mr. President, I am today introducing a bill to clarify that news reporting monitoring may qualify as a fair use of copyrighted works. I recognize that this proposed bill may not represent the ultimate legislative solution for the fair treatment of broadcast monitors. It is, however, introduced with the full recognition that a solution must be sought, that a clash of interests is occurring which, according to some courts, was not anticipated by the copyright law. In the near future I look forward to soliciting the views of monitors, consumers and expert witnesses alike, toward resolving this issue of vital concern to all persons who may be interested in what is said about them when they may not be personally present to observe.

MONITORING AND COPYRIGHT INTERESTS

Mr. President, broadcast monitors currently are under attack by broadcasters who claim that their services infringe program producers' copyrights in the news. In their defense, broadcast monitors have relied on the fair use doctrine of the Copyright Act, to prove that monitoring activities are not an infringement of copyright. I believe that, when correctly applied to broadcast monitors, the copyright law—and the fair use doctrine—can be read to protect their services from claims of infringement.

Article I, section 8 of the U.S. Constitution grants Congress the authority "[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Congress gave exclusive rights to authors as an incentive for them to create new works for the public good. These rights, however, can create a tension with other rights and interests of the public—as embedded in the First Amendment—in the broad dissemination of works of public significance.

Congress and the courts have developed, enacted, and applied the fair use doctrine to harmonize these disparate interests. The fair use doctrine is not, therefore, only a statutory exception to the exclusive rights afforded by the Copyright Act. Rather, it is a necessary bulwark of our constitutional scheme, protecting the public's interest in access to information as a balance to the exclusive rights of copyright owners.

As one commentator put it:

> [i]n the balancing between the constitutional right of access through fair use and the copyright law, the balance must tilt toward the constitutionally protected right to reasonable access. Fair use is the vehicle for effectuating the constitutional protection for the privacy of the public interest over the interest of the copyright proprietor.—H. Rosenfield, "The Constitutional Dimension of Fair Use in Copyright Law." 50 Notre Dame L. Rev. 790 (1975).

When it enacted the Copyright Act in 1976, Congress decided that it was important to codify the longstanding common law doctrine of fair use. See 17 U.S.C. 107. Section 107 states that certain uses of copyrighted material for important public purposes such as "criticism, comment, news reporting, teaching, * * * scholarship or research" are not infringements of copyright. Congress described section 107 in the legislative history accompanying the act as "one of the most important and well-established limitations on the exclusive rights of copyright owners." (H.R. Rept. 1476, 94th Cong., 2d Sess., at 65 (1976).

In section 107, after describing certain types of fair uses, Congress set out the factors for determining whether a particular use of copyrighted material is a fair use. They are:

First, the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

Second, the nature of the copyrighted work;

Third, the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

Fourth, the effect of the use upon the potential market for or value of the copyrighted work. (17 U.S.C. 107.)

The legislative history of the Copyright Act makes clear that while "[t]he bill endorses the purpose and general scope of the judicial doctrine of fair use," there "is no disposition to freeze the doctrine in the statute, especially during a period of rapid technological change." (H.R. Rept. 1476, 94th Cong. 2d Sess. at 96 (1976).) Thus, Congress intended that the fair use doctrine be flexible enough to protect new technological uses of copyrighted works. Important, productive and beneficial uses—such as broadcast monitoring—were not foreseeable when the Copyright Act was enacted.

BROADCAST NEWS MONITORING AND THE FAIR USE DOCTRINE

Broadcast news monitoring services seem to fall within the core of activities protected by the fair use doctrine. In fact, the ultimate purposes of monitoring are precisely those defined in the first sentence of section 107: "criticism, comment, teaching * * * scholarship or research." A searching analysis of broadcast monitoring under the four factors set out in section 107 demonstrates that news monitoring is the type of activity that Congress intended the fair use doctrine to protect.

1. THE EFFECT UPON THE POTENTIAL MARKET FOR OR VALUE OF THE WORK

The Supreme Court has held that the sole purpose of copyright is to create incentives for creative effort. *Sony Corp. of America* v. *Universal City Studios Inc.*, 464 U.S. 417, 450 (1984). Therefore, the most important element of any fair use analysis of broadcast monitoring is whether it diminishes the incentive of broadcasters to create news programming.

Uses that have no demonstrable effect on the market for, or the value of, the copyrighted work need not be prohibited. Id. In this situation, no such prohibition is required—and no infringement need be found—to protect the author's incentive to create. Because monitoring has no adverse economic impact on broadcast news programming, or the incentive to produce the news, a proper application of this factor cuts strongly in favor of concluding that news monitoring is a fair use.

Producing news programming and providing news monitoring services are not the same business. Commercial broadcasters generate revenues from the news by producing programs that attract viewers, that increase audience shares, and that enable advertising to be sold at rates that escalate with the size of the audience. Broadcast monitoring, by definition, has no impact on the size of the audience. Furthermore, monitors do not sell advertising time because they do not rebroadcast news segments. Therefore, broadcast monitors do not compete with broadcast stations for audiences or for advertising revenues. They have no actual or potential negative effect on the market for, or value of, the advertising time sold by broadcast stations.

For example, if a news monitor in Texas provides a compilation of clips from Texas news programs to a client in New York the Texas news station has not been negatively affected in any way. The monitoring service did not cut into the Texas station's audience and did not siphon revenues that would otherwise have gone to the broadcaster.

Moreover, broadcasters are not, and have no demonstrable interest in, exploiting the market for monitored broadcasts. They do not actively sell clips of their programs to their local markets, let alone nationally. They maintain no standing orders from clients nor do they monitor other stations' programs. In short, broadcast monitoring does not diminish in any way the value of or market for any broadcaster's news programming.

2. THE NATURE OF THE COPYRIGHTED WORK

The Supreme Court has held that the fair use doctrine has its broadest application where information, rather than creative works are involved. In fact, the Supreme Court has acknowledged that "[c]opying a news broadcast may have a stronger claim to fair use than copying a motion picture." *Sony*, 464 U.S. at 455. Similarly, the nature of a news program also argues in favor of finding that broadcast monitoring should be viewed as a fair use.

Factural material, such as much of the material contained in a news program, is more susceptible to a fair use finding than purely artistic works, such as motion pictures. And as the 11th Circuit recently noted, "a typical television newscast may be copyrightable in its entirety as a compilation only. The various news stories, prerecorded segments, and weather reports presented in newscasts clearly constitute preexisting, collected and assembled materials that are factual in nature." Cable News Network, No. 90–8789 at 5069. A broadcaster seeking to enjoin the reproduction of a newscast may be seeking to enjoin not only its own copyrighted material but the reproduction of uncopyrightable facts or copyrighted material owned by others. While much broadcast news programming is clearly copyrightable, it is also clear that to the extent that the news reports factual material, it contains less originality than traditional entertainment programming. Therefore, uses of copyrighted news programming are more likely to qualify as fair than uses of more creative copyrighted material.

News is of public significance, and contributes substantially to public awareness and informed debate. News programs, unlike works of entertainment, lose much of their value as soon as they are broadcast. The value of news lies in its timeliness; there is no significant aftermarket for news.

News programming is ephemeral; it becomes inaccessible immediately after it is broadcast. Congress specifically intended that the relative inaccessibility of a work to the public should be a factor in assessing whether users who reproduce such works are engaged in an activity protected by the fair use doctrine in 1976, the Senate Judiciary Committee noted that:

> [a] key, though not necessarily determinative factor in fair use is whether or not the work is available to the potential user. If the work is "out of print" and unavailable for purchase through normal channels, the user may have more justification for reproducing it than in the ordinary case, but the existence of organizations licensed to provide photocopies of out-of-print works at reasonable cost is a factor to be considered.—S. Rept. No. 473, 94th Cong. 2d Sess. at 65 (1976).

3. THE AMOUNT OF THE COPYRIGHTED WORK USED

Broadcast monitors record and compile brief segments from various broadcasts; they do not use entire or even substantial parts of news broadcasts.

Clients are not interested in the portions of news reports unrelated to them. One of the most valuable aspects of monitoring services is that they screen irrelevant information and compile only what is directly related to clients' interests. This fair use factor weighs strongly in favor of broadcast monitors.

4. THE PURPOSE AND CHARACTER OF THE USC

Perhaps the strongest argument in favor of finding monitoring to be a fair use is that the end uses to which clips are put fall squarely within the core of the doctrine; compilations are used for comment, research, criticism, and education. As described above, many customers of broadcast monitors use clips to follow coverage about their activities, to make sure that the media fairly represents them and their views to the public. The legislative history of the Copyright Act states that:

> [w]hen a copyrighted work contains unfair, inaccurate or derogatory information concerning an individual or institution, the individual or institution may copy and reproduce such parts of the work as are necessary to permit understandable comment in the statements made in the work.—H.R. Rep. No. 1476, 94th Cong. 2d Sess., at 73 (1976).

Broadcast monitors enable clients nationwide to perform precisely this monitoring or checking function. On their clients' behalf, and at their specific request, monitors simply copy, compile, and log news segments when their clients are themselves unable to view all possible programs of interest or relevance.

That broadcast monitors charge a fee for their services does not mean that their monitoring activities are not a fair use. The commercial nature of a use is only one aspect to be considered in analyzing the purpose and character of the use. In fact, many fair uses of copyrighted material involve commercial purposes, such as parody, satire, literary or artistic criticism, and biography.

The House report accompanying the Copyright Act stated that the language in section 107 referring to the purpose and character of the use of copyright material "is not intended to be interpreted as any sort of not-for-profit limitation on educational uses of copyrighted works. It is an express recognition that, as under present law, the commercial or non-profit character of an activity, while not conclusive with respect to fair use, can and should be weighed along with other factors* * *." (H.R. Rept. No. 1476, 94th Cong. 2d Sess. at 66 (1976).)

Broadcast news monitors could not provide their services on a nonprofit basis. They, like many other users of copyrighted material, must charge their clients. In the case of monitors, the fee that they charge is set at a level that demonstrates that clients are willing to—and do—pay for a service package that offers much more than the mere reproduction of a broadcast program.

In summary, a proper application of the four factors of section 107 demonstrates that broadcast monitoring services are precisely the type of activity Congress wanted to protect by codifying the fair use doctrine:

News monitoring services do not have any negative effect on the actual or potential market for or value of news programming;

News is of significant public interest and monitoring enables clients to review and analyze otherwise ephemeral news programming;

Monitoring services use only insubstantial portions of news programs; and

The ultimate uses of compilations of clips are educational and for comment, analysis and research.

Broadcast monitors play an integral role in the broad dissemination of news and other public affairs programs. Recognizing this fact, most broadcasters have excellent working relations with monitors that serve their communities. Indeed, many refer viewer requests for clips of recent broadcasts to monitors. In this way broadcasters and broadcast monitors together ensure that the demand for both immediate news by local audiences and for retrieval of footage by a national audience is wholly satisfied.

The Supreme Court has correctly interpreted the fair use doctrine to mean that courts should not "inhibit access to ideas without any countervailing benefit. (Sony, 464 U.S. at 450–51.) Because monitoring has no real or potential economic impact on broadcasters, monitors simply do not diminish the incentive to produce news or other programs. There is no countervailing benefit, economic or otherwise, from courts acting to suppress access to news.

By sharply restricting the proper scope of the fair use doctrine, courts have curtailed the activities of broadcast monitors. The unfortunate result is that the public's first amendment right to access to news programs is now being severely eroded.

While the recent eleventh Circuit decision may be viewed as a step in the right direction, it does not, and cannot, go far enough in protecting the interests of the public in having access to news programming through broadcast news monitors.

Congress should act to correct the judicial imbalance that has been created by courts that have tilted the copyright law against the public's right to have access to broadcast information. It should enact legislation, of the type I am introducing today, so that services that provide clips, or compilations of clips, of broadcast news programming for the internal use of third parties are engaged in an activity protected by the fair use doctrine. At this point, a legislative solution is required to restore the balance of rights between producers of news programs and the public.

Mr. President, I would again like to emphasize that I do not view this proposed legislation as final legislative language. I introduce this bill to generate discussion and to induce experts and affected parties to make their views known. Hopefully, hearings can be held soon with the goal of perfecting the bill introduced today, that we may resolve the conflicts unaddressed by current law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107 of title 17, United States Code, is amended by inserting "or monitoring news reporting programming" after "news reporting"

By Mr. SEYMOUR (for himself, Mr. LEAHY, Mr. DOLE, AND Mr. LUGAR):

S. 1807. A bill to amend the Food Stamp Act of 1977 to modify the application of such act to disabled veterans and other disabled persons, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

APPLICATION OF FOOD STAMP ACT TO DISABLED PERSONS AND DISABLED VETERANS

Mr. SEYMOUR. Mr. President, I rise today to introduce legislation to correct an inequity in the Food Stamp Act of 1977. My bill would ensure fair and equal treatment of disabled persons living in group accommodations.

Under the Food Stamp Act, disabled persons who live in small group public or private nonprofit group homes are eligible to receive food stamps if they receive disability payments under the Social Security Act. However, if a disabled person receives disability assistance from any other source, such as the Veteran's Administration, they are not eligible for food stamps. Mr. President, this situation is unfair.

I believe that this disparate treatment is the result of an oversight. In fact, the general definition of elderly and disabled persons under the Food Stamp Act does include those persons receiving assistance from other sources; however, that definition was not carried over to the authorizing section relating to group homes.

My bill would fix this inconsistency and allow disabled persons receiving benefits under the Veteran's Administration Act and other pension systems to be treated the same as disabled persons receiving payments under the Social Security Act. In other words, disabled people in group homes who otherwise qualify for food stamps will be eligible to receive food stamps regardless of whether their disability payment come from Social Security or from the Veteran's Administration.

Mr. President, this is a small bill in terms of many of the issues faced by the Senate. However, this bill is vitally important to the few people who would become eligible for the food assistance they now need. Let us give fair treatment to the veterans, teachers, and others who have served our country so well.

I am pleased to be joined by the chairman of the Agriculture Committee, Chairman LEAHY, and the ranking minority member, Senator LUGAR, as well as our distinguished minority leader, Senator DOLE in introducing this bill.

Mr. President, I urge my colleagues to support this legislation.

By Mr. CRANSTON:

S. 1809. A bill to amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information, to amend the Consumer Credit Protection Act to prevent consumer abuse by credit repair organizations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER CREDIT PROTECTION AMENDMENTS

• Mr. CRANSTON. Mr. President, last year I introduced important fair credit reporting legislation developed by my colleague in the House, Congressman LEHMAN of California. Today, I reintroduce this bill in the hopes that Congress will act this year to adopt comprehensive fair credit reporting amendments to update the 21-year-old Fair Credit Reporting Act. Recently, the media has reported on the frequent and well-founded complaints consumers have with their credit reporting agencies. A September 23, 1991, Wall Street Journal article reports:

> More people than ever are feeling tremors from the billion-dollar credit reporting industry, an invisible but vital force in the life of every American consumer. The industry has become the number 1 source of consumer complaints in America, ahead of auto defects and debt collectors, according to the Federal Trade Commission, which saw credit-reporting complaints shoot up 50% to 9000 last year.

The purpose of this bill is to educate consumers about the credit reporting process and protect their privacy rights while responding to massive changes in information technology and business credit needs.

The Senate Banking Subcommittee on Consumer Affairs will conduct a hearing on fair credit reporting amendments and intends to pass legislation this year. The Fair Credit Reporting Act originally was crafted to balance the availability of accurate credit information for business purposes against an individual's right to privacy. Since its enactment, the importance of credit to consumers in our society has grown tremendously. Our lifestyles have become increasingly dependent upon our access to credit—for travel, education, household goods, health care, and homeownership. At the same time, advances in computer technology enable the credit reporting industry to store and transfer much more information on a consumer's credit history.

In recent years, concerns have been raised about the privacy and security of this consumer credit information, the accuracy and relevancy of information in a consumer credit report, the difficulty of removing inaccurate information from a credit report and the long delay to get disputed information reinvestigated.

In many instances, consumer reports contain information on a consumer's employment, address, and bill paying history; they may also contain information unrelated to credit such as medical history. Although consumer reports may only be accessed by those with legitimate business need, some reporting businesses have begun to "prescreen" these supposedly confidential consumer reports for marketing purposes.

This bill simplifies the process of getting inaccurate information investigated and removed from a report. It provides consumers the opportunity to determine whether they will allow their report to be released for noncredit purposes. This bill requires that consumers be notified when the contents of their consumer report was the basis of rejection for a consumer's credit or rental application. The bill also establishes standards for credit repair organizations and prohibits certain activities.

The Fair Credit Reporting Act has been amended only once in its 21-year history. Evidence is overwhelming that the time is upon us to address pressing consumer concerns. This legislation makes sound refinements to the Fair Credit Reporting Act to ensure that the law's initial purposes are met in these changing times.

I intend to remain actively involved with this issue to ensure consumers are aware of their rights under law and are better served by credit reporting agencies. I urge my colleagues to support fair credit reporting amendments when legislation comes to the floor.

I ask for unanimous consent to place the full text of the Wall Street Journal article and a Newsweek article in the Record along with the bill and section-by-section analysis.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Credit Protection Amendments of 1991".

TITLE I—FAIR CREDIT REPORTING AMENDMENTS

SEC. 101. DEFINITION OF ADVERSE ACTION.

Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(j) Adverse Action.—For purposes of this title, the term 'adverse action'—

"(1) has the meaning given to such term in section 701(d)(6) of title VII of this Act; and

"(2) includes—

"(A) any denial of insurance for personal, family, or household purposes;

"(B) any denial of employment of any consumer;

"(C) any increase in any charge for, or any reduction in the amount of, insurance for personal, family, or household purposes; and

"(D) any action or determination which—

"(i) is taken or made in connection with an application which was made by, or any transaction which was initiated by, any consumer; and

"(ii) is adverse to the interest of the consumer.".

SEC. 102. AMENDMENTS RELATING TO PERMISSIBLE PURPOSES OF CONSUMER REPORTS.

Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency" and inserting "(a) In General.—Subject to subsection (b), any consumer reporting agency";

(2) in subparagraphs (A), (C), (D), and (E) of paragraph (3) of subsection (a) (as so designated by paragraph (1) of this section) by striking "information in connection with" and inserting "information only in connection with";

(3) in paragraph (3)(B) of subsection (a) (as so designated by paragraph (1) of this section) by striking "information for" and inserting "information only for";

(4) in paragraph (3)(E) of subsection (a) (as so designated by paragraph (1) of this section), by inserting before the period the following: "including a review of any consumer's application for the rental of a dwelling or for check cashing privileges"; and

(5) by adding at the end the following new subsection:

"(b) Disclosures Relating to Credit and Business Transactions Not Initiated by the Consumer.—No consumer reporting agency may furnish a consumer report or other information relating to any consumer pursuant to subparagraph (A) or (E) of subsection (a)(3) to any person referred to in such subsection in connection with any credit or business transaction which is not initiated by the consumer unless—

"(1) the consumer authorizes the agency directly to provide such report or other information to such person; or

"(2) the consumer—

"(A) has received notice that information from the consumer's file may be used in connection with any credit or business transaction which is not initiated by the consumer;

"(B) has had an opportunity to notify, directly or indirectly, the agency that the consumer does not consent to the use of information from the consumer's file in connection with any credit or business transaction which is not initiated by the consumer; and

"(C) has not notified the agency, directly or indirectly, of such lack of consent.".

SEC. 103. AMENDMENTS RELATING TO OBSOLETE INFORMATION.

(a) Reduction in Time Period for Certain Consumer Bankruptcy Cases.—Section 605(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)(1)) is amended to read as follows:

"(1) Any case arising under—

"(A) title 11, United States Code (other than chapter 13 of such title) or the Bankruptcy Act which, from the date of entry of the order for relief or the date of the adjudication, as the case may be, antedates the report by more than 10 years; or

"(B) chapter 13 of title 11, United States Code, which, from the date of entry of the order for relief or the date of the adjudication, as the case may be, antedates the report by more than 7 years.".

(b) Graduated Periods for Information Relating to Overdue Payments.—

(1) In General.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681a(a)) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) Information relating to overdue payments as follows:

"(A) Payments which were not more than 30 days overdue on the date of payment and were made more than 3 years before the date of the report.

"(B) Payments which were more than 30 days but not more than 60 days overdue on the date of payment and were made more than 4 years before the date of the report.

"(C) Payments which were more than 60 days but not more than 90 days overdue on the date of payment and were made more than 5 years before the date of the report.".

(2) Technical Amendment.—Paragraph (7) of section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681a(a)) (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking "other"; and

(B) by inserting "which is not described in any other paragraph of this subsection and" after "information".

(c) Repeal of Exemptions.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking subsection (b).

SEC. 104. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) Disclosure of Consumer Reports by Users.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) Disclosure of Consumer Reports by Users Allowed.—No consumer reporting agency may prohibit any user of any consumer report furnished by such agency on any consumer from disclosing the contents of such report to such consumer.".

(b) Procedures to Ensure Accuracy of Reports.—Section 607(b) of the Fair Credit Reporting Act (15 U.S.C. 1681e(b)) is amended—

(1) by striking "(b) Whenever a consumer reporting agency" and inserting "(b) Accuracy of Reports.—

"(1) In general.—Whenever a consumer reporting agency"; and

(2) by adding at the end the following new paragraph:

"(2) RECORDS OF PROCEDURES REQUIRED.—Each consumer reporting agency shall—

"(A) maintain detailed records of the procedures established and followed pursuant to paragraph (1); and

"(B) make such records available upon the request of any person.".

(c) RECORD OF PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by inserting after subsection (c) (as added by subsection (a) of this section) the following new subsection:

"(d) RECORD OF PURPOSES CERTIFIED BY USERS OF REPORTS.—Each consumer reporting agency shall—

"(1) maintain a detailed record of the certified purpose for which any consumer report on any consumer, or any other information relating to any consumer, is requested by any person; and

"(2) make such records available upon the request of any person.".

(d) AVAILABILITY OF INFORMATION CONCERNING CONSUMER REPORTING AGENCIES.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by inserting after subsection (d) (as added by subsection (c) of this section) the following new subsection:

"(e) AVAILABILITY OF INFORMATION CONCERNING CONSUMER REPORTING AGENCIES.—Upon the request of any person, any consumer reporting agency shall disclose the following information in a clear and conspicuous manner in a single document:

"(1) The name of the consumer reporting agency and, if applicable, any trade name under which such agency conducts any business as a consumer reporting agency.

"(2) The address and telephone number (including any toll-free telephone number) of the agency.

"(3) The name of each principal officer of the agency, including the name of the consumer representative or liaison of the agency.

"(4) The States in which the agency conducts any business as a consumer reporting agency.

"(5) The date on which the agency was established or incorporated or otherwise commenced to engage in business as a consumer reporting agency (if such date is later than the date of establishment or incorporation).

"(6) A description of—

"(A) the types of consumer information regularly included in consumer reports furnished by the agency; and

"(B) the purposes for which such reports are generally requested and used by the persons to whom the reports are furnished.".

SEC. 105. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) DISCLOSURES REQUIRED TO BE IN WRITING.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by inserting "in writing" after "clearly and accurately disclose".

(b) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(c) MORE DETAILED INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

"(4) Detailed identification of any person who had access to any information contained in the consumer's file (including any recipient referred to in paragraph (3) in connection with the consumer) including—

"(A) the name of the person and, if applicable, any trade name (written in full) under which such person conducts any business; and

"(B) the city and State in which the person's headquarters or main place of business is located.

(d) SUMMARY OF RIGHTS AND REMEDIES REQUIRED TO BE INCLUDED WITH ANY DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS AND REMEDIES REQUIRED TO BE INCLUDED WITH ANY DISCLOSURE.—

"(1) IN GENERAL.—Any disclosure by any consumer reporting agency to any consumer pursuant to subsection (a) shall include a written and readily understandable summary of all rights and remedies the consumer has under this title.

"(2) FORM OF SUMMARY OF RIGHTS AND REMEDIES.—For purposes of this subsection, sections 606(a)(1)(B), 611(e)(2), 611(e)(3), 613(1), 615(a)(4), and 622(a)(2)(D) of this title, and section 405(b)(1) of title IV, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe, by regulation, the form and content of any summary of the rights and remedies of consumers under this title.

"(3) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The regulations prescribed under paragraph (2) shall require that any summary of the rights and remedies of consumers under this title shall include—

"(A) a brief description of this title and all rights and remedies of consumers under this title;

"(B) an explanation of how the consumer may best exercise the rights and remedies guaranteed under this title; and

"(C) a list of all Federal agencies responsible for enforcing any provision of this title, the address and any appropriate phone number of each such agency, and a brief description of the responsibilities of each such agency (under this title) in a form that will assist the consumer in selecting the appropriate agency under any given circumstance.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c)" before the semicolon.

(B) Section 613(1) of the Fair Credit Reporting Act (15 U.S.C. 1681k(1)) is amended by inserting "and the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c)" before the semicolon.

SEC. 106. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) FIXED PERIOD FOR REINVESTIGATIONS ESTABLISHED.—The 1st sentence of section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended by inserting "(which, except as provided in subsection (f) of this section, shall not exceed 30 days)" after "reasonable period of time".

(b) RECORDS OF PROCEDURES AND REPORTS TO CONSUMERS IN CONNECTION WITH REINVESTIGATIONS.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following new subsection:

"(e) RECORDS OF PROCEDURES AND NOTICES TO CONSUMERS.—

"(1) RECORDS OF PROCEDURES REQUIRED.—Each consumer reporting agency shall—

"(A) maintain detailed records of the procedures established and followed in conducting reinvestigations pursuant to subsection (a), including the standard used to determine whether any dispute filed by any consumer is frivolous or irrelevant; and

"(B) make such records available upon the request of any person.

"(2) NOTICE UPON DETERMINATION THAT A DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) NOTICE REQUIRED.—If any consumer reporting agency determines that any statement of any dispute filed with such agency by any consumer is frivolous or irrelevant, the agency shall promptly send a written notice of such determination to the consumer.

"(B) CONTENTS OF NOTICE.—Any notice sent by any consumer reporting agency to any consumer pursuant to subparagraph (A) shall—

"(i) identify any specific reason relied on by the agency in making the determination referred to in such subparagraph;

"(ii) contain a statement that, because of such determination, the agency will not continue to reinvestigate the accuracy or completeness of the information disputed by the consumer; and

"(iii) contain the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c).

"(3) NOTICE UPON COMPLETION OF REINVESTIGATION.—

"(A) NOTICE REQUIRED.—Before the end of the 30-day period beginning on the date any consumer reporting agency completes any reinvestigation pursuant to subsection (a) of any dispute by any consumer, the agency shall send a written notice of the results of such reinvestigation to the consumer.

"(B) CONTENTS OF NOTICE.—Any notice sent by any consumer reporting agency to any consumer pursuant to subparagraph (A) shall—

"(i) describe, if applicable, the information in the consumer's file which was corrected, added, or deleted as a result of the reinvestigation referred to in such subparagraph; and

"(ii) contain the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c).".

(c) PROVISIONS APPLICABLE TO REINVESTIGATIONS WHICH CANNOT REASONABLY BE COMPLETED WITHIN 30 DAYS.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by inserting after subsection (e) (as added by subsection (b) of this section) the following new subsection:

"(f) PROVISIONS APPLICABLE TO REINVESTIGATIONS WHICH CANNOT REASONABLY BE COMPLETED WITHIN 30 DAYS.—If any consumer reporting agency determines that any reinvestigation pursuant to subsection (a) of any dispute by any consumer cannot be completed within 30 days despite reasonable efforts by such agency—

"(1) the agency shall promptly send the consumer an interim written notice containing—

"(A) a statement that the reinvestigation cannot be completed within 30 days;

"(B) the reasons for the failure to complete the reinvestigation;

"(C) the agency's estimate of the date by which the reinvestigation will be complete; and

"(D) a statement that the consumer will receive a written notice of the results of the reinvestigation pursuant to section 611(e)(3); and

"(2) the agency may take such additional time as may be necessary, using reasonable efforts, to complete the reinvestigation, subject to regulations which the Federal Trade Commission shall prescribe.".

(d) INCLUSION OF CONSUMER STATEMENT IN CONSUMER'S FILE REQUIRED.—

(1) IN GENERAL.—Section 611(c) of the Fair Credit Reporting Act (15 U.S.C. 1681i(c)) is amended by striking "either the consumer's statement" and all that follows through the period and inserting "the consumer's statement.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 611(b) of the Fair Credit Reporting Act (15 U.S.C. 1681i(b)) is amended by striking "summary" and inserting "statement".

(B) Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking ", codification, or summary".

(e) NOTICE TO PRIOR RECIPIENTS OF INCOMPLETE OR INACCURATE REPORTS.—

(1) IN GENERAL.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "six months" and inserting "1 year".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 609(a)(3)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)(B)) is amended by striking "six-month" and inserting "1-year".

SEC. 107. AMENDMENTS RELATING TO CHARGES.

(a) LIMITATION ON CHARGES FOR CERTAIN CONSUMER DISCLOSURES.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended—

(1) by striking "reasonable charge on" and inserting "reasonable charge (not to exceed $8) on"; and

(2) by striking "prior to making disclosure; and for furnishing notifications, statements," and all that follows through the end of the sentence (in which such term appears) and inserting "before making the disclosure.".

(b) FREE CONSUMER REPORT ANNUALLY UPON REQUEST OF CONSUMER.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following new subsection:

"(c) FREE CONSUMER REPORT ANNUALLY UPON REQUEST OF CONSUMER.—Upon the request of any consumer, any consumer reporting agency shall make all disclosures pursuant to section 609 without charge to such consumer at least once each calendar year.".

(c) OTHER CHARGES PROHIBITED.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by inserting after subsection (c) (as added by subsection (b) of this section) the following new subsection:

"(d) ALL OTHER CHARGES PROHIBITED.—Except as provided in subsection (b), no charge may be imposed on any consumer by any consumer reporting agency.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The 1st sentence of section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended—

(A) by striking "A consumer reporting agency shall" and inserting the following:

"(a) FREE CONSUMER REPORT AFTER ADVERSE NOTICE TO CONSUMER.—Any consumer reporting agency shall"; and

(B) by striking "and furnish all consumer reports pursuant to section 611(d)".

(2) Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by striking "section 609 or 611(d). Otherwise, the consumer reporting agency" and inserting "section 609.

"(b) REASONABLE CHARGES ALLOWED FOR CERTAIN CONSUMER DISCLOSURES.—Except as provided in subsections (a) and (c), any consumer reporting agency".

SEC. 108. AMENDMENTS RELATING TO PUBLIC RECORD INFORMATION.

Section 613(1) of the Fair Credit Reporting Act (15 U.S.C. 1681k(1)) is amended by striking "together with" and inserting "the specific source of the information (including the name of the particular court, if applicable), the date on which such information became public, and".

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

Subsection (a) of section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF CONSUMER REPORTS.—If any person which obtains a consumer report on any consumer from any consumer reporting agency takes any adverse action (with respect to such consumer) which is based, in whole or in part, on any information contained in such report, such person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide the consumer with the name and address of the consumer reporting agency which furnished the report to such person;

"(3) provide the consumer with the name and address of each of the 3 largest consumer reporting agencies; and

"(4) provide the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c).".

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) WILLFUL NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (12 U.S.C. 1681n) is amended by inserting ", person who furnishes information to any consumer reporting agency," after "consumer reporting agency".

(b) NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (12 U.S.C. 1681o) is amended by inserting ", person who furnishes information to any consumer reporting agency," after "consumer reporting agency".

SEC. 111. AMENDMENTS RELATING TO ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The 2d sentence of section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective"; and

(2) by inserting ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule" before the period.

(b) REGULATIONS AND CONGRESSIONAL OVERSIGHT.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsections:

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Federal Trade Commission (after consultation with each Federal agency referred to in subsection (b)) shall prescribe such regulations, after notice and opportunity for comment, as may be appropriate to carry out the requirements of this title and prevent evasions of any provision of this title.

"(2) REGULATIONS BY AGENCIES OTHER THAN THE COMMISSION.—The authority of the Federal Trade Commission to prescribe regulations under paragraph (1) shall not be construed as impairing the authority of any agency referred to in subsection (b) to prescribe regulations regarding such agency's own procedures in enforcing compliance with the requirements of this title and the regulations prescribed by the Commission under such paragraph.

"(e) CONGRESSIONAL OVERSIGHT.—The Federal Trade Commission shall submit an annual report to the Congress containing—

"(1) a description of the number and type of complaints received by consumers during the preceding year relating to activities within the scope of this title;

"(2) any recommendation for legislative or administrative action with respect to fair credit reporting and recordkeeping which the Commission may determine to be appropriate; and

"(3) a description of any new development in the field of consumer reporting and recordkeeping.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 621(b) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)) is amended—

(A) by inserting "and any regulation prescribed by the Federal Trade Commission under subsection (d)" after "the requirements imposed under this title"; and

(B) by inserting ", persons who furnish information to consumer reporting agencies," after "consumer reporting agencies".

(2) Section 621(c) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)) is amended—

(A) in the 1st sentence, by inserting "or any regulation prescribed by the Federal Trade Commission under subsection (d)" after "any requirement imposed under this title"; and

(B) in the 2d sentence, by inserting "or any regulation prescribed by the Federal Trade Commission under subsection (d)," after "any requirement imposed under this title".

SEC. 112. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by redesignating section 622 as section 623 and inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) NOTICE OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.—

"(1) NOTICE REQUIRED.—In the case of any person who, in the usual course of conducting any business (including the rental of residential property), regularly furnishes information about any consumer to any consumer reporting agency, such person shall give notice of such fact in writing to the consumer before providing any information about such consumer to any consumer reporting agency.

"(2) CONTENTS OF NOTICE.—Any written notice provided to any consumer by any person pursuant to paragraph (1) shall contain the following information:

"(A) A description of the type of information which may be furnished to any consumer reporting agency.

"(B) A description of the times at which or the circumstances under which any information is furnished to any consumer reporting agency.

"(C) A statement that the consumer should promptly notify such person if the consumer finds any incomplete or inaccurate information contained in any periodic statement or other document provided to the consumer by such person in order to prevent the incomplete or inaccurate information from being furnished to any consumer reporting agency.

"(D) The written summary of the rights and remedies of the consumer prepared pursuant to section 609(c).

"(b) PROCEDURES TO ENSURE MAXIMUM POSSIBLE ACCURACY OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.—

"(1) IN GENERAL.—Whenever any person, in the course of conducting any business (including the rental of residential property), furnishes any information about any consumer to any consumer reporting agency, such person shall follow reasonable procedures to assure the maximum possible accuracy of such information.

"(2) RECORDS OF PROCEDURES REQUIRED.—Each person referred to in paragraph (1) shall—

"(A) maintain detailed records of the procedures established and followed pursuant to such paragraph; and

"(B) make such records available upon the request of any person.".

(b) CLERICAL AMENDMENT.—The table of sections for title VI of the Consumer Credit Protection Act is amended by redesignating the item relating to section 622 as section 623 and inserting after the item relating to section 621 the following new item:

"622. Responsibilities of persons who furnish information to consumer reporting agencies.".

SEC. 113. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

(b) PENALTY PROVISIONS.—The amendments made by section 110 shall apply with respect to violations committed after the effective date of such amendments.

(c) REGULATORY AUTHORITY.—Notwithstanding subsection (a), the authority of the Federal Trade Commission and any Federal agency referred to in section 621(b) of the Fair Credit Reporting Act to prescribe regulations which are required under any amendment made by this title or which may be appropriate to implement the amendments made by this title shall become effective on the date of the enactment of this Act.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.
"401. Short title.
"402. Findings and purpose.
"403. Definitions.
"404. Prohibited practices by credit repair organizations.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Jurisdiction of courts: limitation of actions.
"411. Administrative enforcement.
"412. Relation to State law.

"§ 401. Short title

"This title may be cited as the 'Credit Repair Organizations Act'.

"§ 402. Findings and purpose

"(a) The Congress makes the following findings:

"(1) Consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers.

"(2) Certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) The purposes of this title are to provide prospective buyers of the services of credit repair organizations with the information necessary to make an informed decision regarding the purchase of those services, and to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"§ 403. Definitions

"As used in this title—

"(a) the term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity;

"(b) the term 'consumer' means an individual;

"(c) the adjective 'consumer', used with reference to a credit transaction, characterizes the transaction as one in which the party to whom credit is offered or extended is a natural person, and the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes; and

"(d) the term 'credit repair organization' means any person, who, with respect to the extension of consumer credit by others, sells, provides or performs, or represents that he can or will sell, provide or perform, in return for the payment of money or other valuable consideration, a service for the express or implied purpose of improving a consumer's credit record, credit history, or credit rating; obtaining an extension of consumer credit for a consumer; or providing advice or assistance to a consumer with regard to a consumer's credit record, credit history or credit rating.

The term 'credit repair organization' does not include—

"(1) a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board, or, a depository institution chartered by a State;

"(2) any nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code;

"(3) a licensed real estate broker acting within the course and scope of that license;

"(4) a licensed attorney at law rendering services within the course and scope of that license;

"(5) any broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission acting within the scope of the Securities and Exchange Commission or the Commodity Futures Trading Commission regulations;

"(6) any consumer reporting agency as defined in title IV of this Act, acting within the course and scope of that title; or

"(7) any debt collector as defined in title VIII of this Act, acting within the course and scope of that title; and

"(e) the term 'extension of credit' means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes.

"§ 404. Prohibited practices by credit repair organizations

"A credit repair organization, its employees and agents shall not—

"(a) charge or receive any money or other valuable consideration prior to completion of the services the credit repair organization has agreed to perform for the consumer, unless the credit repair organization has obtained a surety bond of $50,000 issued by a surety company admitted to do business in the State in which the credit repair organization is doing business;

"(b) charge or receive any money or other valuable consideration solely for referral of the consumer to a retail seller who will or may extend credit to the consumer if the credit which is or will be extended to the buyer is upon substantially the same terms as those available to the general public;

"(c) make, counsel, or advise any consumer to make any statement that is untrue or misleading or that should be known by the exercise of reasonable care to be untrue or misleading, to a credit reporting agency or to any person who has extended credit to a consumer or to whom a consumer is applying for an extension of credit with respect to the consumer's creditworthiness, credit standing, or credit capacity; and

"(d) make or use any untrue or misleading representations of the services of a credit repair organization or engage, directly or indirectly, in any act, practice, or course of business that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a credit repair organization.

"§ 405. Disclosures

"(a) Before the execution of a contract or agreement between a consumer and a credit repair organization or before the receipt by the credit repair organization of any money or other valuable consideration, whichever occurs first, the credit repair organization shall provide the consumer with a written statement that clearly and conspicuously discloses to the consumer all the information required by subsection (b) to the extent applicable.

"(b) The statement required by subsection (a) shall include—

"(1) a complete and accurate statement of the consumer's right to review any file on the consumer maintained by any consumer reporting agency, as provided under title IV of this Act, including a statement that the consumer may review his or her consumer reporting agency file at no charge if a request is made to the consumer reporting agency within thirty days after receiving notice that credit has been denied, the approximate price the consumer will be charged by the consumer reporting agency to review the information contained in his or her consumer reporting agency file, and a complete and accurate statement of the consumer's right to dispute the completeness or accuracy of any item contained in any file on the consumer maintained by any consumer reporting agency;

"(2) a complete and detailed description of the services to be performed by the credit repair organization for the consumer and the total amount the consumer will have to pay, or become obligated to pay, for the services; and

"(3) a statement of the consumer's right to proceed against any bond required under section 404 and the name and address of the surety company that issued the bond.

"(c) A credit repair organization shall retain evidence of compliance with this title for two years after the date disclosures are required to be made or action is required to be taken.

"§ 406. Credit repair organizations contracts

"(a) Each contract between a consumer and a credit repair organization for the purchase of the services of the credit repair organization shall be in writing, dated, signed by the consumer, and include—

"(1) the terms and conditions of payment, including the total of all payments to be made by the consumer, whether to the credit repair organization or to some other person;

"(2) a full and detailed description of the services to be performed by the credit repair organization for the consumer, including all guarantees and all promises of full or partial refunds, and the estimated date by which the services are to be performed, or estimated length of time for performing the services;

"(3) the credit repair organization's name and principal business address; and

"(4) a conspicuous statement in bold face type, in immediate proximity to the space reserved for the consumer's signature on the contract: 'You, the buyer, may cancel this contract at any time prior to midnight of the third day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right.'.

"§ 407. Right to cancel contract

"(a) The consumer shall have the right to cancel any contract with a credit repair organization until midnight of the third business day following the consummation of the transaction, or the delivery of the information and cancellation forms required under this section together with a statement containing the material disclosures required under this title, whichever is later, by notifying the credit repair organization of his intention to do so.

"(b) Each contract shall be accompanied by a completed form in duplicate, captioned 'Notice of Cancellation', that shall contain in bold face type the following statement written in the same language used in the contract:

"You may cancel this contract, without any penalty or obligation within three business days from the date the contract is signed.

"If you cancel, any payment made by you under this contract will be returned within ten days following receipt by the seller of your cancellation notice.

"To cancel this contract, mail or deliver a signed dated copy of this cancellation notice, or any other written notice to (name of credit repair organization) at (address of credit repair organization) not later than midnight (date)

I hereby cancel this transaction,

(date)

(purchaser's signature).

"(c) The credit repair organization shall give to the consumer a copy of the completed contract and all other documents the credit repair organization requires the consumer to sign at the time they are signed.

"§ 408. Noncompliance with this title

"(a) Any waiver by a consumer of the protections of this title is void. Any attempt by a credit repair organization to have a buyer waive rights given by this title is a violation of this title.

"(b) Any contract for services which does not comply with the applicable provisions of this title shall be void and unenforceable as contrary to public policy.

"§ 409. Civil liability

"(a) Any credit repair organization which fails to comply with any provision of this title with respect to any person is liable to that person in an amount equal to the sum of—

"(1) any actual damages sustained by such person as a result of such failure, but in no case less than the amount paid by the person to the credit repair organization;

"(2)(A) in the case of any action by an individual such additional amounts as the court may allow; or

"(B) in the case of a class action, (i) such amount for each named plaintiff as could be recovered under subparagraph (A), and (ii) such amount as the court may allow for all other class members, without regard to a minimum individual recovery; and

"(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fees as determined by the court.

"(b) In determining the amount of liability in any action under subsection (a), the court shall consider, among other relevant factors—

"(1) in any individual action under subsection (a)(2)(A), the frequency and persistence of noncompliance by the credit repair organization, the nature of such noncompliance, and the extent to which such noncompliance was intentional; or

"(2) in any class action under subsection (a)(2)(B), the frequency and persistence of noncompliance by the credit repair organization, the nature of such noncompliance, the number of persons adversely affected, and the extent to which the credit repair organization's noncompliance was intentional.

"§ 410. Jurisdiction of courts: limitation of actions

"An action to enforce any liability created under this Act may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this Act to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this Act, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

"§ 411. Administrative enforcement

"Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to credit repair organizations. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to credit repair organization subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions thereof were part of this title.

"§ 412. Relation to State law

"This title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.".

SEC. 202. EFFECTIVE DATE.

The amendment made by section 201 shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

H.R. 4213—CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990 FACT SHEET

INTRODUCTION

The bill has two titles. Title I would amend the Fair Credit Reporting Act (FCRA). Title II incorporates H.R. 56, the Credit Repair Organizations Act, in its entirety. A brief overview of both titles follows.

BRIEF OVERVIEW OF MAJOR PROVISIONS IN TITLE I

1. Prescreening disclosure [section 102]—A new paragraph would be added that would prohibit reporting agencies from providing information without the consumer's express permission in connection with a transaction not initiated by the consumer (such as when a consumer's file is used for prescreening purposes) unless two requirements are met.

The first requirement is that the consumer must have had notice that information from his or her file may be used in connection with transactions the consumer has not initiated. Second, the consumer must have had an opportunity to register lack of consent to such use and failed to so register.

Current law contains no reference to prescreening. In terms of when a reporting agency may furnish a report, no distinction is made between furnishing a report in connection with a transaction initiated by the consumer or furnishing one for the purpose of soliciting the consumer for a transaction. Rather, the current law states that reports may be furnished in connection with credit or business transactions "involving" the consumer.

2. Reporting of negative information [section 103(b)]—The current law's rule allowing negative credit information to be reported for seven years (except for bankruptcy which is reportable for ten years) would be modified so that shorter periods would apply to overdue payments information. For example, the fact that a certain payment on an account was thirty days late would be reportable only for three years, not the standard seven.

3. Written disclosure to consumer of all information in file [section 105 (a) and (b)]—

The bill would amend the current law so that a consumer would have the right to access all information in the consumer's reporting agency file and to receive the copy in writing.

Current law mandates that a reporting agency provide only the "nature and substance" of information in the file, and does not require that this disclosure be in writing.

4. Summary of consumer rights and remedies [section 105(d)]—A new paragraph would be added to require that every time a consumer receives a disclosure mandated by the FCRA, the consumer must also be given a written summary of all consumer rights and remedies guaranteed by the FCRA. The form and content of this summary would be prescribed by the Federal Trade Commission (FTC) in consultation with other federal agencies although the bill specifies certain information that must be included.

There is no requirement in the present law that consumers be notified of their rights under the law except as to specific rights arising in certain limited situations.

5. Time limit on reinvestigations [section 106(a) and (f)]—The bill would amend the current law's requirement that a reinvestigation of disputed report information take place within a "reasonable" time by setting a thirty day time limit on reinvestigations. An exception would be available if a reporting agency, after reasonable efforts, is unable to complete the reinvestigation and meets certain requirements including notifying the consumer of the delay.

6. Disclosures related to reinvestigations [section 106(b)]—New notices to consumers relating to reinvestigations would be added. Under current law, there is no requirement that a consumer be notified once a reinvestigation is completed, nor must a consumer be notified when a reporting agency refuses to conduct a reinvestigation.

The bill would require a written notice to the consumer in both instances. The notice that would be required upon completion of a reinvestigation would have to include a description of information corrected, added, or deleted as a result of the reinvestigation. The notice required when a reporting agency refuses the consumer's request to reinvestigate would have to include the agency's specific reason for the refusal.

7. Charges for reports [section 107 (a), (b) and (c)]—Several new provisions would be added related to charges. First, section 107(of the bill would add a new provision that would give consumers the right to receive, upon request, one free copy of their report annually. Current law allows a free report upon request only when a user takes certain adverse actions based on information in a report. (The right created by the bill would be for a report in addition to any report(s) requested subsequent to adverse action.

Second, section 107(a) of the bill would limit the amount consumer reporting agencies could charge consumers for additional copies of their report to $8. This is the same limit that is currently part of California law. Under current law, reporting agencies are allowed to impose "reasonable" charges on consumers for providing copies of reports.

Third, section 107(c) would prohibit any charges to consumers beyond those allowed for furnishing reports. Current law contains prohibitions on certain specified charges.

8. Circumstances triggering notice by user of report [section 109 and 101]—Under present law a user of a consumer report is required to notify a consumer that a report was used when the user takes adverse action with regard to the consumer based on information in a report. The notice must give the consumer the name and address of the reporting agency that furnished the report. However, this notice is required only in connection with certain adverse actions. For example, while the notice is required when a user refuses to grant a consumer's credit application, the notice requirement is not triggered when a user refuses to grant a consumer's rental application.

The bill would expand the notice requirement so that the notice would be required whenever a user takes any adverse action based on information in a consumer report. The bill would create a new definition—"adverse action"—to accomplish this purpose.

9. Implementing regulations and report to Congress [section 111(B)].—The bill would provide authority so that regulations would be issued to implement the FCRA. Currently there are no regulations because no federal agency has authority to issue regulations. The bill would grant the authority to the FTC as the agency already empowered with greatest administrative responsibility under the law.

In addition, the bill would direct the FTC to submit an annual report to Congress detailing consumer reporting complaints and industry developments in the previous year and offering legislative recommendations related to consumer reporting, if appropriate. No reporting requirement exists in present law.

10. New requirements for persons who furnish information to reporting agencies [section 112]—A new section would be added to the law so that persons who routinely furnish reporting agencies with the information that is used in consumer reports would have responsibilities under the FCRA. An example of persons likely to be covered by these provisions would be creditors with whom the consumer maintains an account.

The first requirement that would apply to persons who furnish information to reporting agencies would be that such persons must give notice to a consumer before providing information on that consumer to any reporting agency. The notice would have to include a description of the kinds of information that the person may furnish and what would trigger the furnishing of that information. The notice would also have to include a reminder to the consumer to promptly indicate any inaccuracies in his or her monthly statement in order to avoid inaccuracies surfacing in a consumer report. In addition, the consumer would have to be given the same written summary of consumer rights and remedies that the bill would require be included with any other disclosure mandated by the FCRA.

Persons who furnish information to reporting agencies would also be required to follow reasonable procedures to assure the maximum possible accuracy of the information they furnish, as is required of consumer reporting agencies under current law. Records of these procedures would have to be maintained.

BRIEF OVERVIEW OF PROVISIONS IN TITLE II

1. Prohibited practices [section 201-sec. 401]—No federal law presently regulates credit repair organizations. The bill would define credit repair organizations as persons who offer for-profit assistance to consumers in improving their credit histories or ratings or in obtaining credit. The bill would prohibit such persons from requiring advance payment for services unless the organizations posted a surety bond. In addition, misleading statements about services would be prohibited, and counseling consumers to mislead reporting agencies or creditors would be prohibited as well.

2. Disclosures to consumers [section 201—sec. 405]—The bill would mandate that credit repair organizations make several disclosures to consumers before contracting or accepting payment for services. The required disclosures include: a description of relevant FCRA-guaranteed rights; a description of services to be performed and their cost; and, a statement of the consumer's right to proceed against any required surety bond.

3. Contracts with consumers [section 201-sec. 406]—The bill would require that any contract for service between a credit repair organization and a consumer must contain the following: the terms and conditions of payment; a description of services to be performed; the name and address of the credit repair organization; and a statement that the consumer has three days to cancel the contract and get a full refund.

BAD HISTORY: CREDIT-REPORT FIRMS FACE GREATER PRESSURE; ASK NORWICH, VT, WHY

(By Michael W. Miller)

One day this summer, TRW Inc. turned the affluent village of Norwich, Vt., into a town of deadbeats.

Suddenly, for no apparent reason, all 1,400 Norwich taxpayers were red-flagged as high credit risks in TRW's nationwide network of credit records. Within a week, Norwich was beset by an epidemic of personal-finance crises.

A doctor couldn't use his credit card on his vacation in Alaska. At the annual town fair, a banker found himself cornered at the bumper-car ride by an anguished jewelry-store owner whose mortgage application had inexplicably run into trouble. The town clerk's office was deluged with calls from worried banks around New England. Finally, a week later, the town clerk tracked down an alarmingly simple mistake that caused the turmoil.

"It's a very devastating kind of feeling," says Richard Brooks, a Norwich law professor who learned his credit report was tainted just as he was applying for a loan to renovate his turn-of-the-century clapboard home. "Our entire life style is based to a lesser or greater extent on credit, so it was like a slight tremor of the earth."

RISE IN COMPLAINTS

More people than ever are feeling tremors from the billion-dollar credit-reporting industry, an invisible but vital force in the life of every American consumer. The industry has become the No. 1 source of consumer complaints in America, ahead of auto defects and debt collectors, according to the Federal Trade Commission, which saw credit-reporting complaints shoot up 50% to 9,000 last year. Consumer groups are assailing the industry for littering reports with errors, ignoring efforts to correct them and selling their sensitive data to junk-mailers. And 14 states are suing TRW for a long list of alleged injuries to consumers.

Next month, Congress expects to hold hearings on a package of tough new provisions on accuracy and accessibility in credit-reporting—moves the industry is fiercely fighting.

Behind this uproar is a trio of information giants keeping detailed records of every American consumer's bill-paying habits. These records are more important than ever to people's access to loans, credit cards and sometimes even jobs. But the industry's inner workings are more chaotic—and more stacked against the consumer—than most people know.

EASILY ACCESSIBLE

In fact, credit-reporting companies have an economic incentive not to clean up their errors, because banks and stores like to buy the longest reports with the most derogatory data.

The credit-reporting network has become so far-flung and automated that sensitive data on consumers' private finances has become easily available to anyone with a password and a personal computer.

The three companies—TRW, Equifax Inc., and Trans Union Corp.—often operate with minimal public accountability. This year a study found that consumers who complained about credit reports to the FTC had spent an average of nearly 23 weeks vainly trying to get their files corrected. The system is so incomprehensible to most consumers that TRW runs a busy service charging extra to explain how to obtain and read its own credit reports.

In response, the industry argues that critics focus too much on its occasional errors and overlook the majority of American consumers who are well served. It also makes the point that credit-reporting performs an indispensable service in the modern economy, giving Americans access to credit with unparalleled speed and convenience. "Without this industry, the life style people enjoy today wouldn't be possible," says D. Van Skilling, the TRW executive vice president who oversees its credit-reporting business.

The top executives of Equifax, Trans Union and TRW all say in interviews they are determined to improve their accuracy and are investing heavily on state-of-the-art software to run their complex networks. Earlier this year, Equifax and TRW also announced ambitious plans to improve their consumer-relations staffs.

QUESTIONS FROM A "HOSTESS"

Credit-reporting companies have been minding other peoples' business for nearly a century, and they have always been a little furtive. Jim Chilton of Dallas created one of America's first credit bureaus in the 1890s by strolling downtown with a little red notebook, chatting up store owners and then asking, "By the way, do you know anything about Mr. So-and-So?"

As recently as 1971, a Washington, D.C., credit bureau hired "hostesses" to greet new arrivals to town with a "Welcome Newcomer Service." After offering some gifts and friendly gossip, the hostesses would gently steer the conversation to the new family's income and debts.

Today, technological and social changes have transformed the industry. Now, hundreds of local credit "bureaus" have been electronically linked into the three national networks, each with files on 150 million consumers. A torrent of data from stores, banks and other creditors flows into these files: two billion updates on individuals' activities every month.

In a credit-crazed society, demand for these reports has exploded. The industry sells about 1.5 million reports a day, not just to banks and stores but also to employers, insurers, car dealers and landlords. In this information blizzard, errors are common. In 1989, the most recent year the system was studied, nine million consumers checked their credit files. About three million found information they thought was wrong or out-of-date.

JOSE, NOT JOSEPH

Joseph Pazos of West New York, N.J., a typical example, says he checked his credit report in 1987 after he was turned down for a credit card. He found the report was littered with negative information about his father, Jose Pazos, who lives at the same address. The younger Mr. Pazos obtained letters from more than a dozen of his father's old creditors, stating that their dealings were with Jose, not Joseph. He even changed his mailing address to a post-office box in another town.

But four years later, he says his father's data is still cluttering his reports. Meanwhile, he has been turned down for two more credit cards and a student loan. The loan fell through just before he was going to start bachelors-degree night courses, and he had to postpone them for a year.

The mayhem was even greater in Norwich, a comfortable community of doctors and professors, with a town green so picturesque it's featured in Disney theme parks as the quintessential vision of New England Americana.

When Karen Porter, a quilt maker who serves as town clerk, heard that so many people seemed to be having sudden credit problems, she called TRW, leaving six urgent messages over the course of a week. A week later, TRW called back, and the mystery began to clear up. The trail led to an unlikely source: A Vermont housewife named Margaret Herr.

Ms. Herr worked part-time for a little Georgia company that looks up public records for TRW and others. It sent her into the Norwich town office to look up the names of delinquent taxpayers. There, she got the list of tax receipts—not tax delinquencies—and carefully wrote down the names of all 1,400 residents who had paid their taxes.

ISOLATED SITUATION

Ms. Porter thinks Norwich's family finances are back to normal now, but she's not sure. A TRW spokesman told the local newspaper that "no huge number, probably less than 3,000 people," were affected by the error, small comfort to the town of 3,100.

Ms. Herr confirms this account but declines further comment. TRW says the Norwich files were cleaned up five days after the company spoke to Ms. Porter, and calls the Norwich foul-up "a very isolated situation."

In fact, credit-reporting companies may actually get rewarded in the marketplace for including mistakes. The reason: Banks and stores often want to buy credit reports from the company that has the most negative information on any consumer. They don't want to miss any red flags that make the consumer look like a bad risk, says Ralph Spurgin, the top credit executive at the limited clothing store chain.

"If your report has more bad stuff than the other guy's, I think I like that," Mr. Spurgin says. A credit bureau that invests in keeping errors down, he says, only makes its reports skimpier and thus less attractive to credit-report buyers.

Many of the errors originate from the banks and stores themselves, which often drag their feet about correcting them. Both industries are fighting a proposed federal law to make them legally liable for errors they supply. Meanwhile, the credit-reporting industry is ill-inclined to put pressure on banks and stores, because that's who their customers are.

"The credit bureaus are going to operate in a way that is most convenient for themselves and their business customers, and too often the consumer is just in the way," say Stephen Gardner, the Texas assistant attorney general leading the states' lawsuits against TRW. The suits, which are pending, charge TRW with systematically putting data into the wrong consumers' files and reinserting errors even after consumers correct them, allegations the company denies.

Consumers who try to correct errors often run into a snarl of red tape. U.S. Public Interest Research Group, a consumer organization, studied FTC complaints and found that nearly two-thirds of consumers who made them had contacted credit bureaus five times or more with no relief. Instead, they typically get responses like the eight-line form letter E.J. Malone recently received from Trans Union. The Memphis businessman wrote after he was turned down for a Texaco credit card to point out a list of mistakes on his report.

"Dear Consumer," Trans Union replied, "It is our policy to only add information to our files that comes from reporting members of our service who have certified to us the validity of their information. Unfortunately, the trade information which you requested to have added to our files does not meet that criteria."

Trans Union says it is currently revamping letters like this one to make them "more customer-friendly."

For decades, credit bureaus routinely refused to show consumers the data in their files. The Fair Credit Reporting Act of 1971, the main federal law covering the industry, declared that consumers have a right to inspect their credit files. But the industry hasn't made it easy. The three big companies normally accept requests for a file only by mail or in person, and usually charge $10 to $20 per disclosure. (By law, anyone turned down for credit can get a free report.)

The reports themselves are forbidding printouts thick with confusing column headings and impenetrable codes: "ORIGL SEC UNK+25200$33389 SCH MONTH PAY $261. . . ." Buried in there is revealing information about a mortgage's amount, terms, balance due and payment record over the past year.

TRW actually makes extra millions from the very fact that its reports are so unfathomable. It sells a service to help consumers make sense of their TRW reports. Its aggressive promotions for this service, marketed under the names Monitor and Credentials, brag about how murky credit reports are. "Most people have never seen a copy of their TRW credit report. Perhaps because it seemed too difficult to obtain," declares one brochure. "We tell you how to decipher it—so you can understand precisely what it says," promises another.

TRW defends the services as a way to offer extra benefits for "consumers who are very credit-active." It also says it's spending a lot of money to make its entire system more accessible to all consumers, with extra staff and 800 phone numbers.

IMPOSSIBLE TO CONTROL

If it's tough for consumers to see their own files, it's all too easy for other people to see them. The industry distributes most of its reports electronically, direct to a customer's computer terminal. It says it takes pains to grant access only to people with legal rights to credit reports, a group the 1971 federal regulation generally limits to creditors, employers, insurers and just a few others. But having set up a powerful broadcast network, industry executives admit it has become impossible to control completely.

Philip Young, a Cherry Hill, N.J., businessman who spent five years as a computer-industry "headhunter," says he commonly checked out credit reports of prospects he was trying to lure to a new job. He didn't have his own computer account that gave him access to a credit reporting network, but a friend who worked a block away did. The report was full of valuable data that helped Mr. Young hunt heads: home phone numbers, spouses' names and, best of all, a list of every company that recently looked at the file. Since many companies do credit checks on prospective employees, Mr. Young could easily spot when the subject was being considered for a new job.

Mr. Young would call a target at home and say, "I have been told by very reliable sources that you're looking at several good companies, for example IBM and Prime Computer. . . . Wouldn't it be common sense to listen to my client too and see if they make a better offer?"

Public criticism has put the industry's three big players on the defensive. TRW, part of a Cleveland aerospace and autoparts giant, has argued that its errors are the result of credit granters and even consumers themselves. Asked about TRW's alleged errors, its executive Mr. Skilling talks about how difficult it is to sort data about people who move from one address to another and don't always use the same name: "We have to figure out whether Katherine who lived in Long Beach is the same as Kathy in Dallas, whose name might be spelled with a 'K' sometimes and a 'C' sometimes."

At Trans Union, a closely held firm so low-profile its name appears nowhere on the outside or inside of its Chicago headquarters, executives suggest that many consumer complaints are simply false. "When you do the research and get into them, the teller of the story isn't always being accurate," says President Allen Flitcraft, a genial former IBM manager.

DATA FOR JUNK MAILERS

Of the three, Equifax has responded with the most sweeping, specific promises to improve its operations. The 92-year-old Atlanta company says it's spending $9 million to set up a national toll-free number available 15 hours a day for ordering credit reports and handling disputes. It plans to redesign its reports to make them easier to understand.

Earlier this year, Equifax also agreed to get out of one of the industry's most controversial practices: selling names, addresses and some limited financial data to direct-mailers. TRW and Trans Union are still active in that sideline, which the states' lawsuits call an illegal use of credit data.

The proposed revisions of the 1971 federal law include steps that would explicitly ban sales to junk-mailers, along with several other changes designed to help consumers. One would require credit reports to be offered free, or at a more reasonable price than the current $10 to $20. Another would narrow language that allows the sale of credit reports to anyone with a "legitimate business need."

Industry lobbyists argue that there are better ways to improve the system, chiefly educating consumers and credit granters to supply more compete and consistent data. One change they support: stiffer penalties for illicit users of credit reports. Overall, the industry trade group argues that the 1971 law has served the American people very well" and "fueled the expansion of the American economy."

GUARDING YOUR GOOD NAME

(By Jane Bryant Quinn)

It has been said that human beings occasionally stumble over the truth, but most of the time they just pick themselves up and swagger on. To me, that's a fair description of the consumer-credit-reporting services.

Over the years, case after unhappy case has come to the industry's attention, where errors in personal-credit reports have ruined hopes and sometimes lives. Yet the credit bureaus didn't pay much attention because the overall system functioned well.

Creditworthy Americans can almost certainly thank automated credit reporting for their easy access to bank cards and loans. Still, when the system fails—and it does far more often than the industry concedes—it is people, not printouts, who suffer the consequences. Last April, Paul K. Jacques in Wyoming won a $290,000 judgment against TRW, one of the largest credit bureaus, which mixed up his credit history with that of his father and cost him a car loan. That decision is still being contested. TRW has also been hauled to court by 11 states which charge—among other things—that it persistently fails to fix bad consumer files. Denying all charges, TRW has countersued.

James Williams of Consolidated Information Services in Flanders, N.J., who double-checks credit-bureau information for mortgage companies, says he's sitting on a pile of consumer-credit reports that he found errors in. In a group of 1,500 credit files, Williams says, 647 mortgage applications were delayed while mistakes were investigated.

Quinn bits: One common problem is for information from one person's file to land on someone else's credit report. That happens, in part, because of the way that computers work. Millions of bits of information, belonging to millions of different people, are always swirling around in the system. When someone asks for a file on Jane Bryant Quinn, all the Quinn bits rush to the screen like iron filings to a magnet and compose themselves into a report.

But records from unrelated Quinns may rush there, too. Should a doppelgänger named "Jayne Quin" have an address that resembles mine, the computer might conclude that we're one and the same. That's because credit bureaus can't afford to be letter perfect. Their computers have to allow for the chance that one's legitimate creditors might misspell your name or address. So they look for a predetermined number of matches and disregard other discrepancies. Result: people with good credit histories sometimes find themselves joined at the hip with a deadbeat who shares nothing but their name and hometown.

You probably thought, as I did, that like-named people can easily be separated by their social-security numbers. But that's not always so. Credit bureaus might give those numbers short shrift, just in case they were entered wrong.

That used to be Equifax's philosophy. But since March says Equifax's John Ford, the bureau's new, improved identification system makes social-security numbers just as important as name, address, former address and several other personal identifiers. This change has cut down tremendously on the number of mismatched files, Ford says. Consumers can help by using only one form of their name when applying for credit: always "Robert G. Smith," say, not a mixture of Robert, R.G. and Bob.

Incorrect credit reports aren't always fatal. If you're wrongly denied a credit card, you can clear up the record and apply again. but the damage is painful and permanent when an error denies you a job.

If you're hunting for work, it may not cross your mind that employers are pulling your credit report. They do it to check out your character. Legally, you're supposed to be told if that report talked someone out of hiring you. But many companies aren't obeying the law. The Federal Trade Commission recently extracted a consent agreement from Electronic Data Services, a subsidiary of General Motors, which, it charged, had been keeping mum about its use of credit reports. Jean Noonan, who has pursued this issue for the FTC, says that more such cases are coming up.

A loophole: The percentage of errors on credit reports is in dispute. Credit bureaus cite rates under 1 percent; some consumer groups charge that it's 30 to 40 percent. One widely used number, by consumers and industry alike: around one third of the people who ask for their credit reports find something missing or wrong. That's pretty high. You should, by all means, see if errors exist in your own credit record before applying for a loan, starting a business, buying a house or looking for work. Potential landlords may also check your credit report before renting you an apartment. A loophole in the law lets them turn you down without telling you that the report was to blame.

In Congress, reform proposals are on the boil. To defuse them, credit bureaus are frantically correcting their systems. Among the proposed improvements tardily coming your way: (1) Free reports from all three major bureaus—TRW, Equifax and Trans Union.—if you're turned down for credit based on a report from one of them. Right now, only the first report would be free; the rest would cost anywhere from $2 to $20. (2) Ways of sharing corrections, so that once you've spent months straightening out your Trans Union report, you won't have to start again with Equifax. (3) Nationwide 800 numbers, announced by TRW and Equifax but still in the planning stage at Trans Union. Equifax is also working on a whole new system for treating consumers better, which will start in December.

Still, Congress should act—first, by giving consumers a free look at what the credit bureaus are saying about them. As it stands, a married couple might have to pay as much as $90 to $120 to see if their histories are clean, and another $90 to $120 to find out if the errors were erased.

Just as important, the fair-credit-reporting laws should be further extended to banks, stores and other creditors. Today only credit bureaus are required to correct errors speedily. Yet many of these mistakes originate with the credit granters, who can be rude, recalcitrant and disbelieving when consumers go to them to complain. The FTC tells of one woman who canceled a bank card in order to avoid a $20 fee. In the regular billing cycle she was charged $20 anyway. When she didn't pay, the bank reported her in arrears. There's definitely gotta be a law.•

By Mr. D'AMATO (for himself, Mr. DECONCINI, and Mr. DOMENICI):

S.J. Res. 211. Joint resolution designating October 1991 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

• Mr. D'AMATO. Mr. President, I rise today along with Senator DECONCINI and Senator DOMENICI to introduce a joint resolution proclaiming the month of October 1991 as "Italian-American Heritage and Culture Month."

I can think of no better month to pay tribute to these people of proud heritage, for it was in October that an Italian first set foot on this continent. On October 12, 1492, the great explorer, Christopher Columbus, discovered the New World and opened the door for worldwide immigration to this country. Also, it was the famous Italian navigator, Amerigo Vespucci, that our Nation was named for.

Italians have also made countless contributions in every field of human endeavor. They have given us the musical works of Puccini, Verdi, Vivaldi, and Scarlatti; the wondrous literary works of Dante and the awe inspiring art works of Michaelangelo, Leonardo da Vinci, and Giotto. In the field of science, it was Marconi who made modern radio communications possible.

We can also take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our country and lives. New Yorkers will never forget Fiorello LaGuardia, who was the beloved mayor of New York City for 11 years. In 1986, Antonin Scalia was confirmed as an Associate Justice of the U.S. Supreme Court. Also, Enrico Fermi was the winner of the 1938 Noble prize for physics. In the world of sports, we will never forget the immortal Joe DiMaggio.

As the grandson of Italian immigrants, I am proud of my heritage and cultural background. America is truly a melting pot of cultures and that is what makes our country so unique and great. For all of these reasons I urge my colleagues to support this resolution.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 211

Whereas Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law, and politics;

Whereas, in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first to record the discovery of the Americas, a national observance day was established in October of every year;

Whereas the phrase in the Declaration of Independence "All men are created equal", was suggested by the Italian patriot and immigrant Philip Mazzei;

Whereas the people of the United States take great pride in the accomplishments of many outstanding men and women of Italian descent who have enriched our Nation's history such as Fiorello La Guardia, the beloved mayor of New York city, and Enrico Fermi, who won the 1938 Nobel Prize in Physics;

Whereas Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotti and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti;

Whereas the Americas were named after the Italian explorer Amerigo Vespucci;

Whereas Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813;

Whereas William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

Whereas during October 1991 special attention will be directed at National, State, and local programs that promote Italian Heritage and Culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "Italian-American Heritage and Culture Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 1120

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1120, a bill to provide for a demonstration project to examine whether having a respiratory care practitioner available to provide assistance in a home setting would reduce the overall costs under Medicare of providing care to pulmonary disease patients by decreasing hospitalization rates for such patients.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1357, supra.

S. 1372

At the request of Mr. GORE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1424

At the request of Mr. CONRAD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1505

At the request of Mr. DECONCINI the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr., Federal Holiday Commission.

S. 1563.

At the request of Mr. KERRY, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1563, a bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

S. 1574

At the request of Mr. RIEGLE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1574, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 1623

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1641

At the request of Mr. BREAUX, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1641, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

S. 1732

At the request of Mr. DASCHLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of leased employees, and for other purposes.

S. 1736

At the request of Mr. SASSER, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1736, a bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to endure the proper and prudent purchasing of durable medical equipment and supplies for which payment is made under the Medicare program, and for other purposes.

S. 1777

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of the Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations, Week" for 1992.

SENATE JOINT RESOLUTION 147

At the request of Mr. LEAHY, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 147, a joint resolution designating October 16, 1991, and October 16, 1992, as "World Food Day."

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the names of the Senator from Ohio [Mr. GLENN], the Senator from Ohio [Mr. METZENBAUM], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. GARN], the Senator from North Carolina [Mr. SANFORD], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. DOLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating the month of November 1991, as "National Accessible Housing Month."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the names of the Senator from Missouri [Mr. BOND], the Senator from Arizona [Mr. MCCAIN], the Senator from Kansas [Mr. DOLE], the Senator from Wyoming [Mr. WALLOP], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Florida [Mr. MACK], the Senator from California [Mr. SEYMOUR], the Senator from Michigan [Mr. LEVIN], the Senator from Tennessee [Mr. GORE], the Senator from Georgia [Mr. FOWLER], the Senator from Nevada [Mr. BRYAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. CONRAD], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 202

At the request of Mr. INOUYE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 202, a joint resolution to designate October, 1991, as "Crime Prevention Month."

SENATE JOINT RESOLUTION 206

At the request of Mr. RIEGLE, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Colorado [Mr. BROWN], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. DECONCINI, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 208, a joint resolution to designate October 15, 1991, as "Up With People Day."

SENATE RESOLUTION 187—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 187

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Rules and Manual for the use of the One Hundred Second Congress; that said manual shall be printed as a Senate Document; and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, and one thousand copies shall be bound and delivered as may be directed by the Committee on Rules and Administration.

SENATE RESOLUTION 188—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 188

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate document 101-26, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 189—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF A REVISED EDITION OF NOMINATION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 189

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate document 100-24, and that such document shall be printed as a Senate document.

SEC. 2. there shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 190—AMENDING THE STANDING RULES OF THE SENATE

Mr. HELMS (for himself and Mr. LOTT) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 190

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: "(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years.

At least 2 members of the Select Committee shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

"(2) The Select Committee shall select a chairman and a vice chairman from among its members.

"(3) Members of the Select Committee shall serve without compensation but shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.".

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

Mr. HELMS. Mr. President, I am going to send a Senate resolution to the desk for appropriate referral, and I am not going to make any remarks on it because it relates to the Senate Ethics Committee and some of its activities, or nonactivities, as the case may be. We waited several months for disposition of a matter and nothing much has happened. So, on behalf of Senator LOTT and myself, I send to the desk a Senate resolution, and I ask that the clerk read it in full for appropriate referral.

The PRESIDING OFFICER. The clerk will report the resolution in full.

(The legislative clerk read the resolution in full.)

The PRESIDING OFFICER. The resolution is received and appropriatelly referred.

Mr. HELMS. Mr. President, I do not consider the resolution I have just offered to be the end all and the be all. It is a starting point. If we learned anything during the past couple of years, we have learned that the existing Ethics Committee system is seriously flawed in its ever getting things done.

I know there will be suggestions, that probably the end result will be twice as good as the suggestion I have just made in the resolution. But as I say, I have concluded that we need a starting point, and I have just offered it.

I thank the Chair.

SENATE RESOLUTION 191—AUTHORIZING TESTIMONY BY A MEMBER OF THE SENATE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Whereas, in the case of People of the State of California v. Charles H. Keating, Jr., Case No. BA025236, pending in the Superior Court of the State of California for the County of Los Angeles, the plaintiff has requested the testimony of Senator John McCain;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator John McCain is authorized to testify in the case of People of the State of California v. Charles H. Keating, Jr., except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

AMENDMENT SUBMITTED

IMPROVEMENT OF DECENNIAL CENSUS OF POPULATION

KOHL AMENDMENT NO. 1251

Mr. MITCHELL (for Mr. KOHL) proposed an amendment to the bill (H.R. 3280) to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters, as follows:

In that part of the text of the bill designated as section 2(a) line 6, insert after "of this Act," the following, "and subject to the availability of appropriations,".

RUDMAN (AND STEVENS) AMENDMENT NO. 1252

Mr. MITCHELL (for Mr. RUDMAN, for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 3280, supra, as follows:

In that part of the text of the bill designated as section 2(b)(1)(C), strike out "refinement of population data; and" and insert in lieu thereof "refinement of population data, including a review of the accuracy of the data for different levels of geography (such as States, places, census tracts and census blocks); and".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 22, 1991, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 1696, a bill to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 3, 1991, at 9:30 a.m. to hold confirmation hearings on Robert M. Gates to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, October 3, 1991, at 9:30 a.m., to mark up pending business. The legislative agenda under consideration includes the following: S. 289, to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; S. 1415, to provide for additional membership on the Library of Congress Trust Fund Board; S. 239, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; Senate Resolution 185, to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs; House Concurrent Resolution 172, providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House document; original resolutions authorizing the printing as Senate documents of revised editions of the Senate Rules and Manual, the Senate Election Law Guidebook, and the Nomination and Election of the President and Vice President of the United States; and an original resolution to amend the Standing Rules of the Senate to conform with recent changes in the law made by the Legislative Branch Appropriations Act, 1992, and other acts and to make certain technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 3, 1991, at 10 a.m. to hold a hearing on the operation of trade adjustment assistance and other programs for dislocated workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, October 3, 1991 at 12:30 p.m., in closed session, to mark up S. 1539, the Intelligence Authorization Act, fiscal year 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, October 3, 1991 at 10 a.m. to conduct a hearing on the nomination of Robert L. Clarke to be Comptroller of the Currency.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATORS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, October 3, 1991, to hold a hearing on Asian organized crime.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, October 3, 1991, to hold a hearing by the Subcommittee on Courts.

The PRESIDING OFFICER. Without objection, it is so ordered.

WITNESS LIST

Subcommittee on Courts and Administrative Practice, Committee on the Judiciary, hearing on S. 1569, Federal Courts Study Committee Implementation Act, 2:30 p.m., Thursday, October 3, 1991, room 226, Dirksen Senate Office Building, Senator Howell Heflin presiding.

PANEL I

Hon. Joseph F. Weis, Jr., Judge, U.S. Court of Appeals, for the Third Circuit, Chairman, Federal Courts Study Committee, Pittsburgh, PA.

Hon. Diana Gribbon Motz, Associate Judge, Maryland Court, of Special Appeals, Baltimore, MD.

William K. Slate II, president, Justice Research Institute, director, Federal Courts Study Committee, Philadelphia, PA.

PANEL II

Stephen C. Bransdorfer, Deputy Assistant Attorney General, for the Civil Division, U.S. Department of Justice, Washington, DC.

Hon. Helen Wilson Nies, Chief Judge, U.S. Court of Appeals, for the Federal Circuit, Washington, DC.

Hon. Ralph R. Mabey, attorney, LeBoeuf, Lamb, Leiby & MacRae, Salt Lake City, UT.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 3, 1991, at 10 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—EXECUTIVE SESSION

Thursday, October 3, 1991; 10 a.m., Room SR-253.

1. S. 1330, the Manufacturing Strategy Act of 1991 (Patrick Windham);
2. S. 1581, the Technology Transfer Improvements Act of 1991 (Patrick Windham);
3. S. 640, the Product Liability Fairness Act (Linda Lance, Moses Boyd);
4. S. 1504, the Public Telecommunications Act of 1991 (Toni Cook, John Windhausen);
5. H.R. 470, Conveyance of Certain Lands to the city of Gary, IN (Sam Whitehorn, Carol Carmody);
6. Nomination of Ming Hsu, of Arizona, to be a Federal Maritime Commissioner (Randolph Pritchard, Becky Kojm);
7. Nomination of Arthur J. Rothkopf, of the District of Columbia, to be General Counsel of the Department of Transportation (Sam Whitehorn, Becky Kojm);
8. Nomination of Hon. Rudy Boschwitz, of Minnesota, to be a member of the Board of Directors of the Communications Satellite Corporation (John Windhausen, Becky Kojm);
9. Nomination of officers of the U.S. Coast Guard for appointment to the grade of rear admiral (lower half) (PN-600) (Becky Kojm); and
10. Routine Coast Guard nominations (PN-602, 603, 604, 635) (Becky Kojm).

ADDITIONAL STATEMENTS

VENEZUELA'S ECONOMIC RESTRUCTURING

• Mr. LIEBERMAN. Mr. President, in today's Wall Street Journal, there is an article on economic reforms the Government of Venezuela is implementing, particularly in the nation's oil industry. Venezuela is making great strides in opening up their economy and their markets. This kind of initiative should be loudly applauded. It is in the best interest of the United States and all the nations of the hemisphere.

I encourage my colleagues to read the Wall Street Journal article on the dramatic and positive reforms that are going on in Venezuela. I ask that the article be included in the RECORD so that my colleagues will have the opportunity to learn more about the changes in our hemispheric friend and neighbor—Venezuela.

The article follows:

CHANGE OF HEART—VENEZUELA NOW WOOS OIL FIRMS IT BOOTED IN '70S NATIONALIZATION

(By James Tanner)

CARACAS.—When he was president of Venezuela in the mid-1970s, Carlos Andres Perez booted out foreign oil companies. Now, president again, he is trying to get them back.

Mr. Perez makes no apology for the turnaround. Times and nations have changed, he tells some visiting foreign journalists over breakfast at the Miraflores Place here. "Remember that in the past, warships even came to Venezuela to claim debts," he says.

Now, Mr. Perez envisions a major new role for foreign companies—especially multinationals such as Exxon Corp. and Royal Dutch/Shell Group, with their technology and deep pockets—in a $40 billion-plus plan to speed development of Venezuela's vast energy base.

The heart of the expansion plan is a 40 percent leap in oil-producing capacity, a net gain of a million barrels a day, in just five years. "Our goal, and we stand firm on it, is to produce 3.5 million barrels per day for the year 1995," says Mr. Perez.

A WORLD-WIDE PATTERN

Mr. Perez's change of heart is part of a world-wide pattern. From the Soviet Union to Peru, governments that once shunned Western oil expertise and capital now are vying to attract them. The turnaround is especially remarkable in countries such as Venezuela, where oil is so closely tied to nationalism. Even now, Mr. Perez may have some persuading to do at home, where Venezuela's congress still must approve any direct private roles in oil and gas projects.

Venezuela's new direction holds particular significance for the U.S. Venezuela helped found the Organization of Petroleum Exporting Countries, but it long has been a leading and reliable supplier of oil to the U.S., even during the Arab oil embargo. Venezuela provides nearly one million barrels a day, or nearly 7 percent of the oil used by the U.S. That ranks it third as a source of U.S. oil imports, behind only Saudi Arabia and Canada.

Among the handful of countries that still have spare producing capacity—basically the five founders of OPEC—only Venezuela is outside the volatile Persian Gulf region. The others are Saudi Arabia, Kuwait, Iraq and Iran.

Venezuela's oil reserves are respectable even by Middle East standards. Its proven conventional crude reserves are estimated at 60 million barrels. That is 6 percent, of the world's total. Counting the Orinoco Belt's huge deposits of extra-heavy oil, Venezuela's recoverable reserves reach an astonishing 330 billion barrels. Orinoco's oil is not highly prized because it is hard to pump, hard to refine and dirty to burn, but all of those are problems that can best be fixed with the technology of big oil companies.

Michael Skol, the U.S. ambassador here, calls Venezuela "the Saudi Arabia of the Western Hemisphere."

FLAT REVENUES

To get the international oil companies back, however, President Perez must convince them that Venezuela not only offers fewer political risks but bigger economic rewards than other oil lands. It is suddenly a buyers' market for these oil companies, largely because of the producing nations' urgent need for more revenue.

It is generally assumed that oil prices will remain flat, after adjustments for inflation, over the next several years. With the oil exporters no longer able to bank on escalating prices, they must produce more barrels to produce more income. But their oil fields are running dry. That means new technology and substantially more capital are needed to rejuvenate these fields and develop new ones.

Even most members of the 13-nation OPEC are reaching for capital and technical assistance from the oil companies. E. John P. Browne, British Petroleum Co.'s chief executive for exploration, estimates that OPEC needs investments of $150 billion to meet the demand for its oil over the next decade.

BACK IN NIGERIA

BP already is going back into some OPEC countries where former "concessions" had been expropriated or nationalized. Only a few weeks ago, it resumed its search for oil in Nigeria, where operations had been taken over in the 1970s in a spillover of a political dispute between the Nigerian and British governments over policies toward South Africa. "Our breath has been taken away by the speed" in which producing nations are putting out the welcome mat, Mr. Browne says.

BP has begun technical studies in Venezuela. It also is participating in a venture that developed and is marketing a new boiler fuel—Orimulsion—in which water is mixed with extra-heavy oil from Orinoco in a process that uses an emulsifier. In addition to BP, four other oil companies have signed "strategic association" agreements with Petroleos de Venezuela, or PDVSA, the state-owned oil company, so far this year. The agreements are designed to lead to possible joint-venture megaprojects in which the foreign companies will help build multibillion-dollar refineries in Venezuela or abroad that can process Orinoco-type oil.

PDVSA, according to its president, Andres Sosa Pietri, would own less than 50% of each of these associations, in order to keep them attractive to foreign investors. Also, the foreign firms may get a crack at exploring for the more valuable conventional crudes. "The heavy oil is less and less attractive in today's green-type environment, but if they give us the linkage of exploring lighter crude areas, it will change the picture considerably," says an official of one oil company holding talks with PDVSA.

Other companies already signed up for the "association" agreements are Veba A.G. of Germany, Elf Aquitaine of France, Ente Nazionale Idrocarburi of Italy and Amoco Corp. of the U.S. Other multinationals and smaller oil companies are sending technical teams to investigate.

A TEST CASE

In addition, a subsidiary of PDVSA and units of Exxon, Royal Dutch/Shell and Mitsubishi Corp. recently signed a preliminary development agreement for the huge Cristobal Colon project. This is a proposed $3 billion liquefied natural gas project on Venezuela's Paria Peninsula, where Christopher Columbus first landed in South America.

The project is still in its early stages—economic studies must be done and the congress must approve it before anything happens—but Venezuelan oil officials see it as a test case for the first direct hydrocarbon activity by foreign firms since the nationalizations.

President Perez cites Cristobal Colon as the best evidence of what he calls the "new reality" in relations between Venezuela and the foreign oil companies. "If need arises to have objective proof," he says, "we can look at Shell and Exxon, two nationalized oil companies in our country that have renegotiated with us."

In fact, international oil companies, most of them based in the U.S., were the chief developers of Venezuela's oil industry, which began when oil was discovered in 1922, and so much flooded out that world oil prices crashed. But Venezuela was a world leader in wringing better terms from the oil companies and, by the 1960s, oil nationalism was beginning to surge. In 1971, the Venezuelan congress decided that as oil concessions ended, they wouldn't be renewed, but instead would revert to the government.

A LANDSLIDE VICTORY

Although the first concession wasn't due to expire until 1983, the oil companies promptly began to slow their investments. Venezuela's oil production plunged. That led to anger toward the companies and set the stage for the 1976 nationalization. Meanwhile, the architect of the nationalization, Mr. Perez—then considered Latin America's leading economic interventionist—won a landslide presidential victory.

During his first term, from 1974 to 1979, the oil bounty was plentiful. Oil prices were surging, thanks in part to the 1973–74 Arab oil embargo, when Venezuela pumped flat out. Oil prices were expected to escalate forever. Waste was rampant. Venezuela spent billions on superhighways and luxury imports. But then, less than a decade later, the heady days were over. Oil prices were plunging, Venezuela's market share began drying up. By the time Mr. Perez became president again, in 1989, Venezuela was nearly bankrupt.

To provide the harsh medicine Venezuela needed to recover, Mr. Perez came into office the second time as a free marketer rather than a free spender, ready to undo what he had wrought earlier. He reduced tariffs, removed price controls, raised interest rates and began a painful task of restructuring through privatization and deregulation. Some banks already have been privatized. Up for sale are the airline and telephone companies.

When Iraq invaded Kuwait last August, once again pointing up the instability of Middle East oil, Mr. Perez and others in Venezuela saw an opportunity to attract oil investment anew.

PRAGMATIC NATIONALIZATION

Fortunately, President Perez had not burned his bridges to the oil companies. He had used a pragmatic approach to the nationalization, which was handled in a businesslike way. Generally, the oil companies' compensation was considered fair, although many of the companies grumbled about the terms.

Now, a few major oil firms such as Phillips Petroleum Co. are snubbing Venezuela's overtures. "We have priorities in other parts of the world," says C. J. Siles, chairman of Phillips. But one firm indication of the attractions Venezuela holds for foreign oil companies came this summer after PDVSA called for "expressions of interest" on a new program to resurrect washed-out oil fields. That brought more than 200 inquiries.

Some of those fields were discovered as long ago as the 1920s and 1930s, and most have been closed for 30 years after cumulative oil production of 1.4 billion barrels. One PDVSA official calls them "squeezed oranges." Still, with their reactivation by foreign firms, "we expect to increase Venezuela's production by 150,000 to 200,000 barrels a day," says Celestino Armas, minister of energy and mines.

One company interested in the fields is Benton Oil & Gas Co. of California, a small oil and gas producer. "That is our niche: old fields that the majors leave behind which still have enough oil and gas that a company like ours can make a profit," says Clancy Cottman, a Benton vice president. Also, he says Venezuela is a stable country with good relations with the U.S. and very large oil and gas reserves. "If you want to be a player there," he says, "it might do you well to participate" in the marginal fields program.

In addition, many oil people point out that Venezuela has the infrastructure that oil companies need—the roads to get their rigs in and the pipelines to get the oil out. It also has a large number of refineries, both at home and in Europe and the U.S. And, in Petroleos de Venezuela, it has perhaps the world's most highly regarded and efficient state-owned oil company.

Before nationalization, the oil companies were largely staffed by Venezuelans, and by the time of the nationalization some 95% of all the employees in the oil indistry—including many in top management—were Venezuelan. As a result, the successor companies were run essentially as they had been before the nationalization, with the same people but with a new owner, the Venezuelan government.

Since nationalization, PDVSA has tripled Venezuela's reserves with new finds. its oil sales now total more than $14 billion a year. A recent Salomon Brothers report called PDVSA "the fourth-largest oil conglomerate in the world."

Oil companies still have some concerns about Venezuela's internal politics. Bringing in foreign companies remains a highly charged issue, and the policy reversals of Mr. Perez aren't being welcomed whole-heartedly in Venezuela. There were riots when gasoline prices were raised soon after he took office. Subsidized gasoline prices, still dirt cheap by the standards of most other countries, continue to increase, but gradually.

In addition, there is a lot of debate over whether oil policy should be set by the oil industry or the government. PDVSA's president, Mr. Sosa Pietri, says the government is just a shareholder in the industry and should limit its role to supervision of the budget at the annual meeting. Mr. Armas, the oil minister, sees it differently. "The ministry is not the manager of the [oil] industry, but the controller who sets the policy," he says.

Foreign companies are watching. "The politics casts a little freash doubt on the Venezuelan deals," says an official of one major oil company, "but everything wouldn't crater if Sosa Pietri lost his job tomorrow."

Mr. Perez will likely have the last word. He appointed both men. "There is no dispute," he says.

SANCTIONS AGAINST YUGOSLAVIA

• Mr. RIEGLE. Mr. President, yesterday I joined a bipartisan group of Senators to introduce legislation which would impose a strict trade embargo on Serbia and Serbian controlled areas of Yugoslavia. For too long, the United States has reacted passively to the violence in the Balkans. Through months of conflict, American diplomacy has avoided active participation in efforts to achieve a cease-fire and to separate the warring parties. It is time for the United States to act—and act now—to end the tragic bloodshed in Yugoslavia. Only by applying firm pressure can we convince Serbia that its bid to seize territory by force will bring only international isolation and severe economic sanctions.

We must call upon President Bush to apply his new world order to Yugoslavia. It is clear that that nation—artifically held together for the past 45 years—like the Soviet Union before it—is breaking apart. There is no place in a new world order for the kind of aggression embraced by the Serbian strongman, Slobodan Milosevic—aggression which has left Croatia with over 500 dead, untold numbers wounded, hundreds of thousands of innocent civilians homeless, and much of the country destroyed. This senseless brutality must end.

America must respond to Serbian aggression with the same energy and commitment we dedicated to opposing Iraqi aggression in Kuwait. The citizens of Croatia and Slovenia, and the long-suffering Albanians in Kosovo, are at least as deserving of our support as the people of Kuwait.

That is the challenge that we call upon President Bush to embrace. Americans cannot continue to sit on the sidelines while more blood is spilled. If Serbia continues to pursue a policy of aggression, the full range of economic sanctions which we introduce today must be imposed by our Government against that Republic and areas of Yugoslavia which it controls.

Mr. President, the future in Yugoslavia belongs to democratic forces, such as those in Croatia and Slovenia. And, in the long run, the guns, tanks, and military aircraft of the Serbian controlled federal army are bound to fail. But, until this brutal aggression against the Croatian and other peoples in Yusoslavia is reversed, America must stick firmly to its principles. I will continue to do all I can to ensure that our Government moves in that direction.•

JEAN-CLAUDE PAYE, SECRETARY GENERAL OF THE OECD, LOOKS AT THE GLOBAL ECONOMY

• Mr. LIEBERMAN. Mr. President, I ask to insert in the RECORD a copy of a speech delivered by the Secretary General of the Organization for Economic Cooperation and Development [OECD], Mr. Jean-Claude Paye, before the Parliamentary Assembly of the Council of Europe on September 20. The Secretary General offers a cogent analysis of the state of the world's economy, helping us to understand it in the context of the dramatic changes in the East.

He discusses the challenges that we must face in order to integrate the nations of the East into the global economy while still maintaining our economic position. I highly recommend that my colleagues take a moment to read Mr. Paye's speech. It will be well worth their effort.

The speech follows:

ADDRESS BY MR. JEAN-CLAUDE PAYE, SECRETARY GENERAL OF THE OECD

Madame President, ladies and gentlemen, once again the month of August has witnessed the unfolding of events of enormous significance. The swift demise of the Moscow putsch in the face of popular resistance has greatly hastened the comprehensive and fundamental reshaping of what used to constitute the USSR. By the same token, the changes that have taken place in central and eastern Europe over the last two years now appear genuinely irreversible. We are, therefore, at a turning point in the history of this century.

But the challenges that this upheaval poses for the western countries are not the only ones I should like to talk about today. There are others which may be less spectacular, but to which our countries must pay special attention. I refer to what some people call the world economic order, and also to the difficult process of adapting our society to the demands of an open and very competitive economy.

Before I move on to these points, however, tradition has it that I should give a brief description of the economic situation and outlook.

I. THE ECONOMIC SITUATION

The beginnings of a cyclical slowdown were apparent in several countries even before the Gulf crisis broke, and the widespread anxiety that ensued served to accentuate the slowdown to a certain degree. However, the general feeling towards the end of last year was that the slowdown—or recession in some countries (the United States, Canada and the United Kingdom in particular)—would be relatively short-lived. Two countries moreover, and not the least important, were continuing to post strong growth, underpinning the activity of their trading partners. Germany recorded 4.7 per cent growth last year and Japan 5.6 per cent.

How does the situation look now? The countries that were in recession are beginning to come out of it, while in those where activity had slowed it is now picking up again. Nowhere, however, can one point to a definite, massive upturn. For the moment it is rather weak and hesitant, and the reasons are not clearly apparent. Admittedly, real interest rates are high, but they have been for ten years or so. Perhaps this cyclical weakness is attributable rather to uncertainty in the financial sphere: banks, particularly in the United States, are consolidating after years of very rapid growth of credit and the subsequent painful awakening. In addition, the United States budget deficit is for various reasons proving more difficult to reduce than had been anticipated by the successive laws voted for this purpose. This is not especially good for the business climate. Also, activity in both Japan and Germany is slowing relatively, inflationary pressures having become seriously high.

The growth rates forecast by the OECD for next year are thus far less disparate than in 1990 or the first half of 1991. They should converge around 2.5 to 3 per cent—which is not bad.

Inflation can be expected to be around 4 per cent on average for the OECD area as a whole; while not bad, neither is this really satisfactory.

Current external balances ought not to pose any serious problems. We are a long way from the big disparities of two or three years ago, when there was an American deficit of over $100 billion and German and Japanese surpluses each of some $60 billion.

What is worrying, on the other hand, is that many countries are taking so long to reduce their excessive budget deficits. With investment needs so considerable across the world, it is unfortunate that governments should be continuing to borrow on a massive scale. This is contributing to keeping interest rates high.

But the most worrying feature in our projections remains unemployment. The recovery does not seem likely to reduce it substantially compared with this year. While it can be expected to fall slightly in the United States, it is by contrast expected that there will be a further small increase in Europe.

These, then, are the broad outlines of the present and forthcoming economic situation in the OECD countries. To turn now to some of the challenges—a fashionable word—facing our countries.

II. UPHEAVAL IN THE EAST

In the space of two years, the world political, military and economic landscape has changed utterly. The speed of German unification and of the restoration of complete freedom of action in the central and eastern European countries hitherto members of the Warsaw Pact and Comecon was surprising enough. The upheavals in the Soviet Union are still more astounding. An empire is falling apart, a system collapsing.

Amidst the dust raised by this cataclysm, it is hard to make out the structures of tomorrow. The Baltic countries have recovered full independence. What will become of the other republics? What balance will finally be found between the yearning for political independence and recognition of what is at present very close economic interdependence? Are we going to witness the complete break-up of what was the Soviet Union just when western Europe is striding towards economic and political union?

To answer these questions is a difficult exercise. However, uncertainty must not be allowed to reduce our countries to a "wait-and-see" policy, or to inertia. Nor is this by any means the attitude they have adopted, either with regard to the USSR or, still less, with regard to the central and eastern European countries.

The OECD, as you know, last year set up a Centre for Co-operation with the European Economies in Transition. The Centre's task is to coordinate and organise the technical assistance that the OECD provides in order to help the countries of Central and Eastern Europe define and implement the policies needed to move towards a market economy system. The object is to ensure that policy-makers in the East benefit as fully as possible from the experience that the West has gained in the areas of economic and social policy. A special effort is being made on behalf of Poland, the Czech and Slovak Republic and Hungary. These three countries, which have become "Partners in Tansition", are participating in a growing number of current OECD activities and thereby preparing themselves for membership in what they trust will be the near future.

Bulgaria and Romania have adopted ambitious economic reform programmes this year, and they in their turn will doubtless be showing a growing interest in the OECD. As for the three Baltic countries, they too will in all probability soon want to become more closely involved in the Organizations' activities. It goes without saying that their wishes will be very sympathetically considered.

The USSR—to use that term for want of another—has been participating in the activities of our Centre from the outset. We shall have to adjust to the changes now taking place; that is to say, we shall have to build up our contacts with the Republics. The OECD Council's forthcoming discussion of the Organisation's 1992 Programme of Work and Budget will give a clearer idea of the nature and extent of the role that Member countries wish the OECD to play in western support for the transition in the Soviet Union.

In any event, two points seem to me to be essential. First, the four Organizations (IMF, World Bank, EBRD and OECD) which last year jointly carried out an in-depth study of the Soviet economy must continue, in close co-operation with the Commission of the European Communities, to improve and update that study. During this period of change and uncertainty in the USSR, we must be united in our efforts to provide our Member countries with the fullest and most accurate possible picture of the economic problems facing the USSR.

The second point, which concerns both the USSR and the other central and eastern European countries, is that their technical assistance requirements are enormous, while the responses are for the moment manifold, disparate and poorly publicized. Even if this multitude of projects cannot be closely coordinated, at the very least an effort must be made to acquire as much information as possible about them. We have begun to set up a data bank, an electronic register which will meet this need that is going to be felt more and more acutely by governments and institutions in both the East and the West.

Before moving away from Europe and discussing some of the problems of the world economic order, I am bound obviously to say with what dismay we all view the dire events tearing apart a country—Yugoslavia—which for thirty years has been associated with the work of the OECD. Once again, alas, we are learning that passions can be stronger than reason. We can but continue to hope that this will prove only temporary.

III. THE WORLD ECONOMIC ORDER

The failure of the Soviet model, now generally recognized, strengthens a trend that in fact has been emerging in the world economy for some years. The success of the dynamic Asian economies has continued, and has led to emulation. In Latin America, Mexico is making impressive economic strides and qualifies for full membership of a likely North American free trade area. But it is not alone in meriting attention: Chile too, for example, is making rapid progress. And the time will come when what may be termed the shared credo of the OECD countries—pluralist democracy and the market economy—will be accepted throughout Latin America.

This headway in Asia, the Americas and perhaps some parts of Africa does not mean that the problem of underdevelopment, the Third World, entire countries plunged in poverty, will speedily be resolved. Far from it. The gap between the wealthy countries and a number of poor nations is still widening. Assistance from the wealthy countries, through financing, technical assistance and opening up their markets, is more necessary than ever. But there can now be hope for those whom Frantz Fanon called "the wretched of the earth". There is nothing predestined about underdevelopment; individual collective effort, and appropriate institutions, can set off the process of economic and social development.

We are hence moving towards a world economy in which everyone will share. That prospect has practical implications, notably in terms of what may be called the economic rules of the game. Take two examples, the environment and trade.

Quite clearly, the development of economic activity and raising standards of living across the world pose rapidly growing threats to the environment. They need to be assessed and tackled as a matter of urgency. The United Nations Conference on Environment and Development which is to take place next year will be of major importance. Governments' sense of responsibility will be gauged by its success or failure.

The same is true of the GATT talks now under way. The Uruguay Round is the first of a new generation of trade negotiations, the first to cover numerous aspects of global interdependence. It has to succeed, otherwise we shall move backwards, not forwards. That would mean reverting to the perilous course of fragmented trade and finance, confrontation between blocs of nations, and spiralling protectionism.

That is not—I hope and believe—the most likely hypothesis. Progress will go on. And the OECD will have its contribution to make. Bringing together the most advanced economies, the Organisation has to play its full part in probing and exploring the problems of an increasingly integrated world economy. What rules should apply in what is now worldwide competition? What measures need to be taken to reconcile fluidity and security in financial transactions? What degree of fiscal harmonisation should be advocated to assist the optimum distribution of activity? What disciplines should apply to industrial subsidies? What rules can be devised to ensure that environmental protection is not sacrificed to economic growth, and vice versa? Those are simply a few examples of areas where the OECD is preparing for the future.

IV. THE PROBLEMS OF SOCIETY

Preparations for the future do not solely involve consideration of the opportunities and needs thrown up by the rapid globalisation of the economy. They also mean seeing that men and women in our countries are in step with this trend. Advancing globalisation, more intensive competition and the pace of technical progress are posing problems of adaptation and adjustment, for our society and our fellow citizens, the gravity of which should not be underestimated. All social progress has, since the turn of the century, been based implicitly or explicitly on the objective of individual security: secure employment, secure income. In a changing and competitive world, the objective of security can no longer be equated with relative occupational immobility and automatic income guarantees. Security needs to be achieved by new means: readiness to train and retrain, new or complementary methods of securing adequate income during and after working life. In short, greater responsibility bears on each individual.

It is accordingly essential that governments should prepare and assist each and every one to face up to this increased responsibility. Education and training policy is essential in this respect. Every step needs to be taken to ensure that local authorities, business, associations and individual citizens feel directly involved and contribute their share to the modernisation of our education systems.

But it is also necessary for concerted and converging efforts to be made by government and private leaders to tackle the problems of adaptation effectively in country and town alike. Close on half a century's rapid growth in output and income would have yielded a paltry result if deep divides were to appear in our societies between the haves and the have nots. There is but a short distance, one must remember, between feelings of injustice and despair, and between despair and revolt.

The greatest possible attention accordingly needs to be paid to the problems of society. We are endeavouring to do this in the OECD. Work on rural development, work on urban problems, work on migration—all this is expanding in our activities and should help in reducing unemployment which, in many of our countries, long ago went beyond Red Alert.

Madame President, the world is changing, and changing ever more quickly. That is easy to see. The OECD is endeavouring, as it has always done, to help its Member countries foresee and understand these changes and develop the policies that they require. This is leading the Organisation to broaden its field of activity, and in particular to deal increasingly with intersectoral problems. These are often the problems that are most difficult for governments to tackle, since they call for synergy between a large number of actors: ministries, local authorities, the private sector, the associations. To achieve what is expected of it, accordingly, the Organisation has continually to practice the structural adjustment that it regularly preaches to its Member countries. Now, however, this adjustment is not confined to a gradual evolution in the topics on which it focuses. The question of opening up the Organisation to new members is now coming to the fore.

Inasmuch as a growing number of countries across the world are now adhering to the same economic, social and political values as the OECD's Member countries, and inasmuch as their level of development is comparable to that of the Member countries, it is natural and beneficial that they should be able to participate—both giving and taking—in the intergovernmental discussions and consultations that are the raison d'etre of OECD. Mexico, which has been a member of the Steel Committee for several years, has unambiguously stated its wish to become a full member of the Organisation as quickly as possible. The Republic of Korea, which has been a member of the Working Party on Shipbuilding for a number of years, is currently considering participation in numerous other fields, and possibly membership. Hungary, Poland and the Czech and Slovak Federal Republic have all stated their wish soon to accede to the OECD Convention. Romania has more recently expressed a similar wish. We can be quite sure that the list will not stop there.

All this means that the Organisation and its current members need without delay to clarify their attitude toward enlargement of the OECD. They need to give thought to the consequences of the emergence, on the world economic scene, of partners which closely resemble the Member countries, and to avoid endangering the feature that makes the Organisation so valuable, i.e. the scope for effective discussion of common problems. Careful consideration is in progress, but we are still at too early a stage to allow me to tell you more today. I trust that we in the OECD will succeed in adapting the Organisation to the needs of a changing world with as much speed and clearsightedness as has been achieve, through the influence notably of your Assembly, in the Council of Europe.•

TRIBUTE TO ERNIE HARWELL AND PAUL CAREY

• Mr. RIEGLE. Mr. President, on October 4 the Michigan congressional delegation will hold a special luncheon to pay tribute to Ernie Harwell and Paul Carey who are retiring this Sunday as announcers for the Detroit Tigers.

Harwell has been the voice of the tigers for 32 years. I ask to have printed in the RECORD the following remarks Ernie Harwell made at Cooperstown, NY on August 2, 1981, when he was inducted into baseball's Hall of Fame:

The remarks follow:

ERNIE HARWELL ON BASEBALL

Back in 1955 I sat down and wrote a little definition of baseball to express my feelings about this greatest game of all.

Baseball is the President tossing out the first ball of the season. And a scrubby schoolboy playing catch with his dad on a Mississippi farm.

A tall, thin old man waving a scorecard from the corner of the dugout—that's baseball. So is the big fat guy with the bulbous nose running home one of his 714 home runs.

There's a man in Mobile who remembers that Honus Wagner hit a triple in Pittsburgh 46 years ago—that's baseball. And so is the scout reporting that a 16-year-old sandlot pitcher in Cheyenne is the coming Walter Johnson.

Baseball is a spirited race of man against man, reflex against reflex. A game of inches. Every skill cheered—or booed. And then becomes a statistic.

In baseball, democracy shines its clearest. The only race that matters is the race to the bag. The creed is the rule book. And color, merely something to distinguish one team's uniform from another's.

Baseball is a rookie (his experience no bigger than the lump in his throat) as he begins fulfillment of his dream. It's a veteran too—a tired old man of 35 hoping those aching muscles can pull him through another sweltering August and September.

Nicknames are baseball. Names like Zeke and Pie and Kiki, and Home Run and Cracker and Dizzy and Dazzy.

Baseball is the clear, cool eyes of Rogers Hornsby; the flashing spikes of Ty Cobb: and an over-aged pixie named Rabbit Maranville.

Baseball? Just a game—as simple as a ball and bat. And yet, as complex as the American spirit it symbolizes. A sport, business and sometimes almost even a religion.

Why, the fairy tale of Willie Mays making a brilliant World Series catch and then dashing off to play stickball in the streets with his teenage pals—that's baseball. So is the husky voice of a doomed Lou Gehrig saying: "I consider myself the luckiest man on the face of this Earth."

Baseball is cigar smoke, hot-roasted peanuts, The Sporting News, Ladies Day, Down in Front, "Take Me Out to the Ball Game," and "The Star-Spangled Banner."

Baseball is a tongue-tied kid from Georgia growing up to be an announcer and praising the Lord for showing him the way to Cooperstown. This is a game for America. Still a game for America—this baseball.•

ADDITIONAL STATEMENTS

SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS

• Mr. WOFFORD. Mr. President, I rise today in support of legislation introduced by my colleagues Senator BREAUX and Senator BRYAN to permanently extend small issue industrial development bonds.

The goals of IDB financing are to stimulate private sector investment into long-lived physical plant and equipment, to increase productivity and to create permanent private sector jobs. State and local industrial development agencies use IDBs to provide small manufacturers with access to investment capital at rates competitive with those available to larger companies. And since the credit crunch is making it difficult for many smaller firms to obtain any financing, IDB's are even more important today.

IDB's have been extremely successful in retaining and creating jobs in Pennsylvania. According the Commonwealth's Department of Commerce, IDB's have financed 160 manufacturing and industrial projects in Pennsylvania, thereby retaining 13,359 jobs and creating 6,400 new jobs between 1987 and 1990.

I am also confident that industrial development bonds will continue to be important economic development tools. IDB's will finance improvements to our industrial base. In Pennsylvania, IDB's will also be used to build our agricultural base. The Commonwealth's Department of Agriculture has instituted the First Time Farmers Program, which will use IDB's for the financing of first time farm purchases by young Pennsylvania farmers.

Mr. President, during this time of economic difficulty, we need to do all we can to stimulate growth and opportunity. I urge my colleagues to join me in supporting the continuation of the industrial development bond program.•

TRIBUTE TO AMERICAN LEGION MITCHELL A. DAVIS POST 182

• Mr. LAUTENBERG. Mr. President, I rise to congratulate and honor the Mitchell A. Davis Post 182 in Trenton, NJ. It has recently celebrated the 100th birthday of its namesake, Mitchell Andrew Davis.

The post itself was instituted in 1919 in Trenton, NJ, as returning World War I veterans began returning home. Fifteen African-American men organized the founding of the post, all of them serving in various branches of military service. Their occupations ranged from doctor to day laborer. At this time, the post did not have a permanent building, so its members rotated the monthly meetings among its membership.

The post has played a significant role in the lives of the members of the post and the African-American community at large. The men who served in the war were extremely proud, patriotic men. They frequently kept in touch with contacts in Trenton giving news of the happenings abroad. When the men returned to Trenton, they were able to redirect their positive contributions to society by participating in the post's philanthropic activities.

Mitchell Andrew Davis was born on September 9, 1891, in Warren County, Macon, NC. He and his sister Julia were raised in Trenton, NJ, by their aunt and uncle Albert and Minnie Scott. Mr. Davis went to Trenton High where he was a successful student. Upon graduation from high school, he entered Lincoln University in Pennsylvania. Mr. Davis then enrolled in Howard University Law School and graduated with high honors in 1915. Upon graduation from Howard University Law, he went to Virginia and worked for a short period of time with the Virginia Tribune newspaper.

His newspaper career ended abruptly by his induction into the Army on March 18, 1918. He was promoted to private first class on September 14, 1918. Mr. Davis left Trenton for France on June 15, 1918 and saw combat at Lorraine, a section of France once occupied by Germany. While in France, he also served as clerk of headquarters company, 349 FAAEF. He died in France on November 16, 1918 of pneumonia.

Prior to entering the service Mr. Davis attended the Montgomery Street Mission. He was a dedicated and faithful member of the mission and a patriotic citizen, committed to pursuit of religious and personal freedom for all. Mr. Davis' last correspondence to the mission demonstrates his courage and patriotism. Mr. President, the letter reads as follows:

DEAR MR. DANSER: I received your letter a few days ago, and was certainly glad to hear from you and from Trenton. I thought probably that you had no idea of my whereabouts. But rest assured I will always be found in that section where the presence of earnest men and needed. This is indeed a war for freedom and liberty of all oppressed peoples. We of the recent liberated sons of America feel the necessity of coming to the aid of the oppressed of Europe more than any other American faction. When this war ends all the oppressed of humanity will have reasons to look for the Star of Hope and a brighter future.

Yes, we are quite conscious of the causes of our being there. The Y.M.C.A. is doing good work for the boys to keep up spirits, and we appreciate the same. Since our arrival we have made three moves, and now we are on the go again. Probably we'll be in Germany before long, ere the war will come to an end.

We are expecting to put things through before Christmas. Of course, it will be some time before we will arrive home.

My regards to all the folks in Montgomery Street Mission. I suppose you are still holding the fort as a faithful soldier of Christ. We over here, on the whole, have come to appreciate the reality of religion more so than before. Many boys who lived in the cellar of life prior to their entry into army will come back new men with a firm purpose to succeed along useful lines.

I was surprised to learn that your son was over here, but he is doing what thousands of others are doing, viz., his bit for the cause of democracy. I know you miss him and wish him all the success a father wants a son to have.

A letter from you will be appreciated at any time. Receiving letters from home is equal to pay day. I don't know which the boys appreciate more. Hoping to hear from you soon, I am Yours truly, M.A. Davis.

Mr. President, the Mitchell A. Davis Post 182 still plays an active role in the Trenton community. The post is a community based organization which is committed to aiding veterans, visiting them and providing transportation for them. Its members organize parties such as their annual Christmas party. Children of the community are very important to the post and various activities are provided for them as well as a scholarship to encourage the pursuance of a higher education.

I would like to extend my warmest congratulations to all the members of the Mitchell A. Davis Post 182 for reaching this significant milestone in its history.●

A CONGRESSIONAL TRIBUTE TO DAVID SILVER

● Mr. GARN. Mr. President, I rise today to recognize the retirement of David Silver, president of the Investment Company Institute, the national association of the mutual fund industry. As he leaves after 25 years of distinguished service, I wanted to recognize personally his many years of dedicated service to the institute and his counsel to the Congress.

Following his graduation from Harvard Law School cum laude in 1958, Mr. Silver spent 5 years on the legal staff of the Securities and Exchange Commission here in Washington where he was responsible for stock exchange trading and oversight. During his tenure at the SEC, Mr. Silver worked on a wide-ranging SEC investigation of the securities markets, and supervised the study of the securities market break which followed the death of President Kennedy.

Mr. Silver joined the institute in 1966 as associate counsel, became general counsel in 1969 and was elected president in 1977. He has been at the helm of the mutual funds association and steered it well during a time of dramatic change and growth. Today, the industry has grown to over $1 trillion in assets. Mr. Silver has played a significant role in that growth, providing sound legal and ethical guidance to the industry.

As a recognized expert on the mutual fund industry and securities regulation, Mr. Silver has testified before Congress far too many times to count, helping to inform the Congress with fair, balanced and knowledgeable dialog.

His impact in the securities and investment company law areas is evident but his knowledge is not limited to such matters. Mr. Silver campaigned tirelessly for the creation of the universal IRA in 1981 and has remained active in complicated ERISA issues. In doing so, he displayed that most noteworthy talent of serving noble public policy goals of retirement income security by bringing to the table the best that his industry has to offer.

Taking the institute beyond its domestic purview, Mr. Silver has worked for the past several years to assure that the mutual fund industry can compete in the international market and that our domestic economy will benefit by such competitiveness.

In all of the above, he has been articulate, honest, courageous, and a friend to many, including me.

David Silver is to be recognized for his outstanding efforts on behalf of his constituents and is to be wished well in all his future endeavors.●

NCAA WOMEN OF THE YEAR

● Mr. BIDEN. The NCAA recently named the winners of its Women of the Year Award. As the attached article notes, two of the winners have Delaware connections. I commend the NCAA for recognizing outstanding scholar-athletes on our Nation's campuses. I rise today to join in that recognition.

A college education is a demanding endeavor. Thousands of students entering our Nation's colleges and universities this fall intend to continue sports they played in high school. Unfortunately, many will find that the demands of school can be overwhelming, and must choose between athletics and education. It is education that rightly wins out in these situations.

But some are blessed with outstanding skills in both athletics and scholastics. They do not just get by in school and on the playing field, they excel in each. It is these who the NCAA has recognized with its award.

This year's awards have additional meaning to me because I know one of the winners. For those of us who know Kelly Long, it is no surprise that she has been able to master both sports and scholastics. I share, but certainly cannot match, her parent's pride in their daughter and the award she has won. I would note that in Kelly's case, as in Jill Hershey's, the NCAA award is only the latest in a long series of academic awards.

Knowing one of the award winners only increases my appreciation of what other winners have done to receive this recognition. Excellence in the classroom and in athletic competition is difficult to achieve, requiring dedication, concentration, and hard work. To maintain that over a 4-year college career deserves to be highlighted.

I would again commend each of the winners and the NCAA for recognizing their achievements. I ask that an article from today's Wilmington News-Journal be printed at the conclusion of my remarks.

The article follows:

[From the Wilmington News Journal, Oct. 3, 1991]

NCAA HONORS TWO WOMEN ATHLETES WITH DELAWARE TIES

(By Matt Zabitka)

NEWARK.—Kelly Long of Brandywine Hundred was an outstanding swimmer at Ursuline Academy, earning a four-year athletic scholarship to Clemson University in South Carolina.

Jill Hershey of Elizabethtown, Pa., was a star in field hockey, track and basketball at Elizabethtown Area High School in Pennsylvania, recruited by the University of Delaware.

Both were named state winners in the NCAA Woman of the Year Award presented by Hanes Her Way—Long for South Carolina and Hershey for Delaware.

Coincidentally, both graduated this spring and are now doing graduate work at UD—Long seeking a doctorate in industrial psychology. Hershey in physical therapy.

"No, I've never met her [Jill Hershey], but I'd be glad to meet her," said Long, when arrangements were being made to have them photographed.

Long graduated with a degree in psychology and a 3.86 grade-point average. She was named the outstanding senior in psychology at Clemson and received the Atlantic Coast Conference Scholarship for a female athlete for post-graduate study.

Hershey graduated from Delaware in May with a 3.59 average in biology. She lettered four years in field hockey, three in lacrosse, and was captain of both teams. She was the 1990–91 East Coast Conference women's scholar-athlete of the year and a GTE Academic All-America in field hockey and lacrosse.

In Long's four years of varsity swimming at Ursuline, the Raiders won the state championship each year. Winner of four Delaware scholastic championships, Long amassed 80 points (63 individual, 17 on relay teams) in state championship meets during her four years at Ursuline.

Clemson won the Atlantic Coast Conference swimming championship during Long's freshman and sophomore years. "As a freshman," she recalled, "I finished second in 200 butterfly in the ACC championships and that was very exciting. I was also on the 400 medley relay team that qualified for the NCAAs my junior year."

In her final year of collegiate swimming last winter, she posted her fastest times in three events in a win over the University of Virginia. She did the 100 butterfly in :57.5, the 200 breaststroke in 2:28 and the 100 breaststroke in 1:08.

Because of graduate studies, Long said she's through with competitive swimming for a while. "Later, I may get into masters swimming but I won't do that for a few years. I'm taking time off from competitive swimming. I'll continue to swim, but it'll be strictly on a recreational level," she said.

She said she would be interested in coaching a high school team, if she could fit it into her schedule.

Hershey was a four-year starter in field hockey at Delaware but was injured for much of her sophomore year. She was also a four-year player in lacrosse, a starter her last two years.

"My high school didn't have a women's lacrosse team," she said. "I didn't pick up the sport until I got to Delaware. I took a lacrosse class in winter session my freshman year, when I played on the jayvees. I played some on the varsity as a sophomore and was a starter my last two years."

Last fall, Hershey was named Delaware's field hockey MVP. In the spring she was named to the ECC all-star team in lacrosse.

The national winner will be chosen from the 50 nominees and announced Oct. 30. Award criteria for the $5,000 scholarship include athletics, academics and community service.•

THE STROLLERS OF MAPLEWOOD, NJ

• Mr. LAUTENBERG. Mr. President, I would like to recognize the Strollers, a theatrical group in Maplewood, NJ. They are celebrating their 60th season of performances. The Strollers provide quality theater to the community.

This group was founded in 1932 by a high school history teacher and drama coach from Columbia High School named Miss Mildred Memory, for students who wanted to continue acting after high school. The group was founded in the midst of the Depression. It became an organization to advance the art of theater and provide opportunities for artistic and dramatic education and community enjoyment.

Over the years, interest has grown and the group expanded to more than 100 volunteer performers, stage hands, musicians, and designers from all walks of life.

The Strollers have received recognition from the New Jersey Theater League and have received other awards for their excellent performances.

As a result of this all-volunteer effort, many senior citizens and other members of the community unable to pay the high price of commercial theater tickets can enjoy three top flight performances during the season for $20.

I would like to commend the men and women who volunteer their time toward this creative endeavor and who provide an evening of pleasure and entertainment. As the Strollers approach their annual gala evening this October, I wish them a successful season and many seasons to come.•

A TRIBUTE TO DIMITRIOS I

• Mr. D'AMATO. Mr. President, I ask my colleagues today to pause in tribute to the towering legacy of one of the great religious leaders of the 20th century—Dimitrios I, the Ecumenical Patriarch of Constantinople.

Since 1972, Patriarch Dimitrios served as a spiritual leader to over 250 million Eastern Orthodox Christians throughout the world, mostly in Russia, Greece, and the nations of Eastern Europe. The 2,000-year-old Orthodox Church includes nearly 6 million American followers of the Eastern Orthodox tradition, making up the fifth largest Christian denomination, after Catholics, Southern Baptists, United Methodists, and Evangelical Lutherans.

Dimitrios Papadopoulos was born on September 8, 1914, in Istanbul, Turkey. He received his early education at the Greek schools of Therapia, and at 17 began his theological studies at the Theological School of the Ecumenical Patriarchate at Halki. He was graduated in 1937 by the island seminary, which has produced many leading Orthodox Christian prelates and theologians.

He was ordained a deacon in 1937, serving as secretary and preacher in Edessa, Greece, for 1 year. In 1939, he served in an Istanbul church, where he was ordained to the priesthood and was the driving force in advancing religious education within the parochial school systems. Appointed pastor of the Annunciation Greek Orthodox Church in Teheran, Iran, in 1945, he was subsequently elected Bishop in 1964, and consecrated to the Episcopate later that year.

On February 15, 1972, he was elected to Metropolitan of Imvros and Tenedos, Turkish islands in the Aegean Sea. Five months later, he was elected and duly enthroned as Ecumenical Patriarch of Constantinople, the 269th successor to St. Andrew, the apostle to whom Orthodox Christianity traces its roots.

According to tradition, St. Andrew founded the church in Byzantine Constantinople, known today as Istanbul, where the Patriarch has historically presided over the church. In his position, he has served as foremost among equals of Eastern Orthodoxy's numerous self-governing church groups, which are united in doctrine and permit followers to worship and receive the sacraments in any among them.

Originated in the Roman and Byzantine Empires, the Orthodox Church spread to many Slavic nations in the 9th and 10th centuries. By then, Eastern and Western Christianity has undergone cultural, theological, and political tensions, leading to the great schism between the Orthodox Church and the Roman Catholic Church in 1054.

As the spiritual primate of modern Eastern Orthodoxy, Patriarch Dimitrios sought to renew ties with churches within the Orthodox tradition, as well as the other great churches of the world.

In 1975, Patriarch Dimitrios sent Metropolitan Meliton to participate in the Vatican's 10th anniversary observance of the lifting of the excommunication between the Greek Orthodox and Roman Catholic Churches. When the Metropolitan read the Patriarch's message that a Pan-Orthodox Commission had been established to "enter into serious dialogue with the Roman Catholic Churches," the Pope, overjoyed with the news, knelt and kissed the emissary's feet.

In 1987, his historic year-long pastoral pilgrimage took him to the Soviet Union, the first by a patriarch in almost four centuries, where he helped reestablish the bonds between the Russian Orthodox Church and Constantinople. The Patriarch pilgrimage also consisted of meeting with religious leaders in Yugoslavia, Romania, Poland, Bulgaria, and Jerusalem.

Patriarch Dimitrios has visited Orthodox leaders in Greece, met with Pope John Paul II at the Vatican, the Archbishop of Canterbury Robert Runcie in London, and with the World Council of Churches in Geneva.

In 1990, Patriarch Dimitrios was the first to visit the Western Hemisphere, presiding over a congress of clerical and lay leaders in Washington. It was a privilege and honor to have met with His All Holiness and personally express my admiration for his stellar leadership of the Orthodox Church over the past two decades.

He was in the United States at a time when the tumultuous changes in Eastern Europe were astonishingly fresh in the minds of all Americans. The freedom that had been blossoming throughout the world has brought together the people of Eastern and Western Europe for the first time in half a century.

These changes did not occur in isolation. The enduring faith of hundreds of millions of captive men and women in God, church and family helped them endure the darkness of oppression.

For more than 40 years, they yearned to celebrate Christmas, to rejoice in the wonder of Easter, and to become married and have their children baptized under the precepts of their faiths, and those of their forebears.

That day has arrived—for in the contest between the spirit and the state for the soul of mankind—the spirit has emerged victorious.

As the spiritual leader of 250 million Orthodox Christians—in Greece, the Soviet Republics, Eastern Europe, and across the Americas—Patriarch Dimitrios brought to the international community a singular vision of the peace, the love and the reconciliation that has helped bring about the great transformation the world is undergoing today.

I recall his wondrous and eloquent message of hope for our future—one in which free men and women can worship as they believe, practicing their God-given right to liberty—a right which no system of government can ever take away.

Patriarch Dimitrios worked throughout his life to bring to the world greater compassion, spiritual guidance, and understanding for our fellow men and women. His prodigious success is a tribute to this true apostle of peace, and his enormous love for all mankind.•

KNOXVILLE CELEBRATES

• Mr. SASSER. Mr. President, I rise to salute the city of Knoxville, TN, which today celebrates its 200th anniversary.

Knoxville was founded when William Blount chose the site around James White's Fort to be the capital of the Territory of the United States South of the Ohio River in 1791. On October 3 of that year, 64 half-acre lots were divided into a 16-block town and sold to lottery subscribers for $8 each. This settlement became the seat of the first territorial legislature in the United States, and it later became the first capital of Tennessee when the State gained admission to the Union in 1796.

Knoxville has served as the home of many great Tennesseans. John Sevier, the first Governor of Tennessee, lived in Knoxville and is buried in the old courthouse lawn. Other great figures from the Knoxville area include David Glasgow Farragut, the first admiral of the U.S. Navy, Postmaster General Horace Maynard, Supreme Court Justice Edward T. Stanford, and Secretary of the Treasury William G. McAdoo.

Knoxville is also home to the University of Tennessee, which was founded in 1794 as Blount College and was the first coeducational university in the United States. The university has won three national championships in women's basketball, two in track, one in men's basketball and one in swimming.

Founded on the convergence of the First Creek and the Tennessee River, Knoxville has grown quite markedly over the past 200 years. Once a small frontier settlement, the city now has 170,000 inhabitants, with 490,000 people living in the metropolitan area. As Tennessee's third largest city, Knoxville is a center for banking, commerce, and industry in east Tennessee. This city has always been a great meeting place, and it played host to the Appalachian Exposition in both 1910 and 1911 and to the World's Fair in 1982.

Knoxville's bicentennial celebrates the city's storied history and heritage, and it reminds Tennesseans and, indeed, all Americans of the historic growth of the United States from a country of small, frontier communities to the world's largest and greatest democracy.

Mr. President, I join my fellow Tennesseans today in honoring and saluting Knoxville on its 200th anniversary and in expressing our hopes for another 200 years of prosperity and growth of this great city.•

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE MASSACRES AT BABI-YAR

• Mr. D'AMATO. Mr. President, today, I rise to commemorate the 50th anniversary of the massacres at Babi-Yar. Over 200,000 people were murdered by the Nazis at Babi-Yar, and yet for so long this horrendous part of the genocide in Europe, went unacknowledged. In just 2 days, September 29–30, 1941, over 33,000 Jews were murdered in the ravine at Babi-Yar, more than at any 2-day period in the height of the slaughter carried out at either Auschwitz or Treblinka. Jews, Poles, Ukrainians, Romanians, and Gypsies, all perished in the hell that was Babi-Yar. As we remember this horrible event, we say, "never again."

Never should any group face discrimination because of race, creed, or color. Never should a group be permitted to persecute any minority for any reason. And never, should wanton violence go unchecked.

Babi-Yar happened because democracy failed to act. Murder was abetted by the repudiation of this horrible act by the Soviet Union. History cannot be repudiated. History cannot be forgotten. With the end of Soviet communism, comes the end of the charade of Soviet history. Now, the purposeful denial of the massacres that occured is over.

The memory of Babi-Yar is renewed. Soon, a plaque on this site will announce to the world, that the victims of these massacres did live and will not be forgotten.

If we allow persecution, if we allow discrimination, if we allow violence—at home or abroad—Babi-Yar will happen again. With vigilance as our duty, we can face down totalitarianism and encourage freedom and democracy. When we commemorate the massacres at Babi-Yar, we recall the watchword, "never again."•

GERMAN-AMERICAN DAY

• Mr. RIEGLE. Mr. President, I stand before you today not only as an American, but as a proud German-American. Today, I join Americans of German ancestry in celebrating German-American Day. On this day, we reflect on the common heritage shared by 1 in every 4 Americans—over 50 million people. In my own State of Michigan, more than 2.5 million residents claim at least partial German ancestry.

For more than three centuries, since the first Germans arrived in America near Germantown, PA on October 6, 1683, Germans have contributed to our Nation's unique blend of cultures. German-Americans have brought their talents to all walks of life and have touched each and every one of us. We have all benefited from the inventions of German-Americans such as Levi Strauss and George Westinghouse. The achievements of German-American scientist Albert Einstein supply the link which joins the knowledge of the past with the advanced technology of today. German-American leaders, including former President Dwight D. Eisenhower and the labor movement's Robert Wagner, answered our country's call to public service, helping to guide us through critical periods of national change. And of course, we have all experienced the delights of German cuisine—from hot dogs to hamburgers, Black Forest cake to sauerbraten.

Elements of German contributions to American life extend to this day. Our challenge is to ensure that they remain a part of our heritage through the 21st century and beyond. We live in an increasingly interdependent world—a world where relationships are evermore important as we emphasize consensus over conflict. In such a world, it is crucial that we reaffirm the special bond between the German and American people and the spirit of friendship and cooperation that ties our peoples together.

With the formal reunification of Germany last year and then birth of democracy throughout Eastern Europe, we stand at a unique moment in history. The future is in our hands. As the sponsor of legislation which designated today as German-American Day, I firmly believe that the actions we take in the coming years must be directed toward strengthening the close relationship between Germany and America.

Mr. President, today as we celebrate German-American Day, let us commemorate the significant contributions that Americans of German descent have made to our society. And, on this special day, let us rededicate ourselves to preserving the heritage of German-Americans and to deepening the bond between the German and American peoples.•

SURFACE TRANSPORTATION EFFICIENCY ACT

• Mr. DANFORTH. Mr. President, I rise today to express my concern about the status of the Surface Transportation Efficiency Act. On June 19, 1991, after more than a week of intense debate and negotiation, the Senate passed a transportation package. I opposed the original verison reported by the Senate Committee on Environment and Public Works because it perpetuated a formula which was unfair to Missouri. Under the formula, Missouri received considerably less money in transportation aid than it contributed in Federal excise taxes on motor fuel. In 1989, for example, Missouri contributed more than $370 million to the highway trust fund, yet received less than $286 million for its transportation needs—a return of only 77 cents on the dollar.

My State possesses some of the worst roads and bridges in the country. More than 70 percent of Missouri's roads require resurfacing or reconstruction. Driving on these old worn roads cost Missouri motorists and estimated $740 million in 1989—about $208 per motorist—in extra vehicle operating costs. In 1991, the Federal Highway Administration identified slightly more than 10,000 bridges in Missouri which need to be replaced, more than any other State in the country.

I voted for the final Senate transportation package because, during debate in the Senate, significant improvements were made on the legislation to achieve a greater degree of fairness in allocating funds to States. Compared with the committee version of the bill, the Senate-passed measure would provide an added $209 million in highway and transportation money for Missouri over the 5 years of the new program. Missouri would receive nearly a dollar back for every dollar it contributes in gas taxes over the next 5 years. I was not, however, completely satisfied with the Senate package. Additional changes should have been made, particularly with respect to altering the basic formula for allocating motor fuel tax receipts among the States.

It is now 3½ months later, the old highway authorization has expired, and a new one is not yet in place. Over the last month, I have heard from mayors of cities and towns from all around my State crying out for a new highway package. The head of the Missouri Highway and Transportation Department has told me that, as of September 30, Missouri is not of Federal highway funds and cannot begin new highway construction projects. Our State cannot afford this lapse. We need a new bill now. The House of Representatives has been tinkering with its highway package for months. My message to the House is simple: Get off the dime and pass a new transportation bill. Pass one that is at least as favorale as the Senate bill. Let's work something out so that our highway workers in Missouri can continue to improve Missouri's roads and bridges.•

FEDERAL PREPAREDNESS FOR IMMIGRATION EMERGENCIES

•Mr. GRAHAM. Mr. President, on July 30, 1991, the Senate adopted three amendments I offered to the bill whose conference report we are approving today: H.R. 2608. These amendments were designed to address the immigration concerns of the south Florida immigration community and to take some initial steps toward preparing the Federal Government for an immigration emergency such as we experienced in Florida in 1980, when I was Governor.

The amendments, in their original form, required of the Attorney General three things:

First, issue regulations for the Immigration Emergency Fund established in 1986.

Second, develop a tracking system for I-94 forms—the papers used by the INS to record the entry and departure of foreign visitors to the United States.

Third, cap at 90 days the length of detention for excludable aliens held at Krome Processing Center in Miami if they meet defined conditions of parole.

Mr. President, I am pleased that the conferees left the first amendment intact. These regulations are vital to making sure the $35 million in the fund is immediately available in case an emergency arises.

The second amendment is critical to determining the magnitude of visa overstays—the method by which the lion's share of Cubans trying to immigrate to the United States are getting here. The INS is unable to provide us with current statistics on the rate of overstay, and this information is of tremendous importance to the communities which are being impacted by these visa overstays.

In the face of outlandish administration estimates regarding the cost of this amendment—one of which placed the annual impact at $100 million—the conferees have chosen to require INS to study the costs of improved tracking of I-94s instead of moving immediately to require them to do so. This after we later established with experts at INS and CBO that the amendment would have only cost about $100,000 a year.

With that figure in mind, Mr. President, I want to clarify a point. All we are asking is for INS to make a better effort to collect departure forms at the sites where these forms are already collected, and then to take that improved data and process it in such a way as to provide statistics that are reasonably current on the number and demographics of people who are overstaying their visas. We are not asking for departure control or sophisticated new equipment. We just want INS to perform a function it should already be performing and can begin to perform at a nominal cost.

I am concerned that the language approved by the conferees does not reflect the simplicity of what my amendment would have done. INS should provide estimates only for activities which are appropriate to meet the objectives just described.

I am aware that INS hopes to upgrade much of the computer equipment currently used to keep track of foreign nationals entering and departing the United States. Improvement plans should certainly be coordinated with the goals we have outlined, but the costs of those plans should not be included in estimates made for Congress pursuant to the report language we have just approved. I look forward to working closely with Chairman Hollings and the authorizors on this issue on the implementation of an improved tracking system.

Mr. President, I would like now to turn the Senate's attention to the third amendment, regarding Krome Processing Center in Miami. In addition to the strides the amendment would take us in terms of Federal preparedness, this measure attracted the active support of a diverse human rights coalition.

Aliens are frequently detained at Krome 9 to 12 months before their immigration claims are resolved. Meanwhile, the facility regularly approaches or exceeds its capacity, forcing INS to transfer people hundreds of miles away. Krome was established to be a short-term processing center and must remain available as such. The backlog at Krome renders it useless as a processing center in the event of a new wave of arrivals.

Mr. President, 11 years since over 150,000 Cubans and Haitians poured into south Florida virtually all at once, the Federal Government has no contingency plan should a massive influx recur. World events of recent weeks affecting both Haiti and Cuba have drastically increased the likelihood of just such an event, and yet INS continues to oppose even the most rudimentary measures to prepare itself.

By paroling detainees from Krome who meet certain reasonable criteria, INS can ensure that space is available should the number of arrivals increase considerably. Furthermore, parole allows people to be free as their cases are resolved and, Mr. President, saves our beleaguered Federal treasury the $45 detention cost spent each day on each detainee. This financial impact cannot be understated in light of the budget restraints on INS.

I appreciate the conferees' willingness, in the face of steadfast administration opposition, to include the bulk of my amendment's requirements in the report. The language we are adopting today directs INS to expand its parole programs nationally, and particularly to work to alleviate past obstacles to effective implementation of parole programs in the Miami District.

I do want to ensure, however, that INS will work immediately to develop a suitable program so that the Service can begin paroling detainees as soon as possible. Given the fact that INS already had a pilot parole project underway which ended last spring, we should rightly expect INS to begin screening potential parolees and start an expanded parole program within 30 days. In addition, for the report to be meaningful for Congress, we have to maximize the length of time on which INS will report.

On the same section of report language, I also would like to discuss the issue of parole criteria. My amendment set what I and many in the community of immigration experts feel are quite reasonable, if perhaps too restrictive, criteria for parole.

The conference language also defines what conditions INS should consider when determining an alien's fitness for parole. I know that the earlier Pilot Parole Program begun by the INS in May 1990 included the merit of the applicant's claim for asylum as a criterion for granting parole. Particularly in Krome, the restrictive use of this criterion may have hampered the success of the pilot program.

One option in the report before us would have been to allow INS to utilize the same criteria used in that pilot. We explicitly chose, however, to include language which I think better reflects the standards aliens should reasonably be forced to meet before qualifying for parole. Our concern is for the safety of the community and the equitable resolution of the process.

Mr. President, I worked closely with the chairman of the subcommittee in developing this report language, and it was my intention that the criteria outlined specifically in the report be the determining criteria for parole. I assert that it would be inconsistent for INS merely to interpret these provisions as guidelines to develop their own criteria, or that any other criterion take precedence over the ones explained here.

Mr. President, I want to pay special commendation to Senator HOLLINGS for his work in bringing Congress into agreement on the matters contained in this complex appropriations bill.

The language contained in the conference report is a strong mandate on INS to begin an effective parole program and take other vital steps which will help us prepare for and assess the magnitude of an immigration emergency.

But I look forward to working closely with Chairman HOLLINGS again when we have some data from INS on its activities in this regard and want to make perfectly clear to my colleagues and the administration that we will be carefully monitoring progress on these provisions. Should further legislative remedies be needed, be assured that I will be here urging the Senate to adopt them.

Again, Mr. President, I thank Senator HOLLINGS for his assistance and the entire Senate for its attention to this pressing issue.•

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT—H.R. 2508

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the conference report on H.R. 2508, the foreign aid authorization bill, at 5:30 p.m. on Tuesday, October 8; that there be 2 minutes equally divided for debate and that at the conclusion of debate the Senate, without any intervening action, vote on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it now be in order to request yeas and nays on that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m., Friday, October 4; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein; that Senator BRADLEY be recognized for up to 30 minutes; that the time from 9:15 a.m. to 10 a.m. be under the control of the majority leader or his designee, and that Senator ROCKEFELLER be recognized up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HOLLINGS. Mr. President, I urge the adoption of the conference report.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the distinguished leader.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate recess as under the previous order.

There being no objection, the Senate, at 7:25 p.m., recessed until Friday, October 4, 1991, at 8:45 am.

NOMINATIONS

Executive nominations received by the Senate October 3, 1991:

DEPARTMENT OF STATE

MICHAEL G. KOZAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

DEPARTMENT OF DEFENSE

DONALD C. FRASER, OF MASSACHUSETTS, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, VICE DONALD J. YOCKEY.

VICTOR H. REIS, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, VICE CHARLES M. HERZFELD, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES B. EICHELBERGER, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ELLIS D. PARKER [redacted] U.S. ARMY.

THE FOLLOWING-NAMED ARMY MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. JAMES J. JAMES [redacted] U.S. ARMY.
COL. JAMES B. PEAKE [redacted] U.S. ARMY.

CONFIRMATION

Executive nomination confirmed by the Senate October 3, 1991:

DEPARTMENT OF STATE

ARNOLD LEE KANTER, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, October 3, 1991*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. DERRICK].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 3, 1991.

I hereby designate the Honorable BUTLER DERRICK to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Madison T. Shockley II, Pastor, The Congregational Church of Christian Fellowship, Los Angeles, CA, offered the following prayer:

O God, in this awesome moment this august assembly pauses for reflection. We reflect upon the reality that our actions and deliberations stand under the judgment not only of those we represent from our peculiar domains, but they stand under the judgment of a God, a Creator, a Supreme Being whose sovereignty recognizes no borders. We reflect upon the responsibility we have to the one who is most intimately related to every human being, every animal, every flower, yes every living thing. And inasmuch as the decisions made today impact the creation that You have made, its quality of life, and the quality of the relationships between and among the various dimensions of Your creation we stand together in the firm desire to please You and in awesome fear of offending You.

Because we know that You are a God of justice, a God of wisdom, a God of love, a God of peace, a God that created every human being with the dignity and power of a free will joined with a sense of responsibility and creativity, we call upon You with one voice to impart to us some measure of Your divine character that all we say and do may bring glory to You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DIXON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DIXON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 115, answered "present" 1, not voting 34, as follows:

[Roll No. 289]

YEAS—282

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Bennett
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Long
Lowey (NY)
Luken
Manton
Matsui
Mavroules
Mazzoli
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Stallings
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—115

Allard
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Taylor (NC)
Thomas (CA)
Upton
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Broomfield

NOT VOTING—34

Beilenson
Berman
Carper
de la Garza
Dymally
Ford (TN)
Frost
Holloway
Hopkins
Hoyer
Hunter
Kaptur
Lehman (FL)
Lloyd
Lowery (CA)
Markey
Martinez
McCloskey
Mrazek
Nagle
Pease
Pelosi
Rostenkowski
Sanders
Slattery
Slaughter (NY)
Slaughter (VA)
Staggers
Stark
Sundquist
Vucanovich
Walker
Waters
Wilson

□ 1025

Mr. SAVAGE changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. TORRES] please come forward and lead the House in the Pledge of Allegiance.

Mr. TORRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2387. An act to authorize appropriations for certain programs for the conservation of striped bass, and for other purposes, and

H.R. 3259. An act to authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth; and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2519. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2519) "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes."

The message also announced that the Senate agree to the amendments of the House to the amendments of the Senate numbered 4, 5, 9, 20, 25, 26, 35, 36, 37, 40, 58, 67, 70, 72, 77, 79, 95, 107, 111, 112, 119, 121, 122, 133, 146, 150, 151, 156, 162, 164, 168, 172, 174, and 175, to the above-entitled bill.

The message also announced that theSenate agrees to the amendment of the House to the amendment of the Senate numbered 21 with an amendment.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5. An act to grant employees family and temporary medical leave under certain circumstances, and for other purposes, and

S.J. Res. 110. Joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

The message also announced that, pursuant to section 276, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. AKAKA, as a member of the Senate delegation to the Fall Interparliamentary Union Meeting, to be held in Santiago, Chile, October 7–12, 1991.

The message also announced that, pursuant to Public Law 101–557, the Chair, on behalf of the majority leader and in consultation with the Republican leader, appoints Mr. PRYOR and Mr. MACK to the Task Force on Aging Research.

REV. MADISON THEODORE SHOCKLEY II

(Mr. DIXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, I am honored to welcome Rev. Madison Theodore Shockley II as our guest chaplain. Rev. Shockley is the distinguished pastor of the Church of Christian Fellowship in Los Angeles where he has served over the last 3 years.

He is a native of Los Angeles and was raised in a neighborhood not far from the church he now pastors. He attended Harvard University and received his bachelor of arts at the University of Missouri in St. Louis, a master of divinity at Union Seminary in New York City and he is completing his doctorate in religion at Claremont Graduate School in Southern California.

For 10 years, Reverend Shockley pastored several A.M.E. churches across the country, including Bethel A.M.E. Church in Wellston, MO; Jordan Chapel A.M.E. Church in Denver, CO; and Walker Chapel A.M.E. Church in Seattle, WA.

Reverend Shockley is not only an inspirational minister, spiritual advisor and compassionate leader of Christian Fellowship Church, but he is also an advocate in his community for social justice. In an effort to assist the homeless and those in need, he organized a food distribution program serving 100 families each week at Brookins Community A.M.E. Church. He has been a crusader for reforms in the Los Angeles police department and the county sheriff's department as a result of cases of police brutality and misconduct and has fought to find affordable homes and shelter for the homeless. He has organized grassroots forums on the U.S. role in the gulf war and reducing the arsenal of nuclear weapons throughout the world and has fought for dismantling apartheid in South Africa.

Reverend Shockley has taken on other leadership roles in the Los Angeles community. He is on the board of directors of the Interfaith Center to Reverse the Arms Race, the advisory board of Love Is Feeding Everyone [LIFE], and is the chair of the Los Angeles chapter of the NAACP's Religious Affairs Committee.

In an effort to expand his community outreach, he was the guest host of a religious education program entitled "Everything You Wanted to Know About Religion But Were Afraid To Ask," and a consultant to "Amen," the television program about a black church.

Reverend Shockley, his wife, Gayle, and their four children, Somalia, Shani, Madison, and Marcus, are positive role models in their church as well as community.

Mr. Speaker, I am pleased that Reverend Shockley could be here this morning to serve as guest chaplain and deliver our opening prayer. I have the highest respect for Reverend Shockley, not only as a dedicated member of the clergy, but also as a gifted scholar, teacher, and friend. Join me in extending best wishes to Reverend Shockley and his family.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 2, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial results received from the Honorable Richard Mahoney, Secretary of State, State of Arizona, stating that, according to the unofficial returns of the Special Election held on September 24, 1991, the Honorable Ed Pastor was elected to the Office of Representative in Congress, from the Second Congressional District, State of Arizona.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

PHOENIX, AZ,
September 25, 1991.

DONALD K. ANDERSON,
Clerk of the House of Representatives, Capitol Building, Washington, DC.

DEAR MR. ANDERSON: As requested by your office, the "unofficial" vote totals from the Congressional District 2 Special General Election held yesterday in Arizona to replace Representative Morris Udall are attached. These totals include all ballots cast in the election.

A certified copy of the official vote will be sent to you when the canvass has been completed. If we can be of any further help, please call us at (602) 542-8683.

Sincerely,

RICHARD MAHONEY.
Secretary of State.

SWEARING IN OF THE HONORABLE ED PASTOR OF ARIZONA AS A MEMBER OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona, Mr. Ed Pastor, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Will the Member-elect from the State of Arizona [Mr. Pastor] and the members of the Arizona delegation come forward to the well of the House?

Mr. PASTOR appeared at the bar of the House and took the oath of office as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are a Member of the House.

WELCOME TO THE HONORABLE ED PASTOR

(Mr. STUMP asked and was given permission to address the House for 1 minute.)

Mr. STUMP. Mr. Speaker, as dean of the Arizona delegation, it is my pleasure to yield to a gentleman who has been a long-time friend of the gentleman from Arizona [Mr. Pastor], who was born in Arizona, by the way, and I would defer to him for the introduction of our new Member, the gentleman from Arizona [Mr. Pastor].

Mr. Speaker, I yield to the gentleman from California [Mr. Torres].

Mr. TORRES. Mr. Speaker, I am deeply honored today, as a native-born Arizonan, to introduce to this Chamber the Honorable Ed Pastor, the U.S. Representative from the Second District of Arizona.

Ed Pastor is the first Hispanic-American to represent the State of Arizona and has pledged to carry out the rich and noble work of his predecessor, our revered colleague, Morris Udall, who embodies integrity, ability, and knowledge of the needs of the people of the Second District. Indeed, Ed Pastor will follow in that tradition.

He is no stranger to the body politic, having started out his career as a staff assistant to Governor Castro.

He was elected to the Maricopa County Board of Supervisors in 1976.

He was reelected in 1980, 1984, and 1988. He resigned in May of this year to seek the Second District seat.

He has spent the better part of 15 years responding to the needs of his constituents. No doubt that he will respond with the same devotion and attention to his new congressional district. He will be helped by the discipline of his legal training, earning a juris doctorate in 1974 and earlier a bachelor of arts degree in chemistry from Arizona State University, the same university which in 1984 honored him as a distinguished alumnus of the college of law.

Mr. Speaker, I share the same birthplace as Ed Pastor: Miami, a small copper mining town in Arizona, a town that provided work for poor miners in the depths of the Depression and thru the War years. My father and his father worked that mine—truly they were the salt of the Earth. His mother, Margarita, and his copper-miner father, Enrique, raised their children searching for the American dream. Today it has been fulfilled as their son joins this House.

Mr. Speaker, I present the Honorable Ed Pastor.

Mr. STUMP. Mr. Speaker, I yield to the gentleman from Arizona [Mr. Pastor].

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. It is the rule of the House that we welcome all guests and ask them not to, during the course of debate, express any act of approval or disapproval. But the many friends and constituents of the gentleman-elect may be permitted to have expressed their very strong approval of his swearing in.

It gives me great pleasure to recognize the newly elected Member of the State of Arizona delegation, the Honorable Ed Pastor.

EXPRESSION OF GRATITUDE FOR HONOR TO SERVE IN HOUSE

(Mr. PASTOR asked and was given permission to address the House for 1 minute.)

Mr. PASTOR. Mr. Speaker, I thank you.

Mr. Speaker, members of the Arizona delegation, and Members of the House of Representatives, I am truly honored to stand before you today as a Member of this House.

I share that honor with my friends. I share that honor with my family, and in particular my wife Verma, my two daughters Laura and Yvonne. I thank all of them for their support and hard work in the past few months.

I also want to thank the leadership, my colleague, Vic Fazio, and all the other Members who have helped me to reach this point.

My greatest debt of gratitude goes to the people of the Second District in Arizona, the people of Tucson, Nogales, Yuma, Ajo, and Phoenix, who have allowed me in this small way to make history.

I am grateful for the opportunity to serve them, and honored to continue in the great tradition of my predecessor, Mo Udall.

THEY WILL BE WEARING SOFT SHOES

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, press accounts indicate that when the President visited a school recently, the children were told to wear soft shoes, not to make noise.

If that is going to be the approach to education, think what can be done about unemployment. Think what the White House media masters can do when the President vetoes the unemployment bill. Why, they can have him go to the unemployment lines. Think what they can do there. The President can stand in front of the unemployed, those growing lines, and tell them about how the S&L bailout should be off budget, but not their 13 weeks of additional benefits. He will crack the crowd up with a line about needing to preserve the basic fabric of nations abroad, but not willing to help working families keep body and soul together during hard times.

He will simply bring the lines of unemployed to their feet about telling them what they need is a growth package, one that gives capital-gains benefits to the rich while denying unemployment benefits to middle-income persons.

But you know, there is some good news for the White House, too. Since they spend long hours pounding the pavement looking for work, most of those people in those lines will be wearing soft shoes.

IN RECOGNITION OF NATIONAL BREAST CANCER MONTH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, in these times of increased knowledge and funding for AIDS, the public awareness of the dangers of high cholesterol, and the widespread campaign against the evils of drug and alcohol abuse, I would like to call your attention to a lesser known and lesser funded killer. This silent murderer slayed over 44,000 Americans in 1990 alone. This killer is breast cancer.

In recognition of October as National Breast Cancer Awareness Month, I would like to take this opportunity to call for the adequate funding of breast cancer research. Two of my next door neighbors have died from the disease, and two other friends have been diagnosed with breast cancer. In the past year, I lost my Gaston County campaign chairman to the illness. Statistics, however, have proven that with early detection and proper treatment, a 5-year survival rate of nearly 100 percent can be attained. This is an extremely vital statistic because 1 out of every 9 women will develop breast cancer at some time in her life. I have been touched by the effects of the disease, and I am sure that many of you have been as well.

By educating the public about the importance of and means for early detection, by encouraging women of all economic groups to request these procedures, we can fight breast cancer and win.

□ 1040

DO SOMETHING FOR AMERICA: EXTEND UNEMPLOYMENT BENEFITS FOR JOBLESS AMERICANS

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, three times this Chamber has voted positively to help the 8½ million Americans out of work, and it looks like the President will ignore our efforts to extend unemployment benefits to the long-term unemployed.

The President has done many good things overseas. He is working for peace in the Middle East and on ways to stabilize the economic chaos in Russia. To foreign lands and emerging new democracies he is urging America to offer an outstretched hand, but the jobless here at home are forced to depend on handouts.

According to today's Washington Post, we are airlifting MRE's to 200,000 troops in Angolia, but to over 8 million Americans Mr. Bush will not extend unemployment insurance. Somehow I find the logic flawed.

The administration claims that there is no recession, but the economy is losing 9,400 jobs a month. That is no sign of an economic turnaround. If the administration cannot deliver on its promise of job growth, then let us allow the unemployed some modest means to ride out these tough times.

Let's for once take some action to take care of our own. The Unemployment Insurance Reform Act we approved 2 days ago does that, and I urge the President to do the right thing by America and for millions of jobless Americans by affixing his signature to the bill.

CONGRESSIONAL TAMPERING WITH FOREIGN POLICY

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, there was a time when politics stopped at the water's edge. There was a reason for that, rooted in the Constitution. The President had responsibility for foreign policy, and the Congress in general cooperated once the issues had been discussed. But the revelations that some members of this body have been interfering in the legitimate conduct of this Nation's foreign policy require us to get to the bottom of this problem.

This apparent tampering with foreign policy has to be investigated. There is too much at stake to allow the records which apparently are known to exist within the Intelligence Committee to lie in some vault. I call on the Central Intelligence Agency, the National Security Agency, and the White House to make these records available for congressional attention.

If House rules or Federal law has been broken, then we need to know that—the Congress must keep faith with the American people on this. This is not just a historical curiosity, Mr. Speaker. This is a constitutional crisis. Already several prominent members of this body have been mentioned in connection with this situation in the press. Let us skip all that and go directly to the record.

CYNICAL MANIPULATION OF INSIDER TRADING REGULATIONS

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, The short-sighted greed of the eighties is alive and well in Detroit in 1991. Eight weeks ago, the chairman of General Motors put up for sale 24 percent of his common stock holdings in his own company and brought home more than $1 million. Other top executives followed suit. On the next day a fellow officer made statements about the company's expected profits that caused a sharp drop in the price of that same stock.

Do you know the reason given for this massive sale of stock? These executives did not receive their customary stock bonuses because of poor company performance last year.

Mr. Speaker, I am not in a position to question the legality of this trade. What I question, and what I am appalled by, is the damage this kind of behavior does to American capitalism. It is just this kind of cynical manipulation of insider trading regulations that tells outside investors—ordinary men and women—they cannot get a fair shake when they invest in the economic engine of our Nation.

More importantly, this trade, during a lingering recession, says that the leaders of American industry are obsessed with their own personal balance sheets. They have little commitment to the companies which provide their perks and seven-figure salaries. They run these companies into the ground knowing they will get out with a million dollar stock sale. In the meantime, down on Main Street, America, plants are shut down, wage earners are laid off, and dreams of homeownership and going to college are broken.

ANOTHER CRISIS IN THE HOUSE OF REPRESENTATIVES

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, we have a crisis in the U.S. House of Representatives. First it was the House bank and stories about Members in this body bouncing checks. Now it is $300,000 owed by Members to the House dining room.

Today's newspaper is filled with stories from one coast to the other of names, of speculation.

Last weekend we went home and we got ridiculed. We heard jokes about bouncing checks. I fear the thought of going home this weekend when we are going to hear anger about Congress' free lunch program.

Mr. Speaker, I believe the time has come to thoroughly examine the conduct of this House. The time has come to be open and honest with the American people.

Mr. Speaker, the time has come to release the names of those involved and those who are ruining the reputation of this institution.

TAIWAN, A FRIEND OF AMERICA

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, I rise today to take issue with those calling for a national plebiscite for the Republic of China on Taiwan. The people of Taiwan have the democratic mechanisms at their disposal to express what their political future should be. I do not believe they need the U.S. Congress or the administration to treat them like some territory.

For over four decades now, the Republic of China on Taiwan has been building and improving their democracy. It seems to me that this body and the administration should be more interested in the plebiscite of the mainland of China. Taiwan seems to me to be one of the few trading partners the United States has today that is making a good-faith effort to buy American products on those goods and services that they import. The people of Taiwan are our friends and it is time that we started treating them like friends, rather than like some possession of a colonial empire.

THE BIG EMBARRASSMENT OF CONGRESS

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, if I listen quietly I can hear the snickers all around the Capitol, and the whispers of "I told you so big mouth." One of the freshman who called for full disclosure has now revealed that he has bounced checks too.

OK with me. My cards are on the table. Now let us see everyone else's hand. As A. Whitney Brown used to say on Saturday Night Live, let us keep our eye on the big picture.

First this House continues to act as if its routine business affairs are classified information. That is wrong. If the Freedom of Information Act applied to Congress, these records would have been public for years, and this scandal would have ended a decade ago.

And remember the central issue since the 7 freshman started this campaign were the 24 major violators who repeatedly, and knowingly bounced checks in the tens of thousands of dollars.

Now we are going to see reporters mailing out surveys again to find out who has eaten thousands of dollars of free lunches at the House dining room. Now Congress is trying to shush up those names too.

If that information was public I know those outstanding bills, some dating back to 1985, would have been paid long, long ago.

This has never been a fight to embarrass individual Members. It has been about the institution's attempts to hide everything, and that is the big embarrassment for us all.

ADMINISTRATION SPENDING $25 MILLION TO BREED MICE CUTS THE CHEESE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the administration is spending $25 million to construct facilities for the purpose of breeding specialized strains of mice for biomedical research; $25 million, Mr. Speaker, even though the cities will give us all the rodents we need.

Let me ask you something, Mr. Speaker. Will these mice have their own condo? Will they have waterbeds? How about a jacuzzi?

Do you not think, Mr. Speaker, it would be cheaper to send these rodents to Niagara Falls for a couple weeks?

Is it any wonder there are 9 million unemployed Americans, no health insurance for 37 million Americans, and our Nation is almost bankrupt?

This is ridiculous, $25 million. I think this cuts the cheese.

□ 1050

CONGRESS SHOULD BAN SPECIAL-INTEREST SOFT MONEY FROM FEDERAL ELECTIONS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, soft money is one of the most difficult and misunderstood aspects of the campaign finance debate. It is essentially money that is raised outside of the Federal election limits and used to benefit candidates for Federal office. This should not be allowed to happen, and there is a logical solution on which we should be able to build bipartisan support.

The solution is quite simple. When any partisan political activity, such as voter registration or get-out-the-vote drives, affects a Federal election, every penny of the funds that pay for that activity should be raised under the Federal election law. There should be no loopholes or exceptions as there are in current law. Corporations and unions should be bound by the same limits that apply to direct contributions to candidates.

I invite my colleagues to join in banning special interest soft money, once and for all, from Federal elections.

THE FEDERAL GOVERNMENT SHOULD INVESTIGATE ABUSES IN THE MEDICARE PROGRAM

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, one of the Administration's great shames is now they are taking care of their senior citizens. I am talking about those who built this country and paid their share, and also talking about many who are veterans.

They are being conned and they are being scammed by greedy and so-called honest business people, being bilked out of billions of dollars of money.

Mr. Speaker, these senior citizens are being abused with inferior service and equipment through Medicare. Medicare, that which they, when they get in their senior years, are going to depend upon. And the Government is not investigating it.

What we need in this country is a national health policy, but with public and independent watchdog authority. Our seniors and taxpayers deserve a lot better. They should be able to depend upon their Government, not fear it.

I say we hunt down those violators who violate the trust of this country and send every damned last one of them to prison.

CONSTITUTIONAL "CHECK AND BALANCES" DOES NOT MEAN CASHING BAD CHECKS ON OVERDRAFT BALANCES

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, at a time when the Congress is facing so many issues, it is a tragedy and a disgrace that the irresponsible conduct of some Members has served as an unfortunate distraction.

Those Members who abused their check cashing privileges at the House bank have forced me to waste my time reassuring the people of southwest Missouri that I am not a part of that crowd.

Frankly, I resent being forced to defend my integrity because of the financial irresponsibility of others.

Now some Members blame the news media and say this issue has been blown out of proportion.

It is a scandal for Members of Congress to abuse their office in this way. No wonder some Members are so irresponsible with tax dollars when they cannot even manage their personal finances.

Let the blame rest where it belongs—with those Members who have disgraced themselves and our institution.

As a student of our Constitution, I thought I knew about constitutional checks and balances. I had no idea that meant cashing bad checks and keeping overdraft balances. This scandal is a discredit to the Congress.

TWENTY-FIFTH ANNUAL COUNTRY MUSIC ASSOCIATION AWARDS

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter)

Mr. CLEMENT. Mr. Speaker, last night, in Nashville, TN, the stars came out and shined brightly.

In the Opry House and on national television, the 25th Annual Country Music Association Awards were presented to the top country artists the industry has to offer.

From Garth Brooks, winner of four awards, including Entertainer of the

Year, to the Kentucky Headhunters, the Judds, Travis Tritt and the Songwriting team of Boudleaux and Felice Bryant, the list of talented artists, musicians, writers and producers featured last night goes on and on.

I can only say that the list of winners and nominees is indicative of the promise ahead for country music and the rich tradition from which they came.

Last night's Country Music Association Awards showcased both artist and the musical form itself and clearly demonstrated why country music is so popular here at home and around the world. New and old blended together, perhaps represented no better than by the duet performed by Clint Black and Roy Rogers.

Mr. Speaker, I am privileged to represent the heart of country music here in the Congress. But it is on behalf of fans everywhere that I offer my heartfelt congratulations to all of last night's award winners.

I also want to thank the Country Music Association itself, and its selfless and untiring executive director, Jo Walker-Meador, for producing an exciting and entertaining show. I also want to compliment the show's hostess, Reba McEntire.

Last, Mr. Speaker, I want to thank the President and First Lady for coming to Nashville last night to join in the celebration. By their mere presence they honored country music, both artist and fan alike.

[List of award winners follows:]

NASHVILLE, TENN. (AP) Winners of 1991 Country Music Association Awards:

Entertainer of the Year: Garth Brooks.

Male Vocalist of the Year: Vince Gill.

Female Vocalist of the Year: Tanya Tucker.

Album of the Year: "No Fences," Garth Brooks.

Single of the Year: "Friends in Low Places," Garth Brooks.

Vocal Duo of the Year: the Judds.

Vocal Group of the Year: Kentucky Head-Hunters.

Country Music Hall of Fame: Boundleaux and Felice Bryant.

Music Video of the Year: "The Thunder Rolls," Garth Brooks and director Bud Schaetzle.

Horizon Award: Travis Tritt.

Song of the Year (award to songwriter): "When I Call Your Name," Tim DuBois and Vince Gill.

Vocal Event of the Year: Mark O'Connor & the New Nashville Cats (featuring Steve Wariner, Ricky Skaggs and Vince Gill).

Musician of the Year: Mark O'Connor.

Irving Waugh Award of Excellence: Jo Walker-Meador, Executive Director, Country Music Association.

DEMOCRAT "TEN-YEAR PLAN" IS DOOMED TO FAILURE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, years ago, before I was a Member of this august body, I remember Congress being referred to jokingly as "Disneyland East," a world of make-believe and fantasy. It appears we are about to reinforce that reputation.

Some of our colleagues on the other side of the aisle have dreamed up the idea of a "10-year budget plan." That sounds great, except it falls into the realm of fantasy when we cannot even stick to a budget plan we established just 1 year ago.

The same budget-busters who gave us record deficits now want to chart a budgetary course which would lead us limping into the next century.

I would say to my colleagues that, based on the track record of the present majority in this House, the so-called "10-year plan" is doomed to failure. The fact is, Mr. Speaker, that Congress must buckle down and do the hard work of crafting a frugal, workable budget on an annual basis. Unless we do that, and the Democratic leadership has to date shown no willingness to do so, we can forget about a "10-year plan."

Our colleagues on the other side of the aisle have leaped at every opportunity to burst our current budget. Let us not give them the opportunity to bring their free-spending ways into the 21st century.

SOLID WASTE METALS REDUCTION ACT

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, today I am joined by my colleagues, Mr. ECKART, Mr. RINALDO, and Mr. GREEN in introducing the Solid Waste Metals Reduction Act. This bill would eliminate from packaging materials four toxic heavy metals: lead, cadmium, mercury and chromium. Our bill is similar to legislation developed by CONEG, the Coalition of Northeastern Governors and has already been enacted into law in 10 States.

These four heavy metals pose a grave threat to public health and safety and are among the chief offenders in incinerator ash contamination and landfill leachate poisoning. With packaging materials comprising nearly 30 percent of all our municipal solid waste, elimination of these toxins in all packaging materials will be a major step in the reduction of the toxicity of our waste streams.

The Solid Waste Metals Reduction Act would prohibit the intentional addition of these toxic metals after 2 years of enactment, with exemptions for packages that require these metals for the protection and safe handling or function of the package's contents.

Our bill enjoys the support of industry, State governments and environmentalists. I urge my colleagues to cosponsor the Solid Waste Metals Reduction Act.

SMALL-BUSINESS JOBS AND TAX BENEFITS ACT

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, today I am introducing legislation which would extend several tax credits to our small businesses.

My legislation, the Small-Business Jobs and Tax Benefits Act of 1991, would extend for 1 year the Research and Development tax credit, the targeted jobs tax credit, the employer provided education benefits, the tax-exemption of small issue bonds and the health insurance deduction for the self-employed.

These tax benefits are set to expire on December 31, 1991. Last year they were part of 11 tax credits that were extended through the budget package.

The extension of these tax benefits are essential to the growth of small businesses across the country. Their expiration would deal a severe blow to the small business community during these tough economic times. I urge my colleagues to work toward the adoption of this bill.

□ 1100

ISRAEL'S SOCIALIST PAST MUST BE DISMANTLED

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, a Washington Post article this morning points out that Histradut, the powerful Israeli labor federation, owns 25 percent of all Israel's enterprises. For Israel to enjoy a vibrant economic future, this remnant of Israel's socialist economic past must be dismantled. It is a 900-pound gorilla that hovers over the Israeli economy, stultifying initiative, impeding progress, and, too often, run by incompetent political appointees.

Mr. Speaker, at a time when the former countries of the Warsaw Pact, the Republics of the Soviet Union, and even the Government of Communist China are pursuing economic reform and liberalizing their economies to the forces of the free market, it is tragic that Israel continues to cling to this outmoded and disproven socialist economic model.

The Israeli people agree that economic reform is necessary. I know that many Israeli businessmen and the brilliant new head of Israel's Central Bank, Michael Bruno, believe Israel needs true economic reform. And it needs it now.

Year after year, I have met with and told Messrs. Shamir and Peres—until

I'm blue in the face—that they should pursue economic reform vigorously. Regrettably, despite their avowed interest in pursuing economic reform, the pace of reform has been pitiful. Now, once again, I urge them to see the same light Mr. Gorbachev has seen, and free the Israeli economy by taking Histradut apart, and privatizing its elements—piece by piece.

I say this as a friend, a devoted friend, of Israel. Friends of Israel desperately want her to set her economic house in order. With energetic economic reform, Israel can ease the burden on Israeli taxpayers, better provide housing for Soviet immigrants, and create new jobs for all her citizens. Israel can be happier and healthier if her leaders make the tough economic and political decisions now.

Israel's friends do her a disservice by not telling her the truth: until she embarks on real, meaningful economic reform, this cloud over her economic integrity will remain. By forgoing, or infinitely delaying, economic reform, Israel provides her enemies with a weapon to use in denying her such aid as the loan guarantees, which are so essential to meeting the desperate needs of Israel's newest citizens.

Histradut must be dismantled and the fresh breezes of free market forces encouraged to invigorate the Israeli economy.

WHY THE HIGHER EDUCATION ACT MAY BE VETOED BY THE PRESIDENT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, this week the Subcommittee on Postsecondary Education is considering reauthorization of the Higher Education Act. Included in this legislation is a proposal which would create a direct Student Loan Lending Program by the Federal Government. Currently, banks and private guaranty agencies run this program. The Federal Government tried this in the 1970's, but it was an abject failure. The Federal Government cannot do this job as efficiently as the private sector. History proves that.

Direct lending will increase costs for three reasons: first, the Government will assume 100 percent liability for all of the defaults; second, the Department of Education is not equipped to run this large-scale program; and third, direct lending will require the Government to borrow at least $10 billion per year, with likely increases to $20 billion by the end of the decade, and this will add to the Federal deficit.

Finally, Mr. Speaker, if this legislation is passed, the Secretary of Education is prepared to ask the President to veto this bill.

THE BREAST CANCER SCREENING SAFETY ACT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this month is October, and October is Breast Cancer Awareness Month. The goal of making the month of October Breast Cancer Awareness Month is to raise the consciousness of all people to the very difficult and tragic circumstances of breast cancer.

We know all the sorry statistics. One out of every nine women can expect to contract breast cancer in her lifetime. Annually, yearly, it takes 45,000 women away from their families and their loved ones.

This month, Mr. Speaker, is, therefore, an appropriate time to announce my cosponsorship of a bill that was just recently introduced by our colleagues, the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentlewoman from Tennessee [Mrs. LLOYD]. It is called the Breast Cancer Screening Safety Act, which establishes accuracy and safety standards for mammography. Mammography is one means of early detection, and early detection can save as many as 10 percent of the women who are detected with breast cancer.

So, Mr. Speaker, in this month of October I urge my colleagues to support the bill introduced by the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentlewoman from Tennessee [Mrs. LLOYD].

MANAGUA SURPRISE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, this body needs to know what Members have been playing Secretary of State by conducting their own foreign policy with the Sandinista Communist government of Nicaragua in years past. We need the agencies which were keeping tabs on the Sandinistas to provide the most complete information on the contacts between Members and their staff and the Nicaraguan Sandinistas. We need to air this issue and determine who was involved and to what extent. The American people deserve to know what the Congress has been up to.

Apparently, within the intelligence community the existence of these records has been more or less common knowledge. It is time the records were put on the table for the rest of us to read and to learn who was in touch with whom and to what purpose. There are rules which must be served, standards of conduct, and the very strict controls of classified information in the Select Committee on Intelligence. If either or both of these rules were broken, then this should be determined and appropriate action taken.

I call for complete disclosure on the Managua connection.

INTRODUCTION OF LEGISLATION DESIGNED TO PREVENT MARINE MAMMAL DIE-OFFS

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, during a 14-month period, from July 1987 through September of 1988, over 800 bottle-nosed dolphins washed up on the Atlantic shores of our country. Thousands of others died at sea, were washed off to sea or were consumed by sharks. Three years later we still do not know conclusively what killed them.

Mr. Speaker, a study conducted in the aftermath of that dolphin die-off, along with hearings held by the Committee on Merchant Marine and Fisheries, revealed that our Nation lacks and still lacks an adequate system either for keeping track of the health of marine mammals or for responding to massive strandings. We have no adequate means for properly collecting, preserving, archiving, and analyzing tissues obtained from stranded marine mammals. In the meantime, the pollution of our coastal waters continues unabated in the years since the last dolphin die-off, setting the stage for another tragedy in the future similar to that which we witnessed 4 years ago.

Today the gentleman from New Jersey [Mr. SAXTON] and I are introducing legislation designed to reduce the likelihood that hundreds of dolphins or other marine mammals will once again wash up on our Nation's shores, and I would invite my colleagues to join us in sponsoring that legislation.

CAMPAIGN FINANCE REFORM REMAINS UNRESOLVED

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, as we head toward the close of the 1st session of the 102d Congress, many issues remain unresolved. At the beginning of the year the Speaker appointed an eight-Member task force on campaign finance reform. I was chosen as one of those Members, and now, many months later, no solution exists.

Mr. Speaker, we have held hearings in various areas of the country and in Wasington, yet we still cannot seem to find the mystery bill so often alluded to by the majority. Let us state for the record what the public has told us loud and clear:

Campaigns for Congress cost too much and are dominated by special interest groups. The public does not want its money used to pay for campaigns. No public financing. Stop all leadership PACs. Have an open debate on the House floor.

Mr. Speaker, here is a serious issue that the public demands action on. Apparently the open process of trying to produce a bill is a charade, for none exists. Some of us have produced our own individual bills in hopes of giving the process a jump start, but still no action.

I hope, Mr. Speaker, we do not end up with a mystery bill being brought out of the old fashioned smoke-filled room and drop in as a substitute to some pending bill at the last moment. That would be a mockery in the eyes of every American voter.

FEDERAL SPENDING MUST BE CONTROLLED

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it is obvious that last year's budget agreement was a farce. Many of us thought that last year, but unfortunately for the American people, not enough.

Fiscal year 1991 closed on September 30 with a deficit $60 billion higher than last year's. According to the Tax Foundation, taxpayers were stuck with $164 billion in new taxes as a result of last fall's agreement.

I think many of the ills our economy has been experiencing can be traced back to that tax increse.

Our deficit isn't growing because Americans are taxed too little—it's growing because Congress spends too much.

Between fiscal year 1981 and fiscal year 1991, revenues to the Federal Government have grown 78.3 percent. But spending levels have doubled, rising 22 percent faster than revenues.

How can this happen?

Last year's foolish budget agreement demonstrates that new taxes just fuel unnecessary spending.

Mr. Speaker, it is clear that if the democratically controlled Congress is serious about deficit reduction then it must do something about unnecessary Federal spending. We need a constitutional amendment to balance the budget now more than ever.

□ 1110

THE EMPLOYEE LEAVE AND JOB BENEFITS ACT OF 1991

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, last year the House approved family and medical leave legislation which excluded employees in small businesses and provided a single defined benefit—unpaid leave.

I felt then, as I do now, that the one size fits all approach of this legislation simply does not account for individual needs and family emergencies. In response, I have introduced the Employee Benefits and Job Security Act. My bill is similar in approach to the American Family Protection Act introduced by Representative STENHOLM, and applies to all businesses, regardless of size. However, it differs in that it provides greater flexibility for employers and employees in defining the terms of employment benefit packages—effectively creating a cafeteria plan. It encourages employers to make available benefits by granting employers an additional 50 percent tax deduction for the cost of providing benefits during leave. These benefits could include health care, educational benefits, child care, additional vacation time, or pension benefits.

I urge my colleagues to give this bill serious consideration as an alternative to mandated leave. Twelve weeks is not enough, and if the idea is a good one let's make it available for all employers.

THE SMALL BUSINESS ECONOMIC OPPORTUNITY ENHANCEMENT ACT MEANS JOBS FOR THE UNEMPLOYED

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, yesterday I introduced the Small Business Economic Opportunity Enhancement Act of 1991. This bill establishes a 5-year demonstration program providing direct loans to very small businesses, or micro enterprises.

It is intended to help the poorest of the poor in this country—those on welfare or other forms of Government assistance—achieve financial independence.

We in Congress have done little to unleash the entrepreneurial instinct that could transform an economically dependent member of our society into a productive, economically independent one. My bill would do just that.

By passing the Small Business Economic Opportunity Enhancement Act, we can provide so much more than a handout to our Nation's chronically unemployed. We can provide them with a decent income and a job they can be proud of.

And so, I would urge my colleagues to remember as this bill moves through the legislative process: It is easy to say that you are all for small business and jobs for our Nation's unemployed, but it is how you vote that really counts.

LEADERSHIP PAC's SHOULD BE ELIMINATED

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, we all hope that, as promised, we are to take up campaign finance reform before the end of this session. As that debate approaches, I think it is time to start suggesting different approaches to reform.

For example, public financing of campaigns was discussed at length when this House debated campaign finance reform in the 101st Congress.

Mr. Speaker, it is the wrong way to go. On the contrary, I feel strongly that a congressional candidate's funds should come not from the U.S. Treasury, but from the people who live and work in the candidate's district.

There are other abuses that should be addressed in this debate. One inside-the-beltway source of financing that must be eliminated is leadership PAC's. They might as well be called slush funds. Members on both sides of the aisle have them and candidates of both parties have enjoyed their fruits, but the American people rightfully take a dim view of slick Washington money muscling in on what should be local contest. The reputation of this institution is suffering at the hands of these things.

The idea that candidates should look to their home area for financial support is hardly a radical idea. Mr. Speaker, it makes good sense. It merits a place in our debate and a positive vote.

FULL DISCLOSURE ON HOUSE BANK NEEDED NOW

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, we need full disclosure of those Members who have abused the check cashing privileges of the House bank. The issue is not, in my judgment, an occasional overdraft, as some of the media reports have suggested.

The issues are, one, why didn't the House Bank follow the Speaker's instructions given over a year ago? Why did they not follow the written procedures, the notice of which was called for in 1988? Procedures were written down and then they were not followed. Why were they not followed?

Why were Members allowed to repeatedly abuse the system without bank officials objecting? Lastly, and most importantly, who engaged in check kiting and what is gong to be done about it? That is an offense which would be punishable as a criminal offense in most jurisdictions.

Mr. Speaker, this is a serious blot upon the reputation of the House. We need full disclosure now.

HOUSE SHOULD GET ON TRAIN OF DECENCY AND DISCLOSE BANK ABUSERS

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, 8 days ago I came here to the floor with other Members of the House and asked the Speaker to release the names, the dates, and the instances of checks that were overdrafts on House accounts. The Speaker at that time said that it was for the integrity of the institution that we should not disclose these figures and we should not disclose these names.

What has happened since? What has happened is that, slowly but surely, these names are leaking out. Slowly but surely the institution is being dragged through the mud, clutching and screaming, saying, "No, no, we won't go."

It is going. The train is passing this institution, and we should stand here and say, let's get on the train of decency, let's get on the train of what is right in principle to the American people, and disclose those names. Let us clean up this mess that is here, and that is going to continue to be here, until, Mr. Speaker, you release the information.

ROOM AT THE INN FOR THE UNEMPLOYED

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, last week at the exact time that we were voting on the extension of the unemployment benefits, unfortunately I was being visited by officials from a major food processing plant in my district. They were telling me at that exact time that they were about to close this major plant in my district. That meant that 202 additional families in our Second Congressional District were about to feel the sting of this continuing recession. That meant that there was no question over whether this Congress should reach out to the unemployed, and there is no question but that the President should not veto this bill.

Mr. Speaker, we hear talk about the long-cold recession in the Soviet Union and how we should help out there. What about the long-cold recession still plaguing families all over our Nation?

There is room at the inn for the unemployed. We have about an $8 billion balance in our Unemployment Trust Fund, and we need to put that to work as more and more of our families remain out of work.

FULL DISCLOSURE OF BANK OF CORRUPT CONGRESSIONAL INCUMBENTS NECESSARY

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, those of us who will be heading home at the conclusion of today's legislative business to our districts to meet with our constituents are bound to hear, given the amount of publicity over recent days, continuing snickers about BCCI. And, no, I am not referring to the Bank of Credit and Commerce International, which has left in its collapse a wake of greed and sleaze which the Banking Committee is now investigating, but rather the so-called House Bank of Bounced Congressional Checks, Incorporated, or, worse yet, the Bank of Corrupt Congressional Incumbents.

I personally as a new Member to this body take great exception to that type of cynicism, because it indicates a lack of faith and trust on the part of voters and the American public in this body, and leads to apathy and low voter turnout and citizen participation in government.

Mr. Speaker, only immediate and full disclosure of the list of names identified in the GAO audit and a complete investigation into the various allegations swirling around this scandal will allow this body to restore its credibility with the American people as a self-policing institution, and put an end to this cynical chorus which eats at the integrity of this institution.

□ 1120

A LETTER TO THE PRESIDENT

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORNAN of California. Mr. Speaker, I have here two letters, one to Secretary of State, our great traveling Secretary, Mr. Baker, and one to the President of the United States about a tragedy that is about to happen in Hong Kong. With all of the collapse, the dissolution, the dissolving of the witch of communism in front of our face, how could the great British people force back Vietnamese to one of the four remaining horrible Communist totalitarian powers, Vietnam.

I just want to read two paragraphs from this letter and ask all of my colleagues to sign it.

> As we see it, the problem is not Vietnamese refugees, but a Vietnamese government that is one of the most oppressive in the world. And we reject the argument that most of the boat people are simply economic migrants. As one writer put it, "The term economic migrant, with its odor of money grubbing opportunism, is desperately seeking that same freedom." Indeed, in totalitarian societies such as Vietnam, blanket persecution is the norm, which makes us question how it is that only one in ten boat people in Hong Kong is granted formal refugee status.

Please stop this tragedy, Mr. Baker and our good President. I ask my colleagues to join me in signing these two letters.

Mr. Speaker, I include for the RECORD a copy of the letter from which I just quoted.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned Members of Congress, are writing to express our outrage at recent reports that Vietnam and Hong Kong have agreed to forcibly repatriate Vietnamese boat people. We urge the administration to oppose this immoral and inhumane policy.

The negotiations between the British and Vietnamese have occurred well outside the framework of the Comprehensive Plan of Action (CPA), the multilateral agreement that, though not perfect, has dealt effectively with the problem of Vietnamese refugees. If Hong Kong is free to pursue its forced repatriation policy, other countries in the region may be tempted to do likewise, putting the entire CPA at risk. And it bothers us that the British, who have been staunch defenders of human rights around the globe, have in this case so cavalierly disregarded the gross human rights violations in Vietnam.

As we see it, the problem is not Vietnamese refugees, but a Vietnamese government that is one of the most oppressive in the world. And we reject the argument that most of the boat people are simply economic migrants. As one writer put it, "the term 'economic migrants,' with its odor of money-grubbing opportunism, is a deliberate slander invented by free people to keep out others desperately seeking that same freedom." Indeed, in totalitarian societies such as Vietnam, blanket persecution is the norm, which makes us question how it is that only one in ten boat people in Hong Kong is granted formal refugee status.

At a time when communism is collapsing the world over, it is a pity that free people would turn their backs on those fleeing oppression. We therefore urge you to convey to the British and Hong Kong governments the administration's strong opposition to the forced repatriation of Vietnamese boat people or any other policy that threatens the viability of the CPA.

We thank you for your consideration.

Best regards,

ROBERT K. DORNAN.

PASS THE GRAMM-GINGRICH ECONOMIC GROWTH PACKAGE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I listened to several Members from the Democratic side talk about unemployment and give particular individual descriptions of people who are unemployed in this country and talk generally about that tragedy.

Let me just say to my Democrat friends, jobs are created by capital. That means money invested into plants, into operations in which people are hired and are able to pay for their college educations for their children, for food, for housing, and for all the things that are the quality of life in America.

Unless we pass the Gramm-Gingrich economic growth package that frees up capital and also does things like doing away with the earnings penalty for senior citizens so they can work also and includes investment tax credits, unless we do that, we are not going to be creating jobs.

It is wrong for the Democratic side of the aisle to be bleeding the patient on a daily basis by refusing to pass Gramm-Gingrich and then continue to bemoan the fact that the patient is getting weaker and weaker.

Let us pass Gramm-Gingrich. Let us create jobs.

UNITED STATES AND ALLIES MUST DO MORE IN HAITI

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, yesterday I had the opportunity to meet privately with Haiti's exiled President, Jean-Bertrand Aristide. His message was one of hope and determination. It called upon the United States and other nations to use all possible economic and political measures to restore Haiti's democracy.

The Bush administration, after a tentative first few hours, now appears ready to take up President Aristide's challenge, and so do our allies in this hemisphere. The OAS is posed to impose tough political and economic sanctions against the renegades who occupy Haiti's presidential palace.

But our work and the work of our allies will not be finished until the coup is repelled. The forces of fear in Haiti must not and will not be allowed to reestablish their grip. The day of the dictator is over in Haiti as in the rest of the world.

The OAS has, in recent months, adopted bold new policies to protect elected governments. If the OAS puts these policies into practice, it can bring Haiti's tyrants to their knees.

It will send a message to other countries in this hemisphere, including Uruguay and El Salvador, that the community of nations will not stand idly by while self-annointed saviours try to wipe out freedom with the barrel of a gun.

HELPING SMALL COMPANIES GROW

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, there are 20 million small businesses in the United States which employ 50 percent of the work force—and contribute 38 percent of the GNP. They are a vital force for job creation in this country—perhaps as high as 80 percent.

I thought of this in the course of my personal investigation of a small company, Kenrich Petrochemicals with the Department of Defense. It became apparent that the DOD and the defense industry, although made up of many mom and pop operations is preoccupied with the big defense companies. DOD constantly is looking out for their welfare and with the stroke of a pen will come to a big company's defense. But what about the small companies with the potential of growth to be the Du Ponts and IBM's of the future? What happens to them? They are ignored or regarded as insignificant.

To me it raises the question: Will the little American companies become big with the help of the Japanese and contribute to Japanese industrial and defense might? Or will they become big because DOD is astute enough to recognize the potential? It makes you wonder where and how the yen is flowing.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1790

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1790.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from Arizona?

There was no objection.

TRIBUTE TO JOHN "BUG" ROACH

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute.)

Mr. CUNNINGHAM. Mr. Speaker, about 1 minute ago I learned a very close friend was killed in a Navy airplane. Of the Navy pilots that spend over 20 years in the service, 25 percent are killed.

John "Bug" Roach was one of the most memorable characters you ever want to know. He served in Vietnam. He served his country well.

Yesterday, while flying a training flight for the Adversary Squadron, John's engine in his A-4 Skyhawk came apart. He rode it down to about 3,000 feet, attempted to eject, and the parachute streamed and John was killed in the water.

I would like to say for the RECORD that John served his country well and was a friend of America.

REINSTATEMENT OF POWER OF INDIAN TRIBES TO EXERCISE CRIMINAL JURISDICTION OVER INDIANS

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1773) to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. RHODES. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Mexico [Mr. RICHARDSON] to explain the purpose of this legislation.

Mr. RICHARDSON. Mr. Speaker, S. 1773 is a temporary measure to fill a jurisdictional void which currently exists on Indian reservations.

In 1990, the Supreme Court held that tribes do not have criminal misdemeanor jurisdiction over nonmember Indians. Chaos resulted because no court had jurisdiction over nonmember Indians. Congress responded last year by affirming tribal misdemeanor jurisdiction over all Indians for a period of 1 year. That 1 year ended on September 30.

It is my belief that permanent legislation affirming tribal misdemeanor jurisdiction over all Indians is essential. In May the House passed H.R. 972 which provides for permanent tribal jurisdiction. The Senate amended this bill which limited the fix to a 2-year period. Last week we began a conference with the Senate on this bill and are currently at an impasse. The conference is now in recess.

Senator INOUYE introduced S. 1773 on Monday and it passed the Senate that day. This bill called for a 31-day extension of jurisdiction over all Indians for criminal misdemeanors. Today, the House amends this measure and changes the extension only until October 18.

Today we fill the jurisdictional gap and temporarily restore tribal jurisdiction.

I am confident that within this timeframe we will solve this jurisdictional problem permanently.

I urge my colleagues to support this bill as amended.

Mr. RHODES. Mr. Speaker, continuing my reservation of objection, I certainly agree with the gentleman from New Mexico [Mr. RICHARDSON] that the Senate should recede to the House position that this extension should be made permanent.

□ 1130

The amendment the gentleman alluded to gives an extension until October 18, which I would note is only 2 weeks from tomorrow. I certainly would urge our colleagues in the Senate to act expeditiously and promptly so that this void can be permanently filled.

Mr. Speaker, I support this temporary extension.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 8077(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511), is amended by deleting "September 30, 1991" and inserting in lieu thereof "October 31, 1991".

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 2, line 5, strike "October 31, 1991" and insert "October 18, 1991".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, October 2, 1991, the conference report is considered as read.

(For conference report and statement, see proceedings of the House of Tuesday, October 1, 1991, at page H 7165.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Smith, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and the amendments in disagreement to the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, and that I be permitted to insert a table and extraneous matter following my remarks on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report recommends appropriations of $21,925,436,000 for the Departments of Commerce, Justice, State, the Judiciary, and 20 agencies for the fiscal year 1992. The total amount provided represents an increase of $2,429,158,000 above the amounts enacted for these departments and agencies for 1991. However, it is below the budget request by $416,628,000, and it is below the Senate bill by $198,052,000. It had to be done this way because the allocations were reduced for this subcommittee. It is also $950,614,000 above the amount considered by the House. The adjustment in the section 602(b) allocation permitted us to provide some increases for some of the agencies, especially in crime and drug control programs, but also for some of the other agencies. The Details are in the report, they are printed, and all Members have access to it. I do not think there is any need to go through and reread the conference report on the floor.

But I recommend the bill wholeheartedly and everything that is included in the conference report. My attached statement provides additional details.

CONFERENCE REPORT SUMMARY

The conference report recommends appropriations of $21,024,524,000 for the Departments of Commerce, Justice, and State, the Judiciary, and 20 agencies for fiscal year 1992. The total amount provided represents an increase of $2,388,673,000 above the amounts enacted for these departments and agencies for fiscal year 1991; $416,628,000 below the budget request; $198,052,000 below the Senate bill; and $950,614,000 above the amounts considered by the House.

LAW ENFORCEMENT

The conference agreement continues and expands the Nation's law-enforcement efforts in the war on drugs and savings and loan prosecutions. The agreement provides a 10-percent increase for Justice Department activities and a 15-percent increase for the Federal courts.

TECHNOLOGY ENHANCEMENTS AND ECONOMIC DEVELOPMENT

The conference agreement includes over $3 billion to continue critical efforts to add jobs and improve the economy through technology enhancements, economic development initiatives, scientific research, fisheries development, weather forecasting services, improvements in international trade and tourism, and small business development.

DEPARTMENT OF COMMERCE

The conference agreement provides $2,994,756,000 for the Commerce Department including $256,882,000 for the Economic Development Assistance programs, $207,160,000 for the International Trade Administration, $39,450,000 for Export Administration, $1,673,915,000 for the National Oceanic and Atmospheric Administration, $88,441,000 for the Patent and Trademark Office, and $246,713,000 for the National Institute of Standards and Technology.

DEPARTMENT OF JUSTICE

For the Department of Justice, the conference agreement provides $9,323,633,000 in new budget authority including $1,926,092,000 for the Federal Bureau of Investigation, $716,653,000 for the Drug Enforcement Administration, $941,241,000 for the Immigration and Naturalization Service, $2,061,231,000 for the Federal Prison System, and $695,611,000 for the Office of Justice programs.

DEPARTMENT OF STATE

The conference agreement provides $3,754,148,000 which includes $2,733,324,000 for administration of foreign affairs, $955,113,000 for international organizations and conferences, $40,177,000 for international commissions, $4,500,000 for the United States bilateral science and technology agreements, $16 million for payment to the Asia Foundation, and $4,784,000 for Soviet-East European research and training.

THE JUDICIARY

The conference agreement includes $2,341,540,000 for the Federal Justice System, including salaries of judges, judicial officers and employees, and operating expenses of the Federal courts.

RELATED AGENCIES

The conference agreement provides $3,511,359,000 for related agencies and commissions, including $44,527,000 for the Arms Control and Disarmament Agency, $212,491,000 for the Board for International Broadcasting, $210,271,000 for the Equal Employment Opportunity Commission, $126,309,000 for the Federal Communications Commission, $350 million for the Legal Services Corporation, $157,485,000 for the Securities and

Exchange Commission, $837,325,000 for the Small Business Administration, and $1,087,094,000 for the U.S. Information Agency.

Mr. Speaker, I received a letter today from the chairman of the Energy and Commerce Committee. The letter was not received in time to include the requested language in the statement of the managers. I am including the letter in its entirety.

I am submitting at this point, a table which indicates, for the departments and agencies in this bill, the fiscal year 1991 enacted levels, the budget request, the House and Senate levels, and the amounts included in this conference report:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 1, 1991.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, Washington, DC.

Hon. NEAL SMITH,
Chairman, Subcommittee on Commerce, Justice, State, and Judiciary, Washington, DC.

DEAR MESSRS. CHAIRMEN: We are writing concerning the fiscal year 1992 appropriations for the Securities and Exchange Commission, as contained in H.R. 2608, the Appropriations for the Department of Commerce, Justice, and State, the Judiciary and Related Agencies. We are writing in particular with respect to the Senate-adopted legislative language which would raise Commission fees to offset the Commission's appropriations increase request. As you know, on August 12, 1991, this Committee wrote to the Speaker about repeated Senate violations of Rule XXI, cl. 2(b) of the Rules of the U.S. House of Representatives with respect to legislating in appropriations bills (enclosure).

Under authority granted by the Securities Exchange Act of 1934, the Securities and Exchange Commission historically has collected fees for a variety of services that it has performed. Yet traditionally that money has gone to the general fund of the Treasury, with no link to the operating needs of the Commission. During the 1980's, Commission fee collection exploded with the growth of the financial markets, but the Commission's budgets were kept painfully tight. The Commission collected $232 million in 1990 fee revenue, 139 percent of its funding level.

For the last several years, the Committee on Energy and Commerce, in consultation with the Committees on Appropriations, Budget, and Ways and Means, has sought to adopt a long-term full-cost recovery plan for the Commission. Such a plan passed the entire House of Representatives as part of the Omnibus Budget Reconciliation Act of 1989, and we are hopeful of bringing forth a new proposal shortly that satisfies the requirements of the Policies of the Chair on Jurisdictional Concepts Related to Clause 5(b) of Rule XXI (Congressional Record, January 15, 1991).

The Senate version of H.R. 2608 includes, for the third consecutive year, legislative language which would raise the fees on registration of initial public offerings, this year from 1/50 of one percent of the offering to 1/32 of one percent. Such a change, if accepted by the House, would permit the adjustment of the Commission's budget from a baseline of $157.485 million to the Commission-requested level of $225.792 million. While this Committee remains strongly opposed to the practice of legislating in appropriations bills, we are well aware of the strains in the Commission budget and the need for greater, not lesser, regulatory efforts in our financial markets. In fact, in the last several years, the Energy and Commerce Committee has broadened the Commission's statutory mandate through the passage of the Insider Trading and Securities Fraud Enforcement Act of 1988, the Market Reform Act of 1990, the Securities Enforcement Remedies and Penny Stock Reform Act of 1990 and other legislation. Based on the immediate and obvious Commission budget needs, without prejudice, we will not raise an objection to House acceptance of this Senate language in this particular instance.

However, we would request the inclusion of report language which recognizes the ongoing efforts of the authorizing Committees to provide complete long-term self-funding for the Commission. Such language could be stated as follows:

"The managers note that the language raising the Securities and Exchange Commission fees for initial public offering registration is solely a temporary measure to avoid drastic consequences for the Commission budget for FY '92. Such a solution would be replaced by any permanent self-funding plan adopted by the appropriate authorizing committees and signed into law."

Thank you for your consideration of this matter. We look forward to working with you in the future.

Sincerely,

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.

EDWARD J. MARKEY,
Chairman, Subcommittee on Telecommunications and Finance.

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE AND RELATED AGENCIES						
DEPARTMENT OF JUSTICE						
Office of Justice Programs						
Justice Assistance	660,179,000	579,335,000	664,761,000	668,967,000	668,467,000	+8,288,000
Public safety officers benefits program	26,075,000	27,144,000	27,144,000	27,144,000	27,144,000	+1,069,000
Total, Office of Justice Programs	686,254,000	606,479,000	691,905,000	696,111,000	695,611,000	+9,357,000
General Administration						
Salaries and expenses	100,968,000	131,621,000	109,925,000	114,142,000	110,100,000	+9,132,000
Office of Inspector General	25,140,000	36,019,000	27,893,000	30,719,000	28,820,000	+3,680,000
Drug law enforcement training					3,500,000	+3,500,000
Total, general administration	126,108,000	167,640,000	137,818,000	144,861,000	142,420,000	+16,312,000
United States Parole Commission						
Salaries and expenses	10,051,000	9,786,000	9,855,000	9,786,000	9,855,000	-196,000
Legal Activities						
Salaries and expenses, general legal activities	345,603,000	407,742,000	379,804,000	388,821,000	384,249,000	+38,646,000
(By transfer)	(3,180,000)					(-3,180,000)
Vaccine injury compensation trust fund	2,000,000	2,500,000	2,000,000	2,000,000	2,000,000	
Independent counsel (permanent, indefinite)	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	
Civil liberties public education fund (permanent, definite)	500,000,000	500,000,000	500,000,000	500,000,000	500,000,000	
Salaries and expenses, Antitrust Division	33,730,000	48,894,000	43,045,000	45,494,000	44,994,000	+11,264,000
Salaries and expenses, United States Attorneys	673,095,000	779,256,000	720,737,000	728,259,000	720,737,000	+47,642,000
(By transfer)	(1,903,000)					(-1,903,000)
United States Trustee System Fund	64,300,000	82,182,000	67,520,000	69,571,000	57,221,000	-7,079,000
Salaries and expenses, Foreign Claims Settlement Commission	640,000	843,000	843,000	843,000	843,000	+203,000
Salaries and expenses, United States Marshals Service	288,529,000	346,674,000	313,847,000	313,847,000	313,847,000	+25,318,000
(By transfer)	(1,025,000)					(-1,025,000)
Support of United States prisoners	193,034,000	228,125,000	218,125,000	224,125,000	219,125,000	+26,091,000
Fees and expenses of witnesses	79,831,000	92,797,000	92,797,000	92,797,000	92,797,000	+12,966,000
Salaries and expenses, Community Relations Service	27,172,000	29,097,000	27,343,000	27,343,000	27,343,000	+171,000
Assets forfeiture fund	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	
Total, legal activities	2,311,934,000	2,622,110,000	2,470,061,000	2,497,100,000	2,467,156,000	+155,222,000
Interagency Law Enforcement						
Organized crime drug enforcement	328,000,000	401,974,000	363,374,000	380,344,000	363,374,000	+35,374,000
Federal Bureau of Investigation						
Salaries and expenses	1,692,595,000	2,021,217,000	1,866,832,000	1,924,807,000	1,878,092,000	+185,497,000
Identification division automation				48,000,000	48,000,000	+48,000,000
Total, Federal Bureau of Investigation	1,692,595,000	2,021,217,000	1,866,832,000	1,972,807,000	1,926,092,000	+233,497,000
Drug Enforcement Administration						
Salaries and expenses	694,340,000	747,957,000	706,286,000	740,667,000	716,653,000	+22,313,000
Immigration and Naturalization Service						
Salaries and expenses	887,103,000	1,008,026,000	947,041,000	950,817,000	938,241,000	+51,138,000
Immigration fee expansion	100,350,000					-100,350,000
Immigration offsetting receipt	-89,800,000					+89,800,000
Immigration legalization			3,000,000	3,000,000	3,000,000	+3,000,000
Total, Immigration and Naturalization Service	897,653,000	1,008,026,000	950,041,000	953,817,000	941,241,000	+43,588,000
Federal Prison System						
Salaries and expenses	1,357,843,000	1,737,835,000	1,637,299,000	1,612,635,000	1,598,920,000	+241,077,000
National Institute of Corrections	10,007,000	10,221,000	10,221,000	10,221,000	10,221,000	+214,000
Buildings and facilities	374,358,000	411,593,000	415,090,000	452,090,000	452,090,000	+77,732,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,167,000)	(3,297,000)	(3,248,000)	(3,297,000)	(3,297,000)	(+130,000)
Total, Federal prison system	1,742,208,000	2,159,649,000	2,062,610,000	2,074,946,000	2,061,231,000	+319,023,000
Total, Department of Justice:						
New budget (obligational) authority	8,489,143,000	9,744,838,000	9,258,782,000	9,470,439,000	9,323,633,000	+834,490,000
(Limitation on administrative expenses)	(3,167,000)	(3,297,000)	(3,248,000)	(3,297,000)	(3,297,000)	(+130,000)

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
RELATED AGENCIES						
Commission on Civil Rights						
Salaries and expenses	7,075,000	10,780,000	7,159,000	7,617,000	7,159,000	+84,000
Equal Employment Opportunity Commission						
Salaries and expenses	201,930,000	210,271,000	209,875,000	210,271,000	210,271,000	+8,341,000
Federal Communications Commission						
Salaries and expenses	116,794,000	67,929,000	67,929,000	126,309,000	126,309,000	+9,515,000
Federal Maritime Commission						
Salaries and expenses	15,894,000	17,974,000	17,317,000	17,974,000	17,600,000	+1,706,000
Federal Trade Commission						
Salaries and expenses	56,095,000	72,296,000	68,892,000	70,000,000	69,200,000	+13,105,000
Securities and Exchange Commission						
Salaries and expenses	159,085,000	225,792,000	157,485,000	157,485,000	157,485,000	-1,600,000
State Justice Institute						
Salaries and expenses	13,000,000	15,000,000	13,347,000	13,588,000	13,550,000	+550,000
Total, related agencies	569,873,000	620,042,000	542,004,000	603,244,000	601,574,000	+31,701,000
Total, title I, Department of Justice and related agencies:						
New budget (obligational) authority	9,059,016,000	10,364,880,000	9,800,786,000	10,073,683,000	9,925,207,000	+866,191,000
(Limitation on administrative expenses)	(3,167,000)	(3,297,000)	(3,248,000)	(3,297,000)	(3,297,000)	(+130,000)
TITLE II - DEPARTMENT OF COMMERCE						
National Institute of Standards and Technology						
Scientific and technical research and services	166,228,000	201,840,000	173,942,000	188,950,000	183,000,000	+16,772,000
Industrial technology services	49,100,000	46,200,000	63,713,000	63,713,000	63,713,000	+14,613,000
Total, NIS&T	215,328,000	248,040,000	237,655,000	252,663,000	246,713,000	+31,385,000
National Oceanic and Atmospheric Administration						
Shipbuilding and conversion, fleet modernization				100,000,000	33,200,000	+33,200,000
Construction					34,917,000	+34,917,000
Operations, research, and facilities	1,356,156,000	1,501,476,000	1,381,550,000	1,550,769,000	1,453,928,000	+97,772,000
Aviation weather services program (Airport and Airways Trust Fund)	34,521,000	35,389,000	34,858,000	35,389,000	35,389,000	+868,000
(By transfer from Promote and Develop Fund)	(60,900,000)	(70,800,000)	(69,738,000)	(56,600,000)	(63,100,000)	(+2,200,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)		(12,000,000)	(12,000,000)	(12,000,000)	(12,000,000)	(+12,000,000)
(By transfer from Coastal Energy Impact Fund)	(7,000,000)					(-7,000,000)
Promote and develop fishery products	500,000			500,000	500,000	
Total, Operations, research, and facilities	1,391,177,000	1,536,865,000	1,416,408,000	1,586,658,000	1,489,817,000	+98,640,000
GOES Contingency Fund				110,000,000	110,000,000	+110,000,000
Damage assessment and restoration revolving fund	5,000,000					-5,000,000
Fisheries promotional fund (availability of funds)	(2,000,000)		(250,000)	(250,000)	(250,000)	(-1,750,000)
Fishing vessel and gear damage fund	1,202,000	1,300,000	1,281,000	1,281,000	1,281,000	+79,000
Fishermen's contingency fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Foreign fishing observer fund	1,997,000	2,026,000	1,996,000	1,000,000	1,000,000	-997,000
Fishing vessel obligations guarantee			1,400,000		1,000,000	+1,000,000
(Limitation on guaranteed loans)			(14,000,000)		(10,000,000)	(+10,000,000)
Administrative expenses			2,000,000		1,700,000	+1,700,000
Total, Fishing vessel obligations guarantee			3,400,000		2,700,000	+2,700,000
Total, National Oceanic and Atmospheric Administration	1,400,376,000	1,541,191,000	1,424,085,000	1,799,939,000	1,673,915,000	+273,539,000
General Administration						
Salaries and expenses	29,595,000	33,207,000	30,611,000	31,750,000	31,280,000	+1,685,000
Office of Inspector General	14,400,000	17,275,000	14,913,000	15,333,000	15,140,000	+740,000
Total, general administration	43,995,000	50,482,000	45,524,000	47,083,000	46,420,000	+2,425,000
Bureau of the Census						
Salaries and expenses	110,250,000	132,484,000	123,009,000	127,960,000	125,290,000	+15,040,000
(By transfer)	(1,000,000)					(-1,000,000)
Periodic censuses and programs	272,700,000	175,011,000	172,357,000	145,000,000	165,000,000	-107,700,000
Total, Bureau of the Census	382,950,000	307,495,000	295,366,000	272,960,000	290,290,000	-92,660,000

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Economic and Statistical Analysis						
Salaries and expenses	37,200,000	43,494,000	38,921,000	41,994,000	40,380,000	+3,180,000
International Trade Administration						
Operations and administration	187,120,000	196,269,000	194,875,000	203,814,000	207,160,000	+20,040,000
Export Administration						
Operations and administration	44,499,000	41,594,000	38,777,000	41,594,000	39,450,000	-5,049,000
Minority Business Development Agency						
Minority business development	40,549,000	43,078,000	40,880,000	41,578,000	40,500,000	-49,000
United States Travel and Tourism Administration						
Salaries and expenses	20,696,000	17,686,000	15,249,000	18,546,000	17,480,000	-3,216,000
Patent and Trademark Office						
Salaries and expenses	91,000,000	94,300,000	91,887,000	88,441,000	88,441,000	-2,559,000
Technology Administration						
Salaries and expenses	4,200,000	4,936,000	4,318,000	4,937,000	4,600,000	+400,000
National Telecommunications and Information Administration						
Salaries and expenses	15,252,000	18,719,000	15,861,000	18,122,000	17,600,000	+2,348,000
Public telecommunications facilities, planning and construction	21,833,000		22,428,000	32,428,000	22,925,000	+1,092,000
Endowment for Children's Educational Television				4,000,000	2,000,000	+2,000,000
Total, National Telecommunications and Information Administration	37,085,000	18,719,000	38,289,000	54,550,000	42,525,000	+5,440,000
Economic Development Administration						
Economic development assistance programs	209,000,000			226,836,000	226,836,000	+17,836,000
Economic development guaranteed loans				565,000	800,000	+800,000
(Limitation on guaranteed loans)	(150,000,000)					(-150,000,000)
Administrative expenses				1,614,000	1,614,000	+1,614,000
Total, Economic development guaranteed loans				2,179,000	2,414,000	+2,414,000
Economic Development Revolving Fund (rescission)	-59,000,000			-42,500,000		+59,000,000
Salaries and expenses	27,018,000	20,000,000	28,218,000	27,632,000	27,632,000	+614,000
Total, Economic Development Administration	177,018,000	20,000,000	28,218,000	214,147,000	256,882,000	+79,864,000
Total, title II, Department of Commerce:						
New budget (obligational) authority	2,682,016,000	2,627,284,000	2,494,044,000	3,082,246,000	2,994,756,000	+312,740,000
(By transfer)	(68,900,000)	(82,800,000)	(81,738,000)	(68,600,000)	(75,100,000)	(+6,200,000)
(Limitation on guaranteed loans)	(150,000,000)		(14,000,000)		(10,000,000)	(-140,000,000)
(Availability of funds)	(2,000,000)		(250,000)	(250,000)	(250,000)	(-1,750,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,430,000	1,540,000	1,540,000	1,540,000	1,540,000	+110,000
Other salaries and expenses	17,653,000	19,247,000	19,247,000	19,247,000	19,247,000	+1,594,000
Total, salaries and expenses	19,083,000	20,787,000	20,787,000	20,787,000	20,787,000	+1,704,000
Care of the building and grounds	3,453,000	4,306,000	3,801,000	4,306,000	3,801,000	+348,000
Total, Supreme Court of the United States	22,536,000	25,093,000	24,588,000	25,093,000	24,588,000	+2,052,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,633,000	1,655,000	1,655,000	1,655,000	1,655,000	+22,000
Other salaries and expenses	8,129,000	9,399,000	9,120,000	9,399,000	9,120,000	+991,000
Total, salaries and expenses	9,762,000	11,054,000	10,775,000	11,054,000	10,775,000	+1,013,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,144,000	1,293,000	1,293,000	1,293,000	1,293,000	+149,000
Other salaries and expenses	7,613,000	9,202,000	8,139,000	9,202,000	8,139,000	+526,000
(By transfer)	(81,000)					(-81,000)
Total, salaries and expenses	8,757,000	10,495,000	9,432,000	10,495,000	9,432,000	+675,000

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges	131,868,000	153,000,000	153,000,000	153,000,000	153,000,000	+21,132,000
Other salaries and expenses	1,525,986,000	1,904,195,000	1,794,471,000	1,713,762,000	1,722,000,000	+196,014,000
(By transfer)	(4,919,000)					(-4,919,000)
Subtotal	1,657,854,000	2,057,195,000	1,947,471,000	1,866,762,000	1,875,000,000	+217,146,000
Vaccine Injury Compensation Trust Fund	1,500,000	2,000,000	1,588,000	2,100,000	2,100,000	+600,000
Total, salaries and expenses	1,659,354,000	2,059,195,000	1,949,059,000	1,868,862,000	1,877,100,000	+217,746,000
Defender services	132,761,000	193,004,000	185,372,000	177,386,000	190,621,000	+57,860,000
Fees of jurors and commissioners	63,597,000	70,000,000	70,000,000	70,000,000	70,000,000	+6,403,000
Court security	71,791,000	85,060,000	82,830,000	83,102,000	81,048,000	+9,257,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	1,927,503,000	2,407,259,000	2,287,261,000	2,199,350,000	2,218,769,000	+291,266,000
Administrative Office of the United States Courts						
Salaries and expenses	39,850,000	51,600,000	44,681,000	44,743,000	44,681,000	+4,831,000
Federal Judicial Center						
Salaries and expenses	15,551,000	27,940,000	18,795,000	21,626,000	17,795,000	+2,244,000
Judicial Retirement Funds						
Payment to judicial officers' retirement and judicial survivors' annuity funds	5,000,000	6,500,000	6,500,000	6,500,000	6,500,000	+1,500,000
United States Sentencing Commission						
Salaries and expenses	8,422,000	9,000,000	8,865,000	9,000,000	9,000,000	+578,000
Total, title III, the Judiciary	2,037,381,000	2,548,941,000	2,410,897,000	2,327,861,000	2,341,540,000	+304,159,000
TITLE IV - RELATED AGENCIES						
Department of Transportation						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(261,200,000)	(272,210,000)	(272,210,000)	(272,210,000)	(272,210,000)	(+11,010,000)
Operations and training	69,000,000	73,000,000	70,920,000	75,000,000	73,200,000	+4,200,000
(By transfer)	(1,100,000)					(-1,100,000)
Ready reserve force	245,000,000	225,000,000	225,000,000	233,961,000	233,961,000	-11,039,000
Total, Maritime Administration	314,000,000	298,000,000	295,920,000	308,961,000	307,161,000	-6,839,000
Advisory Commission on Conference in Ocean Shipping						
Salaries and expenses	500,000					-500,000
Christopher Columbus Quincentenary Jubilee Commission						
Salaries and expenses	214,000	220,000	220,000	220,000	220,000	+6,000
Commission on Agricultural Workers						
Salaries and expenses	1,457,000	1,448,000	1,426,000	1,448,000	1,426,000	-31,000
Commission on the Bicentennial of the United States Constitution						
Salaries and expenses	14,973,000	1,911,000	1,882,000	1,911,000	1,882,000	-13,091,000
Commission on Legal Immigration Reform						
Salaries and expenses				500,000		
Commission on Security and Cooperation in Europe						
Salaries and expenses	991,000	1,075,000	1,059,000	1,075,000	1,075,000	+84,000
Competitiveness Policy Council						
Salaries and expenses	750,000		750,000	750,000	750,000	
Marine Mammal Commission						
Salaries and expenses	1,153,000	1,153,000	1,153,000	1,300,000	1,250,000	+97,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	300,000	300,000	300,000	300,000	
Office of the United States Trade Representative						
Salaries and expenses	20,000,000	20,400,000	21,077,000	19,400,000	20,400,000	+400,000
Legal Services Corporation						
Payment to the Legal Services Corporation	328,186,000	355,000,000		350,000,000	350,000,000	+21,814,000

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Small Business Administration						
Salaries and expenses	274,753,000	179,448,000	221,079,000	209,731,000	235,811,000	-38,942,000
(By transfer)	(1,500,000)					(-1,500,000)
(By transfer, indefinite) (sec. 12)	(107,160,000)					(-107,160,000)
Office of Inspector General	9,000,000	13,464,000	9,757,000	11,000,000	10,000,000	+1,000,000
Business Loans Program Account	162,625,000	55,620,000	270,349,000	270,349,000	270,349,000	+107,724,000
Micro-Loan program				1,800,000	2,600,000	+2,600,000
(Limitation on direct loans)	(71,000,000)	(5,000,000)	(69,935,000)	(84,935,000)	(84,935,000)	(+13,935,000)
(Limitation on guaranteed loans)		(4,828,291,000)	(4,819,000,000)	(4,819,000,000)	(4,819,000,000)	(+4,819,000,000)
Administrative expenses		106,000,000	104,410,000	104,410,000	104,410,000	+104,410,000
Total, Business loans program account	162,625,000	161,620,000	374,759,000	376,559,000	377,359,000	+214,734,000
Disaster Loans Program Account		121,555,000	114,913,000	121,555,000	121,555,000	+121,555,000
(Limitation on direct loans)		(291,760,000)	(344,750,000)	(365,000,000)	(365,000,000)	(+365,000,000)
Administrative expenses		78,000,000	76,830,000	78,000,000	78,000,000	+78,000,000
Total, Disaster loans program account		199,555,000	191,743,000	199,555,000	199,555,000	+199,555,000
Surety bond guarantees revolving fund	10,200,000	14,600,000	14,381,000	14,600,000	14,600,000	+4,400,000
Pollution control equipment contract guarantee revolving fund	13,000,000		8,400,000			-13,000,000
Total, Small Business Administration	469,578,000	568,687,000	820,119,000	811,445,000	837,325,000	+367,747,000
Total, title IV, Related agencies:						
New budget (obligational) authority	1,152,102,000	1,248,194,000	1,143,906,000	1,497,310,000	1,521,789,000	+369,687,000
(By transfer)	(109,760,000)					(-109,760,000)
(Liquidation of contract authority)	(261,200,000)	(272,210,000)	(272,210,000)	(272,210,000)	(272,210,000)	(+11,010,000)
TITLE V - DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Salaries and expenses	1,899,717,000	2,049,572,000	2,021,835,000	2,007,246,000	2,015,335,000	+115,618,000
Registration fees	500,000	700,000	523,000	700,000	700,000	+200,000
International Center fees	1,013,000					-1,013,000
Blair House fees	15,000					-15,000
Total, salaries and expenses	1,901,245,000	2,050,272,000	2,022,358,000	2,007,946,000	2,016,035,000	+114,790,000
Office of Inspector General	21,840,000	23,928,000	23,037,000	23,037,000	23,037,000	+1,197,000
Representation allowances	4,600,000	4,802,000	4,802,000	4,802,000	4,802,000	+202,000
Protection of foreign missions and officials	9,100,000	9,464,000	9,464,000	11,464,000	10,464,000	+1,364,000
Moscow embassy reconstruction				130,000,000		
Acquisition and maintenance of buildings abroad	227,656,000	570,000,000	552,594,000	430,000,000	545,000,000	+317,344,000
(Transfer out)				(-29,000,000)		
Emergencies in the diplomatic and consular service	13,438,000	8,000,000	7,000,000	8,000,000	7,000,000	-6,438,000
Repatriation loans	750,000					-750,000
Repatriation loans program account		74,000	74,000	74,000	74,000	+74,000
(Limitation on direct loans)		(223,000)	(223,000)	(223,000)	(223,000)	(+223,000)
Administrative expenses			145,000	145,000	145,000	+145,000
Total, Repatriation loans program account		74,000	219,000	219,000	219,000	+219,000
Payment to the American Institute in Taiwan	11,752,000	13,784,000	13,334,000	13,784,000	13,784,000	+2,032,000
Payment to the Foreign Service Retirement and Disability Fund	108,576,000	112,983,000	112,983,000	112,983,000	112,983,000	+4,407,000
Total, Administration of Foreign Affairs	2,298,957,000	2,793,307,000	2,745,791,000	2,742,235,000	2,733,324,000	+434,367,000
International Organizations and Conferences						
Contributions to international organizations	787,605,000	749,665,000	749,665,000	749,665,000	749,665,000	-37,940,000
Arrearage payments, FY 1992		92,719,000	117,109,000	92,719,000	92,719,000	+92,719,000
Arrearage payments, advance appropriations		278,157,000				
Total	787,605,000	1,120,541,000	866,774,000	842,384,000	842,384,000	+54,779,000
Contributions for international peacekeeping activities	115,000,000	68,869,000	68,869,000	68,869,000	68,869,000	-46,131,000
Arrearage payments, FY 1992		38,360,000	39,987,000	38,360,000	38,360,000	+38,360,000
Arrearage payments, advance appropriations		94,063,000				
Total	115,000,000	201,292,000	108,856,000	107,229,000	107,229,000	-7,771,000
International conferences and contingencies	7,300,000	5,500,000	5,500,000	5,500,000	5,500,000	-1,800,000
Total, International Organizations and Conferences	909,905,000	1,327,333,000	981,130,000	955,113,000	955,113,000	+45,208,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	10,500,000	10,900,000	11,400,000	10,900,000	11,400,000	+900,000
Construction	10,000,000	10,525,000	10,277,000	10,525,000	10,277,000	+277,000

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
American sections, international commissions	4,400,000	4,500,000	4,500,000	4,500,000	4,500,000	+100,000
International fisheries commissions	12,247,000	12,147,000	12,647,000	14,758,000	14,000,000	+1,753,000
Total, International Commissions	37,147,000	38,072,000	38,824,000	40,683,000	40,177,000	+3,030,000
Other						
United States Bilateral Science and Technology Agreements	4,500,000	5,000,000	4,500,000	4,500,000	4,500,000	
Payment to the Asia Foundation	13,978,000	15,367,000	16,000,000	16,000,000	16,000,000	+2,022,000
Soviet-East European research and training	4,600,000	4,784,000	4,784,000	4,784,000	4,784,000	+184,000
Fishermen's guaranty fund	900,000					-900,000
Fishermen's protective fund	500,000	250,000	250,000	250,000	250,000	-250,000
Total, Other	24,478,000	25,401,000	25,534,000	25,534,000	25,534,000	+1,056,000
General Provisions						
British American Parliamentary Group (sec. 304b)	50,000					-50,000
Mexican American Parliamentary Group (sec. 304c)	50,000					-50,000
Total, General provisions	100,000					-100,000
Total, Department of State:						
New budget (obligational) authority	3,270,587,000	4,184,113,000	3,791,279,000	3,763,565,000	3,754,148,000	+483,561,000
Fiscal year 1992	(3,270,587,000)	(3,811,893,000)	(3,791,279,000)	(3,763,565,000)	(3,754,148,000)	(+483,561,000)
Fiscal year 1993		(372,220,000)				
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	37,040,000	47,446,000	43,527,000	42,423,000	44,527,000	+7,487,000
(By transfer)				(2,000,000)		
Board for International Broadcasting						
Grants and expenses	205,750,000	217,960,000	212,491,000	212,491,000	212,491,000	+6,741,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	200,000	50,000	200,000	50,000	200,000	
International Trade Commission						
Salaries and expenses	40,299,000	42,934,000	42,934,000	41,934,000	42,434,000	+2,135,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	
(Foreign currency appropriation)	(1,544,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(-124,000)
United States Information Agency						
Salaries and expenses	657,157,000	692,275,000	681,051,000	692,275,000	691,725,000	+34,568,000
(By transfer)	(1,400,000)			(4,000,000)		(-1,400,000)
Office of Inspector General	4,023,000	4,206,000	4,206,000	4,206,000	4,206,000	+183,000
Educational and cultural exchange programs	163,151,000	172,500,000	178,000,000	186,163,000	194,232,000	+31,081,000
(By transfer)				(13,000,000)		
Payment to the Eisenhower Exchange Fellowship Program Trust Fund			5,000,000	5,000,000	5,000,000	+5,000,000
Radio construction	107,237,000	98,043,000	98,043,000	98,043,000	98,043,000	-9,194,000
(By transfer)				(10,000,000)		
Broadcasting to Cuba	31,069,000	38,988,000	33,288,000	38,988,000	36,888,000	+5,819,000
East-West Center	23,000,000	23,000,000	23,920,000	26,000,000	24,500,000	+1,500,000
North / South Center			10,000,000		5,000,000	+5,000,000
National Endowment for Democracy	25,000,000	30,000,000		30,000,000	27,500,000	+2,500,000
Total, United States Information Agency	1,010,637,000	1,059,012,000	1,033,508,000	1,080,675,000	1,087,094,000	+76,457,000
Total, related agencies	1,295,176,000	1,368,652,000	1,333,910,000	1,378,823,000	1,387,996,000	+92,820,000
Total, title V, Department of State and related agencies:						
New budget (obligational) authority	4,565,763,000	5,552,765,000	5,125,189,000	5,142,388,000	5,142,144,000	+576,381,000
Fiscal year 1992	(4,565,763,000)	(5,180,545,000)	(5,125,189,000)	(5,142,388,000)	(5,142,144,000)	(+576,381,000)
Fiscal year 1993		(372,220,000)				
(By transfer)	(1,400,000)			(29,000,000)		(-1,400,000)
Grand total:						
New budget (obligational) authority	19,496,278,000	22,342,064,000	20,974,822,000	22,123,488,000	21,925,436,000	+2,429,158,000
Fiscal year 1992	(19,496,278,000)	(21,969,844,000)	(20,974,822,000)	(22,123,488,000)	(21,925,436,000)	(+2,429,158,000)
Fiscal year 1993		(372,220,000)				
(By transfer)	(191,168,000)	(82,800,000)	(81,738,000)	(97,600,000)	(75,100,000)	(-116,068,000)
(Limitation on administrative expenses)	(3,167,000)	(3,297,000)	(3,248,000)	(3,297,000)	(3,297,000)	(+130,000)
(Limitation on direct loans)	(71,000,000)	(296,983,000)	(414,908,000)	(450,158,000)	(450,158,000)	(+379,158,000)
(Limitation on guaranteed loans)	(150,000,000)	(4,828,291,000)	(4,833,000,000)	(4,819,000,000)	(4,829,000,000)	(+4,679,000,000)
(Liquidation of contract authority)	(261,200,000)	(272,210,000)	(272,210,000)	(272,210,000)	(272,210,000)	(+11,010,000)
(Foreign currency appropriation)	(1,544,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(-124,000)
(Availability of funds)	(2,000,000)		(250,000)	(250,000)	(250,000)	(-1,750,000)

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join the distinguished chairman of our subcommittee, the gentleman from Iowa, in support of this conference agreement.

H.R. 2608 appropriates a total of $21.9 billion for the fiscal year which began Tuesday, supporting as diverse a set of Government programs and services as you will find in any of the 13 appropriations bills.

While Commerce, Justice, State, and the judiciary comprise most of this bill, it is far from limited to those departments. The Federal Communications Commission, the Federal Trade Commission, the U.S. Trade Representative, the Small Business Administration, the SEC, the U.S. Information Agency, and several smaller agencies, all come under our purview.

In every case, the bill preserves the essential functions these agencies carry out, while providing real increases where we could.

This achievement, normally difficult in any year, was made more difficult this year by: First, three separate and fenced spending categories—domestic, international, and defense; and second, a wide gulf between the spending allocations of our subcommittee, and those of our Senate counterpart, which were significantly higher.

Having struggled to find the middle ground, we bring back to the House a bill which, frankly, is an improvement upon the House members with respect to almost every agency and program.

Our domestic spending priority continues to be the war on drugs and crime. To this end, you will find sizable increases over last year for the major players in the Department of Justice—FBI, Drug Enforcement Administration, the INS, the U.S. attorneys, the Marshals Service, and the Federal prison system.

This administration and this Congress have devoted enormous resources to their missions for many years now.

But we can also show impressive results.

Last year, for example, the FBI's efforts to target major drug trafficking networks netted over 2,800 arrests and 3,400 felony convictions. The Marshals Service conducted a 10-week drug fugitive manhunt yielding 3,700 arrests and more than $5 million in asset seizures.

Using the tools and funding we've provided through FIRREA and this bill, 856 defendants have been charged in major savings and loan cases.

And the Justice Department's S&L conviction rate, since this massive effort began, stands at 94 percent.

The conference agreement will allow these efforts to continue and expand during the next year.

To help promote U.S. exports, the bill includes the full increase sought to expand the staff of the United States and Foreign Commercial Service, particularly in the key overseas markets—Japan, the Pacific rim, Latin America, and of course Eastern Europe and the Soviet Union.

These people, posted at Embassies around the world, are the eyes and ears for our small and mid-sized businesses, helping them spot leads, or thread their way through foreign bureaucracies, many of which are not of the free market variety. They offer important tools, and we need them more than ever.

We worked hard, Mr. Speaker, to shore up funding for the continued modernization of the weather service—a major program which, despite its fits and starts, is important for the long-term safety of our communities.

In addition, the conferees wisely agreed to a version of a Senate provision, that provides special contingency funding for the GOES weather satellite program.

These satellites are critical to providing fast-breaking storm coverage, yet we only have one in the sky now, and the process of developing and launching more advanced replacements has been severely delayed.

This contingency fund will allow the Commerce Department to acquire a gap filler satellite should the current one fail.

Finally, Mr. Speaker, the conference agreement places a needed emphasis on reaching out to the ever-evolving new world order. The State Department literally has its hands full with the changes that are revolutionizing our half-century old roles in Eastern Europe, the Baltics, and the Soviet Union. We are reaping the successes of our military strength and public diplomacy, but our responsibilities seem only on the upswing.

The conferees have responded generously in their recommendations for the State Department.

Mr. Speaker, I might point out that there is a very controversial provision in the State Department part of the bill which provides for $100 million to build a new Embassy in Moscow separate from the building on which construction has been halted. It is a controversial provision, and I am sure we are going to hear some debate about that issue during consideration of this bill today.

More importantly, the amounts included for the U.S. Information Agency will ensure that we capitalize on our successes, through exchanges, cultural events, Voice of America broadcasts, and other important programs.

Mr. Speaker, I have merely touched on the good points in this bill—but there are many others.

All the members of our subcommittee deserve thanks for their contributions during the year.

And again I was pleased to work with my chairman, the gentleman from Iowa, who really guided us through some difficult turf, especially when we marked up on this side.

Fortunately, for our members and the agencies, we had a little more latitude in conference. And as a result, H.R. 2608 is a finer product. I urge support for the conference report.

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Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take some of my time at this point to thank the gentleman from Kentucky and all the minority members as well as all the majority members for the work that they did on this bill and to thank the staff also.

This has been a very, very difficult bill. We had caps imposed on us which, in my judgment, in some instances, were not realistic, but that is the way it is. It was very difficult to work through all the matters in this bill, but we have come out finally with a bill that is fairly well balanced.

I do urge its support.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I rise in support of the conference report on H.R. 2608, the Commerce, Justice, State, judiciary appropriations bill for fiscal year 1992. I would like to commend the chairman of the subcommittee, the gentleman from Iowa, [Mr. SMITH], and the ranking Republican member, Mr. ROGERS of Kentucky, for their hard work on behalf of two important Department of Commerce programs, the National Oceanic and Atmospheric Administration (NOAA) and the Technology Administration, both of which fall within the jurisdiction of the committee on Science, Space and Technology.

As the gentleman may recall, we had a colloquy during the House consideration of this bill, in which I asked the gentleman to try to increase the level of funding for these two programs if he were given flexibility under the Senate's higher allocation. He has done exactly that, and we appreciate his efforts in providing a fair distribution of scarce resources.

The conference report provides critically needed funds for National Weather Service operations, the geostationary weather satellite program [GOES–NEXT], the NEXRAD weather radar program, and the Landsat satellite system.

The conference report provides funds for the NEXRAD Doppler weather radar program, consistent with the new agreement between the Department of Commerce and the NEXRAD prime contractor. Hearings held by the Committee on Science, Space, and Technology have demonstrated the urgent need to replace the aging, and obsolete, radars of the National Weather Service, many of which were constructed in 1957. It is no exaggeration to say that the current weather radar system represents a clear and present danger to public safety.

The conference report supports the rephrased GOES-NEXT geostationary weather satellite program, including funds to fully test and repair the GOES-I and GOES-J satellites prior to launch. Funds are also made available for the construction of ground systems needed to assure interoperability with the European Meteosat weather satellite system. This will help ensure that we will not experience a potentially disastrous loss of weather satellite coverage should the current GOES satellite fail.

The conference report also includes funds for the procurement of long-lead parts for the construction of Landsat 7. This funding is critical if we, as a nation, are to retain our technological leadership in satellite remote-sensing.

The conference report also restores proposed cuts in the core programs of the National Institute of Standards and Technology [NIST] with modest increases in key research areas, such as semiconductors, superconducting technologies, and earthquake research. While I am disappointed that funds were below the administration's request for NIST's internal programs, I will work with the gentleman and the administration to seek higher levels next year. NIST plays an integral role in enhancing the international competitiveness of U.S. industry, and we must make adequate investments in programs like NIST to protect our national economic security in an increasingly global market.

Mr. Speaker, I urge my colleagues to support the conference report on H.R. 2608, the Commerce, Justice, State, the judiciary, and related agencies appropriations bill.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE], the ranking Republican on the full Committee on Appropriations.

Mr. MCDADE. Mr. Speaker, I am most pleased to rise in support of this conference report making appropriations for Commerce, Justice, State, and judiciary for fiscal year 1992.

I want to pay a special tribute to my friend, the gentleman from Iowa [Mr. SMITH], the chairman of this subcommittee, and to my friend, the gentleman from Kentucky [Mr. ROGERS], as well as the other members of the subcommittee. They faced a very difficult situation of not enough resources to meet needs to begin with, and then faced a Senate conference which saw the Senate add 181 separate amendments which they had to deal with, line by line, and item by item. They have done really a remarkable job in getting the degree of consensus that they have achieved in presenting this bill to the House.

I see no reason why it should not be overwhelmingly adopted. It is within the 602 allocations. There were some upward adjustments within the 602's earlier this year, compared with the original allocations, that enabled changes to be made to reflect priorities around the Nation, and they have done a superb job.

Mr. Speaker, this bill encompasses three functions of the budget: domestic, defense, and international. It funds a vast array of programs, from those to help fight the war on crime and drugs here at home, to maintaining our diplomatic presence overseas. The conferees have made adjustments to the House-passed bill to better provide for our priorities: programs which are critical to the ability to prosecute drug-related, white collar, and organized crime; to bolster exports abroad; and to foster development of emerging technologies. Of concern to many members, and the administration, was the level of funding provided the Departments of Justice and Commerce. The Department of Justice has received an increase of $64.85 million over the House-passed bill. While the Department of Commerce is allocated an additional $500.7 million, of which $243.8 million is for the Economic Development Administration.

The total appropriation provided in this bill, $21.9 billion, is within the subcommittee's 602(b) allocation. This bill holds the line. The conferees had some difficult decisions to make and they did so as a team. They have brought back to the House a balanced, fair, and disciplined conference report. I urge my colleagues to support it.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in strong support of the conference report on H.R. 2608, the fiscal year 1992 Commerce, Justice, State, judiciary, and related agencies appropriations bill. I would like to express my appreciation and gratitude to Chairman NEAL SMITH and ranking member HAL ROGERS for their leadership in putting together this conference agreement. I would also like to thank the subcommittee staff for their assistance and commend them on their efforts on this conference report. I know that many hours of hard work were put into drafting this agreement.

I am particularly pleased that significant levels of funding were included for a number of high-priority environmental programs, especially those which help protect our Nation's coastlines. For example, the conference report provides significant funding for the National Oceanic and Atmospheric Administration's [NOAA] ocean and coastal management programs, programs which impact so many of our States. Also included is $5 million for the National Marine Sanctuary Program, which is expected to double in size this year with the designation of additional marine sanctuaries across the Nation. This important program is charged with protecting and preserving our Nation's sensitive marine resources.

The conference agreement also maintains $40.9 million for grants under the Coastal Zone Management Program, a vital national program charged with protecting the treasures of our Nation's coastlines covering 35 States and territories. In addition, $2 million is included for the Nonpoint Source Pollution Program, a new grant program which Congress approved last year. These funds will further help our States develop and implement management measures to restore and protect coastal waters.

In addition to NOAA's programs, the conference report also includes $5 million under the State Department's Bureau of Oceans and International Environmental and Scientific Affairs [OES] for grants, contracts and other activities to conduct research and promote international cooperation on environmental issues. These funds will enable research in such areas as global and climate change, Antarctic protection, ozone depletion, and marine resources. The environmental damage occurring in the Persian Gulf during the war, and its implication for the region and the rest of the world, attests to the importance of providing funds for this vital program.

Mr. Speaker, these are just a few examples of the important programs included in the conference agreement. Again, I would like to commend Chairman SMITH and the subcommittee for the excellent job they have done. I urge my colleagues to join me in supporting this conference report.

Mr. ROGERS. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona [Mr. KOLBE], a very hard-working member of the subcommittee.

Mr. KOLBE. Mr. Speaker, I rise today in support of the conference committee report on the Commerce, Justice, State, and judiciary appropriations bill for fiscal year 1992.

I do so with some reservations, but first let me address the reasons why I support this bill.

The chairman of our subcommittee, Mr. SMITH of Iowa, and the ranking member of our subcommittee, Mr. ROGERS of Kentucky, struggled with many difficult issues while managing this bill. Their work deserves the appreciation and commendation of every Member of this body.

The most difficult issue, of course, was our allocation—which was very tight. But that is the way it should be, and I am glad to see that our bill is within our budget parameters and conforms with the philosophy of last year's Budget Enforcement Act.

We have set spending limitations, and we should live by them.

Despite the tight funding, this bill still contains increases over last year for a variety of programs that address this Nation's competitiveness, crime and drug problem, and our diplomatic presence overseas.

The FBI, DEA, the Bureau of Prisons, and the INS will all see funding increases over their appropriation levels for fiscal year 1991. The INS, which has an especially difficult task in southwestern States, will receive an increase for inspection services along our border with Mexico.

In the Department of Commerce accounts, I was pleased that we were able to increase funding for the Advanced Technology Program [ATP] and other items under the National Institute for Standards and Technology [NIST].

NIST and the ATP are vital for our Nation's competitiveness. By promoting generic technologies that benefit an array of American industries, the ATP generates needed technology that is out of the financial reach of many of our high-technology companies.

The International Trade Administration, which provides valuable support for our Nation's trade policy, receives an increase in this bill. The ITA is especially important as we continue the Uruguay round of the GATT negotiations, and as we conduct our talks with Mexico and Canada to achieve a North American Free-Trade Agreement.

On that same note, the U.S. Trade Representative's Office, our lead agency on trade negotiations, is funded at the administration's request in this bill. I work with Ambassador Carla Hills and her staff day in and day out. I am amazed that they are able to conduct both the GATT and NAFTA negotiations, monitor our Nation's trade agreements with other nations, and report on all of their activities to Congress with the relatively small size of their staff. This is an extraordinary effort, and Ambassador Hills and her staff are to be commended.

In the international accounts, this bill contains several positive provisions. For example, this bill funds another installment of our payments in arrears to the United Nations. The plan is to have all of our arrearages funded by the end of fiscal year 1995.

In addition, this bill provides more than $21 million for the International Boundary and Water Commission between the United States and Mexico.

There are major environmental problems along the Southwest border, especially with respect to wastewater and water-borne environmental hazards. The Rio Grande River bordering Texas, the New River that leads into California, and the Santa Cruz River in my home State of Arizona are all suffering from a variety of environmental problems.

However, there is good news. The IBWC, along with a wide variety of Federal, State, and local officials on both sides of the border are cooperating as never before. If we successfully negotiate a North American Free-Trade Agreement that also addresses our environmental infrastructure needs, the border area will become both cleaner and more productive.

The Senate added two amendments regarding the State of Israel to our bill that I support. The first prohibits the State Department from expending any funds to implement contracts for any foreign or United States company that complies with the Arab League boycott of Israel.

The second amendment, sponsored by Senator LAUTENBERG, prohibits the State Department from issuing Israel-only passports. This is in response to the practice of those Arab nations that do not allow entry for any persons carrying a passport that has been stamped in Israel.

These two amendments send a distinct message: If the Arab nations are true to their word that they want peace, then they must end these outrageous discriminatory practices that serve no useful purpose in achieving that goal.

Finally, Mr. Speaker, this bill provides $30 million for new diplomatic posts in the Baltic Republics, other Soviet Republics, and Eastern European States.

We have not had a diplomatic presence in most of these areas since before WW II. I am proud to be a member of the subcommittee and the Congress that will restore these historic diplomatic relations.

There are also some provisions of the bill that cause misgivings on my part.

Foremost among those is the question of our Moscow Embassy.

Earlier this year, we voted on the floor of the House to authorize construction funds for the Embassy. We had a thoughtful but intense debate on the floor and the result was to allow the State Department the maximum amount of flexibility possible to develop a proposal for the Moscow Embassy that would then be considered by Congress.

This bill does exactly the opposite.

This bill requires a completely new solution for the Moscow Embassy. It proposes to obligate $100 million for a new secure building in Moscow.

This will be familiar to many Members as the Schlesinger plan, first outlined more than 5 years ago.

This plan may be fine—but I don't know that for sure, and neither does any other Member of this body.

Why?

Because the State Department developed this option with no real consultation with anybody. Because it is a solution, and because we have been stalemated on this issue for more than 5 years, Members of this body are expected to go along.

But I would say that any plan developed 5 years ago for the Soviet Union is either obsolete today, or must be radically modified to conform to the enormous changes that have taken place in the U.S.S.R.—or Russia—since that time.

There have been no hearings, no testimony, no debate and no input on this proposal.

That is why I signed this conference report, but only in disagreement on this provision.

I have several questions about the new building option, but no answers. For example, can the State Department tell us whether or not the construction of the new facility will interfere with the current secure space that is available for our diplomatic personnel?

Can the State Department provide us with a firm cost estimate of the new building? I have heard the figure $230 million, but have not seen it justified on paper.

I assume that this is the case, but can the State Department assure us that the new building will meet its requirements for secure space in Moscow?

What is the State Department proposing to do with the current partially constructed building?

Has the State Department developed any cost estimates on the cost of the options for the partially constructed building?

Do we have an endorsement for this new option from the Soviet Union or the Russian Republic?

These are just a few of the basic questions I have regarding the new building option.

My position on the Moscow Embassy has remained consistent throughout this long debate. I will support the quickest, most efficient, and most effective solution for our new Embassy. The new building option may be the best solution, but we don't know that to be the case. Until I know for sure, and until the questions I asked above are answered by the State Department, I am reluctant to support this plan.

I am also concerned about the GOES-NEXT Program. Essentially, the National Oceanic and Atmospheric Administration [NOAA] requires that we maintain two satellites in geostationary orbit for weather monitoring purposes. These satellites are especially important for tracking hurricanes.

We currently have only one satellite providing hurricane warning coverage, the GOES-7, which is due to expire in mid-1992. In addition, we are receiving weather information from a European satellite and have a commitment to continue doing so until it runs out of fuel in late 1993 or early 1994.

The launch of the GOES-NEXT "I" satellite was recently delayed a year by NOAA until late 1993. But that is not the whole story. According to the General Accounting Office, GOES-NEXT has already been delayed by 3 years. The costs of the program have increased from $640 million to more than $1.7 billion in 5 years. Given this track record, I am doubtful that GOES-NEXT will launch on its current timetable.

This bill funds the GOES-NEXT program at $118 million, a reduction from the $148 million request by the administration. However, I do not believe we should continue to pour money into a satellite program that may not provide adequate warning of hurricanes. I would advocate cutting this program further until the extensive problems with GOES-NEXT can be addressed.

The bill also contains a $110 million emergency weather satellite contingency fund to secure other satellite coverage should GOES-NEXT be delayed again.

I support the contingency fund. However, given the delays in GOES-NEXT, I am not confident that the contingency fund monies could be used in time to guarantee satellite coverage should GOES-NEXT be delayed beyond 1993. It takes many months and perhaps years to procure a satellite, either off the shelf or through new construction. And it takes time to fold that satellite into a launch schedule. The way this bill is worded, the contingency fund provides no assurances that coverage will be guaranteed beyond 1993.

In addition, the Department of Commerce has stated that it has no plans to purchase an additional satellite, and will instead rely on European coverage. However, at this time, the Europeans have not indicated that they will provide coverage beyond 1993. Without a modification of the Department of Commerce's position, the contingency fund is moot.

A recent issue of Space News stated, "If GOES-NEXT is delayed beyond the end of 1993 or if Meteosat 3 and GOES-7 fail early, the United States still would be left without any comprehensive satellite coverage of storm systems."

This Nation cannot afford to have inadequate protection against hurricanes. As a result, I believe we should use the contingency fund immediately to guarantee that we will have satellite coverage beyond 1993. The previous GOES-7 contractor has a satellite owned by the Japanese that the Department of Commerce could negotiate to purchase. That satellite could be launched in time to provide coverage beginning in 1994 or sooner. At the same time, we can alleviate the time pressures that have been placed on GOES-NEXT and allow the Department of Commerce and NOAA to thoroughly evaluate the entire program before we continue to throw scarce resources at it.

Finally, our subcommittee is required to provide funding for a "permanent and indefinite" appropriation for independent counsels. These independent counsels literally have free reign to spend and waste taxpayer dollars. For instance, the celebrated history of the independent counsel headed by Lawrence Walsh has resulted in close to $30 million in expenditures.

Next year the relevant authorizing committees in the House and the Senate will be revisiting the issue of the independent counsels. I have inserted report language in this bill that urges them to carefully consider the funding mechanism for independent counsels, while recognizing the need to maintain their independence.

Overall, Mr. Speaker, I am pleased with the final product of the work of our subcommittee and the Senate subcommittee. I do not believe there is any other appropriations subcommittee that examines such a wide array of issues each and every year. It is remarkable that we are able to produce a bill at all. For their efforts, I again commend Mr. SMITH and Mr. ROGERS, and look forward to working with them again next year on the fiscal year 1993 Commerce, Justice, State, and the judiciary appropriations bill.

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Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON] for the purpose of a colloquy.

Mr. RICHARDSON. Mr. Speaker, I appreciate first of all the committee chairman yielding me this time and the minority for their work on this bill.

I appreciate the inclusion in this bill of Small Business Administration funds for economic development projects in Rio Arriba County, NM, one of the poorest counties in the Nation. At this time, I would like to clarify the distribution of these funds, and would like to enter into a colloquy for this purpose, and I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I am very agreeable to entering into a colloquy with my colleague from New Mexico.

Mr. RICHARDSON. Mr. Speaker, the bill includes a $375,000 small business grant to Rio Arriba County. I would like to clarify that this grant is extended for the establishment of an Indian and Hispanic Cultural, Educational, and Small Business development center. Is this the understanding of the chairman?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield further, I agree with the gentleman from New Mexico. The purpose of the $375,000 grant to Rio Arriba County is for the establishment of an Indian and Hispanic Cultural, Educational, and Small Business development center.

Mr. RICHARDSON. In addition, the bill includes a $375,000 small business grant for the continued development of the Espanola Plaza in Espanola, NM.

Is that correct?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield further, that is correct.

Mr. RICHARDSON. Mr. Speaker, I thank the chairman. I also want to praise the chairman, along with the gentleman from California [Mr. CAMPBELL] also, for the inclusion of $550,000 for a small business development grant to the Cumbres-Toltec Railroad in New Mexico and southern Colorado for economic development purposes.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], for the purpose of a colloquy.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this Member rises to engage in a colloquy with the distinguished gentleman from Iowa and chairman of the Appropriations Subcommittee, Mr. SMITH, and the ranking minority member, the distinguished gentleman from Kentucky [Mr. ROGERS].

Mr. Speaker, as these gentlemen likely remember, I have contacted both of them on the appropriations for the Drug Enforcement Administration requesting, if possible, full funding as requested for that agency. In those contacts I noted how Administrator Bonner of the DEA had informed me that the DEA would place two agents in the Sioux City, IA, metropolitan region as requested by this Member, the gentleman from Iowa [Mr. GRANDY] and the gentleman from South Dakota [Mr. JOHNSON], if full requested funding was received by the Agency for fiscal year 1992. While I feel that condition is an unreasonable conditional response, the urgent need for DEA agents permanently stationed in the Siouxland area prompted me to ask for your committee to support if at all possible the Administration's request. I ask you now, gentlemen, am I correct in my understanding that the pending conference report includes funding for the DEA of $716,653,000 and that this sum is some $10,367,000 more than the original House-passed levels?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. BEREUTER. Mr. Speaker, I thank the chairman for that confirmation, and I would then ask both gentlemen to join me in strongly encouraging the DEA to assign a full-time agent to the Sioux City, IA, metropolitan office. However, since the DEA never assigns just one agent to an office, I also ask for both gentlemen's support for the assignment of a minimum of two agents to the office in Sioux City, IA, to serve the 3-State metropolitan area, encompassing communities in Woodbury County, IA, Dakota County, NE, and Union County, SD.

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I would yield, first, to the gentleman from Iowa [Mr. SMITH], chairman of the subcommittee, for his understanding and his support.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, the gentleman brought this issue to my attention over the past several weeks. I agree with the gentleman that this is an important matter, and I encourage DEA to look very seriously at the situation regarding the two agents.

Mr. BEREUTER. Mr. Speaker, I appreciate the comment from the chairman. I want to compliment the gentleman from Iowa and the distinguished gentleman from Kentucky for their fine work on this bill.

Mr. Speaker, at this time I yield to the distinguished gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman said, the gentleman has been very persistent on this with both Mr. SMITH and myself and the subcommittee. I would agree with the gentleman and join in encouraging DEA to place two DEA agents in the Sioux City metropolitan area. We include an increase of $10 million for the domestic enforcement, including more agents. So this should be something that they can work out.

Mr. BEREUTER. I thank the gentleman for all his help and that of the chairman as well.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. IRELAND], the ranking Republican on the Committee on Small Business.

Mr. IRELAND. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the conferees for their work on the Small Business Administration section of this bill.

The SBA directs numerous programs designed to aid and encourage small business in this country.

SBA is the only agency looking out for the needs and interests of the businesses that produce a majority of the new jobs in this country—our Nation's small businesses.

The new SBA Administrator, our former colleague Patricia Saiki, is intent on making SBA an example of Government-private sector cooperation.

With that in mind, I am glad to see that the conferees agreed to increase the inspector general's budget at the SBA.

Mrs. Saiki is working hard to make quality the watchword of the SBA. I am glad the conferees recognize her efforts and realize that there is no way to ensure quality performance at the SBA except with an effective, adequately funded inspector general.

Second, as an example of Government-private sector cooperation, I am happy to see that a microloan program has been initiated under the auspices of the SBA.

This is an excellent concept and I wholeheartedly support it. I hope it will form the basis for a similar, though much more comprehensive, microloan program that I introduced recently: The Small Business Economic Enhancement Act.

Mr. Speaker, I have often stood before this body and admonished my colleagues that it's easy to say that you're all for small business, but it's how you vote that really counts.

The appropriations bill we are considering today will serve our small-business community well. It gives the Small Business Administration the resources it needs to serve as a truly effective advocate for our Nation's smaller firms.

I urge my colleagues to cast their votes in favor of this legislation.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I want to commend the gentlemen from Iowa and the other conferees for their hard work on the conference agreement before us which provides funding for the programs of the Departments of Commerce, Justice, and State as well as the Federal judiciary.

I realize that this is one of the most difficult of the appropriations bills because of annual emergencies which must be met within very tight funding limitations. This year was especially tough because the increased financial demands of fighting crime had to be met in the context of a subcommittee allocation that barely increased.

Unfortunately, the constant emergencies this subcommittee must deal with cause some other very important programs to languish, especially in the Department of Commerce.

For instance, the National Institute of Standards and Technology [NIST] has a key role to play in furthering the economic competitiveness of U.S. industry. NIST's research and standards development activities make possible American high-technology products manufactured with world-class precision. Companies also increasingly rely on NIST's transfer of its manufacturing expertise. Without NIST, the information often is not available since NIST is the only Federal laboratory whose primary purpose is to increase the competitiveness of American companies.

The American Technology Preeminence Act of 1991 (H.R. 1989), passed overwhelmingly by the House in July, clearly reflects the growing realization in this body that competitiveness must be a Federal priority and that an expansion of NIST activities should be a key component of our competitiveness strategy.

Although I realize that budgetary constraints have to be considered, I am disappointed that the requested funding levels for these critical programs, in total, were less than the President's request for NIST. While I can accept this decision for 1 year, we must come to grips with competitiveness priorities in the near future.

I therefore hope that, when we begin looking at fiscal year 1993 priorities, a few months hence, we will be able to take a little longer view and, through our budgets for the technology programs of the Department of Commerce, signal that we are serious about providing industry the support it needs to become a major factor in those high-technology markets that will determine which nations are the industrial powers of the 21st century.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I will not take much time. I wish to compliment the chairman, the gentleman from Iowa [Mr. SMITH], and the ranking minority member, the gentleman from Kentucky [Mr. ROGERS], and all the members of the subcommittee for the fine job that they have done on this bill.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to express my gratitude to the chairman of the committee for the speed with which he has brought this important bill to the floor.

H.R. 2608 includes important language ensuring that programs as diverse as our diplomatic initiatives and domestic law enforcement will continue to receive the funding they deserve.

One program I believe particularly deserves the support of my colleagues is the funding for the Economic Development Administration [EDA]. I am pleased to see that the conference committee has adopted the Senate EDA language, providing $214 million for the Administration.

The Economic Development Administration was established in order to generate new jobs, to help protect existing jobs, and to stimulate commercial and industrial growth in economically distressed areas of the United States. In my district, where communities have been mired in a recession for years, this program is important for the continued vitality of many communities.

I am particularly pleased that the committee has recognized a project in my district—the Cumbres and Toltec Scenic Railroad. This railroad, a 64-mile, steam-powered, narrow-gauge railroad jointly owned by New Mexico and Colorado, is an excellent example of the benefits this agency brings to small communities. This historic railroad operates under an interstate compact established by Congress in 1974 and carries nearly 50,000 passengers a year. The assistance this railroad will receive through this bill will allow the two States to rehabilitate the steam-powered engine and ensure that this living museum is preserved for future generations of Americans.

Again, I thank the chairman of the committee for his dedicated, tireless efforts in crafting this bill. I urge all my colleagues to join me in supporting this important package.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I want to express my support for H.R. 2608, making appropriations for the Departments of Commerce, Justice, and State, and for the judiciary. I appreciate very much the work of the gentleman from Iowa [Mr. SMITH], the gentleman from Kentucky [Mr. ROGERS], and the members of the subcommittee throughout this year and in particular during conference with the Senate. The subcommittee had to work within extraordinary spending constraints this year, and it is a credit to Chairman SMITH and his colleagues that they were able to produce such a good bill.

Many important programs are funded by this bill. I want to highlight several within the National Oceanic and Atmospheric Administration or NOAA. NOAA's programs include some to help implement the Clean Air Act, others to gather information on the increasingly urgent problem of climate and global change, as well as critical efforts to develop new technology to improve weather forecasting systems. The funding provided in this bill for those programs, while short of the amounts that could be used productively, will allow important operations to proceed at adequate levels.

NOAA's program for regional observing and forecasting services [PROFS], for example, will lead to improvements in the advanced weather interactive processing system by developing weather forecasting software and testing regional models that will be required in restructured weather service operations.

Another important element in this restructuring and modernization is NOAA's wind profiler network, which I am pleased to note received funding from the conference close to NOAA's original request.

And I am happy that funding was also included for NOAA's solar terrestrial services program. With this funding new technology such as the x-ray imager, new techniques such as scintillation measurement, and upgraded computer processing systems can be developed to better forecast solar storms that disrupt telecommunication, electrical power distribution, and space programs.

The House-Senate conference worked hard on this bill. Again, I commend and thank Chairman SMITH and his colleagues for their accomplishments.

Mr. PANETTA. Mr. Speaker, I rise in support of the conference report on H.R. 2608, the Departments of Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill for fiscal year 1992.

The bill provides $21.025 billion in discretionary budget authority and $20.707 billion in discretionary outlays. I am pleased to note that the bill is $45 million below the level of discretionary budget authority and $7 million below the discretionary outlays as compared to the 602(b) spending subdivision for this subcommittee.

As chairman of the Budget Committee, I plan to inform the House of the status of all spending legislation, and will be issuing a Dear Colleague on how each appropriations measure compares to its 602(b) subdivision.

I look forward to working with the Appropriations Committee on its other bills.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, October 2, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on the conference report to accompany H.R. 2608, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for Fiscal Year 1992. This bill is scheduled to be considered Thursday, October 3, 1991.

This is the fifth regular Fiscal Year 1992 appropriations bill conference report to be considered. The bill is below the 602(b) subdivision.

I hope this information will be helpful to you.

Sincerely,
LEON E. PANETTA,
Chairman.

FACTSHEET, CONFERENCE REPORT TO ACCOMPANY—H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102–233)

The House Appropriations Committee filed the conference report for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for Fiscal Year 1992 on Tuesday, October 1, 1991. This conference report could be considered at any time.

COMPARISON TO THE 602(b) SUBDIVISIONS

The conference report provides $21,025 million in total discretionary budget authority, $45 million below the Appropriations subdivision for this subcommittee. The conference report is $7 million under the subdivision total for estimated outlays.

COMPARISON TO DOMESTIC DISCRETIONARY SPENDING ALLOCATION

The conference report provides $15,801 million of domestic discretionary budget authority, $44 million less than the Appropriations subdivision for this subcommittee. The bill is the same as the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

[Dollars in millions]

	Commerce, Justice, and State, the Judiciary and Related Agencies appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+)/under (-) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	15,801	15,640	15,845	15,640	−44	
Mandatory[1]	902	890	902	890		
Total	16,703	16,530	16,747	16,530	−44	

BA = New budget authority
O = Estimated outlays
[1] Conforms to the budget resolution estimates for existing law.

COMPARISON TO INTERNATIONAL DISCRETIONARY SPENDING ALLOCATIONS

The conference report provides $4,990 million of international discretionary budget authority for the State Department and related activities, the same as the Appropriations subdivision for this subcommittee. The bill is $7 million under the subdivision total for estimated discretionary outlays.

COMPARISON TO DEFENSE DISCRETIONARY SPENDING ALLOCATIONS

The conference report provides $234 million of discretionary budget authority for the ready reserve force within the Department of Transportation—Maritime Administration, $1 million under the Appropriations subdivision for this subcommittee. The bill is the same as the subdivision total for estimated discretionary outlays.

The House Appropriations Committee reported the Committee's subdivisions of budget authority and outlays in House Report 102–180. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102–69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

PROGRAM HIGHLIGHTS

The following are the major program highlights for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for FY 1992, as reported:

[Dollars in millions]

	Budget authority	New outlays
Justice Department:		
Office of Justice Assistance	668	147
General administration	110	99
General legal activities	384	334
Japanese American reparation payments (mandatory)	500	500
Antitrust division	45	37
U.S. Attorneys	721	634
U.S. Trustees	57	49
U.S. Marshals	314	282
Support of U.S. prisoners	219	131
Organized crime drug enforcement task force	363	280
Federal Bureau of Investigations	1,926	1,525
Drug Enforcement Administration	717	537
Immigration and Naturalization, salaries and expenses	938	751
Federal Prison System, salaries and expenses	1,599	1,439
Federal Prison System, buildings and facilities	452	45
Commerce:		
National Institute of Standards and Technology	247	161
National Oceanic and Atmospheric Administration; operation, research and facilities	1,454	872
Bureau of the Census	290	252
International Trade Administration	207	145
Patent and Trademark Office	88	49
Economic Development Administration, programs	227	23
EDA, salaries and expenses	28	24
The Judiciary:		
Court of Appeals, district courts and other judicial services	1,875	1,725
Defender services	191	181
Court security	81	53
Administrative office of the courts	45	40
Federal Judicial Center	18	14
Equal Employment Opportunity Commission	210	186
Legal Services Corporation	350	308
Securities and Exchange Commission	157	143
Federal Maritime Administration	307	173
Small Business Administration, salaries and expenses	236	173
SBA business loans program account	377	311
SBA disaster loans program account	200	130
State Department:		
Salaries and expenses	2,016	1,653
Acquisition and maintenance	545	104
Contributions to international organizations	848	845
Contributions for international peacekeeping activities	107	107
U.S. Information Agency	1,087	781

Mr. HUGHES. Mr. Speaker, I rise today in support of the conference report on H.R. 2608, fiscal year 1992 appropriations for Commerce, Justice, State, the Judiciary and Related Agencies.

The Department of Commerce appropriations bill reflects a strong commitment to marine science and to the preservation and protection of the coastal, ocean, and great lakes environments and their associated living marine resources.

I am very pleased to see continued funding for the National Undersea Research Program including the establishment of a much needed new national undersea research center for the New York bight region, oyster disease research, coastal zone management, and the inclusion of the fishery obligation guarantee program.

Further, I strongly support funds directed to site selection and the planning design of a multispecies aquaculture facility in New Jersey. New Jersey is an ideal location to capitalize on recent developments in the rapidly expanding field of aquaculture with a proximity to markets, the demand for fresh, healthful products, available natural resources, adequate financing, and a major university.

The demonstration facility will provide extension services, training of potential aquaculturists/farmers, a forum where long-term research can be coupled with pilot-scale demonstration projects, and will function similar to an experimental farm.

Mr. Speaker, once again, I want to express my strong support of the conference report on H.R. 2608 and I urge my colleagues support of the legislation.

Mr. PENNY. Mr. Speaker, I rise today in opposition to the conference report on H.R. 2608, the Commerce-Justice-State appropriations bill. This report calls for $21.9 billion in spending, almost $1 billion more than what was approved by the House of Representatives in June of this year, and it is $2.4 billion more than last year's level. This is a 12-percent increase over last year.

Where has the additional $2.4 billion over last year's level been earmarked? The FBI received an increase of $240 million or a 14-percent increase. The Federal prison system received an increase of $320 million or an 18-percent increase over fiscal year 1991 levels. The Economic Development Administration received an increase of $79.9 million or a 45-percent increase. The Small Business Administration received an additional $367.7 million, a 78-percent increase over last year's level. Finally, the Legal Services Corporation received an additional $21.8 million or a 7-percent increase. Just these five programs account for almost half of the increase for the entire appropriations bill.

Mr. Speaker, we are all aware that the budget deficit for this year will reach nearly $400 billion. What we don't all seem to realize is the fact that we cannot afford to spend money which we simply don't have.

Mr. DINGELL. Mr. Speaker, I would like to commend the Subcommittee on Commerce, Justice, State, and Judiciary, and particularly its chairman, my colleague from Iowa, for its inclusion of $7.4 million for fiscal year 1992 for the Great Lakes Fishery Commission [GLFC].

The GLFC was organized jointly by the United States and Canada, with my strong support, in 1956. One of the Commission's two major responsibilities was to formulate and implement a program to eradicate or minimize sea lamprey, an eel-like creature that has devastated populations of many fish species. In 35 years, the GLFC has achieved notable success in lamprey control through the development of lampricides and other control programs.

These moneys for fiscal year 1992 will help relieve Michiganians and other residents of the Great Lakes States of the unending burden presented by the sea lamprey, an invader from the Atlantic Ocean which continues to threaten fish population as well as the economic health of each Great Lake State and the Canadian Province of Ontario.

Mr. Speaker, I am pleased that both the subcommittee and the full Committee on Appropriations recognize the importance of sea lamprey control. This legislation will help to ensure that the fine work of the GLFC to control sea lamprey continues.

Mr. PRICE. Mr. Speaker, I rise today in support of H.R. 2608, the Commerce, Justice, and State fiscal year 1992 appropriations bill. I want to compliment Chairman SMITH and the other members of the subcommittee for bringing us a bill that will fund critical national investments to combat drug abuse and crime, promote our Nation's economic competitiveness, protect the environmental heritage of this country, and ensure the safety of our Nation's citizens through more accurate and better weather forecasting.

I want to thank Chairman SMITH for his efforts on behalf of the textile industry in this country. The subcommittee has funded two vital research projects to ensure the economic competitiveness of the textile industry. The first is the National Textile Center whose purpose is to develop a sound and fundamental base in textile manufacturing science, engineering and technology.

Four universities—North Carolina State University, Georgia Tech, Auburn, and Clemson—which collectively produce over 90 percent of the U.S. textile related academic research and degrees have formed the National Textile Center. Research teams composed of experts at these universities will focus on the development of high-performance materials, rapid and efficient designs for new fabrics and products, new technologies and automation systems, and the integration of design, manufacturing, and marketing systems.

This center will help us meet the challenges posed by our high technology trading partners like Japan and Germany who have identified textile manufacturing as a national science priority. It is critical now to fund these R&D efforts since technological innovations are revolutionizing this industry.

The second project is the Textile/Clothing Corporation or TC Squared. The funding level of $3.315 million, which will be matched by the industry, will allow the Corporation to continue to develop modern equipment, computer systems, and methodologies for textile manufacturing plants. While the National Textile Center will focus on the long-term competitiveness of the textile industry, TC Squared is currently transferring technology to textile and apparel plants across this country. Both efforts are needed if we are to continue to have a strong and vital textile industry in this country.

I am also extremely grateful that the subcommittee has included $400,000 for tornado and severe thunderstorm research in the southeastern coastal plain. In November of 1988, a devastating tornado struck North Carolina killing four people, injuring 157 people, leaving 982 people homeless, and causing $77 million in damage. At my request, the Science, Space, and Technology Committee held a field hearing to gather evidence about this incident to learn about our Nation's weather forecasting deficiencies. One recommendation was that we needed to learn more about southeastern storms, which differ significantly from storms in the Midwest, where most tornado research has been carried out. The funding in this bill should help us make progress on this recommendation and to minimize or prevent the loss of human life when these disastrous storms arise.

In closing, I urge my colleagues to support this bill. Chairman SMITH and the other subcommittee members should be commended for writing a bill that responds to our Nation's needs.

Mr. RICHARDSON. Mr. Speaker, today I rise to express my strong support for the conference report on the fiscal year 1992 Commerce, Justice, State, and Judiciary appropriations. I commend my colleague, Chairman NEAL SMITH, for his hard work and dedication in putting forth a strong appropriations bill that will go a long way in providing funds to develop economically depressed areas, to fight crime, and to maintain our top position in the foreign affairs arena.

I am particularly pleased that funds have been provided for economic development projects in Rio Arriba County in northern New Mexico, one of the poorest counties in the Nation. Specifically, $375,000 has been included for the city of Espanola to continue development of the Espanola Plaza. In addition, $375,000 has been provided for the county of Rio Arriba for the establishment of an Indian and Hispanic cultural, educational, and small business development center.

The plaza will showcase the three cultures that are the foundation of northern New Mexico and serve as a center for sustained economic development and growth in the Rio Grande Valley. The plaza will include an amphitheater, historic and cultural centers, shops, an open market for Indian crafts, and municipal buildings.

The cultural, educational, and small business development center will be used to demonstrate and showcase Indian and Hispanic contributions to agriculture, arts and crafts, language, and culture. The center will house a living museum and historic exhibits and will encourage development and marketing of minority arts and crafts. More importantly, it will express the uniqueness of the Indians and Hispanics who have melded into our great American southwest.

Additionally, $550,000 has been made available for the continuous operation and historical preservation of the Cumbres & Toltec Scenic Railroad. Specifically, these funds will be used to restore and renovate engine No. 463 providing a much needed fifth working engine for the operation of the railroad and for the construction of three new passenger cars enabling the railroad to meet the demands of increased patronage.

The Cumbres & Toltec Scenic Railroad is a 64-mile, steam-powered, narrow gauge railroad jointly owned by New Mexico and Colorado. This railroad is one of the economic lifelines for the citizens of both Rio Arriba and Conejos County of New Mexico and Colorado, respectively, because the 45,000 tourists a year that are brought to the area support many shops, stores, and jobs. The railroad provides 60 to 70 much needed jobs to both New Mexico and Colorado each year and the tourists it brings to the region are important for the economic development of these States.

Mr. Speaker, this legislation is critical for the residents of my district and the State of New Mexico. I urge my colleagues to support it.

Mr. GUARINI. Mr. Speaker, I rise in support for the gentleman from Iowa [Mr. SMITH] and want to thank him for his support for additional funding for drug abuse treatment in prisons.

The United States now has the distinction of being the most incarcerated nation in the world. The inmate population has nearly doubled since 1980—largely due to the dramatic increase in convictions for drug offenses. Drug offenders make up 51 percent of all Federal inmates and over 70 percent of all prisoners nationwide.

I have been working on legislation to establish a comprehensive drug treatment program for inmates in Federal, State, and local correctional facilities or under the supervision of the criminal justice system. Treatment works—reducing recidivism by as much as 25 percent. It is also extremely cost-effective. For every $1 we spend on treatment—the taxpayers save up to $12 in future incarceration costs. And I will remind my colleagues that this bill includes $288 million for new prison construction.

The conference agreement includes a $12-million increase for treatment programs over last year's level of $11 million. This will enable the Bureau of Prisons to expand the number of residential facilities from 5 to 30 and treat some 3,600 inmates annually.

While this is a step in the right direction, Mr. Speaker, we need to do a great deal more and with the support of my colleagues I plan to continue my efforts.

Mr. ROGERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

□ 1210

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. GLICKMAN). The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 1: Page 2, line 11, strike out "$88,876,000" and insert "$90,004,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 1, and concur therein with an amendment, as follows:

In lieu of the amount stricken and inserted by said amendment, insert the following: "$90,004,000, of which $500,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate a Missing Alzheimer Patient Alert program".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 2: Page 2, line 20, strike out "$493,000,000" and insert "$498,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 2, and concur therein with an amendment, as follows:

In lieu of the amount stricken and inserted by said amendment, insert the following: "$499,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 4: Page 3, line 1, strike out all after "(b)" down to and including "(c)" in line 4.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offered a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate number 4, and concur therein with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert the following: "$13,000,000 of the funds made available in fiscal year 1992 under chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act for Correctional Options Grants; (c)".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 6: Page 3, line 12, strike out all after "4824)" down to and including "investigations" in line 17 and insert *Provided further*, That $5,762,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be obligated for a program to assist States in the litigation processing of death penalty Federal habeas corpus petitions".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 6, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "*Provided*, That $25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be provided to the Arkansas State Police for high priority drug investigations: *Provided further*, That funds made available in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 7: Page 3, line 17, after "investigations" insert ": *Provided further*, That, $1,000,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the National Judicial College to provide judicial education and training to State trial judges with limited and general jurisdiction in the area of illegal drug and violent criminal offenses".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 7, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: " *Provided further*, That funds made available in fiscal year 1992 under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available for the following grants in the amounts specified: (1) $1,000,000 to the National Judicial College to provide judicial education and training to State trial judges in the area of illegal drug and violent criminal offenses; and (2) $500,000 to the National College of District Attorneys to establish a permanent facility to improve the education and training of prosecutors involved in the war on drugs".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH]

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 8: Page 3, line 17, after "investigations" insert": *Provided further*, That, $150,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to Project Freedom in Wichita, Kansas for its Drug Affected Babies Prevention Initiative".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 8, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

": *Provided further*, That $150,000 of the funds made available to the State of Kansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the City of Wichita, Kansas for Project Freedom's Drug Affected Babies Prevention Initiative".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 4, strike out lines 3 to 11.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

In addition, not withstanding section 214(b) of title II of Public Law 101-647 (104 Stat. 4794), $1,500,000, to remain available until expended, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse for technical assistance and training instrumental to the criminal prosecution of child abuse cases, as authorized in section 213 of Public Law 101-647 (104 Stat. 4793).

In addition, and notwithstanding section 224(b) of title II of Public Law 101-647 (104 Stat. 4798), $500,000, to remain available until expended, for a grant to the National Council of Juvenile and Family Court Judges to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized in section 223(a) of Public Law 101-647 (104 Stat. 4797).

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 12: Page 5, line 19, strike out "$19,925,000" and insert: "$114,142,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 12, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$110,100,00."

"DRUG LAW ENFORCEMENT TRAINING

"For necessary expenses of drug law enforcement training, $3,500,000, to remain available until expended, for planning, construction, and purchase of equipment incident thereto for an expanded training center at the FBI Training Academy at Quantico, Virginia, to be expended at the direction of the Attorney General".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that Senate Amendments Nos. 13, 17, 31, 40, 41, 46, 53, 57, 64, 68, 79, 86, 92, 94, 95, 129, 137, and 160, be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I just want to make sure that I did not miss anything there. Are amendments 30, 78, and 122 not included in those numbers just read?

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, they are not included.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Iowa.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The texts of the various Senate amendments referred to in the unanimous consent request are as follows:

Senate amendment No. 13: Page 6, line 12, strike out all after "of" down to and including "systems" in line 18 and insert "the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the capital account of the Working Capital Fund to be available for the Departmentwide acquisition of capital equipment, development and implementation of law enforcement or litigation related automated data processing systems, and for the improvement and implementation of the Department's financial management and payroll/personnel systems: *Provided*, That any proposed use of these transferred funds in fiscal year 1992 and thereafter shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act".

Senate amendment No. 17: Page 8, line 2, after "tion" insert" : *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses".

Senate amendment No. 31: Page 15, line 10, after "education" insert "and training".

Senate amendment No. 40: Page 28, after line 17, insert:

SEC. 108. Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, no".

Senate amendment No. 41: Page 28, after line 17, insert:

SEC. 109. Section 504(a)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by striking "50 per centum;" and inserting in lieu thereof "75 per centum;".

Senate amendment No. 46: Page 30, line 17, strike out all after "studies" down to and including "agencies" in line 19 and insert ": *Provided*, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further*, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): *Provided further*, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations".

Senate amendment No. 53: Page 33, line 2, after "subsistence" insert ": *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-thirty-second of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process: *Provided further*, That such fees shall remain available until expended".

Senate amendment No. 57: Page 33, line 25, after "and" insert ", notwithstanding any other provision of law,".

Senate amendment No. 64: Page 34, line 16, after "expenses" insert "and cooperative agreements".

Senate amendment No. 68: Page 34, line 25, after "Fisheries" " insert " ; *Provided*, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: *Provided further*, That in addition to the sums appropriaed elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to Americans Fisheries" for grant management and related activities".

Senate amendment No. 79: Page 39, line 8, after "twelve" " insert " ; *Provided further*, That funds shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public Law 99-64".

Senate amendment No. 86: Page 41, line 12, after "expended" insert " : *Provided*, That disaster grants to States or other eligible entities made available by Public Law 101-515 and in this appropriation shall not be subject to the local match requirements of 22 U.S.C. 2123: *Provided further*, That $2,000,000 shall be available to continue such grants or initiate new disaster grants to States or other eligible entities whose tourism promotion needs have increased due to disasters".

Senate amendment No. 92: Page 43, line 4, after "year" insert " : *Provided further*, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $400,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT): *Provided further*, That $250,000 shall be available for the American Indian Higher Education Consortium for utilization of telecommunications technologies".

Senate amendment No. 94: Page 34, lines 6, 7, and 8, and insert:

For necessary expenses of administering the economic development assistance programs as provided for by law, $27,632,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds apporiated in this paragraph shall be used to fill and maintain forth-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1992, of which no more than two positions shall be designated as National Economic Development Representatives: *Provided further*, That such positions shall be maintained within an organizational structure that provides at least one full-time EDR in each State to which a full-time EDR was assigned as of December 31, 1987.

Senate amendment No. 95: Page 43, after line 8, insert:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants under the Trade Adjustment Assistance Program, as authorized by 19 U.S.C. 2424, and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, the Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $226,836,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consutlants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That during fiscal year 1992, the Economic Development Administration shall not make any reduction in the individual grant amounts made to university centers in fiscal year 1991 except on the basis of failing to conform to the EDA grant agreements in place for fiscal year 1992 from the grant amounts made to such centers in fiscal year 1991: *Provided further*, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, any proceeds from the sale of property developed by Economic Development Administration Prohject Number 01-51-21118 shall be retained by the grantee for other development purposes and/or projects: *Provided further*, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, funds obligated or otherwise made available for Economic Development Adminsitration Project Number 05-22-00014 shall remain available to complete the project.

Senate amendment No. 129: Page 60, line 15, strike out "$114,913,000" and insert "$121,555,000, to remain available until expended".

Senate amendment No. 137: Page 62, line 23, after "101-246)", insert "*Provided*, That up to $6,000,000 of the funds appropriated by this paragraph may be transferred to the Working Capital Fund for the purpose of providing payment of medical expenses".

Senate amendment No. 160: Page 72, line 4, after "amended" insert "*Provided further*, That up to $1,250,000 shall be available for the operation of International Literary Centre, Ltd., or a nonprofit successor organization, as appropriate".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendments of the Senate numbered 13, 17, 31, 40, 41, 46, 53, 57, 64, 68, 79, 86, 92, 94, 95, 129, 137, and 160 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 9, line 6, strike out "$10,000,000" and insert "$13,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$13,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 22: Page 9, line 12, strike out all after "pended" down to and including "1993" in line 14.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 22, and concur therein with an amendment, as follows: Restore the matter stricken, amended as follows:

In lieu of the sum "$10,000,000" proposed in said amendment, insert the following: "$13,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 23: Page 9, line 17, strike out all after "attorneys" over to and including "expenses" in line 6 on page 10 and insert"; including operating leases for facilities required to house students, administrative and training staff, provide classroom space, library space, and other auxiliary space to accommodate the relocation of the Legal Education program to a site within the State of South Carolina where legal education training shall be provided to Federal, State, and local prosecutive and litigative personnel; $728,259,000, of which not to exceed $5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed $1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system; of which not to exceed $10,000,000 shall remain available until expended for the costs associated with the relocation of the Legal Education program: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That of amounts available in this account in fiscal year 1992, not to exceed $9,000,000 shall remain available until expended and may be used to fund intergovernmental agreement, including cooperative agreements and contracts, with State and local law enforcement agencies engaged in pilot projects pertaining to the investigation and prosecution of violent crime and drug offenses".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 23, and concur therein with an amendment, as follows:

In lieu of the phrase "within the State of South Carolina" proposed in said amendment, insert the following: "on the campus of the University of South Carolina" and, in lieu of the sum "$728,259,000" named in said amendment, insert the following: "$720,737,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 10, line 9, strike out "$67,520,000" and insert "$69,571,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 24, and concur therein with an amendment, as follows:

In lieu of the amount proposed by said amendment, insert the following: "$57,221,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 26: Page 11, line 15, after "Program" insert ": *Provided*, That $10,000,000 of the $15,000,000 available under the Cooperative Agreement Program shall be used for a cooperative agreement with the State of Hawaii for the housing of Federal prisoners and detainees in Hawaii".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That, unless a notification as required under section 606 of this Act is submitted to the Committees on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 13, line 17, strike out "$363,374,000" and insert "$380,344,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $363,374,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 30: Page 14, line 25, after "investigations" insert "; and of which $48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of the fingerprint identification services and related costs".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 30, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: "; and of which $48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to establish an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to the motion, and I ask for the 20 minutes of time which is allocated for those in opposition.

The SPEAKER pro tempore. Does the gentleman from Kentucky [Mr. ROGERS] also oppose the motion?

Mr. ROGERS. I support the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes, the gentleman from Kentucky [Mr. ROGERS] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

The chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, the conference report details the reasons for the amendment. It was requested, and I think it is needed. It has to do with the new automated fingerprint identification system, and, until that is operating, there is no way we can handle such things as gun control or instant information systems that the local governments need.

Mr. Speaker, it is a badly needed requirement. I have been told personally by the head of the FBI, who I asked this very straight question: "Do you need every dime of this $48,000,000 in the coming year for contract purposes," and he said, "We need to have this money now. Even though it may not be outlayed during the year, we need to have it now so we can make the contracts." I fully support this amendment that is in the bill.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] is recognized for 20 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the past several months I have been opposing a number of projects by amendment in the appropriations bills, and we have been shot down almost 100 percent of the time.

I sometimes feel like Don Quixote; I am jousting windmills down here, talking about the pork that is in these appropriations bills. But I also feel a little bit like Isaiah because I am prophesying that we are going to have financial disaster in this country if we do not control our appetite for spending.

Now I was just informed that it is going to cost about $185 million more to relocate this FBI fingerprinting facility in West Virginia than it will be to keep it here where it is and expand the operation to take care of the needs of the FBI—$185 million more. Now initially we got $48 million that this amendment covers for this new fingerprint lab, but there are other costs that are going to be involved. In addition to this, in this amount is $1½ million, the amount for the actual relocation of the existing FBI fingerprint lab facilities to the new facility in West Virginia.

This is one of the famous pork barrel projects that our good friend, the chairman of the Appropriations Committee in the Senate, is doing for his district. He said not long ago that he was going to do his best when he became chairman of the Appropriations Committee to steer $1 billion back to the State of West Virginia.

Mr. Speaker, I understand that that is a popular thing to do. But the fact of the matter is the people in the rest of the country, in Indiana, and California, and in New York, are paying for these pork barrel projects, many of which are not necessary. Good for West Virginia, but not good for the rest of the country.

Now let me go into a little bit of the hyperbole I have used over the past few weeks. The deficit this year is going to be close to $400 billion, almost double what we had anticipated, and we thought the deficit this year would be much less because we raised taxes last year under the budget agreement by $137 billion. We raised those taxes. We were going to have the deficit around $200 to $225 billion, and it is going to be $400 billion, the largest in U.S. history. The national debt 10 years ago was one-fourth of what it is now, about $1 trillion. Now think about that. The first 200 years of our history, we acquire a $1 trillion debt. In the last 10 years it has gone up four times that. We are at $4 trillion now. We are spending ourselves into disaster.

□ 1220

Some people say that the interest on the national debt is 14.3 percent, but most people believe it is around 18 percent right now, and that means that 18 cents out of every tax dollar goes just to pay interest on the money we are borrowing to pay the bills this Government incurs.

Today this amendment I am talking about is going to cost $48 million, and it is pure pork. I realize that I am attacking a project that the chairman of the Appropriations Committee and the other body are sponsoring, and I am probably never ever going to be able to get anything done for my State, but this is to important to be concerned about that.

We are $400 billion in debt this year. One-tenth of all the debt that this country has is being added this year, and yet we go on, hellbent for leather, spending this money.

In this bill we have a ton of pork barrel projects, and I am going to have other amendments to cut them out. The fact of the matter is that I know as I stand here, I say to my colleagues, that I do not have a chance of a snowball in Hades of getting any of these amendments passed, and that is why I get so frustrated. Members know it is pork, and I know it is pork, but nobody is doing anything about it. The reason that happens is that so many of us in this body, and in the other body, continue to ask for special pork barrel projects. One subcommittee of the Appropriations Committee in this body had 385 Members ask for over 3,000 special projects. Where is it going to end?

As I said before, I know that I am now jousting with windmills, and I know I am just a voice in the wilderness here, but I am telling the Members that we had better do something about it. We are mortgaging the future of our kids, and we are headed for financial disaster at some point in the future. I do not know where that is, but it is going to happen. We cannot continue to spend $300 billion, $400 billion, or $500 billion more per year than we take in and incur the kind of debt we have, a $4 trillion national debt, without some kind of disaster occurring in the future. And we are all going to be responsible.

So I would just like to say to my colleagues that this amendment is a worthy amendment. I hope Members will vote for it and cut this $48 million out of this bill. If they do, it will be a step forward and a signal that we mean business around this place.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will not consume much time on this, but let me say this: If we set aside where the building is to be built, the question is, Do we need this project? Does the country need the AFIS project, the automated fingerprint identification system? That is what we are talking about.

The answer is that the country does need it. Law enforcement agencies in every community and State in the Nation depend upon the FBI for the identification of fingerprints. They are using an antiquated system that is causing untold delays in the identification of criminals and the bringing to justice of criminals.

This project is supported very, very enthusiastically by the Director of the FBI, and it is supported by those of us who want a modern system that will give the local police agencies, the local sheriffs, the local State police, and so forth, instant abilities, or almost instant abilities, to identify criminals through the automated fingerprint system that is represented in this project we are talking about.

It is to be built in West Virginia. I think we have to realize the reality of why. We need this project. It does not matter really where it is built, I am told, electronically, because the program can be run from anywhere in the country. But the bottom line is that the country and law enforcement people need the automated fingerprint identification system. That is what is involved here. Where it is built is something we can debate, but the fact that it needs to be built cannot be debated.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman for yielding time to me, and I appreciate the opportunity to speak on this issue.

I heard the gentleman from Indiana [Mr. BURTON] yesterday make arguments accusing Members across the body of the House of what he described as something parochial; he even went so far as to call them pork barrel projects. I refrained from speaking on the floor at that time because I thought other Members of the body spoke very eloquently to those points, particularly the honorable gentleman from Michigan who, I thought, did an excellent job in response to the concerns the gentleman from Indiana raised. His point, I think, was that with regard to these projects, Members of this Congress know their constituents, understand the needs of their areas better than anyone else, and know that their constituencies have specific concerns that need to be addressed specifically. They know that each one of these earmarks, whether the appropriations were for public service or for infrastructure or domestic investments in our local communities, address concerns that we understand better than anyone.

I understand that the gentleman today is again raising that subject with regard to $48 million for funding to help facilitate the FBI's need, a desperate and crying need, and that is to get modernized, to get prepared to continue leadership in fighting a war on crime in this very important area, the area of identification.

I would simply say that I did not think the gentleman's arguments yesterday were convincing with regard to what he described as pork or parochial projects, but this project does not even fall within that category. As he makes the argument today, to the extent he is making it and suggesting that it is a pork project, it is not even relevant. This money goes to help develop the identification system; to help modernize that system. There is, by anyone's account, a crying need to do that, to modernize the FBI's identification system. I think the gentleman from Indiana, if he agrees with me and understands that, would have to acknowledge that the FBI needs to be modernized.

If we are going to be effective in dealing with what is an increasingly sophisticated crime element in this country, our agencies need to be as sophisticated. They need to be ahead of that curve technologically. That is what this identification facility does.

This money that he speaks of today is money that will further the technology. It is not bricks and mortar money; it is money to further the system and the technology. I do not know of an expert in the field who does not believe and does not testify to the fact that the FBI needs to modernize with regard to identification.

So I simply hope that speaks to the concerns of the gentleman. First of all, this is not a pork project at all, and, second, this money goes to a crying need. If we are going to fight crime effectively in this country, we need a modern identification system, and that is what the money the gentleman is speaking to is going for.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I am not questioning the need for the fingerprint facility. I am questioning the need for spending $185 million in addition to this equipment and the technology that is needed to conduct these fingerprint exercises.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. No. Let me finish, and I will yield in just a few seconds.

The fact of the matter is that when we build a facility, a government installation, we should do it in the most cost effective way possible.

We just had the Base Closure Commission say that we had to reevaluate a lot of our military bases around the country, and it pinched a lot of toes because a lot of these bases were closed. In fact, it pinched my toes a great deal in Indiana because they closed one of our most important bases, Fort Harrison. But the fact of the matter is that this Government should do things in a very businesslike, cost effective way, and to build a whole new facility in West Virginia that is going to cost $185 million when we do not have to do that, or at least not spend that much money, to me is waste and is a pork barrel project.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, I would like to respectfully point out that I do not agree with the gentleman's premise, that is, that we do not need it. We desperately need it.

Mr. BURTON of Indiana. Does the gentleman mean the building?

Mr. MOLLOHAN. Every expert would suggest that we definitely need this new capability which requires considerably more space and definitely a new modern identification system if we are going to get ahead of this crime curve.

So, first of all, I disagree with the premise of the gentleman about need.

☐ 1230

Second, the gentleman talks about low-cost areas or low-cost ways of achieving that goal. I agree completely. We ought to be looking at the low-cost process to do that.

Now, this whole process tracks what business is doing. It is looking for low-cost service areas out there. Business is doing it, and it is a trend across this country. This tracks that process. It is evidently the low-cost way to achieve these ends.

Mr. Speaker, I just want to say when the gentleman from Indiana [Mr. BUR-

TON] says this, I hear the words. If they were correct, he might have an argument. They simply are not.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, let me just say that I believe, after getting some information from some of the staff people, there is a more cost effective way to do this. I believe we could save a lot of money if we did not spend $185 million for new infrastructure in West Virginia, in addition to the $48 million we are talking about here today. That is my concern.

We are not prioritizing the spending, doing things in the most productive way, because we are trying to get things for our own districts. It is not just West Virginia, it is all across the country.

As I said before, the very fine gentleman from West Virginia, the chairman of the Senate Appropriations Committee, has said very clearly he wants to steer 1 billion dollars worth of projects back to West Virginia, and he has the power and ability to do that, and I have no doubt that he will. I think over $510 million has already been earmarked for West Virginia. So things are on track.

What I am saying is we are heading toward financial disaster if we do not get control of our appetite for spending, and this is just one manifestation of the problem.

So I think Members ought to start fessing up to this problem and start voting these projects. Not because we are against West Virginia or California or any other State individually, but because collectively it is killing this country.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I would suggest to the gentleman from Indiana [Mr. BURTON], I understand his concern about Members' projects and the process by which some of these projects go. The thing is, the gentleman is taking on a project that every expert in the field agrees is desperately needed. I would suggest that the gentleman's suggestion that this is not the lowest cost way to proceed is in error. So if the gentleman is attacking it on a pork barrel basis, the need is obviously there, and I think the gentleman is misdirected on this one.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, let me just close what I have to say here with this: wherever you build this type of facility, the facility needs desperately to be built. Why? Because right now the FBI has in its files around 3,000 backlogged fingerprint cases that they do not have the manpower to ID for local sheriffs, local police forces, or local state police.

Part of this money would go to help them clean up that present backlog. Part would go toward research and development of the computers necessary to speed up the process of identifying fingerprint requests they get with the automated fingerprint ID system which is represented here.

Mr. Speaker, I am told that ideally, when a building is built and the program is put in place, local police departments would be able to electronically send to this facility the fingerprints that they wanted identified, and the fingerprint could be identified in a matter of minutes or perhaps hours, which now takes weeks in many cases. We are talking about the ability to efficiently put away crooks.

Mr. Speaker, I can debate as to where to put that facility. It can be put anywhere in the country. Electronically it does not matter, because the input and outgo is electronic.

In the bill it is going to West Virginia. I have no real problem with that, except I want the building. I want the facility. The country desperately needs this kind of facility somewhere.

I understand the concern of the gentleman from Indiana [Mr. BURTON] about the number of projects perhaps going to West Virginia. Some of us have some concern about that. But I am more concerned that we have the ability to quickly ID suspects in major criminal cases all over the country. That is important for the Nation.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I agree with the gentleman from Kentucky [Mr. ROGERS] that this facility is very badly needed and will enhance law enforcement. Surely there were some studies done about where the best location for this facility should be.

Mr. Speaker, can the gentleman from Kentucky [Mr. ROGERS] enlighten us as to what those studies indicated?

Mr. ROGERS. Mr. Speaker, reclaiming my time, I cannot myself at the moment off the top of the cuff give the gentleman any information about that. I am sure there is information available.

Mr. WALKER. If the gentleman will yield further, surely if we are going to build a $185 million facility, there were some investigations done as to whether or not there was infrastructure in place that would not have to be put in place, a lot of things like that, dealing with a high-technology facility like that.

Did all of the studies that we have coming back indicate that the very best place for this facility is in West Virginia?

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, the FBI has a requirement that the facility be within a certain distance from the headquarters here in Washington. I do not remember the number of miles. They looked within that circle. The people within the FBI came up with the conclusion that the location in West Virginia was the best location. There was no other facility they could find.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, I recollect it being slightly different from that. I recollect that what they felt was that it would be best at the headquarters facility. The very best location would be at the headquarters facility. But if you had to move out to a radius and so on, they would want it within a radius of headquarters.

In other words, if headquarters is a central location in all of this, beyond which a line cannot go, then the bottom line is that the very best place for it is at the headquarters directly at the center of the radius.

Mr. SMITH of Iowa. Mr. Speaker, as a matter of fact, they never considered the possibility to put it in headquarters here, because all they have down there now is a card system. They do not have room in the headquarters location for anything like this. With the communications capabilities we have today, the facility does not need to be in a downtown headquarters at all. The facility has to be close enough for employees to travel to the headquarters, but it does not need to be downtown.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the gentleman just described to me a system that indicated there was a radius around the headquarters that was important to them. If what the gentleman is now saying is true, they do not need the radius. There is some reason why headquarters becomes important to them. As I understand it, this is at the very edge of that radius and, therefore, probably without some kind of political influence, would not be the single most preferable site they came up with.

Mr. SMITH of Iowa. Mr. Speaker, the radius was whatever one could easily travel to within 4 hours. They wanted to be within 4 hours, but they did not have to be within 4 minutes.

Mr. ROGERS. Mr. Speaker, reclaiming my time, let me clarify this. I have checked back with the FBI. There is a 1-year backlog of fingerprint ID requests. They have on hand now in the neighborhood of 300,000 records we are dealing with here. So this is an urgent need. The Director of the FBI says he wants this project. It has met the criteria of the FBI, obviously, because the Director supports this item.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. GLICKMAN). The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 162, not voting 19, as follows:

[Roll No. 290]

YEAS—252

Abercrombie
Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bennett
Bereuter
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (MI)
Combest
Cooper
Costello
Coughlin
Coyne
Cramer
Darden
de la Garza
DeFazio
Derrick
Dicks
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Gallegly
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hammerschmidt
Harris
Hatcher
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Payne (NJ)
Pelosi
Perkins
Pickett
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ravenel
Regula
Richardson
Roe
Rogers
Ros-Lehtinen
Rose
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schumer
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spence
Spratt
Stark
Stenholm
Sundquist
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NAYS—162

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Beilenson
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Carper
Chandler
Clay
Coble
Coleman (MO)
Collins (IL)
Condit
Conyers
Cox (CA)
Cox (IL)
Crane
Cunningham
Dannemeyer
Davis
DeLauro
DeLay
Dellums
Dickinson
Dingell
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Ewing
Fields
Frank (MA)
Franks (CT)
Gallo
Geren
Gilchrest
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Guarini
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hayes (IL)
Hefley
Henry
Herger
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Johnson (TX)
Kasich
Klug
Kyl
LaRocco
Leach
Lewis (FL)
Lewis (GA)
Luken
Machtley
McCandless
McCrery
McEwen
McMillan (NC)
Meyers
Mfume
Miller (WA)
Molinari
Moody
Moorhead
Moran
Morella
Morrison
Nichols
Nussle
Orton
Oxley
Packard
Pallone
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pursell
Quillen
Ramstad
Ray
Reed
Rhodes
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rohrabacher
Roth
Roukema
Santorum
Savage
Saxton
Schaefer
Schroeder
Schulze
Sensenbrenner
Serrano
Sharp
Shays
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stallings
Stearns
Stokes
Studds
Stump
Swett
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Walker
Walsh
Washington
Waters
Weber
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOT VOTING—19

Berman
Dymally
Ford (MI)
Ford (TN)
Frost
Holloway
Hopkins
Kaptur
Lent
Michel
Mrazek
Nagle
Pease
Ridge
Rostenkowski
Sanders
Slaughter (NY)
Slaughter (VA)
Staggers

☐ 1258

The Clerk announced the following pair:

On this vote:

Mr. Staggers for, with Mr. Nagel against.

Mrs. SCHROEDER, Mr. SOLOMON, Ms. MOLINARI, Messrs. CONYERS, LEWIS of Georgia, HAYES of Illinois, Mrs. COLLINS of Illinois and Mr. QUILLEN changed their vote from "yea" to "nay."

Mr. HALL of Texas, Mr. EDWARDS of Oklahoma, Mrs. COLLINS of Michigan, Mr. THOMAS of California, Ms. HORN, and Messrs. MARKEY, HOBSON, MARLENEE, HUTTO, and Mrs. KENNELLY changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Speaker, I rise to express that I inadvertently voted aye on the vote to recede and concur with Senate amendment No. 30, whereas I meant to vote no in support of the position of my colleague, the gentleman from Indiana, with regard to his opposition to the motion to recede and concur.

☐ 1300

The SPEAKER pro tempore (Mr. GLICKMAN). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 32: Page 15, strike out all after line 17, down to and including "search" in line 19 and insert "$740,667,000 of which not to exceed $1,800,000 for research, and of which not to exceed $1,500,000 for an A & E Study for a Washington, D.C. area laboratory."

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein with an amendment, as follows: In lieu of the sum "$740,667,000" proposed in said amendment, insert the following: "$716,653,000."

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 33: Page 16, line 20, strike out "$947,041,000" and insert "$950,817,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 33, and concur therein with the amendment, as follows: In lieu of the amount proposed in said amendment, insert the following: "$938,241,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent

that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 16, line 23, after "expended" insert "; and of which $312,473,000 shall be available to the Border Patrol program unless a notification required by section 606 of this Act is processed and acknowledged by the Committee on Appropriations of the House of Representatives and the Senate".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert the following: "; and of which $312,473,00 shall be available to the Border Patrol program, unless a notification, as required under section 606 of this Act, is submitted to the Committee on Appropriations of the House of Representatives and the Senate".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 36: Page 17, line 15, strike out "$1,637,299,000" and insert "$1,612,635,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 36, and concur therein with an amendment, as follows: In lieu of the amount proposed in said amendment, insert the following "$1,598,920,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 42: Page 28, after line 17, insert:

SEC. 110. Notwithstanding 28 U.S.C. no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in paragraph (a)(2) of section 1821, 28 United States: *Provided*, That the one exception to the preceding prohibition is the fact witness fee decided in United States Supreme Court case No. 89-5916, Richard Demarest, Petitioner v. James Manspeaker et al, on January 8, 1991.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 42, and concur therein with an amendment, as follows: In lieu of the matter proposed in said amendment, insert the following:

SEC. 110. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year, or any other funds available from the Treasury of the United States, shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in 28 U.S.C. 1821(a)(2).

SEC. 111. Effective 60 days after enactment of this Act—

(a) Section 1930 (a) of title 28, United States Code, as amended, is further amended—

(1) in subsection (3) by striking "$500" and inserting in lieu thereof "$600"; and

(2) in the second sentence of subsection (6), by striking "$150" and inserting in lieu thereof "$250", by striking "$300" and inserting in lieu thereof "$500", by striking "$750" and inserting in lieu thereof "$1,250", by striking "$2,250" and inserting in lieu thereof "$3,750", and by striking "$3,000" " and inserting in lieu thereof "$5,000".

(b) Section 589a(b) of title 28, United States Code, as amended, is further amended—

(1) in subsection (2) by striking "three-fifths" and inserting in lieu thereof "50 percentum"; and

(2) in subsection (5) by striking "all" and inserting in lieu thereof "60 percentum".

(c) Section 589a of title 28, United States Code, as amended, is further amended by adding a new subsection as follows—

"(f) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation "United States Trustee System Fund", to remain available until expended, the following—

(1) 16.7 percentum of the fees collected under section 1930(a)(3) of this title;

(2) 40 percentum of the fees collected under section 1930(a)(6) of this title".

SEC. 112. Section 524 of title 28, United States Code as amended, is further amended—

(1) in subsection (c)(1), by deleting "purposes of the Department of Justice" and inserting in lieu thereof the following:

"law enforcement purposes";

(2) by deleting subsection (c)(1)(C), and inserting in lieu therof the following:

"(C) at the discretion of the Attorney General, the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any federal agency participating in the Fund;";

(3) in subsection (c)(1)(F), by deleting the word "drug" preceding the words "law enforcement functions";

(4) in subsection (c)(1)(F), by deleting "the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service or the United States Marshals Service", and inserting in lieu thereof the following:

"any federal agency participating in the Fund";

(5) by deleting subsection (c)(4) and inserting in lieu thereof the following:

"(4) There shall be deposited in the Fund—

(a) all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Secretary of Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)), or the Postmaster General of the United States pursuant to 39 U.S.C. 2003(b)(7);

(b) all amounts representing the federal equitable share from the forfeiture of property under any State, local or foreign law, for any federal agency participating in the Fund.";

(6) by inserting in subsection (c)(5), immediately following "Amounts in the Fund", the following:

", and in any holding accounts associated with the Fund";

(7) by adding at the end of subsection (c)(9)(C) the following sentence:

"Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed $150,000,000."; and

(8) In subsection (c)(9)(E)—

(A) by deleting ", 1992", and inserting in lieu thereof "of each fiscal year thereafter";

(B) by deleting "to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution and correctional activities of the Department of Justice.", and inserting in lieu thereof the following:

"to be transferred to any federal agency to procure vehicles, equipment, and other capital investment items for law enforcement, prosecution and correctional activities, and related training requirements.".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 49: Page 31, line 14, strike out "$10,000,000" and insert "$13,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 49, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following "$13,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 51: Page 31, line 20, strike out all after "expended" down to and including "1993" in line 22 and insert " *: Provided further*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding sections 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 51, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: " , but that any fees received in excess of $13,500,000 shall not be available until fiscal year 1993: *Provided further*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding sections 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374)".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH}.

The motion was agreed to.

Mr. LENT. Mr. Speaker, I rise in support of Chairman SMITH'S motion to recede and concur with the Senate provisions that maintain the current restrictions on the power of the Federal Trade Commission to conduct broad rulemakings on allegedly unfair advertising.

These restrictions were first enacted through the authorization process in the FTC Improvements Act of 1980. When that authorization expired 2 years later, and an authorization bill was not enacted, these provisions were instead added to the FTC's appropriation legislation to maintain the status quo.

It is important to point out that continuing the restrictions does not limit in any way the FTC's authority to pursue unfair or deceptive advertising practices in individual cases. The restriction only applies to broad trade regulation rulemakings. These were the areas where the regulatory excesses of the 1960's and 1970's occurred.

To summarily eliminate the existing legal protections against sweeping FTC actions is unwise and unfair to the advertising industry that has relied on the current law. I will be glad to work for resolution of this issue as our committee considers reauthorization legislation, but I strongly urge that we not change the legal ground rules governing our advertising industry on such a summary basis. We should therefore accept the Senates provisions maintaining the current restrictions on trade regulation rulemakings.

Mr. RITTER. Mr. Speaker, I rise to support Chairman SMITH's motion to concur with the continuation of the existing legal limitations on the Federal Trade Commission's rulemaking powers relating to alleged unfairness in advertising. This limited but important restraint on the FTC has been renewed regularly for almost 10 years since the last FTC reauthorization expired.

As the ranking member of the subcommittee with FTC jurisdiction in the Energy and Commerce Committee, I can readily understand the reluctance of some members to place this restrictive language on the FTC appropriations bill. And if we were operating here on the proverbial blank slate, I might agree. But in fact, the prohibition on so-called trade regulation rulemakings against allegedly unfair ads has been part of the legal landscape for the FTC since 1980. To delete it now would fundamentally alter the status quo without any prior deliberation.

It is important to point out that continuing the restrictions does not limit in any way the FTC's authority to pursue unfair or deceptive advertising practices in individual cases. The restriction only applies to broad trade regulation rulemakings. These were the areas where the regulatory excesses of the 1960's and 1970's occurred.

There are important issues here of constitutional protection for commercial speech, of the proper degree of Government intervention in the marketplace, and of the congressional oversight role. But these major questions should not be shoehorned into a decision on an essentially hold-in-place provision on the FTC's rulemaking powers. This is doubly true where, as of now, neither a House nor a Senate FTC authorization bill has yet been introduced.

Therefore I urge that we accept the Senate language maintaining the existing and reasonable restraints on FTC advertising rulemaking activities. We should do this without prejudice to a full and fair airing of the underlying constitutional and policy issues when the authorizing committee considers a reauthorizing bill.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 59: Page 34, after line 4, insert:

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, $100,000,000, to remain available until expended: *Provided*, That none of the funds provided herein shall be available for obligation or expenditure in foreign shipyards.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 59, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, leasing, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, $33,200,000, to remain available until expended.

CONSTRUCTION

For construction, repair, and modification of facilities and minor construction of new facilities and additions to existing facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $34,917,000, to remain available until expended.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 61: Page 34, line 13, after "8831;" insert "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements or memoranda of understanding;".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 61, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements;".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 63: Page 34, line 16, strike out "$542,000" and insert: "$600,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 63, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following "$1,000,000 shall be available for a grant to the South Carolina Coastal Council for the acquisition of the Victoria Bluff Tract in Beaufort County, South Carolina, of which $2,000,000 shall be available for a grant to make permanent improvements to the Woods Hole Marine Biological Laboratory, Woods Hole, Massachusetts, of which $600,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 35, after line 4, insert:

EMERGENCY WEATHER SATELLITE CONTINGENCY FUND

For costs necessary to maintain National Oceanic and Atmospheric Administration geostationary meteorological satellite coverage for monitoring and prediction of hurricanes and severe storms, including but not limited to the procurement of gap filler satellites, launch vehicles, and payments to foreign governments, $110,000,000, to be deposited in an "Emergency Weather Satellite Contingency Fund," to remain available until expended: *Provided*, That these funds shall not be available for obligation until the President notifies the Appropriations Committees of the House of Representatives and Senate that an emergency requirement for these funds exists and the House and Senate vote to release these funds for emergency requirements.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 69, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

GOES SATELLITE CONTINGENCY FUND

For costs necessary to maintain National Oceanic and Atmospheric Administration geostationary meteorological satellite coverage for monitoring and prediction of hurricanes and severe storms, including but not limited to the procurement of gap filler satellites, launch vehicles, and payments to foreign governments, $110,000,000, to be deposited in a "GOES Satellite Contingency Fund", to remain available until expended: *Provided*, That these funds shall not become available for obligation until the Secretary of Commerce notifies the Appropriations Committees of the House of Representatives and the Senate that a requirement for these funds exists through the reprogramming provisions of this Act.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 77: Page 38, line 17, strike out "$194,875,000" and insert "$203,814,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 77, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$207,160,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 78: Page 38, line 17, after "expended" insert ", of which $19,406,000 is for the Office of Textiles and Apparel, including $3,000,000 for a grant to the Tailored Clothing Technology Corporation and $12,500,000 for a grant to the National Textile Center University Research Consortium".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 78, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ", of which $3,000,000 is for support costs of a new materials center in Ames, Iowa, and of which $15,221,000 is for the Office of Textiles and Apparel, including $3,315,000 for a grant to the Tailored Clothing Technology Corporation, and $8,000,000 for a grant to the National Textile Center University Research Consortium".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to the motion, and I ask for 20 minutes of time to debate.

The SPEAKER pro tempore. Is the gentleman from Kentucky [Mr. ROGERS] opposed to this motion on amendment No. 78?

Mr. ROGERS. Mr. Speaker, I support the motion.

The SPEAKER pro tempore. The gentleman supports the motion.

The time will be divided three ways: The gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes, the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is in this bill $207 million for the International Trade Administration.

If we are going to be competitive in this country, we have to get into the field of advanced technology in a much bigger way than we have been.

We are now going to cut back on military spending. Everybody agrees with that.

Most of the R&D in this country has been done under military appropriations and under the Energy Department. Now, this appropriation is under the Commerce Department, but as we cut back on R&D in the Defense Department and in the Energy Department, we certainly do not want to cut back on R&D in the Commerce Department's International Trade Administration.

Among the things that they have been trying to do is to upgrade the advanced technology processes in the textile and apparel industry. We are falling behind in that industry, and so there is money in here to address that issue. It is in the bill. It is in the $207 million, and it is earmarked for that purpose.

Also, there is earmarked $3 million for a new materials center. That project was also done last year and the year before, and it has been a highly successful program. It needs another year of funding.

For example, our industries require magnets that are more powerful. They have developed, for example, under this program, a magnet that is more powerful than those developed anywhere else in the world. In the last 2 years they have been able to start selling it to 116 countries. This is the kind of thing we have to do, working on new materials and working on new processes so that smaller businesses can get into more efficient production and advanced technology.

What we are trying to do in this bill is to continue for another year these types of programs, but it is within the umbrella of the $207 million.

This motion earmarks the amount of money required for these three projects, and I am supportive of the motion, and I ask for an aye vote.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every time I hear one of the proponents of these appropriations bills talk about the issues that I am raising, they make it sound like I am un-American, that I do not care about new technology, that I do not care about how competitive we are in the world. So it makes me sound like I am un-American, because I am trying to cut out this pork.

The fact of the matter is what the chairman did not tell you was that this $3 million for a new materials center in Ames, IA, is in his district. It is in his district. I understand that he wants to do something for his district. That is a normal thing to do. We all want to do something for our district, and collectively that is the problem.

I have said this time and again: We had one Subcommittee of Appropriations that had 385 Members ask for 3,000 projects in 1 year, and I just ask my colleagues: where is it ever going to end? This amendment contains $3 million for the materials center in Ames, IA, $3.3 million grant to the Tailored Clothing Technology Corp., whatever that is, and $8 million grant for the National Textile Center, University Research Consortium.

□ 1310

I am sure that these are all laudable projects. But my question is, should the Federal Government be paying for these or should they be paid for by private corporations or should they be paid for by the cities or the States in which they are going to be built?

We have a terrible fiscal problem facing this Nation. The deficit this year is going to be $400 billion and we continue to have pork barrel, after pork barrel, after pork barrel come before this House and every single time it is un-American, it is trying to be uncompetitive for us to attack those projects.

Let me just say to my colleagues, Mr. Speaker, we have got to prioritize spending. The taxpayers of this Nation do not want any more deficits and they do not want their taxes raised. They raised taxes, the second largest tax increase in history last year, and the deficit is almost double, so that was not the answer, and yet some of my colleagues are saying we have got to raise the gas tax this year and we have got to raise other taxes. That is not the answer. The amount of tax revenues we brought into the Treasury in the last 10 years has doubled. We went from $500 billion in revenues to $1.1 trillion in revenues, and yet the deficit is out of control. How can you more than double the amount of money coming in and still increase the deficit? It is because we continue to buy into these pork barrel projects.

I know not many are paying attention to this, but I can tell you, when the financial catastrophe occurs because of our excessive spending, the people of this country are going to hold us accountable. The problem is that many of us will not be here any longer, because it is probably not going to happen tomorrow, but the kids in the future generations of this country are going to curse us because of the legacy we are leaving them, this mountain of debt, $4 trillion now, which is 400 percent of what it was 10 years ago.

Mr. Speaker, I would just like to say to my colleagues, in the quiet of our own offices and in our own homes, I wish every one of us would stop and look at the problem we are having fiscally in this Nation, and then I wish each and every one of us would start saying, is this absolutely essential that I go to the Appropriations Committee and get this pork barrel project for my district?

When you think about the overall problem it is creating when collectively we come up with all these thousands and thousands of special projects, something has to be done.

I have said time and time again that one answer would be the line item veto, but that is not likely to occur, so the only other thing that can occur is for us to get control of our appetite for spending.

I suggest to you that voting against this motion would be a step in the right direction.

Mr. SMITH of Iowa. I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I would just like to point out a couple of things to my friend, the gentleman from Indiana. The gentleman mentioned the textile business.

We passed three or four textile bills here in this Congress in the past 8 years. They have all been vetoed. The textile industry by this administration is considered expendable. We have lost thousands of jobs in the textile industry. People are modernizing in foreign countries. We are letting more exports come into this country. We forgave $7 billion to the Egyptians. Hey, no big deal, $7 billion. We forgave $2 billion in debts to countries in the periphery of our area before the fiscal year ending where they could borrow more money, where we can forgive it next year.

Mr. Speaker, the textile industry is in total disarray. We are having people competing with us in other countries in textiles, and in one specific place, the Chinese are absolutely killing us in textiles. And what are they doing it with? They are doing it with slave labor.

And what do we do? We say we will grant them most favored nation status where they can continue to do it.

What we need to do is to have these textile people doing the research where we can compete. If we are going to give our industry away, at least we need a level playing field.

Mr. Speaker, this is a good bill and this is a good proposal. I strongly support this committee's position.

I just want the gentleman from Indiana to realize that this is not pork barrel. This is something that is protecting jobs and helping to produce jobs in this great country of ours, and to call it pork barrel is totally ludicrous.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just respond to my colleague, the gentleman from North Carolina. I support the textile industry, and if you look at my voting record, in opposition to much of what the administration has suggested, I have voted with the gentleman and the textile industry, because I agree there is a problem there, and I do agree that the Chinese are using slave labor to produce textiles that are being sold in this country, and we have got to do something about that.

But I do not believe we are going to solve the problem of the Chinese slave labor, which is making textiles that we are buying, by passing this motion. You see, this motion is going to spend $14 million on these projects I just talked about.

I am not opposed to the textile industry. I voted with them much of the time, but the fact of the matter is that we are not going to solve the importation of slave labor products by coming up with this kind of motion.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, would the gentleman not agree that we need to do research? We have people going to these colleges. Does the gentleman not agree that we need to do research where we can compete with subsidized industries in other countries? We are absolutely being left naked because people are going offshore and to other countries that have been subsidized with high technology. Does the gentleman not realize that we need to do some R&D and everything that we can do to protect the textile industry? We will not do it in legislation.

Mr. BURTON of Indiana. Mr. Speaker, if I may reclaim my time, the subsidized problem to which the gentleman alludes is being discussed at the GATT talks all around the world. I think the GATT round in South America is going on currently. They are trying to do something about these subsidies that are putting a lot of our industries in an uncompetitive situation, and I agree with the gentleman; but more pork barrel projects is not going to address the subsidy problem in France or Great Britain or the problem of slave labor making textiles in Communist China. Those are issues that we have to deal with through trade and through negotiations. These pork barrel projects go on forever, thousands of them.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, since we are talking about jobs, and I think it is an important issue to raise, it is interesting to note that this one piece of spending in this bill will take all the income of 450 American families, based upon average incomes from last year, so virtually every dime paid by 450 American families is going to be required in order to pay for this one little piece of the appropriations bill.

I would suggest that those 450 families, who if they are having all their money spent by us are out of a job, probably would select differently than doing this particular project.

I think the gentleman needs to be listened to on this. It is us that kills jobs. It is policies that we make in this body that kills jobs, and this is the kind of thing that ends up killing jobs for American families.

In this case, this piece of spending is going to kill the entire livelihood of 450 American families.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the gentleman's remarks.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. Of course, I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I would like to have—I do not have that information; I would like to have the source of the information of the jobs it is going to take. Could the gentleman supply me with the source of his information about the specific number of jobs that this is going to take?

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the average income of American families last year was about $35,000. That is simply an extrapolation of that $35,000 out to the $14 million involved in this particular bill.

In other words, it takes all the income of all those American families in order to support this one project, not just their tax income, all their income. If they are not earning their incomes, they are therefor out of jobs, I would say to the gentleman, and that is the point that I am making.

Mr. HEFNER. Well, Mr. Speaker, if the gentleman will yield further, that is a little sophisticated for me.

Has the gentleman really looked further to see how this $7 billion we forgave to Egypt, how many jobs would that create in this country?

Mr. WALKER. This gentleman voted against that.

Mr. HEFNER. And the $2 billion we just forgave on the loans in Latin American countries just recently, where we could get under the fiscal year where they could borrow some more money.

Mr. Speaker, I thank the gentleman for yielding to me. He is a gentleman. He just happens to be wrong, Mr. Speaker.

Mr. BURTON of Indiana. Well, I appreciate the gentleman's attitude, but I think if you talk to the taxpayers of America all across the country and ask them how they feel about these thousands and thousands of social projects in each congressional district, they would probably define them as I do for the most part: Pork barrel; and they are tired of pork. They are tired of their money being wasted and they are tired of having their taxes increased year in and year out to try to pay for these horrible projects, much of them horrible.

□ 1320

Some of them are laudable. I do not take issue with every one of them. But the fact of the matter is we have a pork-laden Congress. This is the palace of pork, anymore, the palace of pork. I give credit for that phrase to my colleague from Pennsylvania, the palace of pork. Until we get control of our appetite for spending, these deficits are going to go up and we are going to be demanding, on that side of the aisle, more taxes to be extrapolated or extricated from the American people. They do not want any more taxes. They are taxed to death already and are tired of all this wasteful spending.

So I say to my colleagues opposing this motion would be a good first step. I urge you to oppose it.

The SPEAKER pro tempore (Mr. GLICKMAN). Are there any further requests for time on this motion?

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina.

Mr. PRICE. Mr. Speaker, the opponents of this amendment need to get straight on the distinction between special interests and the national interest. Let me talk about the national interest. The national interest: Nine out of the top companies in the textile-apparel industry have recently undergone a financial restructuring. The national interest: Four major research laboratories have been closed in recent years. The United States has lost control of technology; most production equipment is now imported.

The Europeans and the Japanese have launched major textile R&D efforts. Environmental pressures demand cleaner production processes.

The national interest is at stake. This has nothing to do with pork-barrel politics or with special interests.

The U.S. textile industry has good opportunity. It has the home-market advantage. It has technological and design capabilities to manufacture for intended use. Before these advantages can help us, though, to leap over today's market frontrunners, we must develop a fundamental science, engineering, and technology base upon which all of the industry's components can be restructured.

Competing nations have already established research syndicates to pursue textile manufacturing science and engineering, and it is clearly time for our country to seize the opportunity and invest in research as it has previously done in support of other industries.

Four universities in this country—North Carolina State, Clemson, Auburn, and Georgia Tech—do 90 percent of our academic textile research. We said to those universities, "We don't want to come in for just one university, just one program. We want you to cooperate, we want you to form a consortium." And that is exactly what they have done. It is precisely the opposite of a pork-barrel or special-interest approach.

These universities have already made a major investment, and none of this money is going for bricks and mortar on their campuses. Industry has also made a major investment. But it is vital that we provide this modest appropriation to bring all of this together, to upgrade our research effort, and to apply it to the needs of industry in a comprehensive and coordinated way.

The question, as my colleague from North Carolina [Mr. HEFNER] earlier put it, really comes down to this: Are we willing to abandon this industry?

Are we willing to give up the fight in textiles? Or are we willing to make this modest investment to regain and retain our competitiveness? This research program is vital to the national interest, and I urge its support.

The SPEAKER pro tempore. Are there further requests for time on this motion?

Mr. BURTON of Indiana. Mr. Speaker, I would like to close if I may.

Mr. Speaker, nobody wants to see the textile industry decimated. We certainly support that. My voting record will show that I supported the textile industry in this country.

I am very concerned about slave labor products coming in and subsidized products coming in, to the detriment of American workers. The fact of the matter is that these are three projects I think most people would consider to be pork-barrel projects.

Private industry is investing in research, and they are constantly studying the textile industry to make better textiles. I do not think it is a function of the Federal Government to continue putting money into such things as $3 billion for a new materials center in Ames, IA, the chairman's district, a $3.3 million grant to the Tailored Clothing Technology Corp., or $8 million for the National Textile Center University Consortium.

So I would urge my colleagues to think about this, think about the overall problem of pork and to vote against this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. BROWN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I arrived late on the scene during this debate, and I probably missed some of the more important elements. But it does deal with a program in which I am vitally interested and which I have tried to restructure the focus in my own Committee on Science, Space, and Technology to encourage the kind of development represented by the program being funded here.

This is admittedly an area of policy in which we are still engaged in setting the boundaries for. But I think it is safe to say that this administration as a whole and our committee and, obviously, the Committee on Appropriations and the subcommittee chaired by the distinguished gentleman from Iowa, are all moving together here in support of a program in which we are asking industry to lead us in a cooperative effort with the Government toward becoming more competitive in global markets.

This is the goal that we seek. There are ways, of course, of dealing with the Chinese slave labor problem that would be different from this. We could restrict imports from China, of course. In many cases we may be justified in doing this.

But in the long run this country will only prosper when we devise mechanisms in which we can, in cooperation with private industry, Government, and universities, develop the most efficient and competitive industry in the world. This is my goal. I think this is the goal of the Bush administration. I think we should all be supporting it.

Now, we may wander occasionally from the path of purity. The Committee on Appropriations may step in with a proposal which has not been, we would say, thoroughly explored in the authorizing committee. We will resolve that problem in due course.

Mr. Speaker, I share some of the concerns that have been expressed here about earmarking and that sort of thing. But in the absence of appropriate action by other committees, I think it is inevitable that the appropriations committees will have to move in this direction on occasion. And I am thoroughly in support of the programs that are being funded here which we are discussing, and I hope that all of the Members of the House will support them.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. If there are no further requests for debate, all time is yielded back.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 300, nays 111, not voting 22, as follows:

[Roll No. 291]

YEAS—300

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Frank (MA)
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Riggs
Rinaldo
Ritter
Roe
Rogers
Rose
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (OR)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—111

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Baker
Barrett
Barton
Bennett
Bilirakis
Bliley
Boehner
Bunning
Burton
Camp
Campbell (CA)
Carper
Chandler
Combest
Condit
Cox (CA)

Crane
Dannemeyer
DeLay
Dingell
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gilchrest
Gillmor
Goodling
Goss
Gradison
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Kasich
Klug
Kyl
Lagomarsino
Lewis (FL)
Luken
Machtley
Marlenee
McCandless
McCollum
Meyers
Mfume
Miller (OH)
Miller (WA)
Moorhead
Morella
Morrison
Murphy
Nichols
Orton
Oxley
Packard
Pallone
Paxon
Penny
Petri
Porter
Ramstad
Rhodes
Ridge
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Saxton
Schaefer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Smith (NJ)
Smith (TX)
Solomon
Stearns
Stump
Thomas (WY)
Upton
Vander Jagt
Walker
Walsh
Weldon
Wylie
Zeliff
Zimmer

NOT VOTING—22

Berman
Boxer
Dwyer
Dymally
Edwards (TX)
Ford (MI)
Ford (TN)
Frost
Holloway
Hopkins
Kaptur
Levine (CA)
Mrazek
Nagle
Pease
Roberts
Rostenkowski
Sanders
Slaughter (NY)
Slaughter (VA)
Staggers
Tauzin

□ 1345

Messrs. McHUGH, HALL of Texas, OWENS of Utah, and HUTTO changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2632

Mrs. MINK. Mr. Speaker, I ask unanimous consent that I be allowed to withdraw my name as a cosponsor of the bill, H.R. 2632.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 81: Page 40, line 16, strike out "$40,880,000" and insert "$41,578,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 81, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$40,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 83: Page 40, line 18, strike out "$15,939,000" and insert "$16,257,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 83, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$15,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 89: Page 42, line 4, strike out "$4,318,000" and insert "$4,937,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 89, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following:

$4,600,000: Provided, That Section 212(a)(1) of Public Law 100–519 (102 Stat. 2594) is amended by adding a new paragraph (E) as follows: "(E) For the period of October 1, 1991 through September 30, 1992, only, retain and use all earned and unearned monies heretofore or hereafter received, including receipts, revenues, and advanced payments and deposits, to fund all obligations and expenses, including inventories and capital equipment".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 93: Page 43, after line 4, insert:

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants and administrative expenses, $4,000,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 93, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$2,000,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 96: Page 43, after line 8, insert:

ECONOMIC DEVELOPMENT GUARANTEED LOANS

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Public Works and Economic Development Act of 1965, as amended, $565,000. In addition, for administrative expenses to carry out the guaranteed loan program, $1,614,000 which may be transferred to and merged with the Salaries and Expenses account of the Economic Development Administration.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 96, and concur therein with an amendment, as follows: In lieu of the sum "$565,000" insert "$800,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 105: Page 49, line 25, strike out "$185,372,000" and insert "$177,386,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follow:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 105, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$190,621,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

□ 1350

The SPEAKER pro tempore (Mr. GLICKMAN). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 106: Page 50, line 21, strike out "$82,830,000" and insert "$83,102,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 106, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$81,048,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 109: Page 51, line 14, strike out "$18,795,000" and insert "$21,626,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 109, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$17,795,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 111: Page 53, after line 14, insert:

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking our "Barnwell, and Hampton" and inserting in lieu thereof "and Barnwell"; and

(2) in the first sentence of paragraph (11) by inserting ", Hampton," before "and Jasper".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 111, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking out "Barnwell, and Hamption" and inserting in lieu thereof "and Barnwell"; and

(2) in the first sentence of paragraph (11) by inserting ", Hampton," before "and Jasper".

SEC. 305. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 1992, to receive a salary adjustment in accordance with 28 USC 461.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 112: Page 54, line 3, strike out all after "law," down to and including "*Provided,*" in line 4 and insert "$75,000,000, to remain available until expended, of which not less than $8,872,000 shall be available only for the State maritime academy programs, and of which $2,000,000 shall be available for payments to State maritime academies to acquire maritime training simulators: *Provided,* That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further,*".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 112, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following:

"$73,200,000, to remain available until expended, of which not less than $8,872,000 shall be available only for the State maritime academy programs, and of which $1,200,000 shall be available for payments to State maritime academies to acquire maritime training simulators: *Provided,* That notwithstandng any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime administration for facility and ship maintenance, modernization and repair, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further,*".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 116: Page 56 line 6, strike out "$1,882,000" and insert "$1,911,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 116, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert:

"$1,882,000: *Provided,* That section 7 of the Public Law 98-101, as amended by Public Law 99-549, is further amended by striking "December 31, 1991" and inserting in lieu thereof "June 30, 1992": *Provided further,* That funds provided herein are".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

POINT OF ORDER

Mr. CLAY. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLAY. Mr. Speaker, I raise a point of order against the amendment on the ground that the amendment is nongermane to Senate amendment numbered 116. The Senate amendment merely changed the dollar amount of the appropriation for the Commission on the Bicentennial of the Constitution. The amendment of the gentleman from Iowa proposes a change in existing law by extending the life of the Commission by 6 months.

Mr. Speaker, clearly this amendment is nongermane to the Senate amendment.

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. SMITH] wish to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Speaker, I concede the point of order.

The SPEAKER pro tempore. The point of order is sustained. Does the gentleman from Iowa [Mr. SMITH] have a substitute motion?

SUBSTITUTE MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I insist on the disagreement.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House disagree to the amendment of the Senate numbered 116.

The SPEAKER pro tempore. The question is on the substitute motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 121: Page 57, after line 21, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $350,000,000 of which $297,860,000 is for basic field programs, $7,877,000 is for Native American programs, $10,879,000 is for migrant programs, $490,000 is for special emergency funds, $1,234,000 is for law school clinics, $1,121,000 is for supplemental field programs, $700,000 is for regional training centers, $8,109,000 is for national support, $9,298,000 is for State support, $970,000 is for the Clearinghouse, $573,000 is for computer assisted legal research regional centers, $9,810,000 is for Corporation management and administration, $981,000 is for board initiatives, and $98,000 is for special contingency funds.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 121, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $350,000,000; of which $296,755,000 is for basic field programs; $7,848,000 is for Native American programs; $10,839,000 is for migrant programs; $488,000 is for special emergency funds; $1,229,000 is for law school clinics; $1,117,000 is for supplemental field programs; $697,000 is for regional training centers; $8,079,000 is for national support; $9,263,000 is for State support; $966,000 is for the Clearinghouse; $571,000 is for computer assisted legal research regional centers; $9,774,000 is for Corporation management and administration, $977,000 is for board initiatives; $97,000 is for special contingency funds; and $1,300,000, to remain available until expended, is for a grant for equipment, facilities, and other assets for a National Resource and Training Center suitable to accommodate National Trial Advocacy Institutes for Legal Services Corporation personnel: *Provided*, That the Corporation in awarding such a grant shall give preference to a university at which such Institutes have been held in at least four of the last five years.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 122: Page 58, line 4, strike out all after "expenses," down to and including "amended" in line 7 and insert "$209,731,000, of which $3,100,000 shall be available for the Service Corps of Retired Executives (SCORE), of which $4,000,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin for a regional center for rural economic development of which $1,000,000 shall be made available for a grant to the New Hampshire Department of Resources and Economic Development of which $1,000,000 shall be made available for a grant to the New York City Public Library for a new Science, Industry and Business Library, and of which $500,000 shall be available for a grant to the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to small and medium size manufacturers located in rural areas".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 122, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"$235,811,000 of which $60,500,000 is for grants for performance in fiscal year 1992 or fiscal year 1993 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended; of which $16,000,000 shall be available to implement section 24 of the Small Business Act, as amended, including $1,000,000 to be made available only to County of Monroe, New York; of which $1,500,000 shall be made available to implement section 25 of the Small Business Act, as amended; of which $2,900,000 shall be available for the Service Corps of Retired Executives (SCORE); of which $4,000,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin, for a regional center for rural economic development; of which $1,000,000 shall be made available for a grant to the New Hampshire Department of Resources and Economic Development; of which $1,000,000 shall be made available for a grant to the New York City Public Library for equipment, supplies and materials for the new Science, Industry, and Business Library; of which $500,000 shall be made available for a grant to the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to small and medium sized manufacturers located in rural areas; of which $150,000 shall be made available for a grant to the University of Central Arkansas for the Small Business Institute program's National Data Center; of which $4,500,000 shall be available for a grant to the University of Kentucky in Lexington, Kentucky, to assist in construction of the Advanced Science and Technology Commercialization Center; of which $1,000,000 shall be made available for a grant to Seton Hill College in Greensburg, Pennsylvania, for a Center for Entrepreneurial Opportunity; of which $1,500,000 shall be made available for a grant to the Massachusetts Biotechnology Research Institute to establish and operate a share incubator facility and a science and business center; of which $1,500,000 shall be available for a grant to the New England Regional Biotechnology Transfer Center to be located at a university in the region that has accredited schools of Medicine, Dental Medicine, Human Nutrition and Veterinary Medicine; of which $1,500,000 shall be available for a grant to Indiana State University for the Center for Interdisciplinary Science Research and Education; of which $1,000,000 shall be available for a grant to the Michigan Biotechnology Institute for an advanced program of technology transfer in the field of industrial biotechnology to support evaluation, validation and scale-up of early-stage technology and technical assistance to small business; of which $800,000 shall be available for a grant for the development and implementation of an integrated small business data base for the Appalachian Region to be provided to a non-profit organization based in Towanda, Pennsylvania; of which $340,000 shall be available for a grant to the City of San Francisco, California, for a trade office to provide support, assistance, and research into bilateral trade opportunities between the U.S. and Asia; of which $55,000 is for a grant to the City of San Francisco, California for the publication of a small business export promotion guide; of which $375,000 is for a grant to the City of Espanola, New Mexico and $375,000 is for a grant to County of Rio

Arriba, New Mexico for the development of the Espanola Plaza center for cultural enhancement and economic development; and of which $550,000 is for a grant to County of Rio Arriba, New Mexico for the development of the Cumbres and Toltec Scenic Railroad rural economic development project; and of which $500,000 shall be available for a demonstration program to assist small businesses in complying with the Clean Air Act".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to this motion, and I ask for the 20 minutes of time.

The SPEAKER pro tempore. Is the gentleman from Kentucky [Mr. ROGERS] opposed to the motion?

Mr. ROGERS. Mr. Speaker, I am in favor of the motion.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes, the gentleman from Kentucky [Mr. ROGERS] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I would like to apologize to Members for this lengthy debate today on these what I call pork-barrel projects. I know a lot of Members have to catch planes and get back to their districts. I will try to make this as brief as possible.

Mr. Speaker, the premise of my arguments today is that everybody has a special project that is important to their district, but they are all pork-barrel projects in one way or another. Collectively, they are killing this country.

This year the deficit is going to be $400 billion, double what we aniticipated, and the national debt that we have in this country is four times what it was just 10 years ago. It took us 200 years to get to $1 trillion in debt, and we are $4 trillion in debt 10 years later. The legacy we are leaving our children and our grandchildren and our posterity is unbelievably bad. The interest alone on the national debt by many estimates is as much as 18 cents out of every tax dollar, or 18 percent.

Mr. Speaker, this amendment, amendment No. 122, contains truckloads of pork-barrel projects under the title of Economic Development.

Mr. Speaker, let me just name a few of the really bad ones. Four million dollars for the St. Norbert College in DePere, WI, for a regional center for rural economic development; $1 million for the New York City Public Library for equipment, supplies, and materials for the new Science, Industry, and Business Library; $340,000 for the city of San Francisco to open an international trade office; $375,000 to Rio Arriba County in New Mexico for cultural enhancement and economic development. I am sorry to pick on New Mexico, but there is another $550,000 for development of the Cumbres and Toltec Scenic Railroad Rural Economic Development Project.

Mr. Speaker, these projects I am sure are important to the Members in question and they are important to the people in their districts. But, as I said before, these projects for the most part ought to be paid for by the local communities and the States.

Mr. Speaker, it is not the function of the people of Indiana or California to pay for a bicyle path in Michigan. If they want a bicycle path in Michigan, for instance, the people of Michigan ought to pay for it. I have no problem with the path; I have a problem with the pork that is being put in these appropriation bills that is killing the economic future of this country.

So I would just like to say to Members, as I have said many times today in this House well, that this is a good first step. I hope Members will vote against this motion and vote against this pork, because I think the people of this country want that.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to start with, there is no bicycle path for Michigan in this amendment. We looked over the requests for special projects and we turned down several. We believe that every one of these projects has direct Federal purpose.

Mr. Speaker, I think that these are good programs, I think they are justified, and I ask for an aye vote.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion. Mr. Speaker, as the chairman has said, we had many more requests than we were able to fulfill for projects. We tried to be careful in picking the projects that had a Federal connection and were related to the Small Business Administration. These projects represent business development, many of them in rural and depressed areas of the country. They are projects which will transfer emerging technologies to small businesses, which we all know is the foundation of the American free-enterprise system.

Mr. Speaker, these projects represent a holding of hands with industry and the Government to commercialize and market new products, new services. These projects have local and State funding support. These are projects where the local and State people have put money into the projects, though they are matching funds.

Mr. Speaker, these projects will economically benefit the local regions and provide national benefits. They will represent the transfer of technology by and large to the new and emerging industries.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. MYERS], the ranking Republican on the Subcommittee on Energy and Water.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman from Kentucky [Mr. ROGERS], first for yielding to me, and the gentleman from Iowa [Mr. SMITH], our good friends who first put these provisions in this bill, and second for notifying me a moment ago that this motion was going to be made. I appreciate being told that this was going to happen.

Mr. Speaker, I cannot speak for all of the programs and projects that are in this particular section, in the bill provision. I can only speak about one.

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Every day we learn of some other industry in the United States that no longer can be competitive with the rest of the world. We find another industry closed and we constantly see more and more foreign products on the shelves of our stores.

We see more and more foreign products coming in to be used by industry in the United States because they cannot buy it United States made. We examine why this is true, and we find that technology and research is continuing in the United States almost at a level to be competitive with the rest of the world.

We also find that too often what has been developed in the United States has been taken by another country and used. We ask why. Why cannot American industry, American business be competitive with the rest of the world?

Years ago we were. There was no competition. We were the world leader. Something has happened. It is not the fault of technology and research, and sometimes it is American industry.

We have lost the hungry spirit that we once had. But we find that technology, while it is being developed in the United States, the research is being done, industry and business never hears about it. Never gets it.

The one program that I can speak about here is 1½ million for a Center of Interdisciplinary Research at Indiana State University. It is being done there now in an old, antiquated building, very crowded, where all the research and science is being done in one building at Indiana State. Some of that work is being done today there. But it is crowded, very crowded. The building is 30 years old, never built for this purpose.

But the great Midwest, often called the Rust Belt of the United States, is rusting even further because industry is not hearing about it.

Indiana State is trying to do something about it, picking up the technology, the research that is being done in our great universities throughout the United States, the research that is being done and the technology being developed by private industry. First collecting it, then disseminating it, putting it out in the hands of the users so we can regain that competitive spirit and we can rehire people in the United States.

In real life, when I used to work for a living, I was a farmer and a businessman. I still am. I know in farming particularly we do not make money some years, quite often, but that does not mean that I quit using fertilizer, that I do not continue to examine new technology in farming and new equipment, if I can, to be more competitive.

In the banking business that I still have some interest in, we have had to put computers in, sophisticated equipment since I came to Congress. I do not even understand it. But banks are under fire today. But we aim to be competitive because we have modernized.

That is what this is all about, the project at Indiana State University that, I am sorry to say, my colleague from Indiana would like to knock out.

This particular project is 1½ million for the development for first planning and engineering, not construction, the program itself. The building would cost $40 million. Almost all of it would be raised locally through business and private industry.

This is merely to kick if off. It is going to be more than matched by local government and by the Indiana State University.

My friends, we just cannot call every project that has a few dollars in it that it is pork barrel because it is an investment in our future. Have we not slipped far enough behind already? Do we want to continue to slip further and further back because we say, yes, we do have a tight budget?

Certainly, I think I will not back down to anyone when it comes to trying to hold the line on spending. But that does not mean that we have to close the door entirely. We have to be more competitive, and this is one of the ways we can, by making an investment in technology, development and making sure that industry and jobs and what creates jobs, businesses that create jobs, learn about the technology and research that is being developed. That is what this is all about.

For goodness sake, vote for the motion with our committee and vote no on the attempt to strike it down, an investment in our future.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I am sure when my colleagues listen to the collective statements that have been made all day today, they will realize that every single Congressman who has come to this well in support of his project believes that that project is one of the most important things that we have to deal with around here. I do not take issue with that.

The problem is collectively all of these pork barrel projects add up to a tremendous drain on the Federal Treasury and help exacerbate the deficit that we have.

My good colleague, the previous speaker, indicated that without a lot of this money going to these projects, the technology that we have would not have advanced and that we have got to have the Government doing it. The fact of the matter is, Government cannot do all of these things. The private sector is going to have to do a lot of it.

I do not know how Edison invented the light bulb without governmental help. I do not know how the Wright Brothers got off the ground without some kind of governmental help and governmental subsidy, but they did.

I submit to my colleagues that the free enterprise system will be able to do very well with new technological advances without an awful lot of help from the Federal Government. We cannot give money to a lot of these projects without first taking it from the American people.

That is one of the things that all of us have to start realizing. Somebody pays for these projects, and the people who pay for them are the American people.

They either pay for it with more taxes or they pay for it with higher interest rates or higher inflation because we run these huge deficits.

That is the fact. Those are the facts of life. I would just like to say to my colleagues that I am not attacking any individual Congressman. I am not attacking any individual project.

I am saying we have an institutional problem that has made this the pork barrel castle of America, and we have got to do something about it.

Listen to these figures one more time, and then I am going to sit down for the day. We have a $4 trillion national debt. That is four times what it was 10 years ago. It has gone up 400 percent in 10 years. It took 200 years to get that $1 trillion debt. Now it is $4 trillion.

The deficit this year, even though we raised taxes by $137 billion last year, is going to be $400 billion this one year. One-tenth of the total national debt is going to be accumulated this year.

I would just like to say to my colleagues, for goodness sakes, when are we going to come to grips with this deficit and when are we going to realize that each and every one of us is responsible for cutting this spending?

When one subcommittee has 3,000 requests from 385 Congressmen for special projects, that ought to tell us that it is out of control. We have to acquiesce to what the Committee on Appropriations wants, if we are to get anything done. I would just like to say this is a good first step.

I hope my colleagues will vote against this motion. We need to start sending a signal that we are not going to go along with all these pork-barrel projects.

Mr. KANJORSKI. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Speaker, the gentleman from Indiana [Mr. BURTON], my good friend, made a very interesting observation that from 1980 to 1990 the national debt of the United States went up 400 percent from 1 trillion to 4 trillion. May I inquire, since I was not a Member of Congress in 1980, who occupied the Presidency of the United States from 1980 to 1990?

Mr. BURTON of Indiana. Mr. Speaker, that is a very good question. I am glad the gentleman asked it.

It needs a little bit of elaboration. The fact of the matter is, I am 53 years old and in my lifetime, since 1938, the Republican Party has had control of this House 4 years. The other 49 years and every year since 1954, the appropriations process, all appropriations bills, all spending and tax bills that originate in this body have been done by the Democrat leadership. That is a fact.

The President of the United States in 1980 and the early 1980's cut the top tax rate from 70 percent to 28 percent. The Democrats say that is the reason for the deficit.

The fact of the matter is in the early 1980's we were taking in $500 billion in tax revenues and now we are taking in 1.1 trillion, more than double.

The problem is not that we are not bringing in tax revenues, we have more than doubled the tax revenues in the last 10 years.

The problem is we have an insatiable appetite for spending in this body and that insatiable appetite is directly laid at the feet of the majority party.

What I am talking about today are pork barrel projects and not this overall problem.

Mr. KANJORSKI. Mr. Speaker, if the gentleman will continue to yield, he failed to tell me that his party occupied the Presidency 2 out of 3 years since 1952, and I am sure he probably was not aware of that fact, and that the Presidency of the United States since 1980 has been in his party.

Is he aware of the fact that when Reaganomics passed, it passed this House by 259 votes and 176 Democrats voted against it?

Mr. BURTON of Indiana. Mr. Speaker, if I may reclaim my time, the fact of the matter is the gentleman well knows that the executive branch of Government, the administration does not appropriate the money. They do not tax the American people.

The administration can only veto what this and the other body does.

☐ 1410

If the gentleman would simply look at the facts, he would know that the spending all originates in this body, and the taxes originate in this and the other body, and the administration can only veto what they do. And the pork that is sent up there is usually sent up in a continuing resolution with a lot of other things that the administration has to have, and either the administration takes the garbage along with the good stuff, or they do not get anything. And that has been the problem for the past 40 or 46 years.

I would just like to say, getting back to the pork barrel projects, if we do not get control of spending we are going to leave a terrible legacy to the future generations of this country, because it is going to be economic chaos.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time and rise in support of the conference report and the amendments.

I thank the gentleman from Kentucky [Mr. ROGERS], the ranking member and the gentleman from Iowa [Mr. SMITH] for their consideration of the interests of the Commission on Security and Cooperation in Europe and the efforts that have been made. They have been tremendously helpful as we seek freedom in Eastern Europe and the Soviet Republics.

The SPEAKER pro tempore (Mr. GLICKMAN). If there is no further discussion on the motion, all time has expired.

The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 310, nays 106, not voting 17, as follows:

[Roll No. 292]

YEAS—310

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Bustamante
Callahan
Camp
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (OR)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff

NAYS—106

Allard
Andrews (NJ)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Beilenson
Bennett
Bentley
Boehner
Broomfield
Burton
Byron
Campbell (CA)
Carper
Chandler
Coble
Coleman (MO)
Combest
Condit
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dingell
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gilchrest
Glickman
Gradison
Hamilton
Hancock
Hastert
Hefley
Herger
Hobson
Huckaby
Hunter
Hyde
Inhofe
Jacobs
Johnson (SD)
Johnson (TX)
Kasich
Kyl
Leach
Lent
Lewis (FL)
Lowery (CA)
Luken
McCandless
McCollum
McCrery
McEwen
Mfume
Miller (OH)
Miller (WA)
Moorhead
Murphy
Nichols
Orton
Oxley
Packard
Pallone
Pease
Penny
Peterson (MN)
Porter
Ramstad
Rhodes
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Slattery
Smith (NJ)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Walker
Weldon
Wylie
Zimmer

NOT VOTING—17

Berman
Dymally
Ford (TN)
Frost
Holloway
Hopkins
Kaptur
Levine (CA)
McCurdy
Mrazek
Rose
Rostenkowski
Sanders
Slaughter (NY)
Slaughter (VA)
Staggers
Thomas (CA)

☐ 1430

Messrs. ALLARD, RHODES, SUNDQUIST, McEWEN, and COLEMAN of Missouri changed their vote from "yea" to "nay."

Mr. JAMES and Mr. TAYLOR of Mississippi changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 128: Page 60, line 3, after "$4,819,000,000" insert ": *Provided further*, That, in addition, $1,800,000 are available until expended for the subsidy cost of $15,000,000 in direct loans for the Small Business Administration Micro-Loan program".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 128, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

": *Provided further*, That, in addition, $2,600,000 are available until expended for the subsidy cost of $15,000,000 in direct loans for the Small Business Administration Micro-Loan program".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent

that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 135: Page 62, line 3, strike out all after "2674," down to and including "1991" in line 9 and insert "$2,007,246,000, of which $20,853,000 shall be available only for the Bureau of Oceans and International Environmental and Scientific Affairs including $10,000,000 for grants, contracts and other activities to conduct research and promote international cooperation".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 135, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"$2,015,335,000, of which $5,000,000 shall be available only for grants, contracts, and other activities to conduct research and promote international cooperation and of which $15,000,000 shall be available until expended only for enhancement of the Diplomatic Telecommunications Service (DTS): *Provided*, That such DTS funds shall not be available for obligation until the Secretary of State notifies the Appropriations Committees of the House of Representatives and the Senate under the reprogramming procedures of this Act that a Diplomatic Telecommunications Service Program Office (DTS-PO) to manage a fully integrated DTS is established, in operation, and has developed a consolidation plan with common architecture, and that a requirement for these funds exists to expand the Diplomatic Telecommunications Service: *Provided further*, That none of the funds provided in this paragraph shall be available for the Department of State Telecommunications Network (DOSTN) project".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 140: Page 63, strike out all after line 20, down to and including "U.S.S.R." in line 22 and insert "$430,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 140, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"$545,000,000 of which $100,000,000 is available for construction of an entirely new and secure chancery for the United States Embassy in Moscow, U.S.S.R.".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Ms. SNOWE. Mr. Speaker, I am opposed to the motion.

The SPEAKER pro tempore. Does the gentleman from Kentucky oppose the motion?

Mr. ROGERS. I am opposed to the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I support what is in the conference report.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when this bill passed the House on its way to conference with the Senate, the language and the money that was in the bill for the State Department for the Moscow Embassy contained money for the State Department and the administration to decide, to come back and tell us later which option they were going to pursue. Between that time and now when the conference report comes back to the House, the language now says that $100 million shall be used to construct a separate and secure chancery.

So, Mr. Speaker, all of a sudden we learn, most of us secondhand, that there will be a new and separate chancery building, separate from the building that was stopped because it was being bugged, separate from the building that was under construction; does not say anything about the office building that was being constructed and stopped, only that there will be a separate chancery building.

How big? How tall? How much secure space? Where is it going to be? What is going to be under it? What will happen to the building that is now under construction and was stopped? Are we to have Top Hat? No one knows.

There have been no hearings. There have been no briefings. The authorizing committee has not had a chance to review the proposal, whatever it may be, nor have I the ranking member on the Appropriations Subcommittee that funds the State Department and all the Embassy construction.

Perhaps we will find it is a great idea. When we learn more about it, perhaps we will learn it is a wonderful idea, but at this point in time the Congress is being kept in the dark about what we want in the Embassy in a very critical part of the world, something the U.S. Congress has been investigating now for 5 or 6 years and particular Members of this body. I mentioned the gentlewoman from Maine who will speak momentarily, who has been one of the chief spokespersons for trying to find the right answer in Moscow; does not know what the plans are. Perhaps some Members of the body do, but for the vast majority of the Members of this Congress, no one knows what this proposal entails.

I ask the Members watching on the floor or back in their offices on closed circuit television, do you know? Do you know what is proposed for the Embassy in Moscow? I say you do not. I do not know who does.

So for that reason, Mr. Speaker, I am opposed to this money until we know for sure what is being proposed to be built in the Moscow chancery and what will be done with the building that is now bugged, sitting unfinished, and what will happen to the present chancery, the old building that we are now occupying.

I ask, what are the plans?

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. SMITH] have any requests for time?

Mr. SMITH of Iowa. No, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maine [Ms. SNOWE], who has been a chief spokesperson on this subject.

Ms. SNOWE. Mr. Speaker, first of all, I want to thank the gentleman for yielding this time to me, and also for his remarks and his long-term interest in this issue.

Mr. Speaker, I rise in opposition to the motion that has been made by the gentleman from Iowa and to the legislative provision that has been included in this appropriations bill concerning the U.S. Embassy in Moscow. Even as the collapse of the Soviet empire is fresh in our minds and a new empire is rising in that land, it is an empire built by and for our own State Department.

When the United States originally embarked on the construction of a new Embassy building in Moscow, it was to replace the dilapidated structure that served as our embassy since the 1950's. With the backroom deal contained in this conference report, however, the State Department will not have one, not two, but three Embassy buildings in Moscow.

□ 1440

Mr. Speaker, pork-barrel projects are bad enough, but pork-barrel projects overseas is just too much, and that is what this is all about. The conference report to accompany this bill envisions retaining the old Embassy building, that is one; retaining the bugged building that is not completed, that is two; and then constructing a whole new building for normal diplomatic uses, that is three.

So where did this proposal come from? Well, it did not come from the authorization legislation. This bill was neutral on the Moscow Embassy problem. There was a deep concern, however, that the lack of authorizing language would give free rein to the Committee on Appropriations to mandate whatever solution they preferred.

Yet the chairman of our Subcommittee on International Operations gave the following assurances on the floor when we debated this matter last spring, and I quote, "So it could be said in response to this amendment," where we had said the State Department would make the decision on tophat versus teardown and come back to Congress, and I quote the chairman, what he said in response to this amendment: "Hah, very cute, you just give discretion to the administration, and when the appropriators come up here, we know that the appropriators will put conditions on their appropriations bill." He went on to say, "I have spoken to the chairman of the Subcommittee on Appropriations, and he has assured me that he would hereby pledge to resist any effort to legislate what option the administration must pursue, either in the appropriations bill or in the conference committee." Despite these explicit assurances, the appropriators rushed headlong to fill that legislative vacuum with their own masterpiece.

I might add, as the gentleman from Kentucky said, there are only four individuals who basically made that decision: The chairman of the subcommittee here, his counterpart in the Senate, and the Deputy Secretary of the State Department, and Ambassador Strauss.

The proposal in this conference report was not in the authorization bill. It was not in the House-passed bill, not in the Senate appropriations bill. No Member of Congress ever voted for this proposal.

We have not had a chance to scrutinize this proposal, as the gentleman from Kentucky said. I have worked on this issue since 1985, 6 years, and yet did anybody bother to discuss the issue with me or the chairman of our subcommittee or the ranking member of the Subcommittee on Appropriations or other Members who have had a long-term interest, the members of the Committee on Intelligence, for example? No one has been involved in this proposal.

So what have they proposed? They proposed the same thing that was proposed by Dr. Schlesinger back in 1987, which was rejected by both the State Department professionals as well as the intelligence community. And the reason why the intelligence community rejected the proposal, not much of which I can discuss in open session, but suffice it to say they have very strong concerns about the inability under this proposal, this annex proposal, to protect the movement of personnel to and from that annex.

The Schlesinger proposal was awkward because it was based on the assumption that the Soviets would not allow us to tear down the unfinished, bugged building. Well, that is no longer the case today.

The Soviets will allow us to tear down that building. So this proposal is also put forward in the name of saving money. In fact, it will be a gross waste of taxpayers' money. It is estimated that this new annex will cost $200 million, and that assertion is made without any serious review of this proposal because no one has seen it. Formal cost estimates or engineering studies have not been conducted as they have in the teardown and rebuild process, for example.

It is a minimum figure, constructed of hope and desire, but it is certainly not based on fact. It does not even begin to include the other extraneous costs of the State Department's spread, in Moscow, the costs involved in completing the bugged building, because I am sure they have no intention of tearing it down, the unfinished structure. That has been completely compromised.

In addition to that, we are going to be spending $25 million to renovate the present Embassy, which is in addition to the $40 million that we have already spent on the present Embassy to upgrade it because we could not move into the unfinished building because it had been so completely bugged.

So what a bargain, one fully usable building for the price of three.

My colleagues, Congress has a well-earned reputation as a world-class waster of money, but this is a stunning performance even for Congress.

This proposal tries to insure that the American taxpayers will foot the entire bill by, in addition, eliminating the fact that the Senate language which would require the Soviets to pay, because it is striking out that language in the appropriations bill.

So it is particularly galling that the State Department is engaging in urban sprawl in Moscow when there will soon be a need for United States facilities in the Baltic republics and elsewhere for which, I might add, we are also including $30 million in this legislation. And that is just the beginning of what we are going to have to provide.

Some would say, well, now we have to have this annex because now the Soviet coup is a reason for supporting this proposal. I would strongly suggest the new situation calls for less space, not more space.

Mr. Speaker and Members of the House, I hope that my colleagues will listen and will oppose this motion because many of us have worked on it for a very long time and I frankly find it objectionable that four people made a decision about something that many of us have worked on for a very long time. And, in the final analysis, it is ill conceived, it is going to be expensive, it is expansionistic at a time that we cannot afford it. But the bottom line is it is not right.

So I hope my colleagues would join me in saving at least $200 million by opposing this motion so that we do not build this annex, because this is the beginning of a major endeavor that is going to probably cost nearer a half-billion dollars when all is said and done.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to start with, let me defuse two things here, if I can. The first is hearings? There were hearings for years. The Schlesinger report, the Armstrong report, they both had hearings all over the Capitol; three committees on both sides of the Capitol were involved. There is nothing new about the administration's current proposal. It is just that it took a long time getting here.

Now, of course, there are some things that happened to cause some people to change their minds. Some people went over to Moscow right after the bugging of the NOB was disclosed and, shooting from the hip, said, "We have to tear that building down," before anybody analyzed the situation.

Some people have a hard time changing their views. But there have been a lot of changes since that time, there has been a lot of movement in Eastern Europe. In addition they had a fire in the old building. A number of things happened to change the administration's mind.

There is nothing new about this current proposal. It has been around for a long time. It is just that finally there has been a coalition to support it. The administration strongly supports this option. At the time the House appropriations bill was passed, earlier this year the administration had not made up its mind, so we provided flexibility in the bill. They have now made up their minds. They told me last week this is what they want to do. The Secretary of State has been over there, the new Ambassador has been over there. There is a new relationship with the U.S.S.R. They are trying to solve the problems that they had with the Moscow City Council, with the officials in the Russian Republic as well as the Soviet Union.

They want to get this matter behind them. I do not know why it is that everybody, it seems, except some on the Republican side, support the administration. Why is it only some Republicans do not support the administration? Why does everybody else trust the President and the Secretary of State except the Members of his own party in the House? Why should the Democrats be put in the position of supporting the Secretary of State and the President and saying, "We trust you"?

We only have taken away the flexibility that they asked us to take away. We know this is the option they want.

In addition to that, the Senate would not agree to a conference report that did not have something in it more definitive than what we had on the House side. Since this proposal is what the administration wants, they said they would agree to that. But they would not take the original House bill, they said. They did not want to leave that much flexibility. So this proposal is really the reasonable option.

Next, let's talk about money: Of course, we had to spend money to renovate the old building. There cannot be anything done about that. In addition, there was a bad fire recently.

□ 1450

This proposal would provide a completely secure smaller building for $220 million. We preserve all the options as to the use of the present building, and there are a lot of them. The Department cannot do anything with the partially finished building until they report back to the Congress with what the alternatives are.

What are the alternative uses for that building? We know they need some of that space for consular affairs. The bottom five floors they did find problems with and they cannot be used for secure purposes. The Department does not know how much space they need, but they must do something to move the activities that are presently in the old building. That is what they need to do.

In addition to that, some private companies, there may be seven or eight which are interested, have said they might be willing to rent some of the space and use it for commercial purposes. These are people doing business in the Soviet Union. There are also other uses. The Department needs additional housing for U.S. Government employees in Moscow. They will also need space to house construction workers who are building the new building.

Mr. Speaker, we are leaving all of those options and alternatives available. We say right in the joint statement of the managers in the conference report that the Department cannot proceed until they report to the Congress with alternative uses and then at that time a decision will be made.

So, I say to my colleagues that teardown is not even an option anymore. It is not even an option. We have been told that for 3 months, since the fire, it is not tearing down a building right on top of the basement area where people are working on secure matters. It is difficult enough to build a building, but it is a lot different tearing down a building.

Why can't we have a bipartisan foreign policy for a change. I ask, "How can you have a bipartisan foreign policy if the members of the President's political party don't support him?" Mr. Speaker, the Democrats are doing everything they can to try to cooperate with the President at this important time in the world. I ask, "Why is it that it's only Republicans that don't trust the President? And the Secretary of State who is spending 24 hours a day running all over the world? Why do the Democrats have to defend the President and the Secretary of State?"

I say, "Let's do the responsible thing. We've got a settlement of this longstanding issue now. Everybody agrees on the Senate side, I think. All three committees, as I understand it. The administration agrees on this solution. There's no disagreement on the House side except on the Republican side of the aisle in the Foreign Affairs Committees."

I say, "Let's do what we've got in this bill and proceed."

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Speaker, I appreciate the gentleman from Iowa [Mr. SMITH] yielding to me.

As the gentleman knows, and the chairman has done a terrific job on this, working for many years to put this together in cooperation with the Committee on Foreign Affairs—as the chairman knows, I spent 8 years on the Committee on Foreign Affairs on this subcommittee. The ranking member on that subcommittee was the gentlewoman from Maine [Ms. SNOWE], and she did a terrific job going with the then chairman, the gentleman from Illinois [Mr. MICHEL], when the first problems began to be discovered by the House with reference to that then new building. At that time, frankly, a lot of us were very discouraged because the administration then, the State Department and the foreign buildings office was responsible for this, had done a terrific job to assail us for having wasted this money. It was shooting the wrong target. If anybody is to blame for this, it is the lousy job by the State Department in putting this together. They did a lousy job in writing the contract, a lousy job in supervising the construction, and then when it was discovered that the building was bad and unusable for most purposes, a bad job in providing alternatives to us, and the gentleman in the well, the gentleman from Iowa [Mr. SMITH], was very patient and kind in providing to the State Department additional resources each year until they came to some conclusion.

Now that there is a conclusion, now that there has been finally some decision made by the administration, I think it is only our obligation to try and put this matter to rest by not perpetuating any further kind of indecision or doing anything legislatively which would prevent them from being able to do what they now decided they want to do, and I would urge all the Members to support the committee position on this. Let us get this behind us, notwithstanding that the gentlewoman from Maine [Ms. SNOWE] has really over the years been a driving force in attempting to get something done.

The point is now they have decided that they want something done, they know what it is, and, frankly, we cannot abandon it at this point.

Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, let me put a couple of figures before our colleagues so we do not get misled here.

The new proposal is estimated at $230 million. There is a hundred million in this conference report for that. In the House bill we had $130 million, but we took that $30 million out because the Department needs it for consulates and embassies in eastern Europe and the Baltics. That $30 million is needed there, and so we cut back the amount for Moscow $100 million.

The new building is estimated at $220 million and 60,000 square feet of secure space. We preserve the alternatives in the old building at 108,000 square feet of space. It will cost more money to tear down the partially completed building and rebuild it than this new option will cost. We get 60,000 feet of secure new space, plus having 108,000 in the other building for whatever alternative we decide on later at less cost than it costs to tear down the one building and rebuild it.

It does not make any sense just to satisfy yourself that you showed those people that you tore their building down.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I have been involved in this issue since before the subcommittee ever went out there, and I have listened to this debate for a long time, as we all have, but I think what the chairman of the subcommittee has just said, the gentleman from Iowa [Mr. SMITH], today is where we are now, is what we ought to do.

It was apparent to me. I made a report then only as an individual because we did not have a committee with us at the time. But it seemed to me one of the sensible options is exactly what is proposed now that the State Department has finally agreed to do and the majority of the Congress seems to be willing to do. We ought to go on and do it.

We know that everything is bugged. I do not care whether it is an apartment house, or the Marine barracks, or the swimming pool, or whatever it is. The fact that that building is bugged should not be any surprise to anyone. One can be surprised if people did not think it was bugged, and the sensible thing for us to do not is, under the new relationship that we have, the opportunity we have now, is to build real secure space because we can build it ourselves and use the building there that exists for nonsensitive matters, and goodness knows there are plenty of those.

But aside from that, aside from that, it is enough. We have been at this thing almost 10 years now. We need to get this embassy built and allow our Government representatives to be there to do the job that they can do.

Therefore, Mr. Speaker, I think we ought to support the motion of the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I appreciate the statement of the gentleman from Florida [Mr. FASCELL], and in addition to that let me point this out: The new building will be secure from the foundation up. If we tore the partially completed building down to the foundation, it will still have the basement which may be bugged. What sense does that make; to tear down to the basement level? This new building will be totally secure from the bottom of the foundation to the top of the building, and that is what they need. This new building is 60,000 square feet of secure space instead of the 48,000 they had originally thought they needed.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. GILMAN. Would the new building that is proposed be less in size than the bugged building——

Mr. SMITH of Iowa. Yes.

Mr. GILMAN. That stands?

How much less space?

Mr. SMITH of Iowa. Sixty thousand of secure space compared to forty eight thousand of secure space.

Mr. GILMAN. That is about half the size of the bugged building.

Mr. SMITH of Iowa. Yes, but the bugged building is still going to be there, and we are going to use it for other purposes.

Mr. GILMAN. And yet we are going to be paying almost as much, about two-thirds the cost of the bugged building?

Mr. SMITH of Iowa. No, the gentleman from New York [Mr. GILMAN] is wrong. We get the 60,000 new completely secure space in addition to the 108,000 that is already there, whatever use we put to it, which is eventually 168,000 square feet for less money than it costs to tear down 108,000 and build it back up.

Mr. GILMAN. But would we not have to renovate the bugged building to make use of that space?

Mr. SMITH of Iowa. We do not know what to do yet. If the private companies do it, it could be their cost.

□ 1500

Mr. GILMAN. Mr. Speaker, it just does not seem to make sense to me to put up another building and then try to renovate the bugged building.

Mr. SMITH of Iowa. Mr. Speaker, that question is left completely separate. We know there are many uses for that other building, including the Consular Service. If you worked in that old building, you would want to get into another building.

Mr. GILMAN. Mr. Speaker, I might mention to the distinguished chairman, I have been there on a number of occasions and I have been an advocate of tearing down that darned thing and starting from scratch and building a new building. But I do not understand where this new concept of putting another building alongside the bugged building and costing almost as much as tearing down and starting from scratch and ending up with less space comes from.

Mr. SMITH of Iowa. Mr. Speaker, you do not end up with less space; you end up with 60,000 more feet of space.

Mr. GILMAN. Providing you renovate the bugged building.

Mr. SMITH of Iowa. We do not know yet what we are going to do with it. We know they need space for the Consular Service and other unclassified activities. We probably need at least three floors of that building.

Mr. GILMAN. The bugged building is far from completed. They stopped about three-quarters of the way through.

Mr. SMITH of Iowa. Mr. Speaker, the first five floors will probably be usable with a minimum amount of work.

Mr. GILMAN. Mr. Speaker, I would ask the gentleman from Iowa [Mr. SMITH], where did this concept come from?

Mr. SMITH of Iowa. This concept came from the Schlesinger report, from the Armstrong report, and from other agencies that looked it over. Some of the other agencies have changed their mind and have decided that this option is what they want.

Mr. GILMAN. There has been no hearing on this by any committee in either the Senate or the House?

Mr. SMITH of Iowa. There have been hearings for 5 years.

Mr. GILMAN. Mr. Speaker, I respectfully disagree with the gentleman from Iowa [Mr. SMITH], and would urge Members to oppose this measure. I think it just does not make sense to put money into another building, to renovate the existing building, and end up essentially with less space than we started with. I do not think that this makes sense.

Mr. SMITH of Iowa. Mr. Speaker, let me point out we never have in authorizations or in appropriations decided the shape of a building or the exact number of square feet. All we say in this conference report is that it is going to be a completely new, secure building. The details are left up to the administration. In no case, in no building in the world that we have built overseas, have we decided those details.

Mr. GILMAN. Mr. Speaker, I regret that we are taking the rabbit out of the House on this.

Mr. ROGERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the State Department over the years, first they said, "Let's tear down the building and start afresh." Then they tried to ram that through the Congress. We resisted. Then they said, "No, let's build an annex." That failed up here. Then we have had proposal after proposal by the State Department about what to do about the mess that they made in Moscow.

Now they are back with another proposal. It may be a good idea. The point I want to make is the authorizing committee has not considered this proposal, nor has any other committee of the Congress. No one knows what the proposal is.

We are told it is 60,000 square feet. Of what? A flat building? A building that is as tall as the present building? That is important, among other things.

We do not know what the reaction is of the people in this body who represent the taxpayers back home, and the taxpayers back home have a right to know what is in the proposal. Let us have a chance to chew on it and examine it and decide for our people's sake whether or not it is a wise expenditure of their tax dollars.

Mr. Speaker, under this proposal you are going to have assumedly a new annex. You are going to keep apparently the bugged building. That is going to cost a fortune to finish out and use for any usable purpose. Then you have got the old embassy building, where we are now occupied. You have got three buildings under this proposal, and no one knows what the cost of the total package is going to be.

Mr. Speaker, I suggest the cost is hundreds of millions of taxpayer dollars, and we do not know what is in this package.

Mr. Speaker, I yield 6 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the subcommittee.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think if my memory is right about my childhood rhymes it was Lewis Carroll in "Alice in Wonderland" who said, "It gets curiouser and curiouser." Certainly if one looks at the history of this issue, it gets curiouser and curiouser.

When we last considered this issue and last visited this issue on the floor of the House during the authorizing debate, I was on the side of the gentleman from Iowa [Mr. SMITH], the chairman of the subcommittee, and I opposed rather vigorously the gentlewoman from Maine [Ms. SNOWE]. Now today I am on the side that the gentlewoman from Maine [Ms. SNOWE] is taking, and I am opposed to what my chairman has been saying here today.

If anybody is trying to figure out who is on what team, and I think I am only reflective of many Members of this House, who is on that team, would certainly have some trouble figuring this all out.

The gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs, is quite correct in saying we have got to get this done. We have got to get something built. We have got to get off the dime. The situation over there is intolerable after all these years.

Mr. Speaker, I would not go into my curriculum vitae as to how many years I have been involved with this. I think some Members have been involved with this before I was born. This issue has been around longer than that, it seems.

The chairman of the subcommittee asked rather plaintively here on the floor, why is it the Democrats have to support the State Department on this? Why is it that the division is over here on this side, and I do think there is some division on both sides on this.

I think the answer lies right in the kind of comment that was made during the consideration of our bill earlier this year, when there was a suggestion made by the chairman that we ought to cut some funds out of the Congressional Liaison Office of the Department of State.

That is why we have this problem. This thing is brought to us on a Monday, on the day before the conference committee votes, without any consideration of any of the other Members, without telling us what the heck this is about or how they arrived at it.

Mr. Speaker, I would point out the reason I supported the compromise language of the authorizing committee legislation was because it was neutral. It said, come back and tell us which will work best.

Certainly I contemplated, when we considered that, that they would come analyze all the different prospects, the different proposals, and say, "This one will cost this much, this one will take this long, and this one will cause this kind of disruption to the people that are over there now."

Instead, apparently Ambassador Strauss flew back this weekend. Secretary Eagleburger and Ambassador Strauss figured this thing out on the back of an envelope over the weekend and told the chairman of the two subcommittees, the House and the Senate subcommittees, and that was it.

Mr. Speaker, we do not know what the heck we are getting here. We have had hearings and hearings and studies, but there have been changed circumstances. There has been a fire that has made unusable much of the space that we have over there.

What we are talking about here says this: We are going to appropriate $545 million for acquisition and maintenance of buildings, of which $100 million is available for construction of an entirely, and I underscore the word entirely, new and secure chancery for the U.S. Embassy in Moscow.

Entirely new? I guess that means a new building. I think it does. Is it going to be next door? What are they going to do with the people working down in the garage? How much money? The gentleman from New York [Mr. GILMAN] was right on target. How much additional money are we going to be talking about for renovation of the half-built or two-thirds built building that we have got?

Mr. Speaker, I would say yes, Mr. Chairman, there are a lot of options as to what we can do with that. But we at least need to compare apples to apples. Let us not say that it is going to be cheaper to do this than it is to either do a top-hat or a teardown, when we have not compared the same kind of costs, because you just cannot leave that building there when it is finished in the hulk that it is, chopped out, with jackhammers having gone through it, taking pieces out of the building. We have got to do something with the building.

Mr. Speaker, I would say that we have a lot of unanswered questions. It seems to me the State Department does have an obligation to come back and say, "We have looked at these alternatives. Here are the options. Here are the pros and cons of each. Here are the costs of each. Here is the timetable of each. This is what we recommend."

I said when we considered the authorizing legislation that if they did that, I would support what they came back with. But we have got nothing that they have come back to us with.

Ms. SNOWE. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Maine.

Ms. SNOWE. Mr. Speaker, first of all I want to congratulate the gentleman on his statement. He summarizes a number of questions which we all have about this proposal that really have not been scrutinized.

I might add the so-called Schlesinger Annex was proposed back in 1987 and almost immediately rejected.

I might also add that if the State Department, and again I say if, because we do not really know what they are considering, if they are considering this Schlesinger Annex as it was proposed in 1987, it includes a cat walk across to the new bugged facility that is unfinished. So they are going to have to take extraordinary measures to neutralize that building if they are going to attach the annex to this totally compromised building. That is going to cost millions of dollars.

Mr. Speaker, I think the bottom line here is that they are proposing a far more expansive and expensive proposition than if you were to tear it down and rebuild.

□ 1510

What they are doing is also offering a proposal that came out of the dark of night.

I should tell my colleagues that the State Department has had three final conclusions on what they should do with Moscow this year.

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

I am hesitant at this late hour when many Members are interested in getting home this evening and making airplane reservation connections. I come because so many Members seem to me confused about what we are doing here.

I think it deserves some clarification. It seems to me that many Members here are more concerned about turf, that their feathers have been ruffled, that they were not given the consideration or brought into the picture when the decision was made.

I have been over there a couple of times to visit that building, and it is in bad shape. A lot of mistakes have been made. Let us look at where we are today. We know that the present Embassy in Moscow is in an old building, a mortar frame, had numerous fires, has two elevators. One is a firetrap. We know most recently of a very tragic fire, fortunately without loss of life, but loss of a lot of property.

We do know that we have to get out of that one as soon as possible. What we have is a building built with a lot of mistakes, as I recall, seven stories high.

When I say roughed in, brick and mortar is there. The openings for windows, the openings for doors are there. We know that it is bugged. There is no question that it is bugged. It could not be used for classified activities as an Embassy, but all of us have visited embassies over the world. Have we seen one that is large enough? The day they are built they are never large enough for the activities of a growing Nation of people who are doing commerce around the world. The business that must be done in an embassy just cannot be done in a small facility. So we have got that building, as I recall, roughly $25 million invested in it.

It could not be built today for 4 times that.

The gentleman from New York [Mr. GILMAN] asked what we are going to get. We have that building. We could tear it down. It will cost more, I am told, to tear that building down than we have in building it today. It is roughed in.

Renovation? I do not call it renovation. I call it completion. The building cannot be used for classified, but we have got basically a sound building there that could be used for something. So much work in an embassy does not need to be classified. The commerce section, the agriculture department, the routines of servicing requests for visas, and so forth, does not have to be classified.

They are going to need that space. So we would not be renovating. We are merely putting plaster on the walls windows and doors in openings finishing the elevators. It would cost about as much as we have invested to finish the building.

It would cost that much to tear it down. If that is sound thinking, then I do not know a thing about business. I should never have been—in the years I spent in banking and in business—or the argument I had a while ago here about pork barrel, about investments in the future.

What the option is, they are going to build another building someplace. We do not have to know why, do we? Well, if we do, OK. I am sure the State Department is going to tell us. It is going to be smaller.

This is where the classified business will be done. Not large enough to do all the work of an embassy. They are going to use both of them. We are going to get for a little bit of investment here 108,000 square feet. We are going to get 60 here to do the classified material that has to be done even with the relationship we have with Moscow today.

It is going to be a lot cheaper to build this additional building and finish this one than tearing this down and building this one on that location or someplace else.

It makes absolutely no sense. Let us forget about having our feathers ruffled today. Let us go ahead and say what is best for the United States and what we have to do.

I think we will be told by the State Department, but it is not a matter of whether we are Democrats or Republicans today. Foreign policy did not use to be partisan. This is part of foreign policy. So I am one Republican on the Committee on Appropriations that says yes. I support my administration when they are right. I will support this committee when they are right.

This committee is right, and the administration is right. Do not tear down this building. I do not think there is any intention of doing it. Plenty of use for it. A lot cheaper than doing the alternative. Tearing down a basically sound building because it is bugged when we know all the business does not have to be classified and be in a secure building absolutely makes no sense to tear this one down.

We have said this from the beginning. Every trip I have gone over there to look at it, I said, my gosh, tear down a basically sound building and start all over new. We are not doing the right thing.

I am proud to join today and vote for the motion.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

I have been involved in this issue of the two embassies, the Soviet Embassy here and the American Embassy in Moscow, for I guess as long as I have been in Congress. The issue is an issue that goes beyond the embassies itself. The fact is the U.S. State Department screwed this deal up from the beginning.

They were patsies for the Soviets both in the construction of the Soviet Embassy here in Mount Alto and in the construction of the American Embassy there.

Congress has the responsibility to give oversight to the conduct of foreign policy, especially when we are funding the operation of the State Department. We have tried to pin the State Department down, and they have evaded answering. They have evaded proper oversight. They have tried to circumvent this.

The fact of the matter is, the fundamental reason the State Department went to the Committee on Appropriations and evaded the authorizing committee is that the gentlewoman from Maine [Ms. SNOWE] is on the authorizing committee. She is informed about this. She cares about this. She asks tough questions. She gets the State Department's feet in the fire, and they do not want their feet in the fire.

My colleagues, it is fundamental in international negotiations as it is in domestic negotiations. In any kind of an adversarial relationship, those that love peace more than freedom lose. Our State Department loves peace more than freedom. They just want this issue settled.

They do not want the Soviets to be held accountable for transgressing against the American people. They do not want their own people to be held accountable for their malfeasance of duty, and the last thing they want is the gentlewoman from Maine [Ms. SNOWE] breathing down their neck with tough perceptive questions. They get that if we let them go through appropriations and bypass the authorizing committee.

On the next vote, vote no and vote for freedom instead of peace.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I thank the gentleman for yielding time to me. I think that Members are now familiar with what we have before us.

Let me make a few points in response to what has been already said here today. I really think the major question is, what the State Department knows or does not know, what they want with respect to a facility in Moscow.

They have proposed three different proposals this year. The first was included in the President's budget, to tear down the unfinished, bugged building.

A month later they came back with another proposal that was called top hat, which had not been reviewed by anyone, certainly not in Congress, and not within the State Department.

Even though they had already proposed in the President's budget to tear it down, they came up with another alternative a month later.

Now what do we have? A week ago, apparently, they came up with this other proposal to build a brand new annex that no one has evaluated. The last time it was evaluated at all, and it was quickly dismissed, was back in 1987. According to my mathematics, that was 4 years ago. So no one has looked at this proposal.

If we are going to have bipartisanship here, I think it does mean including Republican Members on this side of the aisle, and no one was included in evaluating it, seeing what they had to offer.

It was not necessarily seeking our approval, but at least give us some information.

We passed authorizing legislation on this floor and the Senate. We had a conference committee. The conference report is coming back. And what does that conference report state in the authorizing legislation for the State Department on the Moscow Embassy?

□ 1520

It says, "Not later than 180 days after the date of enactment of this act, the Secretary of State, in accordance with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate committees of the Congress a comprehensive plan which sets forth current and future space requirements for the U.S. mission in Moscow and how such requirements will be met," including details on how much classified space, how much unclassified space they need, you know, how much they need.

We do not even know what they need.

They now have built such a big proposed empire over there that we will end up having over 200,000 square feet in Moscow at a time when the Soviet Union is downsizing, and the State Department is expanding. Does it make any sense to any of you that we should be spending probably one-half billion dollars on facilities in Moscow?

If that is the logic that prevails, then perhaps I have been, and the gentleman from Kentucky and everybody else who has been working on this, have been completely wrong. Let them just do what they want.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume. I will be brief.

What the State Department is asking the U.S. Congress to do here today is to give them a blank check, and with what this body has learned about blank checks lately, I do not think that is something you want to do. They want you to give them a blank check, no questions asked. "Do not ask me," they say, "where the building is going to be, what kind of a subterranean area is under it, how tall it is going to be, how large it is going to be, do not let us look at the specs for the building or even a drawing of the building," or they will not tell you what they are going to do with the bugged building or the old Embassy. They may have told two or three Members, I guess. They have not told you; they have not told me; they have not told the gentlewoman from Maine [Ms. SNOWE]. They have not told the vast majority of this Congress.

The appropriate authorizing committee of the U.S. Congress has not had a chance to even look at this proposal much less have hearings about it. Neither has the appropriating committee.

Mr. Speaker, now, I try to be reasonable about things, and I try to support the administration when they are right, and would like to be able to hear, but I also have an obligation, more important, as do the Members of this body, to our home folks, to the taxpayers, to the people who sent us here. Our obligation to them is, "We expect you to spend our tax dollars wisely, knowing what you are doing, making the right choice for us back home."

How can you make the right choice when you do not even know what you are voting on? For that reason, I ask a no vote.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

First, let me respond to the argument that we need to reduce activities in Moscow. Nothing could be further from the truth. The State Department activities or military attachés perhaps, but not the Commerce Department or agriculture or some other agencies such as USIA.

We are moving from a period where we were fighting a cold war into one where we are expanding trade and increasing contacts.

From Iowa alone, there are about five or six trade missions in the U.S.S.R. looking for new opportunities to sell, and we have got a number of agencies over there with joint-venture contracts.

Every State in the Union is doing this as they should be. We are going to be increasing the number of U.S. Government people over there even though we are reducing the number of State Department employees. At the same time we are going to have to use that location as the center for dealing with all of the Baltics and all of Eastern Europe, too, for a while.

In addition to that, I say some of you may be upset because of turf issues. What is that? Are you upset because of a little vanity? What is vanity compared to doing what is right at this time, in this time of international movement in the world?

We are going through a period probably of only 2 or 3 years that is going to affect the world for many years to come. I compliment the administration on what they have been able to do.

Let us be bipartisan a little bit. Let's get the Republicans together with the Democrats and support the administration. I say let us support the administration on this vote and get this issue behind us. If we do not, then the gentlewoman from Maine or somebody on that side of the aisle will have an hour to debate some other alternative, and I do not know what that is either.

But let us get this behind us once and for all.

Mr. ROGERS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GLICKMAN). The question is on the motion offered by the Gentleman from Iowa [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SNOWE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 175, nays 231, not voting 27, as follows

[Roll No. 293]

YEAS—175

Abercrombie
Ackerman
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bereuter
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Callahan
Campbell (CO)
Cardin
Carr
Chapman
Clay
Coleman (TX)
Condit
Conyers
Cooper
Coyne
Darden
Davis
de la Garza
DeFazio
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dwyer
Early
Edwards (CA)
Edwards (TX)
Engel
Espy
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Frank (MA)
Gejdenson
Gekas
Gephardt
Gibbons
Gonzalez
Gordon
Guarini
Hamilton
Hammerschmidt
Hatcher
Hefner
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (NC)
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Lancaster
Laughlin
Lewis (GA)
Long
Lowey (NY)
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Michel
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (UT)
Parker
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Ray
Regula
Richardson
Rinaldo
Roe
Roybal
Sabo
Sawyer
Scheuer
Schumer
Serrano
Sharp
Skaggs
Skelton
Smith (FL)
Smith (IA)
Solarz
Spratt
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Thornton
Torres
Torricelli
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yatron

NAYS—231

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bruce
Bunning
Burton
Byron
Camp
Campbell (CA)
Carper
Chandler
Clement
Clinger
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
DeLauro
DeLay
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans
Ewing
Fawell
Fields
Fish
Flake
Franks (CT)
Gallegly
Gallo
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hobson
Horton
Houghton
Hubbard
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Johnson (TX)
Jones (GA)
Jontz
Kasich
Kolbe
Kyl
Lagomarsino
Lantos
LaRocco
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
Meyers
Mfume
Miller (CA)
Miller (WA)
Molinari
Moorhead
Moran
Morella

Morrison
Murphy
Nichols
Nussle
Olin
Orton
Owens (NY)
Oxley
Packard
Pallone
Panetta
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Porter
Poshard
Pursell
Ramstad
Ravenel
Reed
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Savage
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stark
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Towns
Traficant
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Waters
Weber
Weldon
Wilson
Wolf
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—27

Berman
Dellums
Dingell
Dymally
Ford (TN)
Frost
Gaydos
Holloway
Hopkins
Kaptur
Kolter
LaFalce
Lehman (FL)
Levine (CA)
Martinez
McGrath
Moody
Mrazek
Quillen
Rose
Rostenkowski
Sanders
Sarpalius
Slaughter (NY)
Slaughter (VA)
Staggers
Washington

□ 1545

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Quillen against.

Messrs. HAYES of Louisiana, JOHNSON of South Dakota, HAYES of Illinois, MILLER of California, RUSSO, SISISKY, GREEN of New York, and ENGLISH, Mrs. COLLINS of Illinois, Mrs. COLLINS of Michigan, and Messrs. ERDREICH, CRAMER, HARRIS, GLICKMAN, and PETERSON of Florida changed their vote from "yea" to "nay."

Messrs. VENTO, RANGEL, and KENNEDY changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

CONFERENCE REPORT ON H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED APPROPRIATIONS ACT, 1992

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

MOTION OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. ROGERS moves that the House recede from its disagreement to the amendment of the Senate numbered 140 and concur therein with an amendment, as follows:
>
> In lieu of the matter stricken and inserted by said amendment, insert the following: "$545,000,000, of which $130,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R.".

The SPEAKER pro tempore (Mr. GLICKMAN). Does the gentleman desire recognition?

Mr. ROGERS. Yes, Mr. Speaker, if I may.

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I will be extremely brief. We want to get out of here. What this motion does is restore the language that passed the House on its way to the conference except it does not restore it to the full $552 million. It restores it to $545 million, and that is only because the $552 million will break the international cap.

This is essentially what we passed in the House when the bill went to conference. It provides $130 million for construction of chancery facilities in Moscow without specifying what it is. That is what passed the House at the outset.

Mr. Speaker, I reserve the balance of my time.

□ 1550

Mr. SMITH of Iowa. Mr. Speaker, the gentleman from Kentucky [Mr. ROGERS] has offered a new motion on the amendment that is similar to what was in the bill when it passed the House. It provides for $130 million for the Moscow chancery, leaving it up to the administration to decide what to do, and we know what they are going to do. However, there is one problem here.

Mr. Speaker, a while ago Members voted on this issue and they did not know what they were voting on. If this is defeated, I will offer one that makes it $100 million instead of $130 million, and the reason is this:

My colleagues just voted down one motion that had $100 million instead of $130 million, and the reason for the difference was that we needed that $30 million for facilities in the Baltics and Eastern European countries.

Now, if my colleagues vote for this, then they are voting for not putting any representation in the Baltics, for not doing anything in Georgia, and Armenia and the rest of those Republics. Vote this down, and then I will offer one that is for $100 million with the House language in it, and then the State Department will be able to have some funding for facilities in Eastern Europe.

There has been a change in the situation since this left the House. Some people do not seem to understand what is going on in the world. There has been a big change. They need at least $30 million for facilities in the Baltics, the Republics in the U.S.S.R., and Eastern European countries. Mr. ROGERS' motion takes it away from them.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, I think the House made a terrible mistake on the last vote. I hope that they will support the gentleman from Iowa [Mr. SMITH] and vote "no" on this. This is a waste of money. The people in the Moscow Embassy could tell us. I was there a couple of weeks ago, and they were saying, "Let us have a little building, and that's all we need. We can move into that monstrosity that's been built there."

Mr. Speaker, they want to get in there and conduct business, and we need to do what the gentleman from Iowa [Mr. SMITH] is trying to do. We need to establish an American presence in the countries which were outlined. The situation has changed.

Mr. SMITH of Iowa. Mr. Speaker, let us vote "no", and then I will offer my motion.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I have no problem with what the gentleman from Iowa [Mr. SMITH] is wanting to do. I would be happy to modify my amendment or my motion.

Mr. SMITH of Iowa. Mr. Speaker, the procedure is to just vote "no", and I will offer it in 3 minutes.

Mr. ROGERS. If the gentleman from Iowa [Mr. SMITH] would like, I will be happy to modify my motion or ask unanimous consent to modify my motion to change the $130 million to $100 million for Moscow and to allocate the $30 million to the Baltics, as the original conference agreement stated, to save time.

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Kentucky [Mr. ROGERS] asks unanimous consent to modify the motion. Is there objection to the request of the gentleman from Kentucky?

Mr. SMITH of Iowa. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 140, and concur therein with an amendment, as follows:
>
> In lieu of the matter stricken and inserted by said amendment, insert the following:

"$545,000,000, of which $100,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R.".

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] is recognized for 30 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I will only take 1 minute. I have already explained what this motion does. It reduces the amount for the Moscow chancery to $100 million. It leaves it up to the administration to determine the best alternative, as the authorizing bill did, and the Department has already told us what they want to do.

So, Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. Does the gentleman from Kentucky [Mr. ROGERS] seek to discuss this motion?

Mr. ROGERS. Mr. Speaker, I agree with the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 152: Page 68, after line 23, insert:

SEC. 502. None of the funds made available by this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 152, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SEC. 502. None of the funds made available by this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion: *Provided*, That the Secretary of State may waive this provision on a country-by-country basis upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on the diplomatic functions of the United States.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 153: Page 68, after line 23, insert:

SEC. 503. None of the funds provided in this Act shall be used by the Department of State to issue any passport that is designated for travel only to Israel, and 90 days after the enactment of this Act, none of the funds provided in this Act shall be used by the Department of State to issue more than one official or diplomatic passport to any United States Government employee traveling to the Middle East.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 153, and concur therein with an amendment, as follows:

Delete all after "employee" and insert the following: "for the purpose of enabling that employee to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passports or other documents reflect that that person has visited Israel.".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 155: Page 69, line 8, strike out "$43,527,000" and insert "$44,423,000, of which $2,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad"."

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 155, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$44,527,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 162: Page 72, line 17, strike out "$178,000,000" and insert "$186,163,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 162, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$194,232,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 165: Page 73, line 11, after "101-454)" insert ": *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith moves that the House recede from its disagreement to the amendment of the Senate numbered 165, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a): *Provided further*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Nonprofit Organizations), including the restrictions on compensation for personal services".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH]

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 171: Page 75, after line 4, insert:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 171, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$27,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 173: Page 77, after line 14, insert:

SEC. 607. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1992 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1992 at not less than $9.79 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which funding was appropriated for each grantee and contractor in Public Law 101-515, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $18.39 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of Public Law 101-515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions set forth in Public Law 101-515: *Provided further*, That for the purposes of the previous proviso, all references to "1991" in Public Law 101-515 shall be deemed to be "1992".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 173, and concur therein with an amendment, as follows:

In lieu of the sum "$9.79" in subparagraph (1) of said amendment, insert "$9.76" and in lieu of the term "9 cents" in subparagraph 1 of said amendment, insert "8 cents".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 175: Page 77, after line 14, insert:

SEC. 609. (a) No funds provided by this Act may be used to reinstate or approve any export license applications for the launch of United States-built satellites on Chinese-built launch vehicles unless the President waives such prohibition under subsection (b) of this section. The term export license applications also includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.

(b) The restriction on the approval of export licenses for United States-built satellites to the People's Republic of China for launch on Chinese-built launch vehicles contained in subsection (a) may be waived by the President on a case-by-case basis upon certification by the United States Trade Representative that the People's Republic of China is, with regard to the respective satellite, components, or technology related thereto for which the export license request is pending, in full compliance with the Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 175, and concur therein with an amendment, as follows:

In lieu of the section number named in said amendment, insert "608" and after the word "prohibition" in new Sec. 608(a), insert the following: "in the national interest or".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 176: Page 77, after line 14, insert:

SEC. 610. (a) Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1) is amended by striking "except separate trust certificates shall be issued for loans approved under section 7(a)(13)" and inserting in lieu thereof the following: "or under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 660)."

(b) Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18) is amended by striking "or a loan under paragraph (13)" from the first sentence.

(c) Section 215(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1990 (Public Law 101-574) is amended by striking "July 1, 1991" and inserting in lieu thereof "July 1, 1992."

(d) Section 21A of the Small Business Act (15 U.S.C. 648a) is amended by striking subparagraph (c) and inserting the following in lieu thereof.

"Any statewide education based institution or consortium funded by the Administration as a Small Business Development Center may apply for a grant to be used to—

"(1) increase access by small businesses in its service area to on-line databases for the purpose of facilitating technology transfer, such as that created by subparagraph (a) of this Act or other privately or publicly funded databases;

"(2) develop systems and processes to assist the federal laboratories, public and private universities, and other public and private institutions in the transfer and commercialization of technologies developed by these organizations;

"(3) assist firms in analysis of opportunities represented by technologies developed by the federal laboratories, public and private universities, and other public and private institutions or contained in the databases;

"(4) assist in the continuing development required to bring identified technologies to commercialization;

"(5) assist with the required business planning, market research, and financial packaging required for commercialization;

"(6) link the firms assisted with potential sources of financing for product development and commercialization; and

"(7) assist in licensing and other issues associated with commercialization.".

(e) Public Law 101-574 is amended by striking section 232 thereof.

(f) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking the first sentence thereof.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 176, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 609.(a) Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1)) is amended by striking "except separate trust certificates shall be issued for loans approved under section 7(a)(13)" and inserting in lieu thereof the following: "or under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 660)."

(b) Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by striking "or a loan under paragraph (13)" from the first sentence.

(c) Section 215(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1990 (Public Law 101-574) is amended by striking "July 1, 1991" and inserting in lieu thereof "July 1, 1992."

(d) The Small Business Act is amended by adding the following new section:

"SEC. 28. PILOT TECHNOLOGY ACCESS PROGRAM.

"(a) Establishment.—The Administration, in consultation with the National Institute of Standards and Technology and the National Technical Information Service, shall establish a Pilot Technology Access Program, for making awards under this section to Small Business Development Centers (hereinafter in this section referred to as "Centers").

"(b) Criteria for Selection of Centers.—The Administrator of the Small Business Administration shall establish competitive, merit-based criteria for the selection of Centers to receive awards on the basis of—

"(1) the ability of the applicant to carry out the purposes described in subsection (d) in a manner relevant to the needs of industries in the area served by the Center;

"(2) the ability of the applicant to integrate the implementation of this program with existing Federal and State technical and business assistance resources; and

"(3) the ability of the applicant to continue providing technology access after the termination of this pilot program.

"(c) Matching Requirement.—To be eligible to receive an award under this section, an applicant shall provide a matching contribution at least equal to that received under such award, not more than fifty percent of which may be waived overhead or in-kind contributions.

"(d) Purpose of Awards.—Awards made under this section shall be for the purpose of increasing access by small businesses to online data base services that provide technical and business information, and access to technical experts, in a wide range of technologies, through such activities as—

"(1) defraying the cost of access by small businesses to the data base services;

"(2) training small businesses in the use of the data base services; and

"(3) establishing a public point of access to the data base services.

"Activities described in pararaphs (1) through (3) may be carried out through contract with a private entity.

"(e) Renewal of Awards.—Awards previously made under section 21(A) of this Act may be renewed under this section.

"(f) Interim Report.—Two years after the date on which the first award was issued under section 21(A) of this Act, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science, and Transportation of the Senate, an interim report on the implementation of the program under such section and this section, including the judgments of the participating Centers as to its effect on small business productivity and innovation.

"(g) Final Report.—Three years after such date, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science and Transportation of the Senate, a final report evaluating the effectiveness of the Program under section 21(A) and this section in improving small business productivity and innovation.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to the Small Business Administration $5 million for each of fiscal years 1992 through 1995 to carry out this section, and such amounts may remain available until expended.

"(i) Centers are encouraged to seek funding from Federal and non-Federal sources other than those provided for in this section to assist small businesses in the identification of appropriate technologies to fill their needs, the transfer of technologies from Federal laboratories, public and private universities, and other public and private institutions, the analysis of commercial opportunities represented by such technologies, and such other functions as the development, business planning, market research, and financial packaging required for commercialization. Insofar as such Centers pursue these activities, Federal agencies are encouraged to employ these centers to interface with small businesses for such purposes as facilitating small business participation in Federal procurement and fostering commercialization of Federally-funded research and development.".

(e) Notwithstanding any other law, no funds shall be appropriated to carry out section 21(A) of the Small Business Act after September 30, 1991, and such section is repealed October 1, 1992.

(f) Section 232 of the Small Business Administration Reauthorization and Amendments Act of 1990 is repealed.

(g) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking "March 31, 1991" in the first sentence and inserting in lieu thereof "October 1, 1992".

(h) Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following new subsection:

"(m) Microloan Demonstration Program.—

"(1)(A) Purpose.—The purposes of the Microloan Demonstration Program are—

"(A) to assist women, low-income, and minority entrepreneurs, business owners, and other individuals possessing the capability to operate successful business concerns;

"(B) to assist small business concerns in those areas suffering from a lack of credit due to economic downturns; and

"(C) to establish a microloan demonstration program to be administered by the Small Business Administration—

"(i) to make loans to eligible intermediaries to enable such intermediaries to provide small-scale loans to startup, newly established, or growing small business concerns for working capital or the acquisition of materials, supplies or equipment;

"(ii) to make grants to eligible intermediaries that, together with non-Federal matching funds, will enable such intermediaries to provide intensive marketing, management, and technical assistance to microloan borrowers;

"(iii) to make grants to eligible nonprofit entities that, together with non-Federal matching funds, will enable such entities to provide intensive marketing, management, and technical assistance to assist low-income entrepreneurs and other low-income individuals obtain private sector financing for their businesses, with or without loan guarantees; and

"(iv) to report to the Committees on Small Business of the Senate and the House of Representatives on the effectiveness of the microloan program and the advisability and feasibility of implementing such a program nationwide.

"(B) Establishment.—There is established a microloan demonstration program, under which the Administration may—

"(i) make direct loans to eligible intermediaries, as provided under paragraph (3), for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing small business concerns under paragraph (6);

"(ii) in conjunction with such loans and subject to the requirements of paragraph (4), make grants to such intermediaries for the purpose of providing intensive marketing, management, and technical assistance to small business concerns that are borrowers under this subsection; and

"(iii) subject to the requirements of paragraph (5), make grants to nonprofit entities for the purpose of providing marketing, management, and technical assistance to low-income individuals seeking to start or enlarge their own businesses, if such assistance includes working with the grant recipient to secure loans in amounts not to exceed $15,000 from private sector lending institutions, with or without a loan guarantee from the nonprofit entity.

"(2) Eligibility for Participation.—An intermediary shall be eligible to receive loans and grants under subparagraphs (B)(i) and (B)(ii) of paragraph (1)(B) if it—

"(A) meets the definition in paragraph (10); and

"(B) has at least 1 year of experience making microloans to startup, newly established, or growing small business concerns and providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers.

"(3) Loans to Intermediaries.—

"(A) Intermediary applications.—As part of its application for a loan, each intermediary shall submit a description to the Administration of—

"(i) the type of businesses to be assisted;

"(ii) the size and range of loans to be made;

"(iii) the geographic area to be served and its economic and unemployment characteristics;

"(iv) the status of small business concerns in the area to be served and an analysis of their credit and technical assistance needs;

"(v) any marketing, management, and technical assistance to be provided in connection with a loan made under this subsection;

"(vi) the local economic credit markets, including the costs associated with obtaining credit locally;

"(vii) the qualifications of the applicant to carry out the purpose of this subsection; and

"(viii) any plan to involve private sector lenders in assisting selected small business concerns.

"(B) Intermediary contribution.—As a condition of any loan made to an intermediary under subparagraph (B)(i) of paragraph (1), the Administration shall require the intermediary to contribute not less than 15 percent of the loan amount in cash from non-Federal sources.

"(C) Loan limits.—Notwithstanding subsection (a)(3), no loan shall be made under this subsection if the total amount outstanding and committed to one intermediary (excluding outstanding grants) from the business loan and investment fund established by this Act would, as a result of such loan, exceed $750,000 in the first year of such intermediary's participation in the program, and $1,250,000 in the remaining years of the intermediary's participation in the demonstration program.

"(D) LOAN LOSS RESERVE FUND.—The Administration shall, by regulation, require each intermediary to establish a loan loss reserve fund, and to maintain such reserve fund until all obligations owed to the Administration under this subsection are repaid. The Administration shall require the loan loss reserve fund to be maintained—

"(i) in the first year of the intermediary's participation in the demonstration program, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owned to the intermediary; and

"(ii) in each year of participation thereafter, at a level reflecting the intermediary's total losses as a result of participation in the demonstration program, as determined by the Administration on a case-by-case basis, but in no case shall the required level exceed 15 percent of the outstanding balance of the notes receivable owned to the intermediary under the program.

"(E) UNAVAILABILITY OF COMPARABLE CREDIT.—An intermediary may make a loan under this subsection of more than $15,000 to a small business concern only if such small business concern demonstrates that it is unable to obtain credit elsewhere at comparable interest rates and that it has good prospects for success. In no case shall an intermediary make a loan under this subsection of more than $25,000, or have outstanding or committed to any 1 borrower more than $25,000.

"(F) LOAN DURATION.—Loans made by the Administration under this subsection shall be for a term of 10 years and at an interest rate equal to the rate determined by the Secretary of the Treasury for obligations of the United States with a period of maturity of 5 years, adjusted to the nearest one-eighth of 1 percent.

"(G) DELAYED PAYMENTS.—The Administration shall not require repayment of interest or principal of a loan made to an intermediary under this subsection during the first year of the loan.

"(H) FEES; COLLATERAL.—Except as provided in subparagraphs (B) and (D), the Administration shall not charge any fees or require collateral other than an assignment of the notes receivable of the microloans with respect to any loan made to an intermediary under this subsection.

"(4) MARKETING, MANAGEMENT, AND TECHNICAL ASSISTANCE GRANTS TO INTERMEDIARIES.—Grants made in accordance with subparagraph (B)(ii) of paragraph (1) shall be subject to the following requirements:

"(A) GRANT AMOUNTS.—Subject to the requirements of subparagraph (B), each intermediary that receives a loan under subparagraph (B)(i) of paragraph (1) shall be eligible to receive a grant to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection. In the first and second years of an intermediary's program participation, each intermediary meeting the requirement so subparagraph (B) may receive a grant of not more than 20 percent of the total outstanding balance of loans made to it under this subsection. In the third and subsequent years of an intermediary's program participation, each intermediary meeting the requirements of subparagraph (B) may receive a grant of not more than 10 percent of the total outstanding balance of loans made to it under this subsection.

"(B) CONTRIBUTION.—As a condition of any grant made under subparagraph (A), the Administration shall require the intermediary to contribute an amount equal to one-half of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(5) PRIVATE SECTOR BORROWING TECHNICAL ASSISTANCE GRANTS.—Grants made in accordance with subparagraph (B)(iii) of paragraph (1) shall be subject to the following requirements:

"(A) GRANT AMOUNTS.—Subject to the requirements of subparagraph (B), in each of the 5 years of the demonstration program established under this subsection, the Administration may make not more than 2 grants, each in amounts not to exceed $125,000 for the purposes specified in subparagraph (B)(iii) of paragraph (1).

"(B) CONTRIBUTION.—As a condition of any grant made under subparagraph (A), the Administration shall require the grant recipient to contribute an amount equal to 20 percent of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(6) LOANS TO SMALL BUSINESS CONCERNS FROM ELIGIBLE INTERMEDIARIES.—

"(A) IN GENERAL.—An eligible intermediary shall make short-term, fixed rate loans to startup, newly established, and growing small business concerns from the funds made available to it under subparagraph (B)(i) of paragraph (1) for working capital and the acquisition of materials, supplies, furniture, fixtures, and equipment.

"(B) PORTFOLIO REQUIREMENT.—To the extent practicable, each intermediary that operates a microloan program under this subsection shall maintain a microloan portfolio with an average loan size of not more than $10,000.

"(C) INTEREST LIMIT.—Notwithstanding any provision of the laws of any State or the constitution of any State pertaining to the rate or amount of interest that may be charged, taken, received or reserved on a loan, the maximum rate of interest to be charged on a microloan funded under this subsection shall be not more than 4 percentage points above the prime lending rate, as identified by the Administration and published in the Federal Register on a quarterly basis.

"(D) REVIEW RESTRICTION.—The Administration shall not review individual microloans made by intermediaries prior to approval.

"(7) PROGRAM FUNDING.—

"(A) FIRST YEAR PROGRAMS.—In the first year of the demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 35 microloan programs, including not less than 1 program to be located in each of the following states: Arkansas, Illinois, Iowa, Kentucky, Maine, Minnesota, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, and Wisconsin.

"(B) EXPANDED PROGRAMS.—In the second year of the demonstration program, the Administration is authorized to fund up to 25 additional microloan programs.

"(C) STATE LIMITATIONS.—In no case shall a State—

"(i) be awarded more than 2 microloan programs in any year of the demonstration program;

"(ii) receive more than $1,000,000 to fund such programs in such State's first year of participation; or

"(iii) receive more than $1,500,000 to fund such programs in any succeeding year of such State's participation.

"(8) RURAL ASSISTANCE.—In funding microloan programs, the Administration shall ensure that at least one-half of the programs funded under this subsection will provide microloans to small business concerns located in rural areas.

"(9) REPORT TO CONGRESS.—On November 1, 1995, the Administration shall submit to the Committees on Small Business of the Senate and the House of Representatives a report, including the Administration's evaluation of the effectiveness of the first 3½ years of the microloan demonstration program and the following:

"(A) the numbers and locations of the intermediaries funded to conduct microloan programs;

"(B) the amounts of each loan and each grant to intermediaries;

"(C) a description of the matching contributions of each intermediary;

"(D) the numbers and amounts of microloans made by the intermediaries to small business concern borrowers;

"(E) the repayment history of each intermediary;

"(F) a description of the loan portfolio of each intermediary including the extent to which it provides microloans to small business concerns in rural areas; and

"(G) any recommendations for legislative changes that would improve program operations.

"(10) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'intermediary' means a private, nonprofit entity or a nonprofit community development corporation that seeks to borrow or has borrowed funds from the Small Business Administration to make microloans to small business concerns under this subsection;

"(B) the term 'microloan' means a short-term, fixed rate loan of not more than $25,000, made by an intermediary to a startup, newly established, or growing small business concern;

"(C) the term 'rural area' means any political subdivision or unincorporated area—

"(i) in a nonmetropolitan county (as defined by the Secretary of Agriculture) or its equivalent thereof; or

"(ii) in a metropolitan county or its equivalent that has a resident population of less than 20,000 if the Small Business Administration has determined such political subdivision or area to be rural."

(b) REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Small Business Administration shall promulgate interim final regulations to implement the microloan demonstration program.

(c) PROGRAM TERMINATION.

The demonstration program established by subsection (a) shall terminate 5 years after the date of enactment of this Act.

(d) PROGRAM FUNDING AND REPAYMENT OF LOANS.

Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) in paragraph (1), by striking "and 7(c)(2)" and inserting "7(c)(2), and 7(m)";

(2) in paragraph (2), by striking "and 8(a)" and inserting "7(m), and 8(a)".

(e) AUTHORIZATION OF APPROPRIATIONS. To carry out the demonstration program established under section 7(m) of the Small Business Act (as added by subsection (a)), there are authorized to be appropriated to the Small Business Administration—

(1) for fiscal year 1992—

(A) $15,000,000 to be used for the provision of loans; and

(B) $3,000,000 to be used for the provision of grants; and

(2) for fiscal year 1993—

(A) $25,000,000 to be used for the provision of loans; and

(B) $5,000,000 to be used for the provision of grants.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 178: Page 77, after line 14, insert:

SEC. 612. REGULATIONS REQUIRED.

(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act, including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of "assistance as required by the Attorney General", and (5) the process by which States and localities are to be reimbursed.

(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(ii) and a delineation of "in any other circumstances" in section 404(b)(2)(iii) of such Act.

(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act and issued in final form not later than 15 days after the end of the comment period.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 178, and concur therein with an amendment, as follows:

In lieu of the first section number named in said amendment, insert the following: "610".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 179: Page 77, after line 14, insert:

SEC. 613. TRACKING SYSTEM FOR "I-94" FORMS.

(a) TRACKING SYSTEM.—The Attorney General shall develop a tracking system for the Department of Justice form designated "I-94" or any other successor form that specifies the date to which an alien is admitted to the United States.

(b) REPORT.—Not later than 45 days after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall submit to the Congress a report on the progress made in carrying out this section and a statistical report on visitors overstaying their visas.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 179, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 611. Notwithstanding any other provision of law—

(a) For fiscal year 1992 and thereafter, the Department of Justice may procure the services of expert witnesses for use in preparing or prosecuting a civil or criminal action, without regard to competitive procurement procedures, including the Commerce Business Daily publication requirements: *Provided*, That no witness shall be paid more than one attendance fee for any calendar day.

(b) The Attorney General is authorized to enter into a lease with the University of South Carolina to carry out the provision required under the appropriation "Salaries and Expenses, United States Attorneys" in this Act.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 180: Page 77, after line 14, insert:

SEC. 614. TIMELY PAROLE OF CERTAIN ALIENS DETAINED AT THE KROME PROCESSING CENTER, FLORIDA.

Not later than 90 days after an alien begins detention at the Krome Processing Center, Florida, the Attorney General shall exercise his authority under section 212(d)(5) of the Immigration and Nationality Act (relating to parole) to release such alien from detention if such alien (1) is determined to have family ties in the community; (2) is not considered to be a danger to the community; (3) is likely to participate in the resolution of his immigration claims; and (4) has posted a reasonable bond.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 180, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 612. Notwithstanding any other provision of law, none of the funds in this Act shall be available for General Services Administration Rent System payments, unless such payments are processed through the Treasury Department's Billed Office Address Code System.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions and on the conference report was laid on the table.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, with the concurrence of the distinguished gentleman from New York [Mr. GREEN] I ask unanimous consent to take from the Speaker's table the bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, with the remaining Senate amendment numbered 21 thereto, and concur in the Senate amendment to the House amendment to the Senate amendment numbered 21.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to Senate amendment No. 21, as follows:

Senate amendment to House amendment to Senate amendment No. 21:

SEC. 101. (a) REGULATIONS FOR STANDARDS OF PERFORMANCE IN DEPARTMENT OF VETERANS AFFAIRS LABORATORIES.—(1) Within the 120-day period beginning on the date on which the Secretary of Health and Human Services promulgates final regulations to implement the standards required by section 353 of the Public Health Service Act (42 U.S.C. 263a), the Secretary of Veterans Affairs, in accordance with the Secretary's authority under title 38, United States Code, shall prescribe regulations to assure consistent performance by medical facility laboratories under the jurisdiction of the Secretary of valid and reliable laboratory examinations and other procedures. Such regulations shall be prescribed in consultation with the Secretary of Health and Human Services and shall establish standards equal to that applicable to other medical facility laboratories in accordance with the requirements of section 353(f) of the Public Health Service Act.

(2) Such regulations—

(A) may include appropriate provisions respecting waivers described in section 353(d) of such Act and accreditations described in section 353(e) of such Act; and

(B) shall include appropriate provisions respecting compliance with such requirements.

(b) REPORT.—Within the 180-day period beginning on the date on which the Secretary of Veterans Affairs prescribes regulations required by subsection (a), the Secretary shall submit to the appropriate Committees of the Congress a report on those regulations.

(c) DEFINITION.—As used in this section, the term "medical facility laboratories" means facilities for the biological, micro-biological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other physical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

Mr. TRAXLER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment to Senate amendment No. 21 be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the initial request of the gentleman from Michigan?

Mr. MONTGOMERY. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I just have some clarification about this procedure.

Mr. Speaker, it is my understanding that the Senate amendment adopts the provisions of section 304 of H.R. 2280, with a minor change, which passed the House on June 25, 1991. The Senate amendment to the House provision incorporates and reemphasizes the requirement that the Secretary of Veterans Affairs shall prescribe regulations in accordance with the requirements of the clinical laboratories improvement amendments, specifically, section 353(f) of the Public Health Service Act. The Senate modifications do not, however, alter the responsibilities which H.R. 2280 would impose on the Veterans' Administration.

The House-passed provision, as modified, would make it clear that in developing those regulations, the Secretary of Veterans Affairs would set standards of performance for VA's laboratories such that the level of quality assurance and control in those laboratories would equal those of private sector labs.

Is that the gentleman's understanding?

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, I would respond to the gentleman from Mississippi [Mr. MONTGOMERY] in the affirmative. Yes.

Mr. GREEN of New York. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Speaker, that is my understanding also, that in essence the standards at the Veterans' Administration will be no less than those prescribed by the Secretary of Health and Human Services, but the enforcement authority lies entirely with the Veterans' Administration.

Mr. MONTGOMERY. Mr. Speaker, I thank both gentleman. I only have one other inquiry.

Mr. Speaker, further, it is my understanding that the measure preserves the exclusive authority of the Secretary of VA to both issue his own regulations and to assure compliance. Under the amendment, the Secretary's regulations may differ from those issued by the Secretary of Health and Human Services. This understanding follows the intent of the House-passed provision. Significantly, however, the provision would result in both VA and private sector laboratories assuring their respective patients of high standards of validity, reliability, and safety of their testing.

Does the gentleman agree?

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, my answer is yes, I agree. The regulations may differ, but the standards must be effectively equal.

Mr. GREEN of New York. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Speaker, as I stated a moment ago, it is my understanding that the Secretary of the Department of Veterans Affairs may promulgate different standards, but they must at least meet the standards set by the Secretary of Health and Human Services.

Mr. MONTGOMERY. Mr. Speaker, based on conversations we have had with VA officials earlier today, the Department agrees with our interpretation of the compromise agreement. I thank the gentleman for clarifying this matter and appreciate his working with me in resolving this issue with the other body.

Mr. Speaker I note that the Senate amendment inadvertently changed the definition of the term "medical facility laboratories." If we had more time, or we had seen this language before the Senate acted, we could have corrected this mistake. As it is, we must assume that it was a mistake, and we will correct it in a Veterans' measure which we will consider later this year.

Mr. Speaker, let me say one or two words about how we got into this situation. This problem arose because the other body chose to bypass the authorizing committee and to include legislative language in an appropriation matter. While I admire the gentlewoman from Maryland and want to commend her dedication to our Nation's veterans, I want to respond to her remarks concerning what motivated my actions on this conference report yesterday.

The chief medical director, Dr. Holsinger, has never suggested to me or to other committee members to my knowledge that VA should be exempted from CLIA. I'm the one who strongly believes that the Secretary of VA should run VA medical facilities, not the Secretary of HHS. Veterans throughout the country support this position.

I would hope that we could avoid such situations in the future by ensuring that legislative matters are left to the authorizing committees.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2698, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Thursday, October 3, 1991, to file a conference report on the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2426, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Thursday, October 3, 1991, to file a conference report on the bill (H.R. 2426) making appropriations for military construction for the Department of Defense, for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Monday, October 7, 1991, to file a conference report on the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1415, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file the conference report to accompany the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, we are having trouble hearing. I am not certain what the gentleman from Florida [Mr. FASCELL] was filing.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I ask for unanimous consent to have until midnight to file a conference report on the authorization bill for the Foreign Relations Authorization Act. This is not the Foreign Aid Act.

Mr. WALKER Mr. Speaker, this has been cleared by the minority?

Mr. FASCELL. If the gentleman will yield further, yes.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 2622, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

Mr. ROYBAL. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the bill (H.R. 2622) making appropriations for the Treasury Department, U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. (Mr. STUDDS). Pursuant to the order of the House on Wednesday, October 2, 1991, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 2, 1991, at page H-7298.)

The SPEAKER pro tempore. The gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL]

Mr. ROYBAL. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROYBAL. asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. ROYBAL. Mr. Speaker, the conferees have reached agreement on the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1992. It was not an easy conference, as the fiscal restraints, with which all Members are familiar, forced the conferees to agree to some funding levels that I personally wish could have been higher.

On the whole, however, the conference report before the House will fund the agencies in this bill at a level which will enable them to perform their assigned functions in a reasonable manner.

H.R. 2622 provides a total of $19.9 billion in new budget authority for the agencies under this bill for fiscal year 1992. The conference agreement is below the 602(b) allocations for both budget authority and outlays and is $1 billion below the amount appropriated in fiscal year 1991. Mr. Speaker, I submit for the RECORD a table providing details of this conference report:

H.R. 2622 - Treasury, Postal Service and General Government, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices:						
Salaries and expenses	63,883,000	68,975,000	67,500,000	68,975,000	68,238,000	+4,355,000
International affairs	29,717,000	33,855,000	32,794,000	33,855,000	33,325,000	+3,608,000
Office of the Inspector General	21,296,000	27,710,000	22,710,000	24,835,000	24,835,000	+3,539,000
Financial crimes enforcement network	16,488,000	18,055,000	18,055,000	18,055,000	18,055,000	+1,567,000
Federal Law Enforcement Training Center:						
Salaries and expenses	40,265,000	39,245,000	39,245,000	41,245,000	39,645,000	-620,000
Acquisition, Construction, Improvements, and Related Expenses	20,775,000	5,359,000	5,359,000	16,534,000	8,309,000	-12,466,000
Financial Management Service: Salaries and expenses	218,742,000	233,895,000	189,195,000	228,968,000	231,500,000	+12,758,000
Bureau of Alcohol, Tobacco and Firearms	303,882,000	316,796,000	316,796,000	341,040,000	336,040,000	+32,158,000
(By transfer)	(3,856,000)					(-3,856,000)
United States Customs Service:						
Salaries and expenses	1,137,786,000	1,261,814,000	1,226,514,000	1,270,005,000	1,266,305,000	+128,519,000
(By transfer)	(18,884,000)					(-18,884,000)
Operation and maintenance, air interdiction program	110,347,000	121,432,000	109,432,000	176,932,000	1/ 175,932,000	+65,585,000
Customs forfeiture fund (limitation on availability of deposits)	14,855,000	15,000,000	15,000,000	15,000,000	15,000,000	+145,000
Customs services at small airports (to be derived from fees collected)	2,152,000	2,981,000	2,981,000	2,981,000	2,981,000	+829,000
Customs air facilities construction				26,600,000	12,100,000	+12,100,000
Total, United States Customs Service	1,265,140,000	1,401,227,000	1,353,927,000	1,491,518,000	1,472,318,000	+207,178,000
United States Mint:						
Salaries and expenses	51,429,000	53,806,000	53,806,000	53,806,000	52,450,000	+1,021,000
Expansion and improvements	550,000					-550,000
Bureau of the Public Debt	175,139,000	192,270,000	192,270,000	185,659,000	189,000,000	+13,861,000
Payment of Government losses in shipment	500,000					-500,000
Internal Revenue Service:						
Administration and management	142,279,000	144,503,000	144,503,000	141,653,000	141,372,000	-907,000
(By transfer)	(3,059,000)					(-3,059,000)
Processing tax returns and assistance	1,521,595,000	1,661,298,000	1,661,298,000	1,661,298,000	1,657,944,000	+136,349,000
Tax law enforcement	3,501,119,000	3,632,384,000	3,606,124,000	3,582,485,000	3,579,879,000	+78,760,000
Information systems	942,932,000	1,294,713,000	1,294,713,000	1,294,713,000	2/1,294,713,000	+351,781,000
Total, Internal Revenue Service	6,107,925,000	6,732,898,000	6,706,638,000	6,680,149,000	6,673,908,000	+565,983,000
United States Secret Service	411,606,000	475,423,000	475,423,000	475,423,000	475,423,000	+63,817,000
(By transfer)	(91,000)					(-91,000)
Total, title I, Department of the Treasury:						
New budget (obligational) authority	8,727,337,000	9,599,514,000	9,473,718,000	9,660,062,000	9,623,046,000	+895,709,000
(By transfer)	(25,890,000)					(-25,890,000)
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund 3/	472,592,000	182,778,000	649,301,000	383,000,000	470,000,000	-2,592,000
Payment to the Postal Service Fund for nonfunded liabilities	38,142,000	40,575,000	40,575,000	40,575,000	40,575,000	+2,433,000
Total, title II, Postal Service	510,734,000	223,353,000	689,876,000	423,575,000	510,575,000	-159,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	
Office of Administration	25,410,000	24,510,000	23,010,000	24,510,000	24,510,000	-900,000
The White House Office	32,799,000	34,885,000	34,885,000	34,885,000	34,885,000	+2,086,000
Executive Residence at the White House	8,495,000	8,362,000	8,362,000	8,362,000	8,362,000	-133,000
Official Residence of the Vice President	626,000	324,000	324,000	324,000	324,000	-302,000
Special Assistance to the President	2,587,000	2,932,000	2,932,000	2,932,000	2,932,000	+345,000
Council of Economic Advisers	3,064,000	3,345,000	3,345,000	3,345,000	3,345,000	+281,000
Office of Policy Development	3,395,000	3,701,000	3,701,000	3,701,000	3,701,000	+306,000
National Critical Materials Council	400,000	235,000	235,000	235,000	235,000	-165,000
National Security Council	5,893,000	6,145,000	6,145,000	6,145,000	6,145,000	+252,000
Office of Management and Budget	48,343,000	53,434,000	50,470,000	53,434,000	51,934,000	+3,591,000
Office of Federal Procurement Policy	2,914,000	3,058,000	3,058,000	3,058,000	3,058,000	+144,000
Unanticipated needs	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	

1/ Of which $14,500,000 shall not be obligated prior to Sept. 30, 1992.

2/ Of which $97,000,000 shall not be obligated prior to Sept. 30, 1992.

3/ OMB FY 92 request for Postal Service is $182,778,000.

H.R. 2622 - Treasury, Postal Service and General Government, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Office of National Drug Control Policy:						
Salaries and expenses	99,000,000	69,222,000	69,122,000	113,018,750	105,122,000	+6,122,000
Special forfeiture fund	46,000,000	77,000,000	77,000,000	67,000,000	52,500,000	+6,500,000
IRS tax law enforcement (by transfer)				(28,000,000)	(6,000,000)	(+6,000,000)
ADAMHA (by transfer)	(-16,110,000)	(31,000,000)	(31,000,000)	(10,000,000)	(19,000,000)	(+35,110,000)
Bureau of Prisons (by transfer)	(-23,900,000)	(46,000,000)	(10,000,000)			(+23,900,000)
United States Secret Service (by transfer)				(5,000,000)		
INS (by transfer)				(10,000,000)	(7,500,000)	(+7,500,000)
U.S. Customs Service (by transfer)			(21,000,000)			
Bureau of Alcohol, Tobacco and Firearms (by transfer)			(15,000,000)			
Counter Drug Tech Assessment Center (by transfer)					(20,000,000)	(+20,000,000)
Total, title III, Executive Office of the President	280,176,000	288,403,000	283,839,000	322,199,750	298,303,000	+18,127,000
TITLE IV - INDEPENDENT AGENCIES						
Administrative Conference of the United States	2,079,000	2,227,000	2,227,000	2,227,000	2,227,000	+148,000
Advisory Commission on Intergovernmental Relations	1,300,000	1,330,000	1,330,000	1,330,000	1,330,000	+30,000
Advisory Committee on Federal Pay	100,000					-100,000
Committee for Purchase from the Blind and Other Severely Handicapped	1,160,000	1,293,000	1,293,000	1,446,000	1,446,000	+286,000
Federal Election Commission	17,150,000	18,808,000	18,808,000	18,808,000	18,808,000	+1,658,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	1,645,733,000	47,144,000		301,000,000	271,000,000	-1,374,733,000
Unobligated balances		185,679,000	117,218,000			
Limitation on availability of revenue:						
Construction and acquisition of facilities	(1,460,678,000)	(477,021,000)	(371,416,000)	(385,104,276)	(548,482,000)	(-912,196,000)
Construction deferral						
Repairs and alterations	(790,252,000)	(569,251,000)	(569,251,000)	(569,251,000)	(569,251,000)	(-221,001,000)
Design and construction services	(247,665,000)	(143,072,000)	(143,072,000)	(114,874,000)	(112,273,000)	(-135,392,000)
Installment acquisition payments	(136,579,000)	(144,587,000)	(144,587,000)	(144,587,000)	(144,587,000)	(+8,008,000)
Rental of space	(1,545,100,000)	(1,665,900,000)	(1,655,900,000)	(1,568,900,000)	(1,568,900,000)	(+23,800,000)
Real property operations	(1,037,200,000)	(1,107,372,000)	(1,107,372,000)	(1,107,372,000)	(1,071,372,000)	(+34,172,000)
Program direction	(122,474,000)	(139,748,000)	(139,748,000)	(137,748,000)	(137,748,000)	(+15,274,000)
Total, Federal Buildings Fund:						
New budget (obligational) authority	1,645,733,000	232,823,000	117,218,000	301,000,000	271,000,000	-1,374,733,000
(Limitations)	(5,339,948,000)	(4,246,951,000)	(4,131,346,000)	(4,027,836,276)	(4,152,613,000)	(-1,187,335,000)
Federal Supply Service: Operating expenses	53,957,000	54,605,000	54,605,000	54,605,000	54,605,000	+648,000
Federal Property Resources Activities:						
Operating expenses, federal property resources service	13,386,000	14,227,000	14,227,000	14,227,000	14,227,000	+841,000
Real property relocation	8,000,000	8,000,000	16,000,000	8,000,000	12,000,000	+4,000,000
General management and administration	35,100,000	31,421,000	31,421,000	30,431,000	31,155,000	-3,945,000
International Cultural and Trade Center Commission (by transfer)		(1,240,000)	(1,240,000)		(724,000)	(+724,000)
Information resources management service	39,961,000	46,014,000	46,014,000	46,014,000	46,014,000	+6,053,000
Office of Inspector General	30,997,000	35,994,000	34,994,000	35,994,000	35,994,000	+4,997,000
Allowances and Office Staff for Former Presidents	1,964,000	2,129,000	2,129,000	2,129,000	2,129,000	+165,000
Total, General Services Administration:						
New budget (obligational) authority	1,829,098,000	425,213,000	316,608,000	492,400,000	467,124,000	-1,361,974,000
(By transfer)		(1,240,000)	(1,240,000)		(724,000)	(+724,000)
National Archives and Records Administration	138,219,000	152,143,000	152,143,000	154,143,000	152,143,000	+13,924,000
Office of Government Ethics	3,725,000	6,303,000	6,303,000	6,303,000	6,303,000	+2,578,000
Office of Personnel Management:						
Salaries and expenses:						
Appropriation	114,461,000	117,893,000		116,593,000	116,593,000	+2,132,000
(Limitation on administrative expenses)	(74,379,000)	(65,046,000)		(64,746,000)	(64,746,000)	(-9,633,000)
Employees Health Benefit Fund (limitation on administrative expenses)		(13,850,000)		(13,850,000)	(13,850,000)	(+13,850,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)		(208,000)		(208,000)	(208,000)	(+208,000)
Employees Life Insurance Fund (limitation on administrative expenses)		(953,000)		(953,000)	(953,000)	(+953,000)
Office of Inspector General	4,607,000	4,118,000	3,118,000	4,018,000	4,018,000	-589,000
(Limitation on administrative expenses)	(3,043,000)	(6,375,000)	(6,375,000)	(5,825,000)	(5,825,000)	(+2,782,000)
Government payment for annuitants, employees health benefits	3,509,563,000	2,503,535,000	2,503,535,000	2,503,535,000	2,503,535,000	-1,006,028,000
Government payment for annuitants, employee life insurance benefits	8,700,000	14,249,000	14,249,000	14,249,000	14,249,000	+5,549,000
Payment to civil service retirement and disability fund	5,687,105,000	6,078,686,000	6,078,686,000	6,078,686,000	6,078,686,000	+391,581,000
Total, Office of Personnel Management	9,324,436,000	8,718,481,000	8,599,588,000	8,717,081,000	8,717,081,000	-607,355,000

H.R. 2622 - Treasury, Postal Service and General Government, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Merit Systems Protection Board:						
Salaries and expenses:						
Appropriation	22,564,000	23,361,000	23,361,000	23,361,000	23,361,000	+797,000
(Limitation on administrative expenses)	(1,500,000)	(1,850,000)	(1,850,000)	(1,850,000)	(1,850,000)	(+350,000)
Office of special counsel	6,608,000	7,789,000	7,789,000	7,789,000	7,789,000	+1,181,000
Total, Merit Systems Protection Board	29,172,000	31,150,000	31,150,000	31,150,000	31,150,000	+1,978,000
Federal Labor Relations Authority	18,693,000	20,769,000	20,769,000	20,769,000	20,769,000	+2,076,000
Total, federal personnel activities	9,372,301,000	8,770,400,000	8,651,507,000	8,769,000,000	8,769,000,000	-603,301,000
United States Tax Court	31,598,000	33,050,000	33,050,000	32,050,000	32,050,000	+452,000
Total, title IV, Independent Agencies:						
New budget (obligational) authority	11,396,730,000	9,410,767,000	9,183,269,000	9,477,707,000	9,450,431,000	-1,946,299,000
(Limitation on administrative expenses)	(5,418,870,000)	(4,335,233,000)	(4,139,571,000)	(4,115,268,276)	(4,240,045,000)	(-1,178,825,000)
Grand total:						
New budget (obligational) authority	20,914,977,000	19,522,037,000	19,630,702,000	19,883,543,750	19,882,355,000	-1,032,622,000
(By transfer)	(-14,120,000)	(78,240,000)	(78,240,000)	(53,000,000)	(53,224,000)	(+67,344,000)
(Limitations)	(5,418,870,000)	(4,335,233,000)	(4,139,571,000)	(4,115,268,276)	(4,240,045,000)	(-1,178,825,000)

H.R. 2622 funds Federal agencies deeply involved in the war on drugs. The conference report before you provides funding for a number of law enforcement agencies such as the Secret Service, the Customs Service, the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, and others. The conference report contains funds and support for the Director of the Office of Drug Control Policy in his efforts to provide policy and other guidance for the war on drugs.

The most difficult reduction that we had to make in this bill was the revenue forgone appropriation to the Postal Service. We were, however, able to mitigate the rate increase proposed by the Senate. We have provided sufficient funding so that only the "flat" mail rates will increase. Flat mail is the odd or oversize mail that will not fit through the Postal Service's mail sorting machines. The increase for this type of mail will only increase an average of 2.2 cents, which is half of the average rate increase proposed in the Senate bill. I do not like this increase and wish we could have afforded to fully fund revenue forgone. However, I think that we got the best deal we could under the circumstances and am pleased that we were able to cut the rate increase proposed in the Senate by one-half.

This bill also contains compromise language regarding the Centers for Disease Control guidelines on the immunodefficiency virus and the hepatitis B virus. The conference agreement requires that each State public health official shall, not later than 1 year after the date of enactment of this act, certify to the Secretary of Health and Human Services that guidelines issued by the Center for Disease Control, or guidelines which are equivalent to those promulgated by the Center for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State guidelines shall apply to health professionals practicing within the State and shall be consistent with federal law. Compliance with such guidelines shall be the responsibility of the State public health official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If that certification is not provided under this section within the 1-year period, the State shall be ineligible to receive assistance under the Public Health Service Act until such certification is provided, except that the Secretary may extend the time period for a State, upon application of such State, that additional time is required for instituting said guidelines. It shall be the responsibility of the Director of the Center for Disease Control to determine whether guidelines other than those issued by the centers for disease control are "equivalent" to those issued by the CDC.

Mr. Speaker, this conference report also contains additional funds for the Internal Revenue Service to increase the emphasis on tax law compliance in order to increase tax revenues.

In general, the conferees endeavored to fund all agencies at a level that would enable them to continue their operations at about the current level.

Mr. Speaker, I believe that this is a good conference report, and it represents a reasonable compromise with the Senate of the United States. I would like to recommend this report to Members of the House. I believe that it is fair. It is well done, and I wish to urge Members at this time to support the conference report.

Mr. Speaker, I reserve the balance of my time.

□ 1610

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. WOLF. Mr. Speaker, we bring before the House today the conference report on H.R. 2622, which makes appropriations to the Department of Treasury, the Postal Service, the Executive Office of the President, and several general Government agencies. Because of this subcommittee's spending allocation, this conference report is the product of tough choices in several accounts. There were a total of 155 Senate amendments that conferees had to resolve. But conferees reached agreement on funding levels for the agencies in the bill that will allow them to continue to carry out their vital missions.

Because this conference report strikes a chord for spending restraint, while directing limited resources to critical needs, I believe that it deserves the support of the House. The measure, H.R. 2622, appropriates new budget authority of $19.9 billion, a reduction of approximately $1.03 billion below the amount appropriated last year in the fiscal year 1991 act.

Funds provided in this measure will ensure the soundness of Federal agencies that are important to the American public. There is something in the bill that every Member of this body can support. Within the Treasury Department, several of the agencies—such as the Customs Service, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco, and Firearms—produce revenue to fund the operation of the Federal Government. This measure would allow these agencies to continue to carry out important law enforcement and revenue collection activities. It will also allow the Customs Service to maintain its role in facilitating trade, which is critical to the competitiveness of the United States. The measure also provides funds for the dual mission of the Secret Service—protecting our national leaders and preventing counterfeiting.

One account for the Treasury Department that I want to mention is funding for IRS tax systems modernization. The conference report delays the obligation of $97 million for tax systems modernization until the last day of the fiscal year. I am concerned about this delay, which was one of the tough agreements reached in conference. I sincerely hope it does not affect the good work that is being done at the IRS by Commissioner Goldberg in improving assistance to taxpayers and increasing revenue collection.

Contained in the conference report is a pilot program at IRS that could have significant benefits to Federal workers and to the American public. The program provides incentives for employees to develop ways to save the Federal Government money. It would allow employees to share in savings achieved by employee-generated ideas, such that 50 percent of savings would be used for employee bonuses and for further efficiency savings in the agency. The other 50 percent of savings would go to the General Treasury for deficit reduction.

Basically, if an employee can come up with a good idea and save money, right now they come to the end of the fiscal year, there is no incentive to do that. So it is then spent. This way they save, 50 percent goes to the deficit and 50 percent for efficiency and bonuses.

If this pilot program works—and I believe that it will if implemented properly—it would be expanded governmentwide.

Another important item in this measure is an OPM study on the utilization of profamily employee programs governmentwide. These programs—such as child day care, senior care, flexiplace, flexitime, and other alternative work schedules, job-sharing, leave-sharing, and annual and sick leave policy—are essential if the Federal Government expects to maintain a well-qualified and motivated work force.

We in Congress want to do everything we can to keep the American family together.

The OPM study will allow Congress to gauge how well these programs are working, and what can be done to make them more effective.

Many Members have been contacted by charitable organizations regarding the Senate cut in the Postal Service revenue foregone account. This was one of the most contentious items in conference. In the end, a compromise was reached at $470 million for that account. The agreement included a proviso that the increase in rates on those preferred rate mailers who mail flats would not exceed 2.2 cents per piece.

The conference report also strengthens the sentencing guidelines for Federal child pornography offenses, including an amendment that was supported by the unanimous votes of both Houses. And conferees reached agreement on amendments that dealt with health care workers who may be infected with the HIV virus. The conference report contains a provision which will require all States to enact legislation codifying the Centers for Disease Control's guidelines on HIV and health care workers. States are required to certify that these guidelines are in place within 1 year or they will lose Federal funding under the Public Health Service Act.

The conferees took the lead of the House bill and did not include any funds in GSA's budget for private grants, which have been included in the past. There are no special private grants in this bill. This year there were requests for appropriations for private grants in excess of $170 million from worthy causes. But given the budget situation, the conferees did the right thing by not funding private grants.

I want to commend Chairman ROYBAL, whose hard work and reasonableness guided the House side in conference. I want to thank him for his leadership and for the spirit of bipartisanship that he promotes on the subcommittee. I also want to thank the other members of the committee, who have each added to the crafting of this conference report. I also want to thank the staff—Bill Smith did an excellent job, taking over from Tex Gunnels, who guided the bill early on. I also want to thank Jim Ogsbury of the minority staff, who has been a valuable resource.

I urge the Members of the House to support the conference report on H.R. 2622.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYBAL. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I would like to express my support for the conference agreement on H.R. 2622, the fiscal year 1992 Treasury, Postal Service, and general Government appropriations bill. In particular, I'd like to congratulate my chairman, Congressman EDWARD ROYBAL, for his excellent work on this bill.

Our subcommittee was faced with the very difficult task of cutting hundreds of millions of dollars from the President's budget request in order to meet our 602(b) allocation. Chairman ROYBAL, Congressman WOLF, the other members of the subcommittee, and our professional staff all did yeoman's work in putting together a first-rate bill.

I say this, in spite of the fact that I took exception to two amendments agreed to in conference committee. Before explaining my reasoning on those two amendments, let me take a moment to point out a couple of things in the bill that are of particular interest to the people in Colorado.

First, the committee report includes language I authored directing the General Services Administration [GSA] and Department of Commerce to work closely with the city of Boulder in the design and construction of a new National Oceanic and Atmospheric Administration [NOAA] facility. It also includes explicit direction to Commerce and GSA to reach an agreement with Boulder about the extent of any future development of the site.

Since the House first adopted this language there has been progress back home in terms of cooperation and communication. It's my hope and strong expectation that GSA and NOAA will continue to move in the right direction to address the concerns of the city of Boulder—including its desire for assurances about reserving much of the Federal site for open space.

In addition, the conference committee approved my amendment to allow the GSA to reprogram up to $16.2 million from other previously appropriated funds to meet NOAA's specialized laboratory needs for the building and to achieve the maximum energy efficiency possible in the design, construction, and operation of the building. Most importantly, this additional funding will enable the GSA to fund design changes that respond to the city of Boulder's concerns. It's my sincere hope that we'll end up with a first-rate facility that will serve NOAA's scientific needs, further establish Boulder as a center for environmental research, and be a source of pride for the community.

Second, the committee agreed to language directing the Office of Personnel Management [OPM] to study the feasibility of installing a toll-free number for Federal employees. My district office has received numerous complaints from Federal employees and retirees who are forced to make costly long-distance calls—often being put on hold for as long as a half hour—to get basic information about their benefits and personnel data. It seems to me that Federal employees residing outside of the Washington-metro region should not be unfairly burdened with these long-distance charges. Should the toll-free line prove feasible, I would hope that the OPM would proceed with installation as soon as possible.

Third, the bill includes report language directing a reexamination of the FTS-2000 phone system. I worked to gain acceptance of this proposal because of allegations that the FTS-2000 system may be costing the Federal Government more than we've bargained for, and because the bargain we struck can properly be reopened. At a time when severe budget constraints force us to cut vital programs, it's more critical than ever that we ensure that the Government is not throwing money away.

Finally, the committee accepted my proposal to encourage OPM to extend the assignment of OPM investigators who have been loaned to the Department of Energy [DOE] to help clear out the backlog of security clearance applications at the Rocky Flats Plant. It's a tremendous waste of both human and financial resources to have literally hundreds of plant employees unable to perform their duties because they lack the required clearance. These folks want to work, and they should be working. This problem is not unique to Colorado. There are security backlogs nationwide. For that reason, the committee has also included language directing the Office of Management and Budget to review the incidence of security clearance delays on a national basis.

Mr. Speaker, if I may, I would like to take a moment now to explain why I took the unusual step of taking exception to two amendments in the conference agreement.

The first amendment I am troubled by deals with revenue forgone. For those unfamiliar with this issue, Federal law (39 U.S.C. 2401(c)) authorizes appropriations each year to reimburse the Postal Service for the revenue forgone on free and reduced mail. Churches, veterans groups, the blind, universities and other nonprofit organizations are the primary beneficiaries of these reduced rates. The amount of revenue forgone requested is the difference between what the Postal Service would have received at unsubsidized rates and what it actually receives at the statutory reduced—rate levels. The bottom line is that at some point and in some manner—the Postal Service must recoup its loss.

The House entered the conference with a strong position in support of fully funding revenue forgone. I supported that position. Unfortunately, budgetary constraints forced the committee to cutback on this account. My problem, however, is not that we had to cut funding, but how and where we chose to do it.

Our subcommittee was placed in a very difficult situation this year through no fault of our own. Policy issues that should have been resolved by the authorizing committees were not. Unfortunately, in an attempt to do the job of the authorizing committees, the House conferees had to accept a Senate provision that's highly questionable. As the conference discussed possible savings from the Senate provision on oversized flats, it became clear that we were guessing about its potential fiscal impact. The problem is that while we protected nonprofit mailers from the possible effects of these miscalculations in fiscal year 1992 (by prohibiting increased postal rates that year), any shortfall will have to be made up in coming years. Depending on how far off the estimates are, this approach could spell severe postal increases for nonprofit mailers in the future.

I'm also very uncomfortable with delaying obligations, and so outlays, for IRS tax system modernization and some Customs Service purchases as a way to fund the Senate shortfall in revenue forgone. As unpopular and difficult as it would be, I believe the wiser course would have been to make real cuts in programs. Ultimately, we are going to have to pay for all of this. The approach we have taken will have the effect of pushing tens of millions of outlays into fiscal year 1993 and making our task next year—a year expected to be even more constrained than this one—that much more difficult. And that's what troubles me.

Recognizing that we will have to make substantive changes to revenue forgone law in order to control future spending growth in this area, the conferees agreed to language I suggested urging the authorizing committees to review the categories of postal users entitled to subsidized rates and consider establishing some order of priority to limit these entitlements in the event that we are faced again with inadequate funds to fully fund this account. I earnestly ask the Post Office and Civil Service Committee to move quickly on this, so we don't have to intrude on its jurisdiction in constructing next year's appropriations bill.

The second amendment I object to is the provision requiring all States to adopt the Centers for Disease Control guidelines designed to prevent the transmission of the HIV virus from health care professionals to their patients. While the conference committee wisely rejected the Senate-passed provision requiring a mandatory jail sentence for any HIV-infected health care worker who does not inform patients of their infected status, we were forced by Senate negotiators to accept this alternative language. Make no mistake about it, the language before us today is a vast improvement over what the Senate passed. For that, we owe credit to Chairman ROYBAL for his leadership in brokering an agreement that produced this much improved language.

However, in spite of the improvement, I still cannot associate myself with the provision. To begin with, this bill provides appropriations for the Department of Treasury, the Postal Service, the IRS, the General Services Administration—to name a few agencies—but no funding for any AIDS-related program. We have no jurisdiction over doctors or other health care providers. This provision violates fundamental procedural and jurisdictional rules. There is absolutely no justification for including any provision on this subject matter in this bill.

Second, my own State of Colorado has already adopted a policy based on the CDC guidelines. I am sure many other States have done the same. Why are we presuming that States need "big brother" Federal Government to tell them how to protect their citizens. More to the point, even if Congress should be taking any action on this subject, we certainly should have the benefit of hearings and public input first.

The Committee on Energy and Commerce is in the process of holding hearings on this issue and on the CDC guidelines. If there is an appropriate Federal role it should come out of that kind of thoughtful, comprehensive examination. Anything less violates good policy, good faith, and good sense. It serves only to further politicize the tragedy of AIDS, and to compound public misunderstanding that we should be trying to correct.

There are no words to express my deep sorrow for the patients who were infected by their dentist in Florida. But this kind of political expediency only belittles that tragedy. Moreover, it panders to misunderstandings about AIDS. Only five people appear to have been HIV-infected by any health care provider, and all those by a single dentist. This is probably the least likely way anybody could be infected by the HIV virus. Our prevention efforts would be focused far more profitably on the much more common means of transmittal.

We need to develop a comprehensive, rational AIDS policy that addresses all of the issues surrounding AIDS. We need adequate funding for AIDS research, we need adequate funding for educational materials that promote safe-sex and AIDS prevention, and we need adequate funding for health care. These are the real steps we need to take to protect people. Let's act on these policies of hope, not appeal to the politics of fear.

□ 1620

Mr. WOLF. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I will ask to engage in a brief colloquy with the gentleman from California [Mr. ROYBAL], the chairman of the subcommittee. I would also like to thank the chairman and the ranking minority member, the gentleman from Virginia [Mr. WOLF], for their assistance and leadership in this area.

On page 18 of the House Report 102-109, it included language directing the Internal Revenue Service to use $3.8 million in funding for processing tax returns and taxpayer assistance for a fourth toll-free call answering site in Rhode Island. Am I correct in stating that the committee of conference concurs in the language included in House Report 102-109 for a toll-free call answering site in Rhode Island?

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. MACHTLEY. I am happy to yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, I would like to respond by saying yes, that is correct.

Mr. MACHTLEY. I thank the chairman very much.

Mr. WOLF. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I recognize the fact that the gentleman from California [Mr. ROYBAL] and the gentleman from Virginia [Mr. WOLF] had a tough job and did their best, but I would like to just bring about a different point.

We all recognize that the distinguished Senator from West Virginia, Senator BYRD, who is also chairman of the Senate Appropriations Committee, is doing his best to move the Federal Government to West Virginia. The latest Federal entity to get its transfer orders is the Bureau of Public Debt.

Like the House bill, the conference agreement on Treasury-Postal Service appropriations includes provisions designed to ensure that no present employee of the Bureau will be without a Federal job in the Washington, DC, area if he or she does not wish to move to Parkersburg, WV, the new location for the Bureau.

Some may argue that moving the Bureau will save money in the long run. That savings, however, will not be realized in this bill. The conference agreement prohibits the Treasury Department from separating, reducing the pay or grade, or taking any other adverse personnel action against an individual who declines to move to Parkersburg.

With the $160 billion tax increase last fall, we asked the American people to sacrifice their standard of living to try to balance the Federal budget. Many Americans lost their jobs as a result of the increased taxes—just ask the workers in the boating industry which was subject to a luxury tax. And yet who in Washington suffered? How many Federal workers were laid off? Where did we reduce government? The answer is nowhere.

Under this conference report it is business as usual. We are guaranteeing the jobs of Washington bureaucrats. Will we ever learn? I doubt it.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to respond to the gentleman from North Carolina. The problem is that they are moving the Bureau of Public Debt to West Virginia as an economic development growth package, and a lot of people are being hurt. A lot of single parents are being hurt, a lot of people who have children in special ed classes, and just cannot abruptly be pulled up. So a lot of people are being hurt.

They are moving the FBI to West Virginia, the fingerprinting lab, and the debate came up the other time, and I would urge the Members of the Congress who are listening to this debate to get the House Appropriations hearing record and look to see how this issue has been handled. Did West Virginia change its tax laws? There are so many things.

What the members in the committee tried to do was to protect those people who were being manipulated, and having they and their families lives disrupted.

The American family is under more pressure today than at any other time in the history of the country. Child abuse is up. Spouse abuse is up. Teenage suicides are up. Teenage pregnancies are up. These families of these Federal employees have been manipulated and pushed and pulled and tugged through no fault of their own.

The FBI is not cutting back their fingerprinting lab. They are going to have it. But just for an economic development package for West Virginia. People from the District of Columbia and Maryland and Virginia are going to be hurt just so these Federal agencies can move to West Virginia for additional jobs.

People who live in the inner city, single parents, are going to be hurt, and the same thing is taking place, and that is why I commend the committee for boldly taking care of this.

I would tell the Congress that there is another issue coming up, and that is that they now want to move the Central Intelligence Agency to West Virginia. The name of it is the Central Intelligence Agency; it is not the Decentralized Intelligence Agency.

Many of these employees, many who live in my congressional district, many in Maryland, many in the District of Columbia will have to travel up to 2 hours each way, 2 hours in the morning and 2 hours home should the CIA move to Jefferson County, WV.

We understand when people want to do something to economically help a region or State, but the answer is you are not to tear down one region to help another. What do you tell these single parents or a husband and wife both working, they both have jobs and have just remodeled their homes? What do you tell them? "Too bad, we know you are coaching a Little League, but you are not going to be able to come home in time. We know you are in a choir at church, but that is too bad, because at the end of the day you will be so exhausted from the commute. We know that you want to spend time with your kids doing homework, but sorry, this move will take place."

In answer to the gentleman from North Carolina, the reason the committee, in sensitivity to those parents, those families who are being manipulated and pulled and tugged and have become, quite frankly, political pawns, the committee did the right thing by protecting their interests, and as the ranking Republican on the House Select Committee on Children, Youth, and Families. I stand and commend the committee for doing everything it could to maintain and keep the family together.

With regard to the boat tax, I might say that I have joined the gentleman for repeal of the boat tax. But this provision is a good provision. It is a pro-family provision. It is a caring provision, and it is a compassionate provision.

Hopefully the Congress will not have to face this issue on the CIA, because hopefully the Congress will do the right thing, and when this issue comes before this body, this body will have the courage to stand up and say, "No, enough is enough. We will not allow these employees to be manipulated and forced to move to West Virgina and destroy their lives."

□ 1630

Mr. ROYBAL. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the chairman for yielding this time to me.

As a member of the subcommittee, I rise in support of this conference report for H.R. 2622.

I commend the gentleman from Mississippi [Mr. WHITTEN], the chairman of the full committee, and thank the gentleman from California [Mr. ROYBAL] of the subcommittee and the ranking member, the gentleman from Virginia [Mr. WOLF] for their extraordinary efforts to bring this conference report to the floor. The subcommittee staff also deserves special recognition for its tireless efforts on behalf of this bill, because, Mr. Speaker, there were many areas of controversy in the bill.

Under the leadership of Chairman ROYBAL, however, this committee has worked hard to provide adequate funding for critical agencies under its jurisdiction—despite a 602(b) allocation that was significantly below the President's request. Critical programs, including drug interdiction efforts of the Customs Service and the Bureau of Alcohol, Tobacco and Firearms, and the activities of the Office of Drug Control Policy are funded in this bill.

Mr. Speaker, passage of this bill is essential for the collection of government revenues necessary to reduce the budget deficit. Although it is an appropriations conference report, H.R. 2622 funds the revenue-producing agencies of the U.S. Government, agencies such as Customs and the Internal Revenue Service.

In addition, I would like to commend the ranking Member, the gentleman from Virginia [Mr. WOLF] on two particular scores. One is the area of asset forfeiture, where he fought a great fight with our chairman for some of the monies that were gathered in drug raids, et cetera. Some of this money is to be set aside for treatment, and it is my hope that there will be enough money to deal with the waiting list for ADAMHA. This would be a drastic change as far as use of asset forfeiture monies, and it is a tribute to the leadership of the gentleman from Virginia [Mr. WOLF].

I also want to commend the gentleman from Virginia for his leadership on the report language concerning the continued use of forced labor in China. I was pleased to work with the gentleman on that. Forced labor produces goods for export to the United States. This practice was courageously documented by Stanford University's Harry Wu on "60 Minutes" last month. Many Members saw this. It is an affront to American workers, who should not be forced to compete against unlimited free and forced labor. I am concerned that customs has not yet seized any prison-made exports from China at United States ports of entry. We know the goods are coming in, and I hope that the agency will step up its efforts to do so.

I would also like to commend the chairman, the gentleman from California [Mr. ROYBAL] for his hard work and fight for nonprofit organizations and charitable organizations in our country, including veterans organizations and other organizations in terms of education in dealing with the elderly and children in America, and in the area of revenue foregone in terms of postal rates for charitable organizations to reach out as one of the thousand points of light. We do not want to snuff them out by prohibiting them from mailing by placing obstacles in terms of price.

Finally, I would like to thank Chairman ROYBAL and the members of the subcommittee for their willingness to craft a compromise on guidelines for preventing the spread of the HIV virus in health care settings. I believe the language in the conference report reflects reason rather than hysteria, and that it gives States the flexibility that is necessary to respond to specific concerns of local health officials who are on the front lines of the fight against AIDS.

Mr. Speaker, I associate myself with the remarks of the gentleman from Colorado [Mr. SKAGGS] about the good work the committee did in rejecting certain harsher language that the Senate sent over to us. I would have preferred no language, but the compromise is one that I commend the committee for crafting.

In closing, I would again like to express my sincere gratitude to Chairman ROYBAL, Chairman WHITTEN, Congressman WOLF, and all the members of the Treasury-Postal subcommittee for their dedication to crafting this important legislation. I urge my colleagues to vote for it.

Mr. Speaker, today the House will address three Senate amendments responding to the concern of the American public regarding HIV-infected health care workers. I am pleased that the House has dropped two punitive proposals offered by Senator HELMS and modified the Dole-Mitchell amendment to give greater flexibility to State public health officials to respond to local needs.

As you know, the centers for disease control [CDC] has investigated a cluster of 5 cases of HIV infection which apparently occurred during dental care in the practice of a Florida dentist. After extensive study, CDC concluded that the precise mechanism of transmission could not be determined. In fact, we will likely never know exactly what happened in the Florida case—although most scientists believe that in cluster cases like this, contaminated equipment is the most likely cause.

It is important to note that the CDC is now in the process of conducting extensive lookback studies of patients treated by HIV-infected surgeons and dentists. After 11 years of this epidemic, not one single case of doctor to patient HIV transmission has been documented.

Mr. Speaker, HIV-infected health care workers are on the front lines of taking care of our AIDS patients. They provide quality care and compassion to people in San Francisco and other cities hard hit by AIDS. These health care workers deserve our respect and our appreciation. Their courage and commitment make a critical difference.

The Nation's response to the cluster cases in Florida has been a triumph of hysteria over science. We cannot let this happen in Congress. We must be cautious to—do no harm. Dropping the Helms amendments and modifying the Dole-Mitchell amendment have restored reason to this public policy debate.

I commend Chairman ROYBAL for his leadership and his staff for their wisdom in insisting on reasonable public policy. I urge my colleagues to support the conference report.

Mr. WOLF. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. LOWERY].

Mr. LOWERY of California. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to engage the distinguished chairman in a colloquy, if I may.

I want to commend the chairman and the gentleman from Virginia [Mr. WOLF] and the entire committee for the leadership role they have taken to improve our Nation's ability to interdict the flow of illegal drugs across our borders. Over the past several years, the Treasury Subcommittee has been instrumental in enabling the United States Customs Service to combat drug smuggling, particularly at the United States-Mexico border, where most of the illegal drugs flow into our country. I believe we can continue to improve our drug interdiction efforts by utilizing creative technologies.

Mr. ROYBAL. Mr. Speaker, if the gentleman will yield, I would like first of all to express my appreciation to the gentleman for his comments and tell the gentleman that I definitely share his desire to improve our drug detection and interdiction capabilities, not only at the border, but any place in the United States.

Mr. LOWERY of California. Well, Mr. Speaker, as the chairman knows, in fiscal year 1991 Congress appropriated $25 million for the Department of Defense and the Customs Service to develop a comprehensive plan for establishing technologies to detect drugs hidden in large cargo containers and trucks. One of these methods is a backscatter x-ray technology that has proven to be effective. DARPA, the Defense Advanced Research Projects Agency, has been working with the Customs Service to employ this technology at the Otay Mesa, California port of entry.

Mr. ROYBAL. Mr. Speaker, if the gentleman will yield further, I am aware that DARPA and customs have been working to demonstrate this technology to detect drugs in trucks and cargo containers at the southwest border. Unfortunately, it is my understanding that DARPA now intends to relocate this project to another location and apply the technology in a different manner.

Mr. LOWERY of California. I share the chairman's concern over this proposal. If this demonstration is to be moved to a location other than the southwest border, to which I personally object to its being moved, I would encourage the commissioner of customs to reprogram funds to complete the test at Otay Mesa or at the very least take steps to fund the project in fiscal year 1993. I would hope the chairman would support this effort.

Mr. ROYBAL. Mr. Speaker, let me assure my colleague that I definitely support this project and urge the Customs Service to complete the demonstration on the southwest border so that we may continue our battle against illegal drugs as effectively as possible.

Mr. LOWERY of California. I thank the chairman for his active support of this program, and for his leadership and thank the entire committee.

Mr. WOLF. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I would like to add my voice in support of H.R. 2622, the fiscal year 1992 Treasury, Postal Service, and general government appropriations bill. As a member who is new to the subcommittee this year, I have found it a privilege to work with the majority and minority members to put together a good bill under difficult conditions, at best. I can see how this conference agreement can easily be referred to as a labor of love.

Although I would have preferred to provide full funding for revenues foregone, I realize the budgetary constraints under which the subcommittee worked placed us in a difficult position. I am gratified the conference report provides, at a minimum, a higher level of funding than was provided in the Senate-passed bill.

I also am very appreciative of the efforts of Chairman ROYBAL and ranking member, Mr. WOLF, on behalf of my amendment to instill more cost-effective procedures in GSA leasing practices in the Omaha, NE—Council Bluffs, IA, metropolitan area. I believe this provision will provide taxpayer saving and a more equitable Federal leasing policy.

In addition, I am pleased the subcommittee was able to resolve differences which arose on several controversial issues, including the FEC funding provision and the Senate-passed HIV regulations. I believe the compromise we reached was the best the conference could achieve in light of tremendous House and Senate differences.

Finally, let me thank the chairman and ranking member for their laudable efforts in achieving this agreement. It has been a great pleasure to work with them.

Mr. ROYBAL. Mr. Speaker, I yield myself such time as I may consume, just time enough, Mr. Speaker, to thank the ranking minority member, the gentleman from Virginia [Mr. WOLF] for the cooperation that he has given the committee as whole and for the work that he has done in making possible, first of all, the completion of the conference and making it possible for us to bring that conference report to the House this afternoon. The gentleman from Virginia [Mr. WOLF] has done an excellent job.

□ 1640

With that, Mr. Speaker, I would also like to thank the other members of the committee who, likewise, have been most cooperative. Without their help and assistance, we of course would not be as far as we are at this moment.

Again, I wish to thank each and every one of them.

Mr. PANETTA. Mr. Speaker, I rise in support of the conference report to accompany H.R. 2622, the Treasury, Postal Service and general government appropriations bill for fiscal year 1992. This is the sixth of the 13 annual appropriations conference reports to be considered by the House.

The bill provides $10.824 billion in discretionary budget authority and $11.119 billion in discretionary outlays, which is $76 million in domestic discretionary budget authority and $81 million in domestic discretionary outlays below the 602(b) spending subdivision for this subcommittee.

As chairman of the Budget Committee, I will continue to inform the House of the status of all spending legislation, and will be issuing a "dear colleague" on how each appropriations measure compares to the 602(b) subdivisions.

I look forward to working with the Appropriations Committee on its remaining bills.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, October 3, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on the conference report to accompany H.R. 2622, Treasury, Postal Service, and General Government Appropriations Bill for Fiscal Year 1992. This bill could be considered on the floor at any time.

This is the sixth regular Fiscal Year 1992 appropriations bill conference report to be considered. The bill is below the 602(b) subdivision.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Fact Sheet]

CONFERENCE REPORT TO ACCOMPANY H.R. 2622, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102-234)

The House Appropriations Committee filed the conference report for the Treasury, Postal Service and General Government Appropriations Bill for Fiscal Year 1992 on Wednesday, October 2, 1991. This conference report could be considered on the floor at any time.

COMPARISON TO THE 602(B) SUBDIVISION

The conference report provides $10,824 million of discretionary budget authority, $76 million less than the Appropriations 602(b) subdivision for this subcommittee. The conference report is $81 million under the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

COMPARISON TO DOMESTIC SPENDING ALLOCATION

[In million of dollars]

	Treasury, Postal Service and Gen. Government Appropriations bill		Approp. Committee 602(b) subdivision		Bill over (+)/ under (−) committee 602(b) subdivision	
	BA	0	BA	0	BA	0
Discretionary	10,824	11,119	10,900	11,200	−76	−81
Mandatory[1]	8,937	9,840	8,937	9,840	....	....
Total	19,761	20,959	19,837	21,040	−76	−81

[1] Conforms to the Budget Resolution estimates for existing law.

ABA—New budget authority; 0—Estimated outlays.

The House Appropriations Committee reported to the Committee's subdivision of budget authority and outlays in the House Report 102-180. These subdivision are consistent with the allocation of spending responsibility to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

Following are major program highlights for the Treasury, Postal Service and General Government Appropriations conference report for Fiscal Year 1992, as reported:

PROGRAM HIGHLIGHTS

[In million of dollars]

	Budget authority	New outlays
Treasury Department:		
Internal Revenue Service	6,674	5,704
Customs Service	1,472	1,217
U.S. Secret Service	475	399
Financial Management Service	232	201
Bureau of Public Debt	189	161
Bureau of Alcohol, Tobacco, and Firearms	336	296
Payment to the Postal Service Fund	470	470
Other Agencies:		
Executive Office of the President	266	189
Federal Building Fund limitation	....	(4,099)
GSA Management and Administration	30	5
National Archives and Records Administration	152	122
Office of Personnel Management S&E	117	109
Government Payment for Health Benefits (mandatory)	2,504	2,504
Payment to the Civil Service Retirement Fund (mandatory)	6,079	6,079

Ms. SNOWE. Mr. Speaker, I rise in support of the conference committee report on H.R. 2622, the fiscal year 1992 Treasury-Postal appropriations bill. In particular, I want to express my sincere gratitude to the subcommittee chairman, Mr. ROYBAL, and the ranking minority member, Mr. WOLF, for including provisions with the final bill that will clarify how the Federal Government implements its "Buy America" rules.

The technical clarification incorporated within the bill was drafted by the entire Maine congressional delegation, in conjunction with the Office of Management and Budget's Federal Procurement Policy Office, which enforces Buy America requirements, with the subsequent support of the House and Senate conferees on H.R. 2622.

In short, this language will direct the Office of Federal Procurement Policy's Administrator to allow emergency, life-safety systems, like fire alarms, to fulfill existing Buy America requirements, provided that they are discrete systems, are produced, procured, and used as complete systems, and the cost of their components manufactured within the United States exceed 50 percent of the system's total cost.

This clarification was needed because a small manufacturer with a plant in my district that employs more than 400 people, Edwards Manufacturing, was in jeopardy of losing its ability to compete for Federal contracts due to inconsistent enforcement of Buy America requirements. Even though 65 percent of its fire alarms are American-made, Edwards does use a control board component for its systems that is not built in the United States.

As such, Edwards was in danger of being unable to bid on Federal contracts, simply because one component of its alarm systems was considered to violate existing Buy America requirements, notwithstanding the fact that almost two-thirds of its systems are built in America. The technical clarification now included in H.R. 2622 will enable Edwards Manufacturing to continue competing for Federal contracts.

I am pleased that the subcommittee was able to accept this amendment. Doing so will enable Edwards Manufacturing to continue manufacturing its fire alarm systems in plants like the one in Pittsfield, and in doing so provide jobs to more than 400 people in Maine.

Mr. Speaker, in closing, I want to again express my thanks to the subcommittee's chairman and ranking minoity member for allowing this technical clarification to be included in the bill.

Mr. ROYBAL. Mr. Speaker, the conference committee has adopted a modified version of the Dole/Mitchell agreement on the CDC guidelines regarding prevention of HIV transmission during exposure-prone invasive procedures. In the version of this amendment that is included in the conference report, the State health officer will certify that the State has instituted measures to prevent such transmission. The conferees anticipate that the enforcement of these preventive measures will be the responsibility of State health officers and not a Federal function.

The language also provides for the ability of the States to issue guidelines equivalent to the CDC guidelines. I know, for instance, that the State of Michigan has convened a special advisory committee on this issue that has recommended a policy for that State. I know that other States are now considering State policies akin to those enunciated in the Occupational Safety and Health Administration guidelines on blood-borne pathogens. It is our full expectation that, in making a determination whether guidelines other than those issued by the CDC are equivalent, the director of the CDC shall consult with the State public health official and take into account State approaches to HIV and hepatitis B infection control and prevention that may be more appropriate to that State.

The CDC guidelines specifically say that mandatory testing of health care workers is not warranted. There is nothing in this provision that can be construed as requiring mandatory testing. The conferees expect that the States will follow the general guidelines of the CDC on this issue.

The language included in the conference report would also allow the CDC flexibility to revise their recommendations as additional scientific evidence becomes available. This provision in no way restricts the CDC from updating their recommendations as additional evidence becomes available. It is my understanding that the CDC is currently involved in followup studies to better determine the risk of HIV transmission during exposure-prone invasive procedures. These followup studies and decisions regarding revised notification recommendations should be made in consultation with State and local health officials.

Let me also assure all Members that this provision in no way limits coverage under the Americans With Disabilities Act for HIV-infected health care workers. For an HIV-infected health care worker whose professional activities are modified to comply with these guidelines, reasonable accommodations must be made which would promote the continued use of the health care worker's knowledge and skills. Clearly discrimination based on misinformation or lack of information should not be tolerated.

The language also provides an exception in the case of emergency situations. The modified amendment provides an exception to the guidelines so that timely application of emergency medical services, as provided in emergency departments, to save a patient's life, limb, or sense organ are not jeopardized in any manner.

Finally, while there has been a great deal of publicity about the investigation of possible HIV infection in a dental practice in Florida, the information about that case is incomplete and will probably never be complete, although many investigators now believe that the case is one of failure in basic infection control and sterilization. As Dr. Koop said recently, we may never know the real circumstances in this case. I do want to make clear for other Members that there have been a number of studies of other HIV-infected surgeons and dentists and that none of these look-back studies has documented even a single case of transmission from a doctor to a patient.

As I understand it, the CDC will continue with such look-back studies and with clear emphasis on sterilization and infection control. These CDC guidelines that have been issued are an effort to err on the side of caution.

Mr. WAXMAN. Mr. Speaker, I would like to commend the distinguished chairman of the subcommittee and the distinguished ranking member for their efforts to deal with the issues of HIV-infected health care workers in the context of the amendments made to this bill by the Senate. The amendment contained in this conference report is a significant improvement, and I thank the conferees for that.

This language makes clear that States have the primary responsibility for this issue and that the promulgation of guidelines should be considered with flexibility. The language also makes clear that other equivalent standards, such as that developed recently by the State of Michigan or those being considered by other States on the basis of OSHA guidelines, could meet this requirement. The amendment makes clear that the enforcement of this policy is left to the States and that no independent Federal role is contemplated or needed. The language also makes clear—as do the CDC guidelines—that no mandatory testing is expected or warranted.

I know that there has been a great deal of pressure to come up with quick fixes and easy answers. I want to thank the chairman, the subcommittee, and the staff for their efforts to come up with the best answers instead.

Mr. McDADE. Mr. Speaker, I rise in support of the conference report on H.R. 2622, the Treasury—Postal Service—general Government appropriations bill for fiscal year 1992.

Mr. Speaker, I would like to commend my dear friend and the chairman of the Treasury—Postal Subcommittee, the gentleman from California [Mr. ROYBAL]. The distinguished chairman has demonstrated the wisdom of Solomon and the patience of Job in coming to agreement with the other body on a most difficult piece of legislation.

Mr. Speaker, I would also like to congratulate the ranking Republican member of the Treasury—Postal Subcommittee, my wise and distinguished colleague, the honorable gentleman from Virginia [Mr. WOLF], for his tireless work on behalf of this legislation. The gentleman serves the committee and the House with distinction, and I am deeply grateful for his dedicated efforts.

The hardest thing about this bill is distributing a scarce allocation of resources to a number of important and deserving programs. The conference committee, however, labored steadily until conflicting priorities were reconciled and an agreement was reached. I might suggest that no one is completely satisfied with the outcome, and that, Mr. Speaker, is often the sign of a fair bill.

Mr. Speaker, the conference agreement is within its 602(b) allocation for budget authority and outlays, and I anticipate that the President will sign the bill. Accordingly, I urge all of my colleagues to endorse the agreement of the conferees and adopt this conference report.

Mr. GALLEGLY. Mr. Speaker, in conjunction with today's vote on the Treasury, Postal Service and general Government appropriations bill, I want to again reiterate my very strong support for a port of entry designation for the Port of Hueneme within the Los Angeles Customs District.

The Port of Hueneme, the only deep water harbor between Los Angeles and San Francisco, is in the middle of a 5-year, $25 million capital improvement program that port officials believe will help boost shipping significantly. Commercial operations now generate approximately $2 million a year in direct and indirect economic benefits in Ventura County, and port officials predict that volume will double within 5 years.

When the Oxnard Harbor District last applied for a port of entry designation in April 1990, the district projected that by fiscal year 1994 the Port of Hueneme would meet and exceed the current criteria of 350 vessel calls. Since April 1990, the Oxnard Harbor District has continued to attract new business to the Port of Hueneme.

Some of the Port's major contracts are with Mazda Motor of America, BMW of North America, Del Monte Tropical Fruit, Turbana Corp., Wallenius Lines, and Cool Carriers. Additionally, the Harbor District has provided an extensive accounting of verifiable projected vessel call activities at the Port.

Mr. Speaker, I urge the Treasury Department to move ahead quickly with a port of entry designation for the Port of Hueneme. This would provide a much needed and significant economic benefit to the county, the State and to the Nation in terms of jobs, personal income, and business revenue. Estimated U.S. Customs duties collected as a result of cargo moving through the port exceeded $88 million in fiscal year 1989 alone. With more and more emphasis being placed on trade with the Pacific rim countries it is essential that we provide the infrastructure necessary to insure an efficient, secure and competitive environment for importing and exporting cargo throughout the United States.

I urge the Treasury Department to consider the facts carefully and move on this designation expeditiously.

Mr. WOLF. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYBAL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. STUDDS). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, October 2, 1991, the amendments in disagreement are considered as having been read. The Clerk will designate the first amendment in disagreement.

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that amendments numbered 1, 13, 20, 22, 23, 32, 33, 34, 35, 36, 46, 48, 50, 51, 60, 68, 83, 88, 89, 106, 112, 113, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, and 150 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The texts of the amendments enumerated in the foregoing unanimous consent request are as follows:

Senate amendment No. 1: Page 2, line 5, after "certificate;" insert "not less than $2,522,000 and 40 full-time equivalent positions for the Office of Foreign Assets Control;".

Senate amendment No. 13: Page 6, line 18, after "924(d)(2)" insert "; of which $650,000 shall be available solely for improvement of information retrieval systems at the National Firearms Tracing Center; and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms".

Senate amendment No. 20: Page 9, line 4, after "gram" insert ": *Provided further*, That the United States Customs Service shall hire and maintain an average of not less than 17,411 full-time equivalent positions in fiscal year 1992, of which a minimum level of 960 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service, and of which a minimum level of 10,480 full-time equivalent positions shall be allocated to commercial operations activities".

Senate amendment No. 22: Page 9, line 15, after "of" insert "marine vessels,".

Senate amendment No. 23: Page 9, line 16, strike out "Program" and insert "and Marine Programs".

Senate amendment No. 32: Page 13, line 19, after "appropriation" insert "upon the advance approval of the House and Senate Committees on Appropriations".

Senate amendment No. 33: Page 13, line 25, after "aircraft;" insert "training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his post of duty; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: Provided, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations;".

Senate amendment No. 34: Page 14, line 2, after "expenses;" insert "not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year;".

Senate amendment No. 35: Page 14, line 2, after "$475,423,000" insert ", of which $2,500,000 shall remain available until expended for renovations at the temporary official residence of the Vice President and $1,600,000 shall remain available until expended for renovations of the New York Field Office; and of which not to exceed $300,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note)".

Senate amendment No. 36: Page 14, line 2, after "$475,423,000" insert ": *Provided further*, That fiscal year 1992 funds shall be available for any Presidential protection assistance reimbursements claimed in fiscal year 1991".

Senate amendment No. 46: Page 16, line 10, after "$250,000" insert ": *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President".

Senate amendment No. 48: Page 17, line 11, after "$8,362,000" insert ", of which $1,100,000 for the repair of the face of the Executive Residence shall remain available until expended, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114".

Senate amendment No. 50: Page 17, line 19, after "President," insert "to be accounted for solely on his certificate;".

Senate amendment No. 51: Page 17, line 19, after "$324,000" insert ": *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities".

Senate amendment No. 60: Page 21, line 18, after "$1,330,000" insert " , and additional amounts, not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation".

Senate amendment No. 68: Page 25, line 7, after "$5,000,000" insert ": *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92–313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects".

Senate amendment No. 83: Page 29, line 5, after "collections" insert "and any other sums".

Senate amendment No. 88: Page 32, line 19, after "3109;" insert " and for the Information Security Oversight Office established pursuant to Executive Order 12356;".

Senate amendment No. 89: Page 32, line 23, strike out "$34,994,000" and insert "$35,994,000, of which not to exceed $2,400,000 shall remain available until expended for procurement and installment of an automation program in support of audits and investigations: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness".

Senate amendment No. 106: Page 34, after line 21, insert:

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor-vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts for goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences, to be held in several locations throughout the United States in 1992. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; $116,593,000, of which not less than $600,000 shall be made available for the establishment of Federal health promotion and disease prevention programs for Federal employees; and in addition $79,757,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs: *Provided further*, That amounts authorized to be transferred from the appropriate trust funds for implementation of the Federal Employees' Retirement System automated recordkeeping system in this or prior Acts, may be transferred at any time the Office of Personnel Management deems appropriate: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1992, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not to exceed $253,000, to the National Advisory Council on the Public Service as established by the Public Law 101-363, and of the funds appropriated to the Office of Personnel Management under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1991, the Director may transfer an amount to be determined, but not to exceed $84,000, to such Council, notwithstanding any other provision of this Act, to be available for expenditure no later than September 30, 1991.

Senate amendment No. 112: Page 36, after line 16, insert:

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISION

SECTION 1. The allowances provided to employees at rates set under section 5941 of title 5, United States Code, and Executive Order Numbered 10000 as in effect on the date of the enactment of this Act may not be reduced during the period beginning on the date of the enactment of this Act through December 31, 1995: *Provided*, That no later than March 1, 1995, the Office of Personnel Management shall conduct a study and submit a report to the Congress proposing adjustments to the methodology for calculating allowances which take into account all costs of living in the geographic areas of the affected employees.

Senate amendment No. 113: Page 38, line 12, strike out "$33,050,000" and insert "$32,050,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge".

Senate amendment No. 126: Page 51, after line 23, insert:

SEC. 605. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

Senate amendment No. 127: Page 51, after line 23, insert:

SEC. 606. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

Senate amendment No. 129: Page 51, after line 23, insert:

SEC. 608. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

Senate amendment No. 130: Page 51, after line 23, insert:

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Senate amendment No. 131: Page 51, after line 23, insert:

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Senate amendment No. 132: Page 51, after line 23, insert:

SEC. 611. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Senate amendment No. 133: Page 51, after line 23, insert:

SEC. 612. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

Senate amendment No. 134: Page 51, after line 23, insert:

SEC. 613. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

Senate amendment No. 135: Page 51, after line 23, insert:

SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Senate amendment No. 136: Page 51, after line 23, insert:

SEC. 615. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

Senate amendment No. 137: Page 51, after line 23, insert:

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1992, or September 30, 1993, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 612 of the Treasury, Postal Service, and General Government Appropriations Act, 1991, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds

the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 612; and

(2) during the period consisting of the remainder, if any, of fiscal year 1992, and that portion of fiscal year 1993, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1993, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1992, under section 5303 of title 5, United States Code.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1991, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1991, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1991.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

Senate amendment No. 138: Page 51, after line 23, insert:

SEC. 617. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.

Senate amendment No. 139: Page 51, after line 23, insert:

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

Senate amendment No. 140: Page 51, after line 23, insert:

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

Senate amendment No. 141: Page 51, after line 23, insert:

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1992 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

Senate amendment No. 142: Page 51, after line 23, insert:

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

Senate amendment No. 143: Page 51, after line 23, insert:

SEC. 622. None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

Senate amendment No. 144: Page 51, after line 23, insert:

SEC. 623. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

Senate amendment No. 145: Page 51, after line 23, insert:

SEC. 624. Notwithstanding section 1346 of title 31, United States Code, or section 607 of this Act, funds made available for fiscal year 1992 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Number 12472 (April 3, 1984).

Senate amendment No. 146: Page 51, after line 23, insert:

SEC. 625. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1992, any department, division, bureau, or office participating in the Federal Flexiplace Project may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartments: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

Senate amendment No. 147: Page 51, after line 23, insert:

SEC. 626. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

Senate amendment No. 149: Page 51, after line 23, insert:

SEC. 628. (a) Notwithstanding any other provision of law, the Secretary of Education shall convey, without consideration, to the School District of Charleston County, South Carolina, a deed releasing the reversionary interest held by the United States to the property identified in paragraph (b).

(b) All that lot, piece or parcel of land, situated, lying and being on the west side of Chisolm Street, in ward 2, in the city of Charleston, County of Charleston, and State of South Carolina.

Measuring and containing in front on Chisolm Street 100 feet, and the same on the west or back line, and in depth on the northernmost line from east to west 150 feet and ½ inch, and the same on the southenmost line—be all the said dimensions a little more or less.

Butting and bounding to the north on lands now of Anderson Lumber Company, formerly of Mrs. E.C. Rennecker; east on Chisolm Street aforesaid; south on part of the original tract of land owned by the said A.B. Murray and West Point Mills Company, now reserved by the said grantors, and west on another part of the said original tract, formerly belonging to the said A.B. Murray and West Point Mills Company, and conveyed by them to the United States of America.

The said lot of land hereby conveyed being the northernmost portion of that portion of the Chisolm's Mills Property, reserved by the A.B. Murray and West Point Mills Company after conveyance of the greater part of the said Chisolm's Mills property to the United States of America, by Deeds which are recorded and may be seen in book U-24, page 582 and page 585 in the R.M.C. Office for Charleston County, and all of which is more fully shown and delineated on a plat of the said Chisolm's Mills Property, dated April 23, 1914, and made and certified to by H.D. King, Inspector, United States Light House Department, which said plat is on record in plat book C, page 97, in the R.M.C. Office for Charleston County.

Being the same premises which were conveyed to the United States of America by deed of Andrew B. Murray dated October 23, 1916, and recorded in the Office of the R.M.C. for Charleston County in book U-24, page 587, and by deed of West Point Mill Company, dated November 20, 1916, and recorded in said office in book U-24, page 589.

Senate amendment No. 150: Page 51, after line 23, insert:

SEC. 629. NEW COLLEGE OF CALIFORNIA, INC.

(a) RELEASE OF REVERSIONARY INTEREST.—Notwithstanding any other provision of law, the Secretary of Education shall convey, without consideration, to the New College of California, Inc., a deed releasing the reversionary interest held by the United States to the property described in subsection (b).

(b) PROPERTY DESCRIPTION.—For the purpose of subsection (a), the property, sometimes known as 50 Fell Street, is described as: A parcel of land situated in the City and County of San Francisco, State of California, said parcel being described in the Judgment on Declaration of Taking entered 11 March 1946 in Civil Action No. 25791 in the District Court of the United States in and for the Northern District of California, Southern Division, which was filed March 22, 1946, in the Office of the Recorder, City and County of San Francisco, California. Beginning at a point on the northerly line of Fell Street distant therefrom 100 feet easterly from the easterly line of Van Ness Avenue and running thence easterly along said line of Fell Street 109 feet; thence at a right angle northerly 120 feet; thence at a right angle westerly 109 feet; thence at a right angle southerly 120 feet to the Point of Beginning, being a portion of Western Addition, Block No. 69, and known on the assessor's map as Lot 10, Block 814, City and County of San Francisco, California, containing 0.30 acres more or less. Improvements: One L-shaped Spanish-type building containing 27,020 square feet more or less.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendments of the Senate numbered 1, 13, 20, 22, 23, 32, 33, 34, 35, 36, 46, 48, 50, 51, 60, 68, 83, 88, 89, 106, 112, 113, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, and 150, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 7: Page 5, line, 15, strike out "$189,195,000" and insert "$228,968,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 7, and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: "$231,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 6, line 8, after "Director;" insert "for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty;".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"For payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty: *Provided*, That notwithstanding the provision of title 31, United States Code section 1342, the Bureau of Alcohol, Tobacco, and Firearms is authorized to accept, receive, hold, and administer gifts of services and personal property for hosting the General Assembly of the International Office of Vine and Wine [OIV] in the United States in 1993. The Bureau of Alcohol, Tobacco, and Firearms is authorized to use otherwise available funds from the appropriations to the Bureau for fiscal years 1992 and 1993, as necessary, to pay the expenses of hosting, including reception, representation, and transportation expenses. The Bureau of Alcohol, Tobacco, and Firearms' authority shall continue until all expenses for the General Assembly meeting have been paid or otherwise satisfied: *Provided further*, That".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California, [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore (Mr. STUDDS). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 9, line 17, strike out "$109,432,000" and insert "$176,932,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 24, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following:

"$175,932,000, of which $14,500,000 shall not be obligated prior to September 30, 1992".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 25: Page 9, after line 21, insert:

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities construction, improvements, and related expenses of the United States Customs Service Air Interdiction Program, $26,600,000, to remain available until expended.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 25, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$12,100,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 11, line 14, strike out "$144,503,000" and insert "$141,653,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 27, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$141,372,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 12, line 14, strike out "$3,606,124,000" and insert "$3,582,485,000, of which not less than $292,248,000 and 4,293 full-time equivalent positions shall be available for Tax Fraud Investigations during fiscal year 1992: *Provided*, That such sums and positions for Tax Fraud Investigations shall be in addition to such sums and positions funded by transfer from the Special Forfeiture Fund of the Office of National Drug Control Policy".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$3,579,879,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 31: Page 13, line 13, after "projects" insert ": *Provided*, That of the $427,323,000 provided for tax systems modernization, up to $15,000,000 may be available until expended for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 31, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

": *Provided*, That of the $427,323,000 provided for tax systems modernization up to $15,000,000 may be available until expended for the establishment of a federally-funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization: *Provided further*, That of the amounts authorized to remain available until expended, $97,000,000, shall not be obligated prior to September 30, 1992".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 38: Page 14, after line 22, insert:

SEC. 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that amendments Nos. 39, 92, 93, 94, 95, 96, 97, 98, 99, 101, 115, 119, 121, 122, 123, and 154 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The texts of the amendments enumerated in the foregoing unanimous consent request are as follows:

Senate amendment No. 39: Page 14, after line 22, insert:

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

Senate amendment No. 92: Page 33, after line 25, insert:

SEC. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

Senate amendment No. 93: Page 33, after line 25, insert:

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

Senate amendment No. 94: Page 33, after line 25, insert:

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

Senate amendment No. 95: Page 33, after line 25, insert:

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1992 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

Senate amendment No. 96: Page 33, after line 25, insert:

SEC. 5. (a) Notwithstanding any other provision of law, agencies are hereafter authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) and are to be deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a).

Senate amendment No. 97: Page 33, after line 25, insert:

SEC. 6. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

Senate amendment No. 98: Page 33, after line 25, insert:

SEC. 7. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

Senate amendment No. 99: Page 33, after line 25, insert:

SEC. 8. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

Senate amendment No. 101: Page 33, after line 25, insert:

SEC. 10. The Administrator of General Services shall submit to the Congress no later than September 30, 1992, an inventory of all the real property in Hawaii that is owned or controlled by any agency of the Federal Government, including the United States Department of Defense: *Provided*, That the Administrator of General Services shall submit an interim report no later than June 1, 1992 and shall compile all information including that received from the United States Department of Defense: *Provided further*, That the State of Hawaii shall cooperate to the fullest extent in the preparation of the inventory: *Provided further*, That the inventory shall identify and include: (1) ceded lands—title vested in the then territory of Hawaii, and nonceded territorial lands, title vested in the then territory of Hawaii; (2) ceded lands, title vested in the United States, but controlled and used by the then territory of Hawaii; (3) ceded lands formally setaside by Presidential executive orders for use by the United States Government; (4) then territorial lands formally set aside by gubernatorial executives orders for use by the United States Government; (5) ceded lands under the control of the then territory of Hawaii, but used by the United States Government under permits and licenses; (6) nonceded lands and private lands acquired and used by the United States Government: *Provided further*, That for each property identified, the inventory shall provide: (1) an explanation of how the land was acquired, including the date of acquisition, the history and the current status of the title, an identification of all current encumbrances and leases, the expiration date of all leases, contracts and other agreements, and a record of the ceded lease fee or any other sums paid for the use of or title to the land: (2) the identity of past and present Federal users of the land, and a description of past and current use specifying which United States Government agency or department of the military has control of the property; (3) the obligations of the controlling United States Government agency or department of the military for the management and maintenance of the land.

Senate amendment No. 115: Page 48, after line 8, insert:

SEC. 523. (a)(1) In the cases of all appropriations accounts within this Act, with the exception of the Committee for Purchase from the Blind and Other Severely Handicapped, salaries and expenses, from which expenses for travel, transportation, and subsistence (including per diem allowances) are paid under chapter 57 of title 5, United States Code, there are hereby prohibited to be obligated under such accounts in fiscal year 1992 a uniform percentage of such amounts, as determined by the President in accordance with the provisions of paragraph (2), as, but for this subsection, would—

(A) be available for obligation in such accounts as of October 1, 1991,

(B) be planned to be obligated for such expenses after such date during fiscal year 1992, and

(C) result in total outlays of $15,733,000 in fiscal year 1992.

(2) Before making determinations under paragraph (1), the President shall obtain from the Director of the Office of Management and Budget and the Comptroller General of the United States recommendations for determinations with respect to (A) the identification of the accounts affected, (B) the amount in each such account available as of such date for obligation, (C) the amounts planned to be obligated for such expenses after such date in fiscal year 1992, and (D) the uniform percentage by which such amounts need to be reduced in order to comply with paragraph (1).

(b) Within 30 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report specifying the determinations of the President under subsection (a).

Senate amendment No. 119: Page 50, after line 11, insert:

SEC. 527. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

Senate amendment No. 121: Page 50, after line 11 Insert:

SEC. 529. None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

Senate amendment No. 122: Page 50, after line 11, insert:

SEC. 530. Section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended—

(1) in the first sentence by inserting "or at an airport facility used for travel en route to or from such property" after "Public Law 94-524,";

(2) in the fourth sentence by inserting after "$300,000", "at the one nongovernmental property, and $70,000 at the airport facility,"; and

(3) by adding at the end thereof the following after "Governments": ": Provided further, That the airport facility is wholly or partially located in a municipality or political subdivision of any State where the permanent resident population is 7,000 or less, the airport is located within 25 nautical miles of the designated nongovernmental property, and where the absence of such Federal assistance would place an undue economic burden on the affected State and local governments".

Senate amendment No. 123: Page 50, after line 11, insert:

SEC. 531. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefore in the budget estimates submitted for the appropriations without the advance approval of the House and Senate Committees on Appropriations: Provided, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

Senate amendment No. 154: Page 51, after line 23, insert:

SEC. 633. (1) Pursuant to its authority under section 994 of title 28, United States Code, the Sentencing Commission shall promulgate guidelines, or amend existing or propose guidelines as follows:

(A) Guideline 2G2.2 to provide a base offense level of not less than 15 and to provide at least a 5 level increase for offenders who have engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

(B) Guideline 2G2.4 to provide that such guideline shall apply only to offense conduct that involves the simple possession of materials proscribed by chapter 110 of title 18, United States Code and guideline 2G2.2 to provide that such guideline shall apply to offense conduct that involves receipt or trafficking (including, but not limited to transportation, distribution, or shipping).

(C) Guideline 2G2.4 to provide a base offense level of not less than 13, and to provide at least a 2 level increase for possessing 10 or more books, magazines, periodicals, films, video tapes or other items containing a visual depiction involving the sexual exploitation of a minor.

(D) Section 2G3.1 to provide a base offense level of not less than 10.

(2)(A) Notwithstanding any other provision of law, the Sentencing Commission shall promulgate the amendments mandated in subsection (1) by November 1, 1991, or within 30 days after enactment, whichever is later. The amendments to the guidelines promulgated under subsection (1) shall take effect November 1, 1991, or 30 days after enactment, and shall supercede any amendment to the contrary contained in the amendments to the sentencing guidelines submitted to the Congress by the Sentencing Commission on or about May 1, 1991.

(B) The provisions of section 944(x) of title 28, United States Code, shall not apply to the promulgation or amendment of guidelines under this section.

MOTION OFFERED BY MR. ROYBAL

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendments numbered 39, 92, 93, 94, 95, 96, 97, 98, 99, 101, 115, 119, 121, 122, 123, and 154 and concur therein with amendments.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 40: Page 14, after line 22, insert:

SEC. 103. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 104. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

SEC. 105. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. No such transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 106. Notwithstanding any other provision of this Act, the amount appropriated to the United States Mint for salaries and expenses is $52,450,000.

SEC. 107. Notwithstanding any other provision of this Act, the amount appropriated to the Internal Revenue Service for Processing Tax Returns and Assistance is $1,657,944,000.

Mr. WOLF. (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 43: Page 15, line 7, strike out [$649,301,000] and insert:

$383,000,000: *Provided*, That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (i) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (ii) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": *Provided further*, That section 362(a)(2) of title 39, United States Code, is amended to read as follows:

"(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer, as the case may be: *Provided, however*, That with respect to mail under former sections 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules." : *Provided further*, That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, "Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,"; *Provided further*, That second-class in-county preferred mail shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992: *Provided further*, That third-class non-profit mail rates in effect on the date of enactment of this Act, with the exception of pieces other than letter shape not increase during fiscal year 1992 as a result of this appropriation and the United States Postal Service Board of Governors are instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation against future year appropriations requests: *Provided further*, That notwithstanding the provisions of section 3624(c) and 3641(a) of title 39, United States Code, the Postal Service, in any proceeding it initiates under section 3622(a) of title 39, United States Code, for the sole purpose of increasing rates for third-class nonprofit mail other than letter shape, may place temporary rate changes into effect, as provided in the last sentence of section 3641(a) of title 39, upon such date as it may determine but in no case, less than 20 days following the filing of its request with the Postal Rate Commission

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 43, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

$470,000,000: *Provided*, That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (i) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (ii) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": *Provided further*, That section 3626(a)(2) of title 39, United States Code, is amended to read as follows:

"(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer, as the case may be: *Provided, however*, That with respect to mail under former section 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules."

: *Provided further*, That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, "Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,": *Provided further*, That notwithstanding the provisions of section 3627 of title 39, United States Code, (1) the rates for free and reduced rate mail under section 3626 of title 39, United States Code, with the exception of the rates for third-class pieces other than letter shape, shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992; (2) the rates for reduced rate third-class pieces other than letter shape shall be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible one-half the difference between the sum requested for fiscal year 1992 in respect of mail under former sections 4452(b) and 4452(c) of this title as calculated under section 2401(c)(ii) of title 39, and the sum that would be requested for fiscal year 1992 in respect of such mail if paragraph (ii) of section 2401(c) had not been enacted not to exceed 2.2 cents per piece; and (3) the Postal Service is instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation or the requirements of this provision against future year appropriations request: *Provided further*, That pursuant to section 3627 of title 39, United States Code, the rates for reduced rate third-class pieces other than letter shape shall be adjusted to increase the revenues received from the users of such mail, but in no case in less than 20 days following the date of enactment of this Act: *Provided*

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 52: Page 18, line 18, after "$235,000" insert ": *Provided*, That such funds shall only be used in support of work undertaken in collaboration and in close cooperation with the National Security Council, as authorized by Public Law 98-373: *Provided further*, That in the performance of this requirement, the Council shall carry out only those responsibilities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimburseable basis".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 52, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Provided, That the Council shall carry out only those responsibilities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 53: Page 19, line 5, strike out "$50,470,000" and insert "$53,434,000, of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further*, That none of the funds made available by this or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcohol beverage and tobacco industries below fiscal year 1985 levels: *Provided further*, That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 105, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings, or forms promulgated thereunder".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 53, and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment insert the following: "$51,934,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 55: Page 19, lines 21 and 22, strike out "of which $1,000,000 shall support the Counternarcotics Technology Assessment Center" and insert "of which $500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which $10,000,000 shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development activities".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 55, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "of which $500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which $1,000,000 shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development activities".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 19, line 25, strike out "$50,000,000" and insert "$85,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 56, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$86,000,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 57: Page 20, line 3, strike out all after "Areas" down to and including "1992" in line 6 and insert ": *Provided*, That of the $85,000,000 made available, up to $50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act for implementing the approved strategy for each high intensity drug trafficking area and shall be obligated by the end of fiscal year 1992: *Provided further*, That not less than $35,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: *Provided further*, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: *Provided further*, That notwithstanding any other provision of law, the Department of the Treasury is authorized to transfer funds to other Federal, State, and local drug control agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 57, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That of the $86,000,000 made available, up to $50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act for implementing the approved strategy for each High Intensity Drug Trafficking Area and shall be obligated by the end of fiscal year 1992: *Provided further*, That not less than $36,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: *Provided further*, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: *Provided further*, That notwithstanding any other provision of law, The Department of the Treasury is authorized to transfer funds to other Federal, State, and local drug control agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 58: Page 20, line 10, strike out "$77,000,000" and insert "$67,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 58, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$52,500,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 59: Page 20, line 11, strike out all after "Fund;" down to and including "expenses" in line 20, and insert "of which $10,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration's Office of Substance Abuse Prevention for implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities; of which $10,000,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 100 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: *Provided*, That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which $5,000,000 shall be transferred to the United States Secret Service for the hiring, equipping and training of an additional 32 full-time equivalent special agents and 22 full-time equivalent support and administrative positions for West African counter-drug task forces; of which $28,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, of the hiring, equipping, and training of an additional 200 full-time equivalent special agents and 100 full-time equivalent support and administrative positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which $14,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities, to remain available until expended".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 59, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "of which $19,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: *Provided*, That $10,000,000 shall be available to the Office of Substance Abuse Prevention for the implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities: *Provided further*, That $9,000,000 shall be made available to the Office of Treatment Improvement for drug treatment capacity expansion; of which $7,500,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 75 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: *Provided*, That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which $6,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, for the hiring, equipping, and training of additional special agents and administrative and support positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which $20,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities and for substance abuse addiction and rehabilitation research to remain available until expended: *Provided further*, That any unobligated balances remaining in the Fund at the end of the third quarter of fiscal year 1992 in excess of $131,125,000, shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists; expanding drug treatment capacity, drug abuse treatment, and treatment-related activities; and shall also be transferred to the Department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 62: Page 22, line 10, before "The" insert "For additional expenses necessary to carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $301,000,000 to be deposited into said Fund.".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 62, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert the following: "$271,000,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 65: Page 23, line 9, strike out "$4,131,346,000" and insert "$4,037,836,276".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 65, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$4,152,613,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 66: Page 23, line 10, strike out "$371,416,000" and insert "$385,104,276".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 66, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$548,482,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 67: Page 23, strike out all after line 14 over to and including line 7 on page 25, and insert:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation, $11,047,000

Florida:

Fort Myers, Federal Building and United States Courthouse, $977,000

Tallahassee, U.S. Courthouse Annex, $3,764,000

Georgia:

Albany, U.S. Courthouse, design, $921,000

Augusta, U.S. Courthouse, $3,500,000

Kansas:

Wichita, U.S. Courthouse, $9,968,400

Maine:

Portland, Edward T. Gignoux U.S. Courthouse, $10,575,000

Maryland:

Food and Drug Administration, consolidation, site acquisition, planning and design, $200,000,000

Massachusetts:

Boston, Thomas P. O'Neill Federal Building, claim, $3,100,000

Missouri:

St. Louis, Federal Building and U.S. Courthouse, $30,000,000

Nevada:

Reno, C. Clifton Young Federal Building U.S. Courthouse Annex, design and site acquisition, $6,321,000

New York:

Brooklyn, U.S. Courthouse, $10,000,000

North Carolina:

Asheville, Grove Arcade Federal Building, $29,790,876

Tennessee:

Knoxville, U.S. Courthouse—Post Office, $36,616,000

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse Annex, $8,524,000

West Virginia:

Beckley Federal Building and U.S. Courthouse, $25,000,000

Nonprospectus Construction Projects, $5,000,000

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 67, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation $11,047,000

Orange County, Courthouse, $250,000

District of Columbia:

U.S. Secret Service (consolidation), $4,400,000

Florida:

Fort Myers, Federal Building and United States Courthouse, $977,000

Tallahassee, U.S. Courthouse Annex, $3,764,000

Georgia:

Albany, U.S. Courthouse, design, $921,000

Atlanta, Centers for Disease Control, $5,000,000

Augusta, U.S. Courthouse, $3,500,000

Indiana:

Hammond, Courthouse and Federal Building, $5,000,000

Kansas:

Wichita, U.S. Courthouse, $9,968,400

Maine:

Portland, Edward T. Gignoux U.S. Courthouse, $10,575,000

Maryland:

Bureau of the Census, Computer Center, planning and design, $2,700,000

Montgomery and Prince Georges Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $200,000,000

Prince Georges County, U.S. Courthouse, $10,747,000

Massachusetts:

Boston, Thomas P. O'Neill Federal Building, claim, $3,100,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $19,000,000

Missouri:

St. Louis, Federal Building and U.S. Courthouse, $30,000,000

Nevada:

Reno, C. Clifton Young Federal Building, United States Courthouse Annex, design and site acquisition, $6,321,000

New York:

Brooklyn, U.S. Courthouse, $10,000,000

North Carolina:

Asheville, U.S. Courthouse and Federal Building, $29,791,000

Tennessee:

Knoxville, U.S. Courthouse-Post Office $36,616,000

United States Virgin Islands:

Charlotte Amalie, Saint Thomas, U.S. Courthouse Annex, $8,524,000

West Virginia:

Beckley, Federal Building and U.S. Courthouse, $25,000,000

Nonprospectus Construction Projects, $5,000,000

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 25, strike out lines 8 to 15, and insert ": *Provided further*, That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101–509, dated November 5, 1990 is hereby deferred and shall be available for obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed $569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 69, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: ": *Provided further*, That the General Services Administration shall reprogram up to $16,200,000 to supplement funds previously authorized and appropriated for the National Oceanographic and Atmospheric Administration laboratory, Boulder, Colorado, subject to the approval of the House and Senate Committees on Appropriations according to existing reprogramming procedures: *Provided further*, That such funds will be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further*, That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101–509, dated November 5, 1990 is hereby deferred and shall be available for obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed $569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 71: Page 28, line 20, strike out "$266,331,000:" and insert '$270,000,000: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 71, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$266,331,000: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date;".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 80: Page 29, line 3, strike out "$143,072,000" and insert "$114,874,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 80, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$112,273,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL]

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 81: Page 29, line 5, after "expended" insert ": *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the Albany, Georgia, U.S. Courthouse; the Augusta, Georgia, U.S. Courthouse; the Wichita, Kansas, U.S. Courthouse; the Portland, Maine, Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada, C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina, Grove Arcade Federal Building; the Knoxville, Tennessee, U.S. Courthouse—Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building, shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 81, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration, shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the Albany, Georgia, U.S. Courthouse; the August, Georgia, U.S. Courthouse; the Wichita, Kansas, U.S. Courthouse; the Portland, Maine, Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada, C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina, U.S. Courthouse and Federal Building; the Knoxville, Tennessee, U.S. Courthouse-Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building; the Atlanta, Georgia, Centers for Disease Control Building; the Orange County, California, U.S. Courthouse; the Worcester, Massachusetts, Harold D. Donahue Federal Building and U.S. Courthouse; the Hammond, Indiana, Courthouse and Federal Building; the Brooklyn, New York, U.S. Courthouse; and the Maryland, U.S. Census Bureau Computer Center; the District of Columbia, U.S. Secret Service consolidation shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)), and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 84: Page 29, line 9, strike out "$4,131,346,000" and insert "$4,037,836,276".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 84, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$4,152,613,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 87: Page 32, line 11, strike out "$31,421,000" and insert "$30,431,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 87, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$31,155,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 91: Page 33, strike out lines 18 to 25.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Roybal moves that the House recede from its disagreement to the amendment of the Senate numbered 91, and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

Sec. 2. The Administrator of the General Services Administration (GSA) is authorized to accept property from the State of Maryland at no cost for the purpose of constructing a computer facility for the Bureau of the Census and to begin preliminary design work on such a facility. GSA and the Office of Management and Budget are directed to submit to the appropriate authorizing and appropriations committees of the Congress an evaluation of need and a prospectus for this project no later than January 31, 1992.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Roybal].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 33, after line 25, insert:

Sec. 9. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collections, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Roybal moves that the House recede from its disagreement to the amendment of the Senate numbered 100, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collection, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Roybal].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 102: Page 33, after line 25, insert:

Sec. 11. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Roybal moves that the House recede from its disagreement to the amendment of the Senate numbered 102, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 13. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal Building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

Sec. 14. The Center and Federal Building located at 255 East Temple Street in Los Angeles, California, is hereby designated as the "Edward R. Roybal Center and Federal Building". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "Edward R. Roybal Center and Federal Building".

Sec. 15. Notwithstanding any other provision of law, where funds have been made available to the General Services Administration in the real property operations activity of the Federal Buildings Fund in fiscal year 1992, not to exceed $7,00,000, for expenses related to relocation of a specific agency as authorized by this Act, such agency is hereby authorized and required to reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1993.

Sec. 16. After certification by the City of Des Moines, Iowa (the City), that the YMCA of Greater Des Moines (YMCA) will serve significant educational purposes, including educational requirements of the City, the Secretary of Education (the Secretary) is authorized to consider the YMCA as an educational institution or organization for the purposes of section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. section 484(k)), with respect to use by the YMCA of a portion, to be designated by the City, of the Land conveyed to the City by the United States pursuant to section 203(k) on or about November 6, 1972. Upon joint application by the YMCA and the City, the Secretary, acting in accordance with section 203(k) and regulations related thereto, shall promptly consider, and is authorized to approve, a lease by the City to the YMCA of the above property designated by the City, subject to such terms and conditions as the Secretary shall deem necessary to protect or advance the interests of the United States.

Sec. 17. Notwithstanding any other provision of law, funds previously provided under this heading in P.L. 101–136, for a grant to the County of Los Angeles, California, shall be provided directly to the City of Long Beach, California, for construction of a parking facility and the City will assume the role of grantee and all the responsibilities attendant therewith: Provided, That the City of Long Beach, California, shall provide to the GSA, without cost, 250 parking spaces for a period of 99 years, in a parking facility to be constructed: Provided further, That Section 16, GSA General Provisions, P.L. 101–136, is hereby repealed:

Sec. 18. Notwithstanding any other provisions of this Act the limitation on the real property operations activity of the Federal Buildings Fund of the General Services Administration is $1,071,372,000.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Roybal].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 110: Page 35, line 12, after "Management" insert ", as determined by the Inspector General".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Roybal moves that the House recede from its disagreement to the amendment of the Senate numbered 110, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ", as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 118: Page 50, strike out lines 3 to 11.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 118, and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 528. The provisions of section 515 shall not apply after October 1, 1991.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 120: Page 50, after line 11, insert:

SEC. 528. (a) None of the funds appropriated by this or any other Act for activities of the Department of the Treasury enacted before December 31, 1995, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, may be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to an employment position outside such region, or to accompany an employment position outside such region, pursuant to a transfer of the operations or functions of the Bureau to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply if, after the date of enactment of this Act, the Department of the Treasury has established a program under which an individual referred to in subsection (a) has been provided—

(1) outplacement services, including employment counseling assistance, employment referral assistance, and assistance in the preparation of employment applications or resumes;

(2) notification of existing vacancies in employment positions in other departments and agencies of the Federal Government within the Washington Metropolitan region, which positions have a status and pay similar to that of the position held by the individual at the Bureau of the Public Debt;

(3) in the case of an individual who seeks employment in a position referred to in clause (2), such training as the Secretary of the Treasury determines is necessary to qualify such individual for employment in the position; and

(4) any other assistance and training that the Secretary determines to be necessary or advisable.

(c)(1) Any individual referred to in subsection (b) who, within five years after the date of enactment of this Act, submits an application for employment in a position of employment in a department or agency of the Federal Government for which the individual is qualified shall be given preference over similarly qualified applicants for the position.

(2) The Secretary of the Treasury shall take such actions as are necessary to notify the individuals referred to in subsection (b) and the relevant officers of the departments and agencies of the Federal Government of the entitlement referred to in paragraph (1).

(d) Notwithstanding any other provision of law, if any vacancy arises in a position of employment at the Bureau of the Public Debt in the Washington Metropolitan Region during the period referred to in subsection (c)(1), the Secretary of the Treasury shall make such position available to any individual referred to in subsection (b) who is qualified to perform the duties of the position.

MOTION OFFERED BY MR ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 120, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 530. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991 to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in Subsection (a) shall commence on or before September 30, 1992, and shall be complete by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

SEC. 531. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to an individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 128: Page 51, after line 23, insert:

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Loatian refugees paroled in the United States after January 1, 1975: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 128, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Loatian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 148: Page 51, after line 23, insert:

SEC. 627. Section 4521 of chapter 45, title 5, United States Code, is amended by deleting "5949(a)." at the end of the sentence and inserting in lieu thereof, "section 402 and section 405(b) of this Act."

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 148, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. **627.** Section 4521 of title 5, United States Code, is amended to read as follows:

"Section 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) A law enforcement officer within the meaning of section 8331(20) or section 8401(17) and to whom the provisions of chapter 51 apply;

"(2) A member of the United States Secret Service Uniformed Division;

"(3) A member of the United States Park Police;

"(4) A special agent in the Diplomatic Security Service;

"(5) A probation officer (referred to in section 3672 of title 18); and

"(6) A pretrial services officer (referred to in section 3153 of title 18).".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 151: Page 51, after line 23, insert:

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona, to new quarters in Florence, Arizona.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 151, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona, to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 152: Page 51, after line 23, insert:

SEC. 631. The General Accounting Office shall conduct a study of the manner in which the Internal Revenue Service's small defined benefit plans actuarial audit program is being conducted: *Provided*, That the General Accounting Office shall report to the Congress within 45 days on the results thereof.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 152, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 631. Notwithstanding any other provision of law, sick leave provided by section 6307 of Title 5, United States Code, may be approved for purposes related to the adoption of a child in order to test the feasibility of this concept during fiscal year 1992.

SEC. 632. Notwithstanding any other provision of law, the Administrator of the Office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials" and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incorporated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

POINT OF ORDER

Mr. ACKERMAN. Mr. Speaker, I have a point of order against the amendment offered by the gentleman from California [Mr. ROYBAL].

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ROYBAL. Mr. Speaker, I yield the point of order.

The SPEAKER pro tempore. The Chair would appreciate the gentleman's allowing the point of order to be stated.

The gentleman from New York [Mr. ACKERMAN] will be heard on his point of order.

Mr. ACKERMAN. Mr. Speaker, I raise a point of order against the amendment on the ground that the amendment is nongermane to Senate amendment numbered 152. The Senate amendment required the General Accounting Office to conduct a study of a certain IRS program. The amendment of the gentleman from California authorizes the use of sick leave by Federal employees for purposes related to the adoption of a child and clarifies a Federal acquisition regulation with respect to the Buy America Act. The gentleman's amendment clearly is unrelated to Senate amendment numbered 152.

Mr. WOLF. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The gentleman may be heard on the point of order.

Mr. WOLF. Mr. Speaker, the purpose of this amendment is to enable moms, and dads, and parents who work for the Federal Government to be able to use their sick leave. If one works for the Federal Government, and they are going to have a child, they can use their sick leave, and I just wanted the gentleman from New York [Mr. ACKERMAN] to know. Maybe he can share something with me. We did write and tell him that was in the bill, and I understand his right to object, but will there be a chance that we may move this legislation before the end of this Congress, and, if so, would there be an opportunity for a retroactivity clause because I know there are some in the process that are trying to adopt?

Mr. ACKERMAN. Mr. Speaker, if the gentleman did indeed write to tell us that this would be a provision, I must advise the gentleman that certainly we are in receipt of no such document. As the gentleman knows, we are fully aware and cognizant of the intent and have on this floor not too many months ago raised the point of order to this provision as it was legislating on an appropriations bill on June 17, if recollection serves me well. The gentleman then extracted a concession from me on the floor. I gave my word that I was supportive of it, told him that I would put it together with an amendment that I also objected to that was offered by a Member from this side, that I would expeditiously put together a bill, which I have, and the gentleman is aware of it because he is a cosponsor, and that we would be holding hearings on that bill, and that we will get it to the floor as quickly as possible. The gentleman agreed at that time to handle it in that fashion.

What has happened in the interim, Mr. Speaker, kind of puzzles me and boggles my mind in that suddenly a piece of legislation, certainly not germane to the House legislation because it was not part of our bill, not germane in the Senate because it was not a part of their original bill, suddenly is on the conference upon which the gentleman is the ranking minority member, suddenly appears in the document much to my surprise. We have been waiting to hold a hearing, and perhaps the gentleman could be influential with the administration in that they have not provided and I have asked until November to supply information on this.

So, could the gentleman be helpful on that?

Mr. WOLF. Mr. Speaker, I would do that, and, if I may, I will tell the gentleman two other things.

Mr. Speaker, my staff called his staff, talked to his staff. Second, we sent a letter, and I will make sure he gets a copy. It was signed the other day, and I put a note on it. It did not go to the gentleman's office, but we will find it for him. I understand this was such a popular program that all the countries want it, and the concern was it was expiring at the end of the fiscal year.

But I take the gentleman from New York [Mr. ACKERMAN] at his word. If we could make it retroactive for those who are in the process of adopting, that will be helpful.

□ 1700

I will call the administration and get the report for you.

Mr. ACKERMAN. Mr. Speaker, we would like to see the cooperation of the administration. We would very much like to see the letter. Our staff has no recollection, and was very surprised. I called them on the floor when I was notified that would be brought up.

Mr. ROYBAL. Mr. Speaker, the point of order made by the gentleman from New York [Mr. ACKERMAN] is well taken, and I concede the point of order.

The SPEAKER pro tempore (Mr. STUDDS). The point of order is conceded and sustained.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the senate numbered 152, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 632. Notwithstanding any other provision of law, the Administrator of the office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials," and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incorporated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. ACKERMAN. Mr. Speaker, reserving the right to object, I would just like to elicit from the gentleman from California [Mr. ROYBAL] what he is attempting to do here.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, I believe this is a separate amendment that has nothing to do with the subject matter that is before us. If that is correct, then I think we have to proceed with the conference as originally intended.

Mr. ACKERMAN. Mr. Speaker, the explanation of the chairman is certainly more than satisfactory.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 155: Page 53, after line 7, insert:

SEC. 634. (a) Notwithstanding any other provision of law, a State shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary that such State has in effect regulations, or has enacted legislation, to adopt the guidelines issued by the Centers for Disease Control concerning recommendations for preventing the transmission, by health care professionals, of the human immunodeficiency virus and the hepatitis B virus to patients during exposure prone invasive procedures. Such regulations or legislation shall apply to health professionals practicing within the State and shall be consistent with Centers for Disease Control guidelines and Federal law. Failure to comply with such guidelines, except in emergency situations when the patient's life is in danger, by a health care professional shall be considered as the basis for disciplinary action by the appropriate State licensing agent.

(b) Except as provided in subsection (c), if a State does not provide the certification required under subsection (a) within the 1-year period described in such subsection, such State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided.

(c) The Secretary of Health and Human Services shall extend the time period described in subsection (a) for a State if—

(1) the State has determined not to promulgate regulations to adopt the guidelines referred to in subsection (a), and

(2) the State legislature of such State meets on a biennial basis and has not met within the 1-year period beginning on the date of enactment of this Act.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 155, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 634. Notwithstanding any other provision of law, each State Public Health Official shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that guidelines issued by the Centers for Disease Control, or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State guidelines shall apply to health professionals practicing within the State and shall be consistent with federal law. Compliance with such guidelines shall be the responsibility of the State Public Health Official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If such certification is not provided under this section within the one-year period, the State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided, except that the Secretary may extend the time period for a State, upon application of such State, that additional time is required for instituting said guidelines.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on the conference report on H.R. 2622 just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PRIVILEGES OF THE HOUSE—OPERATION OF HOUSE BANK

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 236) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 236

Whereas, Audits by the General Accounting office have raised questions concerning the operation of the Bank in the office of the Sergeant-at-Arms, therefore be it

Resolved, That as soon as practicable but no later than December 31, 1991, the Office of Sergeant-at-Arms shall cease all bank and check cashing operations, be it further

Resolved, That the House of Representatives directs the General Accounting Office to provide to the House Committee on Standards of Official Conduct copies of the two most recent audits of the Sergeant-at-Arms Bank and the supporting work papers, be it further

Resolved, That the Committee on Standards of Official Conduct, or a subcommittee of the Committee designated by the Committee and appointed by the Chairman and ranking Minority Member are hereby instructed to review those audits, and the operation of the Sergeant-at-Arms Bank for the period of time covered by those audits through the present and to determine whether the operation of the Bank or the use of the Bank facilities by Members, Officers, employees, or other individuals presents questions of potential violation of the Rules of the House or any other applicable standards of conduct. In making this determination, the committee should consider:

(1) Whether Members, Officers, employees, or others abused the banking privileges by routinely and repeatedly writing checks for which their accounts did not have, by a significant amount, sufficient funds on deposit to cover;

(2) The Bank's practices with respect to nonaccount holders or checks not written on House Bank accounts transacted at the Bank's facilities; and

(3) The general operation and management of the bank by the Sergeant-at-Arms and his employees.

If in reviewing the audits and practices of the bank the Committee determines that any individual Member's, Officer's or employee's conduct constituted a possible violation of the rules of the House or any other applicable standard of conduct should consider the initiation of an inquiry respecting that Member, Officer or employee, if appropriate.

Mr. GEPHARDT (during the reading). Mr. Speaker, I ask unanimous consent that the privileged resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The resolution states a question of privilege. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour.

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with the cooperation and assistance of the distinguished minority leader, Mr. MICHEL, I am offering a resolution today that speaks to the issue that has unfortunately but understandably hung over this institution for about 2 weeks. It is an issue that has humbled us, and I hope made us wiser. It is an issue that calls for action, and today we respond.

Simply and directly, our resolution calls for the closing of the House Bank. It ensures that Members of Congress do their banking as their constituents do. And it begins an inquiry by the Committee on Standards of Official Conduct that could lead to disciplinary action against Members or other individuals. The resolution says we are going to take responsibility: Close the bank, reform the system, and demand accountability.

I appreciate, as all Members do, the public reaction to this regrettable episode. But I think the public needs also to appreciate our reaction. Both Democrats and Republicans want this practice stopped. And, if the body approves the resolution, we will be doing exactly that. The public should also be aware that no taxpayer funds were used to cover insufficiencies. The funds of other Members of Congress were employed to that end. Those are the facts, but the facts are enough for us to take further action.

Let me review the content of the resolution section by section. The first resolved clause ends the operation of the bank. As Members can appreciate, since there are individuals financial transactions presently being processed by the bank, the bank is committed to engage in closedown operations until the end of this calendar year, or as soon as the bank can be practicably closed.

In the interim, the bank will be in communication with all Members to work out arrangements to transfer the Member's banking to federally regulated financial institutions of their choice. This will ensure that Members are treated in precisely the same fashion as all other Americans.

The second resolved clause simply directs the GAO to provide the relevant documents to the House Committee on Standards of Official Conduct.

The last resolved clause instructs the committee to conduct a thorough review of those audits and the operation of the Sergeant-at-Arms bank. Specifically, the committee is being instructed to determine whether Members, officers, employees, or others abused the banking privileges extended by the House in an intentional and knowing manner by consistently writing checks on accounts in which there were insufficient funds.

Only in those instances will the Standards Committee be asked to look at the conduct of individual Members.

Let me explain what I mean. We do not presume that any Members' conduct is such that an ethics inquiry is warranted.

What we know is that it is appropriate to change the way the House extends banking services to its membership and to review the results of the audits done by the General Accounting Office. It may be that when it concludes its review of the audits the Standards Committee may determine in its discretion to review the conduct of one or more individuals.

What we are talking about is not the inadvertent or occasional instance in which a Member, like anyone else, may have caused a check to be presented on an account with insufficient funds. In those instances, the question that has been raised was whether Members were being treated in a manner that other citizens were not.

Specifically, the question was raised as to why no nominal fee was being assessed against the Member's account. That practice has been ended, today and for all time, by the interim steps ordered by the Speaker of the House last month, and by our termination of the banking services of the Sergeant-at-Arms effected by this resolution.

Rather, what the resolution calls upon the Standards Committee to look at is whether any Member, officer, or employee, was so abusive in using the bank that their conduct should be considered a violation of the Rules of the House or any other applicable standard of conduct.

This concern would arise if there were any instances in which an individual, knowing that there were insufficient funds in his account, routinely and repeatedly wrote checks that exceeded by a significant amount their funds on deposit. And these are the practices, if they occurred, that we are asking the committee to look at and determine whether any violation of the rules or other applicable standards of conduct occurred.

Before I yield to Mr. MICHEL, let me say, I know that Members of Congress want to do what is right. By closing the bank, and referring these matters to the Standards Committee, I believe Members are responding appropriately to the damage this incident has caused the institution.

As I said earlier, this resolution says we are going to take responsibility: Close the bank, reform the system, and demand accountability. The resolution does that.

□ 1710

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purpose of debate only, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, I wish that it was not necessary for the majority leader and I to be offering this kind of a resolution here today. It is one of those matters that has plagued the House and a most distasteful manner with which to deal when it comes to this institution and how it is run or how its Members equip themselves in this institution from time to time.

I strongly support the resolution. It is unmistakably clear that the American people see these check-bouncing incidents as an intolerable exercise in arrogance or worse, and although I personally never bounced a check in or out of the House bank, I do not look upon this situation with smugness or disinterest.

To the contrary, as I think I have indicated in my opening sentence, I am saddened that this great institution should be subjected to this most recent incident, in a series of incidents, involving bad judgment and worse on the part of some of our Members.

The resolution certainly follows the general principles of a draft of a similar resolution that we presented to the Speaker earlier and have refined the language to the degree that the majority leader and the Speaker and I can be in agreement on it. It is absolutely clear that in this case nothing less than an investigation by the Committee on Standards of Official Conduct is warranted. The investigation will be directed not only towards the Members or non-Members who abuse the system, it also asks the committee to look into the operations of the Sergeant-at-Arms Office in regard to the bank.

May I say here, I have been a Member of this House now for 35 years. The House bank was one of those things that, even as a staff member 8 years prior to my even being elected on my own, was used occasionally by staff for the cashing of checks.

I think it is probably a misnomer to have ever referred to it as a bank because it really did not operate that way. It was more of a cooperative.

As I indicated, I have never been short on my account. I have undoubtedly, as reminded by several of my close associates in the office, left too much in the account and have over a period of years. It just served as a kind of one of those things, as a balancing mechanism for other Members who might have been caught short at one time or another. But I am just saying that it was a service to Members, and I felt it more of a cooperative than as an outright bank.

Then, too, on the administration of that part of this House. I have had Members come up to me who said, yes, it was quite obvious that they knew a check was probably going to be in short by the time it cleared but in the meantime had, from an account at home or wherever, reimbursed the Sergeant-at-Arms account sufficiently to cover it. But it had not been reported as of that date and several days of slippage.

That does disrespect and dishonor to the Member who certainly should not be called to account in that situation but rather a clerical error in the shop itself. I do not know how many times that has occurred, but it has not been the best of administration. And I do not think the majority leader nor I want to be holding our fellow colleagues accountable to something for which they really are not responsible in the final analysis.

The resolution, of course, mandates the end of the House Bank itself. I guess looking upon this old institution, like some of the things around here, I guess its day has lived its life. I am sorry to see it go, but I think faced with the kind of conditions we have today, we have taken the appropriate steps to say by the end of the year or sooner it will not be one of those institutions of this House. And we can make up for that by utilizing, I am sure, the Federal Credit Union or whatever, to satisfy some of the immediate needs of Members.

We are not limiting the area of investigation, I do not think, in the Committee of Official Conduct to that GAO report that has been talked about and covered in some respects. The committee is asked to go over the last two such reports, which frankly takes us back now to June of 1988.

Let me say a few words to make certain of our intent. In the last paragraph of the resolution, the words "a possible violation of the rules of the House or any other applicable standard of conduct." I have told our Members, at least in our orientation from time to time, "You have got the law. You have got House rules. You have got an ethical standard and several other things, even campaign election laws. We are obliged to honor them all."

So I want to make sure that we are covered in this particular situation, and I think it is to be expected that the records of the Sergeant-at-Arms Office will be available to the Committee on Standards of Official Conduct.

The gentleman's side has appointed distinguished Members to that committee. We have called upon distinguished Members of our side to do this nasty duty of serving on the Committee on Standards of Official Conduct.

Again, we are going to ask them to engage in what is not the most pleasurable duty around here, but there is no other recourse but to refer the matter to them for their deliberations. I am sure those Members will treat the subject very seriously, obviously.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purpose of debate only, I yield to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding.

There are any number of questions that come into my mind about this proposal that is before the House this evening. I am not saying an ethics investigation is not strongly urged. My understanding is that one of our Members wrote a single check for $23,000 that bounced, and that was when he was already owing the Sergeant at Arms office $30,000.

If that is the case, clearly that warrants investigation.

On the other hand, I am not sure, and I would like to ask both gentlemen, what is the necessity of closing the institution instead of simply giving it guidelines for conduct to make sure it conforms to normal banking procedures?

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purpose of debate only, I yield to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. As I indicated, I would like to see that we would continue the old institution, but obviously if, under the present rules, Members have not been able to abide by those rules, that is the thing.

Since the gentleman named one particular instance, may I make it clear from this Member's point of view, there may be some egregious cases out there. I am sure there are many that are nickel and dime kind of cases.

The distinguished gentleman from Wisconsin [Mr. OBEY] made some comment the other day, and I am sure that there are probably others exactly like that. It is certainly not our intention that all be publicly exposed when, frankly, there is so little interest in that kind of thing. It is the egregious cases, I think, the committee ought to look into.

□ 1720

Mr. CRANE. Will the gentleman yield further?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Illinois.

Mr. CRANE. To be sure, I am sure, I am confident, and I have not seen the GAO report, but what appeared in the newspapers indicates that 134 Members have bounced checks within a 12-month timeframe. that the average amount was in excess of $1,000 every month.

Now to me, that is a little incomprehensible. The closest I ever came to bouncing a check was when I first got married, and I had $40 in the bank. I thought I had more. I wrote a check to my dad for $100, and had to call him and urge him to sit on it until I had the money to cover it.

We are not talking about the nickel and dime errors. But I do think that no one would be writing bounced checks in excess of $1,000 and averaging 19 of those every year, and that is what the papers have reported thus far, if he were being penalized for that. And all I suggest is that the institution, with the appropriate guidelines, it seems to me, could still function. All you do is mandate that they confirm to normal banking procedures.

Mr. GEPHARDT. I understand what the gentleman is saying. It is simply our thought that we need to end what has been happening, to go to a new entity. It could be that the credit union, which is on the premises, could move into that facility and begin offering its services as it does in other buildings in the area. It could be that Members will want their checks sent to a private institution here or in their home district or somewhere else. There are plenty of alternatives available, and there will be some kind of commercial banking activity in that space that members can use on a reasonable basis.

Mr. CRANE. To be sure, but if the gentleman will yield further, the majority of my deposited money is in the credit union. It is an interest-bearing account, and it conforms to all the guidelines. I keep a token amount in the Sergeant at Arms bank in case there were any kind of an emergency, and then I could write the check and get it cashed immediately.

But how about the employees that work there on Government payroll in the Sergeant at Arms bank right now who have the responsibility for handling our paychecks? And my understanding is that is a very important function of their routine activity. Are those people going to be retained to perform that function and yet be divorced from participation in whatever successor there is to the current operation of the Sergeant at Arms bank?

Mr. GEPHARDT. As the gentleman knows, there are people there who will have to be retained in order to dispense checks on a monthly basis, or if it is worked out, to wire funds to one's commercial bank. That must still go on. There has to be a payroll function.

In addition, there are questions that members often have about retirement matters, about other matters in their official duties, and there will be some people there to handle those inquiries and to deal with those problems. But there will not be, in the sense that there was, a banking facility run under the Sergeant at Arms, run in the manner that it was run. It will be, if there is one, a credit union or other activity there that is a normal commercial banking activity.

Mr. CRANE. Will the gentleman yield further?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Illinois.

Mr. CRANE. Inasmuch as the direction emanates from this body to the Sergeant at Arms office, and the Sergeant at Arms has been responsible for the operation of the bank down there, could not this body simply provide the Sergeant at Arms with the guidelines to conduct the operation like any normal bank?

My point is it seems like we are throwing out the baby with the bathwater. This would not have occurred if those kind of guidelines had been provided to the Sergeant at Arms office. Tell them we insist that this be observed and have routine audits to guarantee that it is observed, and then if Members were to bounce checks they are going to be fined like anybody else would be fined if it were a private bank.

Mr. GEPHARDT. Obviously, any number of things could have been done. It was the combined judgment of the distinguished minority leader and the Speaker and myself that this was the time that we needed to take the action of closing that bank and putting in its place a credit union or some other commercial activity so that banking could be carried on here as it would be in any hamlet, any village, any city in the United States for any of our constituents. We did not want any difference, and that is why we came up with this solution.

Mr. CRANE. If the gentleman will yield further, my question remains unanswered.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, on this point the gentleman from Illinois has a confusion which I think is shared not only by other Members of this body but by the press and the public. What is down there is not a bank. The Sergeant at Arms "bank" is a misnomer. What you have down there is an officer who is a disbursal officer. They carry our pension programs, health benefit programs. Most of those employees are engaged in support disbursal structures for the employees and Members of the House.

The very convenience the gentleman indicated of keeping a little bit of money there for purposes of cashing a check late at night is why we are in the problem we are in. We created, if you will, as the distinguished minority leader said, a cooperative where our pooled money was used as the resources for a bank.

Underscore the point: At no time were taxpayers' money at risk. It was the cooperative people's money that was being used. At no time was there an aggregate deficit. At no time. It was much less than 10 percent of the total amount of money available. And what the majority leader is saying is that this convenience which we operated down there, which is now the basis of this uproar, is no longer worth it, frankly. And in fact, some Members abused it, and it is appropriate to send it to the Standards of Official Conduct to find out who misused it.

But banking was not what it is or in fact what it should be. Banking, under the laws of the banking regulations in the United States, and particular States, is carried out by other institutions. One example of that, our personal banking records in that so-called bank are subject to exposure by virtue of resolution on this floor. No bank operates that way. This disbursal office as an office of the House operates that way.

We think the convenience which was allowed for a number of years, over a century, is no longer worth it, and that is why it is being ended.

Mr. CRANE. Will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, one further question on this point. I am not in any way objecting to a total revelation of any Member and the magnitude of that Member's drawdown on nonexistent funds, and to be sure, I wish I could have gotten a $53,000 interest-free loan to buy my home. That sort of thing to me is an excess and an abuse, even though it would not be an abuse in a normal banking procedure. But it is not an abuse given what the gentleman just explained.

But my point is if we are going to continue to provide that service down there, I do not see why that service could not be administered according to very strict guidelines as any banking service is administered. I do not understand that.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, no one is saying that the willful abuse of the cooperative structure should not be punished.

Mr. CRANE. I agree.

Mr. THOMAS of California. Which is the purpose of this resolution.

I think most people believe a public office is a public trust in deed and in appearance, and frankly I am most upset because Members who carried out these kinds of practices did so in a manner which was abusive of their colleagues and of this institution. And so the purpose of this convenient location for the acquisition of dollars is no longer appropriate because of the abuse of our colleagues.

The services the gentleman is asking for can be run through with a "Most" machine, if I am allowed to mention a particular brand, with a card, or some other apparatus that normal Americans use to access money after hours. We are going to join the rest of the world.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, the point the gentleman is not answering to me, it is intended to have in effect credit union banking out of the same facility downstairs? Is that not correct?

□ 1730

Mr. GEPHARDT. I cannot say today with certainty that will happen. We have discussed that. That is a probable outcome, but I cannot guarantee that to the gentleman today.

It is our purpose and intent to try to have a facility there, a commercial banking facility, that Members can use.

Mr. CRANE. That then goes back to my original question, and I will not belabor the point, because it is still unanswered. If you are going to provide the service, I still do not understand why the service cannot be mandated by this body through the Sergeant at Arms' office, and you simply conform to all traditional banking procedures. If you want to eliminate that service and, you know, they close their doors when we adjourn, do they not? And if you want to eliminate that service, so be it. I do not have a problem with that. I only raised the question that if you are going to continue to provide the same kind of service through a normal banking institution, why could there not be that?

Mr. GEPHARDT. Let me just say that one of the reasons, the main reasons, that we wanted to do this is that we want to have available here for Members what would be available for our constituents, which is a federally-regulated institution that carries with it all of the other Federal regulations. We felt, given the circumstances, given the facts, that it is not appropriate for the body to continue with this bank. It is not a bank, as the gentleman well says. It is a cooperative.

We came to the collective judgment that it was the best for the institution of the House that that cooperative bank no longer go forward, and we put in its place something that would be in any village in the United States.

Mr. THOMAS of California. If the gentleman will yield further, to lay the standing of this so-called bank to rest, they did not carry out ordinary banking practices.

Mr. CRANE. I never said they did.

Mr. THOMAS of California. No; I understand that. But if you went for a loan, they referred you to a bank. If you went for some other kind, they referred you to the credit union. The referral can still function to let you know where you can deal with those kinds of questions.

Mr. CRANE. To be sure. But I am not arguing those points whatsoever. That is totally divorced from the question I still have not gotten answered, and that is why our Banking Committee cannot impose the guidelines that they would impose on any private bank in this country and insist that they adhere to those, and we are ultimately responsible.

I thank the gentleman for indulging me. I am still puzzled, and I am still waiting for the answer.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purposes of debate only, I am happy to yield to the gentleman from Mississippi.

Mr. PARKER. One of my biggest concerns, and I guess I should do like everyone else, and offer a disclaimer. I did not have any bounced checks, and I do not owe the restaurant any money. But the biggest concern that I have about this entire scenario, and I would like to hear both sides respond to this, both the minority leader and the majority leader, is that it bothers me a great deal on how this resolution is worded, because I think that we have got to make sure that we do not take the issue that we have and see it politicized more than it already has been politicized.

What I mean by that is that we have individuals in this body who have not had any bounced checks at all. We have individuals where there were inadvertent bounced checks, small amounts, it was not on a consistent basis.

But, at the same time, I do not want to see an overzealous staff, and we have all seen overzealous staffs in Congress and outside of Congress in Government, that turn around and decide that they are going to utilize the powers that we give them with this resolution and play political games. I do not want an overzealous Democratic staff going after Republicans, and I do not want an overzealous Republican staff going after Democrats.

What I mean is this: that is that when we are talking about someone that has no bounced checks, but all of a sudden we give them this power. I want to know exactly how both sides view this, the entire problem that we have as far as what authority will the Ethnics Committee have going against a specific Member, and say, well, he is a Member of the body, he has an account in the bank, therefore, we are going to go and look at his personal records, because even myself, if the IRS audits my business back home, they get exactly what they ask for, not one piece of paper more.

I resent the fact that here I am, I have not bounced my checks, and I want to make sure that my privacy is protected and that I do not have some overzealous staff member come against me or any other Member of this body, and I would like to hear both sides respond.

Mr. GEPHARDT. For the purposes of debate only, again, the clear intent of this resolution is to have the Committee on Standards look only at the transactions and the accounts and the records that had to do with this cooperative bank. It is not our intent for fishing expeditions, for looking at all kinds of other materials. Our intent is to address this matter, and this matter only.

Mr. PARKER. Mr. Speaker, will the gentleman yield further?

Mr. GEPHARDT. For the purposes of debate only, I am happy to yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Speaker, I would like the minority leader to also respond.

Mr. MICHEL. Let me underscore what the distinguished majority leader said. We are concerned only with what took place in our House. It stops there, and absolutely there is the firewall, whatever there is, to anyone's personal life or other financial institutions. That does not concern us, and I do not care in whatever fashion it is.

It is the only one in-house for which we are responsible.

Mr. PARKER. I appreciate what the gentleman said.

My personal feeling is that we have gone too far. We have got to solve the problem, because the political situation we are in now is totally unlivable. We just cannot live within the guidelines we have right now.

I thank the gentleman very much.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BOEHNER] for the purposes of debate only.

Mr. BOEHNER. Mr. Speaker, I would like to thank the distinguished majority leader and the distinguished minority leader for recognizing that we do have a serious problem in this institution and thank them for taking some action to begin to resolve this problem.

I want to say, as one who was involved over the last week of pushing for more action than what was laid out last week, that what we have been trying to do is not a witch hunt, that what we have been trying to do is to try to make sure that we bring integrity to this institution, that we try to restore trust and confidence in the American people in this body.

But we did not believe that the actions that were taken last week by sweeping our problems under the carpet were, in fact, going to bring the confidence and restore the integrity in this institution.

My concern today is that the issue has moved beyond a few Members. We are beginning to look at this issue as one that involves the whole operation of this House. But, thank God, for the first time we are looking hard at ourselves. I mean, we are looking at ourselves in the mirror, and we are beginning the process of self-examination, and I applaud the Members of this body for doing that.

But, as I said, I have concerns, concerns about the ability and the authority of the Ethics Committee to fully resolve this matter and the problems within the institution.

You know, I believe that we need full disclosure of all of those who systematically abuse the process in the House Bank, that we need to put forth all of those who refused to pay their House banking bills, and I fail to see what harm is done by revealing that information and opening ourselves up to the general public.

Why was nothing done to close the bank when the problems were first noticed? Does the Ethics Committee have the ability and the authority to do that? Why, despite the instructions of the Speaker, did the practice continue for all of this time? Does the committee have the authority and the ability to look at that? By what legal right did the House Bank use Member funds on deposit to cover the overdrafts of other Members? Does the Ethics Committee have the authority and the ability to look at that?

If, as some press reports indicate, Members used these overdrafts to cover campaign expenses, does this constitute a violation of the FEC rules, other regulations? And does the committee have the authority and the ability to go look at that.

With more than $300,000 in taxpayer money that has not been paid to the House dining operation, does the committee have the authority and the ability to go look at that?

Those are the concerns that I stand here with today. I would like to, again, thank you for the actions that you are taking. I think it is a perfect first step, but I ask: Is it enough, will the actions that we take today restore the trust and confidence in this institution among the American people?

That is the question that I cannot answer as we stand here today.

Mr. GEPHARDT. I would answer most of the gentleman's questions by citing the language that is in the resolution which I think would involve at least some, if not most, of the questions the gentleman asked.

□ 1740

First, obviously in making the determination, the committee should consider:

(1) Whether Members, officers or others abused the privileges of the bank by routinely and repeatedly writing checks for which their accounts did not have by significant amounts sufficient funds on deposit to cover.

(2) The bank's practices with respect to non-account holders or checks not written on House bank accounts transacted at the Bank's facilities.

(3) The general operations and management of the Bank by the Sergeant-at-Arms and his employees.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield for just one point?

Mr. GEPHARDT. I yield to the gentleman from Ohio for purposes of debate only.

Mr. BOEHNER. Mr. Speaker, does the Ethics Committee have the authority to investigate and to take action with respect to employees or staff members who may have been operating the bank?

Mr. GEPHARDT. Yes.

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Pennsylvania for the purpose of debate only.

Mr. KOSTMAYER. Mr. Speaker, I apologize to the House for rising to talk about this. I will be very, very brief, but allegations have been made that I wrote a check for $23,000 for which there were insufficient funds.

I think the gentleman from Illinois [Mr. CRANE] made reference to that. That allegation is totally untrue.

Just to go on for 10 more seconds, the check was cashed by my father. It was for the sale, I bought my parents' home in 1984. The check was for $23,000, cashed on March 5 at the bank in 1984. I deposited more than enough to cover it, $29,458.50, on February 29.

I have asked the Sergeant at Arms to write a letter to me. I do not want my colleagues to think that I wrote a check for $23,000. I did not.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Illinois for the purpose of debate only.

Mr. CRANE. Mr. Speaker, I did not mention anyone's name. I got that reference out of the newspaper.

Mr. KOSTMAYER. Mr. Speaker, if the gentleman will yield further, I understand. I appreciate that.

Mr. CRANE. I did not mean any personal accusation.

Mr. KOSTMAYER. I did not mean to infer that the gentleman did, and I thank the gentleman.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from California for the purpose of debate only.

Mr. LEWIS of California. Mr. Speaker, I appreciate the majority leader yielding to me.

I want to rise just for a moment to express my own appreciation to our Republican leader, the gentleman from Illinois [Mr. MICHEL], for his willingness to get a handle on this problem very, very early. He was willing to draw a line and say that some of the allegations are unsubstantiated, nevertheless they are serious enough that they could have serious implications for the House.

The resolution is here before us today because the Republican leader took the bull by the horns and insisted upon immediate action.

Beyond that, I think it is very important to recognize those new Members of the House, people like the gentleman from Ohio [Mr. BOEHNER], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Iowa [Mr. NUSSLE], the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. DOOLITTLE], the gentleman from Pennsylvania [Mr. SANTORUM], and others who contributed to this process. As new Members they were very concerned about the fact that they came here to serve the public good and to make a positive impact on public policy.

The Republican freshman class has displayed tremendous poise in addressing this problem. Their leadership and determination to make needed reforms, and restore credibility to a badly shaken Congress, is a credit to their constituents and to the House. I join the leader and the freshman class in recognizing the need to restore the public's confidence in the people's House.

Mr. Speaker, it is time to put this episode behind us. This will only be achieved through an immediate and expedient House Ethics Committee investigation of all current abuses at the House Bank.

I think it is very important that we pass this resolution, move forward and get it behind us.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Kansas for the purpose of debate only.

Mr. ROBERTS. Mr. Speaker, I thank the distinguished majority leader for yielding to me.

This is in many ways a very sad day for the institution, but in many ways a very proud day in regards to the reform measures that are now being taken.

I credit the Speaker and I credit our leader for taking the appropriate action, along with my distinguished colleague.

I introduced a resolution 2 weeks ago calling for action. The very next day the Speaker acted and so did the leader.

It is without question that I feel, and I might add that I had 40 or 50 cosponsors on the resolution. We would have had 240 if action would not have been taken.

I am in agreement with the resolution and I think we should proceed, and I stand strongly supportive of it.

But there is a little concern that I have. I am a former staff member here, and I feel very strongly about staff. I had the privilege of serving on the House Administration Committee with the chairman, the gentlewoman from Ohio [Ms. OAKAR], and my subcommittee chairman on Police and Personnel, the gentlewoman from Ohio [Ms. OAKAR]. We try our best to do what we can on behalf of our House personnel.

I said at the time I introduced the resolution 2 weeks ago, let me stress in introducing these changes that I am not pointing the finger of blame at the Sergeant at Arms or the House banking employees. In my view they provide an appreciated check-cashing service for Members and staff. In my view it would be too easy to make these folks a scapegoat.

I have never been in the House check-cashing service or convenience center or bank that any employee of that office did not treat me very promptly and with courtesy. If any mistakes were made, I think it was due in part to policy that has been in place for a great number of years.

I have asked some of the older Members, where did this policy start that Members were not notified of a problem if, in fact, they had an overdraft? To the best of my ability, it has been determined by me that this started clear back under Speaker Rayburn, who did not want the House embarrassed by any Member having an overdraft or a bounced check; but woe to that individual Member if the Speaker ever found out about it.

My point is this. I hope as we go through this resolution and point No. 3 in the general operation and management of the bank, the Sergeant at Arms and his employees, we do so without really focusing on those folks as a too easy scapegoat. I do not think that is the right alternative. I have every confidence that will not be done, but that is a point I wanted to make, and I thank the distinguished majority leader for yielding to me.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Maryland for the purpose of debate only.

Mr. MFUME. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, we have spent a good amount of time discussing and debating this issue. I do not know at this point, however, what more can be said. I think the resolution offered by the majority leader and the distinguished minority leader is correct and proper, that it ought to be adopted, that we ought to move behind this and get to the real business of why we came here.

One block from this Capitol, people are sleeping on grates. Thirty-seven million Americans, many of whom could care less about this debate even, have no health insurance and will face doctors tomorrow who will ask not where is the pain, but where is the payment. American farmers are facing what is clearly the toughest time in their history, and in every major city the murder rate has tripled and quadrupled.

I am not arguing that this debate should not be carried out, but it cannot go on ad infinitum.

Small business failures are at an all-time high, and tonight in this country after this debate 100,000 children will go to bed hungry.

So few will remember what we say here today. All will remember what we do.

Let us quickly dispose of this resolution by adopting it and move on to the real business that awaits this country and this Congress.

Mr. GEPHARDT. Mr. Speaker, I will simply take but 30 seconds to conclude the debate and say that all of us came here to do public service. All of us love this House and what it represents, and all of us want its connection with the American people to be strong in their faith in us and in our ability to resolve their problems.

I believe this resolution will do some good, perhaps a lot of good, in restoring that faith.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appear to have it.

Mr. SANTORUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 8, not voting 36, as follows:

[Roll No. 294]

YEAS—390

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Foley
Ford (MI)
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta

Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Russo
Sabo
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—8

Boehner
DeLay
Gonzalez
Jones (GA)
Roybal
Savage
Towns
Washington

NOT VOTING—36

Applegate
Barnard
Berman
Dixon
Dymally
Early
Ford (TN)
Frost
Gaydos
Hatcher
Holloway
Hopkins
Inhofe
Ireland
Kaptur
Kolter
LaFalce
Lehman (FL)
Levine (CA)
Martinez
Meyers
Moody
Moorhead
Mrazek
Owens (NY)
Pease
Quillen
Rinaldo
Rose
Rostenkowski
Sanders
Sarpalius
Slaughter (NY)
Slaughter (VA)
Staggers
Torricelli

☐ 1817

Mr. TOWNS and Mr. DELAY changed their vote from "yea" to "nay."

Mr. LAGOMARSINO changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Speaker, unfortunately, I was unable to be present for the vote on passage of House Resolution 236, which would eliminate the House Bank and require an Ethics Committee investigation of the operation of the House Bank. Had I been present, I would have voted for passage of House Resolution 236.

WITHDRAWAL OF NAME AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. HOCHBRUECKNER. Mr. Speaker, I ask unanimous consent to withdraw my name from House Resolution 194.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of engaging in a colloquy with the acting majority leader, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the majority whip for the purpose of enlightening the membership as to the schedule for next week and the remainder of this week.

Mr. BONIOR. Mr. Speaker, the House has completed its legislative business on this vote. There will be no more recorded votes this evening.

The program for next week is as follows:

On Monday, October 7, the House will meet at noon. There will be no legislative business.

On Tuesday, October 8, the House meets at noon. Conference reports may be expected on H.R. 2698, the Agriculture, Rural Development and Related Agencies Appropriations for fiscal year 1992, and on H.R. 2426, the Military Construction Appropriations for fiscal year 1992. There are also three suspensions for October 8, on which the recorded votes will be postponed until after consideration of all suspensions. They are in order,

H.R. 1724, lifting restrictions on the importation of goods from Czechoslovakia and Hungary;

H.R. 2629, Women's Business Development Act of 1991; and

H.R. 3033, Job Training Reform Amendments.

On Wednesday, October 9, and Thursday, October 10, the House will meet at 11 o'clock on Wednesday and at 10 o'clock on Thursday. Conference reports may be expected on the following bills:

H.R. 2942, Transportation and Related Agencies Appropriations for fiscal year 1992,

H.R. 2508, Foreign Assistance Authorization for fiscal year 1992 and fiscal year 1993 Conference Report,

H.R. 1470, Price Fixing Prevention, and

H.R. 2369, Flint Hills Prairie National Monument.

On Friday, October 11, the House meets at 10 a.m. There will be no legislative business.

☐ 1820

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue, is there likely to be the highway bill up at all next week?

Mr. BONIOR. The Transportation and Related Agencies Appropriations bill conference report may be up. The highway bill, the last was that I had heard on that particular piece of legislation was that it would be scheduled for the following week.

Mr. SOLOMON. And the foreign aid bill, which was pulled last week, we do really expect to take it up on Wednesday coming?

Mr. BONIOR. We may take it up on Wednesday.

Mr. SOLOMON. There was no mention in the schedule at all of the parental leave bill. Is that likely to come before the House this coming week?

Mr. BONIOR. There is no anticipation at this point of doing parental leave next week.

Mr. SOLOMON. So that there are no votes then tomorrow. There are no votes on Monday.

Mr. BONIOR. No legislative business, although we will meet at noon on Monday.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia [Mr. GINGRICH], the minority whip.

Mr. GINGRICH. Mr. Speaker, I just want to ask two questions:

The first one is, I am not sure exactly when the unemployment bill will go downtown. Does the gentleman know when it will be sent down?

Mr. BONIOR. If the gentleman will continue to yield, my guess, and I am not positive, would be tomorrow.

Mr. GINGRICH. If the unemployment bill is sent down tomorrow and it is vetoed and the veto is sustained in the other body, does the gentleman think the leadership might be willing to entertain bringing up the Michel bill within 24 or 48 hours of that being sustained so that we could in fact then have a signable bill that would send 10 additional weeks of unemployment?

Mr. BONIOR. Mr. Speaker, if the President refuses to provide unemployment for Americans who are out of work at an alarming rate, then we will have to regroup as a party and as a Congress and as Members and decide on what next step to take.

Mr. GINGRICH. If the gentleman will continue to yield, let me just say, as we look at the schedule for next week, if the President does veto the bill and if it is sustained, it would be my hope, it would be certainly the Republican leadership who would come to the floor and would ask the Democratic leadership to make in order a vote to extend unemployment within 24 or 48 hours.

Second, I might ask, does the gentleman know offhand if there is any intention in the near future to schedule an Economic Growth Act, whether it is ours or a Democratic version in the next week or two?

Mr. BONIOR. Mr. Speaker, I would say on the first point, it is our fervent hope that the President does not veto, does not veto the unemployment bill. He has an opportunity to provide assistance for people who need it in this recession.

If he does veto it, it will go to the U.S. Senate, and they will have the opportunity to provide for working people across this country.

The second point the gentleman raises is the question of economic growth, and I want to assure my colleagues that we are interested on this side of the aisle in providing for the stimulus to get this economy out of the recession that it is presently in. We hope to have appropriate legislation in the coming weeks and months to deal with that serious issue, including, I suspect, the opportunity, although I do not want to make a hard, fast commitment to the gentleman from Georgia [Mr. GINGRICH], but I suspect the minority will have their usual opportunity to craft their own bill with respect to growth.

Mr. GINGRICH. Mr. Speaker, I just want to say that it is my hope that the economic growth package can come in weeks rather than months, and I thank the gentleman for sharing that information with us.

Mr. SOLOMON. I might just in closing, Mr. Speaker, remind the membership that the crime bill is coming before our Committee on Rules next Thursday. The gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the committee, did serve notice on the Membership that amendments would have to be filed by 5 p.m. this coming Monday, October 7, and that they should be filed in room H-312 here in the Capitol, 55 copies along with an explanation.

I would just remind the membership of that fact.

GENERAL LEAVE

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 236, the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION IN SANTIAGO, CHILE

The SPEAKER. Pursuant to the provisions of 22 United States Code 276a-1, the Chair appoints to the delegation to attend the Conference of the a Interparliamentary Union to be held in Santiago, Chile, on October 5 through October 12, 1991, the following Members on the part of the House: Mr. FEIGHAN of Ohio, chairman; and Mr. BLAZ of Guam.

HOUR OF MEETING ON WEDNESDAY, OCTOBER 9, 1991

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, October 8, 1991, it adjourn to meet at 11 a.m. on Wednesday, October 9, 1991.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 7, 1991

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPORT CONCERNING CONTINUED BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on April 23, 1991, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately $450,000 of the approximately $132.76 million that remained blocked at the time of my last report. The amount released represents blocked financial accounts that the Government of Panama requested be unblocked.

Of the approximately $137.3 million remaining blocked at this time (which includes approximately $5 million in interest credited to the accounts since my last report), some $136.5 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama to fund a portion of Panama's arrearages to international financial institutions. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 35 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *October 3, 1991.*

KERREY WILL MAKE THE BEST PRESIDENT FOR AMERICA IN THE MID-1990'S

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOAGLAND. Mr. Speaker, I would like to offer my support for Senator BOB KERREY's bid for the Democratic Presidential nomination and offer for the RECORD a copy of his announcement speech Monday. Senator KERREY is the candidate of generational change. "I want to lead America's fearless, restless voyage of generational progress," KERREY said. "We have been led off course by a Federal Government whose engine has become inert, whose direction is adrift, and whose compass is cynicism."

Senator KERREY called for a change in Republican policies that produced "malignant neglect that can be seen in the frustrated faces of the millions who cannot find work, or pay for health care, or make ends meet." It is time, he said, "for leadership that focuses its attention on posterity, rather than popularity, on the next generation, rather than the next election."

Senator KERREY's speech represents a reflection of his high aspirations for the future of the Democratic Party. "President Bush is not the enemy," he said. "A more difficult enemy for us to defeat is our own pessimism—particularly in the Democratic Party."

But more importantly, Senator KERREY offers a vision for the future of America. BOB has a unique background of practical experience as a businessman, ability to balance the budget as Nebraska's governor, and experience in the U.S. Senate. He will make the best President for America in the mid-1990's.

SPEECH BY SENATOR ROBERT J. KERREY

I want to lead America's fearless, restless voyage of generational progress. We have been led off course by a Federal government whose engine has become inertia; whose direction is adrift; and whose compass is cynicism. I am running for President because America urgently needs better, bolder leadership that will build for greatness again.

I want to lead because I believe almost everyone but our present leadership knows what we must do. I believe Americans know deep in their bones that something is terribly wrong and that business as usual—the prescription for the 80s—cannot work for our future. What we need is a renewal . . . a renewal that leads to a willingness to act upon the idea of building for greatness.

My generation is uniquely positioned to understand what must now be done. I am repeatedly drawn to the difference between the world I inherited as a young man and the world I am preparing to pass on to my children.

When I graduated from high school in 1961, I and my classmates faced a future of great promise, the direct result of our parents' determination to make our lives better than their own. Our parents' generation had taken our nation into the forefront of world leadership. They had defeated fascism, and were in the process of implementing a network of arms and alliances that would eventually contain communism.

And my parents' generation was doing great things for us at home. In 1961 they were in the midst of building a brand new interstate highway system to be paid for with cash. The schools they provided us were respected throughout the world. They gave us a thriving economy that enabled us to double our standard of living within a single generation; to buy a house; to purchase health care; to afford higher education for our own children.

Next year, my own son will graduate from high school. What kind of legacy will he inherit? My generation understands that the power of those earlier gifts is dwindling because our leadership simply has not renewed them.

I can feel thankful that the threat of communism has receded, and that my son does not face the likelihood of war. But the benefits of this historic victory have not been brought home to the people who deserve to claim them.

The staggering cost of that malignant neglect can be seen in the frustrated faces of the millions who cannot find work, or pay for health care, or make ends meet. And that neglect will carve even deeper scars on our next generation: the Americans of the next century.

At the end of this century, my daughter will be graduating from college. Unless we do things differently now, she will assume title to a far different inheritance than we received in 1961.

Unless we do things differently now, she and her classmates could each inherit an $84,000 I.O.U. in the year 2000—their share of a massively enlarged federal debt that will crimp their standard of living and that of their children.

Unless we do things differently now, these turn of the century graduates can expect family lives where stagnant incomes will force them into more hours at work and less time with their children, where home ownership and college tuition and even adequate health care will be beyond the reach of all but the wealthiest.

Unless we do things differently now, today's children will inherit a land where their daily lives are diminished by highways and communications systems that are inadequate by the standards of our international competitors; by natural resources depleted by wasteful use; and by divisions of race and income that tear at our cities filled with human lives wasted by drugs, violence and neglect.

I am running for President because the future I fear for my children is already a reality for far too many Americans. I am ready to serve because none of it has to be. It is time for leadership committed to posterity rather than popularity and focused on the next century instead of the next election.

The year 1992 offers us a chance to break from a decade in which our leaders invited a season of cynicism. They invoked morality but winked at greed. They criticized the public sector but then robbed it blind. They spoke of balanced budgets but never submitted one. They railed against taxes but raised them on the middle class. They called for civil rights but practiced racial politics. They wrapped their cause in motherhood but tried to strip motherhood of choice or meaningful opportunities.

In our hearts, we all know that the unchecked selfishness and greed that dominated the policies of the eighties has taken its toll on our nation. Our enthusiasm for the dream and our willingness to believe has been cooled by leaders who have betrayed our trust.

This campaign is grounded in the belief that we can and should trust again. As such its not so much a fight against George Bush as a fight for what America can be.

The year 1992 offers a chance to end the feeling that our economic future is impaired. President Bush simply has not done all he could or should be doing.

In truth he reminds me of some managers I've known in business; great person to be around; all his employees love him. But the business is losing money, and all he's offering is excuses as to why nothing can be done. It is time for America to change managers.

Still, President Bush is not the enemy. A more difficult enemy for us to defeat is our own pessimism—particularly in the Democratic Party—that any effort matters, that anything we do will change the dangerous direction which America is heading today.

I want the Democratic Party to become a can-do party again. We should become the party that put America back to work as we did during the Depression. We should become the party that reached out to those bent low and raised our sights up to the moon as we did in my generation. It is time again for us to do great things. If we do, we can stand at the dawn of the next century proud of what we gave the Class of 2000.

Proud that we got our economy moving again by investing in our nation, spurring its growth, and corralling the deficit.

Proud that we changed our system of financing health care so that medical care is established as a right, and no American—young or old—is ever priced out of the care they need.

Proud that we created an America where no child is hungry for food, but every child is hungry for learning.

Proud that we built schools that work because they had the resources and freedom to get the job done right.

Proud that we transformed our communication system into a bridge between the work of our schools and the work of our homes and a window onto new worlds of learning.

This campaign is not just about America taking care of the business at home. It is about a new role for America in the world.

The confrontational nature of the conflict between the United States and the Soviet Union will soon be a distant memory. Still present will be the perennial dangers of totalitarianism, national piracy and unchecked aggression.

It is crucial that America give new attention as well to an old conflict: the conflict between developed and undeveloped nations.

In this bipolar conflict between the haves and have-nots the United States will have a special dual role. We must compete hard with those nations that are our equals. But at the same time we must not relinquish our role as the champion of individual freedoms. We must work hard to give citizens of less developed nations the opportunity to participate in a growing international economy . . . not as an act of charity but as act of enlightened self interest.

As we compete with our equals, America's President must fight the battle at home AND our President must use the authority given by Congress to fight a trade war which is endangering our economy and those of the non-developed world. In particular, and most difficult, will be our friends and allies, the Japanese whose adversarial policies undermine much more than the economic prosperity of Americans. Restrictive, purely nationalistic trade policies by developed nations will make life more miserable for the growing number of people on this planet who are unable to support themselves.

In addition to helping to settle economic conflicts America must lead the effort on population control, global warming, soil loss, deforestation and the status of the world's children. On this short list of issues we must lead not impede progress on this earth.

It is crucial for America's President to understand the power of our words. When President Reagan called the Soviet Union an evil empire he did much to bring down these totalitarian regimes. And as the wall of secrecy drops on Eastern Europe and the Soviet Republics we are seeing that the evil was worse than most imagined. Our words can cut the lies from the mouths of those who speak them and embolden people to act. And we still must be prepared to speak and act—in China, where repressive acts have been rewarded not with condemnation, but with most-favored-nation trade status. And in Vietnam, where the cruelties of the communist takeover sixteen years ago are only now beginning to become apparent.

As we wonder whether to raise our voices to oppose the world's remaining dictators and to defend the right of all men and women to be free, we should remember this: Vaclav Havel, Lech Walesa, and Nelson Mandela came to America to thank us for saving them, not for saving ourselves. The cause of the Cold War was not just to defend America; it was to liberate four hundred million people.

In the 1990s and beyond we will need new strategies and new partnerships to lead America through the intense economic competition, ethnic strife, shifting coalitions and proliferation of weapons. What should not change is the rudder that has guided America for the past forty-five years. The essence of our success was America's willingness to pay a price to secure the freedom of others.

I am proud and grateful for the effort made by the architects and implementors of the policies of containment. Friday night America heard President Bush—a proud man has been fighting cold war battles for most of his thirty-five years in public life—take the first concrete step beyond containment.

It was an exciting and serious moment. Exciting because we are heading in the direction of increased freedom, stability and prosperity. Serious because we need to change our military force structure with an alert mind that focuses on our safety and security. It is also a serious moment because we are aware that the next battle will be an economic fight, and we are not yet fully prepared for the effort. Perhaps the most important change we need is that our political leaders are going to have to risk a little if we hope to gain a lot.

Nothing better symbolizes the sense of new purpose we need to demand of our leaders than the building that stands behind me—Nebraska's State Capitol. It was built by Nebraskans at the start of the Great Depression. If ever a people had the right to give up it was the people who built this building.

But just look at what they did. They built this building with cash. They built it to last and to be enjoyed beyond their lifetimes. They were not motivated by a depreciation schedule or the desire to brag about their accomplishment on their campaign brochures. They built this building for generations yet unborn. And they did something else we should notice and emulate—they built it to inspire.

This building turns our eyes and spirits upward. It should occur to us that if God gave the Nebraskans of our past the strength and courage to overcome pessimism and build for greatness, then we ought not doubt our capacity to do the same.

It requires us to believe. It requires us to risk. Most of all it requires us to look towards and work for the future.

The words of a martyr to the cause of freedom should guide our work today:

"It may be that the day of judgment will dawn tomorrow; in that case, we shall gladly stop working for a better future. But not before."

Let us go now . . . and begin the good work of building greatness in America again.

□ 1830

RESURRECTING ANZUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Madam Speaker, perspective is always difficult to apply in a world turned topsy, but the President's historically significant arms restraint initiative last Friday would appear to have signal ramifications for relations with one of our oldest and closest allies: New Zealand.

As Members well recall, early in the last decade the Labor Government under Prime Minister David Lange moved to jeopardize the integrity of the ANZUS alliance by enacting strict antinuclear legislation which had the effect of prohibiting ship visits by the U.S. Navy. The background of Lange's unfortunate intransigence on the issue sprang in part from New Zealand, indeed the world, doubts about the sincerity and capacity of President Reagan in his first years in office to advance arms control.

Under the steady and adroit statecraft of President Bush, however, American leadership not only appears firmer but manifestly more progressive on arms control subjects of concern to New Zealand.

In addition, President Bush has made clear that despite our differences with the Government of New Zealand over the long-standing policy of neither confirming nor denying the presence of nuclear weapons on our ships and aircraft, known as NCND, it is important for our two great countries, which share such an overwhelming coincidence of interests, to maintain the most civil of relations. Hence Secretary Derwinski recently visited New Zealand and President Bush met personally with Prime Minister Bolger last week in New York.

From a congressional perspective, it would appear that today there is every opportunity to break the unfortunate deadlock on NCND. Based not only upon civil discourse but prodigious shifts in the landscape of international politics, most especially the peaceful conclusion of a bitter cold war whose end was facilitated in no small measure by an effective alliance structure, as well as the President's decision to eliminate an entire category of nuclear arms including the removal of tactical nuclear weapons from naval vessels, it would appear that resurrection of normal United States-New Zealand ties is eminently reasonable and that reinauguaration of the ANZUS alliance is imminently at hand.

The historically unprecedented arms restraint initiatives announced last week have given hope to those of us who've worked to see the United States-New Zealand relationship recemented that Wellington could respond by indicating that U.S. Navy ship visits are no longer so intolerable to the Government or public. After all, with the removal of our currently deployed tactical nuclear systems at sea—those on submarines and on surface ships—there should be no basis for objecting to United States maintenance of our historic policy of NCND particularly when it is so unlikely the United States would ever want to embarrass New Zealand's sensibilities and sensitivities.

If the past can be considered prolog, what truly matters in our relationship is not nearly so much this honest family spat, but the ties that bind us together: Our common heritage rooted in our Anglo-Saxon institutions and frontier immigrant traditions and our allied status in every principal engagement of the century. The blood spilled so many times together in the name of freedom is simply a more important bond than any disagreement emanating from politics of the moment. As we celebrate the prospective end of the cold war, now is the time in New Zealand-United States relations to emphasize our shared heritage, our mutual responsibilities, and our common view of the future. Now is the time to normalize relations, to underscore our mutual confidence and respect by reinvigorating the ANZUS alliance.

In a new world order, the United States, with the counsel of our allies has made policy shifts of historical dimension. The challenge in New Zealand-United States relations is to see that this unique opportunity for reconciliation is not lost.

ORDER OF BUSINESS

Mr. HUNTER. Madam Speaker, I ask unanimous consent that my 5-minute special order be yielded at this time to the gentleman from New Mexico [Mr. RICHARDSON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADMINISTRATIVE LAND WITHDRAWAL FOR WASTE ISOLATION PILOT PLANT IN NEW MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Madam Speaker, this is a sad day for the U.S. Congress, the State of New Mexico, and the people of New Mexico.

A few moments ago I received a letter from Adm. James Watkins of the Department of Energy announcing an administrative land withdrawal for the waste isolation pilot plant in New Mexico. This is an action that violates the Congress, that bypasses the people of

New Mexico, and bypasses the State of New Mexico.

Mr. Speaker, this is also possibly an illegal act.

The Congress has to give jurisdiction to the Department of Energy for the transfer of land from the Bureau of Land Management to the Department of Energy to proceed with the WITT facility. What has happened, because of political pressure, because the Department of Energy has failed to reach agreement with the two Senators from New Mexico over how much waste could be placed in the testing phase of WITT, the Department of Energy has chosen administrative withdrawal, which takes this action unilaterally, without proper oversight and jurisdiction by the Members of this Congress and the people of New Mexico.

It is a sad day, Mr. Speaker, because now we are faced with a situation where the State of New Mexico will not get safety, will not get proper compensation for this WITT facility. This is low-level transuranic waste that is moving from across the country, from Rocky Flats, from many other nuclear facilities to be buried in southern New Mexico, in Carlsbad.

The Department of Energy, in its haste, in its bowing to the political pressure of other States, has decided to forget about safety, has decided to forget about its obligations to the State of New Mexico, has decided to forget its obligations to this Congress that it is the Congress that has the jurisdiction over a legislative land withdrawal bill that permits this facility to open.

Madam Speaker, WITT is not ready to open. There are still a number of safety provisions that have not been met. There are still a number of tests that have not been met. The State of New Mexico is going to be suing for not having proper jurisdiction over this matter. I will be joining as a citizen with the State of New Mexico in this suit against the Department of Energy.

What options does the Congress have? The Congress can proceed with legislative land withdrawal. I am not so sure that should happen. The Congress can block the action of the Department of Energy.

Madam Speaker, the Interior and Insular Affairs Committee, under a special procedure, already took that step and nullified a previous administrative withdrawal on the part of the Department of Energy.

□ 1840

The Department of Energy did not listen, did not take heed, and has proceeded with land withdrawal in violation of this action by the House Interior Committee. The Committee on Armed Services was about to act on legislative land withdrawal. The House Committee on Energy and Commerce was about to act on legislative land withdrawal.

The Department of Energy, however, has ignored these two committees, has initiated negotiations with the Senate which now have failed, and over .5 percent of waste, a dispute over .5 percent of waste to be tested, has decided that the rule of law, the bypassing of Congress, that bypassing the people of New Mexico does not matter, and they are going to open this facility without regard to the people of New Mexico.

This is very serious, because what is threatened here is the separation of powers.

So I ask my colleagues today to think of this not just as a problem in New Mexico but as a threat to the balance of power between the executive branch and the Congress.

Our action, our jurisdiction, our role as a representative of the people of this country has been violated, and I would ask every Member of this body to focus on what our next action might be. So I raise this issue today to signal that in the days ahead, not just the New Mexico congressional delegation or a majority of it, will be raising the proper action with the leaders of the House and Senate, about how the State of New Mexico can be protected, about how the people of New Mexico can be protected and the proper oversight role of this Congress can be protected.

Madam Speaker, I am including for the RECORD a letter dated October 3, 1991, from Admiral Watkins, and another letter dated October 3, 1991, from Admiral Watkins, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, October 3, 1991.

Hon. BILL RICHARDSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: I am writing to express my sincere disappointment that negotiations have apparently failed to reach agreement on legislation to permanently withdraw Federal lands from the public domain, thus allowing the Department of Energy (DOE) to commence its 7-year experimental program at the Waste Isolation Pilot Plant (WIPP) located near Carlsbad, New Mexico.

We have reached an impasse with Senator Bingaman over his insistence that the total volume of waste which could be emplaced in the WIPP during the Test Phase must be limited to 0.5 percent of total capacity. If this 0.5 percent limitation is imposed on the DOE, I consider it unrealistic to subscribe to a process that would require the DOE to seek special authority from the Congress on a periodic basis to add more waste to the WIPP simply to generate the data required to predict long-term performance. There might even be a situation where the State of New Mexico desired further experiments conducted and the DOE would have to seek legislation in order to accommodate their wishes.

While the department has no current plans to use more waste than this, I have been urged by members of the Blue Ribbon Panel on WIPP and by a National Academy of Sciences panel to remain flexible on the test plan for WIPP. The EPA has also recommended this and set an upper limit of 1 percent of total capacity for the Test Phase. Accordingly, I have asked that the legislative land withdrawal provide for the EPA Administrator to determine whether experiments requiring more than 0.5 percent are necessary before they could be conducted. I believe that reliance on the EPA in this matter is the more technically sound way to proceed.

Let me assure you that the DOE is not trying to maximize the amount of waste it emplaces in WIPP. My argument is based solely on the need for sufficient flexibility to generate the scientific data that will allow the DOE to demonstrate to the satisfaction of the EPA that the waste will not migrate from WIPP for over 10,000 years.

I reluctantly must pursue actions to withdraw these Federal lands from the Department of the Interior under an administrative procedure. Permanent land withdrawal through legislation continues to be one of the department's highest legislative priorities. However, since all Test Phase prerequisites are completed to my satisfaction and land withdrawal legislation is unavailable as the WIPP is ready to begin the Test Phase, I have no other recourse. This is a completed $1 billion facility that has been independently and extensively reviewed by the state of New Mexico, the New Mexico Environmental Evaluation Group (EEG), the EPA, the National Academy of Sciences, the Defense Nuclear Facilities Safety Board, and by members of a "blue ribbon" panel of technical experts. WIPP is costing the American taxpayer over $13 million a month, yet all the work we have done to meet environmental, safety, technical, logistical, and transportation prerequisites will mean nothing if we are unable to proceed with the 7-year scientific program to demonstrate whether the WIPP can meet the standards prescribed by the EPA.

I continue to hope that Congress will take prompt action to enact land withdrawal legislation that is acceptable to the Administration. This would permanently address the situation. It would provide economic impact assistance to the State of New Mexico, which cannot be done under an administrative withdrawal. I need the scientific flexibility to emplace sufficient quantities of transuranic waste that the experts tell me are required to show that the stringent EPA standards can be met.

Again, I regret being forced to take this action, but believe that it is the only course open to me at this time.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

THE SECRETARY OF ENERGY,
Washington, DC, October 3, 1991.

Hon. BILL RICHARDSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: I am very pleased to announce that the Waste Isolation Pilot Plant (WIPP) is ready to begin the Test Phase with transuranic waste, pending completion of land withdrawal. The Department has completed all prerequisites that are required to conduct the Test Phase activities at WIPP, beginning with the bin-scale tests, in a manner that safely protects our workers, the public, and the environment. I have approved the start of the Test Phase, pending completion of land withdrawal.

Enclosed for your information is the Final Decision Plan (Revision 10) for WIPP. Since issuance of Revision 9 of the Draft Decision Plan about 1 month ago, the Department has completed the remaining prerequisite activities, except land withdrawal. These include: (1) issuance of the Quality Assurance Project Plan for the Idaho National Engineering Laboratory (INEL); (2) completion of all bin-loading activities at INEL and readiness to ship wastes to WIPP; (3) issuance of the Final Safety Analysis Report Addendum for Dry Bin-Scale Test; (4) completion of the Department's Office of Environmental Restoration and Waste management operational readiness review and verification of resulting pre-start corrective actions; (5) closeout of all commitments for waste receipt with the Advisory Committee for Nuclear Facilities Safety; (6) designation of an alternate New Mexico transportation route; and (7) completion of a public meeting with the Defense Nuclear Facilities Safety Board on WIPP readiness. Also, enclosed for your information are a summary of the changes from Revision 9 of the Draft Decision Plan and Decision Plan status briefing package.

As I have stated in the past, permanent land withdrawal for WIPP through legislation remains one of the Department's legislative priorities. We have spent a tremendous amount of time over the past several years working with the Congress to develop mutually agreeable legislation, and I have withheld my request to the Department of the Interior for administrative land withdrawal for several months in anticipation of congressional action. However, due to the failure of the Congress to enact legislation to withdraw the public lands at WIPP and because the technical prerequisites are now complete, I have asked the Secretary of the Interior to complete administrative land withdrawal for the WIPP site, so that we can proceed with transuranic waste testing.

Let me again assure you that I will continue to personally review the progress of this important project so that the public health and safety are adequately protected during the Test Phase.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

AMENDMENTS TO THE LOW-LEVEL RADIOACTIVE WASTE POLICY ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Madam Speaker, I rise to speak in strong support of legislation that I have cosponsored with my colleague from Connecticut [Mr. GEJDENSON] to make two sensible changes to the Low-Level Radioactive Waste Policy Act.

The siting of a low-level hazardous waste facility in Connecticut has run askew. Thousands of citizens in numerous communities have been burdened with a rigid selection process that has cast a pall on their future. It is time to act and to redress the shortcomings of the law, a law that has allowed the selection process to become deficient to the needs of individuals and communities.

Our bill proposes two changes. The first change will remove the most dangerous type of waste, class C waste, from the Low-Level Waste Program. This properly classifies hazardous waste material into a more suitable designation for future storage in a high-level waste facility, which would then be the responsibility of the Federal Government rather than the States.

The second change directly addresses to the issue of where these facilities should be located. One of the towns in Connecticut that has been chosen as a preliminary site is one of the fastest growing towns in our State, experiencing a 28-percent growth rate during the last 10 years. Data projections call for this community to grow an additional 35 percent between now and the year 2000.

Why should this site even be under consideration as a low-level waste facility when the population growth and population density indicates high occupancy? As I walked the sites, I realized I did not need binoculars to determine the distance to the people's homes. They are so close, I could easily see them with the naked eye. Certainly, this indicates that regulations are remiss.

This bill, Madam Speaker, would move the proximity range from 2 kilometers to 5 kilometers and make sure the sites are not to be near schools and residences.

Madam Speaker, as the current law is implemented across the Nation, it is obvious that elements of it fail to address the commonsense and safety needs of thousands of individuals in numerous communities. It's time to correct the act now before it jeopardizes the health and safety of future generations.

THE RETIREMENT OF VINCENT "FRENCHIE" BERNAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 5 minutes.

Mr. HAMMERSCHMIDT. Madam Speaker, today the House is losing one of its finest employees. VINCENT BERNAL, better known to us as "FRENCHIE," is retiring at the end of today.

We are very privileged here to work in buildings that are consistently being looked after and attended to. Our offices are always cleaned, the halls are always painted, and the grounds around our office buildings are always well kept. Our Capitol is truly a showplace for the Nation.

This would not be possible without the efforts of many, many people. Frenchie Bernal is one of those individuals who has worked tirelessly to make sure that the buildings of the U.S. House of Representatives reflect the sense of pride that Americans have in our Capitol.

Immigrating from his native country of France in 1948, Frenchie came to work in the House in 1969. For almost 23 years he has shared his energetic demeanor and wonderful sense of humor with those of us in Congress. We could always count on him to get the job done.

For instance, anyone that has ever been in my office knows it is covered from the floor to the ceiling with pictures. It's a wonderful way to share the history of my years in Congress with those who come to visit. My constituents always seem to enjoy looking at those pictures, often with a smile across their face as they find a friend or family member on the wall. Several years ago I moved my office from the second floor of the Rayburn Building to the first. Frenchie and one of his colleagues spent 3 days hanging and arranging those pictures in my office. I deeply appreciate your hard work on that project, Frenchie. You brought a lot of smiles to my office because of it.

Now as you look forward to a well-deserved retirement, I would like to extend my best wishes to you for continued success, health, and happiness. Thank you for a job well done.

THE ADVANTAGES OF MOVING TO WEST VIRGINIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, I just want to thank you also for permitting me to be here, as you are there, as this was my time to be in the chair, and because of your kindness, I will be able to join my 2-year-old for a birthday party, I thank you very much.

Madam Speaker, some references were made earlier today in previous debate about the moving, or the proposed moving, of the CIA center to Jefferson County, WV, and there has been a lot of discussion over this.

I think, for the record, it is important to point out some of the very positive aspects of this move.

At issue are 5,000 to 6,000 employees probably scattered around 21 CIA locations in the Washington Beltway area.

The proposal would be to move 2,500 to 3,000 of these employees to a new facility in Jefferson County, WV, some 90 miles from here, and the balance of those, about an equal number, to Prince William County, VA. I think it should be stressed that the headquarters of the CIA is not moving to West Virginia or to Prince William County, VA, but is staying at Langley where it presently is, in McLean, VA.

The West Virginia office would be the center for data processing and support staff. The Prince William County, VA, office would have science and research analysts.

There are many reasons that dictate this move, first of all to consolidate 21 sites into 2. The second is because there is close proximity to both the McLean headquarters as well as to the other operations of the CIA.

As I mentioned, the proposed center in West Virginia will be only 90 miles from this Capitol and, indeed, the irony is going to be that for some of those employees, if they choose to stay in the beltway area, it will probably be a shorter commute to Jefferson County, WV, going the opposite way of rush-hour traffic than they presently have to commute today.

There are other strong reasons why the CIA considers this a good move. There is attractiveness of the panhandle region. It is the fastest-growing part of our State as well as, indeed, this entire beltway area. Berkley County, for instance, in the eastern panhandle of West Virginia, grew from 47,000 to 59,000 in a 10-year period. Jefferson County, the site of the CIA facility, has grown from 30,000 to 35,000 in 10 years.

Both government and businesses have chosen to locate major facilities in this region because, once again, the economics dictate it. This region of the eastern panhandle, Jefferson and Berkley and Morgan Counties, have excellent telecommunications infrastructure so crucial to this data processing center and, of course, excellent highway communications and links, too, with I–81 running right through the region.

What other advantages are there? Businesses report that they save $10,000 per employee by moving to the eastern Panhandle of West Virginia. A data-entry person that would require a wage of $8 per hour in Washington is paid $5 to $6 an hour in West Virginia. There is an excellent work force which many businesses testify to.

This is all part of a national movement, and I might add that I visited a Defense Logistics Agency center in Columbus, OH, last year, in which seven to eight downtown urban area centers were consolidated at Columbus, OH, at great savings to the Government with a satisfied work force all because of modern telecommunications, lower cost, lower wages in terms of cost to the taxpayers, but still the Federal Government scale, a good work force in West Virginia, and I might add also it has the lowest crime rate in the country.

So there are strong reasons that dictate this move.

I understand the concerns that many have about this move. I understand the concerns of employees. There has been a lot of scare rhetoric, I think, put out about it, but I hope that we can work through these problems, because, indeed, I think what we will find is that many of those CIA employees who will be reassigned to the West Virginia unit will find that they either choose to live there—and, incidentally, the cost, the average cost, of a home in the panhandle is now $75,000, certainly quite competitive with what the cost of a home is in the Washington suburban, Virginia suburban, Maryland area.

□ 1850

Those costs reflect equally with the business community, but I understand the concerns that people have. I also understand those employees who choose to come will find that this is where they want to be, whether to raise their families there or simply to stay where they are presently living and to commute.

So far all these reasons, I know there will be more debate over this issue, but I do want to put on the record the very favorable aspects of moving 2,500 to 3,000 jobs that would be involved in data processing and support services for the CIA to Jefferson County, WV, just as other CIA facilities are due to be consolidated in Prince William County, VA.

So those of us from West Virginia think it is very important that these facts be known and that we begin the process of working through a lot of concerns that people have.

THE CRISIS IN CROATIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, for several weeks we all have been very concerned about a threatened, actually a raging civil war, including atrocities, which is taking place in Yugoslavia. Unfortunate cruelties and deaths are mounting up, both among the Serbians and the Croatians who live in the section known as Krajina and Slavonia in Croatia.

However, this afternoon Metropolitan Christopher of the Serbian Orthodox Diocese in Chicago was notified of the capture in Pakrac—a small community in Slavonia—of Bishop Lukijan and several Orthodox priests by the Croatian Army.

This news is most distressing to all persons familiar with the Holocaust that took place in this section of Yugoslavia in 1941 through 1945. At that time, many Serbian Orthodox clergy were tortured to death, along with their parishioners. We pray there will be no repetition of such cruelty.

Pakrac, which incidentally is the town where my mother was born and grew up, lost more than 50 percent of its population during World War II to slaughtering.

According to the information available this afternoon, Bishop Lukijan and his priests were driven out of their residence and fled into the woods where they later were captured.

In addition, valuable manuscripts were pulled out of the library there, since this church is the seat of the diocese in that area, and the manuscripts were strewn all over the woods. The church has been severely defaced.

Madam Speaker, there is grave concern over the safety of Bishop Lukijan and his priests. When advised about this sad state of affairs, Ambassador Warren Zimmerman of the U.S. Embassy in Belgrade said he would request the Government of Croatia to release the bishop and his men.

Madam Speaker, there are enough broken hearts, families and homes, over the desperate situation in the Krajina section of Croatia. Perhaps the freeing of the bishop can be a strong first step toward developing peace in this unsettled nation. We pray that can be accomplished with those of us on the outside who care helping to defuse the violence that threatens everything there.

DEMOCRACY MUST BE RESTORED IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, a violent coup has overthrown democracy in the nation of Haiti. This gross violation of the right of the Haitian people to govern themselves should be condemned by all who value democratic principles.

Just 8 months after democracy gained a foothold in Haiti, it has been brutally toppled by an illegal coup. Last February, many Haitians believed that Haiti had finally reached a turning point. After a series of dictatorships and military occupation democracy had at long last come to Haiti with the historic popular election of President Jean-Bertrand Aristide.

Now, this military coup threatens to destroy this young and fragile democracy. The international community cannot allow the coup to stand. Just as the coup plotters in Moscow realized that the will of the people cannot be crushed by military might, the coup plotters in Port-au-Prince must be made to understand that they will not succeed. Just as international pressure helped the Soviet people bring down the KGB coup, the community of nations should work together to help the Haitian people restore their democracy.

Last night, President Aristide calmly but forcefully called on the Organization of American States to come to the aid of the democratic aspirations of the Haitian people. They responded by authorizing an OAS delegation to travel to Port-au-Prince to seek to resolve this situation. I commend the OAS for their actions and call on our Government and those of other nations to take concrete steps to prod the leaders of the coup to step aside and restore President Aristide's government.

The people of Haiti have suffered under repressive regimes for far too long. We must protect their freedom to choose their own leaders.

THE FRESH CUT FLOWER REGULATION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I rise to introduce legislation designed to highlight and address the devastating competitive factors affecting the domestic cut flower industry in this country. This is an industry that has seen a significant and steady decline over the past 6 years. This decline has been well documented and was the subject of a 1989 report that I requested to have the International Trade Commission [ITC] conduct an investigation into the factors affecting, specifically, the domestic rose-growing industry. This report effectively illustrated that since 1988, domestic production of roses had stagnated while imports increased by 33.1 percent making their share of the U.S. market to 41.2 percent by1990.

The cut flower industry as a whole has been captured by a greater degree by imports. Since 1987, there has been a decline of 18 percent in the number of growers, of 22.4 percent in the number of plants in production, of 14.4 percent in the area in production, of 18.1 percent in the volume of shipments, and of 14.9 percent in the sales value of domestic shipments. Colombia and other GSP-eligible countries accounted for all but the increase in volume and value of total imports. The industry has experienced a dismal trade balance in all fresh cut flowers, including roses, with a deficit of $365.6 million in 1988, worsening to a deficit of $405.6 million in 1990.

Great efforts have been made by the domestic industry to achieve a level playing field for competition against imports but the existing remedies have proved to be ineffective. Although there have been a select few determinations made by the Department of Commerce and of the International Trade Commission that have resulted in the promulgation of countervailing duty or antidumping duty orders on certain cut flowers, the massive volume has not abated. Based on a representative sampling of domestic growers, the profitability of fresh cut flower growers declined sharply to 0.4 percent return on sales in 1989 and a loss of 9.5 percent of sales in 1990.

The purpose of the legislation is to regulate fresh cut flowers in an equitable manner to prevent the destruction of the domestic flower growing industry while providing for participation of both domestic and foreign markets. In order to achieve this, the bill would require the Secretary of Commerce to monitor the selling prices of imported flowers and to self-initiate antidumping duty actions against unfairly traded flowers. In this way, the process of investigating antidumping will be more expedient to the producer by making the process more automatic. It would also amend the marking statute to assure that retailers and ultimate consumers of imported fresh cut flowers are advised of the country of origin of these flowers.

The ITC report mentioned above did indeed outline the competitive advantages that foreign markets have which has resulted in the stagnation and decline of small, family-owned businesses in the United States. The comparative strengths of the Colombian industry, our principal foreign competitor, include the availability of abundant labor, a growing season that is ideal for production throughout the year, a pricing system that is advantageous to United States importers, and an efficient distribution system. Without regulation of cut flowers to neutralize the unfair competitive advantage of foreign producers, the negative return on investment from growing flowers will force family farms out of business.

In my district alone, I have two major centers of rose greenhouse production in California. Rose production here is by far the greatest of the 33 States with commercial rose greenhouses. I am concerned about the administrative apparatus to deal with harmful effects of unfair foreign trade competition on our domestic industry that have failed to adequately protect our domestic flower industry. We must assess the options for remedying the situation and enable domestic rose growers to compete in domestic and foreign markets.

I am in favor of trade agreements but they must be fair trade agreements. As the President begins these careful reviews and negotiations with our current and future trading partners, great consideration must be given to problems affecting American workers, the environment, and many key industries, including agriculture and horticulture. Any agreement demands close congressional oversight to ensure adequate protection for industries, our workers and consumers. American industries cannot be expected to bear the burden of our efforts to improve economies abroad.

Thank you, Mr. Speaker. The text of the legislation is as follows:

H.R. 3484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fresh Cut Flower Import Regulation Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Authorization of allocation of import duty collections on fresh cut flowers to fund departmental cost of administration.

TITLE I—QUANTITATIVE LIMITATION OF IMPORTS OF FRESH CUT FLOWERS

Sec. 101. Definitions.
Sec. 102. Determination by the Secretary of Agriculture.
Sec. 103. Publication and effective date of the Secretary's determination.
Sec. 104. Revisions of the Secretary's determination.
Sec. 105. Publication and effective date of revisions of the Secretary's determination.
Sec. 106. Enforcement of the Secretary's determination and revisions thereof by the Secretary of the Treasury as quantitative limitations on imports.
Sec. 107. Action by the President to proclaim the quantitative limitations established by the Secretary of Agriculture effective by embodying them in appropriate provisions of the Harmonized Tariff Schedules of the United States.

TITLE II—REALLOCATION ON UNUSED COUNTRY QUOTAS

Sec. 201. Reallocation of unused country quotas among other supplying countries by the Secretary of Agriculture: the Secretary's reallocation determination.
Sec. 202. Publication and effective date of the Secretary's reallocation determination.

TITLE III—COUNTRY OF ORIGIN IDENTIFICATION OF IMPORTED FRESH CUT FLOWERS

Sec. 301. Amendment of section 304 of the Tariff Act of 1930 to provide for marking to inform flower retailers and ultimate consumers of fresh cut flowers of the country of origin of imported flowers.
Sec. 302. Amendment of section 5A of the Federal Trade Commission Act to specify that failure to disclose the country of origin to flower retailers and ultimate consumers of imported fresh cut flowers is an unfair act or practice in commerce.

TITLE IV—MONITORING OF THE PRICES OF IMPORTED FRESH CUT FLOWER BY THE SECRETARY OF COMMERCE; SELF-INITIATION BY HIM OF ANTIDUMPING DUTY INVESTIGATIONS OF IMPORTS BEING OFFERED OR SOLD BELOW THEIR FAIR VALUE

Sec. 401. Monitoring by the Secretary of Commerce of the prices at which imported fresh cut flowers are sold in the United States.
Sec. 402. Monitoring by the Secretary of Commerce of the fair value prices of imported fresh cut flowers sold in the United States.
Sec. 403. Requirement that the Secretary of Commerce self-initiate antidumping duty investigations of imports of fresh cut flowers determined by him to be sold in the United States at less than fair value.
Sec. 404. Publication by the Secretary of Commerce of his determinations.
Sec. 405. Disclosure to interested parties by the Secretary of Commerce under administrative protective order of the prices determined pursuant to sections 401 and 402.
Sec. 406. Notice to interested parties and opportunity for them to present information and views to the Secretary pertinent to his obligations under sections 401, 402, and 403.

SEC. 2. FINDINGS AND PURPOSES

(A) FINDINGS.—the Congress finds that:

(1) Pursuant to a request of the Congress in section 4509 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 102 Stat. 1107), the International Trade Com-

mission conducted an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) of the competitive factors affecting the domestic rose-growing industry, including competition from imports, and the extent to which unfair trade practices and foreign barriers to trade are impeding the marketing abroad of domestically produced roses. By its publication 2178 of April 1989, the Commission reported to Congress that the United States fresh cut rose industry has steadily lost market share to imported roses over the last decade, and that by 1988, imports had increased their share of the United States market by over 40 percent since 1985, accounting for 37.9 percent of apparent consumption. The Commission reported that the financial performance of the United States rose-growing industry had declined to a low of 3.5 percent in 1988, with almost 38 percent of the growers reporting losses in that year. The Commission found that domestic growers must compete with foreign growers primarily on the basis of price, and that imported roses enter the United States market without an established price, because sold on consignment, and that the United States importer accordingly assumes very little risk in the transaction, resulting in lower prices than if the importer assumed ownership of the imported product. At the same time, the Commission reported that United States producers interested in exporting roses may face competition from foreign producers that benefit from government-sponsored programs which could impede the trade of United States-produced roses in foreign markets. Since 1988, domestic production of roses has essentially stagnated, while imports of roses have burgeoned, increasing by 33.1 percent by volume, boosting their share of the United States market to 41.2 percent by 1990.

(2) The domestic market for other fresh cut flowers has also been captured to an even more massive degree by imports. Since 1987, through the year 1990, there has been a decline of 18 percent of the number of growers, of 22.4 percent in the number of plants in production, of 14.4 percent in the area in production, of 18.1 percent in the volume of shipments, and of 14.9 percent in the sales value of domestic shipments. Between 1988 and 1990, the domestic market has been overwhelmed by imports; the imports to domestic shipments ratio increased to 218.1 percent by volume and 161.3 percent by value, with Colombia and GSP-eligible countries accounting for all but the ratio of 1 percent by volume and 2.4 percent by value of total imports. The share of the market captured by the principal categories of fresh cut flowers other than roses by 1990 is 52.6 percent for miniature and 75.1 percent for standard carnations; 62.5 percent for pompons and 62.6 percent for standard chrysanthemums, 11.1 percent for anthuriums; 73.5 percent for dendrobium and other orchids; and for a basket of other fresh cut flowers including gypsophila, gerberas, alstromeria, and statice (all varieties), 47.0 percent.

(3) The United States balance of trade in all fresh cut flowers, including roses, was a deficit of $365,600,000 in 1988, worsening to a deficit of $405,600,000 in 1990.

(4) Efforts by the domestic fresh cut flower industry to achieve a level playing field in the United States market for competition against imports have been persistent but unavailing as existing remedies have provided to be ineffective as applied to unfairly traded fresh cut flower imports. Notwithstanding the determinations of the Department of Commerce and of the International Trade Commission resulting in the promulgation of countervailing duty and/or antidumping duty orders on certain fresh cut flowers from Colombia, Chile, Costa Rica, Ecuador, Kenya, Mexico, Peru, the Netherlands, and Canada, and on roses from Israel, and a countervailing duty suspension agreement on roses from Colombia, the massive volume and sharply rising tide of imports has not abated. During the first 4 months of 1991, imports of carnations increased by nearly 20,000,000 stems over the same period in 1990, while by mid-July, rose imports had increased by 49,000,000 stems over the like period of 1990.

(5) Based upon a representative sampling of domestic growers, the profitability of fresh cut flower growers, including rose growers, declined sharply to a bare 0.4 percent return on sales in 1989 and a loss of 9.5 percent of sales in 1990.

(6) Notwithstanding the direction of the Congress in section 4509(c) of the Omnibus Trade and Competitiveness Act of 1988 that the United States Trade Representative, the Secretary of Commerce, and the Secretary of Agriculture should use all available remedies within their respective jurisdictions to assist the domestic rose-growing industry to enhance its ability to compete in the domestic and world markets against foreign-grown roses, no relief has been forthcoming for the domestic rose industry. The domestic commercial greenhouses growing roses and the other fresh cut flowers are threatened with destruction by the uncontrolled and mounting flood of imports which are unfairly sold via the consignment method of prices which undercut the domestic flowers in all markets and in all seasons. Time is now of the essence for the granting of relief to prevent this traditional and creative small business, essentially second or third generation family-owned business segment of the agribusiness industry from destruction.

(b) PURPOSES.—The purposes of this Act are to—

(1) regulate foreign commerce in roses and other fresh cut flowers in an equitable manner to prevent the destruction of the investment and jobs in the domestic commercial flower growing segment of the agribusiness industry, while allowing stable participation for both domestic and imported flowers in the future growth of domestic consumption;

(2) to require the Secretary of Commerce to monitor the selling prices of imported flowers and to self-initiate antidumping duty actions against unfairly traded flowers;

(3) to amend the marking statute so as to assure that retailers and ultimate consumers of imported fresh cut flowers are advised by clear and distinct marking of the country of origin of such flowers; and

(4) to declare it an unfair and deceptive act and practice in commerce within the meaning of section 5A of the Federal Trade Commission Act for importers, wholesalers, and retailers to sell imported flowers without disclosing the fact of their being imports and of the country of origin to ultimate purchasers of the flowers.

SEC. 3. AUTHORIZATION OF ALLOCATION OF IMPORT DUTY COLLECTIONS ON FRESH CUT FLOWERS TO FUND DEPARTMENTAL COSTS OF ADMINISTRATION.

(a) FRESH CUT FLOWER IMPORT REGULATION TRUST FUND.—There is hereby established within the Treasury of the United States a trust fund to be known as the Fresh Cut Flower Import Regulation Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this section.

(b) TRANSFER OF AMOUNTS TO TRUST FUND.—(1) The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund that are attributable to the duty imposed by Harmonized Tariff Schedules of the United States (1991), Heading 0603.10.

(2) The amounts which are required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than, the amounts required to be transferred.

(3) The Secretaries of Commerce and of Agriculture are authorized to requisition funds from the Trust Fund to defray the costs of their administration of their duties under this Act.

(4) The Secretary of the Treasury shall be the trustee of the Trust Fund, and shall submit an annual report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the financial condition and the results of the operations of the Trust Fund during the fiscal year preceding the fiscal year in which such report is submitted, and on the expected condition and operations of the Trust Fund during the fiscal year in which such report is submitted.

(5) The Secretary of the Treasury shall invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals in response to requisitions by the Secretaries of Commerce and Agriculture. Such investments may be made only in interest-bearing obligations of the United States. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price. The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a party of the Trust Fund.

(6) Amounts in the Trust Fund shall be available as provided in appropriation Acts for expenditures by the Secretaries of Commerce and of Agriculture that are required to carry out the provisions of titles I, II, and IV of this Act. The Secretaries of Commerce and Agriculture shall consult with the Secretary of the Treasury concerning their projected requirements to carry out such provisions of this Act.

(7) There are authorized to be appropriated to the Trust Fund, as repayable advances, such sums as may from time to time be necessary to make the expenditures described in paragraph (6) of this subsection.

TITLE I—QUANTITATIVE LIMITATION OF IMPORTS OF FRESH CUT FLOWERS

SEC. 101. DEFINITIONS.

For purposes of this Act:

(1) The term "fresh cut flowers" means those flowers provided for under the Harmonized Tariff Schedules of the United States (1991) Heading 0603.10.

(2) The term "flower retailers" means those commercial establishments which sell fresh cut flowers directly to ultimate consumers.

(3) The term "ultimate consumers" means those persons, firms, organizations, or other associations or entities which purchase fresh

cut flowers for their own use and not for resale.

(4) The term "domestic consumption of fresh cut flowers" means that quantity of fresh cut flowers determined by the Secretary of Agriculture to constitute the new supply of fresh cut flowers to the United States domestic market. The Secretary's determination shall include imports and commercial shipments of domestically grown fresh cut flowers, exclusive of exports.

SEC. 102. DETERMINATION BY THE SECRETARY OF AGRICULTURE.

(a) IN GENERAL.—Annually, the Secretary of Agriculture shall determine for each of the following categories of fresh cut flowers the domestic consumption in quantity of stems for the most recent 12-month period for which domestic shipment and import data are available and the respective shares of consumption accounted for by domestic shipments and by total imports.

(b) ESTIMATION OF DOMESTIC CONSUMPTION.—Based on the econometric data available to the Secretary pertinent to anticipated demand for floricultural products, including consideration of established trends in domestic shipments and imports of fresh cut flowers, the Secretary shall estimate the expected domestic consumption of the designated categories of fresh cut flowers for the 12-month period next following the lapse of 30 calendar days following his publication in the Federal Register of the expected domestic consumption in such 12-month period and the respective shares expected to be supplied by domestic shipments and by imports: sweetheart roses; other roses; miniature carnations; standard carnations; standard chrysanthemums pompon chrysanthemums; anthuriums; dendrobium and other orchids, daisies, gerberas, alstroemeria, static (all varieties), gypsophila, and other fresh cut flowers.

(c) SHARES OF EXPECTED CONSUMPTION.—If the expected share to be supplied by imports as determined by the Secretary exceeds the following shares of expected consumption, the share of consumption allocated by the Secretary to total imports shall not exceed those specified shares of consumption: roses, 37.9 percent; miniature carnations, 52.6 percent; standard carnations, 75.1 percent; pompon chrysanthemums, 62.5 percent; standard chrysanthemums, 62.6 percent, anthuriums, 11.1 percent; dendrobium and other orchids, 73.5 percent; gypsophila, daisies, gerberas, alstroemeria, statice (all varieties), and other fresh cut flowers, 47.0 percent.

(d) SUBALLOCATION AMONG SUPPLYING COUNTRIES.—The Secretary shall suballocate 95 percent of the share of expected domestic consumption among supplying countries in proportion to their supply of imports for consumption during the 12-month period whose data was considered by the Secretary pursuant to subsection (a) of this section. The remaining 5 percent shall be reserved for new supplying countries.

SEC. 103. PUBLICATION AND EFFECTIVE DATE OF THE SECRETARY'S DETERMINATION.

(a) PUBLICATION OF ANNUAL DETERMINATION.—The Secretary's annual determinations specified in section 102 shall be published in the Federal Register not later than December 1 of each year. The supplying country shares of expected domestic consumption allocated to its imports for each of the categories of fresh cut flowers specified in section 102 shall be effective as quantitative limitations of such imports entered or withdrawn from warehouse for consumption for the ensuing year. A quantitative quota equal to 5 percent of total imports of each category of flower shall be allocated to new supplying countries on a first come, first served basis until the quota is exhausted.

(b) QUARTERLY DETERMINATION AND PUBLICATION.—The Secretary shall determine an allocation of the annual country/product quotas among the calendar quarters of the year based on the historical fluctuation in consumption from quarter to quarter. He shall publish the quarterly allocations as part of the determinations specified in subsection (a) of this section.

SEC. 104. REVISIONS OF THE SECRETARY'S DETERMINATION.

(a) IN GENERAL.—Whenever the Secretary of Agriculture determines that there is expected to be in an ensuing calendar quarter or quarters either a significant shortfall in domestic shipments such that a substantial undersupply of the domestic market will occur, or a significant decline in apparent domestic consumption over his projection upon which the then current quota is based such that the entry or withdrawal for consumption of the permissible quota quantity of imports would create a significant oversupply in the market, of one or more of the specified categories of fresh cut flowers to the domestic market, he shall determine for such ensuing calendar quarter or quarters a special limited increase or decrease, as the case may be, in the global import quota equal to the expected shortfall of domestic shipments or import surplus in domestic supply of the affected category or categories of fresh cut flowers. In making such determination, the Secretary shall take into consideration the information and views of domestic growers, wholesalers, trade associations and the information supplied by the field marketing services of the Department of Agriculture.

(b) ALLOCATION OF INCREASE OR DECREASE IN QUOTA.—The Secretary shall allocate the special limited increase or decrease, as the case may be, in the global import quota for the specified category or categories of fresh cut flowers among supplying countries in proportion to their respective shares of domestic consumption as determined under section 102 and 103 of this Act.

SEC. 105. PUBLICATION AND EFFECTIVE DATE OF REVISIONS OF THE SECRETARY'S DETERMINATION.

The Secretary's determination of a special limited change in the global import quota for the specified category or categories of fresh cut flowers among supplying countries shall be effective as specified in his notice within thirty days of its publication.

SEC. 106. ENFORCEMENT OF THE SECRETARY'S DETERMINATION AND REVISIONS THEREOF BY THE SECRETARY OF THE TREASURY AS QUANTITATIVE LIMITATIONS ON IMPORTS OF FRESH CUT FLOWERS.

(a) IN GENERAL.—The Secretary of the Treasury shall enforce the quantitative limitations on imports of fresh cut flowers in accordance with the determinations of the Secretary of Agriculture as published pursuant to sections 103, 105, and 202 of this Act.

(b) REGULATIONS.—The Secretary of Agriculture and the Secretary of the Treasury are authorized to promulgate such regulations as are necessary or appropriate to carry out the quantitative limitations on imports of fresh cut flowers established by section 103, 105, of this section, and section 202 of this Act.

SEC. 107. ACTION BY THE PRESIDENT TO PROCLAIM THE QUANTITATIVE LIMITATIONS ESTABLISHED BY THE SECRETARY OF AGRICULTURE EFFECTIVE BY EMBODYING THEM IN APPROPRIATE PROVISIONS OF THE HARMONIZED TARIFF SCHEDULES OF THE UNITED STATES.

The President shall embody in the Harmonized Tariff Schedules of the United States the substance of the relevant provisions of titles I and II of this Act, and the determinations of the Secretary of Agriculture thereunder, including the determination of, allocation, revision, and reallocation of import quotas by the Secretary.

TITLE II—REALLOCATION OF UNUSED COUNTRY QUOTAS

Sec. 201. REALLOCATION OF UNUSED COUNTRY QUOTAS AMONG OTHER SUPPLYING COUNTRIES BY THE SECRETARY OF AGRICULTURE: THE SECRETARY'S REALLOCATION DETERMINATION.

Prior to the lapse of the third calendar quarter of each year, the Secretary of Agriculture will review the volume of imports of each category of fresh cut flowers received from each supplying country. If he finds that any country has not filled its quota of a particular category of fresh cut flowers by an amount equal to 50 percent or more of its quota, the Secretary shall reallocate the unused portion of the prior calendar quarter quotas to other supplying countries in proportion to their respective shares of domestic consumption.

SEC. 202. PUBLICATION AND EFFECTIVE DATE OF THE SECRETARY'S REALLOCATION DETERMINATION.

The Secretary's determination of a reallocation of unused portions of a country's quota for a particular fresh cut flower shall be effective as specified in his notice within thirty days of its publication in the Federal Register.

TITLE III—COUNTRY OF ORIGIN IDENTIFICATION OF IMPORTED FRESH CUT FLOWERS

SEC. 301. AMENDMENT OF SECTION 304 OF THE TARIFF ACT OF 1930 TO PROVIDE FOR MARKING TO INFORM FLOWER RETAILERS AND ULTIMATE CONSUMERS OF FRESH CUT FLOWERS OF THE COUNTRY OF ORIGIN OF IMPORTED FLOWERS.

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), is further amended to redesignate existing subsections (f) and (g) as subsections (g) and (h), respectively, and to insert a new subsection (f), to read as follows:

"(f) MARKING OF FRESH CUT FLOWERS.—No exception may be made under subsection (a)(3) of this section with respect to fresh cut flowers, as provided for under Harmonized Tariff Schedules of the United States, Heading 0603.10, each of which shall be individually marked on the stem, or on the packaging in which the flowers are sold to flower retailers and to ultimate consumers of fresh cut flowers, so as to indicate conspicuously, legibly, and continuously until the flower reaches the ultimate consumer in the United States the English name of the country of origin of the flower.".

SEC. 302. AMENDMENT OF SECTION 5A OF THE FEDERAL TRADE COMMISSION ACT TO SPECIFY THAT FAILURE TO DISCLOSE THE COUNTRY OF ORIGIN TO FLOWER RETAILERS AND ULTIMATE CONSUMERS OF IMPORTED FRESH CUT FLOWERS IS AN UNFAIR ACT OR PRACTICE IN COMMERCE.

Section 5A of the Federal Trade Commission Act, as amended (15 U.S.C. 45) is further amended to add the following paragraph to subsection (a) thereof, to read as follows:

"(4) It shall be an unfair act or practice in commerce for anyone in the chain of distribution to sell in the United States imported fresh cut flowers, as provided for in the Harmonized Tariff Schedules of the United States, Heading 0603.10, without indicating to the ultimate consumers of such flowers conspicuously, legibly, and continuously the English name of the country of origin thereof by means of individual marking on the stem, or on the packaging in which the flowers are sold.".

TITLE IV—MONITORING OF THE PRICES OF IMPORTED FRESH CUT FLOWERS BY THE SECRETARY OF COMMERCE; SELF-INITIATION BY HIM OF ANTIDUMPING DUTY INVESTIGATIONS OF IMPORTS BEING OFFERED OR SOLD BELOW THEIR FAIR VALUE

SEC. 401. MONITORING BY THE SECRETARY OF COMMERCE OF THE PRICES AT WHICH IMPORTED FRESH CUT FLOWERS ARE SOLD IN THE UNITED STATES.

The Secretary of Commerce shall continuously monitor the prices at which imported fresh cut flowers are sold in the United States. In doing so, he may enlist the assistance of the Secretary of Agriculture, the Secretary of the Treasury and the United States International Trade Commission as he may determine useful and appropriate. Not less often than quarterly he shall make a determination of the range and average selling prices of each category of fresh cut flowers from supplying countries accounting for 5 percent or more of total imports of such categories. The Secretary shall consider the United States prices of imported flowers on the basis of the net back price remitted to the foreign growers by the importers who receive the flowers on consignment, and sell at prices which the International Trade Commission found in its section 332 investigation of roses, are "below that which would be charged if the importer assumed ownership of the product," which the Congress considers to be *prima facie* unfair because below the fair value of such flowers.

SEC. 402. MONITORING BY THE SECRETARY OF COMMERCE OF THE FAIR VALUE PRICES OF IMPORTED FRESH CUT FLOWERS SOLD IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Commerce shall continuously monitor the prices at which imported fresh cut flowers are sold in the principal export markets other than the United States in order to determine the probable fair value of the imported flowers. Not less often than quarterly he shall make a determination of the range and average export to principal third country selling prices of each category of fresh cut flowers from supplying countries accounting for 5 percent or more of total United States imports of such categories. The Secretary shall consider that export sales to third countries of flowers that are consigned to the importers in such countries for sale by them on a commission basis at prices to be determined by them, result in inherently unfair net back prices which are *prima facie* below fair value. The Secretary should not utilize the resale, commission-applicable prices, nor the net back prices to the foreign growers supplying the flowers, of such third country transactions as the basis of fair value. Instead, the Secretary should base his fair value determination as specified in subsection (b) of this section.

(b) ESTIMATES OF COSTS OF PRODUCTION IN CASE OF ABNORMALLY LOW PRICES.—Where the Secretary has reason to believe that the third country export prices are so low as to indicate the probability that the flowers are being sold below their cost of production, he will enlist the assistance of commercial counselor representatives in the United States Embassies in the originating countries to secure best available estimates of the cost of production of the flowers. Not less often than quarterly he shall make a determination of the range and average cost of production of each category of fresh cut flowers from supplying countries accounting for 5 percent or more of total United States imports of such categories where he has reason to believe that third country export prices are so low as to indicate the probability that the flowers are being sold below their cost of production.

(c) DETERMINATION OF PROBABLE FAIR VALUE.—The Secretary shall base his determination of the probable fair value of the imported flowers on third country export prices or on constructed value as he may deem appropriate. Not less often than quarterly he shall make a determination of the range and average cost of production of each category of fresh cut flowers from supplying countries accounting for 5 percent or more of total United States imports of such categories where he has reason to believe that third country export prices are so low as to indicate the probability that the flowers are being sold below their cost of production.

SEC. 403. REQUIREMENT THAT THE SECRETARY OF COMMERCE SELF-INITIATE ANTIDUMPING DUTY INVESTIGATIONS OF IMPORTS OF FRESH CUT FLOWERS DETERMINED BY HIM TO BE SOLD IN THE UNITED STATES AT LESS THAN FAIR VALUE.

The Secretary of Commerce shall commence an antidumping duty investigation pursuant to section 732(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1673a(a)(1)), whenever he determines from the selling price in the United States and his estimate of fair value as ascertained by him pursuant to sections 401 and 402 of this Act that a specific category or specific categories of fresh cut flowers from one or more supplying countries appear to be sold at less than their fair value by greater than de minimis margins.

SEC. 404. PUBLICATION BY THE SECRETARY OF COMMERCE OF HIS DETERMINATIONS.

The Secretary shall publish in the Federal Register not less frequently than quarterly his determinations pursuant to sections 401 and 402 of the United States selling prices and of the fair value of sweetheart roses; other roses; miniature carnations; standard carnations; standard chrysanthemums; pompon chrysanthemums; anthuriums; dendrobium and other orchids; daisies; gerberas; alstroemeria; statice (all varieties); gypsophila and other fresh cut flowers from supplying countries individually accounting for 5 percent or more by volume of total imports of such flowers.

SEC. 405. DISCLOSURE TO INTERESTED PARTIES BY THE SECRETARY OF COMMERCE UNDER ADMINISTRATIVE PROTECTIVE ORDER OF THE PRICES DETERMINED PURSUANT TO SECTIONS 401 AND 402.

Pursuant to section 777(c)(1)(A) and (B) of the Tariff Act of 1930, as amended (19 U.S.C. 1677f(c)(1)(A) and (B)), the Secretary shall make available to interested parties under administrative protective order such proprietary information pertaining to prices and cost of production as he acquires in the course of the performance of the duties specified in sections 401 and 402 of this Act. Under regulations promulgated by the Secretary, interested parties to whom information is so disclosed may retain the information for use in accordance with the terms of the administrative protective order in connection with their submission of views pursuant to section 406 of this Act.

SEC. 406. NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR THEM TO PRESENT INFORMATION AND VIEWS TO THE SECRETARY PERTINENT TO HIS OBLIGATIONS UNDER SECTIONS 401, 402, AND 403.

(a) IN GENERAL.—Prior to the Secretary's undertaking to collect price and fair value information for use in making his quarterly determinations under sections 401 and 402 of this Act, the Secretary shall publish in the Federal Register notice of his intention to receive and consider information pertinent to such determinations, with an indication of the opportunity for interested parties to submit information pertinent to his consideration. The notice shall afford interested parties not less than 30 days from the publication of the notice in the Federal Register within which to submit written information. The notice shall specify the address to which communications from interested parties shall be submitted and the name and telephone number of the staff person responsible for receipt and evaluation of the submitted information.

(b) NOTICE.—Not less than 30 days prior to his publication of a Notice to Initiate An Antidumping Duty Proceeding on a specified category or categories of fresh cut flowers from one or more supplying countries, pursuant to section 404 of this Act, the Secretary shall publish in the Federal Register a notice of his intention to so initiate such an antidumping duty proceeding, and therein inform interested parties of their opportunity to sumbit written views within a period of 15 days from the publication date of the notice in the Federal Register. The Secretary shall take such views into consideration in determining whether to proceed with his intended initiation of an antidumping duty proceeding.

THE NEW PEACE RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] was recognized for five minutes.

Mr. HUTTO. Madam Speaker, I can still remember the civil defense evacuation plans, the air raid drills in schools, and the construction of bomb shelters all over the United States. Not so long ago, the cold war with the Soviet Union was at its peak with the costly struggle of the nuclear arms race. This struggle not only affected America's pocketbook, but fed our fear of a possible nuclear mishap. Today, the chill of this war is over, and we are in the midst of a new race. The Peace race.

Last Friday night, President Bush addressed the country and urged the Soviet Union to join us unilaterally in reducing the chances of nuclear war. While many may see this as an opportunity to begin reaping the fruits of a peace dividend, I believe that this invitation directly recognized the fine work of our military men and women in maintaining the peace. In 1957, for example, we had B-52 bombers and their crews on 24-hour alert. This alert finally ended on Saturday, with the recall of B-1 and B-52 bombers off alert status. Let us also remember the important role of the men and women who worked in the Minuteman missile silos. As you know, the President's plan calls for the accelerated termination of the Minuteman II defense system. In addition, the President's directive affects many other weapons systems of all our Armed Forces in the United States and overseas. Undoubtedly, the planners in Moscow considered all these weapons in their war planning. More importantly, though, these weapons were worth their costs because they deterred war.

But without the men and women of our armed forces who operated these weapons, the peace would not have been preserved. These people made the sacrifices of sleepless nights, separation from family and friends, received injuries in the line of duty, and even risked their lives. As the bombs are put in storage and our people stand down from this high alert after so many years, I am grateful for their contributions. Thank God we never had to test the full value of their dedication to duty.

A TRIBUTE TO THE LATE LILY SOTO, FORMER OFFICE MANAGER OF CONGRESSMAN HUNTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] was recognized for 5 minutes.

Mr. HUNTER. Madam Speaker, I take the well to talk about an event that I never thought would happen. It was always furthest from my mind and I think that of many of our friends and family and members of our congressional office, and that is that my dear friend, our dear friend and office manager ever since I was a barrio attorney in San Diego and later a freshman Congressman, my office manager, Lily Soto, passed away yesterday about 4 o'clock.

I want to talk about Lily Soto because I think that her story represents and reflects everything that makes this country good and makes our country great.

Lily Soto became my office manager when I was practicing law in the barrio and we had half of a barbershop as our law office. I took a hammer and nails and went down the middle of it with a gentleman on the other side who had an immigration office. I had a little law office on my side. Lily Soto was my officer manager. She did everything. She was my secretary. She made policy decisions around the office. She had a wonderful manner with people.

In 1980, when my mother and father, who really were my first campaign managers in my race for Congress, came into my office one day and said, "Son, we think you can run for Congress."

And I said, "Who, me?"

And I have always considered my father to be the smartest guy in American politics. Nothing has happened in the last 10 years nor have I seen anyone in Washington, DC to change that feeling, and the same about my wonderful mother who now is in very difficult shape. When they came in and said, "You can win this thing and you've got a chance," Lily Soto was right there with us.

Now, she had nine children, and of all the things that she represented and of all the jobs that she did as a public servant and as an office manager for me and as a friend of the community, her greatest role and I think the greatest role in America was as a mother, because she was the mother of many, Jeanie Duran, who is now 31 years old, Mitzi, who is 27, Julian, 23, Sachi, 20, and I remember when Sachi was just a baby, and of course her children by her husband's former marriage. Her husband, John Soto, is a fine gentleman. There was Willy, Jonnie, Gutavo, Diane, and Mary.

Lily had all those considerations, but she had a manner about her, an organizational ability that allowed her to raise this family and be a mother to them and be a great friend to me and my family and my sons, Duncan, Sam, my wife, and my mother and father.

□ 1900

And to run this little one-horse campaign for the U.S. Congress out of a little storefront office in the barrio in San Diego, Lily Soto loved people and she served people and was happy about serving people.

Later on when I became a congressman and we managed to win without having a big consulting firm because we had Lily there working tirelessly, later on she endeavored in my office, as our office manager, always endeavored to do things that involved children. When we had a little Christmas every year for the children of San Ysidro, where any child who wanted to come to the community center there could get a gift, something to eat and something to drink to celebrate Christmas, and we had literally people backed up almost as far as you could see, mothers bringing in their kids, some of them without any money whatsoever. That operation was a success because Lily Soto and Sachi and the rest of her family, and the rest of our wonderful staff, Cindy Rainville, Helen Tracey, Bob and Tita Medina and Cato and Pilina Cadillo and the others would work with Lily and they would put together these little packages, little gifts for children and wrap them up with ribbons and spend a great deal of time bringing a little happiness for people who did not have a lot of money and had not had a chance to really enjoy the Christmas in the way children should be able to enjoy Christmas.

So we would have these big Christmas parties for the children of San Ysidro and later on for the children of Imperial Valley, and Lily was right there in the center of it. It was like a big whirlwind, a cyclone, and right in the center would be Lily running things, making people happy, always caring about other people.

Madam Speaker, Lily was interned at one of the Japanese internment camps as a United States/Japanese citizen in World War II, as a child. Interestingly, and typically for Lily, she said, "I am against this payoff or payment of money to people who were in the camps. A lot of people suffered in World War II, and nobody should be treated any differently than anybody else." That was typical of Lily because she always thought of others.

She was a wonderful, wonderful mother. The interesting thing is that her love for her children and for all the children in the community was returned 10-fold.

Children loved her. My little boys, Sam and Dunc—Dunc was born in 1976, when Lily was my secretary, as a lawyer, and Sam was born in 1983—they absolutely adored Lily, as all of the children of the community did who came into contact with her.

You know, we have a wonderful, wonderful staff of people, and the people whom I have mentioned, Cato, his great wife, Pilina, Bob and Tita Medina, who have been with me for a long time, and Crystal Alexander, Helen Tracey, whom I like to remember as General George Patton's secretary during World War II; Cindy Rainville and my district representative, Wendell Cutting, they all kind of took a little moral impetus from Lily Soto.

Madam Speaker, she was a happy person, she was a good person to be around. You know, for the people who walked into the door of my congressional office who had serious problems—and many people come into our offices where we have problems that would not be big in Washington but are literally life-and-death situations for our constituents—Lily Soto would very seriously handle their cases and refer them to the right person, and she always took their problems seriously and took them as her problems.

Madam Speaker, Lily treated people right and made them feel good, and she was fair and she was honest. With all of the talk about Government service, sometimes that service not being what it should be, I have always thought of Lily Soto as a person who really epitomized what Government service should be.

What a smile, what a great heart, what a good friend.

And to all of the people who are in our office, Lily is going to have her final service on Saturday, and I will see you there. Lynne and I are going to by flying back tomorrow.

Madam Speaker, let me just say in closing that Lily Soto was a public servant, a great friend of the community and, more importantly, represented the epitome of what I think is the most important position in America; she was a great mother.

The SPEAKER pro tempore (Ms. DELAURO). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

[Mr. GINGRICH addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

PERMANENT SOLUTION TO PRESERVATION OF AFFORDABLE HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Madam Speaker, it is with great reluctance that today I introduce a bill to make clarifying amendments in the legislation that we passed last year to provide a permanent solution to the thorny problem of the preservation of affordable housing. After a long delay HUD published proposed regulations in April to implement this law. Regrettably the regulations fly in the face of congressional intent in a variety of important ways that will prevent the successful implementation of a permanent solution to the preservation problem. This legislation simply restates the Congress' original intent so that the preservation program can proceed as we intended.

Last year, after a long and sometimes bitter fight we agreed to legislation that balanced the rights of the tenants, the owners, and the Federal Government as we addressed the problem of affordable housing whose owners were eligible to prepay their mortgages after 20 years, displacing low-income families. We devised a solution that would preserve the maximum number of affordable housing units, at the lowest cost to the Federal Government, while providing a fair return to the owners. The solution also provides a process for nonprofits and tenants' groups to purchase such housing to maintain the housing for rent or to sell to low-income residents under the home ownership program.

In response to the proposed rule that purports to implement that carefully crafted balance, HUD has received more than 250 highly critical comments, including mine, and to date they have neither published an interim rule nor indicated that they will make any substantive changes in response to all the negative comments. It seems remarkable to me that despite the fact that virtually all the comments expressed the exact same concerns from Members of Congress, tenants, local governments, to owners, HUD has apparently refused to budge.

This proposed rule is simply breaking the agreements and legislative intent. Therefore, it is necessary to introduce legislation to close loopholes and clarify our intent with respect to prepayment and a variety of other issues.

It is time we take a stand; for this issue is simply too important. Now what does this legislation do?

Changes the short title to exclude resident homeownership. The resident home ownership option remains in the program; it is just not highlighted so that the Secretary can use it as a reason for drafting the rules as they did.

Requires that the appraisal guidelines be published for comment within 30 days of enactment of this Act.

Elaborates on the requirements of the Secretary's finding that a project owner can prepay a mortgage, establishing standards for the written finding and requiring a procedure and criteria for making the finding.

Establishes that the 8-percent return will be available during the first year after the plan of action is approved and implemented.

Prevents the setting of priorities among priority purchasers, skewed to resident home ownership, by permitting the seller to accept any priority purchaser without HUD's interference. It further gives the seller-owner the right to accept or reject offers and determine the terms of a bona fide offer.

Explicitly provides a return on investment to nonprofits.

Eliminates the windfall profits test.

Prevents HUD from requiring that the resident council purchaser under the home ownership program prepay the mortgage and terminate use restrictions.

Requires HUD to publish regulations for the delegated responsibility to States' agencies within 30 days.

Expands the related party rule establishing certain exemptions to facilitate transfers to nonprofits, including permitting seller financing.

Establishes a 40-year term for the section 241(f) equity loan and requires rather than permits the Secretary to combine section 241 (d) and (f) loans.

To us it was pretty clear that this was our intent all along, but HUD seems to want to divine new intent to further their own objectives and subvert ours. It is rare on housing matters that for-profit owners and nonprofits are on the same side. They are now. Thus I, on behalf of Mr. BARNARD, Mr. FRANK, Mr. KENNEDY, Mr. WYLIE, Ms. ROUKEMA, and Mr. RIDGE, members of the Housing Subcommittee who worked so hard on this issue last year, and Chairman MONTGOMERY, introduce this legislation for the Congress' consideration.

CONFERENCE REPORT ON H.R. 2426

Mr. HEFNER submitted the following conference report and statement on the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-236)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) "making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 25, and 27.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$113,000,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$76,000,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$69,900,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$724,740,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$74,600,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$225,000,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$231,117,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$217,566,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$110,389,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$59,900,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,390,025,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,557,245,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$703,700,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$902,140,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$903,200,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,075,283,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$220,000,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 3, 5, 10, 15, 19, 22, 28, 29 and 30.

BILL HEFNER,
BILL ALEXANDER,
LINDSAY THOMAS,
RONALD D. COLEMAN,
TOM BEVILL,
CHARLIE WILSON,
NORMAN D. DICKS,
VIC FAZIO,
JAMIE L. WHITTEN,
BILL LOWERY,
MICKEY EDWARDS,
TOM DELAY,
JIM LIGHTFOOT,
JOE MCDADE.
Managers on the Part of the House.

JIM SASSER,
DANIEL K. INOUYE,
HARRY REID,
WYCHE FOWLER, JR.
ROBERT C. BYRD,
PHIL GRAMM,
JAKE GARN,
TED STEVENS,
MARK O. HATFIELD.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 102–74 and Senate Report 102–147 should be complied with unless specifically addressed to the contrary in this conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Philippines—Clark Air Base and Subic Bay Naval Station.—The conferees understand that plans are being developed for withdrawal from Subic Bay Naval Station in the Philippines due to the failure of the Philippine Senate to ratify a 10-year extension of the U.S. access agreement on Subic Bay Naval Station. In addition, the conferees understand that plans are already underway for vacating Clark Air Base due to devastation caused by the eruption of Mount Pinatubo. Therefore, the conferees direct that the Department submit a report to the Committees on Appropriations by March 1, 1992 on the Department's relocation plans, timetable and cost for restationing of military assets.

Various Locations—Reuse Plans for Closed Bases.—The conferees intend that the Department of Defense and the military departments will extend the fullest cooperation to State and local governments and to local entities constituted to formulate and implement reuse plans for military installations scheduled for closure under recommendations made pursuant to Public Law 100–526 and Public Law 101–510.

Specifically, the conferees expect the Department of Defense and the military departments to provide, on a timely basis, information to Members of Congress, State and local governments, and local entities constituted to formulate and implement reuse plans for military bases scheduled for closure by minimizing requirements under the federal Freedom of Information Act related to the provision of information concerning base facilities, infrastructure and any other information which would facilitate conversion efforts.

Such decisions shall be made at the base level except in such cases where national security is involved.

The conferees intend that the Department of Defense and military departments shall cooperate fully, including the exercise of maximum beneficial flexibility, with civilian employees at bases scheduled for closure who seek assistance including the aid of their elected representatives, in connection with potential and/or actual loss of employment.

Further, the conferees expect the Department of Defense and the military departments to provide, on an expeditious basis, any other assistance requested by members of Congress, state and local governments, and local entities constituted to formulate and implement reuse plans, as may be necessary to facilitate the conversion of these military bases to civilian or joint civilian/military use and to ease the transition for civilian workers on the bases.

Contract Cleaning of Family Housing Quarters.—The conferees understand that documented savings are being realized through implementation of the Quarters Cleaning program overseas because service families are able to depart the overseas location in fewer days and thus reduce temporary lodging allowances. The conferees, however, feel that an average contract cost ceiling of $235 per household is appropriate and necessary. The conferees believe that this average limitation accounts for cost increases due to foreign currency fluctuations. The conferees continue to require the Department to document net savings in this program at overseas bases.

Overseas Leases.—The conferees agree to suspend the current requirement for submission of a separate report on each individual lease for family housing at high cost posts. In lieu of this requirement, the conferees direct the Department of Defense to provide a report to the Committees on Appropriations by January 15, 1992, which will establish a current ceiling on lease costs at each overseas location, and to provide an updated report every six months justifying any approved changes to the ceiling. The Department must provide the Committees with a 21-day notification for any lease which is to exceed a ceiling as stated in the current semiannual report. This revised reporting requirement will apply to all Department of Defense leases for family housing, effective January 1, 1992.

General and Flag Officer Quarters.—The conferees direct that no funds appropriated in this Act may be obligated for new construction which exceeds statutory limits on the net square footage of family housing units for general and flag officers.

Reprogramming Requests.—The conferees are concerned with the lack of timeliness of reprogramming requests received from the Office of the Comptroller of the Department of Defense. The conferees direct the Department to submit reprogrammings in a more expeditious manner to allow the Committees sufficient time to consider the requests. If the timeliness of the requests from the Department is not improved, the Committees will consider receiving the reprogramming requests directly from the Offices of the Service Secretaries.

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

Amendment No. 1

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$880,820,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $880,820,000 for Military Construction, Army instead of $877,585,000 as proposed by the

House and $798,770,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Alaska—Fort Richardson: Upgrade physical fitness center	+$7,000,000
Alaska—Fort J.M. Wainwright:	
Battle simulation facility	+3,750,000
Reprogramming allowance	+3,300,000
Arizona—Fort Huachuca:	
Applied instruction facility	+9,500,000
NCO Academy	+2,600,000
Maryland—Aberdeen Proving Ground: Physical fitness center	+3,900,000
Maryland—Fort Ritchie: Fire station	+1,500,000
New Mexico—White Sands Missile Range: Aerial cable range	+9,600,000
New York—Fort Drum:	
Multi-purpose machine gun range	−150,000
Firing Range	−100,000
New York—U.S. Military Academy:	
Administration building modification	+1,500,000
Administration facility	+7,000,000
Virginia—Fort Lee:	
Finance/accounting office	−650,000
NCO training facility	−200,000
Virginia—Vint Hill Farms Station:	
Barracks with dining facility	+1,700,000
General purpose warehouse	+1,850,000
Washington—Fort Lewis: Land acquisition for Yakima firing center	−1,000,000
Kwajalein—General Reduction	−30,000,000
Unspecified Worldwide Locations—Planning and Design	−5,915,000
General Reduction—Prior year projects no longer required due to base closures	−11,950,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Kansas—Fort Riley: Water distribution monitor system	$0
Missouri—Fort Leonard Wood: Child development center	3,050,000
New York—Fort Drum: Multipurpose training range	2,100,000
Pennsylvania—Tobyhanna Army Depot: Hazardous material storage facility	1,900,000
Texas—Fort Bliss:	
Barracks modernization	11,600,000
Barracks modernization	10,600,000
Reprogramming allowance	5,000,000
Texas—Fort Hood: Barracks modernization	15,200,000
Virginia—Fort Belvoir: Information systems facility	0
Washington—Fort Lewis: Education Development center	7,900,000

North Carolina—Port of Wilmington.—The conferees have learned that the XVIII Airborne Corps encountered significant problems at the Port of Wilmington during their deployment for Operation Desert Shield/Storm. There have been reports of deficiencies in the on-loading capabilities for roll-on, roll-off ships as well as other inadequate facilities. The XVIII Airborne Corps is this country's number one contingency force and must have acceptable facilities in order to conduct their mission properly. The Department is directed to review the situation at the Port of Wilmington as it relates to the military needs there and report back to the Committees on Appropriations as to their findings no later than February 1, 1992. This report should include problems encountered, corrective actions required and a plan to implement the needed changes.

North Carolina—Sunny Point Ocean Terminal.—Sunny Point is the main depot used for shipping ammunition to the NATO theater and other locations across the Atlantic. It was critical to the success during Operation Desert Shield/Storm. Several projects are being considered to expand the turnaround areas and upgrade the facilities at that depot. The conferees understand that these projects are being considered for funding under the NATO Infrastructure account. The conferees strongly endorse the use of NATO Infrastructure funds for this work and encourage the Department to program this important work as soon as possible. To facilitate this early consideration, the conferees have provided $400,000 in Planning and Design funds to conduct the Environmental Impact Statement that is required at Sunny Point.

Texas—Fort Bliss: Deficiency Allowance.—The conferees have included a $5,000,000 reprogramming allowance which is to be applied to the ongoing construction of barracks at Fort Bliss, Texas. Funds appropriated in prior years to modernize the barracks were insufficient due to the poor condition of specific buildings. The Army's cost analysis of bids received for the modernization of similar buildings reveals that replacement with new construction will cost approximately the same as renovation. Therefore, the conferees support the design and construction of replacement barracks, rather than modernization, and have provided sufficient funds to complete the remaining scope of authorized projects with replacement facilities. Bid savings, if any, should be applied to follow-on barracks modernization or construction projects at Fort Bliss.

Virginia—Fort Belvoir: Information Systems Facility.—The conferees understand the need to construct an Information Systems facility at Fort Belvoir and therefore direct the Department to include this project in the fiscal year 1993 budget submission.

Washington—Yakima Training Center Expansion: Land Acquisition.—The conferees approved $18,000,000 for the proposed northern expansion of the Yakima Training Center in order to accommodate brigade level training. The conferees deny the proposed expansion east of the Columbia River including the river crossing site. The Army will continue to utilize the same permit process used in the past to address any river crossing training requirements keying on environmental protection.

The conferees direct the Army to enter into a Memorandum of Agreement with the Yakima Indian Nation prior to utilizing any of the expansion area for training purposes to ensure protection of Treaty rights including access as well as protection of lands, fish and wildlife, cultural, archeological and other tribal concerns. In addition, the Army is directed to establish a Cultural and Natural Resources Committee consisting of representatives from the Yakima Indian Nation, the Wanapum people, appropriate federal agencies, and appropriate State agencies and local elected officials from the affected area appointed by the Governor of the State of Washington, in order to assist in the proper management of all training center lands. This Committee will provide a process to identify land management issues and appropriate mitigation, reclamation and resolution steps. The conferees direct the Army to program sufficient operations and maintenance funds to adequately fund the work of the Committee and the projects identified by the Committee. The Army shall comply with the consensus recommendations of this Committee unless the Army makes a finding, in writing, that such recommendations are inconsistent with the purposes of this section. The Army jointly with the Committee is further directed to consult with and solicit the views of citizen groups in the surrounding area. Prior to utilization of the area for training activities, the Army shall develop a comprehensive, integrated training strategy that addresses the key factors affecting training and land use as well as the recommendations of the Committee, to be submitted to the Appropriations Committees of the Senate and the House of Representatives, and shall base its use of this expansion land on the completed strategy. Finally, the conferees direct the Army to make long term plans for transfer of Yakima Training Center lands to the Department of the Interior for the primary use of the Yakima Indian Nation and the Wanapum people at that point when lands are no longer required by the Army for brigade level training or comparable training activities.

Chemical Demilitarization, Various Locations.—The conferees note that the chemical demilitarization project at Tooele Army Depot has experienced significant overruns mainly because construction was initiated prior to operational verification testing of Phase I through Phase IV at Johnston Island. To avoid or minimize costly changes in the Chemical Demilitarization project at Anniston Army Depot, Alabama, the conferees agree that, of the funds provided in the amount of $96,200,000, none of the funds shall be obligated, except for the supporting facilities such as roads and utilities, until operational verification testing of Phase IV at Johnston Island is completed and design has been verified. In addition, no funds for demilitarization buildings for Anniston shall be obligated until necessary air quality permits have been obtained or until an agreement is reached with the appropriate regulatory agency.

General Reduction, Military Construction, Army.—The conferees agree to apply a general reduction of $11,950,000 for Military Construction, Army to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded projects not related to base closure.

Amendment No. 2

Earmarks $113,000,000 for study, planning, design, architect and engineer services instead of $118,915,000 as proposed by the House and $102,000,000 as proposed by the Senate.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

Amendment No. 3

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$883,859,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $883,859,000 for Military Construction, Navy instead of $848,429,000 as proposed by the House and $878,211,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House.

Alaska-Amchitka Island Fleet Surveillance Spt Cmd: Supply Pier	+$7,200,000
California—Bridgeport Mtn Warfare Training Center	+11,300,000
Florida—Orlando Naval Training Center:	
Barracks	+7,980,000
Child development centers	+4,000,000
Cold storage warehouse	+2,150,000
Mess hall	+7,300,000
Maryland—St. Inigoes Naval Electronic Sys Engr Act:	
ACLS Integration and test facility	+1,750,000
Electronics systems integration laboratory	+5,800,000
Mississippi—Gulfport: Seabee warehouse	+7,000,000
Nevada—Fallon Naval Air Station: Bachelor enlisted quarters	+5,700,000
New Jersey—Earle Naval Weapons Station: Trestles Replacement (Phase II)	+11,400,000
West Virginia—Green Bank: Alter operations center	+5,400,000
Unspecified Worldwide Locations; Planning and design	−3,700,000
General Reduction, Prior Year Projects No Longer Required Due to Base Closures	−37,850,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

California—Monterey Naval Postgraduate School: Mechanical engineering instruction building	$12,000,000
California—San Diego Naval Supply Center: General warehouse addition	8,600,000
California—Vallejo Mare Island Naval Shipyard: Computer operations center	9,000,000
Indiana—Crane Naval Weapons Support Center: Electronics countermeasures systems center	10,000,000
Maryland—Annapolis David Taylor NavShpRsch/DevCtr: Composite materials laboratory	0
Mississippi—Meridian NAS:	
Fire station expansion	418,000
Fire training facility	1,200,000
Rhode Island—Newport Naval Education and Training Center:	
Air conditioning system	710,000
Fuel tanks	2,000,000
Child care/passive recreation center	500,000
Puerto Rico—Roosevelt Roads Naval Station:	
Child development center	2,850,000
Overseas Classified—Satellite terminal	8,770,000

California—Camp Pendleton: Desalinization Plant.—Within funds available for unspecified minor construction, the Navy is directed to allot $500,000 for development of a containerized high efficiency, reverse osmosis desalinization plant at Camp Pendleton, California. This plant will be designed to produce up to 150,000 gallons per day of desalinated water.

Maryland—Annapolis David Taylor Naval Research and Development Center: Composite Materials Laboratory.—The conferees have denied funding of $3,450,000 as requested for this project at Annapolis Research Development Center since the laboratory is slated for closure. The conferees understand that the Navy desires that such funds be transferred to the Bethesda R&D Center. The conferees oppose such a transfer since such funding should be allocated under the Base Closure II account.

Maryland—Patuxent River Naval Air Station: Planning and Design.—The conferees agree with Senate report language that directs the use of planning and design funds to begin design of an anechoic chamber at Patuxent River Naval Air Station and to report to the Committees the proposed schedule for construction.

New Jersey—Naval Weapons Station: Trestles Replacement (Phase II).—The conferees agree to provide funding in the amount of $11,400,000 instead of $36,500,000 as requested in the budget. The conferees understand that the balance of funding to complete Phase II and Phase III will be provided by the NATO Infrastructure fund. The conferees commend the NATO allies in agreeing to participate in the cost of this project.

General Reduction, Military Construction, Navy.—The conferees agree to apply a general reduction of $37,850,000 for Military Construction, Navy to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded projects not related to base closure.

Amendment No. 4

Earmarks $76,000,000 for study, planning, design, architect and engineer services instead of $79,700,000 as proposed by the House and $67,000,000 as proposed by the Senate.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

Amendment No. 5

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *1,005,954,000, Provided, That the certification requirements specified in Section 210 of title 23 of the United States Code, shall not apply in the case of the renovation of the Suitland Parkway as a defense access road for Andrews Air Force Base, Maryland*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,005,954,000 for Military Construction, Air Force, instead of $1,129,420,000 as proposed by the House and $967,570,000 as proposed by the Senate and includes language waiving certification requirements for construction of an access road. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Alaska-Eielson AFB:	
Range support facility	+$4,500,000
Transient enlisted personnel quarters	+12,800,000
California—Vandenberg AFB: Land acquisition (Phase II)	−60,000,000
Georgia—Robins AFB:	
Add/alter aircraft maintenance unit facility	−800,000
Add/alter squadron operations facility	−2,000,000
Flight simulator facility	+2,200,000
Upgrade utilities/comm system	+2,650,000
Base supply and equipment warehouse	−3,100,000
Mission simulator and software support facility	+900,000
Alter tactical training squadron facility	+50,000
Kansas—McConnell AFB:	
Consolidated education center	−3,300,000
Temporary lodging facility	+2,700,000
Tornado damaged facilities	+28,150,000
Louisiana—Barksdale AFB:	
Engine test pad	+2,000,000
Electrical system upgrade	+1,200,000
Water system modification	+1,700,000
Missouri—Whiteman AFB:	
General reduction	−10,000,000
Nebraska—Offutt AFB: Worldwide airborne command post facility	−12,500,000
North Dakota—Grand Forks AFB: Add/alter physical fitness center	+4,400,000
Utah—Hill AFB: Missile maintenance shop	+2,450,000
Various Locations—Canada: Forward op locations/dispersed op bases	−20,700,000
Unspecified Worldwide Locations: Planning and design	−4,400,000
General Reduction, prior year projects no longer required due to base closures	−72,366,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

California—Travis AFB:	
Alter dormitories	$5,500,000
Add to child development center	3,350,000
Alter/upgrade consolidated support center	9,000,000

Colorado—U.S. Air Force Academy:	
Consolidated educ and trng fac (Phase II)	21,000,000
Upgrade dormitories	3,000,000
Delaware—Dover AFB:	
Child care facility	2,600,000
Maryland—Andrews AFB:	
Replace roof, communications center	2,700,000
Missouri—Whiteman AFB:	
B-2 Add/alter fire station	5,100,000
B-2 Add/alter utility systems	6,700,000
B-2 Add/alter physical fitness center	3,800,000
B-2 Area security improvements	7,850,000
B-2 Conventional munitions support facility	1,750,000
B-2 Defense access roads	5,050,000
B-2 Engine maintenance shop	3,400,000
B-2 flight simulator facility	4,050,000
B-2 Hazardous material storage	1,700,000
B-2 Impact Aid	1,000,000
B-2 Munitions storage igloos	4,000,000
B-2 Survival equipment facility	1,000,000
B-2 Weapons receiving and processing facility	3,100,000
B-2 Weapons storage area supply warehouse	1,000,000
New Jersey—McGuire AFB:	
Alter dormitories	5,200,000
Child development center	3,800,000
New York—Plattsburgh AFB:	
Jet fuel storage	880,000
Electrical distribution system	7,200,000
Washington—Fairchild AFB: Child care center	4,550,000
Greenland-Thule AB: Upgrade airfield pavements (Phase II)	12,700,000
Guam—Andersen AFB:	
Add/alter child development center	2,600,000
Portugal—Lajes Field:	
Control tower and radar approach control	5,000,000
United Kingdom—RAF Lakenheath:	
Dedicated aircraft support sys (DASS) facility	0
F-15E Fuel facility	3,600,000

Arizona—Libby Army Air Field: Runway Repair.—The conferees direct the Air Force to assume the responsibility for reconstruction of the runway at Libby Army Air Field which is jointly used by various Services, reserve and national guard units. In addition, the conferees direct that construction funds for runway construction be included in the fiscal year 1993 amended budget.

Colorado—U.S. Air Force Academy: Consolidated Education and Training Facility (Phase II).—The conferees agree to provide funding in the amount of $21,000,000 for Phase II of the Consolidated Education and Training Facility. This amount together with the $15,000,000 provided for Phase I provides for full funding of the entire project.

Kansas—McConnell AFB: Replacement and Repair of Tornado Damaged Facilities.—The conferees agree to provide a total of $43,150,000 for replacement and repair of facilities destroyed or damaged by a tornado at McConnell Air Force Base on April 26, 1991. The conferees agree that the reduction is for morale, welfare and recreation projects and the conferees understand that such projects will be funded with non-appropriated funds. The reduction also reflects subsequent action to fund $4,080,000 of the requested amount using existing Operation and Maintenance funds. The conferees understand the urgency for repair and replacement of such facilities and strongly urge the Department to proceed without delay. The recommended funding for each project is as follows:

[In thousands of dollars]

Project title	President's request	Conference recommendation
Military Construction:		
Planning and Design	3,200	2,700
Repair arts and crafts center and auto body shop	910	0
Community Center	16,300	10,200
Leasing interim health care fac.	3,150	[1] 0
Comprehensive health care center	16,750	16,750
Alter facility for education center and furnishings management	1,200	1,200
Repair swimming pool and replace bath house and picnic pavilion	330	0
Repair electrical distribution system infrastructure	930	[1] 0
Privately owned vehicle car wash	210	0
Subtotal, Military Construction	42,980	30,850
Family Housing:		
Replace destroyed military family housing (MFH) units	10,000	10,000
Replace damaged MFH units	1,800	1,800
MFH planning and design	500	500
Subtotal, family housing	12,300	12,300
Total	55,280	43,150

[1] Funded under operation and maintenance.

Maryland—Andrews AFB: Defense Access Road—The conferees have provided $6,000,000 for renovation of Suitland Parkway as a defense access road for Andrews Air Force Base. The conference agreement, which waives the certification requirement under Section 210 of title 23, United States Code, permits the $6,000,000 to be utilized for renovation of the access road.

Missouri—Whiteman AFB: B-2 Projects—The conferees agree to reduce the fiscal year 1992 funding level for B-2 related projects at Whiteman AFB with a general reduction of $20,000,000. This would provide $29,500,000 for continuation of construction instead of $49,500,000 as requested. This amount when combined with fiscal years 1990 and 1991 funds that have been deferred by the Department's Moratorium/Prohibition, provides for a total of about $150 million for facility construction during fiscal year 1992. The conferees believe that such amounts are sufficient to proceed with orderly construction at Whiteman AFB and are commensurate with the schedule for delivery of planes and the basing schedule. The conferees note that the master plan for basing at Whiteman is designed to accommodate about 30 planes while procurement funding for 30 planes has not yet been provided. For this reason, the conferees direct the Air Force to carefully review its program mix recognizing the number of planes for which procurement funds have been appropriated and to report to the Committees on Appropriations by February 1, 1992 on how the Air Force is scheduling projects consistent with the number of funded operational planes.

Canada—Forward Operating Locations and Dispersed Operating Bases—The conferees have denied funding of $20,000,000 as the United States' share of costs for construction of Forward Operating Locations and Dispersed Operating Bases in Canada. To date, funds in the amount of $36,400,000 have been appropriated as the United States' share. The conferees have taken this action in view of the possible reduced threat and direct the Department to review its 1985 bilateral agreement with Canada in terms of the need to construct seven bases.

Germany—Rhein Main Air Base Child Care Center—The conferees direct the Air Force to provide $430,000 from funds available for unspecified minor construction, Air Force for the alteration of an unused facility at Rhein Main Air base, Germany to convert it for use as an addition to the current child care center consistent with the plans for future use of the base. The conferees are concerned with the backlog of children on the waiting list for child care and wish to provide additional space to help alleviate this problem.

Portugal—Lajes Field: Control Tower and Radar Approach Control—The conferees agree to provide funding of $5,000,000 for Lajes Field Control Tower and Radar Approach Control. However, no funds for this project can be obligated until the Department submits a precautionary pre-financing statement to NATO.

General Reduction, Military Construction, Air Force—The conferees agree to apply a general reduction of $72,366,000 for Military Construction, Air Force to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded projects not related to base closure.

Amendment No. 6

Earmarks $69,900,000 for study, planning, design, architect and engineer services instead of $74,300,000 as proposed by the House and $65,200,000 as proposed by the Senate.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 7

Appropriates $724,740,000 for Military Construction, Defense Agencies, instead of $745,990,000 as proposed by the House and $654,330,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Florida—Homestead AFB: Hospital (Phase I)	−$20,000,000
Georgia—Fort Stewart Renovate/expand Diamond elementary school	+360,000
Georgia—Fort Benning: Parachute rigging facility	+3,900,000
Hawaii—Tripler Army Hospital: Medical education center	+3,500,000
North Carolina—Fort Bragg: Special operations battalion hq	+6,000,000
South Carolina—Beaufort Marine Corps Air Station: Elementary school addition	+29,000
Virginia—Pentagon classified waste incinerator	−4,700,000
Korea Various: Troop medical clinic K-16 airfield	−1,450,000
Overseas Classified: Rapid deployment medical facility warehouse	−10,400,000
Unspecified Worldwide Locations: Contingency construction	+19,000,000

Unspecified Worldwide Locations—Planning and Design:	
Special operations command	+2,111,000
Washington headquarters services	−10,000,000
Strategic defense initiative organization	−3,000,000
General Reduction, Prior year projects no longer required due to base closures	−11,600,000
Unspecified Minor Construction—Special operations command	+5,000,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

California—Stockton Naval Communications Station: Fleet hospital prepositioning facility	$22,000,000
Colorado—Fitzsimmons Army Hospital: Life safety upgrade	3,000,000
Florida—Eglin Aux Field 9: Enlisted dormitory	5,500,000
Maryland—Fort Meade: Perimeter control	0
Maryland—Bethesda USUHS: Alter existing animal facility	0
Rhode Island—Newport Naval Education and Training Center: Ambulatory care center	14,000,000
Virginia—Fort Lee: Hospital modernization	11,800,000
Korea Various—Troop Medical Clinic—Camp Essayons	1,050,000
Unspecified Worldwide Locations—Energy conservation improvement program	36,000,000
Planning and Design:	
Defense medical support activity	43,700,000
Defense level activities	21,800,000
Unspecified Minor Construction:	
DoD Dependent School	3,000,000
Defense Medical Support Activity	2,500,000
Defense Level Activities	2,000,000

Alaska—Elmendorf AFB: Replacement Hospital.—The conferees agree that there is an urgent need to construct a replacement hospital at Elmendorf AFB. Therefore, the Department is directed to include in its fiscal year 1993 budget submission initial construction funding for this project.

Colorado—Fitzsimmons Army Medical Center.—The conferees understand that the Army has advertised for bids to design the replacement for the Fitzsimmons Army Medical Center. Bids have been received and the contract action has been suspended for over a year. The Army has indicated that Fitzsimmons is an important component in the Graduate Medical Education program and thus the conferees direct the Department to move forward with this design as soon as possible.

Florida—Homestead AFB: Hospital (Phase I).—The conferees agree to provide $10,000,000 as the initial phase of a $60,000,000 replacement hospital at Homestead Air Force Base. With design scheduled to be completed by March 1992, the conferees agree that these funds are sufficient to provide for orderly construction of the project.

Nevada—Nellis AFB: Composite Medical Replacement.—The conferees agree with the Senate report language that directs the Secretary of Defense to continue with construction of the composite medical facility at Nellis AFB, and that no action be taken to downsize the hospital.

North Carolina—Forth Bragg: Medical Center.—The conferees encourage the Department to proceed with its plans to replace the Womack Army Community Hospital at Fort Bragg, North Carolina. Womack serves the second largest Army catchment area beneficiary population, both active and CHAMPUS eligibles, underlining the need to proceed expeditiously. The conferees understand that the replacement facility was sized to recapture CHAMPUS eligible beneficiary workload. The Department has stated that sizing decisions are based on populations to be served, and that the Graduate Medical Education (GME) programs expected there are critically short and will be needed even with the reduced force levels. Therefore, further delay to the plans to replace Womack with a new medical center at Fort Bragg is unwarranted.

The conferees agree to provide $15,000,000 as requested under the Base Realignment and Closure Account, Part I for site improvement of the hospital replacement. The conferees strongly urge the Department to expedite this important facility.

Contingency Construction.—The conferees agree to fund $19,000,000 for contingency construction provided $5,000,000 is utilized for the Joint Special Operations Command. The conferees further direct that no funds be obligated until the Department certifies that $5,000,000 has been allocated to the Joint Special Operations Command.

Energy Conservation.—The conferees agree to provide funding of $36,000,000 for energy conservation provided that $6,000,000 is allotted for the demonstration of photovoltaic energy systems, provided that the Department works in consultation with the Department of Energy-backed Photovoltaic Utility Scale Application (PVUSA) project, and provided that $300,000 of the funds for energy conservation shall be used for the purposes of conducting detailed wind energy resource characterization studies.

Overseas Classified: Rapid Deployment Medical Facility Warehouse.—The conferees have denied the request for $10,400,000 to construct a rapid deployment medical facility warehouse at an overseas classified location. The conferees believe that this should be a burdensharing initiative with the total cost borne by the allied countries.

General Reduction, Defense Agencies.—The conferees agree to apply a general reduction of $11,600,000 for Military Construction, Defense Agencies to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year projects not related to base closure.

Amendment No. 8

Earmarks $74,600,000 for study, planning, design, architect and engineer services instead of $85,489,000 as proposed by the House and $56,340,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Amendment No. 9

Appropriates $225,000,000 for North Atlantic Treaty Organization Infrastructure instead of $158,800,000 as proposed by the House and $254,400,000 as proposed by the Senate.

Amendment No. 10

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the use of funds appropriated or otherwise available in this or any other Act to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy.

The continued prohibition on the use of U.S. NATO Infrastructure contributions toward the construction of Crotone is in no way intended to undermine the Infrastructure program.

The conferees continue to support U.S. participation in this program. However, there is concern over the construction of a full service base at a cost to the U.S. taxpayer of at least $188,500,000. At the current exchange rate, $46,000,000 in U.S. funds have already been obligated for Crotone. In addition, the conferees understand that the contract for Phase I of construction has experienced delays. The conferees believe that a minimum cost bare base would fulfill the U.S. commitment to NATO and will revisit this issue in the next fiscal year.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

Amendment No. 11

Appropriates $231,117,000 for Military Construction, Army National Guard, instead of $161,281,000 as proposed by the House and $233,274,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

California—Stockton:	
Combined support maintenance shop rehabilitation	+$1,613,000
California—Various Locations: Conversion projects	+2,172,000
Florida—Camp Blanding:	
Law range	+550,000
Aviation fuel facility	+275,000
MAC Range	+954,000
Florida—Wauchula: Armory	+1,077,000
Idaho—Gowen Field, Boise:	
Armory	+5,995,000
OMS Modifications	+362,000
Mississippi—Camp McCain:	
Convert record fire range to modified record fire range	+546,000
Mississippi—Marks: Armory alteration	+200,000
Mississippi—Senatobia: Organizational maintenance shop	+723,000
Mississippi—Tupelo: OMS	+992,000
Mississippi—Camp Shelby:	
Adal Maintenance facility	+600,000
Pave training roads	+1,200,000
Mississippi—West Point: Organizational maintenance shop	+1,270,000
Mississippi—Various Locations: Mobile conduct of fire trainer sites	+306,000
Montana—Fort Harrison: Armory	+3,400,000
Nebraska—Kearney:	
OMS	+690,000
Armory	+2,215,000
Nebraska—Camp Ashland: Barracks	+6,613,000
Nebraska—Lincoln:	
USP&FO Warehouse	+2,289,000
Nevada—Washoe County: OMS	+1,050,000

Nevada—Yerrington: OMS	+770,000
New Mexico—Santa Fe:	
Military education academy	+3,764,000
Ammunition bunkers	+340,000
North Dakota—Grand Forks:	
Armory	+6,200,000
OMS	+3,800,000
Oregon—Bend: Armory/Reserve Center	+2,711,000
South Carolina—Manning: Armory	+1,500,000
South Carolina—Leesburg:	
Maintenance shop	+2,200,000
Sewer system	+1,200,000
Tennessee—Covington: Armory	−363,000
Tennessee—Fayetteville: Armory	+892,000
Tennessee—Livingston: Armory	+1,161,000
Utah—Utah County:	
Armory	+2,860,000
OMS	+996,000
West Virginia—Huntington: Guard/Reserve center (joint with Army Reserve)	+2,983,000
Wisconsin—Sussex:	
Armory	−1,574,000
Operation maintenance shop	−1,039,000
Motor vehicle storage building	−317,000
Unspecified worldwide locations:	
Planning and design	+4,260,000
Unspecified minor construction	+2,400,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Alabama—Dannelly Field, Montgomery:	
Aviation support facility	$7,528,000
Armory	2,613,000
Arizona—Marana: Aviation maintenance facility	6,670,000
California—Various Locations: Armory maintenance program	600,000
Colorado—Longmont: OMS	3,218,000
Iowa—Camp Dodge:	
Access road (Phase II)	5,450,000
Physical training/recreation facility	960,000
Maryland—Cheltenham: Armory	3,300,000
Minnesota—Camp Ripley: Troop medical training fac	1,100,000
Minnesota—Montevideo: Armory	1,891,000
Minnesota—Rosemount: Armory	5,120,000
New Mexico—Las Cruces Municipal Airport: Army Aviation flight activity	1,014,000
New York—Syracuse: Armory	6,440,000
North Carolina—Concord: OMS	887,000
North Carolina—Raleigh: Property and fiscal office	1,824,000
Ohio—McConnellsville: Armory/training site facilities	4,669,000
Ohio—Toledo: Armory	3,183,000
Oregon—Camp Rilea:	
Battalion headquarters building	665,000
Training site BOQ/BEQ	997,000
Oregon—Forest Grove: Armory	2,591,000
Pennsylvania—Everett: Armory	1,750,000
Pennsylvania—Fort Indiantown Gap: Maintenance shop	2,790,000
Pennsylvania—Fort Mifflin, Philadelphia: OMS	370,000
Rhode Island—Camp Fogarty: Armory	5,151,000
Rhode Island—Camp Varnum: Sewer and water system	578,000
Tennessee—Union City: Armory	1,659,000
Texas—Camp Swift: Training site facilities	5,138,000
Texas—Kingsville: Armory	399,000
Texas—Longview: Armory expansion	399,000
Texas—New Boston: Armory	1,994,000
Texas—Redbird: OMS	702,000
Texas—Victoria: Add/alter armory	399,000
Texas—Weatherford: Armory	399,000
Wisconsin—Fort McCoy:	
Mobilization and training equipment site	8,941,000
Motor vehicle storage building	493,000
Unspecified Worldwide Locations: Deficiency allowance	0

Mississippi—Camp McCain: Natural Gas Distribution System.—It was the intention of the Committees when approving the reprogramming of the fiscal year 1989 project for Natural Gas Distribution System at Camp McCain, Mississippi that it include the required piping both on and off of the camp property. Therefore, the Secretary is directed to fund all the necessary piping to bring the gas on to and throughout the camp.

Mississippi—Senatobia: Organizational Maintenance Shop.—The conference agreement provides funding of $723,000 for construction of an organizational maintenance shop at Senatobia, Mississippi, for the 1st Squadron of the 108th Armored cavalry. This regimental Armored cavalry squadron, as well as unit designations preceding it, has had a distinguished and illustrious history of superior military service, dating back to 1815. In recognition of the squadron's long-standing presence in Senatobia, the conferees direct that full operations shall be sustained at not less than the current authorized strength.

Mississippi—Tupelo: Organizational Maintenance Shop.—The conference agreement provides funding of $992,000 for construction of an organizational maintenance shop at Tupelo, Mississippi. However, the conferees direct that these funds shall not be obligated until the National Guard Bureau certifies to the Committees on Appropriations that construction of this project does not result in any realignment of National Guard units within the State of Mississippi.

Pennsylvania—Indiana: Armory.—The conferees direct the Army National Guard to initiate design of a new 100-175 person armory in Indiana, Pennsylvania. The preliminary federal cost of this project is estimated to be about $1,700,000. The conferees strongly urge design to proceed as soon as practical and direct that construction funds be included in the fiscal year 1993 budget.

Virginia—Richlands: Armory.—The conferees direct the Army National Guard to make available, from planning and design funds, $15,000 for design of an armory in Richlands, Virginia.

Wisconsin—Sussex.—The conferees deferred funding for three projects at Sussex, Wisconsin due to the uncertainty of authorization. The conferees believe that these projects (armory, $1,574,000; operation and maintenance ship, $1,039,000; motor vehicle storage building, $317,000) are valid requirements. If the projects are authorized for fiscal year 1992, the Committees on Appropriations of the House and Senate would consider a reprogramming for these projects from the Army National Guard.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

Amendment No. 12

Appropriates $217,566,000 for Military Construction, Air National Guard, instead of $172,690,000 as proposed by the House and $231,506,000 as proposed by the Senate. The conferees agree to the following additions and deletion to the amounts and line items as proposed by the House:

Alaska—Eielson AFB: Squadron operations	+$4,600,000
Alaska—Kulis ANGB: Fire station	+400,000
Arizona—Tucson IAP:	
Maintenance hangar	+2,300,000
Upgrade runway lights	+1,200,000
Idaho—Gowen Field, Boise: Power check pad	+800,000
Kansas—McConnell AFB, Wichita:	
Add to corrosion control facility	+200,000
Relocation, phase II	+5,000,000
Massachusetts—Barnes MAP, Westfield:	
Engine check facility	+1,250,000
Aircraft barrier	+2,050,000
Michigan—WK Kellogg Regional Airport, Battle Creek: Engine maintenance shop	+2,250,000
Nevada—Cannon IAP, Reno: Power Check Pad	+700,000
New Hampshire—Pease ANGB, Newington: ADAL squadron operations	+1,450,000
North Dakota—Hector field, Fargo: Replace fuel tanks	+1,500,000
Oklahoma—Tulsa IAP:	
Fuel cell/corrosion facility	+2,750,000
Avionics/ECM shop	+1,050,000
Tennessee—Memphis IAP:	
Power Check Pad	+800,000
Aerial port training facility	+1,650,000
Fire station	+1,300,000
Texas—Camp Mabry: Headquarters building	+270,000
Vermont—Burlington IAP: Civil engineering shop	+1,850,000
West Virginia—E WV Regional Airport (Martinsburg):	
Vehicle maintenance complex	+1,700,000
Small arms range	+750,000
Fire station	+1,100,000
West Virginia—Yeager Airport (Charleston): Security police operations	+650,000
Wyoming—Cheyenne MAP:	
Avionics maintenance shop	+2,200,000
Corrosion control facility	+3,500,000
Replace fuel storage tanks	+700,000

Unspecified Worldwide Locations	
Planning and design	+2,800,000
Unspecified minor construction	+1,200,000
Reprogramming allowance	+306,000
General reduction, prior year projects no longer required due to base closures	−3,400,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Alabama—Dannelly Field: Jet fuel storage complex	$3,500,000
Colorado—Buckley ANGB:	
Alter aircraft maintenance hanger	5,000,000
Vehicle maintenance complex	2,200,000
Connecticut—Bradley Field, Windsor: Upgrade facilities	8,980,000
Illinois—Greater Peoria Airport: Composite operational training facility	4,800,000
Ohio—Rickenbacher ANGB:	
Add/alter maintenance hangar and shop	0
Add/alter squadron operations facility	0
Alter fuel system maintenance corrosion control dock	0
Oklahoma—Will Rogers World Airport, Oklahoma City: Apron addition	4,350,000
Pennsylvania—Greater Pittsburgh IAP:	
Add/alter engine shop	660,000
Add/alter squadron operations facility	1,950,000
Wisconsin—Truax Field, Madison	
Power check paid with sound suppressor	1,000,000
Avionics and ECM POD shop	1,500,000
Aircraft arresting system	1,200,000
Unspecified Worldwide Locations: Deficiency allowance	0

General Reduction, Air National Guard.—The conferees agree to apply a general reduction of $3,400,000 for Military Construction, Air National Guard to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded projects not related to base closure.

MILITARY CONSTRUCTION, ARMY RESERVE

Amendment No. 13

Appropriates $110,389,000 for Military Construction, Army Reserve, instead of $94,860,000 as proposed by the House and $114,723,000 as proposed by the Senate. The conferees agree to the following additions to the amounts and line items as proposed by the House:

Massachusetts-Tauton: USAR Center	+$3,526,000
Texas-Conroe: Add/alter USARC/aviation support facility/OMS	+1,504,000
West Virginia-Huntington: Guard/Reserve Center (joint with Army NG)	+6,617,000
Unsepecified Worldwide Locations:	
Planning and design	+1,000,000
Unspecified minor construction	+1,500,000
Reprogramming allowance	+1,382,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Ohio-Toledo: Army Reserve center/maintenance facility (phase II)	$2,749,000
Pennsylvania-Johnstown: Joint aviation facility	30,224,000
Tennessee-Jackson: Joint training facility	1,537,000
Wisconsin-Sturtevant: Reserve center roads, holding pond	750,000
Unspecified Worldwide Locations: Deficiency allowance	0

Puerto Rico—Puerto Nuevo: Add/alter USAR Center/OMS.—The House and Senate have both recommended funding in the amount of $9,699,000 as requested for this project. However, the conferees understand that the project may be underfunded because of soil conditions. Therefore, the Department is directed to submit a reprogramming request utilizing prior year savings for the underfunded portion of this project.

MILITARY CONSTRUCTION, NAVAL RESERVE

Amendment No. 14

Appropriates $59,900,000 for Military Construction, Naval Reserve, instead of $20,900,000 as proposed by the House and $60,400,000 as proposed by the Senate. The conferees agree to the following additions to the amounts and line items proposed by the House:

Tennessee—NAS Memphis: Maintenance hangar	+$10,900,000
West Virginia—Martinsburg: C–130 support facilities	+25,100,000
Unspecified Worldwide Locations:	
Planning and design	+2,500,000
Unspecified minor construction	+500,000

MILITARY CONSTRUCTION, AIR FORCE RESERVE

Amendment No. 15

Report in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$9,700,000*

The managers on the part of the Senate will move to concur in the amendment of the House to an amendment of the Senate.

The conference agreement appropriates $9,700,000 for Military Construction, Air Forces Reserve, instead of $20,800,000 as proposed by the House and $22,800,000 as proposed by the Senate. The conferees agree to the following deletion to the amounts and line items as proposed by the House:

Unspecified Worldwide Locations: General reduction, prior year projects no longer required due to base closures	−$11,100,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Unspecified Worldwide Locations: Deficiency allowance	$0

General Reduction, Military Construction, Air Force Reserve.—The conferees agree to apply a general reduction of $11,100,000 for Military Construction, Air Force Reserve to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded project not related to base closure.

FAMILY HOUSING, ARMY

Amendment No. 16

Appropriates $167,220,000 for Construction, Family Housing, Army as proposed by the House instead of $141,950,000 as proposed by the Senate.

The conferees agree to fund both items in conference at the level proposed by the House, as shown below:

Hawaii-Various Oahu: 220 units	$25,000,000
Virginia-Fort Lee: 1 unit	270,000

Hawaii—Family Housing.—The conferees agree with the Senate report that expresses the grave situation facing military families stationed on the island of Oahu, Hawaii. The conferees direct the Department of Defense to submit a multi-year housing development plan for Oahu with its amended fiscal year 1993 budget submission. The conferees further direct that the amended fiscal year 1993 budget include a significant increment of construction to substantially reduce the large deficit.

Amendment No. 17

Appropriates $1,390,025,000 for Operation and Maintenance, Family Housing, Army, instead of $1,412,025,000 as proposed by the House and $1,367,025,000 as proposed by the Senate. The conferees agree to the following reductions to the amounts and line items as proposed by the House:

Furnishings Account	−$3,000,000
Management Account	−2,000,000
Utilities Account	−2,000,000
Maintenance of Real Property	−15,000,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Services Account	$69,092,000

Amendment No. 18

Appropriates a total of $1,557,245,000 for Family Housing, Army instead of $1,579,245,000 as proposed by the House and $1,508,975,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 16 and 17.

FAMILY HOUSING, NAVY

Amendment No. 19

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$198,440,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $198,440,000 for Construction, Family Housing, Navy and Marine Corps, instead of $182,440,000 as proposed by the House and $166,200,000 as proposed by the Senate. The conferees agree to the following addition to the amounts and line items as proposed by the House:

Illinois—NAS Glenview: 200 units	+$16,000,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Virginia—Dahlgren NSWC: 150 units	$13,240,000

Amendment No. 20

Appropriates $703,700,000 for Operation and maintenance, Family Housing, Navy and Marine Corps, instead of $725,700,000 as proposed by the House and $694,700,000 as proposed by the Senate. The conferees agree to the following reductions to the amounts and line items as proposed by the House:

Management Account	−$4,000,000
Utilities Account	−3,000,000
Maintenance of Real Property	−15,000,000

Amendment No. 21

Appropriates a total of $902,140,000 for Family Housing, Navy and Marine Corps, instead of $908,140,000 as proposed by the House and $860,900,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 19 and 20.

FAMILY HOUSING, AIR FORCE

Amendment No. 22

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$172,083,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $172,083,000 for Construction, Family Housing, Air Force, instead of $161,583,000 as proposed by the House and $163,883,000 as proposed by the Senate. The conferees agree to the following additions to the amounts and line items as proposed by the House:

Kansas-McConnell AFB:	
Tornado Damage Replacement	+$10,000,000
Planning	+500,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Construction improvements	$141,246,000

Amendment No. 23

Appropriates $903,200,000 for Operation and maintenance, Family Housing, Air Force, instead of $924,400,000 as proposed by the House and $827,400,000 as proposed by the Senate. The conferees agree to the following reductions to the amounts and line items as proposed by the House:

Management Account	=$1,000,000
Miscellaneous Account	−1,000,000
Utilities Account	−3,000,000
Leasing	−3,000,000
Maintenance of Real Property	−13,200,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Services Account	$26,201,000

Amendment No. 24

Appropriates a total of $1,075,283,000 for Family Housing, Air Force, instead of $1,085,983,000 as proposed by the House and $991,283,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 22 and 23.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

Amendment No. 25

Appropriates $658,600,000 for the Base Realignment and Closure Account, Part I as proposed by the House instead of $674,600,000 as proposed by the Senate.

California—Presidio of San Francisco.—The conferees recognize that the closing of the Presidio and its subsequent transfer to the Department of the Interior for inclusion in the Golden Gate National Recreation Area, administered by the National Park Service is unique among bases slated for closure. The conferees also note that the Defense Authorization bill directs the DoD to maintain adequate levels of investment in this facility in order to minimize costs that would be incurred by the Department of the Interior after the base is closed, and its functions transferred. The conferees concur in this direction and expect to look more carefully during next year's hearings on this subject to determine what Presidio infrastructure improvements and maintenance costs are appropriately the responsibility of DoD.

Amendment No. 26

Establishes a floor of $220,000,000 for environmental restoration under the Base Realignment and Closure Account, Part I instead of $200,800,000 as proposed by the House and $241,800,000 as proposed by the Senate.

BASE REALIGNMENT AND CLOSURE, PART II

Amendment No. 27

Appropriates $100,000,000 for the Base Realignment and Closure Account, Part II as proposed by the House instead of $297,000,000 as proposed by the Senate.

The conferees agree to provide funding of $100,000,000 for Base Closure II as requested. However, to date, the Department has not indicated how these funds will be distributed except that a portion of the funds will be used for site surveys and planning and design. Therefore, the conferees agree that no funds be obligated except for site surveys, planning and design and environmental cleanup until the Committees on Appropriations have been provided with a 5 year program for executing the Base Closure II plan with justifications (Form 1391) for the fiscal year 1992 funds.

The conferees are concerned with the dramatic economic impact that base closures and realignments will have on many impacted communities. Therefore, the Department will need to program and budget, for next year, sufficient funds not only for construction and transfer costs but also must give priority to environmental cleanup in order to expedite the closure and land and facility transfer so that communities can mitigate economic losses with alternative economic development. The conferees further note that $69,000,000 has been programmed and budgeted under the DERA account in fiscal year 1992 for cleanup at those closed bass which are on the National Priorities list. The conferees strongly urge that such funds be used for such purposes and that environmental cleanup costs for closed bases be included in the respective base closure accounts in next year's budget.

GENERAL PROVISIONS

Amendment No. 28

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds Korea to the requirement for the Secretary of Defense to report the specific actions to be taken during fiscal year 1992 to encourage other member nations of NATO and Japan to assume a greater share of the common defense burden.

Amendment No. 29

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which transfers 500 acres at Fort Meade, Maryland to the Secretary of the Interior.

Amendment No. 30

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 128. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101–519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is within the boundaries of the Fort Douglas National Historic Landmark, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property (but only to the extent that structural repairs are necessary) in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment requires the Secretary of the Army to carry out repairs, historic preservation, and maintenance actions in connection with conveyance of real property at Fort Douglas, Utah to the University of Utah. The conference agreement includes language which limits this activity to structural repairs within the boundaries of the Fort Douglas National Historic Landmark.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

New budget (obligational) authority, fiscal year 1991	$8,362,171,000
Budget estimates of new (obligational) authority, fiscal year 1992	8,618,310,000
House bill, fiscal year 1992	8,483,006,000
Senate bill, fiscal year 1992	8,469,025,000
Conference agreement, fiscal year 1992	8,562,596,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	+200,425,000
Budget estimates of new (obligational) authority, fiscal year 1992	−55,714,000
House bill, fiscal year 1992	+79,590,000
Senate bill, fiscal year 1992	+93,571,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
ANNISTON ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	96,200	96,200
AMMUNITION DEMILITARIZATION SUPPORT FACILITY......	4,100	4,100
MISSILE MAINTENANCE FACILITY 1/	5,500	5,500
REDSTONE ARSENAL		
ADMINISTRATION FACILITY...........................	67,600	67,600
AMMUNITION HANDLING INSTRUCTION FACILITY..........	7,100	7,100
FORT RUCKER		
AVIATION MAINTENANCE HANGAR.......................	14,600	14,600
FUEL STORAGE FACILITY.............................	3,100	3,100
AIR FORCE		
GUNTER AFB		
SENIOR NCO ACADEMY SUPPORT FACILITIES.............	5,200	5,200
UPGRADE DORMITORIES...............................	4,000	4,000
ARMY NATIONAL GUARD		
DANNELLY FIELD, MONTGOMERY		
AVIATION SUPPORT FACILITY.........................	---	7,528
ARMORY..	---	2,613
AIR NATIONAL GUARD		
DANNELLY FIELD, MONTGOMERY		
JET FUEL STORAGE COMPLEX..........................	---	3,500
TOTAL, ALABAMA....................................	207,400	221,041
ALASKA		
ARMY		
FORT GREELY		
BARRACKS..	7,600	7,600
FORT RICHARDSON		
UPGRADE PHYSICAL FITNESS CENTER...................	---	7,000
FT J M WAINWRIGHT		
BATTLE SIMULATION FACILITY........................	3,750	3,750
UNIT CHAPEL.......................................	4,200	4,200
REPROGRAMMING ALLOWANCE...........................	---	3,300
NAVY		
ADAK NAVAL SECURITY GROUP ACTIVITY		
BACHELOR ENLISTED QUARTERS........................	9,100	9,100
CLASSIC WIZARD FACILITY ADDITION..................	3,600	3,600
AMCHITKA ISLAND FLEET SURVEILLANCE SPT CMD		
SUPPLY PIER.......................................	7,200	7,200
ANCHORAGE NAVAL SECURITY GRP SUPPORT DET		
OPERATIONS BUILDING CLASSIC OWL...................	2,600	2,600
SHEMYA NAVAL SECURITY GROUP SUPPORT DET		
OPERATIONS BUILDING CLASSIC OWL...................	3,140	3,140
AIR FORCE		
EIELSON AFB		
RANGE SUPPORT FACILITY............................	---	4,500
TRANSIENT ENLISTED PERSONNEL QUARTERS.............	12,800	12,800
TRANSIENT PERSONNEL QUARTERS......................	13,600	13,600
ELMENDORF AFB		
MUNITIONS MAINTENANCE CONTROL FACILITY............	1,400	1,400
SHEMYA AFB		
AIR FREIGHT TERMINAL..............................	8,800	8,800
HAZARDOUS MATERIALS STORAGE FACILITY..............	4,000	4,000
SEA WALL/EROSION PROTECTION.......................	6,300	6,300
SUPPLY WAREHOUSE..................................	16,500	16,500
UPGRADE BASE ROADS (PHASE II).....................	2,800	2,800
DEFENSE AGENCIES		
KODIAK U.S. COAST GUARD SUPPORT CENTER		
SOF COLD WEATHER TRAINING FACILITY................	2,050	2,050
AIR NATIONAL GUARD		
EIELSON AFB		
SQUADRON OPERATIONS...............................	---	4,600
KULIS ANGB		
ADD/ALTER AVIONICS/ECM SHOP.......................	850	850
ADD/ALTER SQUADRON OPERATIONS FACILITY............	3,850	3,850
ALTER HELICOPTER MAINTENANCE FACILITY.............	1,200	1,200
FIRE STATION......................................	---	400
TOTAL, ALASKA.....................................	115,340	135,140

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARIZONA		
ARMY		
FORT HUACHUCA		
APPLIED INSTRUCTION FACILITY	9,500	9,500
HARDSTAND/TACTICAL EQUIPMENT SHOP	4,400	4,400
MODIFIED RECORD FIRE RANGE	1,500	1,500
NCO ACADEMY	2,600	2,600
AIR FORCE		
DAVIS-MONTHAN AFB		
WASTE WATER TREATMENT FACILITY	---	4,100
LUKE AFB		
ALTER WASTEWATER TREATMENT FACILITY	6,000	6,000
CONSTRUCT COURSEWARE TRAINING FACILITY	2,800	2,800
WILLIAMS AFB		
SPECIALIZED UPT MAINTENANCE SUPPORT 3/	5,700	---
ARMY NATIONAL GUARD		
MARANA		
AVIATION MAINTENANCE FACILITY	---	6,670
PHOENIX		
ARMORY, ADDITION (STARC)	984	984
AIR NATIONAL GUARD		
TUCSON IAP		
MAINTENANCE HANGAR	---	7,900
LIBBY AAF, FORT HUACHUCA		
UPGRADE RUNWAY LIGHTS	---	1,200
TOTAL, ARIZONA	33,484	47,654
ARKANSAS		
DEFENSE AGENCIES		
LITTLE ROCK AFB		
HOSPITAL LIFE SAFETY UPGRADE	690	690
CALIFORNIA		
ARMY		
FORT HUNTER LIGGETT		
BARRACKS MODERNIZATION	4,700	4,700
FT IRWIN		
BATTERY MAINTENANCE FACILITY	670	670
COMPANY OPERATIONS FACILITIES (3)	2,300	2,300
FIXED LAUNDRY	2,450	2,450
RATIONS WAREHOUSE	2,700	2,700
TACTICAL EQUIPMENT SHOP	2,200	2,200
SIERRA ARMY DEPOT		
LAND ACQUISITION	1,950	1,950
NAVY		
BRIDGEPORT MTN WARFARE TRAINING CENTER		
BILLETING COMPLEX	---	11,300
CAMP PENDLETON AMPHIBIOUS TASK FORCE		
BACHELOR ENLISTED QUARTERS	5,750	5,750
LANDING CRAFT AIR CUSHION COMPLEX-INCR IV	12,000	12,000
CAMP PENDLETON MARINE CORPS AIR STATION		
AIRCRAFT FIRE AND RESCUE STATION ADDITION	650	650
OPERATIONAL TRAINER FACILITY ADDITION	1,360	1,360
CAMP PENDLETON MARINE CORPS BASE		
ARMORY ADDITION AND MOTOR TRANSPORT FACILITY	1,460	1,460
CHINA LAKE NAVAL WEAPONS CENTER		
INTEGRATED NAVAL AIR DEFENSE SYSTEM FACILITY 1/	16,600	16,600
CONCORD NAVAL WEAPONS STATION		
MISSILE TEST CELL 1/	1,250	1,250
CORONADO NAVAL AMPHIBIOUS BASE		
SMALL CRAFT BERTHING PIER	1,600	1,600
FALLBROOK NAVAL WEAPONS STATION ANNEX		
MISSILE PRODUCTION FACILITY 1/	9,700	9,700
MIRAMAR NAVAL AIR STATION		
CASS TRAINING BUILDING ADDITION	2,000	2,000
MAINTENANCE HANGAR ALTERATIONS	1,250	1,250
MONTEREY NAVAL POSTGRADUATE SCHOOL		
FIRE PROTECTION SYSTEM	2,900	2,900
MECHANICAL ENGINEERING INSTRUCTION BUILDING	---	12,000
PORT HUENEME NAVAL CONSTR BATTALION CTR		
BACHELOR ENLISTED QUARTERS (INCREMENT I)	6,880	6,880
CHILD DEVELOMENT CENTER ADDITION	2,070	2,070
CONSTRUCTION BATTALION CTR OPERATIONS FACILITY	8,300	8,300
SAN DIEGO FLEET COMBAT TRNG CTR PACIFIC		
APPLIED INSTRUCTRUCTION BUILDING ADDITION	640	640
SAN DIEGO NAVAL STATION		
MESS HALL IMPROVEMENTS	310	310

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
SHIP DEMAGNETIZING FACILITY	2,800	2,800
SAN DIEGO NAVAL SUBMARINE BASE		
BACHELOR ENLISTED QUARTERS	14,130	14,130
SAN DIEGO NAVAL SUPPLY CENTER		
FIRE PROTECTION SYSTEM 1/	1,750	1,750
GENERAL WAREHOUSE ADDITION	---	8,600
SAN DIEGO NAVY PUBLIC WORKS CENTER		
AUTOMOTIVE VEHICLE MAINTENANCE SHOP 1/	9,300	9,300
ELECTRICAL DISTRIBUTION SYSTEM UPGRADE 1/	7,500	7,500
SEAL BEACH NAVAL WEAPONS STATION		
TOMAHAWK MISSILE MAGAZINE 1/	3,780	3,780
TWENTYNINE PALMS MARCORP AIR-GRND COMB CTR		
FIRE FIGHTER TRAINING FACILITY	680	680
VALLEJO MARE ISLAND NAVAL SHIPYARD		
COMPUTER OPERATIONS CENTER	---	9,000
ROAD REALIGNMENT	3,570	3,570
AIR FORCE		
BEALE AFB		
ALERT CREW READINESS CENTER	800	800
COVERED AIRCRAFT WASHRACK	2,250	2,250
CASTLE AFB		
ADD/ALTER WEAPONS/RELEASE SYS SHOP/STORAGE 3/	3,000	---
WAR READINESS SPARE KITS (WRSK) WAREHOUSE 3/	1,300	---
EDWARDS AFB		
ALTER DORMITORIES	7,500	7,500
UPGRADE ELECTRIC DISTRIBUTION SYSTEM	6,800	6,800
MARCH AFB		
COMBAT ARMS TRAINING FACILITIES	710	710
DORMITORY	7,200	7,200
SIERRA DEPOT		
MUNITIONS MAINTENANCE FACILITY	2,700	2,700
TRAVIS AFB		
ADD TO AND ALTER ELECTRIC SUBSTATION	4,000	4,000
ALTER DORMITORIES	---	5,500
C-141 ADD/ALTER FLIGHT SIM TRAINING FACILITY	1,700	1,700
ADD TO CHILD DEVELOPMENT CENTER	---	3,350
ALTER/UPGRADE CONSOLIDATED SUPPORT CENTER	---	9,000
FIELD TRAINING FACILITY	780	780
RELOCATE JET FUEL PIPELINE	810	810
SOUND SUPPRESSOR SUPPORT FACILITY 1/	990	990
VANDENBERG AFB		
LAND ACQUISITION (PHASE II)	80,000	20,000
DEFENSE AGENCIES		
MONTEREY DEFENSE LANGUAGE INSTITUTE		
GENERAL INSTRUCTIONAL BUILDING	6,000	6,000
CAMP PENDLETON MARINE CORPS BASE		
SOF TRAINING COURSE COMPLEX 2/	4,900	4,900
CORONADO NAVAL AMPHIBIOUS BASE		
SOF COMBATANT OPERATIONAL STORAGE BUILDING	2,100	2,100
SAN DIEGO NAVAL HOSPITAL		
MEDICAL/DENTAL CLINIC REPLACEMENT	17,500	17,500
STOCKTON NAVAL COMMUNICATIONS STATION		
FLEET HOSPITAL PREPOSITIONING FACILITY	22,000	22,000
TRACY DEFENSE DEPOT		
WATER WELLS 1/	2,000	2,000
TRAVIS AFB		
ARMED SERVICES WHOLE BLOOD FACILITY	2,000	2,000
ARMY NATIONAL GUARD		
CAMP ROBERTS		
RANGE REHABILITATION	324	324
STOCKTON		
COMBINED SUPPORT MAINTENANCE SHOP REHABILITATION	---	1,613
VARIOUS LOCATIONS		
ARMORY MAINTENANCE PROGRAM	---	600
CONVERSION PROJECTS	---	2,172
TOTAL, CALIFORNIA	312,564	311,399
COLORADO		
ARMY		
FORT CARSON		
FLIGHT SIMULATOR BUILDING	3,000	3,000
INFORMATION SYSTEMS FACILITY	7,500	7,500
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION SUPPORT FACILITY	6,300	6,300

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
BUCKLEY ANG BASE		
ADD TO AEROSPACE DATA FACILITY................	40,000	40,000
ADD/ALTER TECHNICAL SUPPORT FACILITY..........	1,200	1,200
ADD TO SATELLITE COMMUNICATION GROUND TERMINAL....	850	850
CHEYENNE MT COMPLEX AFB		
BOUNDARY FENCE................................	610	610
FALCON AFS		
FIRE STATION..................................	1,400	1,400
PETERSON AFB		
ADD/ALTER DORMITORY (PHASE II)................	2,700	2,700
CENTRALIZED INTEGRATION SPT FAC (PHASE I).....	21,000	21,000
CHILD DEVELOPMENT CENTER......................	2,600	2,600
US AIR FORCE ACADEMY		
CONSOLIDATED EDUC AND TRNG FACILITY (PHASE II)....	---	21,000
UPGRADE DORMITORIES...........................	3,000	3,000
DEFENSE AGENCIES		
FITZSIMMONS ARMY HOSPITAL		
LIFE SAFETY UPGRADE...........................	---	3,000
ARMY NATIONAL GUARD		
LONGMONT		
ORGANIZATIONAL MAINTENANCE SHOP...............	---	3,218
AIR NATIONAL GUARD		
BUCKLEY ANGB		
ADD/ALTER AIRCRAFT ENGINE SHOP................	500	500
ALTER AIRCRAFT MAINTENANCE HANGAR.............	---	5,000
POWER CHECK PAD W/SUPPRESSOR..................	800	800
VEHICLE MAINTENANCE COMPLEX...................	---	2,200
AIR FORCE RESERVE		
PETERSON AFB		
SURVIVAL EQUIP/LIFE SUPPORT SHOP..............	1,150	1,150
TOTAL, COLORADO...............................	92,610	127,028
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
FIRE STATION..................................	770	770
FUEL TANKS REPLACEMENT........................	3,650	3,650
RELIGIOUS EDUCATION CENTER....................	1,260	1,260
NEW LONDON SUBMARINE SUPPORT FACILITY		
SUBMARINE INTERMEDIATE MAINT FAC MODERNIZATION....	5,800	5,800
AIR NATIONAL GUARD		
BRADLEY FIELD, WINDSOR		
JET FUEL STORAGE COMPLEX......................	2,500	2,500
UPGRADE FACILITIES............................	---	8,980
TOTAL, CONNECTICUT............................	13,980	22,960
DELAWARE		
AIR FORCE		
DOVER AFB		
ADD/ALTER AIRCRAFT MAINTENANCE SHOP...........	2,950	2,950
CHILD CARE FACILITY...........................	---	2,600
DORMITORIES...................................	7,200	7,200
AIR NATIONAL GUARD		
GREATER WILMINGTON AIRPORT		
COMPOSITE OPERATIONS AND TRAINING FACILITY........	2,700	2,700
TOTAL, DELAWARE...............................	12,850	15,450
DISTRICT OF COLUMBIA		
NAVY		
WASHINGTON COMMANDANT NAVAL DISTRICT		
CHILD DEVELOPMENT CENTER......................	3,700	3,700
HAZARDOUS WASTE STORAGE FACILITY..............	2,050	2,050
AIR FORCE		
BOLLING AFB		
BASE ENGINEER COMPLEX (PHASE I)...............	5,400	---
ARMY NATIONAL GUARD		
FORT BELVOIR		
ARMY AVIATION SUPPORT FACILITY ADDITION...........	2,765	2,765
NAVY RESERVE		
WASHINGTON NAVAL AIR FACILITY		
HANGER ADDITION...............................	1,300	1,300
TOTAL, DISTRICT OF COLUMBIA...................	15,215	9,815

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FLORIDA		
NAVY		
JACKSONVILLE NAVAL AVIATION DEPOT		
INDUSTRIAL WASTE TREATMENT FACILITY 1/	3,300	3,300
MAYPORT NAVAL STATION		
CHILD DEVELOPMENT CENTER	2,150	2,150
HAZARDOUS WASTE STORAGE FACILITY	990	990
ORLANDO NAVAL TRAINING CENTER		
BARRACKS	7,980	7,980
CHILD DEVELOPMENT CENTERS	4,000	4,000
COLD STORAGE WAREHOUSE	2,150	2,150
MESS HALL	7,300	7,300
PANAMA CITY NAVAL COASTAL SYSTEMS CENTER		
BACHELOR ENLISTED QUARTERS	9,000	9,000
MESS HALL	2,150	2,150
PENSACOLA NAVAL AIR STATION		
BRIG	4,000	4,000
PENSACOLA NAVAL SUPPLY CENTER		
COLD STORAGE WAREHOUSE 1/	5,700	5,700
AIR FORCE		
CAPE CANAVERAL AFS		
CENTAUR CRYOGENIC TANKING FACILITY	24,000	24,000
EGLIN AFB		
OPERATIONS AND COMMUNICATIONS FACILITY	2,830	2,830
HOMESTEAD AFB		
ALTER DORMITORIES	4,900	4,900
TYNDALL AFB		
SOUND SUPPRESSOR SUPPORT	850	850
DEFENSE AGENCIES		
CAPE CANAVERAL AFS		
PAYLOAD PROCESSING FACILITY	11,700	11,700
EGLIN AUX FIELD 3		
SOF ADD/ALTER MUNITIONS COMPLEX	2,400	2,400
EGLIN AUX FIELD 9		
ADD/ALTER CHILD DEVELOPMENT CENTER	1,250	1,250
ADD/ALTER AIRCRAFT ENG INSP/REPAIR SHOP	750	750
ENLISTED DORMITORY	---	5,500
SOF ADD/ALTER AIRCRAFT SUP EQUIP SHOP/STORAGE	1,050	1,050
SOF AFSOC HDQ'S ANNEX FACILITY	5,400	5,400
SOF SPECIAL OPERATIONS SCHOOL	3,600	3,600
HOMESTEAD AFB		
HOSPITAL (PHASE I)	---	10,000
JACKSONVILLE DEFENSE FUEL SUPPORT POINT		
FIRE PROTECTION SYSTEM 1/	2,200	2,200
PENSACOLA DEFENSE FUEL SUPPORT POINT		
FUEL TANKAGE 1/	16,000	16,000
TYNDALL AFB		
MEDICAL LOGISTICS FACILITY	800	800
ARMY NATIONAL GUARD		
CAMP BLANDING		
LAW RANGE	---	550
AVIATION FUEL FACILITY	---	275
MAC RANGE	---	954
WAUCHULA		
ARMORY	---	1,077
AIR NATIONAL GUARD		
JACKSONVILLE		
VEHICLE MAINTENANCE	---	700
AIR FORCE RESERVE		
HOMESTEAD AFB		
PARARESCUE OPERATIONS	1,300	1,300
TOTAL, FLORIDA	127,750	146,806
GEORGIA		
ARMY		
FORT BENNING		
GENERAL INSTRUCTION FACILITY	2,150	2,150
FORT GORDON		
ENERGY MONITORING AND CONTROL SYSTEM	1,200	1,200
FT STEWART/HUNTER AAF		
AUTOMATED RECORD FIRE RANGE	950	950
NAVY		
KINGS BAY NAVAL SUBMARINE BASE		
GENERATOR TEST BUILDING ADDITION	580	580
TRIDENT TRAINING COMPLEX ADDITION	9,200	9,200

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MCINTOSH COUNTY		
LAND ACQUISITION (PHASE II)	---	2,881
AIR FORCE		
ROBINS AFB		
ADD/ALTER AIRCRAFT MAINTENANCE UNIT FACILITY	800	---
ADD/ALTER ALERT CREW FACILITY	3,100	3,100
ADD/ALTER SQUADRON OPERATIONS FACILITY	2,000	---
FLIGHT SIMULATOR FACILITY	---	2,200
UPGRADE UTILITIES/COMM SYSTEM	---	2,650
BASE ENGINEER COMPLEX (PHASE I)	6,800	6,800
BASE SUPPLY AND EQUIPMENT WAREHOUSE	3,100	---
INDUSTRIAL WASTEWATER TRTMNT OUTFALL LINE/LAND 1/	1,700	1,700
JOINT STARS AUTOMATIC TEST FACILITY 1/	2,500	2,500
MISSION SIMULATOR AND SOFTWARE SUPPORT FACILITY	8,300	9,200
ALTER TACTICAL TRAINING SQUADRON FACILITY	2,200	2,250
DEFENSE AGENCIES		
FORT STEWART		
RENOVATE/EXPAND DIAMOND ELEMENTARY SCHOOL	---	6,951
FORT BENNING		
PARACHUTE RIGGING FACILITY	---	3,900
NAVY RESERVE		
ATLANTA NAVAL AIR STATION		
GROUND SUPPORT EQUIPMENT SHOP	1,600	1,600
AIR FORCE RESERVE		
DOBBINS AFB		
BASE CIVIL ENGINEERING COMPLEX	3,890	3,890
TOTAL, GEORGIA	50,070	63,702
HAWAII		
ARMY		
SCHOFIELD BARRACKS		
FIRE STATION	2,150	2,150
SUPPLY SERVICE AND ADMINISTRATION BUILDING	3,650	3,650
FORT SHAFTER		
CHILD DEVELOPMENT CENTER	3,500	3,500
NAVY		
BARBERS POINT NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS MODERNIZATION	3,300	3,300
HONOLULU NAVAL COM AREA MASTER STA EASTPAC		
BACHELOR ENLISTED QUARTERS MODERNIZATION	1,500	1,500
LUALUALEI NAVAL MAGAZINE		
TORPEDO MAINTENANCE FACILITIES	8,700	8,700
PEARL HARBOR NAV INACTIVE SHIP MAINT FAC		
ELECTRICAL DISTRIBUTION SYS IMPROVEMENTS	3,200	3,200
PEARL HARBOR NAVAL SHIPYARD		
FIRE PROTECTION SYSTEM 1/	800	800
PEARL HARBOR NAVAL SUBMARINE BASE		
BERTHING WHARF	23,000	23,000
SHORE INTERMEDIATE MAINTENANCE ACTIVITY	39,000	39,000
PEARL HARBOR NAVY PUBLIC WORKS CENTER		
SEWAGE SYSTEM IMPROVEMENTS 1/	1,650	1,650
WASTEWATER TREATMENT PLANT MODIFICATIONS 1/	1,250	1,250
WASTEWATER TREATMENT PLANT EXPANSION 1/	10,540	10,540
AIR FORCE		
CAMP SMITH		
MILSTAR GROUND COMMUNICATIONS TERMINAL	2,600	2,600
HICKAM AFB		
NCO PROFESSIONAL MIL EDUCATION CTR COMPLEX	5,100	5,100
UPGRADE WATER DISTRIBUTION SYSTEM	2,000	2,000
DEFENSE AGENCIES		
CAMP SMITH		
NAT'L SECURITY AGCY/CNTRL SECURITY SVC RELOCATION	488	488
HICKAM AFB		
ADD/ALTER MEDICAL DENTAL CLINIC	13,800	13,800
TRIPLER ARMY HOSPITAL		
MEDICAL EDUCATION CENTER	---	3,500
ARMY NATIONAL GUARD		
PEARL CITY		
MAINTENANCE TRAINING FACILITY	1,883	1,883
AIR NATIONAL GUARD		
HICKAM AFB		
COMPOSITE VEHICLE MAINTENANCE SHOP	2,900	2,900
TOTAL, HAWAII	131,011	134,511

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
IDAHO		
ARMY NATIONAL GUARD		
GOWEN FIELD, BOISE		
ARMY AVIATION SUPPORT FACILITY	8,261	8,261
ARMORY	---	5,995
TRAINING SITE, AMMUNITION SUPPLY POINT	5,365	5,365
AIR NATIONAL GUARD		
GOWEN FIELD		
POWER CHECK PAD	---	800
TOTAL, IDAHO	13,626	20,421
ILLINOIS		
NAVY		
GREAT LAKES NAVAL TRAINING CENTER		
MESS HALL MODERNIZATION	7,000	7,000
AIR FORCE		
SCOTT AFB		
AIRCRAFT MAINTENANCE FACILITY	8,900	8,900
DINING FACILITY	4,390	4,390
ARMY NATIONAL GUARD		
NORTH RIVERSIDE		
OMS MODIFICATIONS	---	362
AIR NATIONAL GUARD		
GREATER PEORIA AIRPORT		
COMPOSITE OPERATIONAL TRAINING FACILITY	---	4,800
POWER CHECK PAD W/SUPPRESSOR	800	800
SECURITY POLICE OPERATIONS FACILITY	600	600
NAVY RESERVE		
GREAT LAKES NAVAL RESERVE READINESS CENTER		
TRAINING BUILDING	6,300	6,300
TOTAL, ILLINOIS	27,990	33,152
INDIANA		
ARMY		
FORT BENJAMIN HARRISON		
ADMINISTRATION BUILDING	25,000	---
NAVY		
CRANE NAVAL WEAPONS SUPPORT CENTER		
ELECTRONICS MAINTENANCE SHOP	8,700	8,700
ELECTRONICS COUNTERMEASURES SYSTEMS CENTER	---	10,000
PEST CONTROL FACILITY 1/	750	750
ARMY NATIONAL GUARD		
CAMP ATTERBURY		
MACHINE GUN RANGE (RETS)	1,130	1,130
AIR NATIONAL GUARD		
TERRE HAUTE		
MUNITIONS MAINTENANCE STORAGE COMPLEX	---	2,200
TOTAL, INDIANA	35,580	22,780
IOWA		
ARMY NATIONAL GUARD		
CAMP DODGE		
ACCESS ROAD (PHASE II)	---	5,450
PHYSICAL TRAINING/RECREATION FACILITY	---	960
WATERLOO		
ARMY AVIATION SUPPORT FACILITY ADDITION	505	505
AIR NATIONAL GUARD		
SIOUX CITY MAP		
ADD/ALTER AIRCRAFT ENGINE SHOP	980	980
ADD/ALTER AVIONICS/ECM POD SHOP	1,150	1,150
TOTAL, IOWA	2,635	9,045
KANSAS		
ARMY		
FORT RILEY		
MODIFIED RECORD FIRE RANGE	1,800	1,800
AIR FORCE		
MCCONNELL AFB		
FIRE STATION	4,950	4,950
TEMPORARY LODGING FACILITY	2,700	2,700
TORNADO DAMAGED FACILITIES 4/	39,780	28,150

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
FORT RILEY		
MOBILIZATION AND TRAINING EQUIP SITE EXPANSION....	6,662	6,662
AIR NATIONAL GUARD		
MCCONNELL AFB, WICHITA		
ADD TO CORROSION CONTROL FACILITY................	550	750
TOTAL, KANSAS....................................	56,442	45,012
KENTUCKY		
ARMY		
FORT CAMPBELL		
EFFLUENT CONTROL FACILITY........................	650	650
MAINTENANCE FACILITY.............................	14,800	14,800
MODIFIED RECORD FIRE RANGE.......................	1,600	1,600
FORT KNOX		
COMBAT PISTOL RANGE MODERNIZATION................	600	600
DINING FACILITY MODERNIZATION....................	2,700	2,700
ENERGY MONITORING AND CONTROL SYSTEM.............	3,150	3,150
SEWAGE TREATMENT PLANT...........................	17,000	17,000
DEFENSE AGENCIES		
FORT CAMPBELL		
SOF BATTALION HEADQUARTERS.......................	5,800	5,800
AIR NATIONAL GUARD		
STANDIFORD FIELD, LOUISVILLE		
RELOCATION, PHASE II.............................		5,000
TOTAL, KENTUCKY..................................	46,300	51,300
LOUISIANA		
ARMY		
FORT POLK		
CENTRAL WASH FACILITY MODERNIZATION..............	930	930
CONSOLIDATED MAINTENANCE FACILITY................	11,000	11,000
TACTICAL EQUIPMENT SHOP..........................	10,800	10,800
AIR FORCE		
BARKSDALE AFB		
ADD/ALTER WEAPONS & RELEASE SYSTEM SHOP..........	520	520
ALERT TAXIWAY BARRIER............................	780	780
B-52 FLIGHT SIMULATOR TRAINING FACILITY..........	5,000	5,000
ENGINE TEST PAD..................................	---	2,000
ELECTRICAL SYSTEM UPGRADE........................	---	1,200
WATER SYSTEM MODIFICATION........................	---	1,700
ARMY NATIONAL GUARD		
CAMP BEAUREGARD		
RANGE, MODIFIED RECORD FIRE (RETS)...............	937	937
FORT POLK (LEESVILLE)		
ARMORY (200 PERSONS).............................	2,067	2,067
AIR NATIONAL GUARD		
NEW ORLEANS NAS		
ADD TO MEDICAL TRAINING FACILITY (W/AFRES)........	450	450
ARMY RESERVE		
BATON ROUGE		
USAR CENTER......................................	3,672	3,672
AIR FORCE RESERVE		
NEW ORLEANS NAS		
ADD TO MEDICAL TRAINING FACILITY (W/ANG).........	450	450
TOTAL, LOUISIANA.................................	36,606	41,506
MAINE		
ARMY NATIONAL GUARD		
CARIBOU		
OMS ADDITION/ALTERATION..........................	686	686
AIR NATIONAL GUARD		
BANGOR IAP		
JET FUEL STORAGE AND DISTRIBUTION SYSTEM.........	6,700	6,700
TOTAL, MAINE.....................................	7,386	7,386
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
COLD STORAGE WAREHOUSE...........................	6,400	6,400
FLIGHT CONTROL TOWER.............................	850	850
PHYSICAL FITNESS CENTER..........................	---	3,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT RITCHIE		
FIRE STATION	---	1,500
SECURITY UPGRADE	2,400	2,400
NAVY		
ANNAPOLIS DAVID TAYLOR NAVSHPRSCH/DEVCTR		
COMPOSITE MATERIALS LABORATORY 3/	3,450	---
ANNAPOLIS NAVAL RADIO TRANSMITTING FACILITY		
ANTENNA MODIFICATIONS	2,400	2,400
ELECTRICAL DISTRIBUTION SYSTEM IMPROVEMENTS	1,900	1,900
ELECTRICAL DISTRIBUTION SYSTEM IMPROVEMENTS	920	920
BETHESDA NATIONAL NAVAL MEDICAL CENTER		
BACHELOR ENLISTED QUARTERS MODERNIZATION	3,500	3,500
SANITARY SEWAGE SYSTEM IMPROVEMENTS	970	970
INDIAN HEAD NAVAL ORDNANCE STATION		
INDUSTRIAL WASTEWATER TRTMNT FAC (PHASE II) 1/	6,600	6,600
PATUXENT RIVER NAVAL AIR TEST CENTER		
ALERT FORCE FACILITY	5,800	5,800
ST INIGOES NAVAL ELECTRONIC SYS ENGR ACT		
ACLS INTEGRATION AND TEST FACILITY	1,750	1,750
ELECTRONICS SYSTEMS INTEGRATION LABORATORY	5,800	5,800
SANITARY WASTEWATER SYSTEM	900	900
AIR FORCE		
ANDREWS AFB		
DEFENSE ACCESS ROAD	---	6,000
DORMITORY	5,400	5,400
REPLACE ROOF, COMMUNICATIONS CENTER	---	2,700
DEFENSE AGENCIES		
BROOKMONT DMA HYDROGRAPHIC/TOPOGRAPHIC CENTER		
FIRE SAFETY AND SECURITY IMPROVEMENTS	1,000	1,000
FORT MEADE		
ENGINEER SUPPORT FACILITY	1,400	1,400
FIRE PROTECTION	1,000	1,000
GENERATOR MODIFICATIONS	750	750
SPRINKLER AND FIRE ALARM	1,500	1,500
PERIMETER CONTROL	9,000	---
PLATING CENTER	1,072	1,072
BETHESDA USUHS		
ALTER EXISTING ANIMAL FACILITY	600	---
ARMY NATIONAL GUARD		
CHELTENHAM		
ARMORY	---	3,300
TOWSON		
DIVISION LOGISTICS WAREHOUSE	373	373
AIR NATIONAL GUARD		
ANDREWS AFB		
COMPOSITE MAINTENANCE FACILITY	2,250	2,250
AIR FORCE RESERVE		
ANDREWS AFB		
COMPOSITE TRAINING FACILITY	1,550	1,550
TOTAL, MARYLAND	69,535	73,885
MASSACHUSETTS		
ARMY		
NATICK RESEARCH CENTER		
ADMINISTRATION FACILITY ADDITION	1,350	1,350
CLIMATIC CONTROL SYSTEM	2,900	2,900
AIR FORCE		
HANSCOM AFB		
SECURITY POLICE OPERATIONS	3,200	3,200
UPGRADE LABORATORY PHYSICAL PLANT (PHASE II)	8,000	8,000
ARMY NATIONAL GUARD		
CAMP EDWARDS		
TRAINING SITE, HEATING PLANT (W/AIR NG)	1,369	1,369
AIR NATIONAL GUARD		
BARNES MAP, WESTFIELD		
ENGINE CHECK FACILITY	---	1,250
AIRCRAFT BARRIER	---	2,050
OTIS ANGB, FALMOUTH		
UPGRADE HEAT SYSTEMS (W/ARMY NG)	3,500	3,500
ARMY RESERVE		
TAUTON		
USAR CENTER	---	3,526
TOTAL, MASSACHUSETTS	20,319	27,145

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MICHIGAN		
AIR FORCE		
KI SAWYER AFB		
ADD/ALTER B-52 FLIGHT SIMULATOR FACILITY	400	400
ALERT TAXIWAY BARRIERS	1,300	1,300
AIR NATIONAL GUARD		
WK KELLOGG REGIONAL AIRPORT, BATTLE CREEK		
AVIONICS & WEAPONS RELEASE SHOP	2,800	2,800
SQUADRON OPERATIONS FACILITY	2,450	2,450
UNSUPPRESSED POWER CHECK PAD	700	700
ENGINE MAINTENANCE SHOP	---	2,250
TOTAL, MICHIGAN	7,650	9,900
MINNESOTA		
ARMY NATIONAL GUARD		
CAMP RIPLEY		
TROOP MEDICAL TRAINING FACILITY	---	1,100
MONTEVIDEO		
ARMORY	---	1,891
ROSEMOUNT		
ARMORY	---	5,120
TOTAL, MINNESOTA	---	8,111
MISSISSIPPI		
NAVY		
MERIDIAN NAS		
FIRE STATION EXPANSION	---	418
FIRE TRAINING FACILITY	---	1,200
GULFPORT		
SEABEE WAREHOUSE	---	7,000
AIR FORCE		
COLUMBUS AFB		
ALTER SPECIALIZED UPT SQUADRON OPS FACILITY	600	600
KEESLER AFB		
TRAINING DEVELOPMENT SQUADRON FACILITY	3,400	3,400
ARMY NATIONAL GUARD		
CAMP MCCAIN		
CONVERT RECORD FIRE RANGE TO MODIFIED RECORD FIRE RANGE	---	546
MARKS		
ARMORY ALTERATION	---	200
SENATOBIA		
ORGANIZATIONAL MAINTENANCE SHOP	---	723
TUPELO		
OMS	---	992
CAMP SHELBY		
ADAL MAINTENANCE FACILITY	---	600
PAVE TRAINING ROADS	---	1,200
WEST POINT		
ORGANIZATIONAL MAINTENANCE SHOP	---	1,270
VARIOUS LOCATIONS		
MOBILE CONDUCT OF FIRE TRAINER SITES	---	306
AIR NATIONAL GUARD		
KEY FIELD, MERIDIAN		
FUEL CELL AND CORROSION CONTROL DOCK	4,450	4,450
UPGRADE AIRCRAFT PAVEMENTS	13,370	13,370
TOTAL, MISSISSIPPI	21,820	36,275
MISSOURI		
ARMY		
FORT LEONARD WOOD		
ADMINISTRATION BUILDING	12,200	12,200
CHILD DEVELOPMENT CENTER	---	3,050
AIR FORCE		
WHITEMAN AFB		
B-2 ADD/ALTER FIRE STATION	5,100	5,100
B-2 ADD/ALTER UTILITY SYSTEMS	6,700	6,700
B-2 ADD/ALTER PHYSICAL FITNESS CENTER	3,800	3,800
B-2 AREA SECURITY IMPROVEMENTS	7,850	7,850
B-2 CONVENTIONAL MUNITIONS SUPPORT FACILITY	1,750	1,750
B-2 DEFENSE ACCESS ROADS	5,050	5,050
B-2 ENGINE MAINTENANCE SHOP	3,400	3,400
B-2 FLIGHT SIMULATOR FACILITY	4,050	4,050
B-2 HAZARDOUS MATERIAL STORAGE	1,700	1,700

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
B-2 IMPACT AID	1,000	1,000
B-2 MUNITIONS STORAGE IGLOOS	4,000	4,000
B-2 SURVIVAL EQUIPMENT FACILITY	1,000	1,000
B-2 WEAPONS RECEIVING AND PROCESSING FACILITY	3,100	3,100
B-2 WEAPONS STORAGE AREA SUPPLY WAREHOUSE	1,000	1,000
B-2 GENERAL REDUCTION	---	-20,000
SUBTOTAL, B-2 PROJECTS	49,500	29,500
DEFENSE AGENCIES		
ST LOUIS DMA AEROSPACE CENTER		
FIRE PROTECTION IMPROVEMENTS	1,000	1,000
ARMY NATIONAL GUARD		
FORT CROWDER		
RANGE UPGRADE (RETS)	822	822
AIR NATIONAL GUARD		
ROSECRANS MEMORIAL AIRPORT, ELWOOD		
ALTER OPERATIONS AND TRAINING FACILITY	1,600	1,600
ARMY RESERVE		
FORT LEONARD WOOD		
EQMT CONC SITE/AREA MNT SPT ACT/WAREHOUSE	4,055	4,055
TOTAL, MISSOURI	69,177	52,227
MONTANA		
AIR FORCE		
CONRAD STRS		
ADD/ALTER STRAT TRAINING RANGE TECH OPS FACILITY	700	700
HAVRE STRS		
ADD/ALTER STRAT TRAINING RANGE TECH OPS FACILITY	700	700
ARMY NATIONAL GUARD		
FORT HARRISON		
ARMORY		3,400
TOTAL, MONTANA	1,400	4,800
NEBRASKA		
AIR FORCE		
OFFUTT AFB		
ALERT FACILITY/SQUADRON OPERATIONS	4,700	4,700
HEADQUARTERS LIFE SAFETY UPGRADE	3,100	3,100
MILSTAR GROUND COMMUNICATIONS TERMINAL	2,950	2,950
SECURITY POLICE OPERATIONS	3,100	3,100
WORLDWIDE AIRBORNE COMMAND POST FACILITY	12,500	---
ARMY NATIONAL GUARD		
KEARNEY		
OMS	---	690
ARMORY	---	2,215
CAMP ASHLAND		
BARRACKS	---	6,613
LINCOLN		
USP&FO WAREHOUSE	---	2,289
TOTAL, NEBRASKA	26,350	25,657
NEVADA		
NAVY		
FALLON NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS	---	5,700
RANGE AIR SURVEILLANCE FACILITY	2,500	2,500
AIR FORCE		
NELLIS AFB		
BASE ENGINEERING COMPLEX (PHASE II)	5,300	5,300
CHILD DEVELOPMENT CENTER	3,100	3,100
DEFENSE AGENCIES		
FALLON NAVAL AIR STATION		
MEDICAL/DENTAL CLINIC REPLACEMENT	6,000	6,000
NELLIS AIR FORCE BASE		
WAR RESERVE MATERIEL STORAGE	1,000	1,000
AIR NATIONAL GUARD		
CANNON IAP, RENO		
POWER CHECK PAD	---	700
ARMY NATIONAL GUARD		
WASHOE COUNTY		
OMS	---	1,050

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
YERRINGTON		
OMS		770
TOTAL, NEVADA	17,900	26,120
NEW HAMPSHIRE		
ARMY		
COLD REGIONS LABORATORY		
TECHNICAL LIBRARY AND ANALYSIS CENTER	3,700	3,700
AIR FORCE		
NEW BOSTON SATELLITE TRACKING STATION		
BCE COMPLEX, PASS/ID, AND SECURITY FENCE	4,210	4,210
AIR NATIONAL GUARD		
PEASE ANGB, NEWINGTON		
POWER CHECK PAD W/SOUND SUPPRESSOR	530	530
ADAL SQUADRON OPERATIONS		1,450
TOTAL, NEW HAMPSHIRE	8,440	9,890
NEW JERSEY		
ARMY		
FT DIX		
SEWAGE TREATMENT PLANT (JOINT W/MCQUIRE AFB)	20,000	20,000
NAVY		
EARLE NAVAL WEAPONS STATION		
CHILD DEVELOPMENT CENTER	1,250	1,250
ROAD IMPROVEMENTS	3,650	3,650
TRESTLES REPLACEMENT (PHASE II) 1/	36,500	11,400
AIR FORCE		
MCGUIRE AFB		
ALTER DORMITORIES	---	5,200
CHILD DEVELOPMENT CENTER	---	3,800
SEWAGE TREATMENT AND DISPOSAL (JOINT W/FT DIX)	22,500	22,500
ARMY RESERVE		
EDISON (NIXON)		
OMS/AREA MAINTENANCE SUPPORT ACTIVITY	3,981	3,981
MOUNT FREEDOM		
DINING FACILITY ADDITION	359	359
TOTAL, NEW JERSEY	88,240	72,140
NEW MEXICO		
ARMY		
WHITE SANDS MISSILE RANGE		
WATER WELL	4,250	4,250
AERIAL CABLE RANGE	---	9,600
AIR FORCE		
CANNON AFB		
ADD/ALTER COMBAT OPERATIONS FACILITY	490	490
ADD/ALTER PHYSICAL FITNESS CENTER	410	410
ADD TO YOUTH CENTER	400	400
HOLLOMAN AFB		
ADD/ALTER F-117A MAINTENANCE COMPLEX	5,800	5,800
ADD TO AIRCRAFT PARKING APRON	2,050	2,050
ADD/ALTER AIRCRAFT MAINTENANCE COMPLEX	5,100	---
ALTER DORMITORIES	6,000	6,000
BASE SUPPORT/INFRASTRUCTURE	6,800	6,800
CONTROL TOWER	2,500	2,500
F-117A FACILITIES (PHASE II)	39,000	39,000
HANGAR	4,500	4,500
MUNITIONS FACILITIES	3,900	3,900
OPERATIONS FACILITY	1,050	1,050
SQUADRON OPERATIONS FACILITY	1,000	1,000
KIRTLAND AFB		
ALTER DORMITORIES	5,600	5,600
DEFENSE AGENCIES		
KIRTLAND AFB		
SOF AERIAL DELIVERY FACILITY	2,050	2,050
WHITE SANDS MISSILE RANGE		
LARGE BLAST/THERMAL SIMULATOR (PHASE II)	20,000	20,000
ARMY NATIONAL GUARD		
LAS CRUCES MUNICIPAL AIRPORT		
ARMY AVIATION FLIGHT ACTIVITY	---	1,014
SANTA FE		
MILITARY EDUCATION ACADEMY	---	3,764
AMMUNITION BUNKERS	---	340

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
KIRTLAND AFB		
ALTER AVIONICS AND ECM SHOP..........................	790	790
TOTAL, NEW MEXICO..................................	111,690	121,308
NEW YORK		
ARMY		
FORT DRUM		
MULTIPURPOSE MACHINE GUN RANGE......................	---	2,350
MULTIPURPOSE TRAINING RANGE.........................	---	2,100
FIRING RANGE..	---	1,750
SENECA ARMY DEPOT		
FIRE STATION..	1,150	1,150
U S MILITARY ACADEMY		
ADMINISTRATION BUILDING MODIFICATION................	7,300	8,800
ADMINISTRATION FACILITY.............................	7,000	7,000
AIR FORCE		
GRIFFISS AFB		
ADDITION TO SQUADRON OPERATIONS FACILITY..........	1,500	1,500
ALERT TAXIWAY BARRIERS..............................	1,200	1,200
PLATTSBURGH AFB		
JET FUEL STORAGE....................................	---	880
ELECTRICAL DISTRIBUTION SYSTEM......................	---	7,200
UPGRADE RUNWAY THRESHOLD LIGHTING...................	960	960
ARMY NATIONAL GUARD		
SYRACUSE		
ARMORY..	---	6,440
AIR NATIONAL GUARD		
HANCOCK FIELD, SYRACUSE		
JET FUEL STORAGE COMPLEX............................	3,750	3,750
AIR FORCE RESERVE		
NIAGARA FALLS IAP		
HANGAR FIRE PROTECT SYSTEM..........................	1,810	1,810
TOTAL, NEW YORK....................................	24,670	46,890
NORTH CAROLINA		
ARMY		
FORT BRAGG		
ARTILLERY HEADQUARTERS BUILDING.....................	3,600	3,600
CHAPEL FAMILY LIFE CENTER...........................	2,950	2,950
MODIFIED RECORD FIRE RANGE..........................	1,850	1,850
TACTICAL EQUIPMENT SHOP.............................	5,000	5,000
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
VEHICLE READY FUEL STORAGE FACILITY................	2,500	2,500
CHERRY POINT MARINE CORPS AIR STATION		
AIRCRAFT BOMBING RANGE SUPPORT FACILITIES........	1,450	1,450
WASTEWATER TREATMENT PLANT IMPROVEMENTS...........	17,000	17,000
CHERRY POINT NAVAL AVIATION DEPOT		
AIRCRAFT ACCESSORIES OVERHAUL SHOP 1/.............	7,700	7,700
NEW RIVER MARINE CORPS AIR STATION		
AIRCRAFT DIRECT FUELING FACILITY MODIFICATIONS....	7,100	7,100
AIR FORCE		
POPE AFB		
ADD/ALTER PHYSICAL FITNESS CENTER...................	4,450	4,450
CHILD DEVELOPMENT CENTER............................	2,050	2,050
MATERIAL HANDLING EQUIP MAITNENANCE FACILITY......	1,700	1,700
SEYMOUR JOHNSON AFB		
ADD/ALTER KC-10 FUEL SYSTEM MAINTENANCE...........	2,700	2,700
ALTER DORMITORIES...................................	8,500	8,500
DEFENSE AGENCIES		
FORT BRAGG		
AMBULATORY CARE CLINIC..............................	5,000	5,000
SPECIAL OPERATIONS BATTALION HQ.....................	---	6,000
CAMP LEJEUNE MARINE CORPS BASE		
TROOP MEDICAL CLINIC - NEW RIVER....................	4,600	4,600
CHERRY POINT MARINE CORPS AIR STATION		
HOSPITAL REPLACEMENT................................	34,000	34,000
ARMY NATIONAL GUARD		
CONCORD		
ORGANIZATIONAL MAINTENANCE SHOP.....................	---	887
FORT BRAGG		
MOBILIZATION AND TRAINING EQUIP SITE EXPANSION....	2,796	2,796
CAMP BUTNER		
RANGE, MODIFIED RECORD FIRE (RETS)..................	986	986

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
RALEIGH		
PROPERTY AND FISCAL OFFICE	---	1,824
AIR NATIONAL GUARD		
DOUGLAS MAP, CHARLOTTE		
FIREMEN TRAINING FACILITY	570	570
TOTAL, NORTH CAROLINA	116,502	125,213
NORTH DAKOTA		
AIR FORCE		
DICKINSON STRS		
ADD/ALTER STRAT TRNG RANGE TECHNICAL OPS	640	640
GRAND FORKS AFB		
ADD/ALTER PHYSICAL FITNESS CENTER	4,400	4,400
MINOT AFB		
ADD TO AND ALTER MISSILE MAINTENANCE SHOP	3,950	3,950
ARMY NATIONAL GUARD		
DEVILS LAKE		
MACHINE GUN RANGE (RETS)	1,376	1,376
GRAND FORKS		
ARMORY	---	6,200
OMS	---	3,800
AIR NATIONAL GUARD		
HECTOR FIELD, FARGO		
REPLACE FUEL TANKS	---	1,500
TOTAL, NORTH DAKOTA	10,366	21,866
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
ACQUISITION MANAGEMENT COMPLEX	20,000	20,000
ADD TO AVIONICS RESEARCH LABORATORY	8,300	8,300
TAXIWAY	11,000	11,000
DEFENSE AGENCIES		
COLUMBUS DEFENSE CONSTRUCTION SUPPLY CENTER OPERATIONS CENTER 1/	89,000	89,000
DAYTON DEFENSE ELECTRONICS SUPPLY CENTER FIRE AND SECURITY STATION 1/	2,000	2,000
ARMY NATIONAL GUARD		
MCCONNELSVILLE		
ARMORY/TRAINING SITE FACILITIES	---	4,669
TOLEDO		
ARMORY	---	3,183
AIR NATIONAL GUARD		
RICKENBACKER ANGB		
ADD/ALTER MAINTENANCE HANGAR AND SHOP 3/	3,000	---
ADD/ALTER SQUADRON OPERATIONS FACILITY 3/	1,200	---
ALTER FUEL SYS MAINT CORR CONTROL DOCK 3/	800	---
SPRINGFIELD MAP		
ECM PODS MAINTENANCE AND STORAGE	500	500
ARMY RESERVE		
TOLEDO		
ARMY RESERVE CTR/MAINTENANCE FACILITY (PHASE II)	---	2,749
AIR FORCE RESERVE		
YOUNGSTOWN MAP		
ADD/ALTER AVIONICS/MAINTENANCE SHOP	1,450	1,450
TOTAL, OHIO	137,250	142,851
OKLAHOMA		
ARMY		
FORT SILL		
ENERGY MONITORING AND CONTROL SYSTEM	3,350	3,350
NAVY		
TINKER AIR FORCE BASE NAVAL AIR DETACHMENT (TACAMO)		
BACHELOR ENLISTED QUARTERS (INCREMENT II)	4,700	4,700
AIR FORCE		
ALTUS AFB		
C-17 ADD/ALTER APRON/HYDRANT SYSTEM	6,690	6,690
C-17 ADD/ALTER AERIAL PORT TRAINING FACILITY	3,800	3,800
C-17 AIRCRAFT CORROSION CONTROL/MAINT SHOP	13,800	13,800
C-17 ALTER SQUADRON OPERATIONS	850	850
C-17 PARALLEL RUNWAY	30,000	30,000
FUEL SYSTEMS MAINTENANCE DOCK	6,200	6,200
TINKER AFB		
UPGRADE WATER SUPPLY, STORAGE AND DISTRIB SYS 1/	3,700	3,700

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
VANCE AFB		
ADD/ALTER SPEC UPT SQUADRON OPS FACILITY	550	550
VEHICLE MAINTENANCE COMPLEX	4,200	4,200
DEFENSE AGENCIES		
FORT SILL		
TROOP MEDICAL CLINIC	2,700	2,700
TINKER AFB		
ADD/ALTER HOSPITAL	4,100	4,100
AIR NATIONAL GUARD		
WILL ROGERS WORLD AIRPORT, OKLAHOMA CITY		
APRON ADDITION	---	4,350
VEHICLE MAINTENANCE COMPLEX	3,200	3,200
TULSA IAP		
FUEL CELL/CORROSION FACILITY	---	2,750
AVIONICS/ECM SHOP	---	1,050
ARMY RESERVE		
ENID		
ADD/ALTER USAR CENTER	1,578	1,578
NORMAN		
ADD/ALTER USAR CENTER AND OMS	2,862	2,862
AIR FORCE RESERVE		
TINKER AFB		
ADD/ALTER MEDICAL TRAINING AREAS	500	500
TOTAL, OKLAHOMA	92,780	100,930
OREGON		
ARMY		
UMATILLA ARMY DEPOT		
AMMUNITION DEMILITARIZATION SUPPORT FACILITIES	3,600	3,600
AMMUNITION DEMILITARIZATION UTILITIES	7,500	7,500
ARMY NATIONAL GUARD		
CAMP RILEA		
BATTALION HEADQUARTERS BUILDING	---	665
TRAINING SITE BOQ/BEQ	---	997
FOREST GROVE		
ARMORY	---	2,591
BEND		
ARMORY/RESERVE CENTER	---	2,711
AIR NATIONAL GUARD		
PORTLAND IAP		
JET FUEL STORAGE COMPLEX	3,600	3,600
AIR FORCE RESERVE		
PORTLAND IAP		
JET FUEL STORAGE COMPLEX	1,100	1,100
TOTAL, OREGON	15,800	22,764
PENNSYLVANIA		
ARMY		
LETTERKENNY ARMY DEPOT		
AMMUNITION TRUCK BLOCKING/LOADING CENTER 1/	3,150	3,150
TOBYHANNA ARMY DEPOT		
HAZARDOUS MATERIAL STORAGE FACILITY	---	1,900
TACTICAL COMPONENT REBUILD FACILITY 1/	8,200	8,200
NAVY		
PHILADELPHIA NAV INACTIVE SHIP MAINT FAC		
OBSTRUCTION REMOVAL AND ELECTRICAL POWER	4,000	4,000
DEFENSE AGENCIES		
CARLISLE BARRACKS		
ADD/ALTER DENTAL CLINIC	510	510
ARMY NATIONAL GUARD		
EVERETT		
ARMORY	---	1,750
FORT INDIANTOWN GAP		
MAINTENANCE SHOP	---	2,790
FORT MIFFLIN, PHILADELPHIA		
ORGANIZATIONAL MAINTENANCE SHOP	---	370
AIR NATIONAL GUARD		
GREATER PITTSBURGH IAP		
AIRCRAFT PARKING APRON	11,200	11,200
ALTER AIRCRAFT HANGAR	1,000	1,000
ADD/ALTER ENGINE SHOP	450	660
ADD/ALTER SQUADRON OPERATIONS FACILITY	---	1,950
ARMY RESERVE		
JOHNSTOWN		
JOINT AVIATION FACILITY	---	30,224

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NEW CUMBERLAND		
USAR CENTER/ORG MAINTENANCE SHOP	3,910	3,910
NAVY RESERVE		
NMCRC PHILADELPHIA		
RESERVE CENTER REHABILITATION	3,400	3,400
TOTAL, PENNSYLVANIA	35,820	75,014
RHODE ISLAND		
NAVY		
NEWPORT NAVAL EDUCATION AND TRAINING CENTER		
AIR CONDITIONING SYSTEM	---	710
FUEL TANKS	---	2,000
CHILD CARE/PASSIVE RECREATION CENTER	---	500
DEFENSE AGENCIES		
NEWPORT NAVAL EDUCATION AND TRAINING CENTER		
AMBULATORY CARE CENTER	---	14,000
ARMY NATIONAL GUARD		
CAMP FOGARTY		
ARMORY	---	5,151
CAMP VARNUM		
SEWER AND WATER SYSTEM	---	578
TOTAL, RHODE ISLAND	---	22,939
SOUTH CAROLINA		
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
AIR TRAFFIC CONTROL TOWER	2,250	2,250
CHARLESTON FLEET AND MINE WARFARE TRNG CTR		
FIRE FIGHTING TRAINER FACILITY	14,620	14,620
CHARLESTON NAVAL WEAPONS STATION		
HIGH EXPLOSIVE MAGAZINE 1/	1,100	1,100
TOMAHAWK MISSILE MAGAZINE 1/	2,150	2,150
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT		
COMBAT TRAINING FACILITY	5,100	5,100
AIR FORCE		
CHARLESTON AFB		
C-17 ADD/ALTER APRON/HYDRANT SYSTEM	19,000	19,000
C-17 FIRE/CRASH RESCUE STATION	2,850	2,850
DEFENSE AGENCIES		
BEAUFORT MARINE CORPS AIR STATION		
ELEMENTARY SCHOOL ADDITION	---	989
ARMY NATIONAL GUARD		
MANNING		
ARMORY	---	1,500
LEESBURG		
MAINTENANCE SHOP	---	2,200
SEWER SYSTEM	---	1,200
AIR NATIONAL GUARD		
MCENTIRE		
CONNECTION TO CITY WATER	520	520
ARMY RESERVE		
FORT JACKSON		
ADD/ALTER USAR CENTER AND OMS	6,122	6,122
TOTAL, SOUTH CAROLINA	53,712	65,330
SOUTH DAKOTA		
AIR FORCE		
BELLE FOURCHE STRS		
ADD/ALTER STRAT TRNG RANGE TECHNICAL OPS	640	640
ELLSWORTH AFB		
ALERT TAXIWAY BARRIER	670	670
UPGRADE WEAPONS STORAGE AREA LIGHTING	1,250	1,250
WATER STORAGE TANK	790	790
ARMY NATIONAL GUARD		
DESMET		
ARMORY (60 PERSONS)	939	939
FORT MEADE		
TRAINING SITE BOQ/BEQ	638	638
AIR NATIONAL GUARD		
JOE FOSS FIELD, SIOUX FALLS		
ADD/ALTER AVIONICS SHOPS/HANGAR SHOP	850	850

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ADD/ALTER ENGINE AND NON-DESTRUC INSP SHOPS	450	450
ADD/ALTER BCE MAINTENANCE SHOP	300	300
COMPOSITE SUPPORT FACILITY	2,600	2,600
TOTAL, SOUTH DAKOTA	9,127	9,127
TENNESSEE		
AIR FORCE		
ARNOLD ENGINEERING DEVELOPMENT CENTER		
ADD TO AND ALTER FUEL SYSTEMS	2,400	2,400
LARGE ROCKET TEST FACILITY (J-6)	80,000	80,000
DEFENSE AGENCIES		
ARNOLD ENGINEERING DEVELOPMENT CENTER		
DECADE X-RAY SIMULATOR	7,000	7,000
ARMY NATIONAL GUARD		
COVINGTON		
ARMORY	---	1,237
ERWIN		
ARMORY	---	1,094
UNION CITY		
ARMORY	---	1,659
FAYETTEVILLE		
ARMORY	---	892
LIVINGSTON		
ARMORY	---	1,161
AIR NATIONAL GUARD		
MEMPHIS IAP		
COMPOSITE AVIONICS/NON-DESTRUC INSP FACILITY	1,650	1,650
FUEL SYSTEMS MAINTENANCE/CORROSION CONTROL	4,700	4,700
POWER CHECK PAD	---	800
AERIAL PORT TRAINING FACILITY	---	1,650
FIRE STATION	---	1,300
ARMY RESERVE		
JACKSON		
JOINT TRAINING FACILITY	---	1,537
NAVY RESERVE		
NAS MEMPHIS		
MAINTENANCE HANGER	---	10,900
LOGISTIC SUPPORT FACILITY	2,000	2,000
TOTAL, TENNESSEE	97,750	119,980
TEXAS		
ARMY		
CORPUS CHRISTI ARMY DEPOT		
ENGINEER ANALYSIS FACILITY	3,400	3,400
FORT BLISS		
BARRACKS MODERNIZATION	---	11,600
BARRACKS MODERNIZATION	---	10,600
REPROGRAMMING ALLOWANCE	---	5,000
FORT HOOD		
AUTOMATED RECORD FIRE RANGE	1,500	1,500
BARRACKS MODERNIZATION	15,000	15,000
BARRACKS MODERNIZATION	---	15,200
CONSOLIDATED MAINTENANCE FACILITY (PHASE III)	15,000	15,000
FORT SAM HOUSTON		
MEDICAL SYSTEMS EQUIPMENT TRAINING COMPLEX	3,750	3,750
WATER DISTRIBUTION SYSTEM	600	600
RED RIVER ARMY DEPOT		
GENERAL PURPOSE WAREHOUSE 1/	1,100	1,100
HYDRAULIC SHOP ALTERATIONS 1/	920	920
NAVY		
KINGSVILLE NAVAL AIR STATION		
ELECTRICAL DISTRIBUTION SYSTEM IMPROVEMENTS	1,500	1,500
AIR FORCE		
DYESS AFB		
ALTER FUEL SYSTEMS MAINTENANCE HANGAR	620	620
KELLY AFB		
ALTER DORMITORIES	3,900	3,900
ALTER WEAPON SYSTEMS SUPPORT CENTER (PHASE I) 1/	10,000	10,000
LACKLAND AFB		
ALTER RECRUIT DORMITORY	2,000	2,000
CONSOLIDATED BMTS HQTRS AND ACADEMIC FACILITY	3,700	3,700
LACKLAND TRAINING ANNEX		
MOBILITY STORAGE/TRAINING	1,170	1,170
LAUGHLIN AFB		
ADD/ALTER SPECIALIZED UPT SQUADRON OPS FACILITY	1,450	1,450
MISSION SUPPORT COMPLEX	2,800	2,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
RANDOLPH AFB		
ALTER SPECIALIZED UPT SUPPORT FACILITY	410	410
REESE AFB		
ADD/ALTER LIFE SUPPORT EQUIPMENT FACILITY	1,000	1,000
ADD/ALTER SPECIALIZED UPT SUPPORT FACILITY	1,000	1,000
SHEPPARD AFB		
ADD TO AND ALTER MEDICAL TRAINING COMPLEX	7,900	7,900
ALTER FLIGHT TRAINING FACILITY	420	420
REGIONAL WASTEWATER CONNECTION	1,500	1,500
RUNWAY/LAND ACQUISITION	6,850	6,850
DEFENSE AGENCIES		
DALLAS NAVAL AIR STATION		
MEDICAL/DENTAL CLINIC REPLACEMENT	3,500	3,500
FORT SAM HOUSTON		
HOSPITAL REPLACEMENT (PHASE V)	37,000	37,000
RED RIVER ARMY DEPOT		
CENTRAL DISTRIBUTION CENTER (PHASE III)	---	39,000
ARMY NATIONAL GUARD		
CAMP MABRY		
COMBINED SUPPORT MAINTENANCE SHOP	---	5,992
CAMP SWIFT		
ARMORY	---	1,643
TRAINING SITE FACILITIES	---	5,138
KINGSVILLE		
ARMORY	---	399
LONGVIEW		
ARMORY EXPANSION	---	399
NEW BOSTON		
ARMORY	---	1,994
REDBIRD		
ORGANIZATIONAL MAINTENANCE SHOP	---	702
VICTORIA		
ADD/ALTER ARMORY	---	399
WEATHERFORD		
ARMORY	---	399
AIR NATIONAL GUARD		
CAMP MABRY		
HEADQUARTERS BUILDING	---	770
ARMY RESERVE		
CONROE		
ADD/ALTER USARC/AVIATION SUPPORT FACILITY/OMS	9,855	11,359
TOTAL, TEXAS	137,845	238,584
UTAH		
ARMY		
DUGWAY PROVING GROUND		
PHYSICAL FITNESS TRAINING CENTER	4,000	4,000
TOOELE ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)	14,700	14,700
AIR FORCE		
HILL AFB		
DEPOT PRODUCTION SUPPORT FACILITY 1/	4,050	4,050
WEAPONS AND RELEASE SYSTEMS SHOP 1/	2,700	2,700
MISSILE MAINTENANCE SHOP	---	2,450
ARMY NATIONAL GUARD		
UTAH COUNTY		
ARMORY	---	2,860
OMS	---	996
TOTAL, UTAH	25,450	31,756
VERMONT		
ARMY NATIONAL GUARD		
WESTMINSTER (SPRINGFIELD)		
OMS	749	749
AIR NATIONAL GUARD		
BURLINGTON IAP		
ALTER WEAPON RELEASE SHOP	400	400
CIVIL ENGINEERING SHOP	---	1,850
TOTAL, VERMONT	1,149	2,999
VIRGINIA		
ARMY		
FORT A P HILL		
SHOWER AND LATRINE FACILITIES	6,100	6,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT BELVOIR		
PHYSICAL FITNESS TRAINING CENTER	3,750	3,750
ROAD IMPROVEMENTS	2,200	2,200
FORT EUSTIS		
AVIATION UNIT MAINTENANCE HANGAR	6,600	6,600
MODIFIED RECORD FIRE RANGE	1,900	1,900
FORT LEE		
BARRACKS	6,700	6,700
FINANCE/ACCOUNTING OFFICE	---	4,650
NCO TRAINING FACILITY	---	5,800
FORT MYER		
PHYSICAL FITNESS TRAINING CENTER	5,000	5,000
VEHICLE STORAGE	550	550
FORT PICKETT		
UPGRADE FUEL STORAGE FACILITIES	2,800	2,800
FORT STORY		
CHILD DEVELOPMENT CENTER	900	900
VINT HILL FARMS STATION		
BARRACKS WITH DINING FACILITY	1,700	1,700
GENERAL PURPOSE WAREHOUSE	1,850	1,850
NAVY		
CHESAPEAKE NAVAL SECURITY GROUP ACT NW		
BEQ AND MESS HALL ADDITION	8,100	8,100
COMMUNICATION/SECURE MATERIAL ISSUING OFF ADDITION	1,400	1,400
ELECTRICAL DISTRIBUTION SYSTEM UPGRADE	4,300	4,300
DAHLGREN NAVAL SURFACE WARFARE CENTER		
ELECTRONIC SYSTEMS LABORATORY 1/	8,100	8,100
FLEET REQUIREMENTS SUPPORT 1/	10,180	10,180
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
LANDING CRAFT AIR CUSHION COMPLEX (INCREMENT III)	10,500	10,500
SURFACE WARFARE DEVELOPMENT GRP OPS FACILITY	2,230	2,230
NORFOLK NAVAL AIR STATION		
AIRCRAFT MAINTENANCE HANGAR	8,270	8,270
ALERT FORCE FACILITY	1,100	1,100
NORFOLK NAVAL COMM AREA MASTER STA LANT		
SATELLITE TERMINAL & COMM CENTER ADDITIONS	6,550	6,550
NORFOLK NAVAL STATION		
FIRE ALARM SYSTEM IMPROVEMENTS	340	340
NORFOLK NAVAL SUPPLY CENTER		
ADMINISTRATIVE OFFICE 1/	1,250	1,250
NORFOLK NAVY PUBLIC WORKS CENTER		
ELECTRICAL DISTRIBUTION LINES 1/	3,150	3,150
STEAM DISTRIBUTION SYSTEM IMPROVEMENTS 1/	4,150	4,150
NORFOLK OCEANOGRAPHIC SYSTEM ATLANTIC		
SURTASS SUPPORT CENTER	3,250	3,250
OCEANA NAVAL AIR STATION		
OPERATIONAL FLIGHT TRAINER BUILDING ADDITION	2,020	2,020
SQUADRON TRAINING BUILDING ADDITION	5,250	5,250
PORTSMOUTH NAVAL HOSPITAL		
BACHELOR ENLISTED QUARTERS	6,600	6,600
PORTSMOUTH SHORE INTERMEDIATE MAINT ACT		
SHORE INTERMEDIATE MAINTENANCE FACILITY	14,000	14,000
YORKTOWN NAVAL WEAPONS STATION		
TOMAHAWK MISSILE MAGAZINES 1/	4,650	4,650
AIR FORCE		
LANGLEY AFB		
ELECTRIC SUBSTATION	4,500	4,500
MILSTAR GROUND COMMUNICATIONS TERMINAL	1,300	1,300
DEFENSE AGENCIES		
FORT A. P. HILL		
SOF NAVAL SPECIAL WARFARE TNG FACILITY	2,300	2,300
DEREY BUILDING RESTON		
EMERGENCY GENERATOR SUPPORT	600	600
FORT LEE		
HOSPITAL MODERNIZATION	---	11,800
LANGLEY AFB		
ALTER OB WARD	1,150	1,150
NORFOLK DEFENSE FUEL SUPPORT POINT		
FUEL TANKAGE 1/	19,800	19,800
OCEANA NAVAL AIR STATION		
SOF BOAT LAUNCH FACILITY	2,350	2,350
PENTAGON BUILDING COMPLEX		
PENTAGON CLASSIFIED WASTE INCINERATOR	4,700	---
PENTAGON HEATING AND REFRIGERATION PLANT	75,400	---
PORTSMOUTH NAVAL HOSPITAL		
HOSPITAL REPLACEMENT (PHASE III)	40,000	40,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
RICHARD E BYRD IAP, SANDSTON		
EXTEND AIRCRAFT PARKING APRON	400	400
ARMY RESERVE		
FORT PICKETT		
STORAGE FACILITY	752	752
TOTAL, VIRGINIA	298,692	240,842
WASHINGTON		
ARMY		
FORT LEWIS		
EDUCATION DEVELOPMENT CENTER	---	7,900
HOT REFUELING POINT	1,050	1,050
LAND ACQUISITION FOR YAKIMA FIRING CENTER	19,000	18,000
OPERATIONS FACILITY	2,600	2,600
TACTICAL EQUIPMENT SHOP	16,200	16,200
WATER TREATMENT PLANT UPGRADE	3,250	3,250
NAVY		
BANGOR COMMANDER SUBMARINE GROUP 9		
SATELLITE TERMINAL ADDITION	2,050	2,050
BANGOR TRIDENT REFIT FACILITY		
DATA PROCESSING CENTER ADDITION	2,170	2,170
BREMERTON PUGET SOUND NAVAL SUPPLY CENTER		
HAZARDOUS AND FLAMMABLE STOREHOUSE 1/	12,550	12,550
BREMERTON PUGET SOUND NAVAL SHIPYARD		
INACTIVE SUBMARINE MOORING FACILITY 1/	3,300	3,300
INDUSTRIAL SUPPORT COMPLEX (PHASE II) 1/	23,500	23,500
MOORING PLATFORM 1/	1,200	1,200
PIER UPGRADE 1/	11,700	11,700
EVERETT NAVAL STATION		
ADMINISTRATION FACILITY	4,500	4,500
MESS HALL	2,400	2,400
UTILITIES AND SITE IMPROVEMENTS	14,890	14,890
WHIDBEY ISLAND NAVAL AIR STATION		
FLEET AREA CONTROL AND SURVEILLANCE FACILITY	6,800	6,800
AIR FORCE		
FAIRCHILD AFB		
CHILD CARE CENTER	---	4,550
CRUISE MISSILE FUEL STORAGE TANK ADDITION	300	300
PARACHUTE TRAINING FACILITY	2,200	2,200
AIR NATIONAL GUARD		
FAIRCHILD AFB		
FIRE SUPPRESSION SYSTEM	1,800	1,800
AIR FORCE RESERVE		
MCCHORD AFB		
MEDICAL TRAINING/ADMIN FACILITY	600	600
TOTAL, WASHINGTON	132,060	143,510
WEST VIRGINIA		
NAVY		
GREEN BANK		
ALTER OPERATIONS CENTER	---	5,400
ARMY NATIONAL GUARD		
HUNTINGTON		
GUARD/RESERVE CENTER (JOINT W/ARMY RES)	---	2,983
AIR NATIONAL GUARD		
E WV REGIONAL APT (MARTINSBURG)		
ADD/ALTER MEDICAL TRAINING FACILITY	550	550
VEHICLE MAINTENANCE COMPLEX	---	1,700
SMALL ARMS RANGE	---	750
FIRE STATION	---	1,100
YEAGER AIRPORT (CHARLESTON)		
SECURITY POLICE OPERATIONS	---	650
ARMY RESERVE		
HUNTINGTON		
GUARD/RESERVE CENTER (JOINT W/ARMY NG)	---	6,617
NAVY RESERVE		
MARTINSBURG		
C-130 SUPPORT FACILITIES	---	25,100
TOTAL, WEST VIRGINIA	550	44,850

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
WISCONSIN		
ARMY		
FORT MCCOY		
CONSOLIDATED MAINTENANCE FACILITY	18,500	18,500
ARMY NATIONAL GUARD		
CAMP WILLIAMS		
TRAINING SITE WASTE TREATMENT PLANT (W/AIR NG)	400	400
FORT MCCOY		
MOBILIZATION AND TRAINING EQUIPMENT SITE	---	8,941
MOTOR VEHICLE STORAGE BUILDING	---	493
SUSSEX		
AIR NATIONAL GUARD		
TRUAX FIELD, MADISON		
POWER CHECK PAD W/SOUND SUPPRESSOR	---	1,000
AVIONICS AND ECM POD SHOP	---	1,500
AIRCRAFT ARRESTING SYSTEM	---	1,200
VOLK FIELD ANGB		
UPGRADE SEWAGE PLANT (W/ARMY NG)	1,250	1,250
ARMY RESERVE		
STURTEVANT		
RESERVE CENTER ROADS, HOLDING POND	---	750
USAR CTR/ORGANIZATIONAL MAINTENANCE SHOP	4,755	4,755
TOTAL, WISCONSIN	24,905	38,789
WYOMING		
AIR FORCE		
FE WARREN AFB		
TRANSPORTATION COMPLEX (PHASE II)	5,300	5,300
POWELL STRS		
ADD/ALTER STRAT TRAINING RANGE TECH OPS FACILITY	700	700
AIR NATIONAL GUARD		
CHEYENNE MAP		
JET FUEL STORAGE COMPLEX	3,100	3,100
AVIONICS MAINTENANCE SHOP	---	2,200
CORROSION CONTROL FACILITY	---	3,500
REPLACE FUEL STORAGE TANKS	---	700
TOTAL, WYOMING	9,100	15,500
CONUS CLASSIFIED		
ARMY		
CLASSIFIED LOCATIONS		
CLASSIFIED PROJECTS	3,000	3,000
DEFENSE AGENCIES		
CLASSIFIED LOCATION		
WHCA COMMUNICATIONS AND OPERATIONS CENTER	4,500	4,500
CLASSIFIED LOCATION		
TECHNICAL LOAD GENERATOR PLANT	23,900	23,900
TOTAL, CONUS CLASSIFIED	31,400	31,400
CONUS VARIOUS		
ARMY		
CONUS VARIOUS		
ACCESS ROADS - VARIOUS LOCATIONS	7,200	7,200
AIR FORCE		
CONUS VARIOUS		
MINUTEMAN-STORAGE FACILITIES	5,000	5,000
TOTAL, CONUS VARIOUS	12,200	12,200
ASCENSION ISLAND		
AIR FORCE		
ASCENSION ISLAND		
CONSOLIDATED INSTRUMENTATION FACILITY	11,000	11,000
BAHRAIN ISLAND		
NAVY		
ADMINISTRATIVE SUPPORT UNIT		
COMMUNICATION BUILDING ADDITION	1,300	1,300
CANADA		
AIR FORCE		
VARIOUS LOCATIONS-CANADA		
FORWARD OP LOCATIONS/DISPERSED OP BASES	20,700	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DIEGO GARCIA		
DEFENSE AGENCIES		
DIEGO GARCIA DEFENSE FUEL SUPPORT POINT		
FUEL TANKAGE 1/	16,100	16,100
GERMANY		
ARMY		
FEUCHT		
TEMPORARY AVIATION UNIT MAINT HANGAR	590	---
HOHENFELS TNG AREA		
ROCK CRUSHER PLANT	960	---
AIR FORCE		
RAMSTEIN AB		
ADD/ALTER VEHICLE MAINTENANCE FACILITY	3,500	---
TOTAL, GERMANY	5,050	---
GREENLAND		
AIR FORCE		
THULE AB		
UPGRADE AIRFIELD PAVEMENTS (PHASE II)	12,700	12,700
GUAM		
NAVY		
NAVAL COMM AREA MASTER STATION WESTPAC		
CLASSIC WIZARD UPGRADE	900	900
FIRE PROTECTION SYSTEM	1,100	1,100
NAVY PUBLIC WORKS CENTER		
OIL SPILL PREVENTION 1/	670	670
AIR FORCE		
ANDERSEN AFB		
ADD/ALTER CHILD DEVELOPMENT CENTER	2,600	2,600
TOTAL, GUAM	5,270	5,270
GUANTANAMO BAY, CUBA		
NAVY		
NAVAL STATION		
WATERFRONT OPERATIONS BUILDING	2,750	---
ICELAND		
NAVY		
KEFLAVIK NAVAL AIR STATION		
FUEL FACILITIES (PHASE VII) 1/	9,300	9,300
KEFLAVIK NAVAL COMMUNICATION STATION		
COMMUNICATION CENTER	10,600	10,600
AIR FORCE		
KEFLAVIK		
HELICOPTER RESCUE RECOVERY HANGAR	10,500	---
TOTAL, ICELAND	30,400	19,900
ITALY		
NAVY		
NAPLES NAVAL SUPPORT ACTIVITY		
AIR CARGO TERMINAL	4,770	---
UTILITIES SYSTEM UPGRADE	6,500	6,500
SICILY NAVAL COMMUNICATION STATION		
SATELLITE TERMINAL	2,750	2,750
SIGONELLA NAVAL AIR STATION		
ENGINE MAINTENANCE SHOP ADDITION	2,300	2,300
OPERATIONS CONTROL CENTER	9,850	9,850
TOTAL, ITALY	26,170	21,400
JOHNSTON ISLAND		
DEFENSE AGENCIES		
DNA HDQTRS FIELD COMMAND		
ALTER POWER PLANT (PHASE II)	5,100	5,100
KOREA		
ARMY		
CAMP CARROLL		
CONSOLIDATED MAINTENANCE FACILITY	5,600	---
CAMP HOVEY		

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TACTICAL EQUIPMENT SHOP	9,100	---
CAMP WALKER		
COMMUNICATIONS CENTER	2,250	---
DEFENSE AGENCIES		
KOREA VARIOUS		
FROZEN BLOOD FACILITY - CAMP HUMPHREYS	2,350	---
TROOP MEDICAL CLINIC - CAMP ESSAYONS	1,050	1,050
TROOP MEDICAL CLINIC - K-16 AIRFIELD	1,450	---
TOTAL, KOREA	21,800	1,050
KWAJALEIN		
ARMY		
KWAJALEIN		
CHAPEL FAMILY LIFE CENTER	2,550	2,550
CHILD DEVELOPMENT CENTER	3,800	3,800
COLD STORAGE WAREHOUSE	10,200	10,200
CONSOLIDATED MAINTENANCE FACILITY	4,950	4,950
CONTROLLED HUMIDITY WAREHOUSE	9,900	9,900
MARINE TERMINAL AND SECURITY UPGRADE	3,400	3,400
POWER PLANT ADDITION	33,000	33,000
UNACCOMPANIED PERSONNEL HOUSING	9,600	9,600
GENERAL REDUCTION	---	-30,000
TOTAL, KWAJALEIN	77,400	47,400
PORTUGAL		
AIR FORCE		
LAJES FIELD		
CONTROL TOWER AND RADAR APPROACH CONTROL	5,000	5,000
PUERTO RICO		
NAVY		
ROOSEVELT ROADS NAVAL STATION		
CHILD DEVELOPMENT CENTER	---	2,850
SANITARY WASTEWATER SYSTEM UPGRADE	7,660	7,660
AIR NATIONAL GUARD		
BORINQUEN APT (RAMEY AFB)		
ADD/ALTER COMM ELECTRONICS MAINTENANCE FACILITY	1,800	1,800
COMPOSITE VEHICLE MAINT/SITE PREPARATION	1,800	1,800
PUERTO RICO IAP		
ADD/ALTER ENGINE SHOP	890	890
SITE PREPARATION, ROADS AND UTILITIES	1,500	1,500
ARMY RESERVE		
PUERTO NUEVO		
ADD/ALTER USAR CENTER/OMS	9,699	9,699
NAVY RESERVE		
MCRC ROOSEVELT ROADS		
TRAINING BUILDING	2,800	2,800
TOTAL, PUERTO RICO	26,149	28,999
SCOTLAND		
NAVY		
EDZELL NAVAL SECURITY GROUP ACTIVITY		
CLASSIC WIZARD FACILITIES UPGRADE	1,400	1,400
UNITED KINGDOM		
NAVY		
LONDON NAVAL COMMUNICATION UNIT		
SATELLITE TERMINAL	1,800	1,800
AIR FORCE		
RAF LAKENHEATH		
DEDICATED AIRCRAFT SUPPORT SYS (DASS) FACILITY	700	---
F-15E FUEL FACILITY	2,900	3,600
RAF MOLESWORTH		
JOINT ANALYSIS CENTER	15,600	15,600
TOTAL, UNITED KINGDOM	21,000	21,000
OVERSEAS CLASSIFIED		
NAVY		
OVERSEAS CLASSIFIED		
SATELLITE TERMINAL	8,770	8,770
AIR FORCE		
OVERSEAS CLASSIFIED		
MILSTAR GROUND COMMUNICATIONS TERMINAL	5,500	5,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE AGENCIES		
OVERSEAS CLASSIFIED		
RAPID DEPLOYMENT MEDICAL FACILITY WAREHOUSE	10,400	---
OVERSEAS CLASSIFIED		
ESSENTIAL MESS UPGRADE	625	625
UNACCOMPANIED PERSONNEL HOUSING	2,935	2,935
UPGRADE SEWAGE TREATMENT PLANT	930	930
OVERSEAS CLASSIFIED		
WAREHOUSE	2,100	2,100
TOTAL, OVERSEAS CLASSIFIED	31,260	20,860
NATO		
NATO INFRASTRUCTURE	358,800	225,000
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT - EUROPE AND PACIFIC	25,000	25,000
PLANNING AND DESIGN	89,600	88,000
UNSPECIFIED MINOR CONSTRUCTION	11,000	11,000
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-11,950
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
ACCESS ROADS	1,000	1,000
PLANNING AND DESIGN	77,200	76,000
UNSPECIFIED MINOR CONSTRUCTION	12,400	12,400
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-37,850
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN 4/	70,900	69,900
UNSPECIFIED MINOR CONSTRUCTION	11,500	11,500
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-72,366
DEFENSE AGENCIES		
UNSPECIFIED WORLDWIDE LOCATIONS		
CONTINGENCY CONSTRUCTION	15,000	19,000
ENERGY CONSERVATION IMPROVEMENT PROGRAM	30,000	36,000
PLANNING AND DESIGN		
SPECIAL OPERATIONS COMMAND	1,700	4,000
WASHINGTON HEADQUARTERS SERVICES	10,000	---
DEFENSE MEDICAL SUPPORT ACTIVITY	38,100	43,700
STRATEGIC DEFENSE INITIATIVE ORGANIZATION	8,100	5,100
DEFENSE LEVEL ACTIVITIES	21,800	21,800
SUBTOTAL, PLANNING AND DESIGN	79,700	74,600
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-11,600
UNSPECIFIED MINOR CONSTRUCTION		
DOD DEPENDENT SCHOOLS	3,000	3,000
DEFENSE MEDICAL SUPPORT ACTIVITY	2,500	2,500
DEFENSE LEVEL ACTIVITIES	2,000	2,000
JOINT CHIEFS OF STAFF	6,500	6,500
ON-SITE INSPECTION AGENCY	2,000	2,000
SPECIAL OPERATIONS COMMAND	---	5,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	16,000	21,000
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,300	12,300
UNSPECIFIED MINOR CONSTRUCTION	5,100	7,500
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	15,200	20,200
UNSPECIFIED MINOR CONSTRUCTION	3,800	5,000
REPROGRAMMING ALLOWANCE	---	306
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-3,400
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	5,400	8,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
UNSPECIFIED MINOR CONSTRUCTION	500	2,000
REPROGRAMMING ALLOWANCE	---	1,382
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,500	5,000
UNSPECIFIED MINOR CONSTRUCTION	1,000	1,500
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	4,800	4,800
UNSPECIFIED MINOR CONSTRUCTION	2,200	2,200
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-11,100
TOTAL, WORLDWIDE UNSPECIFIED	482,100	367,822
WORLDWIDE VARIOUS		
ARMY		
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1990	---	-39,000
NAVY		
VARIOUS LOCATIONS		
LAND ACQUISITION	45,900	45,900
HOST NATION INFRASTRUCTURE SUPPORT	2,000	2,000
RESCISSION, FISCAL YEAR 1989	---	-10,972
RESCISSION, FISCAL YEAR 1991	---	-45,420
AIR FORCE		
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1989	---	-16,900
RESCISSION, FISCAL YEAR 1990	---	-63,900
RESCISSION, FISCAL YEAR 1991	---	-13,600
DEFENSE AGENCIES		
VARIOUS LOCATIONS		
CONFORMING STORAGE FACILITIES 1/	7,000	7,000
ARMY NATIONAL GUARD		
VARIOUS LOCATIONS		
ARMORY UNIT STORAGE BLDG	983	983
TOTAL, WORLDWIDE VARIOUS	55,883	-133,909
FAMILY HOUSING, ARMY		
CALIFORNIA		
FORT HUNTER LIGGETT (154 UNITS)	22,000	22,000
FORT IRWIN (172 UNITS)	18,000	18,000
FORT CARSON (1 UNIT)	150	150
GEORGIA		
CAMP MERRILL (40 UNITS)	---	4,550
FORT STEWART (1 UNIT)	190	190
HAWAII		
VARIOUS OAHU (140 UNITS)	16,500	16,500
VARIOUS OAHU (220 UNITS)	---	25,000
MISSOURI		
FORT LEONARD WOOD (2 UNITS)	360	360
VIRGINIA		
FORT LEE (1 UNIT)	---	270
CONSTRUCTION IMPROVEMENTS	74,980	74,980
PLANNING	5,220	5,220
SUBTOTAL, CONSTRUCTION	137,400	167,220
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	81,072	78,072
MANAGEMENT ACCOUNT	95,106	93,106
MISCELLANEOUS ACCOUNT	1,988	1,988
SERVICES ACCOUNT	69,092	69,092
UTILITIES ACCOUNT	321,602	319,602
LEASING	360,783	360,783
MAINTENANCE OF REAL PROPERTY	467,207	467,207
INTEREST PAYMENTS	50	50
SUBTOTAL, OPERATION AND MAINTENANCE	1,396,900	1,389,900
PLUS APPROPRIATION FOR DEBT REDUCTION	125	125
TOTAL, FAMILY HOUSING, ARMY	1,534,425	1,557,245

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, NAVY		
CALIFORNIA		
LEMOORE NAVAL AIR STATION (COMMUNITY CENTER)........	1,070	1,070
MARINE CORPS BASE CAMP PENDLETON (150 UNITS)........	16,172	16,172
NAVAL COMPLEX SAN DIEGO (260 UNITS)................	29,800	29,800
PORT HUENEME NAVAL CONST BATTALION CT (100 UNITS)...	11,160	11,160
DISTRICT OF COLUMBIA		
WASHINGTON COMMANDANT NAVAL DISTRICT (DEMOLITION)...	9,910	9,910
FLORIDA		
NAVAL STATION MAYPORT (COMMUNITY CENTER)...........	710	710
ILLINOIS		
NAS GLENVIEW (200 UNITS)..........................	---	16,000
NEW JERSEY		
LAKEHURST NAVAL AIR ENGINEERING CENTER (OFFICE).....	340	340
VIRGINIA		
DAHLGREN NAVAL SURFACE WARFARE CENTER (150 UNITS)...	---	13,240
GUANTANAMO BAY, CU		
NAVAL STATION GUANTANAMO BAY (278 UNITS)............	38,400	38,400
CONSTRUCTION IMPROVEMENTS..........................	55,438	55,438
PLANNING...	6,200	6,200
SUBTOTAL, CONSTRUCTION.............................	169,200	198,440
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT................................	23,705	23,705
MANAGEMENT ACCOUNT.................................	65,147	61,147
MISCELLANEOUS ACCOUNT..............................	990	990
SERVICES ACCOUNT...................................	39,106	39,106
UTILITIES ACCOUNT..................................	196,928	193,928
LEASING..	72,900	72,900
MAINTENANCE OF REAL PROPERTY.......................	311,834	311,834
MORTGAGE INSURANCE PREMIUMS........................	90	90
SUBTOTAL, OPERATION AND MAINTENANCE............	710,700	703,700
TOTAL, FAMILY HOUSING, NAVY....................	879,900	902,140
FAMILY HOUSING, AIR FORCE		
CALIFORNIA		
CASTLE AFB (114 UNITS) 3/..........................	10,517	---
EDWARDS AFB (OFFICE)...............................	453	453
FLORIDA		
TYNDALL AFB (MAINTENANCE FACILITY)..................	410	410
ILLINOIS		
SCOTT AFB (OFFICE).................................	550	550
KANSAS		
MCCONNELL AFB (TORNADO DAMAGE REPLACEMENT) 4/.......	10,000	10,000
MARYLAND		
ANDREWS AFB (OFFICE)...............................	571	571
NORTH CAROLINA		
SEYMOUR JOHNSON AFB (OFFICE).......................	365	365
OKLAHOMA		
TINKER AFB (OFFICE)................................	370	370
UTAH		
HILL AFB (130 UNITS)...............................	11,628	11,628
CONSTRUCTION IMPROVEMENTS..........................	141,236	141,236
PLANNING 4/..	6,500	6,500
SUBTOTAL, CONSTRUCTION.............................	182,600	172,083
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT................................	51,178	51,178
MANAGEMENT ACCOUNT.................................	45,603	44,603
MISCELLANEOUS ACCOUNT..............................	9,597	8,597
SERVICES ACCOUNT...................................	26,201	26,201
UTILITIES ACCOUNT..................................	257,129	254,129
LEASING..	140,900	137,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MAINTENANCE OF REAL PROPERTY 4/	380,512	380,512
MORTGAGE INSURANCE PREMIUMS	80	80
SUBTOTAL, OPERATION AND MAINTENANCE	911,200	903,200
TOTAL, FAMILY HOUSING, AIR FORCE	1,093,800	1,075,283
FAMILY HOUSING, DEFENSE AGENCIES		
OVERSEAS CLASSIFIED		
OVERSEAS CLASSIFIED (1 UNIT)	160	160
CONSTRUCTION IMPROVEMENTS	40	40
SUBTOTAL, CONSTRUCTION	200	200
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	1,993	1,993
MANAGEMENT ACCOUNT	219	219
MISCELLANEOUS ACCOUNT	27	27
SERVICES ACCOUNT	356	356
UTILITIES ACCOUNT	802	802
LEASING	21,664	21,664
MAINTENANCE OF REAL PROPERTY	939	939
SUBTOTAL, OPERATION AND MAINTENANCE	26,000	26,000
TOTAL, FAMILY HOUSING, DEFENSE AGENCIES	26,200	26,200
HOMEOWNERS ASSISTANCE FUND		
OPERATING EXPENSES	84,000	84,000
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I		
BASE REALIGNMENT AND CLOSURE (P.L. 100-526)	633,600	658,600
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II		
BASE REALIGNMENT AND CLOSURE (P.L. 101-510)	100,000	100,000

1/ FUNDING REQUESTED UNDER THE DEFENSE BUSINESS OPERATIONS FUND

2/ ORIGINALLY REQUESTED AT MIRAMAR NAVAL AIR STATION; SUBSEQUENTLY REVISED TO CAMP PENDLETON

3/ NO LONGER REQUIRED DUE TO BASE CLOSURE

4/ BUDGET REQUEST TO REPAIR OR REPLACE FACILITIES DAMAGED BY A TORNADO AT MCCONNELL AFB, KANSAS ON APRIL 26, 1991 WAS SUBMITTED BY THE PRESIDENT ON JUNE 28, 1991 (H. DOC. 102-107) AS FOLLOWS:

MILITARY CONSTRUCTION	
SEVEN PROJECTS	$39,780,000
PLANNING AND DESIGN	3,200,000
FAMILY HOUSING	
CONSTRUCTION	10,000,000
MAINTENANCE	1,800,000
PLANNING AND DESIGN	500,000
TOTAL	$55,280,000

BILL HEFNER,
BILL ALEXANDER,
LINDSAY THOMAS,
RONALD D. COLEMAN,
TOM BEVILL,
CHARLIE WILSON,
NORMAN D. DICKS,
VIC FAZIO,
JAMIE L. WHITTEN,
BILL LOWERY,
MICKEY EDWARDS,
TOM DELAY,
JIM LIGHTFOOT,
JOE MCDADE.
Managers on the Part of the House.

JIM SASSER,
DANIEL K. INOUYE,
HARRY REID,
WYCHE FOWLER,
ROBERT C. BYRD,
PHIL GRAMM,
JAKE GARN,
TED STEVENS,
MARK O. HATFIELD.
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 1415

Mr. BERMAN submitted the following conference report and statement on the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes:

CONFERENCE REPORT (H. Rept. 102-238)

The committee of conference on the disagreeing votes of two Houses on the amendment of the Senate to the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1992 and 1993".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENT OF STATE

Part A—Authorization of Appropriations

Sec. 101. Administration of foreign affairs.
Sec. 102. International organizations and conferences.
Sec. 103. International commissions.
Sec. 104. Migration and refugee assistance.
Sec. 105. Other programs.

Part B—Department of State Authorities and Activities

Sec. 111. Technical amendment.
Sec. 112. Consular and diplomatic posts abroad.
Sec. 113. Denial of passports.
Sec. 114. Emergencies in the diplomatic and consular service.
Sec. 115. Lease authority.
Sec. 116. Multiyear contracting for Moscow.
Sec. 117. Transfers and reprogrammings.
Sec. 118. Administrative services.
Sec. 119. International meetings.
Sec. 120. Availability of funds.
Sec. 121. Childcare facilities at certain posts abroad.
Sec. 122. Assistant Secretary of State for South Asian Affairs.
Sec. 123. Fees received for use of Blair House.
Sec. 124. Foreign Service Institute facilities.
Sec. 125. Maintenance management of overseas property.
Sec. 126. Defense trade controls registration fees.
Sec. 127. Denial of certain visas.
Sec. 128. Visa lookout systems.
Sec. 129. Prohibition on issuance of Israel-only passports.

Part C—Diplomatic Reciprocity and Security

Sec. 131. Diplomatic construction program.
Sec. 132. Construction of diplomatic facilities.
Sec. 133. Possible Moscow embassy security breach.
Sec. 134. Special agents.
Sec. 135. Protection for United Nations facilities and missions.
Sec. 136. Study of construction security needs.

Part D—Personnel

Sec. 141. Ambassadorial appointments.
Sec. 142. Chief of mission salary.
Sec. 143. Authority of Secretary to suspend employees convicted of crimes.
Sec. 144. Commissary access.
Sec. 145. Storage of personal effects.
Sec. 146. Transportation of remains.
Sec. 147. Amendments to title 5.
Sec. 148. Voluntary leave bank program.
Sec. 149. Reassignment and retirement of presidential appointees.
Sec. 150. Commission to study personnel questions at the Department of State.
Sec. 151. Foreign national employees separation pay.
Sec. 152. Local compensation plans for United States citizens residing abroad.
Sec. 153. Grievances based on alleged discrimination.
Sec. 154. Compensation for loss of personal property incident to service.
Sec. 155. Language training in the foreign service.

Part E—International Organizations

Sec. 161. Material donations to United Nations peacekeeping operations.
Sec. 162. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 163. Report to Congress concerning United Nations secondment.
Sec. 164. Permanent International Association of Road Congresses.
Sec. 165. International Boundary and Water Commission.
Sec. 166. International Fisheries Commissions advance payments.
Sec. 167. Japan-United States Friendship Commission.
Sec. 168. British-American Interparliamentary Group.
Sec. 169. United States delegation to the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (CSCE).
Sec. 170. Report concerning the United Nations Educational, Scientific and Cultural Organization.
Sec. 171. Report of Commission on Security and Cooperation in Europe.
Sec. 172. Intergovernmental negotiating committee for a framework convention on climate change report.
Sec. 173. Inter-American Foundation.
Sec. 174. Housing benefits of the United States mission to the United Nations.
Sec. 175. Enhanced support for United Nations peacekeeping.
Sec. 176. Special purpose international organizations.
Sec. 177. Great Lakes Fishery Commission.
Sec. 178. Inter-American organizations.
Sec. 179. International Coffee Organization.
Sec. 180. Appointment of special coordinator for water policy negotiations and water resources policy.
Sec. 181. Employment of U.S. citizens by international organizations.

Part F—Miscellaneous Provisions

Sec. 191. Travel advisory for Jalisco, Mexico.
Sec. 192. Implementation of the Nairobi forward-looking strategies for the advancement of women.
Sec. 193. Study of technical security and counterintelligence capabilities.
Sec. 194. Study of sexual harassment at the Department of State.
Sec. 195. Prohibition against fraudulent use of "Made in America" labels.
Sec. 196. Deadline for responses to questions from congressional committees.
Sec. 197. International credit reports.
Sec. 198. Foreign Relations of the United States Historical Series.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Part A—United States Information Agency

Sec. 201. Authorization of appropriations.
Sec. 202. Reprogramming of funds.
Sec. 203. Authority of the Secretary.
Sec. 204. Basic authority.
Sec. 205. Payment of certain expenses for participants.
Sec. 206. USIA posts and personnel overseas.
Sec. 207. Implementation of Beirut agreement.
Sec. 208. Center for cultural and technical interchange between north and south.
Sec. 209. Soviet-Eastern European Research and training.
Sec. 210. Claude and Mildred Pepper Scholarship Program.
Sec. 211. Program review of NED.
Sec. 212. USIA grants.
Sec. 213. Distribution within the United States of United States Information Agency photographic works of Richard Saunders.
Sec. 214. Israeli Arab scholarship program.
Sec. 215. Eligibility of NED for grants.
Sec. 216. Establishment of USIA office in Vientiane, Laos.

Part B—Bureau of Educational and Cultural Affairs

Sec. 221. Authorization of appropriations.
Sec. 222. Fulbright exchange programs enhancement.
Sec. 223. USIA cultural center in Kosovo.
Sec. 224. Conforming amendment on certain USIA scholarships.
Sec. 225. Eastern Europe student exchange endowment fund.
Sec. 226. Enhanced educational exchange programs.
Sec. 227. Law and business training program for graduate students from the Soviet Union, Lithuania, Latvia, and Estonia.
Sec. 228. Near and Middle East research and training.
Sec. 229. Scholarships for Vietnamese.

Part C—Bureau of Broadcasting

Sec. 231. Authorization of appropriations.
Sec. 232. Television Broadcasting to Cuba Act.
Sec. 233. Yugoslavian programming within the Voice of America.
Sec. 234. Voice of America broadcasts in Kurdish.
Sec. 235. Reports on the future of international broadcasting.

Part D—Board for International Broadcasting

Sec. 241. Authorization of appropriations.

Sec. 242. Board for International Broadcasting Act.
Sec. 243. Broadcasting to China.
Sec. 244. Policy on Radio Free Europe.

TITLE III—MISCELLANEOUS FOREIGN POLICY PROVISIONS

Part A—Foreign Policy Provisions

Sec. 301. Persian Gulf war criminals.
Sec. 302. Benefits for United States hostages captured in Lebanon.
Sec. 303. Reports concerning China.
Sec. 304. Report on terrorist assets in the United States.

Part B—Arms Control and Proliferation

Sec. 321. Limitation on rescission of prohibitions applicable to terrorist countries.
Sec. 322. Policy on Middle East arms sales.
Sec. 323. Missile technology.
Sec. 324. Report on Chinese weapons proliferation practices.
Sec. 325. Report on SS-23 missiles.

Part C—Declarations of Congress

Sec. 351. Reciprocal diplomatic status with Mexico.
Sec. 352. United States presence in Lithuania, Latvia, and Estonia.
Sec. 353. Laotian-American relations.
Sec. 354. POW/MIA status.
Sec. 355. China's illegal control of Tibet.
Sec. 356. Release of prisoners held in Iraq.
Sec. 357. Policy toward Hong Kong.
Sec. 358. Policy toward Taiwan.
Sec. 359. Human rights abuses in East Timor.
Sec. 360. Support for new democracies.
Sec. 361. Policy regarding United States assistance to the Soviet Union and Yugoslavia.
Sec. 362. Policy toward the release of political prisoners by South Africa.
Sec. 363. United States tactical nuclear weapons designed for deployment in Europe.
Sec. 364. United States support for UNCED.

TITLE IV—ARMS TRANSFERS RESTRAINT POLICY FOR THE MIDDLE EAST AND PERSIAN GULF REGION

Sec. 401. Findings.
Sec. 402. Multilateral arms transfer and control regime.
Sec. 403. Limitation on United States arms sales to the region.
Sec. 404. Reports to the Congress.
Sec. 405. Relevant congressional committees defined.

TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS CONTROL

Sec. 501. Short title.
Sec. 502. Purposes.
Sec. 503. Multilateral efforts.
Sec. 504. United States export controls.
Sec. 505. Sanctions against certain foreign persons.
Sec. 506. Determinations regarding use of chemical or biological weapons.
Sec. 507. Sanctions against use of chemical or biological weapons.
Sec. 508. Presidential reporting requirements.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) DIPLOMATIC AND ONGOING OPERATIONS.—The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law (other than the diplomatic security program):

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", of the Department of State $1,725,005,000 for the fiscal year 1992 and $1,822,650,000 for the fiscal year 1993.

(2) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For "Acquisition and Maintenance of Buildings Abroad", $304,034,000 for the fiscal year 1992 and $300,192,000 for the fiscal year 1993.

(3) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,802,000 for the fiscal year 1992 and $5,000,000 for the fiscal year 1993.

(4) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $7,500,000 for the fiscal year 1992 and $8,000,000 for the fiscal year 1993.

(5) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $23,928,000 for the fiscal year 1992 and $26,650,000 for the fiscal year 1993.

(6) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $13,784,000 for the fiscal year 1992 and $14,500,000 for the fiscal year 1993.

(7) MOSCOW EMBASSY.—For "Acquisition and Maintenance of Buildings Abroad", subject to the provisions of section 132, for construction of a new United States Embassy office building in Moscow, Soviet Union, $130,000,000 for fiscal year 1992 and $130,000,000 for fiscal year 1993. Amounts appropriated under this paragraph are authorized to be available until expended.

(b) DIPLOMATIC SECURITY PROGRAM.—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under "Administration of Foreign Affairs" for the fiscal years 1992 and 1993 for the Department of State to carry out the diplomatic security program:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $299,828,000 for the fiscal year 1992 and $315,000,000 for the fiscal year 1993. Of the amounts authorized to be appropriated by this paragraph $4,000,000 is authorized to be appropriated for each of the fiscal years 1992 and 1993 for "counterterrorism, research, and development".

(2) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $11,464,000 for the fiscal year 1992 and $16,464,000 for the fiscal year 1993.

(c) LIMITATIONS.—

(1) Of the amount authorized to be appropriated for "Emergencies in the Diplomatic and Consular Service" under subsection (a)(4), not more than $2,000,000 for each of the fiscal years 1992 and 1993 is authorized to be appropriated for activities authorized under subparagraphs (C), (D), (E), (F), (G), (H), and (J) of section 4(b)(2) of the State Department Basic Authorities Act of 1956.

(2) Of the amount authorized to be appropriated for "Salaries and Expenses" under subsection (a)(1)—

(A) $10,000,000 for each of the fiscal years 1992 and 1993 is authorized to be available for the Foreign Service Institute and the Geographic Bureaus for language training programs;

(B) not more than $4,100,000 shall be available for fiscal year 1992, and not more than $5,400,000 shall be available for fiscal year 1993, only for procurement of ADP equipment for the Beltsville Information Management Center;

(C) not more than $750,000 of the amounts appropriated for fiscal year 1992 are authorized to be available until expended to pay shared costs of the Conference on Security and Cooperation in Europe (CSCE) parliamentary meetings and CSCE parliamentary assessments (including shared costs of the CSCE Secretariat) and any shared costs and assessments for CSCE parliamentary activities for fiscal year 1991;

(D) for the fiscal year 1992—

(i) $550,000 is authorized for United States preparations and related travel for the 1992 United Nations Conference on Environment and Development (UNCED), for United States contributions to the Voluntary Fund for UNCED, and for United States contributions to the Trust Fund for Preparatory Activities; and

(ii) up to $25,000 is authorized on a matching grant basis to promote participation in the UNCED and in the UNCED preparatory conferences by nongovernmental organizations; and

(E) $1,500,000 is authorized to be available for fiscal year 1993 for the Department of State to enter into contracts with the International Career Program in order for students from historically-black colleges and universities to enter into programs of recruitment and training for careers in the Foreign Service and in other areas of international affairs.

(3) Of the amount authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(2) not more than $41,500,000 shall be available for fiscal year 1992, and not more than $44,700,000 for fiscal year 1993, for administration.

(4) Of the amount authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(2) and amounts authorized to be appropriated under section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 a total of not more than $55,466,000 is authorized to be appropriated for fiscal year 1992 for capital programs.

(5) Funds authorized to be appropriated by subsection (a)(1) are also authorized to be appropriated under the heading "Repatriation Loans Program Account" for the administrative expenses of such program.

(6) Amounts appropriated for "Acquisition and Maintenance of Buildings Abroad" pursuant to this section, and made available for new posts in Estonia, Latvia, Lithuania, republics in the Soviet Union, and republics which have declared independence from the Soviet Union, shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—(1) There are authorized to be appropriated for "Contributions to International Organizations", $1,120,541,000 for the fiscal year 1992 and $766,681,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated under paragraph (1) for fiscal year 1992, not more than $370,876,000 are authorized to be appropriated to pay arrearages for assessed contributions for prior years, of which not more than $92,719,000 may be made available for obligation or expenditure during each of the fiscal years 1992, 1993, 1994, and 1995. Authorizations of appropriations for arrearage payments under this subsection shall be available until the appropriations are made.

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expend or otherwise use such funds.

(b) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—(1) There are authorized to be appropriated for "Contributions to Inter-

national Peacekeeping Activities", $201,292,000 for the fiscal year 1992 and $72,254,000 for the fiscal year 1993, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated by paragraph (1) for the fiscal year 1992, not more than $132,423,000 are authorized to be appropriated to pay arrearages, of which not more than $38,400,000 may be made available for obligation or expenditure during the fiscal year 1992 and not more than $31,400,000 may be made available for obligation or expenditure for each of the fiscal years 1993, 1994, and 1995. Authorizations of appropriations for arrearage payments under this subsection shall be available until the appropriations are made.

(c) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $5,500,000 for the fiscal year 1992 and $5,775,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" for the fiscal year 1992, $11,400,000 and, for the fiscal year 1993, $12,000,000; and

(B) for "Construction" for the fiscal year 1992, $10,525,000 and, for the fiscal year 1993, $19,925,000.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $768,000 for the fiscal year 1992 and $805,000 for the fiscal year 1993.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,732,000 for the fiscal year 1992 and $3,920,000 for the fiscal year 1993.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,000,000 for the fiscal year 1992 and $16,500,000 for the fiscal year 1993.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—(1)(A) There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $547,250,000 for the fiscal year 1992 and $592,250,000 for the fiscal year 1993.

(B) Of the amounts authorized to be appropriated by subparagraph (A), $5,000,000 is authorized to be available for each of the fiscal years 1992 and 1993 for migration assistance to displaced ethnic Armenians resettling in Armenia.

(2) There are authorized to be appropriated $80,000,000 for the fiscal year 1992 and $90,000,000 for the fiscal year 1993 for assistance for refugees resettling in Israel.

(3) There are authorized to be appropriated $1,750,000 for the fiscal year 1992, and $1,750,000 for the fiscal year 1993, for assistance to unaccompanied minor children and other cases of special humanitarian concern that have generally been referred to special committees established pursuant to the Comprehensive Plan of Action for Indochinese Refugees in first asylum countries in Southeast Asia and Hong Kong. The President shall seek to ensure that such assistance supplements, and does not supplant, United Nations High Commissioner for Refugees and other funding that would have been directed toward assistance to unaccompanied minors and other cases of special humanitarian concern in the absence of this paragraph. Assistance may be provided under this paragraph notwithstanding any other provision of law.

(4) There are authorized to be appropriated $1,000,000 for fiscal year 1992 and $1,000,000 for fiscal year 1993 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Burmese displaced as a result of civil conflict.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to be available until expended.

SEC. 105. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", $2,250,000 for the fiscal year 1992 and $6,000,000 for the fiscal year 1993.

(2) SOVIET-EAST EUROPEAN RESEARCH AND TRAINING.—For "Soviet-East European Research and Training", $4,784,000 for the fiscal year 1992 and $5,025,000 for the fiscal year 1993.

(3) ASIA FOUNDATION.—For "Asia Foundation", $16,000,000 for the fiscal year 1992 and $18,000,000 for the fiscal year 1993.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 111. TECHNICAL AMENDMENT.

The State Department Basic Authorities Act of 1956 is amended—

(1) by striking out section 48; and

(2) by inserting immediately after the enacting clause the following: "That this Act may be cited as the 'State Department Basic Authorities Act of 1956'.".

SEC. 112. CONSULAR AND DIPLOMATIC POSTS ABROAD.

(a) CONSULAR AND DIPLOMATIC POSTS ABROAD.—

(1) The State Department Basic Authorities Act of 1956 (as amended by subsection (a)) is amended by adding after section 47 the following:

"CLOSING OF CONSULAR AND DIPLOMATIC POSTS ABROAD

"Sec. 48. (a) PROHIBITED USES OF FUNDS.—Except as provided under subsection (d) or in accordance with the procedures under subsections (b) and (c) of this section—

"(1) no funds authorized to be appropriated to the Department of State shall be available to pay any expense related to the closing of any United States consular or diplomatic post abroad; and

"(2) no funds authorized to be appropriated to the Department of State may be used to pay for any expense related to the Bureau of Administration of the Department of State (or to carrying out any of its functions) if any United States consular or diplomatic post is closed.

"(b) POST CLOSING NOTIFICATION.—Not less than 45 days before the closing of any United States consular or diplomatic post abroad, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) REPROGRAMMING TREATMENT.—Amounts made available to pay any expense related to the closing of a consular or diplomatic post abroad shall be treated as a reprogramming of funds under section 34 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

"(d) EXCEPTIONS.—The provisions of this section do not apply with respect to—

"(1) any post closed because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

"(2) any post closed because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located, and a travel advisory warning against travel by United States citizens to that city has been issued by the Department of State.

"(e) DEFINITION.—As used in this section, the term 'consular or diplomatic post' does not include a post to which only personnel of agencies other than the Department of State are assigned.".

(b) REPEAL.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656 note) is repealed.

SEC. 113. DENIAL OF PASSPORTS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 48 the following new section:

"IMPERMISSIBLE BASIS FOR DENIAL OF PASSPORTS

"Sec. 49. A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.".

SEC. 114. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 124 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2680 note) is amended by adding at the end thereof the following: "Items included in each such report concerning representation, official travel, and gifts shall be submitted in unclassified form.".

SEC. 115. LEASE AUTHORITY.

(a) INCREASE IN LEASE AUTHORITY.—Section 10 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by striking out "$25,000," and inserting in lieu thereof "$50,000".

(b) ADVANCE PAYMENTS.—Section 10 of the Foreign Service Buildings Act, 1926 is further amended—

(1) by inserting "(a) LEASES.—" after "SEC. 10."; and

(2) by adding after subsection (a) the following new subsection:

"(b) ADVANCE PAYMENTS FOR LONG-TERM LEASES AND LEASE PURCHASE.—The Secretary may, subject to the availability of appropriations, make advance payments for long-term leases and lease-purchase agreements, if the Secretary or his designee determines, in each case, that such payments are in the interest of the United States Government in carrying out the purposes of this Act.".

(c) EXCEPTION OF LEASES AND PURCHASES FROM COMPETITION.—Section 3 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 294), is amended in the second sentence by inserting "purchases of buildings, for leases, and for" after "contracts for".

SEC. 116. MULTIYEAR CONTRACTING FOR MOSCOW.

(a) MULTIYEAR CONTRACT.—For purposes of this section the term "multiyear contract"

means a contract in effect for a period not to exceed five years.

(b) AUTHORITY.—The Secretary of State may enter into multiyear contracts for the acquisition of property and the construction of diplomatic facilities in Moscow, as authorized by the Foreign Service Buildings Act, 1926, if—

(1) there are sufficient funds available for United States Government liability for—

(A) total payments under the full term of a contract; or

(B) payments for the first fiscal year for which the contract is in effect, and for all estimated cancellation costs; and

(2) the Secretary of State determines that—

(A) a multiyear contract will serve the best interests of the United States Government by—

(i) achieving economies in administration, performance, and operation;

(ii) increasing quality of performance by, or service from, the contractor; or

(iii) encouraging effective competition; and

(B) a multiyear contract will not inhibit small business concerns from submitting a bid or proposal for such contract.

(c) CONTRACT PROVISIONS.—

(1) Unless funds are available for United States liability for payments under the full term of a multiyear contract, a multiyear contract shall provide that United States Government payments and performance under the contract during the second and any subsequent fiscal year of the contract period are contingent on the availability of funds for such year.

(2) A multiyear contract may provide for payment to the contractor of a reasonable cancellation charge for a contingency under paragraph (1).

(3) The Secretary is authorized to use such funds as may be available from the Foreign Service Buildings Fund for payments under paragraph (2).

(d) SUNSET PROVISION.—This section shall cease to have effect after September 30, 1993.

SEC. 117. TRANSFERS AND REPROGRAMMINGS.

(a) BUYING POWER MAINTENANCE ACCOUNT.—Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) is amended by adding at the end of subsection (b) the following new paragraph:

"(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an account under 'Administration of Foreign Affairs', the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

"(B) The balance of the Buying Power Maintenance account may not exceed $100,000,000 as a result of any transfer under this paragraph.

"(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 34 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

"(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.

"(E) This paragraph shall cease to have effect after September 30, 1993.".

(b) INCREASE IN REPROGRAMMING LIMITATION.—Section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)) is amended in paragraph (7) by striking out "$250,000" and inserting in lieu thereof "$500,000".

(c) APPROPRIATIONS.—Section 24(d) of the State Department Basic Authorities Act is amended to read as follows:

"(d)(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the Department of State in the Department of State Appropriations Act, for the second fiscal year of any two-year authorization cycle may be appropriated for such second fiscal year for any other account of the Department of State.

"(2) Amounts appropriated for the 'Salaries and Expenses' and 'Acquisition and Maintenance of Buildings Abroad' accounts may not exceed by more than 5 percent the amounts specifically authorized to be appropriated for each such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

"(3) The requirements and limitations of section 15 shall not apply to the appropriation of funds pursuant to this subsection.

"(4) This subsection shall cease to have effect after September 30, 1993.".

SEC. 118. ADMINISTRATIVE SERVICES.

Section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) is amended—

(1) by adding before the section designation the following section heading: "ADMINISTRATIVE SERVICES";

(2) by inserting "(a) AGREEMENTS.—" after "Sec. 23."; and

(3) by adding at the end thereof the following new subsection:

"(b) PAYMENT.—

"(1) A Federal agency which obtains administrative services from the Department of State pursuant to an agreement authorized under subsection (a) shall make full and prompt payment for such services through advance of funds or reimbursement.

"(2) The Secretary of State shall bill each Federal agency for amounts due for services provided pursuant to subsection (a). The Secretary shall notify a Federal agency which has not made full payment for services within 90 days after billing that services to the agency will be suspended or terminated if full payment is not made within 180 days after the date of notification. Except as provided under paragraph (3), the Secretary shall suspend or terminate services to a Federal agency which has not made full payment for services under this section 180 days after the date of notification. Any costs associated with a suspension or termination of services shall be the responsibility of, and shall be billed to, the Federal agency.

"(3) The Secretary of State may waive the requirement for suspension or termination under paragraph (2) with respect to such services as the Secretary determines are necessary to ensure the protection of life and the safety of United States Government property. A waiver may be issued for a period not to exceed one year and may be renewed.".

SEC. 119. INTERNATIONAL MEETINGS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 49 the following:

"INTERNATIONAL MEETINGS

"Sec. 50. (a) AUTHORITY TO PAY EXPENSES.—If the United States Government hosts an international meeting or conference in the United States, the Secretary of State is authorized to pay all reasonable expenses of such meeting or conference. Such expenses may include rental of quarters (by contract or otherwise) and personal services.

"(b) RETENTION OF REIMBURSEMENTS.—To the extent provided in an appropriation Act, transfers of funds or other reimbursements for payments under subsection (a) are authorized to be retained and credited to the appropriate appropriation account of the Department of State which is available.".

SEC. 120. AVAILABILITY OF FUNDS.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended—

(1) in subsection (j), by striking out "and";

(2) in subsection (k), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after subsection (k) the following new subsection:

"(l) pay obligations arising under international agreements, conventions, and binational contracts to the extent otherwise authorized by law.".

SEC. 121. CHILDCARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking out "1990 and 1991," and inserting in lieu thereof "1992 and 1993,".

SEC. 122. ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs, which is in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652).

(b) APPOINTMENT.—The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES.—The Assistant Secretary shall have responsibility within the Department of State with respect to India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives.

(d) CONFORMING AMENDMENT.—

(1) POSITIONS AT EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Assistant Secretary for South Asian Affairs, Department of State.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1991.

(e) IMPLEMENTATION.—In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.

SEC. 123. FEES RECEIVED FOR USE OF BLAIR HOUSE.

Section 46(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) is amended by striking out "for the fiscal years 1990 and 1991,".

SEC. 124. FOREIGN SERVICE INSTITUTE FACILITIES.

Section 123 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4021 note) is amended in subsection (c)(2) by striking out "50,000,000" and inserting in lieu thereof "70,000,000".

SEC. 125. MAINTENANCE MANAGEMENT OF OVERSEAS PROPERTY.

The Director of the Office of Foreign Buildings Operations shall—

(1) direct overseas posts to make annual building condition assessments of buildings and facilities used by the post;

(2) not later than 90 days after the date of the enactment of this Act, revise the Foreign Affairs Manual to stipulate that the Buildings and Maintenance Handbook shall be used by each post to identify their maintenance needs, standardize their maintenance operations, and conduct annual assessments as required by paragraph (1);

(3) direct the Office of Foreign Buildings Operations to provide proper training and assistance to posts to ensure that annual surveys are effectively completed; and

(4) direct overseas posts to ensure that all maintenance program fiscal transactions are properly encoded in the Department of State accounting system to enable compilation of actual expenditures on routine maintenance and specific maintenance funded by the Office of Foreign Buildings Operations.

SEC. 126. DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) by striking out the section heading and the heading for subsection (a) and inserting in each place the following: "DEFENSE TRADE CONTROLS REGISTRATION FEES;

(2) in subsection (a)—

(A) by striking out "Munitions Control" each place it appears and inserting in lieu thereof "Defense Trade Controls";

(B) by striking out "munitions control" each place it appears and inserting in lieu thereof "defense trade controls"; and

(C) by striking out "$500,000" and inserting in lieu thereof "$700,000".

SEC. 127. DENIAL OF CERTAIN VISAS.

(a) AMENDMENT TO STATE DEPARTMENT BASIC AUTHORITIES ACT.—The State Department Basic Authorities Act of 1956 is amended by adding after section 50 the following new section:

"DENIAL OF VISAS

"SEC. 51. (a) REPORT TO CONGRESS.—The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

"(b) Limitation.—Information contained in such report may be classified to the extent necessary and shall protect intelligence sources and methods.".

"(c) Appropriate Committees.—For the purposes of this section the term 'appropriate committees of the Congress' means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.".

SEC. 128. VISA LOOKOUT SYSTEMS.

(a) VISAS.—The Secretary of State may not include in the Automated Visa Lookout System, or in any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, the name of any alien who is not excludable from the United States under the Immigration and Nationality Act, subject to the provisions of this section.

(b) CORRECTION OF LISTS.—Not later than 3 years after the date of enactment of this Act, the Secretary of State shall—

(1) correct the Automated Visa Lookout System, or any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, by deleting the name of any alien not excludable under the Immigration and Nationality Act; and

(2) report to the Congress concerning the completion of such correction process.

(c) REPORT ON CORRECTION PROCESS.—

(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate congressional committees, a plan which sets forth the manner in which the Department of State will correct the Automated Visa Lookout System, and any other system or list as set forth in subsection (b).

(2) Not later than 1 year after the date of enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the progress made toward completing the correction of lists as set forth in subsection (b).

(d) APPLICATION.—This section refers to the Immigration and Nationality Act as in effect on and after June 1, 1991.

(e) LIMITATION.—

(1) The Secretary may add or retain in such system or list the names of aliens who are not excludable only if they are included for otherwise authorized law enforcement purposes or other lawful purposes of the Department of State. A name included for other lawful purposes under this paragraph shall include a notation which clearly and distinctly indicates that such person is not presently excludable. The Secretary of State shall adopt procedures to ensure that visas are not denied to such individuals for any reason not set forth in the Immigration and Nationality Act.

(2) The Secretary shall publish in the Federal Register regulations and standards concerning maintenance and use by the Department of State of systems and lists for purposes described in paragraph (1).

(3) Nothing in this section may be construed as creating new authority or expanding any existing authority for any activity not otherwise authorized by law.

(f) DEFINITION.—As used in this section the term "appropriate congressional committees" means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.

SEC. 129. PROHIBITION ON ISSUANCE OF ISRAEL-ONLY PASSPORTS.

(a) PURPOSE.—It is the purpose of this section—

(1) to direct the Secretary of State to seek an end to the policy of the majority of Arab League nations of rejecting passports, and denying entrance visas to persons whose passport or other documents reflect that the holder has visited Israel, and to secure the adoption of policies that assure that travel to such Arab League nations by persons who have visited Israel shall not be unreasonably impeded; and

(2) to prohibit United States Government acquiescence in the policy of the majority of Arab League nations of rejecting Israel by rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the holder has visited Israel, especially with respect to travel by officials of the United States.

(b) NEGOTIATIONS.—The Secretary of State shall immediately undertake negotiations to seek an end to the policy of the majority of Arab League nations of rejecting passports of, and denying entrance visas to, private persons and officials of all nations whose passports or other documents reflect that the holder thereof has visited Israel.

(c) REPORT TO CONGRESS.—The Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 60 days of the date of enactment of this Act. The report shall describe the status of efforts to secure an end to the passport and visa policy of the majority of Arab League nations as described in subsection (a), and describe the prospects that such efforts would be successful within 90 days of the date of enactment of this Act.

(d) PROHIBITION ON THE ISSUANCE OF ISRAEL-ONLY PASSPORTS.—

(1) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of State shall not issue any passport that is designated for travel only to Israel.

(2) CANCELLATION.—Not later than ninety days after the date of enactment of this Act, the Secretary of State shall promulgate regulations for the cancellation not later than 180 days after the enactment of this Act of any currently valid passport which is designated for travel only to Israel.

(e) POLICY ON NONACQUIESCENCE.—

(1) REQUIREMENT OF SINGLE PASSPORT.—The Secretary of State shall not issue more than one official or diplomatic passport to any official of the United States Government for the purpose of enabling that official to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(2) IMPLEMENTATION OF POLICY OF NONCOMPLIANCE.—The Secretary of State shall promulgate such rules and regulations as are necessary to ensure that officials of the United States Government do not comply with, or acquiesce in, the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(3) EFFECTIVE DATE.—

(A) Except as provided in subparagraph (B), this subsection shall take effect 90 days after the date of enactment of this Act.

(B) If the report under subsection (c) is not submitted within 60 days of the date of enactment of this Act, this subsection shall take effect 60 days after the date of enactment of this Act.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

SEC. 131. DIPLOMATIC CONSTRUCTION PROGRAM.

Section 402(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4582(a)) is amended—

(1) in paragraph (1) by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000"; and

(2) by amending paragraph (2) to read as follows:

"(2) bid on a diplomatic construction or design project which involves technical security, unless the project involves low-level technology, as determined by the Assistant Secretary for Diplomatic Security.".

SEC. 132. CONSTRUCTION OF DIPLOMATIC FACILITIES.

(a) LIMITATION.—Amounts appropriated pursuant to section 101(a)(7) shall be available for obligation and expenditure subject to the provisions of this section.

(b) COMPREHENSIVE PLAN.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate committees of the Congress, a comprehensive plan which sets forth current and future space requirements for the United States Mission in Moscow and how such requirements will be met.

(2) In addition to such other information as the Secretary of State considers necessary and appropriate, such plan shall include detailed information concerning requirements for—

(A) United States constructed and secure office space to house all classified or sensitive activities from the most secure to unclassified but sensitive functions;

(B) unclassified nonsensitive office functions;

(C) staff housing that is physically safe, secure, and adequate for the needs of the entire United States Mission, both permanent and transient;

(D) secure and unsecured warehousing;

(E) recreational facilities;

(F) expanded activities of the United States Information Agency, including offices and cultural activities;

(G) expanded consular activities of the Mission;

(H) expanded activities of the Foreign Commercial Service of the Department of Commerce;

(I) activities of the Immigration and Naturalization Service; and

(J) all other anticipated United States Government space requirements.

(3) In the preparation of such plan, the Secretary shall ensure that detailed consideration

be given to at least three construction options for the new chancery building at the United States Embassy in Moscow: (A) full teardown and rebuild; (B) four floor "top hat" in which two floors are removed from the unfinished New Office Building and four floors added; and (C) a two floor "top hat" in which no floors are removed but two are added.

(c) IMPLEMENTING DOCUMENTS.—The Secretary of State shall make available to the appropriate committees of Congress copies of all agreements, including memoranda of understanding, exchanges of letters, and all other written agreements with the governments of the Soviet Union, the Russian Republic, and the City of Moscow necessary to implement the comprehensive plan under subsection (b).

(d) REPORT.—

(1) Not later than 60 days before the obligation or expenditure of any funds authorized to be appropriated under section 101(a)(7), the Secretary of State and the Director of Central Intelligence shall submit to the appropriate committees of the Congress a joint written report on alternative approaches to the reconstruction of the new chancery building at the United States Embassy in Moscow (as authorized under section 101(a)(7)).

(2) CONTENTS OF REPORT.—The report under paragraph (1) shall contain a detailed comparison of the relative advantages and disadvantages of all alternatives considered with respect to the new chancery building at the United States Embassy in Moscow and shall identify the alternative selected for implementation. Such report shall include an analysis of the following factors:

(A) Estimated cost of completion, based on comparable levels of fit, finish, and equipment.

(B) Estimated time to completion.

(C) Total amount of secure and nonsecure space available for office and other functions.

(D) Whether classified or sensitive functions would be conducted in nonsecure areas, and, if so, how the conduct of such functions would be made secure.

(E) Whether, and to what extent, Embassy functions or normal work practices would have to be rearranged in order to accommodate limitations on secure space.

(e) EXTRAORDINARY SECURITY SAFEGUARDS.—

(1) In carrying out the reconstruction project for the new chancery building at the United States Embassy in Moscow, the Secretary of State shall ensure that extraordinary security safeguards are implemented with respect to all aspects of security, including materials, logistics, construction methods, and site access.

(2) Such extraordinary security safeguards under paragraph (1) shall include the following:

(A) Exclusive United States control over the site during reconstruction.

(B) Exclusive use of United States or non-Soviet materials with respect to the new chancery structure.

(C) Exclusive use of United States workmanship with respect to the new chancery structure.

(D) To the extent feasible, prefabrication in the United States of major portions of the new chancery.

(E) Exclusive United States control over construction materials during the entire logistical process of reconstruction.

(f) UNITED STATES-SOVIET RECIPROCITY CONCERNING OCCUPANCY OF NEW CHANCERY BUILDINGS.—The Secretary of State may not permit the Soviet Union to use any new office building at the Soviet Union's new Mount Alto embassy complex in Washington, District of Columbia, or any other new facility in the Washington metropolitan area, until—

(1) the new chancery building at the United States Embassy in Moscow is ready for occupancy;

(2) the Secretary of State and the Director of Central Intelligence certify, on the basis of the best available information, that the new chancery building at the United States Embassy in Moscow provides a secure working environment for all sensitive diplomatic activities from unclassified but sensitive functions to the most highly classified functions, provides adequate secure or securable office space for future mission needs, and can be safely and securely occupied by the United States and used for its intended purpose; and

(3) the Soviet Union agrees to provide full reimbursement (in the form of cash payment, property, or other goods and services of real monetary value) to the United States for costs incurred by the United States as a result of noncompliance with the terms and requirements of the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings, as well as other activities which have impeded use of the unfinished new office building of the United States Embassy of Moscow for its intended purpose, the amount of such reimbursement shall be determined by agreement between the United States and the Soviet Union, or by arbitration.

(g) REPORT.—In the event the amount of reimbursement agreed to under subsection (f) by the Soviet Union is less than the amount of funds expended for the damages described in subsection (f) that are determined by the Secretary of State to be the responsibility of the Soviet Union, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such report shall contain a detailed explanation of the reasons the Secretary accepted the settlement arrangements of the United States claims and the financial costs to the United States of doing so.

(h) CONFORMING AMENDMENTS.—

(1) Section 304 of Public Law 100–202 (The Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1988) is repealed.

(2) Section 154 of Public Law 99–93 (The Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is repealed.

(3) The Supplemental Appropriations Act 1985 (P.L. 99-88) is amended under the heading "ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD" for the Department of State by striking out ": Provided," and all that follows before the period at the end of subsection (d).

(i) DEFINITIONS.—For the purposes of this section, the term "appropriate committees of Congress", means the Committee on Foreign Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(j) Establishment of Additional United States Missions in the Soviet Union.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report to the Congress outlining plans for the establishment of additional United States missions in the former Soviet Union. Particular priority should be placed on establishing an appropriate United States presence in Tbilisi, Georgia; Kishinev, Moldavia; Yerevan, Armenia; and Khabarovsk, Russia or another suitable nearby location in the Russian Far East. Such report shall include the number of missions and personnel, projected costs, and the ramifications regarding reciprocity for Soviet missions in the United States.

SEC. 133. POSSIBLE MOSCOW EMBASSY SECURITY BREACH.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report on the extent to which United States assets were compromised by Soviet "firefighters" in the March 1991 fire at the United States Embassy complex in Moscow. Such report shall include an accounting of the Embassy's political, military, communications, and intelligence capabilities, and shall be submitted in classified, as well as unclassified, form.

SEC. 134. SPECIAL AGENTS.

(a) REPORT.—Not later than 180 days after the date of enactment of this act, the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary and Foreign Relations of the Senate and the Committees on the Judiciary and Foreign Affairs of the House of Representatives a report and recommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(b) TERMS OF REFERENCE.—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other Federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshals, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest.

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority.

(3) Disadvantages which would be likely to result from granting of such authority, including disadvantages in terms of protection of civil liberties.

(4) Proposed statutory language which would if enacted provide any such authority recommended.

(5) Proposed regulations to implement any such enacted authority.

SEC. 135. PROTECTION FOR UNITED NATIONS FACILITIES AND MISSIONS.

(a) PERMANENT AUTHORIZATION.—

(1) Section 208(b)(1) of title 3, United States Code, is amended—

(A) by striking out "$7,000,000" and inserting in lieu thereof "$10,000,000";

(B) by striking out "1982" and inserting in lieu thereof "1991"; and

(C) by striking out "after such date" and inserting in lieu thereof "without regard to the fiscal year such obligations were entered into, including obligations entered into before such date".

(2) Section 208(b)(2) of title 3, United States Code, is amended—

(A) by striking out "$17,700,000" and inserting in lieu thereof "$8,000,000";

(B) by striking out "1982" and inserting in lieu thereof "1991"; and

(C) by inserting before the period at the end thereof the following: ", except that not more than $4,000,000 of this amount shall be obligated or expended during fiscal year 1992".

(3) The amendments made by this subsection shall take effect on October 1, 1991.

(b) PROTECTION OF FOREIGN DIPLOMATIC MISSIONS.—

(1) Section 202(8)(C) of title 3, United States Code, is amended to read as follows: "(C) when the extraordinary protective need arises at or in

association with a visit to (i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or (ii) an international organization of which the United States is a member, except that such protection may also be provided for motorcades and at other places associated with any such visit and may be extended at places of temporary domicile in connection with any such visit;".

(2) Section 202(9) of title 3, United States Code, is amended to read as follows:

"(9) foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct; and".

(3) Section 202 of title 3, United States Code, is amended by adding after paragraph (9) the following:

"(10) visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located 20 or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with such visits, pursuant to invitations of the United States Government.".

(4)(A) Except as provided in subparagraph (B), the amendments made by this subsection shall take effect October 1, 1991.

(5) Protective services provided by a State or local government at any time during the period beginning on January 1, 1989, and ending on September 30, 1991, which were performed in connection with visits described in section 202(8) of title 3, United States Code, as amended by this subsection, shall be deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by paragraph (1) of this subsection was in effect during that period and the services had been requested by the Secretary of State.

(c) Conforming Amendments.—Section 208(a) of title 3, United States Code, is amended by striking out "section 202(7)" each place it appears and inserting in lieu thereof "sections 202(8) and 202(10)".

SEC. 136. STUDY OF CONSTRUCTION SECURITY NEEDS.

Not more than one year after the date of enactment of this Act, the Secretary of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report and recommendations regarding security needs for diplomatic construction. The Secretary of State shall review priorities, recommendations, and plans, generally known as the "Inman Report", and address specifically whether changing budgetary and foreign policy priorities since the "Inman Report" continue to justify the "Inman" recommendations. The report should also assess whether authorizations for "Inman" security activities should be modified or repealed in light of changed conditions.

PART D—PERSONNEL

SEC. 141. AMBASSADORIAL APPOINTMENTS.

Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in subsection (a)(1) by inserting "as an ambassador," after "ambassador at large,".

SEC. 142. CHIEF OF MISSION SALARY.

(a) Election.—Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in the second sentence of subsection (b) by striking out all that follows "assignment" and inserting in lieu thereof "may elect to continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63, title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President.".

(b) Pay Cap.—Section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961) is amended in subsection (a) by—

(1) striking out "Each" and inserting in lieu thereof "Except as provided in section 302(b), each"; and

(2) striking out "level II of such" and inserting in lieu thereof "level I of such".

SEC. 143. AUTHORITY OF SECRETARY TO SUSPEND EMPLOYEES CONVICTED OF CRIMES.

(a) Separation for Cause.—Section 610(a) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)) is amended—

(1) in paragraph (3) by striking out "there is reasonable cause to believe that a member has committed a crime" and inserting in lieu thereof "a member has been convicted of a crime";

(2) in paragraph (4)(A) by striking out "suspension, including the grounds for reasonable cause to believe a crime has been committed" and inserting in lieu thereof "suspension"; and

(3) in the second sentence of paragraph (5) by striking out "there exists reasonable cause to believe a crime has been committed for which a sentence of imprisonment may be imposed" and inserting in lieu thereof "the conviction requirements of subsection (a)(3) have been fulfilled".

(b) Foreign Service Grievance Board Procedures.—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended in the third sentence of paragraph (8) by striking out "determined that" and all that follows through the period and inserting in lieu thereof "exercised his authority under subsection (a)(3) of section 610.".

(c) Conforming Amendment.—Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended by striking out subsection (c).

SEC. 144. COMMISSARY ACCESS.

Section 31(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703(c)) is amended by adding before the period at the end of the first sentence ", and, where determined by the Secretary to be appropriate due to exceptional circumstances, to United States citizens hired outside of the host country to serve as teaching staff for such dependents abroad".

SEC. 145. STORAGE OF PERSONAL EFFECTS.

Section 901(12) of the Foreign Service Act of 1980 (22 U.S.C. 4081(12)) is amended—

(1) in subparagraph (B) by inserting immediately before the semicolon ", except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days"; and

(2) in subparagraph (C) by inserting immediately before the semicolon ", except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days".

SEC. 146. TRANSPORTATION OF REMAINS.

Section 901(10) of the Foreign Service Act of 1980 (22 U.S.C. 4081(10)) is amended by inserting immediately before the semicolon "or, if death occurs in the United States, transport of the remains to the designated home in the United States or to a place not more distant".

SEC. 147. AMENDMENTS TO TITLE 5.

(a) Duration of Payments; Rates; Active Service Period.—Section 5523(a)(1) of title 5, United States Code, is amended by striking "agency)—" and all that follows thereafter and inserting the following: "agency) whose departure (or that of the employee's dependents or immediate family, as the case may be) is authorized or ordered under section 5522(a); and".

(b) Lump-Sum Payment for Accumulated and Accrued Leave on Separation.—(1) Section 5551(a) of title 5, United States Code, is amended by inserting "(excluding any differential under section 5925 and any allowance under section 5928)" after "pay" in the second sentence.

(2) The amendment made by paragraph (1) shall apply with respect to service as part of a tour of duty or extension thereof commencing on or after the date of enactment of this Act.

(c) General Provisions.—Section 5922 of title 5, United States Code, is amended by adding at the end the following:

"(d) When a quarters allowance or allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings under section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post notwithstanding the employee's death.

"(e) When an allowance related to education away from post under this subchapter would be authorized with respect to an employee but for the evacuation or authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing any dependent children of such employee to complete the current school year.".

(d) Quarters Allowance.—Section 5923 of title 5, United States Code, is amended—

(1) by striking out "When" and inserting in lieu thereof "(a) When";

(2) in paragraph (1) (in the matter before subparagraph (A))—

(A) by striking "lodging" and inserting "subsistence"; and

(B) by inserting "(including meals and laundry expenses)" after "quarters";

(3) in paragraph (1)(A), by striking "3 months" and inserting "90 days";

(4) in paragraph (1)(B), by striking "1 month" and inserting "30 days"; and

(5) by adding at the end the following:

"(b) The 90-day period under subsection (a)(1)(A) and the 30-day period under subsection (a)(1)(B) may each be extended for not more than 60 additional days if the head of the agency concerned or his designee determines that there are compelling reasons beyond the control of the employee for the continued occupancy of temporary quarters.".

(e) Cost-of-Living Allowances.—Section 5924 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "Columbia." and inserting "Columbia, except that employees receiving the temporary subsistence allowance under section 5923(1) are ineligible for a post allowance under this paragraph.";

(2) in paragraph (2)—

(A) in the matter before subparagraph (A), by striking "expenses," and inserting "subsistence and other relocation expenses (including unavoidable lease penalties),";

(B) in subparagraph (A), by inserting "the Commonwealth of the Northern Mariana Islands," after "Puerto Rico,"; and

(C) in subparagraph (B), by striking "between assignments to posts in foreign areas." and inserting "after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned."; and

(3) in paragraph (4)—

(A) in the matter before subparagraph (A), by striking "dependents," and inserting "dependents (or, to the extent education away from post is involved, official assignment to service in such area or areas),";

(B) in subparagraph (A), by striking "United States," and inserting "United States (including such educational services as are provided by the

States under the Individuals with Disabilities Education Act),"; and

(C) in subparagraph (B)—

(i) in the first sentence by striking "undergraduate college education" and inserting "postsecondary educational institution education (other than a program of post-baccalaureate education)";

(ii) in the third sentence by striking "undergraduate college education" and inserting "postsecondary educational institution education (other than a program of post-baccalaureate education)"; and

(iii) by adding at the end the following: "For the purposes of this subparagraph, the term 'educational institution' has the meaning defined under section 1701(a)(6) of title 38.".

SEC. 148. VOLUNTARY LEAVE BANK PROGRAM.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking out "and (B)" and inserting in lieu thereof "(B) programs for voluntary transfers of such leave and voluntary leave banks, which shall, to the extent practicable, be established in a manner consistent with the provisions of subchapters III and IV, respectively, of chapter 63 of title 5, United States Code, and (C)".

SEC. 149. REASSIGNMENT AND RETIREMENT OF PRESIDENTIAL APPOINTEES.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4053) is amended to read as follows:

"SEC. 813. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.—(a) Except as provided under subsection (b), a participant, who completes an assignment under section 302(b) in a position to which he or she was appointed by the President, shall be offered reassignment within 90 days after the termination of such assignment and any period of authorized leave.

"(b) Subsection (a) shall not apply with respect to a participant, if the Secretary of State determines that reassignment of the participant is not in the interest of the United States and the Foreign Service.

"(c) A participant who is not reassigned under subsection (a) shall be retired from the Service and receive retirement benefits in accordance with section 806 or 855, as appropriate.".

SEC. 150. COMMISSION TO STUDY PERSONNEL QUESTIONS AT THE DEPARTMENT OF STATE.

(a) MEMBERSHIP.—

(1) Within 90 days of the date of enactment of this Act, the Secretary of State shall appoint seven distinguished members, at least six of whom shall have a minimum of ten years experience in personnel management, to examine personnel issues affecting both Foreign Service and Civil Service employees at the Department of State.

(2) Appointments to the Commission shall be made in consultation with the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Post Office and Civil Service of the House of Representatives, and exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980).

(3) The Secretary of State may reappoint members who served on the Commission authorized under section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(4) At least two members of the Commission shall have specialized knowledge of the Civil Service in the Department of State.

(b) IMPLEMENTATION REPORT.—Not later than one year after the date of enactment of this Act, the Commission shall report to the Chairmen and ranking Members of the appropriate committees of the Congress on the extent to which the Department of State has implemented recommendations of the Commission authorized in section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(c) REPORT ON PERSONNEL MATTERS AND CONDITIONS.—

(1) Not more than one year after the date of enactment of this Act, the Commission shall issue a written report to the appropriate committees of the Congress on State Department personnel questions affecting the effective conduct of foreign policy and the efficiency, cost effectiveness, and morale of State Department employees.

(2) The Commission report required under this subsection shall include the following topics:

(A) Matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007) relating to senior Foreign Service Officers who were working under section 607(d)(2) temporary career extensions on June 2, 1990, and who, because the 14-year time-in-class benefit had been denied them, were involuntarily retired under section 607 after June 2, 1990.

(B) An examination of the contribution of Civil Service personnel to the fulfillment of the mission of the Department of State, including—

(i) recommendations as to how the needs and standing of such employees might be more fully recognized by the Department as full partners in the successful conduct of foreign policy; and

(ii) recommendations as to how Civil Service positions may be better utilized or structured in the Department and abroad to enhance the institutional memory on evolving foreign policy issues.

(C) A study of the management and practices at the United States Mission to the United Nations, taking into account the recommendations of recent reports of the Inspector General of the Department of State.

(d) DEFINITION.—As used in this section the term "appropriate committees of the Congress" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Post Office and Civil Service of the House of Representatives.

SEC. 151. FOREIGN NATIONAL EMPLOYEES SEPARATION PAY.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to provide separation pay for foreign national employees of agencies of the United States Government, other than the Department of Defense.

(b) FUNDING.—There shall be deposited in such account—

(1) all amounts previously obligated for accrued separation pay of foreign national employees of such agencies of the United States Government; and

(2) amounts obligated for fiscal years after 1991 by such agencies for the current and future costs of separation pay of foreign national employees.

(b) AVAILABILITY.—Amounts shall be deposited in the fund annually and are authorized to be available until expended.

(c) EXPENDITURES FROM THE FUND.—Amounts deposited in the fund shall be available for expenditure to make separation payments to foreign national employees in countries in which such pay is legally authorized.

SEC. 152. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended—

(1) in the first sentence, by inserting after "Service," the following "United States citizens employed in the Service abroad who were hired while residing abroad,"; and

(2) in the second sentence, by inserting after "wages" the following: "to United States citizens employed in the Service abroad who were hired while residing abroad and".

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after "foreign nationals" the following: ", are United States citizens employed in the Service abroad who were hired while residing abroad,".

SEC. 153. GRIEVANCES BASED ON ALLEGED DISCRIMINATION.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this section referred to as "the Act") is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(C) by adding at the end the following:

"(H) any discrimination prohibited by—

"(i) section 717 of the Civil Rights Act of 1964,

"(ii) section 6(d) of the Fair Labor Standards Act of 1938,

"(iii) section 501 of the Rehabilitation Act of 1973,

"(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967, or

"(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv).".

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking "section 1109(b)." and inserting "section 1109(a)(2)."; and

(B) by adding at the end (as a flush left sentence) the following:

"Nothing in this subsection shall exclude any act, omission, or condition alleged to violate any law, rule, regulation, or policy directive referred to in subsection (a)(1)(H) from such term.".

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting "under this chapter" before "unless"; and

(2) by adding at the end the following:

"(c)(1) In applying subsection (a) with respect to an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), the reference to '3 years' shall be deemed to read '180 days', subject to paragraph (2).

"(2) If the occurrence or occurrences giving rise to the grievance are alleged to have occurred while the grievant was assigned to a post abroad, the 180-day period provided for under paragraph (1) shall not commence until the earlier of—

"(A) the date as of which the grievant is no longer assigned to such post; or

"(B) the expiration of the 18-month period beginning on the date of the occurrence giving rise to the grievance or the last such occurrence, as the case may be.".

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

"(f) The Board shall, with respect to any grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging discrimination under such law, rule, regulation, or policy directive had been filed with the commission.".

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

(A) in subsection (a) by striking "(a)" and inserting "(a)(1)";

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(2)";

(ii) by striking "subsection (a)," and inserting "paragraph (1),";

(iii) by striking "under this section" and inserting "under this subsection"; and

(iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

"(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(C) by adding at the end the following:

"(b)(1) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), a grievant may either—

"(A) file a grievance under this chapter, or

"(B) initiate in writing a proceeding under another provision of law, regulation, or Executive order that authorizes relief,

but not both.

"(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

"(A) files a grievance under this chapter, or

"(B) initiates in writing a proceeding under such other provision of law, regulation, or Executive order.".

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking "section 1109(b)," and inserting "section 1109(a)(2),".

(e) JUDICIAL REVIEW.—Section 1110 of the Act (22 U.S.C. 4140) is amended—

(1) by striking "Any" and inserting "(a) Any";

(2) by adding after the second sentence the following new sentence: "This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(3) by adding at the end the following new subsection:

"(b)(1) For purposes of this subsection, the term 'aggrieved party' means a grievant.

"(2) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), judicial review of whether the act, omission, or condition that is the basis of the grievance violates such law, rule, regulation, or policy directive may be obtained by an aggrieved party only if such party commences a civil action, not later than 90 days after such party receives notice of the final action of the Secretary or the Board, in an appropriate district court of the United States for de novo review.".

(f) APPLICABILITY.—The amendments made by this section shall not apply with respect to any grievance (within the meaning of section 1101 of the Act, as amended by this section) arising before the date of enactment of this Act.

SEC. 154. COMPENSATION FOR LOSS OF PERSONAL PROPERTY INCIDENT TO SERVICE.

Not later than 90 days after enactment of this Act, the Department of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

SEC. 155. LANGUAGE TRAINING IN THE FOREIGN SERVICE.

The Department of State, the Department of Commerce, and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disadvantaged in the promotion process.

PART E—INTERNATIONAL ORGANIZATIONS

SEC. 161. MATERIAL DONATIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Congress that the Permanent Representative of the United States to the United Nations should work to ensure that in-kind contributions by the United States and other nations to the United Nations peacekeeping forces are included at their full value when calculating the contributions to United Nations peacekeeping forces.

SEC. 162. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—For assessed contributions authorized to be appropriated by section 102 of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or his representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) and section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) if such payment would further United States interests in that organization.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit a report to the Congress concerning the payment of assessed contributions to the United Nations and any of its specialized agencies during the preceding calendar year.

(e) REPEAL OF EXISTING LAW.—Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, are repealed.

SEC. 163. REPORT TO CONGRESS CONCERNING UNITED NATIONS SECONDMENT.

Section 701 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 287e note) is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 164. PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES.

(a) REPEAL.—The Act of June 18, 1926 (22 U.S.C. 269) is repealed.

(b) AUTHORITY.—The President is authorized to maintain membership of the United States in the Permanent International Association of Road Congresses.

SEC. 165. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

Section 103 of the Act of September 13, 1950 (22 U.S.C. 277d-3), is amended—

(1) by inserting "official entertainment and other representation expenses within the United States for the United States section;" after "guard purposes;"; and

(2) by striking out the period at end thereof and inserting in lieu thereof ": Provided further, That the United States Commissioner shall prepare, within 30 days after the end of each fiscal year, a report of all expenditures during that year for official entertainment and other representation expenses, which shall be available for public inspection.".

SEC. 166. INTERNATIONAL FISHERIES COMMISSIONS ADVANCE PAYMENTS.

Section 3 of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) at the end of subsection (j) by striking out "and";

(2) in subsection (k) by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after subsection (k) the following new subsection:

"(l) make payments in advance, of the United States share of necessary expenses for international fisheries commissions, from appropriations available for such purpose.".

SEC. 167. JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

Section 6 of the Japan-United States Friendship Act (22 U.S.C. 2905) is amended in paragraph (4) by inserting "or for not more than 50 percent of administrative expenses in the United States" after "Japan".

SEC. 168. BRITISH-AMERICAN INTERPARLIAMENTARY GROUP.

(a) ESTABLISHMENT AND MEETINGS.—Not to exceed 24 Members of Congress shall be appointed to meet annually and when the Congress is not in session (except that this restriction shall not apply to meetings held in the United States), with representatives of the House of Commons and the House of Lords of the Parliament of Great Britain for discussion of common problems in the interest of relations between the United States and Great Britain. The Members of Congress so appointed shall be referred to as the "United States group" of the United States Interparliamentary Group.

(b) APPOINTMENT OF MEMBERS.—Of the Members of Congress appointed for purposes of this section—

(1) half shall be appointed by the Speaker of the House of Representatives from among Members of the House (not less than 4 of whom shall be members of the Committee on Foreign Affairs), and

(2) half shall be appointed by the President Pro Tempore of the Senate, upon recommendations of the majority and minority leaders of the Senate, from among Members of the Senate (not less than 4 of whom shall be members of the Committee on Foreign Relations) unless the majority and minority leaders of the Senate determine otherwise.

(c) CHAIR AND VICE CHAIR.—(1) The Chair or Vice Chair of the House delegation of the United States group shall be a member from the Committee on Foreign Affairs.

(2) The President Pro Tempore of the Senate shall designate the Chair or Vice Chair of the Senate delegation.

(d) FUNDING.—There is authorized to be appropriated $50,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is made, half of which shall be for the House delegation and half of which shall be for *the Senate delegation. The House and Senate portions of such appropriations shall be disbursed on vouchers to be approved by the Chair of the House delegation and the Chair of the Senate delegation, respectively.*

(e) CERTIFICATION OF EXPENDITURES.—The certificate of the Chair of the House delegation or the Senate delegation of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(f) ANNUAL REPORT.—The United States group shall submit to the Congress a report for each fiscal year for which an appropriation is made for the United States group, which shall include its expenditures under such appropriation.

(g) INTERPARLIAMENTARY CONFERENCE OF NORTH ATLANTIC ASSEMBLY.—Section 5 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928e), is amended by inserting immediately after the first sentence the following: "In addition to amounts authorized by section 2, there is authorized to be appropriated $550,000 for fiscal year 1994 to meet the expenses incurred by the United States group in hosting the fortieth annual meeting of the North Atlantic Assembly.".

SEC. 169. UNITED STATES DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE).

(a) ESTABLISHMENT.—In accordance with the allocation of seats to the United States in the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "CSCE Assembly") not to exceed 17 Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other Conference on Security and Cooperation in Europe (CSCE) member-nations for the purposes of—

(1) assessing the implementation of the objectives of the CSCE;

(2) discussing subjects addressed during the meetings of the Council of Ministers for Foreign Affairs and the biennial Summit of Heads of State or Government;

(3) initiating and promoting such national and multilateral measures as may further cooperation and security in Europe.

(b) APPOINTMENT OF DELEGATION.—For each meeting of the CSCE Assembly, there shall be appointed a United States Delegation, as follows:

(1) In 1992 and every even-numbered year thereafter, 9 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Affairs); and 8 Members shall, upon recommendations of the Majority and Minority leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Vice Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise).

(2) In every odd-numbered year beginning in 1993, 9 Members shall, upon recommendation of the Majority and Minority Leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise); and 8 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Vice Chairman, shall be from the Committee on Foreign Affairs).

(c) ADMINISTRATIVE SUPPORT.—For the purpose of providing general staff support and continuity between successive delegations, each United States Delegation shall have 2 secretaries (one of whom shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives and one of whom shall be appointed by the Chairman of the Delegation of the Senate).

(d) FUNDING.—

(1) UNITED STATES PARTICIPATION.—There is authorized to be appropriated for each fiscal year $80,000 to assist in meeting the expenses of the United States delegation. For each fiscal year for which an appropriation is made under this subsection, half of such appropriation may be disbursed on voucher to be approved by the Chairman and half of such appropriation may be disbursed on voucher to be approved by the Vice Chairman.

(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

(e) ANNUAL REPORT.—The United States Delegation shall, for each fiscal year for which an appropriation is made, submit to the Congress a report including its expenditures under such appropriation. The certificate of the Chairman and Vice Chairman of the United States Delegation shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Delegation.

SEC. 170. REPORT CONCERNING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.

Not later than 270 days after the date of the enactment of this Act, the Secretary of State (in consultation with the heads of all appropriate bureaus and offices of the Department of State) shall prepare and submit to the Congress a report on the activities after April 30, 1990 of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

SEC. 171. REPORT OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

Section 5 of the Act entitled "An Act establishing a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3005), is amended—

(1) by striking out "a semiannual" before "report" and inserting in lieu thereof "an annual"; and

(2) by striking out "the first one to be submitted six months after the date of enactment of this Act" after "report".

SEC. 172. INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE REPORT.

It is the sense of the Congress regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

(1) improved coordination of research activities and monitoring of global climate change;

(2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;

(3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;

(4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and

(5) the development of plans by each country to reach those goals.

SEC. 173. INTER-AMERICAN FOUNDATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $28,800,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993 to carry out this section.".

(b) BOARD OF DIRECTORS.—

(1) QUALIFICATIONS.—Section 401(g) of that Act is amended by adding at the end the following: "All individuals appointed to the Board shall possess an understanding of and sensitivity to community level development processes. No more than 5 members of the Board may be members of any one political party.".

(2) TRANSITION RULE.—The requirements established by the amendment made by paragraph (1) do not affect appointments made to the Board of the Inter-American Foundation before the date of enactment of this Act.

(c) PRINCIPAL OFFICE.—Section 401(q) of that Act is amended to read as follows:

"(q) The Foundation shall maintain its principal office in the metropolitan Washington, D.C., area. The Foundation may establish agencies, branch offices, or other offices in any place or places outside the United States in which the Foundation may carry on all or any of its operations and business.".

(d) EXPENSES FOR MEETINGS AND PRINTING.—Section 401 of that Act is amended by adding at the end the following:

"(v) Funds made available to the Foundation may be used for the expenses described in section 1345 of title 31 of the United States Code (relating to travel, transportation, and subsistence expenses for meetings).

"(w) Funds made available to the Foundation may be used for printing and binding without regard to section 501 of title 44, United States Code.".

(e) RELATION TO AMENDMENTS IN FOREIGN RELATIONS AUTHORIZATION ACT.—If the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, contains amendments to section 401 of the Foreign Assistance Act of 1961 that are identical to the amendments described in this section, then whichever of such amendments are enacted later shall not be effective.

SEC. 174. HOUSING BENEFITS OF THE UNITED STATES MISSION TO THE UNITED NATIONS.

(a) REVIEW.—The Secretary of State shall conduct a review and evaluation of policies and procedures for the provision of housing benefits (including leased housing, housing allowances, differential payments, or any comparable benefit) to United States Government personnel assigned to the United States Mission to the United Nations. Such review shall consider the December 1989 recommendations of the Inspector General of the Department of State concerning housing benefits, and other recommendations as appropriate.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a comprehensive report of the findings of such review and evaluation to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include, but not be limited to—

(1) a summary of all leased housing policy changes;

(2) information concerning implementation of recommendations of the Inspector General for the Department of State, including an explanation for not implementing any recommendation made by the Inspector General; and

(3) designation of positions at the United States Mission to the United Nations which require the incumbent to live in the Borough of Manhattan, and specific justification for such designation.

SEC. 175. ENHANCED SUPPORT FOR UNITED NATIONS PEACEKEEPING.

(a) ACTIONS BY THE SECRETARY GENERAL OF THE UNITED NATIONS.—The Secretary of State, through the United States Representative to the United Nations, should propose to the Secretary General of the United Nations that the United Nations should explore means, including procedures and organizational initiative, for expediting the implementation of peacekeeping operations authorized by the Security Council.

(b) REPORT OF THE SECRETARY OF STATE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report which makes recommendations concerning changes in United States law which would enhance the United States participation in peacekeeping operations authorized by the United Nations. Such report shall include legislative recommendations to expedite the use of appropriated funds for peacekeeping purposes on an emergency basis.

SEC. 176. SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.

(a) LIMITATION.—Of the funds authorized to be appropriated under section 101(a)(1) for "Salaries and Expenses" of the Department of State, $1,000,000 shall be available only after the submission of the report under subsection (b).

(b) REPORT TO CONGRESS.—Not later than March 1, 1992, the Secretary of State shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the international organizations listed in subsection (c). Such report shall include the following information with respect to each international organization:

(1) The purpose and activities of the organization.

(2) The political and economic benefits to the United States of membership in the organization.

(3) The effect on United States consumers and importers of the activities and policies of the organization.

(c) SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.—The following international organizations shall be included in the report under this section:

(1) International Center for the Study of Preservation and Restoration of Cultural Property.
(2) International Coffee Organization.
(3) International Cotton Advisory Committee.
(4) International Hydrographic Organization.
(5) International Jute Organization.
(6) International Lead and Zinc Study Group.
(7) International Rubber Organization.
(8) International Office of Epizootics.
(9) International Organization for Legal Metrology.
(10) International Rubber Study Group.
(11) International Sugar Organization.
(12) International Tropical Timber Organization.
(13) International Union for the Conservation of Nature and Natural Resources.
(14) Permanent International Association of Road Congresses.
(15) World Tourism Organization.

SEC. 177. GREAT LAKES FISHERY COMMISSION.

Of the amounts authorized to be appropriated by section 103(4) of this Act, there is authorized to be appropriated up to $8,200,000 for fiscal year 1992 and up to $12,300,000 for fiscal year 1993 for the purpose of enabling the Department of State to carry out its authority, function, duty, and responsibility in the conduct of foreign affairs of the United States in connection with the Great Lakes Fishery Commission.

SEC. 178. INTER-AMERICAN ORGANIZATIONS.

(a) POLICY.—Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, the Congress believes that the Secretary of State, in allocating the level of resources for the "International Organizations and Commissions" account, should pay particular attention to funding levels of the Inter-American Organizations.

(b) FINDING.—The Congress finds that the work done by these organizations has been of great benefit to the region, and the United States itself has experienced a positive return from their efforts.

SEC. 179. INTERNATIONAL COFFEE ORGANIZATION.

It is the sense of the Congress that the President should give the highest priority to the interests of United States consumers in shaping United States policy toward a new International Coffee Agreement.

SEC. 180. APPOINTMENT OF SPECIAL COORDINATOR FOR WATER POLICY NEGOTIATIONS AND WATER RESOURCES POLICY.

(a) DESIGNATION.—The Secretary of State shall designate a Special Coordinator—

(1) to coordinate the United States Government response to international water resource disputes and needs;

(2) to represent the United States Government, whenever appropriate, in multilateral fora in discussions concerning access to fresh water; and

(3) to formulate United States policy to assist in the resolution of international problems posed by the lack of fresh water supplies.

(b) OTHER RESPONSIBILITIES.—The individual designated under subsection (a) may carry out the functions of subsection (a) in addition to other assigned responsibilities.

SEC. 181. EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall submit a report to the Congress concerning each international organization which had a geographic distribution formula in effect on January 1, 1991, of whether each such organization—

(1) is taking good faith steps to increase the staffing of United States citizens; and

(2) has met its geographic distribution formula.

PART F—MISCELLANEOUS PROVISIONS

SEC. 191. TRAVEL ADVISORY FOR JALISCO, MEXICO.

Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 is repealed.

SEC. 192. IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN.

(a) REPORT TO CONGRESS.—Two years after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report on the progress of the United States implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women (Nairobi Strategies), as adopted by the 40th session of the United Nations General Assembly in Resolution 40/108 on December 13, 1985.

(b) FINAL REPORT.—Not later than 90 days prior to the 1995 deadline for submission of the report to the United Nations Secretary General on the United States implementation of the Nairobi Strategies, the Secretary of State shall submit to the Congress a preliminary version of such report.

SEC. 193. STUDY OF TECHNICAL SECURITY AND COUNTERINTELLIGENCE CAPABILITIES.

(a) STUDY BY INSPECTOR GENERAL.—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of State shall initiate, with the cooperation of other appropriate Federal agencies, a study of the overseas technical security and counterintelligence capabilities and practices of the Department of State. The study shall be completed not later than one year after the date of enactment of this Act.

(b) CONTENT.—The study shall evaluate—

(1) the overseas technical security and counterintelligence capabilities of the Department of State since the enactment of the Omnibus Diplomatic Security and Antiterrorism Act of 1986;

(2) the level of the State Department's capabilities in technical security and counterintelligence relative to the technical and human intelligence threats identified by other appropriate Federal agencies; and

(3) whether the Department of State is the most appropriate Federal agency to carry out overseas technical security and counterintelligence functions.

(c) REPORT TO CONGRESS.—Not later than 400 days after the date of the enactment of this Act, the Inspector General of the Department of State shall prepare and submit, with the cooperation of other appropriate Federal agencies, a written report of the findings of such study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The Inspector General may submit such report in classified form.

SEC. 194. STUDY OF SEXUAL HARASSMENT AT THE DEPARTMENT OF STATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State has been negligent in carrying out section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, "Study of Sexual Harassment at the Department of State".

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the reasons for the Department's negligence in adhering to deadlines required by law in implementing section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and what steps, if any, the Department has taken to prevent such a failure from recurring.

SEC. 195. PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

If it has been finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract from the Department of State, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

SEC. 196. DEADLINE FOR RESPONSES TO QUESTIONS FROM CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—An officer or employee of the Department of State to whom a written or oral question is addressed by any member of a committee specified in subsection (b), acting within his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made.

(b) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 197. INTERNATIONAL CREDIT REPORTS.

(a) REPORT ON LOAN CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of State for Economic and Business Affairs, in consultation with the Secretary of the Treasury, shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report setting forth clear criteria for bilateral loans by which the United States can determine the likelihood of repayment by a country seeking to receive United States loans. The report should include the criteria used for—

(1) assessing country risk;

(2) projecting loan repayments; and

(3) estimating subsidy levels.

(b) REPORTS ON LOANS.—Beginning 180 days after the submission of the report in subsection (a) and annually thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives showing actual repayments by country and by program to the United States Government for the previous 5 years and the scheduled repayments to the United States Government for the next 5 years.

SEC. 198. THE FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES.

(a) AMENDMENT.—The State Department Basic Authorities Act of 1956 is amended by adding at the end thereof the following new title:

"TITLE IV—FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES

"SEC. 401. GENERAL AUTHORITY AND CONTENTS OF PUBLICATION.

"(a) CHARTER OF THE PUBLICATION.—The Department of State shall continue to publish the 'Foreign Relations of the United States Historical Series' (hereafter in this title referred to as the 'FRUS series'), which shall be a thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity. Volumes of this publication shall include all records needed to provide a comprehensive documentation of the major foreign policy decisions and actions of the United States Government, including the facts which contributed to the formulation of policies and records providing supporting and alternative views to the policy position ultimately adopted.

"(b) EDITING PRINCIPLES.—The editing of records for preparation of the FRUS series shall be guided by the principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy.

"(c) DEADLINE FOR PUBLICATION OF RECORDS.—The Secretary of State shall ensure that the FRUS series shall be published not more than 30 years after the events recorded.

"SEC. 402. RESPONSIBILITY FOR PREPARATION OF THE FRUS SERIES.

"(a) IN GENERAL.—

"(1)(A) The Historian of the Department of State shall be responsible for the preparation of the FRUS series, including the selection of records, in accordance with the provisions of this title.

"(B) The Advisory Committee on Historical Diplomatic Documentation shall review records, and shall advise and make recommendations to the Historian concerning all aspects of preparation and publication of the FRUS series, including, in accordance with the procedures contained in section 403, the review and selection of records for inclusion in volumes of the series.

"(2) Other departments, agencies, and other entities of the United States Government shall cooperate with the Office of the Historian by providing full and complete access to the records pertinent to United States foreign policy decisions and actions and by providing copies of selected records in accordance with the procedures developed under section 403, except that no access to any record, and no provision of any copy of a record, shall be required in the case of any record that was prepared less than 26 years before the date of a request for such access or copy made by the Office of the Historian.

"(b) NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—Notwithstanding any other provision of this title, the requirement for the National Archives and Records Administration to provide access to, and copies of, records to the Department of State for the FRUS series shall be governed by chapter 21 of title 44, United States Code, by any agreement concluded between the Department of State and the National Archives and Records Administration, and, in the case of Presidential records, by section 2204 of such title.

"SEC. 403. PROCEDURES FOR IDENTIFYING RECORDS FOR THE FRUS SERIES; DECLASSIFICATION, REVISIONS, AND SUMMARIES.

"(a) DEVELOPMENT OF PROCEDURES.—Not later than 180 days after the date of enactment of this title, each department, agency, or other entity of the United States Government engaged in foreign policy formulation, execution, or support shall develop procedures for its historical office (or a designated individual in the event that there is no historical office)—

"(1) to coordinate with the State Department's Office of the Historian in selecting records for possible inclusion in the FRUS series;

"(2) to permit full access to the original, unrevised records by such individuals holding appropriate security clearances as have been designated by the Historian as liaison to that department, agency, or entity, for purposes of this title, and by members of the Advisory Committee; and

"(3) to permit access to specific types of records not selected for inclusion in the FRUS series by the individuals identified in paragraph (2) when requested by the Historian in order to confirm that records selected by that department, agency, or entity accurately represent the policymaking process reflected in the relevant part of the FRUS series.

"(b) DECLASSIFICATION REVIEW.—

"(1) Subject to the provisions of this subsection, records selected by the Historian for inclusion in the FRUS series shall be submitted to the respective originating agency for declassification review in accordance with that agency's procedures for such review, except that such declassification review shall be completed by the originating agency within 120 days after such records are submitted for review. If the originating agency determines that any such record is not declassifiable because of a continuing need to protect sources and methods for the collection of intelligence information or to protect other sensitive national security information, then the originating agency shall attempt to make such deletions in the text as will make the record declassifiable.

"(2) If the historian determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1) that publication in that condition could be misleading or lead to an inaccurate or incomplete historical record, then the Historian shall take steps to achieve a satisfactory resolution of the problem with the originating agency. Within 60 days of receiving a proposed solution from the Historian, the originating agency shall furnish the Historian a written response agreeing to the solution or explaining the reasons for the alteration or deletion.

"(3) The Historian shall inform the Advisory Committee of any failure by an originating agency to complete its declassification review of a record within 120 days and of any steps taken under paragraph (2).

"(4) If the Advisory Committee determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1), or if the Advisory Committee determines as a result of inspection of other documents under subsection (a)(3) that the selection of documents could be misleading or lead to an inaccurate or incomplete historical record, then the Advisory Committee shall so advise the Secretary of State and submit recommendations to resolve the issue.

"(5)(A) The Advisory Committee shall have full and complete access to the original text of any record in which deletions have been made. In the event that the head of any originating agency considers it necessary to deny access by the Advisory Committee to the original text of any record, that agency head shall promptly notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.

"(B) The Historian shall provide the Advisory Committee with a complete list of the records described in subparagraph (A).

"(6) If a record is deleted in whole or in part as a result of review under this subsection then a note to that effect shall be inserted at the appropriate place in the FRUS volume.

"SEC. 404. DECLASSIFICATION OF STATE DEPARTMENT RECORDS.

"(a) DEADLINE FOR DECLASSIFICATION.—

"(1) Except as provided in subsection (b), each classified record of permanent historical value (as determined by the Secretary of State and the Archivist of the United States) which was published, issued, or otherwise prepared by the Department of State (or any officer or employee thereof acting in an official capacity) shall be declassified not later than 30 years after the record was prepared, shall be transferred to the National Archives and Records Administration, and shall be made available at the National Archives for public inspection and copying.

"(2) Nothing in this subsection may be construed to require the declassification of a record wholly prepared by a foreign government.

"(b) EXEMPTED RECORDS.—Subsection (a) shall not apply to any record (or portion thereof) the publication of which the Secretary of State, in coordination with any agency that originated information in the records, determines—

"(1) would compromise weapons technology important to the national defense of the United States or reveal sensitive information relating to the design of United States or foreign military equipment or relating to United States cryptologic systems or activities;

"(2) would disclose the names or identities of living persons who provided confidential information to the United States and would pose a substantial risk of harm to such persons;

"(3) would demonstrably impede current diplomatic negotiations or other ongoing official activities of the United States Government or would demonstrably impair the national security of the United States; or

"(4) would disclose matters that are related solely to the internal personnel rules and practices of the Department of State or are contained in personnel, medical, or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

"(c) REVIEW.—

"(1) The Advisory Committee shall review—

"(A) the State Department's declassification procedures, "(B) all guidelines used in declassification, including those guidelines provided to the National Archives and Records Administration which are in effect on the date of enactment of this title, and

"(C) by random sampling, records representative of all Department of State records published, issued, or otherwise prepared by the Department of State that remain classified after 30 years.

"(2) In the event that the Secretary of State considers it necessary to deny access to records under paragraph (1)(C), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

"(d) REPORTING REQUIREMENT.—The Advisory Committee shall annually submit to the Secretary of State a report setting forth its findings from the review conducted under subsection (c).

"(e) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the Secretary of State shall prepare and submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on factors relevant to compliance with this section, and the procedures to be used for implementing the requirements of this section.

"SEC. 405. RELATIONSHIP TO THE PRIVACY ACT AND THE FREEDOM OF INFORMATION ACT.

"(a) PRIVACY ACT.—Nothing in this title may be construed as requiring the public disclosure of records or portions of records protected under section 552a of title 5, United States Code (relating to the privacy of personal records).

"(b) FREEDOM OF INFORMATION ACT.—

"(1) Except as provided in paragraph (2), no record (or portion thereof) shall be excluded from publication in the FRUS series under section 403, or exempted from the declassification requirement of section 404, solely by virtue of the application of section 552(b) of title 5, United States Code (relating to the exemption of certain matters from freedom of information requirements).

"(2) Records described in section 222(f) of the Immigration and Nationality Act (relating to visa records) shall be excluded from publication in the FRUS series under section 403 and, to the extent applicable, exempted from the declassification requirement of section 404.

"SEC. 406. ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—

"(1) There is established on a permanent basis the Advisory Committee on Historical Diplomatic Documentation for the Department of State. The activities of the Advisory Committee shall be coordinated by the Office of the Historian of the Department of State.

"(2) The Advisory Committee shall be composed of 9 members and an executive secretary. The Historian shall serve as executive secretary.

"(3)(A) The members of the Advisory Committee shall be appointed by the Secretary of State from among distinguished historians, political scientists, archivists, international lawyers, and other social scientists who have a demonstrable record of substantial research pertaining to the foreign relations of the United States. No officer or employee of the United States Government shall be appointed to the Advisory Committee.

"(B)(i) Six members of the Advisory Committee shall be appointed from lists of individuals nominated by the American Historical Association, the Organization of American Historians, the American Political Science Association, Society of American Archivists, the American Society of International Law, and the Society for Historians of American Foreign Relations. One member shall be appointed from each list.

"(ii) If an organization does not submit a list of nominees under clause (i) in a timely fashion, the Secretary of State shall make an appointment from among the nominees on other lists.

"(b) TERMS OF SERVICE FOR APPOINTMENTS.—

"(1) Except as provided in paragraph (2), members of the Advisory Committee shall be appointed for terms of three years.

"(2) Of the members first appointed, as designated by the Secretary of State at the time of their appointment (after consultation with the appropriate organizations) three shall be appointed for terms of one year, three shall be appointed for terms of two years, and three shall be appointed for terms of three years.

"(3) Each term of service under paragraph (1) shall begin on September 1 of the year in which the appointment is made.

"(4) A vacancy in the membership of the Advisory Committee shall be filled in the same manner as provided under this subsection to make the original appointment. A member appointed to fill a vacancy occurring before the expiration of a term shall serve for the remainder of that term. A member may continue to serve when his or her term expires until a successor is appointed. A member may be appointed to a new term upon the expiration of his or her term.

"(c) SELECTION OF CHAIRPERSON.—The Advisory Committee shall select, from among its members, a chairperson to serve a term of 1 year. A chairperson may be reelected upon expiration of his or her term as chairperson.

"(d) MEETINGS.—A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall meet at least quarterly or as frequently as may be necessary to carry out its duties.

"(e) SECURITY CLEARANCES.—

"(1) All members of the Advisory Committee shall be granted the necessary security clearances, subject to the standard procedures for granting such clearances.

"(2) For purposes of any law or regulation governing access to classified records, a member of the Advisory Committee seeking access under this paragraph to a record shall be deemed to have a need to know.

"(f) COMPENSATION.—

"(1) Members of the Advisory Committee—

"(A) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Advisory Committee; and

"(B) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Advisory Committee.

"(2) The Secretary of State is authorized to provide for necessary secretarial and staff assistance for the Advisory Committee.

"(3) The Federal Advisory Committee Act shall not apply to the Advisory Committee to the extent that the provisions of this title are inconsistent with that Act.

"SEC. 407. DEFINITIONS.

"For purposes of this title—

"(1) the term 'Advisory Committee' means the Advisory Committee on Historical Diplomatic Documentation for the Department of State;

"(2) the term 'Historian' means the Historian of the Department of State or any successor officer of the Department of State responsible for carrying out the functions of the Office of the Historian, Bureau of Public Affairs, of the Department of State, as in effect on the date of enactment of this title;

"(3) the term 'originating agency' means, with respect to a record, the department, agency, or entity of the United States (or any officer or employee thereof of acting in his official capacity) that originates, develops, publishes, issues, or otherwise prepares that record or receives that record from outside the United States Government; and

"(4) the term 'record' includes any written material (including any document, memorandum, correspondence, statistical data, book, or other papers), map, photograph, machine readable material, or other documentary material, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value in them, and such term does not include library or museum material made or acquired and preserved solely for reference or exhibition purposes, any extra copy of a document preserved only for convenience of reference, or any stocks of publications or of processed documents.".

(b) PREVIOUS ADVISORY COMMITTEE ON HISTORICAL DIPLOMATIC DOCUMENTATION.—The Advisory Committee on Historical Documentation for the Department of State established before the date of enactment of this Act shall terminate on such date.

(c) COMPLIANCE.—

(1) The Secretary of State shall ensure that the requirements of section 404 of the State Department Basic Authorities Act of 1956 (as amended by this section) are met not later than one year after the date of enactment of this Act. If the Secretary cannot reasonably meet the requirements of such section, he shall so notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and describe how the Department of State intends to meet the requirements of that section. In no event shall full compliance with the requirements of such section take place later than 2 years after the date of enactment of this Act.

(2)(A) In order to come into compliance with section 401(c) of the State Department Basic Authorities Act of 1956 (as amended by this section) the Secretary of State shall ensure that, by the end of the 3-year period beginning on the date of the enactment of this Act, all volumes of the Foreign Relations of the United States historical series (FRUS) for the years that are more than 30 years before the end of that 3-year period have been published.

(B) If the Secretary cannot reasonably meet the requirements of subparagraph (A), the Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and describe how the Department of State plans to meet the requirements of subparagraph (A). In no event shall volumes subject to subparagraph (A) be published later than 5 years after the date of the enactment of this Act.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—UNITED STATES INFORMATION AGENCY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—The following amounts are authorized to be appropriated for the United States Information Agency (other than for the Voice of America) to carry out international information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization

Plan Number 2 of 1977, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $423,827,500 for the fiscal year 1992 and $451,294,000 for the fiscal year 1993.

(2) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General" $4,206,000 for the fiscal year 1992 and $4,420,000 for the fiscal year 1993.

(3) NATIONAL ENDOWMENT FOR DEMOCRACY.—For "National Endowment for Democracy", $25,000,000 for the fiscal year 1992 and $31,250,000 for the fiscal year 1993.

(4) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $24,500,000 for the fiscal year 1992 and $26,000,000 for the fiscal year 1993.

(b) AUTHORIZATION WITHIN "SALARIES AND EXPENSES" ACCOUNT.—Of the amount authorized to be appropriated by subsection (a)(1), $284,000 is authorized for the fiscal year 1992 for the establishment and operation of a United States Information Agency office in Vientiane, Laos, pursuant to section 216 of this Act, and $307,000 is authorized for fiscal year 1993 for the continued operation of such office.

SEC. 202. REPROGRAMMING OF FUNDS.

Section 705(a)(7) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c(a)(7)) is amended by striking out "$250,000" and inserting in lieu thereof "$500,000".

SEC. 203. AUTHORITY OF THE SECRETARY.

Paragraph (3) of section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by inserting "and television" after "radio".

SEC. 204. BASIC AUTHORITY.

Section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(21) incur expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

"(22) furnish living quarters as authorized by section 5912 of title 5, United States Code; and

"(23) provide allowances as authorized by sections 5921 through 5928 of title 5, United States Code.".

SEC. 205. PAYMENT OF CERTAIN EXPENSES FOR PARTICIPANTS.

Paragraph (9) of section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended to read as follows:

"(9) pay to or for individuals, not United States Government employees, participating in activities conducted under this Act, the costs of emergency medical expenses, preparation and transport to their former homes of the remains of such participants or their dependents who die while away from their homes during such participation, and health and accident insurance premiums for participants or health and accident benefits for participants by means of a program of self-insurance;".

SEC. 206. USIA POSTS AND PERSONNEL OVERSEAS.

(a) USIA POSTS AND PERSONNEL OVERSEAS.—The United States Information and Educational Exchange Act of 1948 is amended by adding after section 811 the following:

"USIA POSTS AND PERSONNEL OVERSEAS

"SEC. 812. (a) LIMITATION.—Except as provided under this section no funds authorized to be appropriated to the United States Information Agency may be used to pay any expense associated with the closing of any United States Information Agency post abroad.

"(b) NOTIFICATION.—Not less than 45 days before the closing of any United States Information Agency post abroad the Director of the United States Information Agency shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) EXCEPTIONS.—This section shall not apply to any United States Information Agency post closed—

"(1) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

"(2) where there is a real and present threat to United States diplomats in the city where the post is located and where a travel advisory warning against travel by United States citizens to the city has been issued by the Department of State.".

(b) REDUCTIONS IN AMERICAN EMPLOYEES.—Reductions may not be made in the number of positions filled by American employees of the United States Information Agency stationed abroad until the number of such employees is the same percentage of the total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees at the Agency at the same time in 1981.

(c) REPEAL.—Section 204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 1461 note) is repealed.

SEC. 207. IMPLEMENTATION OF BEIRUT AGREEMENT.

The first section of the joint resolution entitled "Joint resolution to give effect to the Agreement for facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948", approved October 8, 1966 (19 U.S.C. 2051), is amended by adding at the end the following: "In carrying out this section, such Federal agency or agencies may not consider visual or auditory material to fail to qualify as being of international educational character—

"(1) because it advocates a particular position or viewpoint, whether or not it presents or acknowledges opposing viewpoints;

"(2) because it might lend itself to misinterpretation, or to misrepresentation of the United States or other countries, or their people or institutions;

"(3) because it is not representative, authentic, or accurate or does not represent the current state of factual knowledge of a subject or aspect of a subject unless the material contains widespread and gross misstatements of fact;

"(4) because it does not augment international understanding and goodwill, unless its primary purpose or effect is not to instruct or inform through the development of a subject or an aspect of a subject and its content is not such as to maintain, increase, or diffuse knowledge; or

"(5) because in the opinion of the agency the material is propaganda.

"Such Federal agency or agencies may not label as propaganda any material that receives a certificate of international educational character under this section and the Agreement.".

SEC. 208. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

(a) SHORT TITLE.—This section may be cited as the "North/South Center Act of 1991".

(b) PURPOSE.—The purpose of this section is to promote better relations between the United States and the nations of Latin America and the Caribbean and Canada through cooperative study, training, and research, by supporting in Florida a Center for Cultural and Technical Interchange Between North and South where scholars and students in various fields from the nations of the hemisphere may study, give and receive training, exchange ideas and views, and conduct other activities consistent with the objectives of the Mutual Educational and Cultural Exchange Act of 1961 and other Acts promoting international, educational, cultural, scientific, and related activities of the United States.

(c) NORTH/SOUTH CENTER.—In order to carry out the purpose of this section, the Director of the United States Information Agency shall provide for the operation in Florida of an educational institution known as the North/South Center, through arrangements with public, educational, or other nonprofit institutions.

(d) AUTHORITIES.—The Director of the United States Information Agency, in carrying out this section, may utilize the authorities of the Mutual Educational and Cultural Exchange Act of 1961. Section 704(b) of the Mutual Security Act of 1960 (22 U.S.C. 2056(b)) shall apply in the administration of this section. In order to carry out the purposes of this section, the North/South Center is authorized to use funds made available under this section to acquire property and facilities, by construction, lease, or purchase.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1992 and $10,000,000 for each subsequent fiscal year to carry out this section. Amounts appropriated under this section are authorized to be available until expended.

(f) REPEAL.—Effective October 1, 1991, the section enacted by the third proviso under the heading "EDUCATION AND HUMAN RESOURCES DEVELOPMENT, DEVELOPMENT ASSISTANCE" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is repealed.

SEC. 209. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

Section 810 of the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4509) is repealed.

SEC. 210. CLAUDE AND MILDRED PEPPER SCHOLARSHIP PROGRAM.

(a) PURPOSE.—It is the purpose of this section to provide Federal financial assistance to facilitate a program to enable high school and college students from emerging democracies, who are visiting the United States, to spend from one to two weeks in Washington, District of Columbia, observing and studying the workings and operations of the democratic form of government of the United States.

(b) GRANTS.—The Director of the United States Information Agency is authorized to make grants to the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation to carry out the purpose specified in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1992 to carry out this section, of which not more than $500,000 is authorized to be available for obligation or expenditure during that fiscal year. Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 211. PROGRAM REVIEW OF NED.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 201(3), after the submission of the report under subsection (b), there are authorized to be appropriated for the National Endowment for Democracy $5,000,000 for fiscal year 1992.

(b) REPORTING REQUIREMENT.—The National Endowment for Democracy shall submit to the Chairman of the Committee on Foreign Rela-

tions and the Speaker of the House of Representatives a comprehensive report concerning the actions of the National Endowment for Democracy and certain grantees (the Free Trade Union Institute, the Center for International Private Enterprise, the National Republican Institute for International Affairs, and the National Democratic Institute for International Affairs) to comply with the recommendations of the General Accounting Office report of March 1991, entitled "Promoting Democracy: National Endowment for Democracy's Management of Grants Needs Improvement".

(c) GENERAL ACCOUNTING OFFICE REPORT.—Not more than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives an evaluation of the actions taken by the National Endowment for Democracy and certain grantees to comply with the General Accounting Office report of March 1991.

(d) ANNUAL AUDIT.—Section 504(g) of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by striking out "may also" and inserting in lieu thereof "shall".

(e) SENSE OF CONGRESS ON PRIVATE DONATIONS.—It is the sense of the Congress that the National Endowment for Democracy should make every effort to solicit private contributions to realize the purposes of the Endowment as set forth in section 502(b) of the National Endowment for Democracy Act.

SEC. 212. USIA GRANTS.

(a) COMPETITIVE GRANT PROCEDURES.—Except as provided in subsection (b), the United States Information Agency shall work to achieve full and open competition in the award of grants.

(b) EXCEPTIONS.—The United States Information Agency may award a grant under procedures other than competitive procedures when—

(1) a grant is made under the Mutual Educational and Cultural Exchange Act of 1961 (commonly known as the Fulbright-Hays Act) or any statute which expressly authorizes or requires that a grant be made with a specified entity;

(2) the terms of an international agreement or treaty between the United States Government and a foreign government or international organization have the effect of requiring the use of procedures other than competitive procedures;

(3) a recipient organization has developed particular expertise in the planning and administration of longstanding exchange programs important to United States foreign policy; or

(4) introducing competition would increase costs.

(c) Compliance with grant guidelines.—

(1) After October 1, 1991, grants awarded by the United States Information Agency shall substantially comply with United States Information Agency grant guidelines and applicable circulars of the Office of Management and Budget.

(2) If the Agency determines that a grantee has not satisfied the requirement of paragraph (1), the United States Information Agency shall notify the grantee of the suspension of payments under a grant unless compliance is achieved within 90 days of such notice.

(3) The Agency shall suspend payments under any grant which remains in noncompliance 90 days after notification under paragraph (2).

(d) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on United States Information Agency action to comply with subsection (a).

SEC. 213. DISTRIBUTION WITHIN THE UNITED STATES OF UNITED STATES INFORMATION AGENCY PHOTOGRAPHIC WORKS OF RICHARD SAUNDERS.

(a) DISTRIBUTION TO THE SCHOMBURG CENTER FOR BLACK STUDIES.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1(a)) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Schomburg Center for Black Studies, New York, New York, master copies of the United States Information Agency photographic works of Richard Saunders, a former employee of the United States Information Agency; and

(2) the Schomburg Center for Black Studies, New York, New York, shall reimburse the Director of the United States Information Agency for any expenses of the Agency in making such master copies.

(b) REIMBURSEMENT.—Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 214. ISRAELI ARAB SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—Subject to the availability of funds under subsection (d), there is established in the United States Information Agency a fund to be known as the Israeli Arab Scholarship Fund (hereinafter in this Act referred to as the "fund"). The income from the fund shall be used for a program of scholarships for Israeli Arabs to attend institutions of higher education in the United States to be known as the Israeli Arab Scholarship Program (hereinafter in the section referred to as the "program"). The fund and the program shall be administered by the United States Information Agency in accordance with this section and the Mutual Educational and Cultural Exchange Act of 1961. The fund may accept contributions and gifts from public and private sources.

(b) ADMINISTRATION OF THE FUND.—It shall be the duty of the Director of the United States Information Agency to invest in full amounts made available to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(c) APPROPRIATIONS FROM THE FUND.—For each fiscal year, there is authorized to be appropriated from the fund for the Israeli Arab Scholarship Program the interest and earnings of the fund.

(d) FUNDING.—Amounts made available under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, (as amended by section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991) are authorized to be appropriated to the fund.

SEC. 215. ELIGIBILITY OF NED FOR GRANTS.

Section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by adding at the end thereof the following:

"(j) After January 31, 1993, no member of the Board of the Endowment may be a member of the board of directors or an officer of any grantee of the National Endowment for Democracy which receives more than 5 percent of the funds of the Endowment for any fiscal year.".

SEC. 216. ESTABLISHMENT OF USIA OFFICE IN VIENTIANE, LAOS.

The Director of the United States Information Agency shall establish an office in Vientiane, Laos, to assist in the propagation of American economic and political values.

PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961 the following amounts:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $37,749,000 for the fiscal year 1992 and $39,308,000 for the fiscal year 1993.

(2) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $110,454,000 for the fiscal year 1992 and $117,297,000 for the fiscal year 1993.

(3) HUBERT H. HUMPHREY FELLOWSHIP PROGRAM.—For the "Hubert H. Humphrey Fellowship Program", $5,682,000 for the fiscal year 1992 and $6,000,000 for the fiscal year 1993.

(4) INTERNATIONAL VISITORS PROGRAM.—For the "International Visitors Program", $45,366,000 for the fiscal year 1992 and $47,650,000 for the fiscal year 1993.

(5) OTHER PROGRAMS.—For "East Europe Training Projects", "Citizen Exchange Programs", and the "Congress-Bundestag Exchange Program", $14,028,000 for the fiscal year 1992 and $14,700,000 for the fiscal year 1993.

(6) WORLD UNIVERSITY GAMES.—For cultural and exchange related activities associated with the 1993 World University Games in Buffalo, New York, $2,000,000 for fiscal year 1992 and $2,000,000 for fiscal year 1993, provided that amounts authorized under this subsection are subject to all requirements governing United States Information Agency assistance to private organizations.

(7) NEAR AND MIDDLE EAST PROGRAMS.—For "Near and Middle East Programs", $3,000,000 for fiscal year 1993.

(8) VIETNAM SCHOLARSHIP PROGRAM.—For the "Vietnam Scholarship Program" established by section 229, $300,000 for each of the fiscal years 1992 and 1993.

(9) SOVIET-AMERICAN INTERPARLIAMENTARY EXCHANGES.—For the expenses of Soviet-American Interparliamentary meetings and visits in the United States approved by the joint leadership of the Congress, after an opportunity for appropriate consultation with the Secretary of State and the Director of the United States Information Agency, there are authorized to be appropriated $2,000,000 for the fiscal year 1992, of which not more than $1,000,000 shall be available for obligation or expenditure during that fiscal year. Amounts appropriated under this subsection are authorized to be available until expended.

SEC. 222. FULBRIGHT EXCHANGE PROGRAMS ENHANCEMENT.

In addition to amounts authorized to be appropriated by section 221(2) for the Fulbright Academic Exchange Programs, $2,700,000 is authorized to be appropriated for each of the fiscal years 1992 and 1993 to increase amounts otherwise available for Fulbright Academic Exchange Programs for exchanges involving Latin America, Asia, and Africa.

SEC. 223. USIA CULTURAL CENTER IN KOSOVO.

(a) ESTABLISHMENT.—The Director of the United States Information Agency shall establish a cultural center in the capital of Kosovo in Yugoslavia when the Secretary of State determines that the physical security of the center and the personal safety of its employees may be reasonably assured.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a center is established under subsection (a), the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Rela-

tions of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives on progress toward establishment of a center pursuant to subsection (a), including an assessment by the Secretary of State of the risks to physical and personal security of the establishment of such a center.

SEC. 224. CONFORMING AMENDMENT ON CERTAIN USIA SCHOLARSHIPS.

Section 225(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended—

(1) by striking out "Of the funds authorized to be appropriated by section 221 for each of the fiscal years 1990 and 1991," and inserting in lieu thereof "Of funds made available to the Bureau of Education and Cultural Affairs to carry out the Mutual Educational and Cultural Exchange Act of 1961, for each of the fiscal years 1992 and 1993"; and

(2) by striking out "shall" each place it appears and inserting in lieu thereof "are authorized to".

SEC. 225. EASTERN EUROPE STUDENT EXCHANGE ENDOWMENT FUND.

(a) ESTABLISHMENT OF FEDERAL ENDOWMENT.—The Director of the United States Information Agency is authorized to establish an endowment fund (hereafter in this section referred to as the "fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Director may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) TRANSFER.—

(1) APPROPRIATIONS AND OTHER AVAILABLE FUNDS.—The Director shall transfer to the fund the amounts appropriated pursuant to the authority of subsection (f) to carry out the exchange program under this section.

(2) GIFTS.—(A) The Director is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any sums received by the Director pursuant to subparagraph (A) shall be transferred to the fund.

(3) IN GENERAL.—The Director in investing the corpus and income of the fund, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) SPECIAL RULE.—The fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(d) WITHDRAWALS AND EXPENDITURES.—The Director may withdraw or expend amounts from the fund for any expenses necessary to carry out the exchange program described in subsection (a).

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Director" means the Director of the United States Information Agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out the provisions of this section. Funds appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 226. ENHANCED EDUCATIONAL EXCHANGE PROGRAM.

(a) PROGRAMS FOR FOREIGN STUDENTS AND SCHOLARS.—

(1) Not later than September 30, 1993, the number of scholarships provided to foreign students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in the United States shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only—

(A) to students and scholars from the new democracies of Eastern Europe,

(B) to students and scholars from the Soviet Union;

(C) to students and scholars from countries determined by the Associate Director of the Bureau of Educational and Cultural Affairs to be not adequately represented in the foreign student population in the United States.

(b) PROGRAMS FOR UNITED STATES STUDENTS AND SCHOLARS.—

(1) Not later than September 30, 1993, the number of scholarships provided to United States students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in other countries shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only for study, research, and teaching in the new democracies of Eastern Europe, the Soviet Union, and non-European countries.

(c) DEFINITION.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books and supplies, equipment required for courses at an educational institution, and living expenses at a United States or foreign educational institution.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for the Bureau of Educational and Cultural Affairs, there are authorized to be appropriated $2,000,000 for fiscal year 1992 and $2,000,000 for fiscal year 1993 to carry out the purposes of this section. Amounts appropriated under this subsection are authorized to be available until expended.

SEC. 227. LAW AND BUSINESS TRAINING PROGRAM FOR GRADUATE STUDENTS FROM THE SOVIET UNION, LITHUANIA, LATVIA, AND ESTONIA.

(a) STATEMENT OF PURPOSE.—The purpose of this section is to establish a scholarship program designed to bring students from the Soviet Union, Lithuania, Latvia, and Estonia to the United States for study in the United States.

(b) SCHOLARSHIP PROGRAM AUTHORITY.—Subject to the availability of appropriations under subsection (d), the President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education together with private and public sector internships by nationals of the Soviet Union, Lithuania, Latvia, and Estonia who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(c) GUIDELINES.—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency should develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic reform and political development in the Soviet Union, Lithuania, Latvia, and Estonia, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics, Lithuania, Latvia, and Estonia.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this section that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

(d) FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.—There are authorized to be appropriated to the United States Information Agency $7,000,000 for fiscal year 1992, and $7,000,000 for fiscal year 1993, to carry out this section.

(e) COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.—Any authority provided by this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 228. NEAR AND MIDDLE EAST RESEARCH AND TRAINING.

(a) NEAR AND MIDDLE EAST STUDIES.—The Director of the United States Information Agency may expend from the amount authorized for the Bureau of Educational and Cultural Affairs, such sums as are appropriate to assist graduate and postdoctoral studies by United States scholars on the Near and Middle East.

(b) REPORT.—The Director of the United States Information Agency shall prepare and submit to the President and the Congress at the end of each fiscal year in which assistance is provided under subsection (a) a report concerning such assistance.

(c) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the

Director of the United States Information Agency, in consultation with qualified government agencies and appropriate private organizations and individuals, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives recommendations concerning the conduct of educational and cultural exchange programs administered and funded by the Agency.

(d) DEFINITION.—For purposes of this section, the term "Near and Middle East" refers to the region consisting of those countries and peoples covered by the Bureau of Near Eastern and South Asian Affairs of the Department of State on the day before the date of the enactment of this Act.

SEC. 229. SCHOLARSHIPS FOR VIETNAMESE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1992 and 1993, 15 scholarships for Vietnamese residents in Vietnam qualified to study in the United States for the purpose of studying in the United States. Each scholarship made available under this subsection shall be for not less than one semester of study in a United States college or university.

(b) PREFERENCE IN AWARDING SCHOLARSHIPS.—In awarding scholarships under this section, preference shall be given to candidates intending to pursue studies in economics and commercial law.

PART C—BUREAU OF BROADCASTING

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Information Agency for the Bureau of Broadcasting for carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act the following amounts:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $196,942,000 for the fiscal year 1992 and $216,815,000 for the fiscal year 1993.

(2) TELEVISION AND FILM SERVICE.—For "Television and Film Service", $33,185,000 for the fiscal year 1992 and $34,476,000 for the fiscal year 1993.

(3) ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES.—For "Acquisition and Construction of Radio Facilities", $98,043,000 for the fiscal year 1992 and $103,000,000 for the fiscal year 1993.

(4) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $38,988,000 for the fiscal year 1992 and $34,525,000 for the fiscal year 1993.

SEC. 232. TELEVISION BROADCASTING TO CUBA ACT.

Section 247 of the Television Broadcasting to Cuba Act (22 U.S.C. 1465ee) is amended by adding at the end thereof the following:

"(c) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the purposes of this part are authorized to be available until expended.".

SEC. 233. YUGOSLAVIAN PROGRAMMING WITHIN THE VOICE OF AMERICA.

The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America.

SEC. 234. VOICE OF AMERICA BROADCASTS IN KURDISH.

(a) FINDINGS.—The Congress finds that—

(1) more than 20 million Kurds have no source of reliable and accurate news and information in their own language;

(2) the Kurdish people have been subject to extreme repression, including the denial of fundamental cultural and human rights, the extensive destruction of villages, and the mass killing of Kurds by the Iraqi regime; and

(3) the Voice of America provides an effective means by which the Kurdish people may be informed of events in the free world and pertaining to their own situation.

(b) BROADCASTS IN KURDISH.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) AMOUNT OF PROGRAMMING.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than 1 hour each day.

(d) PLAN FOR A KURDISH LANGUAGE SERVICE.—Not later than 90 days after enactment of this Act, the Director of the United States Information Agency shall submit to the Chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progress made toward implementation of this section.

(e) HIRE OF KURDISH LANGUAGE SPEAKERS.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(f) SURROGATE HOME SERVICE.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the Chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than 2 hours a day.

SEC. 235. REPORTS ON THE FUTURE OF INTERNATIONAL BROADCASTING.

(a) REPORT ON INTERNATIONAL BROADCASTING.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives the report of the Policy Coordinating Committee on International Broadcasting.

(b) REPORT ON UNITED STATES GOVERNMENT BROADCASTING.—The President's Task Force on United States Government International Broadcasting shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a complete text of its report to the President on United States Government Broadcasting.

PART D—BOARD FOR INTERNATIONAL BROADCASTING

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)) is amended to read as follows:

"(1) There are authorized to be appropriated to carry out the purposes of this Act and the Inspector General Act of 1978—

"(A) $212,491,000 for fiscal year 1992 and $221,203,000 for fiscal year 1993 (at April 2, 1991 exchange rates) and such additional amounts for each such fiscal year as may be necessary to offset adverse fluctuations in foreign currency exchange rates; and

"(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.".

(b) BUDGET ACT COMPLIANCE.—Section 8(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) The authorities of paragraph (1) may be exercised only in such amounts and to such extent as provided for in advance in an appropriations Act.".

SEC. 242. BOARD FOR INTERNATIONAL BROADCASTING ACT.

Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows:

"(b) Beginning with fiscal year 1983, any amount appropriated under subsection (a)(1), which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated, shall be certified to the Congress by the Director of the Office of Management and Budget and shall—

"(1) be placed in reserve in a separate account in the Treasury only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year; or

"(2) be used to make payments to RFE/RL's United States and German pension plans in order to avoid future pension liabilities.

Any such amount placed in reserve may be merged with and made available for the same time period and same purposes as amounts appropriated under subsection (a)(2) of this section.".

SEC. 243. BROADCASTING TO CHINA.

(a) COMMISSION ON BROADCASTING TO THE PEOPLE'S REPUBLIC OF CHINA.—

(1) ESTABLISHMENT.—There is established a Commission on Broadcasting to the People's Republic of China (hereafter in this title referred to as the "Commission") which shall be an independent commission in the executive branch.

(2) MEMBERSHIP.—The Commission shall be composed of 11 members from among citizens of the United States who shall, within 45 days of the enactment of this Act, be appointed in the following manner:

(A) The President shall appoint 3 members of the Commission.

(B) The Speaker of the House of Representatives shall appoint 2 members of the Commission.

(C) The Majority Leader of the Senate shall appoint 2 members of the Commission.

(D) The Minority Leader of the House of Representatives shall appoint 2 members of the Commission.

(E) The Minority Leader of the Senate shall appoint 2 members of the Commission.

(3) CHAIRPERSON.—The President, in consultation with the congressional leaders referred to in subsection (b), shall designate 1 of the members to be the Chairperson.

(4) QUORUM.—A quorum, consisting of at least half of the members who have been appointed, shall be required for the transaction of business.

(5) VACANCIES.—Any vacancy in the membership of the commission shall be filled in the same manner as the original appointment was made.

(b) FUNCTIONS.—

(1) PURPOSE.—The Commission shall examine the feasibility, effect, and implications for United States foreign policy of instituting a radio broadcasting service to the People's Republic of China, as well as to other communist countries in Asia, to promote the dissemination of information and ideas, with particular emphasis on developments within each of those nations.

(2) SPECIFIC ISSUES TO BE EXAMINED.—The Commission shall examine all issues related to instituting such a service, including—

(A) program content;

(B) staffing and legal structure;

(C) transmitter and headquarters requirements;

(D) costs;

(E) expected effect on developments within China and on Sino-American relations; and

(F) expected effect on developments within other communist countries in Asia and on their relations with the United States.

(3) METHODOLOGY.—The Commission shall conduct such studies, inquiries, hearings, and meetings as it considers necessary.

(4) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the President of the Senate a report describing its activities in carrying out the purpose of paragraph (1) and including recommendations regarding the issues of paragraph (2).

(c) ADMINISTRATION.—

(1) COMPENSATION AND TRAVEL EXPENSES.—

(A) GENERAL PROVISION.—

(i) Except as provided in subparagraph (B), members shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Commission; and

(ii) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) LIMITATION.—Any member of the Commission who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Commission.

(2) SUPPORT FROM EXECUTIVE AND LEGISLATIVE BRANCHES.—

(A) EXECUTIVE AGENCIES.—Executive agencies shall, to the extent the President considers appropriate and as permitted by law, provide the Commission with appropriate information, advice, and assistance.

(B) CONGRESSIONAL COMMITTEES.—As may be considered appropriate by the chairpersons, committees of Congress may provide appropriate information, advice, and assistance to the Commission.

(3) EXPENSES.—Expenses of the Commission shall be paid from funds available to the Department of State.

(d) TERMINATION.—The Commission shall terminate upon submission of the report under subsection (b).

SEC. 244. POLICY ON RADIO FREE EUROPE.

It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should maintain its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) that nation has clearly demonstrated the successful establishment and consolidation of democratic rule.

TITLE III— MISCELLANEOUS FOREIGN POLICY PROVISIONS

PART A—FOREIGN POLICY PROVISIONS

SEC. 301. PERSIAN GULF WAR CRIMINALS.

(a) INTERNATIONAL CRIMINAL TRIBUNAL.—

(1) PROPOSAL FOR ESTABLISHMENT.—It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

(2) ALTERNATIVE MEANS FOR ESTABLISHMENT.—If the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, it is the sense of the Congress that the President should work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

(b) DESIGNATION OF RESPONSIBILITY AT STATE DEPARTMENT.—The Secretary of State shall designate a high level official with responsibility for—

(1) the development of a proposal for the prosecution of Persian Gulf War criminals in an international tribunal, including proposing in the United Nations the establishment of such a tribunal, and advising the United States Permanent Representative to the United Nations in any discussion or negotiations concerning such matters;

(2) advising the President on the appropriate jurisdiction for the prosecution of Persian Gulf war criminals; and

(3) supporting and facilitating United States implementation of its duties and responsibilities with respect to any tribunal which may be established for the prosecution of Persian Gulf war criminals.

(c) PRESIDENTIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed under subsection (b)(1);

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

SEC. 302. BENEFITS FOR UNITED STATES HOSTAGES CAPTURED IN LEBANON.

(a) IN GENERAL.—Section 599C of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended—

(1) in subsection (a), by adding at the end of the first sentence "during fiscal year 1991 and hereafter";

(2) in paragraphs (3) and (4) of subsection (b), by striking out "During" each place it appears and inserting in lieu thereof "Except as provided in paragraph (5), during";

(3) by adding at the end of subsection (b) the following new paragraph:

"(5) For purposes of the application of paragraphs (3) and (4) to United States hostages captured in Lebanon, the period of entitlement of benefits, subject to the availability of funds, shall be the period of an individual's hostage status, plus a 60-month period following the termination of the hostage status of that individual.";

(4) in subsection (d), by amending paragraph (4)(B) to read as follows:

"(B) the term 'United States hostages captured in Lebanon' means United States nationals, including lawful permanent residents of the United States, who have been forcibly detained, held hostage, or interned for any period of time after June 1, 1982, by any government (including the agents thereof) or group in Lebanon for the purpose of coercing the United States Government or any other government."; and

(5) in subsection (e), by amending paragraph (2) to read as follows:

"(2) Notwithstanding any other provision of law, funds allocated under paragraph (1) are authorized to remain available until expended.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be deemed to have become effective as of the date of enactment of the Foreign Operations Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513).

SEC. 303. REPORTS CONCERNING CHINA.

(a) REPORT TO CONGRESS.—Not later than May 1, 1992 and May 1, 1993, the President shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People's Republic of China in the following areas:

(1) Human rights, including—

(A) the surveillance, intimidation, and harassment of Chinese citizens living within China because of their pro-democracy activities;

(B) the surveillance, intimidation, and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities;

(C) the use of torture or other cruel, inhuman, or degrading treatment or punishment;

(D) political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese Government for their pro-democracy activities;

(E) prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(F) the use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(G) the Chinese Government's willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and

(H) the detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religious belief.

(2) Weapons proliferation—

(A) Exports by the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(i) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(ii) technologies capable of producing weapons-grade nuclear material; and

(iii) technology and materials needed for the production or use of chemical and biological arms.

(B) JOINING ARMS SUPPLIER REGIMES.—The adoption of guidelines and restrictions set forth by—

(i) the Missile Technology Control Regime;

(ii) the Australia Group on Chemical and Biological arms proliferation; and

(iii) the Nuclear Suppliers Group.

(3) Restrictions on trade between the United States and China, which are not described in the National Trade Estimate Report required under section 181 of the Trade Act of 1974, including—

(A) internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(B) regulations established since 1988 to ensure strict control over more than 100 categories of products;

(C) excessive duties imposed on imports to China;

(D) excessive licensing requirements for imported goods;

(E) restrictions on private ownership of property, including capital;

(F) section 301 violations, including attempts to evade United States import quotas; and

(G) protection for intellectual property.

(b) HISTORICAL BACKGROUND.—The report shall also include—

(1) a compendium of the most significant actions taken by the Chinese government since the Tiananmen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade); and

(2) a list of the most significant United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(c) CLASSIFIED ANNEX.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—The "appropriate congressional committees" referred to in subsection (a) shall include the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.

SEC. 304. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) REPORTS TO CONGRESS.—Beginning 90 days after the date of enactment of this Act and every 365 days thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives a report describing the nature and extent of assets held in the United States by terrorist countries and any organization engaged in international terrorism.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "terrorist countries", refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act; and

(2) the term "international terrorism" has the meaning given such term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

PART B—ARMS CONTROL AND PROLIFERATION

SEC. 321. LIMITATION ON RESCISSION OF PROHIBITIONS APPLICABLE TO TERRORIST COUNTRIES.

Section 40(f) of the Arms Export Control Act (22 U.S.C. 2780(f)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of each of paragraphs (1) and (2) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" immediately after "(f)" RESCISSION.—"; and

(4) by adding at the end thereof the following new paragraph:

"(2)(A) No rescission under paragraph (1)(B) of a determination under subsection (d) may be made if the Congress, within 45 days after receipt of a report under paragraph (1)(B), enacts a joint resolution the matter after the resolving clause of which is as follows: 'That the proposed rescission of the determination under section 40(d) of the Arms Export Control Act pursuant to the report submitted to the Congress on is hereby prohibited.', the blank to be completed with the appropriate date.

"(B) A joint resolution described in subparagraph (A) and introduced within the appropriate 45-day period shall be considered in the Senate and the House of Representatives in accordance with paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act (as contained in Public Law 98–473), except that references in such paragraphs to the Committees on Appropriations of the House of Representatives and the Senate shall be deemed to be references to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.".

SEC. 322. POLICY ON MIDDLE EAST ARMS SALES.

In recognition of the particular volatility of the Middle East, the tremendous cost in human lives and suffering in the aftermath of the aggression by Iraq, and the imperative that stability be maintained in the region while the course toward lasting peace is pursued, the authority to make sales under the Arms Export Control Act or to furnish military assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 shall be exercised with regard to the Middle East for the objectives set forth in law and that the President should—

(1) transfer defense articles and services only to those nations that have given reliable assurances that such articles will be used only for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security;

(2) transfer defense articles and services to nations in the region only after it has been determined that such transfers will not contribute to an arms race, will not increase the possibility of outbreak or escalation of conflict and will not prejudice the development of bilateral or multilateral arms control arrangements; and

(3) take steps to ensure that each nation of the Middle East that is a recipient of United States defense articles and services—

(A) affirms the right of all nations in the region to exist within safe and secure borders; and

(B) supports or is engaged in direct regional peace negotiations.

SEC. 323. MISSILE TECHNOLOGY.

(a) ACQUISITION.—Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting "acquisition," before "design,".

(b) NONMARKET ECONOMIES.—Section 74(8)(B) of the Arms Export Control Act is amended by striking "countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)" and inserting in lieu thereof "countries with non-market economies (excluding former members of the Warsaw Pact) ".

(c) MILITARY AIRCRAFT.—Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking "aircraft, electronics, and space systems or equipment" and inserting in lieu thereof: "electronics, space systems or equipment, and military aircraft".

SEC. 324. REPORT ON CHINESE WEAPONS PROLIFERATION PRACTICES.

(a) REQUIREMENT.—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on "Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices".

(b) CONTENT.—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

SEC. 325. REPORT ON SS-23 MISSILES.

Pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide a classified report with an unclassified summary to the Senate on whether the SS–23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.

PART C—DECLARATIONS OF CONGRESS

SEC. 351. RECIPROCAL DIPLOMATIC STATUS WITH MEXICO.

It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited in the same manner and accorded the same status as United States diplomatic and consular personnel serving as official representatives at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accredited in the same manner and accorded the same diplomatic and consular status as United States Drug Enforcement Administration personnel serving in Mexico.

SEC. 352. UNITED STATES PRESENCE IN LITHUANIA, LATVIA, AND ESTONIA.

It is the sense of the Congress that in the aftermath of the reestablishment of full diplomatic relations between the United States and Lithuania, Latvia, and Estonia, the United States Government, including the Secretary of State, the Director of the United States Information Agency, and the Director of the Foreign Commercial Service, should provide in Lithuania, Latvia, and Estonia—

(1) an embassy and full complement of embassy staff and personnel;

(2) cultural and information officers for the purpose of expanding cultural contacts and promoting citizen, academic, professional, and other exchange programs between the United States and Lithuania, Latvia, and Estonia; and

(3) commercial representatives for the purpose of expanding commercial and trade relations between the United States and Lithuania, Latvia, and Estonia.

SEC. 353. LAOTIAN-AMERICAN RELATIONS.

It is the sense of the Congress that the President, in recognition of the constructive changes taking place in Laos, should—

(1) upgrade the current American diplomatic representation in Vientiane, Laos, from Charge d'Affaires to the level of Ambassador;

(2) ensure that an American military attache is permanently assigned to the United States mission in Vientiane to assist the recovery of American prisoners of war and missing in action; and

(3) ensure that Drug Enforcement Agency personnel are permanently assigned, when prac-

ticable, to the United States mission in Vientiane for the purpose of accelerating cooperative efforts in narcotics eradication and interdiction.

SEC. 354. POW/MIA STATUS.

It is the sense of the Congress that—

(1) the United States should continue to give the highest national priority to accounting as fully as possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to securing the return of any Americans who may still be held captive in Southeast Asia;

(2) the United States should ensure that there is a viable sustained process of joint cooperation with the Socialist Republic of Vietnam and the Lao People's Democratic Republic to achieve credible answers for the families of America's servicemen and civilians who are missing or otherwise unaccounted for, including primary-next-of-kin access to all records and information resulting from the process of joint investigations, surveys, and excavations;

(3) the United States should encourage and provide all necessary assistance to the families of POW/MIAs and to American veterans organizations, such as the American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America in their efforts to account for POW/MIAs;

(4) General John Vessey should be highly commended for his personal commitment to resolving the POW/MIA issue;

(5) the United States should develop a means to obtain the fullest possible accounting for Americans who are listed as missing or otherwise unaccounted for in Cambodia, without placing this humanitarian objective into conflict with United States efforts to obtain an acceptable political settlement of the Cambodian situation; and

(6) the United States should heighten responsible public awareness of the Americans still missing or otherwise unaccounted for in Southeast Asia through the dissemination of factual data.

SEC. 355. CHINA'S ILLEGAL CONTROL OF TIBET.

It is the sense of the Congress that—

(1) Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, is an occupied country under the established principles of international law;

(2) Tibet's true representatives are the Dalai Lama and the Tibetan Government in exile as recognized by the Tibetan people;

(3) Tibet has maintained throughout its history a distinctive and sovereign national, cultural, and religious identity separate from that of China and, except during periods of illegal Chinese occupation, has maintained a separate and sovereign political and territorial identity;

(4) historical evidence of this separate identity may be found in Chinese archival documents and traditional dynastic histories, in United States recognition of Tibetan neutrality during World War II, and in the fact that a number of countries including the United States, Mongolia, Bhutan, Sikkim, Nepal, India, Japan, Great Britain, and Russia recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese government;

(5) in 1949–1950, China launched an armed invasion of Tibet in contravention of international law;

(6) it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another; and

(7) numerous United States declarations since the Chinese invasion have recognized Tibet's right to self-determination and the illegality of China's occupation of Tibet.

SEC. 356. RELEASE OF PRISONERS HELD IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in addition to other requirements of law, the President should not lift United States economic sanctions currently in place against the Iraqi government, and should continue to make every effort to ensure the multinational coalition maintains the full range of economic sanctions as embodied in the appropriate United Nations Security Council resolutions; and

(2) such sanctions should remain in effect until the Iraqi government has released all individuals held prisoner and has accounted as fully as possible for all those missing as a result of Iraq's invasion of Kuwait, including those Kuwaiti citizens and other Kuwaiti residents captured or detained by Iraq.

(b) REPORT TO CONGRESS.—The Secretary of State shall—

(1) continue to consult with the International Committee of the Red Cross (ICRC) on the status of a detailed list of all Kuwaiti citizens and other residents of Kuwait believed to have been captured or detained by the government of Iraq; and

(2) to the extent such information is available, submit a report on the steps which have been taken and planned actions to effect the release of remaining prisoners held by Iraq to the appropriate committees of the Congress not later than 180 days after the date of the enactment of this Act.

(c) DEFINITION.—For the purposes of this section the term "appropriate committees of the Congress" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 357. POLICY TOWARD HONG KONG.

It is the sense of the Congress that the United States should encourage the Government of the United Kingdom to provide the people of Hong Kong all possible civil liberties, including popular election of the territory's Legislative Council, so that it will bequeath a fully functioning, self-governing democracy to China in 1997.

SEC. 358. POLICY TOWARD TAIWAN.

It is the sense of Congress that—

(1) Taiwan's economic dynamism is a tribute to the success of the postwar United States assistance program and to Taiwan's commitment to an international system of free trade;

(2) Taiwan's economic growth has made it in recent years an indispensable part of regional and international networks of trade, investment, and finance; and

(3) the United States should support Taiwan's interest in playing a role in international and regional economic organizations.

SEC. 359. HUMAN RIGHTS ABUSES IN EAST TIMOR.

(a) FINDINGS.—The Congress finds that—

(1) many tens of thousands out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;

(2) Amnesty International and other international human rights organizations continue to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;

(3) serious medical, nutritional, and humanitarian problems persist in East Timor;

(4) a state of intermittent conflict continues to exist in East Timor; and

(5) the Governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the President should urge the Government of Indonesia to take action to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;

(2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to continue and expand cooperation with international humanitarian relief and development organizations seeking to work in East Timor; and,

(3) the Administration should encourage the Secretary General of the United Nations and the governments of Indonesia, Portugal, and other involved parties, to arrive at an internationally acceptable solution which addresses the underlying causes of the conflict in East Timor.

SEC. 360. SUPPORT FOR NEW DEMOCRACIES.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations, particularly the Conference on Security and Cooperation in Europe (CSCE) and independence for all republic-level governments which seek such status;

(2) to shape its foreign assistance and other programs to support those republics that pursue a democratic and market-oriented course of development, and demonstrate a commitment to abide by the rule of law; and

(3) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and Lithuania, Latvia, and Estonia and republic-level governments;

(4) to condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination; and

(5) to view the threatened and actual use of force to suppress the self-determination of republic-level governments and Lithuania, Latvia, and Estonia as an obstacle to fully normalized United States-Soviet relations.

SEC. 361. POLICY REGARDING UNITED STATES ASSISTANCE TO THE SOVIET UNION AND YUGOSLAVIA.

(a) CONGRESSIONAL STATEMENT.—An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stable economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions.

(b) DECLARATION OF UNITED STATES POLICY.—It is the policy of the United States, to the extent feasible and consistent with United States national interest, that—

(1) assistance to the Soviet Union and Yugoslavia, including their successor entities or any constituent part, shall be conditioned on significant steps toward political pluralism based on a democratic multi-party political system, economic reform based on a market-oriented economy, respect for internationally recognized human rights and a willingness to build a friendly relationship with the United States; and

(2) expanded trade with the republics in the Soviet Union and Yugoslavia or their successor entities should be encouraged.

SEC. 362. POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.

It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the release of all political prisoners and the resolution of controversy about who is eligible for release as a political prisoner;

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners in South of Africa; and

(3) satisfactory resolution between the South African government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

SEC. 363. UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.

(a) FINDINGS.—The Congress finds that—

(1) the Warsaw Pact military alliance no longer exists;

(2) the Soviet Union's capability to pose a military threat to European security has retreated radically; and

(3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new United States tactical nuclear weapons on European soil.

(b) POLICY.—It is the sense of the Congress that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the Council of the North Atlantic Treaty Organization has officially announced how, when, and where such tactical nuclear systems will be deployed.

SEC. 364. UNITED STATES SUPPORT FOR UNCED.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations Conference on Environment and Development (hereinafter in this section referred to as "UNCED") is scheduled to meet in June 1992 in Rio de Janeiro, Brazil; and

(2) UNCED affords a major opportunity to shape international environmental policy as an underpinning of sustainable development for well into the next century.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should seek to integrate environmental principles and considerations into all spheres of international economic activity;

(2) the President should accord the UNCED process high-level attention and priority within the executive branch;

(3) the United States should exercise a leadership role in preparations for the June 1992 meeting of the UNCED;

(4) the United States should carefully consider what it hopes to achieve through the UNCED and how United States national security interests may best be advanced in deliberations in that conference;

(5) the United States should seek ways to forge a global partnership and international cooperation among developing and industrialized nations on behalf of environmentally sound economic development;

(6) the United States should actively pursue creative approaches to the spectrum of UNCED issues which the conference will address, and in particular seek innovative solutions to the key cross-sectorial issues of technology transfer and financial resources;

(7) the United States should consider how best to strengthen international legal and institutional mechanisms to effectively address the range of UNCED issues beyond the 1992 Conference and into the next century;

(8) the United States should promote broad international participation in the UNCED process at all levels, from grass roots to national;

(9) the Agency for International Development should assume an appropriate role in the preparations for the June 1992 meeting of the UNCED, in view of the mandate and expertise of that agency regarding the twin conference themes of international environment and development; and

(10) the executive branch should consider funding for appropriate activities related to the UNCED in amounts which are commensurate with United States responsibilities in the world, as such funds can engender good will and further our national interests and objectives in the UNCED process.

TITLE IV—ARMS TRANSFERS RESTRAINT POLICY FOR THE MIDDLE EAST AND PERSIAN GULF REGION

SEC. 401. FINDINGS.

The Congress finds that—

(1) nations in the Middle East and Persian Gulf region, which accounted for over 40 percent of the international trade in weapons and related equipment and services during the decade of the 1980's, are the principal market for the worldwide arms trade;

(2) regional instability, large financial resources, and the desire of arms-supplying governments to gain influence in the Middle East and Persian Gulf region, contribute to a regional arms race;

(3) the continued proliferation of weapons and related equipment and services contribute further to a regional arms race in the Middle East and Persian Gulf region that is politically, economically, and militarily destabilizing;

(4) the continued proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons, poses an urgent threat to security and stability in the Middle East and Persian Gulf region;

(5) the continued proliferation of ballistic missile technologies and ballistic missile systems that are capable of delivering conventional, nuclear, biological, or chemical warheads undermines security and stability in the Middle East and Persian Gulf region;

(6) future security and stability in the Middle East and Persian Gulf region would be enhanced by establishing a stable military balance among regional powers by restraining and reducing both conventional and unconventional weapons;

(7) security, stability, peace, and prosperity in the Middle East and Persian Gulf region are important to the welfare of the international economy and to the national security interests of the United States;

(8) future security and stability in the Middle East and Persian Gulf region would be enhanced through the development of a multilateral arms transfer and control regime similar to those of the Nuclear Suppliers' Group, the Missile Technology Control Regime, and the Australia Chemical Weapons Suppliers Group;

(9) such a regime should be developed, implemented, and agreed to through multilateral negotiations, including under the auspices of the 5 permanent members of the United Nations Security Council;

(10) confidence-building arms control measures such as the establishment of a centralized arms trade registry at the United Nations, greater multinational transparency on the transfer of defense articles and services prior to agreement or transfer, cooperative verification measures, advanced notification of military exercises, information exchanges, on-site inspections, and creation of a Middle East and Persian Gulf Conflict Prevention Center, are important to implement an effective multilateral arms transfer and control regime;

(11) as an interim step, the United States should consider introducing, during the ongoing negotiations on confidence security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information, on an annual basis, on the sale and transfer of military equipment, particularly to the Middle East and Persian Gulf region; and

(12) such a regime should be applied to other regions with the ultimate objective of achieving an effective global arms transfer and control regime, implemented and enforced through the United Nations Security Council, that—

(A) includes a linkage of humanitarian and developmental objectives with security objectives in Third World countries, particularly the poorest of the poor countries; and

(B) encourages countries selling military equipment and services to consider the following factors before making conventional arms sales: the security needs of the purchasing countries, the level of defense expenditures by the purchasing countries, and the level of indigenous production of the purchasing countries

SEC. 402. MULTILATERAL ARMS TRANSFER AND CONTROL REGIME.

(a) IMPLEMENTATION OF THE REGIME.—

(1) CONTINUING NEGOTIATIONS.—The President shall continue negotiations among the 5 permanent members of the United Nations Security Council and commit the United States to a multilateral arms transfer and control regime for the Middle East and Persian Gulf region.

(2) PROPOSING A TEMPORARY MORATORIUM DURING NEGOTIATIONS.—In the context of these negotiations, the President should propose to the 5 permanent members of the United Nations Security Council a temporary moratorium on the sale and transfer of major military equipment to nations in the Middle East and Persian Gulf region until such time as the 5 permanent members agree to a multilateral arms transfer and control regime.

(b) PURPOSE OF THE REGIME.—The purpose of the multilateral arms transfer and control regime should be—

(1) to slow and limit the proliferation of conventional weapons in the Middle East and Persian Gulf region with the aim of preventing destabilizing transfers by—

(A) controlling the transfer of conventional major military equipment;

(B) achieving transparency among arms suppliers nations through advanced notification of agreement to, or transfer of, conventional major military equipment; and

(C) developing and adopting common and comprehensive control guidelines on the sale and transfer of conventional major military equipment to the region;

(2) to halt the proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons and the technologies necessary to produce or assemble such weapons;

(3) to limit and halt the proliferation of ballistic missile technologies and ballistic missile systems that are capable of delivering conventional, nuclear, biological, or chemical warheads;

(4) to maintain the military balance in the Middle East and Persian Gulf region through reductions of conventional weapons and the elimination of unconventional weapons; and

(5) to promote regional arms control in the Middle East and Persian Gulf region.

(c) ACHIEVING THE PURPOSES OF THE REGIME.—

(1) CONTROLLING PROLIFERATION OF CONVENTIONAL WEAPONS.—In order to achieve the purposes described in subsection (b)(1), the United States should pursue the development of a multilateral arms transfer and control regime which includes—

(A) greater information-sharing practices among supplier nations regarding potential arms sales to all nations of the Middle East and Persian Gulf region;

(B) applying, for the control of conventional major military equipment, procedures already developed by the International Atomic Energy Agency, the Multilateral Coordinating Committee on Export Controls (COCOM), and the Missile Technology Control Regime (MTCR); and

(C) other strict controls on the proliferation of conventional major military equipment to the Middle East and Persian Gulf region.

(2) HALTING PROLIFERATION OF UNCONVENTIONAL WEAPONS.—In order to achieve the purposes described in subsections (b)(2) and (3), the United States should build on existing and future agreements among supplier nations by pursuing the development of a multilateral arms transfer and control regime which includes—

(A) limitations and controls contained in the Enhanced Proliferation Control Initiative;

(B) limitations and controls contained in the Missile Technology Control Regime (MTCR);

(C) guidelines followed by the Australia Group on chemical and biological arms proliferation;

(D) guidelines adopted by the Nuclear Suppliers Group (the London Group); and

(E) other appropriate controls that serve to halt the flow of unconditional weapons to the Middle East and Persian Gulf region.

(3) PROMOTION OF REGIONAL ARMS CONTROL AGREEMENTS.—In order to achieve the purposes described in subsections (b)(4) and (5), the United States should pursue with nations in the Middle East and Persian Gulf region—

(A) the maintenance of the military balance within the region, while eliminating nuclear, biological, and chemical weapons and associated delivery systems, and ballistic missiles;

(B) the implementation of confidence-building and security-building measures, including advance notification of certain ground and aerial military exercises in the Middle East and the Persian Gulf; and

(C) other useful arms control measures.

(d) MAJOR MILITARY EQUIPMENT.—As used in this title, the term "major military equipment" means—

(1) air-to-air, air-to-surface, and surface-to-surface missiles and rockets;

(2) turbine-powered military aircraft;

(3) attack helicopters;

(4) main battle tanks;

(5) submarines and major naval surface combatants;

(6) nuclear, biological, and chemical weapons; and

(7) such other defense articles and defense services as the President may determine.

SEC. 403. LIMITATION ON UNITED STATES ARMS SALES TO THE REGION.

Beginning 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, no sale of any defense article or defense service may be made to any nation in the Middle East and Persian Gulf region, and no license may be issued for the export of any defense article or defense service to any nation in the Middle East and Persian Gulf region, unless the President—

(1) certifies in writing to the relevant congressional committees that the President has undertaken good faith efforts to convene a conference for the establishment of an arms suppliers regime having elements described in section 402; and

(2) submits to the relevant congressional committees a report setting forth a United States plan for leading the world community in establishing such a multilateral regime to restrict transfers of advanced conventional and unconventional arms to the Middle East and Persian Gulf region.

SEC. 404. REPORTS TO THE CONGRESS.

(a) QUARTERLY REPORTS.—Beginning on January 15, 1992, and quarterly thereafter through October 15, 1993, the President shall submit to the relevant congressional committees a report—

(1) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and

(2) describing efforts by the United States and progress made to induce other countries to curtail significantly the volume of their arms sales to the Middle East and Persian Gulf region, and if such efforts were not made, the justification for not making such efforts.

(b) INITIAL REPORT ON TRANSFERS AND REGIONAL MILITARY BALANCE.—Not later than 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, the President shall submit to the relevant congressional committee a report—

(1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year and the previous 5 calendar years, including sources, types, and recipient nations of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfers documented under paragraph (1);

(3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b);

(4) describing any agreements establishing such a regime; and

(5) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

(c) ANNUAL REPORTS ON TRANSFERS AND REGIONAL MILITARY BALANCE.—Beginning July 15, 1992, and every 12 months thereafter, the President shall submit to the relevant congressional committees a report—

(1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year, including sources, types, and recipient nations of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfer documented under paragraph (1);

(3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and

(4) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

SEC. 405. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

As used in this title, the term "relevant congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS CONTROL

SEC. 501. SHORT TITLE.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

SEC. 502. PURPOSES.

The purposes of title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons;

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

SEC. 503. MULTILATERAL EFFORTS.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, to advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

SEC. 504. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (m) through (r) as subsections (n) through (s), respectively; and

(2) by inserting after subsection (l) the following:

"(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

"(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

SEC. 505. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after section 11B the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

"SEC. 11C. (a) IMPOSITION OF SANCTION.—

"(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism; or

"(C) any other foreign country, project, or entity designated by the President for purposes of this section.

"(3) PERSONS AGAINST WHOM SANCTION IS TO BE IMPOSED.—A sanction shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTION.—

"(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of the sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7 the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) IMPOSITION OF SANCTION.—

"(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism; or

"(C) any other foreign country, project, or entity designated by the President for purposes of this section.

"(3) PERSONS AGAINST WHOM SANCTIONS ARE TO BE IMPOSED.—A sanction shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTION.—

"(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of a sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

SEC. 506. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 507 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 507.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive

branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 507. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) INITIAL SANCTIONS.—If, at any time, the President makes a determination pursuant to section 506(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the following sanctions:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(5) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(b) ADDITIONAL SANCTIONS IF CERTAIN CONDITIONS NOT MET.—

(1) PRESIDENTIAL DETERMINATION.—Unless, within 3 months after making a determination pursuant to section 506(a)(1) with respect to a foreign government, the President determines and certifies in writing to the Congress that—

(A) that government is no longer using chemical or biological weapons in violation of international law or using lethal chemical or biological weapons against its own nationals,

(B) that government has provided reliable assurances that it will not in the future engage in any such activities, and

(C) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers, or other reliable means exist, to ensure that that government is not using chemical or biological weapons in violation of international law and is not using lethal chemical or biological weapons against its own nationals,

then the President, after consultation with the Congress, shall impose on that country the sanctions set forth in at least 3 of subparagraphs (A) through (E) of paragraph (2).

(2) SANCTIONS.—The sanctions referred to in paragraph (1) are the following:

(A) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(B) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(C) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all goods and technology not otherwise prohibited under subsection (a)(5) (excluding food and other agricultural commodities and products).

(D) DIPLOMATIC RELATIONS.—The President shall use his constitutional authorities to downgrade or suspend diplomatic relations between the United States and the government of that country.

(E) PRESIDENTIAL ACTION REGARDING AVIATION.—(i)(I) The President is authorized to notify the government of a country with respect to which the President has made a determination pursuant to section 506(a)(1) of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

(II) Within 10 days after the date of notification of a government under subclause (I), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(ii)(I) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to section 506(a)(1), in accordance with the provisions of that agreement.

(II) Upon termination of an agreement under this clause, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

(iii) The Secretary of Transportation may provide for such exceptions from clauses (i) and (ii) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(iv) For purposes of this subparagraph, the terms "air transportation", "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

(c) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) if the President determines and certifies to the Congress that such waiver is essential to the national security interests of the United States, and if the President notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect, in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, except that such procedures shall not apply to a waiver of the sanction specified in subsection (b)(2)(D) (relating to the downgrading or suspension of diplomatic relations); or

(B) if the President determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of that country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1) with respect to a country, the President's notification to the Congress under such paragraph shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority, including a description of the steps which the government of that country has taken to satisfy the conditions set forth in paragraphs (1) through (4) of subsection (c).

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in paragraph (4) or (5) of subsection (a) or in any of subparagraphs (A) through (C) of subsection (b)(2) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 506(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as that subsection is so redesignated by section 504(b) of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(5) or (b)(2)(C) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs

(1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 506(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

SEC. 508. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

And the Senate agree to the same.

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment and modifications committed to conference:

DANTE B. FASCELL,
HOWARD L. BERMAN,
TED WEISS,
MERVYN M. DYMALLY,
ENI FALEOMAVAEGA,
TOM LANTOS,
BILL BROOMFIELD,
OLYMPIA SNOWE,
BEN GILMAN,
CHRISTOPHER SMITH,

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 128, 915, and 1042 of the Senate amendment and modifications committed to conference:

MARY ROSE OAKAR,
STEVE NEAL,
JOHN J. LAFALCE,
JIM LEACH,
DOUGLAS BEREUTER,

From the Committee on the Judiciary, for consideration of secs. 126, 171, and 208 of the House bill, and secs. 123–25, 143–44, and 711–12 of the Senate amendment and modifications committed to conference.

JACK BROOKS,
ROMANO L. MAZZOLI,
MIKE KOPETSKI,
HAMILTON FISH, Jr.,
BILL MCCOLLUM,

From the Committee on Post Office and Civil Service, for consideration of secs. 118 and 121, and part D of title I of the House bill, and secs. 119 and 920, and part D of title I of the Senate amendment and modifications committed to conference:

WILLIAM L. CLAY,
GERRY SIKORSKI,
GARY L. ACKERMAN,
FRANK HORTON,
JOHN T. MYERS,

From the Committee on Ways and Means, for consideration of secs. 621, 913, 925 and 1104 of the Senate amendment and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
BILL ARCHER,
PHIL CRANE,

Managers on the Part of the House.

CLAIBORNE PELL,
JOHN F. KERRY,
PAUL SIMON,
DANIEL PATRICK MOYNIHAN,
JOSEPH R. BIDEN, Jr.,
PAUL SARBANES,
CHRISTOPHER J. DODD,
JESSE HELMS,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,
LARRY PRESSLER,
FRANK H. MURKOWSKI,
HANK BROWN,

From the Committee on Banking, Housing, and Urban Affairs, solely for the consideration of title X:

DON RIEGLE,
PAUL SARBANES,
JAKE GARN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS; RESTRICTIONS

The House bill (sections 101–105, 201, 221, 231 and 241) authorizes a total of $5,493,363,000 for fiscal year 1992 and $4,444,383 for fiscal year 1993 for the Department of State, USIA, and BIB.

The Senate amendment (sections 101–105, 201, 221, 231 and 241) authorizes a total of $5,582,382,000 for fiscal year 1992 and $5,580,750,000 for fiscal year 1993 for the Department of State, USIA, and BIB.

The conference substitute (sections 101–105, 201, 221, 231 and 241) authorizes $5,496,878,500 in fiscal year 1992 and $5,779,898,000 for fiscal year 1993 for the Department of State, USIA, and BIB.

In addition, the conferees assume a further $110,966,000 for fiscal year 1992 and $131,808,000 for fiscal year 1993 in authorization for "Acquisition and Maintenance of Buildings Abroad" under section 401 of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. The conferees also assume a further $2.75 million for fiscal year 1992 in authorization for "Bilateral Science and Technology" under the Support for East European Democracy Act of 1989.

The conference substitute incorporates the following caps, subauthorizations and limitations:

(1) A specific $4 million subauthorization for each fiscal year for Counterterrorism Research and Development.

(2) A $2 million cap on travel, representation and gift expenditures from the "Emergencies in the Diplomatic and Consular Service" account.

(3) A specific $10 million subauthorization for each fiscal year for language training.

(4) Caps of $4,100,000 for FY 1992 and $5,400,000 for FY 1993 for procurement of equipment for the Beltsville information management center.

(5) A specific $750,000 subauthorization for FY 1992 for shared costs of Conference on Security and Cooperation in Europe (CSCE) parliamentary meetings.

(6) A specific $1,500,000 subauthorization for minority recruitment into the Foreign Service.

(7) A specific $575,000 subauthorization for U.S. participation in the United Nations Conference on Environment and Development (UNCED).

(8) Caps of $41.5 million in FY 1992 and $44.7 million in FY 1993 on Foreign Buildings Office (FBO) administrative expenditures.

(9) A cap of $55,466,000 in FY 1992 for new FBO capital programs.

(10) A reprogramming requirement for any FBO expenditures for the opening of new posts in the Baltic republics, as well as the republics and former republics of the U.S.S.R.

(11) A $5 million subauthorization for each fiscal year for Armenian resettlement.

(12) An authorization of $80 million for FY 1992 and $90 million for FY 1993 for refugees resettling in Israel.

(13) An authorization of $1.75 million for each fiscal year for refugee assistance for unaccompanied minors.

(14) An authorization of $1 million for each fiscal year for displaced Burmese.

(15) A specific subauthorization of $80,000 to cover the costs of the U.S. Delegation to CSCE Parliamentary Meetings.

The following table summarizes the action of the Committee on conference.

COMPARISON OF H.R. 1415—FOREIGN RELATIONS AUTHORIZATION BILL FOR FISCAL YEARS 1992–93 AND ADMINISTRATION REQUEST AS REESTIMATED BY CBO

[Dollars in thousands, by fiscal year]

Account	1992 request	1992 House authorization	1992 Senate authorization	1993 House authorization	1993 Senate authorization	1992 conference agreement	1993 conference agreement
I. DEPARTMENT OF STATE							
Salaries and expenses	1,750,644	1,749,359	1,727,005	1,954,287	1,735,005	1,725,005	1,822,650
Inspector General	23,928	23,928	23,928	23,037	23,928	23,928	26,650
Foreign buildings	440,000	[1]422,594	390,124	[2]460.231	435,124	[1]415,000	[2]432,000
Representationn	4,802	4,802	4,802	5,140	4,802	4,802	5,000
Emergencies	8,000	8,000	8,000	9,560	8,000	7,500	8,000
AIT	13,784	13,784	13,784	15,073	13,784	13,784	14,500
Moscow Embassy	130,000	130,000	130,000	(3)	85,000	130,000	130,000
Diplomatic security:							
Salaries and expenses	299,828	300,328	299,828	330,000	299,828	299,828	315,000
Protection/missions	9,464	11,464	16,464	13,937	16,464	11,464	16,464
International organizations	[4]842,384	[4]842,747	[4]842,384	[4]879,919	[4]842,384	[4]842,384	[4]859,400
Peacekeeping	[4]107,229	[4]107,229	[4]107,229	[4]103,654	[4]107,229	[4]107,229	[4]103,654
Conferences	5,500	5,500	5,500	5,900	5,500	5,500	5,775
Commissions:							
IBWC	10,900	11,400	10,900	12,546	10,900	11,400	12,000
IBWC construction	10,525	10,525	10,525	19,925	10,525	10,525	19,925
IBC/US-Canada	768	768	799	768	768	768	805
IJC	3,732	3,732	3,881	3,732	3,732	3,732	3,920
Fisheries	12,147	12,647	18,109	15,682	18,109	14,000	16,500
Refugee assistance	[5]490,557	[5]600,000	[5]600,000	[5]650,000	[5]600,000	[5]630,000	[6]685,000
Bilateral science technology	[6]4,500	[5]5,000	[6]5,000	5,200	2,250	[6]5,000	6,000
Soviet/East Europe R&T	4,784	5,000	4,784	5,000	4,784	4,784	5,025
Middle East R&T	0	0	4,000	0	4,000	0	[7]3,000
Asia Foundation	15,367	18,000	18,000	18,900	18,000	16,000	16,800
Inter-American Foundation	[5]28,800	[5]28,800	[5]28,800	[5]31,000	[5]28,800	[5]28,800	[6]31,000
Subtotal	4,217,643	4,315,607	4,273,846	4,563,491	4,278,916	4,311,433	4,539,068
II. USIA							
Salaries and expenses	424,399	424,399	423,827.5	9	423,827.5	423,827.5	451,294
Inspector General	4,206	4,206	4,206	0	4,206	4,206	4,420
N.E.D	30,000	30,000	30,000	0	30,000	30,000	31,250
East-West Center	23,000	23,000	26,000	0	26,000	24,500	26,000
Educational/cultural:							
Salaries and expenses	37,749	37,849	37,749	0	37,749	37,749	39,308
Fulbright Programs	110,454	110,454	113,154	0	110,454	113,154	119,997
Humphrey Fellowships	5,682	5,682	5,682	0	5,682	5,682	6,000
International visitors	44,336	44,336	44,336	0	44,336	45,366	47,650
Other	12,028	12,028	12,028	0	12,028	14,028	14,700
World University games	0	2,000	2,000	2,000	2,000	2,000	2,000
Vietnam scholarships	0	0	300	0	300	300	300
Undergrad exchanges	0	0	10,000	0	10,000	2,000	2,000
Broadcasting:							
Salaries and expenses	196,942	196,942	196,086.5	0	196,086.5	196,942	216,815
TV/film service	33,185	33,185	32,329.5	0	32,329.5	33,185	34,476
Radio constructionn	98,043	98,043	97,187.5	0	97,187.5	98,043	103,000
Cuba broadcasting	38,988	38,988	38,988	0	38,988	38,988	34,525
North/South Center	0	10,000	0	10,000	0	5,000	10,000
Pepper scholarships	0	1,000	1,000	0	1,000	1,000	0
Israel/Arab scholarships	0	700	0	700	0	700	700
Mitchell exchanges	0	0	10,000	0	10,000	7,000	7,000
Bradley exchanges	0	0	4,000	0	0	1,000	0
Kurdish broadcasting	0	0	1,000	0	1,000	0	0
Speaker's exchanges	0	0	0	0	0	2,000	0
Subtotal	1,059,012	1,072,812	1,089,876	12,700	1,083,174	1,086,670.5	1,151,435
III. BOARD FOR INTERNATIONAL BROADCASTING							
All expenses	217,960	218,660	218,660	0	218,660	212,491	221,203
Total	5,494,615	5,607,079	5,582,382	4,576,191	5,580,750	5,610,594.5	5,911,706

[1] Includes $110.966 million previously authorized.
[2] Includes $131.808 million previously authorized.
[3] Such amounts as may be necessary.
[4] $1,120,541,000 and $201,292,000 authorized. Obligations limited as shown.
[5] Foreign Assistance authorization/appropriation items.
[6] Includes $2.75 million previously authorized.
[7] Moved to USIA.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

The Senate amendment (sec. 102(a)(3)) withholds all CIO arrearage payments to the U.N. pending a report to Congress on the use of such payments.

The House bill contains no comparable provisions.

The conference substitute (sec. 102(a)(3)) is the same as the Senate amendment.

INTERNATIONAL COMMISSIONS

The Senate amendment (sec. 103(4)) authorizes $18,109,000 in each of fiscal years 1992 an 1993 for International Fisheries Commissions.

The House bill (sec. 103(4)) authorizes $12,647,000 for fiscal year 1992 and $15,682,000 for fiscal year 1993 for International Fisheries Commissions.

The conference substitute (sec. 103(1)) authorizes $14 million in fiscal year 1992 and $16,500,000 in fiscal year 1993 for International Fisheries Commissions.

It is the conferees' intent that the funding authorized over and above the administration's request for this account for fiscal year 1992 be used for the Great Lakes Fisheries Commission. With regard to fiscal year 1993, it is the conferees' intent that, with transfer authority provided elsewhere in the bill, up to $12,300,000 could be appropriated for the Great Lakes Fisheries Commission.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CONSULAR AND DIPLOMATIC POSTS ABROAD

The House bill (sec. 111) amends existing law to allow the Department of State to close diplomatic and consular posts abroad with 45 days advance notice to the Congress.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 112) is the same as the House bill.

DENIAL OF PASSPORTS

The House bill (sec. 112) added a section to the State Department Basic Authorities Act to prohibit use of the passport issuance function to prohibit or punish speech, belief, affiliation or membership. Section 118 of the Senate bill was identical to the House bill, except for an additional word which might have been read to prohibit such ideological considerations only when they constituted the sole basis of a passport decision.

Both provisions were designed to ensure that foreign policy objectives as defined by the executive branch are not pursued at the cost of the rights of Americans under the First Amendment to the United States Constitution. This reflects Congress' desire to facilitate international freedom of movement, as evinced by section 707 of the Passport Act of 1978 (92 Stat. 992–3, amending 22 USC 211a), and Section 124 of the Travel Act of 1978 (92 Stat. 971, repealing 8 USC 1185(c)).

The conference substitute (sec. 113) adopts the House version as more precisely accomplishing the common intent of that two provisions, that is, to prohibit any consideration of expression, activity, belief, affiliation, or membership, within or outside the United States, which if held or conducted within the United States would be protected by the First Amendment to the Constitution, when denying, revoking or restricting a passport.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The House bill (sec. 113) amends existing law to declassify reports to Congress on entertainment, travel, and gift expenditures from this account.

The Senate amendment (sec. 121) is identical except that it contains a waiver on report declassification when required on grounds of national security.

The conference substitute (sec. 114) is the same as the House bill.

LEASE AUTHORITY

The House bill (sec. 114) raises the statutory ceiling on overseas leases requiring Washington approval from $25,000 to $50,000.

The Senate amendment (sec. 120) is identical to the House provision, except that purchases of buildings are also included in exclusion from competition requirements.

The conference substitute (sec. 115) is the same as the House bill.

TRANSFERS AND REPROGRAMMINGS

The House bill (Sec. 116) amends existing law to allow appropriations and authorization transfers, subject to limitations and reprogramming procedures.

The Senate amendment (sec. 114) is similar to the House bill, but comprises slightly higher percentage limitations on appropriations transfers, and waives reprogramming requirements for emergencies involving danger to human life. The Senate amendment does not provide any authorization transfer authority.

The conference substitute (sec. 117) is similar to the House bill, but deletes appropriations transfer provisions.

INTERNATIONAL MEETINGS

The House bill (sec. 118) is intended to facilitate the hosting of international conferences by the U.S.

Provisions in both the House bill and the Senate amendment (sec. 119) were identical in all respects except that the Senate provision authorized the contracting of personal services "without regard to laws governing employment and compensation in the Federal Civil Service". Hitherto, the Office of Personnel Management has routinely granted such waivers for individual conferences, where necessary, and no prejudicial delay has resulted.

The conference substitute (sec. 119) is the same as the House bill. In view of the importance of the protections provided by laws governing employment and compensation in the Federal Civil Service, and because blanket exemption from such laws appears to be unnecessary, the Conferees have adopted the House language.

ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS

The House bill (sec. 121) contained a provision establishing the position of Assistant Secretary of State for South Asian Affairs.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 122) adopts the House provision. The clear intent of this provision, which established the new position of Assistant Secretary of State for South Asian Affairs, is that a new Bureau of South Asian Affairs will be established at the Department of State. The committee of conference has deliberately not specified the number of Deputy Assistant Secretaries in this new Bureau, which need not necessarily be as many as in other regional bureaus, and which should be determined on the basis of legitimate need.

It is the intent of the committee of conference that following the enactment of this Act, this section shall be implemented as soon as possible, but with the understanding that the nomination of the Assistant Secretary shall take place within 30 days of enactment and all other requirements stemming from this provision shall be fulfilled within 90 days of the enactment of the Act.

FOREIGN SERVICE INSTITUTE FACILITIES

The House bill (sec. 123) increases authorization for construction of new FSI facilities from $50 million to $70 million.

The Senate amendment (sec. 122) is identical to the House provision, except that it only increases authorization to a total of $66 million.

The conference substitute (sec. 124) is the same as the House bill.

MAINTENANCE MANAGEMENT OF OVERSEAS PROPERTY

The House bill (sec. 124) mandates improvements to Department of State methods of maintaining real property, and related accounting procedures.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 125) is the same as the House bill. In requiring enhanced procedures for the maintenance of overseas posts, the conferees note:

(1) The Department of State has begun to address the long-standing neglect of overseas real property management. In 1988, the Office of Foreign Buildings Operations contracted with two engineering firms to develop a baseline of information about facility conditions and to document necessary post repairs at the 250 overseas posts. The Office of Foreign Buildings Operations also established two maintenance assistance centers and is equipping each newly constructed office building with an overall maintenance program.

(2) A September 1990 General Accounting Office report found that while recent actions of the Office of Foreign Buildings Operations will improve overseas real property management, serious additional problems will remain. Of the fourteen posts that the General Accounting Office visited, none had conducted annual surveys to systematically identify maintenance and repair requirements; none were following all of the maintenance management principles as outlined in the Buildings Maintenance Handbook; and the vast majority of posts were not tracking maintenance expenditures. The report concluded that the Office of Foreign Buildings Operations exercised insufficient oversight of overseas maintenance activities.

(3) The neglect of maintenance oversight by the Office of Foreign Buildings Operations has repeatedly resulted in the deferment of necessary maintenance which has led to higher repair costs and shorter building life.

REPORTING REQUIREMENTS CONCERNING THE DENIAL OF CERTAIN VISAS

The Senate amendment (sec. 124) contains a provision to require reports to Congress when visas are denied on certain grounds of exclusion.

The House bill contains no comparable provision.

The conference substitute (sec. 127) adopts the Senate provision with an amendment. Sec. 127 contains a requirement that the Department of State submit a timely report each time an alien is denied a visa because of terrorist activities or on foreign policy grounds. The conferees deleted a provision of the Senate bill which also required a cumulative report on all prior visa denials every 180 days.

This section is intended to provide the appropriate congressional committees with the information necessary to monitor the denial of visas on foreign policy and terriorist grounds. For that reason, the report required by this section should, to the extent possible, consistent with the considerations discussed below, be sufficiently detailed to allow the committees to understand the factual basis for the Department's determination that the alien was excludable.

Information may be submitted in an appropriately classified form if necessary and in a manner which protests the intelligence sources and the intelligence methods used to obtain the information relied upon by the Department. Information provided to the Department of State by the Federal Bureau of Investigation, including information based on reports of foreign police agencies, may also be classified to the extent necessary, consistent with existing procedures for preventing public disclosure of such information. If it is necessary to classify some but not all of the information the Department should submit the report in an unclassified form with the classified information included in a classified annex. The conferees strongly encourage the Department to submit, wherever possible, unclassified reports containing sufficient detail to permit the committees to understand the factual basis for the visa denial. The reports required by this section should be neither lengthy nor conclusory.

The conferees understand that some information relied upon by the Department in denying a visa may have been provided by another agency under certain ground rules which restrict the right of the Department to share that information without prior authorization. The conferees intend that, in any case where the Department believes that such information is called for by this section, the Department will seek permission to provide such information to the appropriate congressional committees. If permission is refused, the Department should note that it relied on additional facts which it cannot disclose pursuant to the ground rules under which the information was received, and shall provide the name of the agency involved. This will permit the congressional committees to contact the originating agency directly. The managers expect, however, that the Department will provide any other information which it is at liberty to provide to the extent that it is called for by this section. If information submitted under this provision is in classified form, its delivery and storage shall be in accordance with appropriate security procedures.

VISA LOOKOUT SYSTEMS

The House bill (sec. 126) contained a provision requiring the Department of State to ensure that the Automated Visa Lookout List (AVLOS), the Consular Lookout and Support System (CLASS) and other similar lists which maintain information about the excludability of aliens from the U.S. under the Immigration and Nationality Act, did not contain names of aliens who were not so excludable. The House provision required correction of the current list in accordance with this prohibition within 180 days.

The Senate amendment (sec. 125) also required the correction of the lookout list, but provided an exception for the names of aliens who are included for purposes related to the enforcement of statutes. The Senate amendment also provided 3 years for the correction process to be completed.

The conference substitute (sec. 128) adopts the Senate language. It does so because the executive branch has informed the conferees that the Department of State would have difficulty complying with the requirements of this provision within 180 days, and that three years provided ample time to do so. The conferees expect that the provision of the more extensive time period will result in a timely, complete and thorough correction of the lists.

The conference substitute also adopts the Senate language because the conferees have been informed by the executive branch that the lookout lists are being used for purposes other than visa determinations, such as alerting the Drug Enforcement Agency when suspected drug traffickers apply for visas, or communicating with U.S. intelligence agencies when suspected terrorists apply for visas, or assisting law enforcement agencies seeking to serve subpoenas by providing notice of impending visits. The adoption of the Senate provision relating to correction of visa lookout lists is not intended to address the propriety or legality of these additional uses. The conference substitute adopts the Senate language to ensure that present practices are conducted in accordance with law.

PROHIBITION ON ISSUANCE OF ISRAEL-ONLY PASSPORTS

The House bill (sec. 175) requires an investigation of foreign government practices of denying visas to U.S. citizens having travelled to boycotted countries, and official protests of such practices.

The Senate amendment (title V) incorporates H.R. 2254, the Anti-boycott Passport Act of 1991. The Act requires that the executive branch: (1) negotiate an end to the Arab practice of prohibiting entry to U.S. citizens who have travelled to Israel, (2) cease issuing "Israel-only" passports to private citizens, and (3) cease issuing second passports to U.S. diplomats and officials for the purpose of complying with the secondary Arab boycott of Israel.

The conference substitute (sec. 129) is almost identical to the Senate amendment, but omits the Senate findings and incorporates three technical changes.

The conferees are concerned that:

(1) The nations of the Arab League except Egypt remain in a state of war with Israel, a friend and ally of the United States, and refuse to recognize Israel and her right to exist.

(2) As part of their effort to isolate Israel and her allies, the majority of Arab countries generally reject the passports of, and deny entrance visas, to, private persons and governmental officials whose passport or other documents bear an Israeli entrance stamp or marking or otherwise reflect that the person has visited Israel.

(3) The passport visa policy of the majority of Arab League nations is an impediment to peace in the Middle East and must be reversed.

(4) The passport and visa policy of the majority of Arab League nations is an affront to the Government of the United States.

(5) The passport and visa policy of Saudi Arabia and Kuwait, both members of the Arab League, demonstrates a business as usual attitude and lack of appreciation for the successful efforts of the United States to reverse the Iraqi occupation of Kuwait and to restore the security of Kuwait and Saudi Arabia.

(6) Officials of the U.S. Government traveling in the Middle East are, as a general practice, issued two passports so that they can travel to Israel and to Arab countries in compliance with the passport and visa policy of the majority of Arab League nations.

(7) To avoid challenging the passport and visa policy of the majority of Arab League nations the State Department has issued official passports to U.S. Government officials, designated for travel only to Israel.

(8) The U.S. Government's policy of issuing tow passports for official travel in the Middle East, and its policy of issuing official passports designated for travel only to Israel, constitute acquiescence in, and the appearance of acceptance of, the rejection of Israel by Arab countries.

(9) The U.S. Government's policy of issuing tow passports for official travel in the Middle East, and its policy of issuing official passports designated for travel only to Israel, are at odds both with the recognition of Israel by the United States and with the rejection in U.S. policy and law of the Arab boycott of Israel.

(10) The reversal of the passport and visa policy described above would be an important confidence-building measure and would contribute to the peace process in the Middle East.

The conferees believe that the executive branch should vigorously encourage the nations of the Arab League which maintain the passport and visa policy described in this section to reverse their policy of rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

PROPERTY ACQUISITION IN EASTERN EUROPE

The Senate amendment (sec. 129) expresses the sense of the Congress that because of the expanding national interests of the United States in Eastern Europe, the Department of State should move expeditiously to satisfy long-term diplomatic property requirements in this area.

The House bill contains no comparable provision.

The conferees believe that the executive branch should vigorously encourage the nations of the Arab League which maintain the passport and visa policy described in this section to reverse their policy of rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

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The House bill contains no comparable provision.

The conference substitute deletes the provision.

However, it is the sense of the committee of conference that because of the expanding national interests of the United States in Eastern Europe, an effective and efficient diplomatic presence in Eastern Europe will be best served if the Department of State, through its long-term assets management program, applies available resources in ways which will further efforts to acquire necessary properties in eastern Europe.

POLICY ON CONSULATE IN LEIPZIG

The Senate amendment (sec. 130) commends the executive branch's decision to establish a consular office in Leipzig.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

Although this provision has been deleted it is the sense of the committee of conference that the Department of State should expedite its efforts to fully implement its decision.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

CONSTRUCTION OF DIPLOMATIC FACILITIES

The House bill (sec. 132) sets out limitations, including security requirements, governing construction of a new U.S. Embassy chancery building, Moscow, U.S.S.R., but leaves a final decision on a construction option up to the executive branch. The House bill also requires a comprehensive plan for meeting all U.S. Government facilities requirements in Moscow, codifies into a single section of law, and strengthens existing statutes governing use of the new Soviet Embassy complex on Mt. Alto, and requires cash reimbursement for additional U.S. expenses as a result of hostile Soviet intelligence activities in the U.S.S.R.

The Senate amendment (sec. 142) is similar to the House bill, but omits House provisions on construction security, Mt. Alto occupancy and cash reimbursement, while incorporating a requirement for a report on Soviet destruction of SS-23 missiles in former Warsaw Pact countries.

The conference substitute (sec. 131) is similar to the House bill, but consolidates two separate House cash reimbursement provisions and slightly modifies existing law on Mt. Alto occupancy. The Senate reporting requirement on SS-23 destruction is incorporated into the substitute as a separate section.

The conference substitute also requires the Secretary of State to submit a report, within 120 days of enactment, outlining plans for establishing additional United States missions within the territory of the former Soviet Union, including a projection of the numbers and locations of missions, numbers and types of personnel needed, projected costs, and ramifications, if any, to agreements between the United States and the Soviet central government requiring reciprocity in the establishment of diplomatic posts.

In the wake of the August 1991 coup, profound changes including the acceleration of democratization and economic reform, declarations of independence by many of the constituent republics, and the reestablishment of independence for Lithuania, Latvia and Estonia have taken place in the Soviet Union. These changes, which have brought about a new era in U.S.-Soviet relations, require the United States to obtain information and knowledge necessary for reasoned analysis of developments in regions and by republic governments of the former Soviet Union.

Outreach is needed beyond Moscow, St. Petersburg and Kiev. The conferees suggest that, in establishing new posts, particular priority be given to Tbilisi, Georgia; Kishinev, Moldavia; and Yerevan, Armenia, in addition to Khabarovsk, Russia or another suitable nearby location in the Far East. These missions should be tailored to represent American foreign policy and commercial interests as well as improving exchanges of information between governments and peoples.

In considering the establishment of new posts or mission, the conferees emphasize that, to the extent possible, they be established without closing existing posts.

POSSIBLE MOSCOW EMBASSY SECURITY BREACH

The House bill (sec. 133) requires a report on possible compromise of U.S. assets in the March 1991 fire at the U.S. Embassy in Moscow.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 133) is the same as the House bill.

SPECIAL AGENTS

The Senate amendment (sec. 144) contained a provision to require a joint report from the Attorney General and the Secretary of State on the advisability of enhancing the arrest powers of Special Agents of the Diplomatic Security Service.

The House bill contains no comparable provision.

The conference substitute (sec. 134) adopts the Senate provision with an amendment. The amendment adds language to ensure that the report shall explicitly address the impact on civil liberties of such an enhancement of authority.

PROTECTION FOR UN FACILITIES AND MISSIONS

The Senate amendment (sec. 143) amends existing law to:

(a) increase permanent authorization for reimbursement of State and local governments for protective services from $7 million to $10 million;

(b) expand authority for payment of back claims for such reimbursements; and

(c) clarify the circumstances under which reimbursements may be made.

The House bill contains no comparable provision.

The conference substitute (sec. 135) is similar to the Senate amendment.

The conferees note that this will be the first increase in permanent authorization for this account since 1982, and that in recent years funding has been insufficient to reimburse fully State and local governments for the protective services needed to protect foreign visitors. As a result of this and other factors, some State and local governments have incurred substantial unreimbursed expenses. In 1989, for example, the City of New York incurred over $2 million in unreimbursed expenses protecting Mikhail Gorbachev during his visit to the United Nations.

This section would expressly allow State and local governments to be reimbursed for claims of no more than $4 million in FY 1992, but not to exceed $8 million in total for prior unreimbursed claims. Such claims may be submitted even if they have been previously disallowed due to funding shortfalls or due to any claimed limitation which has been removed or altered by this section.

As indicated above, the conference substitute also incorporates increases to annual authorization levels for this account. To the extent annual authorization is not fully utilized during any fiscal year, the unused portion would also be available to satisfy prior unreimbursed claims in addition to the $8 million made available expressly for this purpose.

It is the conference committee's intent that State and local governments be more fully reimbursed for expenses beyond their control, for example, for protective services provided international visitors pursuant to invitations of the U.S. Government or international organizations. It is not the committee's intent that State or local governments be reimbursed for expenses associated with events organized solely at their own initiative. The conferees intend that future claims should be based on written commitments agreed to in advance.

STUDY OF CONSTRUCTION SECURITY NEEDS

The Senate amendment (sec. 145) requires a review of Inman report recommendations, and a report to Congress on whether Inman authorizations should be repealed or modified.

The House bill contains no comparable provision.

The conference substitute (sec. 136) is the same as the Senate amendment.

PART D—PERSONNEL

CHIEF OF MISSION SALARY

The House bill (sec. 142) restores to members of the Senior Foreign Service who accept a Presidential appointment the option to elect whether to enjoy the pay and benefits of their Foreign Service level or of the Presidential appointment.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 142) is the same as the House bill.

The conferees note that the restriction being repealed was enacted four years earlier by Congress in part out of concern that existing procedures for accounting leave time taken by career Ambassadors and other high ranking members of the Senior Foreign Service were not being fully applied. In repealing this provision, the conferees believe it was inappropriate to continue to penalize all members of the Senior Foreign Service for possible infractions by a few in regulations governing leave policy. It is the intention of the conferees that in restoring to Presidential appointees the option of retaining the pay and benefits of the career Foreign Service that leave policies will be applied strictly and equitably to all members of the Foreign Service, including high ranking members of the Senior Foreign Service.

AUTHORITY OF THE SECRETARY TO SUSPEND EMPLOYEES CONVICTED OF CRIMES

The House bill contained a provision (sec. 143) to allow the Secretary of State to suspend without pay a member of the Foreign Service who has been convicted of a job-related crime, in advance of sentencing. This was to respond to the executive branch's concern that current law requires a sentence to have been imposed before suspension without pay. The House provision represented a modification of an executive branch request for more extensive enhancement of the Secretary's powers and more extensive limitation of the powers of the Foreign Service Grievance Board, which a thorough review by the Committees on Foreign Affairs and Post Office and Civil Service found to be insupportable.

The Senate amendment contained no comparable provision.

The conference substitute (sec. 143) adopts the House provision. It does so because, although a thorough review had not persuaded the Senate to change the Foreign Service Grievance Board's powers at all, it appears reasonable to allow suspension of a convicted employee in advance of a full hearing on the merits under section 610 of the Foreign Service Act, and in advance of sentencing.

The conferees stress, however, that this enhanced authority of the Secretary is subject to the following limitations. First, the Secretary must demonstrate to the Board that the Department has complied with the requirements set forth in subsection (a)(3) of section 610 of the Act. Second, he must establish that there exists a genuine nexus to the efficiency of the Service. In order to establish such a nexus, the conviction must be for a crime which either involves an act of violence, fraud, or theft, occurs on or involves Federal property, or directly arises from or has a direct impact on, the member's official responsibilities or duties. Third, the enhanced authority must not be used as a cloak or pretext for a prohibited personnel practice, or for a retaliatory or discriminatory practice identified in 22 U.S.C. 3905(b). In addition, nothing in this section bars an allegation of such claim or pretext by a grievant in a separate grievance, a review by the Board of the member's separation under section 610(a)(2) of the Act, or a review by the Board under subsection 610(a)(5). Finally, the Secretary is required to meet the procedural requirements of subsection 610(a)(4), and the Board should ensure that it has met such requirements.

While enhancing the Secretary's authority in this limited area relating to a member's suspension after conviction for a job-related crime, we also recognize that this authority will be exercised rarely. Of course, the Secretary need not wait for conviction in order to institute separation or disciplinary proceedings against a member. Even where a member has merely been indicted on the basis of a job-related crime, the Secretary may proceed with a proposal to separate or otherwise discipline an officer well in advance of sentencing and contemporaneous to or in advance of a formal criminal proceeding as long as the Secretary does so in a manner which would permit a full hearing on the merits pursuant to section 610(a)(2). There is no obligation upon the Department to await a conviction before pursuing such administrative action against a member.

The Department had requested much broader changes than are here adopted to limit or restrict the remedial authority of the Foreign Service Grievance Board. The conferees granted power only to suspend after conviction of a job-related crime because they were not persuaded that the broader changes requested were necessary.

We are concerned that excessive administrative appeals and delays by the foreign affairs agencies are causing an undue burden on public funds. Should excessive appeals and delays remain a problem in the future, we will review this issue to consider limiting agencies' privileges to appeal Board decisions.

Both the Senate and the House conferees are concerned at the frequency with which Congress has been asked to revisit the issue of limiting the remedial powers of the Foreign Service Grievance Board, or enhancing the powers of the Secretary. The present provision has been adopted after a thorough review of the available evidence, and it is expected that this issue will be considered legislatively settled, barring strong evidence of changed circumstances.

AMENDMENTS TO TITLE V

The House bill (sec. 147):

(a) Allows payment of allowances to dependents whose departure from a post is official, even if the principal remains;

(b) Prohibits inclusion of post differentials and hardship and similar allowances in lump sum leave payments;

(c) Allows payment of education and living quarters expenses to allow dependents to finish a school year;

(d) Allows combination of temporary lodging and post allowances into a single per diem payment;

(e) Eliminates dual eligibility for temporary subsistence and post allowances; and

(f) Amends rules for payment of education allowances to ensure educational continuity for dependents, allows provision of educational services to disabled pre-kindergarten children, and permits travel for vocational and other post-secondary education.

The Senate amendment (sec. 156) is substantially identical to section 147 of the House bill, but did not incorporate certain technical changes drafted by the Committee on Post Office and Civil Service of the House.

The conference substitute (sec. 147) is the same as the House bill.

REASSIGNMENT AND RETIREMENT OF PRESIDENTIAL APPOINTEES

The House bill (sec. 149) clarifies terms under which FSO presidential appointees may retire at full annuity.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 149) is the same as the House bill.

COMMISSION TO STUDY PERSONNEL QUESTIONS AT THE DEPARTMENT OF STATE

The Senate amendment (sec. 152) authorized a comprehensive study of personnel questions at the State Department and at the U.S. Mission to the United Nations.

The House bill contained no similar provision.

The conference substitute (sec. 150) adopts the Senate provision with an amendment.

Subsection (a) requires the Secretary of State to appoint a commission of seven members within 90 days after enactment. At least six of the members shall have a minimum of ten years experience in personnel management. The commission shall examine personnel issues which affect both Foreign Service and Civil Service employees of the Department of State.

Appointments to the commission shall be made after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House, the Committee on Post Office and Civil Service on the House, and exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980).

The conferees recognize that, because of the personnel commission created by section 171 of the Foreign Relations Authorization Act for 1988 and 1989 the Secretary of State may wish to reappoint members of that group to this commission.

Of the appointments, at least two members shall have a specialized knowledge of the civil service personnel system. The conferees acknowledge the appointment and high quality work product of the incumbent Civil Service Ombudsman. Extension of this commission's mandate to consider civil service questions is meant to enhance and supplement the work of that office.

Subsection (b) authorizes the Commission to examine the extent to which the State Department has implemented recommendations of the Commission created by the Foreign Relations Authorization Act for fiscal years 1988 and 1989.

Subsection (c) outlines the scope of the report on Personnel Matters and Conditions. The report shall be submitted to the Chairmen and ranking Members of the relevant committees not less than one year after the date of enactment of this act.

In its examination of Civil Service personnel in the Department of State, the commission should evaluate the current and potential role of the Civil Service work force and the ability of Civil Service personnel to be promoted at all levels within the Department. The commission should consider recommendations from the Department's Civil Service employees on methods of better integrating Civil Service personnel in the Department's policy making process.

The conferees believe that the commission should examine overseas allowances, including examination of housing, educational, representational, and related allowances for overseas posts, their rationales, expenditure for each category and type of allowance, and impact of allowances on morale and efficiency of Foreign Service and Civil Service employees.

The conferees also believe strongly that the commission should examine and make recommendations regarding the anomalous standing of the United States Mission to the United Nations, including its relations to the Bureau for International Organization Affairs and other elements of the State Department, especially as these questions relate to personnel matters.

The commission should examine whether provision of differential pay for Foreign Service employees at USUN, increasing base salary by 8 percent for being stationed in the New York metropolitan area is a permitted or prudent practice, and whether non-compliance with recommendations or suggestions of the Inspector General or Civil Service Ombudsman have had an impact on morale or functioning of the U.S. Mission.

Prior to undertaking the study, conferees believe that committee members and staffs should be fully consulted by commission members.

FOREIGN NATIONAL EMPLOYEES SEPARATION PAY

The Senate provision (sec. 158) allows creation of a trust fund at the Treasury to hold obligated funds for this purpose.

The House bill contains no comparable provision.

The conference substitute (sec. 151) is the same as the Senate amendment.

LOCAL COMPENSATION PLANS FOR U.S. CITIZENS RESIDING ABROAD

The Senate amendment (sec. 159) provides the Department and other U.S. Government agencies performing functions abroad, with the authority to develop local compensation plans for American citizens residing abroad.

The House bill contains no comparable provision.

The conference substitute (sec. 152) is identical to the Senate amendment. The adoption of this provision is not intended to prejudice the Department of State's current policy in favor of employment of dependents of Foreign Service Officers. The committee of conference expects that this provision will give the Department of State the flexibility to meet its personnel needs overseas and develop appropriate compensation plans for non-Foreign Service members employed overseas.

GRIEVANCES BASED ON ALLEGED DISCRIMINATION

The Senate amendment (sec. 159A) contained a provision allowing the Foreign Service Grievance Board to hear grievances based on the alleged violation of laws guaranteeing equal employment opportunity.

The House bill contained no comparable provision.

The conference substitute (sec. 153) adopts the Senate provision with an amendment. The amendment addresses the procedures for this, making minor changes to the period for filing grievances and to the provisions for review of decisions, and does not otherwise change the substance of the provision. It is adopted because the Committee on Post Office and Civil Service of the House has extensively reviewed the issue, and is persuaded that the Department of State's administrative procedures for considering such complaints are seriously deficient. The Department's average time for processing such a complaint is 1,056 days, as compared to an average throughout the Federal Government of 418 days. The Foreign Service Grievance Board, in contrast, takes an average of 240 days to process a case. Moreover, the provision of this relief would provide a degree of equity between the grievance procedures available to Civil Service and Foreign Service employees.

The conference substitute provides in subsection (f) that only grievances arising after the date of enactment shall be covered. The term "grievance" in subsection (f) means a grievance arising wholly before the date of enactment. Subsection (f) is not intended to exclude from coverage a continuing violation which begins before the date of enactment but continues past that date.

COMPENSATION FOR LOSS OF PERSONAL PROPERTY INCIDENT TO SERVICE

The Senate amendment (sec. 159B) requires a report within 90 days on the need to establish a mechanism to compensate DOS employees under circumstances set forth in the Military Personnel and Civilian Employees Claims Act of 1964 (31 U.S.C. 3721c).

The House bill contains no comparable provision.

The conference substitute (sec. 154) is the same as the Senate amendment.

LANGUAGE TRAINING IN THE FOREIGN SERVICE

The Senate amendment (sec. 920) directs the Department of State to ensure that end-of-training reports for employees in full-time language training be given equal weight as annual employee efficiency reports in determining the promotion of Foreign Service employees.

The House bill contains no comparable provision.

The conference substitute (sec. 155) contains the Senate provision.

PART E—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CONTRIBUTIONS TO THE INTERNATIONAL RED CROSS

The House bill (sec. 151) repeals provisions requiring the United States to provide a fixed portion of ICRC's budget.

The Senate amendment contains no comparable provision.

The conference substitute deletes the House provision.

MATERIAL DONATIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS

The Senate amendment (sec. 161) expresses the sense of Congress that in-kind contributions should be counted at full value in calculating contributions to U.N. peacekeeping forces.

The House bill contains no comparable provision.

The conference substitute (sec. 161) is the same as the Senate amendment.

REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES

The House bill (sec. 152(a)) authorizes the President to withhold 20% of the funds appropriated for any calendar year for the United States assessed contribution to the United Nations or to any of its specialized agencies if the United Nations or any such specialized agency has failed to implement or to continue to implement consensus-based budget making procedures which assure that the United States and other major financial contributors have sufficient attention devoted to their views. Subsection (b) of the House bill requires the President to notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate whenever a decision is made to withhold funds pursuant to subsection (a). Subsection (b) also requires the President to notify the two above-named congressional committees whenever a decision is made to pay any previously withheld assessed contributions. Subsection (c) authorizes the President to pay any previously withheld assessed contributions to the United Nations or any of its specialized agencies, subject to the availability of appropriations, if such a payment will advance the interests of the United States in that organization. Subsection (d) requires the President to submit an annual report, not later than February 1 of each year, to Congress concerning the payment of assessed contributions to the United Nations and any of its specialized agencies during the preceding calendar year and the status of consensus-based budget decisionmaking procedures in those organizations.

The Senate amendment (sec. 162) is nearly identical to the House amendment, except that the Senate amendment does not require the President to submit an annual report to Congress and the Senate amendment contains a technical provision that repeals existing law concerning the payment of assessed contributions.

The conference substitute (sec. 162) contains the House section and also includes the technical provision in the Senate amendment that repeals lapsed provisions of law.

REPORT TO CONGRESS CONCERNING UNITED NATIONS SECONDMENT

The House bill (sec. 153) repeals requirements of a report on U.N. secondment practices of Soviet bloc countries.

The Senate amendment (sec. 163) is substantially identical to the House bill.

The conference substitute (sec. 163) is the same as the House bill.

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

The House bill (sec. 154) amends existing law (22 U.S.C. 269) to:

(a) lift the ceiling on annual U.S. contributions to the Permanent International Association of Road Congresses (PIARC); and

(b) provide permanent authorization of "such sums as may be necessary" for U.S. contributions to the PIARC.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 164):

(a) repeals 22 U.S.C. 269 thereby eliminating the ceiling on U.S. contributions to the PIARC; and

(b) authorizes the President to maintain membership in the PIARC.

In repealing 22 U.S.C. 269, it is not the conference committee's intent to prejudge the merit of U.S. funding for the PIARC, but rather to eliminate the need for adjustment to the ceiling. The conference committee believes that future funding requests for the PIARC should be judged on their own merits.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

The House bill (sec. 155) authorizes the International Boundary and Water Commission to incur representational expenses.

The Senate bill contains no comparable provision.

The conference substitute (sec. 165) contains the language in the House bill, with the proviso that within 30 days after the end of the fiscal year, a report of all such expenditures will be submitted and made available for public inspection.

BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The House bill (sec. 158) establishes U.S.-British Interparliamentary exchange of not more than 24 Members of Congress equally divided between the House and Senate; at least 4 members each from Foreign Affairs and Foreign Relations Committees; authorizes $50,000 in each fiscal year for U.S. delegation participation.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 168) is the same as the House bill with an amendment as to the appointment of the delegation.

UNITED STATES DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE)

The House bill (sec. 159) establishes a U.S. Congressional delegation to the CSCE Parliamentary Assembly. The section provides for the appointment of the U.S. delegation as well as for administrative support for U.S. participation in the CSCE Parliamentary Assembly.

The Senate bill contains no comparable provision.

The conference substitute (sec. 169) alters the requirement that the Chairman of the Foreign Affairs and Foreign Relations Committees head each delegation. It requires that the Chairman or the Vice-Chairman of the delegation be a Member of the Foreign Affairs or Foreign Relations Committee except that the Senate may appoint a Chairman or Vice-Chairman who is not a Member of the Foreign Relations Committee if the President Pro Tempore, in consultation with the Majority and Minority Leaders, so determines.

REPORT CONCERNING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The House bill (sec. 160) requires a report within sixty days on UNESCO's activities since April 30, 1990.

The Senate amendment (sec. 167) requires the same report but extends the reporting deadline to 9 months.

The conference substitute (sec. 170) is the same as the Senate provision.

REPORT OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Senate amendment (sec. 904) modifies the underlying law establishing the Commission on Security and Cooperation in Europe to provide for an annual, rather than semi-annual, report on compliance by CSCE signatories with the Helsinki Final Act.

The House bill has no comparable provision.

The conference substitute (sec. 171) contains the Senate provision.

INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE REPORT

The Senate amendment (sec. 911) asserts several goals that should be reached in negotiations underway on a framework convention on global warming under the auspices of the International Negotiating Committee.

The House bill has no comparable provision.

The conference substitute (sec. 172) is the same as the Senate amendment. The International Negotiating Committee for a Framework Convention on Climate Change is the best opportunity for meaningful, concerted international actions to combat global warming in this decade. However, preliminary meetings to date have not made measurable progress toward a framework agreement to reduce greenhouse gas emissions.

The concern of conferees over the U.S. position in the ongoing talks is heightened with each meeting. As the largest single source of greenhouse gases, nations at the talks look to the United States for a commitment to reduce emissions of greenhouse gases. The lack of a clear position by the United States on specific steps to limit greenhouse gas emissions in the talks is a major obstacle to reaching a successful climate change agreement. The conference substitute places the Congress in support of the reductions in carbon dioxide and other unregulated greenhouse gas emissions, and in support of active U.S. leadership in reaching an agreement in time for the June 1992 United Nations Conference on the Environment and Development.

The conferees find that:

(1) climate change is a common concern of the international community;

(2) numerous international declarations stating the importance of addressing global climate change have been adopted with United States support in international meetings;

(3) all nations need to participate in international responses to climate change;

(4) extensive scientific research has taken place on global climate change, but further study is needed;

(5) the lack of full scientific understanding should not be used as a reason for inaction or postponing actions;

(6) the United States has an obligation to be a progressive force in development of global goals and schedules for reductions in greenhouse gases in an equitable manner by all nations of the world;

(7) meetings of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change are underway; and;

(8) strong leadership by the United States is crucial to achieving an agreement on a framework global climate change convention in time for the United Nations Conference on Environment and Development, to be held in Brazil in June 1992.

INTER-AMERICAN FOUNDATION

The House bill (sec. 161) authorizes appropriation of $28.8 million in fiscal year 1992 and $31 million in fiscal year 1993 for the Inter-American Foundation, adds certain qualifications for board members, requires that the Foundation maintain its principal offices in Washington, D.C. and allows the use of appropriated funds to pay for travel expenses.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 173) is the same as the House bill.

HOUSING BENEFITS OF THE UNITED STATES MISSION TO THE UNITED NATIONS

The House bill (sec. 162) requires a review of housing benefits to U.S. Government personnel assigned to the U.S. Mission to the United Nations, and a report.

The Senate amendment (sec. 170) is almost identical to the House bill.

The conference substitute (sec. 174) is similar to the Senate provision. It requires that the report specified shall be prepared by the Secretary of State.

ENHANCED SUPPORT FOR UNITED NATIONS PEACEKEEPING

The House bill contains a provision (sec. 163) requiring the Secretary of State to propose to the Secretary General of the United Nations means for expediting implementation of U.N. peacekeeping, and to report on changes in U.S. law which would enhance U.S. participation in such peacekeeping.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 175) adopts the House provision with a technical amendment. The report required by this provision would include, but not be limited to consideration of such issues as the adequacy of the present peacekeeping funding mechanisms and special peacekeeping assessments. Some consideration should also be given to U.S. initiatives that might lead to improving the ability of the United Nations to meet emergency situations around the world.

In preparing the report under subsection (b), the Department should further include the feasibility of providing technical assistance and surplus military equipment and supplies to U.N. peacekeeping operations, and how these might be counted as part of the U.S. peacekeeping assessment.

SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS

The Senate amendment (sec. 164) requires the Secretary of State to submit a report to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House on the purpose, activities, benefits and effect on American consumers of certain international organizations and withholds arrearage payments to these organizations until the report is submitted.

The House bill contains no comparable provision.

The conference substitute (sec. 176) withholds $1 million from the State Department salaries and expenses account until the Secretary of State submits a report on the purpose, activities, benefits and effect on American consumers of certain international organizations. The committee also suggest the $1 million be withheld from those State Department bureaus responsible for preparing the report.

GREAT LAKES FISHERY COMMISSION

The Senate amendment (sec. 168):

(a) contains findings regarding the contributions of Dr. Vernon C. Applegate to the development of effective and environmentally sound methods of sea lamprey eradication; and

(b) authorizes $12,300,000 in fiscal years 1992 and 1993 for U.S. contributions to the Great Lakes Fishery Commission.

The House bill contains no comparable provision.

The conference substitute (sec. 177) is similar to the Senate amendment.

The conferees are concerned that uncontrolled populations of sea lampreys are expanding their range to new streams and tributaries, thus causing a marked increase in the number of sea lampreys. In three of the Great Lakes—Huron, Ontario, and Superior—the number of trout being killed by the parasitic sea lampreys equals or exceeds the number of trout harvested by commercial and sport fisheries combined. Each adult lamprey can destroy up to 40 pounds of fish during its lifetime.

The committee of conference also notes that the Great Lakes sport fishing industry generates $4.4 billion annually in economic activity in the Great Lakes region, resulting in $75 million in Federal tax revenue and $160 million in State tax revenue in 1988 alone.

In view of the destruction sea lampreys can create, the committee of conference has chosen to authorize funding for the Great Lakes Fishery Commission at a level higher than that requested by the administration.

Finally, the committee of conference also takes note of the tremendous contribution made by Dr. Vernon C. Applegate to the eradication of sea lampreys.

INTER-AMERICAN ORGANIZATIONS

The Senate amendment (sec. 169) recommends particular attention to funding levels of Inter-American organizations in allocating U.S. resources.

The House bill contains no comparable provision.

The conference substitute (sec. 178) is the same as the Senate amendment. This section expresses the intent of the Congress that the Secretary of State, in allocating the level of resources for the "Contributions to International Organizations" account (CIO) should pay particular attention to funding levels for Inter-American Organizations. It also contains a finding that the work of these organizations has been of great benefit to the region and that the U.S. itself has benefitted.

As the largest economic power in the hemisphere the assessment levels for the U.S. in the Inter-American Organizations is relatively larger than it is in the UN and Affiliated Agencies. Therefore, an across the board reduction in the CIO account would have a more detrimental impact on the Inter-American Organizations, representing our region, than in the global organizations. Consequently, when distributing resources available for the CIO account, the Department of State should apportion any reductions so as to not affect Inter-American Organizations relatively more than the UN and Affiliated Agencies.

INTERNATIONAL COFFEE ORGANIZATION

The Senate amendment (sec. 170A) contains a provision eliminating all funding to the International Coffee Organization which, for 1992, was to be $899,000.

The House bill contains no similar provision.

The conference substitute (sec. 179) adopts the Senate provision with an amendment. The amendment deletes the requirement to end funding to the International Coffee Organization and replaces this provision with a sense of Congress urging the President to give the highest priority to the interests of U.S. consumers as the new coffee agreement is shaped. Data presented shows that coffee prices to U.S. consumers have been significantly lower in the absence of an International Coffee Agreement (ICA). The conferees were also concerned by the effect of the ICA on countries assigned artificially low quotas.

APPOINTMENT OF SPECIAL COORDINATOR FOR WATER POLICY NEGOTIATIONS AND WATER RESOURCES POLICY

The Senate bill (sec. 194) designates a coordinator to direct the U.S. response to international water resource disputes and formulate U.S. policy with regard to water resources.

The House bill contains no comparable provision.

The conference substitute (sec. 180) adopts the Senate language adding an amendment to clarify that the responsibilities of the coordinator may be undertaken in addition to other responsibilities of an individual in a preexisting position.

EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS

The Senate amendment (sec. 932) encourages increased employment of U.S. citizens by certain international organizations.

The House bill contains no comparably provision.

The House recedes to the Senate version (sec. 181). The conferees believe strongly that those international organizations which have a geographic distribution formula to guide employee hiring should move in the direction of significant participation of U.S. citizens. The United Nations and the World Health Organization (WHO) have done so. This section calls for reports, beginning 180 days after enactment and every year thereafter to track the progress of organizations with geographic distribution formulas in increasing American citizen hires.

Inasmuch as the United States is assessed for 25 percent of the budget of many UN system and affiliated organizations, the conferees believe that significant good faith efforts by those agencies which have geographic distribution formulas are needed. Reports required in this section should detail what specific efforts are being made to increase U.S. citizen employment and list the resulting numerical increase in those positions.

The conferees expect good faith efforts to be made by agencies which have fallen short of their own geographic distribution formulas. If increased American hiring fails to result, additional steps should be considered to encourage greater numbers of UN hiring of U.S. citizens.

The conferees are also aware that many U.S. Government employees covered by the Federal Employees Retirement System (FERS), have a disincentive for accepting employment with international organizations. Conferees believe that appropriate congressional committees should take maximum effective steps to remove this barrier by permitting FERS-eligible employees to seek and compete for international organization positions.

PART F—MISCELLANEOUS PROVISIONS

IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

The House bill (sec. 174) contains a provision to ensure the timeliness of the U.S. report on implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women (Nairobi Strategies) as adopted by the 40th Session of the United Nations General Assembly in Resolution 40/108 on December 13, 1985.

The Senate bill contains no comparable provision.

The conference substitute (sec. 192) adopts the House language with a technical amendment. The conferees expect that the Secretary of State will submit the report on U.S. implementation of the Nairobi Strategies to the U.N. Secretary General by the 1995 deadline.

In order to ensure that the 1995 report of the United States is comprehensive and timely, the Committee of Conference directs the Secretary of State to devote adequate funds to this effort.

STUDY OF TECHNICAL SECURITY AND COUNTERINTELLIGENCE CAPACITIES.

The House bill (sec. 176) requires a study by the Inspector General of overseas technical security and counterintelligence capabilities of the Department of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 193) is the same as the House bill.

STUDY OF SEXUAL HARASSMENT AT THE DEPARTMENT OF STATE

The House bill (sec. 179) requires the Inspector General to report within 180 days on failure of DOS to comply with previous requirements.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 194) is the same as the House provision with a technical amendment.

It is the sense of the conferees that:

(1) In June 1988, the United States Merit Systems Protection Board issued a report entitled, "Sexual Harassment in the Federal Government: An Update". That report identified the State Department (including the United States Information Agency and the United States Agency for International Development) as having the highest rate of incidence of sexual harassment of women of any agency in the Federal Government.

To provide more detailed information on sexual harassment of women at the Department of State and United States Information Agency, the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 directed the two agencies to contract out with private organizations with expertise in personnel systems and problems no later than 90 days after enactment of that Act to conduct detailed studies of sexual harassment problems at their respective agencies. The private organizations were required to complete their studies and to report to Congress within one year after enactment.

(3) The United States Information Agency entered in a contract with a private organization to begin its study even before enactment of the Act, and submitted a detailed report to Congress within the mandated deadline. That report found that the incidence of sexual harassment of women at the United States Information Agency was not significantly greater than the average for other agencies of the Federal Government as identified by the United States Merit Systems Protection Board. In response to the report, the United States Information Agency has instituted programs to help prevent incidents of sexual harassment and to respond to incidents that do occur, and the Agency has planned period follow up studies to monitor improvement.

(4) The Department of State failed to enter into a contract with a private organization to begin its study until 8 months after enactment of the Act, which was 5 months after the deadline required by law. The delay ensured that the private organization selected to conduct the study would be unable to meet the legislatively mandated deadline for submission of its report. This delay also ensured that the Congress would be unable to consider for inclusion in the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 any recommendations for legislative changes that might be contained in the report.

BUY-AMERICAN REQUIREMENT

The House bill (sec. 181) requires the Department of State to give procurement preferences to a "domestic" firm.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

RESTRICTIONS ON CONTRACT AWARDS

The House bill (sec. 182) prohibits State Department procurement from countries whose governments discriminate against U.S. businesses.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS

The House bill (sec. 183) renders ineligible for a Department of State contract any person determined to use such labels.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 195) is the same as the House bill.

SENSE OF THE CONGRESS

The House bill (sec. 184) requires that any firm that receives contracts pursuant to this act should employ U.S. workers.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

NOTICE

The House bill (sec. 185) requires the Secretary of State to provide notice of the above to contractors.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

DEADLINE FOR RESPONSES TO CONGRESSIONAL COMMITTEES

The Senate amendment (sec. 127) contains a provision requiring the State Department to submit answers to congressional inquiries within 15 days.

The House bill contains no comparable provision.

The conference substitute (sec. 196) is the same as the Senate bill with an amendment to change the deadline for replies to 21 days.

Conferees are increasingly frustrated by the State Department's unwillingness to provide answers promptly. While conferees regret the necessity to set a deadline for responses by law, they see now other practical way to redress the problem.

INTERNATIONAL CREDIT REPORTS

The Senate amendment (sec. 128) mandates a report setting forth criteria for international loans by which the United States will determine the likelihood of repayment by foreign countries or organizations receiving U.S. loans or guarantees, and requires transaction-by-transaction advance reports on all such loans or guarantees.

The House bill contains no comparable provision.

The conference substitute (sec. 197) deletes the requirement for transaction-by-transaction reports, requiring instead a single annual summary report, and simplifies the guidelines for developing loan criteria.

The conferees believe that mention should be made in the report mandated by section 197(a) of the substitute of the extent to which the following criteria are, or could be, used to assess country risk, project loan repayments, and estimate subsidy levels:

(1) the nation or organization's short-term obligations;

(2) the nation or organization's medium-term obligations;

(3) the length of time the loan will be outstanding;

(4) the nation or organization's arrearages;

(5) the economic policy outlook affecting the nation or organization; and

(6) a weighting system that accounts for increasing uncertainties in repayment for loans as their term increases.

FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES

The Senate amendment (sec. 171) provides a basic charter for the "Foreign Relations of the United States" historical series (referred to as the "FRUS" series) and provides for the declassification of State Department records generally after 30 years. It provides a legislative mandate for the Advisory Committee on Historical Diplomatic Documentation, and requires other departments and agencies of the U.S. Government to cooperate with the State Department Historian by providing access to records pertinent to U.S. foreign policy decisions and actions.

The House bill (sec. 173) is substantially similar. The bills differ with regard to the phase-in envisioned for bringing the FRUS series up to date and with regard to the schedule for the declassification of State Department records generally.

The conference substitute (sec. 198) provides that the FRUS series shall be published not more than thirty years after the events recorded, and adopts the House provision of a three-year phase-in and an additional 2 years, if required, upon the request of the Secretary of State. It adopts the Senate 30-year requirement on declassification of State Department records, with specified exemptions, with the House provision of a one-year phase-in with a second year available, if needed, upon the request of the Secretary. It includes provisions from both bills for access to other agency records for inclusion in the FRUS series by appropriately cleared individuals in the Office of the State Department Historian and by members of the Advisory Committee, and sets forth procedures for declassification review of such records. It drops a provision in the Senate bill for preparation of "unclassified summaries" of such records.

The conference substitute incorporates language from both bills on the Advisory Committee on Historical Diplomatic Documentation, which is to be appointed by the Secretary of State from among distinguished historians, political scientists, archivists, international lawyers, and other social scientists who have a demonstrable record of substantial research pertaining to the foreign relations of the United States.

GENERAL ACCOUNTING OFFICE STUDY OF THE FOOD AND AGRICULTURE ORGANIZATION

The House bill (sec. 177) requires a GAO study and report on FAO programs, effectiveness and management.

The Senate amendment contains no comparable provisions.

The conference substitute deletes the House provision.

TRANSITION FOR REFUGEE SHORTFALL

The House bill (sec. 171) allows unused refugee admissions numbers for fiscal year 1991 to remain available during fiscal year 1992. This section also authorizes previously appropriated, but unused funds for these slots to remain available in fiscal year 1993.

The Senate amendment contains no comparable provision.

The conference substitute deletes this provision.

TECHNICAL CORRECTION

The Senate amendment (sec. 193) changes the title of a portion of Public Law 100-513.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—UNITED STATES INFORMATION AGENCY

USIA POSTS AND PERSONNEL OVERSEAS

The House bill (sec. 206) amends existing law to allow USIA to close posts abroad with 45 days' advance notice to the Congress.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 206) is the same as the House bill.

IMPLEMENTATION OF BEIRUT AGREEMENT

The House bill (sec. 207) contains a provision adding language to the "Joint Resolution to give effect to the Agreement for facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, approved in Beirut in 1948". Under the Agreement, material which is certified as "educational" by the country of its origin is exempt from Customs duties.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 207) adopts the House provision in order to ensure that the United States implements the Beirut Agreement in conformity with its purpose and with the First Amendment to the Constitution of the United States. The provision is intended to ensure that government regulations do not frustrate the purpose of the Agreement by empowering U.S. Government officials to make subjective judgments about the political content or message of documentary films, and thereby impede their circulation abroad by the denial of educational certification. Adoption of the provision is also designed to ensure that determinations by the U.S. Government of the educational character of documentary films are viewpoint-neutral.

SPECIAL IMMIGRANT STATUS FOR CERTAIN USIA EMPLOYEES

The House bill (sec. 208) authorizes use of a limited number of visas for aliens needed by VOA for broadcasting in rare languages, upon certification that equally qualified U.S. workers are not available.

The Senate amendment (sec. 123) creates a new non-immigrant category, for use of any government agency.

The conference substitute adopts neither provision, retaining current law.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH

The House bill (sec. 209) restates existing authority for activities of the North-South Center in Miami, Florida, and provides $10 million in permanent authorization.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 208) is similar to the House bill, but reduces authorization for FY 1992 to $5 million.

CLAUDE AND MILDRED PEPPER SCHOLARSHIP PROGRAM

The House bill (sec. 211) authorizes the U.S. Information Agency (USIA) to make grants to the Claude and Mildred Pepper Scholarship Program and authorizes $1 million for such grants.

The Senate amendment (sec. 225) provides $½ million for each fiscal year 1992 and 1993 for seminars in Washington by USIA Educational and Cultural Affairs Bureau to expose students from newly democratic countries to workings of U.S. Government; and $½ million for each fiscal year for scholars, business people and professionals to observe democracy in action here.

The conference substitute (sec. 210) adopts the House provision with an amendment limiting expenditures to $500,000 for the fiscal year 1992.

PROGRAM REVIEW OF NED

The House bill (sec. 212) provides an additional $5 million for the National Endowment for Democracy after the submission of a comprehensive report to Congress by NED on actions the Endowment and its core grantees are taking to respond to the March 1991 report of the General Accounting Office entitled "Promoting Democracy: National Endowment for Democracy's Management of Grants Needs Improvement."

The Senate amendment (sec. 208) is functionally identical to the House section with the addition of an annual USIA audit of NED and expresses the Sense of Congress that NED should make every effort to solicit private contributions.

The conference substitute (sec. 211) is identical to Senate section 208 with an amendment to section (c) to require the GAO to respond to NED's report 90 days after enactment rather than after submission of the report.

In July 1991, in response to the GAO report, and in anticipation of congressional action, the National Endowment for Democracy submitted to the Congress a report entitled "Improving the National Endowment for Democracy's Management of Grants: A Blueprint for Action." In a letter to the Senate Foreign Relations and the House Foreign Affairs Committees which accompanied the report, the Chairman of the NED, John Richardson, said that "the Endowment takes seriously its responsibility to provide oversight of its grant-making activities and can assure Congress that this important issue is being given the Endowment's full attention."

While the conferees agree that the Endowment has met the conditions in subsection (b) and is thus eligible for the additional funds authorized under subsection (a), the conferees believe that the language in the bill should be retained to demonstrate the need for the Endowment to implement fully the GAO's recommendations which can increase Congressional confidence in NED. The conferees look forward to the receipt of the GAO's response to the NED report.

USIA GRANTS

The House bill (sec. 213) includes a section to promote competitiveness in grant making by USIA.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 212) adopts the House provision with an amendment. This section requires the United States Information Agency to establish greater competition in the awarding of grants in an atmosphere free of politicization where all grant applicants are evaluated equitably.

This provision stems from an audit report issued by the Office of the USIA Inspector General on the Bureau of Educational and Cultural Affairs, dated November 9, 1990, which raised serious concerns about the adequacy of competition in the awarding of grants. But in requiring USIA to strengthen significantly competitive procedures in the grant making process, the conferees do not intend USIA to ignore other important considerations, such as costs, ability to perform, and long-term foreign policy interests.

The conference substitute amendment clarifies the intent of the House provision that the requirement of enhanced competition does not necessarily require an alteration of the present arrangement between USIA and organizations that implement the Fulbright and similar long-standing exchange programs important to the conduct of U.S. foreign policy. In these programs, it is not, in and of itself, unacceptable that annual grants be made to organizations which have over the years developed particular expertise in their administration. The amendment also clarifies that the report required under subsection (d) should cover all steps taken to increase competition in grant making, including but not limited to the recommendations of the Inspector General Office in its November 9, 1990 report.

ISRAELI-ARAB SCHOLARSHIP PROGRAM

The House bill (sec. 215) establishes an endowment in USIA to provide scholarships for Israeli Arabs to pursue higher education in the United States. Funding of the endowment will result from an existing foreign operations appropriation in FY 1990.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 214) is the same as the House bill.

ELIGIBILITY OF NED FOR GRANTS

The House bill (sec. 216) prevents officers and employees of the National Endowment for Democracy's four core grantees from sitting on the board or serving as an officer of the National Endowment for Democracy after January 31, 1993.

The Senate amendment (sec. 921) prevents an active member of the leadership of any NED grantee which receives more than 5 percent of NED funds from sitting on the NED board.

The conference substitute (sec. 215) is the Senate provision with a technical amendment.

ESTABLISHMENT OF USIA OFFICE IN VIENTIANE, LAOS

The Senate amendment (sec. 603) requires the Director of the United States Information Agency to establish an office in Vientiane, Laos to assist in the propagation of American political and economic values.

The House bill contains no comparable provision.

The conference substitute (sec. 216) is identical to the Senate provision.

PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

FULBRIGHT EXCHANGE PROGRAMS ENHANCEMENT

The Senate amendment (sec. 222) authorizes the appropriation of $2,700,000 in fiscal years 1992 and 1993 to increase amounts available to the Bureau of Educational and Cultural Affairs for academic exchange programs involving Latin America, Asia, and Africa.

The House bill contains no comparable provision.

The conference substitute (sec. 222) is similar to the Senate amendment, but authorizes the funds specifically for the Fulbright Academic Exchange Programs for exchanges involving Latin America, Asia, and Africa.

USIA CULTURAL CENTER IN KOSOVO

The Senate amendment (sec. 206) requires the Director of the United States Information Agency to establish a cultural center in Kosovo, Yugoslavia, 90 days after the date of enactment of this act.

The House bill contains no comparable provision.

The conference substitute (sec. 223) requires the Director of USIA to establish a cultural center in Kosovo, Yugoslavia at such time when the Secretary of State determines that the physical security of the center and the personal safety of its employees may be reasonably assured. In determining that there should be a delay in establishing the center, the Department of State shall not apply stricter security standards than those governing the establishment of centers elsewhere in the world or those governing the closing of centers already operating in Yugoslavia.

CONFORMING AMENDMENT ON CERTAIN USIA SCHOLARSHIPS

The Senate amendment (sec. 223) extends to fiscal year 1992 and fiscal year 1993 provisions of the 1990–1991 authorization act to provide scholarships to Tibetan and Burmese students and professionals.

The House bill contains no comparable provision.

The conference substitute (sec. 224) is the same as the Senate amendment.

POLICY ON EXPANDING GERMAN PARTICIPATION IN CONGRESS-BUNDESTAG EXCHANGE PROGRAM

The Senate amendment (sec. 224) encourages that participation in the Congress-Bundestag exchange program be expanded to include citizens from the former German Democratic Republic.

The House bill contains no similar provision.

The conference substitute deletes the provision.

The committee of conference encourages the United States Information Agency to work with its German counterparts in the Congress-Bundestag Exchange Program to emphasize the participation of former citizens of the German Democratic Republic and strive to insure that Germans from the eastern portion of that now reunified country are given every opportunity to participate fully in German-American bilateral exchange programs and thereby expand their first-hand knowledge of the United States.

EASTERN EUROPE STUDENT EXCHANGE ENDOWMENT FUND

The Senate amendment (sec. 226) establishes an endowment to support exchanges of secondary school students between the U.S. and Eastern Europe, and authorizes a one-time appropriation of $4 million for this purpose.

The House bill contains no comparable provision.

The conference substitute (sec. 225) is the same as the Senate amendment, but reduces the authorization level to $1 million.

ENHANCED EDUCATIONAL EXCHANGE PROGRAM

The Senate amendment (secs. 241–244) requires USIA to increase the numbers of exchange scholarships between the U.S., Eastern Europe and the Soviet Union, and non-European or other countries which have not been adequately represented in the foreign student population in the United States, and authorizes the appropriation of $10 million in each of fiscal years 1992 and 1993 for this purpose.

The House bill contains no comparable provision.

The conference substitute (sec. 226) adopts the Senate provision with amendments reducing the authorization level to $2 million and the number of exchanges to 200.

With regard to eligibility for participation in the program, this section provides USIA with the flexibility to administer programs for both undergraduate and graduate students. The conferees urge the Director of USIA to develop a diverse program with particular attention to the needs of undergraduate students.

LAW AND BUSINESS TRAINING PROGRAM FOR SOVIET GRADUATE STUDENTS

The Senate amendment (title XII) establishes a program of scholarships to allow Soviet graduate students in law, business and public administration to study in the United States, and authorizes the appropriation of $10 million in each of fiscal years 1992 and 1993 for this purpose.

The House bill contains no comparable provision.

The conference substitute (sec. 227) is the same as the Senate amendment, but reduces the authorization level to $7 million.

The conferees expect that USIA will implement the program immediately so that the initial group of students will arrive in September of 1992. This will require a timely commitment of funds so that work can begin in a prompt and orderly fashion with cooperating institutions in the various Republics and with schools in the United States to achieve the goal of placing students in school by September of 1992. Several groups exist which have the capability of getting the first year under way, and the conferees expect USIA will work with groups which have the relevant and necessary experience to administer such programs in this region. In subsequent years, the conferees intend that USIA will follow normal competitive procedures in administering this program.

The conferees intend the term "Soviet Union" as used in this section to include the people and republics of the Soviet Union as constituted at the date of enactment.

NEAR AND MIDDLE EAST RESEARCH AND TRAINING

The Senate amendment (secs. 181–182) contains a provision to promote research and training relating to the countries of South and Central Asia, the Middle East and North Africa, and authorizes funds through the budget of the Department of State (section 105(3)) to support such research and training.

The House bill contains no comparable provision.

The conference substitute (sec. 228) adopts the Senate provision with an amendment. The amendment authorizes the Director of USIA to support studies of the region with such sums as are appropriate from the budget for the Bureau of Educational and Cultural Affairs, and requires him to consult with experts inside and outside government, and to submit recommendations to Congress on the conduct of educational and cultural exchange programs administered and funded by the agency. The purpose of this review is to ensure that there is an assessment of the importance in this region relative to those in other regions, and of the emphasis which should be placed on support of U.S. scholars relative to support for other educational and cultural exchanges. In making his recommendations, the Director should consult with the Social Science Research Council, the International Exchange Association, and other similar organizations.

The conference substitute (sec. 221(7)) also authorizes funds for fiscal year 1993 for Near and Middle East Programs, through the USIA's budget for the Bureau of Educational and Cultural Affairs. It does so with the understanding that some of those resources will be directed, as appropriate and otherwise authorized by law, for the purposes of section 228, to assist graduate and postdoctoral studies relating to the countries of South and Central Asia, the Middle East and North Africa. The conferees intend that these funds shall be directed to programs relating to the "Near and Middle East" as defined in subsection (d) of section 228 of the conference substitute.

House conferees were not persuaded about the need for special resources for studies of the Arab world and Israel. The conference substitute was adopted because Near and Middle Eastern studies as covered here includes all the countries covered by the Bureau of Near Eastern and South Asian Affairs. The conference substitue is adopted with the understanding that for purposes of implementations of either of the above sections, the sub-regions and countries on which USIA will place greatest emphasis in its funding decisions are those which are presently neglected, such as those of the South Asian subcontinent, Iran and Afghanistan, and those areas and peoples of North Africa which have hitherto received insufficient attention.

Payments under this program, may be made, as appropriate and authorized by law, to individuals or institutions of higher learning, in the United States or in other countries. Payments to institutions should be for programs to be conducted on a cost-sharing basis. Payments may be for postdoctoral research as part of a national research program, for support of graduate, postdoctoral and teaching fellowships for advanced training, for dissemination of research, data and findings, for the conduct of seminars, conferences and workshops, to support language training, including summer language institutes, and to conduct specialized programs in advanced training and research on a reciprocal basis with countries of the region to facilitate access to research institutes, personnel, archives, documentation, and other research and training resources.

The adoption of the provision in the conference substitute is based upon the following considerations:

(1) factual knowledge, independently verified, about these countries is of utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs;

(2) the development and maintenance of knowledge about these countries depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government; and

(3) certain essential functions are necessary to ensure the existence of that knowledge and the capability to sustain it, including—

(A) graduate training;

(B) advanced training;

(C) public dissemination of research data, methods, and findings;

(D) contact and collaboration among Government and private specialists; and

(E) firsthand experience of these countries by American specialists, including on-site conduct of advanced training and research to the extent practicable; and

(4) it is in the national interest for the U.S. Government to provide a stable source of financial support for the functions described in this section and to supplement the financial support for those functions which is currently being furnished by Federal, State, local, regional, and private agencies, organizations, and individuals and, thereby, to stablize the conduct of these functions on a national scale, consistently, and on a long-range unclassified basis.

SCHOLARSHIPS FOR VIETNAMESE

The Senate amendment (sec. 612) creates 15 scholarships for each of the fiscal years 1992 and 1993 to be administered by the U.S. Information Agency for Vietnamese residents in Vietnam to study at U.S. colleges and universities for a minimum of one semester. Preference is stated for those students intending to pursue studies in economics and commercial law.

The House bill contains no comparable provision.

The conference substitute (sec. 229) adopts the Senate provision with a technical amendment clarifying the eligibility of students.

The conferees fully expect that the United States Information Agency shall consult with the Congress on establishing procedures and criteria for implementing these scholarships. Further, the implementation of these scholarships shall not prejudice questions involving the normalization of relations between the United States and the Socialist Republic of Vietnam.

PART C—BUREAU OF BROADCASTING

TELEVISION BROADCASTING TO CUBA ACT

The House bill (sec. 232) authorizes funds appropriated for TV Marti to remain available until expended.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 232) is the same as the House bill.

YUGOSLAVIAN PROGRAMMING WITHIN THE VOICE OF AMERICA

The Senate amendment (sec. 207) mandates the establishment of separate Croatian and Serbian programs within the Yugoslavia section of VOA.

The House bill contains no comparable provision.

The conference substitute (sec. 233) is the same as the Senate amendment.

VOICE OF AMERICA BROADCASTS IN KURDISH

The Senate amendment (sec. 234) requires VOA to begin broadcast programming in Kurdish within six months, requires BIB to submit a plan for a surrogate Kurdish service, sets out reporting requirements and authorizes $1 million in each of fiscal years 1992 and 1993 for the VOA Kurdish service.

The House bill contains no comparable provision.

The Conference substitute (sec. 234) is similar to the Senate provision, but contains no funding authorization.

REPORTS ON THE FUTURE ON INTERNATIONAL BROADCASTING

The Senate amendment (sec. 232) requires the President to provide Congress with the report of the Policy Coordinating Commission (PCC) on international broadcasting within 15 days of enactment of the bill. It also requires the Task Force on United States Government International Broadcasting to provide Congress with a copy of its report to the President when completed.

The House bill contains no comparable provision.

The conference substitute (sec. 235) is the same as the Senate amendment.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

BOARD FOR INTERNATIONAL BROADCASTING ACT

The Senate amendment (sec. 302) amends section 8(b) of the Board for International Broadcasting Act of 1973 to allow the Board for International Broadcasting (BIB) to use funds in its currency fluctuation account to make payments to Radio Free Europe/Radio Liberty's pension funds in order to avoid future pension liability. Under current law those funds can only be used to offset currency exchange losses.

The House bill contains no comparable provision.

The conference substitute (sec. 242) is the same as the Senate amendment.

BROADCASTING TO CHINA

The Senate amendment (sec. 233) establishes a commission to study the feasibility, effect, and implications for United States foreign policy, of instituting a radio broadcasting service to the People's Republic of China to provide news and information regarding events inside China.

The House bill contained no similar provision.

The conference substitute (sec. 243) is the Senate provision with a House amendment that tasks the commission to examine also whether the United States should institute broadcasting, as outlined in this provision, to other communist countries in Asia.

The conferees believe that services, providing a greater focus on events in each of the respective countries, could add a critical complement to current Voice of America (VOA) broadcasting to China.

The conferees note that Radio Free Europe and Radio Liberty have demonstrated that surrogate broadcasting is a cost-effective means of promoting democratic ideals and supporting the right of all people to "seek, receive and impart information and ideas," a concept enshrined in article 19 of the Universal Declaration of Human Rights.

The conferees understand that the President's Task Force on International Broadcasting is presently engaged in a comprehensive review of United States Government broadcasting needs world wide, including Asia. The conferees expect that, in undertaking this more extensive review of broadcasting requirements in the specified countries in Asia, the commissioners will take into account the Asia-related recommendations of the President's Task Force. The conferees encourage the commission to examine and assess the broadest range of broadcast options. In addition, the conferees expect that the commission—to be appointed jointly by the President and the Congressional leadership—will include both regional experts and experts on international broadcasting.

The conferees look forward to receiving the report of this commission and, together with the reports of the President's Task Force and the Policy Coordinating Commission, expect that they will make a valuable contribution to Congress' full scale review of U.S. Government International Broadcasting operations.

POLICY ON RFE/RL

The Senate Amendment (sec. 303) expresses the sense of Congress that RFE broadcasts should not be curtailed to any East European country until those countries have achieved a pattern of free and fair elections.

The House bill has no comparable provision.

The Conference substitute (sec. 244) amends the Senate language to clarify the Conferees intent that it is not necessary that BIB maintain its current levels of services in each language without regard to changing circumstances. The substitute expresses the sense of Congress that nations served by BIB programming should have clearly demonstrated the successful establishment and consolidation of democratic rule before BIB services to that country are ended.

The Conferees found that Radio Free Europe:

(1) by providing valuable information to the people of Eastern Europe played a critical role for four decades in helping to foster and sustain the aspiration for democracy in that region;

(2) can and should continue to disseminate reliable and timely information to the people of Eastern Europe not only during the period of transition to democracy but also while democratic institutions are strengthened; and

(3) has been praised by the current democratic leaders in Eastern Europe as an important contribution to public knowledge and the free flow of information during the consolidation of Eastern Europe's new democracies.

TITLE III—MISCELLANEOUS FOREIGN AFFAIRS PROVISIONS

PART A—FOREIGN POLICY PROVISIONS

PLO COMMITMENTS COMPLIANCE

The House bill (sec. 301) updates provisions of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 to maintain executive branch reporting requirements on the currently-suspended U.S.-PLO diaglogue.

The Senate amendment (sec. 901) contains a comparable provision.

The conference substitute contains neither provision. A comparable provision is contained in H.R. 2508, the International Cooperation Act of 1991 (Sec. 613).

PERSIAN GULF WAR CRIMINALS

The Senate amendment (title VII) contains a provision to facilitate the prosecution of Persian Gulf war criminals.

The House bill contains no comparable provision.

The conference substitute (sec. 301) adopts the Senate provision with an amendment. The amendment expresses the sense of the Congress that the President should propose the establishment of an international tribunal for the prosecution of Persian Gulf war criminals, and requires the Secretary of State to designate a high level official to coordinate the U.S. efforts to further the prosecution of such war criminals. The amendment also requires a report to Congress on the subjects covered by this provision.

The conferees understand that the executive branch, particularly the Department of Defense, has collected and maintained evidence of crimes committed by Persian Gulf war criminals. The conferees encourage inter-agency cooperation in such efforts, and consultation among the Secretaries of State and Defense and the Attorney General on the question of appropriate jurisdiction for the prosecution of Persian Gulf war criminals. The conferees expect that the high-level official designated by the Secretary to coordinate the efforts under this provision will be of the rank of Assistant Secretary of State.

The conference substitute adopts the Senate provision for the following reasons:

(1) the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole";

(2) the United Nations has reaffirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgments of the Tribunal;

(3) the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means";

(4) on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

(5) the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (also known as the "Fourth Geneva Convention") imposes certain obligations upon a belligerent state occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict and requires that persons committing "grave breaches" are to be apprehended and subject to trial;

(6) "grave breaches" are defined to include "willful killing, torture, or inhuman treat-

ment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity";

(7) there is evidence that Iraqi authorities have violated provisions of the Fourth Geneva Convention through their inhumane treatment and acts of violence against the Kuwaiti civilian population by subjecting Kuwaiti civilians to physical coercion, suffering, and extermination in order to obtain information, and by other actions;

(8) both Iraq and Kuwait are parties to the Fourth Geneva Convention;

(9) the Geneva Convention Relative to the Treatment of Prisoners of War (also known as the "Third Geneva Convention") sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities and requires that persons committing "grave breaches" are to be apprehended and subjected to trial;

(10) there is evidence that Iraqi authorities have violated provisions of the Third Geneva Convention by their physical and psychological abuse of military and civilian prisoners, of war, including members of the international press, by placing prisoners of war in solitary confinement, failing to shelter them against air bombardment, and denying them contact with the outside world, and by other actions;

(11) Iraq is a party to the Third Geneva Convention;

(12) there is evidence that Iraqi authorities committed crimes against peace by firing missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

(13) Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland on May 8, 1977, which provides in Article 1 that: Each State party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party and there is evidence that Iraqi authorities, by inflicting grave risk to the health and well-being of innocent civilians in the region by willfully setting on fire Kuwaiti oil wells and willfully spilling oil into the Persian Gulf, resulting in the mass pollution of air and water, have committed crimes against the peace, in that such acts constitute engaging in military and other hostile uses of environmental modification techniques;

(14) there is evidence that Iraqi authorities have violated, and continue to violate, international law, by using chemical and other illegal weapons against the citizens of Iraq, by shelling and bombing indiscriminately the cities and other civilian-populated regions of Iraq, by torturing and committing the summary killing of tens of thousands of Iraqi citizens, and by expelling through force and threats of force millions of Kurdish and Shi'a citizens of Iraq; and

(15) Iraqi authorities who have committed crimes under international law must be prosecuted for committing such crimes because a failure to try and punish them would establish a dangerous precedent and would negatively impact the value of deterrence on the commission of future crimes under international law.

The intended scope of this provision is as follows:

(1) the term "crimes under international law" means crimes against humanity, crimes against peace, and war crimes.

(2) the terms "crimes against humanity" means murder, extermination, enslavement, deportation, or any other inhumane act committed against any civilian population, or any persecution on political, racial, or religious grounds;

(3) the term "crimes against peace" means the planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any such act or engaging in military or other hostile uses of environmental modification techniques having widespread, long-lasting, or severe effects as a means of destruction, damage, or injury of another country;

(4) the term "war crimes" means violations of the laws or customs of war, including violations of any of the Geneva Conventions;

(5) the term "Iraqi authorities" means any officer, employee, or agent of the Government of Iraq (or any agency or instrumentality thereof), including any member of the armed forces or security forces of Iraq;

(6) the term "Persian Gulf region" means the region consisting of the Persian Gulf and the countries bordering the Persian Gulf, including Iraq; and

(7) the term "Persian Gulf war criminals" means Iraqi authorities who have committed crimes under international law in the Persian Gulf region at any time on or after August 25, 1988.

BENEFITS FOR UNITED STATES HOSTAGES CAPTURED IN LEBANON

The Senate amendment (sec. 907) extends eligibility for certain salary and insurance benefits for United States hostages in Iraq, Kuwait, and Lebanon which were adopted in the Foreign Operations Export Financing, and Related Programs Appropriations Act for fiscal year 1991. The amendment enables the Department of State to consider applications from qualified individuals who may have been hostages in Iraq or Kuwait, but did not present their cases before May 5, 1991, when the authority to obligate funds for the provision of benefits terminated. In the case of U.S. hostages in Lebanaon, the provision extends the period of entitlement for health and life insurance benefits to the period of the hostage status plus 60 months following the termination of such status.

The House bill contains no comparable provision.

The conference substitute (sec. 302) is the same as the Senate provision.

REPORT ON CHINA

The House provisions (sec. 180) requires a report to the Congress and the Secretariat of the OECD from the Secretary of State regarding the extent to which U.S. businesses operating in the People's Republic of China are following enumerated human rights practices in their regular business operations.

The Senate provision (sec. 925) requires the President to submit a report to the Congress, 45 days prior to his announcement regarding the renewal of MFN status for the People's Republic of China. The report is to discuss China's progress or lack thereof since the Tiananmen Square massacre regarding the human rights situation, controlling weapons proliferation, and reducing Chinese imposed barriers in the U.S.-Chinese trading relationship.

The conference substitute (sec. 303) deleted the House provision because a similar reporting requirement was included in H.R. 2508, the International Cooperation Act of 1991 (chapter 3 of title IX). The conference substitute maintains the Senate provision requiring the reports from the President not later than May 1 of 1992 and 1993. The report will discuss China's progress or lack thereof since the Tiananmen Square massacre regarding the human rights situation, controlling weapons proliferation, and enumerated issues regarding U.S.-Chinese trade not discussed in the National Trade Estimate Report required under section 181 of the Trade Act of 1984.

REPORT ON TERRORIST ASSETS IN THE UNITED STATES

The Senate amendment (sec. 926) contains a provision requiring a report on the assets of terrorist countries, nationals of such countries, and organizations and individuals engaged in terrorism.

The House bill contains no comparable provision.

The conference substitute (sec. 304) adopts the Senate provision with an amendment. The executive branch expressed concern about the administrative burden that would result from the compilation of information about the assets of individuals. House conferees were concerned about government collection of private information on individuals based solely on their nationality, with no requirement that they be engaged in any unlawful activity. Accordingly, the amendment to the Senate language made by the substitute deletes the requirement of reporting on individuals' assets. However, assets nominally held by an individual on behalf of terrorist organizations covered by this section would be the appropriate subject of the report under this section.

The executive branch also suggested that the application of a standard definition of terrorism would allow for a clearer and more effective fulfillment of its reporting responsibilities, and suggested that the terrorist organizations to be reported on should be defined consistent with the executive's existing responsibilities. Conferees were also concerned that ambiguity about the definition of terrorism would result in the application of the reporting requirement to groups or individuals engaged in activities that would be protected by the First Amendment to the Constitution of the United States, if engaged in by U.S. citizens, or legitimate humanitarian, charitable and relief activities. To address both these concerns, the amendment to the Senate language applies the definition of terrorist activities found in the annual reporting requirements found in Section 140(d) of the Foreign Relations Authorization Act for Fiscal Years 1988 and 1989. The conferees adopted this definition in the understanding that it will cover organizations such as those components of the PLO which now engage in terrorism as defined in section 140(d) of that Act. The conferees understand that this provision bars the application of the reporting requirement to individual citizens, aliens or groups on the basis of activities which would be protected by the U.S. Constitution if engaged in by U.S. citizens.

SENSE OF THE CONGRESS CONCERNING SUSTAINED DIPLOMACY IN THE MIDDLE EAST

The House bill (sec. 304) commends the Secretary of State for his sustained efforts to bring about peace in the Middle East.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate bill.

PART B—ARMS CONTROL

LIMITATION ON RESCISSION OF PROHIBITIONS APPLICABLE TO TERRORIST COUNTRIES

The Senate amendment (sec. 905) amends section 40(f) of the Arms Export Control Act by providing for a 45-day notification period to Congress of removal of a country from the terrorist list on grounds of a change in the leadership and policies of such a government. Section 905 further provides for congressional disapproval of any country's removal by means of a joint resolution of Congress under expedited procedures as contained in the Defense Department Appropriations Act (Public Law 98-473).

The House bill contains no comparable provision.

The conference substitute (sec. 321) provides for consideration of a resolution of disapproval under expedited procedures of the determination to remove a country from the list of terrorist countries, where the determination to remove a country is on grounds other than a change in the leadership and policies of the country.

POLICY ON MIDDLE EAST ARMS SALES

The Senate amendment (sec. 914) states that the authority to make arms sales to the Middle East shall be exercised as required by law and in accord with the four objectives set forth. The first objective is to limit sales to those where recipients have given reliable assurances that the defense articles and services shall be used only for the specified purposes. The second requirement is that the transfer not contribute to an arms race. The third requirement is that the administration take steps to ensure that each recipient affirm the right of all nations in the region to exist within safe and secure borders and support direct regional peace negotiations. The fourth requirement is that, with the agreement of other suppliers, no transfers take place which would introduce newly developed advanced defense articles that would create new and significantly higher combat capabilities in the region.

The House bill has no comparable provision.

The conference substitute (sec. 322) contains a provision similar to the Senate language. Instead of requiring that the conditions be met, it states that the President should meet the first three requirements.

MISSILE TECHNOLOGY

The Senate amendment (sec. 918) clarifies that, with regard to the proliferation of missile technology, sanctionable activity includes not only transfer of the technology and design of missiles, but of the missiles themselves. Section 918 also makes governments with non-market economies responsible for export activities nominally carried out by companies within the country.

The House bill contains no comparable provision.

The conference substitute (sec. 323) contains the Senate language but clarifies that it does not apply to countries with non-market economies that were once members of the former Warsaw Pact.

REPORT ON CHINESE WEAPONS PROLIFERATION PRACTICES

The Senate provision (sec. 924) requires that within 90 days of enactment of this Act, the President shall submit a report to the Senate Foreign Relations Committee and to the House Committee on Foreign Affairs, in classified and unclassified form, on Chinese nuclear, chemical, biological and missile proliferation practices that improve the military capabilities of the nations in the Middle East and South Asia.

The House bill had no corresponding provision.

The Conference substitute (sec. 324) is the Senate provision.

REPORT ON SS-23 MISSILES

The Senate amendment (part of sec. 142) requires that a report be submitted to Congress prior to ratification of START treaty specifying whether the U.S.S.R. has destroyed SS-23s in former bloc countries and whether they constitute a violation of the INF treaty.

The House bill contains no comparable provision.

The conference substitute (sec. 325) is the same as the Senate amendment.

PART C—DECLARATIONS OF CONGRESS

UNITED STATES PRESENCE IN LITHUANIA, LATVIA, AND ESTONIA

The House bill (sec. 303) requires the executive branch to report on options for an enhanced U.S. presence in Lithuania, Latvia, Estonia, and the Republics in the Soviet Union.

The Senate amendment (sec. 903) is comparable to the House provision. In addition, it calls for the establishment of a U.S.-Baltic Development Program and endorses the expansion of cultural, informational, and commercial relations.

The conference substitute (sec. 352) expresses the sense of Congress that the U.S. Government should establish embassies fully staffed to conduct diplomatic, cultural, informational, and commercial relations between the United States and Lithuania, Lativa, and Estonia.

LAOTIAN-AMERICAN RELATIONS

The Senate amendment (sections 601-602) contains provisions to encourage the upgrading of Laotian-American relations.

The House bill contains no comparable provision.

The conference substitute (sec. 353) expresses the sense of the Congress that the President should upgrade American diplomatic representation in Laos to the level of Ambassador, ensure that an American military attache is permanently assigned to Laos to assist the recovery of American prisoners of war and missing in action, and ensure that Drug Enforcement Administration personnel are permanently assigned, when practicable, to Laos for the purpose of accelerating cooperative efforts in narcotics eradication and interdiction.

The committee of conference notes that the United States has maintained diplomatic relations with Laos since 1950 and that the Laotian government recently enacted broad-based economic reforms, including privatization of state enterprises and decollectivization of the agricultural sector, and is accelerating efforts to adopt a legal system based on Western legal precepts with the assistance of Harvard Law School. The committee of conference also notes that the Laotian government has substantially improved its assistance to the United States in the recovery of American prisoners of war and missing in action from the Vietnam War.

The committee of conference notes that while the government of Laos has taken some steps on narcotics control, much more needs to be done to improve the level of law enforcement activity, especially against officials involved in narcotics trafficking and in the degree of cooperation with the U.S. Drug Enforcement Administration. The conferees welcome the step taken, but note that they have not led to a significant increase in law enforcement activity. The conferees encourage the U.S. Government to continue to press for a closer professional and operational relationship between the DEA and the Government of Laos, in order to make it practicable for DEA to establish a full-time presence in Laos.

POW/MIA STATUS

The Senate amendment (sec. 622) expresses the sense of Congress regarding the accounting of American POW/MIAs missing in Southeast Asia.

The House bill contains no comparable provision.

The conference substitute (sec. 354) adopts the Senate language with a technical amendment. The United States is committed to resolving the fate of the over 2,200 Americans unaccounted for in Southeast Asia as a matter of the highest national priority. The conferees believe that the United States should reaffirm this commitment consistently and fulfill promises made to the families of the Americans unaccounted for in Southeast Asia.

CHINA'S ILLEGAL CONTROL OF TIBET

The Senate amendment (sec. 909) contains a provision expressing a policy recognizing that Tibet, including areas of it incorporated into neighboring Chinese provinces, is an occupied country under established principles of international law, whose true representatives are the Dalai Lama and the Tibetan Government in exile.

The House bill contains no comparable provision.

The conference substitute (Sec. 355) adopts the Senate provision with an amendment. The amendment adds to the expression of policy the conclusions that were embodied in the "Findings" of the Senate language, namely that the distinctive national existence of Tibet has been recognized by major powers and by its neighbors, that its invasion by China was illegal, that it is U.S. policy to condemn illegal uses of force by a country against the sovereignty of another, and that numerous statements of U.S. policy since the Chinese invasion have recognized the Tibetan people's right to self determination and the illegality of the Chinese invasion.

This provision is adopted on the basis of findings that—

(1) Tibet has maintained throughout its history a distinctive national, cultural, and religious identity separate from that of China;

(2) Chinese archival documents and traditional dynastic histories, including those pertaining to periods of Manchu and Mongol rule, never refer to Tibet being made "an integral part" of China;

(3) several countries including Mongolia, Bhutan, Sikkim, Nepal, India, Japan, Great Britain, Czarist Russia and the United States recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese Government;

(4) the United States respected Tibet's neutrality in the Second World War, and the emissaries sent in 1942 by President Roosevelt on a diplomatic mission to the Tibetan Government traveled on documents issued directly by the Tibetan Foreign Ministry;

(5) in 1949-50, China launched an armed invasion of Tibet in contravention of international law;

(6) at the time of the Chinese occupation, Tibet possessed all the attributes of statehood under international law including a defined territory and population, an independent government, and the ability to conduct domestic affairs and independent international relations, as found in 1960 by the International Commission of Jurists;

(7) the United States State Department in December 1950, condemned China's aggression in Tibet and affirmed the Tibetan people's "inherent right . . . to have the determining voice in its political destiny";

(8) in 1959, the United States State Department again condemned China's aggression in Tibet and the dissolution of "the legitimate Tibetan Government" and stated that "the United States has never recognized the pretensions to sovereignty over Tibet put forward by the Chinese Communist regime";

(9) in 1959, members of the Tibetan Government including the head of state, the Fourteenth Dalai Lama, sought political asylum in India following a national uprising against the Chinese occupying forces, and established a government in exile which continues to operate today and is recognized by the Tibetan people as the only legitimate Government of Tibet;

(10) it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another;

(11) the United States actively supported Tibet in the United Nations in both condemning China and calling for Tibet's right to self-determination in General Assembly Resolutions 1353 (1959), 1723 (1961), and 2079 (1965);

(12) On December 16, 1961, at the United Nations, United States Ambassador Plimpton said "The Chinese Communists have invaded Tibet in force. They have forcibly overthrown the legally constituted Government of Tibet headed by the Dalai Lama" and that "the United States believes that our objectives must include the restoration of the human rights of the Tibetan people and of their national right of self-determination";

(13) on December 17, 1965, at the United Nations, United States Ambassador Goldberg stated in debating the question of Tibet that "The people of America, born in freedom, must obviously be repelled by any act of aggression . . . perpetrated by a large State against a small and weak one . . ." and that "Tibet has been reduced to political and economic impotence," and that "We are therefore called upon in this bitter hour to concern ourselves with the suffering of those who have lost their country . . .";

(14) China's illegal occupation of Tibet continues to this day; and

(15) the United States should not condone aggression by accepting China's claim to sovereignty over Tibet.

RELEASE OF PRISONERS HELD IN IRAQ

The Senate amendment (sec. 910) contained a provision stating that the President shall not lift sanctions until Iraq releases all POWs and accounts for all MIAs, including Kuwaiti residents detained by Iraq; the Secretary of State shall maintain and report a list of all detained Kuwaitis.

The House bill contained no comparable provision.

The conference substitute (sec. 356) adopts the Senate provision with amendments.

The amendment expresses the sense of Congress that the President should not lift U.S. economic sanctions currently in place against Iraq, and should continue to work to ensure that the multinational coalition maintains the full range of economic sanctions contained in the pertinent United Nations Security Council resolutions. The amendment also expresses the sense of Congress that economic sanctions against Iraq should remain in effect until Iraq has released all prisoners and has accounted as fully as possible for all those missing as a result of its invasion of Kuwait. In addition, the amendment requires the Secretary of State to continue to consult with the International Committee of the Red Cross regarding the status of individuals believed to have been captured or detained by the government of Iraq, and requires a report to Congress on steps taken and actions planned to bring about the release of the remaining prisoners.

The conference substitute adopts this provision for the following reasons:

(1) the United States was at the forefront of the United Nations' effort to liberate Kuwait from the hand of a destructive tyrant, Saddam Hussein;

(2) the American people are deeply committed to the liberation of individuals held against their will by the Government of Iraq;

(3) reports indicate the Government of Iraq still holds more than 2,000 prisoners within Iraq, of whom the predominance are Kuwaitis, including citizens of various other countries;

(4) all those still held as prisoners in Iraq deserve to be liberated from the grip of Saddam Hussein; and

(5) the International Committee of the Red Cross, in conjunction with the Government of Kuwait and the United Nations Security Council, is working to determine the number of individuals still held prisoner by Iraq for the purpose of securing their release;

(6) the Government of Iraq should cooperate fully with the International Committee of the Red Cross and the Government of Kuwait by providing information regarding the individuals taken captive during its occupation of Kuwait and facilitating the immediate release of all individuals being held against their will.

The Secretary of State should continue to make every effort to ensure that Iraq releases all individuals currently held in captivity pursuant to Iraq's obligations under the Fourth Geneva Convention and the pertinent U.N. Security Council resolutions.

POLICY TOWARD HONG KONG

The Senate amendment (sec. 912) expresses the sense of the Congress in favor of the extension of civil liberties to the people of Hong Kong by the Government of the United Kingdom.

The House bill contains no comparable provision.

The conference substitute (sec. 357) adopts the Senate provision with a technical amendment.

The Congress finds that Hong Kong is in a crucial transition period in the years prior to 1997, when it will revert to the control of the People's Republic of China. Britain's leadership has promoted a period of unprecedented prosperity for the colony, and created a global trade and financial center, accompanied by a political system providing a high degree of civil liberties and personal freedoms without self-government. Respected British political leaders have called for a more fully representative government in Hong Kong before 1997; China's commitment to leaving in place the current social and economic system after 1997 has been called into question by the proposed "Basic Law" which will govern Hong Kong after 1997 and by China's treatment of its own peaceful dissidents at Tiananmen Square.

Consistent with the policy of this section, the conferees believe that the Governor of Hong Kong should be significantly guided by the views of the 18 representatives of the Legislative Council, who were elected by the people of Hong Kong on September 15, 1991, concerning the Governor's appointment of the remaining 21 members of the Council.

POLICY TOWARD TAIWAN

The Senate amendment (sec. 913) expresses the sense of Congress regarding Taiwan's economy and its membership in international economic organizations.

The House bill contains no comparable provision.

The conference substitute (sec. 358) adopts the Senate provision with an amendment. Taiwan has made substantial economic progress and now plays a major role in international and regional trade. Taiwan has already been admitted in the Asia-Pacific Economic Cooperation (APEC) group. In view of these developments, the conferees believe that the United States should support Taiwan's admission into other major international economic and financial organizations, particularly the General Agreement on Tariffs and Trade (GATT).

HUMAN RIGHTS ABUSES IN EAST TIMOR

The Senate amendment (sec. 916) expressed the sense of Congress concerning human rights abuses in East Timor.

The House bill contained no comparable provision.

The conference substitute (sec. 359) adopted the Senate provision with an amendment.

SUPPORT FOR NEW DEMOCRACIES

The Senate amendment (sec. 917) under the title "Support for Democracy in the Baltic States" states that it is the policy of the United States to support and encourage democratization within the Soviet Union and self-determination and independence for Soviet republics and Lithuania, Latvia and Estonia, including support for observer or other appropriate status in international organizations, particularly the CSCE process. The amendment requires an annual report from the Secretary of State to the Congress on actual and threatened uses of force against Lithuania, Latvia and Estonia and Soviet republics.

The House bill contains no comparable provision.

The conference substitute (sec. 360) preserves the essence of the Senate amendment but deletes the reference to support for independence for Lithuania, Latvia and Estonia which is now a recognized fact. It also provides that the U.S. should shape its foreign assistance and other programs to support those republics in the Soviet Union which pursue a democratic and market-oriented course of development and demonstrate a commitment to abide by the rule of law. The requirement of an annual report on actual or threatened uses of force against Lithuania, Latvia and Estonia and Soviet republics is dropped.

POLICY REGARDING ASSISTANCE TO THE SOVIET UNION AND YUGOSLAVIA

The Senate amendment (sec. 928) under the title "Provision for Direct United States Assistance To and Trade with Democratic Governments at the Republic Level" maintains that it is the policy of the U.S. to provide foreign assistance to and encourage trade with democratic republics that are part of a federation dominated by a communist government.

The House bill contains no comparable provisions.

The conference substitute (sec. 361) establishes that it is the policy of the United States to condition assistance to the Soviet Union and Yugoslavia or their successor entities or any constituent part, on steps taken in conformity with criteria set forth in the

Support for East European Democracy (SEED) Act as amended by the International Cooperation Act of 1991: political pluralism based on a democratic multiparty political system, economic reform based on a market-oriented economy, respect for internationally-recognized human rights, including the right to emigrate, and a willingness to build a friendly relationship with the United States. The conference substitute also provides that expanded trade with the republics in the Soviet Union and Yugoslavia or their successor entities should be encouraged.

It is the understanding of conferees that the assistance provided under the "U.S. Bilateral Science Technology Agreements" for FY 92 and 93 shall be available to Yugoslavia, its successor entity or entries or to constituent republics which are taking steps towards implementing democracy and market reforms and demonstrate respect for human rights.

POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA

The Senate amendment (sec. 930) contained a statement of policy in favor of resolution of outstanding issues between the South African government and the African National Congress, relating to release of political prisoners, calling upon the President and Secretary of State to diplomatically pursue such a goal, and requiring a report to Congress on these matters.

The House bill contained no comparable provision.

The conference substitute (sec. 362) adopts the Senate provision with a clarifying amendment. The adoption of this provision reflects Congress' continuing concern about the delay in resolution of this central issue, and is based upon Congressional findings that—

(1) on August 6, 1990, the African National Congress and the South African Government issued a joint statement, known as the "Pretoria Minute", in which both parties accepted a definition of "political prisoners" which was broader than the standard international definition of prisoners of conscience, and, pursuant to this agreement, agreed all political prisoners were to be released by April 30, 1991;

(2) the South African Human Rights Commission and the African National Congress (ANC) have identified a significant number of prisoners that they consider to be covered by the Pretoria Minute who remain incarcerated, including in the "homeland" areas;

(3) an agreement between the South African Government and the African National Congress on the release of political prisoners, as defined by the Pretoria Minute, is considered indispensable to creating the proper atmosphere for a transition to a nonracial democracy in South Africa; and

(4) the definitions applied in the Pretoria Minute are substantially different from those in the Comprehensive Anti-Apartheid Act of 1986.

UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE

The Senate bill (sec. 931) expresses the Sense of the Senate that the United States government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the NATO Council has officially announced how, when, and where such tactical nuclear systems will be deployed.

The House bill contains no such provision.

The conference substitute (sec. 363) contains the Senate provision except that the language is changed to become Sense of the Congress.

U.S. SUPPORT FOR UNCED

This provision (sec. 364) was originally included in H.R. 2508, the International Cooperation Act of 1991, but was moved to the Foreign Relations Authorization Act as the appropriate legislation for enactment of this provision.

POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA

The Senate amendment (sec. 621) expresses the sense of Congress that the U.S. should fully normalize relations with Vietnam and Cambodia if Vietnam cooperates in accounting for POWs and MIAs and releases former officials of South Vietnam.

The House bill contains no comparable provision.

The conference substitute deletes the Senate provision.

RESTRICTIONS ON NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION

The Senate bill (sec. 906) adds as a condition on the reentry into negotiations with the PLO that its charter be amended to delete reference to the destruction of Israel as a goal.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill. Language containing the requirement that the PLO charter be amended or superceded is contained in H.R. 2508, the International Cooperation Act of 1991 (sec. 612).

FEASIBILITY STUDY REGARDING CONSTRUCTION OF A LIBRARY BUILDING FOR THE POLISH PARLIAMENT

The Senate bill (sec. 908) requires the President to conduct a study on the feasibility of, and availability of funds for, the construction of a library building for the Polish parliament and to report on the study.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill. Language comparable to section 908 is contained in the Statement of Managers on the conference report on H.R. 2508, the International Cooperation Act of 1991.

GUARANTEES FOR COMMERCIAL DEFENSE EXPORTS

The Senate amendment (sec. 915) provides authorization for guarantees not to exceed $1 billion for sales to NATO and Major non-NATO ally countries of defense articles and services and requires that terms and conditions of guarantees mirror those of the Export-Import Bank with respect to its guarantee programs to those countries.

It also authorizes appropriations of $63.5 million in each of fiscal years 1992 and 1993 to provide for the subsidy component of this guarantee program as mandated by the Credit Reform Act of 1990.

The Senate amendment authorizes the Secretary to make arrangements with the Export-Import Bank and any other agencies to process the guarantee applications and mandates that fees be collected to offset the costs of processing applications.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill.

SENSE OF CONGRESS REGARDING BORIS YELTSIN'S ELECTION TO THE PRESIDENCY OF THE RUSSIAN REPUBLIC

The Senate bill (sec. 919) expresses the sense of Congress that the people of Russia and Boris Yeltsin are to be congratulated on the first democratic election in the Russian Republic and encourages continued progress toward reform toward a democratic society.

The House bill contains no comparable provision.

The conference substitute deletes the provision. Language comparable to that contained in Section 919 is contained in the Statement of Managers of the conference report on H.R. 2508, the International Cooperation Act of 1991.

AWARDING OF CONTRACTS FOR THE REBUILDING OF KUWAIT

The Senate amendment (sec. 922) expresses a sense of Congress that a preference should be given to U.S. goods and supplies; small and disadvantaged businesses should be encouraged to participate.

The House bill contains no comparable provision.

The conference substitute deletes the provision. Language comparable to that contained in Section 922 is contained in the Statement of Managers of the conference report on H.R. 2508, the International Cooperation Act of 1991.

MIDDLE EAST SECURITY AND DEMOCRACY

The Senate amendment (sec. 923) requires that when reporting an arms sale to Congress, the President is required to report on the extent to which the recipient country has taken steps to build democratic institutions; and, in the case of oil-exporting nations, the extent to which they have used their wealth to foster economic development of the region.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill.

TITLE IV—ARMS SUPPLIER REGIME

FINDINGS

The Senate amendment (secs. 801 and 802) establishes the Arms Suppliers Regime Act of 1991 and contains findings on the worldwide transfer of arms to nations in the Middle East which demonstrate the urgent need for establishment of a multinational arms transfer and control policy.

The House bill contains no comparable provision.

The conference substitute (sec. 401) is similar to the Senate amendment.

MULTILATERAL ARMS TRANSFER AND CONTROL REGIME

The Senate amendment (secs. 803 and 804) stipulates that the Secretary of State should undertake good faith efforts to convene a conference among representatives from the five permanent members of the U.N. Security Council and other appropriate countries to establish an arms suppliers regime. The Senate amendment also specifies a set of comparable purposes for the achievement of such a regime.

The House bill contains no comparable provision.

The conference substitute (sec. 402(a)) requires the President to continue negotiations already initiated under his direction among the five permanent members of the U.N. Security Council and to commit the United States to a multilateral arms transfer and control regime toward the Middle East and Persian Gulf. The conference substitute (sec. 402(b)) also encourages that within the context of these ongoing negotiations the President should propose to the five permanent members of the U.N. Security Council the adoption of a temporary moratorium on the transfer of major military equipment to the Middle East and Persian Gulf until such time that an agreement on a multinational arms transfer and control regime is concluded.

The conference substitute (sec. 402(b)) also incorporates the purposes of a multinational arms transfer and control regime. The conference substitute specifies that one of those purposes is to control the transfer of conventional major military equipment by achieving transparency among arms suppliers through advance notification of both the agreement to transfer and the actual transfer of conventional major military equipment and by developing and adopting common and comprehensive control guidelines on the transfer of conventional major military equipment.

The conference substitute (sec. 402(c)) also identifies recommendations to achieve the purposes specified with respect to conventional and unconventional weapons, and regional arms control efforts in the Middle East and Persian Gulf.

The conference substitute (sec. 402) also specifies the need to develop a multilateral arms transfer and control regime on conventional major military equipment and unconventional weapons and further specifies the definition of the term "major military equipment". The conference substitute permits the President to include other defense articles and defense services as major military equipment upon his determination.

The conferees do not intend this section to include surface-to-air missiles as major military equipment.

Limitation on United States Arms Sales to the Middle East and Persian Gulf

The Senate amendment (sec. 807) specifies that, beginning 60 days after the date of enactment, no sale of any defense article or defense service may be made to any nation in the Middle East and no license for the export to any nation in the Middle East of any defense article or defense service may be issued, unless and until the President certifies in writing that the Secretary of State has undertaken good faith efforts to convene a conference on the establishment of an arms supplier regime. The Senate amendment also requires a report setting forth a U.S. plan for leading the world community in establishing a multilateral regime to restrict the transfer of conventional and unconventional arms to the Middle East.

The House bill contains no comparable provision.

The conference substitute (sec. 403) is essentially the same as the Senate amendment. Under the conference substitute, beginning 60 days after enactment, sales could be made and licenses issued to nations in the Middle East and Persian Gulf only after the President certifies that he has undertaken good faith efforts to convene a conference for the establishment of an arms supplier regime having elements described in section 402 of the conference substitute.

The conferees believe that the President has met the requirements to undertake good faith efforts to convene multilateral negotiations among the five permanent members of the U.N. Security Council. The conferees also believe that the President can easily meet the certification requirements of this section. The submission of such a report is consistent with the practice of preconsultation, and advance notification requirements that are currently associated with U.S. arms sales policy worldwide. The conferees do not believe this provision to be an onerous burden or an impingement on the authority to the President to conduct and conclude arms sales. The conferees note that the language of the Senate amendment (sec. 805) was modified pursuant to the understanding that good faith efforts would continue to be pursued by the executive branch with respect to establishing a multilateral arms transfer and control regime. The conferees further note that in the absence of good faith efforts on the part of the executive branch to implement successfully a multilateral arms transfer restraint policy, it would be the intention of a majority of the conferees to use all available means to achieve the purposes of this section.

The conferees commend the President for his efforts to date and expects that additional progress toward transparency and advance notification on the sale of major military equipment to the Middle East and Persian Gulf can be achieved at the upcoming round of U.S-requested negotiations. The conferees also believe these negotiations will be both evolving and ongoing in nature and encourages their rapid and successful conclusion.

Reports to Congress

The Senate amendment (sec. 806) requires the President to submit the following reports to Congress: a report setting forth a U.S. plan for leading the world community in establishing a multilateral regime to restrict the transfers of conventional and unconventional weapons to the Middle East and Persian Gulf; and a report analyzing the feasibility of applying other agreed upon arms control regimes to the Middle East and Persian Gulf. The Senate amendment also stipulates that not later than October 1 of each year the President shall submit a report documenting all transfers of conventional and unconventional arms to the Middle East and Persian Gulf over the previous year and previous five years, analyzing the current military balance of power in the Middle East and Persian Gulf, describing the operation of any agreement comprising the multinational arms transfer and control regime, and identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that undermines or violates that regime.

The House bill contains no similar provision.

The conference substitute (sec. 404) requires the President, beginning on January 15, 1993, to submit to the relevant congressional committees a report describing the progress in implementing the purposes of the multinational arms transfer and control regime described in section 402(b) of the conference report, and describing efforts made by the United States to induce other countries to curtail significantly the volume of arms sales to the Middle East and Persian Gulf, and if such efforts were not made, a justification of why they were not made. The conference substitute further requires the President, within 60 days of the date of enactment, to submit an initial report on arms transfers to and the military balance of power in the Middle East and Persian Gulf and mandates the submission of a similar report annually beginning on January 15, 1992. Finally, the conference substitute (sec. 405) defines the term "relevant congressional committees" as the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

The conferees believe the submission of quarterly reports on the progress of U.S. efforts is complementary to traditional executive branch consulting practices with Congress on the progress of other ongoing U.S. arms control negotiations and views these negotiations among the five permanent members of the U.N. Security Council. The conferees also believe the initial baseline report on arms transfers to and the military balance of power in the Middle East and Persian Gulf will provide Congress with an authoritative assessment of the regional balance of power in the Middle East and Persian Gulf. The conferees further believe that the annual report required by this section will enhance congressional understanding and awareness of the military balance of power in and the volume of arms transfers to the Middle East and Persian Gulf. The intention of the conferees in requiring these reports to overlap is to allow the executive branch the ability to meet these reporting requirements concurrently and on a timely basis. The conferees believe that the submission of these reports is consistent with the practice of preconsultation, consultation, and advance notification requirements that are currently associated with U.S. arms sales policy worldwide.

The conferees note that the Senate amendment contained three additional sections (808, 809 and 810) which were not adopted in the conference substitute.

Transfers of Spoils of War

The Senate bill (secs. 401, 402, 403, 404, 405, 406) requires that transfers of weapons and other spoils of war be treated as transfers of U.S. goods under U.S. law. Section 404 requires that the President report within 90 days of enactment on transfers previously concluded of spoils of war acquired subsequent to August 2, 1990.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill. Language identical to sections 401, 402, 404, 405, and 406 is contained in H.R. 2508, the International Cooperation Act of 1991 (sec. 618 and chapter 4 of title II).

Procompetitiveness and Antiboycott Act of 1991

The Senate bill (secs. 1101–1106) finds that the Arab boycotts of Israel, along with the secondary and tertiary boycotts, have distorted international trade and investment, disadvantaged U.S. companies, and are contrary to the interests of all nations. Sections 1103 and 1104 require the U.S. Government to raise the issue at the OECD and the GATT negotiations. Section 1105 requires the President to report on what progress has been made to end the boycott of Israel by Arab nations and to end compliance with the secondary and tertiary boycotts of Israel by other nations.

The House bill contains no comparable provision.

The conference substitute is the same as the House provision. Language comparable to the Senate provision is included in H.R. 2508, the International Cooperation Act of 1991 (section 610).

Reports Concerning Israel

The House bill (sec. 178) requires reports on relations of U.N. members with Israel; the status of rescission of U.N. resolutions critical of Israel; and the boycott of Israel, and U.S. Government actions with regard to these issues.

The Senate bill (sec. 192) contains language substantially the same as that contained in the House bill.

Both provisions were deleted from the conference substitute. A comparable provision is included in H.R. 2508, the International Cooperation Act of 1991 (See sec. 614).

CONDITIONS ON NEW LOANS FOR COUNTRIES WHOSE DEBT HAS BEEN REDUCED

The Senate amendment (sec. 927) adds two conditions to new loans for Latin American or Caribbean countries whose debts have been reduced or forgiven. The two conditions are (a) a 5-year waiting period for new loans to a country with forgiven or reduced debts; and (b) a Presidential certification that the country whose debt had been reduced or forgiven can repay the loan throughout the term of the loan.

The House bill contains no comparable provision.

The conference substitute deletes the Senate provision.

TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

The Senate amendment (Title X) is substantially the same as the chemical weapons provision which was part of the Omnibus Export Amendments Act of 1990 (H.R. 4653—Title IV) which the President pocket-vetoed on November 16, 1990.

The House bill contains no comparable provision.

The conference substitute (Title V) is similar to the Senate provision.

SHORT TITLE

Section 501 entitles these provisions the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991."

PURPOSES

Section 502 states the purposes as mandating U.S. sanctions and encouraging international sanctions against countries using chemical and biological weapons illegally and against companies aiding chemical and biological weapons proliferation, supporting multilateral proliferation controls, urging cooperation with the Australia Group and other suppliers' groups, and requiring presidential reports on CBW proliferation.

MULTILATERAL EFFORTS

Section 503 specifies measures that the U.S. shall take to lead and coordinate multilateral efforts to control the proliferation of chemical and biological weapons.

U.S. EXPORT CONTROLS

Section 504 directs the President to use the authorities of the Arms Export Control Act to control the exports of defense articles and services and the authorities of the Export Administration Act of 1979 to control the exports of other goods and technologies which he determines would assist a country in acquiring the capability to develop, produce, stockpile, deliver or use chemical or biological weapons. It also provides for a list of goods and technology.

SANCTIONS FOR PERSONS

Section 505 directs the President to impose sanctions on foreign persons who have knowingly and materially contributed to efforts by certain countries, projects, or entities to use, develop, produce, stockpile, or acquire chemical or biological weapons. It urges the President to undertake consultation with the country of jurisdiction in order to secure corrective action. It permits the President to delay imposition of sanctions against a foreign person for up to 90 days to pursue consultations and corrective action, and it allows a waiver of the sanctions if the government has taken specific and effective actions, including penalties. If government action is in process, a second 90-day delay is allowed. The President is required to report within 90 days after his determination on the status of the consultations. This section applies sanctions preventing government procurement from that person for at least 12 months, after which the sanctions can be terminated if the President determines and certifies that the violations have ceased. It also provides for some exceptions for such things as certain defense articles and services or existing contracts. This section also provides for a presidential waiver after 12 months, based on the President's determination that the waiver is important to the national security interests of the United States.

DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS

Section 506 directs the President, once persuasive information becomes available to him, to determine, within 60 days of his receipt of pertinent information, whether any foreign country has used or made substantial preparation to use chemical weapons in violation of international law. It also stipulates that the Senate Foreign Relations Committee and House Foreign Affairs Committee Chairmen, upon consultation with their ranking minority members, may request from the President a report on the information held by the executive branch pertinent to the suspected violation.

SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS

Section 507 requires the President to make a determination to Congress with respect to a government using chemical or biological weapons in violation of international law or against its own nationals. It establishes a two-tier sanctions regime. Once a determination is made, the President shall impose immediately the U.S. government-associated sanctions (foreign assistance, arms sales, arms sales financing, government credit or financing, exports of national security-sensitive goods and technology). If, after three months, the President is not able to certify to Congress that the violation has ceased, that the government in question has provided assurance about no further use, and that this can not be verified by on-site inspections by international observers, then, the President, shall impose three sanctions out of a possible five sanctions (multilateral development bank assistance, bank loans, further export restrictions, diplomatic relations, landing rights). The president can remove the country sanctions after 12 months if he determines and can certify specific actions and changes in conduct by the government in question have occurred.

The landing rights sanction in section 507 was amended at the behest of the Committee on Public Works and Transportation to specify the steps to be taken by the Secretary of Transportation to implement this sanction and provide for emergency procedures.

The presidential waiver authority in section 507 allows the President to waive the imposition of sanctions if he determines that it is essential to the national security interests of the U.S. However, in order for the waiver to take effect, there must be concurrence of all of the following four Members of Congress: the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and the two Ranking Minority Members of those Committees. This waiver is keyed to the Foreign Relations Committee's and the Foreign Affairs Committee's normal foreign aid reprogramming procedures (634A of the Foreign Assistance Act) which will thereby allow any one of the four Members mentioned above to place the waiver on hold. The President must also report on the rationale for, and circumstances of, his waiver.

The President may also waive the sanctions if he determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of the sanctioned country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

Section 507 also provides contract sanctity for contracts and agreements entered into before the date on which the President imposes sanctions unless such contract sanctity would assist the country in using chemical or biological weapons in violation of international law.

PRESIDENTIAL REPORT REQUIREMENTS

Section 508 requires a presidential report to Congress 90 days after enactment of the bill and every 12 months thereafter. This report is intended to be comprehensive and to include such information as a description of: actions taken to carry out this bill, efforts by countries and subnational groups to develop, produce, and use chemical or biological weapons, and, any use of such weapons by a country in violation of international law.

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment and modifications committed to conference:

DANTE B. FASCELL,
HOWARD L. BERMAN,
TED WEISS,
MERVYN M. DYMALLY,
ENI FALEOMAVAEGA,
TOM LANTOS,
BILL BROOMFIELD,
OLYMPIA SNOWE,
BEN GILMAN,
CHRISTOPHER SMITH,

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 128, 915, and 1042 of the Senate amendment and modifications committed to conference:

MARY ROSE OAKAR,
STEVE NEAL,
JOHN J. LAFALCE,
JIM LEACH,
DOUGLAS BEREUTER,

From the Committee on the Judiciary, for consideration of secs. 126, 171, and 208 of the House bill, and secs. 123–25, 143–44, and 711–12 of the Senate amendment and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
MIKE KOPETSKI,
HAMILTON FISH, Jr.,
BILL MCCOLLUM,

From the Committee on Post Office and Civil Service, for consideration of secs. 118 and 121, and part D of title I of the House bill, and secs. 119 and 920, and part D of title I of the Senate amendment and modifications committed to conference:

WILLIAM L. CLAY,
GERRY SIKORSKI,
GARY L. ACKERMAN,
FRANK HORTON,
JOHN T. MYERS,

From the Committee on Ways and Means, for consideration of secs. 621, 913, 925 and 1104 of the Senate amendment and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
BILL ARCHER,
PHIL CRANE,
Managers on the Part of the House.

CLAIBORNE PELL,
JOHN F. KERRY,
PAUL SIMON,

Daniel Patrick Moynihan,
Joseph R. Biden, Jr.,
Paul Sarbanes,
Christopher J. Dodd,
Jesse Helms,
Richard G. Lugar,
Nancy Landon
Kassebaum,
Larry Pressler,
Frank H. Murkowski,
Hank Brown,

From the Committee on Banking, Housing, and Urban Affairs, solely for the consideration of title X:

Don Riegle,
Paul Sarbanes,
Jake Garn,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2698

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-239)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) "making appropriations for agriculture, rural development, food and drug administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14, 17, 18, 21, 22, 26, 29, 32, 37, 47, 51, 53, 54, 55, 56, 57, 58, 60, 62, 65, 66, 73, 79, 80, 81, 82, 84, 89, 92, 106, 109, 121, 124, 126, 135, 136, 141, 144, 147, 149, 150, 151, 152, 153, 154, 161, 163, 164, 166, 168, 172, 173, 174, 179, 183, 187, 188, 192, 193, 203, 206, 207, 208, 211, 216, 218, 233, and 238.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 33, 59, 69, 71, 72, 74, 76, 77, 78, 85, 87, 95, 97, 98, 99, 101, 104, 105, 117, 118, 119, 122, 129, 130, 131, 132, 133, 134, 137, 139, 140, 145, 155, 157, 158, 159, 160, 165, 167, 169, 170, 171, 175, 189, 194, 195, 196, 198, 200, 204, 210, 217, 220, 221, 223, 224, 225, and 226, and agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$51,203,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$26,350,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$58,720,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$82,601,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum named in by said amendment insert: *$4,500,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$658,379,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert; *and the foregoing limitations shall not apply to the purchase of land at Weslaco, Texas*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$50,564,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$400,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,200,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,470,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,405,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,010,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$11,375,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$1,221,000*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$1,500,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$1,500,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$24,730,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment insert: *$720,451,000; of which $719,289,000 is hereby appropriated, and $573,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendent, amended as follows:

In lieu of the sum named in said amendment insert: *$6,000,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,624,500,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same within an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$329,500,000*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$250,000,000*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,723,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

Restore the matter stricken amended to read as follows: *credit sales of acquired property, $36,725,000*; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$427,111,000*; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$200,000,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$39,786,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$24,545,000* ; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$168,277,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$22,455,000*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,000,000*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$59,880,000*; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$90,510,000*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$38,298,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$427,111,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *$21,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account,*

and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,985,000*; and the Senate agree to the same.

Amendment numbered 180:

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,068,315,000*; and the Senate agree to the same.

Amendment numbered 181:

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,393,223,000*; and the Senate agree to the same.

Amendment numbered 182:

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,322,000*; and the Senate agree to the same.

Amendment numbered 185:

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$90,000,000*; and the Senate agree to the same.

Amendment numbered 186:

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,362,975,000*; and the Senate agree to the same.

Amendment numbered 190:

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$103,535,000*; and the Senate agree to the same.

Amendment numbered 191:

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$10,788,000*; and the Senate agree to the same.

Amendment numbered 197:

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$333,594,000*; and the Senate agree to the same.

Amendment numbered 199:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,815,000*; and the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment insert: *of Public Law 101–624 (7 U.S.C. 5622 note)*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 25, 27, 28, 31, 34, 35, 36, 48, 49, 50, 52, 61, 63, 64, 68, 70, 75, 83, 88, 94, 103, 107, 108, 111, 116, 125, 127, 138, 156, 162, 176, 177, 178, 184, 202, 205, 209, 212, 213, 214, 215, 219, 222, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 239, 240, and 241,

Jamie L. Whitten,
Bob Traxler,
Matthew F. McHugh,
William H. Natcher,
Richard J. Durbin,
David E. Price,
Neal Smith,
David R. Obey,
Joe Skeen,
John T. Myers,
Vin Weber,
Barbara F. Vucanovich,
Joseph M. McDade,
Managers on the Part of the House.

Quentin N. Burdick,
Dale Bumpers,
Tom Harkin,
Brock Adams,
Wyche Fowler, Jr.,
J. Robert Kerrey,
Robert C. Byrd,
Thad Cochran,
Robert W. Kasten, Jr.,
Arlen Specter,
Don Nickles,
Christopher S. Bond,
Mark O. Hatfield,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and

Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

Amendment No. 1: Appropriates $2,282,000 for the Office of the Secretary as proposed by the House instead of $2,150,000 as proposed by the Senate.

The conferees are aware of efforts in the Pacific Northwest to list several species of salmon as threatened or endangered under provisions of the Endangered Species Act. The conferees recognize the severe impacts such a listing would have on the region's agricultural economy.

The conferees expect the Secretary to undertake an analysis of the impacts on agriculture in the Pacific Northwest should a threatened or endangered listing occur. Of major concern is the potential impact if a drawdown at or below minimum operating pool of the Federal dams on the Snake and Columbia Rivers occurred. The analysis should include identifcation of alternative means of transporting commodities if water levels on the Columbia/Snake River system are insufficient to permit barging, and associated costs which the region's farmers would have to bear as a result, and a computation of the costs of retrofitting existing privately owned irrigation pumping systems which draw water from the Snake and Columbia Rivers.

The Secretary should consult with the Department of Transportation, the U.S. Army Corps of Engineers, the Bureau of Reclamation, the Bonneville Power Administration, and appropriate State agencies to obtain the data necessary to complete the review.

OFFICE OF THE DEPUTY SECRETARY

Amendment No. 2: Appropriates $543,000 for the Office of the Deputy Secretary as proposed by the House instead of $514,000 as proposed by the Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

Amendment No. 3: Appropriates $6,149,000 for the Office of Budget and Program Analysis as proposed by the House instead of $5,303,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

Amendment No. 4: Appropriates $596,000 for the Office of the Assistant Secretary for Administration as proposed by the House instead of $576,000 as proposed by the Senate.

RENTAL PAYMENTS (USDA)

Amendment No. 5: Appropriates $51,203,000 for USDA Rental Payments instead of $50,808,000 as proposed by the House and $51,598,000 as proposed by the Senate.

BUILDING OPERATIONS AND MAINTENANCE

Amendment No. 6: Appropriates $25,700,000 for Building Operations and Maintenance as proposed by the House instead of $25,349,000 as proposed by the Senate.

ADVISORY COMMITTEES (USDA)

Amendment No. 7: Appropriates $2,038,000 for USDA Advisory Committees as proposed by the Senate instead of $1,918,000 as proposed by the House. The conferees expect the Secretary to report the findings and recommendations of the National Organic Standards Board to the appropriate committees of Congress prior to implementation of the Organic Foods Production Act of 1990.

HAZARDOUS WASTE MANAGEMENT

Amendment No. 8: Appropriates $26,350,000 for Hazardous Waste Management instead of $27,943,000 as proposed by the House and $24,757,000 as proposed by the Senate.

Amendment No. 9: Deletes Senate language delaying the obligation of funds for Hazardous Waste Management until September 20, 1992. The House bill contained no similar provision.

DEPARTMENTAL ADMINISTRATION

Amendment No. 10: Appropriates $25,014,000 for personnel, finance and management, operations, information resources management, advocacy and enterprise, and administrative law judges and judicial officer as proposed by the House instead of $24,764,000 as proposed by the Senate.

Amendment No. 11: Provides a total appropriation of $25,064,000 for Departmental Administration as proposed by the House instead of $24,814,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

Amendment No. 12: Appropriates $1,307,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House instead of $1,265,000 as proposed by the Senate.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 13: Appropriates $62,786,000 for the Office of the Inspector General as proposed by the House instead of $60,786,000 as proposed by the Senate.

The conference agreement includes $2,000,000 to expand activities to eliminate fraud and abuse within the Food Stamp Program. The conference agreement does not include funds requested in the budget for the Chief Financial Officers Act, and the conferees expect there will be no reduction to ongoing activities as a result of that Act.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

Amendment No. 14: Appropriates $580,000 for the Office of the Assistant Secretary for Economics as proposed by the House instead of $563,000 as proposed by the Senate.

ECONOMIC RESEARCH SERVICE

Amendment No. 15: Appropriates $58,720,000 for the Economic Research Service instead of $59,125,000 as proposed by the House and $56,245,000 as proposed by the Senate.

The conference agreement provides for the Pesticide Data Program at the 1991 level, and provides up to $395,000 for modeling on rice in conjunction with the University of Arkansas and the University of Missouri.

NATIONAL AGRICULTURAL STATISTICS SERVICE

Amendment No. 16: Appropriates $82,601,000 for the National Agricultural Statistics Service instead of $83,401,000 as proposed by the House and $75,447,000 as proposed by the Senate.

The conference agreement provides for the Pesticide Data Program at the 1991 level, $415,000 to produce the Report of Cotton Ginned, and $60,000 for the nursery industry study.

WORLD AGRICULTURAL OUTLOOK BOARD

Amendment No. 17: Appropriates $2,367,000 for the World Agricultural Outlook Board as proposed by the House instead of $2,341,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

Amendment No. 18: Appropriates $560,000 for the Office of the Assistant Secretary for Science and Education as proposed by the House instead of $544,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

Amendment No. 19: Appropriates $4,500,000 for the Alternative Agricultural Research and Commercialization Act instead of $5,000,000 as proposed by the Senate. The House bill contained no similar provision.

The conferees expect up to $250,000 of these funds to be made available to the North Dakota Department of Agriculture as proposed by the Senate under the Agricultural Marketing Service, Payments to States and Possessions Account.

AGRICULTURAL RESEARCH SERVICE

Amendment No. 20: Appropriates $658,379,000 for the Agricultural Research Service instead of $658,424,000 as proposed by the House and $629,143,000 as proposed by the Senate. The conference agreement is based on the following changes to the budget request:

	House bill	Senate bill	Conference agreement
Fiscal year 1991 base	$621,585,000	$621,585,000	$621,585,000
Program Increases			
1. Water quality	2,000,000		2,000,000
2. Global climate change	2,900,000		1,900,000
3. Gypsum	2,000,000		
4. Integrated pest management	750,000		700,000
5. Animal waste	500,000		500,000
6. Alternative fuels	2,000,000		2,000,000
7. Minor use pesticides	1,000,000		1,000,000
8. Food safety	2,000,000		2,000,000
9. Chemical residue in foods	750,000		700,000
10. Pay costs	18,042,000	16,042,000	16,042,000
Subtotal	653,527,000	637,627,000	648,427,000
Other Changes			
1. Acoustics research, MS	500,000		500,000
2. Animal health consortium, Ames, IA		400,000	400,000
3. Apple research		275,000	275,000
4. Arkansas staff		400,000	400,000
5. Barley, Madison, WI		100,000	100,000
6. Beckley, WV, conservation lab		300,000	300,000
7. Bee research	500,000		500,000
8. Biological control, Tifton, GA		100,000	100,000
9. Boll weevil, Stoneville, MS		150,000	150,000
10. Columbia Plateau Conservation Research Center, OR		250,000	250,000
11. Corn earworm	150,000		150,000
12. Dry bean, Prosser, WA		125,000	125,000

	House bill	Senate bill	Conference agreement
13. Endophyte, AR, MO	....	200,000	200,000
14. Floriculture	125,000	....	125,000
15. Forage and Range Research Unit, Mandan, ND	....	250,000	250,000
16. Human nutrition:			
Baylor, TX	500,000	....	250,000
Beltsville, MD	500,000	250,000	250,000
Grand Forks, ND	....	250,000	250,000
17. Kearneysville, WV, fruit lab	....	300,000	300,000
18. Kenaf, MS	150,000	....	150,000
19. Lyme disease, NY	175,000	....	175,000
20. Meat Animal Research Center, Clay Center, NE	....	400,000	400,000
21. National Arboretum	400,000	....	400,000
22. New England Plant, Soil, and Water Laboratory, Orono, ME	....	300,000	300,000
23. Northwest Small Fruit Research Center	....	250,000	250,000
24. Peanut research:			
Aflatoxin	300,000	....	150,000
Cost of production	300,000	....	150,000
National Peanut Lab, Dawson, GA	....	300,000	150,000
25. Purdue University:			
Animal science	500,000	....	500,000
Plant science	950,000	....	950,000
26. Red River Valley Agriculture Research Center, Fargo, ND	....	150,000	150,000
27. Repair and maintenance, ARS facilities	....	−14,986,000	....
28. Russian wheat aphid, CO	....	750,000	....
29. Small fruits, Poplarville, MS	....	150,000	150,000
30. Southern Plains Range Research Station, Woodward, OK	....	280,000	280,000
31. Soybean-based ink	122,000	122,000	122,000
32. Lehigh University	....	(50,000)	(50,000)
33. STEEP II, WA, OR	200,000	200,000	200,000
34. Urban pests, Gainesville, FL	100,000	....	100,000
35. Unspecified decrease	−575,000	−250,000	....
36. Warm Water Aquaculture Center, MS	....	500,000	500,000
Subtotal, Other Changes	4,897,000	−8,484,000	9,952,000
Subtotal, Agricultural Research Service	658,424,000	629,143,000	658,379,000
Special Fund	2,500,000	2,500,000	2,500,000
Total, Agricultural Research Service	$660,924,000	$631,643,000	$660,879,000

Global climate change.—The conference agreement includes $1,900,000 for research to determine the impact of global climate change on the agricultural environment and agricultural impacts on climate. Included in this total is $900,000 for the Department to work with the Consortium for International Earth Science Information Network for assessment of the Department's data integration.

Locoweed research.—The conference agreement provides $200,000 for research on locoweed, the same as the amount available for fiscal year 1991 and the same as the budget request.

Pima cotton improvement.—Continuation of a viable American pima program by the Agricultural Research Service, including the development of the germ plasm base, inheritance studies, developmental breeding, and the development and release of improved varieties is essential if the United States is to maintain its competitive position in domestic and export markets for ELS cotton. Therefore, the conferees urge ARS's continued and expanded support for this project.

Peanut research.—The conferees agree with the Senate report language directing the Agricultural Research Service to continue research activities at the Peanut Research Unit in Stillwater, Oklahoma. The conferees further direct that research activities at Stillwater continue at current program levels from within available funds.

Oregon.—The conferees are aware of coordinated, multidisciplinary research into the cardiovascular protective effects of dietary calcium being conducted at Oregon Health Sciences University (OHSU) Institute for Nutrition and Cardiovascular Research. The conferees understand that this research is important in assessing calcium impacts on pregnancy, infant birth weight and a wide variety of other nutritional areas. The conferees expect the Department to work with OHSU to continue this research.

Amendment No. 21: Deletes Senate language earmarking $750,000 for the Center for Russian Wheat Aphid Research at Colorado State University. The House bill contained no similar provision.

Amendment No. 22: Restores House language regarding the relocation of certain research facilities.

Amendment No. 23: Amends Senate language to exempt the purchase of land at Weslaco, Texas, from the $100 limitation contained in the bill.

BUILDINGS AND FACILITIES

Amendment No. 24: Appropriates $50,564,000 for Federally owned facilities of the Agricultural Research Service instead of $49,473,000 as proposed by the House and $61,818,000 as proposed by the Senate. The following table reflects the conference agreement.

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Buildings and Facilities				
Arkansas: Rice Research Center, Stuttgart	223	223	735	729
California: U.S. Salinity Lab, Riverside	5,050	5,050	5,550	5,300
Georgia: Poultry Disease Lab, Athens	....	....	400	400
Illinois: Northern Regional Research Center	....	3,650	....	1,825
Iowa: National Park Research Facility	....	1,000	2,600	1,800
Louisiana: Southern Regional Research Center	....	1,300	2,600	1,950
Maryland: Beltsville Agricultural Research Center	16,000	16,000	16,000	16,000
Michigan: Regional Poultry Research Center	....	500	....	250
Minnesota: Soil and Water Lab, Morris	300	1,350	....	825
Mississippi:				
National Center for Natural Products	5,175	5,175	5,175	5,175
National Center for Warm Water Aquaculture	1,200	1,200	1,000	1,100
New York: Plum Island Animal Disease Center	....	3,000	3,000	3,000
Ohio: Demonstration greenhouse	....	375	....	187
Oklahoma:				
South Central Agricultural Research Center, Lane	1,450	....	2,000	1,725
Southern Plains Range Research Station, Woodward	....	....	347	173
Oregon/Washington/Idaho: Northwest Small Fruit Center	175	1,900	2,025	1,900
Texas:				
ARS Bee Lab, Weslaco	1,700	1,700	....	1,700
Plant Stress Lab, Texas Tech. University	600	2,000	....	1,300
Washington: U.S. Fruit and Vegetable Lab, Yakima	5,050	5,050	5,050	5,050
Wisconsin: Cereal Crops Research Unit—Barley/Malt Lab	....	....	350	175
Miscellaneous:				
Repair and improvement, ARS facilities	....	....	14,986	....
Completed facilities	4,093	....	....	....
Total, Buildings and facilities	41,016	49,473	61,818	50,564

COOPERATIVE STATE RESEARCH SERVICE

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$73,979,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $73,979,000 for special research grants instead of $58,299,000 as proposed by the House and $63,978,000 as proposed by the Senate. The following table reflects the conference agreement:

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Special Research Grants (P.L. 89–106)				
Aflatoxin (IL)	131	175	....	134
Agribusiness management (MS)	75	75	75	75
Agricultural diversification (HI)	154	....	154	154
Agricultural management systems (MA)	275	....	261	261
Agricultural trade (ND)	596	....	350	350
Agriculture utilization research (MN)	500	....	....	....
Alfalfa (KS)	....	....	125	125
Alternative cropping systems (Southeast)	277	270	280	278
Alternative crops (ND)	497	....	700	700
Alternative marine and fresh water species (MS)	275	275	275	275
Alternative pest control (AR)	1,391	....	1,400	1,400
Alternative to dinoseb (OR)	225	225	225	225
Animal waste disposal (MI)	37	150	....	120
Appalachian hardwoods (WV)	....	....	750	750
Apple quality research (MI)	94	94	....	94
Aquaculture (general)	656	656	....	316
Aquaculture (Stoneville)	600	600	800	700
Aquaculture research (IL)	....	250	....	200
Aquaculture (LA)	....	....	440	390
Asparagus yield decline (MI)	94	94	....	94
Babcoc Institute (WI)	....	150	75	75
Bean and beet (MI)	189	189	....	189
Beef carcass evaluation and identification (IA, NY, GA, TX, IL)	....	267	....	210
Beef fat content (IA)	200	....	275	237
Belgian endive (MA)	67	....	....	....
Blueberry shoestring virus (MI)	92	....	....	....
Broom snakeweed (NM)	150	200	200	200
Canola (KS)	....	....	100	100
Celery fusarium (MI)	39	39	....	39
Center for rural studies (VT)	....	....	75	37
Chesapeake Bay aquaculture	437	437	....	437
Competitiveness of agricultural products (WA)	....	500	850	800
Competitiveness of forest products (WA, WV)	....	250	....	....
CONSOIL (WI)	....	....	50	25
Controlled environment production systems (PA)	....	300	....	240
Cool season legume research (ID, WA)	375	375	400	387
Cottonseed extraction and oil refining (TX)	75	75	....	75

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Cranberry/blueberry disease and breeding (NJ)	260	260	260	260
CRP acreage usage (MO)	....	....	100	50
Dairy and beef photoperiod (MI)	33	....	....	....
Dairy goat research (TX)	75	75	....	75
Delta rural revitalization (MS)	175	175	175	175
Dogwood anthracnose (GA, NC, TN)	100	100	175	137
Dried bean (ND)	93	....	100	100
Eastern filbert blight (OR)	75	75	85	85
Enhanced livestock production (ND)	250	....	250	250
Environmental research (NY)	297	650	....	575
Ethanol research (AR)	100	250	....	175
Expanded wheat pasture (OK)	275	275	400	337
Export development (KY)	....	....	227	227
Export services (OR)	348	....	....	....
Farm and rural business finance (IL, AR)	....	....	250	125
Fish marketing (OR, RI)	....	....	340	340
Floriculture (HI)	296	....	296	296
Food and Agriculture Policy Institute (IA, MO)	750	750	750	750
Food irradiation (IA)	100	200	275	237
Food marketing policy center (CT)	393	393	393	393
Food processing center (NE)	....	....	80	50
Food safety consortium (AR, KS, IA)	1,845	....	2,000	1,942
Food systems research group (WI)	261	261	261	261
Forestry marketing (VT, NH)	....	....	....	50
Genetic engineering of plants (OH)	....	300	....	240
Global change	....	....	2,000	2,000
Grasshopper biocontrol (ND)	73	....	75	75
Great Plains agricultural policy center (KS, OK)	....	....	200	100
Human nutrition research (NY)	556	800	....	735
Human nutrition (IA)	300	500	500	500
Human nutrition (LA)	800	500	800	800
Improved dairy management practices (PA)	....	350	....	335
Integrated forest management (AR)	25	....	....	....
Integrated orchard management (VT)	49	....	50	49
Integrated pest management	4,000	4,915	4,000	4,457
Integrated production systems (OK)	186	186	200	193
International livestock program (KS)	94	....	95	94
Iowa biotechnology consortium	1,756	....	2,150	1,953
Irrigation/fish production (AR)	167	....	167	167
Kansas facility study	....	....	50	50
Leafy spurge biocontrol (MT)	125	....	125	125
Livestock and dairy policy (NY, TX)	525	525	525	525
Lowbush blueberry research (ME)	202	185	185	185
Low-input agriculture (MN)	174	250	....	230
Maple research (VT)	99	....	100	99
Mechanical tomato harvester (PA)	....	240	....	134
Mesquite and prickly pear (TX)	....	....	200	100
Michigan institute	2,246	2,470	....	2,358
Midwest agricultural products (IA)	....	....	700	700
Midwest plant biotechnology consortium	2,730	3,000	2,730	2,865
Milk safety (PA)	283	....	285	284
Milkweed research (NE)	80	80	80	80
Mink research (OR)	....	....	92	46
Minor crop pest control (HI)	285	285	285	285
Minor use animal drugs (IR–4)	450	500	429	464
Mosquito research (AR, CA, LA, MS, TX)	453	453	....	453
Multi-cropping strategies for aquaculture (HI)	150	....	150	150
National biological impact assessment	300	300	300	300
Nematode resistance genetic engineering (NM)	150	150	....	150
New uses for agricultural products (OH)	140	140	....	140
Non-food agricultural products (NE)	110	....	110	110
Oil from jojoba (NM)	200	200	200	200
Oregon—Mass. biotechnology	500	500	575	537
Peach tree short life (SC)	192	192	192	192
Peanut breeding (GA)	47	....	....	....
Pecan weevil (OK)	25	....	....	....
Pest control alternatives (SC)	....	....	250	125
Pesticide clearance (IR–4)	3,000	4,000	3,000	3,500
Pesticide impact assessment	2,968	2,968	2,968	2,968
Pesticide research (WA)	484	250	850	667
Phytophthora root rot (NM)	125	150	150	150
Plastic from cornstarch (NE)	40	....	....	....
Potato research	1,371	1,500	1,371	1,435
Poultry (GA)	....	....	250	172
Preservation and processing research (OK)	265	265	300	282
Prime farm land reclamation (IL, KY)	609	....	....	....
Procerum root disease (VA)	....	50	....	25
Product development and marketing center (ME)	....	....	250	221
Red River Corridor (MN, ND)	....	....	....	200
Regional barley gene mapping project	262	412	412	412
Regionalized implications of farm programs (MO, TX)	348	348	348	348
Rural development centers (PA, IA, (ND), MS, OR)	500	500	500	500
Rural economic development (GA)	744	....	744	744
Rural environmental research (IL)	75	150	....	125
Rural policies institute (AR, NE, MO)	375	....	675	525
Russian wheat aphid (WA, OR, ID, CA, CO)	350	435	350	437
Safflower research (ND, MT)	248	....	250	250
Sandhills grazing management practices (NE)	99	99	....	99
Seafood and aquaculture harvesting, processing, and marketing (MS)	361	361	361	361
Seedless table grapes (AR)	50	....	....	50
Seedstocks enhancement (ND)	198	....	....	....
Small fruit research (OR, WA, ID)	125	250	....	187
Southwest consortium for plant genetics and water resources	400	400	400	400
Soybean bioprocessing (IA)	200	....	350	275
Soybean cyst nematode (MO)	333	385	333	359
STEEP II—water quality in Northwest	980	980	980	980
Stone fruit decline (MI)	283	283	....	283
Stored grain insects (KS)	285	285	....	....
Subirrigation research (MI)	262	600	....	531
Sunflower insects (ND, SD)	194	....	200	200
Sustainable agriculture systems (NE)	....	....	120	70
Swine research (MN)	....	175	....	140
TCK smut (wheat)	250	250	250	250
Technology transfer development (IA)	....	....	200	100
Tropical and subtropical	3,320	3,320	3,320	3,320
Urban pests (GA)	76	....	76	76
Water conservation (NV)	....	250	....	200
Water management (AL)	397	....	400	398
Water quality	8,000	10,000	8,000	9,000
Weed control (ND)	....	....	500	500
Wheat genetic research (KS)	149	....	159	159
Wheat marketing (OR)	....	....	300	300
White mold research (OH)	....	70	....	55
Wild rice research (MN)	50	100	....	88
Wood utilization research (OR, MS, MI)	2,852	2,852	2,852	2,852
Wool research (TX)	198	250	250	250
World food systems (IN, OH)	357	380	357	368
Youth Science Camp (WV)	94	....	....	....
Total, Special Research Grants	61,976	58,299	63,978	73,979

Competitiveness of agricultural products (WA).—In allocating funding under CSRS special research grants for the Competitiveness of Agricultural Products, funds are included for the Competitiveness of Forest Products. The conferees intend that the $800,000 shall be allocated between the two universities based on the allocation agreed to for fiscal year 1992.

Irrigation/fish production (AR).—The conferees are aware of the need to renovate an irrigation pond to conduct irrigation/fish production research and agree such renovation may be considered a research cost.

Trade research.—The conferees have agreed not to fund International Trade Centers as in past years. The conferees, however, have agreed to fund research on ways to expand exports of U.S. agricultural products. The conferees will expect the Department to review carefully all proposals for these funds to assure that each grant is a legitimate research project.

Amendment No. 26: Deletes Senate language earmarking $2,000,000 of the special grant funds for global change research for the monitoring of ultraviolet radiation.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$97,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $97,500,000 for competitive research grants instead of $99,000,000 as proposed by the House and $100,000,000 as proposed by the Senate. The following table reflects the conference agreement:

	House bill	Senate bill	Conference agreement
Competitive research grants			
a. Plant systems	$40,000,000	$40,000,000	$40,000,000
b. Animal systems	25,000,000	25,000,000	25,000,000
c. Nutrition, food quality and health	4,000,000	9,000,000	6,500,000
d. Global warming	5,000,000	....	....
e. Natural resources and the environment	18,000,000	18,000,000	81,000,000
f. Processes antecedent to adding value and developing new products	3,000,000	4,000,000	4,000,000
g. Markets, trade and policy	4,000,000	4,000,000	4,000,000
Total, Competitive Research Grants	99,000,000	100,000,000	97,500,000

The conferees concur with the Senate recommendation for a USDA experimental program to stimulate competitive research (USDA-EPSCoR). The State EPSCoR committees are to serve as planning and coordinating bodies for grant applications from individual institutions, but the institutions themselves may continue to submit applications and shall be direct recipients of any grants that are awarded.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which delays the obligation of $25,000,000 of the competitive research grants funds until September 20, 1992. The House bill contained no similar provision.

Amendment No. 29: Provides $1,168,000 for supplemental and alternative crops and products as proposed by the House instead of $500,000 as proposed by the Senate.

Amendment No. 30: Provides $400,000 for research under the Critical Agricultural Materials Act instead of $300,000 as proposed by the House and $1,300,000 as proposed by the Senate. The conference agreement provides no funds for the National Center for Physical Acoustics instead of $800,000 as proposed by the Senate. The agreement also provides $400,000 for the Polymer Center at the University of Southern Mississippi as proposed by the Senate instead of $300,000 as proposed by the House.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $3,500,000 for higher education graduate fellowship grants and $1,500,000 for higher education challenge grants. The House bill provided $5,000,000 for higher education graduate fellowships.

Amendment No. 32: Provides $4,000,000 for the research program at the aquaculture centers as proposed by the House instead of $3,750,000 as proposed by the Senate.

Amendment No. 33: Provides $400,000 for a regional agricultural weather information service as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$20,795,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $20,795,000 for Federal Administration of the Cooperative State Research Service instead of $17,650,000 as proposed by the House and $17,391,000 as proposed by the Senate. The following table reflects the conference agreement:

[In thousands of dollars]

	Fiscal year 1991 enacted	Hosue bill	Senate bill	Conference recommendation
Federal Administration				
Shrimp aquaculture (Hawaii and Mississippi)	3,365	3,500	3,365	3,500
Mississippi Valley State University	642	668	642	668
Maize genetics research center (ND)	100		400	400
Ag in classroom	170	208	170	208
Agricultural biotechnology	375	400	375	400
Peer panels	250	260	250	260
Office of grants and program systems	568	334	334	334
Alternative fuels characterization lab (ND)	250		250	250
Pay costs and FERS		550	550	550
Center for Agricultural and Rural Development (IA)	741	750		750
Herd management (TN)	375		475	475
1890 capacity building	8,250	8,580	8,580	10,250
Vocational aquaculture education	500	500	500	500
Water quality	1,600	900	500	1,250
Geographic information system	747	1,000	1,000	1,000
Subtotal, Federal Administration	17,933	17,650	17,391	20,795

The conference agreement for water quality research includes $500,000 for the program in North Dakota and $750,000 for the program at Southern Illinois University.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$430,711,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $430,711,000 for the Cooperative State Research Service instead of $412,886,000 as proposed by the House and $419,788,000 as proposed by the Senate.

BUILDINGS AND FACILITIES

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$75,270,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $75,270,000 for the Cooperative State Research Service, Buildings and Facilities instead of $62,529,000 as proposed by the House and $60,769,000 as proposed by the Senate. The following table reflects the conference agreement.

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Buildings and Facilities				
Alabama: Wallace State Junior College Wellness Center			(1)	
Arkansas:				
Center for Alternative Pest Control	811		500	500
Poultry and Isolation Facility, University of Arkansas/Fayetteville	337		250	250
Poultry Center of Excellence	3,750		3,350	3,050
Arizona: Agriculture research complex-environmental stress lab	(1)		200	100
California:				
Alternative pest control containment and quarantine, University of California	(1)	414		207
Grape Importation Facility, University of California at Davis	897	2,321		1,609
Florida: Biotechnology Institute, University of Florida-Alachua	2,690	500	1,180	840
Georgia:				
Agricultural Livestock Poultry Facility			(1)	(1)
Biocontainment Research Center, University of Georgia	1,992	500	750	425
Center for Advanced Water Technology, Savannah	(1)		272	136
National Laboratory for Environmentally Sound Production Agriculture—Tifton	300		3,250	1,775
Vidalia Onion Storage Res Facility	(1)		450	225
Hawaii: Center for Tropical/Subtropical Agriculture	5,675		3,842	3,842
Idaho: Biotechnology Facility	590		500	500
Illinois:				
Biotechnology Center, Northwestern University	(1)	1,200		600
National Soybean Laboratory, University of Illinois	1,617	1,987		1,987
Indiana: Molecular and Cellular Biotechnology Facility	1,500	4,000		2,750
Kansas: Throckmorton Plant Science Center, Kansas State University	3,731	500	2,641	1,570
Maryland: Institute for Natural Resources and Environmental Science, University of Maryland	(1)	1,000	1,000	1,000
Massachusetts: Center/hunger, poverty, nutrition and policy	(1)	500	633	562
Michigan: Food Toxicology Center, Michigan State University	5,076	15,712		10,394
Mississippi: Biological Technology Center for Water and Wetlands Resources		200	(1)	100
Missouri: Bennett Living and Learning Center, Lincoln University	(1)		290	145
Montana: Bioscience Research Laboratory, Montana State University	1,250	500	1,625	1,062
Nebraska: Center for Advanced Technology, University of Nebraska	4,500		4,500	4,500
Nevada: Biochemistry and Biology, University of Nevada		500		250
New Jersey: Plant Bioscience Facility, Rutgers University	2,544	2,544	3,544	3,044
New York:				
Cornell Research Greenhouse		750		375
New York Botanical Garden	(1)	1,300	1,400	1,350
North Carolina:				
Biotechnology Facility	750	1,450	1,450	1,450
Bowman-Gray Center at Wake Forest		3,650		1,825
North Dakota:				
Animal Care Facility, North Dakota State University	(1)		500	250
Engineering and Biomechanics Building			(1)	(1)
Facility completion			500	500
Food Processing Pilot Plant—NCI			750	375
Inst/Ag Health Science and Rural Medicine, University of North Dakota	2,892		5,870	4,381
Inst/Ag and Rural Human Research Development, Minot State University			480	240
Seed Research and Regulatory Facility, North Dakota State University	(1)		1,000	500
Ohio: Plant Science Research Facility, University of Toledo		550		275
Oklahoma: Nat'l Center for Bovine/Equine Biotechnology			450	225
Oregon:				
Regional Food Innovation Center			(1)	(1)
Seafood Center, Oregon State University	(1)	218		217
Pennsylvania:				
Center for Food Marketing, St. Joseph's University	600	2,420	3,000	2,710
Children's Hospital, Pittsburgh				
Rhode Island: Building consolidation, University of Rhode Island	1,904		500	500
South Dakota: Northern Plains Biostress Laboratory, South Dakota State University	1,970	500	2,530	1,515
Tennessee:				
Agricultural, Biological and Environmental Research Complex, University of Tennessee in Knoxville		(1)	1,850	925
Nursery Crop Research Station	248		604	426
Texas: Inst/Biosciences and Technology, Texas A&M	2,797	4,700	3,021	3,860
Utah: Biotechnology Laboratory, Utah State University	280		1,248	764
Virginia: Agriculture Biotechnology Facility, Virginia Polytechnic Institute	918	1,125		1,021
Washington: Animal Disease Biotechnology Facility, Washington State University	1,210	3,030	1,210	2,120
Wisconsin:				
Agriculture Biotechnology/Genetics Facility, University of Wisconsin/Madison	2,600	9,858	3,429	7,393
College of Natural Resources, University of Wisconsin—Stevens Point		(1)	(1)	(1)
Research greenhouse	(1)			
Rural health information and technology initiative, Medical College of Wisconsin	(1)		1,500	
Wyoming: Environmental Simulation Facility, University of Wyoming	(1)	500	500	500
Other facilities grants	9,138			
Miscellaneous: Fund for Reports	300	100	200	150
Total, Buildings and facilities	62,867	62,529	60,769	75,270

[1] Report on need and support for proposed faility.

EXTENSION SERVICE

Amendment No. 37: Restores House language and provides $3,557,000 for the urban gardening program.

Amendment No. 38: Provides $8,200,000 for the pest management program instead of $8,950,000 as proposed by the House and $7,450,000 as proposed by the Senate.

Amendment No. 39: Provides $2,470,000 for the farm safety program instead of $1,970,000 as proposed by the House and $2,970,000 as proposed by the Senate. Within the total, $1,500,000 is provided specifically for the assistance of disabled farmers and for those in farm-related occupations to continue their farm and farm-related activities, as recommended by the National Easter Seal Society, instead of $1,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

Amendment No. 40: Provides $3,405,000 for the pesticide impact assessment program instead of $3,580,000 as proposed by the House and $3,230,000 as proposed by the Senate.

Amendment No. 41: Provides $1,010,000 for the District of Columbia extension program instead of $1,031,000 as proposed by the House and $991,000 as proposed by the Senate.

Amendment No. 42: Provides $11,375,000 for a groundwater quality program instead of $12,375,000 as proposed by the House and $10,375,000 as proposed by the Senate.

Amendment No. 43: Provides $1,221,000 for an agricultural telecommunications program instead of $2,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees note the work of the Agricultural Satellite Corporation (AG*SAT), a consortium of 34 land-grant universities, and urge the Department to participate with AG*SAT to make affordable telecommunications available to rural schools and universities and to rural communities. The conferees will expect the Extension Service to work closely with the Rural Electrification Administration and to participate with SERC and AG*SAT to expand the use of this technology in rural America.

Amendment No. 44: Restores House language and provides $1,500,000 for the food safety program instead of $1,750,000 as proposed by the House.

Amendment No. 45: Provides $1,500,000 for payments for Indian reservation agents instead of $2,000,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 46: Provides $24,730,000 for payments for extension work to the 1890 land-grant colleges and Tuskegee University instead of $25,755,000 as proposed by the House and $23,706,000 as proposed by the Senate.

Amendment No. 47: Appropriates $407,978,000 for the Extension Service, excluding Federal Administration, as proposed by the House instead of $401,732,000 as proposed by the Senate.

The conference agreement includes $255,000, within the total for the Youth-at-Risk Program, for a joint outreach program between Southwest State University and the Minnesota Extension Service instead of $300,000 as proposed by the House.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$11,347,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $11,347,000 for Federal Administration of the Extension Service instead of $9,079,000 as proposed by the House and $10,397,000 as proposed by the Senate. The following table reflects the conference agreement for Federal Administration and recommends the following amounts:

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Federal Administration			
General administration	5,388	5,181	5,181
Pilot tech. transfer (OK, MS)	331	331	331
Pilot tech. transfer (WI)	165	165	165
Crambe/rapeseed (NE)	67	67	67
Ag. development Pacific (HI)	647	647	647
Pay costs	797	797	797
Project future (MN)	250		250
Rural rehabilitation (GA)	256	256	256
Crop simulation (MS)	498	498	498
Income enhancement demonstration (OH)	250		250
Rural education satellite downlink (PA)	150		285
Rural development (NM)	230	115	230
Southern Kentucky feasibility study	50		50
Rural development (NE)		200	200
Rural development (OK)		300	300
Rural education pilot (ND)		846	846
Presque Isle (ME)		187	187
Beef producers' improvement (AR)		200	200
Integrated cow/calf resources management (IA)		150	150
Rural health infrastructure (AL)		200	200
Home sewing (MS, SC, AL)[1]		157	157
Extension specialist (AR)		100	100
Total, Federal Administration	9,079	10,397	11,347

[1] House bill included $157,000 under General Administration.

NATIONAL AGRICULTURAL LIBRARY

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$17,715,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $17,715,000 for the National Agricultural Library instead of $17,253,000 as proposed by the House and $417,149,000 as proposed by the Senate.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$462,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement earmarks $462,000 for the National Center for Agricultural Law Research and Information at the Leflar School of Law in Fayetteville, Arkansas, instead of $500,000 as proposed by the Senate. The House bill contained no similar provision.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

Amendment No. 51: Appropriates $550,000 for the Office of the Assistant Secretary for Marketing and Inspection Services as proposed by the House instead of $535,000 as proposed by the Senate.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$430,939,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $430,939,000 for the Animal and Plant Health Inspection Service, Salaries and Expenses instead of $426,903,000 as proposed by the House and $415,987,000 as proposed by the Senate. The conference agreement provides for all earmarks as proposed in the House and Senate reports. The following table reflects the conference agreement:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Pest and Disease Exclusion			
Africanized bee	1,000		
Agricultural quarantine inspection	19,128	20,425	20,425
User fees	85,922	78,356	85,922
Subtotal, Agricultural quarantine inspection	105,050	98,781	106,347
Foot-and-mouth disease	3,891	3,891	3,891
Import-export inspection	9,918	9,627	9,918
International programs	4,498	4,498	4,498
Mediterranean fruit fly exclusion	10,052	10,052	10,052
Mexican fruit fly exclusion	1,164	1,164	1,164
Screwworm	34,011	34,011	34,011
Total, Pest and disease exclusion	169,584	162,024	169,881
Plant and Animal Health Monitoring			
Animal disease detection	9,452	8,846	9,452
Fruit fly detection	3,941	3,941	3,941
Pest detection	3,976	3,976	3,976
Total, Plant and animal health monitoring	17,369	16,763	17,369
Pest and Disease Management Programs			
Animal damage control—operations	25,822	25,811	25,822
Animal health compliance and enforcement	12,354	11,604	12,354
Biocontrol	7,549	5,149	5,149
Boll weevil	13,135	13,135	13,135
Brucellosis eradication	67,135	67,135	67,135
Cattle ticks	6,172	6,172	6,172
Citrus canker			
Golden nematode	862	862	862
Grasshopper	3,850	3,850	3,850
Reserve fund		5,000	5,000
Gypsy moth	5,162	5,162	5,162
Honey bee pests	531	531	531
Imported fire ant	3,732	3,732	3,732
Miscellaneous plant and animal diseases	3,475	2,211	3,475
National poultry improvement plan	245	245	245
Noxious weeds	1,081	561	820
Pink bollworm	2,800	2,800	2,800
Poultry diseases	722	722	722
Pseudorabies	7,554	6,713	7,554
Russian wheat aphid		2,400	2,400
Scrapie	1,846	846	846
Swine health protection	3,586	3,586	3,586
Tuberculosis	3,738	3,738	3,738
Witchweed	5,386	5,386	5,386
Total, Pest and disease management programs	176,737	177,351	180,476
Animal Care			
Animal welfare	9,688	9,688	9,688
Horse protection	382	382	382
Total, Animal welfare	10,070	10,070	10,070
Scientific and Technical Services			
ADC methods development	9,517	9,267	9,517
Biotechnology	6,194	6,087	6,194
Integrated systems acquisition project	2,507		2,507
Plant methods development	5,834	5,834	5,834
Veterinary biologics	9,756	9,756	9,756
Veterinary diagnostics	14,335	14,335	14,335
Total, Scientific and technical services	48,143	45,279	48,143
Contingency fund	5,000	4,500	5,000
Total, Salaries and expenses	426,903	415,987	430,939

Amendment No. 53: Provides that $85,922,000 shall be derived from the user fees deposited in the Agricultural Quarantine Inspection User Fee Account as proposed by the House instead of $78,356,000 as proposed by the Senate.

The conferees are aware of concern that the fees collected for Agricultural Quarantine Inspection (AQI) may exceed the amount required to carry out the program. The conferees expect the Secretary to report to the appropriate committees of Congress, on a semiannual basis, on the status of the AQI fund and to take any action necessary to maintain no more than a reasonable reserve in the fund by adjusting the fees accordingly. The conferees further note that the prohibition in this Act on the collection of user fees for travel from Hawaii and Puerto Rico applies to passengers, commercial aircraft and cargo.

Amendment No. 54: Provides that $5,000,000 shall be available for a contingency fund for the Animal and Plant Health Inspection Service as proposed by the House instead of $4,500,000 as proposed by the Senate.

Amendment No. 55: Deletes Senate language prohibiting the Animal and Plant Health Inspection Service's Methods Development Center in Hoboken, New Jersey, from being moved to any other State before September 30, 1992. The House bill contained no similar provision. The conferees have been advised that APHIS plans to relocate the Methods Development Center currently located in Hoboken, New Jersey, to another location in New Jersey. Therefore, the Senate bill language is no longer necessary. The conferees agree with maintaining the Center in New Jersey.

BUILDINGS AND FACILITIES

Amendment No. 56: Appropriates $21,396,000 for the Animal and Plant Health Inspection

Service, Buildings and Facilities as proposed by the House instead of $20,900,000 as proposed by the Senate. The conferees agree to delete earmarks.

Amendment No. 57: Deletes Senate language providing that $4,998,000 of the amount appropriated shall not be available for obligation until September 20, 1992. The House bill contained no similar provision.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 58: Appropriates $11,397,000 for the Federal Grain Inspection Service, Salaries and Expenses as proposed by the House instead of $10,557,000 as proposed by the Senate.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Amendment No. 59: Provides a limitation of $40,176,000 as proposed by the Senate instead of $39,383,000 as proposed by the House.

AGRICULTURAL COOPERATIVE SERVICE

Amendment No. 60: Appropriates $5,640,000 for the Agricultural Cooperative Service as proposed by the House instead of $5,140,000 as proposed by the Senate.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that $99,000 shall be available for a field office in the State of Hawaii. The House bill contained no similar provision.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

Amendment No. 62: Appropriates $56,636,000 for the Agricultural Marketing Service, Marketing Services as proposed by the House instead of $42,066,000 as proposed by the Senate.

The conference agreement provides not more than $11,862,000 for the Pesticide Data Collection Program, the same level as provided in fiscal year 1991. The conference agreement restores House report language for the Toledo, Ohio, farmers market.

The agreement deletes the Senate earmark under payments to States and Possessions.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

In fiscal years 1992 and 1993, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends Senate language providing for an export program for sunflower and cottonseed oil.

MISCELLANEOUS TRUST FUNDS

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

For expenses necessary to recapitalize Dairy Graders, $1,250,000, and to capitalize the Laboratory Accreditation Program, $600,000, making a total of $1,850,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,850,000 for Miscellaneous Trust Funds instead of $1,650,000 as proposed by the House and $600,000 as proposed by the Senate. The conference agreement includes $1,250,000 for the Dairy Grading Program, $400,000 for the National Laboratory Accreditation Program, and an additional $200,000 for development, promulgation, and implementation of the rules and regulations for the National Laboratory Accreditation Program.

PACKERS AND STOCKYARDS ADMINISTRATION

Amendment No. 65: Appropriates $12,009,000 for the Packers and Stockyards Administration as proposed by the House instead of $11,859,000 as proposed by the Senate. The conferees agree with Senate report language on a red meat concentration study.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

Amendment No. 66: Appropriates $551,000 for the Office of the Under Secretary for International Affairs and Commodity Programs as proposed by the House instead of $531,000 as proposed by the Senate.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

Amendment No. 67: Provides a total of $720,451,000 for the Agricultural Stabilization and Conservation Service, Salaries and Expenses instead of $720,705,000 as proposed by the House and $720,436,000 as proposed by the Senate. Of this total, $719,289,000 is appropriated as proposed by the House instead of transferred from the Commodity Credit Corporation Fund as proposed by the Senate. In addition, $573,000 is transferred from the Public Law 480 Program Account as proposed by the House instead of $558,000 as proposed by the Senate.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds shall be available to establish a National Appeals Division.

FEDERAL CROP INSURANCE CORPORATION

FEDERAL CROP INSURANCE CORPORATION FUND

Amendment No. 69: Appropriates $260,500,000 for the Federal Crop Insurance Corporation Fund as proposed by the Senate instead of $221,500,000 as proposed by the House.

The conferees expect the Department to abide by last year's report which directed that sales and loss adjustment for Federal crop insurance be returned to the control of the Agricultural Stabilization and Conservation Service. Personnel in ASCS county offices should be trained in sales and services of crop insurance to assist the farmers.

COMMODITY CREDIT CORPORATION FUND

The conferees agree that for the alternative fuels program specified in Senate report language, not less than six qualified unrelated farmer-owned cooperatives shall be involved.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Notwithstanding the foregoing provisions of this Act, the reimbursement to the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, in fiscal year 1992 shall not exceed $7,250,000,000.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1992, CCC shall not expend more than $3,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: Provided, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement limits the reimbursement for net realized losses sustained, but not previously reimbursed, to $7,250,000,000 instead of $8,450,000,000 as proposed by both the House and the Senate.

The conference agreement also restores House language which limits the amount the Commodity Credit Corporation can obligate in connection with operations and maintenance for hazardous waste management to $3,000,000. The House bill provided a limit of $5,000,000 and the Senate bill deleted the House language.

GENERAL SALES MANAGER

Amendment No. 71: Provides $9,071,000 for expenses of the General Sales Manager as proposed by the Senate instead of $9,103,000 as proposed by the House.

Amendment No. 72: Provides that $1,242,000 may be transferred from the Public Law 480 Program Account to the General Sales Manager's Account as proposed by the Senate instead of $1,274,000 as proposed by the House.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

Amendment No. 73: Appropriates $563,000 for the Office of the Assistant Secretary for Natural Resources and Environment as proposed by the House instead of $543,000 as proposed by the Senate.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

Amendment No. 74: Provides that not less than $400,000,000 of the amount appropriated for the Soil Conservation Service, Conservation Operations may be used for personnel compensation and benefits as proposed by the Senate instead of $411,800,000 as proposed by the House. The conferees agree to the earmarks proposed by both Houses.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the Secretary of Agriculture may expend funds acquired as a result of a land transfer in Skagit County and Bellingham, Washington. The funds may be used to construct buildings and related facilities on Federally owned land for plant materials purposes in Skagit County, Washington.

WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 76: Appropriates $205,266,000 for Watershed and Flood Prevention Operations as proposed by the Senate instead of $205,238,000 as proposed by the House.

The conference agreement earmarks not less than $8,500,000 for the Yazoo Basin, Mississippi, project. The conference agreement also earmarks not less than $4,250,000 for phase I construction of North and South Mill Creek Dam No. 7 in West Virginia and not less than $4,250,000 for phase I construction of Howard Creek Dam No. 12 in West Virginia. The conferees are aware that the higher funding levels provided by the conference agreement for the Public Law 534 and Public Law 566 programs may increase these States' allocations beyond the levels earmarked herein. The conferees also agree with the Senate earmarks for exigency work under the Emergency Watershed Protection Program in West Virginia and Mississippi.

The conferees are aware of flooding conditions along the Big Creek, Lost Creek, and Christian Creek vicinity of Jonesboro, Arkansas, and expect the Soil Conservation Service to begin the flood plain management study as soon as possible.

Amendment No. 77: Provides $36,091,000 for the Public Law 534 program as proposed by the Senate instead of $30,091,000 as proposed by the House.

Amendment No. 78: Provides $20,028,000 for the Emergency Watershed Program as proposed by the Senate instead of $30,000,000 as proposed by the House.

Amendment No. 79: Restores House section numbers.

Amendment No. 80: Restores House U.S. Code citation.

RESOURCE CONSERVATION AND DEVELOPMENT

Amendment No. 81: Appropriates $32,516,000 for Resource Conservation and Development as proposed by the House instead of $31,236,000 as proposed by the Senate.

The conferees are aware of the additional needs of the Laurel Ridge, Pennsylvania, and North Dakota Resource Conservation Districts and expect the Soil Conservation Service to give special consideration to these projects.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

Amendment No. 82: Appropriates $194,435,000 for the Agricultural Conservation Program as proposed by the House instead of $193,652,000 as proposed by the Senate. The conferees agree that the Lake Champlain basin special water quality projects in Vermont shall be given increased attention.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *Provided further, That not to exceed $6,750,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that not to exceed $6,750,000 of the amount appropriated for the Agricultural Conservation Program (ACP) shall be used for a Water Quality Incentives Program instead of $10,000,000 as proposed by the Senate. The House provided $3,500,000 for the same activity under Amendment No. 85. The conference agreement provides that these funds shall be derived from within the total of $30,000,000 available for the Agricultural Conservation Program water quality activities, and that funds for the Water Quality Incentives Program will not impact the normal Agricultural Conservation Program practices. The conferees expect the Water Quality Incentives Program to be an ACP practice but regulations should be promulgated for the Water Quality Incentives Program before expending these funds.

Amendment No. 84: Deletes Senate language which allowed the Agricultural Stabilization and Conservation Service to cost share irrigation systems with Hawaiian Home Land homesteaders. The House bill contained no similar provision.

AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM

Amendment No. 85: Deletes House language which provided funding for the Agricultural Water Quality Incentives Program. Funding for this program is provided as part of the Agricultural Conservation Program under Amendment No. 83.

EMERGENCY CONSERVATION PROGRAM

Amendment No. 86: Appropriates $6,000,000 for the Emergency Conservation Program instead of $10,000,000 as proposed by the House. The Senate bill deleted the House provision.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

The conferees agree to delete the Senate earmark but the conferees are aware of the need to complete the Environmental Impact Statement for the Moapa Valley salinity control project and expect the Department to provide the necessary funds.

CONSERVATION RESERVE PROGRAM

Amendment No. 87: Appropriates $1,611,277,000 for the Conservation Reserve Program as proposed by the Senate instead of $1,642,760,000 as proposed by the House.

WETLANDS RESERVE PROGRAM

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $46,357,000, to remain available until expended: Provided, That none of the funds made available by this Act shall be used to enter in excess of 50,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein: Provided further, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $46,357,000 to carry out a Wetlands Reserve Program not in excess of 50,000 acres during fiscal year 1992. The Senate bill provided $91,000,000 for the Wetlands Reserve Program and not in excess of 98,000 acres during fiscal year 1992. The House bill contained no similar provision.

The conferees expect the Department to conduct a pilot program for the Wetlands Reserve Program in not more than five States. The pilot program should be evaluated to determine the actual cost and benefits to be derived from the Wetlands Reserve Program in the interest of farmers. In the report requested by both the House and Senate Committees on Appropriations the conferees expect information on the prospect of easements for periods less than 30 years, including budgetary impacts, the quality and quantity of wetlands restoration, and program participation. The conferees expect the report by June 30, 1992.

The agreement also allows the use of Commodity Credit Corporation services, facilities, and authorities in carrying out the Wetlands Reserve Program as proposed by the Senate.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

Amendment No. 89: Appropriates $572,000 for the Office of the Under Secretary for Small Community and Rural Development as proposed by the House instead of $552,000 as proposed by the Senate.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 90: Provides $1,624,500,000 for section 502 loans instead of $1,626,451,000 as proposed by the House and $1,406,451,000 as proposed by the Senate.

Amendment No. 91: Provides $329,500,000 for unsubsidized guaranteed loans instead of $350,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 92: Deletes Senate language which added the word "and".

Amendment No. 93: Restores House language and provides $250,000,000 for credit sales of acquired property. The House bill provided $284,000,000.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that up to $35,000,000 of the section 502 loan funds shall be made available for section 502(g), Deferred Mortgage Demonstration. The House bill contained no similar provision.

The following table reflects the conference agreement on the rural housing loan program:

LOAN LEVELS

	House bill	Senate bill	Conference agreement
RHIF loan levels:			
Low-income housing loans (sec. 502)	$1,226,451,000	$1,256,451,000	$1,245,000,000
Unsubsidized direct loans	50,000,000	50,000,000	50,000,000
Unsubsidized guaranteed loans	350,000,000	100,000,000	329,500,000
Rural housing site loans (sec. 524)	600,000	600,000	600,000
Rural rental housing loans (sec. 515)	573,900,000	573,900,000	573,900,000
Very low-income repair loans (sec. 504)	11,330,000	11,330,000	11,330,000
Domestic farm labor loans	16,300,000	16,300,000	16,300,000

LOAN LEVELS—Continued

	House bill	Senate bill	Conference agreement
Credit sales of acquired property	284,000,000		250,000,000
Total, RHIF loan levels	2,512,581,000	2,008,581,000	2,476,630,000

Amendment No. 95: Appropriates $287,591,000 for the cost of direct and guaranteed low-income housing section 502 loans as proposed by the Senate instead of $324,896,000 as proposed by the House.

Amendment No. 96: Earmarks $3,723,000 for the cost of guaranteed loans instead of $12,360,000 as proposed by the House and $1,130,000 as proposed by the Senate.

Amendment No. 97: Appropriates $4,999,000 for the cost of section 504 housing repair loans as proposed by the Senate instead of $5,280,000 as proposed by the House.

Amendment No. 98: Appropriates $9,002,000 for the cost of section 514 farm labor housing as proposed by the Senate instead of $9,536,000 as proposed by the House.

Amendment No. 99: Appropriates $248,499,000 for the cost of section 515 rental housing as proposed by the Senate instead of $268,585,000 as proposed by the House.

Amendment No. 100: Restores House language and appropriates $36,725,000 for the cost of credit sales of acquired property. The House bill appropriated $40,612,000.

Amendment No. 101: Appropriates $9,000 for the cost of site loans as proposed by the Senate. The House bill contained no similar provision.

The following table reflects the conference agreement on the cost of loan subsidies associated with the Rural Housing Insurance Fund:

LOAN SUBSIDIES

	House bill	Senate bill	Conference agreement
RHIF loan subsidies:			
Single family (sec. 502):			
Direct	$312,536,000	$286,461,000	$283,868,000
Guaranteed	12,360,000	1,130,000	3,723,000
Housing repair (sec. 504)	5,280,000	4,999,000	4,999,000
Farm labor (sec. 514)	9,536,000	9,002,000	9,002,000
Rental housing (sec. 515)	268,585,000	248,499,000	248,499,000
Site loans		9,000	9,000
Credit sales of acquired property	40,612,000		36,725,000
Total, RHIF loan subsidies	648,909,000	550,100,000	586,825,000

The Senate bill and the conference agreement utilize the Office of Management and Budget subsidy rates, whereas the House bill utilized the Congressional Budget Office subsidy rates.

Amendment No. 102: Appropriates $427,111,000 for administrative expenses in connection with Rural Housing Insurance Fund loans instead of $425,173,000 as proposed by the House and $428,746,000 as proposed by the Senate.

RENTAL ASSISTANCE PROGRAM

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$319,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $319,900,000 for rental assistance agreements as proposed by the Senate instead of $308,100,000 as proposed by the House. The conference agreement also adds a technical amendment to conform the Rental Assistance Program to the provisions of the Credit Reform Act.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

Amendment No. 104: Appropriates $43,000 for the cost of direct loans under the Self-Help Housing Land Development Fund as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 105: Appropriates $21,000 for administrative expenses necessary to carry out the direct loan program under the Self-Help Housing Land Development Fund as proposed by the Senate. The House bill contained no similar provision.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 106: Provides for a direct and guaranteed farm ownership loan program of $555,500,000 as proposed by the House instead of $861,000,000 as proposed by the Senate.

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$488,750,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for a guaranteed loan program of $488,750,000 instead of $509,000,000 as proposed by the House and $774,000,000 as proposed by the Senate.

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$2,832,140,000, of which $1,800,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $2,832,140,000 for a direct and guaranteed operating loan program instead of $3,500,000,000 as proposed by the House and $1,922,140,000 as proposed by the Senate. The conference agreement also provides $1,800,000,000 for unsubsidized guaranteed loans instead of $2,600,000,000 as proposed by the House and $1,000,000,000 as proposed by the Senate. In addition, the agreement provides $182,140,000 for subsidized guaranteed loans as proposed by the Senate. The House bill contained no similar provision.

The conferees agree that for annual operating loans the Department should give increased emphasis to subordinations, which will help utilize more direct and guaranteed loan funds for term loans. But, in no case should the Department restrict annual loans to farmers because of the lack of a subordination opportunity.

Amendment No. 109: Deletes Senate language which added the word "and".

Amendment No. 110: Restores House language and provides $200,000,000 for the cost of credit sales of acquired property. The House bill provided $250,000,000 for the cost of credit sales.

The following table reflects the conference agreement on the Agricultural Credit Insurance Fund loan program:

LOAN LEVELS

	House bill	Senate bill	Conference agreement
ACIF loan levels:			
Farm ownership loans:			
Direct	$46,500,000	$87,000,000	$66,750,000
Unsubsidized guaranteed loans	509,000,000	774,000,000	488,750,000
Farm operating loans:			
Direct	900,000,000	740,000,000	850,000,000
Unsubsidized guaranteed loans	2,600,000,000	1,000,000,000	1,800,000,000
Subsidized guaranteed loans		182,140,000	182,140,000
Soil and water loans:			
Direct	5,500,000	5,500,000	5,500,000

LOAN LEVELS—Continued

	House bill	Senate bill	Conference agreement
Guaranteed	1,500,000	1,500,000	1,500,000
Indian land acquisition	1,000,000	1,000,000	1,000,000
Emergency loans	600,000,000	600,000,000	600,000,000
Watershed and flood prevention loans	4,000,000	4,000,000	4,000,000
Resource conservation and development loans	600,000	600,000	600,000
Credit sales of acquired property	250,000,000		200,000,000
Total, ACIF loan levels	4,918,100,000	3,395,740,000	4,200,240,000

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters of fiscal year 1992. The conferees expect the Department to continue the current pooling practices during the third and fourth quarters of the fiscal year.

Amendment No. 112: Appropriates $39,786,000 for the cost of direct and guaranteed farm ownership loans instead of $33,359,000 as proposed by the House and $58,735,000 as proposed by the Senate.

Amendment No. 113: Earmarks $24,545,000 for the cost of guaranteed farm ownership loans instead of $15,270,000 as proposed by the House and $38,870,000 as proposed by the Senate.

Amendment No. 114: Appropriates $168,277,000 for the cost of direct and guaranteed operating loans instead of $220,200,000 as proposed by the House and $141,412,000 as proposed by the Senate.

Amendment No. 115: Earmarks $22,455,000 for the cost of guaranteed loans instead of $31,200,000 as proposed by the House and $12,475,000 as proposed by the Senate.

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks the foregoing $22,455,000 as unsubsidized guaranteed loans and also provides $15,350,000 for subsidized guaranteed loans. The House did not differentiate between subsidized and unsubsidized loans.

Amendment No. 117: Appropriates $499,000 for the cost of direct and guaranteed water development, use, and conservation loans as proposed by the Senate instead of $2,615,000 as proposed by the House.

Amendment No. 118: Earmarks $43,000 for the cost of guaranteed water development, use, and conservation loans as proposed by the Senate instead of $30,000 as proposed by the House.

Amendment No. 119: Appropriates $253,000 for the cost of Indian tribe land acquisition loans as proposed by the Senate instead of $1,000,000 as proposed by the House.

Amendment No. 120: Appropriates $55,000,000 for the cost of disaster loans instead of $32,100,000 as proposed by the House and $121,560,000 as proposed by the Senate.

Amendment No. 121: Deletes Senate language which added the word "and".

Amendment No. 122: Appropriates $2,000 for the cost of watershed, flood prevention and resource conservation loans as proposed by the Senate instead of $2,162,000 as proposed by the House.

Amendment No. 123: Restores House language and appropriates $59,880,000 for the cost of credit sales of acquired property. The House bill appropriated $117,500,000 for credit sales and no funds were proposed by the Senate.

The following table reflects the conference agreement on the cost of loan subsidies under the Agricultural Credit Insurance Fund:

LOAN SUBSIDIES

	House bill	Senate bill	Conference agreement
ACIF loan subsidies:			
Farm ownership:			
Direct	$18,089,000	$19,865,000	$15,241,000
Guaranteed unsubsidized	15,270,000	38,870,000	24,545,000
Farm operating:			
Direct	189,000,000	113,587,000	130,472,000
Guaranteed unsubsidized	31,200,000	12,475,000	22,455,000
Guaranteed subsidized		15,350,000	15,350,000
Soil and water:			
Direct	2,585,000	456,000	456,000
Guaranteed	30,000	43,000	43,000
Indian tribe land acquisition	1,000,000	253,000	253,000
Emergency disaster	32,100,000	121,560,000	55,000,000
Watershed and flood prevention	1,880,000	1,000	1,000
Resource conservation	282,,000	1,,000	1,000
Credit sales of acquired property	117,500,000		59,880,000
Total, ACIF loan subsidies	480,936,000	322,461,000	323,697,000

The Senate and the conference agreement subsidy rates are based on those used by the Office of Management and Budget, whereas the House subsidy rates were based on the Congressional Budget Office rates.

Amendment No. 124: Appropriates $230,179,000 for the cost of administrative expenses necessary to carry out the direct and guaranteed loan programs under the Agricultural Credit Insurance Fund as proposed by the House instead of $229,557,000 as proposed by the Senate.

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rephrases and adds permanency to House language limiting loans to the amounts provided in advance in appropriations Acts.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

The conferees' attention has been called to the need for community development and restoration in the inner cities where the need is great. Particular attention was directed to the Labor, Cultural and Community Center in Chicago, Illinois, as a typical example of the national need. No funds are included in this Act; however, the conferees request that a report on the situation be made, from funds available, to the Committees on Appropriations. The conferees are well aware of the success we have had on 4-H type programs in our major cities.

Amendment No. 126: Provides $635,000,000 for direct and guaranteed water and sewer facility loans as proposed by the House instead of $535,000,000 as proposed by the Senate.

The conferees urge the Farmers Home Administration to consider the loan application for a $1,300,000 rural industrial development guaranteed loan by the City of Spokane for the Spokane marketplace.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that none of the funds made available in this Act may be used to make transfers between the loan levels provided.

The following table reflects the conference agreement on loan levels to be available under the Rural Development Insurance Fund:

LOAN LEVELS

	House bill	Senate bill	Conference agreement
RDIF loan levels:			
Water and waste disposal loans	$600,000,000	$500,000,000	$600,000,000
Guaranteed	35,000,000	35,000,000	35,000,000
Community facility loans	100,000,000	100,000,000	100,000,000
Guaranteed	25,000,000	25,000,000	25,000,000

LOAN LEVELS—Continued

	House bill	Senate bill	Conference agreement
Industrial development loans (guaranteed)	100,000,000	100,000,000	100,000,000
Total RDIF loan levels	860,000,000	760,000,000	860,000,000

Amendment No. 128: Appropriates $90,510,000 for the cost of direct and guaranteed water and sewer facility loans instead of $96,840,000 as proposed by the House and $75,530,000 as proposed by the Senate.

Amendment No. 129: Earmarks $630,000 for the cost of guaranteed water and sewer facility loans as proposed by the Senate instead of $840,000 as proposed by the House.

Amendment No. 130: Appropriates $12,519,000 for the cost of direct and guaranteed community facility loans as proposed by the Senate instead of $14,325,000 as proposed by the House.

Amendment No. 131: Earmarks $508,000 for the cost of guaranteed community facility loans as proposed by the Senate instead of $325,000 as proposed by the House.

Amendment No. 132: Appropriates $5,870,000 for the cost of guaranteed industrial development loans as proposed by the Senate instead of $7,920,000 as proposed by the House.

The following table reflects the cost of the loan programs under the Rural Development Insurance Fund:

LOAN SUBSIDIES

	House bill	Senate bill	Conference agreement
RDIF loan subsidies:			
Water and sewer:			
Direct	$96,000,000	$74,900,000	$89,880,000
Guaranteed	840,000	630,000	630,000
Community facility:			
Direct	14,000,000	12,011,000	12,011,000
Guaranteed	325,000	508,000	508,000
Industrial development	7, 920,000	5,870,000	5,870,000
Total RDIF loan subsidies	119,085,000	93,919,000	108,899,000

The Senate and the conference agreement subsidy rates are based on those used by the Office of Management and Budget, whereas the House subsidy rates were based on the Congressional Budget Office rates.

Amendment No. 133: Appropriates $52,286,000 for administrative expenses necessary to carry out the direct and guaranteed loan programs under the Rural Development Insurance Fund as proposed by the Senate instead of $54,906,000 as proposed by the House.

RURAL DEVELOPMENT LOANS PROGRAM ACCOUNT

Amendment No. 134: Appropriates $16,260,000 for the cost of rural development loans as proposed by the Senate instead of $22,050,000 as proposed by the House.

Amendment No. 135: Appropriates $689,000 for the cost of administrative expenses necessary to carry out the rural development loan programs as proposed by the House instead of $656,000 as proposed by the Senate.

RURAL WATER AND WASTE DISPOSAL GRANTS

The conferees are aware of the growing problems of livestock waste in rural areas and support efforts to reduce the threat it poses to dependable water supplies through the use of bacterial digesters and related procedures.

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

Amendment No. 136: Restores House language which appropriates $2,500,000 for Supervisory and Technical Assistance Grants. The Senate bill contained no similar provision. The conferees agree that priority for such funds shall be given to applications to assist underserved areas as defined in section 509 of the Housing Act of 1949.

RURAL DEVELOPMENT GRANTS

Amendment No. 137: Adds "of the Consolidated Farm and Rural Development Act" to the citation of legislative authority as proposed by the Senate. The House bill contained no similar provision. The conference agreement provides for the following grants:

	House bill	Senate bill	Conference agreement
1. Recycling facility, Susquehanna Co., PA	$1,000,000		$1,000,000
2. Catfish processing facility, Cotton Plant, AR	500,000	(1)	800,000
3. Livestock holding pens, TX	400,000		400,000
4. Regional farmer's markets:			
Eastern Arkansas	350,000	(1)	[2] 50,000
Carroll County, VA	350,000		350,000
5. Red River Trade Corridor, MN, ND and Manitoba		$400,000	(3)
6. Forestry Marketing Program, VT, NH		100,000	(3)
7. Wheat protein facility, Russell, KS		500,000	400,000
8. Maui Economic Development Board, HI		250,000	250,000
9. State water plan, IA		200,000	200,000
10. Rural Economic Development Center, Jefferson Co., WA		500,000	400,000
11. Extension of sewer facilities, Port of Ephrata, WA		500,000	400,000
12. Job Education and Learning Center, Vermont State Colleges		500,000	400,000
Total earmarks	2,600,000	2,950,000	4,650,000

[1] Senate report includes an unspecified amount for these projects.

[2] Conference agreement provides for a grant of $50,000 for the Eastern Arkansas Farmer's Market as proposed by the House.

[3] Funded under CSRS, special grants.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $2,000,000 for grants to statewide private, nonprofit public television systems in predominantly rural States.

SOLID WASTE MANAGEMENT GRANTS

Amendment No. 139: Appropriates $3,000,000 for Solid Waste Management Grants as proposed by the Senate instead of $1,500,000 as proposed by the House.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

Amendment No. 140: Appropriates $10,000,000 for Emergency Community Water Assistance Grants as proposed by the Senate. The House bill contained no similar provision.

SALARIES AND EXPENSES

Amendment No. 141: Provides $748,584,000 for administrative expenses of the Farmers Home Administration as proposed by the House instead of $750,225,000 as proposed by the Senate.

Amendment No. 142: Appropriates $38,298,000 for administrative expenses instead of $37,637,000 as proposed by the House and $38,959,000 as proposed by the Senate.

Amendment No. 143: Provides for a transfer from the Rural Housing Insurance Fund Program Account of $427,111,000 for administrative expenses instead of $425,173,000 as proposed by the House and $428,746,000 as proposed by the Senate.

Amendment No. 144: Provides for a transfer from the Agricultural Credit Insurance Fund Program Account of $230,179,000 for administrative expenses as proposed by the House instead of $229,557,000 as proposed by the Senate.

Amendment No. 145: Provides for a transfer from the Rural Development Insurance Fund Program Account of $52,286,000 for administrative expenses as proposed by the Senate instead of $54,906,000 as proposed by the House.

Amendment No. 146: Provides for a transfer of $21,000 from the Self-Help Housing Land Development Fund Program Account for administrative expenses as proposed by the

Senate and amends Senate language to limit the transfer to funds "in this Act." The House bill contained no similar provision.

Amendment No. 147: Provides for a transfer of $689,000 from the Rural Development Loans Program Account for administrative expenses as proposed by the House instead of $656,000 as proposed by the Senate.

Amendment No. 148: Provides that $3,985,000 shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program instead of $3,670,000 as proposed by the House and $4,300,000 as proposed by the Senate.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Amendments No. 149 and 150: Restore House language providing not less than $622,050,000 nor more than $933,075,000 for rural electrification loans. The Senate bill provided $622,050,000.

Amendments No. 151 and 152: Restore House language providing not less than $239,250,000 nor more than $311,025,000 for rural telephone loans. The Senate bill provided $239,250,000.

Amendments No. 153 and 154: Restore House language providing not less than $933,075,000 nor more than $2,100,615,000 for guaranteed loans. The Senate bill provided $933,075,000.

The following table reflects the conference agreement for loans from the Rural Electrification and Telephone Revolving Fund:

LOAN LEVELS

	House bill	Senate bill	Conference agreement
RETRF loan levels:			
Electric loans:			
REA insured	$622,050,000	$622,050,000	$622,050,000
FFB insured	813,450,000	813,450,000	813,450,000
Private sector guarantees	169,042,000		
Total, electric	1,604,542,000	1,435,500,000	1,435,500,000
Telephone loans:			
REA insured	239,250,000	239,250,000	239,250,000
FFB insured	119,625,000	119,625,000	119,625,000
Private sector guarantees	64,958,000		
Total, telephone	423,833,000	358,875,000	358,875,000
Modified direct loans	493,700,000	493,700,000	493,700,000
Total, RETRF loan levels	2,522,075,000	2,288,075,000	2,288,075,000

Amendment No. 155: Deletes House language which provided that no funds appropriated in this Act may be used to deny or reduce loans or loan advances based on a borrower's level of general funds. The conferees agree to delete the House language because this provision has been enacted into permanent law by other legislation.

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: : *Provided further, That no funds appropriated in this Act may be used to implement any other criteria, ratio, or test to deny or reduce loans or loan advances*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends Senate language by deleting the prohibition against using funds to "develop" any other criteria, ratio, or test.

Amendment No. 157: Appropriates $157,609,000 for the cost of direct loans as proposed by the Senate instead of $229,967,000 as proposed by the House.

Amendment No. 158: Adds the word "and" as proposed by the Senate.

Amendment No. 159: Appropriates $14,152,000 for the cost of guaranteed loans as proposed by the Senate instead of $6,531,000 as proposed by the House.

Amendment No. 160: Deletes House language which appropriated $105,000 for the cost of private sector loan guarantees.

The following table reflects the conference agreement on the cost of loan subsidies associated with the Rural Electrification and Telephone Revolving Fund:

LOAN SUBSIDIES

	House bill	Senate bill	Conference agreement
RETRF loan subsidies:			
Direct loans:			
Electric	$166,087,000	$117,319,000	$117,319,000
Telephone	63,880,000	40,290,000	40,290,000
Guaranteed loans:			
Electric	62,000		
Telephone	43,000		
REA–FFB loans	6,531,000	14,152,000	14,152,000
Total, RETRF loan subsidies	236,603,000	171,761,000	171,761,000

The Senate bill and the conference agreement utilize the Office of Management and Budget subsidy rates, whereas the House bill utilized the Congressional Budget Office subsidy rates.

Amendment No. 161: Appropriates $29,163,000 for administrative expenses necessary to carry out the direct and guaranteed loan programs as proposed by the House instead of $28,311,000 as proposed by the Senate.

Amendment No. 162: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language and adds new language providing that hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Rural Electrification and Telephone Revolving Fund at levels other than those provided for in advance in appropriations Acts.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

Amendments No. 163 and 164: Restore House language providing not less than $177,045,000 nor more than $210,540,000 for loans from the Rural Telephone Bank. The Senate bill provided $177,045,000.

The conferees agree that the Department should not transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements, and that such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

Amendment No. 165: Appropriates $3,629,000 for the cost of direct loans as proposed by the Senate instead of $11,331,000 as proposed by the House.

Amendment No. 166: Appropriates $8,632,000 for administrative expenses necessary to carry out the loan programs as proposed by the House instead of $8,392,000 as proposed by the Senate.

RURAL COMMUNICATION DEVELOPMENT FUND

Amendment No. 167: Deletes House language which appropriated $1,264,000 for interest subsidies and losses of the Rural Communication Development Fund as proposed by the Senate. The conferees agree to delete this account since under Credit Reform this appropriation is no longer required.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

Amendment No. 168: Restores House language which appropriates $5,000,000 for the Distance Learning and Medical Link Programs. The Senate bill contained no similar provision. The conferees note the work of the Satellite Education Resources Consortium (SERC), a leading multistate distance learning consortium, and urge the Department to participate with SERC to make affordable advanced telecommunications available to rural schools and communities. The conferees expect the Rural Electrification Administration to work closely with the Extension Service and to participate with SERC and AG*SAT to expand the use of this technology in rural America.

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

Amendment No. 169: Provides $8,406,000 for loans from the Rural Economic Development Subaccount as proposed by the Senate instead of $5,000,000 as proposed by the House. The House bill also provided that such funds were to remain available until expended.

Amendment No. 170: Appropriates $2,546,000 for the cost of direct loans as proposed by the Senate instead of $1,700,000 as proposed by the House.

OFFICE OF THE ADMINISTRATOR

Amendment No. 171: Appropriates $243,000 for salaries and expenses of the Office of the Administrator of the Rural Electrification Administration as proposed by the Senate instead of $256,000 as proposed by the House.

SALARIES AND EXPENSES

Amendment No. 172: Provides $37,795,000 for Salaries and Expenses of the Rural Electrification Administration as proposed by the House instead of $36,703,000 as proposed by the Senate.

Amendment No. 173: Provides for a transfer from the Rural Electrification and Telephone Loans Program Account of $29,163,000 as proposed by the House instead of $28,311,000 as proposed by the Senate.

Amendment No. 174: Provides for a transfer of $8,632,000 from the Rural Telephone Bank Program Account as proposed by the House instead of $8,392,000 as proposed by the Senate.

Amendment No. 175: Adds the word "additional" as proposed by the Senate.

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$500,000 nor more than $1,000,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement limits funds available for community and economic development technical assistance and programs to not less than $500,000 nor more than $1,000,000 instead of not less than $500,000 as proposed by the House and not less than $500,000 nor more than $1,500,000 as proposed by the Senate.

Amendment No. 177: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *and whose full-time responsibilities are to administer such community and economic development programs*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement adopts Senate language and deletes House language, both of which dealt with Rural Electrification Administration employees who carry out community and economic development programs. The agreement also makes a technical correction to the Senate language.

Amendment No. 178: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that none of the salaries and expenses provided to the Rural Electrification Administration and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.

TITLE IV—DOMESTIC FOOD PROGRAMS

Office of the Assistant Secretary for Food and Consumer Services

Amendment No. 179: Appropriates $542,000 for the Office of the Assistant Secretary for Food and Consumer Services as proposed by the House instead of $522,000 as proposed by the Senate.

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Amendment No. 180: Provides a total of $6,068,315,000 for the Child Nutrition Programs, including transfers of funds from section 32, instead of $6,067,386,000 as proposed by the House and $6,068,743,000 as proposed by the Senate.

Amendment No. 181: Appropriates $1,393,223,000 for the Child Nutrition Programs instead of $1,392,294,000 as proposed by the House and $1,393,651,000 as proposed by the Senate.

Amendment No. 182: Provides that $1,322,000 shall be available to operate the Food Service Management Institute instead of $1,143,000 as proposed by the House and $1,500,000 as proposed by the Senate.

The conference agreement provides $750,000 for nutrition studies and surveys to conduct a comprehensive school lunch study instead of $1,000,000 as proposed by the Senate. The House bill contained no similar provision.

The Food Service Management Institute was established to improve the operation and quality of Child Nutrition Programs. The conferees expect the Department to utilize this source of knowledge and expertise and coordinate the school lunch study with the Institute. The conferees have provided increases to both the Department and the Institute for this purpose.

The conferees are aware of the pledge by the Secretary to take steps to reduce the fat content of meals provided by the school lunch program and bring their nutritive content into compliance with Federal dietary guidelines by 1994. The conferees expect the Department to use the Food Service Management Institute to assist in educating and training school food service personnel to meet this initiative.

The conference agreement provides for the Child Nutrition Programs at the following annual rates:

TOTAL OBLIGATIONAL AUTHORITY

	House bill	Senate bill	Conference agreement
Child Nutrition Programs:			
School lunch program	$3,622,973,000	$3,622,973,000	$3,622,973,000
School breakfast program	721,924,000	721,924,000	721,924,000
State administrative expenses	69,852,000	69,852,000	69,852,000
Summer food service program	196,164,000	196,164,000	196,164,000
Child care food program	1,211,589,000	1,211,589,000	1,211,589,000
Commodity procurement	226,573,000	226,573,000	226,573,000
Nutrition studies and surveys	3,085,000	4,085,000	3,835,000
Nutrition education and training	10,000,000	10,000,000	10,000,000
Federal review system	4,083,000	4,083,000	4,083,000
Food Service Management Institute	1,143,000	1,500,000	1,322,000
Total	6,067,386,000	6,068,743,000	6,068,315,000

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

Amendment No. 183: Appropriates $2,600,000,000 for the Special Supplemental Food Program for Women, Infants and Children (WIC) as proposed by the House instead of $2,573,400,000 as proposed by the Senate.

The conferees understand that the Department is currently reviewing the WIC food package. The conferees believe the review should be completed as expeditiously as possible so that WIC participants are assured of continued access to highly nutritious foods which are critical to the health and development of mothers, infants and children. The conferees expect the Department to make a report to the appropriate committees of Congress on the issue of cereals containing fruit in the WIC food package by December 31, 1991.

Amendment No. 184: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$3,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that up to $3,000,000 may be used to carry out the Farmer's Market Coupon Demonstration Project instead of $5,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees expect the project to be carried out under the same terms and conditions as last year.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Amendment No. 185: Appropriates $90,000,000 for the Commodity Supplemental Food Program instead of $91,284,000 as proposed by the House and $88,318,000 as proposed by the Senate.

In the past, the conferees have directed the Department to use unexpended funds to expand elderly caseloads and approve applications for additional Commodity Supplemental Food Program sites. It has come to the attention of the conferees that, due to lower-than-projected food costs and lower-than-projected participation by women and children, the Department will carry over into fiscal year 1992 over $6,000,000 of unused funds. It has also come to the attention of the conferees that the Department did not expand the elderly caseload or approve any additional sites in fiscal year 1991. The conferees expect the Department to comply with the intent of Congress and expand both the women and children and the elderly programs where possible.

FOOD STAMP PROGRAM

Amendment No. 186: Appropriates $23,362,975,000 for the Food Stamp Program instead of $22,162,975,000 as proposed by the House and $23,662,975,000 as proposed by the Senate.

Amendment No. 187: Provides that $1,500,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress as proposed by the House instead of $3,000,000,000 as proposed by the Senate. Included in the amount provided is up to $3,000,000 to fund outreach programs; up to $1,000,000 to fund the food stamp strike force program to be coordinated with the Office of the Inspector General; and $500,000 for expansion of the electronic benefit transfer (EBT) program. The conferees still expect the Department to submit the study requested in the House report regarding EBT by March 31, 1992.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

Amendment No. 188: Appropriates $233,437,000 for the Food Donations Programs for Selected Groups as proposed by the House instead of $225,143,000 as proposed by the Senate. Included in this amount are funds for the continuation of assistance traditionally provided to the nuclear-affected atolls of Bikini, Enewetak, Rongelap, and Utrik.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Amendment No. 189: Appropriates $45,000,000 for necessary expenses to carry out The Emergency Food Assistance Program as proposed by the Senate instead of $50,000,000 as proposed by the House.

FOOD PROGRAM ADMINISTRATION

Amendment No. 190: Appropriates $103,535,000 for Food Program Administration instead of $101,617,000 as proposed by the House and $105,453,000 as proposed by the Senate.

HUMAN NUTRITION INFORMATION SERVICE

Amendment No. 191: Appropriates $10,788,000 for the Human Nutrition Information Service instead of $11,255,000 as proposed by the House and $9,788,000 as proposed by the Senate. The amount provided restores the Pesticide Data Program to the 1991 level and provides a $500,000 increase for activities required in the National Nutrition Monitoring and Related Research Act of 1990.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

Amendment No. 192: Appropriates $110,023,000 for necessary expenses of the Foreign Agricultural Service as proposed by the House instead of $106,626,000 as proposed by the Senate.

The conferees expect the Department to give consideration to the Senate earmarks involving the peanut and pecan programs when making allocations for the Market Promotion Program, but emphasize that the Department is to review fully all segments of the peanut and pecan industries when making any allocations for these commodities to assure that the programs, which have the greatest benefit to the industries, receive priority.

AMERI FLORA, '92 EXPOSITION

Amendment No. 193: Restores House language which appropriates $500,000 for the Ameri Flora '92 Exposition. The Senate bill contained no similar provision.

PUBLIC LAW 480 PROGRAM ACCOUNT

Amendment No. 194: Provides $511,619,000 for Public Law 480 title I direct loans as proposed by the Senate instead of $513,800,000 as proposed by the House.

Amendment No. 195: Appropriates $52,185,000 for ocean freight differential costs as proposed by the Senate instead of $57,000,000 as proposed by the House.

Amendment No. 196: Appropriates $710,087,000 for title II commodities as proposed by the Senate instead of $696,000,000 as proposed by the House. The conferees urge that up to $13,500,000 of title II funds be made available to private voluntary organizations and cooperatives as authorized in Public Law 101–624.

Amendment No. 197: Appropriates $333,594,000 for title III commodities instead of $254,959,000 as proposed by the House and $333,609,000 as proposed by the Senate.

Amendment No. 198: Appropriates $388,319,000 for the cost of direct loans as proposed by the Senate instead of $389,979,000 as proposed by the House.

Amendment No. 199: Appropriates $1,815,000 for administrative expenses necessary to carry out the Public Law 480 title I credit program instead of $1,979,000 as proposed by the House and $1,800,000 as proposed by the Senate.

PUBLIC LAW 480 DEBT RESTRUCTURING

Amendment No. 200: Deletes House language which appropriated $668,000 for Public Law 480 Debt Restructuring.

The following table reflects the conference agreement on the Public Law 480 Program:

PUBLIC LAW 480

	House bill	Senate bill	Conference agreement
Title I—Credit Sales			
Program level	($570,800,000)	($563,804,000)	($563,804,000)
Direct loans	(513,800,000)	(511,619,000)	(511,619,000)
Ocean freight differential			
Appropriation			
Ocean freight differential	57,000,000	52,185,000	52,185,000
Title II—Commodities for Disposition Abroad			
Program level	(696,000,000)	(710,087,000)	(710,087,000)
Appropriation	696,000,000	710,087,000	710,087,000
Title III—Commodity Grants			
Program level	(254,959,000)	(333,609,000)	(333,594,000)
Appropriation	254,959,000	33,609,000	333,594,000
Loan subsidies	389,979,000	388,319,000	388,319,000
Debt restructuring	668,000		
Salaries and expenses:			
General Sales Manager	1,274,000	1,242,000	1,242,000
ASCS	705,000	558,000	573,000
Subtotal	1,979,000	1,800,000	1,815,000
Total, Public law 480:			
Program level	(1,521,759,000)	(1,607,500,000)	(1,607,485,000)
Appropriation	1,400,585,000	1,486,000,000	1,486,000,000

EMERGING DEMOCRACIES EXPORT CREDIT

Amendment No. 201: Restores House language citing a Public Law and adds a United States Code citation. The House bill cited the Public Law and the Senate bill cited the United States Code and the Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

Amendment No. 202: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides "such sums as necessary" for the cost of Commodity Credit Corporation Export Loans. The House bill provided an appropriation of $155,524,000 for this purpose.

The conferees agree that all loan guarantees to be backed by CCC shall be approved by the Board of Directors of the Commodity Credit Corporation. The conferees expect further that each such guarantee shall be reported to the appropriate committees of Congress.

As a condition of agreeing to "such sums as necessary" for the subsidy cost of guaranteed loans under the Credit Reform Act as proposed by the Senate instead of $155,524,000 as proposed by the House, the conferees expect the Department to report to the Committees on Appropriations in advance prior to the House amount being exceeded.

Amendment No. 203: Appropriates $3,320,000 for administrative expenses necessary to carry out the Commodity Credit Corporation's Export Guarantee Program as proposed by the House instead of $2,465,000 as proposed by the Senate.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Amendment No. 204: Appropriates $7,247,000 for salaries and expenses of the Office of International Cooperation and Development as proposed by the Senate instead of $7,392,000 as proposed by the House.

The conference agreement includes $1,815,000 for the Middle-Income Countries Training Program instead of $1,745,000 as proposed by the House and $1,850,000 as proposed by the Senate. The agreement also provides $225,000 each for the Associate Professional Officers Program and for the Agricultural Information Exchange with Ireland as proposed by both Houses.

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

Amendment No. 205: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: Provided, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores and amends House language to place a limitation on funds available for the Scientific Activities Overseas Program of $1,062,000. The House bill provided a direct appropriation of $1,062,000.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 206: Appropriates $725,962,000 for the Food and Drug Administration, Salaries and Expenses as proposed by the House instead of $704,734,000 as proposed by the Senate.

The conferees are aware of the Agricultural Marketing Service's need to establish an accreditation laboratory at the Pesticide Residue Laboratory in Gulfport, Mississippi, and expect the Food and Drug Administration to cooperate and expedite assistance to the Agricultural Marketing Service to establish minimum standards, qualifications and procedures for the National Laboratory Accreditation Program.

The conferees are aware of the high priority the Food and Drug Administration has placed on resources for drugs for life-threatening diseases, and urge an aggressive posture be maintained in dealing with drugs which may benefit those individuals facing life-threatening illnesses.

Amendment No. 207: Restores House language providing that $188,858,000 of the amount appropriated for the Food and Drug Administration shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to Congress as proposed by the House. The Senate bill contained no similar provision.

The conferees provide this $188,858,000 increase above the President's budget request to assist in the safety and welfare of the country. The Office of Management and Budget and the Department of Health and Human Services routinely have not requested sufficient funds for this important agency. It is disheartening that these two agencies continue to resort to budget gimmickry by claiming fictitious user fees as part of the Food and Drug Administration's annual budget request. The conferees expect future appropriation requests to be submitted based on existing law rather than creative accounting.

Amendment No. 208: Deletes Senate language which provided that $51,490,000 shall not be available for obligation until September 30, 1992, and that an additional $45,421,000 shall be available only upon an emergency declaration by the President. The House bill contained no similar provision.

Amendment No. 209: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that section 3 of the Saccharin Study and Labeling Act be extended until May 1, 1997 as proposed by the Senate. The House bill contained no similar provision.

BUILDINGS AND FACILITIES

Amendment No. 210: Appropriates $8,350,000 for the Food and Drug Administration, Buildings and Facilities as proposed by the Senate instead of $10,350,000 as proposed by the House. Additional funds for FDA headquarters facilities are provided in the Treasury, Postal Service, and General Government Appropriations Act, 1992.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

Amendment No. 211: Appropriates $47,300,000 for the Commodity Futures Trading Commission as proposed by the House instead of $46,597,000 as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

CONSULTING SERVICES

Amendment No. 212: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the provision on consulting services through procurement contracts. This provision has been in the bill since 1981.

Amendment No. 213: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes the provision on consulting services through procurement contracts apply to all funds available to the Department of Agriculture. The House language applied only to funds "under this Act."

ADVANCES TO CHIEFS OF FIELD PARTIES

Amendment No. 214: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the provision on advances to chiefs of field parties. This provision has been in the bill since 1975.

Amendment No. 215: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which gives authority to the Secretary of Agriculture to make advances to chiefs of field parties from all funds available to the Department of Agriculture. The House language applied only to funds "in this Act."

EXTENDED AVAILABILITY OF APPROPRIATIONS

Amendment No. 216: Restores House language which limits the extended availability of certain appropriations to those contained "in this Act."

Amendment No. 217: Deletes House language limiting the extended availability for contingency funds to $5,000,000.

Amendment No. 218: Restores House language which allows for funds for the Integrated Systems Acquisition Project to remain available until expended.

Amendment No. 219: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes the reserve fund for the Grasshopper and Mormon Cricket Control Programs available until expended.

Amendment No. 220: Deletes House language which provided that up to $10,000,000 of funds made available for construction at the Beltsville Agricultural Research Center shall remain available until expended.

Amendment No. 221: Deletes House language which provided that funds for Scientific Activities Overseas (Foreign Currency Program) shall remain available until expended.

Amendment No. 222: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes funds for the Office of International Cooperation and Development, Middle-Income Country Training Program available until expended.

Amendment No. 223: Deletes House language limiting to $3,500,000 the amount of higher education graduate fellowship grants that would remain available until expended.

Amendment No. 224: Amends a Public Law citation as proposed by the Senate.

Amendment No. 225: Amends a U.S. Code citation as proposed by the Senate.

Amendment No. 226: Deletes House language limiting to $8,580,000 the amount of capacity building grants to certain colleges that would remain available until expended.

Amendment No. 227: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that, hereafter, appropriations listed in section 708 are authorized to remain available until expended. The House bill contained no similar provision.

OTHER GENERAL PROVISIONS

Amendment No. 228: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the provision that allows employees of agencies of the U.S. Department of Agriculture to be used by other agencies of the U.S. Department of Agriculture without reimbursement, when they are not otherwise fully utilized. This provision has been in the bill since 1978.

Amendment No. 229: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the authority to translate publications into foreign languages. This provisions has been in the bill since 1983.

Amendment No. 230: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the exception of veterinarians from personal services contracts. This provision has been in the bill since 1985.

Amendment No. 231: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the authority to enter into two-year contracts. This provision has been in the bill since 1986.

Amendment No. 232: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the provision regarding information required on Federal contracts. This provision has been in the bill for the last several years.

Amendment No. 233: Restores House language which prohibits the Department from establishing any new office, organization or center for which funds have not been provided in advance in appropriations Acts.

Amendment No. 234: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which defers obligation of $70,000,000 under the Market Promotion Program until September 30, 1992. The House bill contained no similar provision.

Amendment No. 235: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the authority to reimburse employees for the cost of State licenses and certification fees.

Amendment No. 236: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the authority to pay volunteers for incidental expenses. The House language applied only to fiscal year 1992.

Amendment No. 237: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends House language to make permanent the provision regarding the sale of inventory property under regulations in effect prior to November 28, 1990.

Amendment No. 238: Restores House language which requires that priority be given to former owners and members of the immediate family when property is sold from inventory.

Amendment No. 239: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds a new section 741 to the bill requiring that loan subsidy rates shall not exceed those estimated by the Office of Management and Budget in carrying out the loan programs. The House bill contained no similar provision.

Amendment No. 240: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds a new section 742 to the bill extending the authorization of the section 515 program and of the Mutual and Self-help Housing Grants and Loan Authority for one year. Language is also included to conform the guaranteed section 502 program to the direct loan program. The House bill contained no similar provision.

Amendment No. 241: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 743. The Secretary shall ensure that no funds made available to carry out section 515 of the Housing Act of 1949, as amended, shall be used in a manner that differs from the Department's policies or practices in effect ton July 1, 1991.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes Senate language which would have delayed reporting requirements on tobacco exports. The agreement also instructs the Secretary to have the Farmers Home Administration continue timely processing and approval of section 515 loans for which low-income housing credits have been allocated, according to practices that were in effect on July 1, 1991.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

New budget (obligational) authority, fiscal year 1991	$54,091,931,000
Budget estimates of new (obligational) authority, fiscal year 1992	52,579,946,000
House bill, fiscal year 1992	52,570,051,000
Senate bill, fiscal year 1992	53,120,030,000
Conference agreement, fiscal year 1992	52,522,621,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	−1,569,310,000
Budget estimates of new (obligational) authority, fiscal year 1992	−57,325,000
House bill, fiscal year 1992	−47,430,000
Senate bill, fiscal year 1992	−597,409,000

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
RICHARD J. DURBIN,
DAVID E. PRICE,
NEAL SMITH,
DAVID R. OBEY,
JOE SKEEN,
JOHN T. MYERS,
VIN WEBER,
BARBARA F. VUCANOVICH,
JOSEPH M. MCDADE,
Managers on the Part of the House.

QUENTIN N. BURDICK,
DALE BUMPERS,
TOM HARKIN,
BROCK ADAMS,
WYCHE FOWLER, JR.,
J. ROBERT KERREY,
ROBERT C. BYRD,
THAD COCHRAN,
ROBERT W. KASTEN, JR.,
ARLEN SPECTER,
DON NICKLES,
CHRISTOPHER S. BOND,
MARK O. HATFIELD,
Managers of the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT), for today, on account of illness.

Ms. SLAUGHTER, of New York (at the request of Mr. GEPHARDT), for today, on account of funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEACH) to revise and extend their remarks and include extraneous material:)

Mr. LEACH, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. HAMMERSCHMIDT, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

(The following Members (at the request of Mrs. KENNELLY) to revise and extend their remarks and to include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. SWIFT, for 5 minutes, today.

Mrs. KENNELLY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes each day, on October 7, 10, 15, 17, 18, 21, 24, 25, 28, and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEACH) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. BILIRAKIS.
Mr. SANTORUM.
Mr. LEACH.
Mr. CRANE.
Mr. VANDER JAGT.
Mr. GILMAN.
Mr. LIVINGSTON.
Mr. MACHTLEY.
Mr. HENRY.
Mr. ZIMMER.
Mr. EWING.
Mr. RIDGE.
Mr. RITTER.
Mr. FRANKS of Connecticut.
Mr. GALLO.
Mr. CUNNINGHAM.
Mr. BROOMFIELD.
Mr. LENT.
Mr. GINGRICH.
Mr. GEKAS in two instances.
Mr. ROTH.
Ms. SNOWE.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mrs. KENNELLY) and to include extraneous matter:)

Mr. MCCLOSKEY.
Mr. RANGEL.
Mr. PAYNE of Virginia.
Mr. BONIOR.
Mrs. LOWEY of New York.
Mr. SWETT, in two instances.
Mr. PEASE.
Mr. KLECZKA.
Mr. TRAFICANT.
Mr. SERRANO.
Mr. MANTON.

Mr. MURTHA.
Mr. DINGELL.
Mr. LEVIN of Michigan.
Mr. LEVINE of California, in two instances.
Mr. HOYER.
Ms. HORN.
Mr. DELLUMS.
Mr. MATSUI.
Mr. ASPIN.
Mr. LEHMAN of Florida.
Mr. TALLON.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 110. Joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX); to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 305. Joint resolution to designate the month of October 1991 as "Country Music Month."

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 868. An act to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the Reserve components of the Armed Forces who served on active duty in the Persian Gulf war, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes; and

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

ADJOURNMENT

Mr. HUNTER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, October 7, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2160. A letter from the Secretary of Agriculture, transmitting the fifth annual report on agricultural trade consultations with major producing countries, pursuant to 7 U.S.C. 1736r(c); to the Committee on Agriculture.

2161. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit the Department of Defense to adhere to uniform Federal regulations requiring the informed consent of persons participating in human medical research; to the Committee on Armed Services.

2162. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to improve foster care available overseas to the children of members of the Armed Forces; to the Committee on Armed Services.

2163. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled. "Analysis of the Home Purchase Assistance Program Moratorium," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2164. A letter from the Under Secretary of Education, transmitting a copy of the Distribution of State-Administered Education Funds, Fourteenth Annual Report; to the Committee on Education and Labor.

2165. A letter from the Administrator, Environmental Protection Agency, transmitting the Toxic Substances Control Act report for fiscal year 1989, pursuant to 15 U.S.C. 2629; to the Committee on Energy and Commerce.

2166. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 76th annual report covering its accomplishments during the fiscal year ended September 30, 1990, pursuant to 15 U.S.C. 46(f); to the Committee on Energy and Commerce.

2167. A letter from the Secretary, Department of Commerce, transmitting a draft of proposed legislation to amend title II of the Export Administration Amendments Act of 1985, as amended, to authorize appropriations for fiscal years 1992, 1993, and 1994 for Department of Commerce export promotion programs; to the Committee on Foreign Affairs.

2168. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2169. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2170. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2171. A letter from the Secretary, Department of the Interior, transmitting a draft of proposed legislation entitled, "America the Beautiful Passport Act of 1991"; to the Committee on Interior and Insular Affairs.

2172. A letter from the Acting Attorney General, Department of Justice, transmitting a copy of the Annual Report of the Attorney General of the United States; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 3409. A bill to prevent the proliferation of biological and chemical weapons; with amendments (Rept. 102-235, Pt. 1). Ordered to be printed.

Mr. HEFNER: Committee of Conference. Conference Report on H.R. 2426 (Rept. 102-236). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 1470. A bill to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing. (Rept. 102-237). Referred to the Committee of the Whole House of the State on the Union.

Mr. BERMAN: Committee of Conference. Conference Report on H.R. 1415 (Rept. No 102-238). Ordered to be printed.

Mr. WHITTEN: Committee of Conference. Conference Report on H.R. 2698 (Rept. No. 102-239). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, Mr. MONTGOMERY, Mr. BARNARD, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. WYLIE, Mrs. ROUKEMA, and Mr. RIDGE):

H.R. 3483. A bill to amend title II of the Housing and Community Development Act of 1987 to make technical corrections providing for the preservation of federally assisted low-income housing, extend certain rural housing programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA:

H.R. 3484. A bill to provide for the regulation of imports of fresh cut flowers by measures in addition to existing duties; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ANDREWS of Texas:

H.R. 3485. A bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees; to the Committee on Ways and Means.

By Mr. CARPER (for himself, Mr. SAXTON, Mr. JONES of North Carolina, Mr. STUDDS, Mr. HUGHES, Mr. HERTEL, Mr. RAVENEL, Mr. TALLON, Mr. BATEMAN, Mr. GOSS, Mr. JEFFERSON, Mr. KOLTER, Mr. HORTON, Ms. PELOSI, Mrs. BOXER, Mr. ZIMMER, and Mr. JONTZ):

H.R. 3486. A bill to amend the Marine Mammal Protection Act of 1972 to provide for examination of the health of marine mammal populations and for effective coordinated response to strandings and catastrophic events involving marine mammals; to the Committee on Merchant Marine and Fisheries.

By Mr. FRANKS of Connecticut:

H.R. 3487. A bill to amend the Internal Revenue Code of 1986 to provide for a 1-year extension of certain expiring tax provisions; to the Committee on Ways and Means.

By Mr. GALLO (for himself, Mr. Dwyer of New Jersey, Mr. Guarini, Mr. Hughes, Mr. Jefferson, Mr. Payne of New Jersey, Mr. Saxton, and Mr. Zimmer):

H.R. 3488. A bill to amend the Internal Revenue Code of 1986 to permit employees to enter into new salary reduction agreements under a tax-sheltered annuity plan due to the impairment or insolvency of the issuer of the annuity contracts; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. Fascell, Mr. Roth, Mr. Levine of California, Mr. Feighan, Mr. Johnston of Florida, Mr. Engel, Mr. Murphy, Mr. Orton, Mr. Miller of Washington, and Mr. Houghton):

H.R. 3489. A bill to reauthorize the Export Administration Act of 1979, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SWIFT (for himself, Mr. Markey, Mr. Rinaldo, and Mr. Ritter):

H.R. 3490. A bill to protect the public interest and the future development of interstate pay-per-call technology by providing for the regulation and oversight of the applications and growth of the pay-per-call industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself and Mrs. Kennelly):

H.R. 3491. A bill to amend the Low-Level Radioactive Waste Policy Amendments Act of 1985 to remove class C waste from the low-level program, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. GILCHREST:

H.R. 3492. A bill to improve the administration of Federal permits for activities in wetlands, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. GILLMOR:

H.R. 3493. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. GLICKMAN:

H.R. 3494. A bill to provide for a Department of Transportation study of the impact of the depressed state of the general aviation industry on our Nation's air transportation system; to the Committee on Public Works and Transportation.

By Mr. LENT:

H.R. 3495. A bill to declare certain portions of Wappinger Creek in Dutchess County, NY, as nonnavigable waters; to the Committee on Energy and Commerce.

By Mr. LEVIN of Michigan (for himself and Mr. Pease):

H.R. 3496. A bill to amend the Internal Revenue Code of 1986 to provide for a carryover basis of property at death and for other purposes; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself, Mr. Berman, Mr. Kostmayer, and Mr. Feighan):

H.R. 3497. A bill to place restrictions on United States assistance for El Salvador; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself and Mr. Ritter):

H.R. 3498. A bill amending the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 to establish research and development and joint venture authority for high temperature superconductivity electric power technologies, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. MYERS of Indiana:

H.R. 3499. A bill to provide for the Commissioner of Labor Statistics to be classified as Executive Level IV, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR:

H.R. 3500. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to require increases in force within the Bureau of Apprenticeship and Training of the Department of Labor and to limit decreases in such force, and for other purposes; to the Committee on Education and Labor.

By Mr. RITTER:

H.R. 3501. A bill to amend the Federal Communications Act of 1934 to require that at least one member of the Federal Communications Commission be skilled in the engineering sciences; to the Committee on Energy and Commerce.

By Mr. SARPALIUS:

H.R. 3502. A bill to exempt small, rural communities from landfill requirements contained in regulations promulgated by the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. SCHUMER (for himself, Mr. Leach, and Mr. Stark):

H.R. 3503: A bill to encourage the establishment and implementation of the principle of fair trade in financial services in the delivery of financial services, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Ways and Means.

By Mr. SMITH of Oregon (for himself, Mr. AuCoin, and Mr. DeFazio):

H.R. 3504. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DREIER of California:

H.R. 3505. A bill to establish conditions on United States assistance to the Soviet Union and its constituent or successor states; to the Committee on Foreign Affairs.

By Ms. SNOWE:

H.R. 3506. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Ways and Means.

By Mr. VALENTINE (for himself, Mr. Brown, Mr. Lewis of Florida, Mr. Mineta, Mr. Price, Mr. Thornton, Mr. Boehlert, Mr. Jones of North Carolina, Mr. Glickman, Mr. Henry, Mr. Jefferson, Ms. Horn, Mr. Olver, Mr. Lancaster, Mr. Bacchus, and Mr. Torricelli):

H.R. 3507. A bill to establish programs under the technology administration of the Department of Commerce, and elsewhere, to promote a skilled work force and U.S. industrial competitiveness; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. Richardson, Mr. Bruce, Mr. Sikorski, Mr. Studds, Mr. Kostmayer, Mr. Synar, Mr. Bryant, and Mr. Solarz):

H.R. 3508. A bill to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLPE (for himself, Mr. Rinaldo, Mr. Eckart, and Mr. Green of New York):

H.R. 3509. A bill to amend the Solid Waste Disposal Act to provide for the reduction of toxic metals in packaging; to the Committee on Energy and Commerce.

By Mr. ZIMMER (for himself, Mr. Gallo, Mr. Rinaldo, and Mr. Saxton):

H.R. 3510. A bill to direct the Administrator of the Federal Aviation Administration to modify the Expanded East Coast Plan for the purpose of reducing aviation noise in the States of New York and New Jersey, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. FALEOMAVAEGA (for himself, Mr. Abercrombie, Mr. Ackerman, Mr. Andrews of New Jersey, Mr. Anthony, Mr. Bennett, Mr. Bereuter, Mr. Bilbray, Mr. Broomfield, Mr. Bruce, Mr. Burton of Indiana, Mr. Bustamante, Mr. Campbell of Colorado, Mr. Coleman of Texas, Mrs. Collins of Michigan, Mr. Crane, Mr. Darden, Mr. de la Garza, Ms. DeLauro, Mr. Dicks, Mr. Dorgan of North Dakota, Mr. Dornan of California, Mr. Edwards of Texas, Mr. Evans, Mr. Fascell, Mr. Fazio, Mr. Feighan, Mr. Foglietta, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Gibbons, Mr. Gilman, Mr. Gonzalez, Mr. Guarini, Mr. Hall of Ohio, Mr. Hamilton, Mr. Harris, Mr. Hayes of Illinois, Mr. Hoagland, Mr. Hoyer, Mr. Hunter, Mr. Jacobs, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Kennedy, Mrs. Kennelly, Mr. Kostmayer, Mr. Lancaster, Mr. Laughlin, Mr. Lewis of Georgia, Ms. Long, Mr. McCloskey, Mr. McNulty, Mr. Manton, Mr. Mazzoli, Mr. Mfume, Mr. Miller of California, Mr. Mineta, Mrs. Mink, Mr. Moran, Mr. Murphy, Mr. Myers of Indiana, Ms. Oakar, Mr. Ortiz, Mr. Owens of Utah, Mr. Packard, Mr. Parker, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Perkins, Mr. Peterson of Florida, Mr. Poshard, Mr. Pastor, Mr. Rangel, Mr. Rhodes, Mr. Richardson, Mr. Rose, Mr. Russo, Mr. Sabo, Mr. Saxton, Mr. Scheuer, Mr. Sharp, Mr. Sikorski, Mr. Skaggs, Mr. Smith of Florida, Mr. Smith of Iowa, Mr. Stallings, Mr. Taylor of Mississippi, Mr. Torres, Mr. Traxler, Mrs. Unsoeld, Mr. Vento, Mrs. Vucanovich, Mr. Washington, Ms. Waters, Mr. Waxman, Mr. Weiss, Mr. Wise, Mr. Yatron, and Mr. Young of Alaska):

H.J. Res. 342. Joint resolution to authorize and request the President to proclaim the year 1992 as the "Year of the American Indian"; to the Committee on Post Office and Civil Service.

By Ms. SLAUGHTER of New York (for herself, Ms. Snowe, Mr. Alexander, Mr. Bustamante, Mr. de la Garza, Mr. de Lugo, Mr. Fuster, Mr. Gonzalez, Mr. Hoyer, Mr. Kennedy, Mrs. Kennelly, Mr. Martinez, Mrs. Mink, Mrs. Morella, Ms. Norton, Mr. Ortiz, Mr. Payne of New Jersey, Mr. Richardson, Ms. Ros-Lehtinen, Mr. Roybal, Mr. Serrano, Mr. Smith of Florida, Mr. Torres, and Mr. Towns):

H.J. Res. 343. Joint resolution to designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Res. 236. Resolution instructing the Committee on Standards of Official Conduct to review the operation of the Bank of the Sergeant at Arms of the House of Representatives; considered and agreed to.

By Mr. FEIGHAN:

H. Res 237. Resolution regarding the crisis in Yugoslavia; to the Committee on Foreign Affairs.

By Mr. LANCASTER (for himself, Mr. PENNY, Mr. CLEMENT, Mr. PRICE, Mr. GUARINI, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. SKEEN, Mr. EMERSON, Mr. OBERSTAR, Mr. VALENTINE, Ms. NORTON, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. BOUCHER, Mr. ACKERMAN, Mr. FROST, and Mr. JEFFERSON):

H. Res. 238. Resolution amending the rules of the House of Representatives to create a scholar's gallery; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. FRANKS of Connecticut.

H.R. 74: Mrs. BYRON and Mr. REED.

H.R. 187: Mr. HERTEL, Ms. NORTON, Mr. ENGEL, Mr. FORD of Michigan, Mr. SMITH of Florida, Mr. NICHOLS, Mr. FOGLIETTA, and Mr. MORAN.

H.R. 318: Mr. SHAW and Mr. TALLON.

H.R. 392: Ms. LONG.

H.R. 413: Mrs. LOWEY of New York, Mr. JAMES, Mr. DYMALLY, Mr. CONDIT, Mr. WAXMAN, and Mr. DOOLEY.

H.R. 423: Mr. DEFAZIO.

H.R. 467: Mr. CONYERS, Mr. PAYNE of Virginia, and Mr. LAROCCO.

H.R. 501: Mr. MOAKLEY, Mr. FRANK of Massachusetts, Mr. MRAZEK, Mrs. UNSOELD, Mr. FROST, Mr. BERMAN, Mr. WHEAT, and Mr. JEFFERSON.

H.R. 565: Mr. NICHOLS, Mr. NATCHER, Mr. CAMPBELL of California, and Mr. COMBEST.

H.R. 643: Mr. ZIMMER.

H.R. 713: Mr. PAYNE of Virginia.

H.R. 819: Mr. FALEOMAVAEGA, Mr. EVANS, Mr. ESPY, Mr. WALSH, Mr. LANCASTER, Ms. KAPTUR, Mr. MATSUI, Mr. KOPETSKI, Mr. SERRANO, Mr. CONYERS, Mr. COLEMAN of Texas, and Mr. STOKES.

H.R. 843: Mr. KOPETSKI.

H.R. 858: Mr. SKELTON and Mr. COLEMAN of Missouri.

H.R. 860: Mr. UPTON, Mr. MINETA, Mr. PAYNE of New Jersey, Mr. LANTOS, Mr. DEFAZIO, Mr. RIGGS, Mr. STUDDS, Mr. NEAL of Massachusetts, Mr. VANDER JAGT, Mr. SMITH of Florida, Mr. MRAZEK, Mr. LANCASTER, Mr. ANNUNZIO, Mr. MURPHY, Mr. DARDEN, Mr. FASCELL, Mr. MCCURDY, Mr. RAVENEL, Mr. JOHNSON of South Dakota, Mr. BILBRAY, Mr. DORGAN of North Dakota, Mrs. BYRON, Ms. NORTON, Mr. GILLMOR, Mr. CLINGER, Mr. ATKINS, and Mr. MILLER of California.

H.R. 911: Mr. MCMILLAN of North Carolina, Mr. YOUNG of Florida, Mr. GEJDENSON, Mr. BRUCE, Mr. GUNDERSON, and Mr. BOEHNER.

H.R. 967: Mr. JOHNSON of Texas.

H.R. 997: Mr. OLIVER.

H.R. 1126: Mr. BENNETT.

H.R. 1181: Mr. NEAL of Massachusetts, Mr. PANETTA, and Mr. MARKEY.

H.R. 1186: Mr. CARR, Mr. FEIGHAN, Mr. JAMES, Mr. CALLAHAN, Mr. SANGMEISTER, Mr. HATCHER, Mr. BROWN, Mr. STEARNS, Mr. MCCOLLUM, Mr. SHUSTER, Mr. MCDADE, Mr. DURBIN, Mr. BRYANT, Ms. PELOSI, Mr. SAXTON, Mr. CAMP, Mr. SYNAR, Mrs. BOXER, Mr. WILSON, Mr. BALLENGER, Mr. IRELAND, Mr. ANDREWS of MAINE, Mr. VISCLOSKY, Mr. LENT, Mr. BERMAN, Mr. KOLBE, Mr. JACOBS, Mr. CONDIT, Mr. BARNARD, Ms. SNOWE, and Mr. JOHNSON of South Dakota.

H.R. 1244: Mrs. MINK and Mr. NEAL of Massachusetts.

H.R. 1259: Mr. CAMPBELL of Colorado, Mrs. LOWEY of New York, and Mr. HUGHES.

H.R. 1346: Mr. MRAZEK.

H.R. 1385: Mr. TAYLOR of Mississippi, Mr. OLIN, Mr. DARDEN, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. DWYER of New Jersey, Mr. GEJDENSON, Mr. COYNE, Ms. KAPTUR, Mr. JONTZ, Mr. FORD of Michigan, and Mr. SANDERS.

H.R. 1398: Mr. MORRISON.

H.R. 1400: Mr. GILCHREST.

H.R. 1422: Mr. CONYERS.

H.R. 1443: Mr. MCDERMOTT, Mr. RAVENEL, Mr. WOLPE, Mr. BEILENSON, Mrs. LOWEY of New York, Mr. RANGEL, Mr. LIPINSKI, Mr. MINETA, Mr. JOHNSON of South Dakota, Mr. BROWN, and Mr. HUTTO.

H.R. 1450: Mr. BROWN.

H.R. 1473: Mr. YOUNG of Alaska and Mr. OLIN.

H.R. 1474: Mr. PORTER, Mr. SCHIFF, Mr. HERGER, Mr. HAMMERSCHMIDT, and Mr. SPRATT.

H.R. 1483: Mr. LANCASTER.

H.R. 1495: Mr. DUNCAN.

H.R. 1503: Mr. PAYNE of New Jersey, Mrs. PATTERSON, Mr. YATES, Mr. HEFNER, Ms. SLAUGHTER of New York, Mr. CONYERS, and Mr. WILSON.

H.R. 1509: Mr. ZELIFF, Mr. CLINGER, Mr. YOUNG of Florida, Mr. RITTER, Mr. TAUZIN, Mr. WALSH, Mr. KANJORSKI, Mr. KOSTMAYER, Mr. HASTERT, Mr. FALEOMAVAEGA, Mr. BUSTAMANTE, Mr. SMITH of New Jersey, Mr. HAMMERSCHMIDT, Mr. MCCANDLESS, Mr. PETERSON of Florida, Mr. SWETT, Mr. PICKETT, Mr. EVANS, Mr. FAZIO, Mr. CUNNINGHAM, and Mr. WISE.

H.R. 1515: Mr. GALLEGLY, Mr. HERTEL, Mr. DANNEMEYER, Mr. FEIGHAN, and Mr. BURTON of Indiana.

H.R. 1522: Mr. OBERSTAR, Mr. RANGEL, Mr. TOWNS, Mr. SERRANO, and Mr. HERTEL.

H.R. 1523: Mr. HANSEN and Mr. ROHRABACHER.

H.R. 1527: Mr. BREWSTER, Mr. BUSTAMANTE, and Mr. MURPHY.

H.R. 1531: Mrs. COLLINS of Illinois, Mr. BOEHLERT, Mr. TOWNS, and Mr. HORTON.

H.R. 1593: Mr. MARTINEZ, Mr. COLEMAN of Texas, Mr. FEIGHAN, Mr. SCHEUER, Mr. MORAN, and Mr. KOSTMAYER.

H.R. 1597: Mr. ZIMMER.

H.R. 1598: Mr. HUGHES, Mr. JONTZ, Mr. VISCLOSKY, Mr. KOPETSKI, Ms. SLAUGHTER of New York, Mr. CONYERS, Mr. OBERSTAR, Mrs. LOWEY of New York, Mr. CHAPMAN, and Mr. PALLONE.

H.R. 1628: Mr. ANDREWS of New Jersey, Mr. RAVENEL, Mr. SOLOMON, Mrs. MORELLA, and Mr. FUSTER.

H.R. 1703: Mr. COX of Illinois.

H.R. 1719: Mr. ENGEL.

H.R. 1725: Mrs. LOWEY of New York and Mr. ENGEL.

H.R. 1771: Mr. DAVIS, Mrs. ROUKEMA, and Mr. WALSH.

H.R. 1969: Mr. STARK.

H.R. 1992: Mr. TRAFICANT, Mr. HATCHER, and Mr. BLAZ.

H.R. 2046: Mr. THOMAS of Wyoming.

H.R. 2075: Mr. LANCASTER, Mr. INHOFE, Mr. ROSE, Mr. KOPETSKI, Ms. PELOSI, Mr. EVANS, Mr. SERRANO, Mrs. COLLINS of Illinois, Mr. BRUCE, Mr. ROE, Mr. ACKERMAN, Mr. HORTON, Mr. DWYER of New Jersey, Mr. JOHNSTON of Florida, Mr. BACCHUS, Mr. JONTZ, Mr. DELLUMS, Mr. ZIMMER, Mrs. JOHNSON of Connecticut, Mr. FROST, Mr. TORRES, Mr. PETERSON of Florida, Mr. DOOLITTLE, Mr. ESPY, Mrs. LOWEY of New York, and Mrs. MEYERS of Kansas.

H.R. 2082: Mr. NEAL of North Carolina.

H.R. 2179: Mr. TALLON.

H.R. 2248: Mr. CAMP, Mr. QUILLEN, Mr. PALLONE, Mr. MOORHEAD, and Mr. CARDIN.

H.R. 2299: Ms. SLAUGHTER of New York and Mr. MINETA.

H.R. 2362: Mr. FISH, Mr. MOODY, and Mr. RAMSTAD.

H.R. 2374: Mr. PAYNE of New Jersey and Mr. ENGEL.

H.R. 2415: Mr. FOGLIETTA, Mr. ZIMMER, Mr. LAFALCE, Mr. JONTZ, Mr. DWYER of New Jersey, and Ms. KAPTUR.

H.R. 2452: Mr. ENGEL.

H.R. 2486: Mr. MCHUGH.

H.R. 2526: Mr. BENNETT, Mr. WEISS, and Mr. ENGEL.

H.R. 2531: Mr. STOKES and Mr. AUCOIN.

H.R. 2540: Mr. ZIMMER, Mr. WEISS, Ms. NORTON, Mr. SHAYS, Mr. JACOBS, Mr. ATKINS, Mr. OLVER, Mr. NEAL of North Carolina, Mr. HARRIS, Mr. DAVIS, Mr. SWETT, Mr. ECKART, Mr. LEWIS of Florida, and Mr. OWENS of Utah.

H.R. 2541: Mr. TOWNS, Mr. WEISS, Ms. NORTON, Mr. FISH, Mr. ATKINS, Mr. LA-ROCCO, Mr. WALSH, Mr. JACOBS, Mr. HARRIS, Mr. OLVER, Mr. NEAL of North Carolina, Mr. DAVIS, Mr. SWETT, Mr. ECKART, Mr. LEWIS of Florida, and Mr. OWENS of Utah.

H.R. 2553: Mr. MCMILLAN of North Carolina, Mr. CUNNINGHAM, Mr. FRANKS of Connecticut, Mr. EWING, Mr. EVANS, Mr. MILLER of Ohio, Mr. GRANDY, and Mr. PARKER.

H.R. 2598: Mr. RINALDO, Mr. DICKINSON, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. WILSON, Mr. RAHALL, Mr. ANDERSON, Mr. CAMPBELL of California, Mr. KOLBE, Mr. BUNNING, and Mr. NAGLE.

H.R. 2625: Mr. MARLENEE, Mrs. MEYERS of Kansas, Mr. JOHNSON of Texas, Mr. BATEMAN, Ms. SLAUGHTER of New York, and Mr. NUSSLE.

H.R. 2643: Mr. STUMP and Mr. GEREN of Texas.

H.R. 2648: Mr. OWENS of Utah, Mr. ACKERMAN, Mr. POSHARD, Mr. JONTZ, Mr. GORDON, Mr. FRANK of Massachusetts, Mr. HORTON, Mr. MRAZEK, Mr. MARTINEZ, Mr. ECKART, Mr. TORRES, Mr. FROST, Mr. SANGMEISTER, Mr. MARKEY, Mr. LEWIS of Georgia, Mr. ATKINS, Mr. OWENS of New York, Mr. FALEOMAVAEGA, Ms. NORTON, and Mr. HOCHBRUECKNER.

H.R. 2672: Mr. ANDERSON, Mr. SMITH of New Jersey, Mr. SANGMEISTER, Mr. HAYES of Louisiana, Mr. RINALDO, Mr. PAYNE of Virginia, Mr. FRANKS of Connecticut, Mr. COSTELLO, Mr. PALLONE, Mr. PETERSON of Florida, Mr. APPLEGATE, Mr. SCHIFF, Mr. WELDON, Mr. HUGHES, Mr. DUNCAN, Mr. FIELDS, Mr. CRANE, and Mr. DWYER of New Jersey.

H.R. 2678: Mr. LANCASTER, Mr. MARKEY, Mr. DELLUMS, Mr. CONYERS, and Mr. BEREUTER.

H.R. 2755: Mr. DOWNEY, Mr. SENSENBRENNER, Mr. HOAGLAND, Mrs. BOXER, and Mr. TRAFICANT.

H.R. 2763: Mr. LAROCCO, Mr. HASTERT, Mr. PORTER, Mr. KOLBE, Mr. HAMMERSCHMIDT, and Mr. OWENS of Utah.

H.R. 2766: Mr. VOLKMER.

H.R. 2779: Mr. BERMAN, Mr. OWENS of Utah, and Mr. DELLUMS.

H.R. 2781: Mr. BERMAN, Mr. OWENS of Utah, and Mr. DELLUMS.

H.R. 2797: Mr. ANDERSON, Mr. BACCHUS, Mr. ANDREWS of Maine, Mr. MCNULTY, Mrs. PATTERSON, Mr. RICHARDSON, Mr. SABO, Mr. SANDERS, and Mr. SERRANO.

H.R. 2798: Mr. PICKETT.

H.R. 2812: Mr. NEAL of Massachusetts, Mr. COX of California, Mr. TALLON, Mr. FRANK of Massachusetts, and Mr. LEHMAN of Florida.

H.R. 2872: Mr. BURTON of Indiana.

H.R. 2874: Mr. BEILENSON.

H.R. 2880: Mr. HORTON, Mr. LAROCCO, and Mrs. COLLINS of Illinois.

H.R. 2881: Mr. EDWARDS of California, Mr. PETERSON of Minnesota, and Ms. NORTON.

H.R. 2890: Mr. FASCELL, Mr. MAZZOLI, Mr. PERKINS, Mr. PETERSON of Minnesota, Mr. GAYDOS, Mr. JONES of North Carolina, and Mr. KYL.

H.R. 2923: Mr. BRUCE, Mr. TOWNS, Mr. JEFFERSON, Mr. TAUZIN, Mr. EVANS, Mr. LANCASTER, and Mr. ESPY.

H.R. 2959: Mr. TRAXLER and Mr. PAYNE of Virginia.

H.R. 3078: Mr. OLVER and Mr. EVANS.

H.R. 3081: Mr. EVANS.

H.R. 3101: Mr. FROST.

H.R. 3102: Mr. FRANK of Massachusetts, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, and Mr. DURBIN.

H.R. 3113: Mr. SISISKY and Mr. TRAFICANT.

H.R. 3130: Mr. FRANKS of Connecticut, Mr. HANSEN, Mr. WELDON, Mr. PACKARD, Mr. MCCRERY, Mr. COBLE, Mr. CAMPBELL of California, Mr. KOLBE, Mr. RIDGE, Mr. RIGGS, Mr. SANTORUM, Mr. DELAY, Mr. TAYLOR of North Carolina, Mr. WOLF, Mr. YOUNG of Florida, Mr. BOEHLERT, Mr. CALLAHAN, Mr. DOOLITTLE, Mr. DREIER of California, Mr. DUNCAN, Mr. COMBEST, Mr. CLINGER, Mr. SCHIFF, Mr. HEFLEY, Mr. HOBSON, and Mr. HORTON.

H.R. 3168: Mrs. SCHROEDER.

H.R. 3172: Ms. MOLINARI.

H.R. 3195: Mr. FAZIO and Mr. YATES.

H.R. 3206: Mr. MOORHEAD.

H.R. 3212: Mr. DANNEMEYER, Mr. DELAY, Mr. BURTON of Indiana, and Mr. BOEHNER.

H.R. 3222: Mr. GUNDERSON, Mr. COLEMAN of Texas, and Mr. BROWN.

H.R. 3250: Mr. PETERSON of Minnesota, Mr. KOSTMAYER, Mr. LANCASTER, Mr. DURBIN, Mr. NOWAK, Mr. TAYLOR of Mississippi, Mr. SCHEUER, Mr. NEAL of North Carolina, and Mr. DINGELL.

H.R. 3256: Mr. JEFFERSON, Mr. DE LUGO, Mr. TOWNS, Mr. PARKER, and Mr. MARTINEZ.

H.R. 3273: Mr. KYL, Mr. LAROCCO, Mr. DEFAZIO, Mr. VALENTINE, Mr. ROE, Mr. BACCHUS, Mr. DWYER of New Jersey, Mr. OXLEY, Mr. HUGHES, Mr. VANDER JAGT, Mr. TORRICELLI, Mr. HUTTO, Mr. ARMEY, Mr. RINALDO, Mr. GOSS, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mr. KANJORSKI, Mr. SIKORSKI, and Mr. PRICE.

H.R. 3281: Mr. GEREN of Texas.

H.R. 3282: Mrs. UNSOELD, Mr. LEWIS of California Mr. LANTOS, Mr. GORDON, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. LEWIS of Florida, Mr. COLEMAN of Texas, Mr. ANDERSON, Mr. GAYDOS, Mr. BUNNING, Mr. BONIOR, Mr. BLILEY, Mr. FOGLIETTA, Mr. CALLAHAN, Mr. CRANE, Mr. KOPETSKI, Mr. TALLON, Mrs. LOWEY of New York, Mr. HAYES of Louisiana, Mr. MURPHY, Mr. MCMILLEN of Maryland, Mr. SAXTON, and Mr. RITTER.

H.R. 3334: Mr. FROST, Mrs. SCHROEDER, and Mr. EVANS.

H.R. 3362: Mr. HOYER, Mr. FLAKE, Mr. MFUME, Mr. SAVAGE, Mr. FORD of Tennessee, Mr. DELLUMS, Mr. DYMALLY, Mr. TOWNS, Mr. ESPY, Mrs. COLLINS of Illinois, Mr. JEFFERSON, Mr. STOKES, Mr. DIXON, Mr. ROYBAL, Mr. RICHARDSON, Mrs. COLLINS of Michigan, Mr. DE LA GARZA, Mr. KILDEE, Mr. CLAY, and Mr. MARTINEZ.

H.R. 3393: Mr. DIXON and Mr. ESPY.

H.J. Res. 123: Mr. HOUGHTON, Mr. LEHMAN of Florida, Mr. GRANDY, Mr. GAYDOS, Mr. BERMAN, Mr. ROYBAL, Mr. PALLONE, Mr. HAMMERSCHMIDT, Mr. DARDEN, Mr. LANTOS, Mr. LENT, Mr. BEILENSON, Mr. CALLAHAN, Mr. HUTTO, Mr. BROOMFIELD, Mr. CARPER, Mr. ARCHER, Mr. FLAKE, and Mr. RITTER.

H.J. Res. 175: Mr. MINETA, Mr. MCHUGH, Mr. HAYES of Illinois, Mr. HYDE, Mr. SAVAGE, Mr. TALLON, Mr. TAUZIN, Mr. CARDIN, Mr. HALL of Texas, Mr. SCHAEFER, Mr. DAVIS, Mr. MONTGOMERY, Mr. LIPINSKI, Mr. YOUNG of Florida, Mr. SPENCE, Mr. WAXMAN, Mr. ATKINS, Mr. DURBIN, Mr. MARTIN, Mr. OWENS of New York, Mr. SCHEUER, Mr. MURTHA, Mr. RAVENEL, Mr. AUCOIN, Mr. LAFALCE, Ms. OAKAR, Mr. DICKS, Mr. BUSTAMANTE, Mr. STAGGERS, Mr. MOODY, Mr. YATRON, Mr. BATEMAN, Mr. TRAFICANT, Mr. MILLER of Ohio, Mr. LEACH, Mr. WASHINGTON, Mr. LENT, Mr. COLEMAN of Texas, and Mr. HUNTER.

H.J. Res. 177: Ms. MOLINARI and Mr. WHITTEN.

H.J. Res. 239: Mr. OLVER.

H.J. Res. 261: Mrs. BENTLEY, Mr. COLEMAN of Texas, Mr. KLUG, Mr. MCCLOSKEY, Ms. NORTON, Mr. PICKLE, Mr. SAVAGE, Mr. SERRANO, Mr. TANNER, Mr. FAWELL, Mr. MURPHY, Mr. SCHEUER, and Mr. TORRICELLI.

H.J. Res. 273: Mr. YOUNG of Florida and Mr. HUGHES.

H.J. Res. 280: Mr. FORD of Michigan, Mr. ANDREWS of Maine, Ms. NORTON, Mr. KOPETSKI, Mr. FISH, Mr. ACKERMAN, Mr. APPLEGATE, Mr. AUCOIN, Mr. BACCHUS, Mr. BATEMAN, Mrs. BENTLEY, Mr. BONIOR, Mr. BREWSTER, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CLINGER, Mrs. COLLINS of Michigan, Mr. COOPER, Mr. DAVIS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DOOLITTLE, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FRANKS of Connecticut, Mr. HAYES OF LOUISIANA, Mr. HOYER, Mr. HUCKABY, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. MCMILLAN of North Carolina, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MORAN, Mr. PARKER, Mrs. PATTERSON, Mr. RITTER, Mr. ROE, Mr. SCHEUER, Mr. SISISKY, Mr. SLATTERY, Mr. SMITH of Florida, Mr. TOWNS, Mrs. UNSOELD, and Mr. WILSON.

H.J. Res. 284: Mr. OLVER, Mr. BLILEY, Mr. SISISKY, Mr. RAMSTAD, Mr. PACKARD, Mr. STEARNS, Mr. PETERSON of Minnesota, Mr. ROBERTS, Mr. RIGGS, Mr. HOUGHTON, Mr. GEREN of Texas, Mr. HYDE, Mr. WYDEN, Mr. WILSON, Mr. GUNDERSON, Mr. SAWYER, Mr. DUNCAN, Mr. ATKINS, Mr. GINGRICH, Mr. GEKAS, Mr. HANSEN, Mrs. BYRON, Mr. MACHTLEY, and Mr. HALL of Ohio.

H.J. Res. 288: Mr. ENGEL.

H.J. Res. 300: Mr. LIPINSKI, Mr. MCDERMOTT, Mr. WELDON, Mr. MINETA, Mr. BROWN, Mr. HARRIS, Mr. CONYERS, Mr. DEFAZIO, and Mr. GEKAS.

H.J. Res. 302: Mr. ATKINS.

H.J. Res. 316: Mrs. BOXER.

H.J. Res. 318: Mr. AUCOIN, Mrs. KENNELLY, Mr. FALEOMAVAEGA, Mr. SKEEN, Mr. JEFFERSON, Mr. MFUME, Mr. RANGEL, Mr. ROE, Mr. EMERSON, Mr. STARK, Mr. LAFALCE, Mr. FROST, Mr. WEISS, Mr. DORNAN of California, Mr. LANCASTER, and Mr. SMITH of Florida.

H.J. Res. 321: Mr. AUCOIN, Mr. BEVILL, Mr. CALLAHAN, Mr. CARDIN, Mr. CARR, Mr. COLEMAN of Texas, Mr. COSTELLO, Mr. DEFAZIO, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FAZIO, Mr. FASCELL, Mr. JEFFERSON, Ms. LONG, Mr. MCCLOSKEY, Mr. MANTON, Mr. MARTIN, Mrs. MORELLA, Ms. OAKAR, Mr. OBERSTAR, Mr. PALLONE, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. WEISS, and Mr. EMERSON.

H. Con. Res. 188: Mrs. KENNELLY, Mr. COOPER, Mr. GREEN of New York, Ms. MOLINARI, Mr. OBEY, Mr. MAVROULES, Mr. MACHTLEY, and Mr. DE LUGO.

H. Con. Res. 208: Mr. QUILLEN, Mr. DERRICK, Mr. FRANK of Massachusetts, Mr. BILBRAY, Mr. RUSSO, Mr. TAYLOR of Mississippi, Ms. SNOWE, Mr. ESPY, Mr. COYNE, Mr. FAWELL, Mr. HAYES of Illinois, Mr. FEIGHAN, and Mr. CLEMENT.

H. Res. 115: Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. MATSUI, Mr. BEVILL, and Mrs. MINK.

H. Res. 204: Ms. MOLINARI and Mr. HAMMERSCHMIDT.

H. Res. 234: Mr. HANCOCK, Mr. MCNULTY, Mr. HENRY, Mr. CHANDLER, and Mr. LIPINSKI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1790: Mr. KOLBE.

H. Res. 194: Mr. HOCHBRUECKNER.

EXTENSIONS OF REMARKS

THE HIGH TEMPERATURE SUPERCONDUCTIVITY ELECTRIC POWER SYSTEMS ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MARKEY. Mr. Speaker, today, I join with Representative DON RITTER to introduce the High Temperature Superconductivity Electric Power Systems Act of 1991. This timely legislation would promote energy efficiency by carrying out a program of research and development and joint ventures for high temperature superconductivity electric power technologies.

First, I would like to state that this legislation is the product of long-term study and consideration in which my distinguished colleague, Mr. RITTER, has been an active participant, as well as many Government agencies, universities, and private industry. One result of these efforts, and largely due to Mr. RITTER was a report on high temperature superconductivity mandated in the Omnibus Trade and Competitiveness Act of 1988. The executive summary of the report articulates the pressing need for the United States to embark on research and development for high temperature superconductivity energy applications. Similarly, every national critical technology list includes this important technology. There is a clear record which establishes that high temperature superconductivity energy applications should be a part of the long-term goals of the national energy strategy.

Within the next 20 years the United States will need to invest an estimated $4 trillion into the existing electric public utilities infrastucture to replace antiquated technology and improve efficiency to meet the rising demands of the United States. These demands will also have to be met under severe environmental constraints such as urban crowding. If the United States is to meet this challenge, we need to invest in the research and development, the precommercialization of efficient energy systems technologies. High temperature superconductivity [HTS] is one such technology—initial estimates of a HTS electric power system show that energy losses could be reduced by as much as 33 percent or $12 billion per year using transmission lines and generators alone. These savings would translate into significantly lower costs for American consumers, businesses, and industry; additionally, HTS is a clean energy technology which would improve the accessibility of other environmentally sound renewable energy resources such as wind, solar, and photovoltaics. In sum, HTS electric energy applications would enhance energy security and result in a reduction of pollution like acid rain, nuclear wastes and other toxics.

The concept of HTS technology is relatively basic: certain ceramic materials lose all resistance to electricity at low temperatures. Recent scientific breakthroughs have overcome the major technical difficulties of HTS and have created a wave of support within the energy community.

According to a report by the Electric Power Research Institute, our electric power transmission lines are not far from copper wires hanging from pine trees. A high temperature superconducting electric transmission line would be able to transmit over 100 times the amount of a copper wire without losses. This quality makes HTS transmission lines ideal for heavily populated urban areas where space is limited and the demand is high. In addition, high powered compact HTS electric generators and motors have enormous energy efficiency potential and offer attractive space saving possibilities. Because HTS technology allows electricity to conduct without resistance, motors would use sizably less electricity and; generators would expend less energy, while producing larger yields. HTS magnetic energy storage rings also have tremendous energy efficiency potential. These rings would be able to store electricity during off-peak hours for later use in high-peak hours. This electric load management tactic would generate both monetary and energy gains. High temperature superconductivity electric systems will be one of the major elements of the next generation efficient and environmentally sound energy technologies.

The HTS Electric Power Systems Act would charter the course for the United States research and development, and precommercialization of HTS electric power technologies. The HTS energy applications market is already a highly competitive sector in which our opponents are our leading economic rivals, including Japan and Germany. There are already 20 companies in Japan developing advanced superconductors for energy applications. Last year the Department of Commerce reported that the United States is about even with Japan in the race to commercialize superconductors, but will lose badly if current trends continues. The United States invests approximately 70 percent of it's high temperature superconductively funds in defense related research and development; while Japan invests 99 percent of the equivalent amount on precommercial development and new materials research. This ratio clearly illustrates that if the United States is to avoid what has become known as the trilogy of terror—invented in the United States, developed in Germany, and made in Japan—we need to take immediate action.

If the United States is to capture this burgeoning market which has been estimated to reach $3 to $5 billion in the United States within the decade, we must build a solid foundation today. There are two essential activities that the United States must concentrate on to win the race: intensive research and development, and the precommercialization of HTS energy systems technologies. Our legislation would authorize the Secretary of Energy to carry out a program to develop the major elements of a HTS electric energy system including transmission lines, generators, and magnetic storage rings. Moreover, the HTS Electric Power Systems Act empowers the Secretary of Energy to facilitate the precommercialization phase of HTS electric energy technologies. The precommercialization phase of HTS energy applications is particularly important because it ensures that the United States maintain a stronghold in the development of the underlying technology which is essential to the future of a U.S. domestic manufacturing base. Our legislation also authorizes at least one joint venture program to encourage cooperation between the nationals labs, industry, and universities to develop commercial HTS energy applications. The United States has dropped the ball at this critical stage more times than we like to acknowledge—small electronics and televisions in the 1970's, VCRs in the 1980's—we can not allow HTS electric equipment to be the next victim. Thus, it is crucial for both the public and private sectors to collaborate on HTS electric energy systems technologies to ensure that the United States is the first to implement this energy system of the future.

HTS electric energy applications hold the promise of revolutionizing the electric energy systems sector bringing new levels of efficiency and environmental gains to the generation, delivery and storage of electric energy in the United States. I urge my colleagues to join Mr. RITTER and myself in supporting this vital legislation.

THE HIGH TEMPERATURE SUPERCONDUCTIVITY ELECTRIC POWER SYSTEMS ACT OF 1991

HON. DON RITTER

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. RITTER. Mr. Speaker, I rise to join my distinguished colleague from Massachusetts as an original sponsor and co-author of the High Temperature Superconductivity Electric Power Systems Act of 1991. I am pleased to have contributed to this legislation, which would focus America's efforts in high temperature superconductivity.

Since October, 1986, when scientists discovered a ceramic compound that exhibited superconducting properties at higher temperatures than ever before, I have been a strong proponent of a Federal effort in high temperature superconductivity [HTS] research and development. Superconductivity is a special attribute of materials. In a superconducting wire,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

an electric current can flow forever without any resistance or loss of energy.

In 1987, I introduced the first legislation to establish a coordinated Federal role in promoting superconductivity research and development, which eventually was signed into law as the Ritter-McCurdy National Superconductivity and Competitiveness Act of 1988. That legislation recognized the need for directed, coordinated Federal support over the 5 to 10 years needed for successful commercialization of HTS technology, setting forth a 5-year blueprint that Federal agencies are now following.

The bill we introduce today would build upon that effort, by amending the Renewable Energy and Energy Efficiency Act to provide for joint ventures in HTS technology, with cost-sharing by private sector. The Markey-Ritter legislation is similar to language offered in the Senate by Senator BINGAMAN and incorporated in S. 1220, the Johnston-Wallop energy plan.

The use of the new high-temperature superconductors in energy systems, including motors, generators, cables, and energy storage devices, could significantly improve electrical efficiency. In turn, this could result in reductions in the amount of electricity we consume, and significant cost savings to the producers and consumers of electricity across the nation.

Researchers in the field of high temperature superconductors are rapidly solving the considerable technological hurdles that once stood between the laboratory and the marketplace. With support from the Federal Government, fabrication of reliable, efficient superconductors may become a reality in the near term.

The potential benefits of the new technology are enormous. Industrial motors alone consume nearly 65 percent of the electricity used nationwide. According to one estimate, high temperature superconductors which increase the efficiency of electric motors by 5 percent would save over 100 million barrels of oil per year.

If reliable ceramic cables could be made to carry high currents, superconducting power transmission could help avert much of the $8.75 billion—in 1985 dollars—which the U.S. loses each year in transmitting electricity. Robert Jaffe of the Electric Power Research Institute in Palo Alto, CA, has estimated that superconducting power lines might eventually save $5 billion per year.

That would make the R&D investment called for in our bill a sound investment in our energy future. I urge my colleagues to support the Markey-Ritter legislation, and I commend the gentleman from Massachusetts for his foresight in the development of this legislation. I look forward to working with Mr. MARKEY as the bill makes its way through the legislative process.

GERMAN-AMERICAN DAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize the fact that more than 300 years ago, the first group of German settlers arrived in America. They sought to build a new life for themselves and in so doing, began a tradition of helping to build a better America for everyone.

I would like to pay tribute to our Nation's German-Americans as we look forward to celebrating German-American Day this weekend, on October 6. For more than 3 centuries, their contributions to America's growth and world standing have ranked among the greatest of any people's.

It is significant that we note for the record the accomplishments of German-Americans today, for 1 year ago on this date—October 3—West and East Germany were reunified into one nation, thus marking the beginning of the end of the cold war. The Berlin Wall was torn down, and with it one of the most stark and brutal reminders of the oppression that had haunted Europe and the world since the end of World War II.

Today, Germany looks with eagerness to a future bright with promise and vibrant with productivity, even as we look fondly to its past that has sent us so many of our most prominent citizens.

On October 6, 1683, after a 75-day Atlantic crossing aboard the vessel *Concord*, 13 Germans led by a young Franconian lawyer, Franz Daniel Pastorius, made a settlement at what is now called Germantown in Philadelphia. As part of William Penn's holy experiment, they were fleeing European religious persecution.

It didn't take them long to initiate their own experiment in steadfast industriousness. Within the year, they had harvested their first crop of flax, erected looms and spinning wheels and were conducting business in Philadelphia. This diligence and dedication to craftsmanship has been a hallmark of the German-American people to this very day.

The rollcall of honored German-Americans is a vocal testament to this fact. These men and women have contributed right across the spectrum in art, literature, industry, science, and politics among others. Names such as Levi Strauss, Albert Einstein, Marlene Dietrich, Babe Ruth, H.L. Mencken, Henry Kissinger, and Thomas Mann need no explanation of their importance to our society and our history.

They helped shape, not only America, but the world as we know it and as generations to come will continue to know it. Today, German-Americans continue to work actively to strengthen the bonds of friendship and progress between the United States and Germany.

Mr. Speaker, as the Representative of Florida's Ninth District, home to a large and active German-American community, I can testify to the many civic, cultural, scientific, and business contributions of this special group of Americans. Therefore, I am pleased and privileged to have this opportunity to pay tribute today to this tradition of service.

TRIBUTE TO WISCONSIN MANUFACTURER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. KLECZKA. Mr. Speaker, today I am pleased to bring to the attention of my colleagues the 90th anniversary of MagneTek Louis Allis, a manufacturing firm operating in my hometown of Milwaukee.

The firm's longevity is a tribute not only to its competitive achievements, but to its contribution to our Nation in helping build a strong industrial base, which led us through two World Wars and on toward economic expansion.

Through the years, MagneTek Louis Allis has compiled an impressive list of manufacturing innovations in the categories of specialized motors and electric generators. Among the firm's numerous innovations are cement mill and rapid reversing motors, and submarine outboard motors. In fact, during World War II, the firm was the first electric motor producer to receive the U.S. Navy's prized "E" award for excellence in production, as well as the coveted Fifth Star award for continuous outstanding contribution to the war effort. Today, every U.S. naval submarine is equipped with a MagneTek Louis Allis generator.

Mr. Speaker, manufacturing has been the backbone of U.S. economic strength throughout the 20th century. The Milwaukee area has historically been a critical part of the industrial base, and MagneTek Louis Allis, founded in 1901, has been there since it all began. The firm has a rich history of accomplishments, and I have only outlined a few of its achievements.

Let us wish them the best for continued strong performance, and look forward to seeing MagneTek Louis Allis motors and generators power our Nation's economic engine for the next 90 years.

TRIBUTE TO MILTON HOFFMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ENGEL. Mr. Speaker, I wish to pay tribute to a man who has accomplished a feat which few others in his field would even attempt. This month, Milton Hoffman is celebrating 40 years of employment with the same news organization, the Gannett Suburban Newspaper group.

Through four decades of reporting and editing, Milt has developed into the undisputed dean of the local press corps. In his current role as editorial page editor, he helps shape the opinions of the most respected news organization in the region.

Every important politician and community leader in Westchester County has seen Milt roaming the halls of the county office building, asking the tough questions at the right time. Each of them, in turn, rushes directly to Hoffman's columns to read what he and other insiders have to say about the issues of the day. Often, Milt's writings have a profound effect on policymakers and, therefore, an impact on the quality of life in the area. It is the American tradition of the fourth estate carried out in all its glory.

As Milton Hoffman enters his fifth decade of journalism, I extend on behalf of my constituents—his readers—hearty congratulations and best wishes for the future.

INTRODUCTION OF THE SMALL BUSINESS JOBS AND TAX BENEFIT ACT OF 1991

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. FRANKS of Connecticut. Mr. Speaker, earlier today, I introduced the Small Business Jobs and Tax Benefits Act of 1991. After recent disucssions over the extension of unemployment compensation benefits, I believe it is time to move to discussions about ways to improve the economic climate for businesses. Small businesses are the fastest growing sector of the labor market. A healthy business climate will lead to better employment opportunities for all Americans.

The Small Business Jobs and Tax Benefits Act is a package of benefits which are crucial to small businesses across the Nation. The legislation would extend for 1 year five tax benefits which are critical to the health and growth of small businesses. Without any action by Congress, these tax benefits will expire at the end of this year and small businesses will face a tougher business climate. These benefits will allow small businesses to utilize tax benefits which have allowed them to promote continued education and training, allow the self-employed to afford basic health care coverage and ensure that small businesses continue to have another option in accessing capital for increased growth, research, and development.

These tax benefits are set to expire December 31, 1991. Last year they were part of the 11 popular tax credits that were extended through last year's budget package. There have been discussions about making these benefits permanent, an idea which I support. However, until the discussions have been resolved, I believe that they must not expire and that Congress should extend them another year. An additional year would allow businesses transition time for budgeting without these heavily used benefits.

Specifically, this bill would extend through December 31, 1992 the research and development tax credit, the targeted jobs tax credit, the employer provided educational benefits, the tax exemption of small issue bonds and the health insurance deduction for self-employed.

The extension of these tax benefits are essential to the growth of small businesses across the country, their expiration would deal a severe blow to the small business community. I urge my colleagues to work toward the adoption of the Small Business Jobs and Tax Benefits Act of 1991.

At this point in the RECORD, I have submitted a more detailed explanation of the taxes to be extended in this bill:

SMALL BUSINESS JOBS AND TAX BENEFITS ACT OF 1991

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Jobs and Tax Benefits Act of 1991".

SEC. 2. RESEARCH CREDIT.

(a) IN GENERAL.—Subsection (h) of section 41 of the Internal Revenue Code of 1986 (relation to termination) is amended—

(1) by striking "December 31, 1991" each place it appears and inserting "December 31, 1992", and

(2) by striking "January 1, 1992" each place it appears and inserting "January 1, 1993".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 28(b)(1) of such Code (relating to qualified clinical testing expenses) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 3. TARGETED JOBS CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 51(c) of the Internal Revenue Code in 1986 (relating to termination) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 1991.

SEC. 4. EMPLOYER-PROVIDED EDUCATION ASSISTANCE.

(a) IN GENERAL.—Subsection (d) of section 127 of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 5. QUALIFIED SMALL ISSUE BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 1991.

SEC. 6. HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (6) of section 162(1) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

THE SECOND SHOT HEARD 'ROUND THE WORLD

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. IRELAND. Mr. Speaker, on a beautiful fall afternoon (yes, I said afternoon—that's when they played baseball in the daylight, as it should be) 40 years ago today Bobby Thomson of the New York Giants hit a home run off of Ralph Branca of the Brooklyn Dodgers to win the National League Pennant. The Giants had trailed the Dodgers by 13-and-a-half games in mid-August. The Giants rallied and finished the season in a tie with the Dodgers which set up a three-game playoff series. Many people have forgotten that Bobby Thomson hit a two-run homer off Branca to help the Giants win the first game 3 to 1. The Dodgers crushed the Giants in game two, ten to nothing. Behind the great Don Newcombe, the Dodgers took a 4 to 1 lead into the bottom of the ninth inning in game three of the playoffs. The Giants rallied and Bobby Thomson ended the game by hitting one of baseball's historic home runs. Moments like these are the reason that baseball is our national pastime.

In today's edition of USA Today Erik Brady has two wonderful articles about this great baseball moment and about the two central figures, Bobby Thomson and Ralph Branca. Mr. Speaker, I will now also include in the RECORD these two excellent articles for the information of the other Members.

LEGENDARY HOMER LINKS PAST, PRESENT

(By Erik Brady)

Once upon a time, Bobby Thomson and Ralph Branca were enemies. And their hostility was never more real than at one precise moment 40 years ago today.

The place: New York's Polo Grounds. The score: Branca's Brooklyn Dodgers led Thomson's New York Giants 4-2. The situation: One out, two men on in the bottom of the ninth inning. The stakes: 1951's National League pennant.

Branca fired a fastball . . . Thomson swung mightily . . the ball flew into the left-field stands . . . Giants 5, Dodgers 4.

The rest, as they say, is history. Only in this case it's more—it's also theatrical legend and belated camaraderie. History linked their names. Commerce made them friends.

Thomson and Branca appear now at half a dozen card shows each year, signing their names on bats and balls and old photographs. Lately they've been making the rounds of talk shows in New York and Washington, selling LeRoy Neiman prints of their shared moment of glory/infamy.

"I hated him then," says Branca. "He was a Giant."

"We're friends now," says Thomson. "We talk a lot."

"We don't have a choice," says Branca. "We're always coordinating schedules."

"The card shows," says Thomson, "want both of us."

Of course they do. One rarely thinks of one without the other anymore. They are the ying and yang of what is arguably baseball's most memorable moment: Thomson as hero, a giant among Giants; Branca as victim, the nonartful Dodger.

It is always the same. Fans, reporters, autograph seekers—everyone asks the same questions. And the old pros give the same answers—patiently, graciously, cheerfully.

"I think I could give Ralph's answers and Ralph could give mine," says Thomson. "Don't you think so, Ralph?"

"I could've given that one," says Branca. They both laugh. They've become a vaudeville act now: Bobby and Ralph—raconteurs, good sports, symbols of a simpler time.

They are completely comfortable in each other's company. They are of the same generation (Thompson is 67, Branca 65), region (Thomson lives in New Jersey, Branca in New York, about a 90-minute drive apart) and profession (both are businessmen, Thomson in paper products and Branca in pensions). They share a common past (baseball in the 1940's and '50s), family life (both proud grandfathers) and political views (conservative).

They served as co-chairmen of Athletes for Nixon in 1972. Watergate still bugs them. "That was so dumb," says Branca of the break-in. "Like having an 18-nothing lead and throwing at the batter's head."

Branca shakes his head. Lost presidencies, lost pennants. Regrets, he's had a few, but Ralph Branca, like Frank Sinatra, says too few to mention.

"People always ask if I had one wish, would I take that pitch back," he says. "And I wouldn't. If there's one thing I could change it would be my injury. It's not the pitch that bothers me. It's that I never got to make up for it."

Branca fell from a chair in 1952 and hurt his back. He played a few more years but was never the same. The promising pitcher who won 21 games at age 21 finished his career at a respectable 88-68.

Thomson, a lifetime .270 hitter who was a star in the late 1940s and early 1950s, lost some of his luster later. Thomson was traded from team to team and might now be remembered as a journeyman, were it not for that one stirring journey around the bases.

You've probably seen black-and-white film of his home run: the cat-quick swing, the little skip as he approached first base, the two-footed jump onto home plate. And you've probably heard the near-hysterical call of broadcaster Russ Hodges. "The Giants win the pennant" he shouted four times.

Roger Angell of The New Yorker calls that moment baseball's "grand exclamation point." Tradition calls it something else—the shot heard 'round the world.

It wasn't really that, of course. The names Thomson and Branca mean little in Lithuania, say, or even Scotland, where Thomson was born.

But echoes of that shot still can be heard around North America 40 years after the fact. And isn't that the most remarkable thing of all?

"It is to me," says Thomson. "I did a book fair not long ago, and everyone who came up, the ones who were old enough, told me exactly where they were when it happened. I guess until then I didn't know what this meant to people."

He knew what it meant at the time. The Giants win the pennant. What he did not know, could not know, is what it would mean 40 years later.

Branca didn't either. The ordeal was tough enough then without seeing 40 years into the future. "Murderers, they get a life sentence and they get parole in 20 years," he says. "Me? I never get parole. Until they lay me in the pine box, I'm never allowed to forget."

There is no trace of bitterness in his voice. There is a smile on his face. But his eyes—sad, like a bloodhound's—betray some sorrow even now.

Why put himself through it? Why endure the interviews and card shows designed to remind him of the one moment he'd surely rather forget? Another kind of guy would not want to show up across the land with the man who knocked his pitch out of the park. Another kind of guy would tire of playing second banana to history's hero.

Branca shrugs. "I'm not that guy," he says.

Thomson is a humble man who still moves with an athlete's grace. Branca is a gregarious man who tells mildly off-color jokes. They often golf together. And there is some justice—Branca usually wins.

Neither one guessed they might one day be friends. There was a time when nothing seemed more preposterous. The Giants and Dodgers hated one another. Thomson remembers being traded to the Milwaukee Braves and seeing his teammates chat with the Dodgers by the batting cage.

"I couldn't believe it," he says. "The Giants would have never done that. We didn't talk to the Dodgers. We *hated* 'em."

Thomson slaps Branca's back. The irony is not lost on either of them. They spend more time with each other now than with their old teammates.

And why wouldn't they like each other? Who wouldn't like either one? These guys are so eminently likable you are pleased to meet them. You feel glad—grateful, even—that the principals of baseball's grand exclamation point are such hail fellows well met.

"Pals?" says Thomson, smiling. "I can't stand the guy."

"I hate him, too," says Branca, sad eyes twinkling.

These are shots heard 'round the room, underscored by affectionate laughter.

THOMSON SURPRISED FEAT HAS BECOME STUFF OF LEGEND

(By Erik Brady)

At a bit before 4 this afternoon it'll be 40 years since Bobby Thomson's home run won the 1951 National League pennant for the New York Giants against the Brooklyn Dodgers.

"I never imagined it would be talked about 40 years later," says Thomson. "We had to play the New York Yankees in the World Series the next day."

The Yankees won the Series in six games. But the more amazing story is not what happened after Thomson's homer, but what happened before it.

The Dodgers led the Giants by 13½ games Aug. 11, but the Giants caught the Dodgers to set up a three-game playoff.

The Giants won Game 1, 3-1. Thomson hit a two-run homer off Dodgers pitcher Ralph Branca. Funny how foreshadowing can happen in life as well as novels.

The Dodgers won Game 2 10-0 and they led 4-1 in Game 3 as the Giants came to bat in the bottom of the ninth.

"(Dodger pitcher Don) Newcombe was cruising and, frankly, I thought we were dead," says Thomson. "But then we started getting hits."

Alvin Dark singled, Don Mueller singled Dark to third. Monte Irvin popped up. One out. Whitely Lockman doubled down the left-field line, scoring Dark and moving Mueller to third.

Mueller pulled a tendon rounding third. Thomson went to see about his fallen friend. Meanwhile, Branca came in from the bullpen to relieve Newcombe.

"The injury to Mueller broke the tension for me," says Thomson. "I watched as they carried him off on stretcher. Until I got back to the plate, I didn't even notice that they'd brought this guy in." What was Thomson thinking? "I wanted to hit the ball hard," he says. "That's all. I wasn't thinking home run."

The first pitch zipped fast across the middle. Strike one.

"I would have felt bad if he hit that one," says Branca.

Branca wanted the next pitch out of the strike zone, high and tight. He was setting Thomson up for a curve down and away—the third pitch that never came.

"I didn't get it inside far enough," he says. "It needed to be three more inches inside."

Up to the last pitch the scenario was similar to *Casey at the Bat*—men on second and third in the bottom of the ninth inning with the home team trailing by two runs.

Call this one *Bobby at the Bat*. Thomson struck the homer Casey never did. And this time, there was joy in Mudville, just none in Brooklyn.

What was this latter-day Casey thinking as he rounded the bases on air, poetry in motion?

"I was hyperventilating," says Thomson sheepishly. "I was having trouble breathing, if you can believe that."

SOLID WASTE METALS REDUCTION ACT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. WOLPE. Mr. Speaker, today I am joined by my colleagues Mr. ECKART, Mr. RINALDO, and Mr. GREEN in introducing the Solid Waste Metals Reduction Act. This bill would require the reduction and ultimate elimination from packing materials four toxic heavy metals; lead, cadmium, mercury, and hexavalent chromium. The bill is similar to legislation developed by the Coalition of Northeastern Governors [CONEG] and has already been enacted into law in the 10 States of Maine, Vermont, New Hampshire, Rhode Island, Connecticut, New York, Iowa, Wisconsin, Minnesota, and Washington.

Solid waste management is a major concern of government, environmentalists and industry alike. Past landfilling practices have caused serious threats to public health and the environment. Almost 200 old landfills are on EPA's Superfund list of the Nation's most hazardous waste sites, and incineration poses environmental problems of its own. The actual and potential hazards associated with landfills and incinerators are stalling the location of new disposal sites. Moreover, the costs to industry of waste treatment and cleanup have become staggering. Given all of these factors, it is only reasonable to conclude that the most desirable solid waste initiative is to reduce, as much as possible, the amount of waste produced in the first place.

These source reduction efforts must include the reduction of the toxicity of the waste stream. In the case of heavy metal contamination of solid waste, which we are addressing with this bill, the threat to health and safety is self-evident. Heavy metal contamination from incineration ash and from landfill leachate is poisoning our environment. Lead, mercury, cadmium, and hexavalent chromium, which are currently used in packaging materials, are among the chief offenders. They are responsible for nervous system damage, mental retardation, and cancer. Leachate from landfills can and does poison our drinking and surface water, and incineration emissions poison the air we breathe. With the removal of these four toxic heavy metals from packaging materials, which comprise nearly 30 percent of the municipal solid waste stream, we have an unprecedented opportunity to prevent this toxic contamination of our environment at its source.

Mr. Speaker, not only do we have a compelling incentive to reduce these heavy metals from packaging materials, we also have the technology. Industry informs us that, in most cases, these contaminants can easily be replaced by harmless substitutes. While industry has begun efforts to reduce these contaminants voluntarily, this legislation will reinforce and accelerate industry's effort to find and implement alternatives. Let this legislation inspire industry, government and environmental groups to work together to find and implement feasible and cost-effective alternatives.

In pursuit of this goal, the bill we are introducing today would prohibit the intentional addition of these substances 2 years after enactment. In addition, instances in which these metals occur incidentally—for example, in residues on printing presses or naturally-occurring amounts in tin—would be gradually phased out to 600 ppm in 2 years, 250 ppm in 3 years and 100 ppm in 4 years. It would allow exemptions for packages made from recycled materials and packages for which no feasible alternative is available. Cases where the metals are required to comply with Federal safety law or are essential for the protection and safe handling or function of the package's contents, would fit the as feasible alternative exemption.

The legislation would further require that manufacturers, suppliers and distributors of packages retain and present certificates of compliance. Finally, the bill would require the EPA to report on the effectiveness of the legislation and whether or not other materials should be prohibited from being used in packaging.

Mr. Speaker, our bill enjoys a broad base of support from industry, State governments, and environmentalists. Passage of this bill will facilitate one of the few, but hopefully ever-increasing, opportunities to promote successful cooperation among these groups. Let us demonstrate how we can work together to seek reasonable and cost-effective alternatives to reduce toxic waste.

I urge my colleagues to support this legislation.

I insert the Solid Waste Metals Reduction Act in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Solid Waste Metals Reduction Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The management of solid waste can pose a wide range of hazards to public health and safety and to the environment.

(2) Packaging comprises a significant percentage of the overall solid waste stream.

(3) Packaging that contains heavy metals is of special concern, because the metals are likely to be present in emissions or ash that may be produced when the packaging is incinerated or in leachate that may be produced when the packaging is disposed of in a landfill.

(4) Lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are known to cause harmful effects on human health and the environment.

(5) To reduce the toxicity of emissions, ash, and leachate, it is necessary as a first step to eliminate the addition of lead, mercury, cadmium, and hexavalent chromium to packaging.

(6) The purpose of this Act is to achieve such a reduction in toxicity without impeding or discouraging the expanded use of post-consumer materials in the production of packaging and its components.

SEC. 3. TOXIC METALS IN PACKAGING.

(a) AMENDMENT TO SOLID WASTE DISPOSAL ACT.—The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by adding at the end the following new subtitle:

Subtitle K—Toxic Metals in Packaging

"SEC. 12001. DEFINITIONS.

"As used in this subtitle:

"(1) The term 'package' means a container that provides a means of protecting or handling a product, including a unit package, an intermediate package, a shipping container, and unsealed receptacles, as defined by the American Society for Testing and Materials under 1987 designation D996. The term includes containers that provide a means of marketing a product, and receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

"(2) The term 'packaging component' means any individual assembled part of a package, including interior or exterior blocking, bracing, cushioning, weatherproofing, strapping, closures, labels, and tinplated steel that meets the American Society for Testing and Materials 1987 specification A623, or any additive to a package, including coatings, inks, dyes, pigments, adhesives, and stabilizers.

"(3) The term 'distributor' means a person who takes title to goods purchased from a manufacturer or supplier for sale or promotional use.

"SEC. 12002. PROHIBITIONS ON CERTAIN HEAVY METALS IN PACKAGING.

"(a) PROHIBITION ON ADDITION OF METALS DURING MANUFACTURING OR DISTRIBUTION.—Except as provided in section 12003, effective 2 years after the date of the enactment of the Solid Waste Metals Reduction Act, no person may intentionally introduce lead, cadmium, mercury, or hexavalent chromium to a package or packaging component during manufacturing or distribution.

"(b) MAXIMUM CONCENTRATION LEVELS.—The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component may not exceed the following:

"(1) Effective 2 years after the date of the enactment of Solid Waste Metals Reduction Act, 600 parts per million by weight (0.06 percent).

"(2) Effective 3 years after the date of the enactment of such Act, 250 parts per million by weight (0.025 percent).

"(3) Effective 4 years after the date of the enactment of such Act, 100 parts per million by weight (0.01 percent).

SEC. 12003. EXEMPTIONS.

"(a) EXEMPT PACKAGES AND PACKAGING COMPONENTS.—Section 12002 does not apply to the following packages and packaging components:

"(1) Packages and packaging components with a code indicating that date of manufacture was prior to the effective date of section 12002.

"(2) Packages and packaging components exempted by petition under subsection (b).

"(3) Packages and packaging components containing lead, cadmium, mercury, or hexavalent chromium in amounts that would not exceed the maximum concentration levels set forth in section 12002(b) but for the addition of post-consumer materials.

"(b) PETITION PROCEDURE.—A manufacturer, supplier, or distributor of packages and packaging component may petition the Environmental Protection Agency for a 2-year exemption from section 12002 for a particular package and packaging component on the basis of showing that the addition of lead, cadmium, mercury, or hexavalent chromium to the package or packaging component during the manufacturing, supply, or distribution process (1) is necessary to comply with health or safety requirements of Federal law, or (2) is essential for the protection, safe handling, or function of the contents of the package. The Administrator may grant the exemption if warranted by the circumstances.

"(c) TERMINATION OF EXEMPTIONS.—(1) Except as provided in paragraph (2), the exemptions referred to in subsections (a)(2) and (a)(3) shall cease to be in effect on and after the expiration of the 6-year period following the date of the enactment of the Solid Waste Metals Reduction Act.

"(2) An exemption referred to in subsection (a)(2) or (a)(3) may be renewed for a designated time period after the 6-year period specified in paragraph (1) if the Administrator makes a determination under section 12006 that the renewed exemption is warranted by the circumstances.

"SEC. 12004. CERTIFICATE OF COMPLIANCE.

"(a) MANUFACTURER REQUIREMENTS.—(1) Effective 2 years after the date of the enactment of the Solid Waste Metals Reduction Act, a manufacturer or supplier of a package or packaging component shall certify, with respect to each type of package or packaging component manufactured or supplied, that the package or component is in compliance with the requirements of this subtitle, or, in the case of a package or component that is exempt from the requirements of this subtitle pursuant to section 12003, the specific basis upon which the exemption is granted. Such certification shall be contained in a certificate of compliance signed by an authorized official of the manufacturer or supplier.

"(2) A copy of the certificate shall be kept on file by the manufacturer or supplier for as long as the manufacturer or supplier continues to manufacture or supply such package or packaging component. If the package or packaging component is reformulated or replaced, the certificate shall be kept on file until at least 1 year has expired after commencement of distribution of the reformulated or replacement package or packaging component.

"(3) manufacturer or supplier shall provide to each of its distributors a copy of each certificate of compliance required under paragraph (1) for packages or packaging components purchased by the distributor.

"(4) If the manufacturer or supplier of a package or packaging component reformulates or creates a new package or packaging component, the manufacturer or supplier shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component, in the same manner as the original certificate was provided under paragraph (1).

"(b) DISTRIBUTOR REQUIREMENTS.—Effective 2 years after the date of the enactment of the Solid Waste Metals Reduction Act, a distributor of packages or packaging components shall request from the manufacturer or supplier of the packages or components the relevant certificates of compliance and shall keep such certificates on file for as long as the distributor continues to distribute such package or packaging component.

"(c) AVAILABILITY.—(1) The manufacturer, supplier, or distributor of a package or packaging component shall provide certificates of compliance, or copies thereof, to the Environmental Protection Agency upon its request and to members of the public within 60 days after requested in accordance with paragraph (2).

"(2) A request from a member of the public for a copy of a certificate of compliance from the manufacturer, supplier, or distributor of a package or packaging component shall—

"(A) be made in writing, with a copy provided to the Administrator; and

"(B) specify the package or packaging component with respect to which compliance is certified in the requested certificate.

SEC. 12005. ENFORCEMENT.

"(a) AUTHORITIES OF ADMINISTRATOR.—Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of this subtitle, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(b) CIVIL PENALTIES.—(1) Any person who violates any requirement of this subtitle shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day a violation continues shall constitute a separate violation.

"(2) Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

"SEC. 12006. REGULATIONS AND REVIEW BY THE ENVIRONMENTAL PROTECTION AGENCY.

"(a) REGULATIONS.—Not later than 1 year after the date of the enactment of the Solid Waste Metals Reduction Act, the Administrator shall promulgate regulations to implement this subtitle.

"(b) REVIEW.—The Administrator shall review their effectiveness of this subtitle not later than 42 months after the date of the enactment of the Solid Waste Metals Reduction Act and shall report to the Congress the results of such review. The report shall contain (1) a recommendation on whether to renew for a designated time period either or both of the exemptions referred to in subsections (a)(2) and (a)(3) of section 12003, and (2) a description of the nature of the substitutes used in lieu of lead, mercury, cadmium and hexavalent chromium in packaging and packaging components. In carrying out the review, the Administrator may request from a person subject to this subtitle, and the person shall provide, such information as may be necessary to complete the review. The report may contain recommendations to add other toxic substances contained in packaging and packaging components to the substances covered by this subtitle in order to further reduce the toxicity of packaging waste.

"SEC. 12007. NON-PREEMPTION.

Nothing in this subtitle shall be construed as prohibiting a State from enacting and enforcing a standard or requirement with respect to toxic metals in packaging that is more stringent than a standard or requirement relating to toxic metals in packaging established or promulgated under this subtitle.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Solid Waste Disposal Act (contained in section 1001 of such Act) is amended by adding at the end the following new items:

Subtitle K—Toxic Metals in Packaging

"Sec. 12001. Definitions.
"Sec. 12002. Prohibitions on certain heavy metals in packaging.
"Sec. 12003. Exemptions.
"Sec. 12004. Certificate of compliance.
"Sec. 12005. Enforcement.
"Sec. 12006. Regulations and review by the Environmental Protection Agency.
"Sec. 12007. Non-preemption.".

PHILPOTT LEFT LEGACY TO US

HON. L.F. PAYNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. PAYNE of Virginia. Mr. Speaker, on Saturday, September 28, 1991, A.L. Philpott, the Speaker of the Virginia House of Delegates died after a 20-year battle with cancer.

He will be missed.

The Commonwealth of Virginia owes A.L. Philpott an enormous debt of gratitude for his many years of public service, first as Henry County Commonwealth Attorney, later as a delegate to the Virginia House of Delegates, and finally as Speaker.

He will be missed in Southside, VA, which he served so ably throughout his long and distinguished career.

He will be missed in Richmond.

I have known no one in public life who was more decent, honest, or more effective than A.L. Philpott. He was an inspiration to me and to many others in Virginia who have chosen to enter public life.

Mr. Speaker. I would like to share an editorial from the Martinsville, VA Bulletin.

[From the Martinsville Bulletin, September 29, 1991]

PHILPOTT LEFT LEGACY TO US

With Saturday's death of House Speaker A.L. Philpott, we have lost a friend, a guardian, a mentor to leaders, and a state leader the likes of whom we never may see again in our lifetimes.

Mr. Philpott died three days after he announced he would withdraw from the Nov. 5 House race. His final public gesture had signaled a changing of the guard at the General Assembly, and changing times for this area's influence in Richmond.

Since arriving at the state Capitol in 1958, Mr. Philpott had built a reputation for being a conservative, although when he was elected House Speaker on Jan. 9, 1980, he described himself as "fundamentally a traditionalist."

Yet he was a traditionalist who could change with the times, and the past 33 years have been interesting times in the Commonwealth of Virginia. This was a man who kept a proposed Martin Luther King holiday away from a House vote for eight years but later played a pivotal role in state politics when he endorsed a black candidate for lieutenant governor and later governor.

Mr. Philpott reigned in the assembly as Virginia moved away from courthouse politics and into the era of the golden crescent dominance on state issues and priorities. Yet his influence grew, as he learned who was who and which buttons to push to get things done in Richmond.

The results of getting things done are visible in the growth of Patrick Henry Community College's campus, the Virginia Museum of Natural History's acceptance as a state agency, and the planned U.S. 58 superhighway project.

However, the signs of his influence are not just left in bricks and mortar, but can be told by the many people he helped over the years. Whether it was helping to secure scholarships for a son or daughter of our area, helping a deserving student further his education, or supporting business in its dealings with Richmond, Mr. Philpott, the Speaker of the House, was our spokesman in Richmond.

Mr. Philpott knew that nurturing and helping businesses—retail, industry, banking, insurance and others—meant fostering jobs for local residents as well as those statewide. Just as a decade ago if you had a problem with the federal government, you called Fifth District U.S. Rep. W.C. "Dan" Daniel, for the past years if you had a problem with state government, you called Mr. Philpott. In both cases, problems were solved.

So what happens to this area now, without the influence of the Speaker? A newcomer to elected state office will succeed him. Our state legislators certainly will have to work hard to make sure this area does not become the step-child of the golden crescent power, with far fewer bargaining chips than Mr. Philpott stored up in his 33 years in state government and didn't hesitate to use when necessary to fight for what he believed was best.

But Del. Roscoe Reynolds and Sen. Virgil Goode are not the only people in Richmond watching out for the best interests of Martinsville, Henry County and Patrick County. Mary Sue Terry of Patrick County is attorney general and expected to run for governor; Jay Shropshire of Martinsville is Gov. L. Douglas Wilder's chief of staff, and Elizabeth Haskell of Martinsville is secretary of natural resources. And former Gov. Gerald Baliles, a native of Patrick County, has friends with influence.

Perhaps that was one of Mr. Philpott's most important legacies—the people he helped settle in Richmond, taught the political ropes, and saw climb to positions of influence. They may be the ones who, now that our friend is gone, can carry on the traditions of A.L. Philpott.

THE NATIONAL EYE CARE PROJECT HELPS SENIORS KEEP THEIR SIGHT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. DURBIN. Mr. Speaker, everyone needs access to eye care to maintain their sight, but not everyone can afford it. In particular, many of our Nation's senior citizens are on fixed incomes and may not be able to afford the copayments associated with eye examinations. Without such examinations, they may be vulnerable to a variety of eye diseases that can cost them their sight.

That is why I would like to commend our Nation's State Ophthalmological Societies and the Foundation of the American Academy of Ophthalmology for its National Eye Care project. For the past 5 years, ophthalmologists associated with the National Eye Care project have been providing volunteer eye care at no out-of-pocket cost to low-income senior citizens.

Across the country, the project has received more than a quarter-million calls on its toll-free helpline, 1–800–222–EYES. If they are eligible for the assistance of this program, patients are referred to an ophthalmologist who will conduct an eye examination.

In Illinois alone, 4,290 patients were seen by a doctor who volunteered to waive any charges not covered by insurance. Of these patients, 2,279 had cataracts, 225 were diagnosed with glaucoma, 94 were diagnosed with diabetic retinopathy, and 482 had macular degeneration. All of these eye diseases can cause blindness. In addition, many other eye diseases and problems were identified.

Mr. Speaker, in the absence of the National Eye Care project, many of these elderly patients would have needlessly lost their vision. But the National Eye Care project was there to help them keep their sight.

I commend the Illinois Association of Ophthalmology, the other State Ophthalmological Societies, and the Foundation of the American Academy of Ophthalmology for their foresight in establishing this program, and I hope that they will continue to offer this important service for many years to come. I ask that their summary of the National Eye Care project be printed in the RECORD so that others may be made aware of its availability.

1–800–222–EYES—THE NATIONAL EYE CARE PROJECT

WHAT IS THE NATIONAL EYE CARE PROJECT (NECP)

The NECP is a public service program sponsored by the State Ophthalmological Societies and the Foundation of American Academy of Ophthalmology, and is designed to provide medical eye care for those who might otherwise go without. The primary purpose of the project is to help reduce the number of blinding eye diseases which occur in the 65 and older population, more than 50 percent of new cases of blindness occur in this age group each year.

Over a quarter million calls have been received and more than 165,000 patients have been referred to ophthalmologists for care.

HOW DO CITIZENS BECOME ELIGIBLE TO PARTICIPATE IN THE PROGRAM

To serve those who most need medical eye care, volunteer ophthalmologists are providing care for U.S. citizens or legal residents who are 65 and older and do not have access to an ophthalmologist they may have seen in the past. Although there is no financial qualification for the program, the emphasis of the project is on helping those without previous access to a medical eye physician (an ophthalmologist) and on helping those who may be without the means to pay.

HOW MANY OPHTHALMOLOGISTS HAVE VOLUNTEERED

More than 7,400 physicians have volunteered to care for seniors who may need the services of the NECP. There are over 8,900 locations nationwide where volunteer ophthalmologists will see NECP patients.

HOW DOES THE PROGRAM WORK

The program works like this: The public may hear about the toll-free Helpline number through a newspaper story, a radio announcement, a television public service announcement, or through a senior citizen or Area Aging center. Those who call will reach an operator and be asked a few questions to determine eligibility. This information is entered into a computer.

For those who are eligible and would like to see an ophthalmologist, the computer will match the caller to the volunteer ophthalmologist nearest the caller's home. Each referred caller is mailed a letter which provides the name of the ophthalmologist to call and provides details about guidelines of the project. Each volunteer physician is mailed a diagnosis form listing the patient's name, which alerts the doctor that the patient will be calling.

Those who wish information only are mailed an easy-to-read brochure about eye diseases of the aging. Those who are not eligible are also provided with information about how to contact a local ophthalmologist if they desire a second opinion. (The NECP is not designed to serve as a second opinion program.)

WHAT CARE WILL PATIENTS RECEIVE WHEN THEY VISIT THE OPHTHALMOLOGIST

Every patient will be given a comprehensive medical examination for eye diseases to determine what care may be necessary to protect the patient's vision. (This is not an eyeglasses program.) Those with previously undetected eye disease will be provided care for whatever condition or disease is diagnosed. (A caller may mistakenly say he or she does not have an ophthalmologist, but is actually under the care of one. These patients will be referred back to their regular ophthalmologist.)

IS THERE A COST TO NECP PATIENTS

Not usually. Services rendered by a volunteer ophthalmologist are provided at no out-of-pocket expense to the patient. Each volunteer has agreed to bill the patient's Medicare or other insurance, and for this program only, accept this as payment in full. The volunteer physician will not bill the patient for the remaining amount (the coinsurance or any unmet deductible). This is provided at no charge.

For those without insurance or means to pay, volunteer services are provided at no cost.

There are circumstances whereby a patient may be responsible for payment to someone other than the volunteer ophthalmologist. The following services are not covered:

Eye glasses, contact lenses, and prescription drugs.

Hospital services (which the hospital charges for).

Associated services of another medical professional, such as an anesthesiologist, etc.

It is important that patients have a clear understanding of possible charges. All callers who receive a referral are mailed an information sheet which provides details about project guidelines.

IN HONOR OF DR. JENNIFER HICKS

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ESPY. Mr. Speaker, today, I am pleased to recognize a woman, and a personal friend, whose career of service to the people of Vicksburg and west central Mississippi is an impressive example of dedication and commitment to those who are most vulnerable in our society.

For the last 8 years, Dr. Jennifer Hicks has served the people of Mississippi with compassion. The only woman obstetrician-gynecologist in Vicksburg, at last count she had delivered more than 600 babies in our community. She has worked tirelessly, for those who have much, as well as for those who have little. Yet, she has always given every mother and child the same love, the same care, the same consideration.

Now that Dr. Hicks is leaving Vicksburg, I want to share with the Congress the following article by Leslie Criss, from a recent issue of the Vicksburg Evening Post. Ms. Criss eloquently summarizes Dr. Hicks' love for and contributions to our community, and also how much we all will miss her.

DR. JENNIFER HICKS

(By Leslie Criss)

"You can't go home again."

Thomas Wolfe wrote it.

But Jennifer Hicks didn't believe it.

And home she came.

Back to the family who supported her dream of becoming a doctor.

A carpenter father and an educator mother who taught her to trample the limitations placed on her by those who didn't understand.

Home.

"Because I wanted to give something back," she has said.

So for the last eight years she has given.

And given.

With patience.

With compassion.

With commitment.

And with little relief.

These days, with mixed emotions, Dr. Hicks prepares to pack up her Vicksburg memories and head down the Muddy Mississippi to New Orleans.

In mid-October she will close her medical practice at the Olivia House and her years as Vicksburg's only woman obstetrician-gynecologist will come to an end.

When Dr. Hicks and her daughter Brandis move to New Orleans, she will join the faculty of Tulane Medical School and will also be involved in a medical practice in an on-campus clinic.

The decision to leave here wasn't made overnight. And it wasn't made easily.

But the decision made, Dr. Hicks is resigned to leaving.

Her years in Vicksburg, practicing alone, have not been easy. But when she speaks of the babies she has delivered, at last count 600 or more in five years, her eyes sparkle and her smile becomes contagious.

From her very first delivery, she knew she had found her calling.

At first the doctor tried to deliver babies at both hospitals, but after having a patient at each hospital at the same time in the same stage of labor, she realized her hands were full.

Especially when Sheriff Paul Barrett sent word to her that she was going to have to slow down on her treks between hospitals.

Along the way, she may have tried to take on far too much. But she made a commitment to care—for everyone—not just for those who were well-educated, well-dressed and could easily pay their bills.

So they sought her out—indigent patients from a four- and often five-county area. And she took them in.

It's a shame in this world today that altruism is rarely rewarded. In some instances it may even be suicidal.

And Jennifer Hicks is tired.

The help that could have been offered never came.

When she inquired on more than one occasion about a possible place for her in one of the local clinics, the response was always polite. But it was always the same.

Now the responsibility to care for the "least of these" will rest with others, who, too late, may discover what a treasure once walked among them.

When I moved to Vicksburg two years ago, I was impressed to find not one, but two hospitals, and enough physicians to circle a couple of city blocks in most small communities in the state.

It's nice to know qualified physicians are available, but, personally, I'd rather have root canal work done every day of the week than see a medical doctor.

As a kid I suffered from too many sore throats to count, so I visit our family doctor quite often.

I remember all too well his nurse Elmira's coming into the room, hypodermic hidden behind her back, while the doctor spouted off some nonsense about a "little bug bite."

Perhaps it was then and there my aversion to those in white coats began. But those fears ended the day I met Jennifer Hicks.

Taking time she really didn't have to spare, she sat down with me and talked. And before I left her office, we talked some more.

Realizing that I had not been to medical school, she explained things in a way I could understand. And when I talked, she listened patiently, even though her waiting room was overflowing.

She is eminently qualified as a professional. Of that there is no question.

But even more reassuring are her qualifications as a human being. She is kind and gentle. She is selfless and warm. And though she has ample reason to be bitter, her sense of humor thrives.

Regardless of her circumstances, she has never been a quitter. She is a survivor.

I, for one, am thankful that in this South of my birth I had parents who taught me along the way that differences in people make life more interesting. And an artist mother who showed me that every color on her palette was important to the outcome of the big picture.

I am grateful for the opportunity to know Jennifer Hicks as my physician and as my friend.

Vicksburg's loss is truly a gain for the people of New Orleans.

I just hope she will continue to believe that Thomas Wolfe was consummately wrong.

You can come home again.

TRIBUTE TO JOSEPH L. COLOSIMO AND FANNY PIEMONTESE: "CHAMPIONS OF ITALIAN HERITAGE"

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to two outstanding members of the Yonkers community, Mr. Joseph L. Colosimo and Mrs. Fanny Piemontese. On Friday evening, October 4, 1991, both Mr. Colosimo and Mrs. Piemontese will be individually honored by the Yonkers Columbus Day Celebration Committee at the annual dinner dance in recognition of their many contributions and efforts on behalf of the Yonkers and Italian-American communities.

Mr. Colosimo has been actively involved in the Yonkers community since 1960, donating his skills and time to such organizations as the Yonkers Junior Chamber of Commerce and the Yonkers Urban Renewal Committee. Through the years, he has continued his civic involvement to include the chairmanship of the Columbus Day celebration committee, trustee of the Westchester County Medical Center and member of the order Sons of Italy.

Mrs. Piemontese has also played an active and varied role as a community leader. She has selflessly given her time and talents to such causes as the Sicilian Disaster Relief Fund, the United Fund of Yonkers and Big Brother-Big Sisters of Yonkers. Through the years she has also played an important role as chairperson of the Benefit Shop of St. John's Riverside Hospital, county chairman of the Yonkers Cancer Society and member of the board of trustees of the Enrico Fermi Scholarship Fund.

Mr. Speaker, I ask all of my colleagues to join me in congratulating Mr. Colosimo and Mrs. Piemontese for their leadership and fine efforts that have benefited the Yonkers community. They both certainly deserve the honor bestowed upon them as "champions of Italian heritage."

THE EMPLOYEE BENEFITS AND JOB SECURITY ACT

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BILIRAKIS. Mr. Speaker, this week, I introduced H.R. 3443, the Employee Benefits and Job Security Act, as an alternative to mandatory unpaid leave. This legislation is designed to provide job security for employees who take leave from work for a legitimate personal reason, to encourage employers to contribute toward the costs of leave-related expenses, and to provide greater flexibility for employers and employees in selecting benefit packages, regardless of the size of the company.

My bill is similar in approach to the American Family Protection Act—H.R. 1270—introduced by Representative STENHOLM. Like H.R. 1270, my bill applies to all businesses, regardless of size, and requires businesses to give rehiring preferences to employees who take leave for up to 6 years to care for a child or for up to 2 years to care for a seriously ill family member.

In addition, my bill would also provide a rehiring preference for employees who take leave for up to 2 years for their own serious illness, or for up to 1 year to participate in a qualified educational program.

Under the provisions of my bill, an employee who takes leave is granted a preferential rehire status and is entitled to be reinstated in the original or a similar position, if one is available. If an appropriate position is not open when the employee applies for reemployment, the employee is entitled to the first similar position which becomes available, and the employer must give the employee notice of all similar positions which become available for a period of 1 year. In order to be eligible for leave, an employee must have worked for 2,000 hours during the previous 14-month period.

Businesses would be allowed to deny reinstatement to an employee if circumstances had so changed during the period of leave as to make reemployment unreasonable, or if the employee was subject to disciplinary action at the time leave was requested. In addition, businesses with 50 or more employees may deny reinstatement to the highest paid 10 percent of employees or 5 highest paid employees, if necessary to prevent substantial and grievous economic harm to the employer's operations.

My bill also provides greater flexibility for employers and employees in defining the terms of employment benefit packages, effectively creating a cafeteria plan of benefits. Absent coercion, the employer and employee can agree in writing to vary the requirements and conditions of the reemployment rights or substitute another arrangement or employment benefit package.

Most importantly, my bill would grant employers an important tax incentive in the form of an additional 50-percent deduction of the cost of providing certain employee benefits—including health care coverage, educational benefits, sick leave, child care, salary and pension benefits—in order to encourage employers to provide such benefits.

SUMMARY OF THE EMPLOYEE BENEFITS AND JOB SECURITY ACT

CONDITIONS OF LEAVE

The bill grants employees unpaid leave for up to six years to care for a child, for up to two years because of serious illness or to care for a seriously ill family member, or for up to one year to participate in a qualified educational program.

An employee who takes leave is granted a "preferential rehire" status and is entitled to be reinstated in the original or a similar position, if one is available.

Upon reinstatement, the employee retains any seniority and benefits accrued before taking leave.

The employee has the burden of proof in showing that he or she is qualified to assume the position in question.

If an appropriate position is not open when the employee applies for reemployment, the employee is entitled to the first similar position which becomes available, and the employer must give the employee notice of all similar positions which become available for a period of one year.

ELIGIBLE EMPLOYEES

In order to be eligible for leave, an employee must have worked for 2,000 hours during the previous 14 month period.

An employee must provide the employer 30 days written notice of his/her intent to take leave, unless impossible.

The provisions of the bill apply to employees in all businesses, regardless of the number of employees.

EXEMPTIONS

Businesses would be allowed to deny reinstatement to an employee if circumstances had so changed during the period of leave as to make reemployment unreasonable, or if the employee was subject to disciplinary action prior to leave.

Businesses with 50 or more employees may deny reinstatement to the highest paid 10 percent of employees or 5 highest paid employees, if necessary to prevent "substantial and grievous economic harm" to the employer's operations.

SUBSTITUTION/WAIVER

Absent coercion, the employer and employee can agree in writing to vary the requirements and conditions of the reemployment rights or substitute another arrangement or employment benefit package.

REMEDIES

An aggrieved employee can file a charge with the Department of Labor and may file a civil action directly against the employer if the DOL is unable to resolve the complaint.

Damages in a civil action are limited to the amount of lost back pay and benefits, plus reasonable attorney's fees.

TAX INCENTIVES

The bill would grant employers an additional 50 percent tax deduction of the cost of providing certain employee benefits (including health care coverage, educational benefits, sick leave, child care, salary and pension benefits), in order to encourage employers to provide such benefits.

ANOTHER GREAT ACCOMPLISHMENT BY TRAVERSE CITY JUNIOR HIGH SCHOOL'S STUDENTS, FACULTY AND ADMINISTRATION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. VANDER JAGT. Mr. Speaker, to be the best. We all strive, a very few succeed. Even fewer can claim to be among the very best twice in a decade.

But then very few schools are like Traverse City Junior High School. At a ceremony at which President George Bush and First Lady Barbara Bush recognized the U.S. Department of Education's 1990–91 Blue Ribbon National Exemplary Schools, the Traverse City school received awards from not only Education Secretary Lamar Alexandar, but also from John Frohnmayer, the Chairman of the National Endowment for the Arts. You see, the Traverse City Junior High School is also one of the 25 outstanding schools in the Nation for integrating arts into the curriculum.

Only 32 schools nationwide were great winners of the national Exemplary School Award, Traverse City having been recognized in 1983–84. But then that is the kind of excellence that is an ongoing picture: a montage of supportive citizens, capable and dedicated administrators and teachers, involved parents, and, of course, enthusiastic and interested students.

That is a winning combination, and in this case the winners are all us, because such a school produces young folks who are ready for the challenges of high school and adolescence. With a solid foundation, they can prepare themselves during their high school years for whatever future they seek, and be confident of continued success.

Because success does breed success. At the institutional level, clearly, the Traverse City Junior High School continues to succeed, indeed to excel. At the student level we know that the young people who benefit from this excellence, and who are a part of it, will take sound study habits, an enthusiasm for learning, and a sense of community into their formative young adult years. And the fact that, combined with overall educational excellence, the Traverse City experience brings a sensitivity to the arts means that these young people will bring a well-rounded openness to beauty as well as books.

We in Michigan's Ninth Congressional District are proud of the Traverse City community and of this very special achievement. The Traverse City Eagle details the story of the awards, past and present, of the Traverse City Junior High School. I offer this narrative for the review of my colleagues and ask that they join me in a hearty congratulations.

[From the Traverse City Record Eagle, Sept. 26, 1991]

TC JUNIOR HIGH OFFICIALS GET PRESIDENTIAL PRAISE

(By Steve Hendrix)

WASHINGTON.—Traverse City Junior High School officials, for the second time in seven years, traveled here to receive presidential congratulations for their educational success.

At a lunch banquet Wednesday, four junior high teachers and administrators joined their counterparts from all 222 "Blue Ribbon Schools" named by the Bush Administration as the best of the nation's schools for the 1990–91 school year.

President Bush, joined by his wife Barbara and U.S. Secretary of Education Lamar Alexander, told educators that honoring their success was part of his effort to improve education throughout the country.

"Part of reform is shining a spotlight on the schools that work, on the people that make them work," Bush said. "You are the success stories. We're charting a new course for our nation's schools and you are the pioneers."

Schools win the blue ribbon designation after a lengthy review process that includes nomination by state education departments, school visits by national officials and, ultimately, selection by the Secretary of Education. Winning schools receive a plaque and a "Blue Ribbon" flag to fly for the coming year and, of course, two days of pomp and ceremony in the nation's capital.

"It's the highlight of my teaching career," said reading teacher Shirley Forton, who attended the ceremony along with Assistant Principal Steve Bates, choir director Tom Stokes and Meg Oberlin, director of staff development and student services for Traverse City schools.

An autumn rain forced the cancellation of a planned White House ceremony and the President instead delivered his address in the hotel ballroom where the teachers gathered for the awards ceremony.

"We had planned on hosting you all on the White House lawn, and here I am the one making the field trip," Bush quipped.

Bush also paid special tribute to the 32 schools, including Traverse City Junior High, that were being honored for the second time. The school was also selected as an outstanding institution in the 1983–84 school year.

"We're glad that we maintained the excellence," said Bates of the schools repeat success. "The biggest factor is the staff. Our staff is just flatout outstanding."

The Traverse City school was one of the few to be doubly honored at the ceremony, being one of only 25 schools nationwide recognized for it's outstanding fine arts programs. Those schools, selected by the National Endowment for the Arts, were chosen for using art to teach "creative problem solving, self expression, and understanding of world cultures," according to NEA Chairman John Frohnmayer.

"These 25 schools are now models as to how the arts can be integrated into other areas." Frohnmayer said at the awards ceremony.

H.R. 3033, JOB TRAINING REFORM AMENDMENTS

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. PERKINS. Mr. Speaker, the Committee on Education and Labor has reported to the House H.R. 3033, the job training reform amendments, a bill to reform and restructure the Job Training Partnership Act of 1982 [JTPA]. It is anticipated that this measure will be scheduled for consideration under "suspension of the rules" on Monday, October 7.

H.R. 3033 retains the public-private partnership that forms the basic delivery system for JTPA, and preserves the emphasis on program outcomes through the use of revised performance standards. Throughout the bill an emphasis is placed on serving the hard-to-serve, with barriers to employment in addition to their poverty. Longer, more comprehensive services, are mandated with an assessment and service strategy provided for each participant. The Secretary, in consultation with the inspector general, would be required to issue detailed procurement standards to address the numerous program integrity abuses reported over the last few years.

In anticipation of any questions Members may have on this bipartisan legislation, I am including with this statement a summary that has been prepared by my staff on the Subcommittee on Employment Opportunities.

SUMMARY OF H.R. 3033, THE JOB TRAINING REFORM AMENDMENTS

H.R. 3033 to the Job Training Partnership Act (JTPA) makes a number of improvements and modifications. This legislation is designed to reform and strengthen the Act's services for economically disadvantaged adults and youth.

H.R. 3033 retains the public/private partnership that forms the basic delivery system for JTPA, and preserves the emphasis on program outcomes through the use of revised performance standards. Throughout the bill an emphasis is placed on serving the hard-to-serve, with barriers to employment in addition to their poverty. Longer, more comprehensive services, are mandated with an assessment and service strategy provided for each participant. The Secretary, in consultation with the Inspector General, would be required to issue detailed procurement standards to address the numerous program integrity abuses reported over the last few years.

ADULT AND YOUTH PROGRAMS

H.R. 3033 separates the year round youth services provided in the existing title IIA adult and youth program into a new title IIC youth program. To be eligible for services under title IIA, individuals must be economically disadvantaged adults age 22 or older, and at least 60 percent of these adults must have at least one prescribed barrier to employment in addition to poverty. As in current law, 10 percent of these participants may be non-economically disadvantaged if they face at least one other barrier to employment.

The proposed title IIC program for youth, aged 16 through 21, will have the similar eligibility requirements to the adults listed above. High school dropouts under the age of 18, however, must return to school or some form of alternative educational program as a part of their participation in JTPA. Of the title IIC participants, 60 percent must be out-of-school. With limited exceptions, a governor may lower the service delivery area (SDA) requirement to a minimum of 40 percent. These exceptions are: a dropout rate of less than 10 percent, or excluding from the computation of the 60/40 percent ratio all of the in-school youth served in a schoolwide project.

Schoolwide projects are authorized under title IIC to target in-school youth in neighborhoods with a poverty rate over 30 percent. In these high poverty areas, in high schools where at least 75 percent of the students face the additional barriers to employment listed in title IIC, the entire school would be eligible for services without income certifying each individual youth.

The title IIB Summer Youth program will retain the same eligibility requirements as in current law. Language is added to this part to encourage the concurrent enrollment or transfer of summer youth into the title IIC year round youth program.

FUNDING

The bill includes a declaration of policy that encourages the expansion of the title II program by increasing funds by at least 10 percent each year to increase the 5 percent of eligible youth and adults currently served. Increased funding will be required simply to maintain current service levels, since these amendments require longer, more comprehensive training services.

Only technical changes are proposed in the funding formula, such as the exclusion of college students and individuals in the armed forces from the poverty data.

Subject to the approval of the Governor, SDAs may transfer up to 10 percent of their title IIA and IIC funds between these titles (IIA and IIC), depending upon local need to serve more adults or more youth.

A new reallotment and recapture provision is added for excess carryover funds in title II programs.

STATE SET-ASIDES

Of the funds appropriated for title IIA and IIC, 19 percent will be set-aside at the state level for the following activities: 6 percent for incentive grants to local SDAs who have exceeded all performance standards while also exceeding performance standards for the hard-to-serve; 5 percent for state administration and monitoring of programs; and 8 percent for state education coordination and grants.

The existing 3 percent state set-aside for older worker programs would be replaced with a requirement at the local level that at least 8 percent of an SDAs funds under title IIA be targeted at participants aged 55 or older.

ASSESSMENT

The education, skill level, and service needs of each title IIA and IIC participant will be assessed, and a service strategy must be developed. In these two titles, each participant must be provided, directly or through arrangement, the education, skills training and supportive services necessary when the assessment indicates such a need.

In title IIB each participant must be assessed for basic skills and support services. Other assessment tools are encouraged, as is the development of a service strategy.

In title IIA and IIC, each SDA shall ensure that each applicant who meets the minimum income eligibility criteria be provided information on all appropriate services along with a referral to other appropriate programs to meet the applicant's basic skills and training needs.

COST CATEGORIES

Under current law, SDAs must spend at least 70 percent of their funds on training activities, with a maximum of 15 percent on administration, and the remainder on support services. This bill proposes a minimum of 50 percent be spent on direct training activities, a maximum of 20 percent on adminsitration, and the remaining 30 percent or less on support services and training-related services.

Each of these categories is defined, including the addition of work experience, counseling, assessment, and case management into the training category, and the inclusion of financial assistance in the support services definition. With limited prescribed exceptions, all costs must be charged to the appropriate cost category.

PROCUREMENT

The Secretary is required to prescribe regulations establishing detailed, uniform procurement standards and cost principles to ensure fiscal accountability and prevent waste, fraud and abuse in these programs. In establishing these standards the Secretary shall consult with the Inspector General and take into consideration the relevant OMB circulars. The standards prescribed shall ensure that procurements are competitive, include an analysis of the reasonableness of costs, do not provide excess program income or profit, and that no conflict of interest exists in the grant selection.

This legislation allows SDAs to use advance payments of up to 20 percent when contracting with nonprofit organizations, based on the financial need of the organization.

DOCUMENTATION

Instructs the Secretary to provide guidance and technical assistance to states and SDAs on minimizing documentation to verify eligibility, demonstrate additional barriers to employment, and conduct assessments to ensure that these requirements do not discourage program participation. The establishment of uniform standards and automated intake procedures are encouraged.

The bill adds a new requirement that any additional state or SDA imposed rule, regulation, policy, or performance standard relating to this program must be identified as a state or SDA imposed requirement.

ON-THE-JOB TRAINING

The bill limits on-the-job training (OJT) to 6 months and prohibits SDAs from contracting with employers who have exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages and benefits at the same level.

ECONOMIC DEVELOPMENT ACTIVITIES

The legislation prohibits the use of funds for activities such as: economic development, employment generating activities, revolving loan funds, contract bidding resource centers, and other activities that do not result in the direction creation of jobs in which JTPA participants are placed. No funds under title II or III are to be used for foreign travel. No funds shall be used to assist or encourage business relocations. If such a violation is alleged the Secretary shall consult with the appropriate labor, business, and public agencies in making a determination of whether a violation has occurred.

PERFORMANCE STANDARDS

H.R. 3033 amends adult and youth performance standards to include employability competencies, such as the attainment of a high school diploma or its equivalent. The bill mandates that each Governor adjust the standards to reflect economic, geographic, demographic and other different factors in the state and SDAs.

H.R. 3033 amends the incentive grants to emphasize exceeding performance in services to the hard-to-serve, or those with additional barriers to employment. The Secretary is required to establish uniform criteria defining failure to meet performance standards by an SDA.

The legislation requires the Governor to report final performance for each SDA, and on his or her plans to provide technical assistance to SDAs failing to meet these standards. The Governor is required to notify the Secretary of continued failure (2 program years), along with plans for reorganizing and restructuring the SDA and the private industry council. If the Governor fails to address the SDA's failure to meet performance standards, the Secretary shall withhold one-fifth of the five percent state's administration set-aside to provide these services.

DATA COLLECTION

The amendments would require improved and expanded data collection, particularly on sex, race, age and occupation. The cross tabulation of various state and SDA produced data will also be required.

TITLE III

The title III dislocated worker program is amended to change the cost category calculations to be based on "allocations" instead of "expenditures" now required in current law. Since precise expenditures are not known until after the end of the grant period, it is difficult to keep these costs within their limitation. It makes planning difficult, particularly for unexpected plant closures.

JOB CORPS

Amends Job Corps to increase the ceiling on the proportion of nonresidential slots in the program from 10 to 20 percent, with a priority given to parents with dependent children. Prohibits private contractors from managing a Civilian Conservation Center. Includes a provision for a 1 percent minimum management fee for all Job Corps contractors.

YOUTH OPPORTUNITIES UNLIMITED

Creates a new Youth Opportunities Unlimited program under title IV to provide training grants to high poverty communities in a target area with a population of 25,000. These grants would allow communities to provide comprehensive services to all low-income youth in need. A 50 percent state or local match is required.

DISASTER RELIEF

The bill adds permanent authority of $15 million each year to fund public service employment for disaster relief as defined in the Disaster Relief Act of 1974.

STATE HUMAN RESOURCE INVESTMENT COUNCILS

An amendment is included to add an optional state human resource investment council, as long as an agreement is reached by the state agencies responsible for administering affected programs.

SWEDEN RIGHT, HARKIN LEFT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. CRANE. Mr. Speaker, it is indeed ironic that while the entire world seems to be moving toward free market principles and away from big centralized governments and planned economies, we find the leaders of the Democratic Party moving exactly in the opposite direction. The Democratic Party apparently believes that the Federal Government holds the solution to all our problems big and small, and that Democrats should have license to continue to tax and spend the hard-earned income of the American people with impunity—after all Big Brother knows best. Although Democrats may believe that the sky is the limit when it comes to spending other people's money, we have now found that even in a country like Sweden, the penultimate welfare state, there are limits to what politicians may get away with.

Astonishingly, more than 60-percent of Sweden's national income goes to fund government. Apparently the Swedish people are now fed up with this state of affairs, and have elected a conservative government promising tax cuts and cuts in government spending. Although the United States has yet to reach the 60 percent mark, we are approaching that figure all too rapidly. Despite the misguided rhetoric of the junior Senator and Presidential hopeful from Iowa, one can only hope that Democrats will learn from the failure of socialism in Sweden and around the world, and will abandon their welfare state mentality which has only led to economic and social decline. I commend to my colleagues the following editorial which appeared in the September 20, 1991, Detroit News.

SWEDEN RIGHT, HARKIN LEFT

It is a sign of the Democrats' disarray that even as socialism collapses overseas, it is alive and well in their own party.

Last Sunday, that last bastion of "democratic socialism," Sweden, turned strongly away from its welfare-state roots and threw out the ruling Social Democrats. In their place came a conservative coalition united behind a 42-year-old leader, Carl Bildt. He promises tax cuts, privatization, reductions in Sweden's bloated bureaucracy and a significant overhaul of the state's national health system.

By contrast, the Democratic candidate who has been getting the most media attention in the United States, Sen. Tom Harkin of Iowa, is heading in the opposition direction. Sen. Harkin is preaching more class warfare, more welfare-state socialism, massive tax increases and national health insurance program just as comprehensive as Sweden's.

Not all Democrats agree with Sen. Harkin, of course. Two other Democratic candidates, Virginia Gov. Douglas Wilder and Arkansas Gov. Bill Clinton, have voiced criticism of the Harkin approach. Said Gov. Wilder recently, "We don't need divisiveness to pit one group against another. We shouldn't talk about taxing the rich. We should not tax anyone until we eliminate waste and spending."

And Gov. Clinton criticized Harkin's "orgy of Bush-bashing" and challenged Democrats to put forward their own growth program that would "get America moving again."

But it's not clear that either Govs. Clinton or Wilder have the ear of the aging 1960s activists who still run the Democratic Party. Their hearts are clearly with the Harkin brand of Beltway bolshevism, a vision that thinks all the country needs is a big surtax on millionaires to finance redistribution to everybody else.

The so-called "third way" between capitalism and Communism very nearly destroyed the otherwise homogeneous and industrious Swedish economy, chasing capital investment out and forcing rich-man's tax rates on the middle and lower classes. More than 60 percent of national income now goes to government, nearly double the U.S. level, even if you include state and local government.

In a global marketplace where information is king, bureaucracies and their command-and-control regulations are increasingly obsolete under both Marxist and non-Marxist regimes. Sen. Harkin is called a "populist" by his apologists. In fact, he is just another old-fashioned socialist. He was one of the strongest and most open supporters of Nicaragua's Sandinista regime on Capitol Hill in the 1980s. And for a period he met routinely with the Institute for Policy Studies, a far-left think tank in Washington with roots in Marxist thought.

That does not mean Democrats have to sound like Republicans. But they don't have to sound like warmed-over Swedish socialists, either. Sen. Harkin's failure to embrace the basic market economic system marks him as not only outside the American mainstream, but increasingly outside the world mainstream. As one perceptive Swedish commentator summed it up recently, "The third way leads only to the Third World."

OIL AND THE INUPIAT ESKIMOS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I would like to submit for the RECORD an article which appeared in the August 28 edition of The Washington Post titled Oil and the Inupiat Eskimos. The article was written by Ms. Brenda Itta-Lee, vice president for Human Resources for the Arctic Slope Regional Corp., of which some Inupiat Eskimos are shareholders. Ms. Itta-Lee's regional corporation is from Barrow, AK, and they own much of the land in ANWR which is under debate for oil exploration and development.

She speaks for the Inupiat Eskimos of the ASRC and I feel it is important that their voice be heard.

OIL AND THE INUPIAT ESKIMOS

An Aug. 12 news story reported that the elders of the Gwich'in tribe from Arctic Alaska and Canada met in Arctic Village to oppose legislation that would open the coastal plain of the Arctic National Wildlife Refuge to oil exploration and development. The elders said they are working to protect the caribou, which they depend on for much of their food.

However, the Gwich'in, some members of Congress and many environmentalists are telling the Inupiat Eskimos that we cannot develop our native-owned lands, even though they do not live here or even own a part of the land.

The Inupiat Eskimos do the actual day-to-day work to protect the caribou and the environment on Alaska's North Slope. My parents taught me, as their parents taught them, that if we do not take care of our environment, we will die, because it is a very harsh and an extremely cold place to live. Therefore, in order to survive, for centuries we have been stewards of the land and animals and have attained a reputation of being the best of environmentalists and conservationists anywhere.

We live in harmony with and off the land. We demand that all who come into our area share our respect for the land and the animals. When Prudhoe Bay oil was discovered, the Inupiat Eskimos were also the ones who did the day-to-day work to persuade the oil companies to meet our demand to operate in an environmentally sensitive and scientifically correct way.

We feel that the oil industry so far has complied with our demands to protect the environment. The caribou herd at Prudhoe Bay has increased six-fold since the oil discovery there. The caribou and other wildlife and their habitat are treated with great care.

The Arctic Slope Regional Corp., which represents 6,000 Inupiat Eskimos of Alaska's North Slope, favors extending oil development to the coastal plain of the Arctic National Wildlife Refuge. The national needs domestic oil. So do my people.

At a minimum, the approximately 92,000 acres of private lands owned by the Arctic Slope Regional Corp. should be allowed to be developed. Revenues from the only economy we have—the oil industry—have provided high schools in each of our eight villages for the first time in our history. We now have health clinics, utilities, a local senior citizens' home and other basic public services that most Amercans take for granted.

The Inupiat Eskimos are the ones who have worked hard daily to protect Alaska's North Slope, because we have chosen to live here. I hope Amercans and Congress listen to our side too.

TRIBUTE TO JOSEPH J. LAMB

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SANTORUM. Mr. Speaker, on July 31, 1991, the 18th District, the State of Pennsylvania, and the Nation experienced the loss of a true model citizen and veritable hero. For 75 years, Joseph J. Lamb exemplified and gave genuine meaning to the words "service to fellow man." His strength of character guided his actions in all aspects of his life, always in the right direction, a direction of selfless service to his family and his country.

I respectfully offer the eulogy for Joseph J. Lamb, entitled "My Father, My Hero," given by his son, Michael G. Lamb, on August 3, 1991. It is the story of a man from whom we all can learn a great deal as we confront the various tests and crises thrust upon us in our lives. He remains a hero, not for the sake of heroism, but for the ideals of right and justice. We can only hope to follow in his footsteps.

MY FATHER, MY HERO

(Eulogy for Joseph J. Lamb, 1916–1991)

I would like to thank my family, Father John, Father Newmeyer, and all our many friends for their tremendous support during this difficult time. I would also like to share with you my thoughts regarding my father. His death is hard to accept. But I believe it has a meaning; a meaning that in part lies in learning from the lives of those who have gone before us.

In the last days of Dad's life, his brother Carl recalled to me how vividly he remembers my father returning from basic training during the war. "I can still see him", Carl said, "I was 13 years old and he was my hero." The day that my father died Carl whispered the same words at his bedside, "he was my hero". Since then those words have remained fixed in my mind. What is a hero? Is he the baseball slugger, or the movie star, the army general, the famous political leader or the talented singer? Somehow, I don't think these are our real heroes. It seems every evening, the news reveals yet another scandal involving such pseudoheroes, the athlete who abuses drugs, the movie star's perversions, the politician's corruption, and the wealthy businessman's extramarital affairs.

Yet I think my father truly was a hero. For in an age rampant with divorce and infidelity; he was happily married for 44 years.

In an age in which families fall apart, he always kept his together. For him the word "family" meant everything.

In an age of selfishness, he thought of others first.

In an age of dishonesty, he championed the truth, and in all his affairs he was scrupulously honest.

In an age of racial strife, he abhorred prejudice and his company in the Hill District of Pittsburgh employed blacks and whites as equals long before there were civil rights laws.

In the world of business he was very successful and he retired with many friends and no financial worries, but he never had to cheat anybody to get there. As a boy at age 2, his mother died and though he didn't know her, Dad always felt that loss. He extended this feeling to others who suffered similarly from losing their parents, contributing for over 50 years to Boys Town. He never took credit for this or any of the other multiple charities that he silently donated to over the years. My father always said there is no limit to the good a man can do if he doesn't care who gets the credit.

During the second world war at age 25, he volunteered for duty in the Army and gave up a safer desk position that he could have had in the Merchant Marines, to his younger 19 year old brother Dan. He neglected his own safety so that his brother would be out of harms way. Dan never forgot the sacrifice that my father made. They remained forever close, and the best of friends.

My father served in North Africa, Italy, France and Germany during the war. He was wounded in action in France and was awarded the Purple Heart. In the battle of the Rhineland, he rushed into enemy fire to rescue a young private, risking his life for a person he didn't even know. For that act, he was given the Bronze Star for heroic achievement.

Dad seldom talked of these events, and in fact purposely concealed them for many years, because he did not wish to glorify war. Even today, some of his family and many of his friends never knew that he had won the Bronze Star. Dad felt he was lucky to have survived the war and believed that what he did was no more than his duty. The real war heroes, he said, lie buried in France.

In his last years, despite a terrible illness, he retained his wonderful sense of humor, joking with nurses and family even during his final few days. He suffered with dignity and gallantry, with the disease never really besting him. In spirit, he was the winner and the illness the loser. My father's valor, was exemplified best, not so much in his military record as in the way he adhered to his ideals and beliefs in his daily life. He was a decent courageous man who did his best for his family, his fellow man, and his country.

And yet, there will be no 21 gun salute for my father today, the flag will not be at half mast and he won't make the big headlines on the evening news. That's the way he would have wanted it. His will be the fanfare of the common man, although he was a very uncommon man.

To my mother, who he loved very dearly for 44 years, he was her hero.

To my brother, who he helped become a successful salesman, he was his hero.

To me, he was my father, he was my hero.

NATIONAL METRIC WEEK OCTOBER 6–12, 1991

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BROWN. Mr. Speaker, beginning with the 1988 passage of the Omnibus Trade and Competitiveness Act, the Federal Government policy on metric conversion changed from passive to active. The long-term objective of this shift is to establish metric as the preferred measurement system for United States trade and commerce. As National Metric Week, October 6–12, approaches, I would like to call to the attention of my colleagues Executive Order 12770, Metric Usage in Federal Government Programs, signed by President Bush on July 25, 1991.

The order was issued to implement the Metric Usage Act which became law as section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100–418). That act requires all Federal agencies to use the metric system of measurement in its procurements, to the extent economically feasible, by the end of fiscal year 1992. It also calls for Federal agencies to provide assistance to those companies seeking to convert to metric. It changed our national metric policy from accommodating the increasing use of metric to a declared preference for metric in U.S. trade and commerce. All Federal agencies are now directed to implement the new policy through specific metric usage initiatives.

I am pleased that through the issuance of this Executive order the President has demonstrated the commitment of the administration to achieve the objectives contained in the legislation. The Executive order notifies Government agencies that they must have their metric conversion plans completed and approved by their department or agency heads by November 30, 1991. The Secretary of Commerce is required to report to the President annually on the progress made in implementing the order, and by October 1, 1992 to recommend any additional measures needed to achieve the full economic benefits of metric usage.

Mr. Speaker, I am especially pleased by the issuance of this Executive order because of the importance of metric conversion to our country's economic competitiveness. The United States is the only industrial country which has not adopted the metric system of weights and measures, and companies that cannot manufacture in metric will increasingly find doors closed to them. Japan has recently identified the United States' non-metric activities as a strategic impediment to trade, and the European Community has threatened to keep nonmetric products out of their economic union. Strong government leadership is needed to help American small manufacturers thrive while using world measurement standards. The text of the Executive order follows:

[Executive Order 12770 of July 25, 1991]

METRIC USAGE IN FEDERAL GOVERNMENT PROGRAMS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Metric Conversion Act of 1975, Public Law 94-168 (15 U.S.C. 205a *et seq.*) ("the Metric Conversion Act"), as amended by section 5164 of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418 ("the Trade and Competitiveness Act"), and in order to implement the congressional designation of the metric system of measurement as the preferred system of weights and measures for United States trade and commerce, it is hereby ordered as follows:

Section 1. *Coordination by the Department of Commerce.* (a) The Secretary of Commerce ("Secretary") is designated to direct and coordinate efforts by Federal departments and agencies to implement Government metric usage in accordance with section 3 of the Metric Conversion Act (15 U.S.C. 205b), as amended by section 5164(b) of the Trade and Competitiveness Act.

(b) In furtherance of his duties under this order, the Secretary is authorized:

(1) to charter an Interagency Council on Metric Policy ("ICMP"), which will assist the Secretary in coordinating Federal Government-wide implementation of this order.

Conflicts and questions regarding Implementation of this order shall be resolved by the ICMP. The Secretary may establish such subcommittees and subchairs within this Council as may be necessary to carry out the purposes of this order;

(2) to form such advisory committees representing other interests, including State and local governments and the business community, as may be necessary to achieve the maximum beneficial effects of this order; and

(3) to issue guidelines, to promulgate rules and regulations, and to take such actions as may be necessary to carry out the purposes of this order. Regulations promulgated by the Secretary shall function as policy guidelines for other agencies and departments.

(c) The Secretary shall report to the President annually regarding the progress made in implementing this order. The report shall include:

(1) an assessment of progress made by individual Federal agencies towards implementing the purposes underlying this order.

(2) an assessment of the effect that this order has had on achieving the national goal of establishing the metric system as the preferred system of weights and measures for the United States trade and commerce; and

(3) on October 1, 1992, any recommendations which the Secretary may have for additional measures, including proposed legislation, needed to achieve the full economic benefits of metric usage.

Sec. 2. *Department and Agency Responsibilities.* All executive branch departments and agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order. Consistent with the mission, the head of each executive department and agency shall:

(a) use, to the extend economically feasible by September 30, 1992, or by such other date or dates established by the department or agency in consultation with the Secretary of Commerce, the metric system of measurement in Federal Government procurements, grants, and other business-related activities. Other business-related activities include all use of measurement units in agency programs and functions related to trade, industry, and commerce.

(1) Metric usage shall not be required to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms.

(2) Heads of departments and agencies shall establish an effective process for a policy-level and program-level review of proposed exceptions to metric usage. Appropriate information about exceptions granted shall be included in the agency annual report along with recommendations for actions to enable future metric usage.

(b) seek out ways to increase understanding of the metric system of measurement through educational information and guidance and in Government publications. The transition to use of metric units in government publications should be made as publications are revised on normal schedules or new publications are developed, or as metric publications are required in support of metric usage pursuant to paragraph (a) of this section.

(c) seek the appropriate aid, assistance, and cooperation of other affected parties, including other Federal, State, and local agencies and the private sector, in implementing this order. Appropriate use shall be made of governmental, trade, professional, and private sector metric coordinating groups to secure the maximum benefits of this order though proper communication among affected sectors.

(d) formulate metric transition plans for the department or agency which shall incorporate the requirements of the Metric Conversion act and this order, and which shall be approved by the department or agency head and be in effect by November 30, 1991. Copies of approved plans shall be forwarded to the Secretary of Commerce. Such metric transition plans shall specify, among other things:

(1) the total scope of the metric transition task for that department or agency, including firm dates for all metric accomplishment milestones for the current and subsequent fiscal year;

(2) plans of the department or agency for specific initiatives to enhance cooperation with industry, especially small business, as it voluntarily converts to the metric system, and with all affected parties in undertaking the requirements of paragraph (a) of this section; and

(3) specific steps and associated schedules through which the department or agency will seek to increase understanding of the metric system through educational information and guidance, and in department or agency publications.

(e) designate a senior-level official as the Metric Executive for the department or agency to assist the head of each executive department or agency in implementing this order. The responsibilities of the Metric Executive shall include, but not be limited to:

(1) acting as the department's or agency's policy-level representative to the ICMP and as a liaison with other government agencies and private sector groups:

(2) management oversight of department or agency outreach and response to inquiries and questions from affected parties during the transition to metric system usage; and

(3) management oversight of preparation of the department's or agency's metric transition plans and progress reports, including the Annual metric Report required by 15 U.S.C. 205j and OMB Circular A-11.

(4) preparation by June 30, 1992, of an assessment of agency progress and problems, together with recommendations for steps to assure successful implementation of the Metric Convention Act. The assessment and recommendations shall be approved by the head of the department or agency and provided to the Secretary by June 30, 1992, for inclusion in the Secretary's October 1, 1992, report on implementation of this order.

Sec. 3. *Application of Resources.* The head of each executive department and agency shall be responsible for implementing and applying the necessary resources to accomplish the goals set forth in the Metric Conversion Act and this order.

Sec. 4. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other person.

GEORGE BUSH.

THE WHITE HOUSE, *July 25, 1991.*

TRIBUTE TO THE MORRIS HEIGHTS HEALTH CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SERRANO. Mr. Speaker, I rise today to recognize the outstanding service of the Morris Heights Health Center. Located at 85 West Burnside Avenue, Morris Heights has been providing comprehensive, quality health care to the citizens of my district, the south Bronx, and to constitutents of other nearby areas for the past 10 years.

In the late 1970's, so few medical service providers existed in the Bronx, that concerned citizens joined together to establish a health care facility that would provide excellent service at a reasonable cost. During this period, the medical community practically abandoned the Bronx area, leaving behind a predominant minority population with towering health and social needs. Not only did the community of the Bronx face a fundamental lack of health services, but the problems of poor housing and other social ills that afflict impoverished neighborhoods began to entrench upon the region. It was at this point that citizens lobbied to change these dismal conditions, and to press for the foundation of a center that would effectively meet their demands.

Mr. Speaker, the Morris Heights Health Center serves as an example of what occurs when citizens mobilize and act to respond to a community's pressing needs. Morris Heights exemplifies the success that results when people work together to improve their quality of life.

With determination and conviction, the founders of the Morris Heights Health Center stuggled tirelessly to attain funding for their facility. In 1978, they received a demonstration grant of $75,000 from the Public Health Service through the Urban Health Initiative Program. Following 2 years of diligent planning, the center finally became a reality. In March of 1981, Morris Heights opened its doors to the community of the Bronx with a staff of only 10 people.

The Morris Heights Health Center was eagerly embraced by the community. The call for the services provided by the center was so extensive that after 3 short years the center outgrew its original goals. As a result, Morris Heights purchased and renovated a building at a cost of $4.5 million, and in May of 1987, the center moved operations to its current location.

From its inception until today, the center has grown to successfully address the demands of the community. Presently, Morris Heights, with a staff of over 130 and an operating budget of $7.5 million, tends to a patient population of over 20,000. Some of the services provided by the center include medical, dental, mental health counseling, childbearing care, WIC, and HIV to guarantee a compendium of services. The HIV Treatment and Prevention Program, one of three demonstration projects in the Nation funded by the Centers for Disease Control, is the last service being provided at Morris Heights.

Because of the community's vision and determination, Morris Heights stands today both as a model of excellence and a beacon of hope to other communities facing similar challenges. However, Morris Heights' struggle is far from over. In order to address the special needs of the diverse and growing population in the area, the center has once again reached the point where expansion has become a necessity.

Mr. Speaker, on behalf of the Bronx community I would like to thank the Morris Heights Health Center for its untiring commitment to provide quality health care, and to better the quality of life in our community. I hope that the community continues to aggressively support the center's endeavors, and that Morris Heights continues to receive the necessary funding crucial to maintaining its operations.

ANTARCTIC ENVIRONMENTAL PROTECTION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BROOMFIELD. Mr. Speaker, today and tomorrow in Madrid, United States negotiators will put the finishing touches on the Protocol on Environmental Protection to the Antarctic Treaty. The protocol will be signed tomorrow, concluding a negotiating process that officially began only last November.

The conclusion of the environmental protocol comes during the 13th anniversary year of the Antarctic Treaty. This treaty is a model of international cooperation which has kept the peace and promoted common human objectives, particularly scientific research, in the Antarctic.

Most of the attention concerning the Protocol on Environmental Protection focused on the question of mineral exploitation. Under the protocol, mineral activities in the Antarctic are prohibited until such time as their necessity and desirability are reviewed by the parties. A conference could be called after 50 years for this purpose. Even after the 50-year period, however, mineral activities would be permitted only if there were a new agreement on this subject.

While mineral development is an issue for the future, the Antarctic environment has become subject to other infringements even now. These include the establishment and operation of national bases, as well as private activities such as tourism. Some of these activities have already affected certain wildlife habitats and resulted in unacceptable instances of pollution.

The protocol will enable the United States and the other Antarctic Treaty parties better to review activities in the Antarctic and their potential environmental effects. The protocol and its annexes contain standards and guidelines for various activities and for their review by the parties and the international community.

Mr. Speaker, the Environmental Protocol to the Antarctic Treaty is an important milestone in international environmental cooperation. The President is to be commended for his decision to instruct our negotiators to sign this agreement, which is fully responsive to public opinion in support of these measures.

While this agreement was still being reviewed by the administration, two Republican colleagues and I communicated with the President on this subject. A response to this communication and similar communications by other Members of Congress was recently received. I ask unanimous consent to include this exchange of correspondence in the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 1991.

The PRESIDENT,
The White House, Washington, DC

DEAR MR. PRESIDENT: A few weeks ago in Madrid, representatives of the United States participated in the drafting of a new international agreement to protect the Antarctic environment. U.S. representatives will soon return to Madrid to conclude these negotiations so that this agreement can be formally adopted at the next regular consultative meeting of the parties to the Antarctic Treaty this fall.

The proposed agreement will make an important contribution to protection of the Antarctic environment through improved international standards and procedures. At the same time, it would protect important national interests such as scientific research and possibly even future mineral development. Above all, it will help preserve the remarkable consensus among the Antarctic Treaty parties that has kept this continent a zone of peace, free from international discord.

We urge the administration to review the latest draft expeditiously so that the United States will be prepared to take action at the upcoming negotiating session. We also recommend that you make a favorable decision on the proposed agreement so that the United States will be in a position to sign it at the consultative meeting.

We feel that the proposed agreement represents a balanced and realistic approach both on its own terms and with reference to the current negotiating climate and world public opinion. Attached is an analysis of the proposed agreement and a more detailed statement of the reasons we believe it should be approved.

Thank you for this opportunity to state our views on this important subject.

Sincerely,

ROBERT W. DAVIS,
Ranking Republican Member, Committee on Merchant Marine and Fisheries.
ROBERT S. WALKER,
Ranking Republican Member, Committee on Science, Space, and Technology.
WILLIAM S. BROOMFIELD,
Ranking Republican Member, Committee on Foreign Affairs.

PROPOSED ANTARCTIC ENVIRONMENTAL PROTECTION AGREEMENT—JUNE 4, 1991.

The proposed agreement would constitute a new Protocol to the Antarctic Treaty on Environmental Protection, accompanied by several annexes on technical matters. The draft Protocol calls for the Antarctic to be treated as "a natural reserve, devoted to peace and science" (Art. 1). It includes new environmental principles (Art. 2) and environmental impact assessment procedures (Art. 7 and a special annex). Mineral activities would be prohibited for the foreseeable future (Art. 6).

The provisions of the Protocol could be modified or amended by consensus, under the Antarctic Treaty, or at a special review conference called after 50 years at the request of any party (Art. 24). With respect to mineral activities, the prohibition could be modified only if ¾ of the parties at the conference agreed, including all 26 current consultative parties. If so, the parties would also have to agree at that time on a new legal regime to regulate such activities.

Some of the terms of this agreement—particularly with respect to the prohibition on mineral activities—go beyond the previous U.S. position on this subject. This was to support an indefinite ban (see Pub. L. Nos. 101-594 and 101-620) comprised of a medium-term moratorium followed by an arrangement incorporating the terms of a previously-negotiated but unratified agreement (the Convention on Regulation of Antarctic Mineral Activities, CRAMRA) or an equally restrictive regime. Nevertheless, we feel that the proposed agreement on this issue is adequate to protect U.S. interests while providing for long-term protection of the Antarctic environment.

With regard to other activities, the agreement includes important new standards while at the same time preserving our national jurisdiction to conduct scientific research and regulate other activities that are subject to U.S. law. At the same time, the proposed agreement lays the basis for improved control of activities subject to national supervision, such as tourism.

Positive consideration of these provisions is warranted for the following reasons:

First, the new agreement would put into place important new protections for the Antarctic environment. This pristine area is becoming subject to higher levels of human activity for scientific and other purposes, including fishing and tourism. In view of the fragility of this polar environment and the thin margin of existence of living species, the time has come to put into place further international principles and procedures to regulate the activities conducted by nations active in the Antarctic. The Protocol and annexes would achieve this objective without undue regulation of important national programs.

Second, the prohibition on mineral activities—while perhaps unneeded at the current time—will help preserve international consensus on this difficult issue while not foreclosing future options. It is generally conceded that it will be a generation or more before the technology would be in place and market conditions could be right for the development of Antarctic mineral resources. This is due to the extreme harshness of the Antarctic environment—particularly the extremely challenging ice and sea conditions—and the remoteness and high costs of Antarctic operations.

The U.S. position on the minerals issue to date has been motivated in large part by the recognition that inability to maintain consensus under the Antarctic Treaty on this issue could lead to a breakdown in negotiations. Failure to agree on a minerals arrangement now could lead to an uncontrolled "gold rush" in the event exploitation of Antarctic minerals becomes feasible sometime in the future. Clearly, however, the long lead time before these events might occur means that, practically speaking, the issue of how to regulate potential mineral activities is really one for future decision.

Third, failure to agree on environmental safeguards for the Antarctic due to the minerals issue could delay agreement on other activities in the Antarctic that are more environmentally significant right now. Inability to agree on the Protocol and annexes could delay the adoption of standards and procedures for the conduct of tourism and other commercial activities. Continued focus on the minerals issue could also detract attention from the need for improved regulation of commercial fishing under the Convention on the Conservation of Antarctic Marine Living Resources.

Absence on an international agreement on environmental protection could also result in increased pressure to bring scientific and other important national programs under some form of direct international regulation. This could impede national science programs which are extremely important for the monitoring of planetary systems such as the upper atmosphere, glaciers, climate change and the marine ecosystem.

Fourth, it is also important to recognize that the procedures for re-examining the minerals issue under the proposed agreement, while onerous, are not unreasonable. The parties are not limited to proceeding only in the manner contained in the Protocol itself (Art. 24). Since the Protocol is completely dependent on the Antarctic Treaty for its force and effect (Protocol, Art. 3), the parties could also avail themselves of the rights and procedures of the Treaty itself in order to pursue changes in the environmental regime.

Proceedings under the Treaty have traditionally been conducted on the basis of consensus, i.e., the absence of objection by any party. But the Treaty system represents a careful balance between international interests (such as scientific research and environmental protection) and national interests (such as unfettered research and even unrecognized claims of sovereignty, as well as the prerogative of pursuing commercial uses under appropriate conditions). When circumstances have changed and parties have strongly advocated new approaches—such as enhanced environmental protection—the other parties have generally responded after careful consultation and negotiations.

Finally, it is important to appreciate the current negotiating situation and climate of public opinion. Following the decision of two nations not to ratify CRAMRA, an increasing number of Antarctic Treaty parties have changed their policy on mineral activities to include some sort of prohibition. By the time of the recent meeting in Madrid, the United States was one of only a small number of countries unwilling to include a prohibition on mineral activities as part of the new environmental protection agreement for the Antarctic. Failure to subscribe to such a regime would in all likelihood prevent the finalization of such an agreement for the Antarctic at the present time. Meanwhile, intense lobbying by non-governmental organizations has resulted in considerable public sympathy for such measures, perhaps including long-term restrictions on minerals development.

UNITED STATES DEPARTMENT OF STATE,
Washington, DC.

Hon. WILLIAM S. BROOMFIELD,
House of Representatives.

DEAR MR. BROOMFIELD: Thank you for your letter in support of the Protocol on Environmental Protection to the Antarctic Treaty.

As you may know, on July 3, 1991, President Bush announced that the United States will sign the Protocol on Environmental Protection to the Antarctic Treaty. Protection of the Antarctic environment has long been a basic objective of United States foreign policy. We believe that this new protocol will add important elements to the broad range of measures already taken within the Antarctic Treaty system to secure that objective.

Specifically, the protocol builds upon the Antarctic Treaty to provide an improved framework for the development, review, and implementation of environmental protection measures pursuant to the Treaty. It sets forth basic principles on the protection of the Antarctic environment, establishes an advisory body, and includes a system of annexes that incorporate detailed mandatory rules for environmental protection. The present annexes establish legally binding measures on the conversation of Antarctic fauna and flora, waste disposal, marine pollution, and environmental impact assessment procedures. Future annexes could be added following entry into force of the protocol.

The Protocol also addresses the issue of Antarctic mineral resources. It prohibits activities relating to Antarctic mineral resources, except for scientific research, and provides for an amendment and review process, based on the analogous provisions of the Antarctic Treaty. Specifically, this process:

a) provides that the articles of the Protocol may be amended at any time by consensus of all Antarctic Treaty Consultative Parties (ATCPs);

b) provides that a conference shall be held to review the operation of the Protocol at any time fifty (50) years after its entry into force if requested by any ATCP;

c) provides that an amendment to the Protocol proposed at any such review conference be adopted by a majority of the Contracting Parties including three-fourths of the current ATCPs (specifically 20 of the now 26 ATCPs);

d) provides that an amendment to the Protocol so adopted enter into force when ratified by three-fourths of the ATCPs at the time, including all 26 of the current ATCPs;

e) accords the right to any Party to withdraw from the Protocol upon two years notice if an amendment adopted at a review conference has not entered into force within three years;

f) provides that the prohibition of activities relating to Antarctic mineral resources shall continue unless there is in force a legally binding regime including agreed means for determining whether such activities would be acceptable and, if so, under what conditions; and

g) requires that any amendment to the prohibition on activities relating mineral resources proposed at a review conference include such a binding legal regime.

The compromise provision for amending the prohibition on mineral activities emerged at the last round of negotiations in June and represented the last outstanding issue in the negotiations. All Treaty Parties have now indicated their acceptance of this formulation. As a result, the Government of Spain has invited the Parties to conclude and sign the Protocol in Madrid during the first week of October.

The successful negotiation of this environmental agreement is a testimony to the success of the Antarctic Treaty in the year of its thirtieth anniversary. Pending its entry into force, the United States will work towards early implementation of its provisions.

We are very pleased that the negotiations on comprehensive measures for protection of Antarctic environment have reached a successful conclusion. I believe that the Protocol, much of which results from U.S. initiative, is a good agreement.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

THE POOR GET POORER: THE CENSUS REPORT ON POVERTY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. RANGEL. Mr. Speaker, I want to bring to the attention of my colleagues a very important report that was released last week on poverty in America.

It used to be, Mr. Speaker, that many of us in positions of elected and appointed leadership looked at our obligation to ease the pain of those in our society suffering in poverty as one paralleling a war effort. We once saw the challenge to eliminate the shackles of poverty as a special responsibility of our status.

But today, worrying about those in poverty is not fashionable. It does not fit in with the new so-called mainstream view of social responsibility. No one wants to be burdened with the problems and the afflictions of the downtrodden and forgotten, and it is coming back to haunt us in the form of crime and drugs and other social ills.

In its report, "Money Income of Households, Families and Persons in the United States: 1990", which is based on the 1990 census, the Census Bureau illustrates America's dangerous drift toward a tale of two cities, two societies—one poor, and the other able to plot out a course of progress on its own without any need for assistance.

This report on poverty in America tells us very clearly that no matter how hard we try to forget it or ignore it, the fact is that poverty is very real in America, and it is getting more and more prominent every day, especially given the prolonged recession that has seen even middleclass people with educations and high-income jobs laid off or fired from their jobs—some of the Government jobs—because there is no money to pay them.

From 1989 to 1990, the poverty rolls in this country grew by 6.7 percent, the Census Bureau tells us. While the richest of the rich continued to shakedown the leaves of opportunity from the tree of progress that grew tall during the free-spending 1980's decade, the poorest of the poor got poorer, moving farther out on the shaky limb of existence.

In America, two groups at directly opposite ends of the social spectrum are continuing on strongly divergent parts. We will never be able to close that gap, thereby eliminating the stranglehold of crime and drugs until we learn to focus on the root causes of these problems. We need to invest in people to keep them out of trouble, rather than wait until after the fact. It is more costly to address these issues on the back-end rather than on the front-end.

How long before we wake up and see the dangers in ignoring the unmet needs of the masses?

When people are hopeless, helpless, and without any skills or education, or lacking in housing and living in poverty, where they are locked out and left out, they tend to see life as a losing proposition and tend to drift to illicit drugs as a tonic. Consequently, they place little value on their own lives and do not have respect even for themselves, let alone others. We must put ourselves in their shoes. What is there to lose when you have nothing to lose and no hope of ever attaining or achieving anything worth preserving and protecting?

I want to highlight some key points from this report:

The number of people below the poverty line totalled 33.6 million in 1990, compared to 31.5 million in 1989.

Half of the poor in this country are the truly helpless—children under age 18, or elderly persons.

The poverty rate for African-Americans remained the highest of any other ethnic group in America—31.9 percent.

About 28 percent of the poor received no assistance of any type.

In 1990, real household income declined. Per capita income also fell for the first time in 8 years.

Mr. Speaker, I want to ask my colleagues to please get a copy of this report and read it. Let us pledge ourselves here in the House of Representatives to make life in America a winning proposition for everyone, not just for a few. It remains our obligation.

AMERICAN INDUSTRIAL QUALITY AND TRAINING ACT OF 1991

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. VALENTINE. Mr. Speaker, today I am introducing the "American Industrial Quality and Training Act of 1991." The bill establishes new programs under the Technology Administration of the Department of Commerce and the Departments of Labor and Education, to promote a skilled work force and U.S. industrial competitiveness.

Today, we have major national problems in education, literacy, and industrial competitiveness. All of these problems are linked and are eroding our national prosperity and the standard of living of our citizens. We must begin to think anew and place renewed priority on human resources and our national economic infrastructure.

In the past, much of our economic growth was due to a rapid expansion in the size of the American work force. Because of a slowing population growth rate, the Nation will have to depend more heavily upon increases in national productivity growth rates in order to fuel economic expansion. Achieving vastly higher rates of growth in productivity will require a change in American business organization practices and a much stronger emphasis on work force training and quality education at all levels and of all types.

America must compete with low-wage nations like Mexico, Singapore, Taiwan, and Korea. Wages in these countries are only a fraction of those in this Nation. This wage gap must be made up by organizing work more efficiently, reducing waste, and avoiding large and costly inventories. Put simply, each employee must create more with less waste and in less time. This requires advanced skills training for America's workers. Many companies in high wage nations like Germany and Japan have been able to accomplish this. And these countries have managed to sustain large trade surpluses despite competition from low-wage nations, while America has been reporting large deficits in recent years.

The bill establishes the American Workforce Quality Partnerships and the American Industrial Quality Foundation. The Partnerships Program creates local work force training consortia between industry and institutions of higher education. The companies joining these partnerships must first agree to substantially restructure their organizations by adopting high performance or total quality management strategies or other plausible strategies to renew their competitiveness.

The purpose of the Foundation is to identify and disseminate certain best practice for industrial competitiveness. The Foundation will conduct classes, seminars, and conferences on competitiveness topics.

The bill also establishes the Youth Technical Apprenticeship Program and a program to encourage State governments to unify programs of technical education and training into statewide systems akin to our systems of university education.

LOW-LEVEL RADIOACTIVE WASTE POLICY AMENDMENTS ACT OF 1991

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GEJDENSON. Mr. Speaker, in 1979, two of the three low-level radioactive waste operating facilities in Hanford, WA and Beatty, NV, were temporarily closed while the third site, at Barnwell, SC, reduced the annual volume of waste that it would accept by 50 percent. These actions by the host States were due primarily to a series of transportation and packaging incidents. These three States with operating waste disposal sites made it clear that they would no longer accept all the Nation's low-level radioactive wastes. Initially, the U.S. Congress considered a federally oriented solution to the problem of assuring adequate low-level waste disposal capacity.

Eventually, however, in response to policy recommendations from State-supported organizations, including the National Governors' Association and the National Conference of State Legislatures, the Congress enacted the Low-Level Radioactive Waste Policy Act of 1980.

The 1980 act made each State responsible for providing disposal capacity for low-level radioactive waste generated within its borders. The act also encouraged States to form regional compacts to collectively meet their obligations to provide for disposal capacity, and allowed those compacts ratified by the Congress to exclude waste generated outside their borders, beginning in January 1, 1986.

By late 1984, it was evident that regions without waste sites were not progressing rapidly enough to have new facilities operating by the 1986 deadline. A change in the law appeared necessary in order to allow for the construction of the additional disposal sites foreseen in the 1980 act. After extensive negotiations between representatives of the States with operating sites and the 47 unsited States, a consensus was reached which enabled Congress to pass the Low-Level Waste Policy Act Amendment of 1985.

This act provided that the States of Washington, Nevada, and South Carolina would agree to continue to make their sites available to the entire country for an additional 7 years—but only if the unsited States and regions demonstrated specific progress toward developing new disposal capacity. The final date when sited sites could exclude waste from outside their regional borders was extended to January 1993. In exchange, the other States and regions were required to meet a series of specific dates and milestones. Among other provisions, the 1985 act also specified precisely which categories of low-level radioactive waste would be the State's responsibility and made the Federal Government responsible for the disposal of commercial low-level radioactive waste exceeding "class C" concentration limits.

Today, as we all know, the low-level radioactive waste siting process is ongoing in many states. As the 1993 deadline approaches, many States, both individually or in regional compacts, have begun to select and study candidate sites for disposal facilities. To date, all these candidate sites have been in locations isolated from the population centers and facilities.

Mr. Speaker, when the Congress enacted the 1980 and 1985 Low-Level Radioactive Waste Acts, we did not have the foresight to prescribe specific siting criteria. In fact, authority to do so was delegated to the Nuclear Regulatory Commission [NRC]. In turn, the NRC developed four performance based objectives by regulation to protect the public health and safety and minimize the long-term burden on society. The objectives set out in regulation by that NRC attempt to ensure: First, protection from releases of radioactivity, second, inadvertent intrusion, third, safe operations, and fourth, site stability.

Unfortunately, we find ourselves today in the position where States are selecting candidate sites in locations that run contrary to common sense—in proximity to residential neighborhoods, schools, and other public facilities. Common sense dictates that if one of the objectives is to secure a site from public intrusion, we shouldn't locate a site in a neighborhood where the likelihood of school-aged children wandering onto the sites is great.

This is one reason why I am introducing the Low-Level Radioactive Waste Policy Act Amendments of 1991 today. The NRC has recommended in its regulatory guidelines that low-level waste facilities be at least 2 kilometers from residential boundaries. My bill seeks to codify this as a siting requirement and further protects the public health and safety by increasing the threshold distance to 5 kilometers between the site and residential boundaries or facilities that primarily serve children such as schools and community centers.

This siting criteria will move States in the direction of at least ensuring that whatever screening techniques are utilized to select an environmentally safe site, that it at least will not be near housing or schools.

The second provision of this bill seeks to ensure that the waste that is sited in States is the least dangerous by reclassifying class C waste from the low-level radioactive waste program into the high-level radioactive waste program. NRC regulations currently allow three classes of waste for near-surface disposal: class A, class B, and class C. Low-Level radioactive waste typically contains both short-lived and long-lived radionuclides. Three important time intervals are relied on in setting the waste classification system. One is the length of time the Government will actively control access to the site—an upper limit of 100 years was used. The second is the expected life of the waste form—a 300-year period of life expectancy was used. The third is the expected lifetime of engineered barriers or assured burial depth, and the time when total failure of the system is anticipated to occur. A 500-year period was assumed.

Of the three categories of waste, class C comprises the smallest volume, but highest levels of radionuclides. In fact, it is class C which requires sites to have both a 300-year stabilization period and 500-year engineered barriers. It has become evident that this waste, primarily from nuclear powerplants, should not be the responsibility of the States, but rather the Federal Government.

My bill achieves this objective by removing class C waste from the Low-Level Radioactive Waste Policy Act and therefore placing it under the responsibility of the Federal Government in its high-level nuclear waste program. As drafted, any waste greater than class B would be the responsibility of the Federal Government.

As States struggle with the difficult task of siting low-level waste radioactive waste facilities, passage of my legislation will ensure our constituents that whatever site is finally selected, it is not near schools or growing population centers. Moreover, passage of this bill will remove from these sites the most dangerous type of wastes.

It is my hope that these provisions would be acted on soon so States involved in the site selection process would have further guidance from the Congress on protecting the public health and safety.

H.R. 2608—COMMERCE, STATE, JUSTICE CONFERENCE REPORT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. HOYER. Mr. Speaker, I rise today to voice my support for the conference report on H.R. 2608, the Commerce, Justice, State appropriations bill.

Mr. Speaker, the chairman of the subcommittee, Representative NEAL SMITH, the ranking minority member, Representative HAL ROGERS, and the other members of the committee worked diligently to bring back a strong bill.

The conference agreement includes $696 million for the Office of Justice Programs, $89 million more than requested. Within this total, the conferees provided strong support for State and local enforcement grants and juvenile justice programs. The conference agreement also includes a 14-percent increase for the FBI.

With respect to environmental priorities, particularly those pertaining to the State of Maryland and the Chesapeake Bay, the conferees included $1.5 billion for the National Oceanic and Atmospheric Administration for fisheries, marine, environmental and other programs. The report includes $227 million, or 7 percent more than for fiscal year 1991, for national marine fisheries service conservation and management activities and assistance to States.

Mr. Speaker, I want to take a moment to thank the chairman for his and the committee's attention and strong support for funding two other accounts that I have pursued with him: American relations with Eastern Europe and the former Soviet Republics, and the Americans with Disabilities Act.

The conferees have included $30 million within the State Department's foreign buildings account for facilities in the Baltic Republics and other sites in the Soviet Union and Eastern Europe.

I want to thank the committee for its interest in these issues as well as for its continuing interest in political reform in Eastern Europe, as well as for its support for the work of the Helsinki Commission itself.

Mr. Speaker, I also want to make sure that all of my colleagues recall the great fanfare, including a Rose Garden ceremony celebrating enactment of the Americans with Disabilities Act [ADA] on July 26, 1990.

My involvement with the ADA has been one of the most fulfilling experiences of my career. I will not recount today the numbers of Americans who will have the opportunity to participate in the mainstream of American society as a result of the years of work so many dedicated citizens and legislators in the House and the other body devoted to enactment of the ADA.

I do, however, want to make the point that without provision for effective education and information sharing to businesses, and employers who bare new responsibilities for ensuring equal opportunity under the ADA, its enactment will have been an empty and hollow exercise for us all.

Helping business and the disabled to understand their new rights and obligations under the ADA, and providing support for education and enforcement of the act costs money.

As we all know, fiscal year 1992 is not a good year to incur new obligations at the Federal level. None the less, the conferees have provided funds to both the Justice Department and the Equal Employment Opportunity Commission to begin to undertake these responsibilities.

Although I wish there had been more funds available for these activities, the subcommittee dug deep and has made a good start. I want to express my personal gratitude for their effort, as well as the appreciation of every American, those who are disabled and those who are not, who look forward to achieving real equal opportunity for every American.

Mr. Speaker, I urge each of my colleagues to support the conference report.

NATIONAL DAY CELEBRATIONS IN THE REPUBLIC OF CHINA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to commend the Republic of China on its 80th national day on October 10, 1991 and congratulate that nation on the positive changes they have brought about in their nation over the past 5 years.

Throughout its history, the island of Taiwan has played an integral role in the political struggles of the whole of China. Its modern history begins in 1945, with control over the island returning to the Republic of China. Unfortunately, in a few years, the island would become the last bastion in China for the nationalists. In late 1949 and early 1950, Chiang Kai-Shek and his nationalists completed a massive withdrawal to the island of Taiwan, where the seat of the Republic of China resides today.

Over the subsequent 40 years, the Republic of China, realizing that the struggle against the communists would be a difficult, long process, established a first-rate military defense, a modern economic base, and a democratic and free state.

When viewed from a historical perspective, the political developments over the past 40 years in the Republic of China are extraordinary. However, it is the most recent developments over the past 5 years which demonstrate the ROC's continued commitment to democracy. In 1987, the late President Chiang Ching-Kuo initiated political and economic liberalization measures enabling his people to enjoy much greater political and economic freedom. Most important among these liberalizations was the repeal of emergency provisions prohibiting the formation of new political parties.

After President Chiang's passing on January 13, 1988, President Lee Teng-Hui continued his predecessor's reforms with conviction. Taiwan stands today as a model of democracy and free market values. Its prosperity and its people have one of the highest standards of living in Asia, and it is my hope, as well as of many of my colleagues, that the Republic of China on Taiwan will never waiver in its determination to expand economically and to grow politically in the future.

Mr. Speaker, I invite my colleagues to join me in expressing heartfelt congratulations to the Republic of China on the occasion of its 80th national day on October 10, 1991 and for their commitment to democracy and freedom.

TRIBUTE TO NANCY BELSKY: WINNER OF THE 1991 PRESIDENTIAL AWARD FOR EXCELLENCE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to an outstanding elementary school teacher from my home State of New Hampshire. Nancy Belsky, a Mathematics teacher at Westmoreland School, has been selected as one of the recipients of the "1991 Presidential Awards for Excellence in Science and Mathematics Teaching for Elementary Teachers".

The National Science Foundation recognized Nancy for her outstanding teaching methods and for the example she has set for others in her field. In addition to the award, the National Science Foundation will make a $7,500 grant to the Westmoreland School which will be used under Nancy's direction enhance mathematics programs and to supplement other resources.

Nancy qualified for this award by creating innovative programs and teaching methods, such as a "hands-on" teaching techniques using real-life simulation, and kite making and flying.

Mr. Speaker, I am also pleased to note that Nancy is one of only 108 elementary school teachers nationwide chosen to receive this award. The people of New Hampshire are very proud of her.

Nancy is more than just an outstanding specialist in mathematics, she has also devoted her time and energy to her students outside of the classroom by serving as yearbook advisor and mathcounts coach.

Mr. Speaker, I ask my colleagues to join me in congratulating Nancy Belsky on receiving this most-deserved award. It is reassuring to acknowledge that there are still dedicated and hardworking individuals devoting their lives to our nation's children and the future of the country.

THE 50TH ANNIVERSARY OF THE NAVAL WEAPONS SUPPORT CENTER, CRANE, INDIANA

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MCCLOSKEY. Mr. Speaker, for the past 50 years the Naval Weapons Support Center, Crane, IN has served the Nation's defense needs in an unparalleled manner. The southwest Indiana Naval Weapons Support Center has served the country faithfully through World War II, the Korean war, the Vietnam conflict, Grenada, Operation Just Cause in Panama and recently in Operations Desert Shield and Desert Storm. Crane continues to support the Nation in the aftermath of Operation Desert Storm in its logistical function of storing thousands of munitions in the more than 2,000 magazine facilities on Crane. It represents a true national asset, ready to serve the defense needs of the country for decades to come.

The center was named after the Navy's first Chief of the Bureau of Ordnance, Cmdr. William Montgomery Crane, who established a reputation for excellence in engineering. Crane's original mission and purpose when it was established on December 1, 1941, was to prepare, load, renovate, receive, store and issue all types of ammunition, including pyrotechnics and illuminating projectiles, and to act as a principal source of supply at a most critical time during the early days of World War II. Over the years, the Crane mission has expanded from its sole function in the field of Army ammunition to a Naval Sea Systems Command Center of excellence that employs more than 4,000 highly skilled civilian engineers, physicists, technicians and workers who support research, production, troubleshooting and design in microelectronics technology, microwave components, acoustics sensors testing, electronic warfare, electrochemical power systems, conventional ammunition engineering, pyrotechnics and small arms. The Crane Army Ammunition activity on Crane is a tenant activity and part of the U.S. Army Armament, Munitions and Chemical Command, Rock Island, IL, employing more than 700 people.

The nearly 5,000 employees of the Crane Naval Center provide a strong presence in southwest Indiana communities surrounding Crane. Crane is the largest industrial employer in southern Indiana and will generate more that $150 million over the next several years. Crane has hundreds of buildings which include overhaul and storage facilities that are linked by a 175-mile railway system and more than 380 miles of roads.

The vast facility includes 63,000 acres of land which feature an innovative forestry program of hardwoods that are harvested through a natural conservation program and shared with the public through various community projects. Nearly all surrounding communities have received assistance in the form of excess materials and properties, in particular, the building of homes for the homeless by the Habitat for Humanity. Despite its demanding defense mission, Crane established these innovative community service programs, garnering recognition and receiving numerous prestigious environmental awards in the process.

Crane also participates in the local community by promoting mathematics and science education by providing assistance to teachers in more than 40 southern Indiana schools through its visionary School Partnership Program. Crane also has established partnerships in continuing engineering education programs with Vincennes and Purdue Universities.

Crane has banded with the Naval Avionics Center, private manufacturers, and State and local government to bring an exciting new facility, the Electronics Manufacturing Productivity Center to Indianapolis, IN. In a realignment of the Navy command structure, Crane will gain the Naval Ordnance Station at Louisville, KY, a new division of the Naval Surface Warfare Center. Through these partnerships with Naval Avionics Center, the Electronics Manufacturing Productivity Center and the incorporation of the Louisville center, Crane is preparing itself for excellence and service in the technically demanding and cost-conscious Navy of the 21st century.

The Naval Weapons Support Center, Crane, IN and its nearly 5,000 military and civilian employees are to be congratulated for their critical contributions to the nation, the Department of Defense and to the State of Indiana on the occasion of its 50th anniversary, October 12, 1991.

BEST WISHES ON THE OCCASION OF TAIWAN'S 80TH NATIONAL DAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GILLMOR. Mr. Speaker, in recognition of the economic and political growth engineered over the last few decades by the Republic of China of Taiwan, I would like today to extend my support and best wishes on the occasion of Taiwan's 80th National Day.

Recently, I was fortunate to have an opportunity to visit Taiwan. During my stay, I was impressed by the spirit and enthusiasm of the people of Taiwan, and I support the efforts of their leaders to bring even greater democracy and prosperity to the Republic of China.

Congratulations to our Chinese friends and their leader, President Lee Teng-hui of the Republic of China on Taiwan, on this day of celebration.

THE CHINESE ON TAIWAN HAVE A LOT TO CELEBRATE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. YATRON. Mr. Speaker, October 10, 1991 will commemorate the Republic of China's 80th birthday. The Chinese on Taiwan have a lot to celebrate. Evidence of the still flourishing Taiwanese economy is a new 6-year national construction plan that has a total budget of $303 billion. I hope that United States companies will aggressively bid for these projects in order to further decrease Taiwan's trade surplus with the United States.

Apart from its continuing economic success, Taiwan's program of democratization is on track and going forward with dramatic speed. In the very foreseeable future, lawmakers elected on the mainland will be replaced by those born on the island. Other political reforms, such as constitutional reform under the leadership of President Lee Teng-hui, will further Taiwan's place as a showcase of democracy in Asia.

It is certainly in our best interest to see an economically strong and politically progressive Taiwan. So on October 10, Taiwan's National Day, I extend my best wishes to the people of the Republic of China.

INTRODUCTION OF THE EL SALVADOR PEACE AND SECURITY ACT OF 1991

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LEVINE of California. Mr. Speaker, today I am introducing legislation that will bolster the prospects for peace in El Salvador and make clear the view of the U.S. Congress that any future military assistance to El Salvador must be conditioned on respect for human rights. Mr. BERMAN, Mr. KOSTMAYER, and Mr. FEIGHAN have joined me as original cosponsors of this bill.

This legislation closely parallels a proposal introduced by Senator DODD and LEAHY. The main difference is that our bill updates certain policy language to reflect important changes that have taken place in El Salvador's political situation.

There are reasons to be hopeful that an end to the civil war in El Salvador is close at hand. Late last month, through the agile and committed leadership of U.N. Secretary Perez de Cuellar, the Government of El Salvador and the FMLN signed a political agreement establishing a framework for the process of national reconciliation. This agreement has been heralded by both of the parties as a watershed event in the tragic history of the Salvadoran civil war. The United States must not miss this opportunity for peace and should use its influence to ensure that this progress in negotiations is not only preserved but also built upon to facilitate a permanent cease-fire and to make a national reconciliation a reality.

It is precisely for this reason that we are introducing the El Salvador Peace and Security Act of 1991. The central focus of the legislation is to keep the parties negotiating within the framework of the U.N. agreement and in good faith. Under the terms of this legislation, military assistance to El Salvador may be terminated if the Government fails to continue to negotiate with the FMLN. Conversely, none of the assistance authorized in this bill would be withheld from the Government if the FMLN fails to continue to negotiate in good faith. This cut-off-in-funding mechanism provides a compelling incentive to both parties to stay engaged in the negotiation process.

Aside from the recent developments in the peace process, significant changes also have taken place in the status of the trial of the murdered Jesuit priests at the University of Central America. Last weekend, a jury convicted two of the nine defendants for their involvement in the killings. While this is an unprecedented event in that the veil of immunity traditionally extended to members of the Salvadoran military for involvement in human rights abuse has finally been pierced, the trial failed to produce a just result in some very substantial ways. For instance, numerous defendants who admitted to the killings were acquitted on the grounds that they were simply carrying out orders. Additionally, the judicial process failed to account for all of the military officials implicated in the murders. Persuasive evidence, suggesting that the order to execute the Jesuits was given by higher ups, continues to linger.

This bill also addresses the human rights problem in El Salvador. It provides for a cutoff of aid to El Salvador if the Government fails to investigate and prosecute to the fullest extent of the law all those responsible for the murders of the Jesuits including high ranking officials who authorized or covered up these crimes.

I am hopeful that enactment of this bill will accomplish two objectives: to facilitate an expeditious and lasting peace to El Salvador and to foster greater respect for human rights.

I have attached a summary of the legislation that I ask to be included at the end of this statement.

SUMMARY OF LEVINE BILL ON EL SALVADOR

(1) Policy Objectives: Sets forth the following policy objectives:

To promote a permanent settlement and cease-fire to the Salvadoran conflict through the mediation of the U.N. Secretary General;

To foster greater respect for basic human rights and the rule of law; and

To advance political accommodation and national reconciliation.

(2) Funding Cap: Caps Military Assistance at $69 million for FY '92.

(3) Funding Prohibition: Prohibits all U.S. military assistance to El Salvador if the President determines and reports to Congress that:

The Government has failed to negotiate in good faith;

The Government has ceased to support the mediating role of the UN Secretary General;

The Government has not acted in good faith to carry out its portion of the UN-brokered agreement of September 25;

The Government has failed to conduct a professional investigation into evidence of involvement or subsequent cover up of high ranking Salvadoran military officials in the murder of the Jesuits;

The military and security forces of El Salvador are assassinating or abducting civilians.

The determination made under this section must be made in accordance with the reprogramming procedures of the Foreign Assistance Act.

(4) 50 Percent Withholding of Funding: Withholds 50 percent of U.S. military assistance available to El Salvador in FY '92, and 50 percent of any existing military assistance in the pipeline, unless the President determines and reports to Congress that:

The FMLN has failed to negotiate in good faith;

The FMLN has ceased to support a mediating role for the UN Secretary General.

The FMLN is not acting in good faith to carry out its portion of the UN-brokered agreement of September 25;

The survival of the constitutional government of El Salvador is being jeopardized by a substantial military offensive by the FMLN;

Proof exists and has been provided to Congress that the FMLN continues to receive military assistance from foreign sources;

The FMLN is assassinating or abducting civilians.

The determination required under this section must be made in accordance with the reprogramming procedures of the foreign assistance act.

H.R. 2519, VA-HUD CONFERENCE REPORT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. HOYER. Mr. Speaker, I rise today to thank the chairman of the VA-HUD and Independent Agencies Appropriations Subcommittee and the members of the subcommittee for their diligence and attention to some of the most important domestic concerns we face in the conference report on H.R. 2519.

As we all know, this subcommittee has jurisdiction over a set of the most disparate accounts conceivable, including veterans cemeteries and medical care, manned space exploration and space science, public and subsidized housing, and hazardous waste disposal.

Reconciling important national priorities with very scarce resources, gives Chairman TRAXLER and his subcommittee one of the toughest jobs in the House.

The conference agreement reflects their strong efforts to provide adequate funds for important programs. They deserve our gratitude.

The conference agreement includes $1.5 billion for title II of the National Affordable Housing Act, the Home Investment Partnerships Program. The home program provides support for State and local jurisdictions to increase the supply of affordable housing in this Nation—perhaps the most pressing concern for Americans in many communities throughout the country.

The home program will allow communities to work toward increasing affordable single- and multi-family and housing with a new degree of creativity and flexibility.

The committee's decisions in this regard make it a full participant in efforts to empower and expand opportunities for low and middle income Americans. Housing authorities, advocates, and nonprofit sponsors of low and middle income housing in the State of Maryland are fully prepared to take advantage of these expanded opportunities, and I again want to thank the chairman and the subcommittee for their attention and responsiveness.

Mr. Speaker, this bill also includes other provisions that are noteworthy, including funding for the renovation and conversion to low income single-room occupancy apartments of a motel in New Carrollton, in my district. As we all know, affordable housing is a very scarce commodity, especially in the Washington metropolitan area. The difficulty that local residents face in finding adequate housing, however, pales beside the problems confronting the minimum wage worker, the disabled, and the relatively young who have limited incomes but are otherwise prepared to live independently.

Again, I want to express my appreciation to the committee for including this project, which will help Prince Georges County to reach the goal of significantly expanding affordable rental housing units in the next 5 years.

Mr. Speaker, my time is limited, but I would also like to mention a few other projects which were included in the conference report which will benefit the Nation and the State of Maryland.

The committee included $20 million for the Christopher Columbus Center for Marine Biotechnology in Baltimore. These funds will help assure that the Columbus Center remains in the forefront of efforts to maintain America's leadership in the budding field of marine biotechnology. When America's leadership is being challenged in so many areas, this subcommittee wisely chose to invest in America's future.

The committee also included funds for the Chesapeake Bay water quality model and the Patuxent River. Again, the committee has chosen to support research and programs that improve and protect our natural resources and enhance the quality of life for future generations.

Mr. Speaker, I have briefly described only a few of the items that are praiseworthy in this bill.

Once again, I want to express my appreciation to the subcommittee chairman, BOB TRAXLER, The ranking member Representative GREEN, and the entire subcommittee for their attention to important domestic programs. I strongly support the conference report and urge all of my colleagues to do so as well.

SUPPORT UNEMPLOYMENT EXTENSION

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. POSHARD. Mr. Speaker, I rise in strong support of the conference report on S. 1722, which both the U.S. House of Representatives and Senate have approved. This emergency extension of unemployment benefits is desperately needed, and I wish to state my support for this legislation in the strongest possible terms.

I wish to emphasize how vital this effort is to the working men and women of southern Illinois. I am deeply concerned that without some assistance, and for my State it would be only 7 additional weeks, these fine people will suffer even further.

I support the extended unemployment compensation package because it recognizes the emergency here at home. I am not oblivious to world events, and I am glad to know the President is not either. That is in part why the people elected a President. But they also elected him to guide our domestic affairs, and I must say I believe the President is misguided in his decision to veto this bill.

We are proposing to supply long-term unemployed workers with a little breathing room. I do not believe American workers want anything more than the chance to continue their job search while keeping their pride and dignity intact. They want to work, not collect unemployment, but if that is their only option until their situation improves, it is a reasonable last resort.

The unemployment trust fund has a sufficient balance to afford this expenditure. After all, that is the reason for its existence, and if this isn't an emergency, I would hate to see what is. There is definitely an emergency in my district, and as I look around the country, I suspect our situation is not much different from everywhere else.

I urge President Bush to take a second look at this position on this bill. I know we have declared emergencies for people overseas, and I do not begrudge them that aid, but I certainly don't want it to come at the expense of our people here at home.

I am proud to stand with the large majority of my colleagues who see this emergency extension of unemployment benefits as the right thing to do, and will continue my efforts to encourage the President to sign this bill.

THE ADMINISTRATION'S MISGUIDED ISRAEL-BASHING

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SWETT. Mr. Speaker, I join many of my colleagues in the Congress in expressing my profound dismay at the administration's decision to oppose until January 1992 the consideration of housing loan guarantees to assist Israel in its massive effort to resettle Jewish refugees from the Soviet Union, Ethiopia, and other countries.

The Government and people of Israel will take the grave risks for peace in the Middle East only if they are convinced that the United States is supporting them in the difficult and perilous decisions they will have to make. The policies which the administration is pursuing are self-destructive and will not lead to the conclusion of the peace agreement we all so earnestly seek.

Mr. Speaker, today's Washington Post published an excellent Oped piece by Lally Weymouth which discusses intelligently and perceptively the negative impact of the administration's policies on the goals we are pursuing. I ask that this article be placed in the RECORD, and I urge my colleagues to give it serious attention.

[From the Washington Post, Oct. 3, 1991]

BUSH'S MISGUIDED ISRAEL-BASHING

(By Lally Weymouth)

TEL AVIV.—The Bush administration has shrewdly disguised its real intention—to gain leverage over Israel at the upcoming peace conference—by arguing that Washington merely wants a 120-day delay before it grants Israel U.S.-backed loan guarantees. President Bush initially maintained that his sole goal was to enhance the likelihood of success at the impending U.S.-sponsored conference.

The administration subsequently argued that, particularly during a recession, U.S. tax dollars should not—even indireclty (loan guarantees, after all, are not foreign aid)—fund settlements in the territories Israel seized in 1967. President Bush, it is well to note, has yet to explain why it was appropriate for Washington just this year simply to forgive Egypt's $7 billion debt to the United States.

Bashing the Israelis—and Americans who support Israel—proved popular: polls appear to show that most of the public backs the President. As an added bonus, from the administration's standpoint, Bush managed to create an unprecedented rift between American Jews—anxious to avoid a confrontation with the president— and Jerusalem.

Some members of the Israeli opposition, the Labor Party, view the conflict between the Shamir-led Likud government and the American president as a prospective opening for a Labor comeback. Indeed, some ranking Laborites have actually gone to Washington to urge the administration to keep the pressure on Shamir.

But the Bush initiative is profoundly misguided. To achieve a genuine agreement of any kind between Israel and its Arab neighbors, Israel must appear to be strong; the Arabs must perceive the U.S.-Israel alliance as close, and the Israeli prime minister must trust the U.S. administration.

Washington's attacks on Israel, its disparaging personal remarks about the Israeli prime minister, its demand for unilateral concessions from Israel in advance of the conference, and the administration's apparent effort to use U.S. pressure to bring to power a more moderate, Labor-led government in Jerusalem have all served to make Shamir dig in his heels.

Now, on the eve of the U.S.-sponsored peace conference, the Israeli prime minister has decided to adopt a new strategy: it was reflected in an uncompromising interview he gave me last week. Shamir will speak out publicly to let Washinton know just where he stands: although he will attend the upcoming conference, he has no plans to change his fundamental positions. Shamir holds that there will be no territorial concessions: "We are * * * the owners of these territories * * * This land belongs to us.

If the administration genuinely wants to bring about a political settlement between the Arabs and the Israelis, it must take into account Israel's need to be military secure and on close terms with the United States. Washington should also understand that Israel can only be asked to take risks for peace—and any concession on territory represents a risk—if its qualitative military edge over the Arabs is maintained.

Ironclad U.S. security guarantees, including an American troop presence, are one path toward this goal. It should, of course, be noted that longterm mistrust of Washington's ability to keep commitments—from Saigon to Beirut—makes even this a problematic solution.

The best viable alternative is to persuade the Arab countries to substantially reduce their vast conventional forces. Unless Arab conventional superiority over Israel is essentially eliminated, Israel is in no position to surrender territory.

Shamir and his government understand the seriousness of the threat posed to Israel by Hafez Assad's Syria. For one thing, Syria maintains a standing army of 11 divisions, while Israel maintains only three standing divisions. (At present, it requires 48 hours for Israel to call up its reserves.) Moreover, Syria has an ample supply of chemical weapons. And now there is strong evidence that Damascus is developing a sophisticated nuclear program, thanks to assistance from China.

Thus was Jerusalem especially disconcerted by the apparent American decision to represent Syria—long a sponsor of anti-Western international terrorism—as a new regional diplomatic ally. (On Sept. 1, as it happens, in a hushed-up development, a group of terrorists were arrested in Egypt. They had planned to attack an American ship in the Suez Canal, using rockets and missiles. The group was based in Damascus.)

Should the administration recognize a need to change directions, as it almost certainly will, Washington's recent experiment in Israel-bashing has rendered its task more difficult. This is particularly true if it elects to station U.S. troops in the Middle East in a peace-keeping capacity and needs to convince the American public of the wisdom of this path.

CENTER FOR ENTREPRENEURIAL OPPORTUNITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MURTHA. Mr. Speaker, I want to take this opportunity to discuss the establishment of a Center for Entrepreneurial Opportunity at Seton Hill College located in Greensburg, PA. Seton Hill College an outstanding liberal arts college founded by the Sisters of Charity, takes pride in its 73-year history of leadership in higher education for women. Recently, Seton Hill College was chosen "one of the 100 best buys in private education in the country" by Money magazine.

There is a clear need in both the existing entrepreneurial and the would-be entrepreneurial community for the kind of education and training to be provided through the Seton Hill Center for Entrepreneurial Opportunity. A comprehensive study by the Pennsylvania Economic Development Partnership Board concluded that the women businessowner is an untapped resource that needs to be supported, expanded, and capitalized in the Nation.

Prior to 1970, women owned less than 5 percent of the country's businesses. Today, they own 30 percent of the businesses overall. The U.S. Small Business Administration predicts by the year 2000 more than one-half of all nonfarm businesses will be owned by women. Women today are entering new areas of business with increases shown in high tech services, manufacturing, insurance, and legal services. In publicly held firms, women fill at the most 3 percent of high executive jobs. In family-owned businesses, they hold 33 percent of the executive positions. Without appropriate preparation for the steps they take in starting new businesses, their risk for failure is high.

Here are a few examples of specific cases I have run into in my region alone. There are thousands of more examples. A woman with her husband owned a trash hauling business. The couple had nine children. Her husband died a few years ago. When the widow went to the bank to request continued financing the tone was very negative. This was not the case when her husband was alive. Obviously, the bank felt uncomfortable lending money to a woman for a typically defined male-dominated business such as trash hauling.

A woman in business for herself said during the first few years her arts supply company was in business, she signed all business correspondence "C. Morreo." She indicated "I picked up right away that I'd get better results if I didn't use my full name."

Many women I have spoken with do not have credit in their own names. They don't know where to go for money or how to deal with banks or other lending institutions. They admit being too shy about asking for financing, discussing financing, or asking tough questions.

The objectives of the Center for Entrepreneurial Opportunity are to address situations such as these by offering educational assistance to women across the country who wish to start a new business, expand a business, or take over the management of an existing business. The primary goal of the center is to prepare women to run businesses that will succeed. To achieve these goals, the Center for Entrepreneurial Opportunity will focus on educating women on how to handle the finances of running a business, offer advice or solving problems specific to a woman-owned business, publish educational newsletters and reports on needs and responses to the problems of women-owned or managed businesses, coordinate regional networks of women businessowners who will assist in the education of other women, and provide seminars in the region responding to the needs of women.

Women are becoming entrepreneurs at such a fast rate that fathers are now considering their daughters to take over their business for the first time rather than the way it used to be, whereby a father would only be succeeded by a son or son-in-law. There are many conflicts involved and special needs that need to be addressed when a woman becomes the head of a company. Employees may be doubly hard on a daughter when she takes over her father's business. Customers who are used to dealing with a man on top, may not treat a woman owner with respect. Women have to work twice as hard to prove themselves when on top of a family business.

Seton Hill is particularly well-positioned to provide education and information sharing. Of the 50 States, Pennsylvania ranks fifth in its concentration of women-owned businesses. The environment at a womens' college—where role models in leadership and achievement abound—is the ideal environment for women to learn management skills and feel empowered to succeed. Our center will help women deal with their unique entrepreneurial problems and send a message to American women that their work is taken seriously.

Mr. Speaker, I appreciate this opportunity to discuss with you today the Center for Entrepreneurial Opportunity at Seton Hill College.

THE INDOMITABLE SPIRIT OF MRS. THANG LE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. CUNNINGHAM. Mr. Speaker, as one who has witnessed both the wondrous development of three beautiful children, as well as the life-robbing horror of war, I am still amazed by the joyous, unexplained phenomenon that can only be described as a miracle.

Recently, friends and family celebrated the miraculous recovery of Mrs. Thang Le of San Diego, California. Mrs. Le's triumph is a welcome relief to those who love and know her, and it should be an inspiration to us all.

Having fled the tyranny and oppression of communist Vietnam in 1979, Mrs. Le, her husband and daughter quickly embraced their new American homeland. After earning United States citizenship, Mrs. Le became a familiar spectator at weekly naturalization ceremonies. She would often register other newly naturalized citizens to vote, a privilege she is proud to exercise.

Earlier this year, Mrs. Le was diagnosed with a rare form of brain cancer. Doctors expected her to either slowly succumb to the disease or not survive a complicated operation.

I am proud and pleased to announce to you, Mr. Speaker, and my distinguished colleagues of the House of Representatives that Mrs. Thang Le not only endured the surgery but is now anticipated to make a full and complete recovery.

I am certain that this modern miracle could not have been achieved without the strong and loving support of the Le family who comforted and prayed for her.

The miraculous story of Mrs. Le's faith and courage triumphant against long odds is hereby memorialized into this permanent RECORD of the Congress of the United States.

TRIBUTE TO MILES DAVIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. DELLUMS. Mr. Speaker, one of the true geniuses of American music in this century is no longer with us. After a life filled with personal pain, physical agony—and incredible musical accomplishments—Miles Davis has passed into eternity.

From the time he left an achievement-oriented family in East Saint Louis, Illinois, to go east to the Juilliard School of Music in New York City, Miles Davis was a musician of rare potential. His stay at Juilliard was a short one because he soon moved on to the challenge of the improvisational jazz clubs that festooned Fifty-Second Street in the late 1940's and early 1950s. There he developed his inimitable muted trumpet style, while playing with such jazz immortals as Charley Parker, Cannonball Adderly and, later, among others, John Coltrane and the young Herbie Hancock.

In 1949 he recorded his first hit album—"The Birth of the Cool." It was an immediate sensation among jazz afficianados, and marked the first truly innovative departure in the culture of jazz trumpeting since the early days of Louis Armstrong.

At the Newport Jazz Festival in 1954 Miles Davis first came to the attention of a wider listening audience, with his virtuoso rendition of "Round Midnight." The tumultuous standing ovation that he received seemed to inspire him to make new forays into uncharted muscial waters.

This resulted in a series of extraordinary albums in the next dozen years that included: "Walkin'", with the Miles Davis All Stars; "Miles Ahead"; Kind of Blue"; "Sketches of Spain"; "Sorcerer"; "Seven Steps to Heaven"; and "Miles Smiles". During this period he also recorded two albums, "Porgy and Bess" and "My Funny Valentine", that featured moving interpretations of "old standards."

In later years, between recurring bouts of illness and other afflictions, his creative musical melancholy came through in such albums as "Jack Johnson", "On the Corner", and his 1980 rendition of "The Man With The Horn."

Miles Davis's life-song has ended—but the legacy of his music will linger on. He was—and will remain—a musical treasure trove for the people of this Nation and the planet at large. So Miles, a eulogy of thanks and appreciation for your magical music and the happy memories it has evoked in so many for so long.

TRIBUTE TO ROGER MOORE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. CAMP. Mr. Speaker, it is with great admiration that I rise today to congratulate Roger Moore on being named an Outstanding School Principal in America. His commitment to service and excellence in education certainly demonstrates how much he deserves this award.

Tomorrow, Mr. Moore will be officially honored as one of the 1991 National Distinguished Principals. He has had a long and prosperous career in the Lake City, MI, school system and is admired and esteemed not only in the principal's office, but also in the classroom, on the playing field, and in the hallways of the schools.

After receiving his degrees from Adrian College and Central Michigan University, Mr. Moore began his career in Lake City as a teacher in September 1969. Throughout the years he excelled not only as a teacher, but as athletic director, as transportation director, and as principal of the middle school. In 1984, Mr. Moore became principal of Lake City Elementary School.

Mr. Moore is an inspiration to the students, the parents, and the community. He is a leader of the Kiwanis and is active in the First Presbyterian Church. With his wife Cindy, and children Chad and Ryan, Mr. Moore is a role model for the importance of education, family, and community involvement.

Mr. Speaker, please join me in congratulating Mr. Moore. While he may be awarded a National Distinguished Principal of 1991, he will be an outstanding school principal, teacher, family man, community leader, and friend for many, many years to come.

SCHOLARS' GALLERY

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LANCASTER. Mr. Speaker, today I am introducing a resolution to establish a scholars' gallery in the House of Representatives. Academics are presently barred from the press galleries, and those who sit in the public galleries are not allowed to take notes. This resolution simply amends the rules of the House to require the Speaker to set aside a portion of the gallery for the use by scholars of Congress. Scholars would be admitted to this gallery under regulations prescribed by the Speaker.

In a Roll Call article, Nelson Polby, director of the Institute of Governmental Students at the University of California at Berkeley, noted the following:

> Unlike employees of the Nation's news media, professional scholars of Congress have no regular, institutionalized, independent access to Congress. There is no such thing as a scholars' gallery, where professionals studying Congress for the purpose of writing books or scholarly articles might perform such elementary tasks as taking notes or gathering up news releases.

I learned of this anomaly when my wife, a college social studies instructor, was asked to refrain from taking notes during a debate she had come into hear.

I am urging my colleagues who have not yet done so to cosponsor this resolution that will enable serious studies of the Congress to study, first hand, the proceedings conducted in the House of Representatives and record in notes their observations and impressions of our work on this floor.

DOUBLE TENTH

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. TALLON. Mr. Speaker, our friends in Taiwan will soon be celebrating the Double Tenth, their version of our July Fourth, held on October 10. As we know, the Republic of China was founded in 1911 by Dr. Sun Yat-sen. Dr. Sun overthrew the Ch'ing Dynasty and ushered in a modern democratic republic founded on the principles of nationhood and liberty.

Now, 80 years later, on the island of Taiwan, Dr. Sun had finally realized his dream of building a modern nation which is free and prosperous. It is my hope that the Republic of China will continue to have good fortune and good economic and political growth into the future.

FORWARDING ORDER EXPIRED: THE BUCK STOPS HERE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BROOMFIELD. Mr. Speaker, today the House is completing its work on the Postal Service appropriation for fiscal year 1992. We should not, however, fool ourselves by thinking that our work vis a vis the Postal Service is complete.

Postal management may ignore the complaints that pour in daily about their arrogant policies and indifferent service; this body cannot.

A management review is badly needed and long overdue, yet the Committee on Post Office and Civil Service Committee continues to shield the Postal Service from scrutiny.

As my friend Ray McGrath said last night, the time for stalling and passing the buck is past. So long as the Government maintains responsibility for the Postal Service, we in Congress have an obligation to do something about the mail problems that affect every person in this country.

My resolution, House Resolution 194, is a start. It asks the President to create a commission to take a good hard look at the Postal Service. I hope my colleagues will join me in cosponsoring this important legislation.

HONORING DR. GWEN THOMAS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ENGEL. Mr. Speaker, it is my distinct honor to extend congratulations and best wishes to Dr. Gwen Thomas, who is being honored this week upon her retirement from service in the New York City public school system.

I have known Gwen Thomas for many years, and I can personally attest to her dedication and commitment to excellence. Every student, family, teacher and administrator who has worked with her knows of the thoroughness and understanding Gwen brings to the job. Her attributes will be missed but her legacy will live on, especially at Public School No. 68, where she most recently served as principal.

Clearly, our Nation and our communities need more people like Dr. Gwen Thomas. In her retirement, I know Gwen can reflect on all the lives she has touched in a positive way and recognize that her career has made a difference for so many people. On behalf of my constituents, and on a most personal level. I offer thanks to Gwen Thomas and wish her good luck and good health.

MIKE ADRAY: DEARBORN CITIZEN NO. 1

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. DINGELL. Mr. Speaker, I rise today to honor a very special friend who lives in my congressional district, Mr. Michael Adray, on the occasion of his 70th birthday. I am delighted to take this opportunity to salute the truly remarkable contributions Mr. Adray has made to our community.

Proclaimed as Dearborn's No. 1 citizen, Mr. Adray is president and owner of Adray Appliance and Photo Center Inc., in Dearborn. For over a quarter of a century, in Dearborn and throughout southeastern Michigan, Mr. Adray has helped thousands of people by taking leadership roles in amateur athletics, higher education, and other community causes.

Mr. Adray has worn many hats in his career. He was a tool and die maker at Ford Motor Co. He was a bombardier-navigator in the Army Air Corps. He returned to work at Ford Motor Co., while attending mechanical engineering classes at Henry Ford Community College and Wayne State University, as a production process engineer, and launched his business in 1955.

Mr. Speaker, throughout his career, Mr. Adray has demonstrated a remarkable diversity and worth to his community, often helping to raise much needed money for community projects. Mike and his wife, Louise, contributed academic college scholarships to the Adray Community Hockey League and I commend Mike Adray's commitment to America's young athletes, which goes well beyond dollars and cents. In 1956, he sponsored his first class E baseball team. He now sponsors 1,138 Little League teams, as well as numerous baseball teams, softball teams, basketball teams, in addition to a 100-member wrestling club. President of the All-American-Amateur Baseball Association in 1981-1983, Mr. Adray sponsors three Adray Baseball Leagues throughout Michigan. Among his numerous awards for such dedication, Mr. Adray received Sponsor of the Year Award from the American Amateur Baseball Congress. He has also received the United Foundation Sportsman of the Year Award 1982–83, and has been honored with the Michigan Sports Hall of Fame and the Amateur Softball Association Hall of Fame.

Mr. Adray has hit home run balls for health care institutions and the medical profession in his capacity as chairman of the Oakwood Hospital Foundation Board of Trustees in 1988, and as a member of the board of trustees of Henry Ford Hospital, and has chaired with determination Dearborn's American Cancer Society.

A leading figure in the business community, Mr. Adray is director of Dearborn Bank and Trust, and is a member of the Governor's Entrepreneurial and Small Business Commission. For his service to the business community, in 1982 he received the chamber of commerce Outstanding Citizen of the Year Award and in 1986 was awarded an honorary doctor of humanities from the Detroit College of Business.

Mr. Adray's life has also been filled by the love of his family and many, many friends. Mr. Speaker, you can see that Michael Adray is truly deserving of recognition. Let us therefore rise as a body and pay our tribute to Mr. Michael Adray, who in addition to being a hardworking and successful businessman and huge community leader, is a great American and a man I am proud to call my friend.

FIRST UNITED METHODIST CHURCH: DOWNTOWN MIAMI'S BEACON OF LIGHT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Ms. ROS-LEHTINEN Mr. Speaker, I am pleased to recognize the First United Methodist Church, which was recently featured in the Miami Herald. The article by Bea L. Hines tells of how the church has served as a beacon of light to the downtown area, throughout the city of Miami's history since 1896:

> It occupies a corner of downtown Miami and its neighbors are Bayside, banks, hotels and parking meters. Elderly citizens and homeless people find warm food and friends under its roof.
>
> This is First United Methodist Church of Miami at 400 Biscayne Blvd. In the heart of downtown, it is "a beacon of light to the city," says Ed Simon, 77, a member since 1946.
>
> First United Methodist was born out of a merger in 1966 of two of Miami's pioneer churches (White Temple, organized in 1896, and Trinty, which began two years later in 1898). Its members recently celebrated the church's 95th anniversary.
>
> According to William Barnes, pastor of the church for the past seven years, the church has a membership of about 1,014, "with about 220 regulars attending Sunday morning worship," he said.
>
> Dorothy Phelps, 85, still drives to Sunday morning services from her home in Coconut Grove. She has been a member since 1920.
>
> Said Phelps, "We have always felt there is a need for the church to be in the city."
>
> "Some [members] feel the homeless are not very inviting, but if Jesus was here, this is where He would be," she said.
>
> Phelps praised the church's younger, new members who also see the need, and the Rev. Barnes who, she said, "preaches a passionate and powerful sermon each Sunday."
>
> A widow (her late husband, Grady, was one of the nine men who were incorporators of First United Methodist), Phelps is the mother of two children and the grandmother of four.
>
> "I'm still loving that church," she said. "It's a real part of my life."
>
> At the merger in 1966, Simon was another of the incorporators. He agreed with Phelps that the role of the two early churches had always been to serve the physical and spiritual needs of the community.
>
> Service to the community started with the Spanish-American War, Simon said, when White Temple provided reading rooms for the soldiers stationed here.
>
> Later, in the fall of that year, there was the yellow fever epidemic and the church furnished soup kitchens," he said. "Then, during the first World War, both churches provided recreation rooms and suppers for the soldiers."
>
> Simon said that during the 1926 hurricane, rooms in both churches were converted to emergency hospitals and refugee centers for casualties.
>
> He remembers how even before Fidel Castro, when an influx of Cuban refugees came to Miami, it was the churches who welcomed them. For White Temple's efforts in helping to get the refugees settled, the church was recognized by Guideposts magazine.
>
> But the services to the community didn't end there. White Temple, with a seating capacity of more than 2,000, became the site of many concerts and other cultural events, Simon said. Both churches had radio broadcasts every Sunday.
>
> On New Year's Eve in 1964, an arsonist set fire to White Temple's main sanctuary, burning it beyond repair. It was the fire, Simon said, that probably brought on the union of the two churches.
>
> Miami-Dade Community College bought the property of both churches and in 1978 the ground-breaking for the present church was held. The first service in the new sanctuary was in 1980.
>
> Simon, who still practices law, said it has not been an easy thing for First United Methodist to stay in the city. He credits Barnes with doing "a magnificent job" of helping the church to remain downtown.
>
> The church has no plans to move, Barnes said. "The Lord needs us here. We continue to remind ourselves that this is a special calling.
>
> "This is a courageous, committed congregation. They voted to stay downtown a number of years ago and they remember that commitment," Barnes said. "We believe God gives us the gift and the strength we need to persevere, and that He honors our faithfulness with His faithfulness."

I am happy to pay tribute to Pastor William Barnes and his dedicated congregation by reprinting this article from the Miami Herald. The church has served the community in many ways, from providing reading rooms to soldiers during the Spanish-American War, to feeding today's homeless in downtown Miami. Through wars, hurricanes, fires and refugee influxes, the First United Methodist Church has always been ready and willing to serve.

THE TELEPHONE DISCLOSURE AND DISPUTE RESOLUTION ACT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SWIFT. Mr. Speaker, today I am joining my colleagues, Congressmen MARKEY, RITTER, and RINALDO to introduce comprehensive legislation to deal with the growing problems in the pay-per-call, 900 number industry. Abuses in this industry have generated tremendous numbers of consumer complaints to the Federal Trade Commission, the Federal Communications Commission, the State attorneys general, and to public and private consumer agencies. I am pleased to say that the legislation we are introducing has been developed with the active participation of all the above groups.

I am also very pleased to say that this legislation is the joint and constructive effort of both the Transportation and Hazardous Materials Subcommittee and the Telecommunications and Finance Subcommittee. The majority and minority of both subcommittees have worked together and with the telecommunications industry to craft legislation that will protect consumers from fraudulent and deceptive behavior in the use of 900 numbers.

The pay-per-call industry has grown exponentially in the past few years, in part because it offers both consumers and vendors a payment mechanism that is convenient and cost-effective. Unfortunately, this very useful technology has gotten a bad reputation from consumers because of problems with the quality of services provided and in abusive billing and collection practices. The lack of nationally uniform regulatory guidelines has led to confusion not only for consumers, but industry and regulatory agencies as well as to the rights of callers and the oversight responsibilities of the regulatory authorities. This has allowed some pay-per-call businesses to engage in practices which have abused the rights of customers. This legislation—the product of both subcommittees with jurisdiction in this area—addresses those concerns.

The continued growth of the legitimate pay-per-call industry is dependent upon consumer confidence that unfair and deceptive behavior will be effectively curtailed and that consumers will have adequate rights of redress. I hope that Congress will enact this legislation to offer both consumers and vendors necessary protections and help facilitate the growth of a robust and competitive pay-per-call marketplace.

DOMESTIC VIOLENCE

HON. ROBERT T. MATSUI

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 1991

Mr. MATSUI. Mr. Speaker, I rise to salute the fine work of Women Escaping a Violent Environment [WEAVE], an organization dedicated to reducing domestic violence in the Sacramento area.

On October 7, Lifetime television and Sacramento Cable will present a special WEAVE benefit showing of "Prisoners of Wedlock," a documentary on domestic violence. The importance of this film and of awareness of domestic violence cannot be overstated. According to the Surgeon General, domestic violence is the largest cause of injury to women in the United States. Sadly, domestic violence is also one of the leading causes of death among women. Every 15 seconds, a woman is the victim of domestic violence in the United States.

Mr. Speaker, this trend of increased domestic violence must not continue. At a time when there is so much talk about improving the institution of family, let us take the first steps by promoting awareness, providing safeguards, and establishing strong punishments for the crime of domestic violence. I ask my colleagues to join me in recognizing National Domestic Violence Awareness Month and to work toward ending this tragedy that affects so many of this country's families.

INTRODUCTION OF CARRYOVER BASIS ACT OF 1991

HON. SANDER M. LEVIN

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 1991

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to introduce legislation with Congressman PEASE of Ohio that will help restore a degree of fairness and progressivity to our Tax Code and encourage investment in more productive economic activities. Our bill would correct a longstanding deficiency in tax policy that allows capital gains held until death to escape taxation.

There's been much discussion recently, Mr. Speaker, about policies to promote economic growth and tax fairness. During the 1980's, the Nation was asked to participate in a supply-side experiment. The engineers of the accompanying tax and budget policies promised booming economic growth and a higher standard of living for all Americans.

Precisely the opposite occurred. The underpinnings for economic growth—a sound fiscal position, good roads, well-educated students—were weakened. Only a very few in this country accumulated tremendous wealth while the vast majority of Americans struggled just to make ends meet. The richest 2.5 million Americans now have as much income as the 100 million Americans with the lowest incomes.

President Bush's response is to prolong the supply-side fantasy. He proposes to reduce the tax rate paid on capital gains in the vain hope it will boost economic growth.

He does this knowing full well that there isn't any evidence that capital gains enhances economic growth, that it will add billions of dollars to the Federal budget deficit, and that 77 percent of all capital gains go to the top 1 percent of Americans.

Mr. Speaker, the fact is that the very wealthy in this country already enjoy many tax advantages that most lower- and middle-income Americans do not. Before we race off to grant new tax advantages, we need to examine the ones that already exist.

One of the largest and most egregious is the loophole that allows the capital gains on assets held at death to pass untaxed to the next generation. If an individual sells an asset today, that person is taxed on the appreciation of that asset. But if he or she holds an asset until death, the appreciation of that asset is not taxed and the basis of the asset is stepped up to fair market value before being passed on to the heirs. The result is that the capital gains earned during the individual's lifetime will never be taxed.

Mr. Speaker, it's not right that these gains completely escape taxation. They should be taxed like all other capital gains. Furthermore, this loophole creates an enormous incentive to hold assets until death. Not only does that hurt economic growth by locking investments into less productive uses, but it costs the Treasury enormous amounts of revenue.

Finally, it perpetuates the unfairness of our Tax Code. The rich are allowed to stay rich through no effort of their own, while lower- and middle-income Americans are asked to help make up for the lost revenues.

The bill we are introducing today addresses this inequity by eliminating the step-up in basis for assets received from estates valued above $600,000. Estates valued at less than $600,000 would continue to receive a step-up in basis under section 1014 of the Internal Revenue Code.

The basis of property received from estates valued at more than $600,000 would be determined under a new section 1022. The basis of this property would be the property's initial basis increased by the section 1022 adjustment. Initial basis is defined as the basis of the property in the hands of the decedent increased by the fresh start adjustment provided in the bill.

The fresh start adjustment increases the basis of the property to its fair market value as of December 31, 1991. This adjustment was included so that the bill would apply on a prospective basis only.

Further adjustments are provided under section 1022 to assure that only large estates will be impacted by this change. These adjustments will allow, in many cases, the basis of inherited property to be increased to at least $600,000. Some qualified farms and closely held businesses will get to increase the basis of this property to as much as $850,000.

A central feature of the legislation is the establishment of carryover basis rules. Under our bill, decedents or their executors will have two options: First, recognize any appreciated value from the initial basis, pay the capital gains tax due, and receive a step-up in basis; or second, carryover the initial basis for the assets. Thus, the appreciation of assets will not escape taxation, but individuals will retain control over when to dispose of the assets.

The legislation has been carefully crafted to take care of legitimate concerns regarding family farms and businesses. The operation of family farms would be unaffected by this legislation. Farms which are eligible for the reduced estate tax under section 2032A would be allowed a supplementary $250,000 step-up in basis.

Under this proposal, a farm that is passed down to a farmer's children will never be required to pay capital gains taxes at death. The family would be able to continue the enterprise without interruption. Taxes would only be due if the heirs sell the farm, at which time only farms with a fair market value exceeding $850,000 will face taxes.

Likewise, a family business, as defined in section 6166(b), would be eligible for an additional $250,000 supplementary step-up in basis. This additional basis, when combined with the $600,000 minimum basis and the carryover basis option, would ensure that families never face liquidity problems due to tax on capital gains at death.

Family run businesses can pass from generation to generation without recognizing any capital gains, while receiving substantial step-up under the minimum basis and supplementary basis rule. Taxes would only be due if the heirs sell their interest in the business, at which time estates under $850,000 would be exempted entirely from paying taxes.

I hope that during the coming debate over economic growth and tax fairness, we look at this legislation as a way of making the Code work in a more fair and economically productive manner. Mr. PEASE and I look forward to working with our colleagues to correct his inequity in the code.

UNEMPLOYMENT INSURANCE

HON. FREDERICK S. UPTON

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 1991

Mr. UPTON. Mr. Speaker, I rise today to tell the American public how Congress handled the extension of unemployment benefits.

This week I voted to extend additional benefits to help unemployed families across America. My home State of Michigan has the Nation's second highest unemployment rate, and families are struggling to put food on the table. But instead of directly addressing this problem, Congress argued and delayed while deserving Americans continued to bear the weight of this Nation's prolonged economic recession.

As a fiscal conservative I, like the President, don't think we have to increase the deficit to relieve this pain. We could have quickly provided additional benefits through offsetting cuts in other programs. Senator DOLE offered such a measure, but unfortunately was rebuffed. Here in the House, we did not even get the chance to vote on offsetting cuts. I'm angry we were only given the choice of providing no benefits, increasing the deficit, or raising taxes.

Congress abrogated its responsibility to unemployed Americans when our help was needed the most and then acted to spend money we don't have. It's not too late to do it right, and I will continue to push for more responsible ways to pay for these critical needs. But then, you may ask, why did I vote for the bill that increases the deficit in this way? Because it is not fair unemployed families pay for our irresponsibility, and I won't put the burden on their shoulders because we couldn't do our job. That's why I voted for the extended benefits.

AIDS AND INNOCENCE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LEVINE of California. Mr. Speaker, I would like to draw my colleagues' attention to an article in yesterday's Washington Post by a close friend, Scott Hitt. Scott is a respected internist in the Los Angeles area who specializes in treating HIV-positive patients.

In his article Scott dispels a number of common misperceptions about people with AIDS. Since its discovery the public has regarded AIDS as a disease which afflicted other people like gays, drug addicts, and the poor. The harsh reality is that AIDS is a deadly disease which, if it has not already, will soon affect all of us, no matter where we live or how we live our lives. As Scott points out, it is already the second leading killer of adult men between the ages of 25 and 44 and fifth among women of the same age group.

Congress and the Administration must get on with the task of finding a cure for this horrible and deadly disease. Until we do so, all of us are at risk. I urge my colleagues to take a moment to read Scott's article. It will be well worth your time.

[From the Washington Post, Oct. 2, 1991]

AIDS AND INNOCENCE—IT IS NOT AN 'US' VERSUS 'THEM' DISEASE

Kimberly Bergalis, the young Florida woman who reportedly contracted AIDS from her dentist, has captured the sympathy of the nation. Recently, America's media carried accounts of her testimony on Capitol Hill. "AIDS is a terrible disease that we must take seriously," she stated. "I didn't do anything wrong, but I'm being made to suffer like this."

Why, out of the nearly 200,000 people who have developed AIDS in the United States over the past decade, have millions of Americans been transfixed by Kimberly Bergalis's plight?

Because Kimberly Bergalis, like Ryan White before her, is perceived by some to be an "innocent" victim of AIDS. The National Commission on AIDS documented this view in its just-released final report. In the United States, it said, there is "a thinly veiled feeling that those who acquired the virus are getting what they deserve and a collective indifference to their fate."

I have three objections to this widespread belief regarding people with AIDS and HIV.

The first is discrimination. Despite the tragedy in Africa—where countless millions of both sexes have contracted AIDS through heterosexual contact—many Americans continue to view AIDS as a "gay disease" and, therefore, not deserving of compassion. This misconception has lingered even though AIDS now ranks as the second leading cause of death among all American men between the ages of 25 and 44 and the fifth leading cause of death among American women of the same age group.

My second objection to the term "innocent" is its imprecision. At what point are people to blame for AIDS? Is it when they learn that they are homosexual or decide to use drugs? Or do people become "guilty" when they engage in unprotected sex or use dirty needles? If this is true, then a lot more individuals deserve the sympathy that most Americans seem to be reserving for the "innocent."

Consider: Until the development of the HIV-antibody test in the mid-1980s, it was virtually impossible to determine exposure to AIDS unless physical symptoms had manifested themselves. The lack of widespread educational programs until this time, moreover, hindered the ability of individuals to take precautions that would have prevented transmission of the disease.

Because it typically takes a number of years for any physical symptoms to appear after infection with the human immunodeficiency virus (HIV), which causes AIDS, it is likely that most individuals who develop AIDS over the next few years—are "innocent." After all, they contracted the disease before receiving information that might have altered their behavior.

My third objection to the term "innocent" is that it diverts attention from those who, in reality, are to blame.

According to the National Commission on AIDS, "our nation's leaders have not done well" in fighting the epidemic. The White House "has rarely broken its silence" on AIDS during the last decade, and Congress "has often failed to provide adequate funding for AIDS programs." As a result, "the United States, which has more people with AIDS than any country in the world, is one of the few developed nations with no national plan."

Because of this inaction, Americans won't be able to categorize people with AIDS as "innocent" or "guilty" much longer. In some rural areas, the ratio of HIV infection is evenly divided between men and women, thereby increasing the likelihood that AIDS will become a heterosexual epidemic in the United States, similar to Africa.

Even "innocent" teenagers are now at risk. According to recent studies, AIDS prevention messages are failing to reach younger Americans. Meanwhile, many parents' groups seek to limit teenagers' access to condoms, fearing that this will lead to more permissive attitudes regarding sex. In the future, will those teenagers who did not have the opportunity to learn about "safe sex" be labeled "guilty" as well?

If the tragic example of Kimberly Bergalis makes Americans remember the plight of untold millions who suffer from AIDS around the world, then I am all for publicizing her plight—even as I am saddened by her personal tragedy.

However, if she and Ryan White serve only to reassure Americans that AIDS is an "us" vs. "them" disease, with the "us" being somehow innocent and the "them" somehow guilty, then I say that we are mocking the examples of their lives.

If we are to find some good in the tragic cases of Kimberly Bergalis, Ryan White and countless others, it should be to restore our passion and humanity for all of those who are battling the disease. Goodness knows, they face enough challenges without society's blame.

IN REMEMBERANCE OF BABI YAR

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. COX of Illinois. Mr. Speaker, this weekend marked the 50th anniversary of the Babi Yar massacre, one of the most harrowing episodes of the Nazi Holocaust.

It is critical that we take this opportunity to remember the tragedy of Babi Yar, a tragedy of senseless death and a tragedy which for so long went unrecognized.

In 1941, in the week between Rosh Hashanah and Yom Kippur, over 33,000 Jews were taken to Babi Yar, stripped of their clothes and brutally massacred by Nazi and Ukrainian soldiers. In addition, during the next 2 years, tens of thousands of Jews and non-Jews were murdered at the ravine. These tragic events were, for too long, left unrecorded in Soviet history.

I speak today to commemorate the lives lost at Babi Yar. I speak in hopes that our memories of this tragedy do not fade. We must discuss, understand and remember this event, for silence only allows history to repeat itself. We must say today, never again.

INTRODUCTION OF THE EXPANDED EAST COAST PLAN ROLLBACK ACT

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ZIMMER. Mr. Speaker, today I introduced legislation that would provide much-needed relief from the burden of aircraft noise for many of my constituents.

This bill would require the Federal Aviation Administration to reroute air traffic currently flying over New Jersey and New York to air routes over the Atlantic Ocean. In cases where aircraft cannot be rerouted over the ocean, the legislation requires the use of air routes used before the Expanded East Coast Plan was adopted in 1987.

The FAA would have 18 months to change the routes.

The final provision of the bill would require the FAA to prepare an environmental impact statement examining the effects of the modification of the Expanded East Coast Plan.

The Expanded East Coast Plan has failed to meet its goal of reducing delays, has resulted in safety problems and has generated excessive noise over dozens of communities, some of which are 40 miles from the nearest airport.

Enactment of this legislation will put an end to the noise pollution that has afflicted large portions of the New Jersey-New York metropolitan area since the Expanded East Coast Plan was implemented.

HMONG-LAO REFUGEES FACE GROWING DANGER

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ROTH. Mr. Speaker, the Laotian Americans of Wisconsin, many of whom reside in my Eighth Congressional District, have expressed grave concern for the safety of family members and friends who are currently located in Thailand but facing the possibility of forced repatriation back to Laos.

Many fear that if these refugees are forced to return to Laos they might very well be slaughtered on trumped-up charges of political crimes.

In order to bring this important matter to the attention of the American people, I ask that a resolution drafted by the Lao Human Rights Council be inserted into the CONGRESSIONAL RECORD at the conclusion of my remarks.

I would first like to outline the plight of the Lao refugees now located in Thailand and why they deserve our best efforts to help them. These refugees include thousands of Laotian highlanders known as Hmongs.

United States military involvement in Laos is well documented. Americans are known to have helped to train, equip, and support Hmong-Lao forces as far back as the 1950's. In fact, at the height of the Vietnam war, the secret Hmong-Lao force was reported to number 30,000 men.

Since 1975, when the Government of Laos fell to the Communists, over 300,000 Hmong and Lao have fled the country. Most of those sought safety in Thailand. Today, according to the United States State Department, there are more than 60,000 asylum-seekers in Thailand. Of these, approximately 52,000 are Hmong and 8,000 are Laotians.

The procedures governing the issue of repatriation are governed by bilateral agreements between Thailand and Laos, as well as principles of international law.

Under these provisions, the basic protection afforded to people comes from the determination that a party is a refugee and thereafter termed "screened-in." In general, refugee status is accorded to those that have fled Laos with a well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group or political party. Once a person is deemed to have acquired refugee status, international law provides certain protections.

In addition, under other international agreements, such screened-in people are provided the opportunity to be repatriated to third countries under the supervision of the U.N. High Commissioner For Refugees [UNHCR].

It is through this process that many Laotians decided to come to the United States. In fact, today, the United States remains the largest resettlement country for Hmong and Lao refugees. According to the State Department, since 1975, roughly 100,000 Hmong and 123,000 Laotians have been resettled in the United States. This year, the State Department projects that 6,500 to 7,000 Hmong and Lao refugees will come to the United States.

The concerns raised by my Hmong constituents are justified on a number of grounds. First, some refugees are not accorded any of the protections enjoyed by those who have attained refugee status. And second, these screened-out refugees are currently not accorded the protection of UNHCR supervision of their repatriation back to Laos.

In short, these so called screened-out refugees are viewed as illegal aliens by the country of Thailand. Accordingly, their return to Laos is now governed exclusively by bilateral agreements between Thailand and Laos.

In August 1991, these governments agreed that all screened-out refugees will be returned to Laos over the next 3 years.

As a nation that prides itself as a leader in international human rights, we should draw worldwide attention to the issue of the potentially tragic outcome of the forced repatriation of the Hmong and Laotians back to Laos if those people are not provided at least some protection.

I commend the following resolution to the U.S. Congress.

EIGHTEEN POINTS ON LAOS: LAOTIAN REFUGEES NEED HUMANITARIAN ASSISTANCE OF THE U.S. GOVERNMENT

(By the Laotian Americans and Refugees in the United States)

We, the participants in the Lao Human Rights Conference on Refugees of September 14–15, 1991, in Green Bay, Wisconsin, have endorsed and adopted the following eighteen points to find solutions to the Laotina Refugee Crisis in Thailand and in Loas. We agree that the deaths of more than 300,000 Laotian people in the past fifteen years and the more than 70,000 Vietnamese troops who are stationed inside Laos in 1991 are the main causes of the refugee crisis. Human rights violations and Vietnamese aggressions and domination are unacceptable to the Laotian people. We need the U.S. Congress to recognize these matters. We propose that the U.S. Government consider the following points:

1. We request that the U.S. Government and UNCHR send a committee to supervise and bring peace and freedom to the returnees to Laos from Thailand. In addition, the U.S. Government and the UNCHR must sent a committee to investigate the future and conditions of three Hmong returnees who escaped to Thailand from prison camps in Laos, and who were then forced by the UNCHR and Thai authorities, on August 16, 1991, to return to Laos.

2. We request that the U.S. Congress, the White House, and the Department of State immediately request the Thai Government and the UNCHR to stop on the policy of forced repatriation of Hmong and Laotian refugees from Thailand back to Laos.

3. We request that the U.S. Government recognize that the returnees are murdered, persecuted, imprisoned and tortured by the Communist Pathet Lao Government.

4. We request that the U.S. Government recognize that the policy of forced repatriation has been going on the Thailand.

5. We request that the U.S. Government recognize that the Thai Government and UNCHR have reversed their policy, from voluntary repatriation to forced repatriation.

6. We request that the U.S. Government recognize that neither the policy of voluntary repatriation nor forced repatriation is acceptable to the Hmong and Laotian refugees, because the returnees have been persecuted and killed by the Communist Pathet Lao Government.

7. We request that the U.S. Government request that the Thai Government and UNCHR grant "refugee status" to Laotian refugees in Thailand.

8. We request that the U.S. Government request that the Thai Government allow Hmong and Laotian refugees in Thailand to stay there until it is safe to return to their homeland. The refugees will return to Laos under the 15 Principles, which was drafted by the Lao-Hmong Human Rights Council and approved by the refugees on January 20, 1991.

9. We request that the U.S. Government, Thai Government, and UNCHR continue humanitarian assistance to the Laotian refugees.

10. We request that the U.S. Government not provide any type of foreign assistance to the United Nations, Laos, and Thailand for refugee repatriations from Thailand to Laos.

11. We request that the U.S. Government recognize the linkage between the political settlement in Cambodia and in Laos. We request that the U.S. and the United Nations link the political and military problems in Cambodia with settling the question on peace and war in Laos. We request that the Vietnamese occupation of Laos and Cambodia by invasion of Vietnamese troops be recognized by the U.S. Government.

12. We request that the U.S. Government recognize that peace, democracy, stability, and national reconciliation in Laos be based upon the Paris Peace Agreement on Indochina and the Vientiane Peace Agreement on Laos of 1973.

13. We request that the U.S. Government pressure the Vietnamese Government to withdraw all its troops from Laos unconditionally and completely. The end of foreign aggression and occupation and human rights violations will end the troubles of Laotian Refugee Crisis.

14. We request that the U.S. Government support the objectives of the Laotian freedom and democracy movement, reconstruction of a democratic government under the rightful heir to the throne, pending free elections under international supervision in Laos.

15. We request that the U.S. Government admit more Laotian refugees into the United States. However, we request that the U.S. Government not permit persons loyal to the Communist Pathet Lao Government into the United States. In addition, in order to protect peace, freedom, and democracy, we propose that the U.S. Government revoke the citizenship of Laotian refugees or individuals who are engaged in and have cooperated on information and security matters for the Communist Pathet Lao Government.

16. We request that the U.S. Government not establish full diplomatic relations with Laos until there are free elections, multi-political parties, human rights, peace, democratic principles, freedom, and government by the and for the people in Laos.

17. We request that the U.S. Government not establish diplomatic relations with Vietnam until all Vietnamese troops leave Laos completely and unconditionally. Neither the government of Laos nor of Vietnam have fully cooperated with the U.S. Government on American POW/MIA issues. These governments do not tell the truth to the U.S. Government.

18. We request that the U.S. Government cut off all foreign assistance and other types

of aid to Laos, because the crop substitute projects have resulted in the power of officials of the Communist Pathet Lao Government to produce and export more opium for national revenues. The Communist Pathet Lao Government has been heavily dependent on opium production for survival of Communist power.

Please consider the above 18 points. Thank you very much in advance for your consideration of these proposals.—Vang Pobzeb, Chairman, Lao Human Rights Council.

THE FUTURE OF DEFENSE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ASPIN. Mr. Speaker, the debate over the right defense for the future has taken a significant turn, one that favors the vision of the future that a majority of the Members in this House shares. That turn occurred following Friday's dramatic action by President Bush on nuclear weapons.

The President acted to remove unilaterally a whole class of weapons—tactical nuclear weapons on land and at sea—and sought to put the genie of multiple warheads on land-based ballistic missiles back in the bottle for good. These were commendable actions.

But the cheers for the President had hardly died down before the hard questions began. Mr. Bush may feel as if he were mugged on the way home from a moment in history. On the evidence we have seen since Friday, the President's far-reaching speech reached farther than he would have liked. The speech did two things that have caused the present turmoil in the defense debate.

First, the speech legitimized the notion that unilateral cuts could be in the U.S. national interest. The President was correct to act unilaterally on tactical nuclear weapons but now others are saying we should not stop there.

Second, the speech raised arguments against some nuclear systems that can be used more broadly than the President applied them. If the Soviet threat is now so blunted that we can take bombers off alert and do away with mobility for our land-based missiles, then surely, the reasoning goes, we can do more. In short, he blurred the line between systems he wants and those he doesn't want.

These points, in turn, opened the President's position to erosion on two fronts, one in Washington and one in Moscow. In Washington, the President will be pressed for more cuts in the defense budget. In Moscow, he will be pressed to broaden the agenda to meet traditional Soviet concerns—such as multiple-warhead ballistic missiles aboard U.S. submarines, and the continuing desire for a ban on nuclear testing.

In Washington so far, the debate has concentrated on the defense budget for Fiscal Year 1992. We have heard claims that the President's speech was a blow to the B–2 Stealth bomber and strategic defenses. Mr. Speaker, from the point of view of the House, the speech had nothing to do with either defenses or the B–2. Here's why.

The House position on the bomber is that there is no compelling strategic mission for B–2, and we should stop the program at the currently authorized level of 15 planes. The original program called for 132 B–2's. Then it was scaled back to 75 bombers by the Administration. Both figures were based on the strategic nuclear mission. For that misison, the number of planes is determined by the number of targets you want to hit, since there would be no second trip on the nuclear mission.

On conventional missions, however, planes can make repeated sorties. A smaller number of planes can hit a larger number of targets by making return trips. Ten planes could cover 50 targets in 5 trips. Five planes in ten trips, and so on. That's why the 15 B–2's already authorized would make a potent conventional force, if they can overcome recent problems over stealthiness. We don't need any more.

Nothing in the President's speech challenged this analysis. Perhaps that's why some were so unhappy with it.

The House has already moved to restructure ballistic missile defenses to concentrate on three areas: One, theater defenses; two, limited, ground-based defense of the United States against accidental or unauthorized launch, and a future Third World threat; and three, research on breakthrough technologies. The House steered the program away from space-based defenses against a massive, deliberate Soviet attack, which seems less likely with each passing headline. Nothing in the President's speech challenged this analysis. Perhaps that's why some were so unhappy with it.

One other issue we are dealing with in the 1992 budget is humanitarian aid for the Soviet people this winter. This has become an issue since the failed coup in Moscow accelerated the disintegration of the Soviet Union. I have proposed using up to $1 billion from the fiscal 1992 defense budget for this emergency aid. It belongs in the defense budget because it is defense by another means. We don't want social chaos in a country with 30,000 nuclear warheads and we don't want the first winter of freedom in 70 years to be a disaster for the Soviet people.

So, missile defenses, B–2 and humanitarian aid to the Soviet people this winter are the chief issues still in contention for the 1992 budget. The House is on the right side of these issues, Mr. Speaker. We passed the defense authorization bill in May and it looks pretty good. We got the numbers right and we got them right for the right reasons. The House heard history coming.

That's the 1992 budget. Some are already looking ahead, asking whether we should abandon the budget agreement for 1993 and beyond to make more cuts.

We can again use the President's Friday speech as a point of departure for considering how we will approach those questions.

The President's speech, in effect, responded to one revolution whose outcome we know and another one that seems to be taking place now.

The first revolution lasted from December of 1988 until November of 1989. Soviet President Mikhail Gorbachev began this one in a speech to the United Nations in December, 1988, that announced unilateral, a symmetrical cuts in Soviet forces. It ended in November of 1989 with the fall of the Berlin Wall. The results of that year were amazing. Soviet troops were vacating Eastern Europe as quickly as they could. Communist governments were ousted. Germany was reunified. The Soviet-led Warsaw Pact threat to Europe was gone.

In this country, it took us a while to sort this out. A debate went on during the first half of 1990 over whether the decline in the threat could be reversed. Those who said it was irreversable prevailed and three things resulted. One was the decision to reduce U.S. forces by 25 percent. Another was the Base Force concept for the remaining U.S. forces, and the third was the White House-Capitol Hill budget agreement establishing guidelines to set spending levels into fiscal 1995.

Now it looks like we may have a second revolution following the failed coup in Moscow in August. In truth, we don't know how this one will end up. It did not simply restore the status quo ante after the coup failed. It gave the reformers a jump start. Its ultimate results could be more fundamental that the first revolution. That was the end of the Warsaw Pact threat. This could mean the end of the Soviet threat, itself.

The President's speech on Friday, in effect, responded to both revolutions. The response to the first revolution was pulling back U.S. tactical nuclear weapons. Basically, it was an action he could have taken after the fall of the Berlin Wall. When the Soviet Union and its Warsaw Pact allies seemed to have the edge in non-nuclear military power, we felt we needed nuclear weapons to compensate. Now, with the demise of the Pact, the United States has the edge in conventional military forces, and we're concerned with such things as weapons falling into terrorist hands, and unauthorized or accidental use. So, the fewer nuclear weapons there are, the better off we are.

The President's speech also responded to the potential for a second revolution when he took U.S. bombers off alert, when he decided to stop work on mobility for U.S. land-based missiles and when he speeded up the reductions in U.S. forces required by the START agreement. The implicit judgment was that the Soviet Union after the coup was a place much less likely to start a nuclear war than it was before. Clearly, this decision was made on a calculation of Soviet intentions. This is a big change. The administration has been firm in the past that decisions had to be based on Soviet capabilities since intentions can change. For the first time, the President was willing to base actions on intentions.

But, as with the first revolution, it is going to take a while for us to sort this second one out, if a revolution is what it turns out to be. How should we respond?

The first revolution irreversibly ended the Warsaw Pact threat to Western Europe and the right response was judged to be a 25 percent reduction in our forces. If this second revolution results in the end of the Soviet military threat to the United States, can't we go further? Some say no, that we hold at the 25 percent reduction. I don't think that position can be held if the Soviet threat is really gone.

We on the House Committee on Armed Services are preparing a major effort to investigate this, to help determine what defenses we need at the spending levels we can justify by the real threats we face. This effort will include a comprehensive look at the lessons for the future we can draw from the war with Iraq. It will also include hearings on new developments in the Soviet Union, and on the proposed Base Force concept and how it will meet the needs of a new era.

Our general approach to this task will have two parts.

First, we have to make sure the decline in the Soviet conventional military threat is irreversible. There are a number of indicators we should watch. Chief among them is the fate of the massive Soviet military industrial complex. If the complex is dismantled and the resources now devoted to military production are directed into civilian goods, the demise of the Soviet military colossus will be irreversible and we can respond with reduced defense spending.

Second, we'll have to figure out how to spend our remaining defense dollars smartly. The war with Iraq showed that simply buying a smaller version of the force we built to deal with the Soviets isn't necessary the way to go.

In sum, we are on the right course for fiscal 1992. The right response to the failed coup in the 1992 defense budget is the House position on B-2 and SDI and humanitarian aid. When we look beyond the 1992 budget in the coming weeks, our efforts will help determine the future of the budget agreement, the 25 percent build down and the base force concept. They will help determine what our national defense looks like for years to come. That is the defense debate we must now have.

INTRODUCTION OF THE FEDERAL COMMUNICATIONS ENGINEERING SCIENCES QUALIFICATION ACT OF 1991

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. RITTER. Mr. Speaker, today, I have introduced the Federal Communications Commission Engineering Sciences Qualification Act of 1991.

The bill requires that at least one member of the Federal Communications Commission [FCC] have an engineering background.

The FCC is charged with regulating one of the fastest growing and technologically dynamic industries in this country. Since its formation in 1934, there have been 64 FCC Commissioners. Of these, only eight have had an engineering background.

Engineering talent is now more necessary than ever at the FCC. The FCC deals with many complex telecommunications engineering issues and until 1982, the Communications Act required that one professional staff assistant for each Commissioner had to be an engineer. Yet today only 1 of the 15 professional staff assistants to the current FCC Commissioners has a background in engineering.

The technical sophistication and complexity of communications regulatory issues has increased dramatically over the 57 years since the FCC was formed. Advances in technology, such as digital audio broadcasting [DAB], high definition television [HDTV] and personal communications systems [PCS] represent just some of the regulatory challenges that the FCC must face in the near future. These issues, where technology meets regulation, require technical, as well as economic, legal and political expertise.

That is why I believe that one of the FCC commissioners should be required to have an engineering background. This will give a new level of technical sophistication to the FCC. It will give the Commission greater ability to handle the complex technical engineering questions that will be coming before the Commission in the years to come.

I urge my colleagues to cosponsor this bill so that our telecommunications regulators will be able to keep up with this the fast-paced industry that it oversees.

FANNY PIEMONTESE AND JOSEPH COLOSIMO: YONKERS' COLUMBUS DAY HONOREES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mrs. LOWEY of New York. Mr. Speaker, Columbus Day is a special day for all Americans. It is particularly so for Americans of Italian descent, who take this time every year to celebrate their myriad contributions to the development of American society, and to pay tribute to members of their community whose recent achievements are of special note. For 499 years, Italian-Americans have played a vital role in the growth, and the greatness, of the United States.

Tomorrow, members of the Yonkers Italian-American community will gather for the annual Columbus Day Celebration Committee dinner-dance. They will honor two very special individuals for their lifetimes as champions of Italian heritage. I want to join them in paying tribute to Fanny Piemontese and Joseph Colosimo.

Fanny Piemontese was born and received her formal education in Italy. After coming to this country as a young woman, she settled in Yonkers with her husband, Morris. Together, they built a successful clothing business, and Fanny became a leader of the community. She is a past-president of the Westchester Women's Division of the American Committee on Italian Migration, and has been chairman of such organizations as the Soroptimist Fund Raising Committee for Yonkers youth programs, the United Fund of Yonkers, Boys' Town of Italy, the Benefit Shop of St. John's Riverside Hospital, the Enrico Fermi Stamp Committee, the Yonkers Cancer Crusade, and the Yonkers Cancer Society. She has raised funds for the Sicilian Disaster Relief Fund and Fruili earthquake victims, organized Italian classes at the Yonkers Y.M.C.A., gave television commentaries for Italian-speaking viewers, and helped win approval by the Italian Government of a stamp honoring Enrico Fermi. Her tireless and effective work has been recognized and honored numerous times. I am very pleased to add my name to the many others who have recognized Fanny's accomplishments. She is one of our community's finest assets.

Joining her in the spotlight tomorrow evening will be Joseph Colosimo. An accomplished public engineer and a Yonkers civic leader, he has made it his work to ensure that the accomplishments of Italian-Americans are widely recognized. After seeing a children's text book which purported that Lief Erikson and not Christopher Columbus discovered America, he led a crusade to have New York State school syllabi recognize the important contributions that people of Italian descent have made, and particularly the importance of the events whose quincentennial we will all celebrate together next year. Working together with the State Sons of Italy, he was able to convince the Federal Government to fund a curriculum study by the New York State Education Department to evaluate the Italian-American experience. He was also appointed to the Education Department's Advisory Council of Ethnic Studies. Thanks to Joe Colosimo, students all over New York are taught about all of the things that members of the Italian-American community have done to make America great.

The Columbus Day Celebration Committee has chosen wisely in naming this year's honorees. Fanny Piemontese and Joseph Colosimo are making a difference in the Yonkers Italian community and throughout our area. I am sure that all of my colleagues join me in wishing these two great individuals well and in congratulating them for that honor that they are receiving.

KATHERINE AFENDOULIS, MICHIGAN TEACHER OF THE YEAR 1991

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. HENRY. Mr. Speaker, education is the key to our future, and our hopes for the Nation can only be as bright as the people we entrust to develop our children's minds.

So, it is with great pride that I rise today to tell you about Michigan's Teacher of the Year, Katherine Afendoulis.

Katie teaches third grade at Collins Elementary School in Grand Rapids. In her 19 years as an educator, she has demonstrated a deep commitment to the many young lives she has touched.

She has particular concern for children who need special help in the critical early years of education. At Collins Elementary, she is involved in the gain academic power program, aimed at helping high-risk youngsters.

Mr. Speaker, on October 23, Michigan Teacher of the Year Katie Afendoulis will be here in Washington, along with Teachers of the Year from the other 49 States, the District of Columbia and Puerto Rico, for a symposium on the critical issues in education. I urge my colleagues to take the time to meet with these important educators, to learn from their knowledge and experience what we in Congress can do to better meet the needs of our Nation's young people.

COMPLETE DISCLOSURE REQUESTED OF THOSE WHO HAVE ABUSED HOUSE BANK PRIVILEGES

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. EWING. Mr. Speaker, the time has come for a full accounting of all those who have abused the House bank privileges. The American citizens have a right to know exactly who is involved in this scandal and those Members of Congress who are innocent deserve the opportunity to clear their names.

I appreciate the efforts of the Speaker and the minority leader to resolve this issue, but frankly the American people deserve to know if their representatives have abused the extraordinary privileges available through the House bank. Like it or not, elected representatives of the people are held up to a particularly high standard and how we conduct our personal lives does concern our constituents. When a Representative has conducted his financial affairs in a way which clearly raises ethical questions, the citizens do have a legitimate right to know.

The irresponsible actions of repeat check-bouncers have cast a dark shadow over the whole House. Those who have not written bad checks and those who have made honest mistakes have been tainted by this scandal and deserve the opportunity to have their names cleared. This can only be done with complete disclosure.

GERMAN REUNIFICATION DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BONIOR. Mr. Speaker, I would like to join with people around the world who are celebrating the Day of German Unity.

It is extremely important that we all remember the momentous and truly historic events that led to the realization of German reunification. The mass demonstrations in Leipzig and the collapse of the Berlin Wall are events that propelled the wave of freedom that swept across Eastern Europe and the Soviet Union.

The images of people taking hammers and chisels to the wall are indelibly etched upon the minds of freedom-loving people everywhere.

While the struggle of the past was for freedom, the struggle of the future will be economic. However, I am optimistic that Germany faces a bright and prosperous future in which all people will enjoy the blessings of freedom.

TRIBUTE TO LEON STEWART

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Leon Stewart of Pawtucket, RI, as being one of the bravest persons in the country.

Hasboro toys has chosen 7-year-old Leon as a national winner in the G.I. Joe Search for Real American Heroes for the courage he displayed when rescuing his two brothers, Jonathan age 4, and Gregory almost 2 years old, from their burning home. Leon's ability to think rationally during this critical situation saved the lives of both his brothers.

Leon has proven himself a true hero. He has certainly saved his family from much grief. I commend you, Leon, on your bravery and your use of common sense. You have truly shown that you are worthy of this award.

HAPPY 80TH BIRTHDAY, TAIWAN

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LIVINGSTON. Mr. Speaker, this Thursday, October 10, the Republic of China on Taiwan will celebrate it's 80th Independence Day. As I know from personal experience, the Taiwanese are a very proud people, and they have every right to be.

Taiwan is a modern, industrialized, democratic nation. I think it's worth special note that its people enjoy a standard of living far higher than that of their colleagues on the mainland.

I would also like to make note of the Republic of China's increasing willingness to shoulder more international responsibilities. As the world turns away from communism and state-owned, state-run enterprises, there is going to be dramatic need for capital investment worldwide.

The United States cannot accept these burdens alone and that's why the support and expertise of other free countries is so indispensable. The Republic of China should be applauded for its efforts to be a responsible international partner.

Also in that spirit, I am glad to see that President Bush is now on record as supporting Taiwan's entry into GATT.

Mr. Speaker, to all the citizens and leaders on the Republic of Taiwan, I send my best wishes for a happy independence day.

TRIBUTE TO CARL L. STACEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Carl L. Stacey, a loyal public service employee in Columbiana, OH. He has served the people in my 17th District for 33 years, and is now retiring.

Mr. Stacey was elected in 1958 to the clerk of common pleas court in Columbiana. To this day, Mr. Stacey has served his constituents with steadfast allegiance. Such a commitment cannot go unnoticed. I congratulate Mr. Stacey and wish him well as he retires on October 31, 1991.

Previous to his present position, Mr. Stacey served his country in World War II accompanying America's Armed Forces on the D-day invasion of France. Soon afterwards, Mr. Stacey arrived on the homefront and began to serve his community. He has been the president of the Ohio Clerk of Courts Association. Currently, he is the longest serving officeholder in the history of Columbiana since 1803.

Again, Mr. Speaker, I rise to pay tribute to Mr. Carl L. Stacey. He is most worthy of congratulations as he retires at the end of this month.

A MUCH NEEDED BREAK TO PENSION PLAN PARTICIPANTS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GALLO. Mr. Speaker, Today, I am introducing legislation to address an immediate dilemma facing many employers and employees who participate in IRS section 403(b) annuity programs through insurance companies that have become impaired or insolvent.

As you know, the State of New Jersey has recently taken over the operation of Mutual Benefit Life, which has left hundreds of employers and thousands of employees concerned about the security of their investment in the 403(b) annuity program.

Many employees have already instructed their employers to cease salary reductions. However, current IRS regulations have left these employees and employers with few alternatives in which to protect existing plan assets.

Specifically, under current IRS regulations, there is a limitation on the number of salary reduction elections permitted for any taxable year for any given employee under 403(b) plans. This means that if an employee instructs an employer to stop salary reductions, that employee cannot make another election until January 1 of the following year. In the alternative, if an employee continues to have his salary reduced but the employer places the salary reduction amounts into an escrow account, this would not be deemed a second election. However, if this money is placed into an interest bearing escrow account, the employer must issue a Form 1099 for the income earned and the employees must pay taxes on said income.

Therefore, in order to give these employers and employees more flexibility to respond to the situation, I am introducing legislation to override the yearly election limitation under 403(b) annuity programs. This exception would only apply when an insurance company who issues these plans becomes impaired or insolvent.

I appreciate the support of my colleagues in this effort and welcome your cosponsorship of this bill.

INTRODUCTION OF CARRYOVER BASIS ACT OF 1991

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. PEASE. Mr. Speaker, today, Congressman LEVIN of Michigan and I are introducing the Carryover Basis Act of 1991 which will improve our tax laws by removing a loophole which allows some capital gains to go completely untaxed.

Under current law, the wealthiest families in this country are afforded a tremendous tax break when they pass assets from one generation to another. This occurs through section 1014 of the Internal Revenue Code which increases inherited property's basis—usually the property's original cost—to its fair market value at the date it is received. For example, a share of stock that cost $10 and has a fair market value of $100 automatically receives a basis of $100 when it is handed down through a bequest. The result is that no income tax is ever paid on the $90 of gain.

Our bill would correct this inequity by repealing section 1014 for property received from estates valued above $600,000. Estates valued at less than $600,000 would still qualify for the beneficial treatment under section 1014.

The basis of inherited property received from estates valued at more than $600,000 would be determined under new section 1022. The basis of this property would be the property's initial basis increased by the section 1022 adjustment. Initial basis is defined as the basis of the property in the hands of the decedent increased by the fresh start adjustment provided in the bill.

The fresh start adjustment increases the basis to the property to its fair market value at December 31, 1991. This adjustment was included so that the bill would apply only on a prospective basis. It assures that no appreciation accruing before this date would be subject to tax.

Section 1022 provides for additional adjustments to assure that only the largest estates will be impacted by this change. These adjustments will, in many cases, allow the basis of inherited property to be increased to at least $600,000. Some qualified farms and closely held businesses will get to increase the basis of this property to as much as $850,000.

It is time that this loophole is closed. We cannot continue to provide substantial tax breaks to this country's wealthiest families while increasing the tax burden of middle-income families.

The summary of the bill follows:

SUMMARY OF LEVIN/PEASE BILL TO MODIFY STEPUP OF BASIS RULES UNDER IRS SECTION 1014

EFFECT ON CALCULATING ESTATE TAX LIABILITY

The bill makes no changes to the calculation of estate tax liability under current law.

SMALL ESTATES

Estates in which the aggregate fair market value of all the property is $600,000 or less will continue to qualify for a step-up in basis provided by Section 1014.

MODIFICATION OF SECTION 1014

Except for small estates as defined above, the step-up in basis under Section 1014 is limited to those instances where the executor of the estate elects to include the untaxed appreciation of such assets, subject to the basis adjustments provided in the bill, on the final income tax return of the decedent. If an executor makes this election, the basis of the assets used to calculate the gain on the decedent's final income tax return would reflect the minimum basis, family farm, closely held business and "fresh start" adjustments as described below.

For estates for which this election is not made, the basis of such assets in the hands of a person acquiring the property is determined under the rules provided in new Section 1022.

BASIS DETERMINATION UNDER NEW SECTION 1022

The basis of property, in the hands of a person acquiring such property from a decedent, which is subject to this Section is the sum of:

1. the property's adjusted basis for purposes of determining gain in the hands of the decedent, as adjusted for the "fresh start" provision, plus

2. a "minimum basis adjustment" equal to the amount by which $600,000 exceeds the property's adjusted basis for determining gain in the hands of the decedent (#1 above), limited to the fair market value of the property, plus

3. either a "family farm adjustment" or a "closely held business adjustment", whichever applies, equal to the amount by which $850,000 exceeds the adjusted basis for purposes of determining gain in the hands of a decedent (#1 above) and any "minimum basis adjustment" applicable (#2 above), limited to the fair market value of the property, plus

4. an adjustment for estate taxes paid.

The executor will allocate any adjustment to basis of the estate's property to individual assets in whatever manner is appropriate so long as no individual asset is allocated basis in excess of the fair market value of the asset.

FRESH START PROVISION UNDER SECTION 1022

The fair market value of property at December 31, 1991 will be substituted for its adjusted basis if the fair market value exceeds the adjusted basis. This "step-up" will only apply for purposes of calculating gain on the decedent's final tax return. Therefore, the decedent will not be able to recognize losses on his or her final return merely as a result of this adjustment to fair market value.

For purposes of the fresh start adjustment, the fair market value of marketable securities at December 31, 1991 will be their value as reported on a recognized stock exchange or over-the-counter market.

Other property will be valued at December 31, 1991 using one of the three following methods, whichever produces the highest value:

1. discount the property's fair market value as of the decedent's date of death back to December 31, 1991 using an inflation factor,

2. allocate the property's appreciation over time, from the date the property was purchased to the decedent's date of death, assuming that the appreciation occurred ratably over the period it was held by the decedent, or,

3. appraise the property as of December 31, 1991.

THE GREAT BUDGET BUST OF 1992

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GINGRICH. Mr. Speaker, over the past 2 months, the House has considered legislation to extend unemployment compensation benefits four times. It would be much more useful if the House were allowed to vote to create jobs for the unemployed not just to provide them a Government check.

Twice, now, I have testified before the Rules Committee and requested that my legislation H.R. 3130, the Economic Growth Act, be made in order as an amendment to the Democrats' unemployment extension bills. Twice, now, my request has been denied.

Mr. Speaker, the October 1, 1991, Washington Times editorial titled "The Great Budget Bust of 1992" makes the case for economic growth. I commend it to your attention, and ask that it be printed in its entirety at this point in the CONGRESSIONAL RECORD.

Thank you, Mr. Speaker.

[From the Washington Times, Oct. 1, 1991]

THE GREAT BUDGET BUST OF 1992

A year ago the Washington establishment made a "budget" deal with itself. The right hand of the establishment, represented by Republican President Bush, agreed to $163 billion in new taxes. In return the left hand, represented by the Democratic Congress, promised to hold increases in federal spending within preset limits. The goal was to hold the growth of the national debt to $527 billion over five years. But when fiscal 1991 ended yesterday, it was estimated the government had spent $279 billion more than it had taken in—eating up more than half the five-year deficit allowance. And as fiscal 1992 begins today, both houses of Congress will vote to break last year's budget deal. They will approve a $6.4 billion extension in unemployment benefits, and they will offer no means to pay for it.

Democrats pushing the unemployment extension, including Senate Finance Chairman Lloyd Bentsen and Budget Chairman Jim Sasser, have argued that the nation's unemployed deserve extended benefits because they have paid premiums into a federal unemployment trust fund worth $7.6 billion. Real growth in the gross national product has averaged only 0.6 percent per year on Mr. Bush's watch, they add. We face a true economic emergency, so it's time to pay down the trust fund and provide relief to the long-term unemployed.

The problem here is that the Washington establishment has already spent the extended unemployment trust fund and more. When Americans pay unemployment taxes (as well as Social Security taxes and taxes purportedly earmarked for trust funds to build highways and airports), the money is not held in trust. It is spent. Every cent is dumped into the federal treasury.

As of this morning, New Year's Fiscal 1992, the federal government owes $3.614 trillion. It owes $889 billion of that to various trust funds, including the unemployment fund. If Congress and the president agreed to zero out the entire defense budget for the next three years, it would save just enough money to pay back this one portion of the debt.

So what's the answer? Economic growth. And you achieve that by cutting taxes and providing people with incentives to work and save.

Growth-minded Republicans in the House and Senate, including Sen. Phil Gramm of Texas and House Minority Whip Newt Gingrich, have offered such a plan. It would reduce the capital gains tax rate, create inner-city and rural enterprise zones and establish an IRA-savings plan that would allow Americans to receive tax-free interest on retirement accounts started with after-tax savings, among other things. But so far, it has gone nowhere.

The president should veto the Democrat's budget-busting unemployment bill. But if he doesn't counter that bill with a proposal to ease the burdens on the nation's businesses and taxpayers, he should expect more unemployed Americans, less federal revenue and intensified Democratic efforts to further bust a budget that is already in pieces.

SHARON'S SESQUICENTENNIAL CELEBRATION

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. RIDGE. Mr. Speaker, on October 6, 1991, the people of Sharon, PA will be marking the 150th anniversary of the establishment of their community.

Sharon has grown from a handful of pioneering families—the Budds, Bentleys, Renos, Stokleys, Hoaglands, McBrides, and Loves—to the largest community in Mercer County with an approximate population of 17,000 people.

Those early pioneers soon discovered coal. Mining became the staple industry in the early 1800's. This discovery also brought improvements in the transportation system which made Sharon more accessible to people traveling through the area and which made Sharon's coal and other products more available to the rest of the young Nation. The community was growing and with the development of blast furnaces and the birth of the steel industry, Sharon soon became one of the top steel producing communities in the United States.

The steel and iron industry brought great prosperity to Sharon throughout the late 1800's and well into the 1900's. Generations of hard working men and women gave their all to the mills. In return, Sharon prospered.

That all ended in the early 1980's. But Sharonites, like their pioneering ancestors were determined to stay in the area even in tough times. Even during the hardest times, the community pride and spirit never wavered.

As we embark upon this new decade, Sharon is still an industry based city, but with more diversification than ever before. The hard working citizens of Sharon have broadened their horizons and explored new ideas and avenues for success. Sharon once again is back on track heading for a very bright future.

So today I join together with all the citizens of Sharon and congratulate them on the 150th anniversary of their city. As we all look forward to the 21st century with determination and courage, I hope for many more years of success and prosperity for this area.

TRIBUTE TO MURIEL RUSSELL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I recently had the pleasure of attending a reception honoring my dear friend, Muriel Russell, for the many contributions she has made to our community and particularly to the Michael-Ann Russell Jewish Community Center. It was a genuinely happy occasion, and one Muriel Russell truly deserves.

Muriel is a person of great strength, caring, and vision. She was able to overcome personal tragedy and turn adversity and sorrow into happiness and hope for hundreds of people. Her hard work and dedication are legendary, and our community has been enriched in so many ways because of her efforts.

Muriel Russell is a precious community resource. She is more than just appreciated and admired; she is genuinely loved. I am privileged to join with her many friends in saying thank you for all the wonderful things that she has done.

Mr. Speaker, I would like to share with my colleagues some additional information about this remarkable lady.

MURIEL RUSSELL

Muriel Russell, with her late husband Robert, was the moving force behind the Michael-Ann Russell Jewish Community Center. Muriel was born in Brooklyn, NY and has lived in Florida for many years. She became involved in the center's activity when her late daughter, Michael-Ann attended the nursery school at the YM-YMHA, the forerunner of our present Jewish Community Center.

Muriel was president of the Center for four years. She has always been involved in our community. Her many activities include: board positions in Greater Miami Jewish Federation, Jewish Welfare Board (now called the JCCA), Temple Israel, Florida Congressional Committee, American Israeli Public Affairs Committee, American Tel Aviv University, Cedars of Lebanon, and many more. Her latest awards are from Tel Aviv University, and the JCC for her "Ongoing Support and Leadership at the J". In spite of her many activities, the Michael-Ann Russell JCC will always be first in her heart and her affection is certainly reciprocated by our members.

She continues to be a leading force in the JCC. Her support goes beyond the resources that she shares, as she offers focus, vision and dedication to the purpose and mission of MAR-JCC.

H.R. 1414, THE PASSIVE LOSS CORRECTIONS ACT

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Ms. HORN. Mr. Speaker, I rise today in support of H.R. 1414, the Passive Loss Corrections Act. This legislation presents an opportunity to correct an injustice made in the 1986 Tax Code by reinstating the passive loss tax deduction for real estate investors. I feel this legislation is neither over zealous nor imprudent. The reestablishment of a passive loss tax deduction for losses incurred in the real estate market corrects an inequity. It is unfair when investors in financial markets are permitted a tax deduction when they lose money on their investments and investors in real estate have no similar deduction.

I feel this deduction is needed to achieve three aims. First, it will allow real estate investment for the long-term by lessening the financial burden of holding properties. This will help to carry investors through a soft market, such as the one the United States is experiencing now. Second, it will help move the properties currently held by the FIDC and the Resolution Trust Corporation back to the private sector where they belong. Finally, H.R. 1414 encourages investment in completed projects and will not promote the construction of new and unnecessary properties because it does not reestablish a tax shelter.

In order to claim a tax deduction in the new rules set forth in H.R. 1414, a minimum of 50 percent of one's professional time and 500 hours annually toward the property must be invested. In other words, by definition, individuals who qualify under these new rules would have to be committed to the profitability of their investment. This will prevent the use of this provision by people who are looking only for a tax break.

In the St. Louis metropolitan area alone there are currently 1,145 multiple family units for sale and an additional 798 which are no longer listed but were never sold. Fewer than one-third of the properties for sale in the last 2 years have changed owners. While these figures are staggering, they are rectifiable with the passage of H.R. 1414. This legislation will provide a much-needed catalyst to the real estate market nationwide. Moreover, H.R. 1414 will help to stabilize plummeting property values for home and business owners.

INTRODUCTION OF A BILL TO DECLARE CERTAIN PORTIONS OF WAPPINGER CREEK IN DUCHESS COUNTY, NJ, TO BE NONNAVIGABLE WATERS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LENT. Mr. Speaker, I have introduced legislation today to reclassify part of a small creek branching off the Hudson River as nonnavigable waters. The purpose of the admittedly obscure measure is to help preserve a form of transportation that is not waterborne—our railroad service. Wappinger Creek, the small stream affected by this bill, is crossed by a railroad bridge that carries the passenger traffic of Amtrak, the commuter traffic of the Metro-North Railroad, and the freight traffic of Conrail through the Hudson Valley. The bridge is actually owned by Metro-North. About 70 trains—60 of them passenger and commuter serve—traverse the bridge each day.

In earlier times, the entrance to Wappinger Creek off the Hudson needed to be accessible for waterborne commerce, and so the original railroad bridge was configured as a drawspan. Now, however, that requirement no longer exists, and to maintain the bridge as a drawspan not only imposes sizable unnecessary expenses on its rail users, but also impede the use of the latest continuous-welded-rail technology to make rail service faster and smoother. The last requested nongovernment opening of the drawspan occurred in the late 1970's. Beside normal deterioration, the drawspan mechanism was damaged by a suspected arson fire several years ago.

To bring the bridge back to current operational drawspan standards would cost approximately $6 million, and would impose sizable continuing maintenance costs. There is no marine usage sufficient to justify this expense, and those dollars are sorely needed by Amtrak and Metro-North in these times of fiscal austerity. Amtrak receives Federal tax dollars for those expenses that it cannot cover from revenues, just as Metro-North receives funds from the State of New York through the Metropolitan Transportation Authority for expenses not covered by fare collections. By reclassifying Wrapping Creek as nonnavigable, the Congress can bring the legal requirements affecting the bridge into harmony with the transportation realities of the situation and help conserve funds for transportation projects of real importance.

Changing the status of this former drawbridge due to evolving patterns of commerce and travel is similar to the change from an earlier era here in the immediate vicinity of the Capitol. Until the last 20 years or so, all Potomac River bridges below Georgetown—including Memorial Bridge and the railroad bridge that connects the Northeast corridor with all southerly routes—were required to be built and maintained as drawspans to assure navigability. Now times have changed, and the drawspan requirement has been dropped. The bill I am introducing today would merely recognize similar changing realities at Wappinger Creek's intersection with the Hudson River.

MANY HAPPY RETURNS TO JACK MANTON

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to John J. Manton who will celebrate his 81st birthday on Monday, October 7, 1991. I am proud to honor this Sunnyside community leader who also happens to be my Uncle Jack.

John J. Manton was born on October 7, 1910, in Roscommon, Ireland, to Bridget Connell and Thomas Manton. He was 1 of 10 children including Patrick, Barney, James, Michael, Joseph, Mary, Catherine, Della, and my father, Thomas. To his many friends and family he is known as "Jack" or "Uncle Jack."

Like so many others in 1926, he left the Emerald Isle to settle in New York City. Arrived during the Roaring Twenties and surviving the Great Depression, Jack Manton went on to serve his new country during World War II by joining the U.S. Army and achieving the rank of corporal.

After the war Jack returned to his job at the Long Island Railroad where he worked for more than 30 years. In 1949, at a hurling match in Gaelic Park, he met his future wife, Nora Cronin. The couple married in October 1950, and set up residence in Sunnyside, Queens.

Since settling in Sunnyside, Jack Manton has been actively involved in the community. Jack has been a member of the Holy Name Society of St. Teresa's Parish and has served as an usher of St. Teresa's Parish for more than 20 years. Jack also serves as the treasurer of the Anoroc Democratic Club and is an active and tireless campaigner for the Democratic Party. Finally, Jack is a long-time member of the Veterans of Foreign Wars.

Mr. Speaker, for his devotion to his community, Jack has become known as "the Unofficial Mayor of Sunnyside." We are all grateful to Jack Manton for his contribution as a citizen and patriot. As he begins another exciting year, I know all my colleagues join me in wishing Uncle Jack a very happy birthday.

HELP FOR WORKING FAMILIES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to expand the dependent care tax credit, make it applicable for respite care expenses, and make the credit refundable.

The increase of women entering the workforce and the aging population, has brought a corresponding increase in the need for both child and elderly care. The expenses incurred by such care can significantly strain a family's budget.

Bureau of Labor Statistics 1990 data reveal that over 54 percent of women with children under 6 years old work outside the home. Costs for out of home child care vary widely, with the average cost of full-time care approximating $3,500 per year, per child. Managing child care costs is difficult for many families, but is exceptionally burdensome for single heads of households, whose incomes are much lower, on average, that those of other families.

In addition, many working families are struggling with the cost of caring for elderly dependents. Parent care responsibilities have been steadily increasing since 1920 when there were five middle-aged persons for every one elderly person. Today there are only two middle-aged persons for every one elderly person. Further, the age group over 80 is the fastest growing segment of the population.

Since its enactment in 1976, the dependent care tax credit has provided significant Federal assistance to millions of families with child and adult dependents. The credit is available to taxpayers who incur work-related expenses for the care of a child under age 13, a disabled spouse, or any other dependent who is physically or mentally incapable of caring for him or herself. However, the value of the credit has eroded in recent years, particularly for low- and moderate-income families.

In 1981, Congress replaced the previously flat credit rate for dependent care with a sliding scale that focused the maximum benefit of the credit on lower income families.

Currently, a taxpayer with an annual income of $10,000 or less can claim 30 percent credit for work-related dependent care expenses up to $2,400. The credit is then reduced by 1 percentage point for each $2,000 of income between $10,000 and $28,000 to a minimum of 20 percent. Using this scale, a family earning $10,000 would have to pay $2,400 in taxes a year, nearly one-fourth of its income, to receive the maximum credit.

Present tax laws, however, preclude most families with an annual income of $10,000 or less from the tax liability necessary to receive the credit. In other words, a family that does not owe taxes cannot receive the benefit of the credit, even though they may incur work-related dependent care expenses.

My legislation is intended to solve these problems. The dependent care tax credit expansion I am proposing would address the increased needs and costs relative to dependent care and respite care by expanding the credit to more realistically reflect tax liability levels. First of all, the sliding scale would be raised to 50 percent of work-related dependent care expenditures for families earning $15,000 or less. The scale would be reduced by 1 percentage point for each additional $1,000 of income, down to a credit of 20 percent for persons earning $45,000 or more.

In addition, my legislation would index the dependent care tax credit to the cost of living and make it refundable, so that those families with incomes too low to have tax liability or whose credit exceeds their tax liability would have access to the credit. In this way, my bill would ensure that low-income families have the same access to the credit benefit as do middle and higher income families.

Finally, this legislation would expand the definition of dependent care to include respite care, thereby offering relief from this additional expense. A respite care credit would be allowed for up to $1,200 for one qualifying dependent and $2,400 for two qualifying dependents. This money could go, for example, toward hiring an attendant for an elderly dependent during the work day, or for admittance to an adult day care center. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Such a respite care credit will save dollars for both caregiving families and the Government by postponing, or even avoiding, expensive institutionalization. Further, it is an important way to address the needs of elderly citizens, the fastest-growing and increasingly vulnerable segment of our Nation's population.

The dependent care and respite care tax credit provisions of this bill offer a compassionate and prudent approach to helping families provide for their loved ones. I urge my colleagues to join me in this effort by supporting this important piece of legislation.

CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GEKAS. Mr. Speaker, I would like to share with my colleagues remarks made by Dr. Robert Lefkowitz at a recent congressional biomedical research caucus briefing. Dr. Lefkowitz came from the Duke University Medical Center to describe his work with epinephrine receptors and other hormones which have resulted in the development of more effective and specific drugs for heart disease.

After Dr. Lefkowitz' remarks, I would like to share some general remarks made by Dr. W. Virgil Brown, president of the American Heart Association.

DRUG RECEPTORS: GATEWAY TO THE CELL, KEY TO NEW THERAPEUTICS

(By Dr. Robert J. Lefkowitz)

I too would like to thank Congressman Gekas for the opportunity to speak to you today about some of my perspectives on fundamental biomedical research, its current and future impact on heart and cardiovascular disorders and the importance of your support.

I am a Professor of Medicine and an Investigator of the Howard Hughes Medical Institute at Duke University Medical Center in Durham, North Carolina. My research career dates to 1968. In July of that year, together with Mike Brown and his colleague Joe Goldstein as well as Hal Varmus another Nobel laureate who recently addressed this group, I arrived at the NIH. We were all right out of our medical residencies, newly appointed officers in the USPHS who had come to the mecca of biomedical research in the world. Two years later, our assignments completed, we all returned to academia to finish our training as fellows in NIH supported training programs. Since that time all of us have continuously been supported by various NIH grants. I suspect that the importance of NIH research support is just as striking for most of the scientists who have appeared at this caucus.

My own research is focused on trying to understand the nature and regulation of molecules called receptors. These molecules are present on the surface of essentially all cells and represent the initial points of contact of various hormones, drugs and neurotransmitters with the cell. Each particular class of hormone or drug has its own types of receptor molecules. The molecular shapes of the particular hormone or drug and its receptors are exactly complementary. You might think of the receptors as locks and drugs or hormones as the keys which fit them and thereby unlock the cell. Once a substance binds to a receptor it may either stimulate some cellular process (these are called agonists) or in the case of many useful drugs they may cause no such stimulation but simply prevent other stimulatory substances from acting by competitively occupying the receptors. These are called antagonists or blockers.

Research over the past ten years in my laboratory and many others has led to the biochemical identification of these important receptor molecules, their isolation, determination of their molecular structures and unraveling of the mechanisms which regulate their function. I've been particularly interested in the receptors for epinephrine (also known as adrenaline) which are remarkably important in human physiology. Adrenaline and its close relative noradrenaline act on many cells and control such important bodily functions as heart rate and force, blood pressure, sweating and gastrointestinal function to name just a few.

I'd like to give you some examples of how basic research on these receptors impacts on an important clinical problem——hypertension.

More than 60 million people in the United States have hypertension. Its more common among blacks than whites and it increases with age. Uncontrolled, hypertension can lead to significant morbidity due to failure of the kidneys and the heart. Untreated, hypertension also significantly predisposes to strokes and heart attacks.

Despite decades of research the specific cause of hypertension remains unknown in 95% of cases. Nonetheless, giant strides have been made in the medical treatment of the disease. Presently blood pressure levels in hypertension patients can be adequately controlled by medical therapy in 85-90% of cases. This is true because although we do not understand the basic underlying cause of hypertension, we do understand a great deal about the factors which normally regulate blood pressure. As you can imagine this is a remarkably complex subject, to which entire text books are devoted. For the purposes of our discussion suffice it to say that several major systems are involved. One of the most important is the so called "sympathetic nervous system". This system consists of certain nerves which secrete noradrenaline and the adrenal gland which makes adrenaline. A good example of the functioning of this system is the classic involuntary "flight or fight" response that one has to a frightening or alarming stimulus. This consists of rapid heart beat, increased strength of cardiac action with palpitations, constriction of blood vessels, with elevated blood pressure, sweating, enlargement of the pupils—you get the idea. These responses occur because adrenaline and noradrenaline, released by sympathetic nerves and the adrenal gland bind to receptors on various cells and stimulate them. In patients with essential hypertension these normal physiologic mechanisms may be hyperactive leading to some elevation of blood pressure and heart rate even in the absence of specific alarming stimuli.

This physiological understanding forms the basis for various therapeutic approaches to hypertension. For example, drugs have been developed which bind to the receptors and block the actions of adrenaline and thereby lower blood pressure.

It turns out that there are various types of receptors for adrenaline, which perform different functions. Some control heart rate, some control tightening of blood vessel walls, some work on receptors in the brain. These receptors are generally called by Greek letters—alpha receptors, beta receptors and so forth. I'm sure many of you have heard of so called "β-blockers" which block the β-receptors and which are very useful for treating hypertension as well as other conditions such as angina.

The existence of more than one type of receptor for a particular substance like adrenaline is good news and bad news. The bad news is that drugs which affect the particular receptors you want to target will also often bind to other types of receptors which you don't want to target. This leads to side effects. For example, some of the antihypertensive drugs which are blockers of α or β receptors will not only lower blood pressure, but may cause the heart rate to drop too low causing dizziness, or they may have the opposite effect causing the heart rate to increase causing palpitations or they may lead to sexual dysfunction. These side effects are caused by the drugs reacting with receptors which are not specifically involved in regulating blood pressure but rather with these other functions.

So what's the good news. The good news is that if we could but isolate, characterize and test drugs against all the different closely related receptor types it might be possible to design drugs specific enough to fit only a single receptor type very effectively without binding to other closely related types. Recent fundamental research has brought this once seemingly distant goal to hand. In 1950 we knew of only two types of receptors for adrenaline. By 1975 the tally was four. Within the last five years the number has jumped to nine. The reason is that powerful, recently developed techniques for gene cloning which you have already heard about, have allowed us to isolate genes for a whole spectrum of closely related adrenaline receptors. Each of these genes can be inserted back into cells and now used in the laboratory as test reagents for screening for highly selective new agents. Such work is proceeding right now and should lead to very selective drugs capable of targeting specific receptor subtypes thus avoiding limiting side effects and toxicities. With the adrenaline receptors alone this approach will lead to novel drugs for treating not only hypertension, but also CHF, and angina. But the implications are not only for cardiovascular diseases. Other conditions where drugs interacting with adrenaline receptors play a major role include asthma, and more recently prostatic disease and impotence.

I want you to bear in mind that the specific examples I have just given you with adrenaline receptors provide a paradigm which appears to be quite general. Important physiological control systems exert their effects through numerous closely related receptor subtypes many of which have yet to be discovered. Basic research provides approaches to discovery of these receptors, isolation and manipulation of their genes and development of specific drugs which target each one.

I wish that I had more time to tell you about some of the other recent exciting discoveries with receptors which have direct implications for treating cardiovascular and other diseases. For example, we've recently discovered how the function of the receptors can be switched on and off by novel control systems within the cell. It turns out that a very general property of almost all agonist or stimulatory drugs is that their effects decrease over time. Apparently cells have evolved mechanisms for protecting themselves from such stimulation. This phenomenon is called desensitization, and while it plays an important adaptive role in some physiological circumstances it also markedly limits the therapeutic effects and duration of action of many drugs.

We recently discovered that when an agonist occupies its receptors and stimulates a cell it also stimulates other reactions which chemically inactivate the receptors, thereby limiting the drugs' effects. Recently, we've isolated the enzyme responsible for this inactivation reaction and even cloned its gene. It appears that there are a whole family of such enzymes which likely inactivate many different kinds of receptors. By developing inhibitors of these enzymes it should be possible to block or attenuate the desensitization process initiated by many drugs and thereby prolong and extend their therapeutic effects. I'm sure you can imagine the remarkable therapeutic implications of being able to control the function of such receptors by gaining control of the systems which inactivate them. And imagine, we didn't even know of the existence of these systems just a few years ago.

I hope that my brief remarks have helped you to better understand but one or two examples of how basic research into the nature and regulation of such important biological molecules as receptor can be rapidly translated into important clinical advances which can improve the quality and duration of life.

COMMENTS OF W. VIRGIL BROWN, M.D.

Good Afternoon, we are very pleased to have the opportunity to visit with you today to talk about the Biomedical Science Enterprise in the U.S. There are few issues which more directly concern the American people than their health—and the greatest threat to their health is cardiovascular disease.

Six million Americans know that they have coronary heart disease and millions more have the disease without learning of its presence—and they learn all too often by having a heart attack. Nearly three million people are living with the consequences of a stroke.

These statistics exist in spite of the tremendous progress we have made in diagnosis, treatment and prevention, and without this progress patients with known Coronary Artery Disease would number 10 to 12 million and stroke patients approximately 6 to 8 million.

Having those sick and disabled people in our population would have added significantly to the cost of medical care and would have reduced the productivity of the nation.

We believe we are making progress because of our growing knowledge of the causes of vascular disease, the new technology for its diagnosis and new, much more effective treatments.

You are going to hear about some of that research today. Wonderful examples of how placement of dollars into an environment with highly motivated medical investigators leads to fundamental understanding.

It is our ability to improve our knowledge which makes the future bright. Research is the major way in which we can improve the quality and increase availability of medical care while reducing the costs.

Appropriate and misdirected therapies are expensive. And most expensive are treatments which are partially effective—often applied very late in the disease. The existence of these problems is a natural part of medical practice but this can and does change most dramatically and definitively with scientific research fundings which clarify issues and make definitive treatments possible.

The existence of the Congressional Caucus for Biomedical Research gives new hope for unleashing the tremendous research talent available in this country.

The AHA believes we are at a crucial point in our history when we could address our ignorance about key health care issues in a manner that could be extremely beneficial for our people and for the world.

The AHA is dedicated to making this happen. We have 3.2 million volunteers and 2,000 divisions across this country—They will complete the dispersement of our first billion dollars for research this fiscal year. And we are committed to awarding another billion by the year 2000.

We are very excited about the new leadership in Congress which an help convince their colleagues of the central role research plays in addressing the health needs of the nation. We believe your strong interest and dedication will lead to the support needed to take full advantage of our Biomedical Research Enterprise.

Such support will prove to be tremendous investment. It will pay great dividends in the near future. But best of all new knowledge (unlike most investments) is not depleted by its use—it will be there to serve our children and their children.

IN MEMORY OF THE LATE PATRIARCH DEMETRIOS I—SPIRITUAL LEADER OF 300 MILLION ORTHODOX CHRISTIANS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my sadness over the passing of one of the world's great religious leaders—Patriarch Demetrios I. The world has experienced a terrible loss with the death of this remarkable man yesterday, October 2. Partiarch Demetrios will be remembered for his successful tenure as ecumenical patriarch, his warmth, humility and his vision.

Some in this Chamber may not realize it, but after the Catholic Church the Orthodox Church is the largest Christian body in the world with 6 million Orthodox Christians in the United States, and millions of followers in Russia, Eastern Europe, and elsewhere.

Patriarch Demetrios was installed in 1972 as Archbishop of Constantinople and was known as primus inter pares, or first among equals, of the five senior eastern European leaders. Patriarch Demetrios was born in Constantinople, once known as the new Rome, of the ancient Byzantine empire. The Orthodox Church is broken down into 14 churches including many ethnic groups: Greeks, Serbians, Russians, and Albanians.

Mr. Speaker, Patriarch Demetrios was the 269th successor to St. Andrew, the apostle. St Andrew, to whom Orthodox Christianity is traced, founded the church in Constantinople—which is known as Istanbul. However, many Orthodox Christians still refer to this great and historic city as Constantinople.

The partiarchate parallels the office of the Pope, and whereas the Pope is the successor to the Apostle Peter, the Orthodox Patriarch is the successor to the Apostle Andrew.

Patriarch Demetrios was truly a man dedicated to Christian unity in 1987, the Patriarch visited the Soviet Union, Eastern Europe, and the Archbishop of Canterbury in London. He also met with Pope John Paul II at the Vatican. The result of this historic meeting was a joint declaration in which both the Pope and the Patriarch issued a Declaration of Ecumenical Commitment expressing hope that through further dialog a full communion of the two churches might be possible.

What happened on that visit was truly remarkable—the two men recited the liturgy of the word together, the first time in a millennium that the Pope and the Orthodox Patriarch have joined together in reading the liturgy.

Patriarch Demetrios was the leader of the Greek Orthodox community in the United States—and my 7,000 Greek-American constituents in Tarpon Springs, FL, are saddened by the passing of the Patriarch. Memorial services are being held today at the Saint Nicholas Greek Orthodox Church in Tarpon Springs and similar services are being held nationwide.

Mr. Speaker, again I would like to ask that all of us here in the House of Representatives pause and reflect on the Patriarch Demetrios' grace, devotion, and desire to seek Christian unity. He was a remarkable man and we pray that his legacy will live on forever.

SENATE—*Friday, October 4, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *For there is no power but of God: the powers that be are ordained of God.* * * * *For rulers are not a terror to good works, but to evil.* * * * *For he is the minister of God* * * * *for good.* * * *—Romans 13:1, 3-4.

Almighty God, Ruler of the nations, our Founding Fathers wisely determined that government should be impartial toward religious establishments, but they were not partial to irreligion. They were not without religious beliefs. Their words and letters and their issues reflect profound faith. Their thinking was informed by—saturated with Biblical truth. They took prayer seriously during the dangerous struggles of the revolution and the painful designing of a political system unprecedented in human history. Their God was not a partisan God of one religious group or another but the God of creation.

Patient Lord, though the U.S. Senate must be impartial to religious groups, Senators are not, therefore, required to be without faith and its convictions. Help each Senator to understand that his authority is ordained by God and he is, therefore, accountable to You, as well as to the people, as to the disposition of senatorial responsibility.

In His name who was infinite in His love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein.

The Senator from New Jersey [Mr. BRADLEY] is permitted to speak for up to 30 minutes. The Senator from New Jersey.

CLARENCE THOMAS

Mr. BRADLEY. Mr. President, a friend of mine, Clifford Alexander, told me that one day in 1967 President Lyndon Johnson summoned him to the Oval Office. When he arrived, LBJ told this 33-year-old, African-American, White House staff member that he had decided to appoint Thurgood Marshall to the Supreme Court. LBJ asked him to sit down while he made some calls.

The President called Vice President Hubert Humphrey. He called James Eastland of Mississippi, a plantation owner and the chairman of the Senate Judiciary Committee. He called A. Phillip Randolph of New York, visionary of the march on Washington. He called Roy Wilkins of the NAACP. He called Senators Everett Dirksen of Illinois, John McClellan of Arkansas, Sam Ervin of North Carolina.

The President told these men that Thurgood Marshall was an extremely talented man, that he was a well-known Federal appeals court judge, that he had won 14 of 19 Supreme Court cases when he was Solicitor General of the United States, that he had won 29 of 32 Supreme Court cases when he was general counsel of the NAACP, that he had successfully argued Brown versus Board of Education before a distinguished Supreme Court consisting of two former Senators, a distinguished law school professor, a former U.S. attorney general, a former State supreme court justice, and a former Governor.

He told them the times were changing, that America needed tolerance, that the days of discrimination should end, and that Marshall's appointment would signal hope to a generation of black Americans and progress to a generation of white Americans. He told them that Marshall rode the crest of a moral wave led by the courageous actions of an oppressed people, that Congress did change laws and courts did interpret those laws but that ultimately the biggest change had to be in peoples' hearts. He told them that by supporting Marshall people could demonstrate a change in their own hearts—a greater sense of generosity, understanding and a belief that racial barriers would continue to fall.

Johnson knew that Marshall's legal ability and individual character were equal to those Justices who sat on the Brown versus Board court, but he also knew that confirmation could be difficult. He knew that the political stakes were high and that when it came to race, someone in American politics usually shouted the equivalent of "fire" in a crowded theater, even if there was no fire.

LBJ's motivation was above politics; his method was tenacious; his obligation was to a better American future.

In 1991, President George Bush nominated Clarence Thomas to the bench. He held a press conference and denied that race was even a factor in his decision. He mounted no campaign, made no major speech, and rallied no group of Americans. The President uttered only the "non sequitur" that "Thomas' life is a model for all Americans, and he's earned the right to sit on this nation's highest court." Virtually the only reason that George Bush gave in selecting Thomas was that he was "the best person for this position."

Perhaps what the President meant to say was that Thomas is the best person for President Bush's political agenda. After all, he is the President who has been uniquely insensitive to black America, who has exploited racial division to attract votes more than once in his career, and who has asserted on countless occasions that in his America, sensitivity to equal opportunity for women and minorities will play no role in education or job placements. His tactical use of Clarence Thomas, as with Willie Horton, depends for its effectiveness on the limited ability of all races to see beyond color and as such, is a stunning example of political opportunism.

Many subtle and not so subtle messages are contained in Mr. Bush's nomination of Judge Thomas—messages that blur the meaning of a vote for or against Thomas. The messages say that Clarence Thomas did not need government intervention, so why should help be extended to others; that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

white America has no responsibility for the failure of blacks; that tokenism is the only acceptable form of affirmative action; that racism did not hold back Judge Thomas—why are other blacks always whining about its effect on their lives; that an administration that nominates a black for the Supreme Court has answered the critics of its racial policies.

Mr. President, I have struggled with the President's words that Clarence Thomas is "the best person for the position." I thought about the 700,000 lawyers in America; I thought about the 10,000 judges; I thought about the 5,000 law professors; I thought about the 875 black judges and the 200 black law professors. I thought about the ABA's rating of Clarence Thomas. I concluded: To be truthful, I must disagree with the President.

But then, Clarence Thomas is as well qualified as some who now serve on the Supreme Court, and as a young man he still has room to grow—so why not give the President his man? After all, Judge Thomas has said in his confirmation hearings that he would be an impartial judge.

But the skill of a judge is not some mechanical, computer-like, balancing act. Since the Supreme Court dispenses justice, what goes into one's conception of a just society will have an influence on decisions. So will one's reading of American history with its tensions between liberty and obligation; freedom and order; exclusion and participation; the dominant culture and countless subcultures, and the individual and the community. Where a judge places himself in our historical narrative depends on how thoroughly he learns our past, how he reads his times, how well he knows himself, and how clearly he thinks about his values.

Clarence Thomas has opposed the use of Government as a remedy for anything other than individual acts of discrimination against women and minorities, never mind that the poor cannot afford a lawyer. He has asserted that natural law can be applied to cases involving the right to privacy. He has said that natural law or a higher law "provides the only firm basis for a just and wise constitutional decision." In other words, one could invoke higher law to justify virtually any position. He has said, "Economic rights are protected as much as any other rights," thus putting economic rights on equal footing with the right to speak your mind freely, or practice your religious faith, or live your life free of unnecessary government intrusion into your private affairs.

Clarence Thomas took these positions in articles and speeches over a decade of right wing political activism. For over 10 years he was one of the right wing's star mouthpieces. For over 10 years, he was forceful and he was an advocate. Then in less than 10 days before the Judiciary Committee he backtracked or denied many of his past views.

He said that these statements of political philosophy were made when he was an executive branch politician and that they would not enter into his work as a Justice. In fact, by denying much of what he had long espoused, he implied that, rather than the very fiber of his existence, his political philosophy is like a set of clothes that you can change depending on the impression you want to create.

His chameleon-like behavior before the committee poses real dilemmas in considering his nomination. He presented himself to the committee, just as President Bush introduced him to the public, by highlighting the personal. He chose to emphasize not his reading of the law or his political philosophy, not his public record, but rather his politically attractive personal journey. When questioned, he constantly referred back to the personal, as if he were a modern candidate repeating his sound bite.

When one hears his story of growing up in Pinpoint, GA, a possible reaction is the one the President had after he listened with others to Thomas' opening statement: "I don't think there was a dry eye in the house," he said.

The great African American novelist Richard Wright, in writing about his great book, "Native Son," gives another view of such tears, "I found I had written a book that even the banker's daughter could read and weep over and feel good about. I swore to myself that if I ever wrote another book no one would weep over it; that it would be so hard and deep that they would have to face it without the consolation of tears."

Today, 50 years after Wright penned those words, America cannot afford to sentimentalize black life. Significant parts of the African American community are being devastated and are self-destructing daily. Instead, we must take Wright's "hard and deep" look. To hear Clarence Thomas' story as one of soley individual achievement is a dangerous mistake. I do not diminish his personal achievement or discipline. I admire it. But how he chose to share his story leaves out a lot.

On one level, it is a story of overcoming odds, of hard work, tremendous dedication and self-reliance. But it is also a more complex story of an authoritarian grandfather, women who sacrificed themselves for the man of the family, a dedicated group of nuns who gave guidance with inspiration, luck—"someone always came along"—historical change—civil rights movement—and attempts by Holy Cross and Yale at specific remedies to discrimination—affirmative action. Clarence Thomas' philosophy of the 1980's implied that only self-help was necessary, but his own life experience refutes that view. Self-help is necessary, but it is far from sufficient.

Clarence Thomas' self-help story does not ring true for those not lucky enough to get even the small breaks. But the conservatives love it. Who needs the state at any time in life if all of us can make it on our own? Who needs Social Security or college assistance or health care for the poor if everyone can make it on his own? Beneath the exclusive espousal of self-help is the bottom line of "I got mine, you get yours."

Personally, I believe through self-reliance, discipline, and determination a person can overcome virtually any obstacle—achieve any goal. But I also can imagine forces beyond your control—health, violent disaster, sudden economic trauma—that overwhelm your prospects.

Today, while conservatives preach the sufficiency of self-help, urban schools become warehouses rather than places to learn, black infant mortality rates and black unemployment rates skyrocket, and a generation is being lost to violence in the streets. Self-help is an important, individual conduct. And initiative deserves its rewards, but the need for equal opportunity in economic, educational, and political matters as well as real progress against poverty and crime require a role for the State.

Above all, those who win and climb up the ladder must never forget where they came from or mock the old culture or those who fell behind. Take Clarence Thomas' story of his sister. He said, "She gets mad when the mailman is late with her welfare check. That is how dependent she is." Put candidly, Clarence Thomas seized on the welfare queen stereotype, even if it exaggerated the facts and even if it was his sister, in order to score conservative points. On one level, the event represents unfairness to a loved one, and on another, insensitivity to women generally. Is it any wonder that he says he has never discussed Roe v. Wade?

As I watched the confirmation process, I became profoundly saddened by the process itself and by what it did to Clarence Thomas.

People who have known Clarence Thomas since his college days agree that one thing. One thing stands out about him. No, not Pin Point, GA—there are Pin Point, GA, stories in the lives of millions of Americans, both black and white, who have struggled against the odds, against discrimination, against the deck being stacked by the majority culture or their economic superiors. No, the thing that separated Clarence Thomas from other people and marked his individuality was his point of view. He wore it like a badge—until he backtracked during the confirmation process. In doing what he perceived to be or was told to be necessary to attain one of the most important positions our country offers, he allowed himself to be manipulated into the ultimate indignity—being stripped of his point of view. The circle that began in Pin Point closed. In the beginning his individuality was denied due to color. Today his individuality is denied due to a calculated refusal to assert those views that gave his identity its boldest definition in the first place.

Clarence Thomas may be a good friend with a great sense of humor and someone of high moral character. One can be all that and still not be a person that you would want structuring the legal framework for our children's future.

For those like me who find his record troubling, his performance before the Judiciary Committee puzzling, and his life experience potentially an important influence on the present court, his nomination poses a fundamental question. Does one make the judgment on the basis of his individuality or his race? Does one vote against him because of his record or for him because, as Maya Angelou has said, "he has been poor, has been nearly suffocated by the acrid odor of racial discrimination, is intelligent, well trained, black and young enough to be won over again."

Mr. President, I believe that individuality is more determinative than race. I believe Clarence Thomas' political philosophy, his public record, his overall professional experience, and his choice of what to show and what to hide in the committee hearing process present obstacles to his confirmation.

Given the heightened and proper sensitivity to blackness in the last 25 years in America, one asks, is there something latent in Thomas' being that would blossom if he had a lifetime tenure? Would his rigidity, reactionary views, and intolerance be replaced by a more flexible, balanced perspective?

Some people argue that Thomas is a wild card who might just bite the hand of those who have advanced and promoted him for his conservative views. Blackness, they say, will prevail over individuality. By blackness they presume a set of experiences that lead to views, not necessarily liberal, but different from Thomas' stated positions. But what is that essence, blackness? A common sharing of the experience of oppression? A common network of support to nurture the spirit, mind, and body under assault? A common determination to add to the mosaic of America that which is uniquely African American? A common aspiration that all black Americans can live with dignity free from racist attacks, overt discrimination, sly innuendo, and without fundamental distrust of white Americans? Yes, all of these commonalities, and probably many others I have never even thought of, go into blackness, but can we assume that any or all of them will offset Clarence Thomas' political philosophy and his public record—both of which have run against the common currents of black life. To do so would be irrational. It would deny him the individuality—however we might disagree with its expression—which is God's gift to every human being. Qualities of mind and character attach to a person, not to a race.

Clarence Thomas' paradox is real. The individuality that allowed him survival in a world of hostile, dangerous racism is the individuality that seems to make him numb to the meaning of shared experience.

Those who call Clarence Thomas the "hope candidate" do not mean hope in the transcendent terms of "keep hope alive." Instead, they hope those qualities which have characterized his individuality up to this point can be transformed. I doubt that is possible. I doubt that he can "be won over again." Therefore, it is on the basis of his individuality, as I have been allowed to know it from his public record, his professional work, and his confirmation process, that I will cast my vote against Judge Thomas.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEAN CONNOLLY—ALL-STAR CATCHER FROM EAST SANDWICH, MASSACHUSETTS

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to call the attention of the Senate to the special achievements of an outstanding young athlete from East Sandwich, Massachusetts. Sean Connolly, a 17-year-old senior at Sandwich High School on Cape Cod, has become one of the most promising young baseball players in the country.

This past August, Sean participated in the Senior Babe Ruth World Series in Falmouth, Massachusetts. As a result of his performance, he was chosen for the all-defensive world series team, and won the Mizuno Golden Glove Award as the best defensive catcher on the nine U.S. regional teams in the series.

Sean has numerous other accomplishments in his baseball career. He was named an All-South Shore League all-star catcher in his sophomore year.

In addition to leading the Sandwich High School team to the No. 1 ranking in eastern Massachusetts this year and leading his team in RBI's, he was also selected for the Cape Cod Times 1991 All-Scholastic Baseball Team.

This high level of excellence makes Sean a fine example for other young Americans. I commend him for his outstanding achievements, and I wish him continued success in the years ahead.

Move over, Tony Pena—get ready, Fenway Park.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The time between 9:15 a.m. and 10 a.m., under the previous order, is under the control of the majority leader or his designee.

Mr. SARBANES. I thank the Chair.

THE UNEMPLOYMENT ISSUE

Mr. SARBANES. Mr. President, I want to address the unemployment issue just very briefly here this morning. Very shortly we will be holding a hearing of the Joint Economic Committee to receive the latest monthly unemployment figures from Commissioner Norwood of the Bureau of Labor Statistics which were announced a half hour ago at 6.7 percent. It was 6.8 percent the previous month. So there is a change of a tenth of a percent. But I want to try to put that in some perspective, particularly as we address the payment of unemployment insurance benefits to the long-term unemployed, a measure about which of course the Congress and the President have been in disagreement.

Mr. President, there is little convincing evidence that we have emerged from the recession, and I think it is very important to keep that in mind. What I really want to talk about today is the plight of the long-term unemployed across the country and the necessity to address the human situation in which they find themselves and not to be caught up in the statistics.

Mr. Darman, the Director of OMB, last weekend, on a TV show really downplayed the seriousness of the economic situation in which we find ourselves. He contended that the recession was over. That is consistent with the siren song that he has been singing all along, that this is a short and shallow recession. Of course, nothing is further from the case.

This recession has been longer than any postwar recession with the exception of the recession in 1974–75 and the recession in 1981–82, which was the worst recession since the Great Depression. Other than those two recessions, which ran for 16 months, this recession—which is now going into its 14th month—is the longest that we have had in the postwar period.

In August the President had an opportunity to help the long-term unemployed by declaring an emergency and signing legislation sent to him by the Congress at that time. If he had done so, benefits would have started to flow to the long-term unemployed.

The unemployment system is constructed of 26 weeks of basic benefits and then extended benefits, and there is a trust fund that is set up into which money is paid for the purpose of paying these extended benefits. In fact employers pay a tax specifically for the purpose of paying extended benefits.

So one of the issues here is really the integrity of this unemployment trust fund. The system was premised on building up a surplus when unemployment was low in order to have a balance in the trust fund with which to pay benefits when unemployment rose. The extended benefits trust fund now has a balance of over $8 billion. The balance, Mr. President, is increasing over the course of this year. The additional taxes that will be paid in by employers are paid in for the purpose of paying extended benefits. That is why the taxes are levied. That is the representation that is given to the employer for the payment of these taxes. Between the money paid in, which will be about $700 million, and the interest earned on the existing balance, which will be about the same, you add about $1.3 to $1.4 billion to the fund. It is estimated it will pay out less than $200 million on the present payment system, so this fund will build another $1.2 billion in additional surplus in the course of this fiscal year. The balance now is at $8 billion. It is projected to reach almost $10 billion in 1992.

But the benefits are being paid. This chart shows the number of persons receiving extended unemployment insurance benefits. There was a large increase in 1974–75 when we had the recession. Many more people got benefits, which is exactly what is supposed to happen. In 1980 it went up. In 1981–82, when you had the Reagan recession, the figure jumped again.

Look what has happened this time. Hardly anyone is receiving extended benefits. Fourteen thousand people nationwide. You have 1.3 million people who have been out of work for more than 26 weeks. In other words, they would have exhausted their benefits. You have about the same number who have been out of work 15 to 26 weeks. In other words, they are approaching exhausting their benefits. That is about 2½ million people across the country who are feeling tremendous personal strain and stress.

I know that Mr. Darman and others will say that the unemployment rate ticked down a tenth of a point.

This shows that things are on the move. I think the indicators are very mixed. The most recent data on the economy does not provide any really conclusive evidence that would lead one to think that this recession is over. When the President did not declare the emergency back in August, at that time, the Commerce Department had reported an increase in the GNP for the second quarter of 1991. That is reflected on this chart, which shows that the gross national product had grown in the second quarter of 1991.

Since then, the Commerce Department has revised those figures on the basis of additional, more definitive information, to show now that in the second quarter of 1991, instead of the real GNP growing by four-tenths of a percent—which is not much growth—they showed a positive growth of four-tenths of a percent. Now they show, on the basis of more definitive figures a drop in GNP of five-tenths of 1 percent. This makes three consecutive quarters of a drop in GNP. True, it did not drop as much as in the previous quarters, but nevertheless, it is still negative.

We have reports from around the country of housing starts, which were up, and building permits, which have been rising since January. The rise stopped in August. Retail sales, which went up a little bit in June and July, fell in August. The leading indicators failed to rise in August, after they had risen in the previous 6 months, and the increase in these indicators is significantly less than the increase in previous recession periods.

The one-tenth of a point drop in the unemployment rate is apparently mostly due to the increase in people working part time, because they could not find full-time jobs. Consumer confidence is down. The Conference Board Index of Consumer Confidence fell 4.5 percent in September, nonresidential construction fell and so forth and so on.

So these indices do not show a strong movement out of the recession, and many of us think that we confront the possibility of experiencing a double-dip recession in this country. The important issue right now on the national agenda is this unemployment insurance benefit bill. I very much hope that the President will find it in his heart to sign this legislation. I want to detail very briefly, before I go to chair the hearing and hear from Commissioner Norwood the reasons for that.

First, and most important, there is tremendous human suffering across the country on the part of those who have lost their jobs, have exhausted their benefits, and now find themselves at wits end on how to meet their bills.

Mr. President, by definition, one cannot draw unemployment insurance benefits unless one has continuously held a job. So we are talking about working people, employed people, people who had a job and who lost that job through no fault of their own, because if you lose your job through your own fault, you cannot draw unemployment benefits.

So these are the people who have really built the country. We are talking about the people who have worked, who have been productive, and the economy has gone sour, and they are now out of work. American Express announced just yesterday that they are going to lay off 1,700 people. The Governor of Maryland has just sent out termination slips to almost 2,000 employees in the State of Maryland because of the budget constraints which the State confronts.

The system was constructed to give 26 weeks of basic benefits, and that is to carry you through the period of a difficult job market, so that you are then in a position to find work in a job market which is improving.

The fact of the matter is that people who lost their jobs last November, when the unemployment rate was 5.9 percent; or in December, when it was 6.1; or in January, when it was 6.2, by now will have used up their basic 26 weeks of benefits. They will be without benefits, and they will be trying to find employment in a job market where the unemployment rate is 6.7 percent. So they will now be looking for a job with no benefits in a job market which is significantly worse than the job market at the time that they lost their job.

The benefits are designed to help people move through that period, so that they find themselves in a rising job market with an opportunity to find employment and go back to work and to support their families. In previous recessions—and there is no reason to believe this one will be any different—the number of long-term unemployed has gone up after the recession is over for a number of months. So this problem of paying extended benefits will be with us.

There is enormous human misery across the country. These are responsible, productive citizens, and the President ought to respond to their needs, and he ought to do it now.

Second, the President ought to respond because the system was constructed—to build up surpluses in good times and to spend them in bad. It is a sensible system. These taxes were paid into this trust fund, and this balance was built up. It is an abuse of this system not to pay extended benefits in a recession at a time of need. It really breaks the covenant with the employers and the employees that these taxes were being paid for the specific purpose of paying unemployment benefits.

The President says: We have a budget agreement, and if I do this, I will be enhancing the deficit. Mr. President, the budget agreement provided for the possibility of declaring an emergency and going outside the budget ceilings. The President did that earlier this year in order to send assistance overseas. He perceived an emergency overseas, which warranted using the emergency provisions of the budget agreement to go outside the ceilings. He refuses to perceive an emergency here at home, even though the trust fund has this large balance in it and is building up an even larger balance, and even though only 14,000 people are receiving extended benefits.

It is not fair; it does not make sense; it runs counter to the logic of the unemployment insurance, which was specifically designed to avoid questions about how to fund the system by building up this trust fund balance. That is exactly what it was intended to do.

Mr. President, I call on the President this morning to help the unemployed across the country—the working people of America who have lost their jobs through no fault of their own, to sign the legislation and to allow the extended benefits to be paid, to maintain the integrity of the extended benefit trust fund, and to bring some hope back into the lives of millions of Americans who now face despair.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this morning, new unemployment figures confirm what the country already knows—this recession is not over. The economy is still in trouble. Workers are still hurting.

Unemployment continues at unacceptable levels, with no significant change—6.7 percent in the Nation, and 9.2 percent in Massachusetts.

The White House was gambling that today's figures would decline substantially and reduce the need for congressional action on unemployment compensation. But now they have lost that shameful gamble, and the strong case for action is even stronger today.

Poverty is also increasing—in 1990, 2.1 million more Americans were left in poverty because of the recession; 40 percent of those in poverty are children.

In State after State across the Nation, working men and women cannot find work. They cannot feed their families or pay the mortgage. Their unemployment benefits are running out, and they need help.

In the face of this new evidence, it is time for President Bush to face up to his own responsibility as President and recognize the harsh reality that so many working families have been facing for so long. The unemployment compensation bill is on its way to the President's desk, and I urge the President to sign it into law.

Earlier this week, before these latest numbers were released, President Bush once again stated that he will veto this measure.

It is clear that the White House has trouble understanding the problems facing ordinary working Americans. In recent days, at a Republican fundraiser, he went so far as to characterize the unemployment bill and other measures heading for his desk as "garbage" he will not sign.

Labeling emergency unemployment benefits as "garbage" may sound good to fatcat Republican campaign contributors. But it is an insult to hundreds of thousands of working Americans who have exhausted their unemployment benefits because of this recession. They need a helping hand from their President, not the back of his hand.

In Massachusetts 3,000 more workers lose their benefits each week, 12,000 per month, up 29 percent over last year. Nationally, the number of people exhausting their benefits is the highest in 40 years, the highest since these records have been kept.

In every previous recession, under Republican and Democrat Presidents alike, we have provided emergency unemployment benefits in circumstances like this. Under President Kennedy, President Nixon, President Ford, and President Reagan, we always helped the unemployed. Why not now? Why is President Bush so far outside the American mainstream on this issue?

If the President carries out his veto threat, then the Senate will vote first to override the veto. The margin is likely to be close—perhaps a single vote.

I urge my colleagues to listen to their constituents, especially those out of work, out of luck, out of hope. They need and deserve help. They need it urgently. And it is wrong for the President to deny it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I want to join in the discussion that has been going on about the urgent need for extended unemployment benefits for workers in this country who have lost their jobs and, because of the continuing weak economy, have not been called back to work.

According to the new unemployment data out today, the State of Michigan, my home State, has seen the unemployment level jump very dramatically. It has gone from 9.1 percent, to 9.7 percent. In fact, the number of people in Michigan who lost their jobs in the last 30 days is a larger number than all of the rest of the job increases in the entire country. So this problem is a very serious problem. A year ago, the State of Michigan had unemployment of about 7.3 percent, and a figure of about 332,000 people were out of work at that time. This was a year ago. Now, today, that figure has jumped to 437,000 people.

So this situation is a very, very serious situation, and we need the extended unemployment compensation benefits. In my home State of Michigan, there are 170,000 workers who, having exhausted their regular unemployment benefits, have not been called back to work and would qualify for the extended benefits program if the President will sign that bill. If the President refuses to sign the bill, if he vetoes the bill, those people have no place to turn, because there are no other jobs available in my State of Michigan because the unemployment rate has actually gone up. So those workers who have exhausted their regular unemployment benefits cannot go out and find another job. Their own job has not come back, but there is not some alternative job, some substitute job for them to find because there is such massive unemployment in the State already. So those workers have no place to turn.

For the administration to say that it does not matter, or to characterize the unemployment extension bill that we have passed with an overwhelming vote here in the Senate as "garbage," as they did the other day, is really outrageous. It turns it back on the actual condition facing our unemployed workers and their families in Michigan and throughout the country. These benefits have to be made available to these people so they can hold their lives together.

We are talking about basic things. We are talking about people having enough money to be able to eat, to be able to pay the rent; if they own a home, to be able to make the house payment; if they own a car, to be able to make the car payments. I mean, the last thing in the world we want to do is take working people in this country, who have been working throughout their adult lifetimes and who lose their jobs because the economy is so weak, and then allow a situation to develop where they exhaust all of their unemployment benefits and have their whole lives torn apart.

I saw a man the other day in Michigan who was literally forced to leave his family because of persistent long-term unemployment. He was like a nomad, a vagabond, moving around the State of Michigan. In this case, he had a motorcycle. That was the only way he had to get around the State or to go somewhere else to try to find some work.

When I met him, he was desperate. I met this gentleman at an unemployment office, a place where they try to help workers that are out of work. He was there, and he had with him a little portfolio of certificates that he had earned for excellence in the area of machine tool work. So this was a highly skilled worker, a person with an excellent work record over a period of time. As he was talking to me, he literally just burst into tears and told me that he was literally down to the point where he only had pocket change left to himself and he did not know what he was going to do next.

That is not uncommon. We have 170,000 people in the State of Michigan alone that need these extended unemployment benefits.

Why are we turning our back on people like that? Why is this administration turning its back on unemployed workers in this country? Why are we saying to those workers that they are less important than people in other countries that this administration is sending money to every single day?

We are helping countries all around the world, countries the names of which are even unfamiliar to people. If we had a globe of the world or a map of the world here right now, if I were to list off all the countries that this administration has asked us to send money to this year, most people could not even find those countries on a map. Why is it that we are sending all that money and putting all that emphasis on people that live in other countries and turning our back on people in this country who desperately need our help?

The other part of it that is just so wrong is the fact that we have collected, over the last few years, in a special national trust fund called the extended unemployment benefits trust fund, money for precisely this purpose, so that when the next serious recession came along, as it now has, there would be money that would have been collected during good times to pay out these extended unemployment benefits to these unemployed workers in bad times.

But what has happened here is the Bush administration does not want to use the money for the purpose that it was collected. They want to take it and be able to credit that amount of money against other spending in the Federal Government that has absolutely nothing to do with unemployed workers. That is what is going on here.

So they actually want to, in effect, in an accounting sense, misappropriate that money and use it somewhere else, count it somewhere else, and then say, "Sorry," to the unemployed workers, "you cannot have the benefits that you need and which were collected precisely to deal with this kind of problem."

In every other recession we have provided extended unemployment compensation benefits. Democratic Presidents have provided them. Republican Presidents have provided them. Why? Because they are needed. Because they are justified. The workers need that help.

Bear in mind, this is no welfare program. We are talking about workers with an established work history who lose their job because of the high unemployment and the serious recession and cannot get a job back. They are not called back to their job and they cannot find another job.

Why do we want to punish those workers and punish their families and punish their children? I will tell you this. I am convinced that if, today, the top officers in our Government in the executive branch, the President, the Vice President, the Cabinet officers, the chief leaders of the Congress—if suddenly the unemployment were to hit this whole crowd and if all of our family members and the President's family members and the Vice President's family members were unemployed and had exhausted their unemployment benefits and needed the extended benefits, how long do you think it would take for this bill to get signed? They would sign it this afternoon. They would get those benefits flowing.

The problem is there is a disconnection, and the disconnection is the people who run our Government today are out of touch and they do not understand what is going on in the lives of everyday people. And they do not show much sign of caring about it, either.

This is an urgent issue. Unemployment in Michigan today has risen to 9.7 percent. Our unemployed workers need this help. The money has been collected for this purpose. The President needs to sign this legislation and respond to the needs of people in this country; not just respond to the people with needs in other countries, but to take a look for a change at what is needed in America.

Let us do something to help this country. Let us concentrate on our workers. Why is it not time to do these things to make America stronger? It is just not right. It is just not right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee [Mr. GORE].

Mr. GORE. Mr. President, today's unemployment figures indicate that the tragedy of unemployment continues unabated in our Nation.

We are in a recovery, we are told. The problem is, Americans do not see any difference between the recovery and the recession. How do we tell the difference? The unemployment rate continues at this very high level. And while the administration has insisted that the current recession is, and I use their words, "short and shallow" the same could be said for their statements and for the President's domestic economic agenda, short and shallow.

He has not see any emergency. He has attempted to govern by veto. And he and his administration have offered nothing in the way of economic security for millions of Americans threatened by policies of neglect.

George Bush campaigned for the White House on the promise that his economic policies would create 30 million new jobs. Maybe we should have asked him to be a little more precise.

He can claim that, yes, his economic policies have created 30 million new jobs. They just have not been here in this country. The growth rate in France has been 6 times higher than in the United States. Economic growth in Germany has been 12 times higher than in the United States.

Not to be outdone, Japan has had an economic growth rate 16 times faster than the one here in the United States.

So, yes, 30 million new jobs—in those countries, not here in the United States. We have lost jobs here in the United States under the Bush administration.

What is even worse than that is that those who have jobs, the vast majority, are losing real wages. Average weekly take-home pay, adjusted for inflation, is lower today than it was in 1959. If you look at just the years of the Bush administration, the figure has continued to get worse.

Since the end of 1986, let me measure from that point, real hourly earnings have declined by 4 percent. Real hourly compensation, which includes wages and benefits, has declined by 3 percent.

The decline in hourly pay means that people lucky enough to have jobs have to work longer hours in order to support their families. This is not programs by any reasonable definition.

This week the House and Senate both voted to grant some relief to unemployed workers. The money to provide this relief is in a trust fund where money is collected specifically for that purpose. These people who are unemployed today have paid into this trust fund while they were working, storing up for a rainy day. They did not pay into this unemployment trust fund in order for the President to take that money and use it for other purposes. They paid into that trust fund so that it would be there for a rainy day; so that if the economy did not recover, or if the recovery began to look exactly like the recession, there would be enough in the trust fund to help these families get by while they looked for new employment, while they get the retraining they need, while they look for new jobs and look for an opportunity to get back on their feet.

But the President says, notwithstanding the fact that these workers paid into the trust fund and it has been set aside for the purpose, he absolutely refuses to allow the unemployment benefits that these workers have paid for themselves. The House and Senate have both passed it. The President says he will veto it.

The employers have also paid into the trust fund. They have a stake in this because when the orders pick back up again, when we get a change in economic policy, when the recovery begins to really pick up steam, they are going to want these employees back. And they do not want them just in destitute circumstances during this period. They have paid into that trust fund under the law just as the employees have. But the money paid in by the employers is also being used by the President for other purposes, rather than for what it was intended to be used.

It is no secret that the Federal Government is short of funds. However it is simply unacceptable for the Federal Government to be short on trust. The unemployed workers are not just statistics. They are real men and women trying to regain a measure of economic dignity. The President's refusal to help is a breach of trust which should be remedied.

If the President vetoes this bill I hope we will see enough independence on the other side of the aisle here in this Chamber to join with every single Democratic Member of the Senate who voted in favor of the right course of action, to take the money in this trust fund and use it for exactly what it was intended to be used—for those very employees who paid into the trust fund to use during the period they were unemployed.

So, Mr. President, I call upon my colleagues to prepare to override the expected veto. I call upon the President of the United States not to break faith with the American people, to change his economic policy so that we have a legitimate and meaningful and strong recovery and, in the meantime, to allow those who are unemployed, and who continue to be unemployed, to have the benefits from this trust fund that are theirs rightfully under the law.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSER). Without objection, it is so ordered.

EXTENDED BENEFITS FOR UNEMPLOYED AMERICANS

Mr. SASSER. Mr. President, we are now 4 days into the new fiscal year for the Federal Government, but we are no closer to an economic renewal for our economy. The Department of Labor report this morning shows a slight downward fluctuation in the unemployment rate, but the indicators remain mixed. Payrolls increased by only 24,000 jobs in this past month, far less than expected. The Director of the Bureau of Labor Statistics, Dr. Norwood, said this morning: "We have yet to see any sustained signs of rebound in the labor market."

The other underlying story remains the same. We still have 8.5 million Americans without jobs, 2 million more than on the day President Bush came into office. Anyone who talks to American business people and the workers of this country understands the reality beneath the statistical surface. This recession continues to take its toll on the American people. Working Americans continue to lose their jobs at an unacceptable rate.

Mr. President, it used to be popular to talk about pockets of recession, about an industry-specific recession, or about a regional recession that only affected the west coast or the Midwest or the agricultural economy. But I want my colleagues to listen to the layoff announcements that were made just this past week.

American Express said that 1,700 jobs will be eliminated; DuPont announced it was laying off 1,095 workers, and even the Government of the State of Maryland declared that 1,766 public workers would lose their jobs.

The job loss now taking place spans all sectors of our economy. It is no longer region specific or industry specific. It is all across the board from financial services to heavy industry, white collar and blue collar jobs alike. The need for help is broad and it is compelling.

A strong bipartisan majority of both Houses of Congress moved to meet that need in a responsible and effective unemployment protection bill which will be on the President's desk by Tuesday of next week. All that separates millions of unemployed Americans from desperately needed relief is the President's signature on the dotted line.

Those who are out of work today, through no fault of their own, who want to work, who are actively looking for jobs are paying for the failure of this administration's economic program. At the heart of that failed record is an economic growth rate that is bleaker than it has been at any time since World War II.

Mr. President, I call your attention and that of my colleagues to this chart that I have before me. Gross national production per person is a measure of the average standard of living of our citizens. This is the measure that is popularly used by economists to determine whether or not the average citizen is progressing economically, holding their own or retrogressing.

If my colleagues will look at this chart, they will see that President Bush is the first President since Herbert Hoover who has presided over a decline in the standard of living of the American people. We just selected out since the Kennedy administration what has occurred in our economy. We note that the largest growth rate took place during the administrations of John Fitzgerald Kennedy and Lyndon Baines Johnson. The lowest growth rate took place in the Ford administration and the Eisenhower administration.

But we look at the Bush administration and this is the first administration since the Second World War, indeed since the Depression of the 1930's, that has had a negative per capita GNP growth rate. In real terms, the President has led this economy to an average per person GNP growth rate of a negative four-tenths of a percent a year. That means that the average American's real standard of living is declining. That means that the average American's real disposable income is declining. That means that for the average American, the quality of their life judged in economic terms is declining. Every other postwar President improved the standard of living of the American people, except one who is serving today.

All of this data is from the Department of Commerce. The data on poverty and income released by the Census Bureau last week underscores the message: Median income is sliding. Poverty in the United States of America is on the increase.

It is no secret for those of us who go out about this country and talk to our constituents and see their struggles that median income, the real income of the typical American household, has been stagnant for some time.

The Census Bureau's report is evidence that middle-income Americans are not even holding the line any more. They are losing ground. Median income fell by 2 percent in 1990. Outright poverty has increased its hold on our population as a result of this lengthy recession.

The Census Bureau tells us that 2 million more Americans fell into poverty last year in 1990; 33.6 million of our fellow countrymen lived below the poverty line in 1990, and the shame of it is that 1 in 5, or 20 percent of the children in this country, live in poverty as defined by the Census Bureau of our Government.

That is the state of the American economy. That is what has happened during this administration. Unemployment is up; poverty is up; and middle-class income is down.

Mr. President, I submit that this administration has a responsibility to the unemployed Americans who are reaping this bitter harvest. The President should sign the bill that provides unemployment protection to the millions of Americans who have paid for it, who have paid into the system and who deserve it.

The President says he wants to sign some other bill. He wants to sign any bill except the bill that will be on his desk Tuesday. He says he wants to sign the bill that is offered by Senator DOLE, which has not even passed this body.

I want to make this point just as forcefully and clearly as possible, because it is critical. There is absolutely no comparison between the Dole proposal and the legislation that will shortly be on the President's desk. I sat on the floor of this body just this last Tuesday, and I want to make this point graphically clear today. The Dole plan offers absolutely nothing to the vast majority of unemployed Americans, those who have already lost the protection of their unemployment benefits.

It will provide not 1 red cent to most of those who have been out of work the longest and who are in need of assistance immediately.

Let me demonstrate this assertion by the chart I have before me.

Since March, 1,740,000 Americans have exhausted their unemployment benefits nationwide. Under the proposal passed by this body last Tuesday and sent to the President, 1.55 million or almost 90 percent of those without benefits would qualify for extended benefits if they have not yet found a job under the Bentsen plan that we passed just this past week.

Contrast that, if you will, Mr. President, to the Dole plan. The Dole plan will leave 1.5 million people with absolutely no access to unemployment assistance. Under the Dole plan, only 14 percent of those ejected from the unemployment insurance system in the last 7 months would qualify for benefits. The remaining 86 percent, the longest suffering victims of the recession, do not have a chance to receive even one thin dime.

Compare the two proposals: 1,550,000 Americans under the Bentsen plan would get the unemployment compensation that they have paid for and are entitled to. Under the Dole proposal—which the President says he prefers—only 250,000 would qualify. Only 14 percent of the Americans who have exhausted their unemployment benefits would be eligible under the Dole plan, whereas 90 percent would be eligible under the Bentsen plan.

The Senator from Kansas says that his bill would put food on the table for unemployed Americans. I respond by saying it is not going to put anything on the table for those 1.5 million Americans whose economic plight is most severe and who are not helped by the Dole proposal.

Mr. President, there are 268,000 citizens of the State of California who have lost their unemployment protections since March. These 268,000 workers in California who have lost their unemployment protections would not be able to receive one dime under the Dole proposal.

The Bentsen plan, on the contrary, would deliver 13 weeks of benefits to those who are still unemployed in California.

Let us take another State. There are 35,000 Missourians who are eligible to receive 20 weeks of benefits under the Bentsen reach-back provision—the reach-back provision in the Bentsen plan. Not one of these workers would be helped by the Dole bill. In all, the Dole proposal fails to protect the citizens of 44 States who have lost their unemployment benefits in the last 7 months.

Those are just some of the deficiencies. There are others as well. The Dole plan offers very thin gruel, indeed, to those on the verge of exhausting their benefits. Citizens in States with unemployment rates as high as 8, 9, or 10 percent, States like California, Florida, or the State of Michigan, as the distinguished Senator from Michigan so eloquently spoke a moment ago of the plight of the workers in that State, the States of Mississippi, West Virginia, would receive only 6 weeks of benefits under the Dole bill compared to 13 to 20 weeks under the bill that will shortly be on the President's desk that passed this body just this past week.

Mr. President, I find particularly objectionable the position that the Dole plan takes toward our veterans. It attempts to pay for itself at the expense of the men and women who served and defended their country. The bill eliminates unemployment benefits for many of our military people returning from Desert Storm and Desert Shield. It eliminates benefits for those who are honorably discharged from the military after completing their tours of duty.

In total, the Dole plan is a 65-percent cut in unemployment benefits for veterans over the next 5 years. How do you explain that to a man or a woman returning from the deserts of Saudi Arabia who risked their lives defending what they perceived to be the interests of this country?

The bill on the President's desk, the Bentsen bill which we voted overwhelmingly for in this body, restores equity for veterans by putting their benefits on a par with private sector employees. I say that is the least we can do for those who served and sacrificed for us.

Finally, Mr. President, the administration calls the Bentsen proposal a budget buster because it is supposedly not paid for. Frankly, that accusation has the reek of hypocrisy from an administration that casually forgives a $7 billion debt from the country of Egypt to the Treasury of the United States, that sends foreign aid on an emergency basis to country after country after country just in the past few months.

In all truth, Mr. President, the insurance we propose has been paid for. It has been paid for by the same working men and women who are now desperate for help. It has been paid for by their employers who have paid into the fund for their benefit pursuant to law.

The current balance in the unemployment insurance trust fund is $8 billion. The shame of it is that $500 million has been added to the unemployment insurance trust fund during the course of this recession alone.

Now, that says it all. This trust fund, which is collected from workers and employers to be used to help those who are unemployed, that they pay into for a rainy day, here in a time of recession when millions and millions and millions are unemployed, continues to increase its balance. That, I say, Mr. President, is a national shame. While Americans are suffering, the trust fund that has been established to help them is swelling and this administration has the audacity to say that those who wish to help these Americans who are struggling are busting the budget.

Mr. President, the minority leader has urged that we not play politics with unemployed Americans. I could not agree more. He has admonished this body not to deny unemployment benefits for even "1 additional hour," and I could not agree with that more. That is why the President should sign this bill that passed this body by an overwhelming margin when it reaches his desk on Tuesday. He can give these suffering millions relief just with the stroke of his pen.

I urge him to do so without further delay.

Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Chair.

Mr. President, it is my understanding that the time for morning business concludes at 10:30. Senator DURENBERGER is also waiting on this floor. He and I will be talking about the same issue, and I hope that he will be able to get unanimous consent to go over a few minutes because what we will discuss we believe to be important.

Mr. PRYOR. Mr. President, I rise today to address the issue of implementation of Medicare physician payment reform. I commend my colleagues, Senators ROCKEFELLER and DURENBERGER for their efforts to assure the proper implementation of this reform by the Health Care Financing Administration [HCFA].

I have heard from many Arkansan physicians who are very troubled over many issues with the implementation of this new payment system. As chairman of the Aging Committee, I urge HCFA to respond to the message sent by the legislation introduced today. The effectiveness of the physician payment reform system will depend on HCFA's willingness to follow the intent of the Congress when it crafted this legislation and its responsiveness to the many issues that have been raised since the issuance of the proposed rule on June 5. It is my hope that the administration will make a reasonable compromise with physicians who have voiced their concerns.

Members of Congress, including myself, have been particularly troubled by the budget reduction that HCFA incorporated into its proposed rule. The budget conferees, along with many physicians' groups who supported physician payment reform, clearly anticipated that the fee schedule would neither increase nor decrease overall Medicare spending for physician reimbursement.

The proposed legislation addresses the very important issue of changes in volume and intensity of services in response to the new payment system. My concern is that HCFA's continued insistence on the so-called behavioral offset may turn out to be a self-fulfilling prophecy. Indeed, if implemented as currently proposed, it may induce the very behavior it is designed to control.

My colleagues are to be commended for addressing other important issues in this legislation introduced today. Specifically, payments for interpretation of EKG's, the treatment of new physicians and payments for anesthesia services are issues that trouble many physicians in Arkansas.

I am also pleased that the proposed legislation contains a provision that would hold off implementation of the proposed rule regarding the methodology for determining the amount paid for drugs and biologicals furnished incident to physicians' services. HCFA continues to focus its pharmaceutical cost containment proposals on providers rather than pharmaceutical manufacturers. All through the 1980's, HCFA and State Medicaid Programs continued to ratchet down on reimbursement rates when the escalating costs of the Medicaid Prescription Drug Program were due to manufacturers' prices, not pharmacists' charges.

By proposing to reduce reimbursement to physicians at AWP-15 percent, HCFA has once again failed to recognize that it should find ways to contain the costs of the drugs that physicians administer to patients, rather than targeting the physician who has no control over the price of the drug dispensed. In fact, I suggest that HCFA might find its savings by requiring that manufacturers give rebates to the Medicare Program for drugs administered in the physician's office.

Mr. President, as the administration moves to implement this new payment system, I urge HCFA to hear and respond to the many concerns of the physicians who serve our Nation's older Americans. I was heartened to learn that the administration has apparently crafted a way to implement the law while maintaining congressional intent with regard to budget neutrality.

As my colleagues on the Finance Committee and I intimated in our June 28, 1991, letter to Secretary Sullivan, we strongly believe that a majority of the problems addressed by the Physician Payment Reform Implementation Act of 1991 can and should be solved administratively, rather than through potentially costly legislation. It is for this reason that I will not cosponsor this legislation at this time; however, I will closely follow HCFA's responsiveness to the legitimate concerns of physicians with the Congress with regard to physician payment reform issues.

(The remarks of Mr. ROCKEFELLER pertaining to the introduction of S. 1810 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROCKEFELLER. I thank the Chair. I yield the floor.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the time for morning business be extended until 10:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINNESOTA TWINS

Mr. DURENBERGER. Mr. President, once again the country's attention turns from politics to baseball. Once again, the Minnesota Twins are the Western Division champions in the American League.

In 1987 they surprised everybody by coming from nowhere to win the World Series. This year they set another record by coming from last place to first place, but they did it on a steady rise such that this Senator feels at least that it means both Toronto and whoever the National League champion is will recede into history.

Mr. President, last Sunday, my home team Minnesota Twins again became the champions of the American League Western Division. This is an extraordinary feat. Not since 1890, has a team gone from first place to last place in 1 year.

As Minnesota's "Boys of Summer" await the upcoming American League championship series against the Toronto Blue Jays, their fans are afforded a chance to reflect on the long road which has led the Twins organization from a last place finish in 1990 to their fifth championship since their inaugural 1961 season.

Along with the return of the now famous "Homer Hanky" we have been treated to the sight of many individual and team efforts. Whether it was the splendid play of Rookie of the Year candidate Chuck Knoblauch, the pitching of Erickson, Morris, and Tapani, or the outstanding defense of the team as a whole, each and every member is a division champion and has contributed to this exciting summer. This magical season has also seen a 15 game winning streak as well as a magnificent recovery from a 2-9 record at the beginning of the season.

Mr. President, again I congratulate the Minnesota Twins on a job well done and hope that I will be attending the 1991 World Series in the Minneapolis Metrodome.

EXTENDED UNEMPLOYMENT BENEFITS

Mr. DURENBERGER. Mr. President, this morning's unemployment figures suggest that the economy is beginning to move forward, out of recession. While we have a way to go before there is a solid growth in the economy, I believe it is vitally important that Congress adopt a reasonable extended benefits program for the long-term unemployed.

Mr. President, it is a tragedy that we have played politics with this issue. I think every Member in this body knows that. Certainly, the Members on the other side of the aisle have spent a lot of time here this morning, and at other times, casting all of the blame on the President of the United States for the fact that extended benefits have not been granted. But the American people ought to know the facts.

It is true that in early summer President Bush opposed extended benefits. But Republicans, particularly on the Senate Finance Committee, supported Senator BENTSEN's bill. We supported the original Bentsen bill, and the President then changed his mind and asked only that we pay for those extended benefits. But the Democrats will not change their position.

They want to grant extended benefits to unemployed persons, appropriately, but they do not want the Government to pay for it within the contours of the 1990 budget agreement. It sounds a lot like the House of Representatives' banking system.

I have introduced legislation (S. 1789) and the Republican leader has introduced legislation, that would grant extended benefits for the long-term unemployed, my bill is a better deal for the unemployed in my State than the Bentsen bill. The President expressed his desire to sign the Dole bill. I believe he would sign my legislation.

The reason he would sign either of these bills is because they pay for the promises they make. They finance the payment of the benefits provided for in last year's budget agreement. Strange as that may seem to the people on the other side of the aisle, that is the reality that Americans are beginning to expect of the people in this Chamber.

It seems to me that the only thing some Members on the other side of the aisle want is to hear the President declare an economic emergency. They want to use this issue for strictly political purposes, and I think that is just wrong.

So let us get beyond the politics of the 1992 election and beyond partisanship, and when President Bush vetoes an unpaid promise tomorrow, I want Senator RIEGLE, Senator SASSER, my colleague Senator BENTSEN, and the others, to help pass my bill, S. 1789. Let us do it on Monday or Tuesday of next week.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 1810 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,393d day that Terry Anderson has been held captive in Lebanon.

EXECUTIVE SESSION

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider the nomination of Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The nomination of Clarence Thomas, of Georgia, to be an associate justice of the Supreme Court of the United States.

The Senate resumed consideration of the nomination.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WELLSTONE. Mr. President, this will, I believe, be one of the most important decisions that I have made or will make as a Senator of the United States: whether to confirm Clarence Thomas as the 106th Justice of the U.S. Supreme Court.

The placing of a human being on this Nation's highest Court cannot be done by the President alone. Section 2 of the second article of the U.S. Constitution states that the President shall have the power to nominate someone to the high Court only "by and with the Advice and Consent of the Senate. * * *"

At the Constitutional Convention, the delegates first agreed on the ways that the legislative and executive branches of government would be structured. There was extensive disagreement, however, on how to create the third—judicial—branch. Most preliminary proposals gave Congress alone the power to appoint judges to the Supreme Court. It was not until relatively late in the proceedings that the idea of nomination by the President and confirmation by the Senate was proposed and, finally, adopted.

The coequal power of both of the remaining branches of government in the creation of the third branch is at the core of our governmental structure of separation of powers. The fact that both of the remaining powers must concur also reflects the gravity of these decisions. The Supreme Court is the guardian of all of our Constitutional rights, including the rights guaranteed by the first amendment, those rules by which we live in a democracy. It is the place where each person has an equal right to be heard, regardless of political power, wealth, or influence. It is the only place in our national governmental structure where all citizens have equal standing to have their concerns addressed and their rights vindicated. It is only the Supreme Court that can provide protection against usurpation of power by one or the other branches of government.

It has been said that there is hardly an aspect of American life that has not been addressed by the Supreme Court. Its decisions have not been easy ones, and have often been embroiled in the controversies that have torn and divided us as a people. But throughout our history, the gravity of its role has never been questioned. Although it has no standing army, its decisions have commanded the ultimate respect and obedience of the people and of the other branches of Government for more than 200 years.

The fate of all of our constitutional rights, and of our governmental system of separation of powers, ultimately rests in the hands of the nine men and women who comprise this Court. The appointment of someone to this Court is not for a few years, but for a lifetime. The decisions made by this Court cannot be reviewed by anyone, except by the Court itself. Whoever replaces Justice Thurgood Marshall will serve well into the next century and will influence the legal and political landscape for decades to come. The choice of anyone for this position of ultimate power is a test of the governmental structure designed by the Founders and of our will as a people.

PROCESS OF CONFIRMATION

The process of confirmation under all of these circumstances must be a searching one. The Constitution requires nothing less. For the Senate to confirm a nomination to this Nation's highest Court with fundamental ignorance about the nominee's true character, beliefs, and vision for our society and for our country would be an abdication of the grave responsibility that the Constitution has placed upon us.

At the outset of the confirmation hearings, I felt that I knew who Judge Thomas is. Although I might differ—indeed do differ—with many of the underlying visions of reality that his past writings and speeches represent, I felt that I knew, fundamentally, who this man is. I admired the great odds that he overcame in his life and his apparent attachment to principle. As the hearings progressed, I became increasingly and deeply disturbed. During the course of these hearings, he proceeded to disavow his prior speeches, writings, and statements of belief. His prior speeches, writings, and statements are now said to be creatures of the moment, crafted in response to the particular audiences; he is now an empty vessel, without policy positions, beliefs, or "opinions in important areas that could come before [the] Court." He is, is in own words, "stripped down like a runner." What is this? Where is the substance here on which I can, as a Senator—bound by my oath to serve the people who elected me—give my advice and consent?

I believe that the presentation of a nominee to the Senate as an empty vessel, with no articulable judicial philosophy or beliefs, is a blatant attempt to destroy the Senate's constitutional right and obligation to render its advice and consent. As a U.S. Senator, I cannot vote to confirm someone who has no views. I cannot give advice and consent when I have been deliberately told that I cannot know anything about how this nominee will approach any of the fundamental questions of our time.

BUSH ADMINISTRATION ARGUMENTS

The Bush administration and its supporters argue that the Senate has no right to know the judicial philosophy of the nominee. It argues that the text of the law answers all questions, that a nominee who swears to uphold the law should not be questioned further. It claims that any attempt to obtain answers is an attempt to interject politics into the judicial process.

The absurd nature of this argument is apparent on its face. Law and legal decisions resolve disputes between people. They are the process of choice about what kind of society, what kind of a nation, we wish to be. What is the "establishment" of religion? What is the meaning of "equal protection" of the laws? What is "cruel and unusual" punishment? What are we to do with "unenumerated" rights, such as the right to privacy, or questions which were never even posed to the Founders, such as those involving biotechnology and the "right to die" or the right to privacy in a era of massive systems of electronic data and electronic intelligence? None of these questions are answered by the constitutional text. Nor are they answered by the writings or speeches of the Founders—who, by varying accounts, could include the small group of men who drafted the Constitution, the hundreds of citizens who gathered in 13 State conventions to ratify the Constitution, or the thousands more who—although many of them were disenfranchised or enslaved—"ratified" it by tacit acquiescence to its terms. To say that all of these questions are answered by the Constitution's text or that concern about these questions is just "politics is to insult the intelligence of the American people.

The relationship of law to society is, indeed, glaringly apparent in the history of the Supreme Court's decisions themselves. The Supreme Court, in times past, has held that black Americans are not citizens—Dred Scott versus Sandford, 1857; upheld the barring of women from the practice of law—Bradwell versus Illinois, 1873; struck down legislation which attempted to establish a minimum wage—Adkins versus Children's Hospital, 1923; and upheld the mass internment of thousands of Japanese Americans who committed no crime—Korematsu versus United States, 1944. All of these decisions were made in another time. All of them are ones that we, now would find abhorrent. But to say that the process of Constitutional interpretation is the "mechanical application" of the "literal letter of the written law" is a naivete that is indicated by our own history.

The Bush administration also opposes any inquiry on the ground that it is inappropriate for the Senate to ask how a nominee would vote in a pending or possible case. I agree that attempting to commit a nominee to a particular position on a specific issue is inappropriate. Such questions are, however, far different from questions which attempt to determine who this nominee is, what the basic beliefs that he will bring to the task are.

In 1987, Judge Thomas wrote an article entitled "Toward a 'Plain Reading' of the Constitution, the Declaration of Independence in Constitutional Interpretation." In that article, he wrote that "the first principles of equality and liberty should inspire our political and constitutional thinking." It is not know to me if this statement is one that he now disavows. His statement, however, reflects what we all know: that external values must be brought to the tasks of Constitutional interpretation.

The conviction that the Senate is constitutionally bound to make an independent determination of the fitness of every Presidential nominee is not an invention of the 20 century or of these political times. At the Constitutional Convention, Gouverneur Morris described the advice and consent clause as granting to the Senate the power "to appoint judge nominated to [it] by the President." Joseph Story, in his famous "Commentaries on the Constitution of the United States," wrote more than 40 years later that Senators' "own dignity and sense of character, their duty to their country", depend upon their independent discharge of this obligation. In the 200-year history of our country, the Senate has rejected 27-Presidential nominations for the Supreme Court. When considering the nomination of Judge John Parker in 1930, Senator Norris of Nebraska stated: "When we are passing on a judge, * * * we not only ought to know whether he is good lawyer, not only whether he is honest * * * but we ought to know how he approaches these great questions of human liberty." If the beliefs of a nominee cannot be know, either because he has none or because the process of inquiry itself is deemed to be illegitimate, then we are in deep trouble indeed. Senators, bound by the Constitution and by their own consciences, cannot execute the duty that they have been sworn to perform. The delicate balance of powers, so carefully crafted by the Framers, is paralyzed.

CHALLENGE TO THE SENATE AND DECISION

The Founders of this Nation and the drafters of our Constitution were fare more profound thinkers—or more honest—than we. They understood that the quality or oppression of this government is dependent upon the beliefs and character of the people who wield its power. In a speech to the Virginia ratifying convention in 1788, Madison stated: "I go on this great republican principle, that the people will have virtue [dedication to the public good] and intelligence to select men of virtue and wisdom. Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks—no form of government—can render us secure."

As citizens of this country, we may differ in our views. The fact that there are divisions does not, however, mean that we can pretend that the law is a mechanical enterprise or that, in the Supreme Court, the fate of our constitutional rights and liberties is not dependent upon the beliefs, character, and integrity of those who occupy the highest positions of power.

As a U.S. Senator, I am in no position to confirm someone who have no views. I cannot give advice and consent to someone who is an empty vessel, when I have no idea what this person stands for. It is impossible for me, in this situation, to carry out the responsibility that the Constitution requires that I perform.

I think that it is time for the Senate to refuse to confirm a nomination that has been presented and structured in a way that attempts to deprive us of the ability to exercise our independent judgment. This will be my position not just for this nominee, but for any nominee. If a person has no views, no articulable philosophy, then I cannot make the judgment that the Constitution requires. I will vote against this nominee, and any nominee, presented this way. I therefore vote no on this nomination. I challenge my fellow Senators to join me in my refusal to acquiesce in the evisceration of our historic role—our constitutionally mandated role—of advice and consent.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Thank you, Mr. President.

Mr. President, yesterday, I expressed my concern about the fact that Judge Thomas' opponents are arguing against his confirmation because they disagreed with the position that he took as a policymaker under positions he held with President Reagan and President Bush, not because my colleagues have any sound basis for questioning his qualifications to become a Supreme Court Justice.

In reality, my colleagues cloak their ideological opposition in a debate about judicial philosophy that they attribute to Judge Thomas. While I believe that the debate over Clarence Thomas' policy decisions before he became a judge is an appropriate and shortsighted subject for a debate, the record should be set straight about positions Judge Thomas took while he was still Clarence Thomas, a political official under President Reagan and President Bush.

What he did as a policymaker he made very clear to use—that he was not going to let that interfere with his job of judging. The position of Justice of the Supreme Court, as he has practiced as an appeals court judge, is to interpret the law, to interpret the Constitution. So he let us know clearly that is what he was going to do. That is what he has been doing for a year-and-a-half on the Court of Appeals and that is what he is going to do as a judge.

During this debate, of course, our colleagues try to bring a lot of these policy statements that he made as an administrative branch official, that somehow this was going to determine his position on interpreting law and interpreting the Constitution. He made very clear that was not going to be the case.

On the other hand, these views were expressed on this floor yesterday and I am sure they will be today trying to muddy the waters, that somehow something he did or said as an administrative branch official for President Reagan and President Bush will, in fact, have an impact upon his decisionmaking as a judge. Not so. But because those accusations are being made here, Mr. President, I think we have to respond to them. Not respond because we give them credibility that they have a legitimacy in determining the qualifications of this person to be an Associate Justice, but because they are not, as they are being characterized, as extreme positions even if they did justify our consideration.

Judge Thomas' opponents characterized those opinions as extreme when they were not. They were opinions that, in my opinion, are shared by a majority of Americans. Here is what Clarence Thomas had to say when he was a policymaker for President Reagan and President Bush. He said: "Officials of our Government need to get back in touch with the moral philosophy that is the foundation of our constitutional system."

He said: "The traditional liberal approach to civil rights, especially the emphasis upon quotas, isn't working, and we need new approaches."

He said: "Congress has evolved into an irresponsible institution that has lost sight of the public interest."

Mr. President, you and I and our constituencies face that accusation all the time. There is nothing extreme about an administrator, Clarence Thomas, saying those things when our constituents say those to us all the time. These are hardly extreme views.

Some of the views that Clarence Thomas espoused as a policymaker were new ideas, but this body, this Government, the American people would be in a sorry state if policymakers must be punished for proposing new ideas solely because they conflict with the party line of those in control of Congress.

I happen to think that people who weigh these policy statements that Judge Thomas made as an administrator, and trying to detract from what he has done as a judge or what his philosophy of a judge is, is in fact punishing Judge Thomas if he would be denied a seat on the Supreme Court just because of some statements he made as a policymaker that are not going to be involved in his position, doing his job as a judge.

In Judge Thomas' search for a way to reinvigorate and rethink civil rights policy, he looked to the right place, the place that all of us ought to be looking—The Founding Fathers and the moral philosophy that they tried to codify in our Constitution.

The Founding Fathers, Clarence Thomas noted, adhered to the classical liberal theory of natural rights. This theory, which I think we all still subscribe to, holds that there are certain indisputable moral truths of human society that are self-evident to reason. The most fundamental of these truths is recited in our own Declaration of Independence: All men are created equal. It is self-evident that no man is born to rule over other men.

From this principle followed the notion that our Government must be constructed in a manner most likely to protect this fundamental liberty which is every person's birthright. Thus, we arrived at our constitutional system of separation of powers with checks and balances against each other entrusting the duty of protecting individuals from each other and promoting the common welfare to three separate branches of our Government whose structure would limit the powers of other branches sufficiently to inhibit unnecessary, as well as unconstitutional, infringements upon the liberty of our citizenry.

Clarence Thomas did not argue that judges should look to moral philosophy for the rule in a case or controversy and it is very constitutional, fundamental to the powers of the judicial branch of Government that they only deal with cases and with controversy presented to them.

He said that officers of our Government should be mindful of these founding principles in carrying out their constitutional responsibilities of law making, law execution, and the applying of the law.

Perhaps my colleagues who oppose Clarence Thomas think that there is something extreme about someone who suggests that American government should be informed by morality. But the legitimacy of government is ultimately a function of its morality.

We have seen many governments in this century which were legal but not moral. Maybe we can see them this very day on the surface of this planet of ours. But somehow being legal, even though not moral, as far as I am concerned is still illegitimate. Apartheid is legal. Jim Crow was legal. Both systems of separate but supposedly equal were protected by laws promulgated pursuant to constitutional authority. But they were not moral systems.

National socialism in Germany was legal pursuant to the Nuremberg laws but morally reprehensible—a legal regime dedicated to hideous subversions of the natural rights of individuals. The tyranny of Soviet communism was imposed pursuant to their constitution and their laws but at the same time it was dedicated to the destruction of fundamental individual liberties.

Clarence Thomas' espousal of natural rights was no more extreme than Thomas Jefferson's, for without morality behind the laws we pass, the President enforces, and our courts apply, the people have no obligation to subject themselves to our governance. Clarence Thomas's natural rights theories were not judicial philosophies. They were political philosophies about the moral foundations that are essential to a just government doing its job—performing its function.

Upon his thoughtful return to classical liberalism, Clarence Thomas evolved a theory of civil rights which accorded with his philosophy of true liberalism—limited government to promote individual liberty. Clarence Thomas was never opposed to affirmative action. He was opposed to quotas. If that is extreme, then a majority of Americans are extreme.

Clarence Thomas expoused a broarder vision of affirmative action, a broader vision than is espoused or foreseen by most Members of Congress. He advocated affirmative action for those who really deserve a break, based upon a disadvantaged status. He said a person should not get a special preference just because of their sex or of their race, for a person may be a member of a suspect class and still not suffer many of the unfortunate incidents associated with that status.

During his hearing before our committee, he said it this way to Senator SPECTER, and I quote Judge Thomas:

> I think we all know all disadvantaged people aren't black and all black people aren't disadvantaged. The question is whether or not you are going to pinpoint your policy on people with disadvantages, or are you going to simply do it by race.

That determination, of an individual's disadvantaged background, is a difficult determination. Now, of course, for Senators or for policymakers downtown, or for even judges enforcing our laws, it is easier to extend a benefit to a minority group as a whole rather than individuals who need the affirmative action based upon disadvantaged status.

But just because it is an easier way of doing it does not make it right, and that is the question that Clarence Thomas puts before our Government, before the American people.

Clarence Thomas was no Benedict Arnold, contrary to the assertions of same. He was and is a Patrick Henry. He had the courage to question whether affirmative action in the form of quotas might actually work against the long-term interests of his own race. He said this even though he knew there were many who have vested interests in the status quo who would try to silence him. They have not silenced him yet. But as long as this debate goes on, they will keep trying.

Clarence Thomas did not claim ours to be a colorblind society. He knew racism and was devoted—and still is devoted—to fighting it. But he had the honesty and the courage as a policymaker to say that the old approaches to discrimination of numerical quotas without regard for each individual's needs, he had the courage to say that this was not working after 2½ decades. He said that quotas were not changing the quality of life in the ghettos. All you have to do is travel there and we all can find it out for ourselves. Instead, he said, the best remedy for the legacy of slavery and discrimination is to better educate the poor, be more aggressive about promoting jobs for the poor and, perhaps most important, eliminate crime from poor neighborhoods so that the ma-and-pa operations can be there like they were prior to a quarter of a century ago.

These, Mr. President, are not extreme views. They are views I think most Americans share. They may be views that are threatening to the patrons of the dependent poor, but Clarence Thomas should not and cannot and I do not believe will be punished by this body for his efforts to liberate the poor from their dependency upon government, although that might eliminate a significant political constituency of the liberal plantation.

After years of contemplating civil rights issues and the failure of established approaches to eliminate the vestiges of discrimination and slavery, Clarence Thomas began in his position as a policymaker espousing positions that may have his senatorial opponents most concerned, and that theory is that there could be a problem right here on Capitol Hill, that Congress in fact may be part of the problem. His extreme position was that Congress is no longer a truly deliberative body; that we are not as concerned about the public interest as we are concerned about protecting our own fiefdoms by taking care of special interest groups.

Mr. President, if that is an extreme position, then I am afraid most of our constituents are also extremist because they think that about Congress, for this is hardly an unusual opinion of a Congress that gives itself midnight pay raises, a Congress that uses taxpayers' money to give itself overdraft insurance at the House of Representatives bank, a Congress that refuses to subject itself to the laws that it foists upon society as a whole, because we exempt ourselves from a lot of those laws. Those are just three reasons why we might not be held in high regard, and a legitimacy to Clarence Thomas' questioning of whether or not Congress fulfills its constitutional role as a deliberative body.

My colleagues can criticize Clarence Thomas for having espoused a return to morality in government. They can criticize him for trying earnestly to develop new approaches to eliminating the last vestiges of Jim Crow and slavery. They can criticize him for criticizing Congress. But when they criticize Clarence Thomas for the fresh ideas he has advocated before he became a judge, they are only engaging in that hallowed congressional physics experiment of seeing how much hot air it takes to inflate a member of Congress on to the evening network TV news, for most Americans have heard Clarence Thomas. They support him because he shares their values.

I close by warning those who are watching the debate that some of my colleagues criticize Clarence Thomas for questioning the effectiveness of civil rights laws, minimum wage laws, and laws depriving individuals of their property. But these are the same Members, with the same philosophy, who have legislated themselves to be the only class of people in our society expressly exempt from following civil rights laws, from following minimum wage laws, and many other laws passed for everyone else to follow but the 100 Members of the Senate.

So there is nothing extreme about Clarence Thomas' views as a policymaker. But it would not matter if there was something extreme about those views. He has made it very clear to us that he is going to be a judge who interprets our law, not foist his view of the law upon the people of this country. But he accepts our view of the law, and he is going to be concerned about original intent of the Constitution being considered in the debate on interpretation of that document.

That is what we ought to be judging Clarence Thomas on: his judicial philosophy of restraint, the fact that he is competent to be Associate Justice, and that he is a person of integrity. We should not be judging him upon statements he made as an appointee of President Reagan and President Bush.

So I urge my colleagues to support Clarence Thomas on his record as a judge, and upon his philosophy of judging.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to speak on the nomination of The Honorable Clarence Thomas to be an Associate Justice of the Supreme Court. In doing so, I want to recall and recount the path that I have walked along to come to the conclusion that I will indicate today.

When I met with Judge Clarence Thomas in my office this past summer, I was impressed by his strength of character, independence of mind, and intellect generally. I found him to be an engaging, thoughtful man who clearly enjoys grappling with complex legal issues and delights in the special challenges and responsibilities of being a judge. His academic and professional achievements are testimony to his appreciation for the value of hard work and determination—qualities that, in my mind, are too often overlooked in evaluating judicial nominees, but the importance of which cannot be overstated because being a good judge requires the willingness to do hard work. Indeed, his entire life is an inspiring example of what an individual who has faith, ability, and a desire to work can achieve in this country, even in the face of the worst kinds of prejudice and adversity. As he himself has said, "Only in America."

During our hour-long meeting, we discussed a number of general legal issues, certain of his writings, and his approach to deciding cases before him at the circuit court. I was reassured by his answers. He did not and does not strike me as a rigid ideologue. In fact, his life story demonstrates that he does not find easy comfort in convention, but challenges settled truths with vigor and intelligence.

I have read Judge Thomas' political writings and his circuit court opinions. The tone and content of some of his earlier articles and speeches raised questions in my mind, but I understand that they were written while he was in the political arena. Judge Thomas' judicial opinions, on the other hand, have a distinctly different cast. They are, on the whole, solid, thoughtful, and balanced.

The uproar over Judge Thomas' exploration in his writings of principles of natural law is curious and, I fear, on the part of some who should know better, disingenuous. Jurists of all persuasions have looked to higher principles in interpreting the Constitution and have found emanations and penumbras and original intent. Indeed, natural law as applied to debate over equal rights—which is how Judge Thomas limited it in his conversation with me and in his testimony—has a distinguished history in our Nation and, in fact, I am proud to say found its origins in my State of Connecticut. As Justice Thurgood Marshall noted in his brief on behalf of the NAACP Legal Defense Fund in Brown versus Board of Education:

> The first comprehensive crystallization of antislavery constitutional theory occurred in 1834 in the arguments of W.W. Ellsworth and Calvin Goddard, two of the outstanding lawyers and statesmen of Connecticut, on the appeal of the conviction of Prudence Crandall for violation of an ordinance forbidding the education of non-resident colored persons without the consent of authorities. They reveal this theory as based on broad natural rights premises and on an ethical interpretation of American origins and history.

Judge Thomas has explained to my satisfaction that his praise for Lewis Lehrman's article applying principles of natural law to the debate over abortion does not signal his adoption of natural law as a judicial philosophy or his endorsement of Lehrman's conclusions. There is no hint of natural law analysis in any of Judge Thomas' circuit court opinions.

Many people are deeply and understandably troubled by the serious consequences for our society if Roe versus Wade is overruled by the Supreme Court. On this question, I take Judge Thomas at his word, given under oath, that he has not reached a conclusion on the legal issues underpinning Roe versus Wade. Those who doubt that and assume he has passed a White House litmus test on the issue also have to assume that the next nominee would face the same testing.

Overall, Mr. President, however, I must say that I found Judge Thomas' testimony before the Judiciary Committee to be unsatisfying, and I would guess he did, as well. I was disquieted by his testimony, not because he expressed some views which are different from mine, which he did, but because he appeared almost casually willing, at times, to express opinions on some very current and complex issues of constitutional law—for example, on the establishment of religion clause—and reluctant to express any thoughts on others.

That quick conclusiveness on some issues and labored circumspection on others is at odds with my personal impression of Judge Thomas from our meeting this summer, from my reading of his judicial opinions, and from the impression of many others who have known Judge Thomas long and well.

I have concluded that the confirmation process, particularly as it has evolved since the Bork nomination, evoked that result. The lesson apparently learned by the White House and by nominees from Judge Bork's defeat is that blandness and selective forthrightness are rewarded. Nominees are in the position of choosing which constitutional issues appear to be politically safe and popular to speak about freely, and which are not.

That leads me to say that I am sure I find myself in the minority in suggesting that Judge Thomas and other nominees should express fewer, rather than more, opinions on controversial constitutional cases in their testimony before the Senate.

I do not believe that a nominee should be required to indicate how he or she may vote on a particular issue that is likely to be coming before the Court, or be asked to endorse or criticize particular Supreme Court decisions that are unsettled or controversial.

As a lawyer, I am disturbed by the notion that litigants may appear before Justices of the Supreme Court, who have committed themselves in a political forum to one or another side of a complex constitutional issue, without the benefits of briefs, oral arguments, or research. Nominees should be asked their views on legal issues, but not be cajoled or coerced into proclaiming positions on unsettled or controversial cases that have been heard by the Court, or are likely to be heard by the Court.

Part of the blame for this politicization of the judicial nominations process lies, of course, with the tendency of some in the Reagan and Bush administrations to treat the Supreme Court appointments as just one more campaign promise. Who can blame the members of the Judiciary Committee for asking probing questions on controversial constitutional issues aimed at determining if a litmus test has already been applied, if a Presidential candidate has baldly promised the voters one kind of Supreme Court or another? And who can blame the administration for selecting nominees whose judicial records and writings are thin enough to avoid alienating too many Senators, or for coaching nominees, especially those like Judge Thomas who do have ample written records, to be circumspect on some issues and not on others.

Mr. President, I think this cycle has deep roots, and it originates, I believe, in the unwillingness of the executive and legislative branches to confront controversial societal problems, preferring instead to let the judiciary make society's tough choices. Indeed, the first aggressive Senate questioning of Supreme Court nominees was by conservative Senators in the late 1950's who, disturbed by the Court's activism on civil rights in the face of congressional and Presidential delay, sought assurances that nominees favored judicial restraint.

The pattern has been repeated, of course, several times since then. The judiciary fills the vacuum on a pressing political problem which neither executive or legislative branches is willing to confront. The nomination process then becomes highly politicized as advocates on opposite sides of the Court's decision seek to endorse or reject nominees who are likely to overturn the precedent.

The process, in my opinion, is not healthy. It harms all three branches of Government. It muddles the process of evaluating nominees, and makes the task of developing a uniform standard to apply to all nominees virtually impossible.

Mr. President, after much thought, I have concluded that the dissatisfaction I felt after the Thomas hearings is more a reflection of the cycle I have described, the shortcomings of the process, of which I see Judge Thomas as a victim rather than an indictment of his abilities or character.

In listening to our colleague from Missouri, Senator DANFORTH, on the floor of this Senate during the morning of the Judiciary Committee vote, I was struck, as I must say I so often am, by the good sense of what he had to say. The process of evaluating any judicial nominee, he noted, contains a large element of trust. We are trying to project what a nominee will do over a period of years to come.

Judge Thomas' strongest supporters, Senator DANFORTH continued, are those who know him best. His most vocal critics are those who know him least. I have heard from a wide range of people, people I know, people I do not know, many of whom know Judge Thomas well, either because they worked for him, or with him, or in the case of Senator DANFORTH, for whom he worked. I have been struck by the uniformity of their praise for his openmindedness, his character, his intellect and powers of analysis, his discipline, and his fairness.

The heartfelt loyalty and respect he engendered from many people who hold very different political views than he, including my teacher and friend, Guido Calabresi, now dean of the Yale Law School, is impressive.

Mr. President, while we in this Chamber are agitating over what effect this nominee may have on our system of justice, we must be certain not to treat him unjustly; for if we do an injustice to an individual in pursuit of a general notion of justice, have we, in fact, acted justly? Judge Thomas has come very far in his life, from impoverished rural Georgia, to two of the finest academic institutions in our country, to the Missouri Attorney General's Office, to the staff of the U.S. Congress, to the private sector, to the executive branch, to the D.C. Court of Appeals, and now to the steps of the U.S. Supreme Court.

We must not deny him entrance because we are disturbed by how political the nomination process has become, or because we are concerned about the direction that previous nominees, already confirmed by the Senate and sitting on the Supreme Court, may take. In my opinion, it would be unfair and unjust to this man, Clarence Thomas.

Mr. President, the Constitution does not grant the Senate the privilege of nominating Supreme Court Justices. Our responsibility is to advise and consent. For me, that means determining whether the nominee, the person nominated by the President, has the requisite legal competence and balance, the personal character and intellect, and the independence and fairness of judgment.

Mr. President, I conclude that Judge Thomas does have these requisite characteristics, and I will, therefore, vote to confirm his nomination.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, the 1988 election was a referendum in that it was not only a referendum for our President, but I think it was a referendum as a nation in terms of what kind of courts we are going to have in the future, what kind of people we are going to have upon those courts.

The American people in that election rejected the lenient courts of the 1970's, judges who place the rights of criminals above the rights of victims, judges who expunge from the Bill of Rights enumerated rights they do not agree with, while inventing rights not mentioned in the document at all.

Mr. President, the American people did choose George Bush but, in the process, they cast their lot in favor of judges who interpret the law, not judges who make it, judges who do not place the rights of criminals ahead of the rights of victims, and judges who do not view their role as engineering society around their particular social views. I believe that Clarence Thomas is that kind of judge.

By now, the details of Clarence Thomas' childhood have become as familiar as they are extraordinary. He was raised by foster parents, educated by nuns, victimized by poverty and racism. Thomas is a role model for children currently struggling against the same formidable obstacles. Despite the representations to the contrary by even his harshest critics, Thomas succeeded on the basis of his own merit, period. He attended college and was admitted to Yale Law School before the infamous 1972 Executive order, which made affirmative action the law of the land.

Now we are treated to somewhat insulting insinuations that Clarence Thomas could not have made it without racial preference, this by the same partisans who claim that racial quotas, rather than standardized test scores, should be considered in everything from college admissions to employment decisions. It is almost as if these critics begrudge Clarence Thomas his success.

Let me repeat that. It is almost as if these critics begrudge Clarence Thomas his success. He did not make it because of affirmative action. He made it on his own. He pulled himself up by his bootstraps. He now is a nominee for the highest court in the land and somehow he should feel guilty about his success.

Mr. President, I support the nomination of Clarence Thomas to the Supreme Court, and I support the nomination not because I am sure how he will decide any particular case—I might know how I hope he would decide those cases, but I am not sure—but because I believe his judicial philosophy is consistent with the judicial role envisioned by the Founding Fathers, that judges should interpret the law, not make it.

Clarence Thomas has been pilloried for stating that "Economic rights are protected—by the Constitution—as much as any other rights." But the protection of private property from the whims of government was a concept which was built into the Constitution by the Founding Fathers themselves. The fifth amendment specifically prohibits the taking of private property without just compensation. And the 14th amendment prohibits the taking of property without due process of law.

Therefore, if Thomas' detractors have problems with economic rights, they should direct their grievances against their real enemies, James Madison and Alexander Hamilton.

Clarence Thomas has been impugned for writings about racial quotas and his belief that people should be hired on the basis of merit, rather than the color of their skin. Thomas' own life stands as a moving example of the validity of this concept. This is what Clarence Thomas believes, but, Mr. President—and perhaps more importantly—this is also what the American people believe. The American people agree with Clarence Thomas.

The process of confirming a Supreme Court Justice has become a strange and curious animal. We have heard a lot over the past few days about the need for balance, balance on the Court.

Less than a decade and a half ago, when a liberal President was nominating liberal judges to a liberal Court, you did not hear a whole lot about the need for nominating conservatives in order to balance the Court. In fact, when confronted with some of the radical leftwing views of some of the Carter nominees, many of those most vociferous critics of Thomas' refusal to take positions on specific issues were denouncing what they called litmus test and singing a different tune.

Let us listen to some of that music. Speaking on the Senate floor on September 25, 1979, concerning the nomination of a controversial liberal Congressman Abner Mikva to be a judge on the D.C. Circuit Court of Appeals, the current distinguished chairman of the Senate Judiciary Committee laid out the standard which I believe is just as relevant today as it was under the Carter administration. "I believe," said Chairman BIDEN, "what is properly before us here as we consider Congressman Mikva's nomination is not the views that he has expressed on public issues as a Member of Congress, but rather the degree to which he possesses those attributes experience has been shown to be desirable in a judge, particularly the ability to be objective on the bench. To apply any other standard would be to disqualify from the judiciary virtually any public person who has been willing to take positions on judicial issues. Specifically, I do not believe elected officials should be disqualified for service on the Federal bench simply because during the course of their political careers they have advocated positions with which some seem have disagreed." Those remarks were made by Chairman BIDEN in 1979 regarding a liberal appointee.

The Senator from Massachusetts [Mr. KENNEDY] echoed these same sentiments during the same debate when he stated: "When an individual is nominated to the Federal bench the question for us to consider is not how he would or did write the law as a legislator. The question is whether he is willing and able to interpret the law as we and those before us have written it. The answer does not turn on politics; it turns on ability, sensitivity, and perhaps most importantly, integrity." Those remarks were made by Senator KENNEDY, one of the harshest critics today of conservative Judge Clarence Thomas.

Well, Mr. President, I agree with Senator KENNEDY. And furthermore, I believe that what is sauce for the goose is sauce for the gander. There is no difference between Abner Mikva and Clarence Thomas other than the fact that Clarence Thomas is not a denizen of the far left.

Just because we have a conservative President and conservative nominees does not mean that the congressional role has somehow been radically altered. This Senator, for one, is offended by organizations which first attached Thomas because of his opposition to abortion which now attack him because he refused, in his Judiciary Committee testimony, to speak out against abortion. Judge Robert Bork, one of the most distinguished scholars ever to be nominated for the Supreme Court, answered all of these questions—and he was lambasted for having prejudged the issues. The process has become a game in which groups are willing to use any argument necessary to destroy the reputation and career of a decent man because they believe he will not adjudicate in accordance with their views. That is a bad process and it ought not be adhered to.

Mr. President, it is hard to imagine what sort of nonliberal nominee would be acceptable to the liberal Washington interest groups. Who would it be? If a nominee has extensive writings and is candid with respect to his views, he is attacked for having prejudged the issue. If he has written little and refuses to comment on issues, he is attacked for being an unknown quantity. What can a nominee say that will satisfy these people? What if, for instance, in response to repeated demands that he endorse so-called constitutional rights which judges have pulled out of their hats, a Supreme Court nominee in Thomas' position had simply responded:

> It is emphatically the province and duty of the Judicial Department to say what the law is. * * * If two laws conflict with each other, the courts must decide on the operation of each. * * * This is of the very essence of judicial duty.

Clearly, such a neanderthal could never be confirmed by our enlightened Judiciary Committee. Such a mechanistic view of the law would surely deny a woman's right to choose—and would reverse three decades for civil rights advances.

So the Senate would reject this narrow-minded ultraconservative nominee. And, in the process, it would have rejected John Marshall for a seat on the Supreme Court and would have repudiated Marbury versus Madison.

Mr. President, if Thomas' detractors have problems with the Founding Fathers, they can always try to amend the Constitution. If they have problems with the choices made by the American people through our democratic process, they can take their case to the electorate. But let us not scapegoat Thomas because he represents a convenient target for Washington interest groups who are out of touch with the popular will.

Mr. President, I am proud to support the nomination of Clarence Thomas as an associate justice of the U.S. Supreme Court and urge the Senate to act accordingly and put him on the bench.

Mr. CRANSTON. Mr. President, the vote to confirm an individual to assume a lifetime position on the Supreme Court is one of the most important votes that any Member of the Senate is ever called upon to cast. A Supreme Court Justice serves for life, is not directly accountable to the people, and affects the lives of millions of Americans and generations of future Americans.

Our Founders understood the significance and potential consequences of a nomination to the Supreme Court. The Founders knew that those called to serve on the Nation's highest court are entrusted with the responsibility of safeguarding the individual rights and liberties secured by the Constitution, particularly the Bill of Rights.

That is why they gave the Senate its advise-and-consent role and the responsibility to serve as a check and balance to the President's power to nominate. And, in my view, that is why there should be no presumption in favor of confirming a nominee simply because the President selects him.

I know that the Presiding Officer at the moment, the distinguished Senator from Wisconsin [Mr. KOHL], viewed his role on the Judiciary Committee as one totally independent of the President and of the executive branch. He voted his own conscience, and I think he made a very wise decision on that committee in voting against this nominee.

The burden is on the nominee to demonstrate to the Members of the Senate—who have the awesome responsibility to make a judgment on the nominee's qualifications to serve on the highest court of the land—that he or she possesses an understanding and commitment to the fundamental rights and liberties which are inherent in our Constitution and way of life.

Judge Thomas had the opportunity to meet that burden. Judge Thomas did not have to answer questions as to how he would rule in a specific case. He was never asked to do so. He was asked to share with the committee how he would approach fundamental issues. Judge Thomas' task was to instill confidence that he appropriately values our hard-won rights and liberties.

But Judge Thomas chose not to meet that challenge. Instead, he chose to disavow and disassociate. He asked that we evaluate him based solely on his brief tenure on the court of appeals and his 5 days of testimony. He asked that his prior statements raising concerns about his views on issues such as abortion, natural law, affirmative action, separation of powers, and congressional intent be disregarded. He sought to disavow statements and principles he espoused as a member of the Reagan and Bush administrations. But then he declined to give the Senate any insight into his constitutional philosophy.

The sparse content of the testimony offered before the Judiciary Committee served only to intensify the scrutiny of Judge Thomas' pre-judicial remarks. Judge Thomas conducted himself as if the presumption of suitability was in his favor rather than accepting that the burden of proof rests with him to establish his understanding of, and his commitment to, the concepts embodied in the spirit and words of the Constitution. Before his appearance before the Judiciary Committee, the odds were high that he would receive the support of a majority of the committee. His decision to refuse to answer in a forthright manner the questions posed to him has, rightfully, resulted in the growing tally against his nomination.

Mr. President, my responsibility in this vital process of advise and consent is not to take a leap of faith that a nominee is committed to protecting our valued rights and freedoms. I cannot ignore the positions a nominee articulated and the actions he took on important issues while a member of the executive branch. I cannot simply hope that a nominee will exhibit the qualities we most need in our Justices.

Mr. President, a nominee who seems to tailor his remarks to his audience, who would have us believe that he has never even discussed with anyone on Earth one of the most important issues of our time—choice—and who now claims to have no attachment to the ideas he embraced in the recent past, does not inspire confidence that the robe of the Justice will fit as well as Judge Thomas would have us believe.

I voted against Justice Souter because he took the position that Members of the U.S. Senate were not entitled to know his views or understand what legal philosophy he would apply in approaching important, fundamental issues such as a woman's right to choice in matters relating to abortion. Justice Souter's decisions during his first term—particularly his vote upholding the right of the Federal Government to prevent doctors from providing their patients information relating to their right to choose an abortion—suggests that my concerns about a nominee who is not willing to answer questions about individual liberties are well-founded. I will not vote to confirm a nominee to the Supreme Court who refuses to be forthcoming in the very process the Constitution says we in the Senate must carry out.

I think the nomination process, particularly in the committee but also on the floor, becomes a travesty when we are not given the opportunity to understand the philosophy of the nominee. And that travesty is an even greater problem when, as in the case of Justice Souter, and now Judge Thomas, we are presented a nominee whose record leaves so many questions.

We have not been given, in the cases of Judge Thomas and Justice Souter, a nominee with a distinguished and clear record on the issues, in general philosophical terms, that will come before the Court. And what record does exist fails to give us any significant clues or insights.

I hope we will return to the time when the President chooses nominees who have distinguished records that are very clear, that cannot be denied or concealed or changed in the course of the process.

I think the country will be better when we return to the situation we had in the past. Certainly, the Supreme Court will be better.

Mr. President, for these reasons I will vote against confirmation of the nomination of Clarence Thomas to sit on the Supreme Court of the United States.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I would like to briefly respond to some comments which have been raised regarding Judge Thomas during the debate on his nomination.

First, Judge Thomas was questioned at length before the Judiciary Committee regarding the abortion issue. I have reexamined Judge Thomas' testimony on this matter. Judge Thomas testified that he had not debated the specific ruling in Roe versus Wade to the point of a conclusion regarding its outcome. He also made it very clear that, even if he had, he felt it inappropriate to discuss that opinion before the committee. I commend Judge Thomas for attempting to maintain his impartiality on controversial issues, such as abortion, that may come before the Court.

When asked about discussions of the Roe case between law students at Yale, he stated that he did not remember personally engaging in those discussions. Judge Thomas stated that since law school he has engaged in general discussion regarding the issues raised by Roe. He also testified that he has not formed, or expressed, an opinion on the outcome of that case. I believe a careful reading of Judiciary Committee hearing transcript will show that Judge Thomas stated that he did not actively debate the legal basis for Roe to the point of forming an opinion on its outcome.

One other point I believe is relevant to this discussion. Judge Thomas has stated that he believes the Constitution protects the fundamental right of privacy. Mr. President, this is an important point which should be considered in this debate.

As well, it has been suggested that Judge Thomas selectively answered questions during his hearing on topics such as the death penalty and the use of victim impact statements and should, therefore, be willing to openly discuss abortion.

The question about the death penalty and victim impact statements were general and in those areas where the law is now well settled, and not in dispute.

I believe it is inappropriate now for a nominee to the Supreme Court to answer specific questions about unsettled cases or issues that may come before the Court. Each case must be decided upon the facts and questions of the law raised by that case after a judge has had time to fully contemplate a just decision. The impartiality and independence of the Court would be compromised if a nominee had to prejudge any issue that may come before him.

Mr. President, the topic of natural law was raised throughout the committee hearing and was touched upon during the debate. Some have criticized Judge Thomas because of his previous remarks on the use of natural law; namely, that his comments do not give them a clear understanding of Judge Thomas' judicial philosophy. Judge Thomas has stated that he does not believe that natural law should be relied upon in constitutional adjudication. His record on the District of Columbia circuit bench is clear that he has decided the issues based on constitutional interpretation and legislative intent, and not natural law.

Mr. President, I would like to briefly respond to the comments suggesting that Judge Thomas is insensitive to the rights of women and minorities. Nothing could be further from the truth. In fact, as Chairman of the EEOC, Judge Thomas was instrumental in helping women. During his tenure, the EEOC won monetary relief for victims of sex discrimination. Women benefited from over a total of $95 million in lawsuits pursued by the EEOC under Judge Thomas' leadership. I believe that his record in this area is a solid one. As well, during his tenure, lawsuits filed on behalf of victims of discrimination more than doubled. Some 3,300 lawsuits were filed and nearly $1 billion dollars in monetary benefits were obtained for those who had suffered discrimination. Additionally, Judge Thomas was influential in helping develop the position that sexual harassment claims were covered by title VII of the Civil Rights Act in the case of Meritor Savings Bank versus Vinson. The rhetoric by those opposing Judge Thomas is simply not supported by the facts of his record. I believe his action on behalf of women and minorities is highly commendable.

Mr. President, I thought it was important to clear up these points which were raised.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, in my remarks today, I want to address Judge Thomas' past statements and actions as a member of the executive branch, which raise grave concerns about his views on the separation of powers and the role of Congress in our constitutional structure.

In some instances, his views are a challenge to 200 years of precedent. His comments reflect an extraordinary degree of hostility toward the legislative branch of Government. His statements and actions display a strong inclination to exalt the executive branch in ways that ought to be of deep concern to every Member of this body.

Judge Thomas' approach to the separation of powers, if accepted by a majority of the Supreme Court, will undermine Congress ability to function effectively as the day-to-day voice of the American people in a wide variety of areas.

If the Justices of the Supreme Court tilt toward the President instead of fairly arbitrating our disputes, they can profoundly after our system of government, which depends on the existence of three separate and coequal branches. By adopting absurdly narrow interpretations of congressional statutes or deferring to minimally plausible executive branch interpretations which defy the clear intent of Congress and disregard the plain legislative history, the Court can effectively deny the legislative branch its constitutional power to make law.

Judge Thomas' record reveals many reasons to believe this is exactly what he will do as a member of the Supreme Court.

During his tenure at the EEOC, Judge Thomas had many bitter confrontations with Congress, which apparently left him extremely hostile to this body. Here are a few of the things he has publicly said about Congress:

> To put it simply, there is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business.
>
> Congress has been an enormous obstacle to the positive enforcement of civil rights laws that protect individual freedom.
>
> In obscure meetings, [members of Congress] browbeat, threaten, and harass agency heads to follow their lead. Thus Congress operates in the shadows, and then produces press releases to show what a fine job it has been doing.

Judge Thomas has called Members of Congress petty despots and has said that the institution is "out of control." He has said that many who go before congressional committees share a desire to tell Congress to go to hell. He has referred to GAO as "the lapdog of Congress."

Judge Thomas has also repeatedly condemned Congress' exercise of its oversight function. He has argued that a Senate Aging Committee investigation, which discovered that the EEOC has allowed the statute of limitations to expire in thousands of age discrimination cases, "disrupt[ed] civil rights enforcement." Without congressional intervention, thousands of older workers would have lost their federally protected right to be free from employment discrimination. Apparently, that fact did not demonstrate to Judge Thomas the need for the committee's investigation.

On a number of occasions, Judge Thomas praised Oliver North and condemned Congress' investigation of the Iran-Contra scandal. According to Judge Thomas, Oliver North "did a most effective job of exposing congressional irresponsibility. He forced [Congress'] hand, and revealed the extent to which their public persona is fake."

Even during the hearing, when virtually every statement he made was designed to avoid controversy, he said that he still believes that some oversight efforts go too far in micromanaging Federal agencies.

Yet Judge Thomas asks us to accept his view that he now respects Congress oversight function, and that he bears no bias or any other hard feeling against Congress because of past conflicts. He asked us to trust that as a Justice he will set aside his long-held policy beliefs and defer to Congress when interpreting statutes.

He asks us to ignore his sharp criticisms of virtually all race-conscious remedies for past discrimination.

He asks us to ignore his statements asserting that business rights deserve the same protection as individual rights or any other rights.

He asks us to ignore his hostile statements about the minimum wage, the Davis-Bacon Act, the Family and Medical Leave Act, entitlement programs, and the Departments of Labor, Commerce, and Agriculture.

Judge Thomas' record reveals that he may not be able to shed his past as easily as he asks us to believe. According to recent press reports, just 3 months ago Judge Thomas prepared a draft opinion in his first case on the D.C. Court of Appeals to raise a significant question of deference to Congress. Judge Thomas circulated his draft opinion to other members of the court, but no further action was apparently taken after his nomination to the Supreme Court, and the opinion has not been made public.

This case, Lamprecht versus FCC, involved a challenge to Congress' decision to increase the number of women and minorities with scarce Federal broadcast licenses by requiring the FCC to grant qualified women and minorities some preference in awarding such licenses. Congress decided that such an increase would benefit all Americans by promoting diversity in broadcasting. In the case, the FCC had awarded a license to a woman, and the award was challenged by a competing applicant for the license on the ground that the statute directing the FCC to continue its preference policy was invalid. According to press reports, Judge Thomas' draft opinion accepted that argument, on the ground that Congress had offered inadequate evidence when passing the statute that awarding licenses to women would increase broadcasting diversity.

Last year, the Supreme Court upheld the congressional preference for minorities in Metro Broadcasting versus FCC. During the hearings, Judge Thomas specifically testified that he had no reason to disagree with the Court's decision in Metro Broadcasting. He also stated that he accepted Supreme Court rulings directing courts to give greater preference to congressional enactments than the State or local laws. But Judge Thomas never mentioned Lamprecht versus FCC in either of these exchanges, even though he obviously has been deeply involved in both aspects of the questions he was asked—his views on the statutory preference for women and minorities, and his views on the degree of deference courts must give to Congress.

It is not clear whether Judge Thomas' D.C. Circuit opinion will ever see the light of day. What is clear is that he was not entirely candid with the committee in discussing this issue, and that the open mind he professed to have on the Metro Broadcasting case may well have been much more closed than he led us to believe.

(Mr. BINGAMAN assumed the chair.)

Mr. KENNEDY. Mr. President, it is clear why Congress provided a preference for women and minorities in licensing broadcast stations. The fact of the matter is that minorities in this country have been a lot less able to formulate the capital needed to purchase broadcast stations, whether TV stations or radio stations. As time goes on, there are fewer and fewer frequencies remaining for television and radio stations for any individuals in this country. And the existing small number of stations owned by minorities, women, and disabled is striking.

It was with this problem in mind that Congress decided to give some degree of preference to minorities and women. There was a recognition by the Congress that diversity in this extremely important area of communication is advantageous to the United States as a society.

On the one hand, we see that the nominee apparently does not dispute the Supreme Court decision permitting some degree of recognition on the basis of race. The question now is whether that same recognition will be provided to women. The best information that has been made available in the press is that Judge Thomas did not believe that there was sufficient evidence for Congress to take that action, to provide the degree of recognition for women in our society that it provided for minorities.

But I think if any of us in any of our States was asked how many of the major radio stations, how many of the major television stations, owned by women in our communities, they would be hard pressed to mention many, or even a few. That certainly is true with regard to the major networks or Fox Broadcasting, or CNN, or others.

So it would have been entirely appropriate for the Judiciary Committee to delve into Judge Thomas' views on, and understanding of, the kind of discrimination women have experienced across this country in recent times. This issue is particularly important given his comments about the issue of affirmative action.

But by failing to mention the Lamprecht case, Judge Thomas left us to make a judgment on a very, very important issue that reflects on the kind of society that we are going to be with an important question unresolved. The Judiciary Committee and the Senate were really left in the dark on this issue.

In addition, Judge Thomas has expressed his agreement with Justice Scalia, one of the current Court's most conservative members, on several important and highly controversial issues.

After the Supreme Court decided in Johnson versus Santa Clara that an employer can use affirmative action to open its previously segregated work force to women, Judge Thomas condemned the majority opinion and expressed his hope that Justice Scalia's dissent would provide guidance for the lower courts and would form the basis for a future majority opinion.

In that case, the employee has 238 professional positions and not one woman prefessional employee.

When the employer went to fill the next job opening, it qualified people for the position, one of whom was a woman. The employer gave the job to the woman, and its decision was challenged by one of the other applicants, who had scored two points higher on a subjective interview—not on a written test—on a subjective interview. Two of the three members of the interview panel had previously worked with the woman applicant. One had refused to provide her necessary work clothing. He told her that she ought to wear her own clothes because coveralls were for men. The second referred to this woman as a rebel-rouser. There is clear evidence that two of the three individuals on that panel had expressed hostility toward the woman applicant, and still she had only scored two points on a subjective interview below the individual who challenged her selection. She was deemed to be qualified in every other respect, and there were no other women in any of those professional positions. The Supreme Court made the decision that the woman should be able to hold that job. Judge Thomas disagrees.

If we look back again at what his position allegedly is on set-asides for women, if we look back on his references to Thomas Sowell, where he commended Sowell's stereotyped descriptions of women in the work force, we must have serious doubts. Sowell apparently believes that a woman's place is in the home, and it should be in the home if that particular Woman chooses to be in the home. But if that woman needs or wants to work, she should not be held back on the basis that she is a woman.

That is what we are talking about. We are going to need justice when we are faced with questions about equal protections of the law. The Constitution promises equal protection of the law without regard to race, without regard to religion, without regard to gender. We want an individual who is going to be promoted to the Supreme Court who has that kind of core understanding of a key element of the 14th amendment.

Just as Judge Thomas sided with Justice Scalia or Johnson, so he sided with Justice Scalia on Morrison versus Olson. After the Supreme Court, Decided 7-1 in Morrison that Congress can constitutionally authorize a special independent prosecutor to investigate criminal wrongdoing by high-level Government officials, Judge Thomas praised Judge Scalia's dissent in glowing terms.

In a speech at Hofstra University Law School, Justice Scalia discussed his view of the proper use of legislative intent in judicial decisionmaking. According to Justice Scalia, courts should never look at legislative intent when interpreting statutes because, in his view, committee reports and floor debates are too contradictory and vague to provide an appropriate basis for judicial decisionmaking. Let every Member of the Senate who is going to be making their judgment know what Justice Scalia has stated about legislative intent in judicial decisionmaking.

According to Justice Scalia, who Judge Thomas has praised, courts should never look at legislative intent when interpreting the statutes because, in his view, committee reports and floor debates are too contradictory and vague to provide an appropriate basis for judicial decisionmaking.

Rather, whenever a statute is not absolutely clear on its face, Judge Scalia believes the courts should defer to executive branch interpretations, even if those interpretations defy Congress' clear intent.

We know that Judge Thomas has sided with Justice Scalia on two critical issues concerning the separation of power between the executive and legislative branches. He may well side with Justice Scalia on the question of legislative intent.

If we vote to confirm Judge Thomas, we may well be condemning Congress to deal with every conceivable possibility in express statutory language, or let a hostile executive branch decide what our statutes mean.

Or take another example. The roles of the legislative and executive branches would be drastically altered if the Supreme Court gives the President the power to veto particular line items in appropriations bills, rather than requiring him to sign or veto the bills as a whole. The Republican Party platform explicitly states that the President already possesses this power, and Judge Thomas may well agree. In a 1987 speech, he described the line-item veto as within a range of concerns which "is coequal with the range of economic rights itself."

Judge Thomas has repeatedly stated that economic rights "are protected as much as any other rights" and "are so basic that the Founders did not even think it necessary to include them in the Constitution's text."

The current right-wing agenda includes developing a test case to take this issue to the Supreme Court. President Bush has apparently instructed his White House counsel and his Budget Director to find an appropriate test case.

With Judge Thomas on the Supreme Court, they are more likely to win it.

There are many reasons to be concerned by the prospect that Judge Thomas' views on the Constitution and the separation of powers may become the law of the land. There is, however, absolutely no reason to permit that to occur.

The Constitution gives the Senate and the President a shared role in deciding who sits on the Supreme Court. The Senate's advice and consent role is not subordinate to the President's role.

Indeed, the Constitution originally gave the Senate alone the power to appoint Supreme Court Justices. It was only at the last minute that the Framers modified this provision to share the responsibility between the President and the Senate.

The Framers, in making this last-minute change, once again recognized the benefit of the separation of powers and checks and balances. By dividing responsibility between the President and the Senate, the Framers ensured that each can stop any attempt by the other to stack the Court. But the system will not work unless each Member of this body exercises his constitutional responsibility independently to consider the President's nominee.

President Bush clearly did not rise above ideological considerations when he decided to nominate Judge Thomas, and the Senate has both the right and the duty to reject his confirmation if we feel that he is wrong for the Supreme Court.

If we confirm Judge Thomas despite the serious concerns raised by his record, there is little doubt that we will be acquiescing in the continued transfer of power away from Congress and into the hands of the President.

Mr. President, I ask unanimous consent that a more detailed analysis of Judge Thomas' view on executive power and the role of Congress be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

JUDGE THOMAS, EXECUTIVE POWER, AND THE ROLE OF CONGRESS

Judge Thomas' past statements and actions as a member of the Executive Branch raise troubling concerns about his views on the separation of powers and the role of Congress in our constitutional structure. Numerous statements demonstrate a harsh attitude toward Congress. He record indicates that he may have a narrow view of the circumstances under which Congress may investigate or restrain actions by Executive Branch officials, either through direct congressional oversight or through the use of special independent prosecutors. In addition, he has condemned Congress generally and has criticized it for exercising powers vested in the Executive under the Constitution. These views indicate that Judge Thomas may lack respect for Congress' role as a lawmaking body or, more fundamentally, that he may view much of what Congress does as unconstitutional.[1]

Although during his testimony before the Judiciary Committee Judge Thomas modified or abandoned many of his prior statements and stated that as judge he would set aside his personal views, his record still raises serious concerns about his views of the Executive, Congress, and the separation of powers.

I. CONGRESSIONAL OVERSIGHT

A. General statements

During Judge Thomas' tenure at the EEOC, his relations with Congress were often quite strained.[2] These conflicts apparently left Thomas quite hostile to Congress and caused him to criticize congressional oversight efforts in very strong terms. In speeches given during 1987 and 1988, he argued repeatedly that Congress, "has thrust the tough choices on the bureaucracy, which it dominates through its oversight functions"[3] and that congressional subcommittees "micro-manage the running of agencies."[4] Without naming names, he referred to members of Congress as "petty despots" and stated that Congress has been "an enormous obstacle to the positive enforcement of civil rights laws that protect individual freedom."[6] He also alleged that "[i]n obscure meetings, [Members of Congress] browbeat, threaten, and harass agency heads to follow their lead."[7] In Thomas view, "[t]o put it simply, there is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business."[48]

In addition to these general criticisms, Thomas has criticized specific efforts by Congress to investigate Executive Branch actions.

B. The Oliver North investigation

In several articles and speeches, Thomas has praised Oliver North for exposing Congress' failures. In 1988 he stated:

"That [the] defense [of freedom] is still possible is seen in the testimony of Oliver North before the congressional Iran-contra committee. Partly disarmed by his attorneys' insistence on avoiding closed sessions, the committee beat an ignominious retreat before North's direct attack on it and, by extension, on all of Congress. This shows that the people, when not presented with distorted reporting by the media, do retain and act on their common sense and good judgment, and that members of Congress can listen if their attention is grabbed. Self-government need not be an illusion!"[9]

Thomas also stated that he thought North "did a most effective job of exposing congressional irresponsibility. He forced their hand, and revealed the extent to which their public persona is fake."[10]

C. The Senate Aging Committee's investigation of the lapsed age discrimination cases

During Judge Thomas' tenure at the EEOC, the Senate Aging Committee discovered that the EEOC had allowed the statute of limitations to expire in thousands of age discrimination cases. Initial data submitted by the EEOC dramatically understand the scope of the problem. The EEOC did not cooperate with the investigation to the Committee's satisfaction, and it therefore issued a subpoena to obtain certain records. Ultimately, Congress adopted remedial legislation to extend the statute of limitations in affected cases.

Thomas was very critical of the Senate investigation. In 1988, for example, he alleged that Congress was out of control and stated:

"To give a current example, my agency will be virtually shut down by a willful committee staffer, who has succeeded in getting a Senate Committee to subpoena volumes of EEOC records. It will take weeks of time, and cost in the hundreds of thousands of dollars, if not in the millions. Thus, a single unselected individual can disrupt civil rights enforcement—and all in the name of protecting rights."[11]

The fact that without congressional intervention, thousands of older workers would have lost their federally-protected right to be free from employment discrimination apparently did not cause Judge Thomas to respect the need for the Committee's investigation.

D. The Senate confirmation hearings

During the hearings, Judge Thomas attempted to distance himself from his harsh statements criticizing Congress. He stated that "the oversight function of Congress [is] very appropriate"[12] and that "sometimes those of us who have nominated and needed to be confirmed have deep regret[s] about negative comments about this body [Congress]."[13] He also claimed that he did "not think he condoned" Oliver North's actions.[14]

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[1] Footnotes at end of article.

He did, however, admit that he still believes that some oversight efforts go "too far in micro-managing" federal agencies.[15] In addition, although he testified that "[e]ven in the speeches where I talk about oversight, I may talk about the flaws, but I also point out the importance of the legislative and oversight process."[16] His prior statements do not support this claim.

II. THOMAS' CRITICISM OF THE SUPREME COURT'S DECISION IN MORRISON VERSUS OLSON AND THE ROLE OF THE INDEPENDENT PROSECUTOR

In Morrison versus Olson, the Supreme Court upheld in a 7-1 opinion the constitutionally of appointing special Independent Counsels to investigate suspected criminal activity by high-ranking federal officials. The Court, in an opinion written by Chief Justice Rehnquist, held that Congress has the authority to create special prosecutors. Justice Scalia, the lone dissenter, argued that Congress has no such authority, no matter how serious the allegations of criminal activity by Executive branch officials.

In a 1988 speech, Judge Thomas stated the Morrison was the most important Supreme Court decision since Brown versus Board of Education. He criticized Rehnquist's decision, and commended Scallia' dissent. He stated:

"Unfortunately, conservative heroes such as the Chief Justice failed not only conservatives but all Americans in the most important Court case since Brown versus Board of Eduation. I refer of course to the independent counsel case, Morrision versus Olson. As we have seen in recent months, we can no longer rely on conservative figures to advance our cause. Our hearts and minds must support conservative principles and ideas. As Judge Lawrence Silberman concluded his opinion in his D.C. Circuit Court of Appeals opinion: "This is no abstract dispute concerning the doctrine of separation of powers. The rights of individuals are at stake.' Justice Antonin Scalia's remarkable dissent in the Supreme Court case points the way toward those principles and ideas. He indicates again how we might relate natural rights to democratic self-government and thus protect a regime of individual rights."[17]

During the hearings, Judge Thomas appeared to state that he does not now believe that the independent prosecutor is unconstitutional.[18] He argued that he was merely expressing his concern that a law enforcement officer, unrestrained by either of the political branches, might trample on individual rights.[19] However, he did not adequately explain why, if this was his only concern, he used such strong language condemning the decision and praising Justice Scalia's dissent—which argued that any law enforcement by persons outside the executive branch is unconstitutional. Moreover, he did not explain why the provision allowing the Attorney General to dismiss an independent prosecutor for cause would not be sufficient to prevent the abuses of individual rights he said he feared.[20]

Thomas explicitly stated that he was unfamiliar with, and had not intended to endorse, the view that the separation of powers doctrine should be used to curb government regulation of business, or to rule that the independence from the President of certain Executive Branch agencies is unconstitutional.[21] These positions are, however, key issues on the agenda of various right-wing groups whom Judge Thomas often addressed. In addition to issues such as the constitutionality of special prosecutors or the independence of quasi-executive agencies, that agenda includes (1) urging the President to assert the line item veto power; (2) rejecting the use of legislative history to construe statues on the theory that Congress speaks with too many voices to be clear, while accepting Executive Branch interpretations,[22] and (3) expanding the use of the President's "pocket veto" power to nullify Acts of Congress during any recess longer than three days.

III. THOMAS' CRITICISM OF CONGRESS' LAWMAKING ACTIVITIES

In a number of speeches and articles, Judge Thomas has argued that during the last few decades Congress has abandoned its role as a deliberative, law-making body and has transformed itself into a quasi-executive. For example, in 1988 he stated that "Congress no longer stands for a deliberative body which legislates for the common good or public interest. It has become a coalition of elites, reflecting various interest groups."[23]

In Thomas' view, members of Congress enact vague legislation which leaves difficult policy decisions to executive agencies and to the courts, and then mirco-manage the administrative process in order to promote the goals of the interest groups to which they are indebted, while avoiding paying the political price for their decisions.[24]

Thomas appears to believe that such activities are not only improperly instrusive—they are unconstitutional. He has argued that Congress' transformation from a lawmaking body to a quasi-executive has altered the constitutional role of the Executive and the courts and threatens the separation of powers.[25] Although his position is not entirely clear, he appears to argue that Congress may only enact statutes which control "the general conditions under which departments and agencies ought to operate" and that it must leave to the executive branch decisions about "how to adapt the general law to particular circumstances.[26]

If Thomas in fact believes that Congress acts unconstitutionally when it enacts specific legislation or engages in agency oversight, he would be obliged as a Supreme Court Justice to strike down the legislation or prohibit the oversight activity.

FOOTNOTES

[1] In addition to the issues described in this paper, Judge Thomas' record raises other areas of concern with respect to his view of the separation of powers. His failure while an Assistant Secretary in the Department of Education to comply with a court order may indicate that he has a limited view of an executive official's obligation to obey the direct commands of the judicial branch. His insistence on taking a very narrow view of Section 504 of the Rehabilitation Act (over the objection of Assistant Attorney General William Bradford Reynolds), his statement expressing hope that lower courts would be guided by the dissenting opinion in a landmark Title VII case, and some of his opinions as a Judge on the D.C. Circuit indicate that he may have a cramped view of congressional enactments and a tendency not to give effect to congressional intent when that intent conflicts with either the Administration's interpretation of a statute or with his own policy beliefs.

[2] Indeed, fourteen members of House committees and subcommittees (almost all of them Chairpersons) co-signed a 1989 letter denouncing Thomas for "an overall disdain for the rule of law." Letter to President Bush, July 17, 1989. Eleven of these members urged the Senate to reject Judge Thomas' 1990 nomination to the D.C. Circuit. Letter to Chairman Biden, Feb. 28, 1990. Twelve such members of the House have also urged the Senate to reject Thomas' nomination to the Supreme Court. *See* Hearing Transcript, Sept. 13, 1991, p. 95-96 (questioning of Senator Simon).

[3] Prepared text, Speech at Harvard University Federalist Society, Apr. 7, 1988, p. 13 (prepared text not delivered) ("Harvard Federalist Society").

[4] "The Modern Civil Rights Movement: Can a Regime of Individual Rights and the Rule of Law Survive?," Speech at the Tocqueville Forum, Wake Forest University, Apr. 18, 1988, p. 21 ("Tocqueville Forum").

[5] Harvard Federalist Society at 13.

[6] Tocqueville Forum at 20.

[7] Tocqueville Forum at 21.

[8] Speech to the Palm Beach Chamber of Commerce, May 18, 1988, p. 12 ("Palm Beach Chamber of Commerce"); Speech at Brandeis University, April 8, 1988, p. 4 ("Brandeis University") "Congress, the Bureaucracy, and the Enforcement of Civil Rights," Paper President to the Annual Meeting of the American Political Science Association, Sept. 3, 1987, p. 4 ("American Political Science Association"). Thomas has also condemned the General Accounting Office as the "lapdog of Congress." *See* Speech at Creighton Law School, Feb. 14, 1991, p. 6.

[9] Thomas, "Civil Rights as a Principle Versus Civil Rights as an Interest," p. 399-400, in *Assessing the Reagan Years* (D. Boaz ed.) (1988) ("Civil Rights as a Principle").

[10] Tocqueville Forum at 21. *See also* Thomas, "The Higher Law Background of the Privileges or Immunities Clause of the Fourteenth Amendment," 12 Harv. J. Law & Pub. Pol. 69 (Winter 1989) ("The Higher Law Background"); Speech to the Federalist Society for Law and Public Policy Studies, University of Virginia School of Law, Charlottesville, Virginia, March 5, 1988, p. 13 ("Virginia Federalist Society"); Harvard Federalist Society at 13 ("[a]s Lt. Col. Oliver North made perfectly clear last summer, it is Congress that is out of control!").

[11] Virginia Federalist Society at 13; see also Tocqueville Forum at 21–22; "The Higher Law Background" at 69.

[12] Hearing Transcripts, Sept. 11, 1991 at 122; Sept. 12 at 13; Sept. 13 at 92, 93–94.

[13] Hearing Transcript, Sept. 11, at 162.

[14] Hearing Transcript, Sept. 13 at 92; see also Sept. 16 at 105–06.

[15] Hearing Transcript, Sept. 12 at 13.

[16] Hearing Transcript, Sept. 13, at 93–94.

[17] "How to talk About Civil Rights: Keep It Principled and Positive," Keynote Address Celebrating the Formation of the Pacific Research Institute's Civil Rights Task Force, Vista Hotel, pages 7–8 (Aug. 4, 1988) (emphasis in original).

[18] Hearing Transcript, Sept. 12 at 69, 73. His statements, however, are not entirely clear. On September 12 he stated: "I don't think my point of departure was that it was unconstitutional, although I disagreed and argued that the Scalia opinion was the better approach." Transcript at 69. Later in the exchange he agreed that Morrison "is a decided case," Transcript at 73, but again did not state that he agreed with the result. See also Transcript, Sept. 13 at 17.

[19] Hearing Transcript, Sept. 12 at 29, 35, 70, 72; Sept. 13 at 15–17. Thomas also claimed that he commended Justice Scalia's opinion because it showed how "we might relate natural rights to democratic self-government." *Id.*, Sept. 12 at 31.

[20] *See* Hearing Transcript, Sept. 12 at 72.

[21] Hearing Transcript, Sept. 16 at 153–60.

[22] The Supreme Court's handling of the "gag rule"/abortion dispute is a perfect example of this aspect of the issue. In its final years, the Reagan Administration reversed its longstanding interpretation of Title IX, the Family Planning Act, and promulgated the gag rule as a regulation purporting to "interpret" that statute. The Supreme Court north Rust versus Sullivan sustained the regulation as a valid interpretation of Congress' intent. Now, to reject the gag rule, Congress must pass a new statute and override a likely Presidential veto.

[23] Tocqueville Forum at 22. At the hearings, Thomas testified that "I think I said [this] in the context of saying that Congress was at its best when it was legislating on great moral issues." Hearing Transcript, Sept. 12 at 14. The speech, however, does not place the comment in that context.

[24] *See* Palm Beach Chamber of Commerce at 15–16; Brandeis University at 6, 11–13; American Political Science Association at 5, 11–13, 17–18, 20. *See also* Virginia Federalist Society at 13; "The Higher Law Background" at 69.

[25] Palm Beach Chamber of Commerce at 10–27; Brandeis University at 3–14; American Political Science Association at 3–21. *See also* "Civil rights as a Principle" at 397–98.

[26] Palm Beach Chamber of Commerce at 11; Brandeis University at 4; American Political Science Association at 4.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. Yes.

THE BLOCKADE OF DUBROVNIK, CROATIA

Mr. DOLE. Mr. President, I was just on the telephone—I think it would be of interest of my colleagues—with the mayor of Dubrovnik in Croatia, Zeljko Sikic.

He was just calling frantically to get in touch with someone in America with a plea for help for Dubrovnik's community of 70,000 people. Bombs were dropping in the city as we spoke just 30 seconds ago. There is a total blockade by the Yugoslav army and the Serbs: They have cut off their water supply; they are burning their forests, bombing their churches. This mayor is just reaching out to the world for help. People were being killed as we spoke on the telephone.

I said I did not know what I could do, but that I will go immediately to the Senate floor and let people know of your telephone call and of your plea for help. This is happening all over Croatia.

I know there are deep hostilities and long-held hatreds between the Serbs and the Croats. But something must be done, some way must be found to bring the fighting to an end and to end this quest by the hard-line Communist leader, one of the last in the world. Mr. Milosevic, the Serbian leader, is using the Yugoslav army, and it is not even a fair fight. They do not have any airplanes in Dubrovnik. They do not have any tanks. They are being bombed from the air; they are being blockaded by sea. And it is all part of Milosevic's effort to have a "Greater Serbia."

Maybe my colleagues have ideas on how we can bring this tragedy to an end—everybody else is heading toward peace but Milosevic wants war. It is a very serious matter. I urge my colleagues on both sides to take a look at what is happening to what used to be Yugoslavia, especially if you have any Albanians in your State, any Slovenians in your State, any Croatians in your State, or any Serbians in your State—because there are a lot of Serbians who do not agree with Milosevic, whose actions run counter to everything that is happening around the world.

Mr. President, I promised the mayor I would make that statement.

EXTENDED BENEFITS LEGISLATION

SEPTEMBER'S UNEMPLOYMENT FIGURES

Mr. DOLE. Mr. President, as President Bush noted in his news conference earlier today, some encouraging news came this morning with the report that September's unemployment rate dropped to 6.7 percent.

While this rate is still unacceptably high and I hope very much we see further improvement, it does appear to indicate a leveling off during the last couple of months and the beginning of a downward trend consistent with signs of economic recovery.

ACTION SPEAKS LOUDER THAN WORDS

I heard a bunch of fancy speeches from the other side of the aisle this morning that seemed to indicate concern for the unemployed and passing extended benefits legislation.

But let us be frank, Mr. President, action speaks louder than words. It seems that each time the democrats send extended benefits legislation to the President, they make it worse, not better. Their first bill increased the deficit $5.8 billion and now they want to increase it by $6.2 billion.

WHERE IS THE ACCOUNTABILITY?

Unlike the proponents of the conference report, the President is sticking to his promise to abide by the budget agreement. The commitment of those who support the conference report to the budget agreement would appear to extend only as far as its political utility. Apparently for them, its utility has passed.

I ask where the accountability is? Is it that hard to say we agreed to pay for new programs and that we will stick by that promise because that is what is best for America?.

The one thing the American people understand is that you have to pay for things and that is what my alternative does. The alternative offered by Senators DURENBERGER and BURNS also pays for itself.

REPUBLICAN ALTERNATIVES

The President has said he would sign the Dole et al. alternative. He has said that before and he repeated it in no uncertain terms this morning during a news conference.

He has said he will veto the conference report because it is a tax on the American economy just when we continue to see encouraging signs.

Personally, Mr. President, I do not see what is taking so long to get the conference report to the White House so that we can start debating serious extended benefits legislation such as the alternatives we have offered.

I have seen bills move out of here quickly before, and the American people should be asking themselves why, when the House and the Senate passed the legislation last Tuesday, the bill has still not reached the House for Signature—let alone made its way down Pennsylvania Avenue.

The answer to that question is politics, and the fact that my colleagues on the other side of the aisle don't want to have to cut into next week's recess to work out a responsible piece of legislation with this side of the aisle.

They just want showdowns with President Bush. But while some Democrats are chuckling about trying to put the President in a tough spot, unemployed Americans are not laughing.

UNANIMOUS CONSENT TO BRING UP DOLE ALTERNATIVE

Before the day is out, Mr. President, I will seek unanimous consent to bring up the alternative offered by myself, Senators DOMENICI, ROTH, DANFORTH, BOND, and others.

I know that this proposal probably doesn't please a lot of Members on the other side of the aisle because it is a Republican alternative. Indeed, the other side of the aisle hasn't even bothered to offer suggestions to a bill that the President has said he would sign instantly.

In my book, that does not look like a lot of concern for the unemployed, and I think the unemployed workers should be asking where the beef is behind those great speeches we heard this morning.

PARITY FOR MILITARY PERSONNEL

Mr. President, I just want to take a moment to reply to earlier statements made by the Senator from Tennessee [Mr. SASSER].

The Dole et al. proposal provides for complete parity of treatment for unemployment extended benefits between military and civilian personnel.

The Senator from Tennessee suggests that our proposal hurts veterans returning from the Persian Gulf or other military personnel who have bravely and proudly served this country.

It is obvious to me that the other side of the aisle has not even bothered to read our alternative, which, based on other statements I have head, does not really surprise me.

Identical to standards for the civilian work force, our proposal provides 26 weeks of benefits to those involuntarily separated from the service and no benefits to those who voluntarily choose to leave the service, such as taking a new job in the private sector. This is what civilian workers get, and my proposal ups benefits for military personnel to make them consistent.

I also want to stress the point that our proposal would provide a full 26 weeks of benefits to those separated from the service due to defense downsizing because the denial of the right to reenlist or to sign up for additional service is considered an involuntary separation.

So, before criticisms are lobbed against our proposal by the other side of the aisle, let us at least get our facts straight.

The American people—particularly those who are unemployed—deserve to get the truth rather than an earful of political rhetoric.

Mr. President, to reiterate, I have just watched President Bush's news conference, and there are words of encouraging news this morning about unemployment, which dropped to 6.7 percent. It is still too high, insufferably high, but it does give some indication it may be leveling off. Maybe this will be the beginning of a downward trend.

I also heard a bunch of statements this morning that indicated concern for the unemployed and passing the extended benefits legislation. Let us be frank, Mr. President. Actions speak louder than words.

Each time we have this extension of unemployment benefits debate, we have already sent one bill to the President. He signed the bill, but said it is not an emergency. So now we are about to send another bill to the President. I do not know why we have not sent it by now. People are out of work and are waiting for checks, and I am told by the enrolling clerk that they are not even going to send the bill down to the President until next week. I would think my Democratic friends would insist that this bill go to the President today, so he can either sign it or veto it—he is going to veto it—and let us bring it back to the Senate and to the House early next week, no later than Tuesday evening next week in the Senate, to see if it is going to be sustained. If it is sustained, we ought to do something else very quickly.

We have two options, in my view: We can pay for it in the Dole-Domenici-Roth-Danforth-Bond-Seymour, et al., proposal, or we can charge it up to our grandchildren with the so-called Bentsen proposal of $6.2 billion. Ours is less generous, because we pay for it. It is about $2 billion.

It seems to me that, as I have said on two successive days, people are out of work and probably do not know many of us, and they have not been watching C-SPAN or hanging on every word we say on the Senate floor. They do not care whether it is Democratic or Republican, or whether it is a paid-for or not-paid-for plan, but they would like to have benefits. Some of these people need the benefits. They needed them a month ago. It has been 34 days now since an alternative we offered would have started providing benefits. It paid for itself. I do not know why we criticize something that we pay for in this body. I think we ought to be elated that we found a way to pay for it. We are going to give benefits, 6 to 10 weeks.

So I want to thank the President of the United States for, first of all, indicating that he will sign this bill, the alternative, the one that pays for itself, pay as you go. If the benefits run out, we will find a way to pay for more, and pay for it.

I say to my friend that I do not think most people who are out of work, trying to feed their families, seriously care whether we are Democrats or Republicans. They are probably tired of all of us. So maybe we can sit down together and do something. The President is not going to budge, and if the Democrats are not going to budge, then we have an impasse. I have to believe there is somewhere in the middle where we can work it out.

I want to take a moment to reply to some earlier statements made by the Senator from Tennessee this morning, Senator SASSER, and I think Senator DOMENICI may later, that we did not take care of those who served in the gulf. Well, some of us voted to indicate we had confidence that we could win in the Persian Gulf. He said our proposal hurts veterans returning from the gulf who bravely and proudly served their country. Some of us voted so they could do that, and some voted the other way. The Senator from Tennessee was one of those.

It is obvious to me that the other side of the aisle has not yet been bothered to read our alternative, which, based on other statements I have heard, does not really surprise me. We provide what is identical to the standard in the civilian work force: 26 weeks of benefits to those who are involuntarily separated from the service—and no benefits to those who voluntarily choose to leave the service, such as taking a new job in the private sector. The involuntary get 26 weeks. This is precisely what civilian workers get, and my proposal of benefits to military personnel is to make them consistent. The allegation of the Senator from Tennessee is a nonstarter. We give a full 26 weeks of benefits to those who are separated from the service due to defense downsizing, because of denial of the right to reenlist or to sign up for additional service. That is considered to be an involuntary separation by us, and you get 26 weeks. So I just say, before we start taking it apart, people ought to study it.

I finally say that I hope we can get some benefits flowing. Before the day is out, I serve notice now that I will come to the floor and will ask unanimous consent that the Finance Committee be discharged from further consideration of the Dole-Domenici-Danforth-Seymour-Roth-Bond proposal, and that we have immediate action on it, pass it today by a voice vote, so it will be in the House on Monday, and they can pass it and send it to the President. He will sign that bill, and before the end of next week, we will be having unemployment extended benefits going to people who need them. I will make the same request on Monday, and I will make the same request on Tuesday, and every day we are in session next week. I hope there will not be any objection. We want to send the President a responsible package that pays for itself, and we have the program. Let us not charge it to our children or our grandchildren. I think that is the big difference between the two proposals.

So, Mr. President, I will make that request, and I will notify the majority leader before I come to the floor to do that, so he will be properly apprised. And there will be no effort to surprise anybody from my standpoint.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to my friend from Nebraska, who, I assume, is waiting to speak, that I will not speak long.

Mr. President, let me start by inserting an editorial from the New York Times on October 3 in the RECORD. I do not think the New York Times is a paper that usually supports Republicans or Republican ideas. I do not think that they would be for a position on unemployment compensation that would be in the adverse interest of working men and women. I am going to take one sentence out and then put it in the RECORD. "If you want more domestic spending," Democrats, "find the money to pay for it." I ask unanimous consent that the article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A STANDOFF WON'T HELP THE JOBLESS

The distress of America's long-term unemployed offers a strong argument for reworking last year's Federal budget pact. But unless the Democrats are prepared to brace the overall budget issue head on, their $6.4 billion bill to extend unemployment benefits won't fly.

President Bush and Congress agreed in good faith to abide by specific caps on defense and nondefense spending, and not to increase either category without offsetting cuts or new revenues. Nor may they rob one category to fatten the other.

With Communism's collapse, defense savings could be applied to domestic needs without worsening the deficit. But absent a renegotiation that the Democrats seem reluctant to broach, the budget agreement still holds: If you want more domestic spending, find the money to pay for it.

The Democratic unemployment insurance bill approved by Congress provides up to 20 weeks of additional coverage beyond the basic 26, and expires next July. The proper way to pay for it would be to raise the tax employers already pay for the basic program. The President favors fewer additional weeks, and other funding. But the Democrats' bill skirts the issue by declaring an emergency, not subject to pay-as-you-go.

The Democrats tried a similar device in an earlier bill, extending benefits if the President declared an emergency; Mr. Bush refused to take the bait. With the emergency declaration now built in, he says he will veto the new bill.

House support for this bill was easily enough to override the veto, but the Senate's majority was two votes short. It remains to be seen whether Republicans who voted against the measure can be persuaded to switch. The September unemployment report, due Friday, could affect the vote.

The larger issue—renegotiating the budget pact in the light of fundamentally changed circumstances—will take time to resolve, when and if it is joined. The immediate issue is to provide for the unemployed within the existing rules. The worst of the recession may be past, but with new layoffs coming every day, the outlook for workers laid off months ago remains bleak. If the President's veto sticks, they will still need help.

Mr. DOMENICI. The editorial says a 5-year agreement between the President and Congress was entered into. A deal is a deal; an agreement is an agreement. But more so, it is now the law. Essentially, that law says that unless Congress and the President declare an emergency, you have to pay for any new program that you start in the Congress. We did not distinguish, nor did Congress ask us to distinguish, what kind of new programs we might start. It just said, if you start a new entitlement program, pay for it. Well, I regret to say that the Democrats apparently want to change the Budget Act all by themselves, unilaterally, and claim that they are doing that in the interest of the unemployed.

Mr. President, if we do it now, we will do it any time and for anything that comes along for the next 4 years, and there will be no budget restraint. We will add billions to our grandchildren's budget payment book. And, in this case, it appears that those who want the Democratic proposal are not even sure they want it now. It seems that they may want an issue, or they may want to prove they are right. But I suggest that the people who need unemployment compensation—because it has run out and they are entitled to it—are not interested in who wins.

They want an extension. Mr. President, the Dole-Domenici bill extends unemployment for all of those people that are desperately in need of it, and it pays for itself the way it is written. I do not hear arguments about how we pay for it because now the Congressional Budget Office says it is right, it is a zero balanced bill. So why is this not an urgency, emergency, according to that side of the aisle, why are they not sending the bill to the President? It passed here, it passed the House. It is ready to go.

The bill being touted is the leadership's solution to this problem and that Republicans do not care. Why don't they do what is natural in a bill like this and send it to the President? I could not believe that it was not already there today. I guarantee you, if it was a bill they really wanted, it would be there, be there already.

And the President has said I will make the issue forthwith. Send it, I will veto it. Have your votes on whether you are going to sustain me or not. But pass another bill if you do not override me. Send me a bill I can sign. Let us get the unemployment compensation extended.

Here we sit blaming him, blaming us, when all along there is a bill that the Democratic leadership will not send to him, will not finalize and we cannot get, ourselves, passed because we do not control the Senate or the House.

I am not going to talk very much about the details of the bill other than to say that if it would have been passed when we suggested it, it would have been signed. And so everyone will know time is awasting, unemployed people are not getting their benefit—there would already have been 5 weeks of benefits, where they qualified, under the Dole-Domenici bill.

But the first time through it was the first game of chicken. We will put it on the President's back. If he does not declare an emergency we will blame him. Now, today, we let time pass and we cannot even find out when this bill will go to the President.

Incidentally, as of now, so those who are interested enough to be listening will know, this Senate is supposed to go out for a recess Tuesday, next week. You see if that veto does not happen before that point in time, then we will not even have a chance to override the President until the next week. And I would ask who is holding up unemployment? It does not seem to me that it is Senator DOLE.

So I agree with him. We ought to ask consent to discharge the Dole-Domenici bill and bring it to the Senate floor so we can vote on it. And we ought to ask today, and we ought to ask Monday, and we ought to ask Tuesday, and maybe somebody will understand that the bill that is proposed by that side of the aisle is not going to be law.

And if you want nothing rather than that, then you have to take the consequences, that the working men and women know you were the cause of not extending benefits because the President will sign a bill, it is a good bill. And if you need to do another one you can do it in a couple of months. But it is a good bill and it is sound and it is paid for, and we are not, as the editorial said, starting a new program and not paying for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

YUGOSLAVIA

Mr. EXON. Mr. President, I came to the floor to deliver a speech on my decision on the Supreme Court nominee. It so happened that I came to the floor just before the minority leader began his talk about the extremely difficult situation in Yugoslavia today.

Indeed, in 35 minutes I am meeting with a native citizen of Yugoslavia who has since become an American citizen, who has just, within the last few days, returned after being detained when he went back over there to try and lend some balance and support to those who were trying to resolve the crisis.

And it is indeed a crisis over there and I appreciate very much the fact that the minority leader came on the floor and indicated his tragic conversation with a mayor of a city in that very troubled country.

The minority leader asked for comments and suggestions on how we might be helpful. I have publicly asked that now of the President of the United States as to what role, if any, we should play in that ongoing tragedy.

Once again, I may know more about this after I hear firsthand from a Nebraskan who has just come back from that troubled country. But let us be cautious. Troubling as that is, let us not get ourselves further into the proposition that the United States of American can be the police force of the world, that more and more by recent events that may be stamped indelibly on the minds of too many countries around the world.

Having said that, I would also caution, Mr. President, against a growing feeling, probably in the United Nations, that the United States of America has the power and the will to become the police force of the United Nations which essentially it was in the gulf war.

Foreign entanglements all throughout our history have been something that we have talked about. Sometimes we made the right decisions; sometimes we made the wrong decisions.

Certainly I am not an isolationist that thinks we should never do anything in parts of the world. I only exercised a statement of caution in this regard. And rather than asking Senators of the United States what they want to do about it, I suspect that the question best rests with the Commander in Chief, the President of the United States, on whether we are going to do anything, or whether we should do anything. The first initiative in that regard I suggest should come from the President.

THE UNEMPLOYMENT COMPENSATION BILL

Mr. EXON. Now, Mr. President, I also listened to some very interesting, if not totally factual, comments from the minority leader and the distinguished Senator from New Mexico with regard to the unemployment bill.

Of course, there is no political connotation with this whatsoever. It is just an academic address to what we should and should not do.

Once again I suggest that we are not going to solve the problems around the world, nor are we going to solve the problems domestically with millions of people being unemployed during this recession, which is not over despite the fact that the administration as long as 6 months ago said, well, it is over, it is all up from here.

It is not all up from here and everyone knows that who understands the situation. If you want to get on the floor of the U.S. Senate and blame the Democrats as a group for all the evils that presently exists with our fiscal mismanagement, then that is one thing. If you want to float a flag or a balloon that somehow the President and the Republicans are really the ones that are concerned about passing onto our children and grandchildren the enormous debt that has accrued—I did not intend to make a political talk on this matter.

Suffice it to say that when we had the last Democratic President of the United States, we had a debt of less than $1 trillion. Today that debt is $3.6 trillion. It is going to over $4 trillion within the next year, and the famed budget summit that I hear so much about on the floor of this Senate as a restraint is not a restraint. It is a phony piece of legislation, and I voted against it. And I declare again now that that famed budget summit the Democrats and Republicans were involved in under the leadership of the President at Andrews Air Force Base was a phony deal.

Therefore, I do not take much comfort in the fact, if we do not do something about unemployment, that that is going to solve the problem and make the salient point that the Republicans are indeed going to lead the way to a balanced fiscal course of action for the United States of America.

I was somewhat shocked, Mr. President, when I heard some of the statements that were just made. I would agree with the minority leader that it is entirely proper and wise to have the bill that was passed and enrolled acted upon promptly, to give the President an opportunity to exercise his veto, which he has every right to do as the President of the United States, and then come back and start all over again. But when I heard the talk about alleging that the Democrats and the Democratic leadership were causing the delay and causing the harm to all these troubled people who are unemployed, I was amazed.

I am further amazed that some people on this floor seem to have forgotten that the President of the United States a short few weeks ago signed into law—signed into law, Mr. President—a Democratic-led and sponsored bill to address this problem. In signing that into law, one would have to assume that the President of the United States felt it was a good piece of legislation. The reason, though, that it did not become effective, I would point out, is that the President of the United States simply, while signing the law, neglected and specifically said he would not sign the executive order that would be necessary to allow the measure to go forward.

So what we have now, Mr. President, contrary to what has been said on the floor, is the President of the United States signed into law the identical bill that we are talking about enrolling and sending to the President. If the President thought that bill was so bad, why did he sign it?

Of course, it is politics. It is raw and simple politics. And I may be misinformed, but I had never heard of the famed Dole-Domenici, et al., compromise bill that would be a pay-as-you-go maneuver until after it was obvious that we were going to pass some kind of a bill in the Congress of the United States.

I also think it is most amusing, Mr. President, that we talk about budget busting.

I was trying to explain this to my wife the other night. She has a pretty keen interest and a pretty keen understanding of Government, but she was puzzled about all of this. She said, "Republicans are saying you are going to bust the budget."

I said, "Yes, that is what they are saying."

"But," she said, "isn't it true that there is already $8 billion in a fund designed for the exact situation that we find ourselves in today? That money has been paid in by employers around the United States over a period of years. Isn't it true that there is $8 billion in that fund now? Isn't it true that this bill that the Republicans are alleging is wasteful spending would only spend $6 billion of that $8 billion in the trust fund?"

And I said, "That's right."

Then she said, "Well, how is it busting the budget?"

I said, "That is the most misunderstood or best-kept secret in the United States of America today."

It is not only with regard to that $8 billion trust fund, but it is all of the other trust funds that we have, including Social Security that this administration has ignored.

If there is any budget-busting allegation with regard to the bill in question, it is because the $8 billion in the trust fund, that therefore would not affect the budget whatsoever, has already been spent on other programs. It is just like the Social Security trust fund.

The people of the United States think a trust fund means something. I have said time and time again on this floor that there are no funds and there is very little trust. And yet we hear: "Those irresponsible Democrats are going about their usual irresponsible ways in trying to meet the needs of society."

The key question that I would like to have answered is, why was it, if the President is as concerned as he seems to now be and now solidly behind the belated proposed known as Dole-Domenici, et al., that there was nothing but silence, and an argument from the President of the United States and others of his political affiliation on this floor that there was simply no need for any kind—any kind—of relief or additional benefits for the unemployed?

Well, at least we brought them this far. The key question comes down, Mr. President, to a suggestion that I made earlier. If the President is concerned, why does the President not simply issue the Executive order to place right now, this afternoon, in effect the unemployment benefits extension that the Congress previously acted upon and that the President of the United States signed into law?

I am not saying directly that there is any politics involved here, but at least I raise a question.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with consideration of the nomination.

Mr. EXON. Mr. President, from my experience as Governor of the State of Nebraska as the appointing official for State judges, through my responsibilities in the U.S. Senate as part of the confirmation process for Federal judges, I have always felt a heavy responsibility to reach the best judgment possible on such matters. The individuals suggested for judicial positions must meet qualification tests in a number of areas, not just one. Few have met all of the criteria of the extensive panorama of tests that I have applied to each potential jurist. Perfection in all our actions and decisions as we pass through life is a worthy but unattainable goal. The same is true of those who serve on the Federal bench.

Judges face especially difficult and vital decisions affecting people over a period of years on a wide range of issues. They dispense justice and we dare not submit them to anything but the greatest scrutiny.

If there is a single ideal requirement for the judiciary, it is balance. The political system that we have employed in the selection process does not well lend itself to that worthy goal. In reviewing the report from the Judiciary Committee I noted with particular interest the references to this concern by Chairman BIDEN. Yes, it could be alleged that previous Supreme Courts have obviously had a bent far different from the present one. Two wrongs do not make a right and I would prefer a more balanced court philosophically.

I am convinced that the present administration and the one preceding it have gone more doctrinaire and strident in their nominees at every level of the Federal bench that any others. Generally the litmus test on strongly held conservative viewpoints has been applied. So much for balance. Indeed the current Justice Department has dramatically stepped up its political involvement in the process. But the people have overwhelmingly supported the last two Presidents and evidently they are satisfied with the result. I am very concerned and may be addressing the process of selecting Federal judges at a subsequent time.

But the challenge today is to face the situation with reality and make the best decisions possible.

With regard to the current nominee, there were early surprises that reflect on my increasing concern for the process.

The President, supposedly devoid of all political or quota considerations, proudly announced his nominee as the best man for the job on the merits for the vacancy. This pleased me a great deal.

Since them, via the examination process, the truth has come to light. I would expect that there are few, if any, who believe what the President told the people of the United States as I have just quoted him. Maybe the President just misspoke or got carried away with his rhetoric over his "find." I do not buy for a moment what at best was an overstatement. It is my hope that the President does not come into possession of a hatchet because it might endanger the survival of every cherry tree in the Potomac Valley if Presidential history repeats itself. Confessions afterward could not restore the forest.

After a personal interview with Judge Thomas some time ago, I said I was inclined to support the nominee pending the outcome of the hearings and my review of the findings of the Judiciary Committee. I was surprised that he was not approved by the committee but my review of their findings have shown me their deliberation and carefully studied conclusions were difficult if not tortured. I salute all committee members of their studious efforts to reach their individual and collective conclusions.

I gathered the distinct conclusion that the committee did not agree that the best person has been selected but at least half of the committee felt he was qualified as did the American Bar Association.

My personal evaluation of Judge Thomas is that he is qualified. During my personal meeting with him, I was impressed with his academic credentials intelligence, determination, and family values. Indeed, he is an American success story by any measurement. It is certainly true that he does not have extensive courtroom or trial experience as a lawyer, and little if any in the Federal courts. There have been others, however, with similar limited private practice who have subsequently served in the courts with distinction.

It is my view that Judge Thomas' background and very human personal experiences would make him intellectually incapable of being other than a thoughtful and independent-minded jurist whose positions on issues could not be predicted in advance. He may well turn out to be a keen disappointment to some of his most vocal supporters, and a happy surprise to some of his more vocal opponents.

One member of the Judiciary Committee challenged other Senators to study the facts and vote their conscience. I have done that. Judge Thomas has demonstrated to me that he has judicial temperament, honesty, talent, academic credentials, fairness, and fitness for the Supreme Court of this land, notwithstanding what I consider an unfortunate oversell of his credentials by the President. In my view, he is qualified and I will support his nomination with my vote.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I had the pleasure of working with the distinguished Senator from Nebraska. He is the chairman of our Strategic Subcommittee, and I want to commend him for the fine work he has done on armed services on that subcommittee. I want to commend him for the conclusion he reached on Judge Thomas. He has reached the right conclusion.

Thank you very much.

Mr. EXON. Mr. President, I thank my friend and working partner on a whole series of issues, the distinguished former President pro tempore of the Senate, and now a very close worker with me on the whole matter of national defense, and I thank him so very kindly for his remarks.

Mr. THURMOND. Mr. President, I have already spoken on Judge Thomas this morning and answered some criticism of him. I think he is an outstanding candidate who will make the best Supreme Court Justice. I wish, now, to make a statement on another subject.

Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALCOHOLISM IN AMERICA

Mr. THURMOND. Mr. President, in today's world of drive-by shootings and adolescent drug dealers, where crack cocaine and other illegal drugs are available on playgrounds as well as street corners, it is all too easy to forget that our Nation's No. 1 drug problem is alcohol abuse. Although it rarely makes the morning headlines or the evening news, alcohol is the most widely used and abused drug in this country affecting the lives of millions of Americans. Alcohol taken to excess dulls the bright minds of our youth, robs our artists of inspiration and prematurely takes the lives of thousands of Americans each year.

On Monday of this week the Department of Health and Human Services released the results of a Federal survey on alcoholism. This survey, conducted by the National Center for Health Statistics and the National Institute on Alcohol Abuse and Alcoholism, shows that alcohol affects even more Americans than was previously thought.

According to the survey, 76 million Americans—about 43 percent of the adult population of the United States—have been exposed to alcoholism in their families. Almost one in five Americans lived with an alcoholic growing up, and about 38 percent of adults in this country have a blood relative who is an alcoholic or problem drinker. In addition, almost 10 percent of adults have been married to or in a long-term relationship with an alcoholic or problem drinker, and alcohol appears to play a significant role in marital problems.

Mr. President, in spite of the strong evidence of the destructive effects of alcohol, many Americans lack even a basic knowledge of the possible consequences of drinking. These same Americans, however, are well aware of the numerous alcoholic beverages available at the corner liquor store. Like the rest of us, they are constantly bombarded with advertisements touting the virtues of various alcoholic beverages and strongly implying that to have fun, you have to drink.

Alcohol advertising remains the primary, if not the only source of alcohol education to which most Americans are exposed. The alcoholic beverage industry spends over $2 billion a year encouraging American consumers to purchase their products, with many of the ads specifically targeting young people.

Alcohol ads paint a glamorous and seductive picture of drinking, linking it with precisely those attributes and qualities—happiness, success, sexual prowess, athletic ability—that young adults find desirable. Ironically, these are the same qualities that alcohol abuse can diminish or destroy.

In an attempt to help educate Americans about the possible dangers of drinking, I have introduced legislation—S. 664, the Alcoholic Beverage Advertising Act of 1991—that would require alcoholic beverage advertisements to carry health warning messages. The bill provides for five rotating health messages, which would be included in all alcoholic beverage advertisements and promotional displays in both print and broadcast media. The measure also provides for the establishment of toll-free numbers which would provide information on drinking-related problems.

This legislation builds on the foundation of the alcohol warning label measure I authored in 1988. That bill, now a law, requires that all alcoholic beverage containers carry health warning labels.

The health messages required by the advertising legislation are very similar to those appearing on beverage containers. They provide information on the possible consequences to drinking during pregnancy; impaired ability to drive or operate machinery under the influence of alcohol; the possibility of interactions with other drugs; the possibility of becoming addicted to alcohol; and a reminder to consumers that it is illegal for those under 21 to purchase alcoholic beverages.

I believe this measure is both necessary and long overdue, and public opinion supports my conclusion. In survey after survey—some sponsored by alcohol industry and advertising publications—the majority of Americans polled favored health messages in alcohol advertising.

These health messages do not impose any legal restriction or penalty to those who do not heed them. They merely caution consumers that use of the product may entail serious consequences. The legislation is aimed at providing important health information to the public, not at eliminating legitimate advertising.

The Alcoholic Beverage Advertising Act of 1991 has been endorsed by dozens of public safety and health organizations, including the American Medical Association, the American Academy of Pediatrics, the National Parent-Teacher Association, the Center for Science in the Public Interest, the National Council on Alcoholism and Drug Dependence and Mothers Against Drunk Driving.

Several weeks ago I wrote the chairman of the Committee on Commerce, Science, and Transportation requesting hearings on this legislation, and it is my hope that they will be held before the end of this session. I urge my colleagues to consider this timely and important piece of legislation.

Mr. President, I ask unanimous consent that an article entitled "Study Finds Alcoholism Touches 4 in 10 in U.S." from the Washington Post be included in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 1, 1991]

STUDY FINDS ALCOHOLISM TOUCHES 4 IN 10 IN THE UNITED STATES

(By Paul Taylor)

More than four in 10 adult Americans have been exposed to alcoholism in his or her family, and divorced or separated men and women are three times as likely to have been married to an alcoholic as other married men and women, a federal survey shows.

"It is clear from this study that statistics on the number of alcoholics in this country—10.5 million—greatly underestimate the total number of people affected by the disease of alcoholism," Secretary of Health and Human Services Louis W. Sullivan said in releasing a survey by the National Center for Health Statistics.

"Since the beginning of the war on drugs, there has been so much focus on illicit drugs that there's been a tendency to forget that the drug that most profoundly affects people's lives is alcohol," said Christine Lubinski, director of public policy for the National Council on Alcoholism and Drug Dependence, a private, nonprofit advocacy group. "We are gratified that these findings dramatize how much we need to focus on alcohol."

The survey was based on interviews with 43,809 adults in 1988. It did not define the terms "alcoholic" or "problem drinker," but allowed respondents to interpret those terms as they wished. All of the following figures combine those two terms. Among the major findings:

76 million adults, or 43 percent of the adult population, either grew up in a family with an alcoholic, married an alcoholic or have had a blood relative who is an alcoholic.

Exposure to alcoholism in one's childhood has grown more prevalent in recent generations. The report found that 21.4 percent of persons age 18–44 reported growing up in a family with an alcoholic, compared to 16.5 percent of those age 45–64 and 8.5 percent of those over age 65.

It speculated that some of this increase may stem from the fact that younger adults identify problem drinking at an earlier stage than older adults, who grew up in a social milieu that did not identify alcoholism until an alcoholic was "falling down" drunk or could not work.

More than one-third of all separated or divorced women said they had been married to an alcoholic at some time, compared to 12 percent of all married women. Widows were about twice as likely as married women to have been married to an alcoholic. Just under 11 percent of all separated or divorced men said they had been married to an alcoholic, compared to 3 percent of married men.

"Although many marriages survive the effects of alcoholism, either because the alcoholic seeks help or because the family accommodates to the alcoholic drinking, it is clear that a large number of marriages dissolve in the face of alcoholism," wrote Charlotte A. Schoenborn, the report's author.

"Not only are family members of alcoholics more vulnerable to developing alcoholism themselves," said William L. Roper, director of the Centers for Disease Control, "they also are often subjected to many adverse conditions associated with alcoholism—conditions ranging from economic hardship to physical abuse."

Lubinski said she hoped the report would fuel two legislative initiatives currently before Congress—one that would include alcoholism as one of the diseases covered under the various universal health coverage proposals being drafted, and another that would require health and safety warnings be included in all alcohol advertising.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I have followed closely the nomination of Clarence Thomas to be an Associate Justice of the U.S. Supreme Court. I have watched the confirmation process with much interest, and with an enormous sense of the impact that Judge Thomas could have on the lives of all Americans for the next half century.

I have been struck by Mr. Thomas' personal history, and by how he overcame racial bigotry and State-sanctioned discrimination to become a successful public official and an appeals court judge. I have found Judge Thomas to be personally engaging and charming. But through it all, I have not found sufficient evidence that Mr. Thomas possesses the qualities Americans should expect—indeed demand—from a member of the highest court in our land.

Mr. President, the Senate's advise and consent role is among its most significant responsibilities. The Senate is obligated to ensure that any individual appointed to the Supreme Court will vigorously uphold the Constitution and protect the many freedoms that we, as Americans, enjoy.

The President is not entitled to a blank check when it comes to judicial nominations. The judicial, executive, and legislative branches are coequal partners in our Government. While the President may be entitled to some degree of deference when he nominates individuals for Cabinet positions, he is entitled to no such deference when it comes to the Supreme Court. And the Senate should test every Supreme Court nominee based not on politics, but on ability, temperament, and sincerity.

Mr. President, after watching the hearings, reading numerous materials written both by and about Mr. Thomas, examining Mr. Thomas' record and discussing with Mr. Thomas various aspects of his personal philosophy, I have concluded reluctantly, I might say, that I cannot vote to put Clarence Thomas on the U.S. Supreme Court.

Throughout the nomination process, I have tried to piece together the real Clarence Thomas. I began the process with an open mind and liked Mr. Thomas personally when I met him. But much to my disappointment, Clarence Thomas did little to show the country who he is, or what he believes in. In fact, he provided more questions than answers.

As I watched the Judiciary Committee's confirmation hearings, I was dismayed to see Mr. Thomas backpedal from virtually every controversial opinion he has expressed over the last decade. The Clarence Thomas who espoused the use of natural law as "the only firm basis for a just and wise constitutional decision" was absent at the hearings. In his place sat a new Clarence Thomas who told the Judiciary Committee that he does not "see a role for the use of natural law in constitutional adjudication."

Then there was the Clarence Thomas who told the committee that Roe versus Wade was one of the two most important Supreme Court cases to be decided in the last 20 years, but claimed never to have discussed it. The old Clarence Thomas, on the other hand, referred to an essay on the right to life, written by Lewis Lehrman, as "a splendid example of applying natural law." That article's principal focus was the Roe versus Wade decision, yet the new Clarence Thomas claims never to have discussed the case or even formed an opinion on its outcome. Mr. President, this is not a case of prochoice or prolife; it is a question of credibility.

Even if Mr. Thomas is telling us the truth, I have to question the thoroughness, temperament, and intellectual curiosity of an individual who could so easily commend an article that advocates a viewpoint on which he has formed no opinion.

Mr. President, I am also troubled by Mr. Thomas' comments about Justice Oliver Wendell Holmes. In his remarks before the Pacific Research Institute in 1988, Mr. Thomas castigated Justice Holmes for his views on natural law. He quoted from an essay by Walter Berns, stating "no man who ever sat on the Supreme Court was less inclined and so poorly equipped to be a statesman or to teach. * * * what a people needs in order to govern itself well."—views which, as Senator Heflin pointed out, Mr. Thomas now claims as his own.

But Mr. Thomas told the Judiciary Committee that he respected Justice Holmes as "a giant in our judicial system." He said that he later read additional materials about Justice Holmes and changed his view. And he dismissed his previous comments on Holmes as merely the words of another scholar.

Again, just as with the Lehrman article, I have to question not only Mr. Thomas' forthrightness but also his thoroughness and impartiality. As Senator Heflin put it, "Judge Thomas' responses suggest to me deceptiveness, at worst, or muddle headedness, at best."

Judge Thomas insists that he should be judged as the Judiciary Committee saw him, not based on the decade of writings, speeches, and policy positions he has under this belt. But what the Judiciary Committee saw was a man who engaged in a full-scale retreat from countless public positions he has taken over the past decade. Thomas abandoned his pronounced opinions on affirmative action. He abandoned his advocacy of natural law. He abandoned his opinions about congressional power and oversight. And he abandoned his views on Justice Holmes. How can Mr. Thomas expect anyone to discount his abrupt transformation, when he stands to inherit an office from which he will render decisions that will affect the rights of millions of Americans for years to come?

Mr. Thomas tells us that we should believe him because his previous writings and speeches were made in his role as an executive branch official. He asserts that many of his previous opinions were the musings of an amateur political philosopher, while others were given in his role as an advocate.

Mr. President, even if one accepts these arguments, which I do not, one has to question the logic of Mr. Thomas' views about the responsibilities of judges. Mr. Thomas asserts that as a judge he has cast aside all of his former opinions, and in fact, no longer forms opinions on any issue that could come before the Court, lest he lose his objectivity.

Of course, judges should be objective. That is their job. But it is either naive or disingenuous for Judge Thomas to suggest that he does not bring values and opinions into the courtroom. Indeed, I believe it is far-fetched for Judge Thomas to suggest that his previous opinions, presumably shaped by his experiences earlier in life, are somehow irrelevant now that he is a judge. Judge Thomas describes his childhood experiences at length, presumably so that Members of the Senate will take that past into account in determining how to vote. Yet he tells us that nothing he said during the last decade matters. He tells us to ignore opinions that he expressed vehemently as recently as 2 years ago.

Mr. President, I find it extremely difficult to ignore those opinions.

Then there is Mr. Thomas' chairmanship of the Equal Employment Opportunity Commission. During his tenure, Mr. Thomas allowed thousands of age discrimination complaints to exceed the statute of limitations. When the Senate Special Committee on Aging first confronted Mr. Thomas about the complaints, the committee did not find him to be forthcoming or cooperative. In fact, the Aging Committee tried for months to extract from Mr. Thomas' EEOC information on the number of age discrimination charges that had expired due to inaction. After Mr. Thomas repeatedly stonewalled the committee, it was forced to resort to use of a subpoena.

By the time the committee issued its subpoena, it had been inquiring for several months into the number of complaints that had exceeded the statute of limitations. The subpoena was issued after Mr. Thomas publicly stated that 900 claims had expired—a statement he made after failing to supply that same information to the Aging Committee.

Mr. Thomas' inaction caused thousands of individuals to lose their right to have their day in court. As far as these people were concerned, Congress might just as well never have enacted the Age Discrimination in Employment Act—because Mr. Thomas' neglect rendered the act virtually useless to them until Congress restored their right to be heard.

Mr. Thomas expressed to the Judiciary Committee his sorrow at the lapse that caused so many individuals to lose their rights. But this sounded quite different from the Clarence Thomas who piloted the EEOC. During an EEOC meeting where the commissioners discussed an important age discrimination case, Mr. Thomas was asked whether he thought it would be coercive for a company to threaten older workers with job loss if they refused to retire early. He responded, "I think it constitutes reality." That indifference to older workers leads me to believe, Mr. President, that Mr. Thomas' sorrow runs much more toward his personal reputation than toward the hardship suffered by countless victims of age discrimination on whom his agency turned its back.

Finally, Mr. President, I am concerned that Judge Thomas does not have the scope of legal knowledge that a Supreme Court justice should possess. Justice Souter showed an exceptional command of constitutional law. He showed a depth of judicial knowledge leagues above that demonstrated by Judge Thomas. And he showed a measure of thoughtfulness that I do not see in Judge Thomas.

Some believe that Mr. Thomas' background would add important diversity to the Court. But Mr. President, there are two kinds of diversity—diversity of experience and diversity of thought. And this Senate is not voting on Mr. Thomas' past, but on the Mr. Thomas of today—and 30 years from today. While Mr. Thomas may come from roots vastly different from the other Justices, I do not believe he is an individual who will contribute to the intellectual and philosophical balance of the Court—a balance that has steadily eroded during the last 10 years.

Mr. President, I fully expect that the Senate will confirm Judge Thomas. Therefore, I share the hope of those who believe that Mr. Thomas will grow as a Justice, and will approach constitutional adjudication with a truly open mind. However, I am not prepared to gamble my vote on such hopes. The stakes are simply too high.

I thank the Chair and yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to take just a few moments today. It is no secret that I feel Judge Clarence Thomas should be confirmed to the Supreme Court of the United States of America. I have known him for over 10 years, and I can tell you he is one extraordinary human being. He is honest; he is a person of integrity; he is a person of capacity; he is a person of good work habits; he is a person of fairness. He is the type of person that I would like to have my cases heard before, on either the trial or appellate benches of this country, and certainly on the U.S. Supreme Court.

It has been amazing to hear some of the arguments against him. I would like to take a few moments to briefly touch on and respond to some of the more egregious charges. I am only picking a few at random—there have been a lot more—from some I heard yesterday on the Senate floor by some of my colleagues who voiced their opposition of Judge Thomas' confirmation.

Let us take one charge: Judge Thomas was evasive and did not respond to the questions of the Judiciary Committee. The real complaint, in my opinion, is that Judge Thomas would not commit himself to voting the liberal agenda. What Judge Thomas said again and again is that he has no agenda other than interpreting the law as written by those who are entitled to write it.

Another charge: Judge Thomas, they say, is unbelievable when he says he has never talked about Roe versus Wade, the abortion case, and he has no position on it. I went into this yesterday. What Judge Thomas said is that he has never debated the merits of Roe versus Wade. That is considerably different from saying he has never discussed it. He did not say that he has never thought about it or discussed it. What he did say is that, as a judge, he has no position on it, and that he would approach the case with an open mind and no preconceived agenda.

That is all we can properly ask of any judge. We cannot extract the kind of commitments that some of our liberal colleagues seem to want. We should not seek to extract commitments in advance by judicial nominees to vote for conservative or liberal results.

Another charge: Judge Thomas is opposed to affirmative action and equal opportunity programs. That is pure rubbish, and those who charge him with that know it. Judge Thomas made clear that he, like the majority of the American people, opposes preferences which, as I explained yesterday, are vastly different from outreach programs and other nondiscriminatory measures that increase opportunities for members of all groups. Judge Thomas has expressed support for this latter form of affirmative action, increased outreach and recruitment. He has opposed racial and gender preferences.

Another one: The distinguished Senator from Massachusetts said that the Supreme Court is supposed to be the "impartial umpire," and says that Judge Thomas might possibly threaten that role. This is the same colleague who argues that the Supreme Court is supposed to take notice of the racial, ethnic, or gender identities of the litigants before it and rule according to whether the litigants happen to be members of particular preferred groups. With all due respect, my friend and colleague does not, in my opinion, want an impartial Supreme Court. He appears to want a Court that will serve as an engine for imposing the liberal agenda on all of America.

Another charge: Judge Thomas has had a career of expressing "extremist views." That is hogwash. Anybody who looks at his career knows it. This is nothing more than an effort to define the mainstream by those who, I respectfully suggest, could not find the mainstream if they paddled for weeks and months. These are the people who want the courts to continue to invest rights, to impose policy outcomes on the American people that they know would never be accepted at the ballot box and that they cannot get here through the Senate and through the House of Representatives.

These very same people, since they cannot get their liberal agenda through the Congress, because most Americans will not stomach it, want the courts to do it for them, and in the past we know the courts have.

Another charge: Judge Thomas was misleading when he did not discuss the Lamprecht case before him in the D.C. Circuit Court of Appeals when he was asked about Metro Broadcasting by Senator SPECTER. Judge Thomas could not discuss that particular case because it was pending before him, and if he had tried to, he would have violated the canon of judicial ethics. Judge Thomas is to be credited for maintaining his judicial impartiality.

In Metro Broadcasting, the Supreme Court held that the FCC—the Federal Communications Commission—could grant preferences to minority applicants in broadcast license application proceedings. The Court, however, expressly declined to reach the question of whether the FCC could grant similar preferences to applicants on the basis of gender.

In the Circuit Court of Appeals for the District of Columbia there was a case involving Jerome Lamprecht's application for a radio broadcast license. Mr. Lamprecht was denied a license because, in the words of the administrative law judge who made the ruling, he had a "birth defect"; that is, he was male—simply, purely because he was male.

This case was held in abeyance pending the resolution in the Supreme Court of Metro Broadcasting. When the Supreme Court decided that case, the D.C. Circuit took up again Mr. Lamprecht's case. Judge Thomas was assigned to the panel that is considering the case, and it is still under consideration. To criticize him for not discussing it in open forum is highly improper, highly unusual, and absolutely wrong.

With respect to this case, now pending before the Court of Appeals for the District of Columbia, Mr. President, I find it incredible that Members of this Senate relied essentially on a press report for attacking this nominee. I believe the opponents of Judge Thomas have well exceeded the bounds of decency and fairness on this issue.

The serious breaches of judicial confidentiality upon which the Legal Times article is based demonstrated one thing: Some opponents of this nominee will not even stop at subverting the judicial process itself in order to tear this good man down.

There are those in this body who will make use of such an abuse in order to block the man. No one in the Senate has seen this draft opinion, I might point out.

I respectfully submit that the Senate demeans itself by being a party to this kind of attack on a nominee.

I believe the American people should know that the case involves the lawfulness of the Federal Government's preference for women in the award of the ownership of a radio station license. Make no mistake, this kind of affirmative action is not even remotely aimed at poor or disadvantaged persons. These preferences—the Supreme Court has already upheld such preferences for minorities—are only helpful to the very well-off. Only the well-off could hope to afford to own a radio or television station.

Whether the case upholding minority preferences in broadcast licenses, Metro Broadcasting versus FCC, controls the outcome of the pending case is beside the point. These cases are not only about gender and racial preferences, but for such preferences only the well-off in those groups can benefit from them. I think that is important to understand. Finally, had Judge Thomas disclosed his thinking in Lamprecht then, he would have been wrong and he would be violating professional and judicial ethics.

Finally: We have heard from several Senators opposing Judge Thomas that he has an admirable personal background and an excellent education, a keen intellect, and a fine record of professional achievement. Almost everybody is saying that. The ones who seem to be saying it more than anybody else seem to be the opponents to Judge Thomas. In substance, not because the rest of us do not feel otherwise, those who support him, we know that those things are true, but they say this as though it justifies some of the attacks that they are making.

Judge Thomas' answers to the Judiciary Committee are very similar to the answers that the committee received from then Judges Kennedy and Souter. So it cannot be that his background or his answers to the Judiciary Committee are what are causing the opposition in this case. It appears to me that the answer has to be that Judge Thomas is a black moderate-to-conservative who has been unwilling to heel to the liberal party line. It is Judge Thomas' fierce independence, I would suggest to you, that really sticks in their craw.

Frankly, I think it is very difficult for them to see that a moderate-to-conservative African-American will have the opportunity of sitting on the U.S. Supreme Court and become a role model for people all over this country regardless of race, ethnicity, or gender.

I think that is a tremendous, considerable worry to some. I think there may be just a little bit of thought that they might be able to damage the President of the United States, also, in the process—on the part of some, not all. I know some are very sincere in their opposition to Clarence Thomas, and I have to uphold their right to oppose him in that regard.

I think there is a little bit more involved with some. I do not mean to be cynical, but I have seen it year after year. He is an admirable person with keen intellect, who has come up through poverty and has had an amazing life—prefacing their next set of remarks where they try to tear him down because he, like Justices Souter, Kennedy, and the others answered the questions pretty much the same.

Why is he being treated differently from them? As you all know, they passed through the U.S. Senate pretty readily, under the circumstances.

I am shocked by the cynical distortions some of my friends on the other side of the aisle have engaged in with respect to this nominee.

We have seen during this debate the unedifying spectacle of well-born white liberals try to tell Judge Thomas what being black is supposed to be all about. It is disappointing to see this nomination used to create straw men, knock them over, attack a nominee personally, characterize his family, pander to the most leftward special interest groups in one's electoral strategy, seek the applause of liberal pundits, at the expense of this man, Judge Clarence Thomas.

Judge Thomas has never said Government intervention was not necessary to help people, as some Senators have said. First, what has this to do with his responsibilities as a Justice? Beyond that, if Senators were not so intent on finding excuses to vote against this nominee, and on painting a caricature of this man, they might have watched a replay of a 1983 interview of Thomas with Tony Brown on Tony Brown's Journal. Mr. Brown asked Judge Thomas, and I am paraphrasing: Are Government social programs the cornerstones of black progress? The judge replied: No, they are a steppingstone, not a cornerstone. And he has never departed from that view. He has never, to my knowledge, said that there should be no Government social programs.

But what if he had? Again, his views on policy issues are irrelevant to his duties on the Court. And absurd guilt-by-association tactics are used against him to suggest he has an affinity for a point of view which would do away with Social Security or college financial aid, neither of which he would do.

It must be pretty easy to decide to vote against someone on the basis of contrivances and distortions.

One Senator, who I very much respect but who I disagree with, complains that Judge Thomas is not "a person that you would want structuring the legal framework for our children's future."

I agree with him in one sense. I would not want any judge doing that. That is what we are supposed to do here in the Congress. We are elected to do that. Judges are not elected to structure the legal framework for our children's future. We are.

To oppose the nomination of Judge Thomas on this basis reveals such a fundamental misunderstanding of our Nation's legal and constitutional makeup that I hardly know how to rebut it. I do not think it is worth the rebuttal time. We, not an unelected judge, are responsible for "structuring the legal framework of our children's future."

Do these Senators who feel this way propose simply to abandon our duties in this regard, so that nine unaccountable, unelected men and women can enact the laws that Congress fails to provide?

Let us be clear on this. We, in the Senate and House, and our counterparts in the State legislatures, are responsible for structuring this Nation's laws. That is what we do. We pass laws. I have to say that we pass good ones, as well as bad. No judges, however good, are going to correct our failures, and we should not look to the Court to do so.

Some of his opponents claim they followed the hearings, and still they heard only what they wanted to hear. They claim he abandoned most of his views at the hearings. This was not so, as I pointed out yesterday. For example, the judge's discussions of affirmative action with the committee were steadfast. Judge Thomas refused to budge from his stated opposition to racial preferences, articulated as a policymaker in the executive branch.

Much of the opposition to Judge Thomas, in my view, stems from his forthright stand on this very issue. Judge Thomas was and is unequivocal in his support for outreach programs, for making efforts to broaden the scope of employee applicant pools, for making whole the actual victims of discrimination, and for punishing the wrongdoers, rather than innocent third parties.

At the same time, he defended his opposition to race-conscious preferences that do not provide relief to actual victims of discrimination, but rather, provide benefits to members of particular groups solely because of their membership on those particular groups.

His support for educational preferences based on disadvantaged status, regardless of race, is fully consistent with his opposition to racial preferences. He says, let us treat all of the disadvantaged, regardless of race, ethnicity, or gender, the same and help them along.

Frankly, the most astonishing vanishing act during the hearing process was by supporters of racial preferences on the other side of the aisle, who barely raised the issue with the judge. The one time they did raise it, it was on a misunderstanding of the case they were raising it on. He never implied that his philosophy is like a set of clothes to be changed, depending on the circumstance, as if he has no views, no convictions or commitment to them.

He said that, in his role as a judge, he sheds his policy views, like a runner strips off excess clothing. If some Senators cannot understand the difference between a policymaker and a judge, that is their problem, not an inconsistency in the judge himself.

This distinction between the judge as an interpreter of the written law, and the legislator as the author of the written law, appears to be wholly lost on some of Judge Thomas' critics. They are incredulous that Judge Thomas could, as a policymaker, have taken strong positions, and then, as a judge, forswear any policy agenda. For them, apparently, adjudication in the courts is nothing more than a continuation of politics by other means.

Put more bluntly, some of the critics of Judge Thomas would collapse the distinctly different functions of adjudication and policymaking into an approach that simply reaches a preferred policy result, whatever the violence done to the written law.

I agree with one of his opponents who said we should not sentimentalize black life in America and that significant parts of the black community have some dire problems. But that Judge Thomas does not necessarily share the prescriptions of many of the traditional civil rights leaders for these problems, that Judge Thomas thinks for himself and is independent of some of these leaders and their groups, even though some of his opponents in this body may not be, is no reason to engage in personal attacks on this good judge.

That he disagrees with welfarism as a principal approach to these problems, that he is tough on crime, that he opposes racial preferences, is just to say he espoused another way to address these serious problems.

He told the Judiciary Committee last year that he became a lawyer so that those who do not have access in our society can gain access. He said he may differ with some as to how to achieve access, but access is the goal.

How do these liberals think the conditions in the black community, which they decry, got that way? Racism and its legacy are two important reasons.

No one should minimize them. Judge Thomas does not minimize them. I do not. But it is 1991—racism is not the only explanation. It is just one.

Perhaps some of the do-good policies fostered by those of the more liberal persuasion have had something to do with the plight of disadvantaged blacks in this country—a welfare policy, for example, which encourages the breakup of families.

One of the judge's critics referred to urban schools as "warehouses, rather than places to learn."

I invite my colleagues to support education vouchers and tuition tax credits to widen opportunity and choice for disadvantaged persons. These are not panaceas, nor are they the only answer. They are not self-help. But they are different ways to approach the failures of urban education in this country.

After all who has been in charge of urban education in this country, conservatives? Hardly. Not over the last 50 years. No one has all the answers. Judge Thomas does not claim to have them. His critics certainly do not have them.

But to try to shunt off the debate on these important problems by characterizing this man does not help in stopping the problems. In listening to critics I have tried to determine why are they opposing Judge Thomas.

Is it because of his short tenure on the bench? I do not think that to be the case; 41 of the 105 Supreme Court Justices had no prior judicial experience at all. Some of the greatest Justices in the history of the Court never had a day on a court before they became Supreme Court Justices, another 10 had less than 2 years of judicial experience. Thus Judge Thomas has had as much or more experience than have many of those who served on the Supreme Court.

Is it his record in the executive branch? Is that what is wrong? Following his tenure at the Department of Education, the Senate confirmed him twice to the chairmanship of the EEOC. Judge Thomas was confirmed as Assistant Secretary for Civil Rights at the Department of Education, and twice as Chairman of the EEOC, and then once to the second highest court in this country, the U.S. Court of Appeals for the District of Columbia Circuit.

Judge Thomas, the only person I know of in the history of the country confirmed by this august body four times within 9 years, and now all of a sudden he is running into all kinds of roadblocks, now that he has an opportunity to represent all of us on the Supreme Court of the United States of America. This is an opportunity he deserves to have, that he has the integrity to have, and that he has the intellectual capacity to have. It cannot be his record in the executive branch because, like I say, we have confirmed him for positions there three times.

Following his first EEOC term, Judge Thomas was reconfirmed to a second term. Of my colleagues who are criticizing him for his EEOC record, only one of them voted against him. At least he is consistent. But then Judge Thomas was confirmed to the Federal appellate bench. Following the second EEOC term, he was confirmed to that judgeship by this body overwhelmingly.

The Washington Post, in 1987, said that the EEOC was thriving under Judge Thomas. In 1991, U.S. News & World Report said it seemed clear he left the EEOC better off than he found it.

I believe that there are two basic reasons for the opposition to Judge Thomas. Some of his opponents simply cannot bear the thought of an intelligent moderate-to-conservative African-American rising to such a position of prominence that he will be a role model that will cause others to start thinking there may be a better way than what has happened in the past.

The thought of a black American expressing opposition to racial preference in this country is anathema to some of Judge Thomas' opponents. For them Judge Thomas should be shown to the back of the bus. What an irony.

The other reason for opposition I believe is the vanishing liberal hope that the judiciary, under the pretext of interpreting the Constitution, will impose on the American people the very same liberal policies that have been overwhelmingly rejected in five out of the last six Presidential elections.

Mr. President, I have to tell you that the principle of stare decisis, or following prior precedent, has suddenly risen to the forefront with those who oppose Judge Clarence Thomas. They now want all of those liberal decisions handed down by the Warren and Burger courts, maintained intact no matter how wrong they may be.

I have a feeling a number of them will remain intact, in part because Judge Clarence Thomas will be there and because he is not in anybody's pocket. I guarantee to this body that Clarence Thomas is going to disappoint a number of us on this side as well as a number of us on that side from time-to-time because he will not decide the law the way we think he ought to. But that is true of almost every Supreme Court nominee in history.

I have to tell you if we start determining that we cannot vote for anybody who is nominated to the Supreme Court who does not agree with every one of our litmus test positions on issues, there will never be Justices on the Supreme Court, nor will the Court amount to much because it will be thoroughly politicized. And once that happens they will become the superlegislature. And these bodies, the Senate and House, will diminish in importance. The principle of separation of powers that the Constitution has provided, and which has made this country the greatest country in the world and which has served the American people about as well as any constitutional provision possibly could, would then be jeopardized.

Mr. President, I am concerned. I am concerned that to judge him on the few litmus test issues he is being judged on by some who are going to vote against him contributes to a destabilization of government by erosion of the principle of separation of powers.

We simply cannot afford the luxury to reject judicial nominees because they do not agree with us on issues or even two or three issues, with what we think are the right things that ought to be done.

There are literally thousands of issues that can come before that Court, and every issue that does is important to those litigants. And the best we can do in the Congress is to support people of honesty, integrity, good judicial temperament, good work habits, and good intellectual capacity. I have to tell you Clarence Thomas has all of those going for him.

Anybody who watched the hearings has to admit this is a very fine man, of great capacity, who will do a great job on the Court, maybe not one that will please each and every one of us on each and every issue—he is certainly not one who will do that—but nevertheless one who will give it his best, and do a good job and I think be a role model for all of us to follow.

I hope all of our colleagues will give him a better break and really look at the record now, really look at what he stands for, really look at his life, really look at his service in State government and the three branches of the Federal Government, and his tenure in the private sector and give this man the opportunity, as one of only two African Americans ever nominated to the Court, to serve the people of the United States of America and to be example all of us would like him to be. I know he can and I hope that all of us will consider voting for him next Tuesday evening.

It is an important vote. I think it is important that we give him our assurances that we have confidence that he can do the job. I know he has confidence he can. He held one of the toughest positions in the Government and did it well and had the praise of those who philosophically disagreed with him. To have him now being held up because of litmus tests, and darn few at that, I think is the ultimate irony in this Supreme Court confirmation process.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Indiana.

Mr. COATS. Mr. President, I rise in strong, unqualified support for the confirmation of Judge Clarence Thomas as an Associate Justice of the U.S. Supreme Court.

It has been observed that, "when a man assumes leadership, he forfeits the right to mercy." Clarence Thomas, knowing the interest groups arrayed against him, had no expectation of mercy, but he has every right to demand honesty and fair play, and he has found, in many cases, very little of either.

The tone was set when Florence Kennedy described the National Organization for Women's objective. "We are going to Bork him," she said. "We're going to kill him politically * * * this little creep, where did he come from?"

For groups like these, politics has become nothing more than the systematic organization of hatreds. Civility and integrity are sacrificed to irrational bitterness. They insult and trivialize an important process with shrill nonsense. They have forfeited their moral authority through exaggeration and distortion. But they have succeeded in making the work of the Senate more difficult.

It is our responsibility to ensure that Judge Thomas is fairly treated—to hear the evidence above a din of partisanship. The confirmation process is not properly a political struggle—that struggle was decided in a Presidential election 3 years ago. It is, instead, an impartial consideration of ability, accomplishment, temperament, and respect for constitutional values.

That is our goal. Only by these standards are we worthy to sit in judgment of those who judge.

Some of the specific criticisms leveled at Judge Thomas shout for refutation. Let me specifically address a few:

First, he has been assaulted with an intolerance that I have seldom witnessed in Washington. A nationally syndicated columnist accuses, "if you gave Clarence Thomas a little flour on his face, you'd think you had David Duke talking." Harvard Law Prof. Derrick Bell has pronounced that Thomas "looks black and thinks white" and acts like a slave made an overseer by his white masters. The New York Times felt it was necessary to consult a prominent psychiatrist to find out how an educated black man might actually become a conservative—as though his political beliefs were symptoms of some mental dysfunction.

This reaction encompasses both fear of diversity and a resentment of rival authority. It is a heavy-handed attempt to impose the reign of the politically correct through the intimidation of demeaning invective.

On this issue, Clarence Thomas spoke for himself in 1985 more convincingly than any of his defenders. In the Los Angeles Times he wrote:

> There seems to be an obsession with painting blacks as an unthinking group of automatons, with a common set of views, opinions and ideas. Anyone who dares suggest this may not be the case * * * is immediately cast as attacking the black leadership or as some kind of anti-black renegade.
>
> Many of us accept the ostracism and public mockery in order to have our own ideas, which are not intended to coincide with anyone elses' although they may do just that. The popularity of our views is unimportant; hence, polls and referendums are not needed to sustain or ratify them. Perhaps the most amazing irony is that those who claim to have progressive ideas have very regressive ones about individual freedoms and the attendant freedom to have and express ideas different from theirs.
>
> We certainly cannot claim to have progressed much in this country as long as it is insisted that our intellects are controlled entirely by our pigmentation.

Second, Judge Thomas has been accused of opposing basic civil rights with brutish insensitivity. Here again, the charge is moral, while the real disagreement is political. Thomas explains:

> I firmly insist that the Constitution be interpreted in a colorblind fashion. It is futile to talk of a colorblind society unless the constitutional principle is first established. Hence, I emphasize black self-help, as opposed to racial quotas and other race-conscious, legal devices that only further and deepen the original problem.

While Judge Thomas supports affirmative action, he has opposed quotas and preferential treatment. It would be an extraordinary irony to label as an enemy of civil rights a person who articulates views accepted by most of the American public and defended by figures such as Hubert Humphrey and Martin Luther King, Jr.

Third, Judge Thomas has been charged with being unresponsive to questions by the Judiciary Committee. Here some historical perspective is in order. During Judge Thurgood Marshall's confirmation hearings, he was questioned closely by Senator John McClellan of Arkansas concerning Miranda versus Arizona. Marshall replied:

> On decisions that are certain to be reexamined in the court, it would be improper for me to comment on them in advance. From all the hearings I have read about, it has been considered and recognized as improper for a nominee to a judgeship to comment on a cause he will have to pass on.

That is not a quote from Clarence Thomas. That is a quote from Thurgood Marshall.

But this was not all. Senator Sam Ervin attempted to get Marshall to discuss the case law that led up to Miranda—much like questions asked on the privacy cases that led to Roe versus Wade. But Marshall would not even comment on the words of the fifth amendment concerning self-incrimination. A frustrated Ervin complained that, with the Supreme Court's wide jurisdiction, the nominee would be giving the committee very little specific information. "It is a problem," admitted Marshall. But he added that it was a problem for the committee, not for the nominee. In the end, Marshall would only comment on cases decided long ago which were no longer controversial.

I find it somewhat ironic that many members of the Judiciary Committee complain so long and loud about the response given by this current nominee and the position taken by this nominee was identical to the position taken by his predecessor, who was roundly praised for his judicial integrity, for his openmindedness, and for his objectivity by these very people criticizing Clarence Thomas.

Fourth, Thomas has been opposed because he would upset the ideological alignment of the court. But in that same Marshall confirmation, a response to that objection came from Senator Roman Hruska of Nebraska. He had received a letter claiming that Marshall was too liberal and would upset the balance of the Court. "The nominating power," he argued on the Senate floor, "lies with the President of the United States: If it is his desire to appoint someone he considers a liberal, that is his prerogative. If he wants to nominate someone he considers a conservative, that is also his prerogative. The role of the Senate is to inquire into the integrity, the competence and the record of the man" not his ideology.

Fifth, Judge Thomas' record at the Equal Employment Opportunity Commission has also come under attack. That Commission experienced some difficulties. But the only way we know of those problems is because of the case management and litigation tracking improvements that Thomas himself initiated. The Chicago Tribune concluded in 1988, "everybody makes mistakes. Too few people in public life own up to them, much less pledge uncompromisingly that they will be corrected. Bless you, Mr. Thomas, for straight talk in an age of waffling."

And those problems were corrected. In 1981, before Thomas' tenure, the EEOC recovered less than $30 million in benefits for victims of age discrimination. In 1989, the figure was nearly $61 million. In 1981, 89 lawsuits were filed under the Age Discrimination in Employment Act. In 1989, it was 133. All this was accomplished during a time when manpower was decreased by 10 percent.

Each of these issues has been near the center of controversy in the Thomas nomination. But the most basic, challenging, complex debate has concerned the nominee's conception of natural law. The chairman of the Judiciary Committee told Judge Thomas, "finding out what you mean when you would apply a natural law philosophy to the Constitution is, in my view, the most important tasks of these hearings."

The press has joined in the attempt. Reporters who have seldom darkened the door of a church read Aquinas long into the night. U.S. News & World Report asks what it considers the ominous question, "would Justice Thomas put God on the bench"? It warns that Thomas would "provoke a firestorm of opposition if he suggests that practices such as birth control * * * are 'unnatural' and, thus, not protected."

Nine constitutional scholars jointly wrote a letter to the Senate Judiciary Committee about Judge Thomas' natural law convictions: "As a matter of constitutional method, natural law is disturbing when invoked to allow supposedly self-evident moral 'truth' to substitute for the hard work of developing principles drawn from the constitutional text and precedent."

The Leadership Conference of Civil Rights argues that Thomas' opinions on natural rights are "radical and place him well outside the judicial mainstream." The National Women's Law Center concludes, "Judge Thomas' theory sets him far outside the mainstream of legal thinking."

But it has been constitutional scholar Lawrence Tribe who has raised the most dramatic concerns. "The power of Congress and of every State and local legislature [hangs] in the balance," he writes. Thomas' view of natural law threatens nothing less than "the fate of self-government in the United States."

Even discounting for hyperbole, this is a serious charge. And I want to take a few moments to examine the issue more closely, and particularly Judge Thomas' opinion on this matter.

At the most abstract level, there should not be much controversy at all. A distinction between natural or higher law and positive or written law is at the root of our national tradition. The Declaration of Independence talks of "certain unalienable rights"—but more than that, it argues "that to secure these rights, governments are instituted among men."

Individual rights, the American Founders asserted, existed before they actually did any founding. These rights, in short, are essential to the nature of things. A just government is created to secure them. Human rights do not come into existence because of some political act. On the contrary, every political act must conform itself to the fact of their existence.

The alternative to a belief in natural law is moral relativism and what is called legal realism or positivism. In this view, there is no higher authority than the law itself. There is no objective justice, only a balance between competing interests. No "law of nature and nature's God" stands in judgment over the actions of government. Jurist Hans Kelsen, who taught at both Harvard and UC-Berkeley, argued that law is only "a system of coercion-imposing norms which are laid down by human acts in accordance with a constitution." They have nothing, in short, to do with morality. "Any content whatsoever can be legal: There is no human behavior which could not function as the content of a legal norm."

Opponents of Judge Thomas may contend for this view; they may attack rival theories; but they may not claim that this view stands in the mainstream of American constitutional interpretation. Randy Burnett, professor at ITT-Kent College of Law, comments, "Americans believe they have rights that the Government didn't create and can't take away. Thomas is right in the mainstream of what people think."

The point of natural law is actually very simple. Constitutions do not create rights. They recognize them because they already exist. And they can never be sacrificed merely because it would be useful or popular. This is the conviction that allows us to condemn slavery, for example, both in ancient Rome and the antebellum South. Moral judgments on basic rights do not change with the flow of history or politics.

Judge Thomas has put himself squarely in this tradition:

> Our political way of life is by the laws of nature and nature's God, and of course, presupposes the existence of God, the moral ruler of the universe, and a rule of right and wrong, of just and unjust, binding upon man, preceding all institutions of human society and government.

If the nominee did not have such a belief—if his thinking were adrift in relativism and skeptical of man's natural, innate worth—this would be a cause for concern. The upward progress of Western law is the history of extending and applying natural law to a widening circle of inclusion—to blacks, women, the physically and mentally handicapped. University of Chicago law professor Geoffrey Miller asserts that natural law is a theory which has "led to many of the most important and revered events in the history of civil liberties."

A survey of that history is an account of the highlights of American conscience and international justice. The Founders, as law students, would have read William Blackstone, whose writings were standard texts for the ERA:

> The law of nature, dictated by God himself, is binding in all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority from this original.

Alexander Hamilton, steeped in this tradition, argued, "The fundamental source of all errors, sophisms and false reasoning is a total ignornace of the natural rights of mankind."

In the early 19th century, Chief Justice Lemuel Shaw of the Massachusetts Supreme Court called the acquisition of a slave "contrary to natural right." It was this central argument that animated the movement for the abolition of slavery.

This principle was invoked to justify the Nuremburg trials of Nazi war criminals. After the Holocaust, when an international tribunal was assembled, it was concluded that natural law provided a "solid foundation for the establishment of basic human rights for all men, everywhere." These transcendent standards of justice allowed for legal judgment in the absence of positive law.

For the same reason, it is embodied in the Universal Declaration of Human Rights adopted by the United Nations. That document begins, "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. * * *"

Belief in natural law informed the civil rights movement in America from its beginnings. Thurgood Marshall, in his brief for Brown versus Board of Education, takes 36 pages to outline the ethico-moral principles that interpret the meaning of "equal protection" and "due process" in the intentions of the men who wrote the 14th amendment. "Their beliefs," Marshall said, "rested upon the basic proposition that all men were endowed with certain natural rights." In his argument, he quoted approvingly from an early opponent of slavery that "the law of nature clearly teaches the natural Republican equality of all mankind."

In the constitutional law textbook he authored, Lawrence Tribe writes that natural rights "have been invoked by more than one justice of the Supreme Court in modern times as a suggested framework for delineating the reach of the liberty clause of the 14th amendment." Among the judges he cites are Justice John Paul Stephens, and retired Justice William Brennan.

In 1976, Justice Stephens joined in a dissent with Justices Brennan and Marshall, wrote: "I had thought it self-evident that all men were endowed by their creator with liberty as one of the cardinal inalienable rights."

Even some major liberal legal theorists have made room for natural law reasoning. Tribe himself testified at the Judiciary Committee hearings for Judge Bork: "I am proud that we have * * * a 200-year tradition establishing that people retain certain unspecified fundamental rights that courts were supposed to discern and defend." Ronald Dworkin, another prominent liberal scholar, concludes, "If any theory which makes the content of law sometimes depend on the correct answer to some moral question, then I am guilty of natural law."

American history is guilty of natural law for the simple reason that it is inseparable from the theory of our founding. But the concept is broad. And a belief in natural rights does not settle the question of who should actually possess them. Professor John Hart Ely of Stanford Law School wrote in his 1980 book "Democracy and Distrust" that natural law "* * * has been summarized in support of all manner of causes—some worthy, some nefarious—and often on both sides of the same issue." An obvious case was the use of natural law reasoning by both Abraham Lincoln and Senator Calhoun during the debate over slavery.

So even admitting that a belief in natural law is not extreme or bizarre, it is also not, in the end, sufficient to define a legal philosophy. Questions remain. Precisely what portion of natural law are judges in particular entitled or required to enforce? Is it possible to affirm a conservative belief in judicial restraint and assert the existence of natural rights?

On these questions, I believe that Judge Thomas has given us the outlines of a response.

Thomas' argument begins with the question of slavery. His object, according to his writings, is not to seek some grand and unifying philosophic theme. It is to answer one question: Was the practice of slavery unconstitutional even though the Constitution did not actually condemn it? It is a study that led him directly to the Declaration of Independence, history's boldest statement of natural law philosophy: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights * * *."

Thomas contends that the Founders crafted a Constitution that presupposed this earlier statement of purpose in the Declaration. He notes that the Framers excluded the word "slavery" from the text of the Constitution entirely. And he argues that the authors of that document envisioned the eventual abolition of slavery—a day when the promises of the Declaration would be kept. This, he is convinced, is the reason that Dred Scott was wrongly decided—because a broad notion of natural rights animates the Constitution through the Declaration. "The Constitution should be read," Judge Thomas explains, "as Lincoln read it, in light of the moral aspirations toward liberty and equality announced in the Declaration of Independence."

In a Howard Law School Journal article of 1987 he makes a more detailed application: "The jurisprudence of original intention cannot be understood as sympathetic with the Dred Scott reasoning, if we regard the original intention of the Constitution to be the fulfillment of the ideals of the Declaration of Independence, as Lincoln, Frederick Douglass, and the Founders understood it."

A great deal of the Constitution, of course, can be read without any reference to moral principle—things like age requirements for office and many other portions of the Constitution. But there are morally charged terms in the Constitution. The preamble sets the goal of establishing justice. The ninth amendment talks of unenumerated rights. As a number of scholars have noted, the Constitution seems to make use of the natural-rights language of the Declaration.

More specifically, Judge Thomas believes that the Constitution embodies natural rights in the privileges and immunities clauses of article 4 and the 14th amendment. He is convinced these passages amount, in the words of one commentator, "to an enforceable declaration of civic freedom."

The privileges and immunities clauses of the Constitution have gone unused for some time. Thomas has argued for their revival. He has commented that Brown versus Board of Education was a good opportunity—but a missed opportunity—to reawaken these principles. He has strongly attacked the Slaughterhouse Cases which weakened the privileges and immunities clauses and stripped the Civil War amendments of their power—a development that prepared the way for legal segregation.

All this comes down to a basic point. The centrality of the Declaration requires that the emphasis of Judge Thomas' approach to natural rights be placed on individual liberty and limited government. It cannot be an instrument of intrusion or unchecked power because it must work within the boundaries set by the Constitution, and through it, the Declaration. Thomas explains:

> I would advocate, instead, a true jurisprudence of original intent, one which understood the Constitution in light of the moral and political teachings of human equality in the declaration. * * * Here we find both moral backbone and the strongest defense of individual rights against collectivist schemes, whether by race or over the economy. * * * the natural rights, higher-law understanding of our Constitution is the nonpartisan basis for limited, decent, and free government.

In short, Thomas proposes an inseparable connection between natural law, individual rights, and limited government—forged in our founding documents. This conception of natural law is not a speculation of theology or philosophy. It is an attempt to discern what Thomas calls a true jurisprudence of original intent. At the end of this search is a clear conviction—the natural rights of individuals place limits on government, limits that require a separation of powers and bind each branch, including the courts.

Thomas concludes:

> Here, as Lincoln put it, lies the father of all moral principle in America. Equality means equality of individual rights, an equality resting on the laws of nature and nature's God. * * * because no man is the natural ruler of another, government must proceed by consent. And that, in turn, requires representation, elections and the separation of powers. These are the requirements of free government, and they rest on the moral conception of human worth, based on human nature.

This understanding of natural law, far from being a license for activism, is a demand for restraint. It requires a respect for individual freedom and the sovereignty of the people. And it accepts the constitutional allocation of authority between the branches of government.

A judge, with these constraints, does not have the warrant to enforce a broad definition of natural rights as he sees them. The scope of his decisions is set by the vision of natural law contained in the Constitution and interpreted by the Declaration.

This is the reason Judge Thomas could tell a meeting of the Federalist Society in 1988, "A natural rights understanding does not give Justices a right to roam." This is the reason he insisted to the Judiciary Committee that if confirmed he would employ the traditional tools of constitutional interpretation and statutory construction. This is the reason he has claimed, natural rights and higher law arguments are the best defense of liberty and of limited government.

A belief in the existence of natural law does not mean that judges can replace the conception of those principles that informs the Constitution with their own beliefs on the subject. Judge Thomas, in essence, has expressed two separate convictions: A belief in higher law, and a judicial philosophy that forbids him from putting his own opinions of that law in place of the Founders' vision.

With this in mind, it is no mystery why Judge Thomas has repeatedly attacked the idea that judges should overturn positive law based on their personal understanding of natural law. The Constitution cannot be interpreted by any individual moral vision. It can only be read through an understanding of the higher law principles of the equality asserted in the Declaration.

Natural law, as Thomas defines it, is a means to understand the Constitution, not a method to supplement its deficiencies. "My point," he told the Judiciary Committee on September 10, "was simply that in understanding overall our constitutional government, that it was important one understood how they believed—or what they believed in natural law or natural rights."

Thomas summarizes his approach carefully:

> The best defense of limited government, of the separation of powers, and of the judicial restraint that flows from the commitment to limited government is the higher law political philosophy of the Founders. * * * Moreover, without recourse to higher law, we abandon our best defense of judicial review—a judiciary active in defense of the Constitution, but judicious in restraint and moderation. Rather than being a justification for the worst type of judicial activism, higher

> law is the only alternative to the willfulness of both run-amok majorities and run-amok judges. * * * To believe that natural rights allows for arbitrary decisionmaking would be to misunderstand constitutional jurisprudence based on higher law.

Legal analyst Jeff Rosen, writing in the New Republic, contends:

> But in Thomas' case, fears of judicial activism seem to be unfounded. Like many liberals, Thomas believes in natural rights as a philosophic matter, but unlike many liberals, he does not see natural law as an independent source of rights for judges to discover and enforce. * * * Natural law for Thomas is a way of providing moral backbone for rights that are explicitly listed in the Constitution rather than a license for creating ones that aren't.

In the end, this evidence led Michael Moore, professor of legal philosophy at the University of Pennsylvania, to assert:

> I take the attack on Thomas' natural-law views as a ploy by those who don't like his values. * * * There's nothing about natural-law theory about how judges should judge that's outside the mainstream.

In looking at Thomas' record and writings, I am convinced there are at least three strong indications that the nominee takes these related commitments to judicial restraint and individual freedom very seriously.

First, his approach to the ninth amendment indicates a keen awareness of a judge's limited roll. He wrote in a 1989 article:

> The amendment has great significance in that it reminds us that the Constitution is a document of limited government. But it does not grant the Supreme Court an unlimited power to overturn laws for that would seem to be a blank check.

Second, the 20 opinions he authored on the D.C. Court of Appeals, and the 170 cases he participated in, have been called by one analyst, textbook examples of judicial restraint. In not one instance has he employed a personal conception of natural law to justify a judicial opinion. In fact, the first draft of the Alliance for Justice report making the case against Judge Thomas concluded, "His decisions do not indicate an overly ideological tilt, although they are generally conservative." It is interesting to note that in a later version of that same report, that passage is removed.

Far from being repressive, Judge Thomas has shown himself to be strong defender of free speech, even when it is offensive. He joined with Chief Judge Abner Mikva in striking down a law that imposed a 24-hour ban on indecent television. In another case, Thomas agreed that the loss of first amendment freedom, for even minimal periods of time, may constitute irreparable injury.

Finally, he has laid to rest the charge that his approach to natural rights involves a radical application of economic rights—repudiating arguments patterned on Lochner. In his review of the book changing course by Clint Bolick, Thomas comments, "At times, Bolick's libertarianism goes too far. He even endorses an activist judiciary that would strike down laws regulating the economy * * * at this point, Bolick appears to have lost sight of the higher law background of the rights he zealously seeks to defend."

Thomas has been careful to maintain that the free market, though essential, must be restrained by a belief in human rights and dignity. "Surely the free market," he wrote in 1988, "is the best means for all Americans, in particular those who faced legal discrimination, to acquire wealth. Yet the marketplace guarantees neither justice nor truth. After all, slaves or drugs can be bought or sold. The defense of legal opportunity to compete in a free market is a moral one that is presupposed in the declaration * * * in striving to preserve and bring about what is good, politics must measure itself by the standards of the higher law, or rights, or else it becomes part of the problem, instead of part of the solution."

This, I believe, is the record of a principled, moderate, thoughtful legal mind. It reveals a deep commitment to individual liberty. It shows a profound respect for the principles inherent in the founding of our Republic—the promise of the declaration and the words of the Constitution. It is a record in the best tradition of American justice.

There is no cause, or excuse, for the vindictive attacks from interest groups this nominee has been forced to endure in silence. Clarence Thomas has always faced the need to struggle against minds poisoned by hate—as a child in the Segregated South, as a student resented and taunted, and now as a target of raw bigotry and distortion. His ability to transcend these attacks is a testament to his character. The fact they still take place is a shame to our Nation.

The substantive criticism many groups have settled on—natural law—is actually our best defense of human rights and limited governmental power. They use swords that cut their own fingers. Firebrands that burn their own homes.

Perhaps, in conclusion, an answer to the National Organization of Women's shameful question is in order, "Who is this creep?"

Clarence Thomas is a man who turned disadvantage into accomplishment—and now provides an example for others to do the same. U.S. News & World Report comments, "Few Americans have started out with so little and achieved so much as the proud son of unforgiving poverty from Pin Point, GA."

Clarence Thomas is a man who has fresh memories of racial indignity and legal oppression. Thomas recalls seeing his grandfather slowly poring over the Bible so that he could pass the literacy test to vote. He knows first hand the suffering of a segregated America. "Not a day passed," he has explained, "that I was not pricked by prejudice." Experiences like these are never forgotten. And memories like these are valuable on the highest court of the land.

Clarence Thomas is a man who has more experience in law enforcement than Justice Marshall had when confirmed. Who has authored more Law Review articles than Justice Souter. Whose experience would make him the only member of the Supreme Court with a firsthand knowledge of corporate law.

Clarence Thomas is a man whose conception of natural law is shaped by the sting of its denial in his own life. Michael McConnell of the University of Chicago Law School comments:

> When he points out the philosophic connections among the Declaration of Independence, the original Constitution, the speeches of Abraham Lincoln, the enactment of the fourteenth amendment and the civil rights movement of Dr. Martin Luther King, Jr., he speaks from personal experience.

Clarence Thomas is a man who has shown a career of commitment to individual rights. "My conviction," Thomas argues, "is that the most vulnerable unit in our society is the individual. And blacks, in my opinion, being one of the most vulnerable groups, should fight like hell to preserve individual freedoms."

And Clarence Thomas is a man who will also, if this body gives fair and impartial consideration, be the next Associate Justice of the U.S. Supreme Court. It is my honor to support him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator COATS, from Indiana, for his well-researched and well-stated statement in support of Clarence Thomas. I compliment him for well-made and well-presented speech. My colleague from Indiana made a very good statement. I hope others will pay heed to his work.

Mr. President, today I rise in support of Judge Clarence Thomas for the U.S. Supreme Court. I commend Judge Thomas for his service to the people of our Nation. He is a proven jurist, author, litigator, and administrator. His rise to this position has been dynamic and deserved. With great courage and will, Clarence Thomas has defeated the odds of an impoverished childhood. He will bring to the bench a range of experience not shared by any other sitting Justice. He should be a role model for all Americans, for he personifies the American dream.

In the September 26 issue of the Oklahoma Eagle, a weekly newspaper published in Tulsa that represents the views of many black Oklahomans, an editorial states:

> We have written frequently in the past three weeks on Justice Designee Clarence Thomas. We are happy to endorse him and rejoice in the sharp debates that reverberate in our community as a consequence of our endorsement. We find that Judge Thomas should be impaneled for a myriad of reasons—some having a simple connection to his manifest qualifications, others have a powerful nexus to our lives and times. * * * Long live Justice Thomas * * * and a toast to a many-faceted black American.

With ringing endorsements such as this, as well as having previously passed the scrutiny of the Senate, it is apparent that many of my colleagues who would rise to oppose the nomination of Judge Clarence Thomas are possibly suffering a mild case of memory loss. Is this not the same Clarence Thomas who was confirmed to the U.S. Court of Criminal Appeals in March 1990 by a voice vote of the Senate, that is, without opposition? Is this not the same Judge Clarence Thomas who was approved by the Senate Judiciary Committee by a vote of 13 to 1 in February 1990?

What has changed over the last year and a half to cause his opposition? Has anything come out during Judge Thomas' most recent confirmation hearing before the Senate Judiciary Committee that would warrant any greater opposition now than what he had in 1990? I think the answer is "no."

We know the facts surrounding Judge Thomas' nomination have not changed over the last year and a half. If anything, he is a better jurist now than he was in March 1990. I take my hat off to him. He stood before the Senate Judiciary Committee and was under intense and extreme scrutiny. I wonder how many of my colleagues in the Senate could undergo such similar scrutiny over anything we have said, every speech we have made, or everything we have written throughout our time in public office. I commend Judge Thomas for his presence, his composure and his demeanor.

Judge Thomas' tenure as Chairman of the Equal Employment Opportunity Commission provides an excellent example of his abilities and talents. As Chairman of the EEOC, Judge Thomas was able to eliminate much of the organization's case backlog, shorten response times for new complaints, and streamline procedures to handle cases more efficiently. Thomas insisted that each case should be decided on its own merits. His understanding of civil rights and the plight of those he dealt with during his time at the EEOC will be a great asset to the highest court in the land.

Those against his nomination have attempted to focus on inflated controversy, such as taking a single line out of a lengthy speech entitled "Why Blacks Should Look to Conservative Policies" and making it into an encompassing statement on natural law and its role in constitutional interpretation.

This speech was not about natural law or abortion. It was about race and his experiences as a black conservative. Some have tried to convince Members of the Senate that to be black is to be liberal and that conservative blacks are out of touch with other blacks.

As Judge Thomas has said in his speech, "Why Black Americans Should Look to Conservative Politics," the Nation pushes the idea that "any black who deviate(s) from the ideological litany of requisities (is) an oddity and (is) to be cut from the herd and attacked." This is one of Judge Thomas' greatest traits. He has fought against those stereotypes all of his life. And he has been successful. The fundamental belief that one betters himself through family, education, and strength has molded Judge Thomas' philosophy on many issues. He should be a role model, frankly, for all of us.

Mr. President, in my opinion Supreme Court Justices are not supposed to make the law but rather interpret the Constitution. The issue is not whether Judge Thomas will give the Constitution a liberal or conservative interpretation, but if he will give the Constitution a fair interpretation based on the body of law in effect.

Despite what some of my colleagues would like for us to believe, the Supreme Court's role is one of judicial interpretation and not judicial activism. As Members of Congress it is our role to make the law, not the Court's.

Many of our colleagues are opposing Judge Thomas because they think he might overturn Roe versus Wade. Frankly, I am one that hopes that he will. Roe versus Wade is an excellent example of judicial activism. The Supreme Court, by a split decision, legalized abortion.

Mr. President, it is clear in our Constitution where the power to legislate falls. Article 1, section 1 of the Constitution says all legislative powers herein granted shall be vested in Congress.

Congress is supposed to pass the laws, not the Supreme Court. When the Supreme Court legalized abortion, basically they were passing law. That should have been a legislative function. We are elected, and if the people do not like the laws passed, they can change the elected Members of Congress. The Supreme Court, on the other hand, interprets the Constitution. They are an unelected body. They are appointed for life. Their task is not to make laws.

When the Court decided Roe versus Wade, in which abortion was legalized, they threw out State laws that restricted abortion in almost every State, and totally ignored the 10th amendment to the Constitution that says powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.

Unfortunately many of my colleagues have come to the conclusion that if a Supreme Court nominee would vote to overturn Roe versus Wade, they are not fit to sit on the Supreme Court. In other words, those colleagues are making an argument endorsing judicial activism in which the Court makes law, instead of allowing Congress its constitutional role.

If some my colleagues want to legalize abortion. Let them introduce the legislation and attempt to pass it through Congress. They have never done so. I would encourage them to do so if they happen to take that position on this issue.

But I do not think a person should be disqualified for serving on the Supreme Court because he happens to believe the Supreme Court should not legislate, should not be a judicial activist, should not be a legislator from the bench. Legislation should be done from Congress.

Mr. President, nothing new has come out of this confirmation hearing that should raise any legitimate opposition to the judge's record. Judge Clarence Thomas is worthy and deserving of this office. He will help lead the American judicial system in the 21st century.

I compliment President Bush for his nomination of Clarence Thomas and I support his confirmation.

I urge my colleagues to do so as well.

I ask unanimous consent that a letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA GENERAL ASSEMBLY,
HOUSE OF REPRESENTATIVES,
Raleigh, NC, September 10, 1991.

Re Support for the nomination of Judge Clarence Thomas.

Hon. Jesse Helms,
U.S. Senator, Dirksen State Building, Washington, DC.

DEAR SENATOR HELMS: I am a native of Fayetteville, North Carolina who just happens to be a Black American. For years I have worked at the grass roots level, served two terms on the County Board of Commissioners and presently served our Great State on the North Carolina House of Representatives. As a member of the Judiciary Committee, it is my prayer that Judge Clarence Thomas is confirmed.

It is appalling and sad that groups of all color and kind have lambasted and criticized this most worthy gentleman. However, there are equally as many Black Americans who feel that Judge Thomas is qualified to serve on the Supreme Court of our fair land. I have polled the grass roots community, elected and appointed officials during the past three weeks. Because of the favorable response, a press conference has been planned to verbalize our support. Letter writing campaigns, phone calls to the 800 hundred number and networking with other supporters are the defenses used to counter the ill press which has targeted Judge Thomas. I am a life member of the NAACP. Mr. Gibson nor Mr. Hooks represent my views nor the views of numerous others.

Should you be given the opportunity, please inform Judge Thomas of our efforts and prayers for his endurance and continued fortitude. Thank you for your indulgence and please know that there are many of us who support and applaud the nomination of Judge Thomas. We are equally prayerfully of his confirmation.

Sincerely,
MARY E. MCALLISTER,
Representative, 17th District (Cumberland County).

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, I ask unanimous consent to speak for 6 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BALTICS

Mr. NICKLES. Mr. President, for 3 tense days in August an attempt by Communist hardliners to smother infant democracies in the Soviet Union demanded the attention of the world. Finally after the dramatic showdown between Communist tanks and the citizens of Moscow and other cities, the Communist coup attempt fell apart.

Democracy has not yet fully triumphed in Russia, but there is now a great hope for moving in the right direction.

In addition, the Baltics states of Lithuania, Latvia, and Estonia have now been restored as independent states and retaken their rightful positions in the community of independent nations.

We should not forget, Mr. President, that even as the Communists in the Soviet Union were falling apart, one of Europe's last Communist strongholds, Serbia, was intensifying its attack on democratic institutions in Yugoslavia, particularly against the Republic of Croatia. Communist tanks may have returned to the barracks in the Soviet Union, but in Yugoslavia not only tanks, but military aircraft and artillery have been unleashed against Croatia, resulting in hundreds of deaths, including many civilians.

The civil war in Croatia is indeed a tragedy, but it would be a mistake to think that the war is merely a product of uncontrolled ethnic passions. While ancient ethnic animosities have played a role, I think it is clear that the culprit behind these tragic events is Serbia's strongman, Slobadan Milosevic and his Communist henchmen.

By saying this, I am not blaming the Serbian people or suggesting the Serbian people are incapable of living with the Croats, as they have been successfully doing for years in many parts of Yugoslavia.

Two years ago, as communism began to crumble in Eastern Europe, Mr. Milosevic began to step up ethnic tensions as a means to hold on to power. First, he turned on the ethnic Albanians in the province of Kosova as a means of rallying Serbian nationalists to his side.

Last year he began to stir up ethnic hatred and provided material support for radical Serbs inside Croatia. While the conflict in Poland, Czechoslovakia, and Hungary was between Communist and democratic reformers, in Yugoslavia, Milosevic cleverly substituted ethnic conflict for the struggle for democracy.

Today it is clear that Mr. Milosevic bears special responsibility for bloodshed in Yugoslavia, and that he is continuing his active support and encouragement for the use of force in Croatia both on the part of the Serbian militants and the Yugoslav military.

It is even clearer that there is effectively no longer any such thing as the Yugoslav Federal Army. Its officer corps, long dominated by Serbians and beset by desertions by Slovenes, Croats, and others, the Federal army has become Milosevic's private army. Senior Yugoslav defense officials and Army officers have repeatedly ignored orders from Yugoslavia's civilian leadership.

Yugoslavia's Federal Prime Minister Ante Markovic, who is referred to in Tuesday's Washington Post as "largely powerless," has accused Milosevic of pursuing civil war with the use of Federal troops.

Last week I met with Stipe Mesic, the President of the Yugoslav Federal Government. Mr. Mesic told me that he was completely powerless to stop the Federal Army.

The war in Yugoslavia has now caused more than 1,000 deaths, and the Federal air force units, also under Serbian control, have bombed over 120 churches. Now we have reports that the Serbian-dominated air force has bombed the centuries old city of Dubrovnik. I saw pictures of this last night and the night before on TV.

Even more ominous are reports that in at least two cases the Federal army has used chemical weapons against Croatia. I have seen pictures of this fact as well.

Something has to be done to stop Milosevic. The international reaction to date, in my opinion, has been far too weak. The reaction of the U.S. Government has been too weak. The attempts at mediating the crisis by the European Community has been far too weak.

It is time to take strong measures against Milosevic's Serbian Government and any part of Yugoslavia that he controls. First, I believe that no United States aid should be provided to any Republic of Yugoslavia which has not held free and fair democratic elections and is engaging in human rights abuses.

In fact, last October, the Senate originally adopted such an aid restriction as part of the fiscal year 1991 foreign operations appropriations bill. I was the author of that amendment and I believe the Congress ought to take similar action again this year.

I understand that the Agency for International Development has suspended its aid program to Yugoslavia, but that action misses the point that there are parts of Yugoslavia which need our help, and there are areas which certainly do not merit any foreign assistance.

Second, we should impose a trade embargo, not on Yugoslavia as a whole but on all those parts of Yugoslavia under Milosevic's control.

That is why I am pleased to cosponsor legislation introduced by my colleague from New York, Senator D'AMATO, to impose a trade embargo on Serbian products.

Third, on the diplomatic front, I think it is time that the United States considered recognizing the governments of Croatia and Slovenia. I note with regret over 30 other countries recognized the Baltic States before the U.S. finally did. I hope this will not be the case here, while democratic Croatia is fighting for its life, and a strong show of support from the United States and the European Community could certainly affect the outcome.

Unfortunately, there is no hope of going back to the status quo of a year ago.

In my opinion, Yugoslavia cannot be put back together. I understand that it is the President's constitutional prerogative to decide which governments to extend diplomatic recognition to, but we should recognize reality—that Yugoslavia has permanently splintered, and we should recognize there are democratic governments and Communist governments in what was previously Yugoslavia. Let us not lump them together. Let us stand by the forces of democracy in Yugoslavia and oppose the forces of tyranny and Communism.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted to proceed as in morning business.

The PRESIDING OFFICER (Mr. DASHLE). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, as I stand before you today, the people of Croatia find themselves under siege. Tanks are moving; planes are bombing and artillery is raining down on the innocent citizens of Croatia.

It is rather ironic that at this very moment, the proud and ancient city of Dubrovnik, which is in Croatia, is being bombarded. Dubrovnik is a cultural and historical treasure. One of the last walled cities of the world is being destroyed.

The mayor of Dubrovnik has just called. You could hear the bombs in the background. The radio stations and television stations have been cut off; a massacre is underway. The Yugoslav Federal Army and the Serbian guerrillas, under the total control of the Communists and the killer Milosevic—are on the move.

Why do I say that the bombing of Dubrovnik is ironic? Because, as the Free World sits by, and as the United States fails to exercise the kind of leadership that it can, and should, and must, the forces of oppression, of dictatorship, of enslavement, under the leadership of the killer Milosevic and his cutthroats, guerrillas have undertaken a massacre. Milosevic is the butcher of Belgrade. Is it not interesting that we have dealt with the butcher of Baghdad, and now we have Milosevic, the butcher of Belgrade, who encircles this proud city, bombards its ancient churches, its schools, and it civilian population purely for the purposes of conquest. This is nothing more than a last gasp effort to hold onto power and privilege by the communists.

Mr. President, 200 years ago when the United States of America was fighting for its freedom in the Revolutionary War, when we declared our independence, as the Croatian people have declared theirs, a small country, an ancient country located in Croatia, was the first to recognize the United States of America. That country was Dubrovnik.

Is is not ironic that today, as the innocent civilians of Dubrovnik are under bombardment this great Nation has not undertaken the kind of forceful leadership necessary to work with the entire European community and isolate this killer? We must isolate the Serbian Army and its communist leadership, which is on a mission of death and destruction. It is an army responsible for the killing of hundreds, and hundreds, and hundreds of innocent civilians, be they Slovenians, Croatians, or the ethnic Albanians in Kosov.

What do these people, innocent people, want? Their desires are clear. They yearn for freedom, and they yearn to determine their own destiny. Very much like our forefathers, 200-plus years ago, who looked for freedom, and who had to stand up to the forces that would have denied them that opportunity, they now look to the outside world and say, "Will you not come to our assistance?"

I believe, Mr. President, that we have a moral responsibility to take a leadership role in recognizing Croatian people and the independence of Croatia. I believe, Mr. President, that we have a moral responsibility to recognize the independence of Slovenia, and we must recognize that the ethnic community in Kosova must and should be protected.

We must use our leadership in the world community to galvanize the European Community and others to see to it that there is an immediate cutoff of arms. We must immediately cut off all fuel so that those tanks and those planes cannot continue to maraud upon innocent people. These people only want freedom, democracy and the opportunity for self-determination.

This is exactly why Senator DOLE and I introduced legislation Wednesday which calls for the cutoff of all trade with Serbia and all parts of Yugoslavia under Serbian controls, including grants, sales, loans, leases, credits, guarantees and insurance. It also calls upon our country's officials to vote against any multinational assistance to Serbia or parts of Yugoslavia under Serbian control. I ask my colleagues to support this measure.

This is not aimed at the Serbian people. What we are talking about is Communist dictator who has lost control. A dictator who has taken the federal army and used it to suppress the honest freedom of expression, to suppress people who want to determine for themselves their own destiny, to use their own language, to pray as they see fit, and to stop the senseless marauds and bombardment of innocent civilians. Is this too much to ask?

Mr. President, 200-plus years ago, the citizens of a proud and old country, Dubrovnik, and its government stepped forth. It recognized the United States of America and the call for independence. Certainly, at this time the great Nation of the United States should not turn aside the cries for help that come from the people of Croatia, Slovenia and Kosova. The 30,000 citizens of Dubrovnik are under bombardment as I speak. Their cries should be heard. Their cries must be heard.

We should heed those cries and move with every diplomatic resource at our command to end this senseless marauding, this senseless slaughter, and recognize the God-given rights of these people to live free from the shackles of any kind of domination, free from communism, free from the oppressive federal army.

I would hope that we would move as expeditiously as possible. We owe nothing less to the people who yearn for freedom. These people who once were the first to stand for freedom for the United States, our great country. Now is an opportunity for us to repay them to demonstrate that we have not forgotten their recognition of our call for help. They now seek our help. We must help.

Mr. President, I suggest the absence of a quorum.

Mr. President, I withdraw.

The PRESIDING OFFICER. The Senator from Virginia.

NOMINATION OF JUDGE CLARENCE THOMAS

Mr. WARNER. Mr. President, I rise to give my second statement on the floor on behalf of Judge Thomas, currently circuit judge in the Circuit Court of the District of Columbia.

Mr. President, we are now beginning the final stage of what has been an intense, and most thought-provoking, and certainly a learning experience, for all involved. I say that, for it has indeed, for this Senator, been a learning experience—that is the confirmation process of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

The Senate, under the Constitution, shares with the President the decisions relating to the qualifications for this high post. There is no denying that it is a rigorous process, rigorous for all parties involved—Senators, nominees, and witnesses—but a process that, in my opinion, is absolutely necessary in our system of government of checks and balances.

The hearings on the judge ran for a very long time. A record may well have been set for longevity. A record was certainly set for thoroughness and vigorousness by all who participated.

Members of the Senate Judiciary Committee questioned him on every aspect of his past employment, his judicial philosophy, and his thoughts on various legal issues. Judge Thomas' answers, to the extent he could respond, I believe were fair and honest.

It must be clearly understood that a sitting Federal judge is not as free as others in a comparable situation. A sitting judge has certain constraints on his public statements be they in the context of a Senate hearing or otherwise.

I welcomed this exchange, however, between the committee and Judge Thomas, as did all other Senators, and I believe as did the majority of Americans.

His judicial demeanor and his firm approach to answering the questions posed to him enables the Senate now to know a great deal more about him, his philosophy, and the approach that he will take to this high office if confirmed.

The importance of this process cannot be understated. It allows us, the Senate as well as the American people, the best possible opportunity to have a better knowledge of a nominee who, by law, can sit on the Supreme Court for a life term.

This "advise and consent" power, specifically granted to this body in article II of the Constitution, is the main check we have on executive nominations. We are now in the final stages of what I view as a three-stage process. First, the nomination by the President, followed then by the Senate Judiciary Committee hearings before which the nominee appeared and, in this instance, so did a very numerous and wide cross-section of witnesses. Of course, during the course of those hearings we also heard the expressions and opinions of the members of the Senate Judiciary Committee.

The committee then reviews and makes a record and reports to the Senate as a whole. That is followed by the debate which now is taking place on the floor of this Senate preceding the final vote which will take place next Tuesday. At that point it will be my privilege to cast a vote for Judge Thomas, for, in my judgment, Judge Thomas has met the Senate's stringent criteria to sit on the Supreme Court. The Senate will confirm not only Judge Thomas but confirm the judgment of the President of the United States exercising his authority again under article II of the Constitution to make this appointment.

He not only receives my vote but my confidence that he will perform responsibly.

Mr. President, I began this process with an open mind. I had met Judge Thomas on several occasions in the past, including the year in which he was nominated to serve on the U.S. Circuit Court for the District of Columbia. Since he resides in Virginia, it was my privilege to join other Members of this body in presenting him to the Judiciary Committee and, indeed, the Senate as a whole.

Mr. President, now after weeks of hearings and Senate deliberation, during which I listened very carefully to the views of my colleagues together with Judge Thomas and the many witnesses who appeared, I know a great deal more about this outstanding American.

I traveled, as part of my responsibility, throughout Virginia, stopping at almost every major metropolitan area, and hosting private meetings with a wide range of Virginians to receive firsthand, and in a confidential manner, their views. I have taken their thoughts, their opinions, and their pleas to heart, both those for and those against Judge Thomas.

Mr. President, Judge Thomas' childhood and upbringing is now common knowledge. It is an extraordinary American chapter of survival of hardships and courage in overcoming those hardships, and his acknowledgment—and I underline his acknowledgment—that his success in life can be attributed to the helping hand of many other individuals. All of that taken together greatly strengthened my opinion of this fine person. He will not, I hope, forget, as he labors on the Court, to help others.

No amount of judicial wisdom or legal knowledge can replace or substitute for those teachings and learning experiences in early live. This upbringing will serve him well on the Court and will lead to his making a fair, compassionate, and thoughtful Justice, as he interprets the laws of our land.

Mr. President, I am pleased that we are now engaging in the last leg of the nomination process. I hope that this debate will be full, fair, objective, and very deliberate. Thus far it has been.

I am confident that Judge Thomas will emerge a more knowledgeable person. I know I am, about him, and about the depth and the sincerity of the fears and the hopes and aspirations of those who were for and against him as expressed to me privately and expressed during the course of this nomination.

Mr. GORTON addressed Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am here this afternoon to join the endorsement of Judge Thomas to the Supreme Court of the United States with my distinguished friend from Virginia and with many other Members of this body during the course of the last 2 days.

This is a solemn and important duty. Some may argue that there are few duties more significant which fall to Members of the U.S. Senate than to confirm or reject nominees to the Supreme Court of the United States. This is particularly true with Judge Thomas who is likely, if confirmed, to serve on the Supreme Court of the United States for a period of time longer than the service here in the Senate of any present Member of this body.

It is, I suspect, for just that reason Justices of the Supreme Court have such a profound influence over the lives of the people of the United States. Because they serve so long, we as Senators have never truly settled on the precise role of Members of this body in this confirmation process.

It is unlike the confirmation of an individual to serve in an executive position at the pleasure of the President, a position in which very few individuals serve beyond the term of the President who has appointed them. It is much more profound than even the confirmation of those who are appointed to serve fixed terms on various of our regulatory agencies. It is more profound than appointments to other Federal courts which are, after all, under the supervision of the Supreme Court of the United States.

As a consequence of the importance of the issues which come before the Supreme Court and the importance of the individuals who occupy the nine positions on that Court, debate over particular appointments has been fierce from the beginning of the Republic to this very day. Some have argued for almost total deference to the selections of a particular President. Others have argued that the importance of a single Senator is as great as that of the President of the United States and that we have an absolute equal right to substitute our own judgment of what single individual is best qualified for this position, as does the President of the United States himself.

The ultimate answer to that question, of course, is that this is a subjective judgment which each Member must make for himself or herself. How much deference should he or she give to the judgment of the President? How much deference should each of us give to our own predictions of where a judge will come down either with respect to his general judicial philosophy or on particular cases?

A number of speeches have been made, both on this floor and off this floor, about the highly inconsistent positions of a number of Members of this body who have served longer than have I and longer than has the present Presiding Officer. The earlier words of Senator KENNEDY, the distinguished senior Senator from Massachusetts, are often quoted against his current position and he has been asked why he will not impose a test no heavier on Judge Thomas than he did many years ago on his predecessor, Justice Marshall. But on this side of the aisle, exactly the same 180-degree turns as to the degree on which individual issues may be considered has marked the progress of several of our senior Members, including the most senior Member on the Republican side on the Committee on the Judiciary. Those illustrate, in my opinion, Mr. President, not so much grounds on which to criticize individual Senators as grounds on which to reflect on the importance of the process in which we are engaged at the present time.

I do feel, however, that there is one element in this debate which is appropriate to say; that certain considerations should not weigh heavily or govern the vote of a Senator on a nomination of this sort. That element is the single-issue test: how we predict that this individual will vote on the future of Roe versus Wade or half a dozen other precedents which have been cited to us in the past.

I must say, Mr. President, that I was particularly impressed in this regard by the remarks of my wonderful friend and counsel, the senior Senator from Oregon, on the floor here yesterday afternoon. All who know him know that Senator HATFIELD is passionately opposed to the death penalty. All who have followed the Supreme Court know that Justice Marshall took that position. Judge Thomas, by contrast, has said that he has no philosophical or constitutional objection to capital punishment.

Senator HATFIELD, in his remarks yesterday afternoon, said that Judge Thomas' position on the death penalty not only was not an inhibition with respect to his support for the nominee, it was simply not a relevant consideration. Rather it is the character and background and thoughtfulness and philosophy of the nominee which is of vital importance, not agreement with the views of the senior Senator from Oregon on one particular issue, no matter how passionately the Senator from Oregon believes in that position.

I am convinced that that is the correct attitude toward a nomination of this sort. I go beyond such agreement or disagreement to cite some of the rules that relate to judicial nominees, and perhaps even to one of the greatest precedents, because of the greatness of the individual who has dealt with it.

Well over a century ago, President Abraham Lincoln observed, under circumstances similar to those with which we are faced today:

> We cannot ask a man what he will do, and if we should, and he should answer us, we should despise him for it.

We can go beyond President Lincoln, however, and simply reflect on the fact that the reason for that is that what is required of our jurists is an impartial balancing on the scales of justice of the facts and circumstances which come before them. The United States Code in this connection states:

> Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

That is the law. A precise answer to such a question by a nominee would disqualify him from dealing with that question when it came before the Court and, by implication, would raise serious questions as to his qualifications to hold the position at all.

Last year at about this time, the Senate was debating the nomination of David Souter. Let me quote from the report of the Judiciary Committee on that nominee:

> We believe that Judge Souter struck an appropriate balance in this testimony; that his testimony and the record before the committee enabled us fully to discharge our constitutional responsibility of advice and consent; *and that a requirement of greater specificity would gravely compromise the independence of the judiciary and the separation of powers.* Such independence is explicitly mandated by the Constitution, by Federal statute, and by the canons of judicial ethics. (Emphasis supplied.)

No, Mr. President, we must obviously go beyond our prediction of the way in which a judicial nominee may act in a case which may come before him in the future. And we clearly cannot appropriately demand that he precisely answer a question on such a subject.

So where does that lead us? It leads us to what I think is at least an appropriate concern with the general legal, judicial, and constitutional philosophy of a nominee, a consideration which I have always felt to be appropriate in making such a judgment as we debate such a nominee here.

In this connection, I find the recent history of nominations to the Supreme Court of the United States to be particularly frustrating. It was exactly that debate over a general judicial philosophy which so enlightened the people of the United States in connection with the nomination of Judge Robert Bork to the Supreme Court just a very few years ago.

That Judge was more than willing to engage in a philosophical debate with those who backed his nomination and with those who opposed it. He obviously had been very prominent in an academic debate over issues of great importance to the nature of our law and of constitutional interpretation over the years. And his reward for engaging in that philosophical debate was to be savaged in committee, on the floor of the Senate, and in the public press.

I believe it perfectly appropriate to have felt that Judge Bork's judicial philosophy was so inconsistent with that of a given Member of the Senate that that Member of the Senate could not support him. What I found so critical and so negative in that debate, however, was the characterization of his views as being so far out of the mainstream that they could not be considered by any reasonable person. That characterization made a negative vote much easier than would have debate over judicial philosophy itself.

But we now have the inevitable consequences of the nature of that debate over Judge Bork. We now have Justice Souter, who was denominated, perhaps unfairly, the "stealth" nominee. And we have a nominee here today before us who has been very careful to speak in the broadest generalities during the course of his nomination hearings because he had a well-founded, not just fear, but knowledge, that the more specific he was, the more his views would be used against him.

So the frustrations which many have felt with the nature of that nominating process were frustrations which have been created by the very nature of the process itself, and as a consequence leave us with less than many of us would desire in the nature of an intellectual debate and repartee to be found in the records of the Judiciary Committee.

In this connection, and in connection with the refusal of Judge Thomas to make specific commitments on specific issues, I can do little better than to quote from the testimony before the Judiciary Committee of Senior Judge Jack Tanner.

Judge Tanner was the first black individual to be appointed an article 3 Federal judge in the Pacific Northwest. He is now a senior judge in the Western District of Washington and is, I must say in all candor, an individual with whom I have had many disagreements, both political and legal, during the course of his career. But I feel that he made a most impressive presentation before the Judiciary Committee, and I should like to share it with my colleagues.

I am now quoting Judge Tanner:

> [I] am here because of the most intense, unprecedented, and harsh opposition in the history of this country to a nominee to the Supreme Court of the United States. The attacks have now also shifted to Members of the Senate. There is no logic or reason for the attacks, whether it is on the right or the left. They are emotional attacks based solely upon passion and prejudice, neither of which has any relevance to the qualification of fitness of the nominee. * * * The opponents of Judge Thomas' nomination are concerned that he might do this or he might do that or that his confirmation will lead to some ideological shift in the Supreme Court, or that he is somehow outside the mainstream of legal thinking, yes, and political thinking in this country, just because they do not agree with his sense of values of judicial philosophy, whatever it may be. * * * What is certain and known about Judge Thomas is that he is independent and can't be put into a category. He is just where he should be. Speculation and hysteria as to what the nominee might do should not disqualify him from the Supreme Court. After all, no other nominee has ever been disqualified for such reasons. Judge Thomas understands very well the rule of law.

When one goes beyond an examination of general legal and constitutional philosophy, one, I suspect, is then left with the fundamental bedrock of judgment of any individual—whether for a vital position such as Associate Justice of the Supreme Court of the United States or in ordinary life—and that is the character and strength and experience and learning of a particular individual. It is because of my tremendous admiration for Judge Thomas' character and for his experience and for his life that I am so enthusiastically in favor of this nomination.

Judge Thomas, I suspect, almost certainly comes from the most underprivileged background of any person who has been nominated to a position on the Supreme Court of the United States in the more than 200-year history of that body.

Born the grandson of a black sharecropper, growing up in a segregated South, surmounting many of these difficulties because of the love of members of his family, of his teachers, and of his church, Judge Thomas has already come infinitely further than he could have been expected to have come by reason of his birth or that many of his contemporaries have been able to come.

Not only has this been the life history of Judge Thomas, but coupled with the struggle to overcome adversity, it has been his originality of thought and of experience which are not only notable but which have brought some of the opposition with which he is faced here. Judge Thomas almost from the beginning of his life has dared to be different, has dared to examine and frequently to reject the common philosophy of many of his contemporaries. He has, quite obviously, thought about and examined all of the ideas and ideals upon which this country and its society has been based. He has reached conclusions which differ from many of his contemporaries, and for all practical purposes, from all of his critics.

His is a journey which is not yet complete by any stretch of the imagination, he being only in his early forties. His conduct, his philosophy, his direction as Justice on the Supreme Court is perhaps more difficult to predict than that of previous nominees, many of whose lives on the Court indeed have been difficult to predict. But it is that very background, it is that struggle, it is that willingness to examine all premises, it is that willingness to be different which are not only not a disability in the nomination of Judge Thomas but which are an important part of the reason for his qualifications.

As a consequence, Mr. President, I am not here today to offer different support to this nominee. I am not here today to say that I support him because the President nominated him and we should weigh the President's views very heavily. I am not here to say that although there may be men and women who are better qualified, he is sufficiently qualified and therefore we should go along with this nominee, that a successor nominee might not be as good.

No, Mr. President, I am here speaking for Judge Thomas today because I believe firmly that he has the potential to be a great Justice; that he has grown immensely in the past and has the potential to grow in the future; that he brings to the Court a different background, a different set of experiences, some different attitudes than his predecessors on the Court; that his feeling for people will be deep, profound, and great; that he will not only be an adequate Justice of the Supreme Court but I have every hope and every expectation, a great Justice of the Supreme Court. I believe firmly and enthusiastically that he should be confirmed by this body next Tuesday.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the nomination of Clarence Thomas.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for morning business until 4:30 p.m., with Senators permitting to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, my remarks today will be brief. It is no secret that I think Clarence Thomas should be confirmed and it is no secret that he will be confirmed next Tuesday.

This Senator saw no reason why we could not vote today or Monday. In any event, the vote will fall on Tuesday. We have had 2 days of pretty good debate. We have two more days of debate next week.

There are 4 days in which opponents of Judge Thomas can continue their desperate search for reasons to vote against such a truly outstanding public servant.

And, as the American people saw during the confirmation hearings, the truth is there are no good reasons to oppose Judge Thomas.

Americans saw a man of rare courage, whose character was forged in a childhood of poverty in the segregated South.

They saw a man of intelligence, who has distinguished himself in every branch of Government—legislative, executive, and judicial.

They saw a man of integrity, who, throughout his life, has remembered from where he came, and stood up for what he believed.

They saw a man who will hit the ground running, and make a contribution on the Supreme Court right from the start.

Americans also saw a parade of witnesses testify for and against Judge Thomas. There were the usual cast of characters from the usual liberal special interest groups, giving their usual reason for opposing every nominee who does not march lockstep with their views.

But the most important and telling testimony was from people who actually knew Judge Thomas.

Sometimes it is good to hear from people who knew the nominee, who grew up with the nominee, who knows what he is all about.

Testimony from the nuns and professors who taught him, from the men and women who worked with him, from our distinguished colleague, Senator DANFORTH, who has served as a mentor and guiding light throughout his career.

Each of these witnesses told of a diligent student, a loyal friend, a gifted attorney, a man with an open mind and an ability to understand real life people and their real life problems.

Mr. President, the speeches I heard this morning from a few of my colleagues reminded me of 10 years ago this fall, when the Senate was engaged in a debate over another Presidential nominee.

Then, as now, some of my democratic colleagues rose to tell this body that yes, the nominee was a distinguished and courageous gentleman, but they simply could not support him.

In an impassioned speech delivered on this floor on November 16, 1981, the Senator from Massachusetts [Mr. KENNEDY] declared the nominee had a "total absence of training or experience."

The real reason behind the opposition, however, was that the nominee had, in the past, spoke out against abortion. Senator KENNEDY declared the nominee to be "insensitive to issues affecting women," and someone who would "stand against the effort of women to achieve equal rights."

The Senator from Ohio [Mr. METZENBAUM] rose to agree that the nominee was inexperienced and unfit. But—and listen carefully, because you will be as surprised as I was to hear these words—Senator METZENBAUM declared that the nominee's position on abortion did not influence his opinion.

Indeed, Senator METZENBAUM said—and I quote, because I want to get every word correct, "I believe to judge any person for public office or for confirmation on the basis of a single issue is unfair * * * unintelligent * * * and un-American."

Contrast this statement with Senator METZENBAUM's crusade to pin Judge Thomas down on his views on abortion, and it is clear that while history may repeat itself, the distinguished Senator from Ohio certainly does not.

The nominee, Senator KENNEDY, Senator METZENBAUM, and Senator BIDEN, I might add, opposed as inexperienced—the nominee these Senators opposed as a conservative idealogue—was President Reagan's nominee to be Surgeon General of the United States, Dr. C. Everett Koop.

I may not have agreed with every decision made by Dr. Koop, but no one can deny that he was the most effective and courageous Surgeon General of our time, and no one can deny that he was about as far from a conservative idealogue as you can get.

So the liberals who opposed Dr. Koop's nomination would eventually eat a lot of crow. They were wrong 10 years ago, and they know it.

And they are wrong in opposing the nomination of Clarence Thomas, and they and the American people know it.

WE NEED TO REDEFINE THE MEANING OF CIVIL RIGHTS IN AMERICA

Mr. DOLE. Mr. President, when the Senate turns to the civil rights bill later this month, we will have a lively debate over legal abstractions like "disparate impact," "business necessity," "burden of proof."

These terms may mean something to the American Trial Lawyers Association, but—when all is said and done—they will mean very little to those in black American who must face the bitter realities of unemployment, crime, inadequate housing, and the lack of educational opportunities.

Let us face it, the pending civil rights bills will not create a single job.

They will not put a single criminal behind bars.

They will not build a single unit of affordable housing for a low-income family.

And they will not improve a single school, or give a single disadvantaged kid a quality education.

Those are the facts, Mr. President, but the facts have been lost in the rhetorical battle over H.R. 1 and the other pending civil rights bills.

In light of their professed commitment to H.R. 1, I was surprised to learn that my Democrat colleagues in the House have proposed to cut funding for the U.S. Civil Rights Commission, the official watchdog of civil rights in America.

President Bush's Office of Management and Budget had requested nearly $11 million in funding.

The Senate recently passed a bill, introduced by my distinguished colleague, Senator HATCH, that authorized $7.6 million for the Commission.

But the Democrat-controlled House of Representatives has, instead, opted for a slash-and-burn strategy—authorizing only $6 million—an amount that Commission Chairman Art Fletcher says will leave the Commission sorely underfunded.

Although the reasons for the funding cut are fuzzy, it appears that the Commission is being fiscally punished for failing to walk lock-step with the liberal civil rights agenda.

To its credit, the Commission has begun to study such radical ideas as self-help, economic empowerment, capital gains tax reductions to help the disadvantaged, enterprise zones, and colorblind affirmative action based on economic status—all tough medicine for those who have spent a lifetime peddling the message that the only source of hope is Big Brother Government.

Mr. President, we are—and should be—a nation of laws, but we are fast becoming a nation of litigants.

Unfortunately, the biggest beneficiaries of H.R. 1 and the other pending civil rights bills will be the lawyers, not those Americans who have—regrettably—been denied a piece of the opportunity pie.

While Congress spins its wheels and keeps the lawyers in business, I applaud the Civil Rights Commission for confronting reality, and for having the courage to seek real-life solutions to the opportunity gap in our society.

UNANIMOUS-CONSENT REQUEST—S. 1791

Mr. DOLE. Mr. President, I said earlier today before we adjourned that I would present a unanimous consent request, and I also personally told the majority leader, because I did not want to surprise anyone.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1791 and ask for its immediate consideration.

Mr. SARBANES. Mr. President, I object and, at the appropriate time, I am going to explain the reasons for the objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I cannot thank the Senator from Maryland, but I do want to make a point I made earlier today.

We have had a lot of charts, graphs, and maps and all these things out on the floor.

Mr. SARBANES. We are going to have some more.

Mr. DOLE. Good. I am sorry I will not be able to wait and see them.

Mr. SARBANES. I regret that.

Mr. DOLE. Let me suggest if you are unemployed, I do not think the people who need help saying I wish they would pass that Democratic plan. I wish they would kill that Republican plan. I wish they would get me some money is what they are saying. They are not worried about whether it is a Republican, a Democratic plan, or about charts and graphs.

In fact, I suggested yesterday the chart we ought to have is a calendar. We ought to show a calendar, a great big calendar. It has been 34 days since benefits would have begun under a bill we offered my colleagues on that side of the aisle—a bill that will pay for itself. That is heresy around this place—to pay for anything.

We want to pay for it. We have a way to pay for it. My colleagues on the other side insist on loading up the deficit another $6.2 billion. They just cannot bring themselves to pay for anything. Charge it to your grandchildren—somebody's grandchildren.

The President said this morning he would sign the bill, I want to get it discharged from the Finance Committee, and get it considered and passed, voice vote, and send it to the House. They can pass it next Monday or Tuesday. The benefits can be flowing by next weekend. If 6 weeks or 10 weeks prove to be too little, we will find a way to pay for additional weeks of benefits.

Remember, there was a budget agreement. We see all of these charts and graphs and how much money is in the trust fund, that is what the trust fund is for, but the trust fund was there when we had the budget agreement. We will hear this. We do it for everybody, all the people in America. We think we have set the record straight on that.

We have mistreated those who served in the gulf. We treat them like we treat other people who leave their jobs involuntarily. We think that record has been set straight.

Mr. President I regret the objection, though not surprised, and we do it to make a point. We are at an impasse. I do not know why we do not send the conference report down to the President of the United States. Why is it being held by the Democrats? If they really want to help the unemployed they ought to send this conference report down to the President. He can veto it, and then maybe we can come together on a package that will help. I just suggest that I understand that it may not even be sent to the President until late next week or later.

What do you tell the unemployed worker in Topeka, KS, or anywhere else? Well, I'll tell you. Let me explain this to you. You are out of work. You do not have any food. Let me tell you about this procedural problem we have in the Senate of the United States. He can care less. His children could care less.

Had the unemployment figures gone up this morning, the conference report would have been on its way to the White House by now. But they dropped.

So if my colleagues are a little bit in a quandry, they do not know what to do, they thought they were going to go up, but they went down and not up—they are still too high—they are now trying to figure out some other strategy while they play this little game with America's unemployed.

What is wrong with paying for unemployed benefits now? It seems to me the question is pretty simple. We can pick at each other's programs. We have one that will pay for itself. If my colleagues on the other side have a better idea about how to pay for it, and not raise taxes—pay for it by spending restraints and something other than defense—then I think we will be able to strike a bargain.

But again next week is going to be an abbreviated week—here Monday, Tuesday, out the balance of the week, not in again until the following Tuesday. I would hope that we could have some action on this that the President will sign on next Tuesday, or Wednesday, or Thursday of next week.

So I know there are a lot of politics in this measure. I am not contriving anyone. We have a plan that we pay for. We have a plan the President will sign. My colleagues, the Democrats, have a plan that will cost $6.2 billion, and it would add to the deficit. The President will not sign it. That is the basic difference. They have more generous benefits. They have more charts. They have a lot of charts, but no jobs.

Where is the highway bill? There are 22,000 more jobs they are going to lose because the Democratic House will not act on the highway bill. Are we going to be blamed for that? Are you going to blame President Bush because 22,000 workers have—eventually 87,000 workers—are going to be out of work when they ought to be building highways? Why? Because the Democrats in the House did not raise taxes in the highway package, and now they do not know what to do. They wanted to raise the gas tax 5 cents, which was a nonstarter in the Senate on both sides of the aisle. So I guess they will blame President Bush if the highway workers start lining up for unemployment benefits.

The luxury tax—there is another great idea. I do not know how many thousands of people are out of work. They thought they were going to go after the rich. So if you bought a boat over a certain amount, bought an airplane, or an automobile, or bought some jewelry, or a fur coat, where are we going to soak the rich? Is that fairness? What we have done is put a lot of people out of work.

No one's buying any boats. I understand there are 9,000 or 12,000 people out of work in the boat industry because of the luxury tax. Many are out of work in the car industry because of the luxury tax.

I have been visited by jewelers and furriers this week, and I know we make airplanes in my State. But people are out of work in my State because of the luxury tax.

What effect did it have on the rich? None. They can now take a trip to Europe. They can buy it in Europe, and they can pay for that trip with the money they would have had to pay for the luxury tax. That's a great idea. They can go to Canada. They are not paying a luxury tax, not very many. They are not buying American products.

So if you get an all-expense-paid vacation and can buy your jewelry, a new car, or a fur, somewhere else other than in the United States, that's not a bad deal.

It is all made possible because the Democrats insisted it ought to be in the budget agreement. So we could say we are going to go after the rich people.

You ask the guy that works in the boat factory who has no job how he feels. Ask somebody in Wichita, KS, who does not have a job who used to make airplanes. Ask somebody who was in the jewelry business, or furrier business—whatever it may be—whether he feels bad about the luxury tax that helps the rich? He's out of work and the rich are going overseas to buy their goods.

So again it's pretty hard to keep up with trying to create enough jobs. President Bush has a hard time creating enough jobs, when my colleagues on the other side insist on incentives to add to the recession. You would think there wasn't a recession.

We passed a bill the other day by a 2-to-1 margin to tax business again. Boy, what a plan that was. It sounds good.

We talk about the recession. We talk about getting a recovery going again. What do we do? We say we are going to put another tax on business.

We have a great idea called the 90-day family leave plan, mandated by the Federal Government. The Federal Government is going to reach into Maryland, Tennessee, South Dakota, and Kansas, and they are going to tell employers of 50 or more employees, you are going to give 3 months leave every year. You are going to continue to provide health benefits, and it makes no difference whether you are married, married with children, whatever age you are. There is no exemption. Everybody gets 3 months. That is a tax on business. If that passed, we would have more people out of work.

So what will be the response on the other side? We have a plan for that. Let us go into debt and let us provide unemployment benefits.

My view is we ought to be creating jobs and creating opportunities.

So it seems to me that sooner or later the American worker is going to understand why he is out of work. Why did he lose his job? I would tell him to take a look at the luxury tax, take a look at the mandates—family leave—which sounds good, everybody is for family leave. But let the employer work it out with the employees.

Eighty-nine percent of the employees in a recent survey said let me work it out with my employer. Let us not have the Federal Government do it. Only 1 percent in the Gallup Poll said it was even a matter of highest priority for them.

So I know that my colleagues on the other side get 99 percent of the labor support. They have to go through these things to keep that labor support.

So while they are putting people out of work on the one hand, they are trying to provide unemployment benefits with the other hand, and they are charging it to their children and grandchildren. We do not think that is the way it ought to be. With a $3½ trillion debt, we think we ought to say: enough is enough.

So I just suggest that there ought to be some way to address this problem without raising taxes and without charging it to the deficit. That is what we have done. Maybe it is not perfect; maybe it can be improved. But I have not heard many people saying we ought to give any spectrum frequencies.

The Washington Post made $170 million on something they got for nothing. I did not hear them talking about the rich when that happened. They editorialized against our proposal. Tighten up student loans. If you are 21 years of age, you ought to have a credit check. Everybody else does.

So there are ways we can save money now and provide benefits for the unemployed. That is all we are trying to do.

Mr. President, I want to thank President Bush for saying again this morning in his press conference that he would sign. S. 1791, the Dole, Domenici, Roth, Seymour, Bond, Danforth, et al. proposal. Six weeks for everybody. Ten weeks for some. It pays for itself. It is about a $2 billion package.

Mr. President, I thank my colleagues for listening or tolerating what I said. Thank you.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I say to the Republican leader, we certainly listened. It was not a question of tolerating it. I was interested in hearing the litany. I know it is late on a Friday afternoon. I assume unburdening himself this way helps him to enjoy the weekend. I was surprised we did not get capital gains into that litany as well. We can save that for another time.

Let me just say one thing about the family leave bill. I am going to come back to unemployment in a minute, but I think a mistaken impression was left. The impression was that you could automatically get 90 days of unpaid leave every year.

First of all, it is very important to make the point that this is unpaid leave. Most of the European countries have paid leave under similar circumstances. The only thing that would be involved here that carries any cost would be the maintenance of health benefits. But other than that, this is unpaid leave. You are not automatically entitled to it. You have to go through a very stringent screening process to demonstrate that you have a sick child, a sick spouse, or a sick parent, and that your presence is required in order to help bring them back to health.

When in this country are we going to get to the point when parents are not put to the choice between looking after their sick child and their job? How much longer are we going to go on confronting people with that dilemma? The other advanced industrial countries have family leave programs much more extensive than the one that was in the bill that passed the Senate just the other day. In fact other countries continue the employees' pay for a period of time while they look after a sick child.

We hear this talk, about family values and being profamily from the other side of the aisle, and we cannot have a reasonable amount of unpaid leave. You are saying to people, you will not lose your job. You will be entitled to go back to your job. Your employer cannot fire you, because you had to stay home with your child, or felt you had to be there to nurse the child through this illness. Your employer cannot fire you, but you are not going to get paid. The European countries give leave to their employees and they pay them. Those are countries with which we are competing.

So, as a matter of plain human decency, the Family Leave Act tries to take some of the stress and strain off of American families without placing a burden on American employers. Many employers have such arrangements with their employees, and I salute and commend them. Some do it voluntarily. Others do it when they negotiate labor contracts. But there are sufficient instances in which that is not done to make it reasonable to try to have some legislation to address that issue.

Mr. President, let me turn to the unemployment insurance issue. In August, almost 2 months ago, the Congress sent to President Bush legislation to pay extended unemployment insurance benefits, to address the problem created by the recession for the long-term unemployed.

All that was required under that legislation for it to take effect and for the benefits to flow to the unemployed was for President Bush to declare the unemployment situation an emergency.

Mr. President, earlier this year, had come to the Congress and sought an emergency declaration in order to send assistance overseas, to address what he saw as emergencies in other countries. The Congress agreed with the President and said it is an emergency, and the assistance went outside of the limits of the budget.

All we asked the President to do in August was to perceive an emergency here at home with the unemployed so that the benefits could flow to the long-term unemployed people who have exhausted the basic 26 weeks of benefits and now face the problem of whether they are going to have any income in order to meet their expenses.

The essential argument for doing that is the fact that the trust fund to pay unemployment insurance benefits is running a large surplus. The balance now is over $8 billion. These are taxes that have been paid into this trust fund by employers specifically for the purpose of paying unemployment insurance extended benefits.

The covenant between the Government and the employer and the employees that led to the adoption of the system and the payment of those taxes was that they would go into the fund committed for the purpose of paying extended benefits. The premise of the system is that you build up this balance when unemployment is low and when it is high, as you go into a recession, you draw from the fund and use some of this balance in order to pay the extended benefits.

You do not get into arguments about how to fund it. That has already been provided for, and the people have already paid for it. The money has already been paid.

We are not paying the extended benefits in this recession. We did it in previous recessions. In 1974–75 there was a dramatic increase in the number of people receiving extended benefits. The same thing happened in 1980, the same thing in 1981–82. Presidents Ford, Carter, and Reagan; Republican, Democratic, Republican all provided for extended benefits. Nothing partisan about this. There it is. Three past Presidents.

This time, with President Bush, we are barely paying extended benefits. Only 14,000 people in America are receiving extended unemployment insurance benefits. Even though the trust fund into which taxes were paid for the purpose of paying extended benefits now has a balance of over $8 billion and by the end of 1992 is expected to go to $10 billion.

Mr. President, we think that this trust fund ought to be used for the purpose for which it was intended. It ought to be used for the purpose for which the people paid in those taxes.

Senator DOLE has an alternative proposal. I just want to point out there were no alternative proposals around until some of us on this side of the aisle began to address the problems of the unemployed. This issue did not come on the public agenda because President George Bush said there is a problem and we have to do something about the unemployed in this country. It did not come on the agenda because Senators on the other side of the aisle said there is a problem in this country with respect to the unemployed, and we have to do something about it. It came on the agenda because Senator BENTSEN and others of us said we have to do something about extended benefits. Everything we have heard from the administration, from the other side, has been a reaction to that and much of it, certainly in the early days, was an effort to move the whole thing off track.

Dick Darman, the Director of OMB, does not think there is a recession. He said as much last week on a talk show. The administration has been saying this is a short and shallow recession. It is not short and it is not shallow and it is serious business.

President Bush, who could find an emergency to go outside of the budget ceilings to send resources overseas, has refused to find an emergency to help unemployed American workers.

Let me just very briefly speak about the Dole proposal. I see my colleague from Tennessee, the very distinguished chairman of the Budget Committee, is here, and I know he wants to address this as well, and in fact, he did so this morning and did so very eloquently.

I am going to develop this in some detail, but let me just make these points and then I will yield to the Senator and then perhaps we can both address it together.

The Dole proposal is inadequate in its benefits. The Bentsen proposal has a reach-back provision which is very important. In other words, it reaches back to cover people who exhausted their benefits as of March 1 and makes them eligible, if they are still unemployed, for 7 to 20 weeks depending upon the unemployment level in their State.

Second, the Bentsen proposal addresses the problems of our servicemen and women in a more complete and comprehensive way than does the Dole proposal. So if you really want to address the American military, the men and women who have served us, in terms of their difficulty in making a transition back to civilian life and finding a job, the Bentsen proposal and not the Dole proposal accomplishes that.

Third, the Dole proposal on paying for these benefits. I just want to underscore this because what you have here is, first of all, Senator DOLE proposes to pay for these benefits by extending existing law that allows the IRS to withhold income tax refunds from people who have defaulted on their student loans. That is a good idea. I support withholding income tax refunds from those people who have defaulted on their student loans. What Senator DOLE does is wonderful. That bill was due to expire in 1994. So he is going to extend the bill for 1994, 1995, and 1996.

Then, by a wonderful calculation, they then impute a current cash value to the extension of the legislation under so-called credit loan reform. What they say is you have this loan out there, and now we are extending this so we will get more of it back and therefore, because we are going to get more of it back, we are going to give a bigger value to the loan right now.

Not a penny, by definition not a penny will come into the Treasury right now. He is talking about 1994, 1995, and 1996.

You impute current cash value to the funds received in the mid-1990's. Oh, it is a wonderful device. I am torn between criticizing it and simply marveling and accepting it. I mean, maybe we ought to extend it not to 1996 but to 2050, and then see how much current cash value we could impute by the fact that it has been extended out to 2050. I say, Mr. President, this offers up boundless opportunities.

The other thing that the minority leader has done is to sell part of the electromagnetic spectrum. They would force part of the eligible spectrum to be sold immediately in the coming year.

Most of the experts who have looked at this tell us that this quick fire sale would result in billions of dollars actually being lost to the Treasury. The way to address this issue is if the spectrum were to be sold it should be over a longer period of time, to maximize the values of these assets. By doing it that way, you would not get as much immediately but it is estimated you would get several billion dollars more than would be realized if you engaged in a fire sale and sold it all at once.

So much for the so-called self-financing aspects of this bill, the financing mechanism.

The Republican leader wanted a unanimous-consent request to bring the bill up right now. We had an agreement before: there would be no votes today or Monday. There are many of us who think that this bill, the Dole bill, is woefully deficient on both counts, both on its benefits and on its financing mechanism.

Mr. President, I see the distinguished chairman of the Budget Committee here, and I am going to yield to him and hopefully engage in a coloquy with him as we move along here.

I yield the floor.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Maryland for yielding.

In listening a moment ago to my friend, the minority leader, for whom I have great respect, and I might say, Mr. President, considerable affection—I have served in this body now for well over a decade with the minority leader and have come to view him with considerable respect—but in listening to his argument, I was struck by an admonition given to me years ago by an old senior partner of mine in a law firm when I first started practicing law. he said, "Young man, if the facts are against you in the case, then argue the law." He said, "If the law is against you, then argue the facts." And he said, "If both are against you, then attack the opposing lawyer."

Well, Mr. President, I would submit in this case, the facts are against the distinguished minority leader's case. Oh, I know what he is trying to do. As the Senator from Maryland said, the President and this administration showed no concern for the millions of unemployed until this body passed a bill to extend unemployment benefits, as we have done in every other recession since World War II. The President chose not to sign that bill and extend those unemployment benefits.

And then we came with another bill to give relief to those suffering from the unemplopyment that is all across this country. And then, in an effort to support the administration and the President, the minority leader and others on the other side of the aisle have contrived a fig leaf to use to try to persuade the American people that they also have a proposal for those who are unemployed.

Now, I will be frank to say, Mr. President, if I thought for one instant that this proposal that comes from the other side of the aisle that is advanced by the minority leader would meet the needs of the millions of unemployed who have lost their jobs through no fault of their own and exhausted their unemployment benefits, if I thought for one instant that would get the job done, then I would urge this body to adopt it today on a voice vote.

But when you examine the proposal that is being offered, you see that it falls woefully short and is indeed simply a fig leaf to cover the inaction of the administration in meeting the needs of the unemployed.

Let me give you an example of what I am talking about. Here is a chart. Some do not like these charts because they graphically illustrate the problems and the shortcomings of the minority's unemployment bill. We see that there are 1,740,000 who have exhausted their unemployment benefits at the present time. We see that the Bentsen bill that this body passed by a large majority, a bipartisan majority and an overwhelming majority, would bring relief to 1.55 million of those who have lost their unemployment benefits.

Let us look and see what the Dole bill would do, or the bill advanced by the minority leader on behalf of the administration. It would bring relief to only 250,000 workers—only 250,000 workers—of the 1,740,000 who have exhausted their unemployment benefits.

Mr. SARBANES. Will the Senator yield for a question about that chart?

Mr. SASSER. I am pleased to yield to the Senator from Maryland.

Mr. SARBANES. As I understand it, these are people who lost their jobs, got the basic 26 weeks of unemployment insurance, have now exhausted any benefits to which they are entitled, are still unemployed, and therefore confront the problem of how to support themselves and their families. The Bentsen bill would reach back and say that for these people they would get additional unemployment benefits for certain periods of time, depending on how serious the situation is in their State; and that the Bentsen bill would, in effect, cover close to about 90 percent of the people who have exhausted their benefits, and that the Dole proposal only covers about 250,000.

Mr. SASSER. Fourteen percent, if memory serves me correctly, I say to my colleague.

Mr. SARBANES. This is obviously a fundamental difference between the legislation. The Dole bill is doing very little to help these people who have exhausted their benefits and who are desperate for some assistance in order to make it through this period in which they find themselves.

The unemployment rate today was 6.7 percent. When these people lost their jobs at the end of last year, it was 5.8, 5.9 percent. They are trying to find a job in a job market that is worse than at the time they lost their job.

Mr. SASSER. Mr. President, I say to my friend from Maryland that the situation is further exacerbated by the fact that the proposal advanced by the minority leader would not cover 44 of the 50 States. The proposal that he is advancing would only be effective in 6 of the 50 States in the Union. And that is why you only have 250,000 of the 1,740,000 workers who would be covered.

The Bentsen proposal, that we passed by an overwhelming margin, would cover 90 percent of those workers who have exhausted their unemployment benefits by virtue of this reachback provision. On the other hand, the Dole proposal would cover only 14 percent of these 1,740,000 workers who have lost their unemployment benefits.

Now, one other, I think, very salient difference I wish to point out, Mr. President, under the proposal that is advanced by the minority leader, those veterans or those members of the armed services who have been honorably discharged but who cannot find work would get no benefits whatsoever.

Our colleagues on the other side of the aisle say, oh, well, we apply the same criteria to workers in the civilian work force. They have to have left their work involuntarily.

Well, let us take the case of a young aircraft mechanic who is operating in the Persian Gulf with the Marine Corps, working on helicopters. He or she has spent 10 years in the Marine Corps, and spent the last 6 or 8 months out in the deserts of Saudi Arabia. He or she decides that having given 10 years of service to their country, it is now time to join the civilian work force; come home, stay in one place, and look after their family, which has started to grow in their absence. Perhaps there are one or two small children.

So this helicopter technician says: "I am not going to extend my enlistment. I am not going to reenlist this time. I want to go back home to North Carolina. There, I have been promised a job as an aircraft mechanic, and I am going back to get it."

So he takes his honorable discharge, goes back to North Carolina. He gets to the aircraft maintenance facility, and they say, "Sorry, because of the recession, we cannot give you a job. We cannot hire you." he goes from place to place to place and he cannot find a job.

Under the proposal advanced by our colleagues on the other side of the aisle, this veteran of the war in the Middle East would not be eligible for unemployment benefits as he or she would have been under other unemployment bills that we have passed in other years.

So, you see, it is inadequate in many respects. But I think glaringly inadequate in its treatment of our veterans, particularly those who fought in the Middle East.

Mr. SARBANES. Will the Senator yield?

Mr. SASSER. I will be pleased to yield.

Mr. SARBANES. I very much appreciate the explanation which the Senator just made because the distinguished minority leader earlier today took the floor and took issue with the Senator on this question of how the bills affected the veterans. I listened to him. It was not clear to me.

Let me just read what he says, because the Senator now has pointed out a very important aspect of this problem. What he said about his bill is that they would provide 26 weeks of benefits for those who sought to reenlist or to sign up for further service and were turned down by the service. In his legislation, he would provide 26 weeks. But for those who were honorably discharged, who finished their tour of duty and took an honorable discharge he said his bill would provide "no benefits to those who voluntarily choose to leave the service, such as those taking a new job in the private sector."

But what about the people who finish their term of duty and do not reenlist? They have met their obligation. As the Senator pointed out in his example, you may have someone who has met his obligation, met it yet again, met it yet again—10 years of service—leaves the military. He may have had a job promised which fell through. He may not have had a job promised which fell through. He may not have had a job promised and went back to look for one. This is with an honorable discharge, with a distinguished service record. It may well have included combat in the gulf. Under the Dole proposal that person would not be entitled to unemployment insurance to help see him through this period of a difficult recession while he tries to search out a job in the civilian sector. Is that correct?

Mr. SASSER. The Senator from Maryland is quite correct. That is exactly how the proposal advanced by our friend from Kansas would work, or fail to work, with regard to someone who is honorably discharged from the military service. And the irony is that in other times, in a time of peace, those who have been honorably discharged would have been entitled to unemployment compensation benefits if they were unable to find a job, even if they voluntarily left military service.

Mr. SARBANES. Voluntarily leaving military service here means completing your term of enlistment and getting an honorable discharge. It does not mean ducking out on your responsibility. It means fully meeting your responsibility, receiving an honorable discharge, and then coming back and trying to integrate yourself into the civilian sector.

Under the Dole proposal that person would not get any help in order to accomplish that transition, is that correct?

Mr. SASSER. Mr. President, that is precisely correct, and that is the way the Dole proposal would operate.

Another distinction between a civilian occupation and a military occupation is that those in the enlisted ranks in the military service sign up for a specific term of duty: Three years, five years. In civilian life you are free to simply walk in to the boss and say, "I quit." In the military, you cannot do that. If you signed up for a particular term of enlistment, then you are expected and required to fill out that term of enlistment.

So, if a young man or woman who served honorably during their first term or second term or even third term of service is honorably discharged and does not want, for whatever personal reason, to take on an additional 3- to 5-year obligation, if they are honorably discharged and cannot find work, then under this proposal advanced by Senator DOLE they could get no unemployment benefits.

But under the proposal that this body passed overwhelmingly and sent to the President and which will be on his desk Tuesday, these same veterans would be entitled to 26 weeks of unemployment compensation.

Mr. President, I listened carefully to what the distinguished minority leader had to say about the fact that their bill was self-financing. I do not know that I can add much to what my friend from Maryland had to say about that because I thought he did an excellent job of exposing the holes in this so-called financing scheme.

One is the scheme to collect on defaulted student loans. I think we all agree that we ought to continue to withhold income tax refunds that might be coming to those who have defaulted on student loans. But this is present law, as the Senator from Maryland has pointed out. Our friends on the other side of the aisle would simply extend this law and say that they are paying for their particular bill, even though this will not bring any revenues into the Treasury until 1994.

That being the case, if it brings no revenues in until 1994, under the budget agreement that was advanced by the administration and adopted by this House and signed into law, then all other entitlement programs would be subjected to a sequester to make up for the revenue losses in fiscal year 1993, waiting for the revenues that are supposed to come in 1994 from the extension of the student loan program.

I think the Senator from Maryland did an excellent job of defining the extent to which the student loan collections, or the collections from the income tax returns from defaulted student loans, would be inadequate in defraying costs of this particular item. The Republican bill that the minority leader is advancing simply extends, after 1994, an authority that the Internal Revenue Service already has to collect unpaid loans from a person's tax returns. And it uses an accounting treatment that has already been rejected. The Republican bill takes credit in 1992 for money that will not come into the Treasury until 1994.

I would like to go to the Director of the Office of Management and Budget, Mr. Darman, and say to him: Mr. Budget Director, I want to expand an entitlement program here in 1992 and 1993. Oh, by the way, we will not get any revenue stream to pay for this until the outyears, fiscal years 1993 and 1994, some 2 years later. Will that be all right?

I can tell you very quickly what the answer would be. That if you do that and do not pay for it in the year you make the expenditure, then you can expect a sequester of all of the other entitlement programs. So when they say that their bill, even though inadequate, is paid for, I would say that that is simply a sham and does not stand up to even minor scrutiny.

The other major funding source is the sale of part of the so-called electromagnetic spectrum. The bill advanced by the minority would force part of the eligible spectrum to be sold in 1992. But this would be a quick fire sale if it were sold in 1992, and billions of dollars in value would be lost to the Treasury simply because of the fact that they would not be able to negotiate for the highest price.

Mr. President, much is made by our friend on the other side that, with this bill that we are advancing to offer relief to millions of unemployed across this country, we would do violence to the budget, it would increase the budget deficit.

As my friend from Maryland has already pointed out a number of times, the funds are there, the funds were collected. There is an $18 billion surplus in the unemployment compensation fund. The shame of it is that this balance has gone up $500 million during the course of this recession. The money that was collected from employees and employers to deal with the problem of unemployment, this is being held in a trust fund, not being expended. As a matter of fact, that balance is going up in a recession, something that is unparalleled in the history of the unemployment compensation fund.

Mr. SARBANES. Will the Senator yield?

Mr. SASSER. I will be pleased to yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I asked the Secretary of Labor about this. Here is this fund to pay unemployment extended benefits, and this fund is building up a surplus right in the middle of a recession. It just defies logic, reason, and common sense.

She thought it was wonderful. She had all this money in the fund. I do not know what she is going to do with it.

You are not going to hatch it. The purpose of collecting it is to pay the benefits. She reminds me of the librarian who, when asked how are things in the library, says, "Wonderful, every book is on the shelf."

The purpose of the library is to get the books off the shelf and out to the people, and the purpose of the trust fund is to pay benefits in times of recession. Business Week this last week ran a cover that says, "I'm Worried About My Job," and then has a lead article talking about the recession and the unemployment: "I'm Worried About My Job," this is a time under the unemployment insurance trust system when these funds are to be used to pay these benefits, and they are not doing it. It is an abuse of the trust fund.

Mr. SASSER. The Senator from Maryland is quite right. The crocodile tears that are shed about the fact that paying these unemployed workers their own money that they paid into the trust fund for a rainy day when they did not have their jobs would do violence to the budget deficit, I think, just does not have a ring of trust to it.

I talked the other day on the floor about the rush last week, just last week, to forgive $1.7 billion in foreign debts owed to the Treasury of the United States by countries all around the world. That is this administration, in a rush to forgive those debts.

The State Department is playing a "Beat the Clock" game against the new credit reform rules that took effect just a few days ago on October 1. But before those new credit reform rules that were part of the budget summit agreement took effect, this administration went all over the world forgiving indebtedness.

Mr. President, a little known element of that rush to judgment last week was the haphazard forgiveness of a $93 million debt owed by Haiti, which threw out its democratically elected President just a few days ago in a military coup, and the administration, in its rush to forgive that indebtedness, did not even wait for the outcome of the coup.

We have heard much about this is not an emergency, with regard to the unemployed millions in this country. Somehow it seems an emergency to rush out and forgive foreign debts all across this world before the October 1 credit reform proposal takes effect, even an emergency to forgive the debt of the Government of Haiti which just deposed its democratically elected President.

So I would say, Mr. President, to my colleagues, that it is time now to act on the Bentsen proposal. This proposal will be on the President's desk Tuesday. All he has to do is pick up his pen and sign his name. After all, that proposal passed the House of Representatives by an overwhelming margin. It passed this body by an overwhelming bipartisan margin. Simply with the stroke of that pen, Mr. President, the President of the United States can give relief to millions of desperate Americans across this country who have lost their jobs, through no fault of their own, who want to work and who are now asking, until I find a job, let me have some of that unemployment compensation that was withheld from my salary. Let me have it back to help me get through this rainy day.

Mr. President, I am hopeful that the President of the United States will rethink this whole process, and when that bill arrives on his desk Tuesday morning that he will pick up that pen and say, yes, I am going to help these people across this country who are unemployed by this recession, people, through no fault of their own, facing an economic disaster. That is the least we can do. That is the least this President ought to do, Mr. President. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to say to the distinguished Senator from Tennessee that I certainly appreciate his very powerful statement. I want to particularly underscore his very strong and effective leadership in this fight.

I was struck by the Senator's comment about this practice now of forgiving debt. The Senator said that the President had forgiven debt for how many countries?

Mr. SASSER. There are 17 countries that span the globe that the administration has forgiven their indebtedness to the Treasury just in the past few months.

Mr. SARBANES. Just to underscore this point, I want to read from a letter I received from an unemployed person saying:

> DEAR SENATOR SARBANES: I am writing this letter to you after watching the hearing on television on the problem of the unemployed people in America.

And America is spelled here in capital letters.

> The reason I put that in capital letters is because we would be better off if we were from a foreign country so that President Bush would see it in his heart to help us out. He does nothing for the Americans that are suffering. I only hope you will be able to get through to Bush and make him realize that we are in an emergency situation in our own country.

I have another letter from someone who says:

> What constitutes an emergency? Whenever the unemployment rates have been this devastating in the past, the Federal Government has automatically stepped in. What has made this emergency different? Could it be that no one wants to admit that there is an emergency? This extension in unemployment benefits in general are programs for the middle-class working people who have fallen on hard times. They have contributed to this Government. They will pay taxes on this money. This isn't a handout. This isn't a freebie. These people will contribute again. It has been proven. This country is in jeopardy of losing one of its natural resources. The United States was made great by working people. This Government should show dedication and loyalty to these people who have contributed both financially with their income tax dollars and physically with their hard work.

Mr. President, I join with the distinguished Senator from Tennessee in urging the President to address this problem of the unemployed. The emergencies are not only beyond our border; there is an emergency here at home for the unemployed people in our land.

Mr. SASSER. Mr. President, if I could just add one note to the eloquent statement of the Senator from Maryland. I want to recognize the yeoman effort on the part of my distinguished friend from Maryland in bringing this unemployment compensation bill to the floor and first elevating the Senate's consciousness to the dire need of the unemployed all across this country.

Without the efforts of the distinguished Senator from Maryland, I am not sure that this bill would be before us, would have been before us this past week.

But I was struck by really the depth of the emergency facing this country. According to U.S. Government figures, 8.4 million of our fellow countrymen are officially unemployed. That is more than twice the population, Mr. President, of my native State of Tennessee. And you add to that 8.4 million 6.4 million people who are underemployed, people who lost their good-paying jobs or jobs for which they were qualified and were forced into more menial jobs that pay less, simply because their old jobs no longer existed, 6.4 million of them——

Mr. SARBANES. Part-time jobs.

Mr. SASSER. Part-time jobs.

Mr. SARBANES. These are people who want to work full time and they can only get a part-time job; 6.5 million people; 8.5 million people cannot get a job at all and 6.5 million people who want a full-time job can only get a part-time job.

Mr. SASSER. I say to my friend from Maryland there are 1.1 million workers out there who over the months have become so discouraged about not finding a job that they have fallen off the unemployment statistics. They are not counted. So if you add all of those people together, 8.4 million who are officially unemployed, the 1.1 million who have fallen off the official rolls because they have become so discouraged they are not carried on the rolls anymore, and you add to that the 6.4 million who want to work full time but can only find part-time work, then you have 16 million of our fellow citizens across this country who do not have adequate employment.

That is almost 13 percent of the work force in this country, I say to my friend from Maryland—almost 13 percent. If that is not an emergency, I do not know what is.

Our friend, the minority leader, who was here a moment ago tried to ascribe this economic disaster to a luxury tax—to a luxury tax. Was it a luxury tax that caused the Government of Maryland to lay off 1,700 employees just this week? Was it a luxury tax that caused DuPont to lay off 1,095 workers this week? American Express, not touched by a luxury tax, laid off 1,700 employees this week.

This economic malaise is all across this economy. It is no longer limited to one geographic area. It is no longer limited to any one industry. It is no longer industry specific. It is not just the auto industry. It is not just the steel industry. It is all across this economy. And people cannot find jobs. There is anxiety and fear across this country like we have not seen for a good while.

Mr. President, in the face of this, if the President of the United States this coming Tuesday does not sign this bill to give minimum relief to the long-term unemployed, if he does not hear their cries of anguish, then there is going to be a day of reckoning coming, in my judgment.

Mr. SARBANES. Mr. President, I suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with consideration of the nomination.

Mr. DANFORTH. Mr. President, returning to the issue of the nomination of Clarence Thomas to be Associate Justice of the U.S. Supreme Court, one of the remarkable and very gratifying things that has happened over the past 3-plus months is the number of people who have come forward who have known Clarence Thomas for a very long period of time and who have testified to this person's character and his competence. In many ways the battle over the Clarence Thomas nomination is a battle between those who know Clarence Thomas and those who do not know him. It is a battle between lifelong friends on the one hand and interest group lobbyists on the other hand.

Mr. President, those who are opposing Clarence Thomas, many of them, have attempted to make the issue of Roe versus Wade a litmus test of determining whether to vote for a Supreme Court nominee. This I believe is an improper approach to Supreme Court nominations because if we in the Senate attempt to condition our support for a nominee on that nominee's promise to take a specific position on a hypothetical case that might come before the Court, then we are infringing on the independence of the judiciary.

The American people deserve judges and Supreme Court Justices who will determine the law and who will not seek to impose their personal social or political philosophies on the American people.

For 5 days, Clarence Thomas was interrogated in the Judiciary Committee about his position on Roe versus Wade. He was asked the question not once, or twice, or one dozen, or two dozen, or three dozen times.

About halfway through the proceedings, Senator HATCH announced that he had made a count and that as of that time Clarence Thomas had been asked 70 different times to state a position on Roe versus Wade. It seems to me that after the question is asked once or twice, members of a committee might get on with it. But he was asked repeatedly the same question.

At one point in one of the scores and scores of answers that he gave to the question of Roe versus Wade, he stated that he did not have a personal opinion and that he had never even discussed it with anybody. And immediately, of course, his detractors seized on that one answer and said, oh, this cannot be true; this does not ring true; everybody has had to have had discussions on Roe versus Wade.

I think it is a picky point, but, Mr. President, there are those who like picky points, and therefore I have attempted to deal with it.

I do not know how to prove a negative. I do know that the interest groups that are opposing the Clarence Thomas nomination have now taken out newspaper ads asking people to come forward if they have ever discussed Roe versus Wade with Clarence Thomas. I suppose that if nobody comes forward, that will not be adequate proof for his detractors. But I have received a number of letters from people who have known Clarence Thomas very well over a long period of time.

I would like to share some of those letters with Members of the Senate.

The first letter is written by Lovida H. Coleman, Jr. She is an attorney. She is the daughter of the former Secretary of Transportation, William Coleman. She has written a letter to Senator LEAHY and sent me a copy. Here is the letter:

> DEAR SENATOR LEAHY: I went to law school with Clarence Thomas and he and I have been good friends since that time. I was in particularly close touch with Clarence when he first came to Washington, DC. I know Clarence well enough to be absolutely certain of his intellectual capabilities, his dedication to public service and his integrity.
>
> I was very pleased for Clarence when he was nominated by President Bush to be a Supreme Court Justice. I have followed the confirmation process carefully and I listened closely to your questions to Clarence. It was quite evident that you gave little credence to Clarence's assertion that he had not discussed Roe v. Wade when it was decided while we were in law school. I am writing to share with you my perspective on this matter which may assist you in making a more informed judgment about Judge Thomas.
>
> I frequently ate breakfast with Clarence in law school as we were among the very few who liked to get an early start when the dining hall first opened at 7 a.m. I vividly recall that the dominate feature of these means was the good natured laughter and wide-open discussion which this self-selected small group of sunrisers shared. Clarence was among the best raconteurs and was frequently a leader in our daybreak meetings.
>
> I do not recall that Roe v. Wade was ever a matter that Clarence discussed in these sessions or elsewhere. There was several reasons why it is not as likely as you assumed that Roe v. Wade raised issues that were of critical interest at that time. First, abortion was legal in twenty states in 1973. Access to a legal abortion was not a problem for my contemporaries. Therefore the decision was not nearly as important then as the prospect that it may be overruled is today.
>
> Second, with very few exceptions, current legal cases tended to be of much less concern to us as law students than the tax, real estate and constitutional law cases we were studying in class. Even in constitutional law courses, we were much more likely to be reading and discussing turn of the century cases on the interstate commerce clause than current Supreme Court cases. The one exception that I recall was our discussions about the Bakke case, which concerned an affirmative action program in law school admissions, that was much more relevant to us that Roe v. Wade.
>
> Third, our discussions of current events at that time were almost entirely dominated by one overwhelming issue—Watergate. Indeed, I have spoken to a reporter who normally covered the Supreme Court at that time who said that he did not cover the Roe v. Wade decision because he was at the trial of Dr. Ellsberg. Watergate was of far greater interest to us in 1973 than Roe v. Wade.
>
> Thus Clarence's testimony that he does not recall discussing Roe v. Wade while in law school is entirely consistent with my own recollection and personal experience. Nor do I recall any such discussions after law school. I can assure you that it is highly unlikely that Clarence Thomas would ever dissemble about such an important issue.
>
> The chairman of the American Bar Association committee that reviewed Clarence's qualifications testified that the two most significant qualifications for being a great justice on the Supreme Court are character and integrity. Clarence Thomas has character of tremendous depth and his integrity is unquestionable. No one who knows Clarence has disagreed with this assessment.
>
> Finally, in evaluating Clarence Thomas's qualifications for the Supreme Court, one should keep in mind what Justice Blackman wrote in Roe v. Wade: "Our task, of course, is to resolve the [abortion] issue by constitutional measurement, free of emotion and of predilection." 410 U.S. 113, 116. Regardless of

his personal views on abortion, of which I am not informed, I am confident that Clarence Thomas would address the abortion issue and any other legal issue with constitutional dispassion.

Very truly yours,

LOVIDA H. COLEMAN, Jr.

Then, Mr. President, I have a letter from my former administrative assistant, Alexander V. Netchvolodoff, my life-long friend who served as my administrative assistant, both when I was attorney general, until last March in my Senate office, and during the entire time that Clarence Thomas worked with me, both in Jefferson City and in Washington. Alexander Netchvolodoff was my administrative assistant and he knew Clarence Thomas very well. He has written me the following letter:

DEAR JACK: I have known Clarence Thomas for more than 15 years. I have had thousands of separate conversations with Clarence over that period of time. We have discussed everything from the 18th Century English novel to running a marathon.

One subject that specifically never came up in our discussions was the subject of abortion. I know that some people find that assertion improbable. I find nothing improbable about it at all. The fact is I have thousands of friends and acquaintances with whom I have never discussed the subject of abortion, and Clarence Thomas happens to be one of them.

Then I have a letter from Allen Moore who was my legislative director during the entire time that Clarence Thomas served as a legislative assistant here in Washington.

Allen Moore writes in part—this is just a partial quotation from his letter:

It is also distressing that some of your colleagues, and others, talk in disbelief about the fact that Clarence Thomas doesn't recall ever talking about *Roe* v. *Wade*. Why is that so preposterous? I don't recall ever talking about abortion with him, nor do I remember talking about nuclear war, the Soviet Union, capital punishment, prayer in schools, etc. Yet, I understand that a newspaper advertisement now seeks to identify anyone who ever discussed abortion with him.

In my experience, Clarence's focus has always been on his job, his family, his friends, and his search for ways to help blacks get ahead in a hostile world. It doesn't seem strange to me that abortion rights would have been low on his personal list of priority issues. I would guess that the same thing would be true for many blacks whose primary focus is economic issues.

You and your colleagues have long since been forced to state your views on abortion—over and over again with every conceivable nuance. Most Americans are spared that burden. Therefore, how can it be fair to attack a person's integrity or intelligence simply because he doesn't recall expressing a view on the matter?

Finally, I have a letter from Mark Mittleman, a lawyer in St. Louis, who shared an office in Jefferson City when Clarence Thomas was an assistant attorney general. I will not read from the letter, but it is to the same effect that he never had such a discussion with him.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DILWORTH, PAXSON,
KALISH & KAUFFMAN,
Washington, DC, October 3, 1991.

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: I went to law school with Clarence Thomas and he and I have been good friends since that time. I was in particularly close touch with Clarence when he first came to Washington, D.C. I know Clarence well enough to be absolutely certain of his intellectual capabilities, his dedication to public service and his integrity.

I was very pleased for Clarence when he was nominated by President Bush to be a Supreme Court Justice. I have followed the confirmation process carefully and I listened closely to your questions to Clarence. It was quite evident that you gave little credence to Clarence's assertion that he had not discussed *Roe* v. *Wade* when it was decided while we were in law school. I am writing to share with you my perspective on this matter which may assist you in making a more informed judgment about Judge Thomas.

I frequently ate breakfast with Clarence in law school as we were among the very few who liked to get an early start when the dininghall first opened at 7 a.m. I vividly recall that the dominant feature of these meals was the good natured laughter and wide open discussion which this self-selected small group of sunrisers shared. Clarence was among the best raconteurs and was frequently a leader in our daybreak meetings.

I do not recall that *Roe* v. *Wade* was ever a matter that Clarence discussed in these sessions or elsewhere. There were several reasons why it is not as likely as you assumed that *Roe* v. *Wade* raised issues that were of critical interest at that time. First, abortion was legal in twenty states in 1973. Access to a legal abortion was not a problem for my contemporaries. Therefore the decision was not nearly as important then as the prospect that it may be overruled is today.

Second, with very few exceptions, current legal cases tended to be of much less concern to us as law students than the tax, real estate and constitutional law cases we were studying in class. Even in constitutional law courses, we were much more likely to be reading and discussing turn of the century cases on the interstate commerce clause than current Supreme Court cases. The one exception that I recall was our discussions about the *Bakke* case, which concerned an affirmative action program in law school admissions, that was much more relevant to us than *Roe* v. *Wade*.

Third, our discussions of current events at that time were almost entirely dominated by one overwhelming issue—Watergate. Indeed, I have spoken to a reporter who normally covered the Supreme Court at that time who said that he did not cover the *Roe* v. *Wade* decision because he was at the trial of Dr. Ellsberg. Watergate was of far greater interest to us in 1973 than *Roe* v. *Wade*.

Thus Clarence's testimony that he does not recall discussing *Roe* v. *Wade* while in law school is entirely consistent with my own recollection and personal experience. Nor do I recall any such discussions after law school. I can assure you that it is highly unlikely that Clarence Thomas would ever dissemble about such an important issue.

The chairman of the American Bar Association committee that reviewed Clarence's qualifications testified that the two most significant qualifications for being a great justice on the Supreme Court are character and integrity. Clarence Thomas has character of tremendous depth and his integrity is unquestionable. No one who knows Clarence has disagreed with this assessment.

Finally, in evaluating Clarence Thomas' qualifications for the Supreme Court, one should keep in mind what Justice Blackmun wrote in *Roe* v. *Wade*: "Our task, of course, is to resolve the [abortion] issue by constitutional measurement, free of emotion and of predilection." 410 U.S. 113, 116. Regardless of his personal views on abortion, of which I am not informed, I am confident that Clarence Thomas would address the abortion issue and any other legal issue with constitutional dispassion.

Very truly yours,

LOVIDA H. COLEMAN, Jr.

OCTOBER 1, 1991.

Hon. JOHN C. DANFORTH,
U.S. Senate, Washington, DC.

DEAR JACK: I have known Clarence Thomas for more than 15 years. I have had thousands of separate conversations with Clarence over that period of time. We have discussed everything from the 18th Century English novel to running a marathon.

One subject that specifically never came up in our discussions was the subject of abortion. I know that some people find that assertion improbable. I find nothing improbable about it at all. The fact is I have thousands of friends and acquaintances with whom I have never discussed the subject of abortion, and Clarence Thomas happens to be one of them.

Sincerely,

ALEXANDER V. NETCHVOLODOFF.

NATIONAL SOLID WASTES
MANAGEMENT ASSOCIATION,
Washington, DC, October 3, 1991.

Senator JOHN C. DANFORTH,
United States Senate, Washington, DC.

DEAR JACK: I have been troubled since Clarence's nomination by the fact that people who do not know him, and who have not listened to him, have decided to attack his integrity. Now that we are in the final stages of the confirmation, it is getting ugly.

Whether the charge is "confirmation conversion," or a "lack of being forthright," these are just other ways of calling someone a liar. You and I both know that Clarence would make a lousy liar. Can you imagine trying to get him to do or say something he does not believe in?

Clarence is now accused of rejecting some of his more controversial statements after he put them in context during his hearings. The most extreme interpretations of these statements had been relied upon to discredit him. I find it offensive that his detractors now simply reject his explanation so as to be able to add "liar" to their other charges against him.

It is also distressing that some of your colleagues, and others, talk in disbelief about the fact that Clarence doesn't recall ever talking about *Roe* v. *Wade*. Why is that so preposterous? I don't recall ever talking about abortion with him, nor do I remember talking about nuclear war, the Soviet Union, capital punishment, prayer in schools, etc. Yet, I understand that a newspaper advertisement now seeks to identify anyone who ever discussed abortion with him.

In my experience, Clarence's focus has always been on his job, his family, his friends, and his search for ways to help blacks get ahead in a hostile world. It doesn't seem strange to me that abortion rights would have been low on his personal list of priority issues. I would guess that the same thing would be true for many blacks whose primary focus is economic issues.

You and your colleagues have long since been forced to state your views on abortion—over and over again with every conceivable nuance. Most Americans are spared that burden. Therefore, how can it be fair to attack a person's integrity or intelligence simply because he doesn't recall expressing a view on the matter?

Clarence's prospects look good, but the process has gone sour. He and his family do not deserve the personal attack. None of this helps the Court either. I hope you will take the accusers on directly and aggressively. They should put up or shut up.

Good luck,

ALLEN MOORE,
President.

BEACH, BURCKE, MOONEY
AND LAKE, P.C.,
St Louis, MO, October 1, 1991.

Senator JOHN C. DANFORTH,
Russell Building,
Washington, DC.

DEAR JACK: I understand a controversy has arisen in the Senate with regard to Judge Clarence Thomas's statement, in his Supreme Court confirmation hearing testimony, that he had not previously discussed the issue of abortion or the decision in Roe v. Wade.

As you know, Clarence and I, along with John Ashcroft, shared an office from 1974 to 1976 when we were Assistant Attorneys General during your administration as Attorney General of Missouri. We had adjacent desks, worked on many of the same cases for the Department of Revenue, and socialized outside the office. During those years, there was a considerable amount of litigation in the Office of the Attorney General on post-Roe abortion issues. Mike Boicourt, who was one of Clarence's and my closest friends, was actively involved in that litigation, as was Brook Bartlett, the First Assistant. You personally took a lead role in the cases. I am sure you recall that within the Office I had questioned the aggressive anti-Roe posture you were taking on some of those issues, while John Ashcroft had enthusiastically supported your position.

Thus, the subject of abortion certainly came up from time to time in casual conversations I, John, Mike, Brook and others held in Clarence's presence. Yet I can affirm that his Judiciary Committee testimony was true: he did not participate in those discussions. I must have been sufficiently struck by his silence at the time that I remember it today even though there was of course no reason then to believe it would have any later importance. But, if anything, I simply considered his detachment in the face of an issue which so agitated others as one more of the many remarkable and memorable examples of his unconventional thinking. His statement to the Committee therefore is not only credible, but consistent with his unique intellect and personality, which I consider an advantage rather than a demerit as he seeks confirmation by the full Senate to our highest Court.

I will be happy to confirm these observations personally to any Senator who may still have questions on the subject.

Sincerely,

MARK D. MITTLEMAN.

Mr. DANFORTH. Mr. President, I do not know how to prove a negative, Mr. President. I can say to the Senate for 3 months and 1 week I have been attempting to keep up with the various charges that have been made against Clarence Thomas of one thing or another.

The one lesson that I have gotten out of it is that if the President of the United States calls you up and asks you to let yourself be nominated for a position of high public trust, and if you have any kind of track record at all, you better watch out, because the process is going to be grueling, because Members of the Senate and their staffs, and interest groups, and countless lawyers, working for interest groups, and people who take out advertisements in newspapers, are going to be combing through everything you have ever said, everything that you have ever written, in an effort to find something to criticize.

If they do not get the answer the first time on Roe versus Wade, ask it a second time. If not then, ask it a 10th time, a 50th time, a 100th time. Push the same question. Maybe somehow you will get a variation of the answer that you could use in your latest attack or in your latest newspaper ad. You better watch out if you are going to be nominated by the President of the United States.

The gratifying thing is that the people who have been attacking Clarence Thomas have been the interest groups, the inside-the-beltway lobbyists, paid to scurry through the corridors of the Senate, spreading this word here and that word there, hiring their lawyers, looking through the speeches and the law review articles, combing through the footnotes, looking for any suggestion that they can make that there is something wrong here. And against those lobbyists are people who have known Clarence Thomas personally—Lovida Coleman, Alexander Netchvolodoff, Allen Moore, Mark Mittleman, all kinds of people who have come here from Georgia, who have come here from the EEOC, who worked with Clarence Thomas, all kinds of people, simple people who have known Clarence Thomas, and who believe in him, and who believe in his character, and who want to stand up for him.

It was very interesting during the hearing when Clarence Thomas was a witness and all the interest groups were there spin controlling the press, working the media, getting their message out in the most organized way. There, at the same time, was a State senator, Roy Allen, a black Democrat from Georgia, who grew up with Clarence Thomas, and who served as an altar boy with him. There was a nun who was his eighth-grade teacher. And there were all kinds of people from the EEOC who had worked with him, people of various races, people with crippling physical disabilities, who had worked with Clarence Thomas at the EEOC, and who believed in him.

For 3 months and 1 week, the liberal interest groups have ginned up their professionally born messages, and the people who have known Clarence Thomas for years and years, who have taught him in school, who have worked side by side with him, people with a variety of political persuasions, have come forward and they have said: We want you to know about the real Clarence Thomas. We want you to know about the real life human being whom we know, whom we went to school with and we have worked side by side with. We want you to know about the person who, when he opened the doors of the new office building of the EEOC, insisted that it be the most accessible building in the Federal Government to the physically impaired. We want you to know the person who understands what it is like to be poor, and what it is like to be black, and what it is like to struggle, and what it is like to be the little guy. We want you to know the person who does not spend the time talking about the lobbyists, whose heart is with the average citizen, not the powerful, but the average citizen. We want you to know the Clarence Thomas we know.

To see one of the workers in the Senate Commerce Committee, a man who does errands for the committee, stand there at the door of the hearing room to see how his friend Clarence is doing, that is what is really inspirational about this long 3-plus-month ordeal.

The war, of course, is never over until the last shot is fired. I have no doubt that shots are going to be fired in the next 4 days or so. No doubt at all. There are all kinds of interests whose livelihoods depend on attacking the likes of Clarence Thomas. But I know we are going to win it. I know the votes are there now to win it. And I know the American people are going to win. They are going to find on the Supreme Court of the United States a real, live, flesh-and-blood human being, who has been there with them in the worst of times, in the worst of circumstances, who has suffered with the most disadvantaged people in this country, and whose heart is with them. They are going to win, because he is going to serve on the U.S. Supreme Court.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. FORD) announced that on today, October 4, 1991, he had signed the following enrolled bill and joint resolutions previously signed by the Speaker of the House:

S. 868. An act to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes;

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week"; and

H.J. Res. 305. Joint resolution to designate the month of October 1991, as Country Music Month."

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bill and joint resolutions:

On October 3, 1991:

S.J. Res. 78. Joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month."

On October 4, 1991:

S. 868. An act to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes; and

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2002. A communication from the President of the United States, transmitting, pursuant to law, notice of the exercise of statutory authority in order to declare a national emergency with respect to Haiti; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1350. A bill to formulate a plan for the management of natural and cultural resources on the Zuni Indian reservation, on the lands of the Ramah Band of the Navajo Tribe, and in other areas within the Zuni River watershed and upstream from the Zuni Indian Reservation, and for other purposes (Rept. No. 102–174).

By Mr. FORD, from the Committee on Rules and Administration, with an amendment:

S. 289. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes (Rept. No. 102–175).

By Mr. FORD, from the Committee on Rules and Administration, without, amendment:

S. Res. 192. An original resolution to amend the Standing Rules of the Senate to conform with recent changes in the law made by the Legislative Branch Appropriations Act, 1992, and other Acts and to make certain technical correction.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, Mr. MCCAIN, Mr. BREAUX, Mr. GRASSLEY, Mr. MITCHELL, AND Mr. LEVIN):

S. 1810. A bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes; to the Committee on Finance.

By Mr. CRANSTON:

S. 1811. A bill to authorize the additional use of land in the city of Pittsburg, CA; to the Committee on Energy and Natural Resources.

By Mr. WIRTH:

S. 1812, A bill to provide for the protection of the water resources of the San Luis Valley, Colorado, from the potential impact of proposed water development projects for export of water out of the San Luis Valley upon Federal interests in Federal reclamation projects, interstate compacts for the allocation of water, national monuments, and national wildlife refuges, wildlife refuges, wildlife habitat area withdrawals, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. INOUYE, Mr. STEVENS, Mr. KASTEN, Mr. GARN, Mr. SEYMOUR, Mr. HATCH, Mr. CRAIG, Mr. THURMOND, Mr. COCHRAN, Mr. DURENBERGER, Mr. COATS, Mr. GRASSLEY, Mr. CHAFEE, Mr. SPECTER, Mr. JEFFORDS, Mr. D'AMATO, Mr. PACKWOOD, Mr. BURNS, Mr. PRESSLER, Mr. DOLE, Mrs. KASSEBAUM, Mr. BOND, Mr. HATFIELD, Mr. DOMENICI, Mr. BROWN, Mr. WARNER, Mr. COHEN, Mr. SYMMS, Mr. DASCHLE, Mr. AKAKA, Mr. GRAHAM, Mr. SHELBY, Mr. WOFFORD, Mr. GORE, Mr. SASSER, Mr. DECONCINI, Mr. NUNN, Mr. PRYOR, Mr. SANFORD, Mr. LEVIN, Mr. REID, Mr. GLENN, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. BREAUX, Mr. SIMON, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. DIXON, and Mr. CONRAD):

S.J. Res. 212. Joint resolution to designate October 19 through 27, 1991, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 192. An original resolution to amend the Standing Rules of the Senate to conform with recent changes in the law made by the Legislative Branch Appropriations Act, 1992, and other acts and to make certain technical correction; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, Mr. MCCAIN, Mr. BREAUX, Mr. GRASSLEY, Mr. MITCHELL, Mr. RIEGLE, and Mr. LEVIN):

S. 1810. A bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

MEDICARE PHYSICIAN PAYMENT REFORM IMPLEMENTATION ACT OF 1991

Mr. ROCKEFELLER. Mr. President, I am extremely honored to rise today, with my good friend from the State of Minnesota, Senator DURENBERGER, as we introduce a bill, the Physicians Payment Reform Limitation Act of 1991 and that we so do with Senator MCCAIN and Senator BREAUX. It is a very difficult and complex bill, Mr. President. But it is also a very important one.

Senator DURENBERGER and I have joined together once again to clarify how we, the two of us, who are the original Senate sponsors of physician payment reform in terms of legislation, intended that legislation to be implemented.

Two years ago Congress worked very hard and very long with the administration, with physicians' organizations, with beneficiary groups, to enact what is fundamentally landmark legislation to reform the Medicare reimbursement policies for physicians. The system was in dire need of being made more fair and a lot more workable. Payments did not make sense. Neither doctors nor beneficiaries understood the bill existed. Costs were and are spinning out of control.

Mr. President, we are now practically on the eve of implementation of physician payment reform—a subject known to few, but a subject of great importance—and some very serious problems remain unresolved, problems which could seriously jeopardize its acceptance by the medical community and that are important and could possibly adversely affect Medicare beneficiaries and their access to health care.

I am the first to acknowledge that the implementation of the physician payment reform is technical and complex and, in fact, monumental except for those that it would affect.

I am dismayed that the proposed rules issued by the Health Care Financing Administration last June really do not accurately or adequately reflect the congressional intent that Senator DURENBERGER and I are quite firm about. Our objective was to do some careful surgery to eliminate inequities in physician reimbursement so that payments in fact reflect the actual cost of providing medical care.

Under HCFA's proposed rules, almost $7 billion will be cut from physician payment over a 5-year period due to an adjustment to account for more undervalued services moving immediately to the new fee schedule plan than overvalue procedures in the year 1992. This is referred to as the asymmetric transition.

I am very pleased that Dr. Wilensky, the excellent HCFA Administrator, indicated at a hearing that I held and the day Senator DURENBERGER held in our Medicare Subcommittee earlier this year, that in fact HCFA is taking a second look at their initial interpretation of how the asymmetric transition is to be done. Our bill provides an assurance that in making the adjustment for the asymmetric transition the conversion factor would not be premanently reduced.

Mr. President, our bill strikes a compromise on an assumption made by HCFA regarding possible changes in the volume and in the intensity of services provided by the physicians in response to reductions in their Medicare fees which could flow from this bill.

While I am and have deeply concerned about the effect any miscalculations in my estimates could have on the Federal Treasury, I am not ready to assume the worst, as evidently HCFA feels that it must do.

The RB-RVS fee schedule was never meant to be a mechanism to hold down Medicare physician payment expenditures. The Medicare volume performance standard was the total approved by Congress to address any changes in the volume and the intensity of the physician services that might occur. The volume performance standard provides a new way to stabilize Medicare costs through a rationally informed congressional process. It will work.

The Physician Payment Review Commission, in their recommendations, issued in response to HCFA's proposed rules questioned the appropriateness of assuming that physicians who lose income will offset half of their losses with increased volume, while at the same time they assume that those physicians who will see increases in their incomes would not change their volume or intensity. In other words, their behavior.

The PPRC concluded that physicians were being unfairly penalized before they had a chance to even show how they would behave. And Senator DURENBERGER and I agreed with that. Under our proposal, HCFA is limited to assuming the changes in the volume and intensity in the services in response to the new fee schedule with increased overall physician spending by no more than 1 percent. We feel that is fair.

This adjustment is to be applied across the board, meaning to both the conversion factor and the historical payment base.

I did not promise this was interesting. I only said it was important.

If changes in physician behavior, in fact, turn out to exceed this expectation, Congress is not limited in any way in adjusting physician updates in future years to take this into account. That also makes sense.

I can assure you, Mr. President, that I intend to be very vigilant in monitoring any changes in the volume or in the intensity of services related simply to the implementation of the RB-RVS fee schedule and reductions in fees for certain other services.

Our bill would also restore Medicare payments for EKG interpretations, which were eliminated last year in the Omnibus reconciliation Act of 1990 in order to achieve budget deficit savings.

The position of Senator DURENBERGER and myself is budget neutral because we require HCFA to adjust the relative values and the fee schedule for physician visits to reflect separate EKG payments.

Another provision which was included in last year's reconciliation bill further reduced Medicare payments to new physicians, and physicians who are not in medical school are very, very worried about this. Our proposal would not totally eliminate this disparity, but we do attempt to soften it somewhat.

In closing, our bill also prohibits HCFA from issuing final regulations that would change current payment methodologies for anesthesia services and drugs furnished incident to a physician's visit.

Our bill requires additional information and analysis to be provided to Congress to support alternative methodologies for reimbursement.

Finally, our bill establishes pilot projects to ease the feasibility and desirability of alternative methods of establishing Medicare volume performance standards. For example, we would test whether separate volume performance standards could be established for States, for specialties, for hospital medical staffs, or other groups of physicians.

Physician payment reform is not just about doctors' salaries, Mr. President. Physician payment reform is a critical measure of Congress, of the administration, and the health care providers; that is, all of us working together. Are we going to be able to do that successfully?

Two years ago when we all sat down at the table to hammer out this landmark legislation, we came to that table with different ideas, with very different experiences, and sometimes extremely divergent viewpoints, but ultimately we reach an agreement, and Senator DURENBERGER and I are determined and committed to make sure that agreement is carried out as we intended.

I am determined to prove that interested parties can come together and reform our health care system.

Mr. President, I ask that a summary of the bill and the text of the bill be inserted in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Physician Payment Reform Implementation Act of 1991".

SEC. 2. ADJUSTMENT FOR ASYMMETRY OF THE TRANSITION.

(a) TREATMENT OF ADJUSTMENT FOR TRANSITION IN 1993–1996.—Section 1848(d)(1) of the Social Security Act (42 U.S.C. 1395w–4(d)(1)) is amended, by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

"(C) PHASED ELIMINATION OF TRANSITION REDUCTION.—In determining the conversion factor for each of the years after 1992 and before 1997, the Secretary shall increase the conversion factor otherwise determined under subparagraph (A) for that year by one-fourth of the percentage (if any) by which the conversion factor determined under subparagraph (B) for 1992 was decreased by reason of the asymmetry of the transition provided under subsection (a)(2).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to services furnished on or after January 1, 1992.

SEC. 3. LIMIT ON REDUCTION FOR CHANGES IN VOLUME AND INTENSITY.

(a) IN GENERAL.—

(1) CONVERSION FACTOR.—Section 1848(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w-4(d)(1)(B)) is amended by adding at the end the following: "In determining the conversion factor under this subparagraph, the Secretary may not assume that changes in volume and intensity in response to the implementation of this section for physicians' services under this part would increase the estimated aggregate amount of payments under this part for all physicians' services by more than 1 percent.".

(2) AHPB.—Section 1848(a)(2)(D) of such Act (42 U.S.C. 1395w-4(a)(2)(D)) is amended by adding at the end the following new clause:

"(iv) ADJUSTMENT FOR CHANGES IN VOLUME AND INTENSITY.—If the conversion factor for 1992 is reduced pursuant to the second sentence of subsection (d)(1)(B), the Secretary shall reduce the adjusted historical payment basis otherwise determined for a service under clause (i), (ii), or (iii) by the same percentage as the conversion factor is reduced pursuant to such sentence.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to services furnished on or after January 1, 1992.

SEC. 4. PERMITTING SEPARATE PAYMENT FOR INTERPRETATION OF ELECTROCARDIOGRAMS PROVIDED DURING OFFICE VISITS.

(a) IN GENERAL.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w-4(b)) is amended by striking paragraph (3).

(b) DEVELOPMENT OF SEPARATE FEE SCHEDULE AMOUNTS FOR ELECTROCARDIOGRAM INTERPRETATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish separate fee schedule amounts under section 1848(b) of the Social Security Act for the interpretation of electrocardiograms performed or ordered to be performed as part of or in conjunction with a visit to or consultation with a physician.

(2) ADJUSTMENT OF FEE SCHEDULES FOR OFFICE VISITS.—With respect to physicians' services consisting of visits to or consultations with a physician, the Secretary shall adjust the relative values established for such services under section 1848(b) of the Social Security Act to reflect the establishment of separate fee schedule amounts under paragraph (1).

(c) DEVELOPMENT OF PRACTICE GUIDELINES.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services (acting through the Administrator of the Agency for Health Care Policy and Research) shall—

(1) establish practice guidelines for electrocardiograms for the use of physicians, and shall disseminate the guidelines and other educational information relating to the use of electrocardiograms to physicians; and

(2) develop a profile for the use of electrocardiograms by physicians.

(d) STUDY OF UTILIZATION AND COSTS OF ELECTROCARDIOGRAMS.—

(1) STUDY.—The Secretary of Health and Human Services (acting through the Administrator of the Agency for Health Care Policy and Research) shall conduct a study of the utilization and costs of electrocardiograms, and shall include in the study an analysis of the effects of the amendment made by subsection (a) and the provisions of subsection (b) on such utilization and costs.

(2) REPORT TO CONGRESS.—Not later than 2 years after the effective date of the final regulations promulgated by the Secretary of Health and Human Services to carry out the amendment made by subsection (a) and the provisions of subsection (b), the Secretary shall submit a report on the study conducted under paragraph (1) to Congress.

(e) EFFECTIVE DATE.—The amendment made by subsection (a) and the provisions of subsection (b) shall apply to services furnished on or after January 1, 1992.

SEC. 5. PRECLUSION OF RETROACTIVE APPLICATION OF NEW PHYSICIAN PAYMENT PROVISIONS TO CERTAIN PHYSICIANS.

In the case of a physician—

(1) who was in the first, second, or third year of practice (as such terms are defined in section 1842(b)(4)(F)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(4)(F)(ii)) during 1991,

(2) who was a member of a group practice during such calendar year, and

(3) to whose services the provisions of section 1842(b)(4) of such Act did not apply during such calendar year because the physician was a member of a group practice,

the provisions of section 1848(a)(4) of the Social Security Act (42 U.S.C. 1395w-4(a)(4)) shall not apply to services furnished by such physician (or incident to such services) on or after January 1, 1992.

SEC. 6. MORATORIUM AND STUDY ON IMPLEMENTATION OF PROPOSED RULE TO ELIMINATE USE OF ACTUAL TIME UNITS FOR ANESTHESIA SERVICES.

(a) PROHIBITION ON ISSUANCE OF FINAL RULE.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may not issue, in final form, after September 30, 1991, and before July 1, 1993, any regulation that changes the methodology in effect on September 30, 1991, for determining the amount of time that may be billed for anesthesia services under section 1848 (or section 1833(l)) of the Social Security Act. Any provision of a regulation published in violation of the previous sentence before the date of the enactment of this Act is void and of no effect.

(b) STUDY.—(1) The Director of the Office of Technology Assessment shall, subject to the approval of the Technology Assessment Board, conduct a study of the feasibility and desirability of—

(A) basing payments for anesthesia services under title XVIII of the Social Security Act on average time rather than actual time,

(B) basing payments for such services on actual time for the intraoperative portion of a procedure and average time for the pre- and post-operative portions of the procedure, and

(C) computing a different average time for each surgical or other procedure with respect to which anesthesia services are furnished and using a different code for each such procedure.

(2) The Director shall report the results of the study specified in paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives not later than March 1, 1993.

SEC. 7. MORATORIUM AND STUDY ON IMPLEMENTATION OF PROPOSED RULE TO CHANGE PAYMENT FOR DRUGS FURNISHED INCIDENT TO A PHYSICIAN'S SERVICE.

(a) PROHIBITION ON ISSUANCE OF FINAL REGULATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may not issue, in final form, after September 30, 1991, and before July 1, 1993, any regulation that changes the methodology in effect on September 30, 1991, for determining the amount paid for drugs and biologicals that are furnished incident to physicians' services. Any provision of a regulation published in violation of the previous sentence before the date of the enactment of this Act is void and of no effect.

(b) STUDY ON PROPOSED RULE TO CHANGE PAYMENT FOR DRUGS FURNISHED INCIDENT TO A PHYSICIAN'S SERVICE.—The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall conduct a study and report to Congress by no later than 1 year after the date of enactment of this Act, on the feasibility and desirability of changing the methodology utilized to determine payment amounts under title XVIII of the Social Security Act for drugs and biologicals that are furnished incident to physicians' services. Such report shall include information on the extent to which physicians are able to obtain discounts or rebates with respect to the purchase of such drugs and biologicals, and recommendations on other cost control measures which may be implemented with respect to payment of such drugs.

SEC. 8. STUDY ON PAYMENT FOR MULTIPLE SURGICAL PROCEDURES.

(a) STUDY.—(1) The Secretary of Health and Human Services shall conduct a study of the relative values of surgical procedures that—

(A) are performed by the same physician on the same patient within 24 hours,

(B) are not incidental to the primary surgical procedure performed on the patient, and

(C) require separate incisions.

(2) Such study shall compare the work, practice expense, and malpractice relative values for such procedures with the values for such procedures when performed alone.

(b) REPORT.—The Secretary shall submit a report on the study required by subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives not later than 1 year after the date of the enactment of this Act.

SEC. 9. PILOT PROJECTS ON DEVELOPMENT OF MEDICARE PERFORMANCE STANDARDS OTHER THAN AT THE NATIONAL LEVEL.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide for pilot projects, by no later than October 1, 1993, to test a variety of alternative methods for establishing medicare volume performance standards such as separate performance standard rates of increase for services furnished by (or within) States, specialties, hospital medical staffs, or groups of physicians. Notwithstanding any other provision of law in carrying out such pilot projects, the Secretary of Health and Human Services is authorized to provide physicians or physician groups such data as is necessary to establish and monitor medicare volume performance standards.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out the pilot projects provided for in this section $4,000,000 in fiscal year 1992, to remain available without regard to fiscal year limitations.

(c) EFFECTIVE DATE.—The Secretary shall solicit pilot projects by no later than 90 days after the date of enactment of this Act.

PHYSICIAN PAYMENT REFORM IMPLEMENTATION ACT OF 1991

ADJUSTMENT FOR ASYMMETRY OF THE TRANSITION

Current Law: In 1992, physician services whose fees are within 15 percent of the 1992 fee schedule will be paid on the fee schedule. Approximately one-third of all physician services will be paid on the fee schedule in 1992. The remaining two-thirds of physician services will gradually move to the fee schedule over 5 years. It is estimated total payments for undervalued services will increase more than payments for overvalued services will decrease in 1992.

Proposal: The conversion factor shall be increased in 1993, 1994, 1995, and 1996 by one-fourth of the percentage by which the conversion factor may have been decreased due to an adjustment for asymmetry in 1992.

LIMIT ON REDUCTION FOR CHANGES IN INTENSITY AND VOLUME OF SERVICES

Current Law: None.

Proposal: The Secretary of HHS may not assume that changes in the volume and intensity of services in response to the implementation of the new payment system would increase aggregate physician expenditures by more than 1 percent. Any reduction that HCFA may apply, due to assumed volume and intensity changes, shall be applied equally to the conversion factor and the adjusted historical payment base.

PAYMENTS FOR INTERPRETATION OF EKGS

Current Law: OBRA 1990 eliminated separated payments to physicians for interpreting EKGs, effective January 1, 1992.

Proposal: The Secretary of HHS shall establish separate fee schedule amounts for the interpretation of EKGs and adjust the relative values in the fee schedule for physician visits to reflect separate payments for EKG interpretation. The Secretary of HHS shall establish EKG practice guidelines, disseminate these guidelines to physicians, and develop physician EKG profiling. The Secretary of HHS shall study EKG utilization and costs and report to Congress.

TREATMENT OF NEW PHYSICIANS

Current Law: Physicians in their first year of practice are reimbursed at 80% of what would otherwise have been paid, 85 percent in their second year, 90% in their third year, and 95% in their fourth year. The provision does not apply to primary care services or services furnished in a rural health professional shortage area.

Proposal: New physician provisions would not apply to services furnished on or after January 1, 1992 by a physician who was in his or her first, second, or third year of practice in 1991 and to whom the rules did not apply in that year.

ANESTHESIA SERVICES

Current Law: Payments for anesthesia services are made on the basis of a Uniform Relative Value Guide. Payments are calculated based on actual time.

Proposal: The Secretary of HHS is prohibited from issuing final regulations changing the methodology for determining the amount of time that may be billed for anesthesia services prior to July 1, 1993. The Office of Technology Assessment shall conduct a study of the feasibility and desirability of basing payments for anesthesia services on average time versus actual time; basing payments for services on actual time for the intraoperative portion of a procedure and average time for pre- and post-operative portions of the procedure; and computing a different average time for each surgical or other procedure for which anesthesia services are furnished and using a different code for each procedure.

DRUGS AND BIOLOGICALS FURNISHED INCIDENT TO PHYSICIANS SERVICES

Current Law: Drugs provided incident to physicians' services are generally reimbursed based on average wholesale prices or actual acquisition costs.

Proposal: The Secretary of HHS is prohibited from issuing final regulations changing the methodology for determining the amount paid for drugs and biologicals furnished incident to physicians' services prior to July 1, 1993. The Secretary of HHS shall study and report to Congress the feasibility and desirability of changing the methodology used to determine payment rates, including information on the extent to which physicians are able to obtain discounts or rebates on drugs and biologicals.

PAYMENT FOR MULTIPLE SURGICAL PROCEDURES

Current Law: Carriers adjust payments for multiple surgical procedures not incidental to the primary surgery in varying amounts. Generally, an additional payment of 50 percent of the next highest procedure and additional payments of 20 percent to 50 percent for other procedures are made. Some carriers reimburse for no more than 3 surgical procedures, others have no limits. Multiple surgeries done by different surgeons are paid at full levels.

Proposal: The Secretary of HHS shall conduct a study of the relative values of surgical procedures that are performed by the same physician on the same patient within 24 hours; are not incidental to the primary surgical procedures; and require separate incisions. The study shall also compare the work, practice expense, and malpractice relative values for multiple surgical procedures with the values for similar procedures when performed alone.

MEDICARE VOLUME PERFORMANCE STANDARD

Current Law: Annual updates to the conversion factor are linked to Volume Performance Standards. Each year Congress sets a performance standard for the rate of growth in spending for physician services. After comparing actual growth to the VPS, Congress determines the conversion factor update. If Congress does not act, HCFA applies a default formula set by Congress.

Proposal: The Secretary is to establish demonstration projects to test the feasibility of establishing Volume Performance Standards by or within states, specialties, hospital medical staffs, or groups of physicians.

Mr. DURENBERGER. Mr. President, my colleague from West Virginia, Senator ROCKEFELLER, who really is solely responsible for the fact that we have physician payment reform before us, has spoken eloquently to the very, very important issue with which we have been involved. Together, we helped design the original physician payment reform bill in 1989. But it is he who saw to its passage, both on the Senate side, and particularly in conference.

Today, we join to introduce the Physician Payment Reform Implementation Act. I am not pleased, any more than he, with the need to do so.

The bill is intended to change several provisions contained in the notice of proposed rulemaking issued by the Health Care Financing Administration on June 5. Before proceeding to the specifics, however, let me say for the RECORD that not all of the provisions of this bill of ours are designed to reverse decisions made by HCFA. Some of the provisions are to change or eliminate faulty Medicare physician payment policies adopted in haste by the Congress in conference in a search for budgetary savings.

Mr. President, as one of the two Senate authors of the payment reform, I feel a deep responsibility to ensure that the program is implemented in the manner intended by both the Congress and the physician community that must make it work.

More pragmatically, as someone who helped design the medicare hospital prospective payment system 8 years ago, and who continues to live through the annual litany of modifications to that system, I know how important it is to get things right at the beginning.

Let me assure my colleagues, our failure to act now to rectify the major flaws in the proposed physician fee schedule will lead to endless debate and problems down the road, which will require congressional intervention.

Mr. President, the 1989 physician payment reform was designed to make sense out of the way in which physicians are reimbursed for their services by Medicare. The current method of physician payment, called customary, prevailing and reasonable, customary, prevailing and reasonable is inequitable and inflationary. It pays different doctors different amounts for the same service. It rewards doctors for doing more, rather than less, and it allows wide variation in payments to physicians practicing in different parts of the country.

Mr. President, it was for all those reasons, and more, that my colleague from West Virginia and I worked so hard to pass the physician payment reform legislation. We wanted to create a fair payment system. But fair is not the perception that the doctors have about the new fee schedule.

To visualize the new method of physician payment, think of a simple mathematical equation that we all learned as kids: A times B equals C. C equals the amount in real money that a physician is paid by Medicare.

The first part of the equation, A, is the number that we have assigned to a particular procedure, so we can judge its value in relationship to all other procedures. An appendectomy might have a 50. A measles short, in relationship to that, might have a 10. This part of the equation—the 50 for the appendectomy, and the 10 for the measles—always stays the same.

The next part of the equation is B. B represents the number that turns A into C, and that is called the conversion factor.

That is an oversimplification of what, in reality, is a very complex system, which requires much deeper treatment. But the essence is captured in the equation: A times B equals C; The procedure value times the conversion factor, which changes every year, equals the amount paid to your doctor for a particular procedure.

The problem is that in figuring out B, the conversion factor, HCFA made some decisions which resulted in a figure that is too low. That is why we are hearing from our doctors.

It is a little more complicated to explain why the conversion factor is low, but I will try. Under the rules of transition from the old system to the new system—we decided we had to do this over 5 years, rather than putting it into place now—we raise fees for so-called undervalued procedures, where the physicians are paid too little, faster than we lower the fees for so-called overvalued procedures. This results in a first-year shortfall, known as the asymmetrical transition problem. But we are supposed to have budget neutrality.

So, Mr. President, HCFA chose to get the shortfall back by reducing the conversion factor. This meant that the procedures that will be paid at the full fee schedule amount in 1992 will be forced to absorb the budget shock. Since just one-third of all procedures will move to the fee schedule in 1992, the result is a tripling effect, meaning the conversion factor is reduced three times more than it would be if the short fall were spread equally across all payments.

To her credit, Dr. Wilensky announced that HCFA will correct the asymmetrical transition problem and eliminate that tripling effect. Without these changes, it would have cost the physicians of this country $6.9 billion over 5 years in unintended budgetary savings, and they would have been able to say: "Hey, you are trying to make money off of this for the budget."

The exact details of the methodology that HCFA will employ to make the correction are not known, but the Senator from West Virginia and I have confidence that the problem will be addressed in the final regulation.

Our confidence is reflected by the fact that our bill does not dictate a particular methodology for resolving the asymmetrical transition problem. It does, however, stipulate that any reduction made in the conversion factor to address the first-year shortfall must be restored in equal increments over the remainder of the transition. This provision will assure that no unintended savings are generated in 1993 through 1996 by the requirement for budget neutrality in 1992. Nobody can say we are trying to make money for the deficit on the backs of the doctors.

Our next problem is more difficult to resolve. The HCFA actuaries have assumed that there will be a substantial increase in the number and intensity of services provided in response to reductions in physicians' Medicare income. On the other hand, for those physicians whose aggregate Medicare fees will rise under the new schedule, HCFA assumes no reduction in volume or intensity. The result of HCFA's economic assumptions is a large reduction in the 1992 conversion factor.

Mr. President, the Physician Payment Review Commission believes the economic assumptions by HCFA represent a worst-case scenario. The Commission, which is responsible for advising us on matters relating to physician payment, recommends that any adjustment to the 1992 fee schedule be limited to no more than 1 percent of total fees.

Mr. President, the fact is that nobody really knows what changes will occur in response to the new fee schedule. When we designed the system in 1989, the Senator from West Virginia and I knew there would be all kinds of changes in response to new fees. What was not predictable was the specific nature of the changes or their magnitude, particularly at the individual physician level.

Common sense dictates that if a large percentage of income is from Medicare, physicians who experience big cuts in their income will face strong incentives to act in a manner that will help offset those reductions. And, Mr. President, there are many metropolitan areas in this country with large numbers of Medicare patients which will experience significant reductions in aggregate physician fees under the new fee schedule. That is what these charts back here tell you.

By the end of the 5-year transition, the physicians who receive Medicare in Miami will see a 30.7-percent reduction in the aggregate amount of their fees, in San Diego, 28.3; Fort Lauderdale-West Palm Beach, 27.1; Houston, 25.2; in Baltimore, 22. I am looking for Honolulu on here and I am not sure that I am finding it. Oh, my gosh, here is Honolulu, 24.7 percent.

What I want you to do is look at Minneapolis-St. Paul, which my colleague, who is on the floor and I represent. Our physicians will see their income reduced by only 1.1 percent on Medicare. What does that mean? It means people in Minnesota are getting terrific deals from their doctors and that doctors in Minnesota are underpaid. But not in Miami. So what are the doctors in Miami going to do? That is the issue. What will they do?

Well, we do not know exactly what they will do. And it is for that reason that balance billing limits have been put on, so that doctors cannot transfer their extras fees or extra charges on to their patients.

One of the things that could occur, I believe, is that in the Miami, Santa Barbara, San Diego, and maybe even Honolulu areas, there could be more procedures, more visits, more ancillary services, and so forth. But I also believe in the Minneapolis-St. Paul, Denver, Corvallis, and Detroit areas, where the physician payments are going to rise, doctors may not be doing all the procedures they did before. So we do not know exactly where that is going to come out.

Mr. President, one of our goals was to provide physicians with an incentive to practice as efficiently as possible. That is why we included the Medicare volume performance standard as a key component of the legislation, and tied that standard directly to future updates in physician fees.

Unfortuntely, due to data constraints and other factors, the MVPS makes future adjustments for changes that occurred 2 years in the past. Hence it is a somewhat clumsy and indirect mechanism for assuring that total physician fees do not exceed desired levels.

Mr. President, if the MVPS could be made more responsive to the types of economic changes anticipated, the bill Senator ROCKEFELLER and I are introducing would have precluded HCFA from making any assumptions up front about future changes in volume and intensity. However, to change the MVPS mechanism at this point would delay the implementation of the new fee schedule by at least 1 year. So instead, our bill states that HCFA may not assume that volume and intensity changes will increase aggregate physician payments by more than 1 percent during 1992. In addition, to assure equity in the system, any reduction that HCFA makes due to assumed changes in volume and intensity must be applied equally to all fees, not just those which will be paid at the dollars over the next 5 years. We are primarily concerned with the financial ramifications of this legislation in the first 2 years of implementation. After that time, the volume performance standard kicks in as a mechanism for responding to changes in volume and intensity.

Nonetheless, in the short term, we must find a way to pay for this legislation, preferably from within the Medicare Program itself. I will not declare physician payment reform a budget emergency, thus enabling us to waive the rules of the Budget Act. The doctors will benefit from our bill. The patients already benefit from payment reform. So whatever funds are needed to implement it should come from within the Medicare Program.

In closing, Mr. President, I think it is important that we remember our primary goal when we passed the physician payment reform legislation: To do a better job meeting the access and quality needs of our senior citizens. Well, Mr. President, without this legislation, physician payment reform may end up being a medical procedure that made the patient sicker, not better.

Mr. President, I ask unanimous consent that copies of these tables be printed in the RECORD at the end of my statement.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimates of effect of fully-phased-in Medicare physician fee schedule

MSA name	*Percent*[1]
Miami	−30.7

MSA name	Percent[1]
Santa Barbara	−29.3
San Diego	−28.3
Oxnard-Ventura	−28.2
Los Angeles	−27.9
Ft. Lauderdale/W. Palm Beach	−27.1
Riverside/San Bernardino	−26.2
San Antonio	−25.8
Houston	−25.2
Anahiem/Santa Ana	−24.9
Honolulu	−24.7
Bakersfield	−23.8
Daytona	−23.1
Tampa	−22.6
New York	−22.5
Orlando	−22.1
Baltimore	−22.0
Sacramento	−19.4
Kansas City	−17.9
Louisville	−17.5
Nassau/Suffolk	−17.4
Boston and Worcester	−17.2
Chicago	−17.1
Las Vegas	−16.6
Tulsa	−16.5
Oakland	−16.0
Oklahoma City	−15.5
San Jose	−15.3
San Francisco	−14.8
Rochester	−14.0
Buffalo	−13.3
Washington, DC	−13.3
Vancouver	−11.6
Portland	−11.0
Salem	−10.7
Seattle	−10.3
Detroit	−8.0
Corvallis	−6.9
Denver	−2.6
Minneapolis/St. Paul	−1.1
United States	−16.8

[1] Percent change in physicians payment.

Mr. MITCHELL. Mr. President, I rise today to add my support to Senators ROCKEFELLER and DURENBURGER for the Physician Payment Reform Implementation Act of 1991. I want to commend the chairman and ranking member of the Finance Subcommittee on Medicare and Long-Term Care for their efforts to assure that the implementation of Medicare physician payment reform is in keeping with the intent of Congress.

Mr. President, included in the Omnibus Reconciliation Act of 1989 was a major reform of the way physicians are paid under the Medicare Program. This reform proposal, which was authored by Senator ROCKEFELLER and DURENBURGER, was a difficult and lengthy undertaking, intended to make payments to physicians more equitable and less dependent on specialty and geographic location.

The goals of physician payment reform are particularly important in rural States like Maine, West Virginia, and Minnesota. Our States rely on the services of primary care physicians to provide necessary medical care to persons living in isolated communities. One of the most critical factors in providing quality health care in Maine is the distribution of physicians.

Recruitment and retention of primary care physicians is very difficult in my state, in large part because of the low reimbursement for doctors providing primary care. Physician payment reform was intended to increase payment for primary care and to reduce the disparity in payment between urban and rural physicians.

Unfortunately, the administration's proposed regulations jeopardize this important goal. The administration's attempt to reduce the overall Medicare payment to physicians in the aggregate would result in lower increases for primary care doctors than was anticipated in the original legislation.

If we are to continue to work toward providing access to health care for all Americans, regardless of their income level, age, or geographic location, we must assure that physicians are compensated fairly for their services. Otherwise we will continue to have a surplus of doctors in wealthy suburbs and a shortage of doctors in poor and isolated communities.

Congress and the administration must keep their commitment to the physicians who worked with us to develop the Medicare physician payment system. We must also keep our commitment to the Nation's Medicare beneficiaries who depend upon physicians to provide quality care for both primary services and specialty services, in both rural and urban America.

I urge my colleagues to join with us in supporting this important legislation.

Mr. RIEGLE. Mr. President, today I join my colleagues, Senators ROCKEFELLER and DURENBERGER, in cosponsoring the Physician Payment Reform Implementation Act of 1991. This act clarifies Congressional intent regarding physician payment reform under Medicare. As with many of my colleagues, I am concerned about the Health Care Financing Administration's [HCFA] June 5 proposed regulations to implement physician payment reform. The proposed regulations will result in billion dollars of reductions in total payments to physicians through the new Medicare physician fee schedule. I have raised my concerns about the proposed regulations in several letters to HCFA and meetings my staff has had with them.

When Congress supported physician payment reform in the Omnibus Budget Reconciliation Act of 1989 [OBRA '89], we did so because we intended that the system provide more incentives for primary care and reduce payments for certain procedures. We wanted the system to be fair and predictable for patients and doctors. The new system was to be budget neutral, with no program savings associated with the transition to the fee schedule.

The physician community supported this change because it recognized that the present system was unpredictable and often inequitable and work in good faith on Medicare physician payment reform. The proposed aggregate payment reductions undermine the cooperation that was extended at that time.

Mr. President, this bill addresses two key areas of concerns; the asymmetry of the transition to the new payment system and assumed changes in intensity and volume of services made by HCFA in the regulations. More than anything, this bill symbolizes Congress' intent in these two major areas. Based on information from HCFA, we know that the administration is correcting the problem of asymmetry in the final regulation and I am very pleased that they are doing this. This bill acknowledges those efforts and ensures that this is done in a budget neutral manner. It is my hope that the administration considers other provisions in this bill as they develop the final regulations.

The bill also has a series of provisions to improve implementation of the Medicare's physician payment system in particular areas. Clearly, the bill does not address every aspect of implementation of physician payment reform, and we will be working in the Finance Committee to ensure appropriate implementation of Medicare's physician payment reform. S. 1810 has the support of the American Medical Association and the Michigan State Medical Society and I will continue to work with these organizations to implement this important act.

Mr. President, I commend Senators ROCKEFELLER and DURENBERGER, the two Senator authors, for their continued leadership in this area.

By Mr. CRANSTON:

S. 1811. A bill to authorize the additional use of land in the city of Pittsburg, CA; to the Committee on Energy and Natural Resources.

ADDITIONAL USE OF LANDS IN PITTSBURG, CA

• Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to authorize the additional use of land in Pittsburg, CA. The bill is a companion to H.R. 2816 sponsored in the House by Congressman GEORGE MILLER and recently approved by the House Interior Committee as an amendment to H.R. 2556.

In 1960 the city of Pittsburg, CA, purchased 300 acres of land from the Federal Government for park and recreation purposes. The deed required the city to use the property exclusively for those purposes for 20 years. Subsequently the deed was amended to require park and recreation use in perpetuity. The city now wishes to use 1 acre of this land for a new fire station to serve a rapidly growing part of the community. The proposed site at the northwest end of the 300 acres has been identified as the best location for a fire station to cover the many fires that occur on the grassy parklands during dry seasons and to provide fire protection for local residences.

This legislation removes the deed restriction from a portion of the property so that up to 1.5 acres can be used for a fire station or other public purposes.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF RESTRICTION.—Notwithstanding the restrictions otherwise applicable under the terms of the conveyance by the United States of any of the lands described in section 2 to the city of Pittsburg, California, or under any agreement concerning any part of such lands between such city and the Secretary of the Interior or any other officer or agent of the United States, the lands described in section 2 may be used, for the purposes specified in section 3.

SEC. 2. LANDS AFFECTED.—The lands referred to in section 1 are only portion not exceeding 1.5 acres of the lands described in that certain Quitclaim Deed of the United States to the city of Pittsburg, California, bearing the date of March 25, 1960, and recorded in Record of Deeds of the County of Contra Costa, California, as document No. 79015, in Book 3759 at page 1 of Records.

SEC. 3. AUTHORIZED USES.—The city of Pittsburg, California, may use the lands described in section 2 for a fire station or other public purpose, or may transfer such lands to another governmental entity on condition that such entity retain and use such lands for such purpose.●

By Mr. WIRTH:

S. 1812. A bill to provide for the protection of the water resources of the San Luis Valley, CO, from the potential impact of proposed water development projects for export of water out of the San Luis Valley upon Federal interests in Federal reclamation projects, interstate compacts for the allocation of water, national monuments, and national wildlife refuges, wildlife habitat area withdrawals, and for other purposes; to the Committee on Energy and Natural Resources.

SAN LUIS VALLEY WATER RESOURCES PROTECTION ACT

Mr. WIRTH. Mr. President, I rise today to introduce legislation to protect the water resources of the San Luis Valley in Colorado from being injured by a private development project that could literally leave farmers, and their communities, high and dry.

Every westerner knows that water truly is our life blood, and that is nowhere more true than in the San Luis Valley. Hispanic and Anglo families have been farming in the arid San Luis Valley for more than 100 years. Originally, they relied on water diverted from the Rio Grande River, which flows through the valley. But they have also come to rely upon water from an enormous confined aquifer that lies deep below the surface throughout the valley. But these farmers' water use is limited by forces beyond their control.

An interstate compact, for sharing the waters of the Rio Grande River, requires Colorado to deliver significant quantities of water to downstream States—so significant, in fact, that from 1952 to 1968, Colorado underdelivered its compact share by a total of 900,000 acre-feet. Colorado ultimately was able to meet its commitments, but the Rio Grande compact requirements has been a constant threat to farmers in the San Luis Valley who could never be sure if they would have water for the growing season.

Fortunately, Mr. President, the Congress offered the people of the San Luis Valley a helping hand. The Bureau of Reclamation has invested $82 million to develop the closed basin project, and will spend another $20 million to complete it. This project will pump just enough water from a shallow, unconfined aquifer in the San Luis Valley to meet Colorado's compact requirements without affecting wetlands and surface water flows throughout the valley. That arrangement protects the farmers' water rights, their livelihoods, and the valley's environment.

The confined and unconfined aquifers of the San Luis Valley also sustain enormous wetlands throughout the valley. The Monte Vista National Wildlife Refuge, the Alamosa Wildlife Refuge, the Blanca Wildlife Area managed by the Bureau of Land Management, several State wildlife areas, and countless unprotected wetlands rely on a precarious water balance in the valley. And untold thousands of migratory birds rely on these wetlands for their very existence.

Endangered whooping cranes migrate through the valley as part of much larger populations of sandhill cranes. Other birds, ranging from avocets, curlews, egrets, ducks of every description, Canada geese, and others pass through the valley on their seasonal migrations. As I said, these migratory birds, and other wildlife, rely for their very existence on the wetlands of the San Luis valley.

Finally, Mr. President, the Great Sand Dunes National Monument, established by Presidential decree in 1932, is also found in the San Luis Valley. The enormous sand dunes of this monument have been an object of scientific interest for decades. We are just beginning to understand the dynamics of this natural wonder. But there is increasing evidence that the shallow ground water and streams that arise in the neighboring Sangre de Cristo mountains, flow into the monument, and then literally disappear, are inextricably tied to the maintenance and stability of the sand dunes.

Mr. President, the legislation I am introducing today is designed to confront a threat facing the farmers of the San Luis Valley, the Federal closed basin project, and the valley's wildlife refuges and national monument. A private development firm has proposed to pump as much as 200,000 acre-feet from the ground water of the San Luis Valley—for export to Denver and perhaps elsewhere. The residents of the San Luis Valley fear that this project would lower the water table in the entire northern portion of the San Luis Valley, deplete flows in surface streams including the Conejos and Rio Grande Rivers, and would totally dewater other streams.

Is this project feasible, Mr. President? The answer is that it might be, at least from an engineering standpoint. But the wildlife refuges, the national monument, the closed basin project, the Rio Grande compact, the thousands of individual farmers would all be the losers.

I do not believe that the Federal Government's interest in these Federal projects and federally sanctioned agreements—or in the welfare of the people of the valley—should be sacrificed. To the contrary, I believe the Congress should tell these developers that Federal agencies will not issue permits, a right-of-way, or licenses, or in any way assist this project unless its proponents can convince the Secretary of the Interior that these impacts will not, in fact, occur. I don't believe they can prove that, Mr. President. I am willing to give them their day in court. But unless they can convince the Secretary, this project should not go forward.

Mr. President, I urge my colleagues to join me in supporting this legislation—and the people of the San Luis Valley.

By Mr. MURKOWSKI (for himself, Mr. INOUYE, Mr. STEVENS, Mr. KASTEN, Mr. GARN, Mr. SEYMOUR, Mr. HATCH, Mr. CRAIG, Mr. THURMOND, Mr. COCHRAN, Mr. DURENBERGER, Mr. COATS, Mr. GRASSLEY, Mr. CHAFEE, Mr. SPECTER, Mr. JEFFORDS, Mr. D'AMATO, Mr. PACKWOOD, Mr. BURNS, Mr. PRESSLER, Mr. DOLE, Mrs. KASSEBAUM, Mr. BOND, Mr. HATFIELD, Mr. DOMENICI, Mr. BROWN, Mr. WARNER, Mr. COHEN, Mr. SYMMS, Mr. DASCHLE, Mr. AKAKA, Mr. GRAHAM, Mr. SHELBY, Mr. WOFFORD, Mr. GORE, Mr. SASSER, Mr. DECONCINI, Mr. NUNN, Mr. PRYOR, Mr. SANFORD, Mr. LEVIN, Mr. REID, Mr. GLENN, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. BREAUX, Mr. SIMON, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. DIXON, and Mr. CONRAD):

S.J. Res. 212. A joint resolution to designate October 19 through 27, 1991, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on the Judiciary.

NATIONAL RED RIBBON WEEK FOR A DRUG-FREE AMERICA

Mr. MURKOWSKI. Mr. President, I am pleased to introduce a Senate Joint Resolution designating the week of October 19 as "National Red Ribbon Week for a Drug-Free America."

As most of us are painfully aware, drug and alcohol abuse is the No. 1 concern of Americans today—and rightly so. People across the country are frightened to see their communities eroding and their children suffering from drug and alcohol abuse. Community leaders and dedicated individuals are fighting back and initiating programs that combat drug and alcohol abuse in their communities.

National Red Ribbon Week is one such program. In fact, it is one of the best programs I know that involves people from the grassroots level and up. During the week of October 19, communities across America will be proudly displaying red ribbons to show their intolerance to drug and alcohol abuse.

Almost every State has an active Red Ribbon Week agenda. In Alaska, local Girl Scouts are going door-to-door to deliver red ribbons, businesses are decorating their storefronts with red ribbons, student associations are holding meetings and support sessions, rallys are being held across the State, and many other activities.

Together with the active participation of the honorary national chairmen, President and Mrs. Bush, the National Federation of Parents for Drug-Free Youth, Congressional Families for Drug Free Youth and in Alaska, Alaskans for Drug-Free Youth, and countless others, National Red Ribbon Week has become an institution and something that communities look forward to. It is a comprehensive public awareness and prevention education program involving thousands of parents and community groups from across the country.

I am pleased to sponsor this important resolution and commend the action of the National Federation of Parents for Drug-Free Youth, Alaskans for Drug-Free Youth and the many others who continue to promote a drug-free way of life.

ADDITIONAL COSPONSORS

S. 167

At the request of Mr. CHAFEE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 239

At the request of Mr. SARBANES, the names of the Senator from Nevada [Mr. REID], the Senator from Illinois [Mr. DIXON], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 359

At the request of Mr. BOREN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 533

At the request of Mr. GLENN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 533, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927—and related beneficiaries—and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 775

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 775, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 891

At the request of Mr. MACK, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from California [Mr. CRANSTON], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 891, a bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests.

S. 1111

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1111, a bill to protect the Public from Health Risks from Radiation Exposure from Low-Level Radioactive Waste, and for other purposes.

S. 1257

At the request of Mr. BOREN, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Arkansas [Mr. PRYOR], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1553

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1553, a bill to establish a program of marriage and family counseling for certain veterans of the Persian Gulf War and the spouses and families of such veterans.

S. 1614

At the request of Mr. GRAHAM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1614, a bill to amend the Rehabilitation Act of 1973 to revise and extend the program regarding independent living services for older blind individuals, and for other purposes.

S. 1617

At the request of Mr. SYMMS, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Utah [Mr. GARN], the Senator from Florida [Mr. MACK], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1617, a bill to amend the Internal Revenue Code of 1986 to provide protection for taxpayers, and for other purposes.

S. 1648

At the request of Mr. MCCAIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1648, a bill to amend title VII of the Public Health Service Act to reauthorize and expand provisions relating to area health education centers, in order to establish a Federal-State partnership, and for other purposes.

S. 1673

At the request of Mr. HEFLIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1673, a bill to improve the Federal justices and judges survivors' annuities program, and for other purposes.

S. 1723

At the request of Mr. REID, the names of the Senator from Montana [Mr. BURNS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1723, a bill to amend the Older Americans Act of 1965 to establish music therapy services for older individuals, to establish music therapy demonstration projects, and for other purposes.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 96

At the request of Mr. RIEGLE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 96, a joint resolution to designate November 19, 1991, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Alabama [Mr. SHELBY], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. DOLE, the names of the Senator from Georgia [Mr. FOWLER] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating the month of November 1991, as "National Accessible Housing Month."

SENATE JOINT RESOLUTION 190

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to designate January 1, 1992, as "National Ellis Island Day."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. SEYMOUR, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. DIXON], the Senator from Delaware [Mr. ROTH], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Colorado [Mr. BROWN], the Senator from Wyoming [Mr. WALLOP], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. WIRTH. Mr. President, I would like to announce for my colleagues and the public that the oversight hearing scheduled before the Energy Regulation Conservation Subcommittee of the Committee on Energy and Natural Resources for October 17, 1991, has been postponed. The hearing will be rescheduled at a later date.

The purpose of the hearing was to receive testimony on implementation of the Department of Energy's joint venture program for renewable energy.

For further information, please contact Leslie Black of the subcommittee staff at (202) 244-9607.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. SARBANES. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, October 4, 1991, at 9 a.m., to hold a hearing on Legal Pollution of the Great Lakes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SARBANES. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, October 4, 1991, at 9:30 a.m., to hold confirmation hearings on Robert M. Gates to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, October 4, 1991, to hold a markup by the Subcommittee on Patents. S. 793 Patent and Trademark Office authorization bill will be marked up.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, October 4, at 10 a.m., to hold a hearing on a Peace Corps nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HAITI COUP

• Mr. HARKIN. Mr. President, I rise today to speak about democracy and hope for a people who have known only dictatorship and poverty. I rise to speak about a people who have struggled to break the chains of bondage and cast off the yoke of oppression. I rise to speak of a new day for our hemisphere and the dawning of a new era in north-south relations. And I rise, with all my power, with all the power and prestige that comes with the office of U.S. Senator, to issue a warning to militaries throughout the continent and anyone who dares to trample on the aspirations of a people whose only desire is to live in freedom.

Mr. President, a new doctrine governing our relations with the countries of this hemisphere is emerging in this post-cold war era. A doctrine which proclaims that the decades of dictators is over for the Americas. Never again should the heavy boot of military repression march over people and be unopposed by the countries of this hemisphere. Support for military dictatorships is a thing of the past. The ideals of democracy and support for demilitarization are the future of the Americas. There is a new manifest destiny for the United States, not one of conquest but of cooperation. A destiny which binds the future of our people with those of our neighbors to the south. Where the fate of one is bound to the fate of all. A destiny built on the principle of respect for human rights and equality. It is a destiny that offers a promising and prosperous future.

Mr. President, the military coup which ousted President Aristide on Monday will not stand. The Haitian military should wake up. In Haiti, as in the Soviet Union recently, rightwing conservative forces are making a last desperate attempt to halt the advance of democracy and progress. And as in the Soviet Union, the will of the people, not these rightwing elements, shall prevail.

In the past, the United States has used its power to overthrow certain democratically elected governments in this hemisphere, now we must join with the governments of this hemisphere to restore one. And we will.

I join with other colleagues who have called for international sanctions. All loans from international financial institutions should be halted. And, the United Nations should be encouraged by our Government to become actively involved in resolving this issue peacefully.

But now, more than ever before, there needs to be a coordinated hemispheric response in defense of democracy. The legitimate government of President Aristide must be restored. The United States together with the countries of the Caribbean and Latin America must speak in one clear voice. Let that voice ring out. Let it be heard in the streets and slums of Port-au-Prince. Let it be heard in the market places and huts scattered throughout Haiti's country side. Let it be heard by Haitians who fled their shores in leaky boats and by sugarcane workers who returned to their land after virtual enslavement in the Dominican Republic. Let it be heard and echo throughout the national palace where the coup leaders now sit. And, let that one voice utter one powerful word: Liberty, liberty, liberty. And let that voice be just as loud as it was over the denial of freedom in Kuwait.

Mr. President, Haiti has had a troubled history over the centuries. In the 17th century it was a rich colony. Today it is a poor nation. Throughout its history, Haiti has been subjected to corrupt military and civilian dictatorships. The years of exploitation by both foreign and domestic occupying forces, have taken their toll on the Haitian people. Still, despite all the hunger and suffering inflicted upon these brave people, they remained defiant of death and hopeful in life.

They dreamt of liberty at night, and whispered it in fear during the day. But where people in dim lit huts spoke quietly of democracy, freedom, and land reform, Father Jean-Bertrand Aristide preached it loudly from the pulpit. He is the champion of Haiti's poor. When people were beaten, unjustly arrested, or murdered by "Baby Doc's" dreaded Ton-tons Macoute, Father Aristide spoke out against these abuses. He has stood by his people and his people have stood by him. Time and again we have seen this to be true.

The military and security forces attempted to kill him at least three times, to silence the voice of the voiceless. Who could ever forget that fateful September day in 1988 when his church was burned down and parishioners killed by these forces. But the story of Haiti is not only one of death, it is also one of resurrection. That triumphant day in December 1990 when 70 percent of the voters swept Father Aristide into office in the first free and fair election in that nation's history attests to that fact. And just as hope arose from the ashes of a burned church in 1988, so too will hope and the people of Haiti rise from the ashes of this coup.

Mr. President, I welcome the administration's decision to suspend military and economic aid to Haiti but President Bush's initial silence on the coup was deafening. While President Aristide was being attacked and Haiti's democracy crushed, President Bush was at Disneyland.

Mr. President, after the legitimate government of President Aristide has been restored, and it will be restored, we must begin to ask, why are we always running to catch up? Just 1 year ago, the administration was caught off guard when Saddam invaded Kuwait. The administration was caught off guard when the Kurds revolted, caught off guard by the massacre of Tiananmen Square, caught off guard by the Soviet coup and was the 37th government to recognize the independence of the Baltics. And now, once again we see the administration reacting to events and not ahead of the curve. We should have a policy to avert crises, not just manage them.●

CONGRATULATIONS TO FAIRMONT PRIVATE SCHOOLS

● Mr. SEYMOUR. Mr. President, I rise in salute to Fairmont Private Schools of Orange County, CA. The Fairmont Private Schools is among the 1991 winners of the Department of Education's Blue Ribbon School of Excellence Awards for 1991.

Fairmont Private Schools, a 900-student college-preparatory preschool, elementary, and junior high school, is located on 3 campuses in Anaheim and Yorba Linda. Since 1953, the Fairmont Private Schools has been providing exemplary education to southern California children.

Fairmont Private Schools is the only nonsectarian private school in southern California to receive the blue ribbon award and one of only two schools in Orange County to receive the award, the highest educational honor given in the United States.

Students at Fairmont Private Schools receive an education that stresses the fundamentals, critical thinking skills, and sound study habits that enable them to pursue and enjoy a well-rounded and superior education. Each classroom provides accelerated learning in the three R's, computers, art, music, and sports.

In addition, Fairmont Private Schools provides important educational services to the community at large through its summer camp, extended day care, community service, and educational programs.

I ask my colleagues to join me in recognizing Fairmont Private Schools for its years of service and our congratulations on earning the blue ribbon award.●

ARRIVAL OF CENTRAL ARIZONA PROJECT WATER TO TUCSON

● Mr. DECONCINI. Mr. President, today in Tucson, AZ, water leaders from around the State and members of that community will be gathering to celebrate the arrival of central Arizona project water to southern Arizona. Our lifeline is online.

Mr. President, this event is the culmination of almost three-quarters of a century of hard work by many individuals. The realization of the dream to bring Colorado River water to Arizona's thirsty farmlands and cities began in 1934, the year of the Colorado River war. That year, the Metropolitan Water District of California began to build Parker Dam. This project would have siphoned off a large portion of Colorado River water. Fearful that Arizona would not get its fair share, Gov. Benjamin Moeur declared martial law and sent the Arizona National Guardsmen to Parker, AZ, to halt construction of this water project. Well, the Arizona Army was successful in stopping construction but we lost in the courts and Parker Dam was eventually built. But this episode in our history showed us the importance of building the means for Arizona to use its share of Colorado River water. This event was the genesis of the CAP.

For my colleagues who are not familiar with the central Arizona project, I would like to take a few minutes to explain the purposes of the project and its importance. The central Arizona project was authorized by Congress in 1968 to bring our State's Colorado River allocation 336 miles across Arizona to the rural and metropolitan communities of central and southern Arizona. At the time construction began, it was the largest water project ever attempted. The water supply in this desert region of the Southwest consists almost entirely of ground water. Because of growth and development in this area, the overdraft of ground water is nearing a critical stage. The CAP will enable Arizona to put its allotment of Colorado River water to beneficial use while at the same time reducing the overdrafting of our precious ground water supplies.

The CAP did not come to Tucson because of the work of one or two people. The arrival of CAP water in Tucson is due to the hard work of many dedicated and capable individuals. It is the result of the committment of Arizonans such as Carl Hayden, Stewart Udall, Barry Goldwater, Paul Fannin, Ernest McFarland, John Rhodes and too many others to name. It is because Members of Congress such as JAMIE WHITTEN, MARK HATFIELD, TOM BEVILL, BENNETT JOHNSTON, JOHN STENNIS, and ROBERT BYRD supported. It is because a lot of employees at the Bureau of Reclamation and the Department of the Interior worked tirelessly to ensure its timely completion. Arizona is truly the beneficiary of the hard work and commitment of these and many other individuals.

There is one person who I did not mention who will not be in Tucson today but deserves special recognition nonetheless. That person is Mo Udall. Mo is, in my opinion, the individual most responsible for the event occurring in Arizona today. He has been the leader in the battle for protecting our precious water supplies and his influence within the Arizona delegation will be missed.

Mr. President, I ask that my colleagues join me in recognizing the achievements of the many who have made this day in Tucson possible.●

SAN DIEGO DISABILITY AWARENESS WEEK

● Mr. SEYMOUR. Mr. President, the community of San Diego will hold the Fourth Annual Disability Awareness Week, October 7 through 11, 1991.

Through the combined forces of consumers and agencies who serve the disabled, the Disability Awareness Week

Network [DAWN] has organized numerous events throughout the week to increase the San Diego community's awareness, acceptance, and inclusion of persons with disabilities through highlighting the barriers they face on a daily basis.

On Friday, for example, DAWN will hold the first annual politicians and celebrities wheelchair obstacle course race.

DAWN is chaired by Carolyn Dolen, and California's First Lady, Gayle Wilson, is the honorary chairperson for DAWN, which includes members from throughout the community.

To the disabled community and the members of DAWN, the words of Moliere are well known: "The greater the obstacle the more glory in overcoming it."

Through DAWN's efforts, the entire San Diego community will come to know better the daily obstacles overcome by the disabled and hopefully to understand the daily acts of courage required by the disabled to live.

I ask the Senate to join me in commending the efforts of DAWN and to urge the entire San Diego community to recognize and participate in Disability Awareness Week.●

STATE, JUSTICE, COMMERCE APPROPRIATION

● Mr. ROCKEFELLER. Mr. President, while I supported the conference report to accompany H.R. 2608, I want to express my sharp disappointment with the results relating to the Commerce Department's administration of our unfair trade practice laws.

While the Senate approved the administration's full request for slightly more than $18 million, the House did not, and the conference outcome was even slightly below the House figure, or approximately $1.5 million below the administration request.

While I have not generally been overwhelmed with this administration's trade policy and particularly with the strength of its determination to defend critical American industries, I have been impressed with Assistant Secretary for Import Administration Eric Garfinkel's efforts to defend our trade laws in cases presented to him. Although he has not reached out aggressively to self-initiate complaints when conditions warranted, he has been a staunch defender of the integrity of U.S. law in the Uruguay round negotiations—where it has come under severe attack—and he has fairly administered it in the United States. An important element of his capacity to do that is adequate resources, and it is unfortunate that the conferees have not seen fit to adequately fund this important function.

Aggressive enforcement may be particularly important next year if, as some anticipate, the steel industry once again is forced to use our trade laws to defend itself. The administration seems determined to let the VRA Program expire at the end of next March, and the Multilateral Steel Agreement negotiations have thus far produced a text unacceptable to the vast majority of the industry as well as those of us in the Congress that follow this issue closely. Since dumping continues to be widespread, with the low prices that have resulted in the market seriously injuring the U.S. industry, it would not surprise me if the industry concluded that the only choice it has is to pursue antidumping and countervailing duty complaints with the Commerce Department.

Should that occur, I am afraid that we will find the Department short of resources to conduct adequate investigations. If we reach that point, I hope the committee will consider a supplemental appropriation. No one has been more determined than the chairman, the Senator from South Carolina [Mr. HOLLINGS], to defend American manufacturers from the unfair trade practices of our trading partners. I am confident this conference report does not represent his preferred outcome, and I hope we will be able to rely on his determination in the future to assure adequate funding.●

ENVIRONMENTAL PROTECTION AGENCY

● Mr. SIMON. Mr. President, Tuesday, the Senate passed a long overdue bill to elevate the Environmental Protection Agency to Cabinet-level status. I am referring to Senator GLENN'S Department of the Environment Act. I commend him for his dedication to putting environmental issues among our Nation's top priorities.

Concern over the environment has grown rapidly in the past two decades. It is now one of the issues of highest concern to all Americans. We recognize that decisions we make affecting the environment can have major consequences for our own lives and the lives of our children and generations into the future. Many pressing environmental issues today have no State or national boundaries. The problems we face and the solutions to those problems are nationwide and worldwide. These issues are of such an importance to deserve attention in our Government by a Department with the highest stature and authority. The establishment of the Department of the Environment will let Americans and people throughout the world know the United States is determined to provide leadership on environmental issues and that we have environmental issues high on our list of priorities.

By upgrading the status of the Environmental Protection Agency to the Department of the Environment [USDE], the United States will be making a strong commitment to continued leadership on environmental issues. This legislation will clearly enhance the ability of the Agency to implement national and international policy. In addition to the stature our representatives will gain with Department status, the USDE will have authority to provide technical and financial assistance other nations may need to deal with environmental issues affecting all of us. It will encourage other nations to work together with the United States to tackle pressing issues such as air and water pollution.

Certain environmental issues are of concern specifically to us in the United States, but these problems are not restricted from crossing State borders. An institution of Cabinet-level rank will have the stability and standing to address these problems. The Secretary of the Environment will have direct lines of communication with the President and other Department Secretaries, and environmental issues will be given the attention they deserve.

This country can demonstrate its dedication to preserving the environment for future generations by providing proper status and resources to the solution of environmental problems. I believe this first step should put us firmly on the path to ensuring that the United States remains a recognized and respected leader in national and international environmental policy.●

IT IS TIME FOR CONGRESS TO TAKE THE LEAD IN RECYCLING

● Mr. GORTON. Mr. President, Senator BRYAN and I have introduced legislation in this Congress which would make it mandatory for the U.S. Government to use recycled paper products. Passage of this bill is an important first step in creating viable markets for recycled products.

I am proud to say that my home State of Washington has taken a leading role in the effort to institutionalize recycling as an effective and efficient use of our precious resources. Clearly, landfills are not the answer and burning our trash creates environmental side effects. Recycling is our best choice.

Recently, I solicited advice from thousands of Washingtonians on our bill, the National Market Enhancement Act of 1991. The overwhelming majority of those I contacted favored this bill. Not only do they favor the bill, but many had exciting and encouraging stories to tell about recycling programs in their communities.

Many had worked on recycling projects and seen firsthand the problems recycles face. A major problem for local governments and private business involved in recycling is that there is no market for their recycled goods. Warehouses are full of used newspapers, plastic, and so forth because there is not enough of a market for recycled goods. Our bill will require the Government to buy recycled paper and thus help create markets for recycled goods.

While some people did not agree with our bill, the majority of those people did not disagree with the idea. Rather, their opposition came because they saw our bill as simply another chance for Government bloat and bureaucracy to grow. I am not deaf to these concerns.

Anytime there is a new Government program there is the possibility that bloat and bureaucracy will follow. However, I believe that this bill is important and feel strongly that with proper oversight, this bill will help us achieve our recycling goals in America without creating another bureaucracy.•

COUNTRY MUSIC MONTH

• Mr. SASSER. Mr. President, Congress has declared October "Country Music Month." This week, Music City USA, Nashville, TN, played host to President and Mrs. Bush during the Country Music Associations' annual awards ceremony.

An important part of the awards ceremony was the presentation of the Irving Waugh Award of Excellence to Mrs. Jo Walker-Meador, executive director of the Country Music Association. Jo is retiring after 33 years of diligent work on behalf of country music.

It is indeed not an exaggeration to say that, in very large measure, the increased popularity of country music and the success of country music performers is due to her tireless efforts as the leader of the Country Music Association. CMA was formed in 1958 to serve as a booster organization. At the time, country music was being played on 81 radio stations—today it is heard on more than 2,500 by 28.7 million people. On Wednesday, millions of Americans viewed the CMA awards ceremony on television. Many of those viewers tune in regularly to the Nashville Network. Clearly, country music is more popular than ever. Jo has done her job well.

While the Entertainer of the Year, Garth Brooks, was honored for his song "Friends in Low Places," Jo Walker wins friends for country music in many places. On November 7, the CMA will honor Jo with a gala event. I am pleased to join with the CMA in recognizing Jo Walker-Meador for her years of devotion to and promotion of country music.•

THE NEEDS OF DESERT STORM VETERANS AND THEIR FAMILIES

• Mr. CRANSTON. Mr. President, the Veterans' Affairs Committee recently reported S. 1553, legislation I authored to address an important need among Persian Gulf war veterans and their families to receive counseling services for problems related to the veterans' wartime service. Under the current VA and DOD health care systems, the availability of marriage and family counseling services, even for problems relating to the stresses caused by the war, is inconsistent and depends on whether the individual service member remains on active duty or is discharged from service or deactivated to reserve status.

In the September 30, 1991, edition of the Army Times an article by P.J. Budahn provides what I believe to be a brief, thoughtful perspective on the problems confronting Persian Gulf war military families and the need for prompt enactment of S. 1553. I commend this article to my colleagues.

Mr. President, I ask that the Army Times article be printed in the RECORD at this point.

The article follows:

[From the Army Times, Sept. 1991]

EMOTIONAL DEBRIS FROM DESERT STORM MUST BE PICKED UP

(By P.J. Budahn)

Desert Storm may go down in the books as our first war in which U.S. civilian casualties exceeded military ones.

The number of U.S. military people killed, wounded and otherwise injured during the lightning desert war was, mercifully, low.

But some psychologists are concerned about the emotional wounds inflicted on the people who never wore a uniform, especially military families.

"Loved ones were probably more effected psychologically than the people there [in the Persian Gulf theater], partly by the long period of uncertainty before the fighting began and partly by CNN bringing it into their homes," says Jerry Braza, a Salt Lake City counselor and author of "Coping with War and Its Aftermath."

I saw a scaled-down version of this phenomenon in my own family. I spent the first three weeks of the air war in Dhahran, one of the Saudi Arabian cities that was a target for Iraqi Scud missiles.

After a few Scud attacks, my blood pressure ceased to skyrocket at the sound of an air-raid siren. I had confidence in the Scud-killing Patriot missile, and I realized a single Scud with a conventional warhead was a lesser threat to me personally than a single Saudi taxi driver who was making up the rules of the road as he drove along.

My family in the States, however, saw hyped-up CNN broadcasts from the same city. With every incoming Scud, they were frightened for me. I was fine.

They imagined threats for me. I was there and I knew firsthand that the danger was minimal.

It doesn't surprise me to learn there are families of Desert Storm vets in which the service member is OK, but the spouse and kids are shellshocked.

Sadly, it also doesn't surprise me to learn that some folks needing help from the military are falling through a legal loophole, or that the Pentagon is opposing efforts to string a safety net across the gap.

The loophole affects the families of Desert Storm vets who've retired since coming back from the gulf and the families of guardsmen and reservists. Those people would seek help from the Department of Veterans Affairs, not the military.

VA counseling centers—in one of the least known veterans benefits—can provide psychological treatment for the spouses and kids of veterans.

But there's a hitch. The federal law that authorizes the treatment says spouses and kids can be helped only if it's necessary for the success of counseling that the vet is receiving. If the vet doesn't need counseling, then there's no legal authority to help the family.

Sen. Alan Cranston, the California democrat who chairs the Senate Veterans Committee, has a straightforward, low-cost solution to this problem He wants to tinker with the wording of federal law to let the families of veterans qualify for VA counseling, even when the veterans don't need it.

"Putting this into effect as soon as possible is vital," says Dorsey Chescavage, a specialist in medical programs with the National Military Family Association.

By Washington standards, the cost would be minuscule, about $10 million per year. Still, the chances for this bill, known as S. 1553, are iffy.

The Pentagon opposes it, calling it unneeded. Veterans groups, which normally rush to the barricades for anything that helps former service members, are worried that $10 million spent on this safety net will mean $10 million less for VA hospitals. Ten million dollars will pay for a lot of badly needed nurses.

We have to sort through our priorities. Desert Storm was a different kind of war. It created different casualties.

"It was an extremely anxious time for families," says Gaye Jacobson, founder of Operation Yellow Ribbon, a nation-wide help-the-troops effort start in South San Francisco.

"Families went through tremendous anxieties, not knowing when the war would start, anticipating enormous casualties," she added. "It was like waiting for a fast-moving train to hit."

The train has come and gone. Now we have to deal with the wreckage—all of it.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 320. Ming Hsu, to be a Federal Maritime Commissioner;

Calendar 321. Rudy Boschwitz, to be a member of the Board of Directors of the Communications Satellite Corporation; and

Calendar 322. James C. Card and Roger T. Rufe, Jr., for appointment to the grade of rear admiral (lower half) U.S. Coast Guard; and

All nominations placed on the secretary's desk in the Coast Guard.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is to ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1991 AND 1993—CONFERENCE REPORT

Mr. SARBANES. Mr. President, I submit a report of the committee of conference on H.R. 1415 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 3, 1991.)

Mr. PELL. Mr. President, the pending conference report authorizes a total of $5,610,594,500 for fiscal year 1992 and $5,912,106,000 for fiscal year 1993 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. In formulating this legislation, the Foreign Relations Committee and our counterpart in the House have endeavored to respect budgetary constraints. I am pleased to note that we have been successful in that endeavor. This legislation is consistent with the Budget Enforcement Act caps for function 150, the international affairs function, for fiscal year 1992.

The bill authorizes $4,311,433,000 for fiscal year 1992 for the Department of State. It provides for full repayment over the next 4 fiscal years of arrearages, in line with the President's commitment to repay all arrearages. In recognition of the enormous and pressing refugee needs worldwide, the bill authorizes $630 million for refugee assistance for fiscal year 1992, an increase of $140 million over the administration's request.

The bill authorizes $1,086,670,500 for USIA for fiscal year 1992. As one who has long been an advocate of exchanges as a means of improving international understanding, I am pleased that this legislation establishes new exchange programs and provides increased resources for existing programs. These exchanges, particularly those focused on the new democracies of Eastern Europe, the Baltic Republics, and the Republics of the Soviet Union, are dollars well spent. I am also pleased that the conferees accepted a provision in the Senate bill, which I offered, mandating the establishment of a cultural center in Kosovo in Yugoslavia.

Mr. President, as many of my colleagues know, the structure of the Foreign Relations Committee was altered this year to enlarge the role and responsibilities of the subcommittees. This legislation is proof that that structure is working. The bill has enjoyed strong bipartisan support from the beginning of the process when it was marked up, for the first time, at the subcommittee level.

The subcommittee chairman, Senator KERRY, and the ranking minority member of the subcommittee, Senator BROWN, have taken their responsibilities seriously and have done an excellent job in shepherding this bill throughout the legislative process. I would like to thank them for their good work and the important contributions they have made to the substance of the bill and the process.

This is a good bill and one that I believe the administration can support.

Mr. KERRY. Mr. President, I am very pleased that the Senate is about to vote on the conference report for H.R. 1415, the State Department authorization bill. This is the culmination of a long but productive bipartisan process. It is a process that has produced a bill in line with budgetary realities and the President's request.

Let me summarize the conference report's provisions.

First, the bill authorizes a total of $5,610,594,500 in fiscal year 1992 and $5,913,106,000 in fiscal year 1993 for the operations of the Department of State, the U.S. Information Agency, and the Board for International Broadcasting.

For fiscal year 1992, the bill includes $4,311,433,000 for the operations of the Department of State. This is approximately $94 million more than requested by the administration and reflects an increase of $140 million for refugee assistance, for a total authorization of $630 million. Of this amount, $80,000,000 is authorized for refugees resettling in Israel.

Further, the conference report authorizes $130 milion for the United States Embassy in Moscow and provides the administration with flexibility to establish new posts in the Soviet Republics as well as in Lithuania, Latvia, and Estonia. It also includes authorization for the full repayment of U.S. arrearages to the United Nations, its specialized agencies and international peacekeeping efforts.

There are significant provisions in this bill unrelated to funding. The bill mandates the creation of a new position, the Assistant Secretary of State for South Asia with responsibility for India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives. Under the current structure at the State Department, Policy issues related to these countries often become obscured by attention to Middle Eastern issues and problems.

In my view, creation of the new bureau will ensure that important issues related to South Asia, including weapons proliferation, will receive greater attention.

The conference report also revises United States policy on the issuance of Israel-only passports in an effort to end the practice by many Arab states of prohibiting entry to visitors whose passports or other documents reflect that the holder has visited Israel. It also provides the Department with greater flexibility to manage its financial affairs, to meet the educational needs of Foreign Service officers, and to respond to overseas emergencies where American lives and property are at stake.

The bill authorizes $1,086,670,500 for the operations of the U.S. Information Agency. This figure includes funding for the creation of several new and worthwhile exchange programs. Most of these focus on exchanges with the Soviet Republics, the new democracies in Eastern Europe, and the Baltic Republics.

The bill also establishes a scholarship program for Vietnamese students to come to the United States and mandates USIA to open a cultural center in Laos. As the sponsor of these provisions, I believe they make an important contribution to the propagation of American political and economic values in Southeast Asia.

Finally, the bill includes important provisions to combat the use and proliferation of chemical and biological weapons. These provisions impose sanctions on countries that use chemical and biological weapons and companies that supply equipment for their manufacture. Had these sanctions been in place earlier, Saddam Hussein's arsenal might not have contained these weapons of mass destruction.

Mr. President, I would like to thank the distinguished chairman and ranking minority member of the committee, Senators PELL and HELMS, for their support of this bill and the process in which it was created. I would also like to thank my colleague from Colorado, Senator BROWN, for his cooperation and input into this process. I believe that this is a good bill and one that all Members and the President can support.

Mr. HELMS. Mr. President, as the Senate considers the conference report to accompany H.R. 1415, the Foreign Relations Authorization Act for Fiscal Years 1992 and 1993, it is important to discuss how several issues were resolved—in and out of conference, and thereby establish some guideposts for the legislation as it is carried out.

When conferees met on September 24, one issue was unresolved. It remains unresolved in this conference report. The issue is chemical weapons production and technology, including the vital question of sanctions against those companies and individuals who lack the humanity to cease poison gas and other chemical production voluntarily.

Americans were horrified when thousands of troops had to don gas masks and other protective gear during the gulf war. As I have repeatedly pointed out, chemical weapons are a threat because numerous international companies cheerfully sold technology, expertise, and toxic materials to Saddam Hussein. Truly, these corporations and individuals represent Saddam's Foreign Legions.

Every year for the past 4 years, this Senator and other Members of Congress, have repeatedly sought to enact a tough chemical weapons bill with import sanctions. Every year, one or another element of the Congress or the administration has frustrated the effort. Sometimes the opposition was based on a philosophical opposition to import sanctions, but often it was nothing more than a turf fight.

The conference report before the Senate contains a partial solution: A chemical weapons bill without import sanctions. The Senator from North Carolina, with the Foreign Relations Committee chairman, Senator PELL, and Representative BERMAN, the chairman of the International Operations Subcommittee in the other body, fought hard to include import sanctions in the pending conference report.

It was clear, however, that import sanctions would trigger a point of order against the entire conference report if it had been filed in that form. In order to resolve this problem, once and for all, it was essential to agree on procedures to assure that a tough chemical weapons bill with import sanctions will be enacted during this Congress.

Mr. President, that kind of effort could only result from a consultation with Members from both parties and each House of Congress. I support this conference report based on the assurances which have been given that a free-standing chemical weapons bill will be reported to the House floor expeditiously and, once passed in the other body, will be scheduled for an early vote in the Senate.

Such a bill already exists, thanks to the efforts of Representative BERMAN and Chairman DANTE FASCELL of the Foreign Affairs Committee. It has been reported from their committee and is scheduled for markup by the Ways and Means Committee on October 10. I am assured that Ways and Means Chairman ROSTENKOWSKI is committed to reporting a clean bill, with import sanctions, and that the Speaker has indicated it will be considered speedily by the other body.

Once passed in the other body, the free-standing legislation will be on the Senate Calendar. Thanks to the efforts of the majority leader, I believe the Senate will move on this vital topic, and that it will avoid mixing other topics with chemical weapons.

Mr. President, because supporters of chemical weapons legislation have been burned a number of times, the Senator from North Carolina believes his position should be made crystal clear. I anticipate that the good-faith assurances of the many Members of Congress will be carried out as agreed. In the event they are not, opponents of chemical weapons will not be snookered again. Let us consider this as an insurance policy to make sure everything moves in the right direction and with haste.

The two most labor-intensive and time-consuming legislative efforts of the Foreign Relations Committee during every Congress are this authorization and the one for foreign aid. Early in the 102d Congress, subcommittee chairmen of the Foreign Relations Committee demanded much greater autonomy over legislation, oversight, and confirmations. Yielding to bureaucratic instincts, it was immediately assumed that an enormous increase in professional staff positions for the majority party would be indispensable to carry out committee decentralization.

This Senator rejected, and rejects, that formula. As ranking member, the Senator from North Carolina did not accept the need for additional minority staff positions. It was clear that more staff would not only cost more money in salaries and benefits, but that there would be a rapid increase in associated costs, such as travel for newly appointed staff.

Mr. President, I begin my remarks with these observations because the record should be clear. The Foreign Relations authorization conference report before the Senate was accomplished without an increase in committee staff. In that respect, the committee saved taxpayer funds. And in an equally important aspect, the work product of the committee is of a much higher quality than some recent State Department authorizations.

Chairman PELL, and the chairman and ranking member of the Subcommittee on International Operations should be congratulated for their good efforts on this legislation. The Senator from Massachusetts, JOHN KERRY, seized on the complicated topical areas of the State Department, United States Information Agency, Board for International Broadcasting, and other agencies in this portion of the 150 budget account.

Senator KERRY recognized that a solid legislative produce could result only if procedures were open and all Senators were permitted full participation. From the outset, he signaled this approach by building a full partnership with the junior Senator from Colarado, HANK BROWN, the ranking member of the subcommittee.

Senator BROWN approached issues after 10 years experience in the other body and with his special qualifications. He is a certified public accountant as well as a lawyer. Senator BROWN made it clear throughout the past 6 months as this legislation was being crafted, that waste, fraud, and abuse were his first targets. In addition, his goal of promoting free commerce and protecting the interest of the American consumer were notable throughout the process.

Mr. President, I commend these two Senators for their fine work.

As ranking member of the Foreign Relations Committee, I believe it is important to discuss several other plus and minus features of the pending conference report for the purpose of legislative history.

The thorny issue of the Moscow Embassy is not resolved in this conference report, Mr. President. As a supporter of the need for a new, secure building in place of the hopelessly bugged new office building, I had hoped this would be clarified by now.

Until October 2, the State Department was silent on construction options. At that point, Mr. President, high administration official apparently decided to talk to the two chairmen of the Commerce, Justice, and State Department Appropriations Subcommittees. The existence of a deal, as well as all details, were apparently kept secret from: First, all members of authorizing committees; second, all Republican members of the relevant Appropriations subcommittees; and third, their staffs.

This puzzling, counterproductive behavior led to spirited discussions on October 3, as the other body considered the Commerce, Justice, and State Department appropriations conference report. Not surprisingly, the debate was directed by Representative SNOWE of Maine, a tenacious and effective advocate of tearing down the present structure and replacing it with a secure one.

Mr. President, during my years in the Senate, I have frequently pointed out the elitism and virtual arrogance which exists, particularly at the higher eschelon of the State Department. The secret plan, or Moscow missile, may have represented a detachment from reality or it may have been what North Carolina folks sometimes regard as a bonehead play.

It may even be that the State Department's October surprise is a good idea. But the whisper lobbying campaign by the State Department resulted in the inevitable backfire in the other body on October 3. This Senator trusts that the State Department will provide full, detailed briefings on its secret plan even to the authorizing committees it chose to ignore.

The Moscow missile is the latest example of State Department casual unresponsiveness to Congress. If the constitutional separation of powers is to be maintained as a lively reality instead of a dusty textbook, oversight of Federal agencies and organizations receiving taxpayer funding is absolutely essential. Yet, rather than prompt and complete responsiveness, the State Department appears to become more and more isolated from oversight committees. As a result, the conference committee adopted several important steps in an attempt to drag State Department heads out of self-generated clouds.

A proposal offered by the senior Senator from South Dakota [Mr. PRESSLER] has been preserved in the present conference report as section 196. It requires that the State department respond within 21 days to questions posed by members of authorizing committees. This Senator, and my 99 colleagues, surely expect constituent mail to be answered within 3 weeks. Members of the Foreign Affairs and Foreign Relations Committees are constituents of the State Department.

If the State Department bureaucracy is so decrepit or willfull that it cannot or will not respond in 3 weeks, the Pressler provision requires the Secretary of State to send what amounts to an interim reply, explaining the reason for the delay and giving a date by which the response will be delivered.

One of the handiest tools used by executive branch agencies to keep Congress in the dark, Mr. President, is needless classification of documents. Proper classification of matter relating to vital national security concerns of the United States have my full support. But classification that covers up information that might merely provide to be an embarrassment is inexcusable. For that reason, I am delighted that my amendment was preserved, and even strengthened in conference, section 114, to declassify significantly those portions of the so-called K-Fund for emergencies in the diplomatic and consular service.

Senators will recall that, during consideration of this legislation by the Senate on July 29, the Senator from North Carolina sought to strike a provision from the committee-reported bill which would have permitted retroactive reimbursement to New York City for private citizens speaking to the United Nations. Specifically, I was concerned about the hoopla during Nelson Mandela's visit to New York and other cities in 1990. Tickertape parades, political rallies at Yankee Stadium, and similar activities generate security costs which should and must be born by the host city.

The conferees preserve portions of the provision as offered by the Senator from New York, but with important restrictions to assure that the State Department cannot reimburse local jurisdictions for reasons that bear no relation to protecting foreign diplomats on official trips. This is section 135 of the conference report.

Mr. President, section 149 of the conference report is designed to end abuses by career ambassadors who twist the State Department personnel system in order to retire before age 50 at full benefits, so they can take lucrative private sector jobs. In one case, I am convinced that an ambassador abused his foreign assignment to create a mink-lined safety net in international business, while using retirement law to cash in on unearned benefits.

When the Congress considered this legislation for fiscal years 1988 and 1989, it instituted a personnel commission to examine the Foreign Service system at the State Department. That prestigious Commission, chaired by John Thomas, made a number of bold recommendations to improve operations, end abuses, and save money.

With blinding speed, the State Department appointed a favored career ambassador to head a competing personnel study which was intended to confuse and dilute Thomas Commission recommendations. I regret to inform the Senate that the chairman of the competing commission cashed in for early retirement, prior to age 50, which this conference report ends in section 149. Nice work, if you can get it.

In any event, section 150 mandates the creation of a Commission similar to the Thomas Commission, but with a broader mandate. Mr. President, I trust that the State Department will not create a competitive Commission as it did in the past.

The personnel commission created in section 150 is to be made up of qualified experts, and it is the hope of this Senator and Chairman PELL that, to the maximum extent possible, alumni from the Thomas Commission will be reappointed.

The Commission's first task is to evaluate implementation of Thomas Commission recommendations. This is vital to establish a baseline for the new study, and gives Congress an unbiased assessment of progress, if any. The Foreign Relations Committee has been told that a considerable number of Thomas recommendations have been put into effect, but this cannot be confirmed. Whether or not Senators or Members of the other body support the Thomas recommendations, the implementation study is basic and essential.

As part of the Commission's broadened mandate, the role of the State Department's second class citizens, its Civil Service employees, is to be examined. The consumptive elitism of the Foreign Service as an institution and of a number of its most prominent members is legendary, as I stated earlier. Gigantic cash awards, rapid promotions, and sweetheart assignments all appear to be readily available for those favored by top Foreign Service management. Few, if any, comparable benefits accrue to the thousands of effective civil servants at the State Department. This makes no sense.

Another expansion of responsibilities for the Commission created by section 150 is a requirement for a detailed study of personnel practices at the U.S. Mission to the United Nations. According to a memorandum from the Executive Secretariat at the State Department, issued early in the Bush administration, the mission is an integral part of the Bureau for International Organization Affairs which reports to and through that Bureau to the Secretary of State. Clearly, during the gulf war, there were many times when direct communication was needed.

The personnel commission created in the conference report is created largely because of the backward way Congress has been consulted on proposed personnel policies and changes at the Mission to the United Nations. The Foreign Relations Committee has been told that all problems are being studied and worked on, and that, as soon as a plan is ready to be implemented Congress will be consulted. This is not good enough, Mr. President.

The State Department had months prior to submitting its request for authorization to consult Congress. The result was silence. Then, contrary to recommendations of the State Department's own inspector general and Civil Service ombudsman, personnel practices were undertaken which have had a negative effect on the morale of most United States United Nations [USUN] employees, civil servants. There are personnel problems. Solutions are possible which can be long-lasting. In frustration, conferees turn to a personnel commission to help resolve them in consultation with Congress.

Mr. President, Congress also needs to see the legal opinion on which the decision was based to give an 8-percent location pay bonus to Foreign Service employees at the U.S. Mission. Personnel experts seem to believe that this was either an unwise practice, or that it may have been illegal.

Section 174 also relates to problems created by failure to consult Congress on the thorny and persistent problems with housing for mission employees. Everyone knows that the New York Metropolitan area has extraordinarily high housing costs. Yet millions of average Americans live there. It is ludicrous and untenable for some Foreign Service employees at the U.S. Mission to argue that they must live in high rent areas near U.N. Headquarters in the Borough of Manhattan when the majority of unprotected civil service employees at the mission are compelled to commute to save money.

Representative KASICH of Ohio wisely requested a study of housing costs and needs at USUN. During committee consideration, I offered a similar amendment. As with personnel problems, real problems exist in USUN housing and real solutions can be found that are cost effective. The section 174 study requires specific justification, by position, of those employees who must live in Manhattan, close to the United Nations.

As the vast majority of employees will not, in all likelihood, fall into that category, it will be possible to construct a fair, reasonable, lower-cost housing program on the basis that most employees will be unable to afford Manhattan locations with fashionable addresses. In addition, the study mandates an examination and proposal for lower-cost housing for the Permanent Representative to the United Nations.

Mr. President, if the State Department is known as aloof and uncommunicative with Congress, the U.S. Mission is even more so. These provisions are in no way punitive, but aim to break the logjam created by an unclear line of authority to make decisions within the State Department, exacerbated by mission management's tendency to go it alone without good faith consultations with Congress and sometimes even avoiding regular State Department approval processes.

Section 170, Mr. President, requires yet another report on the Unesco. Following the State Department's definitive report required as part of the authorization for fiscal years 1990 and 1991, Unesco apologists who are charmed by new management are eager to compel U.S. reentry although little, if anything, has improved in a substantive way. The section permits an update of the situation in a report.

Also regarding the United Nations, Mr. President, a sensible proposal by Senator PRESSLER requires additional hiring of U.S. citizens by some international organizations. If the U.S. taxpayer is to be compelled to pay 25 percent of the regular budget of most organizations, 30.7 percent of peacekeeping costs, and bounteous voluntary contributions, the very least Americans ask is that organizations with hiring targets employ added Americans.

In title II of the conference report, conferees went on a virtual binge of exchange programs. I regret that it appears that very little thought or careful consideration went into most of them. However, it is clear, Mr. President, that the welcomed disintegration of the Soviet Union results in new opportunities. The Senator from North Carolina welcomes the desire of some sponsors of new exchange programs to make citizens of the Republics of Lithuania, Estonia, and Latvia eligible.

Some Senators refused to make citizens of those countries eligible. Those governments and Americans whose forefathers came from them should ask those Senators why these free countries have been excluded.

I also welcome language throughout the conference report, at the insistence of the minority leader and Senators MURKOWSKI and PRESSLER, to target United States programs and expand United States official presence in newly independent former Soviet republics, such as Russia, Moldavia, Armenia, and Georgia.

Mr. President, extraordinarily modest attempts are made in the conference report to assure greater competition for grants made by USIA. Inspector General George Murphy reported that as many as 77 percent of grants are given noncompetitively. Special interests detest the very thought of competition and have had their way in this conference report. USIA should be encouraged to do the right thing.

In addition, a glancing blow was aimed by Conferees at the National Endowment for Democracy. NED might win friends on both sides of the aisle if the chairman and ranking members of the Foreign Relations Committee, and staff, were fully involved and appraised of the Endowment's activities as well as those of core grantees. Until they are, this Senator anticipates GAO's review of NED compliance with the GAO recommendations on grant-making made in March 1990 and reports of the USIA inspector general now that that office will be auditing NED.

The conferees wisely included the Senate's provision to begin setting up a "Radio Free China" service. Rapid, effective implementation of the results of the proposed study can help liberate the hundreds of millions of Chinese crushed by socialist and Communist tyranny.

Title III of the conference report contains a number of wise provisions as well, for example: Section 304, offered by Senator GRASSLEY, regarding terrorist assets; sections 323–325 regarding missiles; and section 355 on Tibet.

In sum, Mr. President, I support this conference report and look forward to future oversight efforts of the Foreign Relations Committee to assure full participation of authorizing committees in the foreign policy process.

Mr. BROWN. Mr. President, the Senate's action today in passing the conference report on the State Department authorization bill, H.R. 1415, is the final step in the important process of developing an authorization for fiscal years 1992 and 1993 for the State Department and related agencies.

The successful passage of this bill was made possible by the combined efforts of many Members of this body and their staff. Most important have been the efforts of Senator JOHN KERRY, the chairman of the International Operations Subcommittee, as well as those of Senator HELMS and Senator PELL. Through their leadership the subcommittee has developed an effective process to accommodate the differing views of each member to the greatest extent possible. This bipartisan approach and spirit of cooperation has meant a great deal more work for our staffs, however.

Nancy Stetson, the subcommittee's majority staff director, Bruce Rickerson, of the committee minority staff and Carter Pilcher of my staff together have worked tirelessly to finalize this conference report.

On the whole, the conference report is a solid piece of legislation. During the meeting of the conference, however, several important Senate provisions were either deleted or significantly modified. Some of the greatest resistance the Senate conferees met in the conference was to provisions in the Senate amendment to H.R. 1415 which would begin to get the United States back on its feet financially.

Making unsound loans to foreign governments and then sticking the American taxpayer with the bill has become a boom business for the U.S. Government's foreign policy establishment. In the last few years, our Government has forgiven billions of dollars in loans to Poland, to Egypt, and to other countries. Now, we're planning to write off or write down another $11.8 billion in Latin American debt. The U.N. Secretary General has urged the West to write off $270 billion in African debt, and the Soviet Union is now lining up for billions in loans experts believe it does not have the resources to repay.

The Senate amendment to H.R. 1415 included two provisions that would put the Congress in a firmer position to ensure the loans we authorize are in fact repayable. The first was a provision requiring the development of a uniform standard of credit for all of the U.S. Government's international loans, and a credit check against this standard for every new loan, both bilateral and those through multilateral institutions.

The conferees were somewhat concerned that the provisions originally included in the Senate's amendment would create an overly burdensome reporting requirement for the Departments of Treasury and State. On the other hand, the conferees were in general agreement that information about a nation's creditworthiness should be available to the American people and to Congress before the United States makes loans. Consequently, the conference report includes a reasonable first step toward the development of a routine credit check in the future. The provision requires a report on the standards used to evaluate the creditworthiness of other nations and a yearly report on America's outstanding loans.

With these reporting requirements as a basis, Treasury and the State Department should begin moving toward a computerized system that allows a quick credit analysis on any country requesting new loans from the United States or any multilateral institution of which the United States is a member.

The second provision contained in the Senate version of the bill designed to help get the United States back on its fiscal feet was a requirement that any country that receives debt forgiveness or debt reduction under the Enterprise for the America's Initiative would not be eligible for new U.S. loans for 5 years and until that nation can be shown to be creditworthy. Unfortunately, this important provision was dropped by the conferees. That's right. With the largest deficit in the history of the world, the conference dropped the Senate's provision to require that nations defaulting on their loans to the United States must be creditworthy to receive new ones. In the view of this Senator, dropping this provision was a mistake.

The Senate version of the bill also included two very important provisions for the American consumer. One deleted funding for the International Coffee Organization and the other required a complete evaluation of all international commodity organizations from the perspective of U.S. consumers.

The International Coffee Agreement [ICA], and its administrative arm—the International Coffee Organization, were born in 1983 to stabilize global coffee trade by establishing an export quota system. Some say the ICO is not a cartel. Is it? It is if you consider that a cartel is defined as an association by agreement of companies—or countries—or sections of companies having common interests, designed to prevent extreme or unfair competition and allocate markets, and to promote the interchange of knowledge.

The ICA's export quota system for coffee acts directly against the interests of American consumers by keeping prices at artificially high levels. In fact, wholesale prices for coffee fell by 46 percent after the agreement lapsed in 1989. At the same time, U.S. coffee imports increased by 26 percent at a total cost reduction of $548 million due to lower prices.

Although the conferees did not agree that the United State should immediately withdraw from the International Coffee Organization, they did agree that the interests of American consumers should be given top priority as a new coffee agreement is negotiated. I might add the language contained in the bill is not as strong as that passed by the full Senate urging the United States not to agree to anything not in the interests of American consumers.

On the broader scale, the conferees of both the House and the Senate agreed that a report evaluating the special purpose international organizations the United States belongs to is critical, especially since it appears we have joined many of these organizations without looking at their impact on American consumers. During the conference, many Members joined in expressing their concern about the State Department's lack of responsiveness and the necessity of some type of trigger to ensure the report is submitted. Therefore, to ensure the report is completed promptly, the provision contained in the bill withholds $1 million from the State Department's salaries and expenses account until the report is submitted.

Also included in the bill is an important provision requiring a report on China's human rights practices, the PRC's activities in weapons proliferation and restrictions on trade between the United States and China, including internal trade barriers, excessive duties on imports to China, excessive licensing requirements and section 301 violations. It is my hope that this report will be of sufficient detail for Members of Congress and the American public to obtain a clear, thorough understanding of the status of the United States-China relationship before the President announces most-favored-nation trading status next year.

Mr. President, again I commend the efforts of my colleagues on the committee and their staff for their hardwork and consistent efforts to produce this conference report.

The PRESIDING OFFICER. Without objection, the conference report is agreed to.

So, the conference report was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRIME PREVENTION MONTH

Mr. SARBANES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 303, designating Crime Prevention Month; that the Senate proceed to its consideration; that the resolution be deemed read a third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 303) was deemed read a third time and passed.

The preamble was agreed to.

The Senator from Maryland.

THE CALENDAR

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of Calender Nos. 247, 249, 250, 251, and 252; that the bill be deemed read a third time and passed; that the resolutions be agreed to; and the motion to reconsider be laid upon the table, en bloc; further, that any statements relating to these calendar items appear at the appropriate place in the RECORD, and that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL MEMBERSHIP ON THE LIBRARY OF CONGRESS TRUST FUND BOARD

The bill (S. 1415) to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL MEMBERSHIP ON THE LIBRARY OF CONGRESS TRUST FUND BOARD.

The first sentence of the first paragraph of the first section of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 154) is amended—

(1) by striking "and" after "Librarian of Congress,"; and

(2) by inserting after "respectively)" the following: ", four persons appointed by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives) for a term of five years each (the first appointments being for two, three, four, and five years, respectively), and four persons appointed by the majority leader of the Senate (in consultation with the minority leader of the Senate) for a term of five years each (the first appointments being for two, three, four, and five years, respectively)".

SEC. 2. QUORUM PROVISION.

The second sentence of the first paragraph of the first section of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 154) is amended by striking "Three" and inserting "Nine".

SEC. 3. TEMPORARY POSSESSION OF GIFTS.

Section 2 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 156, 157, and 158) is amended by adding at the end thereof the following new undesignated paragraph:

"In the case of a gift of money or securities offered to the Library of Congress, if, because of conditions attached by the donor or similar considerations, expedited action is necessary, the Librarian of Congress may take temporary possession of the gift, subject to approval under the first paragraph of this section. The gift shall be receipted for and invested, reinvested, or retained as provided in the second paragraph of this section, except that—

"(1) a gift of securities may not be invested or reinvested; and

"(2) any investment or reinvestment of a gift of money shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States.

If the gift is not so approved within the 12-month period after the Librarian so takes possession, the principal of the gift shall be returned to the donor and any income earned during that period shall be available for use with respect to the Library of Congress as provided by law.".

PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

The resolution (S. Res. 187) to authorize the printing of a revised edition of the Senate Rules and Manual was considered and agreed to; as follows:

S. RES. 187

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Rules and Manual for the use of the One Hundred Second Congress; that said manual shall be printed as a Senate Document; and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, and one thousand copies shall be bound and delivered as may be directed by the Committee on Rules and Administration.

PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

The resolution (S. Res. 188) to authorize the printing of a revised edition of the Senate Election Law Guidebook was considered and agreed to; as follows:

S. RES. 188

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate document 101-26, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

PRINTING OF A REVISED EDITION OF "NOMINATION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES"

The resolution (S. Res. 189) to authorize the printing of a revised edition of "Nomination and Election of the President and Vice President of the United States," was considered, and agreed to; as follows:

S. RES. 189

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate document 100-24, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

PRINTING OF BOOKLET "OUR AMERICAN GOVERNMENT" AS A HOUSE DOCUMENT

The concurrent resolution (H. Con. Res. 172) providing for the printing of a revised edition of the booklet "Our American Government" as a House document, was considered, and agreed to.

NATIONAL ACCESSIBLE HOUSING MONTH

Mr. SARBANES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 184, a joint resolution designating November 1991 as "National Accessible Housing Month"; that the Senate proceed to its immediate consideration; that it be deemed read a third time and passed; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 184), was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 184

Whereas the Congress in the Americans with Disabilities Act of 1990 found that there are 43,000,000 individuals with disabilities in this Nation;

Whereas 70 percent of all Americans will, at some time in their lives, have a temporary or permanent disability that will prevent them from climbing stairs;

Whereas 32,000,000 Americans are currently over age 65 and many older citizens acquire vision, hearing, and physical disabilities as part of the aging process;

Whereas many older Americans who acquire a disability are forced to leave their homes because the homes are no longer accessible to them;

Whereas 1 out of every 3 persons in the United States will need housing that is accessible to the disabled at some point in their lives;

Whereas the need for accessible single-family homes is growing;

Whereas the need for public information and education in the area of accessible single-family homes is increasing;

Whereas this Nation has placed a high priority on integrating Americans with disabilities into our towns and communities;

Whereas the private sector has helped increase public awareness of the need for accessible housing, as exemplified by the national public education campaign conducted by the National Easter Seal Society and Century 21 Real Estate Corporation, entitled "Easy Access Housing for Easier Living"; and

Whereas increased public awareness of the need for accessible housing should prompt the participation of civic leaders, and representatives and officials of State and local governments, in the drive to meet this need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1991, is designated as "National Accessible Housing Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

Mr. DOLE. Mr. President, I am pleased that Senate Joint Resolution 184 designating November 1991 as "National Accessible Housing Month" was passed by the Senate. On July 26, 1990, President Bush signed landmark legislation guaranteeing the inclusion of people with disabilities into the mainstream of American society. This law, the Americans With Disabilities Act [ADA] is intended to prevent discrimination in employment, public accommodations, transportation, and telecommunications. Just a year prior to ADA, Congress passed the Fair Housing Act amendments, prohibiting discrimination in housing against people with disabilities.

Congress has recognized the rights of 43 million disabled Americans. Seventy percent of all Americans will, at some time in their lives, have a temporary or permanent disability. Currently, 32 million Americans are over the age of 65 and many have or will develop vision, hearing or physical disabilities as part of the natural aging process. Whether a result of an accident, or as part of growing older, accessible or easily adaptable housing is a major concern for millions of Americans.

As we attempt to integrate Americans with disabilities into our towns and communities, it is essential that we realize the obstacles our disabled friends and family members face. Stairs, narrow doorways, and lack of maneuvering room can render a home completely unaccessible. The public needs to become more cognizant of the ways in which individuals can foster integration of the disabled.

Both private and public sectors play an important role in promoting greater integration of people with disabilities through an accessible society. Initiatives begun by the private sector have increased public awareness of the need for accessible housing. This is exemplified through the national public education campaign conducted by National Easter Seals Society and Century 21 Real Estate Corp. This program entitled "Easy Access Housing for Easier Living," identifies key structural features that allow for reasonable entry and circulation without extensive modification.

By designating the month of November 1991 as "National Accessible Housing Month" greater public awareness activities will break down both attitudinal and structural barriers preventing people with disabilities from living more inclusive lives in their communities. Awareness is the first step toward change Mr. President and Senate Joint Resolution 184 is a step in the right direction toward meeting the necessary changes and making the ADA a reality.

ORDERS FOR MONDAY, OCTOBER 7, 1991

Mr. SARBANES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon, Monday, October 7; that, following the prayer, the Journal of the proceedings be deemed approved to date; that, following the time of the two leaders, there be a period for morning business not to extend beyond 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each; and that, at 12:30 p.m., the Senate return to executive session to resume consideration of the Thomas nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, OCTOBER 7, 1991

Mr. SARBANES. Mr. President, if there is no further business to come before the Senate today—and I note no Senator seeking recognition—I now ask unanimous consent that the Senate stand in recess as under the previous order until 12 noon, Monday, October 7.

There being no objection, the Senate, at 5:35 p.m., recessed until Monday, October 7, 1991, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 4, 1991:

THE JUDICIARY

K. MICHAEL MOORE, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE EUGENE P. SPELLMAN, DECEASED.

DEPARTMENT OF AGRICULTURE

CHARLES R. HILTY, OF OHIO, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE ADIS MARIA VILA, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID M. NUMMY, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE LINDA M. COMBS.

POSTAL RATE COMMISSION

H. EDWARD QUICK, JR., OF MARYLAND, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE TERM EXPIRING NOVEMBER 22, 1996, VICE PATTI BIRGE TYSON, TERM EXPIRED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HENRIETTA HOLSMAN FORE, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT. (REAPPOINTMENT)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

MARK MCCAMPBELL COLLINS, JR., OF THE DISTRICT OF COLUMBIA, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 2 YEARS, VICE MARK T. COX IV, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 4, 1991:

FEDERAL MARITIME COMMISSION

MING HSU, OF ARIZONA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 1996.

COMMUNICATIONS SATELLITE CORPORATION

RUDY BOSCHWITZ, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1994.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JAMES C. CARD ROGER T. RUFE, JR.

COAST GUARD NOMINATIONS BEGINNING JAMES E. WHITING, AND ENDING ELIAS J. MOUKWASHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 2, 1991.

COAST GUARD NOMINATIONS BEGINNING DANIEL C. WHITING, AND ENDING ROBERT C. ALBRIGHT, II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 2, 1991.

COAST GUARD NOMINATIONS BEGINNING ROBERT B. BURRIS, AND ENDING WEBSTER D. BALDING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 2, 1991.

COAST GUARD NOMINATIONS BEGINNING GEORGE M. WILLIAMS, AND ENDING STEVEN J. CORNELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 16, 1991.

SENATE—*Monday, October 7, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, we recall Your instruction at the first wedding which You, Yourself, performed, "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall become one flesh." (Genesis 2:24.) And the Apostle Paul's admonition, " * * fathers, provoke not your children to wrath: but bring them up in the nurture and admonition of the Lord."*—(Ephesians 6:4.)

We pray for our families, the foundation of all social order. Imbue the Senators with the desire to give first priority to spouse and children. Grant them determination to make time for their families during the recess. Where there is alienation, may they find love and reconciliation. Where there is sickness, healing. Where there is disorder, order.

We thank you, Father in Heaven, for the rapid recovery of Mrs. Mack, and we commend her and her family to Your loving care. For others we may not know who are ill, at home or in the hospital, we pray that they may enjoy a return to complete health and strength. Whatever the need of any of our families, may that need be met in Your grace and mercy.

In the name of Jeshua, the great Physician. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

SCHEDULE

Mr. MITCHELL. This afternoon following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak for up to 5 minutes each. When morning business closes at 12:30 p.m. today, the Senate will return to executive session to resume consideration of the nomination of Judge Thomas to the Supreme Court. There will be no rollcall votes today.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the time of the distinguished Republican leader.

Seeing no other Senator wishing recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL INVESTMENT FOR DEMOCRACY

Mr. LEVIN. Mr. President, all of us breathed a sigh of relief 10 days ago when President Bush announced a series of policy changes that move us back some giant steps from the nuclear abyss. And we were doubly gratified this weekend when President Gorbachev responded, as we had hoped, with his own set of reductions and challenges for future reductions. We are reminded by President Gorbachev's affirmative and creative response just how important it is that he be around to implement and to propose additional cuts which respond to proposals of ours. But for that to happen, for him and reformers like him to survive, democracy and reform must survive in the new Republics of the former Soviet Union.

The announced nuclear and military force reductions of the last 10 days are a dramatic indication of how much we need an international effort to help prevent economic and social collapse in the Soviet Union. Such a collapse would in all likelihood destroy the reforms and the reformers in a new chapter of Soviet totalitarianism and lead the world back to the very cold war whose demise we are celebrating.

We must now lead the world in designing an international investment for democracy to help assure the survival of democracy and reform in those Republics. To put it as directly as I can, the world should act, to the extent of course that outside actions are relevant, to assist Presidents Gorbachev and Yeltsin to avoid the social upheaval that would topple them.

We do not need a Marshall plan, and we cannot afford a Marshall plan. But we do need the political vision and courage which produced the Marshall plan.

And we should get it while the getting is good.

Our ability to move the United States into a new era—the post-cold-war era—is directly tied to the fate of the Soviet Republics' experiment in democracy. The alternative is a number of totalitarian dictatorships with access to weapons of mass destruction. But I am afraid, Mr. President, I do not yet see the concrete action and the focused energy that present circumstances demand.

The seeds of democracy are, indeed, fragile in these Republics. The historical odds are long against democracy and free markets taking hold in lands which have no traditions to sustain them. The removal of Communist centralized planning has created social and economic chaos in the former Soviet Republics, and in the now-free nations of Eastern Europe. The situation is worsening daily, and the winter is rapidly approaching, threatening shortages that could produce a total breakdown. Just a few weeks ago, violence erupted in Romania as striking miners protested over economic conditions. And there were angry demonstrations in Tajikistan and Azerbaijan.

It is an environment ready-made for the kind of upheaval that has created Hitlers and Stalins before. Some of the most basic economic structures are not in place. The Soviets reportedly have less than $3 billion of gold reserves with which to buy hard currency. Millions of people who performed nonproductive jobs are unemployed, and more will be soon. Ethnic, racial, and territorial struggles long-suppressed are resurfacing. Hyperinflation is taking hold. It is not just a word. Hyperinflation wipes out savings and pensions. More rubles were printed last month than in all of last year. The former privileged classes of Communist regimes—government officials, military officers, KGB agents—may have lost their positions, but they are still present. They could readily lead angry, unemployed, and hungry millions toward a new totalitarian order.

As one of the delegates to the new Soviet Congress put it: "Empty pots may become more dangerous [to democracy] than tanks."

Many of us Mr. President, have visited the Republics and Eastern Europe—before and after the failed coup and the dissolution of the Soviet Union that followed. We have seen firsthand the conditions in many of these places. We have heard the fear and anxiety of young reformers who suddenly find themselves in charge of governments and economies—they feel like they have been handed the controls of a broken-down jalopy with no fuel, no spare parts, and no road map.

This situation is not news to us, nor is it to President Bush. He is in direct contact with Presidents Gorbachev and Yeltsin. He has dispatched the Secretaries of State, Treasury, Defense, and Agriculture to examine the situation over the last few months.

Ten days ago, when the President moved beyond rhetoric to take action on nuclear arms reduction, it was a swift and bold stroke that took good ideas and made them policy. It is called leadership—and we need the same kind of leadership to do what we can to help consolidate the victories of freedom and democracy in the former Soviet Republics and Eastern Europe. The United States is in a unique position to help lead an International Investment for Democracy—a set of comprehensive and unified actions the world community takes right now to help those fragile seeds of democracy and stability take root.

I am not proposing massive handouts. I am urging investments in our own national security, much as unilateral withdrawal of short-range nuclear forces is an act we take to make ourselves safer.

Nor am I suggesting that the outside world can do this job for the peoples of the former Soviet Republics. In fact, 95 percent of the job must be done by them. They must shoulder the burdens that only they can carry because it is their system which must be radically changed. But the outside world can provide a critical 5 percent. That 5 percent is more than an amount of yen or marks or pounds or dollars needed for currency stabilization or humanitarian assistance. It is a powerful political symbol to the people in those Republics that the world is with them if they go through the agony and pain of transition. That outside support will give courage to their political leaders who must bear the political burden of unemployment, high inflation, and social unrest that come from canceled subsidies and freeing the currency.

The United States has tremendous power to influence our Western allies and Japan to support the success of democracy in the Republics. And we have tremendous authority within international institutions—economic, political, and humanitarian—authority to push them to act swiftly.

We know many of the actions that are needed. But time may be running out. Winter and massive unrest are waiting in the wings. A step-by-step plan should be put in place, with responses on our part carefully conditioned on reforms being instituted on their part.

First, we urgently need to incorporate the Republics into the international economy. Now that the International Monetary Fund has granted associate membership to the Soviet Union and its Republics, the IMF needs to outline exactly what elements of an economic reform program must be put in place for these States to qualify for further help. That program must be tough, and we should be a tough friend, pushing the reforms along for the long-term survival of democracy, and the stability of the world.

The most powerful incentive from the IMF should be a program for currency stabilization and currency conversion to cushion the imposition of market reforms in these new Republics. Without such temporary shock absorbers, hyperinflation and massive unemployment could unleash massive chaos and civil unrest. The huge number of refugees from that type of environment could in turn destabilize Eastern Europe and harm its chances of achieving radical economic reforms and democratic stability. A currency stabilization fund should be a carrot—available to the Soviets and within reach if they will institute market reforms swiftly.

These shock absorbers require billions of dollars of international capital, loans, and grants. A year ago, Western nations provided $1 billion to back Poland's effort to make its currency convertible—$200 million of that came from the United States. Poland instituted extensive price reforms and market structures to get that help, and its continuing reform efforts have resulted in the cancellation of some of its debt. In January, Czechoslovakia received lines of credit from the International Monetary Fund totaling almost $1.5 billion in international currencies—that's the kind of help the emerging Republics will need, too.

The International Monetary Fund, World Bank, and European Bank for Reconstruction and Development are the institutions who know what structural changes must be put in place in the Soviet Republics before any stabilization funds will be of help. We must have their institutional skills and expertise on the ground in Moscow and the Republics. The World Bank and IMF will be meeting in Bangkok this month. They should outline specific additional steps that can lead to full membership for the Soviet Republics.

It is important for all of these international institutions to act quickly and creatively. Those price and currency reforms and market structures seem alien to the Republics now. They must have the technical advisors they will need to run an unfamiliar market economy.

Is there risk involved in a program of international assistance? Of course. That is why the risk should be shared broadly—not borne mainly by the United States. But not acting boldly now carries a much greater risk if, by failing to act, we create conditions of chaos and social unrest that allow dictatorships to arise and again threaten the peace.

Second, we need urgent planning for direct humanitarian assistance, coordinated by international relief agencies and delivered to the people who need it. Many have warned of food shortages during the coming winter and the need for medical supplies and services may be even more urgent.

We cannot allow people to starve through their first winter of democracy. If we will commit with other countries to establish an international program of humanitarian assistance, and assure that supplies get directly to the people in need, the certainty of food should also stop the hoarders who are now making shortages even worse.

The United States has offered $2.5 billion in commodity credits to the U.S.S.R. in the last year, and the President this week dispatched the Secretary of Agriculture and a delegation to examine Soviet food production and distribution systems. I hope they produce a plan soon for additional emergency food assistance that gets to the people who need it.

We need a similar effort by health experts, with the goal of preventing a public health disaster through early action.

This winter could bring epidemics of influenza and severe shortages of the most basic pharmaceuticals and supplies—antibiotics, insulin, antiseizure medicine, syringes, and sterile bandages. Public health and sanitation, health-care training and delivery, medical infrastructure and equipment—all need urgent attention if these new political entities are going to develop strong, healthy societies.

The United States has distributed about $11 million in medical supplies to the Republics, with the help of Project HOPE, the Agency for International Development, and private pharmaceutical firms. But we need a more comprehensive program. I hope that President Bush would immediately instruct our Secretary of Health and Human Services to convene a coordinating meeting with health ministry representatives from the former Soviet Republics and eastern European nations, the leadership of international health groups including the World Health Organization and the Red Cross, and United States Government and private organizations including the Centers for Disease Control, Army Medical Corps, and Office of Foreign Disaster Assistance.

They should undertake an urgent mission to survey the health-care capacities and pressing medical shortages throughout the region. And they should begin planning for distribution of supplies and expertise they can already anticipate will be needed. This could be an immense logistical task, but we have the capacity and the expertise to carry it out—especially after the experience of the gulf war and subsequent relief efforts. Such humanitarian efforts would certainly have a price, but they too constitute a modest financial investment now to prevent the much higher expenditures that could result from societal breakdown in the Republics. And our own military should assist if necessary in distributing emergency food or medical aid—that is a legitimate peaceful use of our extensive airlift capacity, and an appropriate military contribution to this investment for democracy, just as it was for the Kurds after Operation Desert Storm.

A third area of response to the emerging Republics has also been on too slow a track. We need to be much more creative about joint venture arrangements and opportunities for U.S. businesses in these new societies. Not only can this type of activity open markets to U.S. companies and speed economic development, but it is also the surest path to full-scale conversion of military production facilities into commercial enterprises.

It is important to explore ways to deal directly with enterprises in the Republics, instead of the central ministries of the Republics or of whatever new union emerges. Government to government arrangements are less effective than enterprise to enterprise efforts. Legal structures, of course, need to clarify where decisionmaking authority lies, who owns property, and how contractual obligations are enforced.

In hearings last month, the Armed Services Committee heard testimony about the enthusiasm at all levels in the Republics for U.S. business know-how and direct investment. A number of American firms are already exploring joint ventures. But the committee also heard discouraging evidence of bureaucratic red tape in our own country, such as State Department delays in processing visas for Soviet visitors, and excessive Commerce Department reticence in issuing export licenses. This is not U.S. leadership. The President should be encouraging these and other agencies to be aggressive in facilitating U.S. business activity of this type—not making it harder for creative ventures to blossom.

And we need to go further. We offer low interest loans to small businesses in this country to facilitate economic development. We could create a similar program of credits or loan guarantees to U.S. companies willing to take some risk through joint ventures with enterprises in the Republics, where the purpose of the joint enterprise is to convert a military industry that produces items like missiles or submarines into a civilian industry producing useful goods for consumption or trade. These credits and loans can constitute another part of our investment for democracy that will be repaid in full, and yield even greater dividends in the currency of stability and peace.

Last month, Gen. Colin Powell testified that it was in the United States direct security interest to aid with defense plant conversion, and to address the root causes of civil unrest to make it possible for democracy to prevail in the former Soviet Republics.

Finally, we need to lend these Republics technical assistance in a whole host of areas, from building democratic institutions to managing natural resources. American know-how in the areas of finance, legal systems, energy development, manufacturing, communications, agriculture, public health, environmental protection, and many others is desperately needed by these Republics. This too can be an investment, not just a gift. It is the kind of assistance that will foster hope and belief among the people of these Republics and between their governments.

All over our country, our people sense the need to provide assistance, and are trying to respond. But there seems to be a lack of urgency in Washington, DC, in promoting and formulating such assistance programs. The administration has been talking about the need to provide such technical assistance for months, but has not offered Congress a plan or a price tag. We need real leadership and action by the President and the Secretary of State in this area, not just lip service.

Taken together, the actions I have outlined can have a real impact many times larger than their initial cost. The President and Congress need to place establishment of such a program high on our agenda. Rather than giving the Soviet Republics a handout, we would be investing in our own security. We would be investing in democracy and investing against another cold war. We would be investing in the construction of free societies and investing against civil war in a land which still has thousands of nuclear weapons.

An historical turning point that occurs once in a lifetime is upon us. We worked for it. We helped pay for it. Millions of oppressed people paid for it with their lives—from the gulag to the streets of Budapest, Prague, Berlin, and Moscow. Tens of thousands of free people lost their lives in the fight against this century's most tenacious form of totalitarianism.

We survived that fight—the world survived our battle with communism in Europe. But a new, virulent form of oppression could arise from its ashes. Democracy lasted 15 years in the Weimar Republic of Germany before hyperinflation and ethnic hatreds destroyed it and Hitler rose to power.

We Americans are not famous for our historical awareness. We are used to fighting against the dead hand of history—we believe passionately that we can write our own chapters of progress and that we are not doomed by ancient ethnic, racial, or religious feuds which beset other lands.

Eastern Europe and the former Soviet Republics are still weighed down by those feuds and unavenged wrongs. But they need not be drowned in them. Western Europe must now take on most of the responsibility of assisting Eastern Europe. The Western Europeans are on their feet and the United States carried a disproportionate share of the burden to get them there and keep them secure since World War II.

But the United States, along with Japan and other nations, must help as well. The cost will be a small fraction of the more than $100 billion a year we have been spending on the defense of Europe. The cost of not helping will be much higher for our Nation, and for our children.

What do we need most? Political courage from our leaders. Support from our allies. Vision from our most creative minds. Bipartisanship in Congress. Encouragement from the American people. These are all necessary if we are to make an International Investment for Democracy.

I am not proposing that we throw dollars at the problem. I want the bulk of post-cold war defense savings to be invested here at home in our own struggling economy, in the infrastructure and health of America and in deficit reduction.

But we should set clearly before our people, how American security requires us to promote cooperative international efforts to invest in democracy in the former Soviet Republics and in Eastern Europe.

If we, who are blessed with having only to face voters—we, who have never known the terror of military coups and knocks on our doors at night by the KGB—will show even one-hundredth of the courage shown by Eastern European leaders such as Imre Nagy and Walesa and Havel and Landsbergis, we will help assure that the fragile seeds of democracy will flower on the soil of former Soviet Republics and Eastern Europe.

Such an International Investment for Democracy will truly reap a harvest of peace and economic growth for our children and the children of the world.

Mr. President, I thank the Chair. I yield the floor. I thank my dear friend from Mississippi for his patience.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, may I inquire if the period for morning business was set to expire at 12:30?

The ACTING PRESIDENT pro tempore. The Chair advises that the Senator is correct.

EXTENSION OF MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the period for morning business be extended for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES P. COLEMAN, 1914–91

Mr. COCHRAN. Mr. President, my State of Mississippi is mourning the death of former Gov. James P. Coleman. He died September 28 from the effects of a stroke he had suffered last December.

He was one of the most gifted leaders our State has ever produced. He had the common man's perspective, and the insight of the intellectual. He was a scholar, but he was not aloof. He loved to laugh. He was in every sense a truly outstanding individual.

With all those traits and a zestful willingness to be involved in community activities and government, he became one of our State's most successful public officials. His first job in Government was secretary to U.S. Congressman Aaron Ford of Mississippi in 1935. He made quite a name for himself in Washington when he was elected over Lyndon Johnson in a race for Speaker of the Little Congress, the organization of congressional staff members.

After graduating from George Washington University Law School in 1939, he was elected district attorney. The next year he served as a delegate to the Democratic National Convention.

His legal and political career, so begun, was to be filled with many successes and only a few setbacks.

He served with true distinction in every office he held: district attorney, circuit judge, member of the Mississippi Supreme Court, attorney general of the State of Mississippi, Governor of the State of Mississippi, member of the House of Representatives of the State of Mississippi, and member and chief judge of the U.S. Court of Appeals for the Fifth Circuit.

My sympathies go out to all of the members of Judge Coleman's family. Like them and many others, I feel a deep sense of loss. I will truly miss the enjoyable and enriching visits with Judge Coleman in Ackerman, MS, and the benefits of his perceptive observations and his wise counsel.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, as I understand, the leader time was reserved.

The ACTING PRESIDENT pro tempore. The Senator is correct.

ANITA HILL

Mr. DOLE. Mr. President, I am certain a lot of us are concerned about weekend allegations. And I have been in the cloakroom listening for about 25 minutes to the press conference being held by Anita Hill, who apparently gave the Judiciary Committee an affidavit, which somehow was leaked to the press—and I do not want to question her credibility either way. But I think there are a number of questions she is raising in the press conference that ought to be at least investigated.

That is, she keeps talking about the Senate or them or the Judiciary Committee, but never identifies who she has been working with in the Judiciary Committee. She said she was contacted by the committee. Well, I am sure the whole committee did not contact her. Somebody on the committee contacted her. Somebody on the committee has been driving her to this result.

I would hope that we would find out, with all of the interest in the press in this weekend allegation, precisely who stimulated the effort in the first place; and how long they had known Anita Hill; if they had gone to law school with her; some say what committee they may be on in the Senate; whether the Committee on the Judiciary or some other committee; and what precisely they did and who leaked the affidavit over the weekend.

I think many of us feel the vote was postponed until Tuesday so there would be a weekend revelation. We are not totally naive in this body. So it came as no great surprise that on late I guess Saturday, or whenever the first information came over national public radio because we were aware of this; Senator MITCHELL and I had been briefed by Senators BIDEN and THURMOND.

But I think with all the emphasis being on what Anita Hill—again I do not question her credibility one way or the other, nor her integrity. Nor do I question Clarence Thomas' integrity. It just seems to me if we are going to get to the bottom of this and have all the facts—for there is no one who would not like to have the facts—we ought to find out who is driving this effort. Who is behind it? Why was she contacted? Why was she contacted again? Why was the affidavit leaked? Who has been involved in the investigation?

She keeps talking about "them." Who is "them"? I do not think it is Senator BIDEN. I do not think it is Senator THURMOND. "Them" must be somebody either in the Judiciary Committee or someone in the Senate.

So we need to find out what she means when she refers to the Senate—the "Senate Judiciary Committee," "them," "staff"? What precisely took place in all these conversations and what was she advised to do by certain staff people or anybody else? Maybe if it is a Senator, that is something else. So I hope that information might be forthcoming as well.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A STEP IN THE RIGHT DIRECTION

Mr. DECONCINI. Mr. President, 11 days ago, President Bush demonstrated that every now and then he is able to grasp what he has referred to as "the vision thing." In so doing, he backed this country—and indeed the world—one step further away from the nuclear abyss. I congratulate him for his boldness and for his leadership. He took a step that needed to be taken. Indeed, his bold gesture of last week has been met and matched by President Gorbachev's equally courageous announcement of last Saturday night. Perhaps the cynics are right—only Nixon could open the doors to China.

In some ways, however, the President merely made a virtue out of necessity. In his speech, he announced the cancellation of the MX Rail Garrison Program. But that same week, the Senate voted 67–33 to terminate the rail portion of the program. In his speech, he also announced cancellation of development of the short-range attack missile. But that week, the Senate passed a Defense Appropriations bill for the new fiscal year which contained no funds for the program.

On balance, however, the President has finally recognized that the philosophy of nuclear terror which has underpinned this country's relationship with the Soviet Union must undergo a radical re-evaluation. The world we face today is different than the world faced by Presidents Eisenhower, Nixon, or Reagan. The Soviet Union we face today is vastly changed from the one which faced President Bush only 2 months ago.

The Warsaw Pact no longer exists. Germany has been united. The Baltic nations are free and independent. Members of the Soviet military high command have been briefed in the bowels of the Pentagon. A reformist civilian now heads up the KGB. Statues of Lenin have been reduced to scrap iron. Even Leningrad once again bears its original name of St. Petersburg. It is about time that the new world order be allowed to become a reality.

Mr. President, I say that the new world order must begin at home. Do we really need 75 B–2 bombers—at a cost of more than $865 million each—especially when the President has taken our B–52 and B–1B bombers off alert? That money, I believe, could much better be spent in Arizona on education. Do we really need to spend $4.5 billion more on a star wars program which has already received more than $20 billion, whose architecture changes every year, and which has nothing to show for it? That money could better be spent on Arizonans who need health care, and child care, and nursing home care. Some of those funds could also be better spent toward making a dent in our $3.6 trillion national debt.

I know there are Arizonans who are very concerned that we are mortgaging our children's future by maintaining these astronomical deficits. I know there are Arizonans who want their President to focus his attention and his policies on Flagstaff and Yuma, not Frankfurt and Yalta.

Some in this body have argued that our hands are tied because of the budget agreement entered into last year. I disagree. I believe the new world order requires us to break this already outdated agreement, not by increasing spending, but by allowing us to transfer funds from the Defense budget to the domestic budget and apply it to the national debt. I voted against that agreement, not because I knew what the future would bring, but because I believed that it was the wrong deal for the wrong time. I am more convinced than ever that I cast the right vote on that issue. Since entering into that deficit cutting deal the deficit has grown, not diminished. The Bush administration recently raised its estimate of the fiscal year 1992 budget deficit to $350 billion. We are in a recession and we face a real emergency—not across the ocean in foreign lands, but across the street and in our own backyards.

Thousands of Americans are hurting. Too many people in your country cannot find a job, Mr. President. Unemployment, education, drugs, and health care are not guests you can invite to a State dinner at the White House, but they are real issues facing real Americans.

Be truly bold, Mr. President. Demonstrate that you really do have more of the vision thing when it comes to helping your own people. We can make deeper cuts in strategic modernization and other areas of the Defense budget. The threat of a global, nuclear conflagration at a time when some in your administration are looking for ways to provide foreign aid to the Soviets is unthinkable.

I agree that we still require a smart national defense. There is no question that our conventional weapons systems must continue to be upgraded. We must continue to fund research and development of new technologies. We must continue to train and care for those men and women who chose to make the military a career, while at the same time reducing the overall size of the active and reserve components of our fighting forces. We must be smart to avoid the hollow forces of the seventies.

But we also be bold and tackle the burgeoning deficit and the very real human needs here at home. We can afford to cancel the B–2 bomber and spend no more than $3.5 billion annually on the strategic defense initiative. Indeed, we cannot afford not to.

LEON STEWART IS NAMED A GI JOE REAL AMERICAN HERO

Mr. CHAFEE. Mr. President, I would like to congratulate Leon Stewart of Pawtucket, RI, for being named a national winner in the GI Joe Real American Hero Search. The search honors children aged 5 to 12 throughout the country who have performed outstanding heroic deeds.

When a fire broke out in the family's apartment last March, Leon, who is 7, first carried his 4-year-old brother outside to safety and then went back into the apartment to rescue his 1-year-old brother who was sleeping in his crib. Firefighters were able to put out the blaze, and thanks to Leon's quick thinking, no one was hurt.

As a national winner, Leon and his family were flown to Washington for a weekend of sightseeing and other activities including an award ceremony hosted by Adm. Richard Truly of the National Aeronautics and Space Agency [NASA] and a meeting at the White House with First Lady Barbara Bush.

I know Leon's family must be extremely proud of him. I am pleased to have this opportunity to recognize his courageous act.

ST. GEORGE, UT

Mr. HATCH. Mr. President, I would like to recognize the city of St. George, UT, located in southwestern Utah. It has grown into a beautiful, thriving community, and I would specifically like to mention two Utah resolutions that honor the city of St. George for its recent recognition as the ideal retirement community in the West, in addition to its other outstanding features.

Utah House Concurrent Resolution 25, which was written by Representatives Robert A. Slack and James F. Yardley, honors St. George as a city of rich western flavor, with a strong cultural heritage. Its welcoming atmosphere boasts a low cost of living, a warm climate, ideal services, retirement housing, and leisure living.

St. George always makes a specific effort to include and involve its retired citizens in every aspect of the community. For example, Utah is honored to have St. George as the site of the 5th Annual Huntsman Chemical World Seniors Games, to be held October 14–25, 1991. Athletes over the age of 50 from all over the world will be competing in various sporting events, including swimming, basketball, softball, cycling, tennis, road races, golf, bowling, horseshoes, and track and field.

State Senator Dixie L. Leavitt has also introduced Utah Senate Concurrent Resolution 133, enlisting the support of the Utah Legislature for plans to construct the Hurst baseball complex on the Dixie College campus. Mr. Hurst, a major league pitcher, is a native of Utah and considers Dixie College to be his alma mater. He is one of the most successful professional baseball players to come from Utah, having won two games with his team in the memorable 1985 World Series. He is a wonderful role model for our youth. In addition to the baseball complex, a Bruce Hurst baseball endowment will be create to fund field maintenance, Dixie College baseball scholarships, Sports Hero Day, and baseball clinics. There is a definite need for this complex in St. George, and I support Dixie College and the city of St. George in its plans to construct this exciting facility.

Mr. President, it is my pleasure to make you aware of these resolutions on behalf of St. George, UT, and I would like to express my gratitude for the motivated community spirit and national pride that the citizens of St. George exhibit.

TRIBUTE TO CAROLYN FUNDERBURK NICHOLS

Mr. HEFLIN. Mr. President, I was saddened to learn of the death of Carolyn Funderburk Nichols, whose husband, former Congressman Bill Nichols, was one of our Nation's leaders in national defense policy.

The late Congressman Bill Nichols was recently honored with the 1991 "Senior Award of the Section on National Security and Defense Administration of the American Society for Public Administration," for his leadership in securing the passage of the Nichols-Goldwater Department of Defense Reorganization Act. Unfortunately, Mrs. Nichols was too ill in the hospital in Birmingham to attend and accept this award on his behalf.

Carolyn was a long-time friend of my wife Elizabeth Ann and mine. Carolyn was a steadfast supporter of Bill throughout his career of public service and she was always helping him in every way possible.

There are many traits that one remembers about a person, and what I remember most about Carolyn was her beautiful appearance, her warm smile, and gracious southern style. Carolyn was always ready with a helping hand and an open heart, and she will be missed by her many friends here in Washington and in Alabama. She is survived by three children and three grandchildren, and expressions of condolence can be sent to the family in care of her daughter, Memorie, and son-in-law, Chris Mitchell, whose address is 3112 Pine Ridge Road, Birmingham, AL 35213.

LIMITATION ON ASSISTANCE TO THE SOVIET UNION

Mr. PRESSLER. Mr. President, in July the Senate passed my amendment to the foreign aid bill placing conditions on assistance to the Soviet Union to prevent hard-earned United States taxpayer dollars from being misspent on bailout programs for the Soviet Central Government. While events in the aftermath of the hardliners' failed coup attempt have been positive—including independence for Estonia, Latvia, and Lithuania and increased power to the republics—now is not the time to give large loans and grants.

I regret that this amendment, which the House of Representatives also had passed, was deleted during conference action on the foreign aid bill. The amendment would have helped us achieve our goals of a less threatening Soviet Union, and would have helped those who advocate a complete transformation of the Soviet system. Our policy should be to promote substantive economic reform in what is left of the Soviet Union—a rejection of state planning in favor of economic liberty for individual entrepreneurs.

My amendment would have conditioned any assistance on true systemic reform—privatization, lowering of defense expenditures, and political reform—including respect for the right of all republics to self-determination. I do not oppose limited technical assistance and humanitarian food aid, but assistance should go only to those who really need it.

Mr. President, I ask unanimous consent that the text of an op-ed article that appeared in the September 23, 1991, Washington Times be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 23, 1991]

"GETTING THE BEAR HOOKED ON AID—REQUIRING PROOF OF PERFORMANCE—"

(By Larry Pressler and Jon Kyl)

(Larry Pressler, a South Dakota senator, is the ranking Republican on the European Affairs Subcommittee of the Senate Foreign Relations Committee. Jon Kyl, Arizona Republican, is a member of the House Armed Services Committee.)

Since the collapse of the attempted coup in Moscow, there has been a mad dash in Congress not only to provide billions in aid to the Soviet Union, but to do so without the conditions necessary to ensure that such aid would be effective.

In June, concerned that such aid would simply prop up the central government (which later attempted the coup) and unconvinced that Soviet President Mikhail Gorbachev was committed to an effective plan for true reform, we offered, and the House and Senate passed, an amendment to the Foreign Assistance Authorization Bill conditioning any aid on several key requirements. The fact that some of those conditions (such as independence for the three Baltics) are now being met does not mean that the conditions should be removed from any aid package. Secretary of State James Baker recently agreed that before the United States could provide aid. "There has to be a commitment to true free-market economic policies . . . and there must be some sort of plan." He added, "There [also] have to be answers to the questions about where economic power resides." Obviously, those are minimum conditions.

Reductions in Soviet military spending, elimination of foreign aid to countries such as Cuba, adherence to basic human rights (including in the republics), meaningful commitments to a market economy, and full disclosure of data to determine Soviet creditworthiness, are all essential conditions of an effective aid program. A mere promise of future action is not enough; good intentions are no substitute for action. The point of conditions is not to demand success (or there would be no point to the aid), but rather to require proof that the Soviets are really trying, not just saying what we want to hear.

There is no reason to believe conditions would pose a problem—Russian Federation President Boris Yeltsin and even Mr. Gorbachev seem to genuinely desire to do the right thing. In fact, conditions will help because they are a form of technical advice, which everyone seems to support. The right conditions will help the Soviets help themselves.

Some members of Congress, including Rep. Les Aspin, Wisconsin Democrat, chairman of the House Armed Services Committee, advocate that part of the defense budget should be used to bolster the Soviet economy. We agree: But money should come from the Soviet defense budget, not ours. The Soviets spend an estimated 32 percent of their gross national product on defense, compared to less than 5 percent of GNP spent by the United States. Immediate reductions in Soviet defense spending and reallocation of funds to their private sector could help avert a potential economic collapse. According to the Center for Security Policy, the Soviets could immediately gain $4 billion simply by closing down their worldwide disinformation activities.

Senate Armed Services Committee Chairman Sam Nunn, Georgia Democrat, and others correctly point out that defense conversion is very difficult. They suggest we should help the Soviets through that process. The 70,000 defense workers in the United States who are losing their jobs because of our 25 percent reduction in defense spending will confirm just how tough defense conversion is. Families suffer, communities suffer and the political decisions are not easily made (which is why U.S. military bases could not be closed by Congress—a blue ribbon commission had to perform that politically unpopular task).

The American taxpayers will want to know that the Soviets are doing everything they can do before being asked to help, and it's hardly an unreasonable request. It is unthinkable that American money should subsidize Soviet weapons production.

Some in Congress also want to cast aside another essential condition of the Kyl-Pressler amendment, "disclosure," which protects taxpayers from being drawn into a financial debacle potentially greater than the savings and loan bailout and the Bank of Credit and Commerce International. Financial experts worldwide have been virtually unanimous in concluding that the Soviet Union is facing a monumental debt crisis and will not be able to repay past debts, let alone future ones. The Soviet Union owes approximately $62 billion in foreign debt—mostly to European banks, with Germany leading the list.

These financial experts fear that the debt crisis in the Soviet Union could very easily go the way of the Latin American debt fiasco—leaving American taxpayers holding the bag with bad loan guarantees (just like the savings-and-loan bailout required). American taxpayers deserve the protection of disclosure—they are fed up with their own debt-riddled government, let alone foreign debt forgiveness (such as to Poland, Egypt and Senegal).

In addition, if our money is distributed by the Soviet central government, are we fostering the suppression of all people's right to self-determination? What about the Romanian people of Moldavia—themselves the victims of the same Hitler-Stalin pact that swallowed up Estonia, Latvia and Lithuania for 51 years? The brave leaders of this nation have declared independence citing the illegality of their annexation into the Soviet Union through military occupation. Today they stand alone outside of discussions on a new union, without recognition of their independence but not without hope.

Finally, even if the Soviet Union meets the other conditions of the Kyl-Pressler amendment, can we afford it? We have unmet needs in this country. We are deeply in debt. Our economy is in a decline; 6.8 percent of Americans are out of work; the public debt has reached $3.7 trillion and the GNP is down 2.8 percent for the first quarter of 1991. We cannot afford new taxes to fund a massive aid program, so any aid must come from something else.

We do not object to humanitarian assistance, provided it can be assured that the aid will get to the people that need it and not the same old Communist Party hacks that created the disastrous system in the first place. And, technical advice is certainly in order. But any significant monetary assistance, whether direct or through organizations like the International Monetary Fund or World Bank, must be conditioned to ensure that taxpayer dollars are not wasted, that goals important to the United States are satisfied. Our interest is in a more democratic, less threatening Soviet Union. We must be convinced that any U.S. assistance will have a reasonable prospect of advancing that goal. Conditions are critical to that assurance.

It has been said that winning freedom is easier than keeping it. We have a stake in helping those who live in what was the Soviet Union keep their newly won freedom. We have an even greater stake in maintaining our own freedom and economic prosperity.

EXECUTIVE SESSION

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of Executive Calendar No. 318.

The clerk will report.

The legislative clerk read as follows:

> The nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the Supreme Court of the United States.

The Senate resumed consideration of the nomination.

The PRESIDING OFFICER (Mr. REID). The Senator from Utah.

Mr. HATCH. Mr. President, I have been very concerned with the events that happened over the weekend. As a matter of fact, before I left last Friday, I made the prediction that over the weekend, Clarence Thomas would be smeared, and he has been. I have known Clarence Thomas for 11 years. And I can tell you that this is a man of integrity, of unimpeachable integrity and decency.

Mr. President, I want to read a memorandum from the chairman of the Judiciary Committee to me. It is dated today, October 7, 1991.

> I want to take this opportunity to correct erroneous news accounts in certain newspapers this morning. Contrary to reports, Anita Hill first contacted the full committee staff of the Senate Judiciary Committee on Thursday, September 12, at which time she was referred to committee investigators, as is the committee's standard practice. Any statements that she was first contacted by investigators for the full committee staff of the Senate Judiciary Committee on September 3, or any other date, are categorically false.

Mr. President, this is a very important memorandum because she was contacted by staff members of one of the Senators in this Senate who were not investigators of the full Judiciary Committee. And I want to talk about that because I think what has gone on here is reprehensible.

First of all, it usually takes 1 day to call up a Supreme Court nominee—even the controversial ones—and a vote at the end of the day. And in the case of Clarence Thomas it should not have taken more than 1 day. Every procedural rule was invoked to make sure that it was carried over after Friday of last week, knowing that we were going to go on recess for 10 days. We were able to work out a unanimous-consent agreement by playing hard-ball behind the scenes, and now we have a vote scheduled for Tuesday at 6—4 days of alleged debate. And we have had 2 of those days, Thursday and Friday, of this last week. And I knew the minute we all got out of town that there would be an October surprise—that is what we call it in politics—a surprise, the Monday before the Tuesday election. Only this happened the Saturday before the Tuesday.

It happened over the weekend while all of us were out of town. And it was just as predictable as that clock is most of the time.

Mr. President, the integrity of the Senate's confirmation process is in a free-fall. I have absolutely no quarrel with Chairman BIDEN's conduct of the hearings. I respect him. He has been very fair to the Republican side during this process and to everybody else. But the process itself has careened out of control. It is becoming totally politicized, buffeted by rule or ruin special interest groups, more and more politicized with each new nomination, targeted in advertising campaigns—and I have to admit there was some advertising for Clarence Thomas he did not want, I did not want, the President did not want, nobody wanted. That was wrong here, just as wrong as what is being done on the other side. This process has been more and more politicized with each new nomination, targeted in advertising campaigns, producing trumped-up charges, distortions, and misrepresentations like mushrooms after a spring rain, which are repeated no matter how completely or how often rebutted.

Where will this process settle? How low will it sink? Apparently, some of the opponents of a Republican President's Supreme Court nominees have yet to show how low they will go in their mean-spirited campaigns to block a particular nominee.

This year, we have learned that some such opponents would subvert the judicial process itself to stop Judge Thomas. They revealed to the media, and perhaps others, what they purported to be the contents of a draft opinion not yet finished in a pending case. That is unethical. Instead of urging condemnation of such a breach, some of my colleagues have used the alleged draft opinion as a basis to question the nominee's veracity as well as evaluate his judicial performance.

The latest spectacle involves an incident or incidents of alleged sexual harassment by Judge Thomas nearly 10 years old. And I say alleged. Let me be clear. I do not minimize sexual harassment on the job if it occurs. And in this case, it did not occur. I feel confident in saying that, having known Judge Thomas for so long and having known his reputation, having watched him in action, having him work with probably thousands of women in the jobs that he has worked in. But, Mr. President, I believe this recent allegation—and that is all that it is—needs to be put in proper perspective.

Let me note that this allegation was before the Judiciary Committee prior to the committee vote. If one person had it an hour before, I cannot speak to that. All I know is I knew about it days before. At the request of the committee, the administration had the FBI look into it. The FBI's report was available prior to the committee vote. Not one member of the committee raised the allegation as a matter bearing on this nomination or sought further investigation of the allegation. Not even those who were speaking out so forcibly right now. And they knew about it. Let me just tell you, they knew about it.

Allegedly, the harassment occurred while the accuser was working for Judge Thomas while he was Assistant Secretary for Civil Rights at the Department of Education. This is a position to which he was appointed back in 1981, 10 years ago. Did the accuser file a complaint with the Department of Education, with the Department's Equal Opportunity Office? No. Did the accuser complain to the Inspector General or the general counsel or to anyone else at the Department? Apparently not.

The individual worked in a civil rights office, after all. She was not working in just any office. She worked in the Office for Civil Rights where peoples' equal rights was the every day work of the people there.

I think she was around 25 years of age at the time, and I believe she was a Yale law graduate. In any event, she was certainly highly educated, presumably working in that Department, working with the top person in that Department; presumably she knew her rights. Did the individual at that time complain to the Equal Opportunity

Employment Commission? No. Did she come forward to disclose this alleged harassment when the judge was nominated to that agency? No. He was nominated to chair the Equal Employment Opportunity Commission, the most important governmental agency dealing with sex discrimination and harassment in the workplace. Did she come forward to disclose this alleged harassment at that time? No.

Instead, she went to the EEOC with Judge Thomas to work for him there. This is clearly after—allegedly—he had sexually harassed her.

Does she claim that he touched her? No. Does she claim that he abused her? No. She claims that the words that he used were sexually harassing and, under the law, if it is as she has explained, that can possibly be sexual harassment, if the truth is being told.

I ask my colleagues, is the behavior of this person, accompanying Judge Thomas to another job, indicative of someone who has been sexually harassed? I think the behavior is inconsistent with the allegation.

I have to say this individual presents herself well. I watched the press conference. There is no question she is extremely intelligent. There is no question that she presents herself well. And I am not going to say anything more on that. But I will say that, long before full committee staff interviewed her, she had been interviewed and talked to by other Senate staff members—not of the formal—according to Senator BIDEN—not of the formal full committee staff of the Judiciary Committee.

I have seen some of them operate and especially some of those who are of the suspected Senators' staffs.

As I understand it, the accuser in this case said she was also harassed at the EEOC. Did she complain to the relevant official there? Apparently not. She then left the EEOC in 1983.

When Judge Thomas was nominated for a second term at the EEOC, did his present accuser come forward? No. By the way, Judge Thomas went through a full confirmation process then for chairman of the very Commission that deals with these issues all over this country. Why did this accuser not come forward then? It seems to me she owed it—if it was true—she owed it to come forward at that point to every other woman in the country if these allegations were true. But she did not.

When Judge Thomas was nominated for his position as judge of the court of appeals, did she come forward then and make this accusation? No. Everybody knew that Judge Thomas was being nominated for the Circuit Court of Appeals for the District of Columbia because everybody knew that Justice Thurgood Marshall was getting up there in years; that he might retire.

Here is a young superlawyer who literally could take his position. Everybody knew that. Everybody knew he was on the fast track. That was the language used by the media and by almost everybody, even my colleagues on the Judiciary Committee, at the time.

Did she raise these issues then? That was the time to raise them. No. She did not raise them until staff, not of the formal, full Judiciary Committee, staff other than the Judiciary Committee's formal staff, came to her. And I am sure they went to everybody who worked with Clarence Thomas in all of these positions, or at least a high percentage of the women who worked with him.

When the judge was nominated to become an Associate Justice of the Supreme Court, did the accuser come forward and testify? No. We heard testimony from 100 individuals but not from this individual. The privately made accusation was then investigated by the FBI. It was an accusation made after other staff of one or more of our Senators came to her and talked to her about this nomination.

The FBI report was available to every Judiciary Committee member before its vote and has been available ever since then. No Senator on the committee or during the 2 full days of floor debate has even alluded to it, much less suggested we should delay consideration of the vote, until somebody, some eminent U.S. Senator, leaked it through staff probably this weekend after we all went home. In fact, I was in Utah when I first heard that it had been leaked to the press. Indeed, no one had asked for further investigation during that entire time. One of the reporters who broke the story told me that it was such a close question whether to even use it, but on balance the reporter had to use it. I cannot blame the reporter. It is a story. It is a story that could ruin a very good person's life, I think two good people's lives because I was impressed with her as well.

I am concerned because I have seen some of the staff operate. Once witnesses make a statement or are pushed into making certain statements—and I am not sure that happened here, but I certainly suspect that this may have occurred—then that person is stuck with the statements.

Now, if we are to credit these charges now, these allegations under these circumstances, the Senate will have effectively surrendered control over its own processes. Anybody will be able to wait indefinitely, and either wittingly or unwittingly, in conjunction with those who have access to confidential committee information, cause calculated disruption in the confirmation process.

In light of the incredible 10-year delay in the surfacing of this accusation across three different and extremely important prior confirmations of the same nominee, does any Member of the Senate believe this episode breaking into the media at this time is about sexual harassment? I am sure some would like to believe it. This leak of confidential committee information appears to be nothing more than an orchestrated ploy by bitter enders up here, the desperate twitching of those engaged in a dying effort to kill the nomination of this decent man and this worthy person. This has all the earmarks of a political campaign which finds itself 20 points down on the weekend of the election.

How low is this process going to sink, Mr. President? I think we have until 6 p.m. tomorrow night to find out. But let me tell you I am really concerned. I am really concerned. The woman who is making these allegations claims that she is not involved in a political ploy, but she clearly is. It may not be of her making, but she clearly is, even if unwittingly. She is approached by staff of some Senator or Senators up here—not the chairman's staff, not the committee's formal staff, but someone else's staff. Her affidavit is leaked to the media. She did not want to go public, according to her, so someone with access to confidential committee material leaked it. She said she never came to the press; the press came to her and read from her affidavit. Now, someone is playing politics and using this individual who would not publicly make this charge and did not want to go public according to what I just saw on television.

Interestingly enough, no one on the committee made this an issue until we all left Friday to go home this last weekend.

Incidentally, how hostile an environment could these alleged, but I repeat alleged, behaviors have created? Like I say, she served with him and went with him to the EEOC as one of his top aides, and now all of a sudden we have these problems. Mr. President, pardon me if I doubt the allegations.

Last but not least, I have known Clarence Thomas for better than 10 years. I have participated in every one of his confirmations. I presided over three of his confirmations as chairman of the Labor and Human Resources Committee. And I am on the Judiciary Committee now participating in the fifth confirmation in 9 years. And I have to tell you I know Clarence Thomas very well. I know his wife. I know his son. And now, since the hearings, I know his mother and sister, and they are fine people. To have a 10-year-old allegation come in here now and try to blow him out of the water on the weekend before the final vote in an October last-ditch, last-second political surprise, I think is reprehensible.

If it was literally a decent approach and somebody felt so strongly about it, then that somebody on the committee should have brought it up during the committee process. But to be honest with you, nobody wanted to do that because they know that anybody can make these allegations at any time, however sincere and however sincerely wrong, and the poor person against whom the allegations have been made will have to live with those allegations the rest of his life. It is that simple.

On the other hand, if true sexual harassment had occurred, I could never condone it. The fact is these are tough issues, these are tough areas of the law. And although you do not have to have formal, overt physical action to have sexual harassment, I still say that in most cases where people or jurors feel strongly about it, there has been physical contact or the person has been fired from the job, or demoted, or shoved off to the side and not given anything to do, or mistreated or demeaned among her fellow associate workers, or not given an opportunity for promotion.

In this case we have a situation where the woman says, in effect that he talked dirty to her. I have to tell you that I confronted Clarence with this and Clarence said, Senator, I would not have done it. I did not do that. And I do not know why in the world she would be making these statements, and especially at this time, other than the fact that I am up for Supreme Court Justice.

I have to say again that I felt she presented herself well. But I then go back to staff and some of the manipulations that I have seen in the past by staff—I refer, again, to chairman BIDEN's memorandum. "I want to take this opportunity," Senator BIDEN says, "to correct erroneous news accounts in certain newspapers this morning."

"Contrary to reports, Anita Hill first contacted the full committee staff of the Senate Judiciary Committee on Thursday, September 12," 10 years later, by the way, "at which time she was referred to committee investigators, as is the committee standard practice. Any statements that she was first contacted by investigators for the full committee staff or the Senate Judiciary Committee on September 3 or any other date, are categorically false."

I think that says a lot, and I would like to, by implication, indicate that I think it means a lot. I make my judgments in these matters, and we have to, by knowing the people and by watching them. I am not going to find fault with Ms. Hill. She has to live with whatever she said. And I looked at that, and I believe she is probably sincere.

On the other hand, I know Clarence Thomas and I know him well. I have never seen anyone who worked with him—and I talked to all kinds of people at the EEOC who have worked with him—who has not been highly supportive of him and who has not praised him greatly, at least those who worked closely with him.

I think the overwhelming weight is on his side in this matter and I hope, Mr. President, that we will not put this off. Putting it off will not make any difference at this point. We know that it is one person's word against the other.

Frankly, I think under the circumstances the facts just do not line up on the side of Ms. Hill. They just do not line up. Her story just does not make sense in its fullest sense. Although I am willing to say that I liked her and feel that she is trying to present herself in a very good way, I think it is important to acknowledge that there may be other explanations as to why she currently feels the way she does now in the fifth confirmation of Clarence Thomas, and the most important confirmation of all.

Mr. President, I am concerned to have anybody treated this way. I am concerned that Ms. Hill has not been treated properly as well.

But I think we should go forward with our vote. Senators ought to make up their minds. They ought to do what they think is right, and we ought to vote one way or the other. I for one am going to vote for the man that I have known for a long time. I have chatted with his associates, and all of them have been highly favorable to him and consider him an honest, decent, morally upright good man who has treated them with dignity, respect, and equality, who understands the sting of discrimination, and now understands the sting of accusation.

I just have to say that I think what this has come to is pitiful. It might have had a little more credibility had it been brought up during the appropriate time rather than as an October surprise right before the Tuesday vote over the weekend, while we were all out of town. It might have had just a little more credibility. And even then, the facts are pretty hard to swallow, Mr. President.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, Clarence Thomas, was nominated with an aura, a presumption, of being confirmed.

An African-American, a man born in poverty, an individual who struggled to the top of his profession against overwhelming odds, who sits on the U.S. Court of Appeals, and seems destined to serve on the U.S. Supreme Court.

I accepted George Bush's nominee with an open mind, looking forward to the confirmation hearings as a way to learn about Clarence Thomas and his compelling personal story.

Although I knew from the outset that our views were very different, I had every expectation that I would be won over by his sense of the law, his mastery of the law, and his personal strength of character. But when the votes to confirm Judge Thomas are tallied, presumably tomorrow, mine will not be among them. I will vote against Clarence Thomas.

Judge Thomas' performance at his confirmation hearings was a tremendous disappointment. Rather than demonstrate personal integrity, he ran away from his record. Rather than demonstrate legal scholarship, he was unable to summarize the basic holdings of key court decisions.

When asked to analyze cases, he was tonguetied. When asked about legal philosophy, he appeared woefully uninformed.

Throughout this process, the administration has argued that Judge Thomas' childhood—almost alone—justifies his appointment. The cruel irony is that Judge Thomas himself seems to have abandoned Pin Point, GA, many years ago.

As Pat King, an African-American law professor at Georgetown University testified:

> In remembering where I came from, I also remember very bright, young, black people who were not as fortunate as I. * * * Somehow Judge Thomas seems not to remember those he must have encountered along the way.

Sadly, the hearings showed a Clarence Thomas who is an intellectual opportunist, picking up scraps of conservative legal thought to advance his career—not a lawyer of intellectual distinction.

They showed a man who would bring profound mediocrity to the Supreme Court rather than judicial excellence. They showed that—as he has done throughout his administration—George Bush has lowered his standards in an attempt to forward his ideology.

And we in the U.S. Senate are being asked to lower our standards, too, Mr. President.

Dean Irwin Griswold, former Solicitor General of the United States, testified to the awesome risk of confirming someone without intellectual distinction.

Yale law professor, Drew Days, in discussing Judge Thomas' legal skills, said Judge Thomas displayed "a very superficial and sloganistic approach to complex issues."

Stanford law professor, Thomas Gray, characterized Thomas' outlook on legal issues as "wooden." The dean of Clarence Thomas' alma mater, supposedly speaking on Thomas' behalf, could only muster the hope that Thomas may change.

It is unacceptable for the President to ask us to lower our standards to fill this position. The U.S. Supreme Court is the highest Court of our land. Its decisions touch the lives of all Americans, each and every one of us. Whoever is picked for the Supreme Court will, in great likelihood, be there for another two or three or four decades, shaping the future of our people and the kind of country that we will be.

I cannot vote to grant lifetime tenure to an individual who is simply not qualified; who seems to lack basic legal knowledge; who has shown disdain for the enforcement of the law; and whose judicial philosophy is either hesitant and vague or, frankly, at odds with the full exercise of constitutional rights by those on whom he will sit in judgment. We cannot predict whose fate Judge Thomas will determine.

Six months ago I would not have believed that medical professionals in clinics across the country would have their right to speak freely attacked.

Two years ago I could never have imagined that the Supreme Court would take the lead in rolling back 30 agonizing years of civil rights progress. Indeed, the entire right to privacy—the fundamental right of every American to be left alone by their government save for truly compelling circumstances—is under attack.

Whose rights will be threatened next year or 10 years from now—we do not know. But I am not confident that Judge Thomas will defend those rights.

By nominating Judge Thomas, George Bush is doing what he has done throughout his political career, cloaking his true aims in the colorful camouflage of symbol—using Clarence Thomas's race and background to cloak an agenda that threatens the basic constitutional rights of Americans.

Who cannot help but feel a vicarious pride in Clarence Thomas' success? We want to believe that this person's triumph shows that we have begun to put America's ugliest chapter—our history of racism and discrimination—behind us.

But who cannot but fear that his history has become a prop, a tool to wedge apart the U.S. Senate as it attempts to fulfill its constitutional mandate to advise and consent.

We cannot afford to put symbols on the Supreme Court. Too many people are endangered.

And yet, when given the opportunity to demonstrate that he was more than a symbol, Clarence Thomas fell short.

It was disheartening to watch a man—almost line by line—deny his own intellectual history, dismissing writings and thoughts with a wave of his hand. What speech or article from his past is left? Was he wrong? Or merely shallow? In any case, he could not begin to fill the vacuum he created.

Nor did he try. I was stunned at the sight of an overcoached Clarence Thomas sitting before 14 Senators and systematically dodging any question which might allow us to judge him—to get to know who the real Clarence Thomas might be.

Clarence Thomas failed time and again to demonstrate the intellectual distinction compatible with the office of Supreme Court Justice. Some of the great minds in this Nation's history have served on the Supreme Court.

I do not expect every nominee to be a Brandeis or a Holmes, but I expect a basic understanding of constitutional doctrine.

And more to the point, I expect intellectual curiosity from a Supreme Court nominee.

Mr. President, in a city where every intern and aide on Capitol Hill has an opinion on every significant piece of legislation; where every baseball fan can tell you who will win the World Series and why; where every computer programmer can discuss the pros and cons of a hundred different software packages; Clarence Thomas is not engaged enough to form an opinion about Roe versus Wade, the single most controversial case to come before the Supreme Court in the last 20 years.

Judge Thomas' appointment is a retreat from excellence. Another triumph of mediocrity, engineered by George Bush. Another sacrifice of quality to expediency.

I wish I could believe that Clarence Thomas will grow—that in 10 years we will see a mature and respected jurist, with a coherent philosophy and commitment to protecting the individual rights our Constitution has conferred upon us.

If Judge Thomas is confirmed, he will immediately face some of the most challenging issues of the last 10 years: School prayer, limits on free speech, and school desegregation.

What, then, can we expect from this man, who generates no heat and light of his own but like the Moon, reflects only the glow of the stars around him?

I fear that on a conservative bench we can only expect him to join the assault the Rehnquist court has mounted, on free speech, on reproductive rights, on due process, and equal protection.

Judge Thomas' experiences have not given his writings and beliefs a unique tenor. Yes, Judge Thomas brings diversity to the Court through his personal history. Unfortunately, his views appear to be far less distinctive.

I fear, based on his record and testimony, that he is just another in the swelling chorus of activist conservatives dedicated to rolling back the constitutional rights of the American people.

Judge Thomas appears to be a fine man with a considerable record of personal achievement. However, a Supreme Court seat is a precious commodity. Mediocrity, inconsistency, opportunism—these are not the currency of Supreme Court nominations.

I demand, and I hope my colleagues will join me in demanding intellectual excellence and commitment to constitutional rights, before I will give my consent to any Supreme Court nominee.

I yield the floor.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, Judge Clarence Thomas is my personal friend. When I was called by the White House on July 1 and told that he would be nominated for the U.S. Supreme Court, that was one of the happiest days of my life.

I have known Clarence Thomas for 17 years. I hired him when he was a law student at Yale and asked him to come to work at my office in Jefferson City when I was State attorney general. He worked for me again in my Senate office. I have kept close touch with him ever since. I know him very well.

It was one of the happiest days of my life because, first, I believed that the Supreme Court was getting a person who was very well qualified for that job. I know that the President said that he was the best qualified person for the job. Of course, the detractors of Clarence Thomas have rushed to attack that particular proposition. But I honestly believed and do believe that he is the best person for the job. I think he is the best person for the job not only because of his ability but because of his humanity, because of his background, because of the experience which he brings to the Supreme Court, and because of his character.

One of the questions that the President asked him at Kennebunkport—Clarence Thomas has related this in a number of discussions since—was can you and our family take what is going to follow?

And Clarence Thomas, without thinking about it very much, answered, "Yes, I can."

My guess is, Mr. President, that if he were to have been asked today whether to submit his name for the Supreme Court, his answer would have been "no."

I just happened to be at a dinner party last night and a member of the Supreme Court was at the dinner party, and I asked this individual whether it was worth it, and this sitting Supreme Court Justice said to me, "If I were asked now to serve on the United States Supreme Court, if I were asked to allow myself to be nominated, my answer would be in the negative."

Mr. President, I would submit that something is very wrong here, something is very wrong with this process, something is very wrong when the President of the United States asks on day 1, "Can you take it?" And something is very wrong when a sitting Supreme Court Justice says that this person would not do it again.

In the Senate Intelligence Committee we are having prolonged hearings. They have extended over a period of weeks into the nomination of Robert Gates to be Director of the Central Intelligence Agency.

It is somewhat the same story there. Here is a person who is a career intelligence officer, and day after day he is pilloried for the great ethical violation of the intelligence community, namely, cooking intelligence analyses.

That is what we do to nominees. That is what has happened to Clarence Thomas, and it has happened right from the beginning. All kinds of awful allegations have been made about him.

I have been told by a high official at the EEOC that the switchboard at the EEOC has been lit up by phone calls to EEOC personnel by various representatives of activist groups trying to, in the words that I have heard to describe these calls, "get the dirt on Clarence Thomas." it is a mission to get the dirt on Clarence Thomas.

But I have known this person for 17 years, and I attest to the man's character. And all kinds of people have come forward who have known Clarence Thomas over the years and have attested to his character.

Those of us who are in elective politics and are used to this, there is a term of art that describes it. The phrase is "October surprise." What is going to be the October surprise to be used in a political campaign?

Every 2 years when we go through an election campaign in this country, the American people express how sick they are about the process, sick about American politics, revolted by political campaigns in this country, revolted by the mud slinging and the personal attacks, the smears, revolted by the 11th hour attacks. That is what the American people say. They say they want to change. And all kinds of ideas come forward almost any of which are approved by the American people—term limitations, get rid of the bums. That is how people feel about politics in America, "the quick attack," "the hit job," carefully timed to nail the candidate immediately before election day.

So those of us who are politicians, elected politicians, know that on the weekend before an election, we can expect something dreadful to happen. We know to have our campaign workers tune in the television sets to find out what is being carried on the news or what new commercial is being run in the last days of the campaign when it is too late for us to respond. We politicians expect that—sleazy as it is. That, apparently, is the nature of American politics today.

Now this phenomenon of American politics has been imported into the process of confirming nominees for the Supreme Court.

I do not know anything about these charges, except that Clarence Thomas is my friend and I have asked him about then and he says they are not true.

I do know that the events complained of allegedly took place between 8 and 10 years ago. I understand that no formal complaint was made. Clarence Thomas went through confirmation for the EEOC, no complaint was made; confirmation for the court of appeals for the District of Columbia, no complaint was made; nominated by the President of the United States July 1, 1991, intense interest by the interest groups, combing over this man's record, no complaint was made through July; no complaint was made through August; no complaint was made through the beginning of September.

The hearing begins and a complaint is made. It is turned over to the FBI. The FBI investigates it. The FBI makes a report to the chairman and the ranking member of the Judiciary Committee. The members of the committee are briefed. I am told by the chairman that the FBI report is made available to the members of the committee and the members of the committee state that this does not warrant further action, does not warrant further investigation, does not warrant delay. Go on the with the normal process of the nomination.

So, failing any response by the Judiciary Committee, which voted a week ago last Friday, then a week passes, 8 days pass, and then it is in the press. What press? National Public Radio and Newsday. One might ask: Why those two? Parts of the press. I do not know.

The person in question apparently worked for EEOC, having gone to EEOC after working under Clarence Thomas at the Department of Education, after the alleged events occurred. This person apparently, from what I understand—and I have not read the FBI report—but as I understand it, the alleged complained-about events occur, and then this same person goes with Clarence Thomas to EEOC. And the years pass; no complaint.

According to the Washington Post yesterday, she has a lengthy interview in August with the Washington Post. No complaint about sexual harassment. And then, according to the paper this morning, somebody from a Senate staff approaches her. She makes the complaint first to the committee, goes to the FBI, no action, and then before the press, the media. So it is item one on the evening news and front page in the papers, and everybody says "Oh, this nomination is in doubt." I do not think it is. I want to tell you why it is not, Mr. President.

It is not, first of all, because the American people are fair. And, second, because there are 100 members of this body who are going to vote on the nomination, each of whom is an elected politician. Each of them knows what politics is like. Each of them knows what it is like to be attacked. Each of them knows what it is like to have your character put in question in a very public way. If anybody can commiserate with Clarence Thomas, it is the 100 Members of the U.S. Senate. So I think that there is an understanding of all of this. And I think that there is an ability to put this in perspective in the Senate. And I think that there is a basic fairness in the U.S. Senate.

In fact, I dare believe that there might even be a backlash, that there might even be some Senators who have been leaning against Clarence Thomas who will now say, "We can't have this. We can't have this. We can't have this body known as the trash dump of American politics. We can't have this place be the place where any interest group that wants to will dig up garbage and dump it on our floor. That is not what the Senate is going to be. This whole confirmation procedure has gone totally out of control if that is what happens."

I think that there are some Senators who are going to feel that way, and I believe that Clarence Thomas will be confirmed. I have not noticed any slippage, I might say.

But whether or not he is confirmed does not make it right. Whether or not he is confirmed does not make it right to try to destroy the character of a human being; whether or not he wins confirmation does not heal the wounds, does not heal the destruction that has occurred here.

Mr. President, it cannot be true that in the process of trying to defeat a nominee absolutely anything goes. It cannot be true that the sky is the limit. It cannot be true that we are going to tolerate a situation where anybody who wants to throw the mud gets to throw the mud and, if it stick, that is just wonderful. It cannot be the case.

I believe that our confirmation process is at issue, as is Clarence Thomas himself. I believe that the character of the Senate is at issue, as well as the character of Clarence Thomas. I believe that the eyes of the country are focused on us as well as on him, and I believe that the time has come for us as a body to stand up and say "No" to what we have seen this weekend.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, I would like to take some time to deal with the Thomas nomination, but I want to take just a couple of minutes at the beginning to deal with the immediate news item and the concerns that have been expressed on the floor.

First, I would like to make clear that I think Senator BIDEN has handled this thing properly, and I may inadvertently have caused some problems. I was asked by a reporter when I found out about Professor Hill's charge and when I read the FBI report. And I said I thought it was after the committee vote, but I was not sure. I then checked with my staff, and I had known about it before the vote.

The question was raised by someone here, why is this coming up at the 11th hour? And, ideally, that is not how things should happen. After I read the FBI report, I was concerned enough to want to find out is this a credible witness, and I called Professor Hill and talked to her. In the course of the conversation she asked that her statement be distributed to all the Senators but that her name and identification be kept out of it. And I told her that just was not possible. I said she had to make a decision whether she was going to go public with it or not, and I told her very candidly, "Because it is going to have all kinds of repercussions for you, I do not want to advise you one way or another. But that is a decision that you have to make."

It was clear she was agonizing about this, and I understand that. But she is—and some of my colleagues probably saw here on television today—she is a professor of law. She is a credible enough witness that I do not think this should just be dismissed. And as she mentioned in the press conference today, there is one person who corroborates at least in part what she has to say.

The question is not simply the question of sexual harassment and a possible violation of the law by someone who is charged with dealing with that issue for the Federal Government. I think the more fundamental question we ought to deal with is, did the nominee tell the FBI the truth? That is fundamental. And here, clearly, there is a conflict.

My own suggestion has been that we delay the process for just a few days to eliminate this cloud for Judge Thomas, for the U.S. Supreme Court, and for the people of this Nation. We are talking about someone who may have more influence on the future of this Nation than most Presidents of the United States, we ought to bear that responsibility very, very carefully.

It is interesting to me—my staff has just handed me two different Associated Press stories. One is from my colleague from Illinois, in Chicago. "Senator ALAN DIXON said today he would support a delay in the Senate's vote on Clarence Thomas' nomination to the United States Supreme Court in light of sexual harassment allegations against Thomas." The other report: "Two other Democrats who had announced their intention to vote for Thomas' confirmation—SAM NUNN of Georgia and JOSEPH LIEBERMAN of Connecticut—said they wanted to know more about the allegations."

I think we owe, again, Judge Thomas, the U.S. Supreme Court, and the people of this Nation a little more thorough investigation than has taken place up to this point.

Now, let me talk about the issue in general and why I reached the decision that I did. First of all, the question of advice and consent. It is interesting that the Constitution uses the phrase "Advice and Consent." It is not simply "consent." It is not simply rubberstamping. The Constitutional Convention, up until the next-to-the-last day, had the U.S. Senate appointing the Members of the U.S. Supreme Court. But then, in the next-to-the-last day they shifted and said, let the President appoint with the advice and consent of the Senate. The advice part has been followed by some Presidents, not by others.

I think it is a procedure that we would be wise to get back to. It is very interesting that President Herbert Hoover, for example, discussed both with Senator George Norris, of Nebraska, and Senator William Borah, of Idaho, the nominees and whom he was considering. And Senator Borah said Herbert Hoover showed him a list of five names and asked what he thought of the list, and Senator Borah said: "It is a fine list, but the name at the bottom, Benjamin Cardozo, should be at the top." And that, ultimately, is what Herbert Hoover then did, nominated Justice Cardozo.

I mention this simply by way of background. The U.S. Senate was never intended to copy, where we simply did this frivolously, that we just automatically do that. I am not suggesting that we ever do this kind of thing frivolously, but a lot of nominations go through here and we pay very little attention to them. This kind of a case we ought to pay a great deal of attention to. Thurgood Marshall is 83. Judge Thomas is 43. We are talking about someone who may be on that Court for 40 years.

The question: Why did the President nominate him? I think, No. 1, the President wanted to name an African-American to the Court, and I applaud the President for that. Diversity is a healthy thing for the Court. In fact, they talked about diversity in the Constitutional Convention, only they were not talking about diversity in terms of race; they were talking about diversity in terms of geography so we did not end up with too many Virginians or people from some other State on the U.S. Supreme Court. And that is why the Senate was brought into the process, so that we would have that diversity. I applaud the President for that consideration.

The second thing I think the President wanted was someone who was a Republican. And I do not fault that, though it is interesting that eight times in this century Presidents have nominated Supreme Court Justices who have been of the opposite party from the President.

And then I think another factor had to be ideology. He wanted someone who would satisfy the far right in his own political party, and what was a reasonable consideration for the President. I think it is also a reasonable consideration for us in determining whether we are going to consent to the nomination.

It is interesting that historically Presidents have often, at least one time, named a Justice to the U.S. Supreme Court, or nominated one, who differed from the President philosophically. Calvin Coolidge nominated Justice Stone; Herbert Hoover nominated Justice Cardozo; Dwight Eisenhower nominated Earl Warren and William Brennan; Richard Nixon nominated Harry Blackmun; Gerald Ford nominated John Paul Stevens; Harry Truman named a Republican Senator, Harold Burton, to the U.S. Supreme Court; John Kennedy named Byron White, Justice White, to the Court.

So we have had a willingness on the part of Presidents to nominate people who bring some balance to the Court.

So the law is not a pendulum swinging back and forth depending on the philosophical leanings of the President.

The President could have nominated an African-American who was a Republican very easily and come up with someone who was really a stellar performer on the legal scene. Someone like William Coleman, who was Secretary of Transportation under President Ford, highly regarded in the legal community. William Coleman would have breezed through both the committee and the floor of the Senate.

What is the record of Judge Thomas? First, it is a remarkable record in terms of his personal achievement. I become a little uncomfortable when I hear the references to people, someone being a self-made man or self-made person. No one is a self-made person either in terms of conception or what you achieve. We all receive help from others. I would not be in the U.S. Senate today but for the help of a majority of people in the State of Illinois. My colleagues would not be on this floor but for the help of a great many others.

Having said that, his personal record is a remarkable one, and it is one we all applaud.

Second, I have every reason to believe that he did an excellent job when our colleague, JOHN DANFORTH, was attorney general of the State of Missouri. Otherwise, JACK DANFORTH would not be pushing him as he is.

The third area where he had responsibility was as Chairman of the Equal Employment Opportunity Commission. There the record is not so illustrious. I voted against him when President Reagan nominated him for retention in that post after President Reagan was reelected. There, he was, frankly, too often the champion of the powerful and the comfortable.

At the end of Clarence Thomas' 8-year reign as Chairman of the EEOC, it took 10 months to process an employment discrimination charge. Under his predecessor, it took 3 to 6 months.

His supporters say the EEOC did a better job of reviewing claims than in previous years. That may be true, but the facts suggest the average citizen who filed a complaint was not being served that way.

In 1990, the EEOC sent over half, 54 percent, of complaints away with letters of "no cause to find discrimination," as opposed to 28 percent in 1980. Did employment discrimination drop by half during this time when more minorities and women entered the work force? That is not my view of the 1980's.

Those individuals who were fortunate enough to have EEOC take on their case had fewer settlements under Clarence Thomas, 14 percent in 1989, than they did previously, 32 percent in 1980. This is significant: The average monetary award for successful complainants was lower during the Thomas years. In other words, the punishment for violating laws against discrimination diminished during the Clarence Thomas years as Chairman of the EEOC. If we had a nominee up who diminished the punishment for selling drugs or any other thing, we would view skeptically that person's record, and properly so.

One area of particular concern about Clarence Thomas' record at the EEOC relates to how Hispanics, who complained of employment discrimination, fared. Organizations with long track records defending the rights of Hispanics, such as the Mexican-American Legal Defense and Educational Fund, better known as MALDEF, the National Council of La Raza, the League of United Latin American Citizens, known as LULAC, and the Hispanic Bar Association, oppose this nomination.

Even while the Hispanic population dramatically increased throughout the 1980's to 23 million, Hispanic charges never reached 5 percent of all EEOC charges in this time. In terms of litigation actually filed by EEOC, Hispanic cases dropped from 3.8 percent, the overall case load in 1985, to 1.6 percent in 1987, and then back up to 1.9 percent in 1988.

Even when EEOC litigated in behalf of Hispanics, Hispanics obtained less relief than other groups. For single plaintiff lawsuits in 1988, the average Hispanic award was $6,867, the average race award was $10,078, the average gender award was $4,004, and the average religion award was $9,270. In 1989, the average Hispanic award dropped to $4,750. All others increased substantially.

One reason for the continued lack of service to the Hispanic community was the continued lack of Hispanic representation in significant posts at the EEOC. In his 1982 LULAC speech, Clarence Thomas stated:

> We are evaluating those areas within the agency where Hispanic representation at both the professional and clerical levels would be critical to providing better services to the Hispanic communities. As far as I am concerned, there is no alternative. To champion the cause of equal employment opportunity everywhere else, without first trying to put our own house in order, would be the ultimate hypocrisy.

Yet, under Thomas' chairmanship, the Hispanic representation at EEOC top levels actually worsened. The percentage of Hispanics at the professional level among district directors within the senior executive service dropped.

As chair of the EEOC, Clarence Thomas also had a controversial record on age discrimination cases. The committee received a letter from a dozen chairs of the relevant committees and subcommittees that have oversight responsibility over employment discrimination issues in the EEOC. They were greatly concerned about its poor record with age discrimination and rights of the elderly, and oppose the nomination.

I ask unanimous consent, Mr. President, to print in the RECORD that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
September 11, 1991.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: In 1989, we wrote to President Bush urging him not to appoint Clarence Thomas to the U.S. Court of Appeals for the District of Columbia. We made this recommendation as chairpersons of congressional committees and subcommittees overseeing the Equal Employment Opportunity Commission (EEOC). We were troubled by his record as Chair of that agency—a record which we believed raised serious questions about his judgment, respect for the law and general suitability to serve as a member of the Federal judiciary. We now write to express our strong opposition to his nomination to the United States Supreme Court.

In our letter to the President, we said we believed Chairman Thomas developed policy directives and enforcement strategies which undermined Title VII of the 1964 Civil Rights Act and the Age Discrimination in Employment Act (ADEA). A copy of that letter is enclosed for your review.

Since being nominated several weeks ago, a number of reports on Judge Thomas have been released by civil rights organizations and the press. These reports have analyzed his opinions on issues critical to the elimination of discrimination against minorities, women and the elderly, and his tenure at EEOC and the Department of Education's civil rights office. Our comments are confined to the nominee's conduct as a high-ranking federal official.

The reports show a radical switch in his views on Supreme Court affirmative action decisions, including court ordered affirmative action to remedy past discrimination. Judge Thomas supported a majority of these decisions in his early tenure at EEOC. But in 1985, he challenged the holding in *Griggs* v. *Duke Power* (barring employer use of discriminatory practices that are unrelated to job performance). By 1987, he denounced *Bakke* v. *Regents of University of California* (permitting colleges and universities to consider race to insure diversity in admissions, but prohibiting rigid admission quotas). If a majority of the Court were to join Judge Thomas in rejecting these fundamental principles it would greatly damage the hard fought guarantee of equal opportunity embodied in our Constitution and federal civil rights laws.

Our previous letter offered the following criticisms: "his public statements supporting equal employment opportunity conflict(ed) with his directives to agency staff and he "resisted congressional oversight and (was) less than candid with legislators about agency enforcement policies."

We urge you to review in more detail his record of resistance at the EEOC. And, we encourage you to consider his defiance of the *Adams* order while Assistant Secretary for Civil Rights at the Department of Education (Legal Times, Week of August 19, 1991).

Two years ago, we concluded Chairman Thomas "demonstrated an overall disdain for the rule of law." More recent, detailed reports reaffirm that conclusion. For that reason we conclude Judge Thomas should not be confirmed as Associate Justice of the United States Supreme Court. His confirmation would be harmful to that court and to the nation.

Sincerely,

Don Edwards, Chairman, Subcommittee on Civil and Constitutional Rights; Edward R. Roybal, Chairman, Select Committee on Aging; John Conyers, Chairman, Committee on Government Operations; William (Bill) Clay, Chairman, Committee on Post Office and Civil Service; Patricia Schroeder, Chairwoman, Armed Services Subcommittee on Military Installations and Facilities; Gerry Sikorski, Chairman, Post Office and Civil Service, Subcommittee on Civil Service; Cardiss Collins, Chairwoman, Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness; Matthew G. Martinez, Chairman, Education and Labor Subcommittee on Human Resources; Tom Lantos, Chairman, Government Operations Subcommittee on Employment and Housing; Barbara Boxer, Chairwoman, Government Operations Subcommittee on Government Activities and Transportation; Pat Williams, Chairman, Education and Labor Subcommittee on Labor-Management Relations; Charles A. Hayes, Chairman, Post Office and Civil Service, Subcommittee on Postal Personnel and Modernization.

Mr. SIMON. Mr. President, let me point out it is signed by the following Members of the House: DON EDWARDS—these are all chairs of either committees or subcommittees—JOHN CONYERS, WILLIAM CLAY, PATRICIA SCHROEDER, GERRY SIKORSKI, CARDISS COLLINS, MATTHEW MARTINEZ, TOM LANTOS, BARBARA BOXER, PAT WILLIAMS, and CHARLES HAYES.

Much has already been made of the Thomas record on lapsed Age Discrimination in Employment Act charges. On reviewing that record, the extraordinary failure of the EEOC under Clarence Thomas is striking, not to be measured merely in the number of cases but in the lives of the individuals who brought those cases.

As Chairman of the EEOC, Clarence Thomas first responded to requests of the Senate Aging Committee in the fall of 1987 for the number of lapsed age discrimination charges. He first reported that around 70 charges had not been resolved prior to the running of the statute of limitations. This figure covered fiscal year 1986 only. He later revised that estimate to 900 age discrimination charges. This revision was based on surveys of pending cases in district offices that would run the statute by September 30, 1987.

Ultimately, Congress had passed not one, but two Age Discrimination Claims Adjustment Acts that required the EEOC to send out notices to individuals who had filed charges between 1984 and 1988 that were close to running the statute of limitations without any agency action under way. Approximately 9,300 notices were sent out to people who complained of age discrimination in employment and justifiably expected the EEOC to investigate and proceed on their complaints.

Senator METZENBAUM inquired at length about these egregious problems during Clarence Thomas' nomination hearing for the court of appeals in 1990. After that hearing, the EEOC found another 4,300 charges that ran the statute after 1988. Three thousand of these additional charges were originally brought during Clarence Thomas' tenure at EEOC. The total number of lapsed age charges attributable to EEOC inaction under Clarence Thomas ran to almost 13,000; 13,000 individuals filed those age discrimination complaints. These are people who worked, paid their taxes, were getting close to the end of their careers. They expected more from a Federal agency that was designated as the lead Federal agency to fight employment discrimination. They did not get it from the EEOC under Clarence Thomas.

After the EEOC, he moved to the court of appeals, and I might add I was one of those on the committee who voted for him for the court of appeals. I voted for him, although at the time, because there were rumors that he might be a nominee for the Supreme Court in the future, I said I was voting for him for the Court of Appeals, but I might have great difficulty in voting for him for the U.S. Supreme Court.

He was put on the court of appeals on March 12, 1990, and the time that he was nominated by the President was roughly 17 months. In that time, frankly, he did not have much of a chance to make a record one way or another. There are those who are critics, those who praise the record. I do not think you can draw many conclusions from that record.

What I do think you can draw a conclusion on from the record overall is that his legal experience is extremely limited.

If you were to say, who are the top 50 lawyers in this country, I do not think anyone would have mentioned Clarence Thomas.

If you were to ask, who are the top 50 judges in this country, I do not think anyone would have mentioned Clarence Thomas.

If you were to ask, who are the top 50 African-American lawyers in this country, I do not think Clarence Thomas' name would have been there.

Well, that is the personal history. Then the question is, Where will he go from here? That is really the more fundamental question we face. Will he be a champion of civil liberties? That is a very basic question for me. The conclusion I have drawn is, not if we judge by the record.

Now, Judge Thomas, before our committee, said I go in with no agenda; I go in with a clean slate. The reality is none of us go anywhere with a completely clean slate. We have our history.

There are two parts to Clarence Thomas' history. One part is that struggle he had as a child and became very successful, and that part is encouraging. The second part is his record in public office, particularly as Chairman of the EEOC and the statements he has made since that time. That part of the record suggests that Clarence Thomas will not be a champion of basic civil liberties.

There are those who say, well, you cannot predict what Justices on the Court will do, and they point to examples. And there have been examples where Justices have turned out very different than was anticipated. But having said that, those Justices who turned out very different from the expectation, they are the exceptions. Generally speaking, you can look at the record of someone who is nominated to the Supreme Court and you know pretty well where they are going philosophically. As you look at the basic record, it is not encouraging.

Let me cite one example—I will mention more than one example—of the Griswold case, the case that grew out of the State of Connecticut, where the Court determined that the right to have contraceptive devices was the right of all Americans, that was a privacy right. He has written—and I am not suggesting that he would want to turn the clock here, but he has written criticizing that decision. And he particularly criticized what he calls, and I am quoting, "The activist judicial use of the ninth amendment."

Now, what is the ninth amendment? The ninth amendment is a little-read amendment in the Constitution that grew out of correspondence between James Madison and Alexander Hamilton. James Madison said we ought to have a Bill of Rights. And Alexander Hamilton wrote back to him and said, if we have a Bill of Rights spelling out the rights of people, some people will say these are the only rights that people have.

And so James Madison, a constituent from the State of Virginia, Mr. President, added this amendment to the Constitution: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparge others retained by the people." That is a basic protection for all Americans.

When the nominee writes attacking "activist judicial use of the ninth amendment" I get concerned. I get concerned.

When I asked him about the privacy issue, he referred not to the ninth amendment, which I think is basic, but to the 14th amendment, suggesting it is a kind of an add-on later on in the Constitution. The right of privacy I think is clear in the Constitution. It does not spell out American citizens have the right of privacy, but it says the Constitution says you cannot come into your home without a search warrant, a very specific search warrant. The Constitution says you cannot have militia placed in your home.

Those are things that suggest they were trying to have a right of privacy. And then when you combine that with the ninth amendment, it seems to me you are talking about something that is very basic in civil liberties. That is one area of concern I have, and it is a very basic concern with the nominee.

Then another question: Will he be a champion of those less fortunate? I am concerned on that issue.

Some people remember where they come from in the struggle, and you can see it in their conduct, in their votes. Some people forget.

There are others, like our colleague from West Virginia, who spoke earlier today, who was born into fortunate economic circumstances but has never forgotten less fortunate Americans and has reached out. But I think we have to distinguish between someone who has lifted himself, with the help of others, out of unfortunate circumstances and remembers that, and the record shows it, and someone who has lifted himself or herself up and has forgotten. Some people climb up the ladder and then push the ladder away.

As you look at the written statements in the record of Judge Thomas, it is overwhelmingly on the side of the privileged. He has attacked the minimum wage law, for example. And he quotes some American mayors as saying they were attacking it. They did not attack the minimum wage law. They did say that the minimum wage law perhaps should not be applied to teenagers; that there ought to be some accommodation so you encourage youth employment. But they have not attacked the minimum wage law as he has.

He has attacked the Davis-Bacon Act.

And then there is one case that came before the U.S. Supreme Court that I think is pretty much of an insight into this whole area, and that is Johnson versus the Transportation Agency of Santa Clara County, CA. The U.S. Supreme Court upheld their voluntary affirmative action plan.

What happened in Santa Clara County, in their transportation department they had 238 road dispatchers; all 238 were men. They then had an opening. Seven people applied for that opening in oral examinations to three people, and the three people gave grades. This was not a test where you could learn things precisely, but they gave grades. Seven people were determined to be well-qualified amongst those who qualified for the job.

One person, a man by the name of Johnson, got two points more than the woman on the test, but the Santa Clara Transportation Agency decided to employ this woman to break the pattern, to have a voluntary affirmative action program. The man appealed, and the Supreme Court, I am pleased to say, in a 6-to-3 vote, upheld that voluntary affirmative action program. But Judge Thomas—this is before he was a judge—Clarence Thomas said he hoped the case would be overruled and that Justice Scalia's dissent "would provide guidance to lower courts and a possible majority in future decisions."

This is a very fundamental case and its shows I think the attitude of Judge Thomas.

On another occasion, the California State University, he says—and I will be referring to this later in my remarks—"I, for one, do not see how the Government can be compassionate. Only people can be compassionate, and then only with their own money, not that of others."

The clear implication—we should not be using tax money to help the less fortunate.

I do not think anyone can read the writings—and the Presiding Officer knows I have read a lot of the writings of Judge Thomas because we were on an overseas trip together, and I was reading this big, fat notebook coming back. I ended up reading over 800 pages of his writings. I do not think anyone can read that without coming to the conclusion that as a member of the Court he is not likely to be a friend of working men and women and those who are less fortunate.

We have to keep in mind the average citizen of the United States cannot afford to hire high-priced attorneys. We want a Court that is not just going to listen to those who can afford the most able attorneys this Nation has.

Another question: But did he not accept the doctrine of stare decisis, a question that my colleague from South Carolina, asks regularly of nominees to the court, both lower courts and the upper courts?

And the answer is he does accept the doctrine of stare decisis. But let me add, I have never heard a nominee who appears before the committee answering Senator THURMOND'S question who has not accepted the doctrine of stare decisis. But you always find once you get on the Court some reason, or frequently find some reason, for moving away.

I even heard my colleague, for whom I have great respect, Senator HATCH, the other day, say we ought to accept stare decisis, and then in fact I wrote it down, except where the "Court has overreached."

We have different interpretations of that. But in the Johnson case that I just referred to, and where Judge Thomas, where Clarence Thomas, criticized the Supreme Court, and praised Judge Scalia's dissent—Judge Scalia's dissent would have overturned the previous ruling by the U.S. Supreme Court.

Let me just point out when Judge Scalia, now Justice Scalia, was before the Senate Judiciary Committee, he said, "At the Supreme Court that is not quite the situation, as the Supreme Court is bound to its earlier decisions by the doctrine of stare decisis in which I strongly believe." Every candidate for a Federal judgeship strongly believes in stare decisis. The day I hear a judge or a candidate for a judgeship say I do not believe in stare decisis, that will be a rare day, indeed.

The fact is Judge Thomas was praising an overturning of a precedent in this case.

Then the question is, Was he candid with the committee?

I would like to insert into the RECORD at this point an exchange between Senator LEAHY and Judge Thomas on the question of Roe versus Wade. I ask unanimous consent to insert that, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF THOMAS' STATEMENT ON ROE FROM SEPTEMBER 11

Judge THOMAS. I would accept that it has certainly been one of the more important, as well as one that has been one of the more highly publicized and debated cases.

Senator LEAHY. So, I would assume that it would be safe to assume that when that came down, you were in law school, recent case law is oft discussed, that Roe versus Wade would have been discussed in the law school while you were there?

Judge THOMAS. The case that I remember being discussed most during my early part of law school was I believe in my small group with Thomas Emerson may have been Griswold, since he argued that, and we may have touched on Roe versus Wade at some point and debated that, but let me add one point to that.

Because I was a married student and I worked, I did not spend a lot of time around the law school doing what the other students enjoyed so much, and that is debating all the current cases and all of the slip opinions. My schedule was such that I went to classes and generally went to work and went home.

Senator LEAHY. Judge Thomas, I was a married law student who also worked, but I also found at least between classes that we did discuss some of the law, and I am sure you are not suggesting that there wasn't any discussion at any time of Roe versus Wade?

Judge THOMAS. Senator, I cannot remember personally engaging in those discussions.

Senator LEAHY. Okay.

Judge THOMAS. The groups that I met with at that time during my years in law school were small study groups.

Senator LEAHY. Have you ever had discussion of Roe versus Wade, other than in this room, in the 17 or 18 years it has been there?

Judge THOMAS. Only, I guess, Senator, in the fact in the most general sense that other individuals express concerns one way or the other, and you listen and you try to be thoughtful. If you are asking me whether or not I have ever debated the contents of it, the answer to that is no, Senator.

Senator LEAHY. Have you ever, private gatherings or otherwise, stated whether you felt that it was properly decided or not?

Judge THOMAS. Senator, in trying to recall and reflect on that, I don't recollect commenting one way or the other. * * *

Senator LEAHY. So you don't ever recall stating whether you thought it was properly decided or not?

Judge THOMAS. I can't recall saying one way or the other, Senator.

Mr. SIMON. Mr. President, at one point—this is not part of what I am inserting in the RECORD—Senator LEAHY asked, "What are the major decisions of the Court in the last 20 years?"

He named two. One was Roe versus Wade. And yet when he is asked, "Do you have any thoughts on it? Have you ever discussed it?", he said he had no thoughts on it and he did not recall ever discussing it.

If that is true, he was the only person in the room who had no thoughts on it and had never discussed that important abortion decision.

When you look at other things it is troublesome—that answer. He was on the board of advisers, editorial advisers, for a publication called the Lincoln Review, which I think is pretty badly misnamed. But it is called the Lincoln Review in which they were regularly coming out with antichoice articles in that publication. I think there is at least a serious question whether he was candid with the committee.

Then I would like to also insert in the RECORD—it is part of the document which I just asked to be printed in the RECORD—an exchange between Senator KOHL and Judge Thomas. I ask unanimous consent to have that entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 12 TRANSCRIPT OF SENATOR KOHL AND JUDGE THOMAS

Senator KOHL. All right. Judge, I would like to come back to a question about preparation. When I was running for the Senate, I worked with people who helped prepare me for debates, so in my mind there is nothing wrong with getting some advice and help in preparing for this hearing, but I would like to ask you some questions about the process.

When you were holding practice sessions, did your advisors ever critique you about responses to questions in the substantive way? Did they say, for example, "You should soften that answer," or "Don't answer that question, just say that you can't prejudge an issue that may come before the Court"?

Judge THOMAS. Senator, the answer to that is unequivocally no. I set down ground rules at the very beginning that they were there simply to ask me and to hear me respond to questions that have been traditionally asked before this committee in other hearings and to determine whether or not my response was clear, just to critique me as to how it sounded to them, not to myself, but not to tell me whether it was right or wrong or too little or too much.

Mr. SIMON. Mr. President, there Senator KOHL says, "When I was in debates, when I was running for the Senate, people advised me and they helped me to shape my answers. Did the White House staff help to shape your answers?

And he says, "No, they did not help to shape my answers."

Well, again, I have a hard time believing that that is the case. But it adds to the credibility factor. Frankly, the case that has been in the news the last 48 hours is another question on that credibility level.

Then let me take a few of his answers, and what he has written, and then his answer before the committee, this quote I gave before.

"I, for one, do not see how the government can be compassionate. Only people can be compassionate, and then only with their own money, their own property, their own effort, not that of others."

When I talked to him, he mentioned his mother lives in public housing, and that it was an improvement over where she lived before. I asked whether he did not feel that was a good use of tax funds, and taking money from all of us to see that public housing was not a good thing.

He said, in response, "I think that we have an obligation, an obligation to help those who are down and out. That is what I tried to point out in my opening statement. That is part of our community. I think it is important for us to be willing to pay taxes so the people have a place to live."

Well, there is some inconsistency here. Government programs for the poor: In the past, he has said, "It is preposterous to think that the interests of black Americans are really being served by minimum wage increases, Davis-Bacon laws, any number of measures that impose benefits to lower income Americans but actually harms them."

But when he appeared before the committee, he said "I don't think in all of those quotes that you found there is one word saying that we shouldn't spend money to help people who are poor or downtrodden." It comes very close to saying that.

In commenting on an African-American economist by the name of Thomas Sowell, Clarence Thomas in the past has said Dr. Sowell, not just said, has written—"Dr. Sowell is someone I admire quite a bit. I have read virtually everything he has written and there is very little I disagree with."

On another occasion he said, "I consider him not only an intellectual mentor, but my salvation as far as thinking through these issues. By analyzing all the statistics and examining the role of marriage and wage earning for both men and women, Sowell presents a much-needed antidote to cliches about women's earnings and professional status."

But when he testified before the committee, he said "I did not indicate that, first of all, that I agreed with his conclusions. It is also good to have someone who has a different point of view and have some facts to debate that"—very different perspective.

Natural law, and the Constitution: He said,"Rather than being a justification of the worst type of judicial activism, higher law is the only alternative to the willfulness of both run-amok judges and the juries."

At another time in the past, he said, "To believe that natural-rights thinking allows for arbitrary decisionmaking would be to misunderstand constitutional jurisprudence based on higher law."

When he appeared before the committee, he said, "At no point did I or do I believe that the approach of natural law or that of natural rights has a role in constitutional adjudication." Clearly, that is a complete reversal in that case.

In the case of an article by Lewis Lehrman, Clarence Thomas wrote:

> Heritage Foundation trustee Lewis Lehrman's secret essay in the American Spectator on the Declaration of Independence and the meaning of the right to life is a splendid example of applying natural law.

When he appeared before our committee he said: "* * * with respect to those issues, the issues involved or implicated in the issue of abortion, I do not believe that Mr. Lehrman's application of natural law is appropriate."

On the South African question, the Washington Post had an article which said:

> Three of the highest ranking blacks in the Reagan administration yesterday criticized U.S. blacks for focusing on South Africa while critical problems persist at home.
>
> The three—Thomas, Clarence Pendleton, Jr., and Steven Rhodes—said they oppose apartheid but gave unqualified support to President Reagan's policy of "constructive engagement" with South Africa. * * *
>
> "All of us who have lived under segregation, a mild form of apartheid, are concerned," said Thomas, "but in terms of the immediate, in terms of priorities, I think we should focus more on what is happening here. * * *"

When I asked him about that article, he said: "I have no recollection of that at all, Senator."

There is a person who he has described as his mentor and close friend. The article on Clarence Thomas said:

> A former assistant of Thomas * * * at the Equal Opportunity Commission said in an interview that Thomas talked about Parker's representation of South Africa for 45 minutes at a staff meeting in 1986.
>
> "He said that somebody had to represent the South Africans, and that if sanctions were passed, it would affect the black people more harshly than supporters of apartheid," the former aide said.

When I asked him about this in committee, he said, "I became aware of that * * * through the news media, as you did, about this particular activity * * * I was not aware, again, of the representation of South Africa itself."

I ask unanimous consent to have printed in the RECORD a letter from Randall Robinson of TransAfrica, who comments on this.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TRANSAFRICA,
September 25, 1991.

Sen. PAUL SIMON,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR SIMON: I am writing as the Executive Director of TransAfrica, the African American foreign policy lobby, to express concern about the testimony delivered by Judge Clarence Thomas during Senate hearings on his confirmation as an Associate Justice of the supreme Court. These concerns go not to the question of his competence but of his credibility; and derive from Judge Thomas' response to questions posed by you as Chairman of the Subcommittee on African Affairs for the Senate Committee for Foreign Relations.

You asked Judge Thomas about any knowledge he might have had of the work Jay Parker, one of the more well-known conservative African Americans, performed on behalf of the apartheid regime. In his response Judge Thomas asserted that he learned of Mr. Parker's work as a registered foreign agent for the south African regime only "through the media as you did" during the few months since his nomination. Judge Thomas made this assertion despite acknowledging that Mr. Parker has been his "friend since I worked here on Capitol Hill."

Judge Thomas reiterated this ignorance even after being reminded by you that Mr. Parker had been "quoted at one point as saying he informed you in 1981 about that." Judge Thomas went on to insist "I don't recall it. I knew he represented some of the homelands in South Africa at some point. I think the Mandela family or some individuals in South Africa. I was not aware, again, of the representation of South Africa itself."

On September 16, Judge Thomas was asked about a *Newsday* article in which his former assistants confirmed an earlier report that Thomas had discussed Parker's representation of South Africa for 45 minutes during a 1986 EEOC meeting. Judge Thomas' response suggested that perhaps his former assistants had confused the South African government with the "homelands", and again stated that he gained knowledge of Mr. Parker's representation of South Africa only during the last few months.

These responses simply do not seem credible unless one accepts that Judge Thomas did not know—and had no reason to know—anything about the world-wide outcry over the imprisonment of Nelson Mandela, or the creation of the so-called "homelands" by the apartheid regime itself.

The fact that Judge Thomas supported the complete divestment of Holy Cross stock in 1985 from corporations, in South Africa while serving as a member of that institution's Board of Trustees does little to assuage my concern. While I certainly support the substantive position taken by Judge Thomas during the debate about his alma mater's divestment policy; the fact that he knew enough about South Africa to actively participate in such a debate makes his assertion of ignorance regarding the work of Jay Parker even less credible.

Please understand that I would not expect Judge Thomas to condemn a friend and colleague just because they chose to work as a foreign agent for the apartheid government. I would expect however, that his credibility should be an important factor as Senators evaluate his testimony and decide whether to confirm the nomination of Judge Thomas as an Associate Justice of the United States Supreme Court.

Sincerely,

RANDALL ROBINSON,
Executive Director.

(Mr. DECONCINI assumed the chair.)

Mr. SIMON. I am getting close to the end here.

The question is: Can we approve any nominee, if we turn this one down? As the Presiding Officer, who is now Senator DECONCINI of Arizona, knows, 99 percent of the judges nominated by a President are approved. We approved Justice Kennedy, Justice Scalia and, as I recall, those were unanimous votes. If the President, this time, wanted to nominate an African-American and a Republican and nominated William Coleman or was willing to reach out, as other Presidents and Republican Presidents have done, and nominate someone like Vernon Jordan, or some of the other scholars on the law that have appeared before us, those nominees would have breezed through the committee. The fact that this nominee has some difficulties is because of the nature of the views of the nominees. And if the President nominates another person with the same views, I am going to be back up here speaking against that nominee.

There is precedent for that. President Tyler found five nominees that were not approved by the U.S. Senate. I do not think that would happen. The reality is that—particularly if the President takes into consideration the whole question of balance on the Court and takes into consideration the constitutional admonition, not simply that the Senate consents, but that it also provides advice—I think we can have nominees who are approved.

Then the question—this was raised in the committee—is it not great to have an African-American on the Court? The answer is, of course, that it is great to have an African-American on the Court, but it is important to recognize that the majority of African-American organizations that have taken a stand on this question have opposed the nomination of Judge Thomas.

It is immodest to read something that you have written yourself and stated and used before, but modesty is not a great virtue on the floor of the U.S. Senate.

Mr. SIMON. In my statement before the committee I said:

> But two other factors are important to the minority community:
>
> One is the political reality that so long as Clarence Thomas is on the Supreme Court, it is not probable that another black will be named. That means that for three or four decades, the lone person of African heritage will, if judged by his record, be taking stands that the large majority of blacks do not hold. Their voice and yearning for justice will be muted.
>
> In his writings and speeches and in his life, Judge Thomas has stressed self-help, which we all laud. But Judge Thomas also has often harshly criticized another foundation of opportunity in our society: The laws that offer the helping hand sometimes needed by others who are less fortunate and less able. When a nominee comes before us to be elevated to the highest court in the land, I want to know that that nominee is a vigorous champion for the less fortunate and for the powerless. Unfortunately, even the casual comments of a Justice Thomas would be seized by some as an excuse to preserve the status quo. It would be good to have an African-American in this position of great influence, but not if the price is to compromise the future of millions of others less fortunate.

I point out, also, Mr. President, that the majority of us—not all of us—who have led on civil rights are opposing this nomination. And I believe I am correct in saying, without exception, that those who have consistently opposed civil rights legislation are supporting the nominee.

At one hearing, when we were holding a hearing, I spotted in the audience Mrs. Rosa Parks, who, as many people know, was a person who sparked, in a very real sense, the civil rights struggle in this Nation. She is the one who refused to move on the bus in Montgomery, AL. I went to greet her, and she said to me something like: We should not let him use Martin Luther King's name. She feels very strongly that he should not be approved.

I could be wrong in all of this, Mr. President. One of the things that gives me a little glimmer of hope—and I recognize the probability that he is going to be approved—is the fact that Senator DANFORTH is pushing for him so strongly. I have great respect for Senator DANFORTH, and I hope that his instincts are right and that mine are wrong. But the record is not one that suggests that I ought to gamble the future of the Nation on this.

Then, finally, Mr. President, I said in my remarks to the committee that we face a bleak period in the history of the Court, and we should not make it bleaker. There were those who asked questions about that and criticized that statement. I think it is an accurate statement.

Justice Thurgood Marshall, in Payne versus Tennessee, said, "The majority today sends a clear signal that scores of established constitutional liberties are now ripe for reconsideration."

I am afraid that is the reality.

There are a whole host of cases that could be used, but let me just mention two more. One is the recent execution in the State of Georgia of a man by the name of Warren McCleskey.

Mr. President, I ask unanimous consent to print the full New York Times editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WARREN MCCLESKEY IS DEAD

Warren McCleskey, who died in Georgia's electric chair last week, was no saint or hero. He was a robber, part of a gang that shot and killed an off-duty police officer during a holdup. Thirteen years later, however, a question reverberates: Did Warren McCleskey deserve the chair?

For the question to outlive him is a damning commentary on capital punishment in the United States.

When the Supreme Court upheld the constitionality of executions in 1976, it held out the promise of punishments determined with fairness and care, under special procedures and guidelines. Death is different, the Court recognized, irretrievable even when the state makes mistakes.

Further, even the most vengeful citizen comes to realize there's a practical limit to capital punishment. Society would find it hard to execute everyone who is technically eligible. With 2,500 killers now on death row, it would take an execution a day for eight years to clear out the backlog.

Warren McCleskey's lawyers proved, in his first trip to the Supreme Court, that Georgia courts condemned blacks who killed whites four times as often as when the victim was black. Yet the Court, by a 5-to-4 vote, ruled in 1987 that this shameful pattern made no difference. To succeed, an accused must prove that racial prejudice animated his judge, his prosecutor or his jury.

Unable to meet that impossible burden, Warren McCleskey's lawyer proceeded to prove something else, also alarming: Georgia prosecutors had obtained the most damaging evidence against him, his alleged admission that he was the triggerman, from a jailhouse informant who was planted by Atlanta police in violation of Mr. McCleskey's rights. The state hid the informant's status for a decade, stonewalling defense attempt to throw out or discredit his testimony.

His lawyers thus spared Warren McCleskey, for the moment. Last April the Supreme Court ruled, 6 to 3, that they had waited too long to raise the claim, even though the lacked the proof—which the state was hiding—at the time they were supposed to raise it. So once again, Warren McCleskey was again scheduled to go to the electric chair.

Then, just days ago, two former jurors told the Georgia Board of Pardons and Paroles that their votes to sentence Warren McCleskey to death would have been dif-

> ferent had they known the informant was a police plant, with an incentive to bargain for leniency in his own criminal case. Too late.
>
> The only other evidence that Mr. McCleskey had been the gunman came from an accomplice to the robbery. All four hold-up men were legally responsible for the killing no matter who pulled the trigger, but Mr. McCleskey was the only one executed—on evidence that was illegally obtained, incomplete and questionable. Too little.
>
> Some supporters of the death penalty are outraged that Mr. McCleskey lived so long, surviving through the ingenuity of writ-writing lawyers. But many other Americans are more interested in sure justice than in certain death. They are left to feel outrage for a different reason, and what makes it worse is that they cannot look for relief to the Supreme Court of the United States.

Mr. SIMON. Let me read just from the last portion of that editorial:

> Then, just days ago, two former jurors told the Georgia Board of Pardons and Paroles that their votes to sentence Warren McCleskey to death would have been different had they known the informant was a police plant, with an incentive to bargain for leniency in his own criminal case. Too late.
>
> The only other evidence that Mr. McCleskey had been the gunman came from an accomplice to the robbery. All four hold-up men were legally responsible for the killing no matter who pulled the trigger, but Mr. McCleskey was the only one executed—on evidence that was illegally obtained, incomplete and questionable. Too little.
>
> Some supporters of the death penalty are outraged that Mr. McCleskey lived so long, surviving through the ingenuity of writ-writing lawyers. But many other Americans are more interested in sure justice than in certain death. They are left to feel outraged for a different reason, and what makes it worse is that they cannot look for relief to the Supreme Court of the United States.

In that particular case, Justice Marshall wrote in his dissent:

> In refusing to grant a stay to review fully McCleskey's claims, the court values expediency over human life. Repeatedly denying Warren McCleskey his constitutional rights is unacceptable. Executing him is inexcusable.

I ask unanimous consent, Mr. President, to print that full article from the New York Times written by Peter Applebome into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD. as follows:

[From the New York Times, Sept. 26, 1991]

GEORGIA INMATE IS EXECUTED AFTER "CHAOTIC" LEGAL MOVE

(By Peter Applebome)

ATLANTA, Sept. 25.—Warren McCleskey, whose two unsuccessful appeals to the United States Supreme Court helped define death penalty law, was executed this morning after an all-night spasm of legal proceedings that played out like a caricature of the issues his case came to symbolize.

Mr. McCleskey, a black, 44-year-old factory worker who was convicted of killing a white police officer here during an attempted robbery in 1978, was electrocuted at the state prison in Jackson, Ga., after a series of stays issued by a Federal judge was lifted.

But when he died, after declining a last meal and after being strapped into the chair at one point and then unstrapped three minutes later, his execution added a final chapter to his odyssey through the courts.

In a final legal scramble, the Supreme Court twice refused a stay—once at about 10 P.M. on Tuesday, after a state court denied last-minute appeals, and then just before 3 A.M. today, after a similar appeal was rejected by lower Federal courts. The Court's 6-to-3 decisions came after the Justices were polled by telephone.

A "CHAOTIC" APPEALS PROCESS

Five minutes later, after Mr. McCleskey had been strapped into the electric chair, electrodes attached to his skull and a final prayer read, prison officials were told the Supreme Court had rejected a final stay. A minute later the execution began, and he was pronounced dead at 3:13.

A spokesman for the Georgia Departments of Pardons and Paroles described the process, which began with the parole board's denial of a clemency petition on Tuesday, as "chaotic."

Justice Thurgood Marshall of the Supreme Court, who was one of three dissenters in the Court's decision not to halt the execution, was considerably more stinging in his dissent. Senate, wrote: "In refusing to grant a stay to review fully McCleskey's claims, the Court values expediency over human life. Repeatedly denying Warren Mr. McCleskey his constitutional rights is unacceptable. Executing him is inexcusable."

CLEMENCY PETITION REJECTED

On Tuesday morning the five-member Georgia Board of Pardons and Paroles turned down Mr. McCleskey's clemency petition, apparently closing off the last obstacle to an execution. In Georgia, only the board has the authority to commute a death sentence. The board acted despite statements from two jurors that information improperly withheld at the trial tainted their sentence, and that they no longer supported an execution.

Mr. McCleskey's execution was initially scheduled for 7 P.M. Tuesday, but shortly before that Federal District Judge J. Owen Forrester agreed to stay the execution, first until 7:30, then until 10 and then until midnight, to hear a last-minute appeal filed in three different courts.

Judge Forrester denied the appeal after a hearing ended around 11:20 P.M., but he stayed the execution until 2 o'clock this morning to allow lawyers to appeal it. At 2:17 A.M. Mr. McCleskey was into the electric chair, only to be taken away three minutes later when officials learned the High Court was still pondering a stay.

He was placed back in the chair at 2:53 A.M. under the assumption that no news from the court meant the execution was still on. Word that the Court had denied a stay came just as the execution was ready to begin at 3:04.

TWO LANDMARK RULINGS

Mr. McCleskey, who filed repeated appeals over the 13 years between his conviction and his death and has had a long succession of lawyers, produced two landmark rulings in death penalty law.

In 1987, in the last major challenge to the constitutionality of the death penalty, the Supreme Court voted, 5 to 4, that the death penalty was legal despite statistics showing that those who kill white people are far more frequently sentenced to die than are those who kill blacks.

Last April the Court voted, 6 to 3, that Mr. McCleskey's claim that his sentence was tainted by information withheld from the jury should be rejected because he failed to make the claim on his first habeas corpus petition. In doing so, the Court spelled out strict new guidelines that sharply curtailed the ability of death row inmates and other state prisoners to pursue multiple Federal court appeals.

Mr. McCleskey was the 155th person to be executed since the Supreme Court cleared the way in 1976 for states to resume capital punishment.

Mr. McCleskey admitted to being one of four men involved in a robbery in which Officer Frank Schlatt was killed, but he denied being the one who shot him. none of the other men received the death sentence.

Before the execution he apologized to Officer Schlatt's family for taking part in the attempted robbery, asked his own family not to be bitter about his death, professed his religious beliefs and decried the use of the death penalty. He neither confessed to being the gunman nor did he say he was innocent of the killing.

"I pray that one day this country, supposedly a civilized society, will abolish barbaric acts such as the death penalty," he said.

"13 YEARS TO SAY GOODBYE"

Officer Schlatt's daughter said the execution renewed her faith in the justice system.

"I feel for his family, but he's had 13 years to say goodbye to his family and to make peace with God," said Jodie Schlatt Swanner. "I never got to say goodbye to my father. This has nothing to do with vengeance. It has to do with justice."

But Mr. McCleskey's supporters, who held demonstrations here and in Washington, said Mr. McCleskey's case from beginning to end was a potent argument against the death penalty as it is used in the United States.

"Ten years ago the idea that we would execute someone in violation of the Constitution was so abhorrent no one could imagine it happening," said Stephen Bright, director of the Southern Center for Human Rights in Atlanta, which does legal work for the poor. "Now, as a result of the Rehnquist Court, what we're seeing and what we're going to see in case after case is people going to the execution chamber in cases in which the jury did not know fundamental things about the case."

The case against Mr. McCleskey was largely circumstantial. Testimony came from one of the other robbers, who named Mr. McCleskey as the gunman, and from another prisoner, Offie Evans who told jurors Mr. McCleskey had confessed to him in jail.

Jurors were not told that Mr. Evans was a police informer who was led to believe that his sentence would be shortened if he produced incriminating evidence against Mr. McCleskey. His lawyers learned of Mr. Evan's ties to the police after the trial through documents obtained under the Freedom of Information Act.

Mr. SIMON. Mr. President, I ask unanimous consent also to have printed in the RECORD the St. Louis Post Dispatch editorial "Reject Judge Thomas."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Sept. 18, 1991]

REJECT JUDGE THOMAS

Under the checks-and-balances system in the Constitution, the president names judges to the U.S. Supreme Court, "by and with the advice and consent of the Senate." In the confirmation process, it is not up to the Senate to show that a nominee is unqualified to serve; it is up to the nominee to show the competence needed for a lifetime appointment. In his testimony before the Senate Judiciary Committee, Clarence Thomas fell far short of proving President Bush's contention that he is "the best man for the position." His nomination should be rejected.

Of course, the president's claim was false from the start. Judge Thomas was nominated to replace Justice Thurgood Marshall because he is a black man whose political philosophy appears to match that of the White House. President Bush is locked in a battle over quotas and hiring, so he could hardly acknowledge the racial factor in the Thomas nomination. But everyone knows it was there.

Unfortunately, Judge Thomas appears to have taken his cue from such cynical denial. When senators questioned him about his lengthy paper trail, he did not feel the need to explain it. For the most part, he simply dismissed it. Writings on natural law became amateur philosophizing, not to be taken seriously; praise for the writer of an anti-abortion article became a mere throwaway line, insincere flattery that was hardly worth remembering. He spoke of stripping himself down like a runner and shedding the record that supposedly had been the basis for his selection; in fact, he was running hard—from any opinion that could endanger his confirmation.

When he was not fleeing from his past, Judge Thomas was bobbing and weaving on abortion. No matter how many times he was asked, in what form, he declined to give his views on a woman's right to choose, saying that he wanted to maintain his impartiality. Of course, he did not seem troubled by answering questions on other topics that are bound to come before the court, such as the death penalty or the separation of church and state. Those issues are not as likely to inspire such heated opposition as abortion; again, his main aim was to play it safe.

After he renounced his record and refused to answer questions on the issue most pressing on the minds of the senators, what did Judge Thomas have left? He had his lackluster tenure as head of the Equal Employment Opportunity Commission, where he let slide thousands of grievances about discrimination. He also had his constricted view of affirmative action—one of the areas where the senators' questioning was disappointingly timid. He refused to acknowledge the need for special consideration for groups that have suffered from past discrimination—even though he himself most likely would never have held any major government post, much less been nominated for the Supreme Court, had it not been for affirmative action at the Yale Law School.

Despite his efforts at self-effacing humor and the frequent references to the homespun wisdom of his grandfather, Judge Thomas failed to come across as the best candidate available for the Supreme Court. No matter what his spin doctors and handlers said, his legal expertise was shallow; his experience is narrow. To be, as Margaret Bush Wilson has called him, "a decent human being" simply is not enough. His performance was masterfully exasperating, but in the end, hearings designed to illuminate who Clarence Thomas is and what he stands for merely made him more of a mystery.

If the Senate rewards this tactic by confirming him for the court, it will only invite more such dissembling in the future. Already, Robert Gates is showing much of the same attitude in his confirmation hearings to become director of central intelligence. The Senate should reject Judge Thomas and force Mr. Bush to come up with a new nominee who is strong enough to defend his record, not simply deny it.

Mr. SIMON. Mr. President, I ask unanimous consent to print in the RECORD a list of members of organizations from the Chicago Coalition Against the Nomination of Clarence Thomas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHICAGO COALITION AGAINST THE NOMINATION OF CLARENCE THOMAS MEMBER ORGANIZATIONS

Amalgamated Clothing & Textile Workers Union—Chicago & Central States.
American Association of University Women.
Americans for Democratic Action.
American Federation of State, County, and Municipal Employees.
Chicago Catholic Women.
Chicago Committee to Defend the Bill of Rights.
Chicago Council of Lawyers.
Chicago Democratic Socialists of America.
Chicago Women's Health Center.
Citizens Alert.
Coalition of Black Trade Unionists/Chicago.
Coalition of Labor Union Women.
Cook County Bar Association.
Cook County Democratic Women.
Democratic Party of Evanston.
Gray Panthers.
Illinois NOW.
Illinois Public Action.
Illinois SANE FREEZE.
Illinois State AFL-CIO.
Illinois Women's Political Caucus.
Independent Voters of Illinois-Independent Precinct Organization.
International Ladies Garment Workers Union.
Japanese-American Citizens League.
Lawyers for the Judiciary.
Leadership Conference on Civil Rights.
Mexican American Legal Defense and Educational Fund.
NAACP—Chicago Southside Branch.
National Abortion Rights Action League—Illinois.
National Coalition of American Nuns.
National Council of Jewish Women.
National Lawyers Guild.
National Organization for Women—Chicago.
National Organization for Women—Evanston/North Shore.
National Organization for Women—South Suburban.
National Organization for Women—West Suburban.
Older Women's League.
Patriotic Majority.
People of the American Way Action Fund.
South Suburban Pro-Choice Coalition.
UAW Region 4—Greater Chicago Cap Council.
University Professionals of Illinois, Local 4100-AFT.
Women Employed.
Women United for a Better Chicago.

Mr. SIMON. Mr. President, I know that we like to do something good for someone who makes a good impression on us, whom we like personally, and there is no question that Clarence Thomas is a warm human being. I like him personally. But that is not the question before this body. The question is the heavy, heavy responsibility of who will be placed on the United States Supreme Court for the next 40 years? And where there is doubt—and I suggest any careful reader of the record will have doubt—where there is doubt, that doubt should be resolved in favor of the Supreme Court and in favor of the people of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I take the floor to address the Clarence Thomas nomination, which has been the subject of words by our colleague from Illinois. I listened intently to what he had to say.

The point I want to raise today before the Senate is the questions that have been raised in all the major news media around the country, both in the Washington Post and, I would imagine, throughout the country. Perhaps the lead story on most of the media outlets this morning was on the question of allegations of "Sexual Harassment Clouds the Vote on Clarence Thomas," leading some of my colleagues to call for a delay on the voting because of this revelation that supposedly has been revealed to Members of the Senate regarding the sexual harassment charges that have been supposedly made against Judge Thomas almost 10 years ago, from some of the dates that I have seen.

I, as a Member of the Senate who is not a member of the Judiciary Committee, in trying to learn more about the nomination from Judge Thomas when he was nominated, asked for a personal visit, which he readily agreed to. He came to my office. I sat down and really had the opportunity to talk with him and, in essence, to interview him about some of the sensitive questions that had been asked and raised following his nomination.

I was even able to ask one of my black friends, constituents, and advisers from Louisiana to sit in on that meeting with me and allow him to ask Judge Thomas questions that were of a sensitive nature about his background and about his beliefs, about where he had come from and what his hopes and aspirations as a potential Justice of the Supreme Court happened to be. Following those meetings I watched with great interest and intent the hearings, the process, the testimony of Judge Thomas before the Judiciary Committee and withheld a decision until I had an opportunity to hear those testify before the committee who are in fact opposed to Judge Thomas' position and his confirmation by the Senate.

After all of that, after my personal meetings, after Judge Thomas' testimony, after questioning by the members of the Judiciary Committee, and after the opposition had had the opportunity to, in fact, testify in opposition to Judge Thomas, after the Judiciary Committee, I then listened to those members of the economy who spoke on the floor and spoke in committee and gave their reasons for supporting and in opposition to Judge Thomas. I then came to the conclusion that Judge Thomas was a person who, in my opinion, would remember where he came from, would have a very strong feeling of concern about the less advantaged in this country, would not be able to forget his background and his history and, in fact, would be fair as a future member of the Supreme Court.

I took into consideration that while some had disagreements with Judge Thomas when he served as head of the EEOC in the Reagan administration, I tried to remind them this was a person who, in fact, worked for Ronald Reagan, was not a free agent, was not in a position to be able to have his position as head of the EEOC become the policy of that organization because, after all, he worked for the President and was duty bound to carry out the policies of the President of the United States.

I tried to point out that at that point, as a Supreme Court Justice, he would be a free man, indeed, to carry out his own beliefs and his own interpretations of the Constitution without having to refer to President Bush or President Reagan or to anyone else.

I concluded, after hearing all of that information and having the benefit of all of that information, that this was a person that I would be able to support as a nominee to the Court, and I said so on the floor of this Senate.

Therefore, I am struck by the revelations that we were supposedly receiving this morning in the newspaper. My question is where were these allegations during the confirmation process before the committee? Why do I, as a Member of the U.S. Senate, now have to get my information on a Supreme Court nominee from Newsday, or from national public radio? If these pieces of information that were supposedly contained in FBI files and were known, I would take it, to the members of the committee were important enough for Members to ask for a delay so that the whole process be set aside and delayed, if it was known 2 weeks ago, why was not that information made available to other Members of the Senate, who, in fact, are not on the Judiciary Committee? Why were these supposed allegations not discussed if they were so important as to delay the whole process in the committee hearing process itself? Why did we not hear from one of our colleagues who had access to the sensitive personal information contained in the FBI reports? Why did we not hear any of them come to the floor of the Senate and say there is information that we should not go forward with, there is information that we should vote against the nominee based on these allegations? I heard no one say that this information was of such a nature that would disqualify Judge Thomas to be considered as a nominee to the highest court in the land.

I think it is unfortunate that this information is now made available first through news media publications. How did they get the information? If I as a Member of the U.S. Senate, who is going to have to be called upon to cast a vote on this nominee, did not have this information, because it was not sent to me, did not know that type of information supposedly was sitting there in somebody's file, if we do not have information as a member of the U.S. Senate, why do the news publications have it?

I think there is an interesting question to find out how they got it. Do they subscribe to the FBI reports? Do they get them sent to them in the mail? I mean, this is a serious and a sensitive question that I think needs to be talked about. Maybe I am wrong.

I know that when you release sensitive information, either as a Member of the Senate or as a person who works for the Senate, there is a pretty stiff penalty involved for someone who does that. Did the FBI gratuitously send the information to the news media? How did they get it? Why is it just being made available now to the rest of us in the U.S. Senate with the admonition or the request that all of this process be delayed?

My own feeling on this issue, Mr. President, is that this information was, in fact, available to the Judiciary Committee members. They did have the opportunity, I would presume—because I have not talked to any of them—to look at this information, and make a decision based on the quality or the content of the FBI report that it, in fact, was not of a substantive nature to delay the confirmation process, not of a substantive or provable basis in order to be the basis for voting against this nominee. Because no one said, "I can't vote for him because of some things that are in the FBI files." Not a Member who has expressed opposition up to this point has said that is the basis for saying I cannot vote for him.

I think those of us who relied on the process, who have listened to the public hearings, who have listened to the debate, who have met with the judge, I think that it leads me to conclude that if no one has brought it up until now, it must have been that Members who had access to the information did not think it was important enough to delay the vote or certainly to be the basis for the vote in opposition to the nominee, because I trust that they looked at it and I trust they made a decision which was in keeping with the actions taken by the Judiciary Committee.

So I think it is unfortunate now for us to have to delay, because certainly the committee did not, it seems to this Member, delay the vote based on additional information being required. A vote was taken. Reasons were given why Members supported him and why Members chose not to support him, and I take their reasons at face value. They had some good argument in opposition and good argument in support of Judge Thomas.

I am just concerned, now that a newspaper and a public radio program have revealed the allegations—where they got them, I think is an interesting question which needs to be considered—but now all of the U.S. Senate is going to be influenced because the media now have the information. I just hope that we would come to the conclusion that I have come to: That those Members that have in fact had access to the information have carefully reviewed it and have come to the conclusion that it is not of a substantive nature in order for them to base their decision in opposition to those particular reports.

Mr. President, I yield the floor.

Mr. SIMON. Mr. President, if I may just have the attention of my colleague from Louisiana. I have mentioned part of this on the floor earlier. I learned about this, frankly, from one of our colleagues on the floor. And then I looked at the FBI report and read her statement. Because I felt it was serious enough and it concerned me, I called here. I had the impression that she was someone who could not be lightly disregarded. She is a professor of law. Those of you who may have seen her press conference today I think will agree that she is a credible kind of a person.

I think the question is not simply whether the charges of what took place 10 years ago are accurate or not—and that has not been cleared up—but the question is, did the nominee tell the truth to the FBI? And that I think is important. And before we put someone on the Supreme Court for life who is now 43, my own feeling is we would be wise to have a little more full investigation, either by the FBI or by the committee. And if that means delaying it for a few days, I think the Nation would be well served by delaying it for a few days.

Mr. BREAUX. Will the Senator yield?

Mr. SIMON. I am pleased to yield to my colleague.

Mr. BREAUX. The question I asked is, if we did not have the opportunity to read about these allegations in Newsday magazine, it seems to me that the Senate would have gone ahead and voted tomorrow night. The point I am trying to make is that those of us who have relied on the process knew nothing about this until somebody, somewhere, leaked reports that many Members of the committee had obviously seen already and apparently had dismissed as being lacking of a substantive nature, because it was never brought out in the committee.

I would ask the distinguished Senator, if the committee had this information, why was it not investigated at the committee level? Or, was it investigated at the committee level and then the decision was made that it was not of a substantive nature to even be discussed in a public forum or delay the committee process?

The committee voted with the information available in the FBI reports and made a decision on this nominee without it ever being talked about in the Judiciary Committee.

Mr. SIMON. Mr. President, I will respond to my colleague. First of all, I think the chairman has handled this thing well. I do not mean for this to be a criticism of the chairman at all. But the reality is that, for example, when I talked to Professor Hill, she at that point wanted a copy of her statement sent to all Members of the Senate, but she wanted her name to be kept confidential and the information to be kept confidential just so the Members of the Senate could have the information.

Well, I told her there is no way of doing that. I said, "For this to become known to the Members of the Senate, you are going to have to make a decision whether you want to go public with this or not."

She did not make that decision, I gather, until over the weekend. And where Newsday or National Public Radio got the information, I do not know.

Let me just add, I happen to be a journalist by background. I particularly avoid being the source for any of these things because you are immediately suspected of having that background. But once she went public, then we ask questions and then it becomes a little easier to deal with the situation. But until she went public, frankly, I did not mention this in the committee hearings, and no one else did. I do not know that it was decisive for any member of the committee. The committee voted 7 to 7 after very intensive hearings. For me, I had made up my mind by the time I read the statement.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, while I have some feelings and views and opinions about the subject to which the Senators from Louisiana and Illinois were addressing themselves just now, I came to the floor not to discuss my observations about weekend events and the tactics or strategies of some of the opponents of Judge Clarence Thomas.

I did come to express my conviction that Judge Thomas, because of his qualifications, his obvious good moral character that he has demonstrated in every job to which he has been assigned or for which he has been employed, and because of his obvious intellectual capacity, his decency and his sense of fairness, would be an outstanding member of the U.S. Supreme Court. And so it is to that issue that I rise today, Mr. President, to give just a few thoughts and observations that I have about why I am led to that conclusion.

First of all, I am not a member of the Judiciary Committee, so I did not have the benefit that Senators had who heard all the testimony, who had a chance to question witnesses and see the responses and listen to the responses of the nominee in committee.

But I have taken a very active interest, as all Senators have, in this process and in this nomination. And I have tried to observe the nominee closely during this process. I have had an opportunity to meet with him in my office.

I recall meetings with him in the past when he served as Chairman of the Equal Employment Opportunity Commission. Based on those observations and my effort to read as much as I could that has been written in articles and listen to observations of others about the nomination, I have come to the conclusion—and I feel very comfortable with my conclusion—that Judge Thomas is a very fine choice for the U.S. Supreme Court, and that he will be an outstanding and distinguished member of that Court after he is confirmed by this body and becomes an Associate Justice of the Supreme Court.

I can remember my first visit with him—the first that I remember—when he was Chairman of the Equal Employment Opportunity Commission. He came to my office to talk about a budget problem. He was concerned that there were Members of this Senate, and some on the Appropriations Committee in particular, who were not prepared to provide the funding that was needed by the Commission to enforce the laws against discrimination and to do the kind of job that that Commission was not only authorized but required by law to do. That was the purpose of his visit.

When I heard recently from those who were criticizing him for not being interested and energized or involved enough in trying to make sure that the EEOC did its job—that he was somehow derelict in his efforts as Chairman of that Commission to see that the laws were carried out—I remembered that first meeting and thought how inconsistent those criticisms, were with my first impressions of him. He had come to see me and asked me to help, as a member of the Appropriations Committee, to see that adequate funding was made available to his Commission.

There were other issues we talked about that day, but my impression of him was that he was very distressed that there were some who were undermining the efforts of the Commission to do its job by denying adequate funding for the Commission. And he was not going to sit still, as Chairman of the Commission, and observe it and do nothing. He was up here, in effect, lobbying the Congress in behalf of the Commission, trying to get the Congress to do what it ought to do—this Senate, to do what it ought to do, and to support the work of the Commission.

I looked at some of the comments that were made during the hearings and after the nomination was submitted to the Senate by those who worked with him at the Commission to see if maybe I had gotten the wrong impression or maybe I had misunderstood what he was about. But I find the more I look at what others have said who worked with him at that time and who observed him from very close range that I as right. My first impressions were right and the critics were wrong.

I do not know why they were wrong or if they know they are wrong. I am sure they are well meaning and are motivated by the highest principles. But it surely is a big chasm of inconsistency between what the critics say about Clarence Thomas as Chairman of the EEOC and what those who were there say they saw and observed. And it is likewise inconsistent with my recollections, too, as I observed him as Chairman of the Commission.

For example, Gaull Silberman—I am quoting from a statement that he made. He was Vice Chairman of the EEOC when Judge Thomas was Chairman. He says:

> This man made the EEOC. He built it into a first-class law enforcement agency. We took three times as many cases, got more relief for more people than any other time in history.

Robert Dowd, who is the presiding judge of the Missouri Court of Appeals observed:

> Mr. Thomas has an outstanding civil rights record and has demonstrated leadership and excellence as Chairman of the Equal Employment Opportunity Commission. He sincerely believed"—he said—"that Mr. Thomas would bring honor, excellence, and scholarship to the appellate court.

There was an analysis written of the tenure of Clarence Thomas as Chairman of the EEOC by Prof. Joseph Broadus, at George Mason University School of Law. It goes into a lot of detail.

In the summary there is one sentence that I will read into the RECORD.

> Clarence Thomas substantially reformed and transformed the EEOC during a critical period in its history, rebuilding the agency's morale, strengthening its law enforcement role, dramatically increasing its volume of successfully processed cases, and restoring its focus on individual justice.

One might observe, too, Mr. President, just as an aside, with the emphasis that the professor placed on individual justice, that the Supreme Court had changed or modified some of the laws that governed the bringing and prosecution of antidiscrimination cases. It was under the chairmanship of Clarence Thomas that the agency had to adjust to some of those changes—some of the same changes that are now sought to be reversed by legislation that is before this body.

I think some would prefer to suggest and to convince others that it was Chairman Thomas' idea to make these changes in the law. He was not on the court then. He was abiding by the law as interpreted by the Supreme Court and trying to carry out the responsibilities of his office under the changes in the law that were made that shifted the focus from classes that may have suffered from discrimination and how you impose standards on employers or others to those rights that individuals enjoy and that are protected under the Constitution of the United States.

It is an observation that may in some small way explain why there may be a tendency to accept the argument that Judge Thomas somehow was not fulfilling the full responsibility that he had as Chairman. Changes in the law had occurred.

If you look at the statements of those I just quoted, I think it adds credence to the argument that Chairman Thomas when at the EEOC, was dedicated, vigorous, and energetic in getting the job done and in protecting the rights of those that his Commission had the responsibility to protect and to defend.

It was interesting also, Mr. President, in looking at the lineup of witnesses before the Judiciary Committee to see the large number of witnesses who came to testify for and against the confirmation of Judge Thomas. Everybody can remember that. And the committee wrote a long report, including additional views and supplemental views of almost every member of the Judiciary Committee.

And, of course, we were all bombarded—not really, I quess, bombarded—but given the benefits of the thoughts and observations of many interest groups: The National Abortion Rights Action League sent us all a description of their arguments. Another interest group compiled a detailed background report about the nominee and argued in favor of confirmation. Here is a folder full of all of these materials.

I have tried to look at all of them. I read some of them more carefully than others, I will have to admit.

But based on all of this, in trying to dig out of all of this pile of paper what the central themes are that are relevant and what the basic facts are that we ought to consider before we vote, I was drawn to the testimony of Dean Calabresi, the dean of the Yale Law School where Judge Thomas went to law school. Judge Calabresi is identified as the dean and Sterling Professor of Law at the Yale Law School.

In Mississippi, we are very proud of the fact that Myres McDougal, a scholar from our State, once was the Sterling Professor of Law at Yale Law School, and a number of the faculty at the University of Mississippi Law School were educated at Yale, maybe because of Professor McDougal's influence in helping many of the students from my State gain admittance to the Yale Law School.

But I was impressed with the observation that Dean Calabresi made—and I am going to read a few sentences from his statement to the Judiciary Committee. He was talking about Clarance Thomas, the student, when he said:

> What characterized him was that he could not be predicted, that he was always seeking more information in order to decide what made sense to him, and that whatever position he took was his own and was powerfully, and eloquently held.

He then goes on to try to predict what kind of Justice Clarence Thomas would be on the Supreme Court, and he recalled some of the other great Justices of the past, and he says:

> None of the great Justices of the past, not Justice Black, nor Justices Harlan or Stewart, not Justice Holmes nor Justices Brandeis or Cardozo, not even Justice Frankfurter—for all his years of teaching constitutional law—came to the Court fully formed. The Court itself, and the individual cases that came before them, shaped them, even as they shaped the Court. In the end it was the combination of character, ability, willingness to work really hard, and openness to new views that made them great Justices. These qualities, if there truly is openness, matter far more than past positions. I hope and believe that judge Thomas has these qualities, and that is why I am here today.

Those are the words of Dean Calabresi of Yale Law School, Mr. President, and I find them very impressive in the tone and in the sureness of his conviction that Clarence Thomas is the person that he believes him to be, based on his observation of him over a period of time that is much longer, much different than most Senators here have the opportunity to observe Judge Thomas.

The time in which I have had to observe him and see him perform his duties and responsibilities in some of the jobs he has had enables me to say I am convinced also that he is his own man and he is the kind of person who will be an independent voice for fairness and for justice for all when he is confirmed as an Associate Justice of the U.S. Supreme Court.

I am proud to be able to support his confirmation, and I recommend to the Senate that he be confirmed.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to comment on the statement made by Ms. Hill, a former staffer, who worked with Judge Thomas, both at the Department of Education and the Equal Employment Opportunity Commission. Let me say from the start, I am opposed to sexual harassment in the workplace and certainly believe that women are entitled to protection from it.

With any nomination, there are always numerous allegations that are made about the character of a nominee. It is not unusual to have allegations made, that after investigation, are without merit.

When the allegations made by Ms. Hill were brought to the attention of the Judiciary Committee, a full investigation was undertaken by the FBI. The chairman of the committee, Senator BIDEN, and I, as ranking member, requested it. Judge Thomas was interviewed, and I want to get this point clear. He categorically denies the allegations that have been made. After a complete investigation by the FBI, these allegations have been found to be totally lacking in credibility and are without merit.

The allegations made in this case are some 10 years old and are being raised now for the first time. These unfounded allegations, Ms. Hill says, occurrred while she worked with Judge Thomas at the Department of Education. When Judge Thomas left the Department of Education to assume the chairmanship of the EEOC, Ms. Hill chose—she herself chose—to move there with him. I find it hard to understand why Ms. Hill would follow Judge Thomas to the EEOC if her statements about what happened at the Department of Education are credible.

Since her departure from the EEOC, Ms. Hill has on several occasions contacted Judge Thomas—once for assistance with an employment award, and as recently as earlier this year to encourage him to accept a speaking engagement. It simply does not make sense for Ms. Hill to contact Judge Thomas and ask for his assistance if she had been harassed by him.

Additionally, Ms. Hill has raised concerns that Judge Thomas has changed his political philosophy from supporting quotas for minorities in employment and believes he may not be openminded. I find this information disturbing. Apparently, Ms. Hill's real problem is with Judge Thomas' political philosophy. And I will take up another reason in a minute.

Mr. President, the Judiciary Committee took testimony from Judge Thomas for some 5 days. He spent 25 hours on the stand. He is the consummate professional. These statements are simply inconsistent with the professional approach that Judge Thomas has taken regarding every position he has held in both the public and private sector.

Mr. President, after a complete and thorough investigation by the FBI, the statements made by a former staffer are totally without merit. These statements were said to have been made over a decade ago. This former staffer left the Department of Education and moved to the EEOC with Judge Thomas. Later, she asked Judge Thomas for assistance after her departure from the EEOC. She claims she was harassed at the Department of Education and also at the EEOC.

Mr. President, I believe there statements have been made in an attempt to derail this nomination at the last minute. We are supposed to vote on it tomorrow. We put it off last week to vote on it tomorrow at 6 o'clock. It is important to note that the staffs of two Senators who oppose Judge Thomas are responsible for originally contacting Ms. Hill and urging her to make this information known. It was not the Judiciary Committee staff as has been stated by Ms. Hill.

I believe those who oppose this nominee are behind raising these allegations on the day before the vote. Judiciary Committee members who oppose Judge Thomas were aware of this matter before casting their vote in the committee, yet they voted for him—7 for him, 7 against him—on September 27. It is, therefore, not appropriate to use these baseless allegations to delay the vote on this nominee.

Mr. President, as this matter has now been raised publicly, I thought it was important to clarify the situation.

Now, Mr. President, a few hours ago today I received a letter from an individual who worked with Judge Thomas at the EEOC. He was there with him for years. I am going to read this letter and disclose who wrote it. It says:

> DEAR SENATOR THURMOND: As someone who worked with Judge Clarence Thomas from 1983 to 1986 I also had the opportunity to work with Ms. Anita Hill.

So he knows Ms. Hill, the one who is making these charges.

> I must tell you that during that time I was very uncomfortable with Ms. Hill. I often questioned her motives. This concern was something I expressed to Judge Thomas on more than one occasion.
>
> Furthermore, I found her to be untrustworthy, selfish and extremely bitter following a colleague's appointment to head the Office of Legal Council at EEOC. A position that Hill made quite clear she coveted. After she was passed over for the promotion, she was adamant in her desire to leave the agency and discussed this with me privately.

Mr. President, could this be the reason for Ms. Hill's statement at this time? Judge Thomas did not promote her and she became bitter and now she is coming forward? That is what this individual says who worked with Thomas.

> I also question her motivation when it comes to her recent allegations. Especially since Ms. Hill discussed with me her admiration for Judge Thomas' commitment to fight for minorities and women, and his fair treatment of women at the agency. I know, personally, that these are the rantings of a disgruntled employee who has reduced herself to lying.

Now, this individual is saying that he has heard Ms. Hill express her commitment and faith in Judge Thomas, and express her opinion that Judge Thomas had a commitment to fight for minorities and women and fair treatment of women. Yet she is now making statements against him. Why did she turn on him? She did not get the promotion she had hoped to get, which Judge Thomas did not give her.

> I ask you, if this was a man she should loath for sexual harassment, then why did she maintain contact and continue to communicate with him? Why did she follow him from the Education Department to the EEOC? Why did she only have praise for him in her discussions with me? Furthermore, Judge Thomas believed this woman to be a friend and someone of great intellect and wanted only to assist her as she moved along in her career.
>
> I am sure having had knowledge of the situation prior to this past weekend is evidence that you also question Ms. Hill's accusations and credibility. I urge the Senate Judiciary Committee to listen to these allegations with a grain of salt.
>
> In closing, as I described her ten years ago to Judge Thomas, I do so now. She always had to have the final word and the last laugh. I see now that some people just never change.
>
> I look forward to your confirming the Judge to our nation's highest court.
>
> Respectfully,
>
> ARMSTRONG WILLIAMS,
> *Managing Partner,*
> *The Graham Williams Group.*

This is a man who worked with Judge Thomas, knew this woman well, and that is the letter he wrote to me today.

Now, Mr. President, I just want to say a few more words in closing. I am not going to take but a few minutes.

The sexual harassment allegation by Anita Faye Hill; Judge Thomas categorically denies it. No one else besides Ms. Hill has ever accused Judge Thomas of sexual harassment. He has been in government for 17 years. He has worked with the public for 17 years. And he was worked with many women. No one has ever accused him of anything before—and no one else has accused him of sexual harassment.

Ms. Hill alleges the statements attributed to Judge Thomas were made at the Department of Education in the fall of 1981, yet when Thomas moved to the EEOC in April 1982 Ms. Hill chose to move with him and accept a position with him. If she had been harassed in the Education Department, why did she choose to go with him again and run the risk of being harassed again? She did not have to go there. She had a job at the Education Department and could have stayed there if she wanted. Instead of that, she wanted to go with him and did go with him.

Judge Thomas introduced Ms. Hill to the dean of the Law School at Oral Roberts University and recommended her for the position she obtained there. That is the gratitude she is now showing.

Ms. Hill stated she left the Washington, DC, area in 1983; in the fall of 1984 she visited the EEOC to get a recommendation from Judge Thomas for an award. In the spring of this year, 1991, she again contacted him to encourage him to speak at the University of Oklahoma College of Law. That is where she was teaching. The university had invited him to come out and speak. He was an outstanding jurist and they wanted him to speak there. And she contacted him and encouraged him to take it.

Well, if he is that kind of an individual, guilty of sexually harassing women, why would she encourage him to come out there and speak to students there, men and women in the school? It does not make sense.

Ms. Hill acknowledges she has had numerous opportunities to present her story to the press but had declined until now.

Senate staffers of some Members who oppose this nomination contacted Ms. Hill. She did not come here first. They were Senate staff members. They were not Judiciary full committee investigators either. They were staff members of two Senators, at least two, who contacted Ms. Hill and urged her to come forward. That is the reason she came. Not investigators from the full Judiciary Committee, as Miss Hill had claimed. She claimed they were investigators from the Judiciary Committee. They were not. They were simply staff members of two Senators who are opposed to Judge Thomas, and they have been opposed to him all the time.

In fact, Senator BIDEN issued, I believe, a statement today and said, "Any statements that she was first contacted by investigators for the full committee staff of the Senate Judiciary Committee on September 3 or any other day are categorically false." That comes from the chairman of the committee.

Committee members who oppose Judge Thomas were well aware of these allegations before the committee vote on September 27. The members were aware of it. Nobody was taken by surprise. And if they claim they are not aware of it, it is just not the case. It was available to them.

Ms. Hill has said she is concerned that Judge Thomas has changed his political philosphy and that he may no longer be open minded.

Maybe she does not like his philosphy and this is the motivation for her statement.

Now, the statement Ms. Hill gave to investigators and her written statement contain several inconsistencies. For example, Ms. Hill told investigators that when she left the EEOC, Thomas said if this matter was disclosed he would ruin her; that is, Ms. Hill's career. She said in her written statement that Thomas said if it was disclosed, it would ruin his, Thomas', career.

Who is correct? That statement is given to the FBI. In her statement to the investigators, Ms. Hill said the remarks by Judge Thomas stopped in the spring of 1982. In her written statement to the committee, Ms. Hill said that the remarks continued in the fall or winter of 1982. Which is correct? She is making different statements about the situation.

Two individuals that Ms. Hill implied might be vulnerable to Thomas' alleged improper behavior were interviewed. The FBI went to them. One person was very complimentary about Judge Thomas and said that he was an individual with tremendous respect for the law and was also a good person. The other individual stated that Judge Thomas was the best supervisor she had ever had. That was the name of two people that Ms. Hill gave to them to interview, and that is what they said.

I want to say this. If I did not know Judge Thomas, I think I would be willing to take the word of a man who has worked with him longer than anybody else, and that is Senator DANFORTH. Senator DANFORTH is an ordained preacher in the Episcopal Church. He has been here for a long time. We all know him. He is a man of character, integrity, and high principles, and I think everybody acknowledges that.

Judge Thomas worked for him for 3 years as assistant attorney general. Judge Thomas had a hard time getting a job. Senator DANFORTH, then Attorney General DANFORTH, gave him a job. He worked there for 3 years. Senator DANFORTH had the opportunity to judge him.

Then, when Senator DANFORTH came to Washington as a Senator, he hired him again. He liked his work as an assistant attorney general. Thomas had gone with a private firm, doing well, making money. DANFORTH sent for him, and he came to work for him again as a legislative assistant here in the Senate.

That is 5 years he has worked with Senator DANFORTH, working closely with him, in the same office with him, day after day after day for 5 years. Is not his opinion worth something? Senator DANFORTH says he has the utmost respect for him. He says he is an honest man; he is a hard-working man; he is a very capable man.

Then Judge Thomas, too, has worked for 17 years for the public. He testified 5 days—24 hours—before the committee. The committee investigated him for a total of 8 days. Over the 17 years of public service, from the time he testified before the committee, nobody, nobody brought out anything against him. Why did not they come forward if they had something against him? Why did one person wait until the day before the vote on him, at the last minute, and then raise something that allegedly happened 10 years ago—10 years ago—she charged him with sexual harassment? It just does not make sense.

Mr. President, Judge Thomas has the integrity, he has the professional qualifications, and he has the judicial temperament. That is what the American Bar Association said he had. Those were the qualities they judged him on, and he was outstanding when judged by the American Bar Association.

So the President of the United States appointed him, and he investigated him before he appointed him. The Justice Department investigated him. The American Bar Association investigated him. The Judiciary Committee investigated him. How many more have to investigate him? And to have this individual, after 10 years, come up there and say he sexually harassed her—it just does not make sense. It just does not stand to logic. It will not stand up before the people who, I think, really believe in what is right in this country.

Mr. President, I am not going to take more time. I just want to say from all I have seen on this gentleman, Judge Thomas should be confirmed and he should be confirmed tomorrow afternoon. The vote should not be delayed. Why put it off? He has been investigated over and over again. I say let us vote tomorrow, and let us vote to confirm him.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will speak very briefly, and my colleague from Tennessee is going to be addressing the Senate shortly.

If I may respond just briefly to my colleague from South Carolina—and I do this only on the basis of having watched Professor Hill's press conference, a few facts that she alleges. Again, I am simply repeating so we get a little balance in the picture here.

She said she moved from the Department of Education to the Equal Employment Opportunity Commission because the harassing had stopped sometime before the transfer. And she said, "I was 25 years old and needed a job." And that is the reason for that.

Second, she said that Judge Thomas did not introduce her to the law school dean.

Third, the invitation to the University of Oklahoma was made by the law school dean. She was asked to call. She called the secretary of Judge Thomas.

Then, finally, Senator BIDEN'S statement is correct, but it is also correct that she was contacted first by the Senate, that she did not initiate it. I think there will be another statement by another member of the Judiciary Committee later today that will clarify that.

In response to the final question by Senator THURMOND, why delay it? I think that we have to recognize that we are dealing with something that is a heavy, heavy responsibility by the U.S. Senate. And both for Judge Thomas' sake, for the Court's sake, and for the sake of the people of this country, we ought to take another day or two to look at this thing and make sure we are doing the right thing. In view of the immensity of the cause, it hardly is asking too much that we delay a brief time to more thoroughly investigate this.

Mr. President, I yield the floor.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. GORE. Mr. President, I ask unanimous consent that I might be allowed to speak as if in the morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I appreciate the indulgence of my colleagues in allowing this speech on arms control. I had intended to make this speech during morning business this morning, but I was chairing a hearing before the Commerce Committee and it lasted longer than anticipated. Consequently, I did not have an opportunity to make the speech at that time. With the indulgence of my colleagues I would like to make these remarks now.

GLOBAL WARMING

Mr. GORE. Mr. President, incidentally, if I might just say 30 seconds' worth on the reason why I missed morning business this morning. At that hearing, the principal and best known skeptic on the subject of global warming, Prof. Richard Lindzen of MIT, formally retracted or withdrew his hypothesis as to why global warming might not be occurring. It is fair to say he is still himself skeptical, but the principal argument he had advanced the scientific community as to why he believed the mechanism upon which global warming relies for most of its impact—that hypothesis he formally withdrew at 11:45 a.m. today, a significant event, I think, because among all the skeptics, he has been probably the most prominent in the scientific community.

NUCLEAR WEAPONS

Mr. GORE. Mr. President, I rise on this occasion to speak about the very dramatic events which have taken place with regard to nuclear weapons, both here in the United States and in the former Soviet Union over the last week.

When things that seem almost immutable change suddenly, there is a tendency for one's understanding to lag behind events, and for the critical faculty to be suspended. The dramatic changes that have taken place over just a week in the United States-Soviet nuclear relationship are indeed in that category. But the sooner we stop gawking and start thinking again, the better. My purpose in making this speech, therefore, is to share some early thoughts with my colleagues about what has taken place.

I recognize the boldness of President Bush's moves and am as impressed as anyone else at their consequences, measured in terms of the response just forthcoming from President Gorbachev. But let me say that there are some very serious things that need to be discussed thoroughly.

Of course, there are times when the moment must be seized, as the President has recognized. But there is also a role for care and workmanship in constructing what he has referred to as a new world order. The haste and secrecy with which the President formed his plans—Heaven forbid Congress should find out about them before Boris Yeltsin and a number of other foreign leaders, and the fact that, to my knowledge, no Member of this body was informed before Yeltsin and Gorbachev, and leaders of other Nations, and no Member of Congress was consulted on the design of the plan, and all of that—invites some concern precisely about how well this job was actually put together. I would not reverse what has happened, but I do think we need to examine its quality in order to identify areas in need of improvement and refinement.

Let me begin with the short-range and theater-range nuclear weapons, where the change is most profound. Much of this weaponry had clearly lost its reason for deployment in Europe over a year ago with the irrevocable collapse of the Warsaw Pact. I would not at all argue the President's judgment that now, with the dissolution of the Soviet Union itself, the possibility that it was time to call into question not just the deployment of such weapons in Europe, but the need even for their continued existence.

What concerns me is that the United States move and the Soviet response to it are not only unilateral, but on our side are completely unconditional and seemingly devoid of any concerns about anything else that might happen on the other side.

After all, the President was not only announcing his intention to do away with a lot of old-fashioned nuclear weaponry, but also to cash in his options to develop or deploy anything that might substitute. For example, even though the President carefully left open the U.S. option to deploy air-launched nuclear weapons of short range for use in NATO, he canceled the only weapons program we had that was aimed to fill that particular gap—the so-called SRAM-T.

Of course, now we have Gorbachev's announcements about the destruction of the Soviet theater nuclear weapons. But we have also had a lot of other announcements from President Gorbachev, and not all of them are proving to have much binding effect on the actual course of events within the former Soviet Union. So we had better be content with the President's unilateral approach, because, to be blunt about it, we simply have no way of knowing whether Gorbachev's umpteenth decree is going to be carried out in whole or in part.

I note also that the issue of whether short-range nuclear weapons will be totally destroyed appears to involve the Republics in several interesting ways. First, some of them are beginning to have second thoughts about the idea of seeing all Soviet nuclear weapons withdrawn to the territory of the Russian Republic alone. And the issue of whether all those weapons are ultimately accounted for and disposed of might just be as much a concern, say, to the Ukraine as it is to Poland or to Germany, even if it does not quite matter to us.

Moreover, there is also the question of what is to become or the large quantities of fissionable materials that will be recovered from all these theater nuclear weapons. Is it really a matter of no concern to the United States whether all that bomb-grade material sits around in storage in a form which would permit refabrication into new weapons some day?

We have repeatedly seen how even our wealthy friends and allies in Western Europe were sloppy or greedy enough to tolerate the export of technology and equipment and materials for the manufacture of chemical, biological, and nuclear weapons to Saddam Hussein. Why would the same necessarily be always impossible for financially desperate and administratively disordered parts of the former Soviet Union? Do we not have some concerns there?

In the past, this administration, like its predecessor, has been completely opposed to proposals for demilitarizing nuclear warheads under conditions that make rescue of bomb-grade materials difficult or impossible. Is it not time for that position to change?

The administration has also opposed the idea of closing down facilities for the manufacture of bomb-grade materials under verifiable arrangements. The President's speech last week suggests a new look at these issues, and Gorbachev appears to be offering negotiations on these matters. I hope we will hear a lot more about this and soon.

Now let me turn to the President's proposals regarding the future of strategic nuclear weapons. I am still trying to understand exactly what motivates the President's decision in the SRAM II Program. Until last week, the SRAM II was accepted as a needed replacement, and as an important part of the weaponry for the B-2. The President canceled SRAM II—an important weapon for the B-2—and, in my view, thereby sends an important signal about the B-2 itself.

To be perfectly frank, the President's decision to summarily terminate the SRAM II seems to be part of a process whereby the B-2's strategic mission has been fading like the Cheshire cat. In its place there is left—like the cat's grin—the revised perception of the B-2 as an important, even potentially revolutionary, platform for conventional missions. I do not dismiss that argument. I think it has some credence, and it may be valid. But I would feel a lot better about it if I saw some evidence that the Air Force was actually developing its force posture as if it genuinely believed its own argument.

Then there is the President's decision to take our bombers and some of our ICBM's off of alert status. That is, of course, a reversible step, but that does not make it meaningless. In theory, the entire U.S. bomber force is now vulnerable to surprise attack. The security of the force no longer depends on being able, at any given moment, to fly a portion of it out from under an incoming Soviet barrage, however unlikely, but instead depends on the President's assessment that the political likelihood is indeed vanishingly small.

Of course, comparable actions by the Soviets place them at similar risk to us. But, in both cases, the reality is that ultimate security still resides in the survivability of those nuclear forces which could ride out a worst-case attack—essentially the ballistic missile forces of both sides.

It is very easy to accept the changed reality in our relationship with the Soviet Union. But we must think through all of the implications of the changes that have taken place. In that context, I wholeheartedly approve of the President's proposal for focusing strategic arms control in the future on the deMIRVing of land-based missiles; ongoing to a force of single-warhead missiles, which would drastically reduce even a theoretical advantage for anybody contemplating a first strike. To the extent that both sides will, in the future, have only strategic nuclear missiles on line, and in view of the fact that bombers are now in theory mutually hostage, the survivability and stability of ballistic missile forces becomes acutely important.

And so, finally, we have the President calling for the development of the Midgetman missiles, which would become the basis for the land-based missile force of the United States well into the next century. I applaud that step. But that only makes the President's decision to cancel the mobile launcher mission for the Midgetman harder to understand. The survivability of the small ICBM in silos depends upon truly radical changes in the structure of the Soviet Union's ballistic missile forces. In fact, they would have to de-MIRV completely, just as the President has suggested.

If, however, they do not go this route, then mobility guarantees the survivability of our force. Does it not make sense to hold the mobility option for the Midgetman open in development, pending our ability to understand whether the Soviet Union will go down that road or not? We just do not know yet. There is some indication that President Gorbachev at least theoretically accepts our concept of stability through de-MIRVing. However, as of now the focus in the Soviet Union has instead been on accelerated reductions. There is even a gambit aimed at killing of Midgetman by announcing an end to design work on what apparently was to have been a Soviet counterpart.

There is some uncertainty as we look at our ongoing programs as to exactly what President Gorbachev was referring to that portion of his announcement. Of course, there is the announcement that the Soviet Union's rail-based MIRV'd missiles, SS-24's, will be confined to known depots and that they will not be further improved.

Mr. President, note, however, that there is no reference in President Gorbachev's response to President Bush to the Soviet Union's existing road-mobile systems, which are now numbered in the hundreds, or any pledge to confine them to specified locations, or any pledge not to modify and improve them. In a crisis, there is a difference between having a mobile missile force that is parked somewhere and not having one at all. The Soviets and whatever entity might succeed the Central Government there will be in the former condition, and we, if the President's decision stands, will be in the latter.

Frankly, I am not all that much reassured by the President's statement that we really will pursue a straight line course for greater stability. Much of the time, in fact, I have the feeling that given any chance the Air Force might want to slow-walk the Midgetman to death, beginning with mobility but not stopping there. In the end, what the Senate would be told is that a hard-target, silo-based update of Minuteman III is what is really needed: In effect, MX based in silos, divided by 10. That is not where we should want to see this come out. Therefore, we need to salvage the mobile option and make it clear that Congress wants to proceed. We should do this even if Gorbachev's reference to canceling design work on a mobile small ballistic missile suggests reciprocity.

Then there is Mr. Gorbachev's declared willingness to talk about nonnuclear means of defense against ballistic missile attack. We have heard some such noises from Moscow previously and these latest ideas bear exploring. I would not be too quick, however, to assume that this means a seachange has taken place in Soviet thinking about SDI. We will have to see whether the Soviets are ready to entertain anything as far-reaching as does our own Senate Defense authorization bill. In conference, we are still debating its terms, and under the circumstances the outcome of that debate could have very far-ranging consequences.

I have said this before, but it bears underscoring: The Senate language in that bill—which I believe has now become something close to the administration's position—is without any doubt pointed in the direction of breaking the ABM Treaty as it now stands, or abrogating it if the Soviets will not agree to fundamental—not minor or marginal—changes.

The fundamental goal that this bill establishes is for the United States to deploy whatever kind of system it takes to prove a "highly effective defense of the United States against limited attacks of ballistic missiles." The issue of how that system is to be designed is driven by this statement of objectives. If anyone believes that a single site that is treaty compliant can meet the stated objective, they must understand they are in the minority. If this statement of objectives is allowed to stand, then Congress will be saying that a missile defense of any extent, in terms of number of sites, number and characteristics of missiles, and types and capacities of space-based sensors, can be deployed. The exclusion of Brilliant Pebbles from the initial plan is merely a practical recognition that Brilliant Pebbles would not be ready for deployment by fiscal year 1996. The reality is that Brilliant Pebbles is heavily funded in the committee bill and that underscores that the ultimate destiny of this program is a space-based defense.

It has been suggested that we might be able to reach agreement with the Soviets over this plan by linking it to a revised concept of stability. According to this view, stability would be secured if the United States and the Soviets deployed defensive systems able only to deal with limited attacks but not able to deal with large-scale attacks such as each side might wish to be able to threaten as a deterrent against the other.

But this bill is proposing to develop a system which is not inherently constrained to that low level of capacity but in fact is inherently expandable to the point where it would be able to threaten the Soviet Union's retaliatory forces. That would be especially true at much lower levels of missiles to which we aspire. Actually, the lower the number of weapons, the easier it would be to construct a defense of very high capability.

Even if the capability of our defensive system was small to begin with relative to the Soviet Union's offensive forces, major subsequent Soviet reductions would have the effect of increasing the effectiveness of such a United States system. All that would protect the Soviets from a United States decision to make the necessary upgrades would be precisely the revised or new ABM Treaty which the United States will be seeking to replace the one which we are now prepared to threaten to break.

The question in my mind however about strategic nuclear forces goes even deeper—to the level of nuclear doctrine. From this point on, what is supposed to be the premise for sizing and operating the U.S. strategic nuclear force? Do we still have a doctrine that calls for the ability to attack many different sets of Soviet targets? That doctrine created a theoretical justification for very large numbers of warheads. If that is no longer our doctrine, then what is? Are we on our way to the other end of the spectrum—to minimal deterrence? Or to some intermediate concept, such as one that might target deployable Soviet military forces but give up targeting Soviet military-industrial and political targets?

There needs to be an underlying logic. and that logic is still nowhere in evidence.

The President has moved very boldly to shift our nuclear posture under conditions of very real uncertainty. To protect his freedom of action, he planned this move as if it were a military maneuver, where surprise is a lethal ally. Maybe it was a race to beat Congress to the punch, since some of the President's key concessions to the Soviet—such as cancellation of the rail garrison MX and the SRAM-T—were virtually assured already for budgetary reasons. Well and good. But now we face the aftermath. And if the decisions to be taken in that period are to be well considered, it is time for the President to enter a dialog with the Congress on the nature and fundamental purposes of nuclear weaponry in the future.

The chairman of the Armed Services Committee, and the majority leader, and other Members of this body should not be told after foreign leaders are advised of the details of important and sweeping change in the U.S. nuclear arsenal. The Congress should be a part of the dialog with the President on where our Nation goes from here.

It is time also for the United States to enter into a committed but carefully paced dialog with the Soviets as well.

Mr. President, I appreciate the indulgence of my colleagues. For those who have come into the Chamber, let me say I intended to make these remarks on nuclear weaponry during morning business but I was unable to do so. I fully realize that I have been shown extreme courtesy in allowing these remarks in the midst of what has been a very intense discussion of the pending matter.

I now yield the floor.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from Arizona.

Mr. DECONCINI. Mr. President, I rise today to give a statement regarding the nomination of Judge Thomas.

Over the last few days, we have been engaged in what I consider one of the most important constitutional responsibilities that this body has. We all realize the important responsibility of confirming someone to the Supreme Court or to any court—it is a lifetime position. I know of nothing that I feel is more important for a U.S. Senator.

Indeed the Senate's duty of advice and consent to Supreme Court nominees reflects the balance of the power in our Constitution..

In exercising my constitutional duty of advice and consent to judicial nominees, I have always accorded the President's nominee the presumption that they are qualified or they would not be sent here in the first place.

But whether a Senator applies burden of proof standard or a presumption of fitness criterion for confirming a Supreme Court nominee, a Senator still must arrive at the same conclusion in his or her analysis—Are they suited for the job, and are they qualified for the position? Can this individual be entrusted with the tremendous responsibility of protecting the rights embodied in our Constitution?

During the hearings we have heard detractors of the process harken back for the days when nominees were not questioned by the Senate at all. I disagree with that notion.

Five days of insight into a nominee is a small price to pay for someone who will spend the next 40 years, perhaps, interpreting the Constitution. The Senate and the American public have a right to know a Supreme Court nominee's judicial philosophy. It is too important a position, with too much power over our daily lives, to not know what a nominee thinks about the great constitutional issues of our day.

In announcing that he was nominating Clarence Thomas for the Supreme Court, President Bush stated that Judge Thomas was the most qualified person for the position. We all know, I believe, that there are several judges, lawyers, and scholars who are much more qualified to be on the Supreme Court than perhaps Judge Thomas. I made such a suggestion to the White House.

But Judge Thomas need not be the most qualified person for the position.

He must, however, possess the qualities to shoulder the great responsibilities of a Supreme Court Justice. He must exhibit the intellectual capacity, experience, integrity, and temperament to serve on this country's highest court. And not only must the nominee possess those qualities, but the nominee must have the ability to exercise those qualities with restraint. In other words, the nominee must demonstrate to the American public that he or she understands the role of the Court in our governmental system and its duty to interpret, not enact laws.

I began my consideration of Judge Thomas' nomination as I do with any other nomination. I give a presumption in favor of the nominee. Those who oppose must overcome that presumption. During the August recess, I read extensively from Judge Thomas' writings, speeches, and judicial decisions. I reviewed his record at EEOC and at the Department of Education. I read analyses of his record prepared by opponents and proponents. I talked to my constituents in Arizona. I thought a lot about it.

And after this preparation, I was left with some concerns about Judge Thomas. After 5 days of testimony by Judge Thomas and hearing from over 90 witnesses, my concerns were allayed and I came to the conclusion that I could in good conscience support Judge Thomas for the Supreme Court of the United States.

And quite frankly, many of my concerns regarding Judge Thomas were only alleviated through his hearing testimony and his answers to our questions I posed and the questions that other Members posed. Judge Thomas has not been held to any greater scrutiny than the last few Supreme Court nominees. This is a man, who in a short professional career has developed a lengthy record. He has written articles, delivered numerous speeches, directed a Federal agency, testified before congressional committees, and authored Federal judicial opinions. But his record, although well-rounded, is not without controversy.

Many of my colleagues believe that Judge Thomas was less than forthcoming on several direct questions. I do not quarrel with their right to ask those questions. And I recognize their frustration with the process. However, I have no reason to question Judge Thomas' credibility and I believe that his testimony revealed his judicial philosophy.

I believe the record has several examples, and I will outline a few here.

One of the most crucial constitutional issues of our day is the right to privacy.

I believe that right exists in the constitution and that it is fundamental to the liberty and freedom that each American believes the Constitution protects.

Many potential nominees for this position, some of whom were probably on George Bush's short list, might not believe in an unenumerated right to privacy.

But in responding to questioning from Chairman BIDEN on the first day of the hearings, Judge Thomas stated that, and I quote:

> There is a right to privacy in the 14th amendment.

On the second day of hearings, my distinguished colleague, the Senator from Illinois asked Judge Thomas:

> Do you consider the right to privacy a fundamental right?

Judge Thomas responded that:

> There is a right to privacy in the Constitution, and the marital right to privacy, of course, is at the core of that, and the marital right to privacy in my view and certainly the view of the court is a fundamental right.

How clear must one be?

This is a very important point, and I was pleased to hear Judge Thomas' views.

I was also pleased to hear that Judge Thomas agrees that the fundamental right to privacy also extends to nonmarried individuals.

He repeatedly stated that he agreed with the Supreme Court's leading precedent in this area, Eisenstadt versus Baird.

Eisenstadt extended the right to privacy stated in Griswold versus Connecticut to nonmarried individuals.

In response to written questions from Chairman BIDEN, Thomas stated that—

> As I sought to make clear in my testimony, I believe that Eisenstadt was correct on both the privacy and equal protection rationales.

Now, eventually, Judge Thomas drew the line where he determined it would be improper to discuss further his view of the right to privacy.

I have no reason to quarrel with his line-drawing.

I believe that Judge Thomas had already provided the committee with some critical insight into his understanding of the right to privacy. And this Senator was satisfied with his answers on this issue of such fundamental importance to each and every individual in this country.

On another fundamental area of constitutional rights, the equal protection clause, Judge Thomas was, again, rather forthcoming. As we know, the Court has developed a three tier approach to equal protection cases with the most strict scrutiny for racial discrimination and heightened scrutiny for gender discrimination claims.

This is an area of law that I have probed with several nominees including Judge Bork, Judge Kennedy, Judge Souter, and now Judge Thomas. And from his testimony, Judge Thomas, more so than even Justice Souter, supported heightened scrutiny for discrimination against women.

In my questioning of Judge Thomas, we had the following exchange. I asked him:

> Is it fair to say that your philosophical approach, not going to any specific case, that you agree with this statement: If the court were to abandon the heightened scrutiny test as it applied to sex discrimination, gender cases, et cetera, that it would be turning the clock back on equal protection rights of women?

Judge Thomas responded:

> Senator, I think that would be an appropriate statement, if you said either abandon or ratchet down.

Mr. President, I do not think there is much more you can ask from a nominee on an area of law than that. Contrast his support of the current equal protection case law with that of Judge Bork. Judge Bork argued that extending the protection of the equal protection clause to women would depart from the original intent of the 14th amendment. I, of course, disagreed with that approach and that is one of the reasons that lead to my vote against Judge Bork.

But unlike Judge Bork, Judge Thomas made it quite clear that he supports the current analysis used by the Court in treating an equal protection case. And this Senator was impressed by Judge Thomas' explanation.

In making my decision to support Judge Thomas, I did not discount Judge Thomas' controversial tenure at the EEOC.

He and I have had our differences regarding the EEOC's treatment of the claims of Hispanics and the elderly. I made this clear to him, both at his court of appeals and his Supreme Court hearings. I do not mean to question what Judge Thomas believes to be a sincere commitment to these two groups. However, it is this Senator's belief that during his tenure at the EEOC, more attention should have been accorded to the civil rights claims of these groups.

I was heartened by Judge Thomas' acknowledgement that he was frustrated by the difficulty of his mission at the EEOC. When I asked him during the hearings about his outreach efforts to Hispanics at EEOC, Thomas stated:

> Well, Senator, I was, and I tried to resolve the problems. As all of us know, when you run an agency as spread out as EEOC, and with the difficult mission that we had, you have your frustrations, and I certainly had my share, but I can assure you that I tried to reach out to all the groups.

All I can say is he gave an honest, candid answer. In my judgment he did not do as good a job as I would like to have seen him do in that position. But he did not fuss around. He did not wash over it. He admitted that maybe he could have reached out more. He said he tried. What else can we ask of anybody?

This was very encouraging to hear. Much more could and should have been done for these groups during Thomas' tenure at EEOC. I think that is very clear. It is my sincere belief that Judge Thomas acted within his official capacity at the EEOC—and I add, because I believe it is important—he was earnest in his efforts. It is for these reasons I did not consider his tenure at that agency as a disqualifying factor for the Supreme Court.

I cannot hold out one item that I disagree with somebody on, and use that as the reason to turn someone down, if, indeed, they have excelled in other areas.

During the hearings, we heard from various reputable groups and individuals who opposed the nomination of Judge Thomas, including national groups representing the interests of women, African-Americans, Hispanics, and the elderly. I do believe that the opponents of Judge Thomas had a right to be concerned about his nomination.

Over the years Judge Thomas has written articles and delivered numerous speeches criticizing landmark decisions of the Court, Congress, and the civil rights community.

But I must be quite candid. During the hearings, Judge Thomas alleviated the concerns which I shared with some of his opponents. He demonstrated to me a potential for growth, an ability to recognize the role of the judiciary, and a skill in separating his prior duties with that role. It is my belief that Judge Thomas will be a guardian of the liberties embodied in our Constitution.

Drawing from a remarkable life story, Judge Thomas will bring a perspective to the Court that it is surely lacking today. His story is one of courage—a story of an individual who has risen from the indignity and pain of segregation and poverty to be considered for the Highest Court in the land. It has given him a strength of character that few of us possess.

But Judge Thomas' personal success story does not alone qualify him for the Supreme Court. In addition, he has the diversity of experience, intellectual ability, integrity and judicial temperament to succeed on the Court. I believe that he is an independent thinker beholding to no particular cause.

Mr. President, at the commencement of the Judiciary Committee hearings on Judge Thomas' nomination, I stated that when the hearings end the Senate and the American public should have a vision of Clarence Thomas' approach to the Constitution. We know have a vision of that approach. He will be a conservative jurist—that we know. But he will be conservative by respecting precedent and exercising restraint. And although Judge Thomas will bring vigor to the bench, he will not bring a conservative activist agenda. In his own words to me during the hearing, he stated and I quote:

> It is important for judges not to have agendas or to have strong ideology or ideological views.

Throughout the hearings, we heard from several witnesses, who know Clarence Thomas personally and who spoke with passion of his integrity. It is for this reason that I believe that Judge Thomas will not act contrary to his sworn testimony before this committee. I also believe that he was sincere in his pledge to this committee that he would "carry with him the values of his heritage: Fairness, integrity, openmindness, honesty, and hard work."

One final note regarding the most recent controversy involving this nomination—the allegations of sexual harassment. As a member of the Senate Judiciary Committee and like every other Democratic member of this committee, I was personally informed by Chairman BIDEN of these allegations.

My information came to me the day before the hearing. The chairman called me, briefed me at some length, and told me about the report. He said it was available and I said I wanted to read it. I could not read it that night but I met next day with the staff of the Judiciary Committee, with the investigator, with the FBI report and reviewed it very carefully, page by page.

Based upon my review of that, I could not conclude that there was enough credibility in the allegations to keep Judge Thomas from being confirmed, or for me not to vote the next day, September 27, on his nomination.

I might add, the public should know the Senate Judiciary Committee has a standing rule that any member—and the distinguished chair remembers from when he sat on it—any member can ask that any nomination, Supreme Court or any other one, be put off by 1 week with no vote, with no objection so exercised. Indeed, no one, on the 27th, who sat there and had knowledge of this, who had read the report, if they wanted to, raised a finger asking for an executive session to take up something that was confidential. Nobody raised the issue.

I remember even discussing it with a couple of members on the Democratic side and nobody said, "Well, let us put this off; let us, all of a sudden, wait another week and discuss this."

So I believe that it was the judgment there, even of those Senators who voted against Judge Thomas, that there was no reason or justification to now forestall or to put this off. The opportunity was there. And now this nominee is faced at the 11th, almost the 12th hour with an allegation.

I do not discredit the seriousness of these allegations and that the person who made them was well-intentioned. But I believe that Judge Thomas is entitled to a better, fairer, process of the nomination than this.

How would you feel, or anybody in this body, if the day before your election, the day before your nomination vote, someone made an accusation and that the people who had an opportunity to question that several weeks before did not do it? Now you are stunned by this front-page story of someone who claims sexual harassment. I do not think it is right. I do not think it is fair. I think whoever leaked that information did a disservice to themselves, to this body, and to Judge Thomas.

I do not know how you rectify that because hearings are like a sieve. You cannot tell, really, which hole or portal the water comes out of; it just comes out. We will never, probably, know. As we do not know about other leaks that are distributed to the press, unauthorized, here. but in my judgment the allegations cannot be substantiated, and to put this vote off would be a travesty of justice and of this process.

By my voting in favor of the nominee to the Supreme Court, Judge Thomas, I express—and I think we express, those of us who vote for him—our trust that the nominee will exercise the immense powers of that position, judiciously. I believe that this nominee will not compromise the trust that we will place in him.

Judge Thomas has demonstrated to me that he has the ability to execute the responsibilities of a Supreme Court Justice. It is my sincere belief that Judge Thomas will thoughtfully exercise this ability and serve with distinction on the Supreme Court. And it is for these reasons that I will consent to the nomination of Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

Mr. President, I particularly want to thank Dennis Burke and Karen Robb and other members of my Judiciary Committee staff, who helped me in the process of this nomination hearing.

Mr. THURMOND. Will the distinguished Senator yield?

Mr. DECONCINI. I will be glad to yield.

Mr. THURMOND. Mr. President, it has been my pleasure to serve with the distinguished Senator on the Judiciary Committee. I want to commend him for his foresight and courage in supporting this nomination as he has done. I just wanted to express my appreciation to him.

Mr. DECONCINI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, tomorrow I intend to address myself fully to my reasons for being opposed to the confirmation of Judge Thomas. Today, Anita Hill held a press conference to make public her charge of sexual harassment against Judge Clarence Thomas while he was head of the EEOC. Her statement and her presentation were powerful. I certainly do not enjoy standing here and talking about the allegation against Judge Thomas.

One of my colleagues described these charges against Judge Thomas as distasteful, and I agree. However, I do not agree with the characterization of these charges as frivolous or petty or unimportant. The allegations against Judge Thomas made by Professor Hill are obviously serious. The issue of sexual harassment in the workplace is serious and very real for thousands of women in America every day.

I knew about Anita Hill's charge prior to the committee vote on Judge Thomas. I read her statement prior to the committee vote. I had not read the FBI statement at that time. In my case, by the time I read her statement, I had already made up my mind about Judge Thomas for a variety of reasons. I was disturbed by the allegations and, frankly, discomfited and unsure as to how to handle them.

We all get involved in this rough and tumble nomination process, but none of us ever forgets, nor should we ever forget, that human beings are caught in the middle. Personal lives and professional careers are on the line. I, for one, am quite comfortable pursuing issues relating to a nominee's professional conduct and judgment or a nominee's view on matters relating to a certain position in Government. I am profoundly uncomfortable, however, when issues cross over into a nominee's personal life.

That does not mean, however, that when we are faced with them, we can pretend that they do not exist or that we can wish them away. In this case, both Judge Thomas and Professor Hill are now caught in that unfortunate situation. It is my understanding that Professor Hill wanted this matter made known to Senators in as discreet and sensitive a way as possible. Unfortunately, that has not been the result.

As a result of her news conference today, some confusion seems to have arisen as to who first contacted Professor Hill and when that contact occurred. It is not very complicated as it was a routine inquiry by my staff. In preparation for the confirmation hearings on the Thomas nomination, several members of my staff made inquiries of literally dozens of former colleagues and individuals who had worked with Clarence Thomas over the years. Some of this work was performed by the staff of my Labor Subcommittee. They had previously been involved in the confirmation process for Mr. Thomas to be chairman of the Equal Employment Opportunity Commission.

Anita Hill was one of three women who worked with Thomas at the EEOC who were contacted by my staff. They were asked about a range of women's issues, including rumors of sexual harassment at the agency. The contact with Professor Hill occurred sometime on September 3 or 4.

I want to emphasize and point out that Ms. Hill did not make an allegation against Mr. Thomas during that September 3rd or 4th conversation. But on September 9, James Brudney, the chief counsel of my Labor Subcommittee, received a message that Anita Hill, who Mr. Brudney knew from having attended Yale Law School with her, wished to speak with him about the Thomas nomination. In response, Mr. Brudney contacted Professor Hill on September 10, and at that time, Ms. Hill first made the allegations against Mr. Thomas. After discussing it with me, the following morning, on September 11, he having talked with her on the night of September 10, I directed my staff to turn the report of the allegation over to the staff of the full committee in accordance with normal committee procedures. I not only made it clear that I felt this issue could only be appropriately addressed by the full committee and, therefore, referred the matter to be pursued in the normal course of the committee's proceedings.

I hope that will clarify any confusion regarding the time and circumstances of when Professor Hill was contacted by committee staff. She may have understandably described this contact with my staff as her first contact with Judiciary Committee staff. I took Ms. Hill's allegations into consideration before we voted in committee, but I had already determined that I would vote against Thomas based on his record, his qualifications, and his statements and his testimony before us.

I did not seek to delay the committee vote nor to raise the issue publicly or with my colleagues because it was my understanding that Ms. Hill wished that only the committee members be notified of her allegations. I believed each member would decide for himself and that Professor Hill's confidentiality needed to be protected.

Mr. President, in response to some inferences made here on the floor and elsewhere, I want to make it very clear that my office had absolutely no involvement in the release of any information dealing with Professor Hill. There is no evidence of this and that is because none exists. It is simply not the case.

Mr. President, I will address myself to the merits of the Thomas confirmation tomorrow and do it rather fully, but I wanted to clarify the facts with respect to certain information. Mr. President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I appreciate the remarks of the Senator from Ohio, and yet we have a very serious thing that has occurred here. It would be well then—and I would ask him since the Senator is here—Does he have any idea, if I might address him through the Chair, where this leak may have come from?

Mr METZENBAUM. Mr. President, I have absolutely no idea where the leak came from. I know nothing about it by rumor, inferentially, or otherwise. My answer to my colleague from Wyoming is that we had nothing to do with it, and we know nothing about where the leak came from.

Mr. SIMPSON. Mr. President, I appreciate hearing that. We will have to pursue that in the Senate, all of us. I think it is a very serious issue. I have reviewed the entire FBI report and the statements of the various persons interviewed, all of them, and found what others have found in their reviews—that there was nothing of substance to go on. I do not in any way belittle what this anguished person, Anita Hill, is saying. This must be a terrible situation for her—and I could see that as she spoke at her press conference. This one will have no end for her the rest of her life.

Mr. METZENBAUM. Will my colleague yield for a brief question?

Mr. SIMPSON. Yes, I yield.

Mr. METZENBAUM. You mentioned that you found nothing of any substance in the FBI report. Did you not learn that the FBI had been informed substantially of the same facts as she related them today in her press conference?

Mr. SIMPSON. Mr. President, the FBI was given this charge to perform by the committee when Ms. Hill came forward, and they did so. And the dates of the information in the FBI file are clear, and there were many employees who were interviewed. The principals were interviewed, Mr. Thomas was interviewed; Ms. Hill was interviewed; an associate of hers was interviewed; a law school classmate was interviewed; and other people were interviewed. It was a case, as I believe it was reported, and it is certainly not my language, that it represented basically "one's word against another's word," and so nothing came of it. That is not my language, that is what was reported as the assessment of the FBI report.

But in the FBI report, there was a mention of the name of a man who is on the staff of the Senator from Ohio as the individual who sought out Ms. Hill, and who had evidently been in school with Ms. Hill. That is in the file. And I think the Senator has addressed that in saying that he had a member of his staff, who was not part of the Judiciary Committee staff, making these inquiries. They were made, and we know that took place.

So it is a sad and demeaning process all around, all around. It will not end tomorrow night at 6 o'clock when I trust we will place Clarence Thomas on the U.S. Supreme Court. How much is a person supposed to go through in these proceedings? Who are the people who drive these issues in the way they are driven? Who has made them the judges of the rest of us? They are often very young; they are often very zealous. They miss a lot of life's rocks and tough shots.

They have missed the judgment calls. They live in a world of black and white, if you will, without the nuances of life and the edges that go with that as to who will eventually get hurt in the process. And in the zeal and enthusiasm there are several people who will be hurt: Clarence Thomas, and Ms. Hill herself. Her life will never be the same—ever, ever.

She could have come forward 10 years ago or 8 years ago. She chose not to do so. Someone lured her forward and said "Go ahead, it's all right!" They left her in this terrible position, and now the refutation of her character, her integrity, will take place.

She worked for Clarence Thomas back in the days when he was with the Education Department. No one challenges that. And then she went with Clarence Thomas when he went to the EEOC. She cited these things. She has told us about them. There was no evidence whatsoever, nor did she suggest it, that he had ever physically intimidated her with sexual advances. I leave the issue of what is sexual harassment and what it entails to someone other than those of us here. I just know that her coming forward is a tough, terrible, anguishing thing she felt she had to do. But nevertheless—nevertheless she worked with Clarence Thomas and continued her association with him.

She knew him socially after the time of these allegations. At the time she left the EEOC she again voluntarily had dinner with him and visited with him once again about things in her life and his. And after that time they continued to have contact with each other down through the years. He visited her when she went to Tulsa. He visited her here. Never any question, never any part of this ever arose. Nothing ever came up until 2 days before the nomination of Judge Clarence Thomas to the Supreme Court.

She even joined in asking him to come to her law school in Norman, OK to be part of a panel. And that letter has been presented to the Senate from persons at the law school saying; Dear Judge Thomas, we are following up the request and the contact you had with Anita Hill. This was just months ago. And he was not able to attend that event.

He has seen her over the years on more than several occasions. I think that is totally lost in this miasma of sensationalism and salacious verbiage that has accompanied this.

So we know what the lead story will be tomorrow. It will be Ms. Hill's allegations against Clarence Thomas. It will be an interesting story, but it will omit certain facts, and that is what I want to mention for a minute.

Facts are very unexciting. Everyone is entitled to their own opinion, but no one is entitled to their own facts. They do not make for good gossip. They do not make for good ridicule. Maybe they do not make for much. But they are the facts.

The fact is that the allegation made by Ms. Anita Hill was investigated by the FBI. Everyone should be aware of that fact by now. I hope they do not forget that in the course of all this.

The fact is that the FBI report on the matter was submitted to the Senate Judiciary Committee and the ranking member and the chairman and various members before the vote. That is a fact. No one chose to place a hold on the nomination, to delay it in any way, to create a stumbling block or an obstacle with it, except—except—I carefully recall the negotiations last week for the unanimous-consent agreement, and it was said that we would start on that Thursday morning, and that we thought we could finish by Friday evening, even if we went late, to which there was objection, unnamed, oddly enough, just to fit the scenario of the Saturday slap and the Sunday slap and the Monday slap. So that when we get to 6 o'clock tomorrow night, it will be a full feeding frenzy.

That does ring in my head as to why we were not able to finish up Friday night, because we knew there would not be much debate, and there has not been. People have come and stated their positions. We all knew that. So there was no difficulty to get that unanimous consent.

We put it until Tuesday at 6. There was a reason for that. I think America knows the reason for that right now. Crank it up, get it all ready. I got a call in my house on Saturday night, 7 o'clock, Newsday. "You, you know"—the guy is breathing so hard he can hardly retain himself—"Oh, oh, Senator, what about this?"

I said, "What about it? I heard those rumors when he was in the EEOC. I heard those rumors before. I am a member of the Judiciary Committee. We have confirmed this man three times in the U.S. Senate and never saw this before, at least out front."

Four times, as my senior colleagues from South Carolina reminds me, four times we have been through some confidential advice-and-consent activity with Clarence Thomas. And not once has this come up. So I think you have to put this in perspective.

Then of course we could just as well name names; or if we were to do what the media do, too, in these situations, which is to say simply that an unnamed source, a highly placed source, who fiercely sought anonymity. That was language in John Tower's FBI report. I do not know how many of us could stand up to many of those unnamed sources who fiercely request anonymity. Nevertheless, that was part of the pitch that there was—and must be anonymity.

But apparently then from Newsday the ping-pong ball went to National Public Radio, and from there in not too long a period we have it all floating in all America. Something well known to everyone, or at least those who were most intimately connected in the decision, and then of course taking on a life of its own coming from page A6 in one of our major news papers to the front page, right there—and not even an affidavit. I remind my colleagues that an affidavit is a sworn document. A statement is a statement, is a statement. No one has touched upon that.

Again, do not misread one whit about the pain this woman is feeling, or that I am not sensitive to that. That is a great shunt around here. I have heard that one before. Let us not talk about racism, guilt, emotionalism, and victimization. Those of us who speak with clarity and sincerity get tired of that one, too. I do.

So the fact is that not one member of this committee, the Judiciary Committee on which I serve, raised this matter—even not as the slightest reason for their opposition.

There are two more facts I want to mention. Let us get right down to the serious stuff because the rest of this is senseless, salacious, sensational, and demeaning to the process.

The first is that a member of the press was given access to the statement—I do not know who referred to it as an affidavit—that she gave to the FBI.

The second fact is that the statement came from somebody who was an officer or a Member of the U.S. Senate. I think we can be pretty sure of that. Somewhere that is where that came from. And under Senate rules this statement is considered a confidential communication. Not only that, but that is what she asked for—confidentiality.

She said, I do not want that to be known. I want to give it to you because I feel prodded, lured, however you want to define that. We will find that out one day, too.

She said I do not want it to become part of the public record. I just wanted you to have it.

So some gratuitous friend of hers did her in on this one too. But I can tell you that on the desk of the Presiding Officer are the rules of the Senate, and rule XXIX, paragraph 5 of the Senate rules, states explicitly:

> Any Senator of officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

It would appear to this Senator that Senate rule XXIX has been violated and that this possible violation should be of great interest to the Senate Ethics Committee. I would hope that the chairman of that committee would institute such an investigation. We cannot do our business this way.

There is another one, Mr. President, that happened in these proceedings which was just as repugnant. That was when somebody on the appeals court staff somewhere, released a draft opinion of the circuit court of appeals. That is unconscionable.

There is not a judge, Democrat or Republican in his origin, or liberal or conservative who condones that—that is an absolute breadth of trust. So here comes a draft opinion that found its way, leaked from the courts by a lure from somebody up here to produce that. That is the cardinal sin of the judiciary—to release a draft opinion of a decision before the principal or the drafter has had a chance to defend his or her argument before his colleagues on a multijudge court—that never yet took place here, it still has not taken place.

One of the judges was on vacation for a long period of time, and another member was gone. Somehow that was to be a sinister, sinister, revelation—that this man made this decision which was different than what he was testifying to when he was under oath before our committee. That release is unconscionable. This place cannot work with that kind of sleazy activity. That is what it is.

At stake here, aside from the reputation of Clarence Thomas, is the reputation of this fine woman, Anita Hill, lured into this process like bearing the role of Sisyphus for the rest of her life, the pushing of the rock uphill, and watching it come back down on her.

What is also at stake is the reputation of the Senate itself. I think that is something we ought to hold in highest order.

So, since we have now come to the battle of the statements, it is like a political campaign. You do not want to do it, and then you get hammered flat by a bunch of people who lie and cheat on you, and tell untruths about your life, or your past, or your family. If you sit still for that, you lose. I have always had a crazy idea that an attack unanswered is an attack believed. Boy, do I believe that one.

There is also another part to it. An attack unanswered is an attack agreed to, if you do not respond, people will think that you agree with the allegation. Not that they believe the allegation, but that you have agreed with it.

So I have never played that game. It has placed me into a lot of fascinating heavy water in public life. But people always said, when the guy was putting the little thing on the doorknobs at night in the mayor's race, that says he kicks his dog, he has done this, and this. And people say, "Nobody pays any attention to it." That is a very lovely idea, but they do pay attention to all that. They look at it, and they say, "I did not hear any denial out of him."

So that is where we are now. And tomorrow night at 6 o'clock we will vote assuredly, because no one is going to be able to avoid that vote.

There is nothing more to be considered. But if we are going to have a great deal of high drama about statements, then I think we ought to add one more to it, since it is statement day. That is the statement of Charles A. Kothe, who is the founding dean of the O.W. Cogburn School of Law, Oral Roberts University. He says in this statement.

> In 1976, I conducted a number of seminars as a public relations vehicle during our accreditation process. I had specialized in conducting civil rights seminars from the time I was vice president of the National Association of Manufacturers. During that time, I edited a book called "The Tale of 22 Cities," which was an explanation of the Civil Rights Act of 1964.
>
> On each of the seminars, the Chairman of the EEOC was a featured speaker. And with the exception of Mrs. Norton, all of the Chairman had appeared. I scheduled such a seminar for Oral Roberts University and arranged for the Chairman, Clarence Thomas, to be the luncheon speaker. He recommended Anita Hill for one of the presentations.

I am quoting from this statement now, and I shall continue to do so, unless I notify my colleagues.

> In the early fall of 1983, Clarence Thomas and Anita Hill appeared on the Oral Roberts University campus in connection with the seminar. At the luncheon where Clarence Thomas spoke, Anita Hill sat beside me. I learned then that she was from Oklahoma and was a Yale Law School graduate. Having a vacancy for the course in civil rights, I asked her if she would consider a teaching position, and she said that she would.
>
> After the luncheon, I asked Chairman Thomas if it would be acceptable to him for her to be offered a position on our faculty. I asked if he thought she would be a good teacher. He said that it would be agreeable with him, if that was what she would like to do and added that he thought she would be a good teacher.
>
> Immediately thereafter, I arranged for her to complete the paperwork necessary for formal appointment to the faculty. In addition to civil rights, she taught other courses.
>
> Since them, Clarence Thomas has appeared as a speaker in Tulsa at civil rights meetings. On one occasion, Anita Hill attended a dinner meeting with me and my wife, and following that, had breakfast at my home, where Clarence Thomas was our house guest. I believe that it was on that occasion that she drove Thomas to the airport.
>
> About 2 years ago, she and I were invited to present a civil rights seminar for a personnel group. She was at that time at the University of Oklahoma. We obtained much information for that occasion from the office of Clarence Thomas. In all of my relationships with her as dean, as participant in seminars, and as guest in my home, never once did she give any hint of any irregularity in her relationship with Clarence Thomas.
>
> At the time of the confirmation hearings for his second appointment to the chairmanship of the EEOC, she made no mention of any discontent with her relationship with Thomas. At the time of the confirmation hearing for the appointment of the circuit court of appeals, no mention was ever made about her dissatisfaction with Thomas.

He goes on to say:

> I understand that she has recently invited Judge Thomas to be a speaker at the University of Oklahoma.

That request is in the RECORD showing that, just a few months ago, she talked to him on the phone and apparently urged him to come, and then there was a letter following that up, saying: "I am following up your contact with Anita Hill. We would like you to come." He was not able to be there.

Now I finish quoting:

> I have come to know Clarence Thomas quite intimately over the last 7 years and have observed him in his relationship with members of his staff, as well as his conduct at social gatherings, and never once was there any hint of unacceptable conduct with respect to women. In fact, I have never heard him make a coarse remark or engage in any off-color conversation.
>
> I find the references to the alleged sexual harassment not only unbelievable, but preposterous. I am convinced that such are the product of fantasy.

That is from the dean of the law school that hired Anita Hill with the support of Clarence Thomas. I would hope that in the course of our dealings with each other, that we will remember one thing that we should never have forgotten when we were practicing law, if any of us did—and I can tell you certainly the fourth estate has forgotten it when something can come out of the ether at 6 o'clock on a Saturday night and suddenly become the front page of the major papers of the United States. I will tell you what it is called: fairness. If we forget that in this country, we are going to have a really tough, long haul.

And then we forgot one other thing that anyone ought to remember that ever practiced and presented themselves before the bar of justice, and that is: there are always two sides—often a lot more than two.

When will we begin to cull these remarkable people here who do our work, who have just been turned loose like dogs to pursue every mumbled phrase of Clarence Thomas, every idiosyncrasy, anything he ever told anybody, the whole spectrum of his life? Let me tell you that nobody in the range of my voice can pass that test. This is hypocrisy of the most sickening variety. There is not a person in this Chamber, in the U.S. Senate, that can pass that kind of a test.

What did you do when you were 20? How did you act? Do you still get a flush in your face from something you said to another woman or another man when you were 30, or 40, or 50? The answer is "yes," unless you are lying to yourself.

So now we have this constant testing ground of unknown testers—I will not continue in this line. That would be an improvement upon me, because I feel very strongly about this one. Nobody could pass these kinds of absurd tests, including these brilliant staff people who are turned loose to pursue the history and background of nominees. They have forgotten all about decent human conduct, and especially human feelings, and are just lost as automatons who march through this place with their own ideas of justice—which is usually tainted with partisanship. That is where justice disappears: through pinheaded partisanship. That happens to both Republicans and Democrats. I would be quick to admit the frailty, because it is rather human.

So let's get back to the human dimension here; who are you trying to hurt? Why are you trying to hurt him? What is it going to do to his family? I watched Clarence Thomas' mother, whom I spoke to, sitting next to him for 5 days, and she said, "I have not even had time to eat or think, because people have been outside my house for 2 weeks asking me questions."

What is the purpose of that? Is that the public's right to know? Well, put me down with a check mark in the opposite box.

Then going to his sister, he made a statement about his sister and her receipt of public funds. The sister sat right there next to him for 5 days—a lovely, loyal sister. But that was not enough. I have seen that remark all over the place.

Well, go ask her. She was there. And how about the son, the questions he was asked? How about the questions about the wife and racism; who brought that up? The pontifical poops who like to hide that stuff, and they are just as racist as they accuse people of being who are on the other side. That is how that works. You do not like to get caught at the pass in life, because it is usually something you do yourself that you are not proud of, and when somebody gets you, you really react in response to that.

Then to watch the searchlight fall on this man and this family—and I will not belabor it much longer. But I think if we are going to do this in American life then there is another dimension we should pursue, and I really believe this. It does not have anything to do with muzzling the press. I have been through all that stuff, too, nothing ever muzzled, as far as I am concerned; Free rein and let 'er rip. New York Times versus Sullivan held that—I understand it and can read it. I understand public life and understand that case thoroughly.

But, at some point in time should we not be able to ask the inquisitors and interviewers who is the anonymous source? It just might be—I know it is a terrible thing to say—it might be themselves. Is that not shocking? It might just be. In fact, it has been proven to be in a couple of Supreme Court cases that it was they themselves.

So, this remarkable separation of the three branches of Government. All accountable. Judges are accountable. We are accountable. The President is accountable. But there is one branch of society that is not accountable, and that is the fourth estate, the media. They do not have any ethics committees. A lot of their journalism schools do not even teach it. But I tell you what they really have forgotten that in their zeal and their enthusiasm and their clawing over the top of each other.

They have forgotten the code of professional ethics of their professional society, Sigma Delta Chi.

Then, Mr. President, I will conclude and also say that the word "truth" is used in that code five times and as to the words about "the public's right to know," they seem to have left out two words: It is the public's right to know "the truth," not the public's right to know gossip, hysteria, cruelty, innuendo, and forgetting at every step in the process that there are some pretty battered and abused human beings at the bottom of the pile of rubble when they finish their own idea of God's work. And do not think the American people do not spot it. They do. That is why they hold the media as low as they hold us.

And that is why—to do a favor to a fine craft called journalism and to do a favor to a fine profession called politics—we ought to present ourselves to the public on a common forum and just let the public ask the questions; not debate each other, just let the public come forward and say "I would like to ask you why you did that to that person when I saw that person's life was ruined." Or, "What was your feeling when you took a picture of the mother with the dead child in her arms? What was the purpose for that? Was anybody hurt in that process?"

What did you think would happen when a bright, thoughtless, zealous staffer lured one of his or her old classmates from a quiet life into a maelstrom that this person may never have known?

But Anita Hill will be known. And now the great ax will start back and forth—sandwiching and steamrolling her life. She deserved better. And she had it better for 8 years, because she knew all these things and never came forward until somebody just several weeks ago said, "Bring it forward; we will keep it in confidence." And then it might even be the same person that leaked it. What hypocrisy. What a disgusting thing to watch.

And maybe I did not see enough when I came here from Cody, WY, but I practiced law in the real world for 18 years and we did not do that to each other. That is sleazy. And if that is going to continue here, then I am going to get active in enforcing the rules of the Senate, and we will smoke some of these turkeys out and have them on Thanksgiving.

Thank you.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. SIMPSON. I yield.

Mr. THURMOND. Mr. President, the distinguished Senator from Wyoming is a valuable Member of this body. He not only serves as an outstanding Member here as an assistant Republican leader, but he also serves ably on the Judiciary Committee. And what he has said here this evening I hope will be read by every person in America. It is important that they read his statement.

I especially wish to commend him, too, for presenting the statement by the dean of the Oral Roberts Law School in Tulsa, OK. And in that statement—it is the last paragraph, the last sentence—I remind the Senate what this dean says. And he has been with Clarence Thomas and has been with this lady who has brought these charges here. And I want to just read this last statement again which he brought out. And he knows both well. He has worked with both.

I have come to know Clarence Thomas quite intimately over the last 7 years and have observed him in his relationship with members of his staff, as well as his conduct at social gatherings, and never once was there any hint of unacceptable conduct with respect to women. In fact, I have never heard him make a coarse remark or engage in any off-color conversation.

I find the references to the alleged sexual harassment not only unbelievable, but preposterous. I am convinced that such are the product of fantasy.

I urge the Members of the Senate to read this entire statement.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I might proceed for 4 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, the Senate will have already learned and want to record our great anticipation of the videotaped statement by Terry Anderson which appeared from Beirut this morning. His sister, Peggy Say, has remarked how much better he seems at this time than in the photograph released last month. In fact she maintains that the tape contains the second-best news she could hear. That her brother is healthy and in good spirits.

Mr. President, today is Terry Anderson's 2,396th day in captivity. We do not know what will happen next, but we have the greatest hopes and higher expectations and pray for all involved.

We have had a statement every day now for several years and it may be that these are coming to a close. I commend the videotape to my colleagues and ask unanimous consent that the transcript of Terry Anderson's remarks be included in the RECORD at this time.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TERRY ANDERSON: We have radio, we have magazines, and we have a little bit of television, although most of it is inadequate. Of course, the English movies are rare.

We play chess, two have chess sets, and both Terry Waite and Tom Sutherland come in and play chess—we play every day, which passes a great deal of time.

We read Time, Newsweek, the Economist, U.S. News & World Report.

We talk a lot. We talk about everything—politics, religion, each other, our histories. We spend a great deal of time talking. That's really been our saving, having people to talk to, to share with.

And, of course, we listen to the radio. We listen to the BBC, Voice of America, Radio Monte Carlo, Radio France International. We were lucky that Tom is a fluent French-speaker, and he's taught me to speak French—not well, but sufficiently. And we have a great deal of news.

And of course we have heard, as John McCarthy would have told you, the voices of our families in recent weeks—Tom's wife, my daughter, my sisters, John Waite. We've been very pleased and very grateful by the efforts of the BBC, the Voice of America, the French radios, for the efforts that they've taken to give us messages of cheer and let us know what is going on about our situation.

Our relationships are surprising, under the circumstances fairly good, especially in the last year or two. We are treated with respect. Our guards do the best to make things easier on us. They get us the things we need. The food is not bad, sometimes good. We get medicines when we need them, for minor ailments, colds, toothaches, that kind of thing. They are very quick to give us these things. And on the whole I think we're treated as well as can be expected under these circumstances. We have very few problems with our guards, with our captors.

* * * I can tell you only about the two men that are with me, Dr. Tom Sutherland and Terry Waite. Both are well, physically and mentally, in good spirits. Both of them, as I am, are highly encouraged by the news we've been hearing on the radio, by the statements of everyone concerned looking for a solution to this problem.

I have no information about any other hostages. I know Tom and Terry are looking forward to seeking their families again, of course. Tom is looking forward to getting back to A.U.B., to going to work again as the dean. After six years with him I can tell I don't think he should be the dean; I think he should probably be the president.

I think the efforts of Secretary General de Cuellar are enormously helpful, probably the only thing that could have been helpful in these circumstances. I, the other two men with me, and the other hostages I have no contact with, but I think I can say they are extremely grateful to him for his efforts, for his skill in these very, very difficult negotiations and for those of his staff and all the others who are involved. I thank him, and I hope soon to thank him personally—and of course to encourage him to continue just as he has done, to keep working in exactly this line, which I think has proved to be fruitful—the only thing which has proved to be fruitful so far.

Also John McCarthy, who I know, like and admire very much—we heard you, John, on the radio several times since your release. We are grateful for the things you are doing, for the things you are continuing to do—at some cost to yourself, I know, because I'm sure you want to get back to your normal life, to your real life. We are grateful. We think, as you know, that these things do help.

And we ask you, and all the people who are involved with you—the families of the hostages, the friends of the hostages, various groups—to continue to keep this issue alive, to keep it on the forefront and not to let it drag out, not to let it come to a halt again.

We're very grateful to all of you.

I don't know what I could say about specific steps that I could recommend to the secretary general. He seems to be doing quite well by himself without my advice.

I can say I think it is an absolute necessity that everyone involved in this process on both sides, or I might even say on all sides, simply cooperate, that this is no longer the time for bargaining, this is no longer the time for anyone to try to get some small advantage out of each step in the process that might be coming to fruit here. It's simply time for everyone to cooperate, to do what is necessary to do, what has to be done as quickly as possible to free all the hostages. I mean all the hostages, not just the Westerners, Tom and Jerry and myself and the other Americans here, the Germans, but all of the hostages, including those hundreds of Lebanese who are held in Khiam and in Israel, who deserve just as much as we do to be freed, to be returned to their families. And whose freedom is absolutely necessary before this whole problem can be resolved.

I've been told just a little while ago that we can expect some good news very soon. I was not told what that good news would be, simply that it would be good for the families, for our families, and for the families of the Lebanese hostages, that is, the Lebanese in Khiam and in Israel.

I can only hope of course that it means that someone or more people will be released on both sides. I don't know—they have not given me any specific information, only that it would be good news. We weren't told who might be released, whether it would be me or Tom or Terry or someone else.

I don't think that is terribly important at this moment, which one of us goes free or which two of us or how many Lebanese might be released in this stage of the process.

Yes, I would like to say something to the hostages, the former hostages, those of my friends and brothers who went free. We are grateful for the fact you haven't forgotten us. We've been impressed by the things you've done, the things you have said, by your dignity, conduct—especially I may say of John McCarthy.

And we know—we have heard you say and we believe that you are still concerned about us who remain and that you will do all you can to help bring the situation to an end. Keep up the good work.

I love you all, and miss you very much, especially my two daughters. I've heard Peg many times on radio, and I can't say how grateful I am, her loyalty and her hard work over the past six and a half years.

I was delighted not too long ago to hear Sulome, her interview on the BBC, and I've seen and heard Judy, and I am more grateful than I can say to all of you.

Also to my friends and colleagues, who worked so hard to do whatever they could on this issue, I'm very grateful and more than a little humble. I can say the same for Tom and Terry. I know Tom has heard Jean, recently he heard his daughter, Kit, and was amazed and impressed—and in fact couldn't stop talking about it for a considerable period of time. I know how much he misses you, how much he loves you all, and has every hope of being with you again soon.

And Terry Waite sends his greetings to Lord Runcie, to Archbishop Carey. We've all heard a number of services in which they have been involved and others have been involved in praying for us and of the work that the Church of England has done. He's grateful and thanks you very much.

Mr. MOYNIHAN. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. McCONNELL. Mr. President, I rise today in support of Judge Clarence Thomas.

I will make a brief observation at the outset as someone who is not a member of the Judiciary Committee. I certainly share the view expressed by a number of Senators in the course of the proceedings today about how outrageous it is that confidential documents are being leaked by someone from the Judiciary Committee the weekend before this nomination is to be voted on.

Frankly, it is outrageous that confidential information is ever leaked around here. The fact that it has happened before does not make it any better.

I am not quite certain what the rules of the Senate are in pursuing the source of the leak, but, Mr. President, I certainly hope that every effort will be made by the committee and by the Senate to find out exactly who leaked this information, and whatever the penalty for that may be, in the judgment of this Senator, it ought to be imposed.

Mr. President, as I indicated earlier, I would like to speak for a few minutes in support of the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

A story about the Thomas nomination recently came to my attention, and I would like to repeat it, because I think it says a lot about what is involved with this nomination.

Shortly after the nomination was announced, the Thomases were at home one evening when there was an agitated knock at the door. Mrs. Thomas looked through a window to see an unshaven, dirty young man standing on the porch. Apprehensively, Mrs. Thomas opened the door slightly and asked the man what he wanted at this late hour.

The man responded by saying;

> You probably don't remember me, but I sealed your driveway last summer. I used to appreciate how your husband would sit and talk to me. I felt like he really was interested in what I had to say.
>
> A few months ago, my truck broke down, and your husband saw me and stopped. He took me to a gas station and made sure I was taken care of.
>
> I just wanted to tell you that I feel like its him and me going through this together—because Mr. Thomas is one of us.

I relate this story because I think there are a lot of people out there, regardless of the color of their skin or where they came from, who feel that Clarence Thomas is "one of us"—particularly those of us who came from anonymous little towns, like Pin Point, GA—or my own birthplace of Sheffield, AL. We remember the humble beginnings, the scrimped savings, the strong family values, the lessons of hard times, hard work, and high hopes.

Not everyone born in such circumstances fulfills those high hopes, but Clarence Thomas clearly has. Building on the upbringing of his grandparents, and the solid education provided by Franciscan nuns, Thomas went on to Yale Law School, then to the Missouri attorney general's office, then to the EEOC, and on to the Court of Appeals for the D.C. Circuit.

Now he stands at the portals of the highest court in the land—probably exceeding even the highest hopes of his barely literate, but tremendously determined grandfather.

Today, the only thing standing between Clarence Thomas and the prize is this Senate body.

Some have come to this floor saying they will not support the nominee, because he did not reveal how he would vote on sensitive issues likely to come before the Supreme Court. I might say that I, too, would like to know how a Justice Thomas might rule on certain issues I am concerned about.

But I understand how such disclosures could prejudice his approach to specific cases, and I accept his decision not to comment on certain unsettled areas of constitutional law.

Further, I fail to see why we should hold Clarence Thomas to a different standard than we have applied to every other nominee who has been confirmed by this body, ever since I have been a Member of it.

Each of these other nominees flatly refused to comment on unsettled areas of the law—and they were not penalized for it. Yet there are those who want to punish Judge Thomas for taking the very same tack.

Above the front colonnade of the Supreme Court, this motto is etched in stone: "Equal Justice Under Law." If this motto means anything, it means that we do not use different standards for different people, depending on whether we like that person's views, or religion, or national origin, or color. And it seems to me that those who are opposing Judge Thomas, on the basis of his refusal to discuss certain issues, are violating that fundamental rule of equal justice.

Others have come out, perhaps a little more forthrightly, and said that they will oppose Judge Thomas because he is just not liberal enough for them. He does not satisfy their liberal litmus tests on issues like quotas and criminals' rights.

While that kind of approach is at least honest, it reflects a historic debasement of the advice and consent role invested in the Senate by our Constitution.

Back when I was serving as chief legislative assistant to Senator Marlow Cook, I wrote a law review article describing the Senate's advice and consent role in rejecting President Nixon's nominations of Judge Clement Haynsworth and Judge Harrold Carswell to the Supreme Court.

In that article, I noted that even though there were obvious political factors involved in the rejection of both nominees, the Senate went to great lengths to justify its action on the basis of the nominees' qualifications and fitness for the post.

In the confirmation debates, the Senate avoided discussing politics—even though politics played an important role in these proceedings. Instead, it focused on matters of professional qualifications, ethical propriety, and judicial temperament—not on the ideological views of the nominee.

Now, all of that has gone out the window. Judge Thomas is clearly qualified to the post—as was Judge Robert Bork before him. After processing 36,000 pages of documents and listening to about 100 witnesses, the Senate Judiciary Committee could find no blemish of ethical impropriety, official misconduct, or professional incompetence.

So, according to the old advice and consent standard followed by this body, Judge Thomas should be confirmed immediately to the Supreme Court.

Now, however, the nominee's views are the central focus of the advice and consent role—perhaps even more than qualifications, intellect, or experience. And when the nominee has not publicly expressed his views, or declines to provide them in the confirmation hearings, then the views of the President who chose the nominee become the issue.

If anyone doubts whether political correctness is now more important than qualifications in Supreme Court nominations, just remember Judge Bork.

I believe this is an unfortunate debasement of our solemn advice and consent role. Through no fault of the members of the Judiciary Committee, for whom I have great respect, these confirmation hearings are deteriorating into a special interest circus.

Liberals, who are frustrated because their candidates have not been able to nominate a single Supreme Court Justice for a quarter-century, have taken the role of spoiler—carving up the nominees even before they are out of the starting gate.

This nomination was no exception: As soon as the President announced his choice, the special interest groups lined up their firing squad and vowed to "Bork him"—and to "kill him politically."

The confirmation hearings that followed were merely the lastest vintage of these old sour grapes.

Increasingly, the confirmation process resembles a national Supreme Court election: Polls are taken, millions of dollars are raised, TV ads are run, press conferences are held, direct mail is sent out by the truckload, and spin-doctors appear on the nightly news discussing who won the latest round.

The only difference between the modern Supreme Court confirmation process and a real election is that average people do not get to vote. That is what the Constitution provides, and I believe it is a wise rule.

Instead, however, the process is being hijacked by the beltway special interest machine, which clamors for one result or another, depending on each group's narrow, self-serving agenda. I do not think that is what the framers of the Constitution envisioned when they drafted the advice and consent clause.

Actually, the modern Supreme Court confirmation process is simply an outgrowth of the tide of political correctness that is suffocating intellectual life at our Nation's colleges an universities.

While even the Soviet Union is dismantling its KGB, in America, the liberal thought-police are poring over old journals, speeches, government documents, and newsclippings—looking for evidence of treason against the liberal doctrine.

If you listened to the testimony given by liberal interest groups against Judge Thomas, you probably noticed that there is a new code-word for "political correctness"—it is the word "mainstream".

According to these groups—some of which favor racial quotas, criminals' rights, and leniency for child pornographers, Judge Clarence Thomas is not in the mainstream of political ideology. Yet when you find out what these groups really stand for, you realize that the main stream they are talking about is the Potomac River.

For these groups, Thomas's capital offense is that he does not buy into the beltway orthodoxy of government giveaways, victimization, excuses, and rights without responsibilities.

Unlike these groups, Judge Thomas sees life beyond the beltway. He has seen with his own eyes the failure of government handouts. He is a living testament to the importance of education, hard work, discipline, and strong family values. And he knows how quotas and other forms of special treatment rob successful minorities of their rightful sense of proud achievement.

Even though many Americans have not endured the incredible life struggle that Judge Thomas has, I expect most people intuitively think the same way he does on these issues. That may be the reason why that workman on the Thomases' porch said what he said that night: "I feel like its him and me going through this together—because Mr. Thomas is one of us."

He does not think like a beltway regular. He did not grow up in privileged circumstances. And he does not forget the importance of everyday people—even the workman sealing his driveway. That kind of outlook is a rare commodity in Washington; and together with his professional qualifications, his distinguished record, his ethical propriety, and his sound judicial temperament, it makes Judge Clarence Thomas an ideal appointment to the U.S. Supreme Court.

For these reasons, I shall vote to support Judge Thomas tomorrow night.

I yield the floor.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PIPELINE SAFETY IMPROVEMENT ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 226, S. 1583, the Pipeline Safety Improvement Act; that the committee amendments be agreed to; that any statements appear at the appropriate place in the RECORD as if read; that the bill be deemed read three times and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pipeline Safety Improvement Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) NATURAL GAS PIPELINE SAFETY.—Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $5,562,000 for the fiscal year ending September 30, 1992;

"(11) $5,807,000 for the fiscal year ending September 3, *30*, 1993; and

"(12) $6,062,000 for the fiscal year ending September 30, 1994.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $1,391,000 for the fiscal year ending September 30, 1992;

"(11) $1,452,000 for the fiscal year ending September 30, 1993; and

"(12) $1,516,000 for the fiscal year ending September 30, 1994.".

(c) GRANTS-IN-AID.—Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(c)) is amended—

(1) by striking "and" immediately after "1990,"; and

(2) by inserting ", $7,000,000 for the fiscal year ending September 30, 1992, $7,280,000 for the fiscal year ending September 30, 1993, and $7,557,000 for the fiscal year ending September 30, 1994" after "1991".

DEFINITIONS

SEC. 3. (a) NATURAL GAS PIPELINE SAFETY.—Section 2 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(18) 'Environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined,

except to the extent that the Secretary finds that such inclusion will not contribute substantially to public safety or to the protection of the environment.".

(b) Hazardous Liquid Pipeline Safety.—Section [201] *202* of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting in lieu thereof [", and";] "*; and*"; and

(3) by adding at the end the following new paragraph:

"(12) ['environmentally,] '*environmentally* sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.".

ENVIRONMENTAL PROTECTION

Sec. 4. (a) Natural Gas Pipeline Safety.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(a)) is amended—

(1) in paragraph (1), by inserting "and the protection of the environment" immediately after "need for pipeline safety";

(2) in paragraph (1)(D), by inserting "and the protection of the environment" immediately after "contribute to public safety"; and

(3) in paragraph (3)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property".

(b) Hazardous Liquid Pipeline Safety.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended—

(1) in subsection (a)(1), by inserting "and the protection of the environment" immediately after "safe transportation of hazardous liquids";

(2) in subsection (a)(2)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property"; and

(3) in subsection (b)(4), by inserting "and the protection of the environment" immediately after "contribute to public safety".

IDENTIFICATION OF CERTAIN PIPELINES

Sec. 5. (a) Natural Gas Pipeline Safety.—Section 3(e)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(e)(2)) is amended by adding at the end the following: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

(b) Hazardous Liquid Pipeline Safety.—Section 203(i)(2) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(i)(2)) is amended by adding at the end the following new sentence: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

RAPID SHUTDOWN OF PIPELINE FACILITIES

Sec. 6. Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended by adding at the end the following new subsection:

["(l)] "*(m)* Rapid Shutdown of Pipeline Facilities.—The Secretary shall, within 24 hours after the date of enactment of this subsection, survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. The Secretary shall, within 12 months after the completion of such survey and assessment, issue regulations to establish standards for, and to require to the maximum extent practicable, procedures, systems, and equipment for as rapidly as possible—

"(1) detecting and locating ruptures of pipelines; and

"(2) shutting down those pipeline facilities, located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages, posing an imminent risk to such areas or such cities, towns, or villages.".

EXCESS FLOW VALVES

Sec. 7. (a) Regulations and Standards.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672) is amended by adding at the end the following new subsection:

"(i) Excess Flow Valves.—

"(1) Regulations.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations to require operators of natural gas distribution systems to install, where it would be technically feasible and would enhance public safety, excess flow valves in new or renewed gas service lines. Such regulations shall be effective upon issuance.

"(2) Performance Standards.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall develop standards for the performance of excess flow valves used to protect service lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary to require the use of excess flow valves. For cases where excess flow valves are in use but are not required to be used under such regulations, the Secretary shall publish such standards as guidance for State agencies which have filed certifications in accordance with section 5(a), and for operators of natural gas distribution systems.".

(b) Study.—The Secretary of Transportation shall undertake a study to evaluate the use of excess flow valves to improve safety in natural gas distribution systems. The study shall at a minimum include an assessment of the findings of the Gas Research Institute on the issue. The results of the study shall be used by the Secretary in the development of the performance standards for the use of excess flow valves under subsection (i) of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as added by subsection (a) of this section.

REPLACEMENT OF CAST IRON PIPELINES

Sec. 8. Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1680) is amended by adding at the end the following new subsection:

"(c) Replacement of Cast Iron Pipelines.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas [Pipeline] *Piping* Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.".

SAFETY OF PIPE NOT OWNED BY PIPELINE OPERATORS

Sec. 9. Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as amended by section 7 of this Act, is further amended by adding at the end the following new section:

"(j) Pipe Not Owned by Operators.—The Secretary shall conduct a rulemaking to ensure the safety of pipe owned by residential and small commercial non-operators of pipelines, including, as appropriate, requirements that the distribution companies serving such customers assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream.".

ONE-CALL NOTIFICATION SYSTEMS

Sec. 10. (a) Civil Penalty.—(1) Section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1687) is amended by adding at the end the following new subsection:

"(g) Violation.—It shall be a violation of this Act for any person, prior to excavating with power operated equipment (other than for routine agricultural purposes)—

"(1) to knowingly fail to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated; and

"(2) thereafter in the course of such excavation to damage a natural gas or hazardous liquid pipeline facility with the result that there is a pipeline incident required to be reported to the Secretary under this Act or the Hazardous Liquid Pipeline Safety Act.".

(2) Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1679a(a)(1)) is amended by inserting "or section 20(g)," immediately after "section 10(a)".

(b) Notification of Occupational Safety and Health Administration.—(1) Section 15 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1682) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

(2) Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2011) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.''.

UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 11. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(h)) is amended by adding at the end the following new paragraph:

''(5) ABANDONED PIPELINE FACILITIES.—

''(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

''(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

''(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

''(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

''(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

''(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

''(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

''(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

''(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

''(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.''.

''(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(l) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(l)) is amended by adding at the end the following new paragraph:

''(5) ABANDONED PIPELINE FACILITIES.—

''(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

''(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

''(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

''(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

''(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

''(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

''(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

''(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

''(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

''(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.''.

STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 12. (a) STUDY.—The Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities, with pipeline owners and operators, with the fishing and maritime industries, and with other affected groups, shall undertake a study of the abandonment of such pipeline facilities. Such study shall include—

(1) a survey of Federal policies and authorities with respect to abandonment of such pipeline facilities;

(2) an analysis of whether abandonment in place should be discontinued;

(3) an analysis of the extent and nature of the problems currently caused by such pipeline facilities;

(4) an analysis of alternative methods and requirements for abandonment, as well as the relevant costs and other factors associated with those alternative methods and requirements;

(5) an analysis of the navigational safety, environmental impacts, and economic costs associated with the disposition of pipeline facilities permanently removed from service;

(6) an analysis of various factors associated with retroactively imposing requirements on previously abandoned pipeline facilities; and

(7) other matters as may contribute to the development of a recommendation for Federal action.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the results of such study, together with a recommendation for Federal action.

(c) ADDITIONAL AUTHORITY.—Based on the findings of such study, the Secretary of Transportation may by regulation require operators of pipeline facilities abandoned before November 16, 1990, to take any additional appropriate actions to prevent hazards to navigation in connection with such facilities.

TECHNICAL CORRECTION

SEC. [11.] *13.* Section 106(c)(1)(C) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)(1)(C)) is amended by inserting '', in other than bulk packaging,'' immediately after ''commerce''.

EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS

SEC. 14. The Secretary of Transportation shall exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

Mr. HOLLINGS. Mr. President, I join Senators EXON, DANFORTH, and KASTEN in support of S. 1583, the Pipeline Safety Improvement Act of 1991. This bill represents a reasoned approach to dealing with some of the major challenges facing the pipeline industry.

For example, the bill addresses the general aging of the pipeline infrastructure and the extent to which pipeline operators have adopted safe management and replacement plans for cast iron pipe. It also provides for the expansion of the Department of Transportation's [DOT] pipeline safety responsibilities to include, in addition to protection of life and property, protection of the environment as a focus of DOT's efforts. Furthermore, as outside-force damage continues to be the major cause of pipeline accidents, it includes civil penalties for anyone who fails to use an appropriate one-call system prior to excavating, and causes reportable damage to a natural gas or hazardous liquid pipeline.

I urge my colleagues to support this reauthorization of the pipeline safety program.

Mr. EXON. Mr. President, I rise today to encourage my colleagues to support passage of legislation to reauthorize the Federal Pipeline Safety Program through fiscal year 1994. S. 1583, the Pipeline Safety Improvement Act of 1991, addresses several issues designed to improve the long-term safety of pipeline transportation.

The Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 provided for the Department of Transportation's [DOT] development and enforcement of regulations to govern the safe transportation by pipeline of natural gas and other hazardous liquids, such as gasoline and fuel oil. The acts also provided for State participation in the enforcement of Federal regulations. Currently, the Office of Pipeline Safety within DOT regulate pipeline safety under both the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

The legislation being considered today addresses safety and environmental issues raised during hearings before the Subcommittee on Surface Transportation by the Administrator of the Research and Special Programs Administration of DOT, the Chairman of the National Transportation Safety Board, the National Association of Regulatory Utility Commissions, and various industry representatives. In addition, my distinguished colleague, Senator DANFORTH, raised concerns regarding the adequacy of current pipeline safety laws and regulations as a result of findings which surfaced in the wake of several pipeline accidents which occurred in Missouri and Kansas. These accidents involved natural gas distribution lines, cast iron natural gas lines and older oil pipelines.

One major focus of the bill is the expansion of DOT's pipeline safety responsibilities to include environmental protection, in addition to the protection of life and property, in assessing safety priorities. In order to readily identify older pipelines, the bill requires pipeline companies to maintain maps that include the location of older pipelines and pipelines situated in urban and environmentally sensitive areas. Also, in order to minimize damages in urban and environmentally sensitive areas, the bill directs DOT to determine regulations for rapid detection and location to pipeline ruptures.

Furthermore, this legislation requires DOT to set performance standards and regulations for the use of excess flow valves where technically feasible and beneficial to public safety. This section also requires DOT to undertake a study to evaluate the ability of excess flow valves to improve safety in gas distribution systems.

Regarding the need for replacement of older cast iron pipelines, this bill requires DOT to publish a notice on the availability of industry guidelines for such replacement, as developed by the Gas Pipeline Technology Committee. Additionally, after the guidelines have been in place for 2 years, this section calls for DOT to determine the extent to which operators have adopted plans for safe management and replacement of cast iron pipe. Also, this bill mandates that DOT conduct a rulemaking to determine the safety of pipe not owned by pipeline operators, including requirements that distribution companies assume some additional operational and maintenance responsibilities.

The section on one-call notification systems provides authority for the imposition of civil penalties against any person who excavates, with power-operated equipment—other than for routine agricultural purposes—without first calling a one-call pipeline location notification system, resulting in damages to a pipeline that are required to be reported to the Secretary of Transportation. The bill also requires DOT to consult with the Occupational Safety and Health Administration [OSHA] to establish procedures to notify OSHA of pipelines accidents which may have violated OSHA regulations.

The bill also seeks to address problems which have occurred related to abandoned pipelines. S. 1583 requires operators who abandon underwater natural gas and hazardous liquid pipeline facilities after November 16, 1990, to report these abandonments to the Secretary of Transportation, as well as provide additional available information. The Secretary would use this and other information from affected parties to submit recommendations to Congress on further Federal action that should be taken to eliminate navigational hazards from such pipelines.

This bill is essential because continued authorization of these programs is vital to ensure not only the safety of lives and property, but also to deter potential danger and damage to our so very precious environment. I urge my colleagues to support passage.

Mr. ROBB. Mr. President, I rise today in support of the Pipeline Safety Improvement Act of 1991, and to engage in a colloquy with the senior Senator from Nebraska, the chairman of the Subcommittee on Surface Transportation on an issue of importance to the Commonwealth of Virginia.

Mr. President, in 1980, and again, in 1989, the city of Fredericksburg, VA, was the victim of pipeline spills, the more recent of which contaminated the Rappahannock River and shut down the city's water supply. The city believed that the disaster was compounded by an inability to participate in the enforcement proceedings of the Office of Pipeline Safety [OPS].

This issue has been addressed in the House bill, where members of the Virginia delegation, in particular Representatives BOUCHER and BLILEY, weighed in to include a requirement that States have an opportunity to comment prior to OPS enforcement actions, and that the States notify localities about the opportunity to comment. It is my understanding that these provisions were included as part of a compromise that was acceptable to the industry.

My question to the chairman is this: When the pipeline safety bill reaches conference, will he look favorably on the provision currently in the House bill, section 19 of H.R. 1489, providing for State and local input prior to enforcement actions?

Mr. EXON. Mr. President, I want to thank the Senator from Virginia for his concern, and say that, yes, I will work to see that the House language to which the Senator refers is given every consideration during the conference on this bill.

The bill (S. 1583) was deemed read the third time and passed, as amended, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pipeline Safety Improvement Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) NATURAL GAS PIPELINE SAFETY.—Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $5,562,000 for the fiscal year ending September 30, 1992;

"(11) $5,807,000 for the fiscal year ending September 30, 1993; and

"(12) $6,062,000 for the fiscal year ending September 30, 1994.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $1,391,000 for the fiscal year ending September 30, 1992;

"(11) $1,452,000 for the fiscal year ending September 30, 1993; and

"(12) $1,516,000 for the fiscal year ending September 30, 1994.".

(c) GRANTS-IN-AID.—Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(c)) is amended—

(1) by striking "and" immediately after "1990,"; and

(2) by inserting ", $7,000,000 for the fiscal year ending September 30, 1992, $7,280,000 for the fiscal year ending September 30, 1993, and $7,557,000 for the fiscal year ending September 30, 1994" after "1991".

DEFINITIONS

SEC. 3. (a) NATURAL GAS PIPELINE SAFETY.—Section 2 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(18) 'Environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined,

except to the extent that the Secretary finds that such inclusion will not contribute substantially to public safety or to the protection of the environment.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 202 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(12) 'environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.".

ENVIRONMENTAL PROTECTION

SEC. 4. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(a)) is amended—

(1) in paragraph (1), by inserting "and the protection of the environment" immediately after "need for pipeline safety";

(2) in paragraph (1)(D), by inserting "and the protection of the environment" immediately after "contribute to public safety"; and

(3) in paragraph (3)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended—

(1) in subsection (a)(1), by inserting "and the protection of the environment" immediately after "safe transportation of hazardous liquids";

(2) in subsection (a)(2)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property"; and

(3) in subsection (b)(4), by inserting "and the protection of the environment" immediately after "contribute to public safety".

IDENTIFICATION OF CERTAIN PIPELINES

SEC. 5. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(e)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(e)(2)) is amended by adding at the end the following: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(i)(2) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(i)(2)) is amended by adding at the end the following new sentence: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

RAPID SHUTDOWN OF PIPELINE FACILITIES

SEC. 6. Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended by adding at the end the following new subsection:

"(m) RAPID SHUTDOWN OF PIPELINE FACILITIES.—The Secretary shall, within 24 hours after the date of enactment of this subsection, survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. The Secretary shall, within 12 months after the completion of such survey and assessment, issue regulations to establish standards for, and to require to the maximum extent practicable, procedures, systems, and equipment for as rapidly as possible—

"(1) detecting and locating ruptures of pipelines; and

"(2) shutting down those pipeline facilities, located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages, posing an imminent risk to such areas or such cities, towns, or villages.".

EXCESS FLOW VALVES

SEC. 7. (a) REGULATIONS AND STANDARDS.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672) is amended by adding at the end the following new subsection:

"(i) EXCESS FLOW VALVES.—

"(1) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations to require operators of natural gas distribution systems to install, where it would be technically feasible and would enhance public safety, excess flow valves in new or renewed gas service lines. Such regulations shall be effective upon issuance.

"(2) PERFORMANCE STANDARDS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall develop standards for the performance of excess flow valves used to protect service lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary to require the use of excess flow valves. For cases where excess flow valves are in use but are not required to be used under such regulations, the Secretary shall publish such standards as guidance for State agencies which have filed certifications in accordance with section 5(a), and for operators of natural gas distribution systems.".

(b) STUDY.—The Secretary of Transportation shall undertake a study to evaluate the use of excess flow valves to improve safety in natural gas distribution systems. The study shall at a minimum include an assessment of the findings of the Gas Research Institute on the issue. The results of the study shall be used by the Secretary in the development of the performance standards for the use of excess flow valves under subsection (i) of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as added by subsection (a) of this section.

REPLACEMENT OF CAST IRON PIPELINES

SEC. 8. Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1680) is amended by adding at the end the following new subsection:

"(c) REPLACEMENT OF CAST IRON PIPELINES.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.".

SAFETY OF PIPE NOT OWNED BY PIPELINE OPERATORS

SEC. 9. Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as amended by section 7 of this Act, is further amended by adding at the end the following new section:

"(j) PIPE NOT OWNED BY OPERATORS.—The Secretary shall conduct a rulemaking to ensure the safety of pipe owned by residential and small commercial non-operators of pipelines, including, as appropriate, requirements that the distribution companies serving such customers assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream.".

ONE-CALL NOTIFICATION SYSTEMS

SEC. 10. (a) CIVIL PENALTY.—(1) Section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1687) is amended by adding at the end the following new subsection:

"(g) VIOLATION.—It shall be a violation of this Act for any person, prior to excavating with power operated equipment (other than for routine agricultural purposes)—

"(1) to knowingly fail to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated; and

"(2) thereafter in the course of such excavation to damage a natural gas or hazardous liquid pipeline facility with the result that there is a pipeline incident required to be reported to the Secretary under this Act or the Hazardous Liquid Pipeline Safety Act.".

(2) Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1679a(a)(1)) is amended by inserting "or section 20(g)," immediately after "section 10(a)".

(b) NOTIFICATION OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.—(1) Section 15 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1682) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

(2) Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2011) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 11. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(h)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

"(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(1)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 12. (a) STUDY.—The Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities, with pipeline owners and operators, with the fishing and maritime industries, and with other affected groups, shall undertake a study of the abandonment of such pipeline facilities. Such study shall include—

(1) a survey of Federal policies and authorities with respect to abandonment of such pipeline facilities;

(2) an analysis of whether abandonment in place should be discontinued;

(3) an analysis of the extent and nature of the problems currently caused by such pipeline facilities;

(4) an analysis of alternative methods and requirements for abandonment, as well as the relevant costs and other factors associated with those alternative methods and requirements;

(5) an analysis of the navigational safety, environmental impacts, and economic costs associated with the disposition of pipeline facilities permanently removed from service;

(6) an analysis of various factors associated with retroactively imposing requirements on previously abandoned pipeline facilities; and

(7) other matters as may contribute to the development of a recommendation for Federal action.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the results of such study, together with a recommendation for Federal action.

(c) ADDITIONAL AUTHORITY.—Based on the findings of such study, the Secretary of Transportation may by regulation require operators of pipeline facilities abandoned before November 16, 1990, to take any additional appropriate actions to prevent hazards to navigation in connection with such facilities.

TECHNICAL CORRECTION

SEC. 13. Section 106(c)(1)(C) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)(1)(C)) is amended by inserting ", in other than bulk packaging," immediately after "commerce".

EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS

SEC. 14. The Secretary of Transportation shall exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:46 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 230. Joint resolution designating October 16, 1991, and October 16, 1992, each as "World Food Day."

The message also announced that pursuant to the provisions of title 22, United States Code, section 276a-1, the Speaker appoints to the delegation to attend the conference of the Interparliamentary Union to be held in Santiago, Chile, on October 5 through October 12, 1991, the following Members on the part of the House: Mr. FEIGHAN, Chairman, and Mr. BLAZ.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment:

S. 1720. A bill to amend Public Law 93-531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995 (Rept. No. 102-176).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE:

S. 1813. A bill to amend the Higher Education Act of 1965 to improve access to post secondary education for students with disabilities; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself and Mr. SEYMOUR) (by request):

S. 1814. A bill to amend title 5, United States Code, to establish a program of Public Service Scholarships, and for other purposes; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 1813. A bill to amend the Higher Education Act of 1965 to improve access to postsecondary education for students with disabilities; to the Committee on Labor and Human Resources.

POSTSECONDARY OPPORTUNITIES ACT FOR STUDENTS WITH DISABILITIES

Mr. DOLE. Mr. President, having a stable and rewarding job is a basic component of the American dream and access to postsecondary education makes that dream a reality. For too many years the dream has been out of reach for millions of Americans with disabilities. By signing the Americans with Disabilities Act [ADA] on July 26, 1990, President Bush established a new national policy of equal opportunity for every American.

Today, I join with Representative STEVE GUNDERSON in introducing the Postsecondary Opportunities Act for Students with Disabilities. This legislation is part of a larger effort to review our Federal policies in making sure that all programs are accessible to people with disabilities.

Despite the efforts of postsecondary institutions to expand and improve access for students with disabilities, more needs to be done. Recent research suggests that many disabled youth do not pursue postsecondary education. A Government study and other data indicates that "the postsecondary education participation rates of special education students are well below the national norms for nondisabled youth." In light of this situation, youth with disabilities experience tremendous difficulty developing the necessary skills to lead productive, independent, adult lives. My bill proposes: First, creation of a demonstration grant program that will encourage partnerships between institutions of higher education and secondary schools serving students with disabilities; second, grants to provide for the training of secondary teachers, and teachers in institutions of higher education; third, an allowance for support services, and access to work-study funds for students with disabilities; and fourth, support for enhanced access to higher education through telecommunications.

The centerpiece of the bill is the formulation of partnerships between institutions of higher education and secondary schools serving students with disabilities. These partnerships will improve the academic and vocational skills of secondary school students with disabilities, increase their opportunity to continue a program of education after secondary school to begin living independently in a postsecondary setting, and improve their prospects for employment after secondary school. Related provisions support the training of secondary and postsecondary faculty in making the curriculum accessible to students with disabilities.

Another critical component of the bill supports technological innovation and outreach. Over 300,000 individuals each year take postsecondary coursework for credit without ever leaving their homes. This rapid growth in the number of registered credit students now being served via telecommunications by degree granting institutions is expected to continue at a faster rate in the future, as technological advances continue and demand escalates. The miracle of television has removed barriers posed by lack of transportation, physical impairment, and family responsibilities for individuals motivated in their pursuit of educational opportunity.

The technical ingenuity and generous spirit of American education and business tell me that the promise of the ADA, and the dreams of Americans with disabilities can be realized. The bill I propose today takes another step in this direction. I urge my colleagues to join me in sponsoring this proposal.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Postsecondary Opportunities Act for Students With Disabilities".

(b) REFERENCES.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

SEC. 2. LITERACY TUTORING.

Subparagraph (D) of section 144(b)(2) of the Act (20 U.S.C. 1018c(b)(2)(D)) is amended—

(1) in the matter preceding clause (i), by inserting "and individuals with disabilities" after "individuals";

(2) by striking "and" at the end of clause (i); and

(3) by inserting after clause (ii) the following new clause:

"(iii) students with disabilities; and".

SEC. 3. PARTNERSHIPS.

Title I of the Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following new part:

"PART E—PARTNERSHIPS

"SEC. 151. PURPOSE; ELIGIBILITY.

"(a) PURPOSE.—It is the purpose of this part to encourage the establishment of eligible partnerships to enable such partnerships to support programs that—

"(1) improve the academic and vocational skills of public and private nonprofit secondary school students with disabilities;

"(2) increase such students' opportunity to continue a program of education after the secondary school and begin living independently in a postsecondary setting; and

"(3) improve such students' prospect for employment after secondary school.

"(b) ELIGIBILITY.—For the purpose of this part the term 'eligible partnership' means a partnership between—

"(1) an institution of higher education or consortium thereof; and

"(2) a local educational agency that serves vocational students with disabilities.

"SEC. 152. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—The Secretary shall provide 10 demonstration grants in 10 different States to eligible partnerships to enable such partnerships to develop, implement, and improve systems to provide postsecondary educational opportunities to students with disabilities from age 12 through the time at which such students exit secondary school.

"(b) APPLICATION.—Each partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Such application shall include a description of the goals of the proposed program.

"SEC. 153. USE OF FUNDS.

"Each eligible partnership receiving a grant under this part shall use such grant funds to—

"(1) identify students with disabilities for education at the postsecondary level and to encourage such students to complete secondary school and to undertake a program of postsecondary education;

"(2) publicize the availability of student financial assistance available to students with disabilities who pursue a program of postsecondary education;

"(3) encourage individuals with disabilities who have not completed programs of education at the secondary or postsecondary level to reenter such programs;

"(4) provide instruction in reading, writing, study skills, mathematics, and other subjects or activities (including independent living and work preparation) necessary for educational success beyond secondary school;

"(5) provide tutorial services;

"(6) provide personal counseling;

"(7) provide academic, vocational, and independent living advice (including referral to existing State and local programs) and other assistance in secondary school course selection;

"(8) provide exposure to cultural events, academic programs, and other activities not usually available to students with disabilities;

"(9) provide instruction designed to prepare students participating in the program assisted under this part for careers in which students with disabilities are particularly underrepresented; and

"(10) provide on-campus residential opportunities.

"SEC. 154. STIPENDS.

"Students with disabilities participating in a program assisted under this part may be paid stipends.

"SEC. 155. EVALUATION.

"(a) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of programs assisted under this part to evaluate and document the approaches and outcomes of such programs in order to determine such programs' effectiveness in providing services to students with disabilities and outcomes regarding students who received such services.

"(b) CRITERIA.—

"(1) IN GENERAL.—Each evaluation described in subsection (a) shall be conducted by individuals not directly involved in the administration of the program assisted under this part. Such independent evaluators shall develop evaluation criteria that provides for appropriate analysis of the information described in subsection (a).

"(2) OBJECTIVE MEASURES.—In order to determine a program's effectiveness in achieving the goals described in the application, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

"(c) REPORT TO CONGRESS AND DISSEMINATION.—The Secretary shall prepare and submit to Congress a review and summary of the results of the evaluations described in subsection (a) not later than June 30, 1994. The evaluations shall be disseminated through the appropriate clearinghouses and networks that the Secretary deems appropriate for such dissemination, and through direct communication with Federal, State, and local agencies. The evaluations shall also be submitted to the National Diffusion Network for consideration for possible dissemination.

"(d) FUNDING.—The Secretary shall reserve 2 percent of the amount appropriated to carry out this part to carry out the evaluation and dissemination activities required by this section.

"SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1992 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of this part.".

SEC. 4. ACCESS AND EQUITY TO EDUCATION FOR ALL AMERICANS THROUGH TELECOMMUNICATIONS.

Title II of the Act (20 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

"PART F—ACCESS AND EQUITY TO EDUCATION FOR ALL AMERICANS THROUGH TELECOMMUNICATIONS

"SEC. 251. PROGRAM ESTABLISHED; AUTHORIZATION OF APPROPRIATIONS; ELIGIBILITY.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to eligible partnerships to enable such partnerships to pay the Federal share of the cost of the activities described in the application submitted pursuant to section 252.

"(b) AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 1992 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of paragraph (1) shall remain available until expended.

"(c) ELIGIBLE PARTNERSHIP.—For the purpose of this part the term 'eligible partnership' means a partnership which—

"(1) shall consist of—

"(A) a public broadcasting entity or a consortium thereof; and

"(B) an institution of higher education or a consortium thereof; and

"(2) may also include a State, a unit of local government, or a public or private nonprofit organization.

"(d) FEDERAL SHARE.—The Federal share shall be 50 percent.

"SEC. 252. APPLICATION.

"(a) IN GENERAL.—Each eligible partnership desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(1) describe the education telecommunications activities or services to be assisted;

"(2) describe the administrative and management structure supporting such activities or services;

"(3) provide assurances that the financial interests of the United States in the telecommunications equipment, software and other facilities shall be protected for the useful life of such equipment, software or facilities;

"(4) describe the manner in which nontraditional postsecondary education students will benefit from the activities and services supported;

"(5) describe the manner in which special services, including captioned films, television, descriptive video and education media for individuals with disabilities, shall be supported; and

"(6) provide assurances that the eligible partnership will provide the non-Federal share of assistance under this part.

"(c) APPROVAL OF APPLICATIONS.—

"(1) IN GENERAL.—The Secretary shall, in approving applications under this part, give priority to applications which describe programs that—

"(A) include support for services to make captioned films, descriptive video and educational media available to individuals with disabilities who otherwise lack access to such educational materials;

"(B) will provide, directly or indirectly, activities or services to a significant number of postsecondary institutions;

"(C) improve access to accredited telecommunications coursework for individuals with disabilities otherwise denied such access;

"(D) will be available in a multistate area;

"(E) include evidence of significant support for the program from the business community; or

"(F) provides matching funds, in an amount which exceeds the required non-Federal share.

"(2) EQUITABLE GEOGRAPHIC DISTRIBUTION OF ASSISTANCE.—In approving applications under this part the Secretary shall ensure the equitable geographic distribution of grants awarded under this part.

"SEC. 253. AUTHORIZED ACTIVITIES.

"Grant funds awarded under this part shall be used for—

"(1) the acquisition of site equipment to provide the technical ability to receive diverse education services at schools, campuses, and work site locations;

"(2) satellite, fiberoptic and other distribution systems, and for local broadcast or other local distribution capability;

"(3) pre-service or in-service education and training for kindergarten through 4th grade teachers through interactive television conferencing;

"(4) preparation of telecommunications programs and software that support national, regional or statewide efforts to provide teaching and learning materials not otherwise available for local use; and

"(5) a loan service of captioned films, descriptive video and educational media in order to make such materials available, in accordance with regulations issued by the Secretary, in the United States for nonprofit purposes to individuals with disabilities, parents of individuals with disabilities, and other individuals directly involved in activities for the advancement of individuals with disabilities, including addressing problems of illiteracy among individuals with disabilities.

"SEC. 254. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'institution of higher education' has the same meaning given to such term by section 481(a);

"(2) the term 'public broadcasting entity' has the same meaning given to such term by section 397(11) of the Communications Act of 1934; and

"(3) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

“SEC. 255. REPORT.

“(a) IN GENERAL.—Each recipient of a grant under this part shall submit a report to the Secretary not later than 30 days after the conclusion of the grant period.

“(b) CONTENTS.—Each report described in subsection (a) shall include—

“(1) a description of activities and services assisted under this part;

“(2) a description of the population served by the program; and

“(3) an assessment of the ability of private sector entities participating in the eligible partnership to continue the support of the activities and services in the absence of Federal funding.

“(c) DISSEMINATION.—The Secretary shall select reports received under this subsection that are appropriate for dissemination to the education community and shall make such reports available through the National Diffusion Network.”.

SEC. 5. PELL GRANT EXCEPTION FOR STUDENTS WITH DISABILITIES.

Subparagraph (B) of section 411(b)(2) of the Act (20 U.S.C. 1070a(b)(2)(B)) is amended by adding after the first sentence thereof the following new sentence: “For the purpose of receiving a basic grant under this subpart, students with disabilities shall be considered full-time students when such students are taking 6 or more credit hours at an institution of higher education.”.

SEC. 6. PERSONAL ASSISTANCE SERVICES FOR STUDENTS WITH DISABILITIES.

(a) PELL GRANTS.—Clause (v) of section 411F(5)(B) of the Act (20 U.S.C. 1070a–6(5)(B)(v)) is amended to read as follows:

“(v) an allowance for the costs of special services, equipment, and personal assistance, including assistive technology services and devices required for attendance of students with disabilities that are not provided by other assisting agencies;”.

(b) GENERAL NEED ANALYSIS.—

(1) COST OF ATTENDANCE.—Paragraph (8) of section 472 of the Act (20 U.S.C. 1087ll(8)) is amended to read as follows:

“(8) for a student with a disability, an allowance for expenses related to such student's disability, including special services, personal assistance, transportation, equipment, assistive technology services and devices, and supplies that are reasonably incurred; and”.

(2) DEFINITION.—Section 480 of the Act (20 U.S.C. 1087vv) is amended by adding at the end the following new subsection:

“(j) PERSONAL ASSISTANCE.—The term ‘personal assistance’ means one person assisting another individual with tasks which such individual would typically do if such individual did not have a disability and which are necessary to enable the individual with a disability to participate fully in postsecondary opportunities, including assisting such individual with major life activities.”.

SEC. 7. TERMINOLOGY.

Subparagraph (A) of section 417D(c)(1) of the Act (20 U.S.C. 1070d–1b(c)(1)(A)) is amended by striking “be physically handicapped” and inserting “be individuals with disabilities”.

SEC. 8. WORK-STUDY.

Subsection (b) of section 443 of the Act (20 U.S.C. 2753(b)) is amended—

(1) by striking “and” at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

“(9) provide assurances that employment made available from funds under this part may be used to support programs that provide support services to students with disabilities; and”.

SEC. 9. TOLL FREE NUMBER.

Subsection (e) of section 483 of the Act (20 U.S.C. 1090(e)) is amended by inserting after “general public” the following: “and to refer students with disabilities and their families to the postsecondary clearinghouse authorized under section 633 of the Individuals With Disabilities Education Act”.

SEC. 10. TRAINING GRANTS.

(a) IN GENERAL.—Part D of title V of the Act (20 U.S.C. 1111 et seq.) is amended by adding at the end the following new subpart:

“SUBPART 3—FACULTY DEVELOPMENT GRANTS

“SEC. 567. TRAINING GRANTS.

“(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to institutions of higher education to enable such institutions to—

“(1) develop model programs that provide training to secondary school faculty to prepare students with disabilities for postsecondary educational opportunities, including postsecondary educational opportunities provided pursuant to part E of title I; and

“(2) establish programs of faculty development for faculty who teach in an institution of higher education to prepare such faculty for the enrollment of students with disabilities at such institution.

“(b) USE OF GRANTS.—The grants described in subsection (a) may be used to—

“(1) provide scholarships, including stipends and allowances, to faculty described in paragraph (1) or (2) of subsection (a);

“(2) develop materials and inservice programs to assist such faculty in making the curriculum at an institution of higher education accessible to students with disabilities; and

“(3) provide funds to support the release of such faculty from teaching assignments for the purpose of educating such faculty regarding the needs of students with disabilities.

“(c) SPECIAL RULES.—The Secretary shall ensure that grants awarded under subsection (a)(1) are used for programs that are in compliance with State and professionally recognized standards for the training of special education personnel.

“(d) APPLICATION.—Each institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of section 502 of the Act (20 U.S.C. 1101a(d)) is amended by adding at the end the following new paragraph:

“(3) For subpart 3 of part D, there are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

SEC. 11. DEFINITION.

Section 1201 of the Act (20 U.S.C. 1141) is amended by adding at the end the following:

“(n) AUXILIARY AID.—The term ‘auxiliary aid’ has the same meaning given to such term by section 3(1) of the Americans With Disabilities Act of 1990.

“(o) DISABILITY.—The term ‘disability’ has the same meaning given to such term by section 3(2) of the Americans With Disabilities Act.”.

SEC. 12. RIGHTS AND RESPONSIBILITIES.

Section 1202 of the Act (20 U.S.C. 1145b) is amended—

(1) by inserting “(a) ANTIDISCRIMINATION.—” after “SEC. 1202.”; and

(2) by adding at the end the following:

“(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act shall be construed to limit the rights or responsibilities of any individual under the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, or any other law providing protections or services to individuals with disabilities.”.

SEC. 13. CLEARINGHOUSE.

Title XII of the Act (20 U.S.C. 1141 et seq.) is amended by adding at the end the following new section:

“SEC. 1214. CLEARINGHOUSE.

“(a) PURPOSE.—It is the purpose of this section to establish a clearinghouse to coordinate the production and distribution of educational materials in accessible form, especially audio and digital text production, to the college and university based print-disabled population.

“(b) CLEARINGHOUSE AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award a grant or contract to establish a National Clearinghouse for Postsecondary Education Materials (hereafter in this section referred to as the ‘Clearinghouse’).

“(2) COMPETITIVE BASIS.—The grant or contract awarded pursuant to paragraph (1) shall be awarded on a competitive basis.

“(3) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 3 years.

“(c) USE OF FUNDS.—The grant or contract awarded under this section shall be used to—

“(1) catalog, in computer-readable form, postsecondary education materials;

“(2) identify college campus-based services producing taped texts the technical and reader quality of which make such texts appropriate for inclusion in the Clearinghouse, and to share quality control standards with campus-based disabled student support services offices;

“(3) promote data conversion and programming to allow the electronic exchange of bibliographic information between existing online systems;

“(4) encourage outreach efforts that will educate print-disabled individuals, as such term is defined in section 652(d)(2) of the Individuals With Disabilities Education Act, educators, schools and agencies about the Clearinghouse's activities;

“(5) upgrade existing computer systems at other clearinghouses;

“(6) coordinate identifiable and existing data bases containing postsecondary education materials with the programs authorized under section 652(d) of the Individuals With Disabilities Education Act; and

“(7) develop and share national guidelines and standards for the production of audio and digital text material.

“(d) FEDERAL SHARE LIMITATION.—The Federal share of the cost of the Clearinghouse established under this section shall not exceed—

“(1) 80 percent of such cost in the first year;

“(2) 60 percent of such cost in the second year; and

“(3) 50 percent of such cost in the third year.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 and 1995 to carry out the provisions of this section.”.

By Mr. STEVENS (for himself and Mr. SEYMOUR):

S. 1814. A bill to amend title 5, United States Code, to establish a program of public service scholarships, and for other purposes; to the Committee on Governmental Affairs.

PUBLIC SERVICE SCHOLARSHIP ACT OF 1991

• Mr. STEVENS. Mr. President, at the request of the administration, today I am introducing legislation to establish a program of public service scholarships for the Federal Government. Senator JOHN SEYMOUR has agreed to cosponsor this bill. I am pleased to be associated with this proposal which is similar to one I made in the last Congress. This bill is identical to H.R. 2894 which was recently introduced by Congressman BEN GILMAN.

The National Commission on the Public Service, widely known as the Volcker Commission, and others have consistently warned that public service is often seen as the career of last resort. Unfortunately, this has been especially true for those who have, or are developing, skills which are in demand. The establishment of a scholarship program will allow Federal agencies to enter into agreements with promising students to pay educational costs in return for an employment commitment following graduation.

The bill I am introducing today will permit this partnership by establishing the Public Service Scholarship Program. This program would allow Federal agencies to award scholarships for 1 to 4 years in return for a commitment from the student to work for the agency for 18 months for each year of financial assistance.

The Office of Personnel Management would contract with a nonprofit organization to seek out and select candidates for this program. Agencies would select individuals from this group of candidates and enter into a written agreement with the students. An individual who fails to complete his or her studies, or does not complete the required period of employment, would be responsible for repaying the scholarship amount in full.

Mr. President, there has been some concern expressed that the recently-engaged Federal pay reform legislation contains sufficient flexibilities to address recruitment and retention problems currently faced by Federal agencies. Although this is a valid concern, I believe that this program will provide agencies with an additional tool to allow them to specifically target shortage occupations and assist students who are developing the necessary skills.

I ask unanimous consent that the complete text of this bill, a sectional analysis, and the transmittal letter from the Office of Personnel Management be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Service Scholarship Act of 1991".

SEC. 2. (a) Part III of title 5, United States Code, is amended by adding after chapter 35 the following new chapter:

"CHAPTER 36—PUBLIC SERVICE SCHOLARSHIP PROGRAM

"Sec.
"3601. General; definitions.
"3602. Selection of candidates.
"3603. Scholarship agreements.
"3604. Scholarship payments.
"3606. Regulations; report.

"§ 3601. General; definitions

"(a) The Office of Personnel Management shall establish a program under which agencies may award scholarships to outstanding students in return for a commitment by the students to accept employment with the agencies for a specified period of service.

"(b) For the purposes of this chapter—

"(1) 'agency' means an Executive agency; and

"(2) 'Office' means the Office of Personnel Management.

"§ 3602. Selection of candidates

"(a) The Office is authorized, without regard to title 41 to other statute requiring competitive bidding, to enter into a contract with one or more not-for-profit, non-government organizations to seek out and select candidates for the Public Service Scholarship Program in accordance with this section and the direction of the Office.

"(b)(1) Candidates for the Public Service Scholarship Program shall be selected on the basis of—

"(A) academic excellence and a commitment to public service or to a field of endeavor of use to the Government; and

"(B) geographic diversity from throughout the United States.

candidates shall be selected without regard to race, color, religion, sex, national origin, marital status, age, disabling condition, or political party or affiliation.

"(2) A Federal employee may be selected as a candidate for the Public Service Scholarship Program.

"(c) A contract awarded by the Office under this section shall specify the efforts that shall be made by the contractor to ensure that applicants for the Public Service Scholarship Program are sought out from all of the diverse groups that comprise the Nation.

"(d) The Office and the Comptroller General shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a contractor under this section that are pertinent to the contract.

"§ 3603. Scholarship agreements

"(a) An agency may select, from among the candidates identified under section 3602, an individual to receive a Public Service Scholarship from the agency.

"(b) The agency and the individual who is selected under subsection (a) shall enter into a written agreement which shall specify such matters as the Office and the agency may determine appropriate, and under which—

"(1) the agency shall provide a scholarship, as determined under section 3604, to the individual to assist the individual in pursuing a full-time course of study, for a period of not less than 1 nor more than 4 academic years, leading to a bachelor's, master's, or doctor's degree at an accredited educational institution that is authorized to grant such degree;

"(2) the individual shall pursue such course of study, maintaining an acceptable academic standing, until such degree is awarded, and shall provide to the agency such certification from the education institution as the agency may require of the individual's attendance and academic standing during such period of study;

"(3) the agency shall appoint such individual, upon receipt of such degree, to full-time employment in the agency in a position—

"(A) in the excepted service, if the individual has not previously acquired competitive status, and, upon successful completion of 2 years of employment by the individual and the satisfaction of such requirements as the Office may prescribe, shall appoint the individual to a position in the competitive service, notwithstanding subchapter I of chapter 33; or

"(B) in the competitive service, if the individual has previously acquired competitive status; and

"(4) the individual shall serve as an employee of the agency for 18 months for each academic year of study during which scholarship assistance was provided.

"(c)(1) An individual who has entered into an agreement with an agency under this section and who—

"(A) fails to complete the specified degree in the specified field of study at the specified academic institution in the specified period of time; or

"(B) fails to complete the specified period of service as an employee,

shall repay to the agency the entire amount the agency has paid as scholarship assistance to or on behalf of the individual under the agreement, unless the agency determines that some or all of such repayment should be forgiven because requiring repayment would violate equity and good conscience or be against the public interest.

"(2) An amount subject to repayment under this subsection shall be recoverable from the individual or individual's estate by—

"(A) set off against accrued pay, compensation amount of retirement credit, or other amount due the individual as an employee of the Government; and

"(B) such other method as is provided by law for the recovery of amounts owing to the Government.

"(d)(1) An agency and an individual who have entered into an agreement under this section may, by mutual agreement, modify or terminate the agreement at any time.

"(2) An agency may unilaterally terminate an agreement under this section at any time, in which case the individual shall have no further obligation to the agency.

"(3) An agency may agree to allow the individual to complete part or all of the period of service required under subsection (b)(4) as an employee of another agency, subject to any agreement between the two agencies on reimbursement for the cost of the scholarship assistance.

"§ 3604. Scholarship payments

"(a) The Office shall determine the amount that may be paid as a scholarship under this chapter, on the basis of average costs at public and private educational institutions, covering tuition and fees, books and necessary expenses, appropriate living expenses, and any estimated tax liability for such scholarship. The amount may vary by level of degree being sought. The Office may revise the maximum amount from time to time, as the Office determines appropriate.

"(b)(1) Agencies are authorized to make scholarship payments from the appropriation, fund, or account that is available to pay salaries or employees of the activity where the recipient of the scholarship assistance is expected to be employed.

"(2) Appropriations are authorized to be made to the Office to permit the Office to reimburse agencies for scholarship payments under this chapter, or for portions of such payments, in order to encourage agencies to make use of the Public Service Scholarship Program established under this chapter.

"§ 3605. Regulations; report

"(a) The Office may prescribe regulations and criteria that it determines necessary for the administration of this chapter.

"(b) The Office shall prepare and submit to Congress each year a report on the operation of the Public Service Scholarship Program established under this chapter.".

(b) The table of chapters for part III of title 5, United States Code, is amended by adding after the item relating to chapter 35 the following new item:

"36. Public service scholarship program .... 3601".

SEC. 3. The amendments made by this Act are effective on the date of enactment.

SECTION-BY-SECTION ANALYSIS

The first section titles the bill as the "Public Service Scholarship Act of 1991."

Section 2(a) amends title 5, United States Code, by adding a new chapter 36, "Public Service Scholarship Program."

The first section of chapter 36 requires the Office of Personnel Management (OPM) to establish a program under which agencies would be authorized to award scholarships to outstanding students who agree to work for the agencies for specified periods of service. It also provides definitions of "agency" and "Office" for use under chapter 36.

The second section of chapter 36 governs the selection of candidates for the program. Subsection (a) authorizes OPM to contract noncompetitively for the recruitment and selection of candidates for the program. Subsection (b) specifies that candidates must be selected on the basis of academic excellence, a commitment to public service or to a field of use to the Government, and geographic diversity from throughout the United States, but without regard to race, color, religion, sex, national origin, marital status, age, disabling condition, or political party or affiliation. It also authorizes the selection of a Federal employee as a candidate. Subsection (c) requires the contract to specify the efforts the contractor must make to ensure that applicants are sought from all of the diverse groups in the Nation. Subsection (d) grants OPM and the Comptroller General access to pertinent books, documents, papers, and records of a contractor under this section, for the purpose of audit and examination.

The third section of chapter 36 describes the scholarship agreements that must be entered into between agencies and individuals who are selected under the program. Subsection (a) authorizes an agency to select, from the candidates indentified under the previous section, an individual to receive a scholarship from the agency under this program. Subsection (b) outlines the major provisions to be incorporated into the written agreement, under which the individual must be a full-time student pursuing a bachelor's, master's, or a doctors degree at an accredited institution for at least 1 and not more than 4 years, maintaining an acceptable academic standing until the degree is awarded, and under which the agency must appoint the individual, upon receipt of the degree, to full-time employment in the agency, either in the competitive service, if the individual has competitive status, or in the excepted service, if the individual lacks such status, with subsequent noncompetitive appointment to the competitive service following successful completion of 2 years of employment and satisfaction such other requirements as OPM may prescribe. It also requires the individual to complete 18 months of service with the agency for each year of scholarship provided. Subsection (c) specifies that an individual who has entered into an agreement and who either fails to meet the academic requirements under the agreement or fails to complete the required period of employment must repay the entire amount of scholarship assistance provided unless the agency forgives some or all of the debt because requiring repayment would be contrary to equity and good conscience or the interests of the Government. Subsection (d) authorizes modification or termination of an agreement by mutual consent of the agency and the individual. It also authorizes unilateral termination of an agreement by an agency, with such termination relieving the individual of any further obligation. In addition, the subsection permits an agency to allow the individual to complete some or all of the required service with another agency, subject to any agreement between the agencies regarding reimbursement for the scholarship assistance provided.

The fourth section of chapter 36 describes the scholarship payments to be made under the program. Subsection (a) requires OPM to determine the amount to be paid based on the average costs at public and private schools, including tuition and fees, books and necessary expenses, and appropriate living expenses, and taking into account any estimated tax liability for such scholarship. The amount may be fixed at different levels for different levels of degrees sought, and OPM may revise the maximum amount payable from time to time. Subsection (b) authorizes scholarship payments to be made from the money available for salaries and expenses in employed. Subsection (c) authorizes appropriations to OPM for reimbursement of agency payments to encourage use of the program.

The fifth section of chapter 36 authorizes OPM to prescribe regulations and criteria it determines necessary to administer the chapter, and requires OPM to report annually to Congress on the operation of the program.

Section 2(b) makes a conforming amendment.

Section 34 provides that the amendments made by the Act are effective on the date of enactment.

U.S. OFFICE OF
PERSONNEL MANAGEMENT,
Washington, DC.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: The Office of Personnel Management (OPM) submits herewith a legislative proposal, "To amend title 5, United States Code, to establish a program of Public Service Scholarships, and for other purposes." We request that this proposal be referred to the appropriate committee for early consideration.

This proposal would establish a program under which Federal agencies would enter into scholarship agreements with promising candidates for undergraduate or graduate education. Under these agreements, the agencies would provide scholarships to the candidates, and in return the candidates would be obligated to work for the agencies after receiving their degrees.

For a number of years, the Government has had increasing difficulty recruiting the very best graduates into the Federal service. Demographic trends indicate that competition among employers for quality graduates will make this task even more difficult in the future. It is clear that the Government, like other employers, will have to take innovative approaches to meet these demands. The National Commission on the Public Service (the "Volcker Commission") and others have recommended the establishment of a scholarship program under which the Government would pay the educational costs of promising students in return for their commitment to enter Government employment after graduation. Such a scholarship program, in addition to the actual scholarship recipients it would recruit to Federal service, would increase the visibility and awareness among students of the Federal Government as a career opportunity.

Accordingly, OPM has prepared the enclosed legislative proposal to establish such a scholarship program. We have designed this program to minimize central administration and to maximize the involvement and responsibility of the Federal departments and agencies that will be employing the scholarship recipients. OPM would contract with one or more not-for-profit, nongovernmental organizations to recruit and select candidates for the program on the basis of academic excellence, a commitment to public service or to an occupational field of use to the Government, and geographic diversity. Efforts would be required to seek candidates from all of the diverse groups that comprise the Nation, although the selection of candidates would be without regard to race, color, religion, sex, national origin, marital status, age, disabling condition, or political party or affiliation.

Once the best candidates are selected, agencies would be able to choose those candidates best suited for the agencies' particular employment needs, and enter into scholarship agreements with them. Under these agreements, the agencies would agree to provide a scholarship for 1 to 4 years, in return for which the scholarship recipient would agree to serve as an employee of the agency 18 months for each year of scholarship assistance.

The amount of the scholarships would be determined by the Office of Personnel Management on the basis of average costs for tuition and fees, books are necessary expenses, appropriate living expenses, and any estimated tax liability for the scholarship. Based on current costs at public and private educational institutions, we would project that the scholarship amounts would be about $8500 per year for undergraduate education and $9500 for graduate education for the 1992-93 academic year. These amounts would be subject to adjustment in the future as costs change. Scholarships would be paid by the agencies, but OPM would have a limited authority to pay the full costs of scholarships, or to share the costs with agencies, in order to build agency interest in the program at its commencement.

We believe this program would provide a cost-effective method for attracting quality employees for the future, and for enhancing the image of the Federal Government in the academic community as an attractive employer.

The Office of Management and Budget advises that there is no objection to the submission of this proposal, and that its enactment would be in accord with the program of the President.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

CONSTANCE BERRY NEWMAN,
Director.●

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 239

At the request of Mr. SARBANES, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 401

At the request of Mr. DOMENICI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 499

At the request of Mr. LUGAR, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 499, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the School Lunch Program offer students specific types of fluid milk, and for other purposes.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 765

At the request of Mr. BREAUX, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 922

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 922, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by electric utilities to customers to subsidize the cost of energy conservation services and measures.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1218

At the request of Mr. BAUCUS, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1218, a bill to enhance the conservation of exotic wild birds.

S. 1219

At the request of Mr. BAUCUS, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1219, a bill to enhance the conservation of exotic wild birds.

S. 1332

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1423

At the request of Mr. DODD, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1610

At the request of Mr. BAUCUS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the provisions relating to deposit requirements for employment taxes.

S. 1648

At the request of Mr. MCCAIN, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1648, a bill to amend title VII of the Public Health Service Act to reauthorize and expand provisions relating to area health education centers, in order to establish a Federal-State partnership, and for other purposes.

S. 1711

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1711, a bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes.

S. 1718

At the request of Mr. COHEN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1718, a bill to amend titles II and XVI of the Social Security Act to improve procedures for the determination of disability for purposes of eligibility under such titles.

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

AMENDMENT NO. 1247

At the request of Mr. WARNER his name was added as a cosponsor of amendment No. 1247 intended to be proposed to H.R. 2621, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that three hearings have been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on various titles of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991, and other water legislation.

The first hearing will take place on Tuesday, October 22, 1991, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building, Washington, DC, and will cover the following titles of H.R. 429:

Title X—Miscellaneous Provisions, Central Valley Project.

Title XI—Salton Sea Research Project.

Title XXIV—Sly Park Unit, Central Valley Project.

Title XXVII—Solano Project Transfer and Putah Creek Improvement.

Title XXIX—San Juan Suburban Water District.

Title XXX—Trinity River Division, Central Valley Project.

The second hearing will take place on Wednesday, October 23, 1991, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building, Washington, DC, and will cover S. 1618, a bill to permit the Mountain Park Master Conservancy District in Oklahoma to make a payment to satisfy certain obligations to the United States; S. 724, a bill to clarify cost-share requirements for the flood control project, Rio Grande Floodway, San Acacia to Bosque del Apache Unit, New Mexico; S. 1370, a bill to authorize the Secretary of the Interior in cooperation with the Secretary of Energy to make available Pick-Sloan Missouri River Basin Program project pumping power to non-Federal irrigation projects in the State of Montana; and the following titles of H.R. 429:

Title XII—Amendment to Sabine River Compact.

Title XXI—Insular Areas Study.

Title XXII—Sunnyside Valley Irrigation District, Washington.

Title XXVI—High Plains Groundwater Program.

Title XXVIII—Desalination.

The third hearing will take place on Thursday, October 24, 1991, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building, Washington, DC, and will cover the following titles of H.R. 429:

Title XVI—Wastewater Reclamation and Reuse.

Title XV—Amendment to the Reclamation Project Act of 1939.

Title XVIII—Grand Canyon Protection.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366, Dana Sebren Cooper, counsel for the subcommittee at (202) 224-4531, or Anne Svoboda at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, October 7, at 6:30 p.m. to hold a hearing on two State Department nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AMENDMENT OF STANDING RULES

• Mr. FORD. Mr. President, at a meeting held October 3, 1991, the Committee on Rules and Administration ordered reported favorably an original resolution to conform the standing rules of the Senate with recent changes in law.

The Legislative Branch Appropriations Act, 1992, includes a number of provisions that have the effect of changing the standing rules. It amends section 501 of the Ethics in Government Act with regard to outside earned income of Members, officers, and staff. This resolution would incorporate section 510 into the standing rules by reference as rule XXXVI.

That act also included provisions pertaining to gifts and conflicts of interest. This resolution makes the necessary adjustments to rule XXXV, "Gifts", and rule XXXVII, "Conflict of Interest," to conform those rules with the changes made in that act.

Rule XXXVIII, "Prohibition of Unofficial Office Accounts" would also be amended to incorporate by reference provisions of the Legislative Branch Appropriations Act, 1991, which take effect at the beginning of the second session of the 102d Congress. Those provisions would require that only appropriated and personal funds be used to defray official expenses of a Member.

Also, the provisions of the Americans With Disabilities Act of 1990 pertaining to Senate employment practices are incorporated by reference in rule XLII, "Employment Practices."

In addition, the resolution contains other modifications to correct a paragraph reference and to reflect technical changes to the Ethics in Government Act adopted in 1990 that were not heretofore made to the standing rules.•

THE LEARNING LAB PROGRAM IN MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 6

• Mr. COHEN. Mr. President, I want to take a moment to recognize and praise the National Education Association [NEA] and the Maine Teachers Association [MTA], in conjunction with a very special public school district in Maine. With the support of the NEA and the MTA, Maine School Administrative District No. 6 [S.A.D. 6], which includes the towns of Buxton, Hollis, Limington, and Standish, has implemented an innovative program called the Learning Laboratory.

The Learning Lab is a pilot program dedicated to developing methods of reform and restructuring within the classroom in order to improve educational opportunities for all students. Some restructuring methods to improve learning, team and cooperative planning among teachers, and financing approaches that supplement property taxes. The success of this unique initiative will be tested among a research base of 16 schools nationwide. I am proud that S.A.D. 6 has been chosen to participate and represent the State of Maine in this study.

In order to be chosen, S.A.D. 6 had to meet a set of criteria established by the NEA, which developed this program and selected the participating schools. The criteria included requirements that the schools improve teaching methods, provide sufficient resources and time to support and train all participants, and that they collaborate with public and private higher education institutions. S.A.D. 6 was chosen because it met all of the criteria and because it is enthusiastically committed to redesigning its current learning program.

In conjunction with the Maine Teachers Association, the NEA's role will be to provide staff support, consultation and networking with key national organizations, and financial support. With a grant of $5,000 from the NEA and $10,000 from the Maine Teachers Association, S.A.D. 6 has already embarked on its mission to prepare its students for the 21st century. Once again, I want to thank the NEA and MTA, and to congratulate S.A.D. 6 on its selection.•

ANTI-BOYCOTT PASSPORT ACT

• Mr. LAUTENBERG. Mr. President, on Friday, the Senate passed by voice vote the conference agreement on the State Department authorization bill. I rise to express my support for a provision which I authored, the Anti-Boycott Passport Act, which was included in the conference agreement. The provision is aimed at reversing Arab League countries' outdated passport policies which isolate and stigmatize our friend Israel and prohibiting the State Department and American citizens traveling in the Middle East from acquiescing in these policies.

The provision resulted from an experience I had trying to obtain a visa for a leadership-sanctioned trip to Saudi Arabia and Kuwait earlier this year. Saudi Arabia would not issue to me a visa because my passport had an Israeli entrance stamp. The Kuwaitis have a similar passport policy. So do a majority of the Arab League countries.

The State Department acquiesced to the Saudis by issuing to me a new diplomatic passport and rendering my old diplomatic passport usable only for travel to Israel. That the Saudis would not take an American passport from a United States Senator because of an Israeli entrance stamp is an outrage. So is the fact that the United States State Department acquiesces in the Arab boycott of Israel and stigmatizes our friend and ally Israel by issuing Israel only passports.

It is not only Saudi Arabia and Kuwait that reject American passports if they have an Israeli entrance stamp. The State Department has compiled a list of various countries' passport restrictions. According to the State Department's list, the following Arab League countries will not take a passport with an Israeli entrance stamp or marking: Algeria, Bahrain, Jordan, Kuwait, Oman, Saudi Arabia, Sudan, Syria, United Arab Emirates, and Yemen.

The provision in the conference agreement on the State Department authorization bill is in line with a bill I introduced, S. 845, the Anti-Boycott Passport Act, which was included in the version of the State Department authorization bill that the Senate approved. Representatives BERMAN and SNOWE, chairman and ranking minority member of the House International Operations Subcommittee of the Foreign Affairs Committee, introduced an identical bill in the House of Representatives. A hearing was held on June 13. Former State Department legal advisor Sofaer testified in support of this bill. During the conference on the State Department authorization bill, the House receded to the Senate on this provision with some minor modifications.

The State Department authorization bill would require Secretary Baker to negotiate with Arab countries toward a reversal of their passport policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department would be prohibited from issuing duplicate passports to officials, diplomats, and employees of the United States Government to enable them to acquiesce in the Arab League passport policy within boycotts Israel. The prohibition on duplicate diplomatic official passports for Government employees, diplomats, and officials would kick in within 60 days if the required negotiations have not begun, or if the Secretary of State does not submit the required report on prospects for successful negotiations to the Congress.

The authorization bill would prohibit the State Department from issuing so-called Israel only passports. So, for example, if the Saudis want to persist in their policy, United States travelers would be issued Saudi only passports by the State Department, and Saudi Arabia would suffer the stigma and isolation United States passport policies currently impose on Israel. The State Department could and should do that now.

Mr. President, this legislation would not restrict travel of nondiplomatic citizens as the State Department has said it would. The State Department could still issue duplicate passports for United States nondiplomatic citizens who want to travel to Israel and Arab League countries. But it could no longer stigmatize Israel by issuing an Israel only passport. The State Department would be forced to place the stigma where it belongs—on the Arab countries—and not on Israel by issuing Arab only passports, or Saudi only passports, for example.

The provision would force the Arab League countries—which the United States defended in the recent war—to accept passports from United States officials, Government employees, and diplomats even if they have visited Israel. They already should.

The provision would move the Arab League countries in the right direction, and would prevent the State Department from acquiescing in their policy which discriminates against Israel. Americans were welcomed to Saudi Arabia when they were in uniform, ready to defend the sovereignty of those nations and the security of the entire Persian Gulf. But today Saudi Arabia and a majority of the Arab League countries refuse to admit Americans who have committed the offense of having visited Israel.

To accept this Arab behavior is to give tacit approval to the Arab League's policy of isolating Israel and refusing to accept her right to exist. American law and policy reject the Arab League boycott. Our companies are prohibited from complying with the boycott. We should expect no less from our diplomats and officials. They too should not be permitted to comply with the boycott of Israel.

The Arab practice of denying entry to United States citizens with Israeli stamps in their passports is an insult to every American and every American soldier who fought in Desert Storm. The administration can act on its own to reverse this archaic and misguided Arab policy. It should. But it does not want to. We must enact this legislation and put an end to this outrageous practice.•

IN RECOGNITION OF PINECREST SCHOOLS

• Mr. SEYMOUR. Mr. President, I rise in recognition of the 40th anniversary of Pinecrest Schools in my home State of California. Founded on September 3, 1951, the Pinecrest Schools have provided quality instruction based on the highest academic standards to preschool, primary, intermediate, and junior high school students.

Along with academic achievement, Pinecrest Schools stress the development of creativity, character, and citizenship. As envisioned by the late Edna Mae Dye, founder of Pinecrest Schools, these traits, important in their own right, are also mutually supportive.

As the school's purpose and philosophy sets out:

> Opportunities to be creative—to think clearly, constructively, and independently—encourage the desire to learn. Strength in creative thinking combines with strength in academics to develop character. And character is the foundation of good citizenship.

Pinecrest Schools is guided today by Dr. Philip H. Dye, educational administrator, and Don L. Dye, business administrator. The 14 campuses and approximately 7,000 students that make up the Pinecrest Schools today, under the direction of Philip and Don Dye, continue to reflect the ideal established in 1951:

> The intellectual, moral and physical development of each student—achieved through a program of studies, student activities and athletics designated to stimulate interest and creativity.

I ask my colleagues to join me in saluting the 40th anniversary of Pinecrest Schools and in wishing the Dye family, the Pinecrest administrators, faculty, students, and parents our very best.•

FRANCINE C. FERNANDEZ: HAWAII'S 1991 DISTINGUISHED PRINCIPAL

• Mr. AKAKA. Mr. President, I rise today to pay tribute to a truly remarkable individual, whose dedication, creativity, and devotion to excellence have won her well-deserved national recognition. I wish to extend my heartiest congratulations to Hawaii's 1991 National Distinguished Principal, Ms. Francine C. Fernandez of Kailua Elementary School.

Ms. Fernandez is one of 59 outstanding educational leaders who have been honored for their exceptional contributions to their schools and communities. Notable is the fact that these special individuals are nominated and chosen by their peers within the National Association of Elementary School Principals.

Through her educational philosophy of cohesiveness and involvement, principal Fernandez has promoted the concept of the all-inclusive learning unit. Formal PTA meetings have been replaced by Aloha Picnics. Parents are encouraged to sit through lessons and eat lunch alongside their children.

Francine revamped Kailua's curriculum and initiated innovative efforts in such areas as science and the performing arts. She has accomplished the dream of all educators—the establishment of a committed educational family among staff, parents, students, and the community at large.

I applaud Francine Fernandez for everything she has done to enhance the quality of our children's education. Francine has brought caring, understanding, compassion, and determination to her position. She has been instrumental in bringing a deep sense of pride and achievement to everyone who has been a part of the Kailua Elementary learning experience over the past 6 years.

Mr. President, on behalf of the State of Hawaii, I ask the Senate to join me in commending Ms. Francine C. Fernandez, Hawaii's National distinguished Principal of 1991.•

AWARD FOR MELISSA POE FOR ENVIRONMENTAL WORK

• Mr. GORE. Mr. President, I am pleased to inform my colleagues that a young Tennessean has been recognized for her work in helping to promote the importance of preserving and protecting our environment. Melissa Poe of Nashville has been chosen to receive a "G.I. Joe Real American Hero" award.

Melissa, who became interested in environmental concerns several years ago after watching an episode of "Highway to Heaven" about the effects of pollution on the environment, began a club for young people called Kids for a Clean Environment (Kids FACE). The purpose of her organization is to encourage individuals to become more involved in the protection and preservation of our environment. Melissa has spoken to representatives of the Environmental Protection Agency, as well as the United Nations, about her club's goals and activities. In addition, her group plans to present next year to the U.N. Global Environmental Forum in Brazil a resolution addressing the issue of environmental destruction.

In the last few years, our society has become more concerned about the environmental problems that confront us. I am convinced that we face serious challenges, and for this reason, I introduced legislation which is designed to confront a host of environmental challenges and help prevent future damage in this area. While this is an important initiative which calls upon the Federal Government to develop a plan to promote environmental protection, the individual efforts of people in neighborhoods around the country are important. I believe Melissa has contributed greatly to this effort and commend her for her work in helping protect the natural resources we now enjoy. If we do not wish to leave future generations wondering why we allowed the destruction of our global environment, then we must act now and encourage others to follow the fine example Melissa Poe has set.•

CIVIL RIGHTS ACT OF 1991

Mr. MITCHELL. Mr. President, we are awaiting the distinguished Republican leader, or his consent to proceed to the next matter on the agenda, which is S. 1745, the Civil Rights Act of 1991. I had previously requested consent to enable the Senate to begin consideration of that bill on Tuesday, October 15, when the Senate returns to session. I have been advised that our Republican colleagues refuse to grant that consent. Therefore, we will have to make a motion to proceed to the bill on which we will have to file a cloture motion so as to enable us to proceed to the bill.

That vote, Mr. President, either by the process I just described or by unanimous consent—that will be up to our distinguished colleague—will occur at 2:30 p.m. on next Tuesday, October 15. We are just waiting now to get word on how our colleagues will prefer to proceed in that regard.

UNANIMOUS-CONSENT REQUEST—S. 1745

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 236, S. 1745, the Civil Rights Act of 1991.

Mr. HATCH. Mr. President, on behalf of the Republican leader, I have to object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I now move to proceed to Calendar No. 236, S. 1745, the Civil Rights Act of 1991, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

Mr. HATCH. Mr. President, the same objection stands on behalf of the Republican leader.

The PRESIDING OFFICER. Objection to the motion is not in order, and the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to a close debate on the motion to proceed to the consideration of S. 1745, a bill to amend the Civil Rights Act of 1964.

Paul Simon, Paul Wellstone, Joe Biden, Bob Graham, Claiborne Pell, Wendell Ford, Paul Sarbanes, Richard H. Bryan, Christopher Dodd, Bill Bradley, Joseph Lieberman, Edward M. Kennedy, Don Riegle, Al Gore, Terry Sanford, John D. Rockefeller IV.

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator may withdraw the motion.

So the motion was withdrawn.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have discussed this matter previously with the distinguished Republican leader, and so I will not announce for the information of Senators that there will be a rollcall vote at 2:30 p.m. on Tuesday, October 15, either on this cloture motion on the motion to proceed to the civil rights bill or, if for some reason that is vitiated between now and then, on my motion to instruct the Sergeant at Arms to request the presence of Senators; so that Senators can now anticipate and prepare for a vote at 2:30 p.m. on Tuesday, October 15.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. MITCHELL. Mr. President, I know that my colleagues wish to address the Senate, so I will momentarily seek consent that the Senate stand in recess following their remarks. I would like now to make a brief comment with respect to the Thomas nomination.

All Senators should be aware that the FBI report inquiring into the assertions made by Prof. Anita Hill and the response thereto by Judge Thomas and the results of other interviews, is available to all Senators. Any Senator who wishes to review that report, and in view of the gravity of the matter, both the importance of the position involved and the seriousness of the assertion, I recommend that all Senators avail themselves of that opportunity so they can be as fully informed as possible with respect to this nomination.

Mr. President, there has been a considerable amount of discussion in the past day or so about the process with respect to the nomination and the handling of the assertion by Professor Hill. I want to state at the outset that I believe the chairman of the Judiciary Committee, Senator BIDEN, to be superbly qualified by intelligence, ability, fairhandedness, to serve in that important position, and he has discharged that responsibility consistent with his past practice of fairness and what I think all will agree is exemplary leadership in this matter.

On the evening of Wednesday, September 25, just a little less than 2 weeks ago, Senator BIDEN and Senator THURMOND, the ranking Republican member of the committee, asked to see Senator DOLE, the Republican leader, and myself, the majority leader.

At that time, Senator BIDEN informed us orally of the nature of the matter, the statements made by Professor Hill and Judge Thomas' response to those statements, and indicted that Professor Hill had requested that the information be made available to members of the committee and, further, that it not be made available to the public because of her desire to retain her anonymity in the matter, although she understood and accepted the fact that the members of the committee would be apprised of her identity.

Senator BIDEN indicated to me that he intended to act in accordance with Professor Hill's wishes and in accordance with what he felt to be the most fair way to proceed, and accordingly advised that he intended to advise all of the Democratic members of the committee but not to make the information available beyond that in accordance with Professor Hill's request.

I am advised subsequently, as recently as today, that Senator BIDEN did in fact notify each of the Democratic members of the committee, and I have been under the assumption that similar action was taken with respect to the Republican members of the committee, but I do not have any knowledge of that specifically.

I know the Senator from Utah is a Republican member of the committee and perhaps he may wish to comment on it. I am not asking him to do so. That was my understanding.

So that subsequently, the matter having been handled in accordance with the request made by Professor Hill and in a manner that Senator BIDEN felt fair and appropriate, a judgment which I shared, this information has become public.

In the interim, prior to it becoming public, in the expectation and belief that the matter had been handled as requested, a unanimous-consent agreement was reached in the Senate last week pursuant to which the vote will be held tomorrow evening following 4 full days of debate.

A number of Senators have asked me today about the possibility of delaying the vote, as have a number of reporters calling with inquiries, and I have informed them that since the vote was set by unanimous consent under the rules of the Senate, it would take unanimous consent to change the vote, that is, each of the 100 Senators having agreed to the setting of the vote, each of the 100 Senators would now have to agree to any change in the setting or the timing of the vote.

It is my belief that is highly unlikely in the current circumstances that all Senators would so agree, and so the matter now rests in that circumstance. A number of Senators who have previously expressed their intention to vote for Judge Thomas have, I am advised, asked for delay in the matter. But I indicated to them, at least those who have spoken to me, that would require unanimous consent, and it is my understanding that unanimous consent would not now be forthcoming. So barring some change in the situation, I anticipate that the vote will therefore by operation of the rules occur at 6 p.m. tomorrow.

I wanted to make that explanation so there can be no misunderstanding about the manner in which this has been handled and to reaffirm my very strong and deeply held feeling of admiration for Senator BIDEN and support for the manner in which he has handled this and all other matters involving this and other nominations before that committee.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I am now going to ask unanimous consent that following remarks to the Senate by the Senator from Utah and the Senator from Nebraska, the Senate then stand in recess as under the order until 9:30 a.m. on Tuesday, October 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, therefore, I understand that Senator HATCH will be recognized to address the Senate for such time as he wishes, and then Senator EXON will be recognized to address the Senate for such time as he wishes, following which the Senate will be in recess. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, I thank my colleagues for their courtesy, and I now yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. HATCH. Mr. President, I thank the majority leader. I certainly do not want to keep the Senate long. I wish to make a couple of further points with regard to the Thomas nomination.

I hope the majority leader will have this vote tomorrow evening. I understand if Senator BIDEN and Senator THURMOND get together and decide otherwise, that is another matter. I hope the vote will take place. I do not see what difference it is going to make. You have Ms. Hill saying one thing and Clarence Thomas saying another. I think, to be honest with you, it is time to vote and let us do it.

But, Mr. President, in the New York Times today, Phyllis Berry, who worked for Judge Thomas at the EEOC, denied that Judge Thomas had any sexual interest in Anita Hill at all. At her press conference today, Ms. Hill said that she did not know Phyllis Berry and Phyllis Berry did not know her.

Now, I have a statement of today's date from Miss Berry, who is now Phyllis Berry Myers, and here is what she says, dated October 7, 1991:

> This is in response to Anita Hill's statement at a press conference indicating that she did not know me and I did not know her. That is absolutely false. I knew her quite well in a professional context. It was part of my job to know and work with the Chairman's personal staff.
>
> I was employed at the Equal Employment Opportunity——

Keep in mind, I would interpolate here, that the allegations allegedly occurred in 1981 while Clarence Thomas was the Assistant Secretary for Education in charge of civil rights. Ms. Hill continued to work for him there and then moved over as a member of his personal staff to the EEOC where she continued to work with him for 2 more years. Nobody was going to fire her. She indicated in her remarks today that she was afraid she might not have a job.

Well, nobody could fire her. She was an attorney, graduate of Yale Law School. She knew what was going on.

Let me continue with the letter, what Miss Phyllis Berry Myers had to say in contradiction to Anita Hill:

> I was employed at the Equal Employment Opportunity Commission from June of 1982 until February 1987. I was asked by Chairman Thomas to come work with him at the Commission to do three things:
>
> (1) Assist in assessing/organizing his personal staff, scheduling, etc.
>
> (2) Assist in professionalizing the Office of Congressional Affairs (as it was called at that time).
>
> (3) Assist in reorganizing the Office of Public Affairs (as it was called at that time).
>
> Anita Hill was a member of Clarence Thomas's personal staff when I joined the Commission. J.C. Alvarez, Allyson Duncan, Bill Ng, Carlton Stewart, any of the office directors at that time and many others can attest to that fact and vouch as to what my responsibilities were as they related to his personal staff.
>
> There were staff meetings on Monday mornings. Anita Hill attended those meetings. So did I.
>
> Understanding the political complexities of policy options recommended by his personal staff was part of my responsibilities. That part of my job may not have made me

a popular person, but it certainly did not make me a person you could forget!

It is in that context that I knew Anita Hill, especially if I had to discuss her recommendations to the Chairman on a particular issue.

In December 1983, I was named Director of the Office of Congressional Affairs.

At the Commission, I was Clarence Thomas's political eyes and ears and the meant I knew a great deal about his personal life as well.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 7, 1991.

This is in response to Anita Hill's statement at a press conference indicating that she did not know me and I did not know her. That is absolutely false. I knew her quite well in a professional context. It was part of my job to know and work with the Chairman's personal staff.

I was employed at the Equal Employment Opportunity Commission from June of 1982 until February 1987. I was asked by Chairman Thomas to come work with him at the Commission to do three things:

(1) Assist in assessing/organizing his personal staff, scheduling, etc.

(2) Assist in professionalizing the Office of Congressional Affairs (as it was called at that time).

(3) Assist in reorganizing the Office of Public Affairs (as it was called at that time).

Anita Hill was a member of Clarence Thomas's personal staff when I joined the Commission. J.C. Alvarez, Allyson Duncan, Bill Ng, Carlton Stewart, any of the office directors at that time and many others can attest to that fact and vouch as to what my responsibilities were as they related to his personal staff.

There were staff meetings on Monday mornings. Anita Hill attended those meetings. So did I.

Understanding the political complexities of policy options recommended by his personal staff was part of my responsibilities. That part of my job may not have made me a popular person, but it certainly did not make me a person you could forget!

It is in that context that I knew Anita Hill, especially if I had to discuss her recommendations to the Chairman on a particular issue.

In December 1983, I was named Director of the Office of Congressional Affairs.

At the Commission, I was Clarence Thomas's political eyes and ears and the meant I knew a great deal about his personal life as well.

PHYLLIS BERRY MYERS.

Mr. HATCH. When you add that to the statement of Armstrong Williams, the managing partner of the Graham Williams Group, dated October 7—I believe Senator THURMOND read this into the RECORD, but I think I will read it into the RECORD again following up on Miss Phyllis Berry Myers' statement.

DEAR SENATOR THURMOND: As someone who worked with Judge Clarence Thomas from 1983 to 1986 I also had the opportunity to work with Ms. Anita Hill. I must tell you that during that time I was very uncomfortable with Ms. Hill. I often questioned her motives. This concern was something I expressed to Judge Thomas on more than one occasion.

Furthermore, I found her to be untrustworthy, selfish and extremely bitter following a colleague's appointment to head the Office of Legal Council at EEOC. A position on that Hill made quite clear she coveted. After she was passed over for the promotion, she was adamant in her desire to leave the agency and discussed this with me privately.

I also question her motivation when it comes to her recent allegations. Especially since Ms. Hill discussed with me her admiration for Judge Thomas' commitment to fight for minorities and women, and his fair treatment of women at the agency. I know, personally, that these are the rantings of a disgruntled employee who has reduced herself to lying.

I ask you, if this was a man she should loath for sexual harassment, then why did she maintain contact and continue to communicate with him? Why did she follow him from the Education Department to the EEOC? Why did she only have praise for him in her discussions with me? Furthermore, Judge Thomas believed this woman to be a friend and someone of great intellect and wanted only to assist her as she moved along in her career.

I am sure having had knowledge of the situation prior to this past weekend is evidence that you also question Ms. Hill's accusations and credibility. I urge the Senate Judiciary Committee to listen to these allegations with a grain of salt.

That is pretty strong language.

In closing, as I described her ten years ago to Judge Thomas, I do so now. She always had to have the final word and the last laugh. I see now that some people just never change.

I look forward to your confirming the Judge to our nation's highest court.

Mr. President, I am not here to run down Ms. Hill. I am not even here to find particular fault with Ms. Hill. I felt that she presented herself quite well today.

There were some things I could be critical of personally. For all the expressions of wanting not to have publicity and to avoid publicity, I personally felt that she looked as though she enjoyed having the publicity today.

But be that as it may, her story just does not add up. She worked with Clarence Thomas at the Department of Education where she had a career appointment. She did not have to lose that job. She was not about to lose a job. She had a permanent job there. She then, after these alleged occurrences of so-called sexual harassment, then moves to the EEOC, that overviews all of these sexual harassment charges; she moves there on the personal staff of Clarence Thomas, the Chairman of the Commission.

She saw us confirm Clarence Thomas for that job. She saw us reconfirm Clarence Thomas. She stayed there 2 years working with Clarence Thomas. Not one whimper, not one word, not one expression about sexual harassment. She saw two confirmations, both in an area where they overview sexual harassment.

Then Clarence Thomas becomes nominated to the Circuit Court of Appeals for the District of Columbia and she sees that confirmation; not one word out of her. As a matter of fact, he then gets nominated to the Supreme Court of the United States after serving almost 2 years on the circuit court of appeals; not one public word out of her through the hearings.

Then all of a sudden—I suppose because of Senator METZENBAUM's staff who were members of the Labor Committee, not the Judiciary Committee, and others, according to the FBI report, from at least one other Senator's staff—after they contacted her—she said they contacted her, as I recall. And Senator METZENBAUM said she contacted them. But after they contacted her, or she contacted them, whichever the case may be, she still did not want to be involved until finally the full committee staff discussed the matter with her after September 13.

Even then she did not want this matter to be made public. I wonder what she thought she was doing. The only way it could have been made public was when a member of that committee, in violation of the rules of the Senate, in flagrant violation, leaked the FBI report. That is what happened.

Is it not amazing that instead of leaking it after the September 3 original investigation by Labor Committee staff members who had nothing to do with the Judiciary Committee, it is leaked after everybody goes home last Friday. I had predicted—I think I did here on the floor—if I did not, I meant to—I certainly said it in a couple of interviews, that: "You watch, they are going to smear Clarence Thomas over the weekend," and that is what they did. And one of the most scurrilous smear jobs I have seen in a long time.

Frankly, why? If these things are true, then why did she not, as a graduate of Yale Law School, raise them at the Department of Education? If they are true, then why did she not, as a graduate of Yale Law School, raise it at the EEOC? If they are true, then why did she not, after she left the EEOC and no longer had to worry about her job, so to speak—she never had to worry anyway, I have to tell you that—why did not she raise them in the second confirmation hearings?

I presided over those two confirmation hearings. If they are true, why did not she raise them when Clarence Thomas was nominated and confirmed to the Circuit Court of Appeals for the District of Columbia? And if they are true, why did she not raise them to the committee? We had 100 witnesses. One more would not have made any difference. As a matter of fact, it would have been the right thing to do if that is the way things operate in her mind, 10 years after the fact.

I have to say these letters from Ms. Berry Myers and Mr. Williams will cast grave doubt on what she has said. I also have to tell you in closing one other thing—and I do not mean to hold my colleague up, I apologize to him—but I have had regular chats with Clarence Thomas, Judge Thomas, a man I have great admiration and respect for ever since his nomination. I chatted with him again today. He said, "Senator, that just never happened. That just is not true. I would not do that." He said, "I do not know why she is doing that."

He did say that there were others whose work was preferred over hers, and that may be partially the problem here. There were others who did better analytical and more thoughtful work. But he did not know why she would do this. But he said, "You know, Senator," he said, "this is very detrimental and harmful to my family." He said, "I have never been through anything like this before." I think it is a crying shame that he has to go through it in an October surprise like an election between two cheap politicians, or at least one cheap politician, a few days before the final vote is to take place.

There are enough questions about why this had to be, why this was delayed—and why these particular approaches at this particular moment—that I think anybody has to give Clarence Thomas the benefit of the doubt.

Frankly, his reputation is an absolutely impeccable one and unimpeachable, in my opinion, having sat through all five confirmation proceedings and having presided over three of them.

I just wanted to make this clear before I left this evening. I think it is important that it be made clear there have been some reprehensible activities by the Members of the Senate or their staffers, or both, in this matter. There have been violations of the Senate rules. And they are important rules. I have to say those violations ought to be investigated.

Frankly, I am getting the opinion that some people stop at nothing to get their ideological aims fulfilled, even if it means smearing a very fine man and his family.

Mr. President, I will have more remarks tomorrow because there is even more to bring up. But I do not want to delay my colleague who has had to wait this long.

So with that, I will yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, on Friday, this Senator came on the floor of the U.S. Senate and made a talk about the process that has brought Judge Thomas to the U.S. Senate for confirmation was somewhat flawed, but in a speech I said that I had had an interview with him. I cited the reasons that I intended to support him on the Tuesday night vote. Among them was that I thought he had judicial temperament which, from my experience in appointing many judges as Governor of Nebraska, and having been involved in many confirmation processes here, has to be the key, and always has been, for making a determination. I thought he had that. I still think he has that. I cited his intelligence, his approach, his openness, all of which, to me, convinced me that he should be confirmed as a member of the Supreme Court.

Saturday evening, I received a press call at my home in Lincoln, NE, from an Omaha station wanting to know what I felt about the revelations that had just come out, and I inquired, "What revelations? Then unfolded this story.

I said at that time—and I feel the same way here on the floor of the Senate on Monday, after having just returned within the last hour or so from home—that it seemed to me at that time, when I was first told, this was something that came out of the blue very late in the process and, therefore, I did not place a great deal of credence in it at that time; but I did promise that I thought I had the responsibility to take a look to see what was going on.

Since Saturday night and this Monday night, I have received a lot of information, a great deal of conflicting information on both sides of this issue. I heard Professor Hill today on television. I thought she was not only a good witness, as I think has been referenced on the floor today, but she was very credible, in my opinion, from what she had to say.

We do not yet know the other side of the story. Unfortunately, the way things are working in politics these days, including appointments to high positions, there is a lot of intrigue and counterintrigue which goes on behind the scenes. I deplore that. I have never been a part of personal attacks or vicious, unsubstantiated charges against anyone that I have ever known in politics or outside of politics. But it seems to me that however, this bombshell got into the press, whether it was done correctly or incorrectly, is not the basic question that faces the U.S. Senate.

The question that faces the U.S. Senate, I suggest, Mr. President, is: What is the truth? I am fearful that we are not going to be able to discover the whole, and nothing but the truth, between now and this time tomorrow night when we are scheduled to vote. I was not aware of the fact, until the majority leader just made the statement, that the FBI files would be available to me. There is no way that I could or would vote to confirm Judge Thomas to the Supreme Court without personally having looked at the FBI files. I also feel that after I look at those files, I may have some other questions that I might want to talk to other people about.

Mr. President, it seems to me that, while I do not know whether anybody has suggested this on the floor of the U.S. Senate or not, as a once supporter of Judge Thomas, I am formally requesting on the floor of the Senate now that this vote be delayed from tomorrow night at 6 o'clock until sometime next week. It may be that between now and tomorrow night at 6 o'clock this one Senator could collect enough information and read enough reports to make a final determination, but I announce to all that my statement of last Friday that I intend to vote for Judge Thomas at 6 o'clock on Tuesday evening is not sure as of 7 o'clock this evening, Monday night.

I listened very carefully to my great friend and colleague from the State of Utah, and I listened to the letters that he had read. While those lend some credence to my support for the Thomas nomination, it also whets my appetite to find out a little bit more. I suggest, Mr. President, that I think it would be unwise for any Member of the U.S. Senate, regardless of which side of the aisle we are on—because it is not a political issue—it would be unconscionable, it seems to me—at least I do not know how I could explain to my citizens how I voted one way or the other, given the new information, until at least I had taken the time to study the FBI report in considerable detail and make some further inquiries.

It seems to me, Mr. President, that as unfortunate as this all is—and if it is a political trick, if Professor Hill has become the instrumentation of somebody that wants to do ill for no good reason to Judge Thomas, then that is a sad, sad case indeed. I do not know what the other people of the United States think, or thought, but at least this one Senator felt that she raised some questions and some points that simply cannot be swept up and brushed under the rug, and that we cannot drive ahead with the nomination without at least checking to see the likely authenticity of the charges and countercharges.

I wondered, after I heard Professor Hill today, what her motives could possibly have been, because if she is saying what I thought she said, she has not volunteered anything from the beginning, she has not sought even to give a statement, and she has not even certainly thought about going to the press; that all of her actions, as I understand it, had come about because she was questioned, and she thought she had a responsibility, when she was questioned by proper officials, to tell the truth, as she saw it. Maybe that is not the truth, Mr. President. But I think for the U.S. Senate to dismiss out of hand with one or two or three letters from people that feel far differently about her charges than she does, or her allegations—call them what you will—then I think we would be rushing to judgment that would not set us in very good sights, as far as the people of the United States are concerned.

I have not made a determination as of now how I would vote on this. If the vote were 7 o'clock tonight, I would not vote to confirm, because I would not have the opportunity to make the study and judgment that I think is necessary that falls on me and my colleagues.

I suppose that this evening I could go up and read the FBI report, and then some people might say: Does that not satisfy you? I have read hundreds of FBI reports since coming to the Senate, as part of the confirmation process from a whole series of suggested nominees. Sometimes those FBI reports raise as many questions as they answer. Therefore, I suspect that even if one Senator, JIM EXON, could be convinced that there was absolutely nothing to this, that this was a smear on a great American, as I believe Judge Thomas to be, I suspect that I would have more questions, and I suspect that not all Members of the U.S. Senate are going to have an opportunity to read that report and talk to some other people before they make judgment.

Indeed, it might well be proper for the Judiciary Committee to call both Professor Hill and Judge Thomas back before the committee sometime between tomorrow, Tuesday, and a week from Tuesday, so that they could ask questions and try and ferret this out.

There may well be an objection to a unanimous-consent request for putting off this vote. I would only say that if as many Senators have questions on their minds as this Senator has right now that might be a rather hasty action by those who are attempting to push the 6 o'clock hour tomorrow evening for the vote.

I call for a delay in the vote to give all of us a chance to better inform ourselves without making any determination whatsoever, because I honestly do not know what my eventual and final decision will be.

I thank the Chair and I yield the floor.

(Earlier, the following occurred and appears at this point in the RECORD by unanimous consent.)

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Tuesday, October 8; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein; that at 10 a.m., the Senate return to executive session to resume consideration of the Thomas nomination; that on Tuesday, from 12:30 p.m. until 2:15 p.m., the Senate stand in recess in order to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, for the information of Senators, at 5:30 p.m. tomorrow, Tuesday, there will be 2 minutes of debate equally divided on the conference report on H.R. 2508, the foreign aid authorization conference report with a vote on adoption of that conference report occurring when the 2 minutes have been used.

So Senators should be aware that a rollcall vote will occur tomorrow just shortly after 5:30 p.m. on the foreign aid authorization conference report.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. By unanimous consent the Senate stands in recess until 9:30 a.m., Tuesday, October 8, 1991.

Thereupon, the Senate at 6:41 p.m., recessed until Tuesday, October 8, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 7, 1991:

SECURITIES INVESTOR PROTECTION CORPORATION

FRANK G. ZARB, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1992. (REAPPOINTMENT)

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

JANELLE BLOCK, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1994, VICE JAMES HARVEY HARRISON, JR., RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROBERTA PETERS, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE TALBOT LELAND MACCARTHY, TERM EXPIRED.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

LORRAINE MINDY MEIKLEJOHN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1995, VICE ANITA M. MILLER, TERM EXPIRED.

PANAMA CANAL COMMISSION

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION, VICE ANDREW E. GIBSON, RESIGNED.

HOUSE OF REPRESENTATIVES—*Monday, October 7, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BONIOR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 7, 1991.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all Your gifts—the gifts of faith and hope and love, the gifts of forgiveness and reconciliation, the gifts of family and friends. On this day we mourn the passing of our friend and colleague, George Russell, who for many years served faithfully in this place and whose friendship was appreciated by each one of us. We remember his family with our thoughts and with our prayers asking that Your word of comfort and Your message of everlasting life would strengthen their confidence in Your abiding love. May Your peace, O God, that passes all human understanding, be with all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia [Mr. WOLF] please come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment joint resolutions and a concurrent resolution of the House of the following titles:

H.J. Res. 189. Joint resolution designating October 8, 1991, as "National Firefighters Day";

H.J. Res. 303. Joint resolution to designate October 1991 as "Crime Prevention Month"; and

H. Con. Res. 172. Concurrent resolution providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House document.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3280. An act to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1415) "An act to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1773) entitled "An act to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2608) "An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 10, 12, 20, 22, 23, 24, 26, 28, 30, 32, 33, 34, 36, 42, 49, 51, 59, 61, 63, 69, 77, 78, 81, 83, 89, 93, 96, 105, 106, 109, 111, 112, 121, 122, 128, 135, 140, 152, 153, 155, 162, 165, 171, 173, 175, 176, 178, 179, and 180, to the above-entitled bill.

The message also announced that the Senate recedes from its amendment numbered 116, to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1992, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 7, 10, 24, 25, 27, 28, 31, 38, 39, 40, 43, 52, 53, 55, 56, 57, 58, 59, 62, 65, 66, 67, 69, 71, 80, 81, 84, 87, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 110, 115, 118, 119, 120, 121, 122, 123, 128, 148, 151, 152, 154, and 155 to the above-entitled bill.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1415. An act to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes;

S. 1563. An act to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; and

S.J. Res. 184. Joint resolution designating the month of November 1991, as "National Accessible Housing".

The message also announced that, pursuant to Public Law 102–62, the Chair, on behalf of the President pro tempore, appoints Mr. Norman Higgins, Jr., of Maine and Mrs. S. Marie Byers of Maryland, to the National Education Commission on Time and Learning.

MAJORITY PRINTER DAVID RAMAGE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I want to make two points today. The sad announcement about George Russell, our friend who sat right back of this podium, we will miss him so much. Our prayers go with his family.

Mr. Speaker, Majority Printer David Ramage retired on September 1, after 36 years of service to the House of Representatives.

Dave is an Oklahoma native who came to Congress under the patronage of former Oklahoma Congressman Tom Steed in 1955. He worked as assistant stationery clerk for 14 years, headed the House recording studio for around a year and then was appointed majority printer in 1969 and he held that position until retirement.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Over the years, Dave and his staff were always there to help make sure things ran smoothly. His leadership and experience have been important to the day-to-day operations here in the House.

Dave has been a close friend for many years and I want to take this opportunity to wish him the best in retirement. And, I want to salute Dave for a job well done.

In the next few days, I plan to take a special order to pay tribute to Dave Ramage's long career here on Capitol Hill. I know my colleagues will join me in honoring this outstanding public servant, Dave Ramage.

JTPA BILL WILL SPUR SMALL BUSINESS JOB CREATION

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, last month I urged the House Education and Labor Committee to keep small businesses in mind as it marked up the Job Training Partnership Act Reform Amendments.

I am pleased to note that the committee has done more than that. It has included in the bill a microenterprise provision that complements an initiative I have introduced, the Small Business Economic Enhancement Opportunity Act.

The JTPA bill authorizes the Labor Department to make grants to 10 States per year for community-based microenterprise activities.

While my measure would lend money to qualified low-income entrepreneurs, the JTPA proposal would provide start-up support—such as business planning and marketing for would-be entrepreneurs.

Clearly, these microenterprise-assistance programs can work in concert, and could be key to providing out-of-work Americans with full-time employment.

Jobs created by small businesses are the only real solution to our Nation's unemployment problems. The JTPA reform amendments will help to make those new jobs a reality. I urge my colleagues to vote for the JTPA reform amendments.

Remember, it is easy to say you are all for small business, it's how you vote that counts.

CONGRATULATIONS TO THE ATLANTA BRAVES

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, America's team has won. That is right. The Atlanta Braves are the new champions of the National League Western Division, and who could deserve it more than Bobby Cox and all the Braves and their tomahawks, as we clinched the Western Division of the National League championship last Saturday.

We want to give our special thanks, however, to our friends in San Francisco, the Giants, who put the Dodgers in their proper place, which is always second.

Congratulations to everyone. We will see you at the playoffs later this week and in the World Series later on this month.

FOREIGN AID

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, we are all really saddened about the passing of George Russell, who sat right back here, who was a real gentleman and real professional. Our heart really goes out to his family. He was an outstanding individual.

To the gentleman from Georgia [Mr. DARDEN] I would say, I think the Braves are going to go all the way. It is only because in the 1950's it was the Milwaukee Braves and they went all the way. So we wish them the best.

I wish I would not have to say this, but it is beyond belief, with the firestorm swirling around Congress, the Democrats or at least some Democrats are thumbing their noses at the American taxpayer and bringing up a $25 billion foreign aid bill.

I cannot believe this, but it is on the docket. Another $25 billion to be shoveled overseas while at home we cannot even take care of our notch babies.

The notch issue, this foreign aid bill will cost 10 times what it would cost to take care of our seniors and the notch issue. There is $8.8 billion in the aid pipeline, $8.8 billion for 10 years.

This House voted to take the $2 billion fat out of it by a vote of 216 to 203. Do my colleagues know what the conferees did? They did not do a thing. They left it right in there.

In fact, people appointed by this House on the conference committee spoke out against the amendment.

□ 1210

We cannot accept behavior like that.

When that bill comes up on Wednesday, I am asking every Member of this House to stand up and to vote.

I was on CNN for an hour-long program talking about just this foreign aid, and Members should see the letters that I received. I got over 500 letters from all over the country. People are outraged.

Now is the time to stop this waste, to vote for America and to kill the foreign aid bill.

GRAVE NEW CHARGES AGAINST SUPREME COURT NOMINEE CLARENCE THOMAS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, grave new charges are arising against Supreme Court nominee Clarence Thomas. I am calling today upon Senator GEORGE MITCHELL, as the senior woman in the House, to please delay the confirmation hearings until these charges have either been proven wrong, or if they are proven correct to reopen the whole thing and reconsider.

There is a swirling debate about term limits in this Congress for Members of Congress, but do not forget there are no term limits when it comes to Supreme Court nominees. There is not even a term. They are there for life. So a little more time to find out whether these very grave charges are true or not certainly I think is understandable at this point.

So please, Senator MITCHELL, delay the confirmation vote until we find out whether this is true or false.

PROPOSED HEALTH CARE FINANCING ADMINISTRATION REGULATIONS ON MEDICAID FUNDING SHOULD BE WITHDRAWN OR REWRITTEN

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, apocalyptic talk is not exactly unknown on the precinct of Capitol Hill. Sometimes that sort of talk is used for effect, and sometimes it is for real. I think in the case of the Health Care Financing Administration's proposed regulations, proposed to be effective on January 1, 1992 regarding provider taxes and whether or not they would be matched in State Medicaid programs, I think apocalyptic talk is very much warranted.

Our Governor, Wallace Wilkinson of the State of Kentucky, was here on Capitol Hill last week and addressed the distinguished panel headed by the gentleman from California, Mr. HENRY WAXMAN, on the whole question of provider taxes and Medicaid programs. Governor Wilkinson outlined the fact that there are 675,000 Kentuckians on Medicaid, and were the Health Care Financing Administration's regulations to become effective, then tens of thousands of these people would not get their medications, would not get their medical treatments.

So Mr. Speaker, let me say I hope that the Health Care Financing Administration will withdraw those regulations or rewrite them severely so that States like Kentucky, which acted in response to the Federal mandate to provide health care services, are not left holding the bag nor should the people of Kentucky be left without medical services.

CONTINUING SOBERING NEWS ON THE RECESSION

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, there was more sobering news last week about the impact of the recession. The unemployment rate, at least on paper, remained stagnant, but we know that literally hundreds of thousands of people have exhausted their unemployment compensation extension benefits.

The gross national product dropped for the third consecutive quarter. The median income for a U.S. household declined for the first time since 1982. Median income from middle-income householders, for U.S. householders declined for the first time in about 10 years. Poverty rates are up.

Auto sales are down. We have the worst decade in the automobile industry in a long, long time. The worst year in the last decade I should say. Layoffs and furloughs continue throughout the country.

These statistics merely confirm what the American people already know. The tough times are not over, no matter what the President says. And he may be able to ignore the consequences of this recession, but American working families cannot. Each month they have to make a mortgage payment. Each week they have to put food on the table. Each month they have to put a little aside, some savings for their children's education and for the future of their children. They cannot afford the White House's false optimism.

While the American people are struggling from month to month, what is the President saying? First he promised to veto a bill to help the unemployed. Then he pulled the oldest hoax in his bag of tricks, a capital gains tax cut for the wealthiest Americans. That is what is going to move this economy, that is the engine that he says is going to get it going. Deny those people who through no fault of their own, hard working middle-income people, put out of work by this recession, deny them a chance to provide for their families, to provide for their future, for their kids. Yet on the other hand, almost in the same breath, a tax break for the wealthiest 5 percent of Americans.

Mr. Speaker, when will the White House realize that the rich have already gotten their windfall? They have been testing the Republican tax breaks for the rich approach now for the last 10 years, and look where it has gotten us. The worst economic growth, the worst economic growth since the Second World War; 9,400 fewer jobs each month during the first 3 years of this administration.

We need, Mr. Speaker, to try a different approach. Instead of giving more tax breaks to the wealthy, and waiting for the benefits somehow to trickle down, which they do not ever seem to do to the middle class, we need to put money back in the pockets of middle-income families and watch the benefits bubble up throughout the economy.

Middle-class families are the backbone of our economy. They will lead us out of this recession if we will only give these people a little relief.

Mr. Speaker, in my home State of Michigan I have seen how middle-class tax cuts can energize a community. Along with my colleague from Michigan, Mr. HERTEL, and others, I am leading an effort to give the average homeowner some immediate relief, an effort that will also stimulate the economy and will save jobs. Every family in Michigan knows that property taxes are out of control, and in some cases, like Macomb County where I live, tax assessments have nearly doubled in the last few years, and in some communities in the county they have tripled and quadrupled. These taxes have had devastating impacts on middle-class hardworking people who thought they had made careful plans for their financial future. But with these whopping tax bills on one side, and then the impact of the recession, not only the automobile industry, but it has rippled throughout the economy in Michigan, they have a double dose, and they are strained to their limit. They are squeezed and they cannot make ends meet. Money that is intended for a kid's education has to be spent now on the mortgage. Small savings accounts for a new car or a vacation must go to taking care of spiraling health care costs.

This middle-class squeeze makes the recession even worse. When the consumers cannot buy, when they cannot pay for things they need, business dries up, jobs are lost.

What is the answer?

□ 1220

In Michigan, I think we have found part of it, a real tax break targeted specifically on our middle-income families.

I am also the cochair of a statewide petition to try to give the Michigan homeowners a break on their property taxes. Under our plan which is steadily gaining strength, the typical homeowner will see an immediate up-front tax break of $500 to $600 per year; that is $500 that will not only help meet the needs of struggling families but will be pumped back into the Michigan economy. It will be pumped back at the rate annually in the State of about $800 million to help our families, to help small business to create new jobs and to keep old ones and to create a dynamic situation to get us moving again.

Mr. Speaker, the working families of Michigan have put down roots in our communities. They send their kids to local schools. They patronize local businesses. They make long-term investments in their homes. These are the people who are the real providers of our communities, and these are the people who need our help.

In Michigan, they are going to get it, because we are going to take this petition drive door to door to every corner of the State. We have already gathered close to 175,000 signatures, and we are going to make the required amount by the December date that we have set for ourselves.

The result will be economic growth, job creation, a boost to small business, and most important of all, a little break, and I wish it could be more, but a break for middle-income Americans who have borne the brunt of this devastating recession.

Mr. Speaker, Michigan is not alone. Across this country middle-income families find themselves in the same bind, squeezed by too many taxes and by a deep and prolonged recession.

If the middle-class tax relief will work in Michigan, it is going to work in Washington, too. All we need to do is listen to the message of our constituents, the message that they are sending us. They need our help. They feel squeezed.

Mr. Speaker, we in Congress are going to give them the tax relief they need, and this country is going to get moving again.

I thank my colleagues for their indulgence.

COMMENDING THE ADVISORY COMMITTEE ON NUCLEAR FACILITY SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, in November, the charter for the Advisory Committee on Nuclear Facility Safety will expire. I want to commend the members and staff of this committee for the extraordinary service to the Nation they have rendered.

For the past 4 years, the members of the Advisory Committee have worked to improve the safety of operations in the Nation's nuclear weapons complex, which is run by the Department of Energy. This has not been an easy job. The weapons complex, after all, had been sheltered from outside safety reviews since its creation, and there has been tremendous resistance to doing things in new ways.

Fortunately, the committee members have been very conscientious and dogged in insisting that operations should be brought up to date, that more modern safety criteria should be applied, and that worker and public exposure to radiation and chemical hazards should be reduced.

I want to single out the chairman of the committee, Dr. John Ahearne, for particular commendation. Dr. Ahearne has provided excellent leadership to the committee, and has been exemplary in his dedication to this work. The committee has accomplished a great deal during Dr. Ahearne's tenure, largely due to his technical expertise, tenacity, and his critical, independent spirit.

During the past few years, the committee has provided valuable reviews of safety conditions at the Rocky Flats plant in Colorado. These reviews have led to real safety improvements there. They have also given the public the reassurance that someone outside the DOE was overseeing operations at the plant.

As a recent example, the committee last week provided an excellent assessment of conditions at the Rocky Flats plant. The committee ferreted out several fundamental problems relating to worker safety, waste management, and the safe conduct of operations, and also made clear certain basic flaws in a recent operational readiness review of building 559 at the plant. I hope and expect that DOE will incorporate these findings into their plans at the plant, as they have adopted past recommendations by the committee, and that public and worker safety will benefit as a result.

The Nation owes a great deal to these dedicated public servants, and I want to salute them for their important efforts.

WELLING W. FRUEHAUF, 1991 ROBERT MORRIS COLLEGE HERITAGE AWARD RECIPIENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I am pleased today to salute Welling W. Fruehauf, the 1991 recipient of the Robert Morris College Heritage Award.

Welling W. Fruehauf has had a long and distinguished career since his graduation in 1963 from Robert Morris College, in Pittsburgh, PA. After completing his academic training at Robert Morris College, he became a senior accountant with the firm of Arnold Kenzleiter & Levine, which later merged into J.K. Lasser & Co. From 1968 to 1971, he served as the administrative manager of J.K. Lasser & Co. In 1971, he founded the firm of W.W. Fruehauf & Co., which today is well known in Pennsylvania and elsewhere as the firm of Fruehauf, Kroll & Co., P.C.

As a certified public accountant, Welling Fruehauf has been a leader in promoting professionalism among public accountants. During both 1989 and 1990, he served as chairman of the Pennsylvania Board of Accountancy, and he has served as a member of the board since 1985. He also serves as vice president and director of the National Association of State Boards of Accountancy, and the chairman of the National Registry of CPE Sponsors of the National Association of State Boards of Accountancy. Also, he is a member of the American Institute of certified Public Accountants in Pennsylvania, Ohio, and the District of Columbia, as well as a member of the Allegheny Tax Society.

At a time when tax law has grown more complex and has required increased specialization among accountants, Welling Fruehauf has been active in guiding other accountants through the intricacies of the Internal Revenue Code. He has served as an instructor for the American Institute of Certified Public Accountants for valuation of a closely held business and professional practice, as well as workshops for corporate tax and individual tax.

On numerous occasions, Welling Fruehauf has shared his understanding of the code with his colleagues as a speaker at various AICPA national tax conferences. In addition, he has served as an intructor for professional development programs for the State Societies of Pennsylvania, Maryland, North Carolina, New York, Florida, Massachusetts, Minnesota, and Virginia. With his vast experience, it is not surprising that he was chosen to serve as a member of the first auditing and accounting delegation to the People's Republic of China in 1986.

Mr. Speaker, it is clear that an excellent choice was made in naming Welling W. Fruehauf the 1991 recipient of the Robert Morris College Heritage Award. I know that Welling Fruehauf's family is proud of him. As a fellow alumnus of Robert Morris College, I congratulate Welling Fruehauf and wish him continued success.

INTRODUCTION OF LEGISLATION TO REQUIRE MEMBERS OF CONGRESS AND CANDIDATES FOR CONGRESS TO MAKE FULL FINANCIAL DISCLOSURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 60 minutes.

Mr. BACCHUS. Mr. Speaker, recently I released a statement that I had not bounced any checks at the House bank. At the time I believed that statement was true.

This past weekend I discovered it was not. In reviewing our most recent canceled checks at home over the weekend, my wife, Rebecca, and I concluded that an unfortunate subtraction error in our personal checkbook in July led to problems with those checks presented to the House bank later in the summer.

To be precise, the error led to problems with three checks. One check was paid by the House bank in July even though there were insufficient funds in my account at the time. Two other checks were held briefly by the House bank in August and paid when sufficient funds were deposited into the account. Altogether, the shortfalls in the three checks that presented problems totaled $155.93.

With this statement, I am correcting the record at the earliest possible moment. I am also releasing to full media and public scrutiny all records of my relatively few transactions with the House bank in the few months in which I have been privileged to serve in the Congress including all deposit records, all monthly bank statements, and all canceled checks.

My wife and I are willing also to release and explain any other records we may have of any or our banking transactions. I claim no right of privacy where my personal finances are concerned.

What Rebecca and I discovered this past weekend probably would not have become public for a long time, if at all, had we not chosen to make it so.

I have been a Member of Congress only a few months, and the transactions in question did not occur during the period that has been audited or is now being audited by the General Accounting Office. However, I hold myself to a high ethical standard.

That is why I have, as a candidate and as a Member of Congress, made personal financial disclosure far beyond the requirements of a woeful and feebly inadequate Federal law.

For each of the past 3 years I have released my income tax returns and detailed statements of my net worth down to the last penny for all to see. I have introduced proposed legislation that would require all candidates for Congress and all Members of Congress to do likewise, and especially with all the concern that the controversy over the House bank has generated. Rebecca and I think it imperative to make full disclosure of all the details of our use of the House bank.

To begin, it is necessary to understand how Rebecca and I arrange our personal finances. For all of the nearly 15 years we have been married, Rebecca has handled all of our bank and credit accounts, kept all of our records, calculated all of our balances, reviewed all of our bank statements, written the vast majority of our checks, and paid all of our bills.

☐ 1230

The buck stops here with me, and I accept full responsibility for all our financial dealings. Yet the truth is, I am not much involved on a daily basis in my own finances. We make major financial decisions together, but she is in charge of all the daily details.

I get cash when I need it from Rebecca and from ATM's. I write occasional checks. I presign checks for her to use later, as I have done with the House bank. I use credit cards. I consult with Rebecca beforehand and report to her afterward. Every year I have to wait until just before Christmas to buy her Christmas presents so she will not see the transaction on the credit card bill until she receives the present.

Now that I spend much of my time in Washington this arrangement is further complicated. I have even less time to devote to the details of my personal finances. Likewise, Rebecca and I have even less time to talk about them. She and I often are reduced to leaving messages for each other about these and other family matters with my executive assistant, Liz DeMato, who does her best to help us communicate.

I travel back and forth at least weekly to and from Washington and the 11th Congressional District in Florida. When I am in the district, I am rarely at home. For her part, Rebecca, like most people, must fit balancing the checkbook into a very demanding daily routine. In her case, the routine includes our 11-year-old son, Joey, and our 4-month-old daughter, Jamey.

All this may help explain what happened in July. On July 1, the transaction register Rebecca keeps for the checking account in my name with the House Bank showed a balance of $6,190.50. She wrote a check that same date to Sun Trust Mortgage in the amount of $988.08 for our monthly mortgage payment. Perhaps she was hurried. Perhaps Jamey, then just a few weeks old, began crying. Whatever the reason, Rebecca apparently mistook a "2" for a "9" when she entered the result of her subtraction in the check register. She listed the remaining balance as $5,902.42, instead of $5,202.42, a subtraction error totaling $700. This unfortunate and inadvertent subtraction error is the source of all the inconsistencies, such as they are, that she and I discovered this weekend in our transactions with the House Bank.

My son, Joey, spent 2 weeks with me in Washington in July. For the first time since I assumed office in January, I did not return to the district to work through the weekend. This was an eagerly awaited time that for Joey and me and also a much needed breathing spell for Rebecca, who was still nursing Jamey at home.

I was running short of cash from the expenses of Joey's visit and needed more money to pay for planned expeditions to the National Zoo and to an Orioles game in Baltimore at Memorial Stadium that coming weekend. Liz suggested I go over to the House Bank and write a check for cash. I had never done this before, but saw no reason why I should not. I called Rebecca and asked her if we had enough money in the account in the House Bank to cover a $200 check. She looked at her check register and replied, "No problem. We have about $743." She knew nothing then of the $700 subtraction error. So I went over to the House Bank, presented the check, and they gave me $200. Joey and I went on to the zoo and to the baseball game. The Orioles lost.

I did not ask for my balance because Rebecca had already assured me that we had more than enough money in the account to cover the check. The teller said nothing to me about an overdraft or insufficient funds; when in fact our line-by-line analysis this past weekend of the monthly statement for July, compared to our canceled checks, indicates that there was $129.87 in the account at the time, which means that this withdrawal created an overdraft of $70.13.

I knew nothing then of any special privileges for House Members at the House Bank. I did not seek any special privileges. I do not favor any special privileges. I am filled with a frustration beyond words that I was not told at the time by the bank teller that there was a problem with this check. Had I been told then, Rebecca and I would doubtless have discovered the subtracting error then and none of this would be occurring now. Yet we have never been told of any problem with this check by the House bank, and there is no way of seeing the problem or any hint of the problem from the monthly statement alone that we received.

It is perhaps worth noting, too, that if the House bank had formal overdraft protection, as many banks do, I would surely have purchased it, and likewise this problem would never have occurred.

On August 1, my paycheck was deposited automatically into my account in the House bank as usual. I never see it. I have never seen my paycheck. Still unaware of the $700 subtracting error, Rebecca wrote a number of household expense checks on the account. These checks totaled several thousand dollars. Because of the pay deposit, these checks did not bounce. Then Rebecca received the monthly statement from the House bank detailing the July transactions. The statement showed absolutely nothing to indicate that I had bounced a check on July 18; there was no indication of that at all. However, the statement did show $7,436.21 on deposit on August 1. In contrast, Rebecca's check register showed $8,050.11 on deposit at that time. This was a discrepancy of slightly more than $600. In fact, $613.90. For the first time, Rebecca suspected that something was wrong. She reviewed her check register and discovered the $700 subtraction error.

She called the House bank immediately, told them of her dilemma, and asked them what to do to correct it. The person she spoke to at the House bank told her nothing about a bounced check on July 18. Instead, the person merely told her that discrepancies in balance amounts occurred often, indicated that we had about $1,000 in the account at the time, inasmuch as some of the checks Rebecca had written had not yet been presented for payment, and advised Rebecca simply to mail a check made out to me for deposit only to cover the discrepancy. Rebecca was told that it was not necessary at all to send the check by overnight mail. She was also told that a notation would be made at the bank that she was sending the needed funds. Rebecca's check register showed a balance of $181.03 at the time. Evidently not realizing that this balance was irrelevant mathematically to the subtraction error, she decided it was only necessary to send $600 instead of $700 and mailed a $600 check to the House bank on August 8. This $600 check was received by the bank and deposited into my account on August 13. If Rebecca mentioned any of this to me at the time, I do not recall it, neither does she.

Unfortunately, a $100 check Rebecca had written on August 5 to pay D&J Paramount for our lawn care at home was received by the House bank on August 12, 1 day before the $600 check arrived from Rebecca. Our line-by-line analysis this past weekend of the monthly statement for August, compared to our canceled checks, indicates that there was $74.60 in the account at the time, because the $600 check had not yet arrived. Thus, there was shortfall of $25.40. Without notifying us, without giving us any indication at all that there was any problem, the House bank held the check for 1 day and then paid it on August 13 once the $600 check was received. We have never been told of any problems with this second check, and there is no way of seeing the problem from the monthly statement alone.

Yet even after the $600 check was received, a $100 discrepancy remained, left over from Rebecca's original subtraction error on July 1. This caused a problem with a third and final check. On August 26, Rebecca's check register showed a balance of $589.60. She wrote a check for $550 to move money for living expenses into our local bank account. This check was received by the House bank on August 28. Our line-by-line analysis this past weekend of the monthly statement for August, compared to our canceled checks, indicates that there was $489.60 in the account at the time.

☐ 1240

This made for a shortfall of this third check of $60.40. Once again, without notifying us, without giving us any indication at all that there was a problem, the House bank held the check over the Labor Day weekend and paid it on September 3, after my monthly paycheck was deposited automatically.

We have never been told of any problem with this third check, and there is no way of seeing the problem from the monthly statement alone.

I recall knowing nothing of any of this at the time. I have remained busy this year, working for the people of the 11th Congressional District.

Rebecca says she apparently saw no reason to mention the subtraction error to me because she thought she had corrected it. Neither of us knew there were any problems about the checks presented on July 18, August 12, and August 28 because the House bank did not tell us anything at all about those problems; nor was there anything on our monthly statements for July or August that in any way indicated there had been any problems with any checks.

For this reason, when the news stories first appeared about the shortcomings of the House bank and I asked Rebecca if we had bounced any checks; without hesitation she told me no. She mentioned a subtraction error to me then for what I recall to be the first time but said she had corrected it by making an additional deposit before there were any problems with any checks. And to be doubly certain, she also doublechecked all relevant bank statements we had received and saw nothing to indicate a negative balance at any point along the way.

On this assurance, I have released my public statement that I had not bounced any checks. It was not until last Friday, when Rebecca read of Speaker FOLEY'S discovery that a check of his had been held 1 day without his knowledge before being paid, that Rebecca began to question for the first time the assurance that she had given me.

After she told me of her doubts, I called the Sergeant at Arms office to find out if there was any way to identify problem checks. I was told the checks that had been so held could be identified solely by a red stamp of the receipt date and a blue stamp of the payment date on the face of the check.

I was told that only problem checks were stamped in that way.

So over the weekend Rebecca and I reviewed all our canceled checks, check by check. We found red and blue stamp dates on the three checks that I have discussed. These checks are stamped only with the dates, red and blue.

There is nothing at all on the checks to indicate they were held for insufficient funds. They are not stamped "held for insufficient funds"; only the dates are stamped.

And again there is nothing in our monthly statements that reveals any hint of negative balances.

The Sergeant at Arms office told me Friday that they are so overwhelmed with requests for information that there is no way they can tell me now whether any of our checks have presented a problem. Even now I have not been told officially by the Sergeant at Arms that there are any problems with any of these checks. Rebecca and I know of those instances only because we have pursued this matter ourselves. And I have told the Sergeant at Arms that I am not entitled to the letter from him that I previously requested.

My son, Joey, is attending a new school this year. During his initial period of adjustment, Joey, a fifth grader, forgot to do several small homework assignments. The teacher made him write a note to Rebecca and me explaining his forgetfulness. She then gave him a choice: He could take the note home to show his parents, or he could simply forget the note and try harder in the future to remember his homework.

Mr. Speaker, he chose to take the note home. Rebecca says that when Joey appeared at the front door after the school bus dropped him off, his first words were, "Mrs. Thompson and I had a talk. Everything will be all right."

And then he handed her the note. Mr. Speaker, I have never been prouder of my son. These are the values that I have taught him. These are the values I live by. I believe fervently that a public office is a public trust. I try to serve accordingly.

I see nothing in any of my actions involving the House bank that in any way violates the public trust. I believe that any fair consideration of my actions will lead to the inescapable conclusion that I have done absolutely nothing wrong. But I do not believe things would ever again be completely all right in my public service if I did not tell my constituents what Rebecca and I discovered over the weekend. I regret my initial statement that I had not bounced any checks. Yet that statement was made in the belief that it was true, and I still believe it to be true had Rebecca and I not decided, out of a sense of duty and obligation, to delve more deeply than many others have into the practices of the House bank as they have affected us. My guess is that many other Members of the House will be making similar unhappy discoveries in the coming weeks.

I am a victim of a very common and very human mistake, an innocent and inadvertent subtraction error made in my wife's checkbook. I am a victim as well of the House bank that has perpetuated a system of special privilege I did not create, did not desire, and did not even know existed.

I am glad I voted last week for a resolution that will abolish the House bank. I look forward to the ethics investigation that will exonerate innocent victims such as me and will end the rule of special privilege.

I am today tendering to the House bank $55 in cash, $15 for each of the three inconsistent checks, and $10 for stopping payment on a lost check that Rebecca reported to the House bank in August.

I am told that these are the prevailing penalty fees at the Congressional Credit Union.

Rebecca and I both are prepared to answer any questions that anyone may have about these payments or about any of our transactions with the House bank or any other banks.

Certainly these circumstances underscore the need for the kind of full financial disclosure that I have already made and that I have proposed in legislation for all congressional candidates and all Members of Congress. That proposed legislation is pending before this Congress. If the people know what we own, what we owe, what we make and how we make it, they are less likely to overreact when one of us makes a subtraction error in our checkbook.

It was a long, long weekend for Rebecca and me. It would have been much easier to pretend that we had not discovered these inconsistencies. In all likelihood, no one else would ever have known. But we would have known. And in telling everyone all I know today, I am doing my best to be the kind of Congressman I promised to be.

I know my constituents, they know me. As Joey would say, "Everything will be all right."

□ 1250

CONFERENCE REPORT ON H.R. 2942

Mr. LEHMAN of Florida submitted the following conference report and statement on the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes:

CONFERENCE REPORT (H. REPT. 102–243)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2942) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 18, 20, 26, 27, 30, 36, 40, 43, 63, 65, 74, 76, 77, 79, 90, 94, 95, 96, 97, 98, 100, 101, 102, 107, 108, 109, 118, 119, 122, 126, 127, 129, 130, 131, 132, 137, 151, 155, and 162.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 12, 19, 37, 41, 42, 66, 80, 89, 106, 110, 111, 117, and 123, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$7,000,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,300,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,275,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$88,000,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$2,320,272,000;* and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$390,000,000;* and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$144,150,000;* and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$60,350,000;* and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$48,750,000;* and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$102,750,000;* and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,000,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$11,100,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum proposed by said amendment insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$29,150,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,360,000,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$218,135,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$419,000,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $206,800,000; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossing demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $12,005,000, of which $8,003,333 shall be derived from the Highway Trust Fund.

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $16,800,000,000; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: $47,600,000; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $65,000,000; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$19,800,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$19,800,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$16,350,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$4,500,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$1,800,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$7,200,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$6,300,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$3,600,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$4,500,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$5,400,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the first sum named by said amendment insert: *$9,630,000*.

In lieu of the second sum named by said amendment insert: *$900,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$8,100,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$1,800,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$44,172,000*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$118,000,000*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$16,442,000*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$11,500,000*; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,706,000*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$205,000,000*; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$506,000,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 75 per centum of the short-term avoidable costs of operating such service in the third year of operation*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$13,600,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,520,000,000*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

Delete the matter stricken and delete the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

Delete the matter stricken and delete the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$2,940,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for training expenses*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,676,000*; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$509,500,000*; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and inserted, insert: *332*; and the Senate agree to the same.

Amendment numbered 136:

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and inserted, insert: *333*; and the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the Title "IV", insert: *V*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 10, 24, 28, 29, 31, 32, 64, 67, 68, 69, 70, 71, 72, 73, 84, 85, 86, 92, 104, 112, 113, 114, 115, 116, 125, 128, 133, 134, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 152, 153, 154, 156, 157, 158, 159, 160, and 161.

WILLIAM LEHMAN,
BOB CARR,
RICHARD J. DURBIN,
MARTIN OLAV SABO,
DAVID E. PRICE,
WILLIAM H. NATCHER,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
FRANK R. WOLF,
TOM DELAY,
JOSEPH M. MCDADE,
Managers on the Part of the House.

FRANK R. LAUTENBERG,
ROBERT C. BYRD,
TOM HARKIN,
JIM SASSER,
B.A. MIKULSKI,
ALFONSE M. D'AMATO,
ROBERT KASTEN,
PETE V. DOMENICI,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch wishes cannot substitute for Congress' own statements as to the best evidence of Congressional intentions—that is, the official reports of the Congress. Report language included by the House that is not changed by the report of the Senate, and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 1992 and any year thereafter, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriation Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Federal Aviation Administration, Facilities and equipment" and for "Coast Guard, Acquisition, construction, and improvements" shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the house and Senate Committees on Appropriations as modified by subsequent appropriation Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognized that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustments, if required, to be accomplished only through the normal reprogramming process.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

OFFICE OF THE GENERAL COUNSEL

Amendment No. 1: Appropriates $7,000,000 for the Office of the General Counsel instead of $6,904,000 as proposed by the House and $7,204,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

Amendment No. 2: Appropriates $2,320,000 for the Office of the Assistant Secretary for Governmental Affairs as proposed by the House instead of $2,468,000 as proposed by the Senate.

OFFICE OF INTELLIGENCE AND SECURITY

Amendment No. 3: Appropriates $1,300,000 for the Office of Intelligence and Security instead of $1,200,000 as proposed by the House and $1,381,000 as proposed by the Senate.

OFFICE OF DRUG ENFORCEMENT AND PROGRAM COMPLIANCE

Amendment No. 4: Deletes appropriation of $706,000 for the Office of Drug Enforcement and Program Compliance proposed by the Senate. The House bill contained no similar appropriation.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

Amendment No. 5: Appropriates $4,275,000 for Office of Commercial Space Transportation, Operations and Research instead of $4,245,000 as proposed by the House and $4,300,000 as proposed by the Senate.

WORKING CAPITAL FUND

Amendment No. 6: Limits obligations to $88,000,000 instead of $85,509,000 as proposed by the House and $98,472,000 as proposed by the Senate.

The conference agreement includes all of the reductions proposed by the House except for the reduction in transportation computer activities.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport: Provided further, That none of the funds in this Act shall be available to increase the service levels to communities receiving service unless the Secretary of Transportation certifies in writing that such increased service levels are estimated to result in self-sufficiency within three years of inititiation of the increased level of service*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

COAST GUARD

OPERATING EXPENSES

Amendment No. 8: Appropriates $2,320,272,000 instead of $2,483,800,000 as proposed by the House and $2,222,000,000 as proposed by the Senate.

The conference agreement includes the following program changes to the House bill:

Decommission seagoing buoy tenders	−$1,626,000
Slip Operations—FRAM	−1,100,000
Slip operations—MMA	−550,000
FRAM recrewing	−1,600,000
Sea-based aerostat surplus	−7,980,000
General detail—decommissioned units	−262,000
Termination of one-time costs	−240,000
Land-based aerostats (transferred to DOD)	−650,000
Sea-based aerostats (transferred to DOD)	−21,200,000
Overseas loran-C (financed by DOD)	−10,000,000
E-2C aircraft (transferred to DOD)	−13,200,000
Defense readiness program costs (financed by DOD)	−125,100,000
Defense Logistics Agency (stock price increases)	+14,400,000
Health care costs	+4,000,000
Marine inspection program	+1,425,000
HH-60J operations and maintenance follow-on	+155,000

Amendment No. 9: Provides that $31,876,000 shall be derived from the oil spill liability trust fund as proposed by the Senate instead of $30,379,000 as proposed by the House.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That none of the funds provided in this Act shall be available for the operation, maintenance or manning of land-based and sea-based aerostationary balloons, or E2C aircraft*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Amendment No. 11: Appropriates $390,000,000 for Acquisition, Construction, and Improvements instead of $365,031,000 as proposed by the House and $407,470,000 as proposed by the Senate.

Amendment No. 12: Provides that $33,822,000 shall be derived from the oil spill liability trust fund as proposed by the Senate instead of $26,377,000 as proposed by the House.

Amendment No. 13: Provides $144,150,000 to acquire, repair, renovate or improve vessels, small boats and related equipment instead of $132,700,000 as proposed by the House and $152,250,000 as proposed by the Senate.

Amendment No. 14: Provides $60,350,000 to acquire new aircraft and increase aviation capability instead of $86,950,000 as proposed by the House and $58,900,000 as proposed by the Senate.

Amendment No. 15: Provides $48,750,000 for other equipment instead of $50,331,000 as proposed by the House and $47,025,000 as proposed by the Senate.

Amendment No. 16: Provides $102,750,000 for shore facilities and aids to navigation facilities instead of $62,550,000 as proposed by the House and $110,225,000 as proposed by the Senate.

Amendment No. 17: Provides $34,000,000 for personnel compensation and benefits and related costs instead of $32,500,000 as proposed by the House and $39,070,000 as proposed by the Senate.

Amendment No. 18: Provides a personnel ceiling of 621 full time equivalent staff years as proposed by the House instead of 691 as proposed by the Senate.

Amendment No. 19: Deletes a provision proposed by the House which would have required that of the 35 new staff years provided in this appropriation, at least 25 were to be filled by civilian personnel. The Senate bill contained no similar provision.

The conference agreement includes the following adjustments to the President's budget request:

Vessels:	
WLB replacement	−$2,300,000
Motor lifeboat replacement	−250,000
Polar icebreaker	−3,700,000
Shipboard command and control	−1,800,000
378-foot cutter weapon systems modernization	−9,600,000
Mackinaw renovation	+1,000,000
Heritage patrol boat prototype slippage	−3,300,000
Aircraft:	
OPBAT helicopters	+4,500,000
HH–65 provisioning	−2,400,000
Aircraft packup kits	−2,100,000
Long range command and control aircraft upgrade	−2,000,000
Night vision goggles	−2,200,000
RG–8 improvements	+450,000
Other Equipment:	
Vessel identification system	−2,600,000
Defense logistics modernization	−1,700,000
National strike force equipment	+4,000,000
Buoy replenishment	−2,000,000
VTS improvements	+2,250,000
Shore Facilities/Aids to Navigation Facilities:	
Minor AC&I shore construction	−4,000,000
Survey and design—shore facilities	−950,000
Intelligence coordination center relocation	−1,900,000
Coast Guard Yard portal crane	+1,850,000
Public family housing	−1,250,000
(Fiscal year 1991 reprogramming)	(+1,250,000)
Cape May, NJ training facility	+5,000,000
Newport, OR aircraft hanger	+2,500,000
Montauk, NY erosion control	+625,000
Maryland lighthouse surveys	+200,000
Prior year slippage	−4,375,000
(Vessel support, Key West, FL)	(−1,200,000)
(Station Lake Worth Inlet, FL)	(−3,175,000)
Personnel, Compensation and Benefits and Related Costs:	
Personnel and related	−6,928,000

OPBAT medium range helicopter program.—The conferees agree to provide an additional $4,500,000 to the budget request of $34,000,000 for this program. It is the conferees' understanding that the $38,500,000 provided, together with projected savings from the recently negotiated contract, is sufficient to acquire a third airframe, without associated spares, in fiscal year 1992. In addition, the government furnished equipment (GFE) normally provided in the budget will be taken from spares in the current inventory. All of these aircraft will be assigned to the Clearwater Coast Guard Air Station and be utilized for the OPBAT drug interdiction mission.

VC–11 replacement aircraft.—The conferees agree to provide no funds for this program as proposed by the Senate instead of $20,000,000 as proposed by the House. However, the conferees recognize the need to replace this aircraft at some time in the future. Should the Department determine that such an expenditure is desirable during fiscal year 1992, the Committees on Appropriations will entertain a reprogramming request, but only if such funds are derived from project savings or contract underruns that will not be necessary to recoup at a later time. Should that reprogramming request be made, it is expected to fully address the tradeoffs in cost and mission performance among various replacement alternatives, including lease of a new or used aircraft, lease with purchase option, acquisition of used aircraft, and acquisition of new aircraft. The conferees further agree that the House directives concerning this program are in effect should funds for acquisition be requested.

Public family housing.—The conferees agree to provide the budget request of $30,600,000 for this program, including $1,250,000 to be reprogrammed from fiscal year 1991 funds as recommended by the Senate.

Survey and design-shore facilities.—The conferees do not agree with House direction earmarking $200,000 of funds in this program for underwater surveys of lighthouses in the State of Maryland. Instead, $200,000 is provided as a separate budget item.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Amendment No. 20: Appropriates $21,500,000 as proposed by the House instead of $25,100,000 as proposed by the Senate.

ALTERATION OF BRIDGES

Amendment No. 21: Appropriates $11,100,000 instead of $11,000,000 as proposed by the House of $11,200,000 as proposed by the Senate.

The conference agreement includes the following amounts:

E. Pascagoula River, Pascagoula, MS, CSX–L&N Railroad	$6,200,000
Mississippi River, Burlington, IA, Burlington-Northern Railroad	4,000,000
Sidney Lanier Bridge, Brunswick, GA	900,000

RESERVE TRAINING

Amendment No. 22: Appropriates $25,000,000 instead of $77,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

The conference agreement assumes that at least $50,000,000 will be provided for reserve training in the Department of Defense Appropriations Act, 1992.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Amendment No. 23: Appropriates $29,150,000 instead of $27,800,000 as proposed by the House and $29,500,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Search and rescue	$2,025,000
Aids to navigation	765,000
Marine safety	1,400,000
Marine environmental protection	6,535,000
Enforcement of laws and treaties	1,700,000
National security	
Mission capabilities assessment	3,580,000
Multi-mission	4,395,000
Administrative support	8,750,000

The conference agreement includes the following projects:

SAR hovercraft demonstration in Upper Cook Inlet, Alaska	$75,000
Grant to New Jersey marine sciences consortium to develop instructional curriculum and educational materials on fishing vessel safety	300,000
South Florida oil spill research center	1,000,000
Assessment, test and evaluation of national strike force (NSF) equipment/system	200,000
Test and evaluation of temporary storage systems	100,000
Tank quick plugging/patching study	80,000
Cargo tank integrity verification	120,000
Operator information system on ship characteristics	120,000
Test and evaluation of environment Canada oil spill sensor	75,000
Full-scale tests to verify vessel maneuvering model	30,000
Aireye equipment improvements	250,000

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that authorizes the reimbursement of training expenses for non-federal domestic and foreign security personnel. The conferees have authorized these reimbursements for fiscal year 1992 to allow sufficient time for the appropriate authorizing committees to address this issue.

Amendment No. 25: Appropriates $4,360,000,000 instead of $4,342,000,000 as proposed by the House and $4,382,058,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Operations of air traffic control system	$1,986,533,000
(Positions)	(28,070)
NAS logistics support	197,240,000
(Positions)	(1,624)
Maintenance of air traffic control system	788,618,000
(Positions)	(10,848)
Leased telecommunications services	345,000,000
Aviation regulation and standards	458,703,000
(Positions)	(6,893)
Aviation security	65,683,000
(Positions)	(1,026)
NAS design and management	23,980,000
(Positions)	(301)
Administration of airports program	41,536,000

(Positions)	(549)
Direction, staff and supporting services	145,891,000
(Positions)	(1,180)
Human resource management	288,625,000
(Positions)	(1,460)
Headquarters administration	32,845,000
(Positions)	(400)
Management initiatives	−14,654,000

The conferees direct the FAA to organize an industry task force comprised of system users and operators charged with assessing the opportunities to improve traffic flows within the Chicago terminal airspace and surrounding en route airspace. This assessment should be combined with the current efforts of the FAA to examine the national impacts of restructuring the Chicago airspace. This group should be established by November 1, 1991, and report its findings and recommendations to the House and Senate Committees on Appropriations by April 1, 1993.

Amendment No. 26: Provides that $2,109,625,000 shall be derived from the airport and airway trust fund as proposed by the House instead of $2,129,680,200 as proposed by the Senate.

Amendment No. 27: Provides $2,000,000 for the Mid-American Aviation Resource Consortium as proposed by the House. The Senate bill contained no similar provision.

Since the MARC program is demonstrating a new method of training, the conferees believe the graduates of this program should be required to score a minimum of 70 on the OPM exam for hire as air traffic controllers. This is the current minimum score required by OPM for hire by the FAA.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$2,394,000,000, including $2,244,052,000 to remain available until September 30, 1994, and including $149,948,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows Federal funds to be used for construction activities in the airway science program.

Amendment No. 30: Provides limitations on funds for the precision runway monitor program and for facilities and equipment-funded personnel compensation and benefits as proposed by the House. The Senate bill included no similar provision.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that requires the installation of a stand alone directional finder receiver indicator system at the Salisbury, Maryland, airport flight service station. The House bill contained no similar provision.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Federal Aviation Administration to enter into a sole source procurement with the Regional Airport Authority of Louisville-Jefferson County, Kentucky for the design and construction of an air traffic control tower at Stanford Field. The House bill contained no similar provision.

A table showing the distribution of the facilities and equipment appropriation by project as included in the fiscal year 1992 budget request, House recommendation, Senate recommendation, and conference agreement follows:

FACILITIES AND EQUIPMENT

Funding by Project

(in thousands of dollars)

	Fiscal year 1992 budget	House Recommended	Senate Recommended	Conference Agreement
Budget Activity 1 **Air Route Traffic Control Centers**				
1. Long Range Radar	$85,417	$ 115,500	$ 85,417	$80,000
2. Radar Microwave Link	16,500	11,000	11,500	6,000
3. NEXRAD Radar	23,700	-----	23,700	21,000
4. Aviation Weather Services	23,400	23,400	-----	18,400
5. Improve En Route Facilities	28,041	24,540	25,540	24,540
6. Advanced Automation System (AAS)	557,800	411,226	478,080	445,000
7. En Route Software Development	10,950	9,500	13,500	10,000
8. Central Weather Processor	11,500	6,500	8,300	6,500
9. Aeronautical Data Link	17,600	-----	9,600	9,600
10. Automatic Dependent Surveillance	6,800	6,800	6,800	6,800
11. Improve En Route Automation	4,000	2,800	4,000	2,800
12. ARTCC Imp/Plant Modernization	50,400	50,400	50,400	36,700
13. Provide NADIN II	5,900	5,900	5,900	5,900
14. Voice Switching/Control (VSCS)	159,100	159,100	159,100	159,100
15. Comm Facilities Consolidation	2,000	-----	-----	------
16. High Capacity Voice Recorders	4,800	-----	-----	------
17. Air-Ground RFI Elimination	3,000	3,000	3,000	3,000
18. Expand/Relocate RCFs	5,000	5,000	5,000	5,000
19. Upgrade Traffic Mgmt System	15,000	13,000	15,000	13,000
20. Data Multiplexing Network	7,400	7,400	7,400	7,400
21. Critical Comms Support	11,000	9,000	9,000	6,000
22. SATCOM Circuit Backup	2,565	2,565	2,565	2,565
23. Relocate Central Flow Control	17,700	-----	2,000	500
24. Alaskan NAS Comm System	13,500	13,500	13,500	13,500
25. ARTCC Operational Support Space	9,000	-----	9,000	------
26. Improve En Route Communications	12,092	6,300	6,300	6,300
Subtotal	$ 1,104,165	$ 886,431	$ 954,602	$ 889,605
Budget Activity 2 **Airport Traffic Control Towers**				
1. Airport Surveillance Radar	$ 17,600	$ 41,600	$57,600	$ 31,600
2. Terminal Doppler Weather Radar	21,000	31,000	21,000	21,000
3. Mode S	47,800	47,800	47,800	45,000
4. D-BRITE	3,000	3,000	3,000	3,000
5. Precision Runway Monitors	15,000	35,000	35,000	35,000
6. AMASS	13,000	-----	-----	------
7. Converging Runway Display Aid	2,800	2,800	2,800	2,800
8. Terminal Radar System Improvement	3,007	14,007	28,007	28,000
9. ARTS III-A in MCI	38,900	38,900	30,910	38,900

(in thousands of dollars)

	Fiscal year 1992 budget	House Recommended	Senate Recommended	Conference Agreement
10. Southern Cal Facility Consol	18,800	17,200	17,200	15,200
11. Dallas/Fort Worth Airport	53,500	53,500	53,500	31,500
12. Terminal Software Dev Support	10,900	3,545	7,090	5,500
13. ARTS Radar Position Displays	7,000	7,000	7,000	7,000
14. New Airport Facility Planning	3,000	-----	-----	-----
15. Chicago TRACON Relocation	48,100	48,100	48,100	48,100
16. Terminal Automation Improvement	2,800	2,800	2,800	2,800
17. ATC/AF Simulation (SARTS)	10,000	10,000	10,000	10,000
18. Remote Maintenance Monitoring	30,200	19,000	19,000	19,000
19. Replace Terminal ATC Facilities	70,273	84,000	87,000	87,000
20. ATCT Establishment	3,204	3,204	3,204	3,204
21. ATCT/TRACON Modernization	18,864	18,864	21,114	18,864
22. Emergency Transceivers	9,000	-----	9,000	------
23. New Denver Airport (F&E)	45,000	41,700	41,700	41,700
24. Terminal Voice Switch Replacement	20,000	-----	20,000	15,000
25. Interim Support Plan (ISP)	136,000	102,000	102,000	102,000
26. ATCT Intra-Connectivity Program	4,700	4,700	4,700	4,700
27. Radio Control Equipment	15,000	6,000	2,900	6,000
28. DOD/FAA ATC Facilities Consol	7,800	7,800	7,800	7,800
29. ICSS	10,600	10,600	10,600	10,600
30. Terminal Comms Improvement	14,902	14,902	14,902	14,900
31. ASDE Radar System	-----	8,000	8,000	8,000
Subtotal	$ 701,750	$ 677,022	$ 723,727	$ 664,168
Budget Activity 3 Flight Service Facilities				
1. FSS Modernization	$36,800	24,200	24,200	19,200
2. WMSC Replacement	1,000	1,000	1,000	1,000
3. VHF Direction Finder Network	8,000	-----	-----	-----
4. ASOS - Flight Service Facilities	27,000	27,000	27,000	27,000
5. Flight Service Facility Imp	4,254	5,554	4,254	5,554
Subtotal	$77,054	$ 57,754	56,454	$ 52,754
Budget Activity 4 Air Navigation Facilities				
1. VOR/DME	$30,381	$22,000	$22,000	$22,000
2. Loran-C Monitor System	3,200	3,200	3,200	3,200
3. Global Positioning System (GPS)	2,900	2,900	2,900	2,900
4. Loran-C Flight Following	1,200	1,200	1,200	1,200
5. Microwave Landing System (MLS)	55,000	55,000	55,000	55,000
6. Approach Lighting Imp (ALSIP)	15,700	15,700	15,700	15,700
7. ILS Replacement	29,900	35,465	37,965	36,500

(in thousands of dollars)

	Fiscal year 1992 budget	House Recommended	Senate Recommended	Conference Agreement
8. ILS Category I Establishment	9,971	15,000	18,000	19,300
9. Visual Navaids	16,498	16,498	16,498	16,498
10. LLWAS Enhancement	4,100	4,100	4,100	4,100
11. Runway/Visual Range	3,300	4,630	5,300	4,630
12. ILS/Visual Navaids Eng	4,000	4,000	4,000	4,000
13. Auto Flt Procedures Dev	1,500	1,500	1,500	1,500
14. Takeover of Non-Federal ILS's	2,000	2,000	2,000	2,000
Subtotal	$ 179,650	$ 183,193	$ 189,363	$ 188,528
Budget Activity 5				
Housing, Utilities, and Miscellaneous Facilities				
1. FAA Housing	$ 5,500	$4,000	$ 4,000	$ 4,000
2. ADP Facilities Mgmt (CORN)	25,000	28,300	25,000	27,000
3. Buildings and Equipment	22,000	22,000	22,000	19,000
4. Electrical Power Systems	14,000	11,680	11,680	11,680
5. Employee Safety for ATCTs	10,800	15,000	10,800	12,000
6. Fuel Storage Tank Program	11,000	11,000	11,000	11,000
7. Auto Doc Dev & Maint (ADDM)	8,800	3,000	5,800	3,000
8. Land/Easement Purchase	8,000	5,000	5,000	5,000
9. Airport Datum Monument	1,500	1,500	1,500	1,500
10. CAEG System	2,200	2,200	2,200	2,200
11. NAS Mgmt Automation	5,000	5,000	5,000	5,000
12. Test Equipment Replacement	4,300	15,000	4,300	7,500
13. NAS Recovery Communications	6,645	-----	6,645	6,645
14. Explosive Detection Systems	4,790	4,790	6,790	4,790
15. System Engineering & Support	125,600	112,000	120,000	114,000
16. Air Nav/ATC System Support	3,500	3,500	3,500	3,500
17. Air Navaid/ATC Facilities Imp	8,250	8,250	8,250	8,250
18. Frequency/Spectrum Engineering	2,200	2,200	2,200	2,200
19. Independent OT&E Support	5,900	7,000	5,900	5,900
20. Contract Support Services	4,800	4,800	4,800	4,800
21. HAZMAT Management	20,000	20,000	20,000	20,000
22. Airmen/Aircraft Registry System	10,300	10,300	2,000	8,000
23. Human Resource Mgmt Plan	1,500	1,500	1,500	1,500
24. Implementation of NAS Modernization	8,000	7,000	8,000	4,000
25. Aviation Safety Analysis System	15,000	15,000	15,000	12,000
26. Computer-Based Instruction	7,000	3,200	5,000	3,200
27. Dynamic Ocean Track System	312	312	312	312
28. NAILS	8,000	12,000	8,000	9,500
29. Controller Chairs	2,700	5,500	2,700	2,700
30. Logistics Support Servics	6,700	6,700	6,700	6,700
31. National Simulator Laboratory	2,000	-----	-----	-----
32. Aeronautical Center Facilities	3,500	3,500	3,500	3,500

(in thousands of dollars)

	Fiscal year 1992 budget	House Recommended	Senate Recommended	Conference Agreement
33. Monroney Aeronautical Ctr Lease	10,300	10,300	10,300	10,300
34. Airway Science Program	3,000	10,000	25,000	20,000
35. Acquisition Oversight	-----	4,000	-----	1,000
36. Software Development	-----	4,000	-----	2,000
Subtotal	$378,097	$ 379,532	$ 374,377	$ 363,677
Budget Activity 6 Aircraft and Related Equipment				
1. Procure Flight Inspection A/C	$ 26,000	$ 78,000	$ 26,000	$ 26,000
2. Flight Inspection CV-580	6,300	6,300	6,300	6,300
3. Voice/Flight Data Recorders	1,800	1,800	1,800	1,800
4. Aircraft Items	8,285	8,285	8,285	5,985
5. Maintenance TACAN Simulator	1,300	1,300	1,300	1,300
6. Aircraft Windshear Warning Systems	500	500	500	500
7. Aircraft Turboprop Simulator Ph II	12,800	12,800	12,800	12,800
8. Aircraft Training Devices	235	235	235	235
9. S-76 Helicopter Upgrade	600	600	600	600
10. EFIS	1,900	1,900	1,900	1,900
Subtotal	$ 59,720	$ 111,720	$ 59,720	$ 57,420
Budget Activity 7 Development, Test and Evaluation				
1. FAA Tech Center - Lease	$ 5,290	$5,290	$5,290	$ 5,290
2. Utility Plant Modernization	3,400	3,400	3,400	3,400
3. General Airport Improvements	1,700	1,700	1,700	1,700
4. Fuels Research Facility	1,810	1,810	1,810	1,810
5. Nondestructive Evaluation Lab	2,000	2,000	2,000	2,000
6. System Support Lab Modernization	4,000	4,000	4,000	4,000
7. Tech Ctr R&D Lab Establishment	2,000	2,000	2,000	2,000
8. Technical Center Facilities	7,700	7,700	7,700	7,700
Subtotal	$ 27,900	$ 27,900	$ 27,900	$ 27,900
Budget Activity 8 Personnel Compensation, Benefits, and Travel				
1. Facility Establish/Improve	$156,716	$ 131,000	$ 156,716	$ 135,000
2. Flight Inspection	1,808	1,808	1,808	1,808
3. Factory Inspection/Acquisition	8,595	8,595	8,595	8,595
4. Aeronautical Center	4,545	4,545	4,545	4,545
Subtotal	$171,664	$ 145,948	$ 171,664	$ 149,948
Total Appropriation	$ 2,700,000	$2,469,500	$2,557,807	$2,394,000

Budget restructuring.—The conferees have agreed to maintain the existing budget structure for the facilities and equipment (F&E) appropriation, as proposed by the Senate, on the understanding that a revised structure will be submitted as part of the fiscal year 1993 President's budget, and that this new structure will address the concerns raised by the House. Preliminary agreements have been reached on this new structure, and the conferees agree that the basic elements of this proposal would be a significant improvement over the current situation. However, the conferees do *not* support the concept of transitioning funds for all new engineering development projects into the research, engineering and development (RE&D) appropriation. These funds should instead be maintained in F&E under a separate engineering development, test and evaluation subaccount. This latter arrangement is preferred since it would satisfy the present issues without raising significant and far-reaching new concerns over moving these finds into the RE&D account. the conferees also note that the current proposal does not recognize the distinction in OMB Circular A-109 between limited production and full production. The Department is encouraged to consider that distinction in its final restructuring position.

Airport surveillance radar.—The conferees agree to provide $31,600,000 for this program, including $10,000,000 specifically for an ASR-9 radar system at Grand Junction, Colorado as proposed by the House.

Replacement of terminal air traffic control facilities.—The conferees agree to provide $87,000,000 for this program, as proposed by the Senate, and agree that within this total, locations specified in either the House or Senate reports are to be funded at the level recommended in those reports, and at the higher level if mentioned in both reports.

Establishment of instrument landing systems.—The conferees agree to provide $19,300,000 for this program. Locations funded are as follows:

Location	*Runway*
FAA Academy, OK	
Richmond, VA	2
Grand Rapids, MN	34
Boston, MA	4L
Louisville, KY	16L
Albuquerque, NM	35
St. Louis, MO	12L
Sacramento, CA	16L
Birmingham, AL	23
Connersville, IN	
Nashville, TN	2c/20C
Nacogdoches, TX (glideslope/markers)	18
Corinth, MS (Roscoe Turner Airport)	
Des Moines, IA	
Olive Branch, MS (localizer)	
Keokuk, IA (localizer)	
Dublin, GA (glideslope indicator)	

Replacement of instrument landing systems.—The conferees agree to provide $36,500,000 for this program instead of $35,465,000 as proposed by the House and $37,965,000 as proposed by the Senate. Within the amount provided, instrument landing systems are to be provided for each of the locations specified in either the House or Senate reports, except that the runway designations for landing systems at Chicago O'Hare Airport are amended to read "4R" and "9R".

Runway/visual range equipment.—The conferees agree that RVR locations specified in the House report are to be included in this program out of the funds provided.

Aircraft situation display (ASD) data.—The conferees agree with Senate direction requiring a plan for the provision of aircraft situation display (ASD) data by November 15, 1991, and provision of the data by February 15, 1992. The House proposed the submission of a plan by January 1, 1992.

Precision runway monitor/microwave landing system.—The conferees do not agree with House direction which would prevent the awarding of a contract for the microwave landing system until the FAA Administrator certifies that the electronic-scan precision runway monitor (PRM) at Raleigh-Durham International Airport will be commissioned by March 31, 1992. The conferees do not believe these to events should be linked, but do expect the FAA Administrator to take all necessary actions to ensure that the Raleigh-Durham PRM is commissioned no later than December 31, 1992.

Weather graphics systems.—The conferees agree to House direction requiring the FAA to keep their current weather graphics systems in place until the FAA can demonstrate that a new system will significantly improve capability. However, the conferees agree that this should not prevent the FAA from updating or making improvements to the existing systems.

Airway science program.—The conferees agree to provide $20,000,000 for this program instead of $10,000,000 as proposed by the House and $25,000,000 as proposed by the Senate. Within the amount provided, the following allocations are to be made:

Middle Tennessee State University	$250,000
Dowling College	3,000,000
North Dakota-Grand Forks	2,000,000
North Dakota State University	989,000
Northeast Louisiana University	4,000,000
Southern University	3,000,000
Daniel Webster College (priority consideration)	3,000,000

Voice switching/control system.—The conferees direct that none of the funds provided in fiscal year 1992 for this program are to be obligated until six weeks after submission of a report to the House and Senate Committees on Appropriations on the results of VSCS contractor testing.

Tower/TRACON modernization.—The conferees agree to provide $1,750,000 for a terminal radar approach in the tower cab at the Redmond municipal Airport as proposed by the Senate, but make the obligation of these funds contingent upon a written assurance from the FAA that such equipment can be utilized effectively without the construction at federal expense of additional facilities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 33: Appropriates $218,135,000 instead of $218,000,000 as proposed by the House and $225,120,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Air traffic control	$104,214,000
Advanced computer	21,051,000
Navigation	1,209,000
Aviation weather	5,169,000
Aviation medicine	11,069,000
Aircraft safety and security	71,423,000
Environment	4,000,000

Centers of Excellence for Aviation Research.—The conference agreement includes $3,000,000 to implement a centers of excellence for aviation research program as authorized by Public Law 101-508. Of this amount, the conferees direct that $1,500,000 be available for a joint center administered by Rutgers University and The Georgia Institute of Technology.

Wichita State University.—The conferees have included $1,414,000 for the advancement of aviation safety research at the National Institute for Aviation Research at Wichita State University, Wichita, Kansas.

Aircraft safety.—The conference agreement includes $635,000 for research into alternative fuels for use in high-powered, low-weight aircraft engines that currently use leaded aviation gasoline, $500,000 for continued high intensity radiated fields testing and $1,500,000 for the Center for Aviation Systems Reliability laboratory expansion.

Aviation security.—The conference agreement includes $565,000 for a 90-day test at an airport of mass spectrometer technology in combination with an X-ray machine and other selected security equipment.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Amendment No. 34: Limits general operating expenses to $419,000,000 instead of $326,400,000 as proposed by the House and $479,050,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Administrative expenses	$212,200,000
GSA rental payments	
Highway research, development and technology	28,500,000
Intelligent vehicle/highway systems research	20,000,000
Congested corridors	119,800,000
Technology assessment and deployment	8,000,000
Long-term pavement performance	10,000,000
National Highway Institute	3,000,000
Rural technical assistance	3,750,000
International transportation	100,000
Multimodal studies	4,000,000
Minority business enterprise	8,000,000
Highway use tax evasion	1,000,000
Feasibility, design, environmental studies	650,000
(Port of St. Bernard, LA, intermodal facility site engineering and feasibility study)	(450,000)
(Aroostook County, ME, study)	(200,000)

Highway research, development and technology.—The conference agreement includes the following:

Constructed Facilities Center, West Virginia University	$1,000,000
Highway safety information system	1,000,000
North Carolina geographic information system	1,000,000
Minnesota Humphrey Institute	750,000
Truck driver fatigue research	2,000,000

The conference agreement does not include any funds for production, broadcast, and dissemination of documentary materials regarding the state of the nation's infrastructure.

The conferees direct the Federal Highway Administration to establish a Bureau of

Transportation Statistics to collect information on the performance of the nation's transportation systems, and to provide annual reports to Congress on the use, productivity, safety, durability, environmental, and economic effects of the transportation systems.

Congested corridors.—The conference agreement distributes funds for congested corridors as follows:

Advantage I–75	$1,000,000
IVHS, Oakland County, MI	10,000,000
Chicago (ADVANCE)	7,500,000
Crescent	2,000,000
Detroit	500,000
FLAMINGO, Florida	5,000,000
Guidestar, Minnesota	10,000,000
Houston	2,000,000
Philadelphia	2,000,000
Electric vehicle, California	1,500,000
Smart corridor, California	1,000,000
Transcom, New York/New Jersey	3,000,000
MAGIC, New York/New Jersey	4,000,000
Toll road ETTM, New Jersey	25,000,000
Integrated corridor management, New Jersey/Philadelphia	6,000,000
Signal computerization, New Jersey	6,000,000
Southern State Parkway, New York	20,000,000
Baltimore-Washington Parkway, Maryland	300,000
Maryland arterials	2,200,000
Unallocated	10,800,000

Amendment No. 35: Provides that $206,800,000 of general operating expenses shall remain available until expended instead of $114,200,000 as proposed by the House and $266,850,000 as proposed by the Senate.

UNIVERSITY TRANSPORTATION CENTERS
(HIGHWAY TRUST FUND)

Amendment No. 36: Appropriates $5,000,000 as proposed by the House instead of $7,000,000 as proposed by the Senate.

HIGHWAY-RELATED SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Amendment No. 37: Appropriates $20,000,000 as proposed by the Senate instead of $10,000,000 as proposed by the House.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

Amendment No. 38: Appropriates $12,005,000, of which $8,003,333 shall be derived from the highway trust fund, instead of $13,270,000, of which $8,846,667 shall be derived from the highway trust fund, as proposed by the House. The Senate bill contained no similar appropriation.

The conference agreement includes the following amounts:

Augusta, Georgia	$2,475,000
Brownsville, Texas	4,320,000
Lafayette, Indiana	4,590,000
Springfield, Illinois	620,000

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Amendment No. 39: Limits obligations for Federal-aid highways and highway safety construction programs to $16,800,000,000 instead of $16,200,000,000 as proposed by the House and $17,092,610,000 as proposed by the Senate.

The conference agreement assumes continuation of current law regarding exempt programs as specified in the House report.

Interstate Transfer-highways.—The conference agreement includes the following allocations of interstate transfer-highways discretionary funds:

California	28,913,591
Maryland	18,257,335
Oregon	5,345,138

The conferees recognize that delays in some regions' projects might necessitate adjustments to the above allocations. The conferees expect these adjustments, if required, to be accomplished through the normal reprogramming process.

The conference agreement includes those projects specified under I–4R discretionary, interstate discretionary, Federal lands highways, parkways and park highways, and discretionary bridges in the House and Senate reports. In addition, the conferees direct that priority consideration be given to the following discretionary bridge projects:

Portland-South Portland, Maine
Port Vue Bridge, Pennsylvania
34th Street Bridge, Philadelphia, Pennsylvania
Falls Bridge, Pennsylvania
Loop Bridge, Long Beach, New York

Amendment No. 40: Deletes Senate provision that limits obligations for section 157 of title 23, United States Code, to $1,100,000,000. The House bill contained no similar provision.

The conferees acknowledge that the minimum allocation program exists to reduce the negative impact of highway allocation formulas on the donor states but are, nevertheless, concerned about the growth in outlays associated with the program. These outlays are charged against the House and Senate transportation Appropriations Subcommittees' domestic discretionary outlay allocations but are presently exempt from any controls or limitations. The conferees direct that the Federal Highway Administration provide a report on the amount of contract authority and outlays associated with the minimum allocation program for each of the past eight years and include recommendations on how to control the outlays associated with the program.

FEDERAL-AID HIGHWAYS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Amendment No. 41: Appropriates $15,400,000,000 as proposed by the Senate instead of $15,100,000,000 as proposed by the House.

RIGHT-OF-WAY REVOLVING FUND
(LIMITATION ON DIRECT LOANS)
(HIGHWAY TRUST FUND)

Amendment No. 42: Limits obligations for direct loans to $42,500,000 as proposed by the Senate instead of $70,000,000 as proposed by the House.

MOTOR CARRIER SAFETY

Amendment No. 43: Deletes the head proposed by the Senate. The House bill contained no similar head.

Amendment No. 44: Appropriates $47,600,000 instead of $48,417,000 as proposed by the House and $46,000,000 to be derived from the highway trust fund as proposed by the Senate.

The conference agreement includes the following reductions from the budget request:

GSA rental payments	–$100,000
Travel	–500,000
ADP support and equipment	–500,000
Staffing reduction	–200,000
Report on uniform hazardous materials registration and permitting procedures	–100,000
Contract research	–317,000

The conference agreement provides for the following staff increases over fiscal year 1991:

Hazardous Materials Transportation Uniform Safety Act	+30
Sanitary Food Transportation Act	+4
Motor Carrier Safety Act	+2
Motor Carrier Safety Assistance Program	+2

MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Amendment No. 45: Limits obligations to $65,000,000 instead of $60,000,000 as proposed by the House and $65,500,000 as proposed by the Senate.

BALTIMORE-WASHINGTON PARKWAY
(HIGHWAY TRUST FUND)

Amendment No. 46: Appropriates $19,800,000 instead of $22,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

INTERMODAL URBAN DEMONSTRATION PROJECT
(HIGHWAY TRUST FUND)

Amendment No. 47: Appropriates $9,000,000 instead of $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS
(HIGHWAY TRUST FUND)

Amendment No. 48: Appropriates $19,800,000 instead of $22,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

Amendment No. 49: Appropriates $16,350,000 instead of $18,700,000 as proposed by the House. The Senate bill contained no similar appropriation.

The conferees direct that $800,000 shall be made available for the improvement of Saginaw Street in East Lansing, Michigan.

HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT
(HIGHWAY TRUST FUND)

Amendment No. 50: Appropriates $4,500,000 instead of $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY WIDENING DEMONSTRATION PROJECT

Amendment No. 51: Appropriates $1,800,000 instead of $2,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

Amendment No. 52: Appropriates $7,200,000 instead of $8,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

CLIMBING LANE AND HIGHWAY SAFETY DEMONSTRATION PROJECT

Amendment No. 53: Appropriates $6,300,000 instead of $7,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

Amendment No. 54: Appropriates $3,600,000 instead of $4,000,000 as proposed by the

House. The Senate bill contained no similar appropriation.

ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

Amendment No. 55: Appropriates $9,000,000 instead of $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

KENTUCKY BRIDGE DEMONSTRATION PROJECT

Amendment No. 56: Appropriates $4,500,000 instead of $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

Amendment No. 57: Appropriates $5,400,000 instead of $6,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

URBAN HIGHWAY CORRIDOR AND BICYCLE TRANSPORTATION DEMONSTRATION PROJECTS

Amendment No. 58: Appropriates $9,630,000 for the M-59 urban highway corridor and $900,000 for a bicycle transportation project instead of $10,700,000 and $1,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

The conferees direct that $2,500,000 shall be made available for surfacing of White Lake Road in White Lake Township between Andersonville Road and Teggerdine Road.

URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT

Amendment No. 59: Appropriates $9,000,000 instead of $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

PENNSYLVANIA RECONSTRUCTION DEMONSTRATION PROJECT

Amendment No. 60: Appropriates $8,100,000 instead of $9,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

PENNSYLVANIA TOLL ROAD DEMONSTRATION PROJECT

Amendment No. 61: Appropriates $1,800,000 instead of $2,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY BYPASS DEMONSTRATION PROJECT

Amendment No. 62: Appropriates $9,000,000 instead of $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY DEMONSTRATION PROJECTS (INCLUDING TRANSFER OF FUNDS)

Amendment No. 63: Restores the head as proposed by the House. The Senate bill contained no similar head.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

$249,146,000, together with $4,628,000 to be derived by transfer from the "Nuclear Waste Transportation Safety Demonstration project"

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following allocations for highway demonstration projects:

Bridge construction (Hillsboro, IL)	$850,000
Florida U.S. 27 (Palm Beach County)	6,050,000
U.S. Route 89 (Farmington to Ogden, UT)	4,050,000
Columbus, IN, I-65 and State Road 46 interchange	3,150,000
Florida causeway (17th Street) tunnel project (Fort Lauderdale)	5,225,000
Hubbard Expressway project (Youngstown, OH)	3,600,000
Indiana East Chicago Marina/rerouting of Route 12	756,000
Interstate 680 access ramps project (Youngstown, OH)	2,250,000
Michigan Bristol Road relocation project (Flint and Genesee County)	4,500,000
Michigan M-84 expansion (Saginaw and Bay Counties)	450,000
Michigan U.S. 31 (City of Niles and City of Benton Harbor)	450,000
Muncie, IN, State Road 67 (I-69 to Muncie By-Pass)	6,300,000
New York Exit 26 bridge project (Schenectady County)	3,600,000
Pennsylvania State Route 711 bypass (Ligonier)	900,000
Highway 101 (tri-state) feasibility study	270,000
Alabama-Florida (connect I-65 to I-10 in Pensacola, FL)	1,842,000
Bridge between Niobrara, NE and Springfield, SD	3,200,000
California: Highway 152 (Interstate 5 in Central Valley with U.S. 101 and CA Hwy 1)	1,600,000
Florida: Northeast Dade bikepaths:	
City of North Miami	800,000
City of North Miami Beach	865,000
Dade County for Aventura and Sunny Isles	850,000
Illinois: U.S. Highway 20 between Freeport and Galena	2,113,000
Illinois: Springfield Eleventh Street extension	700,000
Indiana: Indianapolis to Evansville	3,200,000
Iowa Highway 2	360,000
Iowa: Black Hawk County-Rainbow Drive and 18th St/Cedar Falls	3,200,000
Michigan: Grand Rapids I-96 By-pass	2,400,000
Minnesota: 77th Street reconstruction	9,240,000
Missouri: Telegraph Avenue/I-255 interchange	40,000
Montana: U.S. Highway 93 (Native American religious site)	100,000
Nevada: I-15/Sahara Avenue interchange	1,600,000
Nevada: U.S. 395 extension from South Virginia Avenue to Mount Rose Highway	2,800,000
New Mexico: Santa Fe Relief Route (bypass)	4,800,000
(By transfer)	(4,628,000)
New York: Miller highway from 59th Street to 72nd Street (west side of Manhattan)	2,800,000
New York: Mount Vernon parking facility	320,000
North Carolina: U.S. 64	2,560,000
Pennsylvania: North Philadelphia intermodal facility	4,800,000
Pennsylvania: Center Avenue extension	3,200,000
Pennsylvania: Interstate highway 81 (vicinity of Wilkes-Barre)	4,000,000
Pennsylvania: Quakertown congestion relief (Bucks County)	1,000,000
Pennsylvania: U.S. Route 6 bypass/widening (Wysox, Towanda, and Tunkhannock Boroughs)	4,000,000
Pennsylvania: U.S. Route 202 (King of Prussia and Montgomeryville)	400,000
Ohio Railroad-highway corridor studies (6)	240,000
Texas: City of Laredo (FM 3464 from Mines Road (FM 1472) to Interstate 35)	1,600,000
U.S. Route 24 (from Fort Wayne, IN to Toledo, OH)	240,000
Utah: West Valley City-widen 5600 West	1,600,000
Virginia I-495 interchanges (Capital Beltway)	1,600,000
Virgin Islands: Christiansted Bypass	1,600,000
Washington: Marysville/Tulalip Tribes I-5 interchange	2,720,000
Washington: Snohomish County HOV lanes/park and ride project	800,000
Fifth/Sixth Street improvements, Waterloo, IA	4,500,000
Des Moines inner loop, IA	1,800,000
Highway 71, Fayetteville, AR	12,600,000
Interstate 90 interchange, Bozeman, MT	675,000
Airport access road, Albuquerque, NM	4,320,000
Lock and dam, 4, Pine Bluff, AR	3,600,000
U.S. 212 bridge, Forest City, SD	2,560,000
Crossing project, Provo, UT	3,150,000
Eighth Street bridge crossing, Sheboygan, WI	6,560,000
Bridge safety repair, VT	990,000
Alaska-Canada highway	9,600,000
Southeast Kansas corridor	1,376,000
Pearl River bridge, Jackson, MS	1,600,000
Maricopa Road, AZ	3,600,000
Interstate 35 interchange, Salina, KS	2,584,000
Pond Creek, Grant County, OK	800,000
Highway beautification, Grand Forks, ND	800,000
FBI complex, Harrison County, WV	9,840,000
Route 21 widening, Newark, NJ	5,000,000
I-280 downtown connector interim improvements, Newark, NJ	3,000,000
I-78 downtown connector, Newark, NJ	4,000,000
Raymond Plaza/Penn Station, Newark, NJ	1,500,000
Interstate emergency callbox system, NJ	3,500,000
Routes 70/38 circle elimination, NJ	6,000,000
Sky Harbor access road, AZ	5,040,000

Route 4 bridge replacement, NJ	2,000,000
Chief Joseph Highway, WY	4,800,000
Right-of-way, El Santo and related roads, Taos, NM	480,000
I–87 Tappan Zee moveable median barrier, NY	4,800,000
Gowanus Expressway, NY	1,200,000
Meadowbrook State Parkway, NY	3,600,000
Belgrade overpass, MT	1,200,000
Pine Creek, McCurtain County, OK	1,440,000
Rail crossing, Caliente, NV	1,600,000
Highway 30, Clinton, IA	1,440,000
Ports-of-entry, Columbus/Sunland Park, NM	2,400,000
Maple Road extension, Walled Lake, MI	2,400,000
Bryden Canyon Bridge access, Clarkston, WA	3,600,000
Overland Park interchange, KS	3,600,000

Amendment No. 65: Deletes Senate provision that exempts funds appropriated from any limitation on obligations for Federal-aid highways and highway safety construction programs. The House bill contained no similar provision.

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

Amendment No. 66: Inserts the head as proposed by the Senate.

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental, and preliminary engineering studies, $18,448,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following allocations for highway studies:

Route No. 9, WV	$1,040,000
Route No. 2, WV	2,080,000
U.S. Route No. 52, WV	800,000
FBI complex	480,000
Madison County, MS	192,000
Vermillion-Newcastle Bridge, SD & NE	32,000
National Park System	240,000
Tacoma Narrows Bridge, WA	480,000
Bridge study, Greenville, MS	204,000
Tonto National Forest, AZ	720,000
Kihei-Heleakala Highway, HI	1,200,000
Interchange, Johnson City, TN	280,000
Route 21 viaduct, NJ	2,700,000
Route 17/Route 4 interchange, NJ	4,000,000
Route 208/Route 4 interchange, NJ	4,000,000

CORRIDOR G IMPROVEMENT PROGRAM

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$148,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CORNING BY-PASS SAFETY DEMONSTRATION PROJECT

Amendment No. 69: Reported in technical disagreement. The managers of the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *$12,600,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TURQUOISE TRAIL PROJECT

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *$2,700,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OTTUMWA ROAD EXTENSION PROJECT

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *$7,200,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NORTH CAROLINA CONNECTOR PROJECT

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *$4,800,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act, $78,528,000, to remain available until September 30, 1994.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

Amendment No. 74: Deletes language proposed by the Senate which would have allowed funding for activities authorized by the Motor Vehicle Information and Cost Savings Act and the National Traffic and Motor Vehicle Safety Act to be derived from the highway trust fund. The House bill contained no similar language.

Amendment No. 75: Appropriates $44,172,000 from the highway trust fund for operations and research instead of $42,357,000 as proposed by the House and $121,986,000 as proposed by the Senate.

The conference agreement for operations and research includes the following adjustments to the President's budget request:

Rulemaking:	
Rulemaking-related contracts	−$1,145,000
Fuel economy staffing	−112,000
CAFE-related environmental impact statement	−1,400,000
New car assessment program	+290,000
Enforcement. Compliance activities	+300,000
Highway Safety:	
Alcohol/drug contracts	−700,000
Delete DEC/NIDA position	−65,000
Highway safety literature review	−35,000
Section 402 grants administration	−200,000
Police traffic services	−345,000
TEAM program	+170,000
Research and Analysis:	
Biomechanics research	+3,000,000
Jackson Memorial Hospital	+2,000,000
IVHS research	−500,000
National accident sampling system	−675,000
National advanced driving simulator	−1,500,000
NCSA positions	−62,000
Youth awareness initiatives	+150,000
Truck tire test procedures	+360,000
Lightweight automotive component research	+350,000
Underage drinking reduction	+225,000
Trauma research-passenger compartment intrusions	+500,000
Office of the Administrator:	
Office of the Director, Intergovernmental Affairs	−173,000
Public/consumer affairs position	+35,000
Accountwide	−40,000
General Administration Evaluations	−270,000
Accountwide Adjustments:	
Rental payment consolidation	−4,157,000
Training	−57,000
Computer support	−250,000
SES bonuses	−20,000
Travel	−125,000
Printing and reproduction	−23,000
Supplies and materials	−33,000

New car assessment program.—The conferees direct NHTSA to provide a study to the House and Senate Committees on Appropriations comparing the results of new car assessment program (NCAP) data from previous model years to determine the validity of these tests in predicting actual on-the-road injuries and fatalities over the lifetime of the models. The study shall also address the efficacy of allowing automobile manufacturers to choose between the "high tech" and "low tech" dummies for the purposes of NCAP testing. Separately, NHTSA shall proceed to fully implement the NCAP initiative cited in the Senate report.

Motor vehicle theft prevention study.—The conferees direct that the report on motor vehicle theft prevention called for by the Senate be expanded to include actions by others who have a significant role in reducing such thefts, including law enforcement agencies at all levels of government, and an assessment of the effectiveness of state automobile theft prevention programs.

Office of the Administrator staffing.—The conferees have agreed with the proposal of the House to eliminate all funding for the office of the director of intergovernmental affairs. The funding for clerical and administrative support for this office has been reallocated to the Office of Public and Consumer Affairs. The conferees agree that NHTSA needs to take actions to improve its Congressional affairs activities, and once those solutions are found, the House and Senate Committees on Appropriations will entertain a prior approval reprogramming request which could allow continuation of this important activity. Funding for the deputy administrator's position, which was deleted under the House proposal, has been restored.

Travel funds.—The conferees do not agree with Senate direction restricting the use of travel funds to certain activities.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 76: Deletes Senate language which would have allowed liquidating cash in this appropriation to be utilized for carrying out the provisions of section 153 of title 23, United States Code. The House bill did not include section 153.

Amendment No. 77: Appropriates $130,000,000 for highway traffic safety grants as proposed by the House instead of $150,000,000 as proposed by the Senate.

Amendment No. 78: Limits obligations to $118,000,000 for state and community highway safety grants instead of $115,000,000 as proposed by the House and $120,000,000 as proposed by the Senate.

Amendment No. 79: Deletes language proposed by the Senate which limits obligations for state grants authorized under 23 U.S.C. 153 to $20,000,000. The House bill contained no similar provision.

Amendment No. 80: Limits obligations to $5,153,000 for administration of the section 402 grants program as proposed by the Senate instead of $5,353,000 as proposed by the House.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Amendment No. 81: Appropriates $16,442,000 for the Office of the Administrator instead of $16,077,000 as proposed by the House and $16,962,000 as proposed by the Senate.

The conference agreement includes the following adjustments to the President's budget request:

Salaries and expenses:	
Office of administrator staffing (−1 FTE)	−$100,000
Merit pay	−16,000
Office of general counsel staffing (−FTE)	−54,000
Contractual support:	
Enhanced rail network	−50,000
Alaska-Railroad:	
Environmental cleanup	−300,000
Accountwide adjustments:	
Rental payment consolidation	−1,256,000

MX rail garrison reimbursable positions.—The conferees agree that no reimbursable full time equivalent positions are to be allocated to the Air Force MX rail garrison program, due to the recent Presidential decision to terminate that program. The budget request assumes 4 such positions.

LOCAL RAIL FREIGHT ASSISTANCE

Amendment No. 82: Appropriates $11,500,000 instead of $10,000,000 as proposed by the House and $14,000,000 as proposed by the Senate.

RAILROAD SAFETY

Amendment No. 83: Appropriates $37,706,000 instead of $37,136,000 as proposed by the House and $38,921,000 as proposed by the Senate.

The conference agreement includes the following adjustments to the President's budget request:

Federal enforcement:	
Sanitary food transportation act implementation	−$1,076,000
HMTUSA implementation	−250,000
Inspector training	−235,000
Inspector trainees	−100,000
Automated Track Inspection	−90,000
Regulation and administration:	
Data management	−80,000
Accountwide adjustments:	
Rental payment consolidation	−1,487,000

Inspector training facility.—The conferees agree with House direction regarding a university-based inspector training facility.

RAILROAD RESEARCH AND DEVELOPMENT

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$22,331,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $150,000 for railroad metallurgical and welding studies at the Oregon Graduate Institute.

The conference agreement includes the following adjustments to the President's budget request:

Equipment, operations and hazardous materials:	
Human factors research	+200,000
Nuclear materials routing study	−110,000
Shortline railroad database development	+125,000
Track safety research:	
Track research	−447,000
Magnetic levitation/high speed rail	−3,550,000
Administration:	
Delete maglev position	−70,000
TRB general support	−50,000
Accountwide adjustments:	
Rental payment consolidation	−65,000

Magnetic levitation/high speed rail.—The conference agreement provides $12,000,000 for magnetic levitation/high speed rail, of which $800,000 is for national laboratories managed by the Department of Energy. Also included in the total amount provided is $500,000 for each of the following state planning grants:

Baltimore-Washington (Maryland DOT)

New York City-Albany-Boston (New York DOT)

Milwaukee-Chicago (Wisconsin DOT)

Allegheny County, Pennsylvania (Pennsylvania DOT)

Clark County/Las Vegas, Nevada (Nevada DOT)

With regard to the New York-Albany-Boston project, the conferees note that this is a cooperative venture between the State of New York and the Commonwealth of Massachusetts and that, in addition, the alignment includes Springfield, Worcester, and Pittsfield, Massachusetts. The conferees direct the United States Department of Transportation to favorably consider all non-Federal sources of matching funds and to credit grant recipients with the value of relevant portions of all locally funded maglev or advanced steel wheel studies which are either planned or underway.

Shortline/regional railroad database development.—The conferees direct that $125,000 of the amount made available for research and development shall be used for the Shortline Railroad Reporting Database Development Project at the Upper Great Plains Transportation Institute at North Dakota State University.

MAGNETIC LEVITATION TRANSPORTATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 86: Report in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Of the funds provided under this head, $2,500,000 is available until expended for grants to specific states to conduct detailed market analysis of potential maglev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/or high speed rail use: Provided, that any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

Amendment No. 87: Appropriates $205,000,000 instead of $36,000,000 as proposed by the House and $260,000,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Routine Capital Expenses of the Northeast Corridor

Washington-New York:	
Bridge upgrades	$5,500,000
Penn Station/tunnel safety improvements	12,600,000
New Jersey CETC	5,300,000
Sunnyside yard track/platform renewal	7,100,000
Undercutting	2,000,000
Interlocking reconfiguration/turnout rehabilitation	5,500,000
Electric traction upgrades	7,000,000
Communication/signal system upgrades	5,000,000
New York-Boston:	
Bridge upgrades	2,200,000
High level platform	2,700,000
Total	54,900,000

New York-Boston High Speed Rail Improvements

Electrification	110,000,000

New York-Boston High Speed Rail Improvements—Continued

High-speed interlocking	5,000,000
Electrification compatible signal system	17,800,000
Stamford center island platforms design	3,300,000
Bridge clearance	8,500,000
Project management	5,500,000
Total	150,100,000

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Amendment No. 88: Appropriates $506,000,000 in total funding for grants to the National Railroad Passenger Corporation (Amtrak) instead of $503,900,000 as proposed by the House and $511,000,000 as proposed by the Senate.

Amendment No. 89: Provides $331,000,000 for operating losses and labor protection costs as proposed by the Senate instead of $328,900,000 as proposed by the House.

Within the amount provided, up to $700,000 is available for necessary expenses for the additional section 403(b) train described in the House report and $500,000 is for the high speed rail study described in the House report.

Service to Maine.—The conferees expect that upon completion of improvements to upgrade the rail line between Boston, Massachusetts and Portland, Maine, Amtrak will provide the passenger equipment and locomotives needed to operate three daily round trips at no cost to the states, provided that the other capital costs associated with new service for upgrade of facilities and right-of-way are funded from non-Amtrak sources. Upon the completion of improvements to the Boston-to-Portland rail line, Maine will become the ninth state to operate a section 403(b)) rail service, based on a shared Amtrak-state operating budget.

Amendment No. 90: Provides $175,000,000 for capital improvements as proposed by the House instead of $180,000,000 as proposed by the Senate.

Thirtieth Street Station demonstration project.—The conferees agree that, of the amount provided, $7,000,000 is available only for the Thirtieth Street Station demonstration project described in the House report.

Amtrak stations.—The conferees agree with House report language regarding Amtrak station facilities in Toledo, Ohio and Willimantic, Connecticut and with Senate report language regarding parking problems at the Amtrak station in Charleston, West Virginia.

Noise barriers.—The conferees agree that $500,000 of the amount provided is to address Amtrak-related noise problems between Readville and Forest Hills, Massachusetts, as described in the House report.

Amendment No. 91: Provides that rail passenger service between Atlantic City, New Jersey and the Northeast Corridor main line be discontinued if revenues from that service are not at least 75 percent of the short-term avoidable costs of operating such service in the third year of operation. The House bill required revenues to cover 80 percent of costs in the third year and 100 percent for each year thereafter. The Senate bill contained no similar provision.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits funding for acquisition, construction, or rehabilitation of the rail line between Spuyten Duyvil, New York and the Northeast Corridor main line unless 40 percent or more of the costs of such improvements are derived from non-Amtrak sources.

CONRAIL COMMUTER TRANSITION ASSISTANCE

Amendment No. 93: Appropriates $13,600,000 instead of $27,200,000 as proposed by the House. The Senate bill contained no similar appropriation. The conference agreement distributes the funds as follows: Manayunk Bridge (rehabilitation or the first part of replacement), $10,000,000; Cresson Street trestle/station repair work in Manayunk, $3,600,000.

AMTRAK CORRIDOR IMPROVEMENT LOANS

Amendment No. 94: Provides $3,500,000 in loans as proposed by the House. The Senate bill contained no similar provision.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

Amendment No. 95: Appropriates $37,000,000 as proposed by the House instead of $19,566,419 as proposed by the Senate.

RESEARCH, TRAINING AND HUMAN RESOURCES

Amendment No. 96: Inserts heading as proposed by the House.

Amendment No. 97: Deletes the word "planning" proposed by the Senate.

Amendment No. 98: Appropriates $26,000,000, of which $5,000,000 shall be available to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended, as proposed by the House instead of $58,347,073 as proposed by the Senate.

The conference agreement includes the following amendments:

Project ACTION	$2,000,000
Fuel cell bus	1,000,000
Photovoltaic feasibility study	50,000
Center for Suburban Mobility	750,000
Inner-city youth job-transit training program (Newark, N.J.)	500,000

FORMULA GRANTS

Amendment No. 99: Appropriates $1,520,000,000 instead of $1,600,000,000 as proposed by the House and $1,058,043,440 as proposed by the Senate.

Amendment No. 100: Deletes language proposed by the Senate providing that $177,822,231 shall be derived from the mass transit account of the highway trust fund.

TRUST FUNDED PROGRAMS

(LIMITATION ON OBLIGATIONS)

Amendment No. 101: Deletes language proposed by the Senate establishing limitations on obligations for administrative expenses, formula grants, interstate transfer grants-transit, university transportation centers, and transit planning and research.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 102: Limits obligations to $1,900,000,000 as proposed by the House instead of $535,000,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Bus and bus facilities	$230,000,000
Existing rail modernization and extensions	550,000,000
New systems and new extensions	565,000,000
(Los Angeles)	(135,000,000)
(Atlanta)	(20,000,000)
(St. Louis)	(35,000,000)
(San Francisco)	(55,000,000)
(Honolulu)	(40,000,000)
(Houston)	(30,000,000)
(Dallas)	(40,000,000)
(Baltimore)	(5,000,000)
(Jacksonville)	(10,000,000)
(Cleveland)	(1,000,000)
(New Jersey Urban Core)	(70,000,000)
(Chicago)	(21,000,000)
(Miami)	(11,000,000)
(Salt Lake City)	(5,000,000)
(San Diego)	(1,000,000)
(Pittsburgh)	(15,000,000)
(Portland)	(26,000,000)
(New York)	(11,000,000)
(Boston)	(21,000,000)
(Kansas City)	(1,000,000)
(Philadelphia cross-country)	(1,000,000)
(Seattle-Tacoma)	(10,000,000)
(Orlando)	(1,000,000)
Planning	45,000,000
Elderly and Handicapped ...	55,000,000
University transportation centers	5,000,000
Section 9B formula grants .	450,000,000

The conferees have approved the specific bus, rail modernization, and planning projects identified in the House and Senate reports with the following modifications:

Kansas City, Missouri Area Transit Authority is added to the listing of bus projects;

Houston, Texas is deleted from the listing of bus projects;

Brazos Transit System, Texas is included on the listing of bus projects at a funding level of $10,000,000; and

Tucson, Arizona dial-a-ride is added to the listing of bus projects at a funding level of $4,000,000.

Houston.—The conferees recommend $30,000,000 for Houston transit new start projects. The conferees agree that no money should be obligated specifically for Houston monorail without a strong consensus within the public, along with local, state and federal representatives consistent with UMTA rules and regulations applicable to new start projects. The conferees also direct UMTA to keep previously earmarked funds for transit projects in the City of Houston unobligated.

Buffalo.—The conferees agree with the position of the House regarding the NFTA's bus improvement program, and further direct that the $5,000,000 be supplemented with an amount equal to the $2,343,744 in cost savings realized by the NFTA from funds previously provided for the construction of the Cold Springs bus facility.

Chattanooga.—The conferees have included $1,000,000 for the Chattanooga downtown circulator from the bus and bus facilities account rather than $1,000,000 from the new systems account. In addition, the conferees direct UMTA to reprogram $1,000,000 provided in the fiscal year 1991 UMTA new systems account for Chattanooga to the bus and bus facilities account for the Chattanooga downtown circulator.

Planning.—The conferees concur in the House language and further expect that the funding of transit studies conducted by regional transit authorities encompassing more than one metropolitan planning organization (MPO) should be a priority for UMTA. The conferees direct the administrator to fund such studies as part of a national program to address such issues as accessibility for the disabled, air quality and traffic congestion.

Amendment No. 103: Deletes language inserted by the House and deletes language inserted by the Senate.

DISCRETIONARY GRANTS

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

DISCRETIONARY GRANTS

None of the funds provided in fiscal year 1992 to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) shall be used for the study, design, engineering, construction or other activities related to the monorail segment of the Houston metro program.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 105: Deletes language inserted by the House and deletes language inserted by the Senate.

Amendment No. 106: Appropriates $1,500,000,000 as proposed by the Senate instead of $1,400,000,000 as proposed by the House.

UNIVERSITY TRANSPORTATION CENTERS

Amendment No. 107: Deletes appropriation of $2,632,159 proposed by the Senate.

The conference agreement includes $5,000,000 for university transportation centers under amendment numbered 102.

INTERSTATE TRANSFER GRANTS—TRANSIT

Amendment No. 108: Appropriates $160,000,000 as proposed by the House instead of $51,410,087 as proposed by the Senate.

The conferees have approved the discretionary allocations contained in the Senate report.

Amendment No. 109: Deletes Senate language providing that $8,640,341 shall be derived from the mass transit account of the highway trust fund.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

Amendment No. 110: Appropriates $10,550,000 as proposed by the Senate instead of $10,600,000 as proposed by the House.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

Amendment No. 111: Provides no appropriation as proposed by the Senate instead of $21,582,000 as proposed by the House. Funding for these activities has been provided in separate appropriations as described in amendments numbered 112 through 116.

HAZARDOUS MATERIALS SAFETY

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$12,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following adjustments to the President's budget request:

Re-estimate of PC&B costs	+$322,000
Sanitary food transportation act implementation	−200,000
Sanitary food transportation act flow study	−100,000
Sanitary food transportation act positions (−2)	−105,000
HMTUSA mode and route study	−250,000
HMTUSA training curriculum development	−150,000
HMTUSA positions (−1)	−60,000
HAZMAT regulatory mode and route study	−83,000
Hazardous materials specialists program	−36,000
Rulemaking	−60,000
Emergency response support	−200,000
R&D: information systems	−80,000
R&D: other adjustments	−54,000
User fee offsets	+1,900,000

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$5,130,000	$5,300,000
Operating expenses	463,000	450,000
Program activities	4,181,000	5,002,000
Research and development	1,382,000	1,248,000
Total	11,156,000	12,000,000
Positions [FTP]	115	112

HMTUSA start-up costs.—The conferees direct that, of the funds provided, $1,900,000 is provided only for start-up costs related to the hazardous materials registration program established in the Hazardous Materials Transportation and Uniform Safety Act of 1990 (HMTUSA). These costs are fully offset by registration fees as required in the Senate bill and agreed to by the conferees.

AVIATION INFORMATION MANAGEMENT

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $2,495,000 for aviation information management activities. The House bill included funding for these activities under the Research and special programs appropriation.

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$2,214,000	$2,114,000
Operating expenses	81,000	81,000
Program activities	791,000	300,000
Total	3,086,000	2,495,000
Positions [FTP]	34	34

EMERGENCY TRANSPORTATION

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$927,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes all reductions proposed by the Senate except the funding for the emergency transportation database enhancement, for which an additional $17,000 in research and development funds is deducted.

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$656,000	$656,000
Operating expenses	108,000	108,000
Program activities	141,000	90,000
Research and development	110,000	73,000
Total	1,015,000	927,000
Positions [FTP]	7	7

RESEARCH AND TECHNOLOGY

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$1,516,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the funding added by the Senate ($293,000) and the reductions proposed by the House for studies related to the global positioning system and human factors research ($352,000).

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$769,000	$1,045,000
Operating expenses	104,000	121,000
Research and development	702,000	350,000
Total	1,575,000	1,516,000
Positions [FTP]	10	14

Volpe National Transportation Systems Center staffing.—The conferees agree that the Volpe National Transportation Systems Center may hire up to an additional 20 other than full time equivalent positions during fiscal year 1992. As explained under amendment numbered 155, the Senate recedes from its provision requiring up to 40 additional positions.

PROGRAM AND ADMINISTRATIVE SUPPORT

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$5,428,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes each of the adjustments to the budget request proposed by the Senate as well as the following additional reductions: Office of chief counsel—reduction of one proposed position ($50,000) and reduction in budget growth ($13,000); operating expenses growth containment ($91,000); office of the administrator—administrative costs ($5,000); office of civil rights—administrative costs ($19,000). The conferees wish to make it clear that funding is included for the additional budgeting position contained in the President's budget request.

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$3,597,000	$3,181,000
Operating expenses	3,445,000	2,209,000
Program activities	38,000	38,000

	Fiscal year 1992 estimate	Conference agreement
Total	7,080,000	5,428,000
Positions [FTP]		
Executive direction	5	5
Policy and programs	2	3
Research technology and analysis	2	0
Civil rights and special programs	1	2
Management and administration	15	18
Legal services and support	12	14
Transportation Safety Institute	2	0
Total	39	42

Programming guidelines.—The conferees agree with the position of the Senate that reprogramming abuses have occurred in this agency and consequently agree to all of the reprogramming guidelines as proposed by the Senate.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

Amendment No. 117: Appropriates $13,553,000 as proposed by the Senate instead of $13,472,000 as proposed by the House.

Amendment No. 118: Deletes comma proposed by the Senate.

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$3,483,000	$3,483,000
Operating expenses	1,594,000	1,144,000
Program funds	1,026,000	1,076,000
Research and development	850,000	850,000
State grants	7,000,000	7,000,000
Total	13,953,000	13,553,000
Positions [FTP]	66	66

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

Amendment No. 119: Appropriates $37,005,000 as proposed by the House instead of $36,518,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

Amendment No. 120: Appropriates $2,940,000 instead of $2,900,000 as proposed by the House and $2,980,000 as proposed by the Senate.

The conference agreement also includes the House language providing that there may be credited to this appropriation funds received for training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Amendment No. 121: Appropriates $34,676,000 instead of $34,176,000 as proposed by the House and $35,676,000 as proposed by the Senate.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

Amendment No. 122: Appropriates $40,923,000 as proposed by the House instead of $41,373,000 as proposed by the Senate.

ICC staffing.—The conference agreement reflects the office-by-office staffing levels proposed in the budget request with the exception of a total of 3 staff years transferred from the offices of congressional/legislative affairs (−2) and external affairs (−1) to the office of compliance and consumer assistance (OCCA). The House proposed a transfer of 5 staff years.

Amendment No. 123: Inserts language proposed by the Senate limiting to $5,500,000 the amount of fees collected in fiscal year 1992 that may be credited to this appropriation. The House bill contained no limitation.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

Amendment No. 124: Limits obligations for non-administrative and capital programs to $509,500,000 instead of $519,000,000 as proposed by the House and $500,000,000 as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *, the strategic highway research program, the intelligent vehicle-highway systems program*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 126: Restores House language exempting obligations under section 157 of title 23, United States Code from the limitation on obligations for Federal-aid highways and highway safety construction programs.

Amendment No. 127: Limits funds for Department of Transportation advisory committees to $800,000 as proposed by the House instead of $850,000 as proposed by the Senate.

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows:

SEC. 325. Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by February 14, 1992, enter into a full funding grant agreement with the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) for the construction of the locally preferred alternative for the Westside Light Rail Project, including systems related costs, as defined in Public Law 101-516. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit Center in the city of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District of Oregon to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon and S.W. 185th Avenue.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 129: Conforms section number.

Amendment No. 130: Conforms section number.

Amendment No. 131: Restores House language making available not to exceed $2,000,000 for the planning of a multimodal transportation center in St. Louis, Missouri.

Amendment No. 132: Conforms section number.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows:

SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

(a) issue a letter of no prejudice, effective as of or retroactive to October 1, 1991, for preliminary engineering and final design, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway Project between South Station and the portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "328", insert: *331*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 135: Conforms section number.

Amendment No. 136: Conforms section number.

Amendment No. 137: Deletes Senate language that directs the Secretary of Transportation to prepare and implement a plan for providing slots at O'Hare International Airport to essential air service providers. The House bill contained no similar language.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "332", insert: *334*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 335. Notwithstanding any other provision of law, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purposes of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2201, et seq.).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement permits the sale of the Atlantic City International Airport in Pomona, New Jersey.

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "334", insert: *336*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 141: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 337. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft that (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committees on Appropriations of the Senate and House of Representatives. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to prevent a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "336", insert: *338* and

In lieu of "et cet", insert: *et seq.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "337", insert: *339*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "338", insert: *340*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 145: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "339", insert: *341*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 146: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "340", insert: *342*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 343. Section 402 of Public Law 97-102 is amended by inserting immediately before the colon a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations after the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 1992, shall not apply toward such 350-mile limit".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "342", insert: *344*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "343", insert: *345*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 150: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "344", insert: *346*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 151: Delete Senate language that requires drug and alcohol testing in the transit industry.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 347. None of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate flight service stations (including changes in flight service station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 9-month period following the date of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101-516; 104 Stat. 2184). This section shall not apply to flight service stations in Laramie, Rawlins, and Rock Springs, Wyoming.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "347", insert: *348*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 349. (a) Section 9308(d) of Public Law 101-508 is amended by striking the word "This" at the beginning of the first sentence thereof and inserting in lieu thereof the following—"Except for Hawaiian operations described in and provided for in subsection (i), this".

"(b) Section 9308 of Public Law 101-508 is amended by adding a new subsection (i), to read as follows—

"(i) HAWAIIAN OPERATIONS.—

"(1)(A) An air carrier or foreign air carrier may not operate within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous States a greater number of State 2 aircraft having a maximum weight of more than 75,000 pounds than it operated within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous states on November 5, 1990.

"An air carrier that provided turnaround service within the State of Hawaii on November 5, 1990, using Stage 2 aircraft having a maximum weight of more than 75,000 pounds may include within the number of aircraft authorized under subparagraph (A) all such aircraft owned or leased by that carrier on such date, whether or not such aircraft were then operated by that carrier.

"(2) An air carrier may not provide turnaround service within the State of Hawaii using Stage 2 aircraft having a maximum weight of more than 75,000 pounds unless that carrier provided such service on November 5, 1990.

"(3) For the purpose of this subsection, 'turnaround service' means the operation of a flight between two or more points, all of which are within the State of Hawaii.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 155: Deletes Senate language that authorizes up to 40 other than full-time equivalent positions for the Volpe National Transportation Systems Center. The House bill contained no similar language.

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that modifies the requirements for use of unobligated funds for a highway grade crossing demonstration project in White River Junction, Vermont.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 351. (a) Notwithstanding any other law, the Secretary of Transportation shall construe all references in this Act to Title 23, the Urban Mass Transportation Assistance Act of 1964 as amended, and the Federal-Aid Highway Acts in a manner which continues to apply such references to the appropriate programs as may be authorized by a subsequent surface transportation assistance act.

(b) Section 329(a) of the Department of Transportation and Related Agencies Appropriations Act, 1988, Public Law 100-102, is amended by striking "and 1991" and inserting "1991, and 1992".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 158: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of Transportation, in consultation with the Secretary of Energy, to conduct a study of the potential costs and benefits of telecommuting to the energy and transportation sectors.

Amendment No. 159: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that permits vehicles in excess of 80,000 pounds gross weight to use interstate highways located in the State of Wyoming. The House bill contained no similar provision.

Amendment No. 160: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Commandant of the Coast Guard to reexamine policies of the United States regarding restricted use of certain ports of entry by ships of the Union of Soviet Socialist Republics. The House bill contained no similar provision.

Amendment No. 161: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that authorizes certain changes in a compact related to the establishment of a commission to study the feasibility of rapid rail transit service between certain states. The House bill contained no similar provision.

Amendment No. 162: Restores Title IV, "Aging Aircraft Safety Act of 1991" as proposed by the House. The Senate bill contained no similar language.

The conference agreement gives the Federal Aviation Administration discretion to establish the detailed requirements for inspection of aging aircraft, subject to the minimum levels of inspection required by the statutory provisions. In establishing these detailed requirements, the Administrator should take account of the causes of problems associated with aging. For example, as was pointed out in the House report that accompanied H.R. 172, the hours and cycles of aircraft operation may be more important than chronological age in determining the structural condition of an aircraft. This would be particularly the case if the aircraft has not been exposed to conditions causing corrosion during the hours in which it is not operating. These are factors which the Administrator should take into account in establishing inspection intervals for different categories of aircraft. To cite a specific example, the detailed regulations should take account of the fact that aircraft used for cargo operations generally operate fewer hours a day than aircraft used for passenger service.

Amendment No. 163: Inserts as Title V the "Omnibus Transportation Employee Testing Act of 1991" proposed by Senate. The House bill contained no similar language

The conferees are aware of concerns over the application of the requirements for random alcohol testing. The conferees believe that such testing can play an important part in enhancing safety. In developing regulations, the Department of Transportation is encouraged to require random alcohol testing to be performance-related; that is, related closely in time to an employee performing his or her job.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

New budget (obligational) authority, fiscal year 1991	$13,002,162,569
Budget estimates of new (obligational) authority, fiscal year 1992	15,110,123,569
House bill, fiscal year 1992	14,169,377,569
Senate bill, fiscal year 1992	14,439,382,569
Conference agreement, fiscal year 1992	14,301,797,569
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	+1,299,635,000
Budget estimates of new (obligational) authority, fiscal year 1992	−808,326,000
House bill, fiscal year 1992	+132,420,000
Senate bill, fiscal year 1992	−137,585,000

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	---	(81,500,000)	---	---	---	---
Immediate Office of the Secretary	1,215,000	1,435,000	1,435,000	1,435,000	1,435,000	+220,000
Immediate Office of the Deputy Secretary	412,000	573,000	550,000	550,000	550,000	+138,000
Office of the General Counsel	6,420,000	7,524,000	6,904,000	7,204,000	7,000,000	+580,000
Office of the Assistant Secretary for Policy and International Affairs	8,500,000	9,621,000	8,733,000	8,733,000	8,733,000	+233,000
Office of the Assistant Secretary for Budget and Programs	2,390,000	2,719,000	2,726,000	2,726,000	2,726,000	+336,000
Office of the Assistant Secretary for Governmental Affairs	2,255,000	2,468,000	2,320,000	2,468,000	2,320,000	+65,000
Office of the Assistant Secretary for Administration	26,745,000	45,396,000	30,262,000	30,262,000	30,262,000	+3,517,000
Office of the Assistant Secretary for Public Affairs	1,389,000	1,546,000	1,546,000	1,546,000	1,546,000	+157,000
Executive Secretariat	918,000	1,007,000	965,000	965,000	965,000	+47,000
Contract Appeals Board	508,000	590,000	590,000	590,000	590,000	+82,000
Office of Civil Rights	1,353,000	1,462,000	1,462,000	1,462,000	1,462,000	+109,000
Office of Essential Air Service	1,500,000	1,545,000	1,545,000	1,545,000	1,545,000	+45,000
Office of Small and Disadvantaged Business Utilization	3,465,000	3,527,000	3,527,000	3,527,000	3,527,000	+62,000
Office of Intelligence and Security	1,200,000	1,381,000	1,200,000	1,381,000	1,300,000	+100,000
Office of Drug Enforcement and Program Compliance	---	706,000	---	706,000	---	---
Subtotal, Salaries and expenses	58,270,000	81,500,000	63,765,000	65,100,000	63,961,000	+5,691,000
Transportation planning, research, and development	2,947,000	4,200,000	3,100,000	3,100,000	3,100,000	+153,000
Office of Commercial Space Transportation Operations and Research	3,386,000	4,804,000	4,245,000	4,300,000	4,275,000	+889,000
Working capital fund	(86,264,000)	(165,600,000)	(85,509,000)	(98,472,000)	(88,000,000)	(+1,736,000)
Payments to air carriers	26,600,000	---	---	---	---	-26,600,000
Payments to air carriers (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	---	(38,600,000)	(38,600,000)	(38,600,000)	(38,600,000)	(+38,600,000)
(Limitation on obligations)	---	(38,600,000)	(38,600,000)	(38,600,000)	(38,600,000)	(+38,600,000)
Headquarters facilities	---	69,000,000	---	---	---	---
Rental payments	107,668,000	---	111,970,000	111,970,000	111,970,000	+4,302,000
Total, Office of the Secretary:						
New budget (obligational) authority	198,871,000	159,504,000	183,080,000	184,470,000	183,306,000	-15,565,000
(Limitations on obligations)	---	(38,600,000)	(38,600,000)	(38,600,000)	(38,600,000)	(+38,600,000)
Total	(198,871,000)	(198,104,000)	(221,680,000)	(223,070,000)	(221,906,000)	(+23,035,000)
Coast Guard						
Operating expenses	2,039,839,000	2,539,600,000	2,483,800,000	2,222,000,000	2,320,272,000	+280,433,000
Persian Gulf Regional Defense Fund	(18,922,000)	---	---	---	---	(-18,922,000)
(By transfer from DoD)	(295,000,000)	---	---	---	---	(-295,000,000)
Acquisition, construction, and improvements:						
(By transfer from DoD)	(5,000,000)	---	---	---	---	(-5,000,000)
Vessels	157,500,000	164,100,000	132,700,000	152,250,000	144,150,000	-13,350,000
Aircraft	90,010,000	64,100,000	86,950,000	58,900,000	60,350,000	-29,660,000

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Other equipment	15,000,000	48,800,000	50,331,000	47,025,000	48,750,000	+33,750,000
Shore and aids to navigation facilities	106,885,000	105,050,000	62,550,000	110,225,000	102,750,000	-4,135,000
Personnel, survey and design	36,936,000	40,928,000	32,500,000	39,070,000	34,000,000	-2,936,000
Undistributed	---	---	---	---	---	---
Subtotal, Acquisition, construction, and improvements	406,331,000	422,978,000	365,031,000	407,470,000	390,000,000	-16,331,000
Environmental compliance and restoration	21,500,000	25,100,000	21,500,000	25,100,000	21,500,000	---
Alteration of bridges	3,747,000	10,200,000	11,000,000	11,200,000	11,100,000	+7,353,000
Retired pay	451,800,000	487,700,000	487,700,000	487,700,000	487,700,000	+35,900,000
Reserve training	74,306,000	77,300,000	77,000,000	---	25,000,000	-49,306,000
Research, development, test, and evaluation	25,000,000	28,800,000	27,800,000	29,500,000	29,150,000	+4,150,000
Boat safety (Aquatic Resources Trust Fund)	35,000,000	35,000,000	35,000,000	35,000,000	35,000,000	---
Total, Coast Guard: New budget (obligational) authority	3,057,523,000	3,626,678,000	3,508,831,000	3,217,970,000	3,319,722,000	+262,199,000
Federal Aviation Administration						
Operations	4,037,000,000	4,457,000,000	4,342,000,000	4,382,058,000	4,360,000,000	+323,000,000
Facilities and equipment (Airport and Airway Trust Fund)	2,095,407,000	2,700,000,000	2,469,500,000	2,557,807,000	2,394,000,000	+298,593,000
Research, engineering, and development (Airport and Airway Trust Fund)	205,000,000	210,000,000	218,000,000	225,120,000	218,135,000	+13,135,000
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,400,000,000)	(1,520,000,000)	(1,520,000,000)	(1,520,000,000)	(1,520,000,000)	(+120,000,000)
(Limitation on obligations)	(1,800,000,000)	(1,900,000,000)	(1,900,000,000)	(1,900,000,000)	(1,900,000,000)	(+100,000,000)
Rescission of contract authority	-200,000,000	---	---	---	---	+200,000,000
Aircraft purchase loan guarantee program	---	1,350,000	1,350,000	1,350,000	1,350,000	+1,350,000
Portion applied to debt reduction	---	-1,200,000	-1,200,000	-1,200,000	-1,200,000	-1,200,000
(Limitation on borrowing authority)	(9,970,000)	(9,970,000)	(9,970,000)	(9,970,000)	(9,970,000)	---
Total, Federal Aviation Administration: New budget (obligational) authority	6,137,407,000	7,367,150,000	7,029,650,000	7,165,135,000	6,972,285,000	+834,878,000
(Limitations on obligations)	(1,800,000,000)	(1,900,000,000)	(1,900,000,000)	(1,900,000,000)	(1,900,000,000)	(+100,000,000)
Total	(7,937,407,000)	(9,267,150,000)	(8,929,650,000)	(9,065,135,000)	(8,872,285,000)	(+934,878,000)
Federal Highway Administration						
(Limitation on general operating expenses)	(256,415,000)	(352,024,000)	(326,400,000)	(479,050,000)	(419,000,000)	(+162,585,000)
University transportation centers (Highway Trust Fund)	5,000,000	7,000,000	5,000,000	7,000,000	5,000,000	---
Highway safety research and development (Highway Trust Fund)	5,450,000	---	---	---	---	-5,450,000
Highway-related safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(10,000,000)	(20,000,000)	(10,000,000)	(20,000,000)	(20,000,000)	(+10,000,000)
(Limitation on obligations)	(10,000,000)	(35,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	---
Railroad-highway crossings demonstration projects	14,450,000	---	13,270,000	---	12,005,000	-2,445,000
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(14,500,000,000)	(15,722,000,000)	(16,200,000,000)	(17,092,610,000)	(16,800,000,000)	(+2,300,000,000)
(Liquidation of contract authorization)	(14,300,000,000)	(14,900,000,000)	(15,100,000,000)	(15,400,000,000)	(15,400,000,000)	(+1,100,000,000)
Right-of-way Revolving Fund (Highway Trust Fund):						
(Limitation on direct loans)	(42,500,000)	---	(70,000,000)	(42,500,000)	(42,500,000)	---
(Liquidation of contract authorization)	---	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	(+40,000,000)
Motor carrier safety	40,000,000	---	48,417,000	---	47,600,000	+7,600,000
Motor carrier safety (Highway Trust Fund)	---	49,317,000	---	46,000,000	---	---

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(63,000,000)	(62,000,000)	(62,000,000)	(62,000,000)	(62,000,000)	(-1,000,000)
(Limitation on obligations)	(61,500,000)	(60,000,000)	(60,000,000)	(65,500,000)	(65,000,000)	(+3,500,000)
Baltimore-Washington Parkway (Highway Trust Fund)	8,415,000	---	22,000,000	---	19,800,000	+11,385,000
Intermodal urban demonstration project (Highway Trust Fund)	8,500,000	---	10,000,000	---	9,000,000	+500,000
Highway safety and economic development demonstration projects (Highway Trust Fund)	17,000,000	---	22,000,000	---	19,800,000	+2,800,000
Highway safety improvement demonstration project	7,650,000	---	18,700,000	---	16,350,000	+8,700,000
Highway-railroad grade crossing safety demonstration project (Highway Trust Fund)	6,800,000	---	5,000,000	---	4,500,000	-2,300,000
Highway widening demonstration project	1,700,000	---	2,000,000	---	1,800,000	+100,000
Highway widening and improvement demonstration project	3,400,000	---	8,000,000	---	7,200,000	+3,800,000
Intersection safety demonstration project	3,060,000	---	---	---	---	-3,060,000
Climbing lane and highway safety demonstration project	10,200,000	---	7,000,000	---	6,300,000	-3,900,000
Indiana industrial corridor safety demonstration project	2,550,000	---	4,000,000	---	3,600,000	+1,050,000
Highway capacity improvement demonstration project	1,700,000	---	---	---	---	-1,700,000
Alabama highway bypass demonstration project	8,500,000	---	10,000,000	---	9,000,000	+500,000
Kentucky bridge demonstration project	3,400,000	---	5,000,000	---	4,500,000	+1,100,000
Virginia HOV safety demonstration project	7,225,000	---	6,000,000	---	5,400,000	-1,825,000
Urban highway corridor and bicycle transportation demonstration projects	9,350,000	---	11,700,000	---	10,530,000	+1,180,000
Urban airport access safety demonstration project	9,350,000	---	10,000,000	---	9,000,000	-350,000
Pennsylvania reconstruction demonstration project	17,000,000	---	9,000,000	---	8,100,000	-8,900,000
Pennsylvania toll road demonstration project	5,100,000	---	2,000,000	---	1,800,000	-3,300,000
Highway bypass demonstration project	---	---	10,000,000	---	9,000,000	+9,000,000
Highway demonstration projects	71,365,000	---	137,280,000	168,050,000	249,146,000	+177,781,000
(By transfer)	---	---	(4,628,000)	---	(4,628,000)	(+4,628,000)
Highway Studies: Feasibility, Design, Environmental Engineering	48,293,000	---	---	23,485,000	18,448,000	-29,845,000
Corridor H improvement project	51,500,000	---	---	---	---	-51,500,000
Corridor G improvement program	33,275,000	---	---	165,000,000	148,500,000	+115,225,000
Corridor D improvement project	10,000,000	---	---	---	---	-10,000,000
Bypass construction project	42,500,000	---	---	---	---	-42,500,000
Corning bypass safety demonstration project	17,000,000	---	---	14,000,000	12,600,000	-4,400,000
Turquoise Trail project	4,684,000	---	---	3,000,000	2,700,000	-1,984,000
Trade enhancement demonstration project	10,625,000	---	---	---	---	-10,625,000
Ottumwa road extension project	8,500,000	---	---	8,000,000	7,200,000	-1,300,000
Iowa connector project	1,488,000	---	---	---	---	-1,488,000
Highway 20 realignment project	2,550,000	---	---	---	---	-2,550,000
Ramp relocation and reconstruction demonstration project	10,200,000	---	---	---	---	-10,200,000
U.S. 54 interchange project	9,265,000	---	---	---	---	-9,265,000
North Carolina connector project	---	---	---	6,000,000	4,800,000	+4,800,000
Total, Federal Highway Administration:						
New budget (obligational) authority	517,045,000	56,317,000	366,367,000	440,535,000	653,679,000	+136,634,000
(Limitations on obligations)	(14,571,500,000)	(15,817,000,000)	(16,270,000,000)	(17,168,110,000)	(16,875,000,000)	(+2,303,500,000)
Total	(15,088,545,000)	(15,873,317,000)	(16,636,367,000)	(17,608,645,000)	(17,528,679,000)	(+2,440,134,000)
National Highway Traffic Safety Administration						
Operations and research	76,347,000	---	75,995,000	---	78,528,000	+2,181,000
Operations and research (Highway Trust Fund)	42,366,000	127,207,000	42,357,000	121,986,000	44,172,000	+1,806,000
Subtotal, Operations and research	118,713,000	127,207,000	118,352,000	121,986,000	122,700,000	+3,987,000

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Highway traffic safety grants (Highway Trust Fund)						
(Liquidation of contract authorization)...........	(109,805,000)	(156,000,000)	(130,000,000)	(150,000,000)	(130,000,000)	(+20,195,000)
State and community highway safety grants:						
(Limitation on obligations)....................	(114,655,000)	(115,000,000)	(115,000,000)	(120,000,000)	(118,000,000)	(+3,345,000)
Safety bonus grants:						
(Limitation on obligations)....................	---	(50,000,000)	---	---	---	---
Alcohol safety incentive grants:						
(Limitation on obligations)....................	(19,980,000)	---	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000)
Safety belt and motorcycle helmet grants:						
(Limitation on obligations)....................	---	---	---	(20,000,000)	---	---
Education grants (Sec. 209):						
(Cumulative limitation on obligations)..........	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	---
Total, National Highway Traffic Safety Administration:						
New budget (obligational) authority.......	118,713,000	127,207,000	118,352,000	121,986,000	122,700,000	+3,987,000
(Limitations on obligations)............	(134,635,000)	(165,000,000)	(135,000,000)	(160,000,000)	(138,000,000)	(+3,365,000)
Total..................................	(253,348,000)	(292,207,000)	(253,352,000)	(281,986,000)	(260,700,000)	(+7,352,000)
Federal Railroad Administration						
Office of the Administrator..........................	14,433,000	18,218,000	16,077,000	16,962,000	16,442,000	+2,009,000
Local rail freight assistance.........................	10,000,000	---	10,000,000	14,000,000	11,500,000	+1,500,000
Railroad safety......................................	34,362,000	41,024,000	37,136,000	38,921,000	37,706,000	+3,344,000
Railroad research and development.....................	22,147,000	26,298,000	14,713,000	10,526,000	22,331,000	+184,000
Magnetic Levitation Transportion (Highway Trust Fund):						
(Limitation on obligations).......................	---	---	---	(30,000,000)	---	---
(Liquidation of contract authorization)..........	---	---	---	(30,000,000)	---	---
Settlements of railroad litigation.....................	3,362,000	---	---	---	---	-3,362,000
Portion applied to debt reduction.................	-3,097,000	---	---	---	---	+3,097,000
Northeast corridor improvement program................	179,000,000	---	36,000,000	260,000,000	205,000,000	+26,000,000
Grants to the National Railroad Passenger Corporation:						
Operations..	343,080,000	180,000,000	328,900,000	331,000,000	331,000,000	-12,080,000
Capital...	132,000,000	150,000,000	175,000,000	180,000,000	175,000,000	+43,000,000
Total, Grants to the National Railroad Passenger Corporation..	475,080,000	330,000,000	503,900,000	511,000,000	506,000,000	+30,920,000
Mandatory Passenger Rail Service Payments............	150,000,000	150,000,000	145,000,000	145,000,000	145,000,000	-5,000,000
Railroad Rehabilitation and Improvement Financing Funds:						
(Railroad credit enhancement)......................	(32,000,000)	---	---	---	---	(-32,000,000)
Regional rail reorganization program..................	308,000	---	---	---	---	-308,000
Portion applied to debt reduction..................	-285,000	---	---	---	---	+285,000
Conrail commuter transition assistance................	5,000,000	---	27,200,000	---	13,600,000	+8,600,000
Amtrak corridor improvement loans.....................	3,500,000	---	3,500,000	---	3,500,000	---
(Loan authorization)................................	(3,500,000)	---	(3,500,000)	---	(3,500,000)	---
Total, Federal Railroad Administration..........	893,810,000	565,540,000	793,526,000	996,409,000	961,079,000	+67,269,000
Urban Mass Transportation Administration						
Administrative expenses..............................	32,583,000	---	37,000,000	---	37,000,000	+4,417,000
Administrative expenses (Highway Trust Fund)..........	---	40,365,000	---	---	---	---
Research, training, and human resources...............	8,000,000	---	26,000,000	---	26,000,000	+18,000,000
Formula grants.......................................	1,605,000,000	---	1,600,000,000	990,000,000	1,520,000,000	-85,000,000

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Formula grants (Highway Trust Fund)	---	2,599,908,000	---	200,000,000	---	---
Formula grants (Trust Funded Programs):						
(Limitation on obligations)	---	---	---	(1,070,500,000)	---	---
Transit planning and research (Highway Trust Fund)	---	93,226,000	---	---	---	---
University transportation centers (Highway Trust Fund)	---	6,000,000	---	---	---	---
Discretionary grants (Highway Trust Fund):						
(Limitation on obligations)	(1,400,000,000)	(350,000,000)	(1,900,000,000)	(535,000,000)	(1,900,000,000)	(+500,000,000)
Discretionary grants	---	---	---	775,000,000	---	---
Mass transit capital fund (Highway Trust Fund) (Liquidation of contract authorization)	(900,000,000)	(1,100,000,000)	(1,400,000,000)	(1,500,000,000)	(1,500,000,000)	(+600,000,000)
Interstate transfer grants - transit	160,000,000	---	160,000,000	---	160,000,000	---
Interstate transfer grants - transit (Highway Trust Fund)	---	160,000,000	---	---	---	---
Washington Metro	64,100,000	80,000,000	124,000,000	124,000,000	124,000,000	+59,900,000
Total, Urban Mass Transportation Administration:						
New budget (obligational) authority	1,869,683,000	2,979,499,000	1,947,000,000	2,089,000,000	1,867,000,000	-2,683,000
(Limitations on obligations)	(1,400,000,000)	(350,000,000)	(1,900,000,000)	(1,605,500,000)	(1,900,000,000)	(+500,000,000)
Total	(3,269,683,000)	(3,329,499,000)	(3,847,000,000)	(3,694,500,000)	(3,767,000,000)	(+497,317,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	10,250,000	10,800,000	10,600,000	10,550,000	10,550,000	+300,000
Research and Special Programs Administration						
Hazardous materials safety	---	---	---	12,301,000	12,000,000	+12,000,000
Offsetting collections (HAZMAT fees)	---	---	---	-1,900,000	-1,900,000	-1,900,000
Aviation information management	---	---	---	2,495,000	2,495,000	+2,495,000
Emergency transportation	---	---	---	944,000	927,000	+927,000
Research and technology	---	---	---	1,868,000	1,516,000	+1,516,000
Program and administrative support	---	---	---	5,606,000	5,428,000	+5,428,000
Research and special programs	15,833,000	23,912,000	21,582,000	---	---	-15,833,000
Pipeline safety (Pipeline Safety Fund)	11,042,000	13,953,000	13,472,000	13,553,000	13,553,000	+2,511,000
Total, Reseach and Special Programs Administration	26,875,000	37,865,000	35,054,000	34,867,000	34,019,000	+7,144,000
Office of the Inspector General						
Salaries and expenses	31,875,000	38,668,000	37,005,000	36,518,000	37,005,000	+5,130,000
Total, title I, Department of Transportation:						
New budget (obligational) authority (net)	12,862,052,000	14,969,228,000	14,029,465,000	14,297,440,000	14,161,345,000	+1,299,293,000
Appropriations	(13,065,434,000)	(14,970,428,000)	(14,030,665,000)	(14,298,640,000)	(14,162,545,000)	(+1,097,111,000)
Appropriations for debt reduction	(-3,382,000)	(-1,200,000)	(-1,200,000)	(-1,200,000)	(-1,200,000)	(+2,182,000)
Rescission	(-200,000,000)	---	---	---	---	(+200,000,000)
(By transfer)	(300,000,000)	---	(4,628,000)	---	(4,628,000)	(-295,372,000)
(Limitations on general operating expenses)	(256,415,000)	(352,024,000)	(326,400,000)	(479,050,000)	(419,000,000)	(+162,585,000)
(Limitations on obligations)	(17,906,135,000)	(18,270,600,000)	(20,243,600,000)	(20,902,210,000)	(20,851,600,000)	(+2,945,465,000)
(Liquidation of contract authorization)	(16,782,805,000)	(17,836,600,000)	(18,300,600,000)	(18,760,600,000)	(18,710,600,000)	(+1,927,795,000)
(Cumulative limitation on obligations)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	---
(Limitation on working capital fund)	(86,264,000)	(165,600,000)	(85,509,000)	(98,472,000)	(88,000,000)	(+1,736,000)
(Limitations on direct loans)	(42,500,000)	---	(70,000,000)	(42,500,000)	(42,500,000)	---
(Railroad credit enhancement)	(32,000,000)	---	---	---	---	(-32,000,000)

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Total, title I, New budget (obligational) authority and (limitations on obligations)....	(30,768,187,000)	(33,239,828,000)	(34,273,065,000)	(35,199,650,000)	(35,012,945,000)	(+4,244,758,000)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses..................................	2,700,000	2,980,000	2,900,000	2,980,000	2,940,000	+240,000
National Transportation Safety Board						
Salaries and expenses..................................	31,470,000	34,176,000	34,176,000	35,676,000	34,676,000	+3,206,000
Interstate Commerce Commission						
Salaries and expenses..................................	43,777,000	41,373,000	40,923,000	41,373,000	40,923,000	-2,854,000
Payments for directed rail service (limitation on obligations)..................................	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)	---
Total, Interstate Commerce Commission..........	(44,252,000)	(41,848,000)	(41,398,000)	(41,848,000)	(41,398,000)	(-2,854,000)
Panama Canal Commission						
Panama Canal Revolving Fund:						
(Administrative expenses)........................	(48,928,000)	(49,503,000)	(49,497,000)	(49,497,000)	(49,497,000)	(+569,000)
(Limitation on operating and capital expenses)....	(519,000,000)	(461,318,000)	(519,000,000)	(500,000,000)	(509,500,000)	(-9,500,000)
Department of the Treasury						
Rebate of Saint Lawrence Seaway Tolls (Harbor Maintenance Trust Fund)............................	10,500,000	10,703,000	10,250,000	10,250,000	10,250,000	-250,000
Washington Metropolitan Area Transit Authority						
Interest payments..................................	51,663,569	51,663,569	51,663,569	51,663,569	51,663,569	---
Total, title II, Related Agencies:						
New budget (obligational) authority.........	140,110,569	140,895,569	139,912,569	141,942,569	140,452,569	+342,000
(Limitation on obligations)................	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)	---
Total..................................	(140,585,569)	(141,370,569)	(140,387,569)	(142,417,569)	(140,927,569)	(+342,000)
Grand total:						
New budget (obligational) authority (net)...	13,002,162,569	15,110,123,569	14,169,377,569	14,439,382,569	14,301,797,569	+1,299,635,000
Appropriations........................	(13,205,544,569)	(15,111,323,569)	(14,170,577,569)	(14,440,582,569)	(14,302,997,569)	(+1,097,453,000)
Appropriations for debt reduction.......	(-3,382,000)	(-1,200,000)	(-1,200,000)	(-1,200,000)	(-1,200,000)	(+2,182,000)
(By transfer)................................	(300,000,000)	---	(4,628,000)	---	(4,628,000)	(-295,372,000)
(Limitations on general operating expenses).	(256,415,000)	(352,024,000)	(326,400,000)	(479,050,000)	(419,000,000)	(+162,585,000)
(Limitations on obligations)................	(17,906,610,000)	(18,271,075,000)	(20,244,075,000)	(20,902,685,000)	(20,852,075,000)	(+2,945,465,000)
(Cumulative limitation on obligations)......	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	---
(Limitation on working capital fund)........	(86,264,000)	(165,600,000)	(85,509,000)	(98,472,000)	(88,000,000)	(+1,736,000)
(Limitations on direct loans)...............	(42,500,000)	---	(70,000,000)	(42,500,000)	(42,500,000)	---
(Appropriations to liquidate contract authorizations)...........................	(16,782,805,000)	(17,836,600,000)	(18,300,600,000)	(18,760,600,000)	(18,710,600,000)	(+1,927,795,000)
Grand total, New budget (obligational) authority and (limitations on obligations)....	(30,908,772,569)	(33,381,198,569)	(34,413,452,569)	(35,342,067,569)	(35,153,872,569)	(+4,245,100,000)

William Lehman,
Bob Carr,
Richard J. Durbin,
Martin Olav Sabo,
David E. Price,
William H. Natcher,
Jamie L. Whitten,
Lawrence Coughlin,
Frank R. Wolf,
Tom DeLay,
Joseph M. McDade,
Managers on the Part of the House.

Frank R. Lautenberg,
Robert C. Byrd,
Tom Harkin,
Jim Sasser,
B.A. Mikulski,
Alfonse M. D'Amato,
Robert Kasten,
Pete V. Domenici,
Mark O. Hatfield,
Managers of the Part on the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Collins of Illinois (at the request of Mr. Gephardt), for today through October 11.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. Bonior, for 5 minutes, today.

Mr. Skaggs, for 5 minutes, today.

Mr. Coyne, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Bacchus, for 60 minutes, today.

Mr. Bonior, for 60 minutes, on October 10.

(The following Member (at the request of Mr. Bacchus) to revise and extend her remarks and include extraneous material:)

Mrs. Mink, for 60 minutes, on October 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Wolf) and to include extraneous matter:)

Mr. Machtley.

Mr. Broomfield.

The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:

Mr. Anderson, in 10 instances.

Mr. Gonzalez, in 10 instances.

Mr. Brown, in 10 instances.

Mr. Annunzio, in six instances.

Mr. Roe.

Mr. Moran.

Mr. Penny.

Mr. Donnelly.

Mr. Hamilton.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1415. An act to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes; to the Committee on House Administration.

S. 1563. An act to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S.J. Res. 184. Joint resolution designating the month of November 1991, as "National Accessible Housing Month"; to the Committee on Post Office and Civil Service.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and joint resolution of the House of the following titles:

On October 4, 1991:

H.R. 2935. An act to designate the building located at 6600 Lorain Avenue in Cleveland, Ohio, as the "Patrick J. Patton United States Post Office Building," and

H.J. Res. 305. Joint resolution to designate the month of October 1991, as "Country Music Month."

ADJOURNMENT

Mr. BACCHUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 8, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2173. A letter from the Comptroller General, the General Accounting Office, transmitting a report of a deferral of budget authority in the Department of Veterans Affairs major construction appropriation, pursuant to 2 U.S.C. 686(a) (H. Doc. No. 102–145); to the Committee on Appropriations and ordered to be printed.

2174. A letter from the Secretary of the Army, transmitting his determination that the current procurement unit cost baseline has been exceeded by 25 percent or more for the Multiple Launch Rocket System, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

2175. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the initial report on missile proliferation, pursuant to Public Law 101–510, section 1704; to the Committee on Armed Services.

2176. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Czech and Slovak Federative Republic, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

2177. A letter from the Secretary of Housing and Urban Development, transmitting a report on the effects of rent control on low-income and homeless individuals, pursuant to Public Law 100–628, section 483(a); to the Committee on Banking, Finance and Urban Affairs.

2178. A letter from the Secretary of Education, transmitting a notice of final funding priorities for fiscal year 1992—National Assessment of Educational Progress Data Reporting Program, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

2179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report on the extent to which significant progress has been made toward ending apartheid in South Africa, pursuant to 22 U.S.C. 5091(b); to the Committee on Foreign Affairs.

2180. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Michael G. Kozak, of Virginia, to be Ambassador to the Republic of El Salvador, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2181. A letter from the Director, Office of Management and Budget, transmitting as report for pay-as-you-go calculations for Public Law 102–110, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

2182. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2183. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning the establishment of an international criminal court, pursuant to Public Law 101–513, section 599E(c) (104 Stat. 2067); jointly, to the Committees on Appropriations and Foreign Affairs.

2184. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act of 1974 to clarify the conditions of entitlement to certain annuity amounts and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on October 3, 1991, the following reports were filed on October 4, 1991]

Mr. de la GARZA: Committee on Agriculture. H.R. 6. A bill to reform the deposit insurance system to enforce the congressionally established limits on the amounts of deposit insurance, and for other purposes; with amendments (Rept. 102–157, Pt. 3). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6. A bill to reform the deposit insurance system to enforce the congressionally establish limits on the amounts of deposit insurance, and for other purposes; with amendments (Rept. 102–157, Pt. 4). Ordered to be printed.

[Submitted October 7, 1991]

Mr. BROOKS: Committee on the Judiciary. H.R. 6. A bill to reform the deposit insurance system to enforce the congressionally established limits on the amounts of deposit insurance, and for other purposes; with amendments (Rept. 102–157, Pt. 5). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. Supplemental report on H.R. 6 (Rept. 102–157, Pt. 6). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3033. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes; with an amendment (Rept. 102–240). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2637. A bill to withdraw lands for the waste isolation pilot plant, and for other purposes; with amendments (Rept. 102–241, Pt. 1). Ordered to be printed.

Mr. LEHMAN of Florida: Committee of Conference. Conference report on H.R. 2942 (Rept. 102–243). Ordered to be printed.

SUBSEQUENT ACTION ON BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X:

[Submitted October 4, 1991]

H.R. 6. Referral to the Committee on the Judiciary extended for a period ending not later than October 7, 1991.

H.R. 3300. Referral to the Committee on Banking, Finance and Urban Affairs extended for a period ending not later than October 8, 1991.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 3371. A bill to control and prevent crime; with an amendment; referred to the Committees on Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Merchant Marine and Fisheries, Public Works and Transportation, and Ways and Means for a period ending not later than October 9, 1991 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1, rule X, respectively (Rept. 102–242, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WILLIAMS (for himself, Mr. AuCOIN, Mr. CONYERS, Mr. ECKART, Mr. KOSTMAYER, Mr. PERKINS, Mr. SIKORSKI, and Mr. VENTO):

H.R. 3511. A bill to provide extended unemployment benefits during periods of high unemployment to railroad employees who have less than 10 years of service; to the Committee on Energy and Commerce.

By Mr. LEACH:

H.J. Res. 344. Joint resolution to encourage the negotiation of a multilateral regime, under the aegis of the U.S. Security Council, to control, and halt if possible, the proliferation of weapons of mass destruction and delivery systems associated with such weapons; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. TAYLOR of North Carolina.

H.R. 461: Mr. REED, Mr. SMITH of Texas, Mr. BENNETT, Mr. TAYLOR of North Carolina, Mr. HAYES of Louisiana, Mr. GILCHREST, Mr. LUKEN, Mr. PALLONE, and Mr. TRAFICANT.

H.R. 645: Mr. TOWNS.

H.R. 784: Mr. NUSSLE, Mr. ACKERMAN, Mr. ALLARD, Mr. BORSKI, Mr. MARLENEE, Mr. PARKER, Mr. ARMEY, and Mr. ROGERS.

H.R. 853: Mr. BUSTAMANTE.

H.R. 1130: Mr. ROWLAND, Mrs. PATTERSON, Mr. DELLUMS, Mr. PALLONE, and Ms. LONG.

H.R. 1300: Mr. FLAKE.

H.R. 1445. Mr. JEFFERSON.

H.R. 1472: Mr. KASICH, Mr. MAVROULES, Ms. MOLINARI, and Mr. POSHARD.

H.R. 1524: Mr. SERRANO.

H.R. 1556: Mr. CONDIT.

H.R. 1860: Mr. SCHEUER and Mr. RAHALL.

H.R. 2083: Mr. FAWELL and Mr. SIKORSKI.

H.R. 2342: Mr. SHAYS.

H.R. 2675: Mrs. MORELLA.

H.R. 2872: Mr. McCRERY.

H.R. 2889: Mr. KOLTER, Mr. JOHNSON of South Dakota, Mr. CAMPBELL of Colorado, Mr. HUGHES, Mr. TAYLOR of Mississippi, Mr. OWENS of New York, Mr. JONTZ, Mrs. LLOYD, Mr. KILDEE, Mr. McCLOSKEY, and Mr. LANCASTER.

H.R. 2898: Mr. MANTON.

H.R. 2966: Mr. McEWEN, Mr. TRAFICANT, Ms. KAPTUR, Mr. FRANKS of Connecticut, Mr. TRAXLER, and Mr. MINETA.

H.R. 3048: Mr. SCHEUER.

H.R. 3209: Mr. JONTZ, Mr. DE LUGO, Mr. BLAZ, Mr. NEAL of Massachusetts, and Mr. RANGEL.

H.R. 3371: Mr. MAZZOLI, Mr. HUGHES, Mr. SYNAR, Mr. FEIGHAN, Mr. BERMAN, Mr. BRYANT, Mr. HOAGLAND, and Mr. LEVINE of California.

H.R. 3461: Mr. TOWNS, Mrs. JOHNSON of Connecticut, Mr. WEISS, Mr. CRAMER, Mr. SERRANO, and Mr. ROE.

H.J. Res. 123: Mr. KILDEE, Mr. DINGELL, Mr. RUSSO, Mr. NOWAK, and Mr. KOLTER.

H.J. Res. 228: Mr. KLECZKA, Mr. KLUG, Mr. JOHNSTON of Florida, Mr. OLVER, Mr. EWING, Ms. HORN, Mr. BORSKI, Mrs. BYRON, Mr. GALLO, Mr. HOCHBRUECKNER, Mr. ATKINS, Mr. McHUGH, Mr. PETRI, Mr. LaROCCO, Mr. FAZIO, Mr. YOUNG of Florida, Mr. FEIGHAN, Ms. WATERS, Ms. SLAUGHTER of New York, Mr. ZIMMER, Mr. CONYERS, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. GUNDERSON, Mr. VANDER JAGT, Mr. ARCHER, Mr. LANTOS, Mr. BROWDER, Mr. MACHTLEY, Mr. SHAYS, Mr. ANNUNZIO, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. RINALDO, Mr. SLATTERY, Mr. SANDERS, Mr. DE LUGO, and Mr. NOWAK,

H.J. Res. 238: Mr. McMILLAN of North Carolina, Mr. ORTON, Mr. GORDON, Mr. ASPIN, Mr. FISH, Ms. OAKAR, Mr. ROE, Mrs. MORELLA, Mr. HYDE, Mr. LIPINSKI, Mr. PRICE, Mr. THOMAS of Wyoming, Mr. ENGEL, Mr. ROTH, Mr. EMERSON, Mr. HUGHES, Mr. MARTINEZ, Mr. FASCELL, Mr. JONTZ, Mr. SMITH of Oregon, and Mr. JEFFERSON.

H.J. Res. 260: Ms. SLAUGHTER of New York, Mr. PAYNE of Virginia, Mr. MOAKLEY, Mr. WASHINGTON, Mr. BURTON of Indiana, Mr. CONYERS, Mr. DICKS, Mr. DONNELLY, Mr. HEFNER, Mr. HOUGHTON, Mr. LEVIN of Michigan, Ms. LONG, Mr. SMITH of New Jersey, Mr. MARTIN, Mrs. KENNELLY, Mr. HAMMERSCHMIDT, Mr. PARKER, Mr. RITTER, Mrs. ROUKEMA, Mr. SCHUMER, Mr. TANNER, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Mr. WISE, Mr. WYLIE, Mr. YATRON, Mr. WOLPE, Mr. SMITH of Florida, Mr. ROSE, Mr. GREEN of New York, Mr. McCLOSKEY, Mr. DARDEN, Mr. KILDEE, Mr. TAUZIN, Mr. VALENTINE, Mr. FRANK of Massachusetts, Mr. DE LA GARZA, Mr. SAWYER, Mr. LENT, Mr. OWENS of New York, Mr. GILMAN, Mr. BOEHLERT, Mr. PAYNE of New Jersey, Mr. PAXON, Mr. NOWAK, Mr. SOLOMON, Mr. OWENS of Utah, Mr. BOUCHER, Ms. DeLAURO, Mr. SLAUGHTER OF VIRGINIA, Mr. WHEAT, Mr. DURBIN, Mr. ROEMER, Mr. HOAGLAND, Mr. GEREN of Texas, Mr. HUBBARD, Mr. WILSON, Mr. MONTGOMERY, Mr. BROWDER, Mr. SPRATT, Mr. RICHARDSON, Mr. JONES of Georgia, Mr. BORSKI, Mr. HATCHER, Mr. BROWN, Mr. BLILEY, Mr. HOCHBRUECKNER, Mr. KANJORSKI, Mr. McHUGH, Mr. FLAKE, Mr. MAZZOLI, Mr. LaROCCO, Mr. COSTELLO, Mr. BACCHUS, Mr. ANDREWS of Maine, Mr. DINGELL, Mr. JOHNSTON of Florida, Mr. ANDERSON, Mr. AuCOIN, Mr. BATEMAN, Mr. BERMAN, Mr. DELLUMS, Mr. EVANS, Mr. ANDREWS of New Jersey, Mr. KOSTMAYER, Mr. McCRERY, Mr. MARKEY, Mr. MORAN, Mr. RAVENEL, Mr. FRANKS of Connecticut, Mr. SUNDQUIST, Mrs. VUCANOVICH, Mr. LAUGHLIN, Mr. COLEMAN of Texas, Mr. COOPER, Mr. SAXTON, Mr. NATCHER, Mrs. COLLINS of Illinois, Mr. WYDEN, Mr. SARPALIUS, Mr. SLATTERY, Mr. CAMPBELL of Colorado, Mr. OLIN, Mr. SWETT, Mr. PETERSON of Florida, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. COX of California, Mr. MILLER of Washington, Mr. HOBSON, Mr. RIGGS, Mr. CUNNINGHAM, Mr. ROYBAL, Mr. NAGLE, and Mr. BUNNING.

H.J. Res. 326: Mr. COX of California, Mr. WALSH, Mr. PORTER, Mr. ROHRABACHER, Mr. KOPETSKI, Mr. CLEMENT, Mr. DIXON, Mr. DWYER of New Jersey, Mr. FORD of Michigan, Mr. JONTZ, Mr. McMILLEN of Maryland, Mr. McNULTY, Mr. RANGEL, Mr. REED, Mr. SMITH of Florida, Mr. VENTO, Mr. DICKINSON, Mr. SMITH of Texas, Mr. KLUG, Mr. BORSKI, and Mr. SCHUMER.

H. Con. Res. 211: Mr. STALLINGS, Mr. TRAFICANT, Mr. MAVROULES, Mr. DURBIN, Mrs. SCHROEDER, Mr. DELLUMS, Mr. GORDON, Mr. PALLONE, and Mrs. BYRON.

H. Res. 152: Mr. BATEMAN and Mr. NICHOLS.

EXTENSIONS OF REMARKS

GEORGE RUSSELL, FINE PUBLIC SERVANT AND GOOD FRIEND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. BROOMFIELD. Mr. Speaker, I was saddened to hear that George Russell passed away last Friday night.

George served his Nation and his Government for more than 42 years, first in the military and then in civilian life. We were fortunate to have him with us right here on the dais for 17 years.

I would like to extend my condolences to his wife, Helen, and to his daughter, Diane Tolbert, who also serves in the House with us, as a staffer in the office of TIM VALENTINE.

George was a good friend and a fine public servant. I will miss him.

REMARKS OF DR. HOWARD MORGAN ON HEART DISEASE RESEARCH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. GEKAS. Mr. Speaker, I would like to share with my colleagues remarks made by Dr. Howard Morgan, of the Geisinger Clinic in Danville, PA. Dr. Morgan discussed research he has done on heart disease at a recent meeting of the Congressional Biomedical Research Caucus.

The remarks of Dr. Morgan follow:

REMARKS OF DR. HOWARD MORGAN

Thank you Congressman Gekas. It is a pleasure and honor to be asked to talk with you today in regard to an important and life-threatening condition, congestive heart failure. The Congressional Biomedical Research Caucus provides me the opportunity to describe recent advances in our understanding of the mechanisms that lead to heart failure and new approaches to its treatment. My perspective is that of a biochemist and physiologist who has lived and worked in Congressman Gekas' district for the past 25 years. I have had a leadership role in founding two biomedical research programs in the 17th Congressional district of Pennsylvania. The first was the Milton Hershey Medical Center where I was the first Professor and Chairman of Physiology from 1966 to 1987, and the second is the Sigfried and Janet Weis Center for Research at Geisinger Clinic where I am Director of Research. As indicated by the names of these institutions, philanthropy by forward-looking and generous citizens of the district were vital to the founding of these institutions. Support by the National Institutes of Health, however, is vital to the operation of the research programs of the Weis Center in which 25 scientists are conducting research in basic cardiovascular biology at the cellular and molecular levels. The Weis Center is unique in that it is a basic research center set in a rural area and part of a regional health care system that serves a primarily rural population. In addition to its research mission, a key function of the Weis Center is to aid in the training of medical residents and fellows, many of whom will practice in rural America. In this context, the Weis Center and Geisinger are responding to Congressional plans to increase the available resources and improve access to health care services in communities in rural America.

Congestive heart failure is a major and increasing public health problem. Congestive heart failure is a syndrome characterized by poor function of the left ventricle, reduced exercise tolerance, progressively declining quality of life and markedly shortened life expectancy. About 2 million patients in the United States have congestive heart failure and the numbers are predicted to increase in the years ahead. The one year mortality ranges from 15% in all patients with heart failure to 50% in those with the poorest ventricular function. About 35% of all patients with congestive heart failure are hospitalized each year.

The disease history of patients with congestive heart failure reveals that approximately 70% have ischemic heart disease due to arteriosclerosis of the coronary arteries, approximately ⅔ have had a heart attack that resulted in death of a portion of the heart muscle, and formation of scar, about 40% have hypertension, 25% have diabetes and 18% have a dilated poorly functioning heart of unknown cause. In recent years, drugs that dilate the small arteries and veins, so-called vasodilator drugs, have been widely used as an adjunct to treatment with digitalis and diuretics. The vasodilator drugs reduce the work of the heart and improve exercise tolerance.

About 6 weeks ago, two large clinical trials that were supported by the National Heart, Lung and Blood Institute and the Veterans Administration, and involved almost 3,400 patients with heart failure were reported in the New England Journal of Medicine. One trial named "Studies of Left Ventricular Dysfunction" and referred to by the acronym, SOLVD, was designed to determine whether treatment with an inhibitor of angiotensin formation would reduce mortality. The other trial called the "Vasodilator-Heart Failure Trial II" was designed to determine whether the angiotensin blocker was better than other vasodilators. Angiotensin is a hormone that is produced in the body and causes small arteries and veins to contract, increases blood pressure, and raises the work of the heart. When angiotensin formation is blocked, these vessels dilate and work of the heart is reduced. Treatment with an inhibitor of angiotensin formation called enalapril, reduces mortality by 16% and deaths and hospitalization for worsening heart failure by 26%, and was more effective than earlier vasodilator therapy. Dr. Claude Lenfant, Director of the National Heart, Lung and Blood Institute, has estimated that routine use of an inhibitor of angiotensin formation could prevent between 10,000 and 20,000 deaths annually in the U.S. and about 100,000 hospitalizations. On the basis of these results, vasoldilators can now be considered one of the three cornerstones of drug treatment of heart failure, the others are digitalis which increases the force of heart action, and diuretics which reduce the salt and fluid retention.

Enalapril, the inhibitor of angiotensin formation, probably is more effective than nonspecific vasodilators because the drug blocks angiotensin formation in the walls of arteries, including the coronary arteries, and slows growth of the heart that is severely overloaded. Following a heart attack that results in death of heart muscle, the onset of congestive heart failure may be prevented by growth of the remaining normal heart muscle. Similarly, in patients with hypertension, the heart grows to compensate for the increased work load placed upon it. If this situation is compared to excise of a skeletal muscle, the overloaded heart gets more exercise and enlarges in the same manner as an arm or leg muscle that is exercised. This process is called hypertrophy which means that each heart muscle cell gets larger, but the cells do not divide.

Although, the enlarged heart may be able to deal more effectively with severe overload. The size of the heart, and particularly the left ventricle, turned out to be the single most potent determinant for cardiovascular disease, with the exception of age, in the Framingham Heart Study. The mortality from cardiovascular disease was 4.8 times higher in men and 3.0 times higher in women with left ventricular hypertrophy than in those without. As a result, prevention of severe overload and the resulting hypertrophy by effective treatment of hypertension and vasodilator therapy in patients with even mild degrees of congestive heart failure is a much better strategy.

The laboratories of Dr. Kenneth Baker and my own at the Weis Center are actively studying the effects of angiotensin on the heart. Dr. Baker's laboratory found that angiotensin stimulates growth of isolated heart muscle cells in tissue culture. These findings indicate that angiotensin directly affects growth independent of any effects on blood pressure or heart work. Infusion of angiotensin into rats increased heart weight by approximately 20% after 1 or 2 weeks of treatment. Treatment of the rats with angiotensin and a non-specific vasodilator to prevent any rise in blood pressure, did not block the effect of angiotensin to increase heart size. In other experiments, Dr. Baker found that enalapril, the inhibitor of angiotensin formation, would prevent hypertrophy of the heart in rats that had elevated blood pressure secondary to narrowing of the aorta. My laboratory found that treatment of newborn pigs with enalapril would block the rapid growth of the left ventricle that occurs in the first days of life due to a markedly increased load on the heart at birth. Overall, treatment of patients with congestive heart failure with inhibitors of angiotensin formation results in vasodilation of both arteries and veins, and reduces blood pressure. With reduced

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

angiotensin formation, hypertrophy of the heart is restrained and the risk of cardiovascular mortality is reduced.

Because cardiac hypertrophy has such a negative prognostic implication on cardiovascular disease and mortality, control of growth of cardiac muscle cells is a major research focus of several other laboratories at the Weis Center. In order for the heart to hypertrophy, increased work of the heart and hormones such as angiotensin must generate signalling chemicals within the cells that accelerate growth. These chemicals activate the genes responsible for coding for the components of the major site of production of heart proteins, a part of the cell called a ribosome. Dr. Lawrence Rothblum has cloned the genes responsible for a protein known as a transcription factor that regulates ribosome formation. Greater amounts of the transcription factor are present in cardiac muscle cells that are contracting vigorously and growing. Work in my laboratory and the laboratories of Dr. Kenneth Baker and Dr. Harold Singer is focussed on the identifying the intracellular signals, such as increased calcium, cyclic AMP and diacylglycerol that link increased work of the heart to growth. Dr. Peter Watson and Dr. John Krupinski have shown that cells that are increased in size by swelling have increased formation of cyclic AMP, and their findings suggests a direct link between stretching of the wall of the heart, increased heart work and hypertrophy. Ultimately, an understanding of the events that link increased heart work to growth of heart cells may offer new targets for drugs that will improve our ability to control hypertrophy of the heart, and will delay the onset and progression of congestive heart failure.

In conclusion, congestive heart failure is a progressive and debilitating condition encountered by 2 million Americans that decrease the quality of life and duration. Recently, treatment with inhibitors of angiotensin formation that reduce the work load on the heart and cardiac hypertrophy were shown to decrease mortality and severity of heart failure. Ultimately, however, prevention of congestive heart failure depends on prevention and treatment of coronary artery arteriosclerosis and hypertension because these conditions lead to heart damage and hypertrophy, the precursors of heart failure.

LOCAL OFFICIALS PLAY ROLE IN THWARTING SOVIET COUP

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. MORAN. Mr. Speaker, as a former mayor, I was heartened to learn that local city officials across the Soviet Union played a key role in the resistance against the August coup attempt. In the September 2 issue of Nation's Cities Weekly, a publication of the the National League of Cities, Los Angeles City Council member Zev Yaroslavsky recognizes the courageous behind-the-scenes efforts of municipal officials.

Yaroslavsky participated recently in a local government reform program sponsored by the National Democratic Institute for International Affairs [NDI]. Last year, NDI identified democratic reformers in many of the Soviet Union's largest cities and created a program to assist the economic and political transformation underway by local governments. Yaroslavsky's article describes his participation in an April seminar that focused on democratic government and municipal finance. He plans to return to Moscow in October for extended consultations with council members there.

I want to share with my colleagues this article and commend the Soviet elected officials as they seek to establish democratic systems at the local level.

LOCAL OFFICIALS' KEY ROLE IN ABORTING COUP

(By Zev Yaroslavsky)

American television audiences have become familiar with the names and faces of the courageous Russian Republic President Boris Yeltsin, the Soviet Presidential Mikhail Gorbachev, and even those of the plotters of the coup in the Soviet Union. Yet it was members of the local governments who played a largely unnoticed but critical role in preventing a return to totalitarianism.

In the cities of Moscow and Leningrad, it was the Mayors, Gavriil Popov and Anatoly Sobchak, their deputies and council members who called the people out to man the barricades, and coordinated the flow of information to and from the Russian parliament where Yeltsin was headquartered. It was from the rooms of the Moscow City Council on Tverskaya Street that word went out to local councils across Russia to deny the legitimacy of the coup against Gorbachev.

I know many of the local officials who participated in this movement. As a representative of the Washington-based National Democratic Institute for International Affairs (NDI), which has been conducting a municipal reform program in the Soviet Union since August 1990, I travelled to Moscow and Leningrad last May. Together with 15 colleagues, I led a series of training workshops for 150 city council members and administrators from Russia, Belorussia, Moldavia, the Ukraine and the Baltics on issues ranging from the separation of powers in democratic local governments to technical questions of municipal budgeting and finance.

This was the second of NDI's large-scale training seminars. The first meeting was held in Moscow in December 1990. The Institute's international experts have included mayors, city council members, administrators and city managers from the United States, Poland, Great Britain, Sweden, Germany and the Netherlands.

Former Vice President Mondale led the first bipartisan delegation. My colleagues in this process have included Mayors Tom Volgy, George Latimer and Joseph Riley, and New York Councilwoman Ronnie Eldridge as well as the Klaus von Dohnanyi, the former Mayor-Governor of Hamburg, Germany, and Jerzy Regulski, Poland's Under Secretary of State for Local Government Reform.

In its selection of American trainers, NDI benefitted from the advice of the National League of Cities. To my knowledge, the NDI program is the most systematic and broad-based training program for local officials in the Soviet Union. Its work has already given rise to the Association of Russian cities. The Institute also translates materials into Russian and can provide orientation sessions for Soviet city council members visiting U.S. municipalities.

Three distinctive features of Soviet local governments have struck me. Since the elections of spring 1990, the leading democratic reformers like Mayor Sobchak in Leningrad and deputy mayor Sergei Stankevich in Moscow have been nationally known politicians, with seats in parliament, who have chosen to focus their efforts on municipal reform and decentralization.

Municipal reform is a complicated task. Soviet cities have an overwhelming number of responsibilities: they run industrial enterprises, for example. They are major industrial and residential property owners. They are involved in the distribution and subsidizing of food. In short, they perform many of the functions that our private sector and even our national government normally perform.

Yet, the newly elected city council members who must address city concerns in a period of economic instability have little experience of management, few technical skills and virtually no understanding of democratic government. Historically, the municipalities have been run by Communist Party bureaucrats. When I was there in May, in fact, I found all political institutions in disarray. The Communists had ensured that local councils were, in the words of Mayor Sobchak "ornaments or facades which voted the way they are told."

Without much experience and in a period of profound political turmoil, the city council members are struggling with fundamental questions: how to divide powers between executive and legislative branches of governments; what powers to assume at the local level and what powers to reserve at the republic or even national level and how to develop a political system capable of making decisions and producing results.

They need technical assistance in areas as diverse as land valuation, privatization, municipal housing, tax policy and budgeting.

In October, I shall return to Moscow and Leningrad with NDI in order to work intensively with members of the Moscow City Council and the Leningrad City Council on technical aspects of municipal budgeting and finance. Let us not hesitate now in providing them the technical training assistance they so desperately need.

Zev Yaroslavsky is a member of the Los Angeles City Council and chairman of its Budget and Finance Committee.

THE HUMAN RIGHTS SITUATION IN TURKEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. HAMILTON. Mr. Speaker, I wish to draw to the attention of my colleagues a recent exchange of letters with the Department of State regarding the human rights situation in Turkey. In recent months, reports of widespread use of torture and other human rights violations in Turkey have increased, raising serious questions about the commitment of the Government of Turkey to addressing these problems.

I believe it is important that the United States take an objective and critical view of human rights development in Turkey. The State Department response to my letter of July 17, 1991, speaks of some positive advances on human rights issues in Turkey, but fails to mention other developments which undermine the impact of some of these steps.

Turkey is an important friend and NATO ally. It is in our interest and in the interest of the future of United States-Turkish relationship to ensure that serious human rights violations cease to occur in Turkey.

The correspondence follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, August 5, 1991.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Washington, DC.

DEA MR. HAMILTON: Thank you for your letter of July 17, 1991, to the Secretary expressing concern over the human rights situation in Turkey.

There have been some positive advances on human rights issues in Turkey this past year, but some problems remain. On the positive side the Turks took the following actions: Parliament repealed the ban on use of the Kurdish language; amnested 20,000 prisoners; and repealed the "thought-crime" laws (although a recent constitutional court decision leaves the practical effect of this last move somewhat questionable). Parliament also established a human rights commission which has taken an active role in investigating allegations of human rights abuses.

On the negative side, the continuation of incommunicado detention and the recent incidents in the southeast are cause for concern. The latest southeastern violence was sparked by the murder of Vedat Aydin, President of the Diyarbakir branch of the People's Labor Party [HEP] and a member of the local Human Rights Association. He was picked up from his home by four individuals who identified themselves as members of the police force, something they would be most unlikely to do if they really were members of a security force and intended to kill him. We do not know whether they produced any identification. Mr. Aydin's body was found 3 days later. Masquerading as members of the security forces has been a frequent ploy for Turkish terrorists, including the individuals who murdered an American citizen in Istanbul several months ago. The opposition parties and the Human Rights Association have yet to reach any consensus regarding the motive for the killing or the possible identity of the killers. Two official investigations are underway, one by parliament and the other by the Ministry of the Interior.

Mr. Aydin's funeral in Diyarbakir on July 11 sparked a violent demonstration which included gunfire. The police claim the first shot came from the crowd which, newspaper accounts make clear, was already pelting them with stones. The demonstration took place in narrow streets bordering on the city's medieval walls. Some people were shot; others were trampled, pushed off the walls, or otherwise injured. At least three people were killed and thirty eight injured, some seriously. The police detained over three hundred people. this incident, too, is under investigation.

Mr. Aydin's murder and the violence at his funeral came in the aftermath of a bombing at the Diyarbakir Human Rights Association; a car bomb which wounded another human rights activist (and his son) in the region; and a second car bomb incident in Diyarbakir in which no one was hurt.

While it is unclear whether these latest events involved human rights violations, there is no doubt we have conveyed our concerns on this subject repeatedly to the highest levels of the Turkish government, most recently during the visit of President Bush. I can assure you that Ambassador Abramowitz made human rights one of his top priorities, as will Ambassador-designate Barkley. You should also be aware that our Embassy in Ankara has initiated a program of human rights seminars, the first of which was held in May. It was attended by human rights activists, government officials, and parliamentarians. We hope to hold two more seminars in the next year.

We believe the new Turkish government will continue to take steps to improve its human rights record. This was a subject of discussion between President Bush and Turkish leaders during the recent state visit; the discussion followed a mention of human rights in President Bush's arrival statement. We have an open and continuing dialogue with the Turks and believe the open and continuing dialogue with the Turks and believe the government is determined to improve its generally excellent democracy—free elections, courts and parties—with police reforms.

Sincerely,

JANET H. MULLINS,
Assistant Secretary, Legislative Affairs.

CONGRATULATIONS TO MAURIZIO BIVONA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Maurizio Bivona who is being named "Man of the Year" by the Italian-American Forum of Lodi.

Maurizio Bivona moved here from Sicily with his family at the age of 17. He helped his family adjust to a new culture, learn a new language, and survive economically. At the same time he pursued his long-time aspiration of achieving a college education. He helped run the family fruit store and pizza shop during the day and attended NJIT at night, eventually earning a degree in industrial engineering in 1976. Also during this time, Maurizio became a U.S. citizen.

After graduation, he married Graziella Ciminata and joined M & SD Corp., a telecommunication consulting firm. Here he distinguished himself through hard work and dedication and was quickly promoted to vice president.

Maurizio is, and always has been, actively involved in his community. He is a proud member of the San Ciro Society of Garfield where he serves as a director. Among his proudest achievements is his help in founding COM.IT.Es, a committee created in conjuction with the Italian Government to promote Italian heritage in the United States.

Maurizio is also one of the senior members of the Italian-American Forum. He has served this organization in many offices including president and is currently a member of the board of directors.

Mr. Bivona strongly believes that the education of our youth is one of the most important purposes of the Italian-American Forum. He is one of the founders of the scholarship committee and strongly believes in their motto "A better America through education".

Maurizio and his wife Graziella have two sons, Alexander and Maximilian. He is highly respected by his community as an example of the success that can be achieved by hard work in the United States.

Mr. Speaker, I am proud to join in paying tribute to this exceptional man and extend my best wishes to him.

TRIBUTE TO MICHAEL E. WHIPPLE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to a fine young citizen, Michael E. Whipple, of Sunbury, PA, who has attained the rank of Eagle Scout.

Michael has been involved with Scouting for many years, beginning in 1982 with Cub Scout Pack 3309 of Sunbury, where he served as den chief and earned his Arrow of Light. He later joined Boy Scout Troop 304 at St. Michael's Church in Sunbury, and proudly served his troop as assistant patrol leader, patrol leader, assistant senior patrol leader, senior patrol leader, troop guide, and life Scout. He also has been awarded the Vigil Honor of the Order of the Arrow.

I am very heartened by Michael's statement of purpose for his Eagle Scout project: To show people that "there are kids that care about the way they want to live." Michael decided to take charge of the cleanup committee for Sunbury's first annual Riverfest. Michael expressed enthusiasm for this task and was able to get other young people to pitch in and help cleanup Sunbury's riverfront.

Michael is also a private in the U.S. Army Reserve and is a member of the Patriotic Sons of America. He is a senior in high school, and no doubt has a very bright future ahead of him. Michael has demonstrated a great attitude, a desire to work hard, and an ability to follow instructions and get the job done.

Mr. Speaker, I ask all of my colleagues to join me in congratulating Michael Whipple on attaining the rank of Eagle Scout, and in wishing him the best in his future. That future is one I am sure that will be successful and rewarding.

GIRL SCOUTS HONOR ROME WOMEN OF DISTINCTION

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. DARDEN. Mr. Speaker, today I rise to honor three exceptional leaders in the Rome, GA community. Judge Jean P. Duncan, business owner Mary Kate Massey, and realtor Julie Spector Windler may have excelled in different professions, but their common thread of Girl Scouting has earned them all the honor of being named "Woman of Distinction" by the Northwest Georgia Council of Girl Scouts. Women of Distinction hold positions of importance in their communities.

In addition to offering my personal congratulations on their achievement, I would like to share with my colleagues the following article from the Rome News-Tribune which includes profiles of these remarkable individuals and their achievements.

[From the Rome News-Tribune, Sunday, Sept. 22, 1991]

GIRL SCOUTS HONOR ROME WOMEN OF DISTINCTION

Three Rome women have been named Girl Scout Women of Distinction, according to the Northwest Georgia Council of Girl Scouts which includes the Rome area.

They are: Judge Jean P. Duncan, business owner Mary Kate Massey and realtor Julie Spector Windler.

Women of Distinction hold positions of importance in their communities. They may be business women, professionals, managers or respected volunteers. They all have achievement in common.

Many of them are still involved in some facet of Girl Scouting, whether serving as a troop leader or chairing the Girl Scouts annual fund-raising campaign. Other Women of Distinction were not Girl Scouts in their childhood but have been supportive of Girl Scouting in their adult years.

A Rome resident and former Girl Scout, Mrs. Duncan serves as judge of the Floyd County Probate Court. Her responsibilities include hearing all matters pertaining to wills, estates and guardianships and hearing all Floyd County traffic cases.

She has been honored with the Liberty Bell award, presented by the Rome Bar Association, and is a former recipient of the Award of Recognition by the Women in Management Committee of the Rome Chamber of Commerce. She was educated in the Rome City Schools, Caroll Lynn Business Schools, Floyd College and through seminars conducted by the American Bar Association and the University of Georgia. A widow, she is the mother of three grown children and has three grandchildren.

Although she is a native of Maryville, Tenn., Mrs. Massey is a long-time resident of Rome. As owner of Town House Apparels Inc., Mrs. Massey is responsible for the general management of the business, apparel buying, advertising, selling and marketing. She began her Girl Scout career as a Brownie in Tennessee.

Mrs. Massey attend the University of Tennessee and Jacksonville (Fla.) University, from which she received a home economics degree. Her memberships include the Floyd Medical Center Foundation, Greater Rome Chamber of Commerce, Advisory Board for the College of Home Economics at Berry College and First United Methodist Church. She and her husband, John, have three sons and four grandchildren.

Rome native and former Brownie Girl Scout, Mrs. Windler is president and owner of Garden Lakes Realty Co. She is responsible for land development, commercial and residential sales, and property management. The company manages more than 400 properties and with all business operations included does an excess of $5 million a year in business.

Mrs. Windler holds a bachelor-of-science degree in industrial management from Georgia Institute of Technology. She has served as treasurer of the Greater Rome Board of Realtors and as state director of the organization.

She also is active in the Greater Rome Chamber of Commerce and has served with the fund drive for the Rome United Way. She is a senior designated member of the National Association of Real Estate Appraisers and was named to "Who's Who" in television. She is married to Frank J. Windler and she has 3 children.

TRIBUTE TO WILLIAM HILLENBRAND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. HAMILTON. Mr. Speaker, I would like to take this opportunity to recognize the selection of William Hillenbrand for posthumous induction into the 1991 Health Care Hall of Fame. Mr. Hillenbrand and other inductees will be honored at the fourth annual award ceremonies in Chicago on November 6, 1991, to be sponsored by Modern Healthcare magazine.

The Hall of Fame honors pioneers in the health industry, whose portraits are hung at Philadelphia's Pennsylvania Hospital. Other inductees this year include Margaret Lewis, pioneer of home healthcare services; Robert M. Cunningham, Jr., author and editor of numerous health industry books and publications; educator Gerhard Hartman; and healthcare financial adviser Harold Hinderer.

William Hillenbrand was one of the outstanding business and community leaders in Indiana until his death in 1986. Mr. Hillenbrand was born and raised in Batesville, IN in the Ninth Congressional District, which I represent.

After graduating from Notre Dame University in 1927, he started a business which revolutionized the hospital supply industry. His innovation was "to bring the home into the hospital" by replacing cold white steel beds with warm wood beds. Mr. Hillenbrand was also responsible for introducing other important health care innovations, including the adjustable crank double pedestal overbed table; the short safety side bed; the labor bed; the pediatric intensive care bed; and a therapeutically designed rocker/recliner.

Today, Mr. Hillenbrand's company, Hill-Rom, has annual sales of about $300 million and employs about 2,000 people. It is one of six subsidiaries of publicly held Hillenbrand Industries.

William Hillenbrand was an old-style manager, dedicated to the success of his business and to the satisfaction of his customers. He often traveled for weeks at a time around the country visiting with hospital customers to find out what products and services they needed and wanted. Hill-Rom is testament to his great achievement in the hospital industry.

He stands among the giants of American enterprise. I will always think of him as among the best of American business leaders—innovative, industrious, community minded, and concerned about people.

FAIR TRADE IN FINANCIAL SERVICES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. SCHUMER. Mr. Speaker, how long will it take Japan's Ministry of Finance to wake up and smell the coffee? How many more scandals do we have to read about before they finally take decisive action to clean up their financial markets? Fair and open financial markets are crucial if we are to maintain our competitive edge in the global marketplace.

On Thursday, October 3, I introduced, along with Representatives LEACH and STARK, a strengthened version of Senator RIEGLE's and Senator GARN's fair trade in financial services bill. This bill will arm the Treasury with the tools it needs to open foreign markets to U.S. firms. Recent events in Japan show why it is imperative for the United States to take action on this vital issue.

This summer, the financial pages of our newspapers were littered with new revelations of crime and corruption in the Japanese stock markets. Japan's largest brokerage houses have admitted to covering $1.5 billion in stock market favored losses of their most favored customers—all Japanese concerns. Normura and Nikko Securities have admitted to covering the losses of, and financing the activities of, one of Japan's most notorious Mafia bosses. In another case, one woman was able to borrow almost $2.5 billion from Japan's biggest banks in one of the greatest cases of bank fraud of all time. The 1988 Recruit scandal proved that this corruption reaches the highest levels of the Japanese Government.

Despite these bombshells, Japanese firms and their leaders continue to conduct business as usual. Ministers and officials who are supposed to have resigned their posts are instead merely reassigned to someplace else within the same organization. The Japanese Ministry of Finance issues warnings and holds hearings, but their meager actions have failed to restore credibility to their marketplace. The one reform they are trying to institute is the creation of an SEC-like agency to oversee their stock market. This, however, is a sham, because this new agency would still be under the direct control of the Ministry of Finance which, time and time again, has proved itself to be too cushy with the Japanese firms it regulates.

Armed with protected financial markets and inexpensive domestic sources of capital, foreign firms are entering the American financial markets with devastating effect. American firms, on the other hand, have no such advantage in their home markets and are shut out of equal competition abroad—not only in Japan, but Korea, Brazil, and other countries. This is simply not fair.

Riegle/Garn is a wise and measured response to the trade discrimination our banks, securities firms, and investment advisers are facing in many parts of the globe. It merely says that unless you give our firms national treatment—the same treatment you apply to your own domestic firms—the United States has the right to apply sanctions against your firms operating here in the States.

The bill strengthens Riegle/Garn in three ways:

First, it would add a series of factors, taken from the Treasury Department's "National Treatment Study" which must be considered when the Treasury Secretary makes a determination as to whether U.S. firms are receiving fair treatment abroad.

Second, it requires the Treasury Secretary to publish in the Federal Register the names of those countries not according us national treatment.

Third, it excludes the financial institutions of the European Community and Canada from these provisions, since United States financial institutions are protected under existing treaties, so long as these countries continue to accord United States firms national treatment.

Fair and open financial markets are crucial if we are to maintain our edge in the world's financial markets. I would urge my colleagues to support this wake up call and provide U.S. financial firms with the level playing field they deserve.

TRIBUTE TO DR. MARIO VIGLIANI

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Dr. Mario Vigliani for his significant contributions to his Rhode Island community. Dr. Vigliani is recognized by the International Institute of Rhode Island with its annual Outstanding Citizen Award. Each year the International Institute presents this award to a foreign-born naturalized citizen for his or her contributions to the community. The International Institute, a United Way member agency, is a nonprofit organization that provides immigration and educational services to Rhode Island's immigrants and refugees. It is especially significant that this year's Outstanding Citizen Award be received by a member of Rhode Island's Italian-American community.

Born and raised in Italy, he traveled his native land following his father's assignments in Italian Navy Intelligence. He attended medical school in Pisa, graduated in 1948 and traveled to New York where be completed his internship and first residency. He then came Providence, RI, for a residency at Charles Chapin Hospital, where he specialized in contagious diseases. Dr. Vigliani then decided to stay in Providence, where he served the Italian-American community, establishing his own practice.

He was drafted into the U.S. Air Force as a captain during the Korean war. He served his country honorably as chief of pediatrics for the Northeastern Command. After the war he returned to Providence to continue his ambition to serve others through the practice of medicine. After reopening his own practice, he later headed the Atwood Pediatric Group in Johnston until he retired in 1989.

His distinguished career has included several volunteer contributions as well. He unselfishly devoted hours each week to such causes as the developmentally disabled, and other free clinics in the region, including four well-baby clinics. He has made his family, friends, and peers proud, giving to the community the care it so deserved.

I ask that my colleagues join me in wishing Dr. Vigliani and his family health and happiness in the future.

SUPPORT FOR MARTIN GAFFNEY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. DONNELLY. Mr. Speaker, I rise to support and commend Marine Officer Martin Gaffney of South Weymouth, MA, a man who has been suffering, but fighting a brave battle not only for his own life but for the future of his surviving daughter.

Officer Gaffney's story is a most tragic one. The following is reprinted from the Patriot Ledger of Quincy, MA, which grimly details his current situation.

GAFFNEY FEARS HE'LL DIE OF AIDS BEFORE U.S. PAYS

(By Helen Rojas)

BOSTON.—The end of Martin Gaffney's legal battle drew a step closer yesterday but the Marine officer said he still fears he will die of AIDS before the government pays him a $3.8 million court judgment.

Judge Rya Zobel ruled yesterday that the Justice Department must decide whether to appeal her $3.8 million final judgment for Gaffney by Oct. 7. Zobel rejected technical objections that would have delayed the appeal deadline.

If the Justice Department decides not to fight Zobel's judgment, Gaffney should receive his award check in eight to 10 weeks, according to U.S. attorney Wayne A. Budd's office.

But Gaffney, 42, entered Massachusetts General Hospital last week, and said he is worried he will not receive the award before he dies.

He said he hoped to use the court award to travel with his daughter, Maureene, a third-grader at a South Shore private school, who has tested negative for the AIDS virus.

"I was hoping I'd have this before I got sick so I could travel with my daughter and plan for her future," Gaffney said. "Last night I didn't know if I was going to leave this hospital alive."

Gaffney is being treated for headaches, dizziness, double-vision and coughing that his doctors have told him are the result of the AIDS virus.

AIDS has already claimed Gaffney's wife, who received a tainted blood transfusion at a Navy hospital, and the couple's infant son.

Gaffney's lawyer, Jaclyn McKenney, filed a court motion last week accusing the government of stalling with trivial legal maneuvers in anticipation of Gaffney's death.

Gaffney has refused offers of a smaller cash settlement. Mary Elizabeth Carmody, an assistant U.S. attorney wrote in a court motion that the government's offer to settle was not intended to delay an end to his three-year court battle.

"A settlement would, as a matter of course, ensure that the plantiffs would receive an award sooner rather than later," Carmody wrote in reply to a legal motion filed by Gaffney's lawyer. "This suggestion was completely appropriate but was completely misconstrued by plaintiffs' counsel. The suggestion was obviously roundly rejected."

Gaffney said the long court battle and delays by the government's lawyers have embittered him.

"These people have ice water in their veins," Gaffney said. "This case did not have to go this long."

Gaffney is still on active duty as a chief warrant officer at South Weymouth Naval Air Station and has been supporting his daughter on his Marine Corps paycheck.

He said he still hopes to take his daughter to Washington, D.C., to see the Capitol and has promised her grandparents in Okinawa that he will bring her to see them during the Christmas school break.

Gaffney said that after he dies Maureene will be raised by his brother and sister-in-law, who live in Massachusetts.

My colleague, BARNEY FRANK of Massachusetts, has introduced H.R. 3407, which I am a cosponsor, to allow claims against the United States for damages arising from negligent medical care provided by the Armed Forces. I urge my colleagues to join me in supporting this legislation so that Officer Gaffney and others will be spared this needless suffering.

GEORGE WILL: "LET THEM EAT CRACK"

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mrs. SCHROEDER. Mr. Speaker, the political etiquette business has been good to George Will. He has had a long and financially rewarding career instructing us on the proprieties of American politics. Cosseted in his Chevy Chase manor, he functions as a sort of federalized Emily Post.

Rather than invoking specific rules for correct political behavior, Mr. Will's columns are oiled instead with aphorisms. For every thorny public policy question he has a sage observation from Edmund Burke. For every societal ill, an acerbic jape from H.L. Mencken. When all else fails, an entire paragraph from Cicero—not Cicero as in Illinois, but Cicero as in Marcus Tullius.

Mr. Will's work has a certain drawing-room unreality. One has the sense that for Mr. Will mean streets is a fender bender in Chevy Chase, not the murder of children by children in Los Angeles.

Unemployment is a hoary anecdote from the Great Depression, ushered in by a quote from Hobbes, rather than the trauma of 30 percent unemployment in some sectors of American society today.

In the October 3 Washington Post, Mr. Will announced triumphantly that he will make the case for congressional term limits by showing "how amateur basketball is becoming a Federal project." Well, now.

Apparently what has stuck in Mr. Will's refined craw is a rather modest, bipartisan proposal, the Midnight Basketball League Training and Partnership Act, H.R. 3102, which authorizes $2.5 million in HUD grants to public housing authorities to work with private groups organizing athletic activities that incorporate employment counseling, job training, and other educational efforts for male adolescents. Targeted communities are those with a substantial illegal drug problem, a high crime level involving young adults, high unemployment, and school dropout rates, and so forth.

The Midnight Basketball League program originated in Chicago, where it has been a resounding success. League director Gil Walker points with pride at the fact that since joining the program none of the league's 180 participants had been in trouble with the law. In addition, more than one-half are now either employed full time or have obtained their GED degrees.

Taking sharp exception to the idea of using Federal funds to help spread a program that works, Mr. Will has entered the ranks of those peculiar American conservatives who, to paraphrase H.L. Mencken, lie awake at night worrying that somewhere, somehow an impoverished kid might get a leg up on the world.

Mr. Will opposes the expenditure of Federal money on athletic programs for inner-city kids. What a hoot. He has no objection to viewing Redskins games from the posh VIP boxes at RFK Stadium, which was constructed with millions of dollars of taxpayer money.

As for kids at risk out in America, George Will has the solution, "let them eat crack."

EXPORTS MADE UP 80 PERCENT OF LAST YEAR'S GNP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Department of Commerce states that over 80 percent of our Nation's GNP last year was a result of exports, and is at its highest level ever: $394 billion.

There is much the Federal Government can do to help American business in this effort. Recently, I had an opportunity to learn about an exciting and informative conference held in Miami, as a part of a series being held throughout the country by Secretary of Commerce Robert Mosbacher and other officials who are making the resources of their agencies accessible to U.S. firms.

I want to commend Secretary Mosbacher and his colleagues for their efforts to make all the trade promotion resources of the Federal Government better known at the grassroots level and to encourage businesses in Miami, and throughout the country, to take advantage of this opportunity.

CONGRESSIONAL TRIBUTE AND SALUTE HONORING THE 40TH ANNIVERSARY OF THE RIVERSIDE VETERANS AUXILIARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. ROE. Mr. Speaker, on Saturday, October 12, 1991, the Riverside Veterans Auxiliary will be celebrating its 40th anniversary with a gala dinner at Paterson's historical Brownstone House which lies in the heart of my Eighth Congressional District of New Jersey. This gala affair will honor the hard-working members of the auxiliary who have done so much to benefit their fellow citizens through charitable good works and community service.

Mr. Speaker, this evening we gather to honor the Riverside Veterans Auxiliary, an organization truly worthy of commendation. I would like to salute the outstanding current leadership of this most worthy organization: President Annamarie Stark-Dockery, Vice President Marion Masker, Recording Secretary Catherine Spina, Treasurer Ruth Gallo, Chaplain Caroline Rovello, Service Officer Ida Ponte, and Mistress at Arms Barbara DeFerdinando.

No mention of this august body would be complete without first recognizing the Riverside Veterans, Inc. The history of our Nation shows that whenever duty has called, brave men and women have followed our flag to protect and safeguard America's freedom. The members of the Riverside Veterans, Inc., proudly continued this tradition, serving the interests of the United States throughout the globe.

From its inception in November 1946, the Riverside Veterans, Inc., has thrived on a spirit representative of a true family relationship, always mindful of basic unity and the enrichment of the organization spiritually and socially.

After the Second World War, veterans from the Riverside section of Paterson, under the leadership of founder Anthony Tirri formed the Riverside Veterans, Inc. This organization has to this day, continued to be active not only in veterans affairs, but in the community and city of Paterson as well.

The Riverside Veterans, Inc., is made up of individuals who grew up in the Riverside section of Paterson, which was predominantly Italian in heritage. The children who grew up there were immersed in a close knit family atmosphere. Subsequently, with the outbreak of the Second World War, many of the founding members entered the service together and were assigned to the same combat unit. They lived and fought side by side, forging a bond between them that only those who have survived the battlefield can know. Out of this experience, the Riverside Veterans, Inc., was formed.

Mr. Speaker, after several months of hard work under the guidance of Post Commander Emil Malizia and First Vice Commander Joseph Bernasconi, the women's auxiliary was formed in October 1951. The steering committee consisted of Dot Malizia, Pearl Plavan, Ida Ponte, Lavina Di Ferinando, Susan De Luca, and Bianca Frioli Hancock.

In April 1952, the first election of officers took place, with Mary DeNova elected president. The additional officers of the charter members were: Vice President Addie Pacillo, Secretary Dot Tirri, Financial Secretary Dot Malizia, Chaplain Pearl Plaven, Service Officer Rose Pallotta, and Mistress at Arms Connie Barone. The executive committee consisted of Angie Tatoo, Betty Natoll, Julia Cosgrove, Diama Cuccinello, and Mary Mancinelli. These ladies set the highest of standards for auxiliary, which have continued to this day.

It would be very difficult indeed to find a more dedicated or hard working group of women than the auxiliary of the Riverside Veterans, Inc. They have performed countless charitable good deeds for the community since their inception. Most important of all, they have maintained an organization that has promoted true fellowship and strong family values. I salute them for all their good deeds, they are truly a credit to our community, State, and Nation.

ARKANSANS WORKING FOR LITERACY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. ALEXANDER. Mr. Speaker, I rise today to recognize Margo Reiser of Jonesboro, AR who has worked in cooperation with the Arkansas State Voluntary Literacy Council to bring literacy to every corner of the State.

Craighead County, the largest county in my district in terms of population, has an 11.7 percent illiteracy rate. That means that there are 6,173 functional illiterates above the age of 25 living in one of my 24 counties. These are people who can't perform the simplest of tasks, such as reading the newspaper, signing checks or exercising their right to vote. Some of them can't even recognize their own name in print.

I have always been supportive of literacy programs, and my constituents can continue to count on me to support literacy programs in the future.

Margo Reiser is to be commended for her work to bring literacy to all Arkansans. I want to wish her success during the months of October and November as she conducts three separate literacy workshops in my congressional district.

I was once told that a problem is not a problem if there's a solution. Thanks to Margo Reiser, and others like her, we have a solution for illiteracy in northeast Arkansas. It's called caring.

OPPOSITION TO THE CONFERENCE REPORT ON TREASURY-POSTAL SERVICE APPROPRIATIONS

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. PENNY. Mr. Speaker, I rise in opposition to the conference report. The appropriations level, nearly $20 billion, endorsed by the conferees on the Treasury-Postal Service appropriations measure now before us is $252 million higher than the House-passed bill. I find this level of spending excessive and necessary at a time when the Federal budget deficit is approaching $400 billion and will alone consume over 6 percent of the gross national product this fiscal year.

As excessive at this level of spending is, there are tucked away in the report several special interest provisions including a $350,000 grant for a drug treatment center in

Pima County, AZ. Now drug treatment is needed, but why earmark funds for one center when literally very drug treatment facility in the Nation is in dire need of funds to expand their treatment programs?

If you've wondered why the General Services Administration is receiving such a large increase in its budget over the House-passed bill, in part it's because of the growing laundry list of earmarks for construction projects. Funds are also appropriated in this bill for the Peace Bridge border facility in Buffalo, NY, and the conference report puts the final touches on the mandated move of certain Bureau of Public Debt facilities and employees to Parkersburg, WV, which is on its face a questionable expenditure of Federal funds.

Now, some of these specific earmarks may be needed, but as is usually the case, the good and the purely special interest provisions are lumped together and we will never know what's necessary and what's pork barrel.

On the floor in June, I withdrew an amendment to the House bill to reduce the Vice President's budget by $27,000. This amount is equivalent to the expense of a personal vacation Vice President QUAYLE took earlier this spring. Chairman EDWARD ROYBAL indicated he would write the Vice President for an explanation, and I can report today the chairman's letter was indeed sent. I appreciate Chairman ROYBAL and Mr. WOLF's assistance in this matter. I must say, however, that I was not at all satisfied with Vice President's QUAYLE's explanation, which was signed by an aide. His response gave no specific answer to the question of why the Vice President does not reimburse the Treasury for purely personal travel expenses. I intend to revisit this matter until such a time as the Vice President develops a travel policy that holds him accountable for his personal expenses.

I urge Members to vote "no" on this conference report. Now is not the time to surrender the fight for deficit reduction.

INTRODUCTION OF LEGISLATION TO PROVIDE EXTENDED UNEMPLOYMENT BENEFITS TO RAILROAD WORKERS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce legislation to provide extended unemployment benefits to railroad workers similarly to those granted to other workers in S. 1722.

My legislation would give approximately 3,000 railroad workers, with less than 10 years in the railroad system, up to 65 days of extended benefits, so long as the national unemployment rate is at least 6 percent. The number of days of benefits depends on the earnings of the worker.

This legislation amends the Railroad Unemployment Insurance Act which is in the jurisdiction of the Energy and Commerce Committee. I have the support of Chairmen DINGELL and SWIFT in offering this legislation. This legislation is an important step for the Congress to provide equity for the men and women who work on our Nation's railroads.

The Congressional Budget Office gave me a cost estimate for this legislation of $10 million. The current balance of the Railroad Unemployment Insurance Trust Fund was $337 million as of June 30, 1991, compared to an average base line balance of $225 million. Thus, this fund is more than $110 million above normal balances and could easily fund the $10 million cost.

FIRST CAVALRY DIVISION'S MAJ. GEN. JOHN H. TILELLI SPEAKS TO THE MISSOURI PRESS ASSOCIATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. SKELTON. Mr. Speaker, on September 20, 1991, the commander of the U.S. Army's 1st Cavalry Division, Maj. Gen. John H. Tilelli, Jr., spoke to the Missouri Press Association at its annual meeting in Columbia, MO. He gave an excellent description of the role of the 1st Cavalry in creating a deception that led Saddam Hussein's forces to focus in the wrong place. The 1st Cavalry Division certainly performed magnificently and I compliment Major General Tilelli and his troops for the outstanding performance. In Major General Tilelli's address, he pointed out the reasons American soldiers did so well in the Middle East: excellent leadership, excellent equipment, excellent training, and excellent people. Major General Tilelli's speech is set forth as follows:

REMARKS OF MAJ. GEN. JOHN H. TILELLI

Thank you Mr. Smith (R.B. Smith III, Assc. Pres.) for that kind introduction. It's a privilege to be here in Missouri on the 125th anniversary of your association to take advantage of this opportunity to address so many members of the 4th estate.

I had the pleasure of briefing Congressman Skelton when he was at Fort Hood in May to see his son awarded the Bronze Star Medal for valor. It was a proud moment for both of us. I'm honored to call him a friend of the 1st Cav.

I don't know how many of you have worked around the military, but let me briefly explain my job. As the commander of the 1st Cavalry Division, a modern armored division, I am responsible for the training, equipping and preparation of approximately 16,000 soldiers to deploy anywhere in the world, at any time, and if necessary—fight and win.

This week is the commemoration of the bicentennial of our Bill of Rights. Our Founding Fathers considered these ten rights so important that they gave them constitutional status 200 years ago. Their importance has not lessened. I think it's appropriate for this particular group, representing government, the military, the media, and the people to be here at this particular time.

As a soldier, I've always taken pride in my profession's role: the defense of freedom. Our code of conduct includes these words: "I am an American, I serve in the forces which guard my country and our way of life, and I am prepared to give my life in their defense." We take those words seriously, in fact we take pride not just in our job, but in our very commitment to it.

I think you understand that pride, in fact I think you share it. Our way of life relies on the exercise of public opinion, expressed privately in the voting booth or publicly in a thousand different forums. Those who shape and publicize opinion wield great power and take on correspondingly great responsibility. Justice William O. Douglas referred to that responsibility when he said, "The press has a preferred position in our constitutional scheme; not to enable it to make money, not to set newsmen apart as a favored class, but to bring fulfillment to the public's right to know."

Entrusted to you—as to us—is a precious charge. Your contribution is no less than the informing of a public empowered to use information more effectively and powerfully than any public at any time, anywhere.

Our Nation has won three wars within the last twenty-two months, two hot and one cold. And evidence of the power of an informed, free public is the victory we have just experienced. Desert Storm wasn't a victory over aggression alone, it was a victory over defeatism and doubt. It was the victory of our re-awakened self-confidence as a nation.

Our test came from an unexpected place, at an unexpected time. On August 2, I don't think a single soldier in our division imagined that the invasion of Kuwait, half a world away, would lead one year later to victory parades in Houston, Atlanta, Dallas, Austin, New York, down Constitution Avenue, and through the hearts of Americans all across our Nation. But our alert on August 7 for possible deployment changed all that. Just like veterans before, our soldiers prepared to go where their Nation needed them.

Since Vietnam, we had focused on Europe—deploying into a theater offering infrastructure, one we had studied and fully prepared for—with war stocks waiting and an enemy we were familiar with.

And that is where our Desert Storm victory began to take shape—at Fort Hood in August. This is where the great character of the American soldier began to really shine. Over weeks without weekends and days without end, our soldiers worked. They worked first to finish the man-machine weld, training on their tanks and Bradleys, artillery pieces and Apaches during the period before ships arrived at the port to take equipment east.

At Fort Hood, 1st Cav soldiers were firing on over 30 ranges. The local media was at first fascinated with the newly applied sand coat each vehicle wore. They were consumed with questions about the fierce desert heat, and its effects on man and machine. Our response, validated now by experience, was simply that these were the best trained troops in the world, already veterans or operations in one desert, and completely ready to tackle another.

As our soldiers trained, they worked to prepare their equipment, themselves, and their families for the deployment. I think our paint booth operation was an example Earl Scheib could learn from—in about 40 24-hours days, we painted 10,000 pieces of equipment, but I'd be lying if I told you we didn't have a run or two.

Effectively, 100 percent of our equipment went to Saudi Arabia by ship, 17 ships in all each taking just under 3 weeks from Houston, through the Suez Canal and into the Eastern Saudi Port of Dammam, a world-class facility that incidentally is the product of U.S./Saudi cooperation.

With our equipment all but gone, we completed small arms and individual training programs, which in the future we would hone into fully developed skills. In late September and through mid October, we said our goodbyes. Any separation is tough on families. You're all familiar with the scenes of farewell, equalled in intensity only by the welcomes 6 and 7 months later. But in September and October, those joyous moments could not even be imagined.

It was then that the overwhelming support coming from everywhere really started helping. While we were headed out unsure when we'd return, we knew that we didn't travel alone, that our loved ones wouldn't wait alone. That support is another of the victories of Desert Storm.

In Mid-October after the mercifully brief stay at the port while our equipment arrived, the division rolled to the desert. We were the first to entirely set up there. It was a nearly unimaginable contrast to anything we'd done. Even at the national training center at Fort Irwin in the California Mojave, the desert had not been without limit as this one seemed to be. Correspondingly, in the Mojave, we all knew when we'd head home again, and each soldier was fairly certain he'd make the trip. Now, assurances like those came a little harder.

I knew we'd made the transition when two things happened:

The first was when we carved out of the desert a full gunnery range on which we fired all our systems, including our new Abrams tanks and Bradley fighting vehicles. This range, which I consider the best I've even seen in terms of safety and capacity to exercise crews in realistic conditions, was built entirely by our soldiers. Three months later they were using in Iraq what they'd learned on that range.

The second event was when I saw in an artillery battery, in a big army tent, a company store set up selling (at cost) snacks bought at an isolated shop on an isolated road that led to Iraq. Peter Jennings, in a Thanksgiving visit, bought a bottle of nonalcoholic beer and autographed it to be auctioned off. And for five months I waited for someone to ask me to sign a beer.

In any event, with soldiers showing industry and initiative like that, I knew we were at home, and the Iraqis were doomed.

Our emphasis on training and maintaining continued through the fall without letup. Our high state of preparedness, sharpened with the intense training of August and September, gave us a platform from which we could catapult the last obstacles presented by this particular environment.

And this kind of situation, one demanding ingenuity and flexibility, is where the efforts of our leaders—in and out of uniform, over the past decade—paid off. Planting the seeds of victory, these visionaries, most with names not associated with Desert Storm fought to get high-quality equipment, training, and people. When the opportunities arose, we were ready to take advantage of them:

Our leaders developed maneuver techniques suited to the open desert. They pioneered formations that turned their units into compact, irresistible steel arrowheads.

Our logisticians developed mobile fuel and ammunition depots that could—and later did—keep up with those fast-moving formations. In a single day, our division was consuming 250,000 gallons of fuel, so you can see the importance of mobile, capable logistics.

While we were developing these great warfighting techniques, a couple of things happened that without doubt were even greater in the minds of some troopers. Celebrating Thanksgiving, we ate our first hot food not originating in a can—and at the same time, our new AT&T phone home telephone tent opened to a very receptive crowd.

For our soldiers, and I refer to soldiers of all ranks, that was a boon to morale. It dramatically reduced anguish born of uncertainty on both sides. At that point, mail was taking two or three weeks. As the situation permitted, I spoke several times with wives and our local media in phone conferences from the desert. On one occasion, as we sweltered, I learned that one reporter couldn't make it because his car wouldn't start in the near-zero cold snap then hitting Texas.

The support our local media provided the families was significant. One lesson we learned was the benefit derived from the information loop they closed. The effect was greatest immediately after they had visited us and returned to file their stories.

At this point, media visits other than our hometown, visit, were unilateral. In retrospect, these visits—most taking place in one day but with several overnighters—were a good preparation for the pool experience that would grace us in mid-January as the air campaign began.

Just prior to that time, the division moved into the defense near a town called Hafer Al Batin, in the tri-border area of the Wadi Al Batin. The Wadi is a great shallow valley leading up into Iraq and presenting the classic approach to "the mother of all battles."

In fact, Saddam himself has stated that at Hafer Al Batin his mother of all battles would occur. So, in early January, amid indications of a spoiling attack on key logistic bases destined to supply the Hail Mary play, we were ordered in.

Well, Saddam never showed up, and we like to think our defense impressed him. What impressed me was the coordination between our division and other coalition forces in the area—French, Saudi, British, and even Syrian. While we had detached the 2d Armored Division's Tiger Brigade on moving north into positions here, we had gained a brigade of the 101st Airborne Division, the "Screaming Eagles". That too called for a lot of coordination, and through it all our staffs, commanders, and soldiers kept things straight—an accurate indicator of operations ahead.

Our shooting war began shortly after bombs began falling on Baghdad.

In early February, our second phase of wartime operations began. For the great Hail Mary play to make yardage, the Iraqis had to believe that we were going to do something else entirely. By now, you all understand the concept—every schoolboy does. What pulled Hussein's attention away from the west, what permitted surprise was a deception plan that led him to focus in the wrong place. The deception worked for two basic reasons:

First we reinforced what Hussein already wanted to believe—that the fight was coming up the wadi. It's always easier to convince someone who's half-convinced already.

And second—and this is the real reason—the 1st Cavalry Division was chosen to go in there and do the mission.

On February 7th, our first artillery strikes destroyed an enemy reconnaissance position and thereafter we conducted operations almost daily. We hit him with artillery raids—the first of the war—with airstrikes, probes, and we sent combat engineers to the border berm to blow his obstacles and really make him jumpy. Finally, we sent our armor onto his turf. On the 20th of February, 4 days before G-Day, we attacked with an armored task force 10 kilometers into Iraq on a reconnaissance in force. In fact, we lost three men killed there, but pinpointed a concentration of enemy artillery that no longer was useful after heavy bombardment that night.

All this commotion was accomplishing some significant objectives: It was destroying a lot of enemy gear and rendering defenseless thousands of enemy soldiers who either surrendered or went home; it was screening VII Corps' move west in preparation for G-Day; and it was fooling Saddam. His divisions were focusing on the 1st Cav in the wadi, oblivious to anything else except, of course, the amphibious build-up of marines off Kuwait.

On the 24th—G-Day—to cement the deception and but a few more hours for the coalition's offense, as well as determine the possibilities for further movement north, we attacked with one of our armored brigades up the Wadi Al Batin one last time. 40 kilometers into Iraq, we encountered stiff resistance. Our lead tanks were getting shot at in the area of fire trenches, spectacular infernos that sent up a wall of dense black smoke. An Iraqi Sam hit and knocked down one of our Apaches.

The brigade commander, Colonel Randy House, probably the only Houstonian alive not given to exaggeration, informed me that he could penetrate and continue north, but it would cost him. But at that point, with events going well in the west, we didn't need to. The deception had worked and we were ordered to disengage and attack to join VII Corps for the destruction of the Republican Guard.

At this point, many of our soldiers had been in constant operation for 2 days, and in combat for three weeks. With little sleep, eating cold meals spooned from Green plastic pouches in the rain that hadn't let up since January, they got ready to move again.

The division launched at noon on the 26th, refueling on the move and entering Iraq in rain, through breaches that for a change someone else had made. Virtually without stopping, we moved northeast until noon on the 27th. After 24 hours and 300 kilometers, we stopped to prepare for battle with a Republican Guard Division.

To anyone who saw it, not just to an old tanker, the spectacle of a division moving massed in the desert is awesome—and if you're on the wrong end—awful. In the most concrete, understandable terms, this last attack into the enemy's heart was our Nation's expression of solidarity and resolve. It was a message for all the world to read, and for one leader in particular. And he read it. February 28th brought a cease fire and the 1st Cav went into a posture of defense and force protection deep in Iraq. Within hours, we began clearing bunkers and destroying enemy equipment, much of it new and in excellent shape.

Among veterans, the prospect of a cease fire carries the hard edge of caution. We had so destroyed the enemy's ability to communicate, that the danger of isolated units not getting the word was very real. Also, scattered throughout the Iraqi desert were unexploded artillery munitions and enemy mines. Keeping our vigilance against these threats was as urgent a necessity as any we'd experienced.

Our mission in Iraq ended in mid-March. XVIII Airborne Corps units were at the ports and our turn came to head south. Our final desert home before hitting the port ourselves was appropriately on the plain above the Wadi Al Batin, where we'd begun our war two months before. Symbolically, we called it assembly area Killeen, after one of our Fort Hood communities.

Within Days, our first soldiers began the flight home we had all imagined but refused to dwell on. Full of success and accomplishment, it was a great flight.

Why were we successful? The reasons, proven now, were in place well before August 2d or 9th or February 24th. There are four:

First, excellent leadership.—It starts from the top and extends to our noncommissioned officers. Today, we have the brightest young leaders our Army has seen, and they will be absolutely necessary for tomorrow's challenges in a changing, volatile world. Our leadership is not confined to the military: In Desert Storm, our political leaders set the objectives and allowed the military to accomplish them. The results speak for themselves.

Second, excellent equipment.—The reason we have the world's best is because Congress and the people have funded the weapons systems we have today—they bought the best and regardless of what the skeptics have been saying, our equipment worked. The superiority of our new M1A1 Abrams and M2A2 Bradley fighting vehicles gave us a dramatic advantage over the best the enemy had. In Desert Storm, our crews were engaging—and destroying—Iraqi T-72s before the enemy could even see us. At the end of our 300 kilometer attack, over 90% of our equipment was fully combat ready. This so-called high-tech equipment—in the hands of our well-trained soldiers—helped change the face of modern battle. More important. It saved American lives.

Third, excellent training.—We train as we fight, we insist on readiness and refuse shortcuts. Our success as an army in quickly deploying, fighting, and even providing comfort after the fight, is directly attributable to our superb training. Our division was ready to fight in October 1990 in Southwest Asia largely because in years previous it had fought at the national training center at Fort Irwin, California. Good training is very expensive, but poor training is prohibitively expensive.

And fourth, and most important, our excellent people—the people we have in the military today are some of the best and brightest this Nation can offer. They are damn good, dedicated, skilled, and hard working. They share a deep confidence in their team. And they're backed by families and communities just as dedicated and confident. Our welcome home, a welcome we share with other veterans, was the outpouring of this dedication and confidence that had already supported us for months of separation and sacrifice.

It was support that reached us from your own Lebanon, Missouri, where the Charles E. Brown Beverage Company donated 2,700 packages of Eagle snacks to soldiers, the VFW in Kansas City spearheaded "Operation Hometown" resulting in shipment of 100,000 support packages to deployed soldiers, and in Dent County, Mrs. Rita Eckles led a countywide collection of over 12,000 cookies and gifts. Packing them for shipment and bringing them to Fort Leonard Wood before Christmas.

The past few months have been great months, but as we all know, the euphoria will fade. Ours is not a martial nation and appropriately will move on to new challenges. You will forgive those of us in uniform, however, if we remain focused in readiness in an evolving, uncertain world. We have seen how even Third World countries can wield sophisticated threats. The next Hussein may not give us months to get our forces into place. He may prove a more formidable commander, willing and able to use all his tools.

While Desert Storm was a victory of historic dimensions, we can't afford to rest on our victor's laurels. Our Armed Forces face reduction and our challenge is to maintain and even improve our capability to defend our national interests.

By 1995, our Army—your Army—will be smaller than it's been since before World War Two. We must carefully shape it to fulfil four requirements fundamental to the needs of the Nation.

The Army must be versatile in its ability to deploy and if necessary, fight anywhere. The success in our ability to shift focus from Europe, deploy, and fight in Southwest Asia is an example of versatility.

Second, the Army must be deployable.—While we will retain a forward presence of forces in the critical regions of Europe and the Pacific, our smaller Army will be largely based in the U.S. It must be capable of effective power projection—moving quickly to any theater and arriving ready.

Third, our Army must be expansible.—Ready and able to grow quickly while maintaining coherence. Our Reserve and National Guard will continue to play invaluable roles in our Army's ability to expand and reinforce the active component.

Fourth and most important—our Army must remain lethal.—It must be equipped, trained, and led to enable it to accomplish its mission quickly and effectively anywhere in the world—with as few U.S. and civilian casualties as possible.

Meeting each of these requirements depends on our doing certain things well. We have the right ingredients now—quality, well-trained and led soldiers, backed by their Nation, equipped with successful doctrine and the world's best equipment. We must maintain this solid foundation, and we must continue to build on this and keep it totally responsive to our Nation's needs: Defense is a dynamic business.

We must continue to attract, recruit, and retain quality men and women. Over 95% of our Army holds the equivalent of a high school diploma. We are now familiar with the effectiveness of high-tech weapons systems—it takes quality soldiers to use them effectively. Quality soldiers conduct themselves responsibly: They fight with ferocious resolve and then care for those who are displaced by war. They are great warriers—and ambassadors.

We must continue to train to tough and realistic standards. We owe it to our soldiers to ensure they are as prepared as we can make them. It pays off: After the route of the Iraqi Army our soldiers repeatedly commented that when things go hot, their training took over—and they performed. Training, more than any factor, is perishable. We cannot afford even a momentary lapse in its pace.

Our soldiers—and the Nation they protect—deserve the best leadership, which is itself partially a function of training. Our leaders, at every level, are our Army's direction, and we have seen what sound direction can accomplish. Our young leaders—sergeants and officers—are entrusted with the greatest responsibility. They must be skilled in the complexities of their craft, they must be totally responsible and committed. As they manage the Army's complex systems, they must simultaneously lead its magnificent soldiers.

And finally, we must continue to modernize both our Active and Reserve component forces. The systems we used so effectively in the desert where the products of years and decades of effort. We must develop now for our requirements in the future.

What our Nation needs and expects is nothing less than a trained and ready army. And nothing less is what we will continue to deliver.

Serving in West Germany in November 1989, I watched as the Berlin Wall came down, as Checkpoint Charlie ceased to have significance other than as a road hazard, and as the German frontier I had spent many years guarding—opened. As Europe chose freedom, we Americans saw the rewards of our our cold war against tyranny.

The invasion of Kuwait came as a jolt to our euphoria, but in Desert Storm, we experienced not a reversal of progress, but a resounding affirmation of progress. It was progress written on the face of an old Kuwaiti kissing an American flag, progress forecast in the confidence our Nation again exudes, and progress confirmed in new developments for peace in the Middle East.

I don't suppose that, 200 years ago, our Founding Fathers were concerned for much more than just America's freedom. Back then that was a plateful. But now, we hold out to the world the promise of freedom, the vision of liberty. And I am proud to be among those privileged to safeguard this most precious gift. Mine is a pride I'm sure you share.

RAOUL WALLENBERG: HAS THE COUP OPENED A DOOR TO HIS FATE?

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. KOSTMAYER. Mr. Speaker, October 5, 1991, was Raoul Wallenberg Day, which honors the brave young Swedish diplomat who served as First Secretary at the Swedish Legation in Budapest, Hungary, during the Holocaust. Incredibly, Raoul Wallenberg personally saved thousands from certain death in the Nazi camps, and it is a reflection of the scope of his works that he is one of only three persons made honorary citizens of the United States.

Mr. Speaker, the story of Raoul Wallenberg did not end happily. He was taken into custody by the Soviet Army at the end of World War II, and his fate still remains unknown.

Mr. Speaker, Raoul Wallenberg was reported dead by the Soviet authorities in Lubyanka. He was said to have died of a heart attack in 1947. It was determined, however, by an international investigative team which took a trip to Moscow in the fall of 1990, that Mr. Wallenberg may in fact be alive, and people the world over continue to demand a full explanation of his fate to this day.

Following the recent coup in the Soviet Union, at a time when reforms are supposedly breaching the walls of the Soviet KGB, the United States must renew its demand for an accounting of the whereabouts of Raoul Wallenberg. Mr. Speaker, simple justice demands an answer to his fate.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 8, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 9

1:00 p.m.

Joint Economic

To resume hearings to examine the environmental costs of economic activity, focusing on how national income and product accounts (such as GNP-Gross National Product) can be revised to reflect environmental factors, and the feasibility of implementing a natural resources and environmental accounts system.

SD-562

OCTOBER 15

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 209 and H.R. 476, to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and S. 1743, to designate certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System.

SD-366

OCTOBER 17

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine the feasibility of auctioning radio spectrums.

SR-253

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1225, to designate specified lands in the Los Padres and the Angeles National Forests, California, as components of the National Wilderness Preservation System.

SD-366

Select on Indian Affairs

To hold hearings on S. 1687, to increase the capacity of Indian tribal governments for waste management on Indian lands.

SR-485

2:30 p.m.

Judiciary

Courts and Administrative Practice Subcommittee

To resume hearings on S. 1569, to implement the recommendations of the Federal Courts Study Committee to improve the American justice system, and to establish an intercircuit conflict resolution demonstration program and the National Commission on Federal Criminal Law, and to begin hearings on S. 1673, to improve the Federal justices and judges survivors' annuities program.

SD-226

OCTOBER 18

9:30 a.m.

Veterans' Affairs

To hold hearings on the nominations of Allen B. Clark, Jr., of Texas, to be Director of the National Cemetery System, James A. Endicott, Jr., of Texas, to be General Counsel, Sylvia Chavez Long, of New Mexico, to be Assistant Secretary for Congressional Affairs, and Jo Ann K. Webb, of Virginia, to be Assistant Secretary for Policy and Planning, all of the Department of Veterans Affairs.

SR-418

OCTOBER 22

9:00 a.m.

Select on Indian Affairs

To hold hearings on S. 1315, to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission.

SR-485

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1696, to designate certain national forest lands in the State of Montana as wilderness, and to release other national forest lands in the State of Montana for multiple use management.

SD-366

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on H.R. 429, to authorize additional funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles X, XI, XXIV, XXVII, XXIX, and XXX.

SD-366

OCTOBER 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.

334 Cannon Building

9:30 a.m.

Governmental Affairs

To resume hearings to examine the employment and promotion opportunities in the Federal Government for women and minorities.

SD-342

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1618, to permit the Mountain Park Master Conservancy District in Oklahoma to make a payment to satisfy certain obligations to the U.S., S. 724, to clarify cost-share requirements for the flood control project, Rio Grande Floodway, San Acaia to Bosque del Apache Unit, New Mexico, S. 1370, to authorize the Secretary of the Interior in cooperation with the Secretary of Energy to make available Pick-Sloan Missouri River Basin Program project pumping power to non-Federal irrigation projects in the State of Montana, and to continue hearings on H.R. 429, to authorize additional funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missour Basin Program, Wyoming, focusing o titles XII, XXI, XXII, XXVI, and XXVIII.

SD-366

OCTOBER 24

8:45 a.m.

Office of Technology Assessment Board meeting, to consider pending business.

EF-100, Capitol

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To continue hearings on H.R. 429, to authorize funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles XVI, XV, and XVIII.

SD-366

OCTOBER 29

9:30 a.m.

Select on Indian Affairs

To hold joint hearings with the House Committee on the Interior on H.R. 1476, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona.

SR-485

POSTPONEMENTS

OCTOBER 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.

SD-342

OCTOBER 17

9:30 a.m.

Energy and Natural Resources

Energy Regulation and Conservation Subcommittee

To hold oversight hearings on implementation of the Department of Energy's joint venture program for renewable energy.

SD-366

HOUSE OF REPRESENTATIVES—*Tuesday, October 8, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With great appreciation and earnest praise we remember, O loving God, those women and men whose lives have been a witness to righteousness and whose testimony continues through the ages. On this particular day we recall the sacrifice and heroism of Raoul Wallenberg who, during the dark days of tyranny, rose to champion the cause of those people whose lives were in jeopardy. We remember how his persistence and courage saved tens of thousands of people and how his actions spoke for the virtues of truth and righteousness, of sacrifice and honor. As our Nation has honored him in significant ways, may we give him the highest honor by living our lives in ways that reflect his decency and his goodness. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oregon [Mr. DEFAZIO] please come forward and lead the House in the Pledge of Allegiance.

Mr. DEFAZIO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1583. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF CIVIL WAR SITES ADVISORY COMMISSION

The SPEAKER laid before the House the following communication from the Honorable D. FRENCH SLAUGHTER, JR., Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 1991.

Hon. THOMAS S. FOLEY,
Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: It is with great personal regret that I must inform you of my decision to resign from the Civil War Sites Advisory Commission effective immediately. While I had hoped to fulfill the responsibilities set forth by my appointment to the Commission, I believe it would be in the best interest of the Congressionally stated goals of the Commission that I excuse myself from the panel.

This has been a difficult decision for me to reach, but I believe it would be inappropriate for me to remain on the Civil War Sites Advisory Commission in light of my approaching resignation from the U.S. House of Representatives for health reasons. The Congressional mandated goals of the Commission are formidable, and deserve the full attention and abilities of every appointed Member.

The appointment you bestowed upon me is truly appreciated, and I will long remember your support in this matter. I hope that my resignation from the Commission will not cause discord, as it is my understanding that vacancies on the Commission will not affect the authority of the remaining Members until a new appointment is made.

My personal interest in Civil War history, and the preservation of appropriate sites through means which respect the property rights of landowners remains firm. I certainly intend to follow the progress of discussions by the Commission, and I will no doubt lend my comments from time to time.

With kindest personal regards.

Sincerely,

D. FRENCH SLAUGHTER, Jr.,
Member of Congress.

The SPEAKER. Pursuant to the provisions of section 1205(a)(4) of Public Law 101-628, the Chair appoints on the part of the House the gentleman from North Carolina [Mr. TAYLOR] to the Civil War Sites Advisory Commission to fill the existing vacancy thereon.

JOB LOSS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, when George Bush became President of the United States, 3,038,000 Americans were unemployed.

Last month, 4,801,000 Americans had lost their jobs.

In other words, one American has lost their job every minute George Bush has been President.

Every minute the President delays in signing unemployment compensation legislation, not only do those without work continue to suffer, but another American joins their ranks.

THE POLITICS OF AN EMERGENCY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the CONGRESSIONAL RECORD for October 1, 1991, states that the conference report on S. 1722, dealing with unemployment compensation, was agreed to, "clearing the measure for the President."

Seven days have passed, but the majority has not sent the bill to the President.

The delay means that, given the Senate's schedule, the earliest the bill can come back from the President is next week.

At this point the majority is enrolling S. 1722 at a record six pages a day, the legislative equivalent of a sit-down strike.

This is the same majority whose Members come to the floor raging about the emergency nature of the bill.

Hurry, hurry, hurry. This is of the essence. Every minute counts?

We did not even have an opportunity to offer a substitute in the normal legitimate sort of way. If the majority had cooperated with us, the unemployed would be getting their extended benefit checks now.

Why, after all the rhetoric about compassion, all the cries of "emergency," is the majority exploiting the plight of the unemployed by sitting on this measure.

Mr. Speaker, I hesitate to ask—but could it be politics?

THE ENDLESS SAVINGS AND LOAN SCANDAL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, a pall of odor and privilege hangs heavy over Washington, DC, today. More checks? Lunch bills unpaid? Free parking at the airport? No. I'm talking about a real scandal.

A secretly negotiated deal, Federal employees threatened and their criti-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cal memos shredded, hundreds of millions in interest free loans, below market discounts on prime real estate—all at taxpayer expense.

It's another sweet deal in the sorry, seemingly endless savings and loan scandal.

It's the patriot deal. Four wealthy developers represented by a Bush administration insider have negotiated a deal to "buy a $500 million package of buildings at 60 percent of appraised value—with $400 million in taxpayer financing with no interest for 7 years."

To quote my Republican colleague from Iowa, "a Government sponsored leveraged buyout that would make Michael Milken drool."

In 1989 the Bush administration asked for $50 billion to bail out the savings and loans, $30 billion last March, and now they are going to come in for another $90 billion this month.

Maybe this scandal is too big, the perpetrators too powerful to expose—whatever the reason—while the bulldogs of the press are scouring Capitol Hill looking for the mythical free haircuts and free taxi rides; the bandits downtown have robbed the U.S. Treasury again.

HULK HEAVEN FOR THE GHOST FLEET

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I am pleased to tell the American taxpayer that much of the ghost fleet, a flotilla that each year does nothing but soak up rust—and millions of taxpayer dollars, will soon be headed for hulk heaven.

A bill I am introducing today will set up a long-term policy to scrap much of this mothballed armada of rusting steel.

From now on, it's up or out. Make them seaworthy, or they're history.

Last year, not one ship from the ghost fleet ever made it to the Persian Gulf. A comprehensive GAO study shows why. These ships are too old, they're too small, they're too slow, and it would take forever to reactivate them.

I am pleased that Congressmen RON WYDEN, WALTER JONES, BOB DAVIS, and NORM LENT have joined me as cosponsors of the National Defense Reserve Fleet Ship Disposal Act.

These ships deserve a final rest. Their first act, in World War II, was a great victory for the Western democracies. Their final act will be a great victory for the American taxpayer.

ANNOUNCING THE DEATH OF OUR FRIEND, GEORGE LEWIS RUSSELL, JR.

(Mr. MFUME asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MFUME. Mr. Speaker, it is with tremendous sadness and a heavy heart that I call attention this morning to the untimely passing of our friend, George Lewis Russell. As many of our colleagues will remember, George suffered a heart attack while driving home to Baltimore from his job here in the House.

George had been in a coma and attached to a respirator for almost 2 weeks. On Friday, October 5, 1991, George was removed from the respirator and died peacefully that evening.

All of us who knew George Russell realized that he was a man of great character and a wonderful person to be around. George sat in this very well for 17 years and witnessed the great debates of the day and helped to compile the CONGRESSIONAL RECORD for the use of Members, staff, and the general public.

George is survived by his wife, Rev. Helen D. Russell, his two children, George Jr. and Diane Russell Tolbert who is a staffer for our colleague Representative TIM VALENTINE, two grandchildren, three brothers, and two sisters.

Mr. Speaker, this House has lost a great friend. And our prayers go out to George's loving family as we cherish the memory of his years of dedication and service to this House. George Lewis Russell, we shall all dearly miss you.

NATURAL GAS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, suppose someone told us that after years of depending on foreign oil to meet our energy needs, the United States could rely upon an energy source that is abundantly available here. Would that get our attention?

And suppose that source was also clean burning so that its generation and usage would be environmentally sound. Better yet, suppose it cost less than foreign oil so that consumers end up paying less. Would you not think we would be vigorously pursuing that as an option and a real solution to our Nation's energy problems?

You might think so, but you would be wrong.

We do have a domestically abundant, clean-burning, low-cost energy source that we could put in our cars, our factories, our utilities, and our homes. It is called natural gas. But right now much natural gas is being burned up as a byproduct of oil production and wasted because there is no transport mechanism in place to distribute it to the American people.

Mr. Speaker, some people are already using natural gas; it was about 24 percent of our Nation's total energy consumption in 1989, in fact.

Why then are we proposing to drill for more oil in environmentally sensitive areas rather than utilize available natural gas? People want to know the answer to that question, Mr. Speaker.

THE RECESSION IS NOT OVER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, economists are saying the recession is over. If that is true, Mr. Speaker, tell me why are dairy farmers shooting their cattle? Why are truckers burning their trucks? Why did Westinghouse lose $1.5 billion last quarter? Why did the State of Maryland lay off 1,800 workers last week?

If it is true, Mr. Speaker, why are more Americans reading the bankruptcy laws than Reader's Digest?

I do not buy this propaganda. I say the recession is not only not over, but if we take away food stamps, welfare and Social Security, this Nation would be in a state of depression. The unemployment lines are beginning to look just like the soup lines of the 1930's.

Think about it.

CENSUS BUREAU POVERTY FIGURES

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, on September 26, the U.S. Census Bureau released its official report on poverty and family income for 1990. Robert Rector, from the Heritage Foundation, raises grave concerns about these figures because once again, this report presents a very misleading picture.

According to Bureau figures, over 30 million Americans still live in poverty. And last week a group of European and Canadian social scientists published a report claiming that the United States is the poverty capital of the Western World. Considering that the average poor American lives in a larger house or apartment than does the average West European of any income group, this claim is preposterous. Not only that, unpublicized Census Bureau surveys show that 38 percent of those who the Bureau defines as poor own their own homes, 62 percent of poor households own a car, and 31 percent of all poor households have microwave ovens. If we are the poverty capital of the Western World, then the Western World is not doing too badly.

The point here, Mr. Speaker, is not to be indifferent to those who are in genuine need. The purpose of my speaking today is to point out that the way the Census Bureau reaches it conclusions is fundamentally flawed, and to try to stave off the wave of unjustified liberal outrage that these inaccurate numbers are bound to ignite. Its report ignores facts such as the ones I just mentioned which demonstrate that most poor Americans today are better housed, better fed, and own more personal property than average U.S. citizens did throughout most of this century.

The problem lies in the way the Census Bureau determines a household's income. It ignores all assets owned by households and nearly all Government welfare benefits they receive, disregarding billions of dollars in noncash assistance. Thus it seems that poverty is running rampant, causing people to cry out for more welfare. Studies reveal, however, that the largest effect of welfare spending is not to raise income but merely to replace self-sufficiency with dependence. Creating more welfare programs is not the answer. Let's not take this Census Bureau report at face value, or risk being tricked into backing programs that are based on lies.

ATLANTA BRAVES GOING TO CHOP RIGHT TO THE TOP

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, last week my colleague and friend, Congressman MEL LEVINE, bet me a crate of California oranges that the Los Angeles Dodgers were going to defeat the Atlanta Braves for the Western Division title.

Mr. Speaker, I won that bet. Now comes Pittsburgh, and my good friend and colleague, Mr. BILL COYNE, has wagered me a basket of the finest Pittsburgh foods that the Pirates are going to defeat the Braves for the National League championship.

Mr. Speaker, I accept that wager. I think that the Atlanta Braves are going to chop-chop-chop, right to the top. I am not sure what I am going to bet Mr. COYNE, however. But I think I might bet him a crate of California oranges.

AIDS RESEARCH MONEY OVERSHADOWING OTHER IMPORTANT DISEASES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, during this fiscal year the Federal Government will spend almost $2 billion on AIDS-related programs. This will be $140 million more than will be spent on cancer research and prevention. Cancer is a disease which touches many millions more than does AIDS. This year 518,000 people will die from cancer, 13 or 14 times the number who will die from AIDS.

Even more people are affected by heart disease. Some 760,000 people will die from heart problems this year. Yet we will spend more than 2½ times on AIDS what we will spend on heart disease research and prevention during this fiscal year which just started.

AIDS is a very serious problem. But we should not take scarce Federal funds from programs dealing with cancer, heart disease, diabetes, Alzheimer's and other similar programs because AIDS is a popular cause with the media, the Hollywood crowd and the liberal establishment.

□ 1220

INTRODUCTION OF LEGISLATION TO IMPOSE SANCTIONS AGAINST THE COMMUNIST LEADERSHIP IN BELGRADE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the outrageous and brutal attack against the Croatian Presidential complex in Zagreb yesterday which was ordered by the Communist leadership in Belgrade calls for a serious and substantive response by those who wish to prevent a Balkan explosion that could undermine the stability of Europe.

Today, with my distinguished Republican and Democratic colleagues, the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from Michigan [Mr. BONIOR], I am introducing legislation that will impose sweeping economic sanctions against the Communist regime in Belgrade. We hope this legislation will bring some reason to the expansionist clique currently in control there. They must know that we do not condone violence and military action against democratically elected governments.

Mr. Speaker, our legislation is identical to the bipartisan bill just introduced in the other body with the support of the Republican leader, Senator DOLE, and the Democratic chairman of the Senate Foreign Relations Committee, Senator PELL.

I urge my colleagues to join me in acting to preserve the peace of Europe.

SMALL BUSINESSES PROVIDE QUALITY CHILD CARE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the need for family friendly workplace policies has emerged as a major issue facing our country. I would like to personally recognize and salute the many small businesses across the United States that care enough to offer child care services to their employees. These employers are pioneers, and their example can and should inspire other employers to follow their lead.

The Wall Street Journal, in its September 5 edition, spotlighted individual small businesses which offer child care benefits. To prove that their employees are truly their most valuable assets, several businesses with fewer than 20 employees offer on-site child care centers. I applaud this kind of unselfish caring.

Neuville Industries, in Hildebran, NC, is a great example of a company dedicated to providing its employees with quality child care. In 1979, it created an on-site center, which is open to both children and grandchildren of employees. The child care facility has a capacity of 108, and strives to maintain enrollment at approximately 80 percent of that figure. Currently 70 children participate at Hildebran. Neuville Industries subsidizes 50 percent of the child care program for its employees. This is truly a company who cares.

These employers' efforts, when combined with increased investment by State and Federal governments to improve child care programs, can go a long way toward ensuring that parents have appropriate choices of care for their children.

INTRODUCTION OF THE COMBINED SEWER OVERFLOW ACT

(Mr. OLIN asked and was given permission to address the House for 1 minute.)

Mr. OLIN. Mr. Speaker, last week I introduced a bill that will help 1,200 cities and towns across the Nation avoid violating clean water laws and facing stiff fines.

I am talking about the cities in 220 congressional districts that, because they are old, have storm water systems that run into their sanitary sewers. In heavy rains the sewers overflow into public streams and rivers.

The cost of repiping these towns is generally very high and has to be done over a period of years, many years in most cases.

My bill would require cities to come up with a plan to eliminate their cross-connected sewers. It would allow each city to determine how much it could afford to pay each year and it authorizes Federal and State grants to help.

Cities that follow this plan will not be subject to fines or harassment as they work to get this problem behind them.

I urge Members to cosponsor the Combined Sewer Overflow Act, H.R. 3477.

ENACT CONGRESSIONAL REFORMS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the Sergeant at Arms' Disbursement Office flap has been a colossal embarrassment to all of us.

Whether you have written a hot check or not, and I have not, we all have reason to be embarrassed. The real issue here is the credibility of the Congress, and that is something that must be corrected. We must do it ourselves, not leaving it to the feeding frenzy of talk-show hosts and newspaper columnists to use these kinds of issues to increase the cynicism of our representative system.

Mr. Speaker, we need to examine ourselves. We need to change those things that are not reasonable. We need to remove the exceptions that Congress has provided for itself. We need to remove the privileges that go beyond those extended to all citizens of this country, and we must do it ourselves.

We need a workman-like examination of these procedures. If we have procedures that are not defensible, we need to change them. If we want to really make a change in Congress, we ought to do some of the reforms that have been here. We ought to limit terms, do something with the budget reform such as line-item veto, balanced-budget amendment, and limit growth of government. We need some campaign reform such as full disclosure, and 50 percent of the funds coming from the district. Finally, we need a work schedule based on need and not on the holidays that are coming up.

SUPREME COURT NOMINATION CAN WAIT A FEW DAYS FOR THE TRUTH

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, the compelling case for the nominee to the Supreme Court was not legal expertise, and it was not race. It was character, that out of the crucible of life experience, a man emerges with vision and a viewpoint that cannot be duplicated on the Supreme Court.

Whatever you may think of that thinking, this case had been winning the day since the nominee's nomination. That case now has been challenged by charges that the nominee used indecent words to sexually harass a woman.

Mr. Speaker, these are serious charges, and they deserve a serious hearing. If confirmed, the nominee would serve on the Supreme Court for the rest of his life most likely. Surely consideration of the nominee can wait a few days so that the truth can be learned.

FULL DISCLOSURE OF HOUSE BANKING OVERDRAFTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, resolution of the House banking matter is dependent upon full disclosure of Members' overdrafts.

For this reason, I am urging the chairman of the Ethics Committee to provide full disclosure, beginning with the members of that committee.

Some committee members may be among the reported 134 House Members who had overdrafts of $1,000 or more.

So the possibility exists that such a committee member may be in the position of recommending action on another Member who has had overdrafts of $1,000 or more.

That is unacceptable to my constituents because representative government begins with accountability.

ENACT H.R. 1414: CORRECT PASSIVE-LOSS RULES OF 1986 TAX ACT

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, the House has an opportunity to do something which I think is good for America.

By enacting H.R. 1414, which would correct the passive-loss rules of the 1986 tax law, the Congress can ensure that people in the real estate industry are treated the same as people in every other business.

This is a tax-fairness issue, important to small-business owners and working families alike. This is an issue that has drawn the support of 313 Members of the House, and it deserves to be acted on.

H.R. 1414 is not a return to the tax-shelter days of the early 1980's. It is a reasonable response with safeguards. H.R. 1414 will apply only to certifiable property professionals and not to millionaires or billionaires who are looking for tax shelters.

H.R. 1414 is an opportunity to promote tax fairness; it is an opportunity to promote small businesses which will lead to better housing opportunities and jobs. H.R. 1414 has the support it needs in the House of Representatives, and now what is needed is an opportunity to vote.

INTRODUCTION OF THE ALL AMERICANS SAVINGS AND INVESTMENT INCENTIVE ACT OF 1991

(Mr. GALLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLO. Mr. Speaker, we have been hearing a lot of talk about the need for a fair tax cut and the need to stimulate economic growth. I believe the time has come for action to replace talk. That is why I have introduced a bill that will give important tax relief to lower and middle income Americans, will stimulate growth, and will not bust the budget.

My bill, H.R. 3128, the All Americans Savings and Investment Incentive Act of 1991, will give more than $10 billion of tax relief to the 137 million Americans earning up to $50,000.

We pay for this $10 billion tax cut by enacting the President's capital gains proposal. The revenue it generates will virtually pay for the much needed tax relief for average Americans proposed in my bill. What could be more fair than that?

I urge my colleagues to join the bipartisan list of 79 Members who have already cosponsored H.R. 3128.

MAKE CERTAIN SEXUAL HARASSMENT CHARGES CHECKED THOROUGHLY

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, we vest enormous power in judges in this country. A judge can take away your family, your children, your business, your liberty, and that is why we take great care in choosing people who serve in the judiciary, no less than those who serve in the Supreme Court of the United States, a lifetime appointment.

□ 1230

A young woman, a woman with a good background, took the courage and the time to try to say that there were some allegations about the present nominee that should be investigated, and the usual cry goes up from men all over the country, "Too late, too late, should have told us about it earlier. Why did she wait around? It couldn't have been much. We're going on with the dance."

Mr. Speaker, that is the reason why women in this country are so afraid to come forward with allegations of sexual harassment. That is why Congress has written laws making it possible for them to come forward in cases of sexual harassment. That is why the Congress should make certain that allegations are checked thoroughly.

If this nominee is confirmed, he has the possibility of serving 40 years with this allegation hanging over him. For the rest of her life, Professor Hill will be faced with the fact that she came forward to this committee and made these allegations.

Surely, for the sake of both of them, for their reputations and for their future, time must be taken to look at these thoroughly and dispose of them properly.

A 20TH CENTURY TORQUEMADA

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, history repeats itself and constantly reminds us of how the more things change, the more they remain the same.

Take for example a man called Torquemada of 16th century Spain, whose job it was to don a black hood and cloak, seize worthy citizens falsely accused by rumor and innuendo, and threaten them with death by torture until they confessed to imaginary sins of witchcraft or heresy.

And then there is a man called Walsh, of 20th century America, who under cloak of law conducts his own inquisition, again taking worthy citizens, trusted and loyal Americans, threatening them with drowning in a sea of legal entanglement, of felony indictments and irreparable expense, until they confess to meaningless misdemeanors.

Yes, Judge Walsh, the modern day inquisitor, with the limitless resources of the U.S. Treasury, is in all respects no different from Torquemada, the inquisitor. Alan Fiers, Elliott Abrams, and Claire George are his most recent victims. Who is next in the star chamber, Mr. Speaker? Certainly not the Democrats who negotiated behind closed doors with the Communist Sandinistas in Nicaragua.

TAKE TIME FOR JUSTICE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this is a nation that has prided itself in always having time for justice. Think about our symbol of justice, a scale, a scale where the woman is blindfolded and cannot see who says what and everyone's words weigh equally. It does not say someone is empowered to say, "Well, a Supreme Court nominee's words weigh heavier than someone else's, or someone else's words weigh heavier." No. It is equal.

Nor is there a plot behind that scale of justice saying, "Oh, time ran out. Take the scales away. That's it."

Nor does it say we can defer to an FBI official or someone else an elected representative's responsibility to take the time to be fair.

Mr. Speaker, we are at a very critical time in which a woman has come forward and made very serious allegations, and there is an attempt to brush them under the rug in the speed to have an adjournment for the Columbus Day recess. Columbus, I think, would even be appalled that we would be hurrying home to celebrate this great Nation and also tainting this great Nation's reputation for justice.

Mr. Speaker, I hope justice prevails. I hope we can take time to listen to everyone and weigh their words.

LIBERALS, HAVE YOU NO SENSE OF DECENCY?

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the last minute personal attack on Judge Thomas is another example of the rotten gutter level politics which is now the standard operating procedure for liberals in America.

Liberalism has been rejected by the people, with its reliance on high taxes, large bureaucracy, and social nonsense that is contrary to fundamental American values.

So not having the support of the people for their views, liberals now rely on personal attacks—vicious, mean-spirited, often untruthful abuse of people who disagree with them. Liberals are making Joe McCarthy look like a nice guy.

Someday the public is going to realize that the personal attacks on anyone who disagrees with liberals are part of a pattern—a pattern that is contrary to our national spirit. Has liberalism really sunk to this nasty, destroy your opponent style of politics?

Liberals. Have you no sense of decency?

Confirm Judge Thomas. Reject gutter politics.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair would remind Members that it is not within the rules to urge specific action by the Senate, and Members should refrain from doing so.

CONGRESS MUST PROTECT THE VULNERABLE

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, imagine yourself dependent on another human being for your livelihood. Imagine the power that person holds over you. Imagine that person making suggestive comments to you and beyond that telling you in detail about pornographic materials he had seen. Would you be intimidated?

Yes, especially if you are in your twenties and you are a woman in a man's field. Intimidation like that is against the law. Indeed, our law protects women in the workplace from that type of harassment.

And which court is that final protector of women from this kind of harassment? Which court has that most awesome responsibility to protect society from those who would harm its most vulnerable citizens? The Supreme Court of the United States of America.

Where are those in Congress who talk about pornography every other day? Why are they not leading the charge for a delay?

This is not pleasant. It is not happy and it is not pretty. Neither is sexual harassment, whether you are touched or verbally demeaned.

To respect women in this society means you give these charges your attention, and when you are confident about the truth, however long it takes beyond a reasonable doubt, it will be time to vote.

WOMEN BUSINESS OWNERS WILL LEAD SMALL BUSINESS

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, today's women are turning in ever-increasing numbers toward business ownership. From 1982 to 1987, the number of women-owned businesses increased by 58 percent. Many of these women turn to self-employment out of necessity all do so with the strong desire to achieve self-sufficiency.

It is no secret here on Capitol Hill or around the country that these new women-owned businesses and the jobs they will create are essential to our economic well-being. Clearly, it is in the country's best interest to encourage and promote women business ownership.

And yet, all too often, we in Congress seem to be intent on putting up barriers to opportunity, rather than tearing them down. Heavy-handed laws and regulations are blocking the path to economic independence for many would-be, female entrepreneurs.

Today we can remove at least some of those barriers by voting for the Women's Business Opportunity Act.

And so, as we cast our votes today I would urge my colleagues to remember: it is easy to say that you are in business. But it is how you vote that really counts.

PARLIAMENTARY INQUIRIES

Mr. COX of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will state his parliamentary inquiry.

Mr. COX of California. Mr. Speaker, the Chair stated that the rules of the House prevent individual Members from urging action by the Senate.

The SPEAKER pro tempore. That is correct.

Mr. COX of California. It has been the observation of this Member, Mr. Speaker, that a parade of speakers have come to speak for 1 minute under unanimous consent and have urged that the Senate delay consideration of Judge Thomas.

It is the opinion of the Chair, Mr. Speaker, that these Members are violating the rules of the House?

The SPEAKER pro tempore. It is the opinion of the Chair that several Members have expressed in general terms their desire to see a delay, but in only one instance so far has someone specifically requested the Senate to take a specific action on confirmation.

The Chair has been trying to be scrupulously fair about this and the Chair has no intention of singling out any individual, but one individual did say, "Let's confirm Judge Thomas," and that the Chair believes is a specific exhortation to the Senate.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I would just like to ask a question, Mr. Speaker.

Is not asking for a delay of action in the other body infringing on the rights of the other body, and is that not a violation of the rules of the House?

The SPEAKER pro tempore. The Chair did not yet hear anybody specifically ask for a delay by the Senate. If the Chair missed that, the Chair apologizes, but the Chair heard some Members express the view that more time should be taken, and so on.

□ 1240

Mr. BURTON of Indiana. If the gentleman will yield further, I would like to have the words of the gentlewoman from Colorado read because I believe she did ask for a delay.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair believes it is too late to make that request.

Mr. COX of California. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COX of California. Mr. Speaker, if a Member were to ask for such a delay, it is the opinion of the Chair that that would be out of order?

The SPEAKER pro tempore. Yes, it is, if it is a reference to the Senate confirmation process.

Mr. COX of California. I appreciate the Chair's response.

The SPEAKER pro tempore. And the Chair will so rule.

[Mrs. MINK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

SHE DOES NOT SOUND LIKE SOMEBODY WHO WAS SEXUALLY HARASSED

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, nobody likes sexual harassment. But let us get the record straight. I would like to read to my liberal colleagues on the other side of the aisle what was in the Wall Street Journal today, and I hope you will pay particular attention to this:

> The FBI report on Ms. Hill's charges, filed with the Judiciary Committee before its vote, found no evidence to support harassment.

Mrs. SCHROEDER. Mr. Speaker, a point of personal privilege.

The SPEAKER pro tempore. A point of personal privilege is not in order at this time.

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Unless the gentleman yields, the gentleman from Indiana [Mr. BURTON] may proceed in order.

Mr. BURTON of Indiana. Mr. Speaker, I hope I have my full 60 seconds.

> The FBI report on Ms. Hill's charges, filed with the Judiciary Committee before its vote, found no evidence to support harassment. Indeed, it was after the supposed harassment that Ms. Hill transferred to the EEOC to work with Chairman Thomas. She did not say anything during his three previous nomination hearings. When she became a law professor, she asked Judge Thomas for help collecting information about equal opportunity employment cases. She also invited him to make a trip to Norman, OK, to speak to her law students, which he did this past spring.

Mr. Speaker, this woman's credibility is really in question. She has followed the man from job to job, she even called him to congratulate him on his marriage. Then she asked him to come out to speak to her law students. That does not sound like somebody that was sexually harassed, to me.

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Mrs. SCHROEDER. Mr. Speaker, under the rules of the House is it appropriate to label other colleagues as liberals or conservatives or whatever?

The SPEAKER pro tempore. That is not necessarily a violation of the rules of the House.

Mrs. SCHROEDER. Thank you. But I would say it is poor manners.

Mr. BURTON of Indiana. Mr. Speaker, may I be heard?

The SPEAKER pro tempore. For what purpose does the gentleman from Indiana rise?

Mr. BURTON of Indiana. Just to make a brief comment. Mr. Speaker, if it is inaccurate to label her as a liberal, I stand convicted.

PENDING CONFIRMATION OF JUDGE THOMAS

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, the Senate is about to embark on a misguided journey.

Mr. SENSENBRENNER. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. MCNULTY). The gentlewoman will refrain from direct reference to the other body.

Ms. DELAURO. How can there be a vote to place Judge Thomas in a lifetime appointment to the Supreme Court under this cloud? To be sure, a person is innocent until proven guilty, but without a full and public hearing about the veracity of these very serious charges of sexual harassment, a decision this evening to elevate Judge Thomas to the Supreme Court casts doubt on the entire process.

Mr. SENSENBRENNER. Mr. Speaker, I demand the gentlewoman's words be taken down.

Ms. DELAURO. The actions of the Committee on the Judiciary say loud and clear——

Mr. SENSENBRENNER. Mr. Speaker, I demand the words of the gentlewoman be taken down.

The SPEAKER pro tempore. The gentlewoman will suspend.

The Chair has repeatedly asked Members to refrain from specific reference to the other body and would admonish the gentlewoman to do so.

Does the gentleman from Wisconsin [Mr. SENSENBRENNER] insist on his request?

Mr. SENSENBRENNER. Yes, Mr. Speaker, I do. I think the precedent ought to be set and put in the precedents of the House on what the extent of the prohibition against discussing the proceedings in the other body are.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair's rulings previously today are consistent with and constitute the precedents of the House. The Chair will insist upon compliance with those precedents.

Under those circumstances, does the gentleman from Wisconsin [Mr. SENSENBRENNER] still insist?

Mr. SENSENBRENNER. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. The Clerk will report the words that are objected to.

□ 1250

PARLIAMENTARY INQUIRY

Ms. WATERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McNULTY). The gentlewoman will state it.

Ms. WATERS. Will the Speaker——

Mr. WALKER. Regular order, Mr. Speaker. You cannot entertain a parliamentary inquiry at this time.

The SPEAKER pro tempore. The regular order is that the words will be read. The Chair will await that.

Mr. WALKER. Right.

The SPEAKER. The Clerk will report the words.

The Clerk read as follows:

* * * to be sure a person is innocent until proven guilty, but without a full and public hearing about these very serious charges a decision this evening to elevate Judge Thomas to the Supreme Court casts doubt on the entire process.

The SPEAKER. It is the Chair's opinion that the words inevitably relate to an action to be taken by the Senate with respect to a nomination by the President subject to the confirmation of the Senate and, accordingly, are not in order, and the words, accordingly without objection, will be stricken from the RECORD.

There was no objection.

Without objection the gentlewoman from Connecticut [Ms. DELAURO] may proceed in order.

Mr. SENSENBRENNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The question is: Shall the gentlewoman from Connecticut [Ms. DELAURO] be permitted to proceed in order?

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a preferential motion.

Mr. SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves to table the motion.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] to lay on the table the motion to proceed in order.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were— yeas 142, nays 257, answered "present" 1, not voting 33, as follows:

[Roll No. 295]

YEAS—142

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hefley
Henry
Herger
Hobson
Horton
Houghton
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Moorhead
Morrison
Myers
Nichols
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—257

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

ANSWERED "PRESENT"—1

Edwards (OK)

NOT VOTING—33

Bilirakis
Bruce
Collins (IL)
Dreier
Durbin
Dymally
Engel
Ewing
Ford (MI)
Hastert
Holloway
Hopkins
Hunter
Lancaster
Laughlin
Lehman (FL)
Levine (CA)
Lloyd
Martin
Moody
Morella
Mrazek
Oakar
Owens (NY)
Pelosi
Poshard
Ridge
Riggs
Ros-Lehtinen
Savage
Slaughter (VA)
Smith (FL)
Torricelli

□ 1319

Mr. YOUNG of Alaska and Mr. Miller of Washington changed their votes from "nay" to "yea."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1320

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WALKER. This is my parliamentary inquiry, Mr. Speaker: Is the motion now before the House a motion which is debatable?

The SPEAKER. The motion now before the House is subject to debate, the gentleman is correct, within the narrow limits of the motion.

Mr. WALKER. Mr. Speaker, who would control the time?

The SPEAKER. The Chair intends to recognize the majority leader, Mr. GEP-

HARDT, to control the time, since the Chair put the question sue sponte on the motion when objection was heard.

Mr. WALKER. And the subject matter would be strictly——

The SPEAKER. The question is whether the gentlewoman from Connecticut [Ms. DELAURO] should be permitted to proceed in order.

Mr. WALKER. I thank the Chair.

If the gentlewoman was permitted to proceed in order, would she be allowed to continue the remarks that she was engaged in at the time that she was called to order by the Chair?

The SPEAKER. The gentlewoman from Connecticut will be permitted to proceed in order as long as her remarks are in order. Members are allowed to proceed as long as their remarks are in order.

The Chair has stated a number of times and will repeat one additional time that references to the confirmation process in the other body are not in order.

Mr. WALKER. I thank the Chair.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour.

Mr. GEPHARDT. Mr. Speaker, for purposes of debate only, obviously, I yield myself such time as I may consume.

Mr. Speaker, I would say to the Members that the resolution we have before us makes it clear that the gentlewoman's words are to be taken down. The resolution calls for her being allowed to proceed with her statement.

As the Speaker has said, we have clear House precedents that we are operating under. We intend to abide by that precedent and try to finish the work of the House through 1-minute speeches and through the rest of the day.

I would ask Members to allow us to move to a vote on this resolution as quickly as possible so that we can move through our business.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, our concern I think is that we are developing a pattern where the taking down of words carries with it no penalty. I think the gentleman from Pennsylvania is correct in stating that taking down of words is supposed to carry with it the penalty that the Member of Congress who utters the unparliamentary words is to be taken off their feet for the rest of that legislative day. What we see happening is that there is the pattern developing here where the majority is using their voting power as a majority to assure that any Member of the majority who utters unparliamentary words can proceed as though no harm has been done, and we move forward. And I have got to tell you from the standpoint of the minority we are concerned about that because we have seen in the past that such privileges then are not always granted to the minority. If our words are taken down, the chances are the majority will then vote to discipline the Member on the majority and use their power of that direction.

If we are not going to have any penalty for uttering unparliamentary words, the fact is that we will create a situation where we will constantly have this battle on the floor, and where Members will come to the floor and do things which are not within the rules. And I think at least I have a concern, and I think a number of other Members should have a concern that we are creating a situation in this House that will be I think both unparliamentary and ultimately unmanageable, and I thank the gentleman for yielding, but I would hope that we would vote in the case of this motion to make certain that the discipline of the House which was adopted under the rules, and I did not vote for those rules, the Members of the majority voted for those rules, and those rules explicitly state that if you take action on the floor which is not warranted with regard to your words, you are supposed to have the discipline of being taken off your feet for a day.

I do not understand why that discipline then would not be effective, and again I thank the gentleman for yielding.

Mr. GEPHARDT. If the gentleman will yield back, for the purpose of debate, obviously, I would say to the gentleman that the practice that we have been trying to follow, and I think Members have followed pretty carefully, is that the admonishment of the Chair has been sufficient to solve the problem. And we have not felt, and I do not think most Members feel that added penalties and added actions need to be taken in order to solve the problem.

And as the gentleman knows, in many cases Members are not fully aware that some words they may be using may not be proper under our precedents, and once they are told that by the Speaker they have been most willing to not go forward.

Mr. WALKER. Will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because in this particular case the Chair had said on about three occasions prior to the gentlewoman uttering the words that such words would not be permitted on the floor and so, therefore, there was a clear indication from the Chair that the words were not acceptable. And yet, the proceedings went ahead.

That is when the disciplinary action came into place, and so in this particular case there was no doubt about that.

Also, typically under this kind of situation the person who is in violation asks unanimous consent that their words be withdrawn. In this case the gentlewoman had no such action on the floor. She did not ask that her words be withdrawn and so, therefore, it is not clear to the Members on this side that she even understands at this point that she uttered unparliamentary words, other than the fact that the Chair ruled in that manner.

So I think the situation is somewhat different than where a Member inadvertently let it slip into that particular matter.

Mr. GEPHARDT. If the gentleman will yield back again, for the purpose of debate, I do not share his interpretation of what happened. I believe that in this case, as in many other cases in the past, the bringing up of the objection and the ruling of the Chair served to solve the problem.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purpose of debate only, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I was present on the floor, and not only did the acting Speaker, the gentleman from New York [Mr. MCNULTY] admonish the gentlewoman from Connecticut not to speak out of order, but he admonished a number of the preceding speakers not to speak out of order. And the impression that I had before I asked that the gentlewoman from Connecticut's words be taken down is that those admonishments were falling upon deaf ears, and that the speeches would continue out of order and out of the rules. And that is the concern that I share with the gentleman from Pennsylvania. The rules do set forth certain parameters of debate, and I would hope that this would be sufficient admonishment, with a penalty, that we would fall within those parameters. And I thank the gentleman for yielding.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to say that the rules were passed by the majority, and if the rules are very explicit on the person who has violated the rules of the House being sat down for the day, then the rules should be followed. Otherwise, why did the majority pass them in the first place?

Mr. GEPHARDT. If the gentleman will yield back for the purpose of debate, I would simply say that I think the rules are working. The gentlewoman's words were taken down. The resolution that is in front of us now states that her words are taken down, and that I think will achieve the results that the rules were intended to achieve.

Mr. BURTON of Indiana. Will the gentleman yield further?

Mr. GEPHARDT. For the purposes of debate only, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, does the rule to which we are referring right now give that kind of latitude? I did not know that it was that flexible. I thought it said that if the person's words were taken down that they were to sit down that day, period.

Mr. GEPHARDT. The motion that is in front of us is to take words down and to proceed, obviously with the admonition that the precedents which are now clear will be followed.

Mr. Speaker, I move the previous question on the motion.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is, Will the gentlewoman from Connecticut [Ms. DELAURO] be allowed to proceed in order?

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 145, answered "present" 2, not voting 26, as follows:

[Roll No. 296]

YEAS—260

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—145

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hefley
Henry
Herger
Hobson
Horton
Houghton
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Morrison
Myers
Nichols
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Williams
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Edwards (OK)
Riggs

NOT VOTING—26

Anthony
Bilirakis
Bruce
Collins (IL)
Durbin
Ewing
Hastert
Holloway
Hopkins
Hunter
Lancaster
Lehman (FL)
Levine (CA)
Lloyd
Moody
Mrazek
Owens (NY)
Pelosi
Poshard
Ros-Lehtinen
Savage
Slaughter (VA)
Smith (FL)
Stark
Torricelli
Valentine

□ 1350

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. (Mr. MCNULTY). The gentlewoman from Connecticut is recognized for the balance of her 1 minute, which shall constitute 28 seconds.

CONTINUATION OF 1 MINUTE BY MS. DELAURO

Ms. DELAURO. I thank the Speaker.

Mr. Speaker, allegations of sexual harassment are serious charges which deserve serious consideration. The Justices of the Supreme Court must demonstrate respect for law and for individual rights. To impugn the integrity of Professor Hill, to elevate that of Judge Thomas, is not appropriate nor is it a credible tactic. The American people deserve more than a dismissal of Professor Hill's charges. They deserve to know the truth.

Mr. Speaker, let us take the time to uncover the truth.

The SPEAKER pro tempore. The time of the gentlewoman from Connecticut [Ms. DELAURO] has expired.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, I was unable to record votes because my presence was necessary in Illinois to help maintain the strong tradition of southern Illinois representation in Congress. Had I been present for the procedural votes before the House of Representatives, I would have cast the following votes:

On rollcall No. 295, the motion to table the motion to proceed with 1-minute speeches, I would have voted "no."

On rollcall No. 296, the motion to proceed in order, I would have voted "yea."

GIANNA JENSEN, A SURVIVOR OF ABORTION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, on Friday I hosted a Capitol Hill press conference, and our special guest, Gianna Jensen, a spunky 14-

year-old girl who survived a salt-poisoning abortion, is now going public with her story.

The medical records which I have seen show that as an unborn baby of about 24 weeks' gestation, Gianna was injected with high-concentrated saline solution with the intent to kill her. Of course, under Roe versus Wade, such violence against children is perfectly legal. Unborn children have no rights. Although the poisonous salt solution worked on Gianna's fragile body for 5 hours, she nevertheless survived. She was injured and today bears some of the scars and a mild case of cerebral palsy. But she is alive, she is well and full of life.

Mr. Speaker, how do the proabortionists react to a survivor like Gianna?

Mr. Speaker, they respond by devising more efficient means of killing.

In the Washington Times, on Saturday, their story about Gianna, Susan Shermer of the National Abortion Federation, said, "The way most abortions are performed today, most physicians make sure there is fetal demise."

"Ensuring fetal demise," what an antiseptic, euphemistic way of saying, "Make sure that the baby is dead."

Mr. Speaker, it is a national scandal that each day over 4,000 babies are killed by chemical abortion or by dismemberment. Every child killed, every child killed by abortion and those who will die today are exactly like Gianna Jensen. This Congress should rise to their defense.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1330

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to the bill, H.R. 1330, the Comprehensive Wetlands Conservation and Management Act. My name was added as a cosponsor without my knowledge.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRIVILEGES OF THE HOUSE—FAILURE TO COMPLETE ACTION ON ENROLLED BILL

Mr. GINGRICH. Mr. Speaker, I rise to a question of privilege and offer a privileged resolution (H. Res. 239) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 239

Whereas the House of Representatives and the Senate both acted on and adopted on October 1, 1991 the Conference Report to accompany the bill, S. 1722, a bill to provide emergency unemployment compensation;

Whereas as of this morning, October 8, 1991, the Senate Enrolling Clerk hasn't completed action on the final enrollment of the bill, S. 1722, even though the bill was only 48 pages in length;

Whereas the final enrollment of the bill, S. 1722, has not been signed by the Speaker of the House of Representatives or by the President of the Senate, or by any presiding officer empowered by either House by written designation to sign enrolled bills;

Whereas the failure to complete action on an enrolled bill delays its presentation to the President of the United States;

Whereas an unreasonable delay in the transmission of an enrolled bill to the President affects the integrity of the proceedings of the House of Representatives: now therefore be it

Resolved, That the Speaker of the House of Representatives shall appoint a committee of two Members of the House, one from each major party, to determine whether there has been unreasonable delay in transmitting the enrolled bill of S. 1722 to the President and such committee shall promptly inform the Senate of the concern of the House of Representatives over the delay in the bill's presentation to the President.

The SPEAKER pro tempore (Mr. McNULTY). This resolution constitutes a question of privileges of the House.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I move to table the resolution.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEPHARDT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 156, not voting 24, as follows:

[Roll No. 297]

YEAS—253

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dwyer
Dymally
Early
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—156

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hefley
Henry
Herger
Hobson
Horton
Houghton
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze

Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—24

Bilirakis
Bruce
Collins (IL)
Durbin
Eckart
Ewing
Hastert
Holloway
Hopkins
Hunter
Lehman (FL)
Levine (CA)
Lloyd
Miller (OH)
Moody
Mrazek
Nussle
Owens (NY)
Poshard
Ros-Lehtinen
Savage
Slaughter (VA)
Smith (FL)
Wilson

□ 1419

So, the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DURBIN. Mr. Speaker, during rollcall vote numbers 295, 296, and 297, I was absent. Had I been present, I would have voted on number 295, "nay"; on 296 "yea"; and on 297, "yea."

PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, I was unable to record votes because my presence was necessary in Illinois to help maintain the strong tradition of southern Illinois representation in Congress. Had I been present for the procedural votes before the House of Representatives, I would have cast the following votes:

On rollcall No. 297, the Gephardt motion to table the resolution, I would have voted "yea."

PERSONAL EXPLANATION

Mr. POSHARD. Mr. Speaker, I was unable to be present during recorded votes due to pressing concerns regarding the elimination of the congressional district which has historically represented southern Illinois and is now in danger of being eliminated.

Had I been present, I would have voted in the following manner: On rollcall No. 295, "nay," on rollcall No. 296 "aye", and on rollcall No. 297, "aye."

POINT OF PERSONAL PRIVILEGE—ALLEGED IMPUGNING OF CHARACTER OR MOTIVES OF MINORITY WHIP

Mr. GINGRICH. Mr. Speaker, I have a question of personal privilege at the desk which I am going to ask the Parliamentarian to rule on.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman will state his question.

Mr. GINGRICH. Mr. Speaker, I want to frankly rise to a question of personal privilege. I have talked with the Parliamentarian, and I simply want to make the following point. I will, of course, respect whatever ruling the Parliamentarian feels he must make.

At a time when the Democratic leadership has held the unemployment bill at the desk in the Senate, the Democratic Congressional Campaign Committee, as I understand it, which is controlled by the Democratic leadership through an officer of the Democratic leadership, has been running a commercial which holds both the President and myself up to ridicule.

Mr. Speaker, it seems to me, under the standards of the House, to have a Member of the other side's leadership authorizing an action which clearly holds a Member up to ridicule would be a question of personal privilege, and, therefore, responsive.

Since it involves the unemployment question, which has just come up and which has just been tabled, it seems to me very timely and appropriate to raise this question about the Democratic Congressional Campaign Committee's behavior, and whether or not we could in fact discuss on the floor of the House the Democratic leadership running this commercial while refusing to send the bill down to the White House.

Mr. Speaker, I would be glad to have the Parliamentarians' ruling on whether or not we have in fact standing, and I would, of course, respect the ruling of the Parliamentarian.

I would note that in the Rules of the House of Representatives, in the manual for the 102d Congress, on page 348, it says, "A Member may raise a question of personal privilege based upon press accounts of another Member's remarks, in debate or off the floor, which impugned his character or motives."

Mr. Speaker, in this case it is clear that the gentleman from California [Mr. FAZIO] had to have been the authorizing agent, and these are in effect his remarks.

The SPEAKER pro tempore. If the gentleman states that his character and motives were impugned by the commercial, then the gentleman states a point of personal privilege.

The Chair recognizes the gentleman from Georgia [Mr. GINGRICH] for 1 hour.

Mr. GINGRICH. Mr. Speaker, let me explain to Members why I have sought this hour and why I do so at this point.

The majority leader just tabled a motion which we did not get to discuss or debate because of the fact the Democratic leadership was very embarrassed to discuss or debate the motion. The motion refers to unemployment.

The fact is, and I think most Members probably do not know this, the unemployment bill which was passed in this House last Wednesday with great statements about how urgent, how vital, how necessary it was on the part of the Democrats, is, in fact, being held in the other body and has not been sent to the White House.

Now, we said last week, as we said in previous weeks, the Republicans are prepared to send to the White House a 10-week extension of unemployment, which the President will sign. Had we sent that bill last week, it would, in fact, have been signed into law and checks would be going out this week in every State. It would have extended unemployment 6 weeks in every State, and by 10 weeks in the hardest hit States.

Instead, what do we have? We have a situation in which the Democratic leadership of the Congress has refused to send the unemployment bill to the White House, but is, through its arm, the Democratic Congressional Campaign Committee, running commercials attacking the President and attacking this Member.

Now, I just want to suggest to every Member in this body who cares seriously about the unemployed, there is something outrageous, absolutely outrageous, about the idea that on the one hand your leadership would claim to care about the poor and the unemployed; on the other hand, your leadership would fail to send down a bill, and then, while failing to send the bill down to the President, your leadership would approve running commercials attacking the President for not acting on a bill which your leadership has failed to send him.

Mr. Speaker, let me suggest further that as I understand it, the other body will be leaving this evening. So we will have the spectacle of the Democratic leadership of Congress sending an unemployment bill to the President while the other body leaves town, so if the President does veto it, the unemployed will have another week without having any kind of opportunity to be dealt with.

Mr. Speaker, I want to finally say I believe that this entire episode is a very sad commentary on why the American people are cynical and why there is so much call for term limitation in this country.

The American people are not stupid. They do after a while pick up on the details of how this city is being run and how Capitol Hill is being run. When they watch us play these kinds of games, when they watch us say we care about the unemployed, but not enough to get the bill to the White House, we care about the unemployed, but only enough to write a commercial on television, I think one more wave of people, as George Will did last week, will say, "Well, I guess we do need term limitations."

Mr. Speaker, I just want to suggest to the Democratic leadership, which is probably the most antiterm limitation group in this city, every time this body acts in a way which increases public cynicism, we increase the national pressure for a term limitation amendment. Every time we fail to act in a manner in which people can be proud of their Congress, we increase the public sense that it is time for term limitation.

Let me say also to any Democrat who has a chance to see the Democratic Congressional Campaign Committee commercial, the President I believe will veto the unemployment bill you sent down, because it breaks the budget agreement, it is not paid for, and it increases the deficit. He will then ask the Congress to pass the 10-week extension of unemployment which he will sign.

We will challenge the Democratic leadership, if you really care about the unemployed, having failed in the constitutional process to send your bill down in a way which could make it law, it seems to me you will have an obligation at that point, if you care about the unemployed, to quit running commercials, and instead to schedule within 48 hours the passage of a signable unemployment bill.

Mr. Speaker, let me make this point: Nobody in the House or the other body is affected by this. Nobody here is not going to have a check next week. Nobody here is not going to be able to meet their mortgage payments. But this kind of use of the schedule, to fail to send the bill through to the White House, to fail to have the President be able to act on it, to fail to be able to keep faith with the unemployed of America, the people being hurt by the Democratic Congressional Campaign Committee and the Democratic leadership scheduling are in fact precisely the unemployed, on whose behalf so many Democrats rose just a week ago to speak out.

Mr. Speaker, I find it appalling that almost virtually every Democrat voted to table a motion to instruct that the bill be sent to the White House in order to get it signed.

Now, if you truly care about the unemployed, how are you going to go home and explain that you care about the unemployed enough for a speech, you care about the unemployed enough for a press release, you care about the unemployed enough for a commercial, but you did not care about the unemployed enough to request the other body to send the bill to the White House so the President could act on it.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, do I understand the gentleman from Georgia [Mr. GINGRICH] correctly that the bill that has passed both houses of the Congress on unemployment has not yet been sent to the White House for action by the White House?

Mr. GINGRICH. Mr. Speaker, the gentleman is exactly correct. The House and Senate acted on and adopted on October 1 the conference report which would have accompanied the bill on October 1.

As of the morning, October 8, the Senate Enrolling Clerk has not completed action on the final enrollment of the bill. The bill, by the way, is 48 pages long. This is not a technical problem. This bill could have gone down on October 1 if they wanted to.

Let me make an additional point. I have asked the White House and I am informed that the White House has been calling the Senate Enrolling Clerk twice a day to find out when the bill which passed the House a week ago will get to the White House. But twice a day the President's staff has been calling and saying, "Where is the bill? Where is the bill to help the unemployed? How can we keep the process moving?"

I think it is a tragedy that the Democratic leadership scheduling decisions add at a minimum 2 additional weeks to our being able to help the unemployed.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, let me ask a question about the timing here.

Now, if the bill should go down at some point today, it is a bill, as I recall, that has a Senate number on it, which means that when the bill comes back up, having been vetoed, it would have to go first to the Senate for action.

So the Senate, as I am led to believe, is going out on recess for a 1-week to 10-day period, so that even when the bill comes back up here, there will be no one capable of acting on the veto. So we will have another period of time now where this will roll out and the unemployed will not have an appropriate bill that might pay them some checks.

□ 1430

Is that the gentleman's understanding of what is happening here is that literally they are holding the bill until the day they leave town so that there cannot be any action on the veto for at least 10 days to a week?

Mr. GINGRICH. My understanding is that based on the schedule of the Democratic congressional leadership, those who are unemployed who are eagerly awaiting an unemployment check from an extension, people, for example in a State like Michigan, which has just had its unemployment go up to over 9 percent, those folks will see that for 2 more weeks nothing can be done to pass a signable bill.

I think for 2 more weeks because of the failure to act, the Congress will have blocked people from getting the unemployment checks.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just say to the gentleman, when we went through this debate over a 4-week period, we know that the Democrats refused to allow an open rule, to allow this issue to be fully debated on the floor.

As a matter of fact, we were told that it was the intention of the Democrats that they would drag this out week after week after week, thereby stopping the unemployment checks from reaching these people.

I just want to put the House on notice with regard to the Dole unemployment measure, which is a temporary measure which would extend benefits for up to 10 weeks, that I will file a motion to discharge on the first appropriate day which will discharge the Committee on Rules and bring that bill to the floor so that we can have an open and fair debate on this issue. I would so notify the membership.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, a moment ago the House voted down a resolution or at least tabled a resolution and did not even allow the debate of it to look into this question.

As I understand it, looking at this resolution, what the resolution said was that there has been an unreasonable delay in transmitting the bill to the White House. The Members who voted to table that motion evidently do not believe that it is an unreasonable delay to hold the bill for weeks at a time and not allow it to move forward.

What it did was set up a process to appoint a committee to find out whether or not we could not get the bill moving.

Does the gentleman have any explanation at all why someone would vote to table such a resolution and not even allow such a resolution to be debated on the House floor?

Mr. GINGRICH. Mr. Speaker, no Member of the Democratic leadership has yet explained why they kept the bill for 6 days, almost 7 days now in the Senate. Nobody from the Democratic leadership has explained why they would not want to pass a resolution to get the bill down to the White House.

I find it sort of fascinating that the Democratic leadership feels great urgency to speak about the bill, to run a commercial about the bill, but they have no sense of urgency about getting the bill to go to the White House to go through the process, knowing, as they do, that we are going to have to come back, go through a veto process, get the veto sustained, and then bring up a bill the President will sign.

Each of these steps widens the gap between the unemployed getting a check. I would have thought that the Democratic leadership would have been eager last Wednesday to rush the bill to the White House.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I know the gentleman wants to be fair. I am happy to see that after sometime the President now is for extended unemployment benefits, although it took the gentleman's party some time to get here. I am very happy to see him supporting even some small amount.

Could the gentleman explain to me, out of the 50 States, what percentage of those States would be eligible for unemployment for the 10 weeks instead of the 20 weeks? Is it all 50 States that would be eligible under the President's proposal or is it only 4 or 5 States or is it 15 States? Could the gentleman tell me?

One of the questions out there in the public is that the President's proposal, while it seems to be half the length of the Democratic proposal, it is nice that he has a proposal and that the gentleman's party has a proposal at this point. But the understanding was, of the way it is crafted, is that a lot of people might not be able to take advantage of it.

Mr. GINGRICH. Mr. Speaker, let me say to my friend from Connecticut, he needs to understand the distinction here for a second. The President has a proposal which the gentleman from Illinois [Mr. MICHEL] and Mr. DOLE would introduce, which would get for a lot of States in New England, which have a lot of problems, extended benefits.

Mr. GEJDENSON. If the gentleman will continue to yield, which States in New England? How many States is that?

Mr. GINGRICH. We are getting the exact amount, the information.

Mr. GEJDENSON. Every State in the Nation would be applicable, so every unemployed worker would be applicable for 10 additional weeks under the President's proposal?

Mr. GINGRICH. It is our understanding, we are trying to get somebody from the Committee on Ways and Means to come over.

Mr. GEJDENSON. Mr. Speaker, if the gentleman would continue to yield, we have the chairman of the Committee on Ways and Means here.

Mr. ROSTENKOWSKI. Mr. Speaker, I do not know what the President's proposal is.

Mr. GEJDENSON. Is there anybody who knows, the President's proposal?

Mr. GINGRICH. Let me say, I will come back in a few minutes and give the gentleman that detail, but let me make this point to him.

There is a difference. This is not just our party's proposal. The gentleman's party is going to attempt to pass a law it believes in. They have every right to do that. They are going to fail to do that in the other body, when they get back from their break.

At that point, he is faced with a choice. If he truly wants to get extended help for unemployed in every State, there would at least 6 weeks.

Mr. GEJDENSON. Six weeks of coverage for those whose benefits have run out. That makes sense to give them 6 weeks of coverage, but not 20? They should lose their homes?

Mr. GINGRICH. Mr. Speaker, if I may reclaim my time, I just want to suggest the difference. The President, under the Constitution, can stop a bill unless we have two-thirds plus one.

We have two choices. We can decide that we do not want to help the poor at all. We do not want to cooperate with George Bush, and we would rather not cooperate with the President of the United States and, therefore, have the unemployed not get checks.

Or after we get done with the dance of legislation, we can decide we want to pass a bill the President will sign. We are not going to get it overridden.

All I am saying today is whatever the gentleman's position is on this, it does seem to me very strange that we would slow down the process of getting what was described as an emergency bill from October 1. We are standing here on October 8, and it still has not gotten through.

The reason I rose to a point of personal privilege, to have the Democratic congressional leadership hold the bill, not allow the President to act on it and then run commercials attacking the President over what is described on the floor as an emergency, and attack me, by the way, which is why I am standing in this debate, over a bill which has, in fact, been deliberately withheld from the President strikes me as something where there is such a large gap that it does not make sense.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I just checked with the Committee on Ways and Means and found that all States will get something from a minimum of 6 to 7 weeks with some States getting a maximum of 10.

Mr. GINGRICH. Do we know what the formula is?

Mr. GEJDENSON. Mr. Speaker, if the gentleman will continue to yield, every State would get 6 weeks.

Mr. BURTON of Indiana. A minimum of 6 to 7.

Mr. GEJDENSON. Let me just explain to the gentleman then in 1 second, and then I will give him back his time. He has been very generous.

The reason we persisted in this is, had we quit at the beginning, the President would have no unemployment compensation proposal. Now we have got him to 6, maybe we can get him to where he ought to be so that every American gets decent coverage in this.

Mr. GINGRICH. Mr. Speaker, let me say to my colleague, first of all, having persisted it is very strange to stop persisting when they have the vote last October 1 and then keep the bill on Capitol Hill. They cannot move the bill any further unless the President gets it, and for the other body, for the Democratic leadership to only send it down to the White House, as they leave town, further extends the length of time.

If they truly care about the emergency, I do not understand exactly how they can argue.

The States which would count under the 5 percent trigger, as of October 1, would be Alaska, Connecticut, Maine, Massachusetts, New Jersey, Puerto Rico, and Rhode Island.

So New England—Connecticut, Maine, Massachusetts, and Rhode Island—would get 10 weeks.

I would suggest to the gentleman, getting them 10 weeks is better than getting them a Democratic Congressional Campaign Committee commercial. It is better than getting them a press release. Ten weeks is real money and real checks.

□ 1440

Mr. GEJDENSON. And they are there because there was a Democratic bill to force your side to come up with a proposal, and now maybe if we give the President a little more time, he will come to his senses and sign a 20-week bill.

Mr. GINGRICH. No, no. Let me just ask you, are you prepared to stonewall all winter; or do you want to get the checks to the people who are unemployed?

Mr. GEJDENSON. I would have hoped that a year ago the President would have signed a 20-week extension for the people in pain around this country. And I am just tickled pink that he has finally gotten it up to 5 or 6 weeks in some instances, but people need more.

Mr. GINGRICH. But you are not prepared today and did not vote today to instruct the Senate to send that bill downtown. In fact, you voted not to tell the Senate to send the bill down.

Mr. GEJDENSON. Well, frankly, we are hoping to get the votes to override or to get the President to sign it.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, because the question has been asked, in other words, by my good friend from Connecticut, which States would qualify right now, today, let me read you those States, and those of you who are sitting out here today and in your offices, the checks would flow tomorrow to these States for 10 weeks: Arkansas, Alaska, California, Connecticut. Where is the gentleman from Connecticut? Connecticut would start tomorrow. Idaho, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey, New York, my State, Oregon, Puerto Rico, Rhode Island, Tennessee, Vermont, Washington, West Virginia, and Wisconsin.

That should answer your question. You allow this bill on the floor and the

President will sign it tomorrow. The checks flow tomorrow to all of these States.

Mr. WELDON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Speaker, I come over here today as someone, a Republican who voted for the bill, consistently, throughout the entire process, and who is absolutely disgusted with what the majority party is doing in failing to allow a compromise to be brought forth. I supported the bill. I voted for it. I spoke in favor of it and I tried to convince my colleagues of that position.

We won the vote on the floor. We do not have the votes to override a veto. The people in my district want to see unemployment extended, and the Democratic Party will not allow that to happen. That is an absolute travesty.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California on my point of personal privilege.

Mr. FAZIO. Mr. Speaker, we have really ranged far from the point of personal privilege. But I am really optimistic listening here to this quartet of the Republican leaders here on the floor today arguing vociferously that we need some type of unemployment insurance extension bill. I mean we have come a long way.

Mr. GINGRICH. If I can reclaim my time for a second——

Mr. FAZIO. I am happy to let you reclaim your time.

Mr. GINGRICH. I will yield again, but let me just say that we went to the Rules Committee and said very early in this process we could support a bill. We went to the Rules Committee 2 weeks ago and said we could not only support a bill, we thought we could get a majority of Republicans, a large majority to vote for it, and we thought we could guarantee the President would sign it.

We have had several weeks, I would suggest, of the gentleman's party refusing to make in order a bill which could be signed by the President.

Mr. FAZIO. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. FAZIO. I am happy to have the gentleman yield to me again. The point that I was simply trying to make is that we went for months here in the middle of a recession that seemed to have no end without any real interest being expressed on the part of the minority here about these very individuals who we now say we are willing to help to some extent, in some states, as long as we do not use the trust fund that was created for this purpose. I mean, we really have made progress. We do have some more distance to travel before we can come to a consensus. But I am convinced that we are getting somewhere. I think we are now beginning to see that the most conservative members of the Republican conference are here today on the floor clamoring for some sort of extended benefits. We are getting somewhere, and I think we know why we are getting somewhere, and that is because the heat is beginning to be generated from at home where it really hurts.

Mr. GINGRICH. If I can reclaim my time, let me say to the gentleman from California, it is fascinating that as we are getting somewhere it is the Democratic leadership which for a week has held the bill on Capitol Hill and refused to send it to the White House, knowing that given the schedule of the next 2 weeks that the unemployed of America will not get any unemployment checks for at least 3 weeks, given the Democratic leadership's decision.

Mr. FAZIO. If the gentleman will yield, you know, I do not know what the hurry is. Is the rush so that the President can veto the bill again? Is that what the rush is all about?

Mr. GINGRICH. No, the rush is to convince your side in order to get a signable bill that you are in fact going to have to agree to keep the budget agreement, you are going to have to agree to pay for it, and then he will sign it.

Mr. WELDON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. Reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Regular order, Mr. Speaker.

Mr. WELDON. Mr. Speaker, the rush is to help unemployed men and women in America receive an extension of their benefits. We have gone on the record in favor of that. A number of us supported the bill when it came to the floor on this side, a number of us want to put aside the political rhetoric and gamesmanship that is being played by the majority party, and a number of us want to see these benefits extended, and we challenge you to allow that to happen.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the distinguished chairman of the Appropriations Committee.

Mr. WHITTEN. Mr. Speaker, may I point out that everyone is operating within the rules, but our Committee on Appropriations was scheduled today to bring up the conference report on the Agriculture bill at 12:30. We have the appropriation bill here which has all of the food programs, WIC and school lunch, and all of this, and we are trying to get it over to the Senate so that they can accept it today. Listen, if we cannot get it to the Senate in time for them to accept it, all of these programs will be operating on much less money than they require. They will have to operate at the 1991 level rather than the level provided in the conference agreement. I am just urging my friends to cooperate with us and conclude so we can get our bill over to the Senate before they recess.

May I say again, you are operating within the rules, there is no question about it, but we are waiting with patience, and if we do not get this to the Senate side, you will be responsible for reducing these programs so vital to the American people.

Mr. GINGRICH. Let me simply say to the distinguished chairman that he is one of the most influential members of the Democratic leadership, and of course if you could get some kind of a commitment out of the Democratic leadership to send the unemployment bill down, we would be delighted to stop right this minute. But the fact is we want to drive home the message that the Democratic leadership has simultaneously refused to send the bill to the President, and run commercials attacking the President and myself in a process which strikes me as being to some extent lacking in authenticity.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would like to put this into some historical perspective. When Jimmy Carter was President we had 14 percent unemployment, and the Democrat majority did not ask for an extension of unemployment benefits. Today it is 6.7 percent unemployment, but because there is a Republican President who is very popular in the White House, and you do not have any issues to defeat him with next year, you are trying to use this.

Mr. FAZIO. If I could say to the historian in the well, if he would yield——

Mr. WALKER. Regular order.

Mr. FAZIO. We had unemployment benefits in place which were repealed by the Reagan administration.

The SPEAKER pro tempore (Mr. MCNULTY). Regular order is debate on the question of personal privilege. The gentleman from Georgia [Mr. GINGRICH] has the time.

Mr. GINGRICH. Mr. Speaker, let me say, and I am quoting from my friend, the gentleman from New York [Mr. SOLOMON], on Wednesday, September 25, who said:

> I will therefore today * * * make an initial attempt to defeat the previous question to make in order the so-called * * * Dole alternative which was introduced last night by the distinguished Republican leader and myself as H.R. 3400. This is a bill the President can and will sign. It provides a two-tier system of Federally funded benefits that provides 6 weeks of benefits to all States and an additional 4 weeks in States whose insured unemployment rate, adjusted to include exhaustees, is at 5 percent or greater.
>
> Moreover, the bill provides mechanisms to finance these additional 10 weeks of benefits

> by auctioning frequencies of the electromagnetic spectrum for new communications use.

Let me just say this, I think the point I find so outrageous is that we were prepared to pass a signable bill but you did not want to pass it, and that is fine. We then, frankly, expected on our side that a bill would go down last week, the White House would, in fact, veto it, it would come back up, it would be sustained, and in prompt order, and at that point we would have a chance to vote and pass a signable bill so that people in places like Massachusetts and Connecticut could get 10 weeks of extended unemployment. Instead, what we have discovered is that for the last 7 days the Democratic leadership is blocked the bill from going down. Now the other body will adjourn this evening for I think a week to 10 days, and in effect what this particular strategy on the part of the Democratic leadership does is it extends the period without unemployment compensation for those folks for 3 more weeks, and at a minimum, and in the process you have the gall to run a commercial attacking the President and the Republican whip for not doing something which we want to do.

Now I would just suggest to you that there is something outrageous even by the standards of American politics to have this kind of a dual strategy of deliberately and callously not moving the bill, making sure no one gets the check, and then running a commercial attacking us from them not getting the check when you stopped the bill.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, it is interesting to look at the wording of the commercial too, because the commercial is loaded with just outright distortions if not lies.

It says, "George Bush and the Republicans in Congress think that extending unemployment benefits, helping unemployed workers is 'garbage.' "

Whose quote? We made the point on the floor the other week that the President said no such thing, despite the representations on the floor to the contrary. And I know of no Republican in the Congress who has made that kind of a quote. And so, therefore, the commercial that they are running is in itself garbage. It has absolutely no identification with the truth whatsoever.

□ 1450

Mr. FAZIO. If the gentleman will yield further, it really does need to be clarified.

It says in the September 25, 1991, AP story out of New Jersey where the President was speaking to a $1,000-a-plate dinner for people from the Far Hills area, "The jobless benefits program that the Democrats are offering was for 20 weeks. The Republicans were endorsing a plan for 10 weeks. Bush defended his domestic policy calling Democratic legislation on unemployment benefits garbage." So we are esentially using the language that was reported by the Associated Press in the aftermath of that event.

Mr. GINGRICH. Reclaiming my time, the gentleman may not have been on the floor that day, but we attempted, and I certainly would want to give you the benefit of the doubt for not having the factual information at hand, although the gentleman might inquire of the DCCC staff why they did not check this out.

Let me yield to the gentleman from Pennsylvania.

Mr. WALKER. If the gentleman will yield to me, it was brought to the floor, somebody from the DCCC certainly knew about it, that the transcript of the President's speech is available, regardless of what the AP story said, and the AP story was absolutely wrong in suggesting the President in any way referred to unemployment benefits in terms of garbage.

The fact is the only thing President referred to as garbage were Democratic domestic programs that he would not sign.

Mr. FAZIO. Was this one of them? Was the unemployment insurance bill one of those domestic programs?

Mr. WALKER. No. There was no mention of the unemployment anywhere to the use of the term, and so, therefore, what the gentleman, it seems, is doing is taking the remarks out of context.

Mr. GINGRICH. Reclaiming my time, would the gentleman clarify, read the paragraph, read the exact paragraph in which the President asked the Congress to pass an unemployment bill?

Mr. WALKER. What he said was that,

> I am tired of hearing Democrats say we have no domestic agenda. The problem is that their domestic agenda is to crush our domestic agenda. They are doing nothing but griping in refusing to consider new ideas and send me a bunch of garbage I will not sign. I will continue to veto the bad stuff until we get good bills.

Mr. GINGRICH. New read the part on unemployment.

Mr. WALKER. He said he would sign good bills, which is exactly the point the gentleman has been making. Now, you get down four more paragraphs, get down four more paragraphs, and this is what the President says about unemployment:

> And right now in Congress, there is some debate upon how to help the unemployed whose benefits have run out. The Democrats want us to pass a bill and simply not pay for it, push it on over to future generations, and our approach, the Dole substitute it is called, helps the unemployed. They get the extended benefits, but it pays for the programs, and this approach, their approach, adds to an already humongous deficit, and ours does not. Ours pays as you go and takes care of those who are in need, and that is the fundamental difference between Republicans and Democrats.

Now, there is no mention whatsoever of any word that says anything about garbage there. In fact, he says specifically he will sign that kind of a good bill.

Mr. GINGRICH. Let me reclaim my time for a minute to explain, and then I will yield to the gentleman from California.

But I want to explain this a little slower, because it seems to elude some people on your side. The fact is the President said in that speech, and the President has said on a number of occasions recently, the President said as recently as Friday he would like to pass and sign 10 weeks of extended unemployment, and that 10 weeks would allow us to send checks to a wide range of States including at least four of the New England States for 10 weeks. It would send 6 weeks to every State. We are prepared, and we would be prepared, to meet this evening and pass the President's bill. I think we have got virtually unanimous or close to unanimous support on our side. We could have the bill signed this week, and we could have it going down to the White House. We could have checks going out by Friday, but our point is that is not what is going to happen. What is going to happen is precisely as the President suggested in that particular passage, the Democratic leadership is going to wait until the last minute. They are going to hold the bill up for a full week. Then they are going to send their bill down knowing it will be vetoed and leave town.

When they leave town, they guarantee another week without the unemployed getting any help and in that kind of a setting, I think it is tragic to have this kind of dance of desperation going on when, in fact, what we need is to work together to legislate signable legislation that would allow the President to actually help the unemployed.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I have been in this debate since July.

Let me just go back, in August before Congress recessed for the August work period, the Democrat majority in both the House and the Senate decided there was a national emergency that would require extended unemployment benefits despite the fact that there is no money in the unemployment trust fund because it has been spent by Congress for other purposes, despite the fact that the level of unemployment, the duration of unemployment did not, by any historical standard of comparison, constitute an emergency.

In fact, the conditions were less severe than they were at the time we lifted extended benefits, the last time they were put into place by a Republican President. They were not then, they are still not today, severe enough to have triggered the mechanism that finally triggered under the Carter administration.

So there is no historical basis by which you can say this is an emergency. Yet, they passed the bill before they went for their recess, declaring it an emergency, and asking the President to sign the bill, declare an emergency, and break the budget deal, funding the bill to deficit spending.

Now then, the President did not take that bait. They have come back now and they have passed a bill where they declare it is an emergency and ask the President to sign it.

It has been passed by both Houses as the gentleman has indicated. It has not been sent by the Senate to the President for his signature or veto, and in the meantime, they are running political ads and sending out, and incidentally I must say I share the umbrage of the gentleman from Georgia, because the Democrat Congressional Campaign Committee sent a press release into my district saying that I had abandoned the unemployed.

The fact is what I had suggested is, and do suggest now, is that if it is an emergency, first we should pass a bill the President would sign. If you believe it to be an emergency. They have chosen not even to allow such a bill to be debated on the floor of the House.

Second, find a way to pay for it so as to not bust the budget deal, the fact of the matter is this is now, has been since July, and will continue to be on the part of the Democrat, the Democrat majority in both the House and Senate nothing, nothing other than a shameful political exercise, and we ought to at least in this body be embarrassed on their behalf, and I am.

Mr. GINGRICH. Reclaiming my time just for a second, I have two very distinguished Members from California to whom I wish to yield.

Mr. FAZIO. If the gentleman would yield for just one point, the gentleman has mentioned my name in his earlier comments.

I could possibly ask for an hour on a point of personal privilege, but I would rather not, because I agree with the chairman of the Committee on Appropriations that we really do need to move on.

But if the gentleman is not going to yield to anyone on this side, any adequate amount of time——

Mr. GINGRICH. I will be glad to yield.

Mr. FAZIO. Promises; promises. I am still awaiting. So is the gentlewoman in the well.

Mr. GINGRICH. I am going to yield much quicker than you got the unemployment bill down to the White House.

Let me just say for a second that even if we are going to argue over lineage, it does seem to me to be very hard for any Democrat who truly cares about the unemployed to get up and defend keeping the bill at the desk in the other body for 7 days rather than sending it to the White House.

Let me yield to the gentleman from California, and then I am going to yield to the gentlewoman from California.

Mr. FAZIO. First of all, I think it is important to point out that ironically the gentleman from Georgia and the gentleman from Texas who have just been talking are advocating a bill that the administration says it will sign that is actually less beneficial to the people of their States than the bill, S. 1722, that we would like to see the President sign. But I am particularly focused for a moment on the irony.

Mr. GINGRICH. Reclaiming my time, that is factually wrong. In Georgia it is 6 weeks instead of 5.

Mr. FAZIO. No; 7—S. 1722 has 7 weeks for Georgia, 7 for Texas. Yours is 6. So it is not factually wrong.

The point I would like to make is that one of the ways in which you pay for your bill is to eliminate benefits to ex-military personnel who voluntarily leave the military.

Here we are after the Persian Gulf war with a lot of red, white, and blue flags and patriotism, appropriately, congratulating these people on the service they have rendered this country. What do they get on return? They get eliminated from extended unemployment insurance benefits because we cannot afford them under the Dole proposal.

Now, it seems to me in a period when we are building down our military by beginning to close bases and reduce military personnel all across this country that they are the last people who should be eliminated.

This is the reason why we believe that the Dole proposal is so totally inadequate that we are going to focus the heat that I think you hear on the floor today, we are going to focus that heat on the enactment of S. 1722 over this impending veto of the President.

That, I think, is the best way to help people who have gone for too long without the attention of the minority in this House.

Mr. GINGRICH. It is my time, so let me just say to the gentleman that if S. 1722 matters that much to you, why have you kept it in the other body for a week? Why did you not send it down if it is that important? Why has it not gone to the President? How can it help the poor being held in the Senate and then not being sent down until after the other body has decided to recess?

□ 1500

Mr. FAZIO. Mr. Speaker, I am still waiting for the gentleman to explain to me why the gentleman is in such a hurry to get this bill to its uncertain fate.

Mr. GINGRICH. I will be glad to explain it. It is because we believe we are not going to get to a signable bill.

I would point out to the gentleman that since S. 1722 is going to be vetoed and sustained, Georgia will get zero amount of money out of it, that we are not going to get to a signable bill until we finish the dance, until the Democrats get done trying to prove that they can override. The sooner we can get that dance done, the sooner we will get something done.

Mr. FAZIO. We do not have to dance any longer. The President has a bill on his desk——

Mr. GINGRICH. Which he will veto.

Mr. FAZIO [continuing]. Which he has signed, and all he needs to do now is to allow it through emergency procedures to go into effect.

If the gentleman is anxious to get unemployment benefits out, he can do it.

Mr. GINGRICH. No, the August bill only gave him 1 day. He only had 1 day.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, as a member of the Veterans' Affairs Committee, I have watched the plight of veterans, particularly since the Persian Gulf war.

I think it is imperative that Members on the other side of the aisle stop playing politics with this issue and urge the President of the United States to sign the legislation. Not only will it cover people who are hurting from unemployment, but this bill also creates opportunities for veterans to get benefits that they have otherwise not been eligible for.

As we know, for whatever reason, veterans were not eligible for extended unemployment benefits. A lot of people are surprised about that.

This legislation would correct that.

In addition, veterans would be eligible for unemployment benefits in a shorter period of time with this legislation.

The President needs to sign the legislation. It does not make good sense to have a debate about whether or not this is an emergency or whether or not in past years we had comparable unemployment and whether or not we declared an emergency.

The fact of the matter is there are 10 million people out of work, 10 million people who deserve to have unemployment benefits extended to them. They are hurting.

Mr. GINGRICH. We agree.

Ms. WATERS. We have been working on this issue since August. The Republicans had an opportunity to join us. You could have attempted to amend the bill on the floor.

Mr. GINGRICH. No, we could not.

Ms. WATERS. You could have if you had wanted to.

Mr. GINGRICH. Mr. Speaker, let me reclaim my time.

Ms. WATERS. You could have if you had wanted to support this legislation.

Mr. GINGRICH. Mr. Speaker, let me reclaim my time.

Ms. WATERS. You could have, if you wanted to support this legislation. You have been caught not supporting the unemployed. Now you want to revoke it.

Mr. GINGRICH. Mr. Speaker, let me say to the gentlewoman first of all, and then I will be glad to yield to the gentleman from New York [Mr. SOLOMON] to explain this.

We were not allowed to amend. We were not allowed to bring the Dole bill to the floor. We were not allowed to add the Economic Growth Act. The Speaker specifically ruled us out of order, so we were not allowed to do the things the gentlewoman just said.

I would hope the gentlewoman would spend as much passion on her leadership, asking them why they kept the bill in the other body for 7 days. If in fact we are trying to get help to the unemployed, why have they kept the bill locked up in the other body for the last 7 days when it could have gone down last Wednesday?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. Let me yield first to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to say that the gentlewoman, for whom I have respect, ought to know better than to say that because she knows, I think the gentlewoman was even up in the Rules Committee; if she was not, everybody else was, but we fought to get an open rule on this floor so that no person, including the gentlewoman and me, would be gagged on this floor; but half this House was gagged, not just the Republicans, but Democrats alike.

Let me just say, let us put this thing in perspective here. The first thing offered in the Rules Committee was a Democrat package which would have given 20 weeks of extension, and we were gagged from any kind of Republican substitute.

The Republicans countered, the gentleman from Georgia, with a package of economic growth which would have created 1 million new jobs in this country of ours. The Democrats refused.

We then because we know this is a system where we have to compromise, the Republicans countered with a 10-week package, but coupling it with the economic growth package which created IRA's, which created first-time home tax credits for young people, which took the cap off Social Security, and we were gagged up in the Rules Committee.

Then we came back, because we know that we have to compromise, and we offered the Dole-Michel bill, which is just the 10 weeks, and we offered to fund it so that we would not break our promise to the American people of busting the budget, and you turned that down. It is all because we were gagged up in the Rules Committee.

Ms. WATERS. Mr. Speaker, will the gentleman yield for a question?

Mr. GINGRICH. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, did the gentleman at any time attempt to include the States that the gentleman says will not be covered by way of an amendment? Did the gentleman at any time attempt to do that in the process?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield further, if we were given an open rule we would have had a lot of amendments like that.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, I thank my friend, the gentleman from Georgia, for yielding to me. I will try to be a little more sedate.

I just want to tell the gentlewoman from California, she makes a good point. We should take care of our veterans and we have to take care of our veterans, but do you know the reason we cannot? Because your leadership, either tomorrow or the day after, is going to bring up a bill to send another $25 billion overseas and not take care of our own people.

The American people do not want their bill, but you are going to thumb your nose at the taxpayers again on the foreign aid bill, which is a bill that people do not want.

Incidentally, in this foreign aid bill there is $8.8 billion that you shoved into this pipeline that they cannot spend on the other end fast enough. Some of this money has been there for 8 and 10 years.

You know, we had an amendment on the floor and the amendment passed to take $2 billion out of there that the GAO asked us to take out.

But what happened? Your own conferees betrayed you in the conference committee, because while the amendment passed 216 to 203, when the conferees met, your own conferees betrayed you because they talked against your amendment, the amendment that people in this House, a majority voted for, and you come and posture that the President of the United States does not take care of domestic needs. You are the people who are shoveling money overseas and do not care about the people here at home.

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, will the gentleman use his influence so we can look after the people here in our country. We have been waiting for over 2 hours to call up the conference report on the Agriculture bill.

Mr. ROTH. Mr. Speaker, will the gentleman let me finish my statement? I am not finished.

Mr. GINGRICH. Mr. Speaker, I yield briefly again to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, at the very time that the head of the AID Program is under a cloud, the inspector general, since April, your people in this House have not even begun an investigation. You have closed your eyes to what is going on, to the corruption. That is why the American people are saying, "Out with those guys in Congress."

Did the gentlewoman from California get her latest survey? What does it say? "Study sends clear danger warning to incumbents."

Let me read just one sentence why.

They say, "The American people are troubled by Government waste, indifference to the homeless, failure to redirect spending from overseas needs to home needs."

And you are going to bring up another bill to send another $25 billion overseas, by thumbing your nose at the taxpayers and you are wondering why the American people are upset with the Democrats in Congress.

Mr. GINGRICH. Mr. Speaker, let me reclaim my time and yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman yielding to me again. I am sure he wishes he had yielded to me earlier.

This is a bit off the subject of a point of personal privilege to have the gentleman from Wisconsin attacking the administration's foreign aid authorization here on the floor and trying to blame it on the Democrats.

But I would like to put into perspective exactly what it is we are talking about when we differ between the Dole bill, which is the Republican alternative that they are offering, and S. 1722 that we hope the President will have the good sense to sign.

Take the State of Pennsylvania. The gentleman from Pennsylvania [Mr. WALKER] knows it well. Some 93,000 people have exhausted their benefits there. The Republican bill would not begin to help them in any retroactive sense, only in the future. None of those people who still remain unemployed would be benefited, but 66,594, two-thirds of them, would be helped under the bill that we hope the President will sign.

I know the gentleman from Pennsylvania [Mr. WELDON] would like to see it signed. He is from a State that is totally left out of the Dole bill. He is from a State that is included in this bill. That is why we must enact it into law.

Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. GINGRICH. Mr. Speaker, let me just ask the gentleman. Granted everything the gentleman has said, why would the gentleman hold it up for a week?

Mr. FAZIO. Well, we are hoping this bill can become law, whether it is signed into law by a President who finally gets the heat from the gentleman from Georgia, or whether it is overridden because people are getting the heat from it at home, it has a much better chance of being enacted.

Mr. GINGRICH. Mr. Speaker, the gentleman from California is one of the most sophisticated and experienced Members of the leadership. The gentleman knows that the President has said he is going to veto it and the gentleman knows that Senator DOLE has the votes to sustain it. The gentleman knows this.

We are not talking here now on the stump. Why would your leadership not send the bill down for a full week?

I mean, we have been talking about this as an emergency. Then why is the Democratic leadership holding the bill on the Hill, rather than sending it to the White House.

Mr FAZIO. Mr. Speaker, if the gentleman will yield further, we would rather see this issue dealt with in a way that is fundamentally a solution to the people affected. The tragedy would be if we sent them in a totally inadequate way a package that does not even take into consideration those 66,000 people in Pennsylvania that the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Pennsylvania [Mr. WELDON] represent.

□ 1510

So we simply want to send the right bill, not just any bill, to get this off the agenda so that you folks can go back to the other things you care about.

Mr. GINGRICH. But since the gentleman claims he cares about the right bill, why have you not sent it? It has been sitting there for weeks.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I want to hear from a member of the leadership.

Mr. FAZIO. Mr. Speaker, I am convinced this bill will arrive on the President's desk in better shape to be enacted if it takes another day or two. This is a President who needs to feel the same heat that all of you are feeling which brings you to the floor today.

Mr. GINGRICH. Let me make one other point because I think several of our Democratic colleagues are a little bit inaccurately informed about the Dole bill.

The Dole bill provides for unemployment for those members of the Armed Services who are involuntarily separated. All it says is, if you voluntarily leave because you think you have got a better job on the outside, you do not automatically get unemployment. That is in fact the circumstance for civilians in a voluntary situation where they leave to get a better job.

Ms. WATERS. If the gentleman will yield, that is not the point. If the gentleman will yield so that we can clarify what the gentleman just tried to explain.

Mr. GINGRICH. Wait a second, if I might, Madam.

S. 1477, on October 1, 1991, the bill was introduced by Senator DOLE. Section 107, "payment of unemployment compensation to former members of the Armed Forces," sets up the circumstances to pay—we are in regular order—to pay the veterans from Desert Storm under appropriate circumstances. So it is in there. In fact, that is not a legitimate complaint.

But I want to come back because I still do not understand this. We were told for weeks that we had an emergency. We were told for weeks that this truly mattered. Now for a week, having finished with the speeches, we have had a bill held up on Capitol Hill by the Democratic leadership while the Democratic Campaign Committee runs commercials.

Now, how can it possibly be helpful to the unemployed to have a situation in which, for a week, you hold the bill up, then you know that the President is going to veto it, you only send it down the night that the other body leaves town. The President, if he does veto it, it is now going to take 2 additional weeks to get an override before we can prove to you that you cannot pass the bill you want. How can it possibly be helpful in that setting and how can it possibly increase respect for the Congress to spend time, I think inaccurately and misleadingly, attacking the President about a bill which he cannot get to?

Now, would it not have been a lot better for the unemployed Americans, whether they were in Michigan or Massachusetts or Connecticut or Pennsylvania or California or Georgia, would it not have been better, if we have to go through this dance, to go ahead and bring the bill up, get it down there, let the President veto it, which he would have done by Thursday or Friday, have the bill back up here by yesterday or today, get to the override, prove you cannot do it and, if you cannot do it, then agree to a bill the President will sign and by the middle of this week we could have sent a bill to the President that he would have signed and we would have had 10 weeks of extended unemployment checks going to people who badly need the money.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Speaker I think I can give you a reason, 800,000 people who are not included under the Dole bill that you guys have come to adopt even though you did not have one most of this time, this bill is inadequate. The Dole bill does not meet the need. You have 800,000 people covered in this bill that the President could still sign if he will, and that we could override him on. That is the reason, that is why we are concerned.

There are deserving individuals. They have paid into the trust fund. They have contributed to this insurance against long-term unemployment. Yet, under your legislation, they are left out in the cold.

Mr. GINGRICH. I say to my colleague from California first of all, how can you argue that holding the bill up for a week helps those 800,000 people who do not have a chance even if by some miracle late tonight, you know, Michael Dukakis and Walter Mondale might whisper in George Bush's ear and he magically became the President you wish you would have elected, even if that happens, you will not send him the bill so he cannot sign it. So how can that help under those circumstances to keep the bill locked up for a week, I would say to the gentleman?

Mr. FAZIO. Even if the President were to sign this inadequate bill that Senator DOLE has offered, those people would not be covered.

Mr. GINGRICH. That would be substantial coverage.

Mr. FAZIO. No, those are people who are excluded. They are only covered under our bill and are locked out because of fiscal requirements because you could not find enough nickels and dimes in the various corners of your desks to pay for this bill.

Mr. GINGRICH. In every State there would be 6 weeks of extended unemployment and in key States it would be 10 weeks.

Let me just ask the gentleman because I am curious as to what your legislative strategy would be then: Let us say you fail, that under our Constitution, having had the President veto the bill, you cannot override it. At that point is your strategy going to be to then bring—refuse to bring up the Dole bill, refuse to bring up anything the President of the United States will sign? Is your answer to unemployment to say to the President of the United States, "Either take ours or we will do nothing"?

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Michigan.

Mr. BONIOR. I thank the gentleman for yielding.

Mr. Speaker, I would tell my friend from the other side of the aisle that we will come back again and again and again until you people get it through your heads that there are lots of people suffering out there. And to answer the gentleman's earlier question that he asked my friend from California: Yes, the heat is on. The example of the heat is why you are here today under such emotional charge that you cannot stand the heat. You know your constituents and the President is feeling the heat. He knows the country wants this bill. And if it takes us a day longer or 2 days longer, we are going to do it because we got 10 million people out of work. We are not going to stand for any short-term 6-weeks' phony bill paid for out of airwaves that are for sale in the country. This is a serious issue.

People have put money into a trust fund. It is their trust fund—$8 billion. And they want that money spent for what it was put there for, and that is to take care of them, to pay the bill.

Mr. GINGRICH. Now, wait a second. I did not vote for the budget deal. Why did your side sign the money away, I would say to my friend from Michigan? It is your side which signed the money away, it is your side which mortgaged the money in the budget. I voted against the budget deal. So that I do not have any problem standing here and saying that.

Mr. BONIOR. The budget says, to my friend, that if there is an emergency, you can use that emergency clause to take care of the need. The President did it for the Kurds, he did it for the Bangladeshi, he did it for the Turks; he will not do it for Americans. It is in the budget resolution. He can do it now. He can do it today.

Mr. GINGRICH. But under the budget agreement your side supported, it required, and it was very carefully stated, it required the President to make that determination. Now, I am sure the more clever Members of your side understood what that meant.

Mr. BONIOR. I wish the President would make that determination.

Mr. GINGRICH. So now you are breaking the deal.

Now let me go just one step further, I say to my friend. I think we could work out an offer.

Mr. BONIOR. What are you offering?

Mr. GINGRICH. The offer is real simple. Assuming, as I suggested, that you cannot override, and I think that is—if you can override, listen, that is perfectly legitimate, and that is the way you should do it, given your belief.

Mr. BONIOR. We may be able to do it.

Mr. GINGRICH. You may be able to, but I think the vote count in the Senate is against——

Mr. BONIOR. I am glad the gentleman concedes that we might be able to override.

Mr. GINGRICH. My guess is the vote is—frankly, had you sent the bill down last Wednesday, we would know right now. But you did not. So let me make this suggestion.

Mr. BONIOR. We need a little more heat and a few more Senators.

Mr. GINGRICH. I do not think that either, but let me come back——

Mr. FAZIO. If the gentleman will yield, I think we can see the heat. You can almost see it rise up from that side of the aisle the gentlemen is speaking on.

Mr. GINGRICH. Let me say that I know the affection I am held in on your side.

Mr. FAZIO. It is the affection you are held in in Atlanta we are most interested in.

Mr. GINGRICH. Let me suggest to you, let me suggest to you that running commercials that attack me does not threaten any Republican Senator. There is no heat felt by my colleagues in the Senate when you run commercials against me. I am perfectly happy if you do it, but it does not affect their vote; but let me come back.

Mr. BONIOR. That is because we have Democratic Senators from Georgia.

Mr. GINGRICH. Let me make you an offer and suggest to you a way of thinking about this: We can agree, I believe, that at a minimum the people who are in the Dole bill deserve some help. We may argue about the margins, but certain we can agree now the people in the Dole bill deserve some help. Why do we not craft—if S. 1722 fails, why do we not craft two bills and we would be perfectly happy to share the bipartisanship, although it would probably shatter both sides. We might even have a Bonior-Gingrich bill, which might be more than the system could bear.

But the first bill would be the one the President says he will sign. The second bill could be everything else which you want. Now, we could get the initial extended unemployment of 10 weeks to all of that entire first wave of people in 50 States. We would take care of a lot of human beings immediately. We could do it within 48 hours. Checks would be going out.

You would then have as much time as you want to take to try to fight the rest of the battle. Why deny that core group of unemployed the opportunity to get a check, just for the purpose of making a point for the President of the United States? It seems to me if we could agree to pass the initial bill, the initial checks would go out into every State for 6 to 10 weeks.

Mr. FAZIO. If the gentleman would yield, you know, I really do not understand your frustration about this——

Mr. ARMEY. Mr. Speaker, regular order.

Mr. GINGRICH. Let me yield to the gentleman first, and then I will come back to the gentleman from Texas.

Mr. FAZIO. There is simply something you are overlooking. This is not a political game. This is not just putting the heat on the President. We are talking about 800,000 people that we do know about, that we are concerned about. That is why we are still here, and that is why we want to see a good bill enacted, 800,000 people——

Mr. SOLOMON. Mr. Speaker, regular order, regular order, Mr. Speaker.

Mr. GINGRICH. Mr. Speaker, reclaiming my time.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Georgia reclaims his time.

Mr. GINGRICH. Let me just say to the distinguished chairman of the Democratic Congressional Campaign Committee: The level of art you have mastered in being able to stand there while running commercials and suggest that this is not a political issue on your side is truly wonderful and worthy of study. But if you truly want to help the core group we are talking about, we could pass a bill this week that would be signed and that core group would be helped, and then we could spend as much time as necessary on the rest.

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What they are doing, Mr. Speaker, is holding every single person who would get a check under the Dole bill hostage. They are blocking every single person under the Dole bill from getting a check so that they can engage the President at the level of political commercials.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman from Georgia [Mr. GINGRICH] yielding to me because I just distinctly heard the gentleman from California [Mr. FAZIO], the chairman of the Democratic Congressional Campaign Committee, say to the distinguished whip of the Republican Party, the gentleman from Georgia [Mr. GINGRICH], that it is his popularity in Atlanta that we are interested in.

Mr. FAZIO. I did not say "popularity."

Mr. ARMEY. Those were the exact words from the gentleman from California.

Mr. FAZIO. Mr. Speaker, I am interested in the people of Atlanta applying the heat.

Mr. ARMEY. Mr. Speaker, does the gentleman from Georgia [Mr. GINGRICH] yield to me?

Mr. GINGRICH. I yield to the gentleman from Texas.

Mr. ARMEY. The point remains that their side determined that we had an emergency in July, just in time to pass a bill and pass the buck to the President at the beginning of August before Congress recessed. It is their side that continues to argue that we have got an emergency, that people are starving today, that have held the bill at the Senate for over a week and will not go on with it while the gentleman from California [Mr. FAZIO], as the chairman of the Democratic Congressional Campaign Committee, writes press releases and does campaign commercials, and the gentleman very clearly on this floor said that the point of all this is the popularity of the gentleman from Georgia's constituency in Atlanta.

Mr. Speaker, that is what the gentleman from California [Mr. FAZIO] said on this floor, and I wanted it to be clear in the RECORD before we get to revise and extend, because I will not revise and extend.

Mr. GINGRICH. Mr. Speaker, let me just say one thing because we are about to run out of time, and I appreciate the patience of the House.

First of all, we are very surprised on our side to discover that the other side has held up the unemployment bill for a week. We do not understand that. We do not think it makes sense. We are very saddened that the Democratic leadership chose to hold that up until the other body would adjourn this evening for a week. That further hurts the unemployed.

Mr. Speaker, we are prepared, the day the veto is sustained, to bring to the floor a signable bill, and then we are prepared, if you wish, to engage on the other issue. But I do not understand why it would be to anyone's advantage to hold hostage the millions of people who would get money under the Dole bill, to not allow them to get their checks, to block them from getting extended unemployment just to be able to make partisan points, and I really hope that the Democratic leadership would consider my offer to make in order a bill that could be signed immediately, and then let us go ahead and continue the fight over the rest of the bill.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. MCNULTY). The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Chair will recognize the remaining Members who wish to give 1-minute speeches.

MEMORIAL TO JOHNNY LEWIS: A NEW ORLEANS FIREFIGHTER AND HERO

(Mr. JEFFERSON asked and was given permission to address the House for one minute.)

Mr. JEFFERSON. Mr. Speaker and Members of the House, I rise today, National Firefighters Day, to honor the memory of a gallant and dedicated man, Johnny Lewis, a New Orleans firefighter who died in the line of duty on September 7, 1991. Johnny Lewis died while searching through a six-alarm blaze for a brother firefighter believed trapped inside.

Johnny Lewis is the first black firefighter to die in the line of duty in the 100-year history of the New Orleans Fire Department, but that does not qualify him as hero. His life as a dedicated father of four, firefighter, and community worker are the real measures of his heroism.

On the day he died, Johnny Lewis was working overtime to earn extra money to support his family.

Johnny Lewis saw his job with the new Orleans Fire Department as his first real break in life, an opportunity to reach out beyond his own family to help his community. He volunteered for the New Orleans Firefighters' Better Things Program, visiting with school children and talking with them about the dangers of drug and alcohol abuse.

Johnny Lewis sought no recognition or headlines in life; but his tragic death drew deserved attention to his life and contributions to his community.

Mr. Speaker, at this time, I would ask for a moment of silence in recognition of a dedicated father, gallant firefighter, and a true American hero, Johnny Lewis.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

CONFERENCE REPORT ON H.R. 2698, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I call up the conference report on the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of October 3, 1991, at page H7503.)

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and that I be permitted to include tables, charts, and other extraneous materials on the conference report on H.R. 2698.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, we bring before you today the conference agreement on appropriations for the Department of Agriculture, Rural Development, Food and Drug Administration, and related agencies for fiscal year 1992. This is a bill that is within the 602(b) discretionary allocation, within the congressional budget agreement, and it meets all the requirements of law. There were 241 Senate amendments involving over 600 items that had to be resolved in order to bring you this report.

May I say that this report conforms to all the requirements, and that we are in thorough agreement with our Senate colleagues and those on the House side.

Mr. Speaker, I have often pointed out that agriculture is basic, basic to our economy and basic to our well-being as a nation. I would point out, however, that only a relatively small part of the bill we bring to you today is for agriculture. Over half the bill is for food and consumer programs, $32.7 billion for food programs, $1.5 billion for Food for Peace, $760 million for FDA, and $474 million for food inspection. In total we recommend $52,522,621,000 in total budget authority. This is $57 million less than the budget estimate.

As Members know, we on our committee received testimony from various colleagues, and in connection with this bill we had 32 Members present statements to the committee. Members wrote us over 1,000 letters of recommendation for items in the bill. We had a total of 382 witnesses, and our hearing record totals 6,101 pages. In connection with items in conference, Members wrote us almost 200 additional letters.

Mr. Speaker, we tried to address the concerns of Members of the House and their sections of the country to the extent possible under the ceilings.

Almost 80 percent of the bill is mandatory spending not under the control of the Committee on Appropriations. Only 20 percent of the bill is discretionary domestic spending.

Food stamps have been adjusted upward above the House passed bill by $1.2 billion. This is made contingent upon getting a budget request from the President, which I trust will be forthcoming.

The agreement funds WIC at $2.6 billion, $250 million more than fiscal year 1991.

The bill provides funds for water and sewer, rural housing, REA, for the conservation programs, the ACP, watershed and flood prevention and protection, special grants, urban gardening, and wholesale market development.

The conference agreement provides for a Wetlands Reserve Program of up to 50,000 acres in fiscal year 1992. Any payments under the program will be made by the Agricultural Stabilization and Conservation Service as with other cost share programs, and the Soil Conservation Service will determine what

qualifies as wetlands. Because of the limited funding available, we have provided for a pilot program in not more than five States. This will allow the program to be evaluated to determine the actual costs and benefits to be derived in these times of scarce resources.

Neither the House nor the Senate-passed bill contained any direct or indirect funding for the proposed special Rural Development Administration which would duplicate existing programs. Since no funds were in either bill, it was not a conference item.

I want to thank the members of the committee who have worked hard all year in hearings and in conference, my colleagues Bob Traxler, Matt McHugh, Bill Natcher, Dick Durbin, Marcy Kaptur, David Price, Neal Smith, Dave Obey, and on the Republican side, Joe Skeen, John Myers, Vin Weber, Barbara Vucanovich, and Joe McDade.

Mr. Speaker, I could go ahead with discussions of items in this bill, but may I say again, surprisingly with 241 amendments on the Senate side, we have worked all these matters out. In addition to working them out, we have kept under the various ceilings and requirements that exist.

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Mr. Speaker, I urge my colleagues to proceed expeditiously to approve this conference report.

Mr. Speaker, at this point in the Record I would like to insert the detailed tables that set forth the conference agreement.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2698)

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing and Marketing						
Office of the Secretary	1,943,000	2,282,000	2,282,000	2,150,000	2,282,000	+339,000
Office of the Deputy Secretary	477,000	543,000	543,000	514,000	543,000	+66,000
Office of Budget and Program Analysis	4,971,000	5,549,000	6,149,000	5,303,000	6,149,000	+1,178,000
Office of the Assistant Secretary for Administration	544,000	658,000	596,000	576,000	596,000	+52,000
Rental payments (USDA)	49,305,000	51,598,000	50,808,000	51,598,000	51,203,000	+1,898,000
Building operations and maintenance	25,093,000	25,700,000	25,700,000	25,349,000	25,700,000	+607,000
Advisory committees (USDA)	1,407,000	2,038,000	1,918,000	2,038,000	2,038,000	+631,000
Hazardous waste management	24,757,000	29,943,000	27,943,000	24,757,000	26,350,000	+1,593,000
Departmental administration	23,052,000	26,563,000	25,064,000	24,814,000	25,064,000	+2,012,000
Working Capital Fund	3,750,000					-3,750,000
Office of the Assistant Secretary for Congressional Relations	1,095,000	1,310,000	1,307,000	1,265,000	1,307,000	+212,000
Office of Public Affairs	8,442,000	9,093,000	8,925,000	8,925,000	8,925,000	+483,000
Intergovernmental affairs	440,000	506,000	468,000	468,000	468,000	+28,000
Total, Office of Public Affairs	8,882,000	9,599,000	9,393,000	9,393,000	9,393,000	+511,000
Office of the Inspector General	55,580,000	65,247,000	62,786,000	60,786,000	62,786,000	+7,206,000
Office of the General Counsel	23,130,000	25,865,000	24,554,000	24,554,000	24,554,000	+1,424,000
Office of the Assistant Secretary for Economics	529,000	580,000	580,000	563,000	580,000	+51,000
Economic Research Service	54,400,000	62,479,000	59,125,000	56,245,000	58,720,000	+4,320,000
National Agricultural Statistics Service	76,451,000	86,866,000	83,401,000	75,447,000	82,601,000	+6,150,000
World Agricultural Outlook Board	2,196,000	2,520,000	2,367,000	2,341,000	2,367,000	+171,000
Office of the Assistant Secretary for Science and Education	512,000	560,000	560,000	544,000	560,000	+48,000
Alternative Agricultural Research and Commercialization				5,000,000	4,500,000	+4,500,000
Agricultural Research Service	621,585,000	660,627,000	658,424,000	629,143,000	658,379,000	+36,794,000
Special fund	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	
Buildings and facilities	41,016,000	46,100,000	49,473,000	61,818,000	50,564,000	+9,548,000
Total, Agricultural Research Service	665,101,000	709,227,000	710,397,000	693,461,000	711,443,000	+46,342,000
Cooperative State Research Service	388,489,000	384,151,000	412,886,000	419,788,000	430,711,000	+42,222,000
(By transfer)	(93,000)					(-93,000)
Buildings and facilities	62,867,000	25,000,000	62,529,000	60,769,000	75,270,000	+12,403,000
Extension Service	398,478,000	410,817,000	417,057,000	412,129,000	419,325,000	+20,847,000
National Agricultural Library	16,798,000	17,453,000	17,253,000	17,149,000	17,715,000	+917,000
Office of the Assistant Secretary for Marketing and Inspection Services	497,000	550,000	550,000	535,000	550,000	+53,000
Animal and Plant Health Inspection Service:						
Salaries and expenses	381,120,000	324,378,000	340,981,000	337,631,000	345,017,000	-36,103,000
Special fund, user fees	13,000,000	85,922,000	85,922,000	78,356,000	85,922,000	+72,922,000
Buildings and facilities	21,396,000	23,400,000	21,396,000	20,900,000	21,396,000	
Total, Animal and Plant Health Inspection Service	415,516,000	433,700,000	448,299,000	436,887,000	452,335,000	+36,819,000
Food Safety and Inspection Service	448,882,000	473,512,000	473,512,000	473,512,000	473,512,000	+24,630,000
Federal Grain Inspection Service	9,706,000	13,011,000	11,397,000	10,557,000	11,397,000	+1,691,000
Inspection and Weighing Services (limitation on administrative expenses, from fees collected)	(37,164,000)	(40,176,000)	(39,383,000)	(40,176,000)	(40,176,000)	(+3,012,000)
Agricultural Cooperative Service	4,864,000	5,140,000	5,640,000	5,140,000	5,640,000	+776,000
Agricultural Marketing Service:						
Marketing Services	47,914,000	68,333,000	56,636,000	42,066,000	56,636,000	+8,722,000
(Limitation on adminstrative expenses, from fees collected)	(40,162,000)	(50,735,000)	(50,735,000)	(50,735,000)	(50,735,000)	(+10,573,000)
Funds for strengthening markets, income, and supply (transfer from section 32)	8,255,000	10,360,000	10,360,000	10,360,000	10,360,000	+2,105,000
Payments to States and possessions	1,250,000	980,000	1,250,000	1,250,000	1,250,000	
Miscellaneous trust funds		2,625,000	1,850,000	600,000	1,850,000	+1,850,000
Total, Agricultural Marketing Service	57,419,000	82,298,000	69,896,000	54,276,000	70,096,000	+12,677,000
Office of Transportation	2,429,000					-2,429,000
Packers and Stockyards Administration	10,687,000	11,359,000	12,009,000	11,859,000	12,009,000	+1,322,000
Total, Production, Processing and Marketing	2,839,807,000	2,966,118,000	3,026,501,000	2,969,299,000	3,067,296,000	+227,489,000
Farm Income Stabilization						
Office of the Under Secretary for International Affairs and Commodity Programs	506,000	740,000	551,000	531,000	551,000	+45,000
Agricultural Stabilization and Conservation Service:						
(By transfer from Commodity Credit Corporation)	(630,406,000)	(769,736,000)		(719,289,000)		(-630,406,000)
Salaries and expenses	46,900,000		719,289,000		719,289,000	+672,389,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2698), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Export loans		(589,000)	(589,000)	(589,000)	(589,000)	(+589,000)
P.L. 480		(573,000)	(705,000)	(558,000)	(573,000)	(+573,000)
Subtotal, Salaries and expenses	(677,306,000)	(770,898,000)	(720,583,000)	(720,436,000)	(720,451,000)	(+43,145,000)
Dairy indemnity program	5,000		5,000	5,000	5,000	
Total, Farm Income Stabilization	(677,817,000)	(771,638,000)	(721,139,000)	(720,972,000)	(721,007,000)	(+43,190,000)
CORPORATIONS						
Federal Crop Insurance Corporation:						
Administrative and operating expenses	340,000,000	322,870,000	322,870,000	322,870,000	322,870,000	-17,130,000
Federal crop insurance corporation fund	337,365,000	308,782,000	221,500,000	260,500,000	260,500,000	-76,865,000
Total, Federal Crop Insurance Corporation	677,365,000	631,652,000	544,370,000	583,370,000	583,370,000	-93,995,000
Commodity Credit Corporation:						
Reimbursement for net realized losses	5,000,000,000	9,000,000,000	8,450,000,000	8,450,000,000	7,250,000,000	+2,250,000,000
Disaster payments	1,400,000					-1,400,000
Hazardous waste (limitation on administrative expenses)		(3,000,000)	(5,000,000)		(3,000,000)	(+3,000,000)
Options pilot program (limitation on administrative expenses)		(1,000,000)				
General Sales Manager (transfer from Commodity Credit Corporation)	(7,803,000)	(5,098,000)	(5,098,000)	(5,098,000)	(5,098,000)	(-2,705,000)
Export loans		(2,731,000)	(2,731,000)	(2,731,000)	(2,731,000)	(+2,731,000)
P.L. 480		(1,274,000)	(1,274,000)	(1,242,000)	(1,242,000)	(+1,242,000)
Subtotal, General Sales Manager	(7,803,000)	(9,103,000)	(9,103,000)	(9,071,000)	(9,071,000)	(+1,268,000)
Total, Corporations:						
New budget (obligational) authority	5,678,765,000	9,631,652,000	8,994,370,000	9,033,370,000	7,833,370,000	+2,154,605,000
(By transfer)	(7,803,000)	(5,098,000)	(5,098,000)	(5,098,000)	(5,098,000)	(-2,705,000)
Total, title I, Agricultural Programs:						
New budget (obligational) authority	8,565,983,000	12,598,510,000	12,740,716,000	12,003,205,000	11,620,511,000	+3,054,528,000
(By transfer)	(638,302,000)	(774,834,000)	(5,098,000)	(724,387,000)	(5,098,000)	(-633,204,000)
(Limitation on administrative expenses)	(77,326,000)	(94,911,000)	(95,118,000)	(90,911,000)	(93,911,000)	(+16,585,000)
TITLE II - CONSERVATION PROGRAMS						
Office of the Assistant Secretary for Natural Resources and Environment	520,000	563,000	563,000	543,000	563,000	+43,000
Soil Conservation Service:						
Conservation operations	509,056,000	588,604,000	564,129,000	564,129,000	564,129,000	+55,073,000
River basin surveys and investigations	12,783,000	10,982,000	13,251,000	13,251,000	13,251,000	+468,000
Watershed planning	9,176,000	7,291,000	9,545,000	9,545,000	9,545,000	+369,000
Watershed and flood prevention operations	185,705,000	152,961,000	205,238,000	205,266,000	205,266,000	+19,561,000
Resource conservation and development	29,900,000	23,631,000	32,516,000	31,236,000	32,516,000	+2,616,000
Great Plains conservation program	24,637,000	25,271,000	25,271,000	25,271,000	25,271,000	+634,000
Total, Soil Conservation Service	771,257,000	808,740,000	849,950,000	848,698,000	849,978,000	+78,721,000
Agricultural Stabilization and Conservation Service:						
Agricultural conservation program	190,152,000	178,024,000	194,435,000	193,652,000	194,435,000	+4,283,000
Water quality incentives program		5,000,000	3,500,000			
Forestry incentives program	12,446,000	12,446,000	12,446,000	12,446,000	12,446,000	
Water bank program	13,620,000	10,935,000	18,620,000	18,620,000	18,620,000	+5,000,000
Emergency conservation program	10,000,000		10,000,000		6,000,000	-4,000,000
Colorado River Basin salinity control program	14,783,000	14,783,000	14,783,000	14,783,000	14,783,000	
Conservation reserve program	1,314,926,000	1,642,760,000	1,642,760,000	1,611,277,000	1,611,277,000	+296,351,000
Wetlands reserve program		124,350,000		91,000,000	46,357,000	+46,357,000
Total, Agricultural Stabilization and Conservation Service	1,555,927,000	1,988,298,000	1,896,544,000	1,941,778,000	1,903,918,000	+347,991,000
Total, title II, Conservation Programs, new budget (obligational) authority	2,327,704,000	2,797,601,000	2,747,057,000	2,791,019,000	2,754,459,000	+426,755,000
TITLE III - FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Small Community and Rural Development	530,000	721,000	572,000	552,000	572,000	+42,000
Farmers Home Administration:						
Rural Housing Insurance Fund:						
Loan authorizations:						
Low-income housing (sec. 502)	(1,226,451,000)	(559,000,000)	(1,226,451,000)	(1,256,451,000)	(1,245,000,000)	(+18,549,000)
Unsubsidized direct	(50,000,000)		(50,000,000)	(50,000,000)	(50,000,000)	
Unsubsidized guaranteed	(70,000,000)	(347,000,000)	(350,000,000)	(100,000,000)	(329,500,000)	(+259,500,000)
Subsidized guaranteed	(30,000,000)	(347,000,000)				(-30,000,000)
Housing repair (sec. 504)	(11,330,000)	(11,100,000)	(11,330,000)	(11,330,000)	(11,330,000)	

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2698), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Farm labor (sec. 514)	(16,300,000)	(16,250,000)	(16,300,000)	(16,300,000)	(16,300,000)	....
Rental housing (sec. 515)	(573,900,000)	(341,000,000)	(573,900,000)	(573,900,000)	(573,900,000)	....
Site loans	(600,000)	....	(600,000)	(600,000)	(600,000)	....
Credit sales of acquired property	....	(284,000,000)	(284,000,000)	....	(250,000,000)	(+250,000,000)
Total, Loan authorizations	(1,978,581,000)	(1,905,350,000)	(2,512,581,000)	(2,008,581,000)	(2,476,630,000)	(+498,049,000)
Loan subsidies:						
Single family (sec. 502):						
Direct	....	126,578,000	312,536,000	286,461,000	283,868,000	+283,868,000
Guaranteed	....	96,680,000	12,360,000	1,130,000	3,723,000	+3,723,000
Housing repair (sec. 504)	....	4,897,000	5,280,000	4,999,000	4,999,000	+4,999,000
Farm labor (sec. 514)	....	8,975,000	9,536,000	9,002,000	9,002,000	+9,002,000
Rental housing (sec. 515)	....	147,657,000	268,585,000	248,499,000	248,499,000	+248,499,000
Site loans	....	....	....	9,000	9,000	+9,000
Credit sales of acquired property	....	41,724,000	40,612,000	....	36,725,000	+36,725,000
Total, Loan subsidies	....	426,511,000	648,909,000	550,100,000	586,825,000	+586,825,000
RHIF Salaries and expenses	....	425,173,000	425,173,000	428,746,000	427,111,000	+427,111,000
Collection and servicing contracts (limitation on obligations)	(10,000,000)	....	....	....	....	(-10,000,000)
Rent supplement	308,100,000	269,800,000	308,100,000	319,900,000	319,900,000	+11,800,000
Reimbursement for interest and other losses	2,667,186,000	....	....	....	....	-2,667,186,000
Total, Rural Housing Insurance Fund:						
New budget (obligational) authority	2,975,286,000	1,121,484,000	1,382,182,000	1,298,746,000	1,333,836,000	-1,641,450,000
(Loan authorization)	(1,978,581,000)	(1,905,350,000)	(2,512,581,000)	(2,008,581,000)	(2,476,630,000)	(+498,049,000)
(Limitation on obligations)	(10,000,000)	....	....	....	....	(-10,000,000)
Self-Help Housing Land Development Fund:						
Loan authorization	(500,000)	....	(500,000)	(500,000)	(500,000)	....
Loan subsidy	....	....	....	43,000	43,000	+43,000
Administrative expenses	....	....	....	21,000	21,000	+21,000
Agricultural Credit Insurance Fund:						
Loan authorizations:						
Farm ownership loans:						
Direct	(46,500,000)	(37,000,000)	(46,500,000)	(87,000,000)	(66,750,000)	(+20,250,000)
Guaranteed	(509,000,000)	(200,000,000)	(509,000,000)	(774,000,000)	(488,750,000)	(-20,250,000)
Subtotal	(555,500,000)	(237,000,000)	(555,500,000)	(861,000,000)	(555,500,000)	....
Operating loans:						
Direct	(900,000,000)	(410,000,000)	(900,000,000)	(740,000,000)	(850,000,000)	(-50,000,000)
Guaranteed	(2,600,000,000)	(2,000,000,000)	(2,600,000,000)	(1,000,000,000)	(1,800,000,000)	(-800,000,000)
Guaranteed subsidized	....	(564,000,000)	....	(182,140,000)	(182,140,000)	(+182,140,000)
Subtotal	(3,500,000,000)	(2,974,000,000)	(3,500,000,000)	(1,922,140,000)	(2,832,140,000)	(-667,860,000)
Soil and water loans:						
Direct	(5,500,000)	....	(5,500,000)	(5,500,000)	(5,500,000)	....
Guaranteed	(1,500,000)	....	(1,500,000)	(1,500,000)	(1,500,000)	....
Subtotal	(7,000,000)	....	(7,000,000)	(7,000,000)	(7,000,000)	....
Indian tribe land acquisition loans	(1,000,000)	(2,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	....
Emergency disaster loans	(600,000,000)	(25,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	....
Watershed and flood prevention	(4,000,000)	....	(4,000,000)	(4,000,000)	(4,000,000)	....
Resource conservation loans	(600,000)	....	(600,000)	(600,000)	(600,000)	....
Credit sales of acquired property	....	(250,000,000)	(250,000,000)	....	(200,000,000)	(+200,000,000)
Total, Loan authorizations	(4,668,100,000)	(3,488,000,000)	(4,918,100,000)	(3,395,740,000)	(4,200,240,000)	(-467,860,000)
Loan subsidies:						
Farm ownership:						
Direct	....	9,144,000	18,089,000	19,865,000	15,241,000	+15,241,000
Guaranteed	....	25,834,000	15,270,000	38,870,000	24,545,000	+24,545,000
Farm operating:						
Direct	....	66,952,000	189,000,000	113,587,000	130,472,000	+130,472,000
Guaranteed	....	72,509,000	31,200,000	12,475,000	22,455,000	+22,455,000
Guaranteed subsidized	....	....	....	15,350,000	15,350,000	+15,350,000
Soil and water loans:						
Direct	....	....	2,585,000	456,000	456,000	+456,000
Guaranteed	....	....	30,000	43,000	43,000	+43,000
Indian tribe land acquisition	....	505,000	1,000,000	253,000	253,000	+253,000
Emergency disaster	....	5,065,000	32,100,000	121,560,000	55,000,000	+55,000,000
Watershed and flood prevention loans	....	....	2,162,000	1,000	1,000	+1,000
Resource conservation	....	....	....	1,000	1,000	+1,000
Credit sales of acquired property	....	74,851,000	117,500,000	....	59,880,000	+59,880,000
Total, Loan subsidies	....	254,860,000	408,936,000	322,461,000	323,697,000	+323,697,000
ACIF salaries and expenses	....	230,179,000	230,179,000	229,557,000	230,179,000	+230,179,000
State mediation program	3,750,000	2,000,000	3,750,000	3,750,000	3,750,000	....

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2698), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Reimbursement for interest and other losses	6,014,356,000	....	....	....	....	-6,014,356,000
Total, Agricultural Credit Insurance Fund:						
New budget (obligational) authority	6,018,106,000	487,039,000	642,865,000	555,768,000	557,626,000	-5,460,480,000
(Loan authorization)	(4,668,100,000)	(3,488,000,000)	(4,918,100,000)	(3,395,740,000)	(4,200,240,000)	(-467,860,000)
Rural Development Insurance Fund:						
Loan authorizations:						
Water and sewer facility loans:						
Direct	(500,000,000)	(425,000,000)	(600,000,000)	(500,000,000)	(600,000,000)	(+100,000,000)
Guaranteed	(35,000,000)	....	(35,000,000)	(35,000,000)	(35,000,000)	....
Subtotal	(535,000,000)	(425,000,000)	(635,000,000)	(535,000,000)	(635,000,000)	(+100,000,000)
Community facility loans:						
Direct	(100,000,000)	(45,700,000)	(100,000,000)	(100,000,000)	(100,000,000)	....
Guaranteed	(25,000,000)	(50,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	....
Subtotal	(125,000,000)	(95,700,000)	(125,000,000)	(125,000,000)	(125,000,000)	....
Industrial development loans:						
Guaranteed	(100,000,000)	(95,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	....
Total, loan authorizations	(760,000,000)	(615,700,000)	(860,000,000)	(760,000,000)	(860,000,000)	(+100,000,000)
Loan subsidies:						
Water and sewer:						
Direct	....	63,678,000	96,000,000	74,900,000	89,880,000	+89,880,000
Guaranteed	....	....	840,000	630,000	630,000	+630,000
Community facility:						
Direct	....	5,490,000	14,000,000	12,011,000	12,011,000	+12,011,000
Guaranteed	....	1,016,000	325,000	508,000	508,000	+508,000
Industrial development	....	5,573,000	7,920,000	5,870,000	5,870,000	+5,870,000
Total, Loan subsidies	....	75,757,000	119,085,000	93,919,000	108,899,000	+108,899,000
RDIF salaries and expenses	....	54,906,000	54,906,000	52,286,000	52,286,000	+52,286,000
Reimbursement for interest and other losses	1,666,160,000	....	....	....	....	-1,666,160,000
Total, Rural Development Insurance Fund:						
New budget (obligational) authority	1,666,160,000	130,663,000	173,991,000	146,205,000	161,185,000	-1,504,975,000
(Loan authorization)	(760,000,000)	(615,700,000)	(860,000,000)	(760,000,000)	(860,000,000)	(+100,000,000)
Rural Development Loan Fund:						
(Loan authorization)	(32,500,000)	(35,000,000)	(32,500,000)	(32,500,000)	(32,500,000)	....
Appropriation	30,500,000	....	....	....	....	-30,500,000
Loan subsidy	....	17,510,000	22,050,000	16,260,000	16,260,000	+16,260,000
RDLF Salaries and expenses	....	689,000	689,000	656,000	689,000	+689,000
Rural water and waste disposal grants	300,000,000	225,000,000	350,000,000	350,000,000	350,000,000	+50,000,000
Very low-income housing repair grants	12,500,000	5,000,000	12,500,000	12,500,000	12,500,000	....
Rural housing for domestic farm labor	11,000,000	5,000,000	11,000,000	11,000,000	11,000,000	....
Mutual and self-help housing	8,750,000	....	8,750,000	8,750,000	8,750,000	....
Supervisory and technical assistance grants	....	....	2,500,000	....	2,500,000	+2,500,000
Rural community fire protection grants	3,500,000	....	3,500,000	3,500,000	3,500,000	....
Compensation for construction defects	500,000	....	500,000	500,000	500,000	....
Rural rental assistance payments (voucher program)	....	189,928,000	....	....	....	....
Rural housing preservation grants	23,000,000	10,000,000	23,000,000	23,000,000	23,000,000	....
Rural development grants	20,750,000	20,000,000	20,750,000	20,750,000	20,750,000	....
Solid waste management grants	1,500,000	....	1,500,000	3,000,000	3,000,000	+1,500,000
Emergency community water assistance grants	10,000,000	....	....	10,000,000	10,000,000	....
Subtotal, grants and payments	391,500,000	454,928,000	434,000,000	443,000,000	445,500,000	+54,000,000
Office of the Administrator	600,000	....	600,000	600,000	600,000	....
Salaries and expenses	439,854,000	26,548,000	37,637,000	38,959,000	38,298,000	-401,556,000
Transfer from loan accounts	4,000,000	....	....	....	....	-4,000,000
Transfer from revolving fund	271,673,000	....	....	....	....	-271,673,000
Loan administrative expenses:						
RHIF	....	(425,173,000)	(425,173,000)	(428,746,000)	(427,111,000)	(+427,111,000)
ACIF	....	(230,179,000)	(230,179,000)	(229,557,000)	(230,179,000)	(+230,179,000)
RDIF	....	(54,906,000)	(54,906,000)	(52,286,000)	(52,286,000)	(+52,286,000)
RDLF	....	(689,000)	(689,000)	(656,000)	(689,000)	(+689,000)
Self-Help HLDF	....	....	....	(21,000)	(21,000)	(+21,000)
Total, salaries and expenses	(715,527,000)	(737,495,000)	(748,584,000)	(750,225,000)	(748,584,000)	(+33,057,000)
Total, Farmers Home Administration:						
New budget (obligational) authority	11,797,679,000	2,238,861,000	2,694,014,000	2,500,258,000	2,554,058,000	-9,243,621,000
(Loan authorization)	(7,439,681,000)	(6,044,050,000)	(8,323,681,000)	(6,197,321,000)	(7,569,870,000)	(+130,189,000)
(Limitation on obligations)	(10,000,000)	....	....	....	....	(-10,000,000)

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2698), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Rural Development Administration:						
Salaries and expenses	....	13,722,000	....	....	....	....
Rural Electrification Administration:						
Rural electrification and telephone loans program account:						
Loan authorizations:						
Direct loans:						
Electric	(622,050,000)	(504,958,000)	(622,050,000)	(622,050,000)	(622,050,000)	....
Telephone	(239,250,000)	(194,042,000)	(239,250,000)	(239,250,000)	(239,250,000)	....
Subtotal	(861,300,000)	(699,000,000)	(861,300,000)	(861,300,000)	(861,300,000)	....
FFB loans:						
Electric	(813,450,000)	....	(813,450,000)	(813,450,000)	(813,450,000)	....
Telephone	(119,625,000)	....	(119,625,000)	(119,625,000)	(119,625,000)	....
Subtotal	(933,075,000)	....	(933,075,000)	(933,075,000)	(933,075,000)	....
Guaranteed loans:						
Electric	....	(169,042,000)	(169,042,000)	....	....	....
Telephone	....	(64,958,000)	(64,958,000)	....	....	....
Subtotal	....	(234,000,000)	(234,000,000)	....	....	....
Modified direct loans	....	(493,700,000)	(493,700,000)	(493,700,000)	(493,700,000)	(+493,700,000)
Total, Loan authorizations	(1,794,375,000)	(1,426,700,000)	(2,522,075,000)	(2,288,075,000)	(2,288,075,000)	(+493,700,000)
Loan subsidies:						
Direct loans:						
Electric	....	95,237,000	166,087,000	117,319,000	117,319,000	+117,319,000
Telephone	....	32,629,000	63,880,000	40,290,000	40,290,000	+40,290,000
Guaranteed loans:						
Electric	....	62,000	62,000	....	....	....
Telephone	....	43,000	43,000	....	....	....
FFB Loans	....	....	6,531,000	14,152,000	14,152,000	+14,152,000
Total, Loan subsidies	....	127,971,000	236,603,000	171,761,000	171,761,000	+171,761,000
RETRF salaries and expenses	....	29,419,000	29,163,000	28,311,000	29,163,000	+29,163,000
Reimbursement to the rural electrification and telephone loans program account	266,603,000	....	....	....	....	-266,603,000
Total, Rural electrification and telephone loans program account:						
New budget (obligational) authority	266,603,000	157,390,000	265,766,000	200,072,000	200,924,000	-65,679,000
(Loan authorization)	(1,794,375,000)	(1,426,700,000)	(2,522,075,000)	(2,288,075,000)	(2,288,075,000)	(+493,700,000)
Rural telephone bank program account	28,710,000	....	....	....	....	-28,710,000
Direct loans (limitation on obligations)	(177,045,000)	(125,000,000)	(177,045,000)	(177,045,000)	(177,045,000)	....
Direct loan subsidy	....	2,563,000	11,331,000	3,629,000	3,629,000	+3,629,000
RTB salaries and expenses	....	8,632,000	8,632,000	8,392,000	8,632,000	+8,632,000
Rural communication development fund	1,264,000	1,264,000	1,264,000	....	....	-1,264,000
Distance Learning and Medical Link Programs	....	....	5,000,000	....	5,000,000	+5,000,000
Rural economic development subaccount:						
Direct loan appropriation	5,000,000	....	....	....	....	-5,000,000
Direct loans (limitation on obligations)	....	(4,800,000)	(5,000,000)	(8,406,000)	(8,406,000)	(+8,406,000)
Direct subsidy	....	1,454,000	1,700,000	2,546,000	2,546,000	+2,546,000
Office of the Administrator	229,000	....	256,000	243,000	243,000	+14,000
Salaries and expenses	32,826,000	....	....	....	....	-32,826,000
Electric and telephone loans	....	(29,419,000)	(29,163,000)	(28,311,000)	(29,163,000)	(+29,163,000)
Rural telephone bank program account	....	(8,632,000)	(8,632,000)	(8,392,000)	(8,632,000)	(+8,632,000)
Subtotal	(32,826,000)	(38,051,000)	(37,795,000)	(36,703,000)	(37,795,000)	(+4,969,000)
Total, Rural Electrification Administration:						
New budget (obligational) authority	334,632,000	171,303,000	293,949,000	214,882,000	220,974,000	-113,658,000
(Loan authorization)	(1,794,375,000)	(1,426,700,000)	(2,522,075,000)	(2,288,075,000)	(2,288,075,000)	(+493,700,000)
(Limitation on obligations)	(177,045,000)	(129,800,000)	(182,045,000)	(185,451,000)	(185,451,000)	(+8,406,000)
Total, title III, Rural Development Programs:						
New budget (obligational) authority	12,132,841,000	2,424,607,000	2,988,535,000	2,715,692,000	2,775,604,000	-9,357,237,000
(Loan authorization)	(9,234,056,000)	(7,470,750,000)	(10,845,756,000)	(8,485,396,000)	(9,857,945,000)	(+623,889,000)
(Limitation on obligations)	(187,045,000)	(129,800,000)	(182,045,000)	(185,451,000)	(185,451,000)	(-1,594,000)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Assistant Secretary for Food and Consumer Services	485,000	574,000	542,000	522,000	542,000	+57,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2698), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Food and Nutrition Service:						
Child nutrition programs	880,698,000	1,389,711,000	1,392,294,000	1,393,651,000	1,393,223,000	+512,525,000
Transfer from section 32	4,696,501,000	4,675,092,000	4,675,092,000	4,675,092,000	4,675,092,000	-21,409,000
Total, Child nutrition programs	5,577,199,000	6,064,803,000	6,067,386,000	6,068,743,000	6,068,315,000	+491,116,000
Special milk program	19,268,000	23,011,000	23,011,000	23,011,000	23,011,000	+3,743,000
Special supplemental food program for women, infants, and children (WIC)	2,350,000,000	2,573,400,000	2,600,000,000	2,573,400,000	2,600,000,000	+250,000,000
Commodity supplemental food program	81,928,000	85,369,000	91,284,000	88,318,000	90,000,000	+8,072,000
Food stamp program:						
Expenses	17,453,168,000	19,649,975,000	19,649,975,000	19,649,975,000	20,849,975,000	+3,396,807,000
Subject to budget request	2,123,513,000	2,500,000,000	1,500,000,000	3,000,000,000	1,500,000,000	-623,513,000
Nutrition assistance for Puerto Rico	963,395,000	1,013,000,000	1,002,175,000	1,002,175,000	1,002,175,000	+38,780,000
Cattle tick eradication	10,825,000	....	10,825,000	10,825,000	10,825,000	....
Total, Food stamp program	20,550,901,000	23,162,975,000	22,162,975,000	23,662,975,000	23,362,975,000	+2,812,074,000
Food donations programs for selected groups:						
Needy family program	78,241,000	81,527,000	81,945,000	82,108,000	81,945,000	+3,704,000
Elderly feeding program	149,897,000	151,492,000	151,492,000	143,035,000	151,492,000	+1,595,000
Subtotal	228,138,000	233,019,000	233,437,000	225,143,000	233,437,000	+5,299,000
Soup kitchens	32,000,000	32,000,000	32,000,000	32,000,000	32,000,000	....
Total, Food donations programs	260,138,000	265,019,000	265,437,000	257,143,000	265,437,000	+5,299,000
The emergency food assistance program	50,000,000	27,000,000	50,000,000	45,000,000	45,000,000	-5,000,000
Commodity purchases - TEFAP	120,000,000	120,000,000	120,000,000	120,000,000	120,000,000	....
Total, The emergency food assistance program	170,000,000	147,000,000	170,000,000	165,000,000	165,000,000	-5,000,000
Food program administration	96,778,000	113,856,000	101,617,000	105,453,000	103,535,000	+6,757,000
Total, Food and Nutrition Service	29,106,212,000	32,435,433,000	31,481,710,000	32,944,043,000	32,678,273,000	+3,572,061,000
Human Nutrition Information Service	9,923,000	12,654,000	11,255,000	9,788,000	10,788,000	+865,000
Total, title IV, Domestic Food Programs, new budget (obligational) authority	29,116,620,000	32,448,661,000	31,493,507,000	32,954,353,000	32,689,603,000	+3,572,983,000
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service	105,048,000	109,523,000	110,023,000	106,626,000	110,023,000	+4,975,000
Ameri Flora '92 Exposition	500,000	....	500,000	....	500,000	....
Public Law 480:						
Title I - Credit sales:						
Program level	(880,000,000)	(463,800,000)	(570,800,000)	(563,804,000)	(563,804,000)	(-316,196,000)
Direct loans	(806,400,000)	(417,420,000)	(513,800,000)	(511,619,000)	(511,619,000)	(-294,781,000)
Ocean freight differential	(73,600,000)	....	....	....	....	(-73,600,000)
Appropriation	314,853,000	....	....	....	....	-314,853,000
Ocean freight differential	....	46,380,000	57,000,000	52,185,000	52,185,000	+52,185,000
Title II - Commodities for disposition abroad:						
Program level	(696,000,000)	(627,000,000)	(696,000,000)	(710,087,000)	(710,087,000)	(+14,087,000)
Appropriation	696,000,000	627,000,000	696,000,000	710,087,000	710,087,000	+14,087,000
Title III - Commodity grants:						
Program level	....	(309,200,000)	(254,959,000)	(333,609,000)	(333,594,000)	(+333,594,000)
Appropriation	....	309,200,000	254,959,000	333,609,000	333,594,000	+333,594,000
Loan subsidies	....	316,826,000	389,979,000	388,319,000	388,319,000	+388,319,000
Debt restructuring	....	668,000	668,000	....	....	....
Salaries and expenses:						
General Sales Manager	....	1,274,000	1,274,000	1,242,000	1,242,000	+1,242,000
ASCS	....	573,000	705,000	558,000	573,000	+573,000
Subtotal	....	1,847,000	1,979,000	1,800,000	1,815,000	+1,815,000
Total, Public Law 480:						
Program level	(1,576,000,000)	(1,400,000,000)	(1,521,759,000)	(1,607,500,000)	(1,607,485,000)	(+31,485,000)
Appropriation	1,010,853,000	1,301,921,000	1,400,585,000	1,486,000,000	1,486,000,000	+475,147,000
CCC Export Loans:						
Loan guarantees:						
Short-term export credit	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	....
Intermediate export credit	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	....
Emerging democracies export credit	....	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+200,000,000)
Loan subsidy	....	155,524,000	155,524,000	155,524,000	155,524,000	+155,524,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2698), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Salaries and expenses (Export Loans):						
General Sales Manager		2,731,000	2,731,000	1,876,000	2,731,000	+2,731,000
ASCS		589,000	589,000	589,000	589,000	+589,000
Subtotal		158,844,000	158,844,000	157,989,000	158,844,000	+158,844,000
Office of International Cooperation and Development	6,879,000	6,672,000	7,392,000	7,247,000	7,247,000	+368,000
Scientific activities overseas (foreign currency program)	1,062,000		1,062,000			-1,062,000
(Limitation on adminstrative expenses)					(1,062,000)	(+1,062,000)
Total, title V, International Programs, new budget (obligational) authority	1,124,342,000	1,576,960,000	1,678,406,000	1,757,862,000	1,762,614,000	+638,272,000
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses	656,519,000	537,104,000	725,962,000	704,734,000	725,962,000	+69,443,000
Buildings and facilities	8,350,000	10,000,000	10,350,000	8,350,000	8,350,000	
Rental payments	25,612,000	25,612,000	25,612,000	25,612,000	25,612,000	
Total, Food and Drug Administration	690,481,000	572,716,000	761,924,000	738,696,000	759,924,000	+69,443,000
DEPARTMENT OF THE TREASURY						
Financial Management Service:						
Payments to the farm credit system financial assistance corporation	90,000,000	112,606,000	112,606,000	112,606,000	112,606,000	+22,606,000
Farm Credit System Assistance Board (limitation on administrative expenses)	(2,017,000)	(2,175,000)	(2,175,000)	(2,175,000)	(2,175,000)	(+158,000)
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	43,960,000	48,285,000	47,300,000	46,597,000	47,300,000	+3,340,000
Farm Credit Administration (limitation on administrative expenses)	(40,898,000)	(43,276,000)	(40,290,000)	(40,290,000)	(40,290,000)	(-608,000)
Total, title VI, Related Agencies:						
New budget (obligational) authority	824,441,000	733,607,000	921,830,000	897,899,000	919,830,000	+95,389,000
(Limitation on administrative expenses)	(42,915,000)	(45,451,000)	(42,465,000)	(42,465,000)	(42,465,000)	(-450,000)
RECAPITULATION						
Grand Total:						
New budget (obligational) authority	54,091,931,000	52,579,946,000	52,570,051,000	53,120,030,000	52,522,621,000	-1,569,310,000
(By transfer)	(638,302,000)	(774,834,000)	(5,098,000)	(724,387,000)	(5,098,000)	(-633,204,000)
(Loan authorization)	(14,734,056,000)	(13,170,750,000)	(16,545,756,000)	(14,185,396,000)	(15,557,945,000)	(+823,889,000)
(Limitation on administrative expenses)	(120,241,000)	(140,362,000)	(137,583,000)	(133,376,000)	(137,438,000)	(+17,197,000)
(Limitation on obligations)	(187,045,000)	(129,800,000)	(182,045,000)	(185,451,000)	(185,451,000)	(-1,594,000)
Title I - Agricultural programs	8,565,983,000	12,598,510,000	12,740,716,000	12,003,205,000	11,620,511,000	+3,054,528,000
Title II - Conservaton programs	2,327,704,000	2,797,601,000	2,747,057,000	2,791,019,000	2,754,459,000	+426,755,000
Title III - Farmers Home and Rural development programs	12,132,841,000	2,424,607,000	2,988,535,000	2,715,692,000	2,775,604,000	-9,357,237,000
Title IV - Domestic food programs	29,116,620,000	32,448,661,000	31,493,507,000	32,954,353,000	32,689,603,000	+3,572,983,000
Title V - Foreign assistance and related programs	1,124,342,000	1,576,960,000	1,678,406,000	1,757,862,000	1,762,614,000	+638,272,000
Title VI - Related agencies and Food and Drug Administration	824,441,000	733,607,000	921,830,000	897,899,000	919,830,000	+95,389,000
Total, new budget (obligational) authority	54,091,931,000	52,579,946,000	52,570,051,000	53,120,030,000	52,522,621,000	-1,569,310,000

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset of today's deliberations, I want to compliment the chairman of our committee and subcommittee—the distinguished gentleman from Mississippi [Mr. WHITTEN]—and the other members of the subcommittee, and the staff for their hard work and untiring efforts to produce this bill.

This bill comes in at $52.5 billion in budget authority. However, because of the large mandated entitlement programs in the bill, such as the Food Stamp Program, only $12.3 billion of our total budget authority is in discretionary spending.

Given all of the House appropriations subcommittees' tight budget allocations this year, this bill, in many ways, represents our best efforts.

Members of this distinguished body do not need to hold or heed any reservations in supporting this bill.

This bill provides important Federal support for our farmers, consumers and agricultural researchers.

Briefly, I would like to stress some major highlights in this bill.

On the farmer's side, this bill provides funding for several rural economic development programs and continues to assist farmers in the development and enhancement of export markets.

On the research side, this bill includes $97.5 million for the President's National Research Initiative Competitive Grant Program, an increase of $26 million over last year's funding level. Major research programs in the areas of water quality, air quality, the environment and nonpoint source pollution are also funded in the bill.

On the consumer side, this bill provides $2.6 billion for the Woman, Infants and Children [WIC] Program, an increase of $250 million above last year's level. The conferees accepted the funding level recommended by our distinguished body.

In closing, I appreciate working with the chairman, my fellow colleagues and the administration in achieving a final version of this bill which all sides can proudly support.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. MCHUGH], a member of the subcommittee.

Mr. MCHUGH. Mr. Speaker, I rise in support of the conference report and urge my colleagues to support it. I appreciate and value the leadership of our chairman, Mr. WHITTEN, whose contributions to American agriculture span 50 years in Congress. I also appreciate the cooperation of our ranking Republican on the subcommittee, Mr. SKEEN. It is a privilege to serve on this subcommittee where there is genuine bipartisan support for the important programs funded by this bill.

Each year the rural development, agriculture and related agencies bill appropriates what is necessary to fund the operations of the Department of Agriculture. These programs are important to both farmers and consumers. Sustaining the producers, a shrinking portion of our population, is a vital goal of this legislation. However, more than half the funds we appropriate are devoted to feeding, nutrition, public health and safety, and other programs that are of direct benefit to consumers. Many of these programs serve some of the most vulnerable people in our society: the children, the elderly, and the poor. This conference report funds the Food and Drug Administration, rural housing programs, water and sewer systems in rural communities, and vital research to assure that our Nation will be able to meet our needs for fiber and safe, wholesome food in the future.

Mr. Speaker, there are a wide array of essential programs in this bill, but I would like to take special note of the WIC program, the special supplemental food program for women, infants and children. As my colleagues know, this nutrition program is targeted at pregnant women with limited incomes and their children under age 6 who are at nutritional risk. Numerous independent studies have confirmed through the years that the supplemental food packages which are provided at modest cost are extraordinarily effective in reducing infant mortality rates, preventing mental retardation, and enhancing the health of vulnerable children. These studies have also demonstrated that for every $1 invested in WIC there is a savings to taxpayers of $3 in medical costs that would have otherwise been incurred in programs like Medicaid.

For this reason, the WIC Program has enjoyed unusually strong bipartisan support. Even during the last decade, when many domestic programs were being cut or eliminated, our committee not only protected WIC, but extended its reach to serve more women and children. In 1980, we served 2.2 million people. In this conference report, we are providing $2.6 billion for fiscal year 1992, which will serve approximately 5.1 million people. This is an increase of $250 million over fiscal year 1991. It will not only maintain current services, but provide an additional $150 million for expansion.

If the Congress were not subject to significant budget constraints, I am confident that we would be recommending even larger appropriations for WIC. It is one of the most cost-effective programs we fund, and even with the increases of the last 10 years, more than $1.2 billion over the President's requests, we are still reaching only 55 percent of the eligible population. I hope we can do better in the future.

I am also pleased that the conferees noted the work of the Department of Agriculture in reviewing the WIC food package without recommending revisions in the package or in the standards used to approve foods for the package. This evaluation is appropriately within the Department's purview and should not be prejudged by committees of Congress. We look forward to receiving the Department's status report by the end of 1991 on the cereal portion of the package.

Mr. Speaker, this conference report promotes the interests of American producers and consumers alike, while at the same time keeping faith with the reality of the budget limitations under which we must operate. I urge my colleagues to support it.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the ranking Republican member of the Committee on Appropriations, the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Speaker, I want to thank my friend, the gentleman from Indiana [Mr. MYERS] for yielding time to me, and, Mr. Speaker, I am very pleased to rise in support of this conference report.

This is a fine work product. It represents an excellent job done by my good friend, the distinguished chairman of the full committee and of this subcommittee, the gentleman from Mississippi [Mr. WHITTEN]. The same is true of my good friend, the gentleman from New Mexico [Mr. SKEEN], who is the ranking member of this subcommittee and who works so hard and who is such a valuable asset to the Appropriations Committee.

Despite the tremendous differences between the House and the Senate, the chairman, the ranking member, and the members of the subcommittee have brought back a bill that is very balanced and very fair, and I am pleased to recommend it.

Total spending for the bill is under the 602(b) budget allocations, and I have no indication that the President would not sign it.

I am especially pleased that the conferees have agreed to approve $329.5 million for the section 502 Rural Housing Loan Guarantee program. That will make it possible for roughly 7,000 low- and moderate-income families living in rural parts of America to achieve the American dream of home ownership. I am very grateful to my friend, the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from New Mexico [Mr. SKEEN] and their colleagues for including this as part of the act.

I want to express my appreciation as well, as we fund this program nationally for the first time, to my good friend, the chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], and to my friend, the gentleman from Ohio [Mr. WYLIE], and also two members from my own State who played an active role on the Housing Subcommittee in getting this passed, the gentleman from Pennsylvania [Mr. RIDGE] and the gentleman from Pennsylvania [Mr. KANJORSKI], and as well the gentleman from Nebraska [Mr. BEREUTER] who was also the original author of the section 502 demonstration program.

I regret, Mr. Speaker, that we have not found a way to deal with the problems of disaster assistance to agriculture either in the conference report or in some other way at this juncture. A reasonable and necessary amount of funding for crop loss payments due to severe drought and other natural disasters should be considered. However, such added costs ought to be included in a reasonable way that does not violate the budget agreement, and I hope, Mr. Speaker, that we will soon be able to work together in a cooperative manner to find a way to respond to this problem which is acceptable to the administration and which will get signed into law.

Mr. Speaker, this is a fine conference report. It is an excellent work product. It benefits all American farmers and consumers in so many important ways, and I do not hesitate to recommend its passage.

Mr. Speaker, I would like to comment and elaborate on a few additional items of importance which are addressed by the conference report.

The administration had previously objected to the failure of the House to provide any funds to implement the Wetlands Reserve Program administered by USDA's Agriculture Stabilization and Conservation Service. The Senate provided $91 million for this program in fiscal year 1992 and the conference report in good spirit of compromise approves $46.357 million for reservation of a designated 50,000 acres of wetlands. In my view this should be very helpful in overcoming one of the main problems identified by the administration.

I am pleased that the conferees were able to find sufficient resources to pay for an overall increase for the USDA Soil Conservation Service of $849.950 million, $41 million more than the budget request, however I am disappointed that the amount made available for the actual soil conservation operations account falls short by $23 million of the amount needed and requested in the President's budget. These conservation programs make important contributions for the improvement of the environment and enhance agricultural productivity.

One of our most efficient domestic food assistance programs is the food program for Women, Infants, and Children [WIC] Program. And it is gratifying for me to see that the highest House passed funding level of $2.6 billion has been included.

I am also in support of the $3 million which is recommended to fund the very successful farmers market coupon demonstration project.

In closing let me mention two other important matters of concern articulated by the administration, which have been accommodated in the conference agreements. The administration expressed a desire to be provided some flexibility and discretion in determining the costs for modifying loans or loan guarantees under the Commodity Credit Corporation Export Loan Program account. The House bill capped this item at $155.524 million, while the Senate provided "such sums as necessary," preferred by the administration. We have been able to work this out in conference satisfactory to the administration by accepting the Senate language.

Another administration concern which has hopefully been resolved, relating to several Senate limitations and restrictions imposed on the use of funds for The Food and Drug Administration [FDA] salaries and expenses. The Senate version of the bill included delayed obligations and a requirement for the President to designate a portion of the funds for FDA salaries and expenses as emergency spending under the Budget Act. The conferees have agreed to remove these restrictions and to provide $725.962 million for FDA salaries and expenses for fiscal year 1992.

I am firmly convinced that this conference report making appropriations for Agriculture, Rural Development and Related Agencies is a good bill and deserves our support. I recommend a "yea" vote.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would like to congratulate the chairman of the committee for his work in producing the bill before us today.

Before we vote on this bill, I would like to engage the chairman of the committee in a brief colloquy with respect to one program which is funded in this bill, the Distance Learning and Medical Link Program, aimed at enhancing advanced telecommunications capabilities of local schools in rural areas, rural medical facilities, and rural communities.

The legislative history indicates that organizations such as local schools, universities, rural medical facilities, telecommunications providers, regional education laboratories, and public television stations would all be expected to participate and compete for funds under this program.

Page 44 of the conference report notes the work of the Satellite Education Resources Consortium and urges the Rural Electrification Administration to work closely with the extension service and to participate with this consortium and the Agricultural Satellite Corporation to make affordable advanced communications available to rural schools and communities.

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While the work of these organizations is, I am sure, laudable, am I correct in my understanding that the $5 million for the Distance Learning and Medical Link Program included in this bill is not in any way earmarked by the conference report language, and that REA is to administer the program in accordance with the authorizing legislation and the House Committee on Appropriations report language, so that other groups, in addition to SERC and Agsat may apply for support under this program?

Mr. WHITTEN. Mr. Speaker, we thought it well to mention this program here because it is important, but it is not restrictive. It is open to everybody.

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Indiana for yielding. I also thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for letting me step in a little bit here.

Mr. Speaker, I do not want to be the person to throw cold water on this friendly discussion that is taking place right now, but there does happen to be some pork in this bill. There is $500,000 that is proposed for a new 1-mile road at the University of North Dakota. I read about this yesterday in Jack Anderson's column, which I include for the RECORD.

SENATOR BURDICK'S PORK-BARREL WAYS

(By Jack Anderson and Dale Van Atta)

FARGO, ND.—In tight budget times, one of the Senate's kings of pork is at it again. Sen Quentin N. Burdick (D-N.D.) is building a "golden mile" road here with federal money. He says it's essential for access to some U.S. Agriculture Department labs, but the lab employees say they don't need it.

The people who do need it are the thousands of North Dakota State University football fans who will someday travel Burdick's road to reach their new 17,000-seat stadium. You may never use the road, but you'll pay for it, and Burdick will take credit for it with the voters back home.

He won his last election here in 1988 by emphasizing his clout in Congress. So many federal dollars have flowed into North Dakota as a result of Burdick's finagling that last year North Dakota ranked third in the amount of federal funds received per person.

This is the same Burdick who tried to turn Lawrence Welk's boyhood home into a national shrine with $500,000 in Agriculture Department funds. You have to hand it to Burdick, chairman of the Senate Appropriations subcommittee on agriculture. It takes some creativity to restore a band leader's house or build an access road to a football stadium and call it "agriculture."

The site of the latest Burdick sleight of hand is a stretch of gravel road through a sunflower field on the west side of the North Dakota State University campus. Along Burdick's mile are pieces of bacon that the senator has already brought home—Agriculture Department research labs on the campus. Burdick says they need a paved road to connect them. But those who are naturally suspicious of Burdick's motives—us included—can't help but notice that the road will relieve congestion on the campus and will be the most convenient way to reach the new Fagodome stadium.

Some university officials are annoyed about the half-baked quality of Burdick's pork. They had originally asked for $2 million for the mile-long road. Burdick slipped the project into an agricultural appropriations bill, but for only $500,000. He must have known there was only $500,000. He must have known there was only so much piggishness that his fellow senators would tolerate on a single project.

However, it's a mystery to us how any of Burdick's fellow senators would have caught him anyway. He labeled the expense "facilities completion."

We talked to several of the Agriculture Department researchers and all of them said they hadn't complained about the gravel road that currently links their labs—which, by the way, do some award-winning research.

Expansion of the university means that the road will be useful in the future, but the idea of taxpayers around the country handing over hundreds of thousands of dollars to connect a few Ag labs is ludicrous.

And it proves that Burdick, 83, is willing to do anything to ingratiate himself with the folks back home, if it will get him reelected. He has already informed North Dakotans that he will run again in 1994 and serve in the Senate until 2000 when he will be 92 years old.

Mr. Speaker, this project is labeled as a "facility completion." Its official purpose is to connect the agricultural research labs at North Dakota State University. However, the real purpose of it is to construct a road to the football stadium.

It is a pure pork barrel project. They need $2 million for it, and they are going to get $500,000 from this bill. It is pure and unadulterated pork.

If they want a road from one place to the football stadium, they have every right to build that road. But I do not think the people of California, the people of Indiana, or the people of New York want to be spending $500,000 of their taxpayer money for that purpose. This is pork, and I once again say to Members, if we are ever going to get control of this deficit, we are going to have to stop these pork barrel projects.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, I rise in complete support of the conference report to accompany H.R. 2698, the Agricultural appropriations bill for fiscal 1992. This conference report represents a very responsible resolution of differences between the bill that we passed here in the House, and the one passed by the other body. It is not everything we hoped for, but these are the choices that must be made within the budget limitations.

I want to extend my thanks and compliments to our very distinguished chairman, the gentleman from Mississippi [Mr. WHITTEN], who so ably proves time and time again that he is the true friend and supporter of American agriculture. I also extend my thanks and compliments to our ranking minority member, the gentleman from New Mexico [Mr. SKEEN] for his vital leadership and cooperation in our conference effort. I urge all Members to support the conference report.

Mr. Speaker, we have provided funds for a great deal of research activities in this conference report. Some like to criticize research, particularly when they do not understand the research that is being done or because it sounds funny to those not familiar with the details of our bill. Nothing, Mr. Speaker, is funny about research. American agriculture provides to our consumers the most bountiful food supply for the lowest percentage of income of any nation in the world. This is true because we have an ongoing and aggressive research program that is constantly providing us with new varieties of food and fiber, or with new production practices that time after time improve our food basket.

There are a number of research projects in Michigan which we continue at last year's levels, and there are some for which we are fortunate enough to have increases. Every one of these projects has been the subject of review during our hearings. They have all been developed with the consultation of the affected commodity groups and with those conducting the research work. They withstand informed scrutiny.

I am particularly pleased that we were able to provide $900,000 for the Department of Agriculture's Agricultural Research Service to participate in the Consortium for International Earth Science Information Network [CIESIN]. This project will assess data integration on the impact of global climate change on the agricultural environment and agricultural in impacts on climate. This effort will be in cooperation with a larger effort put forward by NASA that will be a full review of the massive amounts of data being provided to us through the various resources of our space program.

I am also extremely pleased that we were able to provide nearly $10.4 million to continue construction of the National Center for Food Toxicology Research, located at Michigan State University. This facility is vitally needed at this time when so many people are concerned about securing the wholesomeness of our food supply. We need on-going research that is credible so that consumers can be spared those episodes of uncertainty when science doesn't have an immediate answer.

We have restored $189,000 for continuing research at the Saginaw Valley Bean and Beet Research Farm in my district. This facility provides on-going work on the development of varieties and production practices for dry beans and sugar beets, two commodities of great economic importance to my district. Work has often resulted in new varieties and production practices, including narrow row planting techniques, which help to maintain the productivity of our farmers.

I am very happy to report that the conferees have approved $1,431,000 to continue subirrigation research work in Michigan; $531,000 is provided through special research grants of the Cooperative State Research Service, and $900,000 is provided through conservation operations of the Soil Conservation Service. Subirrigation research work helps to control farm land runoff, reclaim chemicals, reduce leaching into the soil, and to generally more effectively manage one of our most vital resources—water. This work is a model for the Nation.

There are a number of other special research grants provided within this bill that have been developed in consultation with farmers and researchers, and I commend them all to my colleagues.

While this bill provides important funding for farm programs, it also provides funding for food assistance programs. Providing food assistance to the less fortunate in our society is a responsibility we cannot avoid. But when we provide this assistance, we need to do so in a consistent manner.

Mr. Speaker, you may recall that when we first reported this bill to you last summer, the House Appropriations Committee reported that we wanted the Department to include an evaluation of why cereals containing fruit are excluded from the WIC food package, even though the Department recommends that people eat the fruit that is being excluded. The conference report amplifies this concern with the demand for a report by December 31, 1991.

The inconsistency of telling people what to eat and then not letting them have it is mind boggling. The Department has it within its power to end this silliness by not counting the naturally occurring sugars found in raisins when determining whether or not a given cereal meets any sugar limit imposed on cereals. I am hopeful that this will be done.

Nothing is more important than consistent nutrition information. If we tell people they should eat something, then we shouldn't prevent them from getting it.

We also need to look at diets as a whole. More and more doctors are saying that people should have a diet based on total food intake. Putting limits on only one or two items in a food package, rather than reviewing the entire food package, risks giving people the wrong dietary advice. We found agreement on this point last year when we asked the Food and Drug Administration about it during a review of their labeling proposals.

I am also very pleased that we have provided $90 million for the Commodity Supplemental Food Program. This very important food assistance program helps mothers, infants, children, and the elderly. I appreciate the review given this program by Assistant Secretary Bertini, Deputy Assistant Secretary Abrams, and FNS Administrator Betty Jo Nelsen. We support assistance for both target groups, and reject the statements made by some that we need to choose between which needy group gets served. We may not be able to help everyone who needs help, but we must continue to work towards that goal without pitting any group against another.

Our conference report calls upon the Department to use these appropriated funds plus the anticipated carryover from fiscal 1991 toward at least maintaining existing caseloads and expanding program assistance to both eligible groups at existing and new sites. I sincerely hope that this action will be achieved when the Department allocates caseloads early in December, or we will once again have to raise the issue at next year's hearings.

Mr. Speaker, this is an excellent conference report. I urge its immediate adoption.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, as a member of the Agriculture Subcommittee I rise in support of this conference report and I commend Chairman WHITTEN and Congressman JOE SKEEN for their hard work at arriving at this agreement with the other body.

Mr. Speaker, this is a fair and balanced bill, I believe. The bill provides roughly $53 billion for agriculture and nutrition programs. About $31 billion of the funding under the measure would go toward nutrition programs, including $22 billion for food stamps and $2.6 billion for the Women, Infants and Children Nutrition Program. I commend the subcommittee for making the WIC program one of its priorities. As you know, this program provides critical nutrition and health benefits to low-income pregnant women and young children.

I am also pleased with the funding level for the Cooperative State Research Service which provides funding for important research projects such as water conservation and biochemistry.

In addition, I support funding for Farmers Home and rural development assistance. Coming from a State with very large rural areas I realize the importance of providing them with this much needed assistance in order to provide opportunities to these rural communities.

Finally, Mr. Speaker, funding is included in this bill for extension agents on Indian reservations. These funds are included to ensure that the needs of native Americans are adequately addressed. This is a very worthwhile program and I am pleased that the committee has decided to continue it.

Mr. Speaker, a lot of hard work, on both sides, has gone into this bill and I urge my colleagues to support the bill.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I fully support this bill. I just want to say a word about disaster assistance: it is too bad we could not reach some kind of an agreement on disaster assistance. But also it is unfortunate that a few years ago farmers were removed from eligibility for disaster assistance under the Small Business Disaster Loan Program. If they were still under that, they could have had disaster assistance last year and the year before from the funds in the revolving fund which accumulated from repayments of past disaster loans. Under that program those that can show they need an average of 7 or 8 years, but as much as 15 years, to spread out their loss from the disaster are eligible for a low-interest loan. It helps not only the victim of the disaster but also the whole community where he or she lives by restoring his purchasing power. Ninety-seven percent are paying off those loans. There was money in the revolving fund but the administration strongly supported making farmers, who are small businessmen and businesswomen, ineligible to be under that program. They required them to depend upon disaster programs which are dependent upon annual appropriations and usually after the disaster has occurred. The administration opposed such an appropriation both last year and this year.

Mr. Speaker, as a consequence, they are not under the SBA administered program, money is not available under the Farm Home Administration Program either. So that is a difficulty that farmers should not have to endure.

In my opinion, farmers are small business people in every sense of the word.

Mr. Speaker, I fully support this bill, and hope that we can remedy the problem with regard to disaster assistance in the near future.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member would like to take this time to thank the distinguished chairman of the Appropriations Committee and Subcommittee on Agriculture, the gentleman from Mississippi [Mr. WHITTEN], the ranking minority member on that subcommittee, the distinguished gentleman from New Mexico [Mr. SKEEN], and the ranking minority member of the Appropriations Committee, the distinguished gentleman from Pennsylvania [Mr. MCDADE], for their assistance in expediting this legislation.

This appropriations conference report represents a signficant and much needed investment in our Nation's agricultural system. Specifically, this Member would like to thank the committee and subcommittee for recognizing the need for funding agriculture related programs at the University of Nebraska-Lincoln. These programs include: First, the George W. Beadle Center for Genetics and Biomaterials Research; second, the Ag-Sat Program for a consortium of 35 land grant institutions; third, the rural development programs included in the USDA Extension Service appropriations; and fourth, Nebraska specific special research grants.

First, this Member would like to thank the Agriculture Appropriations conferees for approving funding for the George W. Beadle Center for Genetics and Biomaterials Research in the amount of $4.5 million. Previously, Federal funds totaling approximately $17.9 million have been appropriated for this facility. This amount of Federal funding, when combined with State matching funds appropriated, the University of Nebraska Foundation funds, and the University of Nebraska internal reallocation, brings the total project funding to $30.9 million. The funding level of $4.5 million is critical to the project as this will enable the University to adequately provide for each of the three units—biotechnology, chemical engineering, and biochemistry—which give the project its uniqueness and effectiveness.

Second, this Member commends the conferees for funding the Ag-Sat Program in the amount of $1.2 million. The Ag-Sat Program is the result of provisions in the 1990 farm bill which provided for such new agricultural telecommunications programs. The Ag-Sat consortium of 35 land grant institutions has made tremendous progress during its first 2 years of development, but this operations funding is critical for it to achieve its potential. Without this assistance, the long-term potential of this new satellite system and service would not be realized.

In addition, the agriculture appropriations conference report includes funding for a number of other important projects that this Member supports. These include the following $400,000 for the livestock gene mapping project for the Meat Animal Research Center in Clay Center, NE; $525,000 for the Rural Policies Research Institute Consortium at UNL; $385,000 for the UNL Center for Rural Community Revitalization and Development; and $100,000 for industrial products research at UNL. These programs each address a significant research need which will enable Nebraska's agriculture and agribusiness to remain competitive and profitable.

Mr. Speaker, the gentleman from Pennsylvania [Mr. MCDADE] has already mentioned the section 502 Loan Guarantee Housing Program which is administered by the Farmers Home Administration. This Member, I think it is fair to say, has initiated work on such authorization legislation about 5 or 6 years ago. Outside of the members of the authorizing committee where this Member serves, no one has done more than the gentleman from Pennsylvania [Mr. MCDADE] to advance this program. I want to express special appreciation to him, and join him in hoping that the appropriation levels provided for fiscal year 1992 will extend to all States what is not a demonstration program that is used in a number of States across the country during the current fiscal year.

As members of the Subcommittee on Appropriations may know, the Federal Government has, unfortunately, in the past discriminated against Americans who live in small towns and in rural areas by not providing loan guarantee programs, either subsidized or unsubsidized, to people in such areas even if their incomes are less than 115 percent of median area income. At least now we have a program funded by this committee which will reach those people in small communities and rural areas who have incomes of less than 100 percent of median area income. We are not yet at parity with the treatment given to urban areas where loan guarantees are available through HUD for those whose income are under 115 percent of median area income, but this funding helps us take this Farmers Home Administration loan guarantee demonstration program and extend it to the whole country.

Again, this Member commends and thanks the agriculture appropriations conferees for their actions, and urges his colleagues to support the legislation.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. KAPTUR], a member of this subcommittee.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in full support of the committee conference report, and wish to say how very important this is to farmers in the country and in my district. I think that the provisions in here for the extension of the Cooperative Extension Service's services, as well as the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, and the Farmers Home programs that have been referenced here this afternoon, are of critical importance to farmers in northwest Ohio and throughout our country.

□ 1550

I would echo the comment of the gentleman from Iowa who expressed some dismay that the disaster assistance that is so essential to farmers in the country today is not included in this legislation. I have to say in my own district, having met with farmers over the last several weeks, in the last 10 years I have never seen the farmers of our community as concerned as they are about getting legislation cleared by this Congress that would be of benefit to them.

This is an important step in the right direction. I think 10 years of not getting decent prices for crops that they produce, bad weather, and far too many loans have created a situation where many of our farmers are up against the wall and going bankrupt.

This legislation is an important step for us to continue our investment in the people that feed us and feed so much of the world. I would urge that the farmers who are listening to us here deliberate this afternoon would write the President of the United States and urge him to agree with us that this disaster assistance is equally important and deserves as much of an emergency status as some of the foreign aid bills that have come through here in the last several weeks. I urge full support of this excellent bill.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, today I rise in strong support of the Agriculture, rural development, and related agencies appropriations conference report for fiscal year 1992. I would also like to thank the chairman of the subcommittee, Mr. WHITTEN, and the ranking Members, Mr. SKEEN and Mr. MYERS, for their hard work and diligence in preparing such a balanced package within a highly constrained budget.

This legislation represents what has been a long and deliberative process which meets many of today's agricultural needs, but yet reflects much needed fiscal responsibility. This legislation represents many difficult budget decisions that continue to prove that agriculture is willing to pull its fair share of the budget reduction load.

Additionally, I am also pleased to note a particular item within this appropriations measure that continues to benefit agricultural producers across the Nation. For several years now, significant and promising research on the soybean cyst nematode problem has been conducted in my district at the Delta Area Agricultural Research Center in Portageville, MO. This facility is ideally suited to conducting this research, given its extensive work in the past on the problem and the fact that many farmers in the country continue to face a serious cyst nematode problem.

By including this research as a part of the appropriations package, I believe we will be saving a number of farmers from financial ruin in the long run. As many as 25 million acres of farmland in the United States are contaminated with the cyst nematode, including all major soybean-producing counties in Missouri and several adjoining States. It has been estimated that in 1990 the soybean nematode cost our Nation's farmers over $600 million in reduced yields. But because of the work being conducted on this problem, the Federal Government will easily save many times the $359,000 we will spend on soybean cyst nematode research next year.

Additionally, this measure restores funding for the Rural Electrification Administration to meet the increasing needs of our Nation's rural electric systems. In the past 10 years, insured REA loan funds have declined substantially despite continued inflation. Now, through restored funding levels, rural electric insured loans can better meet growing rural development demands.

Likewise, there are many other fine projects and research efforts contained in this bill along with needed funding for the supplemental food program for women, infants, and children and continued funding for other vital domestic food and nutrition programs. I urge my colleagues to show their support for these valuable endeavors by giving favorable approval to this appropriations measure.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, I rise today in support of the conference report to accompany H.R. 2698, a bill making appropriations for Agriculture, Rural Development, and related agencies for fiscal year 1992. This legislation will provide more than $52 billion for these programs that are so important to assure that Americans continue to have access to an abundant, high quality, safe supply of food at reasonable prices.

The environmental programs funded in the bill will protect the Nation's soil and water resources. I am particularly pleased that the conference agreement provides $46.4 million to fund the Wetlands Reserve Program, although I believe that the benefits of the program should be extended to eligible participants regardless of where they live, as is required by law. Attempts to limit the program to pilot projects in a limited number of States are contrary to law and would limit the soil and water conservation benefits that the program might otherwise provide.

I am also pleased that the conference agreement provides $6.75 million for the Water Quality Incentives Program established in the 1990 farm bill.

Finally, I am pleased that the other body did not include language in the bill, nor was language included in the conference agreement, that would interfere with the establishment within the Department of Agriculture of the Rural Development Administration [RDA], as required by sections 2301 through 2303 of the Food, Agriculture, Conservation, and Trade Act of 1990. Language in section 738 of H.R. 2698, as originally reported by the Committee on Appropriations, that would have prohibited the use of funds for the establishment of the RDA was stricken by the full House of Representatives. The intent of Congress in this regard remains clear—the Department of Agriculture should move ahead to establish the RDA, as they are required to do by law.

I also commend the committee for their work on WIC. This is a good program. This is a program that I would like to see my tax dollars go to.

Also I commend the chairman and distinguished Members for their efforts to do something with the disaster relief. Unfortunately, it did not come to pass but it was not through any lack of effort from the distinguished chairman and members of this committee.

Finally, Mr. Speaker, I urge my colleagues to support the conference report.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise just to make several short comments. First, to rise in support of the conference report and to thank the leadership on this committee for the work they have done to present what I think is a balanced bill to deal with the needs of agriculture, both in the Midwest and the West and throughout the country, and yet stay within the budget marks. I appreciate that very much.

Three items. One is that I am interested enough in the budget and in the deficit that I have said to myself I am not going to vote for. This one falls within that category, and I appreciate it. I appreciate the good work that has been done.

Second, in the area of the Cooperative State Research Service, I am very impressed with what has been done there. We in Wyoming have a particular project. It has to do with an environmental simulator. I think it holds great promise in the area of point source run-off, in the area of hazardous waste in dealing with those problems that affect us all and, in particular, agriculture. It is a simulator where we can see how these hazards move through the soil in a very abbreviated fashion. I appreciate the funding there for planning and development.

Last, in the area of marketing for lambs and wool, a very important part of agriculture in the West, one in which the price of labor has fallen from in the neighborhood of 75, 80 cents a pound down to 45, 50, devastating to the marketing of lamb. Wool has had the same experience. So I appreciate the fact that the packers and stockyards administration is given some funds here.

We met in Denver sometime ago with producers of lamb and wool, and they wanted two fairly simple things. One is a better method of market information and market discovery. The other was grading for grading yield sales.

I think both of these things can be accomplished under this budget.

I thank the gentleman for his work and the leadership on the bill.

□ 1600

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE], chairman of the House Administration Committee.

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I appreciate your efforts to reject an amendment which would have stopped funding for section 1557, reporting requirements relating to tobacco. This is a very important provision to my farmers in North Carolina. I feel that it is important that I express my concerns about the need for trade secret confidentiality with respect to section 1557 of the Food, Agriculture, Conservation, and Trade Act of 1990.

In providing this funding, I express my specific concern about the need for the Department to take clear and effective regulatory measures to ensure the protection of trade secrets with respect to information reported under section 1557 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Section 1557, requires manufacturers to submit to the Secretary of Agriculture individual shipment-by-shipment reports on tobacco exports within 60 days of export. The reports must disclose the crop year, grade, type, country of origin, and poundage of export shipments as well as other information deemed appropriate by the Secretary. A special rule in section 1557 provides that, for cigarettes and cigarette-ready tobacco, manufacturers may disclose this information on a quarterly aggregated basis. This rule for cigarette-ready tobacco includes brand blended tobacco strips.

I emphasize that the regulations promulgated by the Department to implement the export reporting scheme must effectively meet the confidentiality requirements of the 1990 act. Specifically, the special rule, in particular, and the overall reporting requirements in general, are to be carried out in a manner that is "designed to protect specific or particular brand formulation." CONGRESSIONAL RECORD H11859 (1990) statement of Representative ROSE. These formulations are the result of years of research and testing and the expenditure of millions of dollars: They are fiercely guarded trade secrets because they are the most important factor in establishing the uniqueness of the product.

To meet the confidentiality requirements, I suggest that quarterly reports from the various manufacturers be aggregated together by the Secretary before they are submitted to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry as required by section 1557. These Committees shall have the ability to review individual quarterly reports. In such instances, individual reports could be protected by procedural and security measures intended to avoid inadvertent disclosure. Such mechanisms might include, first, designating a document control officer within the Department to implement confidentiality procedures; second, masking the source of the reports; third, securing the reports while they are not in actual use; fourth, requiring proof of authorization before allowing access to the reports; fifth, requiring persons to sign in before obtaining reports; and sixth, prohibiting the photocopying or other reproduction of individual reports.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. COLEMAN], the ranking Republican member of the authorizing committee.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I join my colleagues this afternoon to urge adoption of the conference report on H.R. 2698, the 1992 Agriculture appropriations bill.

This legislation is significant for many reasons but not the least for a provision it does not contain: any prohibition of implementation of the Rural Development Administration at the Department of Agriculture. The RDA was established in last year's farm bill, the Food, Agriculture, Conservation and Trade Act, and the administration is ready to begin full implementation of those provisions.

As my colleagues may remember, the House Appropriations Committee-reported bill originally contained a provision prohibiting the Secretary of Agriculture from implementing the RDA. The House by amendment, struck that section of the bill thus clearly mandating that rural economic development policy shall be carried out by the RDA. The bill was adopted overwhelmingly by the House.

Although the other body included some report language in its version of agriculture appropriations, it in no way clarifies statutory language but attempts to subvert it by attempting to reverse the legislative process. They clearly failed in that attempt. The statute, Public Law 101-624—the 1990 farm bill—is clear: The Secretary shall establish a Rural Development Administration that will carry out certain programs currently operated by the Farmers Home Administration.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I rise today in support of the conference report on H.R. 2698, the Agriculture appropriations for fiscal year 1992.

As you know, the House passed the Agriculture appropriations bill on June 26, 1991, by vote of 368 to 48. Prior to its passage, Chairman DE LA GARZA, Representative TOM COLEMAN, Representative BOB SMITH, and myself sponsored an amendment that was adopted by the House which struck Appropriations Committee language that would have prohibited the Secretary of Agriculture from establishing the Rural Development Administration. This agency was created by title XXIII of the 1990 farm bill and is to be established within the Department beginning this month.

The Senate has included in its report filed with the Agriculture appropriations bill, language which would attempt to prohibit the Secretary from establishing this important agency. I join with Chairman DE LA GARZA and my other colleagues in noting with pleasure that no statutory language has been included in this appropriation bill that would prohibit the Department of Agriculture from establishing the Rural Development Administration. In fact, it is clear that Congress has spoken loud and clear on this issue during floor action on June 26 and now, more than ever, expects the Secretary to comply with title XXIII of the 1990 farm bill.

Further, it is important to note that committee report language does not have the force of law, especially when it attempts to contradict statutory language. This also applies to crop insurance as well as Rural Development.

I look forward to the Department's establishment of the RDA and witnessing the many benefits this agency will help provide to rural America.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I wish to commend the Committee on Appropriations and its chairman for the work that they have done. There are three particular areas, the increase in the Agricultural Stabilization Service, the funding for the extension and, of course, the full funding that was restored for the rural electrification. All of these are very important to rural America. All of them are very important to the State that I represent, the State of Missouri.

Small town rural America often is forgotten, and but for the work that this Appropriations Committee has done, I say to the chairman, we would be all the more forgotten, and we thank you, and we think it is a good bill. I rise in support of it.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very good conference report at a time when farmers need lots of help. From the freezes in California to the early rain periods in the northern Midwest when they could not get their crops planted, to the droughts later on in the Midwest, to the floods in the South, all of this has caused farmers to have difficulty in producing a crop this year. Couple that with low prices, and the farmers need all of the help that they can get.

But this bill and conference report is $57 million below when it passed the House. It is almost $600 million below the Senate-passed version of the appropriations bill for agriculture, and it is $57 million below the President's request.

But the important thing is this: $32 billion of this bill goes to domestic nutrition programs, feeding hungry people, taking care of people in our own country. Of that $6 million is child nutrition.

This is a very good conference report and deserves our support.

Mr. WOLPE. Mr. Speaker, I rise in support of the conference report to accompany the bill H.R. 2698. I am pleased that this legislation contains $2.6 billion for the special supplemental food program for women, infants and children [WIC]. Clearly, the WIC Program is our most successful and efficient Government feeding program and I am pleased that the conferees have provided the $2.6 billion for this program as was originally proposed by this body.

I would like, at this point, to commend the conferees for including report language which requires the Department to address what I believe to be a blatant inconsistency in its policy with regard to the WIC Program. This issue involves cereals containing fruit in the WIC food package. The conference report requires the USDA to report back to the Congress on this issue by December 31, 1991.

Mr. Speaker, the USDA currently enforces a regulation which excludes from the WIC food package certain nutritious cereals which meet all of the USDA's nutritional requirements simply because these cereals contain fruit. This policy is inconsistent with the Department's nutritional and dietary recommendations. The USDA, as well as several other agencies of the Federal Government and many nutritional experts throughout the country, recommend that we choose diets with plenty of fruits. The Department distributes literature to WIC participants which urges them to eat fruit. In addition, the Department distributes literature to WIC participants which urges them to use fruit in cereal. Furthermore, the bill which we are passing today contains additional funds to be used to distribute vouchers to WIC participants which enable them to purchase fruit.

Mr. Speaker, it is not only inconsistent but it is totally irresponsible and incomprehensible for the Department to urge WIC participants to eat fruit and to use it on their cereal which at the same time it prevents them from obtaining cereal which meets all its nutritional requirements simply because these cereals contain fruit.

I would hope that the USDA will, upon its own initiative, revise its policies and take whatever steps are necessary to correct the current inconsistency which keeps nutritious cereals out of the WIC food package simply because these cereals contain fruit. Mr. Speaker, this issue was recently the subject of an editorial in the Kalamazoo Gazette which concluded, "as far as we're concerned the USDA deserves a great big raspberry for its failure to deal with its illogical regulation and we hope that Congress gives the bureaucrats the nudge they need." At this point, I would like to include in the record the editorial from the September 5, 1991, issue of the Kalamazoo Gazette.

WE'VE HEARD IT ON THE GRAPEVINE; RAISINS ARE IN

Speaking of grapes, let's turn the subject to raisins—those dandy sun-dried grapes with a long history. Subjects of the Old Testament's King David are said to have brought "asses laden with cheese and raisins" to pay their taxes.

Well, this story isn't about King David or cheese but it does have something to do with raisins, taxes and bureaucrats.

The U.S. Department of Agriculture, as part of its job setting nutrition standards and educating the public about nutrition, says "eat more fruit, fruit is good for you" and suggests raisins as an acceptable fruit.

The USDA also says "eat more complex carbohydrates such as whole grain cereals, they're really good for you," and under its guidelines, bran flakes are acceptable.

The USDA even suggests "at breakfast, use fruit in cereal."

A lot of tax money has gone into promoting those notions.

People could logically assume that the USDA, therefore, would think a cereal combining bran flakes with raisins would be a nifty way to kill two birds with one stone.

No way.

The Kellogg Co., whose world headquarters is located in Battle Creek, is raising a fuss in Washington because the USDA says Kellogg's Raisin Bran and other similar products don't meet nutritional standards to be included in the Women, Infants and Children (WIC) program, a federal food assistance program serving more than five million poor pregnant or nursing women, children and infants.

Without the raisins, bran flakes qualify for WIC, meeting the standards for cereal of no more than 6 grams of sugar per serving. There is a small amount of sugar that occurs naturally in grains. But raisins, like other fruits, have natural sugars and including them with the cereal pushes the sugar content too high.

Kellogg's beef with the regulations is economic. The WIC program costs about $2.4 billion a year, $150 million of which goes for cereal. And, according to Kellogg officials, about two-thirds of the cereal money goes to Kellogg competitor, General Mills, the maker of Cheerios. We have no argument with Cheerios. But there is a question of consistency and fairness here.

Part of the inconsistency stems from the fact that fruits contain natural sugars. Six fluid ounces of unsweetened orange juice, for example, contain more sugar than a serving of almost any ready-to-eat cereal. No one with any knowledge of nutrition would suggest that fruits be banned from the list of foods allowed under the WIC program.

If the raisins and the bran flakes are purchased separately and mixed at home, the nutritionists would jump for joy. But mix them in a box? That's a different story.

The proposed solution is to exempt fruit from being included in the sugar count for cereals. That would neither "destroy the integrity of the program," as some critics have charged, nor leave the door open for taxpayer subsidy of high sugar cookies, candy or other such goodies for poor mothers and children.

The argument seems so clear cut that it is surprising to learn that Kellogg has been fighing a losing battle on it since at least 1977, and is pulling out all the lobbying guns it has in hopes that Congress will order the bureaucrats to make an exemption for fruit in the WIC regulations on cereals.

As U.S. Rep. Paul Henry, R-Grand Rapids, asked, "What kind of prunes do we have setting these guidelines?"

As far as we're concerend, the USDA deserves a great big raspberry for its failure to deal with its illogical regulation as we hope Congress gives the bureaucrats the nudge they need.

Mr. UPTON. Mr. Speaker, as a member of the Select Committee on Hunger, I am a strong supporter of the Women, Infants, and Children [WIC] Nutrition Program, which is a Federal food assistance program that serves more than 5 million poor pregnant or nursing women, Children, and infants. The nutritious food these women receive helps ensure that their babies get a healthy start in life. Given our country's tragic infant mortality rate, I think that we all should be working to emphasize how healthy lifestyles and diets of pregnant women can reduce infant mortality in the United States.

However, the Department of Agriculture is hampering these efforts by sending our conflicting messages about what comprises a nutritious diet. On one hand, the Department tells the American public that fruit is an essential ingredient in a nutritious diet, and they urge WIC participants not only to eat fruit, but to use fruit in cereal. On the other hand, though, the Department enforces a regulation which in effect bars cereal with fruit from the WIC Program because the natural sugar contained in the fruit exceeds the Department's regulation limits.

I think this policy is inconsistent and ridiculous. Cereals such as Raisin Bran should not be barred from the WIC Program. Every WIC participant should be able to get their two scoops of raisins from Raisin Bran or other nutritious cereals with fruit.

My constituents in the Fourth Congressional District in southwest Michigan know the nutrition value of cereals that contain fruit, and so do most other Americans. I think it's time that the Department of Agriculture stop talking out of both sides of its mouth.

I note that the Members who served on the conference committee on this bill acknowledged this issue and included language in their conference report that requires the Department of Agriculture to report to Congress by the end of this year on the issue of cereals containing fruit. I commend these Members and especially Congressman DALE KILDEE and Congressman PAUL HENRY, who have also worked hard to draw attention to this inconsistency.

I am looking forward to the completion of the Department's study, and I hope that the Secretary will agree that this inconsistency ought to be eliminated.

Mr. PANETTA. Mr. Speaker, I rise in support of the conference report to accompany H.R. 2698, the Agriculture, rural development, Food and Drug Administration, and related agencies appropriations bill for fiscal year 1992. This is the eighth conference report on 1 of the 13 annual appropriations bills to be reported to the House.

This conference report provides $12.299 billion in total discretionary budget authority and $11.223 billion in total discretionary outlays, which are equal to the 602(b) subdivision for budget authority and $2 million below the 602(b) subdivision for outlays, respectively, for this subcommittee.

I want to commend Chairman WHITTEN and the ranking member of the subcommittee, Mr. SKEEN, for the work they have done in adhering to the limits set forth in the budget agreement and the 1992 budget resolution.

As chairman of the Budget Committee, I will continue to inform the House of the impact of all spending legislation. I have provided a "Dear Colleague" letter describing how each appropriation measure considered so far compared to the 602(b) subdivisions for that subcommittee. I will provide similar information about the remaining conference agreements on the fiscal year 1992 appropriations bills.

I look forward to working with the Appropriations Committee in the future.

[Fact Sheet]

CONFERENCE REPORT TO ACCOMPANY H.R. 2698, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102-239)

The House Appropriations Committee filed the conference report to accompany H.R. 2698, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for 1992 on Thursday, October 3, 1991. This conference report could be considered at any time.

COMPARISON TO THE 602(b) SUBDIVISION

The conference report provides $12,299 million in total discretionary budget authority, equal to the Appropriations subdivisions for this subcommittee. The estimated discretionary outlays in the conference report are $2 million less than the subdivision total. These totals include amounts in both the domestic and international categories.

COMPARISON TO DOMESTIC DISCRETIONARY SPENDING ALLOCATION

The conference report provides $10,813 million of domestic discretionary budget authority, equal to the Appropriations subdivision for this subcommittee. The conference report provides $9,928 million of domestic discretionary outlays, which are $2 million below the discretionary outlay subdivision for this subcommittee. A comparison of the conference report to the domestic spending allocations for this subcommittee follows:

[In millions of dollars]

	Agriculture, Rural Development appropriations bill		Appropriations Committee 602(b) subdivision		Bill over(+)/under (−) Committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	10,813	9,928	10,813	9,930	....	−2
Mandatory[1]	37,888	29,486	37,888	29,486	....	....
Total	48,701	39,414	48,701	39,416	....	−2

BA = New budget authority, O = Estimated outlays.

[1] Conforms to budget resolution estimates of existing law.

COMPARISON TO INTERNATIONAL DISCRETIONARY SPENDING ALLOCATION

The conference report provides $1,486 million of international discretionary budget authority for P.L. 480 Food for Peace programs, equal to the Appropriations subdivision for this subcommittee. The conference report provides outlays $1 million less than the subdivision for international discretionary outlays.

[In millions of dollars]

	Agriculture, Rural Development appropriations bill		Appropriations Committee 602(b) subdivision		Bill over(+)/under (−) Committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	1,486	1,295	1,486	1,296	....	−1

BA = New budget authority, O = Estimated outlays.

The Appropriations Committee reported the Committee's subdivision of budget authority and outlays pursuant to Section 602(b) of the 1974 Budget Act as amended in House Report 102-180. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102-69, the conference report to accompany H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

PROGRAM HIGHLIGHTS

The following are the major program highlights for the conference report to accompany the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for Fiscal Year 1992:

[In millions of dollars]

	Budget authority	New outlays
Agriculture programs:		
Commodity Credit Corporation (mandatory)	7,250	....
Agricultural Research Service	714	523
Extension Service	419	356
Animal and Plant Health Inspection Service	452	374
Cooperative State Research Service	506	211
Federal Crop Insurance Corporation (mandatory in part)	583	312
Food Safety and Inspection Service	474	431
Agricultural Stabilization and Conservation Service	719	719
Conservation and rural development programs:		
Rural Electrification Administration:		
New loan subsidies	174	20
Administrative expenses	29	27
Farm operation and ownership loans:		
New loan subsidies	324	267
Administrative expenses	230	219
Rural housing:		
New loan subsidies	587	277
Administrative expenses	427	427
Rental assistance program	320	11
Rural development loans:		
New loan subsidies	109	6
Administrative expenses	52	47
Soil Conservation Service conservation operations	564	520
Watershed and flood prevention operations	205	114
Conservation reserve (mandatory)	1,611	1,611
Nutrition programs:		
Food Stamp Program (mandatory)	22,350	19,168
Child Nutrition Programs (mandatory)	6,068	4,960
Supplemental Feeding Programs (WIC)	2,600	2,444
Nutrition Assistance for Puerto Rico (mandatory)	1,013	1,007
Food donations for selected groups	265	216
Emergency Food Assistance Program	165	147
Other programs:		
P.L. 480, Food for Peace	1,486	1,129
Food and Drug Administration	760	625
Payment to the Farm Credit System (mandatory)	113	110
Commodity Futures Trading Commission	47	41

Mr. GRADISON. Mr. Speaker, press reports indicate that the chairman of the Appropriations Committee intends to present a dire emergency supplemental within the next 2 weeks. Quite frankly, I am amazed. We are barely a week into the new fiscal year, still considering regular appropriations for fiscal year 1992 operations, and the Appropriations Committee is already considering a dire emergency supplemental.

The committee has a discretionary spending cap of nearly $200 billion. The discretionary dire emergency items are approximately $2.6 billion—barely more than 1 percent of the available funds. If the need for these funds is such a dire emergency, why can't the committee find the funds within the cap? Are we to believe that the cap is so tight that not even 1 percent of funds can be redirected from normal operations to meet a dire emergency?

Most of the domestic emergency involves agricultural disasters—floods, freezes, and droughts. The chairman of the Appropriations Committee says he needs $1.75 billion to address these emergencies. Today we are considering the fiscal year 1992 agriculture appropriations bill which contains over $50 billion in new budget authority. If these emergency items are so dire, why can't the committee find room in a $50 billion measure for $1.75 billion? Obviously, they must think that all of this $50 billion is more important than the $1.75 billion emergency needs. Let us look at some of these higher priority items: $74 million for special research grants on such items as asparagus, cranberries, a mechanical tomato harvester, Christmas tree root rot, mink, manure disposal, and Russian wheat aphids. More than $4.6 million for bee research at the same time that we are spending over $25 million to buy surplus honey. More than $100 million for construction at State agricultural facilities including a road to the new stadium at North Dakota State University.

The committee has also increased loan limits for the Rural Electrification Administration and the Farmers House Administration to the levels in effect prior to the budget agreement last fall. This action effectively cancels the budget savings credited to agricultural programs by last year's budget agreement. Many of these loans will go to people and organizations who can well afford to get commercial loans. So, while the committee can't find the money to help those facing dire emergencies, it has more than enough money to help those that can help themselves.

The committee's inability to find money within the caps for things they define as emergencies, while simultaneously funding projects that have dubious value, leads to a single conclusion—that the committee is not interested in abiding by the new budget agreement. Let's stop playing games. If the Appropriations Committee thinks there is a real domestic emergency, then they should use some of the $200 billion reserved for domestic programs to meet those emergencies.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 2698, the bill providing appropriations in fiscal year 1992 for the Department of Agriculture and related agencies. This conference report represents a good and fair compromise with the measure passed by the other body, and I urge my colleagues to support it.

Mr. Speaker, I would like to thank the chairman of the subcommittee, Mr. WHITTEN, and the ranking minority member, Mr. SKEEN, as well as their able and very fine staffs, for putting together such a balanced package. In particular, I would like to thank them for their continuing sensitivity to the somewhat unique problems of agriculture in California.

Specifically, the bill includes $1.609 million to continue construction of the national grape importation facility to be located in Davis, CA. The grape importation facility similarly will be located on land donated by the University of California and will be supported through industry user fees as a national facility.

The immediate construction of this facility is crucial to the continued international competitiveness of the U.S. wine industry because of the critical shortage of grape quarantine facilities. The lack of quarantine facilities puts the U.S. industry at a severe disadvantage to foreign producers which have access to the latest variety releases.

The facility will provide grape quarantine services for commercial grape growers and researchers throughout the United States and will develop and implement faster methods for grape disease detection.

Imported grape stocks, on which the United States depends heavily for new wine grape varieties, must be quarantined and inspected for disease prior to being released for general use. The facility will help accelerate the inspection process and the introduction of new varieties of wine grapes.

Quicker inspection services will help the United States wine industry become more diverse and internationally competitive with major wine producing countries in Europe.

The bill also provides $207,000 for design and planning work on a new alternative pest management research facility, a joint Federal-State of California project which will be constructed on donated property by the University of California and will be jointly operated with the California Department of Food and Agriculture. Increasingly, California and American growers are being called upon to reduce their use of chemicals in agricultural production. But the loss of major pesticides in the absence of alternative pest control technologies and management systems could have severe economic impacts on U.S. agriculture and result in higher food prices, increased imports, and reduced exports of our agricultural products. Thus, it is imperative that we expand and accelerate research to control exotic pests, like the Medfly, the Mexican fruit fly, and the Africanized honey bee, and develop viable alternative pest control technologies and management systems.

While located on the campuses of the University of California, both of these facilities will serve as key national research resources.

Mr. Speaker, I note that the conferees have included language which requires the U.S. Department of Agriculture [USDA] to report to the Congress on the issue of cereals containing fruit in the WIC food package by December 31, 1991. I am most pleased that the conferees have underscored the significance of this issue in their conference report.

This issue is one which I raised with my colleagues on the committee earlier this year. The USDA as well as other Federal agencies and nutritional experts have advised us for years that fruit is an essential element of a nutritional diet. In fact, the USDA not only specifically recommends that people should choose a diet which includes plenty of fruit but it distributes literature to WIC participants urging that they use fruits in cereal.

Nevertheless, the USDA continues to enforce a regulation which prohibits the inclusion of certain nutritious cereals in the WIC food package simply because these cereals contain fruit. For example, under the current regulations bran flakes would be eligible for distribution in the WIC food package. However, when raisins are added to this cereal and it becomes raisin bran, the cereal is no longer eligible because under the Department's interpretation of its own regulations, the fruit causes the cereal to exceed an arbitrary limit on sugar content in the cereal.

This policy is totally inconsistent with the Department's own nutritional and dietary guidelines. Either fruit is good for you or it is not. Either you should use fruit in cereal or you should not. I would hope that the Department will acknowledge this glaring inconsistency in its policy and revise it to allow cereals containing fruit in the WIC Program as long as these cereals met all nutritional standards.

Mr. Speaker, this issue was recently the subject of an editorial in the Sacramento Bee. The editorial notes that "like so many other governmental follies, this inconsistency is a case of good intentions defeated by the bureaucratic tools used to implement them." At this point, I request that the full text of this editorial be printed in the RECORD.

Mr. Speaker, the conference report represents a balanced and sound compromise, and I urge its adoption.

[From the Sacramento Bee, Aug. 30, 1991]

USDA vs. Raisin Bran

Today's breakfast menu is two scoops of government silliness.

The U.S. Department of Agriculture (USDA), in its guise as the nation's nutritional conscience, has been telling Americans loudly and often that they ought to eat more fruit and more foods high in fiber. One good way to do both, department publications suggest, is to begin the day with a high-fiber cereal topped with fruit—something like Raisin Bran, for example.

Except, that is, if you are on WIC, the Women, Infants and Children supplemental feeding program regulated by USDA.

USDA makes sure that the foods that can be bought under WIC meet strict nutritional guidelines—breakfast cereals, for example, must be high in nutrients and low in sugar, like bran flakes. And it encourages program participants, pregnant women and preschool children, to eat iron-rich foods, such as liver, beans, whole-wheat cereals and raisins.

But if you're on WIC, don't even think of buying your bran flakes and raisins in the same box. Under the WIC program, Raisin Bran is strictly off-limits, consigned to exile along with Cap'n Crunch and other breakfast confections.

Like so many other governmental follies, this inconsistency is a case of good intentions defeated by the bureaucratic tools used to implement them. To assure that WIC recipients get nutritious food, USDA rules require that breakfast cereals available under the program have no more than 6 grams of sugar per serving. The cereal in Raisin Bran meets that standard, but when raisins, full of natural fruit sugar, are thrown into the box, Raisin Bran flunks.

That exasperates the Kellog Co., maker of Raisin Bran. WIC recipients buy more than $100 million worth of breakfast cereal a year, mostly Cheerios, made by rival General Mills. Kellogg officials have been trying for 14 years to get USDA to agree that added fruit shouldn't count against the sugar limit, so that Raisin Bran, one of the best selling cereals, can compete for a piece of that business. It points out that Raisin Bran is higher than Cheerios in iron, is generally less expensive and meets the government's objective of trying to increase the consumption of fruit.

Those facts this year finally caught the attention of prominent members of Congress, who've urged USDA to review its Raisin Bran ban, and quickly. With any luck, it won't take 14 more years for USDA to reverse its raisin silliness.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 2698, a bill providing appropriations for agriculture, rural development, and related agencies for fiscal year 1992.

In particular, I want to once again commend and thank Chairman WHITTEN and the subcommittee's Ranking Minority Member, Representative JOE SKEEN, for their continued strong support of Federal nutrition programs for our Nation's children and elderly.

I was very pleased with the conference report's recommended funding level for the child nutrition account, which provides an overall 8.8-percent increase over the account's previous fiscal year operating level. This overall increase will permit the school breakfast and child and adult care food programs to expand their scope, and will give real impetus to an acceleration in the nutritional training we will be able to provide.

Our conferees should also be congratulated on their success in persuading the other body to fund the WIC Program at the $2.6 billion mark endorsed by the House. I was particularly pleased to also find that Chairman WHITTEN and Representative SKEEN had seen fit to agree to a substantial portion of the Senate's set-aside for the WIC farmers' market coupon demonstration project. This funding will permit this demonstration to continue during this fiscal year and will thus give the Education and Labor Committee the opportunity to further examine its possible reauthorization.

Mr. WEBER. Mr. Speaker, I rise in strong support of the conference report on H.R. 2698, the appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and related agencies. I want to take this opportunity to commend the chairman of our subcommittee, the honorable JAMIE WHITTEN, for his work on this legislation. The chairman has brought a bill to the floor which addresses the needs of rural America in spite of tight budgetary constraints.

I also want to thank the new ranking member of our committee, JOE SKEEN, for his efforts on this legislation. His concern and work on behalf of rural America is certainly reflected in this bill.

Mr. Speaker, this bill has a number of worthy programs that I strongly support and deserved to be mentioned here today. However, I want to take this opportunity to talk about the increasing importance of the Food and Drug Administration and the need to ensure that this agency will have adequate funds to accomplish its mission. As we move in to the 1990's, Mr. Speaker, the consumers of our Nation will continue to insist that their food is safe, pure, and wholesome. They will want to be assured that drugs and cosmetics are safe for their use. The consumers of our Nation, Mr. Speaker, are demanding that the FDA take an activist role on their behalf.

The agency, and Congress, need to be in a position to respond to these new demands. I was glad to see that our subcommittee was able to provide over $725 million for the Food and Drug Administration. This money is sorely needed by the agency in order to carry out new legislative mandates recently placed on them by Congress. However, Mr. Speaker, I am afraid that this level of funding will not be adequate for the agency to accomplish its mission in future years. Furthermore, I am disturbed by the continuing budgetary games that the administration continues to play with this agency.

In the conference report, Mr. Speaker, the conferees provided that over $188 million of the appropriated amount would be available for the Food and Drug Administration when an official budget request for this amount would be transmitted to Congress. The conferees felt that this was necessary since OMB and the Department of Health and Human Services routinely have not requested sufficient funds for this important agency. As the report states: "It is disheartening that these two agencies continue to resort to budget gimmickry by claiming fictitious user fees as part of the Food and Drug Administration's annual budget request." It would seem, Mr. Speaker, that the administration is intent on playing a game of Russian roulette with the funding request for this agency. Obviously, the administration's approach funding this agency is penny wise but pound foolish.

Mr. Speaker, it is my hope that when our subcommittee considers next year's funding for the FDA that the administration will present us with an accurate funding request. Those groups who rely on this agency to ensure that we have safe food and drugs are demanding it, Mr. Speaker, and I think it is time that Congress demands it as well.

Mr. PENNY. Mr. Speaker, I rise in support of the conference report making appropriations for agriculture and rural development for fiscal year 1992. In particular, I would like to point out one decision made by the conferees that I believe will yield great benefits for many years to come.

This legislation will provide $4.5 million for the activities under the Alternative Agricultural Research and Commercialization Act of 1990 [AARC] authorized in the 1990 farm bill.

There is an urgent need for jobs and income in rural America. Based on much discussion and a series of hearings before the House Agriculture Committee, we determined that AARC is the best way to increase the development and commercialization of new nonfood, nonfeed products made from farm commodities. New uses commercialization represents a significant opportunity to increase demand for agricultural commodities, thereby strengthening the agricultural sector and rural economies.

From experience we know that the Government by itself or industry working alone is not bringing these products to the marketplace with the speed necessary in today's competitive world. According to the Foreign Agriculture Service, over 50 percent of U.S. agricultural exports are unprocessed bulk commodities. Another 20 percent of exports have had some intermediate processing such as vegetable oil from soybeans. In contrast, over 75 percent of the farm exports of the United Kingdom, France, Germany, and Italy are value-added products. The European Community controls over 50 percent of the world trade in value-added and high-value products, while the United States has merely 8 percent of that trade. Our loss in terms of jobs and income is tremendous. The Economic Research Service estimates that $15 to $20 billion could be added to farm income alone by substituting new crops and products for imports.

Realistically, this country has to change the way it does business if it is to compete more effectively in international markets. Japan and other countries often assist their companies in commercializing technology, quite often U.S. technology. In this country, there are substantial barriers to moving these new products to the market which private companies just face alone. Three primary obstacles—coordination, high cost, and long-term risk-hamper and often prevent commercialization.

In addition, our excellent Federal agricultural research system focuses primarily on increasing farm production rather than developing new uses and markets for farm products. In 1988, about 1.5 percent of the total $900 million budget for the Agricultural Research Service and the Cooperative State Research Service was spent on nonfood products. Funding for new uses research was actually less since this $16 million includes feed and traditional textiles research. Even when researching new uses, researchers often do their work without talking with private companies and farmers about market needs and economic feasibility.

In today's increasing competitive world market, significant resources must be focused on developing new uses and assisting the private sector to overcome the barriers to commercialization. Offering a company a patent or cooperative agreement is not enough—the public and private sectors must work in partnership if we are to grasp the opportunities presented by new uses.

We enacted AARC to change the way the Government works with the private sector. This innovative program will help researchers and companies speed new uses from the laboratory to the marketplace. The key to AARC's success is its independent with resources focuses solely on coordinating and assisting efforts to get these new products on the market.

In addition to providing first-time funds for AARC, I think it is critical to send a strong message to the USDA that the intent of the authors of subtitle G was that AARC be a separate entity within the Department, and not a part of the Agricultural Research Service [ARS]. There are some indications that the ARS would like to exercise control of AARC which would not, in my opinion, be in the best interests of the long-term development and commercialization of new products. Again, the intent of subtitle G is to create a separate entity with its own board of directors.

We must implement a forward-looking industrial age policy to maintain U.S. competitiveness in the value-added agricultural sector, and not continue to deliver this sector to the Europeans. AARC can be an important part of that agricultural policy. I applaud the conferees for investing in the future of American agriculture by providing funding for AARC. I look forward to working with them and the Department of Agriculture to implement this important program.

Mrs. LOWEY of New York. Mr. Speaker, I rise in support of the conference report on H.R. 2698, the agriculture appropriations bill for fiscal year 1992. I would like to commend Chairman WHITTEN, my colleague from New York, Mr. MCHUGH, ranking minority member SKEEN, and the members of the subcommittee for their hard work on this bill.

I am especially pleased that the subcommittee has approved my request for much-needed funds for Lyme disease research. As many of my colleagues already know, Lyme disease is a major health concern. In 1990 alone, 45 States reported a total of nearly 8,000 cases of Lyme disease, a 1,600-percent increase in less than a decade.

This disease is especially frustrating because its symptoms mask themselves as other ailments, making it difficult to diagnose. The deer tick, which carries Lyme disease, is so small that many people may not know they have been bitten. In addition, the blood test currently used to detect Lyme disease is not 100 percent accurate and is not guaranteed to catch the disease in every infected individual.

For those reasons, it is very important that we move forward with efforts to prevent Lyme disease at its source. Preventive measures save health care costs and obviously eliminate a great deal of pain and suffering in the long run. One of the most logical ways to prevent the spread of Lyme disease is to curb the growth of infected tick populations, but research on tick control lags far behind that for other insect problems, such as agricultural pests and disease-transmitting mosquitoes.

This legislation will provide USDA assistance to the New York Medical College's work in this important endeavor. USDA already conducts research on insects, and the 1990 farm bill has called on USDA to fund high priority research which focuses on national and local needs. By recognizing the threat or Lyme disease and the fact the USDA's role should be expanded in this area, the subcommittee generously provided funds for research on the population ecology of deer ticks, and I appreciate the conferee's foresight in retaining that earmark. This is the study of how to reduce deer tick populations and, in turn, prevent Lyme disease from continuing its dramatic spread.

Again, I thank the conferees for recognizing this problem and for their commitment to reducing the spread of Lyme disease.

Mr. CAMP. Mr. Speaker, I rise in support of the conference report to accompany H.R. 2698, making agriculture appropriations for fiscal year 1992. Among the various programs funded by this legislation is the special supplemental food program for women, infants, and children [WIC]. The legislation provides $2.6 billion for this excellent feeding program.

I note that the conferees have included language in the conference report directing the Department of Agriculture to report back to the Congress on an issue which has become very troublesome to many of us in my own State of Michigan, as well as other parts of the country.

Presently, the Department enforces a regulation which prevents cereals, which would otherwise qualify for the WIC food package, from being included in the package simply because these cereals contain fruit.

I have referred to this policy as inconsistent. I believe it is inconsistent because, while the Department rules out for eligibility cereal that otherwise meets all of its nutritional requirements simply because the cereal contains fruit, the Department distributes literature to WIC participants which encourages them to eat fruit and even urges them to use fruit in cereal.

In addition, funds are included in this legislation now before us which will be used to provide WIC participants with vouchers to purchase fruit. It simply does not make good sense nor does it make good policy to encourage needy participants in the WIC Program to eat fruit and use it on their cereal and at the same time deny them the opportunity to obtain nutritious cereal simply because it contains fruit. Either fruit is good for you or it is not.

Mr. Speaker, the Congress is giving the USDA an opportunity to address this inconsistency and take the initiative to correct it before the Congress finds it necessary to correct the inconsistency by passing legislation. I would hope that the USDA has the good sense to acknowledge this inconsistency in its policy and take whatever steps are necessary to discontinue this policy of prohibiting nutritious cereals from being eligible in the WIC Program simply because they contain fruit.

Mr. WISE. Mr. Speaker, I rise today to express my support for the funding contained for the Wetlands Reserve Program in H.R. 2698, the Agriculture Appropriations Act for fiscal year 1992.

The conferees were correct in including $46 million for this vital program. I came to support this program this past summer when the Government Operations Subcommittee on Government Information, Justice, and Agriculture, which I chair, conducted field hearings in Freeport, IL and Weston and Charleston, WV—my home State.

At each of these hearings the subcommittee heard from farmers who were already strapped and having problems complying with the regulations surrounding the farming of prior converted wetlands or the prohibition of draining new ones. In spite of my firm belief that we should do everything we can to preserve wetlands I felt profound sympathy for the farmers caught up in wetlands problems.

The farmers said that any prohibition placed upon land they used to earn a living and on upon which they pay taxes amounted to a taking. Without proper compensation they felt that their ability to earn an income was arbitrarily being harmed.

The funding contained in the appropriations bill is not a complete solution to the problem but it is an excellent beginning. Under this agreement 50,000 acres of wetlands can enter the reserve program in a five-State pilot project. I have supported this concept and will continue to do so. We must as a nation reconcile the need to preserve wetlands with the need to build, farm, and create infrastructure.

The Wetlands Reserve Program as envisioned in the 1990 farm bill is by no means a cure for the U.S. wetlands woes. It does, however, impact positively on several fronts. It begins to address wetlands preservation in the agricultural arena; this is an important first step in balancing the needs of our environment with the reality of modern farming. It offers a method to enhance our wetlands inventory—in spite of a no-net-loss policy, we are losing thousands of acres of wetlands due to both natural and unnatural phenomena. And in an area of critical importance it presents an opportunity to study and learn about the creation of wetlands.

My subcommittee's hearings left me with the clear impression that we have a long way to go to perfect the science of wetlands mitigation. This pilot project offers us a chance to document the creation of wetlands on properties which are the prime candidates for success: lands which once were wetlands. Under the Wetlands Reserve Program this is done, quite properly, by giving just compensation to the farmers whose participation in the program is contributing to the preservation of our environment.

Mr. KILDEE. Mr. Speaker, I rise today in support of the conference report to accompany H.R. 2698, the fiscal year 1992 Agriculture appropriations bill. This bill appropriates funds for several child nutrition programs under the jurisdiction of the Subcommittee on Elementary, Secondary, and Vocational Education, which I chair.

I am especially pleased that the conference report adopted the House funding level of $2.6 billion for the Special Supplemental Food Program for Women, Infants, and Children [WIC]. This $250 million increase will enable the program to provide approximately 500,000 additional nutritionally at-risk women, infants, and children with supplemental food benefits. This is a program that saves money by reducing Medicaid costs and premature births, but more importantly, it is a program that saves lives by reducing infant mortality and late fetal death.

The conference report also addresses the issue of cereals containing fruit in the WIC Program by directing the Agriculture Department to submit a report on the issue to the appropriate committees by December 31, 1991. This request is similar to one I made to Secretary Madigan in August. I fully support this effort to correct the contradictory practice of preventing WIC participants from redeeming their coupons for cereals containing fruit, while simultaneously encouraging these same individuals to consume more fruit as a means of improving their diet. It is my hope that this report from the Department will offer a plan for resolving this issue as soon as possible, and I support the Appropriations Committee's efforts.

Mr. LAGOMARSINO. Mr. Speaker, although I have serious concerns about the amount of Federal subsidies in the agriculture appropriations conference report, I would like to express my support for the Supplemental Food Program for Women, Infants and Children [WIC].

At a time when budget deficits are sending shock waves through the economy, it is crucial that Congress cut wasteful spending, such as crop subsidies, at every available opportunity. This bill contains $7.8 billion in Federal crop subsidies.

I would like to point out, however, that the conference report increases spending for the very successful WIC Program. Earlier this year, I wrote the agriculture appropriations conferees to urge their support for full funding of WIC. I am pleased that the bill includes $2.6 billion for the WIC Program.

I have long believed WIC is an effective use of taxpayers' money. Research conducted by the National Bureau of Economic Research, a widely respected center of economic analysis, shows WIC to be the second most cost-effective program for reducing infant mortality in the United States. In fact, the study found WIC to be particularly effective in reducing infant mortality rates among blacks in the United States, who now have rates double those of whites.

There are few investments of Federal dollars as worthwhile as WIC, which results in savings in health care and in helping disadvantaged young children—our future work force—reach their full potential.

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the previous order of the House, the amendments in disagreement are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 25: Page 14, line 25, strike out "$58,299,000" and insert: "$63,978,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$73,979,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 15, line 2, strike out "$99,000,000" and insert: "$100,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$97,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that Senate amendment numbered 28, 31, 61, 68, 75, 94, 111, 116, 125, 127, 138, 162, 178, 202, 209, 212 213, 214, 215, 219, 222, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 239, and 240 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the various Senate amendments referred to in the unanimous-consent request are as follows:

Senate amendment No. 28: Page 15, line 2, after "$99,000,000" insert: ", of which $25,000,000 shall not be available for obligation until September 20, 1992.".

Senate amendment No. 31: Page 15, line 16, strike out all after "amended;" down to and including "expenses;" in line 20 and insert: "$3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses;"

Senate amendment No. 61: Page 24, line 7, after "3109" insert: *Provided further*, That $99,000 of these funds shall be available for a field office in Hawaii".

Senate amendment No. 68: Page 28, line 23, strike out all after "regulations" over to and including "seq." in line 2 on page 29, and insert: *Provided further*, That funds contained herein shall be available for establishing and maintaining a National Appeals Division provided for under section 426 of the Agricultural Act of 1949.".

Senate amendment No. 75: Page 35, line 24, insert:

The Secretary of Agriculture is authorized to construct buildings and related facilities on federally owned land in Skagit County, Washington, for plant materials purposes: *Provided*, That the the total amount of expenditures for the buildings and facilities on the site shall be derived from, and shall not exceed, the amount of money received from the exchange of lands in Skagit County, and Bellingham, Washington.

Senate amendment No. 94: Page 45, line 17, "property" insert: *Provided*, That up to $35,000,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration".

Senate amendment No. 111: Page 47, line 26, after "$250,000,000" insert: *Provided*, That loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters of fiscal year 1992".

Senate amendment No. 116: Page 48, line 7, strike out "guaranteed loans" and insert: "unsubsidized guaranteed loans and $15,350,000 shall be for subsidized guaranteed loans".

Senate amendment No. 125: Page 48, strike out lines 18 to 21 and insert:

Hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Agricultural Credit Insurance Fund at levels other than those provided for in advance in appropriations Act.

Senate amendment No. 127: Page 49, line 11, after "$100,000,000" insert: *Provided*, That none of the funds made available in this Act may be used to make transfers between the above limitations".

Senate amendment No. 138: Page 52, line 9, after "ment" insert: *Provided further*, That $2,000,000 shall be available for grants to statewide private, nonprofit public television systems in".

Senate amendment No. 162: Page 56, strike out lines 16 to 19, and insert:

Hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Rural Electrification and Telephone Revolving Fund at levels other than those provided for in advance in appropriations Acts.

Senate amendment No. 178: Page 59, line 12, after "office" insert: *Provided further*, That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office".

Senate amendment No. 202: Page 69, line 15, strike out "$155,524,000" and insert: "such sums as necessary".

Senate amendment No. 209: Page 72, after line 25, insert:

Section 3 of the Saccharin Study and Labeling Act (21 U.S.C. 348 nt.) is amended by striking out "May 1, 1992" and inserting in lieu thereof "May 1, 1997".

Senate amendment No. 212: Page 75, line 11, strike out "The" and insert: "Hereafter, the".

Senate amendment No. 213: Page 75, line 12, strike out "under this Act" and insert: "for the Department of Agriculture".

Senate amendment No. 214: Page 76, line 20, strike out "Advances" and insert: "Hereafter, advances".

Senate amendment No. 215: Page 76, line 21, strike out "in this Act".

Senate amendment No. 219: Page 77, line 15, after "Project," insert: "the reserve fund for the Grasshopper and Mormon Cricket Control Programs,".

Senate amendment No. 222: Page 77, line 23, after "Program);" insert: "Office of International Cooperation and Development, Middle-Income Country Training Program;".

Senate amendment No. 227: Page 78, line 6, after "Administration" insert ": *Provided*, That, hereafter, such appropriations are authorized to remain available until expended".

Senate amendment No. 228: Page 78, line 14, strike out "Notwithstanding" and insert: "Hereafter, notwithstanding".

Senate amendment No. 229: Page 81, line 14, strike out "Funds provided" and insert: "Hereafter, funds appropriated to the Department of Agriculture".

Senate amendment No. 230: Page 81, line 22, strike out "Provisions" and insert: "Hereafter, provisions".

Senate amendment No. 231: Page 82, line 11, strike out "Funds provided in this Act" and insert: "Hereafter, funds appropriated to the Department of Agriculture and the Food and Drug Administration".

Senate amendment No. 232: Page 84, line 8, strike out "When" and insert: "Hereafter, the Department of Agriculture, when".

Senate amendment No. 234: Page 85, after line 2, insert:

SEC. 735. Of the $200,000,000 made available for the Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, $70,000,000 shall not become available for obligation until September 30, 1992.

Senate amendment No. 235: Page 85, line 12, strike out "Notwithstanding" and insert: "Hereafter, notwithstanding".

Senate amendment No. 236: Page 85, line 19, strike out "Funds provided in this Act" and insert: "Hereafter, funds appropriated to the Department of Agriculture".

Senate amendment No. 237: Page 86, line 1, strike out "The" and insert: "Hereafter, the".

Senate amendment No. 239: Page 86, after line 20, insert:

SEC. 741. Notwithstanding any other provision of law, loan subsidy rates used in carrying out loan programs provided for in this Act shall not exceed those estimated by the Office of Management and Budget and published in the Budget of the United States Government for fiscal year 1992.

Senate amendment No. 240: Page 86, after line 20, insert:

EXTENSIONS OF PROVISIONS' OF THE HOUSING ACT OF 1949

SEC. 742. (a) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

(b) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 (42 U.S.C. 1490c(f)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

Section 502(h)(3)(C) of the Housing Act of 1949 (42 U.S.C. 1472 note) is amended by striking all that follows "rural area" and by inserting a "." after "rural area".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendments of the Senate numbered 28, 31, 61, 68, 75, 94, 111, 116, 125, 127, 138, 162, 178, 202, 209, 212, 213, 214, 215, 219, 222, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 239, and 240, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 16, line 1, strike out "$17,650,000" and insert "$17,391,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$20,795,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 35: Page 16, line 13, strike out "$412,886,000" and insert: "$419,788,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER. moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$430,711,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 36: Page 16, line 21, strike out "$62,529,000" and insert: "$60,769,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$75,270,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 48: Page 18, line 21, strike out "$9,079,000" and insert: "$10,397,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$11,347,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 49: Page 18, line 25, strike out "$17,253,000" and insert: "$17,149,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$17,715,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 50: Page 19, line 7, after "improvements" insert: ": *Provided further*, That $500,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section"

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$462,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 52: Page 20, line 4, strike out "$426,903,000" and insert: "$415,987,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$430,939,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 63: Page 25, after line 23, insert:

In fiscal year 1992, $50,000,000 of section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by section 1541 of Public Law 101–624, and such purchases shall be used to facilitate additional sales of such oils in world markets.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

In fiscal years 1992 and 1993, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101–624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets. .

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 64: Page 26, strike out lines 5, 6, and 7 and insert:

"For expenses necessary to capitalize the Laboratory Accreditation Program, $600,000,".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

"For expenses necessary to recapitalize Dairy Graders, $1,250,000, and to capitalize the Laboratory Accreditation Program, $600,000, making a total of $1,850,000".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 70: Page 32, strike out lines 1 to 13.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

Notwithstanding the foregoing provisions of this Act, the reimbursement to the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, in fiscal year 1992 shall not exceed $7,250,000,000.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1922, CCC shall not expend more than $3,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 83: Page 42, line 4, after "channels" insert ": *Provided further*, That not to exceed $10,000,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality which is authorized by section 1439 of the Food, Agriculture, Conservation, and Trade Act of 1990, such amount to remain available until expended for cost-share payments, incentive payments, technical assistance and other disbursements as may be determined to be needed for this purpose".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

": *Provided further*, That not to exceed $6,750,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 88: Page 44, after line 19, insert:

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to section 1438 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 3837), $91,000,000, to remain available until expended, to be used for (1) payments for wetlands easements, either in a lump sum or over a period of five to twenty years for permanent easements, or over a period of five to twenty years for wetland easements which are not permanent but are, for thirty years or the maximum duration allowed under applicable State law; (2) cost-share assistance for the cost of carrying out the establishment of conservation measures and practices as provided for in approved wetland reserve program contracts; (3) other appropriate cost-share assistance for wetland protection; and (4) technical assistance: *Provided*, That this amount shall be transferred to the Commodity Credit Corporation for use in carrying out this program: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the program: *Provided further*, That none of the funds made available by this Act shall be used to enter in excess of 98,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $46,357,000, to remain available until expended: *Provided*, That none of the funds made available by this Act shall be used to enter in excess of 50,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 103: Page 46, line 9, strike out "$308,100,000" and insert: "$319,900,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 103 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$319,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 107: Page 47, line 17, strike out "$509,000,000" and insert "$774,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 207 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$488,750,000".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman form Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 108: Page 47, line 18, strike out all after "loans," down to and including "loans" in line 19 and insert: "$1,922,140,000, of which $1,000,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$2,832,140,000, of which $1,800,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 156: Page 56, line 4, after "funds" insert ": *Provided further*, That no funds appropriated in this Act may be used to develop or implement any other test, ratio, or criteria to deny or reduce loans or loan advances".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 156 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That no funds appropriated in this Act may be used to implement any other criteria, ratio, or test to deny or reduce loans or loan advances".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 176: Page 59, line 5, strike out all after "than" down to and including "assistance" in line 7 and insert: "$500,000 nor more than $1,500,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 176 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$500,000 nor more than $1,000,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 177: page 59, line 9, strike out all after "REA" down to and including "office" in line 12 and insert "whose full time responsibilities are to administer such community and economic development programs".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 177 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "and whose full-time responsibilities are to administer such community and economic development programs".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 184: Page 62, line 16, after "1993" insert ", of which up to $5,000,000 may be used to carry out the farmer's market coupon demonstration project".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 184 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$3,000,000".

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 205: Page 71, strike out lines 1 to 21.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 205 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided*, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 241: Page 86, after line 20, insert:

SEC. 743. None of the funds appropriated or otherwise made available by this Act shall be used to issue a final regulation to carry out section 214 of Public Law 98-180.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 241 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 743. The Secretary shall ensure that no funds made available to carry out section 515 of the Housing Act of 1949, as amended, shall be used in a manner that differs from the Department's policies or practices in effect on July 1, 1991.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN] for 30 minutes.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say that I appreciate the handling of this bill by the vice chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. NATCHER].

Mr. Speaker, I think that I should say for the RECORD here, in view of the information which has been given to the membership, that a statement from a legislative committee takes precedence over what the Committee on Appropriations provides. That is absolutely untrue under all the decisions.

The law is that money shall be used for the purposes for which appropriated. I want to make that clear, and I have had to point that out over and over. Section 1301 of title 31 of the United States Code provides that appropriations shall be applied only to the objects for which the appropriations are made. We have repeated that provision of law as section 726 of the bill.

Both the House and Senate reports state there is no money in the bill for the proposed Rural Development Administration. A committee report is the best place to determine the intention of the act.

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In the instant case here we have the Farmers Home Administrator, who advised us that he was going to do what he was told to do. I called his attention to the fact that he is going to do what he has appropriations to do. If not, we will have to make such investigation and take such action as should be necessary.

So I want to clear the record by pointing out that the law provides that money shall be used only for the purposes for which appropriated. Any statement from any legislative committee telling us what to do becomes secondary to what the Congress has done through the Appropriations Act. I want to make that plain.

Mr. Speaker, at this time I want to thank everybody on the subcommittee on the House and the Senate side. There were 241 Senate amendments that we worked out together. We are together on this conference agreement.

Again, Mr. Speaker, agriculture is basic to our general economy. I have tried to point that out time and time again, and it is still true. If we are going to come out of this situation that we face and avoid a real depression, we are going to have to go back to producing. You cannot have $4 or $5 trillion of obligations outstanding unless you produce more to handle it. You cannot handle it by cutting back.

Mr. Speaker, I want to say thank you to everybody concerned, including the staff.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MYERS] is recognized for 30 minutes.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have had the privilege of serving with the chairman, the gentleman from Mississippi [Mr. WHITTEN] for a number of years, 25 in fact. What the chairman says is certainly true. Often agencies and departments do forget the appropriations process, and after they get the money they do what they want to do with it; but I can tell you that under the leadership of our chairman, the gentleman from Mississippi [Mr. WHITTEN], there comes a day of reckoning. If that does happen, there will be another day to consider.

So I certainly want to reiterate and support the chairman that this committee is concerned about making sure that the wishes of Congress are carried out by the various agencies, including the Department of Agriculture, so I do thank the gentleman for his remarks.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say thank you to my friend. It is always a pleasure to work with him. He always does more than his share, and the same goes to the gentleman from Kentucky.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

MAKING IN ORDER AT ANY TIME ON WEDNESDAY, OCTOBER 9, 1991, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause (2) of rule XXVIII, that it be in order at any time on Wednesday, October 9, 1991, or any day thereafter, to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement, to the bill (H.R. 2942), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, and that the conference report and the Senate amendments be considered as read when called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON H.R. 2426, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1992

Mr. HEFNER. Mr. Speaker, I call up the conference report on the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 3, 1991, at page 25053).

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes, and the gentleman from California [Mr. LOWERY] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from North Carolina [Mr. HEFNER].

GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report and the amendments in disagreement on the bill, H.R. 2426, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HEFNER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the conference report we present to the House today for military construction and family housing appropriations contains agreements on about 300 line items.

Before I summarize the conference action, I would like to take this time to thank the ranking minority member of the Military Construction Subcommittee, Mr. LOWERY, for his cooperation and diligence all year long so we can be here today to present this conference report to the House. Mr. LOWERY has been very helpful in making this a bipatisan effort. I also want to thank all the other members of the subcommittee for their bipartisan support, especially our committee chairman, JAMIE WHITTEN, for his leadership.

Mr. Speaker, the conference agreement on H.R. 2426 that we are presenting to the House provides for $8.56 billion in budget authority of which $759 million is to fund both rounds of base closures and realignments.

Mr. Speaker, the conference agreement is under the President's request by $55 million. It is within our committee's section 602 allocations for both budget authority and outlays. For about 8 years, the military construction program has been at about the same level with no growth. In fact, when compared to the fiscal year 1985 level, this bill has experienced 30 percent real negative growth. So, the conference agreement is not a budget buster.

Mr. Speaker, the conference agreement reduces the President's request for overseas spending by about $102 million which represents a reduction of about 32 percent. The conference agreement also reduces the President's request for NATO infrastructure funds by $134 million or 37 percent. In the 10 years that I have been a member of this committee, this committee has consistently reduced the President's budget request for overseas funding and requested our allies share more of the burden. I think we have been successful in this effort. I also believe these overseas reductions have been prudent actions in light of the changes occurring throughout the world and especially in view of the reduced threat in Europe and peace initiatives that are occurring with the Soviet Union.

With regard to construction of a new base in Italy, the conference agreement prohibits the use of unobligated NATO infrastructure funds from being used for construction of a base to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy. The prohibition is identical to last year's prohibition which in effect holds up obligating any funds for a year.

On the domestic side, the conference agreement provides more funds than were requested by the President for base closures and realignments. In addition, the conference agreement earmarks a floor of $220 million in order to help expedite cleanup of closed bases so that land can be transferred in a timely manner to mitigate or minimize economic losses.

The conference agreement also provides $629 million for Guard and Reserve components which is $61 million below last year's level but over the President's request.

The conference adds funds for two of the most important quality of life programs in the military—housing and medical facilities. For housing, the conference agreement is $350 million over last year's level and $27 million over the President's request.

The conference agreement provides $15,000,000 under the base closure I account to begin initiation of a medical center to replace Womack Army Community Hospital at Fort Bragg, NC. The facility will serve the second largest Army catchment area beneficiary population, both active and CHAMPUS eligibles.

With regard to the construction at Whiteman Air Force Base for basing of the B-2 bomber, the conference agreement provides funding of $29,500,000 instead of $49,500,000 as requested. The conferees also direct the Air Force to program its projects consistent with the number of funded operational planes in the event future procurement action limits the number of planes.

The conference agreement provides $43 million for replacement and repair of facilities destroyed or damaged by a tornado at McConnell Air Force Base, KS.

The agreement provides $11.4 million instead of the $36.5 million as requested for a trestle replacement at Earle Naval Weapons Station, NJ. The difference will be funded by the NATO allies.

The conference agreement provides funding in the amount of $132 million for ammunition demilitarization facilities at four sites—Anniston Army Depot, Umatilla Army Depot, Pueblo Army Depot and Tooele Army Depot.

The conference agreement provides $80 million for the final phase of funding for the J-6 Large Rocket Test Facility at Arnold Engineering Development Center, TN.

The conference agreement applies a general reduction of $148 million against various accounts. The general reduction reflects prior year funded projects that are no longer required because of base closure II action. A list of those projects follows, for which funds have been obligated. The conference report makes it clear that the general reduction is to be applied against these projects and not against other funded projects.

The following projects are no longer required due to base closure:

Army:	
Fort Ord, CA: Automated Record Fire Range	[1]$2,450,000
Sacramento Army Depot, CA: Microwave/Radar Maintenance Facility	[1]3,900,000
Fort Benjamin Harrison, IN:	
Fire Station	[2]1,300,000
Learning Research Center	[2]4,300,000
Navy:	
Moffett Field Naval Air Station, CA: Child Care Center	[1]1,000,000
Tustin Marine Corps Air Station, CA: Flight Line Security Improvements	[1]2,350,000
Long Beach Naval Station, CA: Wharf Utilities Upgrade	[2]3,520,000
New London Naval Underwater Systems Center, CT: Electronmagnetic Systems Laboratory	[1]12,600,000
Philadephia Naval Shipyard: Hazardous and Flammable Storage Warehouse	[1]7,000,000
Warminister Naval Air Development Center, PA: Aircraft Technologies Laboratory	[2]10,770,000
Exmouth Harold E. Holt Naval Communications Station, Australia: Fire Protection System	[1]610,000
Air Force:	
Williams AFB, AZ:	
Water Supply Complex	[1]1,850,000
Add to and Alter Flight Simulator	[2]400,000
Base Engineer Complex	[2]2,350,000
Specialized UPT Maint and Ops Support	[2]900,000
Baker AFB, AR:	
Civil Engineer Shop Facility	[1]2,700,000

Convoy Road	[1]500,000
Water Well and Elevated Storage	[1]850,000
Castle AFB, CA:	
Combat Crew Training School	[2]3,000,000
Security Police Operations Facility	[2]2,000,000
Standardized Evaluation Center	[2]2,200,000
Lowry AFB, CO: Precision Measurement Equipment Lab	[1]2,200,000
MacDill AFB, FL:	
F–16 Avionics Shop	[1]3,550,000
Fuels Mobility Support Equipment Warehouse	[1]940,000
Upgrade Runway	[2]7,900,000
Grissom AFB, IN:	
Wing Headquarters and Command Post	[1]50,000
Renovate Dormitory	[2]2.500,000
Child Development Center	[2]2,000,000
England AFB, LA:	
Add to and Alter Aircraft Corrosion Control Facility	[1]2,700,000
Alter Dormitories	[1]3,200,000
Base Supply Complex	[1]4,100,000
Loring AFB, ME: Dormitory	[1]8,500,000
Wurtsmith AFB, MI: Add to and Alter Child Development Center	[2]960,000
Myrtle Beach AFB, S.C.:	
Add to and Alter Aircraft Maintenance Unit Facilities	[1]2,350,000
Bergstrom AFB, TX: Add to Child Development Center	[1]2,400,000
Carswell AFB, TX:	
Noise Suppressor Support Facility	[1]650,000
Aircraft Parking Apron Lighting	[2]1,350,000
Electrical Substation Acquisition	[2]566,000
Hydrant Fueling System	[2]9,700,000
Defense agencies: Philadelphia Naval Shipyard, PA: Medical/Dental/Occupational Health Clinic	[2]11,600,000
Air National Guard:	
Fort Devens Annex, MA: Communications-Electronics Training Complex	[1]3,000,000
Rickenbacker ANGB, OH: Alter Fuel System Maintenance Dock	[2]400,000
Air Force Reserve;	
Richards-Gebaur AFRS, MO: Jet Fuel Storage Complex	[1]2,350,000
Rickenbacker ANGB, OH:	
Add/Alter Facilities for Conversion	[1]1,450,000
Add/Alter Hangar	[1]6,800,000
Alter Fuel Maintenance Dock	[2]500,000

[1] Fiscal year 1990:

Army	$6,350,000
Navy	23,560,000
Air Force	36,540,000
Air National Guard	3,000,000
Air Force Reserve	10,600,000
Total	80,050,000

[2] Fiscal year 1991:

Army	5,600,000
Navy	14,290,000
Air Force	35,826,000
Defense Agencies	11,600,000
Air National Guard	400,000
Air Force Reserve	500,000
Total	68,216,000

Totals:

Army	11,950,000
Navy	37,850,000
Air Force	72,366,000
Defense Agencies	11,600,000
Air National Guard	3,400,000
Air Force Reserve	11,100,000
Total	148,266,000

I want to assure the Members of this House that this bill is a bipartisan effort. The bill cuts overseas programs, it provides sufficient funds to keep base closures on track. It increases the amount for quality of life projects that contribute to retention of our service men and women. It provides funds for revitalizing an aging physical plant which is, on the average, over 50 years of age. I urge Members to support the conference report.

At this point, I reserve the balance of my time and submit for the RECORD a comparative statement of budget authority.

MILITARY CONSTRUCTION APPROPRIATIONS, FY 1992 (H.R. 2426)

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Military construction, Army 1/	746,137,000	870,170,000	877,585,000	798,770,000	880,820,000	+134,683,000
Rescission	-116,745,000	....	-39,000,000	-39,000,000	-39,000,000	+77,745,000
Total, Military construction, Army (net)	629,392,000	870,170,000	838,585,000	759,770,000	841,820,000	+212,428,000
Military construction, Navy 2/	1,132,606,000	879,420,000	848,429,000	878,211,000	883,859,000	-248,747,000
Rescission	-6,200,000	....	-56,392,000	-56,392,000	-56,392,000	-50,192,000
Total, Military construction, Navy (net)	1,126,406,000	879,420,000	792,037,000	821,819,000	827,467,000	-298,939,000
Military construction, Air Force 3/5/	949,094,000	1,151,020,000	1,129,420,000	967,570,000	1,005,954,000	+56,860,000
Rescission	-51,390,000	....	-94,400,000	-94,400,000	-94,400,000	-43,010,000
Total, Military construction, Air Force (net)	897,704,000	1,151,020,000	1,035,020,000	873,170,000	911,554,000	+13,850,000
Military construction, Defense agencies 4/	601,288,000	725,700,000	745,990,000	654,330,000	724,740,000	+123,452,000
Rescission	-68,119,000	....	....	....	....	+68,119,000
Total, Military construction, Defense agencies (net)	533,169,000	725,700,000	745,990,000	654,330,000	724,740,000	+191,571,000
North Atlantic Treaty Organization Infrastructure	192,700,000	358,800,000	158,800,000	254,400,000	225,000,000	+32,300,000
Military construction, Army National Guard	313,224,000	50,400,000	161,281,000	233,274,000	231,117,000	-82,107,000
Military construction, Air National Guard	180,560,000	131,800,000	172,690,000	231,506,000	217,566,000	+37,006,000
Military construction, Army Reserve	77,426,000	57,500,000	94,860,000	114,723,000	110,389,000	+32,963,000
Military construction, Naval Reserve	80,307,000	20,900,000	20,900,000	60,400,000	59,900,000	-20,407,000
Military construction, Air Force Reserve	38,600,000	20,800,000	20,800,000	22,800,000	9,700,000	-28,900,000
Total, Reserve components	690,117,000	281,400,000	470,531,000	662,703,000	628,672,000	-61,445,000
Total, Military construction:						
New budget (obligational) authority (net)	4,069,488,000	4,266,510,000	4,040,963,000	4,026,192,000	4,159,253,000	+89,765,000
Appropriations	(4,311,942,000)	(4,266,510,000)	(4,230,755,000)	(4,215,984,000)	(4,349,045,000)	(+37,103,000)
Rescissions	(-242,454,000)	....	(-189,792,000)	(-189,792,000)	(-189,792,000)	(+52,662,000)
Family housing, Army:						
Appropriation	1,538,267,000	1,534,425,000	1,579,245,000	1,508,975,000	1,557,245,000	+18,978,000
Portion applied to debt reduction	-250,000	-125,000	-125,000	-125,000	-125,000	+125,000
Rescission	-12,664,000	....	....	....	....	+12,664,000
Total, Family housing, Army (net)	1,525,353,000	1,534,300,000	1,579,120,000	1,508,850,000	1,557,120,000	+31,767,000
Family housing, Navy and Marine Corps	866,018,000	879,900,000	908,140,000	860,900,000	902,140,000	+36,122,000
Rescission	-11,037,000	....	....	....	....	+11,037,000
Total, Family housing, Navy (net)	854,981,000	879,900,000	908,140,000	860,900,000	902,140,000	+47,159,000
Family housing, Air Force 5/	934,399,000	1,093,800,000	1,085,983,000	991,283,000	1,075,283,000	+140,884,000
Rescission	-45,964,000	....	....	....	....	+45,964,000
Total, Family housing, Air Force (net)	888,435,000	1,093,800,000	1,085,983,000	991,283,000	1,075,283,000	+186,848,000
Family housing, Defense agencies	21,014,000	26,200,000	26,200,000	26,200,000	26,200,000	+5,186,000
Rescission	-300,000	....	....	....	....	+300,000
Total, Family housing, Defense agencies (net)	20,714,000	26,200,000	26,200,000	26,200,000	26,200,000	+5,486,000
Homeowners Assistance Fund, Defense	5,100,000	84,000,000	84,000,000	84,000,000	84,000,000	+78,900,000
Total, Family housing:						
New budget (obligational) authority (net)	3,294,583,000	3,618,200,000	3,683,443,000	3,471,233,000	3,644,743,000	+350,160,000
Appropriations	(3,364,798,000)	(3,618,325,000)	(3,683,568,000)	(3,471,358,000)	(3,644,868,000)	(+280,070,000)
Rescissions	(-69,965,000)	....	....	....	....	(+69,965,000)
Applied to debt reduction	(-250,000)	(-125,000)	(-125,000)	(-125,000)	(-125,000)	(+125,000)
Base realignment and closure account, Part I	998,100,000	633,600,000	658,600,000	674,600,000	658,600,000	-339,500,000
Base realignment and closure account, Part II	....	100,000,000	100,000,000	297,000,000	100,000,000	+100,000,000
Grand total:						
New budget (obligational) authority (net)	8,362,171,000	8,618,310,000	8,483,006,000	8,469,025,000	8,562,596,000	+200,425,000
Appropriations	(8,674,840,000)	(8,618,435,000)	(8,672,923,000)	(8,658,942,000)	(8,752,513,000)	(+77,673,000)
Applied to debt reduction	(-250,000)	(-125,000)	(-125,000)	(-125,000)	(-125,000)	(+125,000)
Rescissions	(-312,419,000)	....	(-189,792,000)	(-189,792,000)	(-189,792,000)	(+122,627,000)

1/ FY 1992 Estimates include $18,870,000 requested under the Defense Business Operations Fund (DBOF)

2/ FY 1992 Estimates include $221,620,000 requested under the DBOF

3/ FY 1992 Estimates include $25,640,000 requested under the DBOF

4/ FY 1992 Estimates include $154,100,000 requested under the DBOF

5/ Budget request to repair or replace facilities damaged by a tornado at McConnell AFB, Kansas on April, 26, 1991 was submitted by the President on June 28, 1991 (H. Doc. 102-107) as shown in table to the right:

5/(continued)

Military Construction	
Seven Projects	$39,780,000
Planning and design	3,200,000
Family Housing	
Construction	10,000,000
Maintenance	1,800,000
Planning and design	500,000
Total	$55,280,000

Mr. LOWERY of California. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, first I would like to thank the chairman of the Military Construction Subcommittee, the gentleman from North Carolina, for his leadership and diligence in bringing this bill to conference.

There are many changes taking place in the world today, and this bill reflects those changing realities. As the chairman, the gentleman from North Carolina [Mr. HEFNER] stated, we resolved over 300 differences. We are presenting to the House a conference report which is balanced and fair.

The conference agreement on H.R. 2426 contains $7.8 billion for military construction and family housing. Also included is $658.6 million for continued funding of the 1988 base closures and $100 million for the 1991 base closures.

When combined, the total appropriation is $8.56 billion. This is within our 602(b) allocation and below the budget request by $55.7 million. In addition, it is important my colleagues understand that although we are moving the appropriation bill prior to completion of the authorization conference, the projects included in this bill will be subject to that authorization.

Mr. Speaker, an issue that has continued to prompt much debate is the relocation of the 401st Tactical Fighter Wing from Torrejon, Spain, to Crotone, Italy. The conference report before the House includes a provision which prohibits U.S. contributions to the NATO infrastructure account for the construction of Crotone for another year. It is important that my colleagues realize the United States has committed $46 million, based on current exchange rates, toward the construction of the runway and utilities. It is the conferees' understanding that this construction, which began last summer, has experienced delays and will not be complete until February 1993. While the language in the conference report does not impact this $46 million, it does prohibit the United States from committing itself any further during fiscal year 1992.

☐ 1630

The conferees have expressed support for a minimum cost barebones base at Crotone and it is our intention to revisit this issue next year.

Mr. Speaker, this conference report looks very similar to those which have overwhelmingly passed the House the past few years. We have provided funds in support of weapon systems, taken care of quality of life projects, reduced funding for construction overseas, increased funding for the Guard and Reserves, and provided the necessary funds to implement base closures. It is a good agreement and one which deserves the support of my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE], a ranking member of the full Committee on Appropriations.

Mr. MCDADE. Mr. Speaker, I thank my colleague for yielding to me, and I will be very, very brief. I want to commend my friend, the gentleman from North Carolina [Mr. HEFNER], chairman of the Subcommittee on Military Construction of the Committee on Appropriations, and the gentleman from California [Mr. LOWERY], for doing a superb job on a very important and difficult bill. They had an enormous number of disagreements with the Senate, over 300 line items, and they have resolved all of them. They have taken care of the quality-of-life issues which have been referred to, that are the lifeline of the troops of this Nation, the men and women who serve in the Armed Forces.

Mr. Speaker, it is a lifeline that leads to retention, to morale, to all of those things that are so important to a well-performing and well-rounded group who serve this country at home and abroad.

They have done a superb job in meeting them.

Mr. Speaker, they have done something else that needs the House's attention. They found the money to include $43 million to replace and repair damaged facilities at McConnell Air Force Base, which was hit by a tornado in April. They did not wait for a supplemental. They found the money in the bill. I congratulate them for doing so.

Mr. Speaker, this bill is clearly within the section 602(b) allocation. I have no hesitancy in recommending that it be adopted by the House.

Mr. LOWERY of California. Mr. Speaker, I reserve the balance of my time.

Mr. HEFNER. Mr. Speaker, I yield such time as he may consume to the ranking majority member of the subcommittee, the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I rise in support of this conference report.

I want to give particular attention to an amendment I offered. That amendment includes language which has one single purpose: to make clear that Congress intends for the Defense Department to extend the fullest possible cooperation to groups working to formulate and implement reuse plans for those bases on both the 1988 and 1991 closure list.

Mr. Speaker, I would like to quote the language for the RECORD.

> The conferees intend that the Department of Defense and the military departments will extend the fullest cooperation to State and local governments and to local entities constituted to formulate and implement reuse plans for military installations scheduled for closure under recommendations made pursuant to Public Law 100-526 and Public Law 101-510.

Eaker Air Force Base in my district is one of the bases to be closed.

That's not good news.

But, there is good news—the local community has banded together to market this fine facility, to make it home to new businesses and industries.

I recently invited my friend Fred Smith, president and chief executive officer of Federal Express, on a tour of the base to explore the potential for establishing a heavy maintenance facility—and we have high hopes that someday aircraft of FedEx will replace the aircraft of the Air Force.

We are confident that good things will happen at Eaker—but we need a little cooperation from our friends—over across the river in the Pentagon.

In meeting with community leaders working on this reuse project, it was reported to me that they were facing a maze of redtape and formidable bureaucratic roadblocks in their efforts to market this base.

Let me set out just a few examples:

Requests for even the most routine information is being bounced from place to place, when those decisions should be made quickly as the local base level.

The square footage of a building or information on the water treatment plant does not involve national security, and requests for such information should not have to go through so many hands.

In industrial recruitment, time is of the essence.

Recently, an industrial prospect wanted a tour of the base, but only gave local officials a 24-hour notice. The request for the tour was turned down by base officials and the local reuse committee was told 5 days advance notice was required.

Space on the base was denied to me when I wanted to send a member of my Washington staff to Eaker to meet with civilian employees about to lose their jobs. The visit had on purpose: To see if my office could assist these constituents in facing this traumatic situation.

The Air Force first said that space could not be provided because such visits were of a partisan political nature.

I was shocked at such a characterization. I remain shocked and will continue to press this issue until I have the answers I want.

As a result of this decision my staff member had to change locations on each of the 3 days he met with civilian employees.

He met with these constituents, not for partisan political purposes, but to offer a helping hand to people facing a major disruption in their lives.

Mr. Speaker there are other examples—but the end result is the same. For whatever reason, the Pentagon has apparently decided that it's business as usual at these bases.

Well, I'm here to tell them, it's not business as usual.

The closure of Eaker Air Force Base will cause major economic disruption and deeply affect the lives of many, many people.

We have accepted the closure of the base and are looking to the future. But, to succeed in our efforts, to ensure the future, we must have the cooperation of the Pentagon.

The reuse efforts will succeed, but they will succeed more rapidly if they are not choked by redtape and hindered by bureaucratic roadblocks.

These obstructions aren't what we need.

What we need is a little help from our friends—and this language will ensure that we get it.

I have today written to Air Force Secretary Donald Rice and to the commander at Eaker Air Force Base informing them of this action—and asking that they comply.

I can assure you that I will be in close touch with the situation in the days and weeks ahead.

[The letters referred to are as follows:]

CANNON HOUSE OFFICE BUILDING,
Washington, DC, September 9, 1991.

Hon. DONALD B. RICE,
Secretary, Department of the Air Force, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a copy of a memorandum transmitted to the president of AFGE Local 2840 which represents civilian employees at Eaker AFB, AR. As you know, this facility is slated for closure pursuant to the recommendations of the Commission on Base Closure and Realignment.

During visits to Blytheville, AR where the base is located I have been approached on several occasions by civilian employees and representatives of the union requesting that my office make someone available for one-on-one meetings with employees who will be dislocated by the base closure. Naturally, I am anxious to do whatever I can to ease the transition of affected employees through this difficult period and am more than willing to accommodate this request.

During the period August 26–29 a member of my staff traveled to Blytheville to meet with interested employees and provide information and guidance on relocation and retraining assistance which could be provided by the Federal Government. Unfortunately, by that time it had become apparent that the Air Force was going to do whatever it could to complicate this effort by refusing to permit any room on the base to be used for this purpose. Moreover, the Union President was denied his request to use administrative leave allocated to the union to assist in these meetings. The rationale for this decision was that the visit of my staff was of a "partisan political nature".

This characterization of my staff's mission to Eaker is without any foundation or basis in fact. Prior to the visit, the base commander's office and the civilian personnel office both received assurances that no political activities would be involved. Nevertheless, on August 28—while my staff was meeting with civilian employees at a location off base—the enclosed memorandum was delivered to the union president. It strongly insinuates that, notwithstanding my assurances to the contrary, partisan political activity was expected to be a part of this visit.

Base employees who participated in these meetings can assure you that the subject matter addressed related to base closure and reemployment issues. Any assertion to the contrary is repudiated in fact and truth.

My staff has requested Mr. Bernie Josten of the Air Force Budget Office for the name of the person who determined that this activity was partisan and, accordingly, denied us the use of a room at the base. Additionally, I want to know the precise justification for such a determination—including a definition of what constitutes partisan political activity and what does not.

You will be hearing more from me on this matter in other venues. I hope to be hearing from you soon.

With kindest regards, I am
Sincerely,
BILL ALEXANDER,
Member of Congress.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS 97TH COMBAT SUPPORT GROUP (SAC),
Eaker Air Force Base, AR, August 28, 1991.

Subject: Request for Administrative Leave.
To: John F. Bernier, President Local 2840, A.F.G.E., Eaker AFB AR 72317.

1. Your request for eight hours of administrative leave from the Union's bank of hours is denied.

2. The visit by Congressman Alexander's representative has been deemed by Air Force authorities to be of a partisan political nature. Federal law prohibits the support of partisan political activities by federal agencies or federal employees. Because of this prohibition, it has been determined that base facilities could not be extended to the Congressman's representative for the proposed meetings with base employees. For the same reasons, we cannot authorize you official government time to assist the Congressman's representative. This would be agency support of partisan political activities, which is prohibited.

3. One hour's administrative leave has been granted to any employees wishing to meet with the Congressman's representative solely to ensure that all employees are treated equitably in requesting an opportunity to meet with the representative. This was authorized to preclude some employees being allowed extended lunch hours at varying times, while others were required to take annual leave. Your request was for eight hours to directly assist the representative in his activities, which is an entirely different matter.

4. You are free to take annual leave to pursue you duties as Union Local President in relation to the Congressman's representative visit. Your attention is directed to the prohibitions in the Hatch Act against partisan political activity by Federal government employees and you are specifically cautioned against becoming involved in soliciting votes for Congressman Alexander while assisting his representative.

BARBARA FARMER,
Employee Relations Specialist.

Mr. HEFNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, I thank the gentleman for the fine job they have done and rise in support of the conference report on H.R. 2426 and thank the chairman for all of his fine efforts on behalf of Fort Bliss, TX.

Mr. Speaker, I rise today in support of the conference report on H.R. 2426, military construction appropriations for fiscal year 1992. I would like to commend my subcommittee chairman, BILL HEFNER, for his diligence in bringing this report to the floor. It is a pleasure to work with him and all of my distinguished colleagues on this subcommittee. I also want to thank the subcommittee staff for their hard work in working out the details of the bill and the accompanying report.

The bill contains projects vital to the morale, recruitment, and retention of U.S. military personnel across the country and around the world. Not only does the bill relate to new military construction projects but also contains provisions important to diverse items such as weapons systems, environmental concerns, family housing, child care centers, and educational needs of military families.

Of special concern to my congressional district are barracks modernization projects at Fort Bliss, TX. The Department of Defense has omitted military construction and family housing projects for Fort Bliss in the past several years. Barracks on the post are World War II vintage and clearly substandard. As Congress considers the defense needs of our country, these projects will enhance the quality of life, morale, and retention of a well-trained, volunteer Army.

Fort Bliss is home of the U.S. Army Air Defense Artillery Center, and its soldiers gained international fame during the Persian Gulf war because of its patriot-trained units. Clearly, the air defense mission in the U.S. postwar military strategy will increase, and Fort Bliss' roll will be enhanced. I therefore believe it is critical to go forward with a barracks modernization program at this post, and the projects contained in the bill will complement this plan.

Unfortunately, and without apparent reason, the Department of Defense has included no monies for Fort Bliss in its 1992 budget submission for the Army. I am appreciative of the assistance of the subcommittee in adding the two barracks projects. The projects were authorized by the House Committee on Armed Services, and I also want to thank Chairman SCHROEDER and Chairman ASPIN for their assistance with this matter.

The subcommittee also recommended a deficiency allowance to cover funding shortfalls for prior year barracks modernization projects at Fort Bliss.

In closing, I wish to again thank the conference committee for its consideration of these important matters, and I urge my colleagues to support the report.

Mr. LOWERY of California. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member would like to take this time to thank the distinguished chairman of the Appropriations Subcommittee on Military Construction, the gentleman from North Carolina [Mr. HEFNER], the ranking minority member on that subcommittee, the distinguished gentleman from California [Mr. LOWERY], the distinguished chairman of the Appropriations Committee, the gentleman from Mississippi [Mr. WHITTEN], and the ranking minority member of the Appropriations Committee, the distinguished gentleman from Pennsylvania [Mr. MCDADE], for their assistance in expediting this legislation.

Mr. Speaker, I think too infrequently we Members, who are not on the Committee on Appropriations, too infrequently do we express our appreciation to the members of the Committee on Appropriations for the hard work and the many, many hours that they take in listening to people from around the country, and Members of Congress expressing their interests and concerns, and I want to commend them for all the time they take and for the excellent product that they brought us today.

□ 1640

Specifically, this Member would like to thank the committee and subcommittee for recognizing the needs of the Nebraska Army National Guard by providing nearly $12 million in funding for construction projects throughout Nebraska. In this Member's congressional district the conferees provided $6.6 million for the construction of new barracks at Camp Ashland. Camp Ashland serves as the noncommissioned officer academy for Guard members from an 11-State region. The Nebraska Guard's Officer Candidate School is also located at Camp Ashland. In addition, individual Guard units routinely visit the camp to engage in 2- or 3-day field training exercises. These new barracks, when coupled with the existing wooden barracks, will result in as many as 700 troops being billeted at Camp Ashland.

Furthermore, this Member commends the conferees for approving funding for a new warehouse and fiscal office in Lincoln, NE, in the amount of $2.3 million. This funding will enable the Nebraska Army Guard to replace its outdated warehouse with a new more efficient facility.

Mr. HEFNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. ANDREWS] for a colloquy.

Mr. ANDREWS of Maine. Mr. Speaker, I would like to engage the distinguished chairman, the gentleman from North Carolina, in a colloquy concerning the severe environmental problems we face at many bases slated for closure. Earlier this year, Congressman PANETTA, the distinguished chairman of the House Budget Committee, and I were joined by 33 other House Members in writing to the committee in support of increasing funding for the cleanup of bases named for closure in rounds I and II of the base closure process. The Pentagon had informed us that they needed $413 million in fiscal year 1992 for this job. In my State of Maine, for example, Loring Air Force Base alone has 42 individual sites requiring environmental work. The Defense Department estimated in July that the restoration will require $52 million next year and over $300 million to complete at Loring.

Mr. HEFNER. I appreciate the Congressman's concerns. The committee is fully committed to funding the cleanup of all base closure sites. The Department of Defense, however, has not been forthcoming in its explanation of its cost requirements or in providing the committee with a plan for the orderly restoration of these bases.

Mr. ANDREWS of Maine. Mr. Chairman, I note that the committee provided $220 million for cleanup at round I bases, but did not provide additional funding for restoration at bases in round II. The Department of Defense requested only $100 million for all round II base closure activities next year, far short of the $197 million the Pentagon recently told us are needed for the environmental work alone. What is the committee's intent for funding restoration at round II bases in fiscal year 1992?

Mr. HEFNER. I appreciate the gentleman from Maine's inquiry. The committee intends that the $100 million allocated for base closure activities be made available primarily for environmental restoration. The committee also directs the gentleman's attention to the fact that the Defense Environmental Restoration Account Program, which is not funded by this committee, is also responsible for funding the cleanup work at these sites in fiscal year 1992.

Mr. ANDREWS of Maine. Is it correct that the President requested $69 million be funded as part of this account for base closure round II sites?

Mr. HEFNER. Yes; $69 million was identified for this purpose. Beginning in fiscal year 1993, however, the committee expects the Department of Defense to fully fund environmental cleanup in its budget submission as part of the base closure account for round II, which is part of the military construction budget. We look forward to seeing their justification of this program and the Department's plan for environmental work at these bases.

Mr. ANDREWS of Maine. Mr. Speaker, I greatly appreciate the explanation of the gentleman from North Carolina [Mr. HEFNER] and his commitment to the restoration of base closure sites. We have been through a very difficult and painful process of identifying military bases across the United States that will permanently close. The pain and difficulty comes from the hardship that these closings will cause the communities in which they are located, communities who for years have been there to answer their Nation's call in time of military need. Well, now these communities are facing their own time of great need, and unless they have the full support and cooperation of the Federal Government, they could be facing severe economic hardship.

The time to begin assisting these communities is now, and that must begin by cleaning up each and every base that is scheduled to be closed. The communities that are facing the great challenge of economic redevelopment should not be further hampered by a Federal Government that is unwilling to clean up its own mess quickly and completely.

Mr. HEFNER. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, shortly after I was elected to the House of Representatives in 1982, I visited the Dover Air Force Base in the central part of our State. During the course of that visit I spent some time at our childcare center there. I saw a center that was well run, with children that were well cared for and tended to. I also saw a center 8 years ago that was literally busting at the seams.

Several years later we are in the midst of the Desert Shield/Desert Storm buildup. I revisited the bases I have visited throughout the years, and I found a base whose workload had doubled and tripled and then quadrupled as opposed to peacetime. I visited the same childcare center, and if I thought I had seen a busy, busting at the seams childcare center in 1983, I want to tell my colleagues that by 1990 the situation was far worse. We had over 200 families waiting, trying to get their children into that childcare center and not having the opportunity to do that.

Mr. Speaker, this bill provides for an extension and expansion of the childcare center, the first one we had at our base for a long, long time.

I just want to say to the gentleman from North Carolina [Mr. HEFNER], to everyone on the subcommittee, to the gentleman from California [Mr. LOWERY], everybody who has played a role in making this expansion of our center a possibility, how much the families of the Dover Air Force Base appreciate the support that they have shown for this.

Mr. LOWERY of California. Mr. Speaker, I have no further requests for time.

Mr. HEFNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Speaker, I rise in strong support of the conference report on H.R. 2426, the military construction appropriations bill for fiscal year 1992. This measure contains many important provisions relating to enhancing the quality of life for our military personnel.

I want to give special thanks to Chairman HEFNER and the ranking minority member, Mr. LOWERY, for accepting my amendment to provide an additional $15 million in barracks renovation at Fort Hood, in my district. Fort Hood will be gaining over 12,000 troops as a result of the base realignment process, and new housing for soldiers is very much needed.

Mr. Speaker, I am proud that Fort Hood sent 25,000 troops to fight for our country in Desert Storm. We have welcomed our soldiers home with parades and yellow ribbons, but now it is time to welcome our troops home with adequate housing and vital training facilities.

The four projects totaling $46.7 million will include renovating 12 barracks, building a small arms firing range, and completing the consolidated maintenance facility for heavy equipment and vehicles. I am pleased these four projects have received the committee's support and believe our Nation's military is well served by their funding.

Mr. Speaker, as our overall troops levels are drawn down, keeping high quality personnel in the armed services becomes absolutely essential. We cannot keep and train first-class troops in second-class facilities.

I urge my colleagues to join me in strong support of H.R. 2426, and vote "yes" on final passage to ensure our military's infrastructure remains first and foremost.

Mr. PANETTA. Mr. Speaker, I rise in support of the conference report to accompany H.R. 2426, the military construction appropriations bill for fiscal year 1992. This is the 7th conference report on one of the 13 annual appropriations bills to be reported to the House.

This conference report provides $8.563 billion in total discretionary budget authority and $8.433 billion in total discretionary outlays, which is $1 million below the 602(b) subdivision for budget authority and $49 million below the 602(b) subdivision for outlays, respectively, for this subcommittee.

As chairman of the Budget Committee, I will continue to inform the House of the impact of all spending legislation. I have provided a "Dear Colleague" letter describing how each appropriation measure considered so far compared to the 602(b) subdivisions for that subcommittee. I will provide similar information about the remaining conference agreements on the fiscal year 1992 appropriations bills.

I look forward to working with the Appropriations Committee in the future and commend the committee for the work they have done in adhering to the limits set forth in the budget agreement and the 1992 budget resolution.

[Fact Sheet]

CONFERENCE REPORT TO ACCOMPANY—

H.R. 2426, MILITARY CONSTRUCTION APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REP. 102-236)

The House Appropriations Committee filed the conference report to accompany H.R. 2426, the Military Construction Appropriations Bill for Fiscal Year 1992 on Thursday, October 3, 1991. This conference report could be considered at any time.

COMPARISON TO THE 602(B) SUBDIVISION

The conference report provides $8,563 million of discretionary budget authority, $1 million less than the Appropriations budget authority 602(b) subdivision for this subcommittee. The bill is $49 million under the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

COMPARISON TO DEFENSE DISCRETIONARY SPENDING ALLOCATION

[In millions of dollars]

	Military Construction appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+)/under (−) committee 602(b) subdivision	
	BA	0	BA	0	BA	0
Discretionary	8,563	8,433	8,564	8,482	−1	−49
Mandatory						
Total	8,563	8,433	8,564	8,482	−1	−49

BA = New budget authority.
0 = Estimated outlays.

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget authority	New outlays
Military Construction:		
Army	842	168
Navy	827	137
Air Force	912	119
Defense agencies	725	87
NATO infrastructure	225	56
Family Housing:		
Army	1,557	1,066
Navy and Marine Corps	902	447
Air Force	1,075	673
Base closure account	759	91

The House Appropriations Committee ordered reported the Committee's subdivision of budget authority and outlays in House Report 102-180. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102-69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

Mr. LOWERY of California. Mr. Speaker, I yield back the balance of my time.

Mr. HEFNER. Mr. Speaker, I, too, have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the rule, the amendments in disagreement are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 1: Page 2, line 10, strike out "$877,585,000" and insert: "$798,770,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the Amendment of the Senate Numbered 1, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$880,820,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 3: Page 3, line 5, strike out "$848,429,000" and insert: "$878,211,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the Amendment of the Senate Numbered 3, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$883,859,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

□ 1650

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 5: Page 3, line 24, strike out "$1,129,420,000" and insert: "$967,570,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the Amendment of the Senate Numbered 5, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$1,005,954,000, provided, that the certification requirements specified in section 210 of title 23 of the United States Code, shall not apply in the case of the renovation of the Suitland Parkway as a defense access road for Andrews Air Force Base, Maryland".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

POINT OF ORDER

Mr. WALKER. Mr. Speaker, I have a point of order against one section of the amendment.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WALKER. Mr. Speaker, in the amendment there is $6 million for the renovation of the Suitland Parkway, and I make the point of order against that language that it is not germane to the legislation, and that the language contained includes legislation in an appropriation bill and is, therefore, not eligible for consideration by the House.

Mr. HEFNER. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. HEFNER. Mr. Speaker, we understand the rules of the House and we realize that the gentleman's point is well taken, but this is purely technical. It is not controversial, and I would ask that the gentleman reconsider his point of order and withdraw it. There is no controversy about it, and this is something that needs to be done. We cannot elaborate on it because there are some bits of it that have to do with national security.

Mr. WALKER. Mr. Speaker, under my point of order I would simply make the point that, as I understand it, this is one piece of several millions of dollars that are being spent on the Suitland Parkway. I do not know whether there is controversy about it or not. I do understand that there has been some talk about the nature of this as being money to be used for an access road.

I would say to the gentleman that as nearly as I can tell, it is not an overriding emergency, and that through the point of order we can save $6 million of spending, and so I would insist upon my point of order.

The SPEAKER pro tempore (Mr. McNULTY). The point of order is conceded and sustained. The motion is not germane to Senate amendment No. 5.

SUBSTITUTE MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a substitute motion.

The Speaker pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the Amendment of the Senate Numbered 5, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$1,005,954,000".

The SPEAKER pro tempore. Without objection, the motion is agreed to.

Mr. WALKER. Mr. Speaker, reserving the right to object, I take this opportunity simply to inquire about several other things that are in the amendment. I notice that we have some $24 million, if I add it up correctly, in this amendment going to overseas facilities. We have had quite a few eloquent speeches on the floor in recent weeks and months indicating that the money we are spending overseas for our military presence there is in fact wasteful spending and should not be permitted to go forward, that in fact we ought to be withdrawing that money and not enhancing it. Obviously the committee has come to a different conclusion than some of the Members who have waxed eloquent on the floor in that respect.

I am just wondering whether or not the committee could offer some justification for these airfield pavements in one case, a child development center in another case, a tower and radar approach facility, and in another case a dedicated aircraft support system, and in yet another case in Canada there is also a forward operating locations and disbursement operating base. This seems to fly in the face of some of the things we have heard a lot of discussion on the floor about, and I simply ask as a point of information whether or not there is some justification for this spending, in light of everything we have been hearing in recent weeks.

Mr. HEFNER. Mr. Speaker, if the gentleman would yield, we eliminated funding of $20.7 million for the only project in Canada, so the gentleman is not correct.

We have cut overseas programs by more than one-third. I could not agree with the gentleman more about cutting overseas programs. I have, along with the gentleman from California [Mr. LOWERY], fought very hard to get more burden sharing from NATO and from our allies.

We cut overseas projects by a third. We made dramatic cuts, but there are some projects that we felt should be funded. It is legitimate funding, and I think we have done a good job. We are going to continue to make cuts overseas.

This is a responsible bill, and the things that we have funded here are necessary. I would ask the gentleman to read pages 14 and 15 of the conference report concerning Canada and Lajes Air Field in Portugal. Some folks would like to cut it all, and I would like to cut it all, too, but I think we have acted in a responsible way in this bill.

Mr. WALKER. Mr. Speaker, further reserving the right to object, do I understand we are cutting the overseas funding by a third based upon this year's spending? In this bill it will be one-third lower than it was in fiscal year 1991?

Mr. HEFNER. Based on the President's request, and we are lower than last year's level for overseas programs.

Mr. WALKER. In other words, you cut the President's request by one-third?

Mr. HEFNER. Yes.

Mr. WALKER. How much lower are we, then, in this year's spending?

Mr. HEFNER. On a percentage?

Mr. WALKER. Well, either way. If we are reducing spending in this area, how much below the spending for 1991 are we in 1992?

Mr. HEFNER. Mr. Speaker, I cannot give the gentleman a percentage, but I can just go back to my opening statement. In the last several years we have experienced negative growth in military construction. We have been stagnant in the past 6 years on military construction, and what we have done is to attempt to improve the quality of life for our forces. I would remind the gentleman also that we have had in effect a moratorium. We have gotten further and further behind on family housing and on things that are so important.

The gentleman has mentioned many times himself, that we need to support our All-Volunteer Force and the people for retention in the Armed Forces, as well as the men who operated so admirably in the Persian Gulf. I agree with the gentleman. This is one of the areas of defense where I think we should absolutely have more money, but we have had to operate under strict budget restrictions, and we have had just so few dollars. In some cases we have our troops operating the highest technological equipment in the world, and they are living in World War II facilities. That also applies to Europe, speaking about some of the living facilities we have there.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I am not at all questioning the work of the committee in its attempt to try to do what is right. My point is simply juxtaposed against what we have been hearing here in the House. It seems to me the committee has come to a somewhat different conclusion than some of our colleagues who have come to the House floor recently and suggested we can pull virtually all the money out of Europe and consequently save the taxpayers that amount of money.

Mr. HEFNER. Mr. Speaker, if the gentleman will yield, I am not speaking for our colleagues who have come to the floor and made that proposition. I have made the proposition to the House that we have done a good job on military construction. We have done our best to add to the quality of life in support of our All-Volunteer Military Force and our men and women who operated so admirably in the Persian Gulf.

This committee, I believe, has done what I consider to be a good job for our men and women in the service.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I am not questioning the gentleman on that point at all. In my view, the committee has done a pretty decent job here, and I was just interested to know how far below——

Mr. HEFNER. It is an excellent job.

Mr. WALKER. I will characterize it in my way, and the gentleman may characterize it in his way.

For instance—and this goes beyond the scope of the amendment before us—when I go down to amendment No. 9, for example, I find that we are appropriating $225 million for the North Atlantic Treaty Organization instead of $158 million, as proposed by the House. They went instead to a figure closer to the Senate-passed figure. That is a substantial increase that was accepted by the conferees in this report.

Then I look over here and I find these millions of dollars in spending in the amendment before us now, amendment No. 5. My only point is that it seems to me that this committee in its wisdom and its responsibility to do the right thing by our military forces has in fact indicated that some continued presence in the European theater, and particularly in the NATO theater, is in fact a reality and is going to be a long-term reality in this country; otherwise we would not be making the kind of investments that are envisioned in this particular amendment.

I happen to think that that is probably worthwhile, but it certainly flies in the face of statements of numerous of our colleagues who have suggested to us that a total pullout from NATO and a total pullout of U.S. Forces from Europe should be countenanced in the near future as a way of saving money.

□ 1700

Mr. LOWERY of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from California.

Mr. LOWERY of California. Mr. Speaker, as the gentleman knows, on page 13 of the conference report there is a list of projects. Let me just run through them very briefly.

Thule Air Base, Greenland. It is some $12.7 million for a second phase upgrade of the airfield pavement. That is a very hostile environment, as the gentleman knows, up there, from a climate standpoint. The airfield is the main supply line for all items arriving at Thule Air Base and is the only means of transportation in or out for 10 months of the year.

Mr. WALKER. Further reserving my right to object and reclaiming my time for a moment, I assume we are doing that because we figure that we are going to have some long-term presence at the Thule Air Force Base. Is that right?

Mr. LOWERY of California. If the gentleman will yield further, we will indeed. I am not aware of Thule being on anyone's list for closure. It is extremely important for our missions in the North Atlantic, and that is an installation that will remain open.

Anderson Air Force Base in Guam, this is for a child development center. Anderson is becoming increasingly important. That is not a foreign base. Guam is a U.S. territory. With the closing of Clark Air Force Base in the Philippines, Anderson is going to have increasing importance in the future.

Mr. WALKER. Again, further reserving the right to object, I will go back to the point. If we are going to invest in the families that are going to be at Anderson, I assume that the committee is suggesting that we probably are going to have a long-term presence at Anderson as well..

Mr. LOWERY of California. The gentleman is correct. Then Lajes Field in the Azores, Portugal, that is a control tower and radar approach control. Lajes is extremely important. Any time we have an airlift mission to the southern portion of NATO or to the Middle East, Lajes has a great deal of traffic through it. This control tower has not been updated since 1954.

Mr. WALKER. Reclaiming my time, this is an indication that in our own national interest, we are probably going to be there for some period of time to come.

Mr. LOWERY of California. Indeed we will be. Finally, at Lakenheath, there is an F-15 wing there, and that is one, despite the closures and bringing back a number of wings out of Europe, one that will remain. That is for a fuel facility, of $3.6 million.

Mr. WALKER. Mr. Speaker, reclaiming my time, I thank the gentleman. Again, it seems to me what we are indicating by spending that kind of money on an upgrade is that in the opinion of this committee, and evidently the experts with which you deal, this is another facility where we are probably going to have a long-term presence, and so, therefore, is worth the investment at the present time to assure that that upgrade serves our military mission, as well as the families of our military, in the best possible way in those bases where we are going to be for a long period of time.

Mr. LOWERY of California. Mr. Speaker, if the gentleman will further yield, Secretary Cheney has already proposed numerous facilities around the world for closure. We are not funding construction at those locations. It would make no sense. We are not going to be isolationists and pull back from commitments everywhere around the globe. These are facilities that are very key to our defense needs, and that will remain open.

Mr. WALKER. Mr. Speaker, reclaiming my time, I thank the gentleman from California [Mr. LOWERY]. One reason for the dialog, and I am very grateful to both the chairman and the ranking Republican on the committee for engaging me in this dialog. I have simply heard suggestions over the last few months that there is some 130 to 150 billion dollars' worth of spending now devoted to NATO that could be immediately cut, and thereby pay for all kinds of good things that Members in Congress want to do.

It seems to me that this is a clear indication that while some of that money is certainly available to us through some kind of burden sharing relationships, it is also true in our own national interests, we have some obligations that are long-term obligations, and not all of that money can be recovered for spending on a host of domestic programs.

Mr. Speaker, I want to thank the committee for their hard work in sorting out which is which, and making certain that in this bill that we do meet nationally stated priorities.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection the motion is agreed to.

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 5, line 23, after "pended" insert ": *Provided*, That none of the funds appropriated or otherwise available under the North Atlantic Treaty Organization Infrastructure Account in this or any other Act may be obligated for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER [pro tempore]. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 15: Page 7, line 14, strike out "$20,800,000" and insert: "$22,800,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$9,700,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 19: Page 8, line 10, strike out "$182,440,000" and insert: "$166,200,000".

MOTION BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 19, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$198,440,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 22: Page 8, line 22, strike out "$161,583,000" and insert: "$163,883,0800".

MOTION BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 22, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$172,083,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 14, line 24, after "Japan" insert: "and Korea".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 29: Page 17, after line 14 insert:

SEC. 127. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1992, and without reimbursement, to the Secretary of the Interior the real property, including improvements thereon, consisting of 500 acres located generally adjacent to 7,600 acres transferred by section 126 of Public Law 101-519. The transferred property shall not include a landfill and a sewage pumping station that are associated with the operation of Fort Meade, Maryland.

(b) The Secretary of the Interior shall administer the property transferred pursuant to subsection (a) as a part of the Patuxent Wildlife Research Center and in a manner consistent with wildlife conservation purposes and shall provide for the continued use of the property by Federal agencies, including the Department of Defense, to the extent that such agencies are using it on the date of the enactment of this Act.

(c) The Secretary of the Interior may not convey, lease, transfer, declare excess or surplus, or otherwise dispose of any portion of the property transferred pursuant to subsection (a) unless approved by law. The Secretary of the Interior may enter into cooperative agreements and issue special use permits for historic uses of the 500 acres: *Provided*, That they are consistent with all laws pertaining to wildlife refuges.

(d) The description of the property to be transferred under this section shall be determined by a survey satisfactory to the Director of the United States Fish and Wildlife Service within the Department of the Interior, after consultation with the Department of the Army.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the Amendment of the Senate Numbered 29, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 30: Page 17, after line 14, insert:

SEC. 128. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101-519; 104 Stat 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is listed on the National Register of Historic Places, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection 9a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the Amendment of the Senate numbered 30, and concur therein with an amendment, as follows: in lieu of the matter inserted by said amendment, insert the following:

SEC. 128. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is within the boundaries of the Fort Douglas National Historic Landmark, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property (but only to the extent that structural repairs are necessary) in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule

I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after the debate has concluded on all motions to suspend the rules.

LIFTING RESTRICTIONS ON IMPORTATION OF GOODS FROM CZECHOSLOVAKIA AND HUNGARY

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1724) to provide for the termination of the application of title IV of the Trade Act of 1974 to Czechoslovakia and Hungary.

The Clerk read as follows:

H.R. 1724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND PREPARATORY PRESIDENTIAL ACTION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that the Czechs and Slovak Federal Republic and the Republic of Hungary both have—

(1) dedicated themselves to respect for fundamental human rights;

(2) accorded to their citizens the right to emigrate and to travel freely;

(3) reversed over 40 years of communist dictatorship and embraced the establishment of political pluralism, free and fair elections, and multi-party political systems;

(4) introduced far-reaching economic reforms based on market-oriented principles and have decentralized economic decision making; and

(5) demonstrated a strong desire to build friendly relationships with the United States.

(b) PREPARATORY PRESIDENTIAL ACTION.—The Congress notes that the President in anticipation of the enactment of section 2, has directed the United States Trade Representatives to negotiate with the Czech and Slovak Federal Republic and the Republic of Hungary, respectively, in order to—

(1) preserve the commitments of that country under the bilateral commercial agreement in effect between that country and the United States that are consistent with the General Agreement on Tariffs and Trade; and

(2) obtain other appropriate commitments.

SECTION 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO CZECHOSLOVAKIA AND HUNGARY.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to the Czech and Slovak Federal Republic or to the Republic of Hungary, or to both; and

(2) after making a determination under paragraph (1) with respect to a country, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of a country, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1724.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1724 would allow the President to extend nondiscriminatory, most-favored-nation [MFN] status to Czechoslovakia and Hungary on an unconditional basis. It also acknowledges negotiations by the U.S. Trade Representative to preserve existing trade agreement commitments and obtain new ones, in such areas as intellectual property rights protection.

This bill, if enacted, would fully normalize United States trade relations with Czechoslovakia and Hungary and place them on the same footing as virtually all other United States trading partners. Among the former Communist countries in Eastern and Central Europe, Hungary and Czechoslovakia have led the way in the adoption of democratic political systems and market-oriented economies. They have held free and fair elections, freed nearly all prices, and generally taken bold steps to eliminate the remnants of the centrally planned system under which they lived for so long.

Hungary has had MFN status since 1978, and Czechoslovakia received such status in 1990, following congressional approval of a bilateral trade agreement. Enactment of H.R. 1724 would send a strong message of support to the people of Czechoslovakia and Hungary, who are striving to build a better life for themselves and their children. I urge my colleagues to join me in strong support of this bill.

□ 1710

I yield such time as he may consume to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise in strong support of H.R. 1724, a bill to normalize trade relations with the Czech and Slovak Federal Republic and the Republic of Hungary and I commend the Committee on Ways and Means for reporting this most important legislative measure in order that the House may show its strong support for the efforts of the countries to bring themselves into the world community of nations.

Mr. Speaker, as you know, your Special Task Force on the Development of Parliamentary Institutions in Eastern Europe, which I am honored to chair, has been working closely with the democratically elected parliaments of Czechoslovakia and Hungary for the past year and a half. During that time, we have had the privilege of developing a close working relationship with many of the Members of those parliaments and their staffs and we have seen, first hand, the dedication and commitment of these men and women to the process of bringing true democratic reform to their countries. Since our first visit to Prague and Budapest in May of 1990, we have been pleased to see the maturation of these national legislatures, and in spite of the enormous difficulties facing them and their governments, we have seen the transition from a communistic orientation to that of a true democracy. There are few rewards in life of this caliber and I am truly honored to have had the opportunity to have played even a small part in this process.

The Special Task Force on the Development of Parliamentary Institutions in Eastern Europe has, in cooperation with the parliaments of Hungary and Czechoslovakia, developed a comprehensive plan of assistance to those parliaments that we believe has been of enormous help to them in this transition period. For example, this summer, 100 personal computers were delivered to the Federal Assembly of the Czech and Slovak Federal Republic. In addition to the computer equipment, the task force has begun to stock the parliamentary library with reference materials, books, and periodicals. A similar program is underway in Hungary and the first shipment of computers should be in Budapest by the end of November. The task force is also providing extensive training for the staff and members of these parliaments which has been extremely important to their development as representative institutions.

In August, the task force was privileged to travel to Prague and Budapest to see, firsthand, the progress that has been made thus far on this project. Quite frankly, Mr. Speaker, the success of this program cannot be underestimated. Our colleagues in Prague and Budapest expressed, over and over, their belief that the commitment of the U.S. House of Representatives to their development has been the key to assuring that the course of democracy in their countries is an irreversible course. It was especially poignant to hear these words of gratitude while at the same time the attempted coup in

Moscow was underway. That trip will certainly be one I will never forget.

Mr. Speaker, I believe that normalizing trade relations with the Czech and Slovak Federal Republic and the Republic of Hungary is a critical component of our aid package to these countries. Unless these nations can fully join the world community, their course toward democratic traditions will be unnecessarily rough and rocky. It has been my experience in the past year and a half that the new governments of these countries are truly dedicated to democratic ideals, and that dedication should be rewarded. I believe passage of H.R. 1724 is part of that reward and I urge its adoption.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1724, a bill which would permanently normalize trade relations with Hungary and Czechoslovakia.

As they have in the past, the products of both countries would continue to receive MFN tariff treatment when imported into the United States. However, under this bill, Czechoslovakia and Hungary would be relieved of the annual Jackson/Vanik review of emigration procedures.

Permanent MFN status is a just reward for the great contribution both countries have made to the political and economic transformation of Eastern Europe.

With respect to Hungary, the President has issued a waiver under the requirements of the Jackson/Vanik amendment every year since 1978. During this time, Hungarians engaged in a long struggle for political reform and succeeded in making a peaceful transition to a Western-style democracy and market economy.

Permanent MFN for Hungary will help cement and nurture a liberalized economy capable of becoming a major customer of United States businesses in the 21st century.

Czechoslovakia, on the other hand, has enjoyed the economic benefits of MFN for a shorter but more dramatic period. Recently, in a well-remembered address to this Body, President Vaclev Havel described the peaceful political revolution achieved in Czechoslovakia and his hopes for the future.

Congress responded by approving a bilateral trade agreement with Czechoslovakia and granting them MFN status.

Favorable tariff treatment has already given much needed support to Czech industry as it continues to undergo the dramatic and painful transition from a centrally planned to a market economy. Permanent MFN will demonstrate firm U.S. support for these endeavors.

More must be done in Czechoslovakia in terms of political reform. However, there is great potential in this country. It is the only country in the central European region that has a history of democracy. Between 1918 and 1938, the country enjoyed self-determination and a thriving economy. At that time, the country had the 10th largest GNP in Europe. Even today, the Czech economy consumes $4 billion annually of United States products.

As the world adjusts to the astounding political developments in Eastern Europe, and most recently in the Soviet Union, it is clear that our bilateral relationship with many of these countries must change. The Jackson/Vanik amendment is no longer appropriate for Hungary and Czechoslovakia in light of their demonstrated commitment to free emigration, human rights, and free market reforms.

Today, we have an opportunity to reward those who struggled for economic reform and political freedom.

I urge my colleagues to support H.R. 1724.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, for over 50 years the people of Hungary and Czechoslovakia have had their freedom severely limited. They were first invaded by the Nazis in the late 1930's and early 1940's and then by the Russians in 1945. All of that time they had lived without any political freedom and without any economic freedom. They have yearned to be free and they have acted free, and they have earned the opportunity to be free by their own hard work.

When this legislation, having been referred to us by the administration, was considered, we asked for opposition, if there was any opposition to the granting of this unrestricted most-favored-nations treatment to these two countries. There were absolutely no Members who came forward in opposition to this legislation.

These countries badly need this kind of treatment. They need it for the moral lift that it gives them and for the economic lift that will result from all of that. They have adequately earned this right, and we should pass this bill unanimously, granting them this right.

I am sure they will not abuse it. They are doing everything they can to rapidly privatize industry in their own countries and to move to a free economic system, very similar to that that is practiced by the West and by the United States.

They have extended political freedom to all of their people and they are modeling their institutions after a free society.

I urge that all Members support this legislation.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1724 granting most-favored-nation trading status to Hungary and Czechoslovakia. I strongly urge my colleagues to lend their support to a measure that will say much about America's continuing commitment to democratization in Eastern Europe.

Since 1978, Hungary has received MFN status subject to the annual Presidential waiver process. This provision is provided for in title IV of the Trade Act of 1974, the so-called Jackson-Vanik amendment. The amendments set forth specific freedom of emigration requirements which must be met, or waived by the President, in order for nondiscriminatory, most-favored-nation status to be granted to a nonmarket economy. For the past 13 years, Hungary has enjoyed the benefits of favorable tariff treatment as it steadily progressed toward the goals of privatization and a market-oriented economy. Then, in 1989, Hungary became the first country ever declared in full compliance with the Jackson-Vanik requirements and now has most-favored-nation status on an open-ended basis. The Jackson/Vanik requirements, however, are perpetually in effect.

Czechoslovakia, on the other hand, was granted most-favored-nation status in November of 1990, when the President exercised his waiver. Normalized tariff treatment has continued subject to annual Presidential review. Recent history has indicated that the Czech leadership has taken its country down the same path of democratization as occurred in Hungary.

Both countries have peacefully ousted Communist regimes in favor of representative governments which are conscious of the will of the people. Laws have been passed guaranteeing the protection of civil rights and the freedom of emigration. Central economic planning has given way to the forces of the free market. These are ideals and principles our Government has tried to foster throughout the developing world. Our commitment to Hungary and Czechoslovakia serves as another example.

Especially given the opportunity to guide the newly developing democracies created through the breakup of the Soviet Union, we must now show a strong and unwavering commitment for assistance toward the ultimate goal of normalization of relations in this part of the world. Today, we have the chance to reach this pinnacle by rewarding the efforts of Hungary and Czechoslovakia and granting them the same unconditional trading status that is enjoyed by the majority of our trading partners.

I urge by colleagues to support H.R. 1724.

□ 1720

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. Speaker, the legislation before us is a clear indication that times are changing. Indeed, America's bitter adversaries of the past are becoming our friends and trading partners of the future.

However, in our haste to grant these nations open access to the U.S. market and the hard currency they desperately need, American firms and workers must not be made to bear the burden of helping such nations modernize.

As the Republics of the former Soviet Union and other Eastern European nonmarket or state-controlled-economy countries make the slow transition to market-based systems, various forms of trade-distortive government subsidies will still be preserved in these nations.

Thus, it is imperative that our trade laws—such as antidumping and countervailing duty statutes—adapt to this reality, so that American producers are not driven out of business. U.S. firms, not presently allowed to combat the subsidy practices of non-market-economy countries, must be permitted to file countervailing duty petitions against these countries to hold them accountable for those subsidies which do remain in place throughout the transition.

Given the vast changes taking place in the world, legislation such as that before us is fully expected, and the normalization of trade and economic relations with the countries of the former Soviet bloc seems inevitable.

In the short term, because these countries make few products that we want to buy, their imports into the United States should have only a limited impact on import-sensitive American industries.

What concerns me, though, is the increasing prospect in the longer term for these countries' dumped and subsidized products causing much greater damage to American industries and workers.

I implore my colleagues—in the Ways and Means Committee and the full House—to work with me to reform the way our antidumping and countervailing duty laws are applied.

If we do so early enough, perhaps we can prevent American workers from having to pay the price of bringing yet another part of the lesser-developed world into the full fold of the global economy.

We can and must do what is best for America. Indeed, our responsibility is to do no less.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to our distinguished colleague, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member would like to offer the strongest possible support for this important legislation on which he serves as an original cosponsor. While both Hungary and the Czech and Slovak Federative Republic clearly merit permanent MFN tariff status, this Member's remarks will be made with particular reference to Czechoslovakia.

Granting of MFN—more properly called "normal tariff status"—for these two nations has been high on this Member's list of foreign policy and export priorities. Convinced of the importance of rapid action, this Member introduced House Concurrent Resolution 266, a bill to waive Jackson-Vanik limits with regard to Czechoslovakia, on February 20, 1990. House Concurrent Resolution 266 reflected this Member's firm conviction that a timely change in trade policy was and is essential to improved relations between our two nations. The legislation before this body today is wholly consistent with the objectives of this Member's proposal.

Mr. Speaker, just 2 short years ago Czechoslovakia remained under the tight and seeming unshakable grip of a totalitarian dictatorship. But in November 1989, the people took to the streets and cast out their oppressors. This velvet revolution—which, by the way, occurred with almost no loss of life—has resulted in a regime that is enthusiastically and passionately democratic. Perhaps because they understand tyranny so well, Czech and Slovak people have become among the world's most committed converts to democracy and a free market economy.

It should also be noted that the people of the Czech and Slovak Federative Republic are among the strongest supporters of the United States. Indeed, some of the most enthusiastic advocates of American-style democracy and economic systems can be found in Prague, in Bratislava, in Pilsen, and in Brno. This Member has had the good fortune to have traveled to Prague on official business, and can testify to the genuinely warm response. Everywhere this Member visited, a deep interest in, and affinity for America and for American democratic principles was evident.

It is understandable that our two nations should have such deep cultural links. There are, after all, very large numbers of Slovaks, Bohemians, and Moravians in the United States, and these ties of ancestry and heritage have not been erased over the decades of Communist rule. In this Member's own constituency—in communities such as Prague, Dwight, Bee, Bruno, Wilber, Crete, David City, Wahoo, Schuyler, and Verdigre, among others—the traditions of the ancestral homeland live on.

Mr. Speaker, the granting of most-favored-nation tariff status is absolutely fundamental to fostering better relations between the United States and the nations of Hungary and the Czech and Slovak Federative Republic. By approving MFN, of course, this body will merely be granting normal trading status. Czechoslovakia will not be receiving any special favors—it will simply be permitted to trade without the disadvantages of prohibitive tariffs.

Of course, there are other steps that are necessary to assist American businessmen in Czechoslovakia. Businessmen need, and are beginning to receive, the guarantees and insurance that are offered by OPIC and the Export-Import Bank. The first Commercial Service Officer has arrived in Prague and a second is desperately needed. In addition, we must take advantage of the opportunities in Slovakia. To do this the consulate in Bratislava must be made fully operational, a move endorsed by the Bush administration and reflected in the conferenced authorization legislation for the State Department. In short, Mr. Speaker, our new trade relationship requires total change in attitude, and a comprehensive package of policy changes. But graduation from Jackson-Vanik and granting of permanent MFN status is a critical first step—perhaps the critical first step—toward initiating that change.

The action this body takes today will result in important dividends. As Czechoslovakia reduces its dependence on trade with the Soviet Union, it is undoubtedly looking to the West for new trading partners. They do not want to be overwhelmed by German business interests. Instead, the Government of the Czech and Slovak Federative Republic has made it clear that the United States is the preferred source of imports and services in many different areas. As automakers such as General Motors, telecommunications firms such as U.S. West, and electronics giants such as General Electric open operations in Czechoslovakia, it is clear there is great demand for United States goods and services.

This Member would commend the author of H.R. 1724, Mr. CRANE, the chairman of the Committee on Ways and Means, (Mr. ROSTENKOWSKI, the ranking member, Mr. ARCHER, for bringing the House this legislation for action. This Member also would make special note of the tireless work of the chairman of the Trade Subcommittee, Mr. GIBBONS, who has been a farsighted leader on the extension of MFN to these countries. Mr. Speaker, these are colleagues who understand the critical importance of developing export markets, and are true friends of the United States businessman and of democracy in Hungary and the Czech and Slovak Federative Republic.

Mr. Speaker, this Member would urge speedy passage of the legislation.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 1724, to provide for the termination of the application of title IV of the Trade Act of 1974 to free the countries of Czechoslovakia and Hungary. The time is right to normalize United States trade relations with Hungary and Czechoslovakia, to welcome these sister countries to the family of international economic trade.

This bill would grant most-favored-nation status to these countries on an unconditional basis. Why do we now favor Czechoslovakia and Hungary? Because their people have paid the price to end communism and its discredited central planning, started democratic policies and free trade, and allowed free emigration across their borders. The process has started and must be encouraged to never stop.

The illegitimate Communist governments of Hungary and Czechoslovakia were originally found guilty of violating emigration requirements of title IV of the Trade Act of 1974. The Iron Curtain was more than a metaphor to people who wanted to leave these countries, it was a real barrier fortified with steel bullets. Now Hungarians and Czechoslovakians have taken back their countries through peaceful means and have dedicated themselves to an open society and economy.

Capitalism will flourish in these countries and indeed around the world because of one simple fact. Capitalism realizes that the basic building block of a society is the individual. That is why every single person should have the power to buy or sell in a market, or vote for and against a politician. Free markets mean free choices for free individuals, in their private lives, political arrangements, and social world.

A vote for H.R. 1724 is a recognition of the progress of human history, the quest and the attainment of personal freedom. I urge all of my colleagues to vote for H.R. 1724.

Mr. HOYER. Mr. Speaker, I rise in support of H.R. 1724 which would terminate the application of title IV of the 1974 Trade Act of Czechoslovakia and Hungary and, in so doing, normalize our trade relations with these two countries. It is particularly fitting that this legislation be taken up in advance of the upcoming visit by Czechoslovak President Vaclav Havel, who we will welcome in Washington this month.

Mr. Speaker, as Chairman of the Helsinki Commission, I have had the opportunity to make several visits to Hungary and Czechoslovakia over the course of several years. During that time, I have witnessed changes that were truly unthinkable just a few years ago. I have witnessed the steady progression toward political and economic reform in Hungary. In Czechoslovakia, I have seen a recalcitrant regime overthrown in a velvet revolution. In each case, the results are clear: both countries have held free and fair elections at the local and national level; their newly installed governments have passed legislation aimed at substantially restructuring their economies and political systems, in conformity with the CSCE Bonn and Copenhagen Documents; and both countries have guaranteed the freedom of emigration required under the Jackson-Vanik amendment.

These changes are the source of tremendous inspiration to me for many reasons, but for two reasons in particular. First, they illustrate the ability of people to rise above immense, seemingly unbeatable oppression—and that gives me hope for many other regions of the world, where oppression continues unabated. Second, they validate the principal role human rights have played in the foreign policy of the United States. By continuing to shape our foreign policy to address the irrepressible longing of people to be free, we continue to ensure that we stand on the side of right. It is no wonder that the newly liberated peoples of Hungary and Czechoslovakia can be counted among the United States' closest friends.

Mr. Speaker, I wholeheartedly endorse the speedy normalization of trade relations reflected in H.R. 1724. This step will enable Hungarian and Czechoslovak businesses to engage in the long-term planning necessary for long-term economic recovery. It will increase the stability and predictability of our trade relations. And it will signify our confidence in the ability of the Hungarians and Czechoslovakians to see through the enormous task they have undertaken: the transformation of Communist, totalitarian societies into democratic, free market ones.

Mr. RINALDO. Mr. Speaker, I rise in support of H.R. 1724, which is before us today. This legislation declares that the Congress of the United States finds that Hungary and Czechoslovakia have dedicated themselves to respect for human rights and that these nations have introduced far-reaching economic reforms based on free-market principles. In addition, these newly free nations are found to have demonstrated a strong desire to build friendly relations with the United States. Accordingly, H.R. 1724 removes Hungary and Czechoslovakia from the list of countries subject to the Jackson-Vanik amendment. The bill authorizes the President to permanently extend nondiscriminatory, most-favored-nation trade status to their products.

Mr. Speaker, I believe strongly in our ability to encourage the newly free markets in the countries of Eastern Europe through increased trade, and I urge my colleagues to support this important legislation before us today.

Further, I would like to take this opportunity to urge my colleagues to look ahead and to see the benefits of extending most-favored-nation trade status to other newly free countries that are struggling to establish themselves economically.

For example, we have all been inspired by the rebirth of freedom and independence across the Soviet Union. Granting access to American markets to the former republics of the Soviet Union will help them to rebuild their economies, and the mutual trade will be beneficial to exporters in the United States.

This is a practical and cost-effective way to assist those nations that are trying to rid themselves of Communist domination. While we cannot afford a massive foreign aid program, mutual trade with the United States will help to restore economies that have been shattered by decades of socialist mismanagement. This simple step signals our commitment to their future as free nations.

As a sponsor of a bill that would grant most-favored-nation trade status to imports from all of the individual republics that made up the former Soviet Union, I urge my colleagues to consider further legislation that would extend most-favored-nation trade status to these emerging nations as soon as they become independent with elected governments of their own.

These are exciting times, and I urge my colleagues to consider such legislation and the benefits it will bring in building the economic freedom that must accompany democracy and independence.

Mr. DREIER of California. Mr. Speaker, for the past 45 years, the United States led the NATO alliance in defense against an attack from the Warsaw Pact. Few of us could have imagined even 5 years ago that this perennial military standoff would disintegrate before our very eyes.

Fortunately, for the men, women, and children of Central and Eastern Europe, as well as those of the United States, the dark cloud of Communist totalitarianism has now dissipated, freedom and democracy have become entrenched in the nations of the region.

Some in this body and in many international organizations have said that now is the time for another Marshall plan. Now is the time to send billions of dollars to the region without delay. They are right about one thing: We should act without delay, but not by helping support inefficient state bureaucracies through direct aid. Instead, what we need is immediate normalization of trade relations. Give these brave countries and their budding entrepreneurs the opportunity to compete in the international marketplace. Give them the opportunity to establish their own free market system and develop the skills needed to make their system succeed. As the ancient proverb states, "Give a man a fish and he will eat for a day. Teach a man to fish and he will eat for a lifetime."

On the flip side, granting permanent MFN status to Czechoslovakia and Hungary will give United States firms the chance to invest in the future of these nations, and in so doing, help expand economic opportunity here at home. I have visited Czechoslovakia and Hungary and can tell you that they want to trade with the United States. They want to purchase U.S. goods. They want to serve as an equal partner in economic matters with the United States. This legislation will do just that. It is an excellent way for the United States, given its budgetary constraints, to effectively help our new-found allies in Central and Eastern Europe pull themselves out of the mire of the Marxist-Leninist economic disaster that was forced upon them.

Mr. CRANE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 1724.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WOMEN'S BUSINESS DEVELOPMENT ACT OF 1991

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2629) to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Development Act of 1991".

SEC. 2. WOMEN'S DEMONSTRATION PROJECTS.

The Small Business Act is amended by adding the following new section:

"SEC. 28. (a) The Administration may provide financial assistance to private organizations to conduct three-year demonstration projects for the benefit of small business concerns owned and controlled by women. The projects shall provide the following types of services and assistance—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cashflow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(b)(1) As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from private sector sources as follows:

"(A) if the project first receives its Federal financial assistance prior to fiscal year 1993, an annual amount at least equal to the amount of the Federal financial assistance provided each year; or

"(B) if the project first receives Federal financial assistance in fiscal year 1993, or thereafter, annual amounts as follows: in the first year, one private dollar for each two Federal dollars, in the second year, one private dollar for each Federal dollar, and in the third and final year, two private dollars for each Federal dollar.

"(2) Up to one-half of the private sector matching assistance may be in the form of in-kind contributions which are budget line items only, including but not limited to office equipment and office space.

"(3) The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 per centum of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the private sector matching funds are obtained.

"(4) If the recipient organization fails to obtain the required contribution from the private sector during any year of any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project nor on any other project for which it is or may be funded. In addition, prior to approving such organization for other projects, the Administration shall specifically determine and enter a written finding setting forth reasons the Agency believes that such a defaulting recipient will be able to obtain the requisite private sector funding.

"(c) Each applicant organization initially shall submit a three-year plan on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of three years per site. The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

"(1) the experience of the offering organization in conducting programs or on-going efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(2) the present ability of the offering organization to commence a demonstration project within a minimum amount of time; and

"(3) the ability of the applicant organization to provide training and services to a representative number of women who are both socially and economically disadvantaged.

"(d) For the purposes of this section, the term small business concern, either 'start-up' or existing, owned and controlled by women includes any small business concern—

"(1) that is at least 51 per centum owned by one or more women; and

"(2) whose management and daily business operations are controlled by one or more women.

"(e) There are authorized to be appropriated $4,000,000 per year to carry out the demonstration projects authorized by this section. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate to achieve the purposes of this section, except that it shall ensure that all eligible sources are provided a reasonable opportunity to submit proposals.

"(f) The Administration shall prepare and transmit an annual report, beginning February 1, 1992, to the Committees on Small Business of the Senate and House of Representatives on the effectiveness of all demonstration projects conducted under the authority of this section. Such report shall provide information concerning—

"(1) the number of individuals receiving assistance;

"(2) the number of start-up business concerns formed;

"(3) the gross receipts of assisted concerns;

"(4) increases or decreases in profits of assisted concerns; and

"(5) the employment increases or decreases of assisted concerns.

"(g) The Administration shall not provide financial assistance under this section to any new project after October 1, 1995, except that it may fund projects which commenced prior thereto.".

SEC. 3. ADMINISTRATIVE.

The Small Business Act is amended by striking subsection (c) of section 8. Projects funded pursuant to the provisions of such subsection shall be deemed to be funded under and shall be treated as if funded under section 28 of the Small Business Act as added by this Act.

SEC. 4. PERMANENT AUTHORIZATION OF SMALL LOAN PROGRAM.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking from paragraph (19)(B) of subsection (a) "during fiscal years 1989, 1990, and 1991,".

SEC. 5. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) CHAIRPERSON AND VICE CHAIRPERSON.—Paragraph 403(b)(2)(G) of the Women's Business Ownership Act of 1988 (Public Law 100–533) is amended to read as follows:

"The Chairperson and Vice Chairperson of the Council shall be designated by the President and shall be either a representative of the public sector or the private sector. Each shall have a maximum term of two years. No person may be designated to the same office for two consecutive terms nor may consecutive designees as Chairperson be from the public sector. The Chairperson and the Vice Chairperson shall not be from the same sector concurrently.".

(b) COUNCIL MEMBERSHIP.—

(1) ADDITION OF TWO MEMBERS.—Section 403(a) of the Women's Business Ownership Act of 1988 (102 Stat. 2694) is amended—

(1) by striking "nine" and inserting "eleven";

(2) by striking "and" at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) two members shall be appointed by the President, one of whom shall be an African-American woman and one of whom shall be a Hispanic woman.".

(2) CONFORMING AMENDMENTS.—Section 403(b) of such Act (102 Stat. 2694–2695) is amended—

(A) in paragraph (1) by striking "section (a) (2) and (3)" and inserting "paragraphs (2), (3), and (4) of subsection (a)";

(B) in paragraph (2)(B)—

(i) by striking "subsection (a) (2) and (3)" and inserting "paragraphs (2), (3), and (4) of subsection (a)";

(ii) by striking "and" at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting "; and"; and

(iv) by adding at the end the following new clause:

"(iii) appointments under subsection (a)(4) shall be made within 60 days of the effective date of such subsection.";

(C) by moving paragraph (3) to the end of such section; and

(D) in paragraph (2)(C) by striking "subsection (a) (2) and (3)" and inserting "paragraphs (2), (3), and (4) of subsection (a)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. IRELAND] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

□ 1730

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is most appropriate to be on the floor today speaking on behalf of the Women's Business Development Act. Three years ago this month, the President signed into law the Women's Business Ownership Act of 1988, which is the cornerstone of the legislation now under consideration.

Both pieces of legislation stem from a series of six hearings I held in 1988 as chairman of the Committee on Small Business. During these hearings the committee examined the growing role of women entrepreneurs in the American economy, the effectiveness of programs designed to help them, and the barriers that impede their businesses in particular. The committee heard from over two dozen witnesses and received hundreds of pages of testimony, statements and recommendations, which we published in a report entitled "New Economic Realities: The Rise of Women Entrepreneurs."

I introduced the 1988 Women's Business Ownership Act to implement the committee's findings and recommendations and to address concerns expressed by women entrepreneurs such as access to credit, discrimination in lending, a lack of quality training in business skills, and a need for a congressionally appointed council to ensure that women business owners get the attention and assistance they deserve.

I have closely followed the implementation of the provisions of that law. It has already tangibly helped women business owners by, for example, requiring that the Equal Credit Opportunity Act be extended to business loans in order to combat subtle forms of discrimination in commercial loan transactions.

I am here today because two of the programs begun in 1988 will expire this year unless they are reauthorized. They are the guaranteed small loan program and the demonstration projects in business training and counseling.

During a hearing held earlier this year to assess these programs, I determined that they were meeting Congress' objectives, functioning as intended, and serving an ongoing need in the small business community. Based on these findings I introduced the Women's Business Ownership Act to extend these programs and refine them to make them even more accessible and effective.

Mr. Speaker, I will briefly summarize the provisions of the Women's Business Development Act. Sections 2 and 3 deal with demonstration projects that provide business training and counseling in the areas of finance, marketing, and management. The projects are financed through Federal and private sector funds. During their first three years of operation, the demonstration projects assisted over 2,500 current or potential women business owners at 18 sites across the country.

An interim review prepared by the National Academy of Public Administration reports that this program is meeting a need that other programs have not, and that it is directly responsible for a number of women starting their own businesses and for other women expanding theirs—creating new jobs in the process.

The Women's Business Development Act reauthorizes this program for an additional 4 years. It is my hope that, after the Federal funding is phased out, these models will become self-sufficient or perhaps be continued by State and local governments.

Section 4 of H.R. 2629 permanently authorizes the small loan program in which the Small Business Administration guarantees loans up to $50,000. Access to credit, including small amounts, is a chronic problem even for successful women business owners. Traditionally, small loans have not been attractive to lenders because they deem the return on such loans as not worth the costs of processing them. To encourage banks to participate in the program, the SBA charges a reduced guarantee fee and uses a simplified application form.

The demand for the program is exemplified by the fact that more than 15 percent of all SBA guaranteed loans in fiscal year 1990 were generated under this program. I would note that this program is not limited to women business owners, but that loans in this amount are generally sought by those in the service sector, which is where many women-owned businesses are found.

Sections 5 and 6 of the legislation deal with the National Women's Business Council. This body, established in 1988, reports to the President and the Congress on ways to assist women's business owners. The Women's Business Development Act requires that the chair of the Council rotate between the private and public sector members and limits a chairperson's term to 2 years.

An amendment adopted by the committee during its markup adds two additional members to the Council, and mandates that one be an African-American woman and the other a Hispanic woman.

The Women's Business Development Act has 33 cosponsors and was unanimously reported out by the Committee on Small Business.

Mr. Speaker, the entire economy benefits when we eliminate barriers that impede women entrepreneurs, for women-owned businesses are the fastest growing sector of the business community. In today's economic environment, we can not afford to miss such opportunities to encourage business growth, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. IRELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my strong support for the Women's Business Development Act of 1991. This bill reauthorizes and revises programs begun in 1988 when President Reagan signed the Women's Business Ownership Act.

Mr. Speaker, 30 percent of the small businesses in this country are owned by women. By the year 2000, that number will rise to nearly 40 percent. If the present trend continues, fully half of the best job-producing and most innovative businesses will be owned by women soon after the turn of the century.

However, there are still very real barriers to women's business ownership. This bill is part of the continuing effort to recognize and eliminate those barriers.

This bill addresses two of the largest problems facing women in business today: inadequate access to capital and a lack of technical skills.

The Women's Business Development Act will reauthorize the demonstration program under which private-sector organizations offer management training and technical assistance to women small-businesses owners.

This excellent program has provided counseling for thousands of women in how to start and effectively run a business in today's world.

The Women's Business Ownership Act will authorize this program for 4 more years and fine-tune the way it operates.

The bill will also permanently authorize the small loan program for amounts of $50,000 or less. This will improve and simplify access to the credit market for many fledgling businesses.

Finally, the Women's Business Development Act makes some changes in the operation of the National Women's Business Council.

This group meets regularly to study the problems facing women in business in America and reports its findings to the President and Congress.

Acknowledging that government doesn't always have the answers, this bill requires that a private-sector member chair the Council at least every other term.

Mr. Speaker, the Women's Business Ownership Act is a fine piece of legislation that is definitely needed. America is relying on the small-business sector to continue to create new jobs, jobs that will provide dignity and self-sufficiency for our Nation's unemployed.

Our former colleague, Pat Saiki, summed up the need for this legislation nicely in her first appearance as Administrator of the SBA before the Small Business Committee. She said:

> As we move into the 21st century, one of the keys to continued national economic progress is the full advancement of women in business. To do less would deprive this nation of a valuable pool of talent and ability.

Pat Saiki was right on the mark, and so I would urge my colleagues to remember that when we cast our votes today it will be easy for us to say that we are all for small business and all for the opportunity of women in small business, but it will be how we vote that really counts.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

□ 1740

Mr. BEREUTER. Mr. Speaker, this Member rises today in strong support of H.R. 2629, the Women's Business Development Act. This Member would also like to take this time to thank the distinguished chairman of the Small Business Committee, the gentleman from New York, [Mr. LAFALCE], and the ranking minority member on that committee, the distinguished gentleman from Florida, [Mr. IRELAND], for their leadership role in crafting this legislation and advancing it to the floor.

As women entrepreneurs increase their role in the business world they face ever present problems. Some of them, through no fault of their own, face training and experience problems in business skills, and they experience discrimination in lending and access to capital. This legislation, H.R. 2629, will help alleviate these problems by extending and refining programs created in the Women's Business Ownership Act of 1988, which this Member cosponsored.

One provision of the 1988 act which provides for the Small Business Administration's small loan program that guarantees loans up to $50,000 is permanently reauthorized by H.R. 2629. These small loans are integral in aiding women entrepreneurs in the startup of a new business.

In addition, the bill extends for 3 years a program within the SBA to provide financial assistance to private organizations which conduct demonstration projects for small businesses owned and controlled by women. Such projects help provide the training and support need for business owners and operators to be successful. During a conference this Member held in Lincoln, NE, for women interested and involved in business it was apparent there was wide support and need for such demonstrations and loan programs.

Mr. Speaker, American women have made great strides in creating and operating businesses over the last few years, despite many factors working against them. This legislation will remove some of these roadblocks and set the stage for even greater achievements from women business entrepreneurs in the future. This Member strongly supports the measure and encourages his colleagues to do the same.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise in strong support of H.R. 2629—the Women's Business Development Act of 1991.

This legislation will send the proper signal to thousands of women across the Nation that Congress is committed to helping them realize their dreams of building a business.

This act will authorize $4 million in demonstration projects that were set down in the original legislation, passed, and implemented in 1988. The projects, to be administered by private organizations, will receive grants from the Small Business Administration and are required to obtain matching funds from private sources.

Mr. Speaker, our Nation is looking for answers to the remnants of this recession. In my State and district, people are hurting. They are looking for a new future, one filled with hope and long term opportunities.

This legislation will give women the tools and seed capital needed to take a chance, to wed public funds with private sector matching money, acquire training in marketing, finance, and management and help propel them into the free market.

This is not a panacea for the economic shadows of despair that hang over many States, including Connecticut. But is a sound building block to create a stronger economic frame for all Americans to grow from.

Women have born the brunt of discrimination and harassment in many areas of everyday life, including the right to make a go of it as entrepreneurs. Many positive changes have occurred over the last 20 years as women have continued to aspire to positions of esteem and importance in government and corporate America.

But many obstacles remain, such as the glass ceiling, sexual harassment, and a condescending attitude from their male coworkers at all levels of endeavor.

Mr. Speaker, today, H.R. 2629 allows women to take a chance and help rebuild our economy. As a member of the House Committee on Small Business, I am hopeful this legislation will begin that process.

Mr. MFUME. Mr. Speaker, I rise in support of H.R. 2629 the Women's Business Development Reauthorization Act of 1991. H.R. 2629 reauthorizes the Small Business Administration's [SBA] Women's Demonstration Project for 4 years and reauthorizes the SBA small loan program.

The Women's Business Development Act of 1988—Public Law 100–533—established a grant program to provide business training to women and created a loan program up to $50,000 for potential women entrepreneurs. Under this program, private organizations are awarded matching grants for demonstration projects which provide training and counseling in finance, management, and marketing to existing women business owners.

H.R. 2629 further restructures the Women's Demonstration Project to limit projects to 3 years. Additionally, the bill reduces the loan program's matching funding requirement from a 100 percent match every year to a 50 percent match in the first year, 100 percent match in the second year, and 200 percent for the third year.

Mr. Speaker, Public Law 100–533 established the National Women's Business Council. During the Small Business Committee's markup of H.R. 2629, I attached an amendment to increase the council from 9 to 11. The additional council seats shall be filled by an African-American and an Hispanic woman. I offered this amendment in order to reflect the diverse needs and interests of the women's business community by ensuring adequate representation of various sectors.

In closing, I encourage all of our colleagues to support the Women's Business Development Reauthorization Act and help protect the well-being of women-owned businesses.

Mr. RAMSTAD. Mr. Speaker, I rise today in support of H.R. 2629, the Women's Business Development Act of 1991, and would like to commend the chairman of the Small Business Committee for his leadership in introducing this legislation.

Clearly, women business owners play an essential role in contributing to our national economy. Prior to 1970, women owned less than 5 percent of all small businesses. Today nearly one-third of all small businesses are owned by women and it is expected that women will own 50 percent of all small businesses in the 21st century. Women continue to make significant contributions to the business community and are vital to our country's economic growth and development.

However, there are many barriers that discourage and stop women entrepreneurs from undertaking their own business ventures, including access to capital and a lack of quality training in business skills. This legislation will help reduce these barriers by making a permanent loan program to encourage women to start their own businesses, and by providing resources and advice for women on business development.

I am pleased to be a cosponsor of the Women's Business Development Act, and urge my colleagues to support this important legislation.

Mr. IRELAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAFALCE] that the House suspend the rules and pass the bill, H.R. 2629, as amended.

The question was taken; and (two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2629, the bill just passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from New York?

There was no objection.

JOB TRAINING REFORM AMENDMENTS

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3033) to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training Reform Amendments".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Declaration of policy and statement of purpose.
Sec. 4. Authorization of appropriations.
Sec. 5. Definitions.
Sec. 6. Establishment of a service delivery area.
Sec. 7. Private industry council.
Sec. 8. Job training plan.
Sec. 9. Review of plan.
Sec. 10. Performance standards.
Sec. 11. Selection of service providers.
Sec. 12. Limitation on certain costs.
Sec. 13. Recapture and reallotment of unobligated funds under title II.
Sec. 14. Governor's coordination and special services plan.
Sec. 15. State job training coordinating council.
Sec. 16. State education coordination and grants.
Sec. 17. Additional amendments to part B of title I.
Sec. 18. Amendments to part C of title I.
Sec. 19. Benefits.
Sec. 20. Fiscal controls; sanctions.
Sec. 21. Reports, recordkeeping, and investigations.
Sec. 22. Revision of title II.
Sec. 23. Employment and training assistance for dislocated workers.
Sec. 24. Native American and migrant programs.
Sec. 25. Job corps.
Sec. 26. Amendments to part D of title IV: national activities.
Sec. 27. Uniform requirements.
Sec. 28. Amendments to part E of title IV: labor market information.
Sec. 29. Establishment of the youth opportunity program.
Sec. 30. Establishment of the microenterprise grants program.
Sec. 31. Establishment of a new part J of title IV: disaster relief.
Sec. 32. Technical and conforming amendments.
Sec. 33. Effective date; transition provisions.
Sec. 34. State human resource investment council.

SEC. 3. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

(a) DECLARATION OF POLICY.—In recognition of the training needs of low-income adults and youth, the Congress declares it to be the policy of the United States to—

(1) provide financial assistance to States and local service delivery areas to meet the training needs of such low-income adults and youth, and to assist such individuals in obtaining unsubsidized employment;

(2) increase the funds available for title II programs as amended by this Act by no less than 10 percent of the baseline each fiscal year to provide for growth in the number of eligible adults and youth served beyond the current 5 percent of the eligible population in need of these services; and

(3) encourage the provision of longer, more comprehensive, education, training, and employment services to the eligible population, which also requires increased funding in order to maintain current service levels.

(b) PURPOSE.—Section 2 of the Job Training Partnership Act (hereafter in this Act referred to as "the Act") is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 2. It is the purpose of this Act to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3 of the Act is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) TITLE II AUTHORIZATIONS.—

"(1) PARTS A AND C.—There are authorized to be appropriated to carry out parts A and C of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year. Of the sums appropriated to carry out parts A and C of title II for each such fiscal year, an amount equal to 60 percent of such sums shall be made available to carry out part A of such title and an amount equal to 40 percent of such sums shall be made available to carry out part C of such title.

"(2) PART B.—There are authorized to be appropriated to carry out part B of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year.";

(2) by redesignating subsection (c) as subsection (b);

(3) by inserting after such subsection (b) the following:

"(c) TITLE IV AUTHORIZATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out parts A, C, D, E, F, and G of title IV for fiscal year 1993 and each succeeding fiscal year such sums as may be necessary, not to exceed an amount equal to 7 percent of the sum of the amounts appropriated for parts A and C of title II for such fiscal year.

"(2) RESERVATIONS.—The Secretary shall reserve from the amount appropriated under paragraph (1) for any fiscal year—

"(A) an amount equal to 7 percent of the amount appropriated under paragraph (1) to carry out part C of title IV;

"(B) $2,000,000 to carry out part F of title IV; and

"(C) $6,000,000 to carry out section 462(e) and (f).

"(3) YOUTH OPPORTUNITIES UNLIMITED.—There are authorized to be appropriated $100,000,000 for fiscal year 1993 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out part H of title IV.

"(4) MICROENTERPRISE GRANTS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 1993 through 1997 to carry out part I of title IV.

"(5) DISASTER RELIEF EMPLOYMENT.—There are authorized to be appropriated to carry out part J of title IV, $15,000,000 for fiscal year 1993 and such sums as may be necessary for each succeeding fiscal year. Funds appropriated pursuant to this paragraph are authorized to remain available for such part J until expended.

"(6) TRAINING NETWORKS.—There are authorized to be appropriated to carry out section 457, $15,000,000 for fiscal year 1993 and such sums as may be necessary for each succeeding fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) Section (3)(e)(2) of the Act is amended—

(A) by striking "part A" and inserting "parts A and C"; and

(B) by striking "such part" and inserting "such parts".

(2) Section 302(a) of the Act is amended by striking "section 3(c)" and inserting "section 3(b)".

SEC. 5. DEFINITIONS.

Section 4 of the Act is amended—

(1) in paragraph (3) by striking "part A" and inserting "parts A and C"; and

(2) in paragraph (5)—

(A) by inserting "the Association of Farmworker Opportunity Programs, the Center for Employment Training, organizations serving older workers," after "Jobs for Youth,", and

(B) by striking "(including the National Urban Indian Council)";

(3)(A) in paragraph (8)(B)(i), by striking "level determined in accordance with criteria established by the Director of the Office of Management and Budget" and inserting "income guidelines promulgated each year by the Secretary of Health and Human Services";

(B) in paragraph (8)(C), by inserting "(or has been determined to be eligible to receive)" after "is receiving";

(C) in paragraph (8)(D), by inserting "subsections (a) and (c) of" after "under"; and

(D) in paragraph (8)(F), by striking "adult handicapped individual" and inserting "individual with disabilities";

(4) in paragraph (10), by striking "handicapped individual" and inserting "individual with disabilities";

(5) in paragraph (22), by striking "and the Trust Territory of the Pacific Islands" and inserting ", the Freely Associated States, and the Republic of Palau";

(6) in paragraph (24), by inserting "financial assistance (except as a post-termination service), drug and alcohol abuse counseling and referral, individual and family counseling," after "health care,", and by inserting "and dependent care" after "child care";

(7) by amending paragraph (29) to read as follows:

"(29) The term 'displaced homemaker' means an individual who has been providing unpaid services to family members in the home and who—

"(A) has been dependent either—

"(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act; or

"(ii) on the income of another family member but is no longer supported by that income; and

"(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment."; and

(8) by adding after paragraph (29) the following new paragraphs:

"(30) The term 'participant' means an individual who has been determined to be eligible to participate in and who is receiving services (except post-termination services authorized under sections 204(c)(5) and 274(d)(5)) under a program authorized and funded by this Act. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the participant began receiving subsidized employment, training, or services funded under this Act.

"(31) The term 'termination' means the separation of a participant who is no longer receiving services (except post-termination services authorized under sections 204(c)(5) and 254(d)(6)) under a program authorized and funded by this Act.

"(32) The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

"(33) The term 'JOBS' means the Job Opportunities and Basic Skills Training Program authorized under part F of title IV of the Social Security Act.

"(34) The term 'basic skills deficient' means reading or computing skills at or below the 8th grade level on a generally accepted standard test or equivalent score on a criterion referenced test.

"(35) The term 'case management' means the provision of a client-centered approach in the delivery of services, designed to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to assure access to the necessary training and support services, and to provide job and career counseling during program participation and after job placement.".

SEC. 6. ESTABLISHMENT OF A SERVICE DELIVERY AREA.

Section 101(c)(1) of the Act is amended by inserting before the period at the end of the first sentence the following: ", except as provided for in sections 106(j) and 164(b)".

SEC. 7. PRIVATE INDUSTRY COUNCIL.

Section 102(a)(2) of the Act is amended—

(1) by inserting "local welfare agencies," after "rehabilitation agencies,"; and

(2) by inserting "each of the following groups:" after "representatives of".

SEC. 8. JOB TRAINING PLAN.

(a) RESTRICTION OF PLANS TO TITLE II PROGRAMS.—Section 104(a) of the Act is amended by inserting "for programs under title II" after "appropriated".

(b) CONTENTS OF JOB TRAINING PLANS.—Section 104(b) of the Act is amended to read as follows:

"(b) Each job training plan for the programs conducted for adults under part A of title II and for youth under parts B and C of title II shall contain—

"(1) an identification of the entity or entities which will administer the program and be the grant recipient of funds from the State;

"(2) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of the service delivery area program with other programs and service providers in the labor market area, including provisions for—

"(A) assessment of needs and problems in the labor market that form the basis for program planning;

"(B) ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market;

"(C) coordinated or joint implementation of job development, placement, and other employer outreach activities; and

"(D) agreements, established pursuant to section 141(e), between service delivery areas to pay or share the cost of services;

"(3) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special service plan;

"(4) a description of linkages established with appropriate agencies, pursuant to sections 205 and 275, designed to enhance the provision of services and avoid duplication, including—

"(A) agreements with appropriate educational agencies;

"(B) arrangements with other education, training, and employment programs authorized by Federal law; and

"(C) efforts to ensure the effective delivery of services to participants in coordination with local welfare agencies and other local agencies, community organizations, volunteer groups, business and labor organizations, and other training, education, employment, and social service programs;

"(5) goals and objectives for the programs, including performance standards established in accordance with standards prescribed under section 106;

"(6) adult and youth program budgets for two program years and any proposed expenditures for the succeeding two program years, in such detail as is determined to be necessary by the entity selected to prepare this portion of the plan pursuant to section 103(b)(1)(B) and to meet the requirements of section 108;

"(7) procedures for identifying and selecting participants, including, where appropriate, outreach efforts to recruit locally determined target groups, and for eligibility determination and verification;

"(8) a description of—

"(A) the assessment process that will identify participant skill levels and service needs;

"(B) the process for providing information and referrals for applicants and participants relating to appropriate programs and service providers;

"(C) the services to be provided, including the means for involving labor organizations and community-based organizations in the provision of services, and the estimated duration of service and the estimated cost of services per participant;

"(D) the competency levels to be achieved by participants as a result of program participation; and

"(E) the procedures for evaluating the progress of participants in achieving competencies;

"(9) a description of the procedures and methods of carrying out title V, relating to incentive bonus payments for the placement of individuals eligible under such title;

"(10) procedures for selecting service providers, consistent with section 107, which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

"(11) fiscal control (including procurement, monitoring, and management information system requirements), accounting, audit, and debt collection procedures, consistent with section 164, to assure the proper disbursal of, and accounting for, funds received under title II; and

"(12) procedures for the preparation and submission of an annual report to the Governor, which shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants; and

"(C) the extent to which applicable performance standards were met.".

SEC. 9. REVIEW OF PLAN.

Section 105(b)(1)(E) of the Act is amended by striking "section 121(b)", and inserting "sections 121(b), 205, and 275".

SEC. 10. PERFORMANCE STANDARDS.

Section 106 of the Act is amended to read as follows:

"PERFORMANCE STANDARDS

"SEC. 106. (a) FINDINGS.—The Congress recognizes that job training is an investment in human capital and not an expense. In order to determine whether that investment has been productive, the Congress finds that—

"(1) it is essential that criteria for measuring the return on this investment be developed; and

"(2) the basic return on the investment is to be measured by increased employment and earnings, reductions in welfare dependency, and increased educational attainment and occupational skills.

"(b) TITLE II PERFORMANCE STANDARDS.—

"(1) GENERAL OBJECTIVE.—In prescribing performance standards for parts A and C of title II, the Secretary shall ensure that States and service delivery areas will make efforts to increase services and positive outcomes for hard-to-serve individuals.

"(2) ACHIEVEMENT OF BASIC MEASURES.—In order to determine whether the basic measures described in subsection (a) are achieved for programs under parts A and C of title II, the Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall prescribe performance standards.

"(3) CONTENTS OF ADULT STANDARDS.—The standards for adult programs under part A of title II shall be based on appropriate factors which may include—

"(A) placement and long-term retention in unsubsidized employment;

"(B) the increase in earnings, including hourly wages;

"(C) the reduction in welfare dependency; and

"(D) the acquisition of skills, including basic skills, required to promote continued employability in the local labor market, or the acquisition of a high school diploma or its equivalent, if the acquisition of such skills or diploma is in addition to obtaining one or more of the outcomes described in subparagraphs (A) through (C).

"(4) CONTENTS OF YOUTH STANDARDS.—In addition to appropriate utilization of the factors described in paragraph (3), the standards for youth programs under part C of title II shall include—

"(A) attainment of employability competencies;

"(B) dropout prevention and recovery;

"(C) secondary and postsecondary school completion or the equivalent thereof; and

"(D) enrollment in other education, training, or employment programs or apprenticeships, or enlistment in the Armed Forces.

"(5) COMPETENCY STANDARDS.—The private industry council, in consultation with educational agencies and the private sector, and where appropriate, labor organizations and community-based organizations, shall determine levels for competency standards based on such factors as entry skill levels and other hiring requirements.

"(6) ADDITIONAL ELEMENTS OF STANDARDS.—The standards shall include the provisions governing—

"(A) the base period prior to program participation that will be used;

"(B) a representative period after termination from the program that is a reasonable indicator of post-program employment and earnings; and

"(C) cost-effective methods for obtaining such data as are necessary to carry out this section and section 454 which, notwithstanding any other provision of law, may include access to earnings records, State employment security records, Federal Insurance Contributions Act records, State aid to families with dependent children records, statistical sampling techniques, and similar records or measures, with appropriate safeguards to protect the confidentiality of the information obtained.

"(7) PROGRAM EXPENDITURES.—The Secretary shall prescribe performance standards relating gross program expenditures to various performance measures. Such standards shall not be taken into consideration in the award of incentive grants pursuant to paragraph (8).

"(8) INCENTIVE GRANTS.—From funds available pursuant to sections 202(c)(1)(B) and 272(c)(1)(B), each Governor shall award incentive grants to service delivery areas conducting programs under parts A and C of title II based on such service delivery areas—

"(A) exceeding the performance standards established by the Secretary pursuant to this subsection (except for the standard established pursuant to paragraph (7)), with respect to services to all participants, while also exceeding the performance standards established for services to the hard to serve populations, such as the target groups listed in sections 203(a) and 273(b) and (d);

"(B) placing participants in employment which—

"(i) provides post-program earnings exceeding the appropriate performance criteria; and

"(ii) includes employer-assisted employment benefits, including health benefits, consistent with the requirements of section 143(a)(4) relating to subsidized employment; and

"(C) exceeding the performance standards established by the Governor for programs under title II pursuant to subsection (e); except that not more than 25 percent of the funds used for incentive grants shall be awarded on performance standards established pursuant to subsection (e) which must include rewards for standards directly encouraging services to the hard to serve populations, such as the target groups listed in sections 203(a) and 273(b) and (d).

"(c) TITLE III PERFORMANCE STANDARDS.—The Secretary shall prescribe performance standards for programs under title III based on placement and retention in unsubsidized employment.

"(d) STATE VARIATION OF PERFORMANCE STANDARDS.—

"(1) GOVERNORS' AUTHORITY.—Each Governor shall prescribe, and report in the Governor's coordination and special services plan, within parameters established by the Secretary, variations in the standards issued under subsections (b) and (c) based upon—

"(A) specific economic, geographic, and demographic factors in the State and in service delivery areas and substate areas within the State,

"(B) the characteristics of the population to be served,

"(C) the demonstrated difficulties in serving the population, and

"(D) the type of services to be provided.

"(2) SECRETARY'S RESPONSIBILITIES.—The Secretary shall—

"(A) provide information and technical assistance on performance standards adjustments;

"(B) collect data that identifies hard-to-serve individuals and long-term welfare dependency;

"(C) provide guidance on setting performance standards at the service provider level that encourages increased service to the hard-to-serve, particularly long-term welfare recipients; and

"(D) review performance standards to ensure that such standards provide maximum incentive in serving the hard-to-serve, particularly long-term welfare recipients, including those receiving benefits under title IV of the Social Security Act, relating to aid to families with dependent children, and title XVI of such Act, relating to supplemental security income.

"(e) ADDITIONAL STATE STANDARDS PERMITTED.—The Governor may prescribe performance standards for programs under title II and title III in addition to those standards established by the Secretary under subsections (b) and (c). Such additional standards may include criteria requiring establishment of effective linkages with other programs to avoid duplication and enhance the delivery of services, the provision of high quality services, and successful service to target groups. The additional performance standards established for title II shall be reported in the Governor's coordination and special services plan.

"(f) TITLES IV AND V STANDARDS.—The Secretary shall prescribe performance standards for programs under parts A and B of title IV and for programs under title V.

"(g) ADJUSTMENT FOR SPECIAL POPULATIONS.—The Secretary shall prescribe a system for variations in performance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, disabled and Vietnam era veterans, including veterans who served in the Indochina Theater between August 5, 1964, and May 7, 1975, and offenders, taking into account their special circumstances.

"(h) MODIFICATIONS.—

"(1) IN GENERAL.—The Secretary may modify the performance standards under this section not more often than once every two program years. Such modifications shall not be retroactive.

"(2) TITLE IV-B STANDARDS.—Notwithstanding paragraph (1), the Secretary may modify standards relating to programs under part B of title IV each program year.

"(i) FUNCTIONS OF NCEP.—The National Commission for Employment Policy shall—

"(1) advise the Secretary in the development of performance standards under this section for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (d);

"(2) evaluate the usefulness of such standards as measures of desired performance; and

"(3) evaluate the impact of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the cost of such services in service delivery areas.

"(j) FAILURE TO MEET STANDARDS.—

"(1) UNIFORM CRITERIA.—The Secretary shall establish uniform criteria for determining whether a service delivery area fails to meet performance standards under this section, and when remedial action authorized under this subsection shall be taken.

"(2) TECHNICAL ASSISTANCE.—Each Governor shall provide technical assistance to service delivery areas failing to meet performance standards under the uniform criteria established pursuant to paragraph (1).

"(3) PROCESS FOR CORRECTION.—Each Governor shall report to the Secretary the final standards and performance for each service delivery area within the State not later than 90 days after the end of the program year, along with the Governor's plans for providing the technical assistance required pursuant to paragraph (2).

"(4) RECAPTURE AND WITHHOLDING.—If the Secretary accepts the Governor's plans for technical assistance described in paragraph (2), then the Secretary shall only recapture or withhold funds based upon the Governor's failure to appropriately implement such plan. If the Secretary determines, upon appeal under paragraph (7), that the Governor has not provided appropriate technical assistance, then the Secretary shall recapture or withhold an amount not to exceed one-fifth of the State administration set-aside allocated under sections 202(c)(1)(A) and 272(c)(1)(A). The Secretary shall use funds recaptured or withheld under this paragraph to provide appropriate technical assistance.

"(5) REORGANIZATION PLAN.—

"(A) PLAN REQUIRED FOR CONTINUED FAILURE.—If a service delivery area continues to fail to meet such performance standards for 2 program years, the Governor shall notify the Secretary and the service delivery area of the continued failure, and shall develop and impose a reorganization plan. Such plan may restructure the private industry council, prohibit the use of designated service providers, merge the service delivery area into one or more other existing service delivery areas, or make such other changes as the Governor deems necessary to improve performance, including the selection of an alternative entity to administer the program for the service delivery area.

"(B) ALTERNATIVE ADMINISTRATIVE AGENCY SELECTION.—The alternative administrative entity described in subparagraph (A) may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area or substate area.

"(6) SECRETARIAL ACTION.—If the Governor has not imposed a reorganization plan as required by paragraph (5) within 90 days of the end of the second program year in which a service delivery area has failed to meet its performance standards, then the Secretary shall develop and impose such a plan, including the selection of an alternative entity to administer the program for the service delivery areas. The Secretary shall recapture or withhold an amount not to exceed one-fifth of the State administration set-aside allocated under sections 202(c)(1)(A) and 272(c)(1)(A) for the purposes of providing technical assistance pursuant to a reorganization under paragraph (5).

"(7) APPEAL.—A service delivery area that is the subject of a reorganization plan under paragraph (5) may, within 30 days after receiving notice thereof, appeal to the Secretary for a revision of the plan. A Governor of a State that is subject to recapture or withholding under paragraph (4) or (6) may, within 30 days after receiving notice thereof, appeal such withholding to the Secretary.

"(k) DEFINITION.—For purposes of this section, the term 'employment' means employment for a minimum of 20 hours per week.".

SEC. 11. SELECTION OF SERVICE PROVIDERS.

(a) SELECTION GUIDELINES.—Section 107(a) of the Act is amended by—

(1) inserting ", (in accordance with guidelines established by the Secretary,)" in the first sentence after "demonstrated performance"; and

(2) adding at the end thereof the following: "In addition, consideration shall be given to

provision of appropriate supportive services, including child care.".

(b) ADDITIONAL REQUIREMENTS FOR SELECTION.—Section 107 of the Act is amended by adding at the end thereof the following new subsection:

"(e) The selection of service providers shall be made on a competitive basis to the extent practicable, and shall include—

"(1) a determination of the ability of the service provider to meet program design specifications established by the administrative entity that take into account the purpose of the Act and the goals established in the Governor's coordination and special services plan; and

"(2) documentation of compliance with procurement standards established by the Secretary pursuant to section 164, including the reasons for selection.".

SEC. 12. LIMITATION ON CERTAIN COSTS.

(a) Section 108(a) of the Act is amended to read as follows:

"SEC. 108. (a) Except as provided in section 141(d)(3)(A), (B), and (C), funds expended under this Act shall be charged to the appropriate cost categories.".

(b) COST CATEGORIES AND LIMITATIONS.—Section 108(b) of the Act is amended to read as follows:

"(b)(1) The cost limitations contained in this section shall apply separately to the funds allocated for programs under part A of title II, and to the funds allocated for programs under part C of such title.

"(2) Funds expended under parts A and C of title II shall be charged to one of the following categories:

"(A) administration,

"(B) training-related and supportive services, or

"(C) direct training services.

"(3) The Secretary shall, consistent with sections 204(b) and 274(c), define by regulation the cost categories specified in paragraph (2).

"(4) Of the funds allocated to a service delivery area for any program year under parts A or C of title II—

"(A) not more than 20 percent shall be expended for the costs of administration; and

"(B) not less than 50 percent shall be expended for direct training services.

"(5) Each service delivery area shall ensure that for all services provided to participants through contracts, grants, or other agreements with a service provider, such contract, grant, or agreement shall include appropriate amounts necessary for administrative costs and supportive services.".

(c) REFERENCE TO LIMITATIONS.—Section 108 of the Act is further amended by striking subsection (c), redesignating subsections (d) and (e) as subsections (c) and (d), respectively, and by adding at the end thereof the following new subsection:

"(e) Funds available under title III shall be expended in accordance with the limitations specified in section 315.".

SEC. 13. RECAPTURE AND REALLOTMENT OF UNOBLIGATED FUNDS UNDER TITLE II.

Part A of title I of the Act is amended by adding at the end the following new section:

"RECAPTURE AND REALLOTMENT OF UNOBLIGATED FUNDS UNDER TITLE II

"SEC. 109. (a) WITHIN STATE REALLOCATIONS.—(1) For program years beginning on or after July 1, 1993, the Governor shall, in accordance with the requirements of this subsection, reallocate to eligible service delivery areas within the State funds appropriated for such program year that are available for reallocation.

"(2) The amount available for reallocation is equal to the amount by which the unobligated balance of the service delivery area allocation under parts A or C of title II at the end of the program year prior to the program year for which the determination under this subsection is made exceeds 15 percent of such allocation for that prior program year, except that the percentage of funds recaptured by the State under section 203(d)(1)(B)(i) shall not be considered as part of the unobligated balance for part A under this subparagraph.

"(3) The Governor shall reallocate the amounts available pursuant to paragraph (2), to eligible service delivery areas within the State which have the highest rates of unemployment for an extended period of time and to those with the highest poverty rates. The Secretary shall establish the unemployment and poverty rates at which service delivery areas are determined to be eligible.

"(4) For purposes of this subsection, an eligible service delivery area means a service delivery area which has obligated at least 85 percent of its allocation under part A or C of title II for the program year prior to the program year for which the determination under this subsection is made.

"(b) REALLOTMENT AMONG STATES.—(1) For program years beginning on or after July 1, 1993, the Secretary may, in accordance with the requirements of this subsection, reallot to eligible States funds appropriated for such program year that are available for reallotment.

"(2) The amount available for reallotment is equal to the amount by which the unobligated balance of the State allotment under part A or C of title II at the end of the program year prior to the program year for which the determination under this subsection is made exceeds 15 percent of such allotment for that prior program year.

"(3) From the amount available pursuant to paragraph (2), the Secretary shall reallot to each eligible State an amount based on the relative amount allotted to such eligible State under part A or C of title II for the program year the determination under this subsection is made compared to the total amount allotted to all eligible States under part A or C of title II for such program year.

"(4) For purposes of this subsection, an eligible State means a State which has obligated at least 85 percent of its allocation under part A or C of title II for the program year prior to the program year for which the determination under this subsection is made.

"(5) The Governor of each State shall prescribe uniform procedures for the obligation of funds by service delivery areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and service delivery areas in the event that a State is required to make funds available for reallotment under this subsection.".

SEC. 14. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) REQUIREMENTS FOR PLAN.—Section 121(b) of the Act is amended by—

(1) amending paragraph (2) to read as follows:

"(2) The plan shall describe the measures taken by the State to ensure coordination and avoid duplication between the State agencies administering the JOBS program and programs under title II in the planning and delivery of services. The plan shall describe the procedures developed by the State to ensure that the State JOBS plan is consistent with the coordination criteria specified in this plan and identify the procedures developed to provide for the review of the JOBS plan by the State Job Training Coordinating Council.";

(2) redesignating paragraphs (3), (4) and (5) as paragraphs (5), (6) and (7), respectively; and

(3) inserting the following new paragraphs after paragraph (2):

"(3) The plan shall describe the projected use of resources, including oversight of program performance, administration and financial management; capacity building; priorities and criteria for State incentive grants; and performance goals for State-supported programs. The description of capacity building shall include the Governor's plans for technical assistance to service delivery areas and service providers, interstate technical assistance and training arrangements, other coordinated technical assistance arrangements pursuant to the direction of the Secretary, and, where applicable, research and demonstration projects.

"(4) The plan shall include, in accordance with the requirements of section 123(c), a description of the programs conducted with funds provided under section 123.".

(b) CONFORMING AMENDMENT.—Section 121(c)(7) of the Act is amended by inserting "coordination of activities relating to part A of title II with" after "(7)".

SEC. 15. STATE JOB TRAINING COORDINATING COUNCIL.

Section 122(a)(3)(B)(i) of the Act is amended by inserting after "agencies or equivalent," the following: "State agencies primarily responsible for administration of programs for older workers,".

SEC. 16. STATE EDUCATION COORDINATION AND GRANTS.

Section 123 of the Act is amended to read as follows:

"STATE EDUCATION COORDINATION AND GRANTS

"SEC. 123. (a) USE OF FUNDS.—The Secretary shall allot to the Governor for allocation to any State education agency the sums available for this section pursuant to sections 202(c)(1)(C) and 272(c)(1)(C). In allocating such funds to the State education agency, the Governor shall not establish requirements governing the distribution of funds under this subsection. All such funds shall be used to carry out projects (in accordance with agreements under subsection (b)) that—

"(1) provide school-to-work transition services of demonstrated effectiveness that increase the rate of graduation from high school, or completion of the recognized equivalent thereof, including services that increase the rate at which dropouts return to regular or alternative schooling and obtain a high school degree or its equivalent, which may include services to support multiyear dropout prevention programs of demonstrated effectiveness;

"(2) provide literacy and lifelong learning opportunities and services of demonstrated effectiveness that enhance the knowledge and skills of educationally and economically disadvantaged individuals and result in increasing the employment and earnings of such individuals; and

"(3) facilitate coordination of education and training services for eligible participants in programs described under paragraphs (1) and (2), including activities pertaining to a State human resources investment council, which meets the requirements of sections 701 through 705.

"(b) AGREEMENTS REQUIRED.—

"(1) PARTIES TO AGREEMENTS.—The activities described in subsection (a) shall be conducted pursuant to agreements between the State education agency, administrative entities in service delivery areas in the State, and other entities, such as other State agencies, local educational agencies, and alternative service providers (such as community-based and other nonprofit or for-profit organizations).

"(2) CONTENTS OF AGREEMENTS.—The agreements described in paragraph (1) shall provide for the contribution by the State from funds other than those available under this Act of a total amount equal to the amount provided under this section. Such matching amount may include the direct cost of employment or training services provided by other Federal, State, or local programs or agencies.

"(c) GOVERNOR'S PLAN REQUIREMENTS.—Any Governor receiving assistance under this section shall include in the Governor's coordination and special services plan, pursuant to section 121, a description developed by the State education agency of the following:

"(1) the goals to be achieved and services to be provided by the school-to-work transition programs receiving assistance, which shall, at a minimum, include—

"(A) the activities and services that will result in increasing the number of youth staying in or returning to school and graduating from high school or the equivalent,

"(B) the work-based curriculum that will link classroom learning to worksite experience and address the practical and theoretical aspects of work,

"(C) the opportunities that will be made available to participants to obtain career-path employment and postsecondary education,

"(D) the integration to be achieved, where appropriate, in the delivery of services between State and local educational agencies and alternative service providers, such as community-based and nonprofit organizations, and

"(E) the linkages that will be established, where feasible, to avoid duplication and enhance the delivery of services, with programs under—

"(i) title II and part B of title IV of this Act,

"(ii) the Elementary and Secondary Education Act,

"(iii) the Carl D. Perkins Vocational and Applied Technology Education Act,

"(iv) the Individuals with Disabilities Education Act,

"(v) the Adult Education Act,

"(vi) part F of title IV of the Social Security Act (JOBS), and

"(vii) the Stewart B. McKinney Homeless Assistance Act;

"(2) the goals to be achieved and services to be provided by literacy and lifelong learning programs receiving assistance, which shall, at a minimum, include—

"(A) the activities and services that will increase the knowledge and skills of educationally and economically disadvantaged individuals, and result in increased employment and earnings for such individuals;

"(B) the integration to be achieved between projects assisted under this section and the four-year State plan (and related needs assessment carried out for that plan) developed pursuant to section 342 of the Adult Education Act,

"(C) the variety of settings, including workplace settings, in which literacy training and learning opportunities will be provided;

"(D) the linkages that will be established, where feasible, to avoid duplication and enhance the delivery of services, with programs under—

"(i) titles II and III of this Act,

"(ii) the Adult Education Act,

"(iii) the Carl D. Perkins Vocational and Applied Technology Education Act,

"(iv) the Stewart B. McKinney Homeless Assistance Act,

"(v) part F of the Social Security Act (JOBS),

"(vi) the Rehabilitation Act of 1973,

"(vii) the National Literacy Act; and

"(viii) the Emergency Immigrant Education Act; and

"(3) the proportion of funds received under this section that shall be used to carry out the program described in paragraph (1) and the proportion that shall be used to carry out the program described in paragraph (2).

"(d) SERVICE REQUIREMENTS.—

"(1) PERMITTED SERVICES.—Services funded under this section to carry out the programs described in subsection (a) may include education and training, vocational education services, and related services to participants under title II. In addition, such services may include services for offenders, veterans, and other individuals whom the Governor determines require special assistance.

"(2) LIMITATIONS ON EXPENDITURES.—(A) Not more than 20 percent of the funds allocated under this section may be expended for activities at the State and local levels described in subsection (a)(3).

"(B) At least 80 percent of the funds allocated under this section shall be expended to carry out the Federal share of activities conducted pursuant to paragraphs (1) and (2) of subsection (a). For the purpose of this subparagraph, the Federal share shall be the amount provided for in the agreements in subsection (b).

"(C) Not less than 75 percent of the funds allocated for activities under paragraphs (1) and (2) of subsection (a) shall be expended for activities for economically disadvantaged individuals who experience other barriers to employment. Priority for those funds not expended for the economically disadvantaged shall be given to title III participants and those with other barriers to employment.

"(e) DISTRIBUTION OF FUNDS IN ABSENCE OF AGREEMENT.—If no agreement is reached pursuant to subsection (b) on the use of funds under this section, the Governor shall notify the Secretary and shall distribute the funds to service delivery areas in accordance with sections 201(b)(2) and 272(b)(2), for purposes of section 123(a)(1), (2), and (3).

"(f) REPORTS AND RECORDS.—

"(1) REPORTS BY GOVERNORS.—The Governor shall report to the Secretary at such intervals as shall be determined by the Secretary on the activities funded under this section. The report shall include such information as the Secretary may require to determine the extent to which the activities supported under this section result in achieving the goals specified in paragraphs (1) and (2) of subsection (c).

"(2) RECORDS AND REPORTS OF RECIPIENTS.—Each recipient, subrecipient, or grantee under this part shall keep records that are sufficient to permit the preparation of reports. Such reports shall be submitted to the Secretary, at such intervals as shall be determined by the Secretary.".

SEC. 17. ADDITIONAL AMENDMENTS TO PART B OF TITLE I.

(a) REPEAL.—Section 124 of the Act is repealed.

(b) IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.—Part B of title I of the Act is amended by inserting after section 123 the following new section:

"IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS

"SEC. 124. The imposition of any State or service delivery area rule, regulation, policy, or performance standard relating to the administration and operation of programs funded by this Act (including those based on State or service delivery area interpretation of any Federal law, regulation, or guideline) shall be identified by the State or service delivery area as a State or service delivery area imposed requirement.".

(c) STATE LABOR MARKET INFORMATION PROGRAMS.—Section 125(a) of the Act is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) provide training and technical assistance to support comprehensive career guidance and participant outcome activities for local programs assisted under this Act.".

SEC. 18. AMENDMENTS TO PART C OF TITLE I.

(a) RELOCATION.—Section 141(c) of the Act is amended to read as follows:

"(c) No funds shall be used or proposed for use to encourage, induce, or assist in the relocation of establishments, or parts thereof. If such violation is alleged, the Secretary shall determine, in consultation with appropriate businesses, governmental entities or public agencies, and labor organizations in all locations affected, whether a violation has occurred.".

(b) CHARGING OF COSTS.—Section 141(d)(3) of the Act is amended—

(1) by inserting "(A)" after the paragraph (3) designation; and

(2) by inserting the following new subparagraphs:

"(B) Tuition charges for training or education provided by an institution of higher education (as that term is defined in section 1201(a) of the Higher Education Act of 1965) or a proprietary institution of higher education (as defined in section 481(b) of such Act), which are not more than the charges for such training or education made available to the general public, do not require a breakdown of cost components.

"(C) Funds provided from the allocation to a service delivery area for any fiscal year, which are expended by any community-based organization for the cost of administering services under part A or C of title II, shall not be subject to the limitation contained in section 108(b)(4)(A) if such funds are expended pursuant to an agreement under which not less than 90 percent of the funds provided to the community-based organization are to be expended for the costs of direct training and training-related and supportive services, and if the service delivery area is in compliance with the requirement under section 108(b)(4)(B) for such fiscal year.".

(c) PLACEMENT.—Section 141(d) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) Placements made in unsubsidized employment shall be, to the extent practicable, in job areas related to the training provided to the participant.".

(d) SERVICE DELIVERY AREA AGREEMENTS.—Section 141(e) of the Act is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Any service delivery area (including a service delivery area which is a city or county within the same labor market) may enter into an agreement or contract with another service delivery area to pay or share the cost of educating, training, or placing individuals participating in programs assisted under this Act, including the provision of supportive services. Such agreement shall be approved by each private industry council providing guidance to the service delivery area and shall be described in the job training plan under section 104 of this Act.".

(e) ON-THE-JOB TRAINING.—Section 141(g) of the Act is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraphs:

"(2) On-the-job training authorized under the Act shall be limited in duration to a period not in excess of that generally required for acquisition of skills needed for the position within a particular occupation, but in no event shall exceed 6 months. In making this determination, consideration shall be given to recognized reference material (such as the Dictionary of Occupational Titles), the content of the participant's training, the participant's prior work experience, and the participant's service strategy.

"(3)(A) Each on-the-job training contract shall—

"(i) specify the types and duration of on-the-job training to be developed and other services to be provided in sufficient detail to allow for a fair analysis of the reasonableness of proposed costs; and

"(ii) comply with the applicable requirements of section 164.

"(B) Each on-the-job training contract that is not directly contracted by a service delivery area with an employer (but instead is contracted through an intermediary brokering contractor) shall, in addition to meeting the requirements of subparagraph (A), specify the outreach, recruitment, participant training, counseling, placement, monitoring, followup, and other services to be provided directly by the brokering contractor within its own organization, the services to be provided by the employers conducting the on-the-job training, and the services to be provided, with or without cost, by other agencies and subcontractors.

"(C) Whenever a brokering contractor enters into a contract with a subcontractor to provide training or other services, the brokering contractor shall ensure, through on-site monitoring, compliance with subcontract terms prior to making payment to the subcontractor.

"(4) In accordance with regulations issued by the Secretary, on-the-job training contracts under this Act shall not be entered into with employers who have received payments under previous contracts and have exhibited a pattern of failing to provide individuals, who have previously participated in on-the-job training, with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.".

(f) DISPOSAL OF ASSETS.—Section 141(k) of the Act is amended to read as follows:

"(k) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this Act shall be the Federal requirements generally applicable to Federal grants to States and local governments.".

(g) PROGRAM INCOME.—Section 141(m) of the Act is amended to read as follows:

"(m)(1) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if used to continue to carry out that program, and may be used for such purposes notwithstanding the expiration of financial assistance for that program.

"(2) Income subject to the requirements of paragraph (1) shall include—

"(A) receipts from goods or services (including conferences) provided as a result of activities funded under the Act;

"(B) funds provided to a service provider under the Act which are in excess of the costs associated with the services provided; and

"(C) except as provided by the Cash Management Improvement Act of 1990, interest income earned on funds received under this Act.

"(3) For the purposes of this subsection, each entity shall maintain records sufficient to determine the amount of income received and the purposes for which such income is expended.".

(h) CROSS REFERENCE.—Section 141(p) of the Act is amended by striking "part B of the title or part A of title II" and inserting in lieu thereof "parts A and C of title II".

(i) ADDITIONAL REQUIREMENTS.—Section 141 of the Act is further amended by adding at the end the following new subsection:

"(q) No funds available under this Act shall be used for activities to induce, encourage, or assist relocations resulting in loss of employment at the previous existing location. No funds available under this Act shall be used for employment generating activities, economic development activities, revolving loan funds, capitalization of businesses, contract bidding resource centers, and similar activities that do not result in the direct creation of jobs into which participants in programs under this Act are placed. No funds under title II or III of this Act shall be used for foreign travel.".

(j) CONCURRENCE.—Section 143(b)(2) of the Act is amended—

(1) by striking ", except that no program" and inserting in lieu thereof ". No program"; and

(2) by striking all that follows "undertake" and inserting in lieu thereof "without the written concurrence of the employer and the labor organization with respect to any elements of the proposed activities which affect such agreement, unless either such party fails to respond to written notification requesting its concurrence within 30 days of receipt thereof.".

(k) NONDELEGATION.—Section 144(c) of the Act is amended by inserting at the end thereof the following new sentence: "The Secretary shall not delegate the responsibilities under this section to any other governmental entity.".

SEC. 19. BENEFITS.

Section 142(a) of the Act is amended by adding at the end the following new paragraph:

"(4) References in paragraphs (2) and (3) to section 6(a)(1) of the Fair Labor Standards Act:

"(A) shall be deemed to be references to section 6(c) of that Act for individuals in Puerto Rico,

"(B) shall be deemed to be references to 6(a)(3) of that Act for individuals in American Samoa, and

"(C) shall not be applicable for individuals in other territorial jurisdictions in which section 6 of the Fair Labor Standards Act does not apply.".

SEC. 20. FISCAL CONTROLS; SANCTIONS.

(a) ADVANCE PAYMENT.—Section 162 of the Act is amended by adding at the end the following new subsection:

"(f) When contracting with nonprofit organizations of demonstrated effectiveness, States, substate areas, and service delivery areas may make advance payments, provided that such payments are based on the financial need of such organization and are not in excess of 20 percent of the total contract amount.".

(b) FISCAL CONTROLS.—Section 164(a) of the Act is amended to read as follows:

"SEC. 164. (a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the recipient under titles II and III. Such procedures shall ensure that all financial transactions are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.

"(2) The Secretary shall prescribe regulations establishing uniform cost principles substantially equivalent to those generally applicable to recipients of Federal grants funds. At a minimum, such standards shall provide that, to be allowable, costs must—

"(A) be necessary and reasonable for proper and efficient administration of the program under this Act;

"(B) be allocable to the program under this Act; and

"(C) not be a general expense required to carry out the overall responsibilities of State, local, or federally recognized Indian tribal governments except as specifically provided by this Act.

"(3) The Secretary shall prescribe regulations establishing uniform procurement standards to ensure fiscal accountability and prevent fraud and abuse in programs administered under this Act. In prescribing such standards, the Secretary shall consult with the Inspector General of the Department of Labor and take into consideration the relevant circulars prescribed by the Director of the Office of Management and Budget. Such standards shall, at a minimum, include provisions to ensure that, for States, substate areas, and service delivery areas—

"(A) procurements shall be conducted in a manner providing full and open competition;

"(B) the use of sole source procurements shall be minimized to the extent practicable, but in every case shall be justified;

"(C) procurements shall include an appropriate analysis of the reasonableness of costs and prices;

"(D) procurements shall not provide excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities), and that appropriate factors shall be utilized in determining whether such income or profit is excessive, such as—

"(i) the complexity of the work to be performed,

"(ii) the risk borne by the contractor, and

"(iii) market conditions in the surrounding geographical area;

"(E) procurements shall clearly specify deliverables and the basis for payment;

"(F) written procedures shall be established for procurement transactions;

"(G) no grantee, contractor, subgrantee, or subcontractor shall engage in any conflict of interest, actual or apparent, in the selection, award, or administration of a contract or grant under this Act;

"(H) all grantees and subgrantees shall conduct oversight to ensure compliance with procurement standards; and

"(I) procurement transactions between units of State or local governments, and any other entities organized principally as the administrative entity for service delivery areas, shall be conducted on a cost reimbursable basis.

"(4) The Governor shall annually conduct on-site monitoring of each service delivery area and substate area within the State to ensure compliance with the procurement standards established pursuant to paragraph (3).

"(5) If the Governor determines that a service delivery area or substate area is not in compliance with the procurement standards established pursuant to paragraph (3), the Governor shall—

"(A) require corrective action to secure prompt compliance; and

"(B) impose the sanctions provided under subsection (b) in the event of failure to take the required corrective action.

"(6) The Governor shall biennially certify to the Secretary that—

"(A) the State has implemented the procurement standards established under paragraph (3);

"(B) the State has monitored substate areas and service delivery areas to ensure compliance with the procurement standards established pursuant to paragraph (3); and

"(C) the State has taken appropriate action to secure compliance pursuant to paragraph (5).

"(7) If the Secretary determines that the Governor has not fulfilled the requirements of this subsection, the Secretary shall—

"(A) require corrective action to secure prompt compliance; and

"(B) impose the sanctions provided under subsection (f) in the event of failure of the Governor to take the required corrective action.

"(8) The Secretary shall review the implementation of the provisions of this section, and shall submit a report to the Congress, not later than October 1, 1994, evaluating the effectiveness of such provisions in ensuring fiscal accountability and containing such recommendations as the Secretary deems appropriate.".

(c) CONSEQUENCES OF FAILURES.—Section 164(b) of the Act is amended to read as follows:

"(b)(1) Whenever, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this Act or the regulations, and corrective action has not been taken, the Governor shall—

"(A) issue a notice of intent to revoke approval of all or part of the plan affected, or

"(B) impose a reorganization plan, which may include—

"(i) restructuring the private industry council,

"(ii) prohibiting the use of designated service providers,

"(iii) selecting an alternative entity to administer the program for the service delivery area,

"(iv) merging the service delivery area into 1 or more other existing service delivery areas, or

"(v) other such changes as the Secretary or Governor deems necessary to secure compliance.

"(2)(A) The actions taken by the Governor pursuant to paragraph (1)(A) may be appealed to the Secretary under the same terms and conditions as the disapproval of the plan and shall not become effective until—

"(i) the time for appeal has expired, or

"(ii) the Secretary has issued a decision.

"(B) The actions taken by the Governor pursuant to paragraph (1)(B) may be appealed to the Secretary, who shall make a final decision within 60 days of the receipt of the appeal.

"(3) If the Governor fails to promptly take the actions required under paragraph (1), the Secretary shall take such actions.".

SEC. 21. REPORTS, RECORDKEEPING, AND INVESTIGATIONS.

(a) STANDARDIZED RECORDS.—Section 165(a) of the Act is amended by adding at the end the following new paragraphs:

"(3) In order to allow for the preparation of national estimates necessary to meet the requirements of subsection (c), recipients shall maintain standardized records for all individual participants and provide to the Secretary a sufficient number of such records to provide an adequate random sample.

"(4)(A) Except as provided in subparagraph (B), records maintained by recipients pursuant to this subsection shall be made available to the public upon request.

"(B) Subparagraph (A) shall not apply to—

"(i) information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

"(ii) trade secrets and commercial or financial information obtained from a person and privileged or confidential.

"(C) Recipients may charge fees sufficient to recover costs applicable to the processing of requests for records under subparagraph (A).".

(b) MONITORING GUIDES.—Section 165(b) is amended by adding the following new paragraph:

"(3) In carrying out any audit under this Act (other than any initial audit survey or any audit investigating possible criminal or fraudulent conduct), either directly or through grant or contract, the Secretary, the Inspector General, or the Comptroller General shall furnish to the State, administrative entity, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not less than 15 working days (or as soon as practicable), prior to the commencement of the audit. If the scope, objectives, or purposes of the audit shall change substantially during the course of the audit, the entity being audited shall be notified thereof, as soon as practicable. The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding. Nothing contained in this Act shall be construed so as to be inconsistent with the Inspector General Act of 1978 or government auditing standards issued by the Comptroller General.".

(c) MONITORING OF SERVICE PROVIDERS.—Section 165(c) of the Act is amended to read as follows:

"(c) Each State, each administrative entity designated under title I, and each recipient (other than a subrecipient, grantee or contractor of a recipient) receiving funds under this Act shall—

"(1) make readily accessible reports concerning its operations and expenditures as shall be prescribed by the Secretary;

"(2) prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 167; and

"(3) monitor the performance of service providers in complying with the terms of agreements made pursuant to this Act.".

(d) REPORT INFORMATION; RECORD RETENTION.—Section 165 of the Act is further amended by adding the following new subsections:

"(d)(1) The reports required in subsection (c) shall include (but not be limited to) information in such form as to permit cross-tabulation pertaining to—

"(A) the relevant demographic characteristics (including race or ethnicity, sex, or age) and other related information about enrollees and participants;

"(B) the activities in which participants are enrolled, and the length of time that participants are engaged in such activities;

"(C) program outcomes, including occupations, for participants;

"(D) specified program costs; and

"(E) information necessary to prepare reports to comply with section 167 of this Act.

"(2) The Secretary shall ensure that all elements of the information required for the reports described in paragraph (1) are defined and reported uniformly.

"(e) The Governor shall ensure that requirements are established for retention of all records pertinent to all grants, contracts, and agreements, including financial, statistical, property and participant records and supporting documentation. For funds allotted to a State for any program year, records shall be retained for two years following the date on which the annual expenditure report containing the final expenditures charged to such program year's allotment is submitted to the Secretary. Records for nonexpendable property shall be retained for a period of three years after final disposition of the property.

"(f) Quarterly financial reports shall be required by the Secretary. Records shall be maintained to show all program costs by cost category in accordance with generally accepted accounting principles by year of appropriation. Any program income or profits earned by subrecipient shall be separately identified on the records maintained. Costs incurred (such as stand-in costs) that are otherwise allowable except for funding limitation shall also be separately identified.

"(g) The Secretary shall issue final regulations implementing section 167 of this Act within 90 days of the enactment of the Job Training Reform Amendments.".

(e) DISCRIMINATION.—Section 167 of the Act is amended by adding at the end the following new subsection:

"(e)(1) The head of the office of the Department of Labor referred to as the 'Directorate for Civil Rights' shall annually prepare a report on the administration and enforcement of this section.

"(2) The report required by paragraph (1) shall include—

"(A) an identification of the service delivery areas and States that have been determined, during the preceding program year, not to be in compliance with this section;

"(B) for each such identification, the date on which the inquiry was begun and whether the inquiry was initiated on the basis of a complaint or at the Department's initiative;

"(C) an identification of the service delivery areas and States awaiting findings by the Directorate;

"(D) the number of service delivery areas and States that, during the preceding year, were determined not to be in compliance with this section, and the number for which insufficient data prevented the making of such a determination, identifying the type of data which is missing or inadequate;

"(E) a statistical summary, broken down by race, sex, national origin, disability, or age, of the number of inquiries undertaken and their outcomes;

"(F) an identification of any service delivery area or State that has been determined, during the preceding year, to have failed to conduct objective assessments as required by sections 204 and 274 on a nondiscriminatory basis;

"(G) the amount expended by the Department for the administration and enforcement by the Directorate of this section, and the number and percentage of full-time employees, and the full-time equivalent of the part-time employees, engaged in such administration and enforcement;

"(H) the number of onsite visits conducted each year, and whether the visits were initiated by the Department or by complaint;

"(I) the number of cases referred to the Attorney General, and for such cases—

"(i) the civil actions taken by the Attorney General thereon; and

"(ii) the Secretary's use of the authority of title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973; and

"(J) a description of any other actions taken by the Secretary under or related to the administration and enforcement of this section.

"(3) The report required by this subsection shall be submitted to the Congress as part of the Secretary's annual report under section 169(d).

"(f) In addition to any other sums authorized to be appropriated, there are authorized to be appropriated for the operations and expenses of the Directorate such sums as may be necessary for the purpose of increasing the number of full time equivalent personnel available to the Directorate in order to comply with the requirements of this section.".

SEC. 22. REVISION OF TITLE II.

Title II of the Act is amended to read as follows:

"TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

"PART A—ADULT PROGRAM

"SEC. 201. STATEMENT OF PURPOSE.

"It is the purpose of this part to establish programs to prepare adults for participation in the labor force by increasing their occupational and educational skills with the result of improving their long-term employability, increasing their employment and earnings, and reducing their welfare dependency.

"SEC. 202. ALLOTMENT AND ALLOCATION.

"(a) TERRITORIAL ALLOTMENT.—Not more than one-quarter of one percent of the amount appropriated pursuant to section 3(a)(1) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Freely Associated States, the Republic of Palau and the Commonwealth of the Northern Mariana Islands.

"(b) GENERAL STATE AND SDA ALLOTMENTS.—

"(1) RESERVATION.—After determining the amounts to be allotted under subsection (a), 81 percent of the remainder shall be allotted by the Secretary to the States for allocation to service delivery areas within each State. Each State shall allocate to the service delivery areas within the State such amounts as determined by the Secretary pursuant to the formula contained in paragraph (2). The remaining 19 percent shall be allotted in accordance with subsection (c).

"(2) FORMULA.—Subject to the provisions of paragraph (3), of the amounts allotted to service delivery areas for this part for each fiscal year—

"(A) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each service delivery area as compared to the total number of such unemployed individuals in all service delivery areas in all States;

"(B) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals within each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in all States; and

"(C) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged adults within each service delivery area as compared to the total number of economically disadvantaged adults in all service delivery areas in all States, except that for any service delivery area described in section 101(a)(4)(A)(iii), the allotment shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

"(3) LIMITATIONS ON FORMULA.—(A) No service delivery area shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(B) No service delivery area shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) Notwithstanding subparagraphs (A) and (B), the total allotment for all service delivery areas within any one State shall not be less than one-quarter of 1 percent of the total allotted to all service delivery areas in all States.

"(D) For purposes of subparagraphs (A) and (B), the allotment percentage for fiscal year 1993 shall be the percentage of funds allotted under part A of title II to the service delivery area during the preceding fiscal year.

"(4) DEFINITIONS AND DETERMINATIONS.—For the purposes of this section—

"(A) the term 'economically disadvantaged adult' means an individual who is age 22 or older and who has, or is a member of a family which has, received a total family income which, in relation to family size, was not in excess of the higher of (A) the poverty income guidelines promulgated each year by the Secretary of Health and Human Services, or (B) 70 percent of the lower living standard income level;

"(B) the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged adults and the size of the adult population in a service delivery area; and

"(C) the term 'excess number' means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area, or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such service delivery area.

"(c) SPECIAL ALLOTMENTS.—

"(1) DIVISION OF REMAINDER.—Of the remaining 19 percent of funds available for allotment under this part—

"(A) 5 percent shall be allotted to the States in accordance with paragraph (2) to carry out the overall administration, management, and auditing activities relating to programs under this title and for activities under sections 121 and 122;

"(B) 6 percent shall be allotted to the States in accordance with paragraph (2), to provide incentive grants authorized under section 106(b)(8), which the States in turn shall allot in accordance with paragraphs (3) and (4); and

"(C) 8 percent shall be allotted to the States in accordance with paragraph (2) to carry out section 123.

"(2) FORMULA FOR ALLOTMENT.—The allotments to each State described in paragraph (1) shall be based on the relative amount of funds allocated to all service delivery areas within such State under subsection (b) as compared to the amount of funds allocated to all service delivery areas in all States under subsection (b).

"(3) INCENTIVE GRANTS ALLOTMENT.—The amount reserved under paragraph (1)(B) shall be used by the Governor to provide incentive grants for service delivery areas that exceed applicable performance standards and other measures described under section 106(b)(8). The incentive grants made under paragraph (1)(B) shall be distributed so that not less than ¾ of the funds used for incentive grants are distributed to eligible service delivery areas within the State on an equitable basis, taking into account the extent by which they exceed the requirements of section 106(b)(8) and the size of the eligible population, and the remainder shall be distributed on an equitable basis.

"(4) OTHER USES.—The Governor may use up to ⅓ of the amount allotted under paragraph (1)(B) for capacity building and technical assistance to service delivery areas and service providers. Such use of funds may include the development and training of service delivery areas and service provider staff and the development of exemplary program activities.

"SEC. 203. ELIGIBILITY FOR SERVICES.

"(a) IN GENERAL.—Except as provided in subsection (c), an individual shall be eligible to participate in the program under this part only if such individual is—

"(1) 22 years of age or older; and

"(2) economically disadvantaged.

"(b) TARGETED GROUPS.—Not less than 60 percent of the participants in the program under this part in each service delivery area shall be individuals who, in addition to meeting requirements of subsection (a), are included in one or more of the following categories:

"(1) basic skills deficient;

"(2) school dropouts;

"(3) recipients of cash welfare payments;

"(4) offenders;

"(5) individuals with disabilities; or

"(6) homeless.

"(c) EXCEPTIONS.—Not more than 10 percent of participants in the program under this part in each service delivery area may be individuals who are not economically disadvantaged if such individuals are age 22 or older and are either included in one of the categories listed in subsection (b) or experience other barriers to employment. Such individuals may include, but are not limited to, those who have limited English language proficiency, or are displaced homemakers, older workers, veterans, alcoholics, or drug addicts.

"(d) SERVICES FOR OLDER INDIVIDUALS.—

"(1) GENERAL REQUIREMENTS.—(A) Each service delivery area shall make special efforts to identify and serve eligible individuals 55 years of age or older. Not less than 8 percent of the funds allocated to each service delivery area under this part shall be expended to provide services to such individuals.

"(B) If the Governor determines that in any program year a service delivery area obligated less than 8 percent of the funds allocated under this part to provide services to eligible individuals 55 years of age or older, the Governor—

"(i) shall recapture, from the funds available to the service delivery area under this part during the subsequent program year, an amount equal to the difference between the amount obligated for such purposes and 8 percent of the amount allocated to the service delivery area under this part in such program year; and

"(ii)(I) shall reallocate, for purposes of providing services to eligible individuals 55 years of age or older, the amount recaptured pursuant to clause (i) to other service delivery areas within the State, which have obligated their funding, in such manner as the Governor deems appropriate, taking into consideration such factors as demonstrated need and the quality of services provided to such individuals by the service delivery areas; or

"(II) shall contract with a different service provider of demonstrated effectiveness to provide services within the service delivery area from which funds have been recaptured, in order to continue to make services available to eligible individuals in the service delivery area.

"(2) COORDINATION.—In providing the services required by paragraph (1), the State job training coordinating council and the service delivery area shall make efforts to coordinate the delivery of such services with the delivery of services pursuant to title V of the Older Americans Act of 1965.

"(3) SERVICE PROVIDER SELECTION.—(A) In the selection of service providers to serve older individuals, the service delivery area shall give priority to those national, State, and local agencies and organizations that have a record of demonstrated effectiveness in providing training and employment services to such older individuals.

"(B) Those service delivery areas within a State that choose to utilize the services of area agencies on aging or organizations of demonstrated effectiveness in providing services, including recruitment and placement, to older individuals, may combine funds under this subsection to contract with such area agencies or organizations for the provision of such services among the service delivery areas.

"SEC. 204. PROGRAM DESIGN.

"(a) ESSENTIAL ELEMENTS.—

"(1) IN GENERAL.—The program under this part shall include—

"(A) an objective assessment of each participant's skill levels and service needs, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), and supportive service needs, except that a new assessment of a participant is not required if the program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program (such as the JOBS program), and such assessments shall comply with the requirements of section 167;

"(B) development of service strategies which shall identify the employment goal (including, where appropriate, nontraditional employment), appropriate achievement objectives, and appropriate services for participants taking into account the assessments conducted pursuant to paragraph (1), except that a new service strategy is not required if the program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program (such as the JOBS program);

"(C) a review of each participant's progress in meeting the objectives of the service strategy; and

"(D) the following services, which shall be provided either directly or through arrangement with other programs to a participant where the assessment and the service strategy indicate such services are appropriate:

"(i) basic skills training;

"(ii) occupational skills training; and

"(iii) supportive services.

"(2) ADDITIONAL REQUIREMENTS.—(A) Each service delivery area shall ensure that each participant or applicant who meets the minimum income eligibility criteria be provided—

"(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including, but not limited to, those receiving funds under this Act, and

"(ii) referral to appropriate training and educational programs that have the capacity to serve the applicant either on a sequential or concurrent basis.

"(B)(i) Each service provider shall ensure that an eligible applicant who does not meet the enrollment requirements of its particular program or who cannot be served shall be referred to the service delivery area for further assessment, as necessary, and referral to appropriate programs to meet the applicant's basic skills and training needs.

"(ii) The service delivery area shall ensure that appropriate referrals are made pursuant to this subparagraph, and shall maintain appropriate records of such referrals and the basis for such referrals.

"(b) AUTHORIZED SERVICES.—Services which may be made available to participants under this title may include, but need not be limited to—

"(1) direct training services, including—

"(A) basic skills training, including remedial education, literacy training, and English-as-a-second-language instruction;

"(B) institutional skills training;

"(C) on-the-job training;

"(D) assessment of participants' skill levels and service needs;

"(E) counseling, such as job counseling and career counseling;

"(F) case management services;

"(G) education-to-work transition activities;

"(H) programs which combine workplace training with related instruction;

"(I) work experience;

"(J) programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare individuals for career employment;

"(K) training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply;

"(L) skill upgrading and retraining;

"(M) bilingual training;

"(N) entrepreneurial training, such as training activities for microenterprises;

"(O) vocational exploration;

"(P) training programs to develop work habits to help individuals obtain and retain employment;

"(Q) attainment of certificates of high school equivalency;

"(R) preapprenticeship programs;

"(S) on-site, industry-specific training programs supportive of industrial and economic development;

"(T) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of that training; and

"(U) use of advanced learning technology for education, job preparation and skills training; and

"(2) training-related and supportive services, including—

"(A) job search assistance;

"(B) outreach to make individuals aware of, and encourage the use of, employment and training services, including efforts to expand awareness of training and placement opportunities for the limited English proficient and individuals with disabilities;

"(C) specialized surveys not available through other labor market information sources;

"(D) disseminating information on program activities to employers;

"(E) development of job openings;

"(F) coordinated programs with other Federal employment-related activities;

"(G) supportive services, as defined in section 4(24) of this Act, necessary to enable individuals to participate in the program, and to assist them, for a period not to exceed 12 months following completion of training, to retain employment;

"(H) needs-based payments and financial assistance;

"(I) follow-up services with participants placed in unsubsidized employment; and

"(J) obtaining job placements for participants.

"(c) DESIGN OF SERVICES.—

"(1) BASIC SKILLS TRAINING.—Basic skills training authorized under this part shall, where appropriate, have a workplace context and be integrated with occupational skills training.

"(2) ADDITIONAL SERVICES IN CONJUNCTION WITH SKILLS TRAINING.—(A) Except as provided in subparagraph (B), job search assistance, job search skills training, job clubs, and work experience authorized under this part shall be accompanied by other services designed to increase a participant's basic education or occupational skills.

"(B) The program under this part may provide job search assistance, job search skills training, and job club activities to a participant without the additional services described in subparagraph (A) only if—

"(i) the participant's assessment and service strategy indicate that the additional services are not appropriate; and

"(ii) the activities are not available to the participant through the Employment Service or other public agencies.

"(3) LIMITATION ON ON-THE-JOB TRAINING.—In each service delivery area, the ratio of participants in on-the-job training assisted under this part in the public sector to participants in such training in the private sector shall not exceed the ratio between civilian governmental employment and nongovernmental employment in such area.

"(4) NEEDS-BASED PAYMENTS.—Needs-based payments and financial assistance authorized under this part shall be limited to payments necessary to participation in the program under this part in accordance with a locally developed formula or procedure.

"(5) COUNSELING AND SUPPORTIVE SERVICES.—Counseling and supportive services authorized under this part may be provided to a participant for a period up to one year after termination from the program.

"(6) Noncontract treatment.—The service strategy developed pursuant to section 204(a)(2) shall not be considered a contract.

"(7) Volunteers.—The service delivery area shall make opportunities available for successful alumni of programs under this part to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

"SEC. 205. LINKAGES.

"(a) Program Linkages.—In conducting the program under this part, the service delivery area shall establish appropriate linkages with other programs authorized under Federal law. Such programs shall include, where feasible, programs assisted under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(3) the Rehabilitation Act of 1973;

"(4) the Wagner-Peyser Act;

"(5) part F of title IV of Social Security Act (JOBS);

"(6) the Food Stamp Act;

"(7) the National Apprenticeship Act;

"(8) the Stewart B. McKinney Homeless Assistance Act;

"(9) the United States Housing Act;

"(10) the National Literacy Act of 1991;

"(11) the Head Start Act (for purposes of child care services); and

"(12) any other provisions of this Act.

"(b) Other Linkages.—In addition to the linkages required under subsection (a), service delivery areas shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local educational agencies, local service agencies, public housing agencies, community organizations, business and labor organizations, volunteer groups working with disadvantaged adults, and other training, education, employment, economic development and social service programs.

"SEC. 206. TRANSFER OF FUNDS.

"A service delivery area may transfer up to 10 percent of the funds provided under this part to the program under part C of this title if such transfer is—

"(1) described in the job training plan; and

"(2) approved by the Governor.

"Part B—Summer Youth Employment and Training Programs

"SEC. 251. PURPOSE.

"The purpose of programs assisted under this part is—

"(1) to enhance the basic educational skills of youth;

"(2) to encourage school completion, or enrollment in supplementary or alternative school programs; and

"(3) to provide eligible youth with exposure to the world of work.

"SEC. 252. ALLOTMENT AND ALLOCATION.

"(a) Territorial and Native American Allocation.—From the funds appropriated under section 3(a)(2), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Freely Associated States and the Republic of Palau, the Commonwealth of the Northern Marianas, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the summer youth program in the fiscal year preceding the fiscal year for which the determination is made.

"(b) Use of Part C Formula for Allotment and Allocation.—The remainder of sums appropriated pursuant to section 3(a)(2) shall be allotted among States and allocated among service delivery areas in accordance with section 272(b).

"SEC. 253. USE OF FUNDS.

"(a) In General.—Funds available under this part may be used for—

"(1) basic and remedial education, institutional and on-the-job training, work experience programs, employment counseling, occupational training, preparation for work, outreach and enrollment activities, employability assessment, job referral and placement, job search and job club activities, activities described in section 275(b), and any other employment or job training activity designed to give employment to eligible individuals or prepare them for, and place them in, employment;

"(2) supportive services necessary to enable such individuals to participate in the program; and

"(3) administrative costs, not to exceed 15 percent of the funds available under this part.

"(b)(1) Basic and Remedial Education.—A service delivery area shall expend funds (from this Act or otherwise available to the service delivery area, or both) for basic and remedial education as described in the job training plan under section 104.

"(2) The funds for basic and remedial education or training described in paragraph (1) may be provided by—

"(A) the year-round program under this part;

"(B) the Job Corps;

"(C) the JOBS program;

"(D) alternative or secondary schools; or

"(E) other education and training programs.

"(c) Assessment.—Each participant under this part shall be provided with an objective assessment of basic skills and supportive services, which may include a review of occupational skills, prior work experience, employability, interests, and aptitudes, except that such assessment, or factor thereof, is not required if the program uses recent assessments conducted pursuant to another education or training program (such as the JOBS program or high school academic records). It shall be the responsibility of the service delivery area to develop a service strategy for participants which may identify achievement objectives, appropriate employment goals, and appropriate services for participants, taking into account the assessments conducted under this subsection or under other education or training programs.

"(d) Followup Services.—Followup services shall be made available for participants for whom a service strategy is developed in accordance with this section.

"SEC. 254. LIMITATIONS.

"(a) Use During Summer Months or Equivalent Vacation Period.—Programs under this part shall be conducted during the summer months, except that a service delivery area may, within the jurisdiction of any local educational agency that operates its schools on a year-round, full-time basis, offer the programs under this part to participants during a vacation period treated as the equivalent of a summer vacation.

"(b) Concurrent Enrollment.—(1) An eligible individual participating in a program assisted under this part may concurrently be enrolled in programs under part C of this title. Appropriate adjustment to the youth performance standards (attainment of competencies) under section 106(b)(3) of this Act shall be made to reflect the limited period of participation.

"(2) Youth being served in this part or in the part C youth program do not need to be terminated from participation in one program in order to enroll in the other. The Secretary shall provide guidance to service delivery areas on simplified procedures for concurrent enrollment and transfers for youth from one program to the other.

"(c) Eligible Youth.—The individuals who are eligible to participate in programs under this part are individuals who are economically disadvantaged and aged 14 through 21.

"SEC. 255. APPLICABLE PROVISIONS.

"(a) Comparable Functions of Agencies and Officials.—Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this part as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under parts A and C of title II.

"(b) Program Goals and Objectives.—In accordance with the provisions of subsection (a), each service delivery area shall establish written program goals and objectives which shall be used for evaluating the effectiveness of programs conducted under this part. Such goals and objectives may include—

"(1) improvement in school retention and completion;

"(2) improvement in academic performance, including mathematics and reading comprehension;

"(3) improvement in employability skills; and

"(4) demonstrated coordination with other community service organizations such as local educational agencies, law enforcement agencies, and drug and alcohol abuse prevention and treatment programs.

"Part C—Youth Program

"SEC. 271. STATEMENT OF PURPOSE.

"The purpose of the programs assisted under this part is to—

"(1) improve the long-term employability of youth;

"(2) enhance the educational and occupational skills of youth;

"(3) encourage school completion or enrollment in alternative school programs;

"(4) increase the employment and earnings of youth;

"(5) reduce welfare dependency; and

"(6) assist youth in addressing problems which impair their ability to make successful transitions from school to work, apprenticeship, the military, or postsecondary education and training.

"SEC. 272. ALLOTMENT.

"(a) Territories.—Not more than one quarter of one percent of the amount appropriated pursuant to section 3(b) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Freely Associated States and the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

"(b) General State and SDA Allotment.—

"(1) Reservation.—After determining the amounts to be allotted under subsection (a), 81 percent of the remainder shall be allotted by the Secretary to the States for allocation to service delivery areas within each State. Each State shall allocate to the service delivery areas within the State such amounts as determined by the Secretary pursuant to the formula contained in paragraph (2). The remaining 19 percent shall be allotted in accordance with subsection (c).

"(2) FORMULA.—Subject to the provisions of paragraph (3), of the amounts allotted by the Secretary for this part for each fiscal year—

"(A) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each service delivery area as compared to the total number of such unemployed individuals in all service delivery areas in all States;

"(B) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals within each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in all States; and

"(C) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each service delivery area as compared to the total number of economically disadvantaged youth in all service delivery areas in all States except that, for the allotment for any service delivery area described in section 101(a)(4)(A)(iii), the allotment shall be based on the higher of the number of youth in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

"(3) LIMITATIONS.—(A) No service delivery area shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(B) No service delivery area shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) Notwithstanding subparagraphs (A) and (B), the total allotment for all service delivery areas within any one State shall not be less than one-quarter of 1 percent of the total allotted to all service delivery areas in all States.

"(D) For the purposes of subparagraphs (A) and (B), the allotment percentage for fiscal year 1993 is the percent of the funds allocated for youth programs (as determined by the Secretary) under title II to the service delivery area during the preceding fiscal year.

"(4) DEFINITIONS AND DETERMINATIONS.—For the purposes of this section—

"(A) the term 'economically disadvantaged youth' means an individual who is aged 16 through 21 and who has, or is a member of a family which has, received a total family income which, in relation to family size, was not in excess of the higher of (i) the poverty income guidelines promulgated each year by the Secretary of Health and Human Services, or (ii) 70 percent of the lower living standard income level;

"(B) the term 'excess number' means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area, or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such service delivery area; and

"(C) the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the armed forces from the determination of the number of economically disadvantaged youth and the size of the youth population in a service delivery area.

"(c) SPECIAL ALLOTMENTS.—

"(1) DIVISION OF REMAINDER.—Of the remaining 19 percent of funds available for allotment under this part—

"(A) 5 percent shall be allotted to the States in accordance with paragraph (2) to carry out the overall administration, management, and auditing activities relating to programs under this title and for activities under sections 121 and 122;

"(B) 6 percent shall be allotted to the States in accordance with paragraph (2) to provide incentive grants authorized under section 106(b)(8), and the State shall, in turn, allot these grants in accordance with paragraph (3); and

"(C) 8 percent shall be allotted by the States in accordance with paragraph (2) to carry out section 123.

"(2) FORMULA FOR ALLOTMENT.—The allotments to each State described in paragraph (1) shall be based on the relative amount of funds allocated to all service delivery areas within such State under subsection (b) as compared to the amount of funds allocated to all service delivery areas in all States under subsection (b).

"(3) INCENTIVE GRANT ALLOTMENT.—The amount reserved under paragraph (1)(B) shall be used by the Governor to provide incentive grants for service delivery areas that exceed applicable performance standards and other measures described under section 106(b)(8). The incentive grants made under this subparagraph shall be distributed so that not less than ¾ of the funds used for incentive grants are distributed to eligible service delivery areas within the State on an equitable basis, taking into account the extent by which they exceed requirements of section 106(b)(8) and the size of the eligible population, and the remainder shall be distributed on an equitable basis.

"(4) OTHER USES.—The Governor may use up to ⅓ of the amount allotted under paragraph (1)(B) for capacity building and technical assistance to service delivery area and service providers. Such use of funds may include the development and training of service delivery area and service provider staff and the development of exemplary program activities.

"SEC. 273. ELIGIBILITY FOR SERVICES.

"(a) IN-SCHOOL YOUTH.—An individual who is in school shall be eligible to participate in the program under this part only if such individual is—

"(1) aged 16 through 21 or, if provided in the job training plan, aged 14 through 21; and

"(2) economically disadvantaged, or participates in a compensatory education programs under chapter 1 of the Elementary and Secondary Education Act of 1965.

"(b) TARGETED GROUPS OF IN-SCHOOL YOUTH.—Not less than 60 percent of the in-school individuals who participate in a program under this part shall be individuals who, in addition to meeting the requirements of subsection (a), are included in one or more of the following categories:

"(1) basic skills deficient;

"(2) educational attainment that is one or more grade levels below the grade level appropriate to that individual's age;

"(3) pregnant or parenting;

"(4) individuals with disabilities, including a learning disability;

"(5) homeless or run-away youth; or

"(6) offender.

"(c) OUT-OF-SCHOOL YOUTH.—An individual who is out of school shall be eligible to participate in the program under this part only if such individual is—

"(1) aged 16 through 21; and

"(2) economically disadvantaged;

"(d) TARGETED GROUPS OF OUT-OF-SCHOOL YOUTH.—Not less then 60 percent of the out-of-school individuals who participate in a program under this part shall be individuals who, in addition to meeting the requirements of subsection (c), are included in one or more of the following categories:

"(1) basic skills deficient;

"(2) school dropouts (subject to the conditions described in section 274(d)(2));

"(3) pregnant or parenting;

"(4) individuals with disabilities, including a learning disability;

"(5) homeless or run-away youth; or

"(6) offenders.

"(e) EXCEPTIONS.—Not more than 10 percent of participants in the program under this part in each service delivery area may be individuals who do not meet the requirements of subsection (a)(2) or (c)(2) if such individuals experience one or more barriers to employment. Such barriers may include, but need not be limited to, the categories described in subsections (b) and (d), or categories such as limited English language proficiency, alcoholics, or drug addicts.

"(f) RATIO OF OUT-OF-SCHOOL TO IN-SCHOOL YOUTH.—

"(1) IN GENERAL.—Except as provided for in paragraphs (2) and (3), not less than 60 percent of the participants in the program under this part in each service delivery area shall be out-of-school individuals who meet the requirements of subsections (c), (d), or (e).

"(2) EXCEPTION.—The minimum percentage of participants in a service delivery area required to be out-of-school individuals pursuant to paragraph (1) may be reduced to a percentage that is not less than 40 percent if, in accordance with guidelines established by the Secretary—

"(A) a service delivery area conducting a program under this part submits a request to the Governor specifying an alternative percentage requirement and such request is justified by a dropout rate of less than 10 percent for the youth population in the service delivery area, and

"(B) the Governor approves the request submitted pursuant to subparagraph (A) and includes a description of the requests approved, and basis for such approval in the Governor's coordination and special services plan.

"(3) COUNTING OF IN-SCHOOL INDIVIDUALS.—In-school individuals served as a part of a schoolwide project in subsection (g) shall not be counted as a part of the ratio of in-school individuals to out-of-school individuals.

"(g) SCHOOL-WIDE PROJECTS FOR LOW-INCOME SCHOOLS.—

"(1) IN GENERAL.—In addition to the individuals described in subsection (e), an individual who does not meet the requirements of subsection (a)(2) may participate in the program assisted under this part if such individual is enrolled in a public school—

"(A) which is located in a poverty area;

"(B) served by a local educational agency which is eligible for assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

"(C) in which not less than 75 percent of the students enrolled are included in the categories described in subsection (b); and

"(D) which conducts a program pursuant to a cooperative arrangement which meets the requirements of section 275(d).

"(2) DEFINITION.—For the purposes of paragraph (1), the term 'poverty area' means an urban census tract or a nonmetropolitan county with a poverty rate of 30 percent or more as determined by the Bureau of the Census.

"SEC. 274. PROGRAM DESIGN.

"(a) YEAR-ROUND OPERATION.—The program under this part shall be conducted and services shall be made available during the year or on a multiyear basis as appropriate.

"(b) Essential Elements.—

"(1) In general.—The program under this part shall include—

"(A) an objective assessment of each participant's skill levels and service needs, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), and supportive service needs, except that a new assessment of a participant is not required where the program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program (such as the JOBS program);

"(B) development of service strategies which shall identify achievement objectives, appropriate employment goals (including, where appropriate, nontraditional employment), and appropriate services for participants taking into account the assessments conducted pursuant to paragraph (1), except that a new service strategy is not required where the program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program (such as the JOBS program);

"(C) a review of each participant's progress in meeting the objectives of the service strategy; and

"(D) the following services, which shall be provided either directly or through arrangement with other programs to a participant where the assessment and service strategy indicate such services are appropriate:

"(i) basic skills training;

"(ii) occupational skills training;

"(iii) preemployment and work maturity skills training;

"(iv) work experience combined with skills training; and

"(v) supportive services.

"(2) Additional requirements.—(A) Each service delivery area shall ensure that each participant or applicant who meets the minimum income eligibility criteria be provided:

"(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including, but not limited to, those receiving funds under this Act, and

"(ii) referral to other appropriate training and educational programs that have the capacity to serve the applicant either on a sequential or concurrent basis.

"(B)(i) Each service provider shall ensure that an eligible applicant who does not meet the enrollment requirements of its particular program or who cannot be served shall be referred to the service delivery area for further assessment, as necessary, and referral to appropriate programs to meet the applicant's basic skills and training needs.

"(ii) The service delivery area shall ensure that appropriate referrals are made pursuant to this subparagraph, and shall maintain appropriate records of such referrals and the basis for such referral.

"(c) Authorized Services.—Services which may be made available to youth with funds provided under this part may include, but need not be limited to—

"(1) direct training services, including:

"(A) the services described in section 204(b)(1);

"(B) tutoring and study skills training;

"(C) alternative high schools services that meet the requirements of section 141(o)(1);

"(D) instruction leading to high school completion or its equivalent;

"(E) mentoring;

"(F) limited internships in the private sector;

"(G) training or education that is combined with community and youth service opportunities in public agencies, nonprofit agencies, and other appropriate agencies, institutions, and organizations;

"(H) entry employment experience programs;

"(I) school-to-work transition services;

"(J) school-to-postsecondary education transition services;

"(K) school-to-apprenticeship transition services; and

"(L) preemployment and work maturity skills training; and

"(2) training-related and supportive services, including:

"(A) the services described in section 204(b)(2);

"(B) drug and alcohol abuse counseling and referral;

"(C) services encouraging parental, spousal, and other significant adult involvement in the participant's program;

"(D) cash incentives and bonuses based on attendance and performance in a program.

"(d) Additional Requirements.—

"(1) Strategies and services.—In developing service strategies and designing services for the program under this part, the service delivery area and private industry council shall take into consideration exemplary program strategies and practices.

"(2) Enrollment requirements.—Each service delivery area shall make available, concurrently or sequentially, at least 2 or more of the following options to enable an individual who is under the age of 18 and is a school dropout, as a part of such individual's training:

"(A) to reenroll in and attend school;

"(B) to enroll in and attend an alternative high school;

"(C) to enroll in and attend an alternative course of study approved by the local educational agency; or

"(D) to enroll in and attend a high school equivalency program.

"(3) Skills training.—(A) Preemployment and work maturity skills training authorized by this part shall be accompanied by either work experience or other additional services designed to increase a participant's basic or occupational skills. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS program.

"(B) Work experience, job search assistance, job search skills training, and job club activities authorized by this part shall be accompanied by additional services designed to increase a participant's basic education or occupational skills. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS program.

"(4) Needs-based payments.—Needs-based payments authorized under this part shall be limited to payments necessary to participate in the program in accordance with a locally developed formula or procedure.

"(5) Counseling and supportive services.—Counseling and supportive services authorized under this part may be provided to a participant for a period of up to one year after termination from the program.

"(6) Noncontract treatment.—The service strategy developed pursuant to section 274(b)(1)(B) shall not be considered a contract.

"(7) Volunteers.—The service delivery area shall make opportunities available for successful alumni of programs under this part to volunteer assistance to participants in the form of mentoring, tutoring and other activities.

"SEC. 275. LINKAGES.

"(a) Educational Linkages.—In conducting a program under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include but are not limited to—

"(1) formal agreements with local educational agencies that will identify—

"(A) the procedures for referring and serving in-school youth;

"(B) the methods of assessment of in-school youth; and

"(C) procedures for notifying the program when a youth drops out of the school system;

"(2) arrangements to ensure that the program under this part supplements existing programs provided by local educational agencies to in-school youth;

"(3) arrangements to ensure that the program under this part utilizes, to the extent possible, existing services provided by local educational agencies to out-of-school youth;

"(4) arrangements to ensure that for in-school participants there is a regular exchange of information between the program and the educational agency relating to participant progress, problems and needs, including, where appropriate, interim assessment results.

"(b) Education and Training Program Linkages.—In conducting the program under this part, the service delivery area shall establish appropriate linkages with other education and training programs authorized under Federal law. Such programs shall include, where feasible, programs authorized by—

"(1) part B of title IV of this Act (the Job Corps);

"(2) parts A through D of chapter 1 of the Elementary and Secondary Education Act of 1965;

"(3) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(4) the Individuals with Disabilities Education Act;

"(5) the Wagner-Peyser Act;

"(6) part F of title IV of the Social Security Act (JOBS);

"(7) the Food Stamp Act;

"(8) the National Apprenticeship Act;

"(9) the Stewart B. McKinney Homeless Assistance Act;

"(10) the National Literacy Act of 1991; and

"(11) any other provisions of this Act.

"(c) Other Programs.—In addition to the linkages required under subsections (a) and (b), service delivery areas shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local service agencies, public housing agencies, community organizations, business and labor organizations, volunteer groups working with at-risk youth, parents and family members, juvenile justice systems, and other training, education, employment and social service programs, including programs conducted under part A of title II.

"(d) Schoolwide Projects for Low-Income Schools.—In conducting a program serving individuals specified in section 273(g), the service delivery area shall establish a cooperative arrangement with the appropriate local educational agency which shall, in addition to the other requirements of this section, include—

"(1) a description of how the program will supplement the educational program of the school;

"(2) identification of measurable goals to be achieved by the program and provision for assessing the extent to which such goals are met;

"(3) a description of how the program will use resources provided under this part and resources provided under other education programs to achieve the goals identified in paragraph (2);

"(4) a description of the number of individuals to be served; and

"(5) assurances that the resources provided under this part shall be used to supplement and not supplant existing sources of funds.

"SEC. 276. TRANSFER OF FUNDS.

"A service delivery area may transfer up to 10 percent of the funds provided under this part to the program under part A of this title if such transfer is—

"(1) described in the job training plan; and

"(2) approved by the Governor.".

SEC. 23. EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

(a) Use of Funds.—Section 314(f) of the Act is amended by—

(1) inserting "(1)" after "(f)"; and

(2) adding at the end the following new paragraph:

"(2) An eligible dislocated worker participating in training (except for on-the-job training) pursuant to this title shall be deemed to be in training with the approval of the State agency for purposes of any other provisions in law.".

(b) Demonstration Programs.—Section 324(a) of the Act is amended by striking "1989, 1990, and 1991," and inserting "1991 through 1996,".

(c) Unobligated Funds.—Section 303 of the Act is amended—

(1) by striking the heading and inserting in lieu thereof "RECAPTURE AND REALLOTMENT OF FUNDS UNDER TITLE III PROGRAMS";

(2) by striking "unexpended" each place it appears in subsection 303(b) and inserting in lieu thereof "unobligated";

(3) by inserting "and obligation" after "expenditure" in subsection (d); and

(4) in subsection (e), by striking "has expended" and inserting in lieu thereof "has obligated".

(d) Use of Funds.—(1) Section 315(a)(1) of the Act is amended to read as follows:

"Sec. 315. (a)(1) Of the funds allocated to a substate grantee under part A of this title for any program year, not less than 50 percent shall be expended for retraining services specified under section 314(d).".

(2) Section 315(b) of the Act is amended to read as follows:

"(b) Of the funds allocated to a substate grantee or to the Governor under part A of this title for any program year, not more than 25 percent may be expended to provide needs-related payments and other supportive services.".

(3) The first sentence of section 315(c) of the Act is amended to read as follows: "Of the funds allocated to a substate grantee or to the Governor under part A of this title for any program year, not more than 15 percent may be expended to cover the administrative cost of programs.".

(4) Section 315 of the Act is further amended by inserting at the end thereof the following new subsection:

"(d) Substate grantees within a State may combine funds under this title for the provision of services to eligible dislocated workers from 2 or more substate areas.".

SEC. 24. NATIVE AMERICAN AND MIGRANT PROGRAMS.

(a) Native American Programs.—Section 401 of the Act is amended by adding at the end thereof the following new subsection:

"(k)(1) The Secretary shall designate a single organizational unit which shall have as its primary responsibility the administration of all Native American programs authorized under this Act.

"(2) Such organizational unit shall—

"(A) be accountable for administering the provisions of all Native American programs authorized under this Act, including the monitoring of such programs and making recommendations regarding the selection of all recipients of financial assistance;

"(B) be accountable for the development of all policies and procedures related to the implementation of such programs; and

"(C) coordinate the development of policy and procedures for all employment and training programs within the Department relating to services for Native American workers.

"(3) In the hiring and promotion of all professional staff for the organizational unit designated under paragraph (1), special consideration shall be given to individuals who have field experience in the daily operation of service and training programs for Native Americans, and individuals who are Indians or Native Alaskans. The Secretary shall take such additional actions as may be necessary to promote the recruitment and promotion of Indians, Native Alaskans, and Native Hawaiians to positions in such unit.".

(b) Clarification.—Section 401(f) of the Act is amended by inserting before the period at the end thereof the following: ", such as activities described in section 499(b)".

(c) Conforming Amendment.—Section 401(j) of the Act is amended—

(1) by inserting "and part C" after "part A", and

(2) by inserting before the period at the end thereof the following: ", in addition to any other amounts made available from appropriations for purposes of this section".

(d) Permanent Advisory Council.—Section 401 of the Act is amended by inserting at the end thereof the following new subsection:

"(l)(1) There is hereby established a Native American Employment and Training Council (hereinafter in this subsection referred to as the 'Council') which shall consist of not less than 17 Indians, Native Alaskans, and Native Hawaiians appointed by the Secretary from among individuals nominated by Indian tribes or Indian, Native Alaskan, or Native Hawaiian organizations. The Council's membership shall represent all geographic areas of the United States with a substantial Indian, Native Alaskan, or Native Hawaiian population and shall include representatives of tribal governments and of nonreservation Native American organizations who are service providers under this Act. A majority of the members of tbe Council shall have field experience in the daily operation of the program authorized under this section.

"(2) The Council shall be chaired by a Council member elected by a majority of the Council's membership. The Council shall meet not less than twice each program year.

"(3) Members of the Native American Programs Advisory Committee which existed before the enactment of this subsection—

"(A) shall serve as members of the Council until successors are appointed; and

"(B) may be appointed as members of the new Council, if such appointment is consistent with the provisions of this subsection.

"(4) The term of office for members of the Council shall be 2 years, except that—

"(A) the Secretary shall designate one-half of the initial appointments of members of the Council for terms of 1 year;

"(B) any vacancy shall be filled in the same manner as the original appointment;

"(C) any member appointed to such a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed; and

"(D) members may be reappointed.

"(5) The membership of the Council shall be appointed by the beginning of program year 1992.

"(6) The Council shall—

"(A) solicit the views of a wide variety of tribes and Native American groups, including those operating employment and training programs funded under this section, on issues affecting the operation and administration of such programs;

"(B) advise the Secretary with respect to all matters concerning the implementation of programs under this section and other programs providing services to Native American youth and adults under this Act;

"(C) advise and make recommendations to the Secretary with respect to the design and implementation of performance standards developed under subsection (h) of this section;

"(D) advise and make recommendations to the Secretary with respect to any services obtained or to be obtained by the department through contracts or arrangements with non-Federal agencies or entities which involve the program authorized by this section;

"(E) evaluate the effectiveness of Native American job training programs and make recommendations with respect to the improvement of such programs;

"(F) advise the Secretary with respect to individuals to be considered to fill the position of the official in charge of the organizational unit designated under subsection (k)(1) whenever a vacancy in such position occurs; and

"(G) submit a report directly to the Secretary and to the Congress no later than January 1 of each even numbered year on the progress of Native American job training programs and making recommendations for improving their administration and effectiveness.

"(7) Members of the Council shall serve without compensation but shall be entitled to reimbursement for their expenses in the performance of their duties. The Secretary shall provide the Council with such administrative support as may be necessary to the performance of its functions.".

(e) Competition for Section 402 Grants.—Section 402 of the Act is amended by adding at the end thereof the following new subsection:

"(f) Procedures for awarding grants under this section shall be consistent with the standard competitive procurement procedures. The competition for grants under this section shall be conducted every 2 years, except that when a grantee has performed satisfactorily under the terms of an existing grant agreement, the Secretary may waive the requirement for such competition upon receipt from the grantee of a satisfactory 2-year program plan for the succeeding 2-year grant period.".

(f) Conforming Amendment.—Section 402(f) of the Act is amended—

(1) by inserting "and part C" after "part A", and

(2) by inserting before the period at the end thereof the following: ", in addition to any other amounts made available from appropriations for purposes of this section".

(f) GRANT PROCEDURES.—Part A of title IV of the Act is amended by adding at the end the following new section:

"GRANT PROCEDURES

"SEC. 403. Grants under sections 401 and 402 shall be subject to the Single Audit Act and charging of costs shall be subject to appropriate circulars issued by the Office of Management and Budget, including Circulars A-87, A-102, A-110, and A-122.".

SEC. 25. JOB CORPS.

(a) ELIGIBILITY.—Section 423(1) of the Act is amended by—

(1) inserting after "except that", the words "not more than 20 percent of the individuals enrolled may be from age 22 through 24, and that any".

(b) CLARIFICATION OF AUTHORITY TO TRANSFER PARTICIPANTS TO AND FROM PROGRAMS UNDER TITLE II.—Section 426 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this Act shall be construed to prohibit an individual who has been a participant in the Job Corps from concurrently or subsequently participating in programs under title II of this Act, or to prohibit an individual who has been a participant in programs under title II of this Act from concurrently or subsequently participating in the Job Corps.".

(c) NONRESIDENTIAL PARTICIPANTS.—Section 427(a)(2) of the Act is amended by—

(1) striking "10 percent" and inserting "20 percent"; and

(2) adding at the end of paragraph (2) the following new sentences: "In enrolling individuals who are to be nonresidential participants, priority shall be given to those eligible individuals who are single parents with dependent children. The Secretary shall not reduce the number of residential participants in Job Corps programs under this part during any program year below the number of residential participants during program year 1991 in order to increase the number of individuals who are nonresidential participants in the Job Corps.".

(d) CONSERVATION CENTERS.—Section 427 of the Act is amended by adding at the end thereof the following new subsection:

"(d) No funds appropriated to the Department of Labor for any fiscal year may be used to execute or carry out any contract with a nongovernmental entity to administer or manage a Civilian Conservation Center of the Job Corps on public land.".

(e) ADDITIONAL SUPPORT SERVICES REQUIRED.—Section 428 of the Act is amended by adding at the end thereof the following new subsections:

"(e) The Secretary shall, to the extent practicable, provide child care at or near Job Corps centers, for individuals who require child care for their children in order to participate in the Job Corps.

"(f) Each Job Corps center shall provide to enrollees who are dependent on, or who have a history of abuse of, alcohol or drugs with counseling and referral to related services necessary to prevent the continuance or recurrence of such dependency or abuse.".

(f) MANAGEMENT FEES.—Section 437 of the Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall provide all Job Corps contractors with an equitable and negotiated management fee of not less than one percent of the contract amount.".

SEC. 26. AMENDMENTS TO PART D OF TITLE IV: NATIONAL ACTIVITIES.

Section 455 of the Act is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b)(1) The Secretary shall provide guidance and technical assistance to States and service delivery areas relating to the documentation required to verify the eligibility of participants under parts A, B, and C of title II of this Act as amended by the Job Training Reform Amendments, particularly those participants in the target groups listed in sections 203(a) and 273 (b) and (d). Such documentation shall, to the extent practicable, be uniform and standard.

"(2) The guidance provided pursuant to paragraph (1), while maintaining program integrity, shall—

"(A) limit the documentation burden to the minimum necessary to adequately verify eligibility, and

"(B) ensure, to the extent practicable, that the documentation requirements shall not discourage the participation of eligible individuals.

"(3) The guidance provided pursuant to paragraph (1) shall specifically address income eligibility, assessment, the determination of additional barriers to employment (in sections 203(b) and 273 (b) and (d)), and specific uniform or standardized documentation or procedures (including simplified standardized forms, automated intake procedures, self-certification documents) and other documentation proxies (such as JOBS and Job Corps eligibility forms).

"(4) The guidance described in paragraph (1) shall be provided not later than July 1, 1992.".

SEC. 27. UNIFORM REQUIREMENTS.

(a) REPORTING; TRAINING NETWORK.—Part D of title IV of the Act is amended by adding at the end the following new sections:

"SEC. 456. UNIFORM REPORTING REQUIREMENTS.

"(a) FINDING.—The Congress finds that closer coordination and more effective use of resources among a variety of employment and training programs can be facilitated if these programs have common data elements and definitions.

"(b) DATA ELEMENTS.—The Secretaries of Labor, Education, and Health and Human Services, in consultation with other appropriate departments, shall identify a core set of consistently defined data elements for employment and training programs, including (but not limited to) those funded under titles II, III, and IV of this Act, the Wagner-Peyser Act, the Carl D. Perkins Vocational Education Act, title II of the Family Support Act, and title V of the Older Americans Act.

"(c) REPORT.—The Secretary shall report to the Congress no later than January 1, 1994, listing recommended data elements and their definitions, and containing an analysis of the benefits of their adoption.

"(d) CONSULTATION.—The Secretary shall consult with experts and practitioners at the Federal, State, and local levels, in the various program areas, in fulfilling the requirements of this subsection. The Secretary shall also consult with the United States General Accounting Office in fulfilling the requirements of this section.

"SEC. 457. TRAINING NETWORK.

"(a) ESTABLISHMENT.—The Secretary shall establish a Capacity Building and Information and Dissemination Network (hereafter referred to as the 'Network') to enhance the effectiveness of and to strengthen the caliber of services provided through the various Federal, State, and local employment and training programs including programs not authorized under this Act. To initiate and maintain this Network, the Secretary may, on a competitive basis, award a grant or contract to a single entity, or coordinate a system of entities with current and specialized employment and training expertise. The Secretary shall ensure that such Network develops a national strategy—

"(1) to coordinate and support the development of, and (where necessary) develop, and provide appropriate training, technical assistance, staff development, and other activities which will—

"(A) enhance the skills, knowledge, and expertise of the personnel who staff employment and training and other closely related human service systems, including service providers;

"(B) improve the quality of services provided to individuals served under the Act and other Federal employment and training programs and encourage integrated service delivery under multiple Federal statutes using, where possible, interactive communication systems and cross trained teams;

"(C) improve the planning, procurement, and contracting practices pursuant to this Act; and

"(D) provide broad human services policy and planning training to private industry council volunteers and members of State human investment coordinating councils;

"(2) to prepare and disseminate staff training, curricula, and materials, including software, for employment and training professionals and support staff which focus on enhancing staff competencies and professionalism, including instruction on the administrative requirements of this Act, such as procurement and contracting standards and regulations; and

"(3) to disseminate innovative and successful models, materials, methods, and program information using computer-based technologies for organizing the data base and dissemination and communication system, and provide training in the techniques learned from those sources to foster improved program quality and professional growth among managers, service delivery providers, and administrators involved in the delivery of employment and training services.

"(b) CHARGES.—The training Network established pursuant to subsection (a) may charge appropriate tuition or fees to offset the costs of institute training, materials acquisition, or information dissemination.

"(c) ASSISTANCE.—The Secretary shall provide guidance, technical assistance, and direction to the Network to ensure that it responds to employment and training staff needs, furnishes high quality training and materials, meets program objectives without duplication, and encourages the use of the latest computer-based technologies for training and program management.

"(d) DISSEMINATION.—(1) The Secretary is authorized to establish a Clearinghouse within the Network to regularly identify, develop, and disseminate innovative materials and successful program models which enhance the knowledge and quality of performance of employment and training personnel and which will—

"(A) facilitate effective communications and coordination among employment and training personnel;

"(B) establish a computer-based communications and dissemination network to share information among employment and training personnel and institutions;

"(C) establish linkages with existing human resources clearinghouses, including (but not limited to) the Education Research Information Centers and the National Network for Curriculum Coordination in Vocational and Technical Education; and

"(D) identify and disseminate, using the techniques of subsection (b), innovative material and successful program models which enhance the knowledge and quality of performance of employment and training personnel and thus improve the services provided to program participants.

"(2) In selecting such successful program models, consideration shall be given to—

"(A) the size and scope of the program;

"(B) the length of time that the program has been operating;

"(C) the nature and reliability of measurable outcomes for the program;

"(D) the capacity of the sponsoring organization to provide the technical assistance necessary for States and service delivery areas to replicate the program; and

"(E) the likelihood that the program will be successful in diverse economic, geographic, and cultural environments.

"(f) CONSULTATION.—The Secretary shall consult with the Secretaries of Education and Health and Human Services, as appropriate, to coordinate the activities of the Network of training clearinghouses with other relevant institutes, centers, laboratories, clearinghouses, or dissemination networks, such as the National Diffusion Network.

"(g) GOALS.—The initial goals of the Network shall include—

"(1) establish computer-based training packages for key job training professions in cooperation with service delivery areas and community-based organizations.

"(2) design and implement a dissemination network to identify at the State and community level, programs and organizations with exemplary systems and practices applied to the delivery of job training services;

"(3) design and implement computer-based systems and networks to provide access and retrieval for job training organizations and professionals to—

"(A) relevant training, technical assistance, and knowledge development materials; and

"(B) inventories of training and technical assistance providers and services;

"(4) develop training and staff development programs in cooperation with existing providers and offer them, at a minimum, in each Federal region, which programs may include training for case managers, job developers, assessment specialists, and program managers; and

"(5) enhance and broaden the content and user base for information systems and networks.

SEC. 28. AMENDMENTS TO PART E OF TITLE IV: LABOR MARKET INFORMATION.

(a) COOPERATIVE LABOR MARKET INFORMATION.—Section 462 of the Act is amended by adding at the end thereof the following new subsection:

"(g)(1) The Bureau of Labor Statistics shall engage in research, demonstration, or other activities, including those which might be carried out by States, designed to determine the feasibility of various methods of organizing and making accessible nationwide information on the quarterly earnings, establishment and industry affiliation, and geographic location of employment for all individuals for whom such information is collected by the States, and/or to demonstrate the policy research and program evaluation applications of such information.

"(2) In cooperation with the States, the Bureau shall determine appropriate procedures for establishing and maintaining such information in a longitudinal manner and appropriate policies for making such information available for policy research or program evaluation purposes or both, while ensuring the confidentiality of information and the privacy of individuals.

"(3) The Secretary of Labor shall make a report to Congress not later than 12 months after the enactment of the Job Training Reform Amendments which shall describe the costs and benefits, including savings on program followup surveys, of such a database and the steps that have been taken and the schedule for any remaining steps necessary to implement the provisions of this section.".

(b) SPECIAL FEDERAL RESPONSIBILITIES.—Section 463 of the Act is amended—

(1) in subsection (a), by inserting "the Secretary of Health and Human Services," after "the Secretary of Education,"; and

(2) by adding at the end thereof the following new subsection:

"(d) The Secretary, acting through the National Occupational Information Coordinating Committee, shall report to Congress no later than 24 months after the date of enactment of this subsection, and biennially thereafter, listing recommended common and complementary data elements and their definitions, containing an analysis of the benefits of their adoption and the implications for State and local purposes, and identifying plans and schedules for developing and maintaining this common core of data. The Secretary shall consult with experts and practitioners at the Federal, State, and local levels in the various program areas in fulfilling the requirements of this subsection.".

(c) NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.—Section 464 of the Act is amended—

(1) in subsection (a)(1) by striking "more than $5,000,000 is authorized to be reserved" and inserting "less than $6,000,000 shall be available";

(2) in subsection (a)(2) by striking "for Manpower, Reserve Affairs, and Logistics" and inserting "Force Management and Personnel";

(3) in subsection (b)(2) by inserting after "give special attention to" the following: "career development and"; and

(4) in subsection (b)(5) by inserting after "any aspect of occupational and career information systems" the following: "and coordination and compatibility of human resources data systems operated by Federal agencies or the States or both, including systems to assist economic development activities and where appropriate provide support to States in the implementation of such system enhancements.".

SEC. 29. ESTABLISHMENT OF THE YOUTH OPPORTUNITY PROGRAM.

Title IV of the Act is amended by adding at the end thereof the following new part:

"Part H—Youth Opportunities Unlimited Program

"SEC. 491. STATEMENT OF PURPOSE.

"It is the purpose of the Youth Opportunities Unlimited program to—

"(1) ensure access to education and job training assistance for youth residing in high-poverty areas of urban and rural communities;

"(2) make provisions for a comprehensive range of education, training, and employment services to disadvantaged youth who are not currently served or are underserved by Federal education and job training programs;

"(3) enable communities with high concentrations of poverty to establish and meet goals for improving the opportunities available to youth within the community; and

"(4) facilitate the coordination of comprehensive services to serve youth in such communities.

"SEC. 492. PROGRAM AUTHORIZED.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized to establish a national program of Youth Opportunities Unlimited grants to pay the Federal share of providing comprehensive services to youth living in high poverty areas in the Nation's cities and rural areas.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) RECIPIENTS.—The Secretary may only award grants under this part to—

"(A) the service delivery area in which the target area is located, or

"(B) grantees designated under sections 401 and 402, or a consortium of such grantees and the State, when the target area is located in an Indian reservation, Native Alaskan Village, or migrant or seasonal worker community.

"(2) NUMBER OF GRANTS.—The Secretary may award not more than 50 grants during the first fiscal year the program is authorized.

"(c) RENEWABILITY OF GRANTS.—Grants awarded under this part shall be for a 1-year period and are renewable for each of the two succeeding fiscal years if the Secretary determines the grant recipient complied with conditions of the grant during the previous fiscal year.

"(d) FACTORS FOR AWARDS.—In awarding grants under this part, the Secretary shall consider the quality of the proposed project, the goals to be achieved, the likelihood of the project's successful implementation, the extent of community support other Federal and non-Federal funds available for similar purposes, and the new State, local, or private resources. The Secretary shall give priority to target areas with the highest rates of poverty.

"SEC. 493. APPLICATION.

"(a) ELIGIBILITY TO APPLY.—Participating communities which have the highest concentrations of poverty shall be eligible to apply for a Youth Opportunities Unlimited grant.

"(b) CONTENTS OF APPLICATION.—Each participating community desiring a grant under this part shall, through the individuals set forth in subsection (c), submit an application to the Secretary at such time in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) include a comprehensive plan for the Youth Opportunities Unlimited initiative designed to achieve identifiable goals for youth in the target area;

"(2) set forth measurable program goals and outcome, which may include increasing the proportion of—

"(A) youth completing high school or its equivalent,

"(B) youth entering into postsecondary institutions, apprenticeships, or other advanced training programs,

"(C) youth placed in jobs; or

"(D) eligible youth participating in education, training, and employment services;

"(3) include supporting goals for the target area such as increasing security and safety, or reducing the number of drug-related arrests;

"(4) provide assurances that the conditions set forth in section 494 will be met;

"(5) demonstrate how the participating community will make use of the resources, expertise, and commitment of institutions of higher education, educational agencies, and vocational and technical schools and institutes;

"(6) ensure that all youth in the target areas have access to a coordinated and comprehensive range of education and training opportunities which serve the broadest range of youth interests and needs and simultaneously mobilizes the diverse range of education and training providers in the participating community;

"(7) support services necessary for successful participation by eligible youths, including but not limited to child care, transportation, and assistance in resolving personal or family crises such as those related to substance abuse, homelessness, migration, and family violence;

"(8) a system of common intake, individualized assessment, and case management;

"(9) include an estimate of the expected number of youth in the target area to be served;

"(10) include a description of the resources available in the participating community from private, local government, State and Federal sources which will be used to achieve the goals of the program; and

"(11) provide evidence of support for accomplishing the stated goals of the participating community from—

"(A) local elected officials,

"(B) the local school system,

"(C) postsecondary education and training institutions;

"(D) the applicable private industry council,

"(E) local community leaders,

"(F) business,

"(G) labor organizations, and

"(H) other appropriate organizations.

"(c) SUBMISSION OF APPLICATION.—The application for funds for a participating community may only be submitted to the Secretary by—

"(1) the mayor of a city or the chief elected official in a metropolitan statistical area, after the Governor of the State has had an opportunity to comment on the application;

"(2) the chief elected official of a nonmetropolitan county or the designated chief elected official of contiguous nonmetropolitan counties, after the Governor of the State has had an opportunity to comment on the application; or

"(3) the grantee designated under sections 401 or 402, or jointly by the grantee and the Governor or the State in which such grantee is located, in applications for Native American or migrant or seasonal worker communities.

"SEC. 494. GRANT AGREEMENT.

"Each grant recipient under this part shall enter into an agreement with the Secretary. Each such agreement shall—

"(1) designate a target area that will be the focus of the demonstration project and which shall have a population of not more than 25,000, except that in the event that the population of an area from which a high school draws a substantial portion of its enrollment exceeds this limit, the target area may encompass such boundary;

"(2) contain assurances that funds provided under this part will be used to support education, training, and supportive activities selected from a set of youth program models designated by the Secretary or from alternative models described in the application and approved by the Secretary, such as—

"(A) nonresidential learning centers;

"(B) alternative schools;

"(C) combined summer remediation, work experience and work readiness training, and school-to-work/apprenticeship/post-secondary education program;

"(D) teen parent programs;

"(E) special programs administered by community colleges;

"(F) youth centers;

"(G) initiatives aimed at increased rural student enrollment in post-secondary institutions;

"(H) public-private collaborations to assure private sector employment and continued learning opportunities for youth; and

"(I) initiatives that combine community and youth service opportunities with education and training activities;

"(3) provide that funds received under this section will be used for services to youth ages 14 through 21 at the time of enrollment;

"(4) contain assurances that the local educational agency and any other educational agency which operates secondary schools in the target area shall provide such activities and resources as are necessary to achieve the educational goals specified in the application;

"(5) contain assurances that the participating community will provide such activities and local resources as are necessary to achieve the goals specified in the application;

"(6) contain assurances that the participating community shall undertake outreach and recruitment efforts in the target area to encourage, to the maximum extent possible, participation by those disadvantaged youth who are currently unserved or underserved by education and training programs, including targeted measures specifically designed to enlist the participation of minority youth particularly males and youth under the jurisdiction of the child welfare, juvenile justice, and criminal justice systems.

"(7) provide that the participating community will carry out special efforts to establish coordination with Federal, State, or local programs that serve the target population;

"(8) provide assurances that funds provided under this part will be used only to pay the Federal share of the cost of programs and services not otherwise available in the target area and will supplement, and not supplant, funding from other local, State and Federal sources available to youth in the target area during the previous year; and

"(9) not permit funds provided under this part to be used to support paid work experience programs unless such programs are combined with other education and training activities.

"SEC. 495. JOB GUARANTEES.

"(a) PROGRAM AUTHORITY.—The Secretary shall permit a significant number of the grant recipients under this part to enter into an agreement to provide, in accordance with this section, a job guarantee program to youths meeting prior school attendance and performance standards.

"(b) GUARANTEE AGREEMENTS.—A grant recipient providing a job guarantee program shall enter into an agreement with the Secretary. Such agreement shall—

"(1) provide that the program be available to youth age 16 to 19 who undertake a commitment to continue and complete their high school education;

"(2) require the grant recipient to guarantee employment to each youth undertaking that commitment if such youth meets school attendance and performance standards for the previous school semester, as established by the Secretary in consultation with the Secretary of Education;

"(3) provide that the grant recipient will make additional services available to support the undertaking of any such youth, which shall include counseling, job development and placement, and support services (including child care and transportation);

"(4) specify the conditions under which funds provided under this part may be used to provide wage subsidies of up to 50 percent through employers, which shall—

"(A) encourage subsidies to employers who provide advanced or specialized training, or who provide a structured and integrated learning experience involving the school and employer; and

"(B) limit the duration of such subsidies to not more than 1 year;

"(5) require that the employment provided to any such youth shall not exceed 15 hours per week during the school year;

"(6) permit employment to continue through the summer following high school graduation, or until the youth reaches age 19, whichever is later; and

"(7) contain such other terms and conditions as the Secretary requires by regulation.

"(c) SELECTION OF GRANT RECIPIENTS.—In determining which grant recipients to require to enter an agreement under this section, the Secretary shall seek to target funds to areas of poverty as determined in section 498A(2).

"(d) YOUTH ELIGIBILITY.—All youth, regardless of income, residing in the eligible poverty area shall be eligible to participate in the job guarantee.

"(e) PRIVATE FUNDS.—Nothing in this section shall be construed to prohibit the grant recipient from raising funds to augment such grant if such funds are utilized under the conditions of this grant, except that such funds shall not be used for administration purposes.

"SEC. 496. PAYMENTS; FEDERAL SHARE.

"(a) PAYMENTS REQUIRED.—In any fiscal year, the amount of the grants awarded under this part shall be based on the size of the target area and the extent of the poverty in such area, and shall be of sufficient size and scope to carry out an effective program.

"(b) FEDERAL SHARE.—(1) Except as provided in paragraph (2), the Federal share for each fiscal year a grant recipient receives assistance under this Act shall be 50 percent.

"(2) The Federal share for grantees designated under sections 401 and 402 shall be 100 percent.

"(c) USE OF FEDERAL FUNDS TO MATCH.—Each grant recipient may provide not more than 35 percent of its share from Federal sources other than funds received pursuant to this part.

"SEC. 497. REPORTING.

"The Secretary is authorized to establish such reporting procedures as necessary to carry out the purposes of this part.

"SEC. 498. FEDERAL RESPONSIBILITIES.

"(a) ASSISTANCE IN IMPLEMENTATION.—The Secretary shall provide technical assistance in the implementation of this project in participating communities.

"(b) INDEPENDENT EVALUATION.—The Secretary shall provide for a thorough, independent evaluation of the activities assisted under this part. Such evaluation shall include an assessment of—

"(1) the impact on youth residing in target areas, including (but not limited to) their rates of school completion, enrollment in advanced education or training, and employment;

"(2) the extent to which participating communities fulfilled the goal of guaranteeing access to appropriate education, training, and supportive services to all eligible youth residing in target areas who seek to participate;

"(3) the effectiveness of guaranteed access to comprehensive services combined with outreach and recruitment efforts in enlisting the participation of previously unserved or underserved youth residing in target areas; and

"(4) the effectiveness of efforts to integrate service delivery in target areas, including (but not limited to) systems of common intake, assessment, and case management.

"(c) REPORT.—The Secretary shall prepare a report describing the results of the independent evaluation conducted pursuant to subsection (b).

"(d) RESERVATION OF FUNDS.—The Secretary may reserve not more than 5 percent of the amount appropriated under this part in each fiscal year to carry out the provisions of this section.

"SEC. 498A. DEFINITIONS.

"For the purposes of this part—

"(1) The term 'participating community' means a city when referring to urban areas, a nonmetropolitan county or contiguous nonmetropolitan counties, and to the section 401 or 402 grantee, or consortia of the State and section 401 or 402 grantee, when referring to Native America and migrant or seasonal worker areas.

"(2) The term 'high poverty area' means (A) an urban census tract, a nonmetropolitan county, an Indian reservation, or an Alaskan native village, with a poverty rate of 30 percent or more as determined by the Secretary based on the latest Bureau of the Census estimates, (B) a migrant or seasonal farmworker community, or (C) a unit of general local government if its ratio of the number of food stamp recipients to its population exceeds the State ratio of food stamp recipients to population by 30 percent or more.

"(3) The term 'target area' means a high poverty area or set of contiguous high poverty areas that will be the focus of the program in each participating community.".

SEC. 30. ESTABLISHMENT OF THE MICROENTERPRISE GRANTS PROGRAM.

Title IV of the Act is amended by adding at the end thereof the following new part.

"Part I—Microenterprise Grants Program

"SEC. 499. MICROENTERPRISE GRANTS.

"(a) PROGRAM AUTHORITY.—From the amount available to carry out this section for fiscal years 1992 through 1996, the Secretary of Labor shall make grants of not more than $500,000 per year to not more than 10 States per year to implement and enhance community-based microenterprise activities. Such grants shall be an amount adequate to assure that the activities will be of sufficient size and scope to produce substantial benefits. Such activities shall be for the benefit of persons whose annual income does not exceed 100 percent of the most recent official poverty threshold established by the Department of the Census for the relevant family size.

"(b) USE OF FUNDS.—Such funds shall be used—

"(1) to train staff in such entrepreneurial activities as business plan development, business management, resource inventory design, marketing approaches, and other activities necessary to provide effective entry level training to persons developing a microenterprise;

"(2) to provide to owners or potential owners such technical assistance (including business planning, securing funding, marketing and production of marketing materials, and other assistance as may be necessary to develop microenterprise activities); and

"(3) to provide microenterprise support (such as peer support programs and counseling).

"(c) APPLICATION AND SELECTION.—The Secretary shall award grants competitively under this section on the basis of—

"(1) State commitment as evidenced by official commitment, existing or proposed related programs and support;

"(2) evidence of ability to conduct and monitor the microenterprise programs;

"(3) evidence of linkage to private, community-based credit and technical assistance providers; and

"(4) size of the non-Federal match.

"(d) TIMING.—Not later than April 1 of any fiscal year, a State may submit to the Secretary an application. Not later than the following June 1, the Secretary shall approve not more than 10 of the applications. Not later than the following July 1, the Secretary shall authorize the applicant to begin the programs. The Secretary may consider making multiyear grants.

"(e) MATCHING REQUIREMENT.—No State shall receive a grant under this section unless the State agrees to provide, to carry out the microenterprise programs, an amount equal to 100 percent of such grant from non-Federal sources. In determining if the State has provided such a match, the Secretary shall count toward the 100 percent the following:

"(1) cash;

"(2) the value of in-kind contributions; and

"(3) letters of commitment to provide the funds.

"(f) REPORTS.—Each State receiving a grant under this section shall, for each fiscal year for which funds are received, submit to the Secretary a report which describes—

"(1) the programs that have been established and developed with such funds, including a description of the persons participating and the microenterprises they developed;

"(2) the quantitative and qualitative benefits of such programs; and

"(3) the contributions of such programs to economic self-sufficiency and economic development.

"(g) MICROENTERPRISE DEFINED.—As used in this section, the term 'microenterprise' means a commercial enterprise—

"(1) which has 5 or fewer employees, 1 or more of whom owns the enterprise; and

"(2) none of the owners of which has income exceeding 100 percent of the most recent official poverty threshold established by the Department of Commerce for the relevant family size.".

SEC. 31. ESTABLISHMENT OF A NEW PART J OF TITLE IV: DISASTER RELIEF.

Title IV of the Job Training Partnership Act is amended by inserting after section 481 (29 U.S.C. 1781) the following new part:

"Part J—Disaster Relief Employment Assistance

"SEC. 499A. GENERAL AUTHORITY.

"(a) QUALIFICATION FOR FUNDS.—Funds available under this part shall be allocated in a timely manner by the Secretary to the Governor of any State within which is located an area which has suffered a major disaster as defined in section 102 (1) and (2) of the Disaster Relief Act of 1974 (42 U.S.C. 5122 (1) and (2)), referred in this part as the 'disaster area'.

"(b) SUBSTATE ALLOCATION.—Not less than 80 percent of the funds made available to any Governor under subsection (a) shall be allocated by the Governor to units of general local government located, in whole or in part, within such disaster areas. The remainder of such funds may be reserved by the Governor for use, in concert with State agencies, in cleanup, rescue, repair, renovation, and rebuilding associated with such major disaster.

"(c) COORDINATION.—Funds made available under this part to Governors and units of general local government shall be expended in consultation with—

"(1) agencies administering programs for disaster relief provided under the Disaster Relief Act of 1974; and

"(2) the administrative entity and the private industry council under this Act in each service delivery area within which disaster employment programs will be conducted under this part.

"SEC. 499B. USE OF FUNDS.

"(a) PROJECTS RESTRICTED TO DISASTER AREAS.—Funds made available under this part to any unit of general local government—

"(1) shall be used exclusively to provide employment on projects to provide food, clothing, shelter, and other humanitarian assistance for disaster victims and on projects of demolition, cleanup, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster areas; and

"(2) may be expended through public and private agencies and organizations engaged in such projects.

"(b) ELIGIBLE PARTICIPANTS.—An individual shall be eligible to be offered disaster employment under this part if such individual is—

"(1) eligible to participate or enroll, or is a participant or enrolled, under title III of this Act, other than an individual who is actively engaged in a training program; and

"(2) unemployed as a consequence of the disaster.

"(c) LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.—No individual shall be employed under this part for more than 6 months for work related to recovery from a single natural disaster.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to protect the Federal fiscal interest in funds made available under this part.".

SEC. 32. STATE HUMAN RESOURCE INVESTMENT COUNCIL.

The Act is amended by adding the following new title at the end thereof:

"TITLE VII—ESTABLISHMENT OF STATE HUMAN RESOURCE INVESTMENT COUNCIL

"SEC. 701. STATE HUMAN RESOURCE INVESTMENT COUNCIL.

"Notwithstanding any other provision of law, each State may establish a single State human resource investment council (hereafter in this title referred to as the 'State Council') to—

"(1) review the provisions of services and the use of funds and resources under applicable Federal human resource programs and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the provisions of the applicable Federal human resource programs;

"(2) advise the Governor on the development and implementation of State and local standards and measures relating to applicable Federal human resource programs and coordination of such standards and measures; and

"(3) carry out the duties and functions prescribed for a State Council under the laws relating to the applicable Federal human resource programs.

"SEC. 702. MEMBERSHIP.

"Each State Council authorized by section 701 shall consist of the following members appointed by the Governor:

"(1) not less than 30 percent shall be appointed from representatives of business and industry (including agriculture, where appropriate), including individuals who are representatives of business and industry on private industry councils within the State established under section 102 of this Act;

"(2) not less than 30 percent shall be appointed from representatives of organized labor and representatives of the community-based organizations in the State;

"(3) not more than 20 percent shall consist of—

"(A) the chief administrative officer from each of the State agencies primarily responsible for administration of an applicable program; and

"(B) other members appointed from representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State board of education (if not otherwise represented), the State public assistance agency, the State employment security agency, the State agency responsible for job training, the State housing agency, the State rehabilitation agency, the special education unit of the State educational agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic development agency, the State agency on aging, the State veterans' affairs agency (or its equivalent), State career guidance and counseling organizations, the State unit which administers the State vocational rehabilitation program, and any other agencies the Governor determines to have a direct interest in the utilization of human resources within the State; and

"(4) not less than 20 percent shall be appointed from—

"(A) representatives of units of general local government or consortia of such units, appointed from nominations made by the chief elected officials of such units or consortia;

"(B) representatives of local educational agencies and postsecondary institutions, which appointments shall be equitably distributed between such agencies and such institutions and shall be made from nominations made by local educational agencies and postsecondary institutions, respectively;

"(C) representatives of local welfare and public housing agencies; and

"(D) individuals who have special knowledge and qualifications with respect to the special education and career development needs of individuals who are members of special populations, women, and minorities, including 1 individual who is a representative of special education.

"SEC. 703. BUDGET OF COUNCIL.

"(a) PREPARATION AND SUBMISSION.—In order to carry out its functions, the State Council shall prepare a budget for itself and submit the budget to the Governor for approval.

"(b) SERVICES.—Each State Council may obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions.

"(c) CERTIFICATION.—Each State shall certify to the Secretary the establishment and membership of the State Council at least 90 days before the beginning of each period of 2 program years for which a job training plan is submitted under this Act.

"SEC. 704. USE OF FUNDS.

"Each State establishing a State Council under this part may use the funds otherwise available for State Councils under the applicable Federal human resource programs to carry out the functions of the State Council. If the State's job training program under this Act is one of the applicable Federal human resource programs included in an agreement which provides for the establishment of a single State council under this title, the State shall not reduce its fiscal effort in utilizing funds made available under section 202(c)(1)(A) for purposes of section 122, to carry out the functions of such State council.

"SEC. 705. DEFINITION.

"For the purposes of this title, the term 'applicable Federal human resource program' means any federally assisted human resource program included in an agreement reached by the State agencies responsible for administering the affected programs.".

SEC. 33. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 122(b)(2) of the Act is amended by striking "section 202(a)" and inserting "sections 203(c) and 253(c)".

(b) Section 123(a) of the Act (as redesignated by section 111 of this title) is amended by striking "section 202(b)(4)" and inserting "sections 202(d)(2)(A) and 252(d)(2)(A)".

(c) Section 161(b)(2) of the Act is amended by striking "through 455" and inserting "and 453".

(d) Section 161(c) of the Act is repealed.

(e) Section 172 of the Act is redesignated the second place it appears as section 173.

(f) Section 181 of the Act is repealed.

(g) Section 302(b)(2) of the Act is amended by striking "part B and this part" and inserting "part A".

(h) Section 433(c)(1) of the Act is amended by striking "455" and inserting "453".

(i) Section 463(a)(3) of the Act is amended by striking "section 124" and inserting "section 123".

(j) Section 464(a)(3) of the Act is amended by striking "section 124" and inserting "section 123".

(k) Section 481(a) of the Act is amended by striking "(a)(1)" after "203".

(l) The table of contents of the Act is amended—

(1) by inserting after the item pertaining to section 108 the following:

"Sec. 109. Recapture and reallotment of unexpended funds under title II.";

(2) by striking the item pertaining to sections 123 and 124 and inserting the following:

"Sec. 123. State education coordination and grants.

"Sec. 124. Identification of additional imposed requirements.";

(3) by striking the item relating to section 172 and inserting the following:

"Sec. 172. Presidential awards for outstanding private sector involvement in job training program.

"Sec. 173. Construction.".

(4) by striking the item relating to section 181;

(5) by amending the items relating to title II to read as follows:

"TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

"PART A—ADULT PROGRAM

"Sec. 201. Statement of purpose.
"Sec. 202. Allotment and allocation.
"Sec. 203. Eligibility for services.
"Sec. 204. Program design.
"Sec. 205. Linkages.
"Sec. 206. Transfer of funds.

"PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 251. Purpose.
"Sec. 252. Allotment and allocation.
"Sec. 253. Use of funds.
"Sec. 254. Limitations.
"Sec. 255. Applicable provisions.

"PART C—YOUTH PROGRAM

"Sec. 271. Statement of purpose.
"Sec. 272. Allotment.
"Sec. 273. Eligibility for services.
"Sec. 274. Program design.
"Sec. 275. Linkages.
"Sec. 276. Transfer of funds.";

(6) by striking the item pertaining to section 303 and inserting the following:

"Sec. 303. Recapture and reallotment of funds under title III programs.";

(7) by inserting after the item pertaining to section 402 the following:

"Sec. 403. Grant procedures.";

(8) by inserting after the item pertaining to section 455 the following:

"Sec. 456. Uniform reporting requirements.
"Sec. 457. Training network.";

(9) by inserting after item relating to section 481 the following:

"PART H—YOUTH OPPORTUNITIES AND UNLIMITED PROGRAM

"Sec. 491. Statement of purpose.
"Sec. 492. Program authorized.
"Sec. 493. Application.
"Sec. 494. Grant agreement.
"Sec. 495. Job guarantees.
"Sec. 496. Payments; Federal share.
"Sec. 497. Reporting.
"Sec. 498. Federal responsibilities.
"Sec. 498A. Definitions.

"PART I—MICROENTERPRISE GRANTS PROGRAM

"Sec. 499. Microenterprise Grants.

"Part J—Disaster Relief Employment Assistance

"Sec. 499A. General authority.
"Sec. 499B. Use of funds."; and

(10) by adding after the items pertaining to title VI the following:

"TITLE VII—ESTABLISHMENT OF STATE HUMAN RESOURCE INVESTMENT COUNCIL

"Sec. 701. State Human Resource Investment Council.
"Sec. 702. Membership.
"Sec. 703. Budget of Council.
"Sec. 704. Use of funds.
"Sec. 705. Definition.".

SEC. 34. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) The amendments made by this Act shall take effect on July 1, 1992.

(b) Performance standards shall be issued pursuant to the amendments contained in section 106 as soon as the Secretary determines sufficient data are available, but no later than July 1, 1993.

(c) The Secretary shall evaluate the impact of programs under title II of the Job Training Partnership Act as amended by this Act on participant employment, earnings and welfare dependency in multiple sites using the random assignment of individuals to groups receiving services under title II and to groups not receiving such services.

(d) The Secretary may establish such rules and procedures as may be necessary to provide for an orderly transition to and implementation of the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman of the Subcommittee on Employment Opportunities, I bring before the House today H.R. 3033, the Job Training Reform amendments, as unanimously reported from the Education and Labor Committee.

Just a few days ago we were in this Chamber debating the merits of extending the unemployment insurance benefits for millions of Americans. I stand in strong support of this measure and urge the President to sign the legislation into law. But the complement to any temporary assistance is the training that makes a permanent change in one's life. This second step is where the Job Training Partnership Act steps into the picture.

I believe that this package of amendments signifies an important step in the overall strategy of the congressional effort to present a strong and reliable platform of assistance to America's workers. The Job Training Partnership Act should be seen as an integral plank in this comprehensive structure. The legislation that is presented to the House today will ensure that there is the same level of accountability in the JTPA program as there should be in each and every other Federal effort.

As the Congress pursues reform in education, as well as safety in the workplace, it is also timely to look at the health of the Nation's primary job training program. Each system's reform impacts on the other. Thus, the integration of effort remains critically important to the success of each. In this legislation we place a higher emphasis on the individual assessment of each participant and on the improvement of basic skills for those in need. In doing so, this program is not designed to replace educational entities, but to complement and work with the resources the education community is able to make available.

Many Members are aware of the reports and investigations of the program that have had a tendency to paint with a broad brush the entire program as rife with abuse. If I had found this to be the case I would not be here today reforming the program—I would be replacing it. The program works, but to make it more effective we have drawn from countless reports written over the last few years, including those by the inspector general's office and the General Accounting Office. We have also brought the Department of Labor in as a much more active participant in the oversight and implementation of this program.

This legislation targets the problem of abuse in the contracting process by increasing Federal oversight and cost accountability at the local level. It answers the charge that the program helps those who need it the least by improving access for the disadvantaged, such as the chronically unemployed, dropouts, and the poor by providing them with comprehensive, long-term services, as well as child care, transportation, and financial assistance.

A primary driving force behind this legislative effort is the fact that we must remove any doubt or cynicism about the program's ability to serve the disadvantaged in order to leverage more funds for the millions of Americans that need job training services. We have seen stagnant funding levels for JTPA programs over the last decade. How can we say we are preparing for the ongoing economic battle for the world's market place while only attempting to train 5 percent of the eligible population. If this remains our commitment then let us concede the fight now because we will never have the work force that is prepared for the challenge.

Since this program is targeted toward the disadvantaged, those with the most barriers to employment, some recent figures are of particular interest. In this age of cost conscious legislating, we need to remember who the audience is for each program and what their alternatives are in life. Since we know that 80 percent of the prison inmates are high school dropouts and 25 percent never finish junior high school, we should contrast the cost of Government programs. The average cost of putting a person through a job training program is approximately $2,700 as opposed to the average cost of housing someone in a prison for 1 year at $14,000.

I must ask how can we afford to not push ahead with this program when we are facing multiple challenges in the form of world market competition, fewer Federal dollars, rising rates of poverty and unemployment, and a changing work force that is looking to us for help.

Evidence of the effectiveness and potential of this program I feel is supported by the bipartisan nature of the work that has gone into crafting H.R. 3033. I want to first thank my full chairman, Chairman WILLIAM FORD, of the Education and Labor Committee, for his assistance in pursuing the financial reform of this program as well as many other important aspects of the legislation. I also want to convey my appreciation to Mr. GOODLING and Mr. GUNDERSON for their bipartisan cooperation and contributions. Many other Members, on both sides of the aisle, have also contributed language or ideas, including Mr. ANDREWS, Mr. WILLIAMS, Mr. OWENS, Mr. HENRY, Mr. MARTINEZ, Mr. HAYES, Mr. MAZZOLI, and Mr. HALL.

The Department of Labor, under the direction of Secretary Martin, has also worked very closely with the staff as the amendments were being prepared and have clearly signaled their willingness to dramatically increase their leadership and involvement in the program in a positive and desirable fashion.

There are many others that have contributed to the forging of a strong and reasoned bill. Congressmen CONYERS and LANTOS, of the Government Operations Committee, also contributed to the process as they held a hearing on the ability of the system to provide uniformity of service to all who enter the program. We have included language to address many of their concerns and have improved the documentation sections to help to enforce this aim.

There are many other positive improvements and issues that are included in the package but are far too many to go into detail about at this time. The fact is that JTPA provides more than just hope to millions of Americans, it provides the means of self-improvement in the form of training and education. I ask the House to join us in pressing forward with these changes and support the passage of H.R. 3033. Similar legislation passed last year by a vote of 416 to 1, I ask that we make it unanimous this year.

Mr. GUNDERSON. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the committee, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I am pleased to rise in strong support of the bill before us today. By passing these amendments, the House of Representatives is taking an important step to ensure that the Job Training Partnership Program can continue to serve this Nation's disadvantaged and dislocated workers.

This bill enjoys strong support on both sides of the aisle. It is a tribute to Chairman PERKINS of the Subcommittee on Employment Opportunities, Chairman FORD and their staff, and the ranking minority member of the subcommittee, STEVE GUNDERSON, that this is truly a bipartisan bill in which we all can take ownership. I understand that this is Chairman PERKINS' first bill to go to the full House of Representatives since he became Chair of the subcommittee. Congratulations.

I cannot let this occasion pass without expressing my appreciation to Beth Buehlmann, who has been a driving force behind the Job Training Partnership Act since its inception in 1982. Beth has left the House Education and Labor Committee for a new job with the California State University system. We could not have reached this important pinnacle without you. Thank you for all your contributions in the area of job training and education. You made a difference in many lives that are touched by these programs.

This is a good time to assess what we have accomplished under JTPA as this important program approaches the end of its first decade in operation. The Job Training Partnership Act was enacted in 1982 as a permanent authorization. It authorizes the major Federal legislation regarding employment and training programs for this Nation's disadvantaged and dislocated workers. For the most part, this program has worked well to bring together State and local governmental entities with the private sector in order to provide supportive services and job training so that those most at risk in our labor market can obtain and retain employment.

In its first 8 years of operation, JTPA has accomplished much to bring disadvantaged individuals into the economic mainstream and to give them a hopeful future. Indeed, in my own State, JTPA has served nearly 600,000 residents, half of whom were on welfare before joining the program. But this success has been clouded by criticism that JTPA has failed to serve those most in need and provide them with meaningful services and has been vulnerable, at times, to waste, abuse, and mismanagement.

These amendments address these issues head-on. Services will be targeted to those at greatest risk in the labor market. They assure accountability for the use of Federal funds through enhanced fiscal integrity and uniform data requirements.

Through the requirement to provide assessment and a set of core services to participants, we are meeting the issue of the quick-fix mentality that has been leveled at the program. We have devised ways to encourage greater coordination of services with other human resource programs and education.

These amendments do not affect the basic structure of the act. Rather they build on JTPA strengths, correct problems that could have undermined the program, and establish JTPA as a model for employment and training programs of the future.

I hope the other body will, in the near future, take up similar legislation. We need a good piece of legislation, which this bill is, to present to the President, that strengthens JTPA and gives it the support it needs to meet the challenges we have mandated it address.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS], a member of the committee.

Mr. ANDREWS of New Jersey. I thank the gentleman for yielding to me.

Mr. Speaker, I want to commend the chairman of the subcommittee, the gentleman from Kentucky [Mr. PERKINS] for putting together a bipartisan coalition to make this amendment work.

Mr. Speaker, I commend the gentleman and thank him for his leadership on this measure.

Earlier today there were fireworks on the floor, considerable fireworks over the question of whether we should help people who are victims of unemployment. There is also the question of how we should stimulate our economy and create jobs so there are more opportunities for people who are unemployed. We hear very little about that around here, far too little. But there is not much in the way of fireworks over this because this is the hard work of answering the question: How do we make sure that those who are unemployed have the skills that are necessary to fill the jobs that our economy can create?

Mr. Speaker, I commend all the members of the committee for working diligently on these amendments to try to answer that question. This bill is designed to speak to the person who has been chronically unemployed, the young woman who went through high school, and had to drop out before she finished because she became an unwed mother and has never had a job.

This bill is designed to speak to that 55-year-old homemaker who finds herself widowed or divorced without skills that work in 1991. It says to her this is the way we are going to help you get back into the job market.

Finally, Mr. Speaker, this bill does speak to those people who were talking on the floor earlier about those victimized by this recession, who worked at a food plant or an auto plant that no longer exists, and need to find a new job and a new skill to match it.

That is what this bill does. It also says to those local grantees, the cities and counties all over America, that we are going to hold you more accountable for what you do, make sure you focus the dollars we give you to help the people who are unemployed and not flush them away in bureaucracies.

This is an example of how we can work together. Mr. Speaker, I am very proud of the chairman's leadership and to be a part of it, in making it happen, and I fully support the legislation before us.

Mr. GUNDERSON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am pleased to rise today in strong support of H.R. 3033, the Job Training Reform Amendments. This bill is the culmination of 3 years of hard work to strengthen the Job Training Partnership Act—to make a good program even better. On May 9, 1991, at the start of this most current effort to amend JTPA, Chairman PERKINS and Chairman FORD, Mr. GOODLING, and I pledged to work together to craft a bipartisan effort that would address the needs of the JTPA Program and its participants. Today, I am proud to say that we accomplished our goal.

I want to thank CHRIS PERKINS, chairman of the Subcommittee on Employment Opportunities. H.R. 3033, the Job Training Reform Amendments is Chairman PERKINS' first bill to be taken up by the House of Representatives since he became chairman of the subcommittee. He and his staff—Omer Waddles and Pat Fahy—have done a great job of keeping this a bipartisan effort and bringing to the floor today a well-crafted bill that has tremendous support. I appreciate the encouragement of Chairman FORD for our efforts and the invaluable assistance from Dick Johnson and Ross Eisenbrey on Chairman FORD's staff. I particularly want to thank the ranking minority member of the committee, BILL GOODLING, for his leadership in making this bill possible. Finally, I want to thank the staff for the minority—Beth Buehlmann, Tracy Hatch, and Mary Ann Donovan. Beth, who has been with the committee for 12 years, could not be here for this vote since this is her first week on the job as director of federal relations and assistant to the chancellor for the California State University system. I am sure that I am speaking for many who have known and worked with Beth over the years—Beth, thanks for all your contributions to the committee and the education and job training communities and good luck.

Turning to the bill, I particularly want to stress, at the outset of my remarks, that H.R. 3033 maintains the unique principles and features of the JTPA Program. JTPA is built on a foundation of partnerships—public and private, as well as Federal, State, and local. It provides employers and State and local JTPA administrators with the flexibility necessary to meet the needs of economically disadvantaged individuals in their communities and to respond to local circumstances. JTPA stresses outcomes over process. It is a program that we hold accountable for its ability to serve the disadvantaged and unemployed. Finally, JTPA stresses coordination and working closely with related human resource programs that can also contribute to building a better future for the disadvantaged. The amendments leave this remarkable foundation intact.

The value of this foundation is seen in JTPA's strong record during the past 8 years of serving young people and adults at risk of not being able to enter or succeed in the labor market. More than 10 million economically disadvantaged individuals have been served since 1982 in the basic grant program (title II–A) for the economically disadvantaged and in the summer youth program. Over 3 million of those have been permanently placed in good, well-paying jobs, with the opportunity to improve their life and livelihood. Other participants, many who are youth, have returned to school to complete their education, gone on to further training or obtained needed employability skills and competencies that will lead to a better life including the opportunity to enjoy the satisfaction that comes with a job.

It is appropriate that we look closely and reassess the experience of JTPA since its implementation in July 1983. To date, only technical amendments have been made to the law. The bill before us today draws upon the JTPA experience—upon the views of the men and women who are a part of the JTPA community and who represent the individuals served by JTPA. It also reflects the considerable input of the Department of Labor. H.R. 3033 addresses issues related to fiscal and programmatic integrity which if left untouched could undermine support for JTPA. But in large part, H.R. 3033 reflects an evolving understanding on how to better meet the needs of those individuals who need assistance to become self sufficient.

At the heart of the legislation are new provisions to strengthen services to individuals who are considered hard to serve. In crafting this bill, we have sought to remove any existing barrier that discourages the long-term and comprehensive services that many JTPA eligible clients require in order to obtain and keep a job.

We start out by requiring that JTPA serve the hard to serve. Sixty percent of a local service delivery area's clients—adults and youth—must have one or more barriers to employment. For adults, these barriers include: Basic skills deficient, school dropouts, recipients of cash welfare payments, offenders, individuals with disabilities, or homelessness.

In addition, the bill creates a new and separate youth program to better address the different and specific needs of at-risk youth. Sixty percent of the youth in this new program must be out of school and 60 percent of the youth served must possess one or more of these barriers to employment: Basic skills deficient, educational attainment one or more grade level below the grade level appropriate to the individual's age, pregnant or parenting, individuals with disabilities, homeless or run-away, school dropouts, or offenders.

While retaining the necessary flexibility at the local level to determine needed services, H.R. 3033 requires that an individual is assessed and receive a service strategy plan to assure a plan of action that addresses how the client can gain skills, and ultimately enter and succeed in the labor market. I strongly believe that these changes, along with the many other provisions that enhance the quality of services to JTPA clients, will ensure that we are getting the best return on our investment in JTPA.

I am also particularly pleased that this bill retains a separate summer youth program. Without this program, many disadvantaged youth would not have the opportunity to participate in work experience programs that give them a chance to gain needed employment experience and contact with the workplace. I expect that the summer youth program and the new separate year-round youth program will complement one another. JTPA youth can be coenrolled to allow the year-round program to build upon accomplishments achieved during the summer months and to provide followup services. Similarly, participation in the summer programs can improve the skills learned during the year-round program.

A number of problems relating to fiscal and program accountability were identified by the Department of Labor's Office of the Inspector General, the General Accounting Office, and the press. This bill contains appropriate provisions to respond to criticisms that were legitimate including requiring the Secretary of Labor to issue minimum procurement standards. All JTPA costs, with few exceptions, must be charged back to specific cost categories. The bill addresses issues that have arisen with on-the-job training contracts and the Secretary of Labor has been directed to issue guidelines on the employer's role when entering into an OJT contract. These provisions are necessary to ensure the continued public support for JTPA that is essential for this program to carry out its legislative mandate.

Although most all provisions in this bill address title II of JTPA—the basic grant program for the disadvantaged, we have also made a number of corrections to title III which will help States better serve dislocated workers. Allowing substate areas to pool funds to serve eligible workers and to assign costs based on obligations rather than expenditures will bring about better planning and programs in this vital part of JTPA.

This bill continues and enhances JTPA's commitment to coordination. The bill establishes new linkages between local JTPA programs and schools and other human resource systems. The current State education coordination set aside is strengthened to focus on two critical needs: school-to-work transition and literacy and lifelong learning. The bill contains a new youth opportunities unlimited initiative that is targeted to youth living in high-poverty urban and rural areas to allow communities to provide a wide range of services to low-income youth.

In addition to these other changes to the Job Training Partnership Act, the bill provides States with the option of combining existing advisory bodies into a single Human Resource Investment Council. This language is designed to foster more understanding of the coordination that is needed between human resource programs to provide better services to individuals that are served by these programs. This is not intended or designed in any way to eliminate jurisdiction between programs. Education and job training programs will only become more essential as we approach the 21st century. And I believe the opportunity exists for funding for these programs to significantly expand to reflect this growing importance. It would serve us well for States to put in place a structure, such as a State human resource investment council, to guarantee that this increased funding takes place in a coherent manner.

The bill does contain one provision that I believe does not belong in this otherwise fine bill which truly strengthens JTPA across the board. That provision authorizes $15 million for a disaster relief employment program and undermines the importance of training as the basic purpose of JTPA.

Nevertheless, in spite of this one objection, I believe we have a strong bill that will keep JTPA as a key element in our efforts to be responsive to the labor market of the 1990's and the 21st century. By holding JTPA accountable to the highest standards of performance and integrity, we will be able to provide the services and opportunities needed for those who are disadvantaged to succeed in a changing world and to help us all retain our competitive edge.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 3033, the Job Training Reform Amendments.

In 1982, Congress passed the Job Training Partnership Act. This legislation wisely established several programs to provide training for economically disadvantaged adults and youths. It is a worthy accomplishment to help individuals become self-sufficient and productive members of society. By helping these individuals, we also ease the financial drain on our social services systems.

The bill that we are considering today does many things. Primarily, these amendments attempt to target the populations that are in greatest need. The youth in our country are a priority group. In addition to being economically disadvantaged, participants must possess an additional barrier to employment, such as lacking basic skills, pregnancy, a parent, a high school dropout, homeless, or welfare recipient.

Older Americans are also worthy of special consideration. These individuals have contributed their fair share, but unfortunately many must return to the work force. The fixed income that used to be sufficient will no longer pay the bills.

I am deeply concerned about the elimination of the 3-percent set-aside at the State level for the older workers programs. It is replaced by an 8-percent set-aside of service delivery funds for adult programs to be targeted at participants 55 or older. This is not satisfactory for two reasons.

Under the existing 3-percent set-aside, the Governor of each State decides how the older worker program will be delivered. Many use the local service delivery area, but others choose to administer the program through the State office on aging. By eliminating this existing arrangement, the Federal Government is taking control of the older worker program out of State hands. This would cause the dismantling of effective, coordinated, and State-determined delivery systems. Second, anything less than the existing 3 percent will mean diminished services for our older citizens.

Idaho has an outstanding and coordinated Older Worker Program at the State level through the Office on Aging. It routinely performs at over 100 percent of projected goals. I trust our State authorities to implement the best possible employment and training programs for our older workers.

Whereas I support this legislation, I hope that we can retain State control and the 3-percent set-aside somewhere down the road, which is where we don't want our older workers to be.

□ 1800

Mr. GUNDERSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BARRETT].

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BARRETT] very much for yielding to me, and I just want to mention that I add my appreciation to Beth Buehlmann, my constituent who came from our State of Nebraska after making many contributions to education and continued her work here for the Congress over a number of years, and I join the chairman and the distinguished gentleman from Wisconsin in wishing her well and thanking her very much.

Mr. BARRETT. Mr. Speaker, I rise in support of H.R. 3033, the Job Training Reform Amendments Act of 1991, and I urge my colleagues to pass the bill.

Students have indicated that by the year 2000, most new jobs will require that the average worker will need to have at least 13.5 years of education. That means that virtually all workers will need to have advanced education at some point in their careers. The days when a high school diploma will do, are over.

The Job Training Partnership Act [JTPA] has been a highly successful program, because it incorporates a strong public-private sponsorship. The program has demonstrated its effectiveness in providing quality training to low-income adults and youth, and helps retain dislocated workers.

However, the ranking member, the gentleman from Pennsylvania [Mr. GOODLING], has cited that we on this side of the aisle, are concerned about the inclusion of public service employment because it may undermine future success of JTPA, because in some cases it takes the focus away from job training and makes it a temporary employment program—reminiscent of the much maligned forerunner of JTPA, the Comprehensive Employment and Training Act [CETA].

Mr. Speaker, the JTPA's success in Nebraska has been outstanding. According to figures I've received, the number of those served by JTPA has been reduced by more than 1,200 people and funding has decreased from $9.5 million in 1989 to $7.9 million in 1991, because Nebraska continues to lead the Nation in job growth and low unemployment rates. I know this is due, in part, because of the outstanding efforts of our Department of Labor, and of our pro-business tax policy in the State.

However, I'd like to note for the record, the concerns of the Nebraska Council on Vocational Education, which is concerned with title VII of the bill, that allows States to establish a single State human resource investment council to replace other councils and boards responsible for job training. I am submitting a letter I received from the Nebraska council for the RECORD.

Mr. Speaker, the gentleman from Kentucky [Mr. PERKINS] and the gentleman from Wisconsin [Mr. GUNDERSON] are to be commended for bringing to the House a well-crafted and sensible bill.

NEBRASKA COUNCIL ON
VOCATIONAL EDUCATION,
Lincoln, NE, September 20, 1991.

Hon. BILL BARRETT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BARRETT: We understand that next Tuesday, September 24, the Committee on Education and Labor is scheduled to take action on H.R. 3033, the JTPA amendments. The bill that was approved by the ranking members of both the subcommittee and the full committee.

The Council has learned that when the full committee addresses this legislation next week a substitute bill will be introduced, and that the legislation will include a provision which would make it permissible for states to consolidate their State Council on Vocational Education with the State Job Training Coordinating Council. In our opinion that action would not enhance the coordination and cooperation between JTPA and Vocational Education but in fact would greatly diminish the input from business, industry, and labor that is so desperately needed to insure an adequate workforce here in Nebraska and the Country.

Last year the Congress passed the Carl D. Perkins Vocational and Applied Technology Education Act. Included in that act were independent and autonomous citizen Councils on Vocational Education. We do not feel that the situation has changed to cause the Congress to question its decision. This inclusion of State Councils was a continued affirmation by the Congress of the necessity for independent oversight and advice. If the JTPA amendments are passed allowing consolidation, State Councils will remain independent only as long as their input agrees with the appointing authority.

The Nebraska Council on Vocational Education has enjoyed its working relationship with you while you were in the Nebraska Legislature and looks forward to assisting you with your work in the Congress for many years to come. If there is any information, or questions that you may have regarding these comments please feel free to contact me or the Council's staff.

Sincerely,

DON PFIEL,
Chairperson.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I want to thank my colleague, the gentleman from Kentucky [Mr. PERKINS] for having yielded me this time and for the outstanding work that he has done in Congress, on this day particularly for the Job Partnership Training Act.

In the city of Louisville in the County of Jefferson, which I am privileged to represent, we have a very strong private industry council which is the administrator of all the JTPA programs in Louisville and Jefferson County, and we are very proud of our programs. We have done a tremendous job over the years with regard to both in-school programs and for the people who are out of school who are trained to get proper training.

Very recently; as a matter of fact I think it was last month, some 13 of the alumni; I guess these were people who had come through the program, were honored, as some 400 communities around the country honored their own alumni. PIK, along with Metro United Way, the city school system, the county school system, as well as a series of other organizations, cooperated in putting together what is called the Louisville Education and Employment Partnership, and the partnership itself is doing great work on working with the at-risk students. Some 1,200 students are currently receiving assistance, and, as the gentleman from Kentucky [Mr. PERKINS], my friend, recollects, a few weeks ago I had a meeting with the PIK people who are concerned about the service level of 60 percent for out of school and 40 percent for in school. When I came back to Washington, I talked to my friend, and it has been worked out, and I believe I am correct that in the bill there is a waiver provision that permits programs like ours who feel that their in-school program is a very effective use of the money, are able to keep it on a different relationship than the 60-40 percent written in the bill.

So, Mr. Speaker, I want to thank the gentleman from Kentucky [Mr. PERKINS]. the gentleman from Wisconsin [Mr. GUNDERSON], who together have put forth a very good bill. It has the proper kind of flexibility, and I think it is a step forward in training our people for productive jobs on the future.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I wish to associate myself with the remarks of Idaho's senior Member. While I am sure the intent is to improve the JTPA Program, Idaho's successful and productive program may be eliminated as a result of these amendments. Furthermore, Idaho may not be alone; other State programs, including those in Colorado, New Jersey, Arkansas, Wisconsin, and Louisianas, could experience the same result.

Idaho has an outstanding and well-coordinated Older Workers Program, administered at the State level through the Office on Aging. JTPA older worker resources are used in concert with title V, Older Americans Act moneys, which provide subsidized community employment opportunities for low-income older persons. Idaho's JTPA 3-percent older worker set-aside performs routinely at over 100 percent of projected goals, and the State-operated title V program has ranked in the top three nationally.

Without the 3-percent set-aside, and without the State-option provisions that currently exist, Idaho's program may be eliminated. In combination, these changes may mean that our highly successful, coordinated older worker employment and training system will have to be dismantled. For older workers in Idaho, this means diminished services.

Mr. Speaker, Idaho's JTPA Program is a model for cooperation between Federal and State programs, and a model for effective administration. While I plan to support final passage of H.R. 3033, on behalf of older workers in Idaho who benefit from the currently authorized older worker set-aside within the JTPA Program, I urge my colleagues to support restoration of the 3-percent older worker set-aside in conference with the other body, as well as the State option to determine appropriate program service delivery.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today in support of H.R. 3033, the job training reform amendments. Overall, the legislation we are considering today carries on the intent that Congress had in 1982 when passing the Job Training Partnership Act [JTPA]—to target those disadvantaged adults and youth who are the most difficult to serve and are the least prepared to get a job, and improve these individuals' access to job training programs.

While H.R. 3033 includes many provisions to improve the delivery of services to disadvantaged youth, the continuation of programs aimed at older Americans who have found it necessary to supplement their fixed and limited incomes by returning to the work force is also of utmost importance.

I have particular reservations over a provision in the bill which would eliminate the 3-percent State level set-aside for older worker programs. The existing method of allocating funds under the JTPA has allowed States to develop highly specialized services for the disadvantaged elderly. I am concerned that should this arrangement be eliminated, programs that have proven to be successful could be eliminated or relegated to a lesser role. This, of course, would be to the detriment of the same senior citizens who have historically benefited from the special set-aside.

Arkansas' Older Worker Program is a very effective and highly recognized vehicle for helping older individuals in the State find employment. Our program has done an excellent job of meeting the ever-increasing demand for services from older adults and employers seeking mature, dependable, and experienced workers. Since 1982, more than 5,784 older Arkansans have found jobs through our State's network of senior employment centers.

While I support the legislation we are considering here today, I must also express my concerns that States be allowed to continue with such successful programs and services that have been developed over the years. I would hope that we could retain some sort of State control and special State level set-aside for older workers, thereby ensuring the continuation of effective older worker employment programs.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of H.R. 3033, the job training reform amendments. I would like to commend the gentleman from Kentucky for his leadership and hard work on this legislation. Through his leadership, JTPA will be serving the poorest of the poor and those most in need of assistance.

I am pleased to say that this legislation includes two of my proposals—taken from the H.R. 2258, the Freedom From Want Act—to develop microenterprise programs for the poor. For may people, the route out of poverty is through their own small business. H.R. 3033 clarifies that JTPA funds can be used for microenterprise training, and authorizes the Department of Labor to set up 10, $500,000 competitive grants for States to develop community-based microenterprise programs.

This legislation represents a significant step forward in developing microenterprise programs for the poor. But in order these programs to work, we must ensure that the asset limit of $1,000 in AFDC be raised. Otherwise, poor people won't be able to get the loans or set aside the assets they need to start their businesses. They will be forced to stay on public assistance. The Select Committee on Hunger, of which I am the chairman, will examine this issue in detail tomorrow.

H.R. 3033 is solid legislation that will help a lot of people. I urge my colleagues to support this bill.

Mr. HOYER. Mr. Speaker, I want to congratulate the subcommittee Chairman, Mr. PERKINS, and the Education and Labor Committee Subcommittee on Employment Opportunities, for bringing this legislation to the floor.

We recently engaged in a debate regarding the appropriate course we should follow with respect to providing a bridge to the unemployed in our Nation. I hope that we are able to prevail upon, or if need be, prevail over President Bush on enacting the unemployment bill because it, like H.R. 3033, focuses our attention on maintaining economic opportunity for Americans

Our economy is in recession, Americans are out of work and too many of them can no longer provide for themselves and their families.

It is in such troubled times that most of us have come to believe that government has a critical and necessary role.

There are, however, Mr. Speaker, a large number of Americans for whom unemployment is not simply a very traumatic episode in their lives—terrible, but temporary—an interruption in a lifetime of work.

For too many people in our society the recession is simply a deepening of an ever-present gloom.

For too many people in our society unemployment is all but a permanent condition.

For too many people, including our children, employment means running drugs, not going to work.

The Job Training Partnership Act of 1982 became a bipartisan attempt at genuine reform of a national system to provide training to economically disadvantaged adults and young people. The Job Corps, a program which actually predates the JTPA, has been tremendously successful in targeting the most difficult population of young people and providing to them skills, hope, and a future.

One of the general criticisms of JTPA, however, is that it has failed to adequately reach down to help those individuals most in need. This bill provides reforms which better target job training programs to individuals who are hardest to serve and least prepared to enter the workforce by providing them more more intense, tailored, and comprehensive services.

For example, the youth program tightens eligibility by requiring that 60 percent of participants face additional barriers to employment like being a parent or being deficient in basic skills. It also requires a dropout to return to school.

The Block Grant Program local service delivery areas must more carefully target out-of-school youth and young people with multiple barriers to unemployment.

H.R. 3033 is an honest and useful effort to improve a program that works. H.R. 3033 is consistent with a broadly shared vision of what America is all about—ensuring progress by assuring opportunity.

Mr. Speaker, I want to again congratulate the subcommittee and Chairman PERKINS for bringing this legislation to the floor, and I urge my colleagues to support H.R. 3033.

Mr. LAROCCO. Mr. Speaker, later today on the Suspension Calendar, the House will consider H.R. 3033, legislation to amend the Job Training and Partnership Act. While I am sure the intent is to improve the JTPA Program, older workers in Idaho tell me this bill may well eliminate our State's successful and productive program. Furthermore, Idaho is not alone; other State programs, including those in Colorado, New Jersey, Arkansas, Wisconsin, and Louisiana, are likely to experience the same damage.

Where I come from, people don't fix what isn't broken. Idaho is a State with an outstanding and well-coordinate Older Worker Program, administrated at the State level through the Office on Aging. JTPA older worker resources and used in concert with title V, Older Americans Act money, which provide subsidized community employment opportunities for low-income older persons. Idaho's JTPA 3-percent older worker set-aside performs routinely at over 100 percent of projected goals, and the State-operated title V program has ranked in the top three nationally.

I believe members are unaware of two specific provision that will inadvertently eliminate effective programs already in place. Specifically, the bill eliminates the 3-percent older worker set-aside which allows Idaho's Office on Aging to directly serve numerous Idahoans. For older workers in Idaho, this means diminished services. In addition, the elimination of the current option that allows States to decide the best way to provide older worker services further compounds the problem. These changes are bad news for Idaho. In combination, they mean that our highly successful, coordinated older worker employment and training system will have to be dismantled.

Mr. Speaker, Idaho's JTPA Program for older workers is not broken. In fact, it is a model for cooperation between Federal and State programs, and a model for effective administration. Let's not fix what isn't broken.

On behalf of older workers throughout this country who benefit from the currently authorized older worker set-aside within the JTPA Program, I urge my colleagues to support restoration of the 3-percent older worker set-aside, and the State option to determine appropriate program service delivery.

Mr. SCHEUER. Mr. Speaker, I rise to express my strong support for the legislation before us, the Job Training Partnership Act amendments contained in H.R. 3033.

Mr. Speaker, the Job Training Partnership Act of 1982 established a number of exceptional programs that link the tasks of job training and job placement for disadvantaged and unemployed youths and adults.

Since its enactment, the JTPA has been noted as a great success; through the local private industry councils, it has brought together representatives from the private business sector, from the education sector, from organized labor, and from employment agencies to join forces in placing the unemployed into on-the-job training programs in the private sector.

By accomplishing both the training and placement of these jobseekers in one concerted effort, the JTPA has effectively bridged the gap that is so wide in our country, between education and employment. I can tell you that other countries, such as Germany and Japan, make sure that their youth are matched with employment and training when they finish or leave school.

It is my hope that these amendments will enhance the JTPA's effectiveness. In one provision, for example, the bill ensures that those in most need of this assistance receive it, by extending the title IIA adult and youth programs to youths who are especially disadvantaged—those who experience the additional barriers to employment such as being deficient in basic skills, homeless, pregnant, a parent, or a high school dropout.

Other provisions of the bill are designed to facilitate the participation in the program of youths attending schools in high-poverty areas.

Mr. Speaker, I support the bill before us because it attempts to fine-tune and enhance the JTPA. It is my hope that the adjustments in the administrative aspects of the program that it also effects, will not hamstring the local agencies that are the nuts and bolts of the program.

Mr. FORD of Michigan. Mr. Speaker, H.R. 3033, the job training reform amendments, was developed and considered in the Committee on Education and Labor on a bipartisan basis. Mr. PERKINS, as chairman of the Subcommittee on Employment Opportunities, and Mr. GOODLING and Mr. GUNDERSON, as the ranking Republican members of the full committee and the subcommittee, cooperated closely in crafting this legislation. The Department of Labor was consulted throughout all stages of considering the legislation.

The job training reform amendments mandate several major changes in the Job Training Partnership Act. This legislation is the first substantial overhaul of JTPA since its enactment in 1982, and incorporates corrective actions suggested in many evaluations and audits of the program. Let me summarize some of the major reforms.

H.R. 3033 would limit subsidies for on-the-job training [OJT] to the duration of time needed for acquiring skills for the job, with the subsidy never to exceed 6 months.

In addition, the Department of Labor would be required to issue regulations to ensure that OJT subsidies will not be renewed for employers who exhibit a pattern of failing to retain OJT participants.

The legislation explicitly prohibits any assistance to establishments taking jobs out of one area to another. The bill prohibits use of JTPA funding for employment-generating activities, and similar activities which do not provide training leading directly to jobs.

H.R. 3033 requires that training resources be targeted on the hard-to-serve, in order to end the practice of "creaming" participants. Job training programs have too often been concentrating on the most job-ready individuals, instead of those who are in greater need of long-term training and intensive services.

An assessment of each individual's need for training and services must be undertaken upon entry into the program, and a service strategy developed for the participant. At least 60 percent of the participants in adult and youth program activities must be skills-deficient or face another barrier to employment, in addition to being economically disadvantaged.

The bill requires that the majority of allocated funds be used for training. Limits are placed on administrative costs, which cannot exceed 20 percent of allocations. Up to 30 percent may be used for supportive and training-related services.

This legislation mandates contracting procurement reforms and requires strict cost accounting, in response to recommendations resulting from audit reviews by the General Accounting Office and the Department of Labor's Inspector General.

I am convinced that the implementation of this job training reform legislation is absolutely essential to the future prospects for increased funding of job training programs in the appropriations process.

Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to express my strong support for job training reform (H.R. 3033).

George Bush has an interesting way of tackling tough domestic problems. To combat unemployment, Bush vetoed good legislation that would have extended benefits to those workers hardest hit by the recession. To solve the education crisis, Bush spent hours in front of a Government-financed film crew that taped him chatting with middle school students about education problems. Mr. Speaker, these are the actions of a President who, after dedicating the majority of his first 2 years in office to help foreign countries, has now decided that maybe he ought to put together a domestic agenda. It's time to stop politicking and filming flashy campaign commercials at the taxpayer's expense and start helping the average American. H.R. 3033 is yet another example of how we all should be working to ease the pain of the recession and it's something the President should take notice of.

Although this legislation does not offer Americans any of Mr. Bush's rhetoric, it does offer them the opportunity to rebuild their lives. The bill improves the current job training partnership programs by targeting those individuals who are least prepared to get a job for training. The reforms aim to provide the most at-risk individuals with more intense and comprehensive services to make them productive members of our society. Not only does H.R. 3033 fine-tune the existing program by establishing separate programs for adults and youth, but it also creates new programs that give grants to small businesses and give jobs to those in States rebuilding after suffering major disasters like hurricanes, tornados, and earthquakes.

This bill could mean a great deal to my home district where close to a thousand defense workers from the Electric Boat Shipyard in Groton, CT have been laid off within the past year because of defense cutbacks. This bill gives them the tools they need to get back on their feet and become self-sufficient. Job training is one small way we can repay these workers who, during the cold war, gave their talent and toil to construct strong national defense programs.

I hope my colleagues in the House recognize that this is not the time for campaign commercials but for real solutions to get all Americans back to work.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 3033, the job training reform amendments. In a time when nearly 9 million Americans are unemployed, additional job training for our workers is needed now more than ever.

The JTPA was established in 1982 to provide training for economically disadvantaged adults and youths. Since then the act has helped to improve the working skills of millions of Americans through partnerships with State governments, the private sector, educational agencies, organized labor, rehabilitation agencies, community-based organizations, economic development agencies, and the public employment service. The JTPA is widely regarded as one of the most successful economic programs of the Federal Government.

Now we have the opportunity to make the JTPA even better by widening the scope of people it helps. This bill will expand the youth program to give even greater service to economically disadvantaged 16- to 21-year-olds, the ones who have even greater barriers to finding work because they are pregnant, homeless, illiterate, high school dropouts, or with children.

These youths may never find their way unless H.R. 3033 enables us to make contact and provide the means to self-improvement. I am personally acquainted with the importance of this bill to the people of Hawaii, who benefit from the JTPA in the full range of training and employment services of the JTPA. Our native Hawaiians have especially benefited through programs such as Alu Like.

We now live in a new economic era, one in which a country's wealth can only be measured by the specific skills of its workers. No one can doubt that the period of post-World War II industrial hegemony has been over for some time.

Computers, robotics, fax machines, and jet travel are the fruits of a communication and transportation revolution. These factors decrease the relevance of geographic location, and increase the importance on quality and price. Global designing, financing, production, and distribution networks are now a way of life. This is good news for trained workers all around the world. But this change means it is no longer possible to guarantee a good job and high standard of living to all Americans. Now, the only sure route to success for a U.S. worker is to have the training and skills necessary to produce a product or service that can compete in the world market.

The surest way government can help its economy and all of its citizens is by guaranteeing training and adding value to any worker who needs it. In this time of recession and displacement of workers there can be no greater economic goal for our country than creating a well-trained work force. I urge all of my colleagues to vote for H.R. 3033.

Mr. CONYERS. Mr. Speaker, I would like to take this opportunity to thank Chairmen FORD and PERKINS for their leadership on the Education and Labor Committee in creating a more equitable Federal job training program, a critical program which in my judgment has been poorly administered over the last 9 years. It is one of literally hundreds of programs this administration is still failing to properly manage.

Over the last several years, the lack of leadership in the Job Training Partnership Act Program and the resultant shortcomings have been more than apparent. My worst fears proved true, and the sad facts were revealed in a General Accounting Office [GAO] investigation. Several months ago the House Government Operations Committee held a hearing on race and sex discrimination in the operation of JTPA.

The GAO found that despite the large representation of women, and racial and ethnic minorities in the JTPA Program, there are widespread disparities in the services provided to women and minorities. In 34 percent of the service delivery areas analyzed, the GAO found that disparities existed in at least one training mode for at least one ethnic group. Further, while 65 percent of the women received the preferred classroom training they were less likely to get training for jobs with higher placement wages. These disparities are related to systemic problems in the way local projects operate the JTPA Program that restrict the training options for participants—such as channeling participants to a narrow set of options, limiting the mix of services available and limiting the availability of support services. Also, in many cases, these disparities appear related to discriminatory practices of employers and service providers.

I am pleased that H.R. 3033, the job training partnership reform amendments, includes provisions that will help ensure that blacks and women are treated the same as their white male counterparts when it comes to receiving services under JTPA. Thanks are due to our colleague MATTHEW MARTINEZ, the gentleman from California, a member of both the Education and Labor and Government Operations Committees, who worked tirelessly with us to secure language which would correct discrimination in the JTPA Program.

H.R. 3033 requires the Labor Department to collect more adequate data which will enable it to identify service disparities. Even today, neither the Department of Labor, its Directorate for Civil Rights, nor the local JTPA agencies even know the extent of race and gender discrimination because they have not taken the trouble to set up a rudimentary information system.

H.R. 3033 includes provisions designed to assure that JTPA participants are assessed more objectively by including a requirement that those performing client assessments comply with the law's nondiscrimination provisions. The reform amendments also direct the Labor Department to publish final regulations establishing compliance and enforcement procedures to accompany the nondiscrimination provisions. This important addition would provide JTPA administrators around the country with guidance on recognizing and acting on discrimination cases.

Additionally, the reform amendments authorize additional funding for the Labor Department's Directorate of Civil Rights, which currently lacks the resources to adequately combat discrimination within JTPA programs and expedite action on bias cases. Finally, the Secretary of Labor would be required to annually evaluate the directorate's work and report the results to the Congress.

Unfortunately employment discrimination against minorities and women remains widespread. It seems that even the Bush administration's lip service to job training is infected with race and gender bias. We are addressing one aspect of that discrimination in this bill. However, we need a more comprehensive solution to this problem, like that contained in H.R. 1, the Civil Rights Act of 1991. The JTPA reform amendments are a first step to a kind of equal opportunity that H.R. 1 would insure women and minorities throughout the employment process.

Thank you, Mr. Speaker, for this opportunity to support H.R. 3033, the job training reform amendments.

Mr. MAZZOLI. Mr. Speaker, I want to take this opportunity to thank Mr. PERKINS, the gentleman from Kentucky, for the outstanding work he has done in Congress, and in particular for his work for the Job Training Partnership Act [JTPA].

In the city of Louisville and the county of Jefferson, which I am privileged to represent, we have a very strong Private Industry Council [PIC] which administers the JTPA programs in Louisville and Jefferson County. We are very proud of our programs, and we have done a tremendous job over the years with regard to both in-school programs and for the people who are out of school. Very recently, as a matter of fact last month, some 13 JTPA program alumni in Louisville and Jefferson County were honored, just as some 400 communities around the country honored their alumni.

The PIC, along with Metro United Way, the Jefferson County Public Schools, the City of Louisville, Jefferson County government, and the Louisville Chamber of Commerce cooperated in putting together what is called the Louisville Education and Employment Partnership. The partnership is doing great work with in-school at-risk students. In fact, some 1,200 students are served each year through the partnership.

Mr. PERKINS, the gentleman from Kentucky and my friend, recollects that a few weeks ago I had a meeting with Louisville and Jefferson County PIC officials who are concerned about a provision of the legislation that requires a service level of 60 percent for out-of-school youth and 40 percent for in-school youth. When I came back to Washington, I talked to Mr. PERKINS and I understand it has been worked out in the bill to allow a waiver provision that permits successful in-school programs like ours to continue.

Again, I thank Mr. PERKINS for putting forth a very good bill. It has the proper kind of flexibility, and I think it is a step forward in training our people for productive jobs in the future.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 3033, legislation to reauthorize and amend the highly successful Job Training Partnership Act established by the 97th Congress.

The people and businesses of Pinellas County, FL, whom I represent have benefited greatly from this program under the direction of the Pinellas Private Industry Council. The council is a partnership of private and public sector leaders which provides the only forum for the consideration of the education, job training, and employment needs of our community.

The Pinellas Private Industry Council has been recognized nationally for the success and innovation of its programs and was named the Nation's Outstanding Private Industry Council by the Secretary of Labor. The Pinellas Council, originally established as a job training program in 1979, incorporated as a private industry council in 1982, and since then has drawn on the experience of our county's brightest business leaders. Joe Wheller, Judith Flynn, and currently Leslie Reagin have chaired the 14 business leaders who serve on its board. Other board members come from public education, organized labor, community organizations, local economic development programs, and State agencies.

Primarily utilizing funds authorized and appropriated under the Job Training Partnership Training Act, the council evaluates local job training needs from the perspective of employers and the unemployed. The council contracts with private and public agencies and employers to provide job training adhering to strict performance standards. Under the direction of its executive director Sarah Snyder, the council also seeks to develop community support for education reform, adult literacy programs, quality day care, and other community needs critical to building and maintaining a high quality work force. The council's goal, as established by the Job Training Partnership Act, is to increase the effectiveness of taxpayer investment in education and job training by eliminating overlapping community programs and inefficiencies.

The number of Pinellas County youth and adults helped by the program are the most important gauge to its success. Over its 8-year history, the council has served more than 20,200 unemployed youth and adults from low-income families, placing 6,800 youth in summer jobs and 5,600 adults in permanent full-time jobs. Overall, 71 percent of the adults who complete training programs were placed in jobs.

Mr. Speaker, under the auspices of the Job Training Partnership Act, the Pinellas Private Industry Council has been able to assist thousands of our community's economically dislocated and disadvantaged workers who are now proudly employed, taxpaying citizens contributing to our county's economic growth. The councils formula for success is one that should be emulated by other communities throughout our Nation.

Mr. GUNDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PERKINS. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MCNULTY). The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules and pass the bill, H.R. 3033, as amended.

The question was taken.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed, and the time for the resumption of further proceedings is hereby redesignated to Wednesday, October 9, 1991.

□ 1810

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3033.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

RESIGNATION AS MEMBER OF SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

The SPEAKER pro tempore. Laid before the House the following resignation as a member of the Select Committee on Children, Youth and Families:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1991.

Hon. THOMAS FOLEY,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Due to the pressures of additional responsibilities I recently assumed, I would like to resign my membership on the Select Committee on Children, Youth, and Families.

I have enjoyed my service on this important committee and will continue to follow its deliberations with interest.

Sincerely,

J. DENNIS HASTERT,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ANNUAL REPORTS OF DEPARTMENT OF EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today. Tuesday, October 8, 1991.)

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2369, ESTABLISHING FLINT HILLS PRAIRIE NATIONAL MONUMENT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–245) on the resolution (H. Res. 240) providing for the consideration of the bill (H.R. 2369) to establish the Flint Hills Prairie National Monument, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1470, ESTABLISHING EVIDENTIARY STANDARDS FOR FEDERAL CIVIL ANTITRUST CLAIMS BASED ON RESALE PRICE FIXING

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–246) on the resolution (H. Res. 241) providing for the consideration of the bill (H.R. 1470) to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 1415, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

Mr. BERMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes; and ask for its immediate consideration by the House.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of October 3, 1991, at page H7460).

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

The gentleman from California [Mr. BERMAN] will be recognized for 30 minutes, and the gentlewoman from Maine [Ms. SNOWE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], with whom I had the privilege of working on my first State Department authorization bill, and whose help and the help of whose staff allowed us to reach this stage with a bill that has a broad base of support and makes many improvements in operations of the State Department, the USIA, and the BIB.

Mr. FASCELL. Mr. Speaker, I rise in support of the conference report to accompany H.R. 1415, the Foreign Relations Authorization Act, fiscal years 1992 and 1993. This is an important funding measure for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. The conference report the Members have before them provides a careful allocation of funding for American diplomacy within the ceiling set by the Budget Enforcement Act with respect to fiscal year 1992. The conference report also provides full authorization of appropriations for these agencies for fiscal year 1993 as well and enables these agencies to continue to do their work in a world where they are facing new challenges. These challenges range from nurturing U.S. relationships with emerging democracies to providing accurate news and information to those nations which have not yet had their democratic revolutions. Through the funding and administrative authorities provided in this bill, many requested by the executive branch, these agencies will be empowered to respond to the demands of this new world.

Mr. Speaker, I want to commend the chairman of the Subcommittee on International Operations, Mr. BERMAN, and the ranking minority member of the subcommittee, Ms. SNOWE, for creating a legislative measure that can accomplish U.S. foreign policy goals amid a climate of scarce budget resources. I also congratulate all of the members of the subcommittee for their efforts.

In addition to the excellent work done by the subcommittee members and staff, let me emphasize the contributions of other committees of the House which had jurisdiction over selected provisions in the bill. In particular, I would like to thank the chairman and ranking minority members of the Committee on the Judiciary, the Committee on Post Office and Civil Service, the Committee on Banking, Finance, and Urban Affairs, and the Committee on Ways and Means.

One of the more difficult policy issues to resolve in this conference was the Senate provision on chemical and biological weapons control. I am pleased to report that a satisfactory resolution on this vital arms control measure was reached. Without the concerted efforts of the leadership of both Houses, the chairman of the Committee on Ways and Means, the chairman and ranking member of the Senate Foreign Relations Committee, and the executive branch, this agreement would not have been possible With regard to the chemical weapons sanctions regime, the Committee on Public Works and Transportation, which has jurisdiction over aviation matters, formulated the language found in section 507(b)(2)(E) on landing rights. That committee's expertise on this subject, and the assistance of committee staff, was crucial to the final resolution of this section. I thank the chairman and ranking member of the full committee, Mr. ROE and Mr. HAMMERSCHMIDT, and the chairman and ranking member of the Subcommittee on Aviation, Mr. OBERSTAR and Mr. CLINGER for their cooperation.

Mr. Speaker, in sum, this conference agreement represents the authorization process at its best and I urge the adoption of the conference report.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report before us provides for the operation of the Department of State, the U.S. Information Agency, and the Board for International Broadcasting.

This legislation is a comprehensive response to the need for funding and statutory authority for the conduct of U.S. foreign affairs. It meets the demands of U.S. diplomacy in a rapidly changing world. At the same time, H.R. 1415 represents a responsible fiscal approach in tight budget times. As reported by the conference committee, the bill provides a total in new authorization of $5,496,878,500 for fiscal year 1992, and $5,779,898,000 for fiscal year 1993. For 1992, the bill as a whole adheres to the administration's request, with one important exception: provision for $140 million in additional funding for refugee programs. For fiscal year 1993, the conference committee allowed aggregate authorization levels to keep pace with inflation, with increases totaling approximately 5 percent. For both years, the bill's totals are consistent with caps provided for under the 1990 Budget Enforcement Act.

The substantial increase in refugee assistance is necessitated by the recent rapid increase in refugee populations since the administration's estimates were drawn up. Spending for the stabilization of humanitarian emergencies is not only supported by humane considerations, but is also a prudent device which serves our national security interests by lessening regional instability around the world.

Aside from this, the outstanding budgetary feature of this bill is its relationship to the appropriations it authorizes. In almost all categories, appropriations passed to date track the bill's ceilings very tightly. This is the obvious product of a lot of very close work between the staffs of the International Operations Subcommittee, the full Foreign Affairs Committee, and the appropriations subcommittee in question. There was a lot of give and take on both sides, and I thank Chairman NEAL SMITH for his cooperation on this bill.

The Congressional Budget Office has advised that nothing in this bill violates the Budget Enforcement Act or has any direct spending implications.

On other issues, the bill as reported provides significant new administrative authorities requested by the executive branch, including higher reprogramming thresholds, greater latitude in closing posts, and greater flexibility in leasing and lease-purchasing. The bill also comprises a number of committee initiatives, for example on chemical and biological weapons, conventional arms control, program management, personnel reform and other matters.

With respect to the Moscow Embassy the conference agreement on H.R. 1415 leaves a final decision on a construction option up to the executive branch.

The bill also includes important language dealing with a particularly abusive aspect of the Arab boycott of Israel: the refusal of many Arab governments to honor United States passports bearing Israeli visas or entry stamps. The United States Government has responded to this by issuing special "Israel only" passports so that Americans may conceal evidence of their travel to Israel, in the form of visas and entry stamps, from Arab governments. "Special" passports are used only for travel to Israel, and regular passports for travel everywhere else. Section 129 of the bill prohibits this practice. It also requires negotiations with Arab governments to end their practices and directs the State Department to cancel all existing "Israel only" passports. Travel by private U.S. citizens would be unaffected; State could, at its discretion, issue "Arab League only" passports. Effective 90 days after the signing of this bill, however, special diplomatic and official passports, however, could not be issued for the purposes of acquiescing in the Arab League boycott.

This 90-day delay should not be misinterpreted; it is meant solely to allow for orderly implementation. It may well be necessary to issue a few "Arab League only" diplomatic passports during this time, for example to those directly involved in the upcoming Middle East peace conference. It would clearly be excessive, however, for such issuances to go far into the double digits.

Section 129 does nonetheless incorporate the core provisions of H.R. 2254, the Anti-Boycott Passport Act of 1991, which Representative SNOWE and I introduced on May 8. Like H.R. 2254, section 129 permits the issuance of more than one diplomatic or official passport for purposes unrelated to the Arab boycott. This will facilitate essential operational and intelligence-related travel on the part of executive branch employees.

I would expect the State Department to implement as many of the provisions in question as possible immediately. Some may argue that this issue is only one of many between the Arab States and Israel. I disagree. This is an issue between our Arab allies and the United States, and should be dealt with decisively as such.

This bill also provides for significant reforms in the administration of the State Department's emergencies account, the so-called K fund. It requires declassification of all reports on travel, entertainment, and gift expenditures charged to that account. The intent of this initiative is clear: That all such expenditures be reported and that no such expenditures be classified. This is simply put, a good government initiative, in which I hope for full cooperation on the part of the administration.

I am particularly pleased with the bill's chemical and biological weapons provisions. Legislation on this issue is not only appropriate, but more than timely, given the past year's events in the Persian Gulf. I note that a separate chemical and biological weapons bill, including critically needed import sanctions, will shortly be considered by the Ways and Means Committee. I wish to thank Chairman ROSTENKOWSKI, subcommittee chairman GIBBONS, and

Speaker FOLEY's office for their cooperation in this regard, and to express my particular appreciation to Senator HELMS and his staff for their constructive work toward a compromise which has allowed this conference report to go forward.

I would also like to express a special note of thanks for the efforts of the distinguished ranking member of our subcommittee, Ms. SNOWE, in putting together this bill. Most of its provisions are representative of agreement between us and, I think more importantly, the bill as a whole can genuinely be described as the product of a lot of cooperative joint hard work. The same must also be said of my Senate counterpart, Senator KERRY, and his subcommittee's ranking member, Senator BROWN, and their staffs.

Finally, I must make note of Chairman FASCELL's leadership and support. Having begun the process barely a month into my chairmanship of the International Operations Subcommittee, it is an understatement to say that I couldn't have done it without him, and those of his staff who worked long and hard to get us where we are today.

Mr. Speaker, I reserve the balance of my time.

□ 1820

Ms. SNOWE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California has already described the main outlines of this conference report. I would just like to highlight some of the bill's major features.

But first, I would like to commend the gentleman from California for his work in managing this legislation as the new chairman of the International Operations Subcommittee. I have served at the subcommittee as ranking Republican for 6 years; this is the fourth time I have been Republican manager of this legislation. Even though we have at times disagreed on certain aspects of this legislation, we have worked together closely throughout the State Department authorization process. I am proud that the International Operations Subcommittee has a long history of accomplishing serious work in a bipartisan fashion, and I am pleased that the new chairman is continuing this tradition.

Let me emphasize once again that the conference report before us now is not the foreign aid bill. This bill authorizes the internal budgets and operations of the State Department, the U.S. Information Agency, the Board for International Broadcasting, and other foreign affairs agencies. It also authorizes refugee programs, U.S. assessed contributions to the United Nations, and governs the operations of our international broadcasting services, such as the Voice of America and Radio Free Europe.

This conference report closely follows the funding and legislative requests of the administration. I understand that the administration supports the bill in its final form, and that the conference report will be signed into law if passed. The bill's authorization levels also adhere strictly to the funding restrictions under the budget resolution.

In fact, with one single exception, this conference report comes in $35 million below the administration request. The one area where this legislation exceeds the original administration request is in refugee funding, which was enhanced during the legislative process due to increased refugee needs that had not been anticipated at the time the request was submitted. This bill increases the authorization for refugee funding by $140 million, primarily for enhanced needs for Soviet, Kurdish, Southeast Asian, and African refugees.

I would like to emphasize, however, that even this increase has been fully offset legislatively to ensure compliance with the Budget Act and to remain consistent with the overall administration request level. Those offsets were made in the foreign aid bill rather than the State Department authorization bill. This was done because refugee funding comes through the foreign aid appropriations process rather than through the Commerce-Justice-State appropriation process.

As the chairman has mentioned, this conference report also includes several major congressional initiatives. Among these are:

A formal policy and procedure for applying sanctions to countries and firms involved in the proliferation of chemical and biological weapons;

Strengthened procedures for sanctions on countries supporting international terrorism;

Authorization for the establishment of full embassies in the Baltic Republics and other former Soviet republics that achieve full independence; and

A procedure for acquiring a safe and secure new U.S. Embassy in Moscow.

I would like to expand further on the Moscow Embassy issue. Last spring, the House debated at great length what to do with the partially completed, bugged new U.S. Embassy in Moscow. In the end, this House decided to refrain from dictating one particular solution to the problem. We did, however, establish stringent security requirements acquiring a new secure embassy and strict procedures for the administration to follow in deciding what option to follow. Among those procedures was submission of a review within 180 days of the advantages and disadvantages of each of the opinions. Also required was a formal dual certification by the Secretary of State and the Director for Central Intelligence that whatever option was chosen would provide a fully safe and secure embassy with adequate classified space for current and future needs.

After everything the House went through to arrive at this position, last week the State Department attempted to bypass the regular legislative process and short-circuit the procedure provided in this authorization bill. Last week the State Department made a secret agreement with two members of the Appropriations Committee to insert in the Commerce-Justice-State appropriations conference report an earmark for an entirely new option that had never been approved by the House or the Senate, and had never been presented to the Foreign Affairs Committee or Intelligence Committee, or even any of the Republicans on the Appropriations Committee. This is for construction of yet another third embassy building in Moscow, which is similar to a 1987 proposal made by Dr. Schlesinger—a proposal that was immediately rejected by the intelligence community and administration security professionals.

Fortunately, last Thursday, the House strongly supported my motion to strip that earmark from the Commerce-Justice-State appropriations conference report. I hope that the State Department will learn from this defeat that the House does not view favorably such blatant disregard for normal congressional procedures. This sorry episode further strengthens my concern over State Department inattention to necessary security procedures and standards at U.S. diplomatic missions. I will be carefully following the extent to which the State Department adheres to all of the Moscow Embassy strictures and procedures required by the legislation before us today.

I would also like to highlight several initiatives I included in this bill. One of these provisions requires increased competition in the USIA grant making process. This will address a shocking finding by USIA's inspector general that in the past more than 77 percent of all USIA grant funds were awarded without full and open competition. Other provisions I included in this bill are:

A study by the State Department inspector general on the Department's severe weaknesses in security issues;

An additional study by the State Department IG on the reasons for the Department's refusal to comply with deadlines in a sexual harassment amendment I included in the last authorization bill;

Improvement in the National Endowment for Democracy's financial procedures and grant evaluation process; and

Improvement in the State Department's procedures for billing other agencies for shared administrative costs.

Again, I would like to express my appreciation to the new subcommittee chairman, Mr. BERMAN, for his energy and willingness to work with both sides of the aisle in fashioning a consensus legislative product. I would also like to thank my colleagues and staff on the Subcommittee on International Operations and at the full committee who have put in a tremendous amount of work on this bill.

This has been the smoothest State Department authorization process since 1985, my first year as House Republican manager of this legislation. Even so, we had to work out during conference 128 provisions that were different in the House- and Senate-passed bills. But because we also had a functioning foreign aid authorization process this year, the State Department authorization bill was not overwhelmed with Senate nongermane foreign aid provisions.

We still had 30 such provisions on the Senate bill that we had to address in conference. While this number was manageable compared with what we have faced in previous years, it was still unnecessary and inappropriate, and I hope that in the next bill we will be able to convince the other body to respect fully the State Department authorization process.

Finally, I appreciate the support our subcommittee has always received from the full committee chairman, Mr. FASCELL, and the ranking Republican, Mr. BROOMFIELD. During the 6-year hiatus between foreign aid authorizations—from 1985 to the present—we never failed to enact into law this legislation, which is the committee's second important authorization bill.

I urge adoption of this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Speaker, if the chairman of the subcommittee would allow it, I would like to engage him in a colloquy.

I would like to clarify the provisions in H.R. 1415 that amend the Export Administration Act and the Arms Export Control Act to provide for sanctions against foreign companies involved in the development or production of chemical and biological weapons. These provisions mandate sanctions once the President makes a determination that a foreign person has "knowingly and materially" contributed to the efforts by any foreign country to develop or use biological or chemical weapons.

I strongly endorse this effort to sanction foreign companies involved in the proliferation of chemical and biological weapons. I rise to clarify one point concerning the Presidential determinations called for in these provisions. It has come to my attention that, in rare circumstances, a premature determination might inhibit the flow of information which is necessary to the full imposition of sanctions against all violators. It seems to me that the President should be allowed to delay such a determination where it is necessary to protect intelligence sources and methods which are being used to acquire further, possibly more important, information on CBW proliferation.

Is it your understanding that the protection of intelligence sources or methods for the stated purpose may be a factor in deciding on the timing of a Presidential determination that a foreign person is contributing to CBW proliferation?

Mr. BERMAN. Mr. Speaker, reclaiming my time, to answer the gentleman from Oklahoma [Mr. McCURDY], chairman of the House Permanent Select Committee on Intelligence, it is my understanding that the President, in rare circumstances, could delay a determination that a foreign person has knowingly and materially contributed to CBW proliferation if such a delay is necessary to protect intelligence sources or methods essential to the acquisition of further intelligence about CBW proliferation. Such a delay would be appropriate, for example, where the United States is using the sensitive intelligence sources or methods to gather information on other CBW proliferators, or where additional time is needed to develop nonsensitive information that could be used to explain publicly the imposition of sanctions. However, such a delay should not be indefinite, because the ultimate purpose of these provisions is to sanction those foreign persons that we know to be knowingly and materially involved in CBW proliferation. Moreover, the delay should only be for the purpose of furthering our policy of sanctioning those proliferators. A delayed determination would not be justified to further any other policy.

Mr. McCURDY. Mr. Speaker, if the gentleman would continue to yield, I thank my colleague for this clarification. I, too, would like to add my congratulations to the chairman of the subcommittee for his stewardship of this bill this year.

Mr. BERMAN. Mr. Speaker, reclaiming my time, I simply want to point out to the body the situation on the chemical weapons sanctions legislation.

☐ 1830

On numerous occasions the House has passed legislation of this nature; the Senate has passed legislation of this nature. In this particular case, an agreement has finally been reached on a bill that the administration indicates that it will support dealing with both country sanctions and company sanctions.

One of the most important sanctions against countries and companies for continued and severe violations is import sanctions. Those particular sanctions are not included in this provision in this conference report because they originated in the Senate. They constitute a revenue measure. It is within the jurisdiction of the Ways and Means Committee, and the Ways and Means Committee rightfully insisted that revenue measures must originate in the House. The Ways and Means Committee is working to ensure that we can pass that kind of provision in the freestanding bill in an environment where no other revenue measures will be attached to it, as sometimes occurs in the other body.

So to put our earlier expressions of appreciation to the chairman of the Ways and Means Committee, and to the Subcommittee on Trade, the gentleman from Florida [Mr. GIBBONS], for their help in allowing this process to go forward, and their efforts to help us achieve the full menu of sanctions that we think are appropriate, I just wanted to share this background

Mr. Speaker, I reserve the balance of my time.

Ms. SNOWE. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, as a member of the Banking Committee and Foreign Affairs Committee, and a conferee for the former committee, this Member rises in strong support of the conference report on H.R. 1415. This legislation is absolutely essential to the proper adaptation and functioning of U.S. foreign policy and trade, and I particularly commend the distinguished gentleman from California [Mr. BERMAN] and the distinguished gentlewoman from Maine [Ms. SNOWE] for crafting authorization legislation in difficult and controversial subject areas that now, as a result of the conference, enjoys wide bipartisan support.

This Member would like to single out one of many important elements of this legislation by taking particular note of the legislative initiative contained herein regarding Latvia, Lithuania, and Estonia. Mr. Speaker, through more than 50 years of Soviet domination, independence for the three reemerging nations has often seemed to be an elusive and unattainable dream—an aspiration to be desired but difficult to realize. Yet, today, the dream has, in fact, become a fragile reality which we and the community of democratic nations must re-enforce. Moscow has finally recognized the right of the Baltic people to go their own way, and the drive for independence is well underway.

The United States now has restored full diplomatic recognition with these Baltic nations, but it is essential to approve the implementing language that will restore a full and official U.S. diplomatic presence in the Baltic. This conference report provides that authorization for restarting our physical diplomatic presence in Latvia, Estonia, and Lithuania. In particular, the report authorizes a fully staffed embassy, the placement of commercial service officers, and access to U.S. Information Agency and AID programs for each of these reemerging nations. In addition, this legislation establishes an exchange program in public administration and business training for highly qualified students from the Baltic nations. In short, Mr. Speaker, the conference report formally recognizes that Latvia, Lithuania, and Estonia are independent nations, and deserve to be treated as such by the United States of America.

Again, this Member would like to commend the chairman and ranking member of the subcommittee for recognizing and responding and responding to this need in a timely manner. Our national interest will be well served by U.S. Embassies in Riga, Vilnius, and Tallinn. It demonstrates America's support for the drive toward independence, and offers important moral support to the governments and citizens of Latvia, Lithuania, and Estonia—a goal enthusiastically supported by the substantial Latvia-American and Lithuania-American communities in my home State.

For this reason, and for many others, I urge my colleagues to strongly support the conference report on H.R. 1415.

Mr. BERMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. SMITH], chairman of the Subcommittee of the Committee on Appropriations that deals with the Department of State.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the subcommittee and the committee for working out this bill. I know it has been very, very difficult. Our subcommittee tries to work with this subcommittee and with the full committee, and we had to eventually incorporate, with your permission, some legislation into the appropriations bill, especially with regard to passports and other things. Whenever we find ourselves in a position that we cannot resist, we do incorporate the language that you work out, and it has been good.

Also, I want to agree with the gentleman that we have some problems that we do not know exactly how we are going to handle in the Baltics and in the republics in Eastern Europe. We know that expenditures will be necessary that we cannot anticipate and that no one would even have thought it would have been necessary at the time the gentleman started to work on this bill. But you have incorporated the flexibility in here, and we hope that we have the money so that under the reprogramming procedures we can take care of these problems as they emerge. And I am sure that we will work these things out to the benefit of the whole world, as a matter of fact.

Mr. BERMAN. I thank the gentleman for his generous comments. My nearly unlimited respect and admiration for the Appropriations Committee only increased after having the opportunity to work with him on this item.

Mr. SMITH of Iowa. If the gentleman will yield again, I want to mention one other thing. This is one subcommittee that has tried to work on 2-year authorizations, and this is something that is terribly important around this place. Most committees have not done that, and I want to commend the committee for that also.

Mr. BERMAN. Again, I thank the chairman. It came rather late in the day to me to want to work on a 2-year authorization on all aspects of this bill. But I ultimately saw the wisdom of this approach.

Mr. WEISS. Mr. Speaker, I rise in strong support for the conference report to H.R. 1415, the fiscal year 1992 State Department authorization conference report.

I would like to thank Chairman HOWARD BERMAN and the other members of the subcommittee for their hard and, many times, thankless work on this legislation. In particular, I would like to give special recognition to their willingness to accept language, similar to that which I submitted in the subcommittee markup, regarding protection for foreign missions, dignitaries, and officials.

As you may know, there has not been an increase in the Diplomatic Protection Program since 1982. During this period the cost of providing diplomatic security has risen significantly and the State Department has fallen behind in its ability to adequately reimburse cities.

This bill will attempt to rectify the problem. It includes a provision that increases the annual reimbursement authority by $3 million, while also providing a separate authorization of $8 million for retroactive reimbursements.

Mr. Speaker, this is a sound provision that serves a dual purpose. First, it allows the State Department to operate a cost effective, high-quality diplomatic service that, until now, is the best in the world. And second, it allows the individual cities to attract Federal revenue for a job well done.

This provision has received bipartisan support in both the House and Senate and I hope that my colleagues will recognize the importance of this provision and support the passage of this conference report.

Mr. BROOMFIELD. Mr. Speaker, I support this conference report on H.R. 1415—the Foreign Relations Authorization Act for fiscal years 1992 and 1993.

This is basically a good bill. It provides a 2-year authorization for activities of the Department of State, the U.S. Information Agency, and the Board for International Broadcasting.

The bill responds to numerous executive branch requests for greater flexibility in managing programs during the current tight budget situation. Legislation on policy matters that would complicate the conduct of foreign affairs has been kept to a minimum.

For the most part, the conference report stays within the funding levels established in the budget agreement. The single exception are the additional funds for migration and refugee assistance.

This bill has its defects, however. For example, it attempts to dictate the organization of the Department of State, creating a new Bureau of South Asian Affairs at a key time of change in the world. It also calls for no fewer than 62 new reports.

That said, this is essentially good and necessary legislation that reflects considerable work by both Houses of Congress. On the House side, special praise is due Chairman FASCELL; the chairman of the subcommittee, Congressman BERMAN; and the ranking Republican member, Ms. SNOWE.

I urge my colleagues to support the conference report.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of the conference report for H.R. 1415, the fiscal years 1992 and 1993 Foreign Relations Authorization Act. I am particularly encouraged that the conferees authorized $30 million for the National Endowment for Democracy. This is a very worthy organization which has been tremendously successful in helping people around the world achieve their democratic aspirations.

The National Endowment for Democracy was established back in 1983 by President Reagan to help foster democratic growth around the world. Under the umbrella of the National Endowment are four special institutes, the National Republican Institute for International Affairs, of which I serve as chairman, the National Democratic Institute for International Affairs, of which former Vice President Walter Mondale serves as chairman, the Free Trade Union Institute, which is associated with the AFL–CIO, and the Center for International Private Enterprise, which is associated with the chamber of commerce.

As I said, the work of these institutes, and the NED itself, has been tremendously successful. By providing technical assistance and training, NED grants have made the difference in making democratic movements succeed in Latin America, Eastern Europe, Asia, Africa, and the Pacific. One of the four basic objectives of American foreign aid and a key element in preserving our national security interests is support for democracy. By ensuring that democratic movements—whether they be labor unions, newspaper associations, political parties, human rights groups, free enterprise advocates, think-tanks, cultural organizations, or student associations, have the know-how to win elections, implement positive political and economic reform, and effectively govern, we are making sure the gains of democracy and freedom are not lost to totalitarianism and communism.

Take Eastern Europe. NED and its associated institutes and grantees have helped transform prodemocratic sentiments of the people into real political parties, legislative coalitions, and democratic movements that could challenge the Communists at the ballot boxes and win. Eastern Europe has been a challenge. Some countries, like Bulgaria, have no real democratic tradition. Others like Hungary and Poland, have suffered under Communist dictatorships for 45 years. Only the senior citizens remember what free elections and free press are. Today, these nations have cast off their Communist oppressors. But, the people have no experience in governing themselves, organizing their thoughts and implementing their aspirations. They are at a real disadvantage and could lose—and in some cases have lost—elections to the Communists because the latter are better organized and able to exploit the democrats inexperience.

We have spent trillions of dollars over the past 45 years containing communism. That investment has now paid off and the dissolution of the Warsaw Pact is allowing us to reduce defense spending and reallocate it to other pressing needs. However, for this positive situation to continue, we need to help make sure the democratic revolutions around the globe do not fail. The failure of such movements exponentially out costs the relatively small price for guaranteeing their success. Relatively small programs like NED help solidify today's democratic victories by providing democratic elements—labor unions like solidarity, small business advocates, political parties, free press, election observers, constitutional reformers, human rights organizations and so many other parts of a fledgling democracy—the real help they need and cry out for.

For example, the National Republican Institute for International Affairs, through working with the democratic opposition in Bulgaria, turned an electoral defeat into a success. By training opposition members of the assembly how to build coalitions, listen to constituencies and so on—skills we take for granted here—the democratic opposition was able to get their leader elected by parliament to serve as Bulgaria's first non-Communist President since World War II.

In Kuwait, the Republican Institute, which I chair, is working with democratic opposition forces to help fully reinstitute the Kuwaiti Constitution of 1962 and facilitate new democratic reforms. Greater internal stability and a successful democratic experience can provide a positive model for others in the Middle East.

In Latin America, NED funded programs are ensuring that democracy becomes the dominant tradition and practice, making military coups, Marxist dictatorships and other nondemocratic regimes items for history books. NED's job is particularly important because of the economic crisis facing Latin America today.

Under this authorization, NED funding has increased from previous years. While I am very conscious of the need to reduce Federal spending, not providing NED with adequate resources is a classic example of being penny wise and pound foolish. Today's increase in NED reflects the explosion of democracy around the globe. In 1989 the Berlin Wall still divided Germany and the Iron curtain divided Europe. We did not really need programs in Poland, Hungary, Czechoslovakia, Bulgaria, Romania, Albania, Yugoslavia and the Soviet Union. Dictators still ran Panama and Nicaragua. The prospects for democratic change in Kuwait, Nepal, Mongolia, Bangladesh, Namibia, Angola and South Africa were slim at best. Today, there are programs and democratic reform movements in every single one of these countries plus many others I have not mentioned in the interest of time. Clearly, NED is a sound investment for a more peaceful, democratic future around the globe. That, is absolutely, in the best national security interests of the United States.

Ms. SNOWE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SEXUAL HARASSMENT

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I wanted to say a few words about the subject of sexual harassment. I know that there has been an accusation made against the Supreme Court nominee. The nominee has every right to clear his good name. It is an allegation at this point.

But I am struck by the trivialization of the issue. Mr. Speaker, some years ago I had the pleasure of serving on the Unemployment Compensation Commission in which we looked at the reasons why people apply for unemployment compensation. Many women throughout the country wrote to me and said, "We can't apply for unemployment compensation if we voluntarily leave a job because we are being sexually harassed, and because our job is the life blood of our mainstay, we in fact stay on the job, even though we are harassed."

□ 1840

So I just hope that in the deliberation of this matter and other matters throughout our country, people realize that sexual harassment in the workplace is a reality, and that many, many women are affected.

SUPPORT OF JTPA AMENDMENTS

Mr. HAYES of Illinois. Mr. Speaker, I rise today in support of H.R. 3033, the job training reform amendments.

Mr. Speaker, convincing evidence shows that the Job Training Partnership Act is a vital link between unemployment and gainful employment. Not only does the JTPA Program address unemployment services, training, and placement for adults, the program also attempts to address youth employment. As I look at the situation of the youth in my district, I am thankful that the Jobs Training Partnership Act exists. Absent JTPA, I believe that the low income and socially disadvantaged youth of this Nation would face many additional barriers to employment with little or no assistance.

There is a crisis in our inner cities as it concerns youth employment. Young African American and Latino youth struggle to obtain gainful employment, but because of many barriers are unsuccessful. Without JTPA, there would be no hope. JTPA begins to address these concerns, but much more must be done. Our ultimate goal must be to improve the quality of life for these young Americans and the bill before us today will help.

Mr. Speaker, as a result of JTPA, participants have obtained their GED's and ultimately gainful employment. More than 300 area businesses in Chicago hire participants of JTPA. These businesses includes law firms, construction companies, and international art reference centers.

Nevertheless, a crisis in youth employment continues. Only 1.8 million participants are currently being served out of 33 million who are income eligible. We must find the funds to reach those who need the training and support that would lead to employment. Just to note, Mr. Speaker, Jobs for Youth Chicago, a local nonprofit organization which serves my district, served 400 youth in 1990. With additional funds, that figure could triple.

Although the JTPA has helped some youth with employment, training and placement, problems do exist. Today's amendments will address some of the short comings of JTPA through various reforms. Two reforms, which I believe are critical to JTPA, are amendments to streamline the use of funds and an amendment to reduce the amount of paper required to enroll a participant. Currently, 45,000 pieces of paper are required to serve 400 youth under JTPA. Excessive paper work wastes time, money, and creates a disincentive for many African-Americans and Latinos.

The bill before us today makes needed changes in the JTPA Program, however, to address the real issues of job creation we must go much further. H.R. 3033 has my full support, and I look forward to working with the chairman to address the ongoing employment needs of this Nation.

I ask all of my colleagues to join me in support of this legislation.

CHICAGO'S 1991 COLUMBUS DAY PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on Monday, October 14, Chicagoans will commemorate Christopher Columbus' voyage to America with a gigantic parade sponsored by the Joint Civic Committee of Italian Americans. This parade will honor Columbus' spirit of bravery and innovation, but it also will focus on the contributions Italian-Americans have made during our Nation's wars. The theme of this year's parade, "A Tribute to the Italian-American War Veterans," will encourage us to reflect on the many sacrifices Italian-Americans have made in defense of the United States of America.

We are extremely pleased that the highest ranking Italian-American officers from each branch of our armed services are planning to march in the parade as this year's guests of honor. Other parade participants will include Mayor Richard M. Daley of Chicago, Gov. Jim Edgar of Illinois, Congressman MARTY RUSSO and a number of civic and political dignitaries, including myself.

Mr. Speaker, President George Bush is expected to issue a proclamation shortly commemorating Columbus' voyage to America. Governor Edgar and Mayor Daley have already issued proclamations. Copies of these declarations follow:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, IL, October 14, 1991.

GREETINGS: As Governor of the State of Illinois, I am pleased to extend personal greetings to everyone attending the Columbus Day Mass and Parade.

Christopher Columbus encountered our land of opportunity and freedom. We are grateful for his vision and perseverance, and the hard work and determination of our citizens to make this the greatest country in the world.

Italian-Americans have kept alive their strong traditions and rich culture while looking toward the future. We Americans of every ethnic background proudly join the Italian community in celebrating Columbus Day.

Best wishes for a joyous celebration.

Sincerely,

JIM EDGAR,
Governor.

PROCLAMATION

Whereas the Joint Civic Committee of Italian Americans (JCCIA) is sponsoring its annual Columbus Day Parade on October 14; and

Whereas the courage and visionary wisdom displayed by Christopher Columbus in his intrepid voyage to the new world is exemplary of the Italian-American community; and

Whereas those qualities of our Italian-American brothers and sisters are evident in their many contributions to the arts, politics, sports and socio-economic life of Chicago; and

Whereas the Chicago Department of Cultural Affairs is presenting its annual exhibit and program series in honor of Italian Heritage Month in October, and the public is invited to attend; and

Whereas this year's parade will give special recognition to honor the Italian-American War Veterans:

Now, therefore, I, Richard M. Daley, Mayor of the City of Chicago, do hereby proclaim October 14, 1991, as Columbus Day Parade in Chicago in honor of the Italian-American War Veterans and urge all Chicagoans to recognize the historical observance in honor of the great navigator, Christopher Columbus.

Mr. Speaker, this year's Columbus Day celebration in Chicago will begin at 9 a.m. with a Mass at Our Lady of Pompeii Church. Rev. Lawrence Cozzi, who chairs the religious committee of the parade, will oversee the services. Rev. Livio Stella will be the main celebrant. Rev. Angelo Moscato, who is pastor at Our Lady of Pompeii Church, will serve as host for the liturgy.

Theresa Petrone will give an introduction before the Mass. She is the theme coordinator for the parade and cochairwoman of the programs and arrangements committee. Norman Boccio, who serves on the parade's finance and souvenir book committee, will serve as commentator. The lectors will include Judy Guzaldo, the president of the JCCIA women's division; and Lilia Juarez, the president of the JCCIA west suburban women's division. Phil Sciacqua, the president of the JCCIA young adult division, will offer the prayer of the faithful. He also is cochairman of the floats committee.

The offertory procession will include: Stephanie Sparacino, who recently was named Queen of the Columbus Day parade; Joe Panzica, who will portray Columbus during the parade; Ann Sorrentino, who chairs the parade's costume committee; and Marie Palello, who is executive secretary of the JCCIA. Ms. Palello also chairs the floats committee.

The Italian Cultural Center chorus of Chicago will perform during the Mass under the direction of Leonora Li Puma. Organist Frank Pugno will accompany them. Ushers will include Nick Bianco, John DeBella, Michael Palello, and Lawrence Spallitta, who chairs the floats personnel committee. The Fourth Degree Knights of Columbus will provide an honor guard including: Mike Gill, master, fourth degree; Ben Daniel, master, fourth degree; and Joseph Nardi, admiral of the LaSalle Assembly. After the Mass, the Mothers' Club of Our Lady of Pompeii Church will serve breakfast to the congregation.

A wreath-laying service will follow at 10:30 a.m. at the statue of Columbus located in Arrigo Park. Congressman RUSSO, the chairman of the Columbus Day Parade Committee, will act as host for this ceremony. The memorial service was organized with courteous support from the Chicago Park District, Sheridan Park Supervisor Joseph Patti and Katherine Mauro, the executive director of the University Village Association.

The sponsors of the wreath-laying ceremony include the Grand Lodge of the State of Illinois, the Order Sons of Italy in America and the JCCIA. Thomas Baratta and Sam Garnello of the Order of the Sons of Italy in America will coordinate the ceremony with help from the color guard of the Italian-American War Veterans of the State of Illinois. Reverend Stella will give an invocation for the service. The posting of the colors will be directed by Rosemary Galluzzo, the president of the ladies auxiliary of the Italian-American War Veterans of Illinois; and Frank Geritano, the Commander of the Italian-American War Veterans of Illinois.

The parade will begin at 1 p.m., at Dearborn Street and Wacker Drive. WGN Channel 9 will telecast live coverage of this event, which will include over 200 floats, marching units, and bands. Several floats will feature members of our community dressed in traditional Italian costumes. One float will feature Mr. Panzica as Columbus and Ms. Petrone as Queen Isabella.

Ben Affetto will serve as grand marshal of the parade. He will follow in the proud footsteps of his grandfather, the late Marco DeStefano, who served as parade marshal for 38 years.

Joseph Ahern, the president of WLS–TV in Chicago, has announced his station will broadcast a tape of the parade on Saturday, October 19. Narrators for this presentation will include Ms. Petrone and Dominic DiFrisco, the president of the JCCIA. Television sponsors for this year's parade include the Ferrara Pan Candy Co., AT&T, Commonwealth Edison, Hilton Hotels Corp., Alitalia Airlines, Joe Gentile Chrysler Plymouth Inc., Waste Management Inc., Dominick's Finer Foods Inc., and Anheuser Busch.

One highlight of Chicago's Columbus Day festivities is the selection of a queen for the parade. Winners in this competition are judged on poise, personality, talent, intelligence, and beauty. Ms. Sparacino of Wilmette was chosen as this year's queen. The members of her court include: Francesca Sparacino of Wilmette, Lisa Amendola of Melrose Park, Monica Trombetta of Chicago, and Rosa Blasi of Mt. Prospect. The queen will receive numerous prizes. These include a free trip to Rome, courtesy of Alitalia Airlines, hotel accommodations donated by the Italian Government Travel Office, a full scholarship provided by the John Robert Powers School of Modeling in Chicago and a $1,500 award from the JCCIA.

The Joint Civic Committee of Italian Americans includes more than 65 Italian-American civic organizations from the Chicago area. Under the able leadership of Mr. DiFrisco and JCCIA Executive Director Fred Randazzo, the JCCIA coordinates the Columbus Day Parade and many other activities. The JCCIA was founded in 1952 to fight bigotry against Italian-Americans through education and public service. Over the years, this organization has developed into a dynamic group that serves the social and cultural needs of more than 500,000 Italian-Americans in the Chicago area. While the Columbus Day Parade is a showcase for Italian-American culture, it also is designed to promote understanding, brotherhood, and equal opportunity for all.

This year's Columbus Day Parade will conclude at 3 p.m. A reception will follow at 3:30 p.m. at the Como Inn to honor the many guests, officers, committee leaders and volunteers who have helped to make the 1991 Columbus Day Parade a monumental triumph.

Mr. Speaker, as we approach the 21st annual celebration of Columbus Day as a national holiday, I want to take this opportunity to commend all of the members and officers of the Joint Civic Committee of Italian Americans for their tireless efforts to make this year's parade an overwhelming success. As an honorary chairman of the parade, I take great pride in participating in this memorable event.

The officers and members of the 1991 Columbus Day Parade Committee are as follows:

THE 1991 COLUMBUS DAY PARADE COMMITTEE

COLUMBUS DAY PARADE COMMITTEE

Congressman Marty Russo, General Chairman.

Congressman Frank Annunzio, Honorary Chairman.

JCCIA OFFICERS

Dominic DiFrisco, President.
Fred Mazzei, 1st Vice President.
Thomas C. Baratta, 2nd Vice President.
John Ciolfi, 3rd Vice President.
Pat Naples, 4th Vice President.
Joe Annunzio, 5th Vice President.
Emil Venuti, Treasurer.
Tena Amico, Secretary.
Lawrence Spallitta, Sergeant-At-Arms.
Reverend Lawrence Cozzi, Chaplain.
Fred Randazzo, Executive Director.

BOARD OF TRUSTEES

Michael Coli, Chairman; Congressman Frank Annunzio, Vice Chairman; Theresa Petrone, Vice Chairman.

YOUNG ADULT DIVISION OFFICERS

Phil Sciacqua, Leo Buttitta, Lisa Misurelli, Andy Rubino, Bill Dal Cerro.

WOMEN'S DIVISION OFFICERS

Judy Guzaldo, President.
Carmella Tolitano, 1st Vice President.
JoAnne Spata, 2nd Vice President.
Frances Passaglia, Recording Secretary.
Marie Palello, Corresponding Secretary.
Mary Ann Ciolfi, Treasurer.
Marion Ortale, Advisor.

WEST SUBURBAN WOMEN'S DIVISION OFFICERS

Lilia Juarez, President.
Leonora LiPuma, 1st Vice President.
Carol Petersen, 2nd Vice President.
Mary Conti, Recording Secretary.
Ann Sorrentino, Corresponding Secretary.
Carol Cerny, Treasurer.
Tena Amico, Advisor.

EXECUTIVE COMMITTEE

Richard Caifano, Reverend Lawrence Cozzi, Reverend Gino Dalpiaz, Carl De Moon, Phil Sciacqua, Anthony Fornelli, Sam Garnello, Judy Guzaldo, Lilia Juarez, Pat Pavini, Charles J. Porcelli, John Serpico.

THEME COORDINATOR

Theresa Petrone.

RELIGIOUS PROGRAM AND ORGANIZATIONS

Rev. Lawrence Cozzi, C.S. Chairman, Nick Bianco, John De Bella, Mike Palello, Lawrence Spallitta.

AUTHENTIC ITALIAN COSTUMES

Ann Sorrentino, Chairman; Elena Frigoletti, Lilia Juarez.

FINANCE AND SOUVENIR BOOK

Marie Palello, Chairman; Angeline Annunzio, Margaret Porcelli.

BANDS, MARCHERS, TRANSPORTATION AND FLOATS

Marie Palello, Chairman; Margaret Porcelli.

PROGRAM AND ARRANGEMENTS

Dominic DiFrisco, Co-Chairman; Theresa Petrone, Co-chairman; Fred Randazzo, Coordinator; Alderman William J.P. Banks.

QUEEN CONTEST

Fred Mazzei, Chairman; Josephine Bianco, Co-Chairman; Anita Louise Bianco, Marie Palello, Mike Palello, Margaret Porcelli, Fred Randazzo, Nick Bianco, Marilyn Fredericks, Phil Sciacqua, Joanne Spata.

FLOAT PERSONNEL

Lawrence Spallitta, Chairman; Norman Boccio.

PARADE MARSHALS

Ben Affetto, Chairman; John De Bella, Nick Bianco, Pasquale Caputo, Commander Ettore Di Vito, Tom Bellino, Frank A. Lato, Mike Palello, Ron Onesti, Lewis Affetto, Mark Affetto, Nat Caputo, John Fay, Len Vekkos, Mark Presto, Rich Onesti, Mike Simi, Jeff Garzonetti, Cynthia Cacciatore, Gloria Cacciatore, Anthony Mannella, Richard Morbidoni.

STAFF PHOTOGRAPHER

Sam Bruno.

REVIEWING STAND COMMENTATORS

Alderman William J.P. Banks, Chairman; State Rep. James DeLeo; Mark Farina.

JUDGES FOR THE QUEEN CONTEST

Robert J. Durkin, Adrienne Levatino, Mary Laney, Frank Mazzei, Judge Frank R. Petrone, Ernest T. Rossiello, Laura Spingola, Dr. Carl Tintari, Joseph M. Caliendo, Rose Farina.

RESTORING AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, at the request of the Speaker, the Committee on the Budget today is beginning a review of the budget situation in light of the dramatic changes in the world situation, our compelling social and economic problems at home, and the specter raised by the Congressional Budget Office of deficits rising once again to $300 billion in the latter part of this decade after the current budget agreement expires.

To guide the review process, I have proposed the outlines of a 10-year budget path which I believe can establish a framework for the decisions that must be made by the Congress and the President. As we begin to debate the budget for fiscal year 1993 and the future of the 1990 budget agreement, we need to have a long-term view of where this Nation should be headed as we approach the 21st century. No decisions can be made, in my view, without that kind of long-term view.

It is my hope that we can work together—Congress and the President, Democrats and Republicans—to get this Nation on the right track not just for 1993 but for the next decade. I urge my colleagues to let me know their thoughts on these critical issues in the weeks and months ahead.

Following is the text of the statement I issued at a press conference yesterday, as well as a brief outline of my 10-year proposal.

PROPOSAL FOR A TEN-YEAR COMMITMENT TO RESTORING AMERICA'S FUTURE

Good morning. Nearly two years ago, Budget Director Richard Darman, writing about the incredible changes in the Communist world that were then only beginning to emerge, said, "this great historical shift has been almost trivialized in its translation into public debate about the budget."

The changes in the Soviet Union and the Warsaw Pact nations have, if anything, been even more extraordinary since Mr. Darman wrote those words. But his point is still a valid one. Unfortunately, his criticism is applicable not just to the Congress but to the President as well.

Today, the political debate over the budget seems to be converging on the short-range question of whether the 1990 budget agreement should be breached or revised in Fiscal Year 1992 or 1993 to permit a transfer of funds from defense spending to either domestic spending or foreign aid or tax relief or deficit reduction or some combination thereof. Mr. Darman has suggested that the agreement should be revised after the next election.

But no decisions can or should be made about changing the budget agreement without a careful understanding of the problems in our economy and the steps needed to confront these problems.

The changes of the magnitude we have seen require a nation's leadership to expand its vision and look to the future. We have watched as the economy and ideology of our foremost adversary have been tossed on the scrap heap of history.

But with the 21st century approaching, the fact is our own system is in grave danger of collapsing as well. And neither the President nor the Congress has been talking about how we address these problems over the next decade so that we can approach the 21st century in a position of strength.

We are all familiar with the problems. Our industrial base is no longer competitive internationally. Our educational system, once second to none, is behind in every meaningful category.

Budget deficits and debt continue to grow at record levels despite the budget agreement. Indeed, the Congressional Budget Office now projects that after the current budget agreement expires, budget deficits will begin to rise once again, reaching more than $300 billion by the year 2001. If that occurs, the national debt will grow to $5.1 trillion, taking it over the threshold of 50 percent of GNP, 50.2 percent to be exact, nearly double its level just a decade ago.

The nation's financial resources are being drained at an alarming rate. The recovery from this recession is proving to be extraordinarily slow, and the nation's businesses and workers are suffering.

Finally, perhaps most important of all, the American people have lost much of their confidence in government and in the nation's future.

If our national leadership fails to respond in a dramatic way to these challenges, then by the end of this decade we will be a second-rate economic power and our children and grandchildren will be forced into a second-rate standard of living.

This nation has been given a rare opportunity created by the fall of Communism to make the kind of decisions that will restore and strengthen the country for its rendezvous with the 21st century.

Therefore, the Speaker has asked that the Budget Committee undertake a comprehensive review of the budget situation in light of the changes in the world and the growing economic and social needs of the nation. To guide this process, I am proposing for the consideration of my Democratic and Republican colleagues in Congress, as well as the President, the outlines of a ten-year budget path that can guide us to where this nation needs to be not just in the year 1993 but in the year 2001.

Let me make clear that the outline reflects my view of the direction in which this nation must go. My hope is that this approach along with others can be fully debated and considered in the effort to develop a course of action for the President and the Congress.

There are three basic components that should frame the debate:

I. STREAMLINE GOVERNMENT

The first component is to streamline government to make it more efficient and enable it to serve the American people better. The cost of operating Federal departments has grown by 33 percent just since 1981, but few would claim that government has done a better job of coordinating policies or delivering services.

One approach that I believe should be considered is to consolidate the number of departments. There are fourteen today, and they too often work at cross-purposes, frustrating both policy and delivery of services.

One possibility would be to consolidate them down to as few as six—the Departments of State; Defense; Justice; Economic Policy; Human Resources; and Natural Resources. In the 1970's, the Ash Council recommended eight departments, and that is another approach to consider.

Consolidation, combined with desperately needed management reforms, would make government more efficient and less costly. It would result in a streamline of bureaucracy, both executive and legislative, that could produce substantial savings. The goal should be to reduce operating costs in non-priority areas by as much as 20 percent over the next decade. Ultimately, I believe such reforms would not only result in better management and a greater concentration of expertise in key areas but also help attract our best people to public service.

II. TARGET RESOURCES

The second component of this plan is to target the limited resources we will have over the next decade to investments in specific programs—both proven existing programs and new innovative ideas—in three areas critical to our future. First, improving our children's ability to learn and guaranteeing them a quality education; second, securing affordable health care for all Americans; and third, providing incentives and programs that advance economic growth.

A. Education. Regarding education, today's educational system is not preparing our children to work and compete in the next century. Furthermore, too many children are simply not prepared to be educated. Both problems directly threaten our economic future.

By the year 2001, our goal should be to: restore American students to the world's best in science and mathematics; extend the opportunity of literacy to every person; cut the school dropout rate by at least 70 percent; increase opportunity for higher education; provide adequate nutrition to the 5½ million children now estimated to go to bed or school hungry; and guarantee that every school-age child—no matter his or her background—is prepared to be educated.

Words alone are not enough. Our children's schools need resources, not rhetoric. In addition to reforms, an investment over the next decade in the range of $100-to-$120 billion will be needed.

B. Health. Regarding the second area, health, our present health care system, with 33 million Americans uninsured, millions of others at risk, and costs climbing through the roof, is intolerable. The challenge, within the next few years, is to establish a self-financing nationwide program that guarantees affordable health coverage for every American.

In addition, the goals of this effort should include, by the year 2001: cutting the rate of infant mortality by 50 percent; ensuring that every child receives necessary immunizations (six million currently do not); and intensifying the nation's search for the causes and cures of cancer, heart disease, and AIDS. To get this job done will require a ten-year investment of somewhere between $75 and $90 billion beyond current plans.

c. Economic growth. The third area for investment is economic growth. American businesses are distressed by the inadequacy of today's work force and the economy's inability to provide the resources, infrastructure, and incentives essential to growth.

By the year 2000, the nation should do the following: (1) implement a comprehensive national energy security plan that promotes conservation and a healthier environment and increases energy efficiency by 15 percent; (2) fund construction and innovation in the nation's infrastructure, including housing, roads, bridges, and mass transit; (3) extend intensive job training to the nearly half million young people most in need of meaningful employment; and (4) enact targeted tax incentives that encourage growth and provide middle-income tax relief without busting the budget or providing a bonanza to the rich. To pay for this will demand an investment over the next decade in the range of $130-to-$160 billion.

Clearly, there are other areas, such as anti-crime and anti-drug programs, where the nation needs to maintain a level of spending that keeps up with additional inflation and costs. But the three areas I have identified are where we should target new investments.

III. DEFICIT REDUCTION

The final component of this plan must be to confront a runaway deficit that continues to threaten our resources base for the future. Restoring the nation's savings base is essential both to reduced deficits and to the ability to make necessary investments.

While the budget agreement has provided an important first step in establishing fiscal disciplines and targets, more needs to be done. The combination of reduced revenues from the recession and increased costs from the S&L crisis are causing deficits to balloon in the short run, and CBO expects health care costs to continue to drive deficits higher in the second half of the decade.

If we follow the precedent of last year's budget agreement, in which the President and Congress matched every two dollars in spending of about a trillion dollars in deficit reduction over the decade, bringing the deficit down from 6.1 percent of GNP to less than 1 percent.

In light of the changes in the world, the first step we need to take is a gradual reduction of at least 33-to-40 percent in military spending over the decade, expanding on current plans for a 20–25 percent reduction by 1995, and on the President's recently announced shifts in our defense posture. The goal should be a defense that guards against the threats of the future but does not waste resources on those of the past.

In addition, government streamlining, reductions in non-priority domestic areas, and cost controls in the ever-expanding entitlement programs are needed to produce the required savings.

This approach is practical but tough, it builds on the current budget agreement, but it makes it clear that more needs to be done.

Ultimately, the future of this plan and the future of any changes in the budget agreement will depend on the will of the people, the President, and the Congress to confront these challenges.

In the 1980's, the nation closed its eyes, crossed its fingers, and hoped for the best. The result is a nation besieged by debt and serious economic and domestic problems that threaten our future. The question for the President and the Congress is whether the 21st century will remember today's leadership for its success or its failure at rebuilding the nation and restoring America's future.

RESTORING AMERICA'S FUTURE: PROPOSAL FOR A TEN-YEAR COMMITMENT

Chairman Panetta has proposed the following outline of a ten-year budget path to restore America's greatness as an economic power, secure productive and healthier lives for our people, and restore the trust of the American people in their government.

1. STREAMLINE GOVERNMENT

We should consider consolidating government to provide greater efficiency and better delivery of services by: reducing cabinet departments from 14 to as few as 6: Human Resources, Defense, Natural Resources, Economic Policy, State, and Justice; spending reduction in non-priority areas: up to 20% over ten years; and separating an Office of Federal Management from OMB to improve governmental performance.

2. TARGET RESOURCES

We must invest resources in those areas most critical to rebuilding America:

Education

Goals: extend literacy to the 30 million currently illiterate Americans; become #1 in the world in math and science; prepare all children to be educated prior to first grade; cut school drop-out rate by at least 70%; increase opportunity for higher education; and provide adequate food to the 5½ million children now hungry.

Investment: $100 billion to $120 billion over ten years.

Health care

Goals: enact a self-financed nationwide program that guarantees affordable health care for all Americans, including the 33 million uninsured; achieve 100% immunization of children, including the 6 million currently uncovered, and expand preventive health care efforts; and cut the infant mortality rate by 50%, bringing America from 24th in the world to 1st.

Investment: $75 billion to $90 billion over ten years.

Economic growth

Goals: extend job training to the one-half million young people most in need; implement a comprehensive national energy security plan that promotes conservation and increases energy efficiency by 15%; fund infrastructure, including housing, roads, bridges and mass transit; provide targeted tax incentives to encourage growth and provide middle-income tax relief;

Investment: $130 billion to $160 billion over ten years.

3. DEFICIT REDUCTION

To achieve lower interest rates, and to increase competitiveness and productivity, the nation's savings base must be restored. This requires a reduction of the Federal deficit: achieve at least a 33% to 40% cut in military spending by the end of the decade, reductions in non-priority domestic areas, including entitlements, and revenue increases; and reduce the deficit to less than 1% of GNP by the year 2001; total net deficit reduction of $800 billion to $1 trillion over ten years.

RECOGNIZING MENTAL ILLNESS FOR WHAT IT IS: AN ILLNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LAGOMARSINO], is recognized for 5 minutes.

Mr. LAGOMARSINO. Mr. Speaker, one of the most difficult tasks we face in caring for those with mental disorders is to recognize that such illnesses are treatable and should be dealt in the same manner as we treat other diseases—with care and love. Too often those with mental illnesses are made to feel like pariahs. The time for hiding such disorders should be a thing of the past. We must remove the stigma attached to such afflictions. We must no longer react with disdain when a person is suffering with a severe mental disorder. It should not be a shameful thing to be sick because the disorder happens to be mental rather than physical in nature.

I want to call your attention to the fine work which is being done at the National Institute of Mental Health to change the way we view mental illness. I am, of course, referring to the publication issued by the National Advisory Mental Health Council proposal for a national plan of research on mental disorders and services. That report, prepared under the supervision of my wife Norma and Drs. James Jackson of the University of Michigan and Joseph Coyle of Johns Hopkins University has been issued and presented to Congress by Dr. Jack Burke.

The significance of this report entitled: "Caring for People With Severe Mental Disorders: A National Plan of Research to Improve Services," is that it offers hope for a better way of life to those individuals with a mental illness.

The report identifies the major obstacles which must be overcome in order to provide equitable and effective care for the mentally ill. These are: the heterogeneity of mental illness; the emotions stirred by mental illness; the insufficient use of science. These are all addressed by the plan. I find it gratifying to see the culmination of an idea made into such an outstanding reality.

One focus of the report is on ways to improve the quality of care being provided. A general theme of this concern is to find better ways to integrate the goals, and lessons from past experience, of consumers and family members into treatment planning.

A second focus of the report is to improve the organizing and financing of care. As effective services become known, it is essential to ensure that they are available to the full range of people who would benefit from them.

A third focus of the report is on developing the research resources needed to undertake such a challenging scope of work.

Another point which cannot be emphasized too strongly and which should not be overlooked when discussing mental health is recognizing that early intervention is the key to treating individuals suffering from mental illness. In many cases, if caught in time such illnesses as schizophrenia and manic depression can be treated successfully with medication. As a result, this person is then empowered to lead a more normal and satisfying life. Such treatment would also prevent a whole host of problems for the patient and his/her family. It is heartbreaking and devastating both emotionally and financially for many families who have someone they love suffering from such a disorder.

I cannot stress enough the value of the work being done by organizations such as the National Alliance for the Mentally Ill [NAMI]. The support they give to family members faced with such an ordeal is invaluable. In fact, NAMI recently co-hosted two congressional seminars which brought to light need to revamp our insurance coverage which is totally remiss in this area.

By declaring the week of October 6–12 as Mental Health Awareness Week, we are providing a forum to call attention to the many and varied problems associated with mental illness. We are making strides in research and treatment, but we still have much more work ahead of us. Through patient and understanding and a recognition that anyone can become a potential victim of a mental health disorder such a depression or anxiety we will bridge the gap which currently exists when dealing ways to treat the mentally ill.

MENTAL HEALTH AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PETERSON] is recognized for 5 minutes.

Mr. PETERSON of Florida. Mr. Speaker, I rise today in strong support of commemorating the week of October 6–12 as Mental Illness Awareness Week. I commend Congressmen MIKE KOPETSKI, RON MACHTLEY, and BOB WISE for their leadership on this initiative, and thank all the Members of the House of Representatives who have shown their overwhelming support for this important issue.

After many years of interest, 5 years as director of a mental health service for severely disturbed adolescents, and considerable research on this subject, I am convinced that we are making tremendous advances in the area of treatment of mental illness. Luckily, we are far removed from the days when those who suffered from mental illness were scorned by society. It is essential that we as legislators do everything we can to publicize the fact that mental illness is just that, a treatable illness.

Many Americans are mentally unhealthy because of severe chemical, hormonal, or genetic disturbances, which we are making great process in treating. Both Federal and private laboratories and research facilities are occupied full tilt on this problem, which will be solved with major scientific breakthroughs and advances requiring time, money, and patience. We are on the right track: we will get there.

Thousands of people, who currently live a normal life, previously had crippling diseases, such as manic depression and vegetative depression. Other diseases, like the major chemical-genetic disorder schizophrenia, have proven to be a more formidable foe for scientists and physicians. But even here, remarkable progress in reinstitutionalization and return to normal life has been accomplished for many of those afflicted.

However, in the much larger arena of mental wellness, there is considerable work to be done. The number of Americans struggling with the various problems of everyday life, such as juvenile disorders, midlife crisis, and retirement malaise, is rapidly increasing. Only through greater understanding of these problems can we restore some degree of mental wellness to these individuals.

Mr. Speaker, many of our people have lost a degree of hope, lost faith, lost compassion, and lost vocational satisfaction. These are the people who, while easily treatable, refuse to seek professional help for fear of public ridicule. This is why it is essential that we recognize the ubiquitousness of this problem, and work to help those who suffer from all forms of mental illness.

MENTAL ILLNESS AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 5 minutes.

Mr. FAZIO. Mr. Speaker, I rise in observance of Mental Illness Awareness Week and in support of increased knowledge and understanding of mental disorders.

Although 90 percent of our information about the workings of the human brain was developed during the last 10 years, our attitude toward mental illness has not kept pace. In many respects, we are still operating in the Dark Ages, where ignorance of mental illness bred fear, prejudice, and stigmatization. Yet, our attitudes must keep up with our increased knowledge if we are to pave the way for better treatment for Americans afflicted with mental disorders.

Mental illness takes many forms, including schizophrenia, depression, Alzheimer's disease, manic depressive illness, and anxiety disorders. And every year, between 30 and 40 million of us here in the United States suffer from some form of this affliction; 23 million of us are severely incapacitated. At some point in their lives, one in every five citizens will experience a mental illness.

It is also a known fact that depression is the major risk factor for suicide. But, in spite of the fact that the potential for successful treatment of many mental disorders does exist, only 20 percent of those Americans with diagnosable mental illnesses actually receive help.

Mental illness does not just affect adult Americans. Anywhere from 10 to 20 percent of our children and adolescents suffer from mental disorders. Among our 18- to 20-year-olds, such disorders double the risk of future substance abuse and dependence. These young people go untreated for years.

We fix broken bones. But, when it comes to fixing broken minds, the best we can do is to stigmatize psychological or psychiatric treatment. There is across-the-board discrimination against those with mental disorders. For example, the vast majority of employers limit the annual payout for office visits for behavioral care to about $2,000. And employees must pay a larger share—up to 50 percent—for behavioral care than they do for other medical services.

However, if we seriously focus on becoming more aware of the nature of mental illnesses, we should soon reach the point where we see mental illness in pretty much the same way we see any other illness. If we are able to kill the stigmatization, we will be able to move toward substantial, sustained funding for increased research that will in turn allow us to provide Americans with the quality and quantity of services they deserve. We can progress to the point where we diagnose early and offer appropriate treatment to end the unnecessary suffering that inadequate treatment causes. We can help those who are afflicted become healthy, productive, functional citizens.

Again, I wholeheartedly support Mental Health Awareness Week and applaud my colleagues, Representatives KOPETSKI, MACHTLEY, and WISE, for their efforts toward contributing to increasing our comprehension and understanding of mental health issues.

RADIO BROADCASTING TO ASIA

Mrs. BENTLEY. Mr. Speaker, for some time now, I have been involved in an effort to establish a much needed surrogate radio service for Cambodia, Laos, and Vietnam. The bill that we are considering here today, H.R. 1415, contains a provision to establish an 11-member independent Commission to study the feasibility of instituting a new United States broadcast service to the People's Republic of China and the other Communist countries in Asia.

The Commission's expanded mandate to include the other Communist countries in Asia, came about as the result of an amendment that was offered during the recent House-Senate conference. As the amendment was offered by a cosponsor of my Radio Free Asia legislation, it is clear to me that Cambodia, Laos, North Korea, and Vietnam are synonymous with the phrase "other Communist countries in Asia."

One country that conceivably could slip through the cracks, due to conflicting interpretations of its political status, is Burma. In its annual U.S. and Asia Statistical Handbook, the Heritage Foundation defines the political structure of Burma as a military dictatorship. While this is a technically correct definition, I reject the notion that this closed society, where the democracy movement was ruthlessly hijacked at gunpoint, should be excluded from consideration as we perform a comprehensive evaluation of our broadcasting into Asia. It is my hope that the Commission gives due consideration to the inclusion of Burma in the list of countries to be considered for additional broadcasting.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EWING (at the request of Mr. MICHEL) until 3 p.m. today, on account of congressional business.

Mr. HASTERT (at the request of Mr. MICHEL) for today, on account of congressional business.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today, on account of personal reasons.

Mr. POSHARD (at the request of Mr. GEPHARDT) for today and October 9, on account of official business.

Mrs. LLOYD (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material.)

Mr. CHANDLER, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes each day, on October 21, 22, 23, 24, 25, 28, 29, 30, and 31, and November 1.

Mr. LAGOMARSINO, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. HAYES of Illinois, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today and on October 9.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. PETERSON of Florida, for 5 minutes, today.

Mr. FAZIO, for 5 minutes, today.

Mr. WISE, for 60 minutes, today.

Mr. MONTGOMERY, for 60 minutes, on October 10.

Mr. DORGAN of North Dakota, for 60 minutes, on October 10.

Mrs. MINK, for 60 minutes, on October 10.

Ms. KAPTUR, for 60 minutes each day, on October 9, 10, 15, 16, and 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:

Mr. PACKARD in two instances.
Mr. BROOMFIELD.
Mrs. MEYERS of Kansas.
Mr. SOLOMON in two instances.
Mr. GOSS.
Mr. HYDE.
Mr. PORTER.
Mr. RIDGE.
Mr. FIELDS.
Mr. MCEWEN.
Mr. GILMAN.
Mr. GREEN of New York.
Mr. ARMEY.
Mr. SHAW.
Mr. LIVINGSTON.
Mr. KYL.

The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:

Mr. CLEMENT.
Mr. LANTOS in two instances.
Mr. SWETT.
Mr. BONIOR in two instances.
Mr. DARDEN in two instances.
Mr. BORSKI.
Mr. SKELTON.
Mr. PEASE.
Mr. WISE.
Mr. LAROCCO in two instances.
Mr. STARK in six instances.
Mr. VENTO.
Mr. DINGELL.
Mr. TRAFICANT.
Mr. MRAZEK.
Mr. MILLER of California.
Mr. LEVIN of Michigan.
Mr. RAY in two instances.
Mr. ROYBAL.
Mr. LAFALCE.
Mr. MFUME.
Mr. SOLARZ.
Mr. TOWNS in 10 instances
Mr. GUARINI.
Mr. REED.
Mr. MATSUI.
Mr. MAVROULES.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2387. An act to authorize appropriations for certain programs for the conservation of striped bass.

H.R. 3259. An act to authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth; and for other purposes.

H.J. Res. 189. Joint resolution designating October 8, 1991, as "National Firefighters Day."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1773. An act to extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.

ADJOURNMENT

Mr. MCNULTY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 9, 1991, at 12 noon.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose or evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 102d Congress, pursuant to the provisions of 2 U.S.C. 25:

Ed Pastor, Second District Arizona.

EXECUTIVE COMMUNICATIONS, ETC.

2185. Under clause 2 of rule XXII, a communication from the President of the United States, transmitting his notification of his declaration of a national emergency with respect to Haiti, pursuant to 50 U.S.C. 1701 et seq., 50 U.S.C. 1601 et seq., and section 301 of title 3 of the United States Code (H. Doc. No. 102-147); to the Committee on Foreign Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3300. A bill to enhance the financial safety and soundness of the Federal Agricultural Mortgage Corporation; with an amendment (Rept. 102-210, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Rules. House Resolution 240. A resolution providing for the consideration of H.R. 2369, a bill to establish the Flint Hills Prairie National Monument (Rept. No. 102-245). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 241. A resolution providing for the consideration of H.R. 1470, a bill to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing (Rept. 102-246). Referred to the House Calendar.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2369. A bill to establish the Flint Hills Prairie National Monument; with an amendment (Rept. 102-244). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1489, a bill to increase the safety to humans and the environment from the transportation by pipeline of natural gas and hazardous liquids, and for other purposes; with an amendment (Rept. 102-247, pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD (for himself, Mr. Wyden, Mr. Jones of North Carolina, Mr. Davis, and Mr. Lent):

H.R. 3512. A bill to direct the Secretary of Transportation to dispose of certain vessels in the National Defense Reserve Fleet; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMPBELL of California:

H.R. 3513. A bill to extend most-favored-nation treatment to the products of Armenia; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 3514. A bill to amend the Internal Revenue Code of 1986 to provide for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets, and for other purposes; to the Committee on Ways and Means.

By Mr. COOPER (for himself, Mr. Bliley, Mr. Synar, Mr. Schaefer, and Mr. Bryant):

H.R. 3515. A bill to amend the Communications Act of 1934 to encourage competition in the provision of electronic information services, to foster the continued diversity of information sources and services, to preserve the universal availability of basic telecommunications services, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. KYL (for himself, Mr. Stenholm, Mr. McCrery, Mr. Dickinson, Mr. Grandy, Mr. Ravenel, Mr. Ireland, Mr. Inhofe, Mr. Stump, Mr. Hefley, Mr. Barton of Texas, Mr. Dannemeyer, Mr. Kasich, Mr. Walker, Mr. Ballenger, Mr. Santorum, Mrs. Johnson of Connecticut, Mr. Hancock, Mr. Payne of Virginia, Mr. Zeliff, Mr. Zimmer, Mr. Boehner, Mr. Barrett, Mr. Gallegly, Mr. Burton of Indiana, Mr. Hammerschmidt, Mr. Gingrich, Mr. Packard, Mr. Kolbe, and Mr. Holloway):

H.R. 3516. A bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through Federally-mandated liability reforms, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. LaFALCE (for himself and Ms. Kaptur):

H.R. 3517. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. LANTOS (for himself, Mr. Bonior, Mr. Broomfield, Mr. Gilman, Mr. Smith of New Jersey, Mr. Swett, Mr. Kolter, and Mr. Sensenbrenner):

H.R. 3518. A bill to restrict United States assistance for Serbia or any part of Yugoslavia controlled by Serbia until certain conditions are met, and for other purposes; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Ways and Means, and Public Works and Transportation.

By Mr. McDADE (for himself, Mr. Foglietta, Mr. Borski, Mr. Kolter, Mr. Schulze, Mr. Weldon, Mr. Shuster, Mr. Kanjorski, Mr. Murtha, Mr. Coughlin, Mr. Coyne, Mr. Ritter, Mr. Santorum, Mr. Gaydos, Mr. Goodling, Mr. Ridge, Mr. Murphy, and Mr. Clinger):

H.R. 3519. A bill to authorize the establishment of the Steamtown National Historic Site; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of Utah:

H.R. 3520. A bill to improve the management of the public lands by revising the program administered by the Bureau of Land Management of the Department of the Interior providing certain payments to units of local governments; to the Committee on Interior and Insular Affairs.

H.R. 3521. A bill to amend title 39, United States Code, to prohibit the mailing of medical waste except in limited circumstances; to the Committee on Post Office and Civil Service.

By Mr. PORTER:

H.R. 3522. A bill to establish the policy of the United States with respect to Hong Kong after June 30, 1997, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RIDGE:

H.R. 3523. A bill to provide for the protection and preservation of wetlands property held by the Resolution Trust Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROWLAND (for himself and Mr. Darden):

H.R. 3524. A bill to amend the Controlled Substances Act with respect to the use of forfeited real property as public areas reserved for recreational or historic purposes or for the preservation of natural conditions; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mrs. SCHROEDER:

H.R. 3525. A bill to apply the expanded definition of disposable retired pay used for computation of the maximum amount of a former spouse's share of military retired pay to divorces that become final before the effective date of amendments made by Public Law 101-510 as well as those after that date; to the Committee on Armed Services.

By Mrs. SCHROEDER (for herself, Ms. Snowe, Mrs. Boxer, Mrs. Collins of Michigan, Mrs. Collins of Illinois, Ms. DeLauro, Ms. Horn, Mrs. Johnson of Connecticut, Ms. Kaptur, Mrs. Kennelly, Mrs. Lowey of New York, Mrs. Lloyd, Mrs. Mink, Ms. Molinari, Mrs. Morella, Ms. Norton, Ms. Oakar, Ms. Pelosi, Ms. Slaughter of New York, Mrs. Unsoeld, Ms. Waters, Mr. Abercrombie, Mr. Ackerman, Mr. Atkins, Mr. AuCoin, Mr. Beilenson, Mr. Berman, Mr. Brown, Mr. Campbell of Colorado, Mr. Conyers, Mr. Dooley, Mr. DeFazio, Mr.

Dellums, Mr. Dwyer of New Jersey, Mr. Edwards of California, Mr. Evans, Mr. Fascell, Mr. Fazio, Mr. Frank of Massachusetts, Mr. Frost, Mr. Fuster, Mr. Hayes of Illinois, Mr. Jontz, Mr. LaFalce, Mr. Lehman of Florida, Mr. Levine of California, Mr. McDermott, Mr. McHugh, Mr. Markey, Mr. Matsui, Mr. Mineta, Mr. Mrazek, Mr. Nowak, Mr. Oberstar, Mr. Owens of Utah, Mr. Reed, Mr. Sabo, Mr. Sanders, Mr. Sawyer, Mr. Scheuer, Mr. Sikorski, Mr. Serrano, Mr. Studds, Mr. Towns, Mr. Weiss, Mr. Williams, Mr. Wolpe, and Mr. Wyden):

H.R. 3526. A bill to ensure economic equity for American women and their families and to respond to the need to revitalize the American economy by expanding employment opportunities; improving access to funds for women business owners; enhancing economic justice for women through pay equity, improved child support enforcement, and benefits for part-time workers; and providing economic and retirement security for women as workers and as divorced or surviving spouses; jointly, to the Committees on Education and Labor, Ways and Means, Banking, Finance and Urban Affairs, Small Business, the Judiciary, House Administration, Post Office and Civil Service, and Armed Services.

By Mr. SCHUMER:

H.R. 3527. A bill to amend the Atomic Energy Act of 1954 to restrict exports of nuclear weapons-usable highly enriched uranium; to the Committee on Foreign Affairs.

By Mr. SLATTERY (for himself, Mr. Horton, Mr. Rangel, Mr. Towns, Mr. Evans, and Mr. Harris):

H.R. 3528. A bill to establish a program of marriage and family counseling for certain veterans of the Persian Gulf war and the spouses and families of such veterans; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. STARK:

H.R. 3529. A bill to establish a commission to study the research needs of the United States that can be performed by the Department of Energy National Weapons Laboratories; jointly, to the Committees on Science, Space, and Technology and Armed Services.

By Ms. WATERS:

H.R. 3530. A bill to amend the Congressional Budget Act of 1974 to eliminate the division of discretionary appropriations into three categories for purposes of a discretionary spending limit for fiscal years 1992 and 1993, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. PASTOR (for himself, Mr. Kolbe, Mrs. Johnson of Connecticut, and Mr. Bustamante):

H.J. Res. 345. Joint resolution to designate October 15, 1991, as "Up With People Day"; to the Committee on Post Office and Civil Service.

By Mr. GEJDENSON:

H. Con. Res. 216. Concurrent resolution concerning the use of forced labor in Chinese prisons; to the Committee on Foreign Affairs.

By Mr. GINGRICH:

H. Res. 239. Resolution raising a question of the privilege of the House; laid on the table.

By Mr. SOLOMON:

H. Res. 242. Resolution providing for the consideration of the bill (H.R. 1367) to provide a program of Federal supplemental compensation, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. Durbin, Mr. Young of Florida, Mr. McMillan of North Carolina, Mr. Blaz, Mr. Fuster, Mr. Brooks, Mr. Hayes of Louisiana, and Mr. Glickman.

H.R. 134: Mr. Atkins, Mr. Bustamante, Mr. Gillmor, Mr. Crane, and Mr. Vander Jagt.

H.R. 193: Mr. Schumer.

H.R. 303: Mr. Hunter and Mr. Rogers.

H.R. 304: Mr. Rogers.

H.R. 608: Mr. Bevill, Mr. Brewster, and Mr. Spence.

H.R. 609: Mr. Ford of Michigan.

H.R. 784: Mr. Darden, Ms. Snowe, and Mr. Kyl.

H.R. 793: Mr. Dellums, Mr. Ritter, Mr. McMillen of Maryland, Mr. Brown, Mr. Sawyer, Mr. Miller of California, Mr. Stark, Mr. Andrews of Maine, Mr. Schiff, Mr. Gejdenson, Mr. Hunter, Mr. Ramstad, and Ms. Pelosi.

H.R. 961: Mr. Engel.

H.R. 1067: Mr. Anderson, Mr. Bilirakis, Mr. Campbell of California, Mr. Doolittle, Mr. Young of Florida, Ms. Long, and Mrs. Bentley.

H.R. 1130: Mr. Markey.

H.R. 1135: Mr. Evans.

H.R. 1239: Mr. Peterson of Florida, Mr. Foglietta, Mr. Cox of Illinois, and Mr. Lipinski.

H.R. 1245: Mr. Luken, Mr. Martin, Mr. Boehner, and Mrs. Lloyd.

H.R. 1259: Mr. Gunderson.

H.R. 1304: Mr. Parker.

H.R. 1414: Mr. Hoagland and Ms. Horn.

H.R. 1430: Mr. Bonior.

H.R. 1472: Mr. Fish.

H.R. 1473: Mr. Johnston of Florida, Mr. Barton of Texas, Mr. Markey, and Mr. Neal of North Carolina.

H.R. 1523: Mr. Rhodes and Mr. Cox of California.

H.R. 1527: Mr. Weldon, Mr. Moody, and Mr. Schiff.

H.R. 1546: Mr. Schiff, Mr. Stenholm, and Mr. Smith of Florida.

H.R. 1547: Mr. Schiff, Mr. Stenholm, and Mr. Smith of Florida.

H.R. 1566: Mr. Johnston of Florida and Mr. Reed.

H.R. 1707: Mr. Engel.

H.R. 1753: Mr. Dwyer of New Jersey.

H.R. 1774: Mr. Sanders.

H.R. 1860: Mr. Poshard.

H.R. 1992: Mr. Faleomavaega, Mr. Rangel, Mr. Jefferson, and Mr. Lipinski.

H.R. 2070: Mr. Hunter.

H.R. 2092: Mr. Sikorski, Mrs. Unsoeld, and Mr. Engel.

H.R. 2106: Mr. Dellums, Mr. Hertel, Mr. Mavroules, Mr. DeFazio, Mr. Smith of New Jersey, and Mr. Fish.

H.R. 2115: Mr. Aspin.

H.R. 2174: Ms. Norton.

H.R. 2215: Mr. Faleomavaega, Mr. Frank of Massachusetts, Mr. Lantos, Mr. Serrano, Mr. Washington, and Ms. Waters.

H.R. 2248: Ms. Pelosi, Mr. Neal of Massachusetts, Mr. Panetta, Mr. Fawell, and Mr. Barnard.

H.R. 2333: Mr. Nussle.

H.R. 2336: Mr. McMillan of North Carolina, Mr. Taylor of North Carolina, Mr. Solomon, and Mr. Ramstad.

H.R. 2355: Mr. Fish.

H.R. 2361: Mr. Owens of Utah.

H.R. 2369: Mrs. Boxer.

H.R. 2440: Mr. Frost and Mr. Smith of Florida.

H.R. 2441: Mr. Sikorski.

H.R. 2463: Mr. Wilson, Mr. Clinger, and Mr. Harris.

H.R. 2534: Mr. Synar, Mr. Hammerschmidt, Mr. Hutto, Mr. Richardson, Mr. Alexander, Mr. Darden, Mr. Kostmayer, Mr. Quillen, Mr. Murphy, Mr. Mfume, Mr. Sarpalius, Mr. Ireland, Mrs. Bentley, Mr. Poshard, Mr. Hochbrueckner, Mr. Ramstad, Mr. Coughlin, Mr. Mollohan, Mr. Murtha, Mr. DeFazio, Mr. Dellums, Mr. Peterson of Minnesota, Mr. Neal of North Carolina, Mr. Vander Jagt, Mr. Sanders, Mr. Spratt, Mr. Livingston, Mr. Pallone, Mr. Gordon, Mr. Porter, Mr. Markey, and Mr. Hefner.

H.R. 2559: Mr. Fish.

H.R. 2632: Mr. Hamilton.

H.R. 2651: Mr. Nagle and Mr. Kopetski.

H.R. 2755: Mr. Kolter, Mr. Reed, and Mr. Green of New York.

H.R. 2763: Mr. Smith of Oregon and Mr. Towns.

H.R. 2806: Mr. Porter, Mr. Nowak, Mr. Hancock, Mr. Condit, Mr. Bilbray, and Mr. Emerson.

H.R. 2819: Mr. Davis, Mr. Payne of New Jersey, and Mr. Camp.

H.R. 2890: Mr. de la Garza, Mr. Traficant, Mr. Evans, Mr. Packard, Mr. Santorum, Mr. de Lugo, and Mrs. Byron.

H.R. 2898: Mr. Bilirakis and Mr. Bereuter.

H.R. 2906: Mr. Jefferson and Mr. Towns.

H.R. 2922: Mr. McDermott, Mr. Berman, Mr. Conyers, Mr. Moody, Mr. Owens of New York, and Mr. Donnelly.

H.R. 3070: Mr. Traxler, Mr. Dicks, Mr. Andrews of Texas, Mr. Tanner, Mr. Barnard, Mr. Weber, Mr. Schiff, Mr. Torricelli, Mr. Jones of North Carolina, Mr. Yatron, Mr. Kolter, Mr. Owens of Utah, Mr. Hobson, Mr. Inhofe, Mrs. Boxer, Mr. Levine of California, Mr. Frost, Mr. Beilenson, Mr. Wylie, Mr. Fawell, Mr. Skaggs, Mr. Condit, Mr. Mavroules, Mrs. Unsoeld, Ms. Molinari, Ms. Norton, Mr. Sikorski, Mr. Kildee, Mr. Cramer, Mr. DeFazio, Mr. Brown, Mr. Franks of Connecticut, Mr. Hertel, Mr. Petri, Mr. McEwen, Ms. Snowe, Mr. Spence, Mr. Murphy, Mr. Callahan, Mr. de Lugo, Mr. Kyl, Mr. Richardson, Mr. Fazio, Mr. Ewing, Mr. Chapman, Mr. Hammerschmidt, Mr. Jefferson, Mr. Hansen, Mr. Grandy, and Mrs. Lloyd.

H.R. 3081: Mr. Schumer.

H.R. 3128: Mr. Horton and Mr. Smith of Texas.

H.R. 3129: Mr. AuCoin.

H.R. 3141: Mr. Espy.

H.R. 3142: Mr. Bevill and Mr. Brewster.

H.R. 3150: Mr. Schumer.

H.R. 3160: Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Edwards of California, Mr. Frank of Massachusetts, Mr. Kolter, Mrs. Lowey of New York, Mr. McCloskey, Mr. McDermott, Mr. Neal of Massachusetts, Ms. Oakar, Mr. Oberstar, Mr. Reed, Mr. Sabo, Mr. Sanders, Mr. Scheuer, Ms. Slaughter of New York, Mr. Torres, Mr. Traxler, Mr. Vento, Ms. Waters, Mr. Waxman, and Mr. Wyden.

H.R. 3164: Mr. Rogers.

H.R. 3193: Mr. Miller of Washington, Mr. Horton, and Mr. Dornan of California.

H.R. 3209: Mr. Roybal, Mr. Moran, and Mr. Jefferson.

H.R. 3221: Mr. Holloway Mr. Roth, Mr. Hutto, Mr. Wylie, Mr. Gingrich, Mr. Hyde, Mr. McCollum, Mr. Derrick, Mr. Spence, Mr. Gallo, Mr. Hancock, and Mr. Dorgan of North Dakota.

H.R. 3236: Mr. Studds.

H.R. 3354: Mr. Evans and Mr. Johnston of Florida.

H.R. 3373: Mr. Mfume, Mr. Derrick, Mr. Sarpalius, Mr. Fawell, Mr. Roe, Mr. Boehner, Mr. Emerson, Mr. Jefferson, and Mr. Lagomarsino.

H.R. 3401: Mr. Sikorski.

H.R. 3402: Mr. Sikorski.

H.R. 3407: Mr. Gejdenson, Mr. DeFazio, Mr. Ramstad, Mr. Fish, and Mr. Donnelly.

H.R. 3438: Mr. Stearns.

H.R. 3441: Mr. Stearns.

H.R. 3473: Mr. Torres, Mr. Dellums, Mr. Wyden, Mr. Roe, and Mr. Jefferson.

H.R. 3491: Mrs. Johnson of Connecticut.

H.J. Res. 123: Mr. Browder, Mr. Coughlin, and Mr. Regula.

H.J. Res. 175: Mr. de Lugo, Mr. Sangmeister, Mr. Perkins, Mr. Mfume, Mr. Carr, Mrs. Vucanovich, Mr. Skeen, Mr. Kolter, Mr. Murphy, Mr. Schumer, Mr. Gilman, Mr. Wise, Mr. Chapman, Mr. Applegate, Mr. Kleczka, Mr. Wyden, Mr. Dellums, Mr. Gephardt, Mr. Feighan, Mr. Geren of Texas, and Mr. Browder.

H.J. Res. 198: Mr. Bateman, Mr. Martinez, Mr. Spence, Mr. Bacchus, Mrs. Boxer, Mr. Walsh, Mr. Weldon, Mr. Skaggs, Mrs. Byron, Mr. Fish, Mr. Levin of Michigan, Mr. Bryant, Mr. Kennedy, Mr. Hall of Texas, Mr. Fazio, Mr. Markey, Mr. Smith of Florida, Mr. Moakley, Ms. Long, Mr. Young of Florida, Mr. Brown, Mr. Carr, Mr. Evans, Mr. Feighan, Mr. Gekas, Mrs. Johnson of Connecticut, Mr. Blaz, Mr. Ireland, Mr. McMillen of Maryland, Mr. Clinger, Mr. Weiss, Mr. Annunzio, Mr. Browder, and Mr. Young of Alaska.

H.J. Res. 261: Mr. Barnard, Ms. DeLauro, Mr. Faleomavaega, Mr. Lewis of Georgia, Mr. Pickett, Mr. Spratt, Mr. Stokes, and Mr. Thomas of Georgia.

H.J. Res. 299: Mr. Kleczka, Mr. Mineta, Mr. Fazio, Mr. Dymally, Mr. Emerson, Mr. de Lugo, Mr. Lancaster, Mr. Jontz, Mr. Faleomavaega, Mr. Martinez, Mr. Scheuer, Mr. Conyers, and Mr. Engel.

H.J. Res. 324: Mr. Pursell, Mr. Porter, Mr. Hefner, Mr. Neal of North Carolina, Mr. Lagomarsino, Mr. Towns, Mr. Tallon, Mr. Murphy, Mr. Grandy, Mr. Hastert, Mr. Petri, Ms. Snowe, Mr. Gekas, Mr. Lehman of Florida, Mr. McDade, and Mr. Slattery.

H.J. Res. 326: Mr. LaFalce, Mr. Weiss, Mr. Mineta, Mr. Hughes, Mr. Lancaster, Mr. Sharp, Mr. Moran, Mr. Matsui, and Mr. Saxton.

H.J. Res. 328: Mr. Pallone, Mr. Mavroules, Mr. Ritter, Mr. Applegate, Mr. Horton, Mr. Jontz, Mr. Torres, Mr. Machtley, Mr. Scheuer, Mr. Ackerman, Mr. Lowery of California, Mr. Bacchus, Mr. Visclosky, Mr. Towns, Mr. McNulty, Mr. Wolf, Mr. Dwyer of New Jersey, Mr. Cardin, Mr. Sawyer, Mr. Dooley, Mr. Neal of Massachusetts, Mr. Walsh, Mr. Frank of Massachusetts, Mr. Dannemeyer, Mr. Bustamante, Mr. Kennedy, Mr. Durbin, Mr. Condit, Mr. Hughes, Mr. Lipinski, Mr. Lehman of Florida, and Mr. Rangel.

H. Con. Res. 8: Ms. Slaughter of New York, and Mr. Hubbard.

H. Con. Res. 43: Mr. Conyers.

H. Con. Res. 156: Mr. Kennedy, Mr. DeFazio, and Mrs. Kennelly.

H. Con. Res. 166: Mr. Nagle, Mr. Berman, and Mr. Kopetski.

H. Con. Res. 177: Mr. Smith of New Jersey.

H. Con. Res. 192: Mr. Poshard, Mr. Bacchus, Mr. Condit, Mr. McCandless, Mr. Schiff, Mr. Hoagland, and Mr. Roberts.

H. Res. 107: Ms. Molinari, Mr. McCandless, Mr. Coleman of Missouri, and Mr. Campbell of California.

H. Res. 116: Mr. Penny, Mr. Oberstar, Mr. Johnson of South Dakota, and Ms. Norton.

H. Res. 152: Mr. Ewing.

H. Res. 173: Mr. Doolittle.

H. Res. 205: Mr. Price.

H. Res. 234: Mr. Miller of Washington, Mr. Jefferson, Mr. Kyl, Mr. Livingston, Mr. Armey, Mr. DeLay, Mr. Blaz, Mr. Moorhead, Mr. Stenholm, Mr. Hutto, Mr. Shays, and Mr. Engel.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1330: Mr. Annunzio.

SENATE—*Tuesday, October 8, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

The PRESIDING OFFICER. The Senate will be led in prayer this morning by the Reverend Richard C. Halverson, Jr., Chesterbrook Presbyterian Church, Falls Church, VA.

PRAYER

The Reverend Richard C. Halverson, Jr., offered the following prayer:

Let us pray:

As we open in prayer, we recall an observation by the American poet, Carl Sandburg, that the Civil War was essentially fought over one English verb. Before the war this country was identified in all treaties as, "The United States are." After the war, the new reference was, "The United States is."

We gratefully acknowledge, in God's providence, that this Chamber houses the Senate—not of a loose confederation of States but of the United States. We pray for the diversity and solidarity of our land. And we petition You, Lord, for the spiritual and material welfare of every State.

This brief prayer does not allow us to remember each individual State. This morning we pray for just one—the State of Maine.

As the health of each State is indispensable to the strength of the whole, we seek Your favor on this 23d State of the Union.

We raise its flag as a form of prayer. Let the pine tree, the water, and the moose in the center of the flag, be expressions of thanksgiving for the productive and beautiful land You have placed in our care.

May the people symbolized on the flag be our petition for the people of our land.

We pray especially for the leadership of Maine, requesting Your divine oversight for Senator GEORGE MITCHELL and his family and Senator WILLIAM COHEN and his family. Be with the leaders in the congressional districts, the mayors and councils in the cities, and the Governor.

And finally, may the flag's inscription, "Dirigo," meaning, "I Direct," be an unforgettable reminder of Your promise that in spite of whatever shall befall us, You direct and lead.

In conclusion, Lord, we would be remiss if we would not remember this morning to ask for Your direction in the proceedings of this important and long day. Be with every Senator and their staffs and their families. As they vote today and go through the responsibilities they face, give them unusual wisdom and strength. And then, as they return home, Lord, help them govern their families well.

We pray these things in Christ's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 8, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

RESERVATION OF LEADER TIME

Mr. MOYNIHAN. Mr. President, I have been requested by the leadership to ask their time be reserved for their use at some other point in the day's procedure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise, as it has been this Senator's practice for several years now, to observe that this is the 2,397th day of the captivity of Terry Anderson in Beirut. He, as the distinguished Presiding Officer knows, appeared early yesterday in a video cassette from Beirut. He spoke of his captivity, and howsoever outrageous—and it is outrageous—it appears to have become endurable for the moment.

He is with Terry Waite and Tom Sutherland. They have two chess sets. They get U.S. News & World Report, Time, Newsweek, and the Economist, and they can listen to the BBC and the Voice of America. And Terry has learned French from his colleague, Tom Sutherland. He appeared to his sister Peggy to be in much better physical shape than the last time a photograph appeared. And he said yesterday that, and I quote him, "I've been told just a little while ago that we can expect some good news very soon."

Once again, Mr. President, I join the Senate in wishing that to be the case. Without in any way diminishing a sense of fury at what has been done. To think that they hold men hostage for nominally religious purposes makes it all the more sacrilegious.

And so for what I hope will be the last time on these remarks, I yield the floor.

Mr. LEAHY. Mr. President, I want to compliment the distinguished Senator from New York and my good friend and neighbor, I might say, for the statement he has just made. And perhaps in some ways I have been a bit remiss that I have not complimented him when he has made numerous statements similar to this one to remind the U.S. Senate and the American people of the plight of Terry Anderson and the other hostages.

I say I may have been remiss in not doing that because at times I am sure the distinguished Senator from New York has felt almost lonely on the floor. He has carried the vigil. He has really been the constant conscience on this issue.

I have stated many, many times in my almost 18 years in this body that the U.S. Senate should be the conscience of the Nation. Well, the distinguished Senator from New York [Mr. MOYNIHAN] on many, many issues—from Social Security to the hostage question—has jogged our conscience.

I hope that he does not have to do this ever again. I hope, as he does, that his next statement tomorrow, today, might be to say Terry Anderson has been released and that the others have been released. We all hope that.

It has been a cruel, cruel display on the part of the hostage holders. They dangle out photographs. They give hints that the hostages might be released, and then they yank them back. You wonder what that does to the hostages themselves. Someday we will know, when we hear from them. But all of us, as family members, must know what that does to their families, their loved ones, people like Senator MOY-

NIHAN, who has kept the flame lit here and who has made the comments he has. And I wonder—given the cruelty, the baseness, the vileness, the obscenity, the real obscenity of holding hostages—I wonder what the hostage holders think they could gain by it. Because our country, a great and powerful and good nation, is not going to be brought to its knees by this. Rather, we are going to ask what sort of people are these?

Mr. President, I was not going to speak on this issue today. I am planning to speak on another one.

But I just wish to express my appreciation and my admiration for the distinguished Senator from New York. If, indeed, we are to be the conscience of the Nation, he has stepped forward in times when that voice of conscience has not been heard and has been that voice for all of us. So I salute my good friend and good neighbor.

Mr. MOYNIHAN. I thank my gallant friend and neighbor.

Mr. LEAHY. Mr. President, I wish to speak on another matter.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair reminds the Senator if he wishes to speak, the period for morning business under the previous order extends until 10 a.m., and Senators are permitted to speak therein. The Senator is recognized.

NOMINATION OF CLARENCE THOMAS

Mr. LEAHY. Mr. President, I wish to speak, again, on the matter of Judge Clarence Thomas' nomination to the Supreme Court. I have spoken on this issue on other occasions on the floor and before the Judiciary Committee.

Although I reached my decision to oppose Judge Thomas' nomination for other reasons, we all know Prof. Anita Hill has made some serious charges against him.

If the President, if Judge Thomas, if the Republican leadership wanted to clear up the issues raised by these charges, they would postpone the vote. There is a very easy way to postpone today's vote. All that has to be done is for Judge Thomas himself to say to the Republican leadership: "I do not object to a postponement. I want this matter cleared up. I want to appear under oath before the Judiciary Committee. I want Anita Hill to appear under oath before the Judiciary Committee," and let us hear this matter.

I think the Senate would be better if that happened. The American people would be better served if that happened. These are serious charges. Let us consider them not on the basis of press releases or other statements. Let us consider them on the basis of testimony from the two people who know the most about whether the charges are valid or not—Professor Hill and Judge Thomas. Let them appear before the Judiciary Committee under oath. And let this matter be settled.

But to do that, the Republican leadership must agree to a delay in the vote now scheduled for later today. I urge them, I urge the President, I urge Judge Thomas to ask for such a delay. As one Senator, I would eagerly and willingly agree to such a delay to let the matter be determined once and for all.

In fairness to Judge Thomas, in fairness to the Supreme Court, in fairness to the American people, the Republican leadership should allow the Senate to clear up this matter.

Our responsibility to advise and consent on Supreme Court nominations is a most solemn duty, and each Senator must approach it with reflection and care. Nominations to the Court bring together two branches of our Government to select the members of the third. If the Senate fails to take its advice and consent role seriously, it abdicates its duty to guarantee the independence of the courts and the rights of our citizens.

The Supreme Court is an institution that has dramatically shaped the course of our history. For more than two centuries, individual Americans have believed that the Supreme Court is the one place they could turn, the one place where their rights would be protected. Americans have looked upon the Court as the ultimate guarantor of their rights and liberties.

Members of that Court must possess, above all, a deep and unerring vision of the Constitution and the role that document plays in our society. A nominee must possess that vision and must bring it to bear on cases argued on the day he or she ascends to the highest court in the land.

Mr. President, after days of hearings, I cannot promise the people of Vermont that I am sure this nominee will protect their rights. Consequently, I cannot consent to Judge Thomas' nomination.

After reviewing his record and listening to Judge Thomas' testimony, I was left with too many unanswered questions. As I have discussed in detail in my previous statements, I was troubled by Judge Thomas' lack of expertise on constitutional issues, by his disturbing flight from his record, by his refusal to answer legitimate questions meaningfully, and by his unwillingness to clarify a troubling record on the fundamental right to privacy.

My first concern was that nothing in Judge Thomas' record or testimony suggests the level of professional distinction or constitutional grounding that a Supreme Court nominee ought to have. His legal, as distinguished from administrative, experience is limited, as is his judicial experience. It amounts to 1½ years on the court of appeals with scant consideration of constitutional issues. His speeches and writings have shown little in the way of analysis or scholarship.

My second concern was Judge Thomas' disturbing flight from his record. Instead of taking responsibility for the statements he made as Chairman of the Equal Employment Opportunity Commission, Judge Thomas asked the committee to weigh only his statements during the hearings in determining who the real Judge Thomas is.

My third concern was Judge Thomas' selective refusal to answer questions. I told him when the hearings began that I expected answers to fair questions. But he played it safe—whether on his own decision or the advice of others, I know not. But he declined to respond to many questions he should have answered. The decision not to tell us how he thinks was his and his alone. In choosing not to share his vision of the Constitution, Judge Thomas failed to provide the information that I need if I were to consent to his nomination.

But just as no one could compel Judge Thomas to answer the Judiciary Committee's questions, no one can compel me to vote for a nominee who has not satisfied his obligation to answer legitimate questions. He does not have to answer the questions if he does not want to. But I do not have to vote for him if he does not answer those questions, and I will not.

Nothing in his testimony before the committee alleviated my concerns about his record on privacy rights. I was particularly concerned by Judge Thomas' comments to me that he had never discussed Roe versus Wade. I do not know of a thoughtful lawyer in this country, not to mention a Federal judge or a nominee to the Supreme Court, who has not discussed that landmark decision. Some have raised questions about Judge Thomas' comments on this point, but the record speaks for itself. And I encourage all Senators to read that part of the record. The record speaks far more eloquently than I or any other Senator could on this floor.

The fundamental right to privacy is much more than the constitutional right of women to make very personal decisions about reproduction. It is the right of all of us to be free from Government intrusion into the most basic, private aspects of our lives. The public has a right to know where a nominee to the Supreme Court stands on the fundamental right to privacy, and I cannot consent to a nominee who refuses to explain his own record on this issue.

As I said before, Mr. President, I decided to vote against Judge Thomas for the reasons I have explained on the floor of the Senate (CONGRESSIONAL RECORD, September 24, 1991, S13479) for the reasons I have explained at the time of the vote in the Judiciary Committee (September 27, 1991) and for the reasons I have explained in the report of the Judiciary Committee, in which I added additional views (Senate Exec. Rept. 102-15).

Quite apart from any charges that have come out in the past few days, I feel strongly, as one U.S. Senator, that all of the reasons I have stated before are ample reasons to vote against Judge Thomas.

But, in the past few days, the public has heard allegations that previously were heard only by Senators who had either read an FBI report, or who had been briefed about the contents of the FBI report. These charges themselves are serious. They ought to be cleared up. For the good of our country, for the good of Judge Thomas, in fairness to the President who made the nomination, and especially for the good of the U.S. Supreme Court, let us clear them up.

That is why I call on the Republican leadership to ask for a delay, one that would be granted immediately if they did. Bring in Professor Hill, bring Judge Thomas back before the committee under oath, and ask them directly under oath: Are these charges true? Or are they false? Let 100 Senators listen to those answers, watch those answers, hear the content of those answers. Let every one of us make up our mind on that question prior to the time we vote.

The American people will be ill-served by rushing to judgment on a lifetime appointment to the Supreme Court. There are ample reasons for voting against Judge Thomas absent the issues raised by Professor Hill, but I do know that many, many Senators feel that these are issues that should be explored. If they wish to have further time, I, for one, am willing to give it to them. I am willing to stay all this week and all next week to do that. I am perfectly willing to agree to a delay. You know and I know and every Senator in this body knows that if Judge Thomas asked for such a delay to answer these charges, that delay would be granted by the U.S. Senate. If the Republican leadership of the U.S. Senate asked for such a delay, it also would be granted. It should be done. No one should have to vote for a lifetime appointment who is under this kind of a cloud. Let us hear these very serious charges discussed under oath and let us delay until we have had time to do so.

Mr. President, I yield to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York [Mr. MOYNIHAN] is recognized.

THE SUPREME COURT

Mr. MOYNIHAN. Mr. President, very much in the spirit in which the distinguished chairman of the Committee on Agriculture, Nutrition, and Forestry has spoken, I wish to speak this morning. I do not wish to delay him but simply to say that he spoke for the good of the Court and, I think, as he always will do, spoke for the good of the Senate as well, because the Court, that "least dangerous body," as the Framers put it, depends entirely on our wisdom and judgment in constituting the Court itself, just as the Nation depends on the Court's wisdom and judgment in making decisions about the Constitution. The Court is altogether passive as regards its membership. They only accept what we send, and the appointment is for life. I sometimes wish we were closer to them. I think when they served down the hall, one floor down and five doors away, we were a little closer. When they moved to that great temple across the park in 1935, we lost that touch with them and we do not realize how dependent they are on us. But there you are.

Mr. President, I would like to make some remarks which I had intended to make yesterday morning, in which I say a Supreme Court nomination brings out the fine qualities of the Senate, and for good reason. We are, above all things, a nation of laws. Law brought us into being, not some prehistoric mythic phenomenon like the babes of Rome, suckled by the wolf, whatever. Instead, this Nation arose from a declaration, as it was termed, the Declaration of Independence, as we call it. We stated that our independence followed from illegalities or improprieties on the part of the Government of Great Britain which had become for us insupportable and led us to invoke the right of separation to which "the laws of nature and nature's God" entitled us.

The Supreme Court, provided for in article III of the subsequent Constitution, is the embodiment of the authority of our laws. It is where we turn when their meaning is in dispute. More specifically, it is where lawyers turn, in consequence of which a Supreme Court nomination is a matter of the liveliest interest to lawyers generally and hugely animating in a body such as the Senate, which now, as ever, is made up, for the most part, of members of the bar. Hence, a certain diffidence arises on the part of a Senator such as I, not a lawyer, or at least a very certain diffidence on the part of this Senator.

Of the eight current members of the Court, four have been confirmed since I have come to the Senate, one nomination was rejected, and now, of course, we have the nomination of Judge Thomas before us. So I am no stranger to these debates, albeit at times they are strange to me. I am not feigning innocence here.

Consider the matter of the right of privacy, which my able and learned friend from Vermont was just addressing, or the alleged right of privacy, assumed right of privacy, implicit right of privacy, and so it seems to me a baffling range of assertions. The nonlawyer asks what on Earth are the third and fourth amendments about if not privacy? One is told it is more complicated, and I think of that well-worn observation, "The question's much too wide, and much too deep, and much too hollow. And learned men on either side use arguments I cannot follow."

Still, it may be useful that there are some Members of the Senate who are not lawyers. It may just be the least bit easier for the nonlawyer to keep in mind the argument of the idea central to our Constitution as most recently explicated by Harvey Mansfield, Jr., which is that the Constitution creates a government of limited powers. Not only because the powers of government ought to be limited, but also—and I think you can find this in Hamilton and in Madison—because in the nature of things that powers of government are limited. In the sense that, try as it will, there are limits to what governments can do. Witness Dr. Johnson on the subject—and I hope I am close to the original—that passage where he says: "How few of all the ills that human hearts endure that part which laws or kings can cause or cure."

The Court has sometimes brought on great turbulence, as in the Dred Scott decision. It has sometimes eased the transition of society from one era to another, as when Justice Stone casually suggested to Frances Perkins that a Social Security program premised on the taxing power would surely pass muster. It would take another generation to get Social Security. The Court can create consensus, as it did so wonderfully in Brown versus Board of Education. It can precipitate discord, as in Roe versus Wade. So still for what little it may be worth, I would judge that its prominence in political matters has, on the whole, diminished over the past generation. I stand ready to be corrected, of course—and equally this trend, if true, is subject to reversal without notice.

Mr. President, there is one thing the Court does do, a thing which the U.S. Constitution surely anticipates that it will, and that is to protect minorities against majorities. Of the three branches of Government, it is to the Court that we look for this all-important role.

PIPELINE SAFETY IMPROVEMENTS FOR MISSOURI AND THE NATION

Mr. DANFORTH. Mr. President, since September 1988, there have been several serious pipeline accidents in Missouri and Kansas.

Similarities between some of the accidents indicate that certain kinds of pipeline need more attention so potential dangers can be avoided. Specifically:

Natural gas distribution lines caused explosions in Oak Grove, MO, two people killed; Kansas City, MO, one killed, five injured; and Overland Park, KS, four injured.

Cast iron natural gas pipelines ruptured in Kansas City, MO, one injured, and Topeka, KS, one killed, one injured.

Older oil pipelines spilled 850,000 gallons of crude oil in Maries County into the Gasconade River, and 100,000 gallons into the Chariton River near Ethel, MO.

Earlier this year, Senator BOND and I introduced S. 1055, the Pipeline Safety Improvement Act of 1991 to prevent accidents like these. The provisions of S. 1055 are included in S. 1583, the pipeline safety bill that the Senate is considering today. Specifically, S. 1583 requires the following safety actions by DOT:

First, protection of the environment as well as lives and property from pipeline hazards;

Second, collection of specific information on the location and age of pipelines;

Third, regulations for detecting, locating, and shutting down pipeline ruptures in urban and environmentally sensitive areas;

Fourth, performance standards and regulations for the installation of excess flow valves on natural gas lines where feasible for improving safety; and

Fifth, distribution and monitoring of new industry guidelines for cast iron pipe replacement.

These initiatives would improve the safety of people, property, and the environment throughout the United States. I urge my colleagues to support S. 1583.

S. 1583, PIPELINE SAFETY REAUTHORIZATION

Mr. BOND. Mr. President, I urge my colleagues to support the important pipeline safety legislation we are considering today.

There are 354,000 miles of natural gas transmission pipelines and 155,000 miles of hazardous liquid pipelines crisscrossing the United States.

Although pipeline transportation statistically is the safest mode for shipping hazardous materials, there is room for improvement. A series of pipeline accidents in Missouri and Kansas has shown us that certain kinds of pipe need additional attention.

Earlier this year, Senators DOLE and DANFORTH and myself introduced S. 1055, the Pipeline Safety Improvement Act of 1991. The bill we are considering today, S. 1583, reauthorizes funding for Federal pipeline safety programs, and includes the provisions contained in S. 1055. Specifically, the bill deals with the following concerns:

First, authorization of funding for pipeline safety programs for fiscal year 1992 at levels recommended by DOT, and adjusted for inflation for fiscal years 1993 and 1994.

Second, protection of the environment in addition to life and property.

Third, expansion of DOT pipeline information to include the location of older pipelines, and pipelines located in urban and environmentally sensitive areas.

Fourth, DOT regulations for rapid detection and location of pipeline ruptures in order to minimize damages in urban and environmentally sensitive areas.

Fifth, excess flow valve [EFV] performance standards and regulations requiring the use of EFV's where technically feasible and beneficial to public safety.

Sixth, cast iron pipe replacement guidelines to be distributed to pipeline operators cooperatively by DOT and the natural gas pipeline industry.

Seventh, protection of residential and small commercial gas distribution lines through a DOT rulemaking requiring gas distribution to assume responsibility for the safety of such lines.

Eighth, Federal civil fines of up to $10,000 for anyone who damages a pipeline after knowingly failing to call a one-call notification system prior to excavating with power equipment other than for routine agricultural purposes.

Ninth, information on abandoned underwater pipeline facilities would be provided by pipeline operators and maintained by DOT.

Tenth, Hazardous Materials Transportation Uniform Safety Act technical corrections to eliminate contradictory requirements affecting mandatory registration of certain bulk and nonbulk shippers of highly hazardous materials.

Eleventh, exemption from hours of service limitations for farmers and retail farm suppliers who are delivering farm supplies within a 50-mile radius during crop planting season.

Mr. President, I urge my colleagues to support S. 1583.

TRIBUTE TO MARGARET SUE TURNER JOLLY

Mr. THURMOND. Mr. President, I rise today to pay tribute to the memory of an outstanding lady and good friend, Mrs. Margaret Sue Turner Jolly, who passed away on September 29.

Margaret Sue was an outstanding educator, businesswoman, and community leader; as well as the mother of three fine sons. The daughter of Mr. and Mrs. Wiley H. Turner, she was a native of Edgefield County, and graduated from Edgefield High School. She earned a bachelor of arts degree from Furman University in 1954 and a masters degree from the University of South Carolina.

Margaret Sue was a popular and effective teacher at Strom Thurmond High School, where she taught history, civics, and government from 1967 until 1984. One of the most eagerly anticipated activities at the school was her senior government class trip to Washington, which I had the pleasure of hosting on several occasions. She was very knowledgeable about government and dedicated herself to the task of inspiring good citizenship in her students.

A number of those same students are now political, business, and civic leaders in Edgefield and other communities. In addition, many of my pages, interns, and staff members from Edgefield developed an interest in politics and government because of Mrs. Jolly's teaching.

After Margaret Sue retired from education, she managed the daily operations of C.R. Jolly Couture, Inc., the company founded by her late husband, Clarence Rankin Jolly, Jr. Like her father and her husband, Margaret Sue had an aptitude for business, and she ably guided the growth of the company.

In addition to the long hours she put in as a teacher and businesswoman, Margaret Sue worked assiduously for the benefit of her community and fellow citizens. She participated in many charitable activities and was an active member of Trinity Episcopal Church, where she was on the altar guild.

Mrs. Jolly was an avid reader and gardener, and was renowned for her lovely flower arrangements. She was also a gracious and accomplished hostess, whose invitations were accepted with alacrity by her many guests.

Although Margaret Sue was an outstanding woman in every way, I believe her greatest contribution was as a role model for others. She was known throughout the community for her cheerful and generous nature, and she always had time to share a kind word and a smile. She was a vital, energetic woman, who devoted herself to the welfare of others, and her personality endeared her to everyone she met.

Mrs. Jolly was also a fighter. During her long illness, she never complained. She maintained an interest in government and current events, as well as community activities, serving as a source of inspiration and encouragement to her many visitors.

Mr. President, I join the residents of Edgefield County in mourning the passing of this lovely and talented woman. Margaret Sue Turner Jolly was a woman of character, courage and compassion; a devoted teacher, and a loving wife and mother.

I would like to take this opportunity to extend my deepest condolences to her sons, Daniel Pope Jolly; Joel Eugene Jolly; C. Rankin III, and their families, as well as her brother and his wife, Dr. and Mrs. W.H. Turner.

I ask that an editorial from the Edgefield Citizen-News be placed in the RECORD immediately following my remarks.

MARGARET SUE JOLLY

Perhaps the saddest events in our human experience are the premature deaths of those truly remarkable, multifaceted, vibrant, and good people who have contributed so richly to the fabric of our community but whose further contributions are cut short by the unkind hand of fate.

Thus, the passing on Sunday night of Margaret Sue Jolly has saddened the Edgefield community to its core. So good was every facet of her being; so strong was her character; so positive was her outlook; so warm was her love; so democratic was her kindness; so universal was her generosity; and so inspirational was her encouragement, that we do not think we are overstating the case to say that Sue Jolly was indeed one of God's saints.

Sue's premature death was even sadder by reason of the fact that it followed by a little more than five years the even more premature death of her beloved husband, Clarence. That these two highly-talented people were taken from our community in the prime of their lives is a blow from which we shall not soon recover.

Clarence was remarkable for the breadth of his vision, for his boundless energy, for his musical talent and his creativity, and for his passion for life. Sue was remarkable for her strength of character, for the inspiration which she gave to twenty years of students, and for her unending patience. Together, Clarence and Sue made a dynamic team, contributing enormously to life in Edgefield and in neighboring Aiken. Their magnetic personalities attracted a galaxy of friends to their lovely home, Cedarside, and gave a diversity and richness to life in Edgefield which can never be reproduced.

Our sympathy goes out to their sons, Daniel, Joel and Rankin, who are carrying on their parents' business and who represent the fifth generation of merchants in their family in the Town of Edgefield.

We thank God for the lives of Clarence and Sue Jolly. We shall cherish their memories always.

THE ISRAEL LOAN GUARANTEE AMENDMENT

Mr. WARNER. Mr. President, I rise today in support of the Israel loan guarantee amendment offered by the Senator from Wisconsin [Mr. KASTEN] and the Senator from Hawaii [Mr. INOUYE]. This amendment, which was introduced in the Senate on Wednesday, October 2, 1991, would help Israel with the enormous costs it is incurring through its absorption of thousands of Soviet and Ethiopian Jews. This legislation will allow Israel to borrow the necessary funds to resettle the arriving refugees.

The loan guarantees are not grants or loans from the U.S. Treasury, rather a guarantee to the private sector lenders that the U.S. Government will stand surety for the loans. It should be noted that Israel has never defaulted on a United States loan guarantee.

In accordance with the request made by President Bush, this legislation will not be addressed by the Senate until January or February of next year. At that time, I look forward to working with my colleagues in the Senate to come forth with a proposal that will be in the best interests of both the United States and Israel.

MILITARY CONSTRUCTION APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2426, the military construction appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $1.4 million and under its 602(b) outlay allocation by $49 million.

I must compliment the distinguished ranking member of the Senate Military Construction Subcommittee, PHILL GRAMM, as well as the House managers of this bill, subcommittee chairman BILL HEFNER and ranking minority member BILL LOWERY for all of their hard work. Like all components of the Department of Defense's budget, the military construction budget must undergo a fundamental transformation as we attempt to adjust to changing world circumstances. I believe that this bill takes a useful step toward realigning defense programs with international realities.

Mr. President, I have a table prepared by the staff of the Budget Committee which shows the official scoring of the military construction appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2426

MILITARY CONSTRUCTION SUBCOMMITTEE—SPENDING TOTALS

[In billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2426:		
New BA and outlays	8.6	2.9
Enacted to date	0	5.5
Adjustment to conform mandatory programs to resolution assumptions	0	0
Scorekeeping adjustments	0	0
Bill total	8.6	8.4
Senate 602(b) allocation	8.6	8.5
Total difference		
Discretionary:		
Domestic	0	0
Senate 602(b)	0	0
Difference	0	0
International	0	0
Senate 602(b)	0	0
Difference	0	0
Defense	8.6	8.4
Senate 602(b)	8.6	8.5
Difference		
Total discretionary spending	8.6	8.4
Mandatory spending	0	0
Mandatory allocation	0	0
Difference	0	0
Discretionary total above (+) or below (−):		
President's request		
Senate-passed bill	.1	.1
House-passed bill	.1	

MILITARY CONSTRUCTION—1992 APPROPRIATIONS

[In thousands of dollars]

	President's request		House-passed		Senate-reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Discretionary spending:										
Domestic:										
New spending in bill	0	0	0	0	0	0	0	0	0	0
Outlays prior	0	0	0	0	0	0	0	0	0	0
Supplementals (Public Law 102–27)	0	0	0	0	0	0	0	0	0	0
Scorekeeping/mandatory adjustments	0	0	0	0	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0	0	0	0	0
602(b) allocation	NA	NA	0	0	0	0	0	0	0	0
Bill above/below (+/−) allocation	NA	NA	0	0	0	0	0	0	0	0
International:										
New spending in bill	0	0	0	0	0	0	0	0	0	0
Outlays prior	0	0	0	0	0	0	0	0	0	0
Supplementals (Public Law 102–27)	0	0	0	0	0	0	0	0	0	0
Scorekeeping/mandatory adjustments	0	0	0	0	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0	0	0	0	0
2(b) allocation	NA	NA	0	0	0	0	0	0	0	0
Bill above/below (+/−) allocation	NA	NA	0	0	0	0	0	0	0	0
Defense:										
New spending in bill	8,563,030	2,979,068	8,483,006	2,955,146	8,413,745	2,846,160	8,469,025	2,853,346	8,562,596	2,930,636
Outlays prior	0	5,502,377	0	5,502,377	0	5,502,377	0	5,502,377	0	5,502,377
Supplementals (Public Law 102–27)	0	0	0	0	0	0	0	0	0	0

MILITARY CONSTRUCTION—1992 APPROPRIATIONS—Continued

[In thousands of dollars]

	President's request		House-passed		Senate-reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Scorekeeping/mandatory adjustments	0	0	0	0	0	0	0	0	0	0
Subtotal	8,563,030	8,481,445	8,483,006	8,457,523	8,413,745	8,348,537	8,469,025	8,355,723	8,562,596	8,433,013
602(b) allocation	NA	NA	8,564,000	8,482,000	8,564,000	8,482,000	8,564,000	8,482,000	8,564,000	8,482,000
Bill above/below (+/−) allocation	NA	NA	−80,994	−24,477	−150,255	−133,463	−94,975	−126,277	−1,404	−48,987
Total Discretionary:										
New spending in bill	8,563,030	2,979,068	8,483,006	2,955,146	8,413,745	2,846,160	8,469,025	2,853,346	8,562,596	2,930,636
Outlays prior	0	5,502,377	0	5,502,377	0	5,502,377	0	5,502,377	0	5,502,377
Supplementals (Public Law 102–27)	0	0	0	0	0	0	0	0	0	0
Scorekeeping/mandatory adjustments	0	0	0	0	0	0	0	0	0	0
Subtotal	8,563,030	8,481,445	8,483,006	8,457,523	8,413,745	8,348,537	8,469,025	8,355,723	8,562,596	8,433,013
Mandatory spending:										
New spending in bill	0	0	0	0	0	0	0	0	0	0
Permanent appropriations	0	0	0	0	0	0	0	0	0	0
Outlays prior	0	0	0	0	0	0	0	0	0	0
Subtotal, mandatory	0	0	0	0	0	0	0	0	0	0
Resolution scoring adjustment	0	0	0	0	0	0	0	0	0	0
Adjusted mandatory total	0	0	0	0	0	0	0	0	0	0
Bill total:										
Discretionary	8,563,030	8,481,445	8,483,006	8,457,523	8,413,745	8,348,537	8,469,025	8,355,723	8,562,596	8,433,013
Adjusted mandatory	0	0	0	0	0	0	0	0	0	0
Subtotal	8,563,030	8,481,445	8,483,006	8,457,523	8,413,745	8,348,537	8,469,025	8,355,723	8,562,596	8,433,013
602(b) allocation	NA	NA	8,564,000	8,482,000	8,564,000	8,482,000	8,564,000	8,482,000	8,564,000	8,482,000
Bill above/below (+/−) allocation	NA	NA	−80,994	−24,477	−150,255	−133,463	−94,975	−126,277	−1,404	−48,987
Discretionary total compared to:										
President's request	NA	NA	−80,024	−23,922	−149,285	−132,908	−94,005	−125,722	−434	−48,432
House-passed	80,024	23,922	NA	NA	−69,261	−108,986	−13,981	−101,800	79,590	−24,510
Senate-passed	94,005	125,722	13,981	101,800	NA	NA	NA	NA	93,571	77,290
Conference	434	48,432	−79,590	24,510	−148,851	−84,476	−93,571	−77,290	NA	NA

URGENT LEAD PAINT HAZARD PREVENTION ACT

Mr. CRANSTON. Mr. President, I am pleased to announce today that I will soon introduce legislation to launch a national strategy to prevent childhood lead paint poisoning.

This legislation will put an end to continued delays and hand wringing. And it will direct the administration to take early, practical, commonsense steps to protect the health of millions of young Americans.

It is a national disgrace that little is being done to combat the No. 1 environmental problem facing America's children. Three quarters of all American housing—57 million homes—contain lead-based paint. Of these, 3.8 million are occupied by young children and have peeling paint, excessive amounts of lead dust or both.

Although Congress has pressed for action for years, this administration and the last have sat paralyzed before the lead paint problem like a mouse before a cobra. Meanwhile, small children have been paying a terrible price. Little kids can't "just say no" to lead in their homes. And so we must say "no more" to this continued inaction.

We now know enough about the probem to justify firm action.

We now know that very low levels of lead poisoning can damage the mental and physical development of a child. A victim can suffer irreversible learning and reading disabilities, reduced attention span, hyperactivity and hearing loss. And our whole society suffers the effects of low educational achievement, high dropout rates, and juvenile delinquency.

We now know that millions more American children are at risk than had been thought. Under previous standards, and estimated 3 million to 4 million children were considered lead poisoned. But as a result of important new research, the Centers for Disease Control are adopting much lower estimates of the lead in blood that are deemed acceptable and the number of American children who must be considered lead poisoned will jump dramatically.

Many have felt this was just a symptom of poverty—but now we know it is not. Children of middle class and wealthy families are affected as well as children of the poor.

We now know that lead poisoning is caused primarily not by children eating paint chips in dilapidated buildings, but by children breathing lead dust—generated through home renovation and through common wear and tear of household paint. Through a tragic lack of information, many parents across the country are inadvertently poisoning their children when they try to improve the family's home.

We now have the means to avoid that tragedy. Experts have learned much about how to reduce lead hazards and are learning more all the time. Technology can now accurately test the presence of lead. Improved techniques can remove or seal in household lead without harm to workers or future occupants. Protective measures can contain lead temporarily until full-scale abatement can be carried out. Good information can prevent the creation of active lead poisoning through improper home renovation.

What we do not now have is a practicable national strategy for getting the tragedy of childhood lead poisoning under control fast.

Congress has long pushed for action on this problem. In 1973 Congress required HUD to eliminate "as far as practicable" the hazards of lead paint poisoning with respect to existing housing. After years of delay and litigation, a frustrated Congress moved in the 1987 Housing Act, which I coauthored, to give HUD strict timetables to solve the problem in public housing and to provide guidance on solving the problem in other housing. Each year since, Appropriations bills have prodded HUD and other Federal agencies to comply with the public housing mandate and produce guidelines for remedies in all housing.

Administration studies, mandated by Congress in 1987, admit the danger of lead paint poisoning. But the administration has failed to follow through with real action. After 4 years of demonstrations and studies, the administration has not asked for any significant funding for effective solutions. And the administration gives no indication that it intends to do so.

For the past 3 years, serious concerns have repeatedly been raised about HUD mismanagement of the effort to abate lead paint hazards in public housing.

The administration has provided little more than token Federal support for testing and abatement in private and other federally assisted housing.

In recent years, the Federal Government has even sold many unsuspecting families property that turned out to be lead traps and the families' children were subsequently poisoned.

The administration uses the budget agreement as a convenient excuse for inaction. They estimate that complete elimination of all lead hazards would cost $35 billion—and imply that such a huge price tag is a reason for not taking immediate actions that could have real effect.

But, certainly, only part of any total cost has to come from the Federal budget. And the Centers for Disease Control recently estimated that inaction will cost the Nation almost twice as much—$62 billion in additional medical and social costs.

If we cannot eliminate all lead paint hazards at once, there is still no excuse for delaying a broad effort to tackle the most urgent parts of the problem right away and to eliminate the most dangerous lead paint hazards without further delay.

Our children deserve a real national strategy to combat the threat of lead to their health and development. We should mobilize our vast health, environmental and housing sectors to achieve that as soon as possible.

The Urgent Lead Paint Hazard Prevention Act will launch such a strategy. The bill will have five primary components:

First, the bill would expand Federal support for testing, containment and abatement of lead hazards in federally assisted housing and private housing. It gets practical, common sense action under way quickly to remove the hazard where they are most dangerous—in homes with peeling paint or high levels of lead dust where young children are living.

In the first year, the bill would authorize $150 million for State and local governments to begin removing the threat of lead poisoning in privately owned single family and multifamily housing. This is triple the amount currently appropriated and six times the amount requested by the administration. Second year funding would rise to $200 million.

Additional Federal assistance to abate lead paint hazards would be provided through Community Development Block Grants, the HOME Investment Partnerships Program, and public housing modernization.

Second, the bill would build a network of contractors, workers, architects, environmental firms, laboratory technicians, public officials and others who are experts in the testing, containment and abatement of lead paint hazards. We must ensure that lead testing and abatement activities are carried out by certified, trained and responsible personnel and are monitored by competent public officials.

Third, the bill would launch an effective nationwide campaign to inform the public about the nature of lead paint hazards and the practical steps that a family can take to ensure that the dangers of lead exposure are removed from their home. A significant portion of childhood lead poisoning can be traced to the lack of public understanding about the causes of the problem and ways to prevent it. That information must at least be provided when a family buys or renovates a home.

Fourth, it would expand research and development of new testing, containment and abatement technologies. Although major advances have been made over the past decade, numerous questions remain about the costs and benefits associated with many currently available techniques.

Fifth, the bill would enhance congressional oversight of Federal lead paint hazard prevention. HUD would be required annually to provide Congress with a full report on its activities and would be held to a strict regimen of goals and timetables to assess its performance.

Mr. President, I will ask to have a summary description of the scope of the legislation printed in the RECORD at the conclusion of my remarks.

I intend to move this legislation as quickly as possible. On October 17, I will hold the first hearing on this legislation. Participants will include leading experts in the housing, health and environmental fields.

As chairman of the Senate Housing Subcommittee, I will refine the legislation on a bipartisan basis with other Senators, particularly with Senator AL D'AMATO, the subcommittee's ranking minority member. I will work closely with other Members of Congress who have shown leadership on this problem, including Congressman HENRY WAXMAN and Senators BARBARA MIKULSKI, HARRY REID, JOSEPH LIEBERMAN, and JOHN CHAFEE.

And I will develop the bill in close consultation with national public health leaders and private organizations that have shown great leadership on this problem through the Alliance to End Childhood Lead Poisoning.

I am convinced we must commit the Federal Government to an aggressive, comprehensive and cost-effective assault on this health threat to our Nation's children and our Nation's future.

Working together we can enact a bill that will speed real, practical action to put this danger behind us.

I ask that the summary to which I referred be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

URGENT LEAD PAINT HAZARD PREVENTION ACT

PROPOSED AMENDMENT TO SECTION 311 OF H.R. 2950

Section 12 is further added by adding at the end of Section 12 (1)(2)(A) the following:

A recipient may award a procurement contract under this subsection to other than the low bidder provided that: the procurement contract does not exceed the lowest bid by more than 10%; federal assistance provided to the recipient under this Act does not exceed the equivalent of the lowest bid for the contract; and the recipient has demonstrated to the Secretary the long term cost benefits of selecting other than the lowest bid that may be yielded by fleet standardization, or other factors that the Secretary deems appropriate.

ORIGINAL SENATE LANGUAGE

A recipient may award to other than the low bidder in connection with a procurement under this subsection, but the recipient may receive federal assistance under this Act for in an amount not to exceed the equivalent of the lowest bid for the project.

URGENT LEAD PAINT HAZARD PREVENTION ACT SUMMARY

PURPOSE

The bill commits the federal government to prevent, as soon as practicable, lead paint hazards wherever they exist in American housing. It will:

Require HUD to carry out an aggressive, comprehensive and cost-effective strategy to clean up lead paint hazards in federally owned or assisted housing;

Make the federal government an active partner with cities, states and the private sector to remove lead paint hazards in privately owned housing;

Make concern for lead paint hazard an integral part of federal, state and local housing strategies and decisions;

Get the nation moving quickly on the most dangerous lead paint hazards—in homes with peeling paint or high levels of lead dust that are occupied by young children;

Build the capacity of private industry to test and abate lead paint hazards safely and effectively;

Provide the public with accurate information about the nature of lead paint hazards and technical assistance on how to prevent them; and

Maintain an ongoing national program of research and development in lead paint hazard prevention.

1. EXPAND TESTING, CONTAINMENT AND ABATEMENT ACTIVITY

a. Establish a federal/state/local partnership to remove lead paint hazards from private housing

General. Authorize $150 million to help state and local governments to test, contain and abate lead paint hazards in privately-owned single family and multifamily homes. That level of assistance is three times the amount appropriated and six times the amount requested by the President.

Eligible Activities. Funds could be used for (1) screening of private housing to identify units with "priority" lead paint hazards (i.e. units that are occupied by young children and have peeling paint or excessive amounts of dust containing lead); (2) interim containment of lead paint hazards; (3) abatement of lead paint hazards, including temporary relocation for families; (4) provision of information to the public on lead paint hazards; and (5) blood testing of children. No more than 10% of the funds could be used for administrative expense.

Flexible Financing/Subsidy. Permit states and localities to use the assistance for a variety of financing and subsidy programs, including grants, loans, revolving loan funds, loan guarantees and interest write-downs.

Eligibility of Applicants. Provide assistance to jurisdictions that are carrying out a comprehensive housing affordability strategy under the HOME Investment Partnerships program. Funds would be awarded on a competitive basis to eligible jurisdictions.

Income targeting. Target assistance to owner-occupied or rental housing serving families meeting the HOME income limits. Also require participating jurisdictions to give priority in testing and abatement activities to housing with "priority" lead paint hazards.

b. Mandate a HUD action plan for federally owned and assisted housing

Direct HUD to publish a regulatory action plan for the testing, containment and abatement of lead paint hazards in federally assisted housing (e.g. Section 8, Section 236, Section 221(d)(3)).

Give preference to assisted units with "priority" lead paint hazards. Owners would be permitted to use existing housing subsidies (Section 8 rental assistance, replacement reserves, other project accounts) for lead inspection, containment and abatement activities. HUD would be authorized to make exceptions to Section 8 fair market rents to support such activities.

Prevent federal agencies from selling housing contaminated with lead paint hazards to unsuspecting homebuyers. Require lead paint hazard inspection prior to sale of all housing owned by HUD, Farmers Home, VA or other federal agencies. Provide (1) notification of any such hazard; (2) appropriate information on how the hazards can be removed and (3) assistance in carrying out the remedies.

c. Integrate lead paint hazard prevention into state & local housing strategies

Require that a jurisdiction's comprehensive housing affordability strategy (CHAS): (1) estimate the number of units that pose "priority" lead paint hazards; (2) outline the actions being taken (or proposed) to address the problem; and (3) describe how lead paint hazard prevention and housing initiatives will be integrated.

Require that housing agencies, in preparing this portion of the CHAS, consult with health and child welfare agencies and examine existing data related to lead paint hazards and poisonings. Such data could include health department data on the location of poisoned children and information on lead paint hazards generated by ongoing inspections in public housing.

Make lead paint hazard abatement and reduction an explicitly eligible activity under Community Development Block Grants and under rehabilitation assisted under the HOME Investment Partnerships.

d. Provide for national consultation on lead paint hazard prevention

Require HUD, when developing and implementing provisions of this Act, to establish formal procedures for maintaining close, ongoing consultation with national organizations of private and public sector experts in lead paint hazards and their prevention.

2. BUILD A TESTING AND ABATEMENT INFRASTRUCTURE

a. Certify contractors, train workers

Require that all federally supported testing and abatement work be conducted by certified contractors and trained workers. EPA and OSHA would be given authority to certify contractors, train workers and ensure worker protection. HUD would be required to work closely with these agencies to identify significant regional shortages of skills or equipment.

b. Certify laboratories

Require EPA to certify laboratories to ensure that environmental lead testing is accurate and readily available throughout the country.

c. Expand monitoring activity

Require HUD to establish monitoring systems to oversee closely the testing and abatement work that is being supported by federal funds. Contractors found in violation of federal certification requirements (or otherwise found to have negligently performed work) would be subject to disbarment from all HUD activity.

d. Establish a federal information clearinghouse

Direct HUD, in cooperation with other federal agencies, to establish an information clearinghouse on childhood lead poisoning. The clearinghouse would assess and disseminate the most current information from research on testing, containment and abatement activity. The clearinghouse would maintain a rapid-alert system to keep key components of the lead testing and abatement industry abreast of the latest developments in research and development.

Authorize $10 million to establish and operate the clearinghouse.

3. INFORM THE PUBLIC AND PROVIDE TECHNICAL ASSISTANCE

a. Require public disclosure of lead paint hazards

Require sellers, landlords and realtors to notify potential buyers or lessees of any known lead paint hazard that has been identified on the subject property.

Require a general statement, prepared by HUD, to be distributed by lenders at the time of mortgage application and by sellers, landlords or relators at the time of sale or lease. The statement would include an explanation of the potential risks associated with lead paint in pre-1978 housing and provide sources of additional information.

b. Launch a nationwide public awareness campaign

Direct HUD, in cooperation with other federal agencies, to develop and undertake a major public awareness campaign on childhood lead poisoning. The campaign would inform the public about the seriousness of lead exposure, describe how to identify priority hazard conditions and provide helpful advice about preventative and protective measures to reduce the risk of exposure.

The campaign would especially target parents of young children as well as participants in the residential real estate industry. HUD would also work with large home improvement retailers to provide consumers with practical information on "do's and don'ts" associated with "self-help" renovation and remodeling.

Authorize $25 million to carry out this campaign.

c. Provide technical assistance to state and local governments

Direct HUD, in cooperation with other federal agencies, to provide technical assistance to state and local governments to help them inform residents about lead hazards and their prevention.

d. Provide warning labels on appropriate home improvement tools and supplies

Require warning labels to be placed on tools commonly used for "self-help" renovation and remodeling. The wording would be developed by EPA, but would at a minimum advise users to obtain information before carrying out activity that could cause lead poisoning. Information on the recommended use of such tools to reduce exposure to lead hazards, prepared by HUD, would be made available at the point of purchase. Research has demonstrated that the traditional methods of removing lead paint from chewable surfaces—scraping, sanding or burning—actually exposes children to a 100-fold increase in lead dust.

e. Establish a lead hazard hotline

Direct HUD, in cooperation with other federal agencies, to establish a "lead hazard hotline" to provide the public with quick, easy-to-understand answers to basic questions about lead poisoning.

Authorize $5 million to establish and maintain the hotline.

4. EXPAND RESEARCH AND DEVELOPMENT ACTIVITIES

a. Expand HUD research on effectiveness of testing, containment and abatement activities

Require private owners and PHAs to test blood levels of children both before and after abatement activities are undertaken, so that health effects of containment and abatement activities can be monitored and hazardous activities can be quickly identified and stopped.

Require HUD to conduct research, in cooperation with other federal agencies, on the cost-effectiveness of various containment and abatement strategies. Specific emphasis will be placed on assessing the long-term health benefits resulting from alternative containment and abatement strategies.

Require HUD, in cooperation with other federal agencies, to conduct research on containment and abatement strategies that can reduce the risk of lead exposure from exterior soil lead and interior dust lead in carpets, furniture, forced air ducts and similar sources.

Require HUD to conduct research, in cooperation with other federal agencies, on the accuracy, cost and availability of various testing technologies.

Congressionally mandated lead paint abatement in public housing provides a unique "laboratory" for research in the next three to five years. That invaluable information would be made useful.

The authorized budget for the Office of Policy, Development and Research would be increased by $5 million to take account of these increased research activities.

b. Mandate a GAO report on liability insurance

Require GAO to assess the availability of liability insurance for lead-related activities. GAO will analyze the insurance "precedent" for containment and abatement of other hazards (e.g. asbestos) and will provide an assessment of the recent insurance experience in the public housing program.

5. REQUIRE DETAILED ANNUAL REPORTS FOR HUD

Require HUD to submit an annual report to Congress that would (1) describe HUD's progress in implementing the various programmatic initiatives; (2) summarize the most current health and environmental studies on childhood lead poisoning, including studies that analyze the relationship between containment and abatement activities and reduction in lead exposure; (3) recommend legislative and administrative initiatives that can improve HUD performance and expand lead inspection, containment and abatement activities.

URGENT LEAD PAINT HAZARD PREVENTION ACT—SUMMARY OF AUTHORIZATIONS

[In millions of dollars and fiscal years]

	1992	1993
State and local abatement	150	200
Clearing house	10	10
Public awareness	25	30
Hotline	5	5
Research and development	5	10
Total authorization	195	255

HIS HIGHNESS PRINCE HANS ADAM OF LIECHTENSTEIN'S STATEMENT AT THE U.N. GENERAL ASSEMBLY

Mr. PELL. Mr. President, I would like to bring to the attention of my colleagues the statement that His Serene Highness Prince Hans Adam of Liechtenstein made before the U.N. General Assembly on September 26. Liechtenstein is the smallest, and one of the newest members of the United Nations, and as its Head of State, Prince Hans Adam is in a unique position to offer a fresh perspective on the subject of self-determination.

Prince Hans Adam suggests that while a majority of U.N. members support self-determination in theory, its practical application warrants further study. Prince Hans Adam points out that as a rule, discussion of self-determination "starts over a specific case when strong emotions are already involved." In my view, the current situation in Yugoslavia is a good example of this phenomenon. Accordingly, I believe that Prince Hans Adam's suggestion that U.N. member states try to develop a consensus on the implementation of self-determination is a good one. In this regard, I welcome Prince Hans Adam's plan to have a study prepared on this question, and to submit the results to the U.N. General Assembly.

I ask unanimous consent that an excerpt of Prince Hans Adam's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EXCERPT OF REMARKS OF PRINCE HANS ADAM OF LIECHTENSTEIN

Mr. President, in the recent past we have been able to witness rapid and almost revolutionary political changes in the world. Tensions between East and West are greatly reduced. Europe is not any more divided. Solutions to some regional conflicts are as close as never before. These developments form the background for the new challenges that the world community is facing.

The role of the United Nations has changed, the Organization has entered a new phase; profiting from the absence of great power confrontation, it acts more efficiently and concentrates on the cause of peace and security.

Small States have a special need for protection and security. The Principality of Liechtenstein, although it is fortunately a prosperous and secure country, surrounded by two permanently neutral neighbours, feels that this issue is of direct relevance. Respect for international law is our only protection. For these reasons we feel deeply committed to the principles of sovereign equality, political independence and territorial integrity of States. Although we were not a member country of this organization in 1989, we fully support resolution 44/21, urging Member States inter alia to settle disputes peacefully, adhere to the principles of equal rights and self-determination of peoples and to respect human rights and fundamental freedoms.

Unfortunately, we have seen again and again in the history of mankind brutal aggressions of one country against another. The aggression of Iraq against its small neighbour Kuwait was just the last example of a long list. The peace-loving countries of this world have to be grateful to the United Nations and to the Member States which took part in the military action against Iraq that finally resulted in ending the occupation and preventing the permanent annexation of Kuwait. International law served as the umbrella for the international response to the Gulf crisis and thus constitutes the most recent proof that the respect for international law is a small country's only protection. Let us all hope that this crisis was a turning point in human history. For as long as the United Nations reacts as it did during the Gulf crisis, such aggressions will cease to become attractive instruments for even the most power-hungry dictators.

Unfortunately, we all know that even if we succeed in preventing all aggressions, peace and happiness will not come easily to the world. Some of the most cruel wars in the past decades have been civil wars. Politicians and historians can give us many reasons why civil wars happen: different cultures, languages or religions having difficulties to coexist in a single State, oppressed minorities, or simply political differences which cannot be solved peacefully.

A solution for some of these problems can be found internally if a State respects human rights and fundamental freedoms and has democratic institutions that work. But history shows us that even then civil wars can break out. Human rights can also be violated in countries with a democratic tradition. Democratic institutions can break down. There are situations where peaceful coexistence between different groups inside a single State does not seem to be possible—whatever the reasons. Should we in those cases not endeavor to find other solutions in accordance with the principle of self-determination, rather than risking cruel and destructive civil wars?

I am aware that he United Nations has been good for reasons very prudent concerning the principle of self-determination. To encourage exercising the right to self-determination might lead to even more civil wars and to the disintegration of member States. Non-interference in the internal affairs of Member States has certainly been a wise policy to follow. Nevertheless, we have to accept the fact that the borders of nearly all Member States, including my own country, have not been drawn according to the principle of self-determination. They are usually the product of colonial expansion, international treaties or war, and very seldom have people been asked where they want to belong to. But even if they had been asked, a new generation might have another opinion; circumstances can change and expectations can remain unfilled.

A majority of Member States certain supports self-determination in theory. How this principle is to be applied in practice has however, in my opinion, not been studied enough. Usually the discussion starts over a specific case when strong emotions are already involved. Would it not be better to at least try to find a minimum consensus between Member States on some guiding principles, when efforts are being made to implement the principles of self-determination?

To be acceptable to a largest possible number of Member States, such guidelines or rules of conduct should foresee a careful evolution, which could start from a low level to higher levels of autonomy before complete independence can be attained. Independence is, however, not always the best solution: It can be a complicated and sometimes traumatic process.

Mr. President, Distinguished Delegates, I wish to inform you of my intention to instruct experts to prepare a preliminary study on this question, the outcome of which would be submitted in due course to the General Assembly if this is considered desirable. A convention modelled after the European Convention on Human Rights could eventually be the product of these efforts. I would like to raise a few points and draw a few lines in order to give you an overall idea of the possible outline of such an instrument.

A central question will be to define what entity can be the beneficiary of the right to self-determination. Several methods have been discussed in the past. It might be sufficient to establish a minimum size of the area and population involved. Setting this minimum size very low would have two important advantages:

1. Minorities who ask for self-determination would consequently have to grant the same rights to their own minorities. Experience shows that they are at times unwilling to do so which can be the cause for new problems.

2. A low minimum size would in my opinion lead to a decentralization rather than to a break-up of the present States, because for small groups and areas independence will not always be the best solution.

For a modern State decentralization has political and economical advantages. Decentralization is certainly one of the key elements for the prosperity and political stability of Switzerland, a country without natural resources and a population with four languages, different religions and many political parties.

A convention on self-determination could foresee several degrees of autonomy before independence were granted to a certain region, thus giving the central State and the region the time to adapt to the new situation with the likely outcome that the people will in most instances prefer autonomy to independence. Three degrees of autonomy could be envisaged:

The first degree could involve the election of representatives for the new autonomous region and consequently the administration by those elected representatives of the funds which are allocated by the central government. Some additional rights could be given in the fields of culture and education.

The next step could involve some autonomy in taxation. Direct taxes would probably better be raised by the regions whereas indirect taxation, import duties and the like could remain with the central government. A financial compensation plan would have to be worked out at this stage, taking into account the income and the administrative functions of the region that may for instance already include the police and the lower courts.

The third degree of autonomy could involve some legislative power. Examples can already be studied in some of the decentralized States. At this stage of autonomy most administrative functions of the central State could be turned over to the region with the exception of defence and foreign affairs. Even regional military units could be set up as long as they are integrated into the overall defence plan.

The next step of this process—in the case it is desired-would be full independence.

Those States which accept the general terms of a possible convention on self-determination could envisage setting up an international commission or court comparable to the European Commission and Court for Human Rights to which all parties concerned could appeal in case of conflicts. Such an approach would offer the possibility to observe how these general guidelines work in reality and to adjust them if necessary. Other States might then be willing to sign the convention too, and perhaps one day those guidelines on self-determination could become generally accepted international law, as other conventions have become.

If we look at human history it seems that humanity does not have many alternatives. In the past and in the future new States have been and will be born, they disappear or their borders change. If we look at longer periods of time we see that States have life cycles similar to the human beings who created them. The life cycle of a State might last for many generations but hardly any member State of the United Nations has existed in its present borders for longer than ten generations. It could be dangerous if one tried to put a hold on these cycles, which have been present throughout human history. To freeze human evolution has in the past often been a futile undertaking and has probably brought more violence than if such a process was controlled peacefully.

Considering the advances in the field of technology, civil wars will become more and more destructive, not only for those directly involved but also for neighbouring States and for our whole environment. The possible destruction of a large nuclear power plant in a civil war is a frightening example. Would it not be much safer to replace the power of weapons by the power of voting even if it means that new States may be born?

Mr. President, Distinguished Delegates, as the representative of the smallest and of one of the youngest member countries, I wish to thank you for having given me the opportunity to express my views on a controversial subject and to present ideas related thereto.

Liechtenstein is proud to be a member of the United Nations, an organization that gives full priority to the respect of international law and to the principles of its Charter. We shall continue to support all United Nations efforts aimed at realizing international peace and the respect for human rights and fundamental freedoms.

Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

Mr. MOYNIHAN. Mr. President, has the time for morning business expired?

The ACTING PRESIDENT pro tempore. The Senator is correct. Under the previous order, the period for morning business has expired.

EXECUTIVE SESSION

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. We will return to executive session for the consideration of the nomination of Clarence Thomas to be associate justice of the Supreme Court. The clerk will report the nomination.

The assistant legislative clerk read as follows:

The nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the Supreme Court of the United States.

The Senate resumed consideration of the nomination.

Ms. MIKULSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Maryland [Ms. MIKULSKI].

Ms. MIKULSKI. Thank you, Mr. President. I seek recognition to speak on the Thomas nomination.

Mr. President, I rise to ask my colleagues in the Senate to join me in a call asking for the delay of the vote on Judge Thomas until the Senate can conduct a full and fair hearing on the allegations currently directed to and about Judge Thomas alleging that he engaged in practices of sexual harassment with an employee.

Mr. President, I do that because I believe there should be no rush to judgment, to either prejudge the charges to be true or not to be true. This requires a full hearing by the U.S. Senate and its appropriate processes to get to the truth.

The consequences of not delaying this vote are far-reaching. They are far-reaching in terms of the actual vote that we are about to take, the lives of two people who are engaged in this situation, and the future of the Supreme Court and the credibility of the U.S. Senate.

Mr. President, where do we find ourselves? We find ourselves in the situation where Prof. Anita Hill has alleged that a nominee for the Supreme Court sexually harassed her.

Mr. President, I do not like the term "sexual harassment" because it does not give the full impact of what that means to the person who must endure this type of abuse. And make no mistake, it is abuse. It is an abusive as a physical blow. I prefer the term "sexual humiliation," because that is what occurs when someone is subjected to such treatment.

Professor Hill has stated that Judge Thomas engaged in obscene, vulgar behavior with her, creating a very hostile environment. We do not know if those allegations are true.

We have before us two distinguished African-Americans, one from Pin Point, GA, who has made the most of his life, both opportunity and adversity, and who is before the Senate as a nominee to the Supreme Court. On the other side, we have Prof. Anita Hill, who comes from a family of 13 children, out of the rural poverty of Oklahoma, who goes on to be a scholarship winner, a graduate of Yale Law School, and distinguished now in the legal community to the point that she is a professor at Oklahoma University.

Both people come to us with distinguished backgrounds and both people come to us with credibility. We owe it to both of them to resolve this, because only one can be telling the truth, and the consequences for both are far-reaching. That is why I encourage a delay—so that we could pursue a serious investigation of these charges.

But, Mr. President, what disturbs me as much as the allegations themselves is that the Senate appears not to take the charge of sexual harassment seriously. We have indicated that it was not serious enough to be raised as a question in the Judiciary Committee. We did not think it serious enough to apprise Senators themselves that there was this allegation.

I am a Member of the Senate, and I think I work hard and do my homework and so do many of my other colleagues. As I have called around the Senate, I find that my own colleagues knew nothing of this until it broke as a media story over the weekend. I am very disturbed about this. I am disturbed because the charges themselves have significant consequences for both Professor Hill and for Judge Thomas. By not taking it seriously, we will place a cloud over these two peoples' lives for the rest of their lives.

If Judge Thomas is confirmed without a full hearing, he will always be the person on the Supreme Court with this cloud of allegations over him. If we do not confirm him in the absence of a hearing, then we have voted without full evidence on his merit to be on the Supreme Court. Either way, by not delaying we do a disservice to Judge Thomas.

Then, we have Prof. Anita Hill, from a background of rural poverty not unlike Judge Thomas himself—one out of Oklahoma, one out of the clay hills of Georgia—who has made these allegations. She has said she has come forth with pain because reliving this situation has, indeed, been extremely painful to her.

If we do not give full airing to this situation, Professor Hill will always be the woman who made these allegations. And now we face the fact that even yesterday Professor Hill was attacked on the Senate floor with unprecedented venom. A woman was attacked on the Senate floor with unprecedented venom when she was herself talking about being a victim. We owe it to Professor Hill not to attack her on the Senate floor but to submit her to a line of questioning about the events that she alleges, to see if in fact they are true.

When Professor Hill returns to her classroom and goes on with her life, she will forever be known as the woman who blew the whistle on Judge Thomas but that it never was resolved. There are very serious consequences for Professor Hill and none of them are very good.

If you talk to victims of abuse the way I have, they will tell you they are often doubly victimized by both the event in which they are abused, and then subsequently by the way the system treats them.

To say these chárges could not be taken seriously enough to be brought to our attention has consequences, as I said, for both Professor Hill and for Judge Thomas. But let me tell you about the other consequences to the people of the United States of America. If we do not delay, we will never really be sure about our nominee to the Court, and in addition to that we are now sending a message to the American people that we do not take sexual harassment seriously enough to conduct a full and serious investigation or inquiry into it.

To anybody out there who wants to be a whistle blower, the message is, "Don't blow that whistle because you will be left out there by yourself." To any victim of sexual harassment or sexual abuse or sexual violence, either in the street or even in his or her own home, the message is, "Nobody is going to take you seriously, not in the U.S. Senate." To the private sector, which now has to enforce these laws on sexual harassment, whether we call it sexual humiliation or whether it is overt physical aggression, sexual terrorism, the message to the private sector is, "Cool it. Even the Senate takes a walk on this one."

Mr. President, that belies our laws and regulations. Then what does it say to the community?

Mr. President, I serve on the U.S. Naval Academy Board of Visitors. I love it. It enables me to interact with young people, and make sure that our military are fit for duty for the 21st century. I was charged with the responsibility of being on a board of inquiry where allegations of sexual harassments took place at the Naval Academy. I worked to investigate the individual case. But then we found that there was a pattern of harassment by the male mids to the female mids and looking the other way by top administrative officials at the academy. We have now straightened that mess out with full cooperation of the Secretary of Navy, the commanding officers at the Naval academy, the midshipmen themselves, and the faculty. We have worked very hard to say that sexual harassment is not tolerated by officers and gentlemen.

What does this say if the U.S. Senate cannot delay another few hours? What does it say to the admiral who commands the brigade at the Naval Academy and says an officer and a gentleman never has to look big by making someone look small? An officer and a gentleman of the U.S. Navy never has to prove what kind of guy he is by abusing gals.

We want to support that admiral, and we want to support the private sector. And I want to support the people who are the subject of this abuse.

I do not know who was telling the truth. I do not want to prejudge that. But regardless of who is telling the truth, I want to outline for my colleagues the serious consequences of us not taking it serious enough to delay the proceedings of this Senate to give a full and amplified hearing.

Mr. President, we have models for this. During the advice and consent hearings on John Tower we knew of allegations about personal practices of Senator Tower. They were such a subject of discussion. They were raised with him in a committee hearing so he could give his own defense, his own explanation. We could read the FBI report, but Senator NUNN and Senator WARNER said here are those allegations. We arrived at a judgment.

We are now conducting a hearing on who is going to be the head of the Central Intelligence Agency. There is a great deal of controversy surrounding Mr. Gates. We are talking about the intelligence community. We found a way to get at the facts in an executive session. Also, those who had issues that they wanted to raise with Mr. Gates did so in a public forum of the U.S. Senate. Then Mr. Gates gave a 20-point rebuttal, again subject to question and answer. Mr. President, that is the American way.

We have models for getting at those issues. I can understand why Professor Hill has perhaps wanted not to go public because of what she felt in the alleged victimization. But she could have done this in executive session and then the encouragement of Professor Hill to move to another level, and she is now ready to do that.

So what we have now is a nominee of the Supreme Court saying no, I did not do it. And then we hear nothing more from him.

We have Professor Hill who needs to conduct her side of the story through a press conference. We are now examining this issue through the media rather than doing it through the U.S. Senate.

The media cannot be a substitute for the honorable and traditional proceedings of the U.S. Senate. I salute the media for bringing it to this Senator's attention. It is the only way I would have known about it. I feel they have done their job.

Mr. President, it is now time we do our job, and our job as U.S. Senators gives us the constitutional responsibility to both advise the Senate and to advise the President when he sends us a nominee and consent to that. History, tradition, and the future of this Nation calls forth in us now a passion to see that justice is done.

I strongly encourage my colleagues to join with me in asking for a prudent timely delay in resolving these allegations.

Mr. EXON. Would the Senator yield for a question?

Ms. MIKULSKI. I yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, can I ask my distinguished friend and learned friend from Maryland to stay on the floor just one-half a minute?

Ms. MIKULSKI. I am delighted to stay.

Mr. MOYNIHAN. I want to agree with her completely. In fact, I agree with what my friend from Nebraska said last evening.

Mr. MOYNIHAN. Mr. President, I have the floor.

Ms. MIKULSKI. I have the floor.

Mr. MOYNIHAN. Would the Senator yield the floor?

Ms. MIKULSKI. After I yield for the question of the Senator from Nebraska, and then I will yield the floor.

Does the Senator from Nebraska have a question?

Mr. EXON. I have a question for my friend and colleague from Maryland. I listened with great interest to her talk today. I listened with great interest to the talks a lot of people have been making on this matter since the revelations of this weekend.

I simply want to say in asking the question that those who have traditionally opposed the nomination obviously are happy and pleased with the recent developments, the category into which this Senator does not fall because I announced my support for the nominee. Indeed, when the final vote is cast, if it is cast sometime other than 6 o'clock tonight, I may support Judge Thomas.

I must say, Mr. President, that what this Senator is trying to get across is some reason for not delaying the vote. May I ask my Senator friend from the great state of Maryland why the rush to judgment? Why is it that we have to vote tonight because it has been so decreed? Is there any reason that my friend from Maryland could think of as to why it would be bad, or cast the Senate in a bad light, if we simply delayed this so that we could find out more, hopefully call the two people before the Senate Judiciary Committee to ask them point blank?

I do not know who is telling the truth. But it is obvious, is not it, that either Judge Thomas is not telling the truth, or Professor Hill is not telling the truth.

Does the Senator see any reason? What possibly could be wrong with delaying the vote for a limited amount of time to give everybody a chance, including I think the chance for Judge Thomas to refute this publicly in front of the committee, which in my view, Mr. President, would be also helpful to eliminate any could over the nomination for someone who is about to serve 30 years on the Supreme Court.

Ms. MIKULSKI. Mr. President, reclaiming my time, I can think of no reason other than parliamentary rules that require unanimous consent. I hope that our leadership can help resolve this issue on both sides of the aisle.

But in responding to my colleague's question, let me say about those who were going to vote "no" on the Thomas nomination that there is no glee in this; I was going to vote "no," because I felt that Judge Thomas had been silent and evasive on many of the issues, and therefore we could not put him on the Court.

But as I come before the Senate, this is a melancholy situation in which we are letting Judge Thomas down, letting Professor Hill down, but most of all we are letting down the Supreme Court and the American people.

So having said that, I hope that the problem is only our own parliamentary rules, which we can always deal with.

Now I would like to yield to the Senator from New York, who I believe either had a question or wanted to speak in his own right.

Mr. MOYNIHAN addressed the Chair.

Ms. MIKULSKI. I yield the floor, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Chair and I thank my friend from Maryland for her great courtesy.

I would like to repeat a point which she made.

I have said earlier that I was reading a statement I had meant to give yesterday morning in support of Judge Thomas. But by the time I reached the Senate yesterday morning, I had learned, as all of us had, I suppose, of the statement of Professor Hill. As the day went by, I read the FBI report and the affidavit. I watched Professor Hill. Then, at the close of the day, I learned that this FBI report, the affidavit, was a matter which was known to at least 17 Members of this body before unanimous consent was requested in order to vote tonight at a time certain—6 o'clock. But it was not known to this Senator, who could have objected to an unanimous-consent request. It was not known to the Senator from Maryland, who nods in agreement, and who I doubt very much would have given consent, had she known. Again, I see a nod in agreement.

We cannot have a procedure where 17 Senators know something which, if 83 Senators knew, a proceeding of this consequence would not take place. Therefore, Mr. President, with the thought in mind that the Senator from Maryland has had and others have had, how can we work our way out of this?

There is a very simple proposal. Under rule XXII, on the precedence of motions, it states: One, when a question is pending, no motion shall be received but to adjourn.

Accordingly, Mr. President, I move that the Senate adjourn until Tuesday, October 15, at 10 o'clock. I believe I have the floor, and I await your ruling.

Mr. GRASSLEY addressed the Chair.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from New York has the floor.

The Senator loses the floor upon making the motion.

Mr. CONRAD. Mr. President, parliamentary inquiry.

Mr. MOYNIHAN. Will the Senator allow me to speak?

The motion to adjourn has been made.

May I ask you, Mr. President, will it not be disposed of by a vote?

Mr. GRASSLEY addressed the Chair.

Mr. CONRAD addressed the Chair.

Mr. MOYNIHAN. May I ask my colleagues to allow the Chair's ruling?

Mr. CONRAD. This Senator would like to make parliamentary inquiry.

My understanding is that the Senator loses his right to the floor after making the motion.

The PRESIDING OFFICER. That is correct. The Senator from New York, after making the motion, loses the floor.

Mr. CONRAD. Mr. President, I seek recognition.

Mr. MOYNIHAN. Mr. President, the motion surely has to be disposed of.

The PRESIDING OFFICER. Is there objection to consideration of the motion?

Mr. GRASSLEY. I object.

Mr. CONRAD. I object.

Mr. MOYNIHAN. I ask for the yeas and nays.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair advises the majority leader that a quorum call is in progress.

The assistant legislative clerk continued with the call of the roll.

The PRESIDING OFFICER. Order in the Senate. The press gallery will remain quiet.

The clerk will continue calling the roll.

The assistant legislative clerk continued with the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I raise a parliamentary inquiry.

Is the motion to adjourn as made by the Senator from New York in order?

The PRESIDING OFFICER. It is not in order.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MITCHELL. Mr. President, I understand the quorum call has been requested.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. A quorum call is in progress.

Mr. MOYNIHAN addressed the Chair.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRASSLEY. I object.

Mr. MITCHELL. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRASSLEY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The bill clerk continued with the call of the roll.

Mr. MOYNIHAN. Mr. President, I request that further proceedings under the quorum call be dispensed with so that we may discuss the situation we are in, and why people do not want to discuss it.

Mr. GRASSLEY. Mr. President, I object.

The PRESIDING OFFICER. There is an objection.

Mr. MOYNIHAN. Mr. President, with great seriousness, in order to proceed with the debate on a matter of profound consequence——

Mr. GRASSLEY. Regular order.

Mr. MOYNIHAN. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

Mr. MOYNIHAN. Mr. President, in order that discussion of a profoundly serious issue to American women and American men and the Supreme Court may proceed, I ask that further proceedings of the quorum call be dispensed with so that debate might resume.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. There is objection.

Mr. MOYNIHAN. Mr. President, in the prayerful thought that we have but a limited time on an issue of enormous consequence—this surely cannot disturb the Senator from Iowa that much—I ask that further proceedings of the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. There is an objection.

Mr. MOYNIHAN. Mr. President, there are Senators here, and the majority leader is on the floor listening to the debate. The Senators wish to continue debate, to make statements, to see how we can work our way out of this situation, and I would ask that, even though the Republican leader is not present, we might dispense with the quorum call.

I have no intention, Mr. President, of offering any other procedural motions, but simply proceeding to discuss the substance of this profoundly important issue.

Mr. MITCHELL. Will the Senator withhold his request?

Mr. MOYNIHAN. I am happy to do so.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 12:30 p.m., with Senators permitted to speak therein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE NOMINATION OF JUDGE THOMAS

Mr. MITCHELL. Mr. President, I wish to make clear that, first, I was not advised by the Senator from New York, prior to his making of the motion to adjourn, of his intention to do so. Second, it is not my desire or intention to prevent any Senator from expressing his or her view on the subject matter before the Senate, or indeed on any other subject at this time, either on the substance of the nomination or on the process being used to consider the nomination, or more specifically, the question of whether or not there should be delay of the vote by the Senate on the nomination.

As I stated last evening, on September 25, 2 weeks ago tomorrow, during the evening, Senator BIDEN, the chairman of the Judiciary Committee, and Senator THURMOND requested a meeting with the minority leader, Senator DOLE, and myself, the majority leader. In that meeting, they described to us the nature of the statement made by Prof. Anita Hill regarding the nominee and the nominee's, Judge Thomas', denial of the assertions of Professor Hill.

We were advised that Professor Hill had requested two things: First, that the information she gave in the form of a sworn statement be made available to members of the Senate Judiciary Committee; and second, that it not be made available to anyone else because of her concern for the protection of her identity.

Senator BIDEN indicated that he intended to comply fully with that request; that he would make the information available to the Democratic members of the committee and would not make it available beyond that, in accordance with Professor Hill's request.

Two days later, the committee voted and recommended that the matter be sent to the Senate, the vote in the committee having been 7 to 7.

Since, to my knowledge at the time, there had been full compliance with Professor Hill's request, both with respect to making the information available to members of the committee and not making it available beyond that, and the committee having acted, as the person responsible for managing the affairs of the Senate, and following extensive discussion with Senator DOLE and many others involved, I proposed to the Senate that there be 4 days for debate on the nomination, those 4 days being last Thursday and Friday, yesterday, and today, and that at 6 p.m. today, the Senate vote on the nomination. That was approved by unanimous consent. That means that each of the 100 Senators agreed to that procedure.

Obviously, the events which intervened over the weekend, specifically the public statements by Professor Hill, have created circumstances in which many Senators believe that there should be a delay in the vote, and many Senators have communicated that desire to me. There are also other Senators who have indicated an unwillingness to delay the vote.

As we all know, but it bears repeating, once the Senate has agreed to set a vote by unanimous consent—that is, with the approval of each of the 100 Senators—the only way that the Senate can agree to change that time is by the assent of all 100 Senators, and a number of Senators have indicated that they will not assent to such a delay.

Through late last evening and throughout this morning, I have been discussing the matter with a number of Senators on both sides of the aisle, and I will be meeting, prior to the respective party caucuses, with the distinguished Republican leader and the chairman of the Judiciary Committee in an effort to determine what the best way to proceed in this matter is.

The allegations made by Professor Hill are serious. I have never met Professor Hill, but I have watched part of her statement on television yesterday and my impression is that of a credible person. It is something which Senators have the perfect right to express themselves on, and it is my expectation now that a number of Senators are going to express themselves on the subject of whether or not there ought to be a delay and perhaps some other aspect of the nomination, and that is entirely appropriate, and I encourage any Senator who wishes to do so to express his or her view publicly or privately to me.

But the question on when the Senate adjourns or when it does not adjourn, the procedure to be used in managing the affairs of the Senate can and must only be a prerogative of the leadership. It is difficult enough, Mr. President, to conduct the affairs of the Senate given the rules that we have. It would be impossible, it would produce chaos in the Senate were each Senator to determine for himself or herself the manner in which the Senate will proceed on these matters. So I wish to make it clear that my response to the earlier motion for adjournment is not in any way an expression of view on the subject of whether or not this vote should be delayed. I am in the process of consulting with a number of my colleagues in that regard. I intend to meet and consult, as I always do, with the minority leader in that regard. And I will be expressing a view on that during the day. So, I do not want any impression left that I have acted as I have because I wish to prevent any Senator from expressing his or her view or because I have expressed a view with respect to the timing and circumstance of the vote.

We are going to try to work it out. We are in the process of consulting, trying to figure out the best way to do it. And there are appropriate ways in which to do that. Therefore, I have obtained consent for there to be a period for morning business for the express purpose of permitting any Senator to say anything he or she wants but to preclude the possibility of premature or other actions taken with respect to the manner in which this or any other of the Senate's affairs will be conducted.

Mr. President, I note the presence of the Republican leader on the floor, and I will be pleased to yield to him at this time if he wishes to make a comment.

Mr. DOLE. No. I have been in another meeting. I just wonder if the Senate majority leader would indicate—as I understand, we are not in morning business?

Mr. MITCHELL. Yes.

Mr. DOLE. Would that not preclude someone making a motion to adjourn while in morning business?

Mr. MITCHELL. My understanding is, and I have requested the opportunity here—I have asked the distinguished Senator from New York, and he has advised me he does not intend to make any such motion, nor, I believe, do any of the other Senators. I do not believe that will occur. I have been advised by the Parliamentarian that the motion to adjourn was not in order, and I obtained that ruling from the Chair prior to putting in a quorum call.

It is my expectation that there is now to be merely a period of discussion in which any Senator can express himself or herself on any aspect of the matter, but with respect to which no motion to adjourn will be made.

I now ask my colleagues that no such motion be made at this time, and that I be permitted the opportunity to discuss this matter further will my colleagues and the Republican leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

THE VOTE ON CLARENCE THOMAS

Mr. CONRAD. Mr. President, I have just finished reading the FBI reports that detail the allegations by Professor Hill and the response by Judge Thomas. Mr. President, Professor Hill has made serious allegations to the FBI. Judge Thomas has denied those allegations to the FBI. Clearly, someone is not telling the truth. I point out to my colleagues that it is a Federal crime to lie to a Federal law enforcement officer.

But here we are at this juncture, getting ready to vote tonight and we do not know the truth. In fact, neither of the parties have been put under oath to repeat their statements.

Mr. President, I believe it is dead wrong for the U.S. Senate to vote tonight, before we have taken the time to assess these charges. I believe we have a responsibility to Judge Thomas. We have a responsibility to Professor Hill. We have a responsibility to the U.S. Supreme Court. Most important of all, we have a responsibility to the American people. And I believe a rush to judgment tonight, before we have had an opportunity to assess these charges and determine whether or not they are valid would be a very serious mistake for this body.

I have also been disturbed by statements that I have heard from some of our colleagues, statements that Professor Hill does not have any credibility because she waited 10 years to make these charges. I simply say to my colleagues: Look at what has happened. Since Professor Hill came forward with these statements, she has become the object of an attack. All too often that is what happens to women in this society, and they know it. They know that coming forward with charges of sexual harassment in the workplace can put them in jeopardy.

Again, I want to make clear, I do not know if Professor Hill is telling the truth. I do not know if Judge Thomas is telling the truth. In fairness to Judge Thomas, we ought to have a chance to evaluate these charges and clear him or we ought to have a chance to demonstrate that there is some validity to the charges by Professor Hill. That is only fair to both parties, fair to the Supreme Court, fair to the American people.

Mr. President, I am very concerned. If the U.S. Senate votes tonight, without taking time to review these charges, it will appear that the U.S. Senate does not care about sexual harassment or charges of sexual harassment. That is exactly the message that we are going to send if we do not delay and have a chance to hear both parties. It is going to look, all across America, as though the U.S. Senate cannot be bothered with charges of sexual harassment, because it does not consider them important.

Mr. President, that is the wrong message to send to America. Sexual harassment is wrong, and the U.S. Senate ought to say it is wrong, and the U.S. Senate ought to stand up and say, when charges of this magnitude are leveled, we are going to listen and we are going to have a chance to hear both parties and establish their credibility.

In watching the events of the last 24 hours, I have asked myself the question: Is it any wonder that women do not come forward? Is it any wonder they do not come forward, when they become the object of an attack?

This morning, Mr. President, I received a communication from a woman who is a faculty member at the University of North Dakota law school. She knows Anita Hill, and she thinks her allegations have a great deal of credibility. And, I watched Ms. Hill the other day. She seemed to be a credible witness to me. Again, I have not formed any conclusion because I do not think it is fair to form a conclusion. It is not fair to form a conclusion until we have had a chance to hear both sides of this dispute. It is not fair until we have had a chance to hear both individuals under oath. That is what we ought to be doing, and for the U.S. Senate to go to a vote tonight is wrong. It is dead wrong, and it should not happen. We ought to have a chance to look at these charges and either clear Judge Thomas or make a decision that these charges are credible.

Mr. President, I think what is at stake here is now more than the question of the confirmation of Judge Thomas. It is a question of what kind of message the U.S. Senate sends to the people of America about charges of sexual harassment. And we ought to send a message that these charges are taken seriously; that the U.S. Senate listens and then makes a judgment.

Mr. President, I feel in the strongest terms that this vote must be delayed—must be delayed—and I hope as we move through this day that cooler heads will prevail and this vote will be delayed. I thank the Chair and yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Vermont [Mr. JEFFORDS].

THE JUDGE THOMAS NOMINATION

Mr. JEFFORDS. Mr. President, I am not going to get into a debate of whether or not the vote ought to be delayed, but I do wish to take this time to express to the Senator my views on the nomination of Judge Thomas.

Mr. President, I do not think there are more than one or two duties performed by the Senate that are more important than the consideration and confirmation of nominees to the Supreme Court.

While much of what we do has an impact for a few months or years, the seating of Justice on our highest court will have an impact beyond our own service and even our own lifetimes.

Though the Supreme Court acts without the fanfare of politicians in the other two branches, it is every bit as important in the lives of Americans. It has an impact on every aspect of our lives, from the most intimate, personal decisions, to the most arcane and distant subjects.

Can a Vermont woman be barred from a job if she is of child-bearing age? What actions can Vermont take against an out-of-State polluter? How much can Vermont regulate nuclear energy in its own borders? What damages are allowable for a Vermont company injured by anticompetitive activities? The list goes on and on.

Mr. President, I am the son of a judge. My father was in the Vermont court system for over 20 years and served as a chief justice in his final years. For decades the Vermont Supreme Court was considered both moderate and progressive and was nationally respected. Vermont court decisions often appear in law school text books, a fact that made me quite proud during my law school years. During that period, justices were appointed exclusively from among lower court judges. However, in recent years appointments have been made outside the court system. In the minds of many, this has resulted in too liberal a court. This situation might well disturb me. However, in the areas of constitutional rights it has acted as a protector of Vermonters' rights against the recent overly conservative decisions of the U.S. Supreme Court.

The Founding Fathers recognized the limits of democracy. Though they had thrown off the yoke of a monarchy, they certainly were not sure of their experiment in democracy. They feared the character of elected representatives, who might well succumb to passion and the whims of public opinion.

Their fear was well-founded. All too often, I am afraid, Congress gets so caught up in the cause-of-the-week that it treads dangerously near and sometimes upon individual rights. In our zeal to stop crime or drugs or dissent, we forget about nuisances like due process, privacy, or free speech.

While the diversity in ideology of Congress can sometimes weed out the worst ideas before their adoption, no such check is exerted upon the executive branch, which the Founding Fathers may have feared even more than its legislative counterpart.

I do not believe there was one other part of the Constitution which gave greater concern to our Founding Fathers than who should be responsible for appointing the Supreme Court. The drafters were split between those who wanted the Senate to elect the members of the Supreme Court and those who thought the President should have sole authority in appointing the Justices. This debate went on for months. The result was a compromise which gives us the current system in which only the President nominates candidates for the Court, but the Senate has the duty to advise and consent on each nominee before that person can become a Justice of the Supreme Court.

It is illogical to presume that it was the intention of this compromise that the Senate's sole duty should be to pass on the nominee's legal qualifications, character, and judicial temperament. It is clear to me that it also gave the Senate the power and obligation to ensure that executive branch control of the appointing process did not become so absolute that the Court could no longer serve as a satisfactory arbiter between the executive and legislative branches. Further, the role of the Senate also should ensure that the Court does not become positioned to execute a philosophical agenda different from the statutory product of the legislative branch.

Their solution was an elegant one. Acting as brake on the excesses of either branch, and as an arbiter on disputes between the two, the Supreme Court, selected by both and tenured for life, would decide the inevitable knotty questions of statutory and constitutional construction. Finally, and most importantly, the Court would protect individual rights against the predictable incursions of the state.

Article II, section 2 of the Constitution merely provides that the President shall nominate, and "by and with the Advice and Consent of the Senate, shall appoint * * * Judges to the Supreme Court." The text of the constitution is clear that although the power to present a candidate for the Court is vested solely in the President, the power of appointment is exercised concurrently with the Senate, which must review the nomination and may reject the President's choice. However, the Constitution does not specify the criteria for the Senate's decision. Therefore, from a strictly technical standpoint, the Senate may reject a nominee for any reason. This "combination of brevity and ambiguity is so characteristic of the Constitution", Ross, "The Functions, Roles, and Duties of the Senate in the Supreme Court Appointment Process," 28 William and Mary Law Review 633, 635 (1987).

The question then is how do we make this tough decision? On what basis do we decide whether a given nominee should be allowed to ascend to the bench of the Supreme Court?

There is little disagreement on the basic qualifications of a justice—legal excellence, judicial temperament, and character. By and large, the nominees in this century have had outstanding legal qualifications. Thus, for example, the elite law schools of the land, Harvard, Yale, Stanford, and Chicago, are well represented among the current Justices. Further, after completing their schooling, most Justices have gone on to occupy particularly notable positions in the legal community. Again, for example, Brennan was a State supreme court justice; Marshall, Blackmun, Stevens, and Scalia were judges of the U.S. Courts of Appeals; Marshall had been the Solicitor General of the United States and, at the time of his appointment, had argued more Supreme Court cases than anyone; Scalia taught at several prestigious law schools; Rehnquist served as a deputy U.S. Attorney General; and Powell had been President of the American Bar Association. (See, Ross, supra at 646, n. 66).

Political philosophy is important as well. Some argue that such an inquiry has no place in the nomination or confirmation process—that Justices simply should be neutral, sage constructionists. I disagree. A President has many qualified candidates to choose from. The determining factor in his selection is likely to be the perceived philosophy of a nominee.

It would be naive to believe that the President would not ascertain the political philosophy of his nominee. There is no doubt that his advisers and staff would do a thorough examination of the political philosophy of the nominee as well as personal interviews. What about the Senate? Must we resign ourselves purely to an examination of written works of the potential Justice and face a nominee who refuses to give any indication on critical philosophies by claiming it would be inappropriate to do outside the context of the facts of a particular case? While this sounds fine on the surface, this approach gives an incredible advantage to the President in knowing a great deal more about the nominee than the Senate can ascertain through the confirmation process.

Given this reality, the Senate must look to the philosophy of the nominee as well and must insist on appropriate answers and discussions. Further, I also believe the Senate must look beyond the individual to examine the cumulative impact of our actions on the Court.

Although removed from the political fray, the Supreme Court is obviously not unaffected by politics. Where one party dominates over a period of years, nominations to the Court will obviously be strongly influenced by that party. Roosevelt's frustration with the Supreme Court's resistance to the New Deal caused him to make one of the biggest mistakes of his career when he tried to pack the Court. But despite his impatience, the Court obviously moved to the left during the next 30 years.

In our own time, Republican Presidents have made 13 consecutive nominations, and only one of the eight sitting Justices, Justice White, was a Democratic appointee. Lyndon Johnson was the last Democrat to nominate for the Court when in June of 1968 he raised the name of Homer Thornberry. However, no action was ever taken by the Senate on that nomination because of the fracas surrounding the attempted elevation of Abe Fortas to Chief Justice. Johnson's nomination of Thurgood Marshall in June of 1967 was the last by a Democrat to result in a sitting Justice. The Republican stamp on the current Court is undeniable.

But by no means does a President, even one of my own party, have the right to pick virtually anyone he wants who meets minimal qualifications with respect to character, legal ability, and judicial temperament. This is not a pass-fail test.

In my mind, such a process is entirely proper for appointees to the executive branch of Government. The President should be given wide latitude in selecting his Cabinet secretaries and key agency personnel. But under the Constitution, such deference is inappropriate in the confirmation of Supreme Court Justices. Their tenure is not limited to the 2 or 4 or 8 years of an executive agency appointment. They are in position to decide upon our collective future for as long as they live. And a lifetime is too long to be wrong.

Consider if you will, Mr. President, the prospects for the Court over the coming years. It seems to me that the ages of the sitting Justices and their years of service are relevant considerations.

Justice	Date of birth	Age	Years on Court	Appointment age
Rehnquist	Oct. 1, 1924	67	20	47
White	June 8, 1917	74	29	45
Blackmun	Nov. 12, 1908	83	21	62
Stevens	Apr. 20, 1920	71	16	55
O'Connor	Mar. 26, 1930	61	10	51
Scalia	Mar. 11, 1936	55	5	50
Kennedy	July 23, 1936	55	3	52
Souter	Sept. 17, 1939	52	1	51

The above listing clearly demonstrates that the political bent of the current members of the Court is decidedly conservative. The two more moderate members are likely to be replaced in the next 6 years. Justice Blackmun is 83 years old and Justice White is 74. In addition, two others will be well into their 70's. Thus, it is likely that two and perhaps four more appointments will occur within the next 6 years. If one presumes that we continue on the present course and strong conservative members are appointed, it could be well over 20 years before the makeup of the Court could even begin to become more moderate.

There is nothing in the recent history of the Presidency, a history which I should say that I have largely supported, to indicate that, absent congressional pressure for the balancing of the Court, any appointments will be made of Justices whose views are more centrist than the current Court.

The current Court is anything but centrist. It is hard to even term it conservative in the traditional sense. For not only does it seem unwilling to view the Constitution as a living document that can and should be interpreted to accommodate the evolution of our society, it seems unable to be faithful to the legislative intent of Congress. With seemingly increasing frequency, the current Court has gone out of its way to arrive at twisted constructions of congressional intent. In fact, it has become almost an unstated policy of the newly emboldened conservative majority on the Court to seek out precedents with which they disagree and reverse them.

Mr. President, the Members of the Senate should be very familiar with the cases which illustrate this growing trend on the Court. The Congress has spent considerable time and effort correcting and attempting to correct these excursions in judicial activism recently engaged in by the conservative alleged opponents of that philosophy on the Court. Consistently strained interpretations of statutory language and congressional intent have marked many recent and controversial and Supreme Court decisions. Below are but a few examples.

BETTS V. OHIO, 109 S.CT. 256 (1989)

In this case the slim conservative majority interpreted the Age Discrimination in Employment Act of 1967 [ADEA] as providing little or no protection for older workers from discrimination in employee benefit plans. The original intent of the Congress in passing and amending the ADEA was to prohibit discrimination against older workers in all employee benefits except when age-based reductions in employee benefit plans are justified by significant cost considerations. The EEOC under the Reagan administration had vigorously litigated to defend this very interpretation of the act.

The Older Workers Benefit Protection Act—Public Law 101-433—was passed by the Congress and signed into law by President Bush to correct this misinterpretation by the Court.

RUST V. SULLIVAN, 111 S.CT. 1759 (1991)

In another 5-4 conservative majority opinion, the Court held that freedom of speech was not abridged by Federal regulations that prohibit federally funded family planning clinics from providing counseling or referrals regarding abortion. Congress has acted by passing legislation—Title X Pregnancy Counseling Act—which would prohibit the Secretary of HHS from acting in compliance with the Court's decision. Rather, the bill would guarantee that projects receiving title X funds can "offer pregnant women information and counseling concerning all legal and medical options regarding their pregnancies."

Both the House and the Senate have passed bills and the matter is currently in conference. Again, legislative action is necessary to correct a grievous misinterpretation by the Court.

WARDS COVE V. ATONIO, 109 S.CT. 2115 (1989)

The slim conservative majority was again at work in this case. There the Court ruled that in disparate impact cases under title VII, the burden is on the plaintiff to disprove, rather than on the employer to prove, the employer's business necessity defense for a practice with discriminatory effects. Further, the practice need not actually be essential or indispendable in order to pass muster, it only has to serve a legitimate employment goal. In so ruling, the Court reversed 20 years of judicial interpretation and generally accepted practice under title VII.

The efforts of the Congress to enact legislation correcting this and several other clearly wrong-headed 1989 decisions of the Court are well known. The Civil Rights Act of 1990 was vetoed by President Bush and the 1991 version is currently pending with another veto fight appearing likely.

I have cited only some of the cases in which the Court has drastically reversed fields. Similar examples exist in other areas of law. The point is that the Court is no longer reflecting a spectrum of views, but rather appears to be advancing the agenda of those on one end of the political spectrum. Given the extreme tilt existing on the Court as presently composed, the addition of a new Justice who mirrors the positions of the conservative majority will not serve the greater good.

President Bush and others have argued that diversity is an important element on the Court. Several of my Senate colleagues have stated their support for this nominee is based more upon the belief that his different roots will prevent him from becoming just one more predictably conservative vote on the Court. But diversity of backgrounds, in my opinion, is virtually irrelevant. If two Justices are likely to arrive at the same decision on a given case, it matters little that one was born to poverty and one to affluence.

Some may argue that this is a new and perhaps inappropriate standard; that the recent history has been that Presidents are free to appoint nominees reflecting their own view on the important issues of the day. I'm afraid there may be some truth to this. After the rejection of Judge Bork, we did seat Justices Kennedy and Souter without much protest or fanfare. It does concern me that I may be applying here a standard which I did not insist upon in connection with Justice Souter, the only nomination which occurred since I came to the Senate, and which the Senate as a whole has not applied to any recent candidate.

In terms of the direct comparison with Justice Souter, it did strike me that he had solid legal qualifications in his background that are not possessed by Judge Thomas. Further, Justice Souter did not have the extensive history of conflicting and troublesome public statements on the contentious issues of our times to trip up his nomination. Finally, through professional contacts that I had with Justice Souter prior to his nomination, I had come to the opinion that he was an independent sort not likely to be easily swayed in the formulation of his considered judgments.

Having said this, I still must insist that it is not a novel idea that a President should look first to the finest jurists in the land without regard to philosophical or political homogeneity. That is the standard which I think we should apply, here and always. The criticism that we may not have previously lived up to that goal does not constitute a binding commitment that we must continue the error of our ways.

Our process for determining the qualifications of a prospective justice is important and frustrating. A nominee has every incentive to tell the Senators what they want to hear. He or she can study the confirmation performance of his or her predecessors for clues on how to win the battle. Does anything in the confirmation experiences of Judge Bork, Justice Kennedy, or Justice Souter suggest that future candidates will adopt anything but extreme reticence as their confirmation strategy? I doubt it.

The real work of becoming a bona fide candidate for the Supreme Court should be completed before a nominee's name is announced by the President, not at the confirmation table. And yet, if the hearings are of limited utility, where do we turn? Obviously we must look at the published record of a nominee, as well as past decisions and performance in other capacities. What were the public deeds and accomplishments of the nominee? How did he or she comport himself or herself in carrying out their public obligations? This is the customary type of yardstick used to measure the qualifications of candidates. Indeed, until recently this was the exclusive means by which nominees were measured.

Against this yardstick, Judge Thomas' record is troubling, and I cannot simply discount it. At the Department of Education's Office of Civil Rights, he was on the verge of being declared in contempt of court for substituting his own views of the law for those of the court. At the EEOC, where he served in a quasijudicial role, he made one statement after another that can only be characterized as extreme. From privacy to property he espoused views that represented remarkable departures from the legal mainstream—departures in one direction only—right.

To his credit, Judge Thomas has made a remarkable rise from poverty to the threshold of our highest court. He has shown that hard work and discipline pay off, and in doing so, has served as a great model. His rise has not been without missteps, but on the whole has been spectacular. In fact, his humble beginnings, poor and black in the segregated South, have been widely touted as the premier component of his qualifications for the Court.

I worked with Judge Thomas when he was the Chairman of the Equal Employment Opportunity Commission and I served as the ranking member of the House Education and Labor Committee. He inherited an agency with substantial problems and did much to rectify them. His harshest critics seem determined not to credit him with his accomplishments in this regard. He chose, I believe in keeping with the philosophy of the President that appointed him, to place great emphasis on individual case processing at the expense of broader, class-based remedial actions.

Judge Thomas' tenure on the court of appeals has been extremely brief. Further, the function of a lower court is fundamentally different from that of the Supreme Court simply because there is no route of appeal from the latter. The opinions of a Supreme Court Justice have a way of becoming etched-in-stone law more so than do the words of lower court jurists. This combination of facts makes it difficult to draw any conclusions relevant to the confirmation process from Judge Thomas' experience on the circuit court.

Judge Thomas' rise has been meteoric. But it has also been atypical. While all of us would love to hold out his route as the one path for those born to poverty, we know that most people will not or cannot take it. Some will be deserted by husbands, burdened by children, strapped to support family as well as self. We can applaud those that surmount the hurdles of poverty and prejudice, but we cannot forget those that fail to clear the bar.

This, I think, is the fundamental failing of Judge Thomas' judicial philosophy. His view of the role of Government, and particularly the role of Congress in society, is pinched and penurious. The alternative is not profligacy. Rather, it is a Government that is acting aggressively to secure a more just society.

Beyond his philosophy come the more traditional questions of qualifications. With respect to his legal qualifications, I don't think jurists should be held to a publish-or-perish standard any more than academics. I know when I was attorney general, my assistants had no time to muse upon the finer points of the law, and I am sure the same is true of Judge Thomas throughout his career in Government. Running an agency permits precious little time to engage in scholarly pursuits.

But there is little in Judge Thomas' record to suggest legal excellence. The bar association's recommendation was tempered, and there is little evidence of distinction. This is not surprising. In a few years, regardless of whether he wins confirmation or not, I am sure we will have a much more complete body of opinions on which to base our judgment. Right now, we simply do not.

Measuring legal qualifications is a relatively objective process compared to the subject of character or judicial temperament. These can only be subjective decisions. And while hearings are indeed of limited value, they did not provide great reassurance in these areas.

Judge Thomas' answers brushed aside one controversial statement after another. His willingness to discuss issues seemed dependent on the issue itself, not some standard of judicial rectitude. His statements on privacy and abortion were evasive at best, and verged on lacking in credibility.

As I have noted, there are incentives to tell your audience what it wants to hear, be it the Senate Judiciary Committee or the Heritage Foundation. But succumbing to such temptation does not seem the hallmark of the best candidate we can find for the Supreme Court.

Mr. President. Recent Supreme Court decisions and the nomination of Clarence Thomas to fill the vacancy on Justice Thurgood Marshall has caused me to reexamine the role of the Senate in the formation and composition of the Court. In other words, when it appears that the philosophical makeup of the Court has swung so far, one way or the other, that it is at odds with a clear majority of the Congress, can we legitimately, must we appropriately refuse to accept appointments that will further exacerbate that disparity?

I conclude it is not only legitimate and appropriate, but also our duty to do so. To say and do otherwise is to allow the executive branch to wrest control of the judiciary. That result—the veritable hostile takeover of the one branch of Government intended to be the arbiter between the other two—is simply not acceptable.

The outcome, in my mind, is not in doubt. And were my side to prevail, I know the ultimate outcome would be very much in doubt. But I can do nothing but cast my vote based on how I view this nominee, and this Court, at this time. Accordingly, when the Senate meets to consider the issue, I will vote against the confirmation of the nomination of Judge Clarence Thomas to the U.S. Supreme Court.

Mr. METZENBAUM. Mr. President, one of my colleagues, whom I considered a friend, on the other side of the aisle—with absolutely no evidence—is telling reporters that I am responsible for leaking Anita Hill's story to the press. That is wrong. That is untrue. Let me say emphatically again that nothing could be further from the truth. He owes me a public apology. Professor Hill struggled to make her story known to Senators, and expressed a desire to keep her confidentiality protected—I would not violate that request. I knew full well the impact these charges would have on the lives of both Judge Thomas and Professor Hill, and I would never have so callous a disregard for those consequences—I resent bitterly the suggestion that I would.

The proper forum for this issue was within the confines of the Senate's procedures, and I, too, regret that this has spilled out in public. But I demand a correction or an apology from any colleague who has accused me of violating the trust of Ms. Hill, or the trust of this institution.

Having heard Professor Hill for the first time yesterday, I think we should have done more to learn about her allegations. I will state that it was absolutely appropriate, and in fact my duty, to report her allegation to the full committee for investigation. I did that, but, in hindsight, it is my opinion that those of us on the committee should have insisted on hearing privately or publicly, from both Judge Thomas and Professor Hill.

Now Judge Thomas' supporters are trying to divert attention from the seriousness of the allegations against Judge Thomas by dwelling for hours on who might have leaked them. They have trivialized what is for thousands of women a very serious, very difficult, and very intimidating situation.

The very people who are professing outrage over leaks and violation of the process are the very people who are, on this floor selectively leaking portions of the confidential FBI report that only Senators may read. I want to further point out that Judge Thomas' supporters are summoning the vast powers of the White House, the FBI, and the President's party to mount a case against one lone woman. Her two law school deans spoke glowingly of Ms. Hill to National Public Radio but yesterday, Judge Thomas' supporters produced a letter from one of them impugning her integrity. These Senators do not want a full hearing on this issue. They are selectively pulling in statements from whomever they can find to try Professor Hill on the floor of this senate without giving her a chance to speak for herself.

Professor Hill has said she is willing to be questioned by the Judiciary Committee. Judge Thomas should come forward and do the same. We could hold the hearing tomorrow and vote shortly thereafter.

I think that is the procedure that should be followed.

Mr. President, 37 years ago, in 1954, the Supreme Court decided that segregated school were violating the equal protection clause of the Constitution. Three years later, in 1957, the Court held that a criminal defendant, whose liberty is at stake, should not be denied a lawyer simply because he or she cannot afford to pay for one. In the early 1960's, the court rules that the Constitution required States to count each person's vote equally. In 1970, the court decided that poor people could not be cut off from welfare without a hearing. And in 1973, the Court rules that women should be allowed to decide for themselves whether or not to carry a pregnancy to term.

These decisions by the Court in the postwar era—and there are many others that I could mention—were bold, courageous, and even visionary. Not all of them were popular at the time in which they were decided. But history has shown that all of these decisions improved the moral climate of this country by making the principles of equal justice, fundamental fairness, and individual liberty a reality for minorities, woman, and the poor.

It is a sad truth that the current Supreme Court has none of the vision and courage that can be found in the decisions which I mentioned. The Court can no longer be looked upon as a force for equal rights, social justice, and individual liberty.

Unfortunately, Justice Marshall's resignation means that the Court will be even less responsive to the concerns of minorities, the poor, and the disadvantaged. Justice Marshall devoted his career, and even risked his life, in the service of equal rights and social justice. He improved the lives of millions of people in this country. Blacks, Hispanics, women, senior citizens, and poor people never had to wonder whether Thurgood Marshall was on their side. He was their champion—a dogged and tenacious defender of their rights.

Justice Marshall's resignation from the Supreme Court marks the fifth Supreme Court vacancy of the Reagan-Bush era. Once his seat is filled, Presidents Reagan and Bush will have filled a majority of seats on the Supreme Court.

A judicial nominee cannot become a member of the High Court simply because the President and his advisers are comfortable with that nominee's views and judicial philosophy. The Supreme Court is not an extension of the Presidency. The Constitution makes it clear that the Supreme Court is a separate and independent branch of Government.

That same Constitution assigned the Senate a role in the confirmation process to help preserve the independence of the judiciary.

The Senate's role has become more important in recent years because, quite frankly, Presidents Reagan and Bush have made no bones about using the Court to advance their political and social agenda.

A central part of the Reagan-Bush political program has been reversal of many landmark Supreme Court decisions. Court rulings protecting civil rights, constitutional liberties, and a woman's right to choose have been overturned or jeopardized because the Reagan and Bush administrations have made good on their campaign pledge to appoint judges who are hostile to those decisions. As Justice Marshall wrote in his dissent in Payne versus Tennessee—one of his final opinions for the Court—a majority of the Rehnquist court has sent "a clear signal that scores of established constitutional liberties are now ripe for reconsideration, thereby inviting—open defiance of our precedents."

Clarence Thomas' nomination must be viewed against the backdrop of this effort by the Reagan and Bush administrations to remake the Supreme Court in their own image.

In my view Judge Thomas' record at the EEOC is, by itself, sufficient grounds for opposing his nomination to the Supreme Court. While at the EEOC, Judge Thomas pursued policies which undermined legal protections for minorities, women, and the elderly—the very people who are most in need of protection by the Supreme Court. During his tenure as EEOC Chairman, thousands of older workers lost their right to bring age discrimination suits in Federal Court because of the negligence of his agency. Scores of working women who were being discriminated against because of so-called fetal protection policies received a cold shoulder from the EEOC. Blacks, Hispanics, and women were hurt by his unrelenting hostility toward effective civil rights enforcement tools such as class action suits and affirmative action.

Aside from his record at the EEOC, Judge Thomas' legal credentials are also a matter of concern. He has not, at this stage of his career, compiled the exceptional and distinguished legal credentials which one expects to find in a Supreme Court nominee. The NAACP Legal Defense Fund found that Judge Thomas' legal and judicial credentials fall short of virtually every other nominee placed on the Supreme Court in this century.

Judge Thomas' supporters recognize that his legal and judicial record are not strong reasons to vote in his favor. Instead, they stress his background and extol his capacity for growth. I do not believe that we should put justices on the Supreme Court who need to grow into the job. A Supreme Court seat is not the proper place for on-the-job training; nor is it a reward to be handed out for loyal service to the executive branch. If, as his supporters claim, Judge Thomas has the potential to be a great judge, we should let him remain on the appeals court for a few more years to see if he lives up to that potential.

But President Bush did not want to wait. He rushed to put Clarence Thomas on the Supreme Court. I believe that, contrary to his statements to the American people, President Bush wanted to replace Thurgood Marshall with a minority. But President Bush also wanted to replace Thurgood Marshall with a minority whose record would be acceptable to the right-wing of his party. Clarence Thomas filled the bill.

Judge Thomas has an extensive and controversial record on a wide range of important legal and policy issues. He discussed that record with the committee in a manner that was evasive, unresponsive, implausible and, at times, simply unbelievable. Stated bluntly, Judge Thomas ran from his record.

A number of other Senators already have pointed out the discrepancies between Judge Thomas' speeches and writings on natural law and economic rights, and his testimony before the committee on those subjects. I also have discussed those inconsistencies in the committee report. The bottom line is that his testimony before the committee on those subjects cannot be squared with the statements in his speeches and writings.

Judge Thomas' views regarding Congress should be of particular interest to Senators. Judge Thomas has stated that Congress "is out of control," that "there is not a great deal of principle in Congress," and that "there is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business." Judge Thomas has stated that through the exercise of its oversight authority, Congress has overstepped its constitutional bounds and improperly intruded upon the province of the executive.

At his confirmation hearing, Judge Thomas dismissed his repeated criticisms of Congress as simply remarks which sometimes surface during the everyday tension between the executive branch and Congress. I believe that Judge Thomas' repeated and vehement criticisms of Congress raise real questions about whether he would defer to congressional intent in statutes which he believes are wrong, or support the aggressive exercise of Congress' oversight power in a dispute between the legislative and the executive branch.

Judge Thomas' legal views regarding the separation of powers doctrine also are disturbing. In a 1988 speech, Judge Thomas severely criticized the Supreme Court's 7-1 decision in Morrison versus Olson, a case which held that the special prosecutor law passed by Congress did not violate the Constitution's separation of powers clause. The law was designed to prevent a recurrence of the 1973 "Saturday Night Massacre," in which President Nixon fired Special Prosecutor Archibald Cox because he was doing too good a job pursuing the Watergate defendants.

Judge Thomas stated that Justice Rehnquist's opinion upholding the special prosecutor law "failed not only conservatives, but all Americans." He called Morrison "the most important court case since Brown versus Board of Education." Judge Thomas went on to laud as "remarkable" Justice Scalia's dissent in the Morrison case, which took a very narrow view of congressional power under the separation of powers clause.

At the hearing, Judge Thomas again ran from his previous statements. When he was asked to give his views about the most important court cases in the last 20 years, he did not include Morrison on the list. Moreover, he indicated that he never actually believed that Morrison was the most important case since Brown, but said it was in order to persuade his audience that it was significant. In my view such an explanation only raises more questions than it answers. Unfortunately, it is not the only instance in which Judge Thomas has tried to explain away a controversial statement by asserting that he did not really mean what he was saying.

Finally, I questioned Judge Thomas about a number of statements in his speeches and writings. These statements raised questions about whether he will approach issues that come before the Court with an ideologically conservative mindset rather than with the even-tempered and balanced judiciousness required of a Supreme Court Justice.

For example, Judge Thomas has written that the ninth amendment of the Constitution—which has been used to support a woman's right to choose—could become a "weapon for the enemies of freedom." In an April 1987 speech to the Cato Institute, Judge Thomas stated that he "agreed wholeheartedly" with former Treasury Secretary William Simon's statement that "we are careening with frightening speed toward collectivism and away from free individual sovereignty, toward coercive centralized planning and away from free individual choices, toward a statist dictatorial system and away from a nation in which individual liberty is sacred." It is difficult to understand how Judge Thomas could assert that, in the seventh year of the Reagan administration, this country was "careening with frightening speed toward a statist dictatorial system."

In an April 1988 speech at Cal State University, Judge Thomas declared that "those who have been excluded from the American dream [increasingly are] being used by demagogs who hope to harness the anger of the so-called underclass for the purposes of [advancing] a political agenda that resembles the crude totalitarianism of contemporary socialist states much more than it does the democratic constitutionalism of the Founding Fathers."

There are a significant number of other statements made by Judge Thomas which undoubtedly delighted the far right, but which raise real questions about his evenhandedness. Senator KENNEDY placed many of these statements into the RECORD last week.

Judge Thomas' explanation of these statements provided little reassurance. Judge Thomas stated that when he made these remarks, he was only expressing concern about the size of Government and about the relationship between the individual and the Government. At no time did Judge Thomas explain why he employed such extremist and ideological rhetoric in order to make an elementary point about the growth of Government or the relationship between the individual and the state. Indeed, Judge Thomas' assertion that this extremist rhetoric was used only to make uncontroversial points was repeated too often to have any credibility.

Judge Thomas never really engaged in a dialog with the committee about the controversial speeches and articles which he wrote while Chairman of the EEOC. Instead, he simply tried to assert that those statements do not count. Judge Thomas' suggestion that we should give little weight to the speeches and articles which he wrote prior to becoming a judge was a sweeping—and remarkable—attempt to persuade the committee not to Judge him based on his record.

I start from the assumption that public officials mean what they say. Judge Thomas was going around the country and making statements about a number of legal and policy issues. If Judge Thomas was publicly expressing views that he did not believe, then that, in itself, raises doubts about his fitness for the Supreme Court.

I also do not believe that a nominee's views and beliefs magically disappear the moment he or she dons a judge's robe. It is naive and unrealistic to think otherwise. History tells us that, in most cases, a nominee's speeches and writing provide a good indication of the kind of judge that person will become.

The speeches and writings of Clarence Thomas strongly suggest that he is a nominee who would fit in all too well with the conservative activists on the Supreme Court. His refusal to discuss those speeches and writings in a straightforward manner, suggests that he either does not understand their significance, or that he did not want to engage in a meaningful dialog with the committee about these matters. In my view, either explanation raises doubts about his fitness for the Supreme Court.

Nowhere was Judge Thomas' effort to run from his record more transparent than in the area of abortion. Unlike either David Souter or Anthony Kennedy, Judge Thomas came before the committee with an extensive record on the subject of abortion. Every aspect of his record relating to abortion strongly suggests that he is opposed to a woman's rights to choose. He was repeatedly asked to explain or elaborate upon those elements of his record which touch on abortion. But Judge Thomas' explanation of his record on the abortion issue only exacerbated concerns about his views on this subject, and about his willingness to be candid with the committee.

Much has been said about Judge Thomas' endorsement of the Lewis Lehrman article entitled "The Declaration of Independence and the Meaning of the Right to Life." The Lehrman article argued that Roe versus Wade must be overruled, that fetuses have constitutionally enforceable rights, and that Congress and the States are barred from enacting laws that protect the right to choose.

In a 1987 speech, Judge Thomas called this article "a splendid example of applying natural law." But last month, Judge Thomas testified to the Judiciary Committee that he actually regarded the Lehrman piece as an inappropriate application of natural law. He stated that he praised the Lehrman article in order to persuade his conservative audience that they should not be fearful about using natural law. In essence, Judge Thomas told us to discount this statement because he didn't mean what he was saying. Such an explanation only heightens concern about his nomination. If, in 1987, Judge Thomas was willing to misstate his views about the Lehrman article in order to win over his audience, how can we be certain that Judge Thomas was not disavowing the article in order to please the committee?

Judge Thomas also signed onto a 1986 White House working group report that criticized as fatally flawed a whole line of cases concerned with the right to choose. The report suggested that these decisions could ultimately be corrected through "the appointment of new judges and their confirmation by the Senate."

However, when Judge Thomas was questioned about the working group report he tried to disavow it by explaining that he had never read the section of the report which discussed the abortion decisions. Once again, Judge Thomas' explanation of an important and controversial element of his record only raises more questions than it answers.

In a 1988 Cato Institute publication Judge Thomas criticized another of the Supreme Court's decisions on privacy, Griswold versus Connecticut, deriding a key constitutional argument supporting the right to abortion.

But Judge Thomas testified to the committee that he views the Constitution as protecting a marital right to privacy. His testimony is troubling for two reasons. First, his testimony to the Judiciary Committee during his Supreme Court confirmation hearing was the first time in which Judge Thomas had ever suggested that he views the Constitution as protecting a right to privacy. Second, Judge Thomas refused to say whether he believes that the right to privacy encompasses a woman's right to terminate her pregnancy. Indeed, Judge Thomas' remarks sound eerily similar to statements made by other nominees who have paid lipservice to the right to privacy and then have gone onto the Court and undermined the abortion right.

Because of his extensive record on the abortion issue, committee members questioned him directly about his views regarding a woman's right to choose. Judge Thomas was not asked how he would rule in a particular case. But committee members hoped to get a sense of how he views the issues raised by abortion.

Despite the fact that Judge Thomas answered questions on a slew of constitutional issues that will most certainly come before the Court, he would not even give us an inkling about how he would approach the legal issues raised by the abortion question.

Indeed, when Judge Thomas was asked whether he had any views about the Roe decision, he made the remarkable statement that he had no opinion on the case and that he had never even had a discussion about Roe.

This statement is simply not credible. It is hard to believe that any thoughtful attorney or judge has never had a discussion or formulated an opinion about the Roe case. Moreover, Judge Thomas had written an article in which he stated that the Court case "provoking the most protest from conservatives is Roe." It is hard to believe that Judge Thomas would make a statement about Roe in an article he had written without ever having thought about or discussed the decision. In addition, Judge Thomas testified to the committee that he believed that the Constitution protects a right to privacy. It is difficult to believe that Judge Thomas could reach the conclusion that the Constitution protects a right to privacy without ever formulating an opinion regarding Roe versus Wade, the most significant of the privacy cases.

Judge Thomas' supporters defended his silence on the abortion question. They pointed to his statements in support of the right to privacy, even though these statements are quite similar to the statements of other nominees who have gone on to the Court and weakened the abortion right. They also noted that the issue of whether the Constitution protects a woman's right to abortion is unsettled, and is therefore not appropriate for discussion. But they failed to acknowledge that the major reason that a woman's right to abortion is unsettled is that the Reagan and Bush administrations have consistently made good on their campaign promise to appoint Justices who would weaken that right.

To the millions of American women wondering where Judge Thomas stands on this critical issue, his answer was: Trust me, my mind is open, I do not have a position or even an opinion on the issue of abortion.

Judge Thomas' statements regarding the abortion issue are simply not credible. He wants millions of American women to ignore everything he has ever said or done in relation to the issue of abortion. He wants them to dismiss the fact that he—like other nominees who have gone onto the Court and weakened the right to choose—singled out this particular subject for silence during his confirmation hearing. And he wants the women of this country to entrust their fundamental right to choose into the hands of a man who, by his own admission, does not even regard the issue as important enough to merit discussion.

Members of the Senate cannot ignore Judge Thomas' record on abortion. And Members of the Senate who support a woman's right to choose, should not take any solace from the judge's testimony before the committee. A woman's right to choose is too important to be placed into the hands of a man who will not discuss his record on the issue in a candid and straightforward manner.

In my last round of questioning to Judge Thomas, I told him that I would evaluate his nomination based upon his record, and based upon the manner in which he discussed that record with the committee. Judge Thomas' background and life story are impressive and inspiring. But in the end, the question of where Judge Thomas comes from is far less important than the question of where he would take the Court.

Everything in Judge Thomas' record suggests that he will be an active and eager participant in the Rehnquist Court's ongoing assault on established Court decisions protecting civil rights, individual liberties, and the right to choose. Judge Thomas' refusal to discuss that record in a candid, thorough and straightforward manner only confirms my concern that he will move the Court in the wrong direction.

I must vote against the nomination of Clarence Thomas.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, 2 weeks ago, I announced my opposition to Judge Thomas on the Senate floor. Since that time, I explained my views in some detail, and I want to simply summarize them now. In stark and simple terms, I decided to vote against Judge Thomas because I was not satisfied with his responses to the questions he was asked by the committee. They did not demonstrate a mastery of legal issues. They failed to reveal a coherent and consistent approach to constitutional interpretation. And they were nonresponsive to legitimate questions about basic values as opposed to future rulings.

Mr. President, those objections and concerns, so carefully considered before I became aware of the allegations regarding sexual harassment, are still valid. They still form the core of my opposition to this nominee. These issues seem to have paled in the last few days, as legal arguments have been overwhelmed by Professor Hill's charges of sexual harassment. I want to comment on these. A cloud now hangs over this confirmation. Whether the nominee is confirmed or rejected, the decision will be tainted by unresolved claims and counterclaims. That is not acceptable. In fact, it ought not to be tolerated.

This whole process has been cheapened, soiled, and made ugly. If we vote today without attempting to find out more, we will have let the country down. I am not saying that Professor Hill's allegations are well-founded. I do not know if they are. But that is a tragedy; we should know. And now that this matter has become public, now that she has agreed to come forward, we should take steps to find out.

I wish, Mr. President, that we could delay this vote. Judge Thomas is not well served by being confirmed or defeated under these circumstances. While I will not vote for him, I do not wish to punish him by sending his nomination disposed of under this cloud of uncertainty. And, similarly, Professor Hill deserves better than an inquisition before the media. She deserves to have her case investigated carefully and objectively. And the Supreme Court—one of the institutions in which people have the most faith—has been trivialized and weakened.

Mr. President, we ought to delay this vote. Judge Thomas will not be able to do justice on the Supreme Court with this issue hanging over his head. Professor Hill will never get justice, if her claim is not taken seriously. And the American people will not have justice done on their behalf, if we rush to judgment without taking our responsibility to carefully investigate this matter.

I ask unanimous consent that a complete statement setting forth my concerns appear in the RECORD at the conclusion of these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, over the past 43 years Judge Thomas has demonstrated many admirable qualities. He has demonstrated that he has the strength to triumph over adversity. He has demonstrated that he has retained his sense of humor, and that he has the respect and admiration of his many friends.

In my judgment, however, he has not shown why his professional qualifications—as opposed to his personal accomplishments—justify his elevation to the Supreme Court. Let me tell you why.

First, Judge Thomas lacked a clear judicial philosophy. Less than 2 years ago, when Judge Thomas was nominated to serve on the appeals court, he told us that he "[did] not have a fully developed constitutional philosophy." That did not disqualify him for a lower court. But it would for the Supreme Court, which interprets the Constitution in which we, as a people, place our faith and on which our freedoms, as a nation, rest.

So, it was my hope that at the hearing, Judge Thomas would articulate a clear vision of the Constitution. Unfortunately, after listening to Judge Thomas testify, we were unable to determine what views and values he would bring to the bench.

Second, Judge Thomas demonstrated selective recall. He emphasized his experiences as a young man, but asked us to discount many of the views he expressed as an adult. For example, we asked Judge Thomas about his past musings on natural law, his dismissal of almost all forms of affirmative action, and his extensive criticism of Congress—an important issue, given that the Court is supposed to be guided by congressional intent. But he dismissed all of his statements, claiming that they would have no impact on his decisions.

Simply put, I cannot accept this approach. It is totally unrealistic to expect that a Justice will not bring his values to the Court. Presidents nominate candidates based on their values and the Senate must consider them as well. As Chief Justice Rehnquist wrote:

> Proof that a Justice's mind at the time he joined the Court was a complete [blank slate] in the area of Constitutional adjudication would be evidence of lack of qualification, not lack of bias.—*Laird v. Tatum*, 409 U.S. 824, 835 (1972) (Chambers opinion of Rehnquist, J.).

I agree with the Chief Justice: Either we judge Clarence Thomas on his complete record or we don't consider his record at all.

Third, Judge Thomas is an oratorical opportunist. Judge Thomas crafted policy statements apparently tailored to win the support of specific audiences—and then later repudiated these very same positions. In a 1987 speech to the Federalist Society, for instance, he said that Lew Lehrman's article arguing for constitutional protection for the fetus was a "splendid example of applying natural law." But at the hearings he indicated that he had made these comments to win the support of his conservative audience. In fact, Judge Thomas said he had only skimmed the Lehrman article, and that he had never actually approved of its content. Mr. President, to paraphrase Abraham Lincoln, "You can only fool some of the people some of the time."

Fourth, Judge Thomas' answers to questions on Roe versus Wade suggest an astonishing lack of legal curiosity. He told the committee that Roe versus Wade was one of the most important Supreme Court decisions of the last 20 years. Yet he also told the committee that he had never discussed that decision and had no views about it. By comparison, at his hearing Justice Souter told me that "everybody was arguing about" Roe when it came out, and that he "[could] remember not only I but others whom I knew, really switching back and forth, playing devil's advocate on Roe versus Wade."

Fifth, Judge Thomas demonstrated limited legal knowledge. When asked questions of law, many of his replies were disappointing. In contrast, Justice Souter displayed a wealth of constitutional understanding. Judge Thomas lacks this depth of knowledge, but that is not surprising. For, after all, he has been an appellate court judge for less than 2 years, and prior to that he was a policymaker.

In sum, Judge Thomas had a full and fair opportunity to demonstrate to the committee, the Senate, and the country why he should be confirmed. He failed to do that. He failed to discharge his burden of proof. He failed to demonstrate the level of judicial excellence which ought to be required on the Supreme Court. And, as a result, he failed to win my vote.

Mr. President, initially, I welcomed Judge Thomas' nomination because I believe that diversity on the Court is desirable. But diversity alone is not sufficient qualification. A high level of legal distinction is also required. In my judgment, though, Judge Thomas did not meet that requirement.

Finally, Mr. President, I still expect that Judge Thomas will win the approval of a majority of my colleagues in the full Senate. Their support for his nomination will, I suspect, be based on the hope that Judge Thomas will continue to grow as a jurist. Though I do not share their vote, I do share their hope—that Judge Thomas, if confirmed, will one day become an outstanding Justice.

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I rise in support of Clarence Thomas to be an Associate Justice of the Supreme Court.

I concluded this some weeks ago, having had the opportunity to meet Clarence and question him quite at great length.

I asked him about the question of affirmative action, which has been brought up many, many times. As I have read the newspaper accounts about how he is opposed to affirmative action, and I have listened to some of the civil rights leaders constantly say that, I think the American people should know that that simply is not true.

When I asked him about this issue, he said very passionately and with great emotion:

> Senator, I am a product of affirmative action. I would not have the education I have, I would not be where I am today, had I not had people help me. So I believe in affirmative action. I do not believe in quotas. I do not believe in lowering standards. I do not believe in preferential treatment. But affirmative action should be for disadvantaged people, not just minorities—whites, blacks, Hispanics—anyone who has not had equal opportunity, who has not had the educational opportunities. We need programs for them. We need to bring them up. We need to educate them. We need to create opportunities for them.

That certainly is this Senator's definition of affirmative action. I served with Hubert Humphrey. He was a great Senator, not of my political party or my political philosophy, and I had the opportunity on many occasions to discuss with him civil rights. I do not think his definition of affirmative was any different than Clarence Thomas'. As a matter of fact, the Civil Rights Act of 1964 was very clear in trying to create a colorblind society.

And Senator Humphrey certainly talked against quotas and preferential treatment. But he talked, as Clarence Thomas did, about creating opportunity for all. So Clarence Thomas is a product of affirmative action, and I am amazed that we continue to have this dissension over that particular issue.

So I rise in support of Clarence Thomas without any reservations at all. He is an incredibly decent, kind human being, well qualified to sit upon the Supreme Court of the United States.

But what I am more troubled with, after 17 years in the Senate, is what the Senate is becoming. I wonder how many people in this body could pass the test we are now placing upon nominees for both the executive and the judicial branches of Government, a test that I am afraid many of us would fail. As long as we can go out and give speeches, raise millions of dollars to convince our constituents that we should be elected, we can stand here and say, "But we are answerable to the people."

As I look at some of the campaigns that are run, I wonder who the real candidates are. If we had to go through the FBI checks, if we had to sit before a panel asking us detailed questions about our personal lives, where in campaigns we can be articulate and we can run our 30-second spots and create images and presentations of what we are that may not be real, it is a very different process.

So in some cases, I think the kettle is calling the pot black. But having served for 17 years and having served under both Republican and Democratic Presidents, I am disturbed at the process that is going on, how we have set ourselves up as judges of all this minute detail. And I do not want to indicate in any way that we should not perform our responsibilities of advice and consent—that is under the Constitution—or the nominees should not be asked tough questions.

But when we start to savage people, when we have made up our minds on a nominee for any position, either for or against, before we have heard the evidence, that would be in our judicial system like a jury having already made up their minds before they heard any of the evidence. It seems to me that that is wrong, and that jury would be disqualified. And yet this body, on both sides, many people made up their minds for or against before any hearings and even been held. That is not fair. That is not right to judge somebody innocent or guilty before you have heard the evidence.

Then when we start creating evidence, we do everything we can to savage somebody, there is something so un-Christian, so intellectually dishonest about that. And we have seen it happen more and more. We saw it happen to our colleague, John Tower, with misinformation, actual lies, distortions of record, somebody who served for 24 years in this body in a distinguished manner, and we savaged him.

And we took Judge Bork, and undoubtedly no one talked about his lack of qualification to be an Associate Justice of the Supreme Court. But people did not like his philosophy. Well, fine; then vote against him. But you do not have to go around manufacturing things and running political campaigns out there. The Founding Fathers, I do not believe, in the advice and consent process, thought that we would run political campaigns for these jobs and groups would go out there and dig in every nook and cranny of the country and try to find something wrong with somebody: Do not care about your fellow human beings; savage them; take them apart if you do not like their philosophy.

So now we are doing the same thing to Clarence Thomas. These latest charges are obviously serious. But where was this woman in his other confirmation processes; where has she been the last 10 years with these charges? It looks to me like part of a plot to get Clarence, delay, and bring her out of the woodwork 10 years later to make some charges that the FBI has already created.

When does it stop? what do we do to this country? Who is going to want to serve? Who wants to be Secretary of Commerce, or a Judge, or Assistant Secretary, or a head of the regulatory agencies, if this is what they have to look forward to: arrogance from the Senate. We do not like their views, so we are going to take them apart. We will hire investigators to go out and find everything we can wrong with them, and then disclose it to the country and smear them.

I think what is more on trial here than Clarence Thomas is the Senate of the United States. It is time we got back to some civility in this body. It is time we got back to the comity I heard about when I got here—and I did not say comedy; I said comity—that we got back to that, when there was some decency and interaction between us.

This is supposed to be the greatest deliberative body on Earth. It certainly is not showing it over the last 2 or 3 years. And if we want to deteriorate the quality of Government, then let us just keep it up. When you scour this country for Republicans or Democrats for any high offices in this country, they are going to say: No; I am not going to subject myself to that kind of treatment. I am not going to have my family subjected to that kind of treatment.

I would suggest the press start looking at this aspect of it, start looking at the Senate of the United States and see if we are really performing our function as we should, with some honesty and some integrity.

I happen to start from the premise that, unless I can find something terribly wrong with a nominee, I think a President has his right to choose. I felt that way when President Carter was President of this country. He sent up judge nominations that I was not particularly happy with, and yet I did not vote against one of them a single time, because if they were qualified and were men and women of integrity, then I thought the benefit of the doubt should go with the President of the United States.

So I am not up here making a partisan statement in any way whatsoever. I am talking about a process that I think has been totally and completely distorted, and it is time the Senate started behaving like the greatest deliberative body on Earth, started behaving with a little kindness, rather than just this gut politics, that if we do not like someone, rather than just voting against and expressing displeasure and letting the will of the Senate take place, we are going to get them.

There are many days when this Senator is glad I only have a little more than a year left. I hope the Senate will come to its senses, and again I am speaking much more generally than just the issue of Clarence Thomas, to the issue of will we start behaving the way the American people think we should; when will we start behaving with the responsibility that our constituents gave to us when we were elected?

Well, I hope it does not continue. I hope we will come to some reason and stop this kind of behavior, and confirm good people of either party. I will enthusiastically vote this afternoon for Clarence Thomas, and I sincerely hope the games stop, and that we do vote this afternoon.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I am happy to have this opportunity to make a few remarks and clarify the record. I know my distinguished friend from Ohio feels I named him as the person who leaked the information with regard to the FBI report, and that is not true.

I must have been interviewed 50 times on this. I have my suspicions who did, and I do not believe it was any Senator who leaked the report. I do believe it was staff. But I have to say I never said that the distinguished Senator from Ohio did leak the report.

Now, having said that——

Mr. METZENBAUM. Mr. President, will the Senator from Utah yield for 1 minute?

Mr. HATCH. Let me say one other thing. I apologize if that was the implication that the Senator took. It appears to me, in the New York Times today, in an article written by Mr. Wines, a journalist named Wines, that he accused me of saying that I had said that Senator METZENBAUM was the only person who could have done it.

Mr. METZENBAUM. I just want to know that I have not, nor has my staff—and I say that professionally—neither I nor my staff made this story available.

Mr. HATCH. I am happy to hear that. I take the Senator's word on it. But I have to say somebody on somebody's staff did that. I will take the Senator's word that it was not him or his staff.

Mr. METZENBAUM. I thank the Senator.

Mr. HATCH. The Senator is welcome. Somebody did it because the only people who had access to these materials were U.S. Senators. Now, I am happy to take the word of the distinguished Senator from Ohio that it was not him. The only thing I ever said that I recall was that the Senator from Ohio and the Senator from Massachusetts [Mr. KENNEDY] their staffers from the Labor Committee were the ones who initially contacted Anita Hill and, of course, did the initial investigation on this matter before anybody from the Judiciary Committee staff, which is supposed to do the investigating.

That does not negate the fact that I am highly offended by this October surprise.

Now, let us just go back over the facts. All seven who voted against Judge Thomas on the committee knew about these allegations before the vote took place. None of them were in the dark. All of them knew about it. Any one of them could have asked for a week's delay automatically under the rules. Not one did. Any one of them could have raised the issued at that time. Not one did. And any one of them could have had this matter aired before that vote. Not one did.

One Senator in particular talked about filibustering this matter. I raised the issue during that markup, I said, "can you imagine liberals filibustering one of two nominees in the history of the Court who were African-Americans?" I could not imagine it myself. But then it really began. Every effort was made to invoke the rules and to delay the matter and to try to get it past last Friday, because I guess they presumed that there would be an interim 10-day recess and there would be a full 2 weeks where Judge Thomas could be smeared while all of us were out of town.

I am not going to point the finger at any particular Senator, but we know that it had to come from a Senator's staff or a Senator in this body, because nobody else knew about that report. And it is reprehensible.

Mr. President, I believe that if Senators put this October surprise allegation in context, they will not only want the vote to go forward, but they will not feel this recent allegation should bear on the nomination. I understand if sexual harassment occurs, it is a serious thing. I do not condone it in any way. It should not happen. I understand that elected officials need to take it seriously. I think perhaps in this sense the debate has been interesting and perhaps beneficial.

But now I would like to go back and just spend a few minutes talking about the allegations of Miss Hill. Now, what is the context of this recent allegation? Allegedly the harassment occurred while the accuser was working for Judge Thomas while he was Assistant Secretary for Civil Rights at the Department of Education. This was a position to which he was appointed in 1981.

The accuser did not file a complaint with the Department's Equal Opportunity Office. The accuser did not complain to the Inspector General or the general counsel or any one else at the Department. Not one person. The individual did not complain to the Equal Employment Opportunity Commission.

She did not come forward to disclose the alleged harassment when the judge was nominated to chair the EEOC, which, by the way, is the most important Government agency dealing with sex discrimination. And she is not some young high school secretary. She is a Yale law graduate interested in civil rights and these issues and an expert on them. Instead, what did she do? She left the Department of Education with Judge Thomas and went to the Equal Employment Opportunity Commission with Judge Thomas and worked with him for a period of time there.

Mr. KERRY. Will the Senator yield for a question?

Mr. HATCH. I am happy to yield.

Mr. KERRY. As I listened to the Senator going through the chronology here, it seems to underscore to me the fact that is why we are where we are. Indeed, that may be the chronology and that maybe in fact all the facts stack up on the side the Senator is articulating. But the question I ask the Senator is: Does he not sense that because we are where we are, because this has now become public, because Senators outside of the committee were not aware of this, because the full Senate must vote in order to confirm and advise and consent, that because the Nation as a whole and particularly the 50 percent or more of our country made up of women now have a doubt about the process, do we not have an obligation to air the very kinds of arguments the Senator is making in an appropriate way? Should we not act to provide people that sense that there is integrity and a process, so that the facts be put in place, and not simply by the Senator from Utah, who I know speaks with conviction and a sense of faith about it, that he not be the sole voice in this?

Mr. HATCH. I think it is a good question, but I have to point out to the Senator that everybody on the committee knew about that. Part of our job is to screen these things out, and all 14 members of the committee basically found them out. They have had full access to the FBI reports.

We have a disparity. We have Miss Hill alleging that there was sexual harassment and we have Judge Thomas denying it. Now, nothing is going to occur to change those two facts. It is nice to say that and it is nice to talk about that, but we are talking about a Supreme Court Justice nomination, and we are talking about proceeding because he has been smeared over the last 3 days, 4 days, while most of us were out of town and we do not want to see the smear continue. And in all honesty, I am pointing out here right now and I am going to continue to point out the discrepancies in her press conference and some of the other things that she has said.

Mr. KERRY. Well, I understand that.

Mr. HATCH. Let me finish my remarks and I think I will clarify for the Senator what I am saying because I am going to go into some newer things today if I can.

What I am saying is that even though she claims sexual harassment, she leaves the Department of Education and goes right along as one of his top staff people at the EEOC. There she justifies that on the basis that the harassment had stopped and that she did not want to lose her job.

First of all, let us understand something. As a graduate of Yale Law School, a woman graduate of Yale Law School, there is no question in my mind she would have had a job anywhere she wanted, especially in this town, almost anywhere she wanted. She knows it, and everybody else knows it. And she had a job when she wanted it. And she could have gotten a job almost any time she wanted it, not only here but elsewhere. But she goes to the EEOC with Judge Thomas.

Now I ask my colleagues, is that the behavior of someone who has been sexually harassed?

Then she claims that he talked to her again there, that he continued to press her for dates, she said.

Mr. KERRY. Will the Senator yield for a question?

Mr. HATCH. Let me finish my statement then I will be happy to answer any questions.

She says he continually pressed her for dates. And then she claims he talked about sexual matters with her. Well, she is at the Equal Employment Opportunity Commission. She is a Yale law graduate. If she was offended by it, if that is what happened, why did she not make a complaint right then and there? She was not going to lose her job. As a matter of fact, the law says she could not lose her job making that allegation. She knew the law, and she did not complain. And the Yale Law School graduate claims that she feared about getting her next job. Come on.

Now, as I understand it, the accuser says that she was also, as I have said, harassed at the EEOC. She never complained to a relevant official there. She then left the EEOC in 1983. Now, keep in mind, she lived through the second confirmation of Judge Thomas. She went with him after the first time he was confirmed to the EEOC. Then she lived through the second confirmation of Judge Thomas.

That is the third time he was confirmed because he was confirmed to the

Office of Civil Rights, as Assistant Secretary of Civil Rights in the Education Department.

So she had been around for two confirmations, which occurred after the alleged sexual harassment. The reason I mention these confirmations is because that is pretty important. These are important positions and he is now in his fourth confirmation period, with no one ever having raised the slightest criticism of his personal conduct, no one until this last weekend while we were all out of town.

Let me tell you, there is no one to my knowledge in the history of this country, who has been confirmed four times in 9 years—no one—confirmed by this very body, with all 100 of us looking at these matters. And I have presided over three of those confirmations and have participated in the other two, including the pending confirmation. Let me tell you, if anybody could have given him a rough time on those other confirmations, they would have; they tried. But not on these types of allegations.

So she never came forth at the Department of Education and made a complaint or said anything to anybody in authority. She did not come forth in the first confirmation to the EEOC, but came with him and worked at the EEOC. Does that sound like somebody who has been sexually harassed? And then, she did not come forth in, I believe it was 1986, when he was reconfirmed to the EEOC. Nor did she come forth when Judge Thomas was nominated for his position as a judge on the Circuit Court of Appeals for the District of Columbia. She never came forth with this accusation until around September 3, when Labor Committee staffers from Senator METZENBAUM and Senator KENNEDY contacted her.

She says they contacted her. Senator METZENBAUM, as I recall his testimony—I want to be honest about this and frank about it, I think he said she contacted them. I do not know which way it happened.

But she did not come forth when he was nominated to be an Associate Justice on the Supreme Court; not at first. It happened around September 3. And she was not contacted by regular investigators from the committee staff who are supposed to do this type of work. No, we heard testimony from 100 witnesses but none from this individual. This privately made accusation was investigated by the FBI. The FBI report was available to the Judiciary Committee before its vote and of course it has been, since then, available to everybody in the U.S. Senate.

No Senator on the committee or during the 2 full days of floor debate had even alluded to it, much less suggested that we should delay consideration of the vote. Indeed, no one asked for further investigation during the entire time.

That, naturally, has upset a lot of women out there and I thing rightly so. But I just want to get back to that time, because I am personally offended that some staff of our colleagues in this body, according to one press account would criticize the chairman of the Judiciary Committee who conducted this in the most upright, straightforward way I know and went personally to every one of the seven who voted against Judge Thomas, as though he should have done something more.

The fact is, it came down to an allegation by a woman which was rebutted by Judge Thomas and by Judge Thomas' whole life. Everybody sat there and watched him in one of the longest confirmation proceedings in the history of the Supreme Court.

There are a couple of other things I would like to just say, just to make this entire recent development understood by a lot more people. Something that bothers me is this woman is so upset at Judge Thomas, suddenly, after 10 years and after all these opportunities to tell her story, all of these positions being important positions, all confirmable positions.

I understand that there are phone logs of Judge Thomas from 1984 forward, reflecting quite a few telephone calls from none other than Anita Hill. Let me just give you a sample of telephone messages from her. On January 31, 1984—this is approximately 2 years after she left the EEOC. "Just called to say hello. Sorry she didn't get to see you last week."

That was the handwritten note by the person who took the call for Judge Thomas.

On August 29, 1984, "Needs your advice on getting research grants." From Anita Hill, from Professor Hill. Why is she calling Judge Thomas—then Chairman Thomas, Chairman of the Equal Employment Opportunity Commission—if she was so upset at him? If this really had happened, why would she call him, of all people?

On August 30, 1984, "Anita returned your call." So the judge presumably called her back to try to help her on the research grants, when she called on August 29, 1984.

March 4, 1985, "Please call re research project."

March 4, 1985, a call from Susan Cahall, of the Tulsa EEOC office: "Referred by Anita to see if you would come to Tulsa on 3/27 to speak at an EEO Conference."

October 8, 1986, almost 4 years later, "Please call."

August 4, 1987, "In town till 8/15, want to congratulate you on marriage."

What is going on here? Here is a woman who was so offended, on TV, that she is willing to accuse this person, who everybody else knows to be a reasonable, wonderful, upstanding person of integrity and honesty, and she is continually calling him. I could go through the rest. There are some 11 calls over this period of time. One of which was to call and ask him to come to the University of Oklahoma and speak to the law school.

Does this sound like a victim speaking to her harasser? It does not to me. What is really going on here? For 10 years, no public complaint at all. Even as a Yale Law School graduate, an attorney, working right in the agency that takes care of these problems.

The reason a lot of us feel it is time to go to a vote and decide what is going to be done here is, let us be fair to the judge and his family. I do not know about other Senators here but I have anguished, as I have seen these people just torn apart in the public media. I have anguished as I have seen their children suffer.

I happen to like both Clarence Thomas and his wife and I care a great deal for his son, who is a wonderful young man, and his mother. I will never forget right in the middle of the hearings I went down to console his mother after some pretty tough things were said by a couple of our friends on the committee. She is a very humble, wonderful woman. It is easy to see why he is a humble, wonderful man. I put my arm around her and said "Don't let it get to you." She said, "I did not doubt"—she mentioned one Senator—"would treat my son this way. But I really did not think this other one would."

That is what she said to me. This is tearing families apart. And I have to tell you, anybody looking at it would say his accuser acts like she is so offended right now, why did she not do it during the 10 years beforehand? And why the repeated contacts with Judge Thomas? Why keep asking him for his help, which he always seemed to give?

This man was nominated to chair the most important civil rights agency in government, renominated to that position, reconfirmed, nominated to the court of appeals, and at that time he was openly discussed as a potential Supreme Court nominee. Everybody knew he was on the fast track. And still this alleged set of incidents never surfaces. And, in the meantime she retains a friendly disposition to him.

For over 2 months after his nomination to the Supreme Court, and despite being interviewed by the Washington Post about the judge, still no allegation of harassment. It bothers me.

What happens next? Well, in early September, staff of not even the appropriate committee come to her, from two Senators.

In early September, I guess based on rumor or something—I think it is important to note that one of those staff members was her classmate at Yale Law School.

I think enough said.

Mr. KERRY. Will the Senator yield for a question?

Mr. HATCH. I will be glad to.

Mr. KERRY. I just want to clarify something. When the Senator quoted those telephone call messages, I take it that is new information; is that accurate?

Mr. HATCH. That was said by Senator SIMPSON last night on "Nightline." There were 11 messages since 1984, all of which were cordial, friendly, and asking for various things.

Mr. KERRY. My question simply is that was not before the committee? Those messages, I take it, are new information; is that accurate?

Mr. HATCH. I think that is accurate.

Mr. KERRY. What I am trying to suggest to the Senator respectfully is that just underscores exactly why one ought to have——

Mr. HATCH. I do not think it does.

Mr. KERRY. The Senator has the floor, and let me articulate why. I think the Senator from Utah raises very legitimate questions. I am not doubting the appropriateness of making those kind of judgments, but when the Senator talks about sort of expected actions of somebody who has been accused or has suffered from sexual harassment, I sort of stand here and I say to myself, how are 98 men in the U.S. Senate going to make a judgment about the expected actions of some woman who has suffered from sexual harassment in the workplace?

Frankly, I do not think 98 of us here know very much about that. That is exactly what people are feeling about this issue all across this country.

What is at stake here, I respectfully suggest to the Senator, is not the veracity of what the Senator has said, not the veracity in this movement of what Professor Hill has said, but the process. Are we going to be so rigidly glued to an expected vote that we just shunt this thing aside——

Mr. HATCH. I would like to interrupt—I would like to take back the floor.

Mr. KERRY. Let me sort of go through my comments and I will be glad to engage in the dialog.

The PRESIDING OFFICER. (Mr. LEAHY). The Chair advises the Senator from Utah does retain the floor.

Mr. KERRY. I apologize if the Senator has the floor.

Mr. HATCH. No apology is needed. I appreciate what you are saying.

But I just want to interject at this point because we all know that this is a game. We all know that if this is delayed that every leftwing group in the country is going to come out and do to Thomas what they have done to Judge Bork. Every group in the country. They have been doing it all this time.

We all know that the whole game by those who are against him is to delay this and continue to try to shoot at him with innuendo, stuff like this. We all know that we had one of the most extensive committee hearings in history. We all have the FBI report, and in that report you have her statement, you have his statement, or at least his interview with the FBI, you have the interview of Miss Horchner, I think her name is. If you read that carefully, you will find it does not quite match what she said yesterday in public. And we also have other statements that have come as a result of that investigation.

The fact of the matter is, there is a time and a place to put these matters to rest. And I am telling you there is an overwhelming case on the record as it currently exists that this is the time and place.

I have to say this: I understand those who have been against him from the beginning, some for a single litmus test issue, but they are presuming that he is against abortion, even though he said I have not made up my mind yet on that. Some are against him for that sole reason. Others are against him for that reason plus the fact that he has been very forthright in his comments about quotas and preferences in the law, and he is against them as an African-American believing that they hurt innocent people, which they do. And some do not want him because he is a moderate-to-conservative African-American that they do not want as a role model out there for others to listen to.

We have gone through this now for quite a period of time, and we have been through it on the committee. We have seen smear jobs before. I do not see how any fair person looking at it cannot be concerned about this. Only somebody on the committee or their staff, or someone else who must have gotten it from somebody on the committee or a staff person of a Senator on the committee, could have released this to the press over this weekend after knowing about it before the vote and waiting until the precise moment that everybody is out of town so that they can smear this man.

Once you go through that, and once you see people's lives turned upside down by this type of tactic, which is sleazy politics, like a sleazy political campaign, then you need to say there is a time to look at her comments. She has a four-page statement. Read it. What else is she going to add? And there is a time to look at his comments and make a decision and vote.

I want to add to it that maybe one reason why I am so vociferous about this is because I have been in all of his confirmations, and I have seen these tricks pulled against him in every confirmation. Not as bad as this. It does not get any worse than this.

Let me tell you, the law of sexual harassment is so broad that a person can accuse another at any time and ruin their reputation just by an unfounded allegation. I do not know why Professor Hill has done this. I thought she presented herself well yesterday. I do not know why she has done this. It bothers me greatly. But she has done it, and I do not think there is much basis for believing it if you look at the full record in this matter.

Again, I think it is important to look at a couple of the statements that were made. She denied she knew Phyllis Berry Myers. Phyllis Berry Myers says there is no way she can deny that. She met with her every Monday with other members of Clarence Thomas' small staff after joining the commission.

I thought the most interesting letter I had, at least to me, was from Armstrong Williams, who served with her and with Clarence Thomas, with Phyllis Berry Myers, and others. He says:

> As someone who worked with Judge Clarence Thomas from 1983 to 1986 I also had the opportunity to work with Ms. Anita Hill.
>
> I must tell you that during that time I was very uncomfortable with Ms. Hill. I often questioned her motives. This concern was something I expressed to Judge Thomas on more than one occasion.
>
> Furthermore, I found her to be untrustworthy, selfish and extremely bitter following a colleague's appointment to head the Office of Legal Council at EEOC. A position that Hill made quite clear she coveted. After she was passed over for the promotion, she was adamant in her desire to leave the agency and discussed this with me privately.
>
> I also question her motivation when it comes to her recent allegations. Especially since Ms. Hill discussed with me her admiration for Judge Thomas' commitment to fight for minorities and women, and his fair treatment of women at the agency. I know, personally, that these are the rantings of a disgruntled employee who has reduced herself to lying.

That is strong stuff. I am not prepared to say that. I do not know why she made these allegations. He goes on:

> I ask you, if this was a man she should loath for sexual harassment, then why did she maintain contact and continue to communicate with him?

Eleven messages since 1984, all friendly. Why did she continue to do that? Does that sound like somebody harassed?

> Why did she follow him from the Education Department to the EEOC? Why did she only have praise for him in her discussions with me? Furthermore, Judge Thomas believed this woman to be a friend and someone of great intellect and wanted only to assist her as she moved along in her career.
>
> I am sure having had knowledge of the situation prior to this past weekend is evidence that you also question Ms. Hill's accusations and credibility. I urge the Senate Judiciary Committee to listen to these allegations with a grain of salt.
>
> In closing, as I described her ten years ago to Judge Thomas, I do so now. She always had to have the final word and the last laugh. I see now that some people just never change.
>
> I look forward to your confirming the Judge to our nation's highest court.

I think, to answer the Senator even more specifically, there comes a time to vote. There comes a time to stand up and vote one way or another.

We have another former colleague here also who talks in terms of what went on. It certainly does not confirm Anita Hill's allegations. I have statements that were put in the RECORD yesterday, including, I believe, the statement of the dean of the Coburn School of Law at Oral Roberts University.

Mr. President, this has been a long process. It has been a detailed process and it has been a hideous process. Frankly, there comes a time to put an end to it. Those who want to vote against Judge Thomas, so be it. Most of them have made up their minds anyway and this does not make one difference to them. Those who want to support him, so be it. I have to admit they have been very concerned about these allegations. On the other hand, if you look at the record and you look at the facts, it is pretty hard to see how these allegations stand up to scrutiny.

You have the issue joined. You have Professor Hill saying that he did these things. You have him saying that he did not. And the only reason some like to delay is a very important political reason. They want delay for delay's sake. This is what you call a liberal filibuster. They are unwilling to stand up and do it in a formal filibuster because they know that they would get criticized if they did that. So what they do is they bring up these types of things at the last minute knowing about them weeks before, bring them up at the last minute just to try to get more delay in hopes that all these outside groups will bring up their garbage and savage this man and his family even more. That is precisely what is going on here. It is a big game.

Frankly, I do not know why Miss Hill did this. I do not know why she waited 10 years if it was true. My conclusion is that I question its truthfulness. But I question it on the facts and from a personal knowledge of Judge Thomas. I know that what she said is not true because I know the man personally. I know his wife personally. I know his son personally. I can tell you he is a fine, upstanding person who, in my opinion, has always basically done what is right. Is he perfect? No. But neither is anybody else.

Mr. President, I am very concerned about this type of stuff because we have had far too much of it. I did not think it could get any lower than it got for Judge Bork when I pointed out 99 errors in a full page ad, 99 errors. I have to say the people who did it did not even try to rebut it. They knew that I was right in pointing them out. I pointed out well over 60 errors in two others. They did not care. They wanted to smear Judge Bork, and they did, and they succeeded. A lot of us do not want that to succeed here because we are sick of it. We are ashamed of it. We are ashamed of this kind of allegation being brought to the forefront right at the last minute. I have to tell you I do not think it is justified.

Now, we can ask for time and ask for further investigation all we want. There has been a lot of investigation on it, and we had it before we voted. Everybody knew about it and anybody could have put that over for 1 week, anybody could have asked for more investigation, and now I see Senate staffers of the same party as Senator BIDEN criticizing Senator BIDEN for the way he has handled these committee hearings.

Let me tell you, Senator BIDEN and I differ on whether or not to support Judge Thomas, but I have to say I know that JOE BIDEN did a very good job on these hearings. He was fair. He was straightforward. He gave them the information. He let them know. And he did everything that basically a chairman should have done. To be frank with you, he did a very good job.

I have been in those positions where those who snip at your heels are always trying to find fault. I do not think there is any fault here. I think Senator BIDEN did a great job. This is coming from a Republican who differs with him on the merits of this matter—not this procedural matter, but on the merits of whether or not to vote for or against Judge Thomas. To have him criticized I think is wholly inappropriate and highly unusual. And I am tired of that, too.

I think we are all going to reassess what goes on in these confirmations because these Supreme Court nominations are starting to be run like political campaigns. When you have an October surprise at the last minute, when people knew about it almost a month before—actually a month before—and have an October surprise like that, like a sleazy political campaign, I think it is time for all of us to stand up and say it is time to vote, and it is time to do what is right. I hope, when we do vote today, a good majority will vote for Judge Thomas. He deserves it. I think he deserves this kind of fair treatment.

I also think his family deserves not to be put through this any more. It is really miserable. When he talked to me yesterday, I mentioned it to him, and he just said—I said it yesterday—"This is really harming my family."

It is hard to take.

Mr. President, we can differ on a lot of things and I suppose we have our differences here, but I think there is a right thing to do and the wrong thing, and the wrong thing is to continue to perpetuate this matter in a way that is going to cause even more harm to everybody concerned without giving us any more answers than we have now. I think that is the feeling of a lot of people around here, although I worry about the feeling of some.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, I ask unanimous consent I be able to speak beyond the hour of 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is so recognized.

Mr. KERRY. Mr. President, I listened to the Senator from Utah suggest that we ought to look at the full record, and that is exactly what this Senator would like to do. But I do not think there is a full record. I think the Senator has even evidenced the fact that there is not a full record by citing telephone calls that are outside of the record that has been supplied by the committee.

Now, the Senator defends the committee and the Senator suggests that somehow what is happening here is an attack on the committee. I do not agree with that. I do not think this is an attack on the committee. We are where we are. This is burst on the scene because an individual, an American citizen, a law professor, a woman who alleges that she suffered this indignity has stood up publicly and said so. She has claimed that she did so out of frustration with her inability to get these facts in front of the committee.

Now, I am not on the committee. But as an individual Senator called on to vote on a lifetime appointment to the Court, I am having trouble understanding why we cannot find a few days to sort out the veracity of this situation and these charges.

Now, I heard the Senator from Utah use words like, "I don't know why this kind of stuff appears," or "whether this is a trick," and yesterday the word "garbage" was used.

Now, I have not been here this morning. I just arrived. I came in from the airport. I came to floor because I was reading the newspaper and I was listening to people talk about this and hearing reports. Frankly, I just had a personal reaction to what was going on.

Now, I understand there have been some exchanges in the course of the morning here, but it struck me as I looked at this not in Washington, from outside of the beltway, that the Senate is on trial in a sense. Like it or not, we are there. That is where we find ourselves. And the question is whether or not we are going to provide a full record, whether or not we are willing to be temperate and supposedly as deliberative as this body holds itself out to be and make a judgment about what has happened here.

I must say, Mr. President, that I suppose the Senate is going to go through some sort of lurching public agony over what it is going to do. I do not think we ought to struggle very hard with this. I do not think the decision is that complicated.

If indeed, as the Senator from Utah said, most Senators made up their minds, and they are not going to be swayed, what on Earth harm will there be to take a couple of days to make judgments about this issue, so people will feel there is a fair process and a fair hearing?

It seems to me that the simple, straightforward, proper, appropriate, right thing to do in the U.S. Senate is to suggest a few days' delay in order to gather a full record, and let those who come back, who have already made up their mind and do not want to look at the record, come down and cast their vote. They can always cast their vote. But you cannot always redress the harm that will be done by not maintaining a sufficient process here.

I just think not to delay would be an extraordinary affront to the average person's sense of right and wrong. Even for Judge Thomas, incidentally. I do not know what is true and what is not true here. It seems to me that Judge Thomas, having nothing to fear, having confidence in his own behavior, recognizing the importance of a position on the Supreme Court, and wanting to go to that Court with the full measure of the confidence of this country, ought to be willing to stand up himself and say: Let this be properly aired. I want to go to that court with the appropriate judgment of the U.S. Senate, not with a stain on my nomination.

Where is Judge Thomas in this process? Many people are answering for him, but he is not on the record answering for himself. It seems to me that one would expect no less from a judge, let alone a judge who expects to go to the Supreme Court of the United States. Let the facts be heard. That is what the jurisprudential process of this country is about.

If we are blocked from having these charges examined because of a lack of consent by some Member of the Senate to have them properly aired, then the entire Senate, I think, will carry responsibility for that, and we will ridicule ourselves; we will ridicule the process of this confirmation; we will put a stain on the Senate and the nominee, and we will add yet another in an increasing list of actions and inactions that make the Senate just a little less respected, and perhaps a little more irrelevant.

People across America are looking at the Congress of the United States today, and they really wonder about all this. They wonder if we are in touch and capable of making decisions that are so normal and in their interests and with common sense. Here is a chance to prove that we do listen, that we have that measure of common sense, that we do understand, that we do care, and that we have a capacity to be sensitive and not so caught up in our parliamentary ridiculousness that we cannot even act on the real needs and demands of people.

The Senator kept quoting, "How is someone supposed to behave who is sexually harassed?" I do not know fully what that standard is. I suspect that some of the same standards that we have applied in exonerating Judge Thomas' behavior on certain occasions, because of where he came from and how he rose up, ought to properly be applied to Professor Hill. And I think that one can well imagine what it is like for a woman in the workplace—in a male workplace, I might add, by and large—who feels that there is a need to get along and not necessarily cause ripples. It is tough to take on a superior. It is particularly tough to take on a judge. And it is very difficult, under any circumstances, for anyone to stand up and let themselves be exposed to that.

I do not know the veracity. I think the Senator from Utah has raised some very legitimate questions. But, incidentally, he has done so in a way some might consider a countersmear. If indeed there is a smear against Judge Thomas, then what is it about when you read a letter impugning the character of Professor Hill on the floor? She is not here to answer that. That is precisely the process that ought to be put in place.

I am not going to make any judgments about whether or nor this incident took place. I do not think any of us can. I think it is inappropriate for us to vote making that judgment on the basis of an incomplete record. I think it is precisely the absence of the full record that mandates that the Senate look at this. Who knows about the accuracy?

But I must say that it is not the accuracy of those accusations that is at issue there, I submit to the Senator. It is the relationship of 98 men in the U.S. Senate to the majority of the citizens of this Nation—women. And whether or not we are capable of saying that when one woman stands up and suggests this—not because she volunteered it—but because the Senate committee came to her, and she felt they were not listening, whether we are now going to listen. That is what it is about. Are we going to listen?

I do not think we can let the Senate be perceived as—let alone actually be doing it—running roughshod over this process. It seems to me even less so when it involves a nominee to the Supreme Court of the United States.

So I ask my colleagues whether a few days' delay are too much to ask for a lifetime's ability to sit, untarnished, on the Supreme Court of the United States; are a few days' delay too much to ask to guarantee or simply to fight for the reputation of the U.S. Senate?

In the end, what is at stake here is the integrity of the Senate, its sensitivity, its awareness, and its judgment, its self-respect, if you will.

Maybe, in the end, we should not be surprised that 98 men who presume to make judgments about what women can do with their own bodies, that we are going to have trouble making the correct judgment about what men are permitted to ask women to do with their bodies in the workplace. It might be too much to expect us to do that. But that is exactly the question that is on the table before the Senate right now.

It seems to me that none of this has to be. We do not have to have this contentiousness. We do not have to have this division. We do not have to have doubts about the Senate. We do not have to have accusations of liberal versus conservative plots. We do not have to have smears. We can elevate this thing to a quiet, judicious process, where the committee hears from those, makes a judgment, and submits it to the Senate, and Senators who are interested in finding out exactly what the facts are here can make an appropriate judgment.

Having said that, Mr. President, I hope that the Senate can find a way to do that. There are many reasons.

Incidentally, I did not even decide what I was going to do with respect to Judge Thomas until this weekend. I did that purposefully, because I wanted to read the record. I wanted to examine exactly what my colleagues on the committee had said about it. It is only after looking at that that I came to the conclusion I was going to vote against it—not for this reason, but for a lot of other reasons. And that is a separate speech, I suppose. I had originally come to the floor intending to make that right now.

But what bothers me the most about this nomination is the fact that I genuinely do not know where Judge Thomas stands on a host of fundamental issues—not abortion, but a host of issues of jurisprudence—let alone whether he represents a potentially poor, fair, good, or great Supreme Court Justice. I cannot reach that judgment. I simply cannot reach that judgment, because Judge Thomas has chosen a path that was purposefully designed to deny us essential information that is necessary to make that judgment.

Many of us have remarked in the past on how frustrating the hearing process is today. It is simply impossible to get a sense of who people are, what they really feel about the responsibilities of the position.

I will tell you something. All of us who have had the job interviews cannot imagine hiring somebody who would have answered questions the way Judge Thomas did in those hearings. If all somebody said in response to questions when they walked into our office for a job was, "Well, I do not, I do not recall, I have no idea, I do not have a thought about that," anybody who said that to us in an interview would have been offered the door as fast as one could find it.

But, increasingly, that is all we get from people who come before us for the Supreme Court of the United States. In area after area of the law, Judge Thomas chose not to answer questions from Senators on the Judiciary Committee with responses that were almost devoid of content or meaning. In an obvious attempt to avoid controversy, he took the position that he could not comment on any issue that might come before the Supreme Court as a case during his tenure. But then he extrapolated and used that as a rationale for not even answering questions about how he felt about cases that are settled law, on matters where stare decisis has set in long ago.

It seems to me that we should not ratify, as Senators, an advice and consent process that submits itself to that kind of simplicity or avoidance. The judge suggested that it is important for judges not to have agendas, not to have strong ideology or ideological views, describing them as baggage that a nominee should not take to the Supreme Court.

But the trouble is dozens of previous statements by the judge on a host of critical issues provide exactly the very kind of baggage that he suggested you should not have, and regrettably his approach to the confirmation hearings left him saying practically nothing that would permit us to understand whether or not that baggage had truly been left behind.

Instead, Senators were answered by Judge Thomas with nonresponses. Let me just give a few. Abortion, obviously, is the famous one, and I do not expect him to tell me what he is going to do on Roe versus Wade; I understand that. But it seems to me there are some fundamentals beyond that which might have been discussed in terms of past cases.

On questions about meetings, positions, and discussions on South Africa and apartheid, Judge Thomas said:

> I have no recollection. I simply don't remember.

On a question regarding his past statements that:

> Congress was a coalition of elites which failed to be a deliberative body that legislates for the common good of the public interest.

He said:

> I can't, Senator, remember the total context of that, but I think I said that and I think I said it in the context of saying that Congress was at its best when it was legislating on great moral issues. Now, I could be wrong.

On a question about the right of privacy and the 14th amendment, Judge Thomas said:

> My answer to you is I cannot sit here and decide that. I don't know.

On a question as to whether English-only policies might constitute discrimination, Judge Thomas said:

> I don't know the answer to that.

On interpreting antidiscrimination statutes, Judge Thomas said:

> Let me answer in this way, Senator, without being evasive. I know that there is pending legislation before this body in that area, and I don't think I should get involved in that debate.

On whether the Korean conflict was in fact a war, Judge Thomas said::

> The short answer to that is, from my standpoint, I don't know.

On a recent dissent of Judge Marshall in which Judge Marshall said that:

> Power, not reason, is the new currency of this Court's decisionmaking.

Judge Thomas said.

> I would refrain from agreeing or disagreeing with that.

He certainly found a lot of ways to say "I do not know" or "I disagree" or "I cannot agree" or "I can't say whether I agree."

The result of these and similar answers to a wide range of questions over 5 days of hearings is that I would like to refrain from agreeing or disagreeing to confirm Clarence Thomas to the Supreme Court, but I am not permitted to do that. I have to make a decision and to vote.

And Judge Thomas has not permitted me to judge his opinions, or what kind of Justice he will really be. I can only judge his performance before the Judiciary Committee and that which he has said previously.

I would like to quote the Chair, Senator LEAHY, who I think stated well the dilemma that has been placed before us. Senator LEAHY said:

> As I said when the hearing began, no nominee should be asked to discuss cases pending before the Court. Neither should a nominee feel free to avoid questions about established constitutional doctrine on the ground that a case on that subject eventually will come before the Court. No one could compel Judge Thomas to answer questions. The decisions not to tell us how he thinks * * * was his and his alone. In choosing now to share his vision of the Constitution, Judge Thomas failed to provide what I need as a Senator for informed consent.

I concur with the Senator from Vermont.

I would turn also to a statement made by the distinguished Senator from Alabama, Judge HEFLIN, a conservative who voted for Chief Justice Rehnquist and Justices O'Connor, Scalia, Kenney, and Souter.

After listening to the testimony and trying in vain to obtain from Judge Thomas a further explanation of his positions, Judge HEFLIN said:

> I came a way from the hearings with a feeling that no one knows what the real Clarence Thomas is like or what role he would play in the Supreme Court, if confirmed.
>
> The Senate Judiciary Committee hearings have revealed to me many inconsistencies and contradictions between his previous speeches and published writings and the testimony he gave before the committee. * * * Our Nation deserves the best on the highest court in the land and an error in judgment could have long-lasting consequence to the American people. The doubts are many. The Court is too important. I must follow my conscience and the admonition: "When in doubt, don't."

Mr. President, this body is in deep doubt concerning this nomination. I regret there will be a rush to confirm, but I regret even more that I do not have sufficient confidence in the kind of Justice that Judge Thomas would be. I regret that because I really came to this process wanting to vote for him, hoping I could vote for him, looking for a way to vote for him, and held in silence my comments until the end.

But I will vote against confirming him not on the basis of any of his past statements expressing hostility to reproductive rights or antidiscrimination statutes or minimum wage or congressional oversight. I will vote against him because his unwillingness to answer basic questions has fundamentally stymied the ability of the U.S. Senate to properly give advice and consent.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. If the Senator from Utah could yield just for a moment, the Chair will recognize the distinguished Senator from Utah.

We note we are under an order to recess at 12:30 p.m. Of course, any Member can seek unanimous consent to continue that.

The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I do so seek that unanimous consent, that I be permitted to make a few remarks, and also the distinguished Senator from Michigan to follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have listened with a great deal of interest to the remarks of the distinguished Senator from Massachusetts, and I have to say that the evidence is so slim and so late in the process that it would be a travesty to start now and start the fact-finding process all over again, which is what the Senator seems to be requesting.

If this is like it is at a trial, that shortly before the jury is going to vote, one party springs tainted evidence in an effort to inflame the jury, that would be trial by ambush. I have to say, we would not stand for that in court, and we should not stand for it in the U.S. Senate, especially since there was plenty of time to look into this before the vote was set.

I have to say that one of the questions I would have to ask the Senator from Massachusetts is, when he criticizes Judge Thomas' responses before the committee, how were they any different from those of Justice Kennedy and now Justice Souter? The only difference is, Judge Thomas was asked over 100 questions on abortion compared to then-Judge Souter's 36 questions on abortion. He was asked over and over about matters with respect to abortion. He said: "I do not know where I stand on abortion."

That is an answer. It is a fair answer; maybe one that ought to be followed and listened to.

When the Senator says that he does not have enough information to know whether or not to vote for or against Judge Thomas because he did not answer enough questions, there is no way he could answer enough questions if we held the committee hearings for 2 years to answer all the questions about law that the distinguished Senator might have, or any other Senator might have.

The fact is, the process was a reasonable process. It was a decent process. It was a good process.

Mr. President, this process has been full; it has been an informative process. I would like to put into the RECORD at this time a chronology of the committee's contacts with Professor Hill. You will note it was extensive.

I ask unanimous consent that we print that in the RECORD at this particular time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH R. BIDEN, JR., ON THE NOMINATION OF JUDGE CLARENCE THOMAS, OCTOBER 7, 1991

I am releasing today a chronology of the Committee's contacts with Professor Hill. The chronology provides the complete details of the Full Committee staff's contacts with Professor Hill from the time we were made aware of her charges to the day of the Committee vote.

I want to emphasize two points in conjunction with this matter.

First, throughout, our handling of the investigation was guided by Professor Hill's repeated requests for confidentiality.

Second, Professor Hill's wishes with respect to the disposition of this matter were honored. The Republican leadership and all Democratic members of the Committee were fully briefed of her allegations, and all were shown a copy of her statement prior to the Committee's vote on the Thomas nomination.

FULL JUDICIARY COMMITTEE STAFF CONTACT WITH ANITA HILL

What follows is a chronology of all conversations between Judiciary Committee staff and Professor Anita Hill. Several key points should be mentioned at the outset:

First, in conversations with the full committee staff, Professor Hill has never waived her confidentiality—except to the extent that, on September 19, she stated that she wanted all committee members to know her concerns even if her name were disclosed. Yet it was not until September 23, that she allowed the FBI to interview Judge Thomas about the allegation and to respond to her concerns.

Second, Professor Hill has never asked full committee staff to circulate her statement to anyone other than Judiciary Committee members; specifically, she has never requested committee staff to circulate her statement to all Senators or any non-committee member.

Third, the committee followed its standard policy and practice in investigating Professor Hill's concerns: Her desire for confidentiality was paramount and initially precluded the committee from conducting a complete investigation—until she chose to have her name released to the FBI for further and full investigation, which—as is customary—includes the nominee's response.

Professor Hill first contacted full committee staff on September 12, 1991. Any contacts Professor Hill had with Senate staff prior to that date were not with full committee staff members. At that time, she began to detail her allegations about Judge Thomas' conduct while she worked with him at the Department of Education and the EEOC. She, however, had to cut the conversation short to attend to her teaching duties. It was agreed that staff would contact her later that night.

In a second conversation, on September 12, full committee staff contacted Professor Hill and explained the committee process. Staff told her:

"If an individual seeks confidentiality, such a request for confidentiality will not be breached. Even the nominee, under those circumstances, will not be aware of the allegation.

"Of course, however, there is little the committee can do when such strict instructions for confidentiality are imposed on the investigative process: The full committee staff will have an allegation, but will have nowhere to go with it unless the nominee has an opportunity to respond.

"In the alternative, an individual can ask that an allegation be kept confidential, but can agree to allow the nominee an opportunity to respond—through a formal interview."

Professor Hill specifically stated that she wanted her allegation to be kept completely confidential; she did not want the nominee to know that she had stated her concerns to the committee. Rather, she said that she wanted to share her concerns only with the committee to "remove responsibility" and "take it out of [her] hands."

Professor Hill then did tell committee staff that she had told one friend about her concerns while she still worked at the Department of Education and then at the EEOC. Committee staff then explained that the next logical step in the process would be to have Professor Hill's friend contact the committee, if she so chose.

Between September 12 and September 19, full committee staff did not hear from Professor Hill, but received one phone call from Professor Hill's friend—on September 18—who explained that she had one conversation with Professor Hill—in the spring of 1981. During that conversation, Professor Hill provided little details to her friend, but explained that Thomas had acted inappropriately and that it caused Hill to doubt her own professional abilities.

On September 19, Professor Hill contacted full committee staff again. For the first time, she told full committee staff that:

She wanted all members of the committee to know about her concerns; and, if her name needed to be used to achieve that goal, she wanted to know.

She also wanted to be apprised of her "options," because she did not want to "abandon" her concerns.

The next day—September 20—full committee staff contacted Professor Hill to address her "options." Specifically, committee staff again explained that before committee members could be apprised of her concerns, the nominee must be afforded an opportunity to respond: That is both committee policy and practice. It was then proposed that if Professor Hill wanted to proceed, her name would be given to the FBI, the matter would be investigated and the nominee would be interviewed.

At the close of the conversation, Professor Hill stated that while she had "no problems" talking with the FBI, she wanted to think about its "utility." She told committee staff she would call later that day with her decision on whether to proceed.

Late that afternoon—September 20—Professor Hill again spoke with committee staff and explained that she was "not able to give an answer" about whether the matter should be turned over to the FBI. She asked that staff contact her on September 21.

On September 21, full committee staff spoke with Professor Hill for the sixth time. She stated that:

"She did not want to go through with the FBI investigation, because she was 'skeptical,' about its utility, but that if she could think of an alternate route, or another 'option,' she would contact staff."

On September 23, Professor Hill contacted committee staff, stating that she wanted to send a personal statement to the committee, outlining her concerns. Once that information was in committee hands, she felt comfortable proceeding with an FBI investigation. Later that day; she faxed her statement to the committee.

On September 24, Professor Hill contacted full committee staff to state that she had been interviewed by the FBI late on the 23d. Committee staff assured her that, as previously agreed, once the committee had the FBI report, her concerns—and the FBI investigative report—would be made available to committee members.

On September 25, Professor Hill again called committee staff and explained that she was sending a new copy of her statement to the committee: While this new statement did not alter the substance of her concerns, she wanted to correct inadvertent typographical errors contained in her initial statement.

For the first time, she then stated that she wanted the statement "distributed" to committee members. Committee staff explained that while the information would be brought to the attention of committee members, staff could not guarantee how that information would be disseminated—whether her statement would be "distributed" or communicated by oral briefing.

Once again, however, committee staff assured Professor Hill that her concerns would be shared with committee members. She concluded her conversation by stating that she wanted her statement "distributed," and that she would "take on faith that [staff] will do everything that [it] can to abide by [her] wishes."

Every Democratic member of the committee was orally briefed, had access to the FBI report and had a copy of Professor Hill's statement prior to the committee vote.

To continue to comply with her request for confidentiality, committee staff retrieved Professor Hill's written statement immediately after the vote.

Mr. HATCH. Mr. President, I again reiterate that every Senator on the committee had full access to the FBI report and full access to the statement of both Professor Hill and Judge Thomas. In all honesty, some of the information that has been brought out since leads to questions about the veracity of some of the statements that have been made by Professor Hill, and I think deserve to be brought out.

The process has become a nasty one. And we could continue it forever. We have been through it before. Every time we get into one of these nasty confrontations, no matter how far extended, somebody else comes up with another unjust accusation and another unjust smear. Any maybe it is both ways; I do not think so.

The fact of the matter is a lot of us are quite offended by this process. A lot of us are quite offended by the way it has gone on.

A lot of us are quite offended by the breach of the Senate rules. A lot of us are quite offended by the fact that her statements just do not add up. Yet, at the last minute, in a last-ditch attempt to ruin this nomination, 10 years after the facts, 10 years after matters allegedly occurred, Professor Hill suddenly comes forward and says she wants everybody to know about it.

Well, I know Clarence Thomas, and I have to say I know him to be an honorable, upright, good, decent man. And his wife is a decent person, and so is his son. And I have to say they have been through enough. Further hearings, further consideration, further dialog is not going to solve the problem for anybody. All it is going to do is continue this process of nastiness that has been going on. And, frankly, I think you have enough questions that have been raised about the allegations that anybody who looks at it seriously has to say, "How could this have happened in this way and this relationship of friendship continue right on up through years after the so-called allegations took place?" It is pretty darn clear to me. The fact is that the allegations are not true.

Mr. President, I yield the floor.

(Mr. KERRY assumed the chair.)

Mr. LEVIN. Mr. President, for reasons that I will outline in a moment, I will vote against the confirmation of Judge Thomas, separate and apart from the allegations of Professor Hill.

On the question of delaying the vote, I would urge, for the sake of the Supreme Court and the Senate, that time be taken to satisfy the Senate and the country that the allegations of Professor Hill have been addressed by the whole Senate in a manner which reflects their seriousness. The decision on the timing of the final vote was agreed to with 86 Senators having no awareness of Professor Hill's allegations. That is a fact. It is not a criticism of either the committee or of the leadership.

I hope, though, that under those circumstances and because of the seriousness of the allegations and the direct conflict between the statements of the judge and Professor Hill in the FBI report, that Judge Thomas' supporters will realize that it is best to reschedule the vote and to allow the unanimous-consent agreement to be modified.

In the absence of that, the only practical way that I see to delay the vote will be for a number of Senators voting or planning on voting to confirm to insist on such a delay. It is in their power, and probably in their power alone, to obtain such a delay. If an appearance of haste turns enough "aye" votes into "no" votes or if enough "aye" votes are threatened to be withheld and vote "present," then Judge Thomas' confirmation would in fact depend on a delay and, faced with that prospect, I am confident that a reasonable delay would be forthcoming.

As I said, I have decided to vote against the confirmation of Clarence Thomas to be an Associate Justice of the Supreme Court. I have done so despite a number of personal characteristics that appeal to me, including his willingness to swim against the tide, to "stand up against the pack" in the words of Dean Calabresi of Yale University. That positive characteristic is one of a number of reasons that this matter has been so difficult for me to decide. His willingness to take an unpopular stand is, indeed, reflected in parts of the very same speeches which I will refer to in a moment, which speeches are otherwise marked by strident and dogmatic rhetoric.

I also believe that if confirmed, Judge Thomas, more than other recent nominees, would be an unpredictable Justice. That is a factor in his favor on my scorecard.

But on the other side is a decade of extreme and doctrinaire positions and rhetoric which went beyond merely reflecting administration policy.

In Judge Thomas' speech to the Heritage Foundation in 1987, he said that "I, for one, do not see how the Government can be compassionate. * * *"

In his ABA speech in August 1987, he said that the minimum wage is "an outright denial of economic liberty" and that "by objecting as vociferously as they have to Judge Bork's nomination, these special interest groups undermine their own claim to be protected by the Court."

In the Harvard Journal in 1989, he wrote that, "Higher law is the only alternative to the willfulness of both the run-amok majority and run-amok judges."

In his address to the Pacific Research Institute in 1988, he talked about the "spectacle of Senator BIDEN, following the defeat of the Bork nomination, crowing about his belief that his rights were inalienable and came from God, not from a piece of paper" and in the same speech quoted with approval the comment that "No man who ever sat on the Supreme Court was less inclined and so poorly equipped to be a statesman or to teach * * * what a people needs in order to govern itself well" than was Justice Holmes.

In a 1987 speech at the CATO Institute, he stated his wholehearted agreement with the statement that:

> We are careening with frightening speed * * * toward a statist, dictatorial system and away from a nation in which individual liberty is sacred."

In a 1988 speech at California State University he stated that:

> Those who have been disillusioned because they have not been allowed a part in the American dream, have been offered no place to go. Increasingly, they are being used by demagogues who hope to harness the anger of the so-called underclass for the purposes of utilizing it as a weapon in their political agenda. Not surprisingly, that agenda resembles the crude totalitarianism of contemporary socialist states much more than it does the democratic constitutionalism of our Founding Fathers.

The constitutional rights of our people and the division of congressional and executive powers require the most judicious hearing by Supreme Court Justices. Judge Thomas' extreme rhetoric for 10 years leaves me in genuine doubt as to whether he has the temperament necessary to weigh complicated constitutional rights of our people and to balance powers between the branches of Government.

Judge Thomas came across as more moderate on a host of questions at his confirmation hearing, and that was welcome. But I was left with the feeling that he was tailoring his answers to his audience. I was left with too much doubt as to whether a Justice Clarence Thomas will be the relatively moderate and judicious person we saw at the confirmation hearing or the immoderate ideology of the eighties.

Finally, I will vote "no" not because he refuses to tell us how he will vote on cases that may come before the Court or because of his views on affirmative action. The Nation is still bedeviled by questions of race and racial politics and Clarence Thomas himself presciently urged conservatives to quit beating the quota drum because of the divisive impact on the country—a message that President Bush might do well to consider. I will vote "no" because the burden of proof has not been carried that the nominee has had a distinguished legal, judicial, or public career and has a judicious temperament and a keen intellect so as to qualify him to sit in highest judgment. Ten years of dogmatic and extreme rhetoric have raised sufficient doubts of his ability to balance competing interests in our society and his confirmation hearing did not adequately put those doubts to rest.

If confirmed, Judge Thomas' burden is not over. No nominee has had an advocate of greater integrity and constancy than he has had in Senator DANFORTH. It is my greatest hope that, if confirmed, he will dispel the doubts and disprove the doubters and live up to the high expectations that so many have for him.

I thank the Chair and I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President I ask unanimous consent that morning business be extended 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, what is really the issue before the Senate today? The calendar says it is the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court. There are some who see the issue as whether a procedural agreement of the U.S. Senate can be overturned. There are those who see the issue as the veracity of Professor Hill, or Justice Thomas. There are even those who see the issue as who leaked which document.

But Mr. President, the real issue here for the Senate is the truth. And that is what the American people expect us to find out when serious allegations are made about a nominee to a lifetime appointment to the highest court in the land. To settle for less than the truth, instead of a sincere attempt to discover the truth, is to tell the American people that the process is seriously flawed.

There are people who have talked about the potential damage to Justice Thomas' reputation by waiting, as though it were some presumption of guilt, which it is not. I think there is a grave potential for damaged reputations in this process—but the reputation that will be damaged is that of the Senate if we do not wait.

I have heard some people say that this is a "he said she said" situation. Matters of this kind usually are, that's why they need investigation. And the legal rules governing what is impermissible behavior in the context of sexual harassment have changed over the years—as rape laws have changed—to reflect the fact that usually there are not a lot of witnesses to the events. Clarence Thomas, if confirmed, will sit on a court that judges these matters.

But when he says no, and she says yes, we do not know which one of them is closer to the truth. And I believe we have a responsibility to find that out before this vote.

Supporters of Judge Thomas who believe his version should have nothing to fear from waiting for a few days and letting these allegations have a full hearing. With all due respect to the Supreme Court, this country will not be plunged into crisis by waiting a few days to have a ninth justice voted upon. There really is no hurry.

Why does the Senate have to vote this evening? It is not mandated by the Constitution, or by some judicial deadline. Rather, it was an agreement reached by the Members so that we could plan our schedules.

Agreements can be made and agreements can be changed. It is in all of our interests—those who support Judge Thomas, those who oppose Judge Thomas, and those who live in a country where Judge Thomas might sit on our highest court—that we change this agreement, delay the vote, and try to find out what really happened.

RECESS

The PRESIDING OFFICER. The Senate will stand in recess until the hour of 2:16 p.m.

Thereupon, at 1:03 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

MORNING BUSINESS

Mr. SARBANES. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Maryland.

SUPREME COURT NOMINEE CLARENCE THOMAS

Mr. SARBANES. Mr. President, it is difficult, indeed almost impossible, to exaggerate the importance of a Supreme Court appointment. The Supreme Court, as we all well know, stands at the head of the judiciary, the third independent and coequal branch of our Government. Throughout the history of our Nation, the Supreme Court has played an especially significant role in defining the nature of American society and American democracy. It is the Supreme Court's responsibility to expound and interpret the Constitution, which is our basic charter and lies at the very heart of what our Nation stands for and what it represents. Indeed, the Supreme Court, by finding actions of the Congress or the Executive contrary to the Constitution, can overrule the judgments of the legislative and executive branches of our Government. To underscore the authority that rests with the Supreme Court, it can, by finding actions of the Congress or of the Executive contrary to the Constitution, overrule the judgments of the elected representatives of the people, both in the legislative and in the executive branch.

Mr. President, I think the Senate, as it considers judicial nominations submitted to it by the Executive, and particularly as it considers nominations to the Supreme Court, needs to review them from a more independent position than might be the case in considering nominees to the executive branch. Nominees to executive branch positions are there to assist the President in carrying out his responsibilities for that branch of the National Government, the branch for which he is directly responsible.

Even there, I must say, Mr. President, that it is my view that the standard for passing on nominees has deteriorated badly and it has almost reached the point that unless they are mentally certifiable or criminally indictable, people feel an obligation to support the President's nominees. That is not my view. I think nominees for high public office must make the case as to why they should be confirmed. There is not an entitlement to high public office.

With the judicial branch, I would assert that a different standard applies because it is an independent branch. A judicial nominee becomes a member, upon confirmation of the third independent branch of our National Government and becomes a member for life. In the case of the Supreme Court, he or she becomes one of only nine members.

Once confirmed, Justices of the Supreme Court can serve for life. In Judge Thomas' case it could be for 30 or even 40 years. I believe, therefore, we are called upon to make an independent judgment with respect to such nominees, an independent judgment which takes fully into account the Court's role as the arbiter of power in our society, the arbiter of the relationship among the branches of government, and the arbiter of the relationship with respect to the power of the State and the rights of the individual.

There can be no doubt that Judge Thomas has overcome poverty and disadvantage and has shown determination in his rise from a humble background. He graduated from Holy Cross and Yale Law School, was a high-level executive branch official in the 1980's before his appointment in 1990 as a judge on the U.S. Court of Appeals for the District of Columbia.

One of the difficulties with the nominee, however, is his performance in the executive branch positions he has held, first as Assistant Secretary for Civil Rights at the U.S. Department of Education and then as Chairman of the Equal Employment Opportunity Commission. In both instances, his service was marked by intense controversy as to how well he was carrying out his stewardship. Oversight reviews by congressional committees that took place of his activities were extremely critical of his performance.

In fact, the positions he took at the EEOC were seen by many as lessening the national effort against sex, race, and age discrimination. And he came under very sharp criticism for his performance in these fields during the course of holding the important position of Chairman of the Equal Employment Opportunity Commission.

His writings and speeches throughout this period of the 1980's reflected extreme and radical views which, if implemented in the Supreme Court's decisions, would in my view, markedly transform the nature of our society. Indeed, a review of Judge Thomas' writings and speeches during the 1980's is cause for very deep concern.

I want to point out that these are speeches and writings within the current timeframe. Some have tried to make light of them but these are not speeches or writings 30 or 40 years ago in one's youth. These are the speeches and writings in the mid- and late-1980's when he was holding important official positions and laying out these views which are of such deep concern.

That concern is not allayed but in fact compounded by his testimony before the Judiciary Committee. He either avoided addressing the questions about these past statements as—one witness observed, he was giving responses, not answers—or he disavowed and disowned his previous statements. He was not forthcoming in his testimony to the Senate Judiciary Committee. Much of his testimony contradicted his earlier positions and in a number of important areas, he rejected his earlier expressed or written views and refused to answer committee questions which sought to elicit his current judicial philosophy.

Now, some supporters of the nomination find his fluctuating views on many important issues to be a sign that he would not bring a closed mind to the Court's deliberations. However, I am more concerned that the judicial philosophy that he would develop as a Justice, if he were to go on the Supreme Court, would embrace the extreme views he espoused as a high Government official in recent years, views that suggest a fundamental misunderstanding of the role of Government in our constitutional system, and a failure to appreciate and understand the meaning of individual rights and liberties and how to protect them under our constitutional system.

Just to give one example, Judge Thomas has praised the views of a legal writer who advocates a view of the sanctity of property rights that was abandoned by the Supreme Court over 50 years ago. If that antiquated view were the prevailing doctrine today, many of the advances of the last half century would be at risk. Laws that provide for minimum wages, safety and health protection for workers, laws which are aimed to reduce pollution, as well as laws that prevent discrimination and protect individual rights would be vulnerable to constitutional challenge if the views expressed in Judge Thomas' writings and speeches became constitutional doctrine.

This possibility is all the more likely in Judge Thomas' case because of references in his speeches to the concept of natural law. As Erwin Griswold, former dean of the Harvard Law School and a very distinguished Solicitor General of the United States, pointed out in his testimony to the committee:

> Judge Thomas' present lack of depth seems to me to be demonstrated by his contact with the concept of natural law. He has made several references to natural law in his speeches and writings, though it is quite impossible to find in these any consistent understanding of that concept. This is very disturbing to me because loose use of the idea of natural law can serve as support for almost any desired conclusion, thus making it fairly easy to brush aside any enacted law on the authority of a higher law what Justice Holmes called a "brooding omnipresence in the sky."

It is argued by some of the nominee's supporters that the Senate should ignore the radical views in his speeches and writings because Judge Thomas did not reflect those views during the past year when he was an appellate court judge. This argument fails to appreciate the role of an appellate court judge on a court of appeals within our Federal system because such a judge is obligated to decide cases within the constitutional framework of Supreme Court decisions and not expound his own judicial philosophy. His writings and speeches, on the other hand, were the result of his own thinking and analysis and, in my view, may well be a better indication of the approach he would bring to the Supreme Court.

Mr. President, as I indicated earlier, Justices of the Supreme Court hold positions of unparalleled authority in our constitutional system. Some say they are going to support Judge Thomas out of hope, but I submit to you that the position we are talking about, at the very pinnacle of the judicial system in this country, with the authority to negate actions by the Congress and the Executive—to be preeminent by interpreting the Constitution over any public action taken in this country—is too important a position to base it upon hope.

There are too many unanswered questions, too many serious doubts. These questions and doubts, the implications of Judge Thomas' statements and writings, the shortcomings of his own career in the executive branch of the National Government, lead me to the conclusion to vote against his confirmation to the Supreme Court.

Finally, Mr. President, I want to say that I reached this decision to vote against Judge Thomas' confirmation before the recent allegations against Judge Thomas by Prof. Anita Hill. These allegations are very serious charges, and I believe the vote should be delayed so that there will be an opportunity to fully investigate these charges, and for the committee to hear from Professor Hill, Judge Thomas, and others, with information about these allegations.

As my colleague, Senator MIKULSKI, said this morning in a very powerful statement to the Senate it is imperative that these allegations be fully examined. We have a responsibility, now that Professor Hill has come forward, to find out what the truth of the matter is. It is a responsibility to Professor Hill, to Judge Thomas, to this institution and, more importantly, to the American people.

I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I rise today to urge my colleagues to allow the majority leader to set aside the time certain for a vote on the Thomas nomination this evening. I am advised that at some time later today, efforts will be made to postpone the Thomas vote to allow the full Senate to consider the allegations—very serious allegations, but I must emphasize, just allegations—that have been made against this nominee for the highest Court in the land.

Mr. President, make no mistake about it, we are engaged here today in a test of the integrity of the U.S. Senate. A substantial number of Americans now suspect that we are rushing to judgment on perhaps the most profound responsibility we have as U.S. Senators.

Millions of Americans are just like myself. We learned of this allegation by way of the news media and by watching the press conference of Professor Hill on the television networks just yesterday. And we should take seriously our responsibility to advise and consent on nominations to the highest Court in this land. And I believe my colleagues do take that very seriously.

The question before us now is not even the competence of Judge Thomas to serve on the Supreme Court. The issue now before us is whether or not the Senate will discharge its responsibility to the people of this country to advise and consent in an informed way, in such a way that the citizens of this Nation will have confidence in the action that we take.

No one has made a credible argument to support the notion that we cannot wait a few days to undertake an investigation to determine where the truth lies in this situation. No one has made a credible case that we should not have time to allow Senators to examine the record fully, to give the nominee himself an opportunity to deny or explain these charges, and to give Professor Hill the opportunity to appear before the Senate and lay out her allegations in detail and be subject to cross-examination by the Senators.

Only in that way can we cast votes based on a full knowledge of the facts. The allegations made here at this late hour—and indeed, it is a late hour—against this nominee are very serious. He is charged—and I emphasize charged—with engaging in conduct while holding an office where he was responsible for enforcing the law to prevent such conduct. That is a very, very serious charge indeed. It goes to the moral character of this nominee himself.

The simple truth is that a grave charge is hanging over this nominee and, frankly, I say to my colleagues, over the Members of this body. How we got to this point, I believe, now becomes irrelevant. What might or might not have been done during the confirmation process is not now the issue.

And I can understand how all Senators involved in the confirmation process were proceeding with due diligence, operating in the way that they thought best. I question no one, either in the operations of those on the minority side of the committee or those on the majority side and, certainly, not the chairman or the ranking member.

But what I am saying now is this: To those 86 of us who are not on that committee, nothing prohibits us now from taking the time necessary to examine these accusations. And these accusations have been made in the clear light of day with tens of millions of our fellow countrymen watching.

I say to my colleagues that if we do anything else, the American people are going to believe that Judge Thomas was railroaded through confirmation, that he passed through this Senate with a wink and a nod, and that he goes to the highest Court in this land for the rest of his natural life, if he chooses to serve there, with a taint that neither we nor he nor the passage of time can wipe away.

I submit, Mr. President, that if we do that, we will have called into question, in one stroke, the judgment of the executive branch in proposing Judge Thomas to the Supreme Court; the fairness of the legislative branch and our examination in fulfilling our responsibility to advise and consent; and lastly, we will cast in doubt the character of the judicial branch.

Mr. President, I submit that at this juncture, the country simply cannot afford that.

I yield the floor.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. GORE] is recognized.

Mr. GORE. Mr. President, few decisions we make in this Chamber flow so far into the future as a decision to elevate an American citizen to the Supreme Court. The Constitution places a great responsibility on the Senate to review the President's nominees to the Court to assure the independence and balance of this branch of Government dedicated to preserving the principles of the Constitution and the liberties enshrined in its Bill of Rights.

The Framers of the Constitution created a paradox in the Supreme Court. They endowed nine individuals with powers equal to that of the elected Congress and the President, then required them to rise above their personal and political prejudices to protect the principle that our democracy is governed by laws and not individuals.

It is an imperfect system. The history of constitutional law shows that each generation has had its blind spots. Yet, over time, there is progress, as the Court's vision of the Constitution sharpens and the democratic principles envisioned by the Framers are applied to societies they could not in their day even imagine.

The expansion of rights for individuals and minorities and the increased protection afforded political expression of the past 50 years is not the result so much of a revised Constitution as principally the product of later generations transcending the prejudices and blindness of previous ones.

The Senate now stands on the verge of a decision that will shape history for this generation and certainly for our entire lives. It is a decision that must be thoroughly considered and carefully made.

Allegations brought by Prof. Anita Hill publicized over the weekend that Judge Thomas' behavior as her supervisor at both the Equal Employment Opportunity Commission and the Department of Education represented sexual harassment deserve our most serious attention. Too many Senators have not had the opportunity to see and review these charges until the last 24 hours. I saw them less than 3 hours ago. None of us has had the chance to hear Professor Hill in person to discuss her charges before a committee of the Senate or to hear Clarence Thomas respond to those charges. I cannot judge those charges on the basis of a press conference on one side and speeches by the supporters of Judge Thomas on the other side. We are rushing to judgment.

I will say this, as others have said: The demeanor of Professor Hill and her presence as she presented the facts during her press conference lend even more credibility to what she had to say because she is obviously someone who is very capable to expressing herself, carefully thinking through what she expresses, and giving some considered judgment to the effects of what she says.

What we are confronted with here today is not a need to dispose of this matter on the merits. What I hear from some of the supporters of Judge Thomas is what sounds like a tendency to equate any delay in the procedure as a slap at Judge Thomas. Any effort to hear the facts of this matter is being interpreted by some of Judge Thomas' supporters as conveying the clear implication that he will be turned down as the President's nominee.

I wish to challenge the notion that a decision by this body to take enough time to hear these charges in a proper way and allow them to be responded to in a proper way is somehow an insult to Judge Thomas.

I do understand the point of view that says Judge Thomas and his family have been subjected to a great deal of pain because of the protracted nature of the confirmation process and because of the airing of the charges that were made over the weekend. I understand that. But that has to be balanced, Mr. President, against the pain that would be caused by cavalierly dismissing these charges without even hearing them in a proper fashion. What pain would that decision cause to every woman in this country who has ever had a complaint of sexual harassment and seen it dismissed cavalierly? What pain would it cause to watch as the U.S. Senate is presented with evidence by a law professor who is clearly articulate, forceful, self-possessed, and then to have the charge just cavalierly brushed aside because we do not have time to deal with it?

Mr. President, I hope that all my colleagues, both Democrats and Republicans who have announced their decisions to vote in favor of Judge Thomas, will take the opportunity to perform a service for this country, for Professor Hill, and all of the women who have ever been subjected to sexual harassment, leaving aside the question of whether Professor Hill actually has been subjected to it or not—I do not know—and they will take this opportunity to do a service to Judge Thomas by saying to the Republican leader and to the majority leader that, notwithstanding their decisions to vote in favor of Judge Thomas, if they are forced by this mechanical procedure—which is pushing us like lemmings off the edge of a cliff—to vote this day at 6 o'clock, they will cast a vote in the negative. They should vote for a delay, not with any prejudice to the nominee, but to provide an opportunity to have a hearing on these charges.

After the Senate has had an opportunity to understand the allegations that have been put before us and understand his responses to them, this nominee could be brought before this Chamber for confirmation on a second vote.

In other words, if only 5 or 6 Senators who have announced in favor of Judge Thomas are willing to come forward and say they do not support the principle that blind obeisance to a mechanical process should take precedence over justice and fairness, then they can continue to support Judge Thomas while allowing the Senate to proceed responsibly.

I ask my colleagues who have that power at their disposal to exercise it. Tell this Nation that we are not hamstrung by our well-known procedures that sometimes tie us up in knots so that we are no longer in command of our own destiny here.

We are Americans. We represent Americans. To be an American is to make your own future, and nowhere does this country make its future so permanently as in its decisions on who will serve in lifetime appointments on the Supreme Court.

Under these circumstances, how can the Senate, traditionally referred to as the greatest deliberative body in the world, justify a deadline of 6 o'clock today to decide whether Judge Thomas should be on the Supreme Court for the rest of his life and ours? Surely this body of 98 men and 2 women ought to have just a little self-doubt about our ability to cavalierly dismiss a charge to which the average woman obviously reacts in a very different fashion than the average man.

We all understand, all of us as Americans understand, that one of the great transitions in our way of thinking about each other in this Nation has been under way for some time now where the relationship between men and women is concerned. Some of the decisions Judge Thomas, if confirmed to the Supreme Court, will participate in address that revolution in thought. Slowly, painfully, men in the United States of America are coming to understand a little bit more about why women view a charge like sexual harassment so differently from men.

Let us indulge in just a little of that self-doubt in this body of 98 men to suppose for just a moment that the initial impulse of the Senate as a whole not to take this charge quite as seriously as a body of 98 women and 2 men might have taken it was a mistake.

After we learn the facts, maybe we will discover that that initial impulse was right. But let us engage in enough self-doubt to at least pause to hear the facts. Why the rush to judgment? Why the fear, that even pausing long enough to listen, and understand what is being said, will automatically be equated with the defeat of Judge Thomas?

We cannot dismiss Professor Hill so cavalierly as that. Doing so would be to dismiss every women we represent, every women who has ever struggled to be heard over a society that too often ignores even their most painful calls for justice. We cannot simply take for granted that when charges are exchanged—in anger or in confidence—that the victim, or the woman, is always wrong is misguided.

This is not about politics, it is about people and their rights. It is about Professor Hill's right to be heard, her right to respect here in this Chamber. It is about every woman's right to be heard. And it is about Judge Thomas' right to present his views directly to the Senate, and about basic human rights that are so vital to our understanding of this Constitution under which we live.

Without a delay to consider and review these charges properly, the Senate places both Judge Thomas and the Nation at risk. If Judge Thomas is innocent of these charges, he should have the chance to refute them before the Senate and the Nation to remove the cloud over his name, the cloud over his career, and the cloud which would lie over the Court.

In my opinion, if the charges were to be proven, then the Senate would owe it to the Nation to reject his nomination for our highest court.

It is certainly premature to reach any judgment whatsoever about whether they are true or not. But it is not premature to reach a judgment that they are worthy of our hearing.

If we do not delay the vote to consider these charges, I simply do not understand how the Senate could possibly claim to have sufficient information to confirm his nomination.

The effort by some to denigrate Professor Hill in absentia cannot substitute for a full airing of these charges before the Senate in a proper fashion. A discussion among 98 men, about how Professor Hill should or should not have responded to the alleged harassment—and how difficult it is for 98 men to understand her position—cannot substitute for giving her a chance to explain her actions and the events about which we she eloquently speaks, herself, in her own words.

I urge my colleagues to choose deliberation over expediency. I cannot believe that this body will rush pellmell to obey the procedural mandate of the unanimous-consent request, as honored as those consent requests always are. I cannot believe that it will take precedence over justice.

Mr. President, there is a saying that goes "if you don't have time to do it right the first time, how are you going to find time to do it over? If we do not make the time to do our job right this time, the Constitution does not allow us to do it over.

There is plenty of information already before the Senate on Judge Thomas' record, his qualifications, his views, and his experience. While I believe strongly that the allegations raised in recent days justify a postponement of the Senate vote on this nomination, I must today make clear that when that vote does take place, I will oppose this nomination. Not because of the questions raised by Professor Hill, but because of the record already so closely examined by the Judiciary Committee; more specifically, I make that decision based on the evidence before the entire Senate, on his record and his judicial philosophy.

The following principles guided my consideration of this nomination. First, I believe that a Justice of the Supreme Court should have a well-considered, well-reasoned, and fair judicial philosophy. The history of the drafting of the Constitution and the history of the Senate, in exercising its advise-and-consent role, support my belief that the Senate should and must consider the nominee's general philosophy and its impact on our constitutional freedoms and rights.

Second, a nominee must be competent in the analytical skills essential to his task. Third, he or she should have the highest personal and professional integrity. He or she should complement and enhance the balance of the Court rather than send it careening in one direction or the other. The Court is a living organism whose viability depends on maintaining balance between competing forces.

In judging whether Clarence Thomas possesses the qualities I have listed, I believe I must consider only the facts as they appear now rather than any artful predictions about what the future might hold. None of us can afford to play roulette in choosing the members of the Court that protects our dearest liberties.

Clarence Thomas is an impressive man with an astounding background. Even before his nomination to the Supreme Court, he was an inspiration to those who struggled against poverty and racism. He has won the highest praise from his mentor and friend, Senator DANFORTH, for whom I have the highest regard, and the same will be said and has been said many times by every other Member of this body.

Judge Thomas' friends speak of him in a chorus of enthusiasm and respect seldom heard in this political community. His life shows that adversity need not lead to a life of quiet desperation, but can produce a strength of character that is a beacon for all who will follow.

And on this point I would like to add the following. One of my closest friends, from high school days, was a law school classmate of Judge Thomas and has known him for more than 20 years. I respect this friend's judgment greatly. He tells me the same thing about Clarence Thomas as an individual and, incidentally, as a lawyer and jurist. And this is persuasive with me as well on this particular point.

Also, I believe there is no question of Judge Thomas' competence to be a judge. He possesses a quick and incisive intellect. He speaks and writes with precision, power, and persuasiveness. The term "hard-working" cannot begin to describe the habits that have taken him so far in so short a time.

In reviewing Judge Thomas' judicial philosophy, I have not considered whether he is a conservative or a liberal. In the history of the Supreme Court, choices made on such a basis have had a way of backfiring. Instead, I have reviewed Judge Thomas' judicial philosophy to determine whether it will be the servant or the master of the Constitution. I have questioned whether his philosophy will stifle the expression of constitutional rights or amplify them. And I have considered whether his views will strengthen or weaken the checks and balances upon which our democracy depends.

My evaluation of Judge Thomas' philosophy is based on his own speeches and writing which cover a broad array of subjects. Several themes run through this body of work. First, Judge Thomas has expressed often and passionately his belief that natural law should be the guiding principle of constitutional adjudication. There is no easy way to define what natural law is. I find it best to cite Judge Thomas' own view of it through his comments on legal decisions and principles.

In a speech to the Heritage Foundation, Judge Thomas praised an essay by Lewis Lehrman that took the position that a fetus enjoys constitutional protection from the moment of conception. Thomas stated that he considered the essay "a splendid example of applying natural law."

When the Supreme Court held in a 7-1 opinion that Congress could constitutionally appoint an independent counsel to investigate wrongdoing by high-ranking Federal officials, Thomas embraced Justice Scalia's lone dissent. Scalia used natural law principles to argue that the Congress had no authority to appoint special prosecutors, no matter how serious the criminal allegations against the executive official. Judge Thomas felt so strongly that natural law principles should govern the case, that he criticized Chief Justice Rehnquist for failing all Americans in the most important case since Brown verses Board of Education.

Judge Thomas has embraced the extreme in other areas as well. Rather than engage in accepted norms of political discourse and criticisms, he has referred to Members of Congress as "petty despots." He has ignored Congress, and showed his disdain for thousands of senior citizens, by twice failing to honor statutory deadlines for processing age discrimination claims at the EEOC. And twice Congress was forced to extend statutes so that Thomas' failures would not deprive thousands of senior citizens of their rights under the law.

In regard to gender discrimination, Judge Thomas has chosen to embrace discredited and disgraceful theories of why women have fewer educational and career opportunities. Specifically, he commended a treatise that argued that women earn less because they choose their occupations with an eye to marriage and motherhood. Nowhere in these statements and endorsements did he recognize the reality of gender discrimination, and in fact, he has opposed even voluntary affirmative action programs in areas where discrimination against women was a proven practice. Does Judge Thomas have a blind spot that led him to break the law in an area of great importance to all Americans, but especially to women?

I do not believe such extreme approaches to the questions before the Supreme Court serve either the Constitution or the Nation well.

While I am alarmed by Thomas' speeches and writings, I have tried to consider them in light of his background, and experience, and in the context of his testimony before the Senate Judiciary Committee.

I looked forward to his appearance before the Senate to see if his strong character could allay my concerns about his strong, and in my opinion, narrow views.

There are those who criticize the confirmation hearings on the grounds that a nominee is damned if he answers forthrightly and damned if he is silent. I do not believe the Senate can fulfill its constitutional obligations without candor from the nominee. A candidate for the Supreme Court who hides his views from the Senate undermines the Constitution.

I agree that a nominee should not have to comment on cases that are, or could be, pending before the Court. I agree also that no one position should be a litmus test for confirmation. However, I cannot agree that the less we know about a nominee the better.

The hearings afforded Judge Thomas the chance to explain his views. Unfortunately, I feel that he took the opportunity to explain them away instead. Rather than defend his statements as a part of a complete philosophy, he apologized for them by saying that he was a part-time political theorist, or that he was catering to his audience's interests, or in some cases admitting that he had in fact not even read the very work he had so effusively praised.

He recanted his belief in natural law as the only basis for constitutional adjudication. He reversed completely his harsh criticisms of the legacy of Justice Oliver Wendell Holmes. Whereas in a speech he argued that economic rights should enjoy the same high standard of protection as personal rights, in the hearings he argued that he was merely reminding people of the importance of economic right.

Judge Thomas used the occasion of the hearings to tone down his criticisms of Congress and underscore his support for Congress' role in balancing the power of the Executive. But the context of his concessions lead me to question whether his commitment to the Constitution's separation of powers will last longer than the Senate's consideration of his nomination.

The most troubling aspect of Judge Thomas' testimony was his response to inquiries about Roe versus Wade and the reproductive rights of women. When asked about a White House report he signed that harshy criticized Roe versus Wade, Thomas denied he had read that part of the report. He then stretched the imagination of the Senate, if not the Nation, by saying that he neither had an opinion about nor had even discussed with anyone the most controversial case of his generation.

I do not anticipate that President Bush will ever nominate anyone to the Supreme Court who supports Roe versus Wade. However, I believe the Senate has a right to know—and Judge Thomas had the obligation to reveal—the reasoning and depth of conviction behind his public statements on this subject.

Finally, I found Judge Thomas willfully inconsistent in applying his principle of not discussing controversial issues that may come before the Court. Surely the death penalty, the separation of church and state, and the use in court of victim impact statements are controversial issues that will be before the Court.

I have tried to reconcile Judge Thomas' testimony with his previous statements and writings because of my respect for him as an individual, for his intelligence and his character. I do not expect, nor require, philosophical purity in a person or a Supreme Court Justice. I understand the pressures of having to defend our record under harsh questioning by those who disagree with you. It is something each of us in the Senate does on a daily basis. I also understand that it is possible to have strong feelings on a subject yet still give those who disagree with you a fair hearing and fair consideration.

One way or the other, Judge Thomas has to take responsibility for the contradiction between his professional actions and philosophy and his testimony at the Senate hearings. His harshest critics say that he is running from himself; because of my respect for him, I choose to believe that he has not yet found himself, that he, in fact does not have a well-settled judicial philosophy that will guide his work on the Court should he be confirmed.

I am not troubled that Judge Thomas is still forming his judicial philosophy. I am troubled that he has not shown any caution in the conduct of his public life while he explores his beliefs. He has harshly and vociferously attacked those with whom he disagrees with the passion of a true believer. Yet, when tested, he denies that he is a true believer.

It is difficult for me to express my disappointment that a man as dedicated to public service as Clarence Thomas is, has been thrust toward the Supreme Court before, in my opinion, he has demonstrated he is ready for the job.

I find it instructive to consider for a moment who Thurgood Marshall was when he was nominated to the Court. He had served as a Federal appellate judge and the Solicitor General of the United States. He had argued 32 cases before the Supreme Court and won 29 of them. At great risk to his life, he had traveled the country defending the constitutional rights of minorities. He persuaded the Supreme Court to end the practice of segregated schools in America in Brown versus Board of Education. I am not proposing that Thomas should be rejected because he has not achieved at his age what Marshall had: few ever did or ever will. I am proposing that Thomas has not yet tested his own beliefs either in his brief judicial career or in his own mind. I believe the passion of his public philosophy, coupled with the doubts and moderations expressed before the Senate, demonstrate that he is searching. For that reason, I feel I know even less about him now than I did before the hearings began.

I stated earlier that I believe a Supreme Court Justice should have a well-considered, well-reasoned and fair judicial philosophy. I also said that I must consider this nomination according to the facts as they stand today. Judge Thomas has the intelligence and dedication to be where he is today on the U.S. Court of Appeals. I do not believe that he has shown the kind of balance and judicial maturity to earn, at this point in his career, a seat on the Supreme Court. While I believe that he may grow into the position if he is confirmed, I cannot honor my responsibility in this matter based on hopes for the future. There is too much at stake.

I will vote against Clarence Thomas' nomination to the Supreme Court. And, I again urge my colleagues to support a postponement of that vote so we may more carefully consider the charges that now so dramatically divide this Chamber.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BUMPERS. Mr. President, every time I have been deeply troubled about the qualifications of a Presidential nominee, I have voted "no." My own rule is that unless a nominee has acquitted himself or herself in a fairly convincing way, the nominee should be rejected. Senators should feel comfortably certain that a nominee is well qualified, and that they would have no hesitancy in defending an aye vote to their constituents. I do not believe this nomination can be defended.

The advise and consent role is an extremely important one for Senators. It is not, or at least should not be, based on the popularity of a nominee, his or her political affiliation, or his or her social philosophy, though it is impossible not to give some consideration to those things. A President has a right to pick, and most do pick, members of their party and philosophical persuasion.

Ronald Reagan didn't much believe in conservation and preservation of our natural resources, and he chose James Watt, of like mind, to be his Secretary of the Interior. I led the fight against James Watt's confirmation, and got 11 votes for my effort. I felt sure, and it was later confirmed, that James Watt had no reverence for our land and water, our environment, or for preserving our natural heritage. But there was a herd instinct sweeping through the Senate in those days to give the President his man, and that mentality proved to be a disaster for the Nation.

I voted for Justices Scalia and Kennedy, though their political and social philosophies were different from mine. But both Scalia and Kennedy had long, distinguished careers as legal scholars, practicing attorneys, and jurists.

Judge Bork was a recognized legal scholar, but he was a cynical view of the law and a crabbed view of the Constitution; so perverse in fact that I felt compelled to vote against him.

No more than 3-4 percent of Presidential nominees are ever contested, but those contested nominations are almost always the most important ones. And Supreme Court nominations are extremely important because the Court is the third branch of government. Its members are all Presidential appointees, and since the President is the executive branch and nominates all the members of the Judiciary, he wields a tremendous power. President Roosevelt attempted to pack the Supreme Court by increasing its membership to 15 in order to get his legislation declared constitutional. His policies, even in hindsight were imminently correct, but his means were grossly wrong and Congress correctly repudiated the attempt.

This brings me to a few thoughts about Judge Thomas, his experience as a lawyer, as a jurist, and his answers to questions by Judiciary Committee members.

Judge Thomas graduated from law school in 1974, 17 years ago. Since that time, Judge Thomas has spent a total of 6 years dealing with the law, and 5 of those years were narrowly focused: 3 years in the attorney general's office in Missouri, 2 years on the corporate legal staff of Monsanto Co. and 1 year as a judge on the court of appeals. He never tried a case in Federal court, and was apparently never in court as an advocate in the rough and tumble world of the legal profession. I could not find in the record that he had actually ever tried a case at all. There is no evidence that he excelled as a student, and lacking any extensive practical experience, I am puzzled by how he came to be chosen.

Then there are the unbelievable contradictions between Judge Thomas' writings and his repudiation of those writings before the committee. He seemed, at least until his confirmation hearing, to be captivated by some arcane theory of the natural law or higher law. The natural law is a legitimate and useful method of interpreting the Constitution, especially in the field of individual rights, but Judge Thomas seems to envision a much more comprehensive use of a higher law, though it is entirely unclear as to just what he has in mind. He praised an essay by Lewis Lehrman, a former candidate for Governor of New York, for his—Lehrman's—application of natural law to the legality of abortion.

Lehrman had concluded not only that the Constitution did not permit abortion but that abortion was absolutely prohibited under any circumstances. Not prohibited by words in the Constitution but by natural law or a higher law. This would mean that if Roe versus Wade should be reversed, the Congress and the 50 States would all be prohibited from permitting an abortion to save the mother's life or for any other reason.

Mr. President, I feel certain Roe versus Wade is going to be reversed, and the President has the right to appoint persons who agree with his stated position to do that, but surely that decision should be dealt with in the context of the Constitution, and not some arcane principle of natural law, presumably outside the Constitution and understood by a very few persons who believe that natural law transcends the Constitution. Mr. President, this could lead to abrogations and aberrations totally outside the Constitution and depending on the case and the persuasion of a narrow majority of Justices. Such a possibility is absolutely eerie. It opens up the possibility that a particular partisan or philosophical goal could be reached with decisions based not on the Constitution, but on five persons' arcane philosophy of natural law.

Then, Mr. President, there is the credibility question. Judge Thomas told the committee that Roe versus Wade was the most important case to be considered by the Court, yet insisted he had never discussed the case with anyone. It this is true, he is probably the only lawyer in America who could make such a claim. But it would demonstrate a remarkable lack of curiosity that in and of itself be disqualifying.

Senator SIMON carefully cataloged a host of other contradictions yesterday between what Judge Thomas had previously written and said, and what he testified to before the committee regarding Justice Holmes, the natural law, the Lehrman essay, and many other issues. He seemed to repudiate virtually every position he had ever taken in all his writings.

What is one to make of all this?

The studied and obviously rehearsed strategy of stonewalling the committee, even on settled cases and policies was disquieting. It has become common for nominees to say as little as possible, and agree to nothing. These carefully rehearsed appearances at confirmation hearings have effectively altered two centuries of precedents that always placed the burden on the nominee to prove his fitness for the position for which he was nominated. The burden has now been shifted to the Senate to prove the unfitness of a nominee, a burden it cannot sustain in the absence of extrinsic proof, when the nominee says he neither agrees nor disagrees with anything, and wouldn't tell you if he did.

My conclusion that Judge Thomas should not be confirmed is based on his theory of natural law, his contradictory statements, perhaps most important his lack of experience. Perhaps 10 years hence, Judge Thomas, if he stays on the Court of Appeals bench, would demonstrate the kind of knowledge and understanding of the Constitution that people have a right to expect of a nominee to the Supreme Court.

I don't understand why President Bush felt compelled to say that Judge Thomas was the best-qualified person in America for this position. All Americans assumed that the nominee would be African-American, and that is entirely proper, but not one person in America believed that statement. There are thousands of learned and scholarly lawyers and jurists in America, black and white, male and female, extremely well qualified for this position. Judge Thomas is not one of them. I tried to find reasons to support Judge Thomas but then I read Federal Paper 76, Alexander Hamilton wrote regarding the advise and consent role of the Senate:

> The person ultimately appointed must be the object of his (the President's) preference, though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted by the preference they might feel to another to reject the one proposed; because they could not assure themselves that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected and might have the appearance of a reflection upon the judgment of the Chief Magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.

Because I found Judge Thomas to be likable, and because I was very much impressed by his upbringing, and the fact that he came from abject poverty to positions of authority and power, and because I think it imperative that an African-American be appointed to replace Justice Marshall, I wanted very much to support his nomination. I even rationalized that I should support him because the next nominee might be even more unacceptable. But a vote to confirm for such reasons in the face of compelling reasons to the contrary would be a gross abdication of my duty in the advise and consent process.

My vote obviously is for probably for naught, because Judge Thomas apparently has the required 51 votes necessary. Again, I have a duty to vote against Judge Thomas because of my overwhelming belief that he is unqualified.

Finally, Mr. President, my decision not to support Judge Thomas was made before the rather sensational allegations were made regarding his conduct toward a former female employee. But because I determined to vote no for other reasons, I do not judge the truth or falsity of these late allegations, serious though they are. Obviously, these allegations should be investigated further, and I will vote for such a delay.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. Mr. President, I had a chance to listen to everything the Senator from Arkansas had to say.

I guess there is only one thing that I would take some exception to, and that is the extent to which he would say the record does not say that Judge Thomas has enough legal experience.

I think to discount Judge Thomas' tenure as chairman of the EEOC—that is a law enforcement agency—is simply wrong. As head of the EEOC, Judge Thomas helped decide what discrimination cases to bring to the courts. He obviously had to review the regulations interpreting and applying the antidiscriminatory laws. I think to discount 8 years, or 7 or 8 years of legal work of that type as head of an important Federal agency is not legal experience is really a ludicrous assertion.

I think we ought to make that point to correct the record, that we are talking about a person here who has had tremendous legal experience. As I pointed out 2 or 3 days ago there have only been four members of the Supreme Court in this century who have had an opportunity of having served in the executive branch, the legislative branch, and the judicial branch of the Federal Government, having also served in both State government and Federal Government—only four members of the Supreme Court this century. This puts Judge Thomas, as far as his experience is concerned, way above the experience and background that most people bring to the Supreme Court of the United States.

But my main purpose, Mr. President, is to address what most Members of this body are addressing, recent developments in the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court. And they involve all the issues that have been discussed around Professor Hill's accusations.

The events of the past few days have constituted the worst treatment of a nominee that I have seen in my 11 years in the Senate. Mr. President, I think we were observing over the weekend, on Monday, and Tuesday this week what we were told we were going to see way back in July when one of the spokespersons for one of the major groups in opposition to Judge Thomas, when asked how were they going to defeat Judge Thomas, said, we will "Bork him." We will "Bork him." In other words, the same tactics that were used against Judge Bork in 1987 would be the very same ones used against Judge Thomas.

Until last weekend I could not say that would be the case. But we are in a position now where the emotion of the day is stampeding Members of the Senate, stampeding in a fashion not to use judgment that the constitutional process calls for us to use, because this is not a political campaign for the position of Associate Justice of the Supreme Court.

Judge Thomas is not a political candidate for the Supreme Court. He has been selected by the President of the United States for a lifetime position on the Court.

Are we going to let a political campaign through the media accomplish the same goal that was accomplished in 1987 against Judge Bork?

I did not think that I would see the "Borking" of Judge Thomas, the tactics that were used then, be successful in this instance. And I hope they are not. But I think we should be concerned about it, not because of what it does to Judge Thomas, but what it does to the constitutional process of advice and consent.

It has been since mid-September that the Judiciary Committee has been aware of these allegations against Judge Thomas. These were allegations that were first brought to the committee's attention by Professor Hill only after she was contacted by Senate staff.

Let me repeat, and let me repeat by her own statement. Professor Hill came forward with her charges after Senate staff talked to her and encouraged her. When the chairman of the Judiciary Committee and when the ranking member of the Judiciary Committee learned of these allegations, the FBI was immediately ordered to conduct an investigation. That investigation was completed before the Senate Judiciary Committee voted on Friday, September 27, 1991.

At that point the chairman of the Judiciary Committee, Senator BIDEN, informed the committee Democrats, most of whom opposed Judge Thomas' confirmation, of the investigation results. Yet, none asked for a delay in the vote. Not one asked for further investigation. And none raised these latest allegations as a reason for their vote to oppose Judge Thomas. Why now?

Well, Judge Thomas' opponents have been successful in delaying the vote on the Senate floor until today, and for all I know right at this very hour there could be discussions about whether or not it even ought to be conducted today.

The time of last Thursday, Friday, the weekend, plus Monday and Tuesday, today, gave opponents more time to publicly smear Judge Thomas. The FBI report was leaked to the media. That in turn caused Professor Hill, who had requested confidentiality, to defend her allegations publicly.

I do not know whether this just happened, because considering how sophisticated the operation is, this process that we call Borking him—and it is very sophisticated—I would like to have people on my side in a campaign, in a political campaign that is that sophisticated.

But their goal was to get these allegations out very publicly, to inflame the emotions and sensibilities, and most importantly do what was so successful 4 years ago against Bork—except there has not been a lot of paid TV time, but there has been a lot of free news time on this—their desire to bypass the constitutional process of advice and consent of the full Senate and the Judiciary Committee.

We had 2 weeks of hearings, including some 100 witnesses testifying for and against Judge Thomas. Not one raised a charge like this one. A charge like this was taken right to the public by those who oppose this nominee, short circuiting the committee procedures.

This is a strategy based upon desperation. It is a last-ditch effort to defeat Judge Thomas because they cannot destroy him on his qualifications and on the merits.

After all, we had 5 days of testimony. In these 5 days of testimony, Judge Thomas showed himself to be thoughtful, to be intelligent, and to be articulate, as an individual, and even in his present position as a judge.

But he also showed himself to be one who espoused a philosophy at odds with the special interest groups who are out here opposing Judge Thomas. These groups know that they need to stop this nomination. They have to do this to validate their social agenda, an agenda which they seek to impose through the courts since the American people, through the Congress and through the President, will not accept it.

I hope that this approach will not work. Their delay, and now this mud slinging, are coming to a merciful end, I hope. When we vote today, I hope that they will lose. I believe that they will. Despite the best efforts of the professional liberals who have thrown everything that they could find at this nominee, he still stands tall, and their cause is a losing cause.

In the meantime, there are some excuses that Senators have raised in opposing Judge Thomas that I think should be addressed. Some claim that they cannot vote for Judge Thomas, because he did not reveal his basic views of constitutional interpretation, that he is, consequently, somehow an empty vessel, that his views have vanished. The truth is that Judge Thomas, openly and very candidly, revealed his basic philosophy, and that is a philosophy of judicial restraint; that is what he told us at the confirmation hearings for the D.C. Circuit, and that is what he has practiced as a judge on that circuit court of appeals.

Some have charged that Judge Thomas refused to answer questions forthrightly. This is utter nonsense. He answered literally hundreds of questions.

It is true that he did not answer the dozens and dozens of questions about abortion, but that is an issue that he is going to be voting on and debating. It is highly controversial and will definitely come before him as a Justice of the Supreme Court. It seems to me that instead of challenging him and finding fault, we should praise him for the open mind regarding that issue. We should expect nothing less than an open mind on these controversial issues that are still going to be decided in the near term before this Court. Nominees for the Supreme Court should not make campaign promises to Senators.

Then there are those Senators who demand that nominees tell us in advance how they will vote, and who would oppose Judge Thomas, claiming he has no respect for the separation of powers and will favor the President over Congress. But under the separation of powers, we must respect the independence of the judiciary. We cannot ask judicial nominees how they will vote on unsettled issues that they will decide. We owe the litigants to those cases the open-mindness on the part of the judges. We owe the nominee the right to decide cases as a judge, after hearing legal arguments and the evidence, and not in the vacuum of the confirmation hearings.

Then, of course, Senators have brought up questions about his prior statements, when he was a member of the administrative branch of Government in a policymaking position, using these statements as excuses for voting against Judge Thomas. They have examined every speech he made, every article he wrote, as an executive branch policymaker.

They say that he is deceptive when he says that he will put his views aside as a Supreme Court Justice. The actual fact is that Judge Thomas has not allowed prior political statements to affect his rôle as a member of the circuit court of appeals.

Perhaps his opponents, particularly those liberal special-interest groups, are puzzled because they cannot imagine that judges have any function other than to read their political views into their decisions. But those who, like Judge Thomas, believe in judicial restraint can and do separate their political opinions from their work as a judge.

Finally, in the ultimate of irony, several Senators have adopted Judge Bork's theory of original intent when it comes to the confirmation process. During the 20th century, up until the 1987 Bork nomination, the President and the Senate followed a consistent pattern of confirming the Supreme Court nominations based on their competence and integrity. Now that seems to have changed.

Make no mistake, though, despite and pretext, the opposition to Judge Thomas is based solely on ideology. And in relying upon ideology, Judge Thomas' opponents are trying to return to original intent by claiming the nominee must prove himself worthy of confirmation. It was under those standards that George Washington's nominee for Chief Justice was turned down because he opposed the Jay Treaty, and that five nominees of President Tyler were rejected for ideological reasons.

Mr. President, I hope to see the confirmation of Judge Thomas for many reasons, not the least of which is that it will mean the end of the ironies and hypocrisy that I have discussed. It is not everyone who could keep his composure during unfairness, mean spiritedness, and outright personal attacks deriving from opportunism, particularly the opportunisms and political agendas of the special interest groups. Judge Thomas has survived this ordeal. In doing so, his early comments that Congress shows little deliberation, and even less wisdom, that it engages in political posturing above anything else, and is beholden to special interest groups, were not only accurate, but unfortunately prophetic.

Mr. President, I look forward to the day when those statements are relics of an era long past, and the confirmation process returns to the purpose that was intended when Alexander Hamilton spoke to that in the Federalist Papers, when he said that it was to see that political hacks were not appointed to the Court, and that it did not become a process by which the President could put his political friends on the Court strictly for political payoff.

I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER (Mr. SARBANES). The Senator from Nevada.

Mr. BRYAN. Mr. President. on September 24 of this year, I announced my support for Judge Clarence Thomas' nomination to the Supreme Court. I do not serve on the Judiciary Committee, and the charges leveled by Professor Hill over this past weekend were matters of first impression for this Senator.

The charges are serious, and I took the opportunity to carefully review the statement which Professor Hill submitted to the committee. If true—and I emphasize "if true"—they clearly cross the line and constitute, by any reasonable and fair standard, sexual harassment and the type of verbal abuse that no woman in the work force should be subjected to, and the kind of conduct that all of us rightfully ought to deplore.

Only two people really know what happened—Professor Hill and Judge Thomas. To the best of my knowledge, no other witness is available to offer direct evidence on this matter.

There is, however, circumstantial evidence available, evidence as to the conduct of Judge Thomas with respect to other female coworkers, and more recently, this morning, this Senator has been made aware that there is a telephone log which purports to document a conversational trail between Judge Thomas and Professor Hill which extended over a substantial period of time.

I have read the FBI report and I have read it thoroughly. At best, and with the utmost of charity, it can only be said about that report that it is incomplete.

The question is how then shall we proceed to discharge the obligation that we have to this institution, which we are a part of, the obligation to Professor Hill, the obligation to Judge Thomas, and most importantly, the obligation that we have to the American people?

Judge Thomas has a cloud hanging over his head. In my view, the only responsible course for us as Members of this body to discharge the constitutional obligation which is incumbent upon us is to the best of our ability conduct a thorough examination of these allegations and ascertain as best we can the truth or falsity of those allegations.

I have in the past been critical of the committee process, but I must say, Mr. President, I know of no better vehicle to ascertain the truth or falsity of those charges than for the committee itself to inquire into this evidence and to give Judge Thomas an opportunity to publicly and before the committee under oath to offer testimony in contradiction and in refutation of the allegations made by Professor Hill.

We, in this body, and the American people have a right to see Judge Thomas, to evaluate his demeanor, and to consider his response.

I believe the most efficacious method to do that is through a continuation of the hearing process for a limited time. I do not favor an open-ended or unlimited extension of time, but I do believe that in fairness to Judge Thomas, in fairness to Professor Hill, and in fairness to the American people that we have a right and, indeed, the responsibility to ascertain this information.

It would be my hope that the Senate can agree upon a short delay for a finite or fixed period of time. But I must say that if I am compelled because I know of no other vehicle other than unanimous-consent agreement to vitiate the time certain and to establish it as I would prefer a fixed time, giving the proper opportunity to fully explore this matter, if I do not have the opportunity to do that, then this Senator would regrettably be in a position that he would vote against the nomination of Judge Clarence Thomas because it is the only vehicle available to this Senator to ensure the purpose of the continuation to ascertain these facts.

As I said, Mr. President, I hope that does not become necessary. I believe it is is in the best interest to Judge Thomas, and I hope his sponsors would concur, that he have this opportunity to rebut in a public forum the allegations that have been made against him and those of us in this body who ultimately must make the determination as to whether to vote for or against Judge Thomas have the opportunity to consider his response, his demeanor when he is specifically confronted with these allegations.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me thank Senator BRYAN from Nevada. I have a real appreciation not only for the substance of his remarks but really the way in which he delivered those words which I think are very important at this particular moment on the floor of the U.S. Senate.

Mr. President, the Senator from Iowa [Mr. GRASSLEY], mentioned empty vessel, and since Monday a week ago when I announced my opposition, I talked about empty vessel. I want to once more talk about the basis of my decision.

Friday I was a part of this debate, but it really was Monday a week ago that I had decided—and I decided after a lot of consideration—to vote against Judge Thomas, and the basic point I made then was that when I went back to the Constitutional Convention and the decisions that were made about the judicial branch of Government and how appointments would be made, it is very clear to me that there was a clear understanding historically, and I think it applies today, that the judicial branch of Government has just tremendously important power, the power of judicial review, the power to enforce the first amendment rights, the power to guard against usurpation of power by the executive branch or the legislative branch. It is the branch of Government in which each and every individual has equal standing.

And what I found so disappointing about Clarence Thomas' testimony before this Judiciary Committee was that the judge essentially said that his past writings and statements were really no longer to be considered, that he had no view on the basic constitutional and philosophical questions that face us as a society and a country.

And, therefore, my argument was in representing himself as an empty vessel I did not believe that I could give my advice and consent to anyone who would come in and so represent himself or herself. I feel very confident about that decision.

But now, in the last couple of days, we have had some other developments and first and foremost have been the allegations by Professor Hill, and I think it puts everyone, the people in Minnesota that I spent time with today before I came back, those of us in the Senate, and Clarence Thomas as well, in a very difficult position.

I want to say on the floor of the U.S. Senate that I think every Senator has to be very careful not to in any way, shape, or form discount what Professor Hill has had to say. All too often when women raise questions of sexual harassment, women are ignored. We do not want to let that happen. That cannot and that should not happen any place, any time, anywhere in our country. But, by the same token, we have to remember that Judge Thomas is entitled to a fair hearing. He is not guilty—I mean we have not had a full hearing. He has not really had an opportunity to fully represent himself.

So, what I want to say, Mr. President, in the spirit of, I think, fairness and some balance is that it is very important that we do not decide tonight. I think it is a question of being fair to Professor Hill. I think it is a question of treating Judge Thomas with utmost respect. And I also think, Mr. President, it is a question of institutional integrity. I do not believe that the U.S. Senate can vote tonight on confirmation under such cloudy circumstances.

Mr. President, I guess what I would say in what is not a good moment for any of us is that there is no reason to rush to judgment. There is no reason to rush to judgment. When I came back from Minnesota today, I hoped and I still hope that perhaps Clarence Thomas himself would request that we put off this decision. I think it would be best for him. I think it would be best for the U.S. Senate, and most importantly, I think it would be best for all of us as a people in this Nation.

So I do not believe we should rush to judgment. I hope we will not make such a momentous decision tonight, and I hope that all parties concerned will be treated with respect and fairness, and we will move forward and try and make a decision and made a decision at another time under other circumstances when in fact we have the full information before us and we can be fair to Judge Thomas, to Professor hill, and we can make a decision as the U.S. Senate that will be good for our country.

I yield my time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I yield to the Senator from Missouri.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Missouri.

Mr. DANFORTH. Mr. President, the situation before us is as follows: Sometime earlier this month, prompted by apparently repeated inquiries from Senate staff, Miss Anita Hill made a written statement making certain allegations about Judge Clarence Thomas. Those allegations were subsequently investigated by the Federal Bureau of Investigation.

The investigative report was then delivered to the chairman and to the ranking member of the Judiciary Committee. They, in turn, briefed the majority leader and the minority leader of the Senate. Senator BIDEN tells me that he then briefed each of the Democratic Members of the Senate on the content of that report.

As a result of those briefings—and I am told that during the briefings a copy of the FBI report was present, and that if members did not actually look at it, they had a right to look at it—as a result of those briefings, it was determined by each of the member of the Judiciary Committee that the FBI report did not contain any basis for further action; that no further investigation was necessary; and that no delay was necessary. That was the stated position of the members of the Judiciary Committee.

Having failed to win any response from the Judiciary Committee, having failed to have the vote put off—and incidentally, I am told that it is a matter of right, that any member of the committee could have put off the committee vote for one week—having failed that, someone violated the rules of the Senate. Someone released into the public domain an FBI report, or the contents, selected contents, it would appear, of an FBI report. That was done the weekend before today's scheduled vote on the Thomas nomination.

It became, as many might have predicted, the lead item on each of the network news programs on Sunday. It became the front-page headline of the newspapers on Monday. It has generated a tremendous rush of activity by various organizations opposed to the Thomas nomination.

I am told, two different times, that various people who work at EEOC have been flooded with phone calls from people who have identified themselves as being with the organization, People for the American Way, asking for the dirt on Clarence Thomas.

This whole conformation process has been turned into the worst kind of sleazy political campaign, with no effort spared to assassinate the character of Clarence Thomas: staff members, interest group representatives fanning out over the country, trying to drum up whatever they can to attack this person's character.

The allegations, of course, have been called into question. Today, Clarence Thomas issued a sworn statement categorically denying the charges that have been made against him. Today, I released, upstairs in the Press Gallery, excerpts from the telephone logs of Clarence Thomas. Those excerpts from the telephone logs of Clarence Thomas indicate that on 11 separate occasions since Miss Hill left the employ of the EEOC, she took the initiative of telephoning Clarence Thomas. The first entry on the telephone logs, January 31, 1984, written in the handwriting of Clarence Thomas' Secretary at EEOC says:

> Anita Hill, 11:50. Just called to say hello. Sorry she didn't get to see you last week.

Another one of the entries. This one, August 4, 1987, Anita Hill. And then there is a phone number. Time, 4 o'clock. Message: "In town till 8-14"—presumably, August 15—"wanted to congratulate you on marriage."

Now, these are the phone messages of the person who has accused Clarence Thomas of harassing her on the job.

Then we have the statement of a lawyer and former coworker at EEOC who reported that he had seen Miss Hill at the American Bar Association convention in August, and that she said:

> Isn't it great that Clarence has been nominated for the Supreme Court?

And this same person has come forward, and she has made certain statements, and those statements were investigated by the FBI. And that investigation was turned over to the Judiciary Committee, and the Judiciary Committee said: "No basis for action."

And then someone went public.

Now, Mr. President, what is the reason for the secrecy of the FBI reports? What is the reason for Senate rules providing that FBI reports are not supposed to be released to the public? What is the reason why a Senator who releases an FBI report can be expelled from the U.S. Senate?

The reason is that it is manifestly unfair to an individual to release an FBI report. And that is what happened here. And you talk about unfairness. What is more unfair than to have a person's character called into question as the lead item on the network news?

What is more unfair to an individual than to have Senator after Senator go on the floor and say, "Oh, we don't know enough." Why it satisfied the Judiciary Committee—yes, they read the reports and said, "No further action." Let us keep this ball in play; we need to delay. We need more time for the People for the American Way to make their phone calls digging up the dirt. We need the interest groups to have more time to gin up their opposition. There is blood in the water. We need more time for the sharks to gather around the body of Clarence Thomas. Oh, we need a delay. The Judiciary Committee, when they said it does not warrant further action, blew it, it is said. I do not think so at all.

One hundred days ago today Clarence Thomas was nominated for the Supreme Court of the United States. For 100 days the interest groups and their lawyers and various staff members of the Senate have combed over the record of Clarence Thomas. For 100 days they have examined footnotes in Law Review articles to question him about; sentences in articles taken out of context; speeches made in a political context which are then analyzed and criticized before the Judiciary Committee. One hundred days this has gone on and people will say, "Oh, no, wait. We need more time."

That is a tactic, Mr. President. I have been asked by the press today, why not delay? Why not delay? One hundred days is not enough. The Judiciary Committee's word for it is not enough. Why not delay? Why not keep this "circus"—and I use that word in the Roman context—why not keep this circus going? The lions are not satisfied yet. Why not just have a delay?

And my answer throughout the day has been, I do not think there should be a delay because all of the relevant evidence is before us now: the charge of Ms. Hill; the response to the charge by Clarence Thomas denying the allegation of Ms. Hill. It is not as though at some future time after some appropriate hearing the skies will miraculously open, the clouds will dissipate, and will know "the answer" to these charges. I am quite sure that if we have a delay, no matter how long that delay would be, people would say, "We need another delay." Or, "We still have doubts." Or, "She proved her point." Or, "He proved his point." The questions will still exist. People say, "Clear the clouds away. There is a cloud of doubt. We cannot do anything while the cloud of doubt exists."

Mr. President, the cloud of doubt was created by a violation of the rules of U.S. Senate. Think about voting down the nomination of Clarence Thomas solely on the basis of a violation of Senate rules. Think about voting down the nomination of Clarence Thomas solely because an FBI report was distributed to the media illegally. Talk about scandal—that is scandal.

So, Mr. President, I have said to the press and I have said to some of my dear friends in the Senate today, I do not think there should be a delay. This poor guy has been tortured enough. And at the end of the delay they are going to continue at it. And at the end of the delay they are going to say "Wait, there is somebody else. There is something else. Let us have another delay."

I have said in my opinion a delay would serve no purpose whatever. And that is how I feel about it. But, Mr. President, it is not my call. At least in my mind it is not my call. Because a person whom I respect so greatly and a person I love dearly said to me on the phone: "They have taken from me what I have worked 43 years to create. They have taken from me what I have taken 43 years to build—my reputation." And he said, "I want to clear my name."

I do not know that it is possible. I doubt it because I think, as I have said, that it will just be another delay for the sharks and at the end they will say, "Oh, we need more." Or, "We need a lot of time, a lot of witnesses, a lot of lions."

But Clarence Thomas said to me on the phone, "I have to clear my name. I have to restore what they have taken from me. I have to appear before the appropriate forum and clear my name."

So, for 100 days I have been the spokesman for this person, Clarence Thomas, and on this 100th day I act as a spokesman again, with great pain and great anger at an injustice which is being perpetrated on him. And I ask for a delay. And, Mr. President, not a delay to torture him, a delay I would say of 1 day—some would say you cannot do it in 1 day—2 days, to bring her here, to bring him here, to do whatever else they want to do, and then to have a vote at a time certain, 6 p.m., next Thursday, this coming Thursday, 2 days from now. That is reasonable. I think it is unfair, but it is certainly reasonable from the standpoint of any reasonable person. That is the proposition that I asked to put to the U.S. Senate: 48 hours and a proper forum for Clarence Thomas to try to clear his name.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

NOMINATION OF CLARENCE THOMAS

Mr. DOLE. Mr. President, first I wish to thank my colleague from Missouri, Senator DANFORTH. Second, I would like to state, if my arithmetic is accurate, if there is a vote at 6 o'clock, and that has not been determined yet, notwithstanding the request from Judge Thomas, as I look at it, there are about 41 for Clarence Thomas and 41 against, maybe 18 undecided, maybe 17, maybe 16, depending on who you count.

If all those undecided voted present, we would have one result. If some voted for Clarence Thomas and some voted no, because I want to delay, we would have another result. As we speak on the floor, most of those who favor Clarence Thomas, some who say delay and some who say let us vote tonight are meeting with the distinguished majority leader, Senator MITCHELL.

I would add that Clarence Thomas has agreed to meet with any of these people or anybody else who was still undecided. There is no need to meet with the Senator from Ohio [Mr. METZENBAUM] or some of those. But anybody who might be undecided, anybody who thinks he may have been treated unfairly—somebody will say, oh, we have to open this case because we want to be fair. Fair to whom? The Senator from Missouri said we waited 100 days. I think sooner or later the American people have to understand that even Clarence Thomas has some rights and he has some sensibilities and he has some feelings and he has his limits.

So I ask, what do we mean by delay? Oh, a couple of weeks, next week. Sure, why not. We have gone through that before on this floor where one allegation is made, one FBI report, some close associate releases it to the press, as happened in this case. When that checks out, somebody else throws something else over the transom, you check that out, you leak that and you start again.

What do we mean by delay? How many witnesses? Closed or open session? What do we want to find out from this man that we do not already know? Let us face it, this nomination is very important to a lot of people. Some would do anything to stop it, and some might do anything to get it over the hill. But I believe those 16, 17, or 18 Democrats in this case who have indicated a favorable response to Clarence Thomas are fair-minded people. It was our hope that by having Clarence Thomas sign an affidavit, not a statement, but an affidavit categorically denying any of the allegations, it should satisfy most of those 16, 17, or 18 Senators who have indicated they might support or would support Clarence Thomas. In many cases, some are undecided, but most have said yes.

Then we also thought by releasing the phone logs, it clearly indicates there was a friendly, cordial relationship even after Ms. Hill left EEOC.

I am reminded when Secretary Donovan was acquitted, he said, "Where do I go to get my reputation back?" He took a lot of beatings on this floor, and he took a lot of beatings in the media, but he was acquitted. That was the American way. Not the one that Senator DANFORTH is talking about; that was American justice.

I do not know of any group who gets more criticism than the group of 100 in this body, more allegations, more accusations, more unfounded charges. So I just suggest, there is no doubt about it, on this side of the aisle we have 41 votes. Should we make a judgment to vote at 6 o'clock if we only end up with 47 votes or 48 votes or even 49 votes? Or, should we gamble for another 24 hours or 48 hours and say, well, maybe justice will finally be done and maybe even some of those people who are against Clarence Thomas, on either side of the aisle, might understand that this man has been through the wringer enough, he has told the truth, he deserves my support.

I think it is fair to say the jury is right next door. The jury has gathered in Senator MITCHELL's office and they are going to determine the fate of Clarence Thomas. I heard almost every Senator regardless of his final position on the nomination, say that Clarence Thomas is a man of integrity and honesty. But when it is called into question, I hope they will keep that in mind.

Senator DANFORTH, as he indicated, has been the leader on this side of the aisle. He has known Clarence Thomas for 17 years on an intimate basis. He just talked to Clarence Thomas on the telephone. I was in the room, or the adjoining room. I think Clarence Thomas believes those Democrats in this case that have indicated their support, or probable support, are going to stick with him in the final analysis, some will stick with him today, and there is no reason for delay if he had the votes.

The bottom line in our business on both sides of the aisle is how many votes do you have. In the final analysis, how many votes do you have, and should we close the career of Clarence Thomas knowing we are short of votes? That would make some very happy. They would be dancing in the streets on the left side of the street, all over America.

I appeal to my colleagues who have indicated, my colleagues on the other side of the aisle, that they intend to support Clarence Thomas—and two or three are leaning in that direction—to suggest what else this man can do? What else can he do other than give us an affidavit? What else can he say? What does it take to satisfy, not the 41 who have already announced for Clarence Thomas or indicated their opposition, not the 41 who are for Clarence Thomas, but the 16, 17, or 18 who hold the power, who hold the key, who hold the balance and are going to make this decision, what do you want from Clarence Thomas?

Senator DANFORTH was telling us earlier, and I am certain members of the Judiciary Committee can recall all the allegations they made against Clarence Thomas now—oh, it is important, another serious allegation—he shot them down one at a time.

So I will just say, we have not decided whether there is going to be a delay. I am still hopeful, as one Senator, those who are meeting with Senator MITCHELL are going to suggest we have had enough.

We have read the affidavit. We have looked at the phone logs. He has made a public statement. That was a question by some: Where is his public statement? He has not said anything. He said it through his supporters.

Well, here is his public statement. He has offered to meet with anybody this afternoon. He can be here in 10 minutes. He will meet with anybody who has any question about the affidavit, or any other question about these charges.

Now, somebody has already hinted there are some new allegations out there. There will probably be a lot of new allegations. There will be a lot of allegations.

So I am still hopeful—it is only 4:40—that when those who are undecided, those who have indicated their support for Clarence Thomas, those who have made statements earlier today, well, based on what I now know I am going to have to vote "no" unless there is a delay—that was prior to the release of the affidavit. That was prior to the release of the telephone logs. And again I invite any of those people to call Clarence Thomas up. Come to my office. We will bring him up to talk to you. We would like to finish this today.

And I know what some on the other side, oh, they would like to have another weekend. I have been around here awhile. I knew last weekend when we did not vote on Friday what was going to happen on Saturday and Sunday, and it did. There is always somebody out there willing to collaborate and to print classified, or go on the radio with classified information, and they did.

So again I would just say to my colleagues, particularly those who had some—I will not say second thoughts but some late reservations, maybe Senator DANFORTH is right. Maybe we ought to wait 24 hours. But who is the FBI going to check in 24 hours or 48 hours? What is going to happen? Who are you going to check? How many allegations? How many new allegations?

I remember John Tower. We had the whole FBI working on John Tower; allegations were coming so fast and leaking so fast. The press really helped on that one. So sooner or later we have to come to a conclusion. And I would guess within the hour, between now and 5, we will be able to make that announcement.

So, Mr. President, again I urge my colleagues to take a look at the affidavit, take a look at some of the information Senator THURMOND has, a letter from the dean of the law school, information other Senators on the Judiciary Committee have, affidavits from someone who saw this young lady in August saying, "Isn't it great Clarence was nominated to the Supreme Court."

I have not said one word about the credibility of Anita Hill, but I am suggesting that it is answered in the affidavit by Clarence Thomas. And we ought to get on with this. We ought to have the vote at 6 o'clock. But I can count, and if the votes are not there at 6 o'clock, then we may have another suggestion.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER.

Mr. President, I begin by complimenting my colleague, Senator DANFORTH, for an outstanding statement. And I compliment Judge Thomas for his suggestion of the delay for purposes of clearing his name. I think that the delay is worthwhile, Mr. President, for additional reasons.

I think the series of events have in a sense put the Senate on trial, and in a sense would send to the Supreme Court a cloud, and that it is in the public interest to have these questions resolved in, as Senator DANFORTH has suggested, an additional hearing.

In coming to that conclusion myself, I want to make it plain that I do not credit the demands of Judge Thomas' opponents on the Senate Judiciary Committee. And earlier today on the early morning shows I had a substantial disagreement with Senator SIMON on the question of whether this material was appropriately before the Judiciary Committee, whether there was not an adequate opportunity for an inquiry at an earlier date.

This information was made available by Professor Hill on September 23 when she agreed to submit a statement and submit to questioning by the FBI. She had been contacted earlier in the month by some staff members of Senators. And she had come forward to the Judiciary Committee on September 12 and was unwilling at that time to submit to questioning or to make the accusations and to identify Judge Thomas and give him a chance to reply.

But that changed on September 23, and on September 23 Professor Hill made the statement, was questioned by the FBI. Judge Thomas made a denial. And and FBI report was filed on September 25.

I learned of it for the first time on September 26, and I took the matter seriously. I sought a meeting with Judge Thomas, and met with him, and confronted him on the charges and listened to his very forceful denial.

Now, it was at that time that Senator SIMON and others had access to the same information, and if there was a question at that time it seems to me that that would have been a timely matter to take up. But I do not believe that whatever the source and whatever the timing with Professor Hill having made the charges and with the question of appropriate diligence by the Senate, they ought to be aired—with the question of a possible cloud on the Supreme Court on a nominee or on a Justice, if he is confirmed, that they ought to be aired.

After listening to Judge Thomas' forceful denial, and after studying the FBI report, I was prepared to vote, and I did vote, at the Judiciary Committee meeting on Friday, September 27. And all of the other Senators on the committee were prepared to vote at that time as well.

I took into account my own analysis the fact that Professor Hill moved from the Department of Education to EEOC with Judge Thomas. It is my understanding that she had a position at the Department of Education where she could have stayed.

I took into account the fact that Professor Hill went with Judge Thomas to Oral Roberts where he made a speech, and that she later had invited him to the University of Oklahoma to make a speech. And I heard her explanation that she did not really want him to come there but had asked him to do so at the request of somebody else.

But when I read those facts in the FBI report, it appeared to me that there was some association. I do not know, Mr. President, what happened between Judge Thomas and Professor Hill, if anything. Now we have the telephone logs as a suggestion of further association.

But I do think that a question has been raised in the minds of the American people by what Professor Hill has said, and I think by 20-20 hindsight, which is always so much preferable, it may well have been better to have pursued the matter back on September 23, or September 24, or September 25 or September 26.

But I do think that it is useful to pursue the issue at this time and have an opportunity for Professor Hill to say whatever she has in mind, to have an opportunity for Judge Thomas to come forward with his statement. Professor Hill wants a resolution of the issue. She says her reputation is at stake; that Thomas wants a resolution of the issue; his reputation is obviously at stake. But it would be my hope that we could proceed with some dispatch.

We have an issue which is framed. We have two witnesses, possibly a third corroborating witness, where Professor Hill is said to have told one of her friends nothing, nothing in detail, but to have told about the comments allegedly made by Judge Thomas.

But it would be my hope that we could proceed very promptly on this matter before the Judiciary Committee, and we could hear the witnesses.

We have a unanimous-consent request which calls for a vote at 6 o'clock. Our votes in this body are curious things. Nobody is ever really quite sure how they are going to come out until the vote is actually cast. There may be some people who are in doubt. There may be some people who still might stand by what they have said as to Judge Thomas. But if we do vitiate that unanimous-consent agreement, it would be my hope that we would move promptly on Thursday of this week—6 o'clock is a good time or any time. Conceivably, it could even be by the end of the week, so far as I am concerned. But I do not believe that the matter ought to be put over.

But where questions have arisen as to the procedures of the U.S. Senate, I think institutionally this body ought to act so that the public has full confidence in any inquiry or the scope of inquiry or the detail of inquiry which we ought to make.

I think it is very appropriate that we not vote to confirm at a time when the cloud hangs over a nominee—and would for a long period of time—because of the tremendous importance of the decisions to be made by the Supreme Court of the United States, and judgments by that nominee if as and when confirmed.

So my hope is that in the spirit of accommodation, in the spirit of fairness, that we move ahead. Those who were prepared to vote for Judge Thomas but are now in doubt would say, all right, let us have the hearing, let us hear Professor Hill, let us hear Judge Thomas, perhaps the corroborating witness, but let us do it with dispatch, and let us set a time for a unanimous-consent agreement on Thursday at 6 o'clock or at least before this week is ended.

I thank the Chair. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from New York.

Mr. MOYNIHAN. Mr. President, Judge Thomas has asked for the opportunity to clear his name before the Judiciary Committee and the Senate and the public of the United States. Professor Hill has indicated that she feels that her statements have been challenged, and either explicitly or implicitly—the same. I am very much moved by the anguished eloquence, with which Senator DANFORTH sets forth this proposition, a thought to be allowed. Senator SPECTER, the Senator from Pennsylvania, has done the same.

In that spirit, Mr. President, I ask unanimous consent that I might be allowed to withdraw the motion to adjourn which I offered earlier today.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, my fellow Senators, a week ago today I announced my intention to support the nomination of Judge Clarence Thomas to a position on the Supreme Court. I did so, Mr. President, based upon his record as I knew it then, subsequent to the full hearing of the Judiciary Committee, subsequent to the vote of the Judiciary Committee, and subsequent to the examination of that record by this Senator with his staff. And I did so because based on that record, the record that I saw at that time. I believed him to be qualified for elevation to the U.S. Supreme Court.

Having said that, however, I must also say that I strongly believe the Senate must fully examine the sexual harassment charges made against Judge Thomas before voting on his nomination. We owe that to Judge Thomas, and we owe that, Mr. President, to the country. Sexual harassment is a serious matter. It deserves to be handled in a serious and fair way. To do otherwise is to do an injustice to both the country and to Judge Thomas.

Let me emphasize that I have not at this point decided to change my view and oppose the Thomas nomination. I have not decided at this point to change my vote. What I have decided is that it would be a major mistake for the Senate to go forward on this nomination tonight at 6 o'clock.

If the Senate votes tonight, I say the Senate is avoiding its responsibilities. If the Senate votes tonight, the Senate would be saying that a charge of sexual harassment is not important enough to fully investigate, fully investigate before acting on this nomination, and if the Senate votes tonight, it would be saying that it does not care if this charge has merit or not.

In the view of this Senator, Mr. President, this is an extremely important charge. It should not be dismissed without hearings. In the view of this Senator, this charge must be fully investigated before acting on this nomination. In the view of this Senator, Mr. President, not investigating fully this charge before we act would be an absolute abdications of our responsibilities.

Investigating a matter of this seriousness before voting is not something that we should be debating at all. It ought to be the unanimous view of the Senate, Mr. President, that we must do this.

I think some Senators are confusing delay and confusing procedural fairness with opposition to this nomination. Not so. That is a mistake. At this very moment I still believe on the basis of what I know, on the basis of what I now know, even though there is confusion, as a consequence of the charge, that the Justice is qualified, the Senate ought not to compound this mistake by voting on this nomination tonight, Mr. President.

Instead, to repeat, the charges should be fully explored. Professor Hill should have a full opportunity to be heard under oath and to be examined under oath. Judge Thomas should have a full opportunity to respond under oath. Any other persons who know anything about this should have that opportunity.

Senators should have an opportunity to be able to consider these charges based on every bit of evidence available in the country, not simply on what may be available at this time.

As everyone knows, an allegation is not the same as a truth. And sexual harassment by its very nature is a very sensitive matter. I understand that. We should therefore neither dismiss the allegations without further review nor should we oppose Judge Thomas' nomination today simply on the grounds of those charges. That is the view of this Senator.

What the Senate should do, what this Senator believes has to be done and must be done, is to put aside today's vote for procedural reasons in order to provide the time necessary to investigate this critical matter absolutely fully. That is what is required, Mr. President. That is what I believe we absolutely must insist upon.

The Senate has to be released from the procedural straitjacket it is under; that has to be the Senate's full priority.

I have been home all weekend. I have been trying to explain to the people that this vote set on a unanimous-consent request that 100 Senators agreed—as you know, Mr. President, we did—to have the vote at 6 o'clock. And that as a consequence of that, it takes unanimous consent to set it aside.

People are understanding people, but they cannot accept that. They say you mean to tell me that there is no method by which the Senate can at least see what the Senate thinks the truth is before every Senator casts his or her honest vote predicated upon his or her honest judgment?

Why, the people reject that out of hand, Mr. President. They have a right to do so. I tell you, as I stand here now, that the probabilities are high, may I say to the minority leader and those on that side, that justice will still prevail in his quest for this seat. But the truth must be known. Mr. President, this is America, and the people have the right to know.

I find this matter a grievous one, as do my colleagues on both sides. There is not one Senator here who does not. One hundred Senators of different political persuasions and all kinds of philosophical attitudes surely agree that the country has a right to know the truth. What a cloud this man would be under were we to vote tonight.

I conclude, Mr. President, by saying that we owe it to the Justice who is before us for confirmation, and we owe it to the country, and we owe it to our individual conscience to know, as best we can know, the truth—before we vote.

I plead for that as a man who remains, at this moment, announced in support of Justice Thomas.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I came to this Chamber last Friday morning to announce my support of the nomination of Clarence Thomas as an Associate Justice of the Supreme Court of the United States. I return to the Chamber this afternoon not to withdraw that support, but to join in the call for a reasonable delay to allow us to fully investigate the serious charges that have been made in this case, and to do justice to Judge Thomas, to the woman who has made the charges, to the Court, and to the Senate of the United States itself.

Mr. President, when I spoke last Friday, I expressed my concern that, as we in the Senate agitate over Judge Thomas' nomination and the impact it would have on our general system of justice, we ought to be careful to treat this individual, this man, this nominee, justly. Recent events, I fear, make that aim all the more difficult to fulfill.

Judge Thomas, fairly or unfairly, stands accused of a very serious charge, and I share the regret of many of my colleagues about the manner and the timing by which this charge was brought to our attention. But that does not diminish the importance of the charge itself, and it does not absolve us in this Chamber of the responsibility we have under the advice and consent clause, as representatives of the people of this country, to inquire into the validity of the charge.

Sexual harassment is a serious offense, and it goes directly to the question of personal character, which is, for me, a vital consideration in making a decision about a Supreme Court nominee.

We cannot dismiss this charge itself out of hand, no matter how late it comes. That is not fair to the judge; that is not fair to the professor who has made the charge; and that is not right for the U.S. Senate, because we would, I fear, unintentionally be sending a message that we disparage, we diminish the significance of a sexual harassment case. As a U.S. Senator, as a father of two daughters, I do not want that message to go out from this Chamber.

Mr. President, we owe it to the American people, to the Supreme Court, to the Senate, and to the nominee, to deal with the charge, to assess its validity, and to make a final, informed judgment about the charge, the person making the charge, and the judge who today stands accused.

I simply do not believe we can do that in the short time that remains before the scheduled vote.

Mr. President, I had an opportunity to review the FBI file, and I think there are more questions to be asked before I, for one, can make a calm and reasonable judgment about this matter. I have contacted associates, women who worked with Judge Thomas during his time at the Department of Education and EEOC. And in the calls that I and my staff made, there has been a universal support for Judge Thomas, and a clear indication by all of the women we spoke to that there was never, certainly not, a case of sexual harassment, and not even a hint of impropriety.

I have spoken to a number of my colleagues about the issue today. Additional facts, including the phone logs of Judge Thomas, have come to light during the day. For all of those reasons, I believe it is important for us to have an opportunity to examine all these facts in an atmosphere of calm deliberation, and not rush to a vote that was scheduled before most of us in this Chamber knew of the allegations that have been made against Judge Thomas.

Mr. President, let me repeat: Last Friday I expressed my support for Clarence Thomas. By asking today for a delay, I do not withdraw my support. I want this process to be deliberative; I want it to be reasonable; I want it to be thorough; I want it to be fair; and I want it to be just to all concerned.

I appreciate very much the statement of our colleague, the Senator from Missouri [Mr. DANFORTH] suggesting and asking for a delay for Judge Thomas to clear his name. I support that request.

I hope that means that, ultimately, all we will discuss in the time remaining between now and 6 p.m., when the vote has been scheduled, is how long the delay will be; that we can join, on a bipartisan basis, those of us who have supported Judge Thomas, and continue to, and those who oppose him in the interest of justice, and the credibility and respect of this Chamber, in asking for the delay that will allow us to reach a reasoned judgment.

That, Mr. President, is in the interest of the honor of the Supreme Court, the credibility of the U.S. Senate, and the personal reputation of Judge Clarence Thomas.

I thank the Chair, and I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, for the past several weeks, I have been reviewing the hearing record and other material on Judge Thomas in preparation for my duty to advise and consent to the President's nominee to the Supreme Court. In my view, this is one of the most solemn responsibilities of any Senator.

Yet, during the past 2 days, the Senate's deliberation on this important matter has been interrupted by new accusations against Judge Thomas. Like many of my colleagues, I was unaware of these charges when a unanimous-consent agreement was reached last week to vote on the nomination this afternoon at 6 p.m.

While the appearance of these charges at this later date is regrettable, they seem to this Senator to be sufficiently serious and credible to warrant further investigation. In order for the Senate to fulfill its constitutional responsibilities, I believe that we must delay the vote until the issue has been resolved.

To vote now, without knowing the facts, is not fair to anyone—certainly not to Judge Thomas or Professor Hill. Furthermore, the issues involved are too serious for the Senate not to proceed deliberately and thoughtfully. We should not be rushed to a premature judgment on so serious a matter.

I do not know what such an investigation will reveal. But I do know that the Senate's credibility is at stake. And I cannot fulfill my responsibilities as a Senator unless I know more about these allegations. So I would urge the leadership, and my colleagues, that a delay in today's vote, and further investigation, are in the best interests of the Senate, the nominee, and the Nation.

A nomination to the Supreme Court imposes on all of us an enormous responsibility. Unlike a nomination to an executive branch post, in which the person generally serves at the pleasure of the President and is part of his policy team, a seat on the Supreme Court is an appointment with lifetime tenure. The nominee, especially if he or she is young, will have an opportunity to influence the protection of our most basic individual rights and liberties for a long time.

More importantly, a nomination to the Supreme Court is a nomination to the third branch of our Government, one that is coequal with the President and the Congress. The Founding Fathers deliberately fashioned this balance of power, in part, to protect the individual against the abuse of the Government. We need Justices who will respect this vital role.

Furthermore, the Supreme Court is the only branch in which the people do not directly participate in the selection of its members. The President nominates an individual. But it is the responsibility of the Senate to see to it that the nominee is one in whom the people can have confidence.

During my service in the Senate, I have developed three basic criteria by which I judge a nominee's suitability to sit on the highest Court in the land. These are: professional competence, personal integrity, and a view of important issues that is within the mainstream of contemporary judicial thought. A nominee must meet each of these criteria before I can consider him or her qualified to become a Justice.

Before I go further, let me make a personal observation about the nominee. Judge Thomas has an impressive record of personal achievement. In my conversation with him just yesterday, it is clear that his grandfather's determination to rise above adversity had a very positive and lasting influence on him.

Judge Thomas himself has encountered, and overcome, adversities that would have stopped a lesser man. His struggles, and successes, should inspire young people to reach for their highest potential. For this alone, he is deserving of our respect and admiration.

But is he deserving of a seat on the Supreme Court? After all, we are not bestowing an Horatio Alger award for a self-made man. We are being asked to consent to his elevation to a position of power and influence over our most cherished rights that few men or women will ever attain.

Is Judge Thomas a worthy custodian of our fundamental rights? Will he be a stalwart defender of our personal liberties? Will his decisions inspire confidence and command respect? Does he have a solid vision of America and where we need to go?

I must confess that after a review of the Judiciary Committee's report and the testimony of Judge Thomas, and an hour-long personal meeting with him yesterday, I am unconvinced.

Some of his supporters say that since Judge Thomas has been confirmed by this body in the past, he should pass muster this time as well. This reasoning is flawed.

The requirements for his previous posts, and his current position, are exceedingly different from those of a Supreme Court Justice. If confirmed, Judge Thomas will be one of nine individuals who have the last say about the interpretation and application of the Constitution to our must fundamental rights and liberties.

His previous experience as a political appointee gives me little guidance on this matter. Unfortunately, neither does his brief 17-month tenure as a member of the U.S. Court of Appeals for the District of Columbia.

I am further troubled by the fact that while a majority of the American Bar Association review panel rated him as "qualified," two members rated him as "unqualified." And no one on that panel believed that he was "well qualified," its highest rating.

A Supreme Court Justice should be a pillar of his profession. He should be one to whom others can look for inspiration and guidance. This is an important quality, not just for itself, but because it is vital to the credibility of the Court's decisions.

During the hearings last month, Judge Thomas was questioned about specific issues, from his stewardship of the Equal Employment Opportunity Commission, to his views on natural law, the right to privacy, and the separation of powers. These are very important issues. Yet in many cases, I found his previous writings and positions to be bizarre and even extreme.

But more disturbing to me was that in many of his answers, he essentially retracted or disavowed many of his past beliefs. Now we all have the right to change our mind. And in some cases, his change of heart brings him closer to the mainstream view on these issues. But the number and degree of Judge Thomas' reversals have left me wondering where his true beliefs really lie.

Furthermore, the explanations he gave to the Judiciary Committee often demonstrated a lack of scholarship and intellectual curiosity that will ill-serve the Court and the Nation.

The Supreme Court should not be a testing ground for development of one's basic values. Nor should a Justice be seen to require further training. The stakes are too high.

This is not to say that a nominee must mirror my own views of the Constitution to gain my support. He need not. In fact, Judge Thomas seems to believe, as I do, that the proper role of the Supreme Court is to interpret the Constitution, not to engage in legislating from the Bench, be it activist conservatism or doctrinaire liberalism.

But he must demonstrate to me that he has the basic qualifications that entitle him to a seat on the Supreme Court. After a careful review of the evidence, I find that Judge Thomas does not yet exhibit the caliber of judicial competence, wisdom, and experience that I believe must be the hallmark of a Supreme Court Justice.

Appointment to the U.S. Supreme Court should be reserved for only our Nation's best. Judge Thomas, at this time, does not meet that high standard.

I am also troubled by the recent allegations of sexual harassment. If true, and we do not yet know if they are, it would be further evidence of his unsuitability to sit on the Court.

Let me finally say that if Judge Thomas is ultimately confirmed, then I hope that he will grow quickly in his new position and that his decisions will reflect both an intellectual honesty and an unwavering support for our basic freedoms.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in light of the events of the last 3 days, I urge the Senate to defer its vote on Judge Thomas' confirmation. We have a constitutional duty to the Nation, to the Supreme Court, and to the Senate to review Professor Hill's very serious allegations before casting our votes.

If confirmed by the Senate, Judge Thomas will receive a lifetime appointment to the Supreme Court. He may well serve on the Court for the next 30 or 40 years. There is no justification for an unseemly rush to judgment in a few hours, when a delay of a few days can make such an important difference. Serious questions have been raised. A great deal more information can easily be obtained to enable us to make the wise decision we owe the country, the Court, and the Constitution.

I recognize that the Senate entered into a unanimous-consent agreement to vote today. But the Senate will be abdicating its responsibility if we permit this all-important vote to take place without making the additional investigation that cries out to be made.

When the unanimous-consent agreement was reached, many of us were under the impression, correct or incorrect, that Professor Hill wished her name and her allegation to be kept confidential. Now, however, the circumstances are dramatically different. It would be absurd to hide behind the unanimous-consent agreement as an excuse not to consider this new information as fully and fairly as possible. If Members of the Senate ignore Professor Hill's serious charges, if the Senate votes on this nomination without making a serious attempt to resolve this issue, the Senate will bring dishonor on this great body, and our unwise haste will tarnish the Senate for years to come. Any vote on the merits of this nomination today would be painfully premature. It is not a question of having the Senate train run on time, but whether we can stop the Senate train from running off the track.

No person who fails to respect fundamental individual rights should be confirmed to a lifetime seat on the Nation's highest Court. If Professor Hill's allegations are true, Judge Thomas denied Professor Hill her right to work, free from sexual harassment. This right is protected by the law, and it must be protected if women are ever to achieve the equal opportunity they deserve in the workplace. This issue is of profound importance to us all. The Senate cannot sweep it under the rug, or pretend that it is not staring us in the face.

Nobody who saw Professor Hill speak yesterday can dismiss her allegations out of hand. Anyone who paid attention to Judge Thomas' prior stereotyped statements on women and work can see at a glance that his record raises serious questions about his sensitivity to discrimination against women in the workplace.

According to reports, Judge Thomas' supporters have offered to make him available today to selected Senators to respond in closed, private sessions to Professor Hill's allegations. Senators are offering bits of evidence which they believe are relevant to assessing Professor Hill's charges and her credibility. This is not how the Senate should decide a question of such profound importance. We owe it to Professor Hill, to Judge Thomas, and to all Americans to air the facts in a Senate hearing, and to resolve this issue in a way that fairly answers the question now being asked by millions of citizens across this country—Is the U.S. Senate capable of meeting its responsibility and doing what we ought to do?

I urge the Senate to defer the vote on Judge Thomas' nomination.

Mr. President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, obviously we have had a very spirited debate on a very serious issue that confronts the Senate, a very troublesome issue to all of us. There have been words uttered in passion and words uttered in anger and words uttered in sarcasm and words uttered in pain. And

I have been involved in that, both here on this floor and elsewhere.

That is the kind of emotion that is generated by this type of thing because there is so much latent discussion about sexism and racism and guilt, and "if you do this, are you sensitive enough?" It is most appalling to me to see any charge that the Senate or the Judiciary Committee does not take seriously a charge of sexual harassment. That is a very unfortunate statement, wholly without foundation.

Prof. Anita Hill came forward in recent days to charge that Clarence Thomas, at the time he was her supervisor at the Department of Education and at the EEOC, "asked her for a date on several occasions," and also spoke to her about x-rated movies he had seen. Professor Hill says that she believed her refusal to accept his request for a date put pressure on her in the workplace, and she feared if she quit her job she would not be able to find another.

That is a rather extraordinary statement for a remarkable woman, a fine, able graduate of Yale Law School.

However, Ms. Hill continued to work for Judge Thomas. He highly recommended her for a job at Oral Roberts University. There had been numerous, positive social exchanges between them since—many of those exchanges initiated by her. And I think there is really not much more to say about that.

The record now is clear. The person who maintained Judge Thomas' phone log will be speaking in later days. She will be speaking with clarity about the phone calls he received from Ms. Hill.

On the evening of her last day of work at the EEOC, Professor Hill and Judge Thomas had dinner together. A few months ago she called Judge Thomas at the request of her dean to invite him to come to the Oklahoma School of Law to speak to her students. I can assure you that that was not initiated under pressure, because the phone log will disclose that she made that call many days before the letter went forward. That is part of the record.

The FBI then investigated Ms. Hill's charges, and that came about because she came to the committee at the request of staff persons. All of this is a bit repetitive, but I think it is so critically important. She came before the Senate Judiciary Committee because of pressure from a staff member of a member of the Judiciary Committee—but not a member of the Judiciary Committee staff.

Then, after somebody here leaked this information—and that is exactly what occurred, a leak and a violation of Senate rule 29.5, adopted in 1884—a violation of that rule took place and this material then ended up in the hands of the media. And one member of that group, perhaps two, decided that they would go public with it.

You have to remember that the chairman had said to Ms. Hill, "I cannot meet your request." Her request was that her name not be used; what she was saying about Judge Thomas was confidential. And our chairman said what any fine lawyer would say. He said, "We can't do that." So he did not do that.

VISIT TO THE SENATE BY DISTINGUISHED GUESTS

Mr. SIMPSON. Let me interrupt, if I may, for a moment. I know that there are certain liberties, and I do not want to take one that the Senate would not concur with, but I would just say that I would personally welcome the King of Spain who is in the Gallery at this moment, Juan Carlos, and Her Majesty the Queen, Sophia. These are special people.

I am forbidden by the rules of the Senate to recognize where they are and I will observe that, but just let them know that we are deeply proud to have them here.

Welcome to you, sir, and to you, Your Majesty.

I have been very fortunate. I met these fine people in 1980. To have world leaders of this caliber who truly are representing one of our greatest allies is an inspiration to those of us who are of the other branch of Government. Thank you so much.

I thank the Chair for that courtesy.

THE NOMINATION OF CLARENCE THOMAS

Mr. SIMPSON. I realize that others may wish to speak, and so I wanted to get to this issue and conclude it.

We went forward and the FBI responded, because Ms. Hill said she would finally allow that to occur. We have had people who have talked to Ms. Hill, and she has related a great deal herself since this has occurred about the pressure that was put on her by these staff members. In fact, in her own press conference, she said that the release of the information was out of her control—I believe that was her phrase. And in a visit with one of our colleagues, she said that the pressure was continual.

I often think of what responsibility that person will take after Ms. Hill has had her reputation sullied and wrung out. Because, sadly enough, that is exactly what is happening, and what will happen, when you go for the jugular and the beast comes out.

That is what will happen. The Judiciary Committee voted to send the nomination to the floor, having the FBI report before them. Some of my colleagues now come, and some report that the U.S. Senate—especially the Judiciary Committee, consisting of 14 white men—does not have a sensitivity toward women. I think that is a crude and absurd observation when all of us have spouses and daughters and mothers, and try to be exceedingly sensitive to these issues. This is the year 1991. And to say that the chairman, somehow, is not responsive to that is wrong; or the members—that is just plain wrong. We take it very seriously.

The Judiciary Committee took those charges against a Supreme Court nominee extremely seriously. The committee took the most serious and effective course it could possibly take under the circumstances. It turned those charges over to the FBI for investigation. And the FBI investigation included interviewing Professor Hill, Judge Thomas, and all of the possible corroborating witnesses suggested by Professor Hill. These were her suggestions as to who the FBI interviewed. I just think it is very important to bring that into perspective.

Does delaying the vote on this nomination show we take sexual discrimination charges seriously? Is that what the delay will mean?

I can assure you that is not what it will mean. Indeed, a delay will show only that we allow the opponents to this nomination to continue a smear campaign against Clarence Thomas that has been very effective. That we take sexual harassment charges seriously in this body, very seriously, was demonstrated by our request, the chairman's request of a FBI investigation as soon as Professor Hill gave her permission for us to do so, and not one second before or one second after.

Then, finally, some of my colleagues claim that Prof. Anita Hill has been attacked—I heard somebody refer to that—attacked on the Senate floor for alleging sexual harassment by Judge Thomas. Professor Hill is not naive. Professor Hill is obviously an articulate and intelligent woman, a graduate of Yale Law School, and a tenured law professor. She has worked for years in Washington, DC, and she knows better than most how this city works. I have no doubt that Professor Hill, along with most of America, watched the 2 weeks of hearings on the Clarence Thomas nomination.

Professor Hill is well aware as a lawyer and a Washington insider, for her years here—she knew the game—that the time to present evidence on the nominees' suitability was at the hearing. In fact, there were four hearings of Judge Thomas at various points in his public life—four of them since this alleged incident occurred.

So, finally we had the hearing of hearings, 2 weeks and more than 90 witnesses. She knew that her allegations could have been fully explored at those hearings, as are all allegations relating to a nominee's credibility, integrity, and character. And witness after witness testified to Clarence Thomas' character. The chairman's statement is the best one. He said, I challenge not one bit with regard to that issue.

So, Professor Hill wanted the members of the committee to know of her allegations about Judge Thomas, his conduct. But she insisted, as I say, that those allegations stay completely confidential. It was explained to her by the chairman, and I assume the staff, that to investigate her charges the nominee must be afforded an opportunity to respond. We still do that in the United States of America—a silly little old rule, but one that has saved the bacon of a lot of citizens for lots of years. But she was not willing to go through the FBI investigation, and it was not until a week after the hearings ended that she agreed to a full investigation of her charges. But it was not until 2 days before the committee voted on the Thomas nomination that Professor Hill furnished the committee with her written statement.

Now please hear this. This lady, this woman, is a lawyer, yet she did not furnish an affidavit. An affidavit is something sworn to and then is sealed. She chose to give a statement, a four-page statement. I do not know why that is but I can tell you that is not a sworn document, and I have seen it reported in every single outlet as an affidavit, which it is not; and as a sworn statement, which it is not. Now the time and the great wheel will come around. This remarkable woman will appear before the Judiciary Committee in sworn testimony, and we will sort out the discrepancies between the statement and sworn testimony. That is our duty.

So I would ask, why? Why did this very able and knowledgeable person—who knows Washington well, who is a lawyer with a special interest in this nomination and a special interest in this person as evidenced by her continual unilateral approachment of him during the years when she was no longer connected with him in any way and could not have been harassed or injured in any way—why would she agree to delay an FBI investigation and delay providing a full written statement? And I think Senator BIDEN'S chronological record of that is quite startling, and I ask unanimous consent it be printed and included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH R. BIDEN, JR., ON THE NOMINATION OF JUDGE CLARENCE THOMAS, OCTOBER 7, 1991

I am releasing today a chronology of the Committee's contacts with Professor Hill. The chronology provides the complete details of the Full Committee staff's contacts with Professor Hill from the time we were made aware of her charges to the day of the Committee vote.

I want to emphasize two points in conjunction with this matter.

First, throughout, out handling of the investigation was guided by Professor Hill's repeated request for confidentiality.

Second, Professor Hill's wishes with respect to the disposition of this matter were honored. The Republican leadership and all Democratic members of the Committee were fully briefed of her allegations, and all were shown a copy of her statement prior to the Committee's vote on the Thomas nomination.

FULL JUDICIARY COMMITTEE STAFF CONTACT WITH ANITA HILL

What follows is a chronology of all conversations between Judiciary Committee staff and Professor Anita Hill. Several key points should be mentioned at the outset:

First, in conversations with full committee staff, Professor Hill has never waivered her confidentiality—except to the extent that, on September 19, she stated that she wanted all committee members to know her concerns even if her name were disclosed. Yet it was not until September 23, that she allowed the FBI to interview Judge Thomas about the allegation and to respond to her concerns.

Second, Professor Hill has never asked full committee staff to circulate her statement to anyone other than Judiciary Committee members; specifically, she has never requested committee staff to circulate her statement to all Senators or any non-committee member.

Third, the committee followed its standard policy and practice in investigating Professor Hill's concerns: Her desire for confidentiality was paramount and initially precluded the committee from conducting a complete investigation—until she chose to have her name released to the FBI for further and full investigation, which (as is customary) includes the nominee's response.

Professor Hill first contacted full committee staff on September 12, 1991. Any contracts Professor Hill had with Senate staff prior to that date were not with full committee staff members. At that time, she began to detail her allegations about Judge Thomas's conduct while she worked with him at the Department of Education and the EEOC. She, however, had to cut the conversation short to attend to her teaching duties. It was agreed that staff would contact her later that night.

In a second conversation, on September 12, full committee staff contacted Professor Hill and explained the committee process. Staff told her:

(1) If an individual seeks confidentiality, such a request for confidentiality will not be breached. Even the nominee, under those circumstances, will not be aware of the allegation.

Of course, however, there is little the committee can do when such strict instructions for confidentiality are imposed on the investigative process: The full committee staff will have an allegation, but will have nowhere to go with it unless the nominee has an opportunity to respond.

(2) In the alternative, an individual can ask that an allegation be kept confidential, but can agree to allow the nominee an opportunity to respond—through a formal interview.

Professor Hill specifically stated that she wanted her allegation to be kept completely confidential; she did not want the nominee to know that she had stated her concerns to the committee. Rather, she said that she wanted to share her concerns only with the committee to "remove responsibility" and "take it out of [her] hands."

Professor Hill then did tell committee staff that she had told one friend about her concerns while she still worked at the Department of Education and then at the EEOC. Committee staff then explained that the next logical step in the process would be to have Professor Hill's friend contact the committee, if she so chose.

Between September 12 and September 19, full committee staff did not hear from Professor Hill, but received one phone call from Professor Hill's friend—on September 18—who explained that she had one conversation with Professor Hill (in the spring of 1981). During that conversation, Professor Hill provided little details to her friend, but explained that Thomas had acted inappropriately and that it caused Hill to doubt her own professional abilities.

On September 19, Professor Hill contacted full committee staff again. For the first time, she told full committee staff that:

She wanted all members of the committee to know about her concerns; and, if her name needed to be used to achieve that goal, she wanted to know.

She also wanted to be apprised of her "options," because she did not want to "abandon" her concerns.

The next day—September 20—full committee staff contacted Professor Hill to address her "options." Specifically, committee staff again explained that before committee members could be apprised of her concerns, the nominee must be afforded an opportunity to respond: That is both committee policy and practice. It was then proposed that if Professor Hill wanted to proceed, her name would be given to the FBI, the matter would be investigated and the nominee would be interviewed.

At the close of the conversation, Professor Hill stated that while she had "no problems" talking with the FBI, she wanted to think about its "utility." She told committee staff she would call later that day with her decision on whether to proceed.

Late that afternoon—September 20—Professor Hill again spoke with committee staff and explained that she was "not able to give an answer" about whether the matter should be turned over to the FBI. She asked that staff contact her on September 21.

On September 21, full committee staff spoke with Professor Hill for the sixth time. She stated that:

She did not want to go through with the FBI investigation, because she was "skeptical," about its utility, but that if she could think of an alternate route, or another "option," she would contact staff.

On September 23, Professor Hill contacted committee staff, stating that she wanted to send a personal statement to the committee, outlining her concerns. Once that information was in committee hands, she felt comfortable proceeding with an FBI investigation. Later that day, she faxed her statement to the committee.

On September 24, Professor Hill contacted full committee staff to state that she had been interviewed by the FBI late on the 23d. Committee staff assured her that, as previously agreed, once the committee had the FBI report, her concerns—and the FBI investigative report—would be made available to committee members.

On September 25, Professor Hill again called committee staff and explained that she was sending a new copy of her statement to the committee: While this new statement did not alter the substance of her concerns, she wanted to correct inadvertent typographical errors contained in her initial statement.

For the first time, she then stated that she wanted the statement "distributed" to committee members. Committee staff explained that while the information would be brought to the attention of committee members, staff could not guarantee how that information would be disseminated—whether her statement would be "distributed" or communicated by oral briefing.

Once again, however, committee staff assured Professor Hill that her concerns would be shared with committee members. She concluded her conversation by stating that she wanted her statement "distributed," and that she would "take on faith that [staff] will do everything that [it] can to abide by [her] wishes."

Every Democratic member of the committee was orally briefed, had access to the FBI report and had a copy of Professor Hill's statement prior to the committee vote.

To continue to comply with her request for confidentiality, committee staff retrieved Professor Hill's written statement immediately after the vote.

Mr. SIMPSON. So, she did not provide a full written statement to the committee until after the hearings ended and only 2 days before the committee vote.

To call the pointing out of these facts "an attack on the victim" is what I do not think we have to settle for. Because that is what has happened here. Any comment, any reference, is immediately channeled into the ugliest possible type of commentary: Sexist, racist—whatever it may be. That is a tiresome, tiresome use of debate. Because debate is won by facts, not by simply emotion. Unfortunately emotion will always triumph over reason, but reason will always persist. And so it will here.

There are some huge inconsistencies in her story. And that is not an attack on the victim. That these allegations have now become public after advertisements have appeared around the country requesting people to come forward with information about Judge Thomas with a number to call should cause any thoughtful, realistic, commonsense person to wonder what is going on here and what kind of a sick game is being promoted by those who use those advertisements. These allegations are being used in the most cynical manner by those groups opposed to the nomination.

So we are at the point, in a half hour of a very difficult decision. And I think my leader stated it well. We will see, now, where we go. We will have to now call Judge Thomas and Professor Hill before the committee and question them rather thoroughly under oath. It will not be a pleasant experience—one that I am sure Ms. Hill wished she could have avoided, and she vividly tried to do so.

Ms. Hill went forward because of the urging of unnamed staff—in violation of the rule—together with a very curious type of inducement by one of the media: "We have your statement,"—"affidavit" they called it—and there is a lot of rumor going around the city, and I think you better come forth, and if you do not, it is going to be very hard on you, it is going to be very difficult, it will be uncomfortable for you." That is what Ms. Hill was told, as the persons with the information leaked in their hands said, "maybe you will want to say something and follow it up, because if you do not have anything to say, we are going to come out with it anyway," which is a marvelous thing to do in a society and by a profession—journalism—that is sworn in their code of ethics to protect the dignity and privacy of people whenever that can be done.

I will be glad to debate that at some future time. But what good will it all do? Both have been questioned by the FBI. The FBI followed up on all the leads Professor Hill provided. All they asked for she gave and nothing was found to corroborate her allegations other than a friend who she apparently told some years ago that Judge Thomas had asked her for dates.

So I think it is a cruel thing we are witnessing. It is a harsh thing, a very sad and harsh thing, and Anita Hill will be sucked right into the maw, the very thing she wanted to avoid most. She will be injured and destroyed and belittled and hounded and harassed—real harassment, different from the sexual kind, just plain old Washington-variety harassment, which is pretty demeaning in itself.

I heard the phrase, "the grid iron singes but does not burn," and I never believed that one. Maybe we can ruin them both, leave them both wounded and their families wounded. Maybe in cynical array, they can bring the curtain down on them both and maybe we can get them both to cry. That will be something that people will be trying to do.

It is a tragic situation and very sad to observe.

INTERNATIONAL COOPERATION ACT OF 1991—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now consider the conference report on H.R. 2508. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that Act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that Act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes, having met, after full and free conference, have agreed to recommended and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1991.)

The PRESIDING OFFICER. Debate under the order is limited to 2 minutes, equally divided, followed by a rollcall vote.

Who yields time?

The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, despite repeated warnings from the administration, the House-Senate conference failed to drop the controversial provisions that will cause this legislation to be vetoed. I did my best to make it clear to the Foreign Relations Committee when it marked up this legislation that it would be vetoed and that the committee was wasting its time as long as the Mexico City and the cargo preference provisions were included. I emphasized on the Senate floor that this bill would be vetoed because of these provisions, but Senators proceeded to add a third item that was repugnant to the administration and to the President: Funding the U.N. Populations Fund.

I tried to make clear to the conferees that these three provisions, in any form, would result in the President's vetoing this bill, but Senators decided it was more important to placate the special interest groups. I say to them, mark my words, this bill will be vetoed.

One of the ironies of this process, Mr. President, is that conferees actually agreed to drop the provision that reversed the President's population planning policy—or better known as the Mexico City policy—but somehow it made its way back into the conference report. I only learned of this slight of hand the day the conference report was filed. I understand other conferees were also unaware of this action until after the fact.

Restrictions on foreign military financing [FMF] are objectionable to the administration. The administration claims that the new language would unacceptably hinder the President's flexibility to make FMF allocation decisions. The effect of the new provision would be to eliminate a great number of small FMF country programs. As I understand it, the new provisions move FMF much closer to being an all grant program. Evidently, Senate Democrats believe that the United States is rich enough to give away $4½ billion in military equipment.

The provision that requires funding to be made available to the UNFPA—the United Nations agency whose crown jewel is the Chinese program to force women to have abortions—was only slightly modified, but not modified enough to escape a veto.

The cargo preference requirements were also slightly modified, but AID officials tell me they are going to recommend a veto because the greatly expanded requirements are just not workable.

Senators may be told that most of the controversial provisions have been substantially changed. Mr. President, this is far from the truth. On October 2, Chairman PELL received a letter from Deputy Secretary of State Lawrence Eagleburger in which he expressed the administration's views on this bill. The letter clearly indicated that the changes fall short of avoiding a veto. Mr. President, I ask unanimous consent the the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. without objection, it is so ordered.

(See exhibit No. 1.)

Mr. HELMS. Mr. President, an example is the new restrictions on funding for UNFPA. These restrictions are nothing more than recycled language that has been rejected time and again by the President. The original Senate amendment to fence off the money given to the UNFPA by limiting the use to contraceptives, by prohibiting any of the funds going to China, and by requiring the UNFPA to refund to the United States the full amount if the UNFPA exceeds the $57 million it currently provides to China.

The language agreed to in conference only adds one new element: That the funds given to the UNFPA can be disbursed only with the approval of our Permanent Representative to the United Nations. The additional provisions duplicate the original language and add stronger language prohibiting funds from being used for abortion. Actually, it is just a restatement of current law.

The fundamental problem is that this approach uses as a vehicle the UNFPA, which is an advocate of coercion at all stages of family planning—including abortion. The UNFPA actually comanages the China program of forced abortion. The China program not only utilizes forced abortions, but also forced contraception with no choice of method.

The UNFPA is tainted in its concept. The U.S. Congress should not fund good deeds done by a criminal, even if the money provided is not used for the criminal acts. Unless the UNFPA clearly rejects coercion in any aspect of family planning, and acts accordingly, the United States should not participate in financing the agency in any of its operations.

As I noted previously, the cargo preference provision has been altered slightly, but the changes do not go far enough. The starting date has been moved forward to 1993. Governments receiving a cash transfer from the United States must spend at least 75 percent of that transfer on U.S. goods and services instead of the original 100 percent. The new provision phases in the new requirements over a period of 5 years. Moreover, the conferees accepted an unworkable section of the House version requiring the President to ensure that the purchase of U.S. goods, and ports of departure be equitably distributed throughout the United States.

Secretary Eagleburger's most recent letter—the fourth such letter from the administration—listed cargo preference as the first item that would result in the President's senior advisers recommending a veto of the bill. In addition to establishing drastic new restrictions on furnishing assistance from the ESF account, the language adopted in the conference will impede the conduct of U.S. foreign policy. Finally, it will adversely affect U.S. exports that must travel by sea.

Mr. President, these items represent only the tip of an iceberg of problems. There are many other provisions that are important to Members of the House and Senate, but were either made meaningless or dropped altogether. What happened to the sensible conditions and restrictions on using United States taxpayers' dollars to bail out the Soviet Union?

The Kyl-Pressler amendment asks no more of the Soviet Union than should be asked of any nation requesting economic assistance from United States taxpayers. It would require that the Soviets: Respect human rights; reduce its bloated military; cease its support of international terrorism and to the remaining Communist countries of the world; let the United States have access to the data necessary to determine the creditworthiness of the Soviet Union; adopt specific, free market economic reforms; make commitments to environmental restoration and rehabilitation and; that it not deny any Republic its right to freedom and independence.

Regardless of who is in charge in the Soviet Union and no matter how far in the right direction they move, it will not be far enough until these conditions are met. The American people understand this. A Wall Street Journal-NBC News poll published on August 30 showed that Americans disapprove aiding the Soviet Union with Defense Department funds by a margin of 63 percent to 31 percent. A Washington Post poll published on September 4 showed that 82 percent of all Americans believe that the situation in the Soviet Union is far too confusing to tell where it will all end up.

It is unwise to send any economic assistance to the Soviet Union. But in the event that the administration does decide to send aid, the Soviet Union must, at the very minimum, meet these conditions. Mr. President, this fine amendment received 374 votes in the House and was accepted with no opposition in the Senate. But it is not included in the conference report.

The Helms amendment regarding aid to the Soviet Union would have simply required the Soviets to cease all military and economic aid to Cuba before the United States could provide any economic assistance to the Soviet Union. It is being reported that Fidel Castro is running out of time in Cuba because of economic collapse—precisely because the Soviets have begun to cut back on economic assistance to Cuba. This provision would have encouraged the Soviets to cut off all further aid.

Requiring the Soviets to stop aiding that thug in Cuba is consistent with United States national security interests. Furthermore, it is eminently reasonable in light of the fact that the Soviet Union is requesting urgent humanitarian assistance to feed its people this winter.

I remind Senators of Boris Yeltsin's remarks to a large group of us during his last U.S. visit. He said that Cuba should not be receiving Russian money and that if he has anything to do with it, the assistance will stop. Now would have been a perfect time to remind the President of the Russian Republic of his remarks. The amendment would have strengthened his hand against the central government.

Representative MCCOLLUM'S version of this amendment received 386 votes in the House. The Senate version received 98 votes. But despite this overwhelming support, it is not included in the conference report.

The Kyl-Pressler and McCollum-Helms amendments are only two of many important provisions that have broad, bipartisan support in both bodies and should have been included in this conference report.

Mr. President, there is another component of this legislation that was not even mentioned during the conference meetings: That is foreign aid reform. Secretary Eagleburger told the conference in a letter of September 13 that neither the House nor Senate bills provided for the major reform of foreign assistance previously requested by the administration. I assure Senators that the compromise language of the conference report provides for even less reform than either of the original bills.

For years, Congress has been calling for comprehensive reform of the way foreign assistance programs are administered as well as management reform of the Agency for International Development. It was not surprising to see the lead editorial in the September 26 edition of the Washington Post titled "Getting Aid to A.I.D." The article describes how criminal and ethical problems are affecting employee morale and creating terrible image and credibility problems at the agency.

Reports from earlier this year by the General Accounting Office outline widespread mismanagement at AID. A report of February 11, 1991, states that GAO investigators uncovered inadequate management controls of overseas contracts in 45 percent of those cases in which officials of the Agency for International Development argued that satisfactory controls were in place. Frankly, if AID were a business it would likely be bankrupt.

Mr. President, so far, I have explained why some Senators and the administration oppose this bill. But more importantly, here is why the American people oppose foreign aid: Because this year's budget deficit is estimated to be $348 billion. The total debt of the U.S. Government, as of October 1, is $3,647,410,000,000.

All 50 States are suffering. During the summer, the Associated Press reported that many States had, and still have, huge budget gaps. Pennsylvania's was $467 million and growing. California's deficit was $14.3 billion and growing. The National Conference of State Legislatures estimate that 29 States, Puerto Rico, and the District of Columbia face potential deficits totaling $15.3 billion. They also estimate the 1992 shortfall to be about $35 billion.

While the Federal Government is slashing assistance and rolling back programs to the 50 States, Congress proposes to authorize an increase of almost $60 million more for this bill than last year's appropriation. In good conscience, how can Congress justify the authorization of billions more dollars for overseas projects?

Foreign aid is unpopular because it is a waste of money. The American taxpayers are fed up with Congress squandering their tax dollars overseas—especially when the funds are so badly needed at home. Mr. President, the Washington Times reported on Thursday, October 3, that the State of Maryland cannot even afford to pay its State troopers. I hear complaints about foreign aid from constituents in every corner of North Carolina. Every newspaper and television poll consistently documents the unpopularity of foreign aid. When will Congress listen?

The American taxpayers instinctively recognize that the economic and security problems confronting most countries do not stem from a lack of foreign assistance. They stem from flawed policies—communism, socialism, statism, and corruption. Ask the people of the former Soviet Union. No amount of foreign assistance can overcome these mistaken policies.

AID is hopelessly mismanaged. Its programs are proven failures. And foreign aid is a policy that has next to no support among the American people. Yet with this authorization, Congress adds $28 billion to the more than $262.2 billion in direct economic and military grant assistance that has been given away from 1945 to 1990. In addition to these grants, the American taxpayer has financed more than $96 billion in economic aid and military loans since World War II. And since the United States had to borrow the money to give it away, this total does not include the interest paid by the taxpayers.

Some Senators who do not generally support sending U.S. taxpayers' dollars overseas voted for this bill in July to keep the process moving. There was a fair amount of support because there has been no authorization since 1985. But there is a reason there has been no authorization since 1985. The administration's concerns are not addressed. Many concerns of Members are not taken into consideration. And reform of foreign assistance is not taken seriously.

Mr. President, this legislation does not deserve the support of Congress. It does not have the support of the American people. This is the last opportunity Congress will have to vote on this legislation before it is sent to the President. I urge my colleagues to vote against the foreign aid conference report.

EXHIBIT 1

THE DEPUTY SECRETARY
OF STATE,
Washington, October 2, 1991.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: As the Conference Report on H.R. 2508, the International Cooperation Act of 1991, comes to the floor, I would like to express the administration's strong opposition to its passage. In its current form, the President's senior advisors will recommend a veto.

In response to the dramatic changes in the world and congressional interest in foreign aid reform, the Administration submitted to Congress a major rewrite of the nation's outdated foreign assistance legislation. The importance of this legislation was underscored by the President in his April 12th letter to Congress.

Since submitting the legislation, the failed coup in the Soviet Union has provided an urgent example of the importance of reform. We need, now more than ever, new legislation that provides the flexibility to respond to rapidly changing events and a cooperative consultative process that enables us to face the challenges ahead.

The Conference Report does contain a number of provisions that attempt to restore some of the elements of administrative simplicity, flexibility, accountability and clarity of purpose that the Foreign Assistance Act originally possessed, and that the President asked the Congress to restore. The bill also contains several provisions needed to address particular problems that we have encountered in administering our foreign aid programs, and the authorization of the IMF quota increase is also a very important authority.

However, the Conference Report does not provide for a major reform of foreign assistance. The current bill still retains unnecessary earmarks, functional accounts, micromanagement, and country-specific provisions which would seriously restrict our ability to conduct foreign policy and pursue the national interest, and which more reflect the business-as-usual approach of the past decade than the new direction sought by the President.

I must emphasize the Administration's strong opposition to provisions on Mexico City Policy and the earmarking of funds for the UNFPA that contradict the Administration's anti-abortion policy. The President has made it clear that such provisions will trigger a veto.

Other provisions would also result in our recommending a veto of the bill. These Include:

The cargo preference provision. This provision would greatly expand current cargo preference requirements and would establish unacceptable new restrictions on furnishing assistance from the Economic Support Funds account. This would sharply reduce the usefulness of such assistance for achieving important foreign policy objectives and is fundamentally inconsistent with the President's objective of making foreign aid a more useful tool of foreign policy. It would intrude government controls into U.S. commercial exports, and it would adversely affect U.S. exports that must be transported by sea.

The restrictions on Foreign Military Financing. These provisions would unacceptably hinder the President's flexibility to make FMF allocation decisions. Given budgetary restraints, the practical effect of this provision would be to eliminate a great number of small FMF country programs by effectively limiting FMF to just a few large country programs.

Further, the Administration strongly objects to the provision on exports to Cuba. As the President recently made clear, we are committed to placing the strongest appropriate pressure on Cuba to embrace reform. However, this provision would place U.S.-owned, foreign-based corporate subsidiaries in the untenable position of choosing to violate U.S. law or a host country's law. These firms should not be punished because of the "catch 22" in this provision.

A number of other provisions are equally troubling and objectionable to the Administration. In several cases, the bill would, in fact, impose brand new restrictions—for instance, the requirement to terminate assistance to countries that provide military equipment to counties supporting terrorism (section 412, enacting what would become new section 691(a)(7) of the Foreign Assistance Act), the provisions on projects in China and Tibet (section 941, *et seq.*), and expanded restrictive language on contacts with the PLO (section 612)—that though they may appear benign, could vastly exacerbate difficulties in administering our foreign aid programs and conducting foreign policy.

Additionally, I am particularly disappointed with several of the provisions applicable to our anti-narcotics programs. Nowhere was the need to eliminate micromanagement more important than with respect to the exceedingly cumbersome certification and reporting requirements under these programs. The new bill, however, would make these requirements even more difficult to administer, and would fail to establish procedures on recertification adequate to respond quickly and decisively in the event of unanticipated events.

The Administration continues to be opposed to provisions that would micromanage our efforts to negotiate a regime on Middle East arms sales, and that purport to direct the President how to proceed in diplomatic negotiations. The President has taken the initiative in calling for discussions among major conventional arms suppliers to the Middle East, and progress is being made. While the senior advisors would not recommend a veto over the current language, any significant negative change to the provision would change the senior advisors' position.

In conclusion, the President made clear his strong interest in foreign aid reform in his letter of April 12, 1991, on the International Cooperation Act of 1991 in April. However, the Conference Report, in its current form, is unacceptably flawed. If modifications were made to address the concerns described in this letter, I believe that this legislation would represent a positive step towards foreign assistance legislation that will meet the challenges of the 1990's and beyond. If not, for the reasons outlined above, the President's senior advisors will recommend a veto.

Sincerely,

LAWRENCE S. EAGLEBURGER.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. LEAHY). Who yields time?

Mr. SARBANES. I yield 30 seconds to the Senator.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, very briefly, Senator HELMS stated correctly the administration is going to veto this bill. Having worked with my friend and colleague from Maryland for 6 months to try to produce the first foreign aid authorization bill since 1985, I must regretfully inform those on my side of the aisle that we still are not there. I intend to vote for the conference report, but I share the same concerns about this report that Senator HELMS, my friend from North Carolina, has indicated. It is my hope in voting for the conference report that at some point we will get the objectionable features out and will have a bill that the President can sign.

Mr. President, I view it as no small victory that the Foreign Relations Committees of the House and Senate have managed to produce a conference report for the consideration of both Chambers. It has not been an easy or, for that matter, a quick process, but the bill we have produced is at a very minimum responsive to our times and both the administration and our many concerns.

A great deal of the credit for this accomplishment should go to the able Senator from Maryland [Mr. SARBANES]. Over the past several months, I have had the unique privilege of working with him and observing the considerable skill and intellect he brings to bear on every issue, large and small. His talent and the commitment have been matched stride for stride by his staff, Marcia Verville. I think the staff may have had moments of overwhelming frustration as they were sent back to the drawing board one more time, but our collective effort has produced a bill we can all take pride in.

Since we last brought the bill to the Senate floor in July, the Soviet Union has experienced remarkable change. In the space of a very short week, a failed coup yielded freedom for the Baltics, and the very real prospect of democracy and independence for many of the republics. Yeltsin and Gorbachev, along with many others, are engaged in a significant process of both reconciliation and redefinition of the interests of both the republics and the nation. As a direct result of these dramatic developments, the conference committee made the decision to leave open the question of the amount and type of assistance the United States might wish to provide in the near future.

The Soviet Union offers a clear illustration of how rapidly and dramatically the world has changed in the past few years. I think it is our responsibility to assure that the authorization of foreign assistance offers our Nation and the President both the funding and the flexibility to meet those challenges. With a few exceptions which I will take note of later, I firmly believe that the conference report before the Senate meets both of these requirements.

In addition to removing or relaxing the extensive regulatory and legal restrictions on aid to the Soviet Union and the republics, there are a number of other important provisions which I would like to bring to my colleagues attention. Over the past decade, in an emergency, the President has had to resort to use of a waiver which required him to prove that it was in the national security interest of the United States to transfer funds. This has resulted in misrepresentations by the administration and Congress buying into the falsehood, because there were no alternative means to provide clearly needed aid. We have modified the waiver so that economic emergencies can be met with a national interest waiver and transfer of military equipment has a security standard applied. Flexibility has also been greatly enhanced by the creation of a Presidential contingency fund, a $75 million Democracy Contingency Fund and the substantial expansion of emergency military drawdown authority.

Flexibility was complemented by funding for some significant items requested by the administration. The two which come immediately to mind are the $12 billion quota increase for the IMF, requiring authorization although no outlay, and the new Enterprise for the Americas Initiative.

Mr. President, when all was said and done, earmarks were deleted, the number of line item authorizations reduced to a handful, and the number of functional accounts with their attendant restrictions cut from eight down to two. This is not to say there has been total consensus on this bill either within the conference or with the administration. Several problems remain which may prompt a veto. From my perspective the two most troublesome matters are cargo preference restrictions and a reversal of the Mexico City policy. As the representative of both farming and coal interests I viewed the application of new and expanded cargo preference requirements to all cash transfers as unbearably costly to my constituents. I had hoped that a compromise acceptable to both the maritime industry and the agricultural and commodities communities could be worked out, but the President has made clear that the proposal in our bill is simply not acceptable.

I would also note that the provision reversing the Mexico City policy which was stripped out in conference had to be restored in order to bring the bill to the House floor. I did not think we should deliberately provoke a veto with the inclusion of this language. Although I have been a strong supporter of voluntary, informed family planning programs, I agree with the President's objection to providing our tax dollars to foreign agencies or organizations supporting abortion.

Finally, I would like to comment on the hard work and tough negotiations which I expect to continue on the question of grant versus loan security assistance. While a few Members may express their opposition to this bill based on the fact that the conferees decided to restrict the provision of credits, I want to point out that the Senate's position has not changed as we moved through subcommittee, committee, and then passage on the Senate floor. Eventually, our position was modified somewhat by concern raised in conference regarding the President's overall flexibility. I think Senator SARBANES has engaged in good faith efforts with Secretary Eagleburger to come to a compromise which addresses the Senator's serious concern that loans have historically been extended in a highly discriminatory manner while meeting the President's global funding requirements for pressing security needs. I will continue to work to reach an agreement to satisfy all parties.

Mr. President, we have worked hard with the full recognition that not everyone would leave the table completely happy, but that most would realize a responsible, timely solution had been crafted. The process and the product are not perfect—in fact I should say that there were some last minute oversights which resulted in the statute and the conference report not being wholly consistent. For example, an important amendment by Senator MACK on trade with Cuba was correct in law but the House staff inadvertently left out crucial conference report language. I expect this will be corrected when the bill is returned for further consideration.

In spite of minor drafting problems, and a very short list of items which may cause the President to veto this bill, I urge my colleagues to consider the entire product and weigh the important contributions it will make as we forge our foreign policy agenda in a very new political, economic, and military environment. I strongly believe that we have afforded the President both the maximum in flexibility and funding to meet the challenges we face as we turn the century.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I urge Members to vote for the conference report. We tried in conference to modify some of these provisions to make them more acceptable. The provisions which the Senator made reference to were in both bills, so the flexibility the conference committee had was limited because of that. In spite of that situation in which we found ourselves, we still tried to see if some accommodation could be reached. I am hopeful that this step of passing it on will provide a basis subsequently at some point for making an accommodation.

I urge Members to vote for the conference report.

Mr. PELL. Mr. President, I am very pleased that after 6 years, the Senate and the full Congress are on the verge of passing a foreign assistance authorization bill. Foreign assistance is never a popular topic, but I firmly believe that the conference report before us serves U.S. interests, both in terms of our foreign policy and our economic interests around the world.

Let me summarize the major provisions of the conference report. As my colleagues know, this legislation, the International Cooperation Act of 1991, authorizes U.S. bilateral and multilateral foreign assistance for fiscal years 1992 and 1993. The authorization for the bilateral component of the program is $12.491 billion, $23 million less than the amount requested by the administration. With respect to the multilateral assistance programs, the conference agreement authorizes $1.13 billion for U.S. contributions to the Asian Development Bank, the African Development Fund, the International Finance Corporation, and the global environmental facility of the World Bank.

The conference agreement generally reflects the approach of the Senate-passed bill in that it amends the current Foreign Assistance Act and the Arms Export Control Act. It revises and streamlines the authority for the various components of the development assistance program, creating three separate authorizations as follows: $466 million for each of fiscal years 1992 and 1993 for activities to promote a sustainable economic base—agriculture, rural development, and nutrition activities authorized in section 103 of the Foreign Assistance Act, and private sector, environment, energy, and other development assistance authorized in section 106 of the Foreign Assistance Act—and $766 million for each of fiscal years 1992 and 1993 for activities to promote sustainable human resource development, of which amount $300 million in each of the fiscal years is specifically authorized for population activities.

The total amount authorized for these bilateral development assistance programs is $1.38 billion, an increase of $103 million over the administration's request.

The conference report also includes: First, a new authorization for a program of microenterprise development; second, new authority under which AID may provide assistance to governments and nongovernmental organizations to promote democracy and respect for human rights; third, an authorization of $310.4 million for U.S. voluntary contributions to international organizations and programs; fourth, new authority for assistance to meet the needs of the disabled within the human resource development account; fifth, a requirement that governments receiving cash transfer assistance enter into agreements to spend an amount equal to 75 percent of that cash transfer assistance on U.S. goods and services and that 50 percent of such goods be shipped on U.S.-flag commercial vessels; sixth, an expanded and upgraded authority for the Trade and Development Agency; and seventh, a requirement that AID establish a new capital projects office whose function is to create and implement a strategy for developmentally sound capital projects.

The total amount authorized for the full range of bilateral economic assistance programs is $4.7 billion, an increase of $430 million over the amount requested by the administration.

With respect to security assistance, the conference report authorizes $3.2 billion for the Economic Support Fund, and $4.46 billion for the Foreign Military Financing Program. The conference agreement places the authority for the Foreign Military Financing Program under the Foreign Assistance Act, while retaining authority for military sales under the Arms Export Control Act.

As the committee embarked on this authorization process, the administration made repeated requests for increased flexibility in the administration of foreign assistance programs. Certainly, recent world events demonstrate the need to have the capacity to respond quickly to changes in the world. In recognition of this need, the conference report authorizes two new contingency funds to allow the President and the State Department to meet unanticipated circumstances. In addition, the conference agreement revises the existing authority allowing the President to waive provisions in foreign assistance legislation by changing the standard for providing economic assistance to one of importance to U.S. national interests and raising from $50 million to $75 million the amount of assistance that can be provided under this authority to any one country in a given year.

Let me conclude by giving special thanks to my distinguished colleague from Maryland, Senator SARBANES, who as chairman of the Foreign Assistance Subcommittee, had demonstrated superb legislative skill in shepherding this bill through the Senate, and in large measure, through conference with the House.

Finally, Mr. President, a section of the conference report dealing with the Export-Import Bank debt reduction and participation of the Inter-American Development Bank under the Enterprise for the Americas Initiative was inadvertently not omitted from the conference report. I ask unanimous consent that the omitted material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK DEBT REDUCTION

The Senate amendment (sec. 771) authorizes the President to sell to any eligible purchaser any loan or portion of a loan of an eligible country that was made pursuant to the Export-Import Bank Act of 1945. After the payment for the loan has been received, the President may sell, reduce or cancel the Export-Import Bank debt involved in the transaction. The President is authorized to establish the terms and conditions of the transaction. Instructions regarding the notification of the Export-Import Bank of the transaction are specified.

The Senate amendment (sec. 772) directs that proceeds from the transaction authorized in section 771 be deposited in an account created for the repayment of such loans. Section 773 of the Senate amendment defines an eligible purchaser as an entity who presents plans to the Agency for International Development for using the loan only for purposes of a debt-for-child development swap, a debt-for-development swap, debt-for-education swap, debt-for-environment swap or debt-for-nature swap. Section 774 of the Senate amendment instructs that the Administrator of the Agency for International Development, in consultation with interested nongovernmental organizations, shall identify activities that use natural resources on a sustainable basis and promulgate environmental standards in review of proposed activities. The standards must identify and prohibit the sale of credits in support of activities which involve substantial threats to the environment.

Section 775 of the Senate amendment instructs that prior to a Export-Import Bank debt reduction transaction, the Agency for International Development shall consult with debtor countries which will receive the benefit of the debt reduction regarding, among other things, the amount of the loan to be reduced.

The House bill has no comparable provisions.

The conference substitute (sec. 821) contains provisions substantially similar to the Senate amendment. However, references to the Agency for International Development were not included in the substitute. In addition, the requirement to identify eligible activities for Export-Import Bank debt reduction has not been included in the substitute. In addition, the conference substitute combines the terms "debt-for-development" into a single term—"debt-for development." This was done because the term "debt-for-development" was earlier defined to include debt-for-child development" and "debt-for-education."

Finally, the conference substitute contains a set of eligibility criteria for nations to attain before they can qualify for Export-Import Bank debt reduction benefits under the Enterprise for the Americas Initiative. These criteria are to be applied separately from the criteria nations must meet in order to qualify for benefits under the Multilateral Investment Fund.

The committee of conference believes the reduction of Export-Import Bank debt reduction can be of substantial benefit for qualifying nations of the Western Hemisphere mired in official debt payments. In an effort to provide relief for qualifying nations, the reduction of Export-Import Bank debt should be undertaken as quickly as possible. In addition, to provide further relief for qualifying nations, the committee of conferees urges the Administration to urge other creditor nations to reduce the amount of their official debt held by Latin American and Caribbean nations.

The committee of conferees is concerned about potential adverse environmental impacts resulting from equity investments funded by Export-Import Bank credits used in debt-for-equity swaps. To ensure the environmental integrity of such projects, the process by which the Treasury Department consults with interested non-governmental organizations to formulate standards for review of proposed World Bank projects that may have adverse impacts on wetlands, tropical moist forests and savannah regions should serve as a model for the development of guidelines for review of projects to be funded by debt-for-equity swaps of Export-Import Bank debt.

PARTICIPATION OF THE INTER-AMERICAN DEVELOPMENT BANK

The Senate amendment (sec. 722) mandates that the Secretary of Treasury, in consultation with other U.S. agencies, work closely with the Inter-American Development Bank (IDB) in the implementation of the IDB's investment sector reform programs and to coordinate U.S. bilateral assistance programs with IDB investment reform programs. The Senate amendment also requires that the Secretary of Treasury prepare and transmit a report to the Speaker of the House and the Chairman of the Committee on Foreign relations, within six months of the date of enactment, providing details of the specific investment sector reform programs undertaken by the IDB and of ways in which U.S. bilateral programs have complemented those reform efforts.

The House bill contains no comparable provision.

The conference substitute (sec. 831) is similar to the Senate amendment, except that it drops references to consultation with other agencies and provides for the report to be transmitted to the Chairman of the House Banking, Finance and Urban Affairs Committee.

ENTERPRISE FOR THE AMERICAS INVESTMENT FUND

The Senate Amendment (sec. 723) amends Chapter 4 of part II of the Foreign Assistance Act of 1961 to add a new section to that Act (sec. 539) establishing the Enterprise for the Americas Investment Fund.

This amendment (sec 539(a)) authorizes $100 million annually in appropriations for fiscal years 1992-96 as the U.S. contributions to the new fund.

It (sec. 539(b)) also authorizes the Secretary of Treasury to contribute $500 million to the Enterprise for the Americas Fund subject to the following conditions: that an agreement has been negotiated establishing the terms and conditions under which the Fund will operate, that two additional donors have agreed to contribute at least $500 million to the Fund, that the agreement has been transmitted to the Congress under procedures established pursuant to sec. 634A of the Foreign Assistance Act of 1961, and that a biannual report of the activities of the Fund be prepared and submitted to the Congress by the IDB.

Further, it (sec. 539(c)) sets forth the principal purposes for which U.S. assistance will be provided to the Fund for disbursement to eligible countries. Assistance from the Fund is to be provided for technical assistance in connection with domestic constraints to investment, for human capital development, and for private enterprise development.

In addition, the Senate amendment (sec. 539(d)) gives the Secretary of the Treasury one year to meet the conditions set forth in this section.

The House bill contains no comparable provision.

The conference substitute (sec. 832) deletes reference to the Foreign Assistance Act and instead amends the Inter-American Development Bank Act to add a new section (sec. 37) to that Act establishing the Enterprise for the Americas Investment Fund.

Sec. 37(a) of the conference substitute is identical to the Senate amendment (sec. 539(a)).

Sec. 37(b) of the conference substitute is similar to sec. 539(b) of the Senate amendment but deletes reference to Sec. 634A of the Foreign Assistance Act of 1961 as it pertains to the submission of the agreement establishing the IDB Fund to the Congress for review. It provides for the agreement to be transmitted to the Chairman of the House Banking, Finance and Urban Affairs Committee rather than the Speaker of the House. It also provides for the IDB to prepare and make public an annual report on the operations of the IDB Fund.

Sec. 37(c) of the conference substitute is similar to sec. 539(c) of the Senate amendment. In addition, the conference substitute adds a fourth purpose for the IDB Fund: to support the development and strengthening of host country capabilities for ensuring the environmental soundness of investment activities. It also requires that no more than 40 percent of the annual disbursements from the Multilateral Investment Fund can be used for any single use authorized in subsection (d).

While recognizing the need to use disbursements from the Enterprise for the Americas Investment Fund to allow nations to reform their investment regimes, the committee of conference also believes that substantial disbursements from the Fund should be used to address social problems generated in the context of such investment reforms. In particular, the committee of conference wishes to state clearly its belief that, in addition to re-training assistance, substantial disbursements from the Fund should be for the purpose of designing social safety nets, including assistance for food, housing and other social needs which may occur with the implementation of investment reforms.

Sec. 37(d) of the conference substitute is similar to sec. 539(d) of the Senate amendment, with a change in the time period within which the Secretary of the Treasury must meet the conditions set forth in the section from one to two years.

The conference substitutes (sec. 37(e) mandates that the Secretary of the Treasury instruct the U.S. representatives to the Fund to vote against any activities of the Fund that may have a significant adverse impact upon the environment.

The conference substitute (sec. 37(f)) sets forth the eligibility criteria which must be met for a country to receive U.S. monies from the IDB Fund: It must be a Latin American or Caribbean country; have concluded various agreements with the IMF, World Bank, IDB and private creditors, as indicators that appropriate economic policies are being pursued; have a democratically elected government; not have a government which harbors or sponsors international terrorists; be cooperating on narcotics matters; and have a government (including its military and security forces) which respects human rights.

The conference substitute (sec. 37(g)) provides for the President to make eligibility determinations subject to the criteria specified in sec. 37(f).

The committee of conference has agreed to eligibility criteria that determine which countries may receive disbursements of United States assistance from the Enterprise for the Americas Investment Fund. However, concern was voiced by some members of the conference that some of these criteria could adversely affect on-going efforts to obtain contributions and finalize negotiations to establish the Fund on a multilateral basis. If the eligibility criteria agreed to during the conference prove to be an obstacle to the successful completion of such negotiations, the committee of conference has agreed to seek to alter expeditiously these criteria, through legislative action by the Senate Committee on Foreign Relations and the House Committee on Banking, Finance and Urban Affairs.

The committee of conference believes, as a general proposition, that nations seeking to use the resources of the Enterprise for the Americas Investment Fund should have reached agreement with their commercial creditors concerning any outstanding issues related to the repayment of commercial debt. However, the committee of conference expects that this requirement be applied in a balanced manner. In particular, the committee of conference believes that, if this requirement is used unfairly as bargaining leverage by commercial creditors against a debtor country, the President should not deny such country access to the Fund solely because an agreement between such country and its commercial creditors has not been concluded.

Mr. CRANSTON. Mr. President, the International Cooperation Act of 1991, so ably managed by my dear friends and colleagues the distinguished chairman of the Foreign Relations Committee, Mr. PELL, and the senior Senator from Maryland, Mr. SARBANES, contains many important and groundbreaking provisions.

Today, as we prepare to mark the 499th anniversary of the arrival of Europeans to our hemisphere, I take particular pride that the foreign aid bill—soon to be sent to the President—contains an important provision designed to strengthen the rights and well-being of the some 40 million people whose ancestors were already here when Christopher Columbus came to the Americas.

Section 755 of the bill, entitled "Indigenous Peoples in Latin America and the Caribbean," grows out of a larger proposal I made earlier this year when I introduced the "Pan-American Cultural Survival Act of 1991." That bill was designed to help, on the eve of the 500th-year anniversary of Columbus' arrival, ameliorate the centuries-long history of neglect and violence visited upon this hemisphere's earliest inhabitants.

Section 755 calls on the Secretary of State to prepare, in cooperation with the Agency of International Development, a report on the status and treatment of indigenous peoples in Latin America, to be submitted to Congress on February 28 of each year. Significantly, this date is also the day which the State Department is to issue its annual human rights report.

Section 755, according to the bill language approved in conference between the House and the Senate, should contain all available information about the promotion and protection of civil, political, social, cultural, and economic rights and traditions of indigenous peoples in the hemisphere.

The bill also requires the report to delineate the extent to which indigenous peoples are able to participate in decisions affecting the protection of their lands, cultures, and traditions, and the allocation of natural resources. And it says that it must also detail the steps the United States has taken to ensure that U.S. development assistance programs promote the well-being of indigenous peoples.

The importance of this section in setting the agenda for this vital human rights and democratization issue cannot be overestimated. Currently, indigenous peoples in the Americas sit at the lowest rung of their countries' social, political and economic ladder. Hundreds of tribes and scores of indigenous languages border on extinction.

As ideological conflict and political violence appear to be receding from many regions in our hemisphere, the issue of the rights of native peoples becomes the new frontier for those concerned with human rights, the environment, and issues of democratic consolidation.

Mr. President, in 1976, the late Senator Hubert Humphrey and I worked together to make mandatory the provisions for section 502B of the Foreign Assistance Act of 1961.

The enactment of this legislation, a group effort to which many contributed, helped provide for a revolution in human rights in U.S. foreign policy and, therefore, the world. One of its provisions, of course, was the State Department's annual human rights report. Section 755 is a clear descendant of that legislation.

Mr. President, if I may, I would like to ask my friend, the senior Senator from Rhode Island, a few questions about the section, and to thank him for his help and support in this effort.

Mr. PELL. Mr. President, let me just thank my friend and colleague on the Foreign Relations Committee, Mr. CRANSTON, for his remarks. I think this effort, section 755, does represent—as he stated—an important continuity to the work initiated with the 502B legislation.

I am certain we will be hearing a lot more about this issue as we approach Columbus Day 1992. Section 755 is a very constructive and positive way to begin some hard thinking on what might be done for and with the native peoples of this hemisphere.

Mr. CRANSTON. I thank the Senator for his remarks. I would like to ask him if my understanding—that the report required in section 755 will deal on a country-by-country basis with the status and condition of native peoples in Latin America and the Caribbean—is correct.

Mr. PELL. That is correct.

Mr. CRANSTON. It is my understanding that the date of submission of the report, February 28, was chosen so that the date for compliance with section 755 is the same as the release of the annual State Department human rights report. The simultaneous release of the two reports, I would hope, will give additional standing and emphasis to the plight of millions of native peoples.

Mr. PELL. The Senator makes a good point, and that was certainly my understanding of why the February 28th date was chosen. Let me just say that section 502B has been one of the most important tools we have to work with in ensuring the promotion of American concepts and values around the world. Section 755 is worth continuation of that effort.

Mr. CRANSTON. Mr. President, I would like to point out that the language of section 755 also requires reporting on the economic rights and traditions of indigenous peoples.

Recently Richard Schultes, a noted ethnobiologist from Harvard University, gave a cogent sample of one aspect of these rights and traditions, which is the promotion and protection of indigenous knowledge. According to Schultes:

> The accomplishments of indigenous peoples in learning plant properties is a result of a long and intimate association with, and utter dependence on, their ambient vegetation. This native knowledge warrants careful and critical attention on the part of modern scientific efforts. If phytochemists must randomly investigate the constituents of biological effects of 80,000 species of Amazonian plants, the task may never be finished. Concentrating first on those species that people have lived and experimented with for millennia offers a short cut to the discovery of new medically or industrially useful compounds.

Mr. President, as a recent cover story on indigenous peoples in Time magazine suggested, these issues—the promotion and protection of indigenous knowledge—is one of the cutting edge issues of scientific progress and human advancement in our time.

For example, information on 119 known useful plant-derived drugs were analyzed to determine how many were discovered because of traditional knowledge on the plants from which they were isolated.

Analysis of plant-based products on today's market shows that 74 percent have the same or related use in Western medicines as originally used by indigenous curers. Yet, if selected randomly, estimates are that only one in 10,000 to 35,000 plant samples will yield a medically useful activity.

As many as 25 percent of prescriptions in the United States contain natural products extracted from plants. Including medicines sold over the counter and herbals, the estimated value of plant-based drugs sold in the United States was $11 billion in 1985.

Yet, today there exists no consistent or conclusive international program to monitor ownership of, or protection for, traditional knowledge. Consequently, the invaluable contribution of indigenous peoples in use of their plant and animal resources remains left uncompensated.

By failing to acknowledge and place value on this knowledge, the United States is overlooking a critical opportunity for sustainable development.

It could promote the conservation of biological resources in situ by ecosystems, sustain the livelihoods and lifestyles of indigenous cultures, and equitably distribute the benefits of development to the technicians who have discovered, maintained and developed this knowledge within their cultures for generations.

I, therefore, would hope that the language, "economic rights and traditions of indigenous peoples," would take these vital issues into account.

This might be done, if, perhaps, not in an exhaustive way, at least in a way that delineates their importance for indigenous peoples in each of Latin America's republics and those of the Caribbean of the promotion and protection of indigenous knowledge.

I also believe that in outlining the issues involved, and how they play out in each country, the report could provide an important reference for what has been done, and what needs to be done, both nationally and internationally, so everyone benefits from this vast, but quickly depleting, natural reservoir of knowledge.

Mr. President, I would like to ask the Senator from Rhode Island if it is his understanding as well that the phrase "economic rights and traditions" encompasses the concerns I have just mentioned.

Mr. PELL. That is my understanding, too.

Mr. CRANSTON. I thank the Senator for his patience and help in establishing congressional intent concerning this legislation. I look forward to his insight and guidance as we move toward the next step in dealing with this issue.

Mr. President, the report requirement contained in section 755 comes on the heels of the release by the Congressional Research Service of an excellent work, "Latin American Indigenous Peoples and Considerations for U.S. Assistance," prepared at my request.

The CRS study focuses on three countries in Latin America where indigenous peoples form large, and largely underrepresented, populations in recently-emerging democracies—Bolivia, Ecuador and Guatamala. I recommend this path-breaking work to both my colleagues and to those at State and AID who will be responsible for preparing the hemisphere-wide report mandated by section 755.

I would also like to take this opportunity to thank the CRS staff who worked on the report for their important contribution. They are: Nine M. Serafino, Mark P. Sullivan, Maureen Taft-Morales, Curt Tarnoff, Roger Walke, and Sherry B. Shapiro. Their unique perspectives inform and enliven the debate on this issue, and I am sure that the report will be used as an important tool for study for some time to come.

Mr. President, I recently shared copies of the CRS report with top officials of AID, the National Endowment for Democracy, and the National Democratic Institute for International Affairs [NDI]. I ask unanimous consent that their reactions to the report be printed in the RECORD, as well as an excellent article by foreign service officer Thomas A. Shannon, which appeared in the September issue of the Foreign Service Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, August 6, 1991.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: Thank you for your letter of July 15, 1991, concerning the Congressional Research Service (CRS) report, Latin American Indigenous Peoples and Consideration for U.S. Assistance. Dr. Roskens has asked me to reply on his behalf.

CRS has prepared a thoughtful analysis of historic and present, social and political difficulties faced by the indigenous peoples of Latin America. The Agency for International Development (A.I.D.) shares your concern for these peoples, their survival, culture and future.

As noted in the study, native peoples of Latin America and the Caribbean (LAC) have suffered serious offenses to human, civil and political rights. It is an important U.S. policy objective to support these rights for all individuals. Experience shows that countries governed through a democratic system maintain a responsiveness to the needs of its people. A.I.D. works throughout the LAC region to strengthen elements contributing to strong democracies. Many efforts, including the strengthening of educational, judicial, and electoral systems, are identified in the report.

A.I.D.'s family health and training programs also emphasize meeting needs of indigenous poor in both rural and urban areas. Rural development, agricultural training, technical services, and environmental conservation programs, in cooperation with the host government, provide direct benefits to many indigenous groups in the LAC region.

In addition to focusing on specific needs, A.I.D. directs assistance designed to support broad-based sustainable economic growth which will lead to more jobs and greater opportunities for indigenous peoples in the LAC region.

We appreciate your forwarding a copy of the CRS report for our review. As the 500th anniversary of Columbus' arrival approaches, it is imporant that we continue to focus on the needs of the indigenous peoples in the Western Hemisphere.

Sincerely,

R. RAY RANDLETT,
Assistant Administrator
for Legislative Affairs.

NATIONAL ENDOWMENT FOR DEMOCRACY,
Washington, DC, July 31, 1991.

HON. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: Thank you for your letter of July 23, in which you urge increased Endowment support for the political development of indigenous groups in Central and South America. I found the accompanying Congressional Research Service study to be highly informative, and have passed it on to our Latin American program staff for their review.

In its worldwide grant program, the Endowment takes into account national and cultural diversity which exists within sovereign states as well as among them. In Latin America, the Endowment seeks to be as responsive as possible to requests for local groups and to assist in their efforts to further democratic development through the peaceful mobilization of forces for genuine political participation and national self-expression. While we are sensitive to the need for greater support for programs that promote the well-being of Latin America's native people's, our program plans are largely dependent on the quality and quantity of proposals received. To date, very few proposals from Latin American movements representing the concerns and aspirations of nationality groups or ethnic minorities have come to our attention. However, as noted in the CRS report, such groups are often the beneficiaries of a number of NED-funded democratic civic education programs in the region. We would certainly welcome proposals directly from democratic indigenous organizations for promising initiatives in this area.

I appreciate your continued support and interest in the Endowment, and I hope that the future will provide us with new opportunities for enhancing the role of ethnic cultures in the Latin American democratic process.

Sincerely,

CARL GERSHMAN.

NATIONAL DEMOCRATIC INSTITUTE
FOR INTERNATIONAL AFFAIRS,
Washington, DC, August 8, 1991.

HON. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR ALAN: Thank you for a copy of your CRS study analyzing the impact of U.S. foreign assistance on native Americans living in Central and South America.

As you know, NDI has been working in Guatemala and has noted with concern the political and economic marginalization of the indigenous population. The enclosed report on the 1990 elections in Guatemala notes as one of its summary conclusions the lack of incentives for indigenous groups to participate in national political life. Unhappily, the CRS report concludes that such opportunities are limited throughout Central and South America.

NDI is very interested in continuing its program in Guatemala and it is our hope that a portion of this work can focus on the serious problems facing the indigenous population. Democracy in Guatemala (or Bolivia or Ecuador) will not be completely realized until this portion of the population is included in the political process on equal terms.

Best personal regards.

Sincerely,

J. BRIAN ATWOOD.

[From the Service Journal, September 1991]

DIPLOMACY'S ORPHANS: NEW ISSUES IN HUMAN RIGHTS

(By Thomas A. Shannon)

We are living through a period of quiet but profound change in the international human rights agenda, which will pose new diplomatic challenges to the United States. While the principal human rights issue of the 1980s—political repression—will remain our primary human rights concern through this decade, several new issues have emerged that do not easily fit into our traditional understanding of human rights. Nevertheless, the United States must come to terms with these "new" issues, or lose what influence it has over the human rights agenda.

CHILDREN OF POVERTY

First on the list are the rights and welfare of children. Vigilante killings of street children in several Latin American countries have highlighted an explosive Third World social problem that has been declared a human rights issue by such groups as Amnesty International and Americas Watch. Rapid urbanization and the breakdown of family structure under grinding poverty have turned millions of children out onto the streets of Latin America, Asia, and Africa. Deprived of normal care, feeding, and education, many of these children take to petty thievery, prostitution and drugs. Lack of social services and creaky judicial systems have provided few institutional means to deal with this problem. Consequently, off-duty policemen and businessmen in some cities have taken matters into their own hands, forming extrajudicial groups that harass, intimidate, and kill street children.

The reemergence of death squads in some Latin American cities, but this time without the political overtones of the past decade, underscores the precarious existence of many of the world's children, who neither have a voice in government nor wield economic or political clout. The recognition that many nations are failing their children prompted the 1990 UN-sponsored World Summit for Children, the largest-ever gathering of heads of state. The World Convention on the Rights of the Child, adopted unanimously by the UN General Assembly in 1990, set benchmarks by which nations' treatment of children can be judged.

CULTURAL SURVIVAL

Second is the right of indigenous people to retain their cultures and ways of life. Historically, this issue has been treated as an anthropological problem. It achieved human rights status only recently, when Indian cultures were violently and systematically repressed by central governments, as in the cases of the Guatemalan Maya and Nicaraguan Miskito during the 1980s.

This understanding is changing. Responsibility for protecting primitive Indian groups has devolved upon governments, as publics acknowledge that some groups face cultural and physical extinction unless their contact with the modern world is better controlled. Although some governments are reluctant to accept this responsibility, international human rights organizations are not reluctant to assert it. Amnesty International's interest in the fate of Brazil's Yanomami Indians—a tribe decimated by disease and the depredations of their homeland by timber poachers, ranchers, and miners—is evidence that the issue has entered the mainstream of the human rights community.

Environmental organizations, too, have expressed interest in the fate of indigenous peoples, adding political urgency to the issue. Environmentalists know that most indigenous groups depend for their survival on their habitat; the economic development of their traditional lands is a direct and immediate threat to them. The melding of human rights and environmental concerns is a new and politically powerful development which will ensure that the plight of many indigenous peoples is well publicized throughout Europe and North America.

STRUGGLE AND FLIGHT

The last item on the emerging human rights agenda is the rights of refugees and other displaced persons. Again, the problem is not a new one; what has changed is our understanding of it. In the past, refugee rights have been viewed largely as a humanitarian issue, acquiring a human dimension only when the displaced persons were political exiles. However, the suffering inflicted on refugee groups in the Middle East, Southeast Asia, Central America, and Africa—either through political manipulation, denial of relief supplies, or outright attack—has highlighted the central human rights aspect of this problem. America's own strapped resources and public "compassion fatigue" make uncertain the U.S. ability to continue to respond to these man-made disasters. The result is a growing consensus that the international community must hold to account governments that provoke, countenance, and manipulate the mass displacement of human beings.

The emerging human rights agenda poses a tough diplomatic challenge. The issues on the agenda reflect deep-rooted economic, social, and political problems that admit of no quick fixes. Unlike political violence, these issues also are not amenable to the customary finger-pointing and condemnation. This is not to diminish responsibility for human suffering, but to recognize that in most cases, harsh rhetoric gives reluctant governments an excuse to resist international pressure.

Unless handled adroitly and in good faith, human rights issues will drive a wedge between the developed and developing worlds. Third World nations are already nervous about what they perceive as the erosion of the traditional concept of state sovereignty, which provided them some measure of protection from outside interference. While international interest in human rights protection is legitimate, it must keep governments focused on human rights and not permit them to slide off the point by claiming that national independence is at stake.

WAYS AND MEANS

How to accomplish this? A modest beginning would include the following: first, a reexamination of the structure of the State Department's annual human rights report (see page 33). The format needs to be revised and expanded to include these new issues. Since much of the human rights report's structure is legislatively mandated, such a review would probably require consultation with the Congress.

Second, redouble U.S. efforts in multilateral human rights fora. Such fora are a useful means to engage countries that would otherwise resist bilateral approaches on human rights. For such fora to be effective, however, they must focus on real human rights issues. Efforts by some Third World nations to introduce extraneous issues, such as national economic development as a human right, or to include as fora members known human rights abusers, such as Cuba, must be resisted. Finally, we must look for creative ways to express our willingness to help countries struggling to improve their human rights records—for instance, Administration of Justice programs that help train police and courts in juvenile justice. Although such programs would have only a limited impact, they would identify us diplomatically as part of the solution and not part of the problem.

While efforts to provide protection to politically marginalized and vulnerable groups is a marked expansion of our traditional human rights policy, it is in keeping with its overall purpose. The history of the 1980s should be evidence enough that human rights issues can be ignored only at our own risk.

(Thomas A. Shannon is special assistant to the ambassador at Embassy Brasilia.)

Mr. CHAFEE. Mr. President, I am voting in favor of the legislation before us today, the International Security Cooperation Act of 1991. I am supporting this bill because it contains two important provisions: It overturns the Mexico City policy and restores funding for the U.N. Fund for Population Assistance [UNFPA]. These two issues are crucial in our efforts to make quality family planning services available to women all over the world.

Mr. President, I have been involved for many months now in the fight to overturn HHS regulations which prohibit federally funded family planning clinics from providing any information about abortion to pregnant women, even when a woman asks for that information. These regulations have been dubbed the gag rule because they put a gag on the mouths of health professionals and prohibit them from talking about certain subjects, namely, abortion.

The Mexico City policy is the international gag rule. This policy began in 1984 and it prohibits U.S. population assistance funds from going to indigenous private family planning agencies overseas that provide information about abortion with private and non-U.S. funds. In many countries all over the world, abortion is a legal option, yet family planning clinics which receive U.S. funds must either deny patients information or forego their critical U.S. dollars.

This policy undermines the purpose of our international family planning program. The program is designed to increase access to quality family planning services, yet the Mexico City policy does just the opposite. It harms the very people we are attempting to help through our international population assistance program. Much of this assistance goes to underdeveloped, Third World countries to help the poorest of the poor. I am pleased that the measure before us today overturns this cruel and discriminatory policy.

I am also pleased, Mr. President, that this bill restores funding for the U.N. Fund for Population Assistance [UNFPA]. UNFPA is the largest multilateral organization providing family planning and population assistance in the world. More than 141 developing countries receive family planning assistance from the UNFPA.

The United States has withheld its contribution to the fund for the past 6 years because China allegedly has a policy of coerced abortion and involuntary sterilization. But the fact is there is no evidence that UNFPA provides support for the programs in China. In 1985, the same year we stopped giving money to the fund, the Agency for International Development [AID] conducted a study on this issue and determined that UNFPA "neither funds abortions nor supports coercive family planning practices through its programs."

Mr. President, I do not support any so-called family planning policy which would coerce women to have abortions, nor would I support a policy which forces women to bear children against their will. The provision included in the bill before us today contains many safeguards to ensure that the money we contribute to the UNFPA will not go toward supporting such policies as heinous as forced abortion and sterilization. It states explicitly that the funds will not be made available for programs in the People's Republic of China and that the United States funds will be kept separately and monitored by the United States Ambassador to the United Nations.

Our contribution to the UNFPA is critical, and I am pleased that this bill restores funding for this worthwhile program.

There are provisions in this bill, however, that cause me serious concern—so much so that were it not for the UNFPA section, I would vote against this measure. One such provision is section 124, which deals with the purchase of U.S. goods and services and cargo preference. The bill, approved by the Senate, required those countries receiving more than $10 million in U.S. cash assistance to buy an equivalent amount of U.S. goods and services, and to ship at least half of those goods to their countries on U.S.-flag carriers with a cap on U.S. shipping rates of no more than 30 percent above average international rates.

This new requirement is bad news. If we place such restrictions on our cash assistance, not only will we hurt the very Third World countries to whom we are trying to extend some help, but we also will hurt the effectiveness of our cash transfers as a policy tool. The countries that would be affected by this provision already import a higher value of U.S. goods than the amount of the cash assistance we give them. As a result, this provision would simply force those countries to use U.S.-flag vessels. That would have two negative results—a double-whammy.

First, according to the Agency for International Development [AID], the shipping rate for U.S.-flag carriers is significantly more than the competitive international shipping rate. That means the recipient countries will be forced to pay out more money to ship our goods than they would have paid in the competitive market. And second, that in turn means that the recipient countries will end up taking a large share of the very cash assistance we have given them to pay for our higher shipping rates. That is money that might have gone to our farmers for more commodity purchases, but will end up going toward U.S. shipping costs.

It does not take a rocket scientist to realize why this provision will reduce the effectiveness of our tool of foreign assistance—why would any country want to take assistance with so many strings attached? It is not a good deal for them.

I had hoped that the conferees would drop this cargo preference provision. Instead, the conference changed the terms of the new requirement. Now, the recipient country need only spend an amount equal to 75 percent—by fiscal year 1996—of our cash aid on U.S. goods. Now, the requirement does not apply to countries receiving less than $25 million, rather than $10 million. And finally, instead of the 30-percent cap on U.S. shipping rates, the conference report requires 50 percent of all U.S. goods to be shipped on U.S.-flag vessels "to the extent such vessels are available at fair and reasonable rates."

Mr. President, those are not much in the way of changes. They do not address the problems caused by this new requirement; some details are changed, but the essence is the same.

Also of concern is the bill language which changes the manner in which the Foreign Military Financing [FMF] Program is administered. As presently crafted, the bill would require that aid to Greece, which heretofor has consisted primarily of loans, be converted to 40 percent grants in fiscal year 1992 and 70 percent grants in fiscal year 1993. This poses a problem for two important reasons—first, it ties the hands of the administration by earmarking a substantial portion of the program. Second, because of overall limits on the program, drastically increasing the earmarked aid for one country, of necessity, means that aid for numerous other countries will have to be reduced.

As it stands now, four countries—Israel, Egypt, Turkey, and Greece—receive the lion's share of FMF funds. When two other priority nations—Pakistan and the Philippines—are added, there is only a small amount left over for all the rest of the world. In 1992 the administration would have to cut $75 million elsewhere and in 1993 $180 million. Since several countries receive only a small grant now, many of these nations would have to be eliminated from the program entirely to make up this shortfall. I believe the administration needs to have the power to make the determination of where this money will best advance American interests. As such, I am opposed to passage of this portion of the bill.

In closing, Mr. President, I would say that I am distressed about certain major provisions of this bill. At the same time, I believe very strongly that the Mexico City policy and the UNFPA should be resolved; indeed, were it not for these provisions, I would be inclined to vote against this bill. So, for the sake of these family planning issues, I will vote for this measure today.

Should the President veto this bill, I am prepared to reconsider my views and again weigh the good and the bad features of this measure.

Mr. DURENBERGER. Mr. President, I rise to oppose final passage of the foreign assistance authorization conference report. I do so for the very same reasons I voted against the authorization bill when it came before the Senate in July.

I strongly object to those provisions that overturn the crucially important United States-Mexico City policy on foreign assistance for family planning programs. I also oppose the provisions that provide funding for the U.N. Family Planning Agency, which is also involved in abortion services.

Additionally, the provisions expanding cargo preference regulations are completely unacceptable. The Senate-passed provisions were bad enough, but the conference committee inserted House language that only made matters worse.

President Bush has indicated that he will veto this bill because of these various provisions, and I support him in that decision.

As many of my colleagues and constituents know, the 1972 Foreign Assistance Act forbids the use of U.S. public funding for abortions in foreign countries. The Mexico City policy of 1984 expanded this restriction, forbidding United States funding of any foreign organization that performs or provides counseling services for abortion.

I am strongly opposed to the use of taxpayers' money, directly or indirectly, to promote abortion in any way.

Mr. President, I must also object to the cargo preference provisions of the bill, which by any reasonable definition, are anti-farmer and anti-American jobs. During the Senate debate on the original authorization bill, I cosponsored an amendment, which did not prevail, that would have struck the provisions that require 50 percent of U.S. goods purchased through the foreign aid program be shipped on U.S.-flag vessels.

Current cargo preference provisions are bad enough, but the measure passed by the Senate and made worse by the conference expands those provisions, compounding an already unsatisfactory system.

According to AID, it costs almost $30 more per ton to ship on U.S.-flag vessels than it does to ship on foreign-flag vessels. AID indicates that in 1990, that translates into $21.6 million worth of goods that were not purchased from suppliers in each and every one of our States.

To put it as succinctly as possible, Mr. President, each dollar spent for the more expensive U.S.-flag carriers is one less dollar spent to purchase U.S.-made products, especially agriculture products.

Mr. President, this is an important piece of legislation, and I want to congratulate my colleagues on the Foreign Relations Committee for bringing the foreign assistance authorization bill this far. It makes a valuable contribution to the foreign assistance process in this country.

It had been my hope that the conference committee would address and correct the problematic sections so that President Bush could sign the bill into law. But there are simply too many objectionable provisions. I will vote against final passage of this conference report and urge my colleagues to do so as well.

Thank you, Mr. President. I yield the floor.

Mr. GRASSLEY. Mr. President, It is regrettable that the House-Senate conferees ignored the explicit warnings of the administration when it issued its veto threats over various provisions of H.R. 2508, the International Security Cooperation Act of 1991. It is no wonder that it has been over 5 years since a foreign aid authorization bill has been enacted.

I share the President's concern about several of these provisions, and had thought that the conferees would strike them. One provision left in the conference report which drew the President's attention in his veto message is that which expands cargo preference, the backdoor, hidden maritime subsidy which like a parasite, latches onto the lifeblood of other programs—such as those included in this bill, which are aimed at feeding the world's starving. The maritime industry and unions of this country realize they can not withstand the scrutiny of having to come forth publicly to argue for the amount of subsidy they now receive, so they rely upon this backdoor approach provided by cargo preference. Cargo preference is virtually an open checkbook into Uncle Sam's bank account.

The cargo preference provision in this conference report is even worse than the earlier Senate passed provision which I, along with 41 of my Senate colleagues, strongly opposed. The Senate version allowed for the reimbursement of no more than 30 percent above what the competitive world rates would bear.

This conference report allows cargo preference to "the extent such vessels are available at fair and reasonable rates."

This standard defined as "fair and reasonable rates" is nothing new, and it has been proven time and time again to be a hollow, meaningless farce. Let me share an example of what our maritime industry views as fair and reasonable which was reported in the September 10, 1990, edition of U.S. News & World Report. The article, entitled "Unpatriotic Profits" follows: "The Pentagon is miffed at what it feels is profiteering by operators of two U.S. cargo ships. Because the Navy is required to use American bottoms before contracting with foreign-owned ships, it paid the two U.S. carriers $70,000 to send war materials to the gulf. The comparable foreign bid: $6,000."

Mr. President, our maritime industry believes that forcing American taxpayers to pay nearly 12 times above the world competitive rate is "fair and reasonable." I think not, and I believe that my Senate colleagues concerned about fraud and waste should be in agreement with me.

Mr. President, this conference report should be vetoed. It expands cargo preference beyond what was covered by the 1985 farm bill compromise, it reduces the amount of food and assistance we can direct to needy countries, it damages our competitiveness of our commercial exports, and it disadvantages U.S. ports not served by ocean-going U.S. ships.

Congress needs to go back to the drawing board on this foreign aid package, and for this reason, I oppose the conference report.

In addition, the conference report is a serious attack on the administration's international family planning programs that reverse reasonable and effective policies that have been in place for years. I support the President's strong opposition to these items.

On the other hand, there are a number of provisions in the bill that I strongly support including our firm support for Israel and other important allies around the world. I look forward to Congress modifying the bill to exclude the unacceptable provisions so that we can finally, after 5 years, get a foreign aid authorization bill signed into law.

Mr. McCAIN. Mr. President, after much consideration I must reluctantly vote against H.R. 2508, the International Cooperation Act of 1991. This past summer I voted for the Senate's foreign aid authorization bill. While I had serious reservations about the bill there were a number of provisions in it which I strongly support, and I voted for it in the hope that those provisions which I opposed would not be contained in the conference report we are now considering. My support for the bill was also partly premised on its inclusion of my amendment establishing an emergency border environmental fund with Mexico.

Unfortunately, Mr. President, although some of the provisions which I opposed were removed during conference, some others which gravely concern me remain in H.R. 2508. Of most concern, are the provisions in the conference report on the Mexico City policy and the earmarking of funds for the U.N. Fund for Population Assistance that clearly contradict the administration's antiabortion policy.

I might also add, Mr. President, that my amendment concerning the United States/Mexico emergency border environmental fund was dropped in conference thereby removing one strong incentive for my support of this bill. There are a number of other concerns raised in the administration's veto message which I share with the administration, and which I believe provide sufficient reason to reject the conference report.

Having said all this, Mr. President, I cannot help but admit to my lingering reluctance to oppose the report. As I have said, there are a great many provisions in this bill which deserve our strong support. There are provisions for aid to countries which I think strengthen many of our most important relationships with other countries, and which would substantially promote our shared vision of a new world order.

Moreover, I think the Senate Foreign Relations Committee and the managers of the bill deserve the commendation of the Senate for the hard labor and good faith which have characterized their success in bringing the bill this far. It is my sincere hope that if this conference report passes and is subsequently vetoed by the President that Congress will send the President a modified conference report absent the provisions which the President and I and other Senators oppose. I would welcome the opportunity to lend my strong support to such a measure.

Mr. DOMENICI. Mr. President, the time for discussion of this foreign aid conference report is very limited, but I want the record to show why I must vote against its adoption.

Since the last major foreign aid authorization was enacted in 1985, the world we live in has changed in ways no one could have foreseen. The most dramatic examples are the end of the cold war and the disintegration of the Soviet Union.

This country, too, has changed. We are much more aware now than in 1985 that domestic challenges should be our main focus. We are much more aware that we can ill afford the billions we borrowed to send abroad. There is much more skepticism about the usefulness of foreign aid today.

The managers of this bill worked hard. They gave the President some of the flexibility he requested. They deleted some obsolete provisions. Unfortunately, the conferees were unable to give any direction to our foreign aid programs. They didn't consolidate any old programs. This foreign aid bill continues to attempt to be something for everyone. In no way does it reflect the changes I just mentioned. It's old aid in a new package.

This 262-page bill lacks direction. It piles more new agencies, centers, and other institutions onto the bureaucratic mess we call foreign aid. It does nothing to convince the American people that foreign aid will benefit them, or, for that matter, substantially assist the new democracies that desperately need help. The new democracies, in fact, get very little attention here.

This bill evades decisions on help for the Republics of the former Soviet Union. It exempts an indefinite amount of Israeli loan guarantees from the dollar limits imposed on every other country, but it doesn't provide one penny of guarantees. Yet, some are being asked to vote for this measure because it supports the guarantees.

The main beneficiaries of this conference report are those who administer these programs: The contractors, the international agencies, the lobbyists, and the special interest groups. Some of these groups would actually receive tax dollars to educate the public on the benefits of their programs.

For these reasons, Mr. President, I must oppose this foreign aid conference report.

Mr. LIEBERMAN. Mr. President, I rise to support the conference report on H.R. 2508, the Foreign Aid Authorization Act. The conferees have done a fine job in forging a compromise.

I am particularly grateful for the efforts made by Senators SARBANES and McCONNELL and their fine staffs to ensure that my amendment, and the companion amendment of Senators BOREN, BENTSEN, BAUCUS, and BYRD, on trade and aid was included in the conference report. While the amendments were changed somewhat, the basic purpose remained intact. This is a good first step toward getting AID more involved with developmentally sound capital projects.

Through capital projects, AID can help U.S. exporters with their efforts to capture markets in the more advanced developing nations and Eastern Europe. Exports remain crucial to our Nation's economic growth. Throughout the present recession, the one bright spot in the economy has been trade. Our exporters have kept the economy afloat. This is particularly true in my home State of Connecticut. In 1990 alone, State exports grew by nearly 18 percent. Exports provided 84,000 manufacturing jobs in the State and another 63,000 jobs in firms dependent on exporting. Close to 20 percent of the State's 6,700 manufacturers export compared to the national average of 12 percent. In short, Connecticut's economic future is tied to exports.

But the problem for Connecticut exporters, as well as exporters across the country, is how to remain competitive against increasing foreign competition. This competition used to be primarily from Germany and Japan, but that is no longer the case. The other dynamic Asian economies of Korea, Taiwan, Hong Kong, and Singapore are competing for global markets. And as Europe approaches 1992 and the final stages of European economic unity, the European Community [EC] is rapidly becoming a more potent economic force.

While it is not the role of the Federal Government to try to solve all the problems confronting our exporters, the Federal Government must work with the American exporting community to help them capture new markets and hold old ones. The lack of Government support for U.S. exporters has caused them to lose out to their competitors in valuable overseas markets, for sales of a wide range of products including computers and telecommunications equipment and projects. This means less jobs at home.

According to Ambassador Ernie Preeg, a former chief economist at AID and one of the foremost experts on this issue:

> Current market for capital goods transaction * * * which is inaccessible to U.S. exporters because of other governments, is $10 to $12 billion per year, resulting in an estimated $2.4 to $4.8 billion annual loss to U.S. exports. Future U.S. export loss in high-growth developing country markets could be far greater.

Capital projects are those projects that are integral to building a nation's infrastructure: Projects relating to telecommunications, transportation, environmental management, and the building of power systems. Infrastructure development is crucial to the building of an economy. Without a sophisticated infrastructure, a market cannot develop, and a nation cannot prosper.

My amendment and the one introduced by Senators BOREN, BENTSEN, and BYRD, was really about one thing: Using foreign aid to help not only the aid recipient, but also the U.S. economy by emphasizing capital projects in our foreign aid programs. When AID funds a capital project in our foreign aid programs. When AID funds a capital project in a developing nation, then that means that American products will be used in the building of the project.

For instance, if AID funds a road in Indonesia, American manufacturers of heavy machinery will sell their equipment to the Government of Indonesia to aid in the building of that road. Our engineers can help to design it. Our AID dollars will, therefore, be used to help create jobs back home. Traditional development projects are not often capital intensive, which means that there is less of an opportunity for our exporters to sell their products—capital products such as heavy equipment—than there would be if we focussed on infrastructure development programs.

In order to achieve the goal of jobs at home and development overseas, my amendment put special emphasis on AID as a source of funding for capital projects by establishing a Capital Projects Office within the Private Enterprise Bureau at AID to work with other AID bureaus in putting together capital projects that are developmentally sound but also beneficial to our exporters.

My amendment was merely seeking to build on work already being done by AID. In testimony before the House Foreign Operations Subcommittee earlier this year, Henrietta Holsman Fore, an assistant administrator at AID, made a strong case for the usefulness of AID involvement in capital projects. She said:

> The development rationale for capital projects is compelling. Capital projects help build strong economies by providing the basic infrastructure needed for commerce and industry. * * * They also address specific developmental needs. * * * Capital projects provide employment.

We do not emphasize capital projects as part of our foreign assistance programs nearly as much as the other G–7. We tend to stress basic development assistance. For example, over 60 percent of bilateral aid from Japan and Italy involves capital projects, as compared to 14 percent for the United States. This is not to say that we should not continue to emphasize humanitarian assistance, but if as Ms. Fore indicates, capital projects are good for development and American exporters, then there is no reason for us not to be doing more of these projects.

AID has been working hard to get more involved with capital projects. Average AID spending on capital projects for the last few years has been between $500 and $600 million. Unfortunately, projections for this year fell below $500 million to about $420 million. We need to offer more support for capital projects, and the Capital Projects Office will help to guarantee a long-term commitment toward pursuing these projects.

If we do not institutionalize support for capital projects through the creation of a special office, and if we do not put in place a tied program with real financial support behind it, then our exporters will continue to lose markets, and we will lose jobs here at home. We need to create a Capital Projects Office so that our exporters will know that we are with them not merely this year and next but for the long haul. The Federal Government often complains about the short-term focus of the business community, but we are too often guilty of the same shortcoming. We need to develop a long-term strategy in helping our exporters.

There was a time in our Nation's recent history when trade was considered to be a foreign aid program for our friends and allies. After World War II, we developed a world trading system that was designed to give foreign nations access to our market while allowing them to protect their own. Well, this system worked—too well. Now we run trade deficits that are out of control.

In a recent study on aid to the Philippines, Ambassador Preeg summarizes the related problem of how we view our foreign aid programs,

> The central issue for U.S. foreign economic assistance * * * is how to reconcile short-term foreign policy objectives with longer-term support for development and strengthened economic relations with developing countries. A case is made—in his study—to separate the two more clearly and to place greater emphasis on the economic dimension.

This complements Ambassador Preeg's thesis from an earlier study on tied aid where he makes a strong case argument against the Federal Government's policy of using scarce financial resources to support noneconomic objectives that have little commercial value.

We should listen to these arguments and refocus our foreign assistance programs so that they are more reflective of the changing global economy and the need to help American companies keep their ground against powerful foreign competitors.

We have to take control of our economic destiny, and one way of achieving this is by eliminating our trade deficit. There are things we need to do at home to achieve that end, but there are things that we must do abroad as well. One of those is to get the Government behind our exporters. A good place to start is by supporting export financing programs. The Lieberman amendment and the companion amendment introduced by Senators BOREN, BENTSEN, BAUCUS, and BYRD contained in this conference report sends a positive signal to our exporters that we are serious about helping them.

Mr. COATS. Mr. President, I plan to vote against the foreign aid conference report and want to make my reasons for this clear. There has not been a foreign aid authorization bill since 1985. I support the efforts of my colleagues to pass a bill which is enacted into law this year, but the bill, as it is, is unacceptable.

Several provisions included in the legislation make the bill unacceptable. I oppose the cargo preference provision contained in the bill. This language would make U.S. exports more expensive and less competitive, and give an unfair disadvantage to States like Indiana because ocean-going flag ships are not serving the ports in the Great Lakes region. The language added to the bill under foreign military financing is unduly restrictive as well. I believe that the President should be given utmost flexibility in making these decisions.

I also oppose the language which would provide funding to the United Nations Fund for Population Assistance, a program which has been involved in China's coercive abortion policy. In addition, the bill overturns the longstanding Mexico City policy, and thus would allow United States funding to go to nongovernmental organizations which promote or perform abortions as a method of family planning. I am strongly opposed to these provisions which are contrary to President Bush's antiabortion policy.

There are some good things in this bill, Mr. President, most notably, the continued assistance to Israel. I strongly support the bill's language, providing $1.2 billion in economic support and $1.8 billion in foreign military financing assistance. Israel is an important ally of the United States and the assistance provided in this bill indicates our continued strong support for Israel.

President Bush has indicated that he will veto the bill for the reasons I have described. I urge him to veto it and send it back to the conferees quickly, that they strip these irresponsible provisions and send it back to the Senate, so that we can get a foreign aid bill passed this year.

Mr. METZENBAUM. Mr. President, today the Senate considers the first foreign aid authorization bill since 1985 that may have a chance of becoming law. For 6 years, foreign aid bills have been stonewalled under threat of veto, or vetoed after passage. For 6 years Congress has been denied its role in the foreign aid authorization process. Most of the time, the bill was vetoed on rightwing ideological grounds:

Sometimes the problem was military aid to Central America.

Sometimes the problem was covert aid to insurgencies.

Sometimes the problem was human rights.

But most often, the problem was family planning. No other issue has driven foreign policy ideologues more over the past decade than family planning.

Mr. President, it appears that this bill too will fall victim to the "family planning veto".

I'm not talking about abortion: I'm talking about family planning—contraception; counseling; or ob-gyn services.

Responsible international organizations have promoted family planning in less-developed countries for many years. The United States used to be a key player in these efforts. For example, the United States was the largest donor to the U.N. fund for population activities from its creation in 1969, until 1985. Then—zero: A cutoff. The United States went from supporter to spoiler. No foreign aid authorization bill that included family planning funds could pass the Congress without a two-thirds majority. Under this foreign aid "new math," a simple majority wasn't good enough: We needed a super-majority. Congress' role in foreign aid policy was held hostage by administration ideologues and their rightwing antiabortion allies.

Mr. President, the population explosion is literally the single greatest threat to the world's future.

The menace of global nuclear war has taken second place to the threat of overpopulation. It is tragic that U.S. action on this crisis has taken second place to politics.

President Bush came into office appearing less ideological about foreign policy: Who wouldn't be?

The Reagan policy on Contra aid was bankrupt;

Gorbachev and Yeltsin had remade Reagan's "evil empire." It's tougher today to play the ideological game in foreign relations than it has been in years past.

And, of course, President Bush is a foreign policy expert.

Mr. President, one would think that a foreign policy expert would not let his world outlook be held hostage to partisan ideology.

One would think that a foreign policy expert would not let political zealotry take precedence over action on the population crisis.

One would think that such a President would stand up to the high priests of conservative ideology.

But Mr. President, it appears, once again, that family planning may be the downfall of the foreign aid authorization bill.

Mr. President, the Committee on Foreign Relations has produced a good bill. It addresses the new world order. It provides congressional input to the foreign policy process. It is in keeping with the Congress' constitutional mandate in foreign policy.

The bill also provides funds for international family planning: Some $300 million out of a $12.5 billion bill.

Primarily for this reason, the entire bill must fall. The State Department has strongly recommended that the bill be vetoed.

Mr. President, George Bush has used the veto 22 times in the 102d Congress. He used it 39 times during the 101st Congress. Most often, the target of Bush's veto pen was a piece of domestic legislation—family leave, child care, extended unemployment benefits. We're accustomed to President Bush's domestic agenda: Veto, veto, and more veto.

But now the veto has spread to even the President's cherished foreign policy agenda.

Mr. President, it has been wrong for President Bush to pursue his domestic agenda through the veto: It will be wrong for President Bush to pursue his foreign policy agenda through the veto. Let this country be a leader once again in the fight against overpopulation. Let this foreign aid authorization bill become law.

Mr. MACK. Mr. President, I intend to vote against the conference report on the International Cooperation Act, despite my strong support for certain provisions it contains.

I am strongly opposed to the provision that would reverse the Mexico City policy concerning abortion, and another earmarking funds for the UNFPA. While I understand that the President will veto this bill and the proabortion provisions in it will be stripped out, I cannot in good conscience vote for this conference report while it contains provisions reversing the policies prohibiting the use of America's tax dollars for abortions abroad.

Once the abortion related provisions are stripped from the bill, I will be voting for the bill because it contains a number of important provisions, including three offered by this Senator.

The conference report includes a provision that this Senator has worked on for almost 2 years that would close a major loophole in the United States economic embargo of Cuba. The Mack Cuba embargo amendment prohibits foreign subsidiaries owned or controlled by United States companies from trading with Cuba.

At a time when the Soviet Union and Eastern Europe have cut back on their trade with Cuba, the value of licenses for trade with Cuba by subsidiaries of United States companies have more than doubled, from $332 million in 1989 to $705 million in 1990, according to the United States Department of the Treasury. It is high time that the Congress close this loophole and I am pleased and proud that we are doing so now.

In this regard, I would like to publicly thank the managers of this bill for their support and cooperation on the Mack amendment, particularly the Senator from Kentucky [Mr. McCONNELL], the Senator from Maryland [Mr. SARBANES] and the chairman of the House Foreign Affairs Committee, Congressman DANTE FASCELL.

I am also pleased that the conference report contains an important provision conditioning United States support for Soviet membership in the International Monetary Fund on democratic and free market reforms and all but ending aid to dictatorial regimes like Cuba. This provision would also apply to any successor states or republics seeking IMF membership, except the Baltic States.

While the provision was drafted before the recent failed coup in the Soviet Union, I believe the conference was correct to conclude that it not only remains relevant, but is important to retain in the bill. Congress believes that there should be no rush to aid the Soviet Union's Central Government unless democratic and free market reforms have begun in earnest, defense spending is drastically cut, and aid to failing dictatorships is essentially terminated.

In this regard, I would urge the administration not to exercise the waiver included in this bill of the Byrd and Stevenson limits on lending to the Soviet Union by the Export-Import Bank, until the Soviet Union adheres to the conditions in the Mack amendment concerning Soviet membership in the IMF.

The American people would not understand it if the United States were to lend their tax dollars to the Soviet Union before that Government has ended aid to Cuba. They are right, and the Congress is right to demand that minimal conditions be met before aid goes forward.

The best thing we can do to help reformers in what was the Soviet Union is to hold their leaders to conditions they are seeking to implement—democracy, free markets, cutting defense spending, and ending aid to foreign dictatorships. By holding to these conditions we are not only being true to our own interests and values, but doing the best we can for the cause of democracy and reform in the Soviet Union.

I am also pleased that the conference report includes elements of the Mack Index of Economic Freedom. The idea behind the Index is that the progress of nations toward economic freedom can and should be measured, because that progress is the key to sustainable economic growth and to alleviating poverty.

The conference report requires an annual report by the Agency for International Development describing the progress being made by countries that receive U.S. assistance "in adopting economic policies that foster and enhance the freedom and opportunity of individuals to participate in and promote economic growth in that country. * * *"

The bill also requires AID to develop "a series of factors that provide a common standard by which such progress can be evaluated and compared between countries and over time." In other words, the conference report requires AID to come up with its own Index of Economic Freedom that I hope will be a tremendous tool for the United States to promote and encourage progrowth policies in developing countries.

I thank the managers again for their support and cooperation in including these important provisions. Again, I hope and understand that the abortion related provisions opposed by the administration will be stripped from the bill and that the bill will be sent back to and signed by the President.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—61

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Chafee
Cohen
Cranston
Daschle
Dixon
Dodd
Exon
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—38

Bond
Boren
Burns
Byrd
Coats
Cochran
Conrad
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Ford
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Hollings
Kasten
Kohl
Lott
Lugar
Mack
McCain
Murkowski
Nickles
Pressler
Roth
Simpson
Smith
Stevens
Symms
Thurmond
Warner

NOT VOTING—1

Wallop

So the conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote on the conference report.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. The Senator from Maine is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, Members of the Senate, as I indicated earlier in the day, I have had a number of meetings with the distinguished Republican leader, the chairman and ranking member of the Judiciary Committee, and several other Senators who are involved in the proceedings with respect to the pending Supreme Court nomination.

The discussions are continuing now, and it is my intention shortly, following any brief comments the distinguished Republican leader wishes to make, to suggest the absence of a quorum for the purpose of permitting the chairman and ranking member of the committee, and others involved, to conclude their discussions on the best way to proceed with respect to this matter.

I am pleased to yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, let me reaffirm what the majority leader said. We have not made a judgment whether there will be a vote tonight, whether there will be a delay, or how long the delay might be. That is under discussion. It seems to me that the most exciting thing we could do now is have a quorum call.

Mr. MITCHELL. Mr. President, I regret the inconvenience of Senators who may have other commitments and anticipated the vote would commence precisely at 6. But we will attempt to resolve it as soon as possible one way or the other and make the announcement at the earliest opportunity.

Accordingly, Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, while the discussions are continuing, to which I earlier replied, a number of Senators have requested the opportunity to speak on other matters. I, therefore, following consultation with the Republican leader, now ask unanimous consent that there be a period for morning business not to extend beyond the hour of 6:30 p.m., during which Senators be permitted to speak for up to 5 minutes each, during which time no other business be in order, and that at 6:30 I be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, the events of the past 3 days have been both depressing and disturbing.

A NEW LOW IN THE CONFIRMATION PROCESS

Mr. BOND. Mr. President, it is bad enough that one of the most solemn duties of the Senate—the power to confirm lifetime appointees to the Supreme Court—has, in recent years, deteriorated into a circus in which nominees are hauled before the Senate, and forced to defend everything they have said or done, every statement they have ever made, every word they have ever written, whether taken in context or not. And it is bad enough that nominees must endure the personal indignity of having their personal lives thrown open to public scrutiny, their families harassed, and their trash rooted through.

That is bad enough. But now we have reached a new low. Now it has become clear that a nominee must not only subject himself or herself to the ordeal already described, but the nominee must also be prepared to weather last-minute, orchestrated smear campaigns designed to manipulate public opinion.

It is clear that the publication of the charges that have been raised by Ms. Hill was made for the purpose of scuttling Judge Thomas' nomination. The timing and handling of the publication is too much like the October surprise too often seen in political campaigns to be otherwise. It seems clear to me that his opponents saw that they had lost in their effort to defeat Judge Thomas on the issues, on his qualifications, or on his philosophical beliefs, so they decided to make one last-minute attempt to sling mud at him personally.

Certainly, the charges raised are serious—the kind that deserve thorough investigation. However, they have been considered, and they have been rejected. The Judiciary Committee investigators were aware of Ms. Hill's charges, and they gave them thorough consideration; and FBI investigators were called in, as well.

Committee members of both parties have said they were aware of the charges when they voted on the nomination. Not one of them, including those who are now calling for a delay in the vote, made any effort to delay the nomination in order to further investigate the charges. None even raised an objection. I have no doubt that they would have done so, had they believed it would have helped to scuttle the nomination.

What has changed?

I will tell you what has changed, Mr. President. One simple fact: Someone, in a clear violation of the rules of this body, leaked to the media the information contained in a confidential report. Once that happened, Judge Thomas' opponents saw one last opportunity to scuttle his nomination, and they jumped on it like a pack of wolves. It is a sickening spectacle.

I pause to ask a question of those leading the effort to delay the vote: If the vote is delayed, and if Judge Thomas is successful in defending himself against these charges, will this change your vote? I feel confident that the answer, for the most part, would be a resounding no.

Clarence Thomas has dedicated his life to public service. The people who know him, and I consider myself among them, will testify to his ability, his integrity, and his character. Through no apparent fault of his own, that integrity has now been stained with a blotch that he will never be able to erase, regardless of how hard he may try to prove his innocence. That, of course, is bad enough, but it does not even begin to address the burden his family has had to bear. That seems like an unfair payback for the almost 20 years of service he has given this Nation.

I wonder, Mr. President, what will be the ultimate impact of this sorry affair. Regardless of whether Judge Thomas is today confirmed as an Associate Justice of the U.S. Supreme Court, as I believe he should be, how many capable young men and women have been deterred from planned careers in public service because they are now convinced it is not worth the personal sacrifice, not worth the burden on the families? Hundreds? Thousands? If it is even one, it is a tragedy indeed.

Mr. President, Clarence Thomas has said that he is innocent of the charges against him. He has even signed a sworn affidavit to that effect. And now he has called for a delay in the vote in order to clear his name.

The charges were investigated by the Senate Judiciary Committee and the Federal Bureau of Investigation and neither saw fit to pursue them. If we now let this smear campaign go forward, we will be doing a great disservice to this Nation and to this man.

My senior colleague, on behalf of Judge Thomas, has called for a 48-hour delay in this vote. I do not think I need to reiterate the respect I have for JACK DANFORTH and for his intense feelings on this matter; and I compliment Judge Thomas for his desire to wait and to attempt to clear his name. It is just one more illustration of the depth of his character. But it is my view that this vote has been delayed long enough. I fail to see what we will learn from a 1- or 2-day delay. I fail to see what we can do beyond the investigations that have already taken place. I think we need to move to a vote.

In closing, I would just return to a point that the senior Senator from Missouri raised just a few moments ago on this floor. That is that the allegations that are before us today were raised through someone breaking the rules of this body—through someone releasing confidential information. I hope that the same people who are calling for an investigation of the charges raised by Ms. Hill will be just as vocal in calling for an investigation of who broke those rules so that proper action can be taken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator has the right to proceed for 5 minutes and the Senator is recognized for that amount of time.

NOMINATION OF JUDGE CLARENCE THOMAS

Mr. CRAIG. Mr. President, yesterday morning as I was preparing to come to this floor to offer remarks in behalf of Judge Clarence Thomas, I paused because of a news story that had been leaked over the weekend that was on the front page of every newspaper and on every morning talk show. I paused because I wanted to read the statement of Professor Hill. I paused because I felt it was necessary that I know as much as possible and knew as much as possible before I would come to the floor to delivery any kind of statment in behalf of Clarence Thomas and his candidacy.

So I began to request of the appropriate committee and its staff that I be made available all of the necessary documentation, and I was.

I spent the bulk of this morning reading the statement of Professor Hill and all of the chronological information that has been provided by the chairman of the committee and the ranking member of the committee to this entire body at this time.

After having read all of it, after having tried to understand it as best I could, feeling that as a freshman in this body who for the first time was involved in the most important and legitimate constitutional responsibility of this body and that is to advise and consent that I had done what was fair and responsible and necessary, what were my findings?

My findings are that the information that the committee looked at and reviewed, that was ultimately leaked in a prohibition—against the committee rules—to the press has no smoking gun. It is of the kind that I can understand why the committee basically glanced at and reviewed in great extent and referred to it as not within the need of the committee to review any further.

It, therefore, is with no reservation that tonight I stand in support of Judge Thomas and his nomination. Why? Because I think like everyone else in this body in taking this responsibility seriously we recognize how important it is to weight all of the facts at hand, but I think it is also important that we understand the proper role and the kind of thing that has transpired here in the last good number of days, to try to put a dark cloud over this nomination and by some for all purposes to attempt to destroy the name and the character of the individual involved.

Alexander Hamilton in his remarks concerning the role of advice and consent of the Senate I think made a statement that fits this body so appropriately today, that it was as if he were in the gallery and in the body politic of this country watching us today and making this kind of a determination.

Let me quote:

> In every exercise of the power of appointing to offices by an assembly of men, we must expect to see a full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly. The choice which may at any time happen to be made under such circumstances will of course be the result either of a victory gained by one party over the other, or of a compromise between the parties. In either case, the intrinsic merit of the candidate will be too often out of sight.

Let me repeat, Mr. President: "the intrinsic merit of the candidate will be too often out of sight."

Mr. President, I am not sure there could be anything further from the truth today. The values of the man are forgotten for the moment. The values of the hours of testimony and all that were assembled to judge the character of Clarence Thomas are forgotten for the moment. They are forgotten because of the spin of illegal information that has been leaked to the press in direct violation of the rules of this Senate.

I read it. We have all read it. Now we are debating and discussing the opportunity of those who were in the first instance and clearly in the second instance the enemies of this candidate as to whether he can survive and his nomination can survive, and we will offer on this floor a legitimate consideration.

Alexander Hamilton, you were profound in what you said. The candidate has been forgotten for the cause.

Mr. President, we have certainly seen the truth of Hamilton's observation in recent days—and the reason our Founders wisely chose to divide the responsibility for appointments, resting on the President the primary duty of nomination, and on the Senate the role of consenting to the nomination. Although the difference of opinion regarding this particular nomination does not fall along party lines, it certainly seems to reflect a desire by some in this body to force their personal ideological viewpoints onto the Court.

In an effort to return to the real subject before us, I am here to discuss my views on the "intrinsic merit of the candidate."

My own deliberations began with a presumption in favor of the President's nominee—which I think is appropriate in view of the Senate's constitutional role. I have carefully reviewed the accumulated evidence concerning Judge Thomas' competence, character and philosophy. I have not found anything to overcome my original presumption.

On the contrary, as I reviewed the record, I was struck by the fact that there is no real controversy as to the first two elements: competence and character. I am not a lawyer, but the vast majority of views collected from members of the bench and bar confirm that Judge Thomas is amply qualified to serve on the Supreme Court. I find it significant that his performance as a sitting judge has been described as distinguished, fairminded, independent, and intelligent.

As to his character, even those who oppose his confirmation agreed that Judge Thomas has demonstrated a high degree of integrity both personally and professionally. I have spoken with him myself and came away impressed. It's also worth noting that his demeanor throughout these proceedings was consistently dignified, discreet, and courteous—not an easy accomplishment for one pinned beneath the microscope of Senate and media scrutiny.

In short, there is no question this extraordinary man has the qualifications and the temperament we expect in those who serve on the highest court in the land.

That brings us to the question of philosophy. Mr. President, this has certainly been the question dominating the confirmation hearings. It is over this issue that we have seen the most intense display of the prejudices, ideologies and sentiments of individual Senators. It also seems to me this is the point where many in this body have, as Hamilton predicted, lost sight of the "intrinsic merits of the candiate"—and instead of focusing on Judge Thomas himself, have attempted to turn him into an instrument for enacting their social agenda.

Let me be frank about my own bias. I do not have a list of opinions for Judge Thomas to endorse. He doesn't have to recite a particular political catechism to satisfy me. Quite the contrary. What's most important to me is that a judge keeps his or her personal agenda out of the courtroom. I do not believe the bench is the proper platform for political activism. I do believe judges should adhere to the law and to the Constitution. Judge Thomas' record and his testimony convince me that he understands these fundamental principles.

For these reasons, I intend to support the nomination of Judge Clarence Thomas as an Associate Justice of the U.S. Supreme Court.

The PRESIDING OFFICER. The time of the Senator has expired.

Who seeks recognition?

Under the previous order does the Senator desire to be recognized?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. Are the Members speaking as if in morning business?

The PRESIDING OFFICER. The Senate is conducting morning business and the vote on the Thomas nomination has been thus delayed for 30 minutes.

Mr. DODD. Is it appropriate to discuss any matter?

The PRESIDING OFFICER. The Senator is correct. He may discuss any matter as in morning business.

NOMINATION OF JUDGE CLARENCE THOMAS

Mr. DODD. Mr. President, first let me speak on the issue involving the debate here ongoing regarding Judge Thomas. I have been one of those Members who had not declared his views on whether to vote for or against Judge Thomas. I planned to over the early part of the week, yesterday and today.

In light of events over the weekend I join with those who feel that a few days delay here is probably in the interest of everyone, including and most specifically Judge Thomas. I know that disappoints many of our colleagues, not the least of whom is the distinguished Senator from Missouri, who has worked so diligently and so hard on this particular effort.

Mr. President, I must say that in light of the allegations, and I certainly do not want to disagree at least in part with those who have suggested that how we got here is disastrous. I am terribly disappointed by what appears to be and may, in fact, be a violation of rules of law. The fact is we are here. How we got here is certainly going to be the subject of some examination and discussion by appropriate authorities. But nonetheless, we are here whether we like it or not and the allegations are serious and need to be examined and explored.

I think one of the worse things we can do for Judge Thomas, even those like myself who are inclined quite frankly to be supportive of him, would be to have him leave here with confirmation and yet a cloud over his head hang with him the rest of his life. I do not think he deserves that.

My hope would be we would be able to achieve a couple days' delay on this and give the FBI and other appropriate authorities time to examine this issue, give our colleagues on the Judiciary Committee a chance to examine these questions, and, of course, the crucible of examination and cross-examination are the best places to determine truth or falsity.

We are not going to end up with a Perry Mason decision, in my view, probably, here at all, where the truth is going to leap out at us. I suspect that it is going to be still somewhat cloudy by the time this process is completed over the next several days. But, nonetheless, I think we will all be better off having gone through it.

I hope this does not become a precedent. Some have worried that it will become standard operating procedure. I have been here, Mr. President, for the consideration now of five nominations to the U.S. Supreme Court. This is the only such case I can recall where we have had last minute information coming to our attention that has caused some here to at least raise questions about whether or not we are able to move forward procedurally to be able to vote. I know to some there is a concern that this may end up in a flood of allegations in years to come. I hope that will not be the case. Certainly, nothing would be more harmful to this process if that were the case.

So, Mr. President, for what it is worth, this Member, while not having stated his absolute intention regarding this particular nomination, I do not want to play games with anyone. My intention was to be supportive of this nomination. And I will take the time at the appropriate time to explain why.

But in light of these allegations that have come forward, given the credibility of the sources, at least at this point it seems to me in the interests of all of us—in the interest of the nominee, in the interest of the person making the charges, in the interest of this body, but most importantly in the interest of the American public—that we do our jobs and spend a few more days examining these questions and then reach a decision to vote for or against this nominee once we have completed that process.

So I hope that would be the case this evening as my colleagues consider this matter. I hope they take these remarks in the spirit in which they are offered.

I realize there may be some who are enjoying this and see this as some wonderful opportunity to undermine this nominee. I think most of my colleagues know me well enough to know that I would not be a party to that. Nor would I want to be a party to something that I would look back on and say, "but for a few more days, we might have satisfied ourselves and others regarding these questions that have been raised."

THE LOW-LEVEL RADIOACTIVE WASTE POLICY ACT AND AMENDMENTS OF 1980 AND 1985

Mr. DODD. Mr. President, I rise today to address an issue that not only impacts upon my State but on all of the States in this country. As you all know, the Low-Level Radioactive Waste Policy Act of 1980, as amended in 1985, required States, either separately or in compacts of two or more, to dispose of commercial and some Federal low-level radioactive waste generated within their borders.

The States had three options upon enactment of this requirement. They could build a low-level radioactive waste facility; compact with other States for waste disposal—which also involves building a waste disposal facility in at least one of the compacting States—or contract to dispose of the waste outside of their State.

The above requirement was enacted in the face of the decisions made by the States of Washington, Nevada, and South Carolina to close their facilities to the Nation's waste. The amendments were also a response to the need to dispose of the 3.8 million cubic feet of low-level radioactive waste that was being produced each year.

Mr. President, I believe that the disposal of low-level radioactive waste is a national problem. Many questions have arisen concerning the cost effectiveness and wisdom of the acts' requirements, given the decline in the total amount of waste produced nationally.

First, many have suggested that since that time, Congress' concerns have largely been obviated by technological advancements that have resulted in a two-thirds reduction, to about 1.1 million cubic feet, in the amount of low-level radioactive waste produced per year, as compared to 1981. As a result of this decline in the amount of low-level radioactive waste produced nationally, the economic and environmental need for 15 proposed new sites appears to be in question.

Second, there has been a great amount of debate in my State concerning the need for and the economic viability of building and operating new low-level radioactive waste facilities. These concerns have been supported by the fact that there has also been some evidence that the sites in Connecticut and, indeed, several places nationwise were selected without regard to the environmental safety and soundness of the region, the effect on the people living in the affected towns, the geology of the region, including the proximity to water sources, or any meaningful citizen input.

Third, if the current site proposals move forward to construction and current estimates are correct, it will cost somewhere between $40 million and $100 million to build each site and an additional $20 million each year to operate them. In all cases, revenue to pay these costs will come directly from the tipping fees of waste disposed at the facilities. Those fees, which are currently about $40 per cubic foot, are estimated to rise to between $400 and $700 per cubic foot, and you can believe that these additional costs will be borne by the taxpayer. I ask, of course, as many would, can the taxpayer afford this additional burden?

Finally, the States of Texas, Massachusetts, North Carolina, Michigan, New York, Maine, New Jersey, and Connecticut are all behind the January 1, 1996, deadline for the disposal of low-level radioactive waste. Additionally, the State of Michigan had been selected as the host State for the Midwest Compact. However, Michigan failed to find a suitable site for that facility. Ohio has taken over the responsibility of being the host State for the Midwest Compact.

This change has retarded the siting process for, and the actual disposal of, waste in the seven-State Midwest Compact, which accounts for 11 percent of the national total. This, in effect, means that at least 18 States accounting for more than 31 percent of the national total have found the congressionally imposed deadlines impossible to meet and will therefore be required to find alternatives, possibly environmentally hazardous ones, to their own disposal problems.

In the light of these concerns, I feel that a comprehensive GAO Study examining the economic and environmental costs of building the proposed facilities is needed.

I have, therefore, asked the GAO to address these considerations and others in a report which will analyze the cost/feasibility and environmental concerns with regard to proposed low-level radioactive waste facilities, both on a national level and in my State.

It is my hope that this report will shed some light on this troubling issue.

Mr. President, I hope that our colleagues on the appropriate committees that deal with this matter would be willing to take a look at this issue. It is one that is particularly important to several communities in the State of Connecticut. But I believe as we look across the States, there are a number of other States facing this problem. We should look at this rather than rush forward and demand environmentally unsound policies here. I think that would be a tragic mistake.

NOMINATION OF JUDGE CLARENCE THOMAS

Mr. KERREY. Mr. President, I rise to explain my decision to vote against the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

First, Mr. President, I believe it is a serious mistake not to delay a few days to allow Senators to review the recently disclosed allegation of sexual harassment against Judge Thomas. Although the details of this incident have been available to the Judiciary Committee for some time, for the majority of the body, the alleged incident is new information.

Sexual harassment is a serious and pernicious workplace menace. As a body composed of 98 men we cannot afford to project to Americans any hint that we regard it as a frivolous matter. Refusing to delay this vote—particularly given our sluggishness on other matters of the day—sends just such a signal.

In particular, I regret that the White House has chosen to use language that implies political motivation in bring these charges to light shortly before the vote on the nomination. This defensiveness does not add to the public's sense of confidence that we have given full consideration to the facts. Failure to review these allegations thoroughly could permanently taint Judge Thomas' reputation by giving the appearance of trivializing any charge of sexual harrassment.

On the overall question of Judge Thomas' nomination, my reason for voting against Judge Thomas is simple: I do not have confidence that he will be a good Justice. I began with a desire and a preference to vote to confirm. However, as the hearings proceeded, my confidence deteriorated.

I lost confidence in his capacity to make the serious, society-changing judgments of the U.S. Supreme Court when I heard him say he did not remember ever having an argument or a discussion of the 1973 Supreme Court decision in Roe versus Wade. I lost confidence when I heard him reverse himself on a number of previously articulated positions. I lost confidence when I heard his struggle to articulate a clear and convincing judicial philosophy and when he appeared confused about the meaning of important constitutional cases.

Although I have faced this decision on only one previous occasion in the U.S. Senate, I have interviewed and appointed many judges while serving as Governor of Nebraska. In every case the question I tried to answer was: Did I believe the individual had the capacity to formulate and declare judgments that were clear, independent, consistent, and fair. In the case of Judge Thomas, I reluctantly conclude that the answer is no.

A U.S. Supreme Court Justice must be strong. As H.L. Mencken once observed, justice is more difficult to bear than injustice. An Associate Justice must be conscious of the tension between our individual passion to secure the blessings of liberty and the collective need for domestic tranquility. We have made great progress in America toward both of these goals and cannot afford to retreat. In the end, I do not have the confidence that Judge Thomas can do the job according to the standards I believe we should have for the U.S. Supreme Court. I am concerned that he would not maintain the necessary independence of judgment. I am concerned he would consider overturning established judicial precedent that would be detrimental to the rights of the individual.

I conclude, after most thoughtful study, that Judge Thomas has not demonstrated the capacity to adjudicate competently and fairly the profound constitutional issues which place an awesome responsibility on the Supreme Court.

NOMINATION OF JUDGE CLARENCE THOMAS

Mr. LAUTENBERG. Mr. President, I rise to join in calling for a delay in the vote on the nomination of Judge Clarence Thomas, to allow for a full examination of the charge made that Judge Thomas engaged in unlawful sexual harassment at the Department of Education and at the EEOC.

I have already stated my intention to vote against the nomination—on the basis of the judge's record and views on constitutional rights.

Yet, for those Members who have yet to decide how they will vote, and for those Members who may change their mind in light of this new evidence—there should be an opportunity to review these most serious allegations of sexual harassment by Judge Thomas.

But, Mr. President, even if not one vote were changed, even if the ultimate result to confirm Judge Thomas were unchanged, the Senate should still review these charges.

It should review these charges for the sake of the Senate. For the sake of the Court. And for the sake of the public.

What message do we send about the Senate, if we rush headlong into a vote, brushing aside charges of this magnitude? We send a message that the Senate is unconcerned about possible violations of law by those who hold high office. We send a message specific to the nature of the allegations—the Senate does not take seriously a charge of sexual harassment.

It is our duty to advise and consent. It is our duty to carefully consider a nominee's fitness.

Mr. President, if we fail to fully air these charges, we would bring harm not only to the Senate. We would bring harm to the Supreme Court itself.

We are about to vote on the nomination of an individual to hold a lifetime appointment to the highest court in the land. The Supreme Court is the ultimate arbiter of Americans' rights. Its decisions have profound impact on our lives. Many of the issues before the Court are hotly debated. Its decisions are controversial.

Yet, the Court commands public respect for its rulings in part by drawing from a reservoir of public respect for the integrity and impartiality of its members and the fairness of its process.

Mr. President, we should not allow that reservoir to be siphoned off by unending questions and doubts about the integrity of one of its members. These charges raise serious questions about not only Judge Thomas' personal qualifications, but his impartiality to rule on cases involving sexual discrimination and harassment.

Mr. President, we do not know the facts of the matter.

Before the Senate votes, we should satisfy ourselves and the public that we have done our utmost to find the facts.

For these reasons, I believe the vote on the nomination of Judge Thomas should be delayed.

IN OPPOSITION TO THE NOMINATION OF JUDGE CLARENCE THOMAS TO THE SUPREME COURT

Mr. AKAKA. Mr. President, the Senate is expected to vote soon on Judge Thomas' confirmation. However, with the weekend revelation that a former aid to Judge Thomas has alleged sexual harassment against this Supreme Court nominee, I strongly believe it would be imprudent to proceed with the scheduled vote.

The charges levied against Clarence Thomas are serious and demand a full review if the Senate is to properly discharge its responsibility under the Constitution. I saw the FBI report on Professor Hill and Judge Thomas' statements only this morning and do not believe that all of my colleagues have had the opportunity to assess this matter fully.

Last week I announced my opposition to this nomination based on my concerns that Judge Thomas would not adequately protect basic constitutional guarantees that previous Supreme Courts have affirmed. Despite my earlier position, my request to delay this vote is not an action that I take lightly.

Some Members have inferred that Professor Hill's allegations are wrongly motivated. I don't believe this is the case. I closely watched her news conference yesterday and witnessed her pain as she defended herself—which is exactly why women are so reluctant to talk about sexual harassment.

The American people should be concerned if the Senate fails to fully review this matter. Sexual harassment is an extremely serious issue, governed by Federal and State laws which the Supreme Court is called on from time to time to interpret. It would be wrong to vote today without a thorough review of these allegations.

Mr. President, the best interests of the American people will not be served if the Senate votes on this confirmation today. The most responsible course would be to postpone today's vote so that Judge Thomas and Professor Hill can appear before the Judiciary Committee to respond under oath to these allegations so that this matter can be dealt with in a fair and open manner. I would also urge that questions be limited to these allegations.

I urge my colleagues to join me in seeking a postponement of this vote.

CHARGES OF SEXUAL HARASSMENT BY JUDGE CLARENCE THOMAS

Mr. HARKIN. Mr. President, I urge my colleagues to delay today's scheduled vote on the nomination of Judge Clarence Thomas to the Supreme Court.

Over the last few days, questions have been raised about allegations of sexual harassment by Clarence Thomas against Prof. Anita Hill, who was his assistant at the time of the incidents. Judge Thomas has denied these allegations. I am not prepared to judge the truth of these allegations, and I submit that no Senator can make a judgment on these issues based on the information we have before us. That is precisely why the Senate must put off this vote, to allow time for these allegations to be fully investigated.

I have said before that the responsibility placed on the Senate to advise and consent on nominations to the Supreme Court is something I take very seriously. I believe all Senators do. And I do not think it is unreasonable to take a few more days to carefully consider this issue before voting to put a man on the Supreme Court who will likely serve for the next 40 years.

My position on this nomination is quite clear. I decided to oppose this nomination before these allegations became public, based on Judge Thomas' record and statements before the Judiciary Committee. But others have indicated that this question will play an important part in their decision process, and I believe that we must give each Senator the time to make his or her decision.

Finally, the charged partisan atmosphere in the Senate of the last two days is hardly conducive to such an important vote. Nothing about this nomination demands immediate action. The Senate should not be rushed to judgment on so significant a decision as the nomination of a Justice to the Supreme Court, just to satisfy a more procedural deadline. I urge a delay in this vote.

THOMAS NOMINATION

Mr. RIEGLE. Mr. President, when Clarence Thomas' nomination to the Supreme Court was first announced, I publicly expressed deep concern at that time with reference to his very troubled tenure at the Equal Employment Opportunity Commission.

In the months since, my concerns have deepened—and I do not believe Mr. Thomas should receive lifetime appointment to the Supreme Court.

As the American Bar Association has formally indicated after a full evaluation of Mr. Thomas's legal career, he would bring only the minimum legal qualification to the highest court in our land. I cannot find a single highly distinguishing aspect in Mr. Thomas' modest legal career that would warrant his serious consideration for the Supreme Court.

In a Nation of some 250 million citizens, the 9 lifetime appointments on the Supreme Court ought to go to persons with truly exceptional legal talent and accomplishments. They are starkly absent in this case.

Assisted as he was by affirmative action efforts in his impressive climb from poverty—he has, to his credit, fully used those opportunities to advance himself to his present situation. In light of these facts, one wonders at his reluctance to see similar opportunities afforded to others, when they were so important to his own personal advancement.

Also very troubling to me was the way he flatly disavowed his own strongly stated and recent positions on various important issue when he testified before the Judiciary Committee. His sudden changes in opinion on these matters in the committee hearings were not convincing and did not provide a coherent body of well articulated legal reasoning one would expect of a Supreme Court Justice.

I reached the judgment to oppose Judge Thomas prior to learning of the statement made by Prof. Anita Hill. In light of this matter, I feel that more time must properly be taken to assess her assertions and Mr. Thomas' response. Many Michigan citizens have expressed this view to me today, including Mrs. Helen W. Milliken.

If he were to be confirmed, and if Judge Thomas were to serve until the same age as Thurgood Marshall, he would serve on the Supreme Court until the year 2031. We must take whatever time is necessary to resolve all outstanding issues—before making a decision that may well bind the country for the 40 years.

THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. SYMMS. Mr. President, I am sad that we are here at this hour and that we have not already confirmed Judge Clarence Thomas to be an Associate Justice of the Supreme Court. It saddens me.

Mr. President, I have to say that you have to hand it to Clarence Thomas' Democratic opponents for pulling the last gasp effort out over the weekend to try to in some way discredit him or set this vote off or delay it or whatever happens, no matter who gets hurt in the crossfire—his son, himself, his wife, his former wife, his mother, his sister, whoever gets hurt in the crossfire—with absolute utter disregard for the people, the human beings, and the tragedy that goes with this kind of an incident. But I am reminded of a quote which was made by one of the greatest philosophers to have lived in the 20th century, and I want to give the quote first before I attribute who made the statement.

The first point was that "In any conflict"—and this will just take a minute or so, Mr. President, and I hope my colleagues will think this through and those others that are interested. But "In any conflict between two people—or two groups—who hold the same basic principles, it is the more consistent one who wins" in the long run, in the discussion, in the war of ideals, or whatever the conflict.

> In any collaboration between two men—or two groups—who hold different basic principles, it is the more evil or irrational one who wins.

The third point is, "When opposite basic principles are clearly and openly defined, it works to the advantage of the rational side; when they are not clearly defined but are hidden or evaded, it works to the advantage of the irrational side."

I was moved by the comments of my colleague from Idaho, Senator CRAIG, about what Alexander Hamilton said about this 200 years ago. And it reminds me, it is the same point that Ayn Rand made in the quotes that I just gave to my colleagues in the Senate.

> When opposite basic principles are clearly and openly defined, it works to the advantage of the rational side: when they are not clearly defined but are hidden or evaded, it works to the advantage of the irrational side.

Now here, in the world's most deliberative body, we have gone through the entire process, Mr. President, with the Judiciary Committee; we have had 100 days; this man has been dissected, literally every part of his life, by the Senate Judiciary Committee. And now at the last hour, the vote is being delayed because of a scurrilous attempt to discredit this fine man.

I know Clarence Thomas. I have known him for 10 years. I commend my colleague from Missouri, Senator DANFORTH, for the job he has done. And I am sorry that every Senator did not hear the eloquent remarks of the Senator from Missouri.

I am sorry that every Senator did not hear the eloquent remarks of the Senator from Missouri. I agree with the Senator from Missouri, Mr. President. I think it is sad if we have to set this vote off. It is not a credit to this institution. It saddens me. It is not a credit to any Member of the Senate to see this vote set off. We have been through the process.

Of course, that call is not mine to make as to whether or not we should put off the vote. And if people can easily say I was for him but now I will vote against him because of these new allegations, it is a sad day—that a violation of Senate rules is what seems to be driving the operation here, driving the Senate to set aside this vote, because of fear.

Senator DOLE has made it very clear. We only have 41 votes that we can assure we have from this side of the aisle. We have to have some help from the other side of the aisle.

The PRESIDING OFFICER. The time for morning business has expired.

Mr. SYMMS. Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the current status as described in the previous unanimous-consent agreement continue until 7 p.m., at which time I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The vote on the Thomas nomination is thus postponed. At 7 p.m. the majority leader will be recognized.

The Senator from California.

THE SEXUAL HARASSMENT CHARGES

Mr. CRANSTON. Mr. President, I have been appalled at the prospect that the Senate would proceed to vote on the nomination of Clarence Thomas without reconvening the Judiciary Committee to hear the very serious allegations which have been made by Professor Hill. I am appalled at statements being made that these are not serious charges because they involve verbal, not physical abuse. I am appalled at these stunning admissions of a lack of sensitivity to the problem of sexual harassment. I am appalled by the vicious attacks upon Professor Hill which have been made on and off the Senate floor.

What has the majority of this body been saying to all the women who are subjected to sexual harassment; who have been, are now, or will be subjected to sexual harassment?

The Senator from North Dakota [Mr. CONRAD] so eloquently stated on this floor this morning:

> Is it any wonder that women are hesitant to come forward when they are harassed, when they know that they can be subjected to this kind of abuse?

Both Professor Hill and Judge Thomas deserve the opportunity to respond under oath to the charges and countercharges that are being made. Judge Thomas and his supporters and the entire country ought to welcome the opportunity to have this matter thoroughly investigated.

But more important, the women of this Nation need to know that a majority of the 98 men who serve in the United States Senate are not trying to sweep this issue under the rug. What kind of a deliberative body is this institution if a majority is not willing to take the time necessary to resolve this issue in an appropriate way? How could American women help but read a refusal to investigate this matter as a statement that this issue is not important? How can any woman who has been subjected to sexual harassment in the workplace feel any confidence in elected officials who do not think these charges are important enough to delay a vote, by whatever time is necessary, until the facts can be ascertained?

Negotiations, as we all know, are now underway to decide when to vote. Those who were unwilling to put off the vote when they through they would win and put Judge Thomas on the Supreme Court were willing to put off the vote when it became, suddenly, apparent that they would lose if they forced the 6 p.m. vote. They had the power to force that vote at that time, since to do otherwise required the consent of every single Member of this body.

I want to pay tribute to those who intended to vote for Judge Thomas, for deciding to indicate they would vote otherwise if a vote was held now, at 6 p.m., before the matter was resolved.

Let me say that I hope we will not decide, as some of us have suggested, to vote on Friday. That does not give time to explore the whole issue. It does not guarantee we will get to the bottom of it before, once again, we would face a deadline.

I hope and I urge that the decision be postponed a bit longer than that, into the following week, to ensure that there is time to understand what we are doing before we do it. This is too important a matter to rush to judgment.

Judge Thomas, if confirmed, might well serve on the Supreme Court for 40 years or more. We should know what we are doing in regard to this nomination before we do it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Maine.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REID). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the current status continue until 7:15 p.m. at which time I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I am going to yield momentarily to the distinguished Republican leader who will make a unanimous-consent request, following which I will make a unanimous-consent request, following which there will be statements of explanation by myself, the Republican leader, the chairman of the Senate Judiciary Committee, and the ranking member, Senator DANFORTH, and others who may wish to address the subject.

Mr. President, I yield to the distinguished Republican leader.

UNANIMOUS-CONSENT REQUEST

Mr. DOLE. Mr. President, I thank the majority leader.

Mr. President, I am going to make a unanimous-consent request. I ask as if in morning business that the vote on the Thomas nomination occur at 6 p.m. on this Friday, October 11.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent as in executive session that the vote on the Thomas nomination previously set for 6 p.m. this evening occur at 6 p.m. on Tuesday, October 15, and that the cloture vote on the motion to proceed to S. 1745, the civil rights bill, be vitiated.

Mr. DOLE addressed the chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DOLE. Reserving the right to object.

Mr. BROWN. Reserving the right to object.

Mr. DOLE. Mr. President, I reserve the right to object.

Mr. President, I think it is fair to state at this time we have had nearly 4 hours of discussion—the majority leader, myself, other members of the Judiciary Committee, and Senator DANFORTH. And after all this discussion, after all the detailed discussion we have had, it seems to me that notwithstanding my preference of voting on Friday, it is not going to happen. Tuesday would be the earliest time and, therefore, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

SPECIAL COUNSEL

Mr. BROWN. Reserving the right to object, Mr. President, I will not object, but I do feel it is appropriate at this point to point out that there clearly has been a violation of Senate rules in the procedures involving this nomination.

I have drafted a prepared resolution that calls for a special counsel to investigate those violations. I have discussed it with the majority leader, and he has appropriately requested time to review the matter before he makes a decision on that.

I ask unanimous consent to enter this resolution in the RECORD, and serve notice that it is my intention to pursue this matter at the appropriate time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES.—

Whereas Article II, section 2 of the Constitution requires the President to nominate, with the advice and consent of the Senate, Justices of the Supreme Court;

Whereas in carrying out its constitutional responsibility to advise the President, the Senate wishes to encourage appointment of the most competent individuals to serve as Supreme Court Justices;

Whereas the Senate of the United States wishes to advise the President and to confirm or not confirm Presidential nominees to the Supreme Court based on their merits;

Whereas an unbiased evaluation by the Senate of a nominee's competence to serve on the Supreme Court requires the compilation of complete information about the qualifications of the nominee;

Whereas this may include personal or potentially sensitive information about the nominee;

Whereas it is appropriate that the confidentiality of certain information be maintained to preserve the integrity of the senate confirmation process;

Whereas allegations have been made of the unauthorized disclosure of a confidential Senate committee report during the consideration of the nomination of the Clarence Thomas to be an Associate Justice of the Supreme Court;

Whereas the unauthorized release of confidential information has potentially compromised the confirmation process; and

Whereas the unauthorized release of such confidential information is a violation of the Standing Rules of the Senate that provide that any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body, and if an officer, to dismissal from the service of the Senate, and to punishment for contempt: Now, therefore, be it

Resolved, That (a) the Majority Leader, in consultation with the Minority Leader, shall appoint a special counsel to investigate the unauthorized disclosure of a confidential Senate committee report during the consideration of the Clarence Thomas nomination to be an Associate Justice of the Supreme Court. The special counsel shall consider whether any Member, officer, or employee of the Senate committed any of the activities prohibited in paragraph 5 of rule XXIX of the Standing Rules of the Senate, or any other rules, regulations, or laws of the United States.

(b) The special counsel shall report the findings and conclusions of the investigation to the Senate not later than 30 days after the date of adoption of this resolution.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I believe that the delay just agreed upon with respect to the vote on this nomination is important and appropriate. The events of the past weekend have created a circumstance in which many Senators believe and have stated that there should be a delay in the vote so that the issues now publicly raised can be publicly and fairly resolved. I share that view. I believe there should be a delay.

I believe that it is necessary, in fairness to all concerned. It is important that Senators and the American people understand how we have come to this situation.

On the evening of September 25, 2 weeks ago tomorrow, Senator BIDEN, the chairman of the Judiciary Committee, and Senator THURMOND, the ranking Republican member of the committee, requested a meeting with the minority leader, Senator DOLE, and myself, the majority leader. In that meeting, they described to us the nature of the statement made by Prof. Anita Hill and Judge Thomas' denial of those assertions.

Professor Hill had requested two things:

First, that the information she provided in the form of a sworn statement be made available to Members of the Senate Judiciary Committee.

Second, that it not be made available to anyone else because of her concern for the protection of her identity.

Senator BIDEN indicated to me that he intended to comply with that request; that he would make the information available to the Democratic members of the committee, and would not make it available beyond that, in accordance with Professor Hill's request.

Two days later, the committee voted and recommended that the matter be sent to the Senate. The vote in the committee was 7 to 7. To my knowledge, at that time, there had been compliance with Professor Hill's request, both with respect to making the information available to members of the committee prior to their vote, and not making it available beyond that. Following that, the committee acted.

I then discussed the matter with Senator DOLE and with many other involved Senators. As a result of those discussions, I then proposed to the Senate that there be 4 days for debate on the nomination; those 4 days being last Thursday and Friday, yesterday and today, and that at 6 p.m. today, following 4 days of debate, the Senate vote on the nomination. That was approved by unanimous consent. Each of the 100 Senators agreed to that procedure. No one objected.

As we all know—but it bears repeating because there has been some misunderstanding among the American people—once the Senate has agreed to set a vote by unanimous consent, that is, with the approval of each and every one of the 100 Senators, the only way the Senate can change that time is with the agreement of each of the 100 Senators.

Last evening, and throughout the day today until just now, I have been discussing this matter with a number of Senators—Democrats and Republicans—in an effort to obtain an agreement on the best way to proceed in this matter. The contradictions between the statements of Professor Hill and Judge Thomas have not been resolved. Indeed, with the information now available to us, those conflicts cannot be resolved this evening, the time for which the vote was set under the unanimous-consent agreement.

The situation that confronted us, therefore, was that unless the Senate now agreed otherwise, we face the vote this evening on a nomination with serious and highly controversial and unresolved charges, and denials having been made publicly, simply because the Senate had previously agreed to set a vote at this time.

As I indicated earlier, in the Senate, when 100 Senators agreed to a time to vote, the only way in which that time can be changed is by the similar agreement of all 100 Senators. That has now occurred, and I believe it to have been an appropriate action. I believe the delay now approved is important to the integrity of the Senate, the integrity of the confirmation process, the integrity of the Supreme Court, and not least, the intregrity of those who find themselves deeply involved in this matter.

It is most unfortunate that we have been placed in this situation. But events which are unpredictable, unplanned, and unfortunate can and frequently do intervene and cause a change in the plans of human beings. That has now occurred in this matter, in my judgment.

For that reason, I believe the action we have taken to change the time of the scheduled vote until next Tuesday, and to give time for further inquiry into this matter by the Judiciary Committee, is an appropriate action.

I thank my colleagues for their cooperation in this matter. I thank all of those who have been involved in the discussions, including, of course, the distinguished Republican leader, the chairman, and ranking member of the Judiciary Committee, and all others.

Mr. President, if I might state that, in view of the agreement having been reached, there will be no further rollcall votes this evening.

I yield the floor, Mr. President.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I certainly do not quarrel with anything the majority leader said. I think it is accurate and factual and indicates what has happened today.

I think there are some who would have rolled the dice at 6 p.m. There were some who felt—some on my side of the aisle—that when the chips were down, there would be enough votes for confirmation this evening. But none of those who were making those statements were the nominee. So it seemed to me that it was a gamble that should not be taken.

In addition, there was a serious allegation, and notwithstanding our best efforts through affidavits, phone logs, and other things to take care of that allegation, still some questions remain.

I would certainly hope that people will not misinterpret or misjudge what we have just agreed to. I have heard some comment that this means the nomination is in trouble. Some have already predicted its demise, but some are hopeful. I have enough faith in many of my colleagues—in this case, on the other side of the aisle, I have talked to personally in the past several hours to Senators who are prepared to vote for Judge Thomas' confirmation, but who told me personally that they thought the matter should be further investigated. I am not certain that I disagree with them.

This is a very important vote. I have enough confidence in the judgment of the 16 to 18 Senators who have indicated they may support Judge Thomas on the Democratic side that, in my view, by agreeing to the extension—longer than we wanted—we have strengthened the case and the chance of this nomination.

Over the years, I have been a fairly good vote counter, and I could not put together 50 votes at 6 o'clock. As I said earlier, the bottom line in our business is how many votes do you have. If you do not have a majority, you do not have enough, and you are out of business.

I know the Senator from Delaware, Senator BIDEN, and the Senator from South Carolina, Senator THURMOND. and other members of the Judiciary Committee, and Senator DANFORTH, have been talking about the scope, when the hearings will start, how many witnesses may be called, the order of witnesses and all of those things that I think should be determined by the distinguished Senator from South Carolina and the distinguished Senator from Delaware, rather than the leadership. It is a Judiciary Committee determination.

Somebody asked, "What about next Tuesday at 6 o'clock?"

I think it is fair to say leaders hope that is it. This is it. If the investigation goes as everybody believes it will go, it probably will be it. We cannot be totally certain.

Finally, I would say that this is a test for Clarence Thomas, It is a test of his character. I believe he is up to the test. He has indicated as much to Senator DANFORTH who will be speaking in a moment or two.

But I would say to those, even those who are violently opposed to his nomination, that Clarence Thomas is a human being, too, and he has certain rights that should be protected, just as Miss Hill has certain rights that should be protected. As Clarence Thomas indicated earlier today, he wanted to clear his name. It is important to him. It is important to his mother. It is important to his sister. It is important to his family. It is important to people who came to testify on his behalf. It is important to us as an institution not to overreach but to make certain—as I have great confidence in the Senator from Delaware, the chairman of the committee—that he will be treated fairly, because he is the one who has been accused. He is the one who is on trial, in effect, between now and next Tuesday. Mind you, he has been on trial by some for 100 days.

So I just ask my colleagues, particularly those who have indicated they are favorably disposed to the nomination, to continue that open mind and that impression of Clarence Thomas.

As a Republican leader I have a couple of responsibilities. One is to make certain there is a fair disposition of this matter. When I say "a fair disposition," I mean fair to everyone, including the nominee. Sometimes the nominee is forgotten. I happen to think he is a decent person.

I guess from the standpoint of politics, to try to make certain that Clarence Thomas is confirmed. He is President Bush's nominee. We believe he deserves to be confirmed. We believe there should be bipartisan support, and I believe there will be bipartisan support. Without it, it is over.

So I thank the majority leader and I thank my colleagues on this side of the aisle who have been involved in the negotiations throughout the day. I think the best disposition of this matter is to have a vote on Friday. That is not going to happen. I think this is the next best way to dispose of this matter, and I am willing to stand here and predict, unless there is some bombshell out there that I have not heard about, that on next Tuesday Clarence Thomas will be confirmed by a good margin and by a bipartisan margin.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I would like to make a couple points if I may, and I will be brief.

For the last 2 days it has been a difficult time to get us to a point where we are tonight, with a unanimous-consent agreement, and that is that this vote be delayed so that we could further investigate this matter.

I want to make two points. It was not until Monday, September 23, after the hearing was over, which ended on Friday, September 20, that I was able to get permission from Professor Hill even to have the FBI look at this matter. We have honored and continued to honor every request Professor Hill made to me as chairman of the committee.

Understandably, this is an incredibly difficult thing for her to do. September 12, which was the third day of the hearing, was the first time Professor Hill's concerns were made known to the committee and made known to me. From that point on it is understandable how difficult it was for Professor Hill to reach the point where she agreed to allow me to have the FBI investigate and the nominee be made aware of the charges.

At that point what happened was that, having honored her request, we continued to honor her request which was that no one in the U.S. Senate be made aware of her allegations beyond the members of the committee unless we were able to guarantee that her name would never be mentioned, that no one would ever know, a guarantee that could not and I would add should not have been made. So, consequently, the committee was unable to move on any further with the investigation beyond what the FBI had done.

But that all changed on Monday when Professor Hill went public, authorizing, directly and indirectly, the committee and the Senate to look further into her allegations.

It is a difficult thing for Professor Hill and a difficult thing for the nominee and a difficult dilemma in balancing each of their rights. But the one point I want to make is the first balance that took place was the balance between the right of the institution to know and the right of Professor Hill to determine whether or not the institution should know. I took her charges seriously, as we did on the committee, but we also took her request not to have anyone outside the committee be aware of this seriously.

One of the reasons we spent so much time in conference these last 2 days is after she had gone public we continued to take the matter seriously and continued to work toward undoing the unanimous-consent request.

So, Mr. President, once we were given clearance, and now have been given clearance as of Monday, by Professor Hill to proceed, the Senate is going to do just that.

In consultation for many hours with the ranking Republican Member, with the leadership on the Republican side, as well as Senator DANFORTH, who has a keen interest in all of this, we have agreed upon a procedure that would allow the committee to begin possibly as early as Friday holding public hearings.

I want to make it clear to everyone involved in this: This will be public; all of it will be public, first. Second, people who say they have something to offer, and even those who do not say they have anything to offer but have spoken to this issue of the alleged harassment, will be subpoenaed by the committee because we are going to ventilate this subject to give both Professor Hill the opportunity to make her case in full and give the nominee his opportunity to state his defense in full.

It is my hope and expectation that a continued investigation and hearing can be completed and that we will—not my expectation—we will vote on Tuesday night at 6 o'clock.

Let me conclude by suggesting once again the nominee has the right to be confronted by his accusers. So any accusation against any nominee before any committee which I chair that is not able to be made public to the nominee will not be made known to the Senate unless the individuals wish to do it all by themselves. Then it is known to the nominee. It is not a star chamber. But, on the other hand, it is incredibly difficult, assuming for the moment that Professor Hill is telling the truth, in cases relating to harassment, in cases relating to sexual violence, in cases where women have been victimized—I have spent too many hours, had too many hearings, spent too much of my professional career dealing with that subject as chairman of the Judiciary Committee not to know that it is incredibly difficult for an alleged victim to come forward without worrying about whether they will be victimized by the system.

So it is explainable, in my view—it is not dispositive—that Professor Hill was unwilling to let me use her name or make the allegations known even to the nominee in the beginning, and to the Senate later. But it is not dispositive, absent the ability of the nominee to be able to come before the committee under oath and present his denial and any rebuttal that he wishes to present.

This is not going to be an easy hearing. This is not going to be easy to conduct. This is not going to be easy for the members of the committee, nor Professor Hill, nor the nominee. It is uncomfortable for everyone. But it must be done because we cannot fail to take seriously such a charge. But we cannot conclude the charge is correct without the evidence being presented and the nominee having an opportunity to rebut it.

So, Mr. President, I thank my colleagues for this time. I have deliberately remained silent on this subject for the last 2 days in an attempt to resolve our ability to conclude in public, in a hearing, this issue. We now have that agreement. I expect that the members of the committee, Democrat and Republican alike, will operate in good faith in an attempt to be able to give the nominee every opportunity to make his case on the issue and put forward a rebuttal.

But we are entitled to know. The allegation is serious. Harassment is serious, and it warrants us looking further into it.

I thank the Chair, and I thank my colleagues.

Mr. THURMOND. Mr. President, I hold in my hands an affidavit made today by Clarence Thomas in which he says:

> I totally and unequivocally deny Anita Hill's allegations of my misconduct of any kind toward her, sexual or otherwise. These allegations are untrue.

Mr. President, in spite of this affidavit, also today Judge Clarence Thomas said that he would welcome an opportunity to go before the Judiciary Committee and explain any matter that is brought before the committee. That is one reason that this agreement has been reached.

Another reason is, some of the prominent Senators on the other side of the aisle feel that it would be helpful, those who are supporting Judge Thomas, if this delay is made. So for those two reasons this delay has been reached.

I am confident when the facts come out that Judge Thomas will be vindicated and will be confirmed on next Tuesday when we vote.

Mr. DANFORTH. Mr. President, I have some observations to make but before I make them I would like the attention of the chairman of the Judiciary Committee for a minute, if I could.

It is my understanding that the scope of the hearings will be limited; that it is not to be an open-ended review of everything anybody wants to say about Clarence Thomas. A specific charge has been made. The specific charge relates to harassment, and it is my understanding that harassment is to be the scope—and the only scope—of the hearing of the Judiciary Committee.

Mr. BIDEN. Mr. President, that is correct, to this extent: Any questions about Clarence Thomas' philosophy, any questions about Clarence Thomas' former rulings, any questions about Clarence Thomas' administrative capability are all irrelevant and off base. Any questions about his conduct in terms of whether or not he harassed this individual, Professor Hill, or any other individual, are relevant. They are relevant, as we discussed.

But it is the intention of the Chair to limit this scope to the conduct of the nominee, in particular as it relates to Professor Hill. But if—and I have no evidence of this, to make the point clear—in the scope of the investigation, the FBI and/or committee staff, or out of the blue, some credible person comes forward and says, "By the way, I was harassed," that is within bounds, assuming the person is credible. The majority and minority staff will interview that person.

There are none; there are none that I am aware of. But to make the point, if they did come forward, that would be relevant to the scope of the inquiry.

One of the issues—I will hit it right on point—one of the issues that is still out there that people are complaining about in the Senate and are wanting more information on is whether or not he withheld an opinion or did not withhold an opinion as a circuit court judge. That is not relevant to this hearing.

There are general parameters of what is relevant and not relevant. It relates to conduct and harassment and his behavior toward women, and harassing or not harassing.

Mr. DANFORTH. That is also my understanding. Sexual harassment, conduct toward employees, is the scope of this hearing.

Mr. BIDEN. The Senator asked me that in private, Mr. President, before. That is correct.

But just as we are not going to have testimony from outside witnesses what constitutes or does not constitute harassment, whether for or against him, the issue of whether or not Clarence Thomas harassed as an employer or not as an employer, if such an allegation were made, would be relevant. It is not limited to whether or not there was an employee, because it goes to the issue.

There is no evidence of any of this, none that I am aware of. No one has come forward. But I do not want to mislead anybody.

As I said to the Senator in our meeting, if someone were to come forward, Miss X came forward, did not work for the nominee, and said, "By the way, I once was out with the nominee and the nominee did A, B, C, D to me, and harassed me, and did this and did that"—I do not even want to make up hypotheticals—and she were a credible witness, that would be credible testimony.

Mr. DANFORTH. Mr. President, it would be the view of this Senator, if the matter did not pertain to the charge or the category of charges made by Miss Hill, that it would not be.

Mr. BIDEN. I understand that, Mr. President. But the Senator understands, I knew his view, he knows my view.

Mr. DANFORTH. Mr. President, because I think there otherwise is going to be a fishing expedition all over the country, which is going to be going on now for the next week. I can see it coming: advertising, virtually, for people to come forward with whatever they want to dump on Clarence Thomas.

I think that there are going to be more and more demands on the chairman and the committee and on individual Senators to open this up so that anything anybody wants to bring about Clarence Thomas comes up again. If this is not limited to matters relating to this charge, when we have set aside a unanimous agreement for a vote at 6 o'clock tonight, then I think that is not what this Senator understands.

Mr. BIDEN. Mr. President, let me respond if I may. The Senator will recall, the Senator asked me this very same question in the presence of four or five of this Republican colleagues, as we were deciding whether or not we could reach agreement. The Senator from Delaware gave him the same answer I just gave him now. And, if the Senator wishes me to give the hypotheticals I gave then—I would rather not because people will say, "Why is he raising that hypothetical? Maybe that happened."

But the Senator knows what I just told him, and what I can continue to tell him, if he wishes, if he wants me to raise it——

Mr. DANFORTH. No, I think we understand each other.

Mr. BIDEN. All right.

Mr. DANFORTH. The chairman does not have to come up with a variety of titillating hypotheticals that never occurred.

But I think that we have an understanding. I simply wanted to point out that the chairman of the committee is going to exercise the power of the chairman in order to try to contain this particular inquiry that what is reasonably relevant to what is now before us.

Mr. BIDEN. That is correct.

Mr. DANFORTH. All right, I thank the chairman.

Mr. President, I do have some additional comments I would like to make.

First of all, I think that my leader, Senator DOLE, at one point in his comments said that the fair thing to do would be to extend this matter for some period of time. I want the Senate to know that in the view of this Senator, what is happening now is grossly unfair—grossly unfair to Clarence Thomas. What is fair, Mr. President, is the normal process of the U.S. Senate. What is fair is what each one of us has experienced when we reviewed FBI files of a whole variety of nominees that come before the Senate. We review those files and many of them contain various allegations against nominees. Many files have various statements, some of which related to sexual activity. When that happens we usually share it with other members of our committee quietly, secretly, discretely, try our best to reach a conclusion, and then have a vote in the committee and that is the end of it. That is the normal process of U.S. Senate, and it is fair.

Mr. President, that is not what has happened in this case. What happened in this case is that those of us who support the nomination of Clarence Thomas won the fight. We had the votes. Last Friday, last Saturday, we won committed votes of U.S. Senators and were heading to a vote on Tuesday. And we won.

And I can remember the great sense of relief that I had on Friday and Saturday. I knew about this particular charge. I knew that the FBI investigated this charge, that the investigation was made available to the majority leader, to the minority leader, to the members of the Judiciary Committee; that they were briefed on the FBI report, and that on the basis of that briefing they concluded that nothing more was to be done. They concluded on reading the FBI report, on reading the statement of Ms. Hill, they believed that nothing further had to be done. The time had come to vote.

So, they had the vote in the committee, and I am told by the chairman of the Judiciary Committee any member of the committee, as a matter of right, could have set that vote aside for a week. Nobody did it. They read the report and they agreed to a time certain, today at 6 p.m. for a vote on the floor of the Senate, knowing what was in that report.

Now, that is the normal process of the Senate. And had the normal process been followed, we would have voted 3 hours ago and Clarence Thomas would have been confirmed as an Associate Justice of the U.S. Supreme Court. That is how the Senate operates. And that is fair.

And what has happened, Mr. President, is not fair. What has happened is a violation of Senate rules because, failing to get the committee to take any further action on the basis of their review of the report, the FBI report was then leaked to the media. That is the factor left out by the presentation of the Senator from Delaware. It was leaked.

And, Mr. President, leaking an FBI file is a violation of Senate rules subjecting a Member of the Senate to expulsion from this body and subjecting a staff member to dismissal from the staff of the U.S. Senate. That is how serious leaking an FBI file is. It subjects a Member to dismissal, expulsion; it subjects a staff member to dismissal from the staff of the U.S. Senate.

This was leaked. And had it not been leaked we would have had the vote. But it was leaked and the furor erupted; it was the lead item on the evening news and it was the headline item in the newspapers. It was not Ms. Hill who did this. It was not Ms. Hill who was attempting to do in Clarence Thomas. It was not Ms. Hill who wanted to come forward, according to her own statements. It was somebody who had access to a file of the Federal Bureau of Investigation and who leaked that file. The normal process of the Senate was not followed and Clarence Thomas is being crucified.

Now, the majority leader says unplanned events have occurred. Mr. President, with all due respect to the majority leader—and I have great respect for him—that simply is not the case.

Oh, no, it is not the case. There is not anything unplanned about this. There is not anything unplanned about the campaign against Clarence Thomas. It is the most highly planned and orchestrated effort I have ever seen. It has involved who knows how many people.

The People for the American Way are even now calling up employees of the EEOC to get the dirt on Clarence Thomas. The leaking of an FBI file—that is not unplanned. It is planned. It is intentional. And it is wrong. And anybody who says it is fair to hold this over for another week—no, it is not fair. It would have been fair to have the vote at 6 tonight. That was what was fair. But leaking an FBI file, having been reviewed by the Democratic members of the Judiciary Committee and found by them not to warrant further action? That would have been fair. And it is not fair, not fair then to go peddling an FBI file to the media. And, Mr. President, lamentably, this is not the first time this has happened.

Remember Mr. Ryan? What was he? RTC? RTC chairman. Here was a man who was a husband and a father and he made the mistake of saying in his FBI file that at one time he had used dope. That was leaked to the media. What did it do to him and his family?

But I guess that is the way we do things around here. Oh, I guess if we want to defeat somebody, we destroy them. No holds barred. What are rules of the Senate? Rules are made to be broken. Whoever disciplined the people who leaked Mr. Ryan's file? Whatever happened? Nothing. And what will happen in this case? Nothing. And the next time and the next time and the next time. It is not fair.

Mr. President, I want to make a few predictions. The first prediction is this: That the next week is going to accomplish nothing good and much that is bad. The majority leader says that the conflicts between the nominee and the complaining party will be resolved. They are not going to be resolved. They are not going to be resolved.

Oh, we will have a hearing. Both parties will testify under oath. One will say one thing, and one will say another thing. It is not going to be resolved. At the end of the hearing, people will either believe Judge Thomas or they will believe Ms. Hill or they will not believe either.

I bet nobody's mind is going to be changed because it is a question of credibility. So it is going to remain murky. It will not be resolved. It is going to be a field day for the interest groups, for the so-called leadership conference on civil rights, People for the American Way. Their American way is the way of lynching.

It is going to be a field day for all the groups ginning up all the phone calls and all the pressure on Senators. It is going to be field day for the scurrilous little rumors. It is going to be a field day for people who slip the unmarked envelope over the transom or under the door. Oh, it is going to be a field day. Read all about it. Tune in tomorrow and every day for the next 7 days to get everything and anything that anybody wants to say about Clarence Thomas. Do you want to get your names in the paper? If you want to use your name or just slip it under the door.

I will predict something absolutely. I predict as a matter of certainty that 1 week from today there is going to be massive push to put off the vote. New charges have been made. New witnesses have been found, more people to be interviewed by the FBI. We have seen this before in this body. John Tower. There is not going to be any end to this. This is not going to be an effort that will dissipate the clouds. The clouds are going to be there. The attacks are going to be there. That will be in the next week.

Mr. President, I know what we are doing to Clarence Thomas because he is my friend. I will tell you, it does not take a great doctor of the soul to know how a human being is hurting. And at the end of this whole things, he is never going to be able to recover the reputation that he had before he went into this because it is not possible, because charges like this stick. They stick. It is impossible to make the stain go away.

I know what we have done to Clarence Thomas. Not we, all of us. I know what we are doing by putting off the vote a week. I know what those who have leaked the FBI report have done to Clarence Thomas. And I guess if you are fighting a crusade, just like the crusaders of old, anything goes.

But, Mr. President, what are we doing to the country? What are we doing to this wonderful country? This is not advise and consent. This is slash and burn. What are we saying to future nominees? I spoke 2 nights ago to a person who now serves on the Supreme Court and this person said, "I wouldn't do it again."

So all of our nominees are going to be people who come from the mountains of New Hampshire or someplace or suckers. I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, since the Senator from Missouri referred to me several times during his remarks, I feel it appropriate to respond with respect to those aspects in which he referred to me.

First, if there is any intention to create any implication that I participated in the plan involving the release of this document——

Mr. DANFORTH. No, none, absolutely none. I do not want to interrupt the majority leader. I want that understood, absolutely none. It has never crossed my mind.

Mr. MITCHELL. I thank my colleague for that clarification because I think that was the clear implication of his remarks.

Second, I did not say that this matter will be resolved next week. My exact words were, after saying that it has not been resolved were, and they are written down so I will repeat them, I believe our best option is to change the time of the schedule a vote and proceed as best we can to determine the truth and then make our judgments. The Senator misstated what I said with respect to the resolution of the vote.

Third, I think it should be stated, because it is not obvious from these remarks, that the agreement to delay the vote for 1 week was unanimous. Any Senator could have objected, including the Senator from Missouri. No Senator did object. Not the Senator from Missouri or others.

Fourth, with respect to the predictions of what may or may not occur next week, the same situation will exist.

This vote will occur at 6 p.m. next Tuesday night unless there is a unanimous-consent agreement by every Senator to the contrary, so there should be no implication that somehow this is going to be delayed through some force with which we cannot contend.

The decision tonight was a decision by every single Member of the Senate. We are all happy with it? Clearly not. The Senator from Missouri is very deeply and personally involved with this matter, and I respect that. But the reality is that he agreed to this delay, as did each of the other 99 Senators. Any delay beyond next Tuesday would also require the consent of each and every Senator.

Third, I want to say that I have great respect for the Senator from Missouri, but I think there is a point of view which was not included in his remarks, and that point of view is that whatever the circumstances leading up to the situation—and I referred to them earlier—we are now confronted with a situation in which a serious allegation was made and with respect to which public discussion, public hearing, was not possible prior to this week.

That was not something—certainly I will speak for myself—that I anticipated or could have anticipated. I speak for no one else. Being confronted with this situation it seemed to me that the reasonable, prudent, responsible, commonsense thing to do was to permit a brief period of delay within which there could be a public hearing on the matter and then to schedule a vote.

As the Senator from Missouri well knows, much of the time in disagreement over the past several hours has been over how long would be the delay. He proposed earlier today a 48-hour delay, suggesting that the matter could be investigated, hearings held, and a vote occur on Thursday evening of this week. Many others felt that that time period did not permit the kind of fair and thorough inquiry that would be possible and that a somewhat longer period should occur. And the result is a compromise, as is almost everything we do here.

Some thought it should be longer than a week, some thought it should be less than a week, and the product of 4, or 5, or 6 hours of negotiation among a lot of people is that it will be a week.

I have great respect for the Senator from Missouri, but I think there are competing considerations here, and I think in the circumstance in which we found ourselves the result was a reasonable, fair and common sense one, and I do not believe that it does represent—I do not share the characterization of that which has been presented by the Senator from Missouri.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not speak long. Clearly, I do not even feel comfortable trying to compete with the likes of my good friend from Missouri. And I want to say to him there are few times that I have been very pleased I was on the floor of the Senate in my 19 years in this body, and I want to tell the Senator that the last 30-or-so minutes was one of those rare occasions, not only because of the issues the Senator addressed but because of the depth of understanding the Senator has of what we are doing, and what we are not doing, and what we might be doing to this place, the Senate.

So I want to make a few remarks. And I am pleased that while there are not many Senators here, there are two leaders here, the Democratic leader and the Republican leader. And I say to both of them, as one Senator who has been here a while, and a Senator who is seeing Senator after Senator dismayed at what is happening to this place—no aspersion on the majority leader, no aspersion on the minority leader, just concern about what is happening to the Senate—I submit to the two Senators, if they do not proceed to make whoever it was who took an FBI file—and let us review in a moment what was in that file and under what conditions it was taken—if you do not proceed to see to it that that person, that staff member or that Senator, is determined and punished, you might as well forget about having any serious rules in this place.

There is no doubt in my mind that as I listened to the facts for the first time tonight by the chairman of the committee, because it was not told to the public, that as late as Monday he had a file, and the file was an FBI file, and the instructions from the witness were I do not want anybody to know my name, and I do not want to be called as a person; I just want the committee to know about it.

Now, let me tell you, that is serious business. What if that person was divulging something about a nominee and at the same time was saying that the witness has a very serious problem herself or himself? Think of that. Think of that. What if there would have been an admission by a witness that they had stolen money and committed a felony for which they were not charged, but I want to tell you that I am worried about this nominee.

Would not that just be wonderful? We would send that out to the press, and here would be a witness who wanted to help us and begged us not to reveal it, and what would happen? They would publish that the witness was a felon, and that the nominee was not to be nominated because he also was a thief, and here we would be.

That is why it is serious. And here we sit today investigating all kinds of things that Congress has done, and perhaps it is right. We are investigating bad checks, I understand, and we should. But I believe the day after this nomination is completed by this committee, an investigation of who did that and the appropriate punishment ought to be forthcoming.

In fact, as I read the statute, I say to the Senator from Missouri, it would even be worse than he suggested. It seems to me there is one section of the statute that may make it a crime to release to the public an FBI secret file. But, indeed, the Senate has contempt authority over the person who does it, meaning we can do whatever it is that our authority in contempt gives us. That makes it serious.

Now, why do I say this? I say this because, frankly, we are confronted—and on this I think the majority leader did the best he could. You are confronted with a witness now who after the story was leaked got on television and told everybody about it, and what are you going to do about it?

It is not that our leaders did not want a vote tonight. It is that a number of Senators who were going to vote a certain way were saying we want some more time. Let us only hope when that is all finished they will vote the way they did before and we will be finished and it will be something that comes up positive, Mr. President, rather than with the gloom and concern the Senator had in his voice and words tonight.

Frankly, looking at all of this, none of us can do much more than say well, let us go; let us do it; let us get the evidence. But let me tell you there are a lot of Senators who talked to me today who are absolutely close to being outraged at the way this case has evolved, not at Professor Hill, not at Clarence Thomas, not at JOE BIDEN, but at the way it evolved.

I say to the distinguished majority leader, whom I have known and got to respect greatly, I think he has to agree that something is wrong with this kind of process.

Now, another week is there, as the Senator from Missouri said, for everybody to have all kinds of new ideas about this person. He was literally confirmed for all intents and purposes. The Senate would have ratified him no doubt, somewhere between 56 and 59, maybe 60 votes, and now that is all out the window because somebody decided that the rules of the Senate for whom they worked or for whom they served did not amount to anything, and we just ought to let it go and get this thing started so we can get that Clarence Thomas. That is what it really amounts to.

So we have a witness who did not want any of this known who is now forced to make herself known. We have to think of that. We are all thinking about Clarence, but look at this professor. She did not want this. How did this happen to her? For the very same reason that I have just described it is happening to him—because somebody in this body does not care about what governs the Senate.

Mr. President, there may be people around, maybe even sitting up there, who think we should not have these kinds of rules.

In fact, I think they probably, some of them, would think it is good that everything will be known. But let me suggest if that is the case, then we had better change our rules because if we ask witnesses to testify before FBI agents with a set of rules, and it goes this time—and nobody does anything about it, and here we are asking them to do it, then we submit them to whatever happens—I submit it is going to get more and more difficult to get people to testify that way; more and more difficult to get decent Americans to accept nominations to very high and controversial posts.

We are getting very contentious as a people; very controversial. That is fine. How are you going to get people to do it under this kind of fact or these kinds of rules when actually it is dog eat dog? And if you can get something out there, it does not matter what rules we violate. Let us just go get them.

I want to say tonight to Clarence Thomas, we never expected you to have to go through this. I do not think the committee did. But, frankly, it will be over with soon. For those of us who thought very highly of you and knew you, we still feel the same way.

To Senator DANFORTH, from Missouri, let me say never has a Senator done a better job of helping and representing a friend of his, and for that, we can all be proud. We need a few more people like that around.

I yield the floor.

Mr. MITCHELL. Mr. President, I can appreciate the sense of outrage which we have seen here on the Senate floor tonight over the leak of this document as expressed by the Senator from New Mexico and the Senator from Missouri because I had much the same feeling myself a few months ago when day after day after day confidential documents before the Ethics Committee were leaked. I did not express it with quite the emotion that has been exhibited here this evening.

I do not think one can equate confidential documents submitted to the Ethics Committee with the FBI report in a legal sense but I am sure the Senator from New Mexico will agree the principle is the same. It is the Senate rule. The rule is violated. In the case of the Ethics Committee, it was not violated once; it was not violated twice; it was violated time after time after time, day after day after day. I wished then I had gotten up and expressed the outrage that the Senator from New Mexico had, and perhaps he would have joined me then.

Mr. DOMENICI. I can say right now I would have.

Mr. MITCHELL. I am sorry the Senator from Missouri has left the floor. They did not express that outrage on that occasion. But I am sure they had the same feeling about that.

So it is unfortunate. It is something I deeply regret and I strongly deplore. But in fairness, let us deplore it and regret it whenever it occurs, not just when it occurs in a circumstance in which an individual Senator is involved, or when it is adverse to the case that that Senator is pursuing. A leak which helps one Senator's cause is just as bad as a leak which hurts one Senator's cause.

So I join the Senator in his expression of condemnation. I hope the next time that it happens we will all join together, all of us, not only deplore it, but to do something about it, and I intend to try to do something about it. I intend to try to do something about it in every case in which it occurred.

Mr. DOMENICI. The majority leader can count on it. I do not think we can run the place too much longer with these kinds of rules, to tell the truth. I think there is going to be all kinds of actions on the part of the people who are going to be pressured and pushed by their emotions and sentiments, and they are going to say there is not anything holding us back.

So I think we ought to have rules. If they are broken, those who break them ought to be held accountable, whatever the rule, and to the extent that the rule is a significant one, or lesser, they would have to take the kind of punishment that is due.

Mr. MITCHELL. I agree with that.

Mr. DOLE. Mr. President, let me indicate to the majority leader that I do not disagree. If, in fact, you go back to a few cases of leaks, I do think the Senator from New Mexico had a good point. If some Member had written a bad check, this is big news. But leaking an FBI file does not seem to be very important to most people in the media. But if you have written a $5 check bounced in a House bank, that is a lead story on the evening news.

Somehow we have gotten values all out of whack. We have been talking about somebody leaked something. I think we ought to go back and take a look at the Ethics Committee, and this or whatever may be coming up.

I just say that I am prepared to cooperate with the majority leader because we do have rules. They should be followed. There are certain punishments proscribed. But I do think we have a little tilt in the media too. That may take care of some of the leaks but others may be a one line, one page story.

Mr. BINGAMAN. Mr. President, I am pleased that the Members of the Senate have decided to postpone voting on the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court of the United States. As I said last week when I announced my opposition to this nomination, the advice and consent function is one of the most important duties entrusted to us by the people of this Nation. It is a duty we must not take lightly, for the very foundation of our democracy—the Constitution and the Bill of Rights—is at stake. And it is a duty we can perform only when we are fully informed, with full access to all relevant information.

Today, because of serious allegations made public just this weekend, I do not believe that we are fully informed. I do not believe that we have full access to critically important information, and I know we have not had the time to fully examine the information we do have. Mr. President, we have all heard the serious, troubling allegations regarding sexual harassment. We have heard Judge Thomas' denial of the allegations. But, again, we have not heard all the facts, and in my view, the allegations have not been given a thorough examination.

Mr. President, I have already announced my decision to oppose Judge Thomas' nomination. I simply do not believe he is qualified to serve on the Supreme Court. But I believe my colleagues—and the American people—deserve a full, public review of these serious allegations before being asked to support or reject this nominee. If confirmed, Judge Thomas could serve on the Supreme Court well into the next century. His actions over the next 40 or so years will impact our lives and the lives of our children, grandchildren, and great-grandchildren. Surely the vote can wait a few more days.

TECHNICAL AMENDMENTS TO VARIOUS INDIAN LAWS ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the previous Senate action on the message from the House on S. 1193, the bill to make technical amendments to the various Indian laws, be vitiated, and that the Chair lay the message before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1193) entitled "An Act to make technical amendments to various Indian laws", do pass with the following amendment:

Page 3, strike out lines 5 through 13 inclusive, and insert:

(b) Reauthorization of Appropriations for the National Indian Gaming Commission.—Section 19(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(b)) is amended to read as follows:

"(b) Notwithstanding the provisions of section 18, there is authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for the fiscal year beginning October 1, 1991.".

AMENDMENT NO. 1253

Mr. MITCHELL. Mr. President, on behalf of Senator INOUYE, I move that the Senate concur in the House amendment with the following amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. INOUYE, proposes an amendment numbered 1253.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language inserted by the House amendment, insert the following:

(b) Reauthorization of Appropriations for the National Indian Gaming Commission.—Section 19(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(b)) is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of section 18, there are authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for each of the fiscal years beginning October 1, 1991, and October 1, 1992.".

At the end of the bill, add the following new sections:

SEC. 5. AMENDMENT TO THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT TO PROVIDE AUTHORITY FOR THE PROVISION OF ASSISTANCE UNDER TITLE IX OF THE ACT TO PROGRAMS ADMINISTERED BY THE STATE OF HAWAII UNDER THE ACT OF JULY 9, 1921.

(a) Title IX of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) is amended by adding at the end of subtitle D the following:

"SEC. 962. AUTHORIZATION FOR THE PROVISION OF ASSISTANCE TO PROGRAMS ADMINISTERED BY THE STATE OF HAWAII UNDER THE ACT OF JULY 9, 1921.

"(a) Assistance Authorized.—The Secretary of Housing and Urban Development is authorized to provide assistance, under any housing assistance program administered by the Secretary, to the State of Hawaii, for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108).

"(b) Mortgage Insurance.—

"(1) In general.—Notwithstanding any other provision or limitation of this Act, or the National Housing Act, including those relating to marketability of title, the Secretary of Housing and Urban Development may provide mortgage insurance covering any property on lands set aside under the provisions of the Act of July 9, 1921 (42 Stat. 108), upon which there is or will be located a multifamily residence, for which the Department of the Hawaiian Home Lands of the State of Hawaii—

"(A) is the mortgagor or co-mortgagor;

"(B) guarantees in writing to reimburse the Secretary for any mortgage insurance claim paid in connection with such property; or

"(C) offers other security that is acceptable to the Secretary, subject to appropriate conditions prescribed by the Secretary.

"(2) SALE ON DEFAULT.—In the event of a default on a mortgage insured pursuant to paragraph (1), the Department of Hawaiian Home Lands of the State of Hawaii may sell the insured property or housing unit to an eligible beneficiary as defined in the Act of July 9, 1921 (42 Stat. 108).".

(b) Section 958 of the Cranston-Gonzales National Affordable Housing Act (Public Law 101-625) is repealed.

SEC. 6. AVAILABILITY OF FUNDS.

(a) FISCAL YEARS 1989 AND 1990.—(1) Moneys appropriated under the heading "Community Planning and Development" and the subheading "Community Development Grants" in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989, and under the same heading and subheading in title II of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(2) Moneys appropriated under the heading "Community Planning and Development" and the subheading "Community Development Grants" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(b) FISCAL YEARS 1991 AND 1992.—(1) Moneys appropriated for special purpose grants under the heading "Annual Contributions For Assisted Housing" and the subheading "(Including Rescission And Transfer Of Funds)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(2) Moneys appropriated for special purpose grants under the heading "Annual Contributions For Assisted Housing" and the subheading "(Including Rescission and Transfer of Funds)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATING OCTOBER 16, 1991 AND OCTOBER 16, 1992 AS "WORLD FOOD DAY"

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 230, designating "World Food Day," just received from the House; that the resolution be deemed read three times and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 230) was deemed read the third time and passed.

The preamble was agreed to.

NATIONAL LAW ENFORCEMENT MEMORIAL DEDICATION DAY—SENATE JOINT RESOLUTION 107 AND WORLD POPULATION AWARENESS WEEK—SENATE JOINT RESOLUTION 160

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from and the Senate proceed to the immediate consideration, en bloc, of Senate Joint Resolutions 107 and 160; that the joint resolutions be deemed read a third time and passed; that the preambles be agreed to; that the motion to reconsider the passage of the joint resolutions, en bloc, be laid upon the table; that the consideration of these items appear individually in the RECORD, and that any statements appear at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions (S.J. Res. 107 and S.J. Res. 160) were deemed read a third time and passed.

The preambles were agreed to.

The joint resolutions, with their preambles, are as follows:

S.J. RES. 107

Whereas each day over 500,000 law enforcement officers place their lives at risk in order to maintain law and order in society and apprehend people who violate Federal, State, and local laws;

Whereas over the last 10 years over 1,500 law enforcement officers have been killed in the line of duty;

Whereas in 1989, 148 law enforcement officers were killed in the line of duty and preliminary figures for 1990 indicate that 119 law enforcement officers were killed;

Whereas over 60,000 law enforcement officers are assaulted in line of duty each year, resulting in over 20,000 injuries; and

Whereas the National Law Enforcement Officers Memorial was established by an Act of Congress in 1984, and the memorial is scheduled for completion at Judiciary Square in Washington, District of Columbia in October 1991: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 15, 1991, is designated as "National Law Enforcement Memorial Dedication Day" and President is authorized and requested to issue a proclamation designating October 15, 1991, as "National Law Enforcement Memorial Dedication Day".

S.J. RES. 160

Whereas the population of the world today exceeds 5,000,000,000 and is growing at an unprecedented rate of approximately 90,000,000 per year;

Whereas virtually all of this growth is occurring in the poorest countries, those countries least able to provide even basic services for their current citizens;

Whereas the demands of growing populations have contributed substantially to enormous environmental devastation and pose threats of even greater harm to the world;

Whereas one-half of the 10,000,000 infant deaths and one-quarter of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded;

Whereas research reveals that one-half of the women of reproductive age in the developing world want to limit the size of their families but lack the means or ability to gain access to family planning;

Whereas the global community has for more than 20 years recognized that it is a fundamental human right for people to voluntarily and responsibly determine the number and spacing of their children and the United States has been a leading advocate of this right;

Whereas the demands of growing populations force many countries to borrow heavily and sell their natural resources to cover the interest on their debt;

Whereas selling off natural resources in such circumstances often causes irretrievable losses, such as the destruction of the tropical rain forests at a rate of 50,000 acres per day;

Whereas the reliance of a rapidly growing world population on burning fuels is a critical factor in the emission of carbon dioxide into the atmosphere, which many scientists believe has already catalyzed a warming of the Earth's climate;

Whereas pollution is damaging the ozone layer to such an extent that within 40 years the amount of ultraviolet light reaching our planet is expected to increase by as much as 20 percent; and

Whereas in 1990, the President proclaimed "World Population Awareness Week" nationally, and 38 State Governors proclaimed "World Population Awareness Week" in their respective States, to call attention to the consequences of rapid population growth, and the Congress also passed a resolution to that effect: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the week beginning October 20, 1991, is designated as "World Population Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

NATIONAL MEMORIAL CEMETERY OF ARIZONA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1823, regarding the operation and maintenance of the National Memorial Cemetery of Arizona, introduced earlier today by Senators DECONCINI and MCCAIN.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1823) to amend the Veterans' Benefit and Services Act of 1988 to authorize the

Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DECONCINI. Mr. President, I am introducing, along with my distinguished colleague, Senator MCCAIN, an important bill which will authorize the Department of Veterans Affairs [DVA] to use funds appropriated during fiscal year 1992 for the operation and maintenance of the National Memorial Cemetery of Arizona. In 1988, as part of the Veterans' Benefit and Services Act, the then Arizona Veterans Memorial Cemetery became part of the National Cemetery System. This marked a long effort on the part of Arizona veterans, their families, and the Arizona congressional delegation to secure a national cemetery in their home State for the burial of their veterans and loved ones.

Mr. President, part of the conditions of transfer of the cemetery from the State to the Department of Veterans Affairs [DVA] was a requirement that the maintenance of the cemetery be funded by a combination of Federal reimbursements for burial services and State of Arizona resources for the first 3 years. Since then, all operating and maintenance costs have been met with these resources. However, the DVA now finds that these resources have become inadequate to meet the National Cemetery System standards. Since the Federal funding restriction expires in March 1992, now seems an appropriate time to provide sufficient funding for the future to ensure that the National Memorial Cemetery of Arizona can meet a standard befitting a national cemetery. I am glad to say that my view as well as that of my distinguished colleague, Senator MCCAIN, is shared by the distinguished chairman and the ranking members of the Senate Committee on Veterans' Affairs, Senators CRANSTON and SPECTER.

It had been hoped that this bill could have been included as part of the Department of Veterans Affairs, Housing and Urban Development and independent agencies appropriations bill for fiscal year 1992, H.R. 2519. While it was part of the Senate bill, the House Committee on Veterans' Affairs, although supporting this particular provision, asked that all authorization provisions be removed from the bill. The Senate conferees on H.R. 2519 were able to salvage a short-term authorization of funding through November 30, 1991, but this compromise will only provide a temporary cure for the cemetery's funding woes. It is therefore necessary to introduce this bill to authorize expenditures for operation and maintenance beyond that date.

Mr. President, the National Memorial Cemetery of Arizona was established in order to provide a fitting burial ground for Arizona veterans which is close to their families. As such, it is our duty to enact this legislation to ensure that this cemetery is properly maintained.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

Last, Mr. President, I would like to take this opportunity to thank the Senate leaders, Senator MITCHELL and Senator DOLE, for their assistance. I would like to also express my appreciation to the chairman and ranking member of the Senate Committee on Veterans' Affairs, Senators CRANSTON and SPECTER, for their extraordinary attention to this very important issue for Arizona veterans and their families. And finally, I would like to extend my sincere gratitude to Secretary Derwinski, Assistant Secretary Principi, and Jo Sherman for their help in this matter and, most importantly, their continuing commitment to the restoration of equity and accountability in the delivery of services to Americas' veterans.

Mr. MCCAIN. Mr. President, I would like to offer a few comments about the legislation that Senator DECONCINI and I are introducing today. This bill will assure the continued maintenance and operation of the National Memorial Cemetery of Arizona through March 1992.

This legislation is of considerable importance to many veterans and their families in Arizona. Veterans in my State had long strived for a national veterans cemetery in Arizona, in order to afford them a respectful resting place that properly recognizes their sacrifice and service to our Nation.

In 1988, I was pleased to author a provision of Public Law 100-332, which transferred the Arizona Veterans Memorial Cemetery from State jurisdiction to status as a national veterans cemetery. The law provided for cost sharing between Arizona and the Federal Government during the 3-year transfer period. Under this law, the VA will assume total responsibility for funding and operating the cemetery as of April 1, 1992.

Although language authorizing such expenditures was passed by the Senate as part of H.R. 2519, the 1992 VA/HUD appropriations bill, the conference agreement reached with the House of Representatives limits this authorization to November 30 of this year.

Mr. President, it is vital that the Senate promptly pass this measure in order to prevent any problems from arising in the operation of the National Memorial Cemetery of Arizona. If enacted into law, this bill will allow VA and State officials to meet the maintenance and operational requirements of the cemetery until the transfer to full Federal responsibility.

I urge my colleagues to support the adoption of this legislation. The passage of this bill will be an important step in bolstering the only national veterans cemetery in Arizona, and securing a hallowed resting ground for veterans and their families in my State.

I am hopeful that the House of Representatives will now also act swiftly to pass this legislation, and remove any concerns veterans and cemetery officials may have about a smooth final transfer to Federal jurisdiction.

I want to express my appreciation to the chairman and ranking member of the Veterans' Affairs Committee, Senators CRANSTON and SPECTER, for their support of this legislation. I also want to thank majority leader MITCHELL, and minority leader DOLE, for their assistance in bringing this bill before the Senate in an expeditious manner.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 346(f) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 542) is amended in the matter preceding clause (A)—

(1) by striking out "appropriated funds"; and

(2) by inserting "funds appropriated to the Department of Veterans Affairs' Compensation and Pension account" after "Cemetery".

(b) The amendments made by subsection (a) shall take effect with respect to expenses incurred on or after October 1, 1991.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAN CARLOS WATER RIGHTS CLAIMS SETTLEMENT ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 199, S. 291, regarding water rights of the San Carlos Apache tribe.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 291) to settle certain water rights claims of the San Carlos Apache Tribe.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:*ERR08*

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Carlos Apache Tribe Water Rights Settlement Act of 1991".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) Specific Findings.—The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation;

(2) meaningful Indian self-determination and economic self-sufficiency depend on the development of viable Indian reservation economies;

(3) qualification of rights to water and development of facilities needed to utilize tribal water supplies effectively is essential to the development of viable Indian reservation economies, particularly in arid western States;

(4) on November 9, 1871, and by actions subsequent thereto, the United States Government established a reservation for the San Carlos Apache Tribe in Arizona;

(5) the United States, as trustee for the San Carlos Apache Tribe, obtained water entitlements for the Tribe pursuant to the Globe Equity Decree of 1935; however, continued uncertainty as to the full extent of the Tribe's entitlement to water has severely limited the Tribe's access to water and financial resources necessary to develop its valuable agricultural lands and frustrated its efforts to reduce its dependence on Federal program funding and achieve meaningful self-determination and self-sufficiency;

(6) proceedings to determine the full extent and nature of the Tribe's water rights are currently pending before the United States District Court in Arizona and in the Superior Court of the State of Arizona in and for Maricopa County, as part of the General Adjudication of the Gila River System and Source;

(7) recognizing that final resolution of pending litigation will take many years and entail great expense to all parties, continue economically and socially damaging limits to the Tribe's access to water, prolong uncertainty as to the availability of water supplies and seriously impair the long-term economic planning and development of all parties, the Tribe and its neighboring non-Indian communities have sought to settle their dispute to water and reduce the burdens of litigation;

(8) after lengthy negotiations, which included participation by representatives of the United States Government, the Tribe, and neighboring non-Indian communities of the Salt River and Gila River Valleys, who are all party to the General Adjudication of the Gila River System and Source, the parties are prepared to enter into an Agreement to resolve all water rights claims between and among themselves, to quantify the Tribe's entitlement to water, and to provide for the orderly development of the Tribe's lands;

(9) pursuant to the Agreement, the neighboring non-Indian communities will relinquish claims to approximately 58,735 acre-feet of surface water to the Tribe, provide the means of storing water supplies of the Tribe behind Coolidge Dam on the Gila River in Arizona to enhance fishing, recreation, and other environmental benefits, and make substantial additional contributions to carry out the Agreement's provisions; and

(10) to advance the goal of Federal Indian policy and to fulfill the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Agreement and contribute funds for the rehabilitation and expansion of existing reservation irrigation facilities so as to enable the Tribe to utilize fully its water resources in developing a diverse, efficient reservation economy.

(b) Purposes of Act.—It is the purpose of this Act—

(1) to approve, ratify, and confirm the Agreement to be entered into by the Tribe and its neighboring non-Indian communities,

(2) to authorize and direct the Secretary of the Interior to execute and perform such Agreement, and

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the Tribe as provided in the Agreement and this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) "Active conservation capacity" means that storage space, exclusive of bank storage, available to store water which can be released through existing reservoir outlet works.

(2) "Agreement" means that agreement among the San Carlos Apache Tribe; the United States of America; the State of Arizona; the Salt River Project Agricultural Improvement and Power District; the Salt River Valley Water Users' Association; the Roosevelt Water Conservation District; the Arizona cities of Chandler, Glendale, Globe, Mesa, Safford, Scottsdale and Tempe, the town of Gilbert; Buckeye Water Conservation and Drainage District, Buckeye Irrigation Company, the Phelps Dodge Corporation and the Central Arizona Water Conservation District, together with all exhibits thereto, as the same is executed by the Secretary of the Interior pursuant to sections 10(c) and 11(a)(7) of this Act.

(3) "CAP" means the Central Arizona Project, a reclamation project authorized under title III of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1521 et seq.).

(4) "CAWCD" means the Central Arizona Water Conservation District, organized under the laws of the State of Arizona, which is the contractor under a contract with the United States, dated December 15, 1972, for the delivery of water and repayment of costs of the Central Arizona Project.

(5) "Globe Equity Decree" means the decree dated June 29, 1935, entered in the United States of America v. Gila Valley Irrigation District, et al., Globe Equity 59, in the District Court of the United States in and for the District of Arizona, and all decrees and decisions supplemental thereto.

(6) "Reservation" means the reservation authorized by the Treaty with the Apache Nation dated July 1, 1852 (10 Stat. 979), established by the Executive orders of November 9, 1871 and December 14, 1872, as modified by subsequent Executive orders and Acts of Congress including the Executive order of August 5, 1873.

(7) "RWCD" means the Roosevelt Water Conservation District, an irrigation district organized under the laws of the State of Arizona.

(8) "Secretary" means the Secretary of the Interior.

(9) "SRP" means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, and the Salt River Valley Water Users' Association, an Arizona Corporation.

(10) "SCIP" means the San Carlos Irrigation Project authorized pursuant to the Act of June 7, 1924 (42 Stat. 475), expanded pursuant to the Act of March 7, 1928 (45 Stat. 200, 210), and administered by the Bureau of Indian Affairs.

(11) "Tribe" means the San Carlos Apache Tribe, a tribe of Apache Indians organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and duly recognized by the Secretary.

SEC. 4. WATER.

(a) Reallocation of Water.—The Secretary shall reallocate, for the exclusive use of the Tribe, all of the water referred to in subsection (f)(2) of section 2 of the Act of October 19, 1984 (98 Stat. 2698), which is not required for delivery to the Ak-Chin Indian Reservation under that Act. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-06-W-245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(b) Partial Satisfaction of Claims.—Notwithstanding any other provision of this Act, in the event the authorizations contained in section 8(b) do not become effective, the water referred to in subsection 4(a) of this Act shall constitute partial satisfaction of the Tribe's claims for water in the proceeding entitled "In Re the General Adjudication of All Rights To Use Water in the Gila River System and Source, Maricopa County Superior Court Nos. W-1, W-2, W-3, and W-4 (consolidated), as against the parties identified in section 3(2) of this Act.

(c) Additional Allocations.—The Secretary shall reallocate to the Tribe an annual entitlement to 14,655 acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to Phelps Dodge Corporation in the Notice of Final Water Allocations to Indian and non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 F.R. 12446 et seq.). The Tribe shall pay the United States or, if directed by the Secretary, CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Water service capital charges, or any other charges or payments for such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-06-W-245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(d) Additional Allocations.—The Secretary shall reallocate to the Tribe and annual entitlement to 3,480 acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to the city of Globe, Arizona in the Notice of Final Water Allocations to Indian and Non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 F.R. 12466 et seq.). The Tribe shall pay the United States or, if directed by the Secretary CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Water service capital charges, or any other charges or payments of such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of contract No. 14-06-W-245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be reimbursable.

(e) Water Storage Pool.—Notwithstanding the Act of June 7, 1924 (43 Stat. 475), as amend-

ed by the Act of March 7, 1928 (45 Stat. 200, 210), in order to permit the Tribe to maintain permanently a pool of stored water for fish, wildlife, recreation and other purposes, the Secretary shall designate for the benefit of the Tribe such active conservation capacity behind Coolidge Dam on the Gila River in Arizona as is not being used by the Secretary to meet the obligations of SCIP for irrigation storage, except that any water stored by the Tribe shall be the first water to spill ("spill water") from Coolidge Dam. The water stored by the Tribe shall be, at the Tribe's designation, the water provided to the Tribe pursuant to subsections (a), (c) and (d) of this section, its entitlement of 12,700 acre-feet of water under its Tribal CAP Delivery Contract dated December 11, 1981; the water referred to in section 10(f), or any combination thereof. A pro rata share of evaporation and seepage losses shall be deducted daily from the Tribe's stored water balance as provided in the Agreement. The Tribe shall pay an equitable share of the operation and maintenance costs for the water stored for the benefit of the Tribe, subject to the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386 et seq.) The water stored by the Tribe pursuant to this subsection shall not be subject to apportionments pursuant to Article VIII (2) of the Globe Equity Decree. Not later than January 31 of each year, the Secretary shall notify the United States District Court for the District of Arizona of the Tribe's stored water balance as of January 1 of that year. The Secretary shall notify said Court of the Tribe's stored water balance at least once per calendar month and at such more frequent intervals as conditions, in the Secretary's judgment, may require.

(f) EXECUTION OF AGREEMENT.—The Secretary shall execute the Agreement which establishes, as between and among the parties to Agreement, the Tribe's permanent right, except as provided in paragraphs 13.0, 14.0 and 15.0 of the Agreement, to the on-reservation diversion and use of all ground water beneath the Tribe's Reservation, subject to the management plan referred to in section 10(D) of this Act, and all surface water in all tributaries within the Tribe's Reservation to the mainstreams of: The Black River, the Salt River below its confluence with the Black River, the San Pedro River and the Gila River, including the right, except as provided in paragraphs 14.0 and 15.0 of the Agreement, to fully regulate and store such water on the tributaries. The Tribe's rights to the mainstream of Black River, San Pedro River and the Gila River shall be as provided in the Agreement and the Globe Equity Decree. With respect to parties not subject to the waiver authorized by subsection 8(b) of this Act, the claims of the Tribe and the United States, as trustee for the Tribe, are preserved.

(g) GILA RIVER EXCHANGES.—Any exchange pursuant to this legislation of Gila River water for water supplied by the CAP shall not amend, alter or conflict with the exchanges authorized by section 304(f) of the Colorado River Basin Project Act (43 U.S.C. 1524(f)).

SEC. 5. RATIFICATION AND CONFIRMATION OF CONTRACTS.

(a) RATIFICATION OF CONTRACT.—Except as provided in section 10(i), the contract between the SRP and the RWCD District dated October 24, 1924, together with all amendments thereto and any extension thereto entered into pursuant to the Agreement, is ratified, confirmed, and declared to be valid.

(b) SUBCONTRACT.—The Secretary shall revise the subcontract of the Roosevelt Water Conservation District for agricultural water service from the CAP to include an addendum substantially in the form of Exhibit "A" to the Agreement and to execute the subcontract as revised. Notwithstanding any other provision of law, the Secretary shall approve the conversions of agricultural water to municipal and industrial uses authorized by the addendum at such time or times as the conditions authorizing such conversions, as set forth in the addendum, are found to exist.

(c) RESTRICTIONS.—The lands within RWCD and SRP shall be free from the ownership and full cost pricing limitations of Federal reclamation law and from all full cost pricing provisions of Federal law.

(d) DISCLAIMER.—No person, entity or lands shall become subject to the provisions of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) or any full cost pricing provision of Federal law by virtue of their participation in the settlement or their execution and performance of the Agreement, or the use, storage to delivery of CAP water pursuant to a lease, sublease or exchange of water to which the Tribe is entitled under this Act.

(e) FULL COST PRICING PROVISIONS.—The lands within the Tribe's Reservation shall be free from all full cost pricing provisions of Federal law.

(f) CERTAIN EXTENSIONS AUTHORIZED.—Notwithstanding any other provision of law or any other provision of this Act, the Secretary, subject to tribal approval, is authorized and directed to: extend the term of that right-of-way permit granted to Phelps Dodge Corporation on March 8, 1950, and all amendments thereto, for the construction, operation and maintenance of an electrical transmission line and existing road for access to those facilities over the lands of the Tribe; extend the term of that right-of-way permit numbered 2000089 granted on July 25, 1944, to Phelps Dodge Corporation, and all amendments thereto, for the construction, use, operation and maintenance of a water plant, pipeline, canal, water flowage easement through Willow Creek and existing road for access to those facilities over the lands of the Tribe; and grant a water flowage easement through the portions of Eagle Creek flowing through the Tribe's Reservation. Notwithstanding any other provision of law, each such right-of-way and flowage easement shall be for a term expiring on March 8, 2090, and shall be subject to the right of Phelps Dodge to renew the rights-of-way and flowage easements for an additional term of up to 100 years, subject to payment of rental at a rate based upon fair market retail value.

SEC. 6. WATER DELIVERY CONTRACT AMENDMENTS; WATER LEASE, WATER WITHDRAWAL.

(a) AMENDMENT OF CONTRACT.—The Secretary shall amend the CAP water delivery contract between the United States and the Ak-Chin Indian Community dated December 11, 1980, and the contract between the United States and the Ak-Chin Indian Community dated October 2, 1985, as is necessary to satisfy the requirements of section 4(a) of this Act.

(b) CONTRACT AMENDMENT.—The Secretary shall amend the CAP water delivery contract between the United States and the Tribe dated December 11, 1980 (hereinafter referred to as the "Tribal CAP Delivery Contract"), as follows:

(1) To include the obligation by the United States to deliver water to the Tribe upon the same terms and conditions set forth in the Tribal CAP Delivery Contract as follows: water from those sources described in subsections (a), (c), and (d) of section 4 of this Act; except that the water reallocated pursuant to such subsections shall retain the priority such water had prior to its reallocation. The cost to the United States to meet the Secretary's obligation to design and construct new facilities to delivery CAP water shall not exceed the cost of construction of the delivery and distribution system for the 12,700 acrefeet of CAP water originally allocated to the Tribe.

(2) To extend the term of such contract to December 31, 2100, and to provide for its subsequent renewal upon the same terms and conditions as the Tribal CAP Delivery Contract, as amended.

(3) To authorize the Tribe to lease or to enter into an option or options to lease the water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, within Maricopa, Pinal and Pima Counties for terms not exceeding one hundred years and to renew such leases.

(4) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, to the city of Scottsdale under the terms and conditions of the Water Lease set forth in Exhibit "B" to the Agreement.

(5) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, including, but not limited to, the cities of Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Tempe and the town of Gilbert.

(c) APPROVAL OF AMENDMENTS.—Notwithstanding any other provision of law, the amendments to the Tribal CAP Delivery Contract set forth in Exhibit "C" to the Agreement are hereby authorized, approved and confirmed.

(d) CHARGES NOT TO BE IMPOSED.—The United States shall not impose upon the Tribe the operation, maintenance and replacement charges described and set forth in section 6 of the Tribal CAP Delivery Contract or any other charge with respect to CAP water delivered or required to be delivered to the lessee or lessees of the options to lease or leases herein authorized.

(e) WATER LEASE.—Any Water Lease entered into by the Tribe as authorized by section 6 shall specifically provide that—

(1) the lessee shall pay all operation, maintenance and replacement costs of such water to the United States, or if directed by the Secretary, to CAWCD; and

(2) the lessee shall not be obligated to pay water service capital charges or municipal and industrial subcontract charges or any other charges or payment for such CAP water other than the operation, maintenance and replacement costs and lease payments.

(f) ALLOCATION AND REPAYMENT OF COSTS.—For the purpose of determining allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract Numbered 14–06–W–245, Amendment No. 1, between the United States of America and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with the delivery of water to which the Tribe is entitled under the Tribal Delivery Contract, as amended, to the lessee or lessees of the options to lease or leases herein authorized shall be nonreimbursable, and such costs shall be excluded from CAWCD's repayment obligation.

(g) AGREEMENTS.—The Secretary shall, in consultation with the Tribe, enter into agreements necessary to permit the Tribe to exchange, within the State of Arizona, all or part of the water available to it under its Tribal CAP Delivery Contract, as amended.

(h) RATIFICATION.—As among the parties to the Agreement, the right of the city of Globe to withdraw and use water from under the Cutter subarea under the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(i) USE OF WATER.—As among the parties to the Agreement, the right of the city of Safford to withdraw and use water from the Bonita Creek watershed as provided in the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(j) WITHDRAWAL AND USE OF WATER.—As between the Tribe and Phelps Dodge, the right of Phelps Dodge to divert, withdraw and use water as provided in the Agreement, as limited and

conditioned thereunder, is hereby ratified and confirmed.

(k) PROHIBITIONS.—Except as authorized by this section, no water made available to the Tribe pursuant to the Agreement, the Globe Equity Decree, or this Act may be sold, leased, transferred or in any way used off the Tribe's Reservation.

SEC. 7. CONSTRUCTION AND REHABILITATION; TRUST FUND.

(a) DUTIES.—The Secretary is directed—

(1) pursuant to the existing authority of the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.) to design and construct new facilities for the delivery of 12,700 acre-feet of CAP water originally allocated to the Tribe to tribal reservation lands at a cost which shall not exceed the cost for such design and construction which would have been incurred by the Secretary in the absence of the Agreement and this Act; and

(2) to amend the contract between the United States Economic Development Administration and the Tribe relating to the construction of Elgo Dam on the San Carlos Apache Indian Reservation, Project No. 07–81–000210, to provide that all remaining repayment obligations owing to the United States on the date of the enactment of this Act are discharged.

(b) FUND.—There is established in the Treasury of the United States a fund to be known as the "San Carlos Apache Tribe Development Trust Fund" (hereinafter called the "Fund") for the exclusive use and benefit of the Tribe. The Secretary shall deposit into the Fund the funds authorized to be appropriated in subsection (c) and the $3,000,000 provided by the State of Arizona pursuant to the Agreement. There shall be deposited into the Fund any monies paid to the Tribe or to the Secretary on behalf of the Tribe from leases or options to lease water authorized by section 6 of this Act.

(c) AUTHORIZATION.—There are authorized to be appropriated $18,800,000 in fiscal year 1993, and $19,600,000 in fiscal year 1994, together with interest accruing thereon beginning one year from the date of enactment of this Act at rates determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Federal obligations of comparable maturity, to carry out the provisions of subsection (b).

(d) USE OF FUND.—When the authorizations contained in section 8(b) of this Act are effective, the principal of the Fund and any interest or income accruing thereon may be used by the Tribe to put to beneficial use the Tribe's water entitlement, to defray the cost to the Tribe of CAP operation, maintenance and replacement charges as appropriate, and for other economic and community development purposes. The income from the Fund shall be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The principal from the Fund may be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council and the Secretary. Such principal may thereafter be expended only in accordance with such budget: Provided, however, That the principal may only be utilized for long-term economic development projects. In approving a budget for the distribution of income or principal, the Secretary shall, in accordance with regulations promulgated pursuant to subsection (e) of this section, be assured that methods exist and will be employed to ensure the use of the funds shall be in accordance with the approved budget.

(e) REGULATIONS.—The Secretary shall, no later than 30 days after the date the authorizations contained in section 8(b) are effective, promulgate regulations necessary to carry out the purposes of subsection (d).

(f) DISCLAIMER.—The United States shall not be liable for any claim or cause of action arising from the Tribe's use or expenditure of monies distributed from the Fund.

SEC. 8. SATISFACTION OF CLAIMS.

(a) FULL SATISFACTION OF CLAIMS.—Except as provided in subsection (e) of this section, the benefits realized by the Tribe and its members under this Act shall constitute full and complete satisfaction of all members' claims for water rights or injuries to water rights under Federal, State and other laws (including claims for water rights in ground water, surface water, and effluent) from time immemorial to the effective date of this Act. Notwithstanding the foregoing, nothing in this Act shall be deemed to recognize or establish any right of a member of the Tribe to water on the Tribe's Reservation.

(b) RELEASE.—The Tribe, on behalf of itself and its members, and the Secretary on behalf of the United States, are authorized, as part of the performance of the obligations under the Agreement, to execute a waiver and release, except as provided in the Agreement, of all claims of water rights or injuries to water rights (including water rights in ground water, surface water and effluent), from time immemorial to the effective date of this Act, and any and all future claims of water rights (including water rights in ground water, surface water and effluent), from and after the effective date of this Act, which the Tribe and its members may have, against the United States, the State of Arizona or any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States, the State of Arizona or otherwise.

(c) ADDITIONAL RELEASES.—Except as provided in the Agreement, the United States shall not assert any claim against the State of Arizona or any political subdivision thereof, or any person, corporation or municipal corporation, arising under the laws of the United States, the State of Arizona or otherwise in its own right or on behalf of the Tribe based upon—

(1) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) of the Tribe and its members, or

(2) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) held by the United States on behalf of the Tribe and its members.

(d) SAVINGS PROVISION.—In the event the authorizations contained in subsection (b) of this section do not become effective pursuant to section 11(a), the Tribe and the United States shall retain the right to assert past and future water rights claims as to all Reservation lands.

(e) DISCLAIMER.—Nothing in this Act shall affect the water right or claims related to the San Carlos Apache Allotments outside the exterior boundaries of the Reservation.

(f) AK-CHIN WATER CLAIMS; WAIVER AND RELEASE.—Lands receiving CAP water shall be free from the ownership and full cost pricing limitations of Federal reclamation law and from all full cost pricing provisions of Federal law: Provided, That, as to each non-Indian agricultural contractor of such water, such exemptions shall be contingent upon the execution by such contractor of a waiver and release of any and all claims resulting from the reallocation of water to the Tribe pursuant to section 4(a) of this Act.

SEC. 9. ENVIRONMENTAL COMPLIANCE.

(a) NO MAJOR FEDERAL ACTION.—Execution of the settlement agreement by the Secretary as provided for in section 10(c) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all necessary environmental compliance during the implementation phase of this settlement.

(b) AUTHORIZATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out all necessary environmental compliance associated with the settlement under this Act, including mitigation measures adopted by the Secretary.

(c) LEAD AGENCY.—With respect to such settlement, the Bureau of Reclamation shall be designated as the lead agency in regard to environmental compliance, and shall coordinate and cooperate with the other affected Federal agencies as required under applicable Federal environmental laws.

(d) ENVIRONMENTAL ACTS.—The Secretary shall comply with all aspect of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and the Endangered Species Act (16 U.S.C. 1531 et seq.), and other applicable Federal environmental Acts and regulations in proceeding through the implementation phase of such settlement.

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY—In the event any party to the Agreement files a lawsuit in any United States district court relating only and directly to the interpretation or enforcement of this Act or the Agreement, naming the United States of America or the Tribe as parties, authorization is hereby granted to joining the United States of America or the Tribe, or both, in any such litigation, and any claim by the United States of America or the Tribe to sovereign immunity from such suit is hereby waived.

(b) CERTAIN CLAIMS PROHIBITED.—The United States of America shall make no claims for reimbursement of costs arising out of the implementation of this Act or the Agreement against any lands within the San Carlos Apache Indian Reservation, and no assessment shall be made with regard to such costs against such lands.

(c) APPROVAL OF AGREEMENT.—Except to the extent that the Agreement conflicts with the provisions of this Act, such Agreement is hereby approved, ratified and confirmed. The Secretary shall execute and perform such Agreement as approved, ratified and confirmed. The Secretary is authorized to execute any amendments to the Agreement and perform any action required by any amendments to the Agreement which may be mutually agreed upon by the parties.

(d) GROUND WATER MANAGEMENT PLAN.—The Secretary shall establish a ground water management plan for the San Carlos Apache Reservation which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as a management plan developed under Arizona law.

(e) AMENDMENT TO THE ACT OF APRIL 4, 1938.—The Act of April 4, 1938 (52 Stat. 193; 25 U.S.C. 390) is amended by inserting immediately before the period at the end thereof a colon and the following: "Provided further, That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe".

(f) SAN CARLOS RESERVOIR.—There is hereby transferred to the Tribe the Secretary's entitlement of 30,000 acre-feet of water, less any evaporation and seepage losses from the date of acquisition by the Secretary to the date of transfer, which the Secretary may have acquired through substituting CAP water for water to which the Gila River Indian Community and the San Carlos Irrigation and Drainage District had

a right to be released from San Carlos Reservoir and delivered to them in 1990.

(g) LIMITATION.—No part of the Fund established by section 7(b) of this Act, including principal and income, or income from options to lease water or water leases authorized by section 6, may be used to make per capita payments to members of the Tribe.

(h) DISCLAIMER.—Nothing in this Act shall be construed to repeal, modify, amend, change or affect the Secretary's obligations to the Ak-Chin Indian Community pursuant to the Act of October 19, 1984 (98 Stat. 2698).

(i) WATER RIGHTS.—Nothing in this Act shall be construed to quantify or otherwise affect the water rights, claims or entitlements to water of any Arizona tribe, band or community, other than the San Carlos Apache Tribe.

(j) PLANET RANCH.—The Secretary is authorized and directed to acquire, with the consent of and upon terms mutually acceptable to the city of Scottsdale ("city") and the Secretary, all of the city's right, title and interest in Planet Ranch located on the Bill Williams River in Arizona, including all water rights appurtenant to that property, and the city's January 1988 application filed with the Arizona Department of Water Resources to appropriate water from the Bill Williams River through a land exchange based on fair market value. If an exchange is made with land purchased by the Bureau of Reclamation for the construction and operation of the Central Arizona Project, then, upon commencement of repayment by CAWCD of the reimbursable costs of the Central Arizona Project, the fair market value of those lands so exchanged shall be credited in full against the annual payments due from CAWCD under Article 9.4(a) of Contract No. 14-06-W-245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, until exhausted: Provided, however, That the authorized appropriation ceiling of the Central Arizona Project shall not be affected in any manner by the provisions of this subsection.

(k) REPEAL.—Section 304(c)(3) of the Colorado River Basin Project Act (43 U.S.C. 1524(c)(3)) is hereby repealed. This subsection does not authorize transportation of water pumped within the exterior boundary of a Federal reclamation project established prior to September 30, 1968, pursuant to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391), as amended and supplemented, across project boundaries.

(l) WATER RIGHTS.—Nothing in this Act shall be construed to affect the water rights or the water rights claims of any Federal agency other than the Bureau of Indian Affairs on behalf of the San Carlos Apache Tribe, nor shall anything in this Act be construed to prohibit the United States from confirming in the Agreement, except on behalf of Indian tribes other than the San Carlos Apache Tribe, the Gila River and Little Colorado River watershed water rights of other parties to the Agreement by making express provisions for the same in the Agreement.

SEC. 11. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF AUTHORIZATION.—The authorization contained in section 8(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) the Secretary has fulfilled the requirements of sections 4 and 6;

(2) the Roosevelt Water Conservation District subcontract for agricultural water service from CAP has been revised and executed as provided in section 5(b);

(3) the funds authorized by section 7(c) have been appropriated and deposited into the Fund;

(4) the contract referred to in section 7(a)(2) has been amended;

(5) the State of Arizona has appropriated and deposited into the Fund $3,000,000 as required by the Agreement;

(6) the stipulations attached to the Agreement as Exhibits "D" and "E" have been approved; and

(7) the Agreement has been modified, to the extent it is in conflict with this Act, and has been executed by the Secretary.

(b) CONDITIONS.—If the actions described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection (a) of this Act have not occurred by December 31, 1994, subsections (c) and (d) of section 4, subsections (a) and (b), of section 5, section 6, subsection (a)(2), (c), (d), and (f) of section 7, subsections (b) and (c) of section 8, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 10 of this Act, together with any contracts entered into pursuant to any such section or subsection, shall not be effective on and after the date of enactment of this Act, and any funds appropriated pursuant to section 7(c), and remaining unobligated and unexpended on the date of the enactment of this Act, shall immediately revert to the Treasury, as general revenues, and any funds appropriated by the State of Arizona pursuant to the Agreement, and remaining unobligated and unexpended on the date of the enactment of this Act, shall immediately revert to the State of Arizona.

*(2) Notwithstanding the provision of paragraph (1), if the provisions of subsections (a) and (b) of section 5 of this Act have been otherwise accomplished pursuant to provisions of the Act of October 20, 1988, prior to the date of the enactment of this Act, the provisions of paragraph (1) shall not be construed as affecting such subsections.**ERR08*

AMENDMENT NO. 1254

(Purpose: To make certain technical amendments)

Mr. SIMPSON. Mr. President, I send a technical amendment to the desk on behalf of the Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Senator MCCAIN, proposes an amendment numbered 1254.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, line 1, strike out "Water service" and insert in lieu thereof "Except as provided in subsection (e)(3) of section 6, water service".

On page 36, line 22, strike out "Water service" and insert in lieu "Except as provided in subsection (e)(3) of section 6, water service".

On page 40, line 15, strike out "to" and insert in lieu thereof "or".

On page 44, line 4, strike out "Any" and insert in lieu thereof "Except as provided in paragraph (3) of this subsection, any".

On page 44, line 11, strike out "the" and insert in lieu therof "Except as provided in paragraph (3) of this subsection, the".

On page 44, between lines 15 and 16, insert the following:

(3) With respect to the water reallocated to the Tribe pursuant to subsections (c) and (d) of section 4, the Tribe or lessee shall pay any water service capital charges or municipal and industrial subcontract charges for any water use or lease from the effective date of this Act through September 30, 1995.

On page 57, line 11, strike out "If" and insert in lieu thereof "(1) If".

On page 58, line 3, strike out "provision of paragraph (1)" and insert in lieu thereof "provisions of paragraph (1) of this subsection".

On page 58, line 6, beginning with the second comma, strike out all through "Act" on line 7.

On page 58, line 8, immediately after "(1)", insert "of this subsection".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1254) was agreed to.

Mr. MCCAIN. Mr. President, I am very pleased to rise in support of S. 291, the San Carlos Apache Tribe Water Rights Settlement Act of 1991.

In Arizona, as elsewhere in the arid West, no resource is more valuable than water. No resource is subject to more disagreement, dispute and litigation.

Accordingly, it is with great pride and pleasure that I urge the Senate to approve this legislation, which provides for settling water-related disputes and eliminating or greatly reducing the scope of litigation. S. 291 will ratify a series of agreements, reached after more than 2 years' of tough negotiations involving representatives of the Secretary of the Interior, the San Carlos Apache Tribe, the State of Arizona, and an array of municipal, agricultural, and mining entities.

The United States has filed in State court, on behalf of the San Carlos Apache Tribe, claims to more than 290,000 acre-feet of water for the tribe's 1.8 million-acre reservation. These claims, and related water disputes between and among the parties, are the subject of the settlement agreement and S. 291.

For the United States and the tribe, the settlement will secure for the tribe rights to a total of 153,000 acre-feet of water annually. 33,300 acre-feet of this amount is central Arizona project [CAP] Indian water excess to the Secretary's needs under the 1984 AK-CHIN settlement; 18,135 acre-feet is previously allocated CAP municipal-industrial water; 6,000 acre-feet was allocated to the tribe by the GILA decree of 1935, 7,300 acre-feet is Black River water from the Salt River project and the Roosevelt Water Conservation District; and 12,700 acre-feet is the tribe's existing CAP allocation. The tribe would be entitled to an estimated 50,000 acre-feet of on-reservation tributary flows and 25,000 acre-feet of ground water annually. Agreements with the cities of Safford and Globe and the Phelps Dodge Corp. will secure and place certain limits on use of surface and ground water supplies that have been in dispute.

The settlement also enables the tribe to maintain a pool of water in San Carlos Lake behind Coolidge Dam on the Gila River. This pool and revised procedures for managing the water behind the dam will serve to prevent any recurrence of the disastrous fish kills that occurred behind the dam in the 1970's and which almost occurred in each of the last 2 drought years.

Mr. President, my friend and former House colleague, the recently retired Interior Committee Chairman Morris K. Udall, will be particularly pleased about this provision of S. 291. After the last fish kill, Mo Udall promised to try and find a permanent solution to prevent another one. During the past 2 very dry years, when events threatened to destroy the fishery resource again, his intervention was crucial in finding interim solutions that averted another kill. Mo Udall saw eventual enactment of a San Carlos water settlement as the key to a permanent solution that would fulfill his promise. I am delighted that we are so close to achieving it.

The United States' claims to water on behalf of the San Carlos Apache Tribe can be conservatively estimated to be worth more than $1½ billion. If one discounts this amount to account for normal risks of litigation, and considers the record of the United States' performance as trustee for the tribe—a record that can be charitably characterized as less than diligent—the Federal share of this settlement package can only be considered fair and reasonable.

Overall, Federal contributions to the settlement are valued at approximately $55 million, including $38,400,000 in direct appropriations to a tribal development fund. Local contributions—in water and in revenues to the tribe—are valued at no less than $55 million. This amount includes $3 million from the State of Arizona in lieu of litigation costs and revenues to the tribe from leases of portions of its CAP M&I and indian water to municipalities. The overall value of the contributions of the local parties fairly reflects their respective interests and liabilities.

If all of the requirements of the settlement agreement and the legislation, including approval of necessary stipulations to ligitation by the appropriate courts, are met no later than December 31, 1993, then the settlement will become effective.

As introduced, S. 291 was essentially the same as legislation pased by the House late in the last Congress and not acted on by the Senate. As reported by the select committee, the bill includes a compromise on the one critical issue left unsettled in last year's House bill. This compromise resolves a dispute over the use of so-called excess AK-CHIN water under the terms of 1984 Senate amendments to the 1978 AK-CHIN Indian Water Rights Settlement Act.

The history of this dispute is detailed in the committee report on S. 291. The compromise that has been worked out is satisfactory to the delegation, the tribe, the State, the Central Arizona Water Conservation District, and the other parties in Arizona, and to the best of my knowledge is acceptable to the administration. Achieving compromise on this issue has been very difficult, and I believe it is fair to say that without it, we would not be able to move this settlement through the Congress.

What the compromise does is allow the tribe to obtain and profit from the excess AK-CHIN water by leasing it to municipalities. It will allow agricultural users, who will be effectively precluded from using the excess AK-CHIN water, to make more economical use of their other CAP and groundwater supplies consistent with the purposes of the central Arizona project authorizing legislation and Arizona's Groundwater Management Act.

S. 291 also includes a provision, requested by the Interior Department and the city of Scottsdale, authorizing the Secretary of the Interior to negotiate with the city to obtain Planet Ranch through a fair market value exchange of Federal lands elsewhere in Arizona. Federal acquisition of the water rights associated with the ranch, which is located on the Bill Williams River in western Arizona, will secure water supplies critical to the continued health and well-being of species and riparian habitat along the river as it flows into the Bill Williams unit of the Havasu National Wildlife Refuge.

Federal acquisition of the planet ranch is strongly supported by the Interior Department and by all parties concerned in Arizona. Its aquisition would be a big plus for the environment that would have the virtue of also eliminating the need for a great deal of litigation that would have to be funded by State, Federal, and local taxpayers.

Accordingly, I am very pleased to have the Planet Ranch provision included in this legislation.

Mr. President, the Congressional Budget Office Report on S. 291 found a problem with the Budget Enforcement Act, specifically, a potential loss of $1.1 million in revenue to the United States in fiscal years 1994 and 1995 as a result of approximately 18,000 acre-feet of CAP municipal and industrial water being reallocated to the San Carlos Tribe. The lost revenue would be in the form of water service capital charges that would otherwise be paid by municipal and industrial water contractors. As a result of negotiations with tribal representatives, I have included in the block of technical amendments to S. 291 is an amendment providing that any such water service capital charges shall be paid to the United States during the fiscal years 1994 and 1995 by the tribe or its lessee. I have been advised by CBO that this amendment effectively eliminates S. 291's budget act problem.

I want to congratulate all who have contributed to the San Carlos settlement effort, in particular the representatives of the San Carlos Apache Tribe, the cities of Chandler, Glendale, Globe, Mesa, Stafford, and Scottsdale, and the town of Gilbert, the Salt River project, the Central Arizona Water Conservation District, the Phelps Dodge Corp., the Buckeye Water Conservation and Drainage District, and the Buckeye Irrigation Co., and the State of Arizona.

Although they are not signatories to the settlement agreement, I would also like to recognize the Gila River Indian Community, the San Carlos Irrigation and Drainage District, and the Gila Valley and Franklin Irrigation Districts for their cooperation.

I want to express special thanks to my colleague, Senator DECONCINI, and his staff, in particular for their role in developing the compromise on the excess AK-CHIN water. Senator DECONCINI's commitment to the settlement process has been a key to the San Carlos settlement as well as to the other successful settlements of Arizona Indian water rights claims.

I thank Senator DOMENICI for his efforts to ensure that appropriate language was included in S. 291 to meet the concerns of New Mexico citizens along the Upper Gila River regarding future water exchanges.

Finally, let me express my deep appreciation to the distinguished chairman of the Select Committee on Indian Affairs, Senator INOUYE. His leadership and commitment to providing fair and just resolution of Indian water rights claims has been crucial to the success of the settlement process. I thank him for his attention to and support for the effort to achieve the San Carlos Apache water rights settlement.

Mr. President, this legislation is eloquent testimony to the wisdom of a policy of supporting negotiation, rather than litigation, in seeking to resolve disputes involving highly complex and emotional issues. I strongly urge its passage.

Mr. WALLOP. Mr. President, S. 291 as reported by the Select Committee on Indian Affairs includes several provisions involving matters that fall within the jurisdiction of the Committee on Energy and Natural Resources. Since the select committee's report was filed on July 31, I have had an opportunity to review these provisions and the explanations of them in the select committee's report and am persuaded that a further, formal review by the Energy Committee is not necessary. However, for the record, I would ask the junior Senator from Arizona, the vice chairman of the select committee, if he would respond to three questions about the legislation.

Mr. MCCAIN. I will be happy to respond.

Mr. WALLOP. Mr. President, section 10(j) of the bill authorizes the Secretary of the Interior to acquire from the city of Scottsdale, AZ, Planet Ranch on the Bill Williams River, including all appurtenant water rights and the city's pending application with the State Department of Water Resources to appropriate additional water from the river, through a land exchange based on fair market value. If the lands the Secretary exchanges for Planet Ranch are lands previously purchased by the Bureau of Reclamation for the construction and use of the Central Arizona Project (CAP), how will this affect the repayment obligations of the Central Arizona Water Conservation District (CAWCD)?

Mr. MCCAIN. There will be no change in the district's repayment obligation. Under the terms of CAWCD's repayment contract and reclamation law, once repayment of the CAP begins, if the Bureau of Reclamation sells lands it purchased for CAP use, the CAWCD is entitled to receive credit against the annual payments due on its repayment obligation. Section 10(j) ensures that in the event these same lands are exchanged for Planet Ranch, the CAWCD will receive the same fair market value credit against its annual payments as it would if the lands were sold. The effect is to ensure that the CAWCD, as a third party, neither receives a windfall nor suffers a penalty as a result of a Planet Ranch exchange.

Mr. WALLOP. I thank the Senator for his answer. Section 10(k) of S. 291 repeals section 304(c)(3) of the Colorado River Basin Project Act of 1968. Will the Senator from Arizona please explain why this provision is in the bill?

Mr. MCCAIN. I will be happy to explain. First let me say that section 304(c)(3) requires the Secretary of the Interior to find that a surplus of ground water exists and that drainage is or was required as a precondition for permitting ground water to be pumped from within the exterior boundaries of a CAP contractor's service area for any use outside that contractor's service area. This provision, which was enacted 12 years before Arizona enacted a comprehensive ground water management law and 23 years before Arizona enacted statewide comprehensive legislation governing the transportation of ground water, has provided the only Federal requirement with respect to the transfer of ground water within the State of Arizona and applies to no other State.

Although the Secretary to date has not invoked the provision, municipalities in Maricopa County, including the city of Phoenix, are concerned that section 304(c)(3) might be interpreted as a bar to a variety of water management activities either under way or contemplated pursuant to the State's Groundwater Management Act or pursuant to Indian water rights settlements. Consequently, they sought its repeal as part of the Fort McDowell Indian water rights settlement in the 101st Congress. However, rural Arizona counties and municipalities opposed repeal until the Arizona legislature enacted statewide comprehensive legislation on ground water transportation. The Arizona delegation agreed that, upon enactment of such legislation by the State, we would seek repeal of 304(c)(3).

In May of this year Arizona enacted comprehensive ground water transportation legislation that included a declaration of the State's support for legislation in Congress to armed section 304(c)(3). Accordingly, section 10(k) was added to S. 291.

I would observe that this affirmative response to the State's request is entirely consistent with longstanding Federal policy to defer to State law on matters concerning the management and use of a State's water within its boundaries.

Mr. WALLOP. I thank the Senator for his explanation. My third question concerns section 8(f) of S. 291, which provides for a waiver of ownership and full cost pricing limitations of reclamation law to CAP contractors who waive any claims to the so-called excess Ak-Chin water. Would the Senator explain the basis for this provision?

Mr. MCCAIN. I am glad to explain. Mr. President, the waivers authorized by section 8(f) constitute a compromise that eliminates opposition to a key provision of the San Carlos settlement that allocates to the San Carlos Apache Tribe 33,300 acre-feet of Colorado River water which is excess to the Secretary's requirements under the 1984 Ak-Chin Indian water settlement. S. 291 provides for the tribe to lease this water to various Arizona municipalities and thereby obtain a significant, long term source of revenue—estimated at more than $40,000,000 over the next 100 years—with which to develop its water and other resources.

However, reallocation of the excess AK-Chin water to the San Carlos Tribe for lease to municipal users will effectively preclude CAP non-Indian agricultural contractors from having any access to that water. Because these contractors were intended to have such access pursuant to the 1984 Senate amendments to the AK-Chin settlement, they, as well as the State and the Central Arizona Water Conservation District, strongly opposed the reallocation and the settlement without some offsetting consideration. The select committee adopted the view of the State, the CAWCD and the contractors that a waiver of the ownership and full cost pricing limitations of reclamation law would be appropriate consideration primarily because these limitations operate to frustrate efficient and economical use of water in central Arizona, which is directly contrary to the purposes of the 1968 Colorado River Basin Project Act and Arizona's Groundwater Management Act.

Mr. President, because section 8(f) is such an important provision of the San Carlos settlement, I think it is appropriate to include at this point in the Record those portions of the report of the Select Committee on Indian Affairs on S. 291 (S. Rept. 102–133), which detail the history of the 1984 AK-Chin amendments and further explain the basis for the Reclamation waiver.

I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Excerpt From Senate Report 102–133

In 1983 the Secretary and the AK-Chin Indian Community renegotiated the terms of the 1978 AK-Chin settlement after it had become clear that problems associated with acquiring the water sources identified in that settlement made those sources not viable. As introduced and passed by the House in September, 1984, the settlement amendments required the Secretary to provide 75,000 AF annually to AK-Chin, with the first 50,000 AF to be Colorado River water acquired from the Yuma-Mesa Division of the Gila Project, and the balance to come from AK-Chin's 58,300 AF CAP Indian allocation.

Arizona's governor and Department of Water Resources (DWR) objected to the allocation of the unused Yuma-Mesa water for AK-Chin. DWR, which had included the allocated but unused Yuma-Mesa water in its calculation of Central Arizona Project supplies available for ultimate allocation to non-Indian agricultural and municipal users, saw the allocation to AK-Chin as causing shortages for other allottees in future dry years. After the House passed the renegotiated settlement on September 17, 1984, the governor and DWR director sought changes in the legislation in the Senate.

Arizona Senators Goldwater and DeConcini declined to change the terms of the renegotiated settlement, but did agree to two amendments that addressed the State's concerns. One modified Section 2(k) of the House bill, which provided that:

"Whenever the aggregate water supply * * * exceeds the quantity necessary to meet the obligations of the Secretary under this Act, the Secretary shall have the authority to contract, on an interim basis, for the allocation of any of the water * * * which is not required for delivery to the AK-Chin Indian Reservation under this Act." The House Report (98–1026) was ambiguous as to the meaning of this provision. On page 5 it stated that "any water from these combined sources of water that is in excess of the Community's entitlement will be available for allocation to other water users in central Arizona", although the actual language in 2(k) did not specify central Arizona. On page 13, in the section-by-section analysis of section 2(K), the report states that "It is the intent of the Committee that any such excess water be allocated for use in Arizona."

The State wanted to eliminate any doubt that the access AK-Chin water would be used in central Arizona. Accordingly, Arizona's Senators agreed to amend subsection 2(K) to read "the Secretary shall allocate on an interim basis TO THE CENTRAL ARIZONA PROJECT any of the water * * * which is not required for delivery to the AK-Chin Indian Reservation under this Act."

Relevant portions of both Senators' statements made during Senate consideration of H.R. 6206, as well as subsequent statements made in the House by Interior Committee Chairman Udall and representative McCain concurring in the Senate amendments, describe the intent of requiring the Secretary to allocate the excess AK-Chin water to the Central Arizona Project so as to ensure that the water would be available to the Central Arizona Water Conservation District, the eventual operator of the CAP, for use by its non-Indian contractors.

At the March 28, 1991 joint hearing on S. 291, Senator DeConcini and witnesses from the State of Arizona, the CAWCD, CAP agricultural contractors and Pinal County municipalities expressed support for the San Carlos settlement but strongly opposed S. 291's provisions allocating the excess AK-Chin water to the San Carlos Apache Tribe and authorizing its lease to municipal entities. The common base for their opposition is that these provisions, by effectively denying CAP agricultural contractors, who are not otherwise parties to the settlement, any opportunity to use the AK-Chin excess water, would frustrate the purpose and intent of the 1984 Senate amendments to the AK-Chin settlement. Only if the non-Indian CAP agricultural contractors received some consideration to offset their loss of all future access to the excess AK-Chin water would these parties support the settlement and S. 291.

The Tribe and the Interior Department testified that the settlement would be unacceptable to them without the reallocated excess Ak-Chin water and its lease revenues going to the Tribe. The Department has asserted that because the actual language of the 1984 amendments to the Ak-Chin settlement arguably did not vest any legally enforceable right to the excess Ak-Chin water in the State, CAWCD or its contractors, the purpose and intent of the Senate amendments in effect should be ignored and the water reallocated to San Carlos by the settlement legislation notwithstanding the understandings of the parties to those amendments.

The Committee agrees with the Tribe and the Department that the use of the excess Ak-Chin water as provided in S. 291 is essential if the Tribe's claims are to be fairly settled. However, the Committee also recognizes and gives great weight to the understandings of Arizona's Senators and the other parties supporting those amendments as to the purpose and intent of the amendments. The Committee also notes that the contributions of the State of Arizona and the cooperation of the CAWCD are essential to the implementation of the San Carlos settlement.

Extensive discussions among the parties subsequent to the March hearing produced agreement that appropriate and acceptable consideration to the Central Arizona Project agricultural contractors for their loss of access to the excess Ak-Chin water would be a waiver of the ownership limitations and full cost pricing provisions of Federal Reclamation law and the full cost pricing provisions of Federal Reclamation law and the full cost pricing provisions of other Federal law. Accordingly, Section 8(f) of the Committee substitute provides for such a waiver in exchange for the contractors' waiver and release of any and all claims to the use of the excess Ak-Chin water.

The appropriateness of the waiver is supported by information provided to the Committee by the State and the Central Arizona Water Conservation District that indicates that the ownership limitation and full cost pricing provisions of Federal reclamation law, fully applied to Central Arizona Project non-Indian agricultural contractors, operate to produce results contrary to the purposes for which the Central Arizona Project was authorized and to the purposes of Arizona's 1980 Groundwater Management Act.

As described in a 1967 Senate report on the Central Arizona Project (S. Rept. 90-408, p. 27), the project was "needed to (1) Reduce a dangerous overdraft upon ground water reserves (2) Maintain as much as possible of the area's 1,250,000 acres of irrigated farm land. (3) Provide a source of additional water for municipal and industrial use that will be required during the next 30 years." To this end, the 1968 authorizing legislation barred the use of Central Arizona Project water directly or indirectly for irrigation of lands not having a recent history of irrigation (Indian lands and state and Federal Wildlife refuges were excepted from this bar).

Arizona's 1980 Groundwater Management Act (GMA) was enacted in part as a condition for receiving the Federal funding necessary to complete the Central Arizona Project. The GMA's primary goals include controlling the severe overdraft occurring in many parts of the state and providing a means to allocate the state's limited groundwater resources. Among its provisions, the GMA required integration of water conservation programs with the Central Arizona Project.

The GMA established four Active Management Areas (AMA), which include 80 percent of Arizona's population and 70 percent of the state's groundwater overdraft, to provide comprehensive groundwater management. In the Prescott, Phoenix and Tucson AMAs, which include the large urban areas of the state, the primary management goal is to achieve safe-yield, defined as a long-term balance between the annual amount of groundwater withdrawn in the AMA and the annual amount of natural and artificial recharge, by the year 2025. In the Pinal AMA, where a predominantly agricultural economy exists, the management goal is to preserve that economy for as long as feasible, while considering the need to preserve groundwater for future non-irrigation uses.

Under conservation and management plans for Arizona's agricultural sector, which accounts for about 75 percent of total water use in the AMA's, each farm's water use is to be reduced by increasing irrigation efficiency. In addition, CAP agricultural contractors are required to reduce groundwater pumping by one acre-foot for each acre-foot of CAP water they receive. The combination of more efficient irrigation systems with new surface supplies from the Colorado River via the CAP, which reduces the need to pump groundwater, is therefore crucial to the success of the state's efforts to met its goal of safe-yield in the AMA's by 2025.

The GMA assumes that CAP agricultural contractors will be able to take deliveries of large amounts of Colorado River water in the early years of the project, which would slow the rate of groundwater depletion, and, as municipal and industrial uses increase and agricultural areas convert to urban uses, further reduce depletion. Consistent with this assumption, agricultural users took deliveries of 594,000 acre-feet of water in calendar year 1990 and municipal and industrial users took deliveries of 151,000 acre-feet of Colorado River water.

Arizona's Department of Water Resources, the CAWCD and representatives of CAP agricultural contractors testified that a waiver of the ownership limitations of federal law would enable the contractors to achieve more economical and efficient use of their water supplies, and to take delivery of increased amounts of CAP water, with corresponding reductions of groundwater pumping, as envisioned by the 1968 CAP authorizing legislation and the GMA. Doing so would not result in increases in lands subject to irrigation, as such increases are restricted under both the 1968 CAP authorizing legislation and the GMA.

Similarly, these witnesses testified that the application of full-cost pricing provisions of Reclamation law and of federal law to CAP agricultural contractors is contrary to the goals of the CAP and the GMA. When the CAP is declared complete (anticipated some time in 1993), the contract rate for CAP agricultural water, including operation, maintenance and repair charges, will be about $57 per acre-foot. The cost of pumping an acre-foot of groundwater will remain less than that amount, while the full cost of CAP water is estimated to be about $250 per acre-foot.

The CAP's economics and the requirements of Reclamation law attendant to contracting for CAP water were major factors that caused 13 of the 23 Arizona agricultural entities that were offered contracts for CAP water to decline those contracts. Relying on the calculations of water delivery and construction costs provided by the Bureau of Reclamation, the ten agriculture districts that did sign long term water service contracts obligated themselves to repay the United States over $250,000,000 for the cost of constructing their distribution systems. Six of the ten incurred more than $70,000,000 in additional bonded indebtedness to private lenders in order to meet a federal requirement that they pay twenty percent of the cost of their distribution system up-front.

Given their reliance on the information provided by the United States and notwithstanding the rates that they would pay for CAP water would be less than full cost, as provided in their water service contracts, CAP agricultural contractors remain concerned that full-cost provisions of Reclamation law might be applied to their operations or that federal law might be amended to require payment of full cost for project water as a condition of their eligibility for participation in various federal programs.

Mr. McCAIN. Mr. President, I hope that this explanation of the compromise on the Ak-Chin water makes clear that the circumstances that gave rise to section 8(f) of S. 291 are unique to Arizona and to the central Arizona project. The excess Ak-Chin water is a crucial element of the San Carlos settlement. It represents a major source of future revenue for the improverished San Carlos Apache Tribe—revenue from local, non-Indian entities rather than from federal appropriations. I would emphasize that without the excess Ak-Chin water compromise, the entire San Carlos settlement and the benefits it would provide both the tribe and non-Indians are likely to be lost.

I know the Senator from Wyoming understands all too well how difficult and complex are the problems and issues posed by unresolved federal and Indian claims to water on western watersheds. I appreciate his concerns about S. 291, and thank him for the opportunity to answer his questions.

Mr. WALLOP. I thank the Senator from Arizona for his responses.

Mr. DECONCINI. Mr. President, the bill before the Senate, S. 291 the San Carlos apache tribe water rights settlement act of 1991, will provide for the settlement of the water rights claims of the San Carlos Indian Tribe. This legislation is extremely important to the water future of Arizona.

For the information of my colleagues, the United States on behalf of the tribe has filed claims for 292,406 acre-feet per year against a variety of parties. At the rate used by the Department of the Interior in previous settlements, the value of these claims is estimated to be $511 million. This legislation resolves these claims. In return for extinguishing these claims, the Tribe will receive 152,435 acre-feet per year [AF/Y] of water from a variety of sources as well as sufficient money from the Federal Government, the State of Arizona, the city of Safford, Phelps Dodge, and receipts from long-term leasing of water in order to develop the beneficial uses of this water on the reservation.

While I now support the bill, as it was reported by the committee, it has not always enjoyed my support. I would like to take a moment to touch upon a previous concern of mine with the bill and discuss how it will be resolved in the bill currently before the Senate.

The San Carlos legislation as introduced, proposed using the 33,000 ac/ft in excess of the amount needed to satisfy the Ak-Chin Indian settlement to complete the water budget for the San Carlos settlement. However, Senator Goldwater and I successfully offered an amendment to the 1984 Ak-Chin legislation which specifically stated that any water not utilized by the Ak-Chin community for this settlement would return to the central Arizona project to be reallocated by the State. Because of this, the State of Arizona, the central Arizona Water Conservation District, along with myself, were opposed to using this water for the settlement.

To respond to this issue, the bill was modified to exempt irrigation districts receiving cap water from the ownership and full cost pricing limitations of Federal reclamation law. In return, these irrigation districts will drop their claims to the Ak-Chin surplus water. It is my understanding that this solution is agreeable with all of the concerned parties including this Senator.

Another issue I would like to touch upon is the acquisition of Planet Ranch. The bill authorizes the Secretary to acquire Planet Ranch by exchange. This is a good provision and I support it. This action will allow for the protection of one of our precious, but rapidly disappearing, desert riparian areas. Some questions have arisen concerning who should manage this area once it has been acquired; the BLM or the Fish and Wildlife Service. The language in the bill is neutral in this regard.

There were other issues in the bill as introduced that I had concerns about. These included the impact to the water supply of the city of Safford and Greenlee County's largest employer. These issues have been addressed to my satisfaction in the bill before the committee.

I applaud the vice-chairman, Senator McCAIN, for his efforts to work through these and other issues and bring this bill to the floor. I also want to thank the chairman of the Select Committee on Indian Affairs, Senator INOUYE, for his leadership in enacting these Indian water settlements.

The San Carlos Apache Tribe Water Rights Settlement Act of 1991 is a good piece of legislation and I ask that my colleagues join me in supporting it. This bill is an outstanding example of how good legislation is enacted in this body.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 291), as amended, was passed.

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Carlos Apache Tribe Water Rights Settlement Act of 1991".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) SPECIFIC FINDINGS.—The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation;

(2) meaningful Indian self-determination and economic self-sufficiency depend on the development of viable Indian reservation economies;

(3) qualification of rights to water and development of facilities needed to utilize tribal water supplies effectively is essential to the development of viable Indian reservation economies, particularly in arid western States;

(4) on November 9, 1871, and by actions subsequent thereto, the United States Government established a reservation for the San Carlos Apache Tribe in Arizona;

(5) the United States, as trustee for the San Carlos Apache Tribe, obtained water entitlements for the Tribe pursuant to the Globe Equity Decree of 1935; however, continued uncertainty as to the full extent of the Tribe's entitlement to water has severely limited the Tribe's access to water and financial resources necessary to develop its valuable agricultural lands and frustrated its efforts to reduce its dependence on Federal program funding and achieve meaningful self-determination and self-sufficiency;

(6) proceedings to determine the full extent and nature of the Tribe's water rights are currently pending before the United States District Court in Arizona and in the Superior Court of the State of Arizona in and for Maricopa County, as part of the General Adjudication of the Gila River System and Source;

(7) recognizing that final resolution of pending litigation will take many years and entail great expense to all parties, continue economically and socially damaging limits to the Tribe's access to water, prolong uncertainty as to the availability of water supplies and seriously impair the long-term economic planning and development of all parties, the Tribe and its neighboring non-Indian communities have sought to settle their dispute to water and reduce the burdens of litigation;

(8) after lengthy negotiations, which included participation by representatives of the United States Government, the Tribe, and neighboring non-Indian communities of the Salt River and Gila River Valleys, who are all party to the General Adjudication of the Gila River System and Source, the parties are prepared to enter into an Agreement to resolve all water rights claims between and among themselves, to quantify the Tribe's entitlement to water, and to provide for the orderly development of the Tribe's lands;

(9) pursuant to the Agreement, the neighboring non-Indian communities will relinquish claims to approximately 58,735 acre-feet of surface water to the Tribe, provide the means of storing water supplies of the Tribe behind Coolidge Dam on the Gila River in Arizona to enhance fishing, recreation, and other environmental benefits, and make substantial additional contributions to carry out the Agreement's provisions; and

(10) to advance the goal of Federal Indian policy and to fulfill the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Agreement and contribute funds for the rehabilitation and expansion of existing reservation irrigation facilities so as to enable the Tribe to utilize fully its water resources in developing a diverse, efficient reservation economy.

(b) PURPOSES OF ACT.—It is the purpose of this Act—

(1) to approve, ratify, and confirm the Agreement to be entered into by the Tribe and its neighboring non-Indian communities,

(2) to authorize and direct the Secretary of the Interior to execute and perform such Agreement, and

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the Tribe as provided in the Agreement and this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) "Active conservation capacity" means that storage space, exclusive of bank storage, available to store water which can be released through existing reservoir outlet works.

(2) "Agreement" means that agreement among the San Carlos Apache Tribe; the

United States of America; the State of Arizona; the Salt River Project Agricultural Improvement and Power District; the Salt River Valley Water Users' Association; the Roosevelt Water Conservation District; the Arizona cities of Chandler, Glendale, Globe, Mesa, Safford, Scottsdale and Tempe, the town of Gilbert; Buckeye Water Conservation and Drainage District, Buckeye Irrigation Company, the Phelps Dodge Corporation and the Central Arizona Water Conservation District, together with all exhibits thereto, as the same is executed by the Secretary of the Interior pursuant to sections 10(c) and 11(a)(7) of this Act.

(3) "CAP" means the Central Arizona Project, a reclamation project authorized under title III of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1521 et seq.).

(4) "CAWCD" means the Central Arizona Water Conservation District, organized under the laws of the State of Arizona, which is the contractor under a contract with the United States, dated December 15, 1972, for the delivery of water and repayment of costs of the Central Arizona Project.

(5) "Globe Equity Decree" means the decree dated June 29, 1935, entered in the United States of America v. Gila Valley Irrigation District, et al., Globe Equity 59, in the District Court of the United States in and for the District of Arizona, and all decrees and decisions supplemental thereto.

(6) "Reservation" means the reservation authorized by the Treaty with the Apache Nation dated July 1, 1852 (10 Stat. 979), established by the Executive orders of November 9, 1871 and December 14, 1872, as modified by subsequent Executive orders and Acts of Congress including the Executive order of August 5, 1873.

(7) "RWCD" means the Roosevelt Water Conservation District, an irrigation district organized under the laws of the State of Arizona.

(8) "Secretary" means the Secretary of the Interior.

(9) "SRP" means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, and the Salt River Valley Water Users' Association, an Arizona Corporation.

(10) "SCIP" means the San Carlos Irrigation Project authorized pursuant to the Act of June 7, 1924 (42 Stat. 475), expanded pursuant to the Act of March 7, 1928 (45 Stat. 200, 210), and administered by the Bureau of Indian Affairs.

(11) "Tribe" means the San Carlos Apache Tribe, a tribe of Apache Indians organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and duly recognized by the Secretary.

SEC. 4. WATER.

(a) REALLOCATION OF WATER.—The Secretary shall reallocate, for the exclusive use of the Tribe, all of the water referred to in subsection (f)(2) of section 2 of the Act of October 19, 1984 (98 Stat. 2698), which is not required for delivery to the Ak-Chin Indian Reservation under that Act. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-06-W-245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(b) PARTIAL SATISFACTION OF CLAIMS.—Notwithstanding any other provision of this Act, in the event the authorizations contained in section 8(b) do not become effective, the water referred to in subsection 4(a) of this Act shall constitute partial satisfaction of the Tribe's claims for water in the proceeding entitled "In Re the General Adjudication of All Rights To Use Water in the Gila River System and Source, Maricopa County Superior Court Nos. W-1, W-2, W-3, and W-4 (consolidated), as against the parties identified in section 3(2) of this Act.

(c) ADDITIONAL ALLOCATIONS.—The Secretary shall reallocate to the Tribe an annual entitlement to 14,655 acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to Phelps Dodge Corporation in the Notice of Final Water Allocations to Indian and non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 F.R. 12446 et seq.). The Tribe shall pay the United States or, if directed by the Secretary, CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Except as provided in subsection (e)(3) of section 6, water service capital charges, or any other charges or payments for such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-06-W-245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(d) ADDITIONAL ALLOCATIONS.—The Secretary shall reallocate to the Tribe and annual entitlement to 3,480 acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to the city of Globe, Arizona in the Notice of Final Water Allocations to Indian and Non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 F.R. 12466 et seq.). The Tribe shall pay the United States or, if directed by the Secretary CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Except as provided in subsection (e)(3) of section 6, water service capital charges, or any other charges or payments of such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of contract No. 14-06-W-245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be reimbursable.

(e) WATER STORAGE POOL.—Notwithstanding the Act of June 7, 1924 (43 Stat. 475), as amended by the Act of March 7, 1928 (45 Stat. 200, 210), in order to permit the Tribe to maintain permanently a pool of stored water for fish, wildlife, recreation and other purposes, the Secretary shall designate for the benefit of the Tribe such active conservation capacity behind Coolidge Dam on the Gila River in Arizona as is not being used by the Secretary to meet the obligations of SCIP for irrigation storage, except that any water stored by the Tribe shall be the first water to spill ("spill water") from Coolidge Dam. The water stored by the Tribe shall be, at the Tribe's designation, the water provided to the Tribe pursuant to subsections (a), (c) and (d) of this section, its entitlement of 12,700 acre-feet of water under its Tribal CAP Delivery Contract dated December 11, 1981; the water referred to in section 10(f), or any combination thereof. A pro rata share of evaporation and seepage losses shall be deducted daily from the Tribe's stored water balance as provided in the Agreement. The Tribe shall pay an equitable share of the operation and maintenance costs for the water stored for the benefit of the Tribe, subject to the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386 et seq.) The water stored by the Tribe pursuant to this subsection shall not be subject to apportionments pursuant to Article VIII (2) of the Globe Equity Decree. Not later than January 31 of each year, the Secretary shall notify the United States District Court for the District of Arizona of the Tribe's stored water balance as of January 1 of that year. The Secretary shall notify said Court of the Tribe's stored water balance at least once per calendar month and at such more frequent intervals as conditions, in the Secretary's judgment, may require.

(f) EXECUTION OF AGREEMENT.—The Secretary shall execute the Agreement which establishes, as between and among the parties to Agreement, the Tribe's permanent right, except as provided in paragraphs 13.0, 14.0 and 15.0 of the Agreement, to the on-reservation diversion and use of all ground water beneath the Tribe's Reservation, subject to the management plan referred to in section 10(D) of this Act, and all surface water in all tributaries within the Tribe's Reservation to the mainstreams of: The Black River, the Salt River below its confluence with the Black River, the San Pedro River and the Gila River, including the right, except as provided in paragraphs 14.0 and 15.0 of the Agreement, to fully regulate and store such water on the tributaries. The Tribe's rights to the mainstream of Black River, San Pedro River and the Gila River shall be as provided in the Agreement and the Globe Equity Decree. With respect to parties not subject to the waiver authorized by subsection 8(b) of this Act, the claims of the Tribe and the United States, as trustee for the Tribe, are preserved.

(g) GILA RIVER EXCHANGES.—Any exchange pursuant to this legislation of Gila River water for water supplied by the CAP shall not amend, alter or conflict with the exchanges authorized by section 304(f) of the Colorado River Basin Project Act (43 U.S.C. 1524(f)).

SEC. 5. RATIFICATION AND CONFIRMATION OF CONTRACTS.

(a) RATIFICATION OF CONTRACT.—Except as provided in section 10(i), the contract between the SRP and the RWCD District dated October 24, 1924, together with all amendments thereto and any extension thereto entered into pursuant to the Agreement, is ratified, confirmed, and declared to be valid.

(b) SUBCONTRACT.—The Secretary shall revise the subcontract of the Roosevelt Water Conservation District for agricultural water service from the CAP to include an addendum substantially in the form of Exhibit "A" to the Agreement and to execute the subcontract as revised. Notwithstanding any other provision of law, the Secretary shall approve the conversions of agricultural water to municipal and industrial uses authorized by the addendum at such time or times as the conditions authorizing such conversions, as set forth in the addendum, are found to exist.

(c) RESTRICTIONS.—The lands within RWCD and SRP shall be free from the ownership and full cost pricing limitations of Federal reclamation law and from all full cost pricing provisions of Federal law.

(d) Disclaimer.—No person, entity or lands shall become subject to the provisions of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) or any full cost pricing provision of Federal law by virtue of their participation in the settlement or their execution and performance of the Agreement, or the use, storage or delivery of CAP water pursuant to a lease, sublease or exchange of water to which the Tribe is entitled under this Act.

(e) Full Cost Pricing Provisions.—The lands within the Tribe's Reservation shall be free from all full cost pricing provisions of Federal law.

(f) Certain Extensions Authorized.—Notwithstanding any other provision of law or any other provision of this Act, the Secretary, subject to tribal approval, is authorized and directed to: extend the term of that right-of-way permit granted to Phelps Dodge Corporation on March 8, 1950, and all amendments thereto, for the construction, operation and maintenance of an electrical transmission line and existing road for access to those facilities over the lands of the Tribe; extend the term of that right-of-way permit numbered 2000089 granted on July 25, 1944, to Phelps Dodge Corporation, and all amendments thereto, for the construction, use, operation and maintenance of a water plant, pipeline, canal, water flowage easement through Willow Creek and existing road for access to those facilities over the lands of the Tribe; and grant a water flowage easement through the portions of Eagle Creek flowing through the Tribe's Reservation. Notwithstanding any other provision of law, each such right-of-way and flowage easement shall be for a term expiring on March 8, 2090, and shall be subject to the right of Phelps Dodge to renew the rights-of-way and flowage easements for an additional term of up to 100 years, subject to payment of rental at a rate based upon fair market retail value.

SEC. 6. WATER DELIVERY CONTRACT AMENDMENTS; WATER LEASE, WATER WITHDRAWAL.

(a) Amendment of Contract.—The Secretary shall amend the CAP water delivery contract between the United States and the Ak-Chin Indian Community dated December 11, 1980, and the contract between the United States and the Ak-Chin Indian Community dated October 2, 1985, as is necessary to satisfy the requirements of section 4(a) of this Act.

(b) Contract Amendment.—The Secretary shall amend the CAP water delivery contract between the United States and the Tribe dated December 11, 1980 (hereinafter referred to as the "Tribal CAP Delivery Contract"), as follows:

(1) To include the obligation by the United States to deliver water to the Tribe upon the same terms and conditions set forth in the Tribal CAP Delivery Contract as follows: water from those sources described in subsections (a), (c), and (d) of section 4 of this Act; except that the water reallocated pursuant to such subsections shall retain the priority such water had prior to its reallocation. The cost to the United States to meet the Secretary's obligation to design and construct new facilities to delivery CAP water shall not exceed the cost of construction of the delivery and distribution system for the 12,700 acrefeet of CAP water originally allocated to the Tribe.

(2) To extend the term of such contract to December 31, 2100, and to provide for its subsequent renewal upon the same terms and conditions as the Tribal CAP Delivery Contract, as amended.

(3) To authorize the Tribe to lease or to enter into an option or options to lease the water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, within Maricopa, Pinal and Pima Counties for terms not exceeding one hundred years and to renew such leases.

(4) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, to the city of Scottsdale under the terms and conditions of the Water Lease set forth in Exhibit "B" to the Agreement.

(5) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, including, but not limited to, the cities of Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Tempe and the town of Gilbert.

(c) Approval of Amendments.—Notwithstanding any other provision of law, the amendments to the Tribal CAP Delivery Contract set forth in Exhibit "C" to the Agreement are hereby authorized, approved and confirmed.

(d) Charges Not To Be Imposed.—The United States shall not impose upon the Tribe the operation, maintenance and replacement charges described and set forth in section 6 of the Tribal CAP Delivery Contract or any other charge with respect to CAP water delivered or required to be delivered to the lessee or lessees of the options to lease or leases herein authorized.

(e) Water Lease.—Except as provided in paragraph (3) of this subsection, any Water Lease entered into by the Tribe as authorized by section 6 shall specifically provide that—

(1) the lessee shall pay all operation, maintenance and replacement costs of such water to the United States, or if directed by the Secretary, to CAWCD; and

(2) except as provided in paragraph (3) of this subsection, the lessee shall not be obligated to pay water service capital charges or municipal and industrial subcontract charges or any other charges or payment for such CAP water other than the operation, maintenance and replacement costs and lease payments.

(3) with respect to the water reallocated to the Tribe pursuant to subsections (c) and (d) of section 4, the Tribe or lessee shall pay any water service capital charges or municipal and industrial subcontract charges for any water use or lease from the effective date of this Act through September 30, 1995.

(f) Allocation and Repayment of Costs.—For the purpose of determining allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract Numbered 14–06–W–245, Amendment No. 1, between the United States of America and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with the delivery of water to which the Tribe is entitled under the Tribal Delivery Contract, as amended, to the lessee or lessees of the options to lease or leases herein authorized shall be nonreimbursable, and such costs shall be excluded from CAWCD's repayment obligation.

(g) Agreements.—The Secretary shall, in consultation with the Tribe, enter into agreements necessary to permit the Tribe to exchange, within the State of Arizona, all or part of the water available to it under its Tribal CAP Delivery Contract, as amended.

(h) Ratification.—As among the parties to the Agreement, the right of the city of Globe to withdraw and use water from under the Cutter subarea under the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(i) Use of Water.—As among the parties to the Agreement, the right of the city of Safford to withdraw and use water from the Bonita Creek watershed as provided in the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(j) Withdrawal and Use of Water.—As between the Tribe and Phelps Dodge, the right of Phelps Dodge to divert, withdraw and use water as provided in the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(k) Prohibitions.—Except as authorized by this section, no water made available to the Tribe pursuant to the Agreement, the Globe Equity Decree, or this Act may be sold, leased, transferred or in any way used off the Tribe's Reservation.

SEC. 7. CONSTRUCTION AND REHABILITATION; TRUST FUND.

(a) Duties.—The Secretary is directed—

(1) pursuant to the existing authority of the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.) to design and construct new facilities for the delivery of 12,700 acrefeet of CAP water originally allocated to the Tribe to tribal reservation lands at a cost which shall not exceed the cost for such design and construction which would have been incurred by the Secretary in the absence of the Agreement and this Act; and

(2) to amend the contract between the United States Economic Development Administration and the Tribe relating to the construction of Elgo Dam on the San Carlos Apache Indian Reservation, Project No. 07–81–000210, to provide that all remaining repayment obligations owing to the United States on the date of the enactment of this Act are discharged.

(b) Fund.—There is established in the Treasury of the United States a fund to be known as the "San Carlos Apache Tribe Development Trust Fund" (hereinafter called the "Fund") for the exclusive use and benefit of the Tribe. The Secretary shall deposit into the Fund the funds authorized to be appropriated in subsection (c) and the $3,000,000 provided by the State of Arizona pursuant to the Agreement. There shall be deposited into the Fund any monies paid to the Tribe or to the Secretary on behalf of the Tribe from leases or options to lease water authorized by section 6 of this Act.

(c) Authorization.—There are authorized to be appropriated $18,800,000 in fiscal year 1993, and $19,600,000 in fiscal year 1994, together with interest accruing thereon beginning one year from the date of enactment of this Act at rates determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Federal obligations of comparable maturity, to carry out the provisions of subsection (b).

(d) Use of Fund.—When the authorizations contained in section 8(b) of this Act are effective, the principal of the Fund and any interest or income accruing thereon may be used by the Tribe to put to beneficial use the Tribe's water entitlement, to defray the cost to the Tribe of CAP operation, maintenance and replacement charges as appropriate, and for other economic and community development purposes. The income from the Fund shall be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The principal from the Fund may be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council and the Secretary. Such principal may thereafter be expended only in accordance with such budget: Provided, however, That the principal may only be utilized for long-term economic development projects. In approving a budget for the distribution of income or principal, the Secretary shall, in accordance with regulations promulgated pursuant to subsection (e) of this section, be assured that methods exist and will be employed to ensure the use of the funds shall be in accordance with the approved budget.

(e) REGULATIONS.—The Secretary shall, no later than 30 days after the date the authorizations contained in section 8(b) are effective, promulgate regulations necessary to carry out the purposes of subsection (d).

(f) DISCLAIMER.—The United States shall not be liable for any claim or cause of action arising from the Tribe's use or expenditure of monies distributed from the Fund.

SEC. 8. SATISFACTION OF CLAIMS.

(a) FULL SATISFACTION OF CLAIMS.—Except as provided in subsection (e) of this section, the benefits realized by the Tribe and its members under this Act shall constitute full and complete satisfaction of all members' claims for water rights or injuries to water rights under Federal, State and other laws (including claims for water rights in ground water, surface water, and effluent) from time immemorial to the effective date of this Act. Notwithstanding the foregoing, nothing in this Act shall be deemed to recognize or establish any right of a member of the Tribe to water on the Tribe's Reservation.

(b) RELEASE.—The Tribe, on behalf of itself and its members, and the Secretary on behalf of the United States, are authorized, as part of the performance of the obligations under the Agreement, to execute a waiver and release, except as provided in the Agreement, of all claims of water rights or injuries to water rights (including water rights in ground water, surface water and effluent), from time immemorial to the effective date of this Act, and any and all future claims of water rights (including water rights in ground water, surface water and effluent), from and after the effective date of this Act, which the Tribe and its members may have, against the United States, the State of Arizona or any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States, the State of Arizona or otherwise.

(c) ADDITIONAL RELEASES.—Except as provided in the Agreement, the United States shall not assert any claim against the State of Arizona or any political subdivision thereof, or any person, corporation or municipal corporation, arising under the laws of the United States, the State of Arizona or otherwise in its own right or on behalf of the Tribe based upon—

(1) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) of the Tribe and its members, or

(2) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) held by the United States on behalf of the Tribe and its members.

(d) SAVINGS PROVISION.—In the event the authorizations contained in subsection (b) of this section do not become effective pursuant to section 11(a), the Tribe and the United States shall retain the right to assert past and future water rights claims as to all Reservation lands.

(e) DISCLAIMER.—Nothing in this Act shall affect the water right or claims related to the San Carlos Apache Allotments outside the exterior boundaries of the Reservation.

(f) AK-CHIN WATER CLAIMS; WAIVER AND RELEASE.—Lands receiving CAP water shall be free from the ownership and full cost pricing limitations of Federal reclamation law and from all full cost pricing provisions of Federal law: *Provided*, That, as to each non-Indian agricultural contractor of such water, such exemptions shall be contingent upon the execution by such contractor of a waiver and release of any and all claims resulting from the reallocation of water to the Tribe pursuant to section 4(a) of this Act.

SEC. 9. ENVIRONMENTAL COMPLIANCE.

(a) NO MAJOR FEDERAL ACTION.—Execution of the settlement agreement by the Secretary as provided for in section 10(c) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all necessary environmental compliance during the implementation phase of this settlement.

(b) AUTHORIZATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out all necessary environmental compliance associated with the settlement under this Act, including mitigation measures adopted by the Secretary.

(c) LEAD AGENCY.—With respect to such settlement, the Bureau of Reclamation shall be designated as the lead agency in regard to environmental compliance, and shall coordinate and cooperate with the other affected Federal agencies as required under applicable Federal environmental laws.

(d) ENVIRONMENTAL ACTS.—The Secretary shall comply with all aspects of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and the Endangered Species Act (16 U.S.C. 1531 et seq.), and other applicable Federal environmental Acts and regulations in proceeding through the implementation phase of such settlement.

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—In the event any party to the Agreement files a lawsuit in any United States district court relating only and directly to the interpretation or enforcement of this Act or the Agreement, naming the United States of America or the Tribe as parties, authorization is hereby granted to joining the United States of America or the Tribe, or both, in any such litigation, and any claim by the United States of America or the Tribe to sovereign immunity from such suit is hereby waived.

(b) CERTAIN CLAIMS PROHIBITED.—The United States of America shall make no claims for reimbursement of costs arising out of the implementation of this Act or the Agreement against any lands within the San Carlos Apache Indian Reservation, and no assessment shall be made with regard to such costs against such lands.

(c) APPROVAL OF AGREEMENT.—Except to the extent that the Agreement conflicts with the provisions of this Act, such Agreement is hereby approved, ratified and confirmed. The Secretary shall execute and perform such Agreement as approved, ratified and confirmed. The Secretary is authorized to execute any amendments to the Agreement and perform any action required by any amendments to the Agreement which may be mutually agreed upon by the parties.

(d) GROUND WATER MANAGEMENT PLAN.—The Secretary shall establish a ground water management plan for the San Carlos Apache Reservation which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as a management plan developed under Arizona law.

(e) AMENDMENT TO THE ACT OF APRIL 4, 1938.—The Act of April 4, 1938 (52 Stat. 193; 25 U.S.C. 390) is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided further*, That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe".

(f) SAN CARLOS RESERVOIR.—There is hereby transferred to the Tribe the Secretary's entitlement of 30,000 acre-feet of water, less any evaporation and seepage losses from the date of acquisition by the Secretary to the date of transfer, which the Secretary may have acquired through substituting CAP water for water to which the Gila River Indian Community and the San Carlos Irrigation and Drainage District had a right to be released from San Carlos Reservoir and delivered to them in 1990.

(g) LIMITATION.—No part of the Fund established by section 7(b) of this Act, including principal and income, or income from options to lease water or water leases authorized by section 6, may be used to make per capita payments to members of the Tribe.

(h) DISCLAIMER.—Nothing in this Act shall be construed to repeal, modify, amend, change or affect the Secretary's obligations to the Ak-Chin Indian Community pursuant to the Act of October 19, 1984 (98 Stat. 2698).

(i) WATER RIGHTS.—Nothing in this Act shall be construed to quantify or otherwise affect the water rights, claims or entitlements to water of any Arizona tribe, band or community, other than the San Carlos Apache Tribe.

(j) PLANET RANCH.—The Secretary is authorized and directed to acquire, with the consent of and upon terms mutually acceptable to the city of Scottsdale ("city") and the Secretary, all of the city's right, title and interest in Planet Ranch located on the Bill Williams River in Arizona, including all water rights appurtenant to that property, and the city's January 1988 application filed with the Arizona Department of Water Resources to appropriate water from the Bill Williams River through a land exchange based on fair market value. If an exchange is made with land purchased by the Bureau of Reclamation for the construction and operation of the Central Arizona Project, then, upon commencement of repayment by CAWCD of the reimbursable costs of the Central Arizona Project, the fair market value of those lands so exchanged shall be credited in full against the annual payments due from CAWCD under Article 9.4(a) of Contract No. 14-06-W-245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, until exhausted: *Provided, however*, That the authorized appropriation ceiling of the Central Arizona Project shall not be affected in any manner by the provisions of this subsection.

(k) REPEAL.—Section 304(c)(3) of the Colorado River Basin Project Act (43 U.S.C.

1524(c)(3)) is hereby repealed. This subsection does not authorize transportation of water pumped within the exterior boundary of a Federal reclamation project established prior to September 30, 1968, pursuant to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391), as amended and supplemented, across project boundaries.

(l) WATER RIGHTS.—Nothing in this Act shall be construed to affect the water rights or the water rights claims of any Federal agency other than the Bureau of Indian Affairs on behalf of the San Carlos Apache Tribe, nor shall anything in this Act be construed to prohibit the United States from confirming in the Agreement, except on behalf of Indian tribes other than the San Carlos Apache Tribe, the Gila River and Little Colorado River watershed water rights of other parties to the Agreement by making express provisions for the same in the Agreement.

SEC. 11. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF AUTHORIZATION.—The authorization contained in section 8(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) the Secretary has fulfilled the requirements of sections 4 and 6;

(2) the Roosevelt Water Conservation District subcontract for agricultural water service from CAP has been revised and executed as provided in section 5(b);

(3) the funds authorized by section 7(c) have been appropriated and deposited into the Fund;

(4) the contract referred to in section 7(a)(2) has been amended;

(5) the State of Arizona has appropriated and deposited into the Fund $3,000,000 as required by the Agreement;

(6) the stipulations attached to the Agreement as Exhibits "D" and "E" have been approved; and

(7) the Agreement has been modified, to the extent it is in conflict with this Act, and has been executed by the Secretary.

(b) CONDITIONS.—(1) If the actions described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection (a) of this Act have not occurred by December 31, 1994, subsections (c) and (d) of section 4, subsections (a) and (b), of section 5, section 6, subsection (a)(2), (c), (d), and (f) of section 7, subsections (b) and (c) of section 8, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 10 of this Act, together with any contracts entered into pursuant to any such section or subsection, shall not be effective on and after the date of enactment of this Act, and any funds appropriated pursuant to section 7(c), and remaining unobligated and unexpended on the date of the enactment of this Act, shall immediately revert to the Treasury, as general revenues, and any funds appropriated by the State of Arizona pursuant to the Agreement, and remaining unobligated and unexpended on the date of the enactment of this Act, shall immediately revert to the State of Arizona.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, if the provisions of subsections (a) and (b) of section 5 of this Act have been otherwise accomplished pursuant to provisions of the Act of October 20, 1988, the provisions of paragraph (1) of this subsection shall not be construed as affecting such subsections.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR CONSENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of all nominations reported today by the Committee on Foreign Relations, with the exception of Jill Kent.

David A. Colson to be Assistant Secretary of State for Oceans and Fisheries Affairs;

Richard Clark Barkley to be Minister-Counselor to the Republic of Turkey;

James F. Dobbins to be U.S. Representative to the European Community;

John C. Kornblum to be an Ambassador during his tenure as Head of Delegation to the Conference on Security and Cooperation in Europe;

John F. W. Rogers to be Under Secretary of State for Management;

Paul E. Sussman to be a member of the Board of Directors of the Inter-American Foundation;

Elaine L. Chao to be Director of the Peace Corps;

William Hybl and Walter R. Roberts to be members of the Advisory Commission on Public Diplomacy; and

Foreign Service promotions placed on the Secretary's desk.

I further ask unanimous consent that any statements be printed in the RECORD, as if read, that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

David A. Colson, of Maryland, a career member of the Senior Executive Service, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs.

Richard Clark Barkley, of Michigan, a career member of the Senior Foreign Service, class of Minister-Counselor, of the United States of America to the Republic of Turkey.

James F. Dobbins, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, to be representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

John Christian Kornblum, of Michigan, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE).

John F. W. Rogers, of New York, to be Under Secretary of State for Management, vice Ivan Selin.

Paul Edward Sussman, of Illinois, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1992, vice John C. Duncan.

Elaine L. Chao, of California, to be Director of the Peace Corps, vice Paul D. Coverdell, resigned.

The following named persons to be members of the United States Advisory Commission on Public Diplomacy:

William Hybl, of Colorado, for a term expiring July 1, 1994 (reappointment).

Walter R. Roberts, of the District of Columbia, for a term expiring April 6, 1994, vice Louis B. Susman, term expired.

ANNUAL REPORTS OF THE DEPARTMENT OF EDUCATION—MESSAGE FROM THE PRESIDENT—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I transmit herewith the annual reports of the Department of Education for fiscal years 1989 and 1990, pursuant to section 426 of the Department of Education Organization Act (Public Law 96-88; 20 U.S.C. 3486).

GEORGE BUSH.

THE WHITE HOUSE, *October 8, 1991.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 2:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1773. An act to extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians;

H.R. 2387. An act to authorize appropriations for certain programs for the conservation of striped bass;

H.R. 3259. An act to authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth, and for other purposes; and

H.J. Res. 189. Joint resolution designating October 8, 1991, as "National Firefighters Day."

The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore [Mr. ROBB].

At 6:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 28, 31, 61, 68, 75, 94, 111, 116, 125, 127, 138, 162, 178, 202, 209, 212, 213, 214, 215, 219, 222, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 239, and 240 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 25, 27, 34, 35, 36, 48, 49, 50, 52, 63, 64, 70, 83, 88, 103, 107, 108, 156, 176, 177, 184, 205, and 241 to the said bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 10, 28, and 29 to the said bill, and agrees thereto, and that the House recedes from its disagreement to the amendments of the Senate numbered 1, 3, 5, 15, 19, 22, and 30 to the said bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message further announced that pursuant to the provisions of section 1205(a)(4) of Public Law 101-628, the Speaker appoints on the part of the House Mr. TAYLOR of North Carolina, to the Civil War Sites Advisory Commission to fill the existing vacancy thereon.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2003. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the 1990 annual report entitled "Trade Policies and Market Opportunities for U.S. Farm Exports"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2004. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's sixth special impoundment message for fiscal year 1991; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, and the Committee on Foreign Relations.

EC-2005. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the deferral of certain budget authority in the Department of Veterans Affairs; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Veterans' Affairs.

EC-2006. A communication from the Secretary of the Army, transmitting, pursuant to law, a report that the current procurement unit cost baseline has been exceeded by 25 percent or more for the Multiple Launch Rocket System; to the Committee on Armed Services.

EC-2007. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit the Department of Defense to adhere to uniform Federal regulations requiring the informed consent of persons participating in human medical research; to the Committee on Armed Services.

EC-2008. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to improve foster care available overseas to the children of members of the armed forces; to the Committee on Armed Services.

EC-2009. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving a medium-term financial guarantee to support United States exports to the Czech and Slovak Federative Republic; to the Committee on Banking, Housing, and Urban Affairs.

EC-2010. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on rent control; to the Committee on Banking, Housing, and Urban Affairs.

EC-2011. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a pay-as-you-go estimate; to the Committee on the Budget.

EC-2012. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC-2013. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the 1993 budget submission of the Board; to the Committee on Commerce, Science, and Transportation.

EC-2014. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2015. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2016. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on activities under the Toxic Substances Control Act for fiscal year 1989; to the Committee on Environment and Public Works.

EC-2017. A communication from the Administrator of General Services, transmitting, pursuant to law, a proposed prospectus for the lease of certain space for elements of the Department of Commerce in Suitland, Maryland; to the Committee on Environment and Public Works.

EC-2018. A communication from the Executive Director of the Prospective Payment Assessment Commission, transmitting, pursuant to law, the report entitled "Medicaid Hospital Payment"; to the Committee on Finance.

EC-2019. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the publication entitled "Congressional Inquiries Guide"; to the Committee on Finance.

EC-2020. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the third report on the assignment or detail of General Accounting Office employees to congressional committees as of July 31, 1991; to the Committee on Governmental Affairs.

EC-2021. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Analysis of the Home Purchase Assistance Program Moratorium"; to the Committee on Governmental Affairs.

EC-2022. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for fiscal year 1992—National Assessment of Educational Progress Data Reporting Program; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-227. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION 177

"Whereas, The recent conflict in the Persian Gulf has highlighted once again the contribution of this nation's soldiers and returned veterans; and

"Whereas, Integral to the success of our military forces are those servicemen and servicewomen who have made a career of defending their country; in peacetime, they may be called away to places remote from their families and loved ones; in war, they face the prospect of death or of serious disabling wounds; and

"Whereas, Legislation has been introduced in the United States Congress to remedy an inequity applicable to military careerists; and

"Whereas, Military retirees who have served at least 20 years accrue retirement pay based on longevity; disabled veterans receive compensation proportionate to the severity of their injuries; and

"Whereas, The inequity concerns those veterans who are both retired and disabled; under an antiquated law that dates to the nineteenth century, they are denied concurrent receipt of full retirement pay and disability compensation benefits; rather, they may receive one or the other or must waive an amount of retirement pay equal to the amount of disability compensation benefits; and

"Whereas, This duration unfairly denies disabled military retirees the longevity pay they have earned by their years of devoted patriotism; it effectively requires them to pay for their own disability compensation benefits; and

"Whereas, No such deduction applies to the federal civil service; a disabled veteran who has held a non-military federal job for the requisite duration receives full longevity retirement pay undiminished by the subtraction of disability compensation benefits; and

"Whereas, A statutory change is necessary to correct the injustice; America's occasional commitment to war in pursuit of national and international goals must be matched by an allegiance to those who sacrifice in behalf of those goals; now, therefore, be it

Resolved, That the 72nd Legislature of the State of Texas hereby urge the United States Congress to amend Section 3104(a), Title 38, of the United States Code to permit full concurrent receipt of military longevity retired pay and service-connected disability compensation benefits; and, be it further

Resolved, That official copies of this resolution be forwarded to the president of the United States, to the speaker of the House of Representatives and president of the Senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM-228. A resolution adopted by the City Council of Seattle, Washington affirming the City's anti-apartheid positions and opposing President Bush's actions in lifting sanctions against South Africa; to the Committee on Foreign Relations.

POM-229. A concurrent resolution adopted by the Legislature of the State of New Jersey; to the Committee on the Judiciary.

"ASSEMBLY CONCURRENT RESOLUTION NOS. 114 AND 103

"Whereas, On June 11, 1990, the United States Supreme Court ruled that the recent federal law making it a crime to burn or deface the American flag violates the free speech guarantee of the First Amendment; and

"Whereas, Previously, on June 21, 1989, the United States Supreme Court had made a similar ruling that the burning of the flag of the United States of America is constitutionally protected as a form of freedom of expression; and

"Whereas, Both Supreme Court rulings were decided by a vote of five to four, which constitutes the barest of majorities; and

"Whereas, These shocking rulings are an affront to all citizens of the United States, and are particularly disturbing to those who have served this grand flag in the armed services so that freedom may forever flourish in this great and wondrous nation; and

"Whereas, The degradation of the flag, which serves as a symbol of freedom, democracy and opportunity, is an offense to the community values of this land of the free and home of the brave; and

"Whereas, These recent rulings have made it apparent that a statutory means of protecting the flag have not produced sufficient results and have reinforced the need for a constitutional amendment to prohibit the desecration of the flag; now, therefore,

Be it resolved by the General Assembly of the State of New Jersey (the Senate concurring):

"1. This Legislature hereby deplores the ruling of the United States Supreme Court which provides constitutional protection for those who would desecrate or burn the flag of the United States of America and strongly urges the Congress of the United States to enact a constitutional amendment prohibiting the burning of the flag of the United States of America.

"2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Chief Justice and each Associate Justice of the United States Supreme Court, the President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives.

"CRIMINAL JUSTICE

"Urges the Congress of the United States to enact a constitutional amendment prohibiting flag burning."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1410. A bill relating to the rights of consumers in connection with telephone advertising (Rept. No. 102–177).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1462. A bill to amend the Communications Act of 1934 to prohibit certain practices involving the use of telephone equipment for advertising and solicitation purposes (Rept. No. 102–178).

By Mr. BURDICK, from the Committee on Environment and Public Works, with amendments:

S. 391. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes (Rept. No. 102–179).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 1278. A bill to authorize appropriations for the Office of Environmental Quality for fiscal years 1992, 1993, and 1994, and for other purposes (Rept. No. 102–180).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 772. A bill to amend title V of Public Law 96-550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes (Rept. No. 102–181).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 870. A bill to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California (Rept. No. 102–182).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1117. A bill to establish the Bureau of Land Management Foundation (Rept. No. 102–183).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1254. A bill to increase the authorized acreage limit for the Assateague Island National Seashore on the Maryland mainland, and for other purposes (Rept. No. 102–184).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 355. A bill to amend the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior, and for other purposes (Rept. No. 102–185).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Jill E. Kent, of the District of Columbia, to be Chief Financial Officer, Department of State;

David A. Colson, of Maryland, a career member of the Senior Executive Service, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs;

John Christian Kornblum, of Michigan, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during his tenure of service as head of delegation to the Conference on Security and Cooperation in Europe;

John F. W. Rogers, of New York, to be Under Secretary of State for Management;

Paul Edward Sussman, of Illinois, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1992; and

Elaine L. Chao, of California, to be Director of the Peace Corps.

The following-named persons to be members of the U.S. Advisory Commission on Public Diplomacy:

William Hybl, of Colorado, for a term expiring July 1, 1994. (Reappointment).

Walter R. Roberts, of the District of Columbia, for a term expiring April 6, 1994, vice Louis B. Susman, term expired.

Richard Clark Barkley, of Michigan, a career member of the Senior Foreign Service, class of Minister-Counselor, to the United States of America to the Republic of Turkey.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Richard C. Barkley.

Post: Ambassador Republic of Turkey.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses, names: Katharina Lynn Barkley, none.
4. Parents names: Kenneth Goulet, $35, 1988, the Republican Party. Stepfather, deceased; mother, Chrystal L. Goulet, none.
5. Grandparents, names: N/A.
6. Brothers and spouses names: N/A.
7. Sisters and spouses names: Robert and Marcia Joan Sammis, none.

James F. Dobbins, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: James F. Dobbins.

Post: Ambassador to U.S. Mission to the European Community (USEC).

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: James Christian Kleivdal Dobbins and Colin Kaare Kleivdal Dobbins (no contributions).
4. Parents names: James F. Dobbins, none; Agnes Anne Dobbins, $10, 1989, Democratic Party.
5. Grandparents names: Deceased over 4 years ago.
6. Brothers and spouses names: Peter Dobbins, none; Andrew & Julia Dobbins, $20, 1989, Bentsen's Senate Campaign.

7. Sisters and spouses names: Victoria Dobbins, none; Elizabeth & John Fuller, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of September 27, 1991, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Treaty Doc. 102-11. International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (Exec. Rept. No. 102-16).

Treaty Doc. 102-12. International Convention on Salvage (Exec. Rept. No. 102-17).

TEXTS OF RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on Oil Pollution Preparedness, Response and Co-Operation, 1990, with Annex, adopted at London November 30, 1990.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on Salvage, 1989 (Salvage Convention) done at London April 28, 1989 and signed by the United States March 29, 1990.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. WELLSTONE):

S. 1815. A bill to amend title II of the Social Security Act to promote fairness in Social Security by providing a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SYMMS):

S. 1816. A bill to repeal the prohibition on the importation of gold coins from the Soviet Union; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. GRASSLEY):

S. 1817. A bill to amend the Trade Act of 1974 to require the National Trade Estimate include information regarding the impact of Arab boycotts on certain United States businesses; to the Committee on Finance.

By Mr. HATCH:

S. 1818. A bill to permit certain justices and judges to retire to senior service, at reduced pay, upon attaining the age of seventy; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1819. A bill to establish the American Samoa Study Commission; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 1820. A bill to establish a Classrooms for the Future Program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PACKWOOD (for himself and Mr. DOLE):

S. 1821. A bill to amend the Internal Revenue Code of 1986 to simplify the definition of dependent, to provide a uniform definition of child, and for other purposes; to the Committee on Finance.

By Mr. SIMON (for himself and Mr. KENNEDY):

S. 1822. A bill to improve the college participation rates of groups underserved by institutions of higher education and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 1823. A bill to amend the Veterans' Benefit and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System; considered and passed.

By Mr. D'AMATO:

S. 1824. A bill to amend the Internal Revenue Code of 1986 to provide that, where there is a distress termination of a pension plan, the tax on the failure to meet minimum funding standards shall be waived in certain cases; to the Committee on Finance.

By Mr. CRANSTON:

S. 1825. A bill to authorize the sale of Bureau of Reclamation loans to the Redwood Valley County Water District, California; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. BOREN, Mr. PRYOR, and Mr. EXON):

S. 1826. A bill to amend the Internal Revenue Code of 1986 to encourage parity giving in order to increase prices to farmers while assisting in feeding the starving of the world; to the Committee on Finance.

By Mr. GARN (for himself, Mr. BOND, Mr. DODD, Mr. DOLE, Mr. NUNN, Mr. DANFORTH, Mr. BURDICK, Mrs. KASSEBAUM, Mr. JOHNSTON, Mr. KASTEN, Mr. GRASSLEY, Mr. SEYMOUR, Mr. WALLOP, and Mr. SPECTER):

S. 1827. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. METZENBAUM, Mr. WELLSTONE, Mr. EXON, Mr. CONRAD, Mr. AKAKA, Mr. DASCHLE, Mr. BRYAN, Mr. SIMON, Mr. PELL, Mr. ADAMS, Mr. BRADLEY, Mr. DODD, Mr. HEFLIN, Mr. KERRY, Mr. LIEBERMAN, Mr. D'AMATO, Mr. SPECTER, Mr. LEVIN, Mr. SARBANES, Mr. ROCKEFELLER, Mr. BURDICK, Mr. LAUTENBERG, Mr. KOHL, Mr. HARKIN, and Ms. MIKULSKI):

S. 1828. A bill to provide extended unemployment benefits during periods of high unemployment to railroad employees who have less than ten years of service; to the Committee on Labor and Human Resources.

By Mr. GLENN (for himself and Mr. METZENBAUM):

S.J. Res. 213. Joint resolution to designate October 12, 1991, as "Centennial of Concrete Paving in America Day"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. AKAKA, Mr. BRADLEY, Mr. BURNS, Mr. D'AMATO, Mr. DODD, Mr. FOWLER, Mr. GLENN, Mr. HEFLIN, Mr. INOUYE, Mr. LAUTENBERG, Mr. LEVIN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. SANFORD, Mr. BURDICK, Mr. HOLLINGS, Mr. SEYMOUR, Mr. DOLE, Mr. METZENBAUM, and Mr. CRANSTON):

S.J. Res. 214. Joint resolution to designate May 16, 1992, as "National Awareness Week for Life-Saving Techniques"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself and Mr. LUGAR):

S. Res. 193. A resolution expressing support for a just peace in Yugoslavia; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. D'AMATO, Mr. LIEBERMAN, Mr. WOFFORD, Mr. KASTEN, and Mr. MOYNIHAN):

S. Con. Res. 69. A concurrent resolution concerning freedom of emigration and travel for Syrian Jews; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. SYMMS):

S. 1816. A bill to repeal the prohibition on the importation of gold coins from the Soviet Union; to the Committee on Finance.

REPEAL OF PROHIBITION ON IMPORTATION OF SOVIET GOLD COINS

• Mr. MOYNIHAN. Mr. President, I rise today with my esteemed colleague Senator SYMMS to introduce a bill to repeal the prohibition on the import of gold coins from the Soviet Union. This prohibition was included in the Comprehensive Anti-Apartheid Act of 1986 along with language prohibiting the import of South African krugerrands.

The prohibition on Soviet gold coins is an example of the lingering vestige of the now ended cold war. I ask my colleagues to join us in taking another small step toward normalization of relations between the former Soviet Republics and the United States, and ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 510 of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5100) is repealed.●

● Mr. SYMMS. Mr. President, I am happy to join with my colleague and good friend Senator MOYNIHAN in offering this bill to repeal the current law prohibiting the sale of Soviet gold coins in the United States.

It was just a few short years ago that I offered an amendment to the Comprehensive Anti-Apartheid Act of 1986 to couple the prohibition on importation of South African gold coins with a similar prohibition of Soviet coins. That amendment eventually became the law that Senator MOYNIHAN's bill seeks to repeal.

My amendment in 1986 was appropriate given conditions within the Soviet Union at the time. We were still deep in the cold war. The conflict between freedom and oppression was being waged in battlefields across the globe. It was appropriate to prevent the Soviets from enjoying access to the United States market for coins as a small step toward weakening that evil empire and reminding the Soviets of our disapproval of their regime.

The empire has fallen; the cold war is over; freedom has prevailed. It may be months or it may be years before we know what nation-state or states will emerge from the ruins of the Communist empire. Our actions can have an effect on those results. There will be a thousand small steps, and a few large ones, needed to normalize fully the political and economic relations between the United States and the Republics of the old Soviet Union. The Moynihan-Symms bill is one such step which we ought to take as soon as possible.●

By Mr. LAUTENBERG (for himself and Mr. GRASSLEY):

S. 1817. A bill to amend the Trade Act of 1974 to require the National Trade Estimate include information regarding the impact of Arab boycotts on certain United States businesses; to the Committee on Finance.

INFORMATION REGARDING IMPACT OF ARAB BOYCOTTS ON CERTAIN UNITED STATES BUSINESSES

● Mr. LAUTENBERG. Mr. President, today I introducing legislation to require the United States Trade Representative to include the Arab League boycott of American companies that do business with or invest in Israel in its annual report on significant foreign barriers to United States exports. The USTR report is called the National Trade Estimate Report on Foreign Trade Barriers. I am pleased that Senator GRASSLEY is introducing this legislation with me.

The USTR is required by law to submit a report to Congress and the President outlining significant foreign barriers to and distortions of trade. The USTR report highlights the practices of foreign countries that keep American products out of their market and put our products at a competitive disadvantage.

In the report, the USTR is also required to provide, if feasible, estimates of the impact of these foreign practices on the volume of U.S. exports. The report outlines the actions our Government is taking to eliminate these barriers to the export of American products and is used to facilitate negotiations.

Mr. President, the Arab League boycott of American companies that do business with Israel is a barrier to trade. It impedes exports of our companies' products. It puts American products at a competitive disadvantage. It should be analyzed and included in the USTR's annual report. Nonetheless, the USTR's Foreign Trade Barriers report is silent on the issue. Nowhere does the report discuss the Arab boycott and the losses in export potential. I think it should. This legislation would simply require the USTR to include the Arab boycott of American companies in its annual report.

It is outrageous that Arab League countries boycott our products, especially after the United States defended so many of those countries in the gulf war. Our troops were not boycotted when they were sent to defend against Saddam Hussein's naked aggression. American products and companies must not be boycotted either.

American companies are prohibited by law from complying with the boycott. The Boycott Compliance Office at the U.S. Department of Commerce keeps track of boycott requests and is supposed to make sure that American companies do not comply. As Our chief trade negotiator, the USTR should be aggressively demanding an end to the trade practices so our companies will no longer be asked to comply. The USTR's office should aggressively seek to eliminate the practice so American companies will be able to export their quality products to the Middle East without hindrance.

But the USTR cannot be effective in demanding an end to the boycott if it doesn't know the scope of the problem. It can't be effective if its major trade barriers report, which is used as the basis for negotiations, doesn't even recognize the Arab League boycott as a significance barrier to trade.

Requiring the USTR to include the Arab boycott in its annual report would be an important step in the right direction. I would put the Arab League countries on notice that our Government's trading arm will not tolerate the barrier to trade erected by its boycott of our products. It would enable our Government to better quantify the lost exports to the Middle East from the boycott. Most importantly, it would give the USTR the facts and ammunition it needs to negotiate an end to this nefarious practice which unjustly discriminates against products from American companies that do business with our friend and ally Israel.

Mr. President, I urge my colleagues to support this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL TRADE ESTIMATE.

Section 181(a) of the Trade Act of 1974 (19 U.S.C. 2241(a)) is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) ARAB BOYCOTT OF CERTAIN UNITED STATES PERSONS. The United States Trade Representative shall include in the analysis and estimates made under paragraph (1) information with respect to the Arab League boycott of

(A) United States persons doing business with or investing in Israel, and

(B) United States persons doing business with a person who does business with or invests in Israel.".●

By Mr. HATCH:

S. 1818. A bill to permit certain justices and judges to retire to senior service, at reduced pay, upon attaining the age of 70; to the Committee on the Judiciary.

RETIREMENT TO SENIOR SERVICE OF CERTAIN JUSTICES AND JUDGES

Mr. HATCH. Mr. President, I am pleased today to introduce a bill to amend title 28 of the United States Code, section 371, concerning the retirement and senior status of Federal judges.

This bill would make it possible for all judges with at least 5 years of service to take senior status upon reaching the age of 70, thus increasing the ranks of this valuable judicial resource. It recognizes the biological fact that, with age, some judges find it increasingly difficult to carry the heavy workload that is expected of Federal judges on active service. My bill would give those reaching 70, who now are not qualified to do so, the opportunity to move to senior status at reduced pay on the condition that they continue to meet the minimum work requirement specified in the bill.

It is important that our Federal judges be encouraged to elect senior status. Congress established the category of senior judge in 1919 to bring in younger judges and to expand the capacity of the Federal court. Many believe senior judges are essential to the Federal court system because they offer experience on the bench and help to ease the court calendar. Allowing judges appointed after age 60 to fulfill requirements for senior status at age 70 will encourage many of them to make this election, thus expanding the number available to assist in disposing of the vast judicial backlog that clogs so many of our courts.

Before addressing the proposed bill, it is important to first understand the statute as it works today. Currently, under section 371 of title 28, United States Code, a Federal judge who has met certain age and service requirements has three options; First, to continue working full time, since a Federal judgeship is a lifetime appointment; second, to take full retirement by resigning and receive for life the annual salary equal to the salary he or she was receiving on the last day on the bench; or third, to retire in "senior status"—semiretirement that allows full pay and benefits and a salary that rises with those of active judges as long as certain work requirements are met.

To qualify for options two and three, judges must generally meet an age and service requirement called "the rule of 80" whereby the sum of a judge's age and number of years on the bench totals 80. For example, a Federal judge who is 65 years of age and has served on the bench for at least 15 years meets the requirement for the "rule of 80;" so also does a judge who is 70 years of age and has served at least 10 years. The present law, however, imposes a minimum service requirement of 10 years. Thus, a judge who begins service at age 64 must wait until he or she is 74 before being able to elect senior status.

As of January 1, 1990, specific work standards have been established for judges on senior status. (28 U.S.C. 371(f).) In order to continue to receive "the salary of the office," that is to say the same salary received by colleagues in active status, a senior judge must be certified each year as having performed, during the prior year, at least 25 percent of the work required of active judges in his or her court.

My proposed amendment to section 371(b)(1) would allow a Federal judge who has served at least 5 years but less than 10 to retire in senior status upon reaching the age of 70. That judge, however, would be required to continue to perform the minimum amount of work required by subsection (f) during the balance of the 10 years of service remaining in order to become entitled to pay for life. Moreover, the amount of that pay would be reduced to that proportion of full pay as the period of active service prior to the election bears to 10 years.

For example, a judge who has completed 6 years of active service when he or she reaches 70 must continue to perform a minimum of 25 percent of an active judge's normal workload for 4 additional years. When the judge has served a total of 10 years, he or she may either retire from the judiciary or continue to serve in senior status. Either way, he or she would continue to receive the same level of pay—60 percent of regular pay—for life.

I believe that this proposed system provides a reasonable and fair alternative to what at present is an all-or-nothing system: Unless a judge continues to work full time until qualified to retire at full pay, he or she will not receive a penny in retirement benefits. My bill will correct that situation because it acknowledges the facts of human biology. After a certain age, individuals may begin to slow down, albeit at different rates. Age 70 appears an appropriate time to allow individuals to lighten their work load should they desire to do so.

At the present time, however, Federal judges who have not yet served sufficient years to enable them to retire in senior service do not have that option. It is in order to prevent judges from hanging on and serving full-time when they might otherwise wish to take senior status that this bill is proposed. It replaces the all-or-nothing system with a sliding scale that will enable judges who reach the age of 70 and have completed a minimum of 5 years in active service to retire in senior status at reduced pay.

Finally, Mr. President, while my bill would add to the pool of senior judges available for judicial service, it would not add to the overall cost of the judiciary. The reason for this is actuarial. The present life expectancy of a 70-year-old American is 13.6 years. Thus, under present law, a judge who has reached the age of 70 will receive, during the balance of his life, total compensation equal to 13.6 times the compensation of an active judge.

Under my bill, a judge electing senior status who, on reaching 70, has served 6 years would receive 60 percent of active service pay for 13.6 years, for a total of 8.16 times regular pay. To this, however, must be added the 4 years of compensation that would be paid to the active judge appointed to fill the vacancy created by the retiring judge's election of senior service, for a total cost of 12.16 times regular pay. Thus, the net saving over the life expectancy of that judge would be 1.44 times regular pay, or approximately $185,000 at the current rate of compensation.

I look forward to hearings in the Judiciary Committee on this bill and hope that my colleagues will join me in support of this needed and worthwhile legislation.

By Mr. PACKWOOD (for himself and Mr. DOLE):

S. 1821. A bill to amend the Internal Revenue Code of 1986 to simplify the definition of dependent, to provide a uniform definition of child, and for other purposes; to the Committee on Finance.

FAMILY SIMPLIFICATION ACT

Mr. PACKWOOD. Mr. President, today Senator DOLE and I are introducing the Family Simplification Act of 1991.

There has been a lot of talk about tax simplification this year. Several bills have been introduced in Congress but none of them address the difficulties low-income working families face in computing their earned income tax credit [EITC].

The legislation we are introducing today will correct this so that the Internal Revenue Service [IRS] can compute the EITC from the front page of someone's tax return, eliminating the need for additional forms of worksheets.

The EITC is a key means of helping low-income workers with dependent children get off and stay off welfare. First enacted in 1975, the EITC was originally intended to ease the burden of Social Security taxes on low-income workers. Since that time, the EITC has been expanded to partially cover the cost of other work-related expenses and health insurance, and to reduce the burden of regressive excise taxes.

Generally, to qualify for the EITC, at least one parent must work and a dependent child must live with the family. In 1991, the Basic EITC is roughly $100 a month—$1,192 for the year. The EITC amount is increased if the family has more than one dependent child, a child under the age of 1 or health insurance expenses. To receive the full EITC, family income cannot exceed $11,250—in 1991. Families with income between $11,250 and $21,242 will receive a partial EITC.

About 13 million working families currently receive the EITC. That's 1 in every 10 American households. In my home State of Oregon, over 120,000 families receive the EITC.

But here's the rub. Many hard-working families have never heard of the EITC. They are too busy trying to feed their families and make ends meet every day to attempt to learn about the intricacies of our tax laws. Even if they know of the EITC, they must wade through a morass of complicated rules, instructions, and forms, only to end up confused about whether or not they qualify for the EITC. As a result, many needy families are not receiving this important benefit.

Our bill corrects this by making several changes and clarifications to current law.

First, the bill eliminates a major source of confusion over whether someone qualifies for the EITC by adopting the same definition of "dependent child" for both the dependency deduction and the EITC. The bill eliminates the current law requirement that a taxpayer generally must provide more than one-half of the support of a child to claim him/her as a dependent. Instead, the bill adopts a simpler standard that a child must live with the taxpayer for more than one-half of the year—the same rule used for the EITC.

This change will not only clear up confusion over EITC eligibility but also will greatly simplify the tax returns of almost 40 million families having dependent children.

Second, the bill makes similar changes to the definitions of "head of household" and "suriving spouse" in the Tax Code by eliminating the requirement that the taxpayer provide more than one-half of the cost of maintaining a household for a dependent. Instead, the bill adopts a simpler standard that a dependent must live with the taxpayer for more than one-half of the year—also the same rule used for the EITC. This change will simplify the tax status of more than 10 million families.

Third, the bill includes a uniform definition of the term "child," clarifying the meaning of this term in over 50 places in the Tax Code. This is not, however, intended to change the attribution rules in section 267 of the Tax Code in any way.

Fourth, the bill eliminates the so-called interactions of the health insurance and young child features of the EITC with the medical deduction, dependent care tax credit, and exclusion for employer-provided dependent care assistance. These changes were recommended by the Department of the Treasury in recent testimony before the Committee on Finance. Eliminating these interactions will greatly simplify EITC computations and is necessary for the IRS to be able to compute the EITC from the front page of someone's tax return.

Lastly, the bill corrects an inequity in current law by allowing military personnel living overseas with their family to qualify for the EITC.

A more detailed explanation of our legislation has been prepared by the staff of the Joint Committee on Taxation. Mr. President, I ask unanimous consent for this explanation to appear in the RECORD at the end of my statement along with the full text of the bill.

It is my understanding that the IRS has recently announced a temporary solution to some of the problems sreaddressed by our legislation. For this year—1991—only, the IRS will attempt to compute the basic EITC from the front page of the tax return. The IRS acknowledges that it will not be able to compute the EITC for all taxpayers, such as those serving in the military. Nor will the IRS be able to compute additional EITC amounts for children under age 1 and health insurance.

Our bill provides a permanent solution to the complexity problems associated with the EITC. Low-income working families will automatically receive the full EITC because the IRS will compute it from the front page of the tax return. These families will not have to make any complicated computations or file any additional tax forms. Those who are eligible for the EITC, but unaware of it, will now receive it.

This legislation is needed now. The EITC is extremely important to low-income workers with dependent children. It helps with the expenses of going to work. These hard-working families should not have to sift through a maze of complicated tax rules to receive the EITC. Our bill will relieve them from this burden.

Mr. President, I hope that our colleagues will join us and cosponsor this important bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Family Simplification Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—DEFINITION OF DEPENDENT

SEC. 101. DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

(a) IN GENERAL.—Section 152 (defining dependent) is amended to read as follows:

"SEC. 152. DEPENDENT DEFINED.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

"(1) a qualifying child, or

"(2) a qualifying relative.

"(b) EXCEPTIONS.—For purposes of this section—

"(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

"(2) DEPENDENTS OF 2 OR MORE TAXPAYERS.—If, after application of all provisions of this section other than this paragraph, an individual would be treated as the dependent of 2 or more taxpayers for taxable years beginning in the same calendar year, such individual shall be treated as the dependent of the taxpayer with the highest adjusted gross income for such taxable years.

"(3) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(4) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

"(A) IN GENERAL.—An individual who is not a citizen or national of the United States shall not be treated as a dependent under subsection (a) unless such individual is a resident of the United States.

"(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not apply to any legally adopted child of a taxpayer if—

"(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

"(ii) the taxpayer is a citizen or national of the United States.

"(c) QUALIFYING CHILD.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who is a child of the taxpayer or a descendant of a child of the taxpayer,

"(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, and

"(C) who meets the age requirements of paragraph (2).

"(2) AGE REQUIREMENTS.—An individual meets the requirements of this paragraph if such individual—

"(A) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

"(B) is a student who has not attained the age of 24 as of the close of such taxable year.

"(3) SPECIAL RULES FOR DISABLED CHILDREN.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the calendar year described in paragraph (2)—

"(A) the requirements of paragraph (2) shall be treated as met with respect to such individual, and

"(B) if the requirement of paragraph (1)(B) is not met, such requirement shall be treated as met if the taxpayer provided over half of the individual's support for such calendar year.

"(d) QUALIFYING RELATIVE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in paragraph (2),

"(B) whose modified adjusted gross income for the calendar year in which such taxable year begins is less than the exemption amount,

"(C) with respect to whom either—

"(i) the principal place of abode of the individual is the same as the taxpayer for more than one-half of such taxable year, or

"(ii) if clause (i) does not apply to any taxpayer bearing a relationship to the individual described in paragraph (2), the taxpayer provides over half of the individual's support for the calendar year in which such taxable year begins, and

"(D) who is not a qualifying child of such taxpayer or any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

"(2) RELATIONSHIP.—An individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

"(A) A child or a descendant of a child.

"(B) A brother, sister, stepbrother, or stepsister.

"(C) The father or mother, or an ancestor of either.

"(D) A stepfather or stepmother.

"(E) A son or daughter of a brother or sister of the taxpayer.

"(F) A brother or sister of the father or mother of the taxpayer.

"(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

"(3) MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C)(ii) and subsection (c)(3(B), over half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over half of such support, "(B) over half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

"(C) the taxpayer contributed to the support of the individual in an amount equal to or greater than the exemption amount, and

"(D) each person described in both subparagraphs (B) and (C) (other than the taxpayer) files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

"(4) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income—

"(A) determined without regard to sections 135, 911, 931, and 933, and

"(B) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

"(5) CERTAIN INCOME OF HANDICAPPED DEPENDENTS NOT TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

"(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

"(ii) the income arises solely from activities at such workshop which are incident to such medical care.

"(B) SHELTERED WORKSHOP DEFINED—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

"(i) which provides special instruction or training designed to alleviate the disability of the individual, and

"(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

"(e) SPECIAL RULES FOR DIVORCED PARENTS, ETC.—

"(1) SPECIAL RULE WHERE CHILD LIVES WITH BOTH PARENTS FOR REQUIRED PERIOD.—Notwithstanding subsection (b)(2), if a child has parents—

"(A) who—

"(i) are divorced or legally separated under a decree of divorce or separate maintenance,

"(ii) are separated under a written separation agreement, or

"(iii) live apart at all times during the last 6 months of the calendar year, and

"(B) who both satisfy the requirements of subsection (c)(1)(B) or subsection (d)(1)(C)(i),

then such child shall be treated as the qualifying child or qualifying relative, whichever is applicable, of the parent with whom such child shared the same principal place of abode for the greater portion of the calendar year (hereafter in this subsection referred to as the 'custodial parent').

"(2) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—A child of parents described in paragraph (1)(A) shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if—

"(A) the non custodial parent provides support for such calendar year in an amount equal to or greater than the exemption amount, and

"(B) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

For purposes of this subsection, the term 'noncustodial parent' means the parent who is not the custodial parent.

"(3) EXCEPTION FOR CERTAIN PRE-1992 INSTRUMENTS.—

"(A) IN GENERAL.—A child of parents described in paragraph (1)(A) shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if—

"(i) a qualified pre-1992 instrument between the parents applicable to the taxable year beginning in such calendar year provides that—

"(I) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

"(II) the custodial parent will sign a written declaration that such parent will not claim such child as a dependent for such taxable year, and

"(ii) in the case of an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

"(B) QUALIFIED PRE-1992 INSTRUMENT.—For purposes of this paragraph, the term 'qualified pre-1992 instrument' means any decree of divorce or separate maintenance or written agreement—

"(i) which is executed before January 1, 1992,

"(ii) which on such date contains either of the provisions described in subparagraph (A)(i), and

"(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

"(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

"(1) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

"(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

"(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

"(2) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

"(3) SPECIAL RULES FOR SUPPORT.—For purposes of this section—

"(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

"(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support, and

"(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"(4) CROSS REFERENCES.—

"For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(f)(2)(B), and 213(d)(5)."

(b) MODIFICATIONS OF DEDUCTION.—Section 151(c) (relating to additional exemption for dependents) is amended to read as follows:

"(c) ADDITIONAL EXEMPTIONS FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year."

(c) MODIFICATIONS OF CERTAIN CREDITS.—

DEPENDENT CARE CREDIT.—

(A) In general.—Section 21(a) is amended by striking "who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))" and inserting "who has one or more qualifying individuals (as defined in subsection (b)(1)) who have the same principal place of abode as the taxpayer for more than one-half of the taxable year".

(B) CONFORMING AMENDMENT.—Section 21(e)(1) is repealed.

(2) EARNED INCOME CREDIT.—

(A) IN GENERAL.—Paragraph (3) of section 32(c) is amended to read as follows:

"(3) QUALIFYING CHILD.—

"(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) with respect to whom the taxpayer is entitled to a deduction under section 151(c) for the taxable year (determined without regard to section 152 (d)(3) or (e)(2)).

"(B) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States. The preceding sentence shall not apply during any period during which the taxpayer is stationed outside the United States while serving on extended active duty (as defined in section 1034(h)(3)) with the Armed Forces of the United States."

(B) REPORTING REQUIREMENTS ON CERTAIN EXCLUDABLE INCOME.—

(i) IN GENERAL.—Subsection (a) of section 6051 (relating to receipts for employees) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a comma, and by inserting after paragraph (9) the following new paragraphs:

"(10) in the case of an employee who is a member of the Armed Forces of the United States, such employee's earned income as determined for purposes of section 32 (relating to earned income credit), and

"(11) in the case of a minister of the gospel, any amount excludable from gross income under section 107 (relating to rental value of parsonages)."

(ii) SIMPLIFIED VALUATION.—The Secretary of the Treasury or his delegate may, for purposes of paragraphs (10) and (11) of section 6051(a) of the Internal Revenue Code of 1986 (as added by clause (i)), prescribe a simplified valuation method for determining the value of any housing allowances of members of the Armed Forces and the rental value of parsonages.

(C) CONFORMING AMENDMENT.—Section 32(c)(1) is amended by striking subparagraphs (B) and (C) and by redesignating subparagraph (D) as subparagraph (B).

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 21(e)(5)(A) is amended by striking "or (4)" and inserting "or (3)".

(2) Section 51(i)(1) is amended to read as follows:

"(1) RELATED INDIVIDUALS.—No wages shall be taken into account under subsection (a) with respect to an individual—

"(A) who bears a relationship described in section 152(d)(2) to—

"(i) the taxpayer,

"(ii) if the taxpayer is a corporation, to an individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation (determined with the application of section 267(c)), or

"(iii) if the taxpayer is an estate or trust, a grantor, beneficiary, or fiduciary of the estate, or trust, or

"(B) in the case of a taxpayer which is an estate or trust, who is a grantor, beneficiary, or fiduciary of the estate or trust."

(3) Section 170(g)(3) is amended to read as follows:

"(3) RELATIVE DEFINED.—For purposes of paragraph (1), the term 'relative of the taxpayer' means an individual who bears a relationship described in subsection (d)(2) of section 152 to the taxpayer."

(4) Section 2032A(c)(7)(D) is amended by striking "section 151(c)(4)" and inserting "section 152(f)(1)".

(5) Section 7701(a)(17) is amended by striking "152(b)(4), 682," and inserting "682".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1991.

(2) REPORTING REQUIREMENTS.—The amendments made by subsection (c)(2)(B) shall apply to taxable years beginning after December 31, 1992.

SEC 102. MODIFICATIONS OF DEFINITIONS OF HEAD OF HOUSEHOLD AND SURVIVING SPOUSE.

(a) SURVIVING SPOUSE.—Section 1(a)(1) is amended—

(1) by striking subparagraph (B) and inserting;

"(B) subject to the provisions of subsection (e), who has a child who is a dependent with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 151.", and

(2) by striking the last sentence.

(b) HEAD OF HOUSEHOLD.—Section 2(b) is amended to read as follows:

"(b) HEAD OF HOUSEHOLD.—For purposes of this subtitle—

"(1) IN GENERAL.—An individual shall be considered a head of a household for any taxable year if—

"(A) such individual is not married as of the close of the taxable year, and

"(B) subject to the provisions of subsection (e), such individual is entitled to a deduction for such taxable year under section 151(c) for 1 or more dependents (determined without regard to section 152 (d)(3) or (e)(2)).

"(2) DETERMINATION OF STATUS.—For purposes of this subsection—

"(A) an individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

"(B) a taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

"(C) a taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (B)) died during the taxable year.

"(3) LIMITATION.—A taxpayer shall not be treated as a head of a household under this subsection if any time during the taxable year the taxpayer is a nonresident alien."

(c) CERTAIN DEPENDENTS MUST LIVE WITH TAXPAYERS.—Section 2 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) CERTAIN DEPENDENTS MUST LIVE WITH TAXPAYER.—For purposes of subsections (a)(1)(B) and (b)(1)(B), an individual shall not be treated as entitled to a deduction under section 151(c) for a qualifying relative unless the requirements of section 152(d)(1)(C)(i) are met with respect to such relative. The preceding sentence shall not apply to the father or mother of a taxpayer."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 103. MARRIED INDIVIDUALS LIVING APART.

(a) IN GENERAL.—Section 7703(b) (relating to married individuals living apart) is amended to read as follows:

"(b) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of the provisions of this title which refer to this subsection or section, an individual shall not be treated as married for a taxable year if—

"(1) such individual—

"(A) is married (within the meaning of subsection (a)) and files a separate return, and

"(B) has a principal place of abode for more than one-half of such taxable year which is the same principal place of abode of a child (as defined in section 7701(1)) with respect to whom such individual is entitled to a deduction under section 151 (or would be so entitled but for paragraph (2) or (3) of section 152(e)), and

"(2) such individual's spouse does not have at any time during the last 6 months of such taxable year the same principal place of abode as such individual."

(b) CONFORMING AMENDMENTS.—

(1) Section 21(e)(4) is amended to read as follows:

"(4) CERTAIN MARRIED INDIVIDUALS LIVING APART.—Individuals described in section 7703(b) for any taxable year shall not be treated as married."

(2) Section 7703(a) is amended by inserting "or section" after "subsection".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 104. COORDINATION OF BENEFITS FOR DEPENDENTS.

(a) HEALTH INSURANCE CREDIT AND MEDICAL DEDUCTIONS.—

(1) MEDICAL EXPENSE DEDUCTION.—Section 213 is amended by striking subsection (f).

(2) SELF-EMPLOYED INDIVIDUALS.—Paragraph (3) of section 162(l) is amended to read as follows:

"(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(b) YOUNG CHILD CREDIT AND DEPENDENT CARE CREDIT AND EXCLUSION.—Section 32(b)(1)(D) is amended by striking the last sentence.

(c) EFFECTIV DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE II-DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

"(l) UNIFORM DEFINITION OF CHILD.—For purposes of this title—

"(1) IN GENERAL.—The term 'child' means, with respect to any individual, the son, daughter, stepson, or stepdaughter of the individual.

"(2) ADOPTION.—The term 'child' includes—

"(A) any legally adopted child of an individual, and

"(B) any child who is a member of an individual's household if placed with such individual by an authorized placement agency for legal adoption by such individual.

"(3) OTHER CHILDREN.—The term 'child' includes any individual not described in paragraph (1) or (2) who—

"(A) a taxpayer cares for as the taxpayer's own child, and

"(B) has the same principal place of abode as the taxpayer for the taxpayer's entire taxable year."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 21(e)(6) is amended by striking "a child of the taxpayer (within the meaning of section 151(c)(3))" and inserting "a child of the taxpayer (within the meaning of section 7701(l))".

(2) Section 129(c)(2) is amended by striking "a child of such employee (within the meaning of section 151(c)(3))" and inserting "a child of such employee (within the meaning of section 7701(l))".

(3) Section 132(f)(2)(B) is amended by striking "any child (as defined in section 151(c)(3))" and inserting "any child (as defined in section 7701(l))".

(4) Section 318(a)(1) is amended to read as follows:

"(1) MEMBERS OF FAMILY.—An individual shall be considered as owning the stock owned, directly or indirectly, by or for—

"(A) his spouse (other than a spouse who is legally separated for the individual under a decree of divorce or separate maintenance), and

"(B) his children, grandchildren, or parents."

(5) Section 1563(e)(6) is amended by striking subparagraph (C).

(6) Section 2032A(e)(2) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1992, except that such amendments shall not apply to taxable years beginning before such date.

FAMILY SIMPLIFICATION ACT

PRESENT LAW

Earned income tax credit

Under present law, eligible low-income workers are able to claim a refundable earned income tax credit (EITC) of up to 16.7 percent (17.3 percent for taxpayers with more than 1 qualifying child) of the first $7,140 of earned income for 1991. The maximum amount of credit of 1991 is $1,192 ($1,235 for taxpayers with more than 1 qualifying child), and this maximum is reduced by 11.93 percent (12.36 percent for taxpayers with more than 1 qualifying child) of earned income in excess of $11,250. The EITC is totally phased out for workers with the greater of adjusted gross income or earned income over $21,250. Earned income consists of wages, salaries, other employee compensation (including certain allowances provided to military personnel and the rental value of parsonages), and net self-employment income.

To be eligible for the EITC, the taxpayer must have a "qualifying child". In order to be a qualifying child, an individual must satisfy a relationship test, a residency test, and an age test. The relationship test requires that the individual be a child, stepchild, descendant of a child, or a foster or adopted child of the taxpayer. The residency test requires that the individual have the same place of abode as the taxpayer for more than one half the taxable year. This place of abode must be located in the United States. The age test requires that the individual be under 19 (24 for a full-time student) or be permanently and totally disabled. If two or more persons would be eligible to claim the EITC with respect to a qualifying child, then only the person with the highest adjusted gross income is treated as eligible. A taxpayer who is qualifying child with respect to another taxpayer cannot claim the EITC.

There are two additional credits that are part of the EITC. A supplemental young child credit is available for qualifying children under the age of one year. The young child credit rate is 5 percent and the phase-out rate is 3.57 percent. It is computed on the same base as the ordinary EITC (the maximum credit for 1991 is $375).

A supplemental credit for health insurance costs is also provided for taxpayers who purchase health insurance policies that include coverage for qualifying children. The health insurance credit rate is 6 percent and the phase-out rate is 4.285 percent. It is computed on the same base as the ordinary EITC (the maximum credit for 1991 is $428). The maximum credit available to a taxpayer is limited to the amount paid for the health insurance coverage.

To claim the EITC, the taxpayer must complete a separate schedule and attach it to his or her income tax return. In addition, the taxpayer must supply each qualifying child's name, age and, for children over the age of one, taxpayer identification number (social security number).

Present law contains a number of so-called "anti-double dipping" provisions designed to prevent a taxpayer from claiming both the ETIC and other tax benefits with respect to the same child or expenses. Thus, a taxpayer cannot claim the dependent care tax credit (DCTC) or receive an exclusion of employer-provided dependent care assistance with respect to a child for which the taxpayer claimed the supplemental young child credit portion of the EITC. Similarly, the amount of expenses that may be taken into account for purposes of the itemized deduction for medical expenses and the deduction for medical expenses for self-employed individuals is reduced by the amount of the supplemental health insurance credit allowable.

Personal exemption for dependent children

In general, a taxpayer is entitled to claim an exemption for any dependent children of the taxpayer. In order to claim a child as a dependent, the taxpayer must provide more than one half of the child's total support during the calendar year as well as meet certain other requirements. For purposes of the support test, governmental benefit payments (e.g., Aid to Families with Dependent Children (AFDC) payments, food stamps, and housing) are not treated as support provided by the taxpayer but rather are treated as support provided by the governmental unit.

Also, the Code provides special support rules in the case of a child of parents: (1) who are divorced or legally separated under a decree of divorce or separate maintenance, (2) who are separated under a written separation agreement, or (3) who live apart at all times during the last 6 months of the calendar year. If the child is in the custody of one or both of these parents for more than one half of the calendar year then the parent having custody for the greater portion of the calendar year satisfies the support test. That parent can release claim to the exemption for any year by filling the proper written declaration with the Secretary of the Treasury.

A child over the age of 19 (24 if the child is a full-time student) cannot be claimed if the child has gross income equal to or in excess of the personal exemption amount ($2,150 for 1991 returns).

Personal exemption for dependents other than children

A taxpayer may claim an exemption for specified relatives other than if the taxpayer provides more than half the support of the relative for the year, the relative has income less than the exemption amount, and certain other requirements are satisfied. A taxpayer may also claim an exemption for an individual other than a specified relative if the taxpayer provides more than one half of the individual's support for the year and the individual lives with the taxpayer for the entire year, has gross income less than the exemption amount, and satisfies certain other requirements.

Other rules

To qualify as a dependent under any category, a person must be a U.S. citizen, resident or national, or a resident of Canada or Mexico for some part of the calendar year in which the taxpayer's tax year begins. Also, a person is disqualified as a taxpayer's dependent if he or she files a joint income tax return. In the case of a dependent who is permanently and totally disabled, income from a sheltered workshop is not taken into account for this purpose.

Interaction with filing status

A taxpayer may be entitled to file an income tax return as a surviving spouse or as a head of household if the taxpayer is entitled to a dependency exemption for certain dependents and the taxpayer pays more than one half of the cost of maintaining a home which is the principal place of abode for such dependents. A taxpayer may claim head of household filing status if the taxpayer pays more than one half the cost of maintaining a home which is the principal place of abode for a non-dependent, unmarried son, stepson, daughter, stepdaughter or a descendent of a son or daughter of the taxpayer.

Uniform definition of child

The word "child" is used throughout the Internal Revenue Code but lacks a common definition.

REASONS FOR CHANGE

The different tests used under present law to determine if a child may be claimed as a dependent or qualifies a taxpayer for the basic EITC and supplemental young child credit component or surviving spouse or head of household filing status create complexity for taxpayers and prevent the Internal Revenue Service from determining an individual's eligibility for the basic EITC and the supplemental young child credit component from his or her tax return without specialized tax forms. The support test for dependency and the maintenance of household test used in the surviving spouse and head of household filing status are complex, often requiring difficult factual and legal determinations by taxpayers. A single rule for all these provisions will reduce taxpayer burdens and increase taxpayer compliance. Also, use of a residency test will approximate the greatest single component of support, namely the cost of housing.

Generally, conforming the definition of a qualifying child in both the personal exemption for dependents and the EITC will allow the Internal Revenue Service to determine an individual's eligibility for the basic EITC and the supplemental young child component from his or her tax return and to compute the amount of the EITC to which the individual is entitled without the use of specialized tax forms. This should increase the number of eligible individuals who actually receive the EITC.

The interactions of the EITC with other tax provisions, (e.g., the DCTC) make it difficult for affected taxpayers to properly complete their tax returns. They also require complex calculations for the taxpayer to determine which provision provides the largest benefit. The EITC could be simplified by repealing the complicated rules dealing with the interaction of the supplemental young child credit and the child health insurance credit with the dependent care tax credit (DCTC), the medical expense deduction, the exclusion of employer-provided dependent care, and the deduction for health insurance costs of self-employed taxpayers.

Present law requires taxpayers to take into account certain noncash compensation for purposes of the EITC, (e.g., military allowances for housing and subsistence). It may be difficult for taxpayers to ascertain the proper value of such compensation.

DESCRIPTION OF BILL

In general

The bill simplifies the personal exemption for dependents by generally replacing the complicated factual determination necessary under the present-law support test. Instead, the bill utilizes a residency test similar to that used in the computation of the EITC.

The bill also simplifies the determination of a taxpayer's filing status as a surviving spouse or head of household by generally replacing the current rules requiring the maintenance of a household with a residency test for qualifying dependents.

Finally, the bill simplifies the operation of the Code by standardizing the definition of a child.

Earned income tax credit

The residency test of the EITC is extended to the personal exemption to ease taxpayer burdens and to facilitate compliance. Also, the bill repeals the provisions that reduce the expenses that are taken into account for: (1) The medical expense deduction and (2) the deduction of health insurance costs for self-employed taxpayers for the allowable supplemental health insurance credit component of the EITC. Also, the provision that denies the dependent care credit and the exclusion for employer-provided dependent care assistance for expenses incurred or employer care provided for children claimed under the supplemental young child credit component of the EITC is repealed.

The bill also extends eligibility for the EITC to members of the Armed Forces whose principal place of abode is outside of the United States.

Personal exemptions

In General

The bill generally conforms the personal exemption rules to those used in the EITC. Specifically, the bill provides that an individual must be either a qualifying child or a qualifying relative (described below) to be a dependent of a taxpayer. Any individual who can be claimed as a dependent by another taxpayer for any taxable year shall not be treated as having any dependents for that taxable year.

Also, the bill modifies present law to limit the exemption to citizens or nationals of the United States and residents of the United States. An exception is provided for any legally adopted children of a U.S. citizen or national whose principal place of abode is the taxpayer's home for the entire taxable year. Generally, these modifications conform the definition of a qualifying child for purposes of the dependency exemption to that used in the EITC.

Dependent Children

The bill generally applies the definition of a qualifying child, which is currently used for purposes of the EITC, to the personal exemption for dependent children. This definition of dependent child is then used to determine eligibility for the EITC and for filing status. Under this definition, a qualifying child is a child of the taxpayer or a descendant of a child of the taxpayer who has the same principal place of abode as the taxpayer for more than half the year. For these purposes, temporary absences from the abode (e.g., due to schooling or illness) will not affect this determination.

Dependent Relatives

The bill provides that non-relatives (and relatives not listed in section 152(a)(1) through 152(a)(8)) may no longer be claimed as dependents. With respect to the definition of qualifying relative, three changes are made to the present-law rules for dependents who are not qualifying children of the taxpayer. First, the support test is replaced with the same residency test used for qualifying children. If an individual does not satisfy the residency test with respect to any taxpayer, then the present-law support test applies. Second, in the case of multiple support agreements, any otherwise qualifying taxpayer who contributed support in an amount at least equal to the exemption amount may claim the exemption if all other qualifying taxpayers file a written declaration with the IRS that they will not also claim the exemption. This determination may be modified each taxable year. Third, the bill modifies the definition of gross income for these purposes to mean adjusted gross income determined without regard to section 135, 911, 931, and 933 plus the amount of interest received or accrued by the individual during the taxable year which is exempt from tax and the amount, if any, of social security and Tier 1 railroad retirement benefits included in gross income under section 86.

Divorced or separated parents

In the case of divorced or separated parents, a child may be treated as the qualifying child or relative of the noncustodial parent for a calendar year if the noncustodial parent provides support for the calendar year equal to or greater than the exemption amount and the custodial parent signs a written delcaration (which declaration must be attached to the noncustodial parent's tax return) that the custodial parent will not claim the child as a dependent for such year. However, agreements executed before January 1, 1992, are exempt from these requirements under a special grandfather provision.

If in the year of divorce or separation, a child lives with each parent for more than 6 months, the parent with whom such child lived for the greater portion of the year is deemed to be the custodial parent.

Interaction with filing status

Both the surviving spouse and head of household filing status generally require that the taxpayer pay more than half of the cost of maintaining a home which is the principal place of abode for certain dependents. Generally, the bill replaces these requirements with the requirement that the taxpayer be eligible for a dependency exemption for one or more individuals.

The bill also modifies the treatment of certain married individuals living apart. Specifically, it repeals the maintenance of a household requirement.

Uniform definition of child

The bill creates a uniform definition of "child" for purposes of the Code. For these purposes, a child means, with respect to an individual, a son, daughter, stepson, or stepdaughter of the individual. It also includes: (1) the legally adopted son or daughter of an individual, (2) any child who is a member of an individual's household placed there by an authorized placement agency for legal adoption by that individual, and (3) any other individual who the taxpayer cares for as the taxpayer's own child, and has the same principal place of abode as the taxpayer for the taxpayer's entire taxable year.

Reporting requirements

The bill requires that the employers of members of the Armed Forces and ministers of the gospel report to their employees the amount of excludable income received in the form of allowances for housing and subsistence and the rental value of parsonages, respectively. The bill also allows the Secretary of the treasury to prescribe a simplified valuation method for these purposes.

EFFECTIVE DATES

Generally, the bill is effective for taxable years beginning after December 21, 1991.

The provision relating to the reporting requirements on certain excludable income of members of the Armed Forces of the United States and ministers of the gospel is effective for taxable years beginning after December 31, 1992.

The provision relating to the uniform definition of "child" is effective on January 1, 1992, except that such provision does not apply to taxable years beginning before such date.

By Mr. SIMON (for himself and Mr. KENNEDY):

S. 1822. A bill to improve the college participation rates of groups underserved by institutions of higher education, and for other purposes; to the Committee on Labor and Human Resources.

HISPANIC ACCESS TO HIGHER EDUCATION ACT

• Mr. SIMON. Mr. President, I rise to introduce the Hispanic Access to Higher Education Act of 1991. In my role as this year's chairman of the Senate Hispanic Task Force, I am introducing this bill to ensure that the Hispanic community's recommendations and concerns are heard as we work on the reauthorization of the Higher Education Act.

When I was chairman of the Subcommittee on Postsecondary Education in the House of Representatives, I held a hearing on Hispanic participation in higher education. I found that Federal student aid programs can and do make a difference in the ability of economically disadvantaged students to obtain a higher education. For Hispanic youth, who are twice as likely to come from low-income families than white youth, these programs are critical.

The expansion of Federal student aid programs in the 1960's and 1970's made an important difference in enabling more minority and low-income students to attend colleges. During the late 1970's and the 1980's, however, Federal student aid has failed to keep pace with the increasing cost of college, and the aid that is available has shifted overwhelmingly toward loans, rather than direct grant assistance. Low-income students, in particular, have suffered from these changes. Reversing these trends could have a revitalizing effect on the college entrance rates of these groups, and thus mitigate not only the problem of lower college access for African Americans and Hispanics but of low degree attainment.

In its report last year, "The Decade of the Hispanic: An Economic Retrospective," the National Council of La Raza calls for an expansion of the Pell Grant Program. I would agree that we must establish a Pell grant entitlement, and while we do not include that in this bill, it is equally a part of the agenda.

I must give credit for much of this bill to Senators KENNEDY and PELL. The teacher recruitment programs, in particular, are virtually identical to the proposals that my colleagues developed in the 101st Congress, and introduced again this year in the National Teacher Act, S. 329.

While any teacher can be a good role model, it is natural for Hispanic students, bombarded with negative racial stereotypes in the mass media, to look for a teacher who looks like them, and who might sometimes feel the way they do about being Hispanic. It is equally important that students who are not Hispanic have Hispanic teachers to counter those stereotypes. In testimony I provided to the Department of Education last year, I recited some of the statistics on Hispanic teachers in Illinois, and the numbers are appalling. While 8 percent of the students are Hispanic, less than 2 percent of the teachers are Hispanic. In Chicago, with an almost 25 percent Hispanic student population, less than 6 percent of the teachers are Hispanic. In particular subject areas, finding an Hispanic role model can be virtually impossible. For example, in the 1986–87 school year, only one in every 157 math teachers was Hispanic, and there was not one Hispanic physics teacher to be found in all of Illinois.

The bill we are introducing today establishes programs to attract more minorities into college and into teaching, and offer scholarships and loan forgiveness, especially for those who agree to teach in the innercity.

A study of eighth graders released last year found that while two-thirds of the students surveyed planned to finish college, only one-third were slated to enter a high school program that would prepare them for college. This points to the need for the current Upward Bound Program, and for expanded early intervention programs that start as early as the sixth grade. This bill includes a new $200 million program of matching grants to States to significantly expand early intervention activities. The bill also proposes some amendments to the TRIO programs, to ensure that certain groups or areas are not being underserved.

Mr. President, I commend the Congressional Hispanic Caucus, and in particular its chairman, Mr. ORTIZ, for developing this proposal in the House. It is important not only for Hispanic Americans, but for all Americans.•

Mr. KENNEDY. Mr. President, today I am cosponsoring the introduction of the Hispanic Access to Higher Education Act of 1991. Hispanics in this country have suffered a long history of discrimination and racism. These barriers have been particularly notable in the area of education. Even though Hispanics are highly concentrated among the school-age population, they are less likely than their non-Hispanic peers to have been enrolled in preschool programs or to go on to secondary education. The Hispanic high school completion rate remains at only 55 percent.

The failure of elementary and secondary school systems to meet the educational needs of Hispanic students is reflected in our Nation's postsecondary institutions. Except for our native American population, the Hispanic population in the United States has the lowest college participation rate for 18 to 24-year-olds of any major race or ethnic group. Furthermore, of those Hispanics who do enroll in post-secondary education, 56 percent attend 2-year institutions. An almost negligible minority of these students transfer to 4-year colleges and universities. Thus, the share of bachelor's degrees conferred upon Hispanics is not comparable to their proportion of undergraduate enrollment.

In light of these historic inequalities it is appropriate that during National Hispanic Heritage Month, I am cosponsoring the introduction of the Hispanic Access to Higher Education Act. This bill will help increase the college participation and graduation rates of Hispanics by establishing early intervention programs designed to prevent at-risk students from dropping out of high school; by establishing a migrant student minicorps program to provide financial assistance to migrant students in higher education in return for serving as mentors to migrant students in elementary and secondary education, and by enhancing TRIO programs. In addition, the bill requires the Secretary to annually conduct a national survey of factors associated with participation including data on academic progress and college enrollment of racial and ethnic minorities underrepresented in higher education. All of these programs need to be given serious consideration as we enter the Higher Education Act reauthorization process. This bill will increase the educational opportunities for Hispanics and other disadvantaged youth. It will challenge them to reach their potential, and it will benefit all of us for we will be enriched by their accomplishments and their achievements.

By Mr. CRANSTON:

S. 1825. A bill to authorize the sale of Bureau of Reclamation loans to the Redwood Valley County Water District, California; to the Committee on Energy and Natural Resources.

SALE OF CERTAIN BUREAU OF RECLAMATION LOANS

• Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to sell loans made pursuant to the Small Reclamation Projects Act to the Redwood Valley County Water District. This water district is located in Mendocino County, CA, and serves fewer than 1,200 residential and agricultural customers.

In the Budget Reconciliation Act of 1987, Congress authorized the Secretary of the Interior to sell Small Reclamation Projects Act loans during fiscal year 1988. Loan borrowers were offered the opportunity to repurchase their outstanding loans at a discounted price. About 150 water districts in the Mid-Pacific region of the Bureau of Reclamation bought back their loans. The Redwood Valley County Water District, however, was unable to take advantage of the opportunity due to its poor financial condition at the time. In fact, while other districts were repurchasing their loans, the Redwood Valley County Water District was seeking congressional authority to defer its loan repayments and to renegotiate its loan repayment schedule. Congress provided such authority in Public Law 100–516.

Today, the water district is financially sound and would like to have the opportunity it missed in 1988 to repurchase the two Small Reclamation Projects Act loans it has from the Bureau of Reclamation.

This bill would renew the authority for the Secretary of the Interior to sell these loans to the Redwood Valley County Water District for 1 year. The legislation provides that the sale price would be determined through the application of the discount rate methodology used by the Secretary during the loan assets sales program in 1988, but reflecting the investment factors applicable at the time of the sale. In 1988, the Secretary offered to sell the loans to the district for $2,460,042.00. Additionally, the bill would require the district to pay all administrative costs associated with the sale. The original program used revenues from the sales to cover the costs.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALE OF BUREAU OF RECLAMATION LOANS.

(a) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall sell loans made pursuant to the Small Reclamation Projects Act (43 U.S.C. 422a–422l) to the Redwood Valley County Water District.

(b) The sale of the loans which are numbered 14–06–200–8423A and 14–06–200–842A Amendatory to the Redwood Valley County Water District shall realize an amount to the federal government as determined by the Secretary through application of the discount rate methodology used by the Secretary during the loan assets sales program authorized by Section 5301 of the Budget Reconciliation Act of 1987. Said amount shall reflect the investment factors applicable at the time of the determination of the amount.

SEC. 2. SAVINGS PROVISIONS.—Nothing in this Act, including prepayment or other disposition of any loans, shall

(a) except to the extent that prepayment may have been authorized heretofore, relieve the borrower from the applications of the provisions of Federal Reclamation Law (Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto, including the Reclamation Reform Act of 1982), including acreage limitations, to the extent such provisions would apply absent such prepayment, or

(b) authorize the transfer of title to any federally owned facilities funded by the loans specified in section 1 of this Act without a specific act of Congress.

SEC. 3. FEES AND EXPENSES OF PROGRAM.—In addition to the amount to be realized by the United States as provided in section 1, the Redwood Valley County Water District shall pay all reasonable fees and expenses incurred by the Secretary relative to the sale.

SEC. 4. TERMINATION.—The authority granted by this Act to sell loans shall terminate one year after the date of enactment of this Act.•

By Mr. DASCHLE (for himself, Mr. BOREN, Mr. PRYOR, and Mr. EXON):

S. 1826. A bill to amend the Internal Revenue Code of 1986 to encourage parity giving in order to increase prices to farmers while assisting in feeding the starving of the world; to the Committee on Finance.

CROP-SHARING HUNGER RELIEF ACT

Mr. DASCHLE. Mr. President, I rise to introduce an innovative proposal that addresses the dual challenges of creating new markets for surplus agricultural products and feeding the hungry.

In my years as a representative of the State of South Dakota, I can say that nothing frustrates a farmer more than to have grain wasting away in a bin because prices are too low to sell it, while he watches television news stories about the growing numbers of hungry people around the world, even in our own country. There's something wrong in a world where we have bushels and tons of excess commodities rotting and spoiling, while millions of people are starving.

The statistics on hunger tell one side of the story. In this country, 37 percent of homeless persons report eating 1 meal per day or less, and 36 percent report going at least 1 day per week without any nourishment. A survey of 30 major U.S. cities in 1990 reported a 22 percent increase in demand for emergency food assistance. At present rates, more than 100 million children will die in the world from illness and malnutrition in the 1990's. An estimated 1 billion people, roughly 20 percent of the world's population, are diseased, in poor health or malnourished.

At the same time, the Federal Government spends enormous sums purchasing surplus commodities each year. The Commodity Credit Corporation has 518 million pounds of butter, 240 million pounds of nonfat dry milk, and 387 million pounds of corn in its inventory. Moreover, some 15 percent of our wheat acreage and 7.5 percent of our corn acreage is idle.

It's not often that one problem offers a solution to another. But I think that's what we have here.

The proposal I am introducing today, the Crop Sharing Hunger Relief Act, will enable the American taxpayer to provide the link between our surplus commodities and hungry people everywhere. Here's how it works.

An individual purchases commodities that are in surplus in a given year. That same year, he or she donates the commodities to a qualifying hunger relief organization and takes a tax deduction for the "parity" price of the commodity. The deduction would also be available for taxpayers who fall under the alternative minimum tax.

The parity price is published monthly by the Department of Agriculture. Simply put, it reflects the cost of a commodity in today's market, plus a fair return to the farmer.

The proposal includes several provisions to focus it and ensure that the taxpayer contributes to the transaction. For example, no individual may use the deduction for more than $10,000 worth of commodities. Furthermore, regardless of the parity price, in no event would a taxpayer be able to take a deduction for more than twice what he or she paid for the commodities. Finally, the deduction is available only for commodities that are in surplus.

It is possible that this proposal would result in revenue loss in its initial phases, and I plan to ask the Joint Committee on Taxation to estimate its revenue impact. Once it is fully utilized, however, the benefits of the Crop Sharing Hunger Relief Act could be substantial. It is anticipated that the proposal will spur a system of private purchasing of surplus commodities that are donated to the hungry. The use of these commodities would represent a net gain in consumption that would not occur without the program. The more individuals who participate, the more surplus commodities are sold, with a corresponding increase in the prices of commodities and reduction in Federal spending on agricultural subsidies.

Some in Congress believe that the best way to accomplish sustained growth in markets for our abundant agricultural products is by increasing the purchasing power of the countries in need of those products. They argue that it is far better from our perspective for other countries to purchase our agricultural goods on the open market than for us to donate our goods in surplus.

To achieve economic development among the countries in greatest need of our products, however, is a long-term objective. Even among countries that receive significant amounts of economic development aid, the beneficial effects of that aid do not occur overnight. Moreover, there is a limit to how much the United States alone can finance or even guarantee the financing of other countries' growth—at least in the short term.

That is why we need interim solutions. We need to find ways to get from here to there. Certainly, we must never lose sight of the goal of encouraging long-term economic growth among developing countries so that they can purchase our goods outright, but at the same time we must not hesitate to find innovative ways to create new avenues for the flow of our agricultural products in the short term. What better way to do so than through a proposal that directs those products to the people who need them the most.

As chairman of the Finance Subcommittee on Energy and Agricultural Taxation, I plan to hold hearings this month on the Crop Sharing Hunger Relief Act. At that time, we will have an opportunity to hear comments on the measure with a view toward making necessary refinements.

The Crop Sharing Hunger Relief Act represents a new approach to the persistent concern about markets for one of this country's greatest resources. It also meets a glaring humanitarian need in a way that ultimately should be cost-effective. I believe this proposal merits the consideration of my colleagues, and I ask unanimous consent that its text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crop-Sharing Hunger Relief Act".

SEC. 2. DEDUCTION FOR PARITY GIVING.

(a) IN GENERAL.—Section 170(e) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(6) QUALIFIED COMMODITY CONTRIBUTIONS.—

"(A) IN GENERAL.—In the case of a contribution of an eligible commodity which constitutes a qualified commodity contribution, the amount of such contribution taken into account under this section shall be equal to the lesser of—

"(i) the parity price of the commodity, or

"(ii) 200 percent of the taxpayer's basis in such property.

"(B) DOLLAR LIMITATION.—Contributions of eligible commodities shall not be taken into account under subparagraph (A) for any taxable year to the extent that the taxpayer's aggregate basis in all such commodities contributed exceeds $10,000.

"(C) QUALIFIED COMMODITY CONTRIBUTION.—For purposes of this paragraph, the term 'qualified commodity contribution' means a charitable contribution by an individual of an eligible commodity to an organization which is described in section 501(c)(3) and which is exempt from taxation under section 501(a) (other than a private foundation described in paragraph (3)(A)), but only if—

"(i) the use of the property by the donee is solely for the purpose of feeding individuals in famine, disaster, or other economically depressed areas, and

"(ii) requirements similar to the requirements of clauses (ii), (iii), and (iv) of paragraph (3)(A) are met with respect to the contribution.

"(D) ELIGIBLE COMMODITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible commodity' means any agricultural commodity which, at the time of purchase (or, if not purchased by the taxpayer, at the time of contribution), is a commodity on the surplus commodity list under clause (ii).

"(ii) SURPLUS COMMODITY.—The Secretary, in consultation with the Secretary of Agriculture, shall establish a list of surplus commodities for purposes of this paragraph. Such list shall be revised to reflect any changes in the availability of any commodity.

"(E) PARITY PRICE.—For purposes of this paragraph, the parity price for any agricultural commodity shall be determined under section 301(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(a)(1)).

"(F) EXCLUSION OF ESTATES AND TRUSTS.—For purposes of this paragraph, an estate or trust shall not be treated as an individual."

(b) EXEMPTION FROM ALTERNATIVE MINIMUM TAX.—Section 57(a)(6)(B) of the Internal Revenue Code of 1986 (defining capital gain property) is amended by adding at the end thereof the following sentence: "Such term shall not include any eligible commodity contributed in a qualified commodity contribution described in section 170(e)(6)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions after December 31, 1991, of commodities acquired after December 31, 1991.

By Mr. GARN (for himself, Mr. BOND, Mr. DODD, Mr. DOLE, Mr. NUNN, Mr. DANFORTH, Mr. BURDICK, Mrs. KASSEBAUM, Mr. JOHNSTON, Mr. KASTEN, Mr. GRASSLEY, Mr. SEYMOUR, Mr. WALLOP, AND Mr. SPECTER):

S. 1827. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House; to the Committee on Banking, Housing, and Urban Affairs.

WHITE HOUSE COMMEMORATIVE COIN ACT OF 1991

• Mr. GARN. Mr. President, the White House is one of the enduring symbols of our great country, emblematic of our history of strong leaders and a testament to the principles of democracy which forged this Nation, and which are now shaping the face of the world. It is surely one of the most, if not the most, recognizable landmarks in America; not only to the people of our Nation, but to people all over the world.

Every year, more than 1½ million people—Americans, visitors from abroad, and heads of state—visit the White House. Literally hundreds of millions more have seen the White House in pictures or on television.

In 1792, the President's House was the first of the Federal buildings to be commenced in the new national capital, even before the city was named "Washington." The American Revolution had ended only 9 years before and the Constitution was just 3 years old.

Today, the White House continues to serve not only as home of the President and the First Lady, but as an integral part of our constitutional government, where important decisions are made every day, decisions which affect us and the rest of the world. Treaties are signed at the White House and foreign heads of state and dignitaries are received there. The public rooms of the White House also serve as a cultural center and a museum of American history and decorative and fine art.

The Congress appropriates funds for the daily operation and maintenance of the White House. However, refurbishing projects and important historical acquisitions have traditionally been funded primarily by the generosity of private contributors. The First Lady, Barbara Bush, has been working tirelessly to assure the future of the White House. At the request of the First Lady, the White House Endowment Fund was established in January 1990 as a not-for-profit organization to raise a $25 million endowment to provide permanent support for the White House collection of fine art and furnishings and to preserve the historic character of the public museum rooms of the White House.

The White House Historical Association, a not-for-profit private organization whose historical and educational purposes are to enhance understanding, appreciation, and enjoyment of the White House, has proposed as one of the projects that would contribute to the endowment, the sale of a commemorative coin to celebrate the 200th anniversary of the laying of the cornerstone of the White House, which took place on the 13th day of October, in the year 1792.

Mr. President, I am therefore pleased to be able to introduce the White House Commemorative Coin Act of 1991, which authorizes the Secretary of the Treasury to mint a White House Commemorative Coin under the sponsorship of the association. Proceeds from the sale of the silver dollar coin, after paying the expenses of the mint, will go to the White House Endowment Fund to help in fulfilling the purpose of ensuring the future of the White House. These moneys will augment private contributions to the fun.

This legislation has strong bipartisan support and has been cosponsored by Senators BOND, DOLE, DODD, KASSEBAUM, DANFORTH, KASTEN, GRASSLEY, SEYMOUR, BURDICK, NUNN, WALLOP, and SPECTER. In addition, it has the support of the First Lady, the Department of the Treasury, the U.S. Mint, and the Office of Management and Budget, all of whose suggestions have been incorporated in the bill. I urge my colleagues to join me in supporting this important legislation to help ensure the future of one of the great symbols of our country, the White House.

Mr. President, I would also like to include in the RECORD following my remarks, a statement prepared by the White House Historical Association, which more fully describes the circumstances of laying the cornerstone of the White House.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CORNERSTONE OF THE WHITE HOUSE

The President's House was the first of the federal buildings to be commenced in the new national capital, even before the city was named "Washington." Few quiet moments in the history of our country have been more symbolic than October 13, 1792, when the cornerstone of the White House was laid. The American Revolution had ended only ten years before; the Constitution was three years old. With sincere faith and high hopes the federal government, under the presidency of George Washington, was laying the cornerstone for the future of the new country.

The cornerstone of the White House is in fact not the traditional stone familiar in public architecture, but a brass plate, which has been hidden within the walls of the White House since it was put there in the autumn of 1792. On the plate is engraved the following:

"This first stone of the President's House was laid the 13th day of October 1792, and in the seventeenth year of the independence of the United States of America. George Washington, President. Thomas Johnson, Doctor Stewart, Daniel Carroll, Commissioners. James Hoban, Architect. Collen Williamson, Master Mason. Vivat Republica."

It was a simple little ceremony that marked the completion of the first cornerstone of the first public building begun in Washington. The city as yet had no name; from the hill where the White House was to be, the few participants could look over the sprawl of tobacco fields and meadows where the Mall would be, and perhaps even as far away as the impressive and higher hill upon which, in the next year, the cornerstone of the Capitol would be laid in a far more august ceremony. The small company that had gathered to lay the cornerstone of the President's House, at the close of the building season, 1792, walked after their work was done to Suter's Tavern in Georgetown, where they ate an "elegant dinner' and drank many toasts into the night.

Two of the great ironies of history are that George Washington was not present at the cornerstone laying—public business kept him away—and that he would never live in the White House. He was the only President of the United States never to live in the White House; yet, he was the man who built that house. When Congress approved the erection of a new city, a capitol and a house for the President, the President put forward ideas of his own. He wanted a city that would impress the world. To implement his plan he turned to, Pierre Charles L'Enfant, who made a plan of a city and described to Washington public buildings of great extent. The house of the President was first imagined as a palace (somewhat the size of today's National Gallery of Art) and over the protests of the commissioners of the Federal District, the cellars for this palace were dug. Streets were laid out to conform to the palace, and they remain so described in the city plan.

George Washington would yield to building a smaller house only when it became clear that the palace could not be completed by November 1800, the deadline Congress had designated for occupancy of the new city. The White House is about one-fifth the size of the palace originally envisioned. When it came time to site the new house in the cellars dug for the palace, the commissioners dared not make the decision on their own. Washington himself appeared on the scene and, being a surveyor by training, located the house without hesitation precisely where it stands today and drove the stakes in the ground himself. Although he had started work on the largest house the United States was to know for eighty years, he frequently remarked that it was built for the ages, and could be enlarged by the addition of wings. He ordered for the house the most elaborate stone carving seen in America up until that time.

He built the house we know today. Changes are few, although the White House has been rebuilt twice within its original walls, the first time after it was burned by British invaders in 1814 and the second time in the 1948–1952 restoration by President Truman. The cornerstone of 1792 lies undisturbed. Two centuries will soon have passed since the cornerstone was laid.

America's greatest moments are its simplest, and the laying of the White House cornerstone is one of these. Those who gathered on that hill two hundred years ago had no idea what was to come, any more than we do today. The cornerstone was a mark of faith, and promise, and carries that message well into its third century.•

• Mr. BOND. Mr. President, I rise today to join Senator GARN in introducing this bill to commemorate the laying of the cornerstone of the White House.

Mr. President, 1992 will mark the 200th anniversary of the laying of the

White House cornerstone. This bill provides a treasured and lasting monument to this historic event.

On October 13, 1792, the first of the Federal buildings was commenced in the new Capital City. George Washington, being a surveyor by training, sited the house where it now stands today. Yet, ironically, he was not present at the laying of the cornerstone, nor did he ever live in the White House.

He built the house to last through the ages and the changes made since that time are few. The cornerstone brass plate, commemorating the beginning of construction on the White House, has lain undisturbed for almost 200 years.

Every year, more than 1.5 million people visit the White House to view its elaborate stone carvings, collection of fine art, and historic furnishings.

Although Congress provides the funding for the daily operation and maintenance of the White House, the special refurbishing projects are usually funded by appeals for private contributions.

The White House Endowment Fund was established in 1990, at the request of First Lady Barbara Bush, as a nonprofit organization to raise a $25 million endowment to provide permanent support for the White House collection of fine art and furnishings and for the public rooms of the White House.

This bill will authorize the minting of the White House commemorative coin. The proceeds from the sale of this coin, after repaying all costs to the Government, will go to the White House Endowment Fund. These moneys, in addition to private contributions, will establish a permanent fund for the maintenance of the White House art collection, antique furnishings, and public rooms for which Government funds are not available.

First Lady Barbara Bush, Honorary Chairman of the White House Endowment Fund, is very supportive of a White House commemorative coin. It is her hope and it is my hope that through the endowment fund, the sale of this coin will assure permanent support for the historic and museum character of the White House in such manner that all Americans can be proud of this national treasure.

I believe that the 200th anniversary of the laying of the cornerstone of the White House is a special event which deserves a lasting and distinguished commemorative and I encourage my colleagues to please join me in supporting the White House Commemorative Coin Act of 1991.●

By Mr. KENNEDY (for himself, Mr. METZENBAUM, Mr. WELLSTONE, Mr. EXON, Mr. CONRAD, Mr. AKAKA, Mr. DASCHLE, Mr. BRYAN, Mr. SIMON, Mr. PELL, Mr. ADAMS, Mr. BRADLEY, Mr. DODD, Mr. HEFLIN, Mr. KERRY, Mr. LIEBERMAN, Mr. D'AMATO, Mr. SPECTER, Mr. LEVIN, Mr. SARBANES, Mr. ROCKEFELLER, Mr. BURDICK, Mr. LAUTENBERG, Mr. KOHL, Mr. HARKIN, and Ms. MIKULSKI):

S. 1828. A bill to provide extended unemployment benefits during period of high unemployment to railroad employees who have less than 10 years of service; to the Committee on Labor and Human Resources.

EXTENDED RAILROAD UNEMPLOYMENT BENEFITS

Mr. KENNEDY. Mr. President, the legislation I am introducing today is intended to ensure that railroad workers are not left out of the relief we are providing for unemployment workers in other industries.

This is an issue that Senators METZENBAUM, EXON. WELLSTONE, CONRAD, the other original sponsors and I have been particularly concerned about. We had hoped to amend S. 1722 to ensure equal treatment for railroad workers under that bill, but because of procedural complications, that was not possible, and this legislation is necessary.

It was not the intention of S. 1722's sponsors to exclude any group of workers from the benefits provided under the bill. However, because unemployment compensation for railroad workers is provided under a separate railroad unemployment system, an amendment to the Railroad Unemployment Insurance Act is necessary to enable railroad workers to receive extended benefits.

It would be unfair to deny these benefits to unemployed railroad workers. They are experiencing the same difficulties in finding jobs as workers in other industries in this recession. This bill will correct this inequity by establishing an extended benefit program for railroad workers under the Railroad Unemployment Insurance program.

The legislation will give approximately 3,000 unemployed railroad workers with less than 10 years in the railroad system up to 13 weeks of extended benefits through July 4, 1992, as long as the national unemployment rate equals or exceeds 6 percent. Under reachback provisions identical to those for other workers, these benefits will be available to workers who exhausted their regular benefits prior to enactment of the extended benefit program, but after March 31, 1991.

In every previous recession, when Congress has acted to provide supplemental unemployment benefits to workers who have exhausted regular benefits, we have always included provisions to ensure that railroad workers receive similar benefits. The needs of unemployed railroad workers are just as great as the needs of other workers, and they deserve these benefits too.

The benefits for railroad workers under this legislation will be paid out of the existing surplus in the Railroad Unemployment Insurance Trust Fund. The current balance of that fund is $324 million, compared to an average baseline balance of $225 million.

The Railroad Retirement Board, which administers the fund, has stated that the current balance is sufficient to pay the extended unemployment benefits under this legislaiton without the need for additional funding. The Congressional Budget Office has estimated that the cost of this program will be less than $10 million.

I urge my colleagues to support this effort to extend unemployment benefits for workers in all industries, including the railroad industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENDED RAILROAD UNEMPLOYMENT INSURANCE BENEFITS DURING PERIODS OF HIGH NATIONAL UNEMPLOYMENT.

(a) IN GENERAL.—For purposes of section 2(h)(2) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(h)(2)), a "period of high unemployment" includes any month if the average unadjusted total rate of unemployment (as determined by the Secretary of Labor) for the period consisting of the most recent 6 months for which data are available as of the close of such month equals or exceeds 6 percent.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no employee shall have an extended benefit period under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act beginning before October 6, 1991, or after July 4, 1992.

(2) TRANSITION.—If an employee has established an extended benefit period under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act and the last day of such extended benefit period, as established, is after July 4, 1992, such employee shall continue to be entitled to extended unemployment benefits for days of unemployment in registration periods included in such extended benefit period, provided that such employee meets the eligibility requirements of this Act and the Railroad Unemployment Insurance Act.

(3) REACHBACK PROVISIONS.—If (A) an employee has exhausted his rights to normal unemployment benefits under section 2(c) of the Railroad Unemployment Insurance Act after February 28, 1991, but before October 6, 1991, and (B) a period described in subsection (a) is in effect as of October 6, 1991, such employee can have an extended benefit period under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act beginning with his first day of unemployment after February 28, 1991. If an employee exhausted his rights to normal unemployment benefits after February 28, 1991, and is not a qualified employee, within the meaning of section 3 of the Railroad Unemployment Insurance Act, with respect to the general benefit year beginning July 1, 1991, such employee can have an extended benefit period under the second proviso of section 2(c)

of the Railroad Unemployment Insurance Act beginning with his first day of unemployment in such general benefit year, provided that no such extended benefit period shall begin after October 5, 1991.

(c) LIMITATION ON PAYMENT.—Extended benefits under this section shall be payable for a maximum of 65 days of unemployment, including any extended benefits payable by reason of the application of the reachback provisions.

By Mr. GLENN (for himself and Mr. METZENBAUM):

S.J. Res. 213. Joint resolution to designate October 12, 1991, as "Centennial of Concrete Paving in America Day"; to the Committee on the Judiciary.

CENTENNIAL OF CONCRETE PAVING IN AMERICA DAY

• Mr. GLENN. Mr. President, I rise today to introduce a joint resolution designating October 12, 1991, as "Centennial of Concrete Paving in America Day." My colleague from Ohio, Mr. HOBSON, has introduced this joint resolution in the House of Representatives.

One hundred years ago, George W. Bartholomew of Bellefontaine, OH, confident that concrete was a superior material for paving streets, convinced the city council to test his idea by paving an 8-foot wide section of the Main Street next to the hitching rail of the Logan County Courthouse. That original concrete paving has been in continuous use since 1891 and has been recognized in the National Register of Historic Places as the first concrete street in the United States.

The concrete street in Bellefontaine, OH, was the genesis of our highway system. Since concrete paving made a more durable road, trucks and automobiles were more productive, and commerce expanded. The durability and reliability of concrete roads is an effective investment for government and taxpayers.

Mr. President, a celebration of the Centennial of Concrete Pavement is planned on October 12, 1991 in Bellefontaine, OH. I urge my colleagues to join me in commemorating this event.•

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. AKAKA, Mr. BRADLEY, Mr. BURNS, Mr. D'AMATO, Mr. DODD, Mr. FOWLER, Mr. GLENN, Mr. HEFLIN, Mr. INOUYE, Mr. LAUTENBERG, Mr. LEVIN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. SANFORD, Mr. BURDICK, Mr. HOLLINGS, Mr. SEYMOUR, Mr. DOLE, Mr. METZENBAUM, and Mr. CRANSTON):

S.J. Res. 214. Joint resolution to designate May 16, 1992, through May 22, 1992, as "National Awareness Week for Life-Saving Techniques"; to the Committee on the Judiciary.

NATIONAL AWARENESS WEEK FOR LIFE-SAVING TECHNIQUES

• Mr. RIEGLE. Mr. President, today with my distinguished colleague Senator CHAFEE, and 20 of our colleagues, we are introducing a joint resolution to designate May 16 through May 22 of 1992 as "National Awareness Week for Life-Saving Techniques."

There is a very serious problem that deserves our earnest attention: It is the pervasive illiteracy that Americans have to basic life-saving techniques.

Every year, about 850,000 Americans die from accidents or heart attacks, according to the National Center for Health Statistics and the National Safety Council. Accidents alone took nearly 95,000 U.S. lives in 1990, ranking as the No. 1 killer of young Americans between 1 and 37 years old. Strikingly, 75 percent of those who die due to accidental causes are male. Overall, heart disease remains to be the predominant cause of death in America today, killing 725,010 people in 1990. In Michigan alone, 28,031 people died from heart disease and 3,228 were lost to accidental causes in 1989. Many of these lives may have been saved if someone had known basic rescue breathing, cardiopulmonary resuscitation, and other such skills that save lives.

The irony is that opportunities to learn these vital lifesaving skills are available to all Americans through the American Red Cross, the American Heart Association, the YMCA, and other national organizations.

Although many Americans have taken the time to learn lifesaving techniques, close to 10 million, there are significantly more people who have never learned them. It appears that many Americans are unaware of the need to be prepared to use such skills.

Imagine, Mr. President, what one such person would do on an ordinary day when encountering an out-of-the ordinary accident or heart attack. Imagine a situation that depends upon rapid intervention for another person to survive. Imagine the helplessness and final horror of watching another person's life slip away out of ignorance. No one should ever have to face such a moment, and no one has to.

On an ordinary day at Kneff Lake in Grayling, MI, the McGuire family, of Dearborn, MI, were celebrating their son Joe's fourth birthday. That same day, 16-year-old Buddy Latesky was swimming at the lake with some friends when he noticed a white T-shirt floating in the water. When he drew closer he found a small boy, Joe McGuire, floating facedown in the water. Buddy immediately pulled the boy from the water and performed the mouth-to-mouth resuscitation techniques he learned in a middle school health class. After a few unpredictable minutes, Joe began coughing up water and breathing on his own. He was then treated by and released from a local hospital.

Because of Buddy Latesky, 4-year-old Joe McGuire, who had momentarily wandered from his parents, lived through the trauma of his fourth birthday. Because of training received in a health class, Buddy knew how to prevent Joe from becoming a statistic. And today, Buddy is a hero and example to us all.

Senate Joint Resolution 214 designating May 16 through 22, 1992, as "National Awareness Week For Life-Saving Techniques" is designed to inform and prompt Americans to take advantage of the lifesaving educational programs that are available to them in their areas and create more happy endings. Because accidental deaths increase by approximately 1,000 every June, July, and August, the month of May is the most appropriate time for "National Awareness Week For Life-Saving Techniques." I urge my colleagues to cosponsor this important resolution.

Mr. President, I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 214

Whereas the National Safety Council reported that about 850,000 Americans died in 1990 as a result of accidents and heart disease;

Whereas accidents are the leading cause of death for children and youth ages 1 to 24 years;

Whereas drowning and choking are a leading cause of accidental death in children under the age of 5 years;

Whereas Rescue Breathing and Cardiopulmonary Resuscitation, commonly referred to as CPR, are life-saving techniques that significantly reduce the incidence of sudden death due to accidents and heart disease;

Whereas it is critical that more Americans learns such basic life-saving techniques in order to reduce the number of deaths related to accidents and heart disease;

Whereas the opportunity to learn basic life-saving techniques is available to all Americans through the American Red Cross, the American Heart Association, the YMCA, and other national organizations; and

Whereas the death rate due to accidents and heart disease would be greatly reduced if more Americans received training in basic life-saving techniques: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 16, 1992, through May 22, 1992, is designated as "National Awareness Week for Life-Saving Techniques". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities designed to encourage training in life-saving techniques for Americans.•

• Mr. CHAFEE. Mr. President, I am pleased to join Senator RIEGLE in introducing a resolution to designate the week of March 16, 1992, as "National Awareness Week for Life-Saving Techniques."

According to the National Safety Council almost 850,000 Americans died in 1991 as a result of accidents and heart disease. Many of these deaths could have been prevented if lifesaving techniques, such as the Heimlich maneuver and cardio-pulmonary resuscitation [CPR], were administered to victim in a timely manner.

As you may recall last month, Troy Trice, a local high school football player, was struck by lightning during practice. The lightning struck Troy with such force that it knocked off his shoes and helmet. Troy's heart and lungs stopped functioning, and his arms and legs were burned. Immediately after the lightning struck, teammates and coaches began CPR on Troy. Last week, Troy was released from the hospital and is expected to recover completely. Doctors credited Troy's teammates and coaches with saving his life by administering CPR.

It does not take long to learn CPR and other life-saving techniques. And as Troy and his family found out, knowing them can mean the difference between life and death for an accident victim. The Senate Health Promotion Office offers a CPR course that requires a 6-hour time commitment. The YMCA, Red Cross, and the American Heart Association also regularly hold classes. The resolution we are introducing today will help improve awareness about opportunities to learn CPR and other life-saving techniques. I am hopeful that Members will join us in cosponsoring this important resolution.●

ADDITIONAL COSPONSORS

S. 291

At the request of Mr. DECONCINI, his name was added as a cosponsor of S. 291, a bill to settle certain water rights claims of the San Carlos Apache Tribe.

S. 359

At the request of Mr. BOREN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 567

At the request of Mr. SANFORD, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 1069

At the request of Mr. MITCHELL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1069, a bill to assess and protect the quality of the nation's lakes.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1087, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag.

S. 1111

At the request of Mr. MITCHELL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1111, a bill to protect the Public from Health Risks from Radiation Exposure from Low-Level Radioactive Waste, and for other purposes.

S. 1175

At the request of Mr. KERRY, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1175, a bill to make eligibility standards for the award of the Purple Heart currently in effect applicable to members of the Armed Forces of the United States who were taken prisoners or taken captive by a hostile foreign government or its agents or a hostile force before April 25, 1962, and for other purpose.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1257

At the request of Mr. BOREN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1330

At the request of Mr. HOLLINGS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1330, a bill to enhance the productivity, quality, and competitiveness of U.S. industry through the accelerated development and deployment of advanced manufacturing technologies, and for other purposes.

S. 1423

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1482

At the request of Mr. DIXON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1482, a bill to amend the Social Security Act to improve the notice of Medicaid payment of Medicare cost sharing, and for other purposes.

S. 1574

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1574, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 1623

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1663

At the request of Mr. SIMON, the names of the Senator from Missouri [Mr. BOND] and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 1663, a bill to amend the act of May 17, 1954, relating to the Jefferson National Expansion Memorial, to authorize increased funding for the East St. Louis portion of the memorial, and for other purposes.

S. 1777

At the request of Mr. ADAMS, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

SENATE JOINT RESOLUTION 96

At the request of Mr. RIEGLE, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 96, a joint resolution to designate November 19, 1991, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 100

At the request of Mr. KOHL, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from New Jersey [Mr. BRADLEY], the Senator from Montana [Mr. BURNS], the Senator from Illinois [Mr. DIXON], the Senator from Texas [Mr. GRAMM], the Senator from Alabama [Mr. HEFLIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Mr. SIMON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 100, a joint resolution designating January 5, 1992 through January 11, 1992 as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 133

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 133, a joint resolution in recognition of the 20th anniversary of the National Cancer Act of 1971 and the over 7 million survivors of cancer alive today because of cancer research.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Idaho [Mr. CRAIG], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 190

At the request of Mr. MOYNIHAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to designate January 1, 1992, as "National Ellis Island Day."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the names of the Senator from Montana [Mr. BURNS], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. DOMENICI, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. HATFIELD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Concurrent Resolution 68, a concurrent resolution expressing the sense of the Congress relating to encouraging the use of paid leave by working parents for the purpose of attending parent-teacher conferences.

SENATE RESOLUTION 184

At the request of Mr. DIXON, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. MACK], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. AKAKA], the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. SIMON], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. BRYAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Hawaii [Mr. INOUYE], the Senator from Virginia [Mr. WARNER], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Resolution 184, a resolution to recommend that medical health insurance plans provide coverage for periodic mammography screening services.

SENATE CONCURRENT RESOLUTION 69—RELATIVE TO FREEDOM OF IMMIGRATION AND TRAVEL FOR SYRIAN JEWS

Mr. CRANSTON (for himself, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. D'AMATO, Mr. LIEBERMAN, Mr. WOFFORD, Mr. KASTEN, and Mr. MOYNIHAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 69

Whereas the estimated 4,000 Jews who remain in Syria are deprived of their internationally recognized human right to travel freely;

Whereas Syrian Jews who wish to leave the country must post an onerous monetary deposit and leave family members behind as assurance for their return;

Whereas the restrictions on emigration and movement on Syrian Jews violate the Universal Declaration on Human Rights, to which Syria is a signatory;

Whereas Syrian Jews are restricted in the extent of their contact with their families outside Syria;

Whereas the Syrian secret police (Mukhabarat) engage in 24 hour a day surveillance of the Jewish quarter in Damascus, keep a file on every Jewish person, monitor all contacts between Jews and foreigners, and read mail and wiretap hone conversations of Syrian Jews;

Whereas some members of the Syrian Jewish community have been arrested on mere suspicion of intention to leave Syria and are imprisoned without trial, often tortured, and held incommunicado;

Whereas families of those Syrian Jews who succeed in fleeing the country are subject to imprisonment and torture;

Whereas there are at present 6 Syrian Jews in prison for attempting to leave Syria, 2 of which have been incarcerated since 1987; and

Whereas Syrian President Hafez al-Assad has ignored the repeated efforts of the United States President, the State Department, and Members of Congress to secure the freedom of emigration for the Syrian Jewish community

Resolved by the Senate (the House of Representatives concurring): Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns Syria's continuing denial of Syrian Jews' basic human right to travel freely and calls upon the Syrian Government to—

(A) immediately grant Syrian Jews the right to travel freely without imposing any tax, levy, fine or other fee (other than the standard fee for administrative expenses); and

(B) release all Jewish prisoners who were charged or suspected of traveling illegally;

(2) urges the President to encourage the allies and trading partners of the United States to make similar pleas to the Syrian Government on behalf of Syrian Jews' right to emigrate freely; and

(3) calls upon the United Nations to send an official delegation to Syria to investigate the present condition of Syrian Jews.

Mr. CRANSTON. Mr. President, I rise today to submit a concurrent resolution concerning freedom of emigration and travel for Syrian Jews.

While our attention is focusing on the latest revelations about the Iraqi nuclear program, the vicissitudes of the hostage situation, and the administration's efforts to further the peace process by bringing all the parties, including the Syrians, to the negotiating table, we must not forget the Syrian Jewish community being held hostage by the brutal Assad regime.

Approximately 4,000 Syrian Jews are trapped in Syria, prevented from emigrating and from moving freely around the country. They are concentrated in three Syrian cities: Damascus, where there are approximately 3,500 Jews, Aleppo, where there are approximately 400, and Quamishli, where a small community of 100 remains. In these cities, the Jewish communities are concentrated in ghettos where they are monitored 24 hours a day by the Syrian secret police, the Mukhabarat.

Life for Syrian Jews is full of restrictions and arbitrary repression. It is not uncommon for Syrian Jews to be incarcerated without cause or trial. All contacts between Syrian Jews and foreigners are monitored. Mail is read and phone calls are tapped. Although there are Jewish elementary schools, they are supervised by Muslim headmasters and instruction in Hebrew, as a language, is strictly forbidden.

Syrian Jews must receive approval for the Mukhabarat for all transactions involving the purchase and sale of property. And the property of Jews who leave Syria is given to the Palestinian Refugee Agency.

Jews who wish to travel are subject to government interviews to explain why they want to travel abroad. They must post a huge monetary deposit and leave behind family members to ensure that they will return. And even after meeting these requirements, Syrian Jews are often subject to extreme reprisals for attempting to leave.

There are presently six men in Syrian prisons, two who have been held for more than 4 years, on the grounds that they were trying to flee the country. Reports of their treatment are appalling. Severe beatings and torture, imprisonment without trial, and incarceration for extensive periods of time incommunicado.

The Syrian Government has repeatedly resisted United States pleas to grant this community basic freedoms, especially the freedom to immigrate. We must send a strong signal to Assad and let him know that human rights practices and the willingness to respect international standards of human rights are an appropriate measure of Syria's willingness to abide by international commitments overall. If we are to have confidence in the peace process, we must have confidence in the commitments of those being asked to make peace.

This resolution, identical to a resolution introduced in the House by Congressman MEL LEVINE earlier this year, condemns Syria for continuing to deny its Jewish community the right of free travel and calls on the Syrian Government to grant this right without imposing an exorbitant economic burden on the community.

This resolution also calls for the release of all Jewish prisoners who were charged or suspected of traveling illegally and it urges the President to encourage our allies to petition the Syrian Government on behalf of the Syrian Jewish community.

Above all, this resolution calls upon the United Nations to send an official to Syria to investigate the present condition of Syrian Jews.

It is essential that we raise the profile of this issue with the international community. As Syria looks to the West for support, now that they have lost their Soviet patron, I believe we can make a difference in the direction the Syrian Government takes on this issue.

SENATE RESOLUTION 193—SUPPORTING A JUST PEACE IN YUGOSLAVIA

Mr. LEVIN (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 193

Whereas the civil war in Yugoslavia threatens stability and peace in Europe and the world,

Whereas the unfolding events in Yugoslavia are a challenge to the United Nations' ability to find peaceful resolution to conflict in the post-cold-war world, and

Whereas the United States and the free nations of the world have a vested interest in the United Nations' ability to secure and maintain peace in troubled areas of the world: Now, therefore, be it

Resolved, That it is the sense of the Senate that:

The Senate condemns the use of force by the parties in Yugoslavia to resolve their political differences,

The Senate urges the President to support efforts at the United Nations to promote and maintain a cease-fire, and to support by any appropriate actions the resolutions of the Security Council, including consideration of sending a peace-keeping force to Yugoslavia which would help preserve a cease-fire,

The Senate urges the President to advocate the furtherance of human and civil rights for all minority groups, and

The Senate urges the President to also support the European Community and other international efforts to find a just peace in Yugoslavia.

Mr. LEVIN. Mr. President, the ongoing civil war in Yugoslavia threatens the stability of peace in Europe. The war is both a challenge and a threat to the United Nations peacekeeping ability. As the European Community's negotiated temporary 3-month suspension of Slovenian and Croatian independence expires, and as the European Community mounts an 11th hour effort to once again put in place a cease-fire that will hold, Senator LUGAR and I are introducing a resolution that condemns the violence in Yugoslavia, and urges the President to support United Nations and European Community efforts to forge and maintain a cease-fire, including consideration of sending a U.N. peacekeeping force to Yugoslavia.

Mr. President, the loss of life and violations of human rights and decency in this war are appalling. The destruction of cultural and historical treasures is a tragedy. This resolution urges the President to work for and support efforts to find a just peace in Yugoslavia, before this terrible war escalates even further.

AMENDMENTS SUBMITTED

TECHNICAL AMENDMENTS TO VARIOUS INDIAN LAWS ACT OF 1991

INOUYE AMENDMENT NO. 1253

Mr. MITCHELL (for Mr. INOUYE) proposed an amendment to the amendment of the House to the amendment of the Senate to the bill (S. 1193) to make technical amendments to various Indian laws, as follows:

In lieu of the language inserted by the House amendment, insert the following:

(b) REAUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL INDIAN GAMING COMMISSION.—Section 19(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(b)) is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of section 18, there are authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for each of the fiscal years beginning October 1, 1991, and October 1, 1992.".

At the end of the bill, add the following new sections:

SEC. 5. AMENDMENT TO THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT TO PROVIDE AUTHORITY FOR THE PROVISION OF ASSISTANCE UNDER TITLE IX OF THE ACT TO PROGRAMS ADMINISTERED BY THE STATE OF HAWAII UNDER THE ACT OF JULY 9, 1921.

(a) Title IX of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by adding at the end of subtitle D the following:

"SEC. 962. AUTHORIZATION FOR THE PROVISION OF ASSISTANCE TO PROGRAMS ADMINISTERED BY THE STATE OF HAWAII UNDER THE ACT OF JULY 9, 1921.

"(a) ASSISTANCE AUTHORIZED.—The Secretary of Housing and Urban Development is authorized to provide assistance, under any housing assistance program administered by the Secretary, to the State of Hawaii, for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108).

"(b) MORTGAGE INSURANCE.—

"(1) IN GENERAL.—Notwithstanding any other provision or limitation of this Act, or the National Housing Act, including those relating to marketability of title, the Secretary of Housing and Urban Development may provide mortgage insurance covering any property on lands set aside under the provisions of the Act of July 9, 1921 (42 Stat. 108), upon which there is or will be located a multifamily residence, for which the Department of the Hawaiian Home Lands of the State of Hawaii—

"(A) is the mortgagor or co-mortgagor;

"(B) guarantees in writing to reimburse the Secretary for any mortgage insurance claim paid in connection with such property; or

"(C) offers other security that is acceptable to the Secretary, subject to appropriate conditions prescribed by the Secretary.

"(2) SALE ON DEFAULT.—In the event of a default on a mortgage insured pursuant to paragraph (1), the Department of Hawaiian Home Lands of the State of Hawaii may sell the insured property or housing unit to an eligible beneficiary as defined in the Act of July 9, 1921 (42 Stat. 108).".

(b) Section 958 of the Cranston-Gonzales National Affordable Housing Act (Public Law 101-625) is repealed.

SEC. 6. AVAILABILITY OF FUNDS.

(a) FISCAL YEARS 1989 AND 1990.—(1) Moneys appropriated under the heading "Community Planning and Development" and the subheading "Community Development Grants" in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989, and under the same heading and subheading in title II of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(2) Moneys appropriated under the heading "Community Planning and Development" and the subheading "Community Development Grants" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(b) FISCAL YEARS 1991 AND 1992.—(1) Moneys appropriated for special purpose grants under the heading "Annual Contributions For Assisted Housing" and the subheading "(Including Rescission And Transfer Of Funds)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(2) Moneys appropriated for special purpose grants under the heading "Annual Contributions For Assisted Housing" and the subheading "(Including Rescission and Transfer of Funds)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

SAN CARLOS WATER RIGHTS ACT

MCCAIN AMENDMENT NO. 1254

Mr. SIMPSON (for Mr. MCCAIN) proposed an amendment to the bill (S. 291) to settle certain water rights claims of the San Carlos Apache Tribe, as follows:

On page 36, line 1, strike out "Water service" and insert in lieu thereof "Except as provided in subsection (e)(3) of section 6, water service".

On page 36, line 22, strike out "Water service" and insert in lieu thereof "Except as provided in subsection (e)(3) of section 6, water service".

On page 40, line 15, strike out "to" and insert in lieu thereof "or".

On page 44, line 4, strike out "Any" and insert in lieu thereof "Except as provided in paragraph (3) of this subsection, any".

On page 44, line 11, strike out "the" and insert in lieu thereof "Except as provided in paragraph (3) of this subsection, the".

On page 44, between lines 15 and 16, insert the following:

(3) With respect to the water reallocated to the Tribe pursuant to subsections (c) and (d) of section 4, the Tribe or lessee shall pay any water service capital charges or municipal and industrial subcontract charges for any water use or lease from the effective date of this Act through September 30, 1995.

On page 57, line 11, strike out "If" and insert in lieu thereof "(1) If".

On page 58, line 3, strike out "provision of paragraph (1)" and insert in lieu thereof "provisions of paragraph (1) of this subsection".

On page 58, line 6, beginning with the second comma, strike out all through "Act" on line 7.

On page 58, line 8, immediately after "(1)," insert "of this subsection".

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on efforts to combat fraud and abuse in the insurance industry: part 4.

These hearings will take place on Thursday, October 17, 1991, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to hold a field hearing in Milwaukee, WI, on Tuesday, October 8, 1991, from 9:30 to 11:30 a.m. Senator KASTEN will chair a full committee hearing on economic opportunity, empowerment, and urban and minority business development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 8, at 2 p.m. to receive a closed briefing from administration officials on the situation in Haiti.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 8, at 5:45 p.m. to hold a business meeting to vote on pending committee business.

BUSINESS MEETING, TUESDAY, OCTOBER 8, 1991

Immediately following the scheduled 5:30 p.m. floor vote on the foreign aid authorization conference report—Approximately 5:45 p.m.

The Committee will consider and vote on the following business items:

NOMINATIONS

(1) Mr. David A. Colson, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs.

(2) Mr. Richard Clark Barkley, of Michigan, to be Ambassador to the Republic of Turkey.

(3) Mr. James F. Dobbins, of New York, to be U.S. Representative to the Economic Communities, with the rank of Ambassador.

(4) Mr. John Christian Kornblum, of Michigan, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE).

(5) Ms. Elaine L. Chao, of California, to be Director of the Peace Corps.

(6) Mr. John F. W. Rogers, of New York, to be Under Secretary of State for Management.

(7) Ms. Jill E. Kent, of the District of Columbia, to be Chief Financial Officer for the Department of State.

(8) Mr. Walter R. Roberts, of the District of Columbia, to be a Member of the U.S. Advisory Commission on Public Diplomacy, for a term expiring April 6, 1994.

(9) Mr. William Hybl, of Colorado, to be a Member of the U.S. Advisory Commission on Public Diplomacy, for a term expiring July 1, 1994.

(10) Mr. Paul E. Sussman, of Illinois, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1992.

(11) Foreign Service Officers' Promotion List, Mr. Taft, et. al., dated September 27, 1991.

TREATIES

(1) The International Convention on Oil Pollution Preparedness, Response and Co-operation (Treaty Doc. 102-11)

(2) The International Convention on Salvage, 1989 (Treaty Doc. 102-12)

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JOHN EVANS ON THE NATIONAL THEATER FOR THE DEAF AND THE NATIONAL ENDOWMENT FOR THE ARTS

• Mr. DODD. Mr. President, the State of Connecticut is blessed in many ways, not the least of which is in its status as home to the National Theater for the Deaf. For the past 25 years, first in Waterford, and now in Chester, the National Theater for the Deaf has served as a center for theater for deaf Americans and has been a training ground for a number of deaf actors and actresses, including Marlee Matlin, Phyllis Frelich, and countless others. It has also enriched Americans all across the country who have seen the theater on tour.

On June 16, the theater gave a party to celebrate its 25th anniversary. It was a delightful occasion, complete with a birthday cake and a brief performance by the theater. In addition, it marked one of the last official functions for Mr. John Evans in his role as chairman of the board of the theater.

Mr. Evans has done much to make the theater what it is today. Under his leadership over the past decade, the theater broke its ties to other organizations, and successfully established itself as an independent nonprofit operation. Mr. Evans also worked diligently to gain additional funding for the theater, and he has been responsible in no small measure for the theater's growing reputation during the past 10 years. In fact, it was under his leadership that the National Theater for the Deaf became the first Western theater company invited to China, in 1986.

During the anniversary celebration in June, Mr. Evans delivered some excellent remarks on the role of the arts in America and on the clear need for both public and private support of the arts. I ask that Mr. Evans' comments be printed in the RECORD so that all of my colleagues may have the benefits of his insight.

The remarks follow:

NOT THE ICING ON THE CAKE

It seems to me that most Americans should have little trouble in recognizing the central role that the Arts have played in civilized life since the very dawn of civilization itself. A single trip to a museum of natural history or a major museum of art, a single issue of National Geographic, or for that matter its equivalent on television, should disclose that most civilized societies have been remembered more for their arts than for their politics or their wars.

It should be surprising to all of us that in the past few years the very priority of the Arts in America has been a topic of debate. Most of us should know that without our Arts, past and present, we would be a breed of mere economic animals. So it should be clear that the Arts justify our labors in fields, factories and office buildings—not the other way around.

In other words, the Arts are not "the icing on the cake." A cake without icing can still be a perfectly good cake. But life without the Arts cannot be good. It cannot be civilized—or even human as we understand the word.

For instance, what defines the Russians? Communism, and its poverty? Or the richness of Russian authors, playwrights, composers, dancers, icon makers?

For another, I contend that we Americans could have had no western movies as we know them without the paintings, drawings and sculpture of Frederic Remington and Charles Russell. And some western movies in turn have aimed to be, and have become, works of art—and shapers of our rather colorful image of ourselves.

From the Hanging Gardens of Babylon during the Mesopotamian beginnings of settled societies, art has been supported with public resources. Very few people know anything about the Egyptian pharaoh Tutankhamen except that he collected great art and paid the artists by collecting taxes. The major ducal patrons of Renaissance Italy got fortunes from taxes after all, and the Vatican of the day was not exactly the private sector. Today the British government owns the Royal Opera House Covent Garden and supports the Royal Opera and Ballet companies. The Japanese government similarly supports the Kabuki Theatre—and pays the pensions of the leading actors. What has happened in America to cause us to think of diminishing, or even dispensing with, public support? Public support that is so small to begin with that it gets rounded off in most of the budget figures everyone sees?

Also from the beginning, it has been experimentation and innovation in the Arts that have changed our images of the world from one age to another. Even though change has always been scary for some, not many of us who have seen Matisse or heard Beethoven would like to have been denied those experiences because both artists were little understood at first by most of the people of their day. What has happened that should cause us even to consider repression of public support of artistic experimentation and innovation in our confident, mature democracy? If it's junk it won't last very long—but most gems come out of the ground looking like junk.

In a place like the United States today, simply put, the Arts have an urgent need for public, corporate and individual support and a fair toleration of experiment. All of us must strongly argue this case.

As I have thought about these things during the budgetary trials of The National Endowment for the Arts and the state commissions, the example of The National Theatre of the Deaf (NTD) has repeatedly come to mind.

Twenty-five years ago The NTD was a fairly far-out experiment in the Arts paid for by the taxpayers of the United States.

As was its intent, The NTD has lifted a crushing stigma from an innocent minority that has been persecuted since the beginning of history—and probably before. That minority now proudly includes a president of a great university and the new co-artistic director of The National Theatre of the Deaf.

But The NTD, with its very visual and theatrical style, has also brought joy and enlightenment to thousands of audiences in 50 United States and many foreign countries. It has created lasting images that could not have been dreamed of without it. Along the way it has won a "Tony", the Connecticut Commission on the Arts Award and represented the U.S.A. at the Los Angeles Olympics Arts Festival. It numbers a "Tony" and an "Oscar" winner among its alumnae.

The NTD has replicated itself, moreover, in a number of other countries—including Japan and China—and in so doing has given the world a glimpse of America in its best possible light.

The Company has both public and private support these days. Both are inadequate in the sense that The NTD has had to endure painful artistic deficits in order to avoid financial ones and to stay in business. Times were tough for the Arts through the prosperous but somewhat philistine 1980s. They are still hard in the poorer but wiser 90s.

But The NTD, 25 years old, remains a distinct presence in the living theatre of the world, thanks in no small part to the taxpayers of the United States and the State of Connecticut.

The NTD is just one case among many, in which the taxpayers have gotten their money's worth. But I think it is high time the taxpayers were thanked for, and encouraged in, the part they play in the Arts throughout America.

It would be fortunate indeed for the country if more of our elected representatives got the message.●

TRIBUTE TO MR. VIRGIL CARRITHERS AND "OLD GLORY"

● Mr. McCONNELL. Mr. President, I would like to take a moment from today's debate to bring my colleagues' attention to the patriotism of one of Kentucky's finest citizens—Mr. Virgil Carrithers of Louisville.

At the age of 94, Mr. Carrithers has witnessed key events in our Nation's great history—from the Great Depression of the 1930's to the allied victory in Operation Desert Storm. As a veteran of World War I, Captain Carrithers understands and appreciates the sacrifices necessary to keep America strong and proud.

A self proclaimed "working advocate for the proper respect and display of our flag," Mr. Carrithers enthusiastically promotes "Old Glory." He freely distributes stickers of the flag to his fellow citizens, and has penned works in the flag's honor. Mr. President, I ask that Mr. Carrithers' work entitled the "Flag of the United States" and an essay entitled "Old Glory Speaks" be printed in the RECORD following my remarks.

Captain Carrithers holds close to his heart a 1908 song entitled "My Dream of the U.S.A." He composed a second verse of this ballad that will ring true in the hearts of all Americans:

I saw Roosevelt at San Juan Hill;
I saw Black-Jack Pershing in Mexico, MacArthur impose his great will;
I saw General Ike advance in France; Patton fight in Normandy,
And they all preserve our liberty, In my dreams of the U.S.A.

I am certain my colleagues will join me in extending admiration and praise to Mr. Carrithers for his patriotism and dedication to freedom.

The material essays follow:

OLD GLORY SPEAKS

Hello! Remember me? Some people call me Old Glory. Others call me the Star Spangled Banner. But whatever they call me. I am your flag—the flag of the United States of America. Something has been bothering me and I want to talk it over with you because it concerns you and me.

I remember when people would line up on both sides of the street to watch a parade go by, and naturally I was leading it, proudly waving in the breeze. When your daddy saw me coming, he immediately took off his hat with his right hand and held it against his left shoulder so that his hand was over his heart. Remember? And you; I remember you, standing there as straight as a soldier. You didn't have a hat, but you were giving the right salute. Remember little sister? Not to be outdone, she was saluting the same as you—with her right hand over her heart.

What happened? I'm still the same old flag. Oh, I have a few more stars than I used to have, and a lot of blood has been shed since those parades of long ago. But now I don't feel as proud as I used to. When I come down the street you just stand there with your hands in your pockets. You may give me a glance, then you look away. I see all the children running around and playing. They don't seem to know who I am. I saw a man take off his hat and look around, and when he didn't see anyone else with theirs off, he immediately put his back on.

Is it a sin to be patriotic anymore? Have you forgotten what I stand for and where I've been? Valley Forge, Bull Run, San Juan Hill, The Argonne, Iwo Jima, Korea, Vietnam? Take a look at the memorial honor rolls of those who gave their lives in order that this country might remain free—one nation under God. When you salute me, you are actually saluting them.

Well, it won't be long until I'll be coming down the street again, so when you see me, stand straight, give that right salute, and I'll salute you by waving back.

Anonymous

Distributed by V.E. Carrithers, Zachary Taylor Post 180, The American Legion, St. Matthews, Ky.

The rules and customs pertaining to the display and use of the flag of the United States of America were established, certainly, for the laudable purposes of instilling respect of it and providing appropriate ways to show that respect; and their enactment into Public Law 623 on June 22, 1942, surely was to standardize those rules and customs and to perpetuate that respect—and it behooves every citizen, individually and collectively, privately and publicly, to conform to those precepts.

V.E. CARRITHERS,
Army Veteran, World War I
Captain, USAR (Retired).

OUR FLAG FOREVER

All of the supreme sacrifices that have ever been made in its service have made the flag of the United States of America forever worthy of all the honor that can ever be accorded to it.

Don't ever forget that.

And worthy of a constitutional amendment to prevent its desecration.

And have preserved our freedom to worship as we please.

V.E. CARRITHERS.

THE FLAG OF THE UNITED STATES

From time immemorial flags of various colors and designs, shapes and sizes have been used as national symbols, and on June 14th, 1777, the stars and strips motif of our flag was adopted when the Continental Congress resolved, "That the flag of the United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation."

The Congress did not specify the arrangement of the stars, consequently some flags had the stars in a circle, some in rows, and some scattered on the blue field without any apparent design.

After the admission into the union of Vermont in 1791 and Kentucky in 1792, the flag became one of fifteen stars and fifteen stripes. Realizing that the addition of a new stripe for each new state would soon make the flag unwieldy, naval Captain Samuel C. Reid suggested to Congress that the stripes again be thirteen to represent the thirteen original states and that a star be added to the blue field for each new state coming into the union. An April 4, 1818, law that resulted, requires that a star for each new state be added on the 4th of July after its admission and that the stripes again be thirteen as suggested.

There is no legal or other official authority for assigning the stars to certain states—they collectively represent all of the states; however there is a popular wish that each star should represent a certain state, according to the date it ratified the constitution or entered the union. It appears that this plan would cast no stigma on, or dishonor any state, but would be of historical significance by designating the sequence in which they entered the union.

The rules and customs pertaining to the display and use of our flag were established certainly for the laudable purposes of instilling respect for it and providing appropriate ways to show that respect, and their enactment into Public Law 623 on June 22nd, 1942, and the five amendments thereto, surely was to standardize those rules and customs and to perpetuate that respect, and it behooves every citizen, individually and collectively, privately and publicly, to conform to those precepts. Those who do should be proud to do so—those who do not do so should be ashamed.

That law, and the amendments thereto, were transcribed into flag laws and regulations in the old booklet Our Flag and into the new booklet Our Flag.

Fringe is not an integral part of the flag but is sometimes used to enhance its appearance.

The name Old Glory was given to the flag on March 17th, 1824 by Salem, Mass. sea captain William Driver when he was presented with one.

A 1976 "Year of the Flag" resolution passed by both houses of Congress states, in ". . . the colors of the flag signify qualities of the human spirit for which all Americans should strive: red for hardiness and courage, white for purity and innocence, and blue for vigilence and justice."

All of the sacrifices that have ever been made in its service have not only preserved our freedom to worship as we please, but have made the flag of the United States forever worthy of all the honor that can ever be accorded to it and worthy of a Constitutional Amendment to prevent its desecration. Don't ever forget these facts.

Virgil E. Carrithers, Capt. USAR (Ret.), age 94, Army Veteran, World War I.

Because this essay is about the United States flag which is the glorious emblem of every citizen, it is not the exclusive property of any person, organization or magazine.●

CONFERENCE REPORT ON H.R. 2519

● Mr. KERREY. Mr. President, on October 2, the Senate adopted the conference report on H.R. 2519, the VA-HUD-independent agencies appropriations bill for fiscal 1992. The VA-HUD-independent agencies appropriations bill funds several programs of special interest to our States and localities. These are programs which help provide basic services and support in our communities.

One of these is the Community Development Block Grant [CDBG] Program, perhaps the current staple of aid to our cities. It is an old and proven program and it continues to serve us well. For fiscal 1992, the conferees have agreed to the Senate figure of $3.4 billion.

Another is the HOME Investment Partnership Program, a new program which offers our communities the opportunity to meet their varied housing needs in a flexible manner. For this first year of funding, the conference agreement provides $1.5 billion. In addition, the agreement waives for 1 year the match requirement, which should make it more feasible for many of our communities to participate.

The bill also includes $2.8 billion for public housing modernization and $2.4 billion for public housing operating subsidies. These are the funds which allow our public housing authorities to do the maintenance and repairs and upkeep which will keep public housing units viable.

Finally, the conference agreement includes $2.4 billion for EPA's Wastewater Construction Program, as proposed by the Senate. This $2.4 billion figure is particularly important since the budget request was for $1.9 billion, with more than $300 million of that earmarked. Since the administration's request was already less than the fiscal 1991 appropriation and since there were earmarks, we could have had substantial reductions in the States programs. Under the Senate and conference figure, however, we are able to approximate last year's appropriation for the States and also fund the earmarks for five coastal cities.

These five cities—Boston, New York, Los Angeles, San Diego, and Seattle—represent the largest communities that have not yet achieved secondary treatment at their water pollution control plants. They are all densely populated areas where a special effort to address water pollution will benefit millions of Americans. In New York City alone, over 20 million people, residing in three States, will benefit from cleaning up the waters surrounding the city. The Boston Harbor project is an effort to restore what is said to be the dirtiest harbor in America.

As a member of the Subcommittee on VA-HUD-Independent Agencies, I want to commend the chair, Senator MIKULSKI, for the extraordinary and exemplary manner in which she handled this bill. With an allocation far below the President's request, she fashioned and guided through the legislative process a bill which recognizes the myriad worthy programs which compete for funding in this legislation. Again, I commend Senator MIKULSKI and her ranking member, Senator GARN.●

SPEECH BY LYNNE CHENEY

● Mr. STEVENS. Mr. President, on September 25, Lynne Cheney, Chairman for the National Endowment for the Humanities, addressed the National Press Club on a very troubling problem which is spreading through our colleges and universities, and indeed has expanded its reach into such venerable institutions as the Smithsonian. It is known to many as Political Correctness, or P.C., others might use the term "thought police." Indeed, George Orwell's "Big Brother" would be pleased with the kind of thought patrol encouraging "Political Correctness."

I urge my colleagues to read and consider the remarks of Mrs. Cheney. She is absolutely right in her conclusion that political correctness is a threat to the free inquiry and free expression which have made this Nation so great.

Quite frankly, I am amazed at the lack of press coverage of this speech. Because of that lack, Mr. President, I ask to have the remarks of Mrs. Cheney printed at the end of my statement.

The remarks follow:

POLITICAL CORRECTNESS AND BEYOND

(Remarks by Lynne V. Cheney, Chairman, National Endowment for the Humanities)

It's a great pleasure to be here with you today. I know that with a group as knowledgeable as this one I do not have to begin in the way I often do: that is, by explaining what the humanities are. There is confusion on this point, as my mail frequently makes clear. I received a letter not long ago addressed to the *Natural* Endowment for the Humanities—a mistake that has a certain woodsy charm about it. My favorite misaddressed piece of mail, though, was a card sent to me recently at the National Endowment for the *Amentities*.

That is an interesting slip, partly because of the truth it reveals. There is pleasure connected with the humanities. Through the ages, history, literature, and philosophy have been sources of immense satisfaction. Long ago, St. Augustine observed that the only reason to philosophize was in order to be happy.

But the humanities, particularly in Western civilization, have also been contentious; and that has certainly been the case in recent years. Today I want to talk about some of the reasons for this contentiousness, focusing particularly on "political correctness," or "p.c.," as it's sometimes called.

Political correctness typically involves faculty members trying to impose their views on others, and the results can be funny—particularly when the forces of political correctness try to identify ever new forms of offense. At a recent conference at Yale, for example, a distinguished professor of literature suggested that limiting the humanities to the study of humankind was a form of "speciesism." Now, this concept attracted my attention, and so I tried to find other examples of it. Speciesists, I have learned, are people who refer to their dogs and cats as "pets"—a term much too condescending to be politically correct. Or the speciesist is the person who talks about "wild" animals, when the proper description is "free-roaming."

Smith College did its part to add to the English language when it recently warned the incoming class to beware no only of classism and ethnocentrism, but also of "look- ism," a form of oppression that involves putting too much stock in personal appearance. John Leo, a wonderful columnist for *U.S. News and World Report*, suggested not long ago that this new vocabulary—and the sensibility it reflects—is going to require us to rename some of the old classics. *Beauty and the Beast*, for example, is hopelessly incorrect, with part of the title too concerned with female appearance and the other part putting animals in a negative light. A politically correct title for *Beauty and the Beast*, Leo suggests, might be something like . . . *Lookism Survivor and a Free-roaming Fellow Mammal.*

I'm not sure it will sell.

Political correctness does invite parody, but there is a serious aspect to it as well, and I thought I'd begin talking about that today by telling a story. It begins in the spring of 1990 when the English Department at the University of Texas at Austin decided to revise its freshman composition program. Henceforth English 306, the required composition course taken by some 3,000 freshmen, would focus on race and gender; and all classes would use the same text, an anthology called *Racism and Sexism*.

This book—the central required test for every section of freshman English—begins by defining racism as something only white people can be guilty of, and it tells students that sexism is unique to men. It goes on to portray the United States as a society so profoundly racist and sexist as to make a mockery of all our notions of liberty and justice. There are no comparisons with other cultures offered, no context to show how American ideals and practices actually stand up against those of the rest of the world—or the rest of history. The overwhelming impression that this textbook leaves is that every injustice of race or gender that human beings ever visited upon one another happened first and worst in this country. And the only way we can redeem ourselves, the textbook tells us, is to change fundamentally the way we produce and distribute wealth. Abandon capitalism, in other words.

Now, one might well think that the decision to focus English 306 on *Racism and Sexism* would cause some debate. For one thing, English 306 is a course intended to teach students how to write. Will they be better writers when they have stopped referring to poor people and instead speak of the "economically exploited," as one essay in the book instructs them to do? Will they become better writers from reading sentences such as the following?

Demagogic conservative imagery is built on the loss associated with the decline in family life.

When you see *demagogic* and *conservative* lined up together like this, you sense a certain political inclination; but there's not much here by way of clear meaning—and shouldn't textbooks used in composition classes provide, above all, examples of clear expression?

Some people in the English Department did object to the plans to revise course 306, but they had little effect, until finally, Alan Gribben, a noted scholar of American literature, decided to go public. He sent letters to newspapers around the state, and citizens began to express their opinions about the English 306 revision. Fifty-six faculty members from across the university signed a "Statement of Academic Concern." The revised course was revised again so that English 306 would include a broader array of subjects, a diversity of viewpoints, and extensive instruction on how to analyze, argue, and write.

But Alan Gribben was unable to take much pleasure in this victory. He found himself vilified at campus rallies. He was the victim of hate mail, rumors, and anonymous late-night phone calls denouncing him as racist. Most members of the English Department stopped speaking to him, and they certainly didn't send graduate students his way or put him on departmental committees. Finally, in the spring of this year, he announced his intention to leave Texas, where he had been for seventeen years, and move to Montgomery, Alabama, where he will teach at a branch of Auburn University. "If I continued to live here," he told a newspaper in Texas, "I'd have to live under siege."

Several aspects of this story make it an almost classic example of what is happening on many campuses today. There is, first of all, the idea underlying the English 306 reform that it is perfectly all right—even desirable—to use the classroom and the curriculum for political purpose. This would once have been regarded as unethical. It was once thought that teachers who used the classroom to advance a political agenda were betraying their professional responsibilities. But on many campuses now faculty members have taken the political transformation of their students as a mission. They believe deeply in the radical critique offered by books like *Racism and Sexism* and see themselves furthering the cause of social justice by using the classroom and the curriculum to advance their views.,

This approach to the classroom and the curriculum is one of the sources of controversy in the humanities today. There are people, myself among them, who object to making teaching and learning into the handmaidens of politics. Students ought to hear the good as well as the bad about our society, know about our triumphs as well as our failures. There ought to be an attempt to get at the complex truth of our experience rather than imposing a singleminded, political interpretation on it. Yes, there has been oppression, but the history of Western civilization in the United States is also marked by the discovery and blossoming of remarkable concepts: individual rights, democracy, the rule of law. In 1989, before Tiananmen Square, the distinguished Chinese dissident Fang Li Zhi put it this way: "What we are calling for is extremely basic," he said, "namely, freedom of speech, press, assembly and travel. Concepts of human rights and democracy," he went on, "the founding principles of the U.S. government, are a legacy [of the West] to the world."

These ideas are no small gift to have brought to humankind. They are gifts of such worth that people go into exile for them and into prison. They are gifts of such great worth that people die for them, as they did in Tiananmen Square, as they have done in Vilnius and Riga—and Moscow.

I think of it as my great good fortune that I have opportunities to speak for he freedoms we enjoy. The case for them is so strong that it is immensely gratifying to make. It is not only my right but my pleasure to dissent from university officials who decide, as officials at the University of Maryland did during the Persian Gulf War, that students cannot display the American flag. It might offend someone, they said; and they relented only after students called in the media. It is not only my right but my pleasure to dissent from university officials who decide, as administrators at Rice University in Texas did, that students could not tie yellow ribbons to trees in the main academic quadrangle.

But I also recognize that I am able to express myself so freely because I am neither part of a university nor do I long for a university career. The views I hold represent dissent from the orthodoxy that reigns on our campuses, and such dissent is not very well tolerated there. That's the most significant part of Alan Gribben's story. He disagreed, and he was driven from the university.

About the time Gribben was resigning, I received in the mail a copy of the minutes of a University of Texas English department faculty meeting. The person who sent them to me was appalled at talk that had gone on in the meeting of "flushing out" other opponents of the revised English 306 syllabus. This student recognized the signs of the new McCarthyism, and he was afraid of becoming himself a victim of it. "Please let me remain anonymous," he wrote. "If it came out that I had written to you—or to someone else similarly disreputable—I wouldn't be [here] for long."

The new McCarthyism—like the old—often works its way by name-calling. People aren't labeled "communist" now, but "racist." Harvard professor Stephen Thernstrom found himself denounced that way. His offenses included using the word Oriental to describe the religion of 19th century Asian immigrants and assigning students to read an article that questioned affirmative action. New York University professor Carol Iannone found herself called racist for writing an article in which she said that certain literary prizes have been awarded on the basis of race rather than literary merit. She was not the first to make such an assertion. Two of the five judges on the National Book Award fiction panel had said the same thing. Nevertheless, Carol Iannone was said to be racist.

Using this word so loosely and carelessly hurts the people who are smeared by it. And in the end it hurts all of us by cheapening the concept of racism. A word that can mean almost anything, eventually comes to mean almost nothing, and we are encouraged to overlook how reprehensible true racism really is.

Sexual harassment is a phrase that has been similarly misused. In the politically correct world of the post-modern campus, it can, apparently, mean almost anything. At the University of Minnesota not long ago six members of the Scandinavian Studies Department were charged with sexual harassment by a group of graduate students. The complaint provided a long list of the professorial activities that had led to the charge: not greeting a student in a friendly enough manner, for example. Not teaching in a sensitive enough way. Not having read a certain novel. The charges against the professors were finally dropped, but not until the faculty members had incurred considerable expense and suffered deep, personal pain. One professor reported that it cost him $2,000 to have a lawyer draft a response to the complaint. Another confessed that he wept when the charges were finally dropped.

Yale's Benno Schmidt, one of the few university presidents to speak out forcefully about what is happening in so many colleges and universities today, has declared: "The most serious problems of freedom of expression in our society . . . exist on our campuses." And one of the most important consequences of this freedom's being suppressed is the chilling effect that results, the silencing of discussion about important issues. Stephen Thernstrom, the Harvard professor I told you about earlier, decided to quit teaching the course about American immigrants that had resulted in his being called racist. In order to protect himself, he decided, he would have to record all his classes, record conversation with students, too, perhaps, so that no one could take his remarks out of context. Better, he concluded, to discontinue the course. Reynolds Farley, a distinguished demographer and scholar of race relations, made a similar decision when students in a course he was teaching at the University of Michigan accused him of racial insensitivity. If reading from Malcolm X's autobiography that portion in which Malcolm X describe himself as a pimp and thief—if reading from that was enough to bring charges of racism down upon himself, Farley decided, there was simply no way he could continue to teach the course.

On crucial issues, faculty members are silent. Perhaps apathy plays some part, but concern for reputation, concern for professional well-being—these, I suspect, play a role as well. The University of California at Berkeley has adopted an ethnic studies requirement to go into effect this fall. Now, this requirement was a major step for the university. There are no other required courses, and so instituting one represents a sharp break with practice. But on this crucial matter, only one-fifth of the eligible faculty members voted. The measure passed narrowly and it seems reasonable to suspect that among the 1,500 or so faculty members who didn't vote were some who had doubts. What is the purpose of the ethnic studies requirement? Is it a response to political pressure? Are curricular requirements now to be set by interest groups who lobby for them? If, on the other hand, the aim is educational, then aren't there other courses that should be required? Perhaps a course in American history, one that would stress the democratic values we share and thus provide balance to the ethnic studies approach, which emphasizes differences that set us apart. Perhaps a course in world history that would prepare students for the decades ahead in which people of all countries and continents are going to be increasingly interdependent. Shouldn't a foreign language be required? If the goal is really to understand people different from ourselves, isn't foreign language study the most effective route? Surely among the 80 percent of faculty who didn't vote were some who had such questions, but the atmosphere on our campuses today doesn't encourage questions. And expressing doubts can be costly.

This is true not only of large universities, but of some smaller institutions too. Professor Christina Sommers of Clark University has been interviewing faculty and students across the country, and she has particularly striking interviews from Wooster College in Wooster, Ohio, a school near Cleveland that enrolls 1800 students. At Wooster, the textbook *Racism and Sexism*—the textbook that the University of Texas finally rejected—is required reading for all freshmen. Or freshpersons, I should say. The term freshman is forbidden at Wooster. If you use it, one student warned Professor Sommers, you could be taken before the Judiciary Board.

Another student described the seminar required of all first year students. "Difference, Power, and Discrimination," it is called, with the subtitle "Perspectives on Race, Gender, Class, and Culture." According to the student, the seminar resembled "a reeducation camp" more than a "university program." "Now we know," he said, "that when we read the Declaration of Independence that it's not about equality and inalienable rights—but it is a sexist document written by white male elites."

Faculty, who are evaluated on their "gender sensitivity," said they are afraid to speak out. According to one, to do so would be "suicidal." Another said, "I am getting old and tired and I do not want to get fired. Until there is an atmosphere of tolerance, I do not want to go on the record." Promised anonymity, he noted, "What you have here, on the one hand, are a lot of students and faculty who are *very* skeptical, but they are afraid to voice their reservations."

When political correctness steps off campus, the results can be instructive. In Washington, DC, the Smithsonian Institution recently put together a show called "The West as America." Its purpose was to show that westward expansion in this country was not an heroic effort, worthy of our awe, but that it was instead one more tale—in a long, sad string of such tales—of white, male, capitalist oppression. The exhibit deconstructed paintings by Bingham and Farney and Stanley and Remington so that viewers could perceive the race and class conflict and the economic exploitation that they are *really* about. Frederick Remington's "Fight for the Water Hole," the exhibit explained, is, despite the fact that it shows five cowboys defending a water hole in the middle of the desert, not really about anything so simple as a battle over a desert water hole. Instead, it is *really* about the anxieties of Eastern industrialists who found themselves challenged by the foreign laborers they had imported to work in their mills and factories.

So heavy-handedly p.c. was "The West as America" that it created a firestorm. Historian Daniel Boorstin declared it "a perverse, historically inaccurate, destructive exhibit." A critic for the *Washington Post* said "it effectively trashes not only the integrity of the art it presents, but most of our national history as well." The Smithsonian, to its credit, organized forums on the exhibit where its main tenets could continue to be challenged.

Which is exactly as it should be. The point of opposing political correctness is not to silence those who advance it, but to open their views to challenge and debate. This often happens when p.c. enters the larger world, but it will not happen on our campuses, I fear, unless those of us who live in the larger world help it to happen. People who care about higher education in this country ought to inform themselves about what is happening on campuses and to work whenever it is in their power to nurture free expression there. When it is time for us to help our children choose a college, we should ask hard questions about which campuses not only allow but encourage a diversity of opinion. When it comes time for us to make contributions as alumni, we should ask how well the college we attend is doing at making sure all sides are heard. Those who serve on boards of trustees should encourage discussion of free speech itself. Does political correctness reign on this campus? That's a topic that should provide lively debate—though not if it's done as the University of Michigan plans to do it. A conference is being held there called "The PC Frame-Up: What's Behind the Attack?"—which hardly seems a formulation likely to encourage debate. And let me add an ironic footnote here. I couldn't help but notice that on the same page of the *Chronicle of Higher Education* which announced the Michigan conference—the conference that will prove that p.c. does not exist—on the same page there was a story about Reagan appointee Linda Chavez being disinvited from a speech she was scheduled to make at Arizona State University. It seems that minority students there had decided her views were politically unacceptable.

The *New York Times* today reports on its front page about a group, mostly English professors, who are uniting to prove that political correctness is nothing more than the product of overheated conservative imaginations. But they are going to have a very hard time maintaining that view. There are too many examples of p.c. at work, powerful examples like that of Alan Gribben. And there are people from across the political spectrum—not just conservatives but liberals as well—coming together now to defend free speech on our campuses: people like Duke University's James David Barber, a former president of Amnesty International; Emory's Elizabeth Fox Genovese who heads the Women's Institute there; Berkeley's John Searle; Harvard's David Riesman; Yale's Benno Schmidt—none of whom do I suspect of being registered Republicans.

All of these people know the stakes are high. All of them know the issue here is whether the rising generation of Americans will come to understand what free inquiry is—and how it can sometimes be heard—and how it is always necessary if truth and justice are to have a chance.

These are no small matters—and I greatly appreciate your interest in them.●

DROUGHT IN PENNSYLVANIA

● Mr. WOFFORD. Mr. President, I rise today to address an issue that has affected over 90 percent of the counties in Pennsylvania. Unprecedented drought conditions exist in 60 out of 67 counties. The drought has placed many of our farmers and agribusinesses in yet another tough bind, straining their finances and their families. As I traveled across Pennsylvania from Westmoreland to Wayne and from Lancaster to Erie County the effect is the same—some 40 percent of our crops and $600 million in economic activity lost in the State's No. 1 industry.

It took the administration more than a month to finally grant the Federal disaster declaration. The pastures and CRP lands that are eligible for grazing were already dried up because we were in a drought for 2 months by that time. Much of the corn dried up, hay fields are short, and barns are all but empty in many parts of the State. Farmers have been forced to use up next winter's feed supplies now—placing them in an even tougher financial position. Just as the recent heavy rain fall has reassured us that there is a higher power than Congress, they came too late to put any more corn in the crib and cash in the account. Many of these farmers will have to borrow to feed their livestock, increasing their debt even further.

We have to remember that when our farmers borrow money to grow a crop and for some reason they cannot produce, they are still responsible to pay it back. The banks do not say "well since you were affected by the drought don't worry about paying us back."

Many of these farmers will hang on as long as they can, but the drought—coupled with the current dairy situation—will force many of them to seriously reevaluate their financial positions. Once they have depleted their feed supply they will be forced to make a tough decision whether to stay in business or get out for good. This decision will be forced on them much more quickly if the administration fails to see the drought as a human emergency. Just as they failed to see the unemployed workers and their need for extended jobless benefits as an emergency right here at home.

The disaster declaration makes farmers eligible for low interest loans from the Farmers Home Administration. This aid will help, but it will not pay the bills. New loans will only force farmers deeper into debt as they struggle to repay their operating loans. The kind of assistance they need must be immediate, direct payment for losses due to drought conditions. That is why it is so important to pass an appropriation with emergency aid to our farmers. Either we support our farmers, when for no fault of their own they run into financial difficulties, or we allow them to leave the business further weakening our rural areas.

The administration wants to give unconditional most-favored-nation trade status to China. I think it is time we give most-favored-neighbor status to America's farmers. I find it incomprehensible that this administration will reach out with emergency aid for the Kurds and the Turks and the people of Bangladesh, but wants to turn its back on American farm families. I say it is time to take care of our own and help our farmers make it through this unprecedented drought.

Mr. President, the Senate, hopefully in the next few weeks, will be deliberating S. 1441, the Disaster Assistance Act of 1991 which will provide the framework for disaster payments that may become available if the Bush administration believes that this drought is an emergency. I strongly encourage my colleagues to support this bill and more importantly support the $1.75 billion emergency supplemental for agriculture. We have to send a very clear signal to our farmers and all who rely upon their output that we care what happens in rural America.•

SLAYING OF BUDDHIST MONKS IN PHOENIX TEMPLE

• Mr. DECONCINI. Mr. President, while newspaper reports of violent acts of crime and multiple killings have become disturbingly commonplace, the murder of nine individuals in Phoenix on August 10, 1991, shocked the people of Arizona. That shock turned to disbelief when it was discovered that those nine individuals included six Buddhist monks and three lay members of the Thai Buddhist community. Their bodies had been found inside the temple Wat Promkunaram in a small community west of the city, apparently the work of thieves intent on robbery.

While authorities have arrested four individuals and are continuing their investigation into the slayings, this tragedy has had a resounding effect on the Arizona religious community. It has brought them together to discuss the need to work together to foster interfaith cooperation. Recently, religion editor Kim Sue Lia Perkes authored an article in the September 21, 1991 edition of the Arizona republic, which outlined 10 commandments of religious pluralism, or lessons learned from the Buddhist temple massacre. These guidelines were developed by the Reverend Arlo Nau and members of the Arizona ecumenical council in response to the Buddhist temple slayings. Mr. President, while these guidelines were authored in a religious context, we would be well served to apply these guidelines to our own lives. They serve as a reminder that we often neglect to conduct ourselves with kindness and respect for individuals. It is regrettable that these lessons are often learned only through adversity. I am hopeful that, as a tribute to the individuals whose lives were lost, the people of Arizona will work together to improve the acceptance of persons of differing cultural, ethnic and religious backgrounds. Mr. President, I ask that the complete text of the article be included in the record following my statement.

The article follows:

MONK'S DEATHS ALTER RELIGIOUS COMMUNITY

It's hard to believe that something good can evolve from such a tragedy as the Aug. 10 killngs of six Buddhist monks and three others at Wat Promkunaram.

But mainline Valley religious leaders say they have learned a lesson: It's time to reach out to religious outside the loop.

It's time to invite all non-Judeo-Christian groups to get involved with the Arizona Ecumenical Council.

And it's time to apologize to Thai Buddhists for not responding immediately to the tragedy.

"The religious community, I thought, let them (Buddhists) down," said Rabbi Albert Plotkin of Temple Beth Israel in Phoenix. "We acted like it (the killings) happened in no-man's land."

The Rev. Arlo Nau, spokesman for the Arizona Ecumenical Council and a Lutheran minister, said Valley religious leaders were in a quandary over what to do for the temple congregation.

"Our initial hesitance when this happened was, 'Are we interfering?'" Nau said.

Plotkin, who in 1978 lived with a Buddhist monk in Japan, hosted an ecumenical meeting that included members of the Thai Buddhist community at Temple Beth Israel a month ago. As a result, the ecumenical council released a statement deploring the mass slaying and extending its heartfelt condolences to the Thai community.

"It's a blight on all of us that such a tragedy should happen here," Plotkin said. "We need to educate our community as to the meaning of non-Judeo-Christian religions."

From that meeting, Nau developed his "10 Commandments of Religious Pluralism," or "Lessons Learned From the Buddhist Temple Massacre."

NEW COMMANDMENTS

1. Make a conscious effort to identify all ethnic and religious minority groups in your community.

2. Research in advance their culture, history, art, religion. Demonstrating some specific knowledge suggests honest interest. Ignorance is insulting.

3. Be intentional about contacting them. Do not be put off by initial expressions of discomfort or distrust. Repeat the contacts as opportunities arise.

4. Respect their basic humanity. Do not see them as foreigners or competitors for jobs, etc.

"Have we not all one father? Has not one God created us?" (Malachi 2:20)

5. Respect their independence but not to the point of indifference. Fear of interfering may be seen as lack of interest and sincerity.

6. Respect individuality. Not all members of the same nationality are exactly alike.

7. Be specific. Avoid generalizations, stereotypes, assumptions.

8. Do not mistake apologies about difficulty with the English language, their refugee status or poverty as expressions of cultural inferiority. They have pride, too.

9. Understand their perception of nationality and religion as synonymous. Our concept of the separation of church and state is unusual, and may be foreign to them. Our "sin" of denominational division may be even more difficult for them of them to understand.

10. Analyze honestly many of our own customs and practices. It will make you much more tolerant of theirs.

GROUPS CAN CONTACT COUNCIL

"If we can speak of anything positive from this experience, this tragic experience at the temple, it's that it has sensitized to a greater extent than ever before the need to be aware of the pluralistic society in which we live," Nau said.

"We are continuing to try to get a list of the minority religious groups around the Valley to send them a letter telling them that if there is anything the council can do for you, or be of service to you, let us know."

The council can be contacted at 468-3818.

Arizona's population is growing. It's time for all of us to grow, too.•

ADMINISTRATION'S PROPOSAL TO RESTRUCTURE THE RESOLUTION TRUST CORPORATION

• Mr. KERREY. Mr. President, recently the Bush administration circulated a proposal to restructure the Resolution Trust Corporation. This was quickly followed by an announcement that Albert Casey would be appointed to fill a newly created position as Chief Executive Officer of the RTC.

I welcome the administration's attention to problems with the structure of the RTC, which many in Congress have been raising since the original FIRREA legislation was passed in 1989. However, the administration's proposal merely address the symptoms and not the cause of the problems faced by the RTC.

The proposal, if enacted, would not address the current lack of accountability and openness in the RTC's operation. It is merely a shell game: boards are expanded, individuals are moved around, but the underlying weaknesses remain.

From the beginning Secretary Brady has insisted on keeping complete control of the decisions made at the RTC. He has resisted and opposed all efforts to dilute his and the President's direct authority over decisions at the RTC. Further, the Treasury Secretary objects to increasing the number of public meetings which would go a long way toward increasing public confidence in the handling of the bailout.

Under the administration's proposal, the agency would still be governed by a dual Board. This arrangement is not found in any other area of the Federal Government. Secretary Brady will retain the Chair and control of the Oversight Board. This gives both he and President Bush veto power over Mr. Casey's decisions and allows the policy to be determined in a closed, private manner.

The new Chief Executive Officer would continue to be accountable to both Boards and lack the authority he or she needs to properly oversee the RTC's work. In fact, Stephen Labaton reported in the New York Times, September 24, 1991, that there was already behind the scenes wrangling between William Taylor, the new Chair of the RTC Board of Directors, and Treasury officials over the extent of Mr. Casey's authority.

One of my strongest concerns about the RTC is that the Treasury appears interested in retaining authority over the agency's work, while seeking simultaneously to avoid responsibility. They effectively exercise decisive influence over the agency's work behind the scenes, although publicly the responsibility is spread around to two separate Boards with the Secretary of the Treasury sitting only on the Oversight Board. Unless we create a single Board overseeing the agency's work it is difficult to imagine that we can be assured of attaining accountability.

Under the administration's proposal there is some effort made to increase the power of the RTC Board of Directors and better delineate the specific responsibilities of the two Boards. However, any action short of establishing a single Board will fail to address the root of the problem.

One suggestion offered by many is the importance of putting one individual in charge and granting that individual the necessary authority to execute the RTC's mandate. The administration's proposal falls short on this count. The new CEO would be appointed by the RTC Oversight Board and would serve at their pleasure, yet without eliminating the dual Board structure this individual would be responsible to two separate Boards. Although the CEO is granted a seat on the Oversight Board, it is only a nonvoting position. I suspect this move is designed to demonstrate that the administration is concerned about coordination between the two Boards. Coordination would be far better served by eliminating the source of the problem: The dual Boards.

Efforts to give a single executive sufficient authority to be in charge should not be confused with guaranteeing accountability. A single Board enhances accountability, but the composition of that Board is equally important. I have offered a proposal that would establish a single Board with a non-Government majority headed by a non-Government Chair and I would like to include requirements that proceedings of the Board be as public as possible. The current system makes it difficult for the public to know what is going on and consequently does nothing to enhance the public's trust in the RTC's work.

Before the Congress provides an additional $80 billion for the RTC's work, we must ensure that an accountable structure is in place.•

HEARINGS ON INTERIOR'S GRAZING PROGRAM

• Mr. WALLOP. Will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. I would be happy to yield to the Senator from Wyoming.

Mr. WALLOP. During the Senate floor debate on the Interior appropriations bill, we spent many hours on the subject of grazing and specifically a proposal to raise the fees charged by the Departments of Agriculture and the Interior to permit holders on the public lands in the Western States.

There are obviously two sides to the grazing issue. I agree that we need to review how we can improve program management, particularly at the field level. I ask the distinguished chairman of the Committee on Energy and Natural Resources if he would support my endeavor to hold hearings on the grazing program during the early months of the second session of this Congress.

Mr. JOHNSTON. Mr. President, I would note that this is the first request to hold such hearings that has been made to our committee in a number of years and I would support the Senator from Wyoming in that request.

Mr. WALLOP. I thank that Senator for his response and appreciate his interest in and assistance in this endeavor.•

EASTERN ORCHID CONGRESS

• Mr. WOFFORD. Mr. President, later this month the Southwest Pennsylvania Orchid Society [SEPOS] will host the Eastern Orchid Congress which will be held in Valley Forge, PA. This congress will bring representatives from across the United States and the globe to Pennsylvania.

I must admit, I have a special fondness for orchids as it is the State flower of my wife Clare's home State of Minnesota. It is fitting that the Eastern Orchid Congress selected SEPOS for this honor—36 years ago, SEPOS founded the Eastern Orchid Congress and hosted the first show at the world famous Longwood Gardens.

Orchids are one of the most versatile and beautiful flowers in the world. Wild orchids grow in all 50 States and on almost every continent. Crossbreeding among the 35,000 varieties of orchid plants has produced millions of different orchid flowers—each a unique testimony to the beauty of the orchid.

It is expected that over 10,000 varieties of orchid flowers and plants will be displayed—including some one-of-a-kind orchids, that no longer exist due to environmental destruction. These orchids have been saved by devoted orchid enthusiasts, private growers, and breeders.

I ask that the Senate join me in honoring the Southwest Pennsylvania Orchid Society as the host society for the 36th annual Eastern Orchid Congress.•

SOCIAL SECURITY NOTCH ADJUSTMENT ACT

• Mr. D'AMATO. Mr. President, I rise today out of concern, frustration, and frankly, anger, at the Government's failure to take action against the obvious injustice of the Social Security notch. It is estimated that over 10 million senior citizens receive lower Social Security payments as a result of the notch, simply because they happened to be born in the wrong year. These so-called notch babies have been dealt arbitrary and harsh cuts in the Social Security checks that provide their lifeline of support. This is wrong, and it cannot be allowed to continue.

I have consistently supported measures to correct this injustice. I have sponsored my own notch legislation in the 99th, 100th, and 101st Congresses, and I have supported efforts to bring this matter to a vote on the Senate floor. Today, I am pleased to join 40 of my Senate colleagues in cosponsoring S. 567, the Social Security Notch Adjustment Act.

This legislation provides a more equitable level of benefits for individuals born between 1917 and 1926 than they receive under current law. It does this by establishing a new 10-year transition formula, which includes a $29,700 cap on creditable earnings to ensure that retirees with modest earnings histories receive fairer, more adequate benefits.

The sponsors of this legislation have tried to craft a consensus bill, and as a result they have had to make compromises. Consequently, this bill does not contain certain provisions—such as some form of retroactive benefit—that I believe should be part of any final legislation to correct the notch.

Nevertheless, I think it is vital that we demonstrate, both to the millions of notch babies who have been waiting more than a decade for their fair benefits, and to the Finance Committee which has to date refused to act on this issue, that there is strong, bipartisan support for this legislation. Those who are indifferent to the plight of the notch babies need to be put on notice that we won't just stand idly by while senior citizens are being denied their rightful benefits.

Mr. President, I urge my colleagues to join me in this effort to provide our Nation's notch babies with the just compensation they need and deserve.•

WANDA LATHAM REEVES

• Mr. WIRTH. Mr. President, I rise today to pay tribute to a dear friend of mine who has contributed greatly to the economic development and well-being of Colorado Springs, Wanda Lathan Reeves. Wanda recently announced her retirement as executive vice president of the Colorado Springs Chamber of Commerce. She has decided to move her efforts to Texas to pursue other business and personal interests. Colorado's loss is certainly Texas' gain, and I wish her well at her new home.

Wanda Reeves began her distinguished career at the chamber in 1978 as director of governmental affairs and was later promoted to vice president of governmental and internal affairs. From 1986, as executive vice president, she was responsible for governmental, military, staff management and development, events management, budget planning, and program of work oversight.

In addition to her duties at the chamber, Wanda Reeves was actively involved in various national, State, and community affairs through her membership at numerous organizations, including, University of Colorado at Colorado Springs Engineering Advisory Council, Wagon Wheel Girl Scout Council, Colorado Technical College Board of Governors, and the Colorado Association of Commerce and Industry. She is a founding member and first president of the Colorado Springs Executive Women International Chapter and was instrumental in the development of the Domestic Violence Prevention Center. She was awarded an honorary degree in electronic engineering from Colorado Tech in 1983, and in 1988 received the Women's Recognition Award of Special achievement in Overall Community Involvement.

Wanda Reeves has been recognized for her work in military-community relations and is a recipient of the General Creighton C. Abrams Medal from the U.S. Army. She was invited by Secretary of Defense Richard Cheney to participate in the Joint Civilian Orientation Conference and in 1990 she was appointed a member of the Defense Advisory Committee on Women in the Services. It was in this capacity that I had the honor to work with Wanda Reeves in Colorado Springs. I found her ideas to be sound and her work thorough and innovative.

Mr. President, I join all Coloradans in thanking Wanda Lathan Reeves for her contributions to military-community relations in Colorado and her commitment for bringing economic development to all the State. She will be a sorely missed asset to the Pikes Peak region and we are all sorry to see her move on.•

S. 1808, THE VETERANS BILL OF RIGHTS

• Mr. MACK. Mr. President, I rise today to inform my colleagues of a significant piece of legislation which I have introduced along with my colleague from Florida, Senator BOB GRAHAM. The veterans bill of rights is designed to ensure that all veterans have access to the same care and benefits regardless of race, ethnicity, sex, religion, age, or geographic location.

Under this bill, for example, a 100-percent service-connected disabled veteran living in Florida would be entitled to the same benefits as a 100-percent disabled veteran in any other State. This would include equal access to such services as VA medical facilities, treatment, and personnel; VA home loan guaranty assistance, job training assistance; the administrative claims process; equal treatment in the handling of claims for increased benefits; and the list could go on.

While equal access to these essential veterans benefits is implied, in reality, it is not always the case. My home State of Florida, for example, has the most 100-percent service-connected disabled veterans in the United States. It is also home of the third largest overall veterans population. Consequently, the demand for services from the Department of Veterans Affairs is far greater than other States. Florida's veterans population however, has less access to medical care and other benefits than nearly every other State. The same inequity holds true in many other States as well. That is not right, and it must be changed.

Our Government made a contract with the men and women who bravely served our country in times of need. The contract guaranteed that the Federal Government would provide for them in return for their service. Many who honored this contract were injured or disabled. The Federal Government must live up to its end of the contract by providing equitable treatment regardless of where the veteran lives.

Many States, like Florida, do not receive their fair share of benefits. The veterans bill of rights corrects this inequity, and I strongly urge my colleagues to cosponsor this important legislation.•

HAITIAN MILITARY COUP

• Mr. BRADLEY. Mr. President, last year's Presidential elections provided Haitians with hope that the democratic process would finally prevail over the despotism, class warfare, and military thuggery which plagued the country throughout its history. Jean-Bertrand Aristide was named President of the country in an election in which Haiti's overwhelmingly poor majority was able to express its views. However, once again, the citizens of that poor island nation are being held hostage to the whims of a small number of military elites.

I applaud President Bush for suspending economic and military aid to Haiti. However, I urge President Bush to take all other actions, including suspension of economic and diplomatic ties, to isolate the current military junta from the international community.

I applaud the Organization of American States [OAS] for its effort in favor of democracy and urge it to work with both the legitimate government and the military to insure that the constitutional process is respected and followed.

I urge the Haitian military to withdraw from the Presidential Palace and cease killing innocent civilians. Haiti's constitution provides the military with an outlet for asserting its influence over the civilian government. The military should not have to resort to unconstitutional measures to vent its grievances.

We in the United States have a responsibility to strongly support democracy in Haiti just as we recently did in response to the military coup in the U.S.S.R. We must not allow despotism to retard the growing democratic spirit of the Haitian people.•

TERRORISM AND THE MIDDLE EASTERN PEACE CONFERENCE

• Mr. D'AMATO. Mr. President, I rise to discuss the issue of terrorism and the Middle Eastern peace process. As the United States prepares to open the Middle East Peace Conference, it is imperative that we include discussion aimed at the complete termination of Arab, state-sponsored terrorism. They must renounce all forms of terrorism and end the material and financial support of all terrorist groups.

Syria, a major party to this peace conference, has sponsored, trained, and financed bloody murderers such as Abu Nidal, Ahmed Jabril, and the terrorcrats of the PLO. Responsible for such atrocities as the bombings of Pan Am flight 103 and UTA flight 722, the massacres at the Rome and Vienna airports, and the bombing of the Marine barracks, the graduates of the "Syrian Academy of Terror," have cut a wide swatch of destruction and devastation worldwide.

The victims' families well understand what terrorism is. They know the pain of receiving posthumously awarded medals and the sad telegrams. They are angry that these horrendous acts of terrorism, unpunished as they are, are being set aside merely to placate certain parties, such as Syria. It is our moral obligation to confront terrorism, not to ignore it.

At the upcoming Middle East Peace Conference, the issue of terrorism must be discussed. The Arab States must completely renounce all forms of terrorism and cease and desist all support for terrorism, including its finance, training, and basing on their territory.

A peace conference without a discussion on the elimination of Arab terrorism ignores an issue facing the entire world, not only the Middle East. A failure to address terrorism is to dismiss it. Let us do what is just and right. We must insist that terrorism cease, or any peace will be illusory.•

A GRAND BARGAIN

Mr. SIMON. Mr. President, in its September 9 issue, Newsweek published an article by our colleague Senator MOYNIHAN calling for dramatic breakthroughs in arms control in exchange for some economic assistance to the Soviet Union.

Since the article appeared, President Bush has taken an initiative that, frankly, could not have passed the U.S. Senate if a Member of the Senate proposed it. However, if it has been proposed by President Bush, it would have passed the Senate. That is simple political reality.

Our colleague has proposed significantly greater steps, and who can successfully and reasonably argue that the initial steps taken by the President do not logically call for more dramatic steps? The President's plea in the middle of his talk for continuing the star wars fantasy, I trust, is going to receive careful analysis by the Members of the Senate.

Senator MOYNIHAN has managed to understand where this society is, and where it is going, as well as where the world scene is with remarkable clarity. Sometimes he has been criticized by his contemporaries only to find people praising his comments more than a decade later.

Because it contains so much common sense that it is just as valid today a when the President made his speech, I ask to insert Senator MOYNIHAN's article from Newsweek in the RECORD at this point.

The article follows:

A GRAND BARGAIN: AID FOR ARMS CONTROL

(By Daniel Patrick Moynihan)

Back in 1979, when Newsweek published a forum on The '80s, I argued that the critical issue would be how to deal with the breakup of the Soviet Union. I warned that the U.S.S.R. could "blow up," and I added, "The world could blow up with it." Now that the U.S.S.R. is fast disintegrating, my fears have only grown. The empire of the czars has 30,000 nuclear warheads. one third of them strategic and aimed at us, and about two thirds of them tactical or battlefield range. The intercontinental missiles are pretty well under the control of the Strategic Rocket Forces, a central command. But the theater weapons—artillery rounds, bombs—are scattered all over the different services throughout the Soviet Union. It is entirely possible that warring republics will use these weapons on each other. It is conceivable as well that military hard-liners would use them—or threaten to use them—against the West in a last-ditch gamble.

The Soviets understand these risks. Nuclear bombs and artillery shells, unfortunately, are quite durable and portable, and not very difficult to arm. Last week, we learned that the commander of Soviet Strategic Rocket Forces withdrew mobile nuclear missiles from their launch positions because he feared some errant commander would try to fire them. Now Yevgeny Velikhov, science adviser to Soviet President Gorbachev, has called for "the international community to play a role in controlling the Soviet Union's nuclear arsenal while the country faces the possibility of political collapse."

A political collapse is all too possible. It wouldn't be the first time. After this successful Bolshevik coup of 1917, internecine warfare raged on until 1922. With rifles and machine guns, then. What, Velikhov asks, would it be like this time with tactical nuclear weapons?

A political collapse could easily be brought on by the economic disaster that beckons this winter. Anders Aslund reported in last week's Newsweek that it already seems certain that the Soviet economy will suffer a 20 percent slump in 1991—the worst economic crisis in Europe since World War II—indeed, surpassing the Great Depression in the United States. In view of the current collapse, he predicts "it would be quite possible to see a decline to half the former level of production . . . before the end of the year."

It seems obvious to me that we have to help the Soviet Union avoid this catastrophe. It is in our national interest. I would propose a Grand Bargain: give the Soviets aid on the strict condition that they dismantle all or most of the nuclear forces that now threaten them as much as us.

To achieve this, we must convene an international peace conference—and fast. Obviously, the United States would have to agree to further reduce its nuclear arsenals, beyond the limits already called for in the START treaty. START went a long way, cutting back the Soviet arsenal by a third. But both sides are still poised for a first strike, and both still have the power to make the rubble bounce. One simple approach would be to declare a nuclear-free zone from the Urals to the English Channel, with deep cuts in strategic systems and intrusive inspection systems on both sides.

It will be said that we can't afford to aid the Soviet Union. To be sure, we wasted trillions building up our defenses against the Soviet Union under the false impression that its empire was expanding. Now that the empire has imploded, we have fewer resources left to ease the transition toward stability and safety. But surely we can afford to seize this chance to avoid Armageddon. I am not proposing that we seek to eliminate nuclear weapons altogether. Too late for that. But we could surely reduce the number of warheads in the world by one half to three quarters and build in greater safeguards against the risk that they would ever be used. Just think. We will have escaped the 20th century with our lives.•

TRIBUTE TO HAL DORAN

• Mr. WOFFORD. Mr. President, I rise today to pay tribute to Mr. Hal Doran, who is retiring after 25 years as a professor of agricultural education and agricultural economics, as well as director of Penn State's Cooperative Business Education Program. Earlier this month, Hal received the 1991 National Cooperative Education Award—a well deserved honor to Hal who has been a leader in Pennsylvania's agricultural community for nearly 40 years.

Hal has devoted his life to two pursuits—education and agriculture. The greatest testimony to Hal's service to Pennsylvania's cooperatives comes from his peers: "In Pennsylvania, Hal Doran's name is synonymous with cooperative education." In the agricultural community, Hal has been noted for his vision, his leadership, and his commitment to ensuring the success of cooperatives across Pennsylvania.

As an educator, as cooperative business advocate, and as an agricultural extension agent, Hal has been a constant source of pride to Pennsylvania. Hal Doran's commitment and service to Pennsylvania's agricultural community will be missed but not forgotten.•

NEW DEVELOPMENTS IN EL SALVADOR

• Mr. DURENBERGER. Mr. President, a number of momentous events have occurred recently concerning El Salvador. I want to comment briefly on these developments and to express my strong and enduring hope for the people and future of El Salvador.

Since the terrible tragedy of the Jesuits' murder in November 1989, the international community, the United States, and the people of El Salvador, have been monitoring very closely the progress of the investigation and judicial proceedings. Late last month, the jury finally returned a verdict in the case.

A colonel and lieutenant have been convicted. Several others, including the accused gunmen, have been judged innocent, by reason they were following orders. The judge now has 30 days to punish these persons as well, on the terrorism charges.

I ask that an article in the New York Times be printed at this point in the RECORD.

The article follows:

[From the New York Times, Oct. 6, 1991]

JESUITS WILL NOT OPPOSE AMNESTY IN KILLINGS

(By Shirley Christian)

SAN SALVADOR, October 5.—The Jesuit order has made known that it will not oppose an amnesty or other legal reduction of the sentences for two military officers convicted by a Salvadoran court last week in the country's most notorious human rights case, the murders of six Jesuit priests, their cook and her daughter.

While criticizing the failure to convict the actual gunmen and calling for the investigation to go higher than Col. Guillermo Alfredo Benavides Moreno, who was found guilty of ordering the massacre, the Jesuits said their interest was in eliminating "the culture of death" in El Salvador.

"In this sense, we will not oppose any steps taken within the framework of existing law that tend to reduce the sentence for those convicted," the order said in a communiqué Wednesday.

CONVICTIONS ON SEPT. 28

On Sept. 28, a jury found Colonel Benavides guilty of eight counts of murder for sending an army patrol to the Jesuit residence with instructions to kill the rector of the Jesuit-run Central American University, Ignacio Ellacuría, and leave no witnesses. His aide, Lieut. Yusshy René Mendoza Vallecillos, was found guilty in ordering one death, that of 15-year-old Celina Mariceth Ramos.

The murders took place on the night of Nov. 15-16, 1989, in the midst of a major offensive launched against the capital by guerrillas of the Farabundo Martí National Liberation Front. The army considered the Jesuits to be sympathetic to the guerrillas and suggested that the university might be a guerrilla command post.

Two other lieutenants and five enlisted men were found innocent of murder charges in the case, even though four of the enlisted men confessed to directly participating in the killings.

Under Salvadoran law, Judge Ricardo Zamora has 20 working days from the date of the convictions in which to process civil demands related to the case, then 30 working days in which to issue the sentences. The sentence for murder is 20 to 30 years in prison, with multiple sentences to run concurrently.

AMNESTY AS PART OF ACCORD

There have been persistent rumors that Colonel Benavides and Lieutenant Mendoza would benefit from a broad amnesty that could be presented to the Legislative Assembly in coming months as part of efforts to settle the nearly 12-year-old civil war.

President Alfredo Cristiani has said he will not rule out such an amnesty as long as it emerges from a consensus among the political parties that negotiated a sweeping accord last weekend intended to pave the way for a ceasefire, a political settlement and a reintegration of the Salvadoran guerrillas into mainstream society.

The Jesuits said they considered the recent moves toward peace to be "a call to personal and social conversion."

"Our eight assassinated brothers and sisters gave their lives for peace with justice in El Salvador," the statement continued. "And for our part, the trial makes sense only as an effort leading to the disappearance of the culture of death and the birth of a new style of coexistence backed by democratic institutions that guarantee peace and justice for all."

Referring to the lack of convictions for the gunmen in the case, the Jesuits recalled an admonition by the former Archbishop of San Salvador, Oscar Arnulfo Romero, on March 23, 1980, just days before he was murdered by an unidentified gunman.

"The law of God, which says not to kill, must prevail over any order of man," Monsignor Romero said, adding, "No soldier is obliged to obey an order against the law of God."

CALLS FOR FURTHER INQUIRY

The Jesuits, like international observers at the trial and many opposition political leaders, called for the investigation of the case to continue in an effort to find out whether anyone in the high command of the armed forces gave orders for the killings.

But the Jesuits also said the convictions, the first in El Salvador involving military officers accused of killing civilians, "showed that the judicial system can function if it wants to."

Mr. DURENBERGER. Notwithstanding some of our difficulties that the judicial process has encountered during the past 2 years, this is a watershed event in El Salvador's determined drive toward a more open and just democracy.

Yes, there have been problems with the Jesuits investigation, and El Salvador cannot yet claim a fully functioning judicial system. But, bringing in these convictions demonstrates that the judicial system can work in El Salvador.

In another watershed event recently, the government and guerrillas have agreed to major new steps to advance the peace process. I commend U.N. Secretary General Perez de Cuellar for taking such an active and productive role in helping to resolve some extremely difficult issues.

I also commend President Cristiani for his persistence and unyielding commitment to peace and democracy in his country. There are still significant hurdles to overcome, and the cease-fire and lasting peace that we all seek is yet to be achieved. But I believe we should be thankful for this progress, and pray that a final peace settlement can be arranged as quickly as possible.

The leadership of the FMLN has had a difficult task. They still do. On the one hand, a peace settlement can bring an end to the conflict. On the other hand, if this is not Nicaragua, and it only bring back the death squads, how do you justify years of hardship.

The FMLN now appear to recognize that the future holds nothing for them if they fail to embrace the democratic process in El Salvador. Times are changing in the world. And in El Salvador, they could change for the better.

Earlier this summer, the U.S. Senate, thanks in large measure to the foresight and determination of my friend and colleague, Senator MCCAIN, withheld action that could have made matters much worse in El Salvador.

There are still those who argue for immediate action on the aid question. In fact, there are still those who say that we should cut off aid now, today. But, acting now on the aid question, when the negotiations seem to be approaching the end game, would be counterproductive.

Now is the time for the United States to plan to convert its military aid program to economic, development, and other humanitarian assistance.

It is my understanding that the Senate will consider the foreign operations bill sometime early next year. At that time, I want us to discuss and decide how best to help El Salvador consolidate its democratic gains and move more confidently into the postwar period.

If that is the case, these previous levels of military aid hopefully will no longer be necessary. For the time being, however, there can be no doubt that the Congress should leave well enough alone.●

ORGAN DONOR CLASSIC

● Mr. WOFFORD. Mr. President, this Columbus Day marks the fourth running of the Organ Donor Classic at Philadelphia Park. The purpose of the Organ Donor Classic is simple—to raise funds to those in need of organ transplants and to underscore the need for organ donors.

The greatest gift one person can give to another is the gift of life. Communities across America work endlessly to ensure that the critical need for blood does not go unfulfilled. Unfortunately, we do not get this same support for people in need of organ transplants.

In the Commonwealth of Pennsylvania there are approximately 3,000 to 4,000 people in desperate need of organ transplants. When considering that all that is needed to save many of these peoples' lives is a simple signature, this is quite a tragic situation.

On the occasion of the fourth running of the Organ Donor Classic, it is my hope that everyone who attends—and even those who do not—will use this opportunity to sign an organ donor card and join the struggle to give the gift of life.●

THE FIRST ANNUAL EDUCATION REPORT CARD

• Mr. DECONCINI. Mr. President, I rise today to address our Nation's first report card issued recently by the National Education Goals Panel. I commend the hard work and leadership of Gov. Roy Romer of Colorado. Delivering news that is not completely positive is not an easy or enviable task. But it must be done and I appreciate his willingness to provide the necessary leadership. He is holding our feet to the fire and keeping education at the forefront of our domestic agenda.

No one disagrees that education must be our domestic priority. But, unless we subject ourselves to an annual evaluation to check our progress and use it to target additional resources on the shortcomings, I fear that all the great speeches extolling the importance of education will not translate into true progress. Clearly, this initial report card shows in graphic terms the tremendous price which a country pays for neglecting domestic responsibilities, especially one as critical as educating its citizens. But it does represent one important step in our efforts to improve the quality of education and, I hope, will force us to redirect our national fiscal priorities.

While the report points out the fundamental weaknesses of American education, it also shows that we have made some gains. We know that almost 50 percent of the sophomores who dropped out in 1980 subsequently returned to school to get their high school degree by 1987. This doesn't mean, of course, that we have licked nor brought our shamefully high rates of student dropout under control. We still have the 60 percent dropout rate among Hispanic students and must not relent in our efforts to reduce this number.

An analysis of the 1990 National Assessment of Educational Progress [NAEP] indicates that only 4 percent of our public and private high school graduates meet the NAEP standard for college readiness. This is shocking when compared to 20 to 30 percent of students in our competitor nations who are meeting achievement standards that are at least equivalent to NAEP's. Despite this dismal picture, student achievement trends at the junior high level reflect some positive movement. Science and math achievement went up among 9- and 13-year-olds from 1977 until 1990. Math achievement also improved for 17-year-olds over the same period. More high school graduates completed challenging academic courses in English, math, science, and history from 1982 to 1987. These improvements, though slight, reflect the initial benefits of emphasizing excellence in core subjects like math and science by schools in the past few years.

I cannot help but wonder how much more they could have done had the U.S. investment in education kept pace with increasing costs associated with a quickly evolving high tech workplace. Afterall, we face a new global economy where the competition is intense. This international economy will become more complex and require higher job skill levels. Clearly we must raise our educational standards, and we must do so by increasing our investment in the Amercian education system. We cannot allow our support for education to stagnate as has happened in the past decade.

The precipitous decline in the threat from the Soviet Union and Eastern Europe to our national security in the past year offers a genuine opportunity to change our Federal capital investment strategy. The sweeping arms cuts pledged by the United States and the Soviet Union in recent days signal the beginning of a new era where the cold war budget should no longer dictate our fiscal priorities. The prospect of war with the Soviet Union is "no longer a realistic threat" in the words of President Bush. Under these changed circumstances, we must reexamine the military budget and re-order our spending priorities to emphasize domestic needs like education and reducing our national debt.

No one can begrudge past domestic sacrifices we made collectively to ensure our national security by making defense our highest national priority over the past decade. We believe those sacrifices helped to make the world a truly safer place for our children. Now we must attend to their domestic needs as they prepare to enter that world. As shown by the education report card, they will require a lot of help if they are to compete effectively and become fully productive citizens.

They are America's future and we must reinvest in them. We can do so by shifting defense resources no longer required to protect our national security to homefront needs like education. Until we do this, we will not see widescale improvements in our schools. We will not be able to give all students the same opportunity to advance themselves through education. All the goals and standards we set for ourselves and schools will only continue to highlight our shortcomings. Let us make a sincere commitment to our children by reinvesting the peace dividend in their future.•

THE WASHINGTON AREA GIRL'S SOCCER TOURNAMENT

• Mr. WARNER. Mr. President, I am pleased to announce that the world's largest women's soccer tournament will be held at George Mason University in northern Virginia on October 12, 1991. This event, the Washington Area Girl's Soccer Tournament, will feature the American team matched against a team representing China.

This year, the American women's team qualified to play in the first ever FIFA Women's World Championship on November 16-30, 1991 in Ghangzhou, China. Athletes and soccer enthusiasts are particularly interested in gaining recognition for the sport as soon as possible because it will not be recognized as an exhibition sport in the Olympic games in Spain next year. The American women's team, as well as the 11 other worldwide teams that qualified to participate, hope that this competition will qualify women's soccer as a Gold Medal Sport in the Olympic Games beginning in 1996 in Atlanta, GA.

Over 40 percent of all U.S. registered soccer players are women. I would like to propose today that the American women's soccer team be recognized as an exemplary model of U.S. citizens involved in a sport that has served as a source of pride for participants and spectators alike. The World Cup, the largest international single-sport event, offers athletes from around the world a chance to improve their athletic skills, represent their country, and inspire young players. This year, the World Cup will help promote the game of women's soccer into the Olympic schedule. The current American women's team is ranked in the top five in the world, and I believe they have the ability to win this tournament.

The women who are members of the American team truly deserve recognition by their country and the Olympic Committee. I urge each of my colleagues to join me in supporting them and wishing them good luck as they compete to bring home the gold.•

WALLACE C. WILLIAMS, FOUNDER AND ORGANIZER OF MICHIGAN MINORITY BUSINESS WEEK

• Mr. RIEGLE. Mr. President, I wish to pay special recognition to Wallace C. Williams of Detroit, MI.

As chairman of the board and immediate past president of the Booker T. Washington Business Association in Detroit, Wallace Williams continues to champion the cause of minority business persons. On October 25, he will be honored by the Minority Business Week Appreciation Committee for being the pioneer of Minority Business Week in 1971. For the past 20 years, Wally has helped numerous minority entrepreneurs.

After taking an early retirement from the State of Michigan as director and founder of the Office of Minority Business Enterprise, Williams became a consultant to J.L. Dumas & Co. Presently he is vice president of METCO/SOMAT Engineering Services, Inc. and recently he was appointed research associate of the University of Michigan business and industrial division. He is responsible for coordinating and implementing the business and industrial division's continuing effort to provide greater management and technical assistance to Michigan's minority firms.

During his unprecedented 3 years as president of the Booker T. Washington Business Association, Wallace Williams increased the size and circulation of the association's monthly newsletter, appointed more women to leadership roles, and played a major part in the election of the first female president of the association. His networking efforts resulted in a greater awareness of the importance of the organization and its role in helping to shape Michigan's economy.

In being an active member of the community, he has served as a director of the Greater Detroit Chamber of Commerce, chairman of the Wayne County Set-Aside Ordinance Citizens Advisory Council, director of Minority Business Enterprise for the State of Michigan, the American/Israel Chamber of Commerce, the Economic Growth Corp., executive board of National Symphony Orchestra Hall, the Northside Family YMCA, the St. Vincent DePaul Employment Agency, and is a deacon and president of the United Congregational Christian Church.

Wallace Williams is a pioneer who has promoted the cause of minority entrepreneurs throughout our State and Nation. After many years of involvement, he continues to place the welfare of others first.•

HISPANIC EDUCATION COMMISSION NEEDS PUERTO RICAN REPRESENTATION

• Mr. SIMON. Mr. President, I rise today to express my concern about the state of Hispanic education in the United States and to call upon the President Bush to ensure that his new Advisory Commission on Educational Excellence fairly represent the Hispanic community.

Specifically, Mr. President, I must note with some concern that among the President's new Commission appointments, 17 in all, not one is Puerto Rican. I recently received a letter from Louis Nunez, a former official at the U.S. Commission on Civil Rights and currently the president of the National Puerto Rican Coalition who has brought the lack of Puerto Rican representation to my attention.

Mr. Nunez underscores the difficulties facing the Puerto Rican community in education today. Both on the island and on the mainland, the Puerto Rican community suffers from an extremely serious educational deficit. According to census data released in March 1990, only 55 percent of Puerto Ricans over age 25 completed high school compared to 77 percent of the general population. In major metropolitan areas on the mainland, the high school dropout rate for Puerto Ricans exceeds 50 percent. Since 1976, the percentage of Puerto Ricans graduating from college has steadily declined.

I have written to President Bush asking that he appoint one or more Puerto Ricans to the Advisory Commission on Educational Excellence for Hispanic Americans. These appointments will enable the Commission to adequately begin to address many of the educational concerns of the entire Hispanic community.

Mr. President, I ask that my letter previously mentioned be printed in the RECORD immediately following my remarks.

The letter follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 7, 1991.

President GEORGE BUSH,
The White House, Washington, DC.

DEAR MR. PRESIDENT: It has been one year since you issued an Executive Order on Educational Excellence for Hispanic Americans. In July, on behalf of the U.S. Senate Democratic Hispanic Task Force, I wrote to urge you to appoint members to the Advisory Commission on Educational Excellence for Hispanic Americans established by the Executive Order. Last month, one year after signing the Executive Order, you named an executive director and appointed seventeen individuals to the commission.

I am pleased that your appointees included some distinguished educators and respected Hispanic community leaders. I also noted that the commission's chairman hails from the state of Illinois. However, I am greatly concerned that you did not select any Puerto Ricans to serve on the commission. I ask that there be Puerto Rican representation among your next seven appointments to the commission.

The Puerto Rican population on the island and on the mainland is now over six million. This community suffers from an extremely serious educational deficit. According to census data released in March 1990, only 55% of Puerto Ricans over age 25 completed high school compared to 77% of the general population. In major metropolitan areas on the mainland, the high school dropout rate for Puerto Ricans exceeds 50 percent. Since 1976, the percentage of Puerto Ricans graduating from college has steadily declined.

I urgently ask that the Puerto Rican community be placed in consideration when appointing the 7 remaining positions on your Advisory Commission on Educational Excellence for Hispanic Americans. Appropriate staff support is needed so that more substantive steps may be taken as soon as possible.

Certainly,

PAUL SIMON,
Chairman, U.S. Senate,
Democratic Hispanic Task Force.•

ORDERS FOR FRIDAY, OCTOBER 11, 1991, AND TUESDAY, OCTOBER 15, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m., Friday, October 11; that on Friday, the Senate meet in pro forma session only; further that at the close of the pro forma session, the Senate stand in recess until 10 a.m., Tuesday, October 15; that on Tuesday, following the time reserved for the 2 leaders, there be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak for up to 5 minutes each; that at 10:30 a.m., Tuesday, the Senate return to executive session to resume consideration of the Thomas nomination; and that on Tuesday, the Senate stand in recess from 12:30 p.m., to 2:15 p.m., in order to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, for information of Senators, following the vote on the Thomas nomination next Tuesday at 6 p.m., it is my intention to complete action on the available conference reports.

I am advised that the military construction and agriculture appropriations conference reports are here awaiting action, and by next Tuesday we could have available Transportation and Interior.

Senators should be aware that the next vote will be at 6 p.m. next Tuesday, but that it is my intention that there will be additional votes on that evening following that vote to complete action on as many of these appropriations conference reports as we possibly can.

Mr. SIMPSON. Mr. President, let me just thank the majority leader for his again continued patience in the face of demands that are sometimes truly not just demands, but sometimes appalling demands. And I thank him for that, and know that the Judiciary Committee will be laboring while the rest of the body is in the recess period with constituent visits. I think it is very important that we get about our business. We will do that in the interim.

I wanted to state that I noted rule 29.5, which has been discussed, was adopted in 1844, and the rule was created in response to a situation where a Senator Tappan leaked the terms of a proposed Indian treaty to the press. He did that in violation of a standing order, and rule 29.5 was later adopted to prevent that. And Tappan was later expelled for committing "a high breach of trust." So he was sacked in the process.

We would not want to do that. But we might find some poor, wandering staff member that deserves an adroit cuffing. Let me just say that I will pledge to join in that.

And I think it is very important, as the majority leader has said, and the Senator from New Mexico and the Senator from Missouri cannot let that continue. And I assure the majority leader, if he will notify me, in my great pleasure to serve as an assistant Republican leader, whether it cuts one way or the other, I will join him in those activities.

I hear very clearly what the majority leader was saying about the Ethics Committee, and I assure him that I will assist in that. And I think the sooner, the better, to bring these people to the bar of the Senate for deliberation and their own presentation of their views, and then take it to its conclusion.

I thank the majority leader for all of the activity that made it possible for us to resolve this very tough situation, and we can get on with it now.

Mr. MITCHELL. I thank my colleague for his cooperation.

RECESS UNTIL FRIDAY, OCTOBER 11, 1991, AT 9:45 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess until 9:45 a.m. on Friday, October 11.

There being no objection, the Senate, at 9:36 p.m., recessed until Friday, October 11, 1991, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8, 1991

DEPARTMENT OF STATE

DAVID A. COLSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND FISHERIES AFFAIRS.

RICHARD CLARK BARKLEY, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

JAMES F. DOBBINS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN COMMUNITIES, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JOHN CHRISTIAN KORNBLUM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF DELEGATION TO THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE).

JOHN F.W. ROGERS, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT.

INTER-AMERICAN FOUNDATION

PAUL EDWARD SUSSMAN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 1992.

PEACE CORPS

ELAINE L. CHAO, OF CALIFORNIA, TO BE DIRECTOR OF THE PEACE CORPS.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY:

WILLIAM HYBL, OF COLORADO, FOR A TERM EXPIRING JULY 1, 1994.

WALTER R. ROBERTS, OF THE DISTRICT OF COLUMBIA, FOR A TERM EXPIRING APRIL 6, 1994.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT A. TAFT, AND ENDING LAURENCE E. POPE, II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 1991.

EXTENSIONS OF REMARKS

JOHN DINGELL: THE BEST OF AMERICA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. BONIOR. Mr. Speaker, we've gotten so accustomed to seeing yet another JOHN DINGELL-inspired headline that when we see an article recapping his career, the breadth and depth of his interests takes us by surprise.

That's the case with the recent profile of him in U.S. News & World Report, by Harrison Rainie and Gary Cohen. Appearing in the magazine's special issue detailing examples of the best of America, the article not only summarizes his achievements but captures JOHN DINGELL'S personality and wit.

From the moment I first came to the House of Representatives I have had the privilege of getting advice and direction from this man who has contributed so much to American society, and has earned this fall's U.S. News accolade many times over.

But not everyone in the House has had that experience. For that reason I insert this article in the RECORD, and commend it to my colleagues:

[From U.S. News & World Report, Aug. 26–Sept. 2, 1991]

CONGRESS' MOST FEARED DEMOCRAT

(By Harrison Rainie and Gary Cohen)

One day in 1982, John Dingell sat at his desk, playing with a rifle and arguing over the phone with then Interior Secretary James Watt about documents Dingell wanted to examine. As the lawmaker spoke, he attached a brand-new scope to the gun and started playing with the bolt and trigger. As metaphor, Dingell's end of the discussion was hardly subtle: "This is not a personal (tshick, tshick went the bolt . . . click went the trigger) attack on you. I know others (tshick, tshick . . . click) have made fun of your religious beliefs [Watt is a fundamentalist Christian]. I think that's awful and I promise that's not what I'm doing. I just want to make sure your department is (tshick, tshick) doing its job properly. (Click.)"

Those who watched Dingell talk are sure he was not aware his hunting métier was dominating the conversation. Yet in Dingell's case, there is hardly a moment when he is not hunting and there are few times when he doesn't bag his prey. His office is adorned with numerous animal trophies, and his files are filled with other kinds of kills: His investigation of spurious "administrative cost" billings at Stanford University led to the announced resignation of its president, Donald Kennedy, this summer. Dingell brought a Nobel Prize-winning biologist to his knees this spring after a five-year science fraud investigation. The Red Cross said it would spend $120 million to change its handling of blood supplies recently after Dingell and a colleague, Rep. Ron Wyden, found it had allowed tainted blood into the system. All this on top of 10 years of investigations that cornered White House aides, defense contractors and financiers and reshaped the way the government treats everything from bottled water and heart pacemakers to nuts and bolts.

Dingell is the most feared Democrat in the land. He has used the spacious authority of his House Energy and Commerce Committee to thwart much of the conservation plan to dismantle Washington's regulatory framework. Beyond his institutional power, though, the thing that makes Dingell the best of his breed is the vigor and intelligence of his investigative work. He has brought together a dogged staff on his oversight and investigations subcommittee, including a good number of ringers from other government agencies who have helped him promote his control over everything that moves, is sold or is burned—the things he argues are within his panel's purview. "He has instituted an ethos of permanent investigation into politics," argues Suzanne Garment, author of the upcoming book "Scandal: The Culture of Mistrust in American Politics."

The world of the Michigan Democrat is binary—either the force is with you, or you've gone to the dark side. Those to be distrusted: bankers, Wall Street sharpies, big-league institutions in almost every industry (except the U.S. auto makers, whom he usually protects because they dominate his district in Dearborn), and gun controllers. The Jedi are those who uphold his father's legacy as a New Deal Democrat, whistle-blowers ("God's special men and women"), his aides, blue-collar workers, small investors and like-minded, aggressive colleagues on his panel such as Reps. Wyden of Oregon and Dennis Eckart of Ohio.

Still and all, many politicians see the world through a Manichaean lens, have smart staffs with subpoena power and want to make headlines. Why do Dingell and his crew stand out?

His voracious appetite. Dingell figures he has a right to go after anything he chooses. Sometimes his whims are capricious, but the motive is always the same: to extend his reach. After the now 65-year-old had a hip replacement operation several years ago, he reported back to the staff that he was worried about the safety of the nation's blood supply. That led to the investigation that prompted the upheaval at the Red Cross.

Dingell maintains that his committee, the oldest in Congress, has been ceding its jurisdiction ever since it was founded in 1795. His modern-era colleagues see matters differently. Since Dingell took over the panel in 1981, the committee has substantially broadened its investigative horizons by beating his more politically inert peers to big issues. He aced out a host of environmental-panel legislators in the EPA scandal of the early 1980s that led to the resignation of Ronald Reagan's Environmental Protection Agency administrator, Anne Burford, and a perjury conviction against one of her key deputies, Rita Lavelle. He outgunned the Armed Services Committee to dominate the defense procurement outrages of the mid-1980s, among other things unearthing such massive questionable billings at General Dynamics (including taxpayer funds to board the company chairman's dog) that the government withheld a record $250 million in reimbursements from the firm. And he rolled his education committee colleagues by uncovering the academic and science research scandals of the past year. Among them: the case of Dr. David Baltimore, a Nobel laureate immunologist who was forced to withdraw a paper done by a researcher using falsified data and apologize to his chief accuser, a whistle-blower named Margot O'Toole.

His "Energizer" probing machine. The oversight subcommittee is the scandal-seeking machine that keeps going and going. Dingell's demands for documents are legendary. In the late 1980s, a worker at the EPA named Angie Holovka had the sole mission of coordinating the agency's return correspondence to Dingell, and there were usually 20 pending appeals for information at any given moment. She called her self "Mrs. Dingell."

The staff, too, has an unqualified mandate to prowl. In 1989, some subcommittee investigators flew to Los Angeles with subpoenas for Michael Milken's accountants during a long-running probe of Milken investment schemes. There were guards at the door who prevented them from entering. But rather than return to Washington empty-handed, they decided to launch a surprise visit at a McDonnell Douglas Corp. plant in Long Beach to see the new C-17 cargo jet and peek inside its books. They did not like what they saw and a larger probe ensued. It turned up a massive cost overrun, and Air Force payments to the firm were suspended for a while.

In like manner, investigator Peter Stockton was on vacation in Maine in 1989 and had lunch in a restaurant near Bath. He noticed he was across from the Bath Iron Works, spotted the new DDG-51 destroyer in the water and decided to ask for a tour. In Washington, he convinced Dingell something was awry. A General Accounting Office probe was ordered, and it discovered a substantial overrun. The company voluntarily cut its charges to the government by $3.2 million.

His whistle-blowers' jubilee. Dingell's subcommittee has long been known as a safe haven for those who see wrongdoing and want redress. One of the highest compliments to the panel's work was paid by private investigators who had been hired by Mylan Laboratories, a generic-drug company that thought its applications for approval to market drugs were not being treated as quickly by the Federal Food and Drug Administration as those of competitors. The detectives combed the garbage of an FDA official two times a week for several months and dug out receipts for lavish vacations to Europe and a host of other goodies. They decided to pass the information to Dingell's office because they thought he would more quickly remedy the problem than any of the executive branch agencies that could probe the FDA. The result was a massive investigation and these results, so far: Five former FDA employees, five generic-drug-company executives, one consultant and four drug companies have been convicted on varying charges, including racketeering and giving and receiving illegal gratuities.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Some of the best Dingell probes have resulted from a kind of magic investigative congruence. Last year, four investigators flew to San Francisco to meet with a witness helping them look into alleged irregularities at an atomic laboratory. The witness told them "we can either meet in my stuffy office or meet on my boat." They chose the boat, and while they cruised San Francisco Bay, the witness said he knew the staff was looking into the use of research funds at Stanford. He pointed to a 70-foot yacht and said: "That's their boat over there." Dingell's aids told GAO investigators to watch for the boat's expenses on the university's bills to the government. Within a month, the university admitted it was getting federal funds for the boat's maintenance. At the same time, an accountant with the Office of Naval Research named Paul Biddle provided Dingell with a mother lode of information about the all-too-cozy relationship between Biddle's colleagues and Stanford that allowed the university to bill taxpayers for such things as part of the cost of a $1,200 antique commode and university president Kennedy's wedding reception. Now, some 260 universities are re-examining their billings or are under audit—and Dingell has extended his reach to higher education, one of the least-investigated, most powerful establishments in the country.

By far the biggest service whistle-blowers provide is the upfront evidence that justifies a probe in the first place. "In more than 25 years of investigations, I never asked for 'access' to documents from official sources without already having a copy of what I wanted from another source," says Michael Barrett, the legendary staff chief of the panel, who left for the private sector last year. "That way, I knew from the start whether somebody was going to play ball and didn't have anything to hide—or going to play hide and seek, which told me we were on to a real problem."

His staff. Barrett's departure changed the chemistry of the subcommittee a bit but not its ardor or the unwavering support of the boss. Staff chief Reid Stuntz is the quiet conscience of the "junkyard dogs," having long ago been assigned the role of devil's advocate in investigations. The spark plugs are Peter Stockton, an Indiana Jones-type character whose bluff manner and rumpled dress convey an in-your-face fierceness, and Bruce Chafin, an ebullient character with a photographic memory. More low-key are Steve Sims, a methodical worker who doesn't say much—perhaps because of his previous work at the CIA and Army intelligence; Dave Nelson, an economist and exmember of the steelworkers union, and Debra Jacobson, a lawyer who knows more about the EPA than most of its bosses.

Critics say Dingell is a bully with a narrow-minded, protectionist agenda. Indeed, his staff has been overzealous at times, Dingell's interests are sometimes parochial and he can be brutish during hearings. But those who think that is what propels Dingell miss a larger point. He and his minions are running the nation's most ambitious hunting festival. When their motives are rinsed of the heartfelt bromides about "protecting taxpayers," the primal drive in all they do is the thrill of the kill. In her book, Garment quotes one of Dingell's aides saying that it was important to humiliate Dr. Baltimore publicly in that probe because that's the only way to shake up a corrupt scientific establishment. That is a full-throated "Gotcha!" Dingell himself has told associates his favorite après-hearing activity is walking over to the witness table to see which seats are wet. Tshick, tshick . . . bang.

ROBERT C. ROSENBERG: A TIRELESS WORKER FOR THE PEOPLE OF BROOKLYN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TOWNS. Mr. Speaker, today I have the profound pleasure of highlighting the achievements of Mr. Robert C. Rosenberg on behalf of the people of Brooklyn. Mr. Rosenberg is chairman and CEO of Grenadier Realty Corp., and the first senior vice president of the renowed Starrett Housing Corp.

A graduate of New York University, and Columbia Law School, he has been at the forefront of innovation and advocacy within the real estate arena. He is known for his monumental efforts and success in breaking all records for housing starts.

In his varied life experiences Mr. Rosenberg serves as president of the Brooklyn Philharmonic Orchestra and is a trustee of the Brooklyn Academy of Music. Mr. Rosenberg is also the recipient of numerous civic awards such as the: Encore Award from the Arts & Business Council, and the Brooklyn Pioneer Housing Conference. He has also been honored for his work with the New York Lung Association for promoting a smoke-free workplace.

Mr. Rosenberg is married and has four sons and resides in New York City. The borough of Brooklyn has been improved due to the efforts of this tireless worker.

COMMENDING THE CITY OF ALAMEDA BUREAU OF ELECTRICITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. STARK. Mr. Speaker, I rise today to congratulate the city of Alameda Bureau of Electricity in California's Ninth Congressional District. Alameda's public power source will now be celebrating 104 years in operation and continues to provide its citizens with reliable electric service at the lowest possible cost.

Since 1887, the citizens of Alameda have chosen to operate a community-owned, nonprofit electric utility. They are both consumers and owners of their public power system and have a direct say in utility operations and policies.

The Alameda Bureau of Electricity is a valuable community asset. Reliable, efficient, low-cost electricity is provided to all areas of the city. This power source not only contributes money to the city of Alameda, but it also contributes substantially to the well-being of local citizens.

Alameda's Bureau of Electricity is part of a community of 2,000 publicly owned electric utilities in the United States. Consumer ownership of these utilities ensures cost-cutting competition in the electric utility industry to the benefit of electricity consumers everywhere.

The American Public Power Association has declared the week of October 6–12 to be Public Power Week throughout the country. This week was initiated in 1987, and it has proven a successful means to educate the general public about public power's public service mission and community betterment goals.

Mr. Speaker, I am proud of the city of Alameda Bureau of Electricity which is in its 104th year of operation. It is a model public utility and I commend it for its many years of fine service.

TRIBUTE TO THE WOMEN'S INTERNATIONAL BOWLING CONGRESS' 75TH ANNIVERSARY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the 75th anniversary of the Women's International Bowling Congress and the Youngstown Women's Bowling Association in my 17th District of Ohio.

Currently, the Women's International Bowling Congress has 2.7 million members. This organization offers all women an opportunity to better their athletic skills and to serve as role models for younger participants. Amidst the many advantages of participation in this group, the greatest is its development of leadership and community skills.

Mr. Speaker, I congratulate the Women's International Bowling Congress and the Youngstown Women's Bowling Association of Youngstown as they celebrate their 75th anniversary on November 28, 1991.

IRBY AND PEACHES SIMPKINS: OUTSTANDING TENNESSEANS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute the two individuals who personify the term "public service,"—Irby C. Simpkins, Jr., publisher of the Nashville Banner newspaper, and his wife, Peaches Gunter Simpkins.

Tonight the Simpkins will be honored many years by the Middle-East Tennessee Chapter of the Arthritis Foundation for their "outstanding humanitarian and community contributions."

I have known the Simpkins for many years and have marveled at how they have continuously given their time, energy, and talent to charitable and civil causes in our community and State. They are two of the most talented and respected people I know.

Peaches Simpkins is presently serving her second term as chair of the Tennessee Higher Education Commission and has been actively involved in numerous community organizations including service on the board of directors of Bethlehem Center, the Bill Wilkerson Hearing and Speech Center, Planned Parenthood and the Nashville City Club. She was the first director of the Hospital Alliance of Tennessee—the State's first association for not-for-profit hospitals—and was director of the Health Facilities Commission as senior policy adviser to then-Governor Lamar Alexander. She is an alumna of Leadership Nashville and served as treasurer for the 1990 re-election campaign of Governor Ned McWherter.

Irby Simpkins has been publisher of the Nashville Banner since 1982 and its principal owner since 1979. He has received numerous awards for his community involvement, including the "Three of Life" award from the Jewish National Fund in 1989 and the Human Relations Award of the National Conference of Christians and Jews the same year. An alumnus of Leadership Nashville, he chaired the 1991 Boys Scouts Sustaining Membership Drive, the 1990 Girl Scout Campaign and the 1988 United Way of Middle Tennessee Campaign.

A former member of the Tennessee Higher Education Commission, he served on the board of trustees of Meharry Medical College and was appointed in 1981 by President Ronald Reagan to serve on the board of governors of the Student Marketing Association.

Tonight's benefit for the Arthritis Foundation is expected to raise more than $100,000 for this very worthy charity. The Arthritis Foundation's board chairman, Ronald Green, put it best when he said, "the couple has given tirelessly of their time and talents to help improve the quality in Middle Tennessee."

Mr. Speaker, I ask my colleagues to join me today in recognizing these great humanitarians for their contributions to our community.

Everyone in Nashville knows that the Simpkins have not only assisted civic charitable efforts, but have helped define local and State policies through their participation in issues ranging from freedom of the press to education reform. I ask my colleagues to join me in paying tribute to two outstanding individuals who have made our community and State a better place to live. They richly deserve the accolades they will be afforded tonight.

TRIBUTE TO MRS. HAZEL PORTER

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. DARDEN. Mr. Speaker, I rise today to honor a most-outstanding Georgian and legendary leader in the Rome, GA community.

Since coming to Rome as a college student in 1921, Hazel Porter, who celebrated her 89th birthday in September, has given unselfishlessly of her talents for the betterment of Floyd County for more than 70 years. Throughout this time, Mrs. Porter has touched the lives of thousands of Georgians through her work as a radio broadcaster, United Way volunteer, Boys Club of Rome worker and member of First Baptist Church of Rome. While juggling these commitments, she also managed to rear 3 children and serve as grandmother to 9 grandchildren and 18 great-grandchildren. Mrs. Porter also is the aunt of Nancy Hutto, whose husband, EARL, is our distinguished colleague representing Florida's First District in the U.S. House of Representatives.

Most recently, Mrs. Porter has resigned from her duties as community relations director of the Boys Club of Rome. I would like to take this opportunity to personally express my appreciation for Mrs. Porter and her lifetime of contributions for improving the quality of life for so many promising Georgians. The Rome community will remember her dedicated spirit and unique efforts for years to come.

The following article which appeared in the "Rome News-Tribune" recounts Mrs. Porter's list of remarkable achievements. At this time, I also would like to share this piece with my distinguished colleagues.

MENTOR TO MANY RETIRES—MRS. PORTER LEAVES JOB WITH BOYS CLUB

(By Marla Edwards)

In the fall of 1921, a young girl came here from her hometown in Florida to attend Shorter College. During the 70 years since, her name, her face and her voice have become familiar to generations of Romans.

Hazel Porter celebrated her 89th birthday in September. Friends and co-workers paid tribute to her Tuesday in honor of her decision to retire from her job as community relations director of the Boys Club of Rome.

When Hazel Myers came to Shorter in 1921, she met a young chemistry professor who had just joined the faculty in 1920, Hazel left Shorter in 1923. In early 1924, she and Everett Porter were married.

Later, she re-entered Shorter and graduated in 1931 with a degree in music. As an alumna and the wife of a professor who was also academic dean, Mrs. Porter had responsibilities.

She had open house every Sunday night and students flocked there, said Randall Minor, president emeritus of Shorter. She even made wedding dresses for two or three Shorter girls.

But Mrs. Porter didn't reserve all her time and energy for the Shorter community.

She became involved with the Boys Club in 1960 through her interest in its choir. She joined the board of directors in 1966 and took her first staff position in 1977 as community relations director.

For years, she chaperoned the Boys Club choir in its travels and she said many former club members keep in touch.

"It's wonderful to see them grow up," she said.

While acting as a mentor for Rome's sons and Shorter's daughters, Mrs. Porter found time for other jobs.

Mrs. Porter's voice first gained recognition through a radio show on WRGA, "Stories from Mrs. Santa Claus." For 25 years, she worked as a broadcaster, first with her Mrs. Santa show and later with "Around the Town, Around the Clock," in which she narrated community events.

Her identity was kept a secret during the airing of the Mrs. Santa Claus show, but Mrs. Porter said people on the street still recognize her voice from the broadcast.

She also worked for the United Way here. She joined in 1955 and was affiliated officially with the organization until 1966. She was its first executive secretary.

The First Baptist Church of Rome has been another of Mrs. Porter's long passions. She has been a choir member for the past 70 years.

Sometime during the 70 years of service to the Boys Club, the radio station, the United Way, her church and, many other community organizations, Mrs. Porter raised three children—two sons and a daughter. Her family now includes nine grandchildren and 18 great-grandchildren.

Her voice is still strong and dignified.

"We can appreciate and learn from our past," she said, "* * * we must live today and point toward tomorrow."

The many honors she has received during her tribute included proclamations passed by the Georgia Legislature, a proclamation from the city of Rome, a letter from Governor Miller, whom she had long supported, and a "Women for Youth" award from the Boys Club.

IDAHO THEATER FOR YOUTH

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. LAROCCO. Mr. Speaker, the Idaho Theater for Youth is the first theater group from Idaho to be invited to perform at the Kennedy Center for the Performing Arts. They will appear in the spring of 1992.

Established in 1980, Idaho Theater for Youth is completing its 11th season. This traveling company's performances span the entire State, and their greatest allure is reserved for the imaginations of children. Their audiences are found not in great performance halls but rather in school auditoriums and gymnasiums. Idaho Theater for Youth has entertained more than 40 percent of Idaho's elementary schoolchildren.

I commend the Idaho Theater for Youth to my colleagues and, insert an editorial from the September 13, 1991, the Idaho Statesman, in the RECORD.

SPOTLIGHT SHINES ON TROUPE

Washington, D.C., audiences are in luck.

They get to see the Idaho Theater for Youth in action at the Kennedy Center.

Idaho audiences already know the pleasure of watching this high-spirited entertainment. For years, the theater group has taken its shows to schools, to the delight of children all around the state.

The Kennedy Center selection is a well-deserved reward for years of dedication and skill, not to mention the sweat and tears involved in keeping a small theater group up and running.

And it will be Idaho, through and through. ITY's 10 performances in Washington will feature the work of a former Boise resident whose play will introduce young people to slapstick comedy.

It's a long way from Boise to the Kennedy Center. But Eastern audiences are sure to be charmed by this band of merry-makers.

HEARING HELD ON THE STATUS OF THE AIRBORNE TRAFFIC ALERT AND COLLISION AVOIDANCE SYSTEM PROGRAM

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. PACKARD. Mr. Speaker, today the Public Works and Transportation Subcommittee on Investigations and Oversight will hold a hearing on the Status of the Airborne Traffic Alert and Collision Avoidance System [TCAS] Program. As the ranking Republican member of this subcommittee, I anxiously await the opportunity to assess the progress of this technology, which is ultimately designed to save lives. The 2 weeks preceding this hearing have provided us with harrowing evidence of the urgent need to install traffic alert and collision avoidance systems in all commercial aircraft as quickly as possible. At Chicago's Midway Airport last week, a near collision between three passenger aircraft was avoided due to the TCAS safety device. The week before there was another near miss involving two aircraft.

In an incident last Thursday, disaster was averted when a warning from an TCAS system installed on a Midway passenger airline alerted a pilot that his plane was on a collision course with two other aircraft. The pilot immediately took evasive action and passed vertically within 800 feet of one aircraft, and horizontally within 1,000 feet of the other. FAA spokesman Jim Dermody acknowledged Friday that the near miss was the result of human error by air traffic controllers at Chicago's O'Hare Airport, where air traffic is directed for both airports. In a separate incident the preceding Thursday, a small private plane came within 50 feet of a Southwest passenger jet en route to Midway. Although neither of the planes were equipped with TCAS, thankfully, there were no injuries reported.

TCAS is a device designed to assist pilots in locating potential midair collision threats and taking evasive action when necessary. In order to avert disaster caused by human error, it is simply technology designed to save lives. The Airport and Airway Safety and Capacity Expansion Act of 1987 required the installation of TCAS on each civil passenger aircraft having more than 30 seats in order to fly in U.S. airspace. This legislation mandates that half of all commercial aircraft be equipped with the system by December 30, 1991, with a fleetwide installation deadline by December 1993.

The FAA was directed by this legislation to collect and assess safety and operational data from the performance of TCAS-equipped aircraft. Thankfully, last week's incident at Midway Airport can be reported to be a successful performance of the TCAS system: untold lives were saved. Today's hearing on this vital safety device will assess the airline industry's progress in meeting the implementation schedule for TCAS. I have long been a proponent of this life-saving device and urge my colleagues to support the subcommittee and full committee's efforts to see this technology installed on all commercial carriers.

THE NEED FOR H.R. 3535—A "USHEALTH" PROGRAM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. ROYBAL. Mr. Speaker, almost 250 million Americans lack health insurance to cover them for chronic long-term illnesses such as cancer and Alzheimer's disease and 37 million have no health insurance whatsoever. Each year over a million Americans are forced into bankruptcy because of chronic illness and millions more are denied needed health services. This crisis in health care is undoubtedly the most important domestic issue facing our Nation today.

The following cases bring these statistics to life:

In Cleveland, OH, an elderly man with diabetes, heart problems, and cancer learns that Medicare, his private insurance, and retirement benefits together will not pay for his health care. Rather than leave his wife of 50 years destitute and homeless, he commits suicide. His wife is forced back to work at age 73 to support herself.

In a small town on Long Island, NY, a family of five buys cemetery plots in order to reduce their savings enough to qualify for Medicaid, the health care program for the very poor. They need Medicaid because their 13-year-old son, crippled by a rare disease that destroys its victims' brains, requires round-the-clock care which they cannot afford. Ultimately, the family is forced to make their child a ward of the State—give their child up—in order to get needed assistance.

What's wrong in America that things like this happen? In both cases, good and decent families were let down by our health care system when they needed it most.

To address our current health care crisis, I have today introduced a bill creating a "USHealth Program" that would ensure access to comprehensive health care, including long-term care, for every man, woman, and child in America. It provides health security in the same successful way that Social Security provides income security, with everyone contributing toward the plan during their working years in exchange for health care protection when they are unemployed, retired, disabled, or chronically ill. And it contains stringent controls to contain costs and ensure quality—which I believe should be central to any blueprint for health care reform.

Americans, young and old, rich and poor, Republican and Democrat, live in fear that they will someday become destitute trying to meet the costs associated with an accident, a birth defect, cancer, Alzheimer's disease, stroke, and other debilitating long-term illnesses which are not covered by Medicare and private insurance. Ironically, only Medicaid will help and only after one is destitute.

Long-term care for all Americans is the cornerstone of USHealth's new Federal program. It should be the cornerstone of any comprehensive health care plan. USHealth's long-term care program would be publicly financed and cover everyone for long-term care, including those who are employed. The General Accounting Office, Brookings Institution, Consumer Reports, and my own subcommittee have demonstrated the inability of private insurance to provide meaningful and affordable long-term care protection now or in the future.

USHealth builds on what is in place by maintaining the employers' responsibility to provide basic health insurance coverage for their employees and their dependents—either through continuing private insurance or by purchasing coverage through USHealth's new Federal program. The basic benefits package would provide hospital and physician benefits currently available under Medicare and add prescription drugs and preventive care, including prenatal and well child care. All those who are not employed would receive basic health coverage from the USHealth Program.

Requiring employers to provide their employees with basic health insurance is an essential element in health care reform. While 85 percent of working Americans do receive health insurance in connection with their employment, millions of working Americans remain uncovered. Over one-third of Hispanic Americans have no insurance, yet over 80 percent of these uninsured Hispanics are working! USHealth would correct this inequity.

USHealth would replace Medicaid. While the States would be required to maintain their current level of spending on health care, no longer would Americans have to impoverish themselves to gain eligibility for Federally assisted health care. Americans have a right to health care and should be entitled to it in the same manner they are eligible for Social Security.

I would urge the Congress to give consideration to the financing that I have chosen to pay for USHealth. USHealth would be financed largely by lifting the cap on wages subject to the health insurance and Social Security taxes—these are currently $125,000 and $53,400 respectively. In lay terms, Americans only pay the Social Security tax on income up to $53,400 and health insurance tax on income up to $125,000 today; everything above that is free and clear of taxation.

Ninety-five percent of working Americans pay these taxes on the entirety of their income. It does not seem fair that the 5 percent of Americans who are making over $53,400 do not have to pay Social Security taxes on that income as well. USHealth would correct this inequity and apply the new revenues to the USHealth Program. In addition to lifting these caps, USHealth would increase the health insurance tax rate from 1.45 to 1.8 percent.

With these two revenue sources, combined with employer mandated insurance coverage, and reasonable premiums, deductibles, coinsurance, and low-income assistance for covered Americans—comprehensive health care reform in this country is possible. While USHealth has not yet received a formal cost estimate from the Congressional Budget Office, its benefit package is similar to but more generous than the Pepper Commission package estimated to cost $67 billion in new Federal spending. Our revenues would generate about $67 billion. To the extent that additional revenues would be required, we would lift the health insurance tax above the recommended

1.8 percent to achieve the necessary revenues.

There are those who argue that $67 billion is too much to spend on comprehensive health care. But consider the following facts:

We will spend a total of $65 billion on the B-2 bomber program—enough to ensure that all Americans have comprehensive health care for an entire year; we spend $850 million for each B-2 bomber—enough to provide all pregnant women with adequate prenatal care or enough to provide 4 million women with lifesaving breast cancer screening.

We spend about $40 billion a year simply conducting research on how to wage war—enough to provide basic health insurance to all uninsured Americans and cover long-term home care for all Americans.

We spend $63 billion a year buying weapons to kill people—almost enough to pay for the USHealth Program annually.

USHealth can work because it utilizes a structure that's already in place—Medicare—and expands and improves upon it. It provides the public with an opportunity to evaluate its ability to provide quality care. Under USHealth, citizens would still be able to choose their own doctors and other providers, and employers would still be able to provide basic health coverage through private insurers or through the USHealth Program. Much of the waste in our current health system would be eliminated through the creation of a single payor for the Federal plan and regulation of private insurers. And, of course, critical to any health reform plan, and USHealth, is cost containment.

I am reminded that President Franklin Roosevelt first envisioned the Social Security Program providing both income and health care security. I believe, and public opinion polls by the dozens support me, that it is time to fulfill the remainder of Roosevelt's dream. It is time to conquer that last great frontier and give the American people an affordable and accessible health care system for which they will be forever grateful. I therefore urge all my colleagues to join me in supporting USHealth, H.R. 3535.

MISTAKES COST MONEY

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. RAY. Mr. Speaker, recently the Agricultural Stabilization and Conservation Service, known as the ASCS, sent letters to 500 Georgia farmers. In every letter, the message was the same: "The General Accounting Office disagrees with our calculation of your 1988 disaster payments. Please remit the amount in question." And the amount of money the ASCS is asking farmers to repay runs into the thousands of dollars. A hay farmer in Zebulon, GA was asked to return $1,700. An apple grower in Cochran, GA was asked to return $30,000.

Mr. Speaker, this is outrageous. Farmers who took the ASCS at their word, and received disaster payments in 1988 are being asked, 3 years later, to repay money because of the agency's negligence. Worse than that, this is not the first time this has happened.

Several days ago, my colleagues Mr. HATCHER and Mr. ROWLAND and I met with the ASCS and the GAO to get to the bottom of this. The results of this meeting were less than satisfactory. The ASCS has agreed to work out a repayment schedule for the farmers, but I believe it will take legislative action to prevent this problem from reoccurring.

We all know that mistakes can be costly, but this blunder could cost a farmer his business and his livelihood. We should not let that happen.

QUICK CONSIDERATION URGED FOR H.R. 1414

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. MRAZEK. Mr. Speaker, in 1986, Congress enacted an ill-advised provision as part of the 1986 Tax Reform Act, commonly referred to as the passive loss rules. Prior to 1986, individuals could deduct unlimited tax losses that were derived from the ownership of rental real estate against their other income. The 1986 act, established a passive loss limitation, so that tax losses from passive activities could only be offset against income from passive activities, subject to a transition rule. The ownership and operation of rental real estate was considered to be passive, even if the management, ownership, and operation of rental real estate were an integral part of a taxpayer's real estate business.

The result of the passive loss rules in that real estate entrepreneurs are taxed more heavily on real estate operations—including sales, development, appraisals, etc.—than individuals in other businesses. This is due to the fact that a real estate entrepreneur with rental real estate must segregate his or her nonrental real estate income and loss from his or her rental real estate income and loss.

As a result, many in the real estate business are unable to carry troubled properties and are forced to turn them over to the lenders. It is no secret that many financial institutions are experiencing difficult times and that part of this has to do with their large inventories of real estate.

H.R. 1414, introduced by Representatives MIKE ANDREWS and BILL THOMAS would close this loophole and I strongly urge quick considerations of this measure by the House. This is an industry that has been hard hit by the recession and its enactment will no doubt have a role in improving the troubled U.S. economy.

GLORIA MORRIS SAUNDERS: A TIRELESS SERVANT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TOWNS. Mr. Speaker, I rise today to praise the tireless efforts of Gloria Morris Saunders, a tireless servant to her community. I am indeed fortunate to know Ms. Saunders and have her as an ally in my efforts to politically empower, and generally improve the quality of life for the citizens of Brooklyn.

Gloria is a member of the Leadership Council of Open Communities of Brooklyn. She has been an invaluable aide in helping me to consistently be re-elected to the seat for the 11th Congressional District by serving on the Committee to Re-Elect Ed Towns. Her vast experiences include serving as a member of the board of trustees for the Harlem Dance Company and utilizing her numerous talents to assist the members of the Allen A.M.E. Church in Jamaica.

Whenever the call for help has been issued, Ms. Saunders has been quick to answer. Excellence has always been her byword, in politics, work, and life in general. Her efforts to improve the quality of life for all New Yorkers has been acknowledged by the city of New York and Mayor Dinkins.

I am elated to sing the praises of this tireless community servant.

STOPPING THE INHUMANE MASS EUTHANASIA OF DISPOSABLE PETS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues to an excellent op-ed in Saturday's Washington Post. "Disposable Pets," by Colman McCarthy, addresses the persistent and disturbing issue of animal overpopulation and euthanasia.

The problem of animal overpopulation and the resulting carnage plague every corner of this Nation. In Seattle, a journalist reports that approximately 15 tons of dog and cat corpses are removed from animal death houses in that city each month. Nationwide, up to 17 million animals—strays and throw-away pets—meet their end in publicly financed facilities annually. Mr. McCarthy writes that effective steps to stem the rising tide of the slaughter are being taken by the Board of Supervisors of San Mateo County, CA, in my congressional district.

Through the work of the Peninsula Humane Society and the San Mateo County Board of Supervisors, under the leadership of supervisor Tom Nolan, a far-sighted and thoughtful plan to combat this sad state of affairs has been initiated. The result of their progressive thinking and serious work is the nation's first law requiring that pets be spade or neutered. This legislation has generated a wave of similar proposals across the country.

I would like to commend Tom Nolan, the board of supervisors and the Peninsula Humane Society for taking this responsible action. I am confident that their initiative will go a long way toward curbing the daily mass killings of healthy and innocent animals.

Mr. Speaker, I ask that McCarthy's insightful article be placed in today's RECORD:

DISPOSABLE PETS

Do consenting adult animals have constitutional rights to copulate?

We'll be finding out soon. The nation's first mandatory sterilization law for cats and dogs was enacted last December by the board of supervisors of San Mateo County, Calif. With an enforcement deadline of the ordinance weeks away, the mandatory spaying and neutering of the county's cats and dogs is expected to be tested in the courts, starting with suits brought by those who have financial stakes in the kitten and puppy littering.

Fines of up to $500 are to be imposed on owners without a breeding license who refuse to have their animals sterilized. Last year, 7,300 cats and 1,700 dogs were euthanized in San Mateo pounds. The Peninsula Humane Society, the organizing force behind the pioneer legislation, reports that in a recent 12-month period 15,000 animals were picked up as strays and 5,600 more brought in by owners bored or disenchanted with their pets.

Disposable cats and dogs whose deaths in public facilities total as many as 17 million annually is the ghastliest of all the affronts imposed on society by irresponsible owners. It is also the most hidden. Except for workers in shelter kill rooms, few citizens ever see the daily death rituals: a few hundred animals a day in big city pounds, 30 or 40 a day in places like San Mateo County.

Not much is known, either, about the thoughts and feelings of shelter workers who do the dirty work of pumping sodium pentobarbital into healthy animals, and then stacking corpses into crates or barrels to be carted into freezers until the renderer's truck pulls in.

At the Willow Street pound in Long Beach, Calif., between $800 and $900 is paid monthly to renderers to take away bodies. In Seattle, a newspaper reporter who had the initiative to hang around the death houses estimated that 15 tons of dogs and cats are picked up weekly by renderers.

In San Mateo County south of San Francisco, it was the well-orchestrated visibility of executions that rallied pubic support for the breeding ban. Television cameras were brought in to record the injection of a dog, a cat and her kittens with "Fatal Plus," a lethal drug. Newspaper ads showed trash cans packed with lifeless cats.

Having shown the public its tax dollars at work, the county supervisor, Tom Nolan, was unprepared for the enormous and positive national response that his bill evoked. At a Washington, D.C. conference on pet overpopulation last week, Nolan reported that no other issue during his six years as supervisor had brought to his office as many letters, calls, reporters—or lawyers.

While awaiting the expected legal challenges, Nolan, a progressive Democrat who has announced for his district's open seat in Congress, argues reasonably that taking life is no solution to any problem, including surplus pets. Too many cats and dogs are less the crisis than too many lame justifications that indiscriminate owners, puppy mill operators, veterinarians, fanciers and brokers offer when choosing not to sterilize their animals.

Nolan recalls: "Efforts had been made these past 10 years to educate the public concerning this situation. Efforts had been made to increase adoptions. An extensive and intensive media campaign had been conducted, and yet the results remained tragically the same, namely, 10,000 cats and dogs were killed every year. Voluntary efforts and goodwill had not worked."

Will a law work? The promise, at least, is there. Nolan's copying machine has been busy duplicating his ordinance for hundreds of counties and cities that see no other solution. If anyone else has a way out besides a ban on breeding, it has either not worked or not been offered. As San Mateo is showing, the choices are now down to two: decrease the births, or increase the killings.

BOAT EXPORTS HEADING TOWARD ANOTHER RECORD

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. SHAW. Mr. Speaker, I commend to my colleagues' attention the following September 23 Journal of Commerce article regarding boat exports:

BOAT EXPORTS HEADING TOWARD ANOTHER RECORD

(By Richard Lawrence)

WASHINGTON.—U.S. leisure boat exports, soaring in recent years, are expected to hit another record in 1991, but builders are worried about the future.

They foresee a possible loss of competitive edge and, perhaps, a slowing rise in foreign demand. U.S. exports in the first six months this year were up only 3% from a year earlier.

Not all is gloom, however. Herbert Pocklington, export manager of Hatteras Yachts, a Genmar Industries division, traces the current slowdown to temporary factors—Canada's recession, a "shakeout" in the Japanese market, and the recent turmoil in the Middle East.

SIZABLE TRADE SURPLUS

The leisure boat industry is one of the few industries in this country that scores a sizable trade surplus. Last year, the surplus topped $500 million, as boat exports jumped by almost 30% from a year earlier to $792 million.

Exports have done much to counter the effects of a declining domestic market. Last year, the Commerce Department estimates, they accounted for 17% of all U.S. leisure boat shipments.

The export surge reflects several factors—the U.S. industry's world-class products, aggressive marketing, rising living standards abroad, a relatively stable U.S. dollar, and more accommodative import policies by some foreign governments.

But industry executives detect some looming problems—a contracting U.S. market, which could make U.S.-made boats less cost competitive, and the prospect of tighter markets abroad.

Helping the U.S. industry compete worldwide, analysts say, is the sheer size of the U.S. market. It accounts for more than half of the world boating products market.

This, said Jeff Napier, president of the National Marine Manufacturers Association, gives U.S. boat builders "many comparative advantages in design, technology, style and especially in price."

But a contracting U.S. market portends the loss of economies of scale. It may also dampen innovation, said Mr. Napier.

10% EXCISE TAX

Largely behind the market's contraction has been the U.S. economic recession and, more recently, the impact of a 10% excise tax on boats costing $100,000 or more.

The new tax applies to a major industry export—large inboard motorboats, which last year accounted for $115 million in foreign sales.

"This home-grown burden on our export market," said Mr. Napier, "is probably as great a burden as any of the trade restraints" other nations impose on U.S. boat exports.

Still, leisure boat manufacturers are pressing ahead in export promotion. They exhibit in large numbers at Europe's two premier boat shows, in Genoa and Dusseldorf, and at the annual Tokyo boat show.

The International Marine Trades Exhibit & Conference in Chicago this month is expected to draw about 4,500 buyers from 60 countries.

Meanwhile, there are promising developments in such diverse foreign markets as Japan, Turkey and Mexico.

JAPAN BIGGEST MARKET

Japan has just become the biggest foreign market for U.S. leisure boats. U.S. exports to Japan last year totaled $163 million, double the total of only a year earlier, in dollar value and number of boats.

This growth has come in the wake of joint U.S.-Japanese efforts to spur Japanese purchases. Japan has eased what had been considered draconian boat standards and it is launching a marina expansion program.

The Japanese government is flying U.S. boat builders to Japan to explore the market there and holding seminars in the United States advising boat builders on how to do business Japanese style.

Turkey is seen as another growing market, thanks to a series of new marinas along the country's Anatolian coast. "Turkey," notes Mr. Napier, "now has a charter fleet of 2,500 boats, a growing boating industry, and a boat show" of rising importance.

Mexico's coastal resort expansion plans, which include more marinas, are another encouraging sign, he said.

OPTIMISTIC ON STANDARDS

U.S. boat builders, meanwhile, seem optimistic that they and the 12-nation European Community, a big export market, can hammer out harmonized boat standards, which the EC may soon adopt. Eventually, it is hoped, those standards will be used worldwide.

If this happens, it could prove a boon for U.S. boat exporters. France and Italy, among others, would abandon certification procedures that U.S. boat builders say discriminate against imports.

The U.S. government, said Mr. Napier, could do more to help leisure boat exports, besides repealing the export tax.

His association is urging the Bush administration to accelerate tariff reductions on leisure boats under the U.S.-Canadian trade agreement. As of now, Canadian tariffs are about three times higher than U.S. boat tariffs.

A downturn in exports to Canada, the U.S. industry's second largest foreign customer, was the biggest factor in the recent slowing of overall export growth. Boat shipments to Canada, in dollar terms, fell 15 percent from January to June. The Canadian recession was likely the main reason for the decline, analysts say.

FAST PHASE-OUT

The National Marine Manufacturers Association also seeks a fast phase-out of boat tariffs in any trade pact the United States reaches with Mexico.

The U.S. Export-Import Bank, said Mr. Napier, could further assist U.S. boat exporters by offering to finance boat inventories abroad, thereby helping promote better U.S.

boat displays by foreign distributors and agents.

An Ex-Im Bank spokeswoman said, however, that the agency is not yet considering this proposal.

COMMENDS AHRENS FOR AIDS WORK

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. VENTO. Mr. Speaker, I rise today to submit an article from the Minneapolis Star Tribune into the CONGRESSIONAL RECORD. The article, written upon the release of the first comprehensive report by the National Commission on AIDS, describes the reactions of Ms. Diane Ahrens, one of the 15 members of the Commission. Ms. Ahrens is a very capable Ramsey County Commissioner from the State of Minnesota and a special friend. For the past 2 years, Diane Ahrens, along with the Commission on AIDS, has effectively explored the effects of AIDS and helped to develop a coordinated response to the disease. She eloquently expresses how AIDS and our attempts to deal with the disease have magnified many existing societal problems. What she has witnessed in her work with the National Commission on AIDS is a haphazard response to the disease due to the lack of a coherent national policy. I hope this thorough study will help to alert the public, creating a good understanding so that public views can move beyond an alarmist reaction to the AIDS virus and address the realities of such illness.

I am proud to have recommended Commissioner Ahrens for appointment by then Speaker of the House Jim Wright to the AIDS Commission. Today I am pleased to recognize such a devoted public servant and join her and the Commission in calling for better national leadership in our response to AIDS.

[From the Minneapolis Star Tribune, Sept. 26, 1991]

AHRENS SAYS AIDS SUFFERERS NEED HELP

(By Pat Prince)

Diane Ahrens hoped that nobody noticed the tears rolling down her face during her presentation at a Twin Cities. AIDS conference this month. She couldn't help it.

One of only 14 members of the National Commission on AIDS for the past two years, she was thinking of Belinda Mason, the 33-year-old activist and commission member who had died of AIDS-related pneumonia and whose funeral was underway at that moment.

Mason, a journalist and self-described "hillbilly from eastern Kentucky," contracted the virus from contaminated blood she received in a blood transfusion during the birth of her second child in 1987. Ahrens said that watching her waste away brought home the tragedy of the epidemic, which has claimed 118,411 lives during the past decade.

Ahrens, a Ramsey County commissioner, was appointed to represent local governments on the advisory group. She's the only Minnesotan on the commission, which yesterday released its first comprehensive report, blasting the government's lack of a coordinated response to the epidemic.

"My eyes were opened in terms of what this country is doing to itself," she said. "Hundreds of thousands of people are just being wasted. We are losing thousands and thousands of people in the prime of their lives, many of whom are terribly talented and creative."

Ahrens, who has headed the county's human services committee for much of her 17 years as a commissioner, has earned a reputation as a social conscience. Yet the 60-year-old graduate of Yale Divinity School found she had much to learn about social problems.

"One of the things this epidemic has done is it has magnified for us the major social ills of our country," she said. "It has magnified diversity issues, human and cultural rights issues. It has really magnified the (issue of) discrimination against gays, lesbians and people of color.

"It's magnified the weaknesses and gaps in our health-care system. It's magnified the issue of housing discrimination against people suspected of having AIDS. And it has reaffirmed and intensified what we already knew about the disintegration of our social infrastructure."

During the past two years, the 15-member panel—appointed by Congress and President Bush—has heard from nearly 1,000 witnesses at hearings and site visits in more than 25 cities. The panel originally was to complete its work this month, but Bush extended the commission's life for another year. It will monitor the implementation of its recommendations, look at issues of AIDS prevention and women and children with AIDS.

Ahrens criticized the "haphazard" way in which the nation has dealt with the epidemic, resulting in vast differences in quality of health care from state to state. While she praised Minnesota for responding quickly to the disease, she spoke of seeing lines of AIDS victims stretching the length of a hallway in a Los Angeles hospital, with only four people on duty to care for them.

She spoke of homeless children in the streets of Los Angeles and New York City, many infected with AIDS, selling their bodies to survive. She spoke of a director in a clinic in southern Georgia that services 16 counties who said, "We need to open five more clinics to take care of (AIDS sufferers), but we would have no medicine, no staff for them."

Said Ahrens: "If I could have had one wish, it's that every member of Congress and the President could have had the same experience we did on the commission, I think it would have changed their agenda.

"If we have the right leadership and the commitment to fight this disease, we can win it just like we won the Mideast War."

WILLIAM "BILL" ROBINSON: A MAN YOU CAN DEPEND ON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TOWNS. Mr. Speaker, I rise today to express my appreciation to Mr. William "Bill" Robinson for the invaluable assistance I have received from a man whose political resourcefulness is only exceeded by his integrity.

I have known Mr. Robinson for the past 17 years. We have been through the political wars that the borough of Brooklyn is known for. I have the utmost respect and admiration for this man whose expertise at fundraising is rooted in the old-fashioned method of starting with nothing, and building toward something more.

Bill Robinson is a graduate of North Carolina Central University. He is also the founder of Inner City Maintenance, Inc. Bill Robinson is a devoted father and grandfather, and is truly a man that I have learned to depend on.

SYSCO FOUNDER JOHN F. BAUGH INDUCTED INTO TEXAS BUSINESS HALL OF FAME

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. FIELDS. Mr. Speaker, on October 23 in Houston, John F. Baugh, founder of the Houston-based Sysco, Corp., will be formally inducted into the Texas Business Hall of Fame, and I wanted to take this opportunity to recognize this great business leader who has done so much to help the economy of the Houston area and the State of Texas.

Sysco is the Nation's largest distributor of food products to restaurants, hotels and schools. John currently serves as senior chairman of the corporation's board of directors, and as chairman of the company's executive committee.

This latest honor that has been accorded to John is well deserved and, quite frankly, long overdue. But the fact that John Baugh possesses keen business savvy, and the fact that his own intelligence and hard work have achieved for him a great deal of professional success should not obscure the fact that he is a genuinely great guy—a man concerned about the well-being of his family, his community and his country.

John's list of business-related honors is extraordinarily impressive. He was the recipient of the Heritage Award of the Food Industry in 1976 and was the first person elected to its Hall of Fame. He received the Herbert Hoover Award from the North American Wholesale Grocers Association in 1988, and he was the first person ever to be inducted into the National Frozen Food Association's Hall of Fame.

But aside from his business honors, John has been recoginized for the work he has performed—and continues to perform place for his neighbors and fellow citizens.

He is a founding trustee of Houston Baptist University and continues to serve that institution in an advisory capacity. Similarly, he served as a director of the Baptist Foundation of Texas for more than 25 years, including serving as its chairman. He continues to serve as an advisory director. Additionally, he serves as a member of the Advisory Council of Southwestern Baptist Theological Seminary.

John has given of his time as a regent of Baylor University, and is the recipient of Baylor University's W.R. White Service Award, Alumnus Honaris Causa and the Herbert H. Reynolds Award and the Founder's Medal.

For more than 40 years, John has been an active member of the Houston Downtown Rotary Club. Also, he is active in the Petroleum Club, the University Club, Lakeside Country Club of Houston and Quail Creek Country Club of San Marcos.

John's many years of civic activism have earned him listings in Who's Who in America, Personalities of the South, and Who's Who in the World.

John is married to the former Eula Mae Tharp, and they reside in Houston. Their daughter, Barbara, and son-in-law, Robert Lee Morrison, reside in San Antonio.

The business successes John has achieved over the years have been spectacular and they have been well-deserved. More important, he has demonstrated that with success comes an obligation to help others. That obligation is one that John has fulfilled eagerly, working for many years on projects that directly help the citizens of the Houston area and the entire State of Texas.

Mr. Speaker, I know you join with me in saluting this great man, John F. Baugh.

RAOUL WALLENBERG: 10 YEARS SINCE THE UNITED STATES GRANTED HONORARY CITIZENSHIP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. LANTOS. Mr. Speaker, 10 years ago, a man responsible for saving the lives—mine included—of a hundred thousand people during World War II was proclaimed an honorary citizen of the United States. Today I ask my colleagues to join me in remembering that man—Raoul Wallenberg.

By now Raoul Wallenberg's story is well known. Born into a wealthy Swedish banking family, Wallenberg by all intents and purposes should have lived the privileged life of an aristocrat. But his destiny was to be irrevocably altered by the horrors of both Nazi and Communist brutality.

In 1944, at the request of United States officials, Wallenberg left the comfort of Stockholm, and went to the hell of Budapest under Nazi occupation. As an attaché in the Swedish Embassy, he took great personal risks to save the lives of tens of thousands of Hungarian Jews.

His actions were as ingenious as they were bold. He issued Swedish protective passports to thousands of Hungarians and literally pulled Jews from cattle cars destined for Nazi death camps. He also hid thousands in houses that flew the Swedish flag, shielding them from arrest and deportation.

In January of 1945, Raoul Wallenberg was arrested by Soviet military forces as Budapest was liberated from Nazi occupation by the Red army. He has not been seen or heard from publicly since.

Mr. Speaker, Raoul Wallenberg risked his life to save the lives of those caught in the web of Nazi terror. I am a grateful beneficiary of his brave and noble actions, and yet I am at a loss to characterize or explain the heroism of this one man.

Mr. Wallenberg could have turned his back on the slaughter. He could have turned a blind eye and tacitly allowed the Nazi atrocities to occur—as so many others did at that time. Instead, he took a stand that will be remembered as one of the most selfless and generous of all time.

To me, Raoul Wallenberg is a profound example of how every individual is empowered to resist the kind of institutionalized aggression and hatred characterized by the Nazi reign of terror. In the face of that terror, his loyalty was to his humanity; his allegiance was to decency and the brotherhood of man.

Today, the world stands ready to learn the fate of Raoul Wallenberg. The new KBG chief, Vadim Bakatin, has promised a full accounting of Mr. Wallenberg's arrest and detention. At last, the truth will be known by those who have waited so many years for a resolution, a final chapter.

Mr. Speaker, mindful of the deeds of this great man, my first legislative priority upon joining this distinguished body was to offer a bill naming Raoul Wallenberg an honorary citizen. Ten years ago this week, the bill was adopted and signed into law by the President. On this occasion, I ask that my colleagues join me in remembering Raoul Wallenberg, a man who represents the very best of what it means to be human.

CORINNA GRANT: DEDICATED TO GIVING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TOWNS. Mr. Speaker, I rise today to congratulate Mrs. Corinna Grant for her longstanding dedication and commitment to her work, family, and community. Throughout her lifetime she has been able to balance the very difficult tasks of working as a professional, raising three children, and performing numerous volunteer duties.

Born in Harlem, NY, she moved to East New York and immediately set about the task of constructively transforming the community in which she resided. Her sense of civic responsibility is matched by her devotion to her work as the director of Volunteer and Community Services at Kings County Hospital in Brooklyn.

Corinna Grant's volunteer activities include: membership in the American Hospital Association; the Rosetta Gaston Reformed Democratic Club; the Addiction Research Treatment Corp.; and member and past president of the Women's Caucus for Congressman Ed Towns. Mrs. Grant and her family attend St. Lawrence Roman Catholic Church in East New York. It is an honor to highlight the efforts of a woman dedicated to the spirit of giving.

INTRODUCTION OF TELECOMMUNICATIONS ACT OF 1991

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. COOPER. Mr. Speaker, In the 1970's, Americans finally got to choose the brand of telephone they wanted to use.

In the 1980's, Americans were finally allowed to choose their long-distance carrier.

Now, in the 1990's, Americans should be able to choose both their local telephone company and their information service company.

Congressmen BLILEY, SYNAR, BRYANT, and SCHAEFER and I are introducing legislation today, the Telecommunications Act of 1991, that will continue the trend toward an open, competitive, quality telephone network in America so that we can all have better choices. We believe that good, old-fashioned competition and free enterprise are the right ways to insure that America will always have the best and cheapest telephone service in the world.

This legislation is in two parts. The first part allows smaller firms into the Bells' business, and the second allows the Bells into the so-called information services business. Our bill does not affect the manufacturing or long-distance powers that the Bells are also seeking. Nor does our legislation repeal other telecommunications laws such as the Cable Act of 1984.

The first title of the bill takes the nearly 100 percent monopolies that the seven Bell companies enjoy, and opens them up to other firms with better, cheaper ways to provide service. This last mile of copper wire between your home or business and the local Bell office is the crucial communications bottleneck over which the Bells have near absolute control. Every time you are in a Bell service area and you make a local call, a long-distance call, a 1–800 call, send a fax, use a computer modem, talk to your answering service, set off your burglar alarm, or dial up a database, you have to use the local Bell monopoly. You have no choice. This local loop used to be viewed as a natural and inevitable monopoly, but technology is changing so rapidly that it is increasingly viewed as an impediment to quality service. The Bells themselves realize this. They are getting into local service competition in the United Kingdom, which opened such markets this spring.

In our own country, one interesting study has found that, far from being a bargain, local phone service costs several times more than other wire-delivered services to the home per minute of use. Phone service was found to be 10 times more expensive than cable TV service, and 30 times more expensive than electric service.

The second title of the bill frees the Bell operating companies to get involved in information services. Until yesterday's D.C. Circuit Court of Appeals ruling, the Bells could not enter this line of business. Today, as a result of the court's ruling, they are allowed into this sensitive area, apparently without any safeguards. We feel that the Bells should be allowed this freedom, but only with, as the Bells themselves have argued for years, congressionally determined safeguards.

It is time for Congress to act. As a result of yesterday's court ruling, there is a race between Congress and the Bells to determine American telecommunications policy. The Bells themselves have long insisted that Congress set such policy.

It is important to emphasize that this bill is designed to help everyone, and hurt no one. At least until yesterday's court of appeals' ruling, every communications business in America would enjoy greater freedom under this bill. It allows Bell and non-Bell firms into business that they have sought for years. And it does so in a way that should allow both Bell and non-Bell firms to flourish. Let the consumer decide who provides the best and cheapest service!

Here are more details about our legislation.

The first title of the bill accelerates the FCC's efforts to bring competition to local loop phone service, while maintaining quality, by requiring interconnection, colocation, unbundling, resale, nondiscriminatory access to both tariffed and nontariffed services, cost-based pricing, and so forth. In plainer English, once other firms see what parts of the local Bell monopoly they can compete against, and at what price, I think that competition from a host of businesses will result, as we are already seeing in large markets. Alternative fiber networks such as Metropolitan Fiber, Teleport, and others are springing up, as are cable companies' efforts to turn their video cables into telephone systems. Time-Warner is probably the most famous example. Other technologies that could compete are enhanced cellular, PCN, digital radio, or even satellite-based communications systems.

The second title of the bill governs Bell entry into information services. The bill allows Bells to enter noncontent information services immediately and nationwide if they set up a separate subsidiary with strict accounting rules. This is a market which the U.S. Commerce Department estimates to be 75 percent of the total information services market. It includes services such as data processing, accounting and payroll, billing and collection, credit cards and verfication, point-of-sale information, inventory management, voice storage and forwarding, and protocol conversion.

Regarding content-based information services, the Bells would be allowed to provide them outside their regional service area if they meet the separate-subsidiary/strict-accounting requirement. This means that each Bell could provide content-based information services in six-sevenths of the United States immediately.

Within the Bells' own service areas, they could still provide content-based information services if they could show that only they could provide such service, and without harming their other telephone customers. This means that even within each Bell's own service area, it could have a proprietary and editorial interest in information services if there were no one else to provide that service. No Bell should have to wait on another company in order to provide a needed service. If the Bells indeed have the only keys to the future, let them open the door.

For content-based services in their own service area which the Bells do not have unique advantage in providing, we would make sure that the Bells did not exploit their local bottleneck power to promote their new service. We have a three-part bottleneck test which basically means that Bells can only have an 80 percent or 90 percent monopoly, not the near-total 100 percent that they now enjoy on local telephone service, before they can offer all remaining information services.

It is important to remember what a small but vital area this is: an estimated 3 percent of the market but with most of the news and proprietary information that Americans depend on to conduct their daily lives and businesses. We feel that risks of Bell abuse are higher in this area than in any other and that it is important that Bell ownership of this content be carefully restructed in order to preserve competition. Diversity of information service providers is an important national policy that must be preserved.

Overall, this is a reasonable, measured effort to promote maximum information services competition while preserving affordable basic phone service for all Americans—including residents of small rural communities. It allows the Bells full opportunity to participate in the marketplace so long as they do not abuse their competitors or their ratepayers.

The bill is supported by the Consumer Federation of America and the International Communications Association, as well as numerous competitors in the information industry such as the American Newspaper Publishers Association.

Mr. Speaker, I include a summary of the bill for the RECORD.

SUMMARY OF THE TELECOMMUNICATIONS ACT OF 1991

TITLE I—INFRASTRUCTURE DEVELOPMENT

Policy and purpose

To encourage the development of an advanced, open telecommunications infrastructure that incorporates technological advances and whose features and functions are available on a non-discriminatory basis.

Network standards

Service quality.—A newly-created Federal-State Joint Board will establish network quality standards for common carriers. The standards will be enforced by the FCC and the State commissions. Common carriers must make quarterly reports to the Joint Board regarding their compliance with the standards.

Interconnection.—All local exchange carriers must provide interconnection, on a reasonable and non-discriminatory basis, to providers to telecommunications and information services. A carrier is required to provide the interconnecting party with physical colocation, unless it demonstrates by clear and convincing evidence that physical colocation is not technically practicable, in which case virtual colocation is required. A rural exchange carrier (a carrier that serves 50,000 or fewer lines) is not required to provide interconnection to another local exchange carrier Within 270 days after enactment, the FCC must initiate a rulemaking to require that interconnection offered by a carrier shall provide for number portability.

Network access.—The FCC is required to revise its Open Network Architecture [ONA] order to ensure the unbundling of features and functions, and the availability of tariffed and non-tariffed features on a uniform and non-discriminatory basis. At least once every three years, the FCC must conduct a proceeding in which interested parties are given an opportunity to comment on the effectiveness of ONA in providing reasonable and non-discriminatory access to public networks. Within 6 months after receiving these comments, the Commission must make any necessary or appropriate revisions to the ONA order.

Privacy.—A local exchange carrier may not disclose personally identifiable customer information to an affiliate or any third party without the express permission of the customer.

Tariffs.—The costs of providing network access and interconnection shall be borne solely by the users of such services. The tariffs for such services must be cost-based and shall not bundle any separable elements or features. A local exchange carrier may include a "universal service element" in its interconnection tariffs to recover the amount necessary to preclude increases in the rates for telephone exchange service that may otherwise result from the introduction of competition into the local exchange.

Resale.—Resale of exchange service may not be prohibited or subject to unreasonable conditions.

Coordinated network planning.—The FCC is directed to adopt rules to ensure (1) the interconnection and interoperability of common carrier networks and (2) that the design of these networks does not impede access to information services by customers of rural exchange carriers. The Commission is required to initiate an inquiry to examine the effects of competition on the availability of and rates for rural telephone exchange service.

Expedited review of complaints

The FCC must issue a final order with respect to complaints alleging violations of service, quality, network access, and interconnection rules within 270 days after such complaints are filed.

Expedited licensing of new technologies and services

The FCC must adopt rules and approve applications for new services or technologies related to the furnishing of telecommunications or information services within 48 months after determining that such services or technologies are in the public interest.

TITLE II—PROVISIONS AFFECTING DIVESTED OPERATING COMPANIES

Policy and purpose

To ensure that the provision of information services by divested operating companies does not jeopardize the universal availability of telephone exchange service at reasonable rates or undermine competition in the information services marketplace.

Provision of information services

Generally permitted.—A divested operating company [RBOC] may provide information services, subject to this title and title VI of the Communications Act of 1934.

"Bottleneck" test.—An RBOC may not provide electronic publishing services within its region until the FCC determines that

(1) At least 50% of all businesses and residences within the areas in each State in which such divested operating company or affiliate provides telephone exchange service have access to transmission and switching facilities (other than those supplied by an RBOC or affiliate) that are comparable in quality, cost, geographic range, and functionality to those offered by the RBOC for the delivery of electronic publishing services;

(2) At least 10% of all businesses and residences within the areas in each state in which such company provides telephone exchange service subscribe to services delivered over such alternative facilities; and

(3) The RBOC or affiliate seeking to provide electronic publishing services has demonstrated that there is no substantial possibility that the divested operating company could use its position as a local exchange carrier to impede competition in the provision of electronic publishing services or impose additional costs on basic telephone subscribers.

The "bottleneck" test is not applicable to out-of-region electronic publishing, or to the provision of information services in which RBOC does not have a proprietary or editorial interest in the content of the transmitted information (e.g., voice storage and forwarding; protocol conversion services).

Waiver.—An RBOC or affiliate thereof seeking to provide an electronic publishing service may petition the FCC for a waiver of the bottleneck test requirement. The FCC must give notice of an opportunity for public comment with respect to any waiver request. The waiver will be granted if the RBOC can demonstrate by clear and convincing evidence that such service would not exist unless offered by the RBOC, and that the provison of such service would not impose additional costs on basic telephone subscribers.

Separate subsidiary requirements.—Any information service offered by an RBOC or affiliate thereof after October 1, 1991, may be provided only through a subsidiary that is separated from the telephone exchange service operations of the divested company. The specific requirements are as follows:

No more than 33% of the board of directors of a separate subsidiary can be officers or directors of the RBOC;

Any transaction between an RBOC and its subsidiary or any other affiliate must be on an arm's-length basis, as if there were no affiliation;

An RBOC and its subsidiary may not enter into any joint venture or partnership, have employees or a financial structure (except as provided in this section) in common, or own any property in common;

A subsidiary may not establish any other subsidiary or affiliate except after notice to the FCC in such form as the FCC may require;

A subsidiary must carry out its own marketing, sales, accounting, hiring and training of personnel, purchasing, and maintenance;

A subsidiary must keep separate books and accounts, which identify transactions between an RBOC and its affiliates, and must prepare financial statements that are separate from those of the RBOC or any of its affiliates;

A subsidiary must prepare and file with the FCC, whether or not the subsidiary is publicly traded, the annual and periodic reports required of publicly traded companies by the Securities and Exchange Commission (SEC);

A subsidiary must submit to the FCC a copy of any statement or prospectus that it is required to file with the SEC;

A subsidiary must carry out its own advertising, with a limited exception for joint institutional advertising;

A subsidiary must have at least 10% outside ownership;

A subsidiary may not own any transmission facilities, and may obtain the use of such facilities from the RBOC only pursuant to tariffs of general applicability; and

An RBOC may not provide any services or information to the subsidiary unless such services and information are also made available to third parties on the same terms and conditions.

Cost allocation rules.—RBOCs that provide any information services must establish a cost allocation system that prohibits any cross-subsidization, i.e., a system that prohibits the cost of providing such services from being subsidized by revenue from telephone exchange service or telephone exchange access services.

Joint and common costs (those costs that cannot be allocated based upon direct or indirect measures of cost causation) shall be allocated to unrelated services (1) under a formula that ensures that the rates for telephone exchange service are no greater than they would have been in the absence of such investment (taking into account any decline in the real costs of providing such service), or (2) based upon the highest forecast unregulated usage of the investment over the life of the investment, whichever method results in the lesser allocation of such costs to telephone exchange service.

Basic ratepayers must be insulated from the economic risks associated with the provision of information services by an RBOC or affiliate (including any increases in the RBOC's cost of capital that occur as a result of the provision of information services). An RBOC's information subsidiary may not obtain credit under any arrangement that would induce a creditor to rely on or that would permit recourse to the assets of the RBOC.

The FCC shall prescribe regulations governing the transfer of assets between an RBOC and its affiliates. Such regulations shall require that (1) any transfer of assets from an affiliate to the RBOC be valued at the lesser of net book cost or fair market value, and (2) any transfer of assets from an RBOC to its affiliate be valued at the greater of net book cost or fair market value.

Each RBOC that engages in information services is subject to an annual outside audit to ensure compliance with cost allocation rules. The audit is conducted at RBOC expense, and selection of the auditor is subject to FCC approval. The RBOC must provide the FCC, and the State commission of each State within which such company provides telephone exchange service, a report on the results of the independent audit, which must be certified by the person conducting the audit and by an appropriate officer of the affiliate. The FCC must make the audit report available for public inspection. For purposes of conducting and reviewing the audit, the auditor, the FCC and the State commission shall have access to necessary accounts and records of the RBOC and its affiliate.

Intangible assets.—The FCC and each State commission shall require an RBOC to recover from its subsidiary charges reflecting the value of any intangible assets used in the provision of information services. The RBOC must credit the amount of such charges to the provision of telephone exchange service.

Removal of barriers to entry.—An RBOC may not provide electronic publishing services in its region until all entry barriers to the competitive provision of telecommunications services imposed by each State in which the RBOC provides basic telephone service have been removed with respect to the RBOC.

Gateway services.—Any RBOC or affiliate thereof which offers a gateway service must make such service available concurrently to all of its subscribers at the same rates, terms, and conditions.

Enforcement.—A person who is injured by a violation of any of the separate subsidiary requirements may bring an action for damages and injunctive relief in Federal court. In such an action, the court may award the costs of litigation (including reasonable attorneys fees).

Authorization of appropriations

Such sums as may be necessary are authorized to be appropriated to enforce the separate subsidiary requirements. An RBOC may not provide information services until such sums have been appropriated.

TITLE III—MISCELLANEOUS PROVISIONS

Jurisdiction

A State may not regulate the rates, terms, and conditions for the offering of information services. However, a State may impose safeguards on local exchange carries to ensure that the intrastate provision of information services is separate from the provision of telephone exchange service. A State may also impose reasonable regulations intended to protect the privacy rights of customers of telephone exchange service.

Rural areas

The States retain the authority to take actions, consistent with the findings and purposes of this Act, to ensure the availability of telephone exchange service at reasonable rates in rural areas.

Applicability of other provisions of Communications Act

Nothing in this bill shall be construed to relieve an RBOC of any of the obligations, limitations, or responsibilities imposed by any other provision of the Communications Act.

Applicability of antitrust laws

Applicability of MFJ.—An RBOC shall remain fully subject to the Modification of Final Judgment in all respect except as expressly provided in this bill.

No antitrust immunity.—Nothing in the Telecommunications Act of 1991 shall be construed to create any immunity to any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any matter the applicability of any Federal or State antitrust law to the actions of an RBOC.

HERMAN MERRITT: COMMUNITY ACTIVIST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TOWNS. Mr. Speaker, I rise today to honor Herman Merritt. Mr. Merritt's name has become synonymous with community activism. Born in the Gowanus/Wyckoff section of Brooklyn, he has worked primarily in the educational arena for the New York Public School System.

Mr. Merritt presently serves as the principal of Lewis H. Latimer School—P.S. 56—in district 13. Earlier in his career he served as a coordinator of the Attendance Improvement Dropout Prevention Program and as an assistant principal.

Mr. Merritt has always felt a need to give something back to his community. In this regard he has been active as a member of the Sickle Cell Center and serves as a proud and dedicated member of the men's caucus in Brooklyn for Congressman ED TOWNS. He also serves on the education commission of the 11th Congressional District.

Herman and his wife Sherry reside in the Bedford-Stuyvesant section of Brooklyn.

JUDGE NICHOLAS J. BUA RETIRES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. HYDE. Mr. Speaker, on November 4 one of the finest Federal judges and one of the finest gentlemen I have ever known is retiring from the bench.

I have known Nick for about 40 years and he has been everything a judge should be—fearless, honest, energetic, scrupulously fair, and a great student of the law.

It is a great regret that he did not get advanced to the court of appeals, but nonetheless he served the cause of justice brilliantly and I am pleased to provide a news story from the September 15 Chicago Sun Times about his retirement:

[From the Chicago Sun Times, Sept. 15, 1991]

JUDGE STEPS DOWN—FOR EDUCATION'S SAKE

(By Rosalind Rossi)

U.S. District Judge Nicholas J. Bua treasures the value of a good education.

Forced to drop out of school at 15 to support a widowed mother and family, Bua says he is the only federal judge in Chicago—and perhaps the nation—who did not attend high school.

On the road to the federal bench, Bua worked as a 9-year-old shoeshine boy, 15-year-old newspaper salesman and teenage entrepreneur. On the side he sold his mother's sausage and meatball sandwiches for 10 cents.

But after 14 years as a U.S. District Court judge here, Bua announced last week he plans to retire Nov. 4 to join the law firm of Burke, Bosselman & Weaver as a trial lawyer.

The reason?

"I want to create an estate for my grandchildren, to put them through law school or medical school, if that's what they want," said the 66-year-old jurist, perhaps best known for his landmark patronage ruling in the so-called Shakman case.

"I'd like to be in the financial position to afford to let my grandchildren attend any school in the country without worrying about tuition, if they so opt. I don't want them to face what I faced."

Bua's daughter and her family live with him. The judge; his wife, Camille; the two grandchildren, 11-year-old Nicole and 5-year-old Scott Krinch; the couple's daughter, Lisa Krinch, and her husband, Scott Krinch, all live in the Melrose Park colonial home where Lisa grew up.

Bua concedes he could retire and "go fishing" on his $125,100 full-salary federal court pension, combined with a $30,000 annual pension from his work as a Cook County and Appellate Court judge. But, he said, then he couldn't secure the education of his grandchildren's choice.

Tragedy came early to Bua, the son of Sicilian immigrants who was raised in the Taylor Street neighborhood.

When he was 7, his father, a foundry worker, was killed by a hit-and-run driver. After attending only a few months of Crane Technical High School, Bua was forced to drop out of school to support his mother, sister, brother and grandmother.

By age 15, he knew his dream job when he watched, awestruck, as a federal judge swore in his mother as a citizen.

"I walked into a regal building, with marble pillars and thick carpeting," Bua recalled last week. "And I thought, I would love to sit in a court like that."

Only a few months after he married at 18, Bua was drafted into the Army during World War II. He calls it "the luckiest thing that ever happened to me," because veterans benefits helped pay for his schooling.

Bua took a test to obtain a high school equivalency degree and talked his way into DePaul University undergraduate school and law school by promising to maintain a B average.

After about 10 years as an attorney, he was elected a Melrose Park village court judge in 1963. Changes in the law boosted him to an associate Circuit Court judge and later to a full judgeship.

In 1976, he was elected an Illinois Appellate Court justice. Seven numbers carved into a glass memento in his chambers boast the votes he garnered—1,139,183—"the highest vote total any judicial candidate ever received," Bua said proudly.

"I outpolled [President] Jimmy Carter," Bua said. Within a year, he became Carter's first appointment to the federal bench here.

Since that 1977 appointment, Bua has distinguished himself as a judge "ahead of his time," said attorney Michael Shakman, who filed the famous anti-patronage suit against Cook County and city officials. In a landmark 1979 ruling, Bua ruled political hiring and firing unconstitutional.

"He was the first judge to address the question," Shakman said. "His decision preceded by some 11 years the same decision by the U.S. Supreme Court. ... He's a first-rate judge, one of the best on the bench."

That assessment was confirmed by a 1989 survey of lawyers who gave Bua and U.S. District Judge Marvin E. Aspen the highest marks among Chicago's federal judges. Bua is known for his keen ability to push balky cases along and resolve lawsuits, while other judges struggle with record caseloads. In particular, said Chief U.S. District Judge James B. Moran, Bua has a "certain magic" that allows him to forge settlements. As a result, Moran said, other judges often send their cases to Bua for possible settlement.

"He's better at it [settling cases] than any judge on the bench," Moran said. "He knows the value of cases, and people trust his judgment."

CIVILIAN RESEARCH MISSIONS FOR DOE WEAPONS LABORATORIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. STARK. Mr. Speaker, the President's announcement concerning a unilateral reduction of our nuclear weapons arsenal can be an exciting turning point in history. The removal and destruction of nuclear warheads from Europe will be a celebrated farewell to cold war horror and tension.

There are, however, other legacies of the cold war whose futures have yet to be determined. They include the Department of Energy Nuclear Weapons Laboratories: Lawrence Livermore National Laboratory, Los Alamos National Laboratory, and Sandia National Laboratory. It is my opinion that these significant components of the cold war cannot be closed or left to wallow and deteriorate in a climate of limited defense spending. We must plan new post-cold-war missions for them now.

These laboratories are national resources of the highest caliber. Their invaluable service to the country can and should continue.

Without the need and funding for three nuclear weapons laboratories, each laboratory must be evaluated to determine which should remain defense oriented and which should move on to post-cold-war national priorities.

Although the Department of Energy is working on a reconfiguration of the nuclear weapons complex, I believe a greater effort must be made to direct the works at the labs to reflect the needs of the time. These facilities are at their height of excellence. By not acting immediately we risk damaging the morale and motivation of the staff who have been key to the past achievements at these facilities.

Today I am introducing a bill to establish a commission to determine which of the nuclear weapons laboratories would best lead the country in a civilian research capacity and which would be more suitable for continuing the advanced weapons research mission. The commission would also be responsible for recommending a plan of conversion, for the laboratories it determines should evolve from a defense oriented mission.

I'd like to share with you a Washington Post guest editorial which discusses the current state of the national weapons laboratories and why, in the author's opinion and mine, we must navigate a new course for our national labs.

[From the Washington Post, Sept. 27, 1991]

LABS IN LIMBO

(By Jessica Mathews)

The end of the Cold War is pushing defense and intelligence agencies into a frenzied search for survival strategies. Some of them would be funny if so much money were not at stake. Cold warrior Edward Teller argues, for example, that SDI would be terrific for environmental monitoring. Proposals that the CIA should build its strength in economic intelligence and industrial counter-espionage are more serious, though still highly debatable. So far, however, little attention has been spared for the future of what may be the most valuable legacy of the Cold War, the country's eight national laboratories.

Los Alamos was the first. There J. Robert Oppenheimer collected the team that, in 27 months, turned an idea into the first nuclear weapon. Now the group includes Oak Ridge, Livermore, Brookhaven and others whose names rightfully evoke scientific excellence. For nearly five decades money has been poured into building unmatched technical facilities, recruiting individual talent and nurturing scientific and engineering teams that can tackle the most difficult mission.

Today the labs are foundering, managing decline while trying to reinvent a future. They must find enough bits and pieces of work to support huge budgets whose central rationale the design and support of nuclear weapons, is eroding. The unaddressed public concern is how to effectively use the talent in which so much has been invested, while avoiding both the danger that large sums will be wasted in misguided makework and the risk that this national asset will slowly dissolve as morale falls and the best people drift away.

There is no shortage of post-Cold War technological needs—computing, energy, transportation, materials science, education, environmental management and so on. A popular notion is that the labs' undisputed expertise could be harnessed in pursuit of civilian technology in such fields. But it is not at all clear that such an effort would help make the country more competitive.

Of necessity, the labs operate with much secrecy, a substantial hindrance in civilian research. By choice, they are physically and culturally remote from the marketplace. They excel in engineering, but know almost nothing about cost control, high-volume production, ease of use or consumer preference in the domestic, let alone the international market. Many of the innovative small businesses to whom their services are being offered have nothing but a technology. These businesses don't need help with research and development, but with financing and marketing. As one skeptical CEO put it, "It's just hard to find a profit-driven attitude there."

Ways may be found around these liabilities, but for now the labs' future is hostage to the national schizophrenia over central economic planning. There are those who want the United States to emulate Japan and Europe in investing in research and development that has long-term public value but whose payoffs are too remote for the private sector. For others, the traditional American distrust of centralized economic decision-making runs too deep.

For the time being, it has been agreed that a national industrial policy that would single out and promote particular industries is out of bounds. Technology policy, on the other hand, is politically correct, even though, once choices are made about particular technologies, it can amount to much the same thing. Inside the White House, it is acceptable to talk only of supporting "precompetitive generic technology," which is technology policy with a smile and a wink. At bottom, there is no consensus behind federal support for technology save that related to national defense. In this limbo, the national laboratories have been left dangling.

A blue ribbon national commission is needed to reexamine their role, beginning with whether the national laboratories should continue to serve a single master, the Department of Energy. Without a continuing Soviet nuclear threat one weapons design lab, rather than three, may be enough. Perhaps that one should be managed by the Pentagon, whose needs it serves and to whom its budget should logically be charged.

The remaining labs might function better without the uneasy internal competition between military and civilian interests and be more able to collaborate with the private sector. If some of the labs seem well suited to a new focus in areas such as biotechnology, advanced materials or transportation, they might be better served by working in whole or in part for other Cabinet departments. The commission would have to figure out how such transformations could be achieved without turning the laboratories into job shops or sacrificing their strengths in basic research. The commission might even make a contribution on the broader question of the appropriate federal role in promoting civilian technology.

As the Cold War ended, this country was devoting 70 percent of its public R&D funds to defense, dwarfing the global average of 25 percent and Japan's 4 percent. Inevitably there is a long and difficult transition to be navigated. Without an effort to consider what should be done with this unneeded scientific capacity, it is likely that the country's total research effort will shrink just when it needs to rise.

In 18 months the Los Alamos laboratory will be 50 years old. It would be nice to mark that anniversary with a clear vision of what it and the others should be doing for the next 50.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Research Facilities Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the reductions in cold war tensions allow for reductions in the number of weapons laboratories operated by the United States;

(2) the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory and the Sandia National Laboratory (in this Act referred to as the "Laboratories"), operated by the Department of Energy, employ well-managed and extraordinarily talented scientists and engineers;

(3) under section 31(a)(6) of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)(6)), the original purpose of the research being conducted at the Laboratories included the preservation and enhancement of a viable environment by developing more efficient methods to meet the energy needs of the Nation; and

(4) there are areas of research that require greater amounts of funding to allow the United States to preserve and improve the environment and to regain its economic and technological competitiveness.

(b) PURPOSE.—It is the purpose of this Act to protect the investment of the public in the Laboratories by studying the most effective methods of converting 1 or 2 of the Laboratories into national research facilities to conduct research in relevant areas of national concern and to work with other research institutions and the private sector on relevant projects of mutual interest.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "National Commission on Research Needs" (in this Act referred to as the "Commission").

SEC. 4. DUTIES.

The Commission shall—

(1) study the areas of nondefense related research that have been neglected in the United States which require greater amounts of funding and Federal assistance;

(2) determine which of the Laboratories has the ability to conduct research into the areas of nondefense research mentioned in section 4(1) above, and devise a revised mission for that Laboratory (or Laboratories) most capable of providing leadership in those areas; and

(3) identify research programs being conducted at the Laboratory (or Laboratories), that the Commission determines are most capable of a leadership role in nondefense research, and determine which programs should be transferred to the other Laboratories operated by the Department of Energy.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 16 members appointed as follows:

(1) PRESIDENTIAL APPOINTMENTS.—12 members appointed by the President as follows:

(A) 1 individual who is an officer or employee of the Department of Energy.

(B) 2 individuals who are not officers or employees of any government and who are experts in the fields of science, engineering, or manufacturing processes.

(C) 1 individual who is an officer or employee of the National Science Foundation.

(D) 1 individual who is an officer or employee of the Defense Advanced Research Projects Agency.

(E) 1 individual who is an officer or employee of the Office of Science and Technology Policy.

(F) 2 individuals who are officers or employees of the National Academy of Science and Engineering.

(G) 1 individual who is an officer or employee of the National Institutes of Health.

(H) 1 individual who is an employee of the Lawrence Livermore National Laboratory.

(I) 1 individual who is an employee of the Los Alamos National Laboratory.

(J) 1 individual who is an employee of the Sandia National Laboratory.

(2) CONGRESSIONAL APPOINTMENTS.—

(A) 2 Members of the House of Representatives, appointed by the Speaker.

(B) 2 Members of the Senate, appointed by the majority leader of the Senate.

(b) POLITICAL AFFILIATION.—With respect to members of the Commission who are Members of Congress, not more than 1 Representative and not more than 1 Senator may belong to the same political party.

(c) WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(d) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress or an officer or employee of the Federal Government and the member ceases to be a Member of Congress or such an officer or employee, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 90-day period beginning on the date that member ceases to be a Member of Congress or such an officer or employee, or becomes such an officer or employee, as the case may be.

(e) TERMS; VACANCIES.—Each member of the Commission shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) BASIC PAY.—

(1) RATES OF PAY.—Except as provided in subsection (g) and paragraph (2), members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code, for each day (including travel time) during which they are engaged in the actual performance of the duties of the Commission.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Except as provided in subsection (g), members of the Commission who are full-time officers or employees of the United States or Members of the Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(g) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) QUORUM.—8 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(i) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be designated by the President from among the members of the Commission.

(j) SECURITY CLEARANCES.—Each individual appointed to the Commission under subsection (a) must have, at the time of appointment, legal authority to access national security information classified as top secret under Executive Order 12356 (50 U.S.C. 401 note).

SEC. 6. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Chairperson of the Commission.

(b) STAFF.—Upon the recommendation of the Director and without regard to section 5311(b) of title 5, United States Code, the Chairperson of the Commission may appoint personnel as the Chairperson considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist it in carrying out its duties under this Act.

(f) SECURITY CLEARANCES.—The Director, and any other staff member so required by the Commission, must have legal authority to access national security information classified as top secret under Executive Order 12356 (50 U.S.C. 401 note).

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(c) INFORMATION.—

(1) IN GENERAL.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out this Act. Upon request of the Chairperson of the Commission, the head of the Federal agency shall furnish the information to the Commission.

(2) EXCEPTION.—Paragraph (1) shall not apply to any information that the Commission is prohibited to secure or request by another law.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission—

(1) on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act; and

(2) access to and use of Federal facilities as is necessary for the Commission to carry out its duties under this Act.

SEC. 8. REPORT.

Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Commission shall transmit to the President and the Congress a report containing a detailed statement of the findings and conclusions of the Commission relating to the studies and determinations made under section 4, together with its recommendations for any legislative and administrative actions that the Commission considers necessary for 1 or more of the Laboratories to become oriented toward nondefense related research.

SEC. 9. TERMINATION.

The Commission shall terminate 90 days after submitting its report pursuant to section 8.

TRIBUTE TO MACOMB COUNTY SHERIFF WILLIAM HACKEL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. BONIOR. Mr. Speaker, I am very pleased to join the Daughters of Isabella in honoring Macomb County Sheriff William Hackel for his dedication to excellence and outstanding contributions to our community.

Over the years, Bill Hackel has come to symbolize Macomb County's dedication to law and order. The battle to keep our neighborhoods and streets safe is a responsibility we all share. Sheriff Hackel's long record of distinguished service has proven him to be a natural and effective leader. His personal dedication, professional integrity, and, above all, deep sense of justice have made him one of our most popular and respected public officials.

On this special occasion, Mr. Speaker, I ask that my colleagues join me in saluting Sheriff William Hackel for his fine record of accomplishment and service to our community.

POSTAL SERVICE PROMOTES OLYMPIC SPEEDSTERS BUT MOVES MAIL AT A SNAIL'S PACE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. BROOMFIELD. Mr. Speaker, the same Postal Service that just increased stamp prices by 16 percent and wants to increase them again has launched a multimillion dollar campaign as a corporate sponsor of the 1992 Olympic Games.

I support the Olympics. I support free enterprise.

But I have to question why the Postal Service is spending millions of dollars promoting Olympic speedsters when its own distribution system now operates at a snail's pace. I cannot understand why the Postal Service is in the business of selling T-shirts and key chains when it hasn't mastered the business of delivering its own mail on time.

For those of my colleagues who haven't cosponsored House Resolution 194, I commend the following article from today's Federal Page. All of these trinkets the Postal Service is now selling won't succeed in distracting the consumer's attention from the poor job it is doing in fulfilling its real mission of delivering the mail. A review is long past due.

PRESSURE IS ON POSTAL SERVICE IN ITS RUN FOR OLYMPIC GOLD

(By Bill McAllister)

When senior postal officials left the Bolger Postal Management Academy in Potomac two weeks ago, nine of the executives had a new reason to be delighted that their employer had become a corporate sponsor of the 1992 Olympic Games.

The nine postal officials, including the head of the service's troubled New York City division, had won a five-day vacation for two at the Summer Games in Barcelona, a prize complete with air fare, hotel accommodations and tickets to the games, valued at $7,500.

The trips are part of one of the largest promotional campaigns the Postal Service has ever conducted. By the time it is completed, the service will have spent more than $122 million and, according to postal officials, reaped a profit of more than $55 million.

Much of the profit will come from added sales of its overnight Express Mail and second-day Priority Mail services, as well as sales of T-shirts, key chains and other souvenirs bearing the Olympic and Postal Service logos.

But with Postmaster General Anthony M. Frank's repeated pleas for a 30-cent stamp, the Olympic campaign has come under increased scrutiny on Capitol Hill. Last week, Sen. David H. Pryor (D-Ark.), chairman of the Senate subcommittee on federal services, post office and civil service, warned Frank that he had "serious concerns on almost every aspect of this enormous undertaking."

The Postal Service is expected to run a $1.6 billion deficit in the just-ended fiscal year and Pryor expressed fears that the campaign was draining resources "which the Postal Service can ill-afford to fritter away."

In a letter to Frank, he cited contracts that postal officials have approved for $3.3 million in hotel rooms, $1 million in Olympic merchandise, $253,764 in Winter Game tickets and dinner cruises valued at $95,900.

"I simply don't understand how the Postal Service can justify spending millions of dollars on these kinds of items, while at the same time pleading poverty as you press ahead to increase the price of a first-class stamp to 30 cents," Pryor said.

Assistant Postmaster General Deborah K. Bowker, an Arkansas native who is running the Olympic campaign, said in an interview that her senator has got it all wrong. "The fundamental thing is that we disagree with the senator," she said.

The program, which postal executives have described as critical to boosting employee morale and revenues, has proved more successful than projected, she said. "If we stopped today and if we were never to spend another dime, we would have made $22 million."

Sales by a St. Louis mail-order firm, which has contracted with the Postal Service to offer more than 300 separate Olympic items—such as a $299 color TV or a $174 porcelain eagle—are running higher than expected, she said. The T-shirts, ties, playing cards and other items are primarily aimed at the 750,000 workers in post offices but are being offered to the public by some post offices.

"We're like any business. On some things we're ahead. On some we're behind. But on balance, we're making a profit," Bowker said.

She acknowledged that Pryor's figures about the money the service has spent in Europe are correct, but she said that most of the money has gone for travel packages that the Postal Service will sell to others. The service paid $10 million to become a corporate sponsor of the games and as such it was given priority rights for lodgings and game tickets, she said.

About 2 percent of those tour packages will be allocated to postal employees and their guests, she said. The rest are being sold to the postal agencies of the 31 other foreign nations who have put up $4.6 million to share the corporate sponsorship rights with the U.S. Postal Service, Bowker said.

The nine postal employees who won the first set of Olympic tickets were selected on the basis of their efforts to establish the Olympic program in their area, she said. Each had to sign up at least 100 new businesses who began using the Express and Priority mail services, she said.

John Kelly, the New York division manager who won one of the trips, took a division that was "almost the worst" in terms of mail delivery and made major improvements in postal service there, she said. Other winners included divisional managers in Providence, R.I., Greensboro, N.C., southern New Jersey, Tampa and Jacksonville, Fla., the North Chicago suburbs, Salt Lake City and Santa Ana, Calif.

In addition to selling more businesses on premium mail services, the managers will continue to be urged to undertake Olympic programs that involve residents in their area.

One such program, called "Sign, Seal and Deliver" is patterned after the successful letter-writing campaign that brought millions of letters to "Any Soldier" during the Persian Gulf War. The Olympic program will urge every postal customer in the nation to return post cards and letters of support to "Any Athlete" on the U.S. team or to a particular athlete from a local community.

One Olympic program that is doing worse than initially projected is a Pen Pal Club, which had been expected to produce a $706,000 profit, Bowker said. Officials have cut the $9.95 participation charge to $5.95, cut in half the number of children expected to join and hope the project will break even, she said.

Bowker said the Olympic program will withstand scrutiny from Congress and the public. "We can do a lot of good for the Olympic movement and it will not cost the rate-payer or the taxpayer," she said.

INTRODUCTION OF LEGISLATION TO ALLOW THE TRANSFER OF FORFEITED PROPERTY APPROPRIATE FOR USE AS A PUBLIC AREA TO THE STATE

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. DARDEN. Mr. Speaker, today, my colleague, ROY ROWLAND, and I are introducing legislation which will allow the U.S. Attorney General to transfer title of forfeited property appropriate for use as a public area to the chief executive officer of the State in which the property is located. As you may know, one of the goals of the Department of Justice's forfeiture program is to enhance cooperation among Federal, State and local law enforcement agencies through equitable sharing of assets recovered through this program. I can think of no better enhancement than providing States involved in drug enforcement with properties suitable for parks or historic preservation. Nor is there a better use for property confiscated from criminals involved in the insidious drug trade than for the benefit of communities plagued by this type of activity.

Our bill does not seek the wholesale confiscation of private property on the whim of a government official. Rather, this is property already owned by the Federal Government as the result of criminal activity, and subject to appropriate disposition. Allowing this land to be used for parks would be of lasting benefit both to the environment and the public. With our budget already strained, we must find new ways of preserving and protecting our natural resources without incurring the costs associated with national parks designation. Our bill provides a reasonable and responsible alternative and I urge my colleagues' support.

EC ACTS ON GLOBAL WARMING; UNITED STATES IGNORES PROBLEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. STARK. Mr. Speaker, the European Community has announced significant measures to address the problem of global warming and carbon emissions. They are increasing energy taxes to directly address the problem of global warming. The EC is doing this even though their energy taxes are already significantly higher than those in the United States.

What has been the Bush administration response? They ignore the scientific evidence of global warming. The Bush administration impedes progress at international conferences trying to act responsibly to deal with global warming. The Bush administration ignores the economic advantages of taxing energy to prevent global warming. The increased energy efficiency would greatly help U.S. industrial competitiveness, a competitiveness that is lagging in many sectors. A carbon tax would create a real national energy strategy, and reduce our reliance on imported oil. The revenue from a carbon tax can be applied to reduce the massive budget deficit.

We are faced with a huge crisis in global warming. Countries around the world are acting. We, too, can act. I hope my colleagues will take a serious look at H.R. 1086, a carbon tax, so that we can be the leader, not just in wars against tyrants, but in wars against global environmental disasters.

[From the New York Times, Sept. 26, 1991]

EUROPEAN COMMUNITY ASKS HEAVY ENERGY TAX TO CURB EMISSIONS

(By Paul L. Montgomery)

BRUSSELS, Sept. 25—The European Community today became the first industrialized region to propose a clean-energy tax in an attempt to curb worldwide emissions of carbon dioxide.

The European Commission, the community's executive body, asked its 12 member nations to begin debate on proposals that would put a surcharge of $10 a barrel on oil by the end of the century, and surcharges of $14 for equivalent amounts of coal and $5 for nuclear power.

The purpose of the package of proposals is to cut power consumption generally and, in particular, to discourage the use of those sources that produce the most carbon dioxide. The plan represents an effort to meet the community's proclaimed target of stabilizing carbon dioxide emissions at 1990 levels by the year 2000.

GREENHOUSE EFFECT

Carbon dioxide, largely produced by the burning of fossil fuels like oil or coal, is the major contributor to the greenhouse effect, in which many scientists say the temperature of the earth will gradually rise, thus raising the sea level, changing rainfall patterns and displacing flora and fauna.

Carol Ripa Di Meana, the European commissioner in charge of environmental matters, said the community would ask the other major industrial powers, the United States and Japan, to adopt similar strategies. Japan in the past has expressed willingness to curb fossil fuels while both the Reagan and Bush Administrations have resisted calls by ecologists for an energy tax. "We will redouble our efforts to convince the American to change their minds," Mr. Ripa Di Meana said.

Today's proposals were offered by the commission to the member nations for debate, and fell short of proposed legislation that would be binding on the 12 members—Belgium, Britain, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain.

INDUSTRIES AGAINST TAX

The tax proposal, has already drawn the wrath of most of the major European industrial lobbying groups, meaning that industry in all the member nations is against the surcharge.

Germany, the most powerful European country and also the most avid for ecological legislation, has indicated support for the proposals while others, including Britain, Greece and Portugal, have expressed reservations.

"Any hasty forecast would be dangerous from my point of view," Mr. Ripa Di Meana said when asked to assess the chances for ultimate passage. The member nations are to begin their debate on Dec. 10.

The greatest fear in countries subject to the community proposals is that industries will move to untaxed countries to keep their costs down. Part of the European Commission's strategy is to shelter basic industries like steel, chemicals, nonferrous metals, cement, glass and pulp and paper from the initial effects of the tax. Those industries would be encouraged to make voluntary cutbacks to curb unnecessary use of energy and to develop alternative energy sources that do not produce as much carbon dioxide.

In the commission's proposals, the energy tax would be graduated, beginning, for example, at $3 for a barrel of oil in 1993 and adding $1 a barrel each year through 2000, for a total of $10 that year. It would be collected by individual governments and could be used by them for any purpose. The proposals express the hope that some of the money would go into using alternative sources of energy, including the sun, wind or small dams, as well as into such measures as lower speed limits on the highways and better insulation in homes.

CONSUMERS WOULD PAY

The burden of the surcharge, as proposed, would fall most heavily on individual consumers, particularly for cars and home heating, as companies would pass on the expense of the tax. Mr. Ripa Di Meana said gasoline prices would increase 3.2 percent by 1995, and 5.9 percent by 2000. The equivalent increases for diesel fuel would be 5.3 percent in 1995 and 9.6 percent in 2000. For heating, light oil would become 16.8 percent more costly by 2000; natural gas, 11.9 percent more costly, and electricity, 14.3 percent higher.

For industrial uses, the cost of coal would rise 30.3 percent by 1995 with the proposed tax, and 60.6 percent by 2000. Oil would be 23.6 percent higher in 1995, and up 39.6 percent in 2000; natural gas would increase 18.9 percent in 1995 and 31 percent in 2000, and electricity would be up 8.1 percent in 1995 and 16.3 by 2000.

The commission had ordered a score of studies about the effects of the proposed tax before proposing it. Mr. Ripa Di Meana said the package of proposals could at most reduce the yearly growth rate of the community by 0.1 percent and by as little as 0.05 percent. By concentrating on energy sources, the tax would not penalize the least-developed members of the community. According to one estimate, Portugal emits about two metric tons of carbon dioxide per person a year, while the comparable figure for Denmark or Germany would be 14 metric tons.

According to the commission's figures, the United States produces about 23 percent of the world's carbon dioxide emissions, Japan 5 percent, the European Community 13 percent and Eastern Europe and the Soviet Union 25 percent. Mr. Ripa Di Meana acknowledged that the United States Government still took a hard line against energy taxes.

AMERICANS ARE RESERVED

"At present, the Americans are very reserved," he said. "The Americans have a culture which is very extravagant in the use of energy—for example in big cars—which has developed over a long period of time."

The commissioner noted that when OPEC forced up the price of oil in the 1970's by curbing production, energy consumption in the developed world went down. Now, he said, OPEC was protesting the idea of an energy tax that would raise oil prices.

"Someone said today that our tax is the same as theirs, but we hope that OPEC will take that only as a witty remark," the commissioner said.

TRIBUTE TO THE REPUBLIC OF CHINA ON HER 80TH BIRTHDAY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. CLEMENT. Mr. Speaker, later this week, on October 10, people throughout the world will celebrate with the Chinese on Taiwan their 80th national day.

From its humble beginnings on mainland China in 1911, the Republic of China on Taiwan has blossomed into a nation of economic might and vitality. Moreover, the friendship between the Republic of China on Taiwan and the United States has had a long and productive history. I know of several ties between businesses headquartered in my own State of Tennessee and the Republic of China on Taiwan and I firmly believe that the friendship and ties between our two countries will grow stronger in the next eight decades.

I congratulate the people of the Republic of China on Taiwan and their President, Lee Teng-Hui, and Premier, Hau Pei-Tsun, on this anniversary.

DISCHARGE RULE ON UNEMPLOYMENT COMPENSATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. SOLOMON. Mr. Speaker, pursuant to my remarks earlier today on the House floor, I am today introducing a rule providing for the consideration of H.R. 1367, an unemployment compensation insurance bill introduced by the gentleman from New York [Mr. DOWNEY] back on March 11, 1991.

The reason I have chosen that bill is to comply with the requirement that no discharge motion may be filed on a bill until it has been pending for at least 30 legislative days. The Downey bill has been pending some 86 legislative days by my count.

The rule I have introduced on H.R. 1367 would make in order as original text for amendment purposes the text of S. 1791, the Dole unemployment compensation bill which provides for up to 10 weeks of additional unemployment benefits and pays for itself in compliance with the Budget Enforcement Act's pay-as-you-go requirements.

Mr. Speaker, I regret that we find it necessary to embark on this discharge process, but the majority has repeatedly denied us an opportunity to offer our alternative and insists on recycling bills that cannot become law.

In 7 legislative days from today I will be eligible to file a discharge motion on my rule to bring a signable, and fiscally responsible unemployment compensation bill to the floor. The time has come to quit playing politics with the unemployed and instead provide them with some long overdue relief.

A TRIBUTE TO THE UNIVERSITY OF GEORGIA'S COUNTY EXTENSION SERVICE

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. RAY. Mr. Speaker, I rise today to pay tribute to the University of Georgia's County Extension Service.

For the past 7 years I have held regular meetings with this fine organization. Last night's meeting was as informative and productive as ever. Although faced with severe budgetary cuts, the extension service is determined to continue its needed work.

The services provided by this organization touch the lives of thousands of Georgians. Farmers rely on this group to provide them with information, training, advice, and research in order to produce a strong, and healthy crop for the American consumer.

The extension service also works with children throughout the State of Georgia, in both rural and metropolitan areas through their connection to the Georgia 4–H Program.

Those children who have the opportunity to participate in the program gain a deep appreciation for our land, and a sense of responsibility for its care.

The University of Georgia's County Extension Service is one of the most respected organizations in the State of Georgia. I am always pleased to meet with these fine individuals, and I encourage my fellow colleagues to make themselves available to the extension services in their districts. You could not ask for a more informed, and enthusiastic group who is always willing to help their fellow citizens.

COUNTY AGENTS ASSOCIATION MEETING WITH CONGRESSMAN RICHARD RAY—OCTOBER 7, 1991

Georgia Extension Service personnel present:

1. Greg Sheppard, Lamar County, 2. Donnie Tyler, Upson County, 3. Jimmy Howell, Marion County, 4. James Williams, Troup County, 5. Stewart Newberry, Macon County, 6. Jimmy Savage, Central District, 7. Terry Hamsley, Pulaski County, 8. Carl Varnadoe, Butts County, 9. Sandra Williams, Crawford County, 10. Tony Howell, Meriwether County, 11. Tommy Cummings, Schley County, 12. Gordon Lee, Twiggs County, 13. Paul Bulloch, Talbot County, 14. John Pope, Monroe County, 15. Wayne Chestnut, Troup County, 16. Darrell Dunn, Southwest District, 17. Duren Bell, Houston County, 18. Richard Smith, Muscogee County, 19. Keith Lassiter, Baldwin County, 20. Tom Jennings, Wilcox County, 21. John Parks, Bleckley County, 22. James Willis, Taylor County, 23. David Mills, Central District, 24. Paul Johnson, Southwest District, 25. Melvin Davis, Central District, and 26. Marie Abercrombie, Central District.

COLLEGE OF IDAHO CELEBRATES 100TH BIRTHDAY

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. LAROCCO. Mr. Speaker, on October 7, the College of Idaho celebrated its 100th birthday, an exceptional accomplishment for a college founded just a year after Idaho gained its statehood.

The history of the State's oldest private 4-year institution of higher learning is one of remarkable people accomplishing great things. The school's founder, the Reverend William Judson Boone, is an example. The Reverend Boone raised money tirelessly to get the college underway and then became synonymous with the Caldwell School as its president for 45 years. The high point of the celebrations was the dedication of a statue honoring the Reverend Boone.

A number of remarkable individuals have attended the College of Idaho, including J.A. Albertson, who founded one of the largest chains of grocery stores in the country, and for whom a brand new activities center and a new international school are named. The college, which has a student body of just 640, has produced a number of world-renown scholars. And yet, 100 years and thousands of graduates later, the college continues to be an extended family rather than an institution.

The college has enjoyed good times and suffered through lean years, Mr. Speaker. Ten years ago, the very future of the college was in question. But I am happy to report that on centennial day, the College of Idaho is blessed with fine leadership under President Robert Hendren, a growing endowment, new buildings, the support of its alumni and an increasing enrollment.

As the College of Idaho enters its second hundred years, it faces a bright and promising future. As college professor, historian, and modern-day institution Louie Attebery said, "The mission is still to excite young minds."

TRIBUTE TO EDWARD D. RE, FORMER CHIEF JUDGE OF THE U.S. COURT OF INTERNATIONAL TRADE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. GUARINI. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues the outstanding achievements and extraordinary service of the Honorable Edward D. Re. He recently retired as chief judge of the U.S. Court of International Trade, where he had served for 22 years. On October 11, 1991, the U.S. Court of International Trade will hold a special session in recognition and in honor of his many years of dedication and service.

Judge Re is a graduate of Public School 176 and New Utrecht High School in Brooklyn, NY. upon graduation, he attended St. John's University where he received a Bachelor of Science Degree cum laude and went on to pursue legal training at St. John's University School of Law. He distinguished himself early on and graduated summa cum laude and valedictorian of his law school class.

Judge Re has contributed greatly to legal scholarship and improving legal education. In 1947, 4 years after graduation, he was appointed to the faculty of St. John's University School of Law and served as a full professor there from 1951 to 1961. He also taught administrative, equity, and international law at the New York Law School and Georgetown Law Center in Washington, DC.

To date, Judge Re is the author of nine scholarly books on law, various forwards and introductions in the works of others, and countless articles in law reviews and law journals throughout the country.

Judge Re's career in public service began in 1961, when President Kennedy appointed him to serve as Chairman of the Foreign Claims Settlement Commission of the United States. In 1967, he was appointed by President Johnson as Assistant Secretary for Educational and Cultural Affairs in the Department of State. On September 21, 1968, President Johnson nominated Edward Re to be a judge of the U.S. Customs Court. Confirmed by the Senate on October 2, 1968, he assumed his duties as a federal Judge on January 10, 1969. Eight years later, Judge Re was designated by President Jimmy Carter as chief judge of the Customs Court. On November 1, 1980 Judge Re became the first chief judge of the U.S. Court of International Trade, the position from which he most recently retired.

Judge Re has also been very active in the legal community. From 1965 to 1967 he served as chairman of the section of international and comparative law of the American Bar Association. He was also chairman of the American Bar's Committee on Judicial Education on International Law. Judge Re also served tenures as president of such distinguished legal organizations as the American Foreign Law Association, the American Justinian Society of Jurists, "Scribes," the American Society of Writers on Legal Subjects, and the American Association for the Comparative Study of Law, Inc. Judge Re has also served as a statutory member of the Judicial Conference of the United States since 1986. In 1990, he was appointed to its executive committee and committee on long range planning by Chief Justice Rehnquist.

In addition to forging a very successful professional career, Judge Re has been a very dedicated family man. He married the former Margaret Anne Corcoran of New York, a graduate of Manhattanville College of the Sacred Heart and St. John's University School of Law, and together they are the proud parents of 12 children.

As a renowned legal scholar, accomplished career professional, a dedicated family member, and a proud member of the Italian American community, Judge Re has been the recipient of numerous civic and cultural awards. In addition to winning the U.S. Air Force Commendation Medal and the American Bill of Rights Award, Judge Re was awarded the Liberty Medal by the mayor of the city of New York in 1986 and in 1987 was honored by Governor Cuomo of New York at ceremonies commemorating "Italian Heritage and Culture Month." In 1986, the Prime Minister of Italy, Giulio Andreotti, conferred that country's highest rank of the order of merit, "Cavaliere Di Gran Croce."

Mr. Speaker and my distinguished colleagues, please join me in saluting a man who has contributed so much to our country and its legal system. Judge Re is truly an accomplished individual of extraordinary character.

MEDICAL MALPRACTICE INSURANCE

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. KYL. Mr. Speaker, medical malpractice insurance premiums rose at an annual rate of 15.1 percent from 1982 to 1989 and added $5.6 billion to the cost of health care in America in 1989. Indirect health professional liability costs such as redundant testing and other defensive medicine practices added another $15.1 billion to the cost of health care, bringing total professional liability costs to $20.7 billion, or 17.6 percent of this country's total expenditures on physician services.

In my home State of Arizona, for example, obstetricians pay an average malpractice insurance premium of $52,900 per year. They are forced either to pass this cost along to their patients, or to enter different specialties.

Today I have introduced legislation which will reform our out-of-control malpractice tort system by putting an end to astronomical awards for noneconomic damages. It will also establish incentives for States to set up alternative dispute resolution systems so that people will not have to go to court and pay large attorneys' fees.

As the Vice President said in his remarks to the American Bar Association, our system "should provide a multidoor courthouse, where parties have options other than formal litigation. This idea will, of course, empower people with disputes, and it'll help unclog the courts."

The Kyl/Stenholm malpractice tort reform bill will do this.

Title I of the bill requires the Secretary of Health and Human Services to provide grants to States for the implementation and evaluation of innovative systems to settle medical liability disputes. States will have the ability to design systems tailored to their needs. Each system will be examined and approved by the Secretary for a 2-year grant. After the 2-year period, the State will have the option of extending the grant for an additional 2 years

The Secretary also will collect and disseminate information regarding the outcomes of the various alternative dispute resolution [ADR] systems to interested parties. States desiring to implement their own ADR or fine tune their existing program will be able to examine programs from around the country and determine what is effective.

The second section requries Federal tort reform, provided the Federal guidelines are more stringent that existing State laws.

First, a health care practitioner may not be found to have committed malpractice unless the conduct at the time of providing the health care services that are the subject of the action was not reasonable.

Second, a series of damage limitations will be enforced.

These include: limiting noneconomic losses to $250,000; requiring mandatory periodic payments for damages exceeding $100,000; limiting attorney's contingency fees to 25 percent for the first $150,000 and 15 percent to amounts greater than $150,000; mandatory offsets for damages paid by a collateral source; requiring liability to be several only and not joint, with the defendant being liable only for the amount of noneconomic damages proportional to the defendant's percentage of responsibility; and limiting punitive damages to twice the compensatory damage award. In addition, a State may opt to develop its own standards which exceed the Federal minimum standards provided by the HHS/Federal guidelines. If more stringent guidelines developed, these would apply to all services provided in the State—both public and private.

Third, the statute of limitations on a case shall be 2 years from the time the injury was or should have reasonably been discovered.

Fourth, regarding obstetric services, health care practitioners who are seeing a woman for the first time during the labor and/or delivery of a baby shall not be held liable for problems resulting from the term of the pregnancy. The health care practitioners can still be held negligent for their actions during labor and delivery.

Fifth, with respect to product liability, if a health care producer of medical devices or drugs goes through the Food and Drug Administration approval process, punitive damages may not be awarded in medical product liability claim. However, if a company withholds information or misrepresents the product during the approval process, punitive damages may be assessed.

Sixth, a nationwide insurance risk pool will be created for Community and Migrant Health Centers. A grant for establishing the risk pool will be provided through the Secretary of Health and Human Services. Since Community and Migrant Health Centers have such a low rate of medical malpractice cases levied against them, creating a risk pool specifically for those centers will reduce their medical malpractice insurance costs.

I encourage my colleagues to cosponsor this important malpractice tort reform legislation.

SALUTE TO DR. MARIO VIGLIANI

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. REED. Mr. Speaker, I rise today to salute a distinguished gentleman, Dr. Mario Vigliani, who has practiced medicine in Rhode Island and is to receive the International Institute of Rhode Island's Outstanding Citizen Award.

Born in Italy, Dr. Vigliani came to New York in 1948, to do his residency and internship after graduating from medical school in Pisa, Italy. He completed a second residency at the former Chapin Hospital in Providence, where he dedicated long hours and intricate study to contagious diseases. He established his first practice on Providence's Broadway.

After Air Force service during the Korean war—as pediatrics chief of the Northeastern Command—he opened a practice in the Mount Pleasant area and joined the Atwood Medical Group in Johnston, where he practiced until retirement in 1989.

Dr. Vigliani has served as chief of pediatrics for the disabled at the State-run Zambarano Hospital. He has demonstrated his commitment to volunteer service at several medical clinics including the free clinics at Roger Williams General Hospital and St. Joseph's Hospital. He is rightly revered for his loyalty to the field of medicine.

Mr. Speaker, in recognizing his years of service, I ask my colleagues to join me in saluting Dr. Mario Vigliani.

TRIBUTE TO ARTHUR G. YOUNG

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. Arthur G. Young of my 17th Congressional District of Ohio. On October 25, 1991, Mr. Young will receive the "Man of the Year" award from the Mahoning Valley Economic Development Corp [MVEDC].

This year's celebration, "Salute to Financial Institutions" focuses on those businesses that have been consistent contributors to the valley's economic development. As vice-president and trust officer in 1959 and president and trust officer of Mahoning National Bank in 1972, Mr. Young has served Youngstown in similar positions for over 40 years.

Some of these positions include vice-president of MVEDC from 1981 to 1985, member of the executive committee and trustee corporation of Mahoning Bank and chairman of the board of the Youngstown Area Chamber of Commerce.

Previous to his present position, Mr. Young served his country in World War II as captain with the 8th Air Force Fighter Command Headquarters Staff in London, England.

From service to his community, Mr. Young has received numerous awards. In 1986, Youngstown State University awarded him the Distinguished Citizen's Award. In 1983, Mr.. Young was named "Manager of the Year" by the Mahoning Valley management Association. With such an admirable background, it is obvious that MVEDC chose the best man for their "Man of the Year."

Mr. Speaker, it is with great respect and admiration that I rise today to congratulate Mr. Arthur G. Young as MVEDC's "Man of the Year."

CAROL BECK: THE CONSUMMATE EDUCATOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TOWNS. Mr. Speaker, I rise today to salute one of Brooklyn's finest and most dedicated educators and administrators, Ms. Carol Beck. Ms. Beck is the principal at Thomas Jefferson High Brooklyn, NY. She has established herself as a giant in her field, by undertaking the mammoth challenge of educating disadvantaged youth under increasingly difficult economic circumstances.

Carol Beck has responded to the challenges put before her by being an innovator. She is responsible for organizing, implementing and administering various meaningful educational programs, such as the congressional arts competition, and she is the creator of a nationally recognized program which serves as a high school based infant center for teenage parents.

Ms. Beck has been the recipient of numerous awards such as the: American Hero in Education Award; Mother of the Year Award; Dedicated Service Award; and the Hometown Hero Award.

Acknowledged as an expert in her field, she is respected by everyone and loved by many. I am immensely pleased to sing her praises for the truly unselfish work she has performed in the interests of her students and her community.

JUDGE CLARENCE THOMAS AND CHARGES OF SEXUAL HARASSMENT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Ms. NORTON. Mr. Speaker, the sexual harassment controversy surrounding Judge Clarence Thomas obligates me to speak out. I feel obligated because I am a former chair of the EEOC. I feel obligated because my Commission and I wrote the sexual harassment guidelines. I feel obligated because I am a lawyer who has fought hard for fair and open processes. And, Mr. Speaker, I confess that I feel obligated because I am a black woman who cannot help but share some of the lonely pain Professor Anita Hill has courageously chosen to bear.

I cannot know where the truth lies, but I cannot imagine why Professor Hill would have chosen to invent a story she knew would submit her to public torment. All that I do know, Mr. Speaker, is that this matter must not be suspended in time and in doubt.

We wrote the sexual harassment guidelines more to put employers on notice of the nature of the conduct and the need to take personal responsibility than we did to punish offenders. We wrote the guidelines to give women the courage to come forward, as Professor Hill now has done, and by doing so to deter the most widespread from of sex discrimination in

America today. No one is immune from the scrutiny the guidelines require in a court. And no nominee for high office, most especially the Supreme Court, must ever enjoy immunity when such a serious charge is responsibly made. For the sake of both Thomas and Hill, for the sake of the Court let this matter be resolved, not avoided.

HAPPY 80TH BIRTHDAY, TAIWAN

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. LIVINGSTON. Mr. Speaker, this Thursday, October 10, the Republic of China on Taiwan will celebrate its 80th Independence Day. As I know from personal experience, the Taiwanese are a very proud people, and they have every right to be.

Taiwan is a modern, industrialized, democratic nation. I think its worth special note that its people enjoy a standard of living far higher than that of their colleagues on the mainland.

I would also like to make note of the Republic of China's increasing willingness to shoulder more international responsibilities. As the world turns away from communism and state-owned, state-run enterprises, there is going to be dramatic need for capital investment worldwide.

The United States cannot accept these burdens alone and that's why the support and expertise of other free countries is so indispensible. The Republic of China should be applauded for its efforts to be a responsible international partner.

Also in that spirit, I am glad to see that President Bush is now on record as supporting Taiwan's entry into GATT.

Mr. Speaker, to all the citizens and leaders on the Republic of Taiwan, I send my best wishes for a happy Independence Day.

PERMANENT MFN FOR HUNGARY AND CZECHOSLOVAKIA

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. PEASE. Mr. Speaker, I rise today in enthusiastic support of H.R. 1724, a bill to provide for the termination of the application of title IV of the Trade Act of 1974, to Czechoslovakia and Hungary. In short, this legislative initiative would normalize American trade relations with these two deserving East European nations and place them on equal footing with other U.S. trading partners.

I feel strongly about this perhaps because of the weight of the events that have led to its inception. The economic and political changes that we have witnessed over the past few years both in Eastern Europe and the U.S.S.R. are nothing short of monumental. I know I for one will look back on the early 1990's as a time when history was in the making—replete with events about which we will want to tell our children and grandchildren.

The portion of the Trade Act of 1974 with which this bill deals, that is, title IV or the Jackson-Vanik amendment, was written during an entirely different era in U.S. commercial and political relations. I think I can safely and happily say, that this era has come to an end. Many of the countries of Eastern Europe—Hungary and Czechoslovakia among the most progressive—are evolving from command to market economies. Additionally, the governments of these nations have abandoned their restrictive immigration policies.

With such far-reaching changes in the global economic and political environment comes the inevitable need for change in U.S. foreign and commercial policy. The application of title IV of the Trade Act to Hungary and Czechoslovakia represents one such policy in need of updating.

In conclusion, I would note that H.R. 1724, if enacted into law, will help the United States as well as Hungary and Czechoslovakia. The markets of Eastern Europe offer tremendous opportunity to American businesses. Such potential could go untapped, however, if traditionally risk-averse United States companies cannot be certain of the goodness of the commercial climate in markets like Czechoslovakia and Hungary. American companies seek predictability and certainty before dealing in any foreign market. By rendering MFN status essentially permanent for Hungary and Czechoslovakia, H.R. 1724 lays the basis for such certitude.

Finally, H.R. 1724 will benefit Hungary and Czechoslovakia by catalyzing both capital investment and trade. The link between the economic development of these economies and the viability of democratic reform is undeniable, even intuitive. One might say that this bill offers a two-for-one deal: That is, with one change in American trade policy, we help to ensure the perpetuation of both the economic reform and the political liberalization that the courageous leaders of Hungary and Czechoslovakia have undertaken.

For these reasons, I urge my colleagues to join me today in supporting H.R. 1724.

NEW YORK GUARD CELEBRATES 74 YEARS OF SERVICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. GILMAN. Mr. Speaker, for the past 74 years, the men and women of the New York Guard have lent their support to my home State and our Nation through their dedicated service in times of crisis and peace. On August 3, 1991, the people who execute the duties of and comprise the New York Guard celebrated their 74th anniversary as the Empire State's volunteer militia.

The New York Guard functions as one of the four military components of the State's organized militia under the direction and supervision of the Division of Military and Naval Affairs. The devoted volunteers of the New York Guard stand ready to assume National Guard State missions should the need arise for an increase in the labors of Federal duty. A recent example of their rush to the call of duty was illustrated during Operations Desert Storm and Desert Shield. During this time, members of the New York Guard provided countless hours in service to Army National Guard units, unit soldiers and their families. Services included unit mobilization assistance such as facility security, medical assistance, administrative support and legal counseling for unit members and their families.

Recently, as an officer in the Guard, I had the opportunity to participate in the awards ceremony at the New York Guard's annual training encampment. I was proud to witness Lt. Wayne R. Becker receive the New York State Medal of Valor, the highest State military award issued for a rescue from a burning building, demonstrating that the dedicated service of the Guard exists on the homefront as well as overseas.

The New York Guard is comprised of voluntary citizens who seek an opportunity to serve both their State and Nation. It is currently operating 30 armories throughout the State with a fully mobilized strength of 18,000. They are prepared to serve in military and civil affairs and are prepared and willing to continue to do so for the next 74 years.

I invite my colleagues to join in congratulating the New York Guard for their distinguished service.

TRIBUTE TO RAOUL WALLENBERG AS AN HONORARY AMERICAN CITIZEN

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to mark the 10th anniversary of the joint congressional action which named Raoul Wallenberg, a Swedish diplomat who saved the lives of approximately 100,000 Hungarian Jews during the Holocaust, as an honorary American citizen. That congressional action took place on October 5, 1981.

Much of Mr. Wallenberg's recognition is due to the work of the Raoul Wallenberg Committee of the United States, which is located in my congressional district. The committee, which celebrated its 10th year of work this past May, currently is developing a program targeted for schools across the country entitled, "Raoul Wallenberg: A Heroes Curriculum." The Heroes Curriculum is intended to educate students of Mr. Wallenberg's heroic actions. The curriculum is being tested in New York City Public Schools with the approval of the New York Board of Education as well as in the Oak Hill School District in High Point, NC. The committee currently is exploring States in the Far West as proposed sites to pilot the curriculum.

At this time, I should like to thank the Raoul Wallenberg Committee of the United States for its dedication over the past decade to educating the public about one of the world's most extraordinary heroes and investigating the details of his fate. I join my colleagues in paying tribute once again to Raoul Wallenberg as an honorary American citizen.

FELIX MILAN, JR.: BUSINESS EXECUTIVE, ENTREPRENEUR, AND COMMUNITY LEADER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TOWNS. Mr. Speaker, I rise today to salute Mr. Felix Milan Jr. Mr. Milan is a resident of tremendous standing in Brooklyn. He represents the cultural mosaic for which that fine borough has become known. Born in Guayanilla, PR he has become the epitome of success through hard work.

Mr. Milan's varied work experiences include his work at the Brooklyn Navy Yard as an accountant, his start-up of 747 Travel Tours in Jackson Heights, NY. He has also been actively involved in community and professional organizations. Volunteerism has been his hallmark. He is the treasurer of the Association of Latin American Travel Agents, and served in similar capacities for the Navy Yard Boys and Girls Club, and the New York City Hispanic Business and Professional Association.

Mr. Milan is the proud father of three children, and the loving husband of Madalena Pinheiro. I am proud to salute the achievements of a man who "gives consistently and unselfishly to his community."

A TRIBUTE TO CAPT. FREDERICK D. KLUG

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. McEWEN. Mr. Speaker, I rise today to honor an individual who has provided many years of excellent support and dedication to not only myself but to the Congress at large. Capt. Frederick D. Klug, Office of the Secretary of the Air Force, Legislative Liaison, Inquiry Division, will be reassigned from the Pentagon to Grissom AFB, IN, on October 21, 1991. I, and many of my colleagues, have directly benefited from his exceptional service in the Air Force's congressional inquiry office.

As an action officer, Captain Klug's calm, logical, and thorough method of handling unique situations and constituent concerns, some of which were extremely time sensitive, resulted in the successful resolution of over 800 cases each year during a 4-year tour. Time and time again, his can-do attitude attained favorable results. A seasoned traveler with a myriad of congressional members and their staffs, Captain Klug was among the first to escort a large delegation to Moscow. His thorough, efficient, professional planning assured that this trip, and others to follow, were completely successful.

Mr. Speaker, I join with many of my colleagues who have directly benefited from the professional support Captain Klug has provided the Congress in congratulating him for a job extremely well done and wishing him and his wife Jackie, as well as his son, Jeffrey, the very best in the future. Captain Klug is a professional among professionals and brings great credit upon himself and the U.S. Air Force.

TRIBUTE TO THE LATE BISHOP ALPHONSE GALLEGOS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. MATSUI. Mr. Speaker, I rise today in great sadness to advise you that an outstanding citizen of Sacramento, CA, Bishop Alphonse Gallegos, was tragically killed on Monday. Gallegos, and driver Gonzalo Ruiz were traveling southbound on Highway 99 north of Yuba City when their car's engine stopped. As the two men pushed the car in the freeway fast lane, another southbound car slammed into their car and killed Bishop Gallegos.

Gallegos was ordained to the priesthood May 24, 1958, in Suffern, NY, in the Order of Augustinian Recollects. Bishop Gallegos was 50 when he was named by Pope John Paul II in 1981 to serve as auxiliary bishop of the Roman Catholic Diocese of Sacramento, a sprawling area of 20 counties and 42,000 square miles. He was the first Hispanic to serve in the episcopacy of northern California since 1861.

Reverend Gallegos has made numerous contributions to the Sacramento community and the State of California and we will all miss his presence. During his nearly 10 years in Sacramento, Bishop Gallegos was a forceful advocate for the concerns of Hispanics. He marched in solidarity with the United Farm Workers, opposed cuts in bilingual education, and worked with inner-city gangs up and down the State. He worked tirelessly to steer Hispanic youth toward education and away from drugs and crime.

Mr. Speaker, replacing such a beloved figure will not be easy. We will all mourn the loss of such a giving, dedicated, and exceptional man.

FIRST ANNUAL CONGRESSIONAL FISHING TOURNAMENT HELD

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. ARMEY. Mr. Speaker, on Saturday, October 5, my wife, Susan, and I had the pleasure, along with several other Members of Congress and their spouses and children, of participating in the first annual congressional fishing tournament. The tournament was held on the Potomac River and sponsored by the U.S. Department of the Interior.

The tournament was entirely funded by private sector sponsors. Hearst Magazines was the lead sponsor, and they contributed a $10,000 first prize in the form of a grant to a recreational or environmental program designated by the tournament winner.

Other sponsors included Ranger Boats, Anheuser-Busch, Tracker Boats, Bass Pro Shops, Shimano America, Yamaha Engines, Berkley, Out Door Life Unlimited, and WMZQ Radio.

The tournament provided a unique opportunity for congressional families to enjoy the sport of fishing and to see firsthand the environmental care embodied in the sport. Several bass were caught, weighed, recorded, applauded, and most important, returned safely to the water via the deluxe Shinaro Relcove Boat. Not a single fish was killed or injured.

Congratulations are in store for Congressman DICK SCHULZE, who won the tournament, and also to JOHN PAUL HAMMERSCHMIDT for having caught the largest fish. As for the rest of us—wait until next year.

INTRODUCTION OF THE WETLANDS DISPOSITION AND PROTECTION ACT OF 1991

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. RIDGE. Mr. Speaker, today I rise to introduce the Wetlands Disposition and Protection Act of 1991. This legislation will provide for the protection and conservation of wetlands by providing public agencies and nonprofit organizations with the opportunity to acquire such properties from the Resolution Trust Corporation. The protection and conservation of wetlands properties under the RTC's jurisdiction can play an integral part in achieving President Bush's "no net loss" goal.

As the President develops his no net loss of wetlands policy, the disposition of RTC properties must be handled with extreme care. While the mission of the RTC presents a tremendous challenge in most every respect, the need to properly identify wetlands is important. Federal agencies and private organizations should be given the opportunity to properly examine the RTC's inventory of properties on a timely basis in order to be able to make critical acquisition decisions. The Wetlands Disposition and Protection Act of 1991 will provide these entities with that opportunity by extending a right of first review and first refusal to public agencies and qualified nonprofit organizations that intend to acquire these properties for conservation purposes.

In addition, the public needs to be alerted of environmentally sensitive lands prior to purchase of any such properties. Given the stringent Federal regulations which protect wetlands and limit land use, the prospective buyer should not be placed in the position of purchasing property without full knowledge of the possible restrictions which may be placed on their land. While I am working to clarify and improve existing wetlands regulatory policies, the RTC can be helpful in ensuring that wetlands are in fact sold to buyers who fully understand the restrictions on the use or development of such land.

Ultimately, I believe that this legislation will result in sound public policy for the RTC, for the American private property owner who does not want to be burdened with properties that have limited use and for those who are committed to wetlands preservation and conservation.

TRIBUTE TO THE FORD-UAW APPRENTICESHIP PROGRAM

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to pay tribute to the Ford-UAW Apprenticeship Program on the occasion of its 50th anniversary.

These are challenging times for many Americans, Mr. Speaker. The development of a global, highly-integrated economy has placed American workers in direct competition with their counterparts in Japan, Germany, Mexico, and elsewhere. It has put a premium on those workers who have the skills and knowledge to design and build innovative quality products at low prices.

America must adapt to the changed circumstances we face. We must renew the drive for the excellence in education and training that made our country the greatest economic power the world has even seen. We must equip our workers with the knowledge and skills they need to overcome the advantages that others possess. If we don't, our standard of living will continue to slip and our standing in the world will decline.

That's why I'm so proud to call my colleagues' attention to the Ford-UAW Apprenticeship Program. When we look for successful blueprints to chart our economic future, we'll want to study this program closely. While others have talked and debated, the Ford-UAW program has been successfully training American workers to keep pace with their competition.

Since 1941, the program has graduated 22,000 men and women—as electricians, tool and die makers, machine repairers, plumberfitters, millwrights, and others trades people critical to the productive manufacturing of cars and trucks.

It has asked participants to meet very exacting standards. Training generally lasts 4 years and requires 8,000 hours of training for each apprentice. This training combines supervised shop floor experience with guidance by experienced journeymen and related classroom instruction delivered primarily through community colleges.

This Ford-UAW program is also praiseworthy for its vision of cooperation. It was one of the earliest joint management-union efforts in American history. For 50 years, apprenticeship training at Ford has been in the hands of a National Joint Apprenticeship Committee and plant subcommittees consisting of equal numbers of management and union representatives.

At a time when our country is in a fierce struggle to preserve its industrial base, when its workers are in great need of more training, the Ford-UAW Apprenticeship Program is a model in how to effectively fight the economic battles of the future.

The skilled trades' expertise learned in this program is important to our auto workers, and to Ford as it fights to compete against it rivals, particularly foreign companies that often possess unfair advantages.

Just as importantly, the achievements of this program and its graduates are also contributing mightily to the economic strength of this country, and I want to salute the program's illustrious past and wish it well in the future.

WOMEN'S BUSINESS PROCUREMENT ASSISTANCE ACT OF 1991

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. LAFALCE. Mr. Speaker, today I am introducing on behalf of myself and Congresswoman MARCY KAPTUR, the Women's Business Procurement Assistance Act of 1991. This legislation, which is also a part of the Economic Equity Act of 1991, is designed to promote greater access for women to Federal procurement opportunities by requiring numerical goals to be established by Federal agencies for both prime contracts and subcontracting plans; by mandating affirmative action to identify and solicit procurement offers from women-owned businesses; by designating a Women-In-Business Specialist in each agency, who will be responsible for implementing programs to assist women-owned businesses; and by establishing an Office of Women's Business Ownership at the Small Business Administration to promote and assist women-owned small businesses.

The Women's Business Procurement Assistance Act builds on the work and intent of the Women's Business Ownership Act of 1988, Public Law 100–533. Indeed, the Women's Business Ownership Act as I originally introduced it in 1988 contained language almost identical to that now found in the Women's Business Procurement Assistance Act. The procurement provisions were dropped in 1988 only because they were subject to multicommittee jurisdiction, which, given the press of legislative activity toward the end of the Congress, could have delayed passage of the entire bill beyond 1988. At that time, however, I did pledge to revisit this issue and have chosen to introduce it as part of the Economic Equity Act to demonstrate my ongoing commitment to improving the economic status of American women.

Mr. Speaker, according to the 1987 Survey of Women-Owned Businesses released in October 1990 by the Bureau of the Census, for the period 1982–87:

The number of women-owned business grew four times faster than all businesses;

The number of women-owned business grew by 57 percent;

Women are making significant gains in nontraditional sectors such as manufacturing and construction; and

Women own over one-third of the Nation's businesses.

One would think that Government and business would tap in to this highly active and growing segment of our economy and do the business-like thing: give women entrepreneurs fair and equal access to compete in the marketplace. Unfortunately, this is all too frequently not the case. As chairman of the Committee on Small Business, I have held seven hearings on women-owned businesses between 1988 and 1991. One thing was clear from the testimony: instead of windows of opportunity, women business owners often find closed doors. Subtle forms of discrimination—from lending to networking—abound. Indeed, women-owned businesses only receive about 1 percent of all Federal procurement dollars for example.

The Women's Business Procurement Assistance Act is an effort to improve contracting opportunities for women in part by requiring procurement officers in each Federal agency to make consideration of and opportunities for women-owned businesses a routine part of their procurement efforts. This is not being done enough at the present time.

Mr. Speaker, my commitment to assist women business owners is not limited to this bill. Earlier this year I introduced the Women's Business Development Act to reauthorize and refine two programs created by the Women's Business Ownership Act of 1988. Those programs are the guaranteed small loan program administered by the Small Business Administration and a demonstration project providing business counseling and training for women entrepreneurs.

I am very pleased at the success of those programs. The loan program has helped alleviate the chronic small business problem of access to credit and the training program has assisted a number of women in starting businesses and others in expanding businesses.

I am confident that the Women's Business Procurement Assistance Act will also be successful in integrating the increasingly important women's business sector into the economy.

MAGGI AMODEO HAS SERVED MALTA, NY, IN MANY WAYS FOR MANY YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. SOLOMON. Mr. Speaker, one of the pleasures of serving in Congress is the chance to know outstanding citizens who are working quietly and selflessly in communities across America in so many ways, including service in local offices.

One such person is Marguerite Amodeo of Malta, NY, who is retiring this year after many years of dedicated involvement in the affairs of her town, including service as a member of the zoning board of appeals, the planning board, and as chairman of the town's assessment review board. In addition, she has been a ready and dependable volunteer in her town whenever called upon, whether helping to edit a town newsletter or helping with the celebration of our national bicentennial in the 1970's.

My own affection and respect for Maggi Amodeo is based not only on my observance of her many good works through the years, but also from her service on my district staff when I first entered Congress.

Whatever Maggi Amodeo does, she can always be counted on to bring a boundless enthusiasm and a unique degree of diligence and competence to any endeavor she takes on.

On October 28, 1991, her many friends and neighbors are sponsoring a well-earned testimonial in her honor, and it is my privilege to invite all of my colleagues at this time to join me in thanking Maggi Amodeo for her long and distinguished record of outstanding citizenship and devotion to public service. She is a truly special person, a very special American, and a person I'm proud to call my friend.

YOUTH HOMES CELEBRATES ITS GOLDEN ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. MILLER of California. Mr. Speaker, I ask you and the Members of the House to join me in celebrating the Youth Homes Program of Contra Costa County's 25 years of invaluable community service to central and northern California.

Since 1967, Youth Homes has provided short- and long-term care for adolescents in 14 group homes across 5 California counties. Their goal is to help the participants in the program to develop a healthy self-concept and to view themselves and others as worthy of respect and trust.

The program's participants suffer from problems such as hyperactivity, depression, and self-destructive behavior stemming from situations such as abandonment, dysfunctional families, and physical or emotional abuse. The counselors at each facility work with over 200 adolescents a year to develop an individualized program for each participant to meet his or her developmental and therapeutic needs.

I applaud the invaluable service this highly successful program has provided to the communities it serves, and I ask you, Mr. Speaker, and my colleagues, to join me in congratulating Youth Homes on their golden anniversary.

TRIBUTE TO JACK COBEN

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. BORSKI. Mr. Speaker, I rise today in tribute to Jack Coben, who will be honored by the Philadelphia Knights of Pythias on October 12.

Mr. Speaker, the Order Knights of Pythias, to which Jack Coben gives his time and talent, was founded in Washington, DC, in 1864. Established during the Civil War, it was hoped the Knights of Pythias might help to heal the wounds and allay the hatred of the war's conflict.

Jack Coben was born in Philadelphia and graduated from Northeast High School. He attended Drexel University and served in the U.S. Navy.

In 1950, Jack Coben joined Ben Ort Lodge, No. 515, of the Order Knights of Pythias. He served on numerous committees and in 1953 and 1958 was the chancellor commander of Ben Ort. He also has been active in arranging charity events for the lodge, as well as being a member of the Ben Ort newspaper writing staff.

Jack Coben has been honored by Ben Ort with the Man of the Year Award, the Past Grand Chancellor's Award and the Morris R. Schwartz Charity Foundation Humanitarian Award.

In addition, Jack is an active member of his community and was presented with the "Legion of Honor Award" by the Chapel of Four Chaplains, for outstanding community service.

Thank you, Mr. Speaker, for this opportunity to bring to the attention of this people's House some of the many accomplishments of Jack Coben, a man who has lived up to the philosophical triad that is the foundation of the Knights of Pythias: Friendship, Charity, and Benovolence.

THE PASSING OF ORTHODOX PATRIARCH DIMITRIOS I

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. MAVROULES. Mr. Speaker, I rise today with a heavy heart to mourn the passing on October 2 of Dimitrios I, the Ecumenical Patriarch of the Orthodox Church. Patriarch Dimitrios was the spiritual leader of the world's 300 million Orthodox Christians, including 6 million in the United States alone.

Ordained in 1942, and elected Ecumenical Patriarch in 1972, his reign was marked by a reopening of relations with Eastern Europe and the Soviet Union, and closer ties with the Western World. In 1987, Patriarch Dimitrios visited the Soviet Union, the first such visit in 398 years. Dimitrios also reopened close ties with the Vatican, and met with the Pope in 1975 and 1987. During the 1975 meeting, the Pope and Patriarch Dimitrios recited the Liturgy of the Word together, the first joint reading in almost 1,000 years.

In 1990, for the first time in history, the Patriarch made a historic visit to the United States. During his stay in Washington, I was honored to have an audience with Patriarch Dimitrios.

As His All Holiness noted in his visit last summer, "we are living at a time when we can discern the course of the future for humankind."

One of the greatest lives lighting the path toward peace and the fulfillment of humanity has been Patriarch Dimitrios, and his mark has been left on more than the 300 million Orthodox Christians. Indeed, the world is a better place today due to the achievements of His All Holiness. It is my greatest hope that in the wake of the passing of Patriarch Dimitrios, all peoples of the world bear in mind the message of peace to which he dedicated his life.

THREE CHEERS FOR THREE OAKS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. GOSS. Mr. Speaker, there is rightfully much concern around this country that our children aren't getting the kind of education they need and deserve. We read every day about failures and problems, about youngsters who don't know where the Statue of Liberty is. But today I report with pride that students of Three Oaks Elementary in Fort Myers, FL, know about geography.

And they also know about history. They know about chemistry, physics, religion, and the arts.

Thanks to the hard work and creativity of Principal Connie Jones, these kindergartners through fifth graders are showing what enthusiasm can do in the classroom. People are calling it a fever of learning—children just can't wait to go to school. They love to learn things about themselves, their history, and their world. To spark an interest in education and to open up the minds of her students, Mrs. Jones brought in E.D. Hirsch, a pioneer in education reform who wrote the best-selling book "Cultural Literacy".

As a recent Life magazine article described it, Hirsch was impressed. Here's the scene as it was recorded in the article:

"What do you know about the Nile?" the students were asked.

"It's in Egypt," one student responded.

"And what about Paul Revere?"

"He didn't finish his ride."

"Why not?"

"He got caught."

"And does anyone know how many electrons are in hydrogen?"

"One."

"What's in a nucleus, does anyone know?"

"Protons and neutrons."

And so it went. The excitement level seems a notch higher at this school. One student checked out the classic book, "Treasure Island," and read it. Three times.

Mr. Speaker, people spend a lot of time talking about the doom and gloom that is shrouding our schools these days. Unfortunately this frustration causes us to forget the hardworking students, like those at Three Oaks, and the dedicated teachers and principals, like Mrs. Jones, whose enthusiasm is making a difference.

Three cheers for Three Oaks.

SUPPORT REQUESTED FOR THE IMPACTED AID STUDENTS OF AMERICA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. PACKARD. Mr. Speaker, I am here to discuss a very important issue. Not only is this issue critical to the 11,000 school children in the 43d district of California, but also to the 1,800,000 children in 2,600 school districts throughout this country whose educational needs hinge on the Federal Government.

The question involving impact aid is not one of partisanship and politics but one of obligation and fairness. The Impact Aid Program was created to partially compensate local school districts for property tax losses caused by the presence of nontaxable Federal properties. The financial solvency of the school districts which provide direct services to these students is dependent on impact aid. Since Federal land is nontaxable, school districts that serve federally connected students are limited in the amount of revenue they can generate. Impact aid is not a handout, it is a necessity due to consequence of separate Federal policy.

In the 1950's, the Federal Government made a commitment to the families, which make up America's military services, to shoulder some of the financial burdens of educating these American children. Every year the Federal Government has tried to shirk more and more of it's financial responsibilities to our military families.

Good schools are necessary for the families of these impacted areas. It is essential that these students receive proper instructions to ensure they have the opportunities to excel in their often changeable educational environment.

I ask my fellow colleagues to please support the impacted aid students of America. Helping meet the needs of our military families and their children is an obligation of the Federal Government.

A TRIBUTE TO C.J. MARTIN—WINNER OF THE G.I. JOE AWARD

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to a very unique individual. Five-year-old Carl (C.J.) Martin, from Litchfield, NH, is unique not only for his courage, but also for the young age at which he has exhibited that courage and level-headed thinking.

Not long ago, C.J. was working with his father, Carl, who was using a table saw to cut wood. Tragically, Carl accidentally severed three fingers with the moving blade. C.J. had the presence of mind to immediately grab a towel to help stop the bleeding and then call his mother at work for help. C.J.'s fast thinking and calmness saved his father from losing a dangerous amount of blood and quickly brought help to the scene.

I am proud to say that C.J. has been selected as New Hampshire's State award recipient for the 1991 "G.I. Joe Search For Real American Heroes." The Hasbro Toy Co., which conducts this search, honors children throughout the country who have performed outstanding or heroic deeds. C.J. is certainly a deserving recipient of this award.

Mr. Speaker, in a time when the youth of our country face tremendous challenges, it is refreshing to see young people like C.J. who are setting examples of bravery and rational thinking for their peers and even many adults. I ask that my colleagues join me in paying tribute to C.J. Martin, a true American hero.

TRIBUTE TO ROBERT GRAHAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. SKELTON. Mr. Speaker, on October 25, residents of the eastern Jackson County community of Lee's Summit will gather to pay tribute to one of their own neighbors, Robert Graham. He has distinguished himself with a career as an artist.

Mr. Graham studied under the famous Kansas City artist, Thomas Hart Benton. His artistic talent was evidenced by the fact that one of his works, "Peaceful Evening," which Benton had selected a part of an exhibition of student work at the Associated American Artist Gallery in New York in 1940, was bought by the gallery owner before the show opened. Emilu Genauer, a distinguished New York art critic, praised Graham's work in a exhibit as having "a particularly appealing illuminosity [sic]." Another of his student works, "Jessie and Greenberry Raga," first exhibited at the Kansas City Art Institute in 1940, was recently offered for sale in New York for $75,000 and sold to an anonymous buyer.

During the Second World War, Graham served in the Air Corps and was eventually assigned as a combat artist under the Far East Air Service Command. A number of his works are included in the Pentagon's collection of war art. Following the war, he continued his studies at the Hoger Institute voor Schone Kunsten in Antwerp, Belgium. He has since taught art at Hunter College in New York, 1950, the University of Texas at Austin, 1951–55, and from 1958 until 1975, at the University of Kansas City, now the University of Missouri-Kansas City. His work has appeared in numerous exhibitions and is included in many public and private collections. He has recently completed and exhibited a series of paintings on the theme of the famous author, Thomas Wolfe, and his home in Ashville, NC.

Graham has been introduced by an artist friend as a "modern romantic." Graham sums up the philosophy of his work as "* * * to create things uplifting, in some way thought-provoking—and always striving for the poetic." "All the words invented by the naked ape since the big bang," he wrote on another occasion, "cannot take the place of looking. A painting is what one sees—either the emperor is splendidly clothed or he is as the little boy saw him."

Robert Graham now lives in Greenwood MO, near Kansas City, where he paints every day.

Mr. Speaker, it is my pleasure to use this occasion to join in commending Mr. Graham and thanking him for his contribution to a more beautiful world for all of us.

SALUTING THE ACCOMPLISHMENTS OF JUSTICE SYBIL HART KOOPER

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. SOLARZ. Mr. Speaker, later this month, one of New York's distinguished jurists will leave the bench after nearly two decades of service to the people of the Empire State. Justice Sybil Hart Kooper will retire, leaving an extraordinary record of accomplishment.

Justice Kooper has served as an associate justice of the appellate division of the Supreme Court of the State of New York since June 1985. In 1975, she was elected to the State Supreme Court, which in New York is a court of original jurisdiction. Before her election to the supreme court, Justice Kooper served on the family court from 1973 to 1975. Before taking the bench, Justice Kooper was a partner with the Brooklyn firm of Kooper & Kooper and an associate with the New York firm of Garfield, Clifford, & Pagan.

After graduating with honors from Wellesley College and Columbia School of General Studies, Justice Kooper attended New York Law School from which she was graduated in 1956. Not well known is that Justice Kooper was already the mother of three children when she was awarded her law degree magna cum laude.

For Justice Kooper, the practice of law has always been a family affair. Whether following in the footsteps of her father, Justice Walter Hart, to a seat on the New York State Supreme Court, or sitting as the first husband-wife team in the appellate division with her distinguished husband the Honorable William Thompson.

Justice Kooper's record on the bench speaks for itself. Journalist Jack Newfield has written of her, "She is probably the best and hardest working trial judge in the entire court system. Year after year she is assigned the most sensitive and controversial trials." The Daily News called her among the city's three most productive judges.

Know as a tough but fair justice, Sybil Hart Kooper has never pulled her punches or ducked a difficult case.

Justice Kooper has been a role model for young women aspiring to the bench. As she put it to a reporter a few years ago, "I look forward to many more women being on the bench as more and more women get out of law schools and receive the experience they need to become judges." With justice Kooper's life and accomplishments as an inspiration many more have and will.

Mr. Speaker, this Nation places extraordinary demands on our State court judges. We ask them to move a calendar packed with hundreds of complicated cases quickly and efficiently. Yet we insist that every case be disposed with a scrupulous regard for the rights of parties and that the record be substantially free from error. The public demands an independent judiciary, yet judges often find themselves having to decide some of the most hotly contested issues of their day.

Being a judge is not an easy task. Being a highly renowned jurist in a court system as demanding as New York's requires truly exceptional personal and professional qualities.

Justice Sybil Hart Kooper is truly an exemplary member of the New York bench. With her retirement, the people of New York lose an experienced, tough-minded, scholarly, and scrupulously fair justice. I join my neighbors in wishing her well and in thanking her for her service to our State.

HILTON O. SMITH: ADVOCATE FOR AFFIRMATIVE ACTION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TOWNS. Mr. Speaker, I rise today to honor Hilton O. Smith, a gentleman noted for his work regarding affirmative action and equal employment programs. Mr. Smith has been the vice president of Turner Construction Co. for the past 19 years. Under Mr. Smith's stewardship Turner Construction has awarded $578,883,548 and 651 contracts to minority and women-owned businesses in the Greater New York Metropolitan area.

Mr. Smith has been the recipient of numerous awards for his corporate and community relations activities. Some of his most notable awards include: a proclamation from Mayor Koch for developing a course for minority and women-owned business enterprises which produced 164 graduates over a 3-year period. He also received the Small Business Administration Advocate of the Year Award, the National Association of Urban Bankers Minority Contractors Businessman of the Year Award and the NAACP Leadership, and Golden Heritage Life Member Awards.

In these turbulent economic and political times, there could be no nobler endeavor than Hilton Smith's advocacy efforts for equal opportunity and affirmative action. I am delighted to herald the achievements of Hilton O. Smith.

THE 50TH ANNIVERSARY OF THE FORD-UAW APPRENTICESHIP PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. DINGELL. Mr. Speaker, I am exceptionally proud to recognize the anniversary of a very special program—the Ford-UAW Apprenticeship Program. Over the last five decades, this program has trained 22,000 American men and women in the skilled trades. Many of those served have been residents of the 16th Congressional District of Michigan—they have benefited greatly and contributed much.

Combining classroom instruction with supervised work experience and guidance by experienced journeymen, the Ford-UAW Apprenticeship Program can rightfully boast of training a large portion of our Nation's best and most experienced electricians, tool and die makers, machine repairers, plumber-pipefitters, millwrights, and other trades personnel.

As we approach the 21st century, Ford-UAW Apprenticeship Program represents one of our Nation's most positive competitive forces. Combining the knowledge and insight of both management and union representatives, the program is a model of success in training individuals to perform in an era of increasingly fierce international competition. Workers are taught not only the skills which are presently needed to perform their jobs, but are provided with the knowledge and the skills to help them adapt to changing conditions. The result is an educated and experienced labor force ready to contribute to both Ford Motor Co. and our Nation's accomplishments.

I salute the spirit, enthusiasm, and cooperation which has made the Ford-UAW Apprenticeship Program a great success during its first 50 years of service to our Nation, and wish the program many more years of continued good service.

CONGRATULATIONS TO ROBERT WOODS BOGLE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay special tribute to Robert Woods Bogle upon his election as president of the National Newspaper Publishers Association. The association's goals are to provide a strong voice for African-Americans through newspapers that cover the issues and personalities of the African-American communities. Robert Bogle's commitment to Philadelphia's African-American community and to journalism make him an outstanding choice for this important leadership position.

The National Newspaper Publishers Association has not only elected a strong talent in the publishing field, but someone who promotes the importance of educational programs and black economic empowerment through the newspaper medium.

Robert Bogle's current position as president of the Philadelphia Tribune, the Nation's oldest African-American owned newspaper which was started in 1884, has allowed him to develop on-going programs such as The Learning Key. This project features a different school each week and the accomplishments of students in a variety of areas.

Mr. Bogle began with the Tribune as an account executive in 1970 and became president and CEO in 1989. I am proud to say that Mr. Bogle's Tribune is one of the best newspapers in my district. With unrelenting determination, Robert Bogle has set out to redefine the relationship between corporate America and black newspapers through new advertising strategies. I know he will bring the same leadership to the National Newspaper Publishers Association.

Mr. Bogle has also served as a community relations representative for Opportunities Industrialization Center—a community youth advocate program. His affiliations include the Philadelphia Fire Department Citizen Committee, the Philadelphia Center for Older People, the Kappa Alpha Psi Fraternity, and the Police Athletic League. Mr. Bogle's dedication to the community has been awarded by the Parkside Human Services and Associates, the Christian Street YMCA, and the United Negro College Fund.

I would like to thank Mr. Bogle for all of his efforts in the publishing field and for his sincere commitment to the people of Philadelphia. I wish him continued success.

MIDDLE TOWNSHIP HIGH SCHOOL KEY CLUB

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. HUGHES. Mr. Speaker, in recent years Americans have been called upon with increasing frequency to perform volunteer services in their communities which government can no longer afford to provide. Indeed, volunteerism has become a defining symbol of the 1990's, as people give more of themselves to help make their communities and their country a better place to live.

Nowhere has this spirit of volunteerism been captured more clearly or successfully than at Middle Township High School in Cape May County, NJ. There, the 60 members of the high school Key Club, under the direction of Mr. Sam Brewer, have taken an active role in a wide range of community activities.

Their efforts have been so successful that Middle Township High School was honored as the outstanding Key Club of the New Jersey District in 1990, and was singled out by Kiwanis International for its outstanding community involvement. Most recently, the Key Club was recognized by the New Jersey National Guard commanding officer for its efforts to support the servicemen and women of the 253d National Guard unit during their deployment in the Persian Gulf.

Here is a sampling of the projects which the Key Club undertook to help mobilize community support for the local National Guard unit and, just as importantly, to promote the overall cause of world peace:

They helped organize the festivities to honor the National Guard unit on the day they departed for the Persian Gulf, including handing out yellow ribbons and flags, serving food and providing baby-sitting services so that families could have a last few moments together.

They designed and built a decorative board which was signed by all 130 members of the 253d unit and placed on permanent display at the local armory, where it was visited by many family members and the general public throughout the conflict.

The Key Club members built an award-winning float for the Middle Township Christmas parade entitled "Christmas at Home and in Saudi Arabia." Included in the float was a large mailbox to collect Christmas cards to send to the servicemen and women overseas, with the postage paid by the Key Club. They also organized letter-writing campaigns to help keep up the morale of the local Guard unit.

The students collected donations throughout the community to put together Christmas food baskets for the needy families of unit members, and organized an "American spirit day" in school to focus attention and generate support for our troops in the Persian Gulf. They also displayed large yellow ribbons throughout the school to honor the members of the 253d until they returned home from the gulf.

Mr. Robert Penkethman, vice principal of Middle Township High School, recently told me that he has never seen such an outpouring of support by a student group, and I certainly agree. At a time when society is quick to criticize the shortcomings of teenagers, and slow to recognize their achievements, I am proud to call attention to the efforts of the Key Club members.

They have demonstrated a sense of responsibility, maturity and patriotism which goes well beyond their years. They have proven that young people today do care about others and can contribute in a positive way to their communities and their country.

It's very reassuring to know that we have a new generation of leaders on the rise in America, as exemplified by the students who are part of the Middle Township High School Key Club.

INTRODUCTION OF LEGISLATION TO CONTROL THE MAILING OF MEDICAL WASTE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. OWENS of Utah. Mr. Speaker, today I am introducing legislation to control the mailing of medical waste, such as used syringes, unsterilized containers and other potentially infectious discarded items. My intention is to ensure that the restricted mailing of medical waste which would be allowed under the bill takes place only with appropriate safeguards. Another fundamental principle underlying this legislation is my belief that, in dealing with waste disposal, States should handle their own problems rather than dump them on others.

The rules which govern medical waste in the mail are inexplicably lax. It's no wonder that there have been problems. Packages of medical waste are generally processed in a routine manner with other fourth class mail. This increases the likelihood that the packages will be breached during mechanized sorting, contaminating everyday correspondence and other items with their contents. Further, of great concern to me, postal employees handling packages of medical waste have been reported to have been injured by discarded needles. The Postal Service is looking at ways to address these problems, but I am concerned that these efforts will not go far enough in respect to the full range of difficulties posed by the mailing of medical waste.

The experience of Murray, UT, illustrates other problems which can arise when medical waste is mailed in the absence of strict controls. The story began on the east coast, where a business venture sold boxes, pre-addressed to Murray, to doctors and dentists. The boxes arrived in Murray loaded with medical waste, which was initially trucked out to the public landfill.

The waste was eventually barred from the landfill, but the boxes kept on arriving in the mail. There was simply no way to stop them. Lacking a legitimate disposal site, these medical wastes continue to be warehoused in the community of Murray—an intolerable, ghoulish state of affairs which is not even vaguely reminiscent of sound waste management.

To guard against this kind of fly-by-night abuse, my bill stipulates that medical waste can only be mailed directly to a disposal or treatment facility which meets all State requirements for handling this type of waste. The bill also restricts medical waste to first-class mail, registered, with a return receipt. This would better protect postal workers by removing the packages from rough handling by mechanized sorters and would also result in careful tracking of the waste as it moves through the postal system. These measures also provide the necessary opportunity for the packaging to be inspected before the Postal Service accepts the waste.

In a different world, it might be easiest to simply restrict medical waste from the mail altogether. However, I am concerned that an absolute ban would seriously hurt rural medical practitioners, some of whom may lack feasible, dependable alternatives for sending these wastes to legal treatment or disposal sites. To preserve a needed option for rural doctors, dentists and veterinarians, my bill allows medical waste to be mailed, but only within the State where it is generated.

This reflects my belief that the postal system should not be misused to transfer the environmental problems of the east, as vividly represented by the beach wash-ups of recent years, to unsuspecting communities in the west. I find it very disturbing that east coast doctors would send their waste all the way to Utah. It virtually defies imagination to think of medical waste being mailed more than halfway across the country.

If States are going to regulate medical waste, they should make sure that they develop adequate means to take care of their own. We should certainly not allow this sort of abuse of the mail, which smooths the way for certain States to claim hollow environmental victories while they simultaneously dodge their responsibilities at the expense of others. My legislation would help close one more loophole—the postal system—which threatens to turn Utah and similarly beset States into national dumping grounds.

PROF. ANITA HILL

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. HOAGLAND. Mr. Speaker, I would like to take a moment to discuss Prof. Anita Hill's background because it is noteworthy.

She grew up in a situation similar to that of Clarence Thomas—in a poor family in rural Oklahoma.

The Directory of American Educators tells us this about Professor Hill's background: She graduated from Oklahoma State University in 1977 and received her J.D. from Yale in 1980.

She was an associate at the Washington, DC, law firm of Wald, Harkrader & Ross from 1980 to 1981.

Professor Hill was special counsel to the Assistant Secretary of the Department of Education, Office of Civil Rights, from 1981 to 1982, after that, she worked at the EEOC as an attorney advisor to then Chairman Clarence Thomas from 1982 to 1983.

She worked at Oral Roberts University as an assistant professor from 1983 to 1986 and she has taught at Oklahoma Law School for the past 7 years, and unanimously received tenure a year ago. She teaches courses near and dear to those of us who suffered through law school also—commercial law, commercial paper, legal research and writing, trial and appellate advocacy, and civil rights law.

Professor Hill's colleagues speak of her impeccable character, and the fact that she hesitated to come forward because she was not sure that people would believe her. That is a sad commentary on our system.

With her outstanding background, time should be taken to review her allegations.

GEJDENSON INTRODUCES RESOLUTION ON CHINESE FORCED LABOR

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. GEJDENSON. Mr. Speaker, Chinese exiles and human rights groups have argued for years that forced labor is a brutal fact of life in Chinese prisons. Concrete evidence, however, has been elusive.

Fortunately, recent investigative reports have managed to expose the shocking truth about the Chinese prison system: It is a vast commercial enterprise which churns out cheap, forced labor products for foreign consumption. Furthermore, by exporting forced labor goods to the United States, the Chinese Government routinely violates United States law which strictly prohibits the importation of forced labor products into the United States.

Today, I am introducing a resolution to strike against modern-day slavery in China. The resolution condemns the Chinese Government for systematically exploiting the labor of prisoners in the Chinese gulag to produce cheap products for export, and urges immediate change in China's forced labor policies.

The need for this resolution became clear in a recent hearing before the Subcommittee on International Economic Policy and Trade, which I chair. At the hearing, Harry Wu, a former Chinese political prisoner, and human rights groups described the horrors of the Chinese gulag:

Chinese citizens are often sentenced to prison without a trial;

A significant proportion of gulag inmates are political dissidents, arrested for the crime of counter-revolution;

Prisoners, both political and nonpolitical, are often forced to work on production lines and in the fields, receiving little or no compensation for their work;

Gulag working conditions are horrendous—long hours, little food, unsafe factories, and little outside contact; and

Prisoners are often forced to stay beyond their sentences so that prison officials can maintain a steady work force.

Evidence presented at the hearing also demonstrates that the Chinese Government actively encourages Chinese prisons to export forced labor products. Harry Wu secretly videotaped officials at a Shanghai handtool factory openly acknowledging that the factory utilized forced labor, and stating that these forced labor products were regularly exported to the United States.

Numerous Chinese Government publications, furthermore, explicitly discuss the export of forced labor products, and encourage all Chinese prisons to sell their products on the international market. China's Ministry of Foreign Economic Relations and Trade [MOFERT] even gives certificates to Chinese prisons giving them permission to export their products.

The resolution I am introducing today does more than condemn the Chinese Government for its forced labor practices. It also urges the Chinese to allow international inspections of suspected forced labor sites and to release the texts of any Government policies regarding forced labor exports.

Furthermore, the resolution calls upon the Chinese to publicly detail the steps it will take to stop the exportation of forced labor products and to reform the Chinese political, judicial, penal, and economic systems.

Finally, the resolution urges the Government of Hong Kong to prohibit the importation of Chinese forced labor products and to thoroughly investigate trading companies suspected of dealing in prison-made goods. Given the high percentage of Chinese exports which travel through Hong Kong, and the active involvement of Hong Kong trading companies in the China trade, Hong Kong must do more to put Chinese prisons out of the export business.

Mr. Speaker, this resolution is not only an effort to promote human rights in China, but also to protect American jobs. Using slave labor, the Chinese can manufacture products at a fraction of the cost it takes to make the same product in the United States. American workers in important sectors of the United States economy, from textiles to toys, are placed at a critical disadvantage by cheap slave labor imports from China.

I urge my colleagues to cosponsor this resolution.

WHAT IS NATURAL LAW?

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. ROHRABACHER. Mr. Speaker, the recent confirmation hearing of Judge Clarence Thomas have brought to light some of the more critical and interesting theories of constitutional adjudication.

Judge Thomas has been attacked for advocating the use of natural law. Most of the criticisms, however, have come from the same people who denounced Judge Robert Bork for being a strict constructionist.

As Prof. Harry Jaffa has said: "In a democratic republic such as ours, judges are bound strictly by what the law is." It is not the duty of judges to determine what the law ought to be. But because of the importance our Founding Fathers attached to natural law, natural law analysis can be useful in determining the original intent of our Constitution.

I hope that the following article by Professor Jaffa sheds some light on the theories of natural law.

NATURAL LAW AND CONSTITUTIONAL LAW

(By Harry V. Jaffa, senior fellow, Center for the Study of the Natural Law, The Claremont Institute)

Natural rights, and natural law, tell us what the law ought to be. When what the law is what it ought to be—as for the most part is true of the Constitution of the United States—understanding the natural law helps us understand what intentions animate and inform the words of the Constitution.

"Natural rights" under "natural law" mean neither more nor less than what all of us understand when we speak of "human rights." What do we understand ourselves to intend when we accuse the Chinese government of abusing human rights? What did we mean when we denounced Hitler's government, and Stalin's, and Pol Pot's, and Saddam Hussein's, and Assad's, of being abusers of human rights? Do we not believe that freedom of religion, freedom of speech, freedom of association, the right to a fair trial, and many other such freedoms and rights are deserving of respect by any government whatsoever? These rights and freedoms are what every government in the world owes its citizens, for the reason that they are human beings and not beasts or inanimate objects. Human law, or positive law, exists to implement these rights, but the rights themselves exist independently of whether they are recognized, or whether they are trampled upon and denied.

What makes natural rights obligatory—ultimately, if not immediately—is that they arise from human nature, something common to all human beings because they are human beings. There have been, and are, customs and practices of human societies that are utterly barbaric: suttee, clitorectomy, foot binding, human sacrifice, slavery, the subject of women. These arise from ignorance of, or erroneous beliefs concerning, human nature.

Natural law arises from the recognition of rights that are in harmony with human nature. Slavery in the antebellum United States constituted a massive contradiction of the very natural law to which Americans had appealed in securing their freedom from Great Britain. Slaves were legally chattels, although the legal definition of a chattel was a being without a rational will. Slaves, as chattels, had the same legal status as cattle (from which "chattel' is derived). As such, they could not make contracts, including the contract of marriage. Since they all belonged to their masters, parents had no legal authority over their children. In the sale of slaves, wives could be separated from their husbands, and parents from their children, in the same manner as horses or dogs. Now today these horrors are no longer with us. But we Americans say that these things were just as wrong when they were lawful as now when they are unlawful. As testimony to the recognition of the human nature, and human rights, of black people, before the Civil War, Abraham Lincoln said in 1854:

"Equal justice to the South, it is said, requires us to consent to the extending of slavery to new countries. That is to say, inasmuch as you do not object to my taking my hog to Nebraska, therefore, I must not object to your taking your slave. Now I admit this is perfectly logical, if there is no difference between hogs and Negroes. But will you thus require me to deny the humanity of the negro, I wish to ask whether you of the South yourselves, have ever been willing to do as much? * * * In 1820 you joined the north, almost unanimously, in declaring the African slave trade piracy, and in annexing to it the punishment of death. Why did you do this if you did not feel that it was wrong; why did you join in providing that men should be hung for it? The practice was no more than bringing wild negroes from Africa, to sell to such as would buy them. But you never thought of hanging men for catching and selling wild horses, wild buffaloes or wild bears. * * * And now, why will you ask us to deny the humanity of the slave, and estimate him only as the equal of the hog? * * *"

Recognizing the humanity—the equal humanity—of the Negro, or women, Jews, the poor, the afflicted—is a function of human reason, which is why the tradition of natural law equates the law of nature with the law of reason. Lincoln's Socratic logic proves to those would deny the humanity of the slave that they do not and cannot do so consistently. The idea of natural law and the rights of human beings is therefore not only not itself arbitrary, but is the means of denying to governments the right to be arbitrary.

But, one might counter, what is to prevent Supreme Court Justices from arbitrarily discovering natural rights in the Constitution which their reason tells them ought to be there, but which the people of the United States have never put there?

Whatever the philosophical virtues of natural law and natural rights, in a democratic republic such as ours, judges are bound strictly by what the law is. However, let us recognize that there is nothing to prevent Justices, or anyone else, from abusing or misusing wise or just ideas, from the Golden Rule to natural rights. Chief Justice Taney, in the Dred Scott decision, made a most eloquent and just plea to interpret the Constitution in accordance with the "original intention" of the Framers. He then proceeded to give a totally mistaken account of what that intention was. The Supreme Court of the 1890s was equally misguided in interpreting the 14th amendment in the Plessy case, upholding "separate but equal." But the example of Abraham Lincoln, using a method of reasoning first made famous by Socrates, is evidence of a natural rights and natural law tradition more than 2000 years old, a tradition intended to guard against arbitrariness as much as it is possible for any fallible human tradition to do.

A more recent demonstration of natural law reasoning is found in Martin Luther King Jr.'s "Letter from Birmingham Jail," especially the following:

"One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all." Now what is the difference between the two? How does one determine whether a law is just or not? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in external law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority."

One might only emend Dr. King in this respect: The Jim Crow "laws" were "no laws," not only because they were unjust, but especially because they were unconstitutional. In fact, Dr. king did not break any laws at all: It was those who arrested and imprisoned him who were the lawbreakers, because they broke the "higher law" of the Constitution. The natural law had been incorporated into the Constitution in and by the 13th, 14th, and 15th Amendments, and especially by virtue of the equal protection clause of the 14th Amendment, which incorporated the meaning of "equal" in the Declaration of Independence directly into the language of the Constitution.

TEN KUWAITI CHILDREN VISIT CAPITOL HILL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. LANTOS. Mr. Speaker, 7 months ago, Kuwait was liberated from the stranglehold of Iraqi occupation. But the consequences of that war still haunt the citizens of that newly freed nation. Last week, my distinguished colleague from Illinois, Congressman JOHN PORTER, and I, were given a graphic demonstration of how Saddam Hussein continues to plague the citizens of Kuwait.

Accompanied by several adults, 10 Kuwaiti children visited Capitol Hill. They had one thing in common: All of them have not seen their fathers since the start of the war. Their whereabouts are unknown.

These men were not killed during the conflict. It is believed that they, along with many other Kuwaiti men and women, are being held in Iraqi prisons despite the resolution of hostilies. Can one doubt the plausibility of these allegations of illegal imprisonment given Saddam's long history of bringing misery to millions as he pursues his diabolical goals.

The youngest boy in the group that visited Capitol Hill, no older than 8, stood before his hosts and read a poem he composed for his missing father. It was a unforgettable moment.

Mr. Speaker I ask that this boy's poem be entered into the RECORD. I also ask my colleagues to join me in demanding from Iraqi officials a full accounting of those Kuwaiti citizens being held illegally in Iraqi jails.

In the name of God gracious, most merciful Beloved Daddy,

Now that the invaders have gone and their darkness has disappeared, the bright of day has begun to rise again. Kuwait is once again hugged by the arms of its people who are praying to God Almighty for victory. Even the birds have returned to their nests. Everyone is back except you Daddy. Where are you now? Are you dead or alive? Are you sick of well? Are you hungry or not? I wish we knew something or have some news about you. I have seen for so many times my grandma crying and praying, wishing to hear a door knock, the knock of her missing beloved one. My little brothers and sisters always ask about you. They are always thinking about you and remember your promises that Kuwait would become free again. And now, Kuwait is free, but you are not and your promises have disappeared with you. My mom has only God left for her and she is lost without you. Her eyes are always full of tears with a broken and no one knows the number of times she has taken us searching and asking about you among the freed P.O.W.s but with no results for answers.

Beloved Daddy, several ceremonies have gone by without any feeling of happiness. We fasted the holy month of Ramadan without you and we could not feel the happiness of both eid al Fatir and Adha because you are so far away and we do not know how many days or even months will pass by before seeing you again.

Oh Daddy, I miss you so so much. I know that I am not the only one who lost his father, there are thousands others like me who ask the same question. When are they coming back and until when will we have to wait. I wish all governments of the world can hear our calling and help us reach our fathers whom we miss so much.

Finally, I pray to the almighty to release you and all the daddys and mothers, brothers and sisters. Oh Loving God, full of love and kindness, who does what he wishes, I ask you in your honor and in the power of your heavenly kingdom and the light of your face that brightens the universe, to save our fathers from their evil and help them.

Oh Allah, unite your people to help them and praise be to Allah who cherishes and sustains of the worlds.

SUMMARY OF "USHEALTH" A PROGRAM OF COMPREHENSIVE HEALTH CARE FOR ALL AMERICANS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. ROYBAL. Mr. Speaker, this legislation would amend the Social Security Act to ensure access for all Americans to high-quality health care, including long-term care, while containing the costs of the health care system. "USHealth" does this through the combination of a new Federal health plan—the "USHealth Program"—and qualified employer health plans.

The USHealth Program incorporates and expands upon Medicare and replaces Medicaid.

SUMMARY

TITLE I—PROVISION AND EXPANSION OF HOSPITAL, MEDICAL, AND PREVENTIVE SERVICES TO COVER ALL AMERICANS EITHER THROUGH A USHEALTH PROGRAM OR QUALIFIED EMPLOYER HEALTH PLANS

Coverage of Elderly, Disabled, Retired, and Other Non-Employed Individuals Through a U.S. Health Program

USHealth combines current Medicare benefits (Part A for hospital services and Part B for medical services) into a new Part A for all the non-employed population. USHealth's Part A would expand Medicare's hospital and physician benefits and include many new benefits such as preventive care and prescription drugs.

Benefits under Part A would include outpatient rehabilitation facility services and home I.V. services; certain acute care services in the home; alcohol and drug abuse rehabilitation services; durable medical equipment; 50 outpatient mental health visits a year; and inpatient mental health services up to 225 days in any 5 year period. Covered preventive services would include prenatal care; well-child care and immunizations; screening mammography; screening pap smears; family planning services and supplies; colorectal cancer screening; counseling to modify risk factors for heart disease, cancer, and stroke; and other preventive services that the U.S. Health Board determines are cost effective in the prevention of illness.

Non-Employed individuals would pay a premium for Part A of USHealth; however, low-income assistance would be available and premiums could not exceed 3% of an individual's annual income. Deductibles would be limited to one annual deductible of $250 for an individual and $500 for a family; a 20% coinsurance would apply to physician care and mental health visits.

Medicare's first day hospital deductible and hospital coinsurance would be eliminated. There are no deductibles or coinsurance for preventive services. The total of deductibles and coinsurance could not exceed a yearly limit of $1500 for an individual or $2000 for a family.

Coverage of Employed Individuals Through Qualified Employer Health Plans

Employers would be required to provide the same Part A benefit package as in the USHealth Program to their employees and dependents, either through purchasing private health insurance or Part A of USHealth. Employers would pay at least 80% of the premiums; employees not more than 20%. Private insurers could not require deductibles and coinsurance higher than under USHealth.

Large employers (with more than 100 employees) would have until January 1 of the 2nd year after enactment to enroll all their employees; medium employers (with 25 to 100 employees) have until the 3rd year; small employers (with 1 to 24 employees) until the 4th year.

Qualified employer health plans would use the same payment rates as USHealth. Preexisting condition exclusions would be phased out and discrimination based on health status would be prohibited. Extensive consumer protections are provided, including disclosure by insurance companies of all information that employers and consumers would need in choosing a plan. Managed care plans such as HOM's, in which consumers do not have to pay deductibles and coinsurance, are encouraged. The National Association of Insurance Commissioners (NAIC) would develop specific standards, in the form of a model act and model regulations, to implement the requirements of this title.

TITLE II—PROVISION OF LONG-TERM HOME AND COMMUNITY BASED CARE, NURSING HOME CARE, AND OTHER BENEFITS FOR ALL AMERICANS THROUGH THE USHEALTH PROGRAM

USHealth's Part B provides long-term care benefits for everyone, including home and community-based services and nursing home care. Covered home and community-based services include: home health aide services; homemaker services; heavy chore services; adult day care; respite care; hospice care;

home mobility aids and minor adaptations to the home to promote independence; nursing care; medical social work services and mental health services; physical, occupational, respiratory, or speech therapy or rehabilitative services; transportation to and from health or social services; nutrition and dietary counseling. Various grants, centers, and demonstration projects are authorized to train long-term care personnel, educate consumers, and provide planning and technical assistance.

Certain additional benefits such as physical exams, vision and hearing services, and dentures are covered under Part B. Early Periodic Diagnosis and Treatment Services (EPSDT) for children under 21 years of age are also provided.

Part B would be publicly financed so there would be no premium requirements. There would be no coinsurance for home care or for the first 180 days in a nursing home. After 180 days in a nursing home, beneficiaries would pay the cost of room and board, estimated to be about 35% of the total cost. The coinsurance would not be required of nursing home residents unless there is sufficient income remaining to support their spouses and dependents.

TITLE III—LOW INCOME ASSISTANCE

USHealth. provides low-income people with assistance in paying the premiums, deductibles and coinsurance. Premiums under Part A of USHealth. would be limited according to one's income. (There are no premiums for Part B.) Persons with incomes below 133⅓% of poverty would not have to pay any premiums. Those with incomes above 133⅓% of poverty would pay premiums on a sliding scale as follows: someone with an income between 133⅓% and 166⅔% of poverty would pay no more than 1% of their income on premiums; those between 166⅔% and 200%, no more than 2%; those with incomes over 200%, no more than 3%.

Deductibles and coinsurance would not be required of those with incomes below 100% of poverty; those with incomes between 100% and 200% of poverty pay on a sliding scale. The sliding scale for deductibles and coinsurance would work this way: someone with an income at 101% of poverty and would pay 1% of the deductibles and coinsurance; 150% would pay 50%; 175% would pay 75% and so on.

TITLE IV—USHEALTH PROGRAM ADMINISTRATION

USHealth. would be administrated by a separate, independent agency, the USHealth. Administration, governed by a USHealth. Board and an Administrator appointed by the Board. The Health Care Financing Administration (HCFA) would be replaced by the USHealth. Administration. The USHealth. Program would be fully operational January 1 of the second year after the date of enactment.

Since the benefit package covered by USHealth would include all the benefits that States must cover under Medicaid, USHealth would replace Medicaid. States would continue to cover, with Federal assistance under Title XIX of the Social Security Act, the optional Title XIX benefits that are not covered by the USHealth Program. During the transitional period before USHealth is implemented, Medicaid would be expanded to cover pregnant women and infants with incomes up to 185% of poverty.

TITLE V—QUALITY ASSURANCE AND COST CONTAINMENT

The Peer Review Organizations (PRO's) are required to devote a major effort to quality assurance for all types of health services whether payment is made under USHealth or through a private payor. Quality Assurance Boards are created within each peer review organization. A consumers' bill of rights would guarantee numerous consumer protections in the health care setting.

USHealth would use Medicare's Prospective Payment System for hospitals and Resource Based Relative Value System (RBRVS) and volume standards for physician services. Qualified employer health plans along with USHealth would use Medicare rates, including Medicare's maximum allowable charges. Utilization review, outcomes research, screening and care management would be used to ensure that services are appropriate and medically necessary.

USHealth builds on Medicare which has a proven track record of providing health insurance with very low overhead costs. Further administrative savings would be obtained by simplifying claims processing and requiring uniform forms for both USHealth and private health insurance. The USHealth Board would establish overall spending targets to hold down increases in health care expenditures as a percentage of our Gross National Product.

TITLE VI—FINANCING

Premiums would be based on actuarial rates adjusted for family size and geographic region. Non-employed beneficiaries with incomes over 200% of poverty would pay the actuarial rate, but their premiums could not exceed a cap of 3% of their income. The aged and disabled who meet the current eligibility requirements of Title XVIII for Medicare would pay premiums equivalent to the premiums they pay now for Medicare Part B.

Employed beneficiaries with incomes over 200% of poverty who are covered under the USHealth Program would pay 20% of the actuarial rate; employers would pay 80%. Assistance would be provided to small employers of low-wage workers by limiting the amount of the employers' premium payments to 7% of payroll.

Public financing to provide low income assistance to individuals and families, subsidize the rates for small employers, and pay for Part B coverage under USHealth would be provided largely by removing the cap on income subject to the health insurance and Social Security Taxes, currently $125,000 and $53,400 respectively. (95% of Americans already pay these taxes on the entirety of their income.) The health insurance tax would be raised from 1.45% to 1.8%. States would contribute to the USHealth Trust Fund the amounts they are currently spending on Medicaid benefits that will be provided by USHealth.

TITLE VII—RURAL AND CENTRAL CITY DEMONSTRATION PROJECTS, AND EXPANSION OF PRIMARY CARE AND PUBLIC HEALTH DELIVERY CAPACITY

USHealth would initiate research and demonstration projects into how Title XVIII of the Social Security Act could be changed to provide better care for beneficiaries residing in rural areas and in central city areas of large cities. Authorizations for primary care and public health programs are extended through the year 2000. Planning and development grants are allocated for primary care centers and public health clinics.

THE 80TH ANNIVERSARY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. TANNER. Mr. Speaker, this week, on October 10, the Republic of China on Taiwan will celebrate its 80th anniversary. While geographically small, the industriousness of its people has propelled Taiwan to its current position as our 6th largest trading partner and the possessor of the world's 13th largest economy.

Its economic success is matched by its renewed emphasis on human rights for the people of Taiwan. Its distinguished President, Lee Teng-hui, recognized the importance of human rights when he said, "A new world order can only be forged if built upon a respect for human rights." To further emphasize that statement, President Lee went on to say that the "world's political, economic, and cultural affairs should be based upon respect for human rights."

It is encouraging to note that other governments of the world recognize the simple principle that democracy is unattainable without the full recognition of individual human rights. Hopefully, the Republic of China will stand steadfast in its respect of human rights and its commitment to freedom and liberty for all its people.

A TRIBUTE TO FATHER PAUL CULL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Mr. PORTER. Mr. Speaker, today I rise to pay tribute to Father Paul Cull, the pastor of Saint Dismas Church in Waukegan, IL, where he has served since 1970. Next February, Father Cull will retire from the ministry after 46 years of dedicated service to his parish and the community.

Father Cull entered the ministry in 1945, beginning his distinguished career at St. Genevieve Church in Chicago. In 1950, he was called to Holy Family Parish in North Chicago, IL. During his time in North Chicago, Father Cull was a member of the citizens advisory committee to form the local high school, was the police department chaplain, played his trumpet as part of a group at the Department of Veterans Affairs Hospital, and helped organize and acted as chaplain of the Lake County Sierra Club.

After 5 years in North Chicago, Father cull was called to Immaculate Conception Church in neighboring Waukegan. In addition to his pastoral duties, Father Cull became the bugling instructor at the American Legion Hall and served on the boards of educational and civic organizations. During that time, he joined the Elks and Moose Lodges and was cocoordinator for the Archbishop of Canterbury's Ecumenical Celebration in Chicago.

In 1955, he was appointed to the Waukegan Human Relations Committee and worked with the churches and local organizations to form the local Head Start Program, which at that time was only the second such program in the United States. In addition to his work with programs sponsored by the city of Waukegan, Father Cull worked with the United Way Fund, the Boy and Girl Scouts, and numerous other social service organizations.

During serious civil rights strife in 1968, Father Cull was called to St. Attacta Church in Cicero, IL, because of his involvement with the NAACP and the Conference on Religion and Race. His sensitivity and understanding helped ease tensions during that difficult time. In 1970, Father Cull returned to Waukegan and began serving his current parish, St. Dismas, which had been recently established.

Over his 21 years at St. Dismas, Father Cull displayed outstanding civil leadership and community involvement. His church hall was often the site of rallies and meetings of political parties and community organizations alike. He was one of the first Catholic priests to serve as the president of a Rotary club. In his efforts to combat crime and help rehabilitate offenders, he has assisted the Deferred Prosecution Program and is currently a director of the Waukegan area Crimestoppers Program.

During the past several years, Father Cull has been assisting Vietnamese families coming into the Lake County area as they cope with the difficult challenges of a new and unfamiliar country. He has helped these families by taking them to see their physician, helping them find jobs, assisting them in securing educational services, and has even provided lodging and shelter for them.

In summary, Mr. Speaker, Father Paul Cull has dedicated his life to the residents of Lake County and the Waukegan, North Chicago area. I know that he will be sorely missed and the next pastor of St. Dismas will have big shoes to fill. I am sure that I speak for all the residents of Lake County in saluting Father Cull and in thanking him for all of his invaluable contributions to our area.

I am proud to join with the residents of Lake County in wishing Father Cull great happiness and success in his future endeavors. His achievements and accomplishments will not be forgotten, and will continue to remind us of how blessed we are to have an individual of such ability and compassion in our midst.

A TRIBUTE TO DALE STORMER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 1991

Ms. KAPTUR. Mr. Speaker, September 30, 1991, was proclaimed "Dale Stormer Day" in Lucas County, OH in honor of Mr. Stormer's retirement from one major responsibility in our labor community to which he has devoted his life for the past 38 years. Mr. Stormer officially retired as CEO of the Hotel Employees and Restaurant Employees [HERE] International Union's welfare and pension fund and principle officer of the Toledo (Ohio) Area AFL–CIO Council. I would like to take this opportunity to pay tribute to him for his meritorious service and devotion to labor on the local, national, and international levels. No one could have been a more accomplished scholar of benefit plans and collective bargaining. And no one could have surpassed his relentless and dogged determination to the causes in which he believes.

In 1953, Mr. Stormer was elected to the bargaining committee of the Retail Clerks Local Union in Detroit, MI, beginning a distinguished career in collective bargaining and union management. Assignment to Michigan Food Local 876; Teamsters Union Local 298 in Michigan City, IN; local 688 in Bay City, Saginaw, and Flint, MI; and Toledo, OH local 866 followed. In 1972, Mr. Stormer resigned as principle officer of the Toledo Area AFL–CIO Council, a post which he held since 1966, to accept a full-time position with the HERE International Union. Upon returning to Toledo in 1974 from an assignment with the Erie, PA local, Mr. Stormer was reelected to his post without the Toledo Area AFL–CIO, which he has held since in conjunction with his HERE post. Without question, he has been an outstanding and honest community leader. His career has taken him to the far reaches of our Nation and globe where he has been known to do fierce battle with avid Communist sympathizers, unsavory elements, and rightwing and leftwing dogmatics. This is not a faint-hearted man.

Mr. Speaker, Dale Stormer has dedicated 38 years of his life to improving the working conditions and lives of workers in numerous communities across the Midwest, including 28 years in Ohio's Ninth District. His negotiations of collective bargaining agreements, and reorganization and establishment of Taft-Hartley funds, have benefited thousands of workers and set a pace for the Nation.

In addition to his union work, Mr. Stormer has dedicated his time and talents to several community organizations, including 25 years each on the board of the United Way and the Labor-Management-Citizens Committee; 15 years on the Lucas County Improvement Association; 10 years on the board of community relations; 5 years each at Channel 30 Public Broadcasting Service and on the Governor's Committee on Travel and Tourism. Mr. Stormer was also appointed by the Governor to the board of the Medical College of Ohio, on which he has served for 3 years.

Finally, and most importantly, this is a man who loves his family—his wife, his children, and all they have built together.

I would like to thank Dale Stormer on behalf of all our citizens who have benefited from his various contributions over the past 38 years. His commitment has been true and lasting. Congratulations Dale on your many fine accomplishments, and best wishes and Godspeed in your new future from the Congress of the United States.

HOUSE OF REPRESENTATIVES—*Wednesday, October 9, 1991*

The House met at 12 noon.

The Reverend Dr. Ronald F. Christian, assistant to the bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Most gracious God, according to Your wisdom and created order, the seasons of the year come and go.

At this time, we give You thanks for the return of planting, the harvesting of crops, and the blessings You pour out upon this Nation and people.

Give us all a full understanding of Your mercy and compassion.

Help us to live in such a way that our lives will show respect for Your good will. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. PAXON] please come forward and lead the House in the Pledge of Allegiance.

Mr. PAXON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title.

H.J. Res. 230. Joint resolution designating October 16, 1991, and October 16, 1992, each as "World Food Day."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2508) "An act to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes."

The message also announced that the Senate has passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1823. An act to amend the Veterans' Benefit and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System;

S.J. Res. 107. Joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day"; and

S.J. Res. 160. Joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 243), and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 243

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Education and Labor: Ed Pastor of Arizona.

Committee on Small Business: Ed Pastor of Arizona.

Committee on Appropriations: Peter J. Visclosky of Indiana.

Committee on Interior and Insular Affairs: Neil Abercrombie of Hawaii; Cal Dooley of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNEMPLOYMENT STATISTICS

Mr. FROST. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so in order to assure the House that the remarks of the gentleman from Texas [Mr. FROST] during his 1 minute will comply with all applicable rules of the House. Can the gentleman give me that assurance?

Mr. FROST. Mr. Speaker, absolutely.

Mr. WALKER. And the gentleman is aware of the rules of the House as they apply to 1 minute, and he is confident that his 1-minute speech will comply with all of those rules; is that correct?

Mr. FROST. Mr. Speaker, absolutely.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, President Bush continues to block extended unemployment benefits and his administration continues to tell us the economy will be fine. He does not get it, does he?

Mr. Speaker, maybe we need to state the problem in very simple terms that the President can understand. People all over this country are losing their jobs. The numbers speak for themselves:

Unisys Corp., Blue Bell, PA, 10,000 jobs lost; Pan Am Corp., New York, 5,000 jobs lost; Union Pacific Corp., Bethlehem, PA, 3,000 to 4,000 jobs lost; DuPont Co., Wilmington, DE, 3,750 jobs lost; Texas Instruments, Dallas TX, 3,200 jobs lost; Eastman Kodak, Rochester, NY, 3,000 jobs lost; Martin Marietta, Bethesda, MD, 2,500 jobs lost; Hewlett-Packard, Palo Alto, CA, 2,000 jobs lost; General Electric Co., Fairfield, CT, 2,000 jobs lost; Colgate-Palmolive Co., NY, 2,000 jobs lost; Frito-Lay, Plano, TX, 1,800 jobs lost; NYNEX, NY, 1,400 jobs lost; Westinghouse, Pittsburgh, PA, 4,000 jobs lost; John Deere & Co., East Moline, IL, 575 jobs lost.

Mr. President, this can go on for a long, long time.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. The gentleman from Texas just made reference to the President, addressed the President directly. Is that within the rules of the House?

The SPEAKER. There is no rule of the House against references to the President, as long as they are not derogatory.

Mr. WALKER. The gentleman from Texas made at the end of his speech, he addressed specifically the President rather than addressing the Chair. Is that within the rules of the House?

The SPEAKER. All speeches in the House are addressed to the Chair, not to persons not in the Chamber.

Mr. WALKER. Is the Chair prepared to call to order Members who, as the gentleman from Texas just did, who do not properly follow the rules and proce-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dures of the House, even after giving this gentleman assurance that he understood the rules and would obey them? The gentleman from Texas, in fact, did not follow the rules of the House.

Is the Chair prepared to call Members to order who do not follow the appropriate rules of the House of Representatives?

The SPEAKER. The Chair is certainly prepared to call all Members to order on either side of the aisle if they do not follow the rules and practice of the House. Members will address their remarks to the Chair and to no other person.

Mr. WALKER. Mr. Speaker, can I assume that the Chair did not hear the Member from Texas and that is the reason why he was not called to order.

The SPEAKER. The Chair's attention was distracted.

RETURN TAX FAIRNESS TO THE REAL ESTATE INDUSTRY, REPEAL THE PASSIVE LOSS RULES

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HOYER. Mr. Speaker, reserving the right to object, on our side we will presume that all Members know the rules. We will presume that the gentleman who is about to speak is going to follow the rules, and we will presume that all of the Members who rise to speak will follow the rules.

If in the course of their debate we find that they do not, we will of course raise that issue. We will not assume that any Member intentionally is going to violate the rules of the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I rise today to restate my support for the repeal of the passive loss tax rules on the real estate industry. I along with 311 of my colleagues are sponsors of Texas Congressman MICHAEL ANDREWS' and California Congressman WILLIAM THOMAS' bill to repeal this unfair tax.

Why should we separate passive income from active income in the real estate industry but not many others?

Why should people in the real estate industry be penalized by paying taxes on gross income, while most other industries pay taxes only on net income?

Repeal of this tax will encourage real estate entrepreneurs to purchase troubled properties from the Resolution Trust Corporation and help all Americans by reducing the size of the savings and loan bailout.

This tax treatment of real estate losses discourages the influx of capital in real estate investment and perpetuates the real estate slump.

We should return the tax treatment of real estate to its historic status. Please support H.R. 1414 and repeal this unjust tax.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill earlier today:

S. 1722. An act to provide emergency unemployment compensation, and for other purposes.

DOE STIFFS NEW MEXICO

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

Mr. WALKER. Mr. Speaker, reserving the right to object, I wish to ascertain from the gentleman whether or not he is prepared to comply with all rules of the House in the course of delivering his 1-minute statement and whether or not he understands all applicable rules of the House so that we can be assured that he will comply with those rules.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, my statement fully complies with the rules of the House.

Mr. WALKER. Mr. Speaker, I thank the gentleman. I would simply point out in response to the gentleman from Maryland, who spoke a minute ago, the fact is that yesterday what we saw happen was that despite the Chair disciplining a number of Members or suggesting to a number of Members that they ought to live within the rules of the House, we had a series of speeches where Members did not comply and finally had a ruling by the Chair that a Member was specifically out of order. Yet we then saw the majority, using the majority vote, take it upon themselves to eliminate that discipline for when the Member was ruled out of order.

That is the reason why this gentleman is proceeding in the manner that I am today, to assure that if we cannot live by the rule of law in the House that at least Members give me their specific assurance that they will try to live within the rules.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

□ 1210

Mr. RICHARDSON. Mr. Speaker, the State of New Mexico and this Congress were illegally bypassed by the Department of Energy and Admiral Watkins late last week.

Let this be a warning to my colleagues who have a facility, DOE facility, in your State: This can happen to you.

By signing an administrative withdrawal to open a low-level nuclear waste dump in southern New Mexico, the Department of Energy, in effect, told the State of New Mexico, the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on the Interior to stuff it. Clearly DOE believes they are above the law by their failure to obtain legislative authority for operating the WIPP site in New Mexico. This facility is not ready to open.

Furthermore, DOE's poor safety record that has characterized its national operations is also evident at WIPP.

Today, the New Mexico attorney general is filing suit in Washington to stop the land transfer. I applaud the attorney general's efforts and will be joining a separate citizens' suit against the Department of Energy.

I am hopeful that these suits will block the premature shipment of radioactive waste to New Mexico and send a clear signal to DOE that its illegal dictator-like directive will not be tolerated in New Mexico by the Congress or in court.

WELCOME TO PRESIDENT OF ICELAND AND QUEEN OF NORWAY

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today our Government is honored by a visit from Her Excellency Vigdis Finnbogadottir, President of Iceland, and Her Majesty Queen Sonja of Norway, to commemorate the 1,000th anniversary of Leif Eriksson's visit to the North American Continent which he called Vinland. Archeological excavations in Newfoundland now confirm the Viking settlements of that period.

To remind us of that courageous voyage and exploration, three replicas of Viking ships are today anchored in the Potomac River, here in Washington, DC. One of those small but sturdy vessels actually retraced the course of the original voyage by Leif Eriksson and his Viking crew from Iceland to Greenland to the North American Continent. Since Eriksson, the son of Erik the Red, was a son of Iceland and a grandson of Norway, the pride of these two friendly countries and allies and of Americans of Norwegian or Icelandic heritage is altogether understandable on this historic day of commemoration.

Last night a reception in honor of Her Excellency and Her Majesty was held in the National Air and Space Museum to symbolize man's continuing quest to explore the unknown and to focus attention on the environmental message and orientation of the crews of the Viking ships now visiting our shores.

Mr. Speaker, I know my colleagues in the House will join me in a hearty welcome to our Icelandic and Norwegian friends.

WORKERS BOUGHT AND PAID FOR UNEMPLOYMENT INSURANCE

Mr. NAGLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks, and I wish to assure all Members that I will comply with the rules.

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Pennsylvania reserves the right to object.

Mr. WALKER. Reserving the right to object, I do so to inquire of the gentleman whether or not he is going to——

Mr. JACOBS. Mr. Speaker, regular order.

The SPEAKER. The gentleman from Indiana demands regular order. Is there objection?

Mr. WALKER. Reserving the right to object——

The SPEAKER. The gentleman from Indiana demands regular order. Is there objection to the request of the gentleman from Iowa?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I am observing regular order.

The SPEAKER. The gentleman will have to state an objection. The reservation has been responded to by a demand for regular order. Will the gentleman object to the gentleman's request?

Mr. WALKER. I do not object, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. Mr. Speaker, the Vice President is wrong in saying the job market today is better than it was in the 1970's.

Although certainly his employment prospects improved over the last 12 years, that cannot be said for millions upon millions of working people.

In a few moments, the Vice President will affix his signature on our unemployment legislation and the bill will be sent to the White House.

At that point, the President will have to confront these fundamental questions.

After creating fewer jobs than Jimmy Carter, after having economic growth less vibrant than Gerald Ford, after permitting millions of Americans to go without jobs, will he sign an unemployment insurance bill—insurance these workers bought and paid for?

If the President is true to his campaign pledges, he will sign the bill, and on behalf of the people who suffer from that unemployment, I hope that he does.

THE DEFICIT MONGERS: DAY 28

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, today marks the 28th day until the first anniversary of the signing of the infamous 1990 budget summit agreement. A year ago this month, the majority in this Congress enacted a budget agreement designed to reduce the deficit by $500 billion over 5 years.

We are now seeing the results of that agreement—a sagging economy, jobs lost, soaring Federal spending, and record budget deficits. According to the latest projections, the deficit this year will be more than $350 billion. Over the next 5 years the majority of Congress will increase the national debt by $1 trillion.

The truly remarkable thing about all of this is that only the minority of this Congress seems to care. The pundits and the politicians who ranted and raved about the budget deficit last year have mysteriously disappeared.

Could it be the deficit mongers did not really care about the deficit in the first place? Could it be they were simply using the deficit as a smoke screen to raise taxes? It certainly looks that way.

AMERICA'S DOMESTIC PRIORITIES GONE TO THE DOGS

Mr. TRAFICANT. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore (Mrs. KENNELLY). Without objection, the gentleman from Ohio is recognized.

Mr. WALKER. Madam Speaker, reserving the right to object; I reserve the right to object simply to inquire as to——

Mr. JACOBS. Madam Speaker, I demand regular order.

The SPEAKER pro tempore. Regular order is demanded.

Mr. WALKER. And I reserve the right to object under regular order.

The SPEAKER pro tempore. Does the gentleman object? Does the gentleman object?

Mr. WALKER. The Chair is informing——

The SPEAKER pro tempore. Regular order has been demanded.

Mr. WALKER. I thank the Chair, and I will not object.

Mr. TRAFICANT. Madam Speaker, I ask unanimous consent for 1 full minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Speaker, the remains of 800 beagles and 1,700 tons of their radioactive urine and feces will be buried at a nuclear site in the State of Washington.

The dead dogs have been in freezers since 1950. They were part of a study to assess the damage of radioactive fallout. The study is now conclusive: radioactive fallout is fatal, and canines subject thereto died.

But the point is, Madam Speaker, the funeral is going to cost $22 million.

Tell me, are they going to ship the bodies by limo? Are they going to have gold tombstones for every hound?

With 37 million people in America without health insurance, 9 million people unemployed, I would like to say that our Government is spending $22 million to erect a giant fire hydrant as a mausoleum to dead beagles.

I think that says it all, Madam Speaker. America's domestic priorities have gone to the dogs.

TRIBUTE TO GEORGE RUSSELL

Mr. JACOBS. Madam Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mr. JACOBS. I demand regular order, Madam Speaker.

The SPEAKER pro tempore. The gentleman reserves the right to object.

Mr. WALKER. I reserve the right to object to inquire of the gentleman whether or not he is going to comply with the rules of the House.

Mr. JACOBS. I demand regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has been demanded. Is there objection?

Mr. WALKER. I will not object, Madam Speaker.

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from Indiana [Mr. JACOBS].

There was no objection.

Mr. JACOBS. Madam Speaker, Edwin Markham wrote a poem on the death of Lincoln.

> And when he fell, in whirlwind he went down
> As when a lordly cedar, green with boughs,
> Goes down with a great shout upon the hills,
> And leaves a lonesome place against the sky.

As was pointed out by the gentleman from Maryland yesterday, there is something sadly missing from this Chamber forever, and that is the bright smile of our dear friend and fellow worker, George Russell, whose smile those who have watched the proceedings sitting right behind me year in and year out.

He has left our midst, and he has left a lonesome place in this Chamber, and we all hurt because of it.

□ 1220

TAX EXEMPT ORGANIZATIONS FUNDING FMLN REBELS IN EL SALVADOR

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Madam Speaker, last week a captured cache of weapons belonging to the Salvadoran FMLN rebels was on display in H-227 of the U.S. Capitol. To my knowledge, very few Members took advantage of the opportunity to view the $12 million weapons cache. It would appear that many Members of Congress would rather not admit that arms are still being shipped to the rebels, who are supposedly negotiating for a peaceful settlement of the long civil war in El Salvador.

Since the Soviet Union is no longer aiding the rebels, and the Nicaraguan Sandinistas are selling their excess arms on the world market, where are the funds coming from to purchase the arms? The funds that used to come from Europe to finance arms purchases have stopped flowing to the FMLN.

Would you believe that most of the funding used to buy these arms is coming tax free from the United States? Organizations affiliated with the nonprofit lobbying group CISPES [Committee in Solidarity with the People of El Salvador], such as New El Salvador Today [NEST], Medical Aid for El Salvador, and the Salvadoran Humanitarian Aid Research and Education [SHARE] Foundation are raising tax exempt funds and sending these funds to the rebels—helping to prolong the war. And of course, everyone knows of Jennifer Casolo's fund raising association with the FMLN.

These organizations that fund continued killing during peace negotiations should stop. At the very least, they should lose their tax exemption.

SEXUAL HARASSMENT A REALITY IN THE WORKPLACE

Ms. LONG. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentlewoman from Indiana?

Mr. WALKER. I reserve the right to object, Madam Speaker.

Mr. JACOBS. Madam Speaker, I demand regular order.

The SPEAKER pro tempore. Regular order is demanded. Is there objection to the request of the gentlewoman from Indiana?

Mr. WALKER. I will not object, Madam Speaker. I would ask whether or not the gentlewoman——

Mr. JACOBS. Madam Speaker, regular order.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, the gentlewoman appears to be prepared to read from papers. Does the gentlewoman need unanimous consent to be able to do that?

The SPEAKER pro tempore. If that is demanded, the request has to be made.

Mr. WALKER. A further parliamentary inquiry, Madam Speaker.

Has she asked that permission at this point?

The SPEAKER pro tempore. The gentlewoman has not made any indication that she is going to read.

Mr. WALKER. An objection would be in order if she reads from papers, however, under the rules of the House, is that correct?

The SPEAKER pro tempore. Is the gentleman going to continue to object, or withdraw his objection?

Mr. WALKER. I am making a parliamentary inquiry with regard to the rules of the House, Madam Speaker. My inquiry is whether or not the gentlewoman has asked permission of the House to be able to read from papers.

The SPEAKER pro tempore. Under the rules of the House, the gentlewoman has not yet requested to read from papers, and she may now proceed.

Ms. LONG. Madam Speaker, in the past 48 hours there has been a tremendous amount of attention paid to the issue of sexual harassment. It is not a pleasant subject and it is not a subject that most of us are eager to discuss; but it is a reality in the workplace, and more often than not the victims of sexual harassment are women, and I believe that more often than not those who are guilty of such behavior do not even realize the impact of what they are doing.

It was not too long ago that a colleague of mine complimented me on my appearance and then said that he was going to chase me around the House floor. Because he was not my boss, I was not intimidated, but I was offended and I was embarrassed.

Sexual harassment is serious. It is not funny and it is not cute, and it certainly is not complimentary. The victims, like a battered wife, often feel that they have no recourse and no way out.

Madam Speaker, I ask my colleagues to join me in fighting sexual harassment by doing everything we can through the legislative process and also through implementation of formal antiharassment policies in our offices.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. KENNELLY). The Chair will remind all people in the galleries that they are guests of the House and also that there should be a reservation of clapping.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. WALKER. In the opinion of the Chair, Madam Speaker, did the previous speaker not read from papers despite the fact that she had papers before her that she was leafing through?

The SPEAKER pro tempore. That is the opinion of the Chair.

Mr. WALKER. The opinion of the Chair is that the Member preceding did not read from papers?

The SPEAKER pro tempore. The opinion of the Chair is that the gentlewoman from Indiana did not read from papers.

Mr. WALKER. Madam Speaker, I thank the Chair.

A TREASURED PICTURE, AND THE CRIME BILL

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Madam Speaker, a while ago my staff called me and said, "Your picture is in a local publication," and I wondered why. There it was at this very podium with George Russell sitting behind me fully portrayed in that picture. It turned out that it was a story about George Russell who happened to sit here and do all the wonderful things that he did. I just happened to be in the picture. I was glad to have that picture and I will treasure it now all the more after we learned of his untimely death.

Madam Speaker, my sympathies and all our sympathies to his family.

Madam Speaker, pretty soon we are going to be arguing on the crime bill. This crime bill that is going to come before us is very weak. It does not include reform of the exclusionary rule.

Just for example, the American public is sick and tired of seeing the vision of a criminal who goes before a judge and then the judge dismisses the case against him, even though he was caught redhanded in the commission of a burglary or a larceny or some other felony, and dismisses the case because of some technicality.

We need to reform the exclusionary rule to allow individuals who are caught redhanded to be prosecuted to the fullest extent of the law.

THE TRIALS OF MARTIN GAFFNEY

Mr. ATKINS. Madam Speaker, I ask unanimous consent to address the

House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALKER. I reserve the right to object, Madam Speaker.

Mrs. SCHROEDER. Regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has been requested. Does the gentleman from Pennsylvania object or withdraw the objection?

Mr. WALKER. I do not object, Madam Speaker.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, has the gentleman from Massachusetts requested permission to read from papers?

The SPEAKER pro tempore. The Chair does not know from the vantage point of the gentleman from Pennsylvania, but from the Chair's vantage point, the Chair cannot see any papers.

Mr. WALKER. Madam Speaker, I thank the Chair for that. From my vantage point, I can, and my point is, has the gentleman asked permission to read from papers?

The SPEAKER pro tempore. Let the Chair clarify this right now. The usual order of the House is that Members can use papers, and that is the usual order of the House.

But the gentleman from Pennsylvania [Mr. WALKER] is right. If the gentleman goes to the rules of the House and he objects that someone reads from papers, then the gentleman from Pennsylvania [Mr. WALKER] has a right to object and the Chair has to put the question to the House if requested by the Member seeking to read.

Mr. WALKER. A further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. My only point, Madam Speaker, is that Members who desire to read from papers can ask unanimous consent that they be permitted to do so and can proceed from that order.

This parliamentary inquiry was simply whether or not the gentleman from Massachusetts has so asked the House.

The SPEAKER pro tempore. The custom is that one does not object, but if someone does object, as the gentleman from Pennyslvania [Mr. WALKER] is objecting, it is the ruling of the Chair that papers cannot be used absent permission of the House.

Mr. WALKER. A further parliamentary inquiry, Madam Speaker. The Chair is not responding to my point. The only point I ask the Chair was whether or not the gentleman from Massachusetts has asked permission to read from papers. The Chair can either tell me yes or no.

The SPEAKER pro tempore. The custom of the House is to reserve that objection until the question is raised by another Member of the House.

The gentleman from Pennsylvania is now raising a parliamentary question. The Chair answers that if the gentleman raises the objection, the Chair has to say that the Members should not read from a piece of paper, though customarily a Member is allowed to read from a piece of paper.

Mr. WALKER. A further parliamentary inquiry, Madam Speaker. In order to make that objection, can I interrupt the gentleman who is speaking in the House? My understanding would be they would have to yield to me for that. That is the reason I am making the parliamentary inquiry prior to them taking control of the floor of the House.

The SPEAKER pro tempore. The gentleman may call to the attention of the Chair the reading of the paper if the gentleman so requests.

Is the gentleman requesting this ruling right now?

Mr. WALKER. I am requesting, Madam Speaker, whether or not the gentleman has asked unanimous consent to proceed to read from papers.

The SPEAKER pro tempore. The Chair has not been notified that the gentleman from Massachusetts intends to read from a piece of paper.

Mr. WALKER. Madam Speaker, I thank the Chair.

Mr. ATKINS. Madam Speaker, I ask unanimous consent for permission to read from papers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALKER. I reserve the right to object, Madam Speaker.

Mr. JACOBS. Regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has been requested. Does the gentleman from Pennsylvania object, or withdraw his objection?

Mr. WALKER. I object, Madam Speaker.

The SPEAKER pro tempore. Objection is heard.

The gentleman from Massachusetts [Mr. ATKINS] is recognized for 1 minute.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, could the gentleman from Massachusetts now move that he be permitted to read from papers?

The SPEAKER pro tempore. The Chair does not see the gentleman from Massachusetts raising the question at this time.

Mr. WALKER. Well, Madam Speaker, it is a legitimate parliamentary inquiry, and the parliamentary inquiry is, "Can the gentleman from Massachusetts now move that he be permitted to read from papers?"

□ 1230

The SPEAKER pro tempore (Mrs. KENNELLY). The Chair will inform the gentleman from Pennsylvania that no other Member may move. But if the gentleman from Massachusetts desires to move, he may.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. ATKINS. Madam Speaker, on Monday the U.S. Justice Department denied the compensation which had been awarded to Martin Gaffney, a Marine Corps officer. Madam Speaker, Martin Gaffney was awarded by U.S. district court $3.8 million as a result of negligence in a U.S. military hospital. Martin Gaffney lies dying from the AIDS virus. His wife passed away several years ago from the AIDS virus. His one son, who died, a 1-year-old son who died from the AIDS virus.

The Justice Department, in what can only be described as a cruel move, has appealed the decision of the U.S. district court, appealed that decision despite the request of the U.S. attorney in Boston.

Madam Speaker, it is time for the Justice Department to recognize simple decency, to give Martin Gaffney the opportunity to provide a secure future for his daughter and to do the right thing.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. ATKINS] has expired.

ECONOMIC EQUITY ACT OF 1991

Ms. SNOWE. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to read from a text and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentlewoman's reading?

Mr. HOYER. Madam Speaker, reserving the right to object, I want to again reiterate on this side of the aisle our respect for every one of the Members sitting here to give a 1-minute on the other side of the aisle, most of whom have papers in their hands, and we presume they have prepared those. We also presume that they could say it extemporaneously as well as they could say it reading from the paper.

Madam Speaker, these objections are not in the interest of the comity of the House, and we will not object.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine that she be allowed to address the House for 1 minute, and that she be permitted to read from a text?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Maine [Ms. SNOWE] is recognized for 1 minute.

Ms. SNOWE. I thank the Chair.

Madam Speaker, today the Congressional Caucus for Women's Issues is introducing the Economic Equity Act; broad, sweeping legislation that addresses many of the economic needs of women and families.

The Economic Equity Act, composed of 24 bills, is broken down into four categories: employment opportunities, women in business, economic justice, and retirement equity. By emphasizing these important areas, the Economic Equity Act represents a comprehensive legislative response to the changing nature of the work force and family.

One particular changing and troubling trend in American families is the growing number of single-parent households. In 1990, 1 in 4 families with children under 18 were headed by a single parent.

In some of these cases, receiving child support payments means the difference between self-sufficiency and welfare. In fact, in 1990, of those parents awarded child support, one-quarter received less than the full amount and another one-quarter received nothing at all.

In response to this unsatisfactory record of child support collections, the legislation I have drafted as part of the Economic Equity Act would strengthen and improve a variety of child support enforcement mechanisms, including the aggressive enforcement of medical support in order to reduce Medicaid costs and keep more children healthy.

Madam Speaker, this legislation represents the first step in helping to relieve the economic burden on vulnerable families. I urge my colleagues to lend your support for this important legislative package by cosponsoring the Economic Equity Act.

DEFICIT REDUCTION CRITICAL TO NATION'S ECONOMIC HEALTH

Mr. LUKEN. Madam Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to refer to my paper.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WALKER. Madam Speaker, reserving the right to object——

Mrs. SCHROEDER. Madam Speaker, regular order.

Mr. WALKER. Madam Speaker, I do so simply to ask the gentleman whether or not he is prepared to comply with the rules of the House in delivering his 1-minute.

Mr. LUKEN. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

Madam Speaker, I will comply with the rules of the House.

Mr. WALKER. I thank the gentleman, Madam Speaker, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LUKEN. Madam Speaker, over the weekend Budget Director Richard Darman conceded that Defense spending might be reduced below expected levels in the face of sweeping changes on the international scene. It is time for the administration and Congress to carefully review where those savings can be achieved.

It is also time for Congress to state its intention that any savings from reductions in defense spending will go to offset the deficit—not increased spending.

Madam Speaker, the citizens of this country understand that reducing the deficit is primary to the goal of economic health for ourselves and our children. Last week, I introduced House Resolution 233 that will commit Congress to spending discipline—discipline that requires savings from the defense budget to offset the deficit.

Madam Speaker, some want defense savings to go to more domestic spending and some want the savings to fuel a growth package. We'll just have to figure out how to live within existing limits.

Let us do the Nation a favor by committing all savings to deficit reduction.

THE GLASS CEILING ACT, PART OF THE ECONOMIC EQUITY ACT

Ms. MOLINARI. Madam Speaker, I ask the unanimous consent to address the House for 1 minute and to read from a text.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. MOLINARI. Madam Speaker, I rise today in strong support of the Economic Equity Act, introduced yesterday by the bipartisan Congressional Caucus for Women's Issues. The Economic Equity Act is a comprehensive future-oriented agenda for improving the economic well-being of American women. Introduced since 1981, this package of legislation is designed to promote a quality and diverse work force capable of meeting the challenge of global competition.

Included in the Equal Opportunity Employment title of this legislation is a bill entitled the Glass Ceiling Act. The Glass Ceiling Act would establish a 17-member commission to study further why the glass ceiling, the invisible barrier keeping qualified minorities and women from moving up into management jobs, exists. This commission will make recommendations and will offer a national award to those businesses that have made strides in promoting women.

Madam Speaker, despite more than two decades of battle for equal opportunity, women still earn less than men in almost every field, even those dominated by women, and we are not making our way to the top of corporate America. This legislation will improve tomorrow's work force.

THE PRESIDENT NEEDS TO LISTEN TO THE PEOPLE OF THIS COUNTRY ON THE UNEMPLOYMENT COMPENSATION ISSUE

Ms. DELAURO. Madam Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and I ask unanimous consent to read from a paper.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mrs. SCHROEDER. Madam Speaker, regular order.

The SPEAKER pro tempore. Regular order has been called for.

Is there objection to the request of the gentlewoman from Connecticut?

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

Mrs. SCHROEDER. Madam Speaker, regular order.

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, has the gentlewoman asked permission to revise and extend her remarks, has she asked permission to address the House for 1 minute, and has she asked permission to read from papers?

The SPEAKER pro tempore. The gentleman is correct on all three counts.

Mr. WALKER. Madam Speaker, I do not object to the gentlewoman doing her 1-minute or revising and extending. Madam Speaker, I do object to her reading from papers.

The SPEAKER pro tempore. Since the gentleman does object——

Mr. HOYER. Madam Speaker, will the gentleman yield under his parliamentary inquiry?

Mr. WALKER. Sure. I would be glad to yield to the gentleman under my parliamentary inquiry.

The SPEAKER pro tempore. Is the gentleman stating a parliamentary inquiry?

Mr. HOYER. I would like to ask him to yield under his——

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Maryland?

Mr. WALKER. Madam Speaker, sure I yield to the gentleman from Maryland.

The SPEAKER pro tempore. The Chair controls the parliamentary inquiry. At this moment, the gentlewoman from Connecticut has been recognized for 1 minute.

Mr. WALKER. And, you know, my understanding is I am objecting to her reading from papers. That is the only objection I have.

The SPEAKER pro tempore. And the gentleman, if he is making that objection, is making a correct objection, and the Chair has to agree with the objection.

The Chair recognizes the gentlewoman from Connecticut [Ms. DELAURO] for 1 minute.

Ms. DELAURO. I thank the Madam Speaker.

Madam Speaker, the President today has the opportunity to help ease the burden of the working men and women in this country by helping them in their extension of unemployment benefits. Today the Congress will send to the President the unemployment compensation bill, giving him the opportunity to ease that economic burden on the men and women in this country. The people of this House have spoken. The people of the country have spoken through their House Members. In passing the unemployment compensation bill with 300 votes. That is indicative of the feeling of the Members of this House and the people, that we ought to have an unemployment compensation bill that will extend their benefits because they have run out. In my State we have had a recession for the last 2 years. 40,000 men and women have had their unemployment benefits ended. They need help.

The President needs to listen to the people of this country. He needs to help them with this recession, and he needs to sign the bill. The American people are calling for it. And he needs to respond to that call.

BOUNCING CHECKS: THE BRUSH THAT PAINTS SOME PAINTS ALL

Mr. ZELIFF. Madam Speaker, I ask unanimous consent to address the House for 1 minute, to read from papers and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. ZELIFF. Madam Speaker, I just completed my 51st town meeting last Saturday. I am very concerned about the lack of respect from members of the public who put us in this position of trust.

I have not, personally, bounced any checks, and I paid all my restaurant bills. Unfortunately, the brush that paints some paints all.

I do not like being considered a dead beat.

Clarence Thomas, a very fine person, a very fine man, I cannot believe, as I watch his reputation, is destroyed by information that is leaked at the last minute by a liberal Democratic Senator. I wonder where it is all going to stop.

LET US COMPROMISE ON UNEMPLOYMENT COMPENSATION BILL

On the issue of extending unemployment benefits, we know what the President will and will not sign.

Why can we not work together on a temporary bill which is properly funded? Why do we have to change permanently the unemployment law or why do we have to insist that the President has to declare a national emergency?

□ 1240

Madam Speaker, we know what he will agree to. I ask, "Why can't we do what is right, and let's get working for the best interests of the American people?"

WE NEED AN ENERGY POLICY THAT IS NOT DEPENDENT ON FOREIGN OIL

Mr. SARPALIUS. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mr. HOYER. Madam Speaker, will the gentleman from Pennsylvania [Mr. WALKER] yield under his reservation?

Mr. WALKER. Madam Speaker, I am happy to yield to the distinguished gentleman from Maryland.

Mrs. SCHROEDER. Regular order.

The SPEAKER pro tempore. Regular order has been demanded.

Is there an objection?

Mr. WALKER. There is no objection, Madam Speaker.

Mr. SARPALIUS. Madam Speaker, a year ago this country stepped across the ocean as a military giant and crushed the army of Saddam Hussein only to leave him still in power. I submit that at that time, when we brought our troops there, we went there not only to liberate Kuwait, but to protect the oil reserves in Saudi Arabia. And why? Because at that time this country depended on over 50 percent of our oil reserves from overseas and from the Middle East.

Madam Speaker, we fought that war, and we won that war, but I had hoped that when we brought our troops back home that we would have had the leadership in the White House for somebody to demand an energy policy in this country which moves away from our dependency on foreign oil and started utilizing the natural resources that we have right here at home.

Madam Speaker, that leadership was not there, and today we are still depending on over 50 percent of our oil reserves from the Middle East.

THE TIME HAS COME FOR ALL OF US TO UNITE FOR PEACE IN CROATIA AND YUGOSLAVIA

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to read from papers.

The SPEAKER pro tempore. Is there objection to the gentleman from New Jersey [Mr. SMITH] reading from papers?

Mr. HOYER. Madam Speaker, reserving the right to object, we are of course, not going to object to the gentleman from New Jersey [Mr. SMITH] either reading from papers or giving a 1-minute. I am curious as to why the objections are being made only on one side of the aisle to the application of the rules. The gentleman from Pennsylvania [Mr. WALKER] has made no objections on the other side of the aisle.

Mr. WALKER. Madam Speaker, would the gentleman from Maryland [Mr. HOYER] yield under his reservation?

Mr. HOYER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Speaker, I thank the gentleman from Maryland [Mr. HOYER] for yielding because what we observed yesterday in the process of the House was that the Chair was perfectly willing to discipline Members on our side of the aisle, but seemed reluctant to do so on the other side of the aisle, and the point is that we did have a serious violation of the rules. The majority then voted to take away all discipline at that point from objection. In fact, the Chair itself moved that the Member can continue as though the slate was wiped clean.

So, Madam Speaker, it appears very clear to this Member that we have a dual set of standards in the House with regard to who has to obey the rules and who does not, and so I must admit that I am being somewhat selective here, and I am simply trying to assure those who yesterday took it upon themselves to violate the rules and then wipe the slate clean that all I am seeking to do is have an assurance that they would obey the rules today. What I found was that regular order was demanded, I could not get that assurance, and so I kind of ratcheted up a notch with other rules that are applicable.

But I would simply say to the gentleman from Maryland [Mr. HOYER] that all I am attempting to do is see to it that the rules that we laid down at the beginning of the Congress that are supposed to protect the minority not be used only as a weapon against it, that they are, in fact, obeyed by everyone in the House. They voted for those rules; I did not. But I am prepared to obey them. Evidently there are many on their side who are not prepared to obey them, and I must tell the gentleman that that is something which bothers me as a Member of this body very greatly.

Madam Speaker, I think the protection of minority rights ought to be something in the context of how we operate the House of Representatives.

Mr. HOYER. Madam Speaker, reclaiming my time, and on behalf of the majority, we are certainly not going to object to Members in the minority giving their 1-minute speeches and reading from papers, if they so desire.

Madam Speaker, I withdraw my reservation of objection.

Mr. SMITH of New Jersey. Madam Speaker, just over a month ago the gentleman from Virginia [Mr. WOLF] and I visited war-torn Croatia, including Zagreb, Osijek and Vukovar, and saw firsthand the devastation of the war. Our meetings with President Tudjman in Zagreb and President Milosevic in Belgrade stessed the compelling need for military restraint, preservation of human rights on both sides, a sustainable cease-fire and negotiations to resolve differences. Sadly, the Serbian-controlled Yugoslavia military and Serb irregulars have accelerated their offensive into Croatia and today are killing and maiming thousands with mortar and tank fire and fighter bomber attacks. About a third of Croatia is now under Serb control.

Madam Speaker, in place today is yet another cease-fire. Perhaps this will work where the others have failed. However, it seems to me much more needs to be done by the United States to foster peace in Yugoslavia. The EC cannot do it alone. We are heartened by the United Nation's appointment of Cy Vance as Secretary General Perez de Cuellar's personal envoy to Yugoslavia, but it seems to me that the President must speak out very boldly, as he did when the aggression against Kuwait took place by Iraq.

Madam Speaker, the time has come for all of us to unite for peace in Croatia and Yugoslavia.

INTRODUCTION OF THE ECONOMIC EQUITY ACT OF 1991

Mrs. SCHROEDER. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mr. SANDERS. Regular order.

The SPEAKER pro tempore. Regular order has been called for.

Does the gentleman from Pennsylvania [Mr. WALKER] continue to reserve the right to object, or does he withdraw his request?

Mr. WALKER. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, has the gentlewoman from Colorado [Mrs. SCHROEDER] asked unanimous consent to be able to read from papers?

The SPEAKER pro tempore. She has not.

Mr. WALKER. She has not. I thank the Chair.

Mrs. SCHROEDER. Madam Speaker, I think we are now beginning to focus on the Hill about the tremendous inequalities that women have in the workplace in any number of ways. Therefore, I am pleased to join with my colleagues in the congressional caucus for women's issues to introduce the Economic Equity Act of 1991.

The caucus first introduced the EEA 10 years ago, and has introduced it in every Congress since. While over the years the issues have changed, the need for a package of legislation to address women's economic needs has not.

Women continue to earn 68 cents for every dollar men earn. Women and their children still make up the vast majority of Americans living in poverty.

Our Nation has undergone dramatic changes over the last decade. Women now nearly equal men in the work force. Women are the majority of new entrants into the work force, the majority of people starting new businesses are women, and yet we still are not treated as partners in our Nation's future.

This year's Economic Equity Act responds to these changes in society. It places new emphasis on developing the job skills of women, and opening up new opportunities in the work force. By providing women with the skills to qualify for higher-paying jobs, we will not only improve the condition of women but will also move our economy into the 21st century.

I urge my colleagues to join with me in cosponsoring this important legislation.

IN MEMORY OF THE LATE PATRIARCH DEMETRIOS I

Mr. BILIRAKIS. Madam Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks, and to read from papers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Madam Speaker, I rise today to express my sadness over the passing last week of one of the world's great religious leaders—Patriarch Demetrios I.

Some in this Chamber may not realize it, but after the Catholic Church, the Orthodox Church is the largest Christian body in the world with 6 million Orthodox Christians in the United States, and millions of followers in Russia, Eastern Europe and elsewhere.

Patriarch Demetrios was installed in 1972 and was the 269th successor to St. Andrew, the Apostle. He was a man truly dedicated to Christian unity. In 1987, the Patriarch and the Pope recited the Liturgy of the Word together, the first time in a millennium that the Pope and the Orthodox Patriarch have joined together in reading the Liturgy.

Patriarch Demetrios was the leader of the Greek Orthodox community in the United States—and all Orthodox Christians are saddened by his passing. Madam Speaker, I ask that all of my colleagues pause and reflect on the Patriarch. May his legacy live on forever.

HELPING WOMEN MOVE INTO THE BUSINESS MAINSTREAM

Ms. KAPTUR. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mr. SANDERS. Regular order.

The SPEAKER pro tempore. Regular order has been demanded.

Does the gentleman from Pennsylvania [Mr. WALKER] continue to reserve the right to object?

Mr. WALKER. No, Madam Speaker. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Madam Speaker, I rise today with many of my colleagues to introduce a title of the Women's Equity Act of 1992, the title dealing with women's business procurement, an extremely important title because, as we sit here today, less than 1 percent of Federal Government contracts go to women business owners. Less than 1 percent. It is an absolutely incredible number, and the Federal Government can provide an important lead in helping women in our society move into the business mainstream.

□ 1250

The purpose of the procurement title is to establish goals within each Federal agency for women's business procurement, and also within the Small Business Administration to establish an Office of Women's Enterprise and make sure that the other departments and agencies of the Federal Government are working to meet those goals.

Madam Speaker, please join us, the women's caucus, the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from Maine [Ms. SNOWE], and the gentleman from New York [Mr. LAFALCE], the chairman of the Committee on Small Business, in supporting the Women's Equity Act of 1992.

MAKE HOUSE BANK RECORDS PUBLIC

Mr. JAMES. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to read from papers.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. JAMES. Madam Speaker, last week this House voted to close the bank and refer the matter to the Ethics Committee. The American people are not satisfied.

Madam Speaker, it's time to make the bank records public. Until we do, all of us are suspect.

Those, like myself, who never bounced a check and those who were accidently overdrawn twenty bucks are as suspect as those who may have been routinely overdrawn for months.

People don't believe the Ethics Committee will condemn Members who were routinely overdrawn. People assume the House leadership knew what Members were doing and didn't object. But the voters didn't know; and they do object.

We bring this House into disrepute by keeping secret from the voters facts about their Representatives that they demand and have a right to know.

Three quarters of this House did not abuse our banking privileges. Our good name is being used now to cover those who did, just as our bank balances had been used to cover those who were overdrawn. That's wrong.

Sunshine, full disclosure, Madam Speaker, and individual responsibility, is the only way to clear the name of the House.

THE TIME TO CHOOSE SIDES

Mr. SANDERS. Madam Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to read from two pieces of paper.

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mr. APPLEGATE. Madam Speaker, regular order.

The SPEAKER pro tempore. Regular order has been demanded. Is there objection to the request of the gentleman from Vermont?

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, reserving the right to object, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, what was the unanimous consent request of the gentleman from Vermont [Mr. SANDERS]?

The SPEAKER pro tempore. The request of the gentleman from Vermont [Mr. SANDERS] was to speak for 1 minute, to revise and extend, and to read from two pieces of paper.

Mr. WALKER. Madam Speaker, I thank the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

Mr. WALKER. Madam Speaker, reserving the right to object, I would ask that the request of the gentleman be divided.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont [Mr. SANDERS] to proceed for 1 minute?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont [Mr. SANDERS] to revise and extend his remarks?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont [Mr. SANDERS] reading from paper?

Mr. WALKER. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The gentleman from Vermont [Mr. SANDERS] may proceed for 1 minute.

Mr. SANDERS. Madam Speaker, there is little that we in Congress can do if the President chooses to veto legislation which is in the best interests of working people, the elderly and the poor. He has already indicated his desire to veto legislation which will extend unemployment benefits; to veto legislation which will provide a parental leave program for America's workers and to veto legislation which will protect the rights of striking workers.

Madam Speaker, if the President chooses to represent the interests of the rich and the powerful, that is his prerogative. But if we are sincere about representing the needs of ordinary Americans—then this is what we must do.

We must pass a single-payer, national health care program which will guarantee health care for all Americans. Let him veto it—if he dares.

We must pass a tax reform bill which finally ask the rich, whose incomes have soared, to start paying their fair share of taxes—so that the middle class can get a long deserved tax break. Let him veto it—if he dares.

Now that the cold war is over, we must significantly lower military spending and use the savings to create millions of jobs for American workers as we rebuilt our cities and towns; our declining industrial base, our rotting infrastructure. Let him veto that legislation—if he dares.

Madam Speaker, the President has made it clear as to which side of the economic fense he is on—whose interests he represents. The time is now for us to make it clear as to whose side we are on.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, was it the opinion of the Chair that the previous speaker, the gentleman from Vermont [Mr. SANDERS] did not read from papers?

The SPEAKER pro tempore. The Chair would state to the gentleman from Pennsylvania that the Chair cannot see that the gentleman is reading his remarks. The gentleman has a right to have note paper in front of him. The Chair does not rule that a Member may not refer to a note.

REAUTHORIZE SMALL BUSINESS INNOVATION RESEARCH ACT

Mr. IRELAND. Madam Speaker, I request unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. IRELAND. Madam Speaker, just about a decade ago, a group of us in Congress realized that small businesses—the major source of innovation in this country—were being denied access to research and development funds within Federal departments and agencies.

In 1982, we established the Small Business Innovation Research Program to make sure that smaller firms were getting their fair share.

Yesterday, the Small Business Committee held the second of a series of hearings leading up to reauthorizing the SBIR Program next year.

And guess what we're finding out? This is one Federal program that actually works! The 11 participating Federal agencies have granted almost 19,000 competitive awards to small businesses—awards worth more than $2.2 billion over 10 years.

Obviously, this program has created jobs and improved our economic performance at home. Equally important, it has cultivated a new source of innovative products that has improved our competitive edge in the global marketplace.

This is one Federal program that does what it's supposed to do. It deserves to be reauthorized.

And so, I urge my colleagues to remember when it's time to reauthorize the SBIR Program—it's easy to say you're all for small business, but it's how you vote that really counts.

THE FORGOTTEN MIDDLE CLASS

Mr. APPLEGATE. Madam Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and refer to notes.

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mrs. UNSOELD. Madam Speaker, regular order.

The SPEAKER pro tempore. Regular order has been demanded. Is there objection?

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, can the Chair repeat what the request of the gentleman from Ohio [Mr. APPLEGATE] was?

The SPEAKER pro tempore. The gentleman from Ohio asked to address the House for 1 minute, to revise and extend, and to refer to notes.

Mr. WALKER. Madam Speaker, I ask that the motion be divided.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. APPLEGATE] to proceed for 1 minute?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. APPLEGATE] to revise and extend his remarks?

There was no objection.

The SPEAKER pro tempore. The Chair would state to the gentleman from Pennsylvania [Mr. WALKER] that with regard to the previous request to speak and read from notes, as the gentleman from Pennsylvania well knows, according to the rules one may not read from notes if there is an objection unless permitted by the House. The Chair previously indicated she cannot tell if a Member is reading from a paper or in fact referring to a note. One may refer to a note without having permission of the Chair.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Madam Speaker, if the Chair cannot see whether or not Members are violating the rules of the House, who is it that is going to enforce the rules of the House?

The SPEAKER pro tempore. The Members who object to what they observe is happening.

Mr. WALKER. Madam Speaker, as I understand it, there is a series of unanimous-consent requests now before us, and I am within my rights then to respond to that series of requests. The Chair has yet to pose the one that I am probably going to have problems with.

The SPEAKER pro tempore. The Chair has ruled that there is no rule of the House that a speaker cannot refer to a note. That is all the gentleman from Ohio [Mr. APPLEGATE] asked.

Mr. WALKER. Madam Speaker, the gentleman asked unanimous consent to refer to notes. Was that the request of the gentleman?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. APPLEGATE] did not have to ask that. The rule is if there is an objection, a Member may not read their remarks unless permitted by the House. The Chair ruled that one can refer to a note. The gentleman asked to refer to a note.

The gentleman from Ohio [Mr. APPLEGATE] is recognized for 1 minute.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DURBIN. Madam Speaker, pursuant to the parliamentary point made by the gentleman from Pennsylvania [Mr. WALKER], would this preclude the President of the United States using a teleprompter during the State of the Union Address?

The SPEAKER pro tempore. The Chair would state to the gentleman from Illinois [Mr. DURBIN] that the Chair is in control of parliamentary inquiry. The Chair has ruled on this question. The Question of the gentleman from Illinois [Mr. DURBIN] does not apply to this situation.

□ 1300

Mr. APPLEGATE. Madam Speaker, I do not know how many of my colleagues read Frank & Ernest, the comic strip. Here is a comic strip, and Frank says to Ernie, "Did you read that President Bush says the economy is improving?" And Ernie says, "No, I cannot afford to buy a newspaper."

Then the AP has one here that says "Recession Causes No Pain for the Richest," and inside it talks about the Fortune 500 who control nearly $300 billion in this country.

There is 6 times more billionaires in this country than there was when Reagan came in in 1981. Who are these people?

They are not people that are without health insurance. They are not people that are on unemployment compensation. They are not people who worry about putting food on the table, clothes on their kid's back and education. No.

What about the unfortunate who are suffering from the social and economic disease, the middle income people who have gone down hill, becoming low-income? They need a break.

The Government will not help. They will remember us if we forget them.

INVITATION TO MEETING

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute, to revise and extend her remarks and to read from paper and notes.)

Mrs. BENTLEY. Madam Speaker, 1 week ago today Bishop Lukihan and other Serbian Orthodox priests were captured in the vicinity of their diocese in Pakrac, Slovania, which is part of Croatia. Not a word has been heard from the Croatian Government as to the whereabouts or status of those clergy from the Serbian Orthodox Church, despite a number of inquiries from the U.S. Embassy.

Members and their staffs who are interested in learning more about this unfortunate civil war between the Croatians and the Serbians in Krajina and Croatia may meet at 3 o'clock today in Longworth, room 1416, with Metropolitan Jovan who heads up the Serbian Orthodox Diocese in Krajina and who himself has been the victim of violence in recent weeks.

WOMEN IN THE WORKPLACE

Mrs. UNSOELD. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mr. DURBIN. Madam Speaker, I demand regular order.

The SPEAKER pro tempore (Mrs. KENNELLY). Regular order has been demanded. Is there objection to the request of the gentlewoman from Washington?

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, reserving the right to object I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. I could not hear the gentlewoman's request. Can she tell us what her request was?

Mrs. UNSOELD. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

Mr. WALKER. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. UNSOELD. Madam Speaker, harassment in the workplace takes many forms, sometimes at enormous public cost.

Madam Speaker, nearly two-thirds of the women in the workplace are those who are either the sole supporter of their family or are the difference between that family living in poverty or not. They are just trying to keep their families afloat. Yet these women earn on an average only 58 percent of what their male counterparts earn.

All these hard-working women are asking is to have the opportunity, equal opportunity for support of their families and respect in the workplace.

Today the legislation that we are introducing will help women achieve this economic equity. We need to know why it is that men performing the same tasks are paid so much more than women. We need to encourage women to enter nontraditional jobs. We need to find ways for women to break through the glass ceiling.

We can help women help themselves and help their families. I stand with my colleagues in support of the Economic Equity Act.

THE UNITED STATES MUST DECIDE ON CROATIA

(Mr. KASICH asked and was given permission to address the House for 1 minute and to read from papers.)

Mr. KASICH. Madam Speaker, at this moment there is a cease-fire in Yugoslavia, but it is hard to believe it will last any longer than the previous six ceasefires. The European Community has bungled its mediation effort, while the United States has sat on its hands. Meanwhile, the killing has gone on for months.

The Yugoslav situation is complicated, but not too complicated to discern right from wrong. The Croatian people seek independence from one of the last hard-line Communist States on Earth. The Communist Serbian leadership seeks to keep Croatia shackled to a State that no longer has legitimacy. The Communist-dominated Serbian military has stooped to indiscriminate bombing of cities. America shouldn't have a double standard on human rights: What was wrong in Kuwait or in the Baltics is equally wrong in Croatia.

Madam Speaker, this Government bears at least some responsibility. In June, Secretary Baker spoke out on the need to preserve the Yugoslav State. In retrospect, this has encouraged Serbian hardliners in the belief that the United States would tolerate unlimited force against Croatia. Mr. Speaker, it is time the United States Government faced reality and recognized the independence of Croatia and demand an end to Serbian violence against Croatia.

FOREIGN AID BILL

Mr. ROEMER. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

Mr. WALKER. Madam Speaker, serving the right to object, I do so simply to inquire of the gentleman whether he intends to comply with all the rules of the House in delivering his 1-minute speech.

Mr. DURBIN. Madam Speaker, I demand regular order.

The SPEAKER pro tempore. Regular order has been demanded.

Mr. WALKER. Regular order has not been properly demanded. I renew my request.

The SPEAKER pro tempore. The gentleman is correct, somebody has to stand to demand regular order.

Mr. DURBIN. Madam Speaker, I demand regular order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. WALKER. I yield to the gentleman for an answer to my question.

PARLIAMENTARY ORDER

Mr. DURBIN. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. There is a question pending.

Mr. DURBIN. Madam Speaker, I have a parliamentary inquiry.

Mr. WALKER. Madam Speaker, I reserved the right to object, and I would be happy to yield to the gentleman, but I do control the time at this moment.

Mr. DURBIN. Would the Speaker be kind enough to explain to this gentleman: It is my understanding that the gentleman wishes to pose a question to the Chair, and he can certainly do so for the Chair to respond. I do not believe it is within the rules for the gentleman to pose a question to individual Members about to take their 1-minute speeches.

Mr. WALKER. Under my reservation to object, I control the time, and I can in fact pose questions of other Members on the floor. The gentleman ought to check his rule book.

Mr. DURBIN. Madam Speaker, now that the gentleman from Pennsylvania has ruled, would the gentlewoman please rule?

The SPEAKER pro tempore. The gentleman is reserving the right to object. That is all the gentleman from Pennsylvania is doing is reserving the right to object.

Mr. ROEMER. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. ROEMER. Madam Speaker, I will repeat my request. I request the ability to revise and extend my remarks and to address the House for 1 minute.

Mr. WALKER. Madam Speaker, reserving the right to object, I do so to ask the question whether he intends to comply with the rules of the House.

The SPEAKER pro tempore. The gentleman from Indiana may respond.

Mr. ROEMER. Madam Speaker, I would be happy to respond. Ever since I have been here in January, I have complied with the rules of the House when I have spoken. I intend to do so today.

Mr. WALKER. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. ROEMER] is recognized for 1 minute.

Mr. ROEMER. Madam Speaker, today in America we have a horrible disconnect between what we discuss here in this body and pass in terms of legislation and what we hear from our districts. Sometimes that is because of the dilatory tactics taking place, sometimes that is because of the legislation that we put before us. We will be debating in the next few days, Madam Speaker, a $25 billion foreign aid bill.

I will be voting against this bill until we can debate restructuring of foreign aid, until we can debate ways by which we help our businesses and farmers export with that foreign aid, and until we begin to debate some of the things here at home, like the pension losers bill, like family and medical leave.

MENTAL ILLNESS AWARENESS WEEK, INCOMPETENT VETERANS—H.R. 1473

Mr. DORNAN of California. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN of California. Madam Speaker, as a result of the passage of the Consolidated Omnibus Budget Reconciliation Act of 1990, service-connected disability compensation payments were discontinued to certain disabled veterans who have no dependents, who are rated incompetent and whose estates, excluding the value of their home, exceed $25,000. The law, enacted as a quick-fix to meet budget targets, has been cited by the Disabled American Veterans [DAV] as unconstitutional and has a discriminatory affect against the mentally disabled veterans.

To discontinue these service-related disability benefits is to unfairly target veterans on the basis of mental capacity and marital status. Moreover, singling out disabled veterans who are incompetent is counterproductive and highly unfair. Because of the severity of their disabilities, these individuals need to build up their personal assets in order to provide for future medical needs and other significant expenses related to their disabilities.

This bill cuts to the heart of what it means to be a veteran. It is the understanding of every veteran, and of the Nation in general, that disability benefits paid to a serviceman with a service-related disability are the entitlement of that individual who served his country. These are not welfare benefits.

Last, many family members who serve as conservators, fiduciaries, and the representative payees of their veteran relatives, do this without expense to the veteran. To argue that reinstated compensation benefits would be an unjust enrichment for these people—as some have in the past—would be a gross injustice.

Benefits that our Nation pays to incompetent veterans are only a minute expression of our gratitude for the tremendous sacrifices these individuals made. Congress should not renege on its commitment to these heroic men. Please cosponsor this bill and repeal the ill-conceived reduction of benefits for these select veterans.

□ 1310

A SALUTE TO THE LONG BEACH NAVAL SHIPYARD

Mr. ANDERSON. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from California?

Mr. WALKER. Madam Speaker, I reserve the right to object.

Mr. DURBIN. Regular order.

The SPEAKER pro tempore. The gentleman from Illinois has called for regular order.

Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. I was not able to hear what the gentleman from California requested of the House.

The SPEAKER pro tempore. Will the gentleman repeat his request?

Mr. ANDERSON. I ask unanimous consent to revise and extend my remarks and address the House for 1 minute, and I do have notes in front of me, as I always do, and I assume that if you are smart enough, you would, too.

The SPEAKER pro tempore. Regular order.

Is there objection to the request of the gentleman from California?

Mr. WALKER. I withdraw my reservation of objection, Madam Speaker.

There was no objection.

Mr. ANDERSON. Madam Speaker, I would like to take a minute to salute the dedicated men and women of the Long Beach Naval Shipyard.

Last Friday, October 3, the employees of the Long Beach Naval Shipyard completed a complete overhaul of the U.S.S. *Belleau Wood*, a landing helicopter amphibious vessel. Most importantly, this overhaul was done on time and at $3 million under the budget.

In this body, we are constantly hearing about time delays and cost overruns, so I want to remind my colleagues of the kind of jobs that a skilled and highly motivated work force like that of the Long Beach Naval Shipyard can do. This achievement is also a tribute to the Base Closure and Realignment Commission, which recommended that the shipyard remain open, and to those Members of Congress who supported, who voted to support, the Commission's findings.

The Long Beach Naval Shipyard fulfilled the vital service to the defense and security of this Nation, and it does so with a standard of quality and cost efficiency second to none.

This successful overhaul demonstrates what can be done by people——

Mr. WALKER. I object to the gentleman reading from papers.

Mr. ANDERSON [continuing]. Committed to a purpose, and what an asset such people are to the people of the United States, and it is with great pride that I salute the crew of the U.S.S. *Belleau Wood*.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. ANDERSON. And the employees of the Long Beach Naval Shipyard on a job well done.

Thank you very much.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Madam Speaker, I did, as the Chair instructed me earlier, I objected to the reading from papers on the floor, and the Chair does not appear to be willing to enforce the rule despite the fact that there was an objection from the Member.

The SPEAKER pro tempore. The gentleman from Pennsylvania, the Chair responds in that in this situation the time had expired before the objection was made.

Mr. WALKER. Madam Speaker, I think if the Chair would go back and check, the Chair would find that I objected well before the gavel came down.

The SPEAKER pro tempore. The Chair's ruling is the time had expired.

Mr. WALKER. I thank the Chair.

AMERICA SHOULD BE A STRONG VOICE FOR FREEDOM IN THE WORLD

Mr. ROHRABACHER. Madam Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks and to refer to notes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ECKART. Madam Speaker, I object.

The SPEAKER pro tempore. An objection has been heard.

Mr. ROHRABACHER. I understand, Madam Speaker.

Mr. WALKER. He objected to you speaking.

Mr. ROHRABACHER. To speaking or referring to notes?

The SPEAKER pro tempore. Is there objection to the gentleman from California proceeding for 1 minute?

Mr. ECKART. I reserve the right to object, Madam Speaker.

Mr. SENSENBRENNER. Regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has been demanded.

Is there objection to the request of the gentleman from California?

Mr. ECKART. Madam Speaker, I object.

The SPEAKER pro tempore. An objection has been heard.

Mr. ROHRABACHER. Is there an objection to my using notes or an objection to me speaking?

The SPEAKER pro tempore. The gentleman has raised the objection for the gentleman to speak for 1 minute.

Mr. ROHRABACHER. Period?

HOW TO MAKE THE DAY EASIER

Mr. GINGRICH. Madam Speaker, I ask unanimous consent to proceed out of order for a moment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGRICH. Madam Speaker, let me suggest, if I might in the interests of the House, that the rest of the afternoon and the week will go much better if we continue to let this roll out, and I would hope that if the gentleman from California would ask again for the right to speak for 60 seconds that both sides would allow that to happen.

I would just think it would make the rest of the day much easier.

Mr. HOYER. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I think that will occur. I hope it will occur. And, again, we understand that both sides have their perspective, but for the most part, I think all of us try to be fair to one another in this House. That has been my observation over the 10-plus years I have been here. Others may have a different perspective, but I agree with the gentleman that we ought to proceed with the important business confronting this country.

There are lot of people in pain in this country, and they must be in great pain watching their Legislature, what they perceive, I am sure, as playing games.

Mr. GINGRICH. I am sure most people who are so proud of what has happened in the Soviet Union and elsewhere are proud to see an effort to maintain the legislative process and understand that enforcing the rules sometimes is a prerequisite of the legislative process. But while I think it is reasonable for both sides to occasionally inquire about the reading of papers and others, I would hope that neither side would engage in stopping Members from ultimately asking unanimous consent to speak.

The SPEAKER pro tempore. Will the gentleman from California repeat his request?

Mr. ROHRABACHER. Madam Speaker, I ask unanimous consent to address the House for 1 minute, revise and extend my remarks, and speak without notes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The chair recognizes the gentleman from California [Mr. ROHRABACHER] for 1 minute.

Mr. ROHRABACHER. Madam Speaker, I might note that yesterday the big brouhaha over whether or not people were going to obey the rules and whether or not we were going to have the rules enforced started with an attempt by the other side of the aisle to silence me, and then there was a retaliation from our side.

Let me note that for the purpose of my 1-minute today it is to suggest that America should be a strong voice for freedom in the world, and that is what I was hoping to express today.

The fact is the people of China are languishing under a dictatorship. The people of Burma and Croatia, there is aggression being committed. Men and women and children are losing their lives, and I perceive that this administration and I perceive that the United States is not speaking up with a strong voice for freedom, and a voice for decency that this country is supposed to be all about.

I would hope the people in Burma understand that we are with them and not their dictatorship, that the people of China understand that we are with them and not the dictatorship, and the people who languish under tyranny anywhere will continue to know that the United States is not just anti-Communist but that the United States is a force for freedom in the world and will continue to be a force for freedom in the world.

SUPPORT DEMOCRACY IN HAITI

Mr. OWENS of New York. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Reserving the right to object, I do so simply to inquire of the gentleman whether he would be willing to comply with the rules of the House.

Mr. ECKART. Regular order.

The SPEAKER pro tempore. Regular order has been demanded.

Mr. WALKER. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Is it my understanding that the gentleman from New York has not requested of the House to read from papers?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. OWENS] for 1 minute.

Mr. OWENS of New York. Madam Speaker, United States policy on Haiti continues to be part of the problem and not part of the solution.

This administration has given the impression that President Aristide, who was elected by 70 percent of the electorate in a legal election, is no better than the military murderers who have taken over the Government. Aristide has been lectured about some violations of human rights, and the impression is being given that the people who are replacing him are as good as he is, and yet they have murdered hundreds of people in the streets of Haiti including a Haitian-American citizen who resides in my district.

The military murderers, thugs, and bandits in uniforms have taken over because the wrong signal has been sent by the U.S. Government. We continue to side with the military. We continue to pay the salaries of the military. We are the people who train the military.

Whenever the military rises up, it is because they have gotten a signal from our Government. We should end our hypocrisy and support democracy in Haiti.

BRING UP SIGNABLE UNEMPLOYMENT INSURANCE BILL

Mr. GINGRICH. Madam Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, without any notes.

The SPEAKER pro tempore. Without objection, The Chair recognizes the gentleman from Georgia [Mr. GINGRICH] for 1 minute.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia for 1 minute.

Mr. GINGRICH. Madam Speaker, I just want to say it is my understanding that after our resolution yesterday urging the leadership to move the unemployment bill, that it has in fact gone to the White House in the last few minutes.

I believe it will be vetoed by the President. The other body, of course, has adjourned until next week. I hope that if it is vetoed and sustained early next week, and I would hope the Democratic leadership would bring it to the floor and not hold it up, I would hope that then within 48 hours we could bring to the floor a signable bill, something like the Republican unemployment bill which would give 10 additional weeks of extended unemployment to some 3 million people.

I think it is far better for us to send out checks to 3 million people for 10 weeks then to continue to play political games in the House.

I thank the leadership for finally, 8 days late, moving the bill down to the White House. I hope we can move expeditiously, and on our side, we will ask to bring up an unemployment bill within 48 hours of the time that the current bill is sustained, if it is vetoed.

□ 1320

NIGHT CALM ACROSS AMERICA SHATTERED BY CRACK OF SEMIAUTOMATIC WEAPONS

Mr. SCHUMER. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. (Mrs. KENNELLY). Is there objection to the request of the gentleman from New York?

Mr. WALKER. I reserve the right to object, Madam Speaker.

Mr. DURBIN. Regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has been demanded.

Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHUMER. Madam Speaker, in New York City where I live, in Stockton, CA, in Louisville, KY, and in towns and cities throughout America the night calm is being shattered by the crack of semiautomatic weapons. These are the sounds of death bursting from the barrels of semiautomatics. These weapons have names like Striker 12, Street Sweeper, Kalashnikov, and every one of them conjures up the image of a lifeless young man laying in the gutter.

Madam Speaker, we can put an end to that next week. In the crime bill there will be an attempt to abolish these weapons, weapons that no hunter uses, no person who wants to defend himself or herself uses. The only people who use these weapons are people who want to kill other people.

Now, I know that powerful political forces have spread lies about the bill, that it will take away hunters' weapons. It does not. That it will allow some bureaucrat to take away weapons. They do not.

Madam Speaker, I hope this body will rise to the occasion and ban assault weapons once and for all.

CIVILITY ON THE FLOOR

Mr. LAROCCO. Madam Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

Mr. WALKER. I reserve the right to object, Madam Speaker.

Mr. DURBIN. Regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has been demanded.

Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. LAROCCO. Madam Speaker, last week I went to a dinner. We all go to dinners in Washington, DC, to honor people. I went to a dinner that honored Bryce Harlow last week, a great American, a public servant, a Republican, and at that dinner the distinguished minority leader gave a speech about, of all things in this town, civility.

The distinguished minority leader said, "What would it be like if we had civility breaking out all over this town?"

It was a moving speech. It was a speech about the institutions and the people who have made this country great, not tearing it down, but building it up. It was a great speech, and I recommend it to the gentleman from Pennsylvania [Mr. WALKER] to read.

A TRIBUTE TO THE LATE GEORGE RUSSELL

Mr. DURBIN. Madam Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. I reserve the right to object, Madam Speaker.

Mr. SCHUMER. Regular order, Madam Speaker.

Mr. WALKER. Madam Speaker, regular order has not been properly demanded by the gentleman.

Mr. SCHUMER. Regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has now been properly demanded.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DURBIN. Madam Speaker, in the history of the U.S. House of Representatives, some 12,000 men and women have had the opportunity to serve in this great body. In this very Chamber in which I speak today literally hundreds, if not thousands of the most important figures in American political life have walked this floor, have given speeches from this podium.

Amidst all this pomp and all the titled individuals here, there are many men and women who serve this House in anonymity, men and women who literally give their lives to this country and this institution unselfishly. One such person was George Lewis Russell. The name may not be familiar to many Americans, but if you have watched C-SPAN over the last few years, George Russell was the gentleman, the black American who sat behind the podium on the Republican side of the aisle and you saw him many times.

During the 9 years that I have been privileged to serve in the House of Representatives, it has been my honor to come to know so many men and women who make this institution so great. George Russell was just such a person. He was a friendly person, a happy person, always with a smile on his face, and dedicated to his job and this institution.

George Russell passed away last Friday. The House of Representatives has lost a great friend and a great person.

I would like to extend to his family, and particularly to his wife, the Reverend Helen Russell, his children, grandchildren, and sisters, our sympathy and to say to George Russell, "We will remember you for many years to come."

THE ECONOMIC EQUITY ACT

Mrs. LLOYD. Madam Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to read from a paper.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. WALKER. I reserve the right to object, Madam Speaker.

Mrs. BOXER. Regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has been demanded.

Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

Mrs. LLOYD. Madam Speaker, I am pleased to join with a number of my distinguished colleagues in sponsoring the Economic Equity Act.

This comprehensive package includes a number of provisions fashioned to address economic issues which impact women and their families. The bill's four titles—employment opportunities, women in business, economic justice, and retirement equity—reflect this broad agenda.

Each year more and more women enter the work force out of necessity. The number of female headed households has more than doubled over the past 27 years. Nearly 17 percent of all families are headed by a woman. These statistics reflect tough economic times which often warrant two incomes for families to make ends meet and put food on the table.

In many cases women are raising children alone and are responsible for caring for elderly parents as well. To these women, and many others, a paycheck cannot be called a luxury—it is an absolute necessity. This bill will help provide women with the skills they need to effectively compete in the work force and help the American economy compete in the global market. It is essential that it be enacted.

One reason that many American women and their families are struggling financially is because child support payments are in arrears. I am particularly pleased that this bill includes language to strengthen child support statutes. I feel it is imperative that child support payment be collected and that every effort be made to see that delinquent parents are brought to justice.

This measure would require that States pass laws enforcing a 10-day time limit for employers turning over garnished wages to State child support enforcement agencies. The bill would also revise existing regulations to allow child support enforcement agencies increased access to financial information when reviewing and determining the noncustodial parents financial obligation.

I am hopeful that efforts such as this will help ease the tremendous burden often faced by individuals who are the primary caretakers of their children.

Please join me in supporting the Economic Equity Act. This bill will go a long way toward responding to the changing needs of American women in the workplace and at home.

A TRIBUTE TO THE LATE GEORGE RUSSELL

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 1 minute.

There was no objection.

Mr. DORNAN of California. Madam Speaker, I was back in the Cloakroom and was thoroughly shocked to hear about the passing of a gentleman who was a dear friend to all of us. His handsome, smiling face is probably known to this country because of C-SPAN as much as any Member of majority of minority leader of this great legislative body.

George was a friend for 15 years. I concur with all the beautiful and eloquent remarks of the gentleman from Illinois [Mr. DURBIN], and I also want to emphasize how much he is missed and will be missed on both sides of the aisle.

He was truly a distinguished gentleman, George Russell.

THE GLASS CEILING PROBLEM FOR WOMEN

Mrs. BOXER. Madam Speaker, I ask unanimous consent to address the

House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. WALKER. I reserve the right to object, Madam Speaker.

Mr. HOYER. Regular order, Madam Speaker.

The SPEAKER pro tempore. Regular order has been demanded.

Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BOXER. Madam Speaker, in the last couple days we have really seen the focus and the spotlight on problems that women face in the workplace. We know from recent studies that the first problem is equal pay for equal work.

We know the second problem is sexual harassment in the workplace.

Now the Congressional Caucus for Women's Issues has gotten together and has put together a very important package of bills that deal with employment opportunities; a bill, for example, by my colleague, the gentlewoman from New York [Ms. MOLINARI] deals with the glass ceiling problem.

They deal with women in business. They deal with economic justice, legislative pay equity, and a bill that I was fortunate enough to put together called the Federal Council on Women, which would once and for all establish a council that could advise Congress on what the problems are and what we have to do to help women perform in the workplace, get out of poverty, and add to the great productivity of the greatest Nation on Earth.

Madam Speaker, I hope you will all support that.

CIVILITY OFTEN A ONE-WAY STREET

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Madam Speaker, what I find in this body is that civility is often a one-way street. The reason for this little exercise this morning was because yesterday we saw a pattern develop on the House floor which indicated the rule of law was not going to be followed in the House.

The only protection for the minority is that we obey the rules we set forth. The minority does not vote for those rules, only the majority does; but ultimately we have to live by them.

What we have seen developing is an unfairness where the rules only apply to the minority, but whenever the majority violates them the majority then just wipes the slate clean and goes on. It does not matter whether it is the House Bank, or it does not matter whether it is the House Restaurant or the ways we proceed on the House floor. The fact is that the majority wipes the slate clean and goes forward.

I would say from my standpoint, the only thing I was attempting to do today was to point out that if in fact we cannot live by the rule of law, we ought to at least request the individual Members to live by the rule of law. That was not allowed me. I was not permitted to ask that question of the individual Members, and so it became ratched up a little bit.

I would hope at least that if we are going to proceed in the future in ways that ensure the House does the right thing, we do so with civility, but also under law.

□ 1330

THE AMERICAN PEOPLE EXPECT CONGRESS TO ACT IN TIMES OF CRISIS, NOT PLAY GAMES

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, there has been some mention of civility by a number of speakers, and that is appropriate. The American public expects and we on our side of the aisle try to comply with that expectation, not only that they have but that we have of ourselves, with making sure that every Member has the opportunity to address this House, without harassment, without having one's motives questioned preliminarily, without asking a Member whether they intend to obey the rules of the House, because we presume that every, every—and underline "every"—Member on both sides of the aisle of whatever party or independence, intends to follow the rules.

The American public expects us to pursue substance. They expect us to act in times of economic crisis, to help the unemployed, they expect us to act, not play games, in the face of rising crisis in health care premiums. They expect us to act on their behalf.

Madam Speaker, let us do it.

JOB TRAINING REFORM AMENDMENTS

The SPEAKER pro tempore (Mrs. KENNELLY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3033, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules and pass the bill, H.R. 3033, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 6, not voting 7, as follows:

[Roll No. 298]

YEAS—420

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)

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Peterson (FL)
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Porter
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Price
Pursell
Quillen
Rahall
Ramstad
Rangel
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Roberts
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Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
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Rowland
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Sabo
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Santorum
Sarpalius
Savage
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Schaefer
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Schiff
Schroeder
Schulze
Schumer
Serrano
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Skeen
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Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
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Stenholm
Stokes
Studds
Sundquist
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Swift
Synar
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Taylor (MS)
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Thomas (CA)
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Towns
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Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Crane
Dannemeyer
DeLay
Sensenbrenner
Stump
Walker

NOT VOTING—7

Barnard
Collins (IL)
Gekas
Hefner
Holloway
Hopkins
Washington

☐ 1352

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 858

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 858.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONFERENCE REPORT ON H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. LEHMAN of Florida. Madam Speaker, pursuant to the order of the House of yesterday, I call up the conference report on the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, October 8, 1991, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 7, 1991, at page 25714.)

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

GENERAL LEAVE

Mr. LEHMAN of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and amendments in disagreement on the bill, H.R. 2942.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LEHMAN of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we bring before the House today the conference report on the fiscal year 1992 Transportation appropriations bill. This year, we had 163 amendments in conference, and I am pleased to report that we have resolved all amendments. The result is a package that I believe preserves a balanced transportation system for the Nation, and provides increases for our transportation infrastructure while meeting our overall budgetary constraints.

OVERALL FUNDING SUMMARY

Madam Speaker, the conference agreement is a fiscally sound compromise. The total funding levels of $14.3 billion in new budget authority and $32.33 billion in outlays are within the revised 602(b) allocations, and in accord with the budget resolution passed by the House and the Senate. I would like to point out that the new budget authority provided in this conference agreement is approximately at the midpoint between the House- and Senate-passed bills. Outlays are lower than either the House- or Senate-passed bill.

TRANSPORTATION PROGRAM HIGHLIGHTS

Madam Speaker, the details of the conference agreement are described in the statement of the managers. I would encourage the Members to review that statement, including the summary table at the end. However, I would like to highlight some of the more important items.

First, a total of $17.5 billion in new budget authority and limitations on obligations is provided for the Federal Highway Administration, an increase of $2.4 billion, or 16 percent, over fiscal year 1991. The obligation limitation for the Federal-Aid Highways Program is set at $16.8 billion, which is a $2.3 billion increase over last year and a $4.6 billion increase over the level provided just 2 years ago. This funding increase, when combined with other amounts for highways in the agreement, will put us well on the way to addressing the highway infrastructure needs of this Nation. No increase in the Federal tax on motor fuels is assumed in this agreement.

Second, the agreement provides a total program level of $8.8 billion for the FAA, which is a 12-percent increase over fiscal year 1991. This includes an 8-percent increase in funding for operations, a 14-percent increase for facilities and equipment, and a limitation on obligations of $1.9 billion for airport grants-in-aid. For those who believe that we should be drawing down the balance in the airport and airway trust fund, I would point out that the conference agreement provides that $2.1 billion, or 48 percent, of FAA's operational expenses are to come from the trust fund.

Third, the agreement provides $3.3 billion for the Coast Guard, a 9-percent increase over last year. It is assumed that $185.1 million for Coast Guard activities will be financed in the DOD appropriations bill. An additional $58.3 million has been reduced from the Coast Guard's budget request for activities more appropriately performed by the DOD.

Fourth, the agreement provides $506 million for operations and capital improvements of Amtrak, and an additional $205 million to continue infrastructure improvements in the Northeast corridor. This latter figure includes $150.1 million for electrification and other improvements to reduce the travel time between New York and Boston.

Fifth, the agreement provides $3.7 billion in new budget authority and limitations on obligations for the Urban Mass Transportation Administration [UMTA]. This includes $1.9 billion in discretionary grants, a $500 million, or 36 percent, increase over the fiscal year 1991 level.

Sixth, the bill includes the omnibus transportation employee testing act contained in the Senate bill. I would remind the Members that the House voted overwhelmingly to instruct the House conferees to accept the Senate position on this amendment. The agreement also includes the Aging Aircraft Safety Act, as contained in the House bill.

SUMMARY

Madam Speaker, this agreement is a balanced compromise which protects the major provisions and interests of the House-passed bill. It has been developed in a bipartisan fashion with full participation by our conferees from the other side of the aisle. There have been some major compromises and tough decisions to get us to this point. The bill deserves the Members' support. I strongly urge its adoption.

□ 1400

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FROST] for the purpose of a colloquy.

Mr. FROST. I thank the distinguished and able chairman for yielding time to me regarding a very important project in the Dallas-Fort Worth area. The FAA has asked both the House and the Senate for funding to improve the air traffic control system for the entire Dallas-Fort Worth area. This project, the Dallas/Fort Worth Metroplex Program, would increase the area's ability to manage air traffic in already congested skies.

I would like to ask the gentleman from Florida, was it not the intent of the House and Senate to appropriate $53.5 million for this project?

Mr. LEHMAN of Florida. The gentleman is correct. The FAA in its original request to Congress did ask for $53.5 million for this project.

Mr. FROST. Mr. Speaker, I would like to further inquire of the gentleman from Florida: Is it not the case then that the final amount allocated to this project was $31.5 million and the reduced amount was asked for by the FAA?

Mr. LEHMAN of Florida. The gentleman is correct. The FAA did ask for cuts in this project. The FAA submitted to the House and Senate conferees a request that the $53.5 million approved by both the House and Senate for the Dallas/Fort Worth Metroplex Program be cut to $31.5 million.

Mr. FROST. Mr. Speaker, I thank the gentleman for his consideration.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge strong support of the conference report to accompany the fiscal year 1992 Transportation appropriations bill.

Our distinguished chairman, the gentleman from Florida [Mr. LEHMAN] has done a remarkable job both in getting the bill to and through the conference, which is no easy task, and in explaining the agreements which have been reached.

The conferees worked as a team to keep the country afloat, on the rails, on the roads, and in the air. These transportation goals are furthered in the conference report before the House today.

This conference agreement provides $14.3 billion in new budget authority. This is $808 million less than the President's budget request, $137 million less than the Senate bill, but $132 million more than the bill passed by the House last July.

When we include limitations on obligations, the conference agreement is $35 billion. This is $1.7 billion more than the President's budget request, $740 million more than the House bill, but $190 million less than the Senate bill.

This bill is not a budget buster. It has been scored by the Congressional Budget Office, and it is within our 602(b) allocation.

The Office of Management and Budget has so few worries about this bill that they have not even scored the conference agreement. The Department of Transportation supports it, and the Office of Management and Budget has indicated that although they are not wild about the projects in the bill, they will not recommend a veto.

Major agreements include $2.32 billion in operating expenses for the Coast Guard, $390 million in Coast Guard acquisition, construction, and improvements, including $1 million to begin renovation of the cutter *Mackinaw* and enough funds for a third medium-range helicopter assigned to Florida and used in drug interdiction, and the full budget request for family housing.

The bill includes $4.36 billion in operations for the Federal Aviation Administration, a 7.6-percent increase over fiscal year 1991. It includes $2.394 billion for FAA facilities and equipment, about an 18-percent increase over last year.

It includes $16.8 billion in highway obligation ceilings, approximately a 16-percent increase over last year. It includes $589 million in various highway projects, new ones at 80 percent and ongoing at 90 percent. It includes $205 million for the Northeast Corridor Improvement Program, including $150 million in New York to Boston high-speed rail improvements and $506 million in Amtrak grants, 52 percent over the budget; $3.767 billion are included for mass transit programs, approximately 15 percent over the budget.

There is a general provision extending the 65-mile-an-hour speed limit for certain State highways that need interstate specifications.

As the chairman pointed out, a general provision providing the statutory authority for mandatory drug and alcohol testing of transportation professionals is included. The language of this amendment is identical to the Omnibus Transportation Employee Testing Acts sponsored by Senators DANFORTH and HOLLINGS which passed the other body 12 times and to the companion legislation sponsored in the House in the last 2 Congresses by the distinguished gentleman from New Jersey [Mr. HUGHES] and myself.

On September 24 I did a motion to instruct the House conferees to accept the Senate language which passed by 413 yeas to 5 nays. Given our current financial situation, this is the best conference report we can bring to the House. I strongly urge its approval.

Mr. Speaker, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the distinguished committee chairman for yielding time to me.

It has come to my attention that the ICC has not been actively enforcing statutory tariff requirements for motor carriers. While the ICC has acknowledged these requirements, nonetheless hundreds of tariffs have been filed with it that fail to provide any meaningful notice to the public as to the actual rates that will be applied to freight movements.

These tariffs are useless to the public and the ICC.

In its report accompanying this bill, the Senate Appropriations Committee has already expressed its deep concern about the proliferation of these unlawful tariffs and has vowed to keep a close eye on the ICC's future actions.

Is this a concern that the chairman shares?

Mr. LEHMAN of Florida. Mr. Speaker, if the gentleman will yield, I concur with the gentleman from West Virginia and share his concern.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. McDADE], the distinguished ranking member of the full Committee on Appropriations.

Mr. McDADE. Mr. Speaker, I thank the gentleman for yielding to me.

I will take just a few moments to indicate my strong support for this appropriations bill. It reflects a work product that we can all be proud of.

I want to commend the distinguished gentleman from Florida for the way he has crafted this bill. He and my good friend, the gentleman from Pennsylvania, have brought the House a bill that affects every segment of society in this Nation and does so in a very positive fashion. They have worked to compromise this bill to the extent that I know of no real objection at all to its passage.

□ 1410

It plays a vital role in the highway safety, transportation, and continuing growth of the economy in this country.

I want to pay a special tribute to my friend from Pennsylvania for enacting and working hard to enact a comprehensive program for drug testing for people in safety-related jobs. I know that he and the gentleman from New Jersey [Mr. HUGHES] worked heavily in that area, and their work product is in this bill. I congratulate them. They were the Members who worked hard to make that happen, and without them it would not have happened.

Mr. Speaker, this bill is within the 602 allocation. I have no reservations about it, and I hope it will be passed.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding. I simply wanted to join in his remarks that he has made about the work of this subcommittee, both the ranking member and also my distinguished colleague from Florida who worked very, very diligently and ably to bring us a conference report where, as far as I know, there is absolutely no opposition. And it speaks well of the ability of the chairman of the subcommittee and the ranking member to resolve the problems not only between the parties, but between the Congress and the administration in order to get this conference report through. I just appreciate the gentleman from Pennsylvania and his leadership and his comments and him giving me the opportunity to join at this moment in the commendation of our members on the Appropriations Committee.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I thank my friend from Florida, the distinguished chairman of the Committee on Foreign Affairs.

Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania for yielding and want to join in my colleague's comments in note of congratulations to the chairman of the Transportation Appropriations Subcommittee and the ranking Republican, LARRY COUGHLIN, for an excellent job really. As our colleague from Florida has indicated, the very fact that it is not controversial when there were so many issues in contention is a great testament to the leadership of the Transportation Appropriations Subcommittee.

I particularly want to commend my colleague from Pennsylvania, LARRY COUGHLIN, for his work on the testing issue. That is something that has been kicking around a long time. It codifies testing and extends testing in the public service area. People have a right to know that those to whom they are consigned in the area of mass transportation are free of substance abuse and sober, and this would direct the Secretary, as my colleagues know, to promulgate regulations that would, in fact, put in place preemployment, random, reasonable suspicion, and post-accident testing with all of the safeguards that innocent individuals are entitled to, but at the same time protecting the traveling public.

So I want to congratulate the gentleman from Pennsylvania for his efforts. It has been a privilege to work with him on this particular issue for several years now. I am very happy that at long last we are going to put in place those regulations that are essential for public safety.

Again, I thank the gentleman for yielding.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to my colleague from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I just want to thank my colleague from New Jersey and say that it is his leadership that has made this possible, and we are grateful for that leadership in the Congress.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, I wish to make an inquiry concerning the drug and alcohol testing of transportation personnel in safety-related jobs contained in this bill. Am I correct that in the conference committee meeting last week on this bill, there was an extended discussion in which it was agreed that this bill in its present form protects the rights of those employees who are tested by incorporating guidelines established by the Department of Health and Human Services [HHS] on laboratory accuracy through the medical review officer function?

I would like to confirm that this discussion ensued in the conference and that these above-mentioned individual protections are included in this bill.

Mr. LEHMAN of Florida. Mr. Speaker, if the gentleman will yield, he is correct on both counts: The discussion did occur, and this bill specifically incorporates the HHS guidelines, published in the Federal Register on April 11, 1988, on laboratory accuracy through the medical review officer function.

Mr. COLEMAN of Texas. Mr. Speaker, I thank the gentleman very much for his response and also for his particular leadership in the movement of this conference report.

Mr. LEHMAN of Florida. Mr. Speaker, I thank the gentleman.

Mr. COUGHLIN. Mr. Speaker, I yield 5½ minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I rise in strong support of the conference report. Let me say from the outset that this is a good conference report—one that the committee spent many hours perfecting. I would like to thank my very able chairman, the gentleman from Florida [Mr. LEHMAN] and my ranking member, Mr. COUGHLIN for their experience and expertise in crafting legislation that furthers many of this Nation's transportation needs and goals.

There is one issue, however, that I am concerned about. Over the past few years, I have witnessed a trend to move this Nation toward mass transit. I submit that mass transit has its benefits. However, I do not feel that it is the Government's role to spend taxpayers' dollars on forced mass transportation systems. That is not the direction that our constituents want us to take and that is not the direction this committee should be going. I believe that mass transportation goals should be set by State and local governments. Support for those goals should include Federal legislators as well as a consensus from the public. Anything less would be transportation projects being forced on the public nationwide whether they like it or not.

I know first hand how the public feels when a particular policy is being literally shoved down their throats. The people of Houston know that feeling as well. The people of Houston have expressed their discontent over a monorail project because they realized that it would not meet the goals and objectives necessary to make it successful to operate. Moreover, they realized that transportation projects cost money—a great deal of money—and that transportation projects have to be funded for the most part, by them.

This conference report represents a victory for the overwhelming majority of the people of Houston.

They won, Mr. Speaker. The people of Houston were successful in defeating a failed project virtually nobody wanted.

A small group of supporters tried to push on the public their vision of a transportation system—whether it worked or not—and whether it was worth it or not. An overwhelming majority of the Houston area State and local government officials were against this monorail project and an overwhelming majority of the people were decidedly against the project. My poll of more than 2,100 calls, for example, ran about 9 to 1 against building the Houston monorail.

Mr. Speaker, the people of Houston won.

They realized that this 24-mile monorail system was going to serve few while costing a great deal of money. Not only that, the public knew that they would have to pay some $200 million per year just to keep this relatively small rail system up and running. Further, they realized that the proposed system would not help congestion problems or help pollution—up and running. But better yet, the Houston public won because they knew that this was the beginning of an entire huge monorail network costing countless billions of dollars. That's not what the people of Houston want or need and, after months and months of careful study I shared their desire for something else—something better. I knew this particular monorail project was the wrong project to undertake. The State, local, and Federal officials knew, and most importantly, the people knew it was not worth the huge expense.

Many people have come to me asking what is right for Houston. Now that this particular monorail project is buried, what does Houston do now? Since I am the only one that is interested in building the consensus necessary to support any transportation undertaking, I will play that role the best I can. However, I feel that it is up to the people of Houston to decide what kind of transportation system they want to spend their hard earned tax dollars on.

I am not in the position to advocate any mode of transportation. I have not played that role in the past and will not take it on in the future. I will, however, be in position to assist Houston with their transportation needs in the future and will fight to achieve those goals.

There is a great deal of technology out there. Houston deserves the best available. I believe that they can have it. It is up to the city of Houston and their officials to realize what has happened here and develop a positive transportation plan that can be supported successfully. Houston is a "can-do" city. Some officials that supported the monorail plan have stated that the city of Houston can't develop a new transportation strategy quickly and that a year is simply not enough time. To that, Mr. Speaker, I say that bigger problems have been overcome in a shorter amount of time. Where there is a will there is a way. I sincerely hope to have the distinct opportunity to assist Houston in the future with their transportation goals and objectives that serve all of Houston.

□ 1420

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I rise in strong support of the conference report on H.R. 2942, making appropriations for the Department of Transportation. In particular, I wish to thank the chairman and members of the conference committee for their inclusion of $135 million for the Los Angeles Metrorail, contained in amendment 102.

For those of my colleagues who have traveled to Los Angeles, you are well aware of the extreme traffic congestion problems we currently face. These congestion problems are the main contributor to poor air quality in Los Angeles. Construction of the Los Angeles Metrorail represents the most effective means of reducing traffic gridlock and abiding by the Federal Clean Air Act. Despite local taxpayer approval of an increase in taxes for Metrorail construction, and despite State, local, and community leaders' strong support for the project, only by receiving Federal funding will extensive rail transit in Los Angeles become a reality.

Again, I thank Chairman LEHMAN, ranking member Congressman COUGHLIN, and the conferees for their particular attention to the needs of southern California. In addition, I invite my colleagues to come out to Los Angeles and take a ride when the Metrorail system is complete.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of this conference report and I commend the distinguished chairman, the gentleman from Florida [Mr. LEHMAN] and one ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN] for their hard work in fashioning a fair and balanced agreement with the other body.

I would especially like to compliment them for including language in the agreement which extends into fiscal year 1992 the authority of about 15 States, of which my State of Nevada is one, to set 65 miles-per-hour speed limits on certain four-lane, rural, noninterstate highways. As you know, the authority to set these higher speed limits expired on September 30, when the Federal Highway Administration ordered States to roll back the 65 miles-per-hour limit to 55 miles-per-hour or immediately lose Federal funds to start new highway projects. This was because of Congress' failure to continue the 1988 65 miles-per-hour demonstration project program.

Last week I joined with our minority leader, BOB MICHEL, in introducing H.R. 3474 which would authorize these programs. I am glad that this subcommittee has taken similar action and thank them for their help.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Speaker, I appreciate the opportunity to speak in support of the conference agreement on H.R. 2942, the fiscal year 1992 Transportation appropriations. I support the initiatives included in this legislation and look forward to its passage.

This legislation is particularly important while this body continues to deliberate over the future of our surface transportation infrastructure. We are positioned at a crucial juncture—the future of our transportation system, and the Nation's economy, literally rests in our hands.

I am particularly grateful about one provision in this bill that will provide $10 million for the establishment of an ASR–9 radar at Walker Field Airport in Grand Junction, CO. Walker Field, the third busiest commercial airport in Colorado, had over 85,000 aircraft operations in 1990. As the largest airport between Denver and Salt Lake City, Walker Field is the backup airport for, and receives diverted aircraft from, over nine regional airports, including Denver's Stapleton and the Salt Lake City airport. The airport has experienced sustained growth of over 6 percent over the past several years.

Mr. Speaker, the Grand Junction ASR–9 radar system has been ranked by the Federal Aviation Administration [FAA] as the highest rated proposal in the Northwest Mountain region. The FAA has recommended funding for this proposal for many years but has never been able to obtain funding. The bill before us today corrects this oversight.

I wish to express my appreciation to Chairman LEHMAN, and the committee for its hard work. I look forward to the implementation of this proposal and urge my colleagues to support this carefully crafted bill.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LIGHTFOOT], a member of the committee.

Mr. LIGHTFOOT. Mr. Speaker, I rise in support of the conference report on H.R. 2942, the Department of Transportation and related agencies appropriations for fiscal year 1992. I commend the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] for putting together an excellent bill. As the newest member of the Appropriations Committee, I would also like to thank them, and their staff, for the courtesy they have extended me this year.

I would especially like to praise the subcommittee for including language in the bill prohibiting the Federal Aviation Administration from closing or reducing the hours of service of any flight service station until 9 months after submission to Congress of the Auxiliary Flight Service Station plan.

Until March of this year, I was a member of the House Aviation Subcommittee which approved the Auxiliary Flight Service Station program in last year's aviation reauthorization bill.

Since then I have been concerned by FAA attempts to delay implementation of the program and remarks by FAA officials who have referred to the program as "pork barrel politics." The FAA should be reminded Congress could have named the stations to remain open but chose to let the Nation's aviation experts, the FAA, decide which stations merited continued operation.

This is at last the fourth time in my congressional tenure that we have had to add language to a transportation-related bill instructing the FAA to keep flight service stations open. I find it unfortunate the only way we can get the FAA's attention on this issue is through the checkbook.

It is my hope that the FAA will stop the needless delay and do the job Congress mandated. Again, I commend Mr. LEHMAN and Mr. COUGHLIN for adding this language to the final bill. Their perseverance on this issue is deeply appreciated.

I urge my colleagues to support this conference report.

Mr. LEHMAN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the chairman, the gentleman from Florida [Mr. LEHMAN], for yielding me this time.

Mr. Speaker, I just want to congratulate the committee once again, both the chairman, my dear friend, the gentleman from Florida [Mr. LEHMAN], my closest neighbor in Congress, and, of course, the minority for once again coming up with a package—that I think almost everybody in this body can support—and doing it in a way that brings credit to the institution and tries to answer the problems that exist out in the country to use the money in the programs and the capabilities that are concerned in this bill for making the country stronger, and better, and delivering the kind of services that the people of this country require.

I want to congratulate them. I think, once again, they have done an excellent job.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of the conference report and commends the distinguished gentleman from Florida [Mr. LEHMAN], the chairman, and the distinguished gentleman from Pennsylvania [Mr. COUGHLIN], the ranking member, and all members of the subcommittee for their exceptionally fine work in bringing this important legislation to the House floor.

This appropriations conference report, I think, once again represents a significant and very much needed investment in the Nation's transportation system. It takes into account and reflects the overall needs of the Nation as well as addressing important and necessary regional transportation concerns.

Specifically this Member would like to express his profound appreciation to the subcommittee for recognizing the need for funding an authorized bridge between Niobrara, NE, and Springfield, SD, to replace an abandoned ferry.

This has been this Member's top appropriation priority for several years.

I also want to thank my colleague and neighbor, the distinguished gentleman from South Dakota, for his outstanding cooperative efforts with this Member in support of this bridge project, and commend my distinguished colleague, the gentleman from Nebraska [Mr. BARRETT], for his support in this instance.

Second, this Member wishes to express his appreciation for the acceptance of the conference of the list and language found on pages 80 and 81 of the House conference report 102–516 which urges priority status for grant applications for airports in Nebraska City, NE, and York, NE.

□ 1430

This action would help insure quality air facilities for these communities.

In conclusion, Mr. Speaker, this conference report addresses important current and future transportation needs of the United States. This Member supports and strongly urges his colleagues to support it, and I thank the gentleman for yielding me this time.

Mr. COUGHLIN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to compliment the chairman, the gentleman from Florida [Mr. LEHMAN], and the ranking Republican member, the gentleman from Pennsylvania [Mr. COUGHLIN] for the crafting of an excellent piece of legislation which is going to do much to further the transportation needs of this country.

I would particularly like also to thank the staff of the Appropriations Committee on the House side and all those who served on the conference committee, as well as the Transportation Subcommittee of the Appropriations Committee, for the fine work they have done.

I want to point out one part of this bill which I feel is extremely important. It is a project in my district of Fort Lauderdale, FL, 17th Street, which provides for a tunnel to go under the very busy intercoastal waterway. It will serve as a much needed reliever for the people of south Florida who use this roadway.

I particularly want to thank my friend, the gentleman from Florida [Mr. LEHMAN] for the amount of personal time that he spent on this particular project in my district. He invited into his office in Dade County, FL, a number of my constituents and let them lay their case out for the need for this project. This type of bipartisan cooperation between Members of Congress, which is all too rare today, is certainly refreshing, and I want to express my personal gratitude to the gentleman from Florida [Mr. LEHMAN].

Mr. Speaker, today I rise in strong support and urge the passage of H.R. 2942, the conference report making appropriations for the Department of Transportation and related agencies for fiscal year 1992.

Although this conference report contains expenditures for many worthy programs and projects, I would like to bring to my colleagues' attention one specific project of tremendous importance to the people of south Florida. The project I refer to is the 17th Street tunnel project in Fort Lauderdale, FL. This needed project has the support of the city of Fort Lauderdale, Broward County, and the State of Florida.

For the second year in a row, the Transportation appropriations conference report contains funds for this project. Last fiscal year, $3.69 million was allocated; this fiscal year, the conference committee raised that appropriation to $5.225 million. These needed funds will be used for continued environmental and other preliminary engineering studies, and for final purchase for the staging area.

Mr. Speaker, I congratulate the House Transportation Appropriations Subcommittee for shepherding such a fine bill through the legislative process. Ranking minority member, Mr. COUGHLIN, and the ranking majority member, Mr. CARR, did particularly fine jobs in trying to meet our Nation's tremendous transportation needs. However, the able chairman of the Transportation Appropriations Subcommittee, Mr. LEHMAN, deserved special praise. As my colleagues are aware, my good friend and Florida colleague was ill earlier this year. Fortunately, through sheer grit and determination, BILL not only overcame his illness, he also produced a strong transportation appropriations bill. The people of south Florida, as well as the people of this Nation, are well served by Mr. LEHMAN's experience and expertise in transportation matters. I look forward to working with BILL on transportation issues next year, and also in the 103d Congress.

Mr. LEHMAN of Florida. Mr. Speaker, first of all, I want to thank my friend and neighbor, the gentleman from Florida [Mr. SMITH], and the gentleman from Fort Lauderdale, FL [Mr. SHAW], for their kind remarks.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I would like to express my support for the fiscal year 1992 Transportation appropriations conference agreement. I would like to commend the distinguished chairman, Congressman WILLIAM LEHMAN, the other members of the subcommittee, and the professional committee staff for their excellent work on this legislation.

Our strength as a nation depends on a safe and efficient public transportation system. And the bill provides critical funding to maintain and improve that system.

I would like to take a moment, Mr. Speaker, to highlight a few of the provisions which are of particular importance to my home State of Colorado.

First, this bill includes $71.7 million for the new Denver International Airport. This marks the third year of Federal funding for the airport and the third year Congress has signaled its confidence in Colorado.

The new airport in Colorado is the only major airport start planned for the next decade. Located in the middle of the Nation, it will be the gateway to the West, as well as the channel for much of the Nation's East-West air traffic. While this airport will be built in Colorado, it will be used by citizens throughout the Nation and around the world. It will be a world class facility to lead the Nation's aviation system into the 21st century.

Second, the bill gives the I–70/I–25 interchange priority listing for I–4R discretionary funds. This major intersection in the Denver metro area, commonly called the "Mousetrap" because of its poor configuration, is severely congested and a bad hazard to motorists. Reconstruction of the interchange has national as well as local significance; both of these interstates are among the most heavily traveled north-south and east-west routes in the interior of the Nation. Unfortunately, I-25 is also a major national route for the transportation of hazardous materials. We can afford nothing less than top quality roadwork and design when it comes to shipping hazardous wastes through our communities. I am grateful my colleagues have recognized the urgency of this situation and have agreed to maintain its high priority for funding.

Third, the bill lists Denver's 23d Street viaduct as a priority recipient for funds from the Federal bridge discretionary fund. This critical route in and out of downtown Denver has been found to have a bridge sufficiency rating of 5, on a scale of 1 to 100. Clearly, repairing the viaduct is of vital importance, especially since it will serve the new stadium for the Colorado Rockies baseball team.

Finally, I am grateful that the committee approved my request to earmark funds for ASR-9 terminal radar at the airport in Grand Junction, CO. Walker Field was the highest rated airport in the Northwest Mountain Region for the installation of radar under FAA criteria. It is the third busiest airport in Colorado and the largest airport between Denver and Salt Lake City. As my colleagues recognize, the mountains present unique flying hazards that will be greatly reduced when this radar is installed. That is particularly important given Walker Field's significance as a regional reliever airport.

When we talk about transportation, we have got to stress that there is no such thing as a purely local transportation project. The Nation's infrastructure is a network of interconnected roads, bridges, airports, and highways. Our economic wellbeing—our trade and commerce—depends on it. And we all rely on a quality transportation system for our own personal convenience and safety. So, while these projects are critical to Colorado, they also benefit the whole Nation.

This bill takes important steps in the right direction. I urge my colleagues to support the conference report.

Mr. VALENTINE. Mr. Speaker, I continue to be concerned about the low level of the administration's request for appropriations for research and development at the Federal Aviation Administration. Therefore, I wish to congratulate the gentleman from Florida and the other conferees on both sides of the aisle for going above this request in certain crucial areas.

The Federal Aviation Administration has one of the biggest responsibilities of any Federal agency. Year in and year out, the FAA must protect the safety of the flying public and provide flawless service. FAA's job is not getting any easier. Air traffic continues to increase even faster than the growth of our population. The Congress has an obligation to provide the dedicated civil servants at FAA with the technologies, equipment, and facilities they need to guarantee the traveling public the level of safety, efficiency, and reliability it rightfully expects.

Money, within limits, should be no object. The flying public has already paid for these improvements many times over. Over $15 billion collected to improve our airways are sitting in the Federal aviation trust fund gathering interest and dust.

Assuring safe and reliable air traffic control under all weather conditions requires the application of advanced technologies. New equipment is necessary to integrate air traffic control with space-based systems such as the global positioning satellites. We need other improvements to benefit the air traveler starting with his entry through more accurate explosives detectors, his passage in more precisely inspected aircraft, and his arrival by means of safer landing systems.

The additional appropriation of $15 million that the conferees have provided is an important step toward increased air safety. The $8 million appropriation for satellite application research is particularly welcomed. However, many important research needs including the Descent Advisor Program, which is particularly useful in adverse weather conditions, did not make the final version.

Mr. Speaker, I applaud the conferees, whom I expect share my view that more can and should be done. I am optimistic that fiscal year 1993 will be a better year. Therefore, I look forward to working with my colleagues on the Appropriations Committee and in the administration next year in a joint effort to bring aviation research to an even higher level.

Mr. SOLOMON. Mr. Speaker, I would like to take a moment and thank the conferees who worked so diligently to complete the Transportation appropriations bill for fiscal year 1992 and for including my amendment to clarify that the Drivers' License Suspension Program we enacted last year will be carried out without interruption.

As you know this program requires States to suspend the drivers' license of any individual convicted of a drug offense. It's a program that has had great results in New Jersey and Oregon, and I am looking forward to its implementation across the entire United States.

Let me also emphasize that the States have 1 year left to put this law into effect or they will lose 5 percent of their Federal highway funds. I would urge those State legislatures and Governors who have not passed the appropriate enacting legislation to do so because I can assure you the U.S. Congress is not going to extend the compliance deadline on this important drug prevention law.

Once again, I would like to thank the conferees for their support of my amendment and for all their hard work.

Mr. RICHARDSON. Mr. Speaker, today, I rise to express my strong support for the conference agreement on the fiscal year 1992 transportation appropriations bill. I commend my colleague, Chairman WILLIAM LEHMAN, for his hard work and dedication in putting forth a strong appropriations bill that will go a long way in providing funds to support, expand, and improve our Nation's infrastructure. Additionally, I think it is important to stress that this agreement is within the targets set by last year's historical deficit reduction package.

I am particularly pleased that funds have been provided for the continued construction of the Santa Fe Bypass in New Mexico. The completion of the Santa Fe Bypass is vitally important to the health and safety of Santa Fe's residents as it is needed for the safe transportation of radioactive material that will soon be stored at the waste isolation pilot plant [WIPP] in Carlsbad, NM. The bypass would provide an alternate route for the many trucks that will be transporting radioactive waste from all over the Nation to WIPP. If the bypass is not completed by the opening of WIPP, radioactive wastes will be transported through the heart of Santa Fe, the State's second largest city with a population of nearly 56,000.

This and other provisions included in this agreement provide much needed improvements to New Mexico's roads, highways, and airports. Mr. Speaker, this legislation is critical for the residents of my district and the State of New Mexico. I urge my colleagues to support it.

Mr. PANETTA. Mr. Speaker, I rise in support of the conference report to accompany H.R. 2942, the transportation and related agencies appropriations bill for fiscal year 1991. This is the ninth conference report on 1 of the 13 annual appropriations bills to be reported to the House.

This conference report provides $13.782 billion in total discretionary budget authority and $31.793 billion in total discretionary outlays, which is $3 million below the 602(b) subdivision for budget authority and $7 million below the 602(b) subdivision for outlays, respectively, for this subcommittee.

As chairman of the Budget Committee, I will continue to inform the House of the impact of all spending legislation. I have provided a "Dear Colleague" letter describing how each appropriations measure considered so far compared to the 602(b) subdivisions for that subcommittee. I will provide similar information about the remaining conference agreements on the fiscal year 1991 appropriations bills.

I look forward to working with the Appropriations Committee in the future and commend the committee for the work they have done in adhering to the limits set forth in the budget agreement and the 1992 budget resolution.

COMMITTEE ON THE BUDGET,
Washington, DC, October 8, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on the conference report to accompany H.R. 2942, the Department of Transportation and Related Agencies Appropriations bill for Fiscal Year 1991. This conference report could be considered at any time.

This is the ninth conference report of the regular fiscal year 1992 appropriations bill to be reported to the House. The bill is $3 million below the discretionary budget authority 602(b) spending subdivision and $7 million below the outlay subdivision.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Fact sheet]

CONFERENCE REPORT TO ACCOMPANY H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1992 (H. REPT. 102-243)

The House Appropriations Committee filed the conference report for the Department of Transportation and Related Agencies Appropriations Bill for Fiscal Year 1992 on Monday, October 7, 1991. This conference report could be considered on the floor at any time.

COMPARISON TO THE 602(b) SUBDIVISION

The conference report provides $13,762 million of discretionary budget authority, $3 million less than the appropriations subdivision for this subcommittee. The bill is $7 million below the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivision follows:

COMPARISON TO DOMESTIC SPENDING ALLOCATION

[In millions of dollars]

	Transportation and related agencies appropriations bill		Appropriations Committee 302(b) subdivision		Bill over(+)/under(−) committee 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	13,762	31,793	13,765	31,800	−3	−7
Mandatory[1]	537	540	537	540		
Total	14,299	32,333	14,302	32,340	−3	−7

[1] Conforms to the Budget Resolution estimates for existing law.

Note.—BA—New budget authority; O—Estimated outlays.

The House Appropriations Committee reported the Committee's subdivision of budget authority and outlays in House Report 102-180. These subdivisions are consistent with the allocation of spending responsibility to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

PROGRAM HIGHLIGHTS

Following are major program highlights for the Department of Transportation and Related Agencies Appropriations conference report for Fiscal Year 1992:

[In millions of dollars]

Department of Transportation	Budget authority	New outlays
Coast Guard operations	2,320	1,856
Coast Guard acquisition, construction and improvement	390	43
Federal Aviation Administration:		
Operations	4,360	3,837
Facilities and equipment	2,394	479
Research and engineering	218	131
Airport improvement programs (obligation ceiling)	(1,900)	304
Amtrak	651	581
Northeast Corridor Improvement Program	205	41
Urban Mass Transportation Administration:		
Formula grants	1,520	517
Interstate transfer grants	160	3
Washington Metro	124	2
Discretionary grants (Obligation ceiling)	(1,900)	49
Federal-aid highways: (Obligation ceiling)	(16,800)	3,036

Mr. WOLF. Mr. Speaker, I rise in support of the conference report on H.R. 2942, the Transportation appropriations bill for fiscal year 1992.

While balancing many competing demands for finite resources, the committee has done a good job of producing a bill that provides the necessary funding for an effective national transportation system. It is a bill that attacks congestion in urban communities by expanding the capacity of our Nation's highway network while at the same time encouraging the use of mass transportation. It is obvious that in some gridlocked communities across the country, even with unlimited funds, we could never lay enough pavement to accommodate all of the vehicles. Therefore, we must continue to try to provide commuters the option of mass transit. This bill focuses on both components of the solution to traffic gridlock—upgraded roadways and mass transit.

This bill also takes the foresighted approach of stimulating the search for creative new approaches to our transportation problems by providing funding for intelligent vehicle and highway system [IVHS] research across the country. In the Washington area just last week with the fatal truck-related crash on the Wilson Bridge, we had a tragic reminder of the critical need for new efficient technological solutions to traffic congestion.

I would like to commend Mr. LEHMAN and Mr. COUGHLIN and all the members of the conference committee for their tireless work and spirit of compromise in arriving at a balanced bill that addresses our critical transportation needs. Also, I applaud the yeoman's work of the staff in this challenging effort.

Again, my congratulations to the chairman on completing this task against some difficult challenges, and I would urge the support of my colleagues of the conference report on H.R. 2942.

Mr. PRICE. Mr. Speaker, I rise today in support of the conference report for H.R. 2942, the Department of Transportation and related agencies appropriations bill for fiscal year 1992.

As a new member of the Appropriations Subcommittee on Transportation, I have been very appreciative of the help and courtesy Chairman LEHMAN has extended to me this year. He is an outstanding chairman, and I have enjoyed working with him.

I have also enjoyed working with the other members of the subcommittee. In particular, I want to thank LARRY COUGHLIN, the ranking Republican member of this subcommittee, for his help.

I also want to thank the staff of this committee. Tom Kingfield, Rich Efford, Linda Muir, and Zee Latif, as well as Lucy Hand of Mr. LEHMAN's personal staff, work extremely hard to ensure that the agencies thoroughly justify their requests and to make certain that every dollar is effectively utilized. This subcommittee has also led the way in pressing procurement reform in the Department of Transportation, especially the Coast Guard and the Federal Aviation Administration [FAA].

Maintaining and enhancing our transportation infrastructure is critical if our Nation is to remain economically competitive. This bill, by supporting efforts to upgrade airports, highways, and public transportation, is a critical investment in our Nation's economic future. The bill also funds a robust research program, to make certain that we remain competitive with nations like Japan and the European Community that are making large investments in highway technology and research.

Without this bill, the quality of life in this country would suffer as people faced delays in the air and on the ground. Without this bill, our environment would suffer because we would be unable to make the transportation decisions necessary to ensure clean air. This bill responds specifically to the needs of large urban areas and interurban areas like the research triangle area of North Carolina which are growing rapidly and face the challenge of minimizing traffic congestion, meeting clean air standards, and planning intelligently for the future.

Safety is also a chief concern of this subcommittee, and we have taken steps to make certain that travel, whether by car, rail, or air, is made safer. Research on important safety questions as well as enhanced facilities and equipment will help protect every American who is traveling in this country.

In closing, I urge my colleagues to support this bill. It is a well-crafted and responsible bill and deserving of every member's support.

Mr. HUGHES. Mr. Speaker, I rise in support of the conference report on H.R. 2942, the Transportation Appropriations Act of Fiscal Year 1992. This bill provides badly needed funding for a number of programs and agencies which are extremely important to southern New Jersey, including the FAA Technical Center and the U.S. Coast Guard Training Center.

At the same time, it includes the legislation which my colleague LARRY COUGHLIN and I introduced last month, H.R. 3361—to require drug and alcohol testing of transportation workers. Our bill was identical to the measure sponsored by Senators ERNEST HOLLINGS and JOHN DANFORTH, and I am very pleased that it has been made a part of the conference report on the Transportation appropriation bill.

This marks the first time that the House has approved the drug and alcohol testing language since it was first proposed in 1987. Clearly, this is a major victory for the traveling public.

The operators of airplanes, trains, buses, and other public vehicles have a responsibility to do their jobs free of alcohol and drugs. Unfortunately, this has not always been the case in recent years.

In January 1987, 16 people died and 170 were injured when a Conrail freight train ran through warning signals and slammed into an Amtrak passenger train in Chase, MD. Both the engineer and breakman of the Conrail train later admitted that they were smoking marijuana at the time of the accident.

Last year, three pilots from Northwest Airline were fired after they flew a jetliner with 90 passengers on board while intoxicated.

And just this summer 5 people died and 130 were injured in a New York City subway crash caused by a driver who had a blood-alcohol content of more than twice the legal limit some 13 hours after the accident.

The U.S. Department of Transportation has attempted to address this problem by issuing regulations which require the testing of nearly 4 million transportation workers for drugs. While I commend the DOT for its efforts, their rules simply do not go far enough. We need to include alcohol testing as part of this program, and just as importantly, Congress must put the force of law behind these regulations to avoid court challenges.

The legislation which Representative COUGHLIN and I introduced, and which is a part of this conference report, will require the Secretary of Transportation to establish a comprehensive program of drug and alcohol testing for transportation employees who hold safety-sensitive positions. This would include preemployment, reasonable suspicion, random, recurring, and postaccident testing.

The specific testing procedures mandated under our bill would incorporate guidelines established by the U.S. Department of Health and Human Services to assure the accuracy of the tests, as well as protections for the individuals' privacy and confidentiality of the results.

It would also require the development of rehabilitation programs for employees who are found to have used drugs or alcohol.

I realize that a drug and alcohol testing program of this magnitude will be expensive, and is not without inconvenience or sacrifice for those that are tested. Nevertheless, I believe the initiative is carefully drawn and balanced and necesary under the circumstances.

Innocent travelers have a right to know that the operators of the vehicles they are riding in are not under the influence of drugs and alcohol and are able and prepared to perform their jobs with skill and professionalism. This testing program will provide an extra measure of security for the many passengers who place their lives in the hands of commercial transportation operators each day.

Mrs. ROUKEMA. Mr. Speaker, I rise today to commend the members of the committee for putting forth a Transportation appropriations bill that truly represents a commitment of the Congress to improving this Nation's infrastructure, and leading the business of moving people, goods, and services toward the 21st century.

I am most pleased to see that in its deliberations, the committee has chosen to fund many vitally needed transportation projects, some of which are immediate concerns, and others that will allow for improved and more efficient transportation systems in the years to come. In my own State of New Jersey, the most densely populated State in the Nation, this bill brings real solutions to growing problems.

To address immediate concerns of traffic congestion, efficiency, and safety, H.R. 2942 allocates $4 million to find alternatives to a treacherous and crowded interchange at Routes 4 and 17, one of the busiest of my district's commercial centers. The hazards of the interchange produce a serious safety factor. To improve long-term mass transit across the northern New Jersey region $70 million is devoted to seeing that the urban core project becomes reality. This project, a textbook example of intermodality, will see improved links between Newark Airport, the Port of Elizabeth, Penn Station and the Hudson Waterfront Transportation system.

To assure that our highways are the most efficient they can be, $1 million is devoted to the New Jersey Institute of Technology to research transportation of the future, intelligent vehicle-highway systems.

I am perhaps most pleased, however, with the conference committee's decision to provide more than $6 million to New Jersey Transit to continue its work in putting passengers on the New York Susquehanna Western Railway. This line, first put in use over a century ago, is seeing a much deserved renaissance. My colleagues may be interested to know that in the last 5 years, the once-dormant tracks have once again seen utilization for freight lining across northern and western New Jersey.

It is now time to move forward again and put passengers on the Great Susquehanna. I am pleased to have worked in recent years with State and local officials, and the Urban Mass Transit Authority, to study the feasibility of expansion. We are now moving forward with a timetable for action. When this project is complete, the new New York Susquehanna Eastern Railway will bring accessible, fuel efficient, and environment-friendly mass transportation to countless new riders, and tie regions of Bergen, Passaic, Sussex and Morris Counties to the transportation hubs of northern New Jersey. This in turn will relieve massive congestion on overburdened highways across northern New Jersey, speed commutes, and reduce the environmental impact of increased automobile emissions.

As the Nation takes up its responsibilities under the Clean Air Act of meeting both transportation and environmental concerns, there is no better time than the present for the New York Susquehanna Western Railway to come back on line. With this funding, the committee has given northern New Jersey commuters the signal to get on the fast track.

I once again offer my congratulations to the Committees on Appropriations in both Chambers for their fine work with this legislation, and I urge my colleagues to join me in supporting this conference report on the fiscal year 1992 Transportation and related agencies appropriations bill (H.R. 2942).

Mrs. LOWEY of New York. Mr. Speaker, I rise today in support of the conference report on H.R. 2942, the fiscal year 1992 Transportation appropriations bill.

I want to express my appreciation to the chairman, Mr. LEHMAN, and the ranking member, Mr. COUGHLIN, for their excellent work in assembling this measure and guiding it through the conference. We all know these are difficult fiscal times, but what is sometimes not recognized is the increasing pressure that the Appropriations Committee chairmen members, and their staffs come under as a result of tight budgets. Their ability to make difficult decisions and ensure the effective use of increasingly scarce funds is more important than ever.

Just as vital is their sensitivity to pressing local needs. The city of Mount Vernon is poised to move forward with an economic revitalization program which will seek to capitalize on its position in the region's transportation grid. The conference report contains funding for preparatory work on an intermodal parking facility which is crucial to launching the entire revitalization effort. This vital Federal support will provide momentum that will attract private investment to the Mount Vernon project that is sorely needed in our urban communities.

Transportation holds the key to opening up economic opportunities to the citizens of this community. I want to congratulate the chairman and the members of the committee for recognizing this project's potential as an engine of growth in Mount Vernon.

Mr. DOWNEY. Mr. Speaker, today, as the House considers the Transportation appropriation conference report, I would like to highlight an important project included in the report which will greatly benefit students and scholars of aviation and aerospace technology.

All Long Islanders are proud of our history as the cradle of modern aviation. With major airports and a rich diversity of high-technology industries already in place, Long Island is uniquely prepared to continue this tradition of excellence in the advancement of aeronautical sciences.

An important element in maintaining our competitiveness in this field is the proposal by Dowling College in Oakdale, Long Island, to build a National Aviation and Transportation Center at Brookhaven Airport. This center will allow Dowling to expand its aeronautical education programs, which began in 1968, to meet the growing need for trained personnel in the aviation field.

At the same time, a National Aviation Center will provide an opportunity to retrain Long Island's labor force as our economy continues to diversify. It will also help to encourage young people to stay on Long Island by providing both educational and career opportunities.

The National Aviation Center, which will include a Challenger Learning Center and an FAA Aviation Education Center, will be built with Federal and private dollars. I am pleased that $3 million in startup money was included for this most worthwhile project.

The Dowling College National Aviation and Transportation Center will be both a reminder of Long Island's past aviation heritage and a symbol of its future potential in the field of aeronautical science.

Ms. MOLINARI. Mr. Speaker, I rise in support of the conference report and I applaud the conferees for their work on this legislation.

The conference report addresses two recent catastrophes in New York City: the subway tragedy that left 5 people dead and over 130 injured, and the ferry terminal fire that continues to inconvenience thousands of commuters. Both events have reeked havoc on the city's transportation infrastructure and caused mass transit riders to fear for their safety on their way to work.

The conference agreement directs the Transportation Department to establish comprehensive drug and alcohol testing programs for all safety-sensitive transportation workers. As you may know, Mr. Speaker, the conductor of the subway train involved in this disaster is believed to have been under the influence of alcohol at the time of the incident. While the Department of Transportation already requires such testing for safety-sensitive employees in the aviation, railroad, and interstate bus industries, Federal courts have previously exempted mass transit workers from random testing. By extending random drug and alcohol testing to mass transit workers in safety-sensitive positions, we will restore public confidence in public transportation.

The September 8 fire at the Staten Island Ferry terminal in Manhattan has made the commute for 40,000 of my constituents a daily nightmare. For Staten Island residents, the ferry is not a luxury or a tourist attraction. For thousands of Staten Islanders the ferry is a vital link to their jobs in Manhattan. The conference report acknowledges the magnitude of this disaster and establishes the rebuilding of the ferry terminal as a priority project.

On behalf of the 40,000 daily Staten Island ferry commuters and mass transit riders across the country, I thank the chairman and the ranking Republican members for including these provisions.

Mr. CHANDLER. Mr. Speaker, today we are voting on a matter of utmost importance to the thousands of commuters who traverse Lake Washington on a daily basis.

Included in this year's Transportation appropriations is $90 million to pay for construction of the I–90 bridge. I worked hard with my friend and colleague, Senator SLADE GORTON, to have the funds for this project included in this year's bill.

I would like to also thank my colleagues on the conference committee—especially Congressman LARRY COUGHLIN—for helping us present our arguments on this matter. The State of Washington is grateful for your assistance and attention to our important transportation needs.

There's another groups of people who are thankful for the committee's action—the thousands of commuters who struggle daily with bumper-to-bumper traffic congestion because of the bridge's sinking last fall.

Every day, thousands of Washingtonians are frustrated by the lack of adequate passage over Lake Washington. Solving their frustrations has been one of my top legislative priorities.

Last year, we appeared close to a solution with the construction of the I–90 bridge. That was before last fall's Arctic Express rocked the Pacific Northwest with howling winds and torrential downpours. In fact, so much rain fell that the bridge sunk.

A lawsuit between the contractor and the State of Washington to decide who is at fault for the bridge's sinking could be tied up in the courts for years. But, with passage of today's bill, the court action becomes a secondary issue to the immediate transportation needs of Washingtonians.

And that's certainly good news, Mr. Speaker. I urge my colleagues to support the 1992 Transportation appropriations.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the conference report for H.R. 2942, Transportation appropriations for fiscal year 1992. I commend Chairman WHITTEN of the full committee and thank Chairman LEHMAN, Mr. COUGHLIN, and the subcommittee staff for their efforts in putting together this important piece of legislation.

Under the leadership of Chairman LEHMAN, the subcommittee has produced a bill that will provide funding necessary to meet the transportation infrastructure needs of the country. The projects funded in this conference report touch all Americans. The conference report affects the bus or train service they use to get to work, the roads they drive on, the bridges they cross. The transit development funds contained in this conference report are critical for reducing our dependence on fossil fuels and for increasing the quality of the air we breathe.

The conference report includes funding for transportation projects that are important to my district of San Francisco and to the entire San Francisco Bay Area. The committee has earmarked $55 million for key transit expansions in the Bay Area. These extensions are critical elements in the Bay Area's long-term transportation strategy which has been crafted so carefully by local and country governments.

The committee has also included report language directing the Urban Mass Transportation Administration [UMTA] to give priority consideration to a San Francisco municipal railway turnback project that is essential to efforts to revitalize San Francisco's waterfront. Thanks to this committee, construction of the new parkway and light rail system on San Francisco's Historic Waterfront will begin October 28.

Mr. Speaker, I am proud to state that the San Francisco Area has achieved one of the highest levels of local share in the country—70 percent. Clearly, San Franciscans understand that a comprehensive transit system is important for the economic and environmental health of their area and they are willing to provide a large share of the funds that are necessary to build it.

Mr. Speaker, H.R. 2942 is an extremely important piece of legislation. I appreciate the leadership of Chairman LEHMAN and Congressman COUGHLIN in bringing this conference report to the floor and I urge my colleagues to vote for it.

Mr. DAVIS. Mr. Speaker, I rise in support of the conference report on H.R. 2942, to appropriate funds for the Department of Transportation.

Significant among the agencies in the Department of Transportation is the U.S. Coast Guard. It is ironic that the one agency that must be prepared to respond to a long list of emergency situations in the performance of its duties as the guardian of our shores and inland waters, is the one agency that perennially faces a crisis in its funding.

This year I am most concerned about the level of funding for the acquisition, construction, and improvements account. The approved level is $37 million, less than the President's request for fiscal year 1992. It may be possible for the Coast Guard to adapt to this reduction for 1 year, but we must make certain that this account is adequately funded in fiscal year 1993. Several major acquisition projects that are critical to the Coast Guard's ability to meet the demands of its many missions could be crippled unless the funds are restored in the coming budget.

The demands of Desert Storm/Desert Shield once again proved the versatility and dependability of the Coast Guard Reserves. This very capability is the reason I, and my colleagues on the Armed Services Committee, have repeatedly supported the recommendation of the Secretary of Transportation to incrementally increase the selected Reserve to reach the level of strength currently experienced by the other services. This recommended strength is 95 percent of its wartime mobilization requirements, of which the Coast Guard currently has less than half. The Coast Guard's active duty forces cannot alone guarantee the security of U.S. ports during a national emergency.

Not only have the Reserve forces consistently demonstrated their value during emergencies, but they have been integrated into the daily operations of the Coast Guard. Their efforts capably supplement the regular Coast Guard, freeing up vital resources and maintaining the ability to step into position no matter what demands are placed upon them. Whether it is to respond to a national wartime emergency, or another disastrous oil spill, we must make certain the effort to sustain and increase the Coast Guard selected Reserve continues.

I am pleased to see in this conference report the transfer of the Coast Guard's land based aerostats, sea based aerostats, and E–2C aircraft to the Department of Defense. Vital as these resources are to the drug interdiction effort, their operation and maintenance are best supported within the Air Force and Navy.

I am especially pleased to see the appropriation of $1 million for the engineering and design work for the renovation of the USCG Cutter *Mackinaw.* As the flagship of the Great Lakes icebreaking fleet, it is the only icebreaker capable of extended, uninterrupted icebreaking during severe winters. When a call for help comes from one of the large Great Lakes vessels that has become stranded during the winter gales that are common to the region, it is the *Mack* that must respond.

Time and again, the *Mackinaw* has proven her worth by unfailingly keeping major shipping channels open when all other vessels were found to be ineffective. Built in 1943, no comparable replacement icebreaker has been planned by the Coast Guard in the near future. This $1 million is the first major step in the renovation that will keep the *Mackinaw* operating for another 15 years, while permitting a reduction in crew and a greater conservation of operating expenses. I feel the continued operation of the USCG *Mackinaw* is critical to shipping on the Great Lakes and strongly support this appropriation.

Mr. COUGHLIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COUGHLIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays 49, not voting 10, as follows:

[Roll No. 299]

YEAS—374

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dingell
Dixon
Donnelly
Dooley
Dornan (CA)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—49

Archer
Armey
Ballenger
Barton
Boehner
Bruce
Bunning
Burton
Campbell (CA)
Coble
Combest
Crane
Dannemeyer
Doolittle
Dorgan (ND)
Dreier
Duncan
Fawell
Franks (CT)
Gekas
Goss
Hancock
Hastert
Hefley
Herger
Jacobs
James
Kyl
Luken
McEwen
Moody
Nussle
Pallone
Pease
Penny
Petri
Rhodes
Roberts
Rohrabacher
Sensenbrenner
Shays
Solomon
Stearns
Stump
Taylor (NC)
Thomas (WY)
Walker
Zeliff
Zimmer

NOT VOTING—10

Barnard
Collins (IL)
Dicks
Dymally
Gingrich
Holloway
Hopkins
McCandless
Towns
Washington

□ 1454

Messrs. FRANKS of Connecticut, ROHRABACHER, ROBERTS, RHODES, PETRI, and HERGER changed their votes from "yea" to "nay."

Mr. NAGLE changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE LOUIS STOKES, CHAIRMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER laid before the House the following communication from the Honorable LOUIS STOKES, chairman of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT,
Washington, DC, October 8, 1991.

Hon. THOMAS S. FOLEY,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have given careful thought to the investigation referred to the Committee on Standards of Official Conduct under House Resolution 236. I am appreciative of the confidence expressed in this Committee by the House leadership and House members.

An investigation of a serious matter of this sort must be conducted thoroughly and without any appearance of impropriety.

I have admitted that on occasions I was called by the Sergeant at Arms Office and advised that my account was overdrawn, and that on these occasions I made the appropriate deposits.

While I have done nothing violative of House Rules or ethics and I feel that I could be fair and impartial, in order to avert any appearance of impropriety, I deem it in the best interests of the Committee and the House that I not participate in this investigation. Accordingly, I am removing myself from any participation in this particular investigation.

Sincerely,

LOUIS STOKES,
Chairman.

APPOINTMENT AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT DURING PROCEEDINGS PURSUANT TO HOUSE RESOLUTION 236

The SPEAKER. Pursuant to clause 4(e)(2)(D) of rule X, the Chair appoints the gentleman from Maryland [Mr. MFUME] to act as a member of the Committee on Standards of Official Conduct during the pendency of any committee proceeding pursuant to House Resolution 236.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1330

Mr. YATRON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill, H.R. 1330.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

AMENDMENTS IN DISAGREEMENT

The SPEAKER. Pursuant to the order of the House of Tuesday, October 8, 1991, the amendments in disagreement are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 7: Page 6, line 2, strike out all after "1992" down to and including "service" in line 5.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: *Provided further*, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport: *Provided further*, That none of the funds in this Act shall be available to increase the service levels to communities receiving service unless the Secretary of Transportation certifies in writing that such increased service levels are estimated to result in self-sufficiency within three years of initiation of the increased level of service".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 7, line 12, after "appropriation" insert ": *Provided further*, That none of the funds provided in this Act shall be available for the operation, maintenance or manning of LORAN-C radionavigation transmitters outside the boundaries of the United States, land-based and sea-based aerostationary balloons, or E2C aircraft".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That none of the funds provided in this Act shall be available for the operation, maintenance or manning of land-based and sea-based aerostationary balloons, or E2C aircraft".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 24, 29, 31, 32, 85, 92, 113, 156, 158, 159, 160, and 161 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object I just want to make sure that certain amendments were not included in the en bloc request I just want to make sure that amendments numbered 64, 67, 68, and 72 were not in the en bloc request.

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. They are not involved, Mr. Speaker.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida.

There was no objection.

The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:

Senate Amendment No. 24: Page 11, line 7, after "aircraft," insert "reimbursement at the discretion of the Administrator for travel, transportation, and subsistence expenses for the training of non-Federal domestic and foreign personnel whose services will contribute significantly to carrying out air transportation security programs under section 316(c) of the Federal Aviation Act of 1958, as amended,".

Senate Amendment No. 29: Page 13, line 25, after "the" insert "construction,".

Senate Amendment No. 31: Page 14, line 18, after "centum" insert ": *Provided further*, That a stand alone directional finder FAA-5530 receiver indicator system is to be installed at the Salisbury, Maryland airport flight service station within 180 days of enactment of this Act".

Senate Amendment No. 32: Page 14, line 18, after "centum" insert ": *Provided further*, That funds appropriated under this heading for this or prior years are available for the Federal Aviation Administration to enter into a sole source procurement with the Regional Airport Authority of Louisville-Jefferson County, Kentucky to design and construct an air traffic control tower at Stanford Field, using current Federal Aviation Administration control tower specifications".

Senate Amendment No. 85: Page 31, line 2, after "Lifesaver" insert ": *Provided further*, That $150,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute."

Senate Amendment No. 92: Page 32, line 15, after "thereafter" insert ": *Provided further*, That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources."

Senate Amendment No. 113: Page 38, after line 22, insert:

AVIATION INFORMATION MANAGEMENT

For expense necessary to discharge the functions of Aviation Information Management, $2,495,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system.

Senate Amendment No. 156: Page 63, after line 17, insert:

SEC. 350. Unobligated funds in the amount of $170,000 authorized and appropriated under Public Law 101-516 for a highway grade crossing demonstration project in White River Junction, Vermont shall be made available to the State of Vermont Agency of Transportation without regard to whether or not such expenses are incurred in accordance with section 106 of title 23 of the United States Code.

Senate Amendment No. 158: Page 63, after line 17, insert:

SEC. 352. TELECOMMUTING STUDY.—The Secretary, in consultation with the Secretary of Energy, shall conduct a study of the potential costs and benefits to the energy and transportation sectors of telecommuting. The study shall include—

(1) an estimation of the amount and type of reduction of commuting by form of transportation type and numbers of commuters;

(2) an estimation of the potential number of lives saved;

(3) an estimation of the reduction in environmental pollution, in consultation with the Environmental Protection Agency;

(4) an estimation of the amount and type of reduction of energy use and savings by form of transportation type; and

(5) an estimation of the social impact of widespread use of telecommuting.

(b) This study shall be completed no more than one hundred and eighty days after the date of enactment of this Act. A report, summarizing the results of the study, shall be transmitted to the United States House of

Representatives and the Committee on Energy and Natural Resources of the United States Senate no more than sixty days after completion of this study.

Senate Amendment No. 159: Page 63, after line 17, insert:

SEC. 353. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code, until June 30, 1992.

Senate Amendment No. 160: Page 63, after line 17, insert:

SEC. 354. (a) In light of recent positive changes in the Union of Soviet Socialist Republics, Congress finds that the Secretary of Defense and the Commandant of the Coast Guard should reexamine policies of the United States regarding the restricted use of certain ports of entry by ships, and crew members thereof, of the Union of Soviet Socialist Republics, including commercial cargo, passenger, fishing and fisheries support vessels. The Secretary of Defense and the Commandant of the Coast Guard shall jointly report back to Congress within 30 days following the date of the enactment of this Act regarding their examination of such policies, together with their recommendations.

(b) For purposes of this section, the term "ships" means ships owned by, under the flag of, or operated by crew members of, the Union of Soviet Socialist Republics.

Senate amendment No. 161: Page 63, after line 17, insert:

SEC. 355. For purposes of the Act of June 30, 1982 (96 Stat. 150), giving the consent of Congress to a compact relating to the establishment of a commission to study the feasibility of rapid rail transit service between certain States; the Congress authorizes the parties to such compact to change the name of such compact, including the name or names of any commission or other entity thereunder.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendments of the Senate numbered 24, 29, 31, 32, 85, 92, 113, 156, 158, 159, 160, and 161, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida?

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 12, line 24, strike out all after "Fund," over to and including "activities," in line 12 on page 13 and insert "$2,557,807,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$2,394,000,000, including $2,244,052,000 to remain available until September 30, 1994, and including $149,948,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 64: Page 27, line 1, strike out all after "development" down to and including "project" in line 4 and insert "$168,050,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "249,146,000, together with $4,628,000 to be derived by transfer from the 'Nuclear Waste Transportation Safety Demonstration project' ".

□ 1500

Mr. FAWELL. Mr. Speaker, I rise in opposition to this amendment, and I seek time to debate the amendment.

The SPEAKER pro tempore (Mr. MAVROULES). The Chair will inquire, is the gentleman from Pennsylvania [Mr. COUGHLIN] opposed to the motion?

Mr. COUGHLIN. No, I am not opposed to the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will be recognized for 20 minutes, the gentleman from Illinois [Mr. FAWELL] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are basically several categories of highway demonstration projects in this bill:

First, some of the projects are authorized and have been funded in previous years.

Second, most of the others are continuations of projects started in previous years.

Third, the remaining projects involve feasibility studies, preliminary engineering, environmental studies, right-of-way acquisition, and construction for a number of projects that would be started this year.

By far, the largest percentage of these funds are to continue ongoing demonstration projects. With regard to these continuations, I think most Members would agree that once Congress gives its approval to start a project, it should not turn around the next year and stop it in its tracks unless there are good, sound, environmental, or engineering, or cost reasons to do so. No such arguments are being made here.

The new projects represent a relatively small amount, less than two percent of the total recommended highway funding. We have received testimony or correspondence from many of the House Members whose areas are affected by these projects. I am sure they can all discuss the benefits of each of these projects. I believe they are all justified on the basis of safety or economic development. It is easy for a Member to criticize a project in someone else's district as being unjustified. There is no reason why Members should not decide on the allocation of 1 or 2 percent of our Federal highway spending.

Mr. Speaker, we have developed a balanced bill. It is within our 602(b) allocation. These projects have been included within our overall budget allocation—they are not budget busters. The projects are important to the Members and their districts.

Mr. Speaker, I reserve the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment essentially was proposed when the bill originally was on the floor, and it was defeated by a vote of 61 ayes to 365 noes. This is just beating a dead horse, it seems to me.

These projects are important projects. This money that is in here for these projects is money that would be spent otherwise, but it is being spent for projects that Members believe meet the priorities for their districts, and I suggest that Members know the priorities of their own districts fully as well as the department downtown.

It is entirely appropriate for Members to have those priorities expressed in this bill. The bill is within our 602(b) allocation. We do not have to reduce these projects to save money. If we do not fund the projects, they would fund something else. There would be no savings.

These projects have been the subject of hearings. This conference report involves a compromise, and I doubt that the other body will roll over and let us remove their projects. These are projects that are in the best interest of the people of the United States of America, and I suggest that we support the conference agreement and support these projects.

Mr. FAWELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this objection pertains to what I think is a classic definition of what constitutes "pork." It is in this particular amendment.

The projects to which we are referring here come to about $249 million. When I last spoke on this subject this bill was before us as the House version of the appropriation bill, with $243 million demonstration projects which come out of the general fund, not out of the transportation fund. As it comes back from the Senate, we have $504 million worth of demonstration projects. I cannot object to all of them, but this particular amendment does refer to new projects to which I can certainly address myself.

There has never been authorization for any of the 88 separate projects which are the subject matter of this particular amendment to which the House would concur. And I want to emphasize, so that everyone understands this, that it comes out of the general fund, not the highway transportation fund.

Mr. Speaker, we have an authorization bill for the Department of Transportation coming up. We will have probably anywhere from $6 to $7 billion of demonstration projects for special people and special districts at that time. Now, whether or not there will really be full authorization is a question I am not going to address, but I can verify that we do not have any kind of hearings or authorizations on these projects, and that, I say to my friends, is the very basic root of the kind of spending which people all over America are objecting to—especially when we talk about the debt. I do not have to talk about the tremendous amount of debt, over a half trillion dollars, that Congress will pile up during this year. In the final analysis, it is the obligation of Congress.

So I think we ought to understand this. The formula allocations ought to suffice. Instead we are getting $6 to $7 billion of demonstration projects in the authorization bill, which, by the way, constitutes an appropriation—they never have to go to the Appropriations Committee—and then they pile on an additional $504 million more by means of this conference report. That should not be happening.

All I can do is object as to $250 million of it and say that we ought to do something about that. It is up to Congress. The President cannot line-item veto. We will not give him that authority. We will not go ahead and have a constitutional amendment so we can balance the budget. We have not balanced a budget for 22 years in a row. We should tell that to the people back home and ask them if there is any rational explanation for it.

I can give the Members reasons, because what we are doing here with this appropriation bill is what piles on the debt. Understandably, we are all competitive people and we would like to have what is best for our districts. I am not saying these projects are necessarily good, bad, or indifferent. I am saying they have never even seen the light of day in a substantive way in the committee which is to authorize them, and it is up to us, it seems to me, to police ourselves. The judiciary cannot do it, and we will not give the executive any kind of authority to do it.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. FAWELL. I cannot yield, because I have several other Members who would like to address themselves to this subject, and I understand the gentleman has his own time. I do not know if I am going to run out of time or not.

□ 1510

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I realize not many people like to read these reports, but they are fascinating once you get hold of them. The gentleman has hit upon a very interesting amendment here. I just want to make the point that it is very interesting to look where some of the money is coming from in order to pay for the projects that are in the bill. It is being taken out of the nuclear waste transportation safety demonstration projects.

In other words, what we are doing is robbing an account aimed at the safe transportation of nuclear waste in order to put money into these projects.

Mr. Speaker, let me tell Members what is more important than nuclear waste safety. We are going to put a bike path in the city of North Miami. We are going to put bike path in the city of North Miami Beach. We are going to put a bike path in Dade County for Aventura and Sunny Isles. That is more important than nuclear waste safety, at least according to this amendment.

Mr. Speaker, I would suggest that maybe the American public would rather be protected from the hazards of moving nuclear waste around the country than to be putting bike paths into the city of North Miami.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN], a member of the subcommittee.

Mr. DURBIN. Mr. Speaker, a little bit of knowledge is a dangerous thing. The previous speaker noted the fact that some $4.6 million is being transferred from the nuclear waste transportation safety demonstration project to these highway demonstration projects. The gentleman suggests that nuclear waste transportation safety is a high priority, and should be.

In fact, this subcommittee agrees with the gentleman from Pennsylvania [Mr. WALKER]. Had the gentleman continued to read this committee report and read it closely, he would have found the same amount of money reappropriated in New Mexico for expressly the same purpose, nuclear waste transportation safety.

The money is not being allocated to bike paths, it is being allocated for nuclear waste transportation safety under a new heading and a new name. So the gentleman's point, I am afraid if he looks closely, is not as telling as he would suggest.

Mr. Speaker, let me say to my friend, the gentleman from Illinois [Mr. FAWELL], we have had this debate before. The gentleman from Illinois is well aware of the fact that we have not passed a highway authorization bill. Many of the projects included in this listing are the very same projects included in that authorization bill.

Mr. Speaker, let me go on to say that the hearings which we held on these projects brought in members, chairmen and directors of State departments of transportation from across the United States, who testified in favor of each of these projects.

In fact, in his home State of Illinois, which I am sure the gentleman from Illinois [Mr. FAWELL] is well acquainted with, in each instance there is not a single project included here that does not require at least a State match, and perhaps a local match as well.

In other words, the Senate and local departments of transportation believe in these projects. This is not the whim of some individual Member. These are within a master plan, and they are projects which they are prepared to put their money on the line to fund.

Mr. Speaker, let me say that the Illinois Department of Transportation from the home State of the gentleman from Illinois [Mr. FAWELL] has testified in favor of the same projects included in this bill. For the gentleman to stand and suggest that these are just wish lists of Members of Congress, really disparages the process which the subcommittee has been involved in for many months.

Mr. Speaker, the gentleman goes on to suggest we are talking about $249 million under these demonstration projects. The gentleman is correct. But, please, put in perspective that these demonstration projects that the gentleman refers to in this amendment in their totality represent less than 1½ percent of the money that is being appropriated in this bill.

I am afraid one would take from the statement of the gentleman earlier that the opposite is true, that virtually all the bill consists of demonstration projects. That is not true. We are dealing with 1½ percent of a bill under this amendment.

Finally, the gentleman is concerned about the budget deficit. Every Member of this Chamber shares his concern.

But the gentleman understands that when the President of the United States submitted a budget to this Congress, he put an upper limit on our spending. The Committee on the Budget allocated the money, the Committee on Appropriations reallocated the money, and this spending within this bill is within the President's budget request.

Mr. Speaker, if the gentleman wants a balanced budget, please take the message to your President and start with his budget request at a balanced level. That has not been the case.

In fact, here we are dealing with projects that have had hearings, that have State and local match. They are projects that are deserving. The money is not taken away from nuclear waste transportation. We have debated this matter at length. I think the House has spoken before.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I will be happy to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I heard the gentleman talking about the fact that this Congress has not enacted a balanced budget. I was curious if the gentleman is aware of a balanced budget being sent to the Congress by the President?

It occurs to me if one takes a look at the budgets sent to this Congress since 1980, in every single case the proposals and requests coming from the White House in those budgets are for hundreds of billions of dollars of deficits. If you add all those budgets up, you will find that the failure of Congress is a failure because we followed the requests of the President. It is unfortunate, because we should not have done that. These Presidents have requested very large Federal deficits and, unfortunately, the Congress has complied.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I simply want to make this perfectly clear: All I am saying here is that insofar as $249 million is concerned, which comes out of the general fund, not the transportation fund, there has, as far as these bills are concerned, never been any authorization. Now, maybe if hearings are still going on next week, maybe some of these might appear in that authorization.

Mr. DURBIN. Mr. Speaker, if I might reclaim my time, only because I have a limited time, I do not quarrel with the gentleman, and I do not think he quarrels with me. Many of these are included in the authorization bill.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just let me say that the gentleman from Illinois [Mr. FAWELL] has indicated that the President does not have a line item veto for these projects. While that is indeed the case, the President, through OMB, has also indicated that he approved of the bill and that the bill would not be subject to a veto. So I would think that these projects, since they will be signed into law by the President, should not be objected to on that basis.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just like to say that just because the President of the United States does not send a balanced budget to the Congress, does not mean that we do not have some responsibility. In my considered opinion, that does not make it right.

I can see right now that my grandchildren are going to have to pay for three bicycle paths in Dade County. I would like to say I rise to commend my colleague from Illinois [Mr. FAWELL] and support his efforts.

Mr. Speaker, I also object to the funding of some 88 highway demonstration projects earmarked in the conference report for the Department of Transportation appropriations bill. These projects carry a price tag of $249 million, certainly nothing to treat casually. To the best of my knowledge, none of these projects have been authorized by the appropriate committee, in this case the Committee on Public Works and Transportation, of which I am a member.

Mr. Speaker, when the House considered these bills in July, I supported the amendment of the gentleman to cut $243 million from this bill by eliminating 63 demonstration projects. That amendment failed. I have no doubt that the same fate awaits this effort.

Nonetheless, with an estimated $362 billion deficit, I feel strongly that I must take advantage of any opportunity to reduce runaway spending. I urge Members do the same.

Mr. Speaker, I can honestly say in my 25 years in public life, I have never confronted an issue more frustrating than that of getting the Federal spending under control. I am amazed at the way we spend money in Washington. Members of Congress vote for project after project, with little concern about how we will pay the bill.

Mr. Speaker, think about it this time. Vote to eliminate these projects.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. COX].

□ 1520

Mr. COX of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

It might be helpful to the Members of the House to share just briefly one of the so-called pork projects that this committee has been so willing to listen to the needs of the people of this country and respond to.

I refer to a short stretch of highway in northwest Illinois.

The gentleman from Illinois is probably aware that many of his constituents probably use this highway on a regular basis traveling back and forth from Galena and the other beautiful parts of northwest Illinois. This is a two-lane portion of road in the middle of a four-lane highway that stretches from the western edge of South Dakota to Chicago.

This is a beautiful part of the country, hills, valleys; there are real problems with highway development in this 50-mile stretch.

The Illinois Department of Transportation totally supports the effort to put these funds into research to determine if we can complete a four-lane highway. The State of Iowa has requested that this 50-mile stretch of highway be completed.

This so-called pork project supports and serves the people of southwest Wisconsin, the people of east central Iowa, and the people of northwest Illinois.

I suggest that the committee has served those people well in responding to this need. I urge that the opposition from the gentleman from Illinois be defeated.

Mr. COUGHLIN. Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

There has been a lot of confusing statements made here. Every project is important to a congressional district. There is no question about that. But the fact of the matter is we have to set priorities around this place because we have not set priorities on spending. We continue to authorize and appropriate money for everybody's project, all of these projects.

This year we are going to have a $400 billion-plus deficit. That is on top of a $4 trillion national debt that has quadrupled in the last 10 years. The legacy we are leaving our children is unbelievable, unbelievable.

There are 126 highway demonstration projects in this bill totaling $589 million that have not been authorized in the authorization bill, and this money is going to be taken out of the general fund revenues, not out of the highway trust fund revenues. The highway trust fund revenues are going to be asked to yield 450 to 500 projects totaling $5.6 to $7.5 billion. Those are demonstration projects.

These are going to be on top of that. I would just say to my colleagues this ought to be done through the authorization process where they review each individual project. And if it is meritorious, it is authorized and paid for out of the highway trust funds.

This is coming out of the general fund revenues.

The problem is, we have not controlled our appetite for spending. The gentleman from Pennsylvania says the White House is going to sign it. That does not mean the White House is for all these projects.

I heard his remarks earlier today. He said they do have some objections but he said they would sign it. That is a long way from saying they support it.

I would just like to say to my colleagues that we have got to get control of our appetite for spending. I have been fighting these pork-barrel projects all year long. Every time I come down here, I hear my colleagues saying, "This is so important for my district; this is so important for my district."

We had 3,000 special pork-barrel projects requested by 370 Members of the Congress from 1 subcommittee of the Committee on Appropriations, 1 out of 13 subcommittees. We are having thousands and thousands and thousands of projects requested by Members of this body.

Unless we learn to prioritize, we are never going to get control of spending in this place. What does that portend for the future of this country? I tell my colleagues, interest on the national debt is running at 18 cents out of every tax dollar. That means 18 cents is not going for helping with hospital costs, health care costs, the homeless and all those other things that we think are important.

What does that mean? That means that our kids are going to have to pay for this. They are going to have to pay for that interest which is growing, so they are going to have to pay for that deficit, and they are going to really look back on us and say we did not carry our responsibilities well.

The future generations of this country are going to have to deal with this. We have got to learn to live within our means.

I would like to say to my colleagues, let us start prioritizing spending around here.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

I just simply want to say that this money would still be spent for transportation projects because it is within the 602(b) allocation for this committee. The only distinction that is being made here is will this be spent for transportation projects that are the subject of priorities of Members who have a fairly good idea of what their priorities are in the district or will they be spent for transportation projects which may have some other priority?

We have just as good an idea here in this body of what the priorities in our districts are for transportation projects as they do downtown. I urge that the amendment be defeated.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, just because we have the money to spend, does that mean we have to spend it? I mean, if these are pork barrel projects.

Mr. COUGHLIN. Mr. Speaker, these are good projects that Members feel are important. The funds would be spent otherwise for other transportation projects. These simply reflect the priorities that Members have in their districts for transportation projects which this money is earmarked for. This money is earmarked for transportation.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will continue to yield, what the gentleman is saying is if we do not spend it for these projects, there would be other projects that we would spend it for because we have the money to spend.

Mr. COUGHLIN. Mr. Speaker, that is correct.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

I was accused here a few minutes ago of not having read the report and not seeing that somewhere else we picked up this money for nuclear waste transportation safety. I know the gentleman's staff now has checked on this matter.

As I understand it, the money goes to the Santa Fe relief route bypass. Is that not correct?

Mr. COUGHLIN. Mr. Speaker, that is the same thing.

Mr. WALKER. Mr. Speaker, if the gentleman will continue to yield, that is not what it says. It says, in other words, what we have here is we have money that was for nuclear waste safety.

Mr. COUGHLIN. That is the identical project. It is the same project.

Mr. WALKER. But it looks strangely suspicious that the project on one hand is labeled as the nuclear waste transportation safety.

Mr. COUGHLIN. It is the same project except with a different title.

Mr. WALKER. It sounds as though we are backing away from nuclear waste safety, and we are now putting money into the New Mexico Santa Fe relief route bypass.

I will tell the gentleman, I have now been through the report and I do not find anywhere where we picked back up the money for nuclear waste safety.

Maybe this is the same project.

Mr. COUGHLIN. It is the same project.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, if I could enlighten the distinguished gentleman from Pennsylvania, it is a very, very honorable and worthwhile appropriation. And it is precisely for the purpose that the gentleman wants it for. It is a bypass route that prevents the waste from going through the city where it could be very harmful to the residents.

This is a safety appropriation to route the waste around the community, perfectly legitimate and absolutely necessary.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

I am confused as to why we changed the title. Why do we not call it what it was before? It sounds to me as though it is for another purpose here of maybe building roads that may or may not be used for nuclear waste safety demonstrations.

My guess is there is a reason for retitling it.

Mr. TRAXLER. Mr. Speaker, if the gentleman would continue to yield, I just want to say that the public roads of the United States are available to all motorists. We do not build a road for nuclear trucks only around the city. There will be other vehicles on it.

It is a dual purpose highway. It is a wise expenditure of funds.

What it is doing is it is building the infrastructure of America. There are many here who complain that we waste money on America. I do not agree with that.

They call it pork when we build roads and highways and bridges and make these highways safe and provide for the transportation of people and goods and services. They do not like that.

They would rather spend it on their priorities, and their priorities are defense.

I tell my colleagues that is a misappropriation in my judgment. What we need to be doing is emphasizing education, health, and transportation. That is what this bill is about, is transportation.

I commend the gentleman from Pennsylvania for his good job in that effort. He is a true patriot.

Mr. COUGHLIN. Mr. Speaker, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

☐ 1530

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise to oppose amendment No. 64 which was reported in technical disagreement.

Included in amendment 64 are 88 new construction projects, 50 of which were included in this bill as it left the House, 38 of which were added by the

Senate during conference committee consideration of this measure. The total appropriation for these projects is nearly $250 million.

This amendment No. 64 contains the bulk of the demonstration projects funded by the bill. Those on the committee called these special demonstration projects. Others would call these projects pork. Two hundred and fifty million dollars may not be a big slice of the money in this budget, but when we add this $250 million to the $150 million in designated or pork projects included in the housing bill earlier, and other pork projects that will be added to virtually every other appropriation bill to come through this House, pretty soon it does begin to add up.

Last fall we went through an excruciating experience here as Members of this Congress and the White House sat down together to negotiate a budget agreement, a budget agreement designed to reduce deficits over the next 5 years by $500 billion. Painful decisions were made; cuts in various programs were suggested, some of which were implemented. All of that seems to me to have set a tone in this institution about fiscal responsibility, and yet here we are 1 short year later forgetting about the deficit and going right back to business as usual with 88 projects designated by this committee adding up to $250 million in the first year. And this is not the end of these projects. They go on and on, and they cost more and more.

The bottom line is that we cannot say one thing one year and another thing the next. We cannot set a standard for fiscal responsibility with one speech, and then undo it with this kind of pork-barrel spending in the next.

This is wrong. Amendment No. 64 ought to be rejected by this House. I urge support for the efforts of my colleague from Illinois.

Mr. LEHMAN of Florida. Mr. Speaker, I have no requests for time at the moment, and I reserve the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, we have had quite a lecture here a couple of minutes ago about the fact that we want to spend the money on defense, and you all want to spend it elsewhere. I think if the gentleman will check, this gentleman votes against the defense bills, too, because I think we have wasteful spending in those.

I was just saying to the gentleman that it is my guess that he voted for more defense bills lately than I have.

I wanted to also go to the point of how much of this money is going to absolutely essential infrastructure. I am going to be reading from the bill. I want Members to understand where the money is coming from, at least part of the money: "$249,146,000, together with $4,628,000 to be derived by transfer from the 'Nuclear Waste Transportation Safety Demonstration Project.'" That is where they are getting the money.

Where is the money going? It is going to a lot of projects here, and some of my colleagues have detailed them. But among other things, these highly essential projects are getting money: I mentioned before the bike paths in the city of North Miami and the city of North Miami Beach, and Dade County for Adventura and Sunny Isles. Those are certainly more important to some people I guess than nuclear waste safety. They are not to this gentleman.

I find a highway beautification project in Grand forks, ND. I do not know whether that is more important than nuclear safety or not, but my guess is that it is not.

I find interstate emergency call box system. We would probably find all kinds of people who are willing to bid on those kind of systems if we would allow them to make a little bit of money out of it, but instead we are including it in here, and it becomes more important to the country than including insurance for nuclear waste safety.

I would suggest that is a wrong set of priorities. I would suggest that this amendment is wrong set priorities, and my colleagues are absolutely right in the substance of the amendment. We are doing the wrong things, and in the case of the overspending, I think that it is adding to the deficit, and it is unconscionable.

The SPEAKER pro tempore (Mr. MAVROULES). The gentleman from Illinois [Mr. FAWELL] has 4 minutes remaining and will be the first to give a closing statement.

Mr. COUGHLIN. Mr. Speaker, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FAWELL] is recognized for 4 minutes to close debate.

Mr. FAWELL. Mr. Speaker, I know I have not expressed myself as well as I would like. But let me make this reiteration, and I apologize for it.

We are talking about general funds going for transportation purposes. In and of itself that ought to shock Members, when we realize we are going to have $6 billion to $7 billion of these projects in the new authorization of the DOT, which is coming up next week. As a practical matter, these projects will become an entitlement in that bill because they never will, in the 5- or 6-year authorization, ever have to go back to the Appropriations Committee. It is $7 billion of demonstration projects that will make every heart in this body, just ecstatic, I guess, because they are getting what they want, and yet that is not enough.

Every year during the authorization period what do we see? We traipse back to the Appropriations Committee and we scrape some more money out of the Treasury, $300 billion, $400 billion, $500 billion. I mean to say $500 million, excuse me. I get mixed up with millions, billions and trillions.

We cannot explain that to the people back home. Is not $7 billion enough for Rockford or for Illinois or Wisconsin or wherever? When will we ever stop? When can we ever say no to something?

We cannot even pin it on the President. I am not saying Presidents are without fault when they send budgets down here. But who controls the legislature? Congress. Congress controls it. We know that we control it.

We can look at all of the 602(b) allocations and we can say, "Why, we've enough money here." In effect, the answer I think my good friend from Pennsylvania made to the gentleman from Indiana [Mr. BURTON] was that we have the money and we are going to spend it.

We do not have to spend it. We do not have to spend the $247 million here, for instance.

That is what people cannot understand about this Congress, and that is why our reputation is not what it ought to be. We can talk all we want at townhall meetings about the fact that, gee whiz, we have not balanced a budget for 22 or 23 years, and only three or four times in the last 40-some years. Three times under Ike Eisenhower, and one with Kennedy.

Now we are paying $300 billion just to pay interest on the national debt, just to pay interest. I say to all my liberal friends, my gosh, what we could do with $300 billion. We would not have the problems that we have right now.

But we have the problems right now because we cannot say no to anybody or anything. And of course, when the largess is spread around enough, I ain't got a chance of winning this thing.

□ 1540

All you can do, I guess, is talk to America and express the fact of your frustration of being one person who is in the minority, 101 votes behind, and I do not have a chance: There are always good reasons to spend money. And these projects may possibly be in Rockford, yes, I'd love to go to Rockford and have a nice highway to ride upon.

You know, it has been stated that the highway people back home are for this, and I have a quote that I can give you around here somewhere that states otherwise. The highway people back home are saying that they are going to have to start chasing in on these special projects which are not priority for the State highway departments.

Let me quote from the Congressional Quarterly: "As much as State and Federal officials want a highway bill, they are continually frustrated by demonstration projects which allow lawmakers to push a project to the head of the priority list and distort the formulas"—and I am not even talking about that, because you have got $6 or $7 billion in the next 6 years. It ought to be enough.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I may, I will say once more that the time to decide how much money is going to be spent on transportation versus other programs was during the consideration of the budget resolution.

The funds that were allocated for spending on transportation are being spent in this bill, and they are being spent, I believe, wisely.

I urge defeat of the amendment.

Mr. LEHMAN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

I urge adoption of amendment No. 64.

The SPEAKER pro tempore (Mr. MAVROULES). The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FAWELL. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 330, nays 96, not voting 7, as follows:

[Roll No. 300]

YEAS—330

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (MI)
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—96

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barton
Boehner
Bunning
Burton
Campbell (CA)
Carper
Coble
Coleman (MO)
Combest
Condit
Cooper
Cox (CA)
Crane
Cunningham
Dannemeyer
Doolittle
Dornan (CA)
Dreier
Duncan
English
Ewing
Fawell
Fields
Franks (CT)
Gekas
Gilchrest
Gingrich
Goodling
Goss
Gradison
Gunderson
Hancock
Hastert
Hefley
Herger
Huckaby
Hunter
Hyde
Inhofe
Ireland
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Luken
Machtley
McCollum
McCurdy
Miller (OH)
Moody
Moorhead
Neal (NC)
Oxley
Paxon
Pease
Penny
Peterson (MN)
Petri
Porter
Ramstad
Ray
Rhodes
Roberts
Rohrabacher
Roth
Sanders
Santorum
Schaefer
Sensenbrenner
Shays
Skelton
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Tallon
Taylor (MS)
Taylor (NC)
Thomas (WY)
Walker
Weldon
Williams
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Barnard
Collins (IL)
Dwyer
Holloway
Hopkins
Rose
Washington

☐ 1605

Messrs. RHODES, COOPER, GOSS, MOORHEAD, PAXON, ENGLISH, and SKELTON changed their vote from "yea" to "nay."

Messrs. MCCANDLESS, GALLEGLY, MARTIN, MCEWEN, DORGAN of North Dakota, PALLONE, and HALL of Texas changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MAVROULES). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 67: Page 27, after line 5, insert:

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental and preliminary engineering studies $23,485,000 to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 67 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental, and preliminary engineering studies, $18,448,000, to remain available until expended.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to the motion offered by the gentleman from Florida [Mr. LEHMAN] and I request 20 minutes be allocated to me.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania [Mr. COUGHLIN] opposed to the motion?

Mr. COUGHLIN. Mr. Speaker, I am not opposed to the motion.

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will be recognized for 20 minutes, the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 20 minutes and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the same motion that we argued so thoroughly. I will not take the time of the House to make the same arguments.

Mr. Speaker, I urge adoption of the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman has indicated, this is exactly the same issue that we just went through. I would hope that we would not take the time of our colleagues again in extended debate.

Mr. Speaker, I support the motion.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the highway authorization bill it is estimated there is going to be 450 to 500 projects that are going to cost between $6 billion and $8 billion and $7.5 billion to take care of the special demonstration projects, highway projects, for this Nation.

☐ 1610

Mr. Speaker, that money would come out of the highway trust fund, and that is justifiable. The highway trust funds are supposed to be used for highway projects. But the moneys in this amendment, $18½ million, will be coming out of the general fund revenues. That is a misuse of these general fund revenues. It is not designed for that purpose.

In addition to that, unlike the previous amendment, this money is being spent for feasibility studies, designed environmental and preliminary engineering studies, for those projects. What that means simply to my colleagues, and I hope that they are paying attention to this, is, as my colleagues know, when we talk about the deficit, we ought to all be paying attention to this. I mean it is going to be $400 billion plus this year. We have quadrupled the deficit. The national debt in the last year has gone from $1 trillion to $4 trillion, and yet nobody pays attention, and we just keep on voting for these pork barrel projects. We ought to at least listen to what is going on around this place.

Now in this particular amendment we are going to spend $18½ million on feasibility, and design and engineering studies, which means this is just a camel's nose getting under the tent. All of these projects in this amendment are going to come back and cost $20, $30, $40, $50, $60, $70, $80, $100 million more in the future. It is not going to end with this amendment, and these are all pork barrel projects, and I would just like to say to my colleagues that, if we are going to have special projects, demonstration projects, then they should be through the authorization process, and highway authorization bill, because then the money will come out of the highway authorization funds and not out of the general fund revenues.

Now, as I have said many times on this floor, we have got an institutional problem here. A lot of my colleagues come up with special projects that are important to their districts, and I understand that. Every single Congressman wants to do something for the people back home, and he wants to get reelected, and he realizes, if he gets a bicycle path, or a new road, or access road or something for his district, it is going to help him with his constituents.

But while we are trying to do those things, Mr. Speaker, we should look at the big picture, and that is: What is this going to do to the country economically, and what is it doing to the future of this Nation?

The deficit this year is going to be the largest in history. The deficit this year is going to be $400 billion, the largest in U.S. history, following right on the heels of the second largest tax increase in history, and that tax increase last year was designed to get us on a road toward a balanced budget in 4 to 5 years. And what happened? Instead of a $200 billion deficit, this year it is going to be double that.

Now why is that happening? It is because we are not controlling our appetite for spending, and I wish everybody in this country could see the inattention there is to this problem.

Mr. Speaker, does anybody care that the national debt has quadrupled in 10 years? Does anybody care that the interest on the national debt is 18 percent of total spending? Three hundred billion dollars is going just for interest this year. Does anybody care about that?

I do not think we care in this Chamber anymore because the spending goes on unabated.

Last year, we came up with what was called the 4-percent solution. We wanted to pass a budget that set a limit on spending at no more than 4 percent above current levels of spending, really no more growth in spending, and 4 percent above the previous year's level. We did not even get a smell. It did not even get a hearing, and we ended up passing a budget, a compromise, that was supposed to get control of the deficit, increased taxes $137 billion, and what did we do? We doubled the deficit in 1 year. Four hundred billion dollars the deficit is going to be.

So, Mr. Speaker, I would just like to say to my colleagues that we have to prioritize spending, we have to go through the authorization process, we have to start being choosy and set priorities, because, if we do not, the future generations of this country are really going to curse our inaction.

Mr. Speaker, I come down here time and again, and I say these things, and it falls on deaf ears. I can tell my colleagues right now that this amendment will not get over 90 or 95 votes, our position on this, but the fact of the matter is we all know we are the problem, and we have got to get control of this.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAVROULES). The Chair will remind all persons in the Gallery that they are here as guests of the House and that any manifestations of approval or disapproval of proceedings is in violation of the rules of the House. The Chair would ask them to refrain from applause.

Mr. LEHMAN of Florida. Mr. Speaker, I do not want to get into more repetitious rhetoric, and I yield back the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that this does not really have to do with the deficit. As I said with the previous amendment, that was decided, the amount of money to be spent on transportation was decided, when we enacted the budget resolution. It would authorize this amount of money in the budget through our 602(b) allocation for transportation. We are within that 602(b) allocation in this transportation appropriations bill, and I urge support of the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, this is an interesting amendment because, if one looks at it, what it says is that we are going to spend $8½ million. When we add up who got the money, it is pretty clear that the House is not the beneficiary in this particular case. If we look at this, we find out that $4.4 billion went to Chairman BYRD in the U.S. Senate, and then we find out that the Senator from New Jersey, the chairman of the Senate subcommittee, gets $10.7 million out of the thing, and so $15.1 million out of the $18.5 goes to the two Senators who happen to have the most power in this area in the U.S. Senate. So, this is not even Members of the House porking it. This is purely Senate pork.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the gentleman from Pennsylvania [Mr. WALKER] that it is not in order to characterize a Senator by name.

Mr. WALKER. I thank the Chair.

May I refer to him by title?

The SPEAKER pro tempore. No personal references.

Mr. WALKER. No personal references. Let me just say "some unknown Members of the Senate are responsible for $15.1 million."

The SPEAKER pro tempore. The Chair would remind the gentleman that that, too, is not in order.

Mr. WALKER. Oh. Well, fine. Fifteen point one million of this did not come from the House.

Mr. Speaker, as my colleagues know, one has to wonder just exactly what we were negotiating here and whether anybody is going to stand up to people outside the House who seem to be loading up all of these bills. I find it somewhat appalling to go down through here and read West Virginia, West Virginia, West Virginia, West Virginia, West Virginia, New Jersey, New Jersey, New Jersey, New Jersey. It is clear to me that we do not have a sense of what has to be done to hold down budget deficits in this country and that we had better find a way to curb the spending appetites or this country is in dire, dire straits.

A no vote on this amendment is certainly the appropriate vote.

1620

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I feel constrained to certainly back up my good friend from the State of Indiana [Mr. BURTON]. He is fighting a valiant, if a bit of a losing, battle. But I for one appreciate the continuous work the gentleman does here on the floor of the House. I think a lot of us do. Maybe our votes do not always show it, but I want to give him some praise for what he is doing.

I know that all of us are very busy people and there are a lot of things that we cannot keep up with. But I was just reviewing the conference report, and, as the gentleman from Indiana [Mr. BURTON] has pointed out, here is $18.5 million being taken out of the general fund to supplement about $7 billion of new entitlements for demonstration projects that will run for the next 5 or 6 years—entitlements because nobody will ever have to go back to appropriations to justify the spending for the entitlement demonstration projects to which they are entitled as a result of the authorization bill, as it is now written, which will come before us next week.

Mr. Speaker, I thought I would just mention this: I look upon one of these feasibility studies in regard to a certain highway not too far from Washington. There is $800,000 of general funds for a feasibility study. Then, according to the report that I have, on the authorization bill—which, by the way, is equivalent to an appropriation, as it comes out of the authorizing committee—there is another $150 million for the same project.

What happens here is it just picks up an additional $800,000 from the general fund. Most of us just do not have the time to ferret these projects out. We do not have enough staff to be able to do it and, oftentimes, we wait until the end of the session to try to figure out just what did happen to the taxpayer and how it did happen.

I look at some of these others and find the same thing. There is $6.2 million more added on to $32,000 for a particular feasibility study. There is another $700,000 in the entitlement-program-soon-to-come that the taxpayer will have to pay for out of the authorizing committee.

Here is $10.4 million more on top of $4 million that is charged for a feasibility study here, and then they pick up another $10.4 million out of the entitlement program which is the authorizing legislation.

Mr. Speaker, I hope somebody is watching the store.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year when we raised the taxes on the American people by $137 billion, we raised the gas tax by 5 cents and we put 2½ cents of that into the highway funds, and 2½ cents of that into the general funds.

Now this year we came back because we needed more money for the highway fund and wanted to raise the gas tax again by 5 cents a gallon. I understand that may be pared and we may end up with 3 cents, or 2½ cents, but you are going to be coming back here before too long asking for another tax increase to be saddled on the backs of all the people of this country.

Mr. Speaker, it seems to me that if we are going to ask the American people for more tax dollars, then we ought to spend that money responsibly.

One Member said a few minutes ago when I asked him if the money is authorized and we ought to spend it, and he said yes, that is right, because the money has been authorized, so we go ahead and spend it.

I remember back when I was in the State legislature in Indiana years ago. I was sitting in an office of one of the members of the bureaucracy, and he was standing around the corner and said to one of his aides, "Listen. The fiscal year ends in 2 weeks, and if we don't spend another $100,000 or $105,000, then we won't be able to ask for a budget increase next biennium, because we will not have spent all the money we have for this biennium."

They were trying to figure out how to spend the money in the next 2 weeks so they could say they have to have a higher budget for the next 2 years.

Mr. Speaker, it seems to me this is the same kind of thing I have heard here today. If the money is authorized, we have to spend it.

Mr. Speaker, we do not have to spend it. We have a $400 billion deficit this year alone. So if we have that kind of deficit, it seems to me we ought to be trying to figure out ways to economize, ways to prioritize, so we do not just spend that money, instead of saying the money has been authorized and we have to find a way to spend it. But that is what we are doing. It is the same thing I experienced when I was a State legislator, only here it is a lot worse.

Mr. Speaker, some years ago there was a movie that came out that starred Jimmy Stewart, one of my favorite actors. In that movie, called "Mr. Smith Goes to Washington," he makes a plea on the floor of the United States other body, and, after an exhausting filibuster, his opponents cave in and the righteous win out. This horrible special project that was going to take place in some Member of the other body's district or State was stopped.

Well, in real life that does not happen. At least it has not happened here. Because all this year I and my staff have been going through every single appropriations bill trying to cut the pork out, and we have not won one battle. We did get $6.8 million cut out on a technicality, but we have not won one amendment on this floor.

Now, tell me something: Are there not any bad projects that come before these appropriations committees? Are there none of them that are pork projects? If so, why have we not voted one of them down? We have not voted one of them down.

So I would just like to say to Members, it is time that we start looking at this thing from the point of view of the taxpayers. If you asked taxpayers in this country do you want us to prioritize here in Congress, they would say yes. If you were to ask taxpayers if they wanted us to cut out wasteful pork barrel projects, they would say yes.

But the fact of the matter is, once we are elected, we do not ask. Collectively, we keep passing this stuff and keep digging a bigger and bigger hole. It is not just for us. We are all going to live pretty well. All the people that are adults today are going to live pretty well. But what are you leaving for the kids, for the future generations? You are leaving a heck of a legacy, a $4 trillion debt.

Mr. Speaker, the debt has quadrupled in 10 years. Think about that. We have quadrupled the national debt in one decade, and it is getting worse every year. We are going to add one-tenth of that more, at least one-tenth, this year. Where is it going to end?

Mr. Speaker, I would just like to say to Members, start thinking about this. I have proposed these amendments because I think of it as the Chinese water torture. I have proposed these amendments not because they are going to pass. I am not under any false illusions. I know if there are 3,000 special pork barrel projects requested by one subcommittee by 370 Members of Congress, I know I do not have much of a chance to defeat a proposal. It is not likely to happen.

I figure if we use the Chinese water torture and just keep dropping this issue before us day in and day out, day in and day out, somebody in this place is going to get the message, and, eventually, one day, we will defeat one of these pork barrel projects.

I may have a heart attack, but I will be so happy when you carry me out to the hospital.

Mr. Speaker, I yield back the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these projects do represent transportation for the people of America. I might say that they were prioritized by the committee. These represent the projects that the committee considered of the highest priority.

Mr. Speaker, I urge agreement to the amendment.

The SPEAKER pro tempore (Mr. MAVROULES). The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

☐ 1630

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 68: Page 27, after line 5, insert:

CORRIDOR G IMPROVEMENT PROGRAM

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor G segment of the Appalachian Highway System, there is hereby appropriated $165,000,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$148,500,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore (Mr. MAVROULES). The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

Mr. BURTON of Indiana. Mr. Speaker, I am in opposition to the motion, and I ask for 20 minutes of time.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania opposed to the motion?

Mr. COUGHLIN. Mr. Speaker, I support the motion.

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will be recognized for 20 minutes, the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

This is a continuation of a project we have funded in previous years, and I can assure my colleagues that we will not have a bill unless this motion is adopted.

Mr. Speaker, I reserve the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we go again. This is the same issue that we have been debating on the previous amendments, essentially.

I hope that the motion will be supported.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I am going to call a rollcall vote on this one. I am going to call a rollcall vote on this one. I hope my colleagues are paying attention. Remember, there will be a vote on this one.

I will tell my colleagues why. That last amendment, amendment numbered 67, had $4.4 million in it for one Member of the other body. This has $148.5 million for that same Member of the other body, and he has promised his constituents back in West Virginia that he is going to bring $1 billion home for his State.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the speaker that references, personal references to the other body, are not allowed on the floor.

Mr. BURTON of Indiana. Mr. Speaker, I apologize.

The SPEAKER pro tempore. The gentleman will continue.

Mr. BURTON of Indiana. Mr. Speaker, some Member of the other body has promised——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman must desist from a personal reference to any Member of the other body.

Mr. BURTON of Indiana. Some Member of one of the Houses somewhere has promised to bring $1 billion in pork barrel projects home to his State.

If that ain't pork, what is it?

He does not want to bring home the bacon. He wants to bring home the whole pig.

I say to my colleagues, we voted down every single amendment we have been talking about over the last 6 months as far as pork is concerned, but this is a glaring example.

Last week we voted for, I think it was $60 million and some or $80 million and some for an FBI fingerprint lab in this particular area, the same person. Here we are today. We had $4.4 million in another amendment, and another one for $8 million in another amendment, just because this Member has some power in this place.

I would just like to say, where is it going to end? This is absolutely unadulterated, blatant pork, and we all know it. Even the members of the Committee on Appropriations know it.

I would just like to say to my colleagues, we ought to take that first step toward fiscal responsibility by defeating this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would just like to remind Members that it takes a vote in both bodies to pass an appropriations bill. It takes a vote in both bodies to pass an appropriations bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

I urge support of the motion offered by the chairman of our subcommittee.

Mr. Speaker, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I think that all of us should commend the gentleman from Indiana for the courageous stand that he has taken in trying to cut some money from a budget that we all know does not meet the expectations of the American people. They understand that the budget is out of balance, that we have got to bring it into balance. That means we have to reduce spending and somehow we have to make tough choices to do that.

This body has not been willing to do that on any of the amendments so far that the gentleman has proposed. We all understand the reasons for that. I think that the courage of the gentleman from Indiana ought to be recognized by the Members of this body, many of whom would like in their hearts to support what he is doing but for certain reasons cannot do so.

I for one want to commend him for what he is doing and offer my support and suggest that he should be supported in this amendment.

Mr. BURTON of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

I just want to find out here, we were admonished in a couple of debates earlier today that these are absolutely essential national projects, they have only the highest priority concerns, that these are the ones that the committee has selected above all others as being the most meritorious projects, and only these projects should be done.

Can someone tell me what this one does that is absolutely essential? We have just passed the amendment a minute ago that said that Route 9 in West Virginia is absolutely essential to the national interest. We cannot get along without it. We just said that Route 2 in West Virginia is absolutely essential to the national interest. We cannot get along without it.

We just said that Route 52 in West Virginia is absolutely essential to the national interest. We cannot get along without it. Here we have $148.5 million for corridor G in West Virginia.

What is absolutely essential about corridor G?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, I might remind the gentleman from Pennsylvania that it takes two bodies of the House to pass an appropriations bill.

Mr. WALKER. I understand that, but we are spending taxpayer money here. This represents all of the salaries of families in my district that work very, very hard for their money. We are spending it all away to the tune of $148.5 million. I want to be assured that this is an absolutely essential bit of spending.

Can the gentleman tell me why this above all else is money that has to be spend this year in this bill?

Mr. LEHMAN of Florida. If the gentleman will continue to yield, the only thing I can tell the gentleman is that the Senate has a responsibility, too. I am sure they acted in full responsibility to be sure that this project was worthwhile.

Mr. WALKER. What did the Senate tell the committee that is absolutely essential about the corridor G project?

Mr. LEHMAN of Florida. Mr. Speaker, this is an important project, and we have to take the Senate on good faith.

Mr. WALKER. Is it an important project or is it an absolutely essential project?

Mr. LEHMAN of Florida. Mr. Speaker, we have to deal with the Senate in good faith.

Mr. WALKER. Mr. Speaker, I understand that. Certainly there is negotiation that goes on here. What is absolutely essential that we spend $148.5 million on in this bill?

Mr. CARR. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan [Mr. CARR}, if he has an answer to my question of why this program is absolutely essential beyond all other things that we have to do as a country.

Mr. CARR. Mr. Speaker, against that standard, I do not think there is anyone here who can answer the gentleman's question, certainly not to his satisfaction.

Mr. WALKER. Mr. Speaker, when we have a $400 billion deficit and a $4 trillion debt, I would suggest that we ought to limit ourselves to absolutely essential projects.

What I am hearing is this probably is not one of them.

Mr. CARR. Mr. Speaker, if the gentleman would claim down just a minute.

Mr. WALKER. Mr. Speaker, I have a hard time being calm when we are spending this kind of money. I will be happy to calm down.

Mr. CARR. If the gentleman would continue to yield, we all understand the gentleman's passions.

I would like to offer a couple of thoughts here. First, I think the gentleman is well within his rights to ask any question of the committee. I think that all of these projects should be readily defended by the committee to the Member's, perhaps not to the Member's satisfaction, because my suspicion is that he comes from an inclination that will not admit to a favorable answer.

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Mr. WALKER. Could the gentleman give me say a 20-second answer here so that we understand the essential nature of this project?

Mr. CARR. If the gentleman will read the report, there is a thing called the Appalachian Regional Commission. It was established many years ago for the betterment of the Appalachian region, which was a poverty-stricken area. We all know that. We all know there are a variety of Federal projects that run to the Appalachian region. This is one of the corridors that was designated in the Appalachian highway system.

Mr. WALKER. Is Route 9 also in that corridor?

Mr. CARR. I do not believe Route 9 is.

Mr. WALKER. Route 9 was given $1 million in the amendment before. So this is the project that is the essential one?

Mr. CARR. We are talking about a matter that has been raised by the gentleman from Indiana.

Mr. WALKER. My point is, as a House, if I can reclaim my time——

Mr. CARR. We are talking about all kinds of priorities, some of which the gentleman may like in his area.

Mr. WALKER. Reclaiming my time, Mr. Speaker.

Mr. CARR. The gentleman asked a question.

The SPEAKER pro tempore (Mr. MAVROULES). The gentleman from Pennsylvania [Mr. WALKER] has the time.

Mr. WALKER. Given that the gentleman has not given me an answer——

Mr. CARR. I am trying to, and you are trying to obfuscate it by——

Mr. WALKER. Reclaiming my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania has the time.

Mr. WALKER. I thank the Chair. The gentleman from Michigan seems to want to use the time.

My only point is that in the amendment before, Route 9, Route 2, Route 52, all of them got money. Evidently they were not essential projects and corridor G is an essential project, so we should not have given the money to the amendment before. But I did not hear the gentleman say that when we debated that before.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, let us stop and think about how the process is supposed to work. The highway authorization bill is supposed to be the vehicle for highway projects. This is not the highway authorization bill. This is an appropriation bill.

The reason, I suppose the reason that this $148.5 million is in this appropriation bill is because the gentleman who was pushing this could not get $148.5 million through the authorization bill. So what did he do? Because he has a very strong position, he put it in a bill that he could control, an appropriation bill, because he could not get it in the authorization bill.

In addition to that, which adds insult to injury, I want to read the language on page 29 of the bill. It says: "*Provided*, That all funds appropriated under this heading shall be exempted from any limitation on obligations for federal aid highways and highway safety construction programs." Not only are we taking this $148.5 million out of the authorization process and sticking it where it does not belong in an appropriation bill. In addition, we are exempting it from the Federal aid highway limitations. And why are we doing that? Because this will make sure that this is over and above whatever they can get in that particular State through the authorization process.

There is no question, this is pure pork, and everybody in this place knows it. And we know that the gentleman in question has said that he is going to bring $1 billion home to his State. And what do we do? Like sheep, we let him lead us right down the road to a $1 billion slaughter. And I want to tell Members, the gentleman said anybody that takes issue with him might just as well get on a slide and slide down the hill into the Potomac for opposing him. Well, I suppose that is my destiny, to slide down that slide into the Potomac.

But I want to tell Members that the taxpayers of this country are tired of us wasting their money, and this is $148.5 million of pure, unadulterated pork.

Mr. RAHALL. Mr. Speaker, will the gentleman yield.

Mr. BURTON of Indiana. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I appreciate the gentleman yielding.

Let me say in regard to what this money is for, it is for completion of the Appalachian highway corridor system, of which 70 percent is already complete in this Nation. It is a program that is many decades, years old, and the original purpose of this program was to help those in isolated, poverty-stricken regions of this Nation, not to provide them a hand-out, but to help them pull themselves up out of the poverty in which they are mired. The job is not yet done. This particular corridor G that runs through southern West Virginia is a project that is very near its completion point, and this is to complete that corridor.

Mr. BURTON of Indiana. I understand that.

Mr. RAHALL. Opening up people to jobs and opportunities, business opportunities.

Mr. BURTON of Indiana. If I may reclaim my time and say, if it is that important, if it is that big a priority, then why did it not go through the highway authorization bill, No. 1? And No. 2, why is there this language in here that says that these funds are exempted from many limitations on obligations to the Federal aid highways and highway safety construction programs? They are going outside the system to get this money.

Mr. RAHALL. Will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from West Virginia.

Mr. RAHALL. I would say to the gentleman because this particular highway program is not under the Department of Transportation. The Appalachian corridor system was separated from the normal transportation highways back during the Reagan years when an effort was made to abolish the program completely. So we had to settle for the separation of the two programs.

Mr. BURTON of Indiana. If I can reclaim my time, I would just like to say that the fact of the matter is that it still should be in the highway authorization bill where we are going to spend $7 billion or $7.5 billion, and not in a special appropriation bill to circumvent the system.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. If the gentleman will yield, what the gentleman from West Virginia has just told us is that this spending is not germane to this bill and should not even be in here. It is not under the highway and transportation bill, but should be in someplace else. So what we have is, we have spending which is nongermane to the bill. We have $148.5 million that ought not even be.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I would respond to the gentleman from Pennsylvania and would suggest that I consider the building of highways in this Nation to be transportation-related. In addition, we know the difficulties with getting roads authorized under the highway trust fund as it exists today. The trust fund sits up here with a $14 million to $15 million balance. We cannot get projects authorized under the trust fund, because we cannot get an agreement to spend down what is in that trust fund. Therefore, we cannot get authorizations for this or any other projects in an agreement to spend the money under the highway trust fund.

That is the reason for going through this transportation appropriation bill, and this is what this is, a transportation-related issue.

Mr. BURTON of Indiana. If I can reclaim my time, let me just say that there is going to be $6.8 billion to $7.5 billion spent from the highway trust fund for 450 to 500 projects, and if this is a high priority it should have been in that particular authorization bill instead of circumventing it for one special person who wants to bring $1 billion home to his State.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from West Virginia.

Mr. WISE. Mr. Speaker, I do not think anyone is saying that it is for one special person. As a matter of fact, this is a major coal-hauling road and provides many important benefits by being constructed, and it is 65 percent completed already. The roughest part still has to be completed, but this is what we depend upon to get energy to the gentleman and to a lot of States in the Northeast for their energy needs.

Mr. BURTON of Indiana. Then why was it not put in the authorization bill?

Mr. WISE. This road transportation system is not under the regular authorization system, as the gentleman well knows, and has already been explained to him.

Mr. BURTON of Indiana. That is begging the issue. It ought to be.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman for yielding. The gentleman's agonizing concern about the authorization I would like to lay partially to rest by suggesting that under the Appalachian regional system there is a system of corridor roads which are authorized under that system. This is a continuation of a corridor that has already been considered and been the subject of an authorization in the past, and would not be the subject of an authorization. If the authorization is hanging there, the gentleman may be assured that it has been the subject of authorization and authorized in the past already. This is simply the funding.

Mr. BURTON of Indiana. The authorization committee does not have to go through the appropriation process. They can just go ahead and authorize it and the money can be expended for that purpose. So if they have authorized this phase of the project, it would be completed, and it should be prioritized just like everything else in the highway authorization bill.

Mr. MOLLOHAN. Absolutely. We agree completely, except that it is authorized under a different program, the Appalachian Regional Commission authorization for the corridor system. It is already authorized and this is the funding for it.

Mr. BURTON of Indiana. Let me end this discussion, because I know we have been belaboring it for some time, and we are going to vote in just a minute or two. But let me just say this: I want to go through these facts one more time, and then we will end the debate, and I will not be up here beating on this issue again today. But let me just say that these are the facts: The deficit 10 years ago was $1 trillion. It took us 200 years to get there. In 10 years we have gone from $1 trillion to $4 trillion, $4 trillion in 10 years.

The deficit last year, after we raised the taxes on the American people by $137 billion, the second largest tax increase in history, the deficit was supposed to go down, and the deficit is going to be double what we anticipated. It is going to be over $400 billion this year.

We are paying 18 cents approximately in interest on every dollar that is taken into the Treasury. That is about $300 billion a year that is going for no good purpose except to pay interest. And that money could be better spent someplace else.

If we do not get control of spending, we are going to see 25 percent of all spending going for interest. We are going to see a $600 billion or $700 billion debt in 1 year, debt acquisition in 1 year, and we are going to see a $6 trillion or $8 trillion national debt.

☐ 1650

This economy is going to go right down the tubes. The worst part of it is the ones who are going to pay for it are the future generations.

When are we going to start being responsible around here? We ought to defeat this motion.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAVROULES). The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 186, not voting 9, as follows:

[Roll No. 301]

YEAS—238

Abercrombie
Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Bateman
Bennett
Bereuter
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (MI)
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dymally
Early
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ravenel
Regula
Richardson
Ridge
Roe
Rogers
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Yates
Yatron
Young (AK)

NAYS—186

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Beilenson
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Chandler
Coble
Coleman (MO)
Combest
Condit
Cooper
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
DeLay
Derrick
Dickinson
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Eckart
Edwards (OK)
Emerson
English
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (FL)
Livingston
Luken
Machtley
Martin
McCandless
McCollum
McCrery
McCurdy
McMillan (NC)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Molinari
Moody
Moorhead
Moran
Morella
Morrison
Neal (NC)
Nichols
Nussle
Orton
Oxley
Packard
Pallone
Panetta
Parker
Paxon
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Porter
Pursell
Ramstad
Ray
Reed
Rhodes
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sanders
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Shays
Slattery
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wyden
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Barnard
Broomfield
Collins (IL)
Dwyer
Holloway
Hopkins
Rangel
Washington
Wilson

☐ 1713

Messrs. JACOBS, DOOLEY, SYNAR, WYDEN, CRAMER, HUNTER, DELAY, ECKART, HUGHES, and DICKINSON changed their vote from "yea" to "nay."

Mr. WEISS changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. MAVROULES). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 27, after line 5, insert:

CORNING BYPASS SAFETY DEMONSTRATION PROJECT

For the purpose of continuing a demonstration of traffic safety and flow improvement, there is hereby appropriated $14,000,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$12,600,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 70: Page 27, after line 5, insert:

TURQUOISE TRAIL PROJECT

For necessary expenses to carry out a demonstration project known as the Turquoise Trail project, that demonstrates methods of enhancing safety and promoting economic development through converting a dirt roadway into an all weather, two lane highway, there is hereby appropriated $3,000,000, to remain available until expended: *Provided*, That such sums appropriated under this head shall be exempted from any limitation obligations for Federal-aid highways and highway safety construction programs.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$2,700,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 71: Page 27, after line 5, insert:

OTTUMWA ROAD EXTENSION PROJECT

For the purpose of carrying out a demonstration of economic growth and development benefits of a four lane highway in areas with industry producing heavy traffic, there is hereby appropriated $8,000,000 to remain available until expended, for the acquisition of rights-of-way, and other costs incurred in the upgrading and construction of a portion of a four lane facility between Prairie City and Ottumwa along existing State highways and new highway alignments: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$7,200,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 72: Page 27, after line 5, insert:

NORTH CAROLINA CONNECTOR PROJECT

For necessary expenses to carry out site selection, preliminary engineering and design work related to construction of a new four-lane highway at interstate standards from Rocky Mount, North Carolina, to Elizabeth City, North Carolina, including extensions to Raleigh, North Carolina, and Portsmouth, Virginia, there is hereby appropriated $6,000,000 to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$4,800,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 73: Page 27, strike out lines 8 to 14.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $78,528,000, to remain available until September 30, 1994.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment is disagreement.

The text of the amendment is as follows:

Senate amendment No. 84: Page 30, line 22, strike out "$14,713,000" and insert "$10,526,000.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$22,331,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 86: Page 31, after line 2, insert:

MAGNETIC LEVITATION TRANSPORTATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of a Magnetic Levitation Transportation Program, $30,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $30,000,000 for magnetic levitation and high speed rail transportation for fiscal year 1992: *Provided further*, That $5,000,000 is available until expended for grants to specific States to conduct detailed market analysis of potential magelev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/or high speed rail use: *Provided further*, That any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

Of the funds provided under this head, $2,500,000 is available until expended for grants to specific states to conduct detailed market analysis of potential maglev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/ or high speed rail use: *Provided*, That any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 104: Page 36, after line 15, insert:

DISCRETIONARY GRANTS

For necessary expenses to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $775,000,000 to remain available until expended.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 104 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

DISCRETIONARY GRANTS

None of the funds provided in fiscal year 1992 to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) shall be used for the study, design, engineering, construction or other activities related to the monorail segment of the Houston metro program.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 112: Page 38, after line 22, insert:

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,301,000, of which $1,302,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further*, That not less than $1,900,000 in fees shall be collected under section 106(c)(11) of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 App. U.S.C. 1805(c)(11)) and deposited in the general fund of the Treasury as offsetting receipts.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 112 and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert "$12,000,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 114: Page 38, after line 22, insert:

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development, $944,000, of which $90,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 114 and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert "$927,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 115: Page 38, after line 22, insert:

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,868,000, of which $702,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 115 and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert "$1,516,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 116: Page 38, after line 22, insert:

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, $5,606,000, of which $165,000 shall be derived from the Pipeline Safety Fund: *Provided*, That there may be credited to this appropriation funds received from the States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further*, That no employees other than those compensated under the appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Civil Rights, the Office of Management and Administration, and the Office of the Chief Counsel.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 116 and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert "$5,428,000".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 125: Page 47, line 14, after "program" insert ", the intelligent vehicle-highway systems program, the magnetic levitation transportation program".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 125 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", the strategic highway research program, the intelligent vehicle-highway systems program".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 128: Page 53, strike out all after line 7 over to and including line 2 on page 54.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 128 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended as follows:

SEC. 325. Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by February 14, 1992, enter into a full funding grant agreement with the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) for the construction of the locally preferred alternative for the Westside Light Rail Project, including systems related costs, as defined in Public Law 101-516. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit Center in the city of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District of Oregon to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon and S.W. 185th Avenue.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 133: Page 55, strike out lines 9 to 25.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 133 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended as follows:

SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

(a) issue a letter of no prejudice, effective as of or retroactive to October 1, 1991, for preliminary engineering and final design, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway Project between South Station and the Portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 134, 138, 140, 142, 143, 144, 145, 146, 148, 149, 150, and 153 be printed in the Record and considered en bloc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The texts of the amendments enumerated in the foregoing unanimous-consent request are as follows:

Senate amendment No. 134: Page 55, after line 25, insert:

SEC. 328. None of the funds provided in this Act for Coast Guard Acquisition, Construction and Improvements shall be available for any quarter of any fiscal year beginning after December 31, 1991, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy: *Provided*, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction and improvements account be fully funded.

Senate amendment No. 138: Page 63, after line 17, insert:

SEC. 332. Notwithstanding section 512 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211), the Secretary of Transportation shall increase the grant AIP3-19-0004-7 by up to $141,713.

Senate amendment No. 140: Page 63, after line 17, insert:

SEC. 334. Section 104(c)(3) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. 2104(c)(3)) is amended by deleting the word "public" before the word "building".

Senate amendment No. 142: Page 63, after line 17, insert:

SEC. 336. The Secretary of Transportation shall be authorized to enter into a sole source contract with the Puerto Rico Ports Authority for purposes of constructing an air traffic control tower at Luis Munoz Marin Airport with fiscal year 1991 and fiscal year 1992 appropriations provided under this section: *Provided*, That the Puerto Rico Ports Authority shall procure such construction services consistent with Department of Transportation acquisition regulations, part 1201 et cet, chapter 48 of the Code of Federal Regulations.

Senate amendment No. 143: Page 63, after line 17, insert:

SEC. 337. Notwithstanding any other provision of law, the Niagara Frontier Transportation Authority may provide transportation services in support of the 1993 World University Games.

Senate amendment No. 144: Page 63, after line 17, insert:

SEC. 338. Notwithstanding any other provision of law, of the amounts available to New York State under section 3 of the Urban

Mass Transportation Act of 1964, as amended, such sums as may be necessary shall be made available to Secretary for the purpose of conducting a study of the feasibility and cost of adding air conditioning to Pennsylvania Station in New York City.

Senate amendment No. 145: Page 63, after line 17, insert:

SEC. 339. Notwithstanding any other provision of law, of the discretionary funds available to the District of Columbia under the Interstate Transfer Grants-Highway Program of the Federal-Aid Highways account of this Act, $5,000,000 in contract authority and in liquidation of contract authority shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Union Station Parking Project in the District of Columbia.

Senate amendment No. 146: Page 63, after line 17, insert:

SEC. 340. The Secretary of Transportation shall publish by January 15, 1992, a notice of proposed rulemaking with regard to amending the Federal Motor Carrier Safety regulations to prohibit the use of radar detectors in operating commercial motor vehicles. Such notice shall solicit testimony regarding the safety, economic, and operational aspects of prohibiting radar detectors in commercial operations.

Senate amendment No. 148: Page 63, after line 17, insert:

SEC. 343. Notwithstanding any other provision of law, the Federal Aviation Administration may use funds from both the facilities and equipment program and the airport improvement formula grant funds to fund the relocation of an ASR–9 radar facility at Nashville International Airport: *Provided*, That Nashville International Airport may use airport improvement formula grant funds to purchase a VORTAC system for the airport.

Senate amendment No. 149: Page 63, after line 17, insert:

SEC. 343. (a) The Administrator of the Federal Aviation Administration shall conduct an aircraft noise mitigation review, to include that airspace over the States of New York and Connecticut lying within a fifty-five nautical mile radius of LaGuardia Airport:

(1) By November 1, 1991, a plan shall be developed by the Administrator to carry out the aircraft noise mitigation review required by this section.

(2) By January 1, 1992, at least 6 public meetings shall be held, with 3 such meetings to be held in each of the States of New York and Connecticut within the study area.

(3) By May 31, 1992, the Administrator shall identify those actions that would be needed to implement air traffic changes that are determined by the Administrator to be appropriate to reduce the effects of aircraft noise within the study area, and to be consistent with the safe and efficient management of air traffic, as provided in the Federal Aviation Act of 1958, as amended, and shall include those identified actions in the Report to Congress required pursuant to section 9119(c) of Public Law 101–508.

(b) There is hereby established the Metropolitan New York Aircraft Noise Mitigation Committee to review aircraft noise complaints within the study area and advise the Administrator of the locations and boundaries of noise impact areas defined by such complaints. The Committee shall consist of nine members, with three members each from the State of Connecticut, New York, and New Jersey, such members to be appointed by the Governor of each State. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in the study area, and shall make recommendations to the Administrator regarding the organizations. These recommendations shall be submitted to the Administrator in accordance with the schedule he establishes in the plan required under subsection (a)(1).

(c) This section shall not apply to the Federal Aviation Administration's field testing and evaluation of any new noise abatement departure procedures for Runway Thirteen at LaGuardia Airport. Implementation of new procedures, if appropriate, shall be in accordance with all applicable Federal requirements.

Mrs. LOWEY of New York. Mr. Speaker, I rise to express my appreciation to the conferees for their work in reaching agreement on a directive to the Federal Aviation Administration [FAA] to assess the noise impact on New York and Connecticut of flight patterns developed pursuant to the expanded east coast plan.

The clear intent of this provision is for the FAA to get to the bottom of the noise problems afflicting Westchester County, Fairfield County and other areas of New York and Connecticut. In carrying out this directive, the FAA should look at this problem without blinders on. If the FAA finds that factors beyond the expanded east coast plan are contributing to the terrible noise problems confronting Westchester and Fairfield Counties, the FAA should take immediate action to address those problems as well.

The people of Westchester and Fairfield Counties have suffered for too long. This provision mandates that the FAA tackle this problem and come up with a solution. The conferees have done their job in agreeing to this language. It is time for the FAA to do its job and bring noise relief to New York and Connecticut without delay.

Senate amendment No. 150: Page 63, after line 17, insert:

SEC. 344. Not later than 180 days after the date of the enactment of this legislation, the Administrator shall issue regulations as may be necessary to carry out Section 316(g) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1357) as amended. The processing of criminal history record checks contained in section 316(g) shall begin not later than 60 days after the issuance of the final regulations.

Senate amendment No. 153: Page 63, after line 17, insert:

SEC. 347. The Secretary shall advance emergency relief funds to the State of Washington for the replacement of a bridge on the interstate system damaged by November, 1990 storms notwithstanding the provisions of section 125 of title 23, United States Code: Provided, That this provision shall be subject to the Federal Share provisions of section 120, title 23, of the United States Code. The State of Washington shall repay such advances to the extent that a final court judgment declares that damage to such bridges was a result of human error.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendments of the Senate numbered 134, 138, 140, 142, 143, 144, 145, 146, 148, 149, 150, and 153 and concur therein with amendments.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 139: Page 63, after line 17, insert:

SEC. 333. Notwithstanding any other provision of law, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purpose of the Federal Aviation Act of 1958 (49 U.S.C. 2201, et seq.).

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 139 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 335. Notwithstanding any other provision of law, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purposes of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2201, et seq.).

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 141: Page 63, after line 17, insert:

SEC. 335. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft which (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committee on Appropriations. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to present a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 141 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 337. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft that (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committees on Appropriations of the Senate and House of Representatives. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to prevent a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 147: Page 63, after line 17, insert:

SEC. 341. Section 402 of Public Law 97-102 is amended by inserting immediately before the colon, a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations shall not apply toward such 350-mile limit".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 147 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 343. Section 402 of Public Law 97-102 is amended by inserting immediately before the colon a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations after the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 1992, shall not apply toward such 350-mile limit".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 152: Page 63, after line 17, insert:

SEC. 346. None of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate Flight Service Stations (including changes in Flight Service Station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 12-month period following the date of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101-516; 104 Stat. 2184). This section shall not apply to Flight Service Stations in Laramie, Rawlins, and Rock Springs, Wyoming.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 152 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 347. None of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate flight service stations (including changes in flight service station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 9-month period following the date of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101-516; 104 Stat. 2184). This section shall not apply to flight service stations in Laramie, Rawlins, and Rock Springs, Wyoming.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 154: Page 63, after line 17, insert:

SEC. 348. At the end of the first sentence of section 9308(d) of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, delete the period and insert the following: ": *Provided, however*, That no air carrier may operate within the State of Hawaii a greater number of Stage 2 aircraft weighing more than 75,000 lbs. than were operated, owned, or leased, by such air carrier as of the date of enactment of this Act. With respect to operations within the State of Hawaii, this subsection shall apply only to those air carriers operating turnaround service with aircraft weighing more than 75,000 lbs. within the State of Hawaii as of the date of enactment of this Act and these same limitations shall also apply to air transportation to and from the State of Hawaii.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN Of Florida moves that the House recede from its disagreement to the amendent of the Senate numbered 154 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 349. (a) Section 9308(d) of Public Law 101-508 is amended by striking the word "This" at the beginning of the first sentence thereof and inserting in lieu thereof the following—"Except for Hawaiian operations described in and provided for in subsection (i), this"

(b) Section 9308 of Public Law 101-508 is amended by adding a new subsection (i), to read as follows—

"(i) HAWAIIAN OPERATIONS.—

(1) (A) An air carreir or foreign air carrier may not operate within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous States a greater number of Stage 2 aircraft having a maximum weight of more than 75,000 pounds than it operated within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous states on November 5, 1990.

(B) An air carrier that provided turnaround service within the State of Hawaii on November 5, 1990, using Stage 2 aircraft having a maximum weight of more than 75,000 pounds may include within the number of aircraft authorized under subparagraph (A) all such aircraft owned or leased by that carrier on such date, whether or not such aircraft were then operated by that carrier.

(2) An air carrier may not provide turnaround service within the State of Hawaii using Stage 2 aircraft having a maximum weight of more than 75,000 pounds unless that carrier provided such service on November 5, 1990.

(3) For the purpose of this subsection, 'turnaround service' means the operation of a flight between two or more points, all of which are within the State of Hawaii.".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent

that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 157: Page 63, after line 17, insert:

SEC. 351. FEDERAL GAS TAXES SHOULD NOT BE INCREASED.

(a) Findings.—The Senate finds that—

(1) many sectors of the Nation's economy have yet to recover from the recent economic downturn;

(2) a tax increase would reduce personal consumption, considered to be the engine of the American economy, and an increase in gasoline and diesel fuel taxes would seriously hinder economic recovery;

(3) an increase in the Federal excise tax on motor fuels by five cents per gallon would further damage the economy in that such an increase would—

(A) increase the Consumer Price Index by 0.2 percent,

(B) imperil the current trend towards economic recovery,

(C) reduce America's potential for growth in the Gross National Product in the near term by $11,000,000, and

(D) reduce urgently needed job creation by 234,000 job opportunities in the first year;

(4) Federal, State, and local taxes account for nearly 30 percent of the retail price of gasoline;

(5) all States already tax gasoline, and twenty States in the last two years have increased, or considered increasing, their taxes on gasoline; and

(6) gasoline and diesel fuel excise taxes are the most regressive forms of taxation, in that less affluent Americans must spend a greater proportion of their income to pay those taxes than do more affluent Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in light of the current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 157 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 351. (a) Notwithstanding any other law, the Secretary of Transportation shall construe all references in this Act to Title 23, the Urban Mass Transportation Assistance Act of 1964 as amended, and the Federal-Aid Highway Acts in a manner which continues to apply such references to the appropriate programs as may be authorized by a subsequent surface transportation assistance act.

(b) Section 329(a) of the Department of Transportation and Related Agencies Appropriations Act, 1988, Public Law 100-102, is amended by striking "and 1991" and inserting "1991, and 1992".

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

DECENNIAL CENSUS IMPROVEMENT ACT OF 1991

Mr. SAWYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3280) to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, line 3, after "Act," insert "and subject to the availability of appropriations,".

Page 3, line 2, strike out "refinement of population data; and" and insert "refinement of population data, including a review of the accuracy of the data for different levels of geography (such as States, places, census tracts and census blocks); and".

Mr. SAWYER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. (Mr. LEWIS of Georgia). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. ARCHER. Mr. Speaker, reserving the right to object, I would like to have, if we could, a little more explanation of what we are about to do here.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I would be pleased to take this time to explain briefly the purpose of the Decennial Census Improvement Act of 1991 and to talk about the amendments.

Mr. Speaker, this legislation authorizes a study by the National Academy of Sciences about ways to improve the accuracy of the 2000 census and to meet the data needs of the Nation.

The bill requires the Commerce Department to enter into a contract with the Academy within 30 days of enactment. The Academy will issue an interim report within 18 months, with a final report within 3 years.

The two amendments that were offered in the Senate are clarifying in nature. The first provides that implementation of this legislation is subject to the availability of sufficient appropriations.

The second amendment clarifies that the Academy should review data accuracy at different levels of geography, including census tracts and blocks, when considering the use of sampling methods.

The Academy is widely respected for its expertise in the census and other Federal statistical issues. It is well positioned to conduct an objective, comprehensive review of census methods.

The Academy estimates that the study will cost $1.4 million. That amount of money was set aside for this study in the fiscal year 1992 commerce, justice, State, and judiciary appropriations bill.

On September 30, the House unanimously passed this measure, and I would urge the support of my colleagues in taking final action on this bill today.

With an early and comprehensive planning effort, we have a fighting chance for a markedly improved census process and more accurate results in the year 2000 and beyond.

Finally, Mr. Speaker, I guess I would like to take just a moment to recognize the significant efforts of the gentleman from Pennsylvania [Mr. RIDGE] who is the ranking member of our subcommittee and whose contribution to this legislation really made it a collaborative effort, and to acknowledge the strong support and invaluable assistance of the committee chairman, the gentleman from Missouri [Mr. CLAY], as well as the efforts of the gentleman from New York [Mr. GILMAN], the committee's ranking minority member.

Mr. ARCHER. Mr. Speaker, I thank the gentleman from Ohio [Mr. SAWYER] for his explanation.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3280, the Decennial Census Improvement Act of 1991 as amended by the Senate.

The timing is now critical for addressing the year 2000 planning for the census. H.R. 3280 as amended would authorize a study by the National Academy of Sciences on improving the accuracy of the decennial census in the year 2000.

Mr. Speaker, it is imperative that we recognize the mistakes of the 1990 decennial process and take the necessary steps to not repeat what happened. It is incumbent on all of us to explore new methodologies and new approaches for the census enumeration.

H.R. 3280 would provide an objective, independent review of our national data needs and methods to achieve an accurate census in the year 2000.

Mr. Speaker, I commend the distinguished chairman of the Subcommittee on Census and Population, Mr. SAWYER, and the ranking minority member, the gentleman from Pennsylvania [Mr. RIDGE], for their outstanding leadership and commitment to their oversight responsibilities over the census and for expeditiously moving this important measure through the legislative process.

Mr. Speaker, I urge my colleagues to join me in supporting this bill.

Mr. ARCHER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill H.R. 3280 and the Senate amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NATIONAL LAW ENFORCEMENT MEMORIAL DEDICATION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 107) to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day," and ask for its immediate consideration.

The Clerk read the title of the Senate Joint Resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILMAN. Mr. Speaker, I rise in support of Senate Joint Resolution 107, which designates October 15, 1991 as National Law Enforcement Memorial Day. And I would like to take this opportunity to commend my colleague and good friend, the gentleman from New York [Mr. RANGEL], for his hard work and dedication to our Nation's law enforcement officers.

Over 1,500 law enforcement officers have died in the line of duty in the United States over the past 10 years. That number is shocking.

President Bush has continually reiterated his tough stand against crime and has submitted to the Congress a very serious and worthy proposal to address our Nation's crime problem.

I strongly believe that we must address this serious problem from all angles. Not only do we need more prison space, we need tougher sentences for drug dealers, and for criminals who use guns.

On a more positive note, this year's National Law Enforcement Memorial Day is particularly significant. The dream of a National Law Enforcement Officer's Memorial will soon be a reality.

The many years of planning and construction are now complete, and the final opening ceremony is set for this month.

The Law Enforcement Officer's Memorial, located nearby at Judiciary Square, will honor the men and women who have given their lives in the line of duty.

This memorial will also pay tribute to the service and sacrifice of all those who serve.

I would like to commend all those who have had a part in making this dream become a reality, especially the many dedicated people of the National Law Enforcement Officer's Memorial Fund.

Mr. Speaker, I invite my colleagues to join me today in supporting this important measure and the Law Enforcement Memorial.

Mr. RANGEL. Mr. Speaker, I am pleased to rise in strong support of Senate Joint Resolution 107, a bill to designate Tuesday, October 15, 1991, as "National Law Enforcement Memorial Day."

While I am proud to be the author of today's resolution regarding the official dedication of the Law Enforcement Officers Memorial, I am prouder to be able to pay a well-deserved tribute to the man chiefly responsible for this memorial project ever being initiated. I refer to our former colleague and my dear friend Mario Biaggi from New York. Mario was the author of the legislation which established the authority for this memorial to be built. Mario Biaggi initially authored this resolution in 1982 and by 1984 with the overwhelming support of the House the resolution became public law. It was established from the very outset that this memorial would be built entirely with private dollars. Today thanks to the individual contributions of more than 1 million individuals, this memorial becomes a reality on next Tuesday.

As some of my colleagues remember, Mario Biaggi came to this Congress after a most distinguished 23 year career as a police officer in New York City. Mario was at one time the most decorated police officer in the history of New York and his police career was highlighted when he won the Medal of Honor for Bravery. All told, Mario was injured many times in the line of duty including being shot on more than half a dozen occasions.

When Mario Biaggi was elected to the House in 1969, he transformed his career as a cop and became a champion for the rights of law enforcement officers and remained that throughout his 19 years in this body. He was one of the original authors of the legislation which established a first time lump sum death benefit payment for law enforcement officers killed in the line of duty. It was initially established at $50,000 in the first year which was 1976. Ten years later Mario Biaggi came back with new legislation to increase the death benefit to $100,000 and this too became law.

Mario Biaggi led the successful effort which resulted in the enactment of tough legislation to outlaw armor-piercing ammunition which posed such a grave threat to the safety of law enforcement officers across the country. Mario tenaciously fought all odds in moving this legislation forward through the Congress taking on the very formidable National Rifle Association which opposed his efforts from the outset. Mario Biaggi prevailed in the final instance because his cause was just—his cause was the safety of the more than 500,000 law enforcement officers who faced enough risks in their day-to-day work without the additional and very grave threat posed by these armor-piercing bullets.

Yet from my past and present conversations with Mario, I know that perhaps his proudest legislative achievement in the House was the passage of the resolution creating the National Law Enforcement Officers Memorial. It was Mario's contention from the outset that the more than 12,000 law enforcement personnel who were killed in the line of duty—were being overlooked with the absence of a national memorial. It seemed to him that these brave American men and women—fighting in the front lines of another kind of war—one fought daily in our streets, at least deserved a place in our Nation's Capital where their sacrifice would be honored in a permanent fashion.

And so it will be on next Tuesday when this beautiful memorial is dedicated by the President at Judiciary Square. It will be a permanent memorial to honor the 12,561 law enforcement officers killed in the line of duty. It is a sad statistic to acknowledge, sadder still to realize that one law enforcement officer is killed every 57 hours in this Nation. Yet this memorial will serve to pay the proper tribute and show the proper respect for the men and women who don the uniform of law enforcement and wage the war against crime for our sake and that of our families.

I wish for my colleagues to know of the important contribution which Mario Biaggi made to this Law Enforcement Officers Memorial. I would also like to salute the president of the Law Enforcement Officers Memorial Fund Mr. Craig Floyd, who prior to assuming this responsibility served with distinction as legislative assistant to Mario Biaggi. Craig has done an outstanding job in raising the funds and developing the memorial.

I am pleased to note that Mario Biaggi will be there for the dedication of the memorial as will many members of his family. It will be a proud moment for him and for those of us who know what his leadership has meant to the law enforcement community of this Nation—we will share his pride.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 107

Whereas each day over 500,000 law enforcement officers place their lives at risk in order to maintain law and order in society and apprehend people who violate Federal, State, and local laws;

Whereas over the last 10 years over 1,500 law enforcement officers have been killed in the line of duty;

Whereas in 1989, 148 law enforcement officers were killed in the line of duty and preliminary figures for 1990 indicate that 119 law enforcement officers were killed;

Whereas over 60,000 law enforcement officers are assaulted in the line of duty each year, resulting in over 20,000 injuries; and

Whereas the National Law Enforcement Officers Memorial was established by an Act of Congress in 1984, and the memorial is scheduled for completion at Judiciary

Square in Washington, District of Columbia in October 1991: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 15, 1991, is designated as "National Law Enforcement Memorial Dedication Day" and the President is authorized and requested to issue a proclamation designating October 15, 1991, as "National Law Enforcement Memorial Dedication Day".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 284) to designate the second week in April as "National Public Safety Telecommunicators Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MARKEY. Mr. Speaker, every day, in all of our communities, dedicated public safety telecommunicators answer our calls for assistance. They dispatch our calls for help to local police and fire departments, facilitating the execution of emergency rescue and law-enforcement operations in all of our districts. These public safety personnel serve as the vital links within our cities and towns, although rarely appreciated because they are not physically at the scene.

The Nation's public safety telecommunicators also work to improve emergency response capabilities through their leadership in training programs provided by the Associated Public-Safety Communications Officers. APCO is an association of nearly 9,000 people engaged in the operation, design, and installation of emergency response communications systems for Federal, State and local government agencies.

It is time that we show our appreciation for these people who make our Nation's police and fire departments professional and responsive. In order to recognize the high-quality communications services provided by police and fire dispatchers, 911 operators, and emergency medical technicians, I have sponsored House Joint Resolution 284, to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week."

Mr. Speaker, I would like to commend the gentlewoman from Maryland [Mrs. MORELLA] for her assistance in bringing this resolution to the floor today. She and her staff have worked diligently and with great distinction. I also want to thank my colleague, the gentleman from Pennsylvania and chairman of the Congressional Fire Services Caucus [Mr. WELDON], for his leadership and support.

Mrs. MORELLA. Mr. Speaker, as the Republican sponsor of House Joint Resolution 284, and as a member of the Congressional Fire Services Caucus, it is my pleasure to rise in support of this legislation to designate the second week of April 1992, as "National Public Safety Telecommunicators Week."

Public safety telecommunicators are the driving force behind our Nation's emergency rescue services. They are the men and women who dispatch our police forces, our ambulances, our firefighters. Although they are not as visible as the men and women who arrive at the scene of emergencies, they are just as important.

We depend upon public safety telecommunicators to notify emergency personnel promptly, clearly, and calmly. We depend upon them to keep our husbands, our wives, and our children calm and assured in an emergency. We depend upon them for guidance and support in our most frantic and panicked moments.

Mr. Speaker, some of us have been lucky enough not to have had to dial 911 in the middle of a fire, a robbery, or a medical emergency. But for the millions of Americans who have faced such an emergency, public safety telecommunicators have been there—ready and willing to help. It is, indeed, fitting that we take time to recognize their invaluable contribution to our daily lives, and I am very pleased to support the designation of the second week of April 1992, as "National Public Safety Telecommunicators Week."

The Clerk read the joint resolution, as follows:

H.J. RES. 284

Whereas over one-half million dedicated men and women are engaged in the operation of emergency response systems for Federal, State, and local governmental entities throughout the United States;

Whereas these individuals are responsible for responding to the telephone calls of the general public for police, fire, and emergency medical assistance and for dispatching said assistance to help save the lives and property of our citizens;

Whereas such calls include not only policy, fire, and emergency medical service calls but those governmental communications related to forestry and conservation operations, highway safety and maintenance activities, and all of the other operations which the modern governmental agency must conduct; and

Whereas America's public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week in April is hereby designated as "National Public Safety Telecommunicators Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SAWYER: Strike all after the resolving clause and insert the following:

That the week beginning April 12, 1992, is designated as "National Public Safety Telecommunicators Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. SAWYER].

The amendment in the nature of a substitute was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "To designate the week beginning April 12, 1992, as 'National Public Safety Telecommunicators Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 260) designating October 1991 as "Italian-American Heritage and Culture Month" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

□ 1730

Mr. GILMAN. Mr. Speaker, reserving the right to object, I am pleased to rise in support of House Joint Resolution 260, legislation to designate October 1991 as Italian-American Heritage and Culture Month. I am pleased to have cosponsored this legislation and wish to commend the gentleman from New York [Mr. ENGEL] for his sponsorship of this legislation.

Italian-Americans in the United States represent one of the largest ethnic groups in our Nation. With 20 million Americans of Italian descent it would be difficult, if not impossible, to name the many contributions they have made to the formation and development of our great Nation.

Perhaps the greatest contribution made by an Italian will be celebrated next year. Of course, I am speaking about the 500th anniversary of the discovery of America by Christopher Columbus.

Mr. Speaker, it is a pleasure to rise in support of House Joint Resolution 260, and I urge my colleagues to support this measure.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 260

Whereas Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law, and politics;

Whereas Italian-Americans make up one of the largest ethnic groups in the United States;

Whereas, in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first to record the discovery of the Americas, a national observance day was established in October of every year;

Whereas the phrase in the Declaration of Independence "All men are created equal", was suggested by the Italian patriot and immigrant Philip Mazzei;

Whereas the people of the United States take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our Nation's history such as Fiorello La Guardia, the beloved Mayor of New York City, and Enrico Fermi, who won the 1938 Nobel Prize in Physics;

Whereas Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotti and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti;

Whereas the Americas were named after the Italian explorer Amerigo Vespucci;

Whereas Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813;

Whereas William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

Whereas during October 1991 special attention will be directed at National, State, and local programs that promote Italian heritage and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "Italian-American Heritage and Culture Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. ARCHER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARCHER. Mr. Speaker, the Committee on Ways and Means has had sequential referral of the crime bill. There is a question of whether we have until midnight tonight without asking unanimous consent to file, or whether we must ask unanimous consent to file beyond the adjournment of the House today, but before midnight tonight.

The SPEAKER pro tempore. The Chair would state that on the last day of a sequential referral, the committee has until midnight to file its report.

HUNTING AND FIREARMS ARE A TRADITION AND A HERITAGE

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, hunting and firearms are a tradition and a heritage with a tremendous number of Americans.

This tradition has contributed to record numbers of wildlife. It has contributed to millions of acres of habitation. But just as importantly, it has contributed immensely to the social fabric of America.

There is an element in America that would, through its networking, destroy our heritage and our traditions. These groups are tied closely together and would eliminate our firearms, our hunting, and our sportsmen.

One columnist from Alaska, Wayne Anthony Ross, put it in perspective on September 8, 1991, in the Anchorage Times. I include his article with my remarks.

[From the Anchorage Times, Sept. 8, 1991]

LESSON IN HUNTING NOT JUST ABOUT KILLING, BUT CONCERNS LIFE ITSELF

(By Wayne Anthony Ross)

I have handwritten this column on a paper plate, for I have no notepaper. It is 8 p.m. and the Talkeetna Mountains reflect the setting sun. Barb will carry this column to town tomorrow after the air taxi comes to get her and the kids. I will stay here a bit longer, but I will miss them.

We came, ostensibly, for our annual moose hunt. Last year this area was closed. The moose here (if there are any moose here) haven't been hunted in two years so, theoretically, hunting should be good.

If hunting success were only measured in shooting the animal, our hunt would be considered a failure. Not only have we not gotten a moose, but we haven't even seen a moose. In fact, we haven't even seen any sign of moose.

This was to be Amy's year. She's 13 and though she's been hunting since she was 6, she has yet to get her first big game animal. Tim, 15, shot his first moose when he was 8, and he and I agreed that this year Amy would get the first shot.

Unfortunately, the plane comes tomorrow and it doesn't look like there will be a first shot.

I face this realization with a mixture of sorrow and relief. Sorrow because, once again, the moose meat we all enjoy, won't be in our freezer. And sorrow because Amy still has not experienced the joy and self-satisfaction of getting an animal big enough to feed her family throughout the year.

Yet, dare I confess it, there is also relief. My two best packers are off to college. Thus, if Amy did get a moose, old Dad would play a major role in getting it out of the woods. As I near the half-century mark, the prospect of hauling hundreds of pounds of meat across the tundra isn't anticipated with the enthusiasm it once was.

As I followed Amy through the woods, she moved with confidence. I am glad for this time we are together—watching her, with her .30-30 rifle and her .45 pistol, I continued to hope we would see a moose and that she would get the shot. But I did ask the dear Lord to make it fall as close to the canoe as possible.

Now we have returned to the cabin without a moose, yet Amy doesn't seem downhearted. She was there. She participated. She was ready. She gave it her all. It was the moose who failed to cooperate. She seems to know, even at her age, what hunting is all about.

There is no sure thing, no guarantee. Hunting is only the fair attempt to take an animal coupled with the possibility that some day the hunter may succeed. The joy is not dependent on the killing. The joy is in being there. The joy is in the possibility of achieving success.

In teaching our children about hunting, we are also teaching them about life. In learning about hunting, they come to realize that the world doesn't owe them a living. They learn, instead, that to succeed they have to get involved, to participate, to try. Whether they succeed or not is not as important as whether or not they try to succeed.

Still, there's nothing like a little success to encourage a person on to greater effort. Since Amy didn't get a moose this fall, maybe I should take her deer hunting. There's a good chance she'll get one, and finally know the joy of "bringing home the bacon." And let's face it, a deer won't be as difficult for me to pack out of the woods!

TRIBUTE TO WESTERN SAMOAN NATIONAL RUGBY TEAM IN THE WORLD CUP FINALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to commend President Bush for graciously inviting to the Oval Office yesterday afternoon the Western Samoa Prime Minister, Hon. Tofilau Eti Alesana, for their first official meeting in the Nation's Capital. Accompanying the Prime Minister to the White House yesterday were the Western Samoa Ambassador to the United States Hon. Tuaopepe Felix Wendt, the Secretary of Foreign Affairs, Hon. Mose Sua, and Western Samoa's Consul General to Auckland, New Zealand, Hon. Fetaui Mata'afa.

Mr. Speaker, it is not very often that I share with my colleagues some of the most important events and problems eminating from our part of the world—

that is the South Pacific region. Other than the concerns expressed for some years about the dangers to the marine environment caused by the continuous French nuclear testing in the Pacific and other important issues affecting our region, our Government continues to remain silent at a time when global environmental issues can no longer be ignored.

Of good note, I want to share with my colleagues an event that took place 3 days ago whereby a tiny Pacific Island nation of Western Samoa, and the smallest country among the 16 nations vying in the World Cup finals, won its first game against an old established rugby team, and world renown, the national rugby team of Wales. Their 16 to 13 win at Cardiff Arms Park headquarters on October 6 marks Western Samoa's first over a member of the International Rugby Board. Mr. Speaker, I agree with Mr. Peter Schuster, the Samoan coach when he told a crowd after the games that "it was the day we have been waiting for, the greatest rugby day for our nation."

The independent state of Western Samoa, with a population of 170,000, have only about 6,000 rugby athletes to select from for its National team.

Mr. Speaker, I want to congratulate Mr. Bryan Williams, technical adviser to the Western Samoa team, and a fellow Samoan known throughout the world as one of the greatest rugby players, for bringing Western Samoa rugby to where it is now. He is certainly the backbone and an inspiration to the team and I want to commend him for his great efforts. I would also like to commend Mr. Tate Simi, team manager, Mr. Su'a Peter Schuster, team coach, and Mr. Kasimani Lautusi, team trainer for their hard work and patience.

Mr. Speaker, a Samoan proverbial expression, "e le sili le ta'i i le tapua'1". Translated, it means it is far better to endure than to lead. I want to offer my special commendation to His Highness Tupua Tuiatua, patron and president of the Western Samoa Rugby Union for his perseverance, patience, and leadership in guiding the Union over the last 20 years. I also want to commend the Prime Minister, Hon. Tofilau Eti Alesana and the Minister of Education, Sports and Culture, Hon. Fiame Naomi Mata'afa for their leadership and support.

I also want to pay tribute to Her Royal Highness Princess Pilolevu Tuita of the Kingdom of Tonga and her husband, His Excellency Taufa Tuita, Tonga's High Commissioner to the United Kingdom who were also in attendance to lend their support.

Mr. Speaker, I also commend Mr. Kuka Molio'o, president of Apia Express Co. in Los Angeles for his tremendous support and assistance.

In addition, I would like to offer my sincere appreciation to the people of Wales and the city of Cardiff for their kindness and hospitality as host of the World Cup finals, above all, their sportsmanship as shown after their loss to Western Samoa. It reminds me of an expression, "If you don't know how to lose, you don't deserve to win." I would like to say to the people of Wales that they won for their absolute sportsmanship.

Mr. Speaker, above all, I want to congratulate the management and more especially the members of the Western Samoa rugby team called Manu o Samoa for having played a tremendous game against a prominent opponent, the national rugby team of Wales. The players are: Peter Fatialofa, prop/captain; Stan To'omalatai, hooker; Si'u Fanolua, hooker; Vili Alalatoa, prop; Tavita Sio, prop; Mark Birtwistle, lock/loose forward; Eddie Ioane, lock; Mata'afa Keenan, lock; Saini Lemamea, lock/loose forward; Sila Vaifale, loose forward/flanker; Junior Paramore, loose forward/flanker; Apolo Perelini, loose forward/flanker; Tupo Fa'amasino, wing 3/4 fullback; Pat Lam, loose forward No. 8; Danny Keleopa, loose forward No. 8; Mathew Vaea, halfback; Tu Nu'ualiitia, halfback; Stephen Bachop, five eights/vice captain; Filipo Saena, five eights; Keneti Sio, five eights; Frank Bunce, five eights; Fereti Tuilagi; center 3/4; To'o Vaea's, center 3/4; Timo Tagaloa, wing 3/4; Brian Lima, wing 3/4; and Anetele'a Aiolupo, fullback.

I submit these articles for the RECORD.

[From Today, Oct. 7, 1991]

WALES: SAMOANS IN CUP SENSATION

(By Roy Collins)

Wales' shocked and wounded players booked into a rehabilitation centre last night after their humiliating defeat by Western Samoa.

The 16–13 defeat against the smallest nation in the World Cup with a population of 170,000—the size of Romford—ranks as one of rugby's biggest upsets.

The Welsh, who must now beat Argentina and joint favourites Australia to be sure of a quarter-final place, lost three players to injury in a ferocious battle at Cardiff Arms Park in which their players literally had their arms torn from their sockets.

Lock Phil May was forced off with a dislocated shoulder, flanker Richie Collins with a badly wrenched one and full back Anthony Clement with a bruised hip.

But that was nothing compared to the bruised pride of the 1987 World Cup semi-finalists.

Beforehand, captain Ieuan Evans said defeat would be: "The end of the world as far as Welshmen are concerned."

Afterwards there were tears, while fears that Wales will have to qualify against the likes of Spain, Holland and Italy for the 1995 World Cup will come true unless they can produce a miracle in their remaining group matches.

It is a massive blow to Welsh pride and massive setback to their revival hopes after the ravaging effects of the defections to rugby league.

Coach Robert Norster added: "We thought when the draw was made that this would be a tough group and now we face an uphill task to qualify for the next stage.

"We were already booked into a rehabilitation centre in Brecon for the next day or two, which is just as well with our wounded."

Peter Fatialofa, captain of Western Samoa, said: "This is the greatest day in our rugby history.

"To beat Wales at the Arms Park is a moment to cherish."

To add to Wales' frustration, TV clearly showed the first of Samoa's two tries should not have been awarded.

Centre To'o Vaega claimed to have won a race to the line, but it was Welsh scrum half Robert Jones who fell on the ball.

Jones said: "It was very close but I know I definitely got to it first. It's disappointing when a referee makes a mistake like that but you have to accept it."

Victory slashed the Samoans odds to win the World Cup from 250–1 to just 40–1, while sad Wales have rocketed from 66–1 to 250–1.

[From Today, Oct. 7, 1991]

PRIDE GONE: WELSH HOPES LIE IN TATTERS

(By Roy Collins)

WALES 13, WESTERN SAMOA 16

An hour before the game, the streets around the Arms Park were more silent than chapel as Welsh fans sullenly awaited their fate.

Chapel, the unearthly price of tickets, and the fear or humiliation, were blamed for a disappointing congregation of around 30,000, barely a quorum at a Welsh match, let alone a choirum.

And even some of the faithful showed agnostic tendencies by arriving disguised in Western Samoan scarves.

If ever there was a sporting fixture on which a nation's pride rested, this was it. Wales' national Sunday newspaper implored the 15 boyos in red to win it for the country's honour. For the sake of the dragon. For St. David. For Neil Kinnock.

Inside the ground, the fans sat in such morbid silence that, until the late Welsh surge restored the roar to their throats, the only thing you could hear in the stands was the hum of a generator.

Plus, among the neutral fans, a quiet purring at the ferocious tackling and faultless handling of the Western Samoans.

PASSPORTS

Most of them, of course, have as much claim to Western Samoan passports as Zola Budd to a British one, which is why they're known as New Zealand B, the country in which most of them live.

If this, and the apparently falsely awarded first Samoan try piled on the sense of Welsh injustice, it did nothing to detract from the fascination of the impartial observer.

Wales, under house arrest in their own half for most of the first hour, miraculously reached the interval at 3-3, a penalty apiece. By then, though, Phil May had already become the first injury victim of the Samoan tackling and full back Anthony Clement, brutally taken out by Apolo Perelini right on the half-time whistle, was about to follow him.

The Welsh were in such disarray in the first half, second in the tackle and to every loose ball, that captain Ieuan Evans, a few yards from his line, punted straight into the stands.

The pity was that when the inevitable Samoan try arrived early in the second half, it should be one of such dubiousness.

The break from inside their own half was delightful, the kick ahead from To'o Vaega as mischievous as it was masterful and his race for the line ahead of despairing Welshmen as thrilling as a 100m finish.

Another Welshman, Richie Collins, had been wounded in action and removed from the battlefield by the time Sila Vaifale ran in an undisputable second try after a remarkable bout of pressure by the Samoans. A Matthew Vaea penalty stretched the lead to 16-9.

Only then did Wales find the national pride and sheer defiance to deliver a counter, Arthur Emyr driving through to score and set up a fascinating finish to the most absorbing match of the World Cup so far. The wind was back in Welsh sails, the cry back in the fans' throats.

WHISTLE

Despite the disputed try, despite the Welsh gameness, victory for them would have been an even greater injustice. As the Western Samoans poetically put in afterwards, this was their day in the rugby sun. And their poetic passing, contrasted to quite savage tackling, earned them their glory.

It was all too much for Phil Davies, the Llanelli No. 8, as the final whistle signalled the darkest hour in Wales' rugby history.

He sank to his haunches near the centre circle as the rest of the players departed, unable for a moment to drag himself to the darkness of the dressing room.

Eventually, a fan walked over and draped a Welsh scarf over his shoulder, like someone laying a wreath at a graveside.

In their despair, the Welsh could draw comfort only from the fact that they hadn't been beaten by the hated English. That hatred, at least, helped to unite them in sorrow.

A poster close to the Arms Park showed a picture of a tearful Gazza with the caption "you'd cry too . . . if you were English."

Last night, though, it was the Welsh who were drowning in their own tears.

[From the London Times, Oct. 7, 1991]

CYCLONE FROM THE PACIFIC DEVASTATES WALES

(By David Miller)

Hurricane Samoa struck the South Wales coast yesterday afternoon, leaving a trail of devastation and despair. Estimates vary of the full extent of the damage inflicted. Many were dazed and several needed medical attention. Early-warning forecasts of the force of the hurricane did little to lessen the psychological impact.

There has been nothing like this moment in the history of rugby union. Western Samoa's World Cup defeat of Wales by 16–13 at Cardiff Arms Park shook the game, never mind the Welsh, to its foundations. The walls of the favoured International Rugby Football Board stonghold, the last "private" governing body in international sport along with the R & A, were breached. Samoa took fearsome revenge for being excluded from the first World Cup four years ago, when they were South Pacific champions.

Back home in Apia, where beach rugby is played with a ferocity that is astonishing to any visitor, a 30,000 crowd was watching the match live at the racecourse on five television screens lent by New Zealand TV. There are few people who give a better party than the Samoans, and they will be swaying with joy in their southern fashion for the next few days.

"A pity it was Wales and not England," their one accompanying journalist commented. The Samoans, population 170,000, see the Welsh as a fellow minority people. The luckless Welsh, for an hour, had not seen much of anything. Though the score was 3–3 at half-time, they were being torn almost limb from limb.

May, Clement and Collins limped from the field; a few others may well voluntarily have wished to join them. The formidable Pita Fatialofa, Samoa's captain and prop. asked afterwards whether they would save themselves against Australia to ensure victory and quarter-final qualification against Argentina, replied emphatically: "We're saving ourselves from nothing."

Trying to confort a Welsh colleague, someone had pointed out that ten of the Samoan team are resident in new Zealand, that it was effectively a New Zealand BXV. "Time was when we beat the A team," lamented Taffy.

I have seen, occasionally, New Zealand at their hardest, but not even they compared with some of the Samoans on the rampage. These Pacific Islanders, who have the dimension of a medium-sized deep freezer, came in horizontal, waist-high. The Welsh, quite simply, could not take it. For an hour they were overrun in every department; when Emyr, their winger, scored the try that prompted a revival in the last 15 minutes, the Samoans should long before have been out of reach.

Symbolic of the match was the moment of half-time: Clement was prostrate and motionless on the turf, while the massive flanker, Perelini, whose airborne 16-stone tackle arrived at the moment Clement released a pass, walked away unconcerned. "They will hurt a number of people," Ieuan Evans, Wales' captain, said without rancour. "They knocked us back . . . I don't think this is the bottom, it was a better performance than against Australia [the summer slaughter]."

If something in Welsh rugby died on the day they were driven towards having to qualify for the next World Cup, it was as though the public was prepared for the funeral beforehand. The match began with barely a murmur, in the land where rugby is religion.

It was only when defeat began to take the shape of humiliation, at 13-3, that pride surged back into the hitherto maudin spectators. Where a moment before the applause was for the visitors, now the cry went up for Wales. And Wales responded.

Suddenly, the strength drained from the Samoan front five. The Welsh ran the ball back and forth across the pitch. Emyr scored, Ring converted: 13–9. The hunt was on. Brilliantly, Ring gained 50 yards into touch. The Samoan backs remained steadfast. The powerful Lewis was stopped in his tracks yards from the line by men half his size. Gibbs, agonisingly, fumbled a pass 20 yards out with Samoa broken.

Lima counter-attacked, was halted four yards out; and Vaea kicked the penalty that gave Samoa breathing space. Back came Wales, Davies was smothered again; from the scrum, the ball was played back, out, and Evans went over in the corner. But it was too little, too late, too inferior.

Fatialofa said they ran out of petrol in the last ten minutes, but "we'll go for broke against Australia". Wales' coach, Norster, said they were going to a rehabilitation centre. That seemed appropriate.

[From the Daily Express, Oct. 7, 1991]

WALES HUMBLED BY SAMOANS

(By Tony Bodley)

Ieuan Evans, one of the handful of world-class Welsh players, surged over for a try in the first minute of injury time yesterday—but it hardly raised a cheer at the Arms Park.

By then the damage had been done. Wales are back at the bottom of the pile, the sick joke of international rugby.

The Arms Park, scene of former glories, was only half-full at the start but the 30,000 crowd had begun to drift away soon after a grossly illegal try by centre Tu'o Vaega suggested nothing was going right for the Welsh. They are now a second class rugby nation and the team are hiding their shame in a rehabilitation centre in Brecon. The booking was made weeks ago but Welsh rugby is in need of intensive care.

They have been knocked back among the no-hopers for the next World Cup in 1995 when they will have to pre-qualify along with such giants as Czechoslovakia, Tunisia and Poland.

The Welsh were knocked back yards by the all-action Samoans. The islanders were like a squadron of tanks and about as subtle. But they possessed a glittering cavalry among the backs, who ran rings round the Welsh.

Three Welsh injuries confirmed the enormous strength of the Samoan hit-men. Fullback Tony Clement, flanker Richie Collins and lock Phil May all went off with shoulder injuries. Clement was almost cut in half by 21-year-old flanker Apolo Perelini.

The bulldozing tackles threatened to break the body and certainly broke the spirit. More than one Welshman kept only one eye on the ball and the other on the nearest tackler.

The joyous Samoans had never beaten a senior member of the International Board. Now they are set to create mayhem against Argentina on Saturday, although Australia will be a different matter on Wednesday.

The Samoans, set to meet Scotland or Ireland in the quarter-finals, are drawn from a population lower than Cardiff's but their players are hardened in New Zealand.

The warning bells were ringing straight from the kick-off but the Samoans had to wait 18 minutes before they went in front, scrum-half Mathew Vaea kicking a penalty in front of the posts after three Welshmen went over the top trying to stop Vaega.

Mark Ring, not looking fully fit after keyhole surgery on his right knee three weeks ago, levelled four minutes later after an offside.

But it was cruel luck that gave the Samoans the lead again 36 seconds after half-time. The ubiquitous Vaega kicked ahead over the Welsh line and raced Robert Jones for the touchdown. To everyone in the stadium it appeared that Jones had won the race.

Television later confirmed it but French referee Patrick Robin, 25 yards behind play, gave the try.

Jones said: "It was very close but I definitely got to the ball first. It's disappointing but you have to accept it."

There could be no complaint over the second try 11 minutes later, a breathtaking handling move ending with flanker Sila Viafale striding over the line.

In theory, Wales can still qualify with games against Argentina and Australia. But the bookies know otherwise and Welsh odds have drifted from 66–1 to 250–1.

Wales—Tries: Emyr, Evans. Con: Ring. Pen: Ring.

Western Samoa—Tries: Vaega, Viafale. Con: Vaea. Pen: Vaea (2).

[From the Western Mail, Oct. 7, 1991]

SHAMBLES! WALES FACING CUP EXIT

(By John Kennedy)

Wales is on the brink of a humiliating early Rugby World Cup exit.

The 16–13 defeat by unseeded outsiders Western Samoa at Cardiff Arms Park yesterday left Ieuan Evans's team facing the humbling prospect of failing to qualify for the quarter-finals.

With two Pool 3 matches left to play, against Argentina on Wednesday and cup favorites Australia on Saturday, Wales have to win against the Pumas to stay in the 16-nations tournament.

Defeat under the Arms Park floodlights on Wednesday night would virtually condemn Wales to having to play through the area qualifying rounds for the 1995 tournament—against countries like Italy, Romania, Spain and the Netherlands.

With a win over the Wallabies in five days an extremely long shot, the best Wales could hope for is a three-country tie for the runners-up spot.

That would require Argentina beating Western Samoa on Sunday and then the quarter-finalist place being decided on try count.

Whatever happens, Wales are already the first of the "big guns." the seven senior members of the International Rugby Board, to lose to one of the unseeded countries in World Cup tournaments.

It was yet another black day for the national game in the wake of the disastrous summer tour of Australia that ended in a record 63–6 Test defeat.

Back home they have now won just two of their last 13 internationals at Cardiff Arms Park. Western Samoa joining France (three times), England, Scotland, Ireland, New Zealand and Romania in winning at the ground in the past three years.

This time Wales were put on the road to defeat by a dubious refereeing decision by Frenchman Patrick Robin and the loss of three key players with injury.

"I touched down first," Wales scrum half Robert Jones said of the try awarded to Samoan centre To'o Vaega just seconds after halftime.

"It was close, but my hand got there," Jones added.

Former Welsh rugby full back J P R Williams summed up the post-match mood by saying, "In a word—embarrassing."

Former wing J J Williams said, "It was a shambles. We were outclassed. Western Samoa had far more skill than us."

Embarrassed fans said after the match that Wales were just 20-minute wonders against the Western Samoans.

"If they had played like they did in the last 20 minutes we would have won the game," said Julian Levell, of Cardiff.

Colin Durham, of Cwmfelinfach, said, "The first half was very busy and in the first 10 minutes of the second half we were nowhere in it, but the last 30 minutes were much better."

"If our performance had been that good earlier on I don't think we could have lost."

[From the Western Mail, Oct. 5 1991]

WARRIOR WILLIAMS READY FOR BATTLE

Ethnically, Bryan Williams is "part Samoan." For Rugby World Cup—and especially tomorrow lunchtime at the Arms Park—he is Samoan to the last drop of adrenalin pumping up his still hypercompetitive instinct.

The sinuous New Zealand wing of the 1970s, who hunted like a black panther on the prowl, was never on a losing side against Wales in three Arms Park matches. He is doing his best to see that nothing changes.

"No falling off! Drive, drive, drive! Those guys will die for their country," he demanded of the Western Samoan players pounding across the Sophia Gardens turf and showing no signs of either falling off or relaxing. They willingly worked themselves into a fresh lather of sweat. Then or now, Williams has never looked for the easy way.

"Yeah, the Arms Park was always a ground with very fond memories for me. Brilliant atmosphere. The thing that sticks in the minds of most visiting players is the singing," he said later in the hotel.

"I'll never forget my first international there in 1972. It coincided with the first time a game from Cardiff had gone out to New Zealand on a live telecast.

"We knew our family our friends and the whole country were right there sharing that game with us. It was an occasion which almost drained the emotions.

"It will help that I've been there, also several of the players from our 1988 tour to Wales. The rest know it will be a cauldron and they have a cope with that."

His role with the players who face Wales tomorrow is technical adviser. "That title covers a multitude of sins," grins Williams who, at 40, covers as much ground today as he did 20 years ago in winning 38 caps for the All Blacks.

He is Auckland coach, Samoan coach in partnership with Peter Schuster, a lawyer by profession and a busy family man with four children.

He is not a conventional big name hired hand for these maraudering South Pacific islanders. His heart beats for those dots in a vast blue ocean where Western Samoa is home to an estimated 6,000 players.

"My roots go deep there. My father was born in Western Samoa, my mother is part-Samoan, my sister has lived there for 10 years, my grandparents are buried there," he says. His loyalties are firmly anchored.

He fondly weighs up the rugby strengths and weaknesses of a nation that absorbs the game as an extension of life itself. "You see this overwhelming love of rugby everywhere. It is played on village streets, on rough cut fields and on the beaches.

"It is a game that is synonymous with the islands. It suits Samoans because they have this marvellous exuberance for running, passing and handling. Their physically aggressive style is part of their nature.

"It is a joy working with them. They are fun. For them, it is sheer enjoyment. They are also disinterested by all the trappings of the modern game, such as the commercialism.

"Back home as coach to Auckland, I work with many of the All Blacks. There is no comparison because those players take it far more seriously.

"My Samoans play an open game that corresponds to their approach to life—let's give it a go, let's run with the ball. . . that is their philosophy.

"That said, the New Zealand influence is rubbing off on these guys. They are starting to train the same way and respond to the same disciplines."

The years will roll away for Williams as he sends his warriors out onto the turf where he once battled with Gerald, JPR, Gareth, Barry and the rest. He didn't know what it was like to lose an international in those golden "70s for Welsh rugby. He doesn't aim to start now.

[From the Western Mail Sport, Oct. 7, 1991]

WALES TRAPPED IN THE "QUICKSANDS"

(By John Kennedy)

WALES 13 PTS—WESTERN SAMOA 16

A decade of neglect came home to roost with the lunchtime vengeance of a horde of vultures at Cardiff Arms Park yesterday.

Time conclusively caught up with Welsh rugby just when it mattered most.

Humiliation for the already emaciated body of the national game came on the greatest stage of them all.

The Arms Park may not have been full, but the millions of eyes of the Rugby World Cup watching audience witnessed Welsh rugby plumb new depth.

But if those 80 minutes were the final live transmission proof of the alarming decline of the national game, the causes stretch back lot further in time.

To the time when Wales thought the conveyor belt would simply carry on rolling out the ready made world class goods without any oiling of the wheels.

No matter how often or how painful the lessons handed out by the likes of Australia and New Zealand, on and off the field, time stood still for Wales.

While the rest of the world were taking those selfsame lessons on board—who dares call Western Samoa 'minnows' now?—Wales were locked in a time warp.

Instead of building up the pyramid from a solid base, the schoolboy level. Wales were building on shifting sands.

Yesterday, those sands became quicksands, sucking the image of the Welsh game down to an all-time low.

Work has belatedly begun on getting the structure right at schools, under 19, 20, and 21 levels.

But for the senior class of '91 it has been to little to late.

Now they find they are being out-muscled and out-thought by a nation not even considered good enough to be invited to World Cup 1 four years ago.

Even the innate Welsh way to counter the former—call it cunning—has been lost. And that is perhaps the saddest thing of all.

However, first and foremost, full credit to Peter Fatialofa's dynamic Samoans.

INROADS

As fully expected, they rocked Welsh ball-carriers with some tremendous tackling that first stopped them in their tracks and then put them in undignified retreat.

Fly half Stephen Bachop controlled and conducted things quite superbly while the big men—and that was most of the side—made huge inroads with their powerful running.

Be it the back row, all of whom were outstanding, or the midfield men like Frank Bunce, the result was much the same.

Wales flanker Emyr Lewis, forced to switch to No. 8 as the Welsh injury toll mounted to the three permissible replacements was immense.

But for many of the rest there were only moments when they had any significant impact—and that was never going to be enough.

After 'eye-balling' the Samoans as they conducted their pre-match Polynesian challenges. Wales found themselves viewing a scoreboard on which they were never in front.

Mathew Vaea and Mark Ring exchanged first half penalties, but the second half was merely seconds old when the Samoans took a lead they never surrendered.

Referee Patrick Robin ruled that centre To'o Vaega beat Robert Jones to the touchdown—though both first and second impressions proved otherwise.

But, as they say, that's history and the only thing that counts is the referee's decision.

Vaea converted and 10 minutes later there was no dispute when flanker Sila Vaifale crossed after some frantic and frenetic play.

Having already lost Phil May with a dislocated shoulder, Wales then lost Richie Collins (shoulder) and Tony Clement with a bruised hip.

That brought Martyn Morris, Garin Jenkins and Mike Rayer into the action, full back Rayer winning his first cap.

But the real disruption was up front. No. 8 Phil Davies switching to the second row and hooker Jenkins packing down at flanker.

Through all that, Wales finally came to life with a Lewis drive enabling Mike Haile to put Arthur Emyr over. Ring converted.

But a second Vaea penalty gave the Samoans a double-score cushion, and Wales skipper Ieuan Evans's late try was only an indication of what might have been.

The reality, however, is that Wales are left walking a World Cup tightrope.

Wales: A Clement (M Rayer, 46m); I Evans (capt), S Gibbs, M Hall, A Emyr; M Ring, R Jones; M Griffiths, K Waters, L Delaney, P May (M Morris, 29m), K Moseley, E Lewis, P Davies, R Collins (G Jenkins, 51m).

Scorers: Tries—Arthur Emyr. Ieuan Evans: pen con—Mark Ring.

Western Samoa: A Aiolupo; B Lima, T Vaega, F Bunce, T Tagaloa; S Bachop, M Vaea; P Fatialofa (capt), S Toomalatai, V Alalatoa, M Birtwhistle, M Keenan, S Vaifale, P Lam, A Perelini.

Scorers: Tries—To'o Vaega, Sila Vaifale: pens (2), con—Mathew Vaea.

Referee: Patrick Robin (France).

[From the Western Mail Sport, Oct. 7, 1991]

RUGBY FACES A CRISIS OF CONFIDENCE

(By Michael Boon)

This was the worst result for a British team on any sporting field since the USA beat England 1-0 at Belo Horizonte, Brazil, in soccer's 1950 World Cup.

The defeat of Wales was that sensational, that bad, that humiliating.

It took England another 16 years to come back and win the World Cup. You could be looking at a Welsh rugby revival taking just as long.

At national level, the game is where many of the players spent Sunday lunchtime . . . on the seat of their pants as they were knocked backwards time after time.

There is more and it is worse. After this result, rugby is no longer the national game of Wales—in terms of achievement, football is now the sport that speaks for Wales.

The next two weeks will show whether that is a passing aberration. If the rugby team now loses to Argentina and Australia, it will cease to be the game that starry-eyed youngsters want to play.

HORROR

And if Terry Yorath's football team again beat world champions Germany in Nuremberg on October 16, that is the sport that will fire the imagination of those tens of thousands of boys.

It is a crazy, incomprehensible turnaround that reflects how far rugby has dived since 1987 when Wales came home from the first World Cup in third place. The crisis is that savage.

The empty corridor outside the Welsh dressing room told the entire story. Where once there would have been hundreds of autograph hunters, there were six.

Scott Gibbs, one of the few players with real class, must have wondered about the Rugby League offer he rejected. He gave up financial stability for the rest of his days because he was intent on playing in the World Cup—and his was the most visible error of them all.

To his credit, he did not tiptoe around his moment of horror as he dropped the ball after Wales had put together the finest move of the match. "The gap was there, the ball was mine," he said flatly.

"It was a lapse of concentration because I thought the ball was going wide. No one needs to tell me how crucial a try would have been at that moment in the second half just as we were starting to put our game together."

The gesture that said it all came from Phil Davies. He sat on the Arms Park turf in total dejection in that sickening moment of defeat by the 100-1 outsiders, his head bowed as the Western Samoans celebrated all around him.

"We've got to come back and win the remaining two matches in our group. We can still do it!" he insisted later. Statistically, yes, but is the spirit there to pull the fat out of the fire?

"It is," he retorted. "It is not all gloom and doom. We made enough chances to win. We've worked too hard to see it all come apart now."

Brave words, Phil. At this appalling moment after the worst 80 minutes in the history of Wales rugby, the World Cup is further beyond the reach of Wales than it is of those impoverished islands in the southern oceans.

Whoever could have predicted that such a day would come to pass?

[From The Times, Oct. 7, 1991]

SAMOANS INFLICT CRUSHING BLOW ON WELSH PRIDE

(By Gerald Davis)

Wales	13
Western Samoa	16

Western Samoa created a piece of rugby history at Cardiff Arms Park yesterday. In their first appearance on the World Cup stage, the small nation, with barely 2,000 players, succeeded brilliantly in inflicting a defeat on one of the traditional bastions of the game.

With an intense performance of powerful forward play, commitment to winning and keeping the available possession, the Samoans sent Wales, with their reputation grievously dented once more, reeling back to their camp to ponder what happens next. Indeed, this outstanding victory by a goal, a try and two penalties to a goal, a try and a penalty, raises the further question as to what other surprises are in store in the remaining matches in Pool 3.

On being asked back in the summer, on Manly Beach outside Sydney, to define the strengths of Western Samoa, their manager, Tate Simi, replied with a smile that none of the World Cup countries believed they had any. With an even broader smile, his team should have left no one in any doubt after yesterday's match what these strengths now are.

They have clearly absorbed the immense practicality and discipline of many of the All Black, virtues reinforced by the presence here of eight players from New Zealand's provincial unions, and married them to their own native enterprise and flair. Above all, their fierce and firm tackling, high but legitimate, left the Welsh players strewn on the ground and needing attention. May, Clement and Collins suffered the most and had to be replaced by Morris, Rayer and Jenkins. The rehabilitation centre in Brecon, rather than their Cardiff hotel, might well be a better place for further news about Wales this week.

In other ways, too Wales are sick with too many griefs. There is no respite to their decline. This match, pronounced beforehand as the most significant in their 110-year history, was meant to signal a change of fortune. But it was not to be. They needed a victory upon which not only to build for the future but, more imminently, to carry them onwards to a quarterfinal place. If this, as the pessimists suggested, was a remote possibility to begin with, it is even more remote now, for Wales have to rely on the failures of others if they are to do so.

Those with their hearts firmly on their sleeves will rue the decision 35 seconds after the interval by the French referee, Patrick Robin, in allowing Western Samoa's first try, scored by Vaega. As the winger kicked ahead and chased with Robert Jones for the touchdown, the Welsh scrum-half got to the ball first. Robin was unsighted but awarded the score instead of what rightly should have been a Welsh drop-out on the 22-metre line.

After Vaea's first-half penalty had been cancelled by one from Ring, this try by Vaega, with the conversion, gave Western Samoa a 9-3 lead.

But, in truth, and wrong though the decision was, it was no more than Western Samoa deserved. Such was their command, even in the line-out, where they were expected to come off second best, they were making all the vital running. It was they who constantly held the reins. They made Wales look thoroughly uneasy and sometimes incompetent throughout.

To emphasise this, their second try, by Vaifale, came after a prolonged period of attack when any number of blue shirts were lining up for the score. Wales did threaten to come back after they had experienced their best period when Emyr scored a try which Ring converted to bring the score to 13-9, but Vaea's second penalty put paid to that. Evans scored a second try for Wales in injury time, but Wales could get no closer than 16-13. As Bryan Williams, the former All Black winger, now technical advisor to Western Samoa, said his team had found its place in the rugby sun.

Scorers: Wales: Tries: A Emyr, I Evans. Conversion: M Ring. Penalty: M Ring. Western Samoa: Tries: T Vaega, S Vaifale. Conversion: M Vaea Penalties: M Vaea (2).

Wales: A Clement (rep M Rayer); I Evans (captain), S Gibbs, M Hall, A Emyr; M Ring, R Jones; M Griffiths, K Waters, L Delaney, R Collins (rep: G Jenkins), P May (rep: M Morris), K Moseley, E Lewis, P Davies.

Western Samoa: A Aiolupo; B Lima, T Vaea, F Bunce, T Tagaloa; S Bachop, M Vaea; P Fatialofa (captain), S Toomalatii, V Alalatoa, S Vaifale, M Birtwhistle, M Keenan, A Perelini, P Lam. Referee: P Robin (France).

Pool 3

	P	W	D	L	F	A	Pts
Australia	1	1	0	0	32	19	3
Western Samoa	1	1	0	0	16	13	3
Wales	1	0	0	1	13	16	1
Argentina	1	0	0	1	19	32	1

Results: Australia 32, Argentina 19; Wales 13, Western Samoa 16.

Fixtures: Oct. 9: Australia v Western Samoa (Pontypool, 1pm); Wales v Argentina (Cardiff, 8pm). Oct. 12: Wales v Australia (Cardiff, 3.15pm). Oct. 13: Argentina v Western Samoa (Pontypridd, 1pm).

[From the Times, Oct. 7, 1991]

EVANS ACKNOWLEDGES ISLANDERS' STRENGTH

Wales were sent battered and bruised towards international rugby's second division in Cardiff yesterday, but their captain, Ieuan Evans, praised the Samoan performance, saying: "Their tackling was superb. We were being knocked back a couple of yards at a time.

"We must try to lift ourselves for the remaining matches in the group, and at least this was a greatly improved performance on the one in which we lost 63–6 to Australia in the summer."

About the Samoans' first try, Evans said: "I was only three yards away and Robert [Jones] clearly put his hands on the ball first. The referee was back on the 25 but we have to abide by his decision."

Alan Davies, the Wales coach, said: "Some of our players tried to take them on physically but were coming off second best. Only in the last 15 minutes, when we scored two tries, did we really get going.

"This team has only played together once before, against France last month, and were badly disrupted by Phil May's injury because we did not get enough set-piece possession on which our game-plan was based."

Bryan Williams, the Samoan coach and former All Black wing, said: "This is a great milestone for Western Samoa rugby and our greatest day." As a result, the odds on Wales winning the World Cup have gone from 66–1 to 250–1.

Wales will spend today at a rehabilitation centre in Brecon to nurse their wounds, both mental and physical, although May is almost certainly out of Wednesday's match against Argentina even though his dislocated shoulder has been put back.

Jonathan Davies, the former Welsh stand-off, was playing for Widnes against Castleford yesterday and put on the sort of display the Welsh are sadly missing. He scored a try, set up one for another former Welsh international, John Devereux, and kicked four goals.

Reacting to the match in Cardiff, Davies said: "I'm very sad and bitterly disappointed. Given the way things are, I prefer playing for Widnes rather than Wales. To improve, Wales have got to be much more aggressive, give out as much as they take, improve their tackling and the mobility of their forwards."

Although Wales came third in the 1987 World Cup, they lost to New Zealand in the semi-final 49–6 and the following year were beaten in New Zealand 52–3 and 54–9. On the recent tour to Australia, Wales were beaten 71–8 by New South Wales and 63–6 by Australia, their worst international result ever.

Before yesterday, though, their worst performances against emerging rugby nations were in 1983, when they lost on their first visit to Romania, and in 1988, when the Romanians won 15–9 in Cardiff.

Samoans Make a Mark

Western Samoa is a Polynesian nation based on two main islands, Savai'i and Upolu. The population of 250,000 is spread over 1,093 square miles in the south Pacific. A further 150,000 Samoans live overseas, most of them in New Zealand, 1,500 miles to the south.

The Samoan Islands were first visited by Europeans in the 1700s. Christian missionaries from London settled there in 1830.

The eastern islands (now called American Samoa) were ceded to the United States in 1904. Western Samoa, a former German colony, was administered by New Zealand from 1914 until independence in 1962.

Western Samoa can claim to produce, per capita, the most talented rugby players in the world. Michael Jones and Graeme Bachop, the All Blacks, are Samoans as is Willie Ofahengaue, of Australia.

[From the Western Mail, Oct. 7, 1991]

Wales Totter on Brink of Final Shame

(By John Kennedy)

Welsh rugby totters on the brink of the abyss of the final humiliation—having to qualify for the 1995 World Cup.

Black days in the national game are nothing new in recent troubled times.

But nothing can compare with the potential horrific consequences of yesterday's 16–13 defeat by Western Samoa at Cardiff Arms Park in a crucial Pool 3 lunchtime shoot-out.

Welsh hopes of being spared the ultimate indignity are now largely out of their own hands.

Of course, it is not the knock-out state yet, and Wales still have two Pool 3 matches to play, against Argentina and Australia.

But Ieuan Evans's shell-shocked team have to pick themselves up and beat the South Americans on Wednesday to keep even flickering hopes alive.

Even if they manage that, against a Pumas side who gave Australia a real battle, the Wallabies are still to come.

If Wales lose that one, then they have to bank on Argentina beating Western Samoa at Pontypridd next Sunday.

Because, assuming that cup favorites Australia keep a 100 per cent record, that would leave the other three on five points.

Then it would be a calculator job, probably finally coming down to a try-count.

Four years ago, that was just what happened when Argentina, Italy and Fiji completed their pool matches with one win each.

Fiji finally went through by virtue of just one try more than the Italians.

But if the Pumas beat Wales under the Arms Park floodlights on Wednesday, that will be curtains for Evans's team. Then it would be a winner-takes-all clash at Pontypridd with a quarter-final place at stake—with Wales nowhere.

At the most optimistic, however, the three-way tie is the sort of nail-biting scenario that is the price Welsh rugby has to pay after becoming the first IRB country to fall cup prey to one of the so-called lesser nations.

It stretched Wales's appalling Arms Park run to just two wins and a draw from their last 13 internationals in front of their own crowd.

This was the most sensational result of either this, or the inaugural, World Cup.

After the traumas of the summer tour Down Under. Wales always knew it was going to be a case of trying to scramble World Cup survival and making the quarter-finals.

Caretaker coach Alan Davies and manager Rob Norster knew that time was not on their side as they tried to repair damage going back years.

It all hinged on Wales beating Western Samoa and Argentina. But the South Sea Islanders deserved their day of supreme glory, out-muscling and out-thinking a Welsh team already on the rack before suffering three crucial injuries and the immense injustice of a decision by French referee Patrick Robin.

He was wrong to award a try to centre To'o Vaega when Robert Jones clearly got the first touch.

But referees are only human and Wales should have been good enough to cope with that.

They weren't. And now there is the appalling specter of this once great and proud rugby national having to compete with perhaps Holland, Spain, Romania and Italy merely for the chance to take part in four years' time.

After this, nothing can be taken for granted. That encapsulates just how fast and how far the once mighty have fallen.

[From the Western Mail, Oct. 7, 1991]

Ref's Trying Decision

(By Graham Clutton and Michael Boon)

The try that destroyed Wales in the first minute of the second half—awarded to To'o Vaega and converted by Matthew Vaeu—was wrongly given by referee Patrick Robin.

Robert Jones confirmed what the television replays revealed. "I touched down first. It was close but my hand got there.

"Looking back, it is difficult to understand how the referee could form such an opinion from 20 years away. If he had spoken to his touch judges, he might well have given a different decision.

"It's the way it happens so often: when you are down, luck never seems to break your way."

His words were backed up by wing Arthur Emyr. "I was closest to Robert and there was not a shred of doubt in my mind that he won the race for the ball."

Jones added, "Now we've got to do it the hard way by beating Argentina and Australia.

"It was a bitterly disappointing day. We were well aware of their physical approach; we were equally aware of how much they have improved.

"But this misses the point. We went on the field to play our own game and failed to do so."

There was one shred of good news. The knee injury that Mark Ring sustained was not in the same area as his recent cartilage operation. "I'm confident that I'll be ready for Argentina on Wednesday," he said.

Gareth Edwards summed up the mood of the Arms Park by saying. "How can Wales lose at home to Western Samoa? Because we have fallen to that level!

"Okay, so they scored a try which should not have been given . . . but if it had been disallowed and we had ended up by winning, the result would have wallpapered over the cracks."

J J Williams, another of the great names of the golden era, snapped, "It was a shambles. We were outclassed.

"Western Samoa had far more skill than us; every player showed far greater upper body strength.

"Tactically, too, we were naive. Our main idea was to kick the ball high into the air: when it failed, we had nothing else."

The most capped player of them all, JPR Williams, said, "In a word . . . embarrassing.

"They showed us how to tackle—I thought they were incredible in that department.

"What mystified me is why in the first half we had the ball so often at the back of the scrum. We simply do not have the pack to intimidate anyone.

"Our best plan was to get the ball out and move it. When we did that in the second half as we started to play from 3-13 down, both our wings scored tries. The answer was right there and we didn't see it until to late."

Wales will "take a close look at themselves" over the next 48 hours and put right the problems that have made their chances of qualifying for the World Cup quarter-finals almost impossible.

Team manager Robert Norster said, "It was always a tough group to be in, but having lost against Western Samoa makes ours an uphill task.

"One of our goals was to win this first game, but we have failed to do it. We must now go back to playing our game plan which we didn't manage today."

And coach Alan Davies was quick to defend his side by saying, "I don't think we should take anything away from Western Samoa. They are a good side."

Skipper Ieuan Evans said, "They are a good outfit. They tackled very hard and were always involved in the game."

Skipper Peter Fatialofa said it was the greatest day in Western Samoan rugby history.

Fatialofa, who played a massive part in helping guide his side to the famous Arms Park victory said, "Had we lost it would have put Samoan rugby back 20 years. I am over the moon. It is the greatest day in my life and the greatest day for Western Samoan rugby."

GEORGE LEWIS RUSSELL, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 5 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join with my colleagues today in expressing my sadness over the passing of our friend George Russell. George was a man who embodied the finest qualities of a civil servant. He served for many years with the Government Printing Office before coming to Congress in 1973. While appointed to his position by the majority party, he unfailingly served all the Members in an impartial manner and I considered him a close friend.

I looked forward to our almost daily conversations in which George would share his wonderful sense of humor and outlook on life. And since George was so adept at taking care of business, our conversations could quickly turn to other matters, such as family. George always lit up as he talked about his family—his wife, Helen, son, George, Jr., and daughter, Diane were a source of great pride and joy to him. In fact, his daughter Diane is continuing in the family tradition as a congressional aide for our colleague TIM VALENTINE. And of course what grandfather could resist bragging about his grandchildren—Shantee, Brian and Brenden.

There are certain individuals that always make your day—George was one of those people. Finally, I would be remiss if I did not also share the grief of our mutual friend, former Congressman Gene Taylor. I know Gene valued George's friendship and wise counsel in the ways of the House. We will both miss him very much.

A REPORT ON DESERT SHIELD/STORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, there has been a lot of press concerning the Army decision not to use National Guard combat units during Desert Shield/Storm. Some of these reports conclude that the Guard units were not ready. I want to share with you the introduction and the summary of a report by our colleague, JOHN SPRATT, from South Carolina which comes to a different conclusion.

Along these lines, I have asked the GAO to provide a report on the three active brigades as compared to the Guard roundout brigades they replaced. The Congress needs to know if the resources and reliance on our Guard and Reserve has been well placed or wasted. I believe the answer is it brought us more military capability for our money. It seems clear from JOHN SPRATT's report that all sides of the story are not being told. I urge my colleagues to read the entire report to see a different side.

THE CALL-UP OF NATIONAL GUARD COMBAT UNITS DURING OPERATIONS DESERT SHIELD/STORM

(A report on the South Carolina Army National Guard To Hon. Les Aspin, chairman, House Armed Services Committee by Representative John M. Spratt, Jr.)

INTRODUCTION

When President Bush authorized the mobilization of 200,000 troops to the Persian Gulf, he triggered the first true test of the Total Force Concept. But in its first test, a significant element of the Total Force was left out: combat units from the National Guard. How and why this happened—and the implications—are the focus of this report.

On August 24th, 1990, when Secretary of Defense Dick Cheney published his implementing instructions for the President's call-up two days earlier, he made clear that the Army was limited to 25,000 reserve component combat support and combat service support personnel—personnel specialties which reside for the most part in the reserve components. His decision deliberately excluded all Army National Guard and Reserve combat units.

At this point, the strategy in Saudi Arabia was defensive. The Pentagon was planning only a six-month tour of duty for all troops deployed there. DoD defended its decision by explaining that the call-up's 180-day limit would leave little time for Army Guard and Reserve combat units to muster personnel and equipment, complete training, deploy overseas, and still make a meaningful contribution in the theater.

Seemingly in opposition to the spirit, if not the letter, of the Total Force Concept, the decision to exclude these Army combat units did not sit well with Army Guard and Reservists, especially with those in the so-called "roundout" brigades and battalions. These units train and equip with the active Army, and had been led to expect that when their parent active unit deployed, they would deploy with them. The decision also did not meet the expectations of Congress. In order for reserve component combat units, including roundout units, to be deployed, Congress used the FY 1991 Defense Appropriations Act to add 180 days to the existing 180 day call-up authority.

In early November, three days after the appropriations bill passed, Secretary Cheney announced the call-up of the Army Guard roundout brigades—the 48th, the 155th, and the 256th. At the same press conference, General Colin Powell stated that these brigades would need "work-up" training, which would include a rotation through the National Training Center (NTC).

Despite the fact that elements of the 48th Infantry Brigade (Mech) had rotated through the NTC the previous summer and were certified combat-ready, the entire brigade was required to rotate through again. By the time the brigade completed this training and was certified combat-ready on February 28th, President Bush had proclaimed a cease-fire in the Persian Gulf. Members of the National Guard who were temporarily aligned with the 48th, some of whom are in my district, believe they would have deployed if the war had not ended so quickly. But the fact that they were delayed so long and not deployed continues to rankle.

Since the roundout concept was first formulated, Congress has legitimized it by funding the roundout units with the same equipment and training priority as their parent active component units. Other reserve combat units, which are not roundout units but are "CAPSTONE" aligned to active Army organizations in time of war, are similarly equipped. One roundout unit in the South Carolina Army National Guard, for example, is equipped with M-1 tanks and Bradley Fighting Vehicles. Another unit, CAPSTONE-aligned with the XVIII Airborne Corps, is equipped with Apache helicopters. For these units, a quid pro quo has always been clear: if equipped and trained like active combat units, they would be sent to war like the active combat units.

When the Gulf War came, the reserve units upheld their part of the bargain. They were eager to go, and the fact that they weren't sent with their parent active units has left a rift between the Army's active and reserve component forces. As Maj. Gen. Robert F. Ensslin, Jr., President of the National Guard Association wrote in *National Guard* magazine, "Many of us in the Guard have gained the perception that our combat arms units were put in a position where it was almost impossible to succeed. Because the Army did not need them in Saudi Arabia and because many active Army officers instinctively disbelieve that a Guard maneuver unit (infantry and armor) can be combat ready, they set up a self-fulfilling prophecy."

General Eston Marchant, the Adjutant General of the South Carolina National Guard, puts it even more bluntly: "It adds up to us the way 2 + 2 add up: If the Guard was mobilized, and did well in the theater, the Army would be in worse shape in sustaining the force structure of the active components."

According to Marchant, the question of why the Guard combat units were not sent has been a "source of great agonizing" for National Guard men and women in South Carolina. "It was a matter of pride to start with," said Marchant, "but as the Pentagon drumbeat about readiness stepped up, it became a matter of credibility." The readiness issue is a sore point. "I highly resent the remarks [by Secretary Cheney] that 'the war proved that the Guard was not ready,'" said Marchant.

After hearing similar complaints from National Guard members all over my state, I thought the subject should be investigated. On July 12th, several members of the Committee Staff and I met with members of South Carolina National Guard combat units that did not deploy to the Gulf. The following case studies highlight some of the information we gathered during those discussions.

The decision not to deploy reserve component combat units with their parent units in the active Army has opened a breach between the reserve components and the active Army.

That said, I am not ready to conclude that there was a conspiracy on the part of the active Army, or to believe that the Army sought to discredit its reserve combat components. There were operational considerations driving the type of units needed in the early stages of the conflict. If there were also political considerations, the Secretary of Defense may have felt that the forces deployed could face a long stalemate in the desert, and the reserves would be the first to lose patience. Or he may have foreseen bloody battles on the ground and felt that heavy casualties in the Guard and Reserve would provoke opposition to the war.

These considerations are reasonable, except for one fact: they contradict the concept of the Total Force. The other services were not guided by them. They deployed their Reserve and Guard combat units without the 60-90 days of additional training required of Army reserve components, and their decision was vindicated. Air Force reserve component combat units, such as the 169th Tactical Fighter Group of the South Carolina Air National Guard, acquitted themselves particularly well in the Gulf without the extra training.

Army combat reserve component units had to be "put through their paces," in the words of Secretary Cheney. The Army had long had a system for rating combat readiness, but Army reserve components were made to undergo a formal validation process, in which many felt "the rules were changed." This left an overall impression that Army Guard and Reserve combat components were either not ready or not capable.

My report focuses on just three of the Guard units that could have been deployed during the Gulf conflict. Obviously, I can't claim that these units represent all combat units in the Army Guard and Reserve, but I think I can fairly say that if these units had been deployed with their parent active units, they would have been ready. And if the Army had sought in earnest to test the Total Force, units like these could have been selected and deployed with their parent units in the active Army. Had such units been deployed, they could have trained as roundout units with their parent units in the theater. Instead, they were forced to train with units with which they were not familiar; and they lacked priority when it came to getting spare parts or filling personnel shortages—the shortage of tank mechanics and service support people for the 148th Infantry is a case in point.

The decision not to deploy these units has hurt morale and training. It has also hurt the working relationship between Army active and reserve components. And it has left an important piece missing in the first full test of the Total Force.

Nonetheless, this much at least was learned about the Army's combat reserve components:

First, the combat units in line to be activated sought to be activated—they did not try to avoid service;

Second, Congress did not stand in the way but instead supported the call-up of the reserves; and

Third, units like the 1/263 AR, the 1/151 AV, and the 4/178 FA were ready and capable, and could have been deployed with their parent active units.

All of the above is positive. But since the country is spending large sums on the reserves components and will rely on reserve forces even more in the future, answers are needed about the Army's reserve combat components that Desert Storm didn't provide.

Some of those answers may lie in units like the 1/263 AR, 1/151 AV, and the 4/178 FA. If in fact these units were ready and capable of being deployed, then the shortcomings that rendered other units un-ready may not be inherent in the Guard, as some in the active Army seem to think. Surely it is worth the Army's asking how these units differed from others in officer and NCO cadres, and in training, experience, and equipment.

It also seems worth the Army's effort to ask why its system for combat readiness rating was not ready itself for real conflict, at least with regard to the reserve components. Any system of readiness rating worthy of the name ought to indicate which forces are deployable in combat and which are not; and it ought to tell reserve unit commanders candidly whether their units measure up, and if not, where correction is needed. Further, the Army should establish once and for all at which unit level readiness for combat will be decided. If it determines that readiness needs to be measured at the task force or brigade combat team level, National Guard units should be required to periodically train at those levels.

Much of the confusion concerning mobilization at the National Guard combat unit level probably stemmed from the murky alignment system in place for short-notice contingencies. Insofar as possible, the Army should make clear the alignments it has planned for different contingencies. These plans need to be communicated clearly to both active and reserve components in advance of any conflict.

Congress also needs to be told candidly whether the Total Force is rhetoric or reality when it comes to Army Guard and Reserve combat units. We have bought into the concept of the Total Force with more ardor than DoD itself. Convinced that we are getting skill and experience at lower cost, Congress has been equipping Army reserve component combat units with state-of-the-art equipment, such as M-1 tanks and Apache helicopters. We need to know if our confidence is misplaced, or if the Total Force works for the Army as well as it works for all the services. The three units studied here are only part of the answer; but their case histories indicate that the Total Force should include combat units in the Army reserve and that these units can and should deploy when a crisis occurs.

H.R. 3533—FOREIGN INVESTMENT SAFEGUARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I am introducing legislation to establish several safeguards against an ominous trend in foreign investment in the United States. We all know that the Congress has acted judiciously in the last 20 years to prevent direct foreign investment in certain firms, industries, and sectors of the United States we deem vital to our national security. We have also taken care to require that the administration monitor and verify the rate and type of foreign investment carefully.

The American people and the Congress also recognize that a certain amount of foreign investment is necessary in our system. A fundamental requirement of our economic system is the constant replenishing of capital, of investment, in stagnant industries and new ventures. New investment, whether by Americans or non-Americans, is essential to the engines of growth powering our economy. Without it, our system would collapse. With it, American industries have proven able to continue to grow at the leading edge of technology and services.

Foreign investment is also the unfortunate byproduct of our Federal budget deficit and our trade deficit. Indeed, investment from abroad rushes in to replace the fall in American investment. If foreign interests did not invest in some American assets, growth in those areas would often be stymied, as no American interest would be able to meet the price. These are the facts of our economic state today.

The people of the central coast of California and my colleagues here in the Congress know of my own efforts as chairman of the House Budget Committee to bring down the Federal budget deficit and thereby contribute to the easing of our trade deficit, the boosting of our economy, and the lowering of foreign investment in the United States, and I will continue to persevere in this regard. The significant reduction of the Federal budget deficit remains my top legislative priority. From that accomplishment will flow many, many economic dividends to the American people.

Until that day, however, I believe that my colleagues will recognize that we must continue to safeguard against several real and destabilizing possibilities. It is increasingly apparent that our cultural industries, particularly the entertainment and motion picture industries, are in danger of being dominated by foreign owners. It seems to me that this phenomenon is not healthy for America, nor would it be accepted by any other nation.

In Germany, foreign interests are banned from investing in broadcasting networks and stations. France prevents foreigners from purchasing a majority stake in television firms. In Australia, the print media are protected from foreign ownership altogether, and no more than 15 percent of Australian radio outlets may be foreign-owned. Japan, which does not ban foreign investment in these sectors outright, nevertheless possesses nearly insurmountable cultural and political barriers to foreign investment in such firms.

In a related sector, our film industry is quickly being bought up by foreign investors. Here, again, we ought not to allow our motion picture industry and related firms to be run from abroad. The United States, the center of the film industry, stands to lose both its artistic license and its integrity as a truly American institution through the intangible but sure process of foreign owners' discreet direction, implicit censorship, or pervasive corporate philosophy. I do not doubt that most foreign owners of the entertainment industry are responsible global citizens. But I would like to leave in place a suitable fail-safe mechanism to ensure that America continues to receive the full range of independent artistic expression on a mass scale.

My third concern is foreign investment in our public and privately held public places and services. In my view, we have a right to expect that places of interest and pride will remain the property of Americans subject to American law. Regrettably, our cities, States, and the Federal Government are in poor economic conditions. Given their inclination to look to every resource for revenues, it behooves us to protect cities, States, and the Federal Government from selling off public, State, and national parks. While the prospect of such a sale to foreign investors is not likely, it is perhaps a necessary precaution.

American ownership of historically significant properties is equally important, in my view, and my legislation would prevent foreign interests from controlling places designated by State and national historic registers. Likewise, private areas, such as Cypress Point, with its famous cypress tree, and Rockefeller Center's public park are national public fixtures. The concessions and services at our national parks are fundamentally American in service and style and should remain so. We should preserve these landmarks as American holdings owned and run by Americans.

My legislation does not prohibit foreign ownership of our cultural industries. Rather, it sets a ceiling industry-wide with the hope and expectation that foreign investment will never rise to that level. The bill would prohibit foreign ownership of more than 50 percent of American cultural industries. It seems prudent and reasonable to me to establish a level of foreign investment in this sector above which foreign investment would not be permissible. Given the current pace of investment, it is also urgent. Foreign ownership of an entire firm would remain legal, but the legislation would ensure that a full majority of our cultural industries remain controlled by Americans.

With respect to national parks and landmarks, however, I see no reason to allow the Federal Government to sell off national lands. My legislation prohibits majority foreign control of landmarks now privately held as well as service firms at such landmarks and parks.

Mr. Speaker, these safeguards are urgent. I invite my colleagues' review and cosponsorship of this important legislation and urge its timely adoption by the full House.

H.R. 3533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PROHIBITION OF OWNERSHIP OF NATIONAL LANDMARKS BY FOREIGN PERSONS

(a) IN GENERAL.—Notwithstanding any other provision of law, a national landmark shall not be acquired directly by 1 or more foreign persons.

(b) OWNERSHIP THROUGH CORPORATIONS PROHIBITED.—No corporation may hold a national landmark if 1 or more foreign persons own directly or indirectly more than 50 percent of the total number of shares of stock of such corporation.

SEC. 2. PROHIBITION OF TRANSFER OF AREAS INCLUDED IN THE NATIONAL PARK SYSTEM TO FOREIGN PERSONS.

Notwithstanding any other provision of law, the Secretary of the Interior may not transfer any right, title, or interest of the United States in or to any area of land or water administered by the Secretary through the National Park Service, if, as a result of such transfer, such right, title, or interest would be held directly or indirectly by any foreign person.

SEC. 3. PROHIBITION OF CERTAIN INVESTMENTS IN UNITED STATES CULTURAL BUSINESS ENTERPRISES BY FOREIGN PERSONS.

The Chairman shall prohibit any investment in a corporation by a foreign person if such investment would result in direct or indirect ownership by 1 or more foreign persons of more than 50 percent of the total number of shares of stock in United States cultural business enterprises.

SEC. 4. REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—If any investment by a foreign person would result in such foreign person becoming a 5-percent shareholder in—

(1) a United States cultural business enterprise, or

(2) a corporation which directly or indirectly holds a national landmark,

such foreign person shall register such investment with the Chairman.

(b) CONTENTS OF REGISTRATION.—Each registration required under subsection (a) shall be filed at such time, and in such form and manner, as the Chairman may require by regulations.

SEC. 5. APPLICATION OF ACT TO OWNERSHIP THROUGH NON-CORPORATE ENTITIES.

In the case of an entity that is not a corporation, the Chairman shall apply rules similar to the rules provided in this Act.

SEC. 6. ADMINISTRATION.

The Chairman may undertake such actions as the Chairman considers necessary or appropriate to assure compliance with the provisions of this Act.

SEC. 7. DEFINITIONS.

As used in this Act:

(1) The term "Chairman" means the Chairman of the Securities and Exchange Commission.

(2) The term "5-percent shareholder" means a person who holds directly or indirectly 5-percent or more of the total number of shares of stock in a corporation.

(3) The term "foreign person" means—

(A) any individual who is not a citizen of the United States; and

(B) any person controlled directly or indirectly by 1 or more individuals described in subparagraph (A).

(4) The term "national landmark" means—

(A) a nationally-known private urban square, a private park, and any other private open space used by the public within the United States;

(B) any property within the United States designated as a National Historic Landmark or included on the National Register of Historic Places in accordance with the provisions of section 101 of the National Historic Preservation Act; and

(C) the right or license to provide services within an area of the National Park System.

(5) The term "United States cultural business enterprise" means any enterprise organized under the laws of the United States, any State, or the District of Columbia, that is engaged in the cultural or entertainment industry of the United States.

SEC. 8. REGULATIONS.

The Chairman shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this Act.

SEC. 9. EFFECTIVE DATE.

This Act shall apply to investments acquired after the date of the enactment of this Act.

□ 1740

TIMBER PRODUCTION

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Under a previous order of the House, the gentleman from Washington [Mr. CHANDLER] is recognized for 5 minutes.

Mr. CHANDLER. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in this Sunday's Seattle Times. The article is written by Richard Larsen, a highly professional and respected journalist in our city.

I might add that he is a former staff member of the U.S. House of Representatives. He was in the office of our Speaker, the gentleman from Washington [Mr. FOLEY] before he was Speaker.

The article is entitled "From Timber Towns, a Cry for Compassion."

Mr. Speaker, the article simply points out the total acreage of forest land that has been withdrawn from timber production in our State of Washington. When we consider the wilderness, the parks, other set-asides and now regulations to protect the spotted owl, the total number of acres comes to 9.3 million. Nine million three hundred thousand acres has been taken out of timber production.

The result has been catastrophic.

Mills have had to close. Men and women have lost their jobs by the thousands and more job losses are threatened. The result has been something that the article points out, and that I would like to suggest to my colleagues has been overlooked, the impact on people.

Families are now experiencing as they never have before violence, divorce, drug and alcohol problems, children having problems in school. These greater social costs occur at the same time communities lose tax revenue. Small, rural towns lose the means to deal with these problems.

Entire communities are literally threatened with devastation. People are hurting, Mr. Speaker, and they are pleading for our help. We need legislation this year to address the problem of the spotted owl and timber set-asides. But we also must consider the plight of people who depend on those public forests.

Mr. Speaker, I thank the gentleman for yielding time to me. This is an issue which touches a lot of people in rural areas and that we need to bring to the attention of our colleagues.

I include for the RECORD a copy of the article to which I referred.

[From the Seattle Times, Oct. 6, 1991]

FROM TIMBER TOWNS, A CRY FOR COMPASSION

(By Richard W. Larsen)

It was a loud cry of human pain, but you probably didn't hear it or pay much attention to it.

Carol Owens explained how the anguish of prolonged unemployment and uncertainty about the future can damage even the most resilient psyche in people of all ages—especially the children.

"Children are the barometers of the problem," explained Owens, director of human services for Clallam County. She told of behavioral changes, dropoffs in schoolwork, and other symptoms.

In families that may once have had only minor problems, "there's more violence, more substance abuse . . ." Owens added.

When the fathers are thrown out of work, there's not only loss of the paycheck, but Mom, Dad and kids usually are stripped of medical insurance. Other speakers described other pain, especially the plunge of local economies and the financial crises hitting schools and county government.

If that epidemic of distress were hitting thousands of men, women and children and the major businesses in one of our metropolitan areas, it would be the heart-tugging top story on television and in the rest of the news media.

But all this went without much news play: It was just another description of what's happening to people living away from the media centers—in small towns such as Forks, Raymond, Darrington, Hoquiam.

It all came in testimony during a recent hearing in Olympia conducted by the U.S. Fish and Wildlife Service. Topic: Effects of reducing timber harvests to meet the habitat needs of the spotted owl.

For all kinds of social/psychological reasons, the cries from people in Washington's timber communities haven't caught the attention of many people in urban areas. (On the day of that testimony in Olympia, the top story in Seattle and Tacoma was the financial trouble of Frederick & Nelson.)

In part, it's a symptom of the political and social segregation that has developed between rural and urban Washington. And, because it's complicated and seems to drone on and on, the issue of the spotted owl and timber becomes only a monotonous, background hum in the daily life of most of the state.

The spotted owl rides high on a wide tide of environmental concerns. As one of the witnesses told the federal panel at Olympia, there's a bias among those who, without facts, assume that thousands of acres of Washington forestlands—especially federal forests—are being laid waste by mindless, excessive tree cutting.

During the past century, in fact, the bulk of all federal landholdings across the state have been withdrawn from timber harvest. Data collected by the Northwest Forestry Association portray the chronology of forest preservation in the state (note graph):

During the 1930s Congress created the national parks—Mount Rainer and Olympic—and national recreation areas such as the North Cascades. In all, nearly 3 million Washington acres went into preservation status, including much of the state's commercial-forest base.

During and after the 1970s came the wilderness-area set-asides on other federal lands—the scenic Alpine Lakes, Glacier Peak, Mount Baker, the vast Pasayten, and many others. Another 1-million-plus acres.

New planning that came out of the National Forest Management Act of 1976 produced the biggest-ever removal of federal forestlands from traditional multiple use that included timber harvest—about 3.1 million acres.

As part of that new planning, another 967,000 acres was to be managed for primary uses other than timber production. (The subtotal so far is 78 percent of the original federal forestland in the state.)

The Northern Spotted Owl conservation areas recommended by the Interagency Scientific Committee (ISC) increased the set-asides by 997,000 acres.

And the newest critical-habitat designation for the spotted owl would withdraw an additional 164,000 acres.

That adds up to 9.3 million acres withdrawn from the original 10.3-million-acre federal forestland base. So, noted one woman, timber-dependent communities find themselves struggling to exist on a residual fraction of the total federal forestland . . . and are told they must give up more.

A logger's wife drilled this Seattle writer with a question: "Why is there no compassion for us?" She protested the media's villainization of the timber worker: "We're people who care about the environment. We live here."

At the very least, she lectured me, someone should write it into the record that millions of acres of Washington forests and mountains stand preserved—a vast, rich habitat for hundreds of species of wild animals and birds, offering recreation and scenic opportunity for everyone in the state . . . forever.

OK. There it is.

A CONGRESS TO BE PROUD OF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I will not take the full 60 minutes, I do not think, but I do want to speak about the concept of a Congress that we can be proud of.

It may seem quixotic to come down here in the midst of all the recent mess and outrage, and I understand there will be a poll in the New York Times tomorrow talking about how people feel about the Congress. I want to reverse the way we normally talk about this institution. I want to suggest that the standard we should be working on is the concept of a Congress that we can be proud of, that Capitol Hill, which is the most famous single site in the United States, should in fact be a hill that people look at, that it should in a sense be part of that shining city on a hill that all of us should aspire to.

We have seen wonderful moments of freedom across the planet. We are seeing exciting moments of people getting new-found rights and new-found opportunities to participate. Yet in the end, that freedom comes down to voting, to electing representatives, to having something like the Congress, whether it is in Russia or Poland or Latvia or Lithuania or Estonia or in Cuba, where we hope soon that there will be democracy and we want to be the kind of Congress that we can say with pride, people in Cuba could then look to.

Ms. ROS-LEHTINEN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentlewoman from Florida, a good friend who is such an able Representative.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding to me. I want to say that coincidentally enough, tomorrow begins a very important event in Cuba, which is another Congress of the Communist Party.

Of course, we know what is going to come out of that congress, the same old tired ideas, the same old stale notions about what does not work. We know what does work, and that has been the democratic reforms that have swept over the entire world, not only in Nicaragua and Panama, that tore down the Berlin Wall, and the democratic reforms that are taking place right now in the Soviet Union.

I have no doubt that soon those democratic reforms will take place in my native homeland of Cuba, and I know that the new Americans that are coming up and taking lots of important positions in south Florida, especially the Haitian population, the Cuban-Americans, the Nicaraguans, they all come to the United States because it truly is still the land of opportunity, the land of democracy and the land for everyone to get their fair day in whatever dream they want to make a reality.

I do believe that we have a lot to thank for the Bush administration and the Reagan revolution to help us get to the position where we are now.

Mr. GINGRICH. Mr. Speaker, I thank my colleague from Florida for her contribution. She always represents ably the interests and the cause of freedom and self-government.

What I want to say in the next few minutes is going to sound very naive and very optimistic, and people are going to say, how can a Member of the House who has been here for a while and who serves in the leadership, how can he say these naive optimistic things?

One of the most important moments in my life was sitting on the Capitol steps during President Ronald Reagan's first inauguration in 1981, in January. He was being sworn in. We were in the middle of a malaise. We had 13-percent inflation, 22-percent interest rates. The economy was decaying. The Russians were invading Afghanistan. People felt terrible about things.

We had almost lost our way as a country.

President Reagan stood there and as part of his first inaugural address he said, we have every right to dream heroic dreams. After all, we are Americans.

I want to talk about a heroic dream, a dream that was held by Washington and Madison, by Jefferson and Monroe, by Benjamin Franklin and by Adams, a dream that extended across the planet, a dream that we have heard in the last few years from this particular place, from Lech Walesa, when he was the head of Solidarity, from Vaclav Havel, the President of Czechoslovakia, from Violeta Chamorro, the new President of Nicaragua, from Salinas, the President of Mexico, and in luncheons around this Capitol, from Boris Yeltsin, the first freely elected President of Russia, what each of them has said.

It really affected me because I was there personally. I was able to witness it. I know what happened.

What each of them said was that the American dream, the American belief, the American commitment to freedom had changed their country; that they, whether they were Mexican or Nicaraguan or Polish or Hungarian or Russian, they owed America, because the American solution was sweeping the world and because our concept of human rights, of being endowed by our Creator with certain inalienable rights, of being allowed to pursue happiness, that these basic conditions of a free press, free property, trial by jury, the concept of the law, free elections with a secret ballot, all of these things had come together and that the American solution adapted in slightly different ways in each country was in fact opening up for human beings whether they are Lithuanian or Latvian or Estonian or Russian or Polish or Hungarian or Mexican or Nicaraguan, was opening up for human beings the possibility of greater happiness, greater prosperity, a better future, more safety.

Then we come to our own institution. I want to say that there can be nothing to make one prouder, except getting married and having children, than to be allowed to serve in the Congress, to swear to uphold the Constitution, to know that your fellow citizens freely elected you to the greatest deliberative bodies in the world, to be here in the people's House, to know that one stands on 200 years of tradition of people being elected, coming from all over a great Nation, meeting, arguing, talking, debating, voting, and yet that process goes back more than 200 years all the way back to the Founding Fathers, to the provincial assemblies of Virginia and Georgia, and across the 13 Colonies, and back beyond them to the House of Commons in England and finally to the Magna Carta from 1215, a copy of which is on display here in the Capitol to remind us that we represent now almost 800 years of people trying to find a way to organize and protect and safeguard freedom and to give human beings opportunity.

In that sense, I want to argue that there is a simple basic standard that we have to move toward. First that we have to be committed to honest self-government, that we are here as servants of the people, that we are stewards of our heritage, that we have an obligation to shepherd our Nation into a better future and that as servants and stewards and shepherds, we have to uphold a standard worthy of freedom and worthy of a free people.

So honest self-government should be our battle cry. It should be our commitment as Members of the Congress.

Second, we have to be committed to the concept of a Congress one can be proud of. We have to have that feeling that no matter what that day's news story is, no matter what that evening's television story is, no matter what the comedian's latest joke is, we can stand at the bottom of that Hill and we can tell schoolchildren that this is the Capitol of the United States, this is the Congress and that on this Hill men and women gather freely to represent free people who honorably debate, who honorably argue and who engage in a process of legislation as the result of which 260 million people scattered across a great continent are able to lead a future peacefully together.

This concept of a Congress one can be proud of is pretty simple. It is a concept that frankly all of us fall short of. It is a concept that I have to confess on occasion I have fallen short of, but it is the right standard. It is the right principle.

Does it make one proud to serve in the Congress? Does it make one proud to recruit people to run? Whatever party one belongs to, instead of saying I do not want to go there, I do not want to be part of them, do not want to get involved in that, we ought to have a standard that is high enough and tough enough and real enough and firm enough that people can say with pride, "Yes, it would be a great honor. I wish I could join. I would be proud to someday be in that body legislating and serving the Nation."

Let me draw a distinction. We have always had jokes. It has always been something to laugh about because I think part of the way a free people deals with power is to laugh about the people who have the power.

It is true that Will Rogers is right out there in the hallway, his statue facing the House door, because he said he wanted to keep his eye on the boys. It is true that in the 1880's Mark Twain said the only common criminal class in America is the Congress. It is true that over the years humorists have made jokes, but there is a difference between jokes being made about you and becoming a joke.

We cannot tolerate a level of cynicism, a level of despair, a level of almost neolithic self-destruction in which we allow the institution to decay so that the institution ceases to have self-respect. Because in a free society, one cannot govern with raw power. One is not going to have a secret police. One is not going to be able to enforce one's will at a sword point and bear that point.

One is not going to be able to shoot people. One can only, in a free society, enforce power by authority because people believe in you, because in the end, they are willing to do what collectively you have concluded.

□ 1750

Now I must say that in the process of honest self-government it is not always easy, it is not always possible to reach out and know exactly what you are doing, and know for sure it is going to be the right thing. And when you get 435 Members here, and you have 100 Members in the Senate, clearly sometimes there will be human weakness, sometimes there will be errors, sometimes there will be mistakes, and that is just the history of bringing together 535 human beings.

But there is a difference between the standard for the institution and the occasional failure of the individuals, and we cannot allow the institution to decay until it comes to reflect the most mediocre or the lowest standard individuals can attain. So we face I think an institutional crisis, a crisis not just illustrated by the Sergeant at Arms account, or illustrated by various reports on other kinds of things, but a core crisis of how people see this building, because there is something very, very almost sacred here. There is the repository of the dream and the hopes and the fears of the people of the United States. This is the room in which people come to argue, and if the system is working right, people should go and file for office because they truly want to represent and speak for and argue for the hopes and dreams of folks back home. And then everybody in the neighborhood should vote and pick somebody they want to represent them, to speak for them, to serve them.

Then, when that person arrives here, they should bring the messages from back home: Here is what the reality is like, here is how the economy feels, here is how the people feel about crime, here are their concerns about health and education, and then honorable men and women, operating in an honorable process, should work in an orderly way to have legislation occur in such a manner that everybody is able to have their rights protected, that everybody is able to have their chance to speak, that everybody is able to bring witnesses, that the schedule allows everyone to be represented so that in the process of the 2 years of a particular Congress the country can say that those folks up on that Hill in Washington are doing their job. They are doing the right thing. They are doing it honorably. So even when people disagree, they can support and improve the process, because very often in life everyone who is an adult knows we do not always get our way. But if we have a fair chance to make the argument, then we can abide by the group decision.

What gradually kills a system of freedom is when we gradually become corrupted by power, we become corrupted by institutional protections. We get to a point where we no longer have to be fair to the American people. We no longer have to be open with the American people. We no longer have to give the American people a real chance, a real chance to elect people with fair elections in which challengers have a reasonable chance of winning, a real chance to have their voice heard by scheduling key issues to come to the floor and be voted on, a fair chance to amend and to vote on things, and a fair recorded vote so that the people back home can see and they can measure whether or not their representative in fact represents them anymore.

The reason I think we have a growing alienation and a growing sense that the Congress is no longer representative, and the House is not really the House of Representatives, it is now the house of aristocracy, is because people feel they cannot reach their Member, that they cannot have themselves spoken for, that they do not get a fair chance, that somehow the system is designed so that they never win, they never get a vote, they never get their bill heard, they never have their voice heard, and the membership is gradually like an aristocracy, growing further away, and protecting itself in ways that people cannot get to.

We can spend a lot of time, those of us who love this institution, who believe in freedom, those of us who believe in the legislative process, we can spend a lot of time running around and chasing after each scandal. We can wait for the next headline to blow up. We can run out and say let us go solve that one, or let us pretend it did not exist, or figure out a good, plausible explanation, or say gee, at least I am not involved. I do not think that is good enough. I think if there is truly love for freedom, and there is truly care about the process by which human beings govern themselves, and about honest self-government, if we truly care for America's future, really want the Congress to be one we can be proud of, then I believe we have an obligation to design a standard that we are prepared to defend in public, to have an open, accountable institution that has standard we can agree on, that is willing to face the public and say yes, we do these things because they are necessary to function as the legislative body. We do these things because it is necessary to represent 260 million people, and we are prepared to educate any of you and open up and show you how we operate so that you can see that you are in fact truly being represented in Washington, DC.

I just want to say to my colleagues we are playing a very dangerous game when we run away from the alienation and the antagonism and the hostility we face today. We should instead be listening to the American people. We should be trying to understand what they really want, because collectively the American people are amazingly smart. They do not want a dictatorship. They do not want some silly childish system where they get their way every morning and no information matters. What they do want is a sense of being heard, a sense of fairness and a sense of fair play. They want a sense of honor and dignity and reasonableness, and they want to know that we are setting up a system that operates not primarily for the benefit of a political aristocracy, but instead for the benefit of the American people. And they recognize that we have to have a Republican representative form of government in which we select somebody and send them here, and they recognize that in a healthy system the folks who come here are going to know more than the folks who stay back home. But they want us to be connected enough, and they want us to be open enough, they want us to be back home enough and available enough that we can experience what they experience and that we truly represent them. That is why it is called the House of Representatives.

I want to suggest to my colleagues that the term limitation movement is a pretty good indication of the level of alienation. If Members look around they see a steadily growing pattern across the country of support for term limitation. They see more and more people giving up on the old system, giving up on the process of being able to elect people as long as they want to. The reason I think is quite simple. People are coming to the conclusion that as bad as term limitation is, and let me say that while I am a supporter of the constitutional amendment I think it is the second worst choice we have, the worst one being the current system. I think there are many better things we could do than term limitation, but I do no see any evidence that the Congress will do them. I see term limitation as a last resort, not a first resort. But I see it as a vital resort, because I think it is necessary as a club and as a warning signal to say to the Congress and the political aristocracy, "You must change."

When we see 70 percent, 75 percent, and 80 percent support for term limitation, when we see the article last week by George Will in which he came out for term limitation and said that he had changed his mind, he had been wrong, and that watching the Philadelphia City Council and watching the U.S. Congress had convinced him there is a political aristocracy, and that it is inclined to be entrenched, and that it will not change or reform itself. But what we are being told, those of us who love the House, is that we better clean up the system, we better create a Congress we can be proud of, and we had better create a standard of honest self-government or the American people, in as crude a manner as necessary, are going to force traumatic, radical change, because they are fed up.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Michigan.

□ 1800

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman for doing this special order. I was attending a meeting of about 10 or 15 other Congressmen in a Member's office and caught just a little bit of what the gentleman was talking about and wanted to come over and reinforce what he has just said.

You know, most of the Members, I would say all of the Members that run for Congress, do so for the best of reasons. I remember the night that I was elected back in 1984, how proud I was to be a Member-elect and how I was looking forward to coming to join this body with great pride, and my family and my friends and all of our supporters.

Quite honestly, I must say today that I am still proud to be a Member of the House of Representatives, but I do not think the American people are very proud of the House of Representatives. We have got to do something within ourselves, the current membership, to begin to address some of the fundamental problems. If we do not, the people are going to lose total credibility in this body as an institution, and if that happens, we have got serious problems as a nation.

I do not have an action plan for the Member from Georgia tonight, but I am mulling several things in my mind to try to begin to address some of the problems the gentleman has been speaking of. I do have an acronym though. I do have a name for it. I think we ought to start a "get real" club in the Congress, and "get real" would stand for "genuine effort to reform every American's Legislature," which is the House of Representatives, the U.S. Congress. I think that the American people want us to get real. I think they are tired of the U.S. Congress living a lifestyle that the average American cannot relate to.

I think the American people expect, especially Members of the House, which is the people's body, to be of the people, by the people, and for the people—and not above the people, beyond the people, and out of touch with the people.

So I just wanted to come over and commend the gentleman from Georgia [Mr. GINGRICH] for having the intestinal fortitude to address Members of the body about some of the fundamental problems.

I certainly look forward to working with the gentleman to provide some of the solutions and hopefully we can do this very quickly. I do not think there is much time left ticking on the clock.

Mr. GINGRICH. I appreciate the gentleman's comments, because I think the fact is that this should not necessarily be a partisan effort, but the fact is that every Member who cares, and I like the gentleman's "get real club," genuine effort to reform every American's Legislature. Is that correct?

Mr. BARTON of Texas. Right; right.

Mr. GINGRICH. Just so we make sure that I have this down pat here. That is, it seems to me, what people want back home. People do not expect miracles. I think baby boomers are growing up. They are now old enough, they pay credit cards. A lot of them have had children. They have seen life. They understand that everything is flawed and everything has limitations, and that even if, as Reagan said, we have every right to dream heroic dreams, we also recognize that the dream of the house we are going to own may not quite end up being the house we own, but it is a pretty good step in the right direction.

I think, similarly, people do not expect the Legislature to be perfect, and people do not expect legislators to be perfect. But they do expect us to establish a standard to which the wise and the honest may repair. They do expect us to set the patriotic needs of the Nation above the personal convenience of the politician, and I would hope that we could, in the next few weeks, respond not by hunkering down and hoping the press will go away and hoping the public will forget it and moving on, not by waiting for the next scandal to blow up or the next big news story to break, but, instead, I would hope on a bipartisan basis that those Members who care about honest self-government could begin to really work together, not trying to chase all the problems, because I do not think you are ever going to solve problems in this Congress by running around after each minor problem.

I think, instead, you have get to set a standard. You have got to decide what is fair, what is a reasonable principle, and a standard is not just about things like banking accounts or things like travel or things like parking or all the things you see in the paper. It is also standards of what legislatively should you expect. What would an honest, accountable, open legislature look like?

I think, interestingly, there have been at least two great waves of reform in this century. The Progressive Movement, about 1902 to about 1914, had a tremendous impact on the Congress.

The discharge petition we still have is an example of that. It is interesting to watch how a generation of reform gradually decays. The original discharge petition, when passed by the Progressives in the rebellion against Speaker Joe Cannon in 1910, required one signature. Any Member could walk in and say, "I want that bill to come to the floor," sign it, and it would be discharged. Gradually they decided that one was too few. Then it required 100 signatures. Then it required 218. Then they made it secret. Over about a 24-year period, there was a gradual drying up of the initial Progressive impulse toward openness, and it became a more controllable system, the one we have today.

Maybe one of the things that I have been thinking about is to require 100 signatures to discharge a bill, and the petition is open, so it is out in the public where people can see it, and if your Member tells you he is for the bill, you can see whether or not he signed the discharge.

Mr. BARTON of Texas. If the gentleman will yield further, I think the gentleman is aware and participated in the discharge process in the last session of Congress which, for only the second time in history, we were able to get the balanced budget amendment to the U.S. Constitution onto the floor, and that took really two sessions worth of effort to be successful in the last session, and I think the gentleman's reform about 100 signatures and making it an open process would be a tremendous step in the right direction, if you get 100 Members willing to sign their name that something should be considered, that is approximately one-fourth of the House of Representatives, and that is certainly a significant enough percentage of the body that the issue should be heard.

I think the gentleman well knows that many issues that the American people support are never reported on or debated on the House floor simply because the majority, for whatever reason, bottles them up in committee, and they are never even heard.

So I think that is a great idea.

Mr. GINGRICH. That is only one of many, many things we could do to open up the process to give the average American a much better chance to have influence and impact here in the Congress.

There is a second wave of reform. The Progressives were from about 1902 to about 1914. Then the Congress went along stabilized for a long stretch, and then in 1974, the Democrats elected a class who came in as real reformers, and as one of them said in an Atlantic Monthly article about a year ago, they arrived as real reformers, and within 6 months they turned into survivors. But there was a brief period where there was a real burst of reform effort and change in the power structure of the House, change in some of the rules, so we do know that it is possible in this century to change things. We do know that the American people can have an impact. We do know that if people are aroused and are positive, they can make things happen.

I want to emphasize two points here. The first is that I think our primary effort ought to be positive, not negative. It should be to design the architecture of the Congress we would be proud of, not to tear down the system that currently exists.

I think, frankly, that if we could state clearly enough a positive vision of representation, the current model would fall away of its own weight, and we would find ourselves in a much more positive, much healthier, much more desirable future.

Second, I think, has to be an effort on our part to arouse the American people. I want to say this directly to every person who might be listening or who might later on read this, the great enemy of honesty and decency and representation in America is not the Democrats and it is not the Republicans. It is cynicism and despair. The great enemy of truly reforming and changing and improving Capitol Hill is not the professional politician. It is not the PAC's. And it is not the unions. And it is not businesses. It is the voter, the potential American voter, who gripes when they watch the evening news and does nothing, who complains at Sunday lunch and does not register to vote, who goes down to the local bar and talks with great contempt about Congress but does not even register.

You know, if every citizen who got mad in the last 2 weeks about the Sergeant at Arms story would go register, if they would commit themselves to voting next year, if they would engage themselves to run for an office if they cannot find anybody else available to run, then you would have a new generation of fresh blood and fresh energy and fresh activity, but the great problem those of us who want to reform the system have faced is, you cannot reform a system from within. It is just not the nature of how it happens.

You have to arouse a grassroots groundswell of support, and then you have to have people who are willing to go register to vote, who are willing to put on bumper stickers, put up yard signs, give money, walk door-to-door, to make a difference for their candidate.

I am not speaking of this as a partisan Republican; whether you are a Republican or a Democrat or a Libertarian, whatever your background is, the way in a free society you change the society is to get active, to do the things that count.

Unlike Russia, we are not asking you to go down and get on a tank like Boris Yeltsin had to do, we are not asking you to physically surround our Capitol Building like they had to surround the Russian Parliament, we are just saying to you that if you truly want to change the place, whatever party you want to belong to, whatever your ideology, you cannot change it if all you do is gripe. You have got to be willing to register to vote and get active and be active.

Mr. BARTON of Texas. If the gentleman will yield further, I would agree with most of that.

I would say that those of us who are in the body need to begin the process within right now, acknowledging that you have to have the grassroots support and the outside influence. I think we have an obligation as current Members to begin that process immediately.

☐ 1810

Mr. GINGRICH. Well, I did not mean to imply that we do not have a major obligation. I think our first obligation is to understand as people who have served here, to think through and to create a standard, a standard of honest self-government and a standard of a Congress that we can be proud of, that we know is realistic, is honorable and is something that can be done.

I think if we were to establish that standard that our job then would be to try to move the specific pieces of reform, to try to encourage all 435 Members to join in on a nonpartisan basis to try to change what is going on.

Then I think people at home could first of all see a positive vision. They could see a heroic dream of representative self-government. They could see an opportunity to be involved in a truly positive experience.

Second, I believe at that point people at home could monitor our progress. They could call their Congressman. They could go to their town hall meetings. They could write letters to their editors or be involved in their radio call-in show. They could begin to help communicate that having an honest, responsible, orderly, decent system that you could be proud of, that you could show your children and your grandchildren and you could say that is the Congress of the United States and I am proud of it.

I think that vision, that model, is something that the gentleman and I and others, both in the Democratic and Republican Parties, need to work together in the next few weeks and lay it out here in a positive way, explain the Congress that could be and then begin a methodical process of trying to pass the reforms, to pass the activities that would make that possible.

Let me just say in closing, Mr. Speaker, that I think these broad concepts, these general ideas, to my mind, I am trying to make just three or four simple straightforward points.

First, that all of us who love the Congress and love the process of American democracy and believe in the vision that our Founding Fathers had of honest self-government, all of us have an obligation not to run and hide, not to be defensive, not to be ashamed, but instead to step up and say, "All right, you are correct. The system as it is currently run is not the system we ought to have. Let's define in a positive way what that system ought to be."

Second, all of us have an obligation to talk it out, to think it through and to make it a mature, responsible, realistic system of self-government, to be willing to say publicly this is what we would implement. This is what we believe would work; not just political speeches, not just grandstanding and maneuvering, but the real reforms we are prepared to live by.

Third, our real job is to gather a positive level of support in a positive way to build up a positive Congress.

Frankly, the decaying and the corrupt and the confused and the inappropriate will tear themselves down if we can build a positive model and we can move in that direction.

Last, I would say to those of my friends, already serving in the Congress, to those staffs who already work here, in the long run I do not think we have a choice. Our choice is not running and hiding and hoping the news media will forget us, because the American public through the term limitation effort, through the radio call-in shows, through the newspapers, they are telling us they are unhappy. They are the ultimate customer. They are the citizens who are sovereign, and they are telling us this is not the way they want Capitol Hill run.

We only have two choices. We can hunker down and wait until the force of public opinion and the force of popular outrage is so great that it just shatters the current institution, or we can form a partnership with the American people. We can form something like the Get Real Club and have a genuine effort to reform every American's legislature, as the gentleman from Texas [Mr. BARTON], has said, and together we can change things in a positive, healthy, mature, adult manner.

I wanted to come before you tonight because I, like everyone else for 2 weeks, have been negative and depressed and defensive and down and angry and frustrated and all the emotions I have heard from all of my colleagues. I just think we ought to put that behind us. We ought to quit being defensive. We ought to roll up our sleeves. We ought to accept the fact that "it ain't been good enough." We ought to go out there and say to the American people, "We hear you and we are going to change it and we are going to clean it up and you are going to be proud of this institution and we are going to give you the kind of Congress that you can bring your family and your children and your church and your neighborhood and your synagogue and you can come right here and you can say that is the House of Representatives and that is the U.S. Congress, and I am proud of the people who serve me and that is what America ought to be like."

So I just want to come tonight and say that the time has come to establish a positive standard of honest self-government. The time has come to establish a Congress you can be proud of, and I hope that every Democrat and every Republican and our one socialist friend who serves here will all agree to reach beyond partisanship. Let us set a firm, positive standard, and let us get on with the business of representing America.

THE CONTINUING CRISIS IN YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, another Yugoslav cease-fire is in effect the seventh in a very short period of time and we can hope that the bloody sage of a ruthless civil war is coming to an end. Over the past few weeks a number of Members of both Chambers of this Congress have made statements and introduced resolutions that show a lack of understanding about the roots of the Yugoslav crisis, and I would like to take this opportunity to set the historical record straight.

It is too easy, Mr. Speaker, to point the finger at the Yugoslav Federal Army and ethnic Serbs since these forces at present hold the edge in military gains. I suggest that such finger pointing historically is inaccurate and morally wrong.

One major issue stands in the way of peace for Yugoslavia. The Republic of Croatia, which wishes to, and should have the right to secede from Yugoslavia, has a population of nearly 1 million Serbs, according to Metropolitan Jovan of the Serbian Orthodox Church, whose diocese is Ljubljana in Slovenia and Zagreb in Croatia.

Some 600,000 of these Serbs live in regions of Croatia near the Serbian border on lands that are overwhelmingly populated by Serbs, a historical fact that has existed for many centuries. These lands are known as Krajina and Slavonia.

The Serbs living in Croatia argue that if Croatia has the right to self-determination, the right to destroy Yugoslavia's international border, so that Croatains will live in a Croatian land, then the overwhelming Serbian populated regions of Croatia have the same right of self-determination to live in a Serbian land.

The Croatians counter that they have the right to destroy Yugoslav borders, an internationally recognized boundary line, but that the borders of their own Republic are sacred. Mr. Speaker, this kind of thinking is contradictory, and I would take the time now to show why it is so.

I begin my refuting a common claim that we have been hearing that equates freedom for Croatia with that of the Baltic States. The Baltic States, Mr. Speaker, were forcefully and illegally incorporated into the Soviet Union following World War II. The United States never recognized this illegal act, and without contradiction today recognizes the Baltic States as independent nations.

Yugoslavia, however, exists as the voluntary, and I repeat, voluntary, formation of a nation-state by the Serbs, Croats, and Slovenes on November 28, 1918. This nation is and has been recognized as a nation-state throughout this century. There is no possible comparison between the Baltic States and Croatia in its bid for independence.

When President Mesic of Yugoslavia was here some 2 weeks ago, Mr. Speaker, he said that the formation of Yugoslavia and the Kingdom of Croat-Slovenian Serbs in 1918, was done under duress. I remarked to him that he and I apparently did not read the same history books.

□ 1820

Mr. Speaker, I have now and I am going to read the Yugoslav Manifesto to the British nation, which was written on May 12 of 1915, and the Yugoslav Manifesto says:

> Austria-Hungary and Germany have imposed upon the Southern Slav nation a fratricidal civil war. Eight million Southern Slavs (Jugoslavs) are condemned to fight against their own brothers and liberators. Large numbers have been expelled from their native soil, or put to death, while the prisons are crowded with political victims.
>
> Today the Jugoslav people cannot give expression to its wishes; its representative assemblies are closed, many of its deputies are in prison or subjected to a rigorous surveillance.
>
> Those of our young men who succeeded in escaping are fighting in the ranks of the Serbian and Montenegrin Armies. We, who at the outbreak of war happened to be abroad, feel it to be our bounden duty to acquaint the civilized world, and above all the British nation, with the true sentiments and aspirations of our people. Our Jugoslav brothers in America, meeting last March at Chicago in a Congress of 563 delegates, have unanimously adopted our programme.
>
> The Serbs, Croats, and Slovenes pray for the victory of the Triple Entente and confidently await from it the salvation of the Jugoslav nation. The conviction that the Triple Entente is fighting for the triumph of the principle of nationality inspired the moral energy and superhuman efforts of Serbia and Montenegro, and prevented their kinsmen across the frontier from utterly losing heart.
>
> For Serbia and Montenegro this war is one of self-defence and liberation, not of conquest; they are fighting to emancipate our people from a foreign yoke and to unite them as a single free nation. The military and political overthrow of Austria-Hungary will for ever put an end to that system of "Divide et Impera" by which our people has for centuries been governed. The Jugoslavs form a single nation, alike by identity of language, by the unanswerable laws of geography and by national consciousness. Only if united will they possess the resources necessary for an independent existence.
>
> The Jugoslavs (Serbs, Croats, and Slovenes) inhabit the following countries: the Kingdoms of Serbia and Montenegro; the Triune Kingdom of Croatia-Slavonia-Dalmatia (with Fiume and district); the provinces of Bosnia, Herzegovina, and Carniola; considerable portions of the provinces of Istria, Trieste, Gorizia-Gradisca, Carinthia, and Styria; and, finally, the Jugoslav zone of Hungary proper.
>
> To perpetuate the disunion of these territories by leaving so many under Austro-Hungarian rule, or to transfer even portions of them to another alien rule, would be a flagrant violation of our ethnographical, geographical, and economic unity, and to this our people would unquestionably oppose an energetic and justifiable resistance.
>
> The Southern Slav people aspires to unite its territories in a single independent State. The internal arrangements of the new State will be determined by the nation itself, in accordance with its own wishes and needs.
>
> The Southern Slav State (Jugoslavia) will be an element of order and of peace. While devoting its whole energies to the cause of progress it will also develop those well-known virtues of its seafaring population which the British nation will be the first to appreciate. Its ports will be open to trade in a manner hitherto unknown, and through them a commercial outlet will be assured to all the nations of the hinterland, especially to the Czechs and the Magyars.
>
> Our people, which professes several religions, and whose tolerant spirit is well known, will crown its national unity by guarantees of religious equality and complete freedom of worship. Sure of the goodwill of our Russian brothers we appeal also to the sympathies of their Western Allies in our struggle for liberty. And in thus appealing, as representatives of a democratic people, to the British nation and Parliament, we look for such support as shall enable the Jugoslav nation, after centuries of martyrdom, to achieve at length its unity and independence.
>
> London, May 12.
>
> This manifesto was signed by the following members of the Jugoslav Committee:
>
> President: Dr. Ante Trumbic, Advocate, President of the Croat National Party in the Diet of Dalmatia, late Mayor of Split (Spalato) and late member for Zadar (Zara), in the Austrian Parliament.
>
> Members: Dr. Ante Biankini (of Starigrad, Dalmatia), President of the Jugoslav Committee in Chicago, U.S.A.; Dr. Ivo de Giulli, Advocate, Town Councillor of Dubrovnik (Ragusa), Dalmatia; Dr. Julije Gazzari, Advocate, late Town Councillor of Sibenik (Sebenico), Dalmatia; Rev. Don Niko Grskovic, President of the Croatian League in Cleveland, U.S.A.; Dr. Hinko Hinkovic, Advocate, Member of the Croatian Parliament and Croatian Delegate to the Parliament of Budapest; Dr. Josip Jedlovski, Advocate, Secretary of the Slovene Society 'Edinost' and of the Croat School Union in Trieste; Milan Marjanovic, of Kastav, Istria, Editor of Narodno Jedinstvo (National Unity), Zagreb (Agram), Croatia; Ivan Mestrovic, Sculptor, of Otavice, Dalmatia; Dr. Mice Micic, Advocate, Town Councillor of Dubrovnik (Ragusa), Dalmatia; Dr. Franko Potocnjak, Advocate, late Member of the Croatian Parliament and Delegate to the Parliament of Budapest; Dr. Niko Stojanovic, Advocate, Member of the Bosnian Diet; Frano Supilo, Editor of Novi List, Fiume, late Member of the Croatian Parliament and Delegate to the Parliament of Budapest; Mihajlo Pupin, of Pancevo, South Hungary, Professor at Columbia University, New York; Dusan Vasiljevic, Advocate, Mostar, Herzegovina, Vice-President of the Serb National Union of Bosnia; Dr. Nikola Zupanic, Publicist, of Metlika, Carniola.

Mr. Speaker, if one looks at a map of the nations of Yugoslavia published in the New York Times, Sunday, October 14, 1934, one sees even at this early date, the borders of Yugoslavia were firmly in place. Not so, however, for the borders of the Republics. The map shows that much of the land that today is part of the Croatian Republic was not part of that Republic even decades after the national Yugoslav borders were in place.

The modern borders of the Croatian Republic were drawn after World War II by the dictator Tito, himself a Croat. Even then, Mr. Speaker, those Communists who disapproved of this arbitrary and autocratic fiat by Tito found themselves in exile on Goli Otak, or Bear Island, the Yugoslav version of Siberia.

Mr. Speaker, it shocks me that in light of this history, in light of recognized international law principles which put so much emphasis on the sanctity of national borders, that a member of this body could actually take the position that Croatians have the right to destroy Yugoslavia's national borders but Serbs, living in lands overwhelmingly Serbian for centuries, have no rights, at the same time, even enjoy employment within those borders, let alone any freedom. Metropolitan Jovan questions whether he would be secure in Zagreb any more.

But, Mr. Speaker, the issue implicated in this conflict go much deeper. In this century, the Serbs of Croatia already have had one experience living in an independent Croatian state. That state was the Nazi Independent State of Croatia, a regime which butchered and gassed several hundreds of thousands of not only Serbians, but also Jews and Gypsies as well, a nation which declared war against the United States of America. The Ustase Croatians were so brutal in their destruction of everything Serbian that it was reported at that time that even Hitler's SS officers were shocked by their actions.

If the Serbs seem unconcerned about Western Europe's sudden interest in the Yugoslav conflict of today, perhaps it is because they remember Europe's silence the last time Serbs lived in a Croatian state. No doubt they recall that while the Serbian Orthodox Patriarch was imprisoned in the Dachau concentration camp, Aborgy Stepinac, the Catholic Archbishop of Zagreb, blessed Nazi and Ustase troops. When Catholic Slovenes even protested this to Pope Pius XII, he too remained silent. The Serbs no doubt recall these dark days when the world deserted them, and today know that only in a Serbian state are they safe from a repetition of such horror.

□ 1830

Mr. Speaker, much of what I have just related may be called by many as old history, a chapter best closed in the enlightened modern world. Why do the Serbs not take this view? Let me share with the House my opinion on that question.

Croatian President Franjo Tudjman was elected on and has carried out a program of rabid Croatian nationalism and anti-Serbianism. The new Croatian flag strongly resembles the old, Nazi-backed, Ustashe flag. Croatian Serbs are being denied the right to use the traditional cyrillic alphabet. Serbs have been fired en masse from Government jobs. The Croatian Government now controls the Republic's largest newspaper publishing house and has sought to ban independent television programs viewed as anti-Croatian. And, Mr. Speaker, special Croatian military forces have adopted black uniforms reminiscent of Croatia's World War II fascist forces. The Ustashe "U" is frequently found where an Orthodox church has been destroyed.

I know, Mr. Speaker, some Serbian refugees in the United States today who fled Croatia out of fear for their lives. They tell tales of Serbian homes, businesses, and churches being destroyed and defaced. All of which reminds me of what happened to Serbs in Croatia between 1941 and 1945.

As Croatia's President, Franjo Tudjman is primarily responsible for Croatia's refusal to admit its part in the crimes it committed against the Serbs, Jews, and Gypsies during World War II, and is encouraging Croatia through propaganda and nationalistic speeches to repeat its dreadful role in history.

As my colleagues know, Mr. Speaker, I said to our State Department several months ago that the animosity that was building up between the Croatians and the Serbians could be soft-pedaled and really may be even eliminated, if only, if only, there was some admission about the genocide, about the slaughter, that took place in 1941 to 1945, of some 1 million or more Serbs, Jews, and Gypsies who were slaughtered by the Ustashe. But they refused. In addition, as my colleagues know, even the Russians admitted what took place in Katyn Forest and apologized to the Poles, and the Nazis, the Germans, apologized for the actions of the Nazis to the Jews. But that is not taking place in Yugoslavia, and in fact to the contrary Mr. Tudjman is encouraging Croatia through nationalistic speeches to repeat its dreadful role in history.

Although monitored by the Wiesenthal Center of Croatia, he still insists that "Holocaust death figures have been exaggerated," and says that in the concentration camp of Jasenovac, the second largest camp in the Nazi system by the Wiesenthal Center's figures, where 750,000 Serbs, Jews, and Gypsies were put to death by the Croatia Ustashe regime, "'only' 30,000 died there."

These historical facts were handily swept aside by Croatian-born Tito and his Communist regime in the name of Yugoslavia, which "allowed Croatia and Slovenia to achieve the highest standard of living in the federation," and which allowed Croatian nationalism to fester.

Now Croatia, claiming it is an independent and democratic state, is at it again. I would like to share with you now a summary of comments given by His Eminence Metropolitan Jovan of Zagreb and Ljubljana today in a briefing on Capitol Hill.

In September 1991 Bishop Nikolai and his deacon, on the way to the funeral of His Holiness Patriarch German, were stopped and searched by the Croatian Special Police body near Sibenik. While they were being searched others of the police shouted, "Why are you searching them? Why don't you just let me kill them?"

Several months ago the residence and cathedral of Bishop Lucijan of Slavonia, located in Pakrac, were ransacked by the Croatian Special Police. The residence was turned into a barracks and the cathedral into a munitions storehouse and artillery nest. In September, on his way back from the funeral of Patriarch German, the bishop was detained by the Croatian Special Police and held naked in the courtyard of the police building for several hours. On October 4 His Grace was taken by the Croatian police. His whereabouts are unknown.

After Easter of this year in the town of Sisak, explosives were thrown at doors of the church, damaging it so badly that it is now unusable. The church walls were scribbled with "we are ustasha" and "death to the Serbs," and a Croatian organization threatened to kill the Serbian Orthodox priest if he did not leave.

Mr. Speaker, please note that some of these crimes took place before Croatia declared its independence; that is, before the Croatians supposedly were attacked by the so-called Serbian guerrillas.

Mr. Speaker, these atrocities and attacks on the Serb Orthodox Church have not been related there by our press.

So, Mr. Speaker, I feel I must present this story for the RECORD and also discuss the documented crimes.

DOCUMENTED CRIMES COMMITTED AGAINST THE SERBIAN POPULATION AND THE MEMBERS OF THE YUGOSLAV PEOPLE'S ARMY IN CROATIA

SEPTEMBER 17, 1991

In the area of Oaijek, members of the Croatian National Guard deliberately fired on an army ambulance which was clearly marked with a red cross. In the course of the attack, the wounded Yugoslav army soldier being transported to a military hospital died, and the ambulance driver was wounded.

SEPTEMBER 18, 1991—MURDERING OF THE WOUNDED

Pilot Captain Zlatko Nuspahic was brought down on September 18, 1991, over the Petrinje army base, where he was helping to break the blockade of the Vasilj Gacesa barracks. The pilot succeeded in bailing out of the aircraft, but was wounded after he had reached the ground. To his misfortune, he parachuted into an area controlled by the Croatian police and National Guard. Instead of coming to the aid of the wounded pilot, the ustasi horde murdered him with a hail of bullets into his stomach. After the pilot died, they took off his clothes and robbed the body of all valuables, credit cards and documents.

His naked body was left on the ground for eight days before he was transported to the pathology department of the Sisak Hospital. Zlatko Nuspahic's body was in such a state it took two days to complete his identification, using all modern pathological methods.

SEPTEMBER 21, 1991

In the area of the village of Mirkovci, at 1740 hours, the Croatian police and National Guard opened fire against an unarmed Air Force helicopter which was transporting the wounded. The helicopter was damaged, and one crew member lightly wounded.

These three cases represent a grave violation of the humanitarian rules of armed combat and at the same time a violation of Protocol II on the protection of victims of non-international (internal) armed conflicts, ratified and signed by Yugoslavia, which is binding on all participants in armed conflicts.

SLAUGHTER OF ARMY RESERVISTS

Under the command of reserve Captain Mile Peuraca, 23 servicemen from the barracks at Mekusje, near Karlovac, left in two vehicles for the Stjepan Milasincic-Siljo barracks at Logoriste, 5 km. from Karlovac.

At the Korana bridge, virtually in the centre of Karlovac, the vehicles were stopped by a group of policemen, who asked the soldiers to surrender. Captain Peuraca refused to do so and demanded to be allowed to proceed to their destination or to return to their barracks. Neither of these proposals was accepted, whereupon Captain Peuraca suggested that the police forces should negotiate the surrender with the superior army command. This proposal was also rejected, and the army men were given 45 minutes to surrender. While the talks were in progress, the men started surrendering for unknown reasons.

In the meantime, three tanks were sent out from the Mekusje barracks to come to the aid of the surrounded men. About 500 metres from the point of ambush, the tanks fired warning shots in the air. The ustasi commander sent one of the disarmed soldiers to demand that the tanks cease their fire, or else all the men who had surrendered would be killed. In the face of this threat, the tanks stopped firing, but in the meantime the ustasas had received their own reinforcements. These ustasas were dressed in battle fatigues with stockings drawn over their faces. After this group's arrival all the army men surrendered.

They were ordered to lay down their arms and to lie face down, hands behind their heads. The last one to be led to the bridge was Captain Peuraca. An ustasi assassin stabbed him in the back twice with a knife. The captain fell, and the ustasas fired at the men's legs to prevent them from running away. Then they began sadistically brutalizing the helpless soldiers. They cut off their ears, gouged out their eyes, and mutilated their faces with knives. The soldiers were slashed with knives all over their bodies, and each one had his throat cut.

The ustasas took particular pleasure in lacerating the body of the active army lieutenant, Nikola Babic. Every part of his body was cut up; his eyes were gouged out; the skin was flayed off a part of his face; his ears were cut, and his head was almost entirely severed off his body.

The slaughtered men were Jovan Sipic (1966), Bozo Kozlina (1954), Nabojsa Popovic

(1967), Milic Savic (1959), Milenko Lukac (1959), Nikola Babic (1948), Slobodan Milovanovic (1966), Svetozar Gojkovic (1959), Milos Srdic (1948), Zoran Komadine (1964), Mile Babic (1949), Vaso Bizic (1956), and Mile Leuraca (1964). Of the 13 murdered young men, seven were the only sons of their parents.

As the ustasas opened fire, Branko Madjarac, Dusan Mrkic, and Svetozar Sarac threw themselves off the bridge into the Korana river below. Madjarac managed to reach the barracks, while the other two are in the Karlovac Hospital. The fate of the remaining seven men is not known.

SEPTEMBER 22, 1991

In an attempt to seize the blockaded barracks at Sibenik, the armed forces of the Republic of Croatia made use of chemical weapons. They forcibly brought to the gates the wives and children of the besieged officers, in an attempt to blackmail them into surrendering.

These two incidents constitute a grave violation of the Geneva Convention and are regarded as war crimes which are prohibited at any time and at any place.

The armed attacks against the barracks at Vinkovci have gone on unabated for fifteen days. Not even the removal of the dead and evacuation of the wounded have been permitted.

SEPTEMBER 25, 1991

Following an agreement between the Federal Secretary for National Defense and the President of the Republic of Croatia on the evacuation of dead and wounded from the Vinkovci army base, a convoy of army ambulances left Vinkovci at 1940 hours. Immediately after leaving the barracks, the convoy was blocked by 150 members of the Croatian National Guard. They abused and mistreated the wounded and the attendants; they tore the bandages off the wounded; they dragged the surgeon out of his vehicle, knocked him to the ground and pressed a knife against his throat, threatening to kill him. They dragged Major Dragan Ljubisle out of his vehicle and took him away. Any interference in aiding the wounded is a serious violation of the Geneva Convention.

SEPTEMBER 26, 1991—CRIMES AGAINST THE CIVILIAN POPULATION

Ustasas from the Croatian village of Maras, under the cover of thick fog at 0400 hours, entered the village of Brlog, firing indiscriminately with all their weapons. Led by the local Croats, who knew every house in the village and who served as guides, they began plundering and setting fire to the houses belonging to Serbs. Their cattle, tractors and all valuable property were taken away. All 80 Serbian houses in the village were burned down and destroyed: only 48 houses were spared, which belonged to villagers of the Croatian nationality or to households with mixed marriages.

Most of the Serbian populace, some 100 people, had taken refuge in the hills that night and this is what saved them. Of the Serbs who happened to stay behind in the village, at least 10 were murdered, and as many were taken away. Djuro Tomic and his sister Soka Tomic, Petar Prica, Petar Vrankovic age 72, Dragan Kosovac age 61, and others who managed to escape this hell, are witnesses of the horrible crimes committed.

They were quite certain that the brothers Bojko and Mico Orlovic, who were sick and housebound, were burnt to death in the courtyard garage.

In respect to the inhabitants of the hamlet of Puhalo, which took its name after them, witnesses say they were tied with wire to the house of their Croatian neighbours and then led away to an unknown destination. The missing include Danko Puhalo, nicknamed Rus, and his wife. The households of all the well-to-do Serbs in the area were completely destroyed. Similarly, Vujo, Dika and Nada Puhalo were led away and their homes were demolished.

The Serbian refugees claim that the ustasas were led by the former policeman Mate Majkerovic, truck driver Stipe Niksic, Vinko Ivanisevic, Jozo Maras and Mijat Kajtes.

SEPTEMBER 29, 1991—ACTION AGAINST BUILDINGS PROTECTED IS NATIONAL HERITAGE

The Croatian ustasi forces opened mortar fire at the monastery of Badjani, on the left bank of the Danube, which is in the territory of the Republic of Serbia.

There were no military forces or army installations anywhere in the vicinity of the monastery.

SEPTEMBER 30, 1991

In the village of Hrvace near Sinj, army conscript Goran Plavsic was captured and brutally murdered.

TREATMENT OF THE DEAD

Colonel Dragutin Petkovic can testify to the inhumane treatment of the dead.

Members of the Croatian National Guard laid out dead bodies on the roads expected to be used by the army tank convoys, correctly calculating that the army men would not drive their tanks over them. When the troops attempted to remove the bodies, they were fired on.

On the outskirts of the village of Jankovci, they placed a dead body on the road and put a booby trap under the corpse.

ROBBING OF PRISONERS

The prison officials at Ozijak forced under duress the imprisoned officers of the Tuzla Corps to sign all the blank checks of the Post Office Savings Bank they had on them. This fact was corroborated by Radizm Stamanic, Zarko Djekic, Dragoslav Predolac, Srecko Prekosavec, Ahmet Jumerovski and others.

Clearly the intention was to cash the checks, thus robbing the detained officers of their savings. The prison officials said that it was to recover "war damages" which the army units had inflicted in the territory of Croatia.

□ 1840

Mr. Speaker, I felt we had to get these things in the RECORD, because we are hearing nothing about the atrocities against the Serbians in our media. The media, the press, all seem to be a public relations war on the part of the Croatians. There is nothing on the other side. As I said, Mr. Speaker, two wrongs do not make a right.

Mr. Speaker, just this week we did hear that the palace of President Franjo Tudjman was bombed by the Yugoslav Army. There is a lot of speculation as to whether that actually took place or did not take place.

I am saying that whoever did it was wrong, and the United States should send over its military investigative units to determine what actually happened there, and that the perpetrators of that crime should be properly punished.

Mr. Speaker, in today's Toronto Globe Mail, a very outstanding newspaper, there is an editorial on this situation in Yugoslavia. The last paragraph says,

> The outside powers should intervene to help broker a lasting solution. This will be terribly difficult. It may involve border changes, property division and even large population transfers. But there is no alternative. Croatia will have its independence; the Serbian minority will have no part of it. That much has been clear since the referendums of May.

Mr. Speaker, is there any reason why the Serbs of Croatia, in light of history both recent, and of the past half-century, do not want to live in the independent state of Croatia where Ustashe seems to be active again? Is there any doubt why the Croatian Serbs are willing to fight before allowing this to happen?

□ 1850

RESIGNATION AS MEMBER OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION AND COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from Hon. PETER J. VISCLOSKY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 9, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I respectfully resign my seats on the Public Works and Transportation Committee and the Interior and Insular Affairs Committee.

I appreciate the opportunities and courtesies afforded to me by my colleagues on these committees.

With kind regards, I am
Sincerely,

PETER J. VISCLOSKY,
Member of Congress.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore laid before the House the following communication from Hon. NEIL ABERCROMBIE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 9, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Due to my election to the Interior and Insular Affairs Committee by the Democratic Caucus, I hereby resign my seat on the Merchant Marine and Fisheries Committee.

Thank you.
Sincerely,

NEIL ABERCROMBIE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CALVIN DOOLEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 9, 1991.
Hon. THOMAS S. FOLEY,
Speaker of the House,

DEAR MR. SPEAKER: Due to my election to the Interior Committee by the Democratic Caucus, I hereby resign my seat on the Small Business Committee.

Sincerely,
CALVIN DOOLEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

THE WOMEN'S ECONOMIC EQUITY ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes.

Mrs. MINK. Mr. Speaker, I rise today to join in support of the Women's Economic Equity Act of 1991, legislation which promotes economic advancement and equity for women in the workplace and at home.

Over the last 20 years women have entered the work force in record numbers. By the year 2000, two out of every three new entrants into the work force will be women. Though women are welcomed into the workplace, many must still contend with lower wages, barriers to high-skilled and technical jobs, the lack of promotions and no health benefits.

Today, women workers earn only 71 cents for every $1 men earn; women constitute 62 percent of the work force with poverty level incomes; almost 45 percent of families with children under 18 are maintained by single women and live in poverty; and 14 percent of all women workers have no health insurance benefits.

Mr. Speaker, as the fastest growing segment of our work force, women deserve equal pay, equal treatment, and equal opportunity to advance to highly skilled, well paying jobs.

The Women's Economic Equity Act is comprised of 25 bills that address increased educational and employment opportunities, business ownership, economic justice, and retirement equity.

It provides technical assistance to organizations in eliminating discriminatory wage-setting practices, and establishes a council within the legislative branch to consider Federal policy with respect to the economic problems of women, particularly those living in poverty.

The act seeks to create new employment opportunities for women through increased job training and education. It includes legislation I authored to expand Pell grant eligibility for 6 million students who attend college on a less-than-half-time basis, the majority of whom are women. For these women—undereducated, working, many with children—education is the only means to economic self-sufficiency.

Mr. Speaker these issues addressed by the Women's Economic Equity Act are important not only to women, but to all families, employers, and communities across the Nation. The economic well-being of America is dependent on a work force in which women are accepted and considered equal.

Mr. Speaker, women deserve equity in the workplace, in our communities, and in our Nation. I urge my colleagues to support the Women's Economic Equity Act.

TRIBUTE TO MILES DAVIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 60 minutes.

Mr. RITTER. Mr. Speaker, I rise tonight to commemorate and celebrate the contributions of one of our country's all-time greatest musicians, jazz or otherwise, Miles Davis.

First, Mr. Speaker, I would like my colleagues to know that I am not a jazz expert. I just know what I like, and I know what moves me. And Miles Davis moved me throughout my life.

He also moved many millions of Americans and people all over the world. When I was an 11- or 12-year-old beginning trumpet player, I first heard Miles Davis play. I could not believe that someone could bring the often cold and brassy trumpet down to something so warm, so soft, and so sweet.

In my house our lights went out at 10 o'clock, and I remember bringing my little radio underneath the covers and waiting—listening to, I think it was a jazz symphony with Sid—just waiting, and waiting and waiting until a Miles Davis number would come up. Often it would be late and after that I would fall asleep real easy.

The unmistakable, almost human voice-like quality, the cutting, piercing yet quiet tone, the muted horn that cried out with sadness, loneliness, and love, the spareness of the music, the efficiency of the notes from Miles' horn, each note meant so much.

Others could triple tongue, extend their range into the far reaches or display more manual dexterity, but nobody, nobody ever has, and probably ever will, play a more beautiful horn than Miles Davis.

Can one imagine, can one imagine how much joy, how much pleasure, how much sadness, how much feeling, how much passion he brought to so many over so many years, about 50.

Mr. Speaker, Miles Davis was a musical innovator who would forge a trail only to leave it as soon as others started to follow, and then he would go off on some new trail where others would follow again, and then a new trail.

He usually left his previous trail before his audience even appreciated what he had done. It all started back around 1944, when he played bebop with legends of jazz Charlie Parker, and Dizzy Gillespie. They recognized his incredible ability early.

Miles Davis entered the big time at 18 years of age. After a year at the famous Juilliard School of Music in Manhattan, Miles Davis went back to the jazz clubs. In 1948 he began the move towards a more eleborately orchestrated cerebral sound, cool jazz. It was Miles who innovated cool jazz. He did it with a 9-piece band, including Gerry Mulligan, Lee Konitz, and John Lewis, all legends in their own right. He recorded the revolutionary album "The Birth of the Cool," each of these musicians were first rate on their own instruments and in composing.

After a struggle with substance abuse in the early 1950's, Miles Davis rose again in 1954 and introduced the world to hard bop, a new spare, driving jazz sound. He played it with saxophonist, tenor saxophonist, Sonny Rollins and pianists Horace Silver and Thelonius Monk.

□ 1900

Those who know jazz know these names, their contributions and their greatness.

In 1955, Miles Davis wowed the jazz world at the Newport Jazz Festival with his piece "Round Midnight," a Thelonius Monk tune, and in the same year he began his illustrious career recording at Columbia Records.

Just a word on the album which was entitled "Round About Midnight." It featured John Coltrane on tenor sax, Red Garland on piano, who shared an interest in boxing with Miles Davis; Philly Joe Jones on drums and Paul Chambers on base, again a super all-star group. And Miles debuted his legendary Columbia career, as I mentioned, with this set, and it's the title of a Thelonius Monk classic entitled "Round About Midnight." It was recorded with this quintet, and I mentioned John Coltrane who was kind of a personal find of Miles Davis, and it was done in their second year in existence. It sent new shock waves through the jazz world, and this album really found Miles Davis hitting his stride as the master of the trumpet.

During the years 1958 to 1960 Miles Davis recorded two wonderful albums, "Porgy and Bess" in 1958 and "Sketches of Spain" in 1959 and 1960. The orchestration of these symphonic jazz albums was done by a man named Gil Evans, and it was brilliant. Who could ever forget in Porgy and Bess the moaning, crying, desperate plea that Miles played out in the song "I Love You Porgy"? And what about the happy, high-stepping sound of "Gonna Have a Good Time in New York"?

Who could ever listen to the strains of Spanish color and Spanish sadness, the cut-to-the-quick Spain that is "Concierto de Aranjuez" on the

"Sketches of Spain" album and not feel transported into the very essence of that country, Spain, its history, its personality, its passion, its music? Miles Davis, along with symphonic jazz arranger Gil Evans did just that. It is amazing how he could pick up the feel of this country and its culture and deliver it out to the American people via the jazz idiom.

Nowhere, and at no time have I ever felt closer to the Spain I knew than through Miles Davis' music. Never have I appreciated Gershwin as I did through Miles Davis' "Porgy and Bess" solos.

By 1959 Miles had left hard bop and symphonic jazz behind for a music based on modal changes rather than chords, a jazz with static, stripped-down harmonies that he played with pianist Bill Evans. His recording of "Kind of Blue" defined his style through the 1960's.

I will tell Members a little bit about "Kind of Blue." Again, it had John Coltrane on tenor saxophone, Bill Evans on piano, James Cobb on drums, Paul Chambers on base, Cannonball Adderly on alto sax, and Wynton Kelly on piano.

Let me quote from Bill Evans and what he wrote in 1955, pianist Gil Evans, about this particular album because it was brilliant, and it was spontaneous. It was the best in spontaneity that you can find in jazz in perhaps a century.

Bill Evans said:

> As the painter needs his framework of parchment, the improvising musical group needs its framework in time. Miles Davis presents here frameworks which are exquisite in their simplicity and yet contain all that is necessary to stimulate performance with a sure reference to the primary conception.
>
> Miles conceived these settings only hours before the recording dates and arrived with sketches which indicated to the group what was to be played. Therefore, you will hear something close to pure spontaneity in these performances. The group had never played these pieces prior to the recordings and I think without exception the first complete performance of each was a "take."

That means it was recorded.

By 1963, Miles was exploring still newer territory with pianist Herbie Hancock, bassist Ron Carter and Tony Williams on drums. This new, innovative form stressed the interplay between soloist and rhythm section, and it was soon widely imitated.

In the late 1960's Miles introduced electric instruments into jazz, setting off the movement that fused rock rhythm with jazz-like improvisation. His double album "Bitches Brew" sold 500,000 copies and sent repercussions throughout the world of music. That was a lot of albums sold for a jazz album.

By the 1970's Miles was plagued with more health and drug problems, but continued to experiment, this time with funk music, stressing bass and percussion.

Mr. Speaker, Miles Davis was hard on himself as a musician, he was hard on those around him, including his live audiences. I can remember one time at the Village Vanguard in New York City when he played eight bars and kind of stormed off the stage, and we did not see him again for the rest of the evening almost. And I was upset. I was kind of mad and I felt cheated. But when I went home, I still listened to that music. It did not diminish the quality of his music in my eyes and in my heart.

But Miles Davis was also one of the greatest judges and promoters of new talent in jazz. He really knew excellence when he heard it, and the people he played with, and he brought along, that he brought into jazz constitute a Who's Who of the last 50 years of jazz. Just think of the people he played with and the people he brought in: Dizzy Gillespie on trumpets, Charlie Parker on alto sax, Gerry Mulligan on baritone sax, Lee Knoitz and Cannonball Adderly on alto sax, Sonny Rollins and John Coltrane on tenor sax, pianists John Lewis, Horace Silver, Thelonius Monk, Bill Evans, Herbie Hancock, and Ron Carter on base and Tony Williams on drums. It is a virtual jazz hall of fame, and Miles was the No. 1 hall of famer.

Miles took a lot of criticism for his enigmatic, reclusive, and sometimes combative public personality. But his aloofness may have been due to his intense focus on his music and his penchant for privacy. At concerts he simply was not concerned with the audience but with the music and with the musicians. In fact, he once said it very clearly, he did not hide this. He said I play for myself and the musicians that I play with.

Mr. Speaker, in the end, the magnificence of Miles Davis's music overcame the frustrations of his public. In his hands, the trumpet became his unique, human voice that he gave to many generations of Americans and people all over the world. No one will ever play that instrument like Miles Davis did. He advanced the jazz idiom like few others in this century. He offered his art in a focused, quiet, and reflective way.

At a time in music, Mr. Speaker, when louder is more and more is better, Miles Davis offers the American people a route to come home a little bit, come home to a kind of comfort and calm reward to the psyche and soul that simplicity and natural beauty deliver.

I would urge my colleagues and fellow Americans to take a good, close listen to the live works of Miles Davis.

Mr. Speaker, at this point I would like to yield to the gentleman from Detroit, the Honorable JOHN CONYERS, who also shared a great love for the music of Miles Davis.

Mr. CONYERS. Mr. Speaker, I begin this special order by commending my colleague and friend from Pennsylvania, Mr. RITTER, who not only took the initiative to make sure that the Congress had this special order to remember this unique contributor to our culture, but who has proceeded to put into the RECORD a description of Miles Davis that covers several parts of this very complex human being. First of all, the personal, human Miles Davis, and then the musical analysis of Miles Davis, of how he evolved, what his music went through in different stages, and I must say that I listened with rapt attention as my colleague amazed me with his erudition and his understanding of this great American artist. And on behalf of many of our colleagues who will be submitting statements for this special order, I want to thank him again.

□ 1910

He was one of those who joined with us in presenting House Concurrent Resolution 57 that designated jazz as a rare and valuable national American treasure, and there were some phrases from that resolution that are particularly appropriate to our remembrance of Miles Davis. As a matter of fact, some of the language almost seemed as if it was written with him in mind: "Whereas, jazz has achieved preeminence throughout the world as an indigenous American music and art form bringing to this country and the world a uniquely American musical synthesis and culture through the African-American experience," and the gentleman from Pennsylvania has referred to how Miles reinterpreted music that was not American and brought it through his horn in a way with Gil Evans, "Sketches of Spain," which now remains an unparalleled classic in American jazz.

Mr. RITTER. I want to commend the gentleman for his comments and just say that this unique idiom of jazz, which is so American and yet comes from roots that are beyond our own borders and shores, really has defined musical culture and not only in this country but throughout the world. It has been a tremendous influence on culture, and to many of us culture really defines the way we live, our politics, our way of going about our lives and our work, and to that we owe such a tremendous debt to those who evolved this jazz idiom and brought it into our lives and into our works.

I yield back to the gentleman from Michigan.

Mr. CONYERS. The gentleman from Pennsylvania reminds me of the theory that has been developed by Dr. Billy Taylor, the jazz pianist, who has written a lot about this, that jazz is, in fact, America's classical music. It is the single most adopted music, uniquely American, derived from African-

American roots, but reinterpreted all over the world.

I know that he, like myself, has been in a number of nations and countries to find jazz being played a little bit differently, but that same American force.

Let me just point out another part of this resolution that we passed in 1987 in which it was important to jazz musicians, because it was the first time that the Federal Government, particularly Congress, had ever spoken on this subject, and like the gentleman, I have been in jazz spots. I remember one in particular in New York in which, under a very dim bulb with a thumbtack, was House Concurrent Resolution 57 expressing the sense of Congress respecting the designation of jazz as a rare and national American treasure, and I was flabbergasted by the artists who were pleased and proud. I thought that some might ignore this Federal gesture, but they were very proud that we remembered them, and it has brought a lot of attention to our work.

Of course, most of us who were sponsors of that legislation are now trying to follow up with other ways that we can show those creators of this rare music that we really appreciate them.

There is one more phrase in this resolution that seems appropriate in remembering Miles Davis, because it sounds like we are talking about him. Remember, this is introduced in March 1987: "It is a unifying force bridging cultural, religious, ethnic, and age differences in our diverse society." Who, more than Miles, with all due respect to all the other great jazz artists, because he changed his style so much, he brought in cross-sections of many people. I might suggest that the emphasis of the gentleman from Pennsylvania on his more recent styles contrasts with my initial experience of Miles when he made his very first recording under the age of 21, had gone to New York looking for Charlie Parker, who with Dizzie Gillespie set this new progressive jazz, more popularly referred to as bebop, into an absolute frenzy in which many jazz musicians were resisting this new music, and there Miles Davis cut his first record with Charlie Parker. It was called "Now Is the Time." I believe that was in 1945. And from then on, Miles Davis began to grow.

If you think about it, if you put any musician between Charlie Parker, Dizzie Gillespie on one end, and John Coltrane on the other, and here Miles Davis played with both of them, his greatness as a musical artist was really foretold, and Miles lived long enough to make this enormous contribution.

The last part of this resolution said this, and it might make us remember Miles in this perspective:

> That it is a true music of the people, finding its inspiration in the cultures and the most personal experiences of the diverse peoples that constitute our Nation, and it has evolved into a multifaceted art form which continues to birth and nurture new stylistic idioms and cultural fusions.

And so I submit that somehow when you talk about jazz in its immediate construct, you are thinking about Miles Davis. When you describe the music in this sense, it seemed to me that it was appropriate that we remind the Congress of this enormous loss, this void of a truly great artist.

Mr. RITTER. Miles Davis, as we know, was not just a musician and a great proponent of the idiom, but he was a great leader, too. If you look at his groups, you will not find the collection of talent throughout that nearly five-decade period, you will not find that collection of talent anywhere else. His groups included at any given time during those years the finest musicians playing jazz, and he brought people together, not just black jazz musicians, but white jazz musicians. He sought out excellence. He brought it out in people. That is part of his legacy.

Mr. CONYERS. The gentleman reminds me that Charlie Parker, who was generally considered the creator of progressive jazz known as beebop, heard in this young St. Louis transplant to New York the seeds of the potential, and these great artists have a way of picking other great artists.

He went on to pick up Herbie Hancock, as the gentleman pointed out, and most importantly to me, John Coltrane, who, as a second-generation jazz artist, carried it to an even newer level, and I would like to conclude my contribution to this evening by describing Miles as a misunderstood artist.

☐ 1920

People thought that he was being arrogant or haughty when he was really concentrating on his music. People thought that he was ignoring his audience when he removed himself from the stage to let his fellow musicians hold forth without him being there. He was actually a quiet and retrospective man during one period of his life.

I remember it very vividly, because I was talking to his colleagues in New York, in which he had closed himself off from everybody. He was going through a very down period in his life. He was very depressed and he would not come out of his apartment. People were worried because it went on for a considerable period of time.

I was privy to the discussions of people who were going there trying to get him to come out.

He was a very personal, private man. This, of course, is important that we separate the man from the myth.

In fact, I would like to assert for the record that Miles Davis was actually a musical revoluntionary, because the breakthroughs that he made were always accompanied with controversy. Many critics never joined in until popular acclaim had already writ large the success of his new venture.

Frequently he left different audiences of fans, but he gained new audiences of fans. I think that describes the diversity the gentleman was talking about.

Mr. RITTER. Mr. Speaker, if the gentleman will yield, I am not sure that he left a certain audience to bring on another audience, but those previous audiences never left him.

Mr. CONYERS. Well, I am glad to know that is the case, because there were a few people who dropped out of some of those audience as he moved from one music to the other, but I am comforted by the fact that there were very few, if any, from the gentleman's perspective.

Mr. RITTER. The quality, the excellence, the brilliance, the magnificance of the music becomes classical. If it is that good, it becomes classical, so those different stages of Miles Davis' musical career, still to this day each one holds something very, very special for an enormous audience.

Now, it may be that one of those audiences does not like the music that another audience likes, but the music is still there for those audiences and will always be in that it is classical, as the gentleman said. This may be our classical music.

Mr. CONYERS. Well, what a wonderful colloquy that we are holding, instead of off the floor, into the RECORD. Since the truth sets you free, I was one of those defectors in Miles' later career that found his earlier music much more moving and touching to me than his later music, but let me quickly describe, if the gentleman has not, in terms of the way that he used his trumpet, not with the usual forte of technique that many trumpeters bring. There were many who could hit higher notes and play with greater speed, but Miles made a premium of making his sounds brief and saying what he wanted to say and leaving spaces that began to say something to us.

He was a man who developed his style, and I might add quickly that he fused style and substance, which is very hard to do, but he was talking with a minimum of notes. He left spaces and silences meant something in his music.

Mr. RITTER. I think that lesson extends beyond the world of music. It certainly extends to us as politicians. We know that to write something meaningful in a 3-minute or a 4-minute speech is far harder than writing something for a 13-minute or a 14-minute speech. Brevity is kind of second to godliness maybe in music as well as in public speaking.

Mr. CONYERS. Let me conclude, because I see the gentlewoman from California [Ms. WATERS] is on the floor and I know the gentlewoman has a lot to say about this subject.

May I continue to describe this sound, because with a Harmon mute Miles Davis began to sound like no other artist that ever used a trumpet. When you think of a mute now in jazz, you think of Miles Davis, and yet there is nobody who reminds you of Miles Davis. Nobody plays like Miles Davis.

What was that sweet sound of the mute? Was it a cry of pain? Was it an expression of joy? What was it?

There was a human tone about it. To me, it signified the ability of this man to rise above the vicissitudes of his life and left us with this superb craftsmanship that makes Miles Davis the appropriate person for special orders in the House of Representatives.

His life, his experiences were somehow crowded into that three-note trumpet, and with that mute it became something very special. It is now a part of this American classical music. It was a revolutionary music, but like all revolutionary things, it did not stay revolutionary, because now it is an accepted form in our culture. As a matter of fact, there are now other forms of music that are considered further out on the edge, but it is strong enough and powerful enough to last I think forever in this great development of jazz contributed by the late, great Miles Davis.

It makes me very proud that I was able to participate in this special order, as well as speak at the memorial service that was held on October 7, at the Nineteenth Street Baptist Church. The memorial service provided various musical selections and testimonials, and was a fine display of honor and respect to Miles Davis. I will incorporate the remarks of our colleagues, the gentleman from New York [Mr. OWENS] and the gentleman from Missouri [Mr. SKELTON].

Mr. RITTER. Mr. Speaker, I would like to include for the RECORD as well, at the end of this special order, the remarks of the Delegate from the District of Columbia [Ms. NORTON].

Mr. Speaker, I yield to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, it is with great pride and pleasure that I join in today's special order to honor our late Miles Davis. I would like to commend both the gentleman from Pennsylvania [Mr. RITTER] and the gentleman from Michigan [Mr. CONYERS] for their leadership in calling today's special order.

I would like to say for the record that for years the gentleman from Michigan [Mr. CONYERS] has been a real leader in this Congress, preaching the gospel of jazz, this most American art form. Jazz music has a rich tradition. It is truly our music.

Mr. Speaker, instead of rehashing the wonderful history and contributions of this great artist, Miles Davis, I would like to talk about perhaps another side and describe what happened on this past Saturday at his memorial services at St. Peter's Church in New York.

□ 1930

I had the opportunity to attend a memorial service for Miles in New York at St. Peter's Church, where some 300 friends had been invited to come and celebrate the life and times of Miles Davis.

It was a wonderful and rich gathering. The first speaker on the podium was Q, Quincy Jones. Quincy Jones opened up the memorial service and, of course, reflected on his life and times with Miles Davis.

He was followed by Max Roach, one of the great artists of our times. Max Roach told a wonderful story about Miles Davis' generosity. Max Roach described how he had battled with alcoholism and how he had spent time in rehabilitation, never knowing who was paying for the rehabilitation.

One day he received a note from Miles, and the note simply said:

> Max, you got to hurry up and get well; it is costing me much too much money for you to continue to stay there.

It was only with that note that Max understood who had been paying for his rehabilitation for all of these months.

There were many stories that were told last Saturday about Miles Davis. In that room, in addition to Quincy Jones and Max Roach sitting on the front row was Dizzy Gillespie and, mounting the podium was Herbie Hancock.

Herbie Hancock had a wonderful story to tell about the time that he was performing, when he was in the band, and how he hit a wrong chord. He said it was awful, it was absolutely the worst thing that he had ever done in his life. And Miles did not look at him, he did not skip a beat; Miles did something with his horn that made the chord seem as if it was part of the performance and it was meant to be.

And he said it was the most extraordinary exhibition of talent that he had ever seen.

Mr. RITTER. You know, Miles Davis has often been referred to as a genius, as a musical genius. I guess that is true. But somehow when I think of the word "genius," I think of something that is too cold, too mathematical. "Genius" is too narrow. An artist of Miles Davis' stature is beyond genius because it brings in a vast human element that cannot be defined by mind alone, something like that.

Mr. Speaker, I yield further to the gentlewoman from California.

Ms. WATERS. I thank the gentleman for yielding.

I think the gentleman is absolutely correct. What he has just said I think is exhibited in the fact that this very, very complicated, talented human being was not simply a genius as some would describe it, as the gentleman mentioned, perhaps inadequately so, with his music. Many people do not know that Miles Davis was a tremendously accomplished painter, and his artwork was talked about on Saturday.

There were those who were fortunate enough to have been recipients of his generosity and to hold some of the paintings that he shared with them. He gave his work to friends as gifts, and he spent a tremendous amount of his time, particularly in California, in Malibu, painting. His home there was filled with his work.

As a matter of fact, one of his works was passed out at the memorial services in the way of a poster that was given to all in attendance. So I think the gentleman is perhaps correct, that "genius" is too narrow a definition or description of this multitalented human being, because he was talented in so many ways and in so many areas.

I was pleased also, Mr. Speaker, to hear the gentleman from Michigan [Mr. CONYERS] talk about the Miles Davis who perhaps some did not know, the Miles Davis who was oftentime described in the press as rude and insensitive and noncaring about his audience.

Herbie Hancock sat and also talked about the fact that Miles Davis oftentimes turned to communicate to members of the band, and he did that in any number of ways. This fine ear that he had would oftentimes cause him to turn and glance, perhaps, at one of the members of the band in a way of communicating and giving direction about where they were going and what they were trying to achieve.

Mr. Speaker, I was pleased to hear Herbie Hancock talk about that because I do think that the stories about the infamous, so-called, Miles Davis that were written by many journalists perhaps can be clarified by those who knew him well, those who knew him best and those who were close to him.

Saturday was an interesting and rich experience. In addition to the fine artists and the extraordinary talent that gathered there in this memorial service, there were wonderful pictures of Miles Davis in his unusual and highly styled dress.

These pictures depicted vintage Miles with the clothing that was designed just for him by some of the most talented designers in the world.

Along one wall of that room were young Japanese designers and others who had come to pay their respects to the man they had created for. That, coupled with the depictions of his art and discussions about him from his friends, truly made it a remarkable day.

Mr. RITTER. I think it is really quite wonderful that the gentlewoman from California shares with this House and with the American people this rather remarkable event and tribute to one of the shining stars of American music in this century. I am delighted that the gentlewoman from California could join with this special order today.

Mr. Speaker, I yield further to the gentlewoman.

Ms. WATERS. I thank the gentleman.

Let me just say that Jesse Jackson closed that portion of the remarks with his own description and understanding of Miles. But I think perhaps in a most profound way Jesse Jackson said, in only the manner that Jesse Jackson can say it, "Gabriel, move over, you have got to make room in the section for Miles because Miles has arrived and, Gabriel, you are no longer the single star up there."

I thought that was a rather profound and loving way to conclude what I think was a remarkable service.

Mr. Speaker, again I would like to thank the gentleman from Pennsylvania [Mr. RITTER] and the gentleman from Michigan [Mr. CONYERS] for allowing me the opportunity to share with the American public some of my thoughts and experiences on this past Saturday with Miles and the Miles memorial.

We will not be able to experience the ever-growing, ever-producing, ever-creating Miles Davis in the same fashion, but we will always experience him because he has left the wealth of his talent behind for us to experience.

This morning as I left my house, I left the CD playing "Tutu," and tonight when I go home I will probably hear "So What," "Some Day My Prince Will Come," and other great musical contributions that Miles left for us, and I hope to be able to experience Miles for as long as I live, and am sure that the American public feels the same way.

Mr. RITTER. I thank the gentlewoman for her significant contribution to this special order.

Once again her being here on Saturday I think really shares with us and the American people something very, very special.

This morning I came in, and the CD was playing "Round Midnight," and I guess it got me thinking about tonight and doing this special order.

Mr. Speaker, I would close with a recommendation to the American people, to music lovers of all sizes, shapes and types.

□ 1940

Mr. Speaker, as I said in my remarks, take a good close listen to Miles Davis and his music. You will not be disappointed. As a matter of fact, it could become the musical highlight of your life as well.

Mr. STOKES. Mr. Speaker, I am pleased that my colleagues have reserved time to pay respect to Miles Davis, one of the greatest jazz trumpeters. His death marks the loss of a revolutionary musician, composer, and bandleader.

Known as the father of cool jazz, Mr. Davis has recorded some of the world's finest jazz music. His influence on the music industry and jazz styles is unprecedented. His innovative style is expressed through his fusion movement, a combination of jazz and rock, and the incorporation of orchestral pieces into his recordings.

Miles Davis was a true legend. Throughout his career, Mr. Davis played with such musicians as Dizzy Gillespie, Charlie Parker, and John Coltrane, and is credited with the discovery of some of today's celebrated jazz musicians including Tony Williams, Herbie Hancock, and Branford Marsalis.

Mr. Speaker, on September 29, 1991, the Cleveland Plain Dealer ran an article about Davis' life and his numerous contributions to American music. I am pleased to submit this article into the RECORD as a tribute to an extraordinary individual.

LEGENDARY JAZZ MUSICIAN MILES DAVIS IS DEAD

SANTA MONICA, CA.—Jazz musician Miles Davis, the legendary trumpeter, band leader and composer whose work inspired a generation of musicians, died yesterday, a hospital spokeswoman said. He was 65.

Davis died of pneumonia, respiratory failure and stroke, said Pat Kirk of St. John's Hospital and Health Center. Kirk said she was reading a statement issued by Davis' doctor, Jeff Harris.

Davis, who had a long history of poor health, was hospitalized earlier this month. He previously had been treated for diabetes and had a hip joint replacement. He also overcame a heroin addiction.

Davis was the most famous trumpeter in his generation, in the line of jazz trumpeters that stretched from Louis Armstrong to Dizzy Gillespie to Wynton Marsalis.

He has been the innovator of more distinct styles than any other jazz musician. He was an astounding spotter and developer of talent, providing the springboard that brought many players to prominence. Tony Williams was just 18 when Davis hired him in 1963; Herbie Hancock was 23 when he joined the same year.

Davis had the respect and admiration of musicians but every time he changed direction, his audience divided between loyal and disenchanted listeners. He ignored them.

In his 1989 autobiography, "Miles," he wrote: "To be and stay a great musician you've got to always be open to what's new, what's happening at the moment."

As well as for his playing, he has been a fascinating, controversial figure because of his enigmatic personality, seemingly remote and arrogant; his thin body and striking face; his angry statements about white people though he often hired white musicians; his whispery, raspy voice—which came after he yelled at somebody following 1956 surgery to remove polyps on his vocal cords.

Miles Dewey Davis III was born in Alton, Ill., May 25, 1926, son of a dentist. When he was 2, the family moved to nearby East St. Louis, Ill., where he grew up.

He got his first trumpet from a family friend as a child and was playing professionally at age 15; his parents wouldn't let him go on the road until he finished high school.

Davis moved to New York in 1944, at 18, to locate Dizzy Gillespie, one of his early trumpet heroes, and jazz saxophonist Charlie Parker. When Gillespie left Parker's combo, Davis replaced him. He also attended the Juilliard School for a year. In 1946 he toured for several months with the young bebop revolutionaries in Billy Eckstine's band.

In 1947, he began a long and successful relationship with Gil Evans, an arranger who knew how to provide a framework for Davis' distinctive sound.

In 1948 he left Parker and, looking for a lighter, subtler, tuneful sound in jazz, he established a nine-piece band, with Evans arrangements, including Gerry Mulligan, Lee Konitz, John Lewis and Max Roach. They recorded "The Birth of the Cool."

That influential album ushered in cool jazz and set the stage for the chamber jazz that followed. It included Davis' best composition by that time, "Boplicity."

Two of his later compositions became jazz standards, "All Blues" and "So What."

He was a parent of cool jazz, but when it became popular, Davis turned his back on it and surrounded himself with bebop players. He became the founder of hard bop.

Davis was married and divorced three times, to dancer Frances Taylor, singer Betty Mabry and actress Cicely Tyson. He has a daughter, Cheryl, and three sons, Gregory, Miles IV and Erin.

Ms. NORTON. Mr. Speaker, it is with both sadness and delight that I join my colleagues on the floor today for this special order called to recognize the pioneering contributions of Miles Davis as a musician and composer. While it is his passing that brings us together, his rich musical legacy gives us much to celebrate and remember.

Miles Davis was well known to the citizens of the District of Columbia, having performed here many times during his 45-year career. One of his early and memorable performances occurred during 1958 when he and his quintet appeared during a week-long jazz show at the Howard Theater. At that time, Miles' group included such legends such as John Coltrane and Cannonball Adderly. In between shows, he could regularly be found across the street dining at Cecelia's Restaurant, an establishment well known for the hospitality it extended to artists performing at the Howard.

From the late 1950's through 1968, Miles would also frequently play at the Bohemian Caverns on U Street, where he was a good friend to the club's owner, Tony Taylor. The Caverns seated about 150 people, but when Miles played the room was always full with patrons lining the stairs leading up to the street.

During the midsixties, Miles telephoned the District's renowned pianist and vocalist Shirley Horn, and expressed an interest in her music. She thought it was joke and hung up on him. Later, she had the opportunity to visit Davis at his home in New York, and was surprised to be greeted by his children singing some of her music. Following that encounter, Davis made possible Shirley Horn's debut with her trio at the legendary Village Vanguard, the flagship of New York jazz clubs. Horn opened for Davis' own show. Their musical relationship continued over the years and Shirley Horn's latest album, "You Won't Forget Me," features Miles playing a lovely ballad with her.

As a member of the musical distance Miles Davis traveled in his career, he found common ground 20 years later with yet another of the District's musicians, drummer Ricky "Sugarfoot" Wellman. Wellman's drumming was one of the definitive components of a locally developed music called go-go. Davis heard a recording on which Wellman played and was so struck by the power of Wellman's sound that he recruited him for his own band where he became an integral member.

In 1985, Miles Davis celebrated his 40th year as a performing artist here in the District, when he performed at the D.C. Convention Center as the featured artist at the first Capital City Jazz Festival. On display during the festival was a collection of oil paintings done by Miles, an example of his neverending search for new vehicles for creative expression.

This past Monday, October 7, nearly 300 people gathered in the District at the 19th Street Baptist Church to say goodbye to Miles Davis. This memorial service was convened by Dr. Bill Hassan and the members of the Friday Listening Group. Among those present delivering remarks were Rev. Jerry Moore, Jim Vance, Stanley Turrentine, and my colleague JOHN CONYERS. Each of them made clear that Miles Davis was a unique voice in the field of jazz and American music whose achievements have made him a major figure in world culture.

Mr. OWENS of New York. Mr. Speaker, I join my colleague, Congressman CONYERS, and others, in this colloquy honoring the memory of one of the giants of jazz, trumpeter Miles Davis, who died September 28 after a long illness. Miles Davis was particularly well known in my home State of New York, where he studied music at Juilliard in New York City, and where he made his reputation as an innovative trumpeter performing in the city's 52d Street jazz clubs during the late 1940's and early 1950's.

I admired Miles Davis for never being content to remain stuck in one particular musical style; he was always changing with the times, always incorporating the latest forms of African-American music in his work, whether it was R&B, blues, rock, avant garde, or jazz fusion. I will especially remember him for having participated in an album called "Sun City" in the mid-1980's, in which jazz artists, rappers, reggae, rock, and soul musicians protested the horrors of apartheid in South Africa. All of the artists, including Mr. Davis, donated their work on the album, and proceeds from the album sales funded a program for the wives and children of South African political prisoners. Miles Davis was thus a fine example of an artist who employs his or her work in the interest of social change. He was also an important mentor to generations of young African-American jazz musicians, many of whom he recruited to play in his various bands, such as pianist Herbie Hancock and drummer Tony Williams, people who went on to have illustrious jazz careers of their own. I am sure that Miles Davis' artistry, creativity, and generosity of spirit will be greatly missed.

Mr. SKELTON. Mr. Speaker, I would like to thank my colleagues from Pennsylvania, Mr. RITTER, and from Michigan, Mr. CONYERS, for organizing this special order to honor the memory and music of one of America's most gifted artists, Miles Davis.

As the Member who represents Sedalia, MO, the home of Scott Joplin, who was perhaps the foremost interpreter of ragtime, the forerunner of modern jazz, I have a soft spot in my heart for this uniquely American art form. Miles Davis carries on in this rich tradition of American expression in music.

When Miles Davis passed away on September 28, the world lost one of its most creative jazz innovators. Luckily for us and for generations to come, the music Miles Davis shared with us will always be around to enjoy.

As a trumpeter and composer, Davis was legendary for his skill and versatility. Davis amazed fans and fellow musicians alike, fearlessly changing his musical styles throughout the years. He was quoted as saying, "Music isn't about standing still and becoming safe." From his impressive catalog of recorded works, it is easy to see that Davis lived this belief.

Miles Davis enriched our country's musical heritage. It is important to acknowledge his influence on other musicians, especially younger musicians. Davis' evolving styles meant that he frequently worked with younger musicians, encouraging them to discover their own musical voices. The musicians he fostered often moved on to make innovations of their own.

Miles Davis will be missed, but his contributions to the world of music will never be forgotten.

GENERAL LEAVE

Mr. RITTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. (Mr. LEWIS of Georgia). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MENTAL ILLNESS AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

GENERAL LEAVE

Mr. WISE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to submit statements for the RECORD on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. WISE. Mr. Speaker, I am going to yield in just a moment to the gentleman from Oregon [Mr. KOPETSKI] with whom I have been able, happily, to work with as we and the gentleman from Rhode Island [Mr. MACHTLEY] have formed a mental health working group here in the Congress to highlight the problems of mental illness and to look at what can be done in the legislative framework to address this.

Mr. Speaker, this is Mental Illness Awareness Week, and the gentleman from Oregon [Mr. KOPETSKI], the gentleman from Rhode Island [Mr. MACHTLEY], and I requested this special order so that we could bring home some of the problems of mental illness and also dedicate ourselves to seeing that the Congress address them.

At this time I yield to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I thank the gentleman from West Virginia [Mr. WISE] and really commend him on the leadership that he has displayed in this legislative term in addressing this very serious issue that affects millions of Americans, and I would commend him as well for working with the mental health awareness group.

Mr. Speaker, this morning was a fine example where we had the great opportunity to have somebody speak to Members of Congress and their staff: Mr. Earl Campbell. Many Americans know Mr. Campbell because of his exploits on the football field. But Mr. Campbell has a disease, and he has the courage to step forward and talk about that disease. It is a mental illness. It is called panic disorder, and, Mr. Speaker, it was very enlightening to have him, as the gentleman from West Virginia [Mr. WISE] knows, come forward because it takes a lot of courage to talk about mental illnesses to the public.

So, Mr. Speaker, I really thank the gentleman from West Virginia [Mr. WISE] for joining with me and the gentleman from Rhode Island [Mr. MACHTLEY] in trying to bring the Congress together, and make them aware of these issues and make them aware of how in different ways we can affect public policy in this area.

There is a disease, Mr. Speaker, which lives in this country. It is a disease that is taking lives. Those with this disease are almost always treated as outcasts, as if they resigned their membership in the human race.

They are frequently avoided and shunned.

Mr. Speaker, this disease affects millions of Americans. Each year it wreaks havoc on over 30 million adults in this country. One in every five citizens is affected by this disease at some point in their lives. This disease has a higher morbidity rate than many other chronic medical conditions, including heart disease, lung disease, and hypertension.

Mr. Speaker, this disease tears at the very fabric of our society. It takes its toll in dollars as well as lives. The direct and related costs of this disease add up to roughly $129 billion each year. It destroys productivity. Those afflicted with this disease frequently become wards of the State, instead of being able to contribute to society.

This disease is greatly burdening our Nation's social support structure as well. There are an estimated 100,000 people in jail with this disease. To paraphrase a leading psychiatrist, if there were 100,000 people in jails with heart disease, or Parkinson's disease, or multiple sclerosis, there would be a public outcry. Unfortunately, this disease is so misunderstood that there is none today. In many jails today, those with this disease are put in a cell and held for days and even weeks before any medication is prescribed or treatment begun.

Our Nation's homeless problem is still with us on the highways, and the streets and the alleys of America. Hundreds of thousands of Americans sleep on the streets, under bridges, and in doorways each night. And roughly one-third of these people suffer from this disease.

Mr. Speaker, these people can be helped. However, these illnesses frequently go untreated. Only 1 in 5 of those with this disease have had treatment in the past 6 months. This state of affairs is exacerbated by the fact that these diseases frequently strike the young. Young people, under age 20, are in the peak age range for developing many types of these diseases.

Mr. Speaker, this disease is mental illness. This week is Mental Illness Awareness Week. As such, I am rising today to draw attention to the fact that these diseases are misunderstood, too ofter ignored, affect a large number of Americans, and are taking a heavy toll in human life and national productivity. This does not have to be the case. I congratulate and thank my colleague the gentleman from Oregon [Mr. WYDEN], who is the chief sponsor of the resolution and has been in this body, to designate a week, this particular week, as Mental Illness Awareness Week. I look forward to working with him and the rest of my colleagues, the gentleman from West Virginia [Mr. WISE], who have put together a working group so that, when we talk about universal health care coverage for all Americans, we can also include in that the importance of mental illness.

Oftentimes we talk about prevention, prevention in our society, and the great amount of money it takes. If we spent a little money up front, we would save millions and billions of dollars down the road. Clearly this is one area that is ripe for these prevention dollars.

As we look at the complexity of society today and the stresses and the strains, as our hero for the day, Earl Campbell, spoke so courageously about this morning, we have to understand that it should not be embarrassing to talk publicly about mental illnesses, that one should not be embarrassed about going to a psychiatrist, or a psychologist, a social worker, and saying, "I have this problem." All of these disorders can be treated. Perhaps it is a biological problem, perhaps it is a medical problem, and perhaps it is just the stress and strain of a complex American life. We need it, whether it is the music of Miles Davis that can bring help and understanding to us, or the educated care that a psychiatrist can give us. This is what adequately competent people can bring to us, and help us through our daily lives, and help us also have the rich rewarding life that we know we can have in places in America and places in my home State, Oregon.

Mr. Speaker, I thank the gentleman from West Virginia [Mr. WISE] for yielding to me.

Mr. WISE. Mr. Speaker, I thank the gentleman from Oregon [Mr. KOPETSKI], and I just want to thank the gentleman for what he has done. He took the lead in organizing the mental health working group, he has taken the lead in getting renowned experts to testify in front of us and to appear in front of us. He has taken the lead in bringing Members of Congress together I think in record numbers for congressional breakfasts. There are a number of those around, infinite number it seems like on any given day, but the organization that he has helped bring together and has brought together is attracting a large, broad spectrum of members, and it is a testimony, and I just want to thank him for all he has done to make it possible.

Mr. Speaker, I would like to speak for just a second also on the direct cost to society with mental illness because there is a mental illness cost, and our failure as a society to grapple with it I think shows that.

□ 1950

When you realize, for instance, that major depression and manic depressive disorders affect 1 out of every 10 Americans, that is right, 10 percent of Americans are affected by major depression or manic depressive disorders. A recent study examined six major medical conditions, including hypertension, diabetes, lung diseases, arthritis, and found the only severe heart disease to be associated with more disability and interruption of daily functioning than this profoundly debilitating form of mental illness.

There are anywhere from it is estimated 700,000, 1 million, 2 million homeless persons in the Nation. Nearly a third of those have some form of mental illness.

Thirty-five to forty percent of the homeless population also have alcohol or other drug problems.

Mr. Speaker, among our children suicide is the third leading cause of death for individuals between the ages of 15 and 24. Among adolescents, suicide has increased by over 30 percent since 1950. Our children are reaching out and crying out, and somehow we are not getting there. We are not responding.

A National Institute for Mental Health study found that 12½ percent of adults have a diagnosable and potentially treatable mental disorder, with more than 10 percent of the population being affected.

Walk down a street any day and you pass nine people. Of the group of 10, somebody has a form of mental illness or is going to.

There is a need for mental health policy, a mental heath policy and mental health strategy in our Nation. It is certainly true with respect to coverage for the treatment of mental and addictive disorders, where there is clear and substantial costs, that include lost work, reduced productivity, prisoner recidivism, and a growing burden on the Federal, State, and local judicial and social welfare systems from untreated mental illness and substance abuse.

A 1985 study by the Alcohol, Drug Abuse and Mental Health Administration, concluded that the indirect costs of mental illness in terms of lost productivity, lost employment, and so on, are three times the actual cost of treatment. So by not treating mental illness, it costs our society three times as much as if it did treat mental illness.

In addition, the related costs, from auto accidents, crime, social welfare, all of these, total nearly 73 percent of the actual treatment costs. Of course, these indirect costs are borne by taxpayers.

There are important new things that can be done and are being done to manage and treat people with these disorders. so mental illness has got to be included as part of any national health strategy that comes out of this Congress.

Businesses, consumers, and Federal and State governments are already paying for health care for the uninsured, but doing so in an inefficient and inequitable manner.

The failure to account for mental illness only compounds the problem.

There is also the problem of prejudice, misunderstanding and myth about mental illness. It has been a major impediment to its inclusion in health care, whether at the Government level of at the private level.

It is necessary to include mental illness with the other issues of health in this Nation and to bring all the resources of this Nation together to conquer mental illness within the foreseeable future.

The gentleman from Rhode Island [Mr. MACHTLEY] this morning at this breakfast with Earl Campbell and Dr. Freida Lewis Hawes I think put it well. I am going to paraphrase what he said, because it moved me at the time.

He said if somebody finds out they have cancer, they walk into their neighbor's house and their neighbor says, "How are you doing?" So you would tell them. "I have cancer, and I am having to have chemotherapy or radiation treatment."

You would be sorry for them, but you would understand, and there is no stigma attached to that, even though that is a debilitating illness. People understand that. It is a physical illness. It is compartmentalized as such, and no one would have a reluctance to confide that in a friend.

But if you have a mental illness, how many people feel so inclined or so comfortable or so able to talk to a neighbor, and the neighbor says, "What is wrong? I notice something wrong." How many would say, "I have an emotional disturbance," or, "I have a mental illness. I have a schizophrenic process problem. I have manic depressive disorder. I am afflicted in this way."

The answer is, not many. Because there is a stigma attached to mental illness. It is unfair. Particularly since medical science has proven much in just the past few years, these last 10 years, for instance, that shows that mental illness is not a crime. It is not a fault. It is not some kind of inherent sense of original sin arising from some wrongdoing. Mental illness is an illness, and it needs to be considered as such.

I think of how far we have come in just a few years. When I was in my late teens and early twenties I worked 3 years in a mental health facility, in every type of milieu, whether it be a locked ward, whether it be an open ward, whether it be a residential facility. I look and see how far we have come.

Yet, as far as we have come 20 years since I was working in those facilities, in some ways we are still at the very most basic stages.

I look back on some of our treatment techniques 20 years ago in one of the best medical model facilities in the country, and I think how far we have moved, and I have got a feeling that in 10 years I will be looking back at today and seeing how primitive this was, and hopefully the evolution goes on.

I think for instance of a young man I knew, I will just name as Bill, who was then maybe 23 years old, and the horrors that he went through as he underwent a schizophrenic process on a regular basis, and how we were unable really to grapple with that process that he went through.

He was fortunate because he had insurance coverage and parents, I believe, of probably above-average income means. I just wonder how many patients that did not have insurance coverage and that did not have that situation simply wandered the streets or ended up in the jails. Today there are medications that will help him and help those with that affliction.

I look at the gains, for instance, in the area of manic-depressive disorders. When I was involved, lithium was just being tested for the first time. Today lithium carbonate is the major treatment for many with manic-depressive disorders.

Anorexia nervosa, panic disorder, anxiety attacks, so many of the different types of illnesses that were not understood then, now are being treated.

Part of that, I think, and it is important to understand just as we acknowledge Mental Illness Awareness Week, it is also important to recognize that this has been designated the Decade of the Brain. The dollars that this Congress and this country put into that research, the Decade of the Brain, will reap us benefits one hundredfold.

In the area of mental illness and mental health, more importantly, they are helpless to realize what the brain is, to understand it, to comprehend it, to be able to do the cross-sections that are so important, to be able to do the scans, and to understand the physical makeup of the brain, the chemical makeup. What once was thought of as some sort of fault in somebody's moral character, we now recognize as having a physiological underpinning and can be treated in that way.

So I hope that this Congress will fund adequately and this President will recommend adequate funding, so that the Decade of the Brain can truly realize its potential. Remembering that for the National Institute of Mental Health, for instance, only a very small fraction of the grants that are approved are actually funded.

Let me just stress that. These are not the people that make application. Of the grants that are approved, just a very small fraction are actually able to be funded. Those grants that are noteworthy, those grants that are meritorious, that are worthy of being funded, most of them simply are not. So we are not able to do the research that is necessary.

But remember that the Decade of the Brain holds promise not just for treating mental illness, but also helping us understand how we learn, how we grow, how we develop. So the funding for it is just essential so that our researchers can help us finish the Decade of the Brain with a true, true growth in human understanding.

There are other areas that this Congress can be active in, and that is in recognizing that our health strategy that is devised in this Congress and by this President must have a strong mental health component; that our Medicare and Medicaid Programs of today, our existing programs, are not adequate and do not cover adequately mental illness; and that new programs that are designed, and I think this Congress is going to be acting, and I hope that this Congress is going to be acting within this next year on major medical legislation, health delivery legislation that guarantees affordable access to health care for everyone, and that is a subject for another special order, but it has to recognize the need for the mental health part to that.

So there is much that this Congress can do and much that this Congress can focus on.

Mr. Speaker, mental illness is something that we have to bring out, we have to talk about, we have to understand, and we have to appreciate. We have to put it in its proper perspective, which is not some great bogeyman, it is not some kind of unknown devil.

□ 2000

It is there, and it is something that the seeds in all of us, just as the seeds of heart trouble, cancer, we can name it, are also there.

Earl Campbell, a well-known football player, 1977 Heisman Trophy winner, ran for 9,407 yards in his professional career with the Houston Oilers and the New Orleans Saints. He made the commitment to come forward.

If Earl Campbell can come forward and say, "I have a panic disorder and I didn't understand what it was for a long time. I went to physicians and they told me that I was just nervous. They sent me on vacations and they told me to relax.

"It wasn't until I went to a psychiatrist," and then, as he related it to us, he got in the psychiatrist's office and realized what nature of medicine the doctor was and became very abusive saying, "I don't need to be in a shrink's office."

But he said that is what he needed. So if Earl Campbell can come forward, my hope is that of the millions of Americans that are in their homes, the millions of Americans that are wondering what it is they have got going on within them, that they, too, will seek that help and, most importantly, that as they seek that help, that help will be available to them.

If that awareness gets out, then Mental Illness Awareness Week has been a success and the gentleman from Oregon [Mr. WYDEN] and all those who made it possible and worked to pass this legislation will have succeeded because awareness is crucial. Awareness and then commitment to bringing mental illness into its proper perspective and to bring mental health to all Americans.

Mr. MCDERMOTT. Mr. Speaker, I want to thank my colleagues, the gentlemen from Oregon [Mr. KOPETSKI], the gentleman from Rhode Island [Mr. MACHTLEY], and the gentleman from West Virginia [Mr. WISE], for convening this special order in observance of Mental Illness Awareness Week.

Mental illness affects 30 million Americans, yet profound misunderstanding and misinformation continue to surround these illnesses. The fact is, one in five Americans will have a diagnosable mental disorder requiring treatment at some point in their lives. And the fact is, most disorders are eminently treatable.

Attitudes are changing. A poll by the Robert Wood Johnson Foundation reported that 74 percent of those surveyed believe that anyone can become mentally ill. The majority believe that the staying in the community will help a patient recover, and 43 percent believe that having a mental illness is so different from having any other kind of illness. Still, fewer than one in three said they would welcome a mental health facility in their area. Clearly, we have more educating to do on this issue.

We have made enormous progress in some areas of mental illness—particularly in treatment of chronic disease such as manic-depression illness and schizophrenia.

Many of these illnesses can be controlled with proper medication and other treatment—in the same way that diabetes or hypertension is controlled—and these people lead productive, fully functional lives. They deserve to lead those lives without stigma or penalty, and I am pleased that the Americans With Disabilities Act we passed last year will at last offer protection from discrimination in the workplace. But we have only begun to understand the chemistry of the brain, and we need much more research in this area.

Sadly, in other areas of mental health, we have lost much ground. When I graduated from medical school in the mid-1960's, our Nation had embarked on an ambitious effort to reform our mental health system by shifting our emphasis from long-term hospitalization of patients to community-based care.

At that time, deinstitutionalization seemed attractive from almost every point of view. It promised independent living and better care for patients, and less cost for Government. But our reach exceeded our grasp. The community mental health centers designed to provide outpatient care never were fully funded.

Advances in pharmacology were no substitute for personal supervision and support. In the 1980's, a critical housing shortage, coupled with deinstitutionalization, forced more and more people onto the streets.

Of course, wholesale warehousing of patients in mental hospitals had been wrong—bad medicine and bad public policy. But it also was wrong to send these people out into the world with nothing more than a promise, a pill, and a prayer.

We have replaced deinstitutionalization with transinstitutionalization: we are still warehousing our mentally ill—but now they are in welfare hotels, in homeless shelters, in nursing homes, in our prisons, and on the streets, receiving very little treatment, and less hope.

The benign neglect of the 1970's gave way in the 1980's to an even greater failure in government's responsibility to care for those in need. Not only were national leadership and vision lacking, but the Federal Government simply turned its back on prevention, early intervention, and treatment programs.

The Reagan administration's merciless veto pen slashed essential support programs as well, like nutrition, health care, education, housing, and social services. many State and local governments have tried to fill the gap, but few have been able to do so. Research programs have also languished, and important areas like geriatric psychiatry have been seriously neglected.

We pay a price for this neglect, and nowhere is it more evident than in the faces and hearts of our children; 7½ to 9½ million children in this country have severe emotional disturbances. Twelve percent of all children suffer mental disorders.

Nearly 2½ million children were reported abused or neglected in 1989 and these numbers are on the rise. Children are being raised in poverty, in one-parent families, on the streets, in shelters. Who is taking care of these children? Our mental health and social service systems are overwhelmed, and people on the front lines in these fields have been begging for help for a decade. But we continue to ignore the problem. Where is the President when it comes to suffering in his own back yard? Our children are in crisis—they need help now, but I am sorry to say that it appears that it will get worse before it gets better.

The tragedy is that, while children are our most vulnerable population, they are also the most resilient. Children who are at risk for mental and emotional disorders can be identified and treated. We know how to intervene and we know it can save these kids' lives. Abused children, for example, do not have to grow up to become offenders of the abuse that victimized them. We know how to stop that cycle. We know it saves our society enormous costs down the road and, more important, prevents much suffering. Yet we refuse to invest the resources to intervene. Instead, we allow the tragedies to multiply.

By adolescence we see vividly the results of the pain and suffering we have ignored. We see children having children—without adequate resources or skills. We see children killing themselves. Suicide has increased among adolescents by over 30 percent since 1950. It is the second leading cause of death among young adults aged 15 to 24. We see children killing others. For young black men, the picture is especially grim—the leading cause of death for black males age 15 to 24 is homicide. How can it be that in the richest country in the world we are raising more and more children who are so desperate that they resort to killing themselves and others?

There are many kinds of intervention that work to help families in crisis. In my district of Seattle, for example, there is a unique program called Childhaven, which treats abused and neglected children by providing full-day therapeutic care. Not only do the children get the help they need, but the parents get the time to get help themselves. We need more programs like Childhaven in this country. Children's Hospital in Seattle has forged an alliance between mental health providers, school districts, and child welfare agencies to provide comprehensive help to families and children at risk. We need more such collaborative efforts that coordinate services so that children do not fall through the cracks.

My colleague from California, Mr. MILLER, has developed legislation for childhood mental health services that would go a long way toward reforming our present system.

The growing numbers of children facing life on the margins in an indifferent society are forming a wave that is crashing down on all of us. Our neglect of our children in past years has already produced a generation of anguished, alienated, and angry young adults. If we do not stop the persistent cycles of abandonment and abuse that have plagued these children, we will find our mental health system, our social service system, our prison system, and our economic system overwhelmed with the consequences of our failure.

Mental illness and substance abuse cost our country more than $270 billion each year. We could reduce this cost substantially if we made the investments in preventive care and treatment to address the mental and emotional needs of our citizens. Families are struggling with these problems every day, and they desperately need our help.

I commend my colleagues for drawing attention to this important issue and for their efforts on behalf of the mental health of our citizens.

Mr. WEBER. Mr. Speaker, I rise in support of House Joint Resolution 156, Mental Illness Awareness Week, and take this opportunity to express my sincere hope the Congress will fulfill the expectations of the decade of the brain resolution and proclamation in the fiscal year 1992 appropriations bill—H.R. 2707. As we move into the Decade of the Brain with momentum, it is now up to Congress to keep mental illness research and services a top priority.

There is still a long way to go. As Dr. D. Allan Bromley, the President's coordinator for the Decade of the Brain, has noted:

> [We] know vastly more about the first microsecond of the existence of our universe, or about the constituents of any atom, or about the interior of the sun, than we do about the three pounds of tissue inside our own heads. Brain research is truly one of the great frontier areas of science * * * it is a frontier that promises enormous practical payoff in the form of new treatments and possibly new ways of prevention.

Even in these enlightened times, and notwithstanding the enactment of the Decade of the Brain, it is clear that mental illness, a problem of major proportions which adversely affects our health, well being, and productivity as a nation, is still shrouded in mystery, shame, and stigma.

The prevalence and destructive consequence of mental illness in the United States is well documented. Each year mental disorders wreak havoc on over 30 million adults in this country. In fact, one in every five citizens at some point in life will experience such debilitating conditions as schizophrenia, depression, Alzheimer's disease, manic depressive illness, or anxiety disorders.

Tragically, only one-fifth of all adults with a diagnosable mental illness in this country actually receive the treatment they need. In addition to this—and perhaps even more alarming—is the fact that some 8.1 million youngsters suffer from mental illness and often go untreated for years, even though effective help is available. But even these chilling statistics cannot measure the cost of the untold human suffering experienced by our citizens every day. Indeed, this suffering often leads vulnerable individuals to turn to suicide as a way out of continuing their frequently unnecessarily painful lives. Depression is the major risk factor for suicide in this country.

The severe disability directly caused by mental disorders is also clear even if one considers only the amount of time Americans spend in treatment for them. For example, only heart disease is associated with more bed days per month than depression. Depression, in fact, has been shown to have a higher morbidity rate than many other chronic medical conditions, including heart disease, lung disease and, hypertension. The direct and related costs of mental disorders add up to a staggering $129 billion each year.

Unparalleled research opportunities exist. NIMH has launched a concerted and powerful effort not only to overcome mental disorders but also to eliminate associated intransigent and discriminatory stigma which have further victimized mental patients and their families.

NIMH must continue to provide leadership at the national level on the major issues involving mental illness and mental health.

As a part of its leadership role, NIMH has completed a series of four strategic plans, three of which are already being implemented. Each is designed with a separate, distinct strategy in mind, and all are aimed at attacking, through research, the biggest mental health problems of our day. These are approaching the 21st century: opportunities for NIMH neuroscience research; the national plan for research on schizophrenia and the brain; the national plan for research on child and adolescent mental disorders; and a new and highly promising plan, caring for people with mental illness: a national plan of research to improve services. This new research plan represents a systematic, science-based attack on the inadequacy and low quality of services provided to severely mentally ill persons in this country. Taken together, these four research plans provide an overarching strategy to guide NIMH research programs throughout this decade.

Unfortunately, unfair and unreasonable attitudes associated with illnesses of the mind and brain were carried over into our public policies for many years. As a result, the mental health field was chronically and severely underfunded and has been struggling to catch up.

For too many years, basic biomedical research on mental illness was a stepsister to research into other physiological diseases. But over the past several years, we have made substantial progress in directing attention and resources to mental illness research. The Decade of the Brain resolution and proclamation have generated a great deal of interest in mental illness research, and we have made substantial increases in the appropriations for this research.

I am hopeful that as my colleagues and I meet in conference later this month to develop the final version of the Labor/Health and Human Services/Education appropriations measure for 1992, we will again be able to demonstrate our support for mental illness research.

In addition to research into the causes and treatment of mental illness, the National Institute of Mental Health funds vitally important research into how to organize effective outreach to and services for the mentally ill. For example, through funding projects to aid the transition from homelessness [PATH] grants, a program initiated by Senator DOMENICI and approved by Congress last year, we can initiate and enhance services to one of the most difficult groups of mentally ill individuals to reach and treat—persons who are mentally ill and homeless.

Mr. Speaker, it is conservatively estimated that 35 percent of all homeless individuals are seriously ill. Many of these individuals also suffer from substance abuse disorders. The intent of PATH is to link housing and services for persons who are homeless and mentally ill, including those who suffer from substance abuse disorders. Eighty percent of the moneys dispersed to community providers by States must be used for such purposes as community mental health services, case management services, substance and alcohol abuse treatment, and referrals to primary health services. Twenty percent of the moneys may be used for housing purposes such as minor renovations, security deposits, one-time rental payments, and coordinating between housing and service providers. States are required to contribute $1 for every $3 of Federal funds received under PATH.

Mr. Speaker, when the President introduced his homeowership and opportunity for people everywhere [HOPE] initiative, he included Shelter Plus Care, a program similar to Senator DOMENICI'S PATH initiative. The most recent issue of the Decade of the Brain, the research quarterly for the National Alliance for the Mentally Ill, includes a lead story by our former colleague and now Secretary of the Department of Housing and Urban Development, Jack Kemp, featuring the promise of the PATH/Shelter Plus Care Program. I include the article at this point, and I again ask my colleagues to join me in supporting the research, treatment, and services funding needed to bring hope to persons with mental illness, their families, and their communities.

HOPE FOR THE MENTALLY ILL HOMELESS

(By the Honorable Jack Kemp)

We Americans take pride in our freedom and independence, our well-deserved reputation as the land of opportunity. But even as we cherish our leadership role in the free world, we are disheartened at the sight of those whom President Bush has called "people who stand in the shadows . . . who live in a nightmare in the midst of the American dream. We see them every day on the streets of our cities, sleeping on the steam grates, living out of cardboard boxes."

The tragedy of homelessness strikes at the spiritual core of the American people. The plight of the homeless is unacceptable; in a land as rich and bountiful as ours, it is both unacceptable and intolerable, and President Bush has made a commitment to help end this tragedy of homelessness and help recapture the American Dream.

Perhaps the most helpless—the hardest-to-reach and most difficult to serve souls of this troubled population—are the mentally ill homeless. Heartbreaking visions of disoriented men and women pushing shopping carts, aimlessly wandering the streets, challenge us to find solutions. As President Bush has said, ". . . the real answer for the homeless, those with mental problems or dependent on drugs or alcohol, is shelter plus care shelter supplemented by the necessary support services to get these people the help they need to live in dignity."

When the President introduced his HOPE initiative—Homeownership and Opportunity for People Everywhere—he included Shelter Plus Care as one of its key elements. Based on an idea originated by Senator Pete Domenici of New Mexico, the Shelter Plus Care program combines housing assistance with supportive services of homeless persons who are seriously mentally ill and substance abusers—about 50 percent of the homeless population. The program assists States and cities actively engaged in outreach to the homeless street population, matching housing assistance with supportive services that include: health care, mental health treatment, detoxification, case management, education, job training, and other services essential to independent living.

Linking housing with services enables local providers to address the needs of the homeless in a coordinated and comprehensive way. Shelter Plus Care offers housing options ranging from transitional to permanent, emphasizing the creation of permanent housing arrangements.

The needs of homeless persons, especially the mentally ill homeless, are complex and ill-served by unilateral efforts. Given the wide range of needs and services required by the homeless and the wide range of services available through Federal, State and local entities and private non-profit groups, it is clear that coordination and mutually supportive efforts will deliver more effective solutions to the problems of homeless persons. This understanding guided our approach to Shelter Plus Care, and it drives our other efforts on behalf of mentally ill homeless persons, such as the close working relationship we have established with the Department of Health and Human Services (HHS).

HHS Secretary Dr. Louis Sullivan and I have entered our Departments into a memorandum of understanding designed to better integrate housing and services for the poor, with particular emphasis on the mentally ill homeless. We have begun a number of initiatives under this agreement, including demonstrations we are jointly funding with the National Institute of Mental Health. These demonstrations focus on activities designed to promote coordinated housing and mental health services for severely ill homeless persons.

In California, for instance, San Diego State University will work with San Diego County Mental Health Services and the San Diego City Housing Commission in evaluating the effectiveness of providing comprehensive supportive services coordinated with independent housing alternatives for severely mentally ill homeless adults. The demonstration will emphasize individual choice in the selection of the housing options as well as support services. This research is based on the hypothesis that persons in the experimental program will show a decreased level of psychopathology, increased housing stability, and an improved quality of life when compared to a control group receiving traditional case management.

Another demonstration under the HUD/NIMH joint initiative will produce a manual on the coordinated provision of housing and services for homeless mentally ill persons. Generally, neither housing agencies nor mental health services providers are familiar with how to access the assistance each offers. The manual will describe the range of programs available, and how to access and coordinate them to promote independent living for the mentally ill homeless.

HUD also is collaborating with the Robert Wood Johnson Foundation in a demonstration program on chronic mental illness. Nine of the nation's sixty largest cities are receiving funding and housing assistance over a five year period to centralize administrative, fiscal, and clinical responsibility in a single mental health authority. These authorities are organizing and financing a comprehensive system of services, including expanded housing opportunities made possible by Section 8 rent subsidies provided by HUD to enable their development of safe, affordable housing in their communities.

We have a similar partnership under way with the Foundation on behalf of dysfunctional homeless families; collaboration with the Department of Veterans Affairs that links housing assistance with support services for mentally ill homeless veterans; and a joint demonstration with the Department of Labor to increase employment and obtain housing for homeless persons.

We have achieved a new level of cooperation at the Federal level, and we need similar efforts at the State and local level where the vital programs and services are delivered.

What is evident from our experience thus far is that integration of services with housing assistance—a comprehensive, coordinated approach—is the most effective and efficient way to meet the needs of mentally ill homeless persons . . . indeed of all segments of the homeless population.

As part of our continuing commitment, President Bush has assigned HUD the lead among seventeen federal agencies to develop a Comprehensive Federal Plan to End Homelessness. This plan focuses on better integration of services, improved access to permanent housing, and prevention of homelessness. When implemented, the plan will link housing and services, improve coordination among all Federal, state, and local programs, and better target available resources.

The research and results arrived at through our various partnerships, through the federal plan, and through the substantial efforts of the Interagency Council on the Homeless, will provide the insights we feel are essential to helping homeless persons return to mainstream society and offer those incapable of independent living the support necessary to live in dignity.

Mr. MACHTLEY. Mr. Speaker, I thank the gentleman from West Virginia for yielding.

It is my pleasure to salute Mental Illness Awareness Week.

And I particularly commend my other colleague from Oregon, Mr. WYDEN, for introducing the resolution to draw attention to mental illness.

It was not long ago that you would not be able to gather a group of Members to discuss mental illness.

Mental illness was, and sadly still is, thought upon by many as a social problem, not a medical one; 71 percent of people surveyed by the National Alliance for the Mentally Ill say they believe mental disorders are an emotional weakness, and only 10 percent believe there may be a medical, biological basis for mental illnesses. These figures show we need to make more strides forward to help people understand the nature of mental illnesses. This is why we are here today.

Over 90 percent of what we know about the brain today has been learned in the last 10 years.

How have we learned so much about mental illness and the working of the brain? Simply, research. Research has dramatically changed our understanding and response to mental illness. And, mental health research has become a much more exacting science over the past decade.

By studying the chemical balance and structure of the brain, scientists have found the biological roots to many serious mental conditions. For instance, take manicdepressive disorder—one of the most debilitating of mental illnesses. This illness—characterized by extreme mood swings—affects 1 in 100 Americans. Without treatment, this disorder can severely disrupt the life of those affected, and the lives of family and loved ones.

However, study of manic depression has led to a better understanding of the biochemical reactions which contribute to this disorder. Research has taught doctors that with the right combination of psychotherapy and medication, 70 percent of people who suffer from manic depressive illness can live happy, functioning lives. By helping these people live functional lives, we save nearly $8 billion annually in treatment costs and lost productivity. We also break the pattern of this destructive mental illness.

Research into the causes of mental illness and how to improve treatment is challenging. But as the scientific understanding of mental illnesses continues to expand, we have the potential to make a real difference in the lives of many people with severe mental illnesses. Research gives us the promise that we can better treat, better prevent, and possibly stop the suffering of mental illness.

The 1990's is the Decade of the Brain. The past 10 years has marked leaps forward in understanding the brain. This decade, the Decade of the Brain, can lead us to know the causes of mental illness and thereby stop the destruction. Mental health should be included in general health care.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for today and October 10, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. CHANDLER, for 5 minutes, today.

Mr. HAMMERSCHMIDT, for 5 minutes, today.

(The following Members (at the request of Mr. BRUCE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. WISE, for 60 minutes, today.

Mr. KOPETSKI, for 60 minutes, today.

Mr. SLATTERY, for 60 minutes, on October 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCHIFF) and to include extraneous matter:)

Mr. BALLENGER.
Mr. LEWIS of California.
Mr. SHUSTER.
Mrs. ROUKEMA.
Mr. PORTER.
Mr. LAGOMARSINO.
Mr. GEKAS in two instances.
Mrs. MEYERS of Kansas.
Mr. OXLEY.
Mr. GREEN.
Mr. BLAZ.
Mr. BURTON of Indiana.
Mr. PACKARD.

(The following Members (at the request of Mr. BRUCE) and to include extraneous matter:)

Mr. OBERSTAR.
Mr. SABO.
Mr. CLAY.
Mr. JOHNSON of South Dakota.
Mr. HAMILTON.
Mr. BILBRAY.
Mr. MAZZOLI.
Mr. CONYERS.
Mr. ROWLAND.
Mr. ACKERMAN.
Mr. MILLER of California.
Mr. MCMILLEN of Maryland.
Mr. WEISS.
Mr. ERDREICH.
Mr. RUSSO.
Mr. MURPHY.
Mrs. BYRON.
Mr. RANGEL in two instances.
Mr. DARDEN.
Mr. TOWNS in two instances.
Mr. DOWNEY.
Ms. NORTON.

SENATE JOINT RESOLUTION REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 107. Joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Declaration Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 160. Joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 303. Joint resolution to designate October 1991 as "Crime Prevention Month."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1722. An act to provide emergency unemployment compensation, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolution of the House of the following title:

H.J. Res. 189. Joint resolution designating October 8, 1991, as "National Firefighters Day";

H.R. 2387. An act to authorize appropriations for certain programs for the conservation of striped bass, and for other purposes; and

H.R. 3259. An act to authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth; and for other purposes.

ADJOURNMENT

Mr. WISE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Thursday, October 10, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2186. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Switzerland for defense articles and services (Transmittal No. 92-01), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2187. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2188. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2189. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2190. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2191. A letter from the Chairman, Administrative Conference of the United States, transmitting the annual report on fees and other expenses awarded pursuant to 5 U.S.C. 504(e) covering the period from October 1, 1989 through September 30, 1990, pursuant to 5 U.S.C. 504(e); to the Committee on the Judiciary.

2192. A communication from the President of the United States, transmitting a copy of a proclamation that extends nondiscriminatory treatment to the products of the Union of Soviet Socialist Republics; also enclosed is the text of the "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics," which was signed on June 1, 1990, pursuant to 19 U.S.C. 2437(a) (H. Doc. 102-148); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3371. A bill to control and prevent crime; with amendments (Rept. 102-242, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 3371. The Committees on Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Merchant Marine and Fisheries, and Public Works and Transportation discharged from further consideration of H.R. 3371. H.R. 3371 referred to the Committee of the Whole House on the State of the Union. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself and Mr. Moorhead):

H.R. 3531. A bill to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1992, and for other purposes; to the Committee on the Judiciary.

By Mr. BOEHNER (for himself, Mr. Klug, Mr. Gilchrest, Mr. Hobson, Mr. Zimmer, Mr. Santorum, Mr. Zeliff, Mr. Doolittle, Mr. Riggs, and Mr. Nussle):

H.R. 3532. A bill to amend title 5, United States Code, to require disclosure of information by the Congress; to the Committee on Government Operations.

By Mr. PANETTA:

H.R. 3533. A bill to prevent foreign persons from owning national landmarks, areas included in the National Park System, and a significant portion of U.S. cultural business enterprises; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Ms. NORTON:

H.R. 3534. A bill to prohibit discrimination on the basis of certain factors with respect to any aspect of a surety bond transaction; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 3535. A bill to amend the Social Security Act to ensure, through a USHealth Program and through qualified employer health plans, access for all Americans to benefits for high quality health care and long-term care while containing the costs of the health care system: jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Ms. NORTON:

H.R. 3536. A bill to direct the Comptroller General to conduct a survey to obtain data on the experiences of business firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety companies, and for other purposes; to the Committee on Small Business.

By Mr. OBERSTAR (for himself, Mr. Roe, Mr. Hammerschmidt, Mr. Clinger, Mr. Inhofe, Mr. Laughlin, and Mr. Geren of Texas):

H.R. 3537. A bill to direct the Secretary of Transportation to establish a Civil Tiltrotor Development Advisory Committee in the Department of Transportation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RUSSO (for himself, Mr. Sangmeister, Mr. Lipinski, Mrs. Collins of Illinois, and Mr. Hastert):

H.R. 3538. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to authorize appropriations for capital improvement projects; to the Committee on Interior and Insular Affairs.

By Mrs. SCHROEDER:

H.R. 3539. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. WEISS:

H.R. 3540. A bill to establish a program of grants for providing treatment for the abuse of drugs through projects that make available primary health services to the individuals undergoing such treatment; to the Committee on Energy and Commerce.

By Mr. GEPHARDT (for himself and Mr. Michel (both by request), Mr. Gibbons, Mr. Bereuter, Mr. Downey, Mr. Vander Jagt, Mr. Johnson of South Dakota, Mr. Penny, Mr. Nagle, Mr. Guarini, Mr. Lipinski, Mr. McMillan of North Carolina, Mr. Santorum, and Mr. Kopetski):

H.J. Res. 346. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Union of Soviet Socialist Republics; to the Committee on Ways and Means.

By Mr. MINETA (for himself, Mr. Whitten, and Mr. McDade):

H.J. Res. 347. Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Smithsonian Institution; to the Committee on House Administration.

By Mr. RITTER (for himself and Mr. Valentine):

H.J. Res. 348. Joint resolution to designate the week beginning February 23, 1992, as "National Manufacturing Week"; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD (for himself, Mr. Smith of New Jersey, Mr. Bereuter, and Mr. Wolf):

H. Con. Res. 217. Concurrent resolution urging all parties in Yugoslavia to continue support for the current cease-fire and engage in negotiations on the future of Yugoslavia, calling upon the United Nations to play an expanded role, along with the European Community, in resolving the Yugoslav problem, and encouraging the administration to fully mobilize United States political and economic influence to address the crisis; to the Committee on Foreign Affairs.

By Mr. KOLBE:

H. Con. Res. 218. Concurrent resolution to express the sense of Congress that any new budget summit agreement between the

President and the Congress should reduce the size of projected Federal budget deficits and control entitlement spending; to the Committee on Government Operations.

By Mr. HOYER:

H. Res. 243. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GONZALEZ introduced a bill (H.R. 3541) for the relief of Malcolm W. Burkhalter; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. KYL.

H.R. 78: Mr. SWETT.

H.R. 193: Mr. NEAL of Massachusetts.

H.R. 200: Mr. MATSUI.

H.R. 267: Mr. WISE.

H.R. 311: Mr. COX of California.

H.R. 394: Mr. LENT.

H.R. 418: Mr. CHAPMAN and Mr. SYNAR.

H.R. 603: Mr. SPENCE.

H.R. 608: Mr. SABO.

H.R. 840: Mr. MONTGOMERY, Mr. MACHTLEY, and Mr. CHAPMAN.

H.R. 895: Mr. ZIMMER.

H.R. 1004: Mr. BOEHNER.

H.R. 1084: Mr. ENGEL.

H.R. 1240: Mr. GEJDENSON, Mr. MCCLOSKEY, and Mr. NEAL of Massachusetts.

H.R. 1300: Mr. PAYNE of New Jersey.

H.R. 1346: Mr. BUSTAMANTE.

H.R. 1406: Mr. HEFLEY, Mr. SHARP, and Ms. KAPTUR.

H.R. 1468: Mr. WELDON.

H.R. 1515: Mr. DOOLITTLE.

H.R. 1516: Mr. BRYANT and Mr. FIELDS.

H.R. 1549: Mr. TAYLOR of Mississippi.

H.R. 1618: Mr. PAXON, Mr. TORRICELLI, Mr. RINALDO, Mr. EDWARDS of Oklahoma, Mr. BAKER, Mr. PRICE, Mr. MCMILLAN of North Carolina, Mr. NICHOLS, Mr. TAYLOR of North Carolina, Mr. WALSH, Mr. JACOBS, Mr. ESPY, Mr. LEWIS of California, Mr. MOORHEAD, and Mr. HOCHBRUECKNER.

H.R. 1733: Mr. KYL and Mr. RANGEL.

H.R. 1896: Mr. GINGRICH.

H.R. 1900: Mr. DOOLITTLE.

H.R. 2037: Mr. ECKART and Mr. MRAZEK.

H.R. 2164: Mr. DOOLITTLE.

H.R. 2371: Mr. COX of California.

H.R. 2419: Mr. MAVROULES, Mr. RAHALL, Mrs. BOXER, and Mrs. JOHNSON of Connecticut.

H.R. 2464: Mr. HATCHER, Mr. PRICE, Mr. BEVILL, and Mr. PURSELL.

H.R. 2503: Mr. HOUGHTON.

H.R. 2748: Mr. LANCASTER.

H.R. 2755: Mr. PAXON, Mr. NEAL of Massachusetts, and Mr. SPRATT.

H.R. 2804: Mr. DELLUMS.

H.R. 2855: Mr. FISH.

H.R. 2872: Mr. BOEHNER and Mr. RAMSTAD.

H.R. 2891: Ms. KAPTUR.

H.R. 2936: Mr. GILCHREST, Mr. PETERSON of Florida, and Mr. ECKART.

H.R. 2943: Mr. FRANKS of Connecticut.

H.R. 2959: Mr. ROE and Mr. DAVIS.

H.R. 3026: Mrs. KENNELLY and Mr. KLUG.

H.R. 3052: Ms. DELAURO, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. GORDON, Mr. STARK, Mr. HAYES of Illinois, Mr. CONYERS, Mrs. LLOYD, Mr. TRAFICANT, Mr. TOWNS, and Mr. EVANS.

H.R. 3101: Mr. ENGEL.

H.R. 3109: Mrs. BYRON.

H.R. 3122: Mr. SCHAEFER.

H.R. 3137: Mr. EVANS and Mr. DWYER of New Jersey.

H.R. 3216: Mr. HARRIS, Mr. EDWARDS of Texas, Mr. DARDEN, Mr. HEFNER, and Mr. LEWIS of California.

H.R. 3251: Mr. FOGLIETTA, Mr. BACCHUS, Mr. JEFFERSON, Mr. MOODY, Mr. KILDEE, Mr. ESPY, Mr. PETERSON of Florida, Mr. DELLUMS, Mr. LAGOMARSINO, Mr. EVANS, Mr. ROE, Mr. HUGHES, Mr. MFUME, and Mr. SOLARZ.

H.R. 3282: Mr. ROSE, Mr. MCGRATH, Mr. ABERCROMBIE, Mr. GOSS, Mr. JOHNSON of South Dakota, Mr. FAZIO, Mr. RHODES, Mr. LIPINSKI, Mr. HUBBARD, Mr. ENGEL, Mr. NAGLE, Mr. GILMAN, Mr. MILLER of Washington, Mr. MACHTLEY, Mr. OWENS of New York, Mr. COBLE, Mr. BILIRAKIS, Mr. GALLO, Mr. EVANS, Mr. MAVROULES, and Mr. SWETT.

H.R. 3311: Mr. SHAW and Mr. JEFFERSON.

H.R. 3330: Mr. EWING and Mr. EMERSON.

H.R. 3334: Mr. JOHNSTON of Florida and Mr. ENGEL.

H.R. 3363: Mr. SCHULZE.

H.R. 3369: Mr. ZIMMER and Mr. COX of Illinois.

H.R. 3425: Mr. NEAL of Massachusetts, Mr. MCCANDLESS, Mr. APPLEGATE, Mr. OLIN, Mr. JEFFERSON, Mr. PETRI, Mr. BUSTAMANTE, and Mr. HUGHES.

H.R. 3454: Mr. BOEHNER, Mr. VOLKMER, Mr. MARLENEE, Mr. LEACH, Mr. LIGHTFOOT, Mr. EMERSON, Mr. ROTH, Mr. BEREUTER, Mr. TRAFICANT, and Mr. QUILLEN.

H.R. 3505: Mr. DANNEMEYER.

H.J. Res. 123: Ms. HORN.

H.J. Res. 140: Mr. COX of California, Mrs. BENTLEY, Mr. FROST, Mr. HOAGLAND, Mr. SCHAEFER, Mr. ROWLAND, Mr. BACCHUS, Mr. HERGER, Mr. BRYANT, Mr. SKAGGS, Mr. MACHTLEY, Mr. ROHRABACHER, Mrs. PATTERSON, and Mr. MARTIN.

H.J. Res. 177: Mr. FORD of Tennessee, Ms. HORN, Mr. BERMAN, Mr. BROOMFIELD, Mr. ANDERSON, and Mr. STUMP.

H.J. Res. 198: Mr. OWENS of New York, Mr. MINETA, Mr. EARLY, Ms. HORN, Mr. SPRATT, Mr. KLECZKA, Mr. PERKINS, Mrs. MORELLA, Mr. JOHNSON of South Dakota, Mr. RHODES, Mr. DOOLITTLE, Mr. NATCHER, and Ms. OAKAR.

H.J. Res. 201: Mr. APPLEGATE, Mr. WYLIE, Mr. MCEWEN, Mr. TAUZIN, Mr. FOGLIETTA, Mr. BILBRAY, Mr. SLATTERY, Mr. ESPY, Mr. BROWDER, Mr. MAZZOLI, Mr. PAYNE of New Jersey, Mr. LANTOS, Mr. LAUGHLIN, Mr. OBERSTAR, Mr. GILMAN, Mr. MAVROULES, Mr. FISH, Mr. ROYBAL, Mr. STUDDS, Mr. TANNER, Mr. DICKS, Mr. ASPIN, Mr. EVANS, Mr. DYMALLY, Mr. MFUME, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Mr. STOKES, Mr. DE LUGO, Mr. GEREN of Texas, Mr. FALEOMAVAEGA, Mr. MCCLOSKEY, Mr. MINETA, Mr. COOPER, Mr. VALENTINE, Mr. MACHTLEY, Mr. RAVENEL, Mr. DEFAZIO, Mr. JEFFERSON, Mr. OXLEY, Mr. HENRY, Mr. MCCOLLUM, Mr. ENGEL, Mr. VOLKMER, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. MILLER of Ohio, Mr. LEHMAN of Florida, Mr. BREWSTER, Mr. KOSTMAYER, Mr. JONES of North Carolina, Mr. COYNE, Mr. MURPHY, Mr. MCDADE, Mr. CLAY, Mr. LEWIS of Florida, Mr. FEIGHAN, Mr. YOUNG of Florida, Mr. AUCOIN, Ms. SLAUGHTER of New York, Mr. FORD of Tennessee, Mr. DE LA GARZA, Mr. SAVAGE, Mr. ROBERTS, Mr. NATCHER, Mr. INHOFE, Mr. NEAL of North Carolina, Mr. GEKAS, Mr. KANJORSKI, and Mr. EDWARDS of Oklahoma.

H.J. Res. 253: Mr. DARDEN, Mr. SAWYER, Mr. ENGEL, Mr. SCHUMER, Mr. HUGHES, Mr. VANDER JAGT, Mr. DYMALLY, Mr. BURTON of Indiana, Ms. OAKAR, Mr. WELDON, Mr. MOODY, Mrs. BOXER, Mr. GILMAN, Mr. BUSTAMANTE, Mr. BILBRAY, Mr. HERTEL, Mr. PERKINS, Mr. WISE, and Mr. SHARP.

H.J. Res. 260: Mr. WELDON.

H.J. Res. 261: Mr. CARR, Mr. COX of Illinois, Mr. DICKS, Mr. MORRISON, Mr. NAGLE, and Mr. ZELIFF.

H.J. Res. 284: Mr. GEPHARDT, Mr. ANDREWS of New Jersey, Mr. MARTIN, Mr. MINETA, Mr. ROGERS, Mr. REGULA, Mr. PAXON, Mr. MILLER of Ohio, and Mr. ROWLAND.

H.J. Res. 287: Mr. BAKER.

H.J. Res. 300: Mrs. BENTLEY, Mr. BACCHUS, Mr. MILLER of Ohio, Mr. JONES of North Carolina, Mr. SAVAGE, Mr. MCCLOSKEY, Mr. HOBSON, Mr. AUCOIN, Mr. RHODES, Mr. HORTON, Mr. MCCOLLUM, Mr. PAYNE of New Jersey, Mr. ENGEL, Mr. FISH, Mr. MCDADE, Mr. KILDEE, Mr. NEAL of North Carolina, Mr. VOLKMER, and Ms. PELOSI.

H.J. Res. 307: Mr. JOHNSON of South Dakota, Mr. MATSUI, Mr. LENT, Mr. CLEMENT, Mr. MAVROULES, Mr. JONES of North Carolina, Mr. HORTON, Ms. HORN, Mr. HAYES of Louisiana, Mr. HALL of Texas, Mr. BENNETT, Mrs. BYRON, Mr. BALLENGER, Mr. WEISS, Mr. WALSH, Mr. TOWNS, Mr. MCNULTY, Mr. MCMILLEN of Maryland, and Mr. ORTON.

H.J. Res. 343: Mr. BROWDER, Mr. CLEMENT, Mr. DARDEN, Mr. DIXON, Mr. GREEN of New York, Ms. HORN, Mr. HUGHES, Mr. JEFFERSON, Mr. JONTZ, Mr. MCMILLEN of Maryland, Mr. NEAL of Massachusetts, Mr. OLIN, Mr. SANDERS, Mr. TALLON, and Mr. WHEAT.

H. Con. Res. 65: Mr. HUGHES.

H. Con. Res. 161: Mr. DOOLITTLE, Mr. CRAMER, Mr. YOUNG of Florida, Mr. MAVROULES, Mr. WYDEN, Mr. WOLPE, Mr. KOSTMAYER, Mr. FRANK of Massachusetts, Mr. LEWIS of California, Mr. GONZALEZ, Mr. YOUNG of Alaska, Mr. OXLEY, Mr. MYERS of Indiana, Mr. STARK, Mr. LAROCCA, Mr. DELAY, Mr. CONYERS, Mr. DURBIN, Mr. BURTON of Indiana, Mr. BRYANT, Mr. HANSEN, Mr. HALL of Texas, Mr. EDWARDS of Texas, Mr. COUGHLIN, Mr. LOWERY of California, Mr. FIELDS, Ms. DELAURO, Mr. RICHARDSON, Mr. WILSON, Mr. HATCHER, Mr. ESPY, Mr. RAY, Mr. THOMAS of Georgia, Mr. ASPIN, Mr. GEPHARDT, Mrs. KENNELLY, Mr. LEWIS of Georgia, Mr. IRELAND, Mr. WEBER, Mr. LIVINGSTON, Mr. ORTON, Mr. PALLONE, Mr. MANTON, Mr. ROWLAND, Mr. MINETA, Mr. GLICKMAN, Mr. LANCASTER, Mr. ANTHONY, Mr. DARDEN, Mr. GINGRICH, Mr. INHOFE, Mr. NAGLE, Mr. NEAL of North Carolina, Mr. PACKARD, and Mr. VENTO.

H. Con. Res. 188: Mr. SCHIFF, Mr. WYDEN, Mr. EMERSON, Mr. MORAN, Mr. WALSH, Mr. SHAYS, Mr. JEFFERSON, Mr. WEISS, Mr. FOGLIETTA, Mr. AUCOIN, Mr. SCHUMER, and Mr. MCGRATH.

H. Con. Res. 194: Mr. MCCANDLESS, Mr. PAXON, Mr. ARMEY, Mr. COLEMAN of Missouri, Mr. KOSTMAYER, Mr. ERDREICH, Mr. GILLMOR, and Mr. JEFFERSON.

H. Con. Res. 208: Mr. ANDREWS of Maine, Mr. WEISS, Mr. EWING, Mrs. SCHROEDER, Mr. NEAL of Massachusetts, Mr. MOODY, and Mr. COX of Illinois.

H. Res. 129: Ms. SLAUGHTER of New York, Mr. KOPETSKI, Mr. DUNCAN, Mr. ROEMER, Mrs. BOXER, Mr. FUSTER, Mr. BLAZ, Mr. DURBIN, Mrs. VUCANOVICH, Mr. SCHUMER, and Mr. SPENCE.

H. Res. 234: Mr. FAWELL, Mr. PENNY, Mr. DE LA GARZA, Mr. DREIER of California, Mr. WALKER, Mr. WASHINGTON, Mr. GONZALEZ, and Mr. HYDE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 858: Mr. LEWIS of Georgia.
H.R. 1330: Mr. YATRON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2369

By Mr. NICHOLS:

—Section 1(a), strike out "is hereby established" and insert in lieu thereof "is established, subject to subsection (c),".

—Insert the following new subsection at the end of section 1 of the bill:

(c) EFFECTIVE DATE.—(1) The establishment of the monument under subsection (a) shall take effect only after—

(A) the Secretary, within 6 months after the date of enactment of this Act, employs a professional polling firm to conduct a scientific poll of residents of Chase County, Kansas, to determine if they favor the establishment of the monument in accordance with this Act;

(B) the firm hired under paragraph conducts such poll within 6 months after the date of enactment of this Act; and

(C) the Secretary determines pursuant to such poll that a majority of the residents of Chase County, Kansas, favor the establishment of the monument in accordance with this Act.

(2) The Secretary shall publish the results of the poll conducted pursuant to paragraph (1) in the Federal Register, together with a statement indicating whether the monument is established pursuant to this subsection. In addition, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the poll and the establishment of the monument.

—Page , after line , insert the following:

(b) EFFECTIVE DATE.—This section shall take effect in the fiscal year following the first fiscal year after the date of enactment of this Act in which Federal revenues are equal to or greater than Federal expenditures.

EXTENSIONS OF REMARKS

THE REPUBLIC OF CHINA ON TAIWAN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. SCHEUER. Mr. Speaker, I know that many of my colleagues share my interest in the economic and political trends affecting the United States' relations with the Republic of China on Taiwan, especially as the 80th anniversary of the founding of the Republic of China approaches.

Among the many distinguished scholars specializing in the study of Taiwan is Dr. Winston L.Y. Yang of the Department of Asian Studies at Seton Hall University. Over the years, Dr. Yang has distinguished himself as an expert in United States relations with Taiwan and democratization on Taiwan.

Dr. Yang recently prepared an article on recent developments on Taiwan, and I would like to introduce it into the RECORD for the use and information of my colleagues:

DEMOCRATIZATION AND HUMAN RIGHTS PRACTICES IN TAIWAN IN THE 1990'S

(By Winston L.Y. Yang)

On April 30, 1991, President Lee Teng-hui announced in Taipei his government's decision to bring an end to the "Period of Mobilization for Suppression of the Communist Rebellion," clearing the way for full democracy in Taiwan and reconciliation with Peking.

Under President Lee's leadership, Taiwan, especially since Mr. Hau Pei-tsun became Premier in June, 1990, has taken many concrete steps to move toward greater democracy. Its people have enjoyed unprecedented freedoms and better human rights protection. The Democratic Progressive Party (DPP) has emerged as a strong opposition force to challenge the ruling party, Kuomintang (KMT). Despite some problems, a two-party democratic structure, similar to the U.S. system, has emerged in Taiwan.

POLICIES AND PROGRAMS

Mr. Hau, personally selected by President Lee as the ROC's Premier, is committed, like Mr. Lee, to democratic reforms. Since his inauguration, Mr. Hau has contributed much to Taiwan's democratization, stability, and economic development by adopting or carrying out the following policies or programs:

Hastening the pace of democratization while stressing the importance of the rule of law in his administrative operations.

Taking necessary legal steps against the illegal actions taken by Taiwan Independence Movement leaders in order to ensure Taiwan's stability.

Adopting a 6-year Comprehensive National Development Program to ensure more rapid economic growth and better quality of life.

Improving Taiwan's international standing by adopting a pragmatic foreign policy to improve or upgrade existing relations with a number of foreign countries.

Adopting a more pragmatic policy to reduce tensions and improve relations with Mainland China and establishing two important organizations to handle problems arising from the growing unofficial contacts and exchanges between Taiwan and the Mainland.

Carrying out a national defense modernization program to strengthen Taiwan's defense capabilities.

Taking a number of important measures to reduce robberies, violence, and other illegal and criminal activities to ensure the safety of the people.

The above and other policies and programs adopted by the Premier have gradually improved Taiwan's political, economic, and social situations to enable the island republic to move toward orderly democratization. With his determination and self-confidence, Mr. Hau is helping Taiwan achieve fuller democracy, greater stability, and more prosperity.

As a result of his programs and achievements, Premier Hau, like President Lee, has been given high ratings (well over 80%) in public opinion polls conducted since his inauguration. It is obvious that the people of Taiwan have overwhelmingly approved Mr. Hau's policies, programs, and performances.

CRITICISMS AND MISUNDERSTANDINGS

Mr. Hau had a distinguished military career before he was named Premier. During his 8-year tenure as the Chief of the General Staff of the Armed Forces and a 1-year term as Defense Minister, he made great contributions to Taiwan's defense modernization designed to strengthen its security. After he was nominated by President Lee to serve as Premier, Mr. Hau retired from active military duty. Following the steps of Dwight D. Eisenhower, George Marshall, and Chen Cheng, Mr. Hau resigned from the armed forces to become a political leader. It is not true that the military, as alleged by some critics, dominates Taiwan's politics under Premier Hau. Taiwan's armed forces have long been nationalized. As a national army committed to democratic reform process, the military has been neutral and nonpolitical. Its sole responsibility is national defense. In fact, the armed forces have been under the command of Lee Teng-hui, the duly elected President.

Despite the much reduced tension between Taiwan and Mainland China, the Peking government has refused to rule out the possibility of the use of force against Taiwan whenever necessary. Taiwan is thus still under the military threats of the Communist regime in Peking. It is necessary, therefore, for Taiwan to ensure its internal security and stability in every way it can.

Although Taiwan has not yet reached the perfect stage of human rights in recent years. Few cases of political and other extrajudicial killing, torture or other cruel punishment have been reported during the past year. Arbitrary arrests, detention of exiles, denial of fair public trials have rarely been heard of. Arbitrary interference with privacy is not allowed. Civil liberties, such as the freedoms of speech and press, religion, and peaceful assembly and association, have been well respected. Some observers even believe that such freedoms have been practiced excessively.

FREEDOM OF ENTRY

Some observers have criticized the government's failure to allow certain radical Taiwan independence movement leaders to return to Taiwan from abroad. The government has barred their return on the basis of the National Security Law because they intend to promote the independence movement in Taiwan or even create great disturbance or violence so as to illegally overthrow the government.

Exit and entry permits may be refused for a number of reasons. Under the National Security Law, however, reasons for refusal must be given, and appeals may be made to a special board. Only a very small number of applications for entry into Taiwan have been denied pursuant to the National Security Law because these applicants pose "grave risks to national security or social stability." A number of dissidents (about 10) who have entered Taiwan without visas were subsequently either deported or prosecuted for illegal entry. The government has indicated that it has greatly reduced the number of persons on the so-called blacklist of persons denied admission because of grave risks to national security.

Like all other countries, including the U.S., the ROC refuses to allow a very small number of persons to enter Taiwan purely for national security reasons. The National Security Law has been the legal basis for the disapproval of entry applications.

INDEPENDENT JUDICIARY

Taiwan's legal system is based on European and Japanese models and does not provide for trial by jury. All judges are appointed by, and responsible to, the Judicial Yuan. The judiciary is independent and is rarely susceptible to political or personal pressure. Since the lifting of martial law on July 15, 1987, civilians may no longer be tried in military courts. Trials are public, but attendance at trials involving juveniles or politically sensitive issues may require permission from the court. Defendants have a right to an attorney, but an attorney will be assigned by the court only in serious cases. If the defendant is suspected of committing a crime for which the penalty is 3 or more years imprisonment, or if the defendant is handicapped or elderly, the judge may assign an attorney.

The government permits representatives of nearly all credible international human rights organizations, including Amnesty International and Asia Watch, to visit Taiwan and meet citizens freely. Taiwan has two principal human rights organizations: the Chinese Association of Human Rights (CAHR) and the Taiwan Association for Human Rights (TAHR). Both have been fairly active.

Taiwan has indeed taken some significant steps to move away from its authoritarian political system to a more pluralistic one.

THE COOPERATIVE TEAM

President Lee and Premier Hau, both of whom received part of their education in the U.S., are equally committed to human rights protection. Even though Taiwan's human rights record may not yet have reached a perfect stage, it has improved very significantly under their leadership.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Working closely together, President Lee and Premier Hau are guiding Taiwan to move toward greater democracy, freedom, stability, and prosperity and better human rights protection in the 1990s.

BOB GATES' INDEPENDENCE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. SHUSTER. Mr. Speaker, in an article published last month, I pointed out that Bob Gates, the nominee for Director of Central Intelligence, often has been known for his independent views. As debate over his confirmation intensifies, I would like to submit for the record an article written by Paul Gigot for the October 4 Wall Street Journal.

It centers on CIA analysis of the Soviet economy and defense spending. I previously pointed out that in the early 1980's, Mr. Gates commissioned a restudy of CIA estimates which lowered estimates of Soviet defense spending and of its drain on the Soviet economy—although this undercut the Reagan defense budget. In retrospect, it appears that CIA should have increased, rather than decreased, those estimates. However, Mr. Gigot points out that by 1986, Bob Gates was willing to commission an outside study which questioned the 1982 revision.

Although Mr. Gates never effected another change in CIA figures, he often cautioned others about their limits. Had he again changed them, his critics now probably would be accusing him of "cooking the books" to support Reagan defense policy—for, as Mr. Gigot points out, no one seems to care about the substantive merits of Mr. Gates' past policy positions. Indeed, to this day, CIA clings to the early 1980's methodology, although it failed completely to anticipate the Soviet economic collapse. This should tell you a little about some analysts' resistance to new ideas.

A hallmark of Mr. Gates' career has been the effort to make intelligence more useful to policymakers, and he has advocated close contacts between analysts and policy officials. An unfortunate result is that critics have pounced on a 1985 study of Iran which allegedly was used to justify arms sales there.

Mr. Gigot's revelations about CIA attitudes toward "white hats" and "black hats" demonstrate a strong wish among some analysts to stick to hidebound academic studies that are pure of political implications and avoid pointing out foreign policy opportunities. While there must be great care to maintain objectivity, these self-styled "white hats" risk irrelevance, snobbery, and budget cuts.

GATES' OPPONENTS BLAME HIM FOR BEING RIGHT

(By Paul A. Gigot)

In April 1986, on the day of the Libyan bombing raid, four men briefed Ronald Reagan in the Oval Office on the coming economic crisis in the Soviet Union.

They were Andrew Marshall, who judges the world military balance for the Pentagon, Henry Rowen of Stanford, Charles Wolf of Rand, and Vladimir Treml of Duke. Not one was from the CIA, and only Mr. Treml was a Soviet scholar. Who was the man who instigated their far-seeing, icon-busting study?

Robert Gates.

Yes, the same Robert Gates who is President Bush's nominee as CIA director and is described by his enemies as a politicizing, brook-no-dissent enforcer for Bill Casey.

"I think he's getting a bum rap," says Mr. Wolf, who is so esteemed as a political economist he's routinely consulted by Pentagon bigshots. "The notion that Bob Gates quelled dissent isn't fair. He's the main reason I got into this issue. The charge he gave us was to look at all the evidence and see if the CIA was far off in its view of the Soviet economy and military spending."

"Far off" is putting it kindly. The Rowen-Wolf study remains classified, but spook-watchers know it's the only U.S. study that correctly assessed Soviet economic collapse and its consequences for the Soviet military and empire.

Meanwhile, our salaried spooks were asleep at their stereotypewriters. Even after Mr. Wolf and friends showed otherwise, CIA Sovietologist clung to their belief that the Soviet economy was "muddling through" at more than half the size of our own. Defense spending was said to be only 15% of GNP.

The Rowen-Wolf team figured the Soviet economy was less than one-third the size of ours, with defense spending at 25% or more of GNP, suggesting that something had to give. The Rowen-Wolf findings have since been acknowledged by Russians, not to mention by events. Comparing the Rowen-Wolf figures with the CIA's in the Oval Office in 1986, the Gipper quipped, "Yours look right to me."

Yet, in a supreme irony, Robert Gates is now the man in the dock for having failed to predict the demise of the Soviet Union. Even more perversely, he's accused by CIA analysts from the very same school of Sovietapology that misunderstood the nature of the Soviet crisis. Mr. Gates's travail proves that in Washington it's dangerous to be wrong, but it's usually fatal to be right.

Why does this revisionism sell? In part because of politics. Democratic Sens. Daniel Patrick Moynihan and Bill Bradley, who are smart enough to understand the real CIA failure, want to discredit U.S. defense spending during the 1980s. They also want to show that their party's post-Vietnam dovishness wasn't wrong after all. If they can show Mr. Gates didn't foresee the Soviet collapse, they think they discredit the hard-line Reagan policies he supported.

This is also ironic, because the Rowen-Wolf team was actually the hard-line team; they figured U.S. pressure would make struggling empire collapse even sooner. Last week at Washington's Carnegie Endowment, Vladimir Lukin, a Boris Yeltsin foreign-policy adviser, said that such policies as the Reagan Doctrine and SDI "accelerated our economic convulsions by perhaps five years." Maybe the Senate should invite Russians to defend Mr. Gates.

The other force at work is what one source calls "the revenge of the nerds," or the CIA bureaucracy. Mr. Gates was part of a Reagan vanguard that wanted to make intelligence better serve U.S. foreign policy. "I was hired to change things," he told the Senate yesterday.

Yet over the years a hidebound bureaucracy at the CIA began to think of itself as the repository of truth; they were "objective," while elected policy-makers were "political." In the real world, of course, it's absurd to think that career analysts don't also have their own "political" views.

This mindset is drummed into analysts the minute they set foot in Langley, though. In an eye-popping outline for one instructor's CIA orientation course (provided by an informant), there are said to be two different "schools" of "intelligence and policy-making."

The outline describes one as the "traditional" CIA school, which is said to wear "white hats." The other school, described as "modernist," is said to wear "black hats." And the greenhorn CIA analysts are told that the "Godfather" of the black hats is none other than "Bob Gates."

According to the outline, the white hats think sound policy "starts with realities," while the black hats favor "political considerations." The whites stress "foreign constraints," while the Gatesian black-hatters look to "U.S. opportunities." The white hat school "prevails among academics" and "congressional Democrats," while the black hats include "Casey and the 1981 CIA transition team."

Even if this is exaggerated by the instructor to make a point, it suggests how badly the CIA bureaucracy needs to be shaken up, especially after the Cold War. Mr. Gates's critics don't want him confirmed because they know that as a "black hat" he's exactly the man to do the shaking. Sen. Moynihan has proposed that the CIA be abolished and transferred to the State Department. If Bob Gates isn't confirmed, Mr. Bush should take him up on the offer.

SUPPORT FOR HOUSE JOINT RESOLUTION 340, NATIONAL RED RIBBON WEEK FOR A DRUG-FREE AMERICA

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. LAROCCO. Mr. Speaker, this morning, I am adding my name as a cosponsor of House Joint Resolution 340, declaring the week of October 19th through the 27th as "National Red Ribbon Week for a Drug-Free America," and I urge my colleagues to do the same.

Last week I was visited by a very special young woman from Idaho's First Congressional District, Her name is Shelby Justesen, and she was one of only eight young people in this Nation chosen to testify before the House Select Committee of Children, Youth and Families.

Shelby is a student at Meridian High School in Meridian, ID, and is a leader in the Parents And Youth Against Drug Abuse Program, commonly known in Idaho as PAYADA.

PAYADA is a community-based nonprofit enterprise sponsored in part by the Boise City Police Department, and since 1981, they have been educating Idaho children and parents about the dangers of drug abuse. They are an outstanding example of what can be accomplished in communities through cooperation and commitment.

Shelby's work on behalf of the PAYADA Program has helped numerous people, young and old, to understand more about drugs, and the damage they do to individuals, and to our communities. Her work is intensely personal, and her dedication and commitment to the cause can best be appreciated by hearing her own words.

Mr. Speaker, I ask unanimous consent that Shelby's statement before the Select Committee on Children, Youth and Families be printed in the RECORD at this point:

TESTIMONY OF SHELBY JUSTESEN

Chairwoman Schroeder, Mr. Wolf, members of the committee, my name is Shelby Justesen. I am a sophomore at Meridian High School, near Boise, Idaho. I am involved in a wonderful program called PAYADA (Parents and Youth Against Drug Abuse) Youth to Youth. I also serve as a "Natural Helper"—trained to listen to my friends in a helpful way.

I became involved in the PAYADA Youth to Youth program when my counselor at school shared a scholarship to attend a weekend conference. A friend then encouraged me to start attending weekly support meetings in our community. At Youth to Youth, I found that I was accepted for who I am. We are youth working together to give each other support in our drug-free choice. Youth to Youth provides a safe harbor when things aren't going well, and a place to celebrate when I am excited and happy about life. Through this program I have become more outgoing, friendly, and self-confident—and I see the same things happening in other teens' lives.

I have experienced the tremendous pain when those close to me have used drugs, and I know that I have the opportunity to make my own decisions not to use alcohol and other drugs. Through Youth to Youth I have felt the support of my peers, and the joy of helping others as they struggle to make positive choices. The opportunity to staff conferences, participate in skits, and travel to other communities in Idaho to help them start Youth to Youth programs has meant a lot to me.

As a cheerleader at my school, I am able to get out and see the problems and experience the peer pressure facing young people today. I see peer pressure as a major, recognizable problem for today's youth. Everybody knows it's there, but there are so many who won't stand up for what they believe in and say, "Hey, that's not for me!" I feel very fortunate to have joined Youth to Youth as an eighth grader before I had to face as much peer pressure as I have now. I learned at a younger age that it's okay to say no, and if your "friends" don't accept you for it, then maybe they're not great friends. I now have the confidence to stand up and speak up for what I believe, knowing that I have wonderful friends who will join me. I am also learning how to really communicate with adults. After all, that's what PAYADA is all about. Parents *and* Youth working together against drug abuse!

Today, I am seeking your help. As members of Congress, you can support programs like PAYADA Youth to Youth that actively involve teens in leadership and training roles as we reach out to others. Financial support through grants and scholarships can help us reach and train more young people. Publicity, and sharing professional expertise as we create advertisements and media events will involve more youth and adults across this nation in drug prevention and youth development. Teens should be more involved in working committees that have decisionmaking roles which mold the future of our nation. Through these experiences we all learn to communicate and share dreams for a better world. Your vocal support can open doors in the business community.

In a few weeks, the National Red Ribbon Campaign will focus attention on drug prevention. Many people like DEA Agent Enrique Camarena have given their lives to stop drug abuse. We have the opportunity as citizens to prevent drug abuse. It makes me feel proud as PAYADA Youth to Youth takes the leading role in the Idaho Red Ribbon Campaign. It feels good to share that limelight with adults who care enough to get involved.

I challenge you to speak out for youth-led drug prevention efforts. We welcome adult assistance and expertise, but we want our ideas to be heard. Join me and thousands of other Youth to Youth members in the United States and around the world who shout "The Choice for Me . . . Drug Free!"

Thank you for the opportunity to testify before you. I would be pleased to answer any questions.

I want to thank my colleagues on the committee for their outstanding work, as well as the sponsor of House Joint Resolution 340, Congresswoman HORN of Missouri. The Red Ribbon Campaign, and the PAYADA Program, represent opportunities for everyone to get involved in the fight against drugs. With volunteers like Shelby leading the way in communities across the country, we can create a drug-free future for ourselves and for our children.

THE PRESIDENT'S ARMS CONTROL SPEECH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 9, 1991, into the CONGRESSIONAL RECORD.

THE PRESIDENT'S ARMS CONTROL SPEECH

President Bush's September 27th speech on nuclear arms reductions responds to the remarkable changes in the Soviet Union following the failed coup attempt. The President announced that he will scrap all U.S. ground-based, short-range nuclear weapons, remove all nuclear weapons and cruise missiles from ships, cancel several nuclear modernization programs, and remove strategic bombers from alert status. He offered to negotiate with the Soviet Union for reductions in the most dangerous missiles, and challenged the Soviets to match U.S. steps. These moves affect one-fifth of the total U.S. arsenal of about 19,000 weapons.

The President is seeking to keep pace with world events and to seize the momentum of change. He is also worried that Soviet short-range weapons might fall into the wrong hands. The importance of his speech, however, goes far beyond arms control or nuclear safety. His initiative is a concrete example of American support for Soviet reformers. It sets a new agenda, and marks a dramatic change in the U.S. assessment of the Soviet threat.

IMPLICATIONS FOR THE UNITED STATES

First, the most astonishing aspect of the President's initiative is his call for a unilateral reduction of U.S. armaments. In one stroke, he scrapped much of the now obsolete nuclear doctrine and Cold War thinking of the past four decades. He has paved the way for a new approach. He is now basing his actions on trust, instead of President Reagan's approach of "trust but verify." In part, the President chose to take unilateral steps and invite reciprocity to avoid long negotiations with a weakened Soviet government.

Second, the steps taken by the President represent a new way of dealing with the Soviet Union. He consulted directly not only with Gorbachev but Russian President Yeltsin, thereby recognizing the shared nature of power in the Soviet Union. His speech implies a level of confidence that did not exist previously between the U.S. and the Soviet Union. He demanded nothing, but he expects a great deal. The initial Soviet reaction to his speech has been positive. Reciprocal unilateral cuts by each side may become a much faster and efficient method of achieving arms control. It took nine years of strategic arms reduction (START) talks to eliminate about the same number of weapons that the President did in one speech.

Third, there is minimal risk to the U.S. What the President did makes military sense. He is cutting the least controllable and least useful weapons from the U.S. arsenal. For example, aging and inaccurate short-range nuclear weapons in Europe cannot reach targets beyond Poland or Czechoslovakia, which are now friendly, democratic countries. These weapons are obsolete.

Fourth, by eliminating short-range nuclear weapons now, the U.S. wants to push the Soviet Union to do the same. Small, mobile, and hard to monitor, these weapons would require lengthy negotiations to limit. Soviet weapons could fall into the hands of nationalist extremists in republics such as Georgia and Azarbaijan. Getting rid of these weapons now will reduce the threat of nuclear civil war.

Fifth, the President's initiative accepts the view of both European government and opposition leaders that the continent should be free of short-range weapons. The elimination of nuclear weapons from surface ship will also ease political problems with friendly nations such as Japan, New Zealand, and Norway. These nations have long objected to nuclear-armed ships entering their ports.

Sixth, this initiative will increase demands for further cuts in the defense budget. The political momentum in the country is running against defense spending. People are worried about the economy, education, health care and other domestic issues. They are increasingly concerned about pouring tax dollars into the military budget. It will be hard to defend the B-2 bomber or the Strategic Defense Initiative when the President has decided to cancel other strategic weapons programs.

Seventh, direct savings from the President's plan will be small at the outset. The cost of dismantling weapons and cancelling contracts will offset initial savings, but cuts could yield large long-term savings.

Eighth, the initiative maintains the U.S. strategic triad of air, land, and sea-based nuclear forces. The strategic bomber force will be taken off alert status for the first time since 1957, but will remain intact. Land-based missiles will be reduced on an accelerated schedule, but in accordance with the START treaty. There will be no change in submarine missile forces. The Soviets will see this as one-sided, because the U.S. has a big advantage in sea-launched ballistic missiles with multiple nuclear warheads.

Finally, this initiative does not mean the end of arms negotiations. There is simply too much at stake, and written agreements will still be necessary. For example, formal agreement probably will be needed to eliminate land-based multiple warhead missiles, as the President has proposed. The Soviets will want to include U.S. sea-based missiles and mutual ban on nuclear testing in those same talks.

CONCLUSIONS

It is important to remember that even after this initiative and reductions under the START treaty are implemented, both the U.S. and the Soviet Union will have more than enough nuclear weapons to wipe out each other. So much work still needs to be done. The President's initiative, nonetheless, offers an opportunity to break with the slow, time-consuming process of arms control talks that have often been overtaken by events. Swifter and deeper arms cuts are possible, and cheating will be more difficult, in part because the Soviet Union is much more open than it used to be. Moreover, its leaders are desperate for Western economic help and eager to cooperate.

Some questions remain. Will the U.S. follow up this step with an equally dramatic challenge to the Soviets to cut long-range strategic nuclear forces? Will the U.S. now concentrate on working with the Soviets to address common threats from the proliferation of nuclear weapons and missile technology? I hope that the President's speech points the way to a new era of rapid progress in arms control, deep cuts in nuclear weapons, and close U.S.-Soviet cooperation. This would make the world a much safer place.

A FAREWELL TO MILES DAVIS: MUSICAL GENIUS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. CLAY. Mr. Speaker, I would like to insert for the RECORD, an editorial paying tribute to the late, critically acclaimed musician Miles Dewey Davis that appeared in the October 3–9 edition of the St. Louis American newspaper:

MILES DEWEY DAVIS III: MASTER MUSICIAN FOR ALL SEASONS

"For me, music has been my life, and musicians I have known and loved and grown from have been my family."—Miles Davis (1926–1991)

"Miles Davis is a very human human being. He is very tough in some ways and in others he's a very fragile guy, very easily injured. Because he's black, because of things like being beat up in New York by cops in front of Birdland for just standing there, because he's a genius who knows what his contribution had been and doesn't feel it's been recognized, because he doesn't feel that Frank Sinatra or Elvis Presley would be treated the way he has, he can be angry and bitter and sometimes he overreacts."—Quincy Troupe, Davis' biographer and personal confidante

After leaving East St. Louis in his teens to study classical music at the Juilliard School in New York City, Miles Dewey Davis III started a long career as one of the most original and influential musicians in the history of American music. His remarkable technique and restless innovation as both a performer and a leader of Jazz groups won him recognition as one of the most innovative musicians in America's only widely-recognized indigenous musical form. His genius will be celebrated for his extraordinary achievements in music, but he was a man of stark contradictions who at times seemed angry, sullen and arrogant and on another side, generous, perceptive and introspective.

Miles Davis was a supremely talented musician who played what he felt from his life experiences. He demonstrated integrity in his music and would not yield or be turned away from his convictions. He felt compelled to bear witness to the fullness of the black experience in this country. His greatness as a musician is widely recognized and his reputation will certainly grow and stay alive.

Equally as important for African-Americans as his musical contributions, is the profound sense of pride and self-worth Davis articulated through his art. Miles Davis and other innovative jazz masters like Charlie Parker, Sonny Rollins, Bud Powell, Lester Young and John Coltrane, had a special relevance for African-Americans growing up in a period when most African-Americans were docile and passive in the face of pervasive, overt racial discrimination.

In the absence of political activism and confrontation with oppression, these gifted and rebellious artists created a musical expression and personal style that helped inform and strengthen the spirit in restive African-American minds.

Miles Davis along with several fellow musicians were widely-known for their refusal to acquiesce to racist treatment in all the forms it takes. He was outspoken about his pride in his blackness and his music; he and his peers were indispensable role models for frustrated young people who deeply resented the established social order of the 50s and 60s and yearned to have their own value system authenticated.

Miles Davis was a strong independent-minded African-American who never compromised the integrity of his music or his life. Although his personal life was hardly exemplary, his impact was always great. Miles was no saint but the deep respect and affection felt for him by so many African-Americans was firm because of his undisputed love of music and his contributions to the rich tradition of African-American music. His earnestness and love of music were apparent when he said "I play for myself and I play for musicians." In 1985 he told writer Ira Gitler, "I enjoy playing; I enjoy every minute that I play."

The unquestioned genius and personal style of men like Miles Davis, Charlie Parker and Charlie Mingus made a deep and indelible impression on the community when African-American assertiveness and strong sense of self were buried in self-doubt.

The nation's established system of racism influenced all of the country's institutions and its social order stifled political dissent and activism. In spite of destructive personal behavior by some of these musicians, they were artists of high genius who produced great music from their own sensibility. Their determination led to a defining art in their own terms in defiance of a hostile, disrespectful racist society.

Miles Dewey Davis III, born and nurtured in the St. Louis-area, stood tall among his music peers as a dedicated artist and an individual. We are deeply saddened by his death which came after so much physical pain and suffering. He endured his afflictions courageously with characteristic silence and calm.

We will miss him very much. But we and our children are blessed to have the rich legacy he left us—compulsive and extraordinary musical innovativeness, superb, inspired performances for his fellow musicians and the rest of us, and a steadfastness and inner strength that was always willing to confront racism in the music business and American society in general.

COMMENDING THE PEOPLE OF THE SOVIET UNION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. SCHEUER. Mr. Speaker, the people of the Soviet Union, who stood their ground in August and won a great victory for civilian rule and democracy, deserve our recognition. That is why I am proud to be an original cosponsor of House Concurrent Resolution 199, a resolution commending the people and democratically elected leaders of the Soviet Union for their courage and commitment to freedom.

I don't have to tell anyone in this room the foreboding that we all felt upon hearing first news of the hard liners apparently successful coup in the early hours of August 19. All the progress that we had made, working together with the reform-minded Gorbachev government, to reduce superpower tensions, return from the brink of nuclear war, and build confidence between our two nations was threatened with reversal.

One of my immediate concerns was the fate of Soviet Jews, who for so long persecuted and held hostage in their own country, had benefited from liberalized emigration policies. Would the apparatchiks who had seized control slow or reverse this emigration?

Instead, from the depths of Soviet society, the people made their voices heard. Manning the barricades to a man, they risked their lives to protect and defend the freedom they had only begun to taste.

Three of them, tragically, lost their lives in their attempt to halt a Red army tank. One, a Soviet Jew named Ilay Krichevsky, had already procured an exit visa to Israel, but nonetheless fought alongside his countrymen for freedom.

Thankfully, they did not die in vain. Three days after it had begun, the nightmare had receded, the putsch was defeated, and democracy and freedom were triumphant. And with the reassertion of control by the reformers, the Soviet Union's history turned a new page.

The new state of affairs, was most immediately symbolized by the reciting of the Kaddish, the Jewish prayer for the dead, at the state funeral accorded to the three heroes. Attended by nearly a million people in central Moscow and broadcast to millions more, the ceremony demonstrated that all the peoples of the Soviet Union—Jew and non-Jew alike—share a common purpose: a democratic future and freedom and dignity for all individuals.

TRIBUTE TO DAVID OSBORN

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to honor a man whose service to his community has recently won him the National Conference of Christians and Jews' prestigious Citizen of the Year Award. David A. Osborn, publisher of the Las Vegas Review Journal and vice president of Donrey Media Group, has distinguished himself both in journalism and in his community with outstanding dedication to both.

Osborn graduated from Bedford High School in 1960 and entered the Air Force in November of that year. He spent 1 year as a disk jockey for Armed Forces Radio in Korea, after which he served as a sports editor of the base newspaper at North America Air Defense Command [NORAD] in Colorado Springs, CO. Soon after his stint in the Air Force, Mr. Osborn started his first full time newspaper job as a reporter for the Gazette Telegraph in Colorado Springs.

After joining Donrey in March 1968 and a series of promotions, Osborn became advertising director for the Las Vegas Review-Journal. He served in that position for 6 years until he was promoted to general manager of the 12,000 circulation Carson City, Nevada Appeal. Eventually, after another series of promotions, Osborn became general manager of the Review-Journal and then a publisher and vice president of Donrey Media Group.

In addition to his media career, Osborn has distinguished himself as a leader in the Las Vegas community. he served as president of the Carson City Chamber of Commerce in 1982 and president of the Nevada State Press Association in 1984. He was also president of the Carson City unit of the American Cancer Society and served as the crusade chairman for the ABC's Nevada Division. He was named Carson City's "Man of the Year" in 1981 and Nevada Appeal was named "Business of the Year" in 1982 while under Osborn's direction.

In 1987, Osborn served as Butte/Glenn County, CA, campaign chairman for the United Way and exceeded that year's goal by several thousand dollars. He has served as a United Way volunteer for most of the past 16 years and was chairman of the southern Nevada campaign's metro division in 1989. He is presently board member of Southern Nevada United Way.

Mr. Osborn's other awards and positions are too numerous to mention, but I ask you to join with me in praising this year's National Conference of Christians and Jews Citizen of the Year. David Osborn's extraordinary career in journalism and his remarkable dedication to his community make him an excellent choice for this award.

PRINCEVILLE, NC, IS THE OLDEST INCORPORATED BLACK TOWN IN AMERICA

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. VALENTINE. Mr. Speaker, I rise today to salute the achievements of a town of special significance in my district: Princeville, NC. First incorporated by former slaves in 1885, Princeville has the unique distinction of being the oldest incorporated black town in America.

I bring this to the attention of this body today not to boast, but to give voice to the pride my constituents in Princeville take in this special honor, and to salute the hard work and dedication of the founders of this community. Princeville's survival and growth has been difficult, but it has maintained the same values and beliefs that citizens from small towns across the Nation hold dear: the values of hard work and honesty, and the belief in home, family, and government.

Princeville was incorporated by an act of the North Carolina General Assembly on February 20, 1885, on the bank of the Tar River across from the city of Tarboro. This small black town, whose population is only a little more than 1,500 people, has, by its survival and growth, created an important historical legacy that will endure for generations to come. I am especially proud that Princeville, with its distinctive history as America's oldest black town, is located in my district.

As this body struggles over the mighty questions of the day, we would all be well to remember the small town values of the citizens of towns such as Princeville. Mr. Speaker, it is those values of honesty, hard work, and belief in home and family that we must continue to cherish.

CIVIL TILTROTOR ADVISORY COMMITTEE ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. OBERSTAR. Mr. Speaker, today Chairman ROBERT A. ROE and ranking Republican JOHN PAUL HAMMERSCHMIDT of the Committee on Public Works and Transportation, WILLIAM CLINGER the ranking Republican on the Subcommittee on Aviation, members of the Subcommittee on Aviation, GREG LAUGHLIN, PETE GEREN, and JAMES M. INHOFE, and I are introducing the Civil Tiltrotor Development Advisory Committee Act of 1991.

Tiltrotor aircraft, currently under development and testing by the Department of Defense, combine the vertical takeoff and landing characteristics and benefits of helicopters with the speed and efficiency of modern, sophisticated turboprop aircraft. Mr. Speaker, our colleagues will recall that on April 25, 1990, a tiltrotor aircraft prototype was on display and gave a flight demonstration on the east Capitol Plaza in conjunction with Subcommittee on Aviation hearings on the potential use of tiltrotor aircraft in the Nation's civil air transportation system.

Earlier this year, the National Aeronautics and Space Administration and the Federal Aviation Administration issued a comprehensive report entitled "Civil Tiltrotor Missions and Applications; the Commercial Passenger Market." Among the conclusions reached in the NASA/FAA study are:

Commercial tiltrotor aircraft would be technically feasible and economically competitive;

The market potential for short-haul passenger operations is strong;

Because of their unique operating characteristic, tiltrotors could increase hub airport capacity and reduce airport congestion and traffic on roads leading to airports; and,

Commercial tiltrotor aircraft, in order to be viable and of practical use, needs an air/ground infrastructure suited to its operating characteristics.

While the NASA/FAA report is very positive on the potential for tiltrotor aircraft in our transportation system and clearly points out the benefits of this new technology for the Nation's economy, the report also found that much remains to be done in both the Government and private sectors to make it happen.

Foremost among the report's recommendations is a call for the formation of a public/private partnership to pursue a national commercial tiltrotor plan with the Department of Transportation taking a leadership role. This bill implements this key recommendation by establishing an Advisory Committee to further "* * * evaluate the technical feasibility and economic viability of developing civil tiltrotor aircraft and a national system of infrastructure to support the incorporation of tiltrotor aircraft technology into the national transportation system."

The Advisory Committee would be composed of high level representatives of the Department of Transportation, the Federal Aviation Administration, and the National Aeronautics and Space Administration as well as representatives from other Federal, State and local governments and private industry.

The bill spells out the specific duties of the Advisory Committee and the scope of issues to be examined and a timetable for reporting to the Congress on the committee's determinations and recommendations.

Civil tiltrotor aircraft hold great promise for resolving a number of our vexing transportation problems, particularly with respect to airport and airway capacity and congestion. It is important that Government and industry take initiatives today so that future opportunities will not be forgone. We do not want to be in a position later this decade of wringing our hands over losing the initiative on this technology in 1991. We have a unique opportunity of looking to the future and taking concrete steps now to plan and coordinate activities to bring about a particular outcome. Let us not now miss this opportunity.

If Members are interested in cosponsoring this legislation, please have your staff contact the staff of the Subcommittee on Aviation at x59161.

INTEGRATION OF PRIMARY CARE AND DRUG ABUSE TREATMENT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. WEISS. Mr. Speaker, today, I am introducing legislation to address a major problem in the treatment of drug users—the absence of primary health care. Primary health care clinics can prevent illnesses or treat them before they become so severe that the individual must be hospitalized. In addition to injection drug users, other drug users, such as unemployed mothers, adolescents, and weekend users are not well known to the health care system. This legislation is designed to reach all of these individuals.

Even those drug users who have managed to get into treatment programs rarely have access to primary health care. This is especially troubling since impoverished drug users typically are sicker and die sooner than similar non-drug using individuals.

A study by a New York City drug treatment program found that about 34 percent of all injection drug users are hospitalized at least once a year. Of those not in treatment, more than 38 percent are hospitalized once a year or more, and 16 percent are inpatients from 3 to 6 times in 1 year. More than half of the hospitalizations are the result of HIV infection and AIDS. These rates are much higher than those for nondrug users.

The fragile health of the majority of drug users is further assaulted as AIDS becomes another threat to their lives. In fact, drugs and AIDS are two overlapping epidemics striking the same vulnerable communities with a double blow. Not only is HIV disease a devastating illness on its own, but it exacerbates all the other illnesses that commonly plague injection drug users such as bacterial pneumonia, endocarditis, sexually transmitted diseases and tuberculosis. For example, if an HIV-infected drug user is exposed to the pathogen that causes tuberculosis, he or she is much more likely to develop the active disease than the non-HIV infected person.

As is true for women generally, women who use drugs are less often accurately diagnosed with HIV disease; and once a diagnosis is made, on average, they die within an even shorter period of time than male drug users. Female drug users are less likely than males to seek early medical care at all. One reason for this self-neglect is that they are the care givers for their children, and child care is hard to obtain. It is essential that such women and their children gain access to both drug treatment and health care in their communities, with transportation and child care provided as necessary.

The Centers for Disease Control have recommended that persons with asymptomatic HIV disease be offered early intervention treatments to prolong the period of good health before the onset of AIDS. For most low-income persons addicted to drugs, this is a cruel joke, for they are unable to obtain even the most basic forms of preventive care or primary care unless their conditions reach emergency status. Access to preventive treatments with AZT and prophylaxis against Pneumocystis carinii pneumonia and the medical monitoring and laboratory tests that should accompany them are out of reach. These treatments and tests should be offered in primary care clinics.

The legislation I am introducing today will authorize a program that integrates treatment for drug abuse and primary health care services for those persons in drug abuse treatment and their children and sexual partners in order to first, improve the effectiveness of drug abuse treatment, second, offer primary care to drug users and their families, and third, intervene in the transmission of HIV.

This legislation is based on a demonstration program funded by the Alcohol, Drug Abuse, and Mental Health Administration and administered by the Health Resources and Services Administration in the Department of Health and Human Services. The 21 grantees include community health centers, State and local health departments, privately as well as publicly funded substance abuse agencies, a private medical center and a university medical center.

In its first year, the demonstration program has been successful. It has served more than 6,500 high risk drug users and family members; 5,000 drug users received primary care and were followed intensively by case managers; and 2,900 clients agreed to be tested for HIV. The 15 percent who tested positive for HIV received appropriate primary care.

The legislation I am introducing today embodies many features of the demonstration program. Three-year grants will be awarded to nonprofit publicly or privately funded drug treatment programs or primary care providers for the purpose of linking with or establishing the service—either primary care or drug abuse treatment—that is not currently being provided. Grantees under the demonstration program now in operation will be eligible to apply for continued funding.

There are three possible models for meeting the goals of the program. They are first, providing drug abuse treatment in a primary care setting, second, primary care in a drug abuse treatment setting, and third, referral mechanisms linking discrete primary health care and drug abuse treatment sites.

For example, a methadone maintenance treatment center may be awarded funds to set-up a primary care unit on site or in a nearby location. A primary care provider such as a community health center, not offering drug treatment, could be funded to coordinate with a drug treatment program—including referral, transfer of medical records, individual patient followup, and transportation between sites for those who need it. A third model could be a residential drug treatment facility which has a nurse on staff, but no clinic, which is funded to develop a clinic in the facility for the residents and their children and sexual partners.

Drug users transmit HIV and other illnesses to sexual partners, through needle-sharing, trading sex for drugs, and to infants through perinatal transmission. In order to help prevent transmission, HIV testing and pre- and post-test counseling will be made available to all clients with informed consent and the guarantee of confidentiality. Counseling sessions will educate the individual in the prevention of HIV transmission to others. Those clients who wish to be tested and are seropositive can begin early intervention treatments.

Because fewer than 20 percent of drug users are in treatment at any one time, all grantees will be required to provide or develop linkages with outreach services in the community to identify drug users and encourage them to enter treatment and thus take advantage of primary health care offered to them and their families.

Funding for this program is authorized at $40 million in fiscal year 1992, with increases of $10 million per year for each year through fiscal year 1996.

The text of the legislation follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Abuse Treatment and Primary Health Services Amendments Act".

SEC. 2. LINKAGE OF TREATMENT FOR DRUG ABUSE WITH PROVISION OF PRIMARY HEALTH SERVICES.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

"LINKAGE OF TREATMENT FOR DRUG ABUSE WITH PROVISION OF PRIMARY HEALTH SERVICES

"SEC. 509H. (a) IN GENERAL.—The Secretary may make grants for the purpose of carrying out projects that—

"(1) provide treatment for the abuse of drugs; and

"(2) in the case of individuals undergoing such treatment, provide primary health services to the individuals and to the sexual partners and children of the individuals.

"(b) INTERAGENCY AGREEMENT REGARDING ADMINISTRATION.—The Secretary shall carry out this section acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration and the Administrator of the Health Resources and Services Administration. The Secretary, acting through such Administrators, shall ensure that the Director of the National Institute of Drug Abuse and the Director of the Bureau of Health Care Delivery and Assistance enter into an agreement providing for the administration of the program established in this section.

"(c) GRANTEES.—

"(1) IN GENERAL.—Grants under subsection (a) may be made only to public or nonprofit private entities that—

"(A) provide treatment for the abuse of drugs; or

"(B) provide primary health services.

"(2) AVAILABILITY OF ALL SERVICES THROUGH EACH GRANTEE.—The Secretary may make a grant under subsection (a) only if the applicant involved has made such arrangements with other entities as may be necessary to ensure that all authorized services will be available from the project carried out with the grant.

"(d) ELIGIBLE GEOGRAPHIC AREAS.—The Secretary may make a grant under subsection (a) only if the geographic area to be served by the applicant pursuant to such subsection has a substantial need for authorized services based on the following factors for the area:

"(1) The lack of availability of treatment of the abuse of drugs and the number of cases of such abuse.

"(2) The lack of availability of primary health services.

"(3) The number of cases of acquired immune deficiency syndrome, and the rate of increases in such cases.

"(4) The number of cases of sexually transmitted diseases, and the number of cases of tuberculosis.

"(5) The rate of increase in each of the cases described in paragraph (1) and in paragraph (4).

"(e) PRIORITY REGARDING OUTPATIENT CARE.—

"(1) IN GENERAL.—In making grants under subsection (a), the Secretary shall give priority to applicants that will provide authorized services pursuant to such subsection on an outpatient basis.

"(2) RULE OF CONSTRUCTION REGARDING RESIDENTIAL TREATMENT.—Paragraph (1) may not be construed as prohibiting the Secretary from making grants under subsection (a) to entities that provide treatment for substance abuse through programs in which the individuals undergoing treatment reside in facilities provided by the entities.

"(f) COUNSELING AND TESTING REGARDING HUMAN IMMUNODEFICIENCY SYNDROME.—

"(1) IN GENERAL.—A funding agreement for an applicant is that, in providing authorized services to an individual pursuant to subsection (a), the applicant will make available to the individual—

"(A) counseling on the prevention of exposure to, and the transmission of, the human immunodeficiency virus; and

"(B) testing for such virus.

"(2) CONFIDENTIALITY, INFORMED CONSENT, AND COUNSELING.—A funding agreement for an applicant is that sections 2661, 2662, and 2664 (b) will apply to the provision under paragraph (1) of counseling and testing regarding the human immunodeficiency virus to the same extent and in the same manner as such sections apply to the provision of such counseling and testing under section 2651.

"(g) ACCESSIBILITY; CULTURAL CONTEXT OF SERVICES.—A funding agreement for an applicant is that authorized services provided pursuant to subsection (a)—

"(1) will be provided at locations accessible to low-income individuals; and

"(2) will be provided in the language and the cultural context that is most appropriate for the individuals to whom the services are provided.

"(h) OUTREACH.—A funding agreement for an applicant is that the applicant will provide outreach services in the community involved for the purpose of identifying individuals who are engaging in the abuse of drugs and encouraging the individuals to undergo treatment for such abuse. A grant under subsection (a) may be expended for such purpose.

"(i) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Subject to paragraph (2), a funding agreement is that the applicant involved will maintain expenditures of non-Federal amounts for authorized services at a level that is not less than the level of such expenditures maintained by the applicant for the fiscal year preceding the first fiscal year for which the applicant receives a grant under subsection (a).

"(2) APPLICABILITY TO PRIVATE ENTITIES.—In the case of a nonprofit private entity making an agreement under paragraph (1), the Secretary may require the entity to comply with the agreement only to the extent of the amount of non-Federal amounts that are available to the entity for authorized services.

"(j) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless the applicant involved makes an agreement to expend the grant only for the purpose described in such subsection, and the applicant makes each of the other agreements described in this section. Such a grant may be made only if an application for the grant is submitted to the Secretary containing such agreements, and the application is in such form, is made in such manner, and contains such other agreements, and such assurances and information, as the Secretary determines to be necessary to carry out this section.

"(k) DURATION OF GRANT.—The period during which payments are made to an entity from a grant under subsection (a) may not exceed 3 years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. The preceding sentence may not be construed to establish a limitation on the number of grants under such subsection that may be made to an entity.

"(l) EVALUATIONS; DISSEMINATION OF FINDINGS.—The Secretary shall provide for the conduct of evaluations of programs carried out pursuant to subsection (a). The Secretary shall ensure that the evaluations are conducted in accordance with the requirements for confidentiality that, pursuant to subsection (f)(2), are applicable to grantees under subsection (a). The Secretary shall disseminate to the States the findings made as a result of the evaluations.

"(m) TECHNICAL ASSISTANCE.—The Secretary may provide for the provision of technical assistance with respect to the planning, development, and operation of any project under subsection (a).

"(n) DEFINITIONS.—For purposes of this section:

"(1) The term 'authorized services' means treatment for the abuse of drugs, primary health services, and (other than in subsection (e)(1)) outreach services described in subsection (h).

"(2) The term 'funding agreement' means an agreement required in subsection (j) as a condition of receiving a grant under subsection (a).

"(3) The term 'primary health services has the meaning given such term in section 330(b), and includes the counseling and testing described in subsection (f).

"(4) The term 'human immunodeficiency virus' means the etiologic agent for acquired immune deficiency syndrome.

"(o) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1992, $50,000,000 for fiscal year 1993, $60,000,000 for fiscal year 1994, $70,000,000 for fiscal year 1995, and $80,000,000 for fiscal year 1996.

"(2) CERTAIN ALLOCATIONS.—Of the amounts appropriated under paragraph (1), the Secretary shall make available not less than 2 percent for conducting evaluations under subsection (l) and not less than 2 percent for providing technical assistance under subsection (m).".

IN HONOR OF RICHARD CRILEY; A DEDICATED LEADER IN THE PROTECTION OF CIVIL RIGHTS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to Mr. Richard Criley on his 80th birthday, October 20, 1991.

Richard was born in Paris, France, in 1911. His family came to the Monterey Peninsula in 1914 and built a permanent home in the Carmel Highlands. Richard's education included 2 years at Stanford University where he was awarded lower division honors and won the fencing championship, and further success at University of California Berkeley in 1934 where he earned a bachelor of arts cum laude in history and was elected to Phi Beta Kappa.

In 1934, with labor unrest and political radicalism sweeping through California with the Great Depression, Richard Criley began his lifelong commitment to political activism. On his return to Berkeley for graduate study, the campus was in turmoil over the suspension of five student leaders at UCLA, who had petitioned for an open forum to hear the Democratic candidate for Governor. Richard took a leadership role in organizing a "free-speech" strike demanding the reinstatement of the suspended students.

The Berkeley student strike proved to be a major turning point in his life. Richard gave up his academic career, quitting graduate school to become an organizer for the American Student Union. He later went on to work for the rights of the cannery workers in the Santa Clara Valley and then to work on the San Francisco waterfront.

In 1942 Richard Criley was drafted into military service where he served as an MP at Fort Ord, earned a commission in officer candidate school, and spent 3 years as a civil affairs officer in North Africa, Italy, and France, leaving his service at the rank of captain at the end of World War II. After the war he moved to Chicago to support his wife's career as a union organizer.

In Chicago, Richard reestablished himself as a leader when he became involved in civil liberties and civil rights activism. He founded the Chicago Committee to Defend the Bill of Rights which helped lead a successful campaign to abolish the notorious House Un-American Activities Committee. Then, in 1970, he helped found a coalition movement to combat the numerous civil liberties abuses of the Chicago "Daley Machine" city government.

Similar to others who dissented from the FBI's attempt to enforce conformity, Richard's active role in organizing brought him to the attention of the FBI, a political ally of the House Un-American Activities Committee and a strong force in the development of "McCarthyism." He became the target of FBI and police harassment. In response, he became a plaintiff in a successful lawsuit against the FBI and the Chicago Police "red squad."

Richard returned to his family home in the Carmel Highlands after Chicago, where he continued his civil liberties work. He became executive director of the Monterey County ACLU, and the Northern California Director of the National Committee Against Repressive Legislation [NCARL]. After a NCARL lawsuit with the FBI, he wrote the book, "The FBI vs. The First Amendment."

Richard Criley was the recipient of the Monterey ACLU's "Francis Heisler Award" in 1984, Northern California ACLU's "Earl Warren Award" in 1985, and the 1990 award of the "Fund for Free Expression." He is presently a founder and committee member of the Monterey chapter of SANE/FREEZE, and a founder of the Reproductive Rights Coalition of Monterey County. He is also currently president of the Carmel Highlands Association, Inc.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me now in congratulating Richard Criley on his 80th birthday. His long and distinguished record as a leader throughout his life and his commitment to social responsibility have been immeasurably valuable to the people of Monterey County and to the Nation as a whole.

SALUTING THE 1,000-YEAR COMMEMORATION OF LEIF ERIKSSON'S VISIT TO AMERICA

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. SABO. Mr. Speaker, today, roughly 1,000 years after Leif Eriksson first landed on the shores of North America, three Viking longboats arrived in Washington, DC.

Just as Thor Heyerdahl's epic travels on a reed raft showed that navigators and sailors from ancient cultures could travel long distances over broad and uncharted seas, the journey of the *Gaia*, the *Oseberg*, and the *Saja Siglar* removes any doubts about the ability of Leif Eriksson to sail the Atlantic from the Old World to the New.

Leif, the son of famed Icelandic explorer, Eric the Red, first heard of North America from fellow explorer Bjarni Hergjofsson who sighted—but did not land on—the North American coast.

In the true spirit of Norwegian adventure, Leif soon set out to see this New World for himself. When he arrived, he established a small settlement and called the new land Vinland because of the abundance of grapes.

Before 1963, evidence supporting Leif's visit to America was vague and circumstantial, and many doubted the ability of a Viking longboat to make the arduous journey across the storm-tossed North Atlantic. Since then, however, significant new evidence has emerged—including the discovery of a Norse settlement in Newfoundland dating to about 1,000 A.D.—to confirm that he did in fact actually land on North American soil nearly 1,000 years ago.

Today, with the arrival of the *Gaia*, the *Oseberg*, and the *Saja Siglar*, there can no longer be any doubt about Leif's ability to make the long journey across the North Atlantic. In particular, the successful journey of the *Gaia*, an exact replica of a large Viking ship originally built in Norway in 850 A.D., signifies that it is time to recognize Leif Eriksson as one of the very first European visitors to North America.

But he represents more than a first. Leif Eriksson represents something all Americans can be proud of—mankind's unending quest for progress and exploration into the unknowns that surround us.

In recognition of the man and the spirit he represents, I have introduced legislation to bestow honorary U.S. citizenship on Leif, a small tribute to the spirit of exploration he shares with all Americans. Several of my colleagues have joined me in cosponsoring this proposal and I hope we will be able to move it in this 1,000-year anniversary.

In the meantime, I encourage all of my fellow House Members, Norwegians by blood or Norwegians by spirit, to join me and former Vice President Walter Mondale at the reception at Washington harbor welcoming the arrival of the *Gaia*, the *Oseberg*, the *Saja Siglar*, and the spirit of Leif Eriksson. Thank you.

REAUTHORIZATION OF THE PATENT AND TRADEMARK OFFICE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. HUGHES. Mr. Speaker, today Representative CARLOS MOORHEAD, the ranking Republican on the Judiciary Subcommittee on Intellectual Property and Judicial Administration, and I are introducing legislation to reauthorize the Patent and Trademark Office [PTO] for a period of 1 year.

Legal protection for intellectual property is the fuel for inventiveness and is provided for in the U.S. Constitution. Congress has delegated authority for the administration of our patent and trademark laws to the Patent and Trademark Office in the U.S. Department of Commerce. The bill Mr. MOORHEAD and I introduce today would authorize appropriations for PTO for fiscal year 1992. It would also extend authority to PTO to raise funds through user fees.

The Patent and Trademake Office was last authorized in 1988, and the 3-year authorization expired September 30, 1991. The reauthorization is complicated this year because the Budget Reconciliation Act of 1990, Public Law 101-508, converted the Patent and Trademark Office from a partially user fee funded agency to one almost entirely funded by user fees. This was done to generate savings in the Federal Budget deficit.

The Omnibus Budget Reconciliation Act imposed a 69-percent surcharge on patent application, issuance and maintenance fees in fiscal year 1991 in order to generate the necessary savings in the Federal deficit. Prior to this fee increase, the trademark functions of PTO were 100-percent financed through user fees, and the patent functions were approximately two-thirds funded by fees. The intellectual property community strongly opposed the dramatic and sudden increase in patent user fees. The Judiciary Committee also expressed serious concern about increasing the fees, not only because the fee increase constituted, in essence, a tax on patent filers, but also because there was a danger that the Patent and Trademark Office could take on characteristics of a private entity and thereby avoid congressional oversight.

Earlier this year, Representative CARLOS MOORHEAD and I introduced H.R. 1613, the administration's proposal for reauthorizing PTO. The administration's proposal reflected a total PTO operating budget of $461,990,000 in fiscal year 1992 and $555,000,000 in fiscal year 1993. The proposal sought to generate revenues for PTO by eliminating the small entity fee structure—under which universities, independent inventors, and small businesses pay 50 percent of what large entities pay—for all patent fees other than the initial filing fees. It further proposed authority for the Commissioner to raise patent and trademark fees at his discretion and to use trademark fees for activities other than the processing of trademark applications. Current law prevents the use of trademark fees for any nontrademark activities in PTO.

The subcommittee held two hearings to consider the administration's proposal in May 1991. Apart from administration officials, witnesses expressed uniform opposition to the proposed fee increases, to the operating budget upon which the proposal was based, and to the virtual elimination of the small entity fee structure.

Mr. MOORHEAD and I subsequently developed an alternative approach for reauthorizing the Patent and Trademark Office and this approach is reflected in the bill we introduce today. This bill, approved by the Subcommittee on Intellectual Property and Judicial Administration on October 1, 1991, contains the following key features:

First, retains the small entity fee structure;

Second, sets new patent processing fees in section 41 (a) and (b) of title 35, United States Code to reflect a Patent and Trademark Office operating budget of $426 million in 1991;

Third, limits authorization to 1-year period so that the subcommittee can closely monitor PTO's progress in automation system and other aspects of PTO operations;

Fourth, retains the "fence" between trademark fees and other agency funds but authorizes use of trademark fees to pay a proportion of PTO administrative costs;

Fifth, increases patent and trademark fees across the board, and follows the mandate of the Omnibus Budget Reconciliation Act by lowering the surcharge so that only targeted $95 million will be raised; and

Sixth, authorizes $26 million in public funds in an effort to restore partial public funding for PTO operations.

Representative MOORHEAD and I have worked very closely with the intellectual property community and with the Patent and Trademark Office to craft this proposal. Our bill will assure that PTO has adequate funding for fiscal year 1992. At the same time, we have tried to keep patent and trademark fees as low as possible. In addition, while we do not anticipate that substantial public funds will be appropriated to PTO in fiscal year 1992, the bill authorizes the appropriation of public funds, and we intend to continue to seek restoration of such funds for PTO in the future.

I am very grateful to Mr. MOORHEAD for collaborating with me on this important legislation. We will seek expedited approval from the Judiciary Committee and from the full House of Representatives for this measure. The Senate, under the leadership of Senator DECONCINI, is processing very similar legislation, and I expect that we will have reauthorization legislation enacted into law in the near future.

RECOGNIZING 42 YEARS OF SERVICE BY FLOYD HART

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. POSHARD. Mr. Speaker, I am pleased to rise and pay special tribute to a gentleman from my district, Mr. Floyd Hart.

There is no more distinguished record of public involvement on behalf of aviation and the public it serves than that of Floyd Hart. His service on the Southern Illinois Airport Board dates back to October 13, 1949. Exhaustive research indicates that makes Floyd the longest continuously serving commissioner in the aviation history of the United States.

Since his first board meeting in November 1949, Floyd has helped guide the remarkable development of this regional airport. During his 42 years on the board, the airport has grown from a little over $200,000 in value to where it is now valued at over $13.4 million.

But its worth to the area is surely much greater than that, because as a member of the Public Works and Transportation Aviation Subcommittee, I know how vital air service is to growth and prosperity in our area. In that respect, Floyd has been a steady, firm, and imaginative leader.

His ability has been confirmed by six different mayors of the city of Murphysboro, who have appointed him to eight separate terms. In that time, Floyd held the gavel as chairman for eleven 1-year terms, in addition to lengthy stints as vice chairman, secretary, and treasurer. In 42 years, he's attended more than 560 airport board meetings, a record which would appear to be as safe as Joe DiMaggio's.

Rural areas such as southern Illinois depend greatly on people the caliber of Floyd Hart. Without him and the many others who share his devotion, our communities would not be nearly as strong and prosperous. I am pleased to let the U.S. House of Representatives know of his service and dedication.

FIRST THINGS FIRST: ANY DIVIDEND IS FOR THE DEFICIT

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. PORTER. Mr. Speaker, President Bush's historic proposal to scale back America's nuclear arsenal has met with well-deserved acclaim. His leadership, which prompted the Soviets to announce similar cuts in their nuclear forces, is moving us further from the threat of nuclear confrontation than ever before.

But as the President cautioned, we cannot use these cuts to rationalize a domestic spending spree. In fact, since most of the savings will be realized over several years, converting these gradual reductions into spending increases in other areas would be irresponsible in the extreme.

When national indebtedness is mortgaging our childern's and grandchildren's future and crippling our competitiveness, it is clear that the only proper use of savings is to pay our bills. It's time to reaffirm our responsibility to the bottom line, something the Congress has sadly, but repeatedly, ignored.

Reducing nuclear weaponry is good news, Mr. Speaker, but not if we use it to perpetuate a cycle of increased spending. Let's use any savings to pay our debts, instead of passing the bill to future generations.

ILLINOIS AND MICHIGAN CANAL HERITAGE CORRIDOR

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. RUSSO. Mr. Speaker, today I, along with a bipartisan group of colleagues from Illinois, am introducing legislation which will amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to authorize appropriations for badly needed capital improvement projects.

First designated by the Congress in 1984, the Illinois and Michigan Canal Heritage Corridor extends from Navy Pier in Chicago 120 miles to LaSalle/Peru, IL. As the first national heritage corridor of its kind, the canal has created a model for partnership parks throughout the Nation.

The corridor celebrates the history of Chicago and the Midwest and offers residents thousands of acres of natural and recreational areas. It follows the route of the historic Illinois and Michigan Canal and related waterways that succeeded it as key transportation networks. Prior to the canal's designation, Illinois, the sixth most populous State in the Nation, had no national park, and the corridor was seen as an innovative model for providing recreational resources in populous urban areas.

Since the corridor was established in 1984, the only Federal involvement has been an annual $250,000 appropriation to fund administration and ongoing programs. Partners in making the heritage corridor a reality include 5 counties, the city of Chicago and 41 other municipalities, numerous park and forest preserve districts, the State of Illinois and many private organizations and individuals.

While these partnerships have helped to enhance the corridor, there has been no major Federal investment in capital improvements, and there is still a great deal to be done. Sited as a national historic landmark, the Illinois and Michigan Canal has been included by the Federal Government on its list of endangered landmarks due to its deteriorating condition.

Within this corridor, there exists a treasure trove of 19th century buildings whose conditions range from pristine to barely standing. Forest preserves and wetlands, bird sanctuaries, geological outcroppings which provide evidence of early dramatic ice age events, and archaeological traces of the early days of Indians and French fur traders line the banks of the canal.

The Congress' purpose in designating the Illinois and Michigan Canal a national heritage corridor was "to retain, enhance, and interpret for the benefit and inspiration of present and future generations, the cultural, historical, natural, recreational, and economic resources of the corridor, where feasible, consistent with industrial and economic growth." In order for the corridor to function as Congress intended it to, money for capital improvement projects must be made available.

This legislation would greatly assist some of the capital projects that could tie the region together as a spectacular urban cultural park serving the Nation's third largest metropolitan population as well as residents of the entire region. With State and local investment, these improvements will give residents of Chicago and northeastern Illinois an unparalleled recreational resource and opportunity to celebrate their history as a building block for the future.

A TRIBUTE TO DAVE STOCKTON, CAPTAIN OF THE VICTORIOUS RYDER CUP TEAM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. LEWIS of California. Mr. Speaker, I rise today to congratulate Capt. Dave Stockton, a distinguished constituent of California's 35th District, and the entire American Ryder Cup golf team, for bringing the Ryder Cup home to America after 6 years in Europe.

Last week's victorious match on Kiawah Island, SC, pitted the best of America against the best of Europe. The American team prevailed. This victory culminated nearly 2 years of preparation by Capt. Dave Stockton, who was an integral and inspirational force behind the American squad.

Dave Stockton, winner of 11 PGA tournaments, including the 1970 and 1976 PGA Championship, is a resident of Mentone, CA. He joined the PGA tour in 1964, and has accumulated over a million dollars in career earnings. Dave was a competitor on the victorious 1971 and 1977 Ryder Cup teams, where he sported a 3–1–1 record in match play. Dave Stockton's record of success as a competitor in Ryder Cup competition inspired this year's team to perform brilliantly against an extremely talented European squad.

Mr. Speaker, anyone who witnessed last week's matches can attest to the enormity of pressure under which the captain and his team were competing. Their achievement is worthy of recognition by the House of Representatives. The weight of a nation was on the Ryder Cup team, and they responded in a manner that makes us all proud to be Americans. Please join me and our colleagues in commending Capt. Dave Stockton and the 1991 Ryder Cup team for their heroic performance on Kiawah Island.

A TRIBUTE TO THE FORD/UAW APPRENTICESHIP PROGRAM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. CONYERS. Mr. Speaker, I want to pay tribute to—and call the Nation's attention to—the Ford-UAW Apprenticeship Program on the occasion of its 50th anniversary.

This world-class apprentice training program produces some of America's finest skilled trades personnel. It has now graduated 22,000 men and women—electricians, tool and die makers, machine repairers, plumber-pipefitters, millwrights, and other trades personnel so critical to the efficient manufacture and assembly of quality cars and trucks.

The program has been designed to meet exceptionally demanding standards. It generally requires 4 years and 8,000 hours of training for every apprentice. This training combines supervised shop floor experience with guidance by experienced journeymen and related classroom instruction delivered primarily by community colleges.

The program is also noteworthy because it was one of the earliest joint management-union efforts in American industry. For 50 years, apprenticeship training at Ford has been in the hands of a national joint apprenticeship committee and plant subcommittees consisting of equal numbers of management and union representatives. The success enjoyed by the program is due in large part to the common vision of doing what is best for the apprentice's learning experience.

Throughout its history, the National Committee has stayed alert to the future by proving a strong foundation in trade knowledge, plus the ability to learn and adapt, always aware that tomorrow's skilled trades personnel will need new skills. The apprentices who are in the program now—and there are almost 1,100 of them—will be building, maintaining, troubleshooting, and contributing to the design of Ford equipment and machines well into the next century.

In peacetime and wartime, the Ford-UAW Apprenticeship Program has played a vital role in developing skilled trades expertise in the company, and sharing it with the auto industry, as well as the Nation. Many graduates have gone on to leadership positions in the company, the UAW, and the community.

At a time when the United States is in a fierce struggle to preserve its industrial base, the Ford-UAW Apprenticeship Program is making major contributions to our ability to compete internationally. I salute the program itself, all those who are giving it life, and all of its graduation—past, present, and future.

EASING TRAFFIC CONGESTION IN SUBURBAN PHILADELPHIA

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. KOSTMAYER. Mr. Speaker, the U.S. House of Representatives today gave final approval to a transportation spending bill that includes $2.40 million I requested for three transportation projects in my district. The three projects—SEPTA's proposed cross-county metro rail line, a new section of Route 202 between Montgomeryville and Doylestown, and efforts to reduce Quakertown-area traffic congestion—are designed to ease gridlock in suburban Philadelphia. These funds were included in a $14.3 billion transportation appropriations bill for fiscal year 1992, and are in addition to the normal allocations for transit and highway projects that are provided to the region under Federal funding formulas.

One million dollars will go toward SEPTA's cross-county metro project, a 53-mile suburban rail line from Morrisville to Downington. The metro would use an existing Conrail right of way, running parallel to sections of the Pennsylvania Turnpike and Route 202. Because over 60 percent of the traffic in the Delaware Valley is now intrasuburban, the line would both help relieve the traffic congestion that plagues the area and improve a deteriorating environment. This is a crucial project that will simultaneously stimulate economic development, protect the environment, speed suburban travel, and add new vitality to one of the Nation's oldest public transit systems. The $1 million appropriation follows last year's $200,000 I requested to study the initial feasibility of the metro.

The Quakertown effort, designed to ease near-gridlock conditions in and around Quakertown Borough, especially where the northeast extension of the Pennsylvania Turnpike converges with Routes 309 and 663, will receive $1 million from the spending bill. This proposal responds to the community's need for increased safety and decreased traffic congestion.

Finally, $400,000 will go toward additional preliminary engineering work on a limited-access roadway to handle the increasing traffic on Route 202. This project was recommended by the Delaware Valley Regional Planning Commission to handle an anticipated 40,000 cars a day. The dramatic rise in traffic along Route 202 is a result of increased development in the area. The $400,000 will complement the $1.36 million I requested last year for the project.

Mr. Speaker, the population growth and changing demographic patterns in southeastern Pennsylvania are producing serious transportation and environmental problems. I am pleased that the House has realized the need to explore projects that will ease this pressure. Hopefully, with these appropriations, Bucks County can preserve and enhance the quality of life it now offers its residents.

INTRODUCTION OF LEGISLATION TO CREATE PARKS OUT OF CONFISCATED LAND FROM A DRUG RAID

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. ROWLAND. Mr. Speaker, yesterday, I joined with my colleague from Georgia, BUDDY DARDEN, in the introduction of legislation that will create a new park for the citizens of our State out of land recently confiscated by the DEA in a drug raid.

It is a heavily forested, 35-acre site, richly endowed with native azaleas, waterfalls, a spring and other natural resources. It is located in Cobb County, just north of Atlanta, in one of the fastest growing areas of the country.

Under existing law, land which is criminally forfeited to the Federal Government may be transferred to a State of local government for use as a public area if a request is submitted by a Governor to the U.S. Attorney General. Gov. Zell Miller has done this on behalf of Cobb County.

The Governor has established a program to acquire land for public use throughout the State which is called Preservation 200. He is also helping local governments acquire additional lands for public use. This is a part of that wonderful effort, and we commend Governor Miller and the governing officials of Cobb County.

Congressman DARDEN and I will do our small part by offering an amendment to the crime bill next week to legally pave the way for this transaction.

CALIFORNIA PRESS ENDORSES WATER CONTRACT REFORMS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. MILLER of California. Mr. Speaker, over the past year, Senator BILL BRADLEY and I have been engaged in a very diligent effort to bring the Federal water contracting program in California, kicking and wriggling, into the 20th century. And just in time.

Over the course of the next few years, dozens of water contracts with irrigators—who use more than 80 percent of our State's water—are going to expire. These are contracts, not property rights. The water belongs to the people of the United States, not to the individual district or irrigators who happen to have enjoyed millions of dollars in subsidized water benefits over the past half century.

When these contracts were signed, in most cases, Harry Truman and Dwight D. Eisenhower were President. There has been, as they say, a lot of water under the bridge.

But like Old Man River, these contracts just keep rollin' along, frozen in volume and duration—and often in price—for 40 years.

Now the contracts are going to begin expiring. The General Accounting Office has just released a very important report whose title, "Reclamation Law: Changes Needed Before Water Contracts Are Renewed," says it all. GAO concluded:

> Irrigation practices have contributed to selenium poisoning and increased salinity in the CVP's San Joaquin Valley; some farmers use CVP subsidized water to grow crops that are also eligible for UDA subsidies; water supplies for wildlife habitat are inadequate because so much CVP water is devoted to irrigation; the Bureau cannot meet changing needs in California if existing irrigation water contracts are automatically renewed, as the Bureau intends; the problems associated with current contracts and irrigation practices will continue, and irrigators will have little incentive to change current harmful and costly practices.
>
> Accordingly, GAO recommends a moratorium, on all CVP contract renewals and calls on the Congress to amend current law to allow explicitly for the Secretary of the Interior to alter the duration and amounts of future contracts and extensions.

The Interior Department, which has done a less than exemplary job in monitoring the use of the water and in collecting debts owed for its sale, intends to renew the contracts automatically for another 40 years, at the same volumes. The only reason Interior will charge more realistic, though still subsidized prices for

Federal water, is because Congress insisted on pricing reforms in the 1982 Reclamation Reform Act.

If ever there were a bonehead policy, Interior has enshrined it by deciding to extend all existing contracts for another 40 years. California, like the United States, today little resembles itself four decades ago, and will change as radically in the half century to come. Agriculture has dwindled as a percentage of State revenues, as an employer, and as a factor in State economic growth. The State had less than 10 million people back then; we have 30 million today, and most of them are very short of water while, at the same time, many irrigators are wasting this precious, and highly subsidized, resource.

Does it make sense to continue to commit vast amounts of water to irrigation when other users are wiling to pay 10 times as much for alternative uses? Should we continue to use taxpayer money to encourage the cultivation of low quality lands that generate toxic waste—that taxpayers must then pay to clean up? Should we lavish taxpayer subsidies on irrigators who grow surplus crops that we are then required to grant price supports?

Or should we instead, insist upon a realistic and modern contracting process, one in which the resource to be dispersed is measured against competing needs, and allocate the water accordingly?

This is not antiagriculture. The Sacramento Bee, the largest circulation newspaper in the agricultural region of California, vigorously endorsed water contract reforms in an editorial on September 29.

And our views are not antisouthern California. As illustrated by an editorial in last Saturday's Los Angeles Times, water contract reforms are essential in the best interest of the entire State of California. Indeed, the San Diego Water Authority, whose farmers pay $400 an acre foot for water, support the contracting reforms Senator BRADLEY and I are promoting.

The editorials follow:

TIME TO RETHINK THE CVP?

The federal government's Central Valley Project is the largest water system in California. But the purposes it serves, primarily irrigation, were defined to meet the state's needs as they existed nearly 70 years ago. A recent report from Congress' General Accounting Office suggests that the time has come to begin re-examining some of those purposes and to consider whether the operations of the CVP can be updated to serve California's water needs as they continue to evolve into the next century.

Development of the CVP laid the foundation for the modern prosperity of the Central Valley and it continues to support some of the most productive agricultural enterprises on earth. But as the GAO report points out, the project is also responsible for severe drainage problems that threaten to pollute many of the region's land and water resources. The government's pricing policies heap taxpayer subsidies one on top of another. And other potential uses for that water, for wildlife as well as for California's growing cities, are often ignored.

The Department of the Interior nevertheless refuses to consider any updating or change in those operations. In fact, the department maintains that it is obligated to renew its water contracts for another 40 years, without reducing by one drop the amount of water it currently provides to its agricultural customers. Such intransigence only ensures that a public project that was intended to benefit rational water development in California will instead become an increasingly anachronistic obstacle to further progress.

The GAO proposes suspending all renewals of CVP water contracts until Congress rewrites the law to make it clear that the government has a duty to reassess how that water is being used. That means that future contracts may be for shorter periods and for smaller amounts of water than in the past. Alternatively, U.S. Sen. Bill Bradley has proposed legislation that would allow the current contractors to continue renewing forever, but would offer them various inducements to divert some of those supplies to other purposes. Both proposals are worth considering, but neither goes far enough toward fulfilling the role that the CVP could play in meeting the state's future water needs.

Putting some flexibility into the CVP's operations won't be an easy political fight if agribusiness continues to dig in its heels and oppose any change. But the alternatives, especially for agriculture, could be much worse. Trying to make the CVP into a truly modern system that can serve the cities as well as the farms, for example, makes a lot more sense than destroying the entire system of California water rights or crippling all of the state's existing water agencies, which is what the Metropolitan Water District of Southern California proposed in a water marketing bill this year.

The point is that there are alternatives available to solve California's water problems—if we are just willing to consider them.

UNDOING THE MISTAKES OF PAST

The Interior Department is blithely planning to put 20% of California's water out of reach to thirsty urban areas until 29 years into the next century, according to a recent report by the General Accounting Office.

The GAO recommends a moratorium on new contracts in the federal Central Valley Project, which supplies most of California's irrigation water, until Washington thinks more carefully about this policy. Does renewing older water contracts makes sense in a time when California cities are rapidly growing and face a possible sixth year of drought? In our view it doesn't.

Federal rules already forbid sales of water to farms or cities that are outside the boundaries of the Central Valley, which means that surplus water can't be sold south of the Tehachapis.

Simply extending old water contracts—some of which were signed in 1949—as though nothing has changed in 40 years will also extend damage to vast areas of cropland. It would leave unchanged an intolerable situation in which wildlife habitat in the valley chronically lacks water.

Congress should respond at once, not only for the sake of wildlife in the San Joaquin Valley but to help ensure the future of the entire state.

Interior officials argue that a 1956 law gives them no choice in whether to renew contracts. They also read the law as saying the Interior Department cannot make significant changes in contract terms. So it's up to Congress to intervene.

Congress should pass two important bills. One, sponsored by Sen. Bill Bradley (D-N.J.), would change the rules for the federal water system in California—the largest such project in the nation—so that its water could be bought and sold as a commodity under state law.

The other is by Rep. George Miller (D-Martinez) to require farmers to take either federal water subsidies or federal crop subsidies, but not both. The GAO report said that in the mid-1980s nearly half of the federal water delivered at subsidized prices was used to grow crops sold, in turn, at subsidized prices.

Federal rules make buying and selling of Central Valley water far more difficult than do California rules. Although the state's policies need fine-tuning to create a true market for water, they were good enough to allow Gov. Pete Wilson to create a state water bank earlier this year as a drought emergency measure.

At the federal level, Interior already has signed about a dozen contracts that commit it to sell cheap water to irrigation districts for another 40 years, the report says. Over the next five years, it could sign another 50 or more unless the law is changed.

California agriculture must stop living in the past and let the people of California allocate nearly 8 million acre-feet of water with a process that fits the state's present-day needs. The bills that would do that both sit in the U.S. Senate's Energy and Natural Resources Committee.

Bradley should put them to a vote without delay. And California's Republican Sen. John Seymour should drop his misguided opposition to the bills and help them along.

KATIE DAVIS: PERFORMING LABORS OF LOVE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. TOWNS. Mr. Speaker, I rise today to extol the virtues and talents of Ms. Katie Davis, whose labors of love transform everything and everyone around her. Within the Bedford-Stuyvestant community Katie Davis is known as a lightning rod for getting things done, and getting them done well.

Presently, Mrs. Davis juggles the responsibilities of motherhood, community service, and professional work. She serves on numerous boards such as the board of directors of the Bedford-Stuyvesant Trust Fund, the Vanguard Urban Improvement Association, in addition to serving as a member of the Antioch Baptist Church board of trustees.

Katie Davis' vision spans generations. Her efforts have positively affected young and old alike. One result of her efforts was her cofounding the Lafayette Gardens Youth and Senior Citizens' Center. Additionally she was the founding member of Community School District 13 Parent Council.

Ms. Davis received her undergraduate degree from Hunter College and her master's from Columbia University. She works as the director for facility administration for the New York State Office of Mental Health, Kingsboro Psychiatric Center in Brooklyn.

Among her many other responsibilities, Mrs. Davis serves as the president of Medgar Evers College Community Council, and is currently vice president of New York Region National Health Service Executives.

INTRODUCTION OF ECONOMIC EQUITY ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Ms. PELOSI. Mr. Speaker, today I join with the other Members of the congressional women's caucus in introducing the Economic Equity Act of 1991. This bill addresses the full range of difficulties now facing women in today's workplace, and promotes women's economic standing in society as a whole.

The Economic Equity Act will give women the tools necessary to compete equally. It will open up new opportunities in the work force, provide educational and job training and address the harsh inequities facing women of retirement age.

Today, women comprise almost half of the civilian work force and by the year 2000, two out of every three new entrants into the work force will be women. If America is to remain competitive in the international marketplace, we must respond to the changing needs of our society and allow women to achieve their full potential as an economic resource.

I have included in the Economic Equity Act a bill titled "Microlend for the Future" which would provide loans and technical assistance to low-income women starting small businesses. Women have been consistently denied access to commercial credit. My bill would provide an opportunity for these women to receive business loans and also the technical assistance or business training which is vital to helping them become and remain financially self-sufficient.

I urge my colleagues to support the Economic Equity Act. Let's act now for the economic future of our Nation and invest in women as an economic resource.

LISTEN AND ACT: THE 1991 AIDS CRISIS REPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. RANGEL. Mr. Speaker, once again I rise to call the attention of my colleagues to the unfolding AIDS crisis, an epidemic so threatening that it is soon expected to surpass all other diseases in lost human potential.

I recommend my colleagues to the recently published report by the National Commission on AIDS, created in 1988 by Congress to monitor the President's progress toward a national AIDS strategy.

The report, entitled "America Living with AIDS: Transforming Anger, Fear, and Indifference Into Action," accurately depicts the Nation at a crossroads: We must either choose to confront the issues and challenges posed by AIDS or consign ourselves to tragedy.

The Commission also describes the new faces of AIDS: "Disproportionately and increasingly the epidemic has attacked segments of society already at a disadvantage—communities of color, women and men grappling with poverty and drug use, and adolescents who have not been effectively warned of this new risk to their futures."

In New York, we know these faces all too well.

AIDS is the leading cause of death in New York City among all men aged 30 to 49 and all women aged 20 to 39. New York City has an estimated 200,000 intravenous drug users, roughly half of whom are HIV positive. And more than 80 percent of all female cases and 88 percent of all pediatric cases in New York are black or Hispanic.

So far, 21,276 New Yorkers have died from AIDS.

Of course, not just New Yorkers but all Americans should be concerned with the epidemic.

The cumulative American deaths of the first 10 years of AIDS will more than double in the next 2: By the end of 1993, the death toll will rise from 120,000 to 350,000. And by the year 2000, the World Health Organization predicts, some 40 million people will be infected with the AIDS virus.

Yet despite these epic proportions—despite the rapid spread of AIDS into our schools, our churches, and our homes, despite the crushing impact the disease has on delivery of health care to our communities, despite the 120,000 American lives already lost in the first decade—we are still not getting the job done.

As the National Commission on AIDS stated, "Our Nation's leaders have not done well."

President Bush, to be sure, has not done well. He had made only one speech—only a single speech out of thousands—on AIDS. He has consistently undercut congressional efforts to fund AIDS research and health care. And his administration has impeded efforts to establish reasonable and responsible public policy by introducing obscuring and peripheral issues, like barring visas to HIV positive individuals.

"Worst of all," the Commission reports, "the country has responded with indifference." Americans must learn that AIDS will not wait for them.

We must become more humane and compassionate in our treatment of AIDS patients. We must become willing to commit more funds to research. We must ensure that medical care is available to those that desperately need it.

And we must provide IV drug users treatment on demand. The National Institute on Drug Abuse estimated that more than 107,000 people are currently on waiting lists for drug treatment. Over 107,000 people want treatment, people are waiting in line for it—but cannot get it. Any concerted effort to slow AIDS has to include an effective drug treatment policy.

Above all, we must break the silence on AIDS.

As the New York Times columnist A.M. Rosenthal recently wrote, "Silence has a loud voice. It shouts, 'Nothing important is happening, don't worry.' So when something important is going on, silence is a lie."

Let us be silent no more.

I encourage my colleagues to carefully consider the 30 recommendations of the 1991 National Commission on AIDS:

RECOMMENDATIONS

1. A comprehensive national HIV plan should be developed with the full participation of involved federal agencies and with input from national organizations representing various levels of government to identify priorities and resources necessary for preventing and treating HIV disease.

2. Universal health care coverage should be provided for all persons living in the United States to ensure access to quality health care services.

3. The federal government should establish a comprehensive national HIV prevention initiative.

4. Government should assure access to a system of health care for all people with HIV disease.

5. Medicaid should cover all low-income people with HIV disease.

6. States and/or the federal government should pay the COBRA premiums for low-income people with HIV disease who have left their jobs and cannot afford to pay the health insurance premium.

7. Medicaid payment rates for providers should be increased sufficiently to ensure adequate participation in the Medicaid program.

8. Social Security Disability Insurance (SSDI) beneficiaries who are disabled and have HIV disease or another serious chronic health condition should have the option of purchasing Medicare during the current two-year waiting period.

9. Congress and the Administration should work together to adequately raise the Medicaid cap on funds directed to the Commonwealth of Puerto Rico to ensure equal access to care and treatment.

10. Policies should be developed now to address future plans for the distribution of AIDS vaccines and the ethical and liability issues that will arise when vaccines become available.

11. The federal government should fund the Ryan White CARE Act at the fully authorized level.

12. Congress should remove the government restrictions that have been imposed on the use of funds for certain kinds of HIV education, services, and research.

13. The Secretary of Health and Human Services should direct the National Institutes of Health, the Health Care Financing Administration, and the Health Resources and Services Administration to work together to develop a series of recommendations to address the obstacles that keep many people from participating in HIV-related clinical trials, as well as the variables that force some people to seek participation in trials because they have no other health care options.

14. HIV-related services should be expanded to facilities where underserved populations receive health care and human services, in part to ensure their increased participation in trials of investigational new therapies.

15. Current efforts at the National Institutes of Health (NIH) to expand the recruitment of underrepresented populations in the AIDS Clinical Trials Group should be continued and increased.

16. HIV education and training programs for health care providers should be improved and expanded and better methods should be developed to disseminate state-of-the-art clinical information about HIV disease, as well as drug and alcohol use, to the full range of health care providers.

17. Greater priority and funding should be given to behavioral, social science, and health services research.

18. The Food and Drug Administration should aggressively pursue all options for permitting the early use of promising new therapies for conditions for which there is no standard therapy or for patients who have failed or are intolerant of standard therapy.

19. The National Institutes of Health should develop a formal mechanism for disseminating state-of-the-art treatment information in an expeditious and far-reaching manner.

20. The Department of Health and Human Services should conduct a study to determine the policies of third-party payers regarding the payments of certain health service costs that are provided as part of an individual's participation in clinical trials conducted in the development of HIV-related drugs.

21. Implementation of the Americans with Disabilities Act should be carefully monitored, and states and localities should evaluate the adequacy of existing state and local antidiscrimination laws and ordinances for people with disabilities, including people living with HIV disease.

22. The federal government should expand drug abuse treatment so that all who apply for treatment can be accepted into treatment programs. The federal government should also continually work to improve the quality and effectiveness of drug abuse treatment.

23. Legal barriers to the purchase and possession of injection equipment should be removed.

24. The following interim steps to improve access to expensive HIV-related drugs should be taken:

(a) adequately reimburse for the purchase of drugs required in the prevention and treatment of HIV disease, including clotting factor for hemophilia;

(b) undertake, through the Department of Health and Human Services, a consolidated purchase and distribution of drugs used in the prevention and treatment of HIV disease;

(c) amend the Orphan Drug Act to set a maximum sales cap for covered drugs.

25. All levels of government should develop comprehensive HIV plans that establish priorities, ensure consistent and comprehensive policies, and allocate resources.

26. Federal, state, and local governments should join forces with the private sector in providing long-term support to community-based organizations.

27. The U.S. Public Health Service should expand and promote comprehensive programs for technical assistance and capacity building for effective long-term prevention efforts.

28. Federal, state, and local entities should provide support for training, technical assistance, supervisory staff, and program coordination to acknowledge and support the family members, friends, and volunteers who are an integral part of the care system of a person with HIV disease.

29. The federal government should develop an evaluation and technical assistance component for all federally funded HIV-related programs.

30. Elected officials at all levels of government have the responsibility to be leaders in this time of health care crisis and should exercise leadership in the HIV epidemic based on sound science and informed public health practices.

FARM PROGRAM TARGETING BILL

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. JOHNSON of South Dakota. Mr. Speaker, I was pleased to introduce legislation, with my colleague from North Dakota, BYRON DORGAN, to target farm program benefits to family-sized farmers and ranchers. I serve on the House Agriculture Committee, and maintaining a strong family farm-based agricultural economy is critically important to me. Farm program payments in the grain sector of the ag economy continue to be important, and I support a higher target price for grain commodities. However, as we see the budget levels for farm program spending continuing to shrink, I would like to see those payments directed at family size operations.

Family farmers, however, cannot rely on the Federal Government over the long run. We need to structure an ag economy where family farmers and ranchers can prosper on decent market prices rather than reliance on government payments. In order to accomplish this, I support higher nonrecourse loan rates and management of production levels. In an increasingly international ag market, it will be essential for our Government to negotiate production levels and export enhancements with our grain growing allies as well as imposing limits on domestic production.

The alternative to creating a better market-price environment is to continue following the Reagan and Bush administration efforts to develop a completely free market agriculture. While I doubt that a completely free market is ever achievable, the emphasis of the past two administrations has been on phasing out government payments while simultaneously encouraging a cheap grain policy. This has been great for the huge grain trading corporations, but a disaster for family farmers. We are on the verge of achieving the worst of both worlds—no subsidies and no decent market prices, either one.

The legislation that Congressman DORGAN and I have introduced would increase the target prices for wheat and feed grains to $4.50 for wheat, $3.10 for corn, $1.63 for oats, and $2.94 for grain sorghum to begin to more accurately reflect the cost of production for these crops. These increased target prices will be paid on the first 26,000 bushels of corn production and comparable amounts for the other feed grains to be determined by the Secretary of Agriculture. Wheat producers would receive the target price of $4.50 on their first 18,000 bushels of production.

The loan rate for wheat and feed grains would be set at 100 percent of the average market price—figured over the last 5 years dropping the high and low—versus the 85 percent figure contained in the 1990 farm bill. The 5 and 10 percent reductions based on ending stocks would remain in place. However, we repeal the additional 10 percent competitiveness reduction.

While I do not claim that this will solve all of the problems facing our agricultural producers, it will continue the dialog that we must have to try to maintain the network of family farms which support our rural cities and towns. I am hopeful that my colleagues will take an active interest in this debate and look forward to addressing this issue as we look for ways to shore up the slumping agricultural economy. As Senate Minority Leader BOB DOLE indicated in a letter to President Bush recently, "the agricultural economy now could best be described as a house of cards."

We cannot afford to ignore the financial health of America's farmers and ranchers. If we do, I am not certain that we are ready to pay the price involved to consumers and rural communities.

INTRODUCTION OF THE WOMEN'S ECONOMIC EQUITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Ms. NORTON. Mr. Speaker, you do not have to be a woman to want economic equity for women, but it is the leadership of women in this House who have brought us the Economic Equity Act. The very breadth of the economic remedies addressed in this act is the best evidence of the continuing pervasive discrimination against women in our economic life. The broad sweep—from employment opportunities to retirement equity—challenges Congress to get down to work until every provision of this act has been passed.

I speak especially for the two sections of the act that I wrote on surety bonding for women- and minority-owned businesses. They are important particularly because they seek to pull down the barriers from one of the most exclusive bastions—the construction industry.

The Equal Surety Bond Opportunity Act, modeled after the Equal Credit Opportunity Act, bars surety companies from discriminating on the basis of such issues as sex, race, or marital status. It also requires that surety companies that contract with the Federal Government notify contractors denied bonding of the reasons for that denial upon the request of the contractor.

The Small Business Access to Surety Bonding Survey Act of 1991 is designed to help determine what barriers exist to women- and minority-owned businesses in obtaining surety bonding. This bill would require the Comptroller General to conduct a comprehensive survey of business firms, especially those owned by women and minorities, to determine their experiences in obtaining surety bonding from corporate surety firms. The Comptroller General would be required to submit a report on its findings to the House and Senate Small Business Committees within 18 months of enactment of this act.

I urge my colleagues to support each and every section of this important act. True economic equity will not be obtained without it.

TRIBUTE TO CHIEF GEORGE KYRARGYROS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. MURPHY. Mr. Speaker, today I rise to pay tribute to Chief George Kyrargyros, who is retiring as chief of police of Ambridge, PA, after 33 years of fighting crime.

Chief Kyrargyros has been a tremendous asset to the citizens of Ambridge. His many achievements, extensive law enforcement training, and dedication to fighting crime will be sorely missed. The son of a Greek immigrant, Mr. Kyrargyros worked his way through the ranks of the department to become chief, a position he has held with honor and pride for the past 18 years. During his tenure as chief only four murders were committed and all but one has resulted in a conviction. Over these years Chief Kyrargyros has withstood many trials and tribulations to make Ambridge a safe place to live.

Chief Kyrargyros' law enforcement training includes municipal police training at the Pennsylvania State Police Regional Academy and the Command School for Police Supervisors. He has also attended and received certificates from numerous law enforcement seminars. Chief Kyrargyros is a member of the Beaver Valley Police Chief's Association, Western Pennsylvania Chief of Police Association, and the Pennsylvania Chief of Police Association. Chief Kyrargyros has endured 33½ years as a law enforcement official in Ambridge with the help of his family: wife Rena, daughter Sophia, and sons Andrew and Anthony. Chief George Kyrargyros' presence and loyalty will be missed greatly by local government officials and the citizens of Ambridge.

I am proud to stand in recognition of this fine American who made his community a safer and better place to live.

CLARIFICATION OF MISSED VOTE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. GEKAS. Mr. Speaker, I would like to state for the record that had I been here, I would have cast a "yea" vote on rollcall 298, a vote to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults and for other purposes. I was summoned to the White House by President Bush to discuss the crime bill and was, therefore, unavoidably detained.

TOLEDO PUBLIC SCHOOLS AND THE TOLEDO PARENT-TEACHER ASSOCIATION'S FIFTH ANNUAL "DRUG FREE SCHOOLS WEEK"

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Ms. KAPTUR. Mr. Speaker, on Monday, October 14, the Toledo Public Schools and the Toledo Parent Teacher Association will kick-off the fifth annual "Drug Free Schools Week." The events that coincide with this week-long educational effort directly involve parents and educators by teaching them to recognize the early warning signs of drug use among our young people. It also sends a signal to our young people that adults care and will be involved in helping them shun what has become a cruel temptation to many.

With each passing day, as more and more media reports decry the use of drugs among our Nation's schoolchildren, parents, teachers, community leaders and policymakers face the realization that more must be done to stop this plague. We all know that adolescence, and the peer pressure that goes along with it, is perhaps the most difficult time in a young person's life. To change attitudes and get the message out among our young people that drugs destroy lives and rob adolescents of valuable learning opportunities, we need the help of everyone in our communities.

A recent survey in the Wall Street Journal showed that we have been making progress in ridding our schools of drugs and alcohol—but the numbers show that there is still much to be done. The survey of 12th graders who reported using a variety of drugs during the previous 30 days, while better than the decade before, is still alarming. Fifty-seven percent of all 12th graders reported that they had used alcohol in the past month, a decrease of 21 percent from 1980; 14 percent reported using marijuana, a decrease of 59 percent from the decade before; and 2 percent said they had used cocaine, a decrease of 60 percent from 10 years ago. The statistics show that the antidrug message is getting out, but we are still losing too many lives to the scourge of drugs.

It is through programs such as the "Drug Free Schools Week" in Toledo that communities make progress in reversing peer pressure and getting our young people on the right track. A committed effort by educators and parents can and do have an effect on children's lives. The Federal Government, through programs such as the Drug-Free Schools and Communities Act of 1986, can assist communities in teaching students about the evils of drugs. But these programs can only work with active duty involvement.

Mr. Speaker, I am proud of the efforts that have been underway for the past 5 years by the Toledo Public Schools and the Toledo Parent-Teacher Association to teach young people about the devastating effects associated with drug use. I salute the parents and teachers for their efforts. Most of all, I commend those students that have listened to that message and are using reverse peer pressure to tell their classmates that drug use is "uncool" and will not be tolerated.

VICTORY IS A BALM

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. DARDEN. Mr. Speaker, renowned Georgia columnist, humorist, author, and dyed-in-the-wool sports fan Lewis Grizzard has written a most entertaining article in the Atlanta Journal-Constitution which I believe expresses a certain closeness the city of Atlanta is now experiencing as a result of the Braves' success.

Georgians from all walks of life—young and old, rich and poor, even Democrats and Republicans—are putting aside differences to cheer this worst-to-first team which has brought yet more honors to the State of Georgia. We thought Atlanta's hosting the Olympic Summer Games in 1996 would the pinnacle of our successes for many years to come. But the talents and achievements of Georgians run wide and long.

The wave is gone. The chop lives on.

VICTORY IS A BALM—TRIUMPH HELPS ATLANTA TO HEAL A FEW WOUNDS

Sunday, Oct. 6, in the year of our Braves 1991, autumn's first windy chill was about as the team took the field as champions to play a game the entire city, state, region, even parts of the country and who knows how many in Denmark, didn't have to sweat out anymore. It ain't over till it's over. It was over.

The Olympics. Now this. Two "It's Atlanta!" headlines in such a short time. Hosea Williams drives in a victory parade down Peachtree and doesn't run over anybody. They quit working on the interstates. There's no cholesterol at the Varsity.

This may seem a terribly inappropriate time to bring up such a thing, as we celebrate the fact the Braves, woebegotten for a hundred years, are eight victories away from a world championship, but I've never felt as sorry for a city as I did for my own during Atlanta's murdered-and-missing black children nightmare of not that long ago.

There were times I wondered in the wretchedness of it all if Atlanta would forever be wounded.

Murdered-and-missing black children. The Klan. The Deep South. These are the things from which Geraldos and Donahues and damning the New York Times Sunday Magazine stories are born.

I'll never forget a cartoon I saw from a London newspaper. It pictured a frightened, black child standing in the middle of a cemetery. In the background was the skyline of Atlanta. The graves in the cemetery were all pointed, like the hats of the KKK.

That cartoon broke my heart.

It turned out there was no Klan involvement. Racism wasn't there.

A SCAR DOWN PEACHTREE

But a scar was, and it ran right down Peachtree. The Phoenix rises, but falls again.

A baseball championship certainly will not heal all the wounds of a city (see New York). And to speak of it in the same breath as the wrenching story of dead children should not imply I think victories in sport can wipe away the anguish of death.

But a victory, a championship, a balm for thousands of losses that came before it, can do wonders for a city's pride. It can restore faith. It can unite.

When the Braves won Friday night against Houston, in perhaps their most crucial game of the season, I stood and turned to a man behind me in Aisle 105 (I had scalped tickets) and clasped his hand tightly in celebration.

He had mentioned to me earlier in the game—bragged might be a better term—that he was a Georgia Tech fan. I once pulled for the Soviet Union when they played Tech in basketball.

But a Dawg and a Jacket were in agreement at that moment. Hell, I'd have kissed a militant feminist fat lady square on the mouth if there'd been one around.

And Saturday night at Sanford Stadium in Athens, Clemson and Georgia folk alike did a rousing tomahawk chop to honor the Braves. They went back to hating one another the second it was over, but the bitterest of enemies had found common ground on which to stand together.

(After the game, incidentally, there was talk in Athens of The Sweep. Tech lost, Auburn lost, the Dodgers lost, the Braves won, and Georgia won. A man added, "And somebody put Jan Kemp in jail.")

Friday at the stadium was for holding one's breath. Sunday was for laughs. Another sellout, watching for laughs this time. The kids lost to Houston. Who cares? But Saturday.

There has been no more precious moment in the sports history of Terminus-to-Marthasville-to-Atlanta, than when the Braves players came back afield after the pennant has been won and saluted their fans. There was much weeping.

There are all those moneybag players you love to hate. They, with the fat, long-term contracts. They with the whining. They, we suspect, with no real heart for the game.

But look down on that field. There are the dirty-britches Braves, welfare cases in comparison to, say, glitzy L.A. (which stands for "Lost to Atlanta," by the way) saluting us.

Such a nice word amid so much dividedness. Us.

The guy from Lilburn with his kid who's paid good money all year to come and chop. A sheetrocker from Cherokee County. Mom, dad, and the kids who drove all the way from Opelika. Buckhead yuppies, Southside good ol' boys, grandmothers, blacks, whites, Republicans, Democrats, drawling natives and honking Northern transplants.

Us.

We loved this team, and it loved us back. It loved us because when it asked us to dare to dream along with it, we did. Bobby Cox said Sunday the 2.1 million who paid to see were "our 26th man."

We loved it because it was an Olson, a catcher nobody else wanted, who squatted there behind the plate without relief for so many games.

Because it was that little vacuum cleaner, Belliard, and some guy Lemke. Most every sports fan in the country has heard of Mark Lemke now. Six months ago if he'd been a household word, it would have been "Drano."

Because it was Gant, who two years ago was on the brink of being out of the game in some damn place called Sumter, S.C. Because it was those kid pitchers and the ol' codg, Leibrandt, and a bullpen that wouldn't fade away.

Because it was a Hunter and a Mitchell and a Willard and a Wohlers who came through when the big names fell. Because it was Lonnie Smith, who produced when Otis (My Man) Nixon fell to the demon weasels of drugs.

And Justice. He's an official superstar now. Don't let the millions he'll be making by this time next year spoil him.

And Pendleton. That bouncy guy at third. If he's not most valuable player, we go after the Baseball Writers of America with guns and knives.

Treadway. Blauser. And Cabrera, who hit that home run in the ninth to bring us back from the dead in Cincinnati. And forgotten Pete Smith, who threw a mini-shutout in relief of Leibrandt to help the team come back from 6-0, again on the Reds last week.

And do you realize Rick Mahler, he of the former seasons from hell, won a game for the Braves in 1991?

Cox for manager of the year. John Schuerholz for figuring out how to balance the budget. If he can build a championship in Atlanta in one year, he can do anything. I don't know who our bullpen catcher is, but he should be bullpen catcher of the year.

I've even got to mention the media here. They had a season to remember, too. Skip's a jewel we should never let get away. Don Sutton saw and told us of things we'd of never known otherwise. The steady, comforting Van Wieren, whose call of the ninth inning Saturday was a Larry Munson spine tingler.

And Skip's kid, for goodness sake, a third-generation Caray in an announcer's booth. He'll be network one of these days. And they brought ol' Ern out of retirement to do a few games. It wouldn't have been the same without him.

Ol' Bisher had his moments in the papers, too, as did Hummer and Bradley. And the beat reporter gave us the news—some of it not so good—without the cynicism I've been guilty of myself.

I remember it well, a column I wrote last winter when it was announced the Braves had signed Deion Sanders. Deion Sanders? The guy the Yankees couldn't wait to get rid of? He couldn't hit me. I wrote that signing him was a joke.

But he was lightning on the bases, played some good defense and when the Braves called him off the Falcons roster to help, he came, wearing a football uniform and a baseball uniform on the same days, taking planes up and planes back, and taking what he called a "sacry" helicopter ride to get to the stadium on time. I took a helicopter ride myself once. Those things don't have any wings.

But Deion's biggest contribution to the Braves? If it weren't for him, there would have been no tomahawk chant, no tomahawk chop. A few Braves fans knew Florida State, for whom Sanders toiled collegiately, did the chant and chop. So, they picked it up and used it when Deion appeared in a Braves uniform and to say it caught on is to say ice cream soon became popular after being introduced.

Deion gave us the chant and the chop. Once Braves fans got to chanting and chopping, they quit the wave. Thank the Lord for that.

I was wrong about you, Prime Time. I'll leave you my gold cuff links in my will.

The "It's Atlanta!" headline Sunday with the tomahawk was the stroke of a headline-writing genius, by the way, and the photo of Olson leaping upon Smoltz is a framer.

The Men and Boys of Summer '91. This was Atlanta's team. Georgia's team. America's team. "The world is pulling for us," somebody was saying Sunday.

This was a team that spent six months charging up a hill against a machine-gun nest. And when one fell, another picked up his flag and charged on.

The Berlin Wall has come down. Communism is kaput. We've finally won another war. And the Braves have won a penant.

I'll believe anything now. I'll believe Elvis is alive and well working in a carwash in Spartanburg. I'll believe gasoline will be 40 cents a gallon again, that a Democrat will sit in the White House again, that the Braves will beat the Pirates and then win the World Series.

When Georgia won the 1980 national football championship, Loran Smith and I wrote a book about the season. We named it, "Glory! Glory!" We asked Jim Minter, former editor of these papers and a bleeder of red and black, to write a foreword for us.

His final words were, "Let these memories last forever."

And let these.

Losersville is no longer an operable term, my fellow Atlantans. We ain't sports trash anymore.

Glory. Glory. Grits has me. Glitz and Grits has won.

ASSASSINS OF REPUTATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. OXLEY. Mr. Speaker, today's Wall Street Journal contains a compelling Review & Outlook piece regarding the nature of political scandals in the Nation's Capital. I commend the following article to the attention of my colleagues:

ASSASSINS OF REPUTATION

The Iran-Contra panel yesterday received its best testimony so far about how the Contras were kept alive while U.S. aid was suspended. If the members had listened carefully, they would have learned that their micromanaging of Nicaragua policy was at least as big a problem as Ollie North's entrepreneurship. We only hope this bitter lesson will not lead them to assassinate the reputation of witness Elliott Abrams out of spite.

It has been a good week for Washington's reputation assassins. Clarence Thomas, on the doorstep of the Supreme Court, has been pulled down by a Washington establishment determined to make him understand that conservatism in that town carries a cost, as it has for so many individuals since 1980. Elliott Abrams, who in his years in the State Department did as much as anyone to create a new world order of democratic self-determination across Latin America, was brought down by Lawrence Walsh. What an awful, lurid place the American capital must now seem to the rest of the country.

As we went to press it appeared that Judge Thomas would be required to restore his reputation by proving the unprovable. No court at any level in the United States would entertain this uncorroborated accusation. Washington, having become one big kangaroo court, will do so with glee. One can only hope that Judge Thomas—and apparently his only uncowed political defender, Sen. John Danforth—will prevail over the grim forces arrayed against him. (At Kennebunkport the day of the nomination, President Bush asked Judge Thomas if he and his family were prepared to endure what was to come. We imagine Judge Thomas, in assenting, took this to mean that Mr. Bush would remain on the front lines.)

Does one need a flavor of what is going on here? Fancy this. Yesterday afternoon, as it was becoming apparent that the vote would be delayed, who should rise on the floor of the Senate to speak but the distinguished senior Senator from Massachusetts, Edward Kennedy. This is what Teddy said:

"If members of the Senate ignore Professor Hill's serious charges, if the Senate votes on this nomination without making a serious attempt to resolve this issue, the Senate will bring dishonor on this great body * * *. If Professor Hill's allegations are true, Judge Thomas denied Professor Hill her right to work free from sexual harassment."

The Democratic Party is now led by the likes of this and such figures as Howard Metzenbaum and Howell Heflin. It is intriguing to contemplate the political ramifications of the party of Franklin Roosevelt, John Kennedy and Lyndon Johnson not only trying to defeat a distinguished black American from sitting on the Supreme Court but destroying his person as well. In another time, there would have been party wise men to warn against going this far, but today the Democrats derive their wisdom from Ralph Neas, Kate Michelman and Paul Simon.

In pleading, Elliott Abrams has at least managed to free himself from the peculiar hellishness of the place. Congress' robotic Terminator, Lawrence Walsh, had pinned Mr. Abrams into a Hobson's choice and got the guilty plea. Mr. Abrams' alternative was to spend a minimum of $1 million defending himself against a $100 million, taxpayer-funded prosecution. Mr. Walsh was determined to get someone from the State Department, so he got what he wanted. And because Mr. Abrams had spent his years in the Reagan administration bluntly and publicly criticizing Congress' policies and indirectly the permanent Washington establishment, they both got what they wanted: Elliott Abrams on the front pages with the words "Pleads Guilty" appended.

Well, if character still counts for anything in Washington, we suspect that Mr. Abrams' reputation will survive this.

History can judge Mr. Abrams, but we have some preliminary thoughts. Congress and the Walsh operation during this period are tied forever to one phrase—Iran-Contra. That was their choice. By comparison, Mr. Abrams has a legitimate claim as a major architect of the new democratic structure of Latin America.

He worked, spoke and wrote tirelessly on behalf of democratic self-determination throughout the continent, and he helped keep the Contras alive body and soul until Danny Ortega was forced to accept free elections. Mr. Abrams urged that U.S. policy separate itself from Panama's Manuel Noriega. He pushed for a plebiscite on General Pinochet, and was the first member of the U.S. administration to oppose Marcos.

Both Judge Thomas and Mr. Abrams came to Washington to perform public service. In the same week, Washington has now tried to destroy both of them. It is of course useful to denounce what the city has become, but in the interests of preserving the system, more than a few people better start actively fighting back against the worst of it.

PUTTING ON THE BRAKES AFTER TAKING READERS FOR A JOYRIDE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. BURTON of Indiana. Mr. Speaker, Bob Collins has been a sports columnist for the Indianapolis Star for over 43 years. I have personally enjoyed reading his regular column, "Sports Over Lightly," for many of those years. Bob's humorous and sometimes irreverent view of the sporting world brought many years of enjoyment to me and to scores of readers who made his the most-read column in Indiana.

Bob has been one of the most decorated journalists in Indiana history, evidenced by the fact that he has received over 40 first-place writing awards and has been inducted into the Indiana Journalism Hall of Fame. In fact, Bob's writing was so decorated that the Hoosier State Press Association finally had to change its rules to make him no longer eligible for their writing awards contest.

On September 29, 1991, Bob submitted his last column for the Star. I would like to enter this column, published under the headline, "Putting on the Brakes After Taking Readers for a Joyride," into the Congressional Record as a tribute to a true legend in Indiana sportswriting history, Bob Collins:

[From the Indianapolis Star, Sept. 29, 1991]

Putting on the Brakes After Taking Readers for a Joyride

(By Bob Collins)

It's been a wonderful trip for a tough, little Irish kid from Haughville, traveling first class for 43 years on Mr. Pulliam's dollar.

And he should be proud of the way I spent his money. No Burger Kings for old Robert. No sir. It was Maxim's in Paris, Antoine's in New Orleans, Ernie's in San Francisco. One of the proudest moments of my life was when the business manager said that he asked to see all of my expense accounts because "they were works of art."

But we are speaking past tense.

The years, the miles and the screams for mercy from an abused body finally met at the same intersection. And the sign reads "STOP."

Dr. Bill Buffie said, "You've used 13 of your nine lives." A friend casually remarked, "Collins, you make it through 64 years without touching the brakes."

Thus, we've reached a moment I never thought would come.

I'm packing it in, retiring. It's time to get out of Dodge.

A few years ago, a friend asked if I was considering retirement. My answer: "From what? Hell, I've never worked a day in my life."

But the years, 64 closing in on 65, are hanging heavy. I have written many times that old jocks and actors often blow their exit lines: They stay on stage until the curtain hits them on the head. Not me. I'm doing a little soft shoe and a shuffle, and I'm out of here.

In my life I've seen the two days—the good and the bad. But let's hear no sad songs for R.J. I did what I loved for as long as I could.

This is my last column—no more colons, no more semicolons and no more commas tossed in between thoughts. There will be no sports or sports people mentioned in this final installment. This is the "Big Casino," The final message from me to you.

If you are a writer, you have an ego. Humility does not come with a keyboard. But I still lose my gift of speech when strangers approach me and say that they have read my column for years. The best I managed in those situations was a timid "Thank you."

I have friends, lots of them. But you are the people who have been best to me. I'm not good at answering mail. Consider this a blanket thanks to each and every one of you.

Without you, I would have been just another guy chasing a buck. You've been like family. Many of you have stayed with me for nearly half a century—praising me when you liked something, peeling my skin when you didn't.

For many years I came at you five, sometimes six, days a week, sports page and back page. The sports stuff was irreverent to dedicated fans. But I never took the games or myself seriously. And the back page numbers made a celebrity out of Linda Collins, who probably never read a word I wrote.

I've laid out a few people. But I've always strived to be fair. And when I was wrong, I apologized.

The only things that really riled me were what I considered dishonesty or injustice.

Surveys have shown that you've made me the best-read columnist in Indiana.

Modesty does not become me. And since there is not a humble bone in my Celtic body, I'll say I believe that I was one of the best. For proof, I offer the fact that I have won more than 40 first-place writing awards, and have been inducted into the Indiana Journalism Hall of Fame. Not bad, not bad at all for an Irish kid from St. Anthony's.

When the late Tom Keating was working magic with words, we gave The Star a one-two punch that few newspapers could match.

I was angry at the time, but now I consider it a tribute: The Hoosier State Press Association changed its rules and legislated me out of its writing awards contest. Thanks, guys.

In 1984, when a second selection of my columns was published, I wrote an introduction, which said:

"I'm invited into your home five mornings a week. I try not to wake the baby or distract you so long you burn the bacon. If I can make you smile or reflect on the mores of everyday living, I've had a good day.

"This semipublic affair between you and me has continued for years. Perhaps we're too old now to change partners. Nonetheless, I'm delighted that so many of you have helped me on this odyssey through a world I'll never quite understand."

I still feel the same day. I love all of you.

I'll close with the traditional Irish toast:

May the road rise to meet you.

May the sun always be at your back.

May the rain fall gently on your fields, And until we meet again, may the Lord hold you in his hand.

Goodbye. And God bless.

TRIBUTE TO DENNIS HERRING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. TOWNS. Mr. Speaker, I rise today to applaud one of NYNEX's employees, Dennis L. Herring. He is a 20-year resident of the Bushwick section of Brooklyn.

Mr. Herring is currently the president of the 83d Precinct Community Council. He also serves as a member of Community Board No. 4, the Obusty Local Development Corp., the Society for the Prevention of Cruelty to Children, and the United Bushwick Block Association.

In 1989, Dennis Herring was elected to Community School District Board No. 32

where he serves as treasurer. He is the proud father of three and is actively involved in community youth activities. Dennis Herring is known for his versatility and tenacity. He can be counted on to shoulder the load when others are prepared to take an easier path. It is my pleasure to praise the efforts of a man who does not seek the limelight, but whose efforts of selfless service entitle him to be recognized.

TRIBUTE TO DOMINIC D. DiFRANCESCO

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. GEKAS. Mr. Speaker, it gives me great pleasure today to rise and pay tribute to a man who I am proud to call a friend and a leader. Dominic D. DiFrancesco, of Middletown, PA, deserves our accolades as he has become national commander of the American Legion.

Dominic has been involved in Legion activities since 1954, when his father handed him a membership card to Post 594 of Middletown. Dominic served his country in the U.S. Navy during the Korean war.

Dominic has been active at all levels within the Legion, serving as the commander of his post, Dauphin County and the 19th district. He also spent 4 years as an alternate national executive committeeman and 2 years as national executive committeeman for Pennsylvania. In 1986, the 260,000 member Pennsylvania American Legion selected Dominic as their State commander, where he was a powerful force for advancing the causes of veterans at the State and Federal levels.

Dominic also undertook a mission to the Persian Gulf during Operation Desert Storm, to check on the morale of our brave soldiers, and later visited President Bush at the White House to report on what he had seen in the gulf.

Dominic was selected national commander of the American Legion on September 5, 1991 at the organization's annual convention in Phoenix, AZ. Among the top goals Dominic has stated for the Legion is meeting the needs of the Nation's newest veterans, the brave men and women of Operation Desert Storm. This includes proper medical benefits and enactment of a new GI bill for education benefits. Dominic has also pledged to continue to speak out for the Nation's aging veterans, press forward on the issue of POW's and MIA's, and urging adoption of a constitutional amendment to protect the U.S. flag from desecration.

Mr. Speaker, I ask all of my colleagues to join me in honoring Dominic DiFrancesco for all of his accomplishments over the years, and in congratulating him on his election as national commander of the American Legion. I know that he will continue to work hard for this Nation's veterans, who have proudly served and sacrificed much for their country. I know all Legionnaires in Pennsylvania and around the Nation are proud to have Dominic at the helm and are grateful for his efforts.

MILES DAVIS: THE GIANT OF JAZZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. RANGEL. Mr. Speaker, I call the attention of my colleagues to the passing of a musical innovator and bandleader, the legendary Miles Davis. Last week people all over the world were saddened by the death of Mr. Davis, a founder of contemporary American music and a pioneer in almost every important jazz idiom during his 46 years as a jazz artist.

Davis' uniqueness goes well beyond the realm of musical talent. He was a symbol of the uncompromising black artist who developed music, not just played it. He was an innovator of different types of jazz music that were viewed as controversial and ahead of its time.

Davis was born in Alton, IL, and grew up in the East St. Louis. By the age of 13, he was already playing the trumpet. After high school, Davis moved to New York, where he enrolled in the Julliard School of Music, however, he gained his most important schooling playing in the company of the jazz greats of his time. Davis' career took off in the late fifties and later he signed with Columbia Records. During the sixties, Davis became a cultural hero and later became known as the Giant of Jazz.

Recently, fellow jazz artist Wynton Marsalis was quoted as saying "few in jazz or in any other music have been as good as he was at his best." Luckily for us his best is still with us.

Mr. Speaker, I invite my colleagues to read the attached Daily News article, "Miles Above the Others," and to learn about a special man who defied the conventional limits of music and entertained millions with his talent.

DAVIS: MILES ABOVE THE OTHERS

(By Earl Caldwell)

The rumors that he was very sick had made the rounds for several weeks.

Still, when the news came from California reporting the death of Miles Davis, it was shocking.

In the world of jazz music he was a genius.

As a man, his style, flair and famed wild side gave him a larger-than-life aura.

He had 40 years at the center in music.

And for all that he accomplished, when he went out, his standing was that of a giant.

It all says that in so many ways, Miles Davis was a talent who was special and then some. Maybe the best way it was ever put into words was the way it was done by the author, playwright and poet Amiri Baraka.

In the summer of 1985, a profile of Davis that Baraka wrote was published in the Sunday magazine of The New York Times.

Baraka caught a lot of Miles Davis in the first paragraph he wrote: "For many years of my life, Miles Davis was my ultimate culture hero: artist, cool man, bad dude, hipster, clear as daylight and funky as revelation."

What Baraka captured in words was a feeling a whole generation had about Miles Davis. And not all were black. Of course he was special to black people. But millions of all colors gravitated to what Miles Davis made special.

He was born Miles Dewey Davis 3d, on the 25th of May, 1926, in a place called Alton, Ill.

He grew up in East St. Louis. To say that a person is black and grew up in that town usually means that person's story has its roots in poverty.

Not Miles Davis.

He was the son of a well-to-do dentist and his father's father was affluent, too.

When I graduated from high school, I was an A student because I wasn't going to be caught dead in St. Louis," Davis told Lena Sherrod of New York in an interview for Essence magazine in 1984. "My mother said, 'Now you'll go down to Fisk University with Dorothy (his only sister).' I said, no, no; not me. Is Dizzy down there?"

Davis told Sherrod, "I made up my mind when I was 10 that I was going to be a musician." He said his father got the word from his high school music instructor. "He told my father, 'Don't expect him (Miles) to be a doctor; he's got too much of that (trumpet) in him.' "

On his 13th birthday, Davis said his father bought him a trumpet.

He said his mother told his father, "Do you know your son is crazy?"

He said his father replied, "Well, just remember he's crazy and don't mess with him."

Davis played his first job as a musician at age 16. "I used to watch people (musicians) I liked. When guys (a band) would come to town, I watched the way they moved, the way they dressed and the way they talked. If they talked funny and dressed funny, I knew they weren't going to be playing anything."

After high school, Miles Davis came to New York. He enrolled in the Juilliard School of Music in September of 1944. At the school he studied classical music, but at night, he took his trumpet to the clubs and the music was jazz.

"Everything I've done, white people name it, not me," he said. "They name it so they can catalogue it. First it was cool. I was supposed to be so cool, I didn't say I was cool; they did."

He knew what made him special.

"I develop music," he said. "I'm a stylist. I have that gift and I know it. So whatever other musicians say about me doesn't matter because I love music.

"If I can't add to it, I wouldn't be in it. I would just stop. I love music too much to spoil it."

In his time, Miles Davis launched many major musical changes. He developed "cool jazz" and "hard bop" and "electric fusion."

Miles Davis died last Saturday at a hospital in Santa Monica, Calif. He had suffered a stroke and doctors said that death was caused by pneumonia and respiratory failure. He was 65.

HAPPY BIRTHDAY FRANKLIN S. LEE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today to congratulate and wish a happy 60th birthday to a resident of my district, Franklin S. Lee. In Korean tradition, it is customary to celebrate one's 60th birthday with all of his friends, relatives, and family. This occasion is something which Mr. Lee will cherish for the rest of his life.

Mr. Lee is an exemplary citizen and a distinguished employee of Ground Transportation Professionals, Inc. Mr. Lee's many years of selfless dedication and unwavering commitment have been an invaluable service to the community. I speak on behalf of the residents of my district who are grateful to Mr. Lee for the work he has done.

Thank you, Franklin, for all you have done for us. We all wish you a safe and healthy 60th birthday, and look forward to celebrating many more of your birthdays.

JEFFERSON COUNTY'S ANNA CURRY: TRUE AMERICAN HERO

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. ERDREICH. Mr. Speaker, I would like to share with my colleagues a truly inspiring story about one of my constituents, 10-year-old Anna Curry. On October 7, 1991, Anna was honored as one of 10 national "G.I. Joe Real American Heroes," and her remarkable courage can serve as an inspiration for us all.

Despite a bone disease—osteogenisis imperfecta—that has caused fractures to Anna's legs, arms, back, and sternum, she leads an active life. Through sheer determination and dedication, she enjoys playing her favorite sport, softball. A local championship softball game was recently dedicated to Anna in honor of her leadership and sportsmanship.

Anna's optimism and enthusiasm are contagious, and her warm smile will continue to light the way for other children who are working to overcome illness, disease and overwhelming odds. At a time when heroes are often hard to come by, we need only to look at Anna and see in her the spirit of a true champion.

I would also like to take this opportunity to commend Anna's parents, Ashley and Marga Curry, whose love and strength have given Anna the foundation she needs to meet the challenges life often brings.

I wish all of you could have the opportunity to meet this extraordinary young lady and her family. Jefferson County is certainly lucky to have Anna. I know my colleagues join me in thanking Anna and her family for giving us hope, courage and faith in the future.

PROHIBIT DISCRIMINATION BY THE SURETY INDUSTRY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Ms. NORTON. Mr. Speaker, today I am pleased to introduce two bills that will be included in the Women's Economic Equity Act. My bills are designed to help small and emerging construction firms, including those owned by women and minorities, to overcome the barriers they encounter in obtaining surety bonding.

Surety bonding is required to bid on all Federal construction work in excess of $25,000, all federally assisted construction projects in excess of $100,000, most other public construction—State as well as local—and increasing numbers of private construction contracting opportunities.

The principal source of this bonding is private, for-profit corporate surety firms which determine the eligibility of a contractor for a bond on the basis of unspecified underwriting standards and the corporate surety firm's own business needs.

During my research on this subject, I learned that small business concerns—particularly those owned by women and minorities—have consistently expressed concerns about access to adequate surety bonding. These small business concerns assert that the business decisions of corporate surety firms all too frequently impede the development and survival of emerging small businesses.

Through conversations with the Women Construction Owners and Executives [WCOE] and the National Association of Minority Contractors [NAMC], I learned that both organizations have members who have encountered discriminatory practices by individual surety agents. Although the reasons the agents give for denial are generally more subtle forms of discrimination, WCOE informed me of instances in which the reasons given for denial of bonding included not being married, being a woman, or being a black woman. These reasons are clearly discriminatory.

The first of my bills, the Equal Surety Bond Opportunity Act [ESBOA], is modeled after the Equal Credit Opportunity Act. This legislation will help create an environment in which qualified small business firms, particularly those owned and controlled by women and minorities, can successfully obtain adequate surety bonding. The ESBOA will prohibit sureties from discriminating on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, or age—if the applicant has the ability to contract.

In addition, it will prohibit discrimination because the applicant has obtained a bond through an individual surety or a special program designed to help small and emerging firms obtain surety bonding, or because an applicant has exercised his/her rights under this act. The bill provides for civil liability for discrimination, including actual damages, treble damages, equitable relief, and attorney's fees.

Surety firms that elect to seek approval by the U.S. Treasury Department in order to provide bonds on Federal contracts must meet a higher standard. That standard includes a requirement that a surety or its agent notify a contractor, within 30 days of receipt of a completed application for a bond, of the action taken on its application for a bond. The survey would also be required to provide contractors whose application for a bond has been rejected with a written statement of reasons for such action.

My second bill, the Small Business Access to Surety Bonding Survey Act of 1991, is designed to determine the extent to which small firms, particularly those owned by women and minorities, have problems gaining access to surety bonding. My research reveals that only limited surveys regarding access to bonding for small business concerns have been conducted by private sector firms, associations, and academic institutions. Although committees of Congress have periodically received testimony regarding problems relating to access to adequate surety bonding, especially by small business concerns, no comprehensive survey regarding access to surety bonding by such concerns has been undertaken or directed.

The Small Business Access to Surety Bonding Survey Act of 1991 will require the Comptroller General to conduct a comprehensive survey of business firms, especially those owned by women and minorities, to determine their experiences in obtaining surety bonding from corporate surety firms. The bill establishes a base line of questions that should be included in a questionnaire to be sent to such firms in order to ensure that a comprehensive review is undertaken. Finally, the Comptroller General will be required to submit a report on its findings to the House and Senate Small Business Committees within 18 months of enactment of this act.

These bills are necessary in order for women- and minority-owned businesses to gain equal footing in the contracting business. They simply ensure that surety companies will comply with the same nondiscrimination laws that bind banks and other lending institutions. If a surety company is in compliance with those laws, they have nothing to fear from this legislation. I urge my colleagues to support these important bills.

TRIBUTE TO THE REPUBLIC OF CHINA ON TAIWAN ON ITS NATIONAL DAY

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. BLAZ. Mr. Speaker, I rise today as the people of the Republic of China on Taiwan prepare to celebrate their 80th National Day on the 10th of this month. As the Fourth of July is for us, I realize and appreciate how significant a day this is for my friends in Taiwan. I wish to pay tribute to the people of Taiwan—an old friend and ally—on this most important day.

It is truly amazing that in the short span of 40 years, the Republic of China on Taiwan has turned from an impoverished country with few resources into a major player in the world economy. It is a tribute to Taiwan that, as one of the world's most dynamic economies, real growth in gross national product has averaged about 9 percent a year during the past three decades. Export growth has been even faster and provided the impetus for industrialization, which has helped to rank Taiwan in the top 20 percent of major trading nations.

I am hopeful that these encouraging trends will continue so that Taiwan will continue to play an important role in the evolution of a new economic and political world order. Americans fought over 200 years ago for economic and political rights, and received much support from other countries in the process. As a tribute to the people of Taiwan on their 80th National Day, I call on the world community to support Taiwan's great efforts toward political self-determination and economic rights.

To President Lee Teng-hui and Ambassador Ding Mou-shih go our hearty congratulations and our high hopes for continuing friendship and cooperation in the years to come between the Republic of China on Taiwan and the United States of America.

SOLICITOR GENERAL SHOULD PAY INDIVIDUAL WHAT THE COURT HAS AWARDED

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. KENNEDY. Mr. Speaker, for the past 10 years, CWO Martin Gaffney and his family have been living a nightmare beyond comprehension. Ten years ago, his wife contracted AIDS from a tainted blood transfusion at a Navy hospital. Following this fatal and negligent mistake, his 13-month-old son died of AIDS in 1986, and his wife succumbed to the disease a year later. Martin Gaffney himself is HIV positive and dying, with only a few weeks to live.

Last April, Mr. Gaffney was awarded $3.8 million in a suit against the Government. Six months later, the Federal Government has failed to pay the amount due. And now, at the last minute, they have filed a notice of appeal which threatens to delay payment even longer.

Our Government is playing a game of chicken with a dying man. They are hoping that, in desperation, Mr. Gaffney will blink first and take a lower amount to settle his case in order to ensure the well-being of his 8-year-old daughter after his death. Martin Gaffney has called the action by our Government cruel. I find this dickering over the value of three lives barbaric.

Mr. Speaker, in the name of human decency, the Solicitor General should pay Mr. Gaffney what the court has awarded. They have already missed the opportunity to let Mr. Gaffney die in peace, the very least they can do is allow him to die with the peace of mind that he has provided for the only surviving member of his family.

IN CELEBRATION OF THE CHOICES WOMEN'S MEDICAL CENTERS TWENTIETH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate all those individuals whose efforts have led to the success of the Choices Women's Medical Center and join them in celebrating the center's 20th anniversary. I also want to take this time to pay tribute to the center's founder, Merle Hoffman, and all the workers who have contributed so much to the health of women in the United States.

As a Member of Congress, I have consistently supported legislation to create social and economic conditions that will enable all women to make sound health related decisions for themselves and their families, in an environment that welcomes and nurtures children. The Choices Women's Medical Centers located in Forest Hills, Queens County, NY, exemplifies the importance of local health clinics providing low-income women with access to family planning and primary care. For many, these clinics are the only source of formal medical treatment.

True to its name, Choices offers an array of options—prenatal care, gynecological services, sterilization, abortions, and patient education—to women of all ages in a caring, nonjudgmental environment. While approximately half of Choices' patients come to the center for abortions, the other half uses the gynecological and family planning services, the low-cost prenatal/postpartum care program, the patient counseling program, diagnostic sonography, and sterilization services. Choices also delivers about 40 babies a year through the birthing facilities at LaGuardia Hospital. In the midst of the emotional debate over abortion, we often lose sight of the fact that most clinics provide a wide array of health services to women, only one of which is abortion. Merle Hoffman, in fact, has always said that "Without knowledge there is no choice."

I urge all my colleagues to join me in congratulating Ms. Hoffman and the staff at Choices for their fine efforts and continued services.

IN CELEBRATION OF JUDGE LUMBARD'S 90TH BIRTHDAY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to honor Joseph Edward Lumbard, who celebrated his 90th birthday on August 18, 1991. Judge Lumbard is being honored in my congressional district on October 16, 1991.

Judge Lumbard, a fellow alumnus of Harvard College and law school, received his law degree in 1922. His vast knowledge of the law soon gained him great respect among his colleagues. He was counsel on such major cases as the Drukman murder prosecution and United States versus Standard Oil.

Judge Lumbard's professionalism and achievements in law did not go unnoticed. In 1947, he was appointed justice of the New York State Supreme Court. He was appointed U.S. attorney for the Southern District of New York in 1953 and to the U.S. Court of Appeals for the Second Circuit in 1955. He served as Chief Judge of that court from 1959 to 1971.

I regret that my duties here will keep me from participating in the October 16 event, but I am delighted to take this opportunity to pay my respects to Judge Lumbard.

NATIONAL MANUFACTURING WEEK

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. RITTER. Mr. Speaker, today, with Mr. Valentine, I am introducing legislation to celebrate the important contributions to our economy, national defense, and way of life of manufacturing in the United States. The legislation would designate the week of February 23–29, 1992 as National Manufacturing Week.

We need a renewed commitment to making things, and making them better all the time. As a nation we need to renew our appreciation for the role that manufacturing plays in assuring our continued international competitiveness and high standards of living.

Manufacturing directly employs over 18 million workers and at least that many workers in the service sector depend on a sound manufacturing sector for their jobs. Manufacturing accounts for many of the highest paying jobs in the economy and on the average, manufacturing wages are 20 percent higher than those in nonmanufacturing jobs.

Manufacturing is also an important source of tax revenue for local, State, and the Federal Government. Our continued leadership in science and technology is inherently linked to the success of manufacturing. And a sound manufacturing economy is an essential precondition for a strong national defense base.

Another important reason for renewed interest in manufacturing in the United States is a five letter word spelled J-A-P-A-N. Japan's national commitment—some would say obsession—with making things, and relentlessly making them better all the time has continued to raise the standards under which all goods are produced and traded in the global economy.

Japan's success in manufacturing is making Americans realize that when we talk about the competitiveness of industry in this country, we are talking most fundamentally about the manufacturing industry. The primacy of manufacturing in our Nation's competitiveness is demonstrated by the fact that the overwhelming preponderance of our Nation's trade deficit is in manufactured goods. Between 1981 and 1990 our total national trade deficit added up to an astounding $807 billion. Of this amount, $668 billion—or 83 percent—was represented by our trade deficit in manufactured goods alone.

The good news is that in the 1980's, as United States manufacturers were besieged by Japanese and other foreign competitors, they groped for new ways of doing business, new technologies, new answers. During much of the last decade, companies spanning America's industrial spectrum turned to quality to better satisfy customer needs while simultaneously reducing costs.

It's not merely by chance that America's movement to quality has coincided with a boom in U.S. exports of manufactured goods which have doubled in the last 5 years and reached $315 billion in 1990. The one reason—besides the weaker dollar—most frequently cited for the new found acceptance of American-made goods in foreign markets is U.S. manufacturing's enthusiastic embrace of total quality methods.

We need to nurture and promote manufacturing; we can't beat it down with punitive taxes, strangle it with overregulation, ignore its R&D needs, and still expect it to perform the miracles of wealth and job creation.

Your cosponsorship of this important resolution will represent a prominent statement by Congress that manufacturing matters.

REPUBLIC OF CHINA'S 80TH ANNIVERSARY

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. BALLENGER. Mr. Speaker, the Republic of China on Taiwan is a democratic country that has enjoyed spectacular economic growth in the last two decades. Today it ranks as one of the world's major economic entities and the sixth largest trading partner of the United States. We do billions of dollars of business with Taiwan every year. In years past, Taiwan has enjoyed huge trade surpluses with us, but fortunately, this surplus has been coming down. And soon I hope we will achieve a trade balance with Taiwan.

My point is simply that the Republic of China is vibrant. Its 20 million people are very hardworking and they strive to do the very best in everything they do, and they have achieved their economic success through hard work and ingenuity.

Therefore, I wish the Republic of China on Taiwan good luck and continuing good fortune on their 80th anniversary which is October 10, 1991.

IN RECOGNITION OF THE VALUABLE MEDICAL SERVICES PROVIDED BY CLINICAS DEL CAMINO REAL, INC.

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. LAGOMARSINO. Mr. Speaker, it is with much pleasure that I rise today to recognize the important role which Clinicas del Camino Real, Inc. has played in providing much-needed medical care to the residents of Ventura County. Clinicas is part of the National Association of Community Health Care Centers, Inc., the sponsor of "Community Health Center Week," which this year is during the week of October 6.

Clinicas, presently in its 20th year of existence, originally started as a free clinic in Santa Paula and was appropriately named the Free Clinic of Santa Paula. The staff then was made up entirely of volunteers. In 1975, the name was changed to the Community Clinic of the Santa Clara River Valley. Finally, in 1981, because of the growth and impact the organization was experiencing outside the original valley area, the name was changed to its present form.

Mr. Speaker, Clinicas now has three clinics in Ventura County, located in downtown Oxnard, Saticoy, and Fillmore. All three sites have full-time doctors and support staff. The Clinicas family is now over 60 employees strong. While their corporate offices are currently in Camarillo, Clinicas will move to their new 16,000 square-foot medical facility in Oxnard in January 1992.

Last year alone, Clinicas' three sites provided over 22,000 medical encounters and 36,000 health education and community outreach encounters. Many of Clinicas' patients are those who can least afford health insurance, such as seasonal and migrant farm workers.

Mr. Speaker, on behalf of the U.S. House of Representatives, I wish to commend Clinicas del Camino Real for their ongoing commitment to ensuring that quality health care is available to everyone in Ventura County.

AGRICULTURAL HALL OF FAME INDUCTEES

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mrs. MEYERS of Kansas. Mr. Speaker, I am pleased to announce today the induction of four individuals into the Agricultural Hall of Fame. These outstanding pioneers, who made lasting contributions to agriculture and rural living in America, will be honored on Friday, October 18, at the Agricultural Hall of Fame, which is located in my congressional district in Bonner Springs, KS.

Inductees this fall are Prof. James Dryden, Edna Westbrook Trigg, Frank E. Mullen, and Gustaf De Laval.

Prof. James Dryden (1863–1935), a studious poultry scientist, furthered the economic possibilities of the poultry industry with the development of the first hen to lay 300 eggs in a year and 1,000 eggs in a lifetime. Born in Galt, Ontario, his work in poultry production first drew attention at the Utah Agricultural College Experiment Station. Professor Dryden was then selected to head the Poultry Husbandry Department at Oregon Agricultural College, and later established a breeding farm at Modesto, CA. His work from 1907 to 1922 earned worldwide acclaim in the fields of hybridization and selection for economic traits over esthetics.

The efforts of Edna Westbrook Trigg (1868–1946), creator of a pilot program for in-home education of farm women and girls, led to the development of the Department of Agricultural's Cooperative Extension Service Home Demonstration Agent Program. In 1912 she organized 12 Girls Tomato Clubs so that farm women and their daughters could receive specialized training in the arts and crafts of homemaking. Her clubs held the first show of canned tomato products, the first exhibit of its kind in the State. After the passage of the Smith-Lever Act by Congress in 1914, she became the first County Home Demonstration Agent in Texas.

In March 1922, Frank E. Mullen (1896–1977), went on the air on the world's first commercial radio station, KDKA in Pittsburgh, as the first full-time farm radio broadcaster. His live programs grew to include participation by county agents, extension specialists, and farm leaders. In 1928 he created and produced the most famous and popular radio program of all time, the National Farm and Home Hour, which was broadcast 6 days a week for 16 years. This midday NBC network program, broadcast over 75 stations, became the longest running daily program. More than 4,700 live programs were on the air between 1928 and 1944. The radio show, known as Government's voice to farmers, agriculture's voice to the Nation, greatly assisted the Department of Agriculture, 4–H Clubs, the Future Farmers of America, farmers, and farm organizations for decades.

With the invention of a machine that could continuously separate cream from whole milk, Gustaf De Laval (1845–1913), created a new cash crop for farmers, sweet fresh cream. His worldwide manufacturing company also revolutionized dairy farming with the development of the first practical milking machine. Today, the company, known as Alfa-Laval, continues to manufacture an extensive line of dairy equipment and farm supplies.

Mr. Speaker, it is my pleasure to acknowledge the accomplishments of our early pioneers in the field of agriculture. These unique individuals contributed to the establishment, development, advancement, and improvement of agriculture in America.

TRIBUTE TO MR. MEREDITH P. LEADINGHAM AND MR. BERNARD E. RADUNSKE, SR. ON The OCCASION OF THEIR RETIREMENT

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mrs. BYRON. Mr. Speaker, I would like to acknowledge two very special men, Mr. Meredith P. Leadingham and Mr. Bernard E. Radunske, Sr., on the occasion of their retirement from to 1110th Signal Battalion, located at Fort Detrick, MD.

Mr. Leadingham has dedicated over 39 years to the Federal service. His loyalty and dedication to his country was first evident when he served in the U.S. Air Force for 4 years during the 1950's. Over the past 27 years, Mr. Leadingham has been with the 1110th Signal Battalion stationed in my district. As the unit's operation's officer, Mr. Leadingham has played an integral role in the planning, installation, testing, upgrading, and renovation of every system ever installed at the 1110th Signal Battalion. Mr. Leadingham provides invaluable service and support to the highest levels of Government on a day-to-day basis and during times of world crisis.

Mr. Radunske has dedicated over 47 years in military and civilian service to the U.S. Army. For the past 17 years, Mr. Radunske has worked with the U.S. Army Signal community in both the tactical and strategic communications arenas. Mr. Radunske's loyalty, hard work, and professionalism carried him to the Philippines, Japan, Korea, Asmara Ethiopia, Canal Zone, Fort Gordon, Fort Ritchie, Fort Dix, Fort Bragg, Fort Carson, and Fort Monmouth. Currently, Mr. Radunske is the Primary Staff Satellite Communication Project Officer for the 7th Signal Command and the 1110th U.S. Army Signal Battalion. In this position, Mr. Radunske has planned and managed all the major construction and installation of associated communications equipment for 11 separate satellite stations to include the dual satellite station that supports the Presidential Hot Line to Moscow.

Both of these outstanding men have earned the trust and respect of their colleagues at the 1110th Signal Battalion, the U.S. Army, and their country. They will be sorely missed. I wish them both happiness and success in all their future endeavors.

CADET MIKE BARSNESS IS THE AUTHOR OF JOINT RESOLUTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. PACKARD. Mr. Speaker, 2 weeks ago on the floor of the House of Representatives, I read a joint resolution from the Science, Space, and Technology Committee of the 1990 Princeton University Model Congress.

The resolution called for a Federal mandate for a recovery system for chlorofluorocarbons. Unfortunately, I neglected to mention the author of this fine resolution, Cadet Mike Barsness of Army Navy Academy in Carlsbad, CA. I regret the oversight and wish to commend this bright young man on this fine piece of work.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH IS FOR THE ELDERLY TOO

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. DOWNEY. Mr. Speaker, October 1991 has been designated as "Domestic Violence Awareness Month"—a time set aside to recognize that, in many homes, domestic violence occurs every day of the year.

According to the National Center for Domestic Violence, more than 3 to 4 million women suffer at the hands of family members per year. These staggering numbers should certainly not be ignored. However, it is important to note that over 1½ million older Americans—men and women—are physically, emotionally, or financially abused by their own relatives each year as well.

As the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I have chaired and participated in several congressional hearings on the subject of elder abuse. What we have learned from these hearings is that elder abuse is not a new problem in our society, but the acknowledgment of it, and efforts to prevent and treat it, have been fairly recent. A hearing held by the Subcommittee on Human Services in June 1989 marked the 10th anniversary of the first National Conference on Abuse of Older Persons which was held in Boston, MA. It was at this conference that the term "elder abuse" was first used, although the problem has existed for centuries.

The work that has been done over the past decade by my colleagues on the House Select Committee on Aging, especially the late Claude Pepper, as well as the Senate Special Committee on Aging, the Senate Subcommittee on Aging, the State and area agencies on aging throughout the Nation, and the entire aging network has brought the problems of elder abuse to the attention of the American people.

On September 12, I voted for H.R. 2967, the Older Americans Act Amendments of 1991, which addresses the problems of elder abuse and the rights of the elderly in its title III. New language in H.R. 2967 significantly strengthens those provisions whose purpose it is to protect the rights, autonomy, and independence of older persons. These programs include: the Long Term Care Ombudsman Program; Services to Prevent Abuse, Neglect, or Exploitation of Older Persons; and Legal Assistance Services. H.R. 2967 would establish a National Ombudsman Resource Center, and a National Center on Elder Abuse. The Senate will soon be voting on its version of the Older Americans Act Amendments of 1991, S. 243. This bill consolidates all those programs within the Older Americans Act that address elder rights and abuse—including outreach, counseling, and assistance programs for insurance and public benefit programs—into a new and separate title VII, and also establishes a National Ombudsman Resource Center and a National Center on Elder Abuse.

The fact that both these important pieces of legislation have included such strong language to continue the fight against elder abuse is a positive sign that the problem of elder abuse is being recognized and should be beginning its decline. Continued and improved training of volunteers and professionals; improved coordination of services; and better data collection will expand and enhance those programs that are successfully operating all over the country. In addition, special attention is being given in these bills to State and local ombudsman programs, who are often the only active and effective advocates for elderly residents of institutions, and whose service is critical to senior citizens, but whose programs have been drastically underfunded. I would like at this time to acknowledge the work of ombudsmen in my own State of New York, whose Long Term Care Ombudsman Program which has effectively served the needs of seniors in New York for many years. It is my hope that the Appropriations Committees will also join us in our fight to end elder abuse and exploitation by increasing the funding levels for these important programs when they meet in conference next week.

As we pause this month to recognize the countless numbers of family members who are victims of domestic violence, let us also think of those vulnerable older Americans who suffer as well. Domestic violence should not be acceptable for any segment of our population, and we must work together to eliminate it.

TRIBUTE TO GERALD STOOPS

HON. GEORGE E. BROWN, Jr.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. BROWN. Mr. Speaker, I rise today to draw the attention of my colleagues to a very valued constituent in my congressional district, Mr. Gerald Stoops. For over 30 years, Mr. Stoops has worked on a variety of environmental programs, planting and watering seedling trees, implementing recycling programs, and leading school children on nature outings. Through a variety of publications, he has also shared his ideas and innovative approaches on environmental issues.

Mr. Stoop is more than an environmentalist, however. He has seen that the natural world can bring together people of diverse backgrounds to form bonds of friendship and cooperation. While he was a teacher at Richardson Junior High School, Mr. Stoops arranged camping trips for girls and boys, challenging them not just with nature but also with overcoming their differences. Mr. Stoops used the common bond of nature and his love for the environment to show young people that they have much in common.

By no means are my words intended to serve as a eulogy to Mr. Stoops, because he remains involved and active today. He leads a recycling program and remains active in reforestation programs. As just a small measure of his accomplishments, our community may count 100,000 trees planted as a result of his labor. We can subtract about 400,000 pounds of paper per year that, through his efforts, have been recycled. Over 50,000 people have been touched because of his love for and efforts on behalf of our environment.

Our Nation's first Earth Day was celebrated over 20 years ago. At that time, Gerald Stoops had been an environmental activist for over a decade. I am proud to count Gerald Stoops as a very valuable constituent.

RETIREMENT OF HERMAN WIENER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Ms. PELOSI. Mr. Speaker, the Fairmont Hotel atop Nob Hill is a San Francisco monument. If you walk throught the bronze doors of the grand Fairmont and open the door of the general manager's office, you will meet Herman Wiener and understand why the hotel has become the San Francisco landmark it is today.

Herman Wiener, through his boundless energy, sense of hospitality, and diplomacy, has made the Fairmont Hotel a place to remember in San Francisco. He has always given the highest consideration to the comfort and convenience of his guests. Many will remember San Francisco because they remember Herman Wiener.

The list of dignitaries, celebrities, and Members of Congress who have been beneficiaries of Herman's gracious attention throughout his 32 years of service at the Fairmont is a testament to his reputation as the premier San Francisco host. The list of visitors to the Fairmont includes President Bush, Mikhail Gorbachev, Helmut Kohl, Speaker of the House Tom Foley, Governor Mario Cuomo, Prince Charles, the Dalai Lama, Pope Paul VI, numerous other heads of state and world renown figures. Every President since President Eisenhower has known the hospitality of Herman Wiener.

Herman was born in Silesia, Germany, and in 1959 moved his family to the United States where they settled in San Francisco, much to our good fortune. Herman's first job was at the Fairmont where he started at the bottom and rose, through his strong desire to achieve excellence, to the position of general manager. Every aspect of the hotel business and operation of the Fairmont is familiar to Herman because he has performed virtually every function in every department of the Fairmont.

The Herman Wiener motto became known to everyone who worked at the Fairmont: "If you're not going to give it your best, why bother?" Anyone who knows Herman knows that his high regard for excellence demanded that everyone carry the same high standard in their work. Herman's dedication to his clientele, and to the reputation of the world-class hotel, will always be remembered in the traditions that will continue at the Fairmont.

I join with Herman's family in San Francisco and with his friends throughout the world to wish him a happy retirement from his 32 years at the Fairmont. Many people leave their heart in San Francisco, but many of those hearts are left atop Nob Hill because of Herman Wiener.

EFFORTS MUST BE MADE TO REDUCE FEDERAL BUDGET

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. KOLBE. Mr. Speaker, last year, the President and the Congress agreed to a 5-year budget deal to help put our fiscal house back in order. In the last 12 months, the world has turned upside down. But one thing hasn't changed—our deficit has continued to rise. The question in policy circles is this: should we revisit the Budget Summit Agreement, in light of these dramatic events, and direct potential savings from our defense account toward other nondefense domestic programs?

To this I answer "no." I say no because the best and most important domestic agenda for this country will come from budget discipline, not new spending. Yes, there are attractive and worthy programs seeking funding, but we defeat the purpose if at the same time we continue to strain the economy and the markets with an unpredictable and uncontrolled budget. We simply must control our spending.

Today, I have introduced legislation that in the event the President and Congress agree to revisit the Budget Summit Agreement, any and all savings achieved be used to reduce the Federal budget deficit, not to fund new Government spending.

My resolution also requires that if the agreement is to be modified, it include measures to control the growth of entitlement spending. Entitlement spending for health care, retirement programs, and other mandatory benefits, comprises 52 percent of our Federal budget. We now spend $640 billion on these programs, a figure that will double by the year 2000. Defense in comparison stands at 22 percent of our Federal budget, or approximately $300 billion, and is steadily declining.

Reducing our defense budget alone will not solve our deficit problem, which currently stands at $350 billion. No serious effort to address the deficit can ignore the 52 percent of the budget comprised of mandatory programs.

We have an obligation to the taxpayers of this Nation to stop this compulsive spending and to make real efforts too reduce our Federal budget deficit. I believe this resolution states this clearly.

STOP DIVERTING ATTENTION FROM THE REAL WASHINGTON OBSCENITIES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 1991

Mr. OWENS of New York. Mr. Speaker, one of the ways the dominance of the corporate agenda is maintained in America is by trashing the Government and those who run it. Since corporate power controls our nongovernmental, but not so free, media they are able to launch their assaults at will—and through any trivial device at hand. Instead of fleeing in panic when confronted with media dirty tricks, the Members of Congress should seize the opportunity to educate the American people about the real and damaging perks that are wrecking our economy.

Golden parachutes, obscene bonuses, monstrous fees to be written off as business expenses, corporate jets, corporate apartments, and so forth have seldom been explained by the press to the American public. A Fannie Mae chief executive officer was recently rewarded with a $27 million perk upon his retirement. But this looting of a quasi-public agency was as little publicized as the monstrous salaries and benefits routinely received by chief executive officers of corporations—including banks protected by taxpayer deposit guarantees.

When compared to the deeply rooted public obscenities which continue to prevail in Washington the abuses of checking account privileges by some Members of Congress is a relatively trivial matter. Along with other Members I am sorry that the Sergeant at Arms did not implement the controls which were recommended some time ago. The real scandal, however, is the absence of similar media fervor when confronted with the ongoing filth of our governmental processes.

Our Senate is about to confirm a man to serve as a Justice of the Supreme Court who lied about his friendship with a lobbyist who was paid millions of dollars by the South African Government to discredit Nelson Mandela and economic sanctions. The same nominee, Clarence Thomas, has boldly lied about his lifelong silence on Roe versus Wade.

A second nominee before the Senate is covered with the excrement of Iran-Contra, the treason in the basement of the White House. But the media does not consider Mr. Gates' lack of memory to be a scandalous thing. And the fact that this CIA executive occupied a pivotal spot in the intelligence organization that could not see the economic collapse of the Soviet Union is also not considered a worthy news story.

More than $1 million has been wasted on a special prosecutor who in the end has exonerated Oliver North and generally been an instrument for the whitewashing of the treason in the basement of the White House.

Like the bubonic plague a number of banking bills are about to be injected into a stampeded congressional decisionmaking process. The House will set aside only a few hours to debate measures which will rob the American taxpayers of billions of dollars for generations to come. There will be more billions for the bailout of the savings and loan associations. There will be new billions for the bailout of commercial banks. And there will be banking reform which holds the taxpayer deposit guarantees in place while deregulating the banks to permit more risky ventures.

While domestic programs such as unemployment, education, and health care continue to be neglected the President will continue to insist on the expenditure of more than $100 billion for overseas bases and more than $28 billion for the CIA and other intelligence gathering operations in this post-cold-war era.

The list of obscenities goes on and on. Why are the reporters, commentators and talk show hosts prohibited by their publishers and owners from discussing these democracy threatening conspiracies and maneuvers with the American people?

Instead of freedom of the press being used to promote the general welfare and protect our American democracy, the attention of the citizens is being constantly diverted with trivia. For example, the treasure hunt for perks could go on well past the 1992 elections. The following rap poem provides some indication of how we are headed into a tunnel of dangerous silliness:

WASHINGTON BACCHANAL OF TRIVIA

While Gates and Thomas jive
The media takes a dive
Only articulate jerks
Search fervently for perks.
Special favors are never right
Golden parachutes
Should make pundits uptight.
Why give seniors
A reduced fare
Who else gets rewarded
For just being there?
Why give special passes
To the accredited press
Any guy with a camera
Is as good as the rest.
When subjects join Lady Bush
At the White House for tea
Taxpayers demand fairness
Please charge a small cover fee.
When dignitaries arrive to dine
Serve Washington water
Don't pay for patriotic
California wine.
Stop East Room guests
From eating like hogs
Prohibit paid staff
From walking the President's dogs.
Why Air Force One
Deregulated airlines
Offer a wonderful ride
Imagine the president in coach
Squeezed down tight
By the common man's side.
Why executive limos so long
Contracting out to cabs
Wouldn't drive the economy wrong.
While S and L lions
Are eating taxpayers alive

The media takes a dive
Articulate jerks
Keep searching for perks:
"Rap all ranks
And level the ground
Publishers and CEO's
Are the only kings
We'll allow to stay around."
And after midget minds
Pull off that caper
Make capitol visitors
Bring their own toilet paper.
Or maybe just let the waste
Fall on the floor
Then call in the press—
The nation's experts
At profoundly playing
In worthless mess.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 10, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 15

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 209 and H.R. 476, to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and S. 1743, to designate certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System.
SD-366

OCTOBER 17

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the feasibility of auctioning radio spectrums.
SR-253

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1225, to designate specified lands in the Los Padres and the Angeles National Forests, California, as components of the National Wilderness Preservation System.
SD-366

Select on Indian Affairs
To hold hearings on S. 1687, to increase the capacity of Indian tribal governments for waste management on Indian lands.
SR-485

2:30 p.m.
Judiciary
Courts and Administrative Practice Subcommittee
To resume hearings on S. 1569, to implement the recommendations of the Federal Courts Study Committee to improve the American justice system, and to establish an intercircuit conflict resolution demonstration program and the National Commission on Federal Criminal Law, and to begin hearings on S. 1673, to improve the Federal justices and judges survivors' annuities program.
SD-226

OCTOBER 18

9:30 a.m.
Veterans' Affairs
To hold hearings on the nominations of Allen B. Clark, Jr., of Texas, to be Director of the National Cemetery System, James A. Endicott, Jr., of Texas, to be General Counsel, Sylvia Chavez Long, of New Mexico, to be Assistant Secretary for Congressional Affairs, and Jo Ann K. Webb, of Virginia, to be Assistant Secretary for Policy and Planning, all of the Department of Veterans Affairs.
SR-418

OCTOBER 22

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1315, to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission.
SR-485

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1696, to designate certain national forest lands in the State of Montana as wilderness, and to release other national forest lands in the State of Montana for multiple use management.
SD-366

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on H.R. 429, to authorize additional funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles X, XI, XXIV, XXVII, XXIX, and XXX.
SD-366

OCTOBER 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.
334 Cannon Building

9:30 a.m.
Governmental Affairs
To resume hearings to examine the employment and promotion opportunities in the Federal Government for women and minorities.
SD-342

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1618, to permit the Mountain Park Master Conservancy District in Oklahoma to make a payment to satisfy certain obligations to the U.S., S. 724, to clarify cost-share requirements for the flood control project, Rio Grande Floodway, San Acaia to Bosque del Apache Unit, New Mexico, S. 1370, to authorize the Secretary of the Interior in cooperation with the Secretary of Energy to make available Pick-Sloan Missouri River Basin Program project pumping power to non-Federal irrigation projects in the State of Montana, and to continue hearings on H.R. 429, to authorize additional funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles XII, XXI, XXII, XXVI, and XXVIII.
SD-366

OCTOBER 24

8:45 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.
EF-100, Capitol

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To continue hearings on H.R. 429, to authorize funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles XVI, XV, and XVIII.
SD-366

OCTOBER 29

9:30 a.m.
Select on Indian Affairs
To hold joint hearings with the House Committee on the Interior on H.R. 1476, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona.
SR-485

POSTPONEMENTS

OCTOBER 17

9:30 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on implementation of the Department of Energy's joint venture program for renewable energy.
SD-366

HOUSE OF REPRESENTATIVES—*Thursday, October 10, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that we will be good stewards of the time and the talents You have given us. We know that to the person who has received much, from that person will much be required. May we give thanks for the abilities and responsibilities that we have received and then employ those gifts in service to others. May we use our minds to seek wisdom, our voices to speak the truth, our hands to do the works of justice, and our hearts to be open to the concerns of the neediest among us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island [Mr. REED] please come forward and lead the House in the Pledge of Allegiance.

Mr. REED led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONSTITUENTS SPEAK OUT ON UNEMPLOYMENT

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, in the last few weeks I have addressed the House on numerous occasions with respect to the extension of unemployment benefits. Today, I will let my constituents speak for themselves on this important issue.

One letter I received in my office was addressed to the President. It said:

> New England has the highest level of unemployment. Are you out to get this section of the country? What are you thinking of? Don't you think it is about time you start paying some attention to the domestic problems and help Americans first? We need help now. Mr. President, read my lips, it is an emergency in Rhode Island.

One woman called my district office to say that she works for a closed credit union. Her husband has been laid off from his job. They have two children. They desperately need extension of unemployment benefits.

Another letter came from an older woman who returned to college and now finds herself owing $13,000 in student loans and unable to find a job. Every agency she has contacted or applied for aid has told her she is "just one of those people who fall through the cracks."

Mr. Speaker, my constituents do not understand why the President will not sign this legislation. As one letter read:

> I am sure I am not alone in wondering where the President gets his views on the economy. What papers does he read? Most of the news I read is bad. Maybe you should see that the President glances at the business section of the Boston, Hartford, and Providence papers.

We must help these people, working people who need a chance to reorder their lives. I urge the President to sign this legislation, get on with helping America.

H.R. 1414, TO AMEND THE INTERNAL REVENUE CODE OF 1986 WITH RESPECT TO TREATMENT OF CERTAIN REAL ESTATE ACTIVITIES UNDER THE LIMITATIONS ON LOSSES FROM PASSIVE ACTIVITIES

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, today I rise in support of H.R. 1414, a bill which would correct present law concerning the application of the passive loss tax rules to rental real estate. This legislation has over 300 cosponsors and I urge the distinguished chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI, to bring this bill to the floor.

Currently, under the passive loss rules, real estate professionals are effectively taxed on their gross, not net, income. The result is that many real estate investors are unable to continue to carry troubled properties and wind up turning them over to the lenders. In turn, many financial institutions are going under or are dangerously close to doing so because of large inventories of real estate they have taken back from borrowers.

The distinction under the passive loss rules between rental real estate and other types of activities should be eliminated. I believe enactment of H.R. 1414 will help improve the health of the Nation's financial institutions and assist in reversing the devaluation in real estate prices.

Mr. Speaker, the passive loss rules did not originate in the House. The effort to correct these economically damaging rules should not depend on another tax vehicle to drive H.R. 1414 through the House and into enactment. If need be, this bill should stand on its own and be considered and approved by the House before the end of this session.

A LETTER FROM A CONSTITUENT

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, as the President ponders whether or not to sign the Democratic bill to extend unemployment benefits, I would like to read to this House of Representatives and those watching these proceedings a letter I received recently from one of my constituents, which I think accurately portrays what millions of Americans are faced with today:

> THE HONORABLE DICK DURBIN: This is the first time I have ever written to a Member of Congress, and now only because I am becoming very concerned with our future. On January 21, 1991, after 37 years with the same corporation, I was laid off at the age of 55 years. I have applied and filled out over 103 applications for employment and have not received one offer for employment.
>
> I used to receive over $26 an hour. Now I cannot even get a job with minimum pay. The pension and savings I worked for my entire life will eventually be lost. I know I am just one of many with this problem.
>
> Please, I beg of you. What are we to do? This unemployment problem has got to be recognized and owned up to by the Government now before it is too late. It is serious out here. Now, help me, before we are all on welfare.
>
> President Bush doesn't care.

That is the end of the letter. Mr. Speaker, instead of pushing for a cut in the capital gains tax for the rich, I hope the President will listen to the millions of Americans who have exhausted their unemployment benefits and sign the Democratic bill to help the unemployed through these very difficult times.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania will state it.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. WALKER. Is it not a violation of the rules of the House to refer to people beyond the Chamber, such as those watching the proceedings on television and those out across America?

The SPEAKER. The gentleman is correct. Members are expected to address the Chair.

Mr. WALKER. And as a further parliamentary inquiry, may I assume that the Chair simply did not hear the gentleman from Illinois do that and, therefore, did not call him to order for that reason?

The SPEAKER. The gentleman is correct.

Mr. WALKER. I thank the Chair.

THE MANAGUA CONNECTION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise to address another element of the concern shared by many of my colleagues and myself about the reports of Democrat Members of Congress providing information and advice to the Marxist Sandinistas of Nicaragua. That is the news earlier this week that former Assistant Secretary of State Elliot Abrams has pleadged guilty to misdemeanor charges of having lied to Congress.

Now I do not under any circumstances condone lying to Congress by any member of the executive branch. But some might understand Mr. Abrams motivation if one knew that the knowledge he was sharing with Congress would likely be passed on to the Sandinistas before the day was over.

Mr. Speaker, it is clear to me that we need full disclosure on the Democrats' Managua connection. We have been pursuing vigorously members of the executive branch involved in the Iran-Contra matter, it is only fair and just that we pursue with equal vigor reports of Democrats Members of Congress providing information and advice to the Marxist Sandinistas.

THE PRESIDENT'S ATTENTION

(Mr. DOOLEY asked and was given permission to address the House for 1 minute.)

Mr. DOOLEY. Mr. Speaker, American families may now have the attention of President Bush.

He was spotted recently on American soil at the Grand Canyon.

He needed a TelePrompTer, but he did visit an American classroom.

And he has even recognized that "all is not well" with the American economy.

Let's hope that the Bush administration now is turning more of its leadership—and America's resources—to addressing problems here at home.

Affordable, accessible health care.

An education system that prepares young Americans to be competitive in the world's economy.

An end to a poverty level that is embarrassing for a country so rich in resources and leadership.

Those are some of the issues that American families are looking to their President and their Congress to address.

We can no longer afford to turn our backs on the needs of American families.

SMALL GROUP HEALTH INSURANCE REFORM

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, 60 percent of the working uninsured, and their dependents, are employed by small businesses. We need to make it possible for small businesses to efficiently help provide quality health care. Employers should not be required to pay the premiums but they should be asked to offer access to coverage.

Let us start by reforming the small group health insurance market to include everyone. Coverage should not be denied or cancelled because individuals have high health costs or have to change jobs.

If insurance is to be the method of funding, and I favor that, we have to make it possible for small business to offer group packages to their employees. We need to define a basic package and it should be transferable when employees change jobs. This is the No. 1 way to reach the working uninsured and now is the time to provide universal access to health care.

Mr. Speaker, there are private sector alternatives to nationalized health care.

□ 1010

SUPPORT DEMOCRATIC UNEMPLOYMENT COMPENSATION EXTENSION BILL

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the President has said that he intends to veto the unemployment compensation bill, the extension of benefits, and yet the Republican leaders have been urging an alternative.

Let us take a look at that alternative. The bill that this House passed, sponsored by the Democratic Party, provides that 80 percent of those who have exhausted their benefits would get an extension of benefits up to 20 weeks. The other bill, the Republican bill, would exclude 80 percent of those persons.

The bill passed by this House would provide up to 20 weeks with those persons who have exhausted their regular benefits. The other bill would only provide for 6 weeks.

Finally, the reach-back provision that would go to those beneficiaries would apply not to the States with the highest unemployment such as mine in West Virginia, but would apply only to six States, six States out of the entire Nation.

I think it is quite clear which bill is preferable, and which approach. The working families of America are tired of all of this delay.

We urge that the President sign this bill and let them get this temporary extension of benefits that they are entitled to, and which they have seen in past recessions.

CAMPAIGN FINANCE REFORM

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, after months of deliberation and promises, the majority is proposing legislation for campaign finance reform. Unfortunately, it is legislation that continues to emphasize overall and personal spending limits without establishing funding guidelines. Perhaps the resistance to real reform stems from the fact that the other side of the aisle doesn't want to change the system it benefits from most.

FEC data reveal that, Democrat incumbents receive, on average, more than half of their campaign funds from political action committees. How can challengers from either party compete with that?

In addition, the FEC data show House Democrats receive the vast majority of large contributions that flow across State lines. Can we call this democracy? A Member of Congress is supposedly elected by a majority of the voters in a particular district. Shouldn't a candidate raise at least the majority of his or her campaign money from that district?

Common sense calls for a better balance between those who hold the power of influence. We must reverse the trend that has given us a system where money talks, and where often the most important, and certainly most time-consuming issue is fundraising for next year's election.

There are sound ideas out there for real campaign finance reform—and I think they are on this side of the aisle.

Congress needs to clean up its act—both in how we conduct our work here in Washington—and also in how we conduct and finance our campaigns. Let's keep the ball rolling—schedule campaign finance reform for consideration, Mr. Speaker, and give us the chance to consider the good Republican alternative to the recommendation of your task force.

ENACT THE UNEMPLOYMENT INSURANCE REFORM ACT

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, last Friday, President Bush took heart with the release of last month's unemployment figures which showed a drop of one-tenth of 1 percent from 6.8 to 6.7 percent. In his press conference, the President said the drop was "one more sign that the economy is strengthening."

Since that news conference, the following news was reported:

Westinghouse announced it would lay off 4,000 employees;

Boeing released plans to reassign or layoff 2,500 employees;

Du Pont said it will eliminate 440 jobs; and

Yesterday, Allied-Signal announced it would cut 5,000 jobs.

Since Labor Day, the following companies made large lay-off announcements:

Union Carbide will layoff 5,500 workers;

Pan Am, 5,000 workers;

First Interstate Bank, 3,500 employees;

Pacific Telesis, 3,000 workers;

First Union Corp., 2,800 layoffs;

Southwestern Bell, 1,900; and

Each week the list continues to grow.

The President can take heart in the latest unemployment report, but the business news does little to inspire confidence in the economy. Thus far, President Bush's economic agenda for America is built on a pillar of pink slips. These job losses are occurring in white-collar, middle-income jobs. This is a middle-class recession.

Yes, we are gaining, but we are gaining in minimum wage jobs. The President can do something to ease the pain of this recession. He can sign the Unemployment Insurance Reform Act.

TIME FOR AN ECONOMIC COURSE CHANGE

(Mr. HANCOCK asked and was given permission to address the House for 1 minute.)

Mr. HANCOCK. Mr. Speaker, it has been 1 year since the much-trumpeted budget summit of 1990. And what a year it has been—a year of nothing but bad economic news.

The Heritage Foundation has documented this bad news in a new study—and it is grim. Two million more Americans are out of work, the deficit has soared to more than $350 billion, personal and business bankruptcies are at all-time highs, family incomes are falling, and the rate of personal savings is approaching an all-time low.

How can we call ourselves representatives when we allow this mayhem to continue? This recession is not due to forces beyond our control—it is a direct result of the Government's massive interference in the economy and a Congress that wants to place blame on the administration rather than correct the problem.

It's time to change course. It's time to cut taxes. It is time to reduce burdensome regulations, to cut pork barrel spending, to stop bouncing checks—our's and the Nation's. It's time to get out of the way and let the American economy grow.

ISRAEL HAS GONE TOO FAR

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Israel is conducting surveillance flights over Arab territory, and last night militant Jews in Jerusalem kicked in doors and threw terrorized Arab families out into the street.

Mr. Speaker, Israel has gone too far. The truth is, Israel is pressuring Congress for the $10 billion loan guarantee. It is a power play, pure and simple. You know it, I know it and everybody in this country knows it.

Even though America is bankrupt and our workers are running out of employment benefits, Congress continues to shell out $5,000 for every man, women, and child in Israel each year, and it is not enough. I say it is time to reassess this foreign aid part and start taking care of our unemployed, start taking care of our own country before we become a Third World country.

BREAST CANCER AWARENESS MONTH

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker. I rise today in a continuing effort to promote awareness of breast cancer, one of the most urgent health issues currently facing the women of our Nation.

October has been designated as "Breast Cancer Awareness Month." Over 3,000 constituents in my congressional district have contacted me regarding breast cancer. Women and their families are frightened by newly released statistics which state that 44,000 women will die from breast cancer this year. It is obvious to me that people are demanding action to address this issue.

I have continued to expand my own awareness on this issue through meetings with several women's groups. The statistics hit home for me during one meeting when I realized that one out of the nine women I was speaking with would be diagnosed with breast cancer during her lifetime.

One of the most important steps which we can take as a Nation is to promote prevention. According to the National Cancer Institute, breast cancer deaths could be reduced by 30 percent if all women underwent regular mammographies. As an Ohio State senator, I worked as an advocate for proposals to expand insurance coverage for screening mammographies.

In my role as vice chair of the Bipartisan Congressional Caucus for National Health Care Reform, I am glad to continue to promote improved health care for women. My wife, Carolyn, is also committed to this issue, traveling throughout Ohio's Seventh Congressional District to promote early detection of breast cancer. It is vital that we continue to work together to educate women and their families on the early detection and treatment of breast cancer.

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SUPPORT PAY-AS-YOU-GO PLAN FOR RTC FUNDING

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, economic growth has averaged 1.6 percent under the Bush administration. This is the worst economic growth record in over 40 years. Real disposable per-capita income is now lower than when this administration took office.

These measures of economic stagnation are a direct result of the immoral 10-year policy of deficit spending pursued by the last two administrations that has resulted in the tripling of our Nation's debt.

On Tuesday the Financial Institutions Subcommittee approved legislation that would require that $60 billion in RTC funding be paid for up front on a pay-as-you-go basis. That is $60 billion that should be paid, not billed to our children and grandchildren.

This legislation is an important first step in leveling with the taxpayers. I urge my colleagues to support this plan and require the President and the Congress to work out a pay-as-you-go plan for the RTC funding.

This approach will save our children and grandchildren more than $125 billion.

LAWS AND REGULATIONS CANNOT BE "ONE-SIZE-FITS-ALL"

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, the Resource Conservation and Recovery Act requires underground petroleum storage tank owners and operators to demonstrate that they have the ability to pay for cleanup costs and third-party damages in the event of a leak.

The regulations implementing the act state that these requirements may be met through the purchase of an insurance policy.

However, while the rule is scheduled to take effect in just a couple of weeks, this option is not readily available to very small enterprises. I therefore applaud the Environmental Protection Agency for proposing to extend the compliance deadline for smaller firms through December 31, 1992.

Of course, we must protect and preserve our environment. As a resident of Florida's gulf coast, I am well aware of how fragile and precious our natural resources are.

But I also know that we must set compliance terms in our laws and regulations that do not overwhelm the financial or technical ability of smaller firms who are doing their best to comply.

Mr. Speaker, we need to keep this balance in mind as we pass new laws and as we oversee agencies who issue regulations.

Therefore, I would urge my colleagues to remember as such laws come before us that it is easy to say that you are all for small business. But it is how you vote that really counts.

PAY ATTENTION, MR. PRESIDENT

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, President Bush called a press conference last week to announce that there is a recession after all. The next day, the banner headline in my hometown newspaper read, "Bush Insists He Cares About U.S."

Well, actions speak louder than words.

When is our Nation's leader going to recognize that our schools are in decline, and that too many students are graduating without the fundamental job skills needed in the workplace? Or that home ownership rates are dropping for the first time in 40 years? Or that the middle class is being squeezed by taxes imposed during the Reagan-Bush administrations? Or that 37 million Americans have no health insurance? Or that millions more can't afford the quality health care they need?

When are we going to see the President's plan of action for rescuing our economy? And when are we going to see his plan of action to solve these problems? Perhaps those issues will be addressed in future press conferences.

In the meantime, Congress is fighting to make life better for American families who have suffered the most in this recession. We've passed a bill to extend jobless benefits for these Americans. But President Bush, who has finally recognized the recession, still plans to veto the unemployment compensation bill.

Never mind that this is the first recession in 30 years in which jobless benefits haven't been extended. Never mind that this is the first time in the 56-year history of unemployment compensation that so few of the jobless—only 40 percent—have received benefits at all. Never mind that this is the first recession in which unemployment benefits have been fully taxable. Never mind that the dedicated funds collected to cover just such a need is now over $8 billion in surplus, being withheld by the administration to offset expenditures in other areas.

My home State of North Carolina is better off than many others. Yet our unemployment rate has increased more than 50 percent in the last year. Once again, we in North Carolina are waiting for action to back up President Bush's rhetoric.

When is our President going to prove to North Carolina—and the rest of this country—that he can do more than talk about how much he cares about the pressing domestic agenda facing us?

EACHES AND PEACHES

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, today in Washington we will see another of what will be many demonstrations for nationalized health care.

Let me emphasize that health care is a bipartisan issue, the No. 1 issue of concern that I found on my tour of my district in August—58 counties in our very rural and smalltown area.

As cochairman of the Rural Health Care Caucus, with my colleague and friend, the gentleman from Texas [Mr. STENHOLM], we are seeking bipartisan answers. But I worry that we already see partisan lines being drawn regarding the all-or-nothing rush to nationalized health care.

We can do a great many things to restore and improve our current health-care delivery system before we leap headlong into that kind of care. One such program is the essential access hospital and primary care hospital program. The acronym for these programs is about the best in Washington. It is called "Eaches and Peaches."

Mr. Speaker, each hospital provides emergency and medical backup in our rural areas, and the peach hospital provides 24-hour emergency care that then transfers the patient to a larger facility.

It is a good program, Mr. Speaker, and HCFA has announced grants to seven States. These regulations should be announced within weeks.

Mr. Speaker, let us focus on what we can do in regard to health care and not what we cannot do.

WHAT IS PRESIDENT'S POLICY ON SEXUAL HARASSMENT?

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, we know the President's position on Clarence Thomas, but what is his policy on sexual harassment?

The events of the last few days have unleashed a torrent of feelings in this country about the status of women, and that is all to the good. Because there are injustices that need to be addressed.

The Republican administration is attacking the reproductive freedom of women, and the President has veto threats against a variety of Democratic bills that protect choice.

The Republican administration is attacking our family and medical leave bill, and the President has veto threats against it.

Republicans in the House—142 strong—voted Tuesday to silence one of our outstanding female colleagues, whose only desire was to make a statement against sexual harassment—no small irony there.

And finally, there is the deafening silence from 1600 Pennsylvania Avenue. Does not the moral leader of our country have anything to say against the sexual harassment of women?

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. REED). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, the actions of the House the other day referred to by the gentleman in his previous speech: Was not the gentlewoman in question called to order by the Speaker of the House for words that she uttered that were unparliamentary?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. And the vote in the House was on that particular issue. Is that not correct?

The SPEAKER pro tempore. The vote was to allow the gentlewoman from Connecticut to proceed in order.

Mr. WALKER. Yes. As a parliamentary inquiry; was not the vote on whether or not to uphold the Speaker's ruling?

The SPEAKER pro tempore. No. The vote was to allow the gentlewoman from Connecticut to proceed as in order.

Mr. WALKER. To proceed despite the fact that the rules call for her not to be permitted to speak having violated the rules of the House? Is that not correct?

The SPEAKER pro tempore. The question was whether or not the gentlewoman from Connecticut was allowed to proceed in order. The House voted to allow the gentlewoman to proceed in order.

Mr. WALKER. Notwithstanding the rules?

The SPEAKER pro tempore. The Chair stated the question, and the Chair thinks it is accurate.

Mr. WALKER. Notwithstanding the rules though? Is that not correct, Mr. Speaker? That is my parliamentary inquiry.

The SPEAKER pro tempore. The Chair has stated the question the way the Speaker stated the question, and the way it was put to the House and was voted by the House.

Mr. WALKER. I thank the Chair.

CAMPAIGN REFORM

(Mr. UPTON asked and was given permission to address the House for 1 minute.)

Mr. UPTON. Mr. Speaker, the American public's growing cynicism toward Congress in the last few years has crescendoed in the last few weeks.

Recent abuses of Members' privileges have left the American public even more dismayed. Add the fact that we cannot balance the budget, is it any wonder why voting participation in congressional elections is at its lowest point ever?

The time is ripe for the House to pass a congressional campaign reform bill that rids the House Members of their biggest perk, election laws that guarantee incumbents a 98-percent reelection rate. If we are serious about reducing our constitutents' cynicism about Congress by reforming campaign laws, we should take steps to make the individual voter's voice the strongest one in the election process.

PAC's contribution limits should be reduced, and candidates should raise most of their funds from individual voters in their home State. Let us return the people's House to the people and enact real campaign reforms that give individual voters the largest voice in elections and campaign funding.

If we enact campaign reform legislation that requires candidates to raise the majority of their funds from people in their home States, then that is where Members will spend most of their time.

MAKE BANKING REGULATION MORE REASONABLE

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, I was pleased to see the President and the Secretary of the Treasury move forward with proposals to make banking regulation more reasonable.

The regulatory problems we have encountered have not been the prime cause of difficulty in the availability of credit, but I believe they have been an exacerbating factor.

I think there has been an overreaction. The people who were too lax in the 1980's thought they could somehow make that up by being too rigid in the 1990's.

I had hoped that the President and the Secretary of the Treasury would have moved in this direction earlier. I was a little puzzled when I read of the President criticizing the regulators as if they were somehow parachuted in here from some other jurisdiction and were people beyond his control.

But the package of changes, the encouragement they have given to the regulators to be reasonable, which the President and the Secretary of the Treasury have now put forward, I think, are appropriate responses to the economic difficulties we now face.

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I congratulate them for doing it. I hope that the Secretary of the Treasury will follow through, because past experience has shown us that his personal supervision of this package of proposals will be a necessary element in its implementation.

HEALTH CARE, LET US DO IT

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, not one of us goes anywhere in our districts without facing people who are without health insurance, who are very much afraid of losing their health insurance, who are not covered for catastrophic illness, and in general who need government action to assure their health access and health security.

Many in this body have espoused nationalizing our health care system. That kind of macroaction could create a system that is as rigid and devoid of compassion as IRS policies; that is as inefficient, with some good reason, as our postal system, that is as costly for all the same reasons as our defense system.

Mr. Speaker, it is imperative that we not fail our constituents while we engage in this macrodebate about nationalizing America's health care system. It is imperative that we begin to deal with those specific things, and there are many Republican bills with very concrete ideas out there and many from the other side that demonstrate that we could better fund these rural health clinics that my colleague, the gentleman from Kansas, just talked about; not much money, certainly not much relative to the highway project bills we just passed.

Mr. Speaker, let us do it, let us do it, let us do it.

THE UNEMPLOYED NEED HELP

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise this morning to share with the Members of the House a recent meeting I had with a young lady who for 14 years worked with one bank. That bank laid her off. For the last few months she has been busily and aggressively pursuing and trying to get another job, trying to get a job in an industry that is downsizing, in an industry where there are many layoffs; yet there are many who come to the well of this House and speak against the extension of unemployment benefits.

I would want to remind my colleagues that persons like this young lady are not asking for a handout. They are not asking to be treated as if they were on welfare. They are not saying they do not want a job. She is pursuing a job.

The reality is that the market is tight in so many fields. I think it is appropriate that we as Members of the House of Representatives understand that many of our constituents want to work. They just cannot. The market does not allow them to.

So I am urging that we continue to work with the President in the hopes that there is no veto. Let us work with the President in the hopes that we can give to people that which is rightly theirs. She has been paying her unemployment compensation during the period of her work. Now she needs us to pay her.

A TRIBUTE TO THE LATE GEORGE RUSSELL

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, a friendly face is conspicuously absent from this floor today. I refer, of course, to George Russell, our friend who passed away last Friday.

Because of where George sat on the podium behind me, oftentimes his face was the first one seen on television screens. Even when the President would come to deliver a State of the Union Address, George's face would first appear many times.

On one occasion I had North Carolina schoolchildren here and I introduced them to George Russell. One of the girl's instinctively remarked, "Oh, I've seen him on television." George smiled approvingly.

George was graduated from North Carolina A&T State University in Greensboro, located in my district. On one occasion he volunteered to work the gate for me at a homecoming football game. He and I did indeed work the gate. He would see old alumni, friends of his, and would bring them over and introduce them to me.

The passage of time has a way, Mr. Speaker, of assuaging discomfort and pain, but we of the House who knew him will fondly and frequently recall George Russell.

PREVENTIVE HEALTH CARE FOR AMERICANS

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, we had hundreds of women and their families come to Washington to call attention to a crisis in a disease called breast cancer. Frankly, I was dismayed that the media paid so little attention to their plight. They came from 50 States. Many of them were breast cancer victims. Many of these women were under 35 who could never have children again because they had chemotherapy treatment.

We have an epidemic on our hands with respect to not only breast cancer but the crisis in health care in this country.

I am foursquare for universal health care for every American, including preventive health care which would include mammography and wellness programs for children and immunization, cancer screening for men and long-term care, since we have 8 million Americans who are older and who have families with chronic problems who cannot care for their loved ones without home care and nursing care services.

So, Mr. Speaker, let us be all-American about our people and improve the quality of life by having comprehensive health care, including preventive care for all Americans.

A $1 TRILLION ERROR

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, I rise today to speak about the $1 trillion error. Today marks the 27th day until the first anniversary of the infamous 1990 budget summit agreement. Last year, Congress and the President agreed to raise taxes and reduce planned annual increases in spending, with the stated goal of lowering the budget deficit by $500 billion at the end of 5 years.

Now after the largest single-year tax increase in history, it turns out the deficit is higher than it was before the budget agreement was even passed. In fact, from January 1990, until August of this year, the projected 5-year deficit increased by over $600 billion. If you count the $500 billion originally projected in so-called deficit reduction by the original budget summit agreement, their estimate missed the mark by over $1 trillion.

According to the number crunchers at the Congressional Budget Office and the President's Office of Management and Budget, this increase in the deficit is the result of "both technical and economic adjustments."

And who is hurt, Mr. Speaker, by this ever-growing deficit? Every man, woman and child in this great country, every person that earns an income or who depends upon a retirement income.

Mr. Speaker, I am not sure which is worse, the fact that CBO and OMB made a $1 trillion error, or the fact that no one seems to care.

CAMPAIGN FINANCE REFORM IS NEEDED

(Ms. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, these are not the happiest of times on Capitol Hill. We are being pummeled because of the House bank situation. Certainly we have to get to the bottom of that, and those Members who, as a pattern and practice, overdrew on their accounts ought to be identified and sanctioned, if that be the decision of the Ethics Committee.

Congress is being pummeled because it may not be sensitive enough to sexual harassment in our offices. I think we should, as we have done in our office, publish and accept a program, a policy, dealing with this terrible activity.

One way, Mr. Speaker, that I think we could more quickly restore our somewhat sagging public image here on the Hill is to quickly pass a very tough campaign finance reform bill. Yesterday we talked about it in the Democratic caucus. There will be several reform proposals, all of them dealing with putting some type of limit on spending and reducing the effectiveness, or perhaps even control, political action committees have on the election process.

We need, Mr. Speaker, to get back to the grassroots, to go back to where politics really begins, and that is with the people. I think we can do it, but we have very little time remaining.

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PHYSICIAN PAYMENT REFORM

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker and colleagues, before we adjourn this fall, we have an important issue in front of us; it is called health care. One of the items we should accomplish this fall is dealing with legislation passed in 1989 called physician payment reform, or better known as RBRVS [resource-based relative value scale].

This was designed to create a more equitable reimbursement schedule for family practitioners which would be extremely helpful to physicians in rural communities like my district.

However, this past June the Health Care Financing Administration, I think most agree prodded and directed by OMB, released proposed regulations for implementation of physician payment reform. Those regulations indicate that most providers, including primary care physicians, will have their payments reduced by as much as 16 percent in 1996.

When the legislation was passed in 1989, assurances were made to the Congress that these reforms would be budget neutral. However, the proposed regulations indicate the payments will be reduced by $7 billion over the next 5 years. That violates the agreement made as a part of the physician payment reform package.

Mr. Speaker, I am not saying that either side on this issue has all the answers, but I would suggest to all my colleagues before we conclude our business this fall it is incumbent upon us to work out a solution to this problem, to make sure family physicians are properly reimbursed and the program, as passed and intended by Congress, is implemented.

SEXUAL HARASSMENT: FAIRNESS ON CAPITOL HILL

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, you know, it does not take us long in this body before we take a disconcerting situation and use it for political expediency. We are all going through, as most men and women in this Nation are, a very difficult time on the charges of sexual harassment and the way we handle it here on Capitol Hill. We hope this will be an issue that will be dealt with sensitively and honestly, not in a partisan fashion.

But we have already heard this morning that is not going to be the case. Already, the blame is being put on the President. Let us make one thing clear here: The President, yes, supports Clarence Thomas, but the President was not in the room when charges of sexual harassment were leveled against Clarence Thomas.

Members of another political party, different from the President, did hear those charges and accepted to proceed. Members of the party violated Professor Hill's request for confidentiality and jeopardized Clarence Thomas' reputation.

It was their decision that puts women in this country in such a defensive position today. It was their decision today that has us all questioning when it will end and we will have finally fairness on Capitol Hill.

MAKING CORRECTIONS IN ENROLLMENT OF H.R. 2622, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

Mr. ROYBAL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 219) making corrections in the enrollment of H.R. 2622, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 219

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2622) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed, to make the following corrections, namely, after the words "section 2401(c) had not been enacted" in the paragraph headed "PAYMENT TO THE POSTAL SERVICE FUND", strike the words "not to exceed 2.2 cents per piece".

The SPEAKER pro tempore (Mr. REED). Is there objection to the request of the gentleman from California?

Mr. WOLF. Mr. Speaker, reserving the right to object, and I will not object, I will ask the gentleman the purpose of this concurrent resolution. It is my understanding this is a technical amendment.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the chairman of the subcommittee, the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. I thank the gentleman for yielding.

Mr. Speaker, this is a minor enrolling correction to H.R. 2622, the Treasury, Postal Service, and General Government Appropriations Act for 1992. It conforms the bill to the conference agreement reported in House Report 102-234. The conference agreement contains compromise language on the appropriation to the U.S. Postal Service which provides for an average rate increase of 2.2 cents per piece for certain types of mail. This concurrent resolution would correct an error and conform the bill to the conference agreement.

Mr. WOLF. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1470, PRICE FIXING PREVENTION ACT OF 1991

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1470) to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After passage of H.R. 1470, it shall be in order to take from the Speaker's table the bill S. 429 and to consider said bill in the House. It shall then be in order to move to strike all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions of H.R. 1470 as passed by the House. It shall then be in order to move that the House insist on its amendment to S. 429 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume.

Mr. Speaker, any time yielded is for the purpose of debate only.

Mr. FROST. Mr. Speaker, House Resolution 241 is a simple open rule providing for the consideration of H.R. 1470, the Price Fixing Prevention Act of 1991. The rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Because House Resolution 241 is an open rule, any germane amendment, which does not otherwise violate a rule of the House, will be eligible for consideration during the 5-minute rule and the rule provides that during consideration of the bill for amendment each section shall be considered as read.

Following the consideration of the bill for amendment, the rule provides that the Committee of the Whole shall rise and report the bill to the House with such amendments as may have been adopted, and that the previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit. Finally, to facilitate conference action on this legislation, House Resolution 241 makes it in order to take S. 429 from the Speaker's table, and to consider that bill in the House. The rule provides that it shall then be in order to move to strike all after the enacting clause and insert the House-passed text of H.R. 1470, and to move to insist on the House amendment to the Senate bill and to request a conference.

Mr. Speaker, H.R. 1470 is important legislation. It is important because it confirms the commitment of the Congress to the workings of the marketplace and confirms our commitment to the American consumer that anticompetitive business practices are not acceptable. H.R. 1470 reaffirms Federal policy against vertical price fixing by codifying a 1911 Supreme Court holding that vertical price fixing is illegal per se, and clarifies the evidentiary standards under which a retailer who claims to have been injured by vertical price fixing is entitled to a jury trial. Mr. Speaker, I strongly support H.R. 1470 and urge my colleagues to support the rule in order that the House may proceed to the consideration of this probusiness and proconsumer legislation.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 241, which provides for the consideration of H.R. 1470, the so-called Price Fixing Prevention Act of 1991. This is an open rule and, frankly, the best hope for salvaging what is clearly a very bad bill.

Mr. Speaker, it would be more appropriate to call H.R. 1470 the Punitive Damage Enhancement Act or, better yet, the Guilty Until Proven Innocent Act. H.R. 1470 purports to make illegal what is already illegal under our antitrust laws; that is, to ban vertical price fixing. This is a practice whereby a manufacturer and a retailer threaten a rival retailer with a cutoff of supplies if it does not charge a minimum price for the manufacturer's product.

In reality, H.R. 1470 shifts the burden of proof from the accuser to the accused. It will undermine competition by interfering with normal distributions agreements between manufacturers and dealers.

Fortunately, Mr. Speaker, this rule will allow several important amendments to be offered to correct the inherent flaws in this legislation. The gentleman from New York [Mr. FISH] will offer an amendment to clarify that the traditional antitrust proof of conspiracy requirements apply in dealer termination cases. It will also require the plaintiff to show that the major cause of his termination was a vertical price fixing conspiracy between the manufacturer and another party.

Likewise, my friend and colleague from California, TOM CAMPBELL, will offer his small business amendment, which will provide an exemption for companies that lack market power in the relevant market. These amendments, which were narrowly defeated in the previous Congress, will substantially improve H.R. 1470, which the President will veto in its current form.

For this reason, Mr. Speaker, I urge support for the rule, and I reserve the balance of my time.

Mr. Speaker, I include the following statement of administration policy.

STATEMENT OF ADMINISTRATION POLICY

If H.R. 1470 were presented to the President in its current form, his senior advisors would recommend a veto.

The administration opposes H.R. 1470 because it would inhibit manufacturers and distributors from entering into procompetitive distribution agreements for products in a wide variety of markets.

Under existing antitrust law, and notwithstanding the short title of the bill, distribution agreements that set resale prices are already per se illegal. H.R. 1470 would reduce the level of evidence needed to proceed to trial by creating an inference of unlawful conspiracy in certain cases. The inference would be based on evidence that is equally consistent with lawful, unilateral decisions by manufacturers regarding who will distribute their products. As a result, juries could misinterpret lawful business decisions as price fixing conspiracies. Because of the availability of treble damages, H.R. 1470 could invite a substantial increase in complex antitrust litigation.

H.R. 1470 could also render certain nonprice distribution agreements per se illegal, even though such agreements should be considered, instead, under the antitrust "rule of reason." Consideration under the "rule of reason" provides for the evaluation of procompetitive effects.

□ 1050

Mr. DREIER of California. Mr. Speaker, I yield 5 minutes to the very eloquent gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Speaker, this is an open rule, and, therefore, because it is an open rule and does give the Members an opportunity to get at provisions of this bill, it is a fair rule, and that is in contrast to much of what we have seen happening in the House over the last several months. This is one of the relatively few true open rules that we have had on the House floor, and that is a disappointment. It seems to me that Members ought to be given the opportunity to work their will on legislation, particularly since the unfairness of the rule is only a part of the unfairness that pervades the processes and procedures of the House of Representatives.

Mr. Speaker, despite the language we have heard on the House floor even within the last couple of days about fairness in the operations of this body, we see example after example that fairness does not prevail in what we do here. We had an example yesterday of a bill on the floor where a junior Member, a junior Republican Member, had his project stripped out of the bill specifically because Committee on Appropriations' members told him that he made the mistake of voting for an across-the-board reduction in the appropriations bill. In other words, he wanted to save the taxpayers a little bit of money, but, when they went to the conference committee, this junior Republican found that a senior member of his delegation, as well as members of the conference committee, took away from him a project that had been built up over some years. In fact, it goes back to his predecessor.

Now that is what we hear from the majority is fairness. That does not happen to Democrats. That happens to Republicans.

We will have a bill on the floor today, later on perhaps, if it comes up, the Flint Hills National Monument. Again a junior Republican Member is having a bill forced upon him that his constituents do not want, that he does not want, that the Senator from the State does not want, that is a terrible bill. It is something that would not be done to Democrats. It is being done to a Republican, and it is specifically aimed at this junior Republican.

Mr. Speaker, that is the kind of fairness we see happen over and over again. That is just two examples in the last 2 days, and over and over again we see that kind of unfairness pervade the processes and procedures of the House.

In addition, Mr. Speaker, we see problems in terms of the protections that the Chair provides to Members of the body. We had an example yesterday on the House floor during a voice vote where there were no aye votes shouted from the floor, where there was a chorus of no votes, and yet the Chair called the vote for the ayes. Those kinds of unfair procedures and processes pervade the problem here and, it seems to me, are somewhat in contrast to this rule.

But this is in the minority. It is the exception rather than the reality.

Mr. DREIER of California. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Pennsylvania and simply say that the gentleman is absolutely right. While there has been a great deal of unfair treatment, it is clear that this rule is one of those few models of fairness that I am very pleased to see having emanated from the other side of the aisle.

As was the case a week or 10 days ago, I plan to have a recorded vote on this rule so that we will have the opportunity to let Members on both sides know that occasionally there is a degree of fairness here.

Mr. WALKER. I, too, will vote for this rule as an open rule, and I think it is an example of the way the House ought to operate. But let us understand that this is the exception, and it is one of those situations where it is a growing exception rather than a stream of constant reality.

I want to make one more point about this rule. This rule does go to a very bad bill. We heard a number of speeches earlier on the House floor today about unemployment. This is truly another one of those bills coming from the party that wants to kill American jobs. Because truly this bill will kill American jobs. The manufacturers are opposed to it, small business is opposed to it, across the board the Americans who provide jobs are opposed to this bill, because it will kill jobs.

Now what we hear over and over again from our Domestic colleagues is, "Well, once they're out of a job, then the compassionate thing is to provide them with unemployment." Look, what we ought to have in this country is not more unemployment benefits. We ought to have less unemployed. We ought to give people real jobs. We ought not be using government policy to kill off jobs.

Mr. Speaker, if this bill is passed today in the form that it is brought to the House of Representatives and ultimately becomes law, and I certainly hope it does not, but if it ultimately becomes law, it will kill off thousands of American jobs. It will put more people on the unemployment rolls, and that will be a terrible shame.

Mr. DREIER of California. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. REED]. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 302]

YEAS—412

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—21

Alexander
Barnard
Boxer
Brewster
Broomfield
Ford (MI)
Hatcher
Holloway
Hopkins
Kaptur
McCollum
Mrazek
Nagle
Neal (NC)
Sanders
Savage
Slaughter (VA)
Smith (FL)
Torres
Washington
Wilson

□ 1121

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LAYING ON THE TABLE HOUSE JOINT RESOLUTION 319, EXTENSION OF MOST-FAVORED-NATION TREATMENT TO PRODUCTS OF UNION OF SOVIET SOCIALIST REPUBLICS, ESTONIA, LATVIA, AND LITHUANIA

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the joint resolution (H.J. Res. 319) approving the extension of nondiscriminatory treatment with respect to the products of the Union of Soviet Socialist Republics, Estonia, Latvia and Lithuania be laid on the table.

The SPEAKER pro tempore [Mr. REED]. Is there objection to the request of the gentleman from Illinois?

Mr. ARCHER. Mr. Speaker, reserving the right to object, and I shall not object, I do so for the purpose of yielding to the gentleman from Illinois [Mr. ROSTENKOWSKI] in order that he might explain his unanimous-consent request to the House.

Mr. ROSTENKOWSKI. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, on August 2 the President transmitted to the Congress a proclamation that extends nondiscriminatory, most-favored-nation treatment to the products of the Soviet Union and the three Baltic States, together with the text of the trade agreement between the United States and the Soviet Union signed on June 1, 1990. Under the terms of title IV of the Trade Act of 1974 and the fast track congressional procedures for approval of trade agreements, the majority leader, minority leader, and several cosponsors introduced House Joint Resolution 319 on August 2, approving the extension of MFN treatment to the products of the Soviet Union, Estonia, Latvia, and Lithuania. This resolution was referred to the Committee on Ways and Means.

Since the introduction of this resolution, the Baltic States have been recognized as independent nations. In recognition of that status, the President transmitted to the Congress yesterday a new proclamation that extends MFN treatment under the terms of title IV only to the products of the Soviet Union. Yesterday, the majority leader and the minority leader introduced a new House joint resolution (H.J. Res. 346) as a substitute for House Joint Resolution 319 approving MFN treatment for the Soviet Union. The purpose of my unanimous-consent request is to put aside the first resolution so that the fast track procedures and time periods for committee and floor action will apply instead to the new resolution introduced yesterday.

With respect to the Baltic States, separate legislation is pending before the Committee on Ways and Means that would extend MFN treatment of Estonia, Latvia, and Lithuania on a permanent basis by exempting them from the title IV Jackson-Vanik annual review provisions.

I want to make it clear, Mr. Speaker, that laying House Joint Resolution 319 on the table does not establish any precedent for future actions under the so-called fast-track procedures. We are dealing with a unique situation and all parties, including the administration, the majority and minority leaders and the chairman and ranking member of the Committee on Ways and Means, are in agreement on this approach to address this matter.

However I continue to be concerned about the revenue implications of granting MFN status to the Soviet Union and the Baltic States. I have been corresponding with the Director of the Office of Management and Budget, seeking his advice on how to offset the projected revenue losses, but I have not yet received a response which adequately addresses the pay-as-you-go requirements of last year's budget summit agreement. Although I support the President's MFN initiatives, I will not schedule committee consideration of these measures until I receive a response from the Office of Management and Budget which provides specific recommendations of appropriate offsets within the jurisdiction of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRICE FIXING PREVENTION ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 241 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1470.

□ 1127

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1470) to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing, with Mr. SLATTERY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield to myself such time as I may require.

Mr. Chairman, very rarely do economic principle and economic necessity come together so urgently as they do in the legislation now before us—the Price Fixing Prevention Act of 1991.

For decades, this body has bolstered the distinctive American free enterprise system by refusing to tolerate, countenance, or condone any form of price fixing in the economy. Why? Because price fixing spells the death of open competition; because it strangles the possibility of having multiple players compete in an open and free-moving economy; and because it works a fundamental disadvantage to the ultimate consumer—the American public.

Since 1890, when the Sherman Act was passed, we have done well in holding firm to our principles. But the economic landscape is changing quickly and dangerously—at the same moment that democracy, free enterprise, and antitrust are being embraced by the newly liberated countries of Eastern Europe and the newly emerging economies of the Third World, price-fixing activity is resurfacing in America because of lax and confusing enforcement of the antitrust laws.

The reappearance of price fixing is not just of academic interest, it is a real threat to Americans' pocketbooks and is now costing the American consumer more than $20 billion every year.

Vertical price fixing—or resale price maintenance—typically begins when a full-price retailer complains to a manufacturer about a discounter's competitive pricing. The full-price retailer's threats usually include a refusal to sell the manufacturer's products unless a manufacturer cuts off the discounter. If the full-price retailer has enough economic clout to coerce the manufacturer to cooperate in this conspiracy, consumers will end up paying inflated prices and low-price retailers are deprived of their ability to compete.

In the past, manufacturers could stand up to those pressure tactics because they knew that they were against the law and would subject all conspirators to treble damages. But now, without any enforcement by the Federal antitrust agencies, too many manufacturers are going along, afraid to just say no to their pricey retail outlets.

For over 80 years, vertical price fixing, in all its forms, has been illegal. However, in 1981, the Justice Department cooked up a bunch of theoretical reasons to break with this longstanding congressional policy, and since that time, it has failed to prosecute a single vertical price-fixing case. Even worse, two Supreme Court decisions over the past decade have confused the law and made it practically impossible for low-price retailers, like discount stores, who are victims of vertical price-fixing conspiracies, to get to a jury to hear their case.

Mr. Chairman, H.R. 1470 safeguards the rights of the consumer by reaffirming the ban on vertical price fixing. It also safeguards the rights of all businesses that sell discounted goods, from the smallest retailer to the largest discounter. The bill has been carefully crafted to avoid disturbing traditional antitrust conspiracy standards or interfering with the freedom of businesses to conduct their own affairs in the absence of illegal and unfair conspiracies.

Certainly—and not least important—if the economy is to revive quickly, it will be largely because Americans will spend their hard-earned dollars for affordable goods and services. But let's be candid: Americans are not spending for goods and services as they have in the past. In this environment, it is misguided, to say the very least, to permit vertical price fixing to flourish so that all Americans would have to pay the Bloomingdale's price or the Neiman Marcus price if they are going to purchase at all.

Yesterday, all of the Members received a letter from 48 out of 50 State attorneys general of this Nation supporting H.R. 1470. They are Democrats, they are Republicans, and they are our last hope as the front-line fighters against anticompetitive practices, given the absence of Federal enforcement. But if the Supreme Court's misguided decisions of the past decade hamstring those State law enforcement officials and keep them from weighing in on the side of the American consumer, then we will be left in a state of "economic Darwinism," where large, full-price retailers can drive out small, innovative retailers at will.

The House has passed this legislation for the past two congresses, and this year the U.S. Senate for the first time passed a similar measure. It has received tremendous bipartisan support, and I personally want to thank the gentleman from Illinois [Mr. HYDE] for his cosponsorship of the measure in the name of free enterprise.

I ask for the Members' overwhelming support for this effort to prevent the reemergence of price fixing in America.

□ 1130

Mr. Chairman, I reserve the balance of my time.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to H.R. 1470, the Price Fixing Prevention Act. Price fixing is already against the law, and I think current law is adequate. We do not need additional laws to harass private enterprise.

This legislation will change the rules to make it easier for dealers terminated for sound and logical business reasons to bring suit against manufacturers. Some products require a trained sales and service force to make sure the consumer is instructed on how to use the product. If a manufacturer terminates a dealer for failing to follow the service or warranty guidelines, H.R. 1470 could expose the manufacturer to legal action and a charge of price fixing.

A legitimate business decision such as the one I just mentioned is not price fixing. It is quality control. A manufacturer should have the flexibility to terminate a dealer that chooses not to cooperate on these kinds of sales and service activities. The reliability and good name of the product will be in jeopardy if the manufacturer is not allowed to make these business judgments.

The bill does not recognize that there may be valid reasons, besides price, for a manufacturer deciding not to begin a business relationship or to terminate one. Manufacturers should have the right to determine how their products are sold and serviced. These are necessary, non-price-related activities that are essential to maintaining the reputation of the product.

I am also concerned about the effect this bill will have on Mom and Pop stores across the country. It could strengthen the power of the big discount houses. The bill also might force manufacturers to set up their own distribution centers to make sure consumers get the proper sales and service attention. They might choose to avoid dealing with smaller, independent businesses altogether.

One manufacturer in my district said last year, as we were debating this same bill, that he had been able to handle the competition from Japan and Korea by making a better product and selling it at a lower price. But besides the foreign competition, he says, "I also have to fight my own Government because of legislation like this."

Price fixing has been illegal since 1911. Let us continue to enforce current law and not change the rules to allow more unnecessary and unfair lawsuits. Let us preserve the freedom of manufacturers to determine how their products are marketed and serviced.

I urge a "no" vote today on H.R. 1470.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is a very important bill to millions and millions of Americans who have the privilege of shopping at discounters. This is not an abstract legalistic problem involving lawyers trying to decide what specific rules of evidence will apply in antitrust cases, although that is the net impact of it.

But the real issue here is that over the last 15 or 20 years, companies like, and this is not meant to be exclusive, but companies like Burlington Coat Factory, Wal-Mart, Kmart, and hundreds of other discounters have grown up and begun to service tens of millions of Americans with respect to the purchase of many, if not most, goods purchased by those people.

□ 1140

I suspect many of the folks watching today, both in this Chamber and around the country, buy many of their products at discounter operations.

Now, discounting is something which is offensive to other retailers who do not have to discount and in many cases manufacturers worry that discounters may not offer the same levels of quality or the same levels of service, and that is a justifiable concern; but what this bill attempts to do is to protect the ability of discounters to continue to offer the sales of products at prices that they think best meet the needs of the American people. In many cases, whether it is a television set or whether it is a coat or whether it is a VCR or whether it is any assortment of products that people buy, they like to know that the American competitive system works, and if they want to go to the Burlington Coat Factory, or Wal-Mart's, or Kmart to buy those discounted items, they can.

The essence of the current law makes it more difficult for a discounter to fight the practice that if the manufacturer pulls or jerks the rug out from under him and says, "You can't sell that product anymore because you are underpricing somebody else," it makes it more difficult for that discounter to be able to protect his customers in a court of law.

So my point in addressing the Chamber today is to try and tell my colleagues that this is not a legalistic antitrust issue. This is a very, very practical concern for the millions of Americans who want to fight inflation, who want to fight the recession by being able to go out and have the ability to shop at discounters around this country.

So if you believe that the concept of discounting is worth preserving, in my judgment you should vote for this bill.

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I rise in strong opposition to H.R. 1470, the Price Fixing Prevention Act.

This sounds fair. The words have a ring of truth. It conjures up emotions of protecting the unprotected and sticking it to the dirty and the greedy price gougers of the business community.

But let us take a look at the facts. Price fixing already is illegal, and this adds nothing. The discount stores are doing just great. The manufacturing predators have not laid a glove on them.

Next, the mom and pop stores are being really pushed under. I have a department store in my community that has been in existence for 70 years. At the same time it went under last week, a new discount operation was announced out of town.

This is like defending the money center banks while a small regional bank is going under.

Price fixing is one of the great cancers of a free and a fair market. The problem is as old as time. In fact, it is as old as the law that outlawed it in 1911.

There are the facts, so I urge my associates not to retrace the issues. Let us get on to something which can help the consumer and help the producer of jobs.

This is a fairness issue. It allows a discounter to go into full legal battle when there may be no real justification for the action at all.

In other words, Mr. Chairman, you can presume vertical price fixing, presume it, when it just is not there.

Why are we doing this? Why are we doing it? Sounds like more work for the lawyers at a time when the most important thing is to create jobs in this faltering economy.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, I rise in strong support of this proconsumer, procompetitive bill and commend Chairman BROOKS for his leadership in bringing it to the floor today.

This bill will make clear the standards of evidence necessary to establish unlawful vertical price fixing. It would codify the per se rule established by the Supreme Court in 1911 which held that price restraint conspiracies are automatically illegal even if a specific minimum price is not agreed to by the conspirators.

Until recently, the Supreme Court did not require that price fixers actually agree upon specific prices or price levels, so long as the clear purpose of their conspiracy was to suppress price competition. To require that a specific price be agreed upon by the parties involved ignores the variety of indirect and subtle ways in which a retailer can conspire with a manufacturer to suppress price competition.

Vertical price fixing is contrary to our belief in the free market. It causes distortions and creates inefficiencies in the economy. It harms those members of society who can least afford it—the price conscious consumers.

Price fixing costs the consumers of America billions of dollars a year in artificially inflated prices. The impact of price fixing on the millions of Americans who must economize on every purchase they make in the marketplace, particularly as the recession continues, is simply too great for Congress to ignore.

Mr. Chairman, my constituents need this bill. The retailers in Morgantown, WV, should have the freedom to set prices according to the market in their area. Opponents of this legislation would argue that the local retailer should not have this freedom. They would close the courtroom door to local retailers who have been victimized by price-fixing conspiracies. This bill would ensure that efforts by manufacturers to strong arm retailers to raise prices will not be tolerated.

Consumer groups call this bill one of the most important proconsumer pieces of legislation before Congress. It is also supported by the major senior citizens groups, who are concerned over the effect price fixing is having on the millions of senior citizens in this country who live on fixed incomes and must stretch their dollars just to survive.

Mr. Chairman, I say to my colleagues, we must not allow the term "suggested retail price" to become "mandated retail price."

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, as a member of the Subcommittee on Economic and Commercial Law, I have listened to testimony and analyzed the implications of this legislation for the last three Congresses. Because of my concern regarding the bill's likely adverse effects, I have voted "nay" on no less than five different occasions. I remain convinced that this measure—in the form it comes to the floor of this House—would be economically counterproductive for business and for our country.

The language of H.R. 1470 is troublesome and erroneous because it presumes a price-related motive in every dealer termination case. The legal inference or presumption established by this bill assumes that a price-fixing goal was in mind, when the identical facts could lead a reasonable judge or a reasonable juror to conclude otherwise.

Vertical price-fixing conspiracies are per se violations of the Federal antitrust laws and should be punished. That is already the law. But, what the proponents of H.R. 1470 are seeking to do is confuse and obscure the very clear distinction between illegal price-fixing conspiracies and legitimate, lawful business decisions.

H.R. 1470 is a direct attack on the venerable Colgate doctrine of antitrust law and attempts to undermine that landmark Supreme Court ruling. *U.S.* v. *Colgate*, 250 U.S. 300, 307 (1919). The Colgate decision made it clear that a manufacturer has a lawful, recognized right to decide with whom it will do business. There is nothing in the antitrust laws that interferes with the unilateral right of a manufacturer or wholesaler to select their retail outlets.

Manufacturers have a right to establish quality requirements and service standards for their retail outlets. Manufacturers have a recognized right to establish their own distribution systems and can lawfully terminate poor performing dealers for nonprice reasons. If a dealer does not advertise or promote the product, does not train his sales staff, does not provide adequate repair and warranty services, or does not stay within his assigned territory, then a manufacturer has a right to end that business relationship. As we all know, the sales success of a product depends upon its goodwill—its reputation for quality and reliability—and that, ultimately, depends upon the consumer's impression in the retail marketplace.

Furthermore, section 4 of the bill could be interpreted to partially negate the 1977 Supreme Court decision in the GTE-Sylvania case. See: *Continental TV, Inc.* v. *GTE-Sylvania, Inc.*, 433 U.S. 36 (1977). That decision, universally followed in the Federal courts, recognizes that nonprice requirements, placed by manufacturers on their retail outlets, are not per se violations of the antitrust laws. Instead, they are judged under the more flexible rule of reason standard.

Later on, when we are in the 5-minute rule, key amendments will be offered by Congressman FISH and Congressman CAMPBELL. The Fish amendment would conform the language of the bill to normal burden of proof requirements in these kinds of antitrust cases. Specifically, the Fish amendment requires proof of a conspiracy between the manufacturer and other dealers and a demonstration that such an agreement caused the plaintiff's termination. The Campbell amendment would exempt businesses without market power from the coverage of H.R. 1470. Both of these amendments are pivotal and should be adopted by this House.

As I have said on numerous occasions, since our subcommittee began consideration of this legislation in April 1987—it seems to me that the large discounters like Kmart, Burlington Coat Factory, Wal-Mart, and others are doing extremely well. The fact is, their sales are climbing each year. Also, the number of discount outlets grows larger every year. It is the small, individual main street retailer that has been in business for many years that is struggling in my region of the country and elsewhere. In fact, many of them have been forced out of business by the success of the discounters.

Congress should not be gerrymandering or micromanaging the antitrust laws so as to favor a particular class of litigants.

□ 1150

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I can understand why many of my colleagues might feel lukewarm or indifferent to a bill clarifying antitrust law. But I hope they will take a minute to consider the backdrop against which we are considering H.R. 1470, the Price Fixing Prevention Act of 1991.

As we stand here today in Washington, all is not well in America.

Our Nation is in the grip of a recession that drags on month after month, far too long after some people told us it would end. Twice now, a large majority of this body has tried to effect modest relief for the victims of the recession—the working men and women who fear that their voices are no longer heard here, that their faces have been forgotten, and that their families are at risk. Twice, we have failed.

Today, we have a chance to send relief to those working men and women without spending a dollar. The Price Fixing Prevention Act of 1991 will extend a helping hand to American consumers—particularly for those Americans who rely on discounts to make ends meet until the next paycheck.

But when a discount store gets cut off by its suppliers, just for charging the lowest price in town, or if the supplier intimidates the discount store into raising its prices—it's unfair, and consumers shouldn't have to stand for it.

H.R. 1470 will protect discount sellers—and therefore consumers—from vertical price fixing. It codifies a long-standing judicial doctrine making vertical price restraints per se illegal. This rule is not new, but codifying it will ensure that courts know that Congress intends a strict interpretation of this doctrine.

H.R. 1470 also clarifies the per se rule, to put courts on notice that prices can be fixed in many ways, not only by mentioning a specific price. No matter how a price is fixed, competition suffers and financially strapped consumers pay.

H.R. 1470 also clarifies exactly what type of evidence is required to get a price-fixing case to a jury. If a discounter can show that he or she was cut off by a wholesaler who is responding to another retailer's complaint, then H.R. 1470 allows the case to go to a jury to determine if the law was violated. Such a rule is essential if we are to ensure that meritorious cases are not dismissed by a judge before a jury can hear them.

I'm happy to see that H.R. 1470 also includes a provision I offered 2 years ago—reaffirming that the intent of Congress is not to preclude summary judgments, but only to ensure that legitimate price-fixing allegations reach a jury for judgment. This amendment was offered as a compromise to Members worried that the evidentiary standard in the bill would open a floodgate of antitrust suits.

I would also like to commend the distinguished chairman of the Judiciary Committee, Mr. BROOKS, for removing maximum price setting from the bill's scope. This exemption does not condone all attempts to set a price cap, it merely allows judges to decide whether or not to apply the per se rule, depending on the facts of the case.

Indeed, there are also cases when maximum prices may actually promote competition. Newspaper publishers, for example, sometimes put a ceiling on what vendors can charge for newspapers in order to increase their circulation. This makes sense for publishers, who can raise advertising rates to make up for any revenue they lose from lowering their prices. But this maximum price policy is also good public policy: more people read newspapers at a lower cost per paper, and advertisers pay more but get more for their money. But if maximum prices are subject to a per se rule, a judge could be precluded from considering these types of procompetitive effects.

I understand that the Senate's retail price maintenance bill mandates that judges decide maximum price cases under a rule of reason analysis, enabling juries to weigh the procompetitive and anticompetitive effects of the maximum price at issue. I support the Senate's language, and I hope that the chairman will remain openminded about the issue.

Mr. Chairman, antitrust law may seem legalistic or philosophical to some, but what we do today can make a difference to the forgotten Americans—the victims of a recession that is immune to anyone's high poll ratings, the working men and women who rely on discounts to make it to the next paycheck.

Right now, thousands of Americans are watching us on C-SPAN, and millions more are depending on us to protect their rights as consumers and pass H.R. 1470. Without unduly restricting the practicalities of daily business, and without spending a dollar, Congress can provide a weapon to American consumers in their daily struggle to survive an increasingly tough economy.

I urge my colleagues to join with the distinguished chairman of the Judiciary Committee and vote for passage of the most important consumer legislation before us this year.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Chairman, today we debate a very complex issue, an issue that concerns Supreme Court opinions of over 80 years of age.

Mr. Chairman, it is important to understand what we are debating and what we are not debating. What we are debating today is whether to reverse a Supreme Court opinion from 1983. We are not today debating the wisdom of a 1911 Supreme Court.

Let me take a moment and give this background: The Sherman Act says that combinations, conspiracies, and agreements in restraint of trade are illegal. The normal concept that we have when we think about this is horizontal agreements, one oil company agreeing with another oil company as to what price to charge for oil.

In 1911, 21 years after the Sherman Act was passed, the Supreme Court had to deal with a question of a different kind of agreement, where a manufacturer says to a distributor, "This is the price at which I want you to sell my particular good."

That distinction has not been maintained in our discussions today or in committee. It seems as though, if we invoke the phrase "price-fixing," we conjure up something that is wrong and something that all of us would condemn, rather than recognize that that phrase is misapplied when we are speaking about a manufacturer's relationship to a distributor as opposed to one oil company agreeing with another oil company.

When the Supreme Court had this issue in 1911, it decided that a manufacturer could not force a distributor to agree on a particular price. But 7 years later, in 1918, the Supreme Court also held that it was entirely appropriate for a manufacturer to choose which distributors that manufacturer wished to deal with, even if the manufacturer wanted to make that distinction on the basis of which retailers would observe a particular price or not.

So a tension was set up: You may not be a manufacturer and force a distributor to abide by a particular price, 1911; but you may, with full right, suggest a price to a distributor and choose which distributors you wish to do business with, 1918.

That is the first confusion that needs clarification in today's debate.

The second is that there is a major difference in the way antitrust law has treated geographical limitations upon the ability of a manufacturer to distribute and restrictions that involve a price.

But it was not always so. The Supreme Court used to say that any agreement between a manufacturer and a distributor would fall under this condemnation. Then in the GTE-Sylvania case, referred to in 1977, the Supreme Court said:

> Now, wait a minute; if a manufacturer wants to restrict the territory in which a particular distributor carries on his or her business in order to get better product and better sale, so be it, that could be efficient.

And so the Court recognized a major distinction that has pervaded antitrust law ever since, between distinctions of a vertical nature and a horizontal nature.

Now, why might it be in the interest of the consumer to suggest a price? Why might it be in the interest of the consumer for a manufacturer to choose one particular distributor over another because this distributor happens to abide by a price suggested by a manufacturer?

The answer is that oftentimes, and particularly if you are small, if you are attempting to establish yourself in a market, a niche, you are new, you want to identify your particular product with a quality image. Oftentimes, the price at which you charge is symptomatic of the quality you wish to send to the individual consumer.

□ 1200

An example is Waterford crystal. They wish to send a high quality image, and so they choose retailers who are prepared to select a price that is higher rather than lower. Now that could be troublesome, if the particular manufacturer was a monopolist or dominated the market, but, if the manufacturer is small, it is one way of marketing their good.

Here is another example. I say to my colleagues, "You're a manufacturer of technical stereo equipment, and you believe that you have the best speaker system in the world, and you'd like to have consumers buy that product because it is the top quality speaker. But you're not going to sell it unless they are able to listen to that speaker and determine the quality of that product. So, you say, "I'm going to choose retailers who are going to hire the staff and maintain the quality personnel on hand to demonstrate my product, and I'm going to try to have consumers come in here and listen to my speakers." Now you know what happens. The consumer comes into that high priced, high quality store, listens to the speaker, sees how it works with the turntable, and the modulator, and the AM/FM receiver, and then says, "Oh, I forgot my checkbook. How late are you open tonight? I'll be back." He walks out of the store and goes down to Fast Eddie's, Crazy Eddie's, whatever the name happens to be in your neighborhood, and buys precisely the components of that speaker system that he or she finds out works from the high quality distributor, and in order to prevent that, if you want to market a top quality item with the service demonstration at the moment you buy it, you want to have a distributor there who is prepared to show that product, and you're destroyed, you're destroyed, if the person down the street is going to sell it in a box with no service at all, undercutting every effort by the original person you chose to distribute your products.

Mr. Chairman, the law was in a correct state. It does not need this bill to change it.

The Supreme Court recently had to deal with this case called Monsanto, which really gives rise to our discussion today. In Monsanto the issue was, as it always is in these cases, the decision to terminate a distributor because a manufacturer agreed with some other distributor to cut off this low priced person, which would be illegal, or was the decision of the manufacturer to terminate this distrbutor because the manufacturer thought that this distributor was not providing the kind of service that the manufacturer wanted?

Now that case would normally be decided in court. In this particular instance the Supreme Court held that, before one could condemn that manufacturer, they have to have evidence sufficient to exclude the possibility that the manufacturer just decided it on his or her own, which is exactly how it should be. Because, going back to 1918, that manufacturer has the right to select his or her own distributor.

But today's legislation would reverse that. Today's legislation would say that, if one distributor complains about another distributor, then that case must go to the jury. One cannot have it subject to a motion to dismiss, even if there is no other evidence that that one person complained against another. Well, complaints happen all the time, and so today we will be reversing a decision of the Supreme Court, a decision which correctly struck the balance, allowing evidence to be decided by a court, and instead deciding that, if ever there is any complaint, it must go to a jury for final determination even though it is overwhelmingly clear to the court that a manufacturer was simply preserving a quality distributor.

I will conclude with two last observations, Mr. Chairman. First, the Supreme Court case that this bill today reverses was unanimous. It was decided 8 to 0; one Justice did not participate. In that majority was Justice Brennan and Justice Marshall. We are not speaking about a conservative right-wing interpretation. We are talking about a unanimous Supreme Court interpretation including two of the more liberal Justices who have served on this court in the last 50 years.

Mr. Chairman, I will conclude with one other Justice, Oliver Wendell Holmes. In 1911, when the Sherman Act was interpreted to prohibit a manufacturer from agreeing with the distributor as to a price, Oliver Wendell Holmes dissented, and he said words that were true then and equally true now, and with these I conclude:

> There is no statute covering the case; there is no body of precedent that by ineluctable logic requires the conclusion to which the court has come. The conclusion is reached by extending a certain conception of public policy to a new sphere. On such matters we are in perilous country. I think that, at least, it is safe to say that the most enlightened judicial policy is to let people manage their own business in their own way, unless the ground for interference is very clear. * * *

So also today. Let manufacturers and distributors manage their own business in their own way.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I rise today in support of the Price Fixing Prevention Act and congratulate Chairman BROOKS on the fine work that he has accomplished.

This is a complicated legal issue that can be summed up in simple English: If you care about the way average working families live, if you care about their family budgets, you must make price fixing illegal.

But if you want to stick up for the big corporations, even if it means making the cost of living rise for average families, vote against the bill.

Retail competition has given working Americans the assurance that they have been getting a square deal since 1911, when Congress first passed legislation to stop unscrupulous merchants from joining conspiratorial agreements with manufacturers against their competitors.

Beginning with the 1980's, Americans no longer had that assurance. In the 1980's decade of greed, Americans understood the old credo of "get-rich-quick" had new respectability.

This administration, and the last one, let the Department of Justice turn a deaf ear to legitimate charges of price fixing and refused to bring a single case in the past 10 years.

And who suffers from such a policy? Working Americans who pay higher prices to clothe their children, and are struggling every day to provide the necessities of life for their families.

Now more than ever, we should be adopting this kind of consumer protection legislation so that meeting the family budget gets a little easier.

You know the numbers—we're in a recession. A lady stopped me in a store a while ago in St. Louis. She said:

> Congressman, what's going on here? I got a job and my husband has a job. We work hard every day for our kids. We can't afford to buy a new car. We can't afford our house payments. When are you guys in Washington going to start fighting for me?

Today would be a good day to start on an issue that sounds complicated but can be reduced to dollars and cents in the pockets of our constituents. Preventing resale price maintenance is about the simple concept of the consumer benefiting from open competition at the cash register.

We owe it to the American people to preserve the principles of free competition in the marketplace. I urge my colleagues to support the chairman and give the American people a fair deal.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am very pleased to support this excellent bill, and I congratulate the gentleman from Texas for bringing it forward.

Vigorous competition on the basis of price saves consumers billions of dollars a year and is a cornerstone of our free enterprise system. Congress recognized this when it repealed the Federal authority for State fair trade laws in 1975. The passage of H.R. 1470 will serve notice that the House of Representatives still believes it.

The Supreme Court's Monsanto and Sharp decisions in the 1980's significantly raised the burden of proof faced by discounters challenging supply cutoffs by manufacturers conspiring with competing dealers to maintain high and unchallenged retail prices. Discounters no longer have a fighting chance of winning antitrust actions, and manufacturers have become greatly emboldened in threatening terminations of supply. Unfortunately, examples are endless. A clothing manufacturer terminated its relationship with a discount chain because of pressure from a department store. A book publisher terminated a discount bookseller because of complaints by trade associations. A general merchandise discounter was threatened with a supply cutoff by appliance, computer, and toy manufacturers if it refused to increase catalog prices.

To combat these abuses, H.R. 1470 would codify the 80-year-old rule that vertical price fixing is per se illegal and would modify or overrule Monsanto and Sharp to the extent necessary to establish uniform and fair evidentiary standards in dealer termination cases. The other body has already passed such a bill. Let us acknowledge the good sense in this move, as we did just 1 year ago. By passing H.R. 1470 without any weakening amendments, we will declare that price fixing is not to be tolerated under any circumstances in America and we will be one step closer to winning a major victory for the consumers in our districts.

□ 1210

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. EDWARDS], chairman of a great subcommittee of this Committee on the Judiciary.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from Texas [Mr. BROOKS], the chairman of our committee, for yielding time to me, and he is to be complimented on guiding this bill through the full Committee on the Judiciary. It is a good bill, and it should be enacted. As our good friend, the gentleman from Illinois [Mr. HYDE], said, it should be enacted without any amendments because the amendments that are going to be offered are weakening amendments that would take the heart out of the bill.

Mr. Chairman, I wish to express my strong support for H.R. 1470, the Price Fixing Prevention Act of 1991. I also want to commend my chairman, JACK BROOKS, for his leadership in guiding this much-needed bill through the Judiciary Committee and onto the House floor.

Mr. Chairman, over the past 10 years, the Reagan and Bush administrations have failed to bring even a single case against the practice of resale price maintenance. Moreover, recent Supreme Court decisions have made it extremely difficult for a discount retailer to bring its own price-fixing action. As a result, suppliers and retailers have been free to carry out their own price-fixing schemes with little fear of prosecution, leaving the consumer to pay the inflated prices resulting from this practice.

H.R. 1470 puts the teeth back into our price-fixing laws. It reaffirms that minimum price fixing is a per se violation of the antitrust laws. The bill also clarifies the evidentiary standard so that discounters will have a realistic chance of getting their cases to a jury.

Mr. Chairman, I am also pleased that H.R. 1470 draws an important distinction between maximum and minimum resale price maintenance. Suppliers often require a wholesaler or retailer to pass along their goods below a certain price. This pricing strategy, which a supplier pursues in order to increase its retail sales volume, can also benefit the consumers who are able to buy at the discount price. As long as a maximum retail price maintenance scheme is pursued for pro-competitive purposes, it should not be subject to the per se requirement contained in H.R. 1470. It is fitting that the bill specifically exempts maximum retail price maintenance agreements from its coverage.

Mr. Chairman, the heart of our free market system lies in competition aimed at giving the consumer the benefit of the lowest price. H.R. 1470 will reaffirm our Government's commitment to insuring that prices are set based on competition and not through anticompetitive conspiracies between suppliers and retailers. I urge my colleagues to support the bill.

Mr. BROOKS. Mr. Chairman, I want to thank the gentleman from California [Mr. EDWARDS] for his support for this important legislation, and I would like to say that the gentleman is right on target in his description of the distinction drawn in the bill between maximum and minimum retail price maintenance.

Mr. EDWARDS of California. Mr. Chairman, I thank the chairman of the committee for his observations on that particular part of the bill.

The CHAIRMAN. The Chair will state that the gentleman from New York [Mr. FISH] has 7 minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 11 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I thank the chairman of the committee, the gentleman from Texas [Mr. BROOKS] for yielding me this time, and I want to commend him for his efforts on this important piece of legislation.

Mr. Chairman, vertical price fixing costs consumers billions of dollars a year, and the motivating factor in this legislation is to save dollars for consumers. In these difficult economic times that is one of the most important missions we have here in the U.S. Congress.

The effects of this bill will be felt by all those people throughout the United States who will be able to get products at cheaper prices, who will be able to reap the benefits of a truly competitive economic market.

Consumers deserve to have this benefit. They deserve to have the ability to shop around and find the lowest prices and buy at those lowest prices.

This principle that vertical price-fixing is per se illegal was established in 1911. Recent Supreme Court cases, however, have drastically reduced the practical effect of this long-term ruling of the U.S. Supreme Court. The Monsanto case and the Sharp case taken together virtually provide that an individual must prove a specific price was fixed to prevail, and that is not going to happen. What is going to happen, though, is that those aggressive businesses, particularly small businesses that want to go out and compete in the market and want to observe the traditional laws of supply and demand and come up with lower prices, will be quickly shutoff from supplies, and the effect will be that consumers cannot reap the rewards in a truly competitive market.

H.R. 1470 will redress that imbalance. It will restore the law to a position in which consumers benefit from the law and are not punished by it. Ultimately, today's actions are an index of how we feel about competition. If we believe competition truly should be the rule of our marketplace, then we will support H.R. 1470, which will make vertical price-fixing per se illegal. If we do not have faith in competition, if we believe that big companies should still be able to operate without the threat of antitrust suits for vertical price-fixing, then we will not support H.R. 1470.

Today, Mr. Chairman, I propose that we vote for consumers, that we vote for competition, and that we vote for H.R. 1470.

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this debate demonstrates that clever labels are one thing—but its what's inside the package that really counts. The title of this legislative package is, in short, a misnomer.

I say this because no one believes or argues that manufacturers and retailers should be allowed to conspire and fix prices. Price fixing—both vertical and horizontal—is per se illegal right now. In fact, vertical price fixing has been illegal since 1911. We don't need a new statute to tell us what is already the law.

Instead, H.R. 1470 would invent anticompetitive conspiracies out of innocent and lawful business decisions. What H.R. 1470 is really about is altering evidentiary requirements in certain complicated antitrust cases—those in which it is alleged that a dealer's termination by a manufacturer occurred in furtherance of a resale price maintenance scheme. The legislation would create an inference (or legal presumption) that a price fixing conspiracy occurred when, in fact, no such conspiracy may ever have taken place. As drafted, H.R. 1470 could easily result in courts and juries misinterpreting and treating many innocent and completely lawful business decisions as vertical price fixing conspiracies.

Mr. Chairman, I ask the question, what would be the results of this legislation?

The bill will inhibit manufacturers from terminating dealers who provide inadequate service or otherwise violate the terms of their contracts. Small independent dealers are also likely to suffer under this legislation, because manufacturers would have an incentive to open up their own distribution centers to ensure that adequate services are offered along with their product. Manufacturers are rightly concerned about the reputation and goodwill surrounding their products. Make no mistake about it, product reputations are made in the retail marketplace.

Unfortunately, the bill asks Congress to pick sides in antitrust litigation. It will unfairly tilt proceedings in favor of a plaintiff—that is a discontinued dealer—merely upon the dealer's allegation of an antitrust violation. The unilateral decision of a manufacturer to select its own retail outlets is currently protected by the antitrust laws and has been since 1919. *U.S.* v. *Colgate*, 250 U.S. 300, 307 (1919). But certain advocates of H.R. 1470 intend to change that situation by essentially overruling portions of the Colgate doctrine. What some proponents want from this legislation is to use the antitrust laws to gain more economic and legal leverage so that they can force a manufacturer to sell his products to them.

Contrary to what has been said in this debate, this bill will not help consumers. In fact, in significant ways, it is anticonsumer. For example, it could very well harm purchasers of products that require special servicing and marketing. If it is enacted, buyers can expect to receive less warranty protection and less repair service than is now the case. If you are purchasing a personal computer, a VCR, or a camera, warranty protecting a personal computer, a VCR, or a camera, warranty and repair service is a vital element of that purchase. This legislation could undermine the incentive to provide those additional services with these types of technical and complicated products.

Mr. Chairman, if the current legal climate is so negative for discount stores, then why are the discount stores doing so well? Article after article in national magazines note that the discount stores are thriving—and document the obvious fact that discounters are continually taking market share away from the downtown department stores and the traditional main street retail outlets. If the current law is such a problem, why are they thriving?

Some would have us believe that a vote for this bill is a vote for discount prices. This is not only inaccurate—it is a ludicrous way to argue for a new antitrust law. In reality, this bill is about giving one side an advantage in litigation. It unfairly presumes a vertical price fixing conspiracy has occurred in every instance where a retail dealer is terminated by his manufacturer-supplier. Such a presumption defies everyday business reality and common sense. The bottom line is that this bill will cost us more money—both as taxpayers and consumers.

This legislation means more lawsuits and more cases going to trial. I regret to advise my colleagues that this bill is intended to have that very effect. Antitrust litigation is by its very nature lengthy and time-consuming. Typically, these cases take years to resolve. What the advocates of H.R. 1470 know, is that if these weak cases get by preliminary motions for early dismissals—that is, motions for summary judgment—then the timeframe itself will force manufacturers to agree to a money settlement. Meanwhile the backlog of civil cases in our Federal courts continues to mount and worsen.

The legislation is opposed by the Department of Justice and the Federal Trade Commission. If it reaches the President's desk in its current form, a veto of H.R. 1470 will be recommended by his senior advisers. Further, it is opposed by a variety of manufacturing and various business trade associations including the Chamber of Commerce, the National Association of Manufacturers, the NFIB, the Business Roundtable, the Computer and Business Manufacturers Association, as well as a number of retail groups. In addition, it is opposed by the highly respected American Bar Association and the antitrust section of the city bar of New York. I think it is particularly noteworthy that these two organizations are unequivocally opposed to H.R. 1470—because they are the most qualified to understand its real consequences.

Later in the debate, Mr. Chairman, I shall introduce letters for the Attorney General.

The Federal Trade Commission is in opposition to H.R. 1470.

Perhaps the best way to demonstrate the practical unfairness of this legislation is to refer to a letter I received from a small manufacturer in Tennessee. He writes: "It is difficult to understand why a manufacturer should be forced to sell to any retailer who wants his product, while the retailers have no obligation to buy from the manufacturer." We can quote all the antitrust jargon and case law we want on both sides of this issue. But the fairness question posed by that small Tennessee manufacturer is the one that Congress really ought to consider.

If H.R. 1470 as reported by the House Judiciary Committee is enacted into law, then Congress will have created a legal situation that will result in serious and costly harm to thousands of businesses—manufacturers and retailers—all across this country. The bill would establish a statutory presumption of unlawful price fixing and, as a result, weaken evidentiary standards in complex antitrust cases dealing with resale price maintenance. The bill would encourage plaintiffs to bring antitrust suits that would not be filed today.

This bill is identical to legislation that—when it was considered on this floor last year—received "nay" votes from 157 Members of this House. This legislation again is a likely target for a Presidential veto. It means more litigation and more big dollar settlements. It will not keep prices low. In fact, quite the opposite will happen. In my view it is unwarranted, ill-advised, and unfair. If amendments to be offered later by myself and the gentleman from California [Mr. CAMPBELL] are not adopted, I urge my colleagues to oppose this legislation.

□ 1220

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, it has been a source of great disappointment to me that as we have watched the sale of many of our major assets—Columbia Pictures, MCA, and now, possibly, Time Warner to Japanese interests that no public action has been taken on the part of the Justice Department or the Federal Trade Commission, to even question the antitrust implications of these actions.

Therefore, I am not surprised that Chairman BROOKS and Congressman HYDE—two of the most respected of the constitutionalists in Washington—feel so strongly that certain provisions of Sherman Antitrust need to be reasserted by the Congress in this legislation.

The very existence of strong antitrust legislation going back to the turn of the century speaks to the never changing temptation of producers to control their markets. At the time of the original Sherman Antitrust, the action grew out of practices developed through our own industries.

Now, however, in the U.S. marketplace—which is growing ever more international—this action is necessary to counter foreign marketing practices which in many instances are not illegal in other nations. The nation most noted for vertically integrated corporations is Japan. Its keiretsu system offers classic examples of not only vertical integration, but in many instances—horizontal integration.

It is fine for Japan. It, seemingly, has worked very well for Japanese business interests, but—the Japanese consumer has been notoriously shortchanged in the process.

I think it appropriate—and timely—to reassert U.S. law and practices with this new legislation. It is impressive to me that attorneys general of 48 States support this law. These are the people who are on the front line. These are the officials charged with upholding the Federal law in the States, in absence of appropriate Federal action and, it is obvious, that they are asking for our help.

Let's give it to them today. Let us pass H.R. 1470.

Mr. GILMAN. Mr. Chairman, I am pleased to rise in support of H.R. 1470, the Price Fixing Prevention Act, which would adjust the antitrust laws so as to make them more consistent with their purpose, and with judicial interpretations as well as congressional intent. I would also like to commend the distinguished chairman of the Judiciary Committee, the gentleman from Texas [Mr. BROOKS], and the distinguished gentleman from Illinois [Mr. HYDE] for their efforts in bringing this measure to the floor.

Mr. Chairman, price competition is the lifeblood of our economy. It is hard to imagine a better way for a new, struggling company to enter the market than to engage in competitive pricing. Moreover, our Nation's consumers should be able to obtain the best price available.

This bill, which removes any doubt that vertical price fixing is a per se violation of the antitrust laws, would safeguard price competition throughout the Nation.

There is no basis for the major criticism against this measure, which is that price fixing is necessary in order to ensure that retailers will provide all the services that the manufacturer desires; such as attractive showrooms and personal customer service. In 1977, the U.S. Supreme Court ruled that a manufacturer could require retailers and distributors to provide every service it desired to be associated with its goods, but it could not dictate the retailer's prices.

Any retailer who fails to follow the manufacturer's wishes regarding the distribution of its merchandise can still be cut off whenever the manufacturer so desires; H.R. 1470 does not affect a manufacturer's right to terminate distribution under these circumstances.

Mr. Chairman, I strongly urge my colleagues to vote in favor of this measure, which preserves the very basic goals of our market economy: that supply and demand will dictate prices and that competitive pricing will lead to the least waste for manufacturers and the best buy for consumers.

Mr. ATKINS. Mr. Chairman, I rise today in support of H.R. 1470, the Price Fixing Prevention Act of 1991. This bill will overturn a Supreme Court decision which modified the rule that agreements between suppliers and dealers to maintain a preset price is automatically illegal.

H.R. 1470 is critically needed to protect both consumers and competitive retailers against a practice known as vertical price fixing. Such a conspiracy typically occurs when a full-price retailer complains to a manufacturer about a discount retailer's competitive pricing. The threats from a full-price retailer generally involve a refusal to sell the manufacturer's products unless the manufacturer cuts off the discounter. As a result of such a conspiracy, shoppers are forced to pay inflated prices, and retailers are deprived of their freedom to compete.

Mr. Chairman, in an editorial in favor of H.R. 1470, the Boston Globe stated that "free enterprise is a constant war between the desire to maximize profits and the desire to maximize sales through various incentives," including price. The Globe then went on to say that free competition cannot exist if manufacturers and their retail distributors are protected from price cutting by competing retailers. This is exactly what H.R. 1470 seeks to prevent.

This bill, however, does not create new law. Rather, it reaffirms and clarifies existing law in light of two Supreme Court decisions. In the 1984 Monsanto decision, the Supreme Court made statements interpreted by lower courts to mean that in order for the terminated discounter to have its day in court, it had to furnish evidence not only proving its own case but also disproving the manufacturer's justification for terminating the discount retailer. In short, the Monsanto decision placed a virtually impossible burden on discounters to get to trial.

In the 1988 Sharp decision, the Supreme Court held that there was no violation of the law unless the manufacturer and the retailer had agreed to set a specific price as part of their conspiracy. Since conspirators are smart enough not to engage in such simplistic practices, the effect of the Sharp decision has also been to create an insurmountable burden on discounters.

H.R. 1470 is a proconsumer measure. The bottom line for my support of this bill is because the present economic uncertainty in the State of Massachusetts has made it particularly important to protect consumers and value-oriented retailers in addition to keeping prices low. Price competition is the most prominent feature of modern retailing and should be preserved. That is why I am a cosponsor of H.R. 1470. I urge my colleagues to join me in passing this important proconsumer legislation intact.

Ms. PELOSI. Mr. Chairman, I rise today in support of H.R. 1470, the Price Fixing Prevention Act. As a strong advocate of proconsumer initiatives, I am pleased to be a cosponsor of this important bill which will restore to American consumers and competitive retailers essential protection against a form of price fixing known as resale price maintenance [RPM].

RPM conspiracies often begin when a full-price retailer complains to a manufacturer about a discount retailer's competitive pricing and threatens to stop selling the manufacturer's products unless the manufacturer stops supplying the discounter. If the manufacturer cooperates, consumers are victimized by artificially created inflation.

For a decade, our colleagues here in Congress have been working to craft a careful bill to address this problem. I would like to commend Chairman BROOKS and Mr. HYDE for their efforts and their success in bringing H.R. 1470 to the floor for consideration.

Consumers depend on price competition to create bargains. When RPM occurs, consumers are forced to pay a kind of price fixing premium on goods in almost every area of the retail market, including children's clothing, furniture, and sporting goods.

We will hear today from opponents of this bill that higher prices are good for consumers because they ensure a higher level of service. But, many consumers want the right to choose low prices because they need low prices.

If a manufacturer wants to ensure that a certain level of service is provided with a product, he or she can take other actions which do not penalize consumers. Including the requirement for a certain level of service in a contract for the purchase of goods is more efficient, and fairer, than fixing an artificially higher price and hoping that the added income goes to service, not to profit margins.

H.R. 1470 is an important piece of proconsumer legislation which protects price competition and ensures that manufacturers cannot be strong-armed by high-price retailers into cutting off valued customers.

I urge my colleagues to support this bill and to oppose all weakening amendments.

Mr. SYNAR. Mr. Chairman, price fixing, or resale price maintenance always has been considered to be anticompetitive in the American marketplace. Pressure brought by a manufacturer against a retailer to sell at a nondiscount rate cannot be permitted. Such activity is—plain and simple—an antitrust violation.

H.R. 1470 makes it clear that practices that lead to the termination of a retailer for offering discount prices will be able to be reviewed in court. The bill sets up new evidentiary standards that ensures that cases are not prematurely dismissed.

This is not a new issue. Congress has made it clear before that it does not approve of resale price fixing. In 1976 it repealed a law which permitted States to allow price fixing within their borders. Until the Reagan administration, retail price fixing was investigated and cases were brought against manufacturers by the Justice Department.

At some point competition and the consumer became casualties of the administration's attitude. We need to ensure that competition continues to thrive. That is the only way that we serve both business and the consumer.

Mr. GOODLING. Mr. Chairman, I rise in support of H.R. 1470, the Price Fixing Prevention Act of 1991. I want to congratulate Chairman BROOKS and Congressman HYDE and others for their time and effort in fashioning this legislation which rededicates the Federal Government to its longstanding opposition to resale price maintenance.

Resale price maintenance in its unvarnished form, is nothing more than price fixing and comes about when a manufacturer requires its distributors to agree to charge certain prices for goods or services and thereby eliminates price competition to the ultimate consumer.

As early as 1911, the Supreme Court struck down such a scheme as illegal "per se" in Dr. Miles Medical Company versus John Park and Sons. Justice Charles Evans Hughes concluded in that decision:

> The complainant having sold its products at prices satisfactory to itself, the public is entitled to whatever advantage may be derived from competition in the subsequent traffic.

This simple and effective rule has served us well for over three-quarters of a century, and today we are merely reaffirming it.

The bill before us codifies this rule and clarifies some evidentiary ambiguities that have arisen since recent Court decisions in the Monsanto and Sharp decisions.

There is concern that the bill could result in juries misinterpreting the treating many innocent and completely lawful business practices as vertical price fixing. However, the legislation makes it clear that the plaintiff must prove there was a communication from a competitor of the claimant to the supplier regarding price competition and in response to the communication the claimant was terminated.

While I would support additional amendments to address some of the other concerns of the business community, I am pleased with this particular legislation of what I consider a proconsumer and probusiness bill.

I urge my colleagues to join me in supporting H.R. 1470.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 1470, the Price Fixing Prevention Act of 1991. This bill, which I have cosponsored, would codify a portion of a 1911 Supreme Court ruling that said it was illegal for manufacturers and retailers to conspire to fix the prices consumers pay.

Most businesses have accepted this principle for decades, but in the 1980's price-fixing schemes proliferated amid lax enforcement by the Justice Department and two Supreme Court rulings that made it harder to prove price fixing.

In recent years, many discount stores have fallen victim to formal or informal price-fixing schemes designed to hike the profits of selected manufacturers and retailers. Businesses which sell items below these fixed prices often find that manufacturers will no longer provide them with merchandise.

Mr. Chairman, the practice of price fixing is a consumer ripoff. One estimate has placed the yearly cost to consumers at $23 billion. That is intolerable, especially during a recession that has left nearly 8 million Americans jobless.

H.R. 1470 will help curb this crime against consumers by enabling judges to decide when charges of price fixing merit a jury trial. This bill will encourage businesses to compete solely on the basis of price, quality, and service. I urge my colleagues to support H.R. 1470.

Mr. RICHARDSON. I rise today to express my strong support for the Price Fixing Prevention Act of 1991. This legislation seeks to eliminate retail price fixing which has plagued the American consumer for the past decade.

Despite legislation passed by Congress during the seventies prohibiting price fixing laws, the Supreme Court and the Justice Department have recently indicated that the practice of retail price fixing is permissible. But I, along with many of my colleagues, disagree.

H.R. 1470 reasserts the right of discounters to offer name brand products at a cut rate price and the right of consumers to choose from a variety of retailers. In a time of recession, this is particularly important. Consumers, with mortgages, college tuitions, and other payments looming overhead, cannot afford to be further burdened by the demands of higher priced retailers. In the State of New Mexico, many people on low or fixed income rely heavily on discount retailers for such essentials as clothing, furniture, and appliances. It is unfair for higher priced retailers to force consumers to pay for frills they do not want.

This legislation seeks to revitalize healthy competition between retailers. While we seek to open free markets across the globe, it is ironic that retail price fixing has been tolerated during the past decade in our own country. Retail price fixing must be eliminated in our own economy to encourage competitive practices at home and abroad.

Finally, this legislation has been carefully crafted to maintain the rights of suppliers. Suppliers will continue to be able to pick and choose their retailers and arbitrate the terms of their contracts to demand the conditions under which their product will be sold.

I feel that this legislation will be tremendously beneficial to consumers, discount retailers and the economy as a whole. I am proud to lend my support to this important legislation and I urge my colleagues to do the same.

Mr. CONYERS. Mr. Chairman, we have before us today a piece of legislation addressing vertical restraints under the Sherman Act. This legislation is made necessary by the neglect of the Justice Department under both the Reagan and Bush administrations. With no enforcement of price-fixing prohibitions, manufacturers have been permitted to bypass the law and set artificially high prices for consumer goods.

Although resale price maintenance has been illegal for many years, the increasingly conservative Supreme Court has chipped away at the Sherman Act by redefining some of the key elements of price-fixing cases. Historically, it was possible to prove a price-fixing conspiracy with evidence of communications regarding price competition, and subsequent contract termination and refusal to supply; however, in the Monsanto ruling, the Supreme Court decided that "something more" is needed. This current price-fixing legislation before us is needed to clarify the evidentiary burden on the claimant. In the other damaging precedent, the Sharp decision, the Supreme Court narrowed the definition of "price" to be a specific dollar amount or price level—clearly, this allows manufacturers to bypass the intent of the law by utilizing euphemistic industry terms and various price formulas. The result of the combined damage wrought by these decisions, is that the manufacturing industry has had carte blanche in setting and maintaining artificially high resale prices.

These Supreme Court cases, combined with a lackadaisical Justice Department seemingly uninterested in enforcing the antitrust laws, have had a disturbing effect. In the past 10 years, as the burden on plaintiffs has continuously increased, we have seen the number of private claimants plummet. One can conclude that the judicial balance has been tipped so far in favor of big business, that the victims of price fixing would rather comply with the financial demands than go to Court. This imbalance not only victimizes those retailers and distributors with legitimate claims, it also victimizes the American consumers by forcing them to pay artificially high prices for products.

The Price Fixing Act of 1991 will eliminate many of these problems. It clearly reestablishes the elements of price-fixing cases as intended by the Sherman Act. If there is sufficient evidence that one party has tried to control price competition of certain products by communicating with other parties, and those particular communications have lead to contract terminations and refusals to supply to other market participants, then a Court can properly infer an antitrust violation. This bill also clarifies the definition of "price" in price-fixing cases. Since few manufacturers would be foolish enough to blatantly violate the law by setting an actual dollar amount, this legislation recognizes that manufacturers may not bypass the law by using formulas, industry terms, or other devices to set, change, or maintain prices. Quite simply, everyone, at every stage from manufacturer to retailer, should be free to provide goods and services at the best possible price they can.

In each of the past 5 years, legislation similar to that in front of the committee today has been effectively stopped by succeeding administrations unwilling to put the reins on big business. And in each of the past 5 years American consumers have been left with the nagging feeling that they are being duped into paying more for products than they should. Once again, this administration has the opportunity to support and enforce our antitrust laws. I invite President Bush to stand with us in doing something positive for our economy, something fair for all businesses, something right for all Americans.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today to urge my House colleagues to support the passage of H.R. 1470, the Price Fixing Prevention Act of 1991.

As our Nation's economy struggles to return to economic growth, American consumers are frequently turning to discount merchandisers to find the products they need at prices which fit their budgets. Pending on the floor today is a piece of legislation which will offer consumers real protection against anticompetitive practices—such as vertical price fixing—which hamper the ability of discounters to provide goods at attractive prices.

Basically, vertical price fixing occurs when a manufacturer dictates the price a retailer may charge when marketing the manufacturer's goods. While the manufacturer considers this situation a resale price maintenance agreement, I consider the practice a restraint of trade. I believe that if the retailer purchases the goods from the manufacturer, the retailer and the free market should determine the price offered to the consuming public.

Nevertheless, Mr. Chairman, H.R. 1470 was drafted to address a far more ominous situation. Some full price retailers refuse to compete with discounters and complain to the manufacturers who supply both with products. In some circumstances, the full price retailer may be powerful enough economically to convince the manufacturer to drop the uncooperative discount retailer and stop supplying the products. This form of economic conspiracy leads to discounter termination and higher prices for the consumer.

This is not a distant economic or legal theory, it has indeed occurred in my home State of New Jersey. A major department store demanded that a manufacturer halt the delivery of a product to a discounter who was underpricing the department store. The manufacturer—fearing the loss of this nationwide department store as a customer—dropped the discounter and refused to supply it with their products. Likewise, the discounter—fearing the loss of the manufacturers' goods in all of its stores—complied with the demand and stopped selling those goods which undercut the department store.

Unfortunately, during the 1980's, two Supreme Court decisions made it very difficult for a retailer to bring suit against a manufacturer alleging any illegality under current anti-trust laws. The Monsanto and the Sharp Electronics cases created special loopholes which enhanced the ability of manufacturers to set retail prices. Mr. Chairman, the House must pass H.R. 1470 to overturn these two Supreme Court decisions so that new evidentiary standards can be used to end vertical price fixing.

Respected organizations such as the National Association of Attorneys General and Consumer Union fully agree with this effort and support the enactment of H.R. 1470. I urge my colleagues to examine the facts in this matter and vote in favor of this proconsumer, procompetition legislation.

Mr. SMITH of Florida. Mr. Chairman, it is important to remember why we are considering H.R. 1470, the Price Fixing Prevention Act.

Congress enacted antitrust laws to help the consumer by protecting competition and preventing monopoly. Congress and the Supreme Court have determined that fixing prices artificially is illegal. One way manufacturers and retailers fix prices is through vertical price fixing, or resale price maintenance—requiring a minimum selling price by the retailer.

In 1911, the Supreme Court ruled against this practice. In 1975, Congress adopted legislation that ended the antitrust exemption for State so-called fair trade laws, laws that permitted minimum selling prices. That should have put an end to the problem.

Yet, price fixing continues in at least one pernicious way.

In recent years, the Supreme Court has issued several rulings that have made it almost impossible for an adversely affected company to obtain relief from companies engaging in price fixing. The Court's decisions generally allow the alleged price fixer to obtain summary relief before all evidence has been presented to the court.

If a company wishes to have a price-fixing case heard in court, it must meet two criteria. The agrieved company has to prove that it has not engaged in any improper activities and that the price fixers agreed to set a specific price. The latter, I contend, is an almost impossible standard to meet. Only fools fix prices before witnesses.

If a case does make it past this preliminary stage, the plaintiff company still has to prove its case. But, given the law today, the chances are that these cases will not get this far.

Consequently, price-fixing cases are becoming more and more difficult to prove, not because a price-fixing conspiracy did not occur but rather because the hurt party cannot present its complete case in court.

As I did in 1990, I want to present an example of the problem:

I want to talk about Xanadu Electronics, which sells to both Overpriced Ltd. and Too Cheap, Inc. Too Cheap is a discount retailer that makes money, even though its prices are less than those charged by the multi-product-selling Overpriced chain.

One day, an Overpriced VP tells a Xanadu executive that Too Cheap is murdering Overpriced in a few markets. A moment or two later, the Overpriced VP mentions that he might have to reduce the amount of space provided for Xanadu products in Overpriced stores nationwide. A few days later, Xanadu cuts off Too Cheap.

Now, Mr. Chairman, a rational person might reach two conclusions from this scenario: First, Xanadu's action bore no relation to the conversation that occurred between Xanadu and Overpriced; or second, Xanadu cut off Too Cheap to assuage Overpriced and to keep Overpriced business.

Without more evidence, even I cannot tell you exactly what occurred. And that is precisely the problem that H.R. 1470 seeks to overcome.

Under current law, no judge or jury would hear any additional evidence to decide whether an illegal price-fixing conspiracy occurred. If they applied the Court's decisions, the courts in all probability would be required to toss out Too Cheap's suit against Overpriced and Xanadu in a preliminary stage of judicial proceedings.

The question that each Member must decide today is how to best protect the ability of consumers to obtain the goods they need at prices they can afford.

Current law restrains discount sellers and protects high-priced competitors. If there exists evidence that could support a conclusion that Xanadu and Overpriced conspired to fix prices, then the trier of fact should reach that conclusion after all evidence has been presented and rebutted.

H.R. 1470 levels the playing field. It does not change any underlying antitrust law. Remember, the discounter still must prove an antitrust case. H.R. 1470 merely eliminates a procedural obstacle that has assisted those who artificially raise the price of consumer goods.

Let me make one final point: Vertical price fixing means fewer discount retailers; fewer discounters mean fewer options for consumers; fewer options means fewer goods will be sold; fewer goods sold—and manufactured—mean fewer jobs for Americans.

I urge my colleagues to support the working men and women who already must scrimp and save for every bargain. During a recession, consumer spending is reduced significantly or else confined to lower priced items. If the merchandise of discount retailers can be eliminated by a price-fixing conspiracy, then even less money will be spent on consumer items. Less consumer spending means a slower recovery. Consequently, opposition to the committee's bill is opposition to economic growth.

We must pass H.R. 1470.

Mr. BROOKS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired for general debate.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by sections, and each section is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Price Fixing Prevention Act of 1991".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. EVIDENTIARY STANDARDS IN FEDERAL CIVIL ANTITRUST ACTIONS RELATING TO PRICE FIXING.

(a) In any civil action based on a claim arising under section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3) and alleging a contract, combination, or conspiracy to set, change, or maintain prices (other than a maximum price), evidence that a person who sells a good or service to the claimant for resale—

(1) received from a competitor of the claimant a communication regarding price competition by the claimant in the resale of a good or service, and

(2) in response to such communication terminated the claimant as a buyer of a good or service for resale, or refused to supply to the claimant some or all of such goods or services requested by the claimant,

shall be sufficient to raise the inference that such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section. For purposes of this subsection, a termination or a refusal to supply is in response to a communication if such communication is a substantial contributing cause of such termination or refusal to supply. Nothing herein shall preclude the court from entering judgment in favor of the defendant, at trial or prior thereto, if the court determines on the basis of all the evidence and pleadings submitted by the parties, in accordance with the Federal Rules of Civil Procedure and the requirements of this subsection, that no such inference of concerted action can reasonably be drawn by a trier of fact.

(b) In any civil action based on a claim arising under section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3), and alleging a contract, combination, or conspiracy to set, change, or maintain prices, the fact that the seller of a good or service and the purchaser of such good or service entered into an agreement to set, change, or maintain the price (other than a maximum price) of such good or service for resale shall be sufficient to constitute a violation of such section. An agreement between the seller of a good or service and the purchaser of such good or service to terminate another purchaser as a dealer or to refuse to supply such other purchaser because of that purchaser's pricing policies shall constitute a violation of such section, whether or not a specific price or price level is agreed upon.

The CHAIRMAN. Are there any amendments to section 2?

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 2, line 15, strike "price competition" and insert in lieu thereof "the price or prices charged".

On page 2, line 16, insert "requested termination of the claimant" after the comma and before "and".

On page 2, line 17, strike "in response to" and insert in lieu thereof "because of and in agreement with".

On page 3, line 7, strike "in response to" and insert in lieu thereof "because of and in agreement with".

On page 3, lines 8-9, strike "a substantial contributing" and insert in lieu thereof "the major".

Mr. FISH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Chairman, this amendment would revise and clarify the language in section 2(a) of H.R. 1470, dealing with the Supreme Court decision in Monsanto Co. versus Spray-Rite Corporation.

My continuing concern is that the language in H.R. 1470 is overly broad and ambiguous. It would create potential treble damage liability in situations that do not, in fact, involve anticompetitive activities. A manufacturer can have valid reasons for terminating a retail dealer—reasons that have nothing to do with the retail price of the product. For example a retail outlet may be terminated for not advertising a product as agreed upon; for failure to provide adequate repair or warranty service; for failure to hire trained sales or service personnel; for failure to properly display the products of the manufacturer; or simply because its sales are poor. All of these are lawful and legitimate nonprice reasons. Terminations based upon such reasons do not violate the antitrust laws.

Manufacturers have a legitimate right to be concerned about the impact that retail outlets can have on the reputation and goodwill that surrounds their products in the marketplace. My amendment is intended to prevent the possibility that a defendant manufacturer could find itself in Federal court having to disprove an alleged antitrust conspiracy, even though its motives and actions had nothing to do with price fixing. The fact of the matter is, that Congress shouldn't be micromanaging evidentiary standards in these complex, fact-based cases at all.

It is important to understand that when a price-fixing allegation is made under the antitrust laws—a plaintiff must show there was an agreement or conspiracy among two or more participants. Unilateral action is not and, logically, cannot be a violation. A key problem with the language in this bill is that it will be interpreted to mean that no proof of a conspiracy is necessary in a dealer termination case. I know of no instance where a court has found a Sherman Act—section 1—or Clayton Act—section 3—violation without proof of a conspiracy. We should not imply that less would suffice in the cases covered by this legislation. The result of the language now in the bill will be to prolong and extend unjustifiable litigation.

Unfortunately, the language of H.R. 1470 blurs the distinction between price and nonprice restraints. If it becomes law, it clouds and confuses rather than clarifies. The language in section 2(a) simply has to be "cleaned up" and made more explicit as to its exact purpose.

My amendment would insert clear and readily understandable language into an otherwise difficult to decipher bill. For example, instead of the vague and confusingly neutral term "price competition"—I suggest that it be replaced with "the price or prices charged." A discussion between a manufacturer and retail outlet about price competition does not necessarily connote that they talked about the claimant-dealer's discount prices or about his potential termination.

The language on this point needs to be more apparent and exact, as to what we intend to cover. The substituted language from my amendment is plain and understandable—that is, the communication from the competing dealer to the manufacturer was about the actual price or prices charged by the ultimately discontinued dealer—the claimant.

Further, my amendment makes it clear that as part of the communication from the competing dealer—or dealers—to the manufacturer, that termination of the claimant was specifically requested. That is the core issue in this legislation—whether or not there was an attempt by other dealers to influence and/or pressure the manufacturer into terminating the claimant-dealer—as an outlet for the same product or products in question.

Furthermore, the language of my amendment resolves and clarifies additional, ambiguous terminology in section 2(a). Instead of the phrase "in response to", my language states that the termination occurred "because of and in agreement with" the communication from the competing dealer. "Because of" obviously connotes causation—so that it becomes apparent that the communications from the other dealers were the principal or major reason for the termination. "In agreement with" reflects traditional antitrust terminology, making it clear that there has to be actual evidence of a price-fixing conspiracy—an agreement—between the manufacturer and the other complaining dealers.

I would ask my colleagues to analyze the language of my amendment and compare it with the vague and ambivalent language presently in section 2(a) of H.R. 1470. If in fact we are talking about antitrust conspiracies, then the bill ought to say just that. We ought to be clear and unambiguous about causation. We ought to be clear and unambiguous about conspiracy.

My amendment, then, would require some preliminary showing of a conspiracy—an agreement—between the defendant-manufacturer and another dealer. So, before the plaintiff would be able to defeat a motion for summary judgment, there would have to be some evidence of a conspiratorial agreement. Further, my amendment would make it explicitly clear that the claimant's termination occurred "because of" that conspiracy. The conspiracy would have to be "the major cause" of the termination. Through these changes, the Fish amendment would resolve the confusion and concern prompted by the vague, ambiguous language currently contained in section 2(a) of H.R. 1470.

Under my amendment, an inference of price-fixing could only be raised in a resale price maintenance termination or supply case if: First, the plaintiff-dealer can demonstrate evidence that a conspiracy occurred; and second, a direct casual link between that conspiracy—agreement—and the manufacturer's ultimate decision to terminate the claimant-dealer.

If Congress chooses to legislate on the evidentiary standard for dealer termination cases, then we cannot ignore the fundamental elements for proving a violation of the Sherman Act or the Clayton Act. In a price fixing case there has to be some evidence of a common design—an agreement. My amendment would ensure legal consistency and fairness.

Last year, my amendment was narrowly defeated on a 204-192 rollcall vote and this legislation did not become law in the last Congress. This year, I again strongly urge this House to adopt my approach. An "aye" vote is a vote for a bill we can all read and understand. An "aye" vote means fairness for litigants on both sides of this issue. These language changes are essential for this bill to achieve widespread acceptance. I strongly urge the adoption of my amendment.

□ 1230

Mr. BROOKS. Mr. Chairman, I move to strike the last word.

I must oppose the gentleman's amendment because—with immaculate, surgical precision—it completely guts the heart of the legislation to prevent price fixing in America.

At one time—not many years ago—the gentleman joined his judiciary colleagues, such as Mr. HYDE, in helping frame, through a set of compromises, the very language that is before us. But, his amendment would now enshrine the very Supreme Court decisions that have made vertical price-fixing cases virtually impossible to bring, or to be heard by a jury. That is unfortunate.

His amendment appears at first blush to be quite simple because of its visual appearance: there are five, small cut-and-bite amendments to the bill that would insert certain words here, and delete certain words there. But, in reality, those tiny, innocent-looking changes are as deadly as poison darts.

As the gentleman well knows, it is the very precision of the words in the antitrust statutes that make these laws enforceable and meaningful to courts. Thus, his attempt to change the bill's use of the phrase "price competition" to that of "price or prices charged," amounts to much more than simply substituting synonyms from the dictionary.

What that change really means is that price fixing can never be proved unless the conspirators are foolish enough to fix a specific price for the item. As Justice Frankfurter instructed us more than 40 years ago, the only price fixers who set specific prices in their conspiracy are stupid price fixers. Even at the turn of the century, when the Standard Oil Trust was at full throttle, more sophisticated devices than setting specific prices were employed in stoking the engine of that monopoly. Certainly, this is not the time to go back to that formulation.

And yet, that is only one of the five very small changes that have been made by the Fish amendment. The other four changes go to undercutting the carefully crafted compromises regarding the evidentiary standard worked out by a substantial majority of the current members of the Judiciary Committee.

Our effort was to restore the balance of the evidentiary standard existing prior to Monsanto. The 1984 Monsanto decision created a near impossible evidentiary burden for plaintiffs by requiring them not only to prove their own case at summary judgment but also to disprove the case of the defendants. Nowhere does that burden exist under the antitrust laws. Thus, section 2(a) simply returns to the evidentiary standard adopted by a majority of Federal circuit courts of appeal prior to the Monsanto decision—it does nothing to create a new, or revolutionary standard, as a few critics try to contend.

The key to section 2(a) of the bill is its recognition that if a plaintiff can show that a price complaint from a rival dealer was a substantial contributing cause to his termination by a manufacturer, then he should at least be allowed to be heard by a jury on the merits of the case. Unlike the word "major," the word "substantial" in H.R. 1470 was chosen because it has a readily understandable meaning in the law. The language of H.R. 1470 thus simply comports most closely with accepted legal usage.

Finally, the attempt to insert the word "agreement" in the Fish amendment is another instance of attempting to reopen the very issues that we put to rest during the compromise negotiations. To repeat one more time, section 2(a) is an evidentiary standard relating to what a plaintiff must show at the pretrial summary judgment stage—and not what he must prove at trial before the jury.

At this early stage, he does not have to prove the existence of an agreement. Only a jury at the end of the trial—after it has listened to all the witnesses—can decide with finality whether an agreement existed between the conspirators. That's how it's worked in the area of contracts for 800 years of Anglo-Saxon law; and that's how it's worked in American antitrust law for the last 100 years.

The Fish amendment ignores all these understandings, to say nothing of past compromises. It, through a thousand cuts, destroys the purpose and meaning of the legislation. I urge its strong repudiation and defeat by the House.

□ 1240

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

First let me salute our chairman of the committee for his leadership on this bill. I think it is a very important bill for this body, for consumers, and I cannot quite understand the opposition from the other side.

What we have seen in the 1980's, as one of the good things in our market, is discounters. In my neck of the woods, I am sure in my colleagues', discounters spring up and allow the consumer to buy goods at a much lower price. It has become a big industry in America. It is a great advantage to the consumers.

And what have we had? We have had some of the big boys, some of the big, old, established department stores and others put the heat on suppliers to cut these discounters off. And that has been allowed because of the Supreme Court decisions.

This bill, the chairman's bill, would allow discounters to flourish again. It could allow the consumer to stop paying the 10 to 23 percent more that they pay on many of these products, and it makes no sense, my colleagues, none at all, to allow this kind of vertical price fixing to exist if we care about consumers rather than the old-line establishment of merchants who do not like the flower of entrepreneurial capitalism and sales that these discounters provide.

I say to my colleagues that if the Fish amendment passes, the only retail executives who try to crush the consumer who will be caught will be those who have an IQ of a pastrami sandwich. What retailer is going to come in and make the case explicit and say, "I don't want you to sell to so-and-so; it is the only reason you should not sell to so-and-so," and allow that conversation between those two to be part of any record? Nobody.

So the Fish amendment unfortunately would totally eviscerate this new change in law which would bring consumers tremendous amounts of discounting.

Let me talk about something in my area that occurred. R.H. Macy is a venerable New York institution, and I love taking my kids to their Thanksgiving Day parade. Maybe after this speech they will not allow me to line up on the sidewalk, I do not know. But anyway, they are a venerable New York institution, and they found themselves in a lawsuit after a swimwear manufacturer cut off Macy's discount competitor, Kids R Us. The effect was that Macy was the only outlet selling these childrens' swimsuits, giving it complete freedom to set whatever price it wanted.

A New York State court ruled that even though there was proof that Macy's intimidated the swimwear manufacturer into ending its business with Kids R Us, no price fixing took place because there was not an agreement, a written agreement, if my colleagues can believe this, between Macy's and the manufacturer on the minimum price. That is what the Fish amendment says, that you would have to have something like that in order to meet the burden of proof.

So I would say to my colleagues very simply, consumers are having a very difficult time in this dramatic recovery that we are having, that no consumer seems to feel. We hear from the administration, the Federal Reserve, the economists, that we are recovering. No one that I talk to feels like they are recovering. They feel like they are receding, they feel like they are in a recession.

One of the few things a consumer can rely upon is going to a discounter and getting a break. The chairman's bill would give that break. The Fish amendment would take away and eviscerate that break altogether.

It is high time, ladies and gentlemen, that we gave the consumer this break, that we ended vertical price fixing, and that we said that whoever wants to sell a product, at whatever cost they choose to sell it, should do so. That is, after all, the American way.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to speak about practicalities of litigating antitrust cases. That is what the Fish amendment is about. It is very simply, and it is a very good amendment.

Here is what the bill says right now: The bill says that if any retailer is cutoff by a manufacturer following a complaint by another retailer, bang, that is enough. And I read from the statute of the bill:

> That shall be sufficient to raise the inference that such person and such competitor engaged in concerted action.

Now the practicalities of litigation. Here is what happens every day. There is not a manufacturer in the United States who does not weekly, or daily, receive some communication from retailers, and there is not one manufacturer in the United States, I would hazard to say, who does not get complaints from one retailer about another retailer. That is the average, workaday reality in our country.

□ 1250

Therefore, if all it takes it one retailer complaining to a manufacturer about another retailer to be sufficient to raise the inference of concerted action, you have won.

The second point of practicality, the case goes to the jury. It does not automatically win. It goes to the jury, but the reality of prosecuting cases like this is that if you can take a case beyond the motion to dismiss, you can intimidate the defendant into a settlement.

I happen to think that America is sued enough. I happen to think that the lawsuits per capita in the United States, totaling greater than any other developed economy on Earth, should not be increased, and I look at this bill, and I know they will be increased.

Along comes the Fish amendment, and the Fish amendment says, no, you do not automatically get to intimidate and take your case to the jury just because some other retailer complained. what you need is proof that that manufacturer cutoff the retailer because that retailer was undercutting price, which is what the Supreme Court has said since 1918 when the Colgate decision modified the Dr. Miles decision.

So the issue today is: Shall we change this law which has been the law for 70 years, or shall we maintain it and put some limitation on antitrust litigation?

Last point, there have been a number of interesting and amusing arguments that I have heard, Mr. Chairman, relative to the Fish amendment requiring people to be stupid enough to put their price agreement in writing. The Fish language never refers to proof of a written agreement. The word "agreement" is not in the Fish amendment. The word "written" is not in the Fish amendment.

So let me tell the Members practically what it does. It restores the law to where the law was, and that is the judge or jury has to determine what was the reason for this particular retailer to be terminated, and you do that all the time in antitrust litigation without an actual written agreement.

What you do is check the record. Had the manufacturer terminated other distributors for not maintaining a sufficient sales force, or was this the only one that he or she ever terminated? If it is the latter, well then, you begin to think maybe it was because this person was a price cutter and not because this retailer was actually failing to meet his or her obligations to distribute the goods with the appropriate sales force. You ask how many times was this particular distributor reprimanded? Was this distributor reprimanded on other occasions, or was the only time that he or she was ever reprimanded was following a complaint from the other distributor? In other words, you use your common sense as courts have been since 1918.

I make appeal to one other area of law. It is precisely in this mixed-motivation area that so much of our title VII litigation, on employment discrimination, is premised, and courts have been doing it since 1964. What was the reason you terminated this employee? Was it because the employee was not productive, or because the employee was a member of a racial group that you wished to discriminate against? You do not know, but you put it to the judge to determine. That is all the Fish amendment would do.

In conclusion, there is nothing in the Fish amendment that will gut this bill. There is everything in the Fish amendment that will restore a proper ability to argue what the real reason for terminating a distributor was. That is all. It just says what is the real reason, and bear in mind, if you do not adopt the Fish amendment, you are giving every terminated distributor a lawsuit, an intimidation, against a manufacturer in the United States, and I think that we have too many lawsuits.

Mr. BRYANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to reemphasize what has been said well by previous speakers, that the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS] has brought to the House today a bill which does not create new law but simply reaffirms a longstanding policy against vertical price fixing.

There has not been a vertical price-fixing case brought in this country since 1981. It is very clear that some garbled court decisions and a policy of not enforcing this law by the Justice Department leaves us in a position where we have the obligation today to act on behalf of the consumers and make clear that this kind of price fixing which artificially raises prices cannot take place.

A moment ago, the preceding speaker read from the bill, but he did not read from the operative part of the bill.

Let us see, if you pick the bill up, it is only about a three-page bill in total. It simply says that any civil action based on a claim arising under the operative act and alleging a contract, combination, or conspiracy to set, charge, or maintain prices, evidence that a person who sells a good or service to the claimant for resale received from a competitor of the claimant a communication regarding price competition by the claimant in the resale of a good or service, and in response to that communication, terminated the claimant as a buyer of a good or service for resale, or refused to supply to the claimant some or all of such goods or services requested by the claimant, shall be sufficient to raise the inference that such person and such competitor engaged in concerted action to set prices. That is a very clear and a very reasonable standard.

The amendment pending before the House at this moment offered by the gentleman from New York [Mr. FISH] is designed to make this standard impossible and to make it impossible to bring an action that would have any likelihood of success to stop a vertical pricefixing conspiracy.

The fact of the matter is that as was referred to by a previous speaker, a terminated discounter cannot reasonably be expected to meet the provisions of the Fish amendment. He cannot be expected to ever learn the intricate details of a private conversation between the companies who are conspiring, and a terminated discounter cannot reasonably be expected to ever be able to prove even before he gets to trial under the terms of this amendment that none of the hypothetical justifications that will always be put forth by the conspiring manufacturer were significant, and that the complaint was, in fact, the major cause of the termination. That is impossible to prove.

This amendment guts the bill. It makes it impossible for us to move forward here today on a very significant consumer issue.

I urge the Members to vote against the amendment. Let us pass this bill, and do the consumers of the United States a favor by offering them some protection from insidious vertical price-fixing schemes.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, let me tell you that I strongly support the bill as it came out of the Committee on the Judiciary. I want to congratulate the distinguished gentleman from Texas for crafting a well-balanced bill.

I have listened with great interest to some of the debate involving what this amendment may or may not do. I listened very attentively to the argument of our very distinguished colleague from California, who is not only a fine lawyer but taught law for many years.

But I have to differ with him on what the impact of this amendment would be. We are talking about price fixing and what has been the per se rule which I think everybody will concede has been modified by case law in the last few years, particularly under the Monsanto decision and the Sharp decision, both of which made it much more difficult for the discounters basically to make their case.

It is not a question of whether or not we are opposed to price fixing. I think most of the people who have spoken agree that price fixing is per se illegal. That is why the Congress made it illegal.

It is just unfortunate that the chief law enforcement officer of this country, the Attorney General of the United States, instead of supporting the law of the country, undercuts it. They filed an amicus brief a few years ago in the Monsanto case and basically argued to undercut the statute. They do not come to the Congress, which is the process, and attempt to change the law if they felt there was something wrong with the law. What they did was they, instead of supporting the law and arguing for the law and bringing price-fixing cases, which they have never done in the last 10 years or so, they basically attempted to undercut it before the courts, which is a very curious process that we have seen become very popular in some quarters in the last 10 years.

But Fish would, in my judgment, gut the bill, and for this reason: The bill does provide that when a defendant brings a motion for summary judgment, the court will look at certain facts to see whether there is a case. One of the things that Fish, the Fish amendment, would require the court to look at is whether or not the price-fixing evidence was the major contributing factor.

Now, let me tell the Members that people do not fix prices in public. They fix them in the back rooms. They fix them on a street corner, and they fix them at a cocktail party, and they generally do not write letters. It is a very hard standard to meet as it is.

The bill does require that the evidence of price fixing be more than de minimis, because as the gentleman from California knows, the bill requires that it be a substantial contributing cause of the discharge of that particular retailer.

We came up with that language after wrestling with it for months, and what I find interesting is that my colleague, the gentleman from New York, and I worked a few years ago in developing this language. I was the Democrat in the committee, and I then served on the subcommittee, that got my Democratic colleagues to agree upon this approach which made my colleague from New York very happy, because he felt at that time it was a reasonable solution.

☐ 1300

Now, I do not know what has happened between then and now to make that unreasonable. To prove that it is a substantial contributing factor to the discharge of that retailer is not an easy task when you are dealing with price fixing. So the standard is tough as it is.

The gentleman from New York [Mr. FISH] would make it impossible.

Now, let us face it. If you are opposed to the bill, if you think that fixing prices, vertically fixing prices is OK, vote against the bill, but do not do it this way. This is just a way basically of making it impossible for a discounter to make his case in court, because if he is thrown out on a motion for summary judgment, and that is what we are talking about, in essence you have destroyed the ability, the remedy for a discounter to bring an action against somebody who has unfairly basically competed with him.

Now, in essence, it is this question. If you are for predatory pricing or price fixing, I suppose you support the amendment or vote against the bill, or both; but if you really want to do something about predatory pricing in this country, if you believe that the free enterprise system works best when retailers are able to compete on a level playing field, then you support the bill.

So, Mr. Chairman, I would urge my colleagues to defeat the Fish amendment and support the bill on final passage.

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, I appreciate the kind words of my colleague. I respect the gentleman's difference with me.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(At the request of Mr. CAMPBELL of California, and by unanimous consent, Mr. HUGHES was allowed to proceed for 1 additional minute.)

Mr. HUGHES. Mr. Chairman, I yield to the gentleman from California.

Mr. CAMPBELL of California. In the question of whether a plaintiff can prove a case or not, Monsanto, as the gentleman identified, made it more difficult for a plaintiff to proceed.

I wonder if the gentleman might respond to consider the point that in the Monsanto case itself, the plaintiff won.

Mr. HUGHES. Well, that is true. The plaintiff did win in that case, because the evidence was overwhelming of price fixing.

Mr. CAMPBELL of California. Mr. Chairman, if the gentleman will continue to yield, the evidence in Monsanto was complaints from other distributors to the manufacturer. The manufacturer said no, his first distributor was not doing the job it should, and it went to the jury to decide, which was the more likely explanation.

Mr. HUGHES. And that is all we want. We just want to go to the jury. Frankly, I think 12 men and women looking at a case should decide whether or not in fact the effort to discharge that retailer was the substantial contributing factor. We just want the jury to decide it. Frankly, you folks do not want to go to the jury. I have a lot of faith in the jury to make the right decision.

Mr. CAMPBELL of California. Mr. Chairman, if the gentleman will yield one last time, I only raise the question because the gentleman said it was impossible. This is one instance when it actually carried.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

First, Mr. Chairman, let me state to everybody here that I am not a lawyer. I have not practiced any kind of law one way or another.

This whole debate that I have been listening to reminds me that I should say that I am a manufacturer and have been in the manufacturing business for the last 25 years.

People talk about price fixing. I do not know how many of you, most of you being lawyers, ever had to go to a lawyer to find out what kind of service you can get, and everybody charges the same price. It is all set in some back room somewhere by a bunch of lawyers deciding what they should charge.

Let me just say, having spent my life in manufacturing and having spent my life in deciding what prices products should sell for, one of the major factors that you run into nowadays is the cost of litigation. The cost of litigation by any manufacturer if he does not prepare for that cost, he is not going to make a profit. Lawyers have raised the cost of product liability where it goes right out the roof. You can hardly find any insurance company that is willing to sell it to you, because lawyers have practically destroyed this whole situation. Lawyers have increased the cost of workmen's compensation by their ability immediately to decide that we are going to go to court at the first drop of a hat.

The way I read this bill, without the Fish amendment, it appears that any retailer can write a letter and accuse you of anything and immediately you are in court and have to prove you are innocent.

If this is not a lawyer's bill, I have never seen anything like it before. I would say rather than helping the consumer, this bill, if passed without the Fish amendment, is going to raise the cost of every product that we have in this country today.

I do not know what you all have done up here, but when I was in the North Carolina Senate we used to have a thing called recusing ourselves because of a conflict of interest. I think it would be great if in this particular bill where everybody is making lawyers richer if the lawyers would refuse to vote on this on the basis that they do have a conflict of interest and let the rest of us decide what is good for the people of the United States.

Mr. COBLE. Mr. Chairman, I move to strike the last word.

Mr. FISH. Mr. Chairman, will the gentleman yield to me?

Mr. COBLE. I yield to the gentleman from New York.

Mr. FISH. I will be very brief, Mr. Chairman, but I think some remarks by the gentleman from New Jersey require rebuttal, particularly where it was said that my amendment is a vote for price fixing. That is an extremely unfair characterization.

What my amendment does, and all it does, is to restore the classic antitrust proof of conspiracy requirement. That is the law and the case in every other allegation of price fixing, and I thank the gentleman for yielding to me.

The CHAIRMAN pro tempore (Mr. TORRES). The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FISH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 218, not voting 19, as follows:

[Roll No. 303]

AYES—196

Allard
Anthony
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Derrick
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Espy
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hobson
Horn
Horton
Houghton
Hubbard
Hunter
Hutto
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McHugh
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Myers
Natcher
Neal (NC)
Nichols
Nussle
Olin
Orton
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Petri

Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter (NY)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—218

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Beilenson
Bennett
Bentley
Berman
Bilbray
Bonior
Borski
Boucher
Brooks
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Hughes
Hyde
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Moody
Murphy
Murtha
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Rangel
Reed
Richardson
Ridge
Rinaldo
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slattery
Smith (IA)
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—19

Bacchus
Barnard
Boxer
Broomfield
Chapman
Ewing
Ford (MI)
Hayes (LA)
Holloway
Hopkins
Hoyer
Huckaby
Mrazek
Savage
Slaughter (VA)
Smith (FL)
Solarz
Washington
Wilson

☐ 1333

The Clerk announced the following pair:

On this vote:

Mr. BROOMFIELD for, with Mr. HOYER against.

Mr. MOAKLEY, Ms. MOLINARI, Mr. LENT, and Mr. STARK changed their vote from "aye" to "no."

Ms. SLAUGHTER of New York and Mrs. LOWEY of New York changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of California: Add the following at the end of section 2:

(c) It shall be a defense to an action described in this section that the defendant was so small in the relevant market as to lack market power.

Mr. CAMPBELL of California. Mr. Chairman, the amendment that I offer is on behalf of those businesses that are so small they lack market power. This amendment is endorsed and supported by the small business community of the United States, as principally represented by the National Federation of Independent Business.

The statute that we have before us amends the current law. The current law says that it is illegal for a manufacturer to agree with a distributor as to the price of a good to be distributed. It is, however, permitted for a manufacturer to suggest a price to the distributor and to choose distributors on the basis of who provides the best service, including who is the least likely to be a discounter.

The problem with the bill before us is that it changes this. The bill before us creates the opportunity for more lawsuits, particularly against those distributors who happen to complain to a manufacturer. It is for that reason that small business has spoken against this bill and in favor of the amendment that I offer.

What will happen as a result of this bill is that any small business retailer who calls up and complains to a manufacturer about another retailer's price will have opened herself or himself up to a lawsuit. Now, I happen to think we have enough lawsuits in this country. I happen to think we are in enough economic difficulty in this country, and I do not think we should add to that burden, at least not as to the small businesses.

Therefore, my amendment is simple. It reads in its entirety that we simply exempt from this new law those businesses so small that they lack market power. That does not mean they can fix prices. That does not mean they can violate the Sherman Act. It means the law as it existed before today will continue as to them, but what will not apply to them is the ability to take a case to a jury and to seek treble damages just because one distributor made a complaint to a manufacturer against another distributor.

I have been asked, what is it in this bill that refers to market power? What does it mean to be so small as to lack market power? The answer is that this is a term of antitrust law that has been adjudicated from over 100 years under section 2 of the Sherman Act.

"Market power" means the ability to have an effect on the price or the quantity in the market, and if you are big enough to have that kind of effect, then you are going to be subject to this new law. I am not opposing that. But if you are so small that you are not going to have an effect on the market, for heaven's sake, please, let us not create a new opportunity for them to be hauled into court and be subject to treble damages.

Market power is a determination that the courts have made on three factors: First, the market share; second, the elasticity of demand; and, third, the elasticity of supply. It is impossible to say in advance what any given percentage happens to be market power. However, in the area of merger analysis, the Department of Justice has followed a rule that the courts have followed as well, whereby market power is presumed to begin at around 15 percent—not 40 percent. Some of my colleagues, Mr. Chairman, have received notification that my amendment exempts anybody who has 40 percent market share or below. The merger guidelines, which are the most recent expression of the market power concept, are at 15 percent.

Mr. Chairman, this is good for small business, it is good for the economy, and Lord knows, our economy needs some help.

☐ 1340

Mr. SYNAR. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of California. I am pleased to yield to the gentleman from Oklahoma.

Mr. SYNAR. Mr. Chairman, could the gentleman from California [Mr. CAMPBELL] for the RECORD please name one single price-fixing case where the Supreme Court said that market power of the firms charged with price fixing were exempt from antitrust laws?

Mr. CAMPBELL of California. Mr. Chairman, reclaiming my time, I cannot, because no price-fixing case has determined market power. The phrase, however, does have good established law in Clayton Act, section 7. I give you Philadelphia National Bank, I give you also the Von's Grocery case, and I give you the merger guidelines. The phrase "market power" has not been used in price fixing, section 1. It has a 100-year history, however, in Sherman 2, and an 80-year history in Clayton Act.

Mr. SYNAR. If the gentleman will yield further, to clarify the RECORD, this gentleman will point out all those cases mentioned were in merger cases and not price-fixing cases.

Mr. CAMPBELL of California. Mr. Chairman, again, as the gentleman noted, there has not been the occasion to use the phrase "market power" under Sherman, section 1. There has, however, under Clayton 7 and Sherman 2. Thus, wherever market power has been used, it substantiates what I put to you today, a matter the courts know about, and interpreted market power to begin under the merger guidelines at 15 percent.

To conclude with what is left of my time, I do wish to note in conclusion to Members that not only is this supported by small business, it is a key vote as listed by the National Federation of Independent Business, a key vote on NFIB.

The CHAIRMAN. The time of the gentleman from California [Mr. CAMPBELL] has expired.

(At the request of Mr. SYNAR and by unanimous consent, Mr. CAMPBELL of California was allowed to proceed for 1 additional minute.)

Mr. CAMPBELL of California. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, the gentleman, as those of us on the floor realize, represents Silicon Valley. Of course, we have in Silicon Valley IBM, Hewlett-Packard, Sperry, and even Apple Computer.

If the gentleman from California [Mr. CAMPBELL] would indulge me just for the sake of argument, let us say that IBM, Hewlett-Packard, Sperry, and Apple, all of whom have less than 15 percent of the market share individually, by the gentleman's amendment would it not be permitted that they could all conspire together to terminate a discount computer store retailer and be exempt from the bill?

Mr. CAMPBELL of California. Mr. Chairman, no, the gentleman is quite wrong. Such an agreement would be a horizontal combination, a per se illegal violation of the Sherman Act, section 1. If there is a horizontal agreement, it is per se violative and it is not affected by my amendment. No. Unequivocally, no.

Mr. SYNAR. Not to terminate the retailer?

Mr. CAMPBELL of California. Any horizontal agreement between Hewlett-Packard, IBM, or any other group of horizontal competitors, is not permitted under the antitrust laws. My amendment does nothing to change that.

Mr. SYNAR. Mr. Chairman, if the gentleman will yield further, how does that fly in the face of the Sharp decision?

Mr. CAMPBELL of California. Mr. Chairman, the Sharp decision is not relevant to my amendment, nor is it relevant to the example that the gentleman gives. The Sharp opinion does not deal with the horizontal agreement between manufacturers.

The CHAIRMAN. The time of the gentleman from California [Mr. CAMPBELL] has again expired.

(At the request of Mr. SYNAR and by unanimous consent, Mr. CAMPBELL of California was allowed to proceed for 1 additional minute.)

Mr. CAMPBELL of California. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, the gentleman comes from California, as we have established. Right now in the State of California there is a potential merger between Bank of America and Security Pacific.

Now, a review of that merger shows that in many of the communities where these two banks are operating, that the banking entity that will evolve will have somewhere in the neighborhood of 30 to 35 percent of the market. I take it from the gentleman's basic discussion of his amendment, the gentleman would be opposed to that merger on the grounds that the newly combined banking entity would have undue banking power. Is that correct?

Mr. CAMPBELL of California. Mr. Chairman, reclaiming my time, I think it is appropriate to respond on the hypothetical without stipulating that Security Pacific or Bank of America has any particular share in any particular market. But I will give the gentleman a direct answer.

If there is a bank merger in a relevant market which accumulates a market share of 35 percent, and if there are no particularly easy barriers to entry, that is to say if barriers to entry are not particularly low, then, yes, I would be concerned about a merger of that size and it would violate the merger guidelines.

Mr. BROOKS. Mr. Chairman, I rise in strong opposition to this amendment that would attempt to carve out an exception to the per se prohibition against price fixing simply because the offender possesses no great market power.

This is an absurd notion that has never had any place in the antitrust laws. I am, to be quite frank, a little surprised that the author of the amendment, a former professor of antitrust, would be offering it. As the gentleman well knows, price fixing is considered a per se offense under the antitrust laws. And the application of the per se rule is very straightforward: If you commit this type of anticompetitive act, you will be held accountable regardless of any justification you may attempt to assert. In other words, there are no mitigating factors to a per se offense because the conduct is deemed so pernicious as to be without redeeming economic value. Price fixing is one such offense, and has been since Addyston Steel was decided in 1899.

The securities law equivalent of the Campbell amendment would be to say that insider trading is acceptable if you only illegally trade 200 shares or less. Or, that Bonnie and Clyde should have been given leniency because they were only robbing small banks in Kansas and Missouri.

Moreover, let's look at just who are the beneficiaries of this contrived amendment. Market power—even if you use the Department of Justice's own guidelines—doesn't occur until a single firm controls at least 40 percent of the market; and even then, there are mitigating factors. Given this definition, let's think about local retailers in the area. I would ask the gentleman to name one retailer in the Washington, DC. area of men's or women's clothing, or of televisions and VCR's that has 40 to 50 percent of the market. Woodies, Macy's, Bloomingdale's, Neiman-Marcus wouldn't qualify as having market power. That means that they would all pass as small businesses under the amendment, and so could price fix. Is this whom the gentleman seeks to protect?

Really, the amendment should just read: "Strike everything after the enacting clause."

Let us not wrap the banner of small business around an amendment that would exempt the Fortune 500 from this legislation. Let us be a little more plainspoken and faithful to the antitrust tenets that have served us so well for so long.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, I just want to concur in the remarks of the gentleman from Texas [Mr. BROOKS].

Mr. Chairman, as chairman of the Subcommittee on Regulation of the Small Business, I would say that we have a good man, Mr. CAMPBELL, offering a very bad amendment. My view is that his proposal is really an economic wolf in sheep's clothing. Chairman BROOKS is absolutely right to say that virtually everyone would be exempted under this legislation.

Mr. Chairman, I would submit to Members that trying to find somebody who would not be exempted under this would be tougher than finding a needle in a haystack. The distinguished gentleman from Texas [Mr. BROOKS] mentioned a number of companies in this area. We have looked. We believe GM would be exempt under this particular amendment.

What this amendment would do would be to allow malignant partnerships to be set in place that could fix market prices on a variety of goods, which would have a devastating impact on small retailers and distributors.

Mr. Chairman, I urge Members to oppose this. This has been an issue we had a considerable interest in in my Subcommittee on Regulation, Business Opportunities, and Energy of the Committee on Small Business. I urge Members to support Chairman BROOKS on this matter.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the remarks by the gentleman from Texas, the distinguished chairman of the Judiciary Committee [Mr. BROOKS] and in opposition to the amendment offered by the gentleman from California [Mr. CAMPBELL].

Mr. Chairman, this amendment actually would not provide relief for helpless small businesses who innocently practice price fixing. No price fixing is innocent. But most importantly, the wording of the Campbell amendment would not alter H.R. 1470—it would gut the bill.

The Campbell amendment virtually exempts manufacturers who engage in price fixing if they do not have market power. Mr. Chairman, case law defines market power as controlling as much as 30 percent or more of the entire market for any given product.

There are very few cases in which a company controls more than 20 to 30 percent of any market.

Accordingly, I ask my colleagues to recognize what this amendment really is—it is as good as voting against the bill altogether, because it effectively takes the teeth out of H.R. 1470.

□ 1350

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Campbell amendment and in support of the committee bill. I hesitate to oppose a fine mind and a fine Member like our colleague, the gentleman from California, TOM CAMPBELL, but in this case it is a curious amendment that the gentleman offers.

I oppose the amendment because I view it as very anticompetitive. The gentleman in the past has been very supportive of procompetition amendments.

I also oppose it because it is truly anticonsumer. I wanted to begin by saying that under current law, the context in which we are operating, price-fixing conspiracies are equally illegal for one and all.

I do not think that there should be any exceptions to that. We are also operating in an environment where the Justice Department has not brought a single vertical price-fixing action since 1981. In fact, the two most recent Supreme Court decisions in the 1980's have confused the law, which is why this bill is necessary, and made it impossible for discounters to bring legal action against vertical price fixing. So they are already being adversely affected discounters across the country.

I also find the amendment curious because, in fact, market power has nothing to do with a percent, with 40 percent or 50 percent, but rather, the definition of relative power within a given market.

In fact, I would view the gentleman's amendment as setting up a very arbitrary standard. So I go back to my original principle, which is that current law says that price fixing conspiracies are equally illegal for one and for all, and I think it should remain so.

I would like to continue for just a moment and say that the gentleman claims that this is a small business amendment. I truly view it as not being in the interest of small business, because for many businesses it would gut their right to succeed in a court proceeding. The Campbell amendment would actually place a greater burden of proof on discounters to prove that a manufacturer engaged in price fixing, had market power, in order to receive the loss protection.

I think that if we look at the way the Justice Department's own definition requires a 40 percent or more share of the entire market, there are very few companies that can meet that test. In fact, Anheuser-Busch is currently arguing in court that it lacks market power in New York. So I think that what this amendment would really do is cost the consumers of this country over $20 billion more a year because they would have to pay the price of the vertical price fixing that would in fact occur.

I rise in opposition to the Campbell amendment and in support of H.R. 1470. I believe that the committee bill preserves free competition in the marketplace. It promotes economic efficiency. It restores effective deterrence to price fixing in the sale of consumer goods and safeguards the rights of independent businesses to offer consumers greater choice and lower prices.

Mr. CAMPBELL of California. Mr. Chairman, Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, I appreciate the kind remarks of the gentlewoman from Ohio [Ms. KAPTUR] at the beginning.

I am confounded by this, though. I was mentioned by the gentlewoman as well as others. Please, what citations do they have for the proposition that the Justice Department says market power begins at 40 percent?

Ms. KAPTUR. That is the Justice Department's definition.

Mr. CAMPBELL of California. What publication, what statement, please?

Ms. KAPTUR. That was the information that the committee was in receipt of from the Justice Department.

Mr. CAMPBELL of California. Mr. Chairman, if the gentlewoman will continue to yield, I had the honor to serve in the Justice Department and to head the Federal Trade Commission Bureau of Competition. There is no such statement that 40 percent constitutes market power of which I am aware from the Department of Justice.

Ms. KAPTUR. One of my statements was that the arbitrary fixation of a percentage really is not what we are talking about here. We are talking about relative market power, and the Justice Department's arbitrary choice of 40 percent, I think, is a problem here. We are talking about relative power.

The gentleman's definition would essentially exempt most of, in fact the majority of businesses in this country.

Mr. CAMPBELL of California. Mr. Chairman, if the gentlewoman will continue to yield, I appreciate very much her kindness. I agree we should not have an arbitrary percentage. That is why the amendment does not use one.

For the life of me, she has not given a citation to the Justice Department's 40 percent. It is running around here, and it is not correct.

The CHAIRMAN pro tempore. (Mr. TORRES). The time of the gentlewoman from Ohio [Ms. KAPTUR] has expired.

(On request of Mr. BROOKS and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. Mr. Chairman, I would like to cite for the RECORD, under mergers and acquisitions, and I quote:

> While the court did not specify the size range that would constitute an undue percentage share or a significant increase in competition, it held presumptively unlawful a merger that resulted "in a single bank's controlling at least 30 percent of the commercial banking business" in the relevant market and increased the market share of the two largest firms by "more than 33 percent." It concluded that the presumption was not, in that case, overcome either by evidence as to the purported vigor of existing competition among commercial banks or by the various affirmative justifications offered in support of the consolidation.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding to me.

Truly it was not the Department of Justice at the end of the day, was it? The quotation was from the Philadelphia National Bank case. Actually, it was a summary of the Philadelphia National Bank case from the same book that I have, "Antitrust Law Developments." Second, in which the Supreme Court had held that in that particular context of that particular merger, market power might begin at 30 percent.

If we continue reading on that same section of the ABA antitrust section summary of court cases, we will find the Brown Shoe case, where the Supreme Court held 5 percent was the beginning of market power, and the Von's Grocery case, which held that the market power test began at 3 to 4 percent.

If we were to refer to the Department of Justice, which is what was the implication from all of my colleague's commentary on the other side, then the Department of Justice has spoken in the merger area. They have not spoken in the other areas, but in the merger area they have.

And in the merger area they have set up a series of indices called Herfindahl. The Herfindahl Index test is a very complex one. It deals with the multiplication of market shares, but it comes down to any merger whereby the increase in the Herfindahl Index is 40 points or more, provided that the postmerger Herfindahl at 1,800 will increase by more than 50 and will be challenged, and an increase in Herfindahl of more than 50 translates to two firms of 7 percent merging.

So in conclusion on this point, on the issue on the floor, please get it straight. The Department of Justice has never said 40 percent is market power. The circular going around is not fair.

Second, if we want to cite one Supreme Court opinion holding 40 percent, fine. I can cite others at 5 percent and at 4 percent.

Lastly, if we do think the Department of Justice is relevant, bear in mind their test was two 7 percent firms merging.

Mr. FISH. Mr. Chairman, reclaiming my time, I think the amendment is a very fair amendment. The small businesses in our country would be exempt from the punitive effects of this bill. One of the problems we have been trying to address this afternoon is this legislation simply throws out too big a net.

The entire small business community and particularly the NFIB favors the amendment by Mr. CAMPBELL. It is pivotal to their support for this bill.

I say to my colleagues that should this amendment fail, the author, the NFIB, the business community and myself will urge a no vote on final passage.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong opposition to the market power amendment that we are considering. The legislation before us is aptly named the Price Fixing Prevention Act. The Campbell amendment would in fact make the legislation the Price Fixers Protection Act.

□ 1400

My distinguished colleague's amendment purports to help small business. In reality, the biggest beneficiaries under this amendment would be large retailers who would be given permission by the amendment to fix prices, and in fact to discourage competition. And the big losers, and we should emphasize the importance of this or the corollary of this amendment, the big losers would be American consumers. Estimates are that this amendment could cost consumers as much as $20 billion.

On top of that, this amendment would gut the entire bill, and it would jeopardize an important part of American antitrust law.

In his opening statement my colleague claimed that this bill would prevent a high-quality stereo manufacturer from imposing proper display and service requirements on retailers who sell its product or refusing to sell to those who do not. That is simply inaccurate. As with current law, this bill would continue to allow manufacturers to retain full control, except for price fixing, over how their products are displayed and how their products are serviced.

What this radical amendment would do would be to allow big business to strong-arm entrepreneurs, forcing them to raise prices to the detriment of consumers. That is precisely the impact that this amendment would have.

This amendment is presented in a very modest, moderate garb, but in fact it is a far-reaching amendment with extremely deleterious consequences to the American consumer.

Mr. Chairman, we are already suffering through a recession that the White House refuses to acknowledge. To legislate price fixing, as this amendment would do, when average citizens are scrimping and saving, is a slap in the face to every American consumer. This amendment would require a discount retailer who has lost his supplies, and maybe his entire business, due to a price fixing conspiracy, to show that the conspirators had market power, to show that they had market power, a subjective test, just to get a day in court.

Put forward in the name of small business, the amendment would really shelter illegal price fixing agreements by most members of the Fortune 500. This is not small business that would be protected, this is Phillips, this is Motorola, this is Sony, this is Matsushita, this is Panasonic, this is Hitachi. These are the biggest companies abroad and at home who do business in America today under a subjective market power test.

I urge my colleague to reject this amendment for many many reasons, not the least of which is that it is worse than current Reagan era law. Under the administration of the past President and the current President, one would not even know that we have an antitrust division in the Department of Justice. Yet this amendment goes further toward gutting antitrust law than the last administration or the current administration does.

The amendment completely undermines the law covering a per se price fixing conspiracy. The idea behind the per se rule is that in a free economy prices should be set by contract between a buyer and a seller, not by outside forces.

Price fixing so undermines the free enterprise economy that the Supreme Court has reiterated time and time again that it is automatically illegal.

Proponents even claim that the Campbell amendment is procompetitive. That is another dangerous myth about this amendment.

Ironically, Mr. Chairman, just when the Soviet Union and its allies are moving to decontrol their economy, this proposed amendment would be a big step toward price control in our economy, price control not by the government, but by private interests.

The proposed market power defense adopts one of the main provisions of the rule of reason as advanced by the so-called Chicago school theory of economics. I believe it is well known to my colleagues that these theoretical economists, not all economists or even most economists, are apologists for if not advocates of price fixing, unfettered takeovers, and merger mania. They believe that price fixing benefits people like my constituents by raising prices.

Under this theory, higher prices are assumed and argued to be better for consumers because they promote better service. That is simply ridiculous.

The CHAIRMAN. The time of the gentleman from California [Mr. LEVINE] has expired.

(By unanimous consent Mr. LEVINE of California was allowed to proceed for 1 additional minute.)

Mr. LEVINE of California. Mr. Chairman, I take a back seat to nobody in my concern about America's competitiveness, and I believe we perhaps ought to be making some modifications of our antitrust laws in certain areas in terms of ensuring America's ability to compete in certain areas of competitiveness. But we should not allow the issue of American competitiveness to become a Trojan horse for dismantling the antitrust laws of this country.

Unfortunately, that is what this amendment would do.

What about the consumer who wants to make ends meet? Should not he or she be able to buy from the discounter or local store who may provide equal or better, but in any event adequate service? And what about the entrepreneur who wants to cut prices because he has found a better way or a less expensive way to market a product? Yet this amendment says that the discount shopper, the local mom and pop store, and the smaller entrepreneur is simply out of luck.

I say we should make the American economic system work for all consumers, not just those who can afford to shop on Rodeo Drive or on Fifth Avenue.

Vigorous price competition is the backbone of America's economy. It produces the most goods and services at the lowest cost. It is the American way. I believe in it and we in the Congress should support it, and I urge my colleagues to support the bill and to defeat this amendment.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from California [Mr. CAMPBELL] is one of the brightest legal minds in the Congress. He is misguided on this amendment. However, it does not take away from the love we have for him personally, and I would like to engage him in a colloquy in a minute.

But the Supreme Court has held repeatedly that price fixing is bad. Not price fixing only by big folks, price fixing by anybody. It is a per se rule. No exemptions. It is kind of like in the securities laws we rule that insider trading is bad, even if it is one share of stock or 1 million shares of stock. It is bad; one cannot do it.

As a concept we have not permitted price fixing. This amendment would allow some modification and allow some price fixing under some circumstances, at least that is my interpretation. But even if we consider some modification to the price-fixing rules, the gentleman from California has not done it. His amendment is so vague that it will require courts of incredible magnitude and numbers and locations to define it. Here is what he says, and then I would like to engage him in a colloquy. He says:

> It shall be a defense for price fixing if the defendant was so small in the relevant market as to lack market power.

What does that mean? I would ask the gentleman from California, does that mean that let us say the Dillard's Department Store in Wichita, KS, which has 12 percent of the market for men's suits and ladies' dresses is too small in that relative market to have that kind of market power?

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding and appreciate his kindness. His warm heart overcomes the difference we have in our minds.

As to the quotation though, my friend from Kansas mistakenly quoted my amendment. It does not say it is a defense to price fixing. It says it is a defense to an action described in this section, which is important because it is only these new cases to which my amendment would apply.

Responding to your point, it depends whether the average time and effort to travel exceeds the cost of the item one is seeking to buy.

Mr. GLICKMAN. It sounds like a mathematical formula almost.

Mr. CAMPBELL of California. Not quite, but we have 100 years' experience with courts determining markets, and what they tend to do is to ask just that question. So, for example, when I ran the Bureau of Competition at the FTC we sometimes defined markets as parts of one city, because the cost of going beyond that was too high. For example, retail gasoline. On the other hand, if you are buying a very expensive item, the market may be the world, or if you are a huge purchaser, the market may be the world.

Mr. GLICKMAN. That even concerns me more, because this area of law, price fixing, is so critical, so much a kernel of the antitrust laws that what the gentleman is allowing is the Federal judiciary to have an incredible amount of authority to further chip away at the issue of price fixing by all sorts of very lengthy determinations of market power in an area where the consumer deserves the benefit of the doubt.

Mr. CAMPBELL of California. Will the gentleman yield further?

Mr. GLICKMAN. I am glad to yield to the gentleman from California.

Mr. CAMPBELL of California. Only in those areas covered by this new law. As of the date today, vertical price fixing would apply to all forms untouched by my amendment. But if we are going to make it easier to bring a lawsuit against somebody by reason of today's bill, then I think they should be allowed to defend by saying they are not large enough to have any effect on the market.

□ 1410

Mr. GLICKMAN. We are going to make it easier, only we are going to go back to where the law was before the Justice Departments of the last several years, and some court decisions have changed the law.

Mr. CAMPBELL of California. If the gentleman will yield further, it was not the Department of Justice. It was the Supreme Court, 8 to 0, including Brennan and Marshall in Monsanto. Even so, it is at least my opinion that Monsanto correctly stated the existing law. It did not move things.

Incidentally, I would agree with the gentleman that Sharp moved things. I have always been candid on that.

Mr. GLICKMAN. I appreciate the colloquy. The only point I would make is it would look to me as if every major computer manufacturer, every full-price retailer could take advantage of this particular loophole, and I would urge my colleagues to recognize that if you adopt the Campbell amendment, at a minimum, you will be creating a plethora, an abundance, of legislation in the country that will make a lot of lawyers very rich but will not aid consumers at all.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the Committee on the Judiciary and the gentleman from Texas for bringing this important legislation to the floor.

H.R. 1470, which I have cosponsored, will help ensure the American consumer benefits from an open, fair, and free-market economy. Price competition is paramount to any market-oriented economy, and this fact combined with the antitrust laws that preserve it has been the cornerstone of my party.

I am aware of the concern that the bill in its particulars is overbroad and would effectively expand the definition of price fixing and thereby threaten some legitimate business practices. There is concern that a manufacturer or distributor might be exposed to liability for terminating a retailer's contracts for reasons unrelated to price.

While I understand these concerns well, Mr. Chairman, I am also extremely troubled by the current Justice Department interpretation of the law which, in my opinion, has resulted in grossly inadequate effort to address situations of clear vertical price fixing. Such price-fixing practices are a plain abrogation of the principle of fair competition, and the Justice Department's approach to this matter, in my view, has been wholly unsatisfactory.

Mr. Chairman, I might say that I believe the antitrust policies of recent years have been a disaster for our economy, have burdened our business community with untold amounts of debt for no real benefit that is discernible.

I am wary of amendments aimed at weakening the strengths of H.R. 1470 in this regard. The practice of fixing prices is per se illegal under both legislation and the current law.

The Campbell amendment, while it purports to be a small-business amendment, would only serve to muddy the waters and provide another loophole for attorneys.

It seems to me whether market power is interpreted as 5 percent or 40 percent of market share would require extensive litigation, as the gentleman from Kansas has just said, and in time that could end up sheltering illegal price fixing by Minolta or by Mitsubishi that could hardly be defined as small businesses.

The Price Fixing Prevention Act is a reasonable, measured, and needed response to Supreme Court decisions that have narrowed the definition of illegal price-fixing arrangements and provided shelter to those who would violate our antitrust laws.

Mr. Chairman, it has been said that this bill would encourage frivolous lawsuits. As a vocal advocate of liability caps and tort reform, I would not be able to stand here and support legislation that I thought would lead to an explosion of new lawsuits. The provisions of 1470 allowing a judge or jury to hear allegations of price fixing require the plaintiff to demonstrate a causal relationship between the actions of a competitor and their resulting termination.

The difficulty in proving the existence of such a relationship will discourage all but the most blatant cases from going to trail. The absence of such correction, however, would provide an explosion of antitrust violations by companies finding shelter under the Supreme Court decision in Monsanto and Sharp.

Contrary to the claims of the bill's opponents, H.R. 1470 will not adversely affect the rights of manufacturers to impose and enforce service requirements or other nonprice-related conditions on those who bring the products to market.

Mr. Chairman, I find that this claim is particularly groundless. This legislation merely clarifies and reverses recent Supreme Court decisions that have obfuscated legitimate and effective antitrust laws. It does not create rights that never existed, nor does it limit the free and unilateral right of a company to do business with whomever it chooses. It only prohibits conspiracies to drive competitors out of the market.

Mr. Chairman, H.R. 1470 is procompetition and proconsumer. There is no room for loopholes in the law which allow restriction of free trade.

This bill is a measured legislative effort to assure legitimate lawsuits involving anticompetitive resale price maintenance agreements will receive fair hearings on the merits.

I support the legislation.

Mr. SYNAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Campbell amendment.

If I could just take a minute on an aside, for all those people watching this debate on the floor today, particularly those law students who will be taking the bar in the immediate future, or those students who may be taking courses in this area, let me strongly suggest as they write their answers to questions in this area that they be very careful that when they are debating that issue such as this, a per se violation in price fixing, with respect to section 1 of the Sherman Act, that they do not use references throughout their answers with respect to the Clayton Act, which is section 7, because we have not really been talking about the same thing as we have been watching the debate.

But for those of us and for those of us who have a responsibility to try to put this in terms where the nonlawyer citizen can understand it, let me say that what you have been listening to here the last couple of minutes is basically a theory on proposed market power and whether or not the market-power defense to price fixing can be deterred by "the market power that one has on that impact."

Now, call me crazy, call me a conservative, but I always believed that price competition leads to price cutting, and, therefore, that leads to lower prices.

I agree with the last 75 years of the Supreme Court which have reaffirmed time and time again that price fixing is price fixing, and that is illegal.

Some of my colleagues are going to argue today that some price fixing can be a healthy thing for the economy and, therefore, should be judged with lax rules. Well, if you follow that logic, then price fixing is beneficial, because it brings higher prices. And how in the heck can that be better for consumers?

I reject that argument. I think my colleagues will reject that argument as they did last year.

Now, what is wrong with this market-power test that the gentleman from California brings us today? Well, first of all, no one even knows what this test is. This amendment does not tell us.

Combined with the existing precedent, this amendment could pave a way for companies like Exxon, Sony, GE, Du Pont, Philip Morris, and literally half the Fortune 500 could make claims that they lack the market power in many markets in which they operate.

Since the gentleman from California will not listen to the Supreme Court, since he will not listen to the Justice Department, maybe he will listen to Judge Robert Bork, who often led the fight for conservatives on the issue of antitrust issues. And he has rejected the market-power test as too extreme. As he put it:

> If small parties were allowed to prove lack of market power, all parties would have the right, thus introducing the enormous complexity of market definition into every price-fixing case.

To my colleagues on the floor and who will be coming over shortly for this vote, the centerpiece of this legislation is the affirmation of the per se rule. The Campbell amendment would, in effect, say that price fixing is only per se when there is market power. Not even the Supreme Court of the United States takes this extreme position.

This amendment is worse than current law, and I ask for it to be defeated.

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I am happy to yield to the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, is the gentleman aware of the quotation from Judge Bork to which he alluded in "The Antitrust Paradox" is taken from the chapter dealing with horizontal price fixing, not vertical?

Mr. SYNAR. There is no difference in this gentleman's opinion in that citing and the price fixing that we are talking about.

Mr. CAMPBELL of California. I take it the gentleman was not aware.

Second, in the gentleman's discussion, the previous speaker has referred to me as ignoring the Supreme Court. It is my understanding that this statute reverses the Supreme Court in Monsanto. Is that the gentleman's understanding.

Mr. SYNAR. That is not the gentleman's understanding.

Mr. CAMPBELL of California. I thank the gentleman for yielding.

□ 1420

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 195, not voting 20, as follows:

[Roll No. 304]

AYES—218

Alexander
Allard
Anthony
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Derrick
Dickinson
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Engel
English
Espy
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Horn
Horton
Houghton
Hubbard

Hunter
Hutto
Inhofe
Ireland
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Moran

Morella
Morrison
Murphy
Myers
Neal (NC)
Nichols
Nussle
Olin
Orton
Owens (UT)
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze

Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Williams
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—195

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Brooks
Brown
Bruce
Bryant
Bustamante
Cardin
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin

Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Erdreich
Evans
Fascell
Fazio
Feighan
Flake
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hughes
Hyde
Jacobs
Jefferson
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer

LaFalce
Lancaster
Lantos
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickle
Porter

Poshard
Price
Rahall
Rangel
Reed
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sawyer
Scheuer

Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Studds
Swett
Swift
Synar

Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Waters
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—20

Bacchus
Barnard
Boxer
Broomfield
Chapman
Foglietta
Ford (MI)

Ford (TN)
Hayes (LA)
Holloway
Hopkins
Huckaby
Jenkins
Mrazek

Savage
Slaughter (VA)
Smith (FL)
Stokes
Washington
Wilson

□ 1439

The Clerk announced the following pair:

On this vote:

Mr. Hayes of Louisiana for, with Mr. Smith of Florida against.

Mr. MARKEY changed his vote from "yea" to "nay."

Messrs. SKELTON, ALEXANDER and McMILLEN of Maryland changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1440

The CHAIRMAN. Are there any other amendments to section 2 of the bill?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of such Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

The CHAIRMAN. Are there any amendments to section 3 of the bill?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. RULE-OF-REASON STANDARD.

(a) IN GENERAL.—Nothing in this Act shall affect the application of the rule-of-reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws.

(b) DEFINITION.—For purposes of subsection (a), the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

The CHAIRMAN. Are there any amendments to section 4 of the bill?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. APPLICABILITY.

With the exception of the first sentence in section 2(b), section 2 of this Act shall not aply to civil actions commenced before the date of enactment of this Act.

The CHAIRMAN. Are there any amendments to section 5?

If not, under the rule the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. SLATTERY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1470) to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing, pursuant to House Resolution 241, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, pursuant to the provisions of House Resolution 241, I call up from the Speaker's table the Senate bill (S. 429) to amend the Sherman Act regarding retail competition, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Consumer Protection Against Price-Fixing Act of 1991".

SEC. 2. The Congress finds that—

(1) consumer welfare is greatly enhanced by an ability to purchase goods and services at lower prices as a result of vigorous price competition;

(2) vertical price restraints generally have an adverse impact on competition that results in higher consumer prices;

(3) recent court decisions have so narrowly construed the laws against vertical price restraints that consumer welfare has been put in jeopardy; and

(4) it is necessary to enact legislation that protects the interests of consumers in vigorous price competition while recognizing the needs of manufacturers and others to maintain reasonable service, quality and safety standards.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller takes steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (C)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide nonprice business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change, or maintain the resale price of a good or service in an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service an the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon."

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of nonprice vertical restraints.

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike all after the enacting clause of the Senate bill, S. 429, and to insert in lieu thereof the text of H.R. 1470, as passed, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Price Fixing Prevention Act of 1991".

SEC. 2. EVIDENTIARY STANDARDS IN FEDERAL CIVIL ANTI-TRUST ACTIONS RELATING TO PRICE FIXING.

(a) In any civil action based on a claim arising under section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3) and alleging a contract, combination, or conspiracy to set, change, or maintain prices (other than a maximum price), evidence that a person who sells a good or service to the claimant for resale—

(1) received from a competitor of the claimant a communication regarding price competition by the claimant in the resale of a good or service, and

(2) in response to such communication terminated the claimant as a buyer of a good or service for resale, or refused to supply to the claimant some or all of such goods or services requested by the claimant,

shall be sufficient to raise the inference that such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section. For purposes of this subsection, a termination or a refusal to supply is in response to a communication if such communication is a substantial contributing cause of such termination or refusal to supply. Nothing herein shall preclude the court from entering judgment in favor of the defendant, at trial or prior thereto, if the court determines on the basis of all the evidence and pleadings submitted by the parties, in accordance with the Federal Rules of Civil Procedure and the requirements of this subsection, that no such inference of concerted action can reasonably be drawn by a trier of fact.

(b) In any civil action based on a claim arising under section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3), and alleging a contract, combination, or conspiracy to set, change, or maintain prices, the fact that the seller of a good or service and the purchaser of such good or service entered into an agreement to set, change, or maintain the price (other than a maximum price) of such good or service for resale shall be sufficient to constitute a violation of such section. An agreement between the seller of a good or service and the purchaser of such good or service to terminate another purchaser as a dealer or to refuse to supply such other purchaser because of that purchaser's pricing policies shall constitute a violation of such section, whether or not a specific price or price level is agreed upon.

(c) It shall be a defense to an action described in this section that the defendant was so small in the relevant market as to lack market power.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of such Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 4. RULE-OF-REASON STANDARD.

(a) IN GENERAL.—Nothing in this Act shall affect the application of the rule-of-reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws.

(b) DEFINITION.—For purposes of subsection (a), the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1470) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 429, PRICE FIXING PREVENTION ACT OF 1991

Mr. BROOKS. Mr. Speaker, pursuant to House Resolution 241, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BROOKS moves that the House insist on its amendment to the Senate bill, S. 429 and request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Resolution 241, the Chair appoints the following conferees: Messrs. BROOKS, EDWARDS of California, SYNAR, FISH, and CAMPBELL of California.

Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2797

Mr. DORNAN of California. Mr. Speaker, I cosponsored a bill without properly researching it. I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2797.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1028

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1028.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida.

There was no objection.

□ 1450

DEFENSE PRODUCTION ACT AMENDMENTS OF 1991

Mr. CARPER. Mr. Speaker, pursuant to the provisions of House Resolution 231, I move to take from the Speaker's table the Senate bill (S. 347) to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Defense Production Act Amendments of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

Sec. 101. Declaration of policy.

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

Sec. 111. Strengthening of domestic capability.
Sec. 112. Limitation on actions without congressional authorization.

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

Sec. 121. Expanding the reach of existing authorities under title III.
Sec. 122. Defense Production Act Fund.
Sec. 123. Offset policy.
Sec. 124. Annual report on impact of offsets.

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

Sec. 131. Small business.
Sec. 132. Definitions.
Sec. 133. Delegation of authority; appointment of personnel.
Sec. 134. Regulations and orders.
Sec. 135. Technical amendments restoring antitrust immunity for emergency actions initiated by the President.
Sec. 136. Information on the defense industrial base.
Sec. 137. Public participation in rulemaking.
Sec. 138. Waivers of certain employment restrictions.

PART E—TECHNICAL AMENDMENTS

Sec. 141. Priorities in contracts and orders.
Sec. 142. Technical correction.
Sec. 143. Investigations; records; reports; subpoenas.
Sec. 144. Employment of personnel.
Sec. 145. Technical correction.

PART F—REPEALERS AND CONFORMING AMENDMENTS

Sec. 151. Synthetic fuel action.
Sec. 152. Voluntary agreements.
Sec. 153. Repeal of interest payment provisions.
Sec. 154. Joint Committee on Defense Production.
Sec. 155. Persons disqualified for employment.
Sec. 156. Feasibility study on uniform cost accounting standards; report submitted.
Sec. 157. National Commission on Supplies and Shortages.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

Sec. 161. Authorization of appropriations.
Sec. 162. Extension of program.
Sec. 163. Exemption from termination.

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

Sec. 201. Procurement of critical components and critical technology items.
Sec. 202. Recognition of modernized production systems and equipment in contract award and administration.
Sec. 203. Sustaining investment.

PART B—MISCELLANEOUS

Sec. 211. Discouraging unfair trade practices.

TITLE III—AMENDMENT TO RELATED LAWS

Sec. 301. Energy security.

TITLE IV—FAIR TRADE IN FINANCIAL SERVICES

Sec. 401. Short title.
Sec. 402. Effectuating the principle of national treatment for banks and bank holding companies.
Sec. 403. Effectuating the principle of national treatment for securities brokers and dealers.
Sec. 404. Effectuating the principle of national treatment for investment advisers.
Sec. 405. Financial interdependence study.
Sec. 406. Conforming amendments specifying that national treatment includes effective market access.

TITLE V—EFFECTIVE DATES

Sec. 501. Effective dates.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

SEC. 101. DECLARATION OF POLICY.

Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"(a)(1) The vitality of the industrial and technology base of the United States is a foundation of national security. It provides the industrial and technological capabilities employed to meet national defense requirements, in peacetime and in time of national emergency. In peacetime, the health of the industrial and technological base contributes to the technological superiority of our defense equipment, which is a cornerstone of our national security strategy, and the efficiency with which defense equipment is developed and produced. In times of crisis, a healthy industrial base will be able to effectively provide the graduated response needed to effectively meet the demands of the emergency.

"(2) To meet these requirements, this Act affords to the President an array of authorities to shape defense preparedness programs and to take appropriate steps to maintain and enhance the defense industrial and technological base.

"(b)(1) In view of continuing international problems, the Nation's demonstrated reliance on imports of materials and components, and the need for measures to reduce defense production lead times and bottlenecks, and in order to provide for the national defense and national security, our defense mobilization preparedness effort continues to require the development of preparedness programs, domestic defense industrial base improvement measures, as well as provision for a graduated response to any threatening international or military situation, and the expansion of domestic productive capacity beyond the levels needed to meet the civilian demand. Also required is some diversion of certain materials and facilities from civilian use to military and related purposes.

"(2) These activities are needed in order to improve domestic defense industrial base efficiency and responsiveness, to reduce the time required for industrial mobilization in the event of an attack on the United States or to respond to actions occurring outside the United States which could result in the termination or reduction of the availability of strategic and critical materials, including energy, and which could adversely affect national defense preparedness of the United States. In order to ensure national defense preparedness, which is essential to national security, it is also necessary and appropriate to assure the availability of domestic energy supplies for national defense needs.

"(c)(1) In order to ensure productive capacity in the event of an attack on the United States, it is the policy of the Congress to encourage the geographical dispersal of industrial facilities in the United States to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States. To ensure that essential mobilization requirements are met, consideration should also be given to stockpiling strategic materials to the extent that such stockpiling is economical and feasible.

"(2) In the construction of any Government-owned industrial facility, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this or any other Act, each department and agency of the executive branch shall apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. However, nothing in this paragraph shall preclude the use of existing industrial facilities.

"(3) To ensure the adequacy of productive capacity and supply, executive agencies and departments responsible for defense acquisition shall continuously assess the capability of the domestic defense industrial base to satisfy peacetime requirements as well as increased mobilization production requirements. Such assessments shall specifically evaluate the availability of adequate production sources, including subcontractors and suppliers, materials, and skilled labor, and professional and technical personnel.

"(4) It is the policy of the Congress that plans and programs to carry out this declaration of policy shall be undertaken with due consideration for promoting efficiency and competition.

"(5) It is also necessary to recognize that—

"(A) the domestic defense industrial base is a component part of the core industrial capacity of the Nation; and

"(B) much of the industrial capacity which is relied upon by the Federal Government for military production and other defense-related purposes is deeply and directly influenced by—

"(i) the overall competitiveness of the United States industrial economy; and

"(ii) the ability of United States industry, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve that competitive edge in the future, with respect to military and civilian production.

"(6)(A) The domestic defense industrial base is developing a growing dependency on foreign sources for critical components and materials used in manufacturing and assembling major weapons systems for our national defense.

"(B) This dependence is threatening the capability of many critical industries to respond rapidly to defense production needs in the event of war or other hostilities or diplomatic confrontation.

"(C) The inability of United States industry, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair our ability to sustain our Armed Forces in combat for more than a few months.

"(D) In the event our Armed Forces must face an adversary with a numerical advantage, in the context of a conventional war, it is imperative to preserve and strengthen the industrial and technological capabilities of the United States.".

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

SEC. 111. STRENGTHENING OF DOMESTIC CAPABILITY.

Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2071, et seq.) is amended by adding at the end the following new section:

"SEC. 107. STRENGTHENING OF DOMESTIC CAPABILITY.

"(a) IN GENERAL.—To assure availability of critical components and critical technology items essential for the execution of the national security strategy of the United States in peacetime and during graduated mobilization, the President shall take action to implement the requirements of subsection (b)(3) within a 5-year period.

"(b) DOMESTIC PRODUCTION OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—

"(1) ESSENTIAL WEAPON SYSTEMS.—

"(A) DESIGNATION.—The President, acting through the Secretary of Defense, shall review the inventory of weapon systems and defense equipment and designate as an essential weapon system those items deemed appropriate.

"(B) MAINTENANCE OF LIST.—The President shall maintain a list of such weapon systems and other items of military equipment.

"(2) CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—

"(A) DESIGNATION.—The President, acting through the Secretary of Defense, shall identify critical components, and critical technology items, including those relating to essential weapon systems, utilizing information from the Defense Industrial Base Information System established pursuant to section 722(a) of this Act and other appropriate sources.

"(B) MAINTENANCE OF LIST.—The President shall cause an unclassified list of critical or emerging technologies to be maintained and published at least annually in the Federal Register.

"(3) RELIANCE ON DOMESTIC SOURCES.—

"(A) IN GENERAL.—To assure adequate domestic sources for critical components and critical technology items to meet national security requirements, including those relating to essential weapon systems, the President is authorized to limit procurement of such items to domestic sources.

"(B) AUTHORITY.—The authority under subparagraph (A) may be exercised pursuant to—

"(i) section 2304(c)(3) of title 10, United States Code;

"(ii) section 303(c)(3) of the Federal Property and Administrative Services Act of 1949; or

"(iii) any other provision of law (including section 201 of the Defense Production Act Amendments of 1990).

"(4) CRITICAL INDUSTRIES FOR NATIONAL SECURITY.—The President shall cause—

"(A) a list to be maintained containing any industry (or industry sector) identified or designated as a critical industry for national security; and

"(B) an unclassified version of such list to be published at least annually in the Federal Register.

"(c) USE OF TITLE III AUTHORITIES TO DEVELOP DOMESTIC CAPACITY.—Pursuant to authorities provided by title III of this Act or any other provision of law, the President may provide appropriate incentives to develop, maintain, modernize, or expand the productive capacities of domestic sources for critical components, critical technology items, or industrial resources within an industry essential for national security.

"(d) ASSISTANCE FOR MODERNIZATION.—

"(1) MODERNIZATION OF EQUIPMENT.—Funds authorized under title III may be used to guarantee the purchase or lease of advanced manufacturing equipment, and any related service with respect to such equipment, for purposes of this Act.

"(2) SMALL BUSINESSES.—In providing any assistance pursuant to title III of this Act, the President shall accord a strong preference for projects to be undertaken by business concerns which are small business concerns, in accordance with section 3 of the Small Business Act, who perform as contractors or subcontractors in a critical industry for national security.

"(e) STOCKPILING OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—The President, acting through the Secretary of Defense, is authorized to stockpile appropriate supplies of critical components and critical technology items to meet the needs of the Department of Defense and the production needs of firms furnishing essential weapon systems to the Department during peacetime and various stages of graduated mobilization, whenever it is determined that necessary quantities of such items cannot be obtained from domestic sources.

"(f) REPORT.—

"(1) IN GENERAL.—The President shall transmit to the Congress by January 31 of each odd-numbered year a report on actions taken to preserve and revitalize the domestic defense industrial base, as described in paragraph (2).

"(2) CONTENT.—The report required by paragraph (1) shall contain, in addition to such matters as the President deems appropriate—

"(A) a detailed description of the specific actions taken, or to be taken, to implement the requirements of—

"(i) paragraphs (1), (2), and (3) of subsection (b);

"(ii) subsection (c); and

"(iii) subsection (e); and

"(B) an assessment of the capability of the domestic defense industrial base to meet the requirements of various stages of a graduated mobilization for a period of 6 months.

"(g) COORDINATION WITH MEMORANDA OF UNDERSTANDING.—

"(1) QUALIFICATION FOR PERMITTED EXCLUSION.—Actions taken pursuant to the authority of subsection (b)(3) shall qualify for any exclusion permitted by an existing memorandum of understanding (including memoranda relating to a specific project or the general conduct of procurement activities between the signatories) for the purposes of maintaining defense mobilization capabilities.

"(2) PRESIDENTIAL AUTHORITY.—The President is authorized, at his discretion, to seek to modify any existing or future memorandum of understanding to give effect to any action taken pursuant to the authority of subsection (b)(3).".

SEC. 112. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

Section 104 of the Defense Production Act of 1950 (50 U.S.C. App. 2074) is amended to read as follows:

"SEC. 104. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

"(a) WAGE OR PRICE CONTROLS.—No provision of this Act shall be interpreted as providing for the imposition of wage or price controls without the prior authorization of such action by a joint resolution of Congress.

"(b) CHEMICAL OR BIOLOGICAL WEAPONS.—No provision of this Act shall be exercised or interpreted to require action or compliance by any private person to assist in any way in the production of or other involvement in chemical or biological warfare capabilities except—

"(1) in time of war, or

"(2) in time of national emergency (A) as declared by joint resolution of Congress, or (B) upon the written authorization of the President, which power to authorize may not be delegated.".

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

SEC. 121. EXPANDING THE REACH OF EXISTING AUTHORITIES UNDER TITLE III.

(a) GUARANTEE AUTHORITY.—Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended—

(1) in subsection (a)(1), by striking "to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense" and inserting "to expedite or expand production and

deliveries or services under Government contracts for the procurement of industrial resources or critical technology items essential for the national defense";

(2) by amending subsection (a)(3)(A) to read as follows:

"(A) the guaranteed contract or operation is for industrial resources or a critical technology item which is essential to the national defense;";

(3) in subsection (a)(3)(B), by striking "the capability for the needed material or service" and inserting "the needed industrial resources or critical technology item";

(4) in subsection (e)(1)(A), by striking "Except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in subparagraph (D)";

(5) in subsection (e)(1)(C), by striking "$25,000,000" and inserting "$50,000,000"; and

(6) by adding at the end of subsection (e)(1) the following new subparagraph:

"(D) The requirements of subparagraphs (A), (B), and (C) may be waived during periods of national emergency declared by Congress or the President.".

(b) LOANS TO PRIVATE BUSINESS ENTERPRISES.—Section 302 of the Defense Production Act of 1950 (50 U.S.C. App. 2092) is amended—

(1) in subsection (a), by striking "for the procurement of materials or the performance of services for the national defense" and inserting "for the procurement of industrial resources or a critical technology item for the national defense";

(2) in subsection (c)(1), by striking "No such loans may be made under this section, except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in paragraph (4), no loans may be made under this section";

(3) in subsection (c)(3), by striking "$25,000,000" and inserting "$50,000,000"; and

(4) in subsection (c), by adding at the end the following new paragraph:

"(4) The requirements of paragraphs (1), (2), and (3) of this subsection may be waived during periods of national emergency declared by Congress or the President.".

(c) PURCHASES AND PURCHASE COMMITMENTS.—

(1) Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended to read as follows:

"(a)(1) To assist in carrying out the objectives of this Act, the President may make provision—

"(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale; and

"(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials.

"(2) Purchases for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced except insofar as such domestically produced supply may be purchased for resale for industrial use or stockpiling.

"(3) No commodity purchased under this subsection shall be sold at less than—

"(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower, or

"(B) if no ceiling price has been established, the higher of—

"(i) the current domestic market price for such commodity; or

"(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation as provided in section 407 of the Agricultural Act of 1949.

"(4) No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than one year after the expiration of this section.

"(5) Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President determines that—

"(A) the industrial resource or critical technology item is essential to the national defense;

"(B) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource or critical technology item in a timely manner;

"(C) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need; and

"(D) the United States national defense demand for the industrial resource or critical technology item is equal to, or greater than the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action.

"(6) Except as provided in paragraph (7), the President shall take no action under this section unless the industrial resource shortfall which such action is intended to correct has been identified in the Budget of the United States or amendments thereto, submitted to the Congress and accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. Any such action may be taken only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to the preceding sentence. If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $50,000,000, any such action or actions may be taken only if specifically authorized by law.

"(7) The requirements of paragraphs (1) through (6) may be waived during periods of national emergency declared by Congress or the President.".

(2) Section 303(b) of such Act is amended by striking "September 30, 1995" and inserting "a date that is not more than 10 years from the date such purchase, purchase commitment, or sale was initially made".

SEC. 122. DEFENSE PRODUCTION ACT FUND.

Section 304 of the Defense Production Act of 1950 (50 U.S.C. App. 2094) is amended to read as follows:

"SEC. 304. DEFENSE PRODUCTION ACT FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the Defense Production Act Fund (hereafter in this section referred to as 'the Fund').

"(b) MONEYS IN FUND.—The following moneys shall be credited to the Fund:

"(1) All moneys appropriated after October 19, 1990, for the Fund, as authorized by section 711(c).

"(2) All moneys received after October 19, 1990, on transactions entered into pursuant to section 303.

"(c) USE OF FUND.—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

"(d) DURATION OF FUND.—Moneys in the Fund shall remain available until expended.

"(e) FUND BALANCE.—The Fund balance at the close of each fiscal year shall not exceed $250,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If at the close of any fiscal year the Fund balance exceeds such amount, the amount in excess of $250,000,000 shall be paid into the general fund of the Treasury.

"(f) FUND MANAGER.—The Secretary of the Treasury shall designate a Fund manager. The duties of the Fund manager shall include—

"(1) determining the liability of the Fund in accordance with subsection (g);

"(2) ensuring the visibility and accountability of transactions engaged in through the Fund to the Secretaries of Defense, Treasury, and Commerce, and to the Congress; and

"(3) reporting to Congress each year regarding fund activities during the previous fiscal year.

"(g) LIABILITIES AGAINST FUND.—

"(1) IN GENERAL.—When any agreement entered into pursuant to this title after December 31, 1990, imposes contingent liabilities upon the United States, such liability shall be considered an obligation against the Fund. The total amount of such obligations shall be determined for each fiscal year in accordance with paragraph (2).

"(2) DETERMINATION OF LIABILITY.—For purposes of paragraph (1), the total amount of obligations against the Fund is the amount which is equal to—

"(A) the aggregate outlays required by purchase or purchase commitment contracts or financing agreements; minus

"(B) the sum of—

"(i) the anticipated aggregate receipts from resale of materials purchased with moneys from the Fund; and

"(ii) the anticipated receipts from the direct sale of materials by the producer to customers.

"(3) TREATMENT OF ANTICIPATED RECEIPTS AND REDUCTIONS.—Anticipated receipts and anticipated reductions in purchase commitments shall be included under paragraph (2) only if a written plan for sale of materials has been developed, specifying probable customers, amount, time of the sales, and sales price.".

SEC. 123. OFFSET POLICY.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by adding a new subsection (a) as follows:

"(a) OFFSET POLICY.—

"(1) IN GENERAL.—Recognizing that certain offsets for military exports are economically inefficient and market distorting, and mindful of the need to minimize the adverse effects of offsets in military exports while ensuring that the ability of United States firms to compete for military export sales is not undermined, it shall be the policy of the United States Government that—

"(A) no agency of the United States Government shall encourage, enter directly into, or commit United States firms to any offset arrangement in connection with the sale of defense goods or services to foreign governments;

"(B) United States Government funds shall not be used to finance offsets in security assistance transactions except in accordance with policies and procedures that were in existence as of October 20, 1990;

"(C) nothing in this section shall prevent agencies of the United States Government from fulfilling obligations incurred through international agreements entered into before October 20, 1990; and

"(D) the decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved.

"(2) PRESIDENTIAL APPROVAL OF EXCEPTIONS.—The President may approve an exception to the policy stated by paragraph (1) after receiving the recommendation of the National Security Council.

"(3) CONSULTATION.—The President shall designate the Secretary of Defense, in coordination with the Secretary of State, to lead an interagency team to consult with foreign nations on limiting the adverse effects of offsets in defense procurement. The President shall transmit an annual report on the results of these consultations to the Congress as part of the report required under subsection (b).".

SEC. 124. ANNUAL REPORT ON IMPACT OF OFFSETS.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) (as amended by section 123 of this Act) is amended—

(1) in subsection (b) (as so redesignated by section 123(1) of this part)—

(A) by striking "(b) REPORT REQUIRED.—Not later" and inserting:

"(b) ANNUAL REPORT ON IMPACT OF OFFSETS.—

"(1) REPORT REQUIRED.—Not later";

(B) by striking the second sentence; and

(C) by adding at the end the following new paragraph:

"(2) DUTIES OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce shall—

"(A) prepare the report required by paragraph (1);

"(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in connection with the preparation of such report; and

"(C) function as the President's Executive Agent for carrying out the requirements of this section.";

(2) by amending subsection (c) (as so redesignated by section 123(1) of this part) to read as follows:

"(c) INTERAGENCY STUDIES AND RELATED DATA.—

"(1) PURPOSE OF REPORT.—Each report required under subsection (b) shall identify the cumulative effects (indirect as well as direct) of offset agreements on—

"(A) the full range of domestic defense productive capability (with special attention to the firms serving as lower-tier subcontractors or suppliers); and

"(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

"(2) USE OF DATA.—Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary of Commerce to facilitate the Secretary in executing the Secretary's responsibilities with respect to trade offset and countertrade policy development."; and

(3) by adding at the end the following new subsections:

"(d) NOTICE OF OFFSET AGREEMENTS.—

"(1) IN GENERAL.—If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding $5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

"(2) REGULATIONS.—The information to be furnished shall be prescribed in regulations promulgated by the Secretary of Commerce. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information. Nothing in this paragraph authorizes the withholding of such information from the Congress.

"(e) CONTENTS OF REPORT.—

"(1) IN GENERAL.—Each report under subsection (b) shall include—

"(A) a net assessment of the elements of the industrial base and technology base covered by the report;

"(B) recommendations for appropriate remedial action under the authorities provided by this Act, or other law or regulations;

"(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (c);

"(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (d); and

"(E) a summary and analysis of any bilateral and multilateral negotiations relating to use of offsets completed during the reporting period.

"(2) ALTERNATIVE FINDINGS OR RECOMMENDATIONS.—Each report shall include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary of Commerce.

"(f) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection (b), and any interagency reports and analyses shall be considered by representatives of the United States during bilateral and multilateral negotiations to minimize the adverse effects of offsets.".

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

SEC. 131. SMALL BUSINESS.

Section 701 of the Defense Production Act of 1950 (50 U.S.C. App. 2151) is amended to read as follows:

"SEC. 701. SMALL BUSINESS.

"(a) PARTICIPATION.—Small business concerns shall be given the maximum practicable opportunity to participate as contractors, and subcontractors at various tiers, in all programs to maintain and strengthen the Nation's industrial base and technology base undertaken pursuant to this Act.

"(b) ADMINISTRATION OF ACT.—In administering the programs, implementing regulations, policies, and procedures under this Act, requests, applications, or appeals from small business concerns shall, to the maximum extent practicable, be expeditiously handled.

"(c) ADVISORY COMMITTEE PARTICIPATION.—Representatives of small business concerns shall be afforded the maximum opportunity to participate in such advisory committees as may be established pursuant to the provisions of this Act.

"(d) INFORMATION.—Information about the Act and activities under the Act shall be made available to small business concerns.

"(e) ALLOCATIONS UNDER SECTION 101.—Whenever the President makes a determination to exercise any authority to allocate any material pursuant to section 101 of this Act, small business concerns shall be accorded, so far as practicable, a fair share of such material, in proportion to the share received by such business concerns under normal conditions, giving such special consideration as may be possible to new small business concerns or individual firms facing undue hardship.".

SEC. 132. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended to read as follows:

"SEC. 702. DEFINITIONS.

As used in this Act—

"(1) CRITICAL COMPONENT.—The term 'critical component' includes such components, subsystems, systems, and related special tooling and test equipment essential to the production, repair, maintenance, or operation of weapon systems or other items of military equipment as are identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States.

"(2) CRITICAL INDUSTRY FOR NATIONAL SECURITY.—The term 'critical industry for national security' means any industry (or industry sector) identified pursuant to section 2503(6) of title 10, United States Code, and such other industries or industry sectors as may be designated by the President as essential to provide industrial resources required for the execution of the national security strategy of the United States.

"(3) CRITICAL TECHNOLOGY.—The term 'critical technology' includes any technology that is included in 1 or more of the plans submitted pursuant to section 2508 of title 10, United States Code (unless subsequently deleted), or such other emerging or dual use technology as may be designated by the President.

"(4) CRITICAL TECHNOLOGY ITEM.—The term 'critical technology item' shall mean materials directly employing, derived from, or utilizing a critical technology.

"(5) DEFENSE CONTRACTOR.—The term 'defense contractor' means any person who enters into a contract with the United States to furnish materials, industrial resources, or a critical technology, or to perform services for the national defense.

"(6) DOMESTIC DEFENSE INDUSTRIAL BASE.—The term 'domestic defense industrial base' means domestic sources which are providing, or which would be reasonably expected to provide, materials or services to meet national defense requirements during war or national emergency.

"(7) DOMESTIC SOURCE.—The term 'domestic source' means a business entity—

"(A) that performs in the United States or Canada substantially all of the research and development, engineering, manufacturing, and production activities required of such firm under a contract with the United States relating to a critical component or a critical technology item, and

"(B) that procures from entities described in subparagraph (A) substantially all of the components and assemblies required under a contract with the United States relating to a critical component or critical technology item.

"(8) ESSENTIAL WEAPON SYSTEM.—The term 'essential weapon system' shall mean a major weapon system and other items of military equipment identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States.

"(9) FACILITIES.—The term 'facilities' includes all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other places of worship, and private dwelling houses), and services relating to the use of any such building, structure, or other improvement.

"(10) FOREIGN SOURCE.—The term 'foreign source' means a business entity other than a 'domestic source'.

"(11) INDUSTRIAL RESOURCES.—The term 'industrial resources' means materials, services, processes, or manufacturing equipment (including the processes, technologies, and ancillary services for the use of such equipment) needed to establish or maintain an efficient and modern national defense industrial capacity.

"(12) MATERIALS.—The term 'materials' includes—

"(A) any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and

"(B) any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.

"(13) NATIONAL DEFENSE.—The term 'national defense' means programs for military and energy production or construction, military assistance to any foreign nation, stockpiling, space, and any directly related activity.

"(14) PERSON.—The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof, or any State or local government or agency thereof.

"(15) SERVICES.—The term 'services' includes any effort that is needed or incidental to—

"(A) the development, production, processing, distribution, delivery, or use of an industrial resource or a critical technology item, or

"(B) the construction of facilities.".

SEC. 133. DELEGATION OF AUTHORITY; APPOINTMENT OF PERSONNEL.

Section 703 of the Defense Production Act of 1950 (50 U.S.C. App. 2153) is amended to read as follows:

"SEC. 703. DELEGATION AND CIVILIAN PERSONNEL.

"(a) DELEGATION OF AUTHORITY.—Except as otherwise specifically provided, the President may—

"(1) delegate any power or authority of the President under this Act to any civilian officer of the Government appointed by and with the advice and consent of the Senate;

"(2) except with regard to title I, authorize redelegation by that officer to an officer or employee of that officer who—

"(A) if a member of the armed forces, is a general or flag officer; or

"(B) if a civilian, is serving in a position in the grade GS-16 or above (or in a comparable or higher position under any other schedule for civilian officers or employees);

"(3) delegate only to an individual described in paragraph (1) the authority to establish policies and procedures for exercising authority under title I; and

"(4) establish such new agencies as may be necessary to manage Federal emergency preparedness programs.

"(b) CIVILIAN PERSONNEL.—Any officer or agency head may appoint civilian personnel without regard to section 5331(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may fix the rate of basic pay for such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule, as the President deems appropriate to carry out the provisions of this Act.".

SEC. 134. REGULATIONS AND ORDERS.

Section 704 of the Defense Production Act of 1950 (50 U.S.C. App. 2154) is amended to read as follows:

"SEC. 704. REGULATIONS AND ORDERS.

"Subject to section 709, the President may prescribe such regulations and issue such orders as the President may determine to be appropriate to carry out the provisions of this Act.".

SEC. 135. TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS INITIATED BY THE PRESIDENT.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) DEFINITIONS.—For purposes of this Act—

"(1) ANTITRUST LAWS.—The term 'antitrust laws' has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) PLAN OF ACTION.—The term 'plan of action' means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708A(o), upon" and inserting "Upon"; and

(B) by inserting "and plans of action" after "voluntary agreements";

(4) in subsection (c)(2), by striking the last sentence;

(5) in the 2d sentence of subsection (d)(1)—

(A) by inserting "and except as provided in subsection (n)" after "specified in this section"; and

(B) by striking ", and the meetings of such committees shall be open to the public";

(6) in subsection (d)(2), by striking out "section 552(b)(1) and (b)(3)" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(7) in subsection (e)(1), by inserting "and plans of action" after "voluntary agreements";

(8) in subsection (e)(3)(D), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(9) in subsection (e)(3)(F)—

(A) by striking "General and to" and inserting "General, the"; and

(B) by inserting ", and the Congress" before the semicolon;

(10) in subsection (e)(3)(G), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(11) in subsections (f) and (g)—

(A) by inserting "or plan of action" after "voluntary agreement" each place such term appears; and

(B) by inserting "or plan" after "the agreement" each place such term appears;

(12) in subsection (f)(1)(A) (as amended by paragraph (11) of this subsection) by inserting "and submits a copy of such agreement or plan to the Congress" before the semicolon;

(13) in subsection (f)(1)(B) (as amended by paragraph (11) of this subsection) by inserting "and publishes such finding in the Federal Register" before the period.

(14) in subsection (f)(2) (as amended by paragraph (11) of this subsection) by inserting "and publish such certification or finding in the Federal Register" before ", in which case";

(15) in subsection (h)—

(A) by inserting "and plans of action" after "voluntary agreements";

(B) by inserting "or plan of action" after "voluntary agreement" each place such term appears;

(C) by striking "and at the end of paragraph (9);

(D) by striking the period at the end of paragraph (10) and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission, and the Congress.";

(16) in subsection (h)(3), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraph (1), (3), or (4) of section 552(b)"; and

(17) in paragraphs (7) and (8) of subsection (h), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(18) by striking subsection (j) and inserting the following new subsection:

"(j) DEFENSES.—

"(1) IN GENERAL.—Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement or plan of action under this section that—

"(A) such action was taken—

"(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

"(ii) to carry out a voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement, and

"(B) such person—

"(i) complied with the requirements of this section and any regulation prescribed under this section; and

"(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

"(2) SCOPE OF DEFENSE.—Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraph (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, an approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraph (1) shall not be available unless the President or the President's designee has authorized and actively supervised the voluntary agreement or plan of action.

"(3) BURDEN OF PERSUASION.—Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

"(4) EXCEPTION FOR ACTIONS TAKEN TO VIOLATE THE ANTITRUST LAWS.—The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.";

(19) in subsection (k), by inserting "and plans of action" after "voluntary agreements" each place such term appears;

(20) in subsection (l), by inserting "or plan of action" after "voluntary agreement";

(21) by adding at the end the following new subsections:

"(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other Federal law and any Federal regulation relating to advisory committees.

"(o) PREEMPTION OF CONTRACT LAW IN EMERGENCIES.—In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.".

SEC. 136. INFORMATION ON THE DEFENSE INDUSTRIAL BASE.

The Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) is amended by adding at the end the following new section:

"SEC. 722. DEFENSE INDUSTRIAL BASE INFORMATION SYSTEM.

"(a) ESTABLISHMENT REQUIRED.—

"(1) IN GENERAL.—The President, acting through the Secretary of Defense and the heads of such other Federal agencies as the President may determine to be appropriate, shall provide for the establishment of an information system on the domestic defense industrial base which—

"(A) meets the requirements of this section; and

"(B) includes a systematic continuous procedure to collect and analyze information necessary to evaluate—

"(i) the adequacy of domestic industrial capacity and capability in critical components, technologies, and technology items essential to the national security of the United States; and

"(ii) dependence on foreign sources for industrial parts, components, and technologies essential to defense production.

"(2) INCORPORATION OF DINET.—The defense information network as established and maintained by the Secretary of Defense on the date of the enactment of the Defense Production Act Amendments of 1990 shall be incorporated into the system established pursuant to paragraph (1).

"(3) USE OF INFORMATION.—Information collected and analyzed under the procedure established pursuant to paragraph (1) shall constitute a basis for making any determination to exercise any authority under this Act and a procedure for using such information shall be integrated into the decisionmaking process with regard to the exercise of any such authority.

"(b) SOURCES OF INFORMATION.—

"(1) FOREIGN DEPENDENCE.—

"(A) SCOPE OF INFORMATION REVIEW.—The procedure established to meet the requirement of subsection (a)(1)(B)(ii) shall address defense production with respect to the operations of prime contractors and at least the first 2 tiers of subcontractors.

"(B) USE OF EXISTING DATA COLLECTION AND REVIEW CAPABILITIES.—To the extent feasible and appropriate, the President shall build upon existing methods of data collection and analysis and shall integrate information available from intelligence agencies with respect to industrial and technological conditions in foreign countries.

"(C) INITIAL EMPHASIS ON PRIORITY LISTS.—In establishing the procedure referred to in subparagraph (A), the Secretary may place initial emphasis on the production of parts and components relating to priority lists such as the Commanders' in Chief Critical Items List and the technologies identified as critical in the annual defense critical technologies plan submitted pursuant to section 2508 of title 10, United States Code.

"(2) PRODUCTION BASE ANALYSIS.—

"(A) TOP-TO-BOTTOM REVIEW.—Effective on or after October 1, 1991, the analysis of the production base for any major procurement project which is included in the information system maintained pursuant to subsection (a) shall, in addition to any information and analyses the President may require—

"(i) include a review of all levels of acquisition and production, beginning with any raw material, special alloy, or composite material involved in the production and ending with the completed product;

"(ii) identify each contractor and subcontractor at each level of acquisition and production with respect to such project which represents a potential for delaying or preventing the production and acquisition, including the identity of each contractor or subcontractor whose contract qualifies as a foreign source or sole source contract and any supplier which is a foreign or sole source for any item required in the production; and

"(iii) include information to permit appropriate management of accelerated or surge production.

"(B) INITIAL REQUIREMENT FOR STUDY OF PRODUCTION BASES FOR NOT MORE THAN 6 MAJOR WEAPON SYSTEMS.—In establishing the information system under subsection (a), the President, acting through the Secretary of Defense, shall require an analysis of the production base for not more than 2 weapons of each military department which are major systems (as defined in section 2305(5) of title 10, United States Code).

"(3) CONSULTATION REGARDING THE CENSUS OF MANUFACTURERS.—

"(A) IN GENERAL.—The Secretary of Commerce, acting through the Bureau of the Census, shall consult with the Secretary of Defense and the Director of the Federal Emergency Management Agency with a view to improving the application of information derived from the Census of Manufacturers to the purposes of this section.

"(B) ISSUES TO BE ADDRESSED.—Such consultations shall address improvements in the level of detail, timeliness, and availability of input and output analyses derived from the Census of Manufacturers necessary to facilitate the purposes of this section.

"(c) STRATEGIC PLAN FOR DEVELOPING COMPREHENSIVE SYSTEM.—

"(1) PLAN REQUIRED.—Not later than December 31, 1992, the President shall provide for the establishment of and report to Congress on a strategic plan for developing a cost-effective, comprehensive information system capable of identifying on a timely, ongoing basis vulnerability in critical components, technologies, and technology items.

"(2) ASSESSMENT OF CERTAIN PROCEDURES.—In establishing plan under paragraph (1), the President shall assess the performance and cost-effectiveness of procedures implemented under subsection (b) and shall seek to build upon such procedures as appropriate.

"(d) CAPABILITIES OF SYSTEM.—

"(1) IN GENERAL.—In connection with the establishment of the information system under subsection (a), the President shall direct the Secretary of Defense, the Secretary of Commerce, and the heads of such other Federal agencies as the President may determine to be appropriate to—

"(A) consult with each other and provide such information, assistance, and cooperation as may be necessary to establish and maintain the information system in a manner which allows the coordinated and efficient entry of information on the domestic defense industrial base into, and the withdrawal, subject to the protection of proprietary data, of information on the domestic defense industrial base from the system on an on-line interactive basis by the Department of Defense;

"(B) assure access to the information on the system, as appropriate, by all participating Federal agencies, including each military department;

"(C) coordinate standards, definitions, and specifications for information on defense production which is collected by the Department of Defense and the military departments so that such information can be used by any Federal agency or department which the President determines to be appropriate; and

"(D) assure that the information in the system is updated, as appropriate, with the active assistance of the private sector.

"(2) TASK FORCE ON MILITARY-CIVILIAN PARTICIPATION.—Upon the establishment of the information system under subsection (a), the President shall convene a task force consisting of the Secretary of Defense, the Secretary of Commerce, the Secretary of each military department, and the heads of such other Federal agencies and departments as the President may determine to be appropriate to establish guidelines and procedures to ensure that all Federal agencies and departments which acquire information with respect to the domestic defense industrial base are fully participating in the system, unless the President determines that all appropriate Federal agencies and departments, including each military department, are voluntarily providing information which is necessary for the system to carry out the purposes of this Act and chapter 148 of title 10, United States Code.

"(e) REPORT ON SUBCONTRACTOR AND SUPPLIER BASE.—

"(1) REPORT REQUIRED.—At the times required under paragraph (4), the President shall issue a report which includes—

"(A) a list of critical components, technologies, and technology items for which there is found to be inadequate domestic industrial capacity or capability; and

"(B) an assessment of those subsectors of the economy of the United States which—

"(i) support production of any component, technology, or technology item listed pursuant to paragraph (1); or

"(ii) have been identified as being critical to the development and production of components required for the production of weapons, weapon systems, and other military equipment essential to the national defense.

"(2) MATTERS TO BE CONSIDERED.—The assessment made under paragraph (1)(B) shall consider—

"(A) the capacity of domestic sources, especially commercial firms, to fulfill peacetime requirements and graduated mobilization requirements for various items of supply and services;

"(B) any trend relating to the capabilities of domestic sources to meet such peacetime and mobilization requirements;

"(C) the extent to which the production or acquisition of various items of military material is dependent on foreign sources; and

"(D) any reason for the decline of the capabilities of selected sectors of the United States economy necessary to meet peacetime and mobilization requirements, including stability of defense requirements, acquisition policies, vertical integration of various segments of the industrial base, superiority of foreign technology and production efficiencies, foreign government support of nondomestic sources, and offset arrangements.

"(3) POLICY RECOMMENDATIONS.—The report may provide specific policy recommendations to correct deficiencies identified in the assessment, which would help to strengthen domestic sources.

"(4) TIME FOR ISSUANCE.—The report required by paragraph (1) shall be issued not later than July 1 of each odd-numbered year which begins after 1991, based upon data from the prior fiscal year and such prior fiscal years as may be appropriate.

"(5) RELEASE OF UNCLASSIFIED REPORT.—The report required by this subsection may be classified. An unclassified version of the report shall be available to the public.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for purposes of this section not more than $10,000,000, to remain available until expended, of which not more than $3,000,000 shall be available for the purposes of subsection (b)(2).".

SEC. 137. PUBLIC PARTICIPATION IN RULEMAKING.

(a) IN GENERAL.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. 2159) is amended to read as follows:

"SEC. 709. PUBLIC PARTICIPATION IN RULEMAKING.

"(a) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT.—Any regulation prescribed or order issued under this Act shall not be subject to sections 551 through 559 of title 5, United States Code.

"(b) OPPORTUNITY FOR NOTICE AND COMMENT.—

"(1) IN GENERAL.—Except as provided in subsection (c), any regulation prescribed or order issued under this Act shall be published in the Federal Register and opportunity for public comment shall be provided for not less than 30 days, consistent with the requirements of section 553(b) of title 5, United States Code.

"(2) WAIVER FOR TEMPORARY PROVISIONS.—The requirements of paragraph (1) may be waived, if—

"(A) the officer authorized to prescribe the regulation or issue the order finds that urgent and compelling circumstances make compliance with such requirements impracticable;

"(B) the regulation is prescribed or order is issued on a temporary basis; and

"(C) the publication of such temporary regulation or order is accompanied by the finding made under clause (A) (and a brief statement of the reasons for such finding) and an opportunity for public comment is provided for not less than 30 days of public comment before any regulation or order becomes final.

"(3) All comments received during the public comment period specified pursuant to paragraph (1) or (2) shall be considered and the publication of the final regulation or order shall contain written responses to such comments.

"(c) PUBLIC COMMENT ON PROCUREMENT REGULATIONS.—Any procurement policy, regulation, procedure, or form (including any amendment or modification of any such policy, regulation, procedure, or form) issued under this Act shall be subject to section 22 of the Office of Federal Procurement Policy Act.".

(b) SCOPE OF APPLICATION.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. App. 2159), as amended by subsection (a) of this section, shall not apply to any regulation prescribed or order issued in proposed or final form on or before the date of enactment of this Act.

SEC. 138. WAIVERS OF CERTAIN EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

"(e)(1) The President may grant a waiver of a restriction imposed by this section to a special Government employee if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the special Government employee are critically needed for the benefit of the Federal Government. Not more than 50 special Government employees currently employed by the Federal Government at any one time may have been granted waivers under this paragraph, of which 25 may be granted only for special Government employees of the Department of Energy for use in discharging the responsibilities of the Department with respect to ensuring adequate energy supplies during the current crisis in the Middle East. A waiver under this paragraph shall not extend to the negotiation or execution of a Government contract with a private employer of an appointee or with any person—

"(A) in which the appointee has a financial interest within the meaning of this section; or

"(B) with which the appointee has an official relationship.

"(2) Waivers under paragraph (1) may be granted only to special Government employees of the executive branch, other than such employees in the Executive Office of the President.

"(3) A certification under paragraph (1) shall take effect upon its publication in the Federal Register and shall identify—

"(A) the special Government employee covered by the waiver by name and by position, and

"(B) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.

"(4) The President may not delegate the authority provided by this subsection.

"(5)(A) The designated agency ethics official (as defined in section 109 of the Ethics in Government Act of 1978) of the agency which employs a person granted a waiver under this subsection shall prepare, at the termination of that person's service as a special Government employee (with respect to which the waiver was granted), a report stating whether the person has engaged in activities otherwise prohibited by this section, and if so, what those activities were. Before the report is filed under subparagraph (B), the person with respect to whom the report was prepared shall certify that the contents of the report are complete and accurate, to the person's best knowledge and belief.

"(B) A report under subparagraph (A) shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the date of the termination of that person's service as a special Government employee, but in no event later than November 30, 1991.

"(C) If the report required to be filed under subparagraph (B) is not filed, the person who is the subject of the report shall be ineligible for any Federal Government employment until such report is filed.

"(D) If an agency fails to prepare and file a report under this subsection by the date required by subparagraph (B), no employee of that agency may, after such date, be granted a waiver under this subsection until such report is prepared and filed.

"(6) Any waiver granted under this subsection shall terminate on September 30, 1991.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160) is amended—

(1) by striking paragraph (4) of subsection (b);

(2) by striking the last sentence of subsection (c);

(3) in subsection (d), by striking out "needed; and he is" and inserting "needed."; and

(4) by striking the last sentence of subsection (e).

PART E—TECHNICAL AMENDMENTS

SEC. 141. PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking "materials and facilities" and inserting "materials, services, and facilities";

(2) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials, equipment, and services";

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, service, and facilities in the marketplace, unless the President finds that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation,

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 142. TECHNICAL CORRECTION.

Section 301(e)(2)(B) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(2)(B)) is amended by striking "and to the Committees on Banking and Currency of the respective Houses" and inserting "and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives".

SEC. 143. INVESTIGATIONS; RECORDS; REPORTS; SUBPOENAS.

Section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155) is amended—

(1) in subsection (a), by striking "subpena" and inserting "subpoena";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "$1,000" and inserting "$10,000"; and

(4) in subsection (d) (as redesignated by paragraph (2)), by striking all after the first sentence.

SEC. 144. EMPLOYMENT OF PERSONNEL.

(a) NOTICE OF APPOINTMENT AND FINANCIAL DISCLOSURE FOR EMPLOYEES SERVING WITHOUT COMPENSATION.—Section 710(b)(6) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)(6)) is amended to read as follows:

"(6) NOTICE AND FINANCIAL DISCLOSURE REQUIREMENTS.—

"(A) PUBLIC NOTICE OF APPOINTMENT.—The head of any department or agency who appoints any individual under this subsection shall publish a notice of such appointment in the Federal Register, including the name of the appointee, the employing department or agency, the title of the appointee's position, and the name of the appointee's private employer.

"(B) FINANCIAL DISCLOSURE.—Any individual appointed under this subsection who is not required to file a financial disclosure report pursuant to section 101 of the Ethics in Government Act of 1978, shall file a confidential financial disclosure report pursuant to section 107 of such Act with the appointing department or agency.".

(b) TECHNICAL AMENDMENTS.—Section 710(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)) is amended—

(1) in paragraph (7)—

(A) by striking "Chairman of the United States Civil Service Commission" and inserting "Director of the Office of Personnel Management"; and

(B) by striking "and the Joint Committee on Defense Production"; and

(2) in paragraph (8), by striking "transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes and regular places of business pursuant to such appointment" and inserting "reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions for which they were appointed in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code".

SEC. 145. TECHNICAL CORRECTION.

Section 711(a)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended by striking "Bureau of the Budget" and inserting "Office of Management and Budget".

PART F—REPEALERS AND CONFORMING AMENDMENTS

SEC. 151. SYNTHETIC FUEL ACTION.

Section 307 of the Defense Production Act of 1950 (50 U.S.C. App. 2097) is amended—

(1) in subsection (b), by striking the 2d sentence; and

(2) by striking subsection (c) and all that follows through the end of the section.

SEC. 152. VOLUNTARY AGREEMENTS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 153. REPEAL OF INTEREST PAYMENT PROVISIONS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) by striking subsection (b),

(2) by striking "(a)(1) Except as provided in paragraph (2) and paragraph (4)" and inserting "(a) Except as provided in subsection (c)",

(3) by striking in subsection (a) in the parenthetical "and for the payment of interest under subsection (b) of this section", and

(4) by striking paragraph (2) and redesignating paragraph (3) as subsection (b), and

(5) by striking subparagraph (B) of paragraph (4) and redesignating paragraph (4)(A) as subsection (c).

SEC. 154. JOINT COMMITTEE ON DEFENSE PRODUCTION.

Section 712 of the Defense Production Act of 1950 (50 U.S.C. App. 2162) is repealed.

SEC. 155. PERSONS DISQUALIFIED FOR EMPLOYMENT.

Section 716 of the Defense Production Act of 1950 (50 U.S.C. App. 2165) is repealed.

SEC. 156. FEASIBILITY STUDY ON UNIFORM COST ACCOUNTING STANDARDS; REPORT SUBMITTED.

Section 718 of the Defense Production Act of 1950 (50 U.S.C. App. 2167) is repealed.

SEC. 157. NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES.

Section 720 of the Defense Production Act of 1950 (50 U.S.C. App. 2169) is repealed.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

Section 711(c) of the Defense Production Act of 1950 (as amended by section 143 of this Act) is amended to read as follows:

"(c) There are authorized to be appropriated for each of fiscal years 1991, 1992, and 1993 not to exceed $130,000,000 to carry out the provisions of title III of this Act.".

SEC. 162. EXTENSION OF PROGRAM.

The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "September 30, 1993".

SEC. 163. EXEMPTION FROM TERMINATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "and 719" and inserting "719, and 721".

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

SEC. 201. PROCUREMENT OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.

(a) POLICY REQUIRED.—The President, acting through the Administrator for Federal Procurement Policy, shall issue a procurement policy providing for the solicitation and award of contracts for the procurement of critical components or critical technology items in accordance with the requirements of subsection (b).

(b) PERFORMANCE BY DOMESTIC SOURCES.—Except as provided in subsection (c), any solicitation for the procurement of a critical component or a critical technology item shall—

(1) contain a specification that only domestic sources are eligible for award; or

(2) contain provisions that—

(A) specify the minimum percentage of the total estimated value of the contract that is to be performed by 1 or more domestic sources;

(B) provide for the attainment of such requirement by the firm selected as prime contractor or through subcontractors pursuant to a subcontracting plan submitted with the prime contractor's offer;

(C) specify that offers shall be evaluated for award on a basis reflecting the extent that each offer meets or exceeds the specified percentage, such evaluation factor being accorded significant weight (not more than 10 percent of the total value of all evaluation factors to be considered in making the award decision).

(c) WAIVER.—

(1) IN GENERAL.—The requirements of paragraphs (1) and (2) of subsection (b) may be waived in accordance with regulation specifying circumstances under which the contracting officer may make a determination that such restrictions are likely to result in a significant adverse impact on the national interests of the United States.

(2) PROCEDURE.—The determination of the contracting officer shall be—

(A) supported by a specific written finding which justifies such determination; and

(B) approved by the senior procurement executive of the department or agency (designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act) or a designee of such officer.

(3) PUBLIC AVAILABILITY.—Copies of waiver determination approved pursuant to paragraph (1) (including the supporting written justifications and approvals) shall be made available upon request to—

(A) the public, consistent with the provisions of section 552 of title 5, United States Code, or

(B) any member, or duly constituted committee, of the Congress.

(d) ACQUISITION REGULATIONS REQUIRED.—Before the end of the 270-day period beginning on the date of the enactment of this Act, the single Government-wide Federal Acquisition Regulation, referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act, shall be modified to provide for the solicitation, award, and administration of contracts for the procurement of critical components or critical technology items in accordance with provisions of the policy required by subparagraph (A).

(e) DEFINITIONS.—For the purpose of this section, the terms "critical component", "critical technology item", and "domestic source" have the meanings given to such terms in section 702 of the Defense Production Act of 1950.

SEC. 202. RECOGNITION OF MODERNIZED PRODUCTION SYSTEMS AND EQUIPMENT IN CONTRACT AWARD AND ADMINISTRATION.

(a) IN GENERAL.—The single Government-wide Federal Acquisition Regulation, referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)), shall be amended to specify the circumstances under which an acquisition plan for any major system acquisition, or any other acquisition program designated by the Secretary or agency head responsible for such acquisition, shall provide for contract solicitation provisions which encourage competing offerors to acquire for utilization in the performance of the contract modern industrial facilities and production systems (including hardware and software), and other modern production equipment, that increase the productivity of the offerors and reduce the costs of production.

(b) AUTHORIZED SOLICITATION PROVISIONS.—Contract solicitation provisions referred to in subsection (a) may include any of the following provisions:

(1) An evaluation advantage in making the contract award determination.

(2) A provision for a domestic contractor to share in any demonstrated cost savings that are attributable to increased productivity resulting from the following contractor actions not required by the contract—

(A) the acquisition and utilization of modern industrial facilities and production systems (including hardware and software), and other modern production equipment, for the performance of the contract; or

(B) the utilization of other manufacturing technology improvements in the performance of the contract.

(c) DOMESTIC CONTRACTOR DEFINED.—For purposes of this section and section 203, the term "domestic contractor" has the meaning given to the "domestic source" in section 702(7) of the Defense Production Act of 1950.

SEC. 203. SUSTAINING INVESTMENT.

It is the sense of the Congress that, in order to encourage investment to maintain our Nation's technological leadership, to preserve the strength of our industrial base, and to encourage contractors to invest in advanced manufacturing technology, advanced production equipment, and advanced manufacturing processes, the Secretary of Defense as part of his implementation of changes to defense acquisition policies pursuant to the Defense Management Review shall consider—

(1) full allowability of independent research and development bid and proposal costs;

(2) appropriate regulatory changes to increase the progress payment rates payable under contracts; and

(3) an increase of not more than 10 percent in the amount which would otherwise be reimbursable to a domestic contractor as the Government's share of costs incurred for the acquisition of production special tooling, production special test equipment, and production special systems (including hardware and software) for use in the performance of the contract.

PART B—MISCELLANEOUS

SEC. 211. DISCOURAGING UNFAIR TRADE PRACTICES.

(a) SUSPENSION OR DEBARMENT AUTHORIZED.—Subpart 9.4 of title 48, Code of Federal Regulations (or any successor regulation) shall be amended to specify the circumstances under which a contractor, who has engaged in an unfair trade practice, as defined in subsection (b), may be found to presently lack such business integrity or business honesty that seriously and directly affects the responsibility of the contractor to perform any contract awarded by the Federal Government or perform a subcontract under such a contract.

(b) DEFINITIONS.—For purposes of this section, the term "unfair trade practice" means the commission of any of the following acts by a contractor:

(1) An unfair trade practice, as determined by the International Trade Commission, for a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

(2) A violation, as determined by the Secretary of Commerce, of any agreement of the group known as the "Coordinating Committee" for purposes of the Export Administration Act of 1979 or any similar bilateral or multilateral export control agreement.

(3) A knowingly false statement regarding a material element of a certification concerning the foreign content of an item of supply, as determined by the Secretary of the department or the head of the agency to which such certificate was furnished.

TITLE III—AMENDMENT TO RELATED LAWS

SEC. 301. ENERGY SECURITY.

(a) CONGRESSIONAL INTEREST MANIFEST IN OTHER LAWS.—The Congress hereby finds that congressional interest in energy security and the availability of energy for defense mobilization, industrial preparedness, and other purposes of the Defense Production Act of 1950 has also been expressed in various statutes enacted since the date of the enactment of such Act, including the provisions of Geothermal Energy Research, Development, and Demonstration Act of 1974, the Biomass Energy and Alcohol Fuels Act of 1980, and the Synthetic Fuels Corporation Act of 1985 which relate to geothermal energy, alcohol, and synthetic fuel projects.

(b) REPORTS REQUIRED.—To assist the Congress in discharging congressional responsibility for energy security and the availability of energy for defense mobilization, industrial preparedness, and other purposes of the Defense Production Act of 1950, the President shall prepare and transmit to the Congress, no less frequently than the end of each odd-numbered year, the projected capacity and potential prospects for the use of alternative and renewable sources of energy for such purposes.

(c) GEOTHERMAL ENERGY PROGRAM.—Section 203 of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1143) (relating to period of guaranties and interest assistance) is amended by striking "1990" and inserting "1993".

TITLE IV—FAIR TRADE IN FINANCIAL SERVICES

SEC. 401. SHORT TITLE.

This title may be cited as the "Fair Trade in Financial Services Act of 1990".

SEC. 402. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR BANKS AND BANK HOLDING COMPANIES.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"NATIONAL TREATMENT

"SEC. 15. (a) PURPOSE.—This section is intended to encourage foreign countries to accord national treatment to United States banks and bank holding companies that operate or seek to operate in those countries, and thereby end discrimination against United States banks and bank holding companies.

"(b) REPORTS REQUIRED.—

"(1) CONTENTS OF REPORT.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States banks and bank holding companies—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) SUBMISSION OF REPORT.—

"(A) IN GENERAL.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) MOST RECENT REPORT DEFINED.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) NEGOTIATIONS REQUIRED.—

"(1) IN GENERAL.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States banks and bank holding companies; and

"(B) with respect to which no determination under subsection (d)(1) is in effect,

to ensure that such country accords national treatment to United States banks and holding companies.

"(2) NEGOTIATIONS NOT REQUIRED.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(d) DISCRETIONARY SANCTIONS.—

"(1) SECRETARY'S DETERMINATION.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States banks or bank holding companies.

"(2) ACTION BY AGENCY.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, any Federal banking agency—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and other reports under subsection (b)(1) among the factors the agency considers in evaluating any application or notice filed by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or disapprove the notice.

"(3) REVIEW.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) PREVENTING EXISTING ENTITIES FROM BEING USED TO EVADE THIS SECTION.—

"(1) IN GENERAL.—If a determination under subsection (d)(1) is in effect with respect to a foreign country, no bank, foreign bank described in section 8(a), branch, agency, commercial lending company, or other affiliated entity that is a person of that country shall, without prior approval pursuant to paragraph (3) or (4), directly or indirectly, in the United States—

"(A) commence any line of business in which it was not engaged as of the date on which that determination was published in the Federal Register; or

"(B) conduct business from any location at which it did not conduct business as of that date.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to transactions under section 2(h)(2) of the Bank Holding Company Act of 1956.

"(3) STATE-SUPERVISED ENTITIES.—

"(A) This paragraph shall apply if—

"(i) the entity in question is an uninsured State bank or branch, a State agency, or a commercial lending company;

"(ii) the State requires the entity to obtain the prior approval of the State bank supervisor before engaging in the activity described in subparagraph (A) or (B) of paragraph (1); and

"(iii) no other provision of Federal law requires the entity to obtain the prior approval of a Federal banking agency before engaging in that activity.

"(B) The State bank supervisor shall consult about the application with the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act). If the State bank supervisor approves the application, the supervisor shall notify the appropriate Federal banking agency and provide the agency with a copy of the record of the application. During the 45-day period beginning on the date on which the appropriate Federal banking agency receives the record, the agency, after consultation with the State bank supervisor—

"(i) may include the determination under subsection (d)(1) and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and other reports under subsection (b)(1) of this section among the factors the agency considers in evaluating the application; and

"(ii) may issue an order disapproving the activity in question based upon that determination and in consultation with the Secretary of the Treasury.

The period for disapproval under clause (ii) may, in the agency's discretion, be extended for not more than 45 days.

"(4) FEDERAL APPROVAL.—If the transaction is not described in paragraph (3)(A), the entity in question shall obtain the prior approval of the appropriate Federal banking agency.

"(5) INFORMING STATE SUPERVISORS.—The Secretary of the Treasury shall inform State bank supervisors of any determination under subsection (d)(1).

"(6) EFFECT ON OTHER LAW.—Nothing in this subsection shall be construed to relieve the entity in question from any otherwise applicable requirement of Federal law.

"(f) NATIONAL TREATMENT DEFINED.—A foreign country accords national treatment to United States banks and bank holding companies if it offers them the same competitive opportunities (including effective market access) as are available to its domestic banks and bank holding companies.

"(g) PERSON OF A FOREIGN COUNTRY DEFINED.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country, or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(h) EXERCISE OF DISCRETION.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Federal banking agencies shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Federal banking agencies, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to a bank, foreign bank, branch, agency, commercial lending company, or other affiliated entity that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States banks and bank holding companies; and

"(ii) whether that country would permit United States banks and bank holding companies already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's banks and bank holding companies; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 403. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR SECURITIES BROKERS AND DEALERS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"NATIONAL TREATMENT

"SEC. 36. (a) PURPOSE.—This section is intended to encourage foreign countries to accord national treatment to United States brokers and dealers that operate or seek to operate in those countries, and thereby end discrimination against United States brokers and dealers.

"(b) REPORTS REQUIRED.—

"(1) CONTENTS OF REPORT.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States brokers and dealers—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) SUBMISSION OF REPORT.—

"(A) IN GENERAL.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) MOST RECENT REPORT DEFINED.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) NEGOTIATIONS REQUIRED.—

"(1) IN GENERAL.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States brokers or dealers; and

"(B) with respect to which no determination under subsection (d)(1) is in effect,

to ensure that such country accords national treatment to United States brokers and dealers.

"(2) NEGOTIATIONS NOT REQUIRED.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(d) DISCRETIONARY SANCTIONS.—

"(1) SECRETARY'S DETERMINATION.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States brokers or dealers.

"(2) ACTIONS BY COMMISSION.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, the Commission—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and paragraph (1) of this subsection among the factors the Commission considers (i) in evaluating any application filed by a person of that foreign country, or (ii) in determining whether to prohibit an acquisition for which a notice is required under paragraph (3) by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or prohibit the acquisition.

"(3) NOTICE REQUIRED TO ACQUIRE BROKER OR DEALER.—

"(A) IN GENERAL.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, no person of that foreign country, acting directly or indirectly, shall acquire control of any registered broker or dealer unless—

"(i) the Commission has been given notice 60 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission requires by rule or order; and

"(ii) the Commission has not prohibited the acquisition.

"(B) COMMISSION MAY EXTEND 60-DAY PERIOD.—The Commission may, by order, extend the notice period during which an acquisition may be prohibited under subparagraph (A) for an additional 180 days.

"(C) EFFECTIVE DATE.—The requirements of subparagraph (A) shall apply to any acquisition of control that is completed on or after the date on which the determination under paragraph (1) is published, irrespective of when the acquisition was initiated.

"(4) REVIEW.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) NATIONAL TREATMENT DEFINED.—A foreign country accords national treatment to United States brokers and dealers if it offers them the same competitive opportunities (including effective market access) as are available to its domestic brokers and dealers.

"(f) Persons of a Foreign Country Defined.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country; or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(g) Exercise of Discretion.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Commission shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Commission, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to a broker or dealer that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States brokers and dealers; and

"(ii) whether that country would permit United States brokers or dealers already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's brokers or dealers; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 404. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR INVESTMENT ADVISERS.

The Investment Advisers Act of 1940 (12 U.S.C. 80b-1 et seq.) is amended by adding at the end the following new section:

"NATIONAL TREATMENT

"Sec. 223. (a) Purpose.—This section is intended to encourage foreign countries to accord national treatment to United States investment advisers that operate or seek to operate in those countries, and thereby end discrimination against United States investment advisers.

"(b) Reports Required.—

"(1) Contents of report.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States investment advisers—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) Submission of report.—

"(A) In general.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) Most recent report defined.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) Negotiations Required.—

"(1) In general.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States investment advisers; and

"(B) with respect to which no determination under subsection (d)(1) is in effect, to ensure that such country accords national treatment to United States investment advisers.

"(2) Negotiations not required.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(d) Discretionary Sanctions.—

"(1) Secretary's determination.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States investment advisers.

"(2) Actions by commission.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, the Commission—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and paragraph (1) of this subsection among the factors the Commission considers (i) in evaluating any application filed by a person of that foreign country, or (ii) in determining whether to prohibit an acquisition for which a notice is required under paragraph (3) by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or prohibit the acquisition.

"(3) Notice required to acquire investment adviser.—

"(A) In general.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, no person of that foreign country, acting directly or indirectly, shall acquire control of any registered investment adviser unless—

"(i) the Commission has been given notice 60 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission requires by rule or order; and

"(ii) the Commission has not prohibited the acquisition.

"(B) Commission may extend 60-day period.—The Commission may, by order, extend the notice period during which an acquisition may be prohibited under subparagraph (A) for an additional 180 days.

"(C) Effective date.—The requirements of subparagraph (A) shall apply to any acquisition of control that is completed on or after the date on which the determination under paragraph (1) is published, irrespective of when the acquisition was initiated.

"(4) Review.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) National Treatment Defined.—A foreign country accords national treatment to United States investment advisers if it offers them the same competitive opportunities (including effective market access) as are available to its domestic investment advisers.

"(f) Persons of a Foreign Country Defined.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country; or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(g) Exercise of Discretion.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Commission shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Commission, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to an investment adviser that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States investment advisers; and

"(ii) whether that country would permit United States investment advisers already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's investment advisers; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 405. FINANCIAL INTERDEPENDENCE STUDY.

Subtitle G of title III of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5341 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 3605. FINANCIAL INTERDEPENDENCE STUDY.

"(a) Investigation Required.—The Secretary of the Treasury, in consultation and coordination with the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), and any other appropriate Federal agency or department to be designated by the Secretary of the Treasury, shall conduct an investigation to determine the extent of the interdependence of the financial services sectors of the United States and foreign countries whose financial services institutions provide financial services in the United States, or whose persons have substantial ownership interests in United States financial services institutions, and the economic, strategic, and other consequences of that interdependence for the United States.

"(b) REPORT.—The Secretary of the Treasury shall transmit a report on the results of the investigation under subsection (a) within 2 years after the date of enactment of this section to the President, the Congress, the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other appropriate Federal agency or department as designated by the Secretary of the Treasury. The report shall—

"(1) describe the activities and estimate the scope of financial services activities conducted by United States financial services institutions in foreign markets (differentiated according to major foreign markets);

"(2) describe the activities and estimate the scope of financial services activities conducted by foreign financial services institutions in the United States (differentiated according to the most significant home countries or groups of home countries);

"(3) estimate the number of jobs created in the United States by financial services activities conducted by foreign financial services institutions and the number of jobs created in foreign countries by financial services activities conducted by United States financial services institutions;

"(4) estimate the additional jobs and revenues (both foreign and domestic) that would be created by the activities of United States financial services institutions in foreign countries if those countries offered such institutions the same competitive opportunities (including effective market access) as are available to those countries' domestic financial services institutions;

"(5) describe the extent to which foreign financial services institutions discriminate against United States persons in procurement, employment, providing credit or other financial services, or otherwise;

"(6) describe the extent to which foreign financial services institutions and other persons from foreign countries purchase or otherwise facilitate the marketing from the United States of government and private debt instruments and private equity instruments;

"(7) describe how the interdependence of the financial services sectors of the United States and foreign countries affects the autonomy and effectiveness of United States monetary policy;

"(8) describe the extent to which United States companies rely on financing by or through foreign financial services institutions, and the consequences of such reliance (including disclosure of proprietary information) for the industrial competitiveness and national security of the United States;

"(9) describe the extent to which foreign financial services institutions, in purchasing high technology products such as computers and telecommunications equipment, favor manufacturers from their home countries over United States manufacturers; and

"(10) contain other appropriate information relating to the results of the investigation under subsection (a).

"(c) DEFINITIONS.—As used in this section, the term 'financial services institution' means—

"(1) a broker, dealer, underwriter, clearing agency, transfer agent, or information processor with respect to securities, including government and municipal securities;

"(2) an investment company, investment manager, investment adviser, indenture trustee, or any depository institution, insurance company, or other organization operating as a fiduciary, trustee, underwriter, or other financial services provider;

"(3) any depository institution or depository institution holding company (as such terms are defined in section 3 of the Federal Deposit Insurance Act); and

"(4) any other entity providing financial services.".

SEC. 406. CONFORMING AMENDMENTS SPECIFYING THAT NATIONAL TREATMENT INCLUDES EFFECTIVE MARKET ACCESS.

(a) QUADRENNIAL REPORTS ON FOREIGN TREATMENT OF UNITED STATES FINANCIAL INSTITUTIONS.—Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5352) is amended—

(1) in paragraph (3), by striking "and securities companies" and inserting ", securities companies, and investment advisers"; and

(2) by adding at the end the following: "For purposes of this section, a foreign country denies national treatment to United States entities unless it offers them the same competitive opportunities (including effective market access) as are available to its domestic entities.".

(b) NEGOTIATIONS TO PROMOTE FAIR TRADE IN FINANCIAL SERVICES.—Section 3603(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5353(a)(1)) is amended by inserting "effective" after "banking organizations and securities companies have".

(c) PRIMARY DEALERS IN GOVERNMENT DEBT INSTRUMENTS.—Section 3502(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5342) is amended—

(1) by striking "does not accord to" and inserting "does not offer";

(2) by inserting "(including effective market access)" after "the same competitive opportunities in the underwriting and distribution of government debt instruments issued by such country"; and

(3) by striking "as such country accords to" and inserting "as are available to".

TITLE V—EFFECTIVE DATES

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on October 20, 1990.

(b) SPECIAL RULES.—(1) No action taken by the President or the President's designee between October 20, 1990, and the date of enactment of this Act shall prejudice the ability of the President or the President's designee to take action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

(2) Title IV of this Act takes effect on the date of enactment of this Act.

(3) The acquisition policies required by this Act shall be incorporated as part of the Federal Acquisition Regulation within 270 days after enactment. Such policies shall apply to solicitations issued 60 days after such regulations are issued.

(4) No report under section 107(f) of the Defense Production Act of 1950 (as added by section 111 of this Act) shall be required before January 31, 1993.

MOTION OFFERED BY MR. CARPER

Mr. CARPER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

Mr. WALKER. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. The Chair will inform the gentleman that this is pursuant to a rule. It is not pursuant to a unanimous-consent request, and the Clerk will report the motion.

Mr. WALKER. Mr. Speaker, I cannot hear a thing.

The SPEAKER pro tempore. The House will be in order.

This is pursuant to a rule, it is not a unanimous consent request, and the Clerk will report the motion.

The Clerk read as follows:

Mr. CARPER moves to strike out all after the enacting clause of the Senate bill, S. 347, and to insert in lieu thereof the text of H.R. 3039, as passed by the House, as follows:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Defense Production Act Amendments of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

Sec. 101. Declaration of policy.

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

Sec. 111. Strengthening of domestic capability and assistance for small businesses.
Sec. 112. Limitation on actions without congressional authorization.

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

Sec. 121. Expanding the reach of existing authorities under title III.
Sec. 122. Defense Production Act Fund.
Sec. 123. Declaration of offset policy.
Sec. 124. Civil-military integration.
Sec. 125. Testing, qualification, and incorporation of materials for use for weapon systems and development programs.

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

Sec. 131. Small business.
Sec. 132. Definitions.
Sec. 133. Regulations and orders.
Sec. 134. Information on the defense industrial base.
Sec. 135. Public participation in rulemaking.

PART E—TECHNICAL AMENDMENTS

Sec. 141. Technical correction.
Sec. 142. Investigations; records; reports; subpoenas.
Sec. 143. Employment of personnel.
Sec. 144. Technical correction.

PART F—REPEALERS AND CONFORMING AMENDMENTS

Sec. 151. Synthetic fuel action.
Sec. 152. Repeal of interest payment provisions.
Sec. 153. Joint Committee on Defense Production.
Sec. 154. Persons disqualified for employment.
Sec. 155. Feasibility study on uniform cost accounting standards; report submitted.
Sec. 156. National Commission on Supplies and Shortages.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

Sec. 161. Authorization of appropriations.
Sec. 162. Extension of program.
Sec. 163. Quadrennial report.

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

Sec. 201. Discouraging unfair trade practices.
Sec. 202. Evaluation of domestic defense industrial base policy.

TITLE III—AMENDMENT TO RELATED LAWS

Sec. 301. Energy security.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE V—BUY AMERICAN PROVISIONS

Sec. 501. Buy American Provisions.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

SEC. 101. DECLARATION OF POLICY.

Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"(a)(1) The vitality of the industrial and technology base of the United States is a foundation of national security. It provides the industrial and technological capabilities employed to meet national defense requirements, in peacetime and in time of national emergency. In peacetime, the health of the industrial and technological base contributes to the technological superiority of our defense equipment, which is a cornerstone of our national security strategy, and the efficiency with which defense equipment is developed and produced. In times of crisis, a healthy industrial base will be able to effectively provide the graduated response needed to effectively meet the demands of the emergency.

"(2) To meet these requirements, this Act affords to the President an array of authorities to shape defense preparedness programs and to take appropriate steps to maintain and enhance the defense industrial and technological base.

"(b)(1) In view of continuing international problems, the Nation's demonstrated reliance on imports of materials and components, and the need for measures to reduce defense production lead times and bottlenecks, and in order to provide for the national defense and national security, our defense mobilization preparedness effort continues to require the development of preparedness programs, domestic defense industrial base improvement measures, as well as provision for a graduated response to any threatening international or military situation, and the expansion of domestic productive capacity beyond the levels needed to meet the civilian demand. Also required is some diversion of certain materials and facilities from civilian use to military and related purposes.

"(2) These activities are needed in order to improve domestic defense industrial base efficiency and responsiveness, to reduce the time required for industrial mobilization in the event of an attack on the United States or to respond to actions occurring outside the United States which could result in the termination or reduction of the availability of strategic and critical materials, including energy, and which could adversely affect national defense preparedness of the United States. In order to ensure national defense preparedness, which is essential to national security, it is also necessary and appropriate to assure the availability of domestic energy supplies for national defense needs. To further assure the adequate maintenance of the defense industrial base, to the maximum extent possible such supplies should be augmented through reliance on renewable fuels, such as solar, geothermal, and wind, energy and ethanol and its derivatives, and on energy conservation measures.

"(c)(1) In order to ensure productive capacity in the event of an attack on the United States, it is the policy of the Congress to encourage the geographical dispersal of industrial facilities in the United States to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States. To the maximum extent possible, such dispersal should seek to include such economically depressed regions as urban areas with high unemployment and poverty rates, counties in rural States with high levels of outmigration and job loss, and Indian reservations with severe health and employment problems. To ensure that essential mobilization requirements are met, consideration should also be given to stockpiling strategic materials to the extent that such stockpiling is economical and feasible.

"(2) In the construction of any Government-owned industrial facility, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this or any other Act, each department and agency of the executive branch shall apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. However, nothing in this paragraph shall preclude the use of existing industrial facilities.

"(3) To ensure the adequacy of productive capacity and supply, executive agencies and departments responsible for defense acquisition shall continuously assess the capability of the domestic defense industrial base to satisfy peacetime requirements as well as increased mobilization production requirements. Such assessments shall specifically evaluate the availability of adequate production sources, including subcontractors and suppliers, materials, skilled labor, and professional and technical personnel. In this context, every effort should be made to foster cooperation between the defense and commercial sectors for research and development and for acquisition of materials, components, and equipment. In furtherance of this policy and to ensure the capability of the domestic defense industrial base, defense contractors should be allowed full recovery of the costs of independent research and development and the preparation of bids and proposals.

"(4) It is the policy of the Congress that plans and programs to carry out this declaration of policy shall be undertaken with due consideration for promoting efficiency and competition.

"(5) It is also necessary to recognize that—

"(A) the domestic defense industrial base is a component part of the core industrial capacity of the Nation; and

"(B) much of the industrial capacity which is relied upon by the Federal Government for military production and other defense-related purposes is deeply and directly influenced by—

"(i) the overall competitiveness of the United States industrial economy; and

"(ii) the ability of United States industry, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve that competitive edge in the future, with respect to military and civilian production.

"(6)(A) The domestic defense industrial base is developing a growing dependency on foreign sources for critical components and materials used in manufacturing and assembling major weapons systems for our national defense.

"(B) This dependence is threatening the capability of many critical industries to respond rapidly to defense production needs in the event of war or other hostilities or diplomatic confrontation.

"(C) The inability of United States industry, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair our ability to sustain our Armed Forces in combat for more than a few months.

"(D) In the event our Armed Forces must face an adversary with a numerical advantage, in the context of a conventional war, it is imperative to preserve and strengthen the industrial and technological capabilities of the United States.

"(E) Contracts awarded under provisions of this Act should be awarded to the maximum extent possible to those firms which have not been convicted of defense contract fraud or otherwise debarred or suspended from contracting with the Department of Defense or its constituent agencies.".

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

SEC. 111. STRENGTHENING OF DOMESTIC CAPABILITY AND ASSISTANCE FOR SMALL BUSINESSES.

Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2071, et seq.) is amended by adding at the end the following new sections:

"SEC. 107. STRENGTHENING OF DOMESTIC CAPABILITY.

"(a) IN GENERAL.—The President, acting through the Secretary of Defense, shall identify critical components essential for the execution of the national security strategy of the United States in peacetime and during graduated mobilization, and take appropriate actions to protect against unreliable sources for critical components.

"(b) APPROPRIATE ACTIONS.—For purposes of subsection (a), appropriate action may include—

"(1) restricting solicitation for procurement of a critical component to domestic and reliable foreign sources only or to domestic sources only (pursuant to this section and authorities in section 2304(b)(1)(B) or 2304(c)(3) of title 10, United States Code, or any other applicable provision of States);

"(2) stockpiling critical components;

"(3) developing substitutes for critical components; or

"(4) other similar appropriate measures.

"(c) IDENTIFICATION OF CRITICAL COMPONENTS.—At a minimum, critical components shall be identified for all items on the CINC Critical Items List. Additionally, the Department of Defense shall take into account those components identified as critical by a National Security Assessment or Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962 when identifying critical components.

"SEC. 108. ASSISTANCE FOR SMALL BUSINESSES.

"(a) IN GENERAL.—In providing any assistance authorized for defense contractors and subcontractors under this Act, the President shall provide a strong preference for contractors and subcontractors which are small businesses, as defined by the Administrator of the Small Business Administration. In awarding authorized contracts under this Act, the President shall provide a strong preference for those small businesses located in areas of high unemployment and/or areas that demonstrate a continuing pattern of economic decline as identified by the Secretary of Labor.

"(b) MODERNIZATION OF EQUIPMENT.—

"(1) IN GENERAL.—Funds authorized under title III may be set aside to guarantee the purchase or lease of advance manufacturing equipment, and any related services with respect to any such equipment for purposes of this Act.

"(2) SMALL BUSINESS SUBCONTRACTORS.—In considering applications under paragraph (1), the President shall provide a strong preference for smaller subcontractors that—

"(A) have obtained the recommendation—

"(i) of an agency of the Department of Defense; or

"(ii) pursuant to the efforts of an agency described in clause (i), of the Secretary of Commerce or the Administrator of the Small Business Administration; and

"(B) have arranged to obtain management assistance services in connection with the installation of the advance manufacturing equipment.".

SEC. 112. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

Section 104 of the Defense Production Act of 1950 (50 U.S.C. App. 2074) is amended to read as follows:

"SEC. 104. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

"(a) WAGE OR PRICE CONTROLS.—No provision of this Act shall be interpreted as providing for the imposition of wage or price controls without the prior authorization of such action by a joint resolution of Congress.

"(b) CHEMICAL OR BIOLOGICAL WEAPONS.—No provision of title I of this Act shall be exercised or interpreted to require action or compliance by any private person to assist in any way in the production of or other involvement in chemical or biological warfare capabilities unless authorized by the President.".

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

SEC. 121. EXPANDING THE REACH OF EXISTING AUTHORITIES UNDER TITLE III.

(a) GUARANTEE AUTHORITY.—Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended—

(1) in subsection (a)(1), by striking "to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense" and inserting "to expedite or expand production and deliveries or services under Government contracts for the procurement of industrial resources or critical technology items essential for the national defense";

(2) by amending subsection (a)(3)(A) to read as follows:

"(A) the guaranteed contract or operation is for industrial resources or a critical technology item which is essential to the national defense;";

(3) in subsection (a)(3)(B)—

(A) by striking "Without" and inserting "without"; and

(B) by striking "the capability for the needed material or service" and inserting "the needed industrial resources or critical technology item";

(4) by amending subsection (a)(3)(D) to read as follows:

"(D) the combination of the United States national defense demand and foreseeable nondefense demand is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the guarantee.";

(5) in subsection (e)(1)(A), by striking "Except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in subparagraph (D)";

(6) in subsection (e)(1)(C), by striking "$25,000,000" and inserting "$50,000,000"; and

(7) by adding at the end of subsection (e)(1) the following new subparagraph:

"(D) The requirements of subparagraphs (A), (B), and (C) may be waived—

"(i) during periods of national emergency declared by the Congress or the President, or

"(ii) upon a determination by the President, on a nondelegable basis, that a specific guarantee is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.".

(b) LOANS TO PRIVATE BUSINESS ENTERPRISES.—Section 302 of the Defense Production Act of 1950 (50 U.S.C. App. 2092) is amended—

(1) in subsection (a), by striking "for the procurement of materials or the performance of services for the national defense" and inserting "for the procurement of industrial resources or a critical technology item for the national defense";

(2) by amending subsection (b)(2)(D) to read as follows:

"(D) the combination of the United States national defense demand and foreseeable nondefense demand is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the loan.";

(3) in subsection (c)(1), by striking "No such loan may be made under this section, except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in paragraph (4), no loans may be made under this section";

(4) in subsection (c)(3), by striking "$25,000,000" and inserting "$50,000,000"; and

(5) in subsection (c), by adding at the end the following new paragraph:

"(4) The requirements of paragraphs (1), (2), and (3) of this subsection may be waived during periods of national emergency declared by Congress or the President.".

(c) PURCHASES AND PURCHASE COMMITMENTS.—

(1) Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended to read as follows:

"(a)(1) To assist in carrying out the objectives of this Act, the President may make provision—

"(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale; and

"(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials.

"(2) Purchases for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced except insofar as such domestically produced supply may be purchased for resale for industrial use or stockpiling.

"(3) No commodity purchased under this subsection shall be sold at less than—

"(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower, or

"(B) if no ceiling price has been established, the higher of—

"(i) the current domestic market price for such commodity; or

"(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation as provided in section 407 of the Agricultural Act of 1949.

"(4) No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than one year after the expiration of this section.

"(5) Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President determines that—

"(A) the industrial resource or critical technology item is essential to the national defense;

"(B) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource or critical technology item in a timely manner;

"(C) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need; and

"(D) the combination of the United States national defense demand and foreseeable nondefense demand for the industrial resource or critical technology item is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action.

"(6) Except as provided in paragraph (7), the President shall take no action under this section unless the industrial resource shortfall which such action is intended to correct has been identified in the Budget of the United States or amendments thereto, submitted to the Congress and accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. Any such action may be taken only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to the preceding sentence. If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $50,000,000, any such action or actions may be taken only if specifically authorized by law.

"(7) The requirements of paragraphs (1) through (6) may be waived—

"(A) during periods of national emergency declared by Congress or the President; or

"(B) upon a determination by the President, on a nondelegable basis, that a specific guarantee is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.".

(2) Section 303(b) of the Defense Production Act of 1950 (50 U.S.C. 2093(b)) is amended by striking "September 30, 1995" and inserting "a date that is not more than 10 years from the date such purchase, purchase commitment, or sale was initially made".

(d) DEVELOPING SUBSTITUTES.—Section 303(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(g)) is amended by inserting before the period the following: "and for the production readiness of critical technology products and processes".

SEC. 122. DEFENSE PRODUCTION ACT FUND.

Section 304 of the Defense Production Act of 1950 (50 U.S.C. App. 2094) is amended to read as follows:

"SEC. 304. DEFENSE PRODUCTION ACT FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the Defense Production Act Fund (hereafter in this section referred to as 'the Fund').

"(b) MONEYS IN FUND.—The following moneys shall be credited to the Fund:

"(1) All moneys appropriated after September 30, 1991, for the Fund, as authorized by section 711(c).

"(2) All moneys received after September 30, 1991, on transactions entered into pursuant to section 303.

"(c) USE OF FUND.—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

"(d) DURATION OF FUND.—Moneys in the Fund shall remain available until expended.

"(e) FUND BALANCE.—The Fund balance at the close of each fiscal year shall not exceed $400,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If at the close of any fiscal year the Fund balance exceeds such amount, the amount in excess of $400,000,000 shall be paid into the general fund of the Treasury.

"(f) FUND MANAGER.—The Secretary of Defense shall designate a Fund manager. The duties of the Fund manager shall include—

"(1) determining the liability of the Fund in accordance with subsection (g);

"(2) ensuring the visibility and accountability of transactions engaged in through the Fund to the Secretaries of Defense, Treasury, and Commerce, and to the Congress; and

"(3) reporting to Congress each year regarding fund activities during the previous fiscal year.

"Any individual involved in the operation and/or oversight of this fund shall submit to the Secretary of Defense and the Secretary of Commerce annually during such individual's tenure in such positions—

"(1) a statement disclosing personal income and finances which shall be consistent with federal financial disclosure laws relating to federal employees, and;

"(2) a statement certifying that no conflict of interest exists with the position occupied by such individual and describing any circumstances that may reasonably be perceived as a conflict of interest, which shall be consistent with federal laws relating to conflict of interest.

"(g) LIABILITIES AGAINST FUND.—When any agreement entered into pursuant to this title after December 31, 1991, imposes contingent liabilities upon the United States, such liability shall be considered an obligation against the Fund.".

SEC. 123. DECLARATION OF OFFSET POLICY.

(a) IN GENERAL.—Recognizing that certain offsets for military exports are economically inefficient and market distorting, and mindful of the need to minimize the adverse effects of offsets in military exports while ensuring that the ability of United States firms to compete for military export sales is not undermined, it is the policy of the Congress that—

(1) no agency of the United States Government shall encourage, enter directly into, or commit United States firms to any offset arrangement in connection with the sale of defense goods or services to foreign governments;

(2) United States Government funds shall not be used to finance offsets in security assistance transactions except in accordance with policies and procedures that were in existence as of September 30, 1991;

(3) nothing in this section shall prevent agencies of the United States Government from fulfilling obligations incurred through international agreements entered into before September 30, 1991; and

(4) the decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved.

(b) PRESIDENTIAL APPROVAL OF EXCEPTIONS.—It is the policy of the Congress that the President may approve an exception to the policy stated by subsection (a) after receiving the recommendation of the National Security Council.

(c) CONSULTATION.—It is the policy of the Congress that the President shall designate the Secretary of Defense, in coordination with the Secretary of State, to lead an interagency team to consult with foreign nations on limiting the adverse effects of offsets in defense procurement. The President shall transmit an annual report on the results of these consultations to the Congress as part of the report required under section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a)).

SEC. 124. CIVIL-MILITARY INTEGRATION.

Title III of the Defense Production Act of 1950 is amended by adding at the end the following new section:

"SEC. 310. CIVIL-MILITARY INTEGRATION.

"An important purpose of this title is the creation of production capacity that will remain economically viable after guarantees and other assistance provided under this title have expired.".

SEC. 125. TESTING, QUALIFICATION, AND INCORPORATION OF MATERIALS FOR USE FOR WEAPON SYSTEMS AND DEVELOPMENT PROGRAMS.

Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) is amended by adding at the end the following new section:

"SEC. 311. TESTING, QUALIFICATION, AND INCORPORATION OF MATERIALS FOR USE FOR WEAPON SYSTEMS AND DEVELOPMENT PROGRAMS.

"The President shall, within 12 months after the date of the enactment of the Defense Production Act Amendments of 1950, take those measures necessary to ensure—

"(1) that all materials manufactured with assistance provided under section 301, 302, or 303 are tested for qualification for use in the production of existing and future weapon systems and existing and future development programs, and

"(2) that all materials manufactured with assistance provided under section 301, 302, or 303 and qualified under paragraph (1) are used and incorporated into the production of existing and future weapon systems and existing and future development programs.".

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

SEC. 131. SMALL BUSINESS.

Section 701 of the Defense Production Act of 1950 (50 U.S.C. App. 2151) is amended to read as follows:

"SEC. 701. SMALL BUSINESS.

"(a) PARTICIPATION.—Small business concerns, including businesses owned by women and business owned by minorities, shall be given the maximum practicable opportunity to participate as contractors, and subcontractors at various tiers, in all programs to maintain and strengthen the Nation's industrial base and technology base undertaken pursuant to this Act.

"(b) ADMINISTRATION OF ACT.—In administering the programs, implementing regulations, policies, and procedures under this Act, requests, applications, or appeals from small business concerns, including business concerns owned by women and minorities, shall, to the maximum extent practicable, be expeditiously handled.

"(c) ADVISORY COMMITTEE PARTICIPATION.—Representatives of small business concerns, including business concerns owned by women and minorities, shall be afforded the maximum opportunity to participate in such advisory committees as may be established pursuant to the provisions of this Act.

"(d) INFORMATION.—Information about the Act and activities under the Act shall be made available to small business concerns, including business concerns owned by women and minorities.

"(e) ALLOCATIONS UNDER SECTION 101.—Whenever the President makes a determination to exercise any authority to allocate any material pursuant to section 101 of this Act, small business concerns, including business concerns owned by women and minorities, shall be accorded, so far as practicable, a fair share of such material, in proportion to the share received by such business concerns under normal conditions, giving such special consideration as may be possible to new small business concerns, including business concerns owned by women and minorities, or individual firms facing undue hardship.".

SEC. 132. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended to read as follows:

"SEC. 702. DEFINITIONS.

"As used in this Act—

"(1) CRITICAL COMPONENT.—The term 'critical component' includes such components, subsystems, systems, and related special tooling and test equipment essential to the production, repair, maintenance, or operation of weapon systems or other items of military equipment as are identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States. Additionally, the Secretary shall take into account those components identified as critical by a National Security Assessment or Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962 when identifying critical components.

"(2) CRITICAL INDUSTRY FOR NATIONAL SECURITY.—The term 'critical industry for national security' means any industry (or industry sector) identified pursuant to section 2503(6) of title 10, United States Code, and such other industries or industry sectors as may be designated by the President as essential to provide industrial resources required for the execution of the national security strategy of the United States.

"(3) CRITICAL TECHNOLOGY.—The term 'critical technology' includes any technology that is included in 1 or more of the plans submitted pursuant to section 2508 of title 10, United States Code (unless subsequently deleted), or such other emerging or dual use technology as may be designated by the President.

"(4) CRITICAL TECHNOLOGY ITEM.—The term 'critical technology item' shall mean materials directly employing, derived from, or utilizing a critical technology.

"(5) DEFENSE CONTRACTOR.—The term 'defense contractor' means any person who enters into a contract with the United States to furnish materials, industrial resources, or a critical technology, or to perform services for the national defense.

"(6) DOMESTIC DEFENSE INDUSTRIAL BASE.—The term 'domestic defense industrial base' means domestic sources which are providing, or which would be reasonably expected to provide, materials or services to meet national defense requirements during war or national emergency.

"(7) DOMESTIC SOURCE.—The term 'domestic source' means a business entity—

"(A) that performs in the United States or Canada substantially all of the research and development, engineering, manufacturing, and production activities required of such firm under a contract with the United States relating to a critical component or a critical technology item, and

"(B) that procures from entities described in subparagraph (A) substantially all of the components and assemblies required under a contract with the United States relating to a critical component or critical technology item.

"(8) ESSENTIAL WEAPON SYSTEM.—The term 'essential weapon system' shall mean a major weapon system and other items of military equipment identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States.

"(9) FACILITIES.—The term 'facilities' includes all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other places of worship, and private dwelling houses), and services relating to the use of any such building, structure, or other improvement.

"(10) FOREIGN SOURCE.—The term 'foreign source' means a business entity other than a 'domestic source'.

"(11) INDUSTRIAL RESOURCES.—The term 'industrial resources' means materials, services, processes, or manufacturing equipment (including the processes, technologies, and ancillary services for the use of such equipment) needed to establish or maintain an efficient and modern national defense industrial capacity.

"(12) MATERIALS.—The term 'materials' includes—

"(A) any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and

"(B) any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.

"(13) NATIONAL DEFENSE.—The term 'national defense' means programs for military and energy production or construction, military assistance to any foreign nation, stockpiling, space, and any directly related activity.

"(14) PERSON.—The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof, or any State or local government or agency thereof.

"(15) SERVICES.—The term 'services' includes any effort that is needed or incidental to—

"(A) the development, production, processing, distribution, delivery, or use of an industrial resource or a critical technology item, or

"(B) the construction of facilities.".

SEC. 133. REGULATIONS AND ORDERS.

Section 704 of the Defense Production Act of 1950 (50 U.S.C. App. 2154) is amended to read as follows:

"SEC. 704. REGULATIONS AND ORDERS.

"(a) IN GENERAL.—Subject to section 709 and subsection (b), the President may prescribe such regulations and issue such orders as the President may determine to be appropriate to carry out the provisions of this Act.

"(b) LIMITATIONS.—The President may not prescribe any regulation, or issue any order, to carry out the provisions of this Act that is inconsisent with or conflicts with the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act.".

SEC. 134. INFORMATION ON THE DEFENSE INDUSTRIAL BASE.

The Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) is amended by adding at the end the following new section:

"SEC. 722. DEFENSE INDUSTRIAL BASE INFORMATION SYSTEM.

"(a) ESTABLISHMENT REQUIRED.—

"(1) IN GENERAL.—The President, acting through the Secretary of Defense and the heads of such other Federal agencies as the President may determine to be appropriate, shall provide for the establishment of an information system on the domestic defense industrial base which—

"(A) meets the requirements of this section; and

"(B) includes a systematic continuous procedure to collect and analyze information necessary to evaluate—

"(i) the adequacy of domestic industrial capacity and capability in critical components, technologies, and technology items essential to the national security of the United States;

"(ii) dependence on foreign sources for industrial parts, components, and technologies essential to defense production; and

"(iii) the reliability of foreign source supply of critical components and technologies.

"(2) INCORPORATION OF DINET.—The defense information network (DINET), as established and maintained by the Secretary of Defense on the date of the enactment of the Defense Production Act Amendments of 1991, shall be incorporated into the system established pursuant to paragraph (1).

"(3) USE OF INFORMATION.—Information collected and analyzed under the procedure established pursuant to paragraph (1) shall constitute a basis for making any determination to exercise any authority under this Act and a procedure for using such information shall be integrated into the decisionmaking process with regard to the exercise of any such authority.

"(b) SOURCES OF INFORMATION.—

"(1) FOREIGN DEPENDENCE.—

"(A) SCOPE OF INFORMATION REVIEW.—The procedure established to meet the requirement of subsection (a)(1)(B)(ii) shall address defense production with respect to the operations of prime contractors and at least the first 2 tiers of subcontractors, or when a critical component (as that term is defined by section 702(1)) is identified at a lower tier.

"(B) USE OF EXISTING DATA COLLECTION AND REVIEW CAPABILITIES.—To the extent feasible and appropriate, the President shall build upon existing methods of data collection and analysis and shall integrate information available from intelligence agencies with respect to industrial and technological conditions in foreign countries.

"(C) INITIAL EMPHASIS ON PRIORITY LISTS.—In establishing the procedure referred to in subparagraph (A), the Secretary may place initial emphasis on the production of parts and components relating to priority lists such as the Commanders' in Chief Critical Items List, those components identified as critical by a National Security Assessment or Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962, and the technologies identified as critical in the annual defense critical technologies plan submitted pursuant to section 2508 of title 10, United States Code.

"(2) PRODUCTION BASE ANALYSIS.—

"(A) TOP-TO-BOTTOM REVIEW.—Effective on or after October 1, 1991, the analysis of the production base for any major procurement project which is included in the information system maintained pursuant to subsection (a) shall, in addition to any information and analyses the President may require—

"(i) include a review of all levels of acquisition and production, beginning with any raw material, special alloy, or composite material involved in the production and ending with the completed product;

"(ii) identify each contractor and subcontractor at each level of acquisition and production with respect to such project which represents a potential for delaying or preventing the production and acquisition, including the identity of each contractor or subcontractor whose contract qualifies as a foreign source or sole source contract and any supplier which is a foreign or sole source for any item required in the production, including critical components (as that term is defined by section 702(1)); and

"(iii) include information to permit appropriate management of accelerated or surge production.

"(B) INITIAL REQUIREMENT FOR STUDY OF PRODUCTION BASES FOR NOT MORE THAN 6 MAJOR WEAPON SYSTEMS.—In establishing the information system under subsection (a), the President, acting through the Secretary of Defense, shall require an analysis of the production base for not more than 2 weapons of each military department which are major systems (as defined in section 2302(5) of title 10, United States Code). Each major system study shall include in the analysis a determination of critical components of that system.

"(3) CONSULTATION REGARDING THE CENSUS OF MANUFACTURERS.—

"(A) IN GENERAL.—The Secretary of Commerce, acting through the Bureau of the Census, shall consult with the Secretary of Defense and the Director of the Federal Emergency Management Agency with a view to improving the application of information derived from the Census of Manufacturers to the purposes of this section.

"(B) ISSUES TO BE ADDRESSED.—Such consultations shall address improvements in the level of detail, timeliness, and availability of input and output analyses derived from the Census of Manufacturers necessary to facilitate the purposes of this section.

"(c) STRATEGIC PLAN FOR DEVELOPING COMPREHENSIVE SYSTEM.—

"(1) PLAN REQUIRED.—Not later than December 31, 1992, the President shall provide for the establishment of and report to Congress on a strategic plan for developing a cost-effective, comprehensive information system capable of identifying on a timely, ongoing basis vulnerability in critical components, technologies, and technology items.

"(2) ASSESSMENT OF CERTAIN PROCEDURES.—In establishing plan under paragraph (1), the President shall assess the performance and cost-effectiveness of procedures implemented under subsection (b) and shall seek to build upon such procedures as appropriate.

"(d) CAPABILITIES OF SYSTEM.—

"(1) IN GENERAL.—In connection with the establishment of the information system under subsection (a), the President shall direct the Secretary of Defense, the Secretary of Commerce, and the heads of such other Federal agencies as the President may determine to be appropriate to—

"(A) consult with each other and provide such information, assistance, and cooperation as may be necessary to establish and maintain the information system in a manner which allows the coordinated and efficient entry of information on the domestic defense industrial base into, and the withdrawal, subject to the protection of proprietary data, of information on the domestic defense industrial base from the system on an on-line interactive basis by the Department of Defense;

"(B) assure access to the information on the system, as appropriate, by all participating Federal agencies, including each military department;

"(C) coordinate standards, definitions, and specifications for information on defense production which is collected by the Department of Defense and the military departments so that such information can be used by any Federal agency or department which the President determines to be appropriate; and

"(D) assure that the information in the system is updated, as appropriate, with the active assistance of the private sector.

"(2) TASK FORCE ON MILITARY-CIVILIAN PARTICIPATION.—Upon the establishment of the information system under subsection (a), the President shall convene a task force consisting of the Secretary of Defense, the Secretary of Commerce, the Secretary of each military department, and the heads of such other Federal agencies and departments as the President may determine to be appropriate to establish guidelines and procedures to ensure that all Federal agencies and departments which acquire information with respect to the domestic defense industrial base are fully participating in the system, unless the President determines that all appropriate Federal agencies and departments, including each military department, are voluntarily providing information which is necessary for the system to carry out the purposes of this Act and chapter 148 of title 10, United States Code.

"(e) REPORT ON SUBCONTRACTOR AND SUPPLIER BASE.—

"(1) REPORT REQUIRED.—At the times required under paragraph (4), the President shall issue a report which includes—

"(A) a list of critical components, technologies, and technology items for which there is found to be inadequate domestic industrial capacity or capability; and

"(B) an assessment of those subsectors of the economy of the United States which—

"(i) support production of any component, technology, or technology item listed pursuant to paragraph (1); or

"(ii) have been identified as being critical to the development and production of components required for the production of weapons, weapon systems, and other military equipment essential to the national defense.

"(2) MATTERS TO BE CONSIDERED.—The assessment made under paragraph (1)(B) shall consider—

"(A) the capacity of domestic sources, especially commercial firms, to fulfill peacetime requirements and graduated mobilization requirements for various items of supply and services;

"(B) any trend relating to the capabilities of domestic sources to meet such peacetime and mobilization requirements;

"(C) the extent to which the production or acquisition of various items of military material is dependent on foreign sources; and

"(D) any reason for the decline of the capabilities of selected sectors of the United States economy necessary to meet peacetime and mobilization requirements, including stability of defense requirements, acquisition policies, vertical integration of various segments of the industrial base, superiority of foreign technology and production efficiencies, foreign government support of nondomestic sources, and offset arrangements.

"(3) POLICY RECOMMENDATIONS.—The report may provide specific policy recommendations to correct deficiencies identified in the assessment, which would help to strengthen domestic sources.

"(4) TIME FOR ISSUANCE.—The report required by paragraph (1) shall be issued not later than July 1 of each odd-numbered year which begins after 1991, based upon data from the prior fiscal year and such prior fiscal years as may be appropriate.

"(5) RELEASE OF UNCLASSIFIED REPORT.—The report required by this subsection may be classified. An unclassified version of the report shall be available to the public.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for purposes of this section not more than $10,000,000, to remain available until expended, of which not more than $3,000,000 shall be available for the purposes of subsection (b)(2).".

SEC. 135. PUBLIC PARTICIPATION IN RULEMAKING.

(a) IN GENERAL.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. 2159) is amended to read as follows:

"SEC. 709. PUBLIC PARTICIPATION IN RULEMAKING.

"(a) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT.—Any regulation prescribed or order issued under this Act shall not be subject to sections 551 through 559 of title 5, United States Code.

"(b) OPPORTUNITY FOR NOTICE AND COMMENT.—

"(1) IN GENERAL.—Except as provided in subsection (c), any regulation prescribed or order issued under this Act shall be published in the Federal Register and opportunity for public comment shall be provided for not less than 30 days, consistent with the requirements of section 553(b) of title 5, United States Code.

"(2) WAIVER FOR TEMPORARY PROVISIONS.—The requirements of paragraph (1) may be waived, if—

"(A) the officer authorized to prescribe the regulation or issue the order finds that urgent and compelling circumstances make compliance with such requirements impracticable;

"(B) the regulation is prescribed or order is issued on a temporary basis; and

"(C) the publication of such temporary regulation or order is accompanied by the finding made under clause (A) (and a brief statement of the reasons for such finding) and an opportunity for public comment is provided for not less than 30 days of public comment before any regulation or order becomes final.

"(3) All comments received during the public comment period specified pursuant to paragraph (1) or (2) shall be considered and the publication of the final regulation or order shall contain written responses to such comments.

"(c) PUBLIC COMMENT ON PROCUREMENT REGULATIONS.—Any procurement policy, regulation, procedure, or form (including any amendment or modification of any such policy, regulation, procedure, or form) issued under this Act shall be subject to section 22 of the Office of Federal Procurement Policy Act.".

(b) SCOPE OF APPLICATION.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. App. 2159), as amended by subsection (a) of this section, shall not apply to any regulation prescribed or order issued in proposed or final form on or before the date of enactment of this Act.

PART E—TECHNICAL AMENDMENTS

SEC. 141. TECHNICAL CORRECTION.

Section 301(e)(2)(B) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(2)(B)) is amended by striking "and to the Committees on Banking and Currency of the respective Houses" and inserting "and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives".

SEC. 142. INVESTIGATIONS; RECORDS; REPORTS; SUBPOENAS.

Section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155) is amended—

(1) in subsection (a), by striking "subpena" and inserting "subpoena";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "$1,000" and inserting "$10,000"; and

(4) in subsection (d) (as redesignated by paragraph (2)), by striking all after the first sentence.

SEC. 143. EMPLOYMENT OF PERSONNEL.

(a) NOTICE OF APPOINTMENT AND FINANCIAL DISCLOSURE FOR EMPLOYEES SERVING WITHOUT COMPENSATION.—Section 710(b)(6) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)(6)) is amended to read as follows:

"(6) NOTICE AND FINANCIAL DISCLOSURE REQUIREMENTS.—

"(A) PUBLIC NOTICE OF APPOINTMENT.—The head of any department or agency who appoints any individual under this subsection shall publish a notice of such appointment in the Federal Register, including the name of the appointee, the employing department or agency, the title of the appointee's position, and the name of the appointee's private employer.

"(B) FINANCIAL DISCLOSURE.—Any individual appointed under this subsection who is not required to file a financial disclosure report pursuant to section 101 of the Ethics in Government Act of 1978, shall file a confidential financial disclosure report pursuant to section 107 of such Act with the appointing department or agency.".

(b) TECHNICAL AMENDMENTS.—Section 710(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)) is amended—

(1) in paragraph (7)—

(A) by striking "Chairman of the United States Civil Service Commission" and inserting "Director of the Office of Personnel Management"; and

(B) by striking "and the Joint Committee on Defense Production"; and

(2) in paragraph (8), by striking "transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes and regular places of business pursuant to such appointment" and inserting "reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions for which they were appointed in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code".

SEC. 144. TECHNICAL CORRECTION.

Section 711(a)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended by striking "Bureau of the Budget" and inserting "Office of Management and Budget".

PART F—REPEALERS AND CONFORMING AMENDMENTS

SEC. 151. SYNTHETIC FUEL ACTION.

Section 307 of the Defense Production Act of 1950 (50 U.S.C. App. 2097) is amended—

(1) in subsection (b), by striking the 2d sentence; and

(2) by striking subsection (c) and all that follows through the end of the section.

SEC. 152. REPEAL OF INTEREST PAYMENT PROVISIONS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) by striking subsection (b),

(2) in subsection (a)—

(A) by striking "(a)(1) Except as provided in paragraph (2) and paragraph (4)" and inserting "(a) Except as provided in subsection (c)",

(B) in the parenthetical by striking "and for the payment of interest under subsection (b) of this section",

(C) by striking paragraph (2),

(D) by redesignating paragraph (3) as subsection (b), and

(E) in paragraph (4)—

(i) by striking subparagraph (B), and

(ii) by redesignating the remainder of paragraph (4) as subsection (c).

SEC. 153. JOINT COMMITTEE ON DEFENSE PRODUCTION.

Section 712 of the Defense Production Act of 1950 (50 U.S.C. App. 2162) is repealed.

SEC. 154. PERSONS DISQUALIFIED FOR EMPLOYMENT.

Section 716 of the Defense Production Act of 1950 (50 U.S.C. App. 2165) is repealed.

SEC. 155. FEASIBILITY STUDY ON UNIFORM COST ACCOUNTING STANDARDS; REPORT SUBMITTED.

Section 718 of the Defense Production Act of 1950 (50 U.S.C. App. 2167) is repealed.

SEC. 156. NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES.

Section 720 of the Defense Production Act of 1950 (50 U.S.C. App. 2169) is repealed.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

Section 711(c) of the Defense Production Act of 1950 (as amended by section 152 of this Act) is amended to read as follows:

"(c) There are authorized to be appropriated for each of fiscal years 1992, 1993, and 1994 not to exceed $200,000,000 to carry out the provisions of title III of this Act.".

SEC. 162. EXTENSION OF PROGRAM.

The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 1991" and inserting "September 30, 1994".

SEC. 163. QUADRENNIAL REPORT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following new subsection:

"(i) QUADRENNIAL REPORT.—

"(1) IN GENERAL.—Not later than the date which is 1 year after the date of the enactment of the Defense Production Act Amendments of 1991, and every 4 years after that date, the Secretary of the Treasury shall complete and submit to the Congress a report which—

"(A) evaluates whether there is credible evidence of a coordinated strategy by one or more countries or companies to acquire United States companies, or significant control of United States industries, involved in research, development, or production of critical technologies for which the United States is a leading producer; and

"(B) evaluates whether there are industrial espionage activities directed by foreign governments against private United States companies for the purpose of obtaining commercial secrets related to critical technologies.

"(2) CLASSIFIED REPORTS.—

"(A) IN GENERAL.—The reports required by this subsection may be classified.

"(B) UNCLASSIFIED VERSIONS.—An unclassified version of each report required by this subsection shall be available to the public.".

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

SEC. 201. DISCOURAGING UNFAIR TRADE PRACTICES.

(a) SUSPENSION OR DEBARMENT AUTHORIZED.—Subpart 9.4 of title 48, Code of Federal Regulations (or any successor regulation) shall be amended to specify the circumstances under which a contractor, who has engaged in an unfair trade practice, as defined in subsection (b), may be found to presently lack such business integrity or business honesty that seriously and directly affects the responsibility of the contractor to perform any contract awarded by the Federal Government or perform a subcontract under such a contract.

(b) DEFINITIONS.—For purposes of this section, the term "unfair trade practice" means the commission of any of the following acts by a contractor:

(1) An unfair trade practice, as determined by the International Trade Commission, for a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

(2) A violation, as determined by the Secretary of Commerce, of any agreement of the group known as the "Coordinating Committee" for purposes of the Export Administration Act of 1979 or any similar bilateral or multilateral export control agreement.

(3) A knowingly false statement regarding a material element of a certification concerning the foreign content of an item of supply, as determined by the Secretary of the department or the head of the agency to which such certificate was furnished.

SEC. 202. EVALUATION OF DOMESTIC DEFENSE INDUSTRIAL BASE POLICY.

(a) CONGRESSIONAL COMMISSION ON THE EVALUATION OF DEFENSE INDUSTRIAL BASE POLICY ESTABLISHED.—There is hereby established a commission to be known as the Congressional Commission on the Evaluation of the Defense Industrial Base Policy (hereafter in this section referred to as the "Commission").

(b) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall develop criteria for maintaining the strength of the domestic defense industrial base for purposes of supporting the national security strategy of the President.

(2) CONSIDERATION OF AGENCY PROCEDURES AND ACTIVITIES.—In developing criteria under paragraph (1), the Commission shall consider, with respect to each Federal agency and department which has any responsibility for maintaining the strength of the domestic defense industrial base—

(A) the extent to which the statutory authority, policies, regulations, organizational arrangements, plans, programs, and budgets of such agency or department are adequate for the purpose of maintaining the strength of the domestic defense industrial base; and

(B) the degree to which such authority, policies, regulations, arrangements, plans, programs, and budgets are being effectively implemented and sufficiently coordinated (within the agency or department and with other Federal agencies and departments).

(3) EVALUATION OF CIVIL-MILITARY INTEGRATION.—The Commission, in developing criteria under paragraph (1) and considering agency procedures and activities under paragraph (2) shall evaluate the feasibility of integrating defense research, development, production, acquisition, and other relevant contracting activities with similar activities in the commercial sector, and the degree to which such integration is being implemented by the agency or department.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members as follows:

(A) 3 members appointed by the Speaker of the House of Representatives (2 of whom shall be appointed upon the recommendation of the majority leader of the House of Representatives and 1 of whom shall be appointed upon the recommendation of the minority leader of the House of Representatives) from among individuals who are especially qualified to serve on the Commission by reason of their education, training, or experience.

(B) 3 members appointed by the President pro tempore of the Senate (2 of whom shall be appointed upon the recommendation of the majority leader of the Senate and 1 of whom shall be appointed upon the recommendation of the minority leader of the Senate) from among individuals who are especially qualified to serve on the Commission by reason of their education, training, or experience.

(C) 3 members appointed by a majority of the members appointed under subparagraphs (A) and (B) from among individuals who are especially qualified to serve on the Commission by reason of their education, training, or experience.

(2) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(B) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) PROHIBITION ON COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Commission shall serve without pay.

(B) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(4) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(5) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission from among the individuals appointed under paragraph (1)(C).

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members.

(d) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—

(A) IN GENERAL.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(B) ADMINISTRATION OF OATHS.—The Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take.

(3) OBTAINING OFFICIAL DATA.—

(A) AUTHORITY TO OBTAIN.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act.

(B) PROCEDURE.—Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish the information requested to the Commission.

(C) USE OF INFORMATION.—The Commission shall be subject to the same limitations with respect to the use or disclosure of any confidential or privileged information, trade secrets, or other proprietary or business-sensitive information which is obtained from any department or agency under this subsection as are applicable to the use or disclosure of such information or secrets by such department or agency.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(e) STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.—

(1) STAFF.—Subject to such regulations as the Commission may prescribe and with the approval of the Commission, the Chairperson may appoint and fix the pay of such personnel as the Chairperson considers appropriate.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(3) EXPERTS AND CONSULTANTS.—Subject to such regulations as the Commission may prescribe, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the annual rate of basic pay payable for GS-18 of the General Schedule.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(f) DOMESTIC DEFENSE INDUSTRIAL BASE DEFINED.—For the purposes of this section, the term "domestic defense industrial base" means—

(1) the industries in the United States and Canada which at any time are providing national defense materials and services; and

(2) the industries in the United States and Canada which reasonably would be expected to provide national defense materials and services in a time of emergency or war.

(g) REPORT.—The Commission shall submit to the Congress and the President—

(1) an interim report at the end of the 1-year period beginning on the date the Commission first meets with a majority of members present; and

(2) a final report not later than September 1, 1993, on the findings of the Commission under this section with respect to the domestic defense industrial base, together with such recommendations for legislative, administrative, or policy action as the Commission may determine to be appropriate.

(h) TERMINATION.—The Commission shall cease to exist on September 30, 1994.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years 1992, 1993, and 1994 an amount not to exceed $500,000 to carry out the purposes of this section.

TITLE III—AMENDMENT TO RELATED LAWS

SEC. 301. ENERGY SECURITY.

Section 203 of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1143) (relating to period of guaranties and interest assistance) is amended by striking "1990" and inserting "1993".

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

This Act shall take effect on September 30, 1991.

TITLE V—BUY AMERICAN PROVISIONS

SEC. 501. BUY AMERICAN PROVISIONS.

(A) The Secretary shall insure that the requirements of the Buy American Act of 1933 as amended apply to all procurements under this Act.

(B) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any produce sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract made with funds authorized under this title pursuant to the debarment suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to reauthorize the Defense Production Act of 1950, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3039) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 347

Mr. CARPER. Mr. Speaker, I move that the House insist on its amendment to the Senate bill, S. 347, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the motion is agreed to.

Mr. WALKER. Mr. Speaker, reserving the right to object, it is very hard to hear. We seem to be taking specific actions here.

What was the unanimous-consent request of the gentleman from Delaware?

Mr. WYLIE. Mr. Speaker, if the gentleman will yield, it was a motion to go to conference, may I say to the gentleman from Pennsylvania.

Mr. WALKER. No, I do not think so. It sounded to me like an amendment.

The SPEAKER pro tempore. It was a motion to go to conference. It was not a unanimous-consent request that the gentleman from Delaware made; it was done pursuant to a rule.

Mr. WALKER. Mr. Speaker, I thought I heard something about an amendment.

I would yield to the gentleman for an explanation, but I cannot hear what is being said.

The SPEAKER pro tempore. Can the gentleman hear the Chair?

Mr. WALKER. Yes, I can, but barely, Mr. Speaker. If we could have order in the House, it would certainly be helpful.

Mr. Speaker, I will be happy, under my reservation, to yield to the gentleman from Delaware so he may explain to me just what we are about to do here.

Mr. CARPER. Mr. Speaker, I thank the gentleman for yielding.

Earlier in this Congress the Senate passed a 3-year reauthorization of the Defense Production Act, and that was S. 347. Last week the House of Representatives passed its version of the reauthorization of the Defense Production Act. With this motion today, we are simply going to conference. We are taking from the Speaker's desk the Senate bill. We are inserting our bill into that Senate bill, we are asking to go to conference, and we are asking the Speaker to name conferees. This has been cleared with the gentleman from Ohio [Mr. WYLIE] and the gentleman from Pennsylvania [Mr. RIDGE], and I do not believe there is any point of controversy here.

Mr. WALKER. I understand that from the gentleman from Ohio. I thought I heard in the gentleman's motion, though, that it included amendments.

Mr. CARPER. What I said was, and I repeat: Pursuant to the provisions of House Resolution 231, I move that the House insist on its amendment to the Senate bill, S. 347, and request a conference with the Senate thereon.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the motion is agreed to.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees and reserves the right to appoint additional conferees:

Suggested conferees on S. 347—Defense Production Act Amendments of 1991.

From the Committee on Banking, Finance and Urban Affairs, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Mr. CARPER, Mr. LAFALCE, Ms. OAKAR, and Messrs. VENTO, KANJORSKI, RIDGE, PAXON, and HANCOCK.

As additional conferees from the Committee on Armed Services, for consideration of sections 111, 123–24, 136, and 201–03 of the Senate bill, and sections 111, 123, 134, and 202 of the House amendment, and modifications committed to conference: Messrs. ASPIN, MAVROULES, SISISKY, DICKINSON, and BATEMAN.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 163, 301, and 403–06 of the Senate bill, and section 163 of the House amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mrs. COLLINS of Illinois, Mr. LENT, and Mr. RINALDO.

As additional conferees from the Committee on Government Operations for consideration of sections 111, 137, and titles II and V of the Senate bill, and sections 111, 135, 201, and 202 of the House amendment, and modifications committed to conference: Messrs. CONYERS, ENGLISH, WISE, HORTON, and KYL.

As additional conferees from the Committee on the Judiciary, for consideration of section 138 of the Senate bill, and modifications committed to conference: Messrs. BROOKS, EDWARDS of California, CONYERS, FISH, and MOORHEAD.

As additional conferees from the Committee on Ways and Means, for consideration of sections 402–04 of the Senate bill, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, ARCHER, and CRANE.

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Resolution 194.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Resolution 194.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I have asked for this time to proceed for the purpose of receiving the schedule from the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, the business of the House is finished for the day. There will be no more votes today. The House will not have votes on tomorrow.

On Monday, we will have the Columbus Day break, and there will not be votes.

On Tuesday, October 15, the House will meet at noon and consider two suspensions:

H.R. 1297, Clean Vessel Act of 1991; and

H.R. 2105, to designate the "Myrtle Foster Whitmire National Wildlife Refuge."

The votes on those suspensions will be postponed until after the consideration of both suspensions. Then we will move on to H.R. 3371, the Omnibus Crime Control Act of 1991, subject to a rule.

On Wednesday, October 16, and the balance of the week, we will complete consideration of the crime bill.

We will consider H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991, subject to a rule;

H.R. 2521, motion to go to conference on Department of Defense appropriations for fiscal year 1992;

H.R. 2508, the foreign assistance authorization for fiscal years 1992 and 1993 conference report, 1 hour of debate; and

H.R. 2369, Flint Hills Prairie Monument, under an open rule, with 1 hour of debate.

Obviously, other conference reports may come up at any time, and any further programming will be announced later.

Mr. GINGRICH. Mr. Speaker, if I might, let me mention a couple of things.

I understand there will be votes on Tuesday. One Member on our side has indicated that if we are going to have votes on Tuesday, Members should expect a vote on the Journal. That is not a leadership decision, but I just want to tell the Members there is a real possibility that we may have a vote after going in on Tuesday, so we might have a vote, I believe, at noon on Tuesday.

Second, has the majority decided, are we likely to be in on Friday? What should the Members begin to think about in terms of next week?

□ 1500

Mr. GEPHARDT. Mr. Speaker, the plan at this time is to be in on Friday to try to complete the highway bill.

Mr. GINGRICH. Mr. Speaker, let me ask the gentleman about a couple of other things. We are very concerned on our side about getting a rule on the crime bill which will make in order five very major amendments which the President has indicated are vital if he is not going to veto the bill. Does the gentleman have any information yet on what the rule is likely to look like?

Mr. GEPHARDT. The Committee on Rules is meeting now, and there will be consultation with the other side as we move to try to put the rule together.

Mr. GINGRICH. Mr. Speaker, two other topics: it is my understanding the President may veto the unemployment bill as early as tomorrow. Does the gentleman know, if the other body were to sustain his veto on Wednesday of next week, could the calendar possibly be accommodated to bring up something like the Dole-Michel bill or some other version of a signable unemployment bill next week so that we could get that out of the way and try to get help to the unemployed?

Mr. GEPHARDT. Mr. Speaker, I do not know the answer to that yet. I would say that I guess I am still thinking that the other body might override that veto. We will have to make that decision at that time, if that happens, and we will let the gentleman know as soon as we can.

Mr. GINGRICH. Mr. Speaker, lastly, and I appreciate the majority leader informing us, there was some talk at one point that we might have the so-called October surprise resolution brought up at some point next week. Does that seem not to be on the calendar yet?

Mr. GEPHARDT. Mr. Speaker, there is no plan here to have that on. However, we will be meeting with the minority, I think, on that question in the near future.

ADJOURNMENT TO TUESDAY, OCTOBER 15, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, October 11, 1991, it adjourn to meet at noon on Tuesday, October 15, 1991.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE

Mrs. COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from Mississippi [Mr. MONTGOMERY].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

NEARLY $400 MILLION A YEAR IN PROFITS TO A DRUG COMPANY FROM MEDICARE: INTRODUCTION OF A GROSS WINDFALL PROFITS TAX ON ORPHAN DRUG PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, Medicare and the taxpayers of America will provide the Amgen Corp. with nearly $400 million in what is basically pure profit during the next 12 months.

Amgen has a monopoly on the sale of EPO to kidney disease patients who are on dialysis, thanks to the Orphan Drug Act. The monopoly will expire June 1996. Between now and then, Amgen will receive about $1.8 billion in sales to Medicare. The cost of researching and developing the drug was $170 million—according to the company. It received that much from Medicare in the first 8 months that the drug was sold to Medicare patients—starting in the summer of 1989. The cost of production of the drug is minimal. Court records reveal that it costs about 40 cents to make 1,000 units of the drug. Medicare is paying $11 a thousand units—a mark up of 2,750 percent. Selling and administrative costs should be minimal. Everyone who has kidney failure knows about the disease; 80 percent of all end-stage renal disease patients are getting the drug. Ads are not needed. A recent news report quoted an officer of Amgen as complaining about the economy's lower interest rates: The $300 million in cash they had to invest—thanks to taxpayers—was not getting as good a rate of return as it did when interest rates were higher. The company's stock is the darling of Wall Street. One corporate officer recently exercised stock options for $18 million in personal profit.

In short, Mr. Speaker, enough is enough. The company is established and healthy and has major new drugs being developed for the market.

The taxpayers need a better price on EPO. To keep buying EPO at this price is the equivalent of the Air Force buying more $600 toilet seats.

It is time to enact a windfall profits tax on those who have a monopoly and who make excessive profits from sales of an essential drug to Government agencies.

Therefore, I am today introducing a new version of my Orphan Drug Windfall Profits Tax Act. This bill would allow a company like Amgen to recover all R&D costs plus an annual profit of 25 percent. We do not have the hard data, but a good estimate is that the company will have a 51 percent internal rate of return for the period through 1996. That is simply too much for a monopolist to impose on sick people.

THE ANNIVERSARY OF THE FOUNDING OF REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HORTON] is recognized for 5 minutes.

Mr. HORTON. Mr. Speaker, today marks the 80th anniversary of the birth of the Republic of China. As today's Taiwan continues to race along the road of reform, originally laid by late President Chiang Ching-Kuo and now widened and maintained by President Lee Teng-Hui, I want to take this opportunity to commend the leadership and the people of Taiwan on the enormous strides that they have made.

I would also like to bring to my colleagues' attention the National Gallery of Art's newest exhibition entitled "Circa 1492: Art in the Age of Exploration," which opens this Saturday October 12.

The Republic of Taiwan has contributed 17 bowls and paintings from the National Palace Museum near Taipei, which houses 640,000 of the world's finest Chinese art works and cultural relics, for this exciting show. These historic Chinese paintings and bowls are from the Ming Dynasty of the late 15th and early 16th centuries.

Recently, I had the opportunity to attend a dinner given by the Taiwanese Representative to the United States, Mr. Mou-Shih Ding, and his wife in honor of J. Carter Brown, the Director of the National Gallery of Art and Mr. Chin Hsiao-yi, the Director of the National Palace Museum. At this gala event, Representative Ding delivered a spirited and dynamic speech, which I would now like to insert into the RECORD:

REMARKS BY REPRESENTATIVE MOU-SHIH DING

Dr. and Mrs. Chin, Dr. and Mrs. Brown, Congressman and Mrs. Horton, Chairman and Mrs. Bellocchi, Mr. David Dean, Ladies and Gentlemen:

It is a great pleasure for me and my wife to host this dinner tonight. First of all, I would like to welcome Dr. Hsiao-yi Chin, Director of the National Palace Museum, who for many years has dedicated himself to safeguarding and adding glory to the national treasures of Chinese cultural legacy. I would also like to mention that tomorrow will be Dr. Brown's birthday. An internationally recognized authority on fine arts, Dr. Brown is personally familiar with the National Palace Museum. Thirty years ago when a specially selected collection of Chinese art treasures arrived in Washington, D.C. on a one-year five-city tour exhibition, he was Assistant to the Director of the National Gallery of Art, which he has headed since 1969.

And we also welcome Congressman and Mrs. Horton who met Dr. Chin when they last visited Taipei, Chairman Bellocchi of AIT and Mrs. Bellocchi, and another good friend of ours Mr. David Dean, Resident Advisor to CCK Foundation for International Scholarly Exchange.

You might all know that the National Gallery of Art is presenting "Circa 1492: Art in the Age of Exploration," which will be opened on October 12. The exhibition is described as the most wide-ranging display in the National Gallery's fifty-year history. More than 600 objects of art provided by famous museums all over the world will be put on exhibit. I sincerely believe that this exhibition will bring a better understanding of the visual arts at the dawn of the modern era, which are also treasures of human civilization.

The National Palace Museum of the Republic of China is proud to provide seventeen finest examples of late fifteenth and early sixteenth century Ming Dynasty art objects to participate in this exhibition. In its history there have been only two times that selected items from the vast collection of the world-renowned National Palace Museum, Taipei have been sent for overseas exhibition: the first overseas exhibition was in the United Kingdom in 1935–36; the second was in the United States in 1961–62. Now this will be the first time in thirty years that the Chinese art treasures from the Republic of China once again are on public exhibit in the United States. I hope, in the future, representative Chinese art treasures from Taipei could be exhibited overseas at more frequent intervals.

The Chinese items on display at the National Gallery of Art beginning the coming weekend offer a rate opportunity for the American public to catch a glimpse of life in China as Europe embarked in the Age of Discovery. For by the middle of the 15th century the Ming dynasty had ushered in a period of extraordinary peace and prosperity which served to nourish the unleashing of creative energies. Art lovers from all walks of life will not want to miss the opportunity of viewing the seventeen selected masterpieces from the National Palace Museum.

On Thursday Chinese all over the world will be celebrating the 80th anniversary of the founding of the Republic of China. Will you join me in a multiple toast: to the bright future of Asia's first republic, to a tremendous success of "Circa 1492," to welcome Dr. and Mrs. Chin to Washington, and to wish Dr. Brown many happy returns.

Thank you.

WILLIAM MELENDEZ—WINNER OF THE RALPH ATKINSON CIVIL LIBERTIES AWARD FOR 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on October 27, 1991, the American Civil Liberties Union will present Bill Melendez with the Ralph Atkinson Civil Liberties Award for 1991, and I rise today in honor of his remarkable contributions to our society.

Bill Melendez was born of Puerto Rican parents in Spanish Harlem, New York City. He succeeded in overcoming the problem of English, as a second language, and was able to work his way through the public school system. With the help of a scholarship from the Hebrew Technical Institute, he went on to earn a degree and teaching certificate from New York University.

Bill taught high school in New York for 16 years and received his masters degree in school administration. During this period, he was elected president of the Classroom Teacher's Association where he led the battle to receive equal pay for teachers.

Since moving to Monterey County, CA, in the early 1970's, Bill Melendez has been a leader in the movement for equal rights. As the director of migrant education, he worked as an effective advocate of bilingual and bicultural education, the advancement of educational opportunities for Chicano children, and for gender equality.

As the local president of the League of United Latin American Citizens [LULAC], Bill Melendez addressed civil liberties and human rights issues affecting all aspects of the 16th Congressional District. His success and determination led to his appointment as the California State president of LULAC where he continued to confront these significant and critical issues on a much larger scale.

He is a founder and cochair of the Coalition of Minority Organizations [COMO] which has effectively addressed issues of discriminatory housing and employment, police brutality, and racially motivated violence. As a member of the Affirmative Action Advisory Committee for Monterey Peninsula College, Bill Melendez has contributed to significant advances in employment of women and minority teachers and classified employees.

Bill has excelled as a prominent leader and organizer throughout his career, continually assisting others in overcoming obstacles to liberty and equality. He is not only an excellent leader, but also a good friend who has continually worked with my office to assist others.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me now in congratulating Bill Melendez on his receiving the Ralph Atkinson Civil Liberties Award for 1991 from the American Civil Liberties Union. His successful efforts toward the advancement of civil rights, and his notable record as a teacher and a leader are of immeasurable benefit to the people of our society. I am honored to have this opportunity to recognize Bill Melendez, a man who has clearly and unselfishly devoted his life to the bettering of our society.

REQUIRED READING ABOUT KEIRETSU FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, last weekend I read the two part article by Paul Blustein on the Japanese keiretsu system which ran in the Washington Post. Entitled "Japan's Corporate Connections Create Challenge for U.S. Business," it spells out in detail exactly how the Japanese operate. It should be required reading for every American businessman, governmental official and citizen.

Anyone who reads these two articles should immediately realize there is no such thing as free trade, and certainly not fair trade with the Japanese. They play by their rules which benefit only Japan and a privileged group of businessmen. We must understand how our friendly adversaries operate, because an economic war is a deadly game.

Any number of American businesses can attest to the power of a keiretsu in doing business with the Japanese. The plight of my friend Boone Pickens in trying to obtain a seat on Koito's board of directors made all the newspapers. Also well known is Go-Video's fight with Japan, Inc., in building a double deck VCR. A large international company in my district, Allied Signal, was stalled for 11 to 14 years by Japan's refusal to allow the filming of patents for Metglas. All three of the above have battled a keiretsu.

In fact, ask in your community or one of your acquaintances and there will probably be a story of a company having difficulty with a Japanese keiretsu. Just what does this mean for America to be competitive? It means the deck is stacked against the United States by the coalition of the Japanese Government working tightly with business. In writing about international strategies for business, Robert Orr, Jr. stated that "70 percent of Japanese global trade is conducted with Japanese firms at each end of the transaction, far more than 20 percent of American companies." In other words they are doing business with themselves.

There is a vast difference on how the Japanese and American companies do business.

Mr. Blustein pointed out in his article that "the stock of a typical Japanese company is held by scores of allied firms, creating a vast web of interlocking ownership. Moreover, Japanese manufacturers maintain extraordinarily close ties with their suppliers and distributors."

The article pointed out the difference that Japanese companies are "noncapitalistic in the mutual shareholding pacts that Japanese companies maintain with fellow keiretsu members and other corporate allies. Because of these pacts, companies are totally controlled by management and their business partners; investors—the capitalists—are powerless."

American firms with which we are familiar are, according to Mr. Blustein, "ultimately single entities with their own board of directors and stock that is held mainly by the investing public—individual investors, mutual funds, and pension funds."

We also can recognize the difference between the Japanese keiretsu and American system by the accessibility of the stockholders to the company.

Boone Pickens can attest to the difference. He acquired over 25 percent of Koito's stock and was denied a seat on the board of directors. Mr. Pickens felt he was discriminated against as a foreigner.

In fact, what set Boone Pickens' Texas ire off and sent him to the press was the remark yelled at him by a Koito board member, "Remember Pearl Harbor." With that remark Boone Pickens was ready to do battle and warn Americans on what to expect in doing business with the Japanese.

Remember Pearl Harbor, indeed. Why should the Japanese be taunting Boone Pickens with that remark unless they are again attacking us, only with an economic war?

The Pickens story also points up what Mr. Blustein stated in his article that "a typical company's board consists entirely of its top executives and representatives or two from a fellow keiretsu company." No outsiders need apply.

If we followed that system in America then the thousands of independent dedicated Americans like the Anne Armstrongs, Henry Kissingers, Donald Rumsfelds, or others could not serve on a board unless they were part of a keiretsu.

Business would be done as it is in Japan—primarily for the corporate officeholders and the wealthy international trading companies with their member companies. The Washington Post articles quoted an American educated top official of Japan's finance ministry that "Japan is so different from the United States that it shouldn't be deemed 'capitalistic' even though it is a market economy based on competition."

The official explained, "What makes Japan 'noncapitalistic'' is the mutual shareholding pacts that Japanese companies maintain with fellow keiretsu members and other corporate allies. Because of these pacts, companies are totally controlled by management and their business partners; investors—the capitalists—are powerless."

I repeat, the "capitalists are powerless."

That is an amazing statement since Gen. Douglas MacArthur supposedly broke up the old zaibatsus of World War II. How could this happen?

Mr. Blustein reported that "at the end of the war," nearly 70 percent of Japanese stock ended up in the hands of individuals, and the threat of takeovers by individuals was very real. He reported that companies "began accumulating each other's shares, in some cases by swapping in cashless transactions."

Remember this process was helped along by the Korean war, when America needed a supply and staging area for the war. At that time American officials conveniently looked the other way at what the companies were doing. In fact, the Korean war actually gave Japanese companies a much needed economic jump start.

And this jump start was sparked again by the Vietnam war when we bowed to pressure from none other than Japanese interests to buy our vehicles for the military directly from Japan, thus saving time and shopping costs. This really provided the boost their auto industry needed. Ironic, isn't it?

Now today, we are dealing with those earlier policy changes which favored the building of the keiretsus and with the relaxing of Japanese monetary policies in the 1980's.

William Sterling wrote about the Japanese economy in "The Leveraging of Japan" that "what I learned sheds light on the important role Japanese real estate speculation has played in financing U.S. fiscal deficits." He explained how real estate investment in Japan enabled it to become the single largest capital market and creditor nation in the world. He stated, "Japan's annual long-term capital outflow averaged $133 billion in 1985–1988, while its current account surplus average only $84 billion. These funds were used as long-term investments in Treasury bonds and companies in the U.S."

From 1985 to 1987 Japan's land and equity doubled. Values increased by 887 trillion yen—an amount equal to 257 percent of Japan's 1987 gross national product.

During the 1980's Japanese companies took advantage of low-cost funds and the results were more asset transactions. The net result was a money machine for the Japanese to buy assets in America such as Rockefeller Center, Columbia Pictures, the Jefferson Hotel, and assets in other countries, too.

These events of leveraging the assets of Japan have made the Japanese keiretsu a formidable economic opponent for American businesses.

Daniel Burstein writing about the contest among the capitalists in the "Battle of the Capitalists" stated, "the battle will be intense and visible day by day. The stakes will include national and regional living standards, the success or failure of major corporations, access to the fruits of new technological developments, the quality of environment and insulation from security risks both old and new. Life and death for large numbers of people may not be inherent in this battle, but the quality of life and even the extent of human freedom are closely bound up with it."

It is true that freedom and economics are linked together. Many economists are government policymakers and are quick to tell us how good Japanese, American companies will do well.

If this is so, then why is Prof. Robert Reich of Harvard and others stating that by the year 2000 only 20 percent of the population will have a good income and the other 80 percent which are blue and pink collar workers will have a tough time? In fact, Professor Reich stated that even the meaning of American would be redefined.

Again, I urge that Americans read Paul Blustein's articles on the keiretsu. We need to understand what we are fighting and act accordingly. We must ensure that the Nation's children and grandchildren have every opportunity that this great nation offers. We must be able to say that on our watch we passed on a greater heritage to the youth of this Nation. If we don't, it will be our shame.

JAPAN'S CORPORATE CONNECTIONS CREATE CHALLENGE FOR U.S. BUSINESSES

(By Paul Blustein)

TOKYO.—Now that Soviet communism has crumbled and American-style capitalism looms triumphant, let us turn to Page 654 of "The Japan Company Handbook."

On that page can be found a glimpse into a system that is proving a more formidable challenger to the U.S. economic model than communism ever did.

Listed there are the major shareholders of NEC Corp., one of Japan's premier high-tech companies and the world's largest maker of computer chips. And what is striking is how similar most of their names are. Among the shareholders are Sumitomo Life Insurance Co., Sumitomo Trust & Banking Co., Sumitomo Bank Ltd., Sumitomo Marine & Fire Insurance Co. and Sumitomo Electric Industries Ltd., themselves all giant companies.

The family resemblance is no coincidence. NEC and the Sumitomo companies belong to what the Japanese call a keiretsu. The word, meaning corporate group, defines the unique organization of Japan's economy.

The keiretsu system links already powerful companies, banks and insurance firms into even more powerful groups that can dominate markets in good times, drive out competition in bad times, and provide protection from the kind of hostile takeovers and stockholder demands for quick profits that plaque many American industries.

A small but colorful example of keiretsu cooperation; Go into a bar full of salarymen—white-collar workers—from a Sumitomo keiretsu company, and the beer they'll be drinking almost surely will be Asahi, brewed by a Sumitomo-affiliated company. Go into a bar full of Mitsubishi keiretsu salarymen, and the beer will be that of the Mitsubishi group brewer, Kirin.

Athough most Americans have barely heard of it, the keiretsu system represents probably the single most potent threat to U.S. firms in the global battle for sales, profits and jobs. The extensive and stable alliances that Japanese companies form with each other enable them to adopt long-term strategies of market conquest that their American competitors can't afford to match.

The keiretsu system also is one of the most important obstacles to foreign companies trying to penetrate the Japanese market—at least in the opinion of the U.S. government.

Arguing that keiretsu members collude against outsiders, Washington is pressuring a reluctant Tokyo to ferret out and crack down on such practices.

Whatever the outcome of that dispute, the keiretsu issue is crucial to understanding the Japan Inc. of the 1990s and the future course of U.S.-Japan economic rivalry.

In the view of a growing number of experts on both sides of the Pacific, the network of long-term links among Japanese companies is emerging as the key to what sets Japan's economic system fundamentally apart from that of the United States.

Many of the other features that characterized the Japan Inc. of the past are diminishing in significance. Tokyo's tariffs, quotas and other legal barriers to imports and other legal barriers to imports have been sharply reduced. Even the legendary Ministry of International Trade and Industry has lost much of its power to steer the nation's industrial development, because Japanese companies have grown too big and rich to be influenced much by the ministry's subsidies and research programs.

"Keiretsu is the bedrock of the way Japan competes internationally," said J. Michael Farren, the U.S. undersecretary of commerce for international trade. "A lot of the other [U.S. vs. Japan] issues have been corrected; we've cut through the mush. Now we're down to bedrock."

NEW ERA OF COMPETITION

The difference between Japanese economic bedrock and U.S. economic bedrock is looming especially large these days. As communism fades from the world scene, a new era of competition is dawning between disparate models of private enterprise.

Ultimately at stake, according to Kenichi Imai, a professor at Tokyo's Hitotsubashi University, is "a struggle for leadership in shaping the economic systems of the century to come."

This struggle will undoubtedly involve the systems of many countries besides the United States and Japan—an obvious example being Germany, which has its own distinctive corporate structure that lies somewhere between the other two. The struggle also will revolve around issues such as how much government should intervene in the economy and how much power workers should have over their jobs.

But nowhere does the struggle seem more sharply defined—or momentous—than between the keiretsu-dominated structure of Japan and the every-company-for-itself mode that prevails in the United States.

Not that the prevalence of keiretsu means that competition between companies is absent in Japan. On the contrary, some of the fiercest rivalries anywhere in the world can be found between companies like the Sumtiomo group's NEC; Mitsubishi Electric Corp., a Mitsubishi group member; and Toshiba Corp. of the Mitsui group.

Nor are keiretsu rigid, isolated clubs that deal exclusively with fellow members. Members of one commonly do business with members of others. Indeed, Keiretsu dividing lines are sometimes hard to distinguish because of mixed allegiances. Today's groups are much more loose and flexible than their pre-World War II ancestors, called zaibatsu, which were centrally controlled by powerful holding companies and were mostly closed to dealing with outsiders.

But keiretsu-style connections pervade Japanese industry, and they are based on practices alien to most U.S. companies. The stock of a typical Japanese company is held by scores of allied firms, creating a vast web of interlocking ownership. Moreover, Japanese manufacturers maintain extraordinarily close ties with their suppliers and distributors.

Nothing comparable exists in the United States. Giant conglomerates such as Philip

Morris Companies Inc. or Minnesota Mining and Manufacturing Co. (3M), which own scores of subsidiaries in a variety of different businesses, might appear similar to the keiretsu, but they are not even close.

U.S. companies such as these are ultimately single entities with their own boards of directors and stock that is held mainly by the investing public—individual investors, mutual funds, pension funds and the like.

They fall far short of matching in size or scope a keiretsu like the Mitsubishi group, which includes Japan's largest heavy-equipment maker, fifth-largest bank, largest chemical company, biggest auto and property insurer, third-largest electric machinery maker, fifth largest trading company, biggest beer brewer, fifth-largest automaker, second-largest camera maker, and biggest glassmaker—and in a broad sense, thousands of those companies' distributors and suppliers as well.

Even Japanese officials, who are normally loath to highlight disparities between the Japanese and U.S. systems, see Keiretsu practices as creating major new economic fault lines in the post-Cold War world.

"The real choice now seems to be not between 'capitalism and socialism,'" wrote Eisuke Sakakibara, a top official of Japan's Finance Ministry, in a book published last year.

Sakakibara, who holds a PhD in ecnomics from the University of Michigan, made a startling admission: Japan, he wrote, is so different from the United States that it shouldn't be deemed "capitalistic," even though it is a "market economy" based on competition.

What makes Japan "noncapitalistic," he said, is the mutual shareholding pacts that Japanese companies maintain with fellow keiretsu members and other corporate allies. Because of these pacts, companies are totally controlled by management and their busines partners; investors—the capitalists—are powerless.

Whatever the terminology, the ramifications are far-reaching. Particularly, strong evidence suggests that the keiretsu system provides Japanese industry with an incalculable competitive edge. It also is a much less open system than America's, one in which insiders flourish and newcomers—notably foreigners—find gaining access to be exceptionally difficult.

"Which system is 'better,' I don't know," Sakakibara said in an interview. "but I personally like the Japanese system."

THE JAPANESE EDGE

Would your company ever sell its holdings of NEC stock?

The question elicited a pained sigh from Tatsuki Matsui, spokesman for Sumitomo Trust & Banking. After pondering the question for a while, Matsui arrived at his conclusion: "inconceivable."

Sumitomo Trust is a "stable shareholder" of NEC, as are most other Sumitomo group companies and some additional firms from other keiretsu. From 60 percent to 70 percent of the stock in publicly traded Japanese companies is held by stable shareholders.

Most of them would no sooner sell their stable holdings than you would sell your grandmother's diamond engagement ring. For the most part, stable shareholders have stoically held on even during the Tokyo stock market's dramatic drop of 1990–91.

Stable share holding, the cornerstone of the keiretsu system, is no mere cultural curiosity. It is a practice that gives Japanese companies "a tremendous advantage" over their competitors, said Robert Zielinski, a Tokyo-based financial analyst with Jardine Fleming Securities who this year coauthored a book on the subject.

With the bulk of their companies' shares in friendly hands, Japanese executives can forget about pressures to keep stock market investors happy. Unlike U.S. managers, they don't have to worry about producing constantly rising earnings and higher dividends.

The result is that a Japanese company "can sacrifice its profits by lowering prices to gain market share," Zielinski said. "It can endure years of losses if necessary to drive a competitor out of business. It can spend heavily on new machinery because it doesn't have to spend the money on dividends."

In the United States, companies enjoy no such mutual support and protection against pressure from investors. And while American shareholders may wield little clout as individuals, managements have learned that it is unwise to ignore the shareholders' collective power, especially since the advent of the takeover boom.

U.S. corporate executives often find themselves at the mercy of capricious investors who are inclined to dump the stocks of companies that report disappointing quarterly profits. Companies whose stocks are cheapened often then become the target of a hostile takeover. Many experts believe that as a result of this unsettling financial environment, American managers tend to shy away from long-term strategies that might hurt short-term profitability and cause their company's stock price to fall.

But in Japan, such problems rarely distract management from pursuing an ever-bigger slice of the market, which helps account for the fact that Japanese companies are often admired for their long-term visions and yet reviled for being "predatory." The explanation is less sociological, Zielinski said, than it is "an inherent part of the Japanese system."

SHAREHOLDER INTERESTS

The system does not rate shareholder rights highly, as Texas oilman T. Boone Pickens discovered when he made his highly publicized—and unsuccessful—effort to gain control over Koito Manufacturing Co., an auto-parts maker belonging to the Toyota Motor Corp. keiretsu.

Despite acquiring more than a quarter of Koito's shares in 1989, Pickens wasn't allowed a single seat on the company's board of directors. He complained he was being discriminated against as a foreigner.

But in Japan, it's almost unheard of for an outsider to become a director—even an "independent" person representing shareholder interests much less a corporate raider. A typical company's board consists entirely of its top executives and a representative or two from a fellow keiretsu company.

Most Japanese executives are unapologetic, saying their system does a better job than the United States of balancing the rights of investors, managers, workers, communities and the nation.

"We don't have to worry about hostile takeovers, and we don't have to worry about short-term profits," said Susumu Kitazawa, a senior manager in NEC's corporate planning department. "I think this system is truly beneficial."

Few experts, if any, would go so far as to suggest that the stable share-holding system deserves primary credit for Japan's postwar economic miracle. Too many other factors have played important roles.

One element that has made a major contribution is the willingness of Japanese consumers to save a high percentage of their money, which has helped provide industry with an ample pool of funds for building factories and machinery. Another factor is Japanese employees' group-oriented work ethic, which is ideally suited to high-quality manufacturing.

Another is the Ministry of International Trade and Industry's policy of nurturing key industries, which many scholars consider to have been particularly effective during the 1960s and 1970s. Still another is the government's emphasis on fostering a stable, low-inflation economic environment that helps boost business confidence.

But few experts, if any, doubt that Japanese companies behave just as Zielinski says they do.

In surveys, Japanese managers tend to put increasing market share at the top of their list of priorities. Several notches down they usually put earning maximum profits or boosting their company's stock price. U.S. managers tend to do the opposite.

More importantly, Japanese managers put their money where their priorities are.

They spend staggering amounts of the shareholders' money on research, plants and equipment—about $700 billion last year, a sum greater than the U.S. figure despite the fact that Japan's economy is only three-fifths as large. This year, even though interest rates have risen and the stock market is depressed, Japanese firms are continuing to plow considerably more money into long-term capital spending than are U.S. firms.

In their pursuit of market share, they are willing to endure relatively low profitability. From 1984 to 1989, the earnings of Japanese companies were a slender 2.48 percent of total assets, well under half the rate for American firms.

Out of this lower pot of profits, they pay shareholders a relatively miserly portion—the average figure is about 30 percent—in dividends. U.S. companies pay about half of their profits in dividends.

LONG-TERM ATTACHMENTS

All of this might suggest that stable shareholders care nothing about earning a return on their investments. The fact is that they do care, but these particular investments offer something besides dividends and capital gains.

In many cases, these investments serve as symbols of long-term attachments. They are investments by suppliers in their customers' stock, by banks in their borrowers' stock and by companies seeking to maintain myraid other sorts of alliances.

Sumitomo Life Insurance, for example, is both NEC's largest shareholder and the only insurance company whose sales representatives manage to gain access to NEC's offices for the purpose of peddling insurance policies to NEC employees.

Sumitomo Bank is NEC's "main bank." This means that NEC, as one of its most important customers, can count on the bank both to take the lead in providing loans to bankroll the company's growth and stand ready to organize a bailout should business go sour.

Unlike the United States, where companies like Pan American World Airways Inc., Eastern Air Lines and Southland Corp. (owner of the 7-Eleven convenience store chain) have undergone spectacular bankruptcies, a main bank will avoid at almost all costs the blow to its prestige that would result from a major client going under.

During the late 1970s, when NEC made a giant competitive leap by investing hundreds of millions of dollars in semiconductor plants, Sumitomo Bank, along with two other Sumitomo lenders, provided one-third of the loans.

Moreover, NEC knew it could depend on the bank to come to the rescue should its strategy encounter problems; Sumitomo had saved Mazda Motor Corp. from bankruptcy after the 1973 oil crisis by installing a new management team and providing financing for the development of a new engine for Mazda cars.

"The terms on which we borrow from Sumitomo are the same as the terms provided by other financial institutions, but I think the existence of the main bank provides strong support in a mental sense," said NEC's Kitazawa. "We don't have to worry about a shortage of funds to finance a long-term strategy' even if we get into difficulty, we know our main bank will provide assistance without fail."

Stable shareholders hang on to their shares through thick and thin for reasons other than customer relations, however. A company that behaved in such an un-Japanese way as to sell off massive amounts of its stable holdings would become murahachibu—an outcast from Japan's corporate club.

"The others would sell its shares. There's an implicit contract," said Yoshitaka Kurosawa, a professor at Nihon University in Tokyo.

Much is at stake, after all, in the stable share-holding system. It arose in the years after World War II almost entirely for one reason: Japanese companies wanted to protect themselves against being taken over.

At the end of the war, the U.S. military occupation ordered the zaibatsu disbanded for their role in powering the Japanese military machine. Nearly 70 percent of Japanese corporate stock ended up in the hands of individuals, and the threat of takeover suddenly loomed for companies that had never had to contemplate such a fate.

So companies began accumulating each others' shares, in some cases by swapping stock in cashless transactions. They went on a final binge of buying in the early 1970s, because the government was opening the economy to greater investment from abroad, raising the scary prospect of foreign takeovers.

By the time foreign companies were legally allowed to buy Japanese firms, virtually all of the targets of opportunity had become safely ensconced in the cocoon of stable share holding.

THE SIX MAJOR KEIRETSU

Industry	Mitsui	Mitsubishi	Sumitomo	Fuyo	Sanwa	Dai-Ichi
Commercial Banking.	Mitsui bank	Mitsubishi bank	Sumitomo bank	Fuji bank	Sanwa bank	Dai-Ichi Kangyo bank
Life insurance	Mitsui Mutual Life Insurance	Meiji Mutual Life Insurance	Sumitomo Life Insurance	Yasuda Mutual Life Insurance	Nippon Life Insurance	Asahi Mutual Life Insurance, Fukoku Mutual Life Insurance
Trading	Mitsui	Mitsubishi	Sumitomo	Marubeni	Nissho Iwai, Nichimen, Iwatani International.	C. Itoh, Nissho Iwai, Kanematsu-Gosho, Kawasho
Construction	Mitsui construction, Sanki engineering.	Mitsubishi construction	Sumitomo construction	Taisei	Ohbayashi, Zenitaka, Toyo construction, Sekisui House.	Shimizu
Food and beverages.	Nippon flour mills	Krin Brewery		Nisshin flour milling, Sapporo Breweries, Nichirei.	Itoham foods suntory	
Textiles	Toray industries	Mitsubishi rayon		Nisshinbo industries, Toho rayon	Unitika Teijin	Asahi chemical industry
Glass and cement.	Onoda cement	Asahi glass, Mitsubishi Mining and Cement.	Nippon Sheet Glass, Sumitomo Cement.	Nihon cement	Oaska Cement	Chichibu cement
Steel	Japan steel works	Mitsubishi steel manufacturing	Sumitomo Metal Industries	NSK	Kobe Steel, Nisshin Steel, Nakayama Steel Works, Hitachi Metals.	Kawasaki steel, Kobe steel, Japan metals and chemicals
Electric machinery.	Toshiba	Mitsubishi electric	NEC	Hitachi Oki Electric Industry, Yokogawa Electric.	Hitachi, Iwatsu electric, Sharp, Kyocera, Nitto Denko.	Hitachi, Fuji Electric, Yaskawa electric manufacturing, Fujitsu, Nippon Columbia
Transportation equipment.	Mitsui engineering and shipbuilding, Toyota motor.	Mitsubishi heavy industries, Mitsubishi motors.		Nissan motor	Hitachi Zosen, Shin Meiwa Industry, Daihatsu.	Kawasaki heavy industries, Ishikawajima-Harima heavy industries, Isuzu motors
Precision instruments.		Nikon		Canon	Hoya	Asahi optical
Department Stores.	Mitsukoishi				Takashimaya	Seibu department store

Note.—Other major industries include trust banking, nonlife insurance, forestry, coal mining, pulp and paper, chemicals, petroleum, rubber, nonferrous metals, nonelectric machinery, transportation, communications and services.

Source: Toyo Keizai, Kigyo Keiretsu Soran, 1990.

[From the Washington Post]

INSIDE JAPAN INC.: COZY TIES FOSTER POLITICAL FRICTION

(By Paul Blustein)

TOKYO.—Yoshiyuki Oguro, a soft-spoken 52-year-old with graying hair and slim build, is a foot soldier in the system that underpins Japan's competitive mastery.

Oguro is a director at one of the 200 companies belonging to the Nissan Motor Co. keiretsu, or corporate group. For 30 years, he worked at Nissan, but in 1989, in a move common among keiretsu companies, the giant automaker sent him to work at Kasai Kogyo Ltd., a Tokyo-based maker of sun visors and other products used in car interiors. Nissan owns about a quarter of Kasai Kogyo's stock and buys slightly more than 60 percent of its products.

People like Oguro are the human glue that bind keiretsu members together in a corporate structure that sharply distinguishes Japan's economy from America's. Cementing inter-company links is a vital part of corporate life in Japan because the keiretsu system is the foundation of Japanese industry—and a principal source of its economic might.

Unlike American companies, which tend to form limited ties to other companies, most major Japanese firms maintain long-lasting connections with scores of other companies. These powerful groups provide their members with mutual support and protection, better equipping them to overwhelm foreign competition in global battles for market supremacy.

In the aftermath of communism's collapse, as differences between free-market economies are coming into clearer focus, the keiretsu system is emerging as a potent alternative to U.S.-style capitalism. But the system raises questions about fairness and openness.

Consider what would happen if, for instance, an American company tried to beat Kasai Kogyo at getting Nissan's business. Could it?

"It would be difficult, I think," Oguro said. He cited the fact that Nissan, after many years of dealing with Kasai Kogyo, has gained complete faith in the quality of the company's products.

But to critics of the Japanese system, the reliability of products like Oguro's sun visors explains only part of the reason that foreign companies encounter frustrations selling to companies such as Nissan. The intimate ties between suppliers and customers lie at the root of what the critics see as a grossly insular and cozy market.

How reasonable a chance do outsiders have, critics ask, when most important companies have fortified their connections with practices like exchanging executives?

U.S. trade negotiators are leading the charge and in doing so they are going well beyond earlier U.S.-Japan trade battles, which focused on the sort of complaint lodged previously against governmental regulations such as tariffs and quotas.

Now they are mounting a diplomatic attack on the very fabric of Japan's corporate society, something the Japanese government might not be able to fundamentally change even if it wanted to. Nevertheless, in Washington's view, Tokyo must loosen keiretsu ties because, the argument goes, the system is operating as a potent, invisible barrier to foreign goods.

"Where it really matters is in the procurement offices of Japanese corporations, where there is a propensity to buy from only a couple of suppliers, frequently from within the group," said Joseph Massey, assistant U.S. special trade representative for Japan and China. "These kinds of exclusive supplier relations are a significant problem for competitive companies outside the network, both American and Japanese."

U.S. officials acknowledge that the keiretsu system affords Japanese industry some clear advantages. Japanese managers can make an all-out effort in seeking to capture markets with high-quality, low-priced goods because, as keiretsu members, they don't have to worry about earning high profits to satisfy investors.

The majority of their companies' stock is held by "stable shareholders"—friendly companies that care about maintaining business alliances rather than making a killing on their investments.

But a more competitive system is one thing, U.S. officials say. A system that unfairly restricts the flow of imports is another.

Japanese officials argue just as vigorously that the U.S. complaints are largely unjustified. Keiretsu, they say, are genuinely open to foreign companies—TRW Inc., the Cleveland-based diversified auto-parts company, is an oft-cited example—that make the effort to develop the relationships and gain the confidence of customers.

In any case, they said, some U.S. companies are just as difficult for outsiders to sell to. General Motors Corp., for example, decades ago bought many auto-parts companies and now gets about 70 percent of its components from in-house suppliers. Toyota Motor Corp. makes about 27 percent of its parts in-house. "Which system is more closed?" asked a Toyota spokesman.

There is, however, little doubt that gaining entry into the charmed keiretsu circles is an exceptionally daunting task. The practice of swapping executives like Oguro is just one of the ways in which those inside maintain their mutual connections.

Many keiretsu stage regular meetings of member company presidents. The presidents of the 30 or so major Mitsubishi group companies, for example, are known as the Kinyokai, or Friday Club, because they gather for lunch on the second Friday of each month.

By all accounts, the discussion at these meetings often revolves around social and political topics, and when the subject turns to business, members are careful to steer away from anything that might smack of the hatching of a conspiracy.

But the meetings underscore how group harmony is promoted at all corporate levels and in all sorts of places, from restaurants to bars to golf courses.

Some keiretsu publish group magazines and newsletters such as Sumitomo Quarterly and the Mitsubishi Monitor. Mitsubishi even maintains a matchmaking organization to help men from one group company meet women from another. It's called the Diamond Family Club and in 20 years has produced 1,600 marriages.

'EXCLUSIONARY EFFECTS'

Even the harshest critics of keiretsu do not claim that presidents' lunches or dating clubs make a major difference in corporate purchasing decisions.

But these practices, augmented as they are by mutual share holding and exchanges of personnel, reflect the emphasis that the Japanese place on anshinkan, a word that means "peace of mind" or "feeling of confidence."

In group-oriented Japan, it is especially important to have anshinkan concerning the people and companies you are doing business with. The trouble is, this clubbiness has a dark side.

Peter Young, director of international business at Guardian Industries Corp., a Michigan glassmaker, recounts the story of a meeting he held in Tokyo in May to deliver a sales pitch to the purchasing manager of a major Japanese company.

"We've got a problem," the apologetic purchasing manager said, according to Young. Guardian's glass is highly competitive, the man said, but if he were to buy from Guardian, his current Japanese glass supplier would be incensed—and the ramifications could be serious. "The company we currently buy glass from would tell its keiretsu sister company to stop selling us" a crucial raw material. Young quotes the purchasing manager as saying. So, no sale.

There is no evidence suggesting that Young's experience is a common one. Robert Z. Lawrence, an economist at the John F. Kennedy School of Public Affairs at Harvard University, found in a recent study that in industries dominated by companies with the tightest keiretsu affiliations, imports tend to be abnormally low.

The study doesn't constitute hard proof of anti-import discrimination by keiretsu, but "it is consistent with the position that there are exclusionary effects," Lawrence said.

Many Japanese officials, executives and academics contend that foreign critics such as Lawrence misunderstands how keiretsu functions.

The critics, they say, fail to grasp two vital points:

Closeness between suppliers and customers boosts efficiency. "Have you read 'The Machine That Changed the World.?'" is a question often asked of foreigners these days by Japanese officials and industrialists.

The book, published last year and asked on a 5-year Massachusetts Institute of Technology study, lionizers the keiretsu supplier system as a vital part of the "lean production" method that has enabled Toyota, Nissan and other Japanese automakers to overwhelm their U.S. and European competitors.

As the book points out, Japanese automakers and their keiretsu suppliers feel that they have a major stake in each other's success. So in buying steering wheels for a new car model, for instance. Japanese auto manufacturers don't simply hand a group of competing suppliers a design and place an order with the lowest bidder, as their U.S. competitors are want to do.

Rather, the auto companies expect their keiretsu suppliers to help design the steering wheels and constantly improve them; the price is subject to frequent negotiation based on both companies' intimate knowledge of the other's needs and problems.

"We don't just say, 'Reduce costs 5 percent,'" said Koichiro Noguchi, a Toyota purchasing executive, "We work together with them to identify wasteful pasts of the production process."

According to the MIT study's authors, the system works considerably better than the Western model because "suppliers don't have to constantly look over their shoulders" for fear of being dropped for a lower bidder.

"Instead, they can get on with the job of improving their own operations with the knowledge that they will be fairly rewarded for doing so," the study said.

Keiretsu are highly varied and loosely organized. "It is very complex even to decide which company belongs to which group," said Ruytaro Komiya, an economics professor who is currently director general of the Ministry of International Trade and Industry Research Institute. "For instance, the newspapers say Sony belongs to the Mitsui group. But Sony people don't think so."

The keiretsu issue, Komiya concluded, is "essentially a bogey."

Keiretsu lines sometimes are blurry. Kasai Kogyo, for example, sells not only to Nissan but to an affiliate of Honda Motor Co. as well. Mitsubishi companies hold chunks of Mitsui and Sumitomo company shares, and vice versa.

Hitachi Ltd., the giant electronics company, is a member of three different keiretsu the Fuyo, Sanwa and Dai-Ichi Kangyo groups. Still other companies have such divided loyalties that they are deemed independent; an example is Nippon Steel Corp., the world's largest steelmaker.

But the complexities shouldn't obscure the main issue—which is that stable, group-oriented links "are pervasive in Japanese industrial organization," and that their impact is profound, said Michael Gerlach, a professor at the University of California at Berkeley.

Gerlach's research shows that while some companies such as Sony Corp. and Nippon Steel are less firmly attached than others are to a major keiretsu, virtually all large. Japanese firms maintain essentially the same sort of relationships with groups of stable shareholders, closely-knit suppliers and customers, and a "main bank" that stands ready to provide emergency financial help if necessary.

What is more, these links "are part of a larger family of relationships," Gerlach said. In Japan's electronics industry, for example, a company's main bank is usually the main bank of its biggest suppliers as well.

Plain common sense suggests that foreign criticism of these links are not entirely misplaced, the Nihon Keizai Shimbun, Japan's leading financial daily, editorialized recently.

Keiretsu may enhance Japanese companies's productivity, the newspaper said, "But such relationships have obviously hampered free and fair competition among firms here."

WHICH SYSTEM WILL CHANGE?

One evening last May, a jet-lagged Charles H. Dallara sank back in a chair shortly after arriving in Tokyo for trade talks and reflected on the problems he was encountering as lead U.S. negotiator on the keiretsu issue.

U.S. officials were making progress with the Japanese on a number of other contentious trade disputes, but very little on keiretsu, said Dallara, who has since left the position of assistant secretary of the treasury for international affairs.

"An issue so fundamental to the structure of the Japanese economy," he said wearily, "is something that their government just finds very difficult to deal with."

U.S. negotiators are always voicing frustration about the problems of getting Japan to change its ways, but the keiretsu issue may prove to be in a class by itself.

Part of the problem is that Washington itself can't figure out how to alter such an ingrained system.

The United States is urging Japan to strengthen its notoriously lax antitrust enforcement on the grounds that keiretsu companies allegedly work together to keep competitors out.

Washington also wants Tokyo to change various rules to boost the power of individual stockholders, who have virtually no clout under Japan's stable share-holding system.

But even if Tokyo were inclined to yield on every point—which it is not—the measures proposed by Washington would result in only modest change in the influence of keiretsu.

In the meantime, some of Japan's toughest critics are questioning whether the keiretsu system requires a more drastic response. Their theory is that Japanese companies are effectively playing under such different rules, and responding to such different cues from the market, that they should somehow be restricted from freely playing on U.S. turf.

A sign of this hardening view came recently from Rep. Richard A. Gephardt (D-Mo.) who, when he introduced a new trade bill aimed at penalizing Tokyo, said: "In my view, the keiretsu system lies at the heart of the incompatibility" between the Japanese and U.S. economies.

But others say it is unfair to single out Japan on this score, because some other countries, especially in Europe, have systems with keiretsu-like features. Germany, for example, has a main-bank tradition in which banks own stock in their borrowers, and companies establish loose alliances with other borrowers from the same bank group.

"We really have two economies that are at two extremes of what is perhaps a continuum," said UC Berkeley's Gerlach. "Japan is at one end. But the U.S. may be at the other extreme, along with other Anglo-Saxon countries including the U.K. that have a strong history of antitrust enforcement, a strong notion that stockholder rights are important and a belief that long-term business relationships are bad if they're anticompetitive." Germany, Italy and France fall somewhere in the middle, he said.

How a country positions itself involves some tough trade-offs. The keiretsu system "is likely more efficient, more productive over the long term," Gerlach said. "On the other hand, as long as the system remains one in which insiders have the advantage, there's going to be a perception that it's a system in which everyone doesn't have equal access."

LEARNING FROM EACH OTHER

So which system will "win?"

In the struggle to shape the economic systems of the next century, will Japanese-style efficiency prevail at the expense of American-style openness? Or vice versa?

Japanese officials are acutely aware that their nation depends for its prosperity on maintaining good relations with its trading partners, and they recognize that the biggest of those trading partners—the United States—will insist that Japan move at least part of the way toward the Anglo-Saxon model.

Eisuke Sakakibara, a senior official of Japan's Finance Ministry, said that the United States should not try to force fundamental changes in the way Japanese business works. But, he acknowledged: "The system has some characteristics of a club society, and it has to open up."

Already Japanese auto and electronics companies are trying to bring more foreign companies into their keiretsu supplier networks, although their requirements for quality and delivery are stringent.

In one recent example, Nissan announced that the Japanese subsidiaries of Texas Instruments Inc. and Garrett Turbo Inc. would join its 200-company network of primary suppliers. Three other foreign-owned firms had been admitted earlier.

But the United States, too, may undergo some substantial changes in its industrial structure as a result of the relentless, withering competition U.S. companies are encountering from Japan.

A number of U.S. companies, impressed with what they have seen of the keiretsu system, are emulating some of its aspects.

"I think a lot of American companies are going to move in the direction of having a close relationship between customer and supplier," said William Franklin, who heads the Japanese operations of Weyerhaeuser Co., the giant lumber and paper company.

Weyerhaeuser is one of the small but growing band of foreign firms that have been able to penetrate some of the keiretsu. The company has grown to admire how its keiretsu partners "don't flop around depending on what the price is today," Franklin said.

As a result, he added, Weyerhaeuser's U.S. operations have been "moving very definitely" in the direction of more stable bonds with suppliers and customers.

"I think it's much more likely that we [Americans] will become more that way," Franklin said, "than that they will become less that way."

□ 1510

NOBEL COMMITTEE SHOULD CONSIDER AWARD TO AUNG SAN SUU KYI

The SPEAKER pro tempore (Mr. LANCASTER). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. RORHABACHER. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding to me. I know his special order is on Burma, and I know he is one of the recent House Members that has been there.

I was there about 7, 8 years ago with the gentleman from Illinois, Congressman HYDE, and just as a prologue to his special order, where I hope people will pay close attention, I read a very thoughtful piece on Burma recently describing it as a Fascist Disneyland, kind of a provocative title.

Since Disneyland is in my district, let me say how tragic it is that to get people's attention we have to use the word Fascist, not Communist, when in fact it is a Communist Disneyland. That is a bad enough juxtaposition of beauty with tragedy.

The reason they say Disneyland is because it is such picturesque, beautiful land. I was there with the gentleman from Illinois [Mr. HYDE], up in the Shan Province. We visited the Swedagon Palace, one of the most beautiful Buddhist temples in the world.

□ 1520

The people are gentle, polite. But in Myanmar, the new name, it is truly an ugly, Communist police state. So I look forward to hearing the gentleman's thoughts on the once lovely land of Burma.

Mr. ROHRABACHER. I thank the gentleman from California. And also I would note that the students and those people in the democratic reform movement in Burma know full well that they are for free enterprise and against socialism. During the time when they struggled for freedom openly, the sense that they portrayed and the demands that they were making were for free enterprise, and they were talking about rejecting the totalitarian socialism under which they had suffered.

Mr. Speaker, today the reason I am addressing the House is to suggest something about the Nobel Peace Prize. The Nobel Peace Prize is an honor confirmed on those who exemplify courage and commitment to the principles that we believe in, individuals who have demonstrated heroism and uplifted humanity by their very presence among us.

There could be no better candidate for this year's Nobel Peace Prize than Aung San Suu Kyi. She is a heroic Burmese woman who is being held captive by the brutal dictatorship in Burma. She has been imprisoned there for 2 years. She is the acknowledged leader of her people, the spiritual as well as the political leader, because her spirit is on the side of democracy.

During this time that she has been held for these last 2 years her people have been brutalized and terrorized. Outrageous killings have been taking place. These gentle people have been raped, they have been beheaded, they have been terrorized by their very own Government. Her political party, the party of Aung San Suu Kyi, and the reformers overwhelmingly won an election 2 years ago. The ruling clique simply canceled the election, canceled the outcome of the election.

Aung San Suu Kyi should be given the Nobel Peace Prize, but first of all she should be released from captivity, and she should be recognized by this Government as the legitimate leader, the legitimate President of Burma. She inspires us by her heroic action, and she has been inspiring the Burmese people as well.

Mr. Speaker, America should move to isolate the pariah regime in Rangoon. We need economic, political and most of all an arms boycott, an arms embargo from all civilized nations against this dastardly regime that is committing such atrocities on their own people. At this time this brutal regime not only is killing their people, but is destroying the rainforests of their own country, and they are destroying the legacy of their people in order to sell it to Western interests to buy more weapons which are used not to defend their country but to brutalize and destroy and kill their own people.

Burma is not in the news today, unfortunately. But there are 40 million souls who should know that they are not forgotten, they are not written off by the West.

As democracy is sweeping the world, Burma is not going to be left out, and as democracy is sweeping the world, the Nobel Prize committee should select no greater heroine of democracy than an individual who represents the best of the human soul and a commitment to democracy and freedom under such trying circumstances, Aung San Suu Kyi. Decency and progress, democracy, these are the things that she has been struggling for against a regime which was one of the most brutal and Fascist and terroristic, and yes, socialistic and communistic regimes of all time.

These people continue to murder their own citizens. We must as decent people stand together wherever people are being terrorized. I do not care if it is in Croatia, I do not care if it is in China, I do not care if it is in Cuba, I do not care if it is a regime that is friendly to the United States of America. Our country should always stand for freedom. Our country should be the voice of freedom and democracy and hope for all those people who are oppressed.

Now that the cold war is coming to a conclusion, we must state this again and again so that the world will know that we were not just anticommunist, but instead we did have a commitment of the soul to all those who linger under tyranny, all those who long for a better life under freedom.

No better message could be sent to the people of the world than to have our country recognize Aung San Suu Kyi and the Nobel Prize committee select her for this year's Nobel Prize.

VACATION OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that I may be permitted to vacate my 60-minute special order request for today, and in lieu thereof I ask unanimous consent that I may proceed for 5 minutes.

The SPEAKER pro tempore (Mr. LANCASTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

ESCROW ACCOUNT REFORM ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill to eliminate the excess money that homeowners across the country are required to pay into escrow accounts and to address homeowner frustrations caused by escrow practices.

The Real Estate Settlement Procedures Act [RESPA] was enacted in 1974 and amended in 1975 and again in 1983 to protect consumers from unnecessarily high settlement charges. Since that time, the attorneys general of several States have painstakingly documented substantial violations of RESPA in the mortgage industry. It is time for Congress to breathe new life into RESPA so that consumers are not forced to pay billions of dollars unnecessarily into escrow.

According to a recent report of seven State attorneys general, two-thirds of all homeowners are required to pay more into their escrow accounts than the law permits. The average excess amounts fall in the range of $170 per borrower. In testimony before the housing subcommittee, the attorneys general called upon the Federal Government to enact a rule defining servicer responsibilities and prohibiting servicers from keeping more than a 2-month cushion. I am introducing for the RECORD a copy of their report entitled "Overcharging on Mortgages: Violations of Escrow Account Limits by the Mortgage Lending Industry."

Faced with these disturbing findings of widespread overcharging, the Department of Housing and Urban Development [HUD] is investigating escrow practices in the mortgage servicing industry. Without some enforcement of RESPA, it is clear that millions of homeowners will continue to pay billions of dollars in excessive escrow payments.

This bill will fill current regulatory gaps and stem the barrage of consumer complaints that come to the housing subcommittee's attention. I will not go into detail about the legislation at this point; however, I do want to highlight some important provisions in the bill.

First, this legislation requires that the amount of money in the account must always fall at some point during the year to an amount equal to two months of escrow payments.

Second, the legislation requires the servicer to pay the borrower interest for the use of his or her money. This requirement adopts the recommendation made at our hearings and should provide a disincentive for overcharging borrowers.

Third, the legislation enables the homeborrower to pay his escrow expenses directly assuming that certain equity requirements and other financial requirements are met. The current escrow account requirements do not allow a borrower to assume responsibility for escrow expenses upon request. Under this bill, the borrower's request to pay escrow charges will require that the loan-to-value ratio is no more than 80 percent and that the borrower has agreed to make timely payments of all taxes, assessments, and premiums.

Fourth, the legislation clarifies that the borrower and HUD have the power to enforce escrow rights in court.

Finally, the bill directs HUD to study the feasibility of standardizing escrow procedures.

Once again, reform is needed to reduce "the amounts home buyers are required to place in escrow accounts established to insure the payment of real estate taxes and insurance." It is intolerable that Federal law is ignored to the disadvantage of millions of American homeowners. This legislation will strengthen RESPA and provide HUD with the powers to enforce it.

I now place the bill in the RECORD as well as a section by section analysis thereof, and a copy of the letter from the attorney general of New York to Secretary Jack Kemp.

H.R. 3542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Escrow Account Reform Act of 1991".

SEC. 2. LIMITATION OF PAYMENTS INTO ESCROW ACCOUNTS.

(a) PAYMENTS AT SETTLEMENT.—

(1) IN GENERAL.—Section 10(a)(1) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609(a)(1)) is amended by striking ", plus one-sixth" and all that follows through "twelve-month period".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

(b) REGULAR MONTHLY PAYMENTS.—

(1) IN GENERAL.—Section 10(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609(a)) is amended by adding at the end the following new undesignated paragraphs:

"Notwithstanding paragraphs (1) and (2) and any mortgage agreement, each lender or servicer maintaining any such escrow account shall provide that, not less than once during each annual escrow period, the balance in each such escrow account shall equal an amount not greater than the amount equal to one-sixth of the sum of the total amount of taxes, insurance premiums, and other charges anticipated to be paid during such annual escrow period (or such lesser amount as provided in the mortgage agreement or other mortgage instrument).

"For 12 consecutive calendar months (the first such month being the month in which the first installment payment under the mortgage is due), an amount in each such month not exceeding 1/72 of the estimated total amount of taxes, insurance premiums, and other charges which are reasonably anticipated to be paid on dates during the annual escrow period may be collected by the lender as a sum in excess of the amount sufficient to pay such taxes, insurance premiums, and other charges during the annual period.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any annual escrow period (as such term is defined in section 10(h) of the Real Estate Settlement Procedures Act of 1974, as amended by this Act) for a federally related mortgage loan that begins after the expiration of the 180-day period beginning on date of the enactment of this Act.

(c) COVERAGE OF SERVICERS.—Section 10(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "or servicer (as the term is defined in section 6(i))" after "lender"; and

(2) by inserting "or servicer" after "lender" each place it appears in paragraphs (1) and (2).

SEC. 3. INTEREST ON AMOUNTS IN ESCROW ACCOUNTS.

(a) IN GENERAL.—Section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) is amended by adding at the end the following new subsection:

"(e) INTEREST ON AMOUNTS IN ESCROW ACCOUNTS.—Any lender or servicer that established or maintains an escrow account in connection with a federally related mortgage loan shall pay interest on the balance in the escrow account at an annual rate of not less than 5.25 percent. Interest accrued under this subsection shall be payable annually, except that any amounts accrued upon termination of an escrow account shall be payable upon the termination of the account. The Secretary shall, by regulation, provide for the manner and timing of payment of interest accrued under this section to the borrower or the account of the borrower.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any escrow account (in connection with a federally related mortgage loan) that is maintained or established after the expiration of the 180-day period beginning on the date of the enactment of this Act.

SEC. 4. OPTION OF BORROWER TO TERMINATE ESCROW ACCOUNT.

(a) IN GENERAL.—Section 10 of the Real Estate Settlement procedures Act of 1974 (12 U.S.C. 2609), as amended by section 3 of this Act, is further amended by adding at the end the following new subsection:

"(f) BORROWER ASSUMPTION OF ESCROW ACCOUNT RESPONSIBILITY.—Any borrower in connection with a federally related mortgage loan for which less than 80 percent of the original principal obligation under the loan remains outstanding may terminate any escrow account for the loan by submitting to the lender or servicer of the loan a statement certifying that the borrower agrees to make timely payments of all taxes, insurance premiums, and other charges paid from the escrow account. Notwithstanding subsection (a) or any mortgage agreement, a lender or servicer may not require the establishment or maintenance of any escrow account for any federally related mortgage loan for which the escrow account is terminated under this subsection.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

SEC. 5. ENFORCEMENT OF BORROWER RIGHTS.

(a) CIVIL MONEY PENALTIES.—Section 10(d) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609(d)) is amended—

(1) in paragraph (1)—

(A) by striking "failure to submit a statement to a borrower as required under subsection (c)" and inserting "failure by a lender or servicer to comply with the provisions of this section"; and

(B) by striking "failing to submit the statement" and inserting "failing to comply"; and

(2) in paragraph (2), by striking "the requirement to submit the statement" and inserting "a provision of this section".

(b) ACTIONS.—Section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609), as amended by sections 3 and 4 of this Act, is further amended by adding at the end the following new subsection:

"(g) ACTIONS TO ENFORCE BORROWER RIGHTS.—

"(1) DAMAGES AND COSTS.—Whoever fails to comply with any provision of this section shall be liable to the borrower for each such failure in the following amounts:

"(A) INDIVIDUALS.—In the case of any action by an individual, an amount equal to the sum of—

"(i) any actual or incidental damages to the borrower as a result of the failure; and

"(ii) in the case of a pattern or practice of noncompliance with the provisions of this section, any punitive damages as the court may allow, in an amount not to exceed $10,000.

"(B) CLASS ACTIONS.—In the case of a class action, an amount equal to the sum of—

"(i) any actual or incidental damages to each of the borrowers in the class as a result of the failure; and

"(ii) in the case of a pattern or practice of noncompliance with the provisions of this section, any punitive damages as the court may allow.

"(2) ATTORNEYS FEES.—In any action pursuant to this section, the court shall award to the prevailing party the court costs of the action together with reasonable attorneys fees.".

SEC. 6. DEFINITIONS.

Section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609), as amended by sections 3, 4, and 5 of this Act, is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'annual escrow period' means a period of 12 consecutive calendar months occurring during the term of a federally related mortgage loan. The annual escrow period beginning in each calendar year shall begin with the calendar month during which the first installment payment under the mortgage was due.

"(2) The term 'balance', with respect to any escrow account, means the total of any amounts remaining in the escrow account, irrespective of the purpose or manner in which such amounts were deposited or are to be used."

SEC. 7. JURISDICTION OF COURTS.

Section 16 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2614) is amended—

(1) by inserting "(a) KICKBACK AND TITLE COMPANY VIOLATIONS.—" after "SEC. 16."; and

(2) by adding at the end the following new subsection:

"(b) ESCROW ACCOUNT VIOLATIONS.—Any action brought pursuant to the provisions of section 10 may be brought in the United States district court or in any other court of competent jurisdiction, for the district in which the property involved is located or where the violation is alleged to have occurred, within 3 years from the date that the borrower under the federally related mortgage loan first had actual knowledge of the violation. Actions pursuant to section 10 may be brought by the borrower, the Secretary, the Attorney General of any State, or the insurance commissioner of any State.".

SEC. 8. STUDY OF STANDARD ESCROW ACCOUNT MANAGEMENT PROCEDURES.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct of study of the accrual and disbursement dates for taxes, insurance premiums, and other charges under escrow accounts maintained by lenders and servicers in connection with federally related mortgage loans, procedures regarding shortages and surplus amounts in such escrow accounts, and the impact and treatment of inflation with respect to such accounts, to determine the feasibility of requiring standards procedures for managing such escrow accounts.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "accrual date" means, with respect to taxes, insurance premiums, and other charges to escrow accounts, the date on which the amount for a charge is required to be deposited in an escrow account maintained for payment of such charges; and

(2) the term "disbursement date" means, with respect to taxes, insurance premiums, and other charges to escrow accounts, the date on which the amount of a charge is withdrawn from an escrow account maintained for payment of such charges.

(c) REPORT.—The Secretary of Housing and Urban Development shall submit to the Congress a report regarding the results of the study under subsection (a), not later than June 30, 1992. The report shall include the following information:

(1) A determination of the overall cost to lenders and services of converting accounting procedures used for escrow accounts from single item analysis to an aggregate analysis procedure.

(2) A determination of the feasibility of establishing an accrual date for each charge to an escrow account that occurs 30 days before the disbursement date for the charge.

(3) A determination of (A) the feasibility of identifying the disbursement dates for various State and local tax collection agencies throughout the United States and (B) any cost to the Secretary of Housing and Urban Development of issuing a list of such disbursement dates on an annual basis.

(4) A description and comparison of various accounting methods for estimating the annual percentage increase in property taxes for a property securing a federally related mortgage loan.

(5) An examination of mortgage agreements and a determination of the extent to which such agreements permit any increase in the amounts required to be deposited by a borrower upon transfer of the servicing rights for the mortgage loan.

(6) A determination of the extent and frequency of deficiencies of amounts in escrow accounts and a description and comparison of the various procedures used to remedy such deficiencies.

(7) A description of the various procedures used by State and local tax authorities and lenders and servicers in increasing tax charges and collecting related amounts for escrow accounts.

(8) A recommendation regarding the feasibility of requiring standard procedures for management of escrow accounts.

(9) Any other information relating to the study conducted under subsection (a) that the Secretary considers appropriate.

SEC. 9. REGULATIONS.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue any proposed regulations necessary to carry out this Act and the amendments made by this Act. Not later than the expiration of the 60-day period beginning on the expiration of such 90-day period, the Secretary of Housing and Urban Development shall issue final regulations to carry out this Act and the amendments made by this Act. The regulations issued pursuant to this section shall be subject to section 553 of title 5, United States Code.

SECTION-BY-SECTION ANALYSIS OF H.R. 3542, ESCROW ACCOUNT REFORM ACT OF 1991

Sec. 1. Short title.—The short title of the Act is the Escrow Account Reform Act of 1991 (the Act).

Sec. 2. Limitation of payments into escrow accounts.—Deletes the provision allowing the leader to collect a one-sixth cushion of the estimated total escrow charges during the coming year at settlement. Permits the collection of this one-sixth cushion on a pro rated basis over the first year of regular installment payments.

Requires the lender or servicer to ensure that the escrow balance will fall to an amount not greater than one-sixth of the sum of the total amount of taxes, insurance premiums and other charges anticipated to be paid during the annual escrow period (or such lesser amount as provided in the mortgage agreement or other mortgage instrument) at least once during the annual escrow period.

Provides for an effective date of 180 days after enactment of the Act for this section and all other sections of this Act.

Sec. 3. Interest on amounts in escrow accounts.—Requires any lender or servicer to pay 5.25 percent annual interest to borrowers in connection with escrow accounts. Provides that this interest shall be payable annually or, in the event of termination, upon termination of the account.

Sec. 4. Option of borrower to terminate escrow account.—Provides that a borrower shall have the right to terminate any escrow account arrangement and the ability to self-pay escrow charges assuming that less than 80 percent of the original loan principal is outstanding.

Sec. 5. Enforcement of borrower rights.—Provides for actual and punitive damages in the case of actions to enforce borrower rights under Section 10 of RESPA.

Sec. 6. Definitions.—Defines "annual escrow period" as 12 consecutive calendar months beginning with the first due installment payment under the mortgage.

Defines "balance" as the total of any amounts remaining in the escrow account.

Sec. 7. Jurisdiction of courts.—Provides that actions for escrow violations may be brought in the U.S. District Court within three years from the date that the borrower under the federally related mortgage loan first had actual knowledge of the violation. Provides that actions may be brought by the borrower, the Secretary, the Attorney General of any state, or the insurance commissioner of any State.

Sec. 8. Study of standard escrow account management procedures.—Requires the Secretary to study the accrual and disbursement dates for taxes, insurance premiums, and other charges; procedures regarding shortages and surplus amounts in such escrow accounts; and the treatment of inflation for purposes of determining the feasibility of requiring standard procedures in escrow account administration. Provides that the report shall be submitted to congress no later than June 30, 1992.

Sec. 9. Regulations.—Requires the Secretary to issue proposed regulations within 90 days of enactment of the Act and to issue final regulations within 150 days of enactment of this Act.

APPENDIX V

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, NY, September 19, 1989.

Hon. JACK F. KEMP,
Secretary, Department of Housing & Urban Development, Washington, DC.

DEAR SECRETARY KEMP: We write to urge you to act decisively and swiftly to correct a serious problem that harms millions of homeowners in our states and throughout the nation. The problem is the widespread practice among mortgage lenders of compelling consumers to pay substantially more money into home mortgage escrow accounts than is permitted under the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. 2609. The corrective action needed is HUD adoption of a regulation, proposed to your office over a year ago, to make unequivocally explicit the escrow limitations under RESPA.

As you know, most mortgage contracts permit lenders to require each of their mortgagors to fund a mortgage escrow account to ensure payment of annual taxes and hazard insurance on the mortgaged property. In 1974, Congress enacted RESPA, in part to prohibit the practice of forcing homeowners to fund mortgage escrow accounts in amounts far in excess of what was actually necessary to pay tax and insurance payments when due. As originally enacted, RESPA limited this compulsory escrow account funding to the amount necessary to make tax and insurance payments when due, plus an additional "cushion" of no more than one-twelfth of the total amount of such payments. In 1975, after lenders complained that this did not provide adequate protection, Congress amended RESPA to raise the permissible cushion to one-sixth of the total annual tax and insurance payments.

Remarkably, during the course of an investigation into the escrow practices of several of the largest mortgage lenders in the country, we discovered that RESPA limitations have been largely ignored by the mortgage industry since 1975. More specifically, more of the mortgage industry uses creative accounting procedures which in many cases results in an escrow account cushion that is 50% to 100% higher than the permissible limit under RESPA. Moreover, despite the fact that RESPA merely sets a ceiling on any contractually authorized escrow account funding, many lenders have cited RESPA as authority for compelling a mortgagor to fund an escrow account up to the ceiling amount even where the mortgage contract does not authorize an escrow account or where the contract explicitly sets a lower ceiling.

As a result of these widespread practices, American homeowners collectively have been compelled to deposit several billion dollars of extra money into their escrow accounts, in violation of RESPA and the intent of Congress. In most cases, these accounts pay no interest to consumers. In those few states where interest is required to be paid on these accounts, it is almost always at submarket rates.

In formal comments to proposed regulations under section 10 of RESPA last year (copy enclosed), we urged your office to promulgate a regulation expressly reaffirming that the federal statutory limit on escrow accounts cannot be violated regardless of the creative accounting procedure used by mortgage lenders to circumvent that limit. While our proposal apparently was favorably received by your staff, an announcement in the Federal Register of a proposed regulation on the escrow account issue appeared to be near at hand in March, further progress on this issue now seems to be stalled. Because of the wide impact of the proposed regulation—literally millions of homeowners would receive refunds or credits rightfully due them—strong, swift action on our proposal could be an important step in building public confidence that the Department, under your leadership, will revitalize its resolve to protect the public interest.

We would be available to meet with you to more fully discuss this matter.

Sincerely,

Robert Abrams, Attorney General of the State of New York; John Van de Kamp, Attorney General of the State of California; Robert A. Butterworth, Attorney General of the State of Florida; Thomas J. Miller, Attorney General of the State of Iowa; James M. Shannon, Attorney General of the Commonwealth of Massachusetts; Hubert H. Humphrey III, Attorney General of the State of Minnesota; Jim Mattox, Attorney General of the State of Texas.

□ 1530

THE STIFLING OF DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, it would only be an important matter that would bring me to the floor on a day of adjournment and keep our good House staff and the official recorders of debate a few more moments, but I am prompted to come to the floor today for a special order on one of the most contentious and divisive issues of our time, the issue of abortion and the right to life, versus what is described as the right to privacy.

The United States is going through a turmoil because people at Planned Parenthood and other proabortion organizations had thought that after the Roe versus Wade decision this issue had entered the social realm of quick divorce, easy pornography, easy sex for single people, and that we would not have been debating this again, and yet a conspiracy of silence has grown across the country that has developed such frustration that people of all ages and all religious faiths up to and including clergy of our three great religions in this country have taken to the streets, and in the manner of the Reverend Martin Luther King and other civil-disobedience demonstrators, going back to John Brown in that turbulent period before the Civil War, that War Between the States, are actually deliberately breaking misdemeanor statutes, and in some very rare cases, and it stopped, have even taken to the destruction of property with great endangerment to life, although, thank God, no one has ever died because of some misguided bomber, and some of those people are still languishing in jail, and I think they probably feel deservedly so, because they put it on the line.

But as far as the civil demonstrations going, the rough summer in Wichita, KS, being the example where people demonstrated in front of two abortuaries, there is a conspiracy of silence by the dominant media culture, dominated by liberal philosophy, mass media, where they did not tell the full story, that Dr. George Tiller ran two abortion clinics that specialized in 4-, 5-, 6-month abortions, 7-, 8-, 9-month abortions, what the Supreme Court brethren termed in January 1973, as the second and third trimester, and that Dr. Tiller had complaints because these abortuaries were in domestic neighborhoods, of ashes from burned human flesh, the flesh of fetuses, descending on homes and backyards, on porches, furniture, on roofs, on automobiles, and as far as I know, that still goes on.

Why would people in this country with the greatest legislature, the most open, free debate in the U.S. Senate and the U.S. House of Representatives, with more mass media outlets than any person, any citizen of any country from the Golden Age of Pericles to the age, the so-called Age of Reason in Europe two centuries ago, to the world's fair that I went to as a 7-year-old in 1940 and saw television for the first time, who would have believed we would have 1,750-plus newspapers, 7,000 to 8,000 radio and television outlets in this country? An unbelievable advancement in television with cable television where 80 to 100, 100-plus channels are available on the dial, who would believe that people would feel stifled in their discussion of a key issue such as when does life begin?

Well, as a prolifer, I can tell you that there has been a strangling of debate. Let me give you two ghastly examples of a double standard in this country.

In San Francisco, that beautiful city by the bay named after the gentle saint of Assisi, the patron saint of animal lovers, two young men held up scientific medical pictures of aborted fetuses, and they were arrested under pornography laws.

The dead homosexual artist photographer, Robert Mapplethorpe, was able to get into some of the most exclusive museums in this country, albeit sometimes in a separate carpeted, beautifully lit room, to have some of his more graphic homoerotic art displayed, including violating one of his body orifices with the handle of a bullwhip, and that was all defended by self-styled art aficionados, but holding up pictures of aborted fetuses, arrests are made a few weeks ago in San Francisco under pornography laws. Of course, it will be thrown out of court this decade or this year.

And then we have an example in my hometown of record, Garden Grove, where I have been a homeowner for 9 years, in a parade, not disobeying any local statutes or State laws, a nonviolent demonstration by prolifers in what they call a life chain, and it was a nationwide exhibit, and in response to this, and in response to Gov. Pete Wilson vetoing a homosexual activists special privilege bill in California, there was a homosexual demonstration, same street, Garden Grove Boulevard, in Garden Grove, CA, and with some counterdemonstrators on the sidewalk, by no means designated as prolife people, just concerned citizens demonstrating peaceably against the homosexual demonstration, some of the homosexuals did what used to be called in this country flashing, an immoral act, particularly if it is on a schoolyard, and the cliche that was made a joke on "Laugh In" years ago in the 1970's was the little man in the raincoat exposing himself on a schoolyard.

Well, some of these homosexual parade marchers turned to the crowd, including 3-, 4-, 5-, 6-year-old children, teenagers and preteens of all ages, dropped their trousers and, I guess the college unfunny term is "mooned the crowd," and then some of the lesbian demonstrators raised their T-shirts, devoid of undergarments and exposed themselves to these children.

What did the commentator on a Los Angeles network owned and operated station say? He said, "Well, these pro-life or rescue demonstrators across the country had been shocking us for months now with their shocking pictures of fetuses, so maybe it is about time that they got shocked back," and according to my daughter, Robin, those are almost his exact words.

What a travesty to compare showing a medical picture to showing, or to people exposing themselves against local and State law, and it is dismissed as somehow or other moral equivalency.

This issue may take a new turn in the well of this House when I up the ante on this debate on life and bring to this well, which I am planning now, anthropomorphic models used in medical school to train future obstetric and gynecology doctors, nine models of all stages of development of a human being in its mother's womb, from zygote to 9 month fully formed fetus.

□ 1540

I am going to line it up in the well here and then I will have photographs starting out with photographs of a holocaust that stunned me as a young 12-year-old eighth grader when the Second World War ended.

I was in newsreel theaters when the news visually was part of the motion picture, the established motion picture fare at any theater. There was the mandatory cartoon, the short, if not a double feature, and then the news, which anybody who planned on having a public life looked forward to, Movie Tone news from 20th Century Fox, RKO Pathe, and there would be a warning. It is the first time I ever heard a warning in communications in my life. It said, "Some members of the audience and some young people may find the following scenes shocking," and they gave them a warning if they want to leave the theater or retire to the lobby, but these are pictures that we think because of the enormity of the evil deserve to be shown.

I remember vividly, because I had seen it recently on one of the cable channels, either the Discovery Channel or Arts and Entertainment, A&E Channel, pictures of British soldiers on bulldozers pushing human beings, dead human beings, at the camp at Bergenbelsen in northern Germany into huge open graves, human beings like cordwood, men and women of all ages being rolled, their bodies tumbling over one another and tumbling down into these mass open graves where lye was thrown on them to help the decomposition of dust to dust.

I remember being stunned as a 12-year-old, unable to comprehend in the term we now describe as "man's inhumanity to man."

Well, the people who suffered that holocaust say to us never again, and refresh our memories of the utter incomprehensible horror of it by showing those photographs. Some of those folks have tried to say it is wrong to use the word holocaust in relation to anything else, a tragedy at sea, a massive forest fire and despoiling the environment of Yellowstone was an environmental holocaust.

The first time I ever saw the word holocaust or looked it up in the dictionary was in reference to the Armenian Holocaust in 1915 in Europe and then again in the early 1920's when a genocide took place of a million and a half Armenian people in the eastern part of what is now the State of Turkey.

I am going to show pictures of the holocaust and say it is only proper that these be shown to children at some point in their schooling, and then I am going to take off an A-frame right here that picture of the European Holocaust of the slaughter of not only 6 million of the world's then 14 million Jewish citizens, but I am going to point out, as I put it down, that here is an ongoing holocaust of 4,500 Americans in their mother's wombs because even if a pregnant American mother, prospective mother, goes to Iceland or the moon to have her baby, it still will be an American citizen because the mother is a citizen.

Women from Mexico struggle in their latest month of pregnancy to cross the Rio Grande at its lowest point to work somehow or other onto American soil so that their child born on U.S. soil or territory is an American citizen, no matter what the national heritage of the parents, so that that child will be part of the American dream to vote someday as an American and, yes, to have a privilege that even Alexander Hamilton, one of our forefathers, did not have because he was born on the Caribbean Island of Nevis. He could never, as Henry Kissinger, a former distinguished Secretary of State, cannot be President by constitutional law because they were not born an American citizen; but that little child to a Mexican peasant woman reaching out for the American dream, that child can be President if it is born 1 foot inside the Texas, New Mexico, Arizona, or California border; so these are American citizens we are talking about in their mother's wombs, 4,500 a day.

When I show the photographs that are award-winning photographs from Sweden to Hong Kong to Africa to all over the Western Hemisphere, award-winning photographs, titled "The Miracle of Life," I will show those large photographs on this floor of the second, third, fifth, sixth, and eighth month of pregnancy as I showed the cover of Time magazine 2 weeks ago and got a nice little hit out of a Roll Call reporter named Craig Winneker. Craig titled my 5-minute special order on the cover of Life magazine and pictures inside where Time magazine referred to a 6-month fetus as a baby, he called it "Bobby's Baby Babble."

Well, I am about to give a little bit more of what Craig called "Baby Babble" here in a minute, so stay tuned, Mr. Speaker. I hope Craig will stay tuned. He pointed out how clever it was——

The SPEAKER pro tempore (Mr. LANCASTER). The gentleman will refrain from addressing the television audience.

Mr. DORNAN of California. Yes, Mr. Speaker. As I mentioned to the Chair in my last remarks, this reporter made mention of how clever I was, that I always wove in the Speaker's title, and it is difficult to speak only to the Chair, but I accept those rules of the Chair. It adds a certain decorum around here; but we all know, Mr. Speaker, there are a million and a half people generally watching at this time through the electronic facilities of this House, where we make our debate and our discourse here, Mr. Speaker, available to the Nation.

So that is going to be an interesting debate. I hope I have it ready in time for the conference bill on the National Institutes of Health, because it will be very clear to people for the first time that follow our House, Mr. Speaker, that when you show the zygote in the first month, that is not what doctors are interested in for fetal experimentation or fetal transplant or the second month or the third month, when the fetus is now about this size, even though the heart has been beating since day 18 and brain waves since day 40. What are the fetal experimenters looking for? Large—and they told me at the National Institutes of Health—perfect, they do not want anything from a spontaneous abortion because they never, ever know what caused a miscarriage or spontaneous abortion. They want induced abortions and they want that fetus as large as they can get it. It stands to reason you are going to get more brain tissue, more bone marrow, a larger liver or other intestinal organs out of a 7-, 8-, or 9-month fetus from these people who do the third trimester or second trimester abortions and who are burning some in the crematoria. I can assure you that a lot of that once living human tissue and those human organs are going to some of these experimental labs around this country, where in the name of every disease under the Sun that has to do with old age, we are talking about extending people's lives in a feeble state into their late eighties and nineties at the expense of killing fetuses in this country at the rate of 4,500 a day.

Now, I come across, thanks to one of my daughters, a newsletter for an ecumenical group called Birthright. There are so many pro-life groups across the country, I was aware of the title, but not aware of their charter. Here is exactly what Birthright is: Birthright provides caring, nonjudgmental counseling and emotional support to women and girls distressed by an unplanned pregnancy. Birthright offers positive alternatives to abortion. As a nonprofit community service organization staffed totally by trained volunteers, Birthright is supported entirely by private donations, unlike Planned Parenthood, which vociferously fights for its taxpayer money to use as fungible funds that they will do the abortions with their privately raised funds, but they want the Federal funds for the counseling that sends the young teenagers to the abortion mill.

Continuing what is Birthright, all services are free, absolutely confidential, and available to any women regardless of age, race, creed, or marital status. Donations to Birthright are tax deductible. Birthright desperately needs your support. Please send your donations to Birthright, Post Office Box 6080119, Mission Viejo, CA—a beautiful part of Orange County. The zip in California is 92691. Please pray for our mothers facing an unwanted pregnancy and for our volunteers who unselfishly give of their time, talent, and love to save these babies.

Then it lists the babies born in the last 4 months, their first names and their size, ranging from 1 at 5 pounds up to 1 jobierre, 11 pounds—wow, an August 29 delivery.

Then they have a little "did you know" column. This stunned me. I have been debating pro-life in this Chamber from this lectern of the leadership desk for 15 years now and I never knew the following facts on doctors, and I find it stunning. This is why you see the frustration of a lot of Fundamentalist groups, Evangelical groups, charismatic groups, Orthodox groups from Orthodox Judaism to the Eastern Orthodox right to the Roman Catholic Church, my faith, this frustration that these kind of facts are not getting out in this wide open country with more information available, I repeat, than any civilization known in the history of the planet Earth.

Listen to this. I am going to give you five "did you knows" about the only medical process, procedure, or policy, as it applies to abortion.

Did you know that abortion is the only medical procedure for which the surgeon is not obliged to inform the patient of possible risks or the exact nature of the procedure, even when questioned directly.

□ 1550

Look at the debate we got with trying to get parents into the loop here; with all the court protections of abusing parents, incestuous parents, and of course we do not want a young girl who is pregnant from some alcoholic relative to have to go to that relative.

So we have all these court protections. But parents who want to share in the ethical, moral, and educational raising of their children, these gifts from God, they are shut out. But even the young person here is not given the facts.

You are looking at a patient with a successful right hip total transplacement. Thanks to Dr. Lawrence Dorr of Kerlan-Jobe Clinic in California. Mr. Speaker, he not only told me every possible thing that could happen to me, including a total failure where they would have to rip it out and try again, but I had to sign away all sorts of things. Not so with abortion.

And that surgery on my hip was April 1.

No. 2, abortion is the only medical procedure that may be advertised. That is so simple a fact. I did not know this.

Now, you open your Yellow Pages, you will see advertisements for abortion. Have you ever seen an ad that says, "Appendectomies done quickly"? Or "Appendectomies done better"? Or "We have 100 percent record, we have never had peritonitis or any infection set in. We have the best appendectomy"? Or "On gall bladder, we are the world's greatest gall bladder operation?" I have not seen any surgery advertised for hip replacement. I have always seen abortion advertised.

That is No. 2.

No. 3, it is the only surgery which the Federal Government cannot regulate. Now, please do not bring up Roe versus Wade, where they say in the second trimester the State has an interest, the hospital or clinic must observe certain standards, health standards followed and in the third trimester the State has a real interest and can actually have legislation demanding this, that, or the other thing.

We have never seen a single law passed in this country in 18 or almost 19 years since Roe versus Wade, which was a lying case—there was not a rape, that is acknowledged, that is a lie, everybody acknowledges that on every side of the issue although it is sotto voce, a whisper on the proabortion side.

They do not want to talk about Norma McCovy, who is traveling the country as a lecturer at this moment on proabortion. She has never had an abortion. All three of her daughters lived. You can read this in the tabloid press because it will not be printed in the dominant press, the dominant media culture, that all three daughters of hers would like to meet her some day but not until she stops going around the country saying that she wished she had been able to kill all three of them, particularly the last one, who turned into the "Roe," a pseudonym for Norma McCovy, the Roe versus Wade baby, with Wade being a Texas district attorney. No, that Roe versus Wade, the lying case, since the day it passed, a very liberal Supreme Court jumping, by their own admission or by Bob Woodward and Bernstein's book "The Brethren," 10 to 15 years ahead of the country, what I would call ahead of the moral slide and decline that we were on that you see we are on now, that you see being played in the other body during the very week, depending on your point of view.

The Federal Government has legislated not an iota against pornography, but you can see "20/20" shows on ABC or prime time or morning shows or Tom Brokaw's excellent show, "Exposé," or any of Dan Rather's "48 Hours" shows, you could see Prozac being exposed, with pros and cons. On "60 Minutes" regularly on Sunday you see medical shows, one or two every month, but never has there been any investigation except a stunning one on an abortion clinic in Maryland, which was the first on "60 Minutes" a couple of months ago about a Maryland abortion clinic. It was a ripoff where people were doing abortions who were not medically trained people. In spite of this exposé, they did not come back a few months later, which they are certainly entitled to do with any exposé:

Thanks to our white paper, our special reporting, this injustice has been taken care of. These people are out of business. This product is no longer sold. This pharmaceutical drug is now regulated.

No, the abortion mill continues in Maryland, which was the subject of that "60 Minutes" sole exposé in about three great decades of award-winning "60 Minutes" programs.

So I left off at No. 3.

Only medical profession where the surgeon does not tell a patient anything, any of the risks, even when questioned; the only medical procedure that may be advertised; and the only medical surgery which the Government cannot regulate.

Now, here is No. 4: It is the only surgery for which payment is routinely demanded in advance, a practice that normally warrants the loss of surgical privileges.

Now, you know the abortion specialist who says, "Has your boyfriend got the $300? Has your dad got the cash on the barrel head? Have your school friends passed the hat? Give me the money up front."

Now, again I ask you fairly, think about that with a gall bladder surgery, think about this if my great surgeon had said, "Congressman, I have been reading about the bank scandals in the Congress," say this had broken March instead of broken in September, "Congressman, I would like cash up front for your hip replacement surgery. That will be 28—or whatever—that will be thousands of dollars, please, in cash."

Now, an appendectomy or, imagine, a dentist saying, "You know, this molar is so impacted I recommend a root canal. Can I have $400 up front, $500, $550?" That is going up fast.

No, this is the only surgery where the doctor says, "Money up front."

But, get No. 5 now, people, it is so unethical, so immoral. No. 5, abortion is the only medical procedure for which clinics pay cash rewards for those who bring them clients.

Imagine an advertisement for an appendectomy, "You have an appendectomy and bring a friend, and we will give you half off. We will give you cash bounty if you bring us several friends who need gall bladder surgery. You have a cancer? The clock is ticking. You're afraid that it may metastasize? The biopsy shows it is benign? Hey, cash on the barrel head." But if you have problems paying in advance to have that dangerous cyst removed from your breast, bring in a few famale friends who all have dangerous cysts in their breasts, and we will give you a bounty for each person you bring in. As horrendous as that sounds to the rational ears of any American man, woman or teenager, that is a fact with abortuaries across this country. Check it out.

Now, here is why I brought this newsletter of this Mission Viejo, CA, group of Birthright. I will close with this. I am going to read it in its totality.

This is a letter from a Birthright volunteer, the article is called The Miracle of Birth.

As a Birthright volunteer, I had run pregnancy tests on many young teenage women. However, on a Sunday night in April, when I ran one for our 17 year old daughter, it felt like my heart was in my mouth and my hands trembled. The test was positive. She and I looked at each other in disbelief and she began to cry.

I used all the counseling skills I knew. We told her that we would help her with any decision she made, except abortion. We would help her with the baby and support her one hundred percent. She said that she wouldn't go through with an abortion and that perhaps adoption was the best alternative for her.

This is why our President speaks on adoption, because he has two adopted children and loves them equally with the other 10 of his and Barbara's beautiful grandchildren.

Then she went back to school and things began to change. Her whole demeanor which had been open and vulnerable drastically altered. She became quiet and very distant. Where once we held her while she cried and talked, now she wouldn't allow us to touch her. I know that someone was attempting to change her mind and we soon learned who it was.

She called Planned Parenthood on the advice of a friend, and had been working with one of their counselors of death. As parents of a teenage girl it was nearly impossible to counter the logic they use on young women. They told her that she was grown enough to make her own decisions and that a baby would change her life forever. They said that they would be there for her and that they could make it all go away. Their insidious assertion that, your parents don't need to know because you don't need their consent anyway.

□ 1600

That is true in very State in this Union, although there are attempts now to change that.

This was the final weapon that any teenager needs when trying to do something that their parents do not approve of. It gives them permission to go against the belief system of their very own family.

Our daughter announced that she made a decision and told us that abortion was the only choice she could make. I asked her if she knew that she was killing her baby and our grandchild, and she said, "Yes." All of her answers were mechanical and void of any feelings. The only way that she was going to be able to do this thing was to steel herself against her own conscience and the reality of the abortion procedure.

Her abortion was scheduled for May 11. We had been praying since the pregnancy test, but now our prayers and the prayers of our friends took on a deeper, almost desperate, tone. We were all praying for the life of our grandchild. An abortionist was going to kill our daughter's baby, and there was little we could do about it. The father of the baby had told our daughter that he would pay for an abortion and take her to the clinic.

Cash on the barrel head, I am sure.

On the morning of May 11 our daughter left the house silent and withdrawn, a haunted, hollow look in her eyes. Our house became like a tomb. Neither her father, nor I, could speak. We prayed for our daughter and for the soul of the baby we would never see. This was totally in God's hands now, and we offered up our invocations and our pain. I knew that from that day forward our lives as a family would never be the same.

When she returned home that afternoon, she looked dreadful. She had been crying, and she acted as though she was walking in a dream, a terrible dream. They had given her birth control pills, anticoagulants, antibiotics and pain killers in a brown paper bag and sent her home to us.

I checked in on her that day, but I could not ask her how it went. I knew what they did to her and what happened to the baby. She went to school the next day. Our sense of loss was immense and disparing. The words "Thy will be done" echoed through our thoughts continuously. But never did I imagine what the Lord had in store for our lives.

On the day of her 4-week checkup at Planned Parenthood our faith in the power of prayer received a major jolt. She returned home from from the appointment hysterical. The nurse who had given her the pelvic exam told her that her uterus was still enlarged. They gave her a pregnancy test and then told her that she was still pregnant. The abortion had been a failure, incomplete.

All of those so-called, quote, friends, unquote, at Planned Parenthood turned against her now and told her that this just never happens. They were frightened over the results of their treachery. They tried to schedule a re-suction, but our daughter fled the office and came home.

As she told me what happened, my mind was exploding with fear and relief at the same time. I even tried to talk to anyone who would answer down at Planned Parenthood, but they refused to speak with me, just a parent.

I asked the Lord to lead me and to help me in what must be done next. We had to find out if the baby was alive or dead. I made an appointment with the local OB/GYN doctor for the following day. That night we felt the Lord's power in our house, and I knew that I would be His instrument in the days to follow.

At the doctor's office I stayed in the waiting room while my daughter went in for her exam. A short time later a nurse came out and asked me if I would come in. There in a little room, her head hugging her knees, was my daughter. She was rocking back and forth, sobbing and saying something that I could not understand. I knelt down, and I heard, "I heard the baby's heart beat, mom. It was alive." Once again I felt the Lord's hand touch us.

The doctor asked her if she wanted to keep the baby, and she whispered, "Yes."

The next day at the ultrasound my daughter and I saw the baby for the first time. We could see her waving her arms and little legs and moving her head. Her little heart had been beating for days. We both just stared at the miracle before us. As far as we could see the baby looked perfect. The technicians made no comment, but they too knew from her records that this baby was one that Planned Parenthood missed.

On our way out the girl at the reception desk told my daughter with tears in her eyes, "This is a miracle." My daughter only said, "I know."

The doctor's office called me that afternoon and said that the doctor needed to see us about the result from the ultrasound. The tone in the nurse's voice was serious and for the first time I became afraid. However, something had happened to my daughter. She calmly told me, "Mother, there is nothing wrong with my baby." Her resolve was unshakeable and I saw the light of Christ in her eyes.

The doctor was sitting behind a very large expensive desk. He looked somberly at my daughter and said that the results showed some abnormalities. He said that the baby was 10½ weeks old, and the ears look "unusual." He proceeded to talk in convoluted and contradictory medical terms and the alarm started to go off in my head. Something was not quite right with this conversation. I did not know him personally and had never been to see him before. He then told my daughter that this would be a good time to reconsider the pregnancy. This doctor wanted this baby dead too! My daughter looked at him and flatly told him no. I stood up and said that it was time for us to go and we left.

I believe this doctor was an instrument for the Lord who tested my daughter's faith. We made an appointment with a well-known pro-life ob/gyn. The first visit was spent trying to recount to this doctor everything that had happened so far. He looked across his desk at us in amazement and told my daughter, "This little baby is meant to be."

Her due date was December 25. Once again I felt His presence in the room. Ultrasounds were scheduled every two weeks for the rest of the pregnancy. Each one showed the baby to be growing normally with no physical abnormalities. By this time, the news of what was happening at our house was spreading through the Birthright community and our church. There was some serious praying going on now.

About my daughter's sixth month she had to be put on medication to stop premature labor because of a scare one night. The hospital got the pains stopped but they did not want to take any chances with "this one." However, once again, despite medical technology our granddaughter was born on November 24, '90 one month early.

Our daughter was in labor for only twenty minutes. The baby, our granddaughter was six pounds and absolutely perfect in every way.

There is a song that is sung during the Easter season at our church called, "We Who Once Were Dead." It says, "Let us share the pain You endured in dying. We shall then remain living, death defying. We shall rise again."

When I first looked at the face of this little soul that song began in my mind. She had once been dead to us but somehow she was lying in our daughter's arms. Our tears were tears of joy, faith, and resurrection. Our daughter had been chosen to know the full extent of Christ's love, protection and forgiveness. All our lives will never be the same.

At the end of this letter is a picture of a beautiful young teenager with that radiant look that the artist has captured in these very few black and white lines in this little painting, and in her arms is a perfect little person.

□ 1610

This, in case you did not know it, I learned years ago in an art class, is the most painted or photographed scene in every single civilization known to history. The most painted scene is a Madonna and her child. Not just in Christian art, but in all art.

Then the motto, the birthright of Mission Viejo, it is the right of every pregnant woman to give birth.

If our reporter from Roll Call, Mr. Speaker, who decided to describe my last pro-life speech as "Bobby's baby babble," is listening, he is probably thinking, quit while you are ahead. But I must bring something up to date with the agony that is going on on this Hill involving the other body, the U.S. Senate.

Mr. Speaker, the No. 2 lady now, with the incredibly beautiful name, at least for this Irish American, of Patricia Ireland, said about one of the Members of the other Chamber that we only care about how he votes on the House floor. A scandal was raging around this person yet again. That is all that matters. That is the bottom line, how he votes.

I can assure you, Mr. Speaker, if the distinguished justice of the ninth circuit court, Clarence Thomas, had raised his hand spontaneously and said to the assembled panel of the Judiciary Committee in the other body, "I swear to you, I affirm that I will uphold Roe versus Wade, I believe in abortion as a privacy right, don't worry about it," he would already be sitting on the Supreme Court.

The bottom line is that with rare exception, if Clarence Thomas was an avowed supporter of abortion——

The SPEAKER pro tempore (Mr. LANCASTER). The gentleman from California [Mr. DORNAN] will refrain from referring to proceedings in the other body.

Mr. DORNAN of California. Yes, Mr. Speaker. I should have learned that the other day. I do not know why I forgot that, because it is ongoing.

Let me rephrase it. If any nominee or any high body in this city announces their support for unlimited abortion, for any reason under the Sun, for all 9 months, if that is their stated position, they will never encounter the ugly process that Justice Bork, who was then also a sitting judge of the Ninth Circuit Court of Appeals, they will never encounter any problems in the confirmation process, dredging up anything they had written, as Judge Bork was one of the most written justices in this country, and any speech they had certainly made, and he certainly made——

The SPEAKER pro tempore. The gentleman from California [Mr. DORNAN] continues to refer to proceedings in the other body. Would the gentleman please refrain from doing so.

Mr. DORNAN of California. Mr. Speaker, I would ask the Parliamentarian, I am referring to the Bork hearing of 3 years ago.

The SPEAKER pro tempore. The gentleman from California [Mr. DORNAN] has been characterizing the process as ugly and characterizing them in terms of a description of the kinds of proceedings that are going on.

Mr. DORNAN of California. Mr. Speaker, I was referring to the Bork proceedings. I did not mean to make any reference to the current proceedings. I will leave that to history.

The SPEAKER pro tempore. The Chair would advise the gentleman from California [Mr. DORNAN] it is still a proceeding of the Senate.

Mr. DORNAN of California. Even though it is a past proceeding? I stand corrected. Even though it is a past proceeding, the Bork hearings, I will not characterize it, because many of those Members are still sitting, as I am.

Let me put it this way again, as vaguely as I can: any proceedings, anywhere in this city, past, present, or future, you will never see the forces arrayed against any nominee in this country, where you see the abortion industry kick in with its billions of dollars in any election process, in the coming election year, anything that is remotely involved with politics, the abortion billions do not kick in if that person says, "I am for taking innocent human life for all 9 months, whether I believe it is life or not." Sometimes they concede medically, scientifically, it is life. "Don't worry about it, I am pro-abortion."

You won't see controversy in this decade of the gay nineties. It is a very sad nineties for many of us who are seeing, in my case eight grandchildren being raised, God willing more grandchildren in my own family, children being raised in this country. It is a tough procedure.

Suffice it to say, John Paul II in Rome said recently at the wonderful euphoric liberation of all the Eastern European nations, "At what price is freedom?"

He was talking not just specifically about the abortion issue, but young people fleeing from East Berlin to West Berlin to go to the totally naked sex exhibitions, to avail themselves of the pornography shows.

In Hungary someone was bragging on the television show I saw that seven magazines exploiting women as animals, toys, playthings, play bunnies, Penthouse pets, Hustler flesh, all of that was popping up in Hungary because they had achieved freedom.

Is that freedom for women, in those countries or any country? Is it freedom for my four granddaughters? Is it freedom for my four grandsons? Is it freedom for my three daughters? Is it freedom for my two sons, one of whom is married? Is it freedom for my granddaughter? Is it freedom for my wife, or the memory of my mother, or the memory of one of my grandmothers who I had a chance to know and love?

No. What we have done to women in our culture is beyond description. It is so ugly, and to do it under the name of liberty and freedom.

I have seen some of our Members, Mr. Speaker, talk about what great defenders of the first amendment they are. Just remember that it was liberal philosophy, Mr. Speaker, liberal philosophy, hiding all pornography, particularly child pornography, according to the ACLU, behind the beautiful first amendment to our Constitution in that Bill of Rights.

As you reap, so shall you sow. We have reaped a whirlwind of moral decay in our country, or we have sowed it, so now we are reaping the whirlwind of what we have sown.

It brings great tragedy to this Member to see the beauty of freedom expanded to all of the 15 so-called republics in the Soviet Union, three of which have already become true nations, Estonia, Latvia, and Lithuania, and to see freedom brought to the nations of Eastern Europe, only to see some of those countries adopting the darker side of Western European and American life.

What we have done to the women in our lives, not protecting them, but rather making them objects of hedonism and rank pleasure and degrading our country. I believe, and I have said this on the House floor and I am going to continue to say it, that when we all, all of us, every man and woman in this Chamber, acknowledge the horror of narcotics, I repeat, narcotics, the drug plague, alcohol plague, anything that alters this God-given computer we call a brain, when we discuss this plague, I pose rhetorically this question to every fellow American: Try and tell your daughter or your granddaughter that it is wrong to smoke a marijuana cigarette, but she can kill a growing life in her body and do it behind her parents' backs. Try and convince her that drug use is wrong, alcohol abuse is wrong, but abortion is OK, and you are going to have a confused daughter. And we do confuse our daughters. You are going to have a confused society. You are going to have a very confused culture that is tearing itself apart as we shed our blood of our young men and either young women in the gulf to bring freedom to an Islamic culture in the little nation of Kuwait, that has suffered so grievously.

We tear ourselves apart and we watch our cousins in the European capitals tear themselves apart, and we develop a cult, a cult of abortion in this country, that has permeated the dominant medical culture, our major newspapers, PBS, our national networks, owned and operated radio stations of those networks, where there is not a fulsome, bold, vigorous, wide open debate with medical pictures, charts, graphs, scientific knowledge about what life is in the womb. All of that is blocked out.

Then you hear these five only's applied to the abortion doctors of our country, and no other doctor, for what they can get away with, to take out innocent life.

Then when a vote on this House floor, albeit encompassed in the overall National Institutes of Health bill, which had excellent spending dollars to do something about cigarette smoking in this country and women's breast cancer and all the other great work that we do here, we still had, because those of us who are pro-life made the mistake not to single out fetal experimentation for a single vote, we had a vote encompassing fetal experimentation, 144 to 274. And we did not have a vigorous, fulsome debate in the House.

Until President Bush vetoes it, and he will, right now during what Jack Shay Kilpatrick, former Irish-American of great religious heritage, he says abortions can be used for fetal experimentation. My former friend, I guess he has broken off our friendship, called me an evangelical terrorist, along with one of my other colleagues from the minority side of the aisle.

It does not take an evangelical terrorist to point out that fetal experimentation is opening a Pandora's box of abuse, and that the image of Dr. Mangela, the angel of death on the train platform outside of Oswiecim, and the Birkenau major satellite camp of Auschwitz, where I walked with my son, Mark, on that path between the tracks, back and forth.

□1620

We spent an hour there, as I described to my 29-year-old son how Dr. Mengele, with his riding crop, would put it under the chin of children and mothers and select some to go off for his experimentations. He was particularly fascinated in a demonic way with twins. Some of those twins have survived while the other twin perished at Auschwitz in the Birkenau, all in the name of enlightenment in the Third Reich and reason and the advancement of a superior perfected civilization in Nazi Germany.

All of that horror is creeping back into the life of this great country of ours.

An interesting footnote that I will close on, Mr. Speaker, I did a panel in Long Beach a few days ago, actually it was July 29, with Rush Limbaugh, Justice Bork, Brent Bozelle, a fascinating group of young people, a group called Media Research that tracked the name statements of some people in the dominant media culture, the liberals in the media.

On the panel was Lt. Gen. Tom Kelly. Listen to this little piece in this week's U.S. News & World Report on what has happened to a humble, simple Air Force general making $65,000 to $80,000 a year.

He now may make $4 million this year as a lecturer. What message is American hungry for that they would pay this general $4 million in the next year? Here is the little story.

> Three star Lieutenant General Tom Kelly, who became something of a folk hero as the Pentagon's genial spokesman during the Persian Gulf War, has now emerged as the brightest star on the speech circuit.

I guess that means he is eclipsing a lieutenant colonel from the Marine Corps, Oliver North.

> Since retiring six months ago, and may earn as much as 4 million in one year, more than 40 times his salary as a three-star Army officer. Kelly's patriotic theme gets a minimum of three standing ovations per speech. What is his speech title? America is back.

How could such a simple theme be so compelling a speech to be this received across the country is because the dominant media culture, liberal as it is, has been crushing the very essence of what is American across this land, what had a volunteer force of men and women willing, fighting if they were reservists or National Guard, Army, Air Force and Navy Reserve, Coast Guard, asking to go serve in Desert Storm and Desert Shield to liberate an Islamic country.

If America is back, truly and fully, it will never be back until we have found the soul of our country again. And that means respecting all human life from the moment of conception, particularly if you believe that is the moment a mortal soul comes into existence until the last spark of life is gone, without the benefit of organized suicide groups or forms of medical euthanasia, the entire life, the dignity, the sanctity of human life must be respected in any civilization worthy of the name civilization or culture.

I will return to this well for my remaining special orders which will all be on defense, military defense, since I am one of the conferees on the Senate-House Defense authorization bill.

Mr. Speaker, let me close with this: This fascinating story further illustrates my point about human life in the womb.

[From the Orange County Register, Oct. 5, 1991]

SAN CLEMENTE GIRL WHO WAS NEARLY ABORTED TRAVELS THE WORLD TO TELL HER STORY

(By Jane E. Allen)

WASHINGTON.—An Orange County girl whose mother tried to abort her in the third trimester said Friday that her survival is proof that fetuses are more than just "blobs of tissue."

Gianna Jessen, 14, of San Clemente said she does not blame her natural mother, who was 17 when she underwent a saline abortion procedure while 24 weeks pregnant. At birth, Jessen weighed just 2 pounds and had spinal bifida, a spine defect, and a mild case of cerebral palsy.

Michael Levitt, science-information officer at the March of Dimes, said spinal bifida develops much earlier in gestation than the 24th week and that a trauma in the mother's uterus at that time could not cause the defect. However, he said such a trauma could result in cerebral palsy.

"A person who has an abortion is a person without hope," said Jessen, an energetic, blond ninth-grader who has stopped attending local schools to travel internationally with her adoptive mother, telling stories of her survival and nurturing a singing career.

"I feel it's only God that saved my life," Jessen said.

Roberta Synal, a spokeswoman for Planned Parenthood in New York City, said about 160 third-trimester abortions are performed each year.

She said the 1973 Roe vs. Wade Supreme Court decision makes abortion legal in the first three months; lets states regulate second-trimester abortions and allows third-trimester abortions only in cases of severe fetal abnormality or when the mother's life is in danger.

Susan Smith, associate legislative director of the National Right to Life Committee, said that while there are no hard figures on third-trimester abortions, she has seen estimates ranging into the thousands.

Jessen was brought to Washington by the Abortion Is Not Family Planning Coalition of anti-abortion groups in advance of nationwide protests Sunday.

Diana DePaul, Jessen's adoptive mother, said they had stayed away from protests in Wichita, Kan., at a clinic where third-trimester abortions are performed.

However, she said Jessen has testified on abortion before the Alabama Legislature and against the abortion drug RU-486 before the Los Angeles Board of Supervisors.

TRIBUTE TO DAVID RAMAGE

The SPEAKER pro tempore (Mr. LANCASTER). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, I have taken this special order today to pay tribute to a good friend, David Ramage, who retired on September 1 after 36 years of loyal service to the House of Representatives.

Dave is a native of Wewoka, OK, and was active in civic activities and in politics in Oklahoma before coming to Washington. He was secretary of the Seminole County Election Board and he served as undersheriff of Seminole County for 2 years.

Dave came to the House of Representatives in 1955 under the patronage of Oklahoma Congressman Tom Steed. Dave worked as assistant stationery clerk for 14 years. He then headed the House recording studio for around a year before taking over as majority printer in 1969. He served in that position until his retirement.

I have known Dave Ramage for 25 years. He is a good example of the kind of dedicated people who have made this House of Representatives run so smoothly over the years. The House as a whole will miss Dave Ramage's knowledge and his leadership.

And those of us who call Dave a friend will miss him on a personal basis. Dave is a charter member of our breakfast group that meets each morning in the Longworth cafeteria. All of us in the group have enjoyed his fellowship over the years and we all want to wish Dave the best in retirement.

Dave Ramage has had an outstanding career of service to the House of Representatives and I wanted to acknowledge Dave's contributions in a public way by taking this special order today. I am joined by several of my House colleagues, who also want to pay tribute to our friend.

Mr. WHITTEN. Mr. Speaker, I would like to take this opportunity to pay tribute to a longtime friend and colleague, who has faithfully served the House for a number of years and is now retiring.

Dave Ramage, majority printer for the House since 1969, will leave a long legacy of service to the House, to Congress and to the Nation. Having come to Washington from Oklahoma in 1955 under the patronage of Oklahoma Representative Tom Steed, Dave was assistant stationery clerk for 14 years before he took over the majority printer's office.

In his position as majority printer, Dave had occasion to know and help all of us at one time or another and has played a key role in our efforts to communicate with our constituents.

I will not only miss his professional advice and service, but also his friendship.

Mr. NATCHER. Mr. Speaker, as you know, our friend David R. Ramage, the majority printer, has decided to retire after 36 years of excellent service to the House of Representatives.

Dave Ramage has been good for the Congress of the United States and no employee ever loved the House of Representatives more. This was clearly evident all during his long service as an employee. He has always been ready to be of assistance to all of the Members and to the leadership. During his tenure he has established many friendships and has given of his time on many occasions to show his appreciation and affection for those who have been of assistance to him. The reason why the Congress operates as successfully as it does is because we have men and women like Dave Ramage who assist us every day. He is an exemplary figure and certainly will be missed by the Members of this Congress.

During my tenure, I have served with approximately 2,000 Members of Congress. A little over 11,000 have served in both the House and the Senate since March 4, 1789. I have no way of knowing how many employees that I have served with during my tenure, but I do know that none have been more faithful, loyal or dedicated than my friend, Dave Ramage.

Mr. Speaker, we will all miss Dave Ramage and I hope, as one of his friends, that he will return to visit with us on many occasions in the future. Especially does this apply to our breakfast club, which has been underway now for many years, and you will be interested to know, Mr. Speaker, that this is a club where no tall tales are told and no gossip is ever permitted.

Mr. STUMP. Mr. Speaker, I deem it a great honor and am pleased to rise today to call to the attention of my colleagues the retirement of a close friend, Mr. Dave Ramage. On this occasion, it is appropriate to acknowledge the retirement of a hard-working American whose outstanding service and presence is well-known within the ranks of the House as the majority printer. Dave will be sorely missed by the Members of Congress who have come to rely on his advice, talent and expertise, as well as the longstanding friendship we have all shared with him.

Throughout his distinguished career, he was always there to serve. A native of Wewoka, OK, he served and protected the United States for 2 years as a member of the Navy. During the Korean war, he again served this Nation when he was called back to active duty. In 1955, he came to the House of Representatives to serve Oklahomans in the office of Representative Tom Steed, he rose from the rank of assistant stationery clerk to head of the House Recording Studio to the position of majority printer. Dave has served this body well in many capacities for more than 35 years, and has earned the respect and friendship of many.

Although Dave has retired and is off to pursue other goals, his accomplishments through his hard work and perseverance on behalf of the House, will forever be remembered by those who have had the privilege of working with him throughout the years.

I join with my colleagues in wishing Dave a very happy and healthy retirement and every success in his future endeavors. I am proud to be his friend, and want him to know that he will be sorely missed in the halls of this great institution that he has served so well.

Mr. PICKETT. Mr. Speaker, I want to thank my good friend and colleague from Mississippi, Mr. MONTGOMERY, for requesting this special order to honor Dave Ramage, who has printed himself quite indelibly into the history of this institution.

Dave retired last month after a 36-year career with the House of Representatives. For 22 of those years Dave ran majority printers, which many of us have come to know and appreciate as an efficient and dependable operation. Dave worked closely with Members and their staffs to make sure that their printing requirements were met in a timely manner with a quality product. His knowledge, patience, and tact made him a favorite of many Members of the House.

In the 5 years that I have been a member of this body, I have had the opportunity to get to know Dave Ramage very well. Besides running a smooth operation down at majority printers, I know him to be a very fine, decent person who cares very much about this institution. I know that all of our colleagues wish him well as he enters upon his well-deserved retirement and hope that he will come back often to visit.

THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I take the well this evening to talk about, because today is the 27th day before the anniversary of that infamous day on November 5 when the President signed the Omnibus Reconciliation Act of 1990, the act better known as the budget agreement that was the result of a budget summit of last year that went on for months and culminated into a purported piece of legislation, a piece of legislation that purported to save us $500 billion in deficit reduction over the next 5 years, that purported to bring discipline to the spending processes of this country, that would get us on the right track of reducing the responsibility of the American citizens for this huge Government of theirs and bring some reasonableness back into our economy and hopefully continue a growth pattern that was set up by the 1980's.

We are trying to bring this to the attention of the American people because what we were told would happen was refuted in the first few months of this year and certainly has been ratified by the figures that are coming out of the economists, out of the administration, out of CBO, out of the Joint Committee on Taxation and the Joint Economic Committee.

We are finding that not only was the information that was fed to the President and to the majority of this Congress and to this House wrong but that a wrong policy was made based upon that advice.

What has happened since the budget agreement was passed last year and implemented this year? Well, they made a $1 trillion mistake. The deficit over the next 5 years will add up to well over $1 trillion more than what they estimated it to be. The deficit for 1991 will be the largest deficit in the history of this country.

They say, those that made the inaccurate assumption last year, say that the deficit is running anywhere from $320 billion to $350 billion. We think it is going to be closer to $400 billion for 1 year.

We are in a debt situation that is looking to be around $10 trillion, placed upon the backs of our children and our grandchildren and now our great grandchildren and our great, great grandchildren.

And what have we done this year in this session of this Congress? Well, we started out the year by immediately trying to overturn the budget agreement by reneging on the agreement that the Office of Management and Budget would be the office that scores legislation for the coming year. We passed all kinds of legislation that increased spending. We tried time and time again to break the budget agreement.

I keep using the word "we." I should not because that is incorrect.

The proper word would be the majority of this House and the majority of the Senate. When I use the word "majority" of the House, I am not necessarily saying the Democrat Party. I am saying the majority that controls this House.

There are about 30 to 40 very fiscally responsible Democrats that understand what happened last year and understand the dangers that we face.

□ 1630

But the liberal leadership of this House and the liberal leadership of the Senate, and the majority of the other side of the aisle that controls this House are responsible for what has happened. So I should use the word "they" because they are trying to cover up what was done last year by blaming what has happened last year and what the state of the economy is on the President, because they misunderstand this Government. The President does not pass anything. He either signs or vetos, and quite frankly, if the Republicans enjoyed a majority of this House and a majority of the Senate we would not have had a budget summit, and I guarantee that the budget agreement of last year would have looked entirely different.

But we have seen in the last few weeks attacks on the President because he will not sign an unemployment compensation bill, craftily designed so that the President would have to veto it, politically designed so that the President would have to veto it. And we have seen Member after Member come down to this well and talk about how horrible it is that people are out of jobs all over this country, that jobs are being lost, there has been no job growth, that the President has been responsible for the loss of these jobs and the lack of job growth, and it is incumbent upon the President to increase spending, to pass more programs. No one seems to be coming down to the well from that side of the aisle talking about cutting spending, cutting taxes, writing a budget that brings discipline to this body, understanding the economics that drive this machine that we enjoy called the United States. No one seems to care why these people are losing their jobs and they try to cover it up so the American people will not understand it.

I am here to tell you, Mr. Speaker, the American people do understand it. They understand it when their local government, their State government and their Federal Government takes money out of their pocket, and particularly takes money out of the pocket of the company or the employer for whom they work. They understand that they do not have enough money to create new jobs, to reinvest in new machinery to expand that business. They understand that when the Government takes money out of their pockets they do not have enough money to be out there spending, buying products that create jobs in order to make those products. They understand that. It is simple, but it is the way our system works.

Mr. Speaker, one of my constituents certainly understood it. He wrote a letter to the editor of the Alvin Sun in Alvin, TX. His name is H. Vincent. I do not know this person. I hope to come to know him because he has it nailed. He knows exactly what is happening in this country.

I quote him:

> DEAR EDITOR:
>
> By now I am sure you are aware that despite Congress' promises to use the new tax revenue to reduce the federal deficit they did the exact opposite.
>
> That's right, Congress enacted the second largest tax increase ever had. Rather than reduce the deficit, they increased spending $111 billion (and that doesn't incude the Gulf War costs) and pushed the FY 1991 deficit to an all time record $320 billion.
>
> But if you're saying to yourself, "I remember hearing Congressional leaders promise that the new budget would mean a $500 billion spending reduction in the years ahead. How can they say that?
>
> Let me explain. Only in Congress can you promise a $500 billion savings at the same time you increase actual spending by $111 billion. Here's how it works:
>
> When Congress talks about spending cuts, they are not talking about cutting actual spending, but reducing projected increases. If Congress just reduces the amount of increased spending, they call that a spending cut—even though actual spending is still increasing.
>
> Confused? Let me give you a simplified example. Let's suppose Congress today is spending $1 on a program and they have budgeted to spend $2 on the same program next year. However, if they spend $1.75 next year they will call that a spending cut of 25 cents—even though they actually increased spending by 75 cents.
>
> When Congress promised to save $500 billion in the years ahead, this was not an actual cut of $500 billion, it was a reduction in their "pie-in-the-sky" budget for the future. Even with their supposed $500 billion cut, actual spending will still skyrocket.
>
> The promise of deficit reduction was nothing more than a myth. Congress just wanted more taxes for more spending. And they would promise anything just to get more of our income.
>
> Congress is bankrupting America.

I would like to correct Mr. Vincent right there. The majority that controls Congress is bankrupting America.

> Because of Congress non-stop deficit spending, the interest payments on the national debt exceed a whopping $256 billion annually. These interest payments on the balooning national debt are already more than all the individual income taxes paid by everyone who lives west of the Mississippi River. We are rapidly approaching the day when we won't be able to make the interest payment on our debt. I'm sure you understand what happens if you can't make the interest payments on your debt.

> I urge you to tell the American people the real story—that deficit spending is increasing, not decreasing as Congress promised. And tell them that the deficit represents a very grave threat to our future.—Signed, H. Vincent.

Mr. Vincent knows what is going on here. The American people know what is going on here. The problem is the American people are not telling their elected officials that they know what is going on here.

We have heard in this well, as I mentioned earlier, time and time again talk about the jobless in America, and we are going to expand an existing program to take care of the jobless. It is our contention on this side of the aisle, the minority, that the best way to take care of the jobless is to create jobs, to have growth in jobs, to have a job for that person who is out of work, to have them out there so that when they go looking for a job it will be there for them. That is the way to take care of jobs, not create a new program, not expand existing programs, not take more money out of businesses or out of the pockets of the American people and put it into inefficient Government spending that gets nothing, that creates nothing except more bureaucracy. The only way is to stimulate this engine that we call the economy, to get it going, to cut spending, to cut taxes, to create a growth agenda that gives businesses and individuals the incentive to save more and to invest more, creating jobs.

I want to get into that a little bit, Mr. Speaker, because today there was an article in the Washington Times that I just think explains all about it. It is entitled "Why Job Growth Has Come to a Standstill." We do not talk here on the floor about why these people that we feel for, and I feel for them because it is frightening to lose your job, but why did they lose their jobs? Why have we lost all of these jobs in the last few years?

This article is written by Warren Brooks, who is a nationally syndicated economics columnist. I urge, Mr. Speaker, that the American people ought to find him. If he is not in the local paper, Mr. Speaker, people ought to ask their local paper to get him, because this is a common sense type guy. He understands without all of the mumbo-jumbo, he understands why people are losing jobs. He understands what is going on in this body and the other body and in this Government, and he puts it very forthrightly and in such a way that even I can understand it.

He writes:

> Last Friday's disappointing employment report showing a sharp slowdown in payroll job growth is yet another explanation why, since Labor Day, the Federal Reserve has abandoned its cautious optimism about recovery and cut both the discount rate and the Fed Funds rate by 50 basis points, or one-half percent.
>
> The rate cuts were far larger than this particular Fed Board would like to have made, given their hard-won gains against the rising inflation levels of 1989 and 1990. They were triggered by a growing concern about the failure of the U.S. economy to show any signs of sustained recovery 14 months after the recession began.
>
> While it is true manufacturing has shown modest recovery strength, that may just be replenishment of depleted inventories. Much of that "strength" has been in automobiles, whose consumer sales are 15 percent to 20 percent below a weak 1990.
>
> Meanwhile, the usual indicators of recovery continue to be missing. Housing starts, while up, are still at 1.1 million, 600,000 below where they were during the initial stages of the 1983 and 1975 recoveries. Commodity prices and futures remain 10 percent below last year at this time with no sign of a normal recovery surge. Consumer confidence remains at recession levels.
>
> Perhaps most ominous is the failure of the nation's largest money measure (M-2) to respond to Fed easing. Last April, the 13-week annualized M-2 growth rate was more than 7 percent. By the end of August, it was down to negative 1.2 percent, and has been lifeless since.
>
> How, then, can a consensus of forecasters predict recovery in the rest of 1991 and for 1992, albeit a modest one with some predicting 4 percent to 5 percent growth next year?
>
> History is still on their side. The average first-year recovery for all expansions since World War II is 6.7 percent. The trends in interest rate futures continue to imply strong investment expansion ahead.
>
> Nevertheless, we are concerned that all these forecasting models ignore the truly "microeconomic" perspective that now faces the individual business, namely the *incentives* for that business to hire or to lay off. Last week's employment report showed those incentives are not yet working for a recovery.
>
> There is a "micro-model" that captures those job-creating incentives, and that has been nearly unfailingly accurate in predicting both recessions and expansions since World War II. That model allowed us in March 1983 to predict a "massive employment boom" for 1983 and 1984. Over the next 24 months, total employment grew 4 million per year, one of the fastest increases in history.
>
> The basis for our prediction back then was a simple analysis designed by Ohio University economist Richard Vedder when he was working at the Joint Economic Committee in 1982–1983. Mr. Vedder concluded that companies hired or fired on the simple expectation that the rising cost of an additional worker would be more than offset by the rising sales value and profits he would generate.
>
> To "model" this, Mr. Vedder took as his cost base, the Unit Labor Cost data developed by the Bureau of Labor Statistics (BLS) and as his sales base, the total of Output Per Hour (productivity) plus the trend in consumer prices (CPI), also BLS numbers.
>
> He assumed that if the "sales per worker" combination was rising faster than unit labor costs, employers would be encouraged to hire, and vice versa. He tested this model against all past contractions and expansions and found it a very effective, if not very long-range, predictor. He also found that the wider the "spread" between sales and costs, the more powerful the effect.
>
> In March 1983, three months into that recovery, that "spread" or incentive as already 9.4 points "positive," a major turnaround from the fourt-quarter 1982, when it was 2.6 points negative. The spread widened hugely the next two quarters, correctly signaling a very strong employment expansion. (See Table.)
>
> Similarly in 1975, the "spread" turned from 2.5 points negative to 22 points positive in the second quarter, and 18.9 points in the third, signaling a very powerful employment recovery. We got the strongest one in U.S. history.
>
> But in 1991, though everyone has been claiming recovery since May, the "spread" has been negative in every quarter since September 1990, and the trend shows no positive signs. And why should it? Rising taxes and regulations will keep on driving unit labor costs up faster while damaging productivity. Companies will have little incentive to expand employment.
>
> U.S. Chamber of Commerce economist Larry Hunter warns we are now "facing a growth gap [from the normal trend] of potentially historic terms," reminding us that "the administration itself is forecasting a permanent decline in our standard of living during the president's anticipated second term" (emphasis his). That's one forecast this administration is likely to fulfill.

GROWTH SPREADS—THE HIRING MODEL

[In percent]

Quarter	Unit— (1) labor costs	(2) sales worker	(3) spread 2 minus 1
1975–1	10.4	7.9	−2.5
1975–2	−4.2	17.8	22.0
1975–3	−2.2	16.7	18.9
1982–4	4.0	1.4	−2.6
1983–1	1.3	10.7	9.4
1983–2	−4.7	11.5	16.2
1990–4	4.7	3.0	−1.7
1991–1	4.5	2.0	−2.5
1991–2	4.3	3.7	−0.6
1991–3 estimate	3.8	4.1	0.3

Source: Bureau of Labor Statistics Calculation of "spread" by author.

☐ 1640

Seems a little bit like deja vu, because I remember standing in this well about this time last year debating the budget agreement pleading with the majority of this House that you do not raise taxes in the face of a recession, that if you do, people will be losing their jobs, because people will be losing the opportunities to invest in new jobs, and people will be seeing those disincentives to hire people, because they do not think that they will be able to offset the amount of money, and it is usually $140,000 to create a job, they do not see the incentives that in the selling of their product they will be able to offset the cost of putting somebody into a new job.

What has happened? Not only did the recession last longer than we were told by OMB and CBO, because they sort of flit it aside by saying, "Oh, listen, the recession is not going to last more than through the summer, because most recessions average 11 months." Well, we are in our 14th month; we are in our 14th month. It is worse than the one in the early 1980's, because people are losing their purchasing power. In other words, they are people who do have jobs who are losing their standard of living. It is going down, and it will not be recovered.

Now, we have been bashed on this floor all summer about fairness, that if you give business people the incentives through tax cuts and give their money back to them and let them hang on to it, that is unfair, and that you are punishing the poor and you are playing to the rich. You are creating jobs, and that is unfair. It just amazes me.

Well, there was a paper recently, in fact, on October 15, it will be released, by the Heritage Foundation, done by Daniel Mitchell, the John M. Olin fellow at the Heritage Foundation, that I think is one of the best pieces written about the tax rates, fairness and economic growth and the lessons that we learned from the 1980's, the lessons that we have seemed to just throw out the window. In his introduction, he writes:

One year after a record tax and spending increase, the American economy is reeling. Two million Americans have lost their jobs, personal and business bankruptcies are at all time highs, and family incomes are falling. With little prospect of a strong recovery in the near future, policy makers are coming to realize that actions must be taken to jumpstart the economy. A consensus is emerging that tax relief is necessary—perhaps even the key—to restoring economic growth, but the proposals now before Congress rely on radically different approaches to the problem.

Some legislators continue to believe that the current recession is the culmination of Ronald Reagan's policies, particularly his tax cuts. These lawmakers, led by Senator Albert Gore of Tennessee and Representative Thomas Downey of New York, both Democrats, have introduced legislation (H.R. 2242, S. 995) that would grant tax relief to low-income families but sharply increase marginal tax rates for higher-income taxpayers. Supporters of this legislation assert that Reagan's economic policies hurt the poor and therefore would amend the tax code to achieve more "fairness" and income equality as well as, they hope, to trigger economic growth.

Tax cut remedy. Other legislators believe the recession is due at least in part to last year's record tax increase. These legislators believe that the way to rejuvenate the economy is to enact tax cuts that would increase incentives to work, save, and invest. The Economic Growth and Jobs Creation Act (S. 381, H.R. 960), introduced by Senator Malcolm Wallop, the Wyoming Republican, Representative Tom DeLay, the Texas Republican, and Representative Robin Tallon, the South Carolina Democrat, would reduce payroll taxes, lower the capital gains tax, expand Individual Retirement Accounts, and cut taxes on business investment.

Supporters of the Wallop-DeLay-Tallon bill point out that America enjoyed its longest-ever period of peacetime economic growth after Ronald Reagan's tax cuts took effect, and that the income of all segments of the population rose sharply in the 1980s. These advocates of "supply-side" economics reject the notion that tax cuts for some Americans must be offset by tax increases for others. In fact, they argue that such an approach likely will reduce revenues to the United States Treasury, leading to higher budget deficits and pressure to impose higher taxes on all income groups.

Reagan success. As lawmakers consider these and other tax relief plans, they would do well to learn the public policy lessons of the 1980s. By every measure of prosperity, Reaganomics worked. Some twenty million new jobs were created. Inflation was brought under control. And inflation-adjusted income rose for all segments of the population. Much of the credit for this spectacular economic performance goes to the 1981 Economic Recovery Tax Act, which cut tax rates across the board for individuals and reduced the tax burden on business.

If policy makers want to restore economic growth, they should heed the following lessons of the 1980s:

Lesson #1: Economic growth is the best weapon against poverty.

Lesson #2: Economic growth is stimulated by low taxes, particularly low marginal rates.

Lesson #3: The poor get richer when the rich get richer.

Lesson #4: If the aim is to make the rich pay more actual taxes, cut their tax rates.

Lesson #5: Raising taxes on the rich does not help the poor.

Lesson #6: Increased Social Security taxes have wiped out the benefits of Reagan's tax cuts for many Americans.

Lesson #7: Hiking taxes does not lower the budget deficit, it raises it.

While there is much about the U.S. economy that economists cannot explain, the current recession is no mystery. For nearly six months last year, politicians debated which taxes they should raise. This created uncertainty in the financial markets, lowered consumer confidence, and undermined investors' faith in the future. The prolonged debate resulted in the Bush Administration and congressional Democrats agreeing to saddle workers, consumers, and businesses with the largest single-year tax increase in America's history. When combined with then enactment of costly new regulatory legislation such as the Clean Air Act and the Americans with Disabilities Act, this tax increase was a body blow to an already fragile economy.

Reducing the tax burden alone will not undo all the economic policy mistakes of the last two years, but a strong economic recovery is unlikely in the absence of a pro-growth tax package. Not all tax cuts, however, are created equal. The Wallop-DeLay-Tallon and Gore-Downey tax bills are radically different. Fortunately, lawmakers need only look back over the last fifteen years to determine which approach will work.

THE ECONOMIC BOOM OF THE 1980S

During the 1980s Americans enjoyed an unprecedented economic boom. Reagan's Economic Recovery Tax Act of 1981 set the stage for this record expansion by reducing the tax penalty against business investment and sharply reducing, in three stages, income tax rates for individuals. Once the tax rate reductions were fully phased in, the economy took off.

Not only did Reaganomics produce the longest expansion in America's peacetime history, it did so while simultaneously reducing inflation, a feat that many economists believed could not be accomplished. Reducing marginal tax rates, along with regulatory relief and sound monetary policy, proved to be a potent prescription for an ailing economy. During the Reagan boom, inflation-adjusted gross national product (GNP) rose 32 percent and median family income hit record levels. Thanks to the creation of twenty million new jobs, the proportion of the U.S. population holding jobs reached a new record of 63.1 percent.

Refuting critics. When first proposed, many critics rejected the central tenet of Reaganomics—that lower marginal tax rates would increase incentives to work, save, and invest, and thus would ignite an economic expansion that would improve the living standards of all Americans. These critics maintained that increased government spending is the engine that drives the economy. Tax cuts, by contrast, were condemned as inflationary. The record expansion with lower inflation which followed the Reagan tax cuts conclusively refuted these critics.

Broad statistics, however, do not present a complete picture of the economic situation in the 1980s. The untold story is how low taxes benefitted those Americans who traditionally had not enjoyed the fruits of the country's prosperity. Income levels for almost every demographic group had begun to decline sharply in the late 1970s. But once Reagan's policies took hold, the statistics reversed. Inflation-adjusted median household income for black Americans, for instance, jumped by 16.5 percent between 1982 and 1989, after declining by 10.2 percent between 1978 and 1982.

Women also realized significant benefits from Reaganomics. Their inflation-adjusted median income climbed by more than 28 percent between 1981 and 1989, after declining by 2.9 percent between 1977 and 1981.[1] And while some critics maintain that the poor suffered under Reagan, the average inflation-adjusted income of the bottom 20 percent of families rose 11.9 percent between 1982 and 1989. By comparison, the same income group saw their inflation-adjusted incomes decline by 12.7 percent from 1978 to 1982.

Despite the economy's spectacular performance during the 1980s, many lawmakers were determined to reverse Reagan's policies. Indeed, almost from the moment the Economic Recovery Tax Act was signed into law in 1981, lawmakers on Capitol Hill pushed for higher taxes, succeeding on several occasions during the 1980s. The ill effects of those tax hikes, however, were at least partially offset by further tax rate reductions included in the 1986 Tax Reform Act. As a result, reduced tax rates helped assure that the record economic expansion was still going strong when George Bush was inaugurated in 1989.

THE 1990 BUDGET FIASCO

It did not take long for Congress and the new Administration to reverse many of Reagan's accomplishments. A relatively small $5.6 billion tax increase in 1989 was followed by the 1990 budget summit agreement. The uncertainty created by nearly six months of summit negotiations and the eventual imposition of nearly $200 billion of new taxes over five years was a major cause of the recession. Just as tax cuts helped spark the longest peacetime expansion in America's history, the largest tax increase in history helped bring the economy to a shuddering halt.

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[1] Economists continue to debate what year marks the beginning of Reaganomics. Some say 1980, when Reagan was elected President. Many use 1981, since that was the year that Reagan actually took office. Others note that the budget for fiscal 1981 already had been signed into law by Jimmy Carter before Reagan was inaugurated. Reagan's first budget was for fiscal 1982. Some economists contend, however, that Reaganomics did not begin until 1983, the first year in which the tax rate reductions were fully phased in. There is no completely accurate answer to this controversy. What is safe to say, and is supported by the statistics cited in this study, is that after beginning to decline in the late 1970s, most measures of economic well-being recovered in the early 1980s and improved dramatically throughout the decade.

Supporters of the 1990 budget agreement, which set spending and tax policies for 1991 and beyond, claimed the tax hike was needed to reduce budget deficits, then projected to exceed $150 billion in 1991. Opponents of the budget package warned that budget summits in 1982, 1984, 1987, and 1989 all resulted in higher taxes ostensibly designed to reduce the deficit, yet in every case the budget deficit rose the following year. Opponents also warned that a major tax increase would throw the economy into recession. They further predicted that Congress simply would spend the new tax revenues.

They were right. The budget deficit climbed to nearly $300 billion in 1991, the first year of the agreement, and is now projected to reach record $350 billion in fiscal year 1992 thanks largely to record increases in domestic spending. And a sharp recession is expected permanently to lower living standards for all income classes compared to what they would have been had the economy's growth not faltered.[2]

Ignoring history. Ironically, even though the dismantling of Reagan's economic legacy ended the expansion and pushed the economy into recession, some lawmakers assert that additional tax increases somehow will strengthen the economy. Other lawmakers apparently believe that while Congress should cut taxes for some Americans, it should raise taxes on others. Still other politicians argue that the best way to help poor citizens is to increase taxes on wealthier Americans.

Lawmakers who support these policies claim "fairness" requires income redistribution, higher taxes, and more government spending. America's less fortunate citizens, however, historically have not fared well under such policies. If lawmakers truly are interested in helping the poor, they should adopt policies to promote economic growth, not redistribute income. Whether measured by job creation, income growth, the poverty rate, or any other indication of living standards and prosperity, the poor have done best in years when the economy expands.

THE CHOICE FOR CONGRESS

Policy makers now face what should not be a difficult choice: Do they return to the pro-growth policies of the 1980's? Or, do they replicate the mistake of the 1970s, heaping additional taxes and regulations on an economy already staggering under a record tax burden and an unprecedented wave of expensive regulation? The lessons of the 1980s provide an easy answer.

Lesson No. 1: Economic growth is the best weapon against poverty

Many politicians in Washington would like Americans to believe that poverty can be cured by more federal programs. In reality, high increases in spending have had little impact on poverty, and may have exacerbated the problem. It was only after the so-called War on Poverty began in the mid-1960s that the poverty rate, which had been falling rapidly and steadily since the early 1950s, leveled off. Like other measures of economic distress, the poverty rate began to rise in the late 1970s, rising from 11.4 percent in 1978 to 15.2 percent in 1983. It began to fall, however, once Reagan's policies took effect, dropping to less than 13 percent by 1989.[3]

Other measures of the economy's performance reveal similar trends. For example, inflation-adjusted average household and family income statistics for the poorest fifth of the population indicate that low-tax policies in the 1980s raised living standards for less fortunate Americans. The incomes of poor households stagnated for much of the 1970s, began to decline sharply in the late 1970s, and rebounded only after Reagan's tax cuts were fully in place. If the 1990 numbers are the beginning of a new trend, it appears that high tax-and-spend policies under the Bush Administration will have the same damaging impact on Americans as Jimmy Carter's big government policies.

Lesson No. 2: Economic growth is stimulated by low taxes, particularly low marginal tax rates

While accepting that the economy grew in the 1980s, some analysts assert that this prosperity had nothing to do with Reagan's policies in general and his tax cuts in particular. Some even claim that income levels for the poor would have increased faster had it not been for Reaganomics. Yet after taking the effects of other economic factors into account, the evidence still points clearly to low-tax policies as the leading cause of record growth in the 1980s.

With the myriad forces that affect economic growth, there is no way to determine precisely the influence of any single policy on the economy. The Great Depression of the 1930s, for instance, resulted in part from poor monetary policies and trade protectionism. Herbert Hoover's decision in 1932 to raise taxes in the middle of the economic downturn doubtlessly exacerbated the economy's contraction. But it cannot be said with precision how much the tax increase contributed to the Depression.

TABLE 1.—AVERAGE INCOME FOR POOREST 5TH OF U.S. HOUSEHOLDS

[In 1990 dollars]

Year	Income of households	Change in dollars
1973	$7,039	
1974	7,008	−31
1975	6,765	−243
1976	6,935	+170
1977	6,897	−38
1978	7,135	+238
1979	7,075	−60
1980	6,845	−230
1981	6,676	−169
1982	6,549	−127
1983	6,631	+82
1984	6,838	+207
1985	6,819	−19
1986	6,886	+67
1987	7,055	+169
1988	7,143	+88
1989	7,732	+229
1990	7,195	−177

Note.—Shaded areas indicate increases.

Source: "Money Income of Households, Families, and Persons in the United States: 1990," Bureau of the Census.

The economic decline which began in the late 1970s also was partially due to high taxes. But other factors such as inflation and excessive government regulation of businesses contributed to the stagflation which plagued America. Similarly, while the 1980s expansion may have been triggered by Reagan's tax cuts, policies of deregulation and monetary reform certainly deserve some credit for the boom.

The evidence strongly indicates, however, that reducing taxes, particularly marginal rates, had a major impact on the economy. The three periods of major tax rate reductions in the U.S.—the 1920s, the 1960s, and the 1980s—were all periods in which lengthy and robust economic expansions followed tax cuts. By contrast, tax increases have been followed by weak economic conditions. In the 1930s, higher tax rates were associated with economic hard times. In the late 1970s, tax rates were hiked indirectly, as inflation pushed taxpayers into higher brackets even though their real incomes remained constant or even declined. And, of course, the tax rate increases in last year's budget deal already have hobbled the economy and may signal the beginning of a longer period of stagnation.

Lesson No. 3: The poor get richer when the rich get richer

Advocates of income redistribution through the tax code tend to assume that the amount of wealth in a society somehow is fixed. In this static view of the world, one person can become better off only at the expense of another. Similarly, the assumption is that if the rich get richer then the poor must become poorer. This view of the world, however, is completely at odds with the evidence. As Table 2 indicates, the fortunes of all income classes tend to rise or fall together.

The Census Bureau's household income statistics underscore John F. Kennedy's contention that "A rising tide lifts all boats." When the economy prospers, the poor are just as likely to realize the benefits of economic growth as are those in higher income classes. Similarly, if policy makers adopt anti-growth policies, for the stated purpose of "helping" the poor, all income groups suffer.

The household income figures also indicate that the Reagan years benefitted all income classes. Even in the base year used in 1981—before the Reagan tax cuts were phased in—the figures show significant income gains for all segments of the population during the 1980s. By contrast, periods of increase taxation, including both the Carter and Bush Administrations, are associated with falling average incomes for all groups.

TABLE 2.—PERCENTAGE CHANGE IN AVERAGE HOUSEHOLD INCOME BY INCOME CLASS

[In percent 1990 dollars]

Year	Bottom 5th	Second 5th	Middle 5th	Fourth 5th	Top 5th	Top 5 percent
1978–82	−8.2	−5.4	−5.2	−3.8	−1.1	−3.2
1981–89[1]	+10.4	+10.3	+10.7	+12.3	+22.9	+33.6
1982–89[2]	+12,6	+10.7	+11.1	+13.0	+20.5	+28.8
1989–90	−2.4	−1.7	−2.3	−22.6	−3.3	−4.7

[1] Increase.

[2] Reagan tax cuts take effect.

Source: "Money Income of Households, Families and Persons in the United States: 1990," Bureau of the Census.

Some critics condemn economic policies of the 1980s because wealthier citizens' incomes rose faster than did the incomes of the least affluent fifth. While true, this criticism overlooks one very important fact: poorer Americans' incomes increased in real terms during the 1980s. If a goal of policy makers is to improve living standards for the poor, the Reagan policy of reducing tax rates on the rich as well as the poor did more to improve the standard of living of low-income households than the high tax policies of the Carter and Bush Administrations.

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[2] See Larry Hunter, "The Never-Ending Recession," *The Wall Street Journal*, September 19, 1991.

[3] Census Bureau statistics routinely overestimate poverty in the United States. It probably safe to assume, however, that changes in the poverty rate do reflect whether poverty is rising or falling, even if the totals are exaggerated. See Robert Rector, Kate Walsh O'Beirne, and Michael J. McLaughlin, "How Poor are America's Poor," Heritage Foundation Backgrounder No. 791, September 21, 1990, and Robert Rector, "Why the New Census Report Will Overstate Poverty," Heritage Foundation Executive Memorandum No. 309, September 23, 1991.

Lesson No. 4: If the aim is to make the rich pay more taxes, cut their tax rates

Critics of Ronald Reagan assert that tax rate cuts in the 1980s meant wealthy Americans paid less than their fair share of taxes. Indeed, Robert S. McIntyre of Citizens for Tax Justice, a Washington, D.C.-based research organization, contends tax breaks for the rich during the 1980s are the sole cause of today's budget deficit.[4] Yet the assumptions required to support this assertion border on the absurd. To achieve his results, McIntyre takes 1977 tax rates and applies them to current income levels to determine the size of the tax cut received by the rich. In other words, his "model" just assumes that the economy would have expanded just as much had the top tax rate stayed at 70 percent, rather than being cut to 28 percent during the Reagan years. The "model" also conveniently assumes that wealthier taxpayers would earn and report just as much income with 70 percent tax rates as they are projected to earn and report next year with tax rates at 31 percent.

Not surprisingly, Internal Revenue Service statistics paint a very different picture. According to IRS data, wealthier Americans are now paying a far larger share of the total tax burden today than they were before the Reagan tax cuts. As Chart 2 reveals, the richest one percent of U.S. taxpayers shouldered 27.5 percent of the total income tax burden in 1988, up from 17.6 percent in 1981. The proportion of the income tax burden paid by the top five percent jumped from 35.1 percent in 1981 to more than 45 percent in 1988.

Confronted by these statistics, some critics complain that the rich are paying a higher portion of the income tax burden only because their incomes rose so dramatically during the 1980s when compared with those of other Americans. Yet this is precisely what advocates of low tax rates predicted would happen. Once marginal tax rates were reduced, they said, the incentive to work, save and invest would increase, while the attractiveness of tax shelters would be reduced. As a result, taxable income would increase significantly. Moreover, as Lesson #3 explains, this income gain did not come at the expense of other groups of Americans. Incomes for all groups rose during the 1980s.

Lesson No. 5: Raising taxes on the rich does not help the poor

With the economy in recession and the burden of federal taxes at an all-time high, according to the Washington, D.C.-based Tax Foundation, some policy makers finally have concluded that tax relief is needed. For example, Senator Albert Gore of Tennessee and Representative Thomas Downey of New York, both Democrats, have introduced legislation which would, among other things, lower taxes on families by creating an $800 tax credit for each child (H.R. 2242, S. 995). Senator Lloyd Bentsen of Texas and Representative Dan Rostenkowski of Illinois, the Democratic Chairmen of the tax-writing committees in each chamber, are rumored to be drafting similar legislation. That is the good news.

The bad news is that the Gore-Downey legislation also raises the top income tax rate to 36 percent, from today's 31 percent, and imposes an additional 15 percent surtax on upper income taxpayers. The combined effect of these two provisions would push marginal tax rates to more than 40 percent for certain taxpayers. While this boost in the top rate allegedly is designed to promote "fairness" and offset the revenue loss caused by the tax credit for children, neither goal will be satisfied if history is an accurate guide.

Increasing the top tax rate by approximately one-third, as the Gore-Downey bill would do, means reducing significantly the prospects for a strong recovery from the current recession. As Lesson #1 illustrated, the poor are most dependent on economic growth for their well being. Thus while the Gore-Downey bill might in the short term benefit those taxpayers eligible for the tax credit, the package would in the long term hurt lower-income households because higher marginal tax rates mean economic growth would slow down, fewer jobs would be created, and living standards would decline. Supporters of the Gore-Downey legislation fail to understand what has become so evident to the emerging democracies of Eastern Europe; it is better to promote the creation of wealth than it is to attempt to redistribute it.

Flawed Calculations: The Gore-Downey redistribution legislation is based in part on deeply flawed calculations used by the Congressional Budget Office (CBO). The CBO uses estimates that predict higher tax rates will generate revenue to offset the losses to the Treasury caused by the children's credit. But the static model used by the CBO assumes taxpayer behavior is unresponsive to changes in the tax code. As a result, even huge increases in tax rates are projected to raise large amounts of new tax revenue according to the CBO model.

Practical experience refutes this. Last year's tax increase, for instance, initially was projected by CBO to raise nearly $200 billion in revenues by 1995 above and beyond the revenue growth otherwise projected to occur. Recent CBO budget projections, however, now estimate that revenue in the 1991–1995 period will be lower than that projected for the same period in the summer of 1990—before last year's tax increase was enacted. The Congressional Budget Office attributes this huge revision to "economic" and "technical" factors.

Lesson No. 6: Increased Social Security taxes have wiped out the benefits of Reagan's tax cuts for many Americans

Despite the reductions in marginal tax rates enacted in 1981 and 1986, total federal tax rates, the percentage of income paid to Washington through direct taxation, actually are higher today for middle class Americans than they were before Ronald Reagan became President. Meanwhile, total federal tax rates have declined for the richest taxpayers. This has led some policy makers to condemn the Reagan tax cuts as a giveaway to the rich at the expense of the poor.

Federal income tax rates for all income classes were reduced by the Reagan tax cuts and remain lower today than they were under the Carter Administration. The reason total federal tax rates have increased for many taxpayers is because of rapidly escalating payroll taxes. In other words, income tax rates reductions for many Americans have been completely wiped out by increases in Social Security and Medicare taxes. To add insult to injury, the Social Security system collects far more money than is needed to pay retirement benefits. Most Americans assume the surplus funds are put into an account, safely tucked away and drawing interest to help pay retirement benefits for future generations. In reality, Congress spends every penny of this money on other government programs, leaving nothing but IOUs in the Social Security Trust Fund.

Because wealthier taxpayers are less affected by rising payroll taxes, since there is a cap on the amount of income subject to such taxes, lower- and middle-income taxpayers have been harmed disproportionately by rising payroll taxes. The important question, of course, is how to address this inequity. Some legislators apparently believe higher income taxes on richer taxpayers are the way to offset high tax rates on the middle class. These politicians overlook, of course, the fact that raising taxes on upper-income Americans will do nothing to lower the payroll tax burden on less affluent citizens.

The pro-growth solution to high effective tax rates is to reduce Social Security payroll taxes. Not only would the reduction in these tax rates spur additional economic growth, it would put an end to the fiction of the Social Security Trust Fund.[5]

Lesson No. 7: Hiking taxes does not lower the budget deficit, it raises it

Perhaps the most important lesson of all to learn from the 1980s is that tax increases led to higher rather than lower budget deficits. Tax increases were imposed on the American people in 1982, 1984, 1987, 1989, and 1990. On each occasion the legislation was accompanied by promises that the money would be used for deficit reduction. In every instance the deficit rose the following year.

The reasons for this are simple. Notwithstanding the Congressional Budget Office's simplistic, static model, higher taxes inhibit economic growth. As a result, even if a tax increase does bring in some additional revenue, this new money rarely if ever reaches the level predicted when taxes first are raised. This typical shortfall on the revenue side is compounded by the way in which the federal budget process works. Congress bases its spending decisions on how much money it expects to receive so boosts in spending invariably outstrip rises in revenue after a tax increase. Thanks to this process, last year's budget deal turned a $150 billion deficit into $350 billion of red ink in just two years.

CONCLUSION

The impulse of many lawmakers to enact tax relief to counter the recession is understandable and sound. What is difficult to understand, however, is why some lawmakers think the way to improve living standards for the poor is to raise taxes on the rich.

Largely as a result of the 1990 budget summit, a strong expansion was turned into a recession in a remarkably short period. While some members of the Bush Administration claim that the President had to violate his promise not to raise taxes because Congress would have overridden his veto anyway, there was no evidence, before or after the budget summit, to support this assertion. The legislative branch, in fact, has never been able to raise taxes over the objection of a President.[6]

By caving in to pressure for higher taxes, the Bush Administration presented the big spenders in Congress with a long-awaited opportunity. As long as the President maintained his vow not to increase taxes, the American people resisted the siren song of tax fairness. But once the budget summit began, and the President was persuaded by members of his own Administration to accept a tax increase, many Americans understandably wanted the burden of any new taxes to fall on someone else's shoulders. Since few Americans consider themselves wealthy, regardless of their earnings, and since few Americans truly understand the relationship between tax rates and growth, proposals to "tax the rich" tend to be popular with voters.

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[4] Robert S. McIntyre, "Borrow 'N' Squander," "The New Republic," September 30, 1991.

[5] Daniel J. Mitchell, "The Facts About Cutting Social Security Taxes," Heritage Foundation Backgrounder No. 817, March 15, 1991.

[6] Congress actually did enact a tax increase over a presidential veto on one occasion. Franklin D. Roosevelt vetoed a tax increase because it was not as large as he desired. Reather than vote for an even larger tax hike, however, Congress overrode his veto.

The 1990 budget summit also was a victory for those lawmakers who viewed Reaganomics as a threat to the growth of government. For these lawmakers, the 1981 tax cuts had to be repudiated to restore the pre-Reagan political dynamic. Now, thanks to last year's budget deal, politicians once again can press for higher taxes and vote for more spending under the guise of tax fairness and deficit reduction.

Tragic Cost: The recession has imposed a tragic human cost. Two million Americans have lost their jobs, the poverty rate is climbing, and family incomes are falling. Sadly, the news may get worse. Yet under the deceptive rubric of tax fairness, some lawmakers want to compound the damage of last year's tax hike by further raising marginal tax rates. As the last fifteen years clearly show, however, the poor will not be helped by tax increases because the result will be slower growth.

Choice for Bush: George Bush already has presided over the slowest period of economic growth of any President since Franklin D. Roosevelt's first term. Whether the economy begins to recover may depend on what he does next. If Bush returns aggressively to the pro-growth policies of the 1980s, there is every reason to expect that the economy will respond as vigorously as it did during the Reagan boom. On the other hand, if Bush fails to make the case for low taxes, and to veto any tax increase legislation, America may face a decade of economic stagnation.

□ 1650

Mr. Speaker, I will enter all this paper by Dan Mitchell into the RECORD.

Mr. Speaker, what does all that mean? What Dan Mitchell is writing is that this body, and particularly the majority that controls this body, cannot read history and have no capability to recognizing history. The history of the eighties is proof that Reaganomics and supply-side economics work. Twenty million new jobs, the longest economic expansion in the history of this country. Why? Because in spite of what happened in the later eighties, the policies of the Reagan administration were right, in that if you let people control their own destinies by controlling and keeping their own money, they will do what is right. They will spend their money properly. They will invest their money in the right areas and jobs will be created.

The saddest thing about this coming anniversary of the passage of the budget agreement, the saddest thing is that the American family is losing, and if the American family wants to win they had better get involved in what is going on around them.

If you read the papers for the last year or 1½ years, every level of government is raising taxes and increasing spending. In most levels of government that I have seen—there are a few exceptions—but most of them try to dupe the American people by saying, "We will cut this much spending if you will go along with increasing taxes by this much," and in every case that has happened, spending has gone up the very next year by such a rate that offsets the promise of the cutting and spending increases, yet the taxes stay.

Our governments are growing too big, Mr. Speaker, and the American family is losing ground. The American family is the loser in what is going on right here on the floor of this House and in the other body.

A brief that was just issued by the Tax Foundation explains it very well. It is entitled, "The American Family Losing Ground to Taxes and Inflation." It is written by Paul J. Merski. It really brings it home, in terms that we can understand, what is happening to the family in this country.

Paul Merski states:

AMERICAN FAMILY LOSING GROUND TO TAXES AND INFLATION

(By Paul G. Merski)

Accelerating federal taxes will combine with inflation to take $362 dollars out the pocketbook of the American family in 1991. The typical family—a household with two earners employed full-time, year-round with two dependent children—will suffer this loss in real income in 1991 after losing purchasing power in two of the three prior years for a 4-year loss of $695 since 1988. The $362 loss this year is the largest one-year decline since 1981.

The two-earner family making $29,627 back in 1980 is now earning an estimated $53,265. But when federal taxes and inflation have taken their cuts from this $23,638 increase, a mere $2,835 net gain is left, nearly a 90 percent loss.

Since 1980, the typical family's federal income tax bill has risen 60 percent despite the decade's two major income tax rate reductions: the Economic Recovery Tax Act of 1981 and the Tax Reform Act 0f 1986. They did lighten the income tax burden, but their benefits to the typical family have been overwhelmed, principally by the rising toll of the Social Security tax. Six times since 1981, the Social Security tax rate has increased, so that it now takes in 7.65 percent of the family's earnings, up from 6.1 percent in 1980. The level or earnings to which this tax is applied has also been ratcheted up under a scheme of automatic adjustments. The combination of higher rates and a broader base has enlarged the bite that Social Security takes out of the typical family's income to $4,075 in 1991.

Combined, income and Social Security taxes will absorb 19.8 percent of family income in 1991, down only slightly from the 1981 peak of 20.3 percent. The federal income tax, which claimed 13.7 percent of the family's total income in 1980, fell to a low of 11.8 percent in 1985 before rising to its present 12.2 percent level. The family achieved its most significant gains in the mid-1980s when real income rose an average of $768 per year between 1982 and 1987.

INDIRECT FEDERAL TAXES

Individual income tax and Social Security "contributions" are direct federal taxes which appear as withheld income on the typical American worker's paycheck. But they are only part of the federal tax take. Numerous federal taxes are indirect; that it, government imposes them directly on industry. This can mean lower wages for workers, higher prices for consumers, and lower returns for investors. Some examples of these indirect taxes are the employer's share of Social Security taxes; excise taxes on products and services such as gasoline, liquor, tobacco, and telephone use; and miscellaneous taxes. All together, these claim a significant portion of the typical family's earnings.

Last year's budget agreement, the Omnibus Budget Reconciliation Act of 1990, increased many of these indirect taxes, notably on gasoline (9 to 14 cents per gallon), cigarettes (16 to 20 cents per pack), beer (16 to 32 cents per 6-pack), wine (3 to 21 cents per bottle), and the telephone excise tax (permanently 3 percent). While the amount of these taxes varies with each family's income and consumption patterns, the median family examined here will pay an estimated $4,350 in indirect federal taxes in 1991. That adds up to a record-high 8.2 percent of the family's 1991 earnings.

The upswing in inflation is another reason for the decline in the typical family's purchasing power in 1991. Inflation, which stood at 13.5 percent in 1980, declined fairly steadily to a low of 1.9 percent in 1986, giving family income a chance to grow in real terms. Inflation has accelerated since 1986, however, and it is estimated at 3.6 percent for 1991. Inflation was relatively low during the first half of 1991, but the economic slowdown that began in the last quarter of 1990 has severely reduced personal income growth for the average American family.

HOW DOES THE FAMILY SPEND WHAT IS LEFT?

The family's first obligation after federal taxes is to state and local governments, which will collect an estimated $5,273 in taxes, making government's total cost to the average family a hefty 37.9 percent of all income, by far the largest item in the family budget. After paying all federal, state and local taxes, from its $53,265 annual earnings, the family is left with $33,074 in disposable income to spend or save.

The family spends the bulk of its disposable income on four items: housing and household operations—16.7 percent; food and tobacco—11.4 percent; health care—9.1 percent; and transportation--7.5 percent. After taxes and these expenses, less than 18 percent of the family's income is left for such items as clothing, recreation and savings.

WHAT IS THE OUTLOOK FOR THE FAMILY?

Despite the typical family's record-high tax payments in 1991, persistent federal deficits of over $300 billion will keep the pressure on to increase federal tax revenues. Sharp tax increases recently enacted in many states will continue to tap the family's disposable income over the next several years. These tax increase pressures, along with the upswing in inflation and slower income growth, do not bode well for the American family's purchasing power in the coming years.

And what do we debate on the floor of this House? New programs, expanding programs. This week alone we reauthorized an old program, a very effective one, I must say, the Job Training Partnership Act. Some, many, I should say, support that program because it does put people into new situations, it trains them for new kinds of jobs and gets them back into the job force. But in that bill we are encouraged to increase spending for this program over 10 percent a year.

We are continuing to increase spending, driving the deficit ever higher, putting more pressure on to go back into a budget summit, create another monster such as was created last year, increasing taxes again.

When is the majority going to talk about the American family? When is the majority going to understand that the American family has no money left? They do not have any more money to give to their Government. They barely can get by now.

By this report, 18 percent is all they have to spend on clothes, recreation, and maybe a little on savings. Yet there are very few people saving today.

Now, 18 percent, that is not a whole lot of money. If your State, local, and Federal Government continue to feed at the trough, the American family sooner or later, I hope, is going to have enough. They have had enough in New Jersey. You are seeing every day Americans, just good American people in New Jersey, out in the streets protesting against the government of New Jersey.

□ 1710

Mr. Speaker, we just saw in the last couple of weeks very middle to upper income people, just average, everyday family people, in the streets in Connecticut because they instituted a new income tax in the State of Connecticut. Yet the majority of this House and the majority of the other body cannot even analyze the newspapers that they read and see that the American people are fed up. They have had enough, they have had enough of big government, and they are blaming us for it.

Well, I hope, Mr. Speaker, that the American people and the American family will do a little research and find out who is it, who is doing it to us. It is not the Congress. It is not the House of Representatives. It is not the other body. It is the people that control the House of Representatives and control the other body that is doing it to us.

Mr. Speaker, sooner or later the American people are going to understand that, and they are going to understand that they have been bled dry, and they have no more to give, and they are going to understand that the next round of tax increases from the local, State, and Federal governments are going to be taking clothes off the backs of their children. Maybe they will start getting out in the streets, maybe, finally, they will start going to the voting booth, and maybe, just maybe, they will take their government back and put people in that will stand up and say, "No, we can't have these special little groups having their own little programs. The American people are more important than a little program. We have to live within our means. We have to have a government that believes more in the individuality of its people, that believes more in the American family than it believes in the size of the government."

Maybe the American people, Mr. Speaker, will take that government back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Michigan (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

Mr. SMITH of Florida (at the request of Mr. GEPHARDT), for today, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mrs. BENTLEY) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

(The following Members (at the request of Mrs. COLLINS of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. OBEY, for 60 minutes each day, on October 10, 16, 17, 22, 23, 24, 25, 28, 29, and 30.

Mr. MCDERMOTT, for 60 minutes, on October 30.

(The following Members (at the request of Mr. DORNAN) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes each day, on October 15, 16, 17, 22, 23, 24, 29, 30, and 31, and November 5, 6, 7, 12, 13, and 14.

Mr. GONZALEZ, for 60 minutes, on October 11.

(The following Member (at the request of Mr. DELAY) to revise and extend his remarks and include extraneous material:)

Mr. FAZIO, for 60 minutes, on October 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. FIELDS.

Mr. MACHTLEY.

Ms. ROS-LEHTINEN in three instances.

Mr. EMERSON.

Mr. WELDON.

Mr. SUNDQUIST in two instances.

Mr. ARMEY.

Mr. HORTON.

(The following Members (at the request of Mrs. COLLINS) of Michigan and to include extraneous matter:)

Mr. HOYER.

Mr. KOSTMAYER.

Mr. HAMILTON.

Mr. DARDEN.

Mr. MILLER of California.

Mr. BROWN of California.

Mr. ATKINS.

Mr. LEHMAN of Florida.

Mr. NATCHER.

Mr. VENTO.

Mr. ANDREWS of New Jersey in two instances.

Mr. DYMALLY.

Mr. DONNELLY.

Mr. RANGEL.

Mr. DYMALLY.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2519. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, and

H.J. Res. 230. Joint resolution designating October 16, 1991, and October 16, 1992, each as "World Food Day."

ADJOURNMENT

Mr. DELAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Friday, October 11, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2193. A letter from the Secretary of Labor, transmitting the annual report on the administration of the Black Lung Benefits Act for 1991, pursuant to 30 U.S.C. 936(b); to the Committee on Education and Labor.

2194. A letter from the Farm Credit Bank of St. Louis, transmitting the Sixth Farm Credit District Retirement Plan for the year ending December 31, 1990, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2195. A letter from the Director, Office of Management and Budget, transmitting a report entitled, "Statistical Programs of the

United States Government, Fiscal Year 1992"; to the Committee on Government Operations.

2196. A letter from the Secretary, Department of the Interior, transmitting the 1990 Section 8 Report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a-5(a); to the Committee on Interior and Insular Affairs.

2197. A letter from the Administrator, Environmental Protection Agency, transmitting the final report of the State revolving fund, pursuant to 33 U.S.C. 1375; to the Committee on Public Works and Transportation.

2198. A letter from the Secretary of Labor, transmitting the sixth report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

2199. A letter from the Director, Office of Environmental Restoration and Waste Management, Department of Energy, transmitting notification that the report which summarizes the progress of States and compacts are making to meet the milestones contained in Public Law 99-240 section 7(d) would be submitted on or before November 15, 1991, pursuant to 42 U.S.C. 2021g(b); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2200. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 2 of the act of July 31, 1947 (61 Stat. 681); jointly, to the Committees on Interior and Insular Affairs and Agriculture.

2201. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide additional authority for transfer of excess wild free-roaming horses, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 35. A bill to designate certain lands in the State of North Carolina as wilderness, and for other purposes; with an amendment (Rept. 102-248 Pt. 1). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2105. A bill to designate the area in Calhoun County, Texas, known as Rancho La Bahia, as the "Myrtle Foester Whitmire National Wildlife Refuge"; with amendments (Rept. 102-249). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 3542. A bill to amend the Real Estate Settlement Procedures Act of 1974 to reflect changes in the mortgage servicing industry and the availability of improved technology to escrow agents, and for other purposes; to the Committees on Banking, Finance and Urban Affairs.

By Mr. WHITTEN:

H.R. 3543. A bill making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

By Mr. WHITTEN (for himself and Mr. MURTHA):

H.R. 3544. A bill making appropriations to meet our economic problems coming from changing conditions with essential productive jobs for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

By Mr. BRYANT:

H.R. 3545. A bill to amend the Federal Food, Drug, and Cosmetic Act respecting bottled water, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COLEMAN of Missouri (for himself, Mr. ROBERTS, Mr. ENGLISH, Mr. EMERSON, Mr. HERGER, Mr. WALSH, Mr. JONES of North Carolina, Mr. MARLENEE, Mr. GUNDERSON, Mr. CAMP, Mr. HATCHER, Mr. BOEHNER, and Mr. JOHNSON of South Dakota):

H.R. 3546. A bill to enhance the ability of the United States to provide support to emerging democracies in their transition to agricultural economies based upon free enterprise elements; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. MCCLOSKEY:

H.R. 3547. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to prohibit the use of solid waste as fuel for any incinerator being used for the destruction of polychlorinated biphenyls or other hazardous substances and to require the Environmental Protection Agency to review and research methods of disposal and storage of polychlorinated biphenyls; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mrs. MINK (for herself, Mrs. BOXER, Mr. REED, Mr. SERRANO, Mr. WASHINGTON, Mr. HAYES of Illinois, Mr. PERKINS, Mr. OWENS of New York, Mr. MILLER of California, Mr. MARTINEZ, Mr. WILLIAMS, MR. GAYDOS, Mr. JEFFERSON, Mr. PAYNE of New Jersey, Mr. ABERCROMBIE, Ms. PELOSI, Mr. DELLUMS, Mr. SANDERS, Mr. WEISS, Mrs. COLLINS of Michigan, Mr. CONYERS, Mr. DYMALLY, Mr. MFUME, Mr. CLAY, Mr. EDWARDS of California, and Mrs. UNSOELD):

H.R. 3548. A bill to improve the quality of education by providing incentive grants and by certain other methods; to the Committee on Education and Labor.

By Mr. PETERSON of Minnesota:

H.R. 3549. A bill relating to the monitoring of the domestic uses made of certain foreign grain after importation; to the Committee on Ways and Means.

By Mr. SARPALIUS:

H.R. 3550. A bill to prohibit the Secretary of Health and Human Services from changing current regulations respecting use of voluntary contributions, provider-paid taxes, and intergovernmental transfers toward State share of Medicaid expenditures; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 3551. A bill to amend the Internal Revenue Code of 1986, to extend the credit for clinical testing expenses for certain drugs for rare diseases or conditions, to impose a windfall profit tax on such drugs if they become excessively profitable, and for other purposes; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. SIKORSKI, Mr. GILMAN, and Mr. RITTER):

H.R. 3552. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. Con. Res. 219. Concurrent resolution making corrections in the enrollment of H.R. 2622; considered and agreed to.

By Mr. RANGEL:

H. Con. Res. 220. Concurrent resolution condemning the unconstitutional seizure of power by elements of the Haitian military and consequent violence, and calling on the Attorney General to suspend the forced return of Haitian nationals in the United States during the crisis in Haiti; jointly, to the Committees on Foreign Affairs, the Judiciary, and Merchant Marine and Fisheries.

By Mr. BILIRAKIS:

H. Res. 244. Resolution expressing the sense of the House of Representatives regarding the use of the ambulance currently maintained at the Capitol solely for Members of the Congress; to the Committee on House Administration.

By Mr. SANTORUM (for himself, Mr. ESPY, Mr. RAVENEL, Mr. JEFFERSON, Mr. HOBSON, Mr. NUSSLE, Mr. NEAL of Massachusetts, and Mr. OWENS of New York):

H. Res. 245. Resolution requiring the Clerk of the House to take such action as may be necessary to ensure that stationery used in the House of Representatives is made from recycled paper; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

279. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the Antarctic Treaty and preservation of the Antarctic region; to the Committee on Foreign Affairs.

280. Also, memorial of the Legislature of the State of California, relative to Lithuania; to the Committee on Foreign Affairs.

281. Also, memorial of the Legislature of the State of California, relative to National Missing Children's Day; to the Committee on Post Office and Civil Service.

282. Also, memorial of the Legislature of the State of California, relative to the war against Iraq; to the Committee on Veterans' Affairs.

283. Also, memorial of the Legislature of the State of California, relative to hazardous liquid pipeline regulations; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 53: Mr. KLECZKA, Mr. CONDIT, Mr. RINALDO, Mr. BROWN, and Mr. INHOFE.

H.R. 123: Mr. BUNNING, Mr. PAYNE of Virginia, and Mr. TAYLOR of North Carolina.

H.R. 303: Mr. WELDON, Mr. TRAFICANT, Mr. ATKINS, Mr. ANDREWS of Maine, Mr. WISE, and Mr. HERTEL.

H.R. 430: Mr. THOMAS of Georgia.

H.R. 431: Mr. OWENS of Utah, Mr. PETERSON of Minnesota, Mr. BARTON of Texas, Mr. CHAPMAN, Mr. KILDEE, Mr. HOBSON, and Mr. LIPINSKI.

H.R. 670: Mr. JAMES and Mr. TALLON.

H.R. 709: Mr. CUNNINGHAM, Mr. SANDERS, Mr. SCHIFF, Mr. MCMILLEN of Maryland, and Mr. PETERSON of Florida.

H.R. 730: Mr. JOHNSON of South Dakota.

H.R. 784: Mr. RIDGE, Mr. SPRATT, Mr. ROBERTS, Mr. CRAMER, and Ms. KAPTUR.

H.R. 951: Mr. MAVROULES, Mr. WALSH, Mr. RAMSTAD, Mr. DORNAN of California, and Mr. OXLEY.

H.R. 1240: Mr. KOLTER.

H.R. 1278: Mr. BUSTAMANTE, Mr. IRELAND, Mr. CAMP, and Mr. OWENS of Utah.

H.R. 1300: Mr. BERMAN.

H.R. 1389: Mr. MANTON.

H.R. 1472: Mr. MFUME and Mr. SIKORSKI.

H.R. 1495: Mr. LEWIS of Georgia.

H.R. 1531: Mr. TAUZIN, Mr. JEFFERSON, and Mr. EMERSON.

H.R. 1584: Mr. SMITH of Oregon.

H.R. 1633: Ms. WATERS, Mr. KLECZKA, Mr. MORAN, Mr. PETERSON of Minnesota, Mr. SABO, and Mr. DREIER of California.

H.R. 1655: Mr. CHAPMAN, Mr. TOWNS, and Mr. LIPINSKI.

H.R. 1721: Mr. JOHNSON of South Dakota.

H.R. 1730: Mr. PERKINS, Mr. SHAYS, Mr. VISCLOSKY, and Mr. JONTZ.

H.R. 1751: Mr. TALLON.

H.R. 1771: Mr. PAXON, Mr. SKAGGS, and Mr. STENHOLM.

H.R. 1889: Mr. SPRATT and Mr. BOEHNER.

H.R. 1916: Mr. YATES, Mr. SANDERS, and Mr. TOWNS.

H.R. 2059: Mr. ATKINS and Mr. EVANS.

H.R. 2164: Mr. SWETT.

H.R. 2257: Mr. HERGER.

H.R. 2293: Mr. DE LUGO and Mr. FAWELL.

H.R. 2385: Mr. KOSTMAYER.

H.R. 2401: Mr. LANCASTER, Mr. DEFAZIO, Mr. NUSSLE, Mr. NAGLE, and Mr. CAMPBELL of Colorado.

H.R. 2561: Mr. ENGEL.

H.R. 2598: Mr. EMERSON, Mr. CHAPMAN, Mr. FISH, Mr. MCCANDLESS, Mr. RAY, Mr. KYL, and Mr. EDWARDS of Oklahoma.

H.R. 2600: Mr. WEBER, Mr. OBERSTAR, Mr. HOCHBRUECKNER, and Mr. SIKORSKI.

H.R. 2763: Mr. KOPETSKI and Mr. JOHNSON of South Dakota.

H.R. 2863: Mr. SCHIFF.

H.R. 2870: Mr. GALLEGLY Mr. PAXON, Mr. LEWIS of Florida, Mr. MOORHEAD, Mr. EWING, Mr. SOLOMON, and Mr. MCMILLAN of North Carolina.

H.R. 2872: Mr. FUSTER and Ms. ROS-LEHTINEN.

H.R. 2889: Mr. KOSTMAYER, Mr. VENTO, and Mr. LAFALCE.

H.R. 2898: Mr. GAYDOS.

H.R. 2902: Mr. DOOLITTLE.

H.R. 2903: Mr. DOOLITTLE.

H.R. 2904: Mr. DOOLITTLE.

H.R. 2912: Mrs. MINK, Mr. JEFFERSON, Mr. DE LUGO, Mr. FOGLIETTA, Mr. MAZZOLI, and Mr. TOWNS.

H.R. 2958: Mr. SCHIFF.

H.R. 3002: Mr. STUDDS.

H.R. 3164: Mr. COMBEST.

H.R. 3212: Mr. HANCOCK.

H.R. 3250: Mr. GEPHARDT and Mr. BURTON of Indiana.

H.R. 3285: Ms. KAPTUR, Mrs. MORELLA, and Mr. TALLON.

H.R. 3293: Mr. JOHNSON of South Dakota, Mr. GUARINI, and Mr. FUSTER.

H.R. 3312: Mr. BREWSTER, Mr. FASCELL, Mr. GILCHREST, and Mr. PETERSON of Florida.

H.R. 3373: Mr. WILLIAMS, Ms. SNOWE, Mr. RAHALL, Mr. MCGRATH, Mr. WALSH, Mr. DURBIN, Mr. MACHTLEY and Mr. LEWIS of Florida.

H.R. 3376: Mr. HANCOCK.

H.R. 3406: Mr. STARK.

H.R. 3463: Mr. TOWNS, Mr. MCMILLAN of North Carolina, Mr. OXLEY, Mr. HOBSON, and Mr. RAMSTAD.

H.R. 3511: Mr. DELLUMS, Mr. FOGLIETTA, Mr. DURBIN, Mr. RAHALL, Mr. HOCHBRUECKNER, Mrs. MORELLA, Mr. KOLTER, and Mr. EVANS.

H.R. 3519: Mr. YATRON.

H.J. Res. 177: Mr. WALSH, Mr. SAWYER, Mr. DICKINSON, and Mr. MCNULTY.

H.J. Res. 228: Mr. DONNELLY, Mr. NEAL of North Carolina, Mr. COSTELLO, Mr. WILSON, Mr. FROST, Mr. LENT, Mr. ROE, Mr. GEREN of Texas, Mr. SMITH of Florida, Mr. PRICE, Mr. MATSUI, Mr. MOODY, Mr. SPENCE, Mr. YOUNG of Alaska, Mr. LAFALCE, Mr. PAYNE of New Jersey, Mr. SKEEN, Mr. TALLON, Mr. CLINGER, Mrs. BOXER, Mr. LEHMAN of Florida, Mr. BENNETT, Mr. VALENTINE, Mr. CARPER, Mr. RHODES, Mr. FRANK of Massachusetts, Mr. REED, Mr. KOSTMAYER, Mr. MOAKLEY, Mr. KENNEDY, Mr. GOODLING, Ms. OAKAR, Mr. HAYES of Louisiana, Mrs. UNSOELD, Mr. HAYES of Illinois, Mr. HAMILTON, Mr. BURTON of Indiana, Mr. JACOBS, Mr. MILLER of Ohio, Mr. TRAFICANT, Mr. GEKAS, Mr. SANGMEISTER, Mr. PERKINS, Mr. ROTH, Mr. WEISS, Mr. CARDIN, Mr. COBLE, Mr. PORTER, Mr. HOBSON, Mr. RUSSO, Mr. DIXON, and Mr. ROYBAL.

H.J. Res. 242: Mr. DEFAZIO, Mr. BACCHUS, Mr. ATKINS, Mr. CARPER, Mr. DOWNEY, Mr. RITTER, Mr. ORTIZ, Mr. OXLEY, Mr. MCCOLLUM, Mr. FRANKS of Connecticut, Mr. GRANDY, Mr. JOHNSON of South Dakota, Mr. HOYER, and Mr. LEACH.

H.J. Res. 248: Mr. SPENCE, Mr. KOLTER, Mr. ALLARD, Mr. FRANKS of Connecticut, and Mr. EWING.

H.J. Res. 290: Mr. GLICKMAN and Mr. EWING.

H.J. Res. 293: Mr. SANDERS, Mr. PETERSON of Florida, Mr. LAUGHLIN, Mr. DINGELL, Mr. LEWIS of Florida, Mr. ZIMMER, Mr. DURBIN, and Mr. LAFALCE.

H.J. Res. 312: Mr. FROST, Mr. LAGOMARSINO, Mr. NAGLE, Mr. MCEWEN, Mr. MFUME, Mrs. MORELLA, Mr. TALLON, Mr. GRANDY, Mr. WOLF, Mr. LEACH, Mr. MINETA, Mr. MRAZEK, Mr. SERRANO, Mr. FRANKS of Connecticut, Mr. EMERSON, Mr. STALLINGS, Mr. FALEOMAVAEGA, Mr. KOLTER, Mr. FISH, Mr. MORAN, Mr. DORGAN of North Dakota, Mr. ROTH, Mr. IRELAND, Mr. BROWDER, Mr. ATKINS, Mr. GALLO, Mr. DICKS, Mr. CRAMER, Mr. DE LA GARZA, Mr. TRAXLER, Mr. DARDEN, Mr. BRUCE, Mr. CHAPMAN, and Mr. MCNULTY.

H.J. Res. 327: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. BACCHUS, Mr. BAKER, Mr. BATEMAN, Mr. BENNETT, Mr. BEVILL, Mr. BILIRAKIS, Mr. BONIOR, Mr. BORSKI, Mr. BREWSTER, Mr. BROOKS, Mr. BROWDER, Mr. BRUCE, Mr. BRYANT, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CARPER, Mr. CHAPMAN, Mr. CLEMENT, Mr. CLINGER, Mr. COLEMAN of Texas, Ms. COLLINS of Michigan, Mr. CONDIT, Mr. COSTELLO, Mr. CRANE, Mr. DAVIS, Mr. DE LA GARZA, Ms. DELAURO, Mr. DICKINSON, Mr. DINGELL, Mr. ERDREICH, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FIELDS, Mr. FROST, Mr. GEPHARDT, Mr. GEREN of Texas, Mr. GILCHREST, Mr. GILMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GUARINI, Mr. HALL of Texas, Mr. HARRIS, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Ms. HORN, Mr. HOYER, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JEFFERSON, Mr. JENKINS, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mrs. KENNELLY, Mr. LAROCCO, Mr. LEHMAN of Florida, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIVINGSTON, Ms. LONG, Mr. MCCOLLUM, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MACHTLEY, Mr. MFUME, Mr. MINETA, Ms. MOLINARI, Mr. MONTGOMERY, Mr. MORAN, Mr. NAGLE, Mr. NEAL of North Carolina, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. PACKARD, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Florida, Mr. PICKETT, Mr. PICKLE, Mr. PRICE, Mr. RAHALL, Mr. RAVENEL, Mr. RHODES, Mr. ROE, Mr. ROEMER, Mr. RUSSO, Mr. SARPALIUS, Mr. SAVAGE, Mr. SAXTON, Mr. SHAW, Mr. SISISKY, Mr. SMITH of Texas, Mr. STALLINGS, Mr. STENHOLM, Mr. STUDDS, Mr. SWETT, Mr. TALLON, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. THOMAS of Georgia, Mr. TOWNS, Mrs. UNSOELD, Mr. VALENTINE, Mr. VOLKMER, Mr. WASHINGTON, Ms. WATERS, Mr. WHEAT, Mr. WHITTEN, Mr. WILSON, Mr. WOLPE, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 343: Mr. BEVILL, Mr. CAMPBELL of Colorado, Mr. DELLUMS, Mr. ERDREICH, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. HAYES of Illinois, Ms. KAPTUR, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MCNULTY, Mrs. MEYERS of Kansas, Mr. OWENS of New York, Mr. PASTOR, Mr. QUILLEN, Mr. RAHALL, Mr. SAWYER, Mr. SCHIFF, Mr. SKEEN, Mr. SPRATT, Mr. TAUZIN, Mr. THOMAS of Georgia, and Mr. WEISS.

H. Con. Res. 197: Mr. SMITH of New Jersey.

H. Con. Res. 210: Mr. SARPALIUS.

H. Con. Res. 215: Mr. RAHALL, Mr. MOLLOHAN, Mr. WALSH, Mr. RANGEL, Mr. JONTZ, Mr. JEFFERSON, Mr. SIKORSKI, Mr. BILIRAKIS, Mr. MCEWEN, Mr. PENNY, Mr. KOLTER, Mr. FOGLIETTA, Mr. TOWNS, and Ms. KAPTUR.

H. Res. 17: Mr. LIVINGSTON, Mr. SOLOMON, Mr. ZELIFF, Mr. HANSEN, Mr. BURTON of Indiana, Mr. BALLENGER, Mr. EMERSON, Mr. MCCANDLESS, Mr. RIGGS, Mr. FIELDS, Mr. JOHNSON of Texas, Mr. DELAY, Mr. WALKER, Mr. ARMEY, Mr. ROHRABACHER, Mr. GINGRICH, and Mr. COBLE.

H. Res. 222: Mr. SANGMEISTER and Mr. LAFALCE.

H. Res. 237: Mr. ECKART, Mr. RITTER, Mr. GUARINI, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. TRAFICANT, Mr. JEFFERSON, Mr. SMITH of Florida, Mr. PANETTA, Mr. KOLTER, Mr. LIPINSKI, and Mr. FUSTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1028: Ms. ROS-LEHTINEN.

H.R. 2797: Mr. DORNAN of California.

H. Res. 194: Mr. HAMMERSCHMIDT and Mr. ROGERS.

EXTENSIONS OF REMARKS

REAL ESTATE AND THE ENVIRONMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. ANDREWS of New Jersey. Mr. Speaker, I would like to insert the following article from the New Jersey Law Journal entitled "Real Estate and the Environment" into the CONGRESSIONAL RECORD.

REAL ESTATE AND THE ENVIRONMENT—FOR THOSE WHO'D RATHER RESOLVE THAN LITIGATE

(By Irvin E. Richter)

The 1980s brought a massive wave of new legislation and regulations along with the development of common-law doctrines, all designed to protect the environment. These new laws have broadened, and often confused, existing areas of legal responsibility.

As a result, the 1990s are seeing an onslaught of increasingly complex environmental cases which resemble antitrust, construction contract and other complex commercial litigation that have plagued the courts for years. Further complicating matters, enforcement agencies are trying to cope with a myriad of dilemmas and a lack of resources in keeping up with the new regulations.

The New Jersey Supreme Court acknowledged the need for alternatives to traditional drawn-out and costly means of resolving environmental disputes when its March 1990 Committee Report on Environmental Litigation recommended "the extensive utilization of alternative dispute resolution techniques (ADR) in complex environmental litigation."

The Environmental Protection Agency, which has maintained a vigorous judicial and administrative enforcement program, has traditionally settled its enforcement cases through negotiations solely between representatives of the government and the alleged violator. In the last few years, though, the EPA has begun to endorse ADR techniques. According to the EPA, these techniques have the potential for resolving some of its cases more efficiently and just as effectively as those used in traditional enforcement. What's more, ADR can also be incorporated into judicial consent decrees and consent agreements ordered by administrative law judges to address future disputes.

In late 1990, President Bush signed H.R. 2497 (now P.L. 101-552) requiring every government agency to adopt a policy which deals with the use of alternative methods of resolving disputes. That law amends the Contract Disputes Act to allow a contractor and a contracting officer to use any ADR technique authorized by the statute and other mutually agreeable procedures for resolving claims.

In recent years, ADR techniques have proved successful in resolving complex issues in the commercial and construction arenas, and are increasingly being implemented to resolve selected types of environmental disputes.

ADR TECHNIQUES

The term "ADR" encompasses a variety of techniques ranging from negotiation to summary jury trials. These techniques range from the simple, noncoercive, less adversarial and informal processes (for those disputing parties who wish to maintain a continuing relationship after resolving the dispute) to a minitrial or summary jury trial which has some of the aspects of traditional litigation.

Negotiation is the simplest form of ADR. Negotiations are voluntary and informal and do not require the parties to enter into the judicial system. Any negotiated settlement should, however, be reduced to a written contract which can be enforced within the judicial system.

Among the advantages of negotiation are its flexibility, economy and relative speed of dispute resolution as compared to litigation. One major disadvantage is its dependence on good-faith bargaining, and on the underlying assumption that both sides want a prompt, negotiated settlement. Negotiation also runs the risk that considerable time and effort may be expended without reaching a settlement.

Mediation, another form of ADR, is best viewed as an extension of the direct negotiation process begun by the parties. It may be a voluntary activity undertaken by the parties, except where court-ordered mediation is utilized as a result of entering into a particular litigation forum.

Mediation is most appropriate for disputes where the parties anticipate or have already reached an impasse based on such considerations as poor communication, personality conflicts, multiple party involvement and inflexible negotiating stances. It is also useful in cases where all necessary parties are not before the court, but are willing to participate in the settlement process.

An aid to enable the disputing parties to reach a successful negotiation, mediation involves the use of a neutral third person, as mediator, to help guide the disputants to resolve the contested issues. The mediator first attempts to determine the true interest and intent behind the disputing parties' positions, and then aids the parties in reaching an understanding of each others' positions so that the disputants may come to a voluntary settlement. The mediator does not make a decision; he is a facilitator and attempts to abstain from taking positions on substantive points, except when necessary to guide the participants.

Mediation is often the preferred alternative when the parties have a continuing relationship that they wish to maintain. It also has many of the advantages of negotiation, providing the services of an objective third party with special expertise whose role is agreed upon by all parties. Mediation also helps to identify issues that the parties may overlook, avoid misunderstandings and clarify priorities. The success of mediation, however, depends heavily on the skills of the mediator. In addition, there is always the risk of no settlement despite a heavy investment in time. Due to the complexity of environmental disputes, a move is afoot to appoint technically skilled firms as mediators, with the firm providing both the leader of the mediation team and the expert technical skills to support them.

Adjudication, the next major step along the ADR continuum, is a process where the parties present proofs and evidence to a neutral third-party judge who will then render a binding decision on an objective basis. This technique is also known as "private judging." Adjudication is voluntarily entered into by the disputing parties and is a private action unless judicial enforcement or review is sought after the decision is issued. The adjudication decision is binding but subject to appeal.

There are private organizations throughout the United States that provide adjudication services for a fee. The parties involved in the dispute will select, by agreement, the adjudication forum and the individual adjudicator.

The advantages of adjudication is that a law-trained third party will render an objective decision based on the facts and the legal arguments presented; however, the adjudicator is not bound to follow the legal principles of any jurisdiction and may apply equity to the degree required to provide justice. The decision is sometimes supported by findings of facts and conclusions of law.

Adjudication has various disadvantages, however. It is more expensive and more adversarial than mediation; the parties are bound to the contracted rules of evidence and discovery; and the outcome may be different than that received in a court system. (Anybody displeased with the result may attempt to appeal, though the basis for the appeal is limited by the remedies provided in the adjudication contract entered into with the adjudication forum.)

Arbitration, another form of ADR, can be voluntary or involuntary. Pretrial mandatory arbitration may be ordered by the court, in some jurisdictions, after a complaint is filed. Voluntary arbitration is a contractual remedy. Disputing parties cannot be forced to arbitrate. The contract that is the subject of dispute between the litigants must have included an arbitration clause, or parties may consent to enter into arbitration after the dispute arises. Because arbitration is a contractual remedy only disputes and remedies that the parties agreed to submit to arbitration can be considered by the arbitrator.

Arbitration is most appropriate in resolving cases that do not merit the resources required to generate and process a civil trial. This method may also help resolve technical disputes, which are usually submitted to the courts or administrative law judges, who lack subject-matter expertise. The arbitrator sits as a private judge to listen to the parties' positions and renders an award that is binding and enforceable. The parties typically elect to choose a single arbitrator or a three-member panel of arbitrators to hear the case. Jointly selected by the individual parties, arbitrators are generally professionals familiar with the types of problems in dispute and should thus be able to settle the dispute impartially.

Arbitration offers the advantage of finality of decision, since the scope of judicial review

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the arbitration award is very narrow. Courts have adopted a policy of judicial noninterference into the arbitrator's decision. Arbitration, however, tends to be more complex and time-consuming than negotiation.

Arbitration, however, can be a very frustrating process, with postponed hearings, contract clauses disregarded and rules of evidence inconsistent. Although the process will usually begin more promptly, complex cases can often take years to complete, while trials will take longer to reach but generally continue uninterrupted until completion.

Minitrial, another alternative to litigation, is a voluntary, private process entered into by the parties in order to reach a negotiated settlement. In a minitrial, the opposing parties present their cases in a summary form before a panel of designated representatives of each of the opposing parties. The designated representatives are typically senior corporate officers who have the authority to settle the dispute. In addition, an independent and impartial third-party adviser, selected by the opposing parties, is present to discuss the settlement prospects after the formal presentation of the summary of proofs and arguments. The independent third-party adviser, a specialist in the subject areas of the disputes, will offer nonbinding conclusions about the possible outcome of the case if it were to be litigated and may assist in negotiations in the same manner as a mediator.

Minitrials are less formal than traditional litigation or adjudication, allowing parties to set the evidentiary rules. The goal of the minitrial is an acceptable agreement reduced to writing as an enforceable contract. Minitrials are best used in cases involving only a small number of parties. Specifically, minitrials are most useful in disputes where: parties have reached or anticipate reaching a negotiation impasse due to one party's overestimation (in the view of the other party) of the strength of its position; significant policy issues exist that could benefit from a face-to-face presentation to the decisionmakers without the use of a neutral party; technical issues exist, and the decision-makers and a neutral referee have subject-matter expertise; or one or more of the parties lack confidence in the less formal processes of other forms of ADR.

Summary jury trial is yet another ADR technique which also may be voluntary or involuntary. It can be voluntarily entered into by the parties and performed in a manner similar to minitrials. Both sides make their presentation of proofs and arguments before a jury instead of before designated representatives. The impartial jury then prepares non-binding conclusions regarding each of the issues in dispute. A voluntary summary jury trial offers the parties an independent assessment of how a jury would rule if the case went to trial. At the conclusion of the voluntary summary jury trial the disputing parties enter into negotiations. Gloucester County has reported a great deal of success with summary jury trials in complex civil litigation.

Involuntary summary jury trials are typically court-ordered procedures used as a means to facilitate pretrial settlement of legal actions. Procedural rules for involuntary summary jury trials are determined by the court. However, the overall process is typically less formal than adjudication. In the involuntary summary jury trial, the jury decision is an advisory verdict not binding upon the parties. If a successful settlement is not reached, the parties continue with litigation.

DISPUTE-SPECIFIC ADAPTABILITY

The state Supreme Court committee report on environmental litigation has lauded ADR for "its ability to adapt to the specific needs of the dispute." The committee report has also endorsed the concept of the multidoor courthouse, in which courts provide a flexible and diverse range of dispute resolution processes. This concept has been implemented at the Comprehensive Justice Center in Burlington and Hudson counties, where civil suits are evaluated upon receipt by the court personnel who recommend to the presiding judge how to handle each case.

Other benefits of ADR range from accelerating the dispute resolution process, allowing parties to concentrate on specific interests rather than on the strategy of the case, to affording greater confidentiality, to allowing the parties, and their counsel, to focus on the real issues in dispute without expending energy on legal strategy.

ADR can be used to resolve any dispute in general, where the parties are not precluded by statute or government policy from using ADR. For example, in cases under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601, potentially responsible parties (PRPs) only have the options of litigating or negotiating (settling) with the EPA. Clients may also wish to use ADR for cases involving novel legal arguments where an adverse decision may encourage other potential claimants to pursue actions against the client. ADR techniques also would be appropriate for use in situations where liability is strict, or has been stipulated, or has been established but where the litigation costs to define damages would be prohibitive.

Though ADR procedures may be introduced into a case at any point in its development or while pending in court, it is generally preferable that ADR be considered in the original contract or as early as possible in the case's progress to avoid the polarizing effect—that often results from long and difficult negotiations and the filing of a lawsuit.

The EPA has identified sample characteristics of cases for which ADR should be used. They are:

Impasse or potential for impasse, which is frequently created by poor communication among negotiators, multiple parties with conflicting interests, complex technical issues, apparent unwillingness of a court to rule on matters which would advance the case toward resolution, or high-visibility concerns making it difficult for parties to settle.

Considerations regarding the level of resources necessary to achieve the desired result (from EPA's standpoint).

Remedies affecting parties not subject to an enforcement action.

ADR offers several advantages in Superfund cases, especially to PRPs faced with huge liabilities who can, with ADR, avoid costs, delays and uncertainty inherent in the judicial process. If a technique can be structured so that PRPs, their consultants and contractors have the functional equivalent of a day in court, the parties are likely to accept the outcome—one which is most likely the same as a time-consuming and costly judicial proceeding. Moreover, a PRP's liability, once trapped in court, cannot be removed from its grasp except by litigation or negotiation.

Alternative dispute resolution is especially relevant where multiple PRPs are involved at any one CERCLA site. Multiple PRPs have a strong incentive to settle cost allocation among themselves first. Then, as a collective group, they can negotiate a settlement with the EPA. Attempting to get several PRPs to accept costs that each believes they are not responsible for is a difficult task. PRP groups often establish steering committees to negotiate the cost allocation (share of total liability) among the individual PRPs.

However, multiparty negotiations are often unwieldy, with too many factors, too many parties and too much money at risk for a PRP to willingly accept an inflated cost allocation. Mediation and minitrials are applicable to this type of dispute because a neutral adviser is available to provide objective assistance and to guide the parties away from the emotional confrontation and back to the objective facts and alternative remedies available. Several organizations provide special ADR services for PRP disputes, including: the Center for Public Resources in New York and Clean Sites, Inc. in Alexandria, Va.

One non-profit organization has reported that PRP groups initially refused to accept the use of ADR techniques until they realized that it was impossible to get multiple parties to agree on cost allocation shares. PRP groups initially accepted non-binding third-party fact-finding to provide an objective reality check for the complex negotiations. Over time, PRPs realized that this process has been very successful in helping to reach cost allocation agreements. This combination process requires the parties to undertake the mediation process using a neutral nonbinding fact finder to facilitate negotiations. If the negotiations fail to conclude with settlement, the parties enter binding arbitration.

Considering the newness and in many cases, vagueness of environmental regulations, case complexities and the interests and different parties. ADR offers an expedient solution to environmental disputes. In many instances, the alternative is waiting years for a resolution, often with the same result.

STATEMENT OF CONGRESSMAN DON J. PEASE REGARDING HIS NONCANDIDACY IN 1992

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. PEASE. Mr. Speaker, as you are aware, last week I announced my intention to not seek reelection to Congress after my current term ends. I have received many inquiries concerning my reasons, both from my House colleagues and from the public and the press. In response, I am submitting for publication in the CONGRESSIONAL RECORD the statement I released when I initially announced my plans. I hope my colleagues will find it of interest.

STATEMENT OF CONGRESSMAN DON J. PEASE REGARDING HIS NONCANDIDACY IN 1992

I have decided not to seek reelection to the United States Congress in 1992.

My primary reason for leaving Congress is a simple one. After 3 decades of 60-plus hour weeks in public life at local, State and Federal levels, I want to lead a more normal life and pursue a multitude of other interests—interests which had to take a back seat for 30 years.

No specific job or activity beckons me. Indeed, that is the point. I want to be free to pursue interests as diverse as reading, writing, teaching, newspapering, travel, bicycling, mountain hiking, getting friendly with computers, cultivating friendships, and enjoying fully the cultural offerings of my hometown of Oberlin. Just plain loafing also attracts me. And although I have no plans whatever, I expect to remain active politically and I do not rule out elective office at some point in the future after I've had a chance to enjoy life in a slower lane.

Another reason, secondary but still important, is the growing demands on my wife Jeanne's physical and psychic resources posed by her ill and aged mother. Jeanne and I have been teammates in politics for 30 years. It is increasingly hard for her to balance her responsibilities to her mother, to herself, to me, to our home, and to public life. I don't know how she could fit another campaign into her schedule. Jeanne has been wonderfully supportive of me for 30 years; now it's time for me to reciprocate, and I do so gladly.

Those two reasons, one primary and one secondary, are the only ones.

Congress as an institution is not a factor. I believe politics is an honorable profession and that Congress, despite some egregious and well-publicized flaws, serves the American people well. Perhaps all too faithfully, Congress reflects the country.

Job satisfaction is not a factor. As a senior member of the premier House Ways and Means Committee and now a member of the House Budget Committee, I find that every day brings me challenges and opportunities that stimulate me.

My health is not a factor. Since my last heart surgery almost 5 years ago, I have been entirely symptom-free and have passed four Cleveland Clinic annual check-ups with flying colors.

Redistricting is not a factor in my basic decision. I'm confident I could run and win in any district the state legislature could devise.

Essentially, I am leaving Congress at the height of my influence and job satisfaction because I believe 30 years in political life is enough. I have enjoyed every minute of those years even when the work weeks topped 60 hours and hit 70 or even 80. I enjoy work and the work of politics is exciting, fascinating, exhilarating and rewarding.

If I had my life to live over, I would like it the same way. But now it is time to move on and pursue my other interests.

In the meantime, I want to thank my constituents for giving me the privilege of serving them at the municipal level, in Columbus and in Washington, DC. I owe the voters a great debt of gratitude.

I also thank my loyal staff, both in the 13th District and in Washington, for dedicated service to the people of our district and for personal devotion to me. I thank the hundreds of friends and believers who helped me plan, raise funds for and run 32 primary and general election campaigns.

As I review my career in public life, I will recall most proudly that, to use words from a popular ballad, "I did it my way." My way to me meant the use of common sense and good judgment to research and analyze issues objectively. It meant faithfully voting for the interests of my constituents and my country. It meant comporting myself in ways to bring credit, not shame, to the profession of politics. I value my reputation as one of the "straight arrows" of Congress.

Two highlights of my service for me were my heavy involvement in the Tax Reform Act of 1986 and the Trade Act of 1988. Dozens of other tax and trade matters saw my imprint as did such issues as human rights, unemployment compensation reform, adjustment assistance for laid-off workers, protection of worker rights at home and abroad, child labor law reform, campaign finance reform, and health care access for all Americans.

At home in the 13th District, I'm proud of my help to local officials on dozens of economic development projects such as the Lorain Harbor improvements. I'm proud, too, of the help my staff and I have extended to thousands of ordinary people who had problems with the Federal Government. In many ways such "constituent service" is the most satisfying aspect of a congressman's job.

Much business is unfinished, both at home in Ohio and in the Nation's capital. I pledge to continue my very best efforts until the last day of the 15 months remaining in my term. In particular, I intend to pursue my skeptical oversight of the Bush administration's negotiation for a U.S.-Mexico free trade agreement. I am deeply concerned about the fate of America's working middle class.

The timing of my decision not to seek reelection revolved around two recent events.

One was the observance of September 26 of my 60th birthday, a watershed of sorts.

The other was the announcement on September 30 by Congressman Dennis Eckart that he is not running for reelection in 1992. If I had made my final decision and announced it earlier, it would have invited the dismemberment of the present 13th congressional district by the Ohio legislature. I was determined not to let that happen. With Congressman Eckart's departure from Congress, there is no reason why the state legislature cannot keep the 13th district essentially intact.

As a member of Congress elected prior to 1980, I am technically and legally eligible to convert my leftover campaign funds ($245,000 at last count) to my own personal use. As I have repeatedly stated over the past several years, I absolutely will not do that. I will announce the disposition of those funds before I leave office. Furthermore, my campaign committee intends to return to the donors all contributions made to my campaign since the beginning of 1991.

Finally, I say again what a joy and pleasure it has been for me to be a "politician" and public servant for the past 30 years. With my confidence high regarding redistricting and reelection prospects, with my health intact and with my current job satisfaction level very high indeed, the temptation even now is to run for another term. But as my distinguished predecessor, Charles A. Mosher, said when he departed Congress, it's better to leave too soon than too late.

A TRIBUTE TO GUS MACHADO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize my constituent, Mr. Gus Machado, a recipient of the "1991 Top 10 Hispanic Companies in Dade County Award." On October 11, the Greater Miami Chamber of Commerce and the Hispanic Heritage Festival will honor Mr. Machado, an automobile dealership owner, and other receivers of this prestigious award at the Omni International Hotel in Miami, FL.

Mr. Machado started in the automobile industry almost 26 years ago. Born in Cuba, Mr. Machado came to the United States in 1950, and has had a tremendous enterprise since that time.

Gus Machado Enterprises has been ranked among the top automobile dealerships for several years. In 1984–86, Gus Machado Enterprises was ranked No. 1 among all Hispanic automobile dealers in the Nation. In 1987 and 1988, Mr. Machado's dealership was ranked No. 2, and in 1989 and 1990, Gus Machado Enterprises were ranked No. 4 and No. 5, respectively. Based in Hialeah, FL, Mr. Machado employed over 200 employees throughout 1990 with sales of $79 million.

Mr. Machado states that he has lived through the recessions of the early 1970's and 1980's, but he claims that the recession of the early 1990's is the worst one he has experienced. Still with his perseverance, and the support and hard work of his team, Gus Machado Enterprises has been able to maintain its head above water and remain among the top 10 Hispanic businesses in Dade County. Mr. Machado states that the economy has taken a tremendous dive, and he feels that we have hit bottom and are on the way to recovery.

I am also honored to pay tribute to the other recipients of the "1991 Top Hispanic Companies in Dade County Awards." I wish to express my warmest congratulations to Bacardi Imports, Sedano's Supermarkets, Capital Bank, Precision Trading Corp., Northwest Meat, American International Container, Eagle Brands, CareFlorida, and Gator Industries.

CHRISTIAN RADIO STATION SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. SUNDQUIST. Mr. Speaker, a few weeks ago, radio station WCRV in Memphis upgraded its signal to 50,000 watts, giving it a signal capable of reaching into eight States and making it America's largest Christian talk radio station.

WCRV has long been an active voice in the Memphis community, a source of spiritual support and comfort for many, and an active expression of Christian life. It is an important voice in Memphis, and now with its more powerful signal, it will be an important voice throughout much of the Midsouth.

I salute Dick Botts and Botts Communications for its commitment to Christian talk radio and their investment in WCRV. I commend General Manager Mark Loeffel and his staff for their stewardship. I believe it would please them to have the recognition of this house.

GIVING AWAY PUBLIC'S RESOURCES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. MILLER of California. Mr. Speaker, throughout my career in the Congress, and my tenure as a member of the Committee on Interior and Insular Affairs, few subjects have been more troubling to me than the archaic and wasteful practice of giving away valuable public resources to those who profit from them.

My idea has always been that the public's resources belong to all the public, not to a select few. The days of the Silver Kings and Robber Barons are supposedly a century behind us. The days of Teapot Dome are long past.

And yet, on nearly every resource issue that comes before my committee, the story is the same: private interests profiting—often very handsomely—from public resources obtained at a pittance.

This practice bothered me particularly during the Reagan years, and that frustration has continued through the current administration. The same people who lectured the poorest Americans about the evils of living off the dole were often making millions, and billions, of dollars by profiteering from timber, mineral, oil, gas, and water rights that rightfully belong to the public.

The very same people who lectured us about the need to run Government like a business were running our resource agencies like a cheese giveaway program for the homeless. At least the homeless are poor.

We have tried to take remedial steps. We raised water prices for irrigators; we compel offshore oil developers to pay higher royalties and rents; we ended the scandalous onshore oil and gas lottery; we mandated that timber companies pay a more reasonable amount for the purchase of public trees.

But at every step, we have encountered the rapid hostility of the Reagan-Bush administrations and the special interest companies who have gotten rich off public resources. Indeed, I cannot think of a single time either administration has joined me in fighting for one of these reforms. Nor have they aggressively sought to adopt the findings of the Grace Commission or the Linowes Commission that called for changes in the management of public resources in order to save taxpayers billions of dollars.

We are not discussing nickels and dimes. The Interior Department generates more revenues for the Federal Treasury than any other agency of Government except the IRS. When Interior fails to do its job, taxpayers lose.

Jessica Mathews, vice president of the World Resources Institute, has written a very timely and thoughtful column for the Washington Post on this subject, which I would like to share with Members of the House.

The article follows:

[From the Washington Post, Oct. 3, 1991]

OH, GIVE ME A HOME WHERE THE SUBSIDIES ROAM

(By Jessica Mathews)

The loud noises emanating from the West are not the battle cries of a newly aggressive environmentalism but the overdue death throes of an era that began more than a century ago. The conflicts raging over salmon vs. hydropower, forests and wildlife vs. timber, mining rights, grazing fees, and water are all fundamentally the same. On the surface, each looks different. Underneath, they are all about natural resource use that is heavily subsidized or given away free under anachronistic federal policies.

Though he would never, in his worst dreams, have intended it, Ronald Reagan inadvertently provided environmentalists' text. The marketplace allocates resources more efficiently than government, he said—get government out of the way, and let the market work. That focused a spotlight on federal subsidiaries that distort markets, costing taxpayer dollars and encouraging wasteful resource use. Americans suddenly discovered that the same policies they condemn in the Brazilian Amazon were flourishing at home, left over from the 19th century.

Beginning with the Homestead Act, the government lured settlers to the West with promises of free land and access to its abundant resources. The mining law of 1872 gave a property right to mining claims, and charged no royalties. The Bureau of Reclamation provided cheap water to struggling farmers. The National Forest Service built roads to allow timber production. The Bureau of Land Management encouraged cattle grazing. Later, the Bureau of Reclamation and the Corps of Engineers built and operated dams to provide cheap electricity and irrigation in the Northwest.

Over the years, settlers turned into vested interests, while policies stayed the same. Homesteads became profitable corporate farms, still using federally supplied water sold by the government at a fraction of its cost. The Forest Service built a network of logging roads nine times as long as the interstate highway system, servicing a now mature timber industry. It sells timber below cost more often than not, costing taxpayers millions of dollars. By the government's own assessment, federally owned grazing lands are badly degraded from overuse, but grazing fees remain far below those on private lands, and substantially less than the government's cost of managing the range. Giveaways under the unchanged Mining Law cost the government nearly $1 billion per year, sometimes financing vacation homes masquerading as mining claims for a few dollars an acre. And the Northwest is booming on electricity that costs 40 percent less than the national average.

Policies that made economic sense when the West was a harsh and empty frontier would be hard to justify today under any circumstances. When they also damage the wildlife and landscape westerners prize, and deepen a crippling federal deficit, they become untenable. But ending the subsidies, though inevitable, will be a lengthy and bitter fight.

What began as inducements long ago became a way of life for ranchers, miners, farmers and loggers. Paying market prices for the resources they use will lower profits for some, force others to change long accustomed practice, and put some genuinely uneconomic enterprises out of business. Some people know they have a good thing going and will battle to keep it. For others the adjustments will cause economic hardship. For them, some of the federal savings can and should be used to ease the transition.

Ironically, the toughest battles may be for the hearts and minds of government bureaucracies that often behave as though they have forgotten whose interest they are intended to serve. The Forest Service first promised that its timber program would become self-supporting 85 years ago. Seven years ago, at wit's end, Congress ordered it to develop an accounting system that would pinpoint below-cost sales. The new system showed losses from logging in almost two-thirds of the national forests, but even this turned out to be an underestimate. To arrive at its figures, the Forest Service had resorted to tortured accounting practices which counted revenues that never appear in the Treasury and amortized investments in temporary logging roads over more than 2,000 years.

The solutions are uncontroversial in theory and explosive in practice (something worth remembering when dispensing free advice to shaky developing-country governments). Congress could ban below-cost timber sales—if it could ever reach agreement on what to count—or simply reduce its appropriations for building logging roads. New federal water contracts should charge the full cost of delivering the water. Federal grazing fees should reflect the full price of maintaining a healthy rangeland. A small increase in hydropower rates (if made soon enough) could save the salmon from extinction. And 1992, the 120th anniversary of the Mining Law, would be the right time to rewrite this flagrant federal giveaway.

One other valuable natural resource would still remain underpriced. Recreation in national parks and forests does not cover its costs either. Nearly 300 million visits will be made to sites run by the Park Service this year. Demand is growing so rapidly that visits are expected to double in 15 years. All this use puts enormous strain on the parks, yet the minimal fees collected by the government do not cover its costs or allow for the repair of accumulating damage. The same equation, heavy use at very low cost, holds true for hunting, fishing and camping in the national forests.

Environmental groups, sensitive to their members' interests, have generally shied away from this issue, but should no longer. Charging a realistic price for the use of scarce resources is sound policy whether the use is mining, grazing, logging—or hiking.

CONGRATULATIONS TO THE BOROUGH OF COLLINGDALE ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. WELDON. Mr. Speaker, I rise today to congratulate the Borough of Collingdale on the occasion of its 100th anniversary.

The Borough of Collingdale was incorporated on December 23, 1891. In the last century, Collingdale has grown from a small town of less than 100 residents to a vibrant community of almost 10,000 residents.

Collingdale is a community of people with a rich heritage and tremendous accomplishments. Although it is still a relatively small town, there have been some Collingdale natives who have received national and in some cases worldwide recognition. One such individual is John Bartram, the world famous botanist, who developed his interest in botany on the family farm in Collingdale. Likewise, athletes like Carson Thompson, the 1936 Olympian and Jill McKone, the first woman to score 1,000 points in women's basketball, have done Collingdale proud during their illustrious careers.

Collingdale's spirit of voluntarism flourishes, with two "all volunteer" fire companies and the Collingdale Athletic Club, which is one of the most active athletic organizations in Delaware County.

No other borough can match Collingdale's exquisite parklands. Collingdale Park is one of the most beautiful park and recreation facilities in the entire Commonwealth of Pennsylvania.

One of the borough's greatest accomplishments was the transition of the old Collingdale High School to the current Collingdale Community Center. This community center is one of the most comprehensive centers in Pennsylvania. It currently houses the borough administrative offices, the police department, the district justices, a branch campus of Delaware County Community College, the Collingdale Athletic Club, and the Collingdale Alumni Association.

Mr. Speaker, the Borough of Collingdale has grown and prospered in the last 100 years, and I rise today to congratulate the borough and its residents. All of us in Delaware County wish them peace and prosperity in their next 100 years.

CUBA'S "REVOLUTIONARY" PSYCHIATRY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, in an October 4 editorial of the Wall Street Journal entitled, "Cuba's 'Revolutionary' Psychiatry," Frank Calzon of the Freedom House, describes the symposium entitled "Psychiatry and Human Rights in the 21st Century."

THE AMERICAS

(By Frank Calzon)

Next week, a symposium entitled "Psychiatry and Human Rights in the 21st Century" will be held in Havana. The meeting is cosponsored by the Pan American Health Organization (PAHO), Cuba's Psychiatric Association and Fidel Castro's Ministry of Health. While the meeting itself is a questionable venture, it could take on some value if participants focus on Cuba's misuse of psychiatry against political dissidents.

This barbaric practice is, of course, not limited to Cuba. Years ago the World Psychiatric Association (WPA) investigated the imprisonment of human-rights activists in Soviet psychiatric hospitals. In order to avoid expulsion, the Soviet All Union Society of Psychiatrists and Neuropathologists withdrew from the organization. Cuba's psychiatric organization withdrew then in solidarity with its Soviet mentors.

Since then, Soviet authorities have acknowledged the charges and cooperated with the investigation. After such practices stopped, the Soviet psychiatrists rejoined the WPA, but Cuba has not.

Last week, Freedom House and Of Human Rights released "The Politics of Psychiatry in Revolutionary Cuba" by Charles E. Brown and Armando M. Lago. Noted Soviet dissident Vladimir Bukovsky, himself a victim of psychiatric abuse, writes in the introduction: "Cuba has covered in 32 years what the Soviet Union achieved in 73. Within a single generation, Cuba advanced from 'revolutionary justice' 'social legality,' from liquidation of 'class enemies' to 'political reeducation' and [finally to] psychiatric treatment of those 'apathetic to socialism.' There are of course some differences * * * Soviet political psychiatry was intended as a camouflage allowing the regime to present a more 'liberal' image while continuing political repression. In the Cuban context, however, it just became another form of torture."

Human-rights activists in Cuba have braved imprisonment and government threats to tell visiting journalists about this practice. Tapes and letters about several cases have been smuggled out of the island, and victims and relatives traveling abroad have provided additional details:

Jose Luis Alvarado, a 16-year-old student who tried to flee Cuba by seeking political asylum in the Colombian Embassy, refused to sign a confession. He was sent to the Castellanos Ward at Havana's Psychiatric Hospital where he was given electroshocks and psychotropic drugs.

Amaro Gomez, a film scriptwriter who wrote Cuban samizdat was detained by the political police and sent to the same hospital. Of that experience, he wrote: "Mederos, whom we called 'the nurse,' comes to us every morning * * * Almost every day his various assistants call out loudly the names of the unfortunate chosen who will be asked to lie down on the wet cement so that the electrical current will travel better. Mederos then fastens the electrodes and the entire process is performed with routine skill, which often entails overlooking the placement of a rubber bit in the prisoner's mouth. It is no surprise then, that when that first jolt of power zaps the prisoner's body, his teeth grind down on his tongue, burning his mouth into a bloodied foam."

Roberto Bahamonde is a human rights activist to whom the Cuban government continues to deny permission to emigrate. Picked up by the police, his family looked for him at various police stations until they found him at Havana's Psychiatric Hospital, where he was given electroshocks and psychotropic drugs. He witnessed beatings, insane inmates wandering around naked, and walls and floors covered with urine, vomit and excrement. When his wife complained to hospital director Dr. Edurardo Bernabe Ordaz, she was told that there was nothing he could do. The ward was under the control of "state security," Castro's political police.

Yet another view of Cuban psychiatry comes from Eugenio de Sosa Chabau, a political exile who spent 20 years in prison before being transferred to the Carbo-Servia ward of the Havana Psychiatric Hospital. Several young boys were brought into the ward one day: "The boys had been caught writing anti-government graffiti on some building walls," remembers Mr. de Sosa, "and a judge of the people' declared that to do such a thing they must be insane and in need of psychiatric treatment. Before the day was over all the boys were systematically gang-raped by more than 30 patients in the ward. To this day I can hear their cries for help and see their bloody bodies as I stood by in impotent rage. Not a single staff member intervened."

In early 1989, the secretary-general of the World Psychiatric Association, Fini Schulsinger," wrote: "WPA's procedural rules for processing complaints of abuse of psychiatry demand that complaints are examined in collaboration with the WPA Member Society in the country in question. As the WPA has no Member Society in Cuba, we cannot examine the complaint appropriately."

Cuba, however, is a member of the Pan American Health Organization. Cuban authorities take great pride in Cuba's health programs. It would be inconceivable for PAHO to refuse to include the testimony of Cuba's persecuted human-rights groups and victims of Fidel Castro's "revolutionary psychiatry" on the agenda of the Havana symposium.

Freedom House has a long history of defending human rights throughout the world, and Mr. Calzon reminds us that this is an issue which we should all take the time to recognize and act upon.

RECOGNITION OF THE BROOKLAWN BASEBALL TEAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. ANDREWS of New Jersey. Mr. Speaker, I would like to recognize the team from Brooklawn, NJ, for winning the American Legion Baseball World Series. The 19 members of the team are a source of great pride to my district. In the words of Christopher Jones, a staff writer for the Courier-Post newspaper:

BROOKLAWN IS NATIONAL CHAMPION

(By Christopher Jones)

BOYERTOWN, PA.—It took 40 years but Joe Barth Sr. and his Brooklawn baseball team finally won its first American Legion baseball national championship.

Brooklawn scored four runs in the sixth inning to ease a 3-0 deficit, and Scott Lavender hurled 6⅔ innings of two-hit relief en route to a 5-3 win over Newark, Ohio in the American Legion World Series final Sunday night at Bear Stadium.

"This is the greatest feeling in the world," said coach Joe Barth, Jr. "I'm just so happy for my dad. I didn't think this would ever happen. My dad has put so much time and so much money into this team, but it has been worth it."

"This makes up for 40 years of hardship," said Barth Sr.

Brooklawn, 54-10-2 and the New Jersey Champion, started the game-winning rally when Mike Harris reached base to lead off the sixth after getting hit by a pitch.

After Mike Morarity flew out, Kevin Cunane (2-for-3) walked and Lavender was hit by a pitch to load the bases. John Mader followed with a bloop single to score Harris, cutting the deficit to 3-1.

When Brett Laxton walked to force in a run, Newark pitcher Troy Hupp was lifted by Manager Dave Froelich, who opted to bring in reliever Brad Hostetter.

Hostetter walked Jeff Manuolato to score Lavender, the winning pitcher, with the tying run before Derek Forchie walked to force the winning run.

Brooklawn added an insurance run in the seventh when Moriarity, who led off the inning with a single, scored on an error.

"These kids are a tough group of kids," said Barth, whose team defeated Newark 3-1 in it first game of the World Series behind the complete-game pitching of Lavender.

"It took a while for me to get in a groove this time," said Lavender, who went 20 with a 0.40 ERA in the regional and national competition. "But I knew we were going to come back. We were too hungry and wanted it too badly."

Brooklawn, whose previous best finish was national runner-up in 1984, got the most of its six hits and a combined five-hit performance by Laxton and Lavender.

"I was shook when we got down, 3-0, but I thought we would come back," said Barth Jr. "Our defense kept bailing out Laxton or it would have been worse. He was struggling so I had to make a move."

"I probably should have started Lavender, but we were worried that they would catch up to him after seeing him before. When I brought him in, all I expected was for him to keep us in the game. But he's a tough kid, and he did a lot more than that. He did a great job."

Newark, which finished 64-15 after its first trip to the Legion World Series, scored two runs off Laxton, due to three Brooklawn errors, to take a 2-0 lead before Laxton was replaced by Lavender.

Newark, a 10-7 winner over Gonzalez, La, in the afternoon semifinal game, got another run in the fifth on a lead-off home run by Ryan Beeney, the American Legion Player of the Year, before Brooklawn made its game-winning comeback.

Barth Sr. and coaches Barth Jr., Dennis Barth and Mike Mevoli received the tournament's Jack Williams Leadership Award while Lavender, Harris and Mader were named to the all-tournament team.

A SALUTE TO LINTON FREEMAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to Mr. Linton Freeman, an outstanding member of the Lee African Methodist Episcopal Church in my district.

Linton's service to the church and the congregation has spanned over 35 years. During this time, Linton has served on the trustee board of the church, on the boards of several church youth organizations, and as a delegate to the general conference of the A.M.E. Church.

In addition to his dedicated service to the church, Mr. Freeman has been involved in other charitable organizations and has been the recipient of numerous honors and citations including the "This is Your Life" award, presented to him when Carl Stokes was mayor. As a veteran of the U.S. Army, Linton received a good conduct medal and five battle stars.

Mr. Speaker, I laud Linton Freeman and his wife, Ruth, for their loyal service to the A.M.E. Church and the citizens of Cleveland. I am extremely proud of Linton and would like to share with my colleagues the following article in the Reporter newspaper concerning Linton and his many achievements.

CHRISTIAN PROFILE

One of the most outstanding members of the African Methodist Episcopal Church in the Cleveland area is Linton Freeman. He was born May 25, 1918 and was educated in the public schools of Cleveland—Fairmont Jr. High and East Technical High School and attended the old Fenn College.

Linton is a veteran of the United States Army 1942-1945. He received an honorable discharge with the rank of staff sergeant, a good conduct medal and five battle stars.

Between the years of 1945 and 1973, he was an employee of the United States Postal Service and is retired; from 1947 to 1984, managed Ohio Department of Liquor Control from which he is also retired.

Linton is secretary, trustee Board of Lee Memorial A.M.E. Church; secretary finance commisison of the Church; member trustee board of Murtis H. Taylor Multi-service Center 1979-1990; he is a member of the 21st District Caucus; third Ward Democratic Club and also the 8th ward delegate to the General Conference of the A.M.E. Church from 1956-present; a member of the Trustee Board of the Teen Father Program.

Past organizations and offices held include: superintendent of church Sunday School, president the Laymen's Organization, the Youth Choir Steward and Class Leader, president of the Mail Handlers Association of the U.S. Post Office, Cleveland Branch, member of the general Board of the African Methodist Episcopal Church, 1976-1988.

Linton Freeman is recipient of many awards and citations from various organizations including This is Your Life when Carl Stokes was mayor; life membership of the Future Outlook League, Life member of the NAACP and many other organizations have shown their appreciation to Linton Freeman for meritorious services.

Congratulations to Linton and Ruth Freeman for devoted services to the church and community.

BOB E. STOREY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. RICHARDSON. Mr. Speaker, this weekend my constituents in Santa Fe will honor a journalist who has devoted his entire professional life to the examination of politics in his community and State. In the course of my own career, he has been sometimes a critic, often a friend, and always a significant influence.

Bob Storey, who will be named a Santa Fe Living Treasure on Sunday, covered all of my campaigns and many of my political battles until his retirement in 1988. He asked the hard question, and held me and the other politicians he covered to a high standard of industry and integrity, yet he always gave credit where it was due.

Bob will be honored for "his participation in the life, heart, and spirit of our community." No one participated more enthusiastically than Bob until he was sidelined by ill health. Mr. Speaker, I bring Bob Storey to the attention of my colleagues as an example of an outstanding journalist and a fine man.

THE OMEGA BOYS CLUB OF SAN FRANCISCO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Ms. PELOSI. Mr. Speaker, I rise to bring to the attention of my colleagues the wonderful work done by the Omega Boys Club in San Francisco. I particularly want to recognize Joe Marshall and Jack Jaqua, the club's cofounders.

To date, the Omega Boys Club has helped 104 young men and women move from the despair of the streets to the opportunities of college by providing guidance and financial assistance.

Norflis McCullough and Jai Watkins are two such young men who were able to break away from gang life and attend college. Both young men know that the boys club has given them a new chance at life. Now, they actively participate in encouraging other young people of the neighborhood to visit the Omega Boys Club and strive for college.

I am submitting for the RECORD a recent San Francisco Examiner article about the success of the Omega Boys Club.

I urge my colleagues to read it and recognize the valuable contribution made by the Omega Boys Club and others like it across the country to our Nation's at-risk youth. Our young people must realize that there is hope for the future.

COLLEGE IS THE ALPHA OF OMEGA BOYS

James White had promised his mother that if he could avoid being sentenced to prison for assault, battery and robbery charges pending against him, he would stay out of trouble.

When he beat the rap, he tried hard to keep his word. But when you are one of the boys in the 'hood, trouble seems to follow. He still maintains his innocence but he ended up in jail after a fight with other youths.

"I never was a real bad dude," said White, 20. "Just drank beer, smoked weed, rolled dice . . . and got involved in some turf dramas and sold a little dope."

He was the kind of kid that society figured was destined for the California Youth Authority, maybe even San Quentin. But his destiny lay elsewhere: This week, James White is headed to Grambling University, a black college in Louisiana, in the quest for a college degree that so many of his "homies" never had the chance to pursue. He remains on probation—the kind that will send him back to prison for even one minor screw-up.

White is just beginning to walk down a road that Norflis McCullough and Jai Watkins, two second semester freshmen at Morris Brown College, another historically black college in Atlanta, and about 100 more boys and girls already have traveled.

"If it wasn't for the club," says McCullough, who grew up in the Western Addition, "I don't know where I'd be. The club gave me a second life."

The club is the Omega Boys Club, which already has helped 104 young men and women head to college by providing guidance and financial assistance. While the club does not require the kids to choose a black college to attend, about 70 of them have.

Most of the kids whom Joe Marshall and Jack Jaqua, co-founders of the Omega Boys

Club, work with are the kind society writes off, at least in terms of being college-bound.

"Most of the kids don't know about black colleges because they aren't around here," says Marshall. "We just want to give them a choice. We don't like for them to be in a place that simulates their environment. We know that 70 percent of black students who go to black colleges graduate and only 30 percent of black kids who go to predominantly white colleges graduate."

White remembers the first time Marshal paid him a visit behind bars. "He gave me a book on Malcolm X," he says. "I thought I was him for a minute. It made me think: What am I going to do with my life? I learned the politics of dope. I learned about who I was. I made a serious transition."

White, an honor roll student in junior high school, had thought about college earlier. He joined the club last year and planned to take the annual tour to black colleges. But a parole violation canceled those plans and sent him back to jail.

"A lot of kids get destroyed by that," says Marshall, "but James got out of jail and got right back in the club. He paid his restitution fees. he's still on probation but he's going to college."

PAINS OF FILLMORE

McCullough, 20, never spent any time in prison but he suffered through what he calls "the pains of the Fillmore"—watching crack cocaine cut a devastating path through the neighborhood.

"Friends have been killed. Friends' mothers are on crack, selling their bodies for it," he says.

McCullough participated in gang activity. He's sorry now he was that type of role model for younger kids. He's trying to give them a new tip.

"I talk to them about going to school, and on to college. I want to come back to my neighborhood and do something positive," he says.

His words were not lost on 18-year-old Watkins, who completed only the 10th grade and until last Dec. 7 was serving jail for dope peddling and assault.

The club helped him get his GED while he was incarcerated. Three weeks after he was released, he was knocking on McCullough's door—at Morris Brown College.

A CHANGE OF SCENERY

"I'm feeling good," Watkins says, a broad smile stretching across his face. "In a matter of weeks, I moved from a jail dorm to a college dorm."

His major is sociology. His experience has motivated him to talk to other boys in his 'hood when he returned home this summer.

"Others wish they could be in my shoes now," he says. "I was only dreaming about going to school. Now, I've broke the chain loose and the brothers in the Fillmore are starting to realize there's nothing out there but death."

SIGNS OF POSITIVE CHANGE FOR SOVIET JEWS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. BEREUTER. Mr. Speaker, the United States has long been troubled by the deeply ingrained, systemic anti-Semitism of the Soviet Union. Indeed, the Jackson-Vanik amendment was designed to help the oppressed Jewish minority to emigrate from the Soviet Union. And, every time the Soviet and American leaders meet, the issue of the rights of Jewish minorities is raised.

The political and social changes that are occurring in the Soviet Union have dramatically affected the lot of Soviet Jews. Emigration has skyrocketed, and leaders such as Mikhail Gorbachev and Boris Yeltsin are making a conscious effort to make amends for past injustices. Most recently, Gorbachev acknowledged a 50-year-old massacre of some 30,000 Ukrainian Jews.

Mr. Speaker, the October 9, 1991, edition of the Omaha World Herald included an insightful editorial on the positive changes of Soviet Jewry. According to the World Herald, "With a new day dawning in the Soviet Union comes the hope that conditions will improve to the point where those who want to stay in their homeland will be able to do so in freedom and dignity." Indeed, this is a hope that we all share.

Mr. Speaker, this Member would request that this editorial, entitled "Another Soviet Turning Point" be inserted into the RECORD.

ANOTHER SOVIET TURNING POINT

Mikhail Gorbachev has taken a small step toward righting an old wrong. The Soviet president went against more than 70 years of government-sanctioned anti-Semitism, deploring the Soviet mistreatment of the Jews and lamenting that so many of them are leaving the country.

His remarks came appropriately during a ceremony marking the 50th anniversary of the Nazi massacre of thousands of Jews at Babi Yar, near the Ukrainian capital of Kiev. More than 30,000 Jews were machine-gunned to death by the Nazis in a ravine on Sept. 29–30, 1941.

Babi Yar evokes the perpetual shame of the Nazi era. It also casts shame upon the communists who for decades concealed the fact that the victims were mostly Jews.

Anti-Semitism has a long and sordid history in Russia. Pogroms were common in czarist times. Soviet leaders beginning with Josef Stalin spoke against anti-Semitism in public, but pursued hateful policies against Jews behind the scenes. Jewish writers and political activists were among those targeted by Stalin's purges. Stalin's paranoid imagination dreamed up a "Jewish doctors' plot" against his life, giving him an excuse to have more people arrested and executed.

Even during "better" times, Jews were discriminated against. The best career routes were often blocked to them. They were denied the right to practice their religion. Their writers were arrested and beaten. Hate-mongers distributed propaganda borrowing thoughts from Hitler and calling for attacks on Jews.

More than 500,000 Soviet Jews, understandably, have emigrated to Israel since 1969. Another 200,000 resettled in the United States and elsewhere. An estimated 1 million more are expected to emigrate within the next few years.

For too long, the official silence about the attacks against Jews went on. Now Gorbachev is daring to speak out.

True, the Soviet president mentioned the tremendous loss of talented, productive people. His country can ill afford to lose hundreds of thousands of its better-educated people.

But his remarks at Babi Yar went beyond such self-serving concerns. The ceremony, he said, "brings hope that we, our renewing society, are able to draw lessons from tragedies and mistakes of the past." He urged his countrymen to create an atmosphere of tolerance. He condemned anti-Semitism.

Gorbachev, to his credit, has lifted some of the restrictions on those who want to emigrate. But people shouldn't be forced to emigrate to secure their basic human rights. With a new day dawning in the Soviet Union comes the hope that conditions will improve to the point where those who want to stay in their homeland will be able to do so in freedom and dignity.

NATIONAL BUSINESS WOMEN'S WEEK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. MILLER of California. Mr. Speaker, during the week of October 20–26, 53 million working women throughout the United States will be celebrating National Business Women's Week. This celebration is to show what business and professional women are doing, their contributions to businesses and professions, and how business training helps every woman.

The National Federation of Business and Professional Women unites over 140,000 working individuals in more than 60 countries for the promotion of their common interests in education and industrial, scientific, and vocational activities.

Since 1919, business and professional women have been instrumental in numerous reforms, among them a bill requiring equal pay for equal work, revision of State inheritance tax laws, the establishment of status of women commissions, a bill outlawing sex discrimination in employment, and support for an equal rights amendment to the Constitution. Business and professional women have been instrumental in elevating the standards for women in business and the professions.

Mr. Speaker, I would like to take a moment to recognize the business and professional women groups in my district in California. The Central Contra Costa, Martinez, and Todos Santos business and professional women groups are associated with the national and California Federations of Business and Professional Women and have helped to promote betterment of our community and its residents. I know my colleagues in the House of Representatives join me in appreciation of the service given to the community by business and professional women throughout the United States.

CREEPING REG-NEG

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. PEASE. Mr. Speaker, I thought my colleagues might be interested in the following editorial which was published in the Washington Post on August 24, 1991. It refers to the process known as regulatory negotiation, which was the subject of my bill, H.R. 743. The bill passed last year.

The implementation of "reg-neg" is the result of some tenacity on my part. I first introduced the concept in legislative form in 1981, and I reintroduced it in every Congress after that. The bill made a little more progress in each Congress until it was finally enacted last year.

As my congressional career winds down, it is very rewarding to receive recognition for some of my more notable accomplishments in the trade and tax arenas. However, I derive a special pleasure from commentary on my lesser-known achievements like reg-neg, which will allow the Government to function more smoothly in the years to come. I hope you and my colleagues will find the editorial of interest.

[From the Washington Post, August 24, 1991]

CREEPING REG-NEG

One of the places where government tends to break down is at the busy intersection of politics and science. Congress is simply not equipped to make the technical judgments that many of the laws it passes require, particularly in the health and safety and environmental fields. The technical issues are hotly contested besides; the typical legislative response is to take refuge in a fuzzy formulation and toss the matter to the regulators who have become the modern government's fourth branch. Too often the regulators' handiwork will then be taken to the courts by the very parties who were fighting over the wording in Congress in the first place. The business of giving effect to the laws tends to be more circular than quick.

Now comes a new process intended as a kind of shortcut through this laborious older pattern. It is called reg-neg, which stands not for negation but for regulatory negotiation. The negotiations process may already have helped to crack two of the harder issues from last year's copious amendments to the Clean Air Act, including an almost impenetrable set of questions relating to alternative fuels on which tentative agreement was announced last week.

The Administrative Conference of the United States, having commissioned a study, approved regulatory negotiation for use by federal agencies in 1982. Last year Congress gave its official blessing as well. Normally an agency with a regulatory task assembles what information it can and writes the rule on its own. The rule is published for comment, then fine-tuned or not as the agency and Office of Management and Budget, representing the president, see fit, and made final. That's when one side or the other and sometimes both will take it to court, and while the courts can only overturn regulatory decisions on rather limited grounds, the litigation tends to eat up a lot of money and time.

The negotiating process is in part an effort to do the fighting up front. A committee is formed—the law requires that it be broadly representative of the parties at interest—and tries to work out a compromise acceptable to the parties and the agency in advance. The compromise will often include a promise to refrain from future litigation. The negotiating sessions are required to be public; in that sense the process is even more open than normal rule writing. Once agreement is reached, the proposed rule is still published in the Federal Register for comment as under normal procedures. Thus no group forfeits any right, including the right to go to court, that it already has.

The process has been tried about 20 times, mostly though not always with success. Federal officials note that not all disputes are amenable to it; sometimes the span of disagreement is so great that the agency can only cut through on its own as in the past. But where it works, as apparently with alternative fuels, it's plainly a good idea. Regulatory government on the present scale is recent enough that the country is still feeling its way. This seems to be a sensible step along the path.

NEED FOR NONPROFIT HOSPITALS TO TREAT THE POOR

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. DONNELLY. Mr. Speaker, I am submitting for the CONGRESSIONAL RECORD today an Associated Press article which once again points out the failure of nonprofit hospitals to respond to the needs of their communities.

This article describes a woman from Harlem in New York City who came to a hospital emergency room in the final stages of labor. The hospital refused to treat the woman—almost assuredly because she had no health insurance—and the woman was forced to give birth on a stretcher in the hospital's admissions office. A physician was ordered to attend to the woman, but he refused. According to the article, the doctor "sat there talking on the phone" while the baby was being delivered; when emergency medical technicians asked for something to wrap the baby in, a doctor "reached over and threw some examining gowns—just threw them" at the patient.

Mr. Speaker, this sad story is one in a continuing saga of hospitals which refuse to provide care for the poor. This shameful behavior is why Congress enacted the so-called patient dumping provisions of the Social Security Act in 1985, and it is why I have introduced legislation to redefine the standards which nonprofit hospitals must meet as a condition of exemption from tax. I am currently redrafting that legislation, and this news report merely proves my point that tighter standards for tax exemption are needed.

I would urge my colleagues to read this article and consider the pressing need for legislation in this area.

WOMAN GIVING BIRTH REJECTED BY HOSPITAL

NEW YORK.—A doctor has been suspended for refusing to admit or assist a woman in the last minutes of labor because the obstetrics ward was full, hospital officials said yesterday.

The woman gave birth on a stretcher in a Harlem Hospital admissions office, aided only by two emergency medical technicians while doctors and other hospital employees watched and other people strolled by, one of the technicians said.

"No one offered to give us a hand," said Emergency Medical Service technician Mary Dandridge, who delivered the child along with her partner, William Ludwig. "As far as they were concerned we weren't there."

APPALLING

"I've never seen anything like it," Dandridge added. "To put a patient through that was just appalling."

State Assemblyman Alan Hevesi said he asked District Attorney Robert Morgenthau's office to investigate possible criminal misdemeanor charges against the doctor, a resident at the city-owned hospital.

"He has been suspended from medical duties and disciplinary charges have been filed against him," said Steve Matthews, a spokesman for the city's Health and Hospitals Corp.

Charlesetta Brown gave birth Sunday morning to a 7-pound, 3-ounce boy, Jeffrey. It was her second child. Mother and baby were eventually admitted to the hospital and released Tuesday.

Dandridge, an EMS technician for six years, said they were called to Brown's home Sunday and found her in labor, with contractions about five minutes apart.

Although Harlem Hospital was on "diversion"—meaning only critical cases should be taken there—the ambulance crew went there because it was the closest and Brown was close to delivering, Dandridge said.

The EMS crew has the right to override a diversion, under a 1983 city law that bars hospitals from refusing emergency cases.

"When we arrived at the hospital, the doctor on duty told us he could not accept the patient and told us to leave," Dandridge said. "We told him we couldn't do that and said he must examine and stabilize the patient first."

The doctor said there was a bed for the mother but none for the baby, according to Dandridge.

An EMS supervisor, called to the scene, and the hospital administrator on duty ordered the doctor to attend to Brown "but he just outright refused," Dandridge said.

"He sat there talking on the phone while we delivered the baby," Dandridge said. "They wouldn't even give us an obstetrics kit."

After the delivery, the technician said, they asked for something to wrap the baby in. "Another doctor reached over and threw some examining gowns at us—just threw them. A couple landed on top of the patient."

ADMINISTRATION TRIES TO ACHIEVE THROUGH REGULATION WHAT THEY CANNOT THROUGH LEGISLATION

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. SIKORSKI. Mr. Speaker, illegal. That's the best word to describe the administration's attempt to shave budget savings from the Medicaid Program with Health Care Finance Administration's recently published interim final rule on provider taxes. It's another example of this administration trying to achieve through regulation what it can't achieve through legislation—a familiar story that we saw time and again in the Reagan administration, health policy being dictated by the economists at the Office of Management and Budget. The problem is that it is the States and the poor who will suffer with this backdoor maneuver. In Minnesota, it could cost us anywhere from $50–80 million.

Medicaid serves some of America's neediest and most vulnerable populations, especially low-income women and children. It provides coverage to more than 28 million people, many of whom would otherwise be added to the ranks of the uninsured. Medicaid is a Federal/State partnership that allows States to use Federal funds and their own dollars to purchase medical services on behalf of eligible aged, blind, and disabled individuals, and dependent children and their families. The issue is whether or not States should be allowed to use voluntary or provider taxes to increase their Medicaid reimbursement from the Federal Government. The issue was settled by a public law passed by Congress and signed by the President last fall.

These taxes are not shams or loopholes as they have been characterized by this administration. These taxes, including Minnesota's surcharge program approved in its last legislative session, were specifically authorized by Congress in the omnibus budget agreement of 1990. The Senate was concerned about the Office of Management and Budget's estimates on the cost to the Federal Government of these programs. In the budget conference the Senate allowed Dr. Wilensky—the Administrator of HCFA—accompanied by Tom Scully of OMB to negotiate this provision. The Senate had wanted the moratorium prohibiting HCFA from issuing regulations on both voluntary contributions and provider taxes to expire, but the Senate agreed to trade voluntary contributions for provider taxes. That was the agreement. Dr. Wilensky herself agreed to it with OMB sitting right beside her. Later, HCFA decided it was a bad deal and now they want to renegotiate. The problem is the agreement was sealed in statute and it's too late for recriminations—unless of course you decide to violate the law.

The administration is using an aggressive p.r. campaign to replace its legal authority. Unfortunately, it looks like it's working, especially when newspapers traditionally dedicated to promoting good health care policy like the Star Tribune come out with editorials decrying these taxes as "intellectually dubious" and "naughty."

The Health Care Financing Administration and the Bush administration need to be reminded that it doesn't write the law—its job is to implement it. It better go back and read the law again: "nothing in this title shall be construed as authorizing the Secretary to deny or limit payments to a State for expenditures for medical assistance for items or services, attributable to taxes (whether or not of general applicability)." If the administration wants to change the policy that was established in the budget agreement then it'll need to ask for that change from the committees of jurisdiction in Congress. For now, Congress and the statute say "no."

On September 30, the Health and Environment Subcommittee held a hearing on this issue. We asked Dr. Wilensky to come and explain her rule. She refused. She was not prepared to tell Congress with what authority she issued it or what it means. Despite this being an interim final rule, apparently she doesn't know what it means or how it will impact the States. We know how it would affect Minnesota and it's unacceptable. For the hearing record, I submitted some documentation of how this proposal would impact Minnesota in real dollars and real cuts in programs that today serve only a fraction of the poor. Dr. Wilensky thought she would be able to explain this rule by October 16, 1991, so she'll appear before the Health and Environment Subcommittee on that date. I'm looking forward to discussing this with her. I hope that in the interim, HCFA will decide to withdraw the rule.

If not, I don't intend to let the administration get away with breaking the law.

OUTSTANDING PRINCIPAL HONORED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. SUNDQUIST. Mr. Speaker, last week 59 outstanding educators were honored as "National Distinguished Principals" by the U.S. Department of Education and the National Association of Elementary School Principals. One of those honorees is from my district, William B. Walk, Sr., principal of Raleigh-Bartlett Meadows School.

I was pleased to be able to talk with Bill and his wife, Wilma, during their visit to Washington. I was impressed by the leadership he has demonstrated. Secretary Alexander is right. Principals can make all the difference when it comes to good schools and successful students.

Bill Walk and all who earned this very important honor offer the Nation an example of what might be accomplished in America's schools. For their example, for their achievement, for their leadership, and most of all, for the inspiration and encouragement they offer our young people, we owe them our thanks.

TRIBUTE TO THE DE LA SALLE COUNCIL NO. 590 OF THE KNIGHTS OF COLUMBUS ON THEIR 90TH ANNIVERSARY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. WELDON. Mr. Speaker, it is with great respect that I rise today to bring to your attention the De La Salle Council No. 590 of the Knights of Columbus on their 90th anniversary which they are celebrating this year. The De La Salle Council No. 590 is located in Delaware County, in my congressional district.

The Knights of Columbus have a long history of service to their members and to the community. On June 25, 1901, 90 years ago, De La Salle Council No. 590 was instituted. Since then the council's membership has grown and so has the number of charitable events that the council sponsors.

This organization, under the able leadership of Grand Knight Chuck Cunningham, sponsors many annual charitable events which benefit thousands around the Delaware County. One such holiday event is the "Nuns' Christmas Party" where members take part in the entertainment of the evening. They also hold masses and picnics for the members' families and the local community. They sponsor fundraisers for local causes. They also had a swim club built in 1961 and since then has been of great use to the residents of the community. The group hosts special events there such as Don Guanella Day where the handicapped of the Don Guanella School take advantage of the pool facilities.

Another noteworthy achievement of the De La Salle chapter was initiated by one of its members, Garido Mariani. In 1980 he suggested what is now Law-Armed Forces Day. This day has received both local and national recognition. I have only briefly outlined some of the work that this council has been a part of. The Knights of Columbus should be honored for their outstanding work and dedication over the past 90 years.

The council will hold its official celebration on October 12, 1991, and I would like to wish the members well on this auspicious occasion.

Mr. Speaker, I am most proud of representing such an outstanding group of citizens and organization. They have exemplified charity and partriotism to our community and to our Nation. For that I salute them.

ROBERT C. BYRD: HIS BROTHER'S KEEPER

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. RAHALL. Mr. Speaker, the Honorable ROBERT C. BYRD, senior Senator from West Virginia, having served 32 years in that body, after serving 6 years in the House of Representatives, has been my mentor for all of the years I have served in this House, as well as during the time I was employed by Senator BYRD during my student years. I revere him as a person, and as a public servant, to the Nation as well as to his West Virginia constituency. He is not only an able legislator, he is a parliamentarian without equal among his peers, he is an avid historian as is reflected in parts I and II of his "History of the Senate as an Institution" he has recently published. He is, by every definition, a statesman.

Senator ROBERT BYRD of West Virginia does not need me to stand up for him. He does that very well by himself. He states what he intends to do, and then he proceeds to do it. What he intends to do is to send back to West Virginia a part of the Federal taxes they pay into Washington's Treasury. Why? Because the State, despite its decade-long heroic efforts, which by the way continue, to make an economic comeback from earlier recessions, still needs help in creating jobs. Senator BYRD has come under unparalleled attacks recently in both print and broadcast media coverage, for sending funds back to West Virginia—for roads, for education, for health, and for highways. He has also come under attack in an unprecedented manner from Members of the House of Representatives, despite House rules prohibiting the mention of another Members name, and particularly a Member of the other body. He has been attacked, in my view, by some who are not fit to clean his shoes, but of course the rules of the House prohibit me from making that statement, so I will not, I do not, make it here.

In the Washington Post this past weekend, an article quoted the minority whip of this body as stating that his party would use BYRD's penchant for sending funds and Federal jobs to West Virginia as proof that Government spending is out of control, and that long-term incumbents like ROBERT C. BYRD should be limited in the number of years they are elected to serve in either the House or the Senate.

I think they miss the point.

There is a peculiar, but well-known truth, both inside and outside the beltway, that experience and expertise count—and that the folks back home know it, understand it, and expect it to pay off in their favor. It's also a well known fact that experience and expertise come with longevity—which brings with it seniority. Members of Congress were elected and sent to Washington to represent the needs of their constituencies. Senator BYRD is not doing anything any different from any other Member of Congress, including those who attack him from this body, bringing Federal dollars to his constituency—he just does it better. Does he do it from a seat of power as the chairman of the Appropriations Committee? Yes, of course.

Have other sitting chairmen of the Appropriations Committees of the House and Senate, past or present, done the same thing? Yes, they have and they do. Should they? If you sat in their chairs, wouldn't you?

Let us look at the raid people are talking about when they castigate Senator BYRD for moving Federal jobs to West Virginia. In the first place, where is it written that only people living in the immediate Washington, DC metropolitan area should have, or can be expected to complete the tasks necessary to keep the Government running? No where, that's where it's written.

Here is the rhetoric that has been used by Members in this body who castigate Senator BYRD for what he is doing: "we shouldn't spend the money—its adding to the deficit which is so huge as to be unthinkable."

Well, the deficit reached unthinkable proportions under two Republicans in the White House, so those in the other party who want to get hyper over it, are preaching to the choir when they preach to Democrats. However, what Senator BYRD is doing by moving jobs to West Virginia is to save the Government money. There are people in West Virginia who are hardworking and give an honest day's work for a day's pay, and they can afford to earn less because of a lower cost-of-living rate in the State, and still do the same work, and to do it just as well as their higher-paid counterparts located here in the District or its suburbs. That is a saving to the Federal Government, not an addition to the Federal deficit.

Second, the 3,300 jobs Senator BYRD is sending to West Virginia represents less than 1 percent of the 360,000 Federal jobs that will remain in this area. That is not a raid by anyone's definition. That the leadership of this House's minority party call it a raid is a source of amusement based on the actual numbers involved. So call it an amusement, but don't call it a raid. And don't call it an increase in Federal indebtedness—it's a savings and they know it, and they can't stand it.

Third, in West Virginia the cost of buying, renting, and leasing property, per square foot, is far lower than it is in this high-rent area. The housing of that less than 1 percent of workers being moved to West Virginia will also save the Government money. That amounts to tremendous savings in two major accounts—Federal salaries and office space. What about housing for the workers themselves? There are homes in West Virginia that are well-built and spacious, located in the midst of the most beautiful of God's country that, when you consider the lower property taxes in West Virginia, will assure the lowest mortgages and taxes those workers could ever hope for, and could never hope for in the Washington area.

And so moving less than 1 percent of Federal jobs to West Virginia, will not only save the Federal Government money, and give the individual worker or family access to affordable homes at lower rates, it also places them in one of the most scenic, most beautiful, most environmentally protected areas of this country. And if you couldn't ask for a better place to work and live based on the above attributes, you should add to them the fact that West Virginia has, for the past four decades, enjoyed the lowest crime rate of all the 50 States put together. For families to feel safe against all sorts of crime and criminal elements, including the drug trade translates easily into improved worker morale all around which in turns means increased worker productivity all around.

Finally, Mr. Speaker, I will address the issue that was raised on the floor of this body on Wednesday of this week, in opposition to a $148.5 million line item contained in the fiscal year 1992 transportation appropriations bill, for work toward completion of corridor G of the Appalachian highway system in southern West Virginia.

Members of this body, who had been previously reprimanded for identical actions throughout the week on other appropriations bills, still rose on the floor of this body and castigated Senator ROBERT C. BYRD of West Virginia, by name and by title, for his action.

The Appalachian highway system, which has numerous corridors that if ever completed, will link 13 States in the poverty pocket of the United States known as Appalachia. In June of this year, the Committee on Public Works and Transportation was advised that at today's ridiculously low appropriations level for the Appalachian highway system—as authorized under the Appalachian Regional Commission Act [ARC]—will not permit the completion of the Appalachian highway system before the year 2065. This system of highways—roads out of poverty for 20 million people living in isolation in 13 States—is 25 years old. Over that 25 year period, the Appalachian highway system has received precisely $3.6 billion in Federal funds.

Let me repeat that for you. In 25 years, the Appalachian highway system has received exactly $3.6 billion in Federal funds. The ARC in its entirety over that 25 year period has received only $5.7 billion.

If it takes another 75 years to complete, in year 2065, it will be the first highway project in this or any other country's history that took 100 years to complete. It only took us 35 years to complete the Interstate Highway System—yet these Appalachian States cannot even get to most of the Interstate System—it does not serve them because there are no access roads, no direct linkages, to the Interstate System.

It is time to bring to the people of Appalachia access roads—access roads leading to jobs, to the free enterprise system where they can use their talents, and where their work ethic can be brought to bear on their need, their right, to the American dream.

Senator BYRD, like the rest of the West Virginia delegation, knows these people, we know their daily hardships, and we know their great dignity. They still have hope, and they still dream. Don't think of Appalachian as a shadowy outline on the map that is somebody else's problem, one that has been nearly forgotten over the past decade, but think of it as a place where country roads pass by porchlit homes where 20 million people lay asleep at night and still dream of a helping hand, not a handout.

I can assure you that Senator ROBERT C. BYRD views them as men and women and children who need nurturing, who need adequate shelter, food, clothing and education, in order to break the cycle of poverty they have known in Appalachia. They are his, and our, brothers and sisters. We are our brother's keeper, says the Good Book.

The people of Appalachia need a road out, and that road out is known as the Appalachian highway system. And that is what Senator BYRD was about, when he provided $148 million for corridor G with the full concurrence of both the House and the Senate, in conference, on the transportation appropriations bill for fiscal year 1992.

If there was ever a testimonial to incumbency, it is personified in Senator ROBERT C. BYRD, in everything he does—and he serves not just West Virginia, but the Nation, as he presides over the Senate Appropriations Committee.

You want to cry, whine and wring your hands over the deficit—Senator BYRD's every action is to save money for the Federal Government. It is not as though other Members of this body wouldn't do the same thing—it's just that they haven't the seniority to sit where Senator BYRD sits.

Some of the Members who are wailing about breaking last year's budget agreement with this so-called out of control spending by Senator ROBERT C. BYRD, did not vote for last year's budget agreement. I didn't either—but at least I am not now jumping up and down about the evils of busting it. I would bust it, if I could, in order to cross-walk funds from one account to another, namely from foreign aid and defense to domestic programs.

But the record shows that Senator ROBERT C. BYRD, chief architect of last year's budget agreement, has steadfastly resisted and rejected all efforts in the other body to bust that budget agreement, and no one knows better than he the temptation, justifiably, is great to do so in the face of the failed coup in Russia and the end of the cold war. Making Senator BYRD's resistance to breaking with last year's budget even more poignant is the recent Presidential announcement of a reduction in our nuclear arsenal. Talk about increasing temptation to use military and defense dollars for at-home needs, it really raised expectations about a peace dividend, but then the President said it might cost more to shut down than it would to continue to build our nuclear arsenal.

But don't wait for ROBERT BYRD to break that agreement, for his word is his bond. Just as he upheld the spending ceilings, the pay as you go requirements, and the prohibition against moving funds from one part of the budget to another, he has kept his word to the people of West Virginia to send $1 billion to them for their great and abiding needs.

A man of his word, a statesman. A great legislator, an outstanding leader of the Senate, a renowned parliamentarian, a historian, a loving father and grandfather, faithful husband, and ever-faithful friend, to me, and to his Nation which he has served for nearly a half century. That is ROBERT C. BYRD.

PROTECTION OF OUR OCEAN'S RESOURCES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. BEREUTER. Mr. Speaker, decades of indiscriminate and reckless fishing practices have stripped many portions of the oceans bare. For example, the drift net fishing practiced by some Asian countries has been particularly damaging. The harvesting of tuna with purse seine nets has been equally devastating. In particular, Mexico's tuna fishing industry has been responsible for the slaughter of untold numbers of dolphins and other cetaceans.

The Marine Mammal Protection Act addresses these unsound fishing practices by barring imports of tuna caught by nations who exceed certain limits on dolphin deaths. Mexico has been cited under this act, and has gone to the GATT to protest the sanctions.

Mr. Speaker, this Member is a strong supporter of free trade, and I have consistently opposed the creation of artificial trade barriers. But a few nations should not be allowed to deplete the ocean's resources for the sake of larger tuna exports. It is important that the GATT act in an environmentally sound manner.

This member would ask to insert into the RECORD an editorial from the October 9, 1991, New York Times, entitled "Defending Dolphins." The editorial correctly urges Mexico to develop environmentally sound fishing practices. It is in Mexico's interest, and it is in the world's interest to do so. I commend this editorial to my colleagues.

DEFENDING DOLPHINS—WHY WON'T MEXICO TAKE STEPS TO STOP THE KILLING?

(By Homero Aridjis)

MEXICO CITY.—For reasons scientists do not understand, schools of yellowfin tuna swim below dolphin herds in the eastern tropical Pacific. In the late 1950's, fishermen started using huge circular purse-seine nets on the dolphins to catch the tuna below. Since 1959, more than seven million dolphins have died, a slaughter that the U.S. tuna industry initially, and the Mexican and Venezuelan industries subsequently, sought to conceal and legitimize, with no real official protest.

In 1972, the U.S. mandated the gradual reduction and eventual elimination of the killing of dolphins by its tuna fleet. The Marine Mammal Protection Act was later amended to bar imports of tuna caught by nations that exceeded certain limits on dolphin deaths, and late last year a Federal court ordered an embargo on Mexican tuna under the law's provisions.

The Mexican Government challenged this ruling before the General Agreement on Tariffs and Trade, and in August a GATT panel said that sections of the U.S. law that led to the embargo constituted an illegal trade barrier. The ruling says a GATT member-nation has no right to obstruct trade detrimental to the environment beyond its borders.

If the full GATT council adopts this ruling, it could virtually invalidate many environmental treaties and conventions. Protection of tropical forests, migratory and endangered species, ocean ecosystems and the ozone layer, as well as control of toxic wastes and chemicals, would become impossible. And the dolphins would continue to be slaughtered.

At a meeting of the GATT General Council set for tomorrow, the Mexican Government, pointing to its recent measures to protect the dolphin, will ask for postponement (but not withdrawal) of the ruling. There is reason to believe that this decision was made in exchange for a promise from American officials to pressure Congress to weaken the Marine Mammal Protection Act. This is a dangerous precedent and one more reason why Congress should insist that environmental issues be an integral part of talks on the U.S.-Mexico free-trade pact.

Defending dolphins in Mexico has been a risky business. I have received death threats and been attacked in the press. Criticizing the slaughter is unpatriotic; the dolphin, after all, has no country, belonging to itself alone and to the earth. But the Mexican tuna industry is "patriotic" claiming that challenges to it are tantamount to criticizing the Mexican people.

President Carlos Salinas de Gortari recently announced a plan to protect dolphins and other marine species. Yet there are measures in his 10-point plan that raise concern. One stipulates that the Ministry of Fisheries oversee the placement of observers on tuna boats. The observers, however, are not required to limit the dolphin deaths, merely to count them. Another measure calls for a million-dollar research program to develop techniques to "reduce and abate" the dolphin deaths. But a solution already exists: stop the practice of setting nets on dolphins, as Ecuador and Panama have done.

Recently a European Parliament panel passed a resolution that would ban the European Community's import of tuna caught with purse seine nets. If Mexico agreed to phase out the deliberate encirclement of dolphins, it could keep this market and also recover the U.S. market. Killing dolphins has become a losing proposition: the market for tuna caught with purse seine nets has plummeted, partly because of the embargo.

Although a measure of the Mexican Government's plan states its intention of postponing tomorrow's discussion of the GATT ruling favorable to Mexico, tabling the ruling is not enough. Mexico should propose that GATT bylaws be reformed so that all trade decisions take environmental effects into account. Only then can the dolphin—and the global environment—be protected.

A TRIBUTE TO MITCHELL WOLFSON, JR.

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Mr. Mitchell Wolfson, Jr., who generously helped to build a new Miami Museum of Science and Space Transit Planetarium. In a campaign to commemorate the 500th anniversary of Christopher Columbus' discovery of America, Mr. Wolfson has committed to match $1 for every $3 raised by the Miami Museum of Science, the Historical Association of Southern Florida, and the Greater Miami Opera.

The Miami Museum of Science states that the building's new Mediterranean revival facade and colonnade have transformed the 31-year-old structure with the addition of columns, arches, tile walkways, and a beautiful loggia at the front entrance. Completion of this phase of the museum's renovation and expansion marks the initiation of the fundraising campaign for phase II, a three-story wing, which will house major exhibition and classroom space, a research library, and restaurant.

Mr. Wolfson is president of the Wolfson Initiative Corp. and the Novecento Corp., investment firms with interests in Miami and Genoa, Italy. In 1986, Mr. Wolfson established the Wolfsonian Foundation in Miami to support and promote scholarly research, conservation, education, and collection of decorative, design, and propaganda arts in the United States and abroad. The foundation oversees the Mitchell Wolfson, Jr. collection of decorative and propaganda arts, approximately 40,000 objects created between 1875–1945, primarily of American, British, German, and Italian design.

Mr. Wolfson is active in numerous philanthropic and civic organizations. As a trustee of the Greater Miami Opera, the Center for the Fine Arts, the Miami Design Preservation League, the Mitchell Wolfson, Sr. Community Foundation, Inc., the Dade Heritage Trust, and as a member of the International Council of Museums Committee for Fine Arts, Mr. Wolfson exemplifies an unselfishness for the greater good of the community at large.

A graduate of Princeton University, Mr. Wolfson serves on the advisory council of the Princeton Art Museum. Mr. Wolfson received his masters degree from the Johns Hopkins School of Advanced International Studies and serves on their advisory council.

Mr. Wolfson is the only male member of an all-women's club, the Foundlings Club, which he founded in 1986 on Miami Beach to promote the art of intelligent conservation.

I am extremely pleased to recognize Mr. Mitchell Wolfson, Jr. for the outstanding work he has accomplished not only for the community of south Florida, but for many all over the world. I would also like to recognize Mr. Russell Etling, the executive director of the Miami Museum of Science, for his continued success.

TAX REFORM PROVISION DAMAGING NEW JERSEY ECONOMY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. ANDREWS of New Jersey. Mr. Speaker, I would like to insert the following article from the Sunday Record, entitled "Tax Reform Provision Damaging N.J. Economy" into the CONGRESSIONAL RECORD.

TAX REFORM PROVISION DAMAGING N.J. ECONOMY

(By John Cali)

Reformers went too far when they abolished the deductibility of passive losses from rental real estate, says John Cali, founding partner of Cali Associates of Cranford.

The 1986 Tax Reform Act struck out at tax shelters, in part, by enacting passive-loss rules designed to stop people from purchasing tax losses from an unrelated business activity.

Cali supports legislation stipulating that the activities of a taxpayer "engaged in the real property business" will be treated, for purposes of passive-loss rules, the same as non-rental trade or business operations.

That legislation is also supported by the National Realty Committee. In testimony before Congress, the committee said:

"Because a passive rental loss may not be deducted against active real estate income, taxpayers engaged in the real estate business are essentially taxed on the gross income of their overall business operations and not on their net income as are other lines of business. This distorted taxation is clearly unfair."

Cali adds his voice to this issue in saying that these provisions of the tax code have been particularly damaging to New Jersey.

The federal Tax Reform Act of 1986 dealt a serious blow to the real estate industry, which today still suffers from a key provision of the law: its taxation of passive-loss properties.

But the impact of the passive-loss rule on real estate properties goes beyond the industry. It has also had a devastating impact on the economic health of the nation by drying up investment dollars for development.

Eliminated investment opportunities followed by an economic downturn severely impacted the real estate industry in New Jersey, which up until that point had served as a strong vehicle for the state's unprecedented economic growth.

The downturn of the real estate industry had a ripple effect that severely impacted the construction and related manufacturing industries, as well as labor and general employment statement.

Fortunately, Congress is moving to remedy the passive-loss provision. A bill (HR-1414) introduced recently by Congressman Mike Andrews, D-Texas, would restore the tax deductibility of passive rental real estate losses that was abolished by the 1986 Tax Reform Act. Many members of Congress recognize the significance of the legislation.

Already, the Andrews bill has 291 co-sponsors, more then a majority of the House. Moreover, over half of the Ways and Means Committee, the House's tax-writing unit, has signed on in support of the legislation.

Of the New Jersey congressional delegation, eight members have co-sponsored the bill: Robert G. Torricelli, D-Englewood; Frank Pallone Jr., D-Long Branch; Jim Saxton, R-Vincentown; Dean A. Gallo, R-Parsippany-Troy Hills; Robert A. Roe, D-Wayne; Christopher H. Smith, R-Robbinsville; Bernard J. Dwyer, D-Edison; and Robert E. Andrews, D-Bellmar.

Under the passive-loss rules, long-term investment is discouraged and entrepreneurs are hindered from taking long-term risk. The law considers income from the management, leasing, development, brokerage, and construction of real property as active income.

Any losses from rental real estate ownership are classified as passive. Since a passive loss may be deducted against active income, developers are taxed on the gross income of their overall real estate business operations, and not on their net income as are other types of business operations.

This must be revised if developers are to generate investor interest in new projects, particularly in these difficult economic times. Andrews' proposal is a step in the right direction.

The Andrews bill will strengthen and stabilize property values and real estate markets throughout the country by encouraging longterm investment and reinvestment in real estate properties. It will also again spur the entrepreneur to take venture risks in the real estate industry by investing in development.

Furthermore, the bill will give taxpayers who spend more than half their time on real estate activities the right to demonstrate "material possession" and deduct under the same passive-loss rules that apply to taxpayers in all other professions.

The real estate industry has suffered from the 1986 Tax Reform Act. The Andrews bill, however, will go a long way toward helping the country emerge from its development slump by easing the tax burden on the industry.

This jump-start is vital to the return of a healthy real estate market capable of leading the nation out of recession. In New Jersey, the impact of the legislation would prime the pump of the state's economy, bringing investment dollars, construction, and jobs at a time when they are sorely needed.

SALUTE TO THE MIAMI SECTION OF THE NATIONAL COUNCIL OF JEWISH WOMEN: 70 YEARS OF CARING AND SERVICE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. LEHMAN of Florida. Mr. Speaker, for 70 years, the members of the Miami Section of the National Council of Jewish Women have worked to help those in Dade County who have needed help the most: Children, the frail elderly, the homeless, immigrants new to this land, and those who have borne the brunt of physical disaster or personal tragedy.

Members of the NCJW are simply special people: Bright, caring, generous, well-organized, talented, and committed. They represent the very best in our community, for their focus is always on finding ways to help others. I know this from personal experience; My mother was a NCJW member in both Miami and Selma, AL.

[From the Miami Herald, Oct. 10, 1991]

JEWISH MOTHERS

(By Bea L. Himes)

Someone once described the National Council of Jewish Women as a coalition of Jewish mothers who have banded together to care for the world.

Judging from the good deeds the organization has done since its inception almost 100 years ago, the description fits well.

"Whenever there is a need, and Jewish women are called upon to help, we are there," said Theodora Skolnick, a member of the Miami Section.

"We are advocates, that's what we are," said Myra Farr as she rattled off a list of projects the National Council has sponsored. Among other things, the group has come to the aid of immigrants, opened thrift shops, begun a Headstart school for inner-city children and provided services to the elderly.

HUGE MEMBERSHIP

Now more than 100,000 strong in more than 200 American cities, the organization has 1,200 members in Miami and almost a million members worldwide.

The Miami Section, founded as the Daughters of Israel by Ida Cohen, is celebrating its 70th birthday this year. It will culminate with the 21st annual Child Care Luncheon on Dec. 11 at the Hyatt Regency. The Hannah G. Solomon award for outstanding community service will be presented. The award is named for the founder of the national organization in 1893 in Chicago.

The NCJW membership includes businesswomen and young professionals as well as single women, mothers and grandmothers. The organization means something special to each of them.

"As an involved member of NCJW, I have learned to be more aware of legislation which affects women, the elderly and children," said Farr, who lives in Bay Harbor Islands. "This makes me want to work toward the best legislation possible in these areas."

Farr has been a member 53 years. "I joined as a bride. They gave a free membership to brides in those days so I took advantage of it," she said.

HANDS-ON APPROACH

For attorney Nancy Luria-Cohen, 35, NCJW gives her the opportunity to be a "working" member in a worthwhile organization.

"A lot of times you give financial support to organizations that you don't feel 100 percent involved in," Luria-Cohen said. "This organization gives me the opportunity to have hands-on involvement in areas that I feel are very important, such as families, women's reproductive rights, constitutional rights and education."

The organization's goal is to "seek out the unmet needs in the community and meet them," said Annette Zipper, president of the Miami Section. "We get more out of serving than what we give."

She said those who benefit from the organization include people of all races and ethnic backgrounds.

In 1973, the group started a day-care center in Larchmont Gardens, a public housing project. Six years later, it started the Crisis Nursery and a day-care program for Russian immigrant children.

In addition, the women have helped immigrants of all nationalities by providing clothes, housing and work, Farr said.

"The main thing is we learn so much. This organization is a school for community action," she said.

NATIONAL 4-H WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. NATCHER. Mr. Speaker, once again it is a privilege to join with the members of 4-H as they celebrate National 4-H Week. This year's theme is "4-H: The Difference We Make."

Over 5.8 million youth participated in 4-H youth development programs last year—an increase of 5.6 percent over the previous year. Kentucky, with 3,515 4-H Clubs, had the second-highest number of clubs of any state, and had the highest number of youth in 4-H Instructional TV of any State, with 11,032 participating.

Individual members enroll in one or more organized projects each year. The average in 1991 was 1.8 projects per member. The most popular projects were in the areas of animals and poultry, food and nutrition, natural resources, individual and family resources, and mechanical sciences.

Major efforts were begun to expand the extension's outreach to youth at risk who are most vulnerable because of poverty, lack of parental and community support, and negative peer pressure. These efforts include 69 local program sites. Approximately one-third of these sites are providing badly needed high-quality school-age child care; another third are emphasizing scientific, technological, and reading literacy; and the balance are forming broad coalitions of youth-serving agencies and concerned groups to jointly address the problems of youth at risk. On September 16, a Youth at Risk Summit II satellite teleconference was conducted, involving not only thousands of 4-H youth, volunteers, and staff, but representatives of many other youth-serving agencies. The teleconference provided updates on developments and progress in Youth at Risk programming since the Youth at Risk Summit held in Washington, DC last year.

4-H programs increasingly are developed in partnership with other agencies, national associations, and private sector partners. One such example is a new nationwide 4-H Environmental Stewardship now being developed by the National 4-H Council, Extension Service, USDA, and five major partner corporations. Most new 4-H efforts, such as this one, address major societal issues.

Administrators of the Cooperative Extension Service in my home State of Kentucky have always led efforts to make sure that all interested youth in the State could benefit from the many educational programs offered. As a further step to facilitate that effort, this past year they changed the title of the professional staff members working with youth programs from County Extension Agent for 4-H to County Extension Agent for 4-H/Youth Development.

During fiscal year 1991, Kentucky 4-H involved 226,634 young people through the many and varied educational programs offered. A total of 42 percent of the potential youth ages 9 through 19 participated in some aspect of the 4-H program. The youth were active in 8,212 4-H clubs, special interest, and school enrichment units. They were assisted by 28,658 volunteer teen and adult leaders.

The county programs in the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress, reported 33,955 youth involved in 1,323 clubs/units that were led by 4,615 volunteer leaders. A total of 43 percent of youth ages 9 through 19 were involved in some aspect of the 4-H program.

Key leaders in Kentucky 4-H are from the Second Congressional District. Bill Corum of Meade County just completed his term as president of Friends of Kentucky (the State foundation). He now moves on to an immediate past president term as a member of the executive committee. Mrs. Preston (Linda) Jeffiers continues as secretary/treasurer of Friends. Romanza Johnson of Warren County serves on the board of directors. Mrs. James (Margie) Brookshire of Breckinridge County is a member of two very important State advisory groups, the Kentucky 4-H State Leaders Council and the State Teen Council, and she also serves on the National Extension Advisory Committee. Keith Rogers of Hardin County is the immediate past president of the State Leaders Council and he now serves on the executive committee. Keith Rogers, Bill Skinner of Warren County, Russell Lemons of Hardin County, and many others have established a 4-H alumni organization for Kentucky. Roberta Hunt, County Extension Agent for 4-H/Youth Development in Washington County, was recently elected president of the Kentucky Association of Extension 4-H Agents.

The following 4-H'ers from the Second Congressional District of Kentucky won State championships in project records: Jennifer Crowley (Daviess County) in consumer education, Jennifer Bryant (Daviess County) in home environment, Bart Jones (Warren County) in swine, and Jennifer Edmundson (Warren County) in career exploration.

The following volunteer teen and adult leaders were recognized as area champions through the Feltner 4-H Leadership Recognition program: Minnie Swack (Warren County) and Judy Taul (Breckinridge County)—adult; Greg Swack (Warren County), Kimberly Akins (Washington County), and Lee Anne Day (Spencer County)—teen. Kimberly Akins was selected as one of five teens to be honored as a State winner in the program.

I would like to recognize the following 4-H'ers who were winners of the 4-H exhibits and activities held at the Kentucky State Fair: Allen County—Leslie Brown, Beth Chastain, and Kristy Erwin; Barren County—Stephen Gardner, Lindsay Gardner, and Casey Pedigo; Breckinridge County—Patty Jo Taul; Bullitt County— April Whittis; Daviess County—Jennifer Bryan, Jennifer Crowley, Justin Morgan, Aaron Wilkerson, and Margie Zoglmann; Grayson County— Molly Cain and April Patterson; Hancock County—Clint Basinger; Hardin County—Phillip Cochran, Jarrod Goff, Mike Gunter, John Heitzman, Eric Offutt, John Poskin, and Amanda Ramer; LaRue County—Patrick Durham, Luke French, Joseph Gentry, Misty Gentry, Matthew Rock, and Jonathan Spratt; Marion County—Susan Courtwright, Tina Miles, Amanda Lee, and Danielle Ford; Meade County—Meredith Staton and James Gavin; Nelson County—Brian Reed, Jacob Miller, Amanda Raizor, Beth McIntyre, Alice Dickerson, Aaron Reding, Jeannie Greenwell, and Paula Lundy; Spencer County—Ryan Bivens, Sara Bell, Heather Herndon; Warren County—Bart Jones, Jason Cole, Danielle Harnest, Brooke Pearson, and Amanda Cole; and Washington County—Erin Remington, Anne Davis, Kim Akins, Tige Akins, and Shannon Edelen; along with the Glendale Children's Home and Hardin County for the best county exhibit—swine.

Also, the following young people from the Second Congressional District were top winners in the Kentucky 4-H Speech and Demonstration Contest: Speech—Margaret Haydon (Washington County), Stephanie Murphy (Washington County), Jeri Fields (Warren County), and Beckie Rasdall (Warren County); Demonstrations—Justin Morgan (Daviess County), Jason Cole (Warren County), Amanda Cole (Warren County), Alice Ann Gentry (Warren County), Nathan Smith (Spencer County) and Heather Ploeg (Daviess County).

Fifteen 4-H'ers from the Second Congressional District participated in the American Heritage Program. They were among 116 teens and adults who traveled to Washington, DC, and stayed at the National 4-H Center while studying and learning more about citizenship and our Government. Also, nine 4-H'ers and their families in the Second Congressional District served as hosts for Japanese youngsters through the LABO Exchange Program.

At this time I would like to commend all of those associated with 4-H programs not only in the Second Congressional District and the Commonwealth of Kentucky, but throughout the United States, for their past achievements, and I want to wish them continued success in all their future endeavors.

OPEN SEASON ON CLARENCE THOMAS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. EMERSON. Mr. Speaker, in the ongoing effort of the American public, indeed the American Congress, to gain perspective on the controversy relating to action or inaction in the other body, re Judge Thomas' nomination to be an Associate Justice, the article following—written by Juan Williams of the Washington Post—is an important, very important, piece of reading.

[From the Washington Post, October 10, 1991]

OPEN SEASON ON CLARENCE THOMAS

(By Juan Williams)

The phone calls came throughout September. Did Clarence Thomas ever take money from the South African government? Was he under orders from the Reagan White House when he criticized civil rights leaders? Did he beat his first wife? Did I know anything about expense account charges he filed for out-of-town speeches? Did he say that women don't want equal pay for equal work? And finally, one exasperated voice said: "Have you got anything on your tapes we can use to stop Thomas."

The calls came from staff members working for Democrats on the Senate Judiciary Committee. They were calling me because several articles written about Thomas have carried my byline. When I was working as a White House correspondent in the early '80s, I had gotten to know Thomas as a news source and later wrote a long profile of him.

The desperate search for ammunition to shoot down Thomas has turned the 102 days since President Bush nominated him for a seat on the Supreme Court into a liberal's nightmare. Here is indiscriminate, mean-spirited mudslinging supported by the so-called champions of fairness: liberal politicians, unions, civil rights groups and women's organizations. They have been mindlessly led into mob action against one man by the Leadership Conference on Civil Rights. Moderate and liberal senators, operating in the proud tradition of men such as Hubert Humphrey and Robert Kennedy, have allowed themselves to become sponsors of smear tactics that have historically been associated with the gutter politics of a Lee Atwater or crazed right-wing self-promoters like Sen. Joseph McCarthy.

During the hearings on his nomination Thomas was subjected to a glaring double standard. When he did not answer questions that former nominees David Souter and Anthony Kennedy did not answer, he was pilloried for his evasiveness. One opponent testified that her basis for opposing him was his lack of judicial experience. She did not know that Supreme Court justices such as liberal icons Earl Warren and Felix Frankfurter, as well as current Chief Justice William Rehnquist, had no judicial experience before taking a seat on the high court.

Even the final vote of the Senate Judiciary Committee on whether to recommend Thomas for confirmation turned into a shameless assault on Thomas by the leading lights of progressive Democratic politics. For example, in an incredibly bizarre act, Chairman Joseph Biden stood up after a full slate of testimony and said Thomas would make a "solid justice," but then voted against him anyway.

At the time of the vote, two of the committee's Democrats later explained to me, the members of the Judiciary Committee figured it would make no difference, since Thomas had the votes to gain confirmation from the full Senate. So, they decided, why not play along with the angry roar coming from the Leadership Conference? "Thomas will win, and the vote will embarrass Bush and leave [the Leadership Conference] feeling that they were heard," explained one senator on the committee

Now the Senate has extended its attacks on fairness, decency and its own good name by averting its eyes while someone in a position to leak has corrupted the entire hearing process by releasing a sealed affidavit containing an allegation that had been investigated by the FBI, reviewed by Thomas's opponents and supporters on the Senate committee and put aside as inconclusive and insufficient to warrant further investigation or stop the committee's final vote.

But that fair process and the intense questioning Thomas faced in front of the committee for over a week were not enough for members of the staffs of Sens. Edward M. Kennedy and Howard Metzenbaum. In addition to calls to me and to people at the Equal Employment Opportunity Commission, they were pressing a former EEOC employee, University of Oklahoma law professor Anita Hill, for negative information about Thomas. Thomas had hired Hill for two jobs in Washington.

Hill said the Senate staffers who called her were specifically interested in talking about rumors involving sexual harassment. She had no credible evidence of Thomas's involvement in any sexual harassment, but she was prompted to say he had asked her out and mentioned pornographic movies to her. She rejected him as a jerk, but said she never felt her job was threatened by him, he never touched her, and she followed him to subsequent jobs and even had him write references for her.

Hill never filed any complaint against Thomas; she never mentioned the problem to reporters for The Post during extensive interviews this summer after the nomination, and even in her statement to the FBI never charged Thomas with sexual harassment but "talked about [his] behavior."

Sen. Paul Simon, an all-out opponent of Thomas, has said there is no "evidence that her turning him down in any way harmed her and he later recommended her for a job [as a law professor]." Hill did say that because Thomas was her boss, she felt "the pressure was such that I was going to have to submit . . . in order to continue getting good assignments." But by her own account she never did submit and continued to get first-rate assignments.

The bottom line, then, is that Senate staffers have found their speck of mud to fling at Clarence Thomas in an alleged sexual conversation between two adults. This is not the Senate Judiciary Committee finding out that Hugo Black had once been in the Ku Klux Klan (he had, and was nonetheless confirmed). This is not the Judiciary Committee finding that the nominee is an ideologue incapable of bringing a fair and open mind to the deliberations of the court. This slimy exercise orchestrated in the form of leaks of an affidavit to the Leadership Conference on Civil Rights is an abuse of the Senate confirmation process, an abuse of Senate rules and an unforgivable abuse of a human being named Clarence Thomas.

Further damaging is the blood-in-the-water response from reputable news operations, notably National Public Radio. They have magnified every question about Thomas into an indictment and sacrificed journalistic balance and integrity for a place in the mob. The New York Times ran a front-page article about "Sexism and the Senate" that gave space to complaints that only two of the 100 members of the Senate are female. The article, in an amazing leap of illogic, concluded that if a woman had been on the Judiciary Committee, more attention would have been given to Professor Hill's report. But attention was given to what she said. A full investigation took place. Why would a woman senator not have reached the conclusion that what took place did not rise to the level necessary to delay the vote on Thomas in the committee or to deny him confirmation?

To listen to or read some news reports on Thomas over the past month is to discover a monster of a man, totally unlike the human being full of sincerity, confusion, and struggles whom I saw as a reporter who watched him for some 10 years. He has been conveniently transformed into a monster about whom it is fair to say anything, to whom it is fair to do anything. President Bush may be packing the court with conservatives, but that is another argument, larger than Clarence Thomas. In pursuit of abuses by a conservative president the liberals have become the abusive monsters.

Sen. Charles E. Grassley said on the Senate floor Tuesday that the smears heaped on Thomas amounted to the "worse treatment of a nominee I've seen in 11 years in the Senate." Sen. Dennis DeConcini said it "is inconceivable, it is unfair and I can't imagine anything more unfair to the man." And Sen. Orrin G. Hatch described the entire week's performance as a "last-ditch attempt to smear the judge."

Sadly, that's right.

A TRIBUTE TO HAYNES RICE

HON. RONALD V. DELLUMS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. DELLUMS. Mr. Speaker, I would like to take this opportunity to pay tribute, on the occasion of his passing, to a truly outstanding American citizen, Mr. Haynes Rice. Haynes Rice's life reflects his selfless commitment to the reform and improvement of the American health care system. He was without doubt one of our country's most valuable assets in the struggle for quality medical care.

Mr. Rice passed away on August 2, 1991, leaving a wife of 36 years and two children. Born in Knoxville, TN, on January 10, 1932, Haynes Rice would receive his degree in accounting from West Virginia State College. After his graduation, Mr. Rice received his military commission and served our Nation for 2 years as a 1st lieutenant in Korea and Hawaii.

His professional life began with his employment at Kate Bitting Reynolds Memorial Hospital in Winston-Salem, NC. It was here that Mr. Rice's administrative brilliance was first recognized. He was sent to the University of Chicago where he became perhaps the most outstanding student in hospital administration that the university had ever seen. His dedication to reform continued to grow over the years. It was not always easy to maintain this level of dedication in the face of a problem of such massive proportions. But his frustration with the indifference of this Nation to the care of the less fortunate never managed to diminish his courage or his determination to make real progress.

His career in health care administration would span more than 35 years. Among countless other executive positions and awards for excellence, Mr. Rice served as the chief executive officer for 6 hospitals, was appointed to the adjunct faculty of 10 graduate programs and wrote numerous articles addressing the topics of the minority health care professional and health services for the poor. In July 1991, Mr. Rice received the Award of Honor from the American Hospital Association. His personal concern for the black and minority health professional was so sincere, and his efforts to promote their educational opportunities so monumental, that it is not unrealistic to say that there is not one successful black health care executive today whose life has gone untouched by Haynes Rice.

But it would be impossible to measure the impact that Haynes Rice's life had upon the people of this Nation. His presence is still being felt through the myriad community programs he helped begin and the countless men and women whose lives he touched personally and directly. Mr. Rice is remembered as a hero in communities from Harlem to Washington, DC.

Mr. Rice's most recent work at Howard University Hospital was representative of the depth of his devotion to the care of those who could not care for themselves. His outspokenness on the issue of abandoned babies led to the establishment of a home for boarder babies sponsored by Howard University Hospital in 1991. It is fitting that great tradition begun by Haynes Rice will be carried on by this generation of new lives. His greatest monument will be the living fact of their salvation and of their second chance.

DON'T DISMANTLE THE JONES ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. JONES of North Carolina. Mr. Speaker, the American Waterways Operators is a leading maritime trade organization which speaks for the inland and coastal tug and barge industry. Its president, Mr. Joe Farrell, has frequently testified before Congress, and his recommendations are always received respectfully by legislators. On October 4, he authored the following article in the Journal of Commerce. I commend its message to the attention of Members of the House.

DON'T DISMANTLE THE JONES ACT

(By Joe Farrell)

The International Trade Commission issued a report on Sept. 19 claiming the American consumer would benefit by somewhere between $4.2 billion and $10.4 billion annually if waterborne transportation between U.S. ports were opened up to foreign competition.

Under present U.S. laws, only vessels that are owned by U.S. citizens, built in U.S. shipyards and manned by U.S. crews can carry passengers and freight between points in the United States. Foreign ships are prohibited from providing this service. This policy, known as cabotage, was created in the maritime industry by the 1920 Jones Act. The ITC report implies that everyone would be much better off if foreign vessels, crewed by foreign nationals, took over the waterborne domestic trade of the United States.

Just for starters, we as taxpayers must question the merits of a government study that cannot tie down the putative benefits to American consumers more precisely than the breathtaking range of $6.2 billion. Such a range is like a real estate agent trying to sell a house that he describes as costing somewhere between $150,000 and $450,000. One would have to wonder about both the house and the agent.

The cabotage laws of the United States were not enacted in the first place to benefit the American consumer. In fact, the preamble to the Jones Act states that ". . . . it is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine . . . as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by the citizens of the United States."

Our cabotage laws, like the cabotage laws of all the maritime nations in the world, are in place to protect the national security of the United States and to foster benefits for the U.S. economy. The ITC would have some parties counting their money at too great a risk to all.

One need look no further than this year's Persian Gulf war to see the compelling, contemporary value of the Jones Act. After a good deal of scrambling, the United States finally begged or borrowed enough ships to transport over 90% of cargoes needed for the war effort. (Some of those ships didn't work very well, but never mind.) In the end, the U.S. government had severe problems manning those vessels with trained seamen.

Putting trained people on merchant vessels in time of war will always be a major hurdle; in a conflict more protracted than the Persian Gulf war, U.S. tug and barge operators can provide a rich natural reserve of trained seaman. While not trained for trans-oceanic commerce, of course, they are experienced in applicable maritime skills that have critical value in time of national emergency. And there are more on-board jobs in the barge and towing industry than in any other sector of the U.S. maritime industry. If the Jones Act disappeared, so would the lion's share of our ready reserves.

The Jones Act is arguably the only U.S. maritime promotional statute that has worked. The Jones Act fleet—a fleet, incidentally, which receives not one penny of government subsidy—is thriving. No keener competition can be found in any sector of American business and commerce than one finds in the tug and barge industry, scores of towing companies operating on the inland rivers and along the coast of the United States vie with one another for cargoes. That competition helps to explain why this industry carries 15% of all U.S. intercity freight for only 2% of the nation's freight bill.

Not to be forgotten in this debate is that American citizens have invested billions of dollars in this fleet with the good faith understanding that the Jones Act would remain intact. If the Jones Act disappeared, so would that competition, so would that faith. So would U.S. flag vessels, so would an American citizen merchant marine.

There is also a new and powerful reason to keep the waterborne domestic trades of the United States in the hands of American citizens. We are determined to preserve and protect or precious environment: the wild-fowl habitat, pristine shorelines and vast marine recreational areas Merchant seamen from foreign lands are steeped in their own rich cultures. Yet, they often are unfamiliar with the language and culture of the United States. The majority have only scant knowledge, if any, of complex U.S. and state environmental laws and regulations. Opening the Jones Act trades would allow foreign crews—in vessels built below U.S. standards and owned by citizens of other lands—to operate beyond the reach of U.S. jurisprudence.

Foreign crews, manning vessels built to different standards, would ply the waters of the Chesapeake Bay, Long Island Sound, the Upper Mississippi River and the Columbia River, for example. Such action could grant them a new version of diplomatic immunity—from marine safety and environmental responsibility.

Xenophobia? I think not. Would we willingly turn over the ownership and operation of our police forces or the maintenance of U.S. commercial aircraft to men and women from distant foreign lands? We are indeed a global village, but it will always make sense for some things to repose with citizens of their own land. Let's not be so foolish as to sacrifice what is crucial for a not-very-well-defined but surely lesser benefit.

UNITED STATES RELATIONS WITH THE SOVIET UNION AND THE REPUBLICS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. HAMILTON. Mr. Speaker, on October 2, 1991, the Under Secretary of State for Economic and Agricultural Affairs and Counselor of the Department of State, Mr. Robert B. Zoellick, testified before the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs concerning United States policy toward the Soviet Union. His written statement, "Relations of the United States With the Soviet Union and the Republics," is a thorough review of current United States policy, and I commend it to my colleagues. The text of Mr. Zoellick's testimony follows:

STATEMENT OF ROBERT B. ZOELLICK

Mr. Chairman and Members of the Committee: I am pleased to have this opportunity to report on recent events in the Soviet Union and the republics.

I will stress five points:

First, the events of August 1991 in the Soviet Union constitute one of the undeniable watersheds of our age. As President Bush stated last week, "[t]his revival of history ushers in a new era, teeming with opportunities and perils." And the President took a major initiative in setting the course for this new age last Friday through his announcement of bold steps and proposals to reduce the nuclear threat.

Second, power has shifted almost completely to the republics of the Soviet Union; the fundamental question now is whether a new form of cohesion among them is possible or desirable.

Third, democratic reformers are now in key positions, but myriad threats lurk around them. Their success is by no means assured.

Fourth, in this new post-Cold War era, the U.S. must continue to be deeply engaged with the Soviet Union and the republics—on matters of internal political evaluation, economic reform, and foreign and security policy.

Fifth, we need a sensible and realistic basis for assessing what constitutes successful policy in this time of transition.

A NEW ERA OF HISTORY

Government officials are frequently accused, fairly I suppose, of overdramatizing changes in policy or events. Not this time. We have leapt into a new era of history.

Consider the situation in the wake of the failed Apparatchik Counterrevolution. The Russian Empire, and then the Communist Empire that succeeded it, have been among the great forces that determined the history of Europe, Asia, and indeed the world, for the past three centuries. That empire is now shattered. The Communist Party that ran it is banned or suspended in its homeland, its assets have been taken away, and it is under investigation. A country that reaches across 11 time zones is in the throes of political, economic, and social upheaval.

It may be many years before this new age settles into its own pattern. Even the first label in common usage—the post-Cold War era—reflects the fact that to date its single most dominant characteristic is the abandonment of the Cold War that came before. (Indeed, a former colleague recalled the story of the Chinese historian who, when asked recently to comment on the historical consequences of the French Revolution, responded, "it is too soon to tell.")

In grasping for historical analogies, it is natural to seize on other lost, multinational empires—for example, the Austro-Hungarian or the Ottoman. Like earlier multinational empires that fragmented, our longstanding antagonist is struggling to determine how the pieces might relate to one another. But I would also like to draw attention to another point of comparison: the dangers and opportunities that the United States faced in the aftermath of World War II, when we reached out to former enemies, Germany and Japan, helping to establish them as democratic market economies and allies. Now the Cold War has ended. Many of the new leaders in the Soviet Union and the republics are looking to the United States to help guide them into becoming contributors in the democratic community of nations.

Last week at the United Nations, President Bush referred to the challenges of building peace and prosperity as we face this "resumption of history." Last Friday, the President outlined steps we will take, and others that we propose, to stand down from the tense nuclear confrontation with the Soviet Union—a state of imminent danger that my generation had etched onto its early consciousness in 1962 and had expected to have persist through its existence.

The new security environment that President Bush hopes to establish also has enormous political implications for the future. As Secretary Baker stated this June in Berlin, "the door to the Euro-Atlantic community is open. But only the Soviets can decide to step over the threshold."

The agents of the Old Soviet regime did not want to take that step. But ironically, their actions in August to backtrack ended up toppling them and sending the Soviet Union and its republics stumbling ahead. The direction is right, but there are serious questions as to whether new leaders of reform can keep their footing.

The reformers are attempting to transform the traditional institutions of repression in the Soviet Union. Their effort with the KGB and the Army may offer one of the most startling example of the Soviet Union's metamorphosis.

Vadim Bakatin, the new head of the KGB, told us in September that he intended to cut back many of the KGB's activities and establish those that remain on a legal foundation. Bakatin was particularly interested in learning more about the legal and oversight systems that Western countries have developed for their intelligence services. Nor were these just musings; he demonstrated the detailed knowledge he had already obtained about Western legislation on wiretaps. Bakatin also seemed eager to strengthen exchanges with the CIA. While our anti-terrorism discussions with the KGB have already broken new and potentially beneficial ground, Bakatin's interest clearly extended further. He wanted to draw from the experience of Western intelligence agencies to establish the KGB as a responsible institution in the new Soviet society.

One important element of Bakatin's strategy is to bring in new people and then build up new leaders who are committed to reform. The new democrats were deeply troubled by the quiescence of many officials during the August coup.

The new ways have dangers of their own, of course. One Russian told us that when the new head of the KGB for a large city asked what he was supposed to do, he was told that one task alone would ensure success: He was to make sure his democratic bosses were alerted in advance of any other coup attempt.

The new Minister of Defense, Air Marshal Shaposhnikov, also outlined his intention to redirect a defense establishment that for decades had been a pillar of the totalitarian state. He is seeking to build upon the military's pride in being an army of the people. At critical moments in Russian and Soviet history, the military became the embodiment of the Motherland. Shaposhnikov is proud that during the critical moments of August, this army of the people would not fire on them.

But Shaposhnikov is not content with an army guided by its heart; he wants to support these impulses by winning over the minds of soldiers and civilians alike. His strategy, like Bakatin's, is to establish a Defense Ministry and military subject to civilians and the rule of law.

Shaposhnikov intends to reduce the size of his forces and to increase the role of volunteers. He plans to transform the military to reflect a new state of center-republic relations. He speculated about working out legal arrangements with each republic, establishing clearly that the military's role would be to defend, and not to interfere, in the republics. Indeed, his questions about U.S. stationing and status of forces arrangements abroad appeared to be a search for appropriate models.

I was struck particularly by Shaposhnikov's interest in the U.S. Code of military justice and our military police. He wants to build public legitimacy for the Soviet Army. And he believes that to do so, the civilian public must trust that the military adheres to the rule of law in its own internal affairs as well as toward the society at large. Given all the demands on Shaposhnikov's time, his attention to this means of building the military's place in a civilian society suggested to me that a very new man is in charge.

The democrats hope to transform the old institutions of repression into what they describe as a "safety net" for democracy. They can build on the fact that during the August coup many people in the security apparat simply refused to act against democratic leaders or, just as important, against the people in the streets. Nevertheless, it will take time for the new thinking to be accepted by all the old rank and file.

It is too early to know whether these courageous leaders will succeed. If this is indeed a second Russian revolution, we must also face up to the fact that the furies of revolutions have frequently created consequences that were impossible to foresee or control. The forces now unleashed in the Soviet Union could lead to disintegration and conflict that could plague Eurasia and the world for decades to come. One or more autocrats may seek to impose dominating authority at a terrible price, as Lenin was able to do after the Civil War period. Whatever the course of the future, we can shape it only if we recognize that the policy framework that we have used for the Soviet Union over the past 40 years is now history.

THE GREAT POWER SHIFT: THE DOMINANCE OF THE REPUBLICS

Perhaps the most striking characteristic of the post-coup environment is the dramatic shift of power from the center to the republics. Almost overnight, the key question about the political compact has been transformed: Before August, we asked what would be the division of political power between the center and the republics; today and question is whether cohesion among republics is possible.

*1. From the Center to the Republics to * * **

Mayor Popov of Moscow placed this dramatic development within a context. He outlined three different stages of political contract and related them to the reform impulse. In the first, Gorbachev had tried to reform society from the center. Like Peter the Great or Alexander II, the other great Russian modernizers who preceded him, Gorbachev had launched an era of reform from above.

But as the reforms met resistance from the established order, an order based on the entrenched power of highly centralized institutions, some Soviets—Russians and non-Russians—speculated that the route to reform would have to run through the individual republics. But this second alternative, while theoretically possible, also confronted many obstacles. It divided the combined force of reformers. Nationalism, and old animosities, at times superseded the drive for democracy and market reforms. Moreover, the republics were linked by a highly centralized industrial structure, and even if the old economic structure could be overcome, autarkic republics would forgo the potential benefits from higher degrees of integration.

Popov's third stage was a division of labor between the center and the republics. The first effort to legally establish such an allocation of power came from the center earlier this year when Gorbachev negotiated the one-plus-nine agreement—Gorbachev plus nine republic leaders—that was to lead to the new union treaty. Indeed, it was the prospect of signing that treaty in late August that probably led the coup plotters to act when they did. But in the aftermath of the coup, Popov concluded, only what he labels a "nine-plus-one arrangement" is possible. By this he means it is up to the independent republics to determine what authorities they will cede to a new center.

Another Russian reformer was even more explicit about the loss of central authority, at least in economic matters. The concept of one-plus-others is gone, he said. The question now is whether they'll even have a zero-plus-nine or -twelve or some other number. Thus, he believes that any common economic authority will have to be newly created by the republics.

2. A Crisis of Legitimacy

I suspect that the underlying problem of fragmentation runs even deeper than a shift of power to the republics. We are already seeing signs that subordinate groups or regions within the republics are questioning republican authority as well.

In testimony I gave to the Senate Foreign Relations Committee in February of this year, I stated that the fundamental problem confronting all leaders and governments in the Soviet Union is to overcome a crisis of legitimacy. As perestroika and glasnost gave people the freedom to question, as the grip of fear loosened, people would not follow a leadership that had no right to govern. That is still a primary problem today. It is true for both the center and many republics.

During the winter and early spring, the Soviet leadership tried to cope with the crisis of legitimacy by restoring order. They falsely equated order with political legitimacy. And for them, order depended on authority.

But equating legitimacy with order and authority turned out to be a backward formula. The heavy hand of authority could not restore order in the Baltics, at least not at a price the leadership was willing to pay. Nor could authority reorder a broken down economy or currency. The leadership failed to reestablish the power of the center through national institutions like the Army, the KGB, and the Communist Party. Then when Gorbachev tried to reestablish political legitimacy based on a new Union Treaty linked to the development of a new constitution and elections, the old Communist boyars made their last gasp through the coup. The brave and successful resistance mobilized by President Yeltsin around the Russian Republic doomed the old center that Gorbachev had sought to maintain through a new union treaty.

So we are now in a period when the republics are seeking to establish their legitimacy. They have declared independence. Now they must determine what independence means for their people and the relation of republics to one another.

We have also seen that one cannot necessarily equate republics with reform. After decades of a Cold War waged against the totalitarian center, some assumed that those within the Soviet Union who opposed this center must also stand for the democratic principles the center crushed. And in fact, as the old central authorities delayed or retreated, many republics had become the driving forces for reform. But we have already seen, in a relatively short time, that the republics also have a mixed record. Some leaders are using the disintegration of central authority to maximize their own power at home. Others use violence and intimidation against those who challenge them and to threaten minorities within their republics.

We need to be careful not to examine the development of republican independence solely through the lens of our conceptions of the nation-state. Nationalism, one of the momentous movements of the 19th and 20th Centuries in the rest of the world, has followed a somewhat different course in the Soviet Union. Russian nationalism has existed for some time, but it had been harnessed to serve the ends of Soviet Communism. Russian chauvinism had antagonized many other peoples in the USSR. Now the national movements in the border republics have been freed to define their own national characters and their origins in culture, literature, language, territory, and history; they are still evolving and still exploring how they relate to one another. While many of the nationalisms have old and distinguished lineages, the relation between nationalism and the state is frequently not yet well defined.

Moreover, the national movements do not fit neatly within republic boundaries. One in five Soviet citizens lives outside his or her ethnic republic or area. So there is substantial potential for friction and conflict between republic governments and national movements.

Ultimately, political legitimacy, and the stability that it offers, must be based on consent of the governed. That's one reason why President Yeltsin, one of the few leaders elected by his people, has a particularly important role to play. Republican independence must be complemented by democracy.

Yet the rule of the majority must respect the rights of the minority. As Thomas Jefferson stated in his First Inaugural Address: "Though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; the minority possess their equal right, which equal laws must protect, and to violate which would be oppression."

3. Cooperation Among Independent Republics

The newly independent republics also need to recognize the benefits of integrating or coordinating structures. This is not the same as seeking a recentralization of power. As former Secretary of State Kissinger pointed out recently in a thoughtful op-ed piece, the highly centralized Russian state—through different leaders, ideologies, and centuries—has relied on hegemonic armed forces and outward expansion to try to dominate at least two continents. But autarkic republics, suspicious and perhaps even hostile to one another, pose dangers, too.

In particular, cooperation among republics may be important in:

Avoiding ethnic discord and even civil war;

Enhancing security, particularly through the central command and control of nuclear weapons; and

Strengthening the prospects for a successful economic reform program.

Given the ethnic patchwork of the Soviet Union, some basic cohesion may be important to stave off disintegration. The importance of some cooperation among the republics was driven home to us by our conversations a few weeks ago with Aleksandr Yakovlev, Eduard Shevardnadze, and other reform leaders. They were particularly anxious about the Ukraine. Of the 52 million people in the Ukraine, an estimated 11 million are Russian; many have intermarried. While Yakavlev and Shevardnadze acknowledged the fact of the Ukraine's independence, they also pointed out the danger that if the Ukraine totally disassociates itself from Russia, large Russian minorities in places like Kharkov, the Donbas, Odessa, and the Crimea may try to secede. If the Russians in the Ukraine leave, they continued, the Russians that comprise 38 percent of the population in Kazakhstan may decide they, too, wish to restore ties with Russia. A divided Kazakhstan could spur the rise of a new Islamic tide across the southern reaches of the Soviet Union. The two reformers concluded this could have far-reaching spillover effects—not only on the Islamic neighbors, but also in nearby multi-ethnic nations like India.

This may well be an overly fearful picture. But these men are serious observers, and their warnings bear careful reflection on the part of all sides. It will be particularly important for Russian leaders to demonstrate to non-Russians that they will be able to receive fair treatment and can exert equitable influence in any arrangements that are struck.

Some cohesion is important for security and stability, too. Central control of nuclear forces is critical to preventing proliferation. Eurasian stability also will not be served by the creation of large, independent republican armies. Nor can economic reform be pursued by small states striving to build military establishments.

Finally, there are significant economic reasons for some common policies among republics. As the United States has demonstrated for over 200 years and as the Western Europeans have also learned, there are substantial economic benefits to a large internal market unhindered by trade barriers. Indeed, it is vital that the reform leaders finally move ahead with a serious, comprehensive program for a market economy, and that effort will be far harder if the republics cannot agree on common economic policies.

Robert Hormats elucidated this point in his recent testimony before the Senate. One of the legacies of Stalin and his successors is a highly interdependent structure of production. Hormats reported that one recent Soviet study examining 6,000 different products determined that about three quarters were supplied by just one producer. Soviet industrialists told him that single factory monopolies tend to be the rule, not the exception, and that they account for an estimated 30–40 percent of industrial output. The CIA has pointed out that "the Soviet Union's entire output of potato, corn and cotton harvesting equipment comes from single factories—all in different republics."

This extraordinary economic monopolization already makes price decontrol exceedingly difficult; if the republics do not maintain open trade and agree to instituting reforms at a roughly similar pace, the already substantial dislocations will intensify. Similarly, the development of a macroeconomic stabilization program—to establish some steady value for a currency—depends on sound monetary and fiscal policies. These policies depend, in turn, on agreements to cut spending, collect revenues, and control the money supply. Therefore, one of the critical challenges facing the people of the Soviet Union is how to strike the appropriate balance between smaller, independent political units and cohesion that recognizes economic and political interdependencies. This is not a new question, and the leaders of the republics can draw from the experiences of others as they search for answers.

4. Balancing the Devolution and Evolution of Sovereignty

As Secretary Baker pointed out in a speech in Berlin this June, one of the most striking phenomena across all of Europe today is the combined and simultaneous devolution and evolution of the nation-state. While the nation-state remains by far the most significant political unit, its political role is being increasingly supplemented by both supranational and subnational units.

In Western Europe, an intense and comprehensive voluntary evolution of governing authority above the national level has been accompanied by the devolution of power to state and local governments, to regions that sometimes cross national borders, and to the private sector. In Central and Eastern Europe, and now clearly in the Soviet Union as well, devolution is certainly the more prominent phenomenon. The collapse of Communism has freed ethnicity to re-emerge as a powerful political force, threatening to erect new divisions between countries and, even more acutely, within multinational states.

Evolution and devolution need not be alternatives, but instead can be complementary, and indeed interdependent developments. The foundation must be democracy and grassroots involvement in political processes. The challenge for democracy is to encompass, to represent, but also to transcend, ethnic ties on the basis of common values.

The United States balances democracy and diversity through federalism. The architects of a united Europe have adopted the principal of "subsidiarity"—the devolution of responsibility to the lowest level of government capable of performing it effectively. By the same token, it makes sense for the various parts of the Soviet Union to consider balancing devolution of authority with the voluntary common delegation of powers for basic matters such as defense, trade, monetary systems, and the protection of basic human rights—particularly equal treatment of minorities. Given the strength of the drive for independence, it may take time before the citizens of the republics are willing to consider such combinations—but the need will not go away.

In 1945, much of Western Europe was broken, hungry, and hostile. But the integration of Western Europe within the EC and NATO has virtually transcended all the old territorial disputes, irredentist claims, and ethnic grievances among and within their member states. Euro-Atlantic integration has made it literally inconceivable that localized disputes could become a source for serious conflict among these states. The incentives for cooperation within these multi- and supranational frameworks are overwhelmingly high compared to with the remaining areas of discord.

Eventually, similar structures will have to develop to shape interdependence with and among the lands of Central and Eastern Europe and the Soviet Union if they are to ever share in comparable levels of peace and prosperity. The processes of evolution and devolution need to be kept in constructive equilibrium. Only by achieving balanced progress in both directions can the individual be assured a voice in a democratic and interdependent world.

5. In Sum

In sum, although power has now shifted to the republics, the crisis of political legitimacy remains acute. The fragmentation of authority could continue—down to still smaller units—if the new leaders fail to establish legitimacy through democracy with respect for minority rights. A preoccupation with republican independence is yesterday's battle, a conflict waged and won against totalitarian central authority. Decentralized power in the republics will not necessarily overcome ethnic strife or economic autarky. At this point in time, an ongoing reform effort needs to turn to these new challenges. We need only look as far as Yugoslavia to see the costs of devolution that slides into disintegration.

AN OPPORTUNITY FOR DEMOCRACY

In the immediate aftermath of the coup, Aleksandr Yakovlev told us that he and his fellow democrats owed a great debt of thanks to a coup plotters. Those eight men, he explained, had opened the way for the democrats to propel reform five or ten years ahead. Old apparatchiks could be moved to the side. The confrontation had produced a real revolution in the minds of the people. Power was now with the democrats. But Yakovlev still asked, "Can we cope?"

There is now a great opportunity to launch true, far-reaching reforms in the Soviet Union and its republics. Conditions at home remain extraordinarily difficult. The old command economy has broken down, but no market system exists to succeed it. The traditional system of authority has collapsed, but the forces of the new, rough-edged pluralism have yet to work out cooperative arrangements so that they can design and implement a program.

The democrats recognize that they must build a stronger base of support. One reform leader told us that during the coup the democrats drew vital support from the "oppositionists". These people are not necessarily the same as democrats. They have rejected the old Communist ways, but as of yet they do not have a deep commitment to any successor system.

Shevardnadze, Yakovlev, Popov, Sobchak, Stankevich and others launched in July 1991 a new Movement for Democratic Reform. At present, it is an umbrella organization that draws from the various fledgling democratic parties that had already been forming, as well as from new participants. They are working to avoid the traditional Russian reform problem of failing to link the intelligentsia with other groups. Interestingly, Shervardnadze told us that two core groups of support were young people and some leaders in the defense industrial sector. The latter—intelligent, technologically sophisticated leaders—recognize that the old system does not work, and they believe there is an opportunity to put their skills to use in a market economy.

The greatest danger the reformers now face is the discrediting of democracy. The average man or woman on the street seems sullen, tired of talk. The new parliaments, like the old Dumas of 1905–17, seem to offer high drama, but no change for the better. One person summarized the situation with an anecdote: The first person who puts vodka on the shelves, she said, will carry the day. Presidents Gorbachev and Yeltsin, who seem to be working in concert, both told us: We need to help people.

Gorbachev also told us that the coup removed the head of the serpent, but a large body of traditionalists remains. He pointed to two significant risks. First, indifference and apathy would weigh down efforts to stimulate a new political and economic system. Alternatively, frustrations might build into an acute response, a demand for action, any action.

Authoritarian strains run deep in Russian and Soviet society. At some point, desperate people may turn back to the autocrat who claims a firm hand is needed to pull people back up. Yet the coup demonstrated that an organized resistance, assembled around newly elected leaders, could defeat authoritarians. Moreover, important groups—including the Army and parts of the KGB—would not intervene against the democrats. Frankly, the big unknown variable is the legendary ability of the Russian people to endure.

A visitor to Moscow or St. Petersburg knows that winter is coming. Perhaps because winter has played such a major role in Russian history, defeating invaders and leaders alike, the encroaching winter appears to be taking on a symbolic feature of challenge. While the task ahead for the democrats will of course extend much beyond the next six months, the new democratic mayors of Moscow and St. Petersburg are mobilizing to meet the needs of their publics over this period.

For Mayor Sobchak of St. Petersburg and other new, dynamic leaders, these preparations are part of a large strategy: They understand people need confidence in the future; they need hope; they need some examples of success. Sobchak also recognizes that the spirit of the people needs to be invigorated by their own sense of what they can accomplish, not by what others can give to them.

These are proud people. They want their accomplishments and potential—which are great—to be recognized. They want our support and cooperation. But they prefer investments or loans to handouts. Perhaps the most encouraging sign is that the type of leaders who will need to step forward if Russia and the other republics are going to be successful—people like Sobchak and Nazarbayev of Kazahkstan—recognizes the great opportunities to be seized and the dangers to be avoided ultimately depend on tapping the creativity and energy of the people they represent.

A POLICY OF ACTIVE U.S. ENGAGEMENT WITH THE SOVIET UNION AND THE REPUBLICS

Throughout four decades of Cold War, America's relations with the Soviet Union were the primary preoccupation of our foreign policy. Although the old Communist regime is now gone, it would be a tremendous mistake to disengage just as the Soviet Union and its republics are moving into a critical stage of transition. The United States continues to have strong national interests in the course of events in that country. U.S. policy towards the Soviet Union and the republics must continue to adapt to meet changes and changing circumstances.

One strong national interest draws from a strain of our foreign policy that dates back to our earliest days as a nation. The United States has always viewed itself as a practical experiment in liberty and democracy. And we have welcomed, encouraged and, when possible, even protected those who aspire to these same values. This is the important element of idealism in American foreign policy. Today's events in the Soviet Union and its republics offer one of our greatest historical opportunities to promote those values, and through doing so, to foster a democratic partner that can help us address other challenges around the world.

But America's statecraft has also sought to blend realism with this idealism. In this situation, our realistic national self-interests also dictate serious engagement. There is the potential for a democratic and market-oriented Soviet Union to contribute to global peace, stability, and prosperity.

But even if this potential fails to be fulfilled, we have an interest in precluding a return to an authoritarian state or states that may threaten neighbors. Within the past two centuries, the armies of Russia and the Soviet Union have marched from the shores of the Pacific to Paris and Berlin. Today, the borders of the Soviet Union mark an arc of other lands in transition: from the aspiring democracies of Central and Eastern Europe, through the Islamic lands of the Mideast, on to South Asian countries struggling with their own religious and national conflicts, and extending to the Communists of Eastern and Northern Asia who are trying to bolster bankrupt regimes. A large share of the world's nuclear weapons remains in the Soviet Union. Various republics have great factories for producing advanced conventional weapons, and some may be already looking for new markets in the world's troublespots. Upheaval in the heart of Eurasia could threaten the very countries that are our primary allies and economic partners.

In sum, because of both our ideals and our self-interest, our foreign policy must continue to direct considerable energy and creativity to the Soviet Union and its republics.

Let me briefly highlight our thinking on three topics: (1) political evolution; (2) economic reform; and (3) foreign and security policy.

1. Political Evolution

Our policy towards the political evolution of the Soviet Union needs to respect the fluidity of the situation. And we must acknowledge the limits of any outsider's ability to affect the future course of events.

This is a key point: The fundamental need to establish political legitimacy can only be accomplished by the people of the Soviet Union and its republics. It's up to them to determine the outcome, not us.

But we are not disinterested bystanders. Many Soviet reformers, people of great reputation at home and abroad, have told us that the opinions of the Western democracies, and in particular the United States, are important. And although it is not our place to delineate the final outcome of the new political arrangements, we can speak to the process by which the decisions are reached.

Therefore, we have informed the leaders of the Soviet Union and its republics that our policies towards them will be guided by five principles set out by Secretary Baker on September 4:

First, they should determine the future of the country peacefully, consistent with democratic values and practices, and the principles of the Helsinki Final Act.

Second, we urge respect for existing borders, internal and external; any change of borders should only occur by peaceful and consensual means, consistent with CSCE principles.

Third, all levels of government should be based on democracy and the rule of law, especially through elections.

Fourth, all parties should safeguard human rights, based on full respect for the individual and including equal treatment of minorities.

Fifth, we urge respect for international law and existing international obligations.

These principles are of course not only applicable to the Soviet Union. They are drawn from the core principles of CSCE, the Helsinki Process, including the Charter of Paris. They have been adopted by 38 countries reaching from North America throughout Europe.

These principles are not mere guidelines. They are also standards of accountability. Those Soviet leaders and peoples who adhere to these principles should know they are building the only sure basis for our support and assistance.

That's the message Secretary Baker conveyed to all Soviet and republic leaders when he went to the Soviet Union last month. That's a message we've asked our allies to reinforce. And that's a message we ask the Congress to support, too.

I would also draw special attention to the fact that human rights remains at the heart of our policy toward the USSR and the republics. It is as important now as ever before, as the republics gain authority over such issues as emigration and other fundamental human liberties. Some of the republics are potential abusers of human rights. So we're making very clear to all of them that human rights, including equal rights for minorities, must be respected and that their behavior in this regard will be a major factor in determining our engagement with them.

As I pointed out in February, we also need to try to manage uncertainty by multiplying our points of access within a society that is transforming itself. We have been working for some time to expand our contacts with republic and local leaders. This has included a program of "circuit riders" regular visits by U.S. Embassy officials to republics where they can develop special ties. These contacts need to be strengthened further through opening new American consulates or "small posts" in various republics. We have sought ways to support democrats, free trade unions, the development of a free media, and market reformers. We have recently proposed Peace Corps programs.

We also believe that it's time for the Soviet Union and the U.S. to terminate the impediments to human contacts that are among the pernicious legacies of the Cold War. We urge Soviet agreement to our "Open Lands" proposal that would open all closed areas in both countries to travel by each other's citizens. We are also eager to work to lift onerous travel controls, visa restrictions, and other barriers to regular contracts between our citizens.

Our efforts are designed to expand our contacts with the full range of important groups in the newly pluralistic Soviet Union. Indeed, the need may be greatest with "swing groups", such as the Soviet military and the defense indstrial complex. These remain powerful institutions or groups, and they reflect the anxiety that troubles much of the society. No Soviet leader will be able to ignore the military's concern about housing and jobs for the troops withdrawn from Central and Eastern Europe and the Baltics. No economic reform program will be politically successful if it does not address the fears of the skilled and influential workers in the defense industrial sector.

2. Economic Reforms

Market economic reforms also must catch up with the new political freedom.

The most obvious need is to offer humanitarian support to ensure that basic needs are met during the winter. We have already sent two high-level missions to evaluate needs and distribute problems throughout the Soviet Union. This week Secretary Madigan is leading another team, including a number of private business executives. Since a significant dimension of the food problem is the failure to acquire, transport, store, and distribute foodstuffs effectively, an important part of USDA's work is to identify ways to help the Soviets and the republics introduce markets, thus fully utilizing what they produce. We are also sharing our assessments with the other G-7 countries, and our experts will meet within about a week to strengthen our cooperation.

In the meantime, we have decided to accelerate the availability of the $1.5 billion of CCC credit guarantees that the President announced this June, and increased the coverage, so the Soviets can secure credit to buy large quantities of American grain and other basic foodstuffs. (This $1.5 billion is in addition to $1 billion of CCC credit guarantees we provided in December 1990.) And we are examining other possibilities to meet emergency food needs.

Since early this year, we have worked with Project Hope to deliver urgently needed medical supplies directly to target locations. A number of U.S. pharmaceutical firms have made generous in-kind donations to this effort. So far, we have sent shipments to the Ukraine, the Aral Sea region of Kazakhstan and Uzbekistan, and Moscow, and we have others planned for the Urals industrial region and elsewhere. AID is working with Project Hope to extend and expand this program.

The second element of our economic effort is to work with the Soviet Union and its republics to develop expeditiously a serious and comprehensive market economic reform plan. The new Special Association with the IMF and World Bank, first proposed by President Bush last December, enables the reformers to start working right away with Western experts to develop a reform program that meets the standards of the international economic community. It is very important that the reforms meet these standards—not because Western governments want to establish hurdles, but because these reforms are the key to tapping the Soviet Union's own considerable resources and talents. Private capital will only invest where businesses determine the mix of return and risk to be worthwhile. The critical fact is that given the size of the Soviet economy, even large infusions of funds from Western governments would be insufficient to make a difference on the fundamental question of economic growth. We don't do the new reform leaders any favor by obscuring the fact that only private capital flows will enable them to create growth and jobs.

Most economists could probably agree on the components of a suitable market economic reform plan for the Soviet Union. That's not the problem. The plan will need to include the clear establishment of property and contract rights, privatization, competition among producers, macroeconomic stabilization, price decontrol, and some narrowly delineated system to ensure that the general public receives necessities in the aftermath of price decontrol and before producers respond to price signals by increasing supplies. The difficult task is the sequencing of these actions.

There is no doubt that the implementation of such a plan would be difficult. But as we have told the Soviets for years now, the situation will not get better while they wait. Indeed, I believe it is imperative to act promptly so as to draw upon public support in the aftermath of the coup. I believe leading reform economists, such as Grigory Yavlinskiy, share this perspective. But they are struggling at present to secure a new economic treaty among republics that might enable them to have the authority to implement such a plan.

The third component of our economic engagement is an enhanced program of technical cooperation. We began this effort in the autumn of 1989; now we need to expand it. As you are aware, the Administration is seeking authorization from Congress to spend a limited sum of foreign assistance monies for technical assistance to the Soviet Union and the republics.

Our political assistance will concentrate on helping to build democratic institutions.

Our present economic priorities are:

Improvements in the food distribution system, so the Soviets can use their own resources to help meet basic needs.

Promotion of private investment in the energy sector, which could help the Soviets and the republics increase their hard currency earnings in the medium term.

Support for defense conversion, which, while extraordinarily difficult, is obviously highly significant politically and economically.

Finally, we need to expand our efforts to train people in the basics of business and to improve the understanding of how a market economy works.

President Bush sought to lend high visibility to the priority of helping to build a private sector by hosting a large breakfast for business enterpreneurs when he visited Moscow. The Commerce Department has begun an internship program with American businesses, which we would like to expand. The Peace Corps has proven helpful in Central and Eastern Europe at a low cost, and we are examining whether we might draw on its skills in this area in the Soviet Union. In addition, as Secretary Brady has suggested, we are working on ways to draw on the capabilities of our private sector, including through groups like the Citizen Democracy Corps.

We hope the Congress will be able to support our efforts by authorizing expenditures for enhanced technical assistance to help build democracy and a market economy, by repealing the Stevenson and Byrd limitations on our credit programs, and by ratifying the Trade Agreement.

3. Foreign and Security Policy

Our third area of engagement is through our foreign policy agenda. We are pleased with the accomplishments in this realm to date, but we have much more to do. Our strategy since 1989 has been to explore and develop possible "points of mutual advantage" for both the United States and the Soviet Union. We probed the "new thinking" in Soviet foreign policy, seeking to shape and, where possible, to alter Soviet policy calculations so that they might face up to the contradictions between the new thinking and old habits. This strategy required us to broaden and deepen our agenda with the Soviets.

Our first objective was to work with the Soviets to overcome the division of Europe, the original cause of the Cold War. Our cooperative approach avoided singularizing or isolating any party that respected moves towards freedom. The Iron Curtain was scrapped, and we achieved German unification peacefully and democratically. The Baltics have been freed. Although many Soviet troops still need to return home from Germany, Poland, the Baltics and Cuba, we are close to achieving some of the key goals of the U.S. foreign policy for over 45 years.

Second, we stressed our common interest in resolving regional conflicts peacefully, often seeking to rely on elections as a means of establishing legitimacy and the local popular will. To create an appropriate context for elections, we sought to use our respective influence to persuade conflicting parties that the use of arms would not produce an enduring solution. This has been the approximate formula for our cooperative efforts in Nicaragua, El Salvador, Cambodia, Angola, and Afghanistan. The experience provided the basis for the immediate, joint U.S.-Soviet denunciation of Iraq's attack on Kuwait, which in turn provided the basis for unprecedented UN and multinational action.

Since the failed August coup, the pathways of cooperation that we established have multiplied. We have agreed with the Soviets to cut off all arms to the antagonists in Afghanistan by the end of the year. The Soviet Union has agreed to withdraw its troops from Cuba and put its economic relationship with Cuba on a commercial basis. We hope the increasing isolation of Castro will eventually persuade him that the people of Cuba can only prosper if they are given the freedom that more and more people around the world now enjoy. There also now is a chance that the rebels in El Salvador recognize there is no future in killing, and that both sides of that deeply wounded society have decided to try to leave hatred behind for peaceful reconciliation. There may be possibilities for returning the Northern Territories to Japan, ending one of the last territorial disputes of World War II. Finally, we are working with the Soviets to launch a Mideast peace conference.

Third, over the past two years, we have deepened and expanded the arms control agenda. This led to landmark agreements on conventional forces, strategic arms, and chemical weapons destruction. We still must focus on the ratification and complete implementation of such agreements.

But now we can also move to a different threshold of accomplishment. President Bush pointed the way to a whole new attitude toward nuclear weapons, stability, and security in his Friday address.

Indeed, inherent in the President's message was an important theme: The dangers that we, and the Soviets, will face in the future are more likely to come from rogue third parties than from one another. So it makes sense that our arms control thinking shift increasingly to the risks of proliferation and regional conflicts.

Our fourth objective was to launch joint efforts to solve translational problems of common interest, such as narcotics, terrorism, and the environment. Now this work must increasingly involve republic leadership.

In sum, our foreign policy agenda remains rich in potential. As we sweep away the items on the old agenda, it is our intention to move a new agenda, one where we hope the changing Soviet Union can act increasingly as a partner in addressing future problems.

DEFINING POLICY SUCCESS

I would like to conclude by raising a point that might seem somewhat unusual, but which I believe is important as the United States considers its future relations with the Soviet Union and the republics. We are likely to be working through a transitional period for what could be a considerable period of time. So we need to reflect carefully on what we would consider to be the results of a successful policy.

I suspect we would generally share a sense of the objectives on the foreign policy agenda I outlined. But what constitutes success in the other dimensions of our policy—especially those related to political evolution and economic reform?

Frankly, we should not be surprised if the Soviet Union and its republics are not able to completely transform themselves into a stable, prosperous democracy or democracies on the Western European model within the next few years.

Nevertheless, there are numerous results short of that goal that might be possible. These intermediate results could prove beneficial to the United States and the world at large. And they could be steps on a pathway to a tremendous achievement.

I suggest that we direct our efforts at maintaining the conditions in which democratic and market economic reformers can continue to strive to bring the Soviet Union within the larger Euro-Atlantic community. We should expect that there will be setbacks. We should expect that some republics will go through periods of struggle, violence, factionalism, and even a return to the old tools of repression. But these twists and turns should not dissudate us from continuing to encourage and support those who continue the effort to embrace the five political principles I outlined above.

For 45 years, other Americans held fast so that freedom and liberty could finally light the lives of hundreds of millions of people frozen in a backward and frightening age. These people will need the leadership, spirit, and example that only America can supply. And subsequent generations of Americans will be better off for our continued effort.

DEATH, DYING, AND HEALING IN TENNESSEE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. DUNCAN. Mr. Speaker, I would like to express my sincere appreciation to Sharon Racsko, the daughter of Clemma Link, who passed away on July 31, 1991.

Mrs. Racsko has written a wonderful tribute to her mother which highlights the true values of a small town and the closeness shared by its residents.

Mrs. Link passed away after a 5-year battle with cancer. Her strength and that of her family was maintained by their faith, friends, and community.

I salute Mrs. Link, her family, and Vonore for reminding us never to take for granted God, family, and community.

DEATH, DYING, AND HEALING IN TENNESSEE

The Navy seemed like such a great place to bury my Tennessee accent. Not only was my accent a sure give away, but my naivete screamed to strangers that yes, I was just a country girl. I wanted the death of my past and I honestly believed leaving Tennessee would make it happen.

It was the stereotype of being an uneducated, hillbilly that I wanted to see die. I wanted the chance to free myself, to prove that being from a small town in Tennessee didn't have to be a life-long handicap. Well, in time, the Navy did help me lose my accent. Living in Florida, Mississippi, Texas, California, and South Korea did re-educate me on what the "real world" was all about. And yes, getting my college degree and entering graduate school did prove I wasn't really a hillbilly. Surely everyone knows hillbillies don't go to college. Or do they?

I knew one who did . . . my mother. She was the oldest of seven children and the daughter of a well-known back-woods preacher from Vonore, Tennessee (Rev. James Patton). But she, too, wanted to shed her southern accent, and escape the innocence of her rural upbringing. She, too, wanted more education than a one-room school house had to offer. What did she learn in the "real world" that I had not? It wasn't until her death this past July 31st, 1991 that I found out. It wasn't until her five year battle of terminal cancer brought me to her bedside that I took the time to see what joy being from a small town in Tennessee could bring.

How can this be? I'm not sure how the transformation that honest-to-goodness Christianity can bring, but for me it happened not in a loud way, not in a self-seeking way, but in a calm, peaceful, and humble way. It came in a covered dish, in a small african violet, in a painted basket, in a handmade walking stick, in a discreet get-well card with church donations, in phone calls, in a gospel tape, in visits, in the get-well cards from Bible-school children, in a bushel of peaches, in a handmade birdhouse. It came through cards, through nurses, through prayers, through the condolence letters of state officials, and it came through the family ... the family of God.

While my mother is gone, the lesson her death has taught me is so great and poignant that even sharing it with those who made it happen cannot attest to the impact it has made in my life. Yes, quietly dying in a small obscure town in Tennessee, surrounded by friends, family, and true Christians yields a far greater reward than the death of a hillbilly stereotype. For losing one's accent, obtaining a formal education, and living all over the world, cannot compare to the quiet understanding that I finally found as I held my dying mother's hand. It was all too clear then that dying in Tennessee means grief is shared, and that healing will come.

I think my mother planned, and knew in her heart, that her return to Tennessee last year would be the last great gift she could give us. For surely she knew we would be in the loving care of those "hillbillys" who know God. And she was right. Mommy was much wiser than I ever knew. ... I wish I could tell her now.

TENNESSEE HEALING

(By Sharon R. Link Racsko, September 14, 1991)

Looking into the weathered faces,
Shaking the calloused, and trembling hands,
I took a moment to reflect on, the
Genuine concern of each child, woman and man.
It was then that wisdom came closer ...
As it whispered its lesson to me.
No matter how far you travel
Your true home is in Tennessee.
While shocked at this vivid revelation,
I pondered on it for a while.
Yes, I thought it's here ...
That Christianity is still in style.
From that moment on my grief
Suddenly, felt lighter I thought,
And forward I took my first step
In the Healing that Tennessee had brought.

PATRIARCH DIMITRIOS I

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. FEIGHAN. Mr. Speaker, it is with a profound sense of loss that the world mourns the passing of Patriarch Dimitrios I, the ecumenical patriarch of the 250 million-member Eastern Orthodox Church, including the Greek Orthodox Archdiocese of North and South America. I know many Members of Congress will recall the historic U.S. visit of the Patriarch just last year and the enormous outpouring of support that we saw from the Orthodox community in this country.

Patriarch Dimitrios devoted his tenure to the pursuit of world peace and to dialog among all Christian denominations and other religious traditions. In 1987, he paid a 5-day visit to the Vatican where he met with Pope John Paul II. The two spiritual leaders issued an historic declaration committing their respective churches to a continuing dialog that would ultimately lead to full communion between the Orthodox and Catholic churches. This was a great step toward healing the millennium old rift between Eastern and Western Christianity.

His mission was an inspiration to people of all faiths everywhere. The Patriarch reminded us that what we hold in common is more important than what divides us.

The Patriarch's passing last week comes at a time when the Eastern Orthodox Church is, at last, emerging from under the thumb of Communist control throughout Eastern Europe. As the consolidation of democratic rule takes hold throughout the region, the Eastern Orthodox Church will undoubtedly play a pivotal role in shaping the domestic and international face of the new world order.

As the leaders of the Eastern Orthodox Church gather to mourn their beloved Dimitrios and to select a new patriarch, I ask my colleagues to join me in expressing our deepest condolences on the loss of this distinguished religious leader and man of peace.

TRIBUTE TO THE FRANKENMUTH OKTOBERFEST

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. TRAXLER. Mr. Speaker, I rise to inform my colleagues of the second annual Frankenmuth Oktoberfest during October 11–13 in Frankenmuth, MI which is located in my district. These fine people hold this celebration in honor of the reunification of East and West Germany. I commend the wonderful citizens of Frankenmuth who have for the past 146 years continued to appreciate and nurture their German heritage.

The community of Frankenmuth was founded by immigrants from the Franken area of Germany in 1845. Today, the heritage of the Frankenmuth community is maintained through language instruction in our schools, through promotion of Bavarian-style architecture in our buildings, through cultural exchanges sponsored by the city's sister city committee, and through activities and events.

Let me tell you about the fineness of Michigan's "Little Bavaria", Frankenmuth. It is a town of 4,408 residents, and it attracts 3 million tourists every year, making it the No. 1 visitor attraction in Michigan. The draw is the Bavarian architecture, the Bavarian Inn and Zehnder's Restaurants, the Frankenmuth Brewery, and Bronner's year-round Christmas Wonderland.

The Oktoberfest celebration will include German music and food. A special treat during Oktoberfest is a personal appearance by "De Jodeler Franzl". Franzl is from Zillertal and will be appearing in Frankenmuth during his North American musical tour. I invite my colleagues to come to Frankenmuth, MI to participate in the Oktoberfest activities. I salute my Michigan neighbors of Frankenmuth for their pride and loyalty to their German heritage.

HORACE F. "BUDDY" BROWN CELEBRATES HIS 80TH BIRTHDAY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. FIELDS. Mr. Speaker, I want to take a moment to bring to the attention of my colleagues, news of a very festive event that will take place this Saturday in Baden, MD.

In Baden, Saturday, friends and family of Horace F. "Buddy" Brown, Sr. will gather to wish him well and help him celebrate his 80th birthday.

Mr. Brown was born in Reading, PA, on October 12, 1911, the son of Albert and Elsie Brown. In his middle teen years, Mr. Brown's family moved to Atlantic City, NJ. When he reached adulthood Mr. Brown moved to Washington, DC, where he worked as a florist near the Shoreham Hotel. During his career as a florist, Mr. Brown enjoyed serving the needs of many of Washington's citizens and visitors.

One of Mr. Brown's regular customers to whom he regularly supplied flowers during the 1930's, was a well-known woman who visited his shop each Saturday to purchase 50 cents of flowers. It seems that the woman's hair salon was also located near the Shoreham Hotel, and she found it convenient to purchase her flowers at Mr. Brown's shop. Her name was Eleanor Roosevelt, and as the wife of President Franklin Roosevelt, she served then as the Nation's first lady.

Another customer made an indelible impression on Mr. Brown—as she would have, no doubt, on anyone here in this Chamber. It seems that on one particular evening, a woman and two companions breezed into his shop to purchase a corsage they had inexplicably forgotten to purchase earlier. After they had selected an appropriate corsage the woman asked Mr. Brown if he would be so kind as to pin the corsage to her dress. And, shaking slightly with understandable nervousness, Mr. Brown carefully and expertly affixed the corsage before the great movie star, Jean Harlow, and her companions departed his shop.

Despite having met Eleanor Roosevelt and Jean Harlow, another woman captured Mr. Brown's heart. In the summer of 1937, Mr. Brown met one of his neighbors Miss Mildred Cheek, who had recently moved to Washington from Durham, NC. Mr. Brown and Miss Cheek had rented rooms in adjoining boarding houses and met during their normal comings and goings. They enjoyed one another's company, and were married on October 29, 1937. Later this month, Mr. and Mrs. Brown will celebrate their 54th wedding anniversary.

In 1939, Mr. Brown began working for Lansburg's department store, eventually rising to the position of stock manager for the store's warehouse. He retired in 1974, after 35 years of employment.

For the last 21 years, Mr. and Mrs. Brown have resided in Brandywine, MD. Their three children—Frank Brown of Greensboro, NC; Vicki Peckham of Washington, DC; and Robin Bridges of Forestville, MD—will join them this weekend in Maryland to help Mr. Brown observe and celebrate his 80th birthday.

Mr. Speaker, I know that you join with me in wishing this wonderful man a happy 80th birthday, and wishing him and his lovely wife many more years of good health and happiness together. Their love and devotion to one another inspires all who know them, including their three children, their five grandchildren, and their one great-grandchild.

Happy birthday, Mr. Brown.

THE MOUNT SINAI—I.J. SELIKOFF OCCUPATIONAL HEALTH CLINICAL CENTER: GRAND OPENING OF A NEW WESTCHESTER INSTITUTION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today with pleasure to announce that Westchester County is gaining an important and much-needed new health facility. The Mount Sinai—I.J. Selikoff Occupational Health

Clinical Center is opening a Lower Hudson Valley division at the Phelps Memorial Hospital in North Tarrytown. It is a welcome and important addition to the services that are offered in our region.

The center is part of a statewide network of occupational health clinics funded by New York State. As a member of the Education and Labor Committee here in the House, I have been a strong proponent of workplace safety and of providing adequate health care to American workers. I am proud that my State has taken the lead in this area, and that Westchester will now benefit from this first-rate new occupational health clinic.

I have also been a fervent supporter of partnerships between the private and public sectors and between labor and management. In this area, as well, I can point to the Mount Sinai-Selikoff Center as an example of just such a cooperative program. The center's advisory board consists of people from many walks of life—labor representatives, employers, health professionals, academicians, and public health officials. They work closely with a variety of public and private institutions to ensure that our local workforce will be provided with the kind of quality occupational health care that it deserves.

I salute the board members and all who are associated with this fine center for bringing this excellent program to Westchester.

WELL DONE, A. ROY KIRKLEY, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding career of A. Roy Kirkley, Sr. Professor Kirkley recently joined the ranks of the retired.

Roy Kirkley was born in 1929 in Vauxhall, New Jersey. In 1947 he was employed by Congoleum Nairn, where he became involved in the labor movement. He was elected shop steward and negotiating committee member. In 1963 Roy was appointed business agent, organizer, and education and political representative of the Amalgamated Clothing Workers of America Philadelphia Joint Board. He represented the 5,000-member local 170.

In 1970 Roy's love and knowledge of the labor movement took him to the classroom. He was appointed associate extension specialist/professor and coordinator of labor programs for Rutgers Labor Education Center. On July 1, 1972, Roy was promoted to full professor, with tenure, at Rutgers, the State university of New Jersey. He retired from that position on September 1, 1991. He has the distinction of having been the only African-American tenured full professor in the labor studies field in the United States.

Roy is a very active member of the A. Philip Randolph Institute. In 1971 he was appointed to the national board. He has used that opportunity to organize and service affiliate groups in 130 cities and 32 States. In his own home State, he is State coordinator of the New Jersey State A. Philip Randolph Institute. Between 1979 and 1980 Professor Kirkley took a sabbatical and researched the needs of African-American workers in the trade union movement. This work resulted in the A. Philip Randolph Education Fund Intern Program.

Mr. Speaker, I know my colleagues would like to join me as I extend my congratulations on an outstanding career, and my best wishes for a happy retirement to Prof. A. Roy Kirkley, Sr., and his family.

THE CSCE MOSCOW MEETING ON THE HUMAN DIMENSION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. HOYER. Mr. Speaker, last Friday, October 4, the 38 participating States of the Conference on Security and Cooperation in Europe concluded the Moscow Meeting on the Human Dimension. This month-long meeting, the third and final in the human dimension series, was a milestone in the Helsinki process. Its location was especially symbolic, illustrating not only how far we have come in bridging the gap between East and West, but also how far we have to go in eliminating human rights abuses within the CSCE. And in the wake of a failed coup, in a city where barricades still line the streets and shrines to the fallen still dot the sidewalks, the CSCE's role in safeguarding democracy, human rights, and the rule of law, seemed more urgent than ever.

As chairman of the Commission on Security and Cooperation in Europe, I, along with Cochairman DENNIS DECONCINI, led a congressional delegation to Moscow for the opening of the meeting. We were there to welcome the newly independent Baltic States, Estonia, Latvia, and Lithuania, to their rightful places at the CSCE table. Members of the Commission staff stayed on for the entire meeting, serving as part of the U.S. delegation under the able leadership of Ambassador Max Kampelman.

The selection of Ambassador Kampelman as head of the U.S. delegation showed the very high priority the United States places on the CSCE process. Ambassador Kampelman's long connection with the CSCE, and his many important contributions to its success, are well known to all of us on the Commission, and especially to those who have had the honor to work with him. He is a skilled negotiator, an accomplished diplomat, and a good friend. I commend him for his leadership in Moscow.

The final document adopted in Moscow deepens and supplements CSCE commitments in the Copenhagen and Geneva Documents, as well as the Charter of Paris for a New Europe. It categorically and irrevocably declares that CSCE human dimension commitments are matters of direct and legitimate concern to all participating States, and not solely the internal affair of the State concerned. This puts to rest, once and for all, the argument that criticism of a State's human rights performance constitutes interference in internal affairs. And by doing so, the Moscow Document opens the door to more effective review of implementation and pursuit of our common goals.

Two years ago, in Vienna, the CSCE created a procedure allowing for a rigorous and virtually continuous review of human rights issues. This procedure, known as the human dimension mechanism, provided for instances of nonimplementation of CSCE commitments to be raised by any participating State at any time, and committed each government to respond when questions concerning its implementation record were raised.

The cornerstone of the Moscow Document is the significant expansion of this mechanism. The newly enhanced mechanism introduces the idea of the CSCE playing a mediating or advisory role in helping a participating State to resolve disputes or deal with potential problems before they reach the point of serious confrontation. Any participating State may, on a voluntary basis, invite a panel—drawn from a CSCE roster—of experienced, skilled people to enter its territory in order to encourage a mediation or good offices process directly with the concerned parties.

But if these voluntary measures are not taken, or prove inconclusive, the expanded mechanism also provides for an additional, more intrusive step: A mandatory fact-finding function. Adding the mandatory element is significant for two reasons: It should act as an incentive for a State to request assistance voluntarily, which is the preferred outcome, and it will provide the CSCE with a tool for addressing an issue of concern to the CSCE community, even when the State involved is unwilling.

In addition to the expanded mechanism, the Moscow Document contains advances over previous CSCE commitments in several important areas. It strengthens commitments to the rule of law, focusing on such issues as the independence of the judiciary; the importance of open and accountable legislative processes and review of administrative regulations and decisions; the need for civilian control of military and paramilitary forces, internal security and intelligence services, and the police; and safeguarding the independent media, including first-time recognition within the CSCE that independent media are essential to free and open societies and accountable systems of government.

The document also contains commitments in other areas of the human dimension, including freedom of movement, respect for the rights of migrant workers, nondiscriminatory treatment of women, and a detailed elaboration of provisions on nongovernmental organizations. I am especially pleased to note that the participating States agreed in Moscow to ensure protection of the human rights of persons with disabilities, and to take steps to ensure the equal opportunity of such persons to participate fully in the life of their society. This commitment is an important step toward achieving equality for persons with disabilities throughout the CSCE community whose rights have been too long ignored.

The United States delegation delivered a number of strong statements at the conference, on issues such as free and fair elections, the critical situation in Yugoslavia, the deteriorating human rights situation in Georgia, the rise of intolerance in a number of CSCE countries, and continued barriers to freedom of movement.

With regard to that last point, however, I would like to express my profound disappointment that the Soviet Union did not, as we had hoped and urged, resolve the outstanding refusenik cases by the close of the Moscow meeting. By missing this opportunity, the Soviet Union squandered a valuable chance to demonstrate concretely its commitment to actualize the human dimension of the CSCE.

With that serious qualification, Mr. Speaker, I think, overall, that we can be pleased with what was achieved in Moscow. The Moscow Document holds reinforced and renewed commitments to implement all CSCE provisions, and recognizes that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for a lasting order of peace, security, justice, and cooperation in Europe.

Our task, now, is to press all participating States to make these commitments a reality. The new mechanism is only as strong as the political will of the States to employ it. The new provisions are only as bold as the will of the States to enforce them. And the serious challenges confronting Europe will only be dissolved by a CSCE ready to act on them.

As we look to the fourth followup meeting of the CSCE, to be held in Helsinki next spring, we must be prepared to respond to a changing Europe with flexibility, determination, and speed. We need to develop a framework for considering new participation in the CSCE; Armenia and Georgia have already made their requests. We need to address the question of self-determination—an increasingly relevant and potentially explosive concern. We need to broaden CSCE's environmental component, for the transboundary nature of pollution requires concerted multilateral efforts. We need to consider ways to improve the openness of CSCE meetings and procedures, and to more fully involve the nongovernmental community, whose work is so critical to our own. And we need to continue our serious review of implementation, in spite and because of the tremendous progress of the CSCE community has made toward full realization of the Helsinki principles. Only with ceaseless resolve and conviction can we render the Helsinki process worthy of those whose rights it strives to protect.

HONORING THELMA MONTGOMERY, PRINCIPAL OF SANTE FE HIGH SCHOOL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual, Ms. Thelma Montgomery, principal of Santa Fe High School in Sante Fe Springs, CA. Ms. Montgomery is retiring from public education after 23 years of service to our youth and will be honored at a special celebration on Sunday, October 20, 1991.

Ms. Montgomery received her bachelor of arts amd masters degrees in English from California State University, Fullerton. She later received a second masters degree in secondary education from Whittier College and also completed pre-doctorate work at the University of Southern California.

Ms. Montgomery has dedicated her career to the field of education. She served for 10 years as an English teacher and department chair at Whittier High School. She then moved to Santa Fe High School and assumed the position of vice-principal of curriculum and was promoted to principal where she has served since 1980. In addition, she has performed the duties of an associate professor at Whittier College since 1980.

She has been active in various community projects and has been honored as outstanding educator by the State of California and the Community Achievement Award by Toastmasters. She was also the nominee for the State of California for the U.S. Blue Ribbon Award for high school principals in 1991.

During her tenure at Santa Fe High School, she implemented a myriad of successful programs, such as the Student Honor Court, school-wide discipline plans, student guidance & curriculum councils, the Alumni Hall of Fame and Education Business Partnership Programs. In 1991, under Ms. Montgomery's direction, Santa Fe High School won the "distinguished school" competition at the local and State levels and advanced as a national finalist.

Mr. Speaker, on October 20, 1991, teachers, administrators, former students and civic leaders will gather to honor Ms. Thelma Montgomery for her tremendous contributions to the field of education and the community. I ask my colleagues to join me in saluting this exceptional woman for her outstanding record of educational service to the young people of my district.

TRIBUTE TO VERONICA PERRY: SHE OVERCAME TRAGEDY AND KEPT ON GIVING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Ms. Veronica Perry, who succumbed Friday, October 4, to complications of heart surgery. She was 44 years old.

Ms. Veronica Perry may well be remembered as a "mother's mother." For most of her adult life she was an advocate for children, a teacher and an elected member of the community school board. Most of all, to the children of 114th Street in Harlem, where she lived, Ms. Perry was the surrogate mother who was always there.

A lifelong resident of Harlem and the fifth generation of her family to reside on 114th Street, Mrs. Perry was one of 13 children born to Ms. Eva Rutledge and the late Mr. Vincent Holder.

For many years, Ms. Perry was employed as a teacher at the Lenox Hill Hospital day care program. In 1984, she was elected to her first term as a member of the school board of Community School District 3. Her candidacy had been supported by the Sojourner Truth Democratic Club, of which she was a founding member. At the time of her death, Ms. Perry was completing her third term and had risen to senior membership on the board.

In the early 1980's Ms. Perry played a pivotal role in the successful campaign to revitalize historic Wadleigh Junior High School on 114th Street, where she was the PTA president. Ms. Perry mobilized parents, and the political and civic leadership behind a drive that resulted in the renovation of the school building as well as upgrading of the curriculum.

This was but one of the child-driven initiatives on which Ms. Perry seemed to thrive and to which she gave herself completely. But beyond her civic contributions, she and her husband, Mr. Jonah Perry, Sr., were parents of three children.

In 1985, the Perry's were visited by a tragedy that shook all of New York. Their second son, Edmund, a promising prep high school student who had already been accepted to Stanford University, was slain by a New York City policeman under controversial circumstances. The incident sparked numerous demonstrations to protest Edmund's death, but also as an expression of support for Ms. Perry.

Despite this tragedy, she went on with her life, comforted by her remaining children, Nicol, 20, and Jonah, Jr., 24, a Cornell University graduate who plans to enter law school.

Ms. Perry's life exemplifies that of so many of Harlem's unsung heroes. All those mothers who give so much, and are so little recognized. Her life was a tribute to them.

Always caring, always sharing, always available, she overcame numerous little and large personal tragedies so that she might continue to give to others.

Ms. Veronica Perry is survived by her children, Nicol and Jonah; her husband, Jonah, Sr.; her mother, Ms. Eva Rutledge; and four sisters and three brothers.

SALUTE TO THE HAMILTON COVE DESALINATION PLANT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to salute the new Hamilton Cove desalination plant, which has begun providing freshwater to my constituents on Catalina Island. Not only is the plant the first on the West Coast that converts seawater into drinking water, it also represents an unprecedented partnership between public and private interests.

At a cost of $3 million, the plant provides 132,000 gallons of freshwater a day, almost one-third of the island's annual water consumption. Because Catalina Island has been particularly hard hit by California's drought, this plant is especially welcome.

I am also pleased that it was built as a joint venture by a private developer, the Whitehawk Partnership, and a public utility, Southern California Edison. By building the plant, Whitehawk was able to build its Hamilton Cove development, and the residents of Catalina Island now have a crucial source of water to help meet their needs during dry periods such as this.

In addition, the reverse osmosis technology used at Hamilton Cove may prove invaluable to mainland Californians in the future as many communities are considering building desalination plants to help meet their water needs.

Mr. Speaker, I ask my colleagues to join me in saluting the Whitehawk Partnership and Southern California Edison for working together for their community.

INTRODUCTION OF HMONG VETERANS' NATURALIZATION ACT OF 1991

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. VENTO. Mr. Speaker, today I am reintroducing legislation which would relax certain naturalization requirements for Hmong veterans who served alongside United States forces in the Vietnam war.

The Hmong Veterans' Naturalization Act of 1991 recognizes the significant sacrifice made by thousands of Hmong and other Laotian highland groups who served in special guerrilla units in the Vietnam war from 1960 to 1975. These forces were recruited and trained by the Central Intelligence Agency and bore the brunt of fighting against the North Vietnamese and Pathet Lao forces. Although they were never inducted into the U.S. Army, these units were created, controlled and funded by the Defense Department through the CIA.

The consequences of Hmong's service in the Vietnam war was utterly devastating. The most conservative reports list 18,000 to 20,000 killed in combat between 1963 and 1971 with tens of thousands injured. In addition to the loss of life, the war also resulted in the loss of homeland for the Hmong. When the Communists took power after the war, the Hmong were targets for persecution and tens of thousands fled to refugee camps to save their lives.

The Hmong were known as capable fighters who made great sacrifices in the line of battle. Experts estimate that up to 40,000 served in the special guerrilla units in the peak years. These forces included men, women and children, some as young as 10 years old. The participation of the Hmong in U.S. operations in Southeast Asia—actively pursued and paid for by our Government—resulted in a severe displacement and loss of the Hmong population.

While it is obvious the Hmong served bravely and sacrificed dearly in the Vietnam war, many of those who did survive and make it to the United States are having a difficult time adjusting to life here. Many of the 100,000 Hmong refugees living in the United States are separated from their family members. Considering the importance of family to the Hmong, it is a great hardship for the Hmong to have family members scattered throughout the world with little chance for reunification. Fortunately there is something we can do to speed up the process of family reunification and ease the adjustment of Hmong into U.S. society, at no cost to the Federal Government.

The key to family reunification is citizenship. My bill would make the attainment of citizenship easier for those who served in the special guerrilla units by waiving certain naturalization requirements which are particularly difficult for Hmong people to meet. The greatest obstacle in becoming a citizen for the Hmong is passing the English test. This is due to the unique historical and linguistic circumstances of the Hmong people. The Hmong came from the highlands of Laos where there were few opportunities for formal education. More importantly, their language was an oral one. Written characters for the Hmong language have only been introduced recently, and whatever chances most Hmong may have had for learning the written language were disrupted by the war.

As a result, most Hmong came to the United States without the ability to read or write in their own language and with little or no formal education. The acquisition of English presumes prior experience with formal education and literacy skills. The Hmong have neither, and learning English is therefore extremely difficult for most Hmong, especially the middle-aged and elderly Hmong. Several studies have reported on the difficulty of English acquisition for the Hmong. Since the English test is also an insurmountable obstacle to the spouses and widows of Hmong veterans, and considering the great hardship they have endured as a result of their spouses' service, the legislation waives the English requirement for these Hmong as well.

My bill would also waive the residency and presence requirements for those who served in the Special Guerrilla Units to speed up the process of family reunification. Current law permits aliens or noncitizen nationals who served honorably during World War I, World War II, the Korean conflict, and the Vietnam war to be naturalized regardless of age, period of residence, or physical presence in the United States.

This legislation recognizes the brave service of the Hmong people and the extreme difficulty of acquiring the English language for the Hmong people. This legislation was developed by leaders of the Hmong community in Minnesota and has been endorsed by the Lao Family Community of Minnesota and the Hmong and American Veterans Alliance, a national organization made up of soldiers from both of these groups who served together in Southeast Asia.

In addition to helping reunite families separated by the passage of years and the distance of miles, the enactment of this bill would be an important component to the full integration of the Hmong into American society. Voting and other citizenship benefits would help the Hmong adjust to the radically different society they have moved to. Our refugee resettlement efforts, which I believe have had a mixed record of success, would also be helped by the passage of this legislation.

Mr. Speaker, the Hmong served the United States for 16 years. They suffered an irretrievable loss of life and homeland. I urge my colleagues support this important legislation which gives rightful recognition to a group too often forgotten in our society who served our interests when we asked them.

COMMENDING FANNIE MAE FOR CRA ASSISTANCE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Ms. WATERS. Mr. Speaker, I rise today to bring to the attention of Members a new, innovative program created by the Federal National Mortgage Association, commonly known as Fannie Mae, to help lenders meet their Community Reinvestment Act [CRA] requirements.

I'd like to share with my colleagues Fannie Mae's newest service, FannieMaps, a new technology to help mortgage lenders nationwide identify and meet the affordable housing needs of low- and moderate-income neighborhoods in major cities.

FannieMaps uses the most recent census and U.S. Department of housing and Urban Development data to depict lower-income and minority neighborhoods in large metropolitan areas in all 50 States where housing affordability needs may be unmet. This allows mortgage lenders to easily identify and customize affordable mortgage programs to meet the special needs of low- and moderate-income neighborhoods in their lending areas.

The service uses census tracts to identify neighborhoods where the median income is less than 80 percent of the income level of the metropolitan statistical area [MSA]. The service also, identifies concentrations of minority households within MSA's. FannieMaps provides three levels of color-coded maps, ranging from entire cities to individuals ZIP code areas, along with data on the income, race, and age of residents.

The service provides lenders with precise mapping and demographic data which can assist them in mounting special marketing efforts to increase the availability of affordable housing in the areas and the neighborhoods they serve.

Beginning in November, FannieMaps will be provided to Fannie Mae lenders through the company's electronic communications network, known as MORNET. Lenders will be able to view and print hard copies of the FannieMaps and accompanying demographic reports they select. The maps and data are free; lenders pay only for the computer time to transmit the material.

FannieMaps will enhance the efforts of commercial banks, savings and loans, and the mortgage banking subsidiaries of these lenders to meet their Community Reinvestment Act [CRA] requirements. Hopefully, this will lead to better CRA compliance and an expansion of CRA-type lending. Whatever we can do to encourage such lending is welcome, and Fannie Mae deserves credit for its efforts.

Mr. Speaker, I commend Fannie Mae for crating FannieMaps. I urge the Nation's mortgage lenders to avail themselves of this useful service.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. ENGEL. Mr. Speaker, I rise today to thank my colleagues for joining me for the third year in a row in passing House Joint Resolution 260, legislation which will designate this month of October as "Italian-American Heritage and Culture Month."

During the past 3 years, the month of October has become a time of great celebration for the Italian-American community. Hundreds of activities have already been planned on both the local and national levels in recognition and celebration of the achievements of Italian-Americans.

As you know, some 25 million citizens make up the Italian-American community, representing one of the largest ethnic groups in the United States. There are thousands of Italian-American organizations and clubs throughout the United States who greatly contribute to the prosperity and progress of our Nation on a yearly basis, not to mention the individual Italian-Americans who have contributed to the United States in all aspects of life including art, science, civil service, military service, athletics, education, and politics.

"Italian-American Heritage and Culture Month" gives the American people the opportunity to highlight the many contributions and achievements of Italians and Italian-Americans throughout history. Most celebrated, of course, is this year's quincentential celebration of Christopher Columbus' recorded discovery of the Americas. Also to be remembered are the contributions made by Enrico Fermi, one of the early pioneers of nuclear physics, and William Paca, an original signer of the Declaration of Independence.

In addition, Philip Mazzei, an Italian patriot and immigrant, is credited with coining the Declaration of Independence phrase "All men are created equal." During the American Revolution, he devoted much of his time and energy to the preservation of both religious and political freedom in America.

Finally, "Italian–American Heritage and Culture Month" gives us the opportunity to reflect upon the many common values and ideals shared between the American and Italian people. The importance of individuality, the protection of basic human rights and freedoms, and the advancement of mankind, are but a few of shared beliefs that bond our two nations together.

Mr. Speaker, we are giving a great honor to one of the largest ethnic communities in this country by passing this resolution and I am thankful for the many contributions that they have made to our society. I look forward to continuing this tradition in the many years ahead.

THE CULTURAL FESTIVAL OF INDIA

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. GEPHARDT. Mr. Speaker, I had the honor of attending the Cultural Festival of India, which was held in Edison, NJ, from July 12 to August 11.

The thousands of Americans of Indian descent that attended the festival are representative of the large, active, productive Indo-American community which has contributed greatly to the economic, scientific, and educational advancement of America.

The festival also underlines the important cultural contributions of this community which has maintained strong ties with India through the generations.

During my visit I met Americans of Indian descent from across the country, many of whom had traveled from as far away as Missouri and Florida. They had brought their children to the festival to foster an understanding of the rich cultural traditions of India.

I commend the organizers, the volunteers, and the Indo-American community for this special celebration of their cultural heritage.

MARLOW INDUSTRIES RECEIVES BALDRIGE QUALITY AWARD

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. JOHNSON of Texas. Mr. Speaker, I am proud to announce that Marlow Industries of Dallas, TX, has been named a recipient of the Malcolm Baldrige National Quality Award. The Baldrige Award is the Nation's highest award given for excellence in management. This honor was bestowed on only three companies in America this year.

As a member of the Small Business Committee, I am especially proud that Marlow Industries won in the small business category. This Dallas manufacturer of thermoelectric cooling equipment, generators, and controllers began with five employees in the early 1970's. It now employs 160 people and is a recognized industry leader in a growing and competitive market.

Raymond Marlow, president of Marlow Industries, was fundamental in the establishment of the Texas Quality Consortium. This small business organization enables its members to share resources and ideas about quality assurance. Raymond Marlow's definition of quality is "continuous improvement through customer satisfaction and employee empowerment." Marlow Industries is a showcase for the Texas spirit of excellence through teamwork.

I salute Raymond Marlow and his team at Marlow Industries for their hard work and dedication to quality. They are truly a source of inspiration for all of America's businesses, large and small.

TRIBUTE TO GEORGE LEWIS RUSSELL, SR.

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to a man that many considered to be a Capitol Hill institution. For 17 years George Lewis Russell, Sr. graced these hallowed halls, with a dignity and sense of dedication that made him a friend to all that were fortunate enough to be touched by him.

In his position as the Assistant Chief Clerk to Reporters, the man we affectionately referred to as George literally had a front row seat as we conducted the Nation's business. Yes, Mr. Speaker, when my friends on the other side of the aisle were in the well giving speeches, that moment was shared by George who sat directly behind whoever was speaking.

Mr. Speaker, aside from his duties here in the House of Representatives, George was a dedicated family man, active in his community, his church, and the affairs of his college, North Carolina A&T State University.

Mr. Speaker, George Russell always went the extra mile to help individuals seeking employment and was always encouraging to members and staff.

Unfortunately, there will not be any statues or buildings here on the Hill named after George Russell. However, we can all rest assured that this noble man will never be forgotten on Capitol Hill or in his community.

SUPPORT FOR H.R. 917

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mrs. LLOYD. Mr. Speaker, the Social Security "Notch" issue has been the cause of a great deal of concern since the early 1980s. Although it has been the subject of hearings by the Subcommittee on Social Security, the measure has not been voted on by the Ways and Means Committee.

I have had and am continuing to receive many letters from constituents who feel that Congress' failure to act jeopardizes their financial condition. I am appalled when I hear that America's elderly population believe that we here in the Congress are unwilling to take corrective action. Those individuals born during the notch years are conscientious people who worked hard all of their lives and their concerns deserve to be heard not pushed aside. They are tired of being shortchanged on their Social Security checks. We have waited far too long to correct this situation and it is costing America's older population in lost benefits.

Mr. Speaker, H.R. 917 is a bipartisan effort that will restore fairness without jeopardizing the Social Security trust fund. In light of the overwhelming support for the bill, I believe it is time we resolve this matter. Let's act on the bill.

RECOGNITION OF THE FAIRLAWN CREDIT UNION OF PAWTUCKET, RI

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the Fairlawn Credit Union of Pawtucket, RI.

Federally insured credit unions are unique financial institutions. Created to improve the quality of life through the principles of self help and cooperation, federally insured credit unions are passports to personal and financial opportunity and are, thus, worthy of recognition.

Federally insured credit unions are individual, independent cooperatives founded by people seeking economic advancement, and are passports to opportunity for people seeking a way to improve the condition of their lives and those of their families.

Federally insured credit unions call for the pooling of personal resources and leadership abilities for the good of the cooperative, encourage a regular habit of savings so those in need may borrow and foster the desire to repay loans so members may have access to credit when it is required.

Federally insured credit unions create opportunity in 79 nations around the world, so that 34,000 credit unions can serve the financial needs of 77 million members, associated through local, State, regional and international organizations sharing the same commitment to serving their members.

Federally insured credit unions are working to make financial democracy possible for the people of Poland, Hungary, Eastern Europe, and the rest of the world.

It is my pleasure to recognize Fairlawn Credit on International Credit Union Day, October 17, 1991, for its continuing interest in the welfare and development of credit union members, for the safety and security provided to the members' personal investment in the credit union, and for the many contributions made to the larger community.

SAINT JOSEPH'S CHAPIN STREET HEALTH CENTER OF SOUTH BEND FIFTH ANNIVERSARY, AND PRESIDENT'S POINT OF LIGHT

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. ROEMER. Mr. Speaker, it is with great pleasure that I join today in honoring the St. Joseph's Chapin Street Health Center in South Bend, IN. Today is a day set aside to celebrate the fifth anniversary of the founding of this facility, which has brought the best of public service together with the worst of our health care needs.

In 1986, sister Maura Brannick began the clinic known as St. Joseph's Health Center. This facility provides health care to members of our community who would in all likelihood go without otherwise. Sister Maura has organized a group of physicians who give selflessly of their time and energy in a volunteer capacity. Over 50 doctors work at the center each month, and twice as many more kindly accept the clinic's referrals. Add to this a network of nurses and other concerned professionals and laypeople who give their time and expertise, and you have a model example of what a community health care facility can be.

Mr. Speaker, at a time in our country when people in poverty receive their primary health care in hospital emergency rooms, it is gratifying to know that Sister Maura, her colleagues, and folks like them around the Nation are waging a war against disease and ill health in the neighborhoods that need it most.

So much is St. Joseph's Chapin Street a shining example of the best and brightest of community concern, that today, President Bush declared this place and its people the 584th Daily Point of Light for the Nation.

Mr. Speaker, St. Joseph's is not just a place for people who are sick or hurt. It practices, on a daily basis, preventive care, and particularly cares for our youth. It's antidrug and other programs focus on the character and integrity of our youth, helping them realize their self-worth and giving them the building blocks they need to create self-reliant and successful futures.

St. Joseph's caters to the whole community, though, and sponsors soup kitchens and other homeless people's programs, keeps our senior citizens healthy and involved, and continues to work with the disabled.

Mr. Speaker, the President is right on target in picking St. Joseph's Chapin Street Health Center as deserving of honor and our deep respect. They have not only provided a service to a needy and deserving part of the third district community, but have earned the admiration and respect of all of us. I am proud to know Sister Maura and her colleagues, and am doubly proud to represent such a fine facility and group of people.

CONGRESSMAN KILDEE WELCOMES VFW COMMANDER IN CHIEF ROBERT E. WALLACE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. KILDEE. Mr. Speaker, I rise today to welcome the commander in chief of the Veterans of Foreign Wars, Robert E. Wallace, to the Seventh Congressional District. Throughout his career, Commander in Chief Wallace has demonstrated a lasting and enduring commitment to his Nation and his community.

As a veteran of the United States Marine Corps, Robert served in Vietnam from 1967 to 1968 as a lance corporal. He was twice wounded at the Battle of Jue and was later wounded near Khe Sanh. The latter wound resulted in the total loss of hearing in his right ear and his evacuation from the battle zone.

After his honorable discharge from the Marine Corps in 1969, Robert Wallace began a career in the banking industry, while simultaneously pursuing his college education. After 7 years of long hours and hard work, Robert earned both a bachelor of science in management from Rutgers University and a masters degree in business administration from Fairleigh Dickinson University.

Along with his outstanding achievements in business and education, Commander in Chief Wallace was spared no effort in promoting the welfare and dignity of our Nation's veterans. His involvement in veterans affairs began while he was still a soldier in the jungles of Vietnam where he joined the Veterans of Foreign Wars [VFW]. After his discharge from the service, Robert served on the New Jersey Jobs for Veterans Task Force in 1972. In 1979 he received the VFW Young Veteran of the Year Award from the Department of New Jersey and the national organization of the VFW.

From 1980 to 1981 Robert Wallace served as the commander of the Department of New Jersey. He was the first Vietnam veteran and the youngest veteran to serve in this position. In 1981 Robert was appointed chairman of the New Jersey Veterans Day Committee and began serving his first term on the Veterans Service Council. He was also appointed to the New Jersey Jobs Training Coordinating Council. His outstanding service in these positions led to his appointment by Gov. Thomas H. Kean as New Jersey's first deputy commissioner on veterans affairs.

While serving in that position from 1988 to 1990, Wallace also became VFW junior vice commander in chief in 1989. Most recently, Robert was elected commander in chief at the 92d national convention in New Orleans in August.

A member of VFW Post 1851, Robert and his wife, Diane, have one daughter.

Mr. Speaker, it is an honor for me to rise today and recognize the outstanding lifetime achievements of this great American. Never has our Nation had a greater need for the kind of selfless commitment to the protection of human dignity that is exemplified by the life of Veterans of Foreign Wars commander in chief, Robert Wallace. He and the veterans he represents have placed their lives on the line to protect the freedom that too many of us take for granted. Moreover, they continue to sacrifice their time to improve the quality of life in communities across the Nation. We owe them a debt of gratitude that can never be repaid.

THE REPUBLIC OF CHINA ON TAIWAN'S NATIONAL DAY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. PRICE. Mr. Speaker, I rise today to pay tribute to the people of the Republic of China on Taiwan as they celebrate National Day.

I had the opportunity to visit Taiwan 2 years ago, along with Representatives MARLENEE and HASTERT. This trip greatly increased my understanding of the nation's early struggles, its present successes, and its hopes for the future. I was particularly struck by Taiwan's impressive economic progress. In the last 40 years, Taiwan has turned from an impoverished country with few resources into a major player in the world economy.

Since that time, equally impressive political developments have been taking place in Taiwan. On December 2, 1989, the first islandwide elections were held since martial law was officially lifted in 1987. President Lee subsequently convened a National Affairs Conference and put forth an ambitious agenda for political reform. Over the next few years, the Republic will hold an election for a new national assembly and new parliamentary bodies, will implement further constitutional reforms, and finally, will hold a direct election of the Republic's President.

I trust these trends will continue.Taiwan's economic and political success are particularly important to me and to the large Chinese community in my district. Taiwan is also vital to the economic future of my State; it has become a major market for agricultural, electronic, and other products from North Carolina.

Mr. Speaker, on the Republic of China's 80th National Day, I join my colleagues in extending to President Lee Teng-hui and the citizens of Taiwan our hearty congratulations and in expressing our high hopes for continuing friendship and cooperation in the years to come.

TRIBUTE TO JIMMY T. ANDERSON

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. DARDEN. Mr. Speaker, today I would like to honor the memory of a longtime friend of mine, Mr. James T. Anderson of Marietta, GA, who died October 6 at age 88.

Mr. Anderson, or "Jimmy T." as he was affectionately known to one and all, contributed greatly to the betterment of Marietta and Cobb County throughout his long, productive lifetime.

A member of one of Cobb County's finest pioneer families, he and his wife, the late Jennie Tate Anderson, were quick to welcome newcomers moving into their booming community. I well remember when I, as a young man just arriving in an area not always hospitable to strangers, was made especially welcome and introduced around by Mr. Jimmy T.

Throughout his life he was active in civic affairs, a kind and generous man who will always be remembered with respect and affection for his unselfish contributions to our community.

Born in Marietta on March 12, 1903, he attended Marietta High School and graduated from the Eastman-Gaines School of Business in Poughkeepsie, NY.

After working for the Trust Company of Georgia for a short period, he opened a Chevrolet dealership, which he operated for 60 years before retiring in 1987.

He served on the Atlanta Metropolitan Foundation for 27 years, was a member of the Kennesaw College board of trustees for 22 years, served as an elder in the First Presbyterian Church of Marietta and was chairman of the James T. Anderson Boys Club board of trustees.

The Cobb Civic Center's fine arts theater was named for Mrs. Anderson, who was an outstanding person and community leader in her own right.

It was my privilege to have been close to this progressive couple and their fine family. I have been good friends with their children, and my son and daughter are friends of their grandchildren.

The Anderson family includes three sons, James Thomas Anderson III and William Tate Anderson of Marietta, and Randall Montgomery Anderson of Alexandria, VA; a daughter, Virginia Kent Anderson-Leslie of Decatur; and six grandchildren, Mary Kent Anderson, Byron Thomas Anderson, Randall Montgomery Anderson, Jr., Katherine Tate Anderson, Virginia Campbell Leslie and Katherine Elizabeth Leslie.

Our sympathies are with them, but we find comfort in the knowledge that Mr. Jimmy T. died peacefully in his sleep after living an exemplary life.

COMMEMORATING COLUMBUS DAY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. PICKLE. Mr. Speaker, "In fourteen hundred ninety-two Columbus sailed the ocean blue"—this is one fact on which all of us still agree—that some 500 years ago, the Italian navigator Christopher Columbus set sail with the *Nina,* the *Pinta* and the *Santa Maria* on a quest for the Orient.

Though scholars differ on whether Columbus was the first nonnative to land in the Americas, there is no doubt that his voyage forever linked the Eastern and Western Hemispheres.

This October 12, America will celebrate Columbus Day as we always have. But next year, in 1992, the world will commemorate the quincentenary of Columbus' historic voyage. It is of great national significance to the United States. Literally, we were born on this date.

In honor of the upcoming anniversary, PBS aired an outstanding program this week, called "Columbus and the Age of Discovery." I urge my colleagues who did not see the program to try and get a copy—it is outstanding.

This Columbus Day I urge all Americans to take a moment to celebrate the spirit of Columbus and his many accomplishments.

REPUBLIC OF CHINA ON TAIWAN CELEBRATES 80TH BIRTHDAY

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. ARMEY. Mr. Speaker, I join my friends and colleagues today in sending my best wishes to President Lee Teng-hui and Premier Hau Pei-ts'un on the 80th anniversary of the Republic of China, the 10th day of October, 1991.

The Republic of China is an important ally of the United States. Its people share our beliefs in democracy, free enterprise, and human rights. With those beliefs, they have achieved one of the highest standards of living in the world today and are among our most valued trading partners. As the volume of trade between our nations increases, I have no doubt that we will continue to enjoy fine trade relations.

May the leaders and people on Taiwan have continuing political freedom and economic growth.

NEW MEXICO MILITARY INSTITUTE CENTENNIAL CELEBRATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 1991

Mr. RICHARDSON. Mr. Speaker, my colleagues will be pleased to learn that an outstanding educational institute in New Mexico is celebrating its 100th anniversary this fall. New Mexico Military Institute, located in Roswell, NM, and known as "the West Point of the West," was founded in September of 1891.

NMMI has grown from a one classroom building with 38 students and a faculty of five to a $100 million campus with a well-disciplined corps of cadets nearly 1,000 strong, taught by an outstanding faculty of 70 and cared for by a dedicated staff of more than 100.

NMMI is a State-supported, coeducational 4-year high school and 2-year junior college, operated in a military setting. This outstanding facility attracts a select group of students from more than 40 States and a dozen countries.

A group of 100 distinguished alumni have undertaken a centennial celebration fundraising campaign with a goal of raising $8 million. The money will be used for scholarship endowment, cadet activities, academic program enhancement, and campus enhancement.

I urge my colleagues to join me in congratulating New Mexico Military Institute on its first century of excellence and wishing this fine institution our best wishes as it begins its second century of public service.

SENATE—*Friday, October 11, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable PAUL SIMON, a Senator from the State of Illinois.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 11, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL SIMON, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SIMON thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10 A.M. TUESDAY, OCTOBER 15, 1991

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate now stands in recess until 10 a.m. Tuesday, October 15, 1991.

Thereupon, at 9:45 o'clock and 20 seconds a.m., the Senate recessed, under the order of Tuesday, October 8, 1991, until Tuesday, October 15, 1991, at 10 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Friday, October 11, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, not to separate the unity of the world You have created, the spiritual from the material, or to divide our lives into compartments of the natural and the supernatural. Remind us that we ought to affirm the relationship between prayer and work, between worship and service, between words and action. May the words we say with our lips, be believed in our hearts, and all that we believe in our hearts, may we practice in our daily lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. GOSS] please come forward and lead the House in the Pledge of Allegiance.

Mr. GOSS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A BILL TO REPEAL PRIVILEGES AND GRATUITIES FOR MEMBERS

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, only a very few Members of Congress have really done anything improper in my opinion, but it has hurt the institution to have so much criticism for things which are relatively trivial and should be corrected.

I am introducing today a bill which would provide for repeal and prohibition of all exemptions, privileges, and gratuities for Members of the House of Representatives and of the Senate. These things are not things that are important to the country's welfare and they ought to be abolished, and we ought to get on with making the Congress the effective group that it desires to be and actually is in most instances.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3371, OMNIBUS CRIME CONTROL ACT OF 1991

Mr. GORDON, from the Committee on Rules, submitted a privileged report (Rept. No. 102–250) on the resolution (H. Res. 246) providing for the consideration of the bill (H.R. 3371) to control and prevent crime, which was referred to the House Calendar and ordered to be printed.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I take this great opportunity to address the House in what we call special orders in order to report on the agitating and continuing prime and fundamental issue confronting this country now for some time and into the foreseeable future. That is the situation with respect to our financial, banking, and generally economic institutional life.

I believe the country is very much concerned about what they have been reading for a few years, and it seems that so many of the citizens that have either written me or that I have met with have something that happened precipitiously overnight, unexpected, and just not generally reporting any awareness. Nothing could be further from the truth.

There were some of us that were seeking out as long as 30 years ago, when I first arrived on this scene and was assigned to the Committee on Banking, Finance and Urban Affairs.

I spoke since then, and the reason I am reminded of this is because when all of this happened, and I had opted to remain on what I considered to be the assignment that I could best address my attributes and my background and my interest, and that was the Committee on Banking, Finance and Urban Affairs, known as the Banking and Currency Committee when I came here. And that was from the beginning of the organization of the Committee on Banking, Finance and Urban Affairs, as a result of the 1865 National Currency Act, President Lincoln's great concern at the time of his death.

What he feared the most ended up happening. It was the beginning of the creation of a national banking system. From the very beginning, the power to allocate credit, as it is in every society, but particularly intertwined in the history of our country from its very initial stages of national formation, when the First and Second Continental Congresses were organized.

Remember, those were the first years of our national existence as a Nation. That is, it was the first glimmer of the bond that existed among the Thirteen Colonies out of a total of actually 34.

This is a part of history we just do not learn in the history books. We were at one time part of a configuration of 34 States going into what is now Canada, but the Thirteen American States first found themselves in a common bond in their Continental Congresses to which they elected delegates. And the delegates then, the biggest issue was what were they going to do about their banking. Everybody needs a banker, not only individuals but particularly our governmental organizations.

Thomas Jefferson, from the very beginning, I think, set the essential or the essence of the decision. And that was whether the people, through their elected representatives or delegates at that time, and I want to remind my colleagues that for the first 10 years of national existence, such an office as what we call the Presidency today was not even thought of. It was a feared institution. The thing that was feared the most would be that something would be created that would resemble what they were fighting and what they had fled from, which was kings and the like.

This is the fundamental difference, the essential difference to this day, even though we have ironically on the 200th anniversary more or less of our form of government and of the Constitution, have been asked to uphold. And we have not done a good job, because we have completely changed around the original intention of those who debated in the Constitutional Convention.

Actually, it was a good reason why, after they arrived at the formation of such an office, placed it in article II, not article I of the Constitution.

□ 1010

But the most fundamental words are in the preamble of the Constitution because they clearly indicated and are even to this day the most revolutionary words ever uttered.

But can you imagine in a world in which every country was governed either by a king or a czar or an oligarchy of these Americans saying, "No"? Sov-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ereignty or the source of all power is in the case of kings they go to God, divine right, but not the people. So this is why the preamble of our Constitution to this day is the most radical. And we have strayed from it. And it says, "We the people of the United States." It does not say we the Congress or I the President or we somebody else. It says we the people of the United States. That was the most revolutionary concept ever uttered in a world of kings.

So finally when the Constitutional Convention after 10 years of faltering, and the Confederacy, the debates clearly revealed such as we have record of, that they feared setting up an office that would not be absolutely subject to control and the power of the people, either through their elected Representatives in the Congress or by some residual, inherent sovereignty called back by the people themselves. So one of the first issues was what do you do in order to finance these first beginnings.

So they called in the bankers in Philadelphia. But like always they said oh, yes, we will if you will let us control the situation, and we will tell you what we can let you have, but only on the basis of these interest rates.

Thomas Jefferson fulminated. In fact, the most bitter words against banking or bankers as a class are Thomas Jefferson's words, even to this day. And they finally chartered the Bank of North America, and they capped the interest rate. And the same thing happened then as happened all through history, the bankers said oh well, we are not going to lend you, but they did. They realized that the only thing they did not get away with was the terms and conditions under which credit would be allocated to a country.

But we cannot extrapolate, we cannot compare that Nation of that time, people of 3 million at the most in totally rural situations in which one of the basic issues for the fight against the crown was the fact that all manufacturing, the mercantile system, which incidentally, ironically, we have returned to as of the middle of the 1980's, we have become a debtor Nation for the first time in 1985 since 1914, and we have become a net importing Nation rather than exporting. We are not a producing Nation anymore, and that was the mercantile system. England and the other countries who worked through a colonial system of mercantilism forbade the colonies from doing anything, to manufacture even their own natural resources. And that was one of the basic economic reasons for the American Revolution. And of course, we turned it around.

But it was not until the 20th century and after the failure of the structure that was visualized in the 1865 National Currency Act, and they called it the greenback bills of 1863 and 1865 in which then, like now, the Government is struggling to pay its debts, did not know how to do it on account of the Civil War, and went through a lot. And then, as now, in the post-Civil War period, as we in the post-World War period suffered from a collapse of the moorings, the old moorings to which we are tied, institutions, moral standards, and everything else, they erode. Mankind just cannot have the kind of bloodletting that these wars in the 20th century have recorded, and even the Persian Gulf in which we actually eliminated even civilians, but even excluding civilians in the Persian Gulf we had over 100,000 Iraqi Muslims killed by us. You cannot have that without having some repercussion somewhere down the line. There is a higher law than our man-made laws that govern, a sort of a law of compensation that seems to be operative in human destiny, and this is what happened when the system was created, and in which even today we must debate fundamentally whether we are going to adhere to it as we have already gone a long way in abandoning it.

The point is that the situation is absolutely critical. The reason I am speaking and have spoken out, even though I do not make big press releases about this, I speak for the RECORD to my colleagues as these special orders are intended, and mostly for the RECORD. I have been speaking out since I came to the Congress 30 years ago in special orders. There was no TV or even the thought of it. But it was the RECORD, and it is in the RECORD. And unfortunately, where there is no vision a nation or a people perish, and we have no vision. We have not wanted to peer into the future and anticipate, particularly since we have known the world after 1945 in which America was the sole producer in the entire world of any magnitude. Even in the early 1950's, and at the start of the so-called Marshall Plan, we were producing 80 percent of the world's needs. By a decade later that had shrunk to 30 percent, and today it is not even 18 percent.

So we have to be realistic about what is happening here from an overall perception, and not just as we have been floundering from one emergency or one seeming crisis to another. We have the S&L crisis. We could not get together any visible opinion that in 1989 the S&L's were not out there in an orbit all to themselves. They are in the marketplace, and what was happening there was bound to impact on every other competing financial institution, banks, credit unions and other commercial and securities institutions that have gone heavily into financing from insurance to securities and bond houses.

So I was very much distressed and spoke out and criticized the President for his astounding capitulation under the pressure of some of the big factotum bankers to try to blame the regulators for the bad economic conditions our country is going through. I do not think we ought to deceive ourselves. It is not a question of whether it is a recession or not. The economists, all of the big-shot economists used to define a depression if it was a recession that lasted more than a year. Well this is what we have had, and nobody wants to call it that because everybody seems to be scared to confront the reality of what our country is facing.

We have an unacceptably high rate of unemployment. We have an unacceptable debt structure on every level of our society, governmental, private, you and I, and corporate, the greatest debt structure in the total history of mankind.

☐ 1020

Now, it would be fine if we were still in that condition that we were in the late 1940's–early 1950's, but we have not been. Since the 1960's in President Johnson's Presidency, I have been speaking out. It is not something that I have thought of now. Nobody has ever heard me take this podium and use this privileged, hallowed hall to inject a purely partisan political type of stumping.

I firmly believe, and have said all along, that I insult the intelligence of my colleagues if I do that, because if that is what I want to do, I am going to reserve that for the political campaign back home on the stump, not in the hall of the House. I do not think that is right. I think it is an abuse of our rules and the privilege. This is a privilege.

The reason the privilege was established, and I have looked up its history, is that, and there is good reason for it, that in a multiple body such as this, a Member must be given an opportunity at some time to enlarge on a particular subject matter about which he feels very strongly or in which he has more than just a casual attachment or responsibility for. And so they provided that after all business has been completed, a Member, through unanimous consent, can be permitted to address the House for no more than 1 hour, up to 1 hour. That is it. But I think that is a wonderful privilege.

Now, some Members are inclined to, some are not. I felt that, given the responsibilities of my committee assignments, I had to speak out, and I have through the years.

Today I am going to refer to notes I have prepared so that there will not be any intimation that I have injected politics.

In fact, my fellow Democrats took me to task at the formation of this Congress in January because they felt I had been too friendly with the Republicans. Well, anybody that knows me back home laughs at that, on the history of my political association and my behavior and my comportment back home, but that is not incidental to this here. The only reason I am mentioning it is that I do not want my remarks to be interpreted as something that is partisan. I am just calling the shots as I see it.

Because it is very disturbing to see President Bush abandon the firm position he took 2 years ago in the case of the S&L crisis, and now under the pressure of some of the bankers, and these are two developments that have occurred this week. They have focused new attention on the Nation's financial regulatory system.

Mr. Speaker, these two developments are, first, President Bush's and Secretary of the Treasury Brady's announced new plan to loosen regulation of the Nation's 12,200 commercial banks, a step so reminiscent of the 1980's when so-called forbearance, and that is a fancy word in banking jargon that means, forbearance, it means you hold up enforcing such things as adequate capital standards and the like, so forbearance and regulatory laxness. That was the order of the day in the early 1980's.

We were a lonely voice. In fact, I say this with sadness, not with braggadocio. Mine was the only voice and vote on the Committee on Banking, Finance and Urban Affairs that voted against the very measures that today are blamed for what happened in the S&L's. But everybody was riding the merry-go-round then, and you could not break through the level of consciousness.

But astoundingly, here is the President and here is the Secretary of the Treasury saying, "Hey, you know, the reason we are having problems here is because the regulators are being tough on these bankers."

How are they being tough? Are they saying, "You shall not have these great privileges?" Because our bankers today, through our fractional reserve system, actually are the ones that are coining our money, printing our money. If you take your dollar bills out of your pockets or any other denomination, you will see that they say "Federal Reserve Note." Well, the Federal Reserve is the private commercial banker's institution. It is not a Federal agency. I have been saying this for 30 years. It seems to surprise sometimes some of the Members.

When I came to the Congress, because of President Kennedy's executive order which has been forgotten, if I dipped into my pocket and pulled out, say, five $1 bills, at least two or maybe three out of those five would have "U.S. Treasury Notes," not "Federal Reserve Notes." Now, there is a big difference there, but I will not go into that now, because it is complicated. It is not that complicated. Actually it is made to look complicated.

What it means is that the bankers are the ones who are funding our economy. They are the ones that are determining the allocation of credit, not the Congress, as the Constitution says it should. The Federal Reserve Board Act of 1913 says that the Federal Reserve Board shall be the fiscal agent of the U.S. Treasury. That is not the way it is now. It is the other way around.

The second thing was that the Federal Reserve started letting the Nation know what many of us in the Congress have known for years, not suspected but known, in that there is a widespread discrimination in lending at insured financial institutions, and that there is widespread redlining. What does redlining mean? It means that in our communities there are some areas where that bank is not going to lend anybody any money.

Mr. Speaker, the President of the United States has made a serious mistake in easing regulations under the guise of softening the credit crunch.

Why is it we still have a credit crunch even though the Federal Reserve Board, since a year and a month ago, in obedience to trying to loosen bank credit, knocked off that 3-percent reserve requirement they had and it did not bring about the banks lending?

Since then, the Federal Reserve Board has taken action to reduce interest rates. It has done a couple of other things with respect to reserve requirements, and the banks are saying today publicly, "Well, we are still not going to lend," and they will not, and they are not.

The Depression was a good experience, good track record. It took 3 years after, by any accepted standard, the crisis was over with, after the bank holiday, before banks started lending again.

I will tell you this: the Fed can turn somersaults. It has lost control of interest rates, and it has done so for at least 5, 6 years, as I brought it out in hearings with the former Chairman of the Fed, Mr. Volcker, because we now no longer have control over forces external to our shores that impact on us.

□ 1030

And we just do not have that ability to control those forces. The President's instructions that the regulators go easy will not do anything for the so-called credit crunch, but it will create a brand-new crunch, a bone-crunching of taxpayers who will pay a heavy price for a new round of regulatory laxness. It is amazing that President Bush and Secretary of the Treasury Nicholas Brady can forget history so quickly after the savings and loan debacle, a debacle which will cost the taxpayers at least $500 billion before the so-called cleanup is completed.

Less than 3 years ago, the President stood on the front steps of the White House, promising an end to regulatory laxness and assuring the public that never again would we allow taxpayer-supported deposit insurance funds to be placed at risk.

Well, it looks like that "never again" has just arrived at 1600 Pennsylvania Avenue. Under the Bush/Brady plan forbearance becomes part of the regulatory manual once again. The package is sprinkled with nice-sounding phrases about changes, clarifications, quote, unquote; orderly restructureship, quote, unquote; prudent refinancing, quote, unquote, lowering burdens, quote unquote; and warnings against something called regulatory retribution, quote, unquote.

This is the same sort of doubletalk that infected the regulation of thrifts in the 1980's, and it hid massive losses until there was nothing left but the taxpayers to pick up the debris.

Banks can make good loans with good regulation. It does not take forbearance and regulatory laxness. There is nothing incompatible with a strong regulatory system and an adequate flow of credit for the economy.

We know that the election year is around the corner. Businessmen and bankers, those wonderful people who fill the campaign coffers, they want words of comfort. They, like working people, are unhappy about the administration's failed economic policies. So it is important that the President and his advisers have a scapegoat handy, like bank examiners, supervisors, and regulators. And, if anything, criticism that we have directed, after hearings and during hearings, on the examiners, laxness and forbearance is certainly not one of those that we can properly criticize.

With the carcasses of the savings and loans still scattering the landscape, the President should not use financial regulation as a campaign issue. The President should keep bank examiners and bank regulation out of next year's elections. Every one of us should.

That is what I have said since I became chairman of the Banking Committee, right at the time that it began to penetrate the level of consciousness of, let us say, the media.

To give you an idea, President Reagan left office on January 20, 1989, and he never once mentioned the S&L crisis. To his credit, and I gave him credit, President-elect Bush and Secretary Brady, soon after the election in November 1988, said that we have a crisis, we are going to look at it, we are going to address it, we are going to try to do something and we are going to recommend a bill.

I came all the way up in order to meet for the first time the Secretary and compliment him on at least, finally, on the highest administrative level where we had failed to do it in the prior administration, there was recognition that you had a real serious problem and the acceptance of the responsibility to do something about it.

So I am particularly concerned about the remarks of both the President and the Secretary. The President talks about examiners creating a chilling atmosphere for bankers. Here again, time after time, I have to remind my colleagues on the committee and off the committee we in the Congress are not here for the convenience of the bankers or the S&L'ers or any special interest. We forget that. This is what happened in 1979, 1980, 1982, so-called regulatory laws that President Reagan's administration and the Congress accepted. They were acting as if we were going to save. Now, how can we in the Congress, through legislative definition or what I call legislative magic, write a law that makes an otherwise solvent institution in the marketplace solvent? We just cannot do it.

Yet here is Secretary Brady saying, well, if the Congress wants to do something about the broke-bank insurance fund, which is the real issue, it has got to have these other things and powers that it has to give these bankers.

It is interesting to note that when the chief executive officer and chairman of the First City Bankcorp, Mr. John Reed, who started out as one of the young whiz kids in banking and is, in my opinion, or has a great mind, when he was asked, "How come you're having this difficult balance sheet problem with your bank? Is it because you don't have enough powers?" He said, "No, no, no. The reason is we have bad loans." He did not say, "We want more powers." He said, "We made bad loans."

So where does this demand come from? Well, it comes from the same place where the similar demands came from S&L's. And that is the guys that want to go into the high-risk ventures, into the stock market gambling. What I say is, "Look, if you want to do that, I would rather take a bet at Las Vegas than gamble there where you have an overvalued stock market." I brought it out 2 years ago when I introduced a bill that was referred to the Committee on Ways and Means pointing out that 10-year Treasury bonds were being held for less than 30 days.

Now, that shows that the process for junkification of Treasury bonds has set in. It had been slow, but all of the things, watershed developments are really like ice glacier movements, very slow. It took 2½ years after the crash in October of 1929 before the Depression was really admitted and clear and undebatable and it was fully felt. It took 2½ years. I said the same thing in October 1987. I said, "Well, you won't see this right away." So the Fed intervened immediately, put $6 billion, $7 billion to stabilize the stock market. That was like what they had been doing with the lender of last resort with the falling banks, and all they have done is enable the big guys, the big, sophisticated investor/speculator to take out his deposits before that bank tumbles down. And it has been hard, it has been a difficult fight to preserve some balance in these things. But I am particularly concerned that our President and our Secretary would say, "Look, boys, if you have any problem with that examiner and that old mean examiner says, 'Hey, fellows, you have a portfolio of bad loans here, and your balance sheet and your asset value has deteriorated, you had better do something about it,' well, don't worry about him, you come up here to Washington and we will fix it up."

That is what Charlie Keating did. Haven't we read all about it?

□ 1040

The President, believe it or not, is actually insisting on a new policy process that will allow disgruntled bankers to bypass examiners and lobby directly with Washington. This is the very thing that we fought so hard to prevent and that the President went out of his way in 1989—and I am going to offer for the RECORD at this point a 1989 Washington Post article, February 2, 1989, entitled "President Bush's Statement, an Excerpt of the News Conference"—and in it he says, "Never again," and "We're going to demand hard-core capital standards."

The statement referred to is as follows:

PRESIDENT BUSH'S STATEMENT AND EXCERPTS OF THE NEWS CONFERENCE

Well, for more than a half a century the U.S. has operated a deposit insurance program that provides direct government protection to the savings of our citizens. This program has enabled tens of millions of Americans to save with confidence. In all the time since creation of the deposit insurance, savers have not lost one dollar of insured deposits, and I am determined that they never will.

Deposit insurance has always been intended to be self-funded. And this means that the banks, the savings and loans, and credit unions that are insured pay a small amount of their assets each year into a fund that's used to protect depositors. In every case these funds are spent to protect the depositors, not the institutions that fail.

For the last 20 years, conditions in our financial markets have grown steadily more complex, and a portion of the savings and loan industry has encountered steadily growing problems. These financial difficulties have led to a continuous erosion of the strength of the Federal Savings and Loan Insurance Corporation, FSLIC.

Economic conditions have played a major role in this situation. However, unconscionable risk taking, fraud, and outright criminality have also been factors.

Because of the accumulation of loses at hundreds of these thrift institutions, additional resources must be devoted to cleaning up this problem. We intend to restore our entire deposit insurance system to complete health.

While the issues are complex and the difficulties manifold, we will make the hard choices, not run from them. We will see that the guarantee to depositors is forever honored, and we will see to it that the system is reformed comprehensively so that the situation is not repeated again.

To do this, I am today announcing a comprehensive and wide-ranging set of proposals. The secretary of the Treasury, Nicholas Brady, will describe these proposals to you in detail in a few minutes. However, I think it's important to summarize some of the major points.

The proposals include four major elements:

First, currently insolvent savings institutions will be placed under the joint management of the FDIC [Federal Deposit Insurance Corporation] and FSLIC, pursuant to existing law. This will enable us to control future risk taking and to begin reducing ongoing losses.

Second, the regulatory mechanism will be substantially overhauled to enable it to more effectively limit risk taking. The FDIC would become the insurance agency for both banks and thrifts under this system, although there's no commingling of funds.

The insurer will have the authority to set minimum standards for capital and accounting. Uniform disclosure standards will also be implemented. The chartering agency for thrifts would come under the general oversight of the Secretary of the Treasury.

Third, we will create a financing corporation to issue $50 billion in bonds to finance the cost of resolving failed institutions which will supplement approximately $40 billion that has already been spent. All of the principal of these bonds and a portion of the interest on them will be paid from industry sources.

However, the balance would be paid from on-budget outlays of general revenues. Hopefully, some of these revenues will be recovered in the future through sale of assets and recovery of funds from the wrongdoers.

Fourth, we plan to increase the budget of the Justice Department by approximately $50 million to enable it to create a nationwide program to seek out and punish those that have committed wrongdoing in the management of these failed institutions. These funds will result in almost doubling the personnel devoted to the apprehension and prosecution of individuals committing fraud in our financial markets.

As you can see, these proposals are based upon several overriding principles:

First, I will not support any new fee on depositors.

Second, we should preserve the overall federal budget structure and not allow the misdeeds and the wrongdoings of savings and loan executives and the inadequacy of their regulation to significantly alter our overall budget priorities.

And third, I have concluded that this proposal, if promptly enacted, will enable our system to prevent any repetition of this situation.

And fourth, I've decided to attack this problem headon, with every available resource of our government, because it is a national problem. I've directed that the combined resources of our federal agencies be brought together in a team effort to resolve the problem.

And fifth, I believe that banks and thrifts should pay the real cost of providing the deposit insurance protection.

The price the FDIC charges banks for their insurance has not been increased since 1935. We propose to increase the bank insurance premium by less than 7 cents per $100 of insurance protection that they receive. Every penny collected would be used to strengthen the FDIC so that the taxpayers will not be called on to rescue it a few years from now.

And I make you a solemn pledge that we will make every effort to recover assets diverted from these institutions and to place behind bars those who have caused losses through criminal behavior.

Let those who would take advantage of the public trust and put at risk the savings of

American families anticipate that we will seek them out, pursue them, and demand the most severe penalty.

In closing, I want to just say a word to the small savers of America.

Across this great land, families and individuals work and save, and we hope to encourage even greater rates of savings to promote a brighter future for our children.

Your government has stood behind the safety of insured deposits before. It does today, and it will do so at all times in the future. Every insured deposit will be backed by the full faith and credit of the United States of America, which means it will be—that it will be absolutely protected.

For the future, we will seek to achieve a safe, sound and profitable banking system. However, integrity and prudence must share an equal position with competition in our financial markets.

Clean markets are an absolute prerequisite to a free economy and to the public confidence that is its most important ingredient. I've determined to face this problem squarely and to ask for your support in putting it behind us.

I have ordered that the resources of the executive branch be brought to bear on cleaning up this problem. I have personally met with the leadership of Congress on this issue. My administration will work cooperatively with Congress as the legislation that we will submit in a few days' time is considered.

I call on the Congress to join me in a determined effort to resolve this threat to the American financial system permanently, and to do so without delay.

I welcome the leaders that are with me here on this platform. I think their support says a lot about the efficacy of our proposal.

And now I propose to take just a few questions. On the technical aspects, I will defer to these people and then I'll be glad to turn this over to Secretary Brady * * *.

CAUSES OF THE CRISIS

Are you guaranteeing that the extra costs, premium increases and so forth, will not be passed on to the depositors, taxpayers? And also, what is your responsibility in this debacle? I mean the Reagan-Bush deal for deregulation of business and banking.

On the first place, we're not guaranteeing that. I would hope that wouldn't happen, but there's no guarantee what the institutions will do. Secondly, there's enough to be said for everybody in this together trying to solve this problem. So * * * I'm not inclined to go into any personal blame, simply to say that we're on the path to doing that.

The House votes tomorrow on that controversial pay-raise plan, and the Senate has already voted against it. Would you sign a bill that vetoes the pay raise, not only for the members of Congress, but also for federal judges and other high officials in the government?

I said I support it.

There is a feeling that part of this problem is attributable to deregulation of the financial industry * * * Do you think that deregulation might have gone too far in the last 10 years or so? And * * * is your marching order to your administration to be a little more careful in regulating this particular industry?

I don't know the answer. I'd be most interested to know what our experts here feel about whether—how much of the problem could be attributed to deregulation. I just don't know the answer to your question, so I can't reply.

Millions of Americans save alternatively. That is, they put their funds in mutual funds, stocks, and that kind of thing. As I read it, you've now outlined a plan that places a lot of the S&L bailout on the backs of the general Treasury. How fair is that?

We've got a major problem and something has to be done. And this is the fairest system that the best minds in this administration can come up with * * * there is no easy answer to this. All I want to do is make a sound proposal, work to put it into effect and have that proposal such that the country won't have to face this problem again.

WHO PAYS FOR THE RESCUE

You said you dropped the deposit-fee idea. But this plan you've given us has an increase in premiums that may be paid by consumers as well as a large amount of taxpayer's money. Isn't that the same thing—consumers and taxpayers are still going to have to pay the price for this?

As I indicated earlier on, there is no guarantee of passing this on to the consumer, nor is there a guarantee it won't be * * *. But this arrangement has been there * * * for 50 years. And you might argue whether it's been passed on or not * * *. I haven't seen the flow-through in the industry. But nothing is without pain when you come to solve a problem of this magnitude.

You've talked to several members of Congress in various receptions and dinners and personal conversations over the past couple of weeks. In many of them you discussed your plan for this problem. What is your feeling for the reception that it's going to get on Capitol Hill and of the selling job that it will make you have to get it passed?

We may have a big selling job. But I've been encouraged so far with the spirit epitomized by the members of Congress, particularly at the joint leadership meeting the other day. We didn't go into every detail of this; these plans were still being formulated and I want to get their views.

I was encouraged by what [FDIC Chairman] Bill Seidman told me earlier on about * * * what he felt the receptivity of the plan will be. But I don't think it's fair to the Congress to say that they have signaled to me that they are going to be enthusiastic on this plan, although I hope they are.

On these allegations that surround Tower now, at least variations on the theme surfaced early in the transition—allegations of womanizing and taking money from defense contractors, that sort of thing. Have you satisfied yourself that he is still the nominee you want? And can you give us, at this time, a wholehearted endorsement of Tower?

Yes, I can, and I will right now, because some of the very same allegations that were floated that long ago apparently have been looked at and examined by the best possible examiners—I'm talking about the FBI—and found to be groundless. So, therefore, I'm not about to change my view. Now if somebody comes up with facts, I hope I'm not narrow-minded enough that I wouldn't take a look, but I am not going to deal in the kinds of rumors that I've seen reported and then knocked down and then reported and then knocked down.

STATEMENT BY SECRETARY OF THE TREASURY NICHOLAS F. BRADY REGARDING THE PRESIDENT'S SAVINGS AND LOAN REFORM PROGRAM

Thank you, Mr. President. From the day five months ago that I was sworn in as Secretary of the Treasury, achieving a sound, responsible resolution to the savings and loan crisis has said, there are no simple or painless solutions to this problem. When he took office eighteen days ago, the President reaffirmed our commitment to fix it now, fix it right, and fix it for good. He also directed me to consult with Congress, and we have done so.

Two watch words guided us as we undertook to solve this problem—never again.

Never again should we allow a federal insurance fund that protects depositors to become insolvent.

Never again should we allow insolvent federally insured deposit institutions to remain open and operate without sufficient private capital at risk.

Never again should we allow risky activities permitted by the states to put the federal deposit insurance fund in jeopardy.

Never again should we allow fraud committed against financial institutions or depositors to be anything but a serious white collar crime.

The plan I am about to describe to you meets all these requirements. It is a blueprint for comprehensive reform and financing. It is supported by all the federal bank regulators—the Federal Reserve, the Comptroller of the Currency, the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation. I will first describe the crucial reform program, then turn to the financing structure.

But before I begin, let me stress that insured depositors need not worry. Insured deposits are as safe today as they were yesterday, regardless of whether these savings are in savings and loans or commercial banks; savers with insured accounts will continue to be protected in the future. The banks that are open today will be open tomorrow. Our aim is to ensure that there will be no disruption of services in local communities. Above all, federally insured savings are, and will remain, backed by the full faith and credit of the federal government.

Now for the reform program. The current organization of the thrift system dates to the New Deal era. As the events of the 1980's have demonstrated, this system is antiquated. The Federal Home Loan Bank Board, under the leadership of Chairman M. Danny Wall, has addressed this crisis in an expedited manner under extremely difficult circumstances—with inadequate funding and limited staff. The men and women who work at the Bank Board and the FSLIC deserve our thanks for their tireless efforts. But, to correct long-term structural problems, we propose the creation of an independent insurance agency to protect depositors. FSLIC will be consolidated with the FDIC. The existing expertise and manpower of FSLIC will be incorporated into the FDIC. However, and I stress this point, two separate insurance funds, with separate premium streams, one for S&Ls and one for banks, will be maintained. The two separate funds cannot be commingled.

In conjunction with this step, we propose to reorganize the existing regulatory structure to ensure the availability of home financing in the future. The entire supervisory structure will be accountable to the Chairman of the Federal Home Loan Bank System, instead of to the industry they regulate. And the Chairman of the revitalized Federal Home Loan Bank System, like the Comptroller of the Currency, will report to the Secretary of the Treasury.

In a further measure to put our financial institutions on a sound footing, we will require that the level of private capital be uniform for all banks and S&Ls in adequate quantities to act as a buffer to the deposit insurance funds. Therefore, by June 1, 1991, all insured institutions must meet the uniform capital standards applicable to FDIC-insured banks. For the savings and loans this will mean roughly doubling the required capital.

We are upgrading safety and soundness measures. If this plan is enacted, in the future depositors will be protected through a range of new measures, including: A capital requirement that will be pegged to the risk of S&L investments; Stricter standards for granting insurance; Prohibitions and restrictions on growth and risk-taking by undercapitalized institutions; And, where risky activities authorized by the states pose a threat to the insurance fund, federal deposit insurance standards will prevail.

Requirements for receiving federal deposit insurance will be determined by the FDIC. There will be no more windmill farms financed by federally guaranteed deposits; and new uniform accounting, supervisory and disclosure standards will help enforce these measures.

Lest anyone have any doubts about how serious we are about cleaning up the thrift industry and keeping it clean, we are upgrading enforcement and increasing penalties to make fraud against financial institutions and depositors a most serious white collar crime. Under our plan, the maximum civil penalty will be increased from the current $1,000 per day to $100,000 per day. Under our plan, the U.S. government will make every effort to recover squandered funds by increasing funding for enforcement.

These reform measures are vitally important to the future of the thrift industry. Without them, we will not have a healthy private savings and loan industry to provide home financing for Americans. But as we are all acutely aware, reform and a financial solution to the problems of the current system go hand in hand. When combined with the $40 billion already spent, the $50 billion in new funds provided by this program will bring to $90 billion the total amount available to address the problems of insolvent S&Ls.

We believe it is essential that we resolve, with all deliberated speed, the cases of the insolvent S&Ls. We will do so through the creation of the Resolution Trust Corporation (the RTC). It will be a corporation whose function is to isolate insolvent S&Ls from healthy ones and resolve them in an orderly fashion. The RTC mechanism will allow one consolidated resolution process where accounting for—and controlling the funds will be a clear and straightforward process. In short, strict accountability will be ensured. The RTC will not have a large staff and the FDIC will manage the resolutions. The work of the RTC will be overseen by a board consisting of the Secretary of the Treasury, Chairman of the Federal Reserve, and the Comptroller General. A funding corporation will sell $50 billion in bonds over the next three years to finance the resolution.

Our plan for financing the recovery and restructuring of the S&L industry uses both private and public funds to resolve insolvent thrifts. This plan is on-budget, in other words, every cent of additional public funds spent counts as an increase in budget outlays. Funds for the payment of principal will come from S&L industry resources.

In all, this plan provides funds for three purposes. First, S&L industry and Treasury funds are used to finance the RTC's resolution of insolvent thrifts. Second, S&L insurance premiums are used to create an insurance fund for healthy S&Ls. Third, increased commercial bank insurance premiums help bring the FDIC insurance fund for commercial banks up to a fully funded level. But let me reiterate, no commercial bank insurance premiums are used to resolve insolvent S&Ls or go into the S&L insurance fund.

The S&L industry financing comes from three sources: retained earnings of the Federal Home Loan Banks, funds from the disposal of assets received by the insurance fund from insolvent S&Ls, and deposit insurance premiums charged to individual S&Ls.

Commercial bank resources required to bring the FDIC fund up to a fully funded level will also come from an increase in insurance premiums. The FDIC will reduce insurance premiums to both commercial banks and S&Ls, once it determines that their respective funds are fully financed and pegged to a more historical reserve-to-deposit ratio of 1.25 percent.

The FSLIC and FDIC will immediately begin a joint supervisory program with personnel also contributed by the Federal Reserve and Office of the Comptroller of the Currency. Over the next several weeks FDIC personnel will assume supervisory control of insolvent S&Ls to protect depositors. This program will stabilize these institutions by curbing losses and will give a head start for the tough job ahead.

This, then, is the Bush Administration's solution to the savings and loan crisis. If enacted by Congress in a timely manner, it will provide a sound, long-term solution to the S&L crisis. I call on Congress to work with us to turn this plan into law as soon as is possible. Working together, we can recreate and rejuvenate the vital thrift industry which served our country so well in the past.

Well, we had one big fight on the Committee on Banking, Finance and Urban Affairs to try to get a little glimmer of hard-core capital standards, and fortunately the President was on our side. But today it is different. Surely we do remember; it has not been that long ago; it has just been 2 years ago that we were wallowing in that.

Not only is the President planning to set up this bankers hot line to Washington, but he plans to require the examiners to come to Washington next month, apparently for lectures on how to be nice to bankers, be-nice-or-else lectures, to instill the proper timidity into this otherwise supposed watchdog.

Mr. Speaker, I want to place in the RECORD also Secretary Brady's release of the Treasury Department on Tuesday. It is published with all the public relations skill of the administration. But anyone who was here during the savings and loan crisis can read between the lines. It is forbearance with a capital F, and it is a great F that the American people should forgive those people for such shenanigans, elections or no elections.

On the other that I spoke of, because of the amendments that another very able member of the committee, a young member, the gentleman from Massachusetts [Mr. KENNEDY], and I placed on that bill 2 years ago known as the community or the Home Mortgage Disclosure Act; the HMDA is the acronym; the amendments that we pushed through in the 1989 law required banks to release data about applications for mortgages, for example. Because now, as the S&L's are gone, and we do not have that financial framework of reference for long-term mortgages, 30-year fixed mortgages; why those are things of the past, and the banks have moved in, and in fact the 1989 law makes it possible for banks to come in and take over failing S&L's that were supposed to be limited to home mortgage financing.

Now all we did was say, "All right, Mr. Banker. You now must release information about the application for these mortgages and the turndown rate exposed by that information," and that shows and will show so-called minorities, not just racial and ethnic minorities, but underprivileged; that is, economic minorities.

As my colleagues know, I have always had to fight, and sometimes at times in the past I have been accused of being a traitor because of my peculiar emergence from a peculiar group, an ethnic group, not so much a racial group as an ethnic group, because I have said that we cannot respond to just one segment. Yes, we ought to respond to the greatest area of need, wherever that may be. But that we can, and then in turn, set up a privilege after we have fought for equality, and this has been misinterpreted, and I have been attacked about it; I mean it.

I have been reminded, say, in the war against poverty, and I was here in 1964, and I had a big hand in that bill. Between then-Senator Humphrey and myself we had a title VII to the Economic Opportunity Act known as the war against poverty. We had a great hand in two other titles, and in my case, in my area, it worked. We turned around a tremendous dropout rate among a particular minority that I happen to come out from, and today in the city it is a majority. It is not a minority any longer.

Mr. Speaker, this has been hard to convey, even to those coming from that minority, as well as the outsiders who do not bother to walk around the city. One-half does not know how the other half is living. But those of us that are charged with this awesome task of trying to represent, and particularly the conglomerate I have to represent, which is a great mixed bag of ethnic, racial, social stratas of our society—it is all in microscopic content in the great district I have the privilege of representing.

We can always try. We are like in mathematics. We used to study in what is called analytic geometry a curve known as the—anyway this was a curve that, when you graphed it, and you had the equation, that we would develop it was always approaching, but never reaching, the axis. It is known as the asymptote, asympototically approaching things. In other words, it is like approaching perfection. One is always striving for it, never gets there, but one can always make the effort, and it is the same thing with trying to be a Representative.

Mr. Speaker, I ask my colleagues, "How can you go out and really adequately, fairly, equally, without fear of favor, represent the people that have elected you to represent them?" I say, "Well, all you can do is do the best you can, and, as Lincoln said, 'You know that's all you can do.'"

But in this case here, how can we convey to the American people that the whole economic well-being, the much vaunted, which is a thing in issue and has been in issue for 30 years, the American standard of living; that the policies and practices of borrowing and spending have led to the loss of over 3½ million jobs in production in our country, never to come back. All of that has to show up somewhere in the balance sheets of the banks and everywhere else, but how can we allow a system to be operative?

Mr. Speaker, banks used to be chartered. I can remember the days when banks were chartered through a chartering process, and the statute said, "for public need and convenience." Then came the 1950 Merger Acts and all, and banks to be acquired through the hypothecation of bank stock or through mergers, and one did not go through chartering, and today banks are out to make money with no stated public need or convenience anymore.

This is what is happening and has happened almost imperceptibly, and, when I speak this way, I am looked upon as if I am uttering some strange doctrine or some, maybe, dangerous foreign premise of some kind. But how could we tolerate in our country, where from the beginning we have said, before the law and before society, equal justice for all, and privilege for none? It is a joke today.

□ 1050

If these financial institutions that control the erosion of credit shut out great sectors of our population, can we, the duly elected representatives of the people, look the other way? Should we not mention it, not debate it, not talk about it? I do not think so.

This week the Federal Reserve flew its Chief of Consumer Affairs, Mr. Garwood, to the American Bankers Association convention in San Francisco to warn the bankers that the news was bad, very bad. Why was it bad? Because they were going to have to publicly disclose their lending patterns and practices. So the public relations machines were cranking up to explain away the disgraceful performance. The excuses will be many.

Even this new Home Mortgage Disclosure Act will not tell the full story of discrimination, and the reason for that is by the very fact that although the target was the greatest areas, we are still not targeting, as I think we should, every sector of our community.

How many neighborhoods, though they may not have a basic, substantial presence of what would be defined otherwise as ethnic or racial, but very poor economically, how many of them have access to bank credit? On my own, I have looked into some such areas, and I will tell the Members that it is just nonexistent.

So even with these amendments which we put in there compelling for the first time public notice, there is more to be done. And I want to give credit to this young man, Mr. JOSEPH KENNEDY, our Congressman from Massachusetts, who has worked with us since his arrival on this committee not too many years ago, for his great zeal and moral indignation at some of the injustices that he had obviously uncovered himself. This does not include persons who never got inside the bank, who were never allowed to file an application.

During the Memorial Day break, in the name of the committee, I went to Rhode Island. Incidentally, I had always prayed to the Lord, since I am a Depression-era kid, that I would never see again what I remember so vividly. I cannot begin to tell you the distress and all the demoralization I felt when I went to Rhode Island and I saw what was happening. At that hearing we had about a thousand people that turned out, that came to that little hearing. The banks or the S&L's had been closed in Rhode Island, and we had been trying to get a guaranteed line of credit so that the State of Rhode Island could borrow and issue bonds to pay out. We heard from countless little citizens who spoke pathetically, and I cried inside because I remembered the Depression and I remembered mighty good folks, grandma and grandpa who all of a sudden were faced with disaster. Of course, today we have Social Security and all that, but we did not have it then. But these people could not even get their personal funds out so they could pay their bills. And then the so-called relief laws were so strict that they just were not approaching what they needed.

So here we are guaranteeing loans, forgiving $7 billion to Egypt and what not, and we have this difficulty. Now, to its credit, the Banking Committee passed out in the form of an amendment the so-called Rhode Island guarantee that I offered. That passed unanimously.

Over in the Senate, the two Senators from Rhode Island have tried to do something also. So that is where we are now. I am just giving the Members an idea of how hard it is to do anything when you want to work for the people, as a contradiction from when you are acting as a conveyor belt for a special interest. I am just pointing out how difficult it is to do anything. I have seen things go through here that are going to benefit multibillion-dollar interests in 20 minutes, and then to try to get a little old guarantee for a student loan, it has taken debate and amendments and controversy, and sometimes we have not gotten them in the last few years.

Then we moved over a few miles and went into Boston the next day in the name of the Subcommittee on Housing, and we had hearings on these home mortgage situations. Again I felt like crying. We heard from witnesses. We had one who showed up spontaneously, a Vietnam veteran, an injured veteran. He was injured in the war. He survived the war only to lose his home to the sharks there in his own back yard.

Now, I ask my colleagues, how long can we look ourselves in the eye and not address this subject first and foremost in our own country. Here we are now with the act that we had to fight ferociously for to get this amendment, and it survived. Through the grace of the Lord Almighty and the good conscience of the majority on the conference and some of the good Senators who were in the conference, it went through, so it is part of the law. That was in 1989. It has just come around in 1991 in October to bring us some halfway realization.

So I think, Mr. Speaker, that the great struggle we had in 1989 to push the new HMDA legislation through Congress should be remembered, because it was defeated in the beginning. Then through, as I said, a compromise and what not, we were able to get this through. We still do not have the law that would discourage these high flying mortgage and high finance company operations from approaching their prey. In fact, yesterday—and I remind my colleagues that I placed this in the RECORD—I introduced a bill to try to control this egregious heating of these home mortgage families on the so-called escrow account. About $1.7 billion, that is what these home mortgage owners are losing in what is really a hold up.

So we are going to try to see how far we can get on this. We have had hearings on this subject matter. I thought it was time that we come forth and produce legislation, and I introduced that yesterday.

It is true that when we get into this area of discrimination, some of it, of course, may be completely unintentional, but when we first enacted the original HMDA and it came out of the Subcommittee on Housing, of which I was chairman at the time—I was not chairman of the committee at the time, but I led the fight for it—we were opposed by the bankers, by the mortgage bankers, and by others. However, once we enacted these very weak initial laws, some of the banks in fact in Boston went in and found that they could invest in these areas and actually make money. I want to remind my colleagues that all the S&L's had lost money through speculation and what not, but the banks have not lost their money by lending to the moderate income or the poor at all. That is not where they have lost their money. This is where, like Lincoln said, the great majority of us are, and as Lincoln also said, God must love the poor because he made so many of us.

So we are hopeful that somehow or other the Federal Reserve will do more than seek representatives to hold the hand of these prime bankers and to assure them that maybe there are ways to minimize the law.

□ 1100

It is disgraceful that it took a new act of Congress to look at that. The regulatory agencies have examiners inside these banks on a regular basis. Why is it that they did not detect the discrimination or, if they did detect it, why did they ignore it?

Of course, we had studies and Mr. Kennedy himself, about 2 years ago, maybe a little more, had an analysis based on the Atlanta Constitution articles that appeared in that Atlanta publication in which this reporter had extensive reporting and data and through the freedom of information had gotten and collected data from the old Home Loan Bank Board.

The national policy of this Nation mandates that Federal agencies and federally supported entities operate in a nondiscriminatory manner and enforce laws against discrimination, be that who it might, not just a selected or preselected group but any American.

How can we justify federally insured institutions, operated under public charters and even some of those bailed out by public funds, being allowed to discriminate at the loan window?

The news media, along with the regulators, have been silent about bank deficiencies in community reinvestment and the failure to follow affirmative fair-lending practices.

At long last I hope the new HMDA data will cause the news media to take a harder look, in many cases a first look, at some of these practices. It has been a lonely battle for some Members of Congress and community groups to focus the spotlight on this national disgrace.

I hope the President, in summary, will rethink his plan to provide a new round of forbearance for financial institutions, as I said in the beginning.

I hope that the plan announced this week was just a misguided brainstorm of some campaign strategies and not the considered judgment of the President.

I just cannot help believe that the President would not have such short and faltering memory in view of the remarks that I placed in the RECORD here today that he uttered just about 2 years ago.

I also hope, Mr. Speaker, that the President and the regulators he had appointed will look at the HMDA data on discrimination and enforce without any delay immediate corrective action. This national source of discriminatory lending shall not be allowed to run another day. I do hope, pray that financial regulation, certainly of insured institutions, can be a bipartisan effort and not an election-year game. I truly hope that people of good will in both parties will join hands to tell the banks, thou shall not discriminate because of a person's race, sex or national origin or economic condition.

From there, Mr. Speaker, I must also speak forth on what I have mentioned here before, but I seem to have penetrated no particular level of consciousness on any level, here, on the subcommittee, full committee, in the House, anywhere. It is something I have been speaking of since 1979, when at the Bonn Economic Summit meeting, and I will remind my colleagues, President Carter, a Democrat, was the President. So anybody who wants to read any partisanship into my remarks is going to have a hard time, if he bothers to check the record.

The trouble is that the people that want to be free with their assessments and criticisms do not want to read the record, but truthfully and on the RECORD at that Bonn Summit meeting in 1979, in May, the communique that was issued had one sentence at the end. It was a short communique. It said, "We endorse the principle of EMS," European Monetary System, and EMU, the European Currency Unit.

When I saw that, I realized what I had been reading in the European press, because I do that, was certainly very much on point. But for some reason or other, in America it seemed that all our news-disseminating agencies and even the financial publications were ignoring it or oblivious to it. And that was where we did not have vision and where we have lost our historical memory. What happened a year ago now is ancient history, much less what happened in the 1940's, the 1950's, which has everything to do with that is happening today.

So that I realize that the Europeans had, in fact, they drew a blueprint as early as 1948–49 in Rome. And they adhered to it. And so today they have gone a long way.

The European Currency Unit, the ECU, is worth about $1.28. It is stable. I fear, and I have uttered this fear for a couple of years, but in 1979 I took to the House floor and reported that there was great significance to that last sentence in that communique for America. As far as I know, nobody spoke out on that either on this side or on the Senate. And even to this day, where the imminence of very serious consequences of our floundering, the dollar has lost somewhere around 50 percent of its value, certainly 55 percent since 1985 alone.

I tell my colleagues that we cannot look at this from where it is Republican or Democratic or a conservative or a liberal, like in mathematics, in finances, one is either right or one is either wrong.

There is no in between or maybe so. And when we allow the debt structure to pile up as we have, both governmental, corporate and private, we have to realize that if that is accompanied with a fluctuation and a speculative situation with respect to the value of the dollar, our currency, we have serious problems.

Now, who would think that I, who have been labeled a liberal, in fact, I have been called everything you can think of, but mostly a liberal, of which I take great pride. I mean, to me the word liberal is what America has always stood for.

Throughout the world, when the word is not abused, that is the way America is labeled, one liberal Nation, meaning libertywise. This is where the world originated. So that who would have, one, devalued the dollar, taken the United States off of the gold exchange standard and gone into the so-called floating exchange standard in 1971? President Richard Nixon. I was a voice on the committee. Also my critics particularly and even friends do not realize that I was chairman of the Subcommittee on International Finance for 10 years. I just did not sit there to pride myself on being called the chairman. I think the record shows I worked pretty hard at it. Even though I did not even have one-tenth of the resources that the present subcommittee has.

So that I tried to seek out and point and resisted and said that the action taken on August 15, 1971, by President Nixon was a 10 percent devaluation of the American dollar. There was not one American, either press or electronic media, that reported it. But the European press did. That is what they called it.

So this came right on the heels of the Economic Stabilization Act, more popularly known as the wage and price controls. Who would think that this radical liberal was that lone voice resisting that overwhelming massive, the Secretary of the Treasury, John Connolly, the former Governor of my State of Texas, the head of the AFL–CIO at that time, the head of the Automobile Workers Union at that time, the chairman of the board and CEO of General Foods, General Motors. They sat there before us in that committee and said, "You've got to pass this bill. Don't change a comma."

I looked at the bill.

□ 1110

And I looked at the bill. I could not believe it. It granted the President powers that the Congress never gave President Franklin Roosevelt at the height of World War II. It gave President Nixon complete authority over the entire economy of our country. He could make or break any industry if he chose to do so.

Unfortunately, it was worse than that. It was ignorance, in action.

I was the lone voice that said but just a minute, Mr. Secretary. This is awesome. This reminds me of the Weimar Republic, and right after we came out of the Weimar era, you had what they called in Germany then the great chamber of German economics. And they came in and said you have got to do the same thing here, and gave all of these powers to this one man who had just deposed that great German general and become the chief executive, later the head of the National Socialist Party of Germany, Adolf Hitler.

Mr. Speaker, I include for the RECORD the documents referred to in my statement of today along with a statement entitled "History Forgotten—the President Announces a New Round of Lax Regulations To Make Bankers and Businessmen Happy."

The materials referred to follow:

HISTORY FORGOTTEN—THE PRESIDENT ANNOUNCES A NEW ROUND OF LAX REGULATIONS TO MAKE BANKERS AND BUSINESSMEN HAPPY

Mr. Speaker, two developments this week have focused new attention on the Nation's financial regulatory system.

First, President Bush and his Secretary of the Treasury announced a new plan to loosen regulations at the Nation's 12,200 commercial banks—a step so reminiscent of the 1980's when forbearance and regulatory laxness was the order of the day with disastrous results for the American taxpayers.

Second, the Federal Reserve started letting the Nation know what many of us in the Congress have long suspected—there is widespread discrimination in lending at insured financial institutions.

Mr. Speaker, the President of the United States has made a serious mistake in easing regulation under the guise of softening the credit crunch. The President's instructions that the regulatory go easy will not do anything for the so-called credit crunch, but it will create a brand new crunch—a bone-crushing of taxpayers who will pay a heavy price for a new round of regulatory laxness.

It is amazing, Mr. Speaker, that President Bush and Secretary of the Treasury Nicholas Brady can forget history so quickly after the savings and loan debacle—a debacle which will cost the taxpayers at least $500 billion before the cleanup is completed.

Less than 3 years ago, the President stood on the front steps of the White House, promising an end to regulatory laxness and assuring the American public that "Never Again" would we allow taxpayer-supported deposit insurance funds to be placed at risk. Well, it appears that "Never Again" has just arrived at 1600 Pennsylvania Avenue.

Under the Bush-Brady plan, forbearance becomes part of the Federal regulatory manual once again. The package is sprinkled with nice sounding phrases about "changes", "clarifications", "orderly restructuring", "prudent refinancing", "lowering burdens", and warnings against something called "regulatory retribution."

This is the same sort of double talk that infected the regulation of thrifts in the 1980's, and hid massive losses until there was nothing left but the taxpayers to pick up the debris.

Mr. Speaker, banks can make good loans with good regulation. It does not take forbearance and regulatory laxness. There is nothing incompatible with a strong regulatory system and an adequate flow of credit for the economy.

Mr. Speaker, we all know the election is just a little more than a year away. Businessmen and bankers—those wonderful people who fill the campaign coffers—want words of comfort. They, like working people, are unhappy about the administration's failed economic policies. So, it is important that the President and his advisors have a scapegoat handy—like bank examiners, supervisors and regulation.

With the carcasses of the savings and loan still scattering the landscape, the President should not use financial regulation as a campaign issue. The President should keep bank examiners and bank regulation out of next year's elections. Find some other scapegoat, Mr. President—some other scapegoat that isn't so dangerous and so costly.

Mr. Speaker, I am particularly concerned about the remarks of the President and the Secretary of the Treasury as they relate to examiners. These examiners are the lowest paid workers in the regulatory field and they are the Nation's first line of defense against fraud, abuse and mismanagement at insured institutions.

Yet, the President talks about examiners creating a "chilling" atmosphere for bankers. This is a terrible signal to send to examiners already hard pressed to convince bankers, boards of directors and the high-flyers of the industry that solid bank regulation is there to stay. The President's words and the Secretary's new program of forbearance undercuts this hard working corps of examiners.

The President—believe it or not—is actually insisting on a new appeals process that will allow disgruntled bankers to bypass the examiners and lobby directly with Washington. This is the very thing that we have fought so hard to prevent. Surely, someone remembers Lincoln Savings where Charlie Keating consistently laughed at the examiners, climbed aboard his private jet and came to Washington to make his complaints and seek regulatory relief. The result was a total collapse of the institution and a $2.5 billion bill for the taxpayers.

Not only is the President planning to set up this bankers hotline to Washington, but he plans to require the examiners to come to Washington next month, apparently for lectures on how to be nice to bankers. "Be Nice or Else" lectures to instill the proper timidity.

Mr. Speaker, I want to place in the RECORD a copy of Secretary Brady's release at the Treasury Department on Tuesday. It is published with all the public relations skill of the administration, but anyone who was here during the savings and loan crisis can read between the lines—it's Forbearance with a capital F. and it is a grade of "F" that the American public should give the administration for such shenanigans—elections or not.

DISCRIMINATION IN LENDING TO BE REVEALED

Mr. Speaker, another regulatory scandal—despite all the efforts to delay or hide the facts—will start emerging next week. It involves a long-standing practice among many in the banking industry to discriminate against citizens on the basis of race, gender and national origin.

The facts will be spread on the record as the Federal Reserve and the banks are required to release their reports under the Home Mortgage Disclosure Act. The amendments that we pushed through in the 1989 FIRREA legislation (Gonzalez-Kennedy) required banks to release data about applications for mortgages. And the turndown rate exposed by that data will show that minorities are two to four times as likely to be rejected for mortgages as whites.

This week, the Federal Reserve flew its chief of consumer affairs—Griffith Garwood—to San Francisco to the American Bankers Association to warn the bankers that the news was bad—very bad. So, the public relations machines are cranking up to explain away the disgraceful performance. The excuses will be many.

Mr. Speaker, even this new HMDA data will not tell the full story of discrimination. These are data on applications actually filed; applications that banks at least considered. It does not include persons who never got inside the bank, who were never allowed to receive an application and who were not allowed to file the application. It does not include those who were discouraged from approaching the banks and, instead, fell prey to high-interest, fly-by-night mortgage and finance company operations. So, the picture is much worse than the HMDA numbers suggest.

Some of this discrimination, I am sure, is unintentional, but the effect on minorities is the same—whether intentionally or unintentionally imposed. It is very clear that neither banks nor regulators have taken sufficient affirmative action to eliminate the discriminatory patterns.

Mr. Speaker, many, I am sure, remember the great struggle we had in 1989 to push the new HMDA legislation through Congress. In fact, it was defeated in committee. The banks, apparently well aware of what the data would show, lobbied hard against it. Our colleague, JOE KENNEDY, reoffered the amendment on the floor of the House and it passed by a close margin and we were able to hold it in conference.

Mr. Speaker, I am not sure why the Federal Reserve felt it necessary to send a representative to the ABA convention to warn the bankers and apparently to provide tips on how to minimize the data. But, it would have clearly been more appropriate for the Federal Reserve to have sent a stiff warning that corrections would have to be made now and that lending discrimination would stop.

In fact, Mr. Speaker, it is disgraceful that it took a new Act of Congress to collect the data. The regulatory agencies have examiners inside these banks on a regular basis. Why is it that they did not detect the discrimination? Or did they detect it and ignore it?

The national policy of this Nation mandates that Federal agencies and Federally supported entities operate in a nondiscriminatory manner and enforce laws against discrimination. How can we justify Federally-insured institutions, operating under public charters, being allowed to discriminate at the loan window?

Mr. Speaker, the news media, along with the regulators, have been silent about bank deficiencies in Community Reinvestment and the failure to follow affirmative fair lending practices. At long last, I hope the new HMDA data—data incidently provided by the banks themselves—will cause the news media to take a harder look or, in many cases, a first look at these practices. It's been a lonely battle for some Members of Congress and community groups to focus the spotlight on this national disgrace.

Again, Mr. Speaker, I hope the President will rethink his plan to provide a new round of forbearance for financial institutions. I hope that the plan announced this week was just the misguided brainstorm of some campaign strategist and not the considered judgment of the President.

And I hope, Mr. Speaker, that the President and the regulators he has appointed will look at the HMDA data on discrimination and force—without any delay—immediate corrective action. This national sore of discriminatory lending should not be allowed to run another day.

Mr. Speaker, frankly, I hope that financial regulation—certainly of insured institutions—can be a bipartisan effort and not an election-year game. And I truly hope that people of good will in both parties will join hands to tell the banks "thou shall not discriminate" because of a person's race, sex or national origin.

[Press release from the Department of the Treasury, Oct. 8, 1991]

EASING THE CREDIT CRUNCH TO PROMOTE ECONOMIC GROWTH

Secretary of the Treasury Nicholas Brady today announced new steps in the Administration's ongoing efforts to address "credit crunch" problems identified by the business community, bankers, and regulators. The steps build on the President's economic agenda and are aimed at sustaining the economic recovery.

"Maintaining the economic recovery depends on banks playing their traditional role, businesses making investments, and consumers purchasing goods and services," Brady said. Recent statistics show employment levels, housing starts, and industrial production rising. The Administration wants to insure that proper balance in the regulation of the banking sector continues the upward trend and that Congress passes other Administration economic growth proposals.

The Administration's new steps were developed in consultation with the Federal Reserve Board, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, and the Office of Thrift Supervision. They are designed to promote confidence and balance in the lending environment, and to help businesses and consumers in their economic activity.

The Administration's program builds in previous efforts by the Treasury Department and financial regulators to assure that sound businesses and consumers can get needed credit. These efforts include encouraging lenders to make prudent loans and assuring that examiners perform their reviews in a balanced, sensible manner. The federal banking and thrift regulators have stated that they do not want the availability of credit to sound borrowers to be adversely affected by supervisory policies or depository institutions' misunderstandings about them.

In particular, the Administration, while avoiding any encouragement of regulatory laxity, wants to ensure that the specific guidance issued by the regulators over the past several months is being fully implemented by examiners in the field, and that additional opportunities for assuring balanced regulation are pursued. Among the areas addressed are:

Directive that bankers should work constructively with borrowers experiencing temporary difficulties and facilitate the orderly restructuring of credits;

Prudent refinancing of economically sound commercial real estate loans;

Improved verification by regulatory supervisors that recent policy changes and clarifications are appropriately applied in each examination;

Enhancements in the process for appeals of alleged misapplication of regulatory standards;

Harmonization of the treatment of preferred stock in U.S. capital standards with other signatory countries under the Basle capital accord;

Appropriate application of valuation standards especially in real estate credits so as to avoid a liquidation approach to valuation;

Improved guidance in the appraisal process and steps to reduce excessive appraisal costs for lenders;

Legislative action to make permanent recent EPA regulations to limit lender liability for environmental cleanup of loan collateral properties;

This program is in addition to the President's comprehensive economic growth package, which has been stalled in the Congress. These proposals designed for increasing job-creating investment include: reducing the capital gains tax, permanently extending the research and experimentation tax credit, establishing enterprise zones, and promoting saving through Family Savings Accounts and expanded Individual Retirement Accounts. "These proposals should be voted upon without delay," Brady said.

"Congress can also help by passing the Administration's comprehensive banking reform legislation and approving its nominees for top financial regulatory positions which are before the Senate. Holding up these measures and appointments creates further uncertainty about fiscal, monetary, and regulatory policies," Brady said.

Details of the Administration program are found on the attached fact sheet.

FACTSHEET: EASING THE CREDIT CRUNCH TO HELP PROMOTE ECONOMIC GROWTH

I. NEW REGULATORY ACTIONS TO BE IMPLEMENTED

A. Efforts to improve lending environment

Conform U.S. Implementation of Basle Capital Standards

Conform U.S. treatment of Preferred Stock in Tier One capital with other countries under the Basle accord. No amendment to the Basle capital standards is needed.

Removing this ceiling will give bank holding companies an additional method of raising Tier One capital, as there are investors who prefer preferred stock to common shares.

This could result in an increase in Tier One capital and thus expand lending capacity.

The target date for completing this conforming change is October 31, 1991.

B. Build banker confidence

1. Enhanced Examination Appeals Process

Each agency has an existing appeals process for bankers who believe that examiners have made an error in their evaluation of loans. Although the guidelines issued March 1st encouraged bankers to take advantage of this mechanism, few bankers have done so.

Thus, it is recommended that the appeals process be strengthened by allowing a banker to appeal directly to senior officials or a Reserve Bank President separate from the supervisory process. Investigations would be conducted in a confidential manner.

Each regulatory agency will implement this system by November 15, 1991.

2. Improve Examination Management

In order to further assure that consistent and balanced examination standards are applied, agencies will take the following steps:

a. Regional supervisory management will be required to:

(i) make sure that the March 1st policy changes and clarifications, and all clarifications, and all subsequent guidelines, have been effectively communicated to each examiner;

(ii) make sure that these policy changes and guidelines have been explained to the banker by the examiner in each examination; and

(iii) certify that these policy changes and clarifications, and all subsequent guidance, have been followed by examiners in each exam.

These policy changes and clarifications include the instruction that:

Bankers should work in an appropriate and constructive fashion with borrowers who may be experiencing temporary difficulties;

Income producing property loans are to be assessed on the income-producing capacity of the properties over time. Examiners should take into account the lack of liquidity and cyclical nature of real estate markets. Liquidation appraisal values are to be used only if the property is to be liquidated;

Banks with real estate concentrations should not automatically refuse new credit to sound real estate developers or to work with existing borrowers;

Regulatory agencies do not have rigid rules (or percentages) on asset concentrations, as bankers and regulators know well the benefits of adequate portfolio diversification;

Institutions attempting to raise capital by shrinking assets should avoid actions such as the sale of all high-quality assets. Such actions by themselves, or the refusal to make sound, new loans, fail to achieve an important goal of improving the quality of the institution's loan portfolio;

Bankers and examiners should not lump all real estate together: distinctions should be made. For example, credit for a residential builder, should not be automatically penalized by local oversupply conditions in commercial office development;

Bankers should facilitate the orderly restructuring of troubled credits by using established techniques under FASB 15, "Troubled Debt Restructurings"; and

Banks should be able to prudently refinance commercial real estate loans without fear of regulatory retribution ("mini-perm" guidance).

b. The agencies will develop a method for regular communication with bankers by central office and/or regional senior personnel to determine banker views on the fairness and balance of examination standards and practices. Examples of this communication would include polling and regular meetings with bankers.

The agencies will implement these changes by November 15, 1991.

C. Improve real estate guidance

1. Real Estate Valuation Policies

The bank and thrift regulatory agencies have been developing a uniform and comprehensive set of real estate examination guidelines, especially for real estate in troubled markets. These detailed guidelines cover loan classification procedures, indicators of troubled loans, proper analysis of appraisals and loan values, and proper reserve analysis.

These guidelines will be released by October 31, 1991 and will be distributed to all examiners—and bankers.

2. Use of Appraisals

As a part of Subsection 1 above, a letter will be sent by the primary regulator to every bank chief executive outlining the guidelines for using appraisals emphasizing balance and appropriate time lines.

3. Random Audit Program

The regulatory agencies would establish quality control through a random audit program to determine how examiners are using appraisals in the loan documentation process.

This can be implemented by October 31, 1991.

4. Appraisal Costs

The Administration supports the actions taken recently by the regulatory agencies to limit the costs of appraisals on residential real estate loans by raising the minimum loan size subject to appraisal requirements to $100,000 from $50,000.

The Administration calls on the regulatory agencies to consider additional steps that can be taken administratively to lower the burden of appraisal costs, especially for home buyers and small business.

The agencies will report their recommendations to the Secretary of the Treasury by January 1, 1992.

D. Further clarify the definition of highly leveraged transaction (HLT)

Leveraged borrowers in businesses such as cable television or broadcast media have cited the HLT definition as unreasonably restraining credit to their industries.

The agencies published their definition for public comment in the Federal Register. The comment period concluded on September 23, 1991, resulting in over 200 comment letters.

The regulatory agencies will review the comments and propose improvements to the definition by December 1, 1991.

E. Convene national meeting of examiners

The Treasury Secretary has requested that by mid-November, 1991, the regulatory agencies convene a meeting of all key supervisory management and senior field examination professionals.

Examiners would participate in a series of meetings about the economy and a thorough briefing on the policy changes and guidelines and their application.

II. PROPOSALS THAT WOULD HELP CURE THE CREDIT CRUNCH WHICH REQUIRE ACTION BY CONGRESS

The Administration supports a number of legislative proposals that would promote savings and economic growth, make the financial sector more efficient and create a better climate for lending. These include:

A. Banking reform

The President's Banking Reform bill will spur confidence for investment by assuring that the United States has a modern banking system with stronger, safer banks.

Stronger, more competitive banks would have greater flexibility in working with borrowers to avoid future credit crunches.

B. Lender liability reform

Banks have been reluctant to make certain loans because of recent court cases that have found lenders liable for environmental clean-up costs, even when the bank's only interest in a property is a security interest to secure a loan.

To address this uncertainty concern, the EPA issued a proposed regulation interpreting the Superfund Act which would properly limit lenders' liability for any Superfund clean-up costs as long their participation is merely that of a lender, and not a long term operator.

To make this certainty permanent, the Administration is supportive of efforts to further clarify these rule changes in statute.

C. The President's growth initiatives

To increase demand and boost asset values, including real estate, the Administration continues to urge Congress to pass the President's growth package. The program would: reduce the capital gains tax rate; enhance personal savings through an expanded Individual Retirement Account (IRA) and Family Savings Account; make the Research and Experimentation (R&E) tax credit permanent; increase federal investment in science, technology and infrastructure; reform the education system; and keep the discipline of the budget agreement.

D. Nominees for regulatory positions

Three out of four bank and thrift regulatory agencies are without a Senate-confirmed head. Presidential nominees for regulatory positions awaiting Senate confirmation, include two members and the Chairman of the Federal Reserve Board, as well as the Comptroller of the Currency and the Chairman of the FDIC.

The Administration urges Congress to eliminate uncertainty about the direction of monetary policy and regulatory leadership by acting quickly to confirm the President's nominees. Congress' preoccupation with second guessing regulators has continued to exacerbate the credit crunch.

E. Bankruptcy reform

Some in Congress and the American Bankers Association point out that recent court decisions, a developing social acceptability of bankruptcy, and aggressive tactics by borrowers have weakened bankruptcy practices and thus, reduced the willingness of bankers to lend.

The Justice Department has recently undertaken a comprehensive review of the bankruptcy law and practice. The President has asked the Acting Attorney General to complete this review, analyze pending legislative initiatives, and, together with the Secretary of the Treasury, evaluate their impact on credit extensions by financial institutions.

This report will be made to the Economic Policy Council in January 1992.

The Economic Policy Council and the regulatory agencies will continue to review the credit crunch and related issues.

[From the Economist, Oct. 5, 1991]

THE GREAT DEBT HANGOVER

NEW YORK.—America's overborrowed companies are sobering up in a hurry. The morning after may prove less horrible than many had feared.

If America is headed for a hangover after its debt binge of the 1980s, the throbbing should be starting now. A huge bulge of debt, much of it from acquisitions, leveraged buyouts and the commercial-property boom, falls due over the next couple of years. With the economy weak and financial markets still hurt by a credit crunch and the collapse of the junk-bond market, this is not a good time for the cold-shower business of repaying, rolling over or replacing corporate debt. Yet things may be less awful than they look.

There will certainly be more failures. Corporate and personal bankruptcies are running at record levels. Defaults on debts are higher than at any time since 1970. They reached $12½ billion in the first half of 1991, 25% above the same period in 1990 and almost four times their level a year earlier.

The credit standing of American non-financial companies continues its long-term decline. Their median rating is now BB which is a junk grade, against the investment-grade A of a decade ago. Downgrades by debt-rating agencies outnumber upgrades by five to one.

But the pace of downgrading by Moody's, Standard & Poor's and others is slowing. And the absolute number of bankruptcies is not huge compared with the size of the economy. Some 50,000 companies failed in the first seven months of this year. The default rate on bonds, around 2.7% of issues outstanding, is below the 3.2% of 1970—and far less than the 5.7% default rate in the Great Depression year of 1933.

Is the worst past? Doomsters say that only in the next couple of years will the debtors of the 1980s be truly tested. In 1991-93 almost $150 billion of publicly-issued corporate debt matures, according to Moody's. That is almost twice as much as in the past three years, and half of it is owned by non-financial companies. For many highly-leveraged firms, the initial grace periods on the cash payment of interest and capital are expiring.

Nearly $40 billion of the debt due for repayment before 1994 is junk. Recent experience suggests that 10-15% of maturing junk bonds will default each year over that period. In the 12 months to July 1991, issuers failed to make payments on 11.7% of junk bonds that came due. That is up from 8.8% in 1990 and 5.6% in 1989.

Lower interest rates should help debtors meet their obligations. An upturn in the economy would help even more. But while manufacturing firms may be on the road to recovery, service firms, which are going through both a cyclical and a structural recession, have yet to see their part of the economy bottom out. A quarter of the bond defaults in the first half of the year were accounted for by 17 retailing and media companies; eight financial institutions contributed a further quarter.

This year may prove the third consecutive one in which the pre-tax profits of non-financial firms decline. Companies have not managed to counter the sluggishness of consumer spending by cutting costs or lowering interest charges. Average net interest expenses as a proportion of net cash flow have been trimmed only a tad, to 25%. So companies are having to restructure their balance sheets.

They are not doing so with the help of more debt, however. The increase in non-financial corporate debt in the 12 months to end-June was less than 2%, the smallest since 1973. Bank borrowing too has collapsed to levels that have not been seen since the aftermath of the 1973 oil shock.

Some debt has been replaced by equity. Net new issues grew by $11 billion in the second quarter of this year, the first time that a single quarter has seen net growth since 1983. But companies may find it increasingly hard to ease their burdens by swapping debt for equity: the American stock-market is beginning to look overvalued and share prices may be set to fall. Even if the equity window does not close, issuing stock with gay abandon risks diluting an issuer's earnings.

What matters more than the overall figures, however, is which individual companies may prove unable to pay their debts. Stephen Roach, an economist with Morgan Stanley, reckons that America has been lucky: the companies that borrowed the most were in non-cyclical industries, and so are in a better position to repay debt even in a recession. Debt-service ratios in vulnerable cyclical industries, like durable-goods manufacturing and construction, are no higher than at the end of the 1970s.

A possible sting in the tail, however, is that the debt-service ratios of cyclical companies are growing at a faster rate than those of non-cyclical firms. Oppenheimer, a firm of New York stockbrokers, has produced a list of the 40 most highly-leveraged big companies. It says of 20 of them that their "operating growth prospects make it unlikely that they will be able to outgrow their debt problems without the help of an equity infusion." These include companies with cyclical earnings like Marriott, Bally and PanAm.

Some of those companies may become casualties of the debt party. Yet, overall, non-financial corporate America looks likely to escape less scathed from its debt binge than it feared. No such luck for financial America. Banks are naggingly aware that some of their big corporate borrowers could bring them down. And they must also cope with a collapse in the value of their assets, especially property.

Commercial property-mortgages are equivalent to only three-quarters of all corporate bonds outstanding, but $300m-worth fall due over the next couple of years. The slump in the property market means that more borrowers are likely to default on them than on corporate bonds. Two-thirds of commercial mortgages are already behind the repayment terms originally agreed. Since property loans account for 17% of total bank assets, that means that almost 12% of the banks' assets are at risk. On October 2nd C&S/Sovran announced that it was making a $300m provision for write-offs of dud property loans. It is the bankers—and their regulators—who will have the sorest heads on the morning after.

SECURITIES REGULATION—TIGHTER BELTS

WASHINGTON, DC—Regulation of competition? The argument ran throughout the conference of the International Organisation of Securities Commissions (IOSCO) in Washington, DC, on September 23rd–26th. The American treasury secretary, Nicholas Brady, played to the gallery by demanding regulation to ensure that "greedy hotshots don't get all four feet in the trough." But Alan Greenspan, the chairman of the Federal Reserve, promptly warned of the dangers to markets of excessive regulation.

Regulators have been left behind by the explosive growth of international securities trading in the past decade. Exchange controls have gone, stock exchanges have been opened to foreign firms and investors have built a portfolio of foreign holdings. The cross-border equity offering has arrived. All this has made the hodgepodge of national rules about capital and conduct of business look increasingly messy.

One solution that IOSCO's members eagerly espoused was more co-operation. Memoranda of understanding between national regulators sprouted like mushrooms. One signed by the British and Americans covered such topics as fuller exchanges of suspicious information and cross-border subpoenas of reluctant witnesses.

But the real meat of the conference was the effort to agree on minimum capital standards for securities firms. The paradigm is the 1988 Basle accord between rich-country banking supervisors, under which all their banks must have capital equal to 8% of assets to protect against credit risk.

For years the Basle group, the European Community and IOSCO have fitfully discussed whether there should be similar common rules for the amount of capital that securities firms (and banks that trade securities) should hold against risks from market movements. In Washington, IOSCO agreed that, for highly liquid equities, firms should hold capital equal to 8% of their net exposure (i.e., after netting off long against short positions) plus 4% of their gross exposure They will now discuss with bank supervisors how to implement these rules.

Nobody asked the basic question: whether capital standards are needed at all. Securities firms are not banks whose failure can involve support from central banks or taxpayers. They are, it is sometimes argued, more like manufacturers, whose failure can damage creditors and customers but not enough to justify nannying supervision. Imposing capital standards on securities firms puts costs on both issuers and investors; raising them would reduce the price differential that has led those in search of capital increasingly to prefer securities to bank loans. High mandatory capital ratios might keep some securities firms out of the market.

Despite this, there are several arguments for capital and liquidity ratios, and for standardising them. They probably deter outright crooks, and certainly spread the cost of prudent behaviour more widely. Without ratios, if a reckless firm goes bust, responsible ones (or taxpayers) pay a heavy price.

Another argument is that securities firms trade heavily with one another. The failure of one can easily bring down others. In the absence of enforced ratios, firms may be too choosy about those they trade with. So will countries about which firms they allow to deal. That could limit business to the few firms that are internationally known.

Another argument is that many countries already have such rules, and they vary enormously. To support holdings of 20-year government bonds, the capital required in Britain, Japan and America is 3½%, 5% and 6% respectively. For very liquid shares in Britain, France and America, it is 10½%, 12½% and 15%. Most also apply a liquid-assets test to ensure that firms can pay their debts if they are wound up.

The planned IOSCO rules sit uncomfortably with these existing arrangements. For one thing, they replace most countries' single standard with more complicated building blocks: separate figures for net and gross positions, to which may one day be added a figure for settlement risks. Nor do they test for liquidity. Most significant, the 8%-plus-4% rules, derived from a study of past stockmarket volatility, would require firms in Japan, France and Britain to raise more capital. Their regulators challenge the study: they think the new ratios are too high.

They have reluctantly agreed to them, nonetheless. This is partly to satisfy the Americans, whose capital requirements are already higher than the IOSCO proposals. Yet Richard Breeden, the chairman of the Securities and Exchange Commission, does not intend to reduce them. He is proud that Drexel Burnham, a securities firm that collapsed in 1990, met its obligations, and he reckons that tough ratios had a lot to do with it.

Securities regulators are also going along in order to smoothe differences between banks and securities houses. Banks moan that current capital rules bear more heavily on them. Yet can the playing field be genuinely level? Not really, says Sir David Walker, chairman of Britain's Securities and Investment Board, unless broader changes are made. Could securities firms be given access, like banks, to central-bank support and guaranteed deposit insurance in exchange for higher ratios?

Another point must also dampen the ardour of those who see nirvana in common capital standards. The demands for more regulatory co-operation and more capital have been heightened by a recent spate of financial scandals around the world. Yet none of these can be blamed on inadequate capital and only one, BCCI, involved a serious failure of international co-ordination. They were breaches, often fraudulent, of local rules on the conduct of business. And nobody is trying to harmonize those.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DORGAN of North Dakota, for 60 minutes, today.

Mr. SWIFT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. BONIOR.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 12 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 15, 1991, at 12 noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Merchant Marine and Fisheries. Supplemental report on H.R. 932 (Rept. 102–229, Pt. 2). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 246. Resolution providing for the consideration of H.R. 3371, a bill to control and prevent crime (Rept. 102–250). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself, Mr. GAYDOS, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. PERKINS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. LOWEY of

New York, Mrs. UNSOELD, Mr. WASHINGTON, Mr. SERRANO, Mrs. MINK, Mr. ANDREWS of New Jersey, Mr. JEFFERSON, Mr. REED, Mr. ROEMER, Mr. OLVER, Mr. PASTOR, Mr. DE LUGO, Mr. FUSTER, and Mr. FOGLIETTA):

H.R. 3553. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. SWIFT:

H.R. 3554. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BENNETT:

H.R. 3555. A bill to repeal and prohibit all exemptions, privileges, and gratuities for Members of the U.S. House of Representatives and of the U.S. Senate; jointly, to the Committees on House Administration, Education and Labor, and Government Operations.

By Mr. DE LA GARZA (for himself and Mr. GLICKMAN):

H.R. 3556. A bill entitled: "Food For Emerging Democracies Act of 1991"; jointly, to the Committees on Agriculture and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1184: Mr. DREIER of California.

H.R. 1551: Mr. BARTON of Texas.

H.R. 1557: Ms. PELOSI, Mr. MCMILLAN of North Carolina, Mr. STENHOLM, Mr. INHOFE, Mr. SHAYS, Mr. GEREN of Texas, Mr. FISH, Mr. WILSON, Mr. SPENCE, and Mr. ABERCROMBIE.

H.R. 2242: Ms. HORN.

H.R. 2571: Mr. DWYER of New Jersey, Mr. REED, Mr. JONTZ, Mr. TRAFICANT, Mr. DICKS, Mr. ESPY, Mrs. LLOYD, and Mr. STOKES.

H.R. 2580: Mr. LEVINE of California and Mr. BUSTAMANTE.

H.R. 2755: Mr. HENRY, Ms. NORTON, Mr. ATKINS, and Mr. MAVROULES.

H.R. 3070: Mr. FUSTER, Mr. LAUGHLIN, Mr. HENRY, Mr. LIVINGSTON, Mr. ORTIZ, Mr. DARDEN, Mr. LEVIN of Michigan, Mr. CARDIN, Mr. KLUG, Mr. GALLO, Mr. HAYES of Louisiana, Mr. IRELAND, Mr. WALSH, Mr. FLAKE, and Mr. UPTON.

H.R. 3171: Mr. SCHEUER, Mr. SMITH of Florida, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. SANDERS, Mr. JEFFERSON, Mr. TOWNS, Mr. PAYNE of Virginia, and Mr. KOSTMAYER.

H.R. 3209: Mr. MCMILLEN of Maryland, Mr. TOWNS, and Ms. KAPTUR.

H.R. 3221: Mr. ESPY, Mr. MACHTLEY, Mrs. VUCANOVICH, Mr. SAXTON, Mr. PERKINS, Mr. DOOLITTLE, Mr. STEARNS, Mr. GILCHREST, Mr. SMITH of Oregon, and Mr. HERGER.

H.R. 3231: Mr. LEACH, Mr. MARTINEZ, and Mr. NUSSLE.

H.R. 3373: Mr. SCHAEFER, Mr. MOODY, Mr. LUKEN, Mr. HAYES of Louisiana, and Mr. BREWSTER.

H.R. 3528: Mr. JEFFERSON and Mr. COSTELLO.

H.J. Res. 198: Mr. DE LA GARZA, Mr. SKEEN, Mr. VOLKMER, Mr. DE LUGO, Mr. RAVENEL, Mr. SARPALIUS, Mr. MURTHA, Mr. REGULA, Mr. MCDADE, Mr. AUCOIN, Mr. ROBERTS, Mr. BILBRAY, Mr. OWENS of Utah, Mr. ERDREICH, Mr. HAMMERSCHMIDT, Mr. HOUGHTON, Mr. LEACH, Mr. DIXON, Mr. GILCHREST, Mrs. BENTLEY, Mr. MAVROULES, Mr. RINALDO, Mr. LIPINSKI, Mr. HUNTER, and Mr. LANTOS.

H.J. Res. 326: Mr. KASICH, Mrs. MEYERS of Kansas, Mr. DORGAN of North Dakota, Mr. FAZIO, Mr. RAVENEL, Mr. GREEN of New York, Mr. LEHMAN of Florida, Mr. HALL of Ohio, Mr. ECKART, and Mr. GOODLING.

H.J. Res. 340: Mr. PAYNE of New Jersey, Mr. RAMSTAD, Mr. RAVENEL, Mr. REED, Mr. RHODES, Mr. VANDER JAGT, Mr. GUARINI, Mr. RINALDO, Mr. OWENS of Utah, Mr. ROYBAL, Mr. LEHMAN of Florida, Mr. SCHEUER, Mr. RIGGS, Mr. SKEEN, Mr. SPRATT, Mr. KOLTER, Mr. RAHALL, Mrs. VUCANOVICH, Mr. MCDERMOTT, Mr. TALLON, Mr. FORD of Tennessee, Mr. HATCHER, Mr. ERDREICH, Mr. EMERSON, Mr. ANDREWS of New Jersey, Mr. BAKER, Mr. BEVILL, Mr. BILBRAY, Mr. CLEMENT, Mr. HARRIS, Mr. HUCKABY, Mr. JOHNSON of South Dakota, Mr. MOODY, Mr. SPENCE, Mr. TOWNS, Mr. INHOFE, Mr. JONES of North Carolina, Mr. KOPETSKI, Mr. DELLUMS, Mr. MAVROULES, Mr. OBERSTAR, Mr. LAROCCO, Mr. MCGRATH, Mr. GUNDERSON, Mr. HOCHBRUECKNER, Mr. BURTON of Indiana, Mr. STARK, Mr. ESPY, Mr. WEBER, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. GEPHARDT, Mr. LENT, Mr. COLEMAN of Texas, Mr. FALEOMAVAEGA, Mrs. PATTERSON, Mr. LEACH, Mr. SERRANO, Mr. BLILEY, Mr. NAGLE, Mr. QUILLEN, Mr. MARTIN, Ms. NORTON, Mr. DOOLITTLE, Mr. EVANS, Mr. FAZIO, Mr. LIVINGSTON, Mr. CRAMER, Mr. LOWERY of California, Ms. LONG, Mr. JEFFERSON, Mr. WOLPE, Mr. HAMILTON, Mr. HEFNER, Mr. HYDE, Mr. MAZZOLI, Mr. ROE, Mr. PURSELL, Mrs. LLOYD, Mr. HAMMERSCHMIDT, Mr. LIPINSKI, Mr. HEFLEY, Mr. KLECZKA, Mr. OWENS of New York, Mr. BACCHUS, Mr. ENGEL, Mr. YOUNG of Alaska, Mr. YATRON, Mr. VOLKMER, Mr. SOLOMON, Mr. WALSH, Mr. ATKINS, Mr. CHANDLER, Mr. DE LUGO, Mr. DICKS, Mr. WISE, Mr. FUSTER, Mr. HALL of Texas, Mr. LANCASTER, Mr. PAXON, Mr. STALLINGS, Mr. TRAFICANT, Mr. TRAXLER, Mr. WILSON, Mrs. BENTLEY, Mr. GREEN of New York, and Mr. DEFAZIO.

H.J. Res. 345: Mr. ANTHONY, Mr. AUCOIN, Mr. BACCHUS, Mr. BENNETT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BORSKI, Mrs. BOXER, Mr. CALLAHAN, Mr. CAMP, Mr. CARPER, Mr. CLEMENT, Mr. COLEMAN of Texas, Mr. DARDEN, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DELLUMS, Mr. DICKS, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. STUMP, Mr. SYNAR, Mr. TAUZIN, Mr. TORRES, Mr. RAVENEL, Mr. REED, Mr. RHODES, Mr. RICHARDSON, Mr. SCHAEFER, Mr. SERRANO, Mr. GLICKMAN, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GEREN of Texas, Mr. GONZALEZ, Mr. GORDON, Mr. HASTERT, Mr. HOBSON, Mr. HORTON, Mr. HUBBARD, Mr. HUGHES, Mr. JEFFERSON, Mr. JENKINS, Mr. JONES of Georgia, Mr. JONTZ, Mr. KASICH, Mr. KOLTER, Mr. KYL, Mr. LAGOMARSINO, Ms. LONG, Mr. MCDADE, Mr. MCMILLEN of Maryland, Mr. MARTINEZ, Mr. MAVROULES, Mr. MILLER of Washington, Mr. MINETA, Mr. MONTGOMERY, Mr. MORAN, Mr. MURPHY, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. ORTON, Mr. PETERSON of Florida, Mr. PICKETT, and Mr. QUILLEN.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE LEAD EXPOSURE REDUCTION ACT OF 1991

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. SWIFT. Mr. Speaker, today I am introducing legislation that will help remedy one of the most serious environmental health problems we face today: lead poisoning and pollution.

Lead is a heavy metal that has been mined since antiquity. It has a number of useful characteristics, including high density, low melting point, corrosion resistance, malleability and opacity to radiation. Because of its usefulness, lead has become ubiquitous in our society. It is found in the batteries that start our automobiles, in the television sets in our homes and offices, and in radiation shielding in our hospitals. Despite its usefulness, however, lead poses a number of extremely serious environmental and health problems. It is a very formidable neurotoxin. Even limited exposure to lead can cause permanent neurological damage, including impairments to IQ level, short-term memory, ability to concentrate, visual-motor functioning and reaction time. Exposure in adults has also been associated with hypertension in men and pregnancy complications in women. At high doses, lead exposure can cause convulsions, comas, and even death.

Lead is stored in the brain, kidneys, and bone marrow, where it may remain for up to 20 years. Children are especially susceptible: they retain a higher percentage of lead than do adults, and a higher percentage of the lead they retain ends up in their brains, causing developmental and neurological problems. In fact, research indicates that lead can cause serious, lasting damage even at low levels that do not result in any obvious symptoms at the time of exposure. Such studies have led some experts to speculate that there may be no safe level of lead exposure.

Recently, Health and Human Services Secretary Sullivan announced that the maximum safe blood-lead level for children will be lowered to 10 micrograms per deciliter. He has also called for phased-in universal blood screening of children under 6 years old. Clearly lead pollution and poisoning are problems that we must address as expeditiously as possible.

I think all of us were shocked to read the cover story in Newsweek earlier this year that discussed in detail the negative environmental and health effects caused by lead in the environment and in our homes. The article pointed out, and I think we all agree, that the single most dangerous source of lead exposure is lead-based paint. Although lead-based paint was outlawed for us in residential paints over a decade ago, many older homes still contain significant amounts of this substance, which becomes extremely dangerous as it flakes off walls and windowsills and is subsequently picked up by and ingested by small children. The Department of Housing and Urban Development estimates that approximately 12,000,000 children under 6 are exposed to lead-based paint hazards. The estimates of abatement costs for lead-based paint in dwellings are staggering. Lead poisoning occurs in children in all socioeconomic brackets, although poor inner-city children face greater exposure potential because the housing they live in is often in deteriorating condition. These children have enough obstacles to overcome without being poisoned by their dwellings.

Moreover, lead is designated as a major contaminant at approximately 400 of the sites listed on the National Priorities List required under Superfund.

Everyone remembers the asbestos problem, and the panic that ensued when people discovered asbestos in their homes and offices. Hindsight reveals that by trying to remove all asbestos, no matter what its condition, we often created greater exposure problems than we solved. EPA now recommends that asbestos in good condition be maintained, rather than removed, because data indicate that asbestos in good condition often poses little or no environmental health risk.

I believe that parallels can be drawn between the asbestos abatement problem and the lead-based paint abatement problem. By indiscriminately or improperly removing lead-based paint, one can create exposure problems, both inside and outside buildings, where none previously existed. My bill requires EPA to develop extensive training and certification standards for all parties involved in performing lead-based paint abatement work. Moreover, EPA must develop a program to promote lead abatement and measurement, establish standards for laboratories engaged in lead analysis, conduct evaluations of abatement and in-place management techniques and emerging lead abatement technologies, classify wastes from lead-based paint abatement, and conduct studies on occupational lead exposure and elevated blood lead levels in children.

The legislation also restricts lead use in a number of products, including paint, pesticides, curtain weights, construction materials, and certain types of packaging. Moreover, the bill requires that artists' paint, toys and recreational game pieces that are scale collectible models, and stained-glass have labels clearly stating that the items contain lead and should not be accessible to children.

The bill requires the establishment of National Centers for the Prevention of Lead Poisoning. These centers will serve as sources of information to the general public, and will provide technology transfer services as well.

The Subcommittee on Transportation and Hazardous Materials, which I chair, will hold hearings on the Lead Exposure Reduction Act later this month. At these hearings, the subcommittee will take testimony from Representatives of the Congress, the administration, environmental and health groups, and the industries that utilize lead. One issue the subcommittee will discuss at the hearing is how best to address new uses of this highly toxic metal. I hope we can work together to produce a solution to this problem; a solution that protects health and the environment and does not impede critical technological innovation.

I urge all of my colleagues to support this legislation. I look forward to working with my colleagues in the House and in the other body, as well as representatives of environmental, health and industry groups, to enact this critical and timely legislation.

ELAINE YARUS OFFERS HOPE TO STROKE VICTIMS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to salute Elaine Yarus, a strong compassionate leader in the Santa Monica-based Senior Health and Peer Counseling Center as she celebrates her 70th birthday on October 24, 1991. As a tribute to Elaine, I would like to share the following article on her stellar accomplishments as was reported in the Los Angeles Times, on Sunday, September 8, 1991. I ask that my colleagues in the U.S. House of Representatives join me in congratulating her on a job well done.

SHE SHARES IN HER HUSBAND'S PASSION, OFFERS HOPE TO STROKE VICTIMS

(By Linda Feldman)

When Elaine Yarus' husband, Norman, had his first stroke in 1974, he decided to devote his life to helping other stroke victims. And he did so until his death two years ago.

Now, Elaine Yarus is taking over where Norman Yarus left off. She was her husband's partner during the years when he ran seven self-help groups—it was her way, she says, of sharing his passion as well as his rehabilitation.

But why go back?

"My husband was actually training me and towards the end he told me to take over," Yarus says. "But when he died I couldn't do it. Now I have this need to continue what he started."

Yarus was taught well. Although she feels empathy toward stroke victims she follows her husband's philosophy—SPS, or "Self Pity Stinks."

"I don't fall all over them with sympathy," she says.

Yarus' approach is simple. She starts out by offering hope.

"The frist thing I do is hold up my index finger and move it up and down and say, 'We'll start with this and hopefully it will progress to dancing.'"

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Her method is based on the idea that any little accomplishment is crucial. With her blunt humor, a tough-love attitude and first-hand experience, she offers constructive ideas about physical and attitude improvement and leaves psychological counseling to the professionals.

But she also can speak from personal experience about the realities of being the spouse of a stroke victim.

"There's a big difference when the victim is a wife because women tend to be more accepting," Yarus says. "But the majority of victims are men and a lot of women want out because their husbands become abusive. We work on that. Without a strong bond before a stroke, it's difficult if not impossible to draw on strength afterwards," she says.

Since many stroke victims must adapt to using wheelchairs for mobility, Yarus says they frequently experience frustration at losing a degree of control over their lives.

"We have a buddy system where everybody calls one other person every day," she says. "It doesn't matter if they feel good or bad, it's about making contact. I remember two clients called one another and watched a baseball game together cheering into the telephone."

And there's homework. Yarus asked one of her groups to research restaurants where they could eat for under $10. After everyone did the field work, they put together a booklet. "We also pooled our resources and put together a reference library of medical supplies that enhanced their lives. Anything to improve their everyday living and, most important, learning how to deal with what is, not with what was, gives these people more control over their lives," she says.

Besides being, in her words, "the grandmother of the century" to her three grandchildren, Elaine Yarus has always been a giver and a doer. She is involved with SAFE—Senior Alliance for Frail & Elderly—and goes to visit patients in rest homes. She also takes classes at Santa Monica Emeritus College.

Yarus sees her clients every Wednesday from 1:30 to 3 p.m. at the Santa Monica-based Senior Health and Peer Counseling Center at 2125 Arizona Ave. For more information call (213) 828-1243.

IN MEMORY OF MRS. EMILY LARKIN WOODY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to the life and legacy of Los Angeles educator and civil rights leader, Mrs. Emily L. Woody, who died February 1, in her Los Angeles home.

Mrs. Woody was born and raised in Los Angeles and graduated from Jefferson High School. She completed her bachelor's degree at the University of California at Los Angeles, before going on to earn a master's degree from Loyola University in Los Angeles. For years, Mrs. Woody taught in the Los Angeles Unified School District. She found that basic verbal skills deficiencies prevented students from reaching their potential in and outside of the classroom. "Children all used to read * * *. Then they stopped teaching phonics—and children stopped reading," she observed. Mrs. Woody did not simply recognize the problem. She committed herself to making a change.

In 1962, Mrs. Woody retired from classroom teaching to develop an innovative program to accelerate reading skills development for children and adults, called Phonetic Rock. In 1972, she contracted with Sussex Records to produce and distributed the unique audio reading program. Later, Mrs. Woody created her own sales and distribution company, Multi-Learning Enlistment, Inc., to market the program. Mrs. Woody wrote and recorded 32 songs in addition to the narration. "Phonetic Rock" has been praised by educators and public officials from Los Angeles Mayor Tom Bradley to California Superintendent of Schools Bill Hoenig, and continues to be employed by teachers in classrooms and other educational settings in the Los Angeles area.

Mrs. Woody was also a leader in the civil rights arena, founding the American Council of Human Rights and serving on the executive board of the Los Angeles chapter of the National Association for the Advancement of Colored People. Under her direction, the American Council of Human Rights sponsored a speech contest to promote civic awareness and participation among young people, entitled "What Does My Vote Mean?"

During her career, Mrs. Woody earned two life California teaching credentials and one State psychometric credential. She also garnered awards from a number of community organizations for her efforts in the areas of education and civil rights. By far, however, her proudest accomplishment was "Phonetic Rock," the production and distribution of which she continued to oversee until her death. Mrs. Woody's daughter and son-in-law, Claudia and Ira Thomas, pledge to carry on her work with Multi-Learning Enlistment, Inc. from their home in Austin, TX.

While Emily Woody's greatest impact was among African-American students, the educator taught children from various racial and ethnic backgrounds during the course of her dedicated career. She recognized the universal value of literacy for all people and sought to ensure that no one within her reach would be impeded by an inability to read and communicate effectively. "I have found that all children have the same need to read," she said. "Learning begins with reading; the way out of the ghetto begins with reading."

Please join me, Mr. Speaker, in celebrating Mrs. Emily Larkin Woody's commitment to dismantling the barriers of illiteracy.

TRIBUTE TO FORD-UAW APPRENTICESHIP PROGRAM

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. BONIOR. Mr. Speaker, it is a great honor for me, and particularly the working men and women of Michigan's 12th Congressional District whose livelihoods depend on the auto industry, to congratulate the Ford-UAW Apprenticeship Program on the occasion of its 50th anniversary.

At a time when our country is fiercely struggling to preserve its industrial base, the Ford-UAW Apprenticeship Program is making major contributions to our ability to compete.

This world-class program produces some of America's finest skilled trades personnel. Over the years, more than 22,000 men and women have graduated in trades that are critical to the efficient manufacture and assembly of quality cars and trucks—electricians, tool and die makers, machine repairers, plumbers-pipefitters, millwrights, and many others.

The success of this program is due in large part to the common vision Ford and the UAW share about the future. As one of the earliest joint management-union efforts in American history, Ford and the UAW know that tomorrow's workers will always need to develop new skills to adapt to the changing demands of competitiveness and technology.

For a half century, Mr. Speaker, the Ford-UAW Apprenticeship Program has played a vital role in developing skilled trade expertise in the auto industry. Many of its graduates have later gone on to leadership positions within business, labor, and the community.

So on this special occasion, I am especially pleased to salute all the participants of this important program. The United Auto Workers, Ford Motor Co., and the thousands of workers who have completed its rigorous requirements can be proud of their long and successful history of cooperation and teamwork.

HONORING CHICAGO, IL, BUSINESSMAN ROBERT J. SMITH

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to congratulate an outstanding man and community leader on the occasion of his election to the presidency of the National Funeral Directors Association. Robert J. Smith, owner and director of Robert J. Smith Funeral Homes, Inc., located in Chicago, IL, has been a licensed funeral director and embalmer in Illinois since 1946 and has been very active in both the National Funeral Directors Association and other community activities in his area throughout his career.

Throughout his involvement with the National Funeral Directors Association, Mr. Smith has been an asset to the association. His contributions as a member of the disaster, preneed, embalming, hospitalization, and budget committees were unequaled. Most recently, Mr. Smith has served the association as president-elect 1990–91; vice president, 1989–90; and treasurer, 1988–89.

An Illinois native, Mr. Smith received degrees from DePaul University and the Worsham College of Mortuary Science. In 1973, Mr. Smith was elected president of the Illinois Funeral Directors Association and was also a member of the State of Illinois Department of Professional Regulation, Embalmers, and Funeral Director and Embalmers Licensing Board.

An outstanding community leader, Mr. Smith received the Mayor Richard J. Daley Police

Medal of Honor in recognition of his meritorious service to the Chicago Police Department in 1980.

In his continuing effort to educate others about funeral services and the needs of consumers, Mr. Smith has lectured at the Worsham College of Mortuary Science, the Illinois State Funeral Directors Association, and the Southern University at Carbondale Department of Mortuary Science.

The National Funeral Directors Association has elected an able and respected leader as their president. They are fortunate to have such a leader, and I commend Mr. Smith on the occasion of his election.

TRIBUTE TO JOHN SAYLES

HON. BEN JONES

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. JONES of Georgia. Mr. Speaker, with the release of his first feature film, "Return of the Secaucus Seven" 10 years ago, writer/director John Sayles emerged as a leader of the American independent film movement.

Through his work as an author, screen writer, director, and producer, Mr. Sayles has distinguished himself as one of America's premier contemporary storytellers, whose works explore the drama, the difficulties, and the triumphs of everyday working people in America.

Mr. Sayles is currently here in Washington in conjunction with his latest feature film "City of Hope" which reflects the enormous challenges facing communities within America's urban cities.

Mr. Speaker, I would like to take this opportunity to recognize Mr. Sayles for his role as leader and innovator within America's film industry and, most especially, for his creative contribution to our country's cultural heritage.

CELEBRATING COLUMBUS DAY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mrs. BENTLEY. Mr. Speaker, distinguished colleagues, I would like to take this time to celebrate with the Italian community Christopher Columbus' brave trips of exploration to the New World. The voyage Columbus made with his small crew in 1492 would change the path of history the world would take.

After finally persuading the Spanish King and Queen, Ferdinand and Isabella, to fund his expedition, Columbus acquired the ships *Nina, Pinta,* and *Santa Maria,* thus setting forth to seek fortune in the unexplored regions of the world. Their fourth, and final journey, would last over a grueling 30 days and 4,500 miles with only the stars and experience to guide them. His courageous voyage would help to map the world during a time when many still believed it to be flat.

Columbus' drive and commitment to his expedition led him to discover a New World. Not only did he find a land filled with treasures, but what he found was even more priceless. This New World Columbus found soon would be colonized to become our Nation, a nation built on the visions of undaunted persistence and independence, that Columbus fought to achieve almost 500 years ago.

Today, as we celebrate Columbus' courageous spirit, we remember it was this same courage that led our forefathers to come to settle our Nation. The Old World soon turned to the New World for wealth. It is this same entrepreneurial spirit that the American small businessman and investor still possess.

In Maryland, the Italian-American community has maintained its ethnic heritage and remembers with pride the voyage of Christopher Columbus. His name will always be synonymous with exploration and the New World.

It is duly appropriate that Baltimore's new Biotechnology Research Center is to be called the Christopher Columbus Center. Reflecting the name of the greatest adventurer in Italian history, and reminding us that those who work there are today's heroes and explorers.

It is on this day that the Italian-Americans of our country are called to remember with pride the contributions of Christopher Columbus to the world, both "Old" and "New."

NOTRE DAME ACADEMY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize Notre Dame Academy, its principal, Sister Gina Marie, S.N.D., and the community of students, parents, alumnae, and teachers who have worked together to make Notre Dame the outstanding high school it is today. I also wish to extend my heartfelt congratulations to Notre Dame Academy on its being chosen by the U.S. Department of Education as one of the recipients of the 1991 Blue Ribbon Awards for excellence in education.

Established in 1949, this college-preparatory Catholic high school for girls has provided a positive, challenging, and interactive environment for young women with varied ethnic, social, and economic backgrounds. Notre Dame Academy was 1 of only 53 private schools in the country and the only school chosen in Los Angeles by the Department of Education according to their rigorous requirements for the Blue Ribbon Award.

The Blue Ribbon Award schools are evaluated on such factors as use of an up-to-date and rigorous core curriculum and instruction, maintenance of a safe, orderly, and drug-free climate for students, and encouragement of strong parent and community support. It is clear that Notre Dame Academy has excelled in all of these areas, and many others as well.

Notre Dame Academy has a full and balanced program of student activities beyond the world of academics. These include a popular and successful sports program, a campus ministry group, various volunteer service organizations, and several traditional activities, all of which serve to broaden the experiences of the young women attending the academy.

It is a pleasure to bring Notre Dame Academy's outstanding achievement to the attention of my colleagues in the House of Representatives, and I ask that they join me in congratulating this exemplary high school on a job well done.

TRIBUTE TO REV. MANUEL AVILA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to an outstanding American, Rev. Manuel Avila, the pastor of the Springfield Baptist Church, in Springfield Township, PA. Reverend Avila has announced that he will retire from his pastoral duties on November 15, 1991, after 34 years of service to his congregation.

During his tenure with the Baptist Church of Springfield the membership has grown from less than 200 to well over 550, and several young people have gone to the seminary for a life of Christian vocations. Reverend Avila has led seven work parties to Central America to assist in the building of churches in those countries.

Reverend Avila has become well known nationally too. He has served as the president of the Regional Baptist Churches of Pennsylvania and Delaware. He is also serving his second term as the moderator of the county-wide Riverside Baptist Association. Last year, the American Baptist Churches of USA recognized him as the leader of the second highest contribution drive in the United States.

The people that have benefited the most from Reverend Avila's service have always been his own congregation. Reverend Avila visited over 900 parishioners last year. He served 3 weeks a year as the Chaplain of the Week, at Taylor Hospital and provides scores of counseling and emergency calls for those people in need.

Mr. Speaker and fellow colleagues, Rev. Manuel Avila has served the congregation of the Springfield Baptist Church with a strong commitment to excellence. He provides inspiration not only to those living in his parish, but to those across the country who share his faith and values. We will surely miss the service that he provides, but his service and record will be an inspiration for all to follow. Please join me in congratulating Reverend Avila on the announcement of his retirement from the Springfield Baptist Church in Pennsylvania.

MOSCOW HUMAN RIGHTS MEETING FAILS TO RESOLVE OUTSTANDING HUMAN RIGHTS CASES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. HOYER. Mr. Speaker, October 4 marked the final day of the Conference on Security and Cooperation in Europe's [CSCE] mandated Conference on the Human Dimension [CDH] which had been taking place in Moscow for the past 4 weeks.

This gathering of the 38 participating states of the Helsinki process was the final of three meetings of the CDH. Previous meetings, held in Paris in 1989 and Copenhagen in 1990, addressed issues relating to human rights and humanitarian cooperation among the participating states and produced concrete results both in terms of implementation and new commitments.

This series of forums provided the Soviet Union an opportunity to wipe its slate clean as it relates to outstanding family reunification human rights cases, many of which have been on the books for 5, even 10 or more years. At a CSCE meeting in 1988, I called for a "zero option" for human rights: Zero political prisoners; zero divided families; zero refusals on requests to emigrate or return; zero broadcasts jammed; zero restraints on religious observance and teaching; and zero curbs on free communication, assembly, and association.

We are certainly closer to that goal than we could have imagined in 1988. However, Mr. Speaker, during the Moscow meeting, the Soviets missed a unique opportunity to, at long last, wipe clean that slate. Very few, if any, longstanding refusenik cases were resolved. People like Vasily Barats, Moisey Iskin, Roman Sorkin, Solomon Smolyar, and Dimitri Berman are still in the Soviet Union this week against their will, while the delegates of the participating states have returned home.

The Soviet Union, in giving its consensus to the Vienna concluding document, undertook a commitment to resolve outstanding human contacts cases by July 1989. Today, over 2 years later and with an international human rights meeting in its own backyard, some of these cases remain unresolved and others have been added to the list. The time has come to wipe the slate clean. I would argue, Mr. Speaker, that the United States sent the wrong message by walking away from this meeting while others who have sought the right to leave remain behind.

TRIBUTE TO ANNE B. BUTLER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Mr. DINGELL. Mr. Speaker, I want to pay tribute to Mrs. Anne B. Butler, assistant clerk to the Committee on Energy and Commerce, who retired at the end of August from Federal service after more than 30 years of service to her country and the Congress. Mrs. Butler has been a member of the Energy and Commerce Committee staff since 1980.

Anne graduated from the University of North Carolina at Greensboro with a degree in business administration and began her career as a staff member for her Congressman, the late Alton Lennon of North Carolina, in 1957. After Congressman Lennon's retirement in 1973, Anne worked for the Senate Judiciary Committee, Congressman Ray J. Madden, and the House Judiciary Committee before joining the staff of the Energy and Commerce Committee. She is a popular staff member on Capitol Hill, and those who know her are aware of her devotion to her home State of North Carolina. She served as president of the North Carolina Democratic Club of Washington, DC, from 1971 to 1973 and also served on the board of directors for the North Carolina State Society. Anne is an active member of her church, a former Sunday school teacher, and currently a member of the choir at the Dulin Methodist Church in Falls Church. A devoted mother, Anne and her husband, Dan, have two grown children, Logan and Dianne.

I regret the loss of Anne's many talents on the committee, and all of us who have worked with her will miss her. We wish her well as she embarks on a new phase in her life and hope that she and Dan have many years of travel and enjoyment.

ANTONIA W. GARY: NATIONAL MINORITY BUSINESS ADVOCATE OF THE YEAR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today, Antonia W. Gary, a Miami-Dade Community College official who recently received the National Minority Business Advocate Award from the Minority Business Development Agency [MBDA] of the U.S. Department of Commerce.

This award was presented to Ms. Gary at the Minority Business Enterprise Awards Banquet by MBDA Director Joe Lira and U.S. Small Business Administration [SBA] Associate Administrator Judith Watts. The awards banquet was held here in Washington in the Sheraton Ballroom at the Sheraton Washington Hotel on September 27.

The banquet was part of ceremonies honoring Minority Enterprise Development [MED] Week, September 23 through 27. Created 9 years ago by the MBDA and the SBA, the theme of this year's MED celebration was "Building a Stronger America Through Minority Business Development."

Ms. Gary received this honor, in part, for her work as associate dean and executive director of the Entrepreneurial Education Center of Miami-Dade Community College, North Campus. She is well known for her efforts to build minority business enterprise. Under her leadership, the education center has become a leading resource for minority entrepreneurs in the Miami area.

Among her achievements was designing a comprehensive library providing technical business training. She was also instrumental in negotiating an agreement with the Greater Miami Convention and Visitor's Bureau to provide undergraduate degrees in tourism to help blacks gain management positions in the tourism industry. She also developed a special business advisory program that has led to the creation of more than 50 black-owned businesses in Dade County, FL.

Ms. Gary also proved the practical value of her knowledge and advice by starting her own businesses. She was the co-owner of a Chicken George fast food restaurant and a beauty salon.

She has been active in many civic, community and professional organizations, including serving as executive director of Greater Miami United. She also serves as a liaison to Florida's Department of Commerce, the SBA, the MBDA, and the U.S. Housing and Urban Development's Action Grant Program.

I am pleased to take this opportunity to thank Ms. Gary for her invaluable efforts to make the American dream come alive for all Americans. Her work has contributed much to making Miami a better place to live for everyone.

HOUSE OF REPRESENTATIVES—*Tuesday, October 15, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As You have made available to us, O God, the wonderful gifts of life, so we pray that we will be receptive to the gifts of tolerance and civility in our relations with each other. We know how we hold to our ideas and beliefs and we cling to our own attitudes and when others do not understand, we do not understand. Whatever our situations, gracious God, whatever our programs, may we hold high the gifts of tolerance and civility toward people from every place. Forgive our rush to judgment, release us from our impatience, and inability to hear clearly other people, and show us Your higher vision of truth that binds us together as one people. Bless us this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana [Mr. JACOBS] please come forward and lead the House in the Pledge of Allegiance.

Mr. JACOBS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 1193) "An Act to make technical amendments to various Indian laws" with an amendment.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 291. An act to settle certain water rights claims of the San Carlos Apache Tribe.

CONGRESS MUST OVERRIDE VETO OF UNEMPLOYMENT COMPENSATION EXTENSION

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and expend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, in the midst of the Thomas hearings, the President did it, he quietly vetoed the Democratic unemployment bill which would have extended benefits for 9 million out-of-work Americans.

Until these people find new jobs, they need to be able to feed their families and keep a roof over their heads—the money is there in the unemployment compensation fund waiting to help them do so. They paid it in. In fact, the money came out of their paychecks and from their employers.

But the President just vetoed the Democratic unemployment bill.

He says he will only sign Dole's Republican unemployment bill. He says the Republican bill would reach the same number of people as the Democratic bill but with lower benefit levels. That is just not true?

Mr. Speaker, in my home State of Florida, the Republican bill will help 65,346 fewer people than the Democratic bill. That's hardly the same number.

Nationwide, the Democratic unemployment bill will help almost 5 times the number of people as the Republican bill, Americans who need and deserve help.

The battery, Mr. Speaker, must have run out in the President's calculator.

It's well past time to get Americans the help they need—sadly, the President is unable to admit that the recession is still very much with us and he refused to sign the bill.

Well, if the President won't come to the aid of Americans, if the President is too busy doing other things, Mr. Speaker, especially, trying to get one American a job instead of the other 5 million, Congress will just have to do it alone. We must override the veto.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1028

Mr. HYDE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from the bill, H.R. 1028.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AGENDA GAP IN THE HOUSE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, we are told repeatedly by the Democrat Party that the President has no domestic agenda. This myth has become such an article of faith among Democrats that many of them have come to believe it.

Since they have so little to believe in these days, we can understand why they desperately cling to this fantasy.

But the fact is President Bush has a clearly delineated domestic agenda. Two of the most important parts of that agenda are the highway bill and the crime package, and neither of these have been passed by the House. In short, Democrats in the House keep the President's agenda from deliberation, and then blame him for not having one, a classic case of blaming the victim.

And speaking of victims, Mr. Speaker, the President's crime bill will help the victim instead of the criminal. What is wrong with that, Mr. Speaker?

Why do we have an agenda gap in the House?

EXTENDING UNEMPLOYMENT COMPENSATION

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, while the Nation's attention was focused on the Thomas hearings last week, the President used that diversion to hide his latest veto of the bill providing help for unemployment.

Clarence Thomas' nomination fight will be over at 6 o'clock this evening, but the problems of working Americans will continue. There are still 9 million Americans who cannot find jobs. They need a middle-class tax cut to help the economy to get moving again, and they need help for the unemployed until the economy does begin to pick up, and they need more than the table scraps that the President is talking about.

Fifty years ago Franklin Roosevelt warned about a government frozen in the ice of its own indifference. It is time for the White House to chip away the ice that surrounds it and to bring American workers back in from the cold.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE CRIME BILL THAT WAS NOT THERE

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I offer the following film scenario in the hope some brilliant director might find it of interest:

The plot involves a crime bill that somewhere between the White House and the House of Representatives simply vanishes without a trace.

The President is puzzled.

He asks those who control the House if they have seen his bill.

They become incensed and deny vehemently knowing anything about a crime bill.

Such a claim is quite plausible in their case, so the search for the crime bill continues, but to no avail.

In honor of the lack of serious legislation passed by the House this year, I have titled my scenario, "The Year of Legislating Aimlessly."

Mr. Speaker, we have the lights. We have the camera. Let us see a little action on the crime bill.

RESOLUTION COMMENDING AUNG SAN SUU KYI ON HER RECEIVING THE 1991 NOBEL PEACE PRIZE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, yesterday the Nobel Peace Prize Committee announced that the 1991 Peace Prize will be awarded to Aung San Suu Kyi, the leader of the democratic opposition to the repressive, authoritarian military Government of Burma which has dominated that country for decades.

This woman of extraordinary courage, however, will not be able to travel to Stockholm to receive this prestigious award this December. For some 2 years, she has been under house arrest, incommunicado. In fact, Mr. Speaker, it is possible that she does not yet know that she has been named for this high honor.

Today with my distinguished Republican colleague from Illinois, Mr. JOHN PORTER, the cochair with me of the Congressional Human Rights Caucus, I am introducing a resolution commending Aung San Suu Kyi on receiving the 1991 Nobel Peace Prize and requesting that the Speaker of the House and the majority leader of the Senate invite her to address a joint meeting of the Congress. Her voice in defense of freedom and human rights may not yet be heard in her native land of Burma, but it is heard here in the Congress and it will be heard around the world.

□ 1210

THE OMNIBUS CRIME CONTROL ACT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises today to express strong support for several provisions contained in H.R. 3371, the Omnibus Crime Control Act to be considered by this body this week.

H.R. 3371 contains provisions increasing the mandatory minimum penalty for distributing drugs in drug-free zones—such as near a school or playground—from 1 to 3 years for a first offense. For a second offense, the measure increases the mandatory minimum sentence from 3 to 5 years.

Further, the bill triples the penalty for distributing or manufacturing drugs in or near public housing—making public housing a drug free-zone.

The bill combats street gangs by imposing additional penalties of up to 10 years—on top of the sentence for the actual crime—when a gang member commits certain Federal offenses such as a drug felony, if the crime was committed as a member of, on behalf of, or in association with a criminal street gang, and if the gang member has one or more specified Federal or State convictions within the past 5 years.

Mr. Speaker, these measures are laudable and absolutely necessary efforts to protect our youth, make our streets and homes safer, and combat the rising violence of gangs in our cities. This Member strongly supports these provisions and encourages his colleagues to do the same. We in Congress should do our part to make these provisions a matter of law so that they will be enforced across our Nation.

GOOD ADVICE FROM THE PRESIDENT

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, the whole country knows that one of the two is lying.

Professor Hill has passed a lie detector test given by a former FBI specialist in polygraphs which are given by the FBI regularly.

Our President advises Judge Thomas that it would be "stupid" for him to take a lie detector test. I think that is good advice. It is what I would tell Judge Thomas at this point if I were his lawyer.

INCLUDE GOOD-FAITH EXCEPTION TO EXCLUSIONARY RULE

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I was very disappointed to hear that the House will not be considering the crime bill which was originally scheduled for today, and I certainly hope that we will take it up as soon as possible.

With crime on the streets rampant as it is, we need to move on this issue.

Just one of the measures that should be included in the crime bill is the good-faith exception to the exclusionary rule. When the U.S. Supreme Court imposed the exclusionary rule of evidence on the States, it said that evidence proving guilt could be excluded from the trial in order to deter police agencies from utterly and deliberately ignoring the fourth amendment to the U.S. Constitution, but it makes no sense to exclude evidence which is seized as the result of a good-faith honest mistake about the exclusionary rule.

Mr. Speaker, I was the district attorney of the Albuquerque area for 8 years, from 1981 through 1989, and during that period of time, the Federal court decisions were changing so rapidly as to when an automobile could be searched on a highway that we had trouble advising our police agencies as to what was legal and what was illegal.

Under those circumstances, it makes no sense at all to give a criminal defendant the bonanza of excluding the evidence which might be found to prove their guilt.

TELL IRS THEY HAVE BURDEN OF PROOF

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I never heard so many politicians say that Judge Thomas should get the benefit of the doubt, because in America you are innocent until proven guilty.

Now, I agree with that, but the hypocrisy is an American taxpayer is guilty and must prove themselves innocent. Where are all the politicians on this grave and most important constitutional issue? The politicians are hiding.

Are they afraid of the IRS? Taxpayers are going to tax courts being railroaded and must prove their innocence.

I think it is time for the politicians to stand up for the Constitution, tell the IRS they have the burden of proof, and if you accuse an American taxpayer, you have the burden of proof of coming in and proving that case.

I think it is time that everybody is treated the same in this country.

OUR CONSTITUENTS WANT A TOUGH CRIME BILL

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, on March 6, the President challenged Congress to enact a tough crime bill; 223 days later, the Democratic leadership is finally bringing a crime bill to the floor.

However, the Democrat bill should be called a Criminal Protection Act rather than the Crime Control Act.

I am glad the Democrats finally recognized the need to pass a crime bill, but their version is not strong enough to put a stop to the needless violence that occurs in our country every day. In the United States, someone is murdered every 24 minutes, a woman is raped every 6 minutes, someone is robbed every 55 seconds, and someone is assaulted every 33 seconds. Our citizens are crying out for us in the Congress to help them. Key provisions of the President's crime bill were already passed by considerable margins last Congress such as restoration of the death penalty, habeas corpus revisions, and exclusionary rule reform.

Mr. Speaker, this is the bill we should be considering today, not the Democrat version, which protects criminals rather than victims.

I hope that when we consider some of the amendments to the Democrat bill we will show the citizens of this country that we are concerned about their welfare. We need to pass the amendments that will convert the Democrat bill into a tough and comprehensive crime control bill.

It is time to do something our constituents want, pass a tough crime bill.

IRS AGAIN FIXING SOMETHING NOT BROKEN

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, IRS has once again found a way to fix something that is not broken. This time it is imposing ridiculous red tape on family child-care providers, the backbone of this country's child-care system.

The IRS wants detailed time logs, detailing where each child spends his or her time in the house right down to the last minute. Without those records, family child-care providers will not be able to deduct a percentage of their household expenses on their taxes.

No widespread abuse has forced the IRS change. It just seemed like a good idea to those geniuses down at the IRS. In fact, if the IRS has its way, many family child-care providers could be forced out of business.

So in Oregon, 31,000 family child-care providers face a choice today: Do they spend their time with timepieces keeping meaningless records on how often a child has milk and cookies in the kitchen, or do they spend their time taking care of the kids they are supposed to be taking care of?

Mr. Speaker, today I am introducing a bill to end this nonsense. I think the IRS ought to be cracking down on tax frauds and letting family child-care providers take care of our children and prepare them for their future.

I hope the House will enact this legislation.

DEMOCRATS' CRIMINAL PROTECTION ACT IS A TRAVESTY OF JUSTICE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, while the President's crime bill lies buried in the bowels of the Capitol, I suppose never to see the light of the day, our Democrat colleagues have crafted a completely unworkable alternative which might better be called a Criminal Protection Act.

Knowing that the American people, exposed daily to an epidemic of violent crime, are demanding a strong response from their elected leaders, the liberal Democratic leadership in this body has instead readied a bill which should be entitled the "Criminal Protection Act."

Twenty-three thousand American lives were snuffed out by criminals last year. How have the Democrats responded? Have they sought deterrents? Have they considered the plight of the long list of victims which grows larger with each passing day? No, they have not.

Mr. Speaker, criminals will love the Democrat bill. The American Civil Liberties Union will probably support it. But I can assure you, the American people, when they listen to the forthcoming debate on this ill-advised legislation, will be mighty upset.

Let us reject this bill. Let us toss it on the trash heap. And let us finally bring the President's crime bill to the floor.

DO NOT LIMIT POLICE AND MILITARY WEAPONS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I want to inform my colleagues that I will be offering amendments striking the bans on the so-called assault weapons and magazines with a capacity of more than seven rounds when we debate the crime bill this week. Members should be aware that the language in the crime bill dealing with firearms goes further than any antigun legislation ever has. Members should be aware that the restriction on magazines to seven or less rounds applies to police and military personnel as well as to all citizens. Can you imagine what affect this will have? The supporters of this language want to limit our police and military to seven rounds or less. It appears if this legislation stands the only people with more firepower than seven rounds will be the criminals, who will not be affected by any gun laws we pass anyway. Members should also be aware that this magazine restriction will have a very dramatic effect on guns that are not on the list of so called assault weapons. The old M-1's used in World War II, most semiautomatic pistols and many more rifles will be affected. My colleagues, you must recognize that most of those in support of the language in this bill want to take all guns away, not just a few, and now they even want to limit our military and police.

□ 1220

REGULATORS ARE STRANGLING SMALL BUSINESS BORROWING

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, small businesses must have access to credit in order to create the permanent jobs that our Nation's unemployed so badly need. And yet, in many parts of the country today, that credit is simply not available.

The Federal Reserve keeps lowering the discount rate, but money is still not available to smaller firms. Mr. Speaker, interest rates are not the only problem. Federal regulators whose primary concern is their own job security are the problem.

They are intent on taking the risk out of the banking business and any good banker knows that this just can not be done.

Perfectly viable businesses are going under for lack of credit because regulators are making it virtually impossible for banks to lend them money. This is crazy.

Maybe it is time for Congress to make clear to the regulators that we will not sit quietly by while they bring small-business lending to a grinding halt.

As we move toward consideration of banking reform legislation, I would urge my colleagues to remember: It is easy to say that you are all for small business. But it is how you vote that really counts.

THE PROPOSED BAN ON ASSAULT WEAPONS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today is Law Enforcement Memorial Day. As I speak the names of more than 12,000 slain police officers are being read at the new Law Officers Memorial at Judiciary Square. President Bush will be there later to pay tribute to fallen officers.

We can do our part to make sure that no other names are added to that memorial by voting for the assault weapons ban in the crime bill. It will save lives and it will help stop crime.

Assault weapons account for one-half of 1 percent of all guns but are used in 10 percent of all crimes. They are 35 times more likely to be used in killings. Why? Because they are weapons of war, made expressly for the efficient killing of human beings. Their accessories such as silencers, large magazines, and mounts for bayonets and grenade launchers are of no use to hunters.

Police officers support this legislation because they know assault weapons are people-killing machines. When the vote on assault weapons comes, stand up and be counted for saving lives.

ACCESS TO AFFORDABLE HEALTH CARE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, we can all recite the Nation's health care statistics in our sleep: 37 million Americans, half of whom are unemployed, now remain uninsured. Almost $700 billion in annual costs, approaching 13 percent of our GNP. Daily individuals are dropped from coverage they have counted on for their entire lives. Increasing numbers of people need medical safety nets, but insurance risk pools all over the country are going bankrupt. Our goal is equal access to affordable health care for all Americans. But before we demand that businesses pay or play, we should examine the consequences of mandates—we will end up doing more harm than good. Will people lose jobs and be denied employment? I think there is a good chance that is so. Instead, why not focus on developing basic, low-cost health plans, exempt from burdensome State mandates, that can be made available to all small businesses. Why not place more emphasis on managed care and cost sharing that can be utilized to promote responsible treatment decisions? Why not level the playing field for the self-employed. There are alternatives, Mr. Speaker. Let us use them. There can be no sellout of Americans' health.

WHERE, OH WHERE, DID THE CHILD CARE BILL GO?

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, where, oh where, did the child care bill go?

Remember that child care bill that the House and the Senate finally passed after 18 years of not having one passed, that we were all so proud of last year, and every single State was crying out for it?

Remember how we decided it would be a joint partnership with the House and the Senate, and then we would have the State and local officials get the money, that basically we were not going to create a whole new bureaucracy in Washington? We wanted it all to go to child care.

Well, check with your States. I bet they have not seen a dime, and that is because the administration is trying to gut it. They are trying to gut it by saying no money goes to any State that has any regulations dealing with child care. If your State tries to get a criminal background check on child care regulators, the Federal Government will not send you the money, because they say that might interfere with parental choice. Parents may want to send their children to criminals for day care.

This is an outrage. I hope everybody who voted for child care and told their States the money was coming gets on the administration and finds out what happened and tell them, yes, we want parental choice, but we want it to be safe and we want it to be wholesome and we want child development to be included in the package.

THE DEFICIT CONTINUES TO SKYROCKET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the first anniversary of the 1990 budget summit agreement is just 22 days away. According to the latest projections, this year's deficit will be over $425 billion.

When fiscal year 1991 closed on September 30, the deficit was $60 billion higher than last year. American taxpayers should be aware that they have been duped once again. Not only were they stuck with $165 billion in new taxes, but they also got higher spending, and a higher deficit. Last year's deal has turned sour, especially for the taxpayers.

The latest figures show that the deficit for 1991–95 will be over $500 billion higher than promised last September. Maybe this is because Government spending continues to outpace both revenues and inflation. In the last 10 years, our revenues grew 78 percent, but spending levels doubled. Clearly, the deficit cannot be reduced if spending is allowed to out run the growth in revenues and inflation.

It is time to cut spending and reduce the deficit.

NOBEL PEACE PRIZE AWARD TO AUNG SAN SUU KYI OF BURMA

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, today, with the news of the Nobel Peace Prize award to Aung San Suu Kyi, the world's human rights focus turns to Burma.

That nation is ruled by a brutal military dictatorship which rejects the mandate of the democratic elections of 1990.

The winner of that election was Aung San Suu Kyi. She is the rightful leader of her nation.

But Aung San Suu Kyi won more than an election. She won an honored place in the roll of those whose courage and devotion to principle inspire all of us.

In her own words:

> It is not power that corrupts, but fear. Fear of losing power corrupts those who wield it, and fear of the scourge of power corrupts those who are subject to it.

These words take on special meaning when we remember that this courageous woman remains imprisoned by one of the world's nastiest surviving dictatorships.

Aung San Suu Kyi's Nobel Prize should—and surely will—focus world attention on concerns for her personal safety, the safety of her followers, and the triumph of democracy in Burma that is sure to come.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194.

The SPEAKER pro tempore [Mr. MAZZOLI]. Is there objection to the request of the gentleman from Alaska?

There was no objection.

NATIONAL PORNOGRAPHIC VICTIMS AWARENESS WEEK

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I am pleased to introduce a joint commemorative resolution which addresses the problem of pornography in our Nation.

Pornography has been found by an overwhelming majority of researchers to be a major element in the countless violent sexual crimes that take place annually. By declaring October 27 through November 2, 1991 "National Pornography Victims Awareness Week," Congress can aid in supporting the victims of such crimes and increase awareness of the pornography's ill effects on society.

The presence of pornography in our society seems to extoll the appearance that violent sexual crime is justifiable. The FBI conducted a study in 1988 which found that 81 percent of violent sexual offenders regularly used violent pornography. The FBI also reported that of 1,400 cases of child molestation, 100 percent of the offenders possessed pornographic videos, magazines, and other such debasing materials.

This is a great opportunity to bring to the attention of all Americans that far-reaching consequences pornography has on society. We must take action to ensure this unneeded violence is brought to an abrupt end. I urge my colleagues to join me in supporting "National Pornographic Victims Awareness Week."

□ 1230

REDLINING

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, for years the country's bankers have denied reports that they discriminate against minorities, against the poor, and against women. So a couple of years ago we enacted legislation which I authored to get to the truth.

The results are about to be released, and they are extremely troubling. Data collected from banks themselves now shows that minorities are 2 to 4 times more likely to be rejected for a mortgage loan than whites of the same income. So, for no reason other than the color of their skin, millions of Americans are shut out of our country's system of credit every day.

And where are our Nation's bank regulators in the face of this lending discrimination? Are they voicing their determination to put it to an end? Hardly. Instead of telling bankers to shape up, regulators are giving bankers a heads up on how to put the best spin on this damning data. The Fed told the bankers in an off-the-record briefing they had better get ready for some bad publicity. With a wink and a nod, they are sending a signal to bankers that redlining will not be vigorously opposed by the Bush administration.

Mr. Speaker, if a family cannot get credit, then it has no hope of moving up from poverty. It's time to stop once and for all the evil of redlining. If the President can spend millions to export the promise of capitalism to the four corners of the world, then surely he can do more to see that it reaches the neglected corners of our own country.

ANNOUNCEMENT OF MOTION TO INSTRUCT TO H.R. 2686

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, according to House rule 28, clause 1, as amended on January 3, 1989, in the 101st Congress, I serve notice to the House that tomorrow, October 16, I will offer a privileged motion to instruct conferees to H.R. 2686, the Interior appropriations for fiscal year 1992, that: the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2686, be instructed to agree to the provisions contained in amendment numbered 212 of the Senate amendments.

This time the House will have an opportunity of voting up or down whether or not we are going to clean up what the NEA can do with taxpayers' money; no deflection by way of a motion to defeat the previous question, so we will have an opportunity to vote up or down.

TRIBUTE TO OLDEST FORMER MEMBER, VICTOR CHRISTGAU

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, the oldest former Member of the House of Representatives, Victor Laurence August Christgau, died last Thursday at George Washington Hospital. He was 97 years old.

Mr. Christgau was first elected in 1929 and served two terms before being defeated in 1932. He represented the First District in southeastern Minnesota, the district that I now represent.

Victor was swept from office the same year that Franklin Delano Roosevelt was swept into the White House.

Representative Christgau was a Republican, yet he went on to serve as the Minnesota State administrator of the works progress administration, a New Deal program. Later Victor capped his career as executive director of the Social Security Administration, another New Deal program. In a recent newspaper interview Christgau said, "I was Republican, but I was quite independent." He certainly demonstrated that throughout his career.

Victor was an outstanding public servant. He was a credit to this House, and he was a credit to the State of Minnesota.

MANAGED CARE—PART OF THE SOLUTION

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, many have said that managed care is not the answer for reforming the health care system—and I agree. But managed care is part of the solution. It has been at the forefront in developing wellness programs including pre-natal and well-baby care, encouraging annual physical exams and cancer screening, and CPR and smoking cessation programs. It means the delivery of proper care at the proper time in the proper setting at the proper price.

I want to focus on one area very important to me—well-baby care. The Institute of Medicine has indicated that for each $1 spent on providing prenatal care to low-income, poorly educated women, there is a savings of $3.38 for their infant medical care in the first year of life. That's just the first year of life. The health care savings throughout childhood and adulthood can be enormous. From a public policy perspective, these savings are imperative if we are to control the cost of healthcare in America.

But I support managed care—not just because it's economically prudent to do so—but because it means better care for the patient. Managed care delivers holistic, continuous, and coordinated care to children and their families. Because a vital relationship between the patient and his/her primary care physician is developed.

By encouraging managed care, we can improve the quality of care, reduce its cost, and I urge you to review my bill, H.R. 1565, and support positive change.

OUR ALLIES SHOULD BE MADE TO PAY THEIR FAIR SHARE OF NATO COSTS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, once again I come to the well asking that the administration begin to do with our NATO allies what they did in Desert Storm. If it made sense for the Germans and the Japanese and the countries of the gulf region to help finance our military activity during the gulf war, then it makes sense that 50 years after the end of World War II our wealthy German, English, and other European allies pay for the cost of NATO. American taxpayers are kicking in to the tune of $140 billion to subsidize their defense while we cannot afford an adequate unemployment bill, while we cannot afford universal health care. While we cannot afford to let middle-class kids go to college, we can afford $140 billion in subsidies for our wealthiest economic competitors.

If the threat is that serious, then they ought to be willing to pay for it. If this administration cares about the deficit and the needs of the American people, then they would go to the Europeans to either put up the money to finance more of NATO or bring those dollars home to finance the needs we have here.

TWO THOUGHTS ON SOCIAL POLICY AND FISCAL POLICY

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, two thoughts this morning, one on social policy and one on fiscal policy.

Mr. Speaker, in 1915, today, 76 years later, J.P. Morgan and a small group of American bankers put together $500 million to lend to France and England, who were entering the second year of World War I.

Can you imagine a group of American bankers, in now dollars, that would be somewhere between $7 billion and $15 billion, depending upon the economists, in now dollars lending $15 billion to two former giant European powers, private capital to conduct a war?

We cannot get together on whether to loan small countries $10 billion, just to insure peace.

On social policy, there is a lot of talk about pornography. Pardon me for being a little impolite, but it is not conservative political or educational or judicial or religious philosophy that has saturated this country in pornography; it is liberal philosophy. Liberal philosophy using the great first amendment of our Bill of Rights that he told young people and old alike in this country, pornography may degrade women but it is protected. It is not, and no Supreme Court has ever ruled so.

IT IS TIME TO GET BACK TO TRYING TO HELP AMERICA'S UNEMPLOYED

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, last week I brought you the comic strip, "Frank and Earnest." Today I want to give you "Eek and Meek."

Eek says to Meek, "Bush's domestic policy advisers can't understand why a healthy guy like you isn't working." Meek says, "Hold it. A healthy guy like me is unemployed; it is Bush's domestic policy that is not working."

Now that the Thomas fiasco is out of the way, or will be very shortly, I think it is time that the Congress got back to trying to help America's unemployed, 9 million of them, 3 million of whom have run out of benefits. Now the President has sent back an unemployment compensation bill, he has vetoed it with the description that it is garbage.

Well, if we want to do the right thing, we have got to override this insensitivity and we have to help the 3 million people who have run out of benefits because, if we do not help them, they are going to help you to run out of office next year.

□ 1240

THE SO-CALLED VIOLENT CRIME PREVENTION ACT

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, last year this body overwhelmingly passed strong law enforcement legislation. It included habeas corpus reform, expansion of the Federal death penalty, a good faith exception to the exclusionary rule, and mandatory victims' restitution. The other body approved corresponding provisions; yet somehow, these measures were scuttled in conference committee. Every one of them.

When the President sent his crime proposal to Congress this year, it contained many of the provisions in last year's House-passed crime package. You would think that the Judiciary Committee might take that as a good place to start on this year's crime bill. You would be wrong.

The committee bill, the so-called Violent Crime Prevention Act, would actually increase the sort of judicial technicalities that allow guilty criminals to go free time and again. It even overturns a recent Supreme Court decision allowing convictions involving inadmissible statements to stand, so long as the defendant would have been convicted without them. What is worse, the rule allows no amendment to strike this title, just as my amendment to add mandatory victims' restitution was not ruled in order.

I am disappointed in both the bill and the rule for its consideration. Hopefully, on the House floor and in conference, the Judiciary Committee's impotent crime bill will be transformed into something resembling what the President requested. But don't bet your life on it.

ONE OF OUR MOST CHERISHED RIGHTS—TO KEEP AND BEAR ARMS

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, on December 15, 1791, this country ratified a copy of this beautiful document, which was known as our bill of rights. This document symbolized many rights that were given to the American people. But probably one of the most cherished rights is a right that we were scheduled to debate today, and that is the right for the people to keep and bear arms.

Mr. Speaker, in that document it says that the people have the right to keep and bear arms and it shall not be infringed.

Now I challenge my colleagues that, before we debate the crime bill, that we stop and look at what that beautiful document represents, and I say that the people of this country should continue to maintain that right to bear arms and to protect their homes and their families.

SAN SUU KYI—THIS YEAR'S NOBEL PEACE PRIZE RECIPIENT

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I would like to take this opportunity to congratulate the Nobel Prize Committee for awarding San Suu Kyi this year's Nobel Peace Prize. San Suu Kyi is the leader of the Burmese people.

Mr. Speaker, there is a regime in Burma that claims that they are the legitimate government in Burma, which they now call Myanmar, but in reality it is San Suu Kyi, this brave woman who has stood heroically against the brutality and repression of one of the truly most brutal regimes in the world, most repressive and dictatorial regimes in the world. This woman deserves the Nobel Peace Prize, and I think the Nobel Prize Committee should receive our warm appreciation for selecting her because it will draw the attention of the world to this dictatorship, to this pariah regime which should be isolated from the rest of mankind.

Mr. Speaker, let us know, and let me close today by saying, that the nomination of San Suu Kyi as being a Nobel Prize winner should draw our attention to this country and should give the message to the Burmese people that they are not alone, and that they are remembered, and that we appreciate and applaud the heroic resistance to tyranny going on in Burma by San Suu Kyi and the people of Burma.

DEMOCRATS MORE CONCERNED WITH CHARACTER ASSASSINATION THAN GETTING BILLS PASSED

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, we have heard a number of speeches from the Democrats today about the unemployment bill that was vetoed the other day by the President, and they made a couple of claims which I think ought to be backed by some facts rather than the kinds of things that we heard on the House floor today.

First of all, they accused the President of vetoing the unemployment bill during the Clarence Thomas hearings because that was an attempt by him to bury the issue. Nothing could be further from the truth. The reason why the President did that was because that is when he got the bill. The Democrats held the bill in the Senate for several days in order to make the political issue that they wanted to make, and then they criticized the President when he almost immediately takes his action when it comes down. A number of us recommended that to the President because we think the promise ought to move forward, hopefully toward a bill that will actually be signable, and we will actually get checks to the unemployed rather than playing politics with the issue.

We also have the claim on the floor today that the President referred to unemployment benefits as garbage. We have pointed out over and over again the speech to which the people refer, that there is no such reference. It seems as though the Democrats are more concerned these days with character assassination than they are with actually getting work done and getting bills passed that help Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

CLEAN VESSEL ACT OF 1991

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1297) to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use by coastal States of apportionments under that act for construction, renovation, and maintenance of shoreside pumpout stations for marine sanitation devices, as amended.

The Clerk read as follows:

H.R. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Vessel Act of 1991".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The discharge of untreated sewage by vessels is prohibited under Federal law in all areas within the navigable waters of the United States.

(2) The discharge of treated sewage by vessels is prohibited under either Federal or State law in many of the United States bodies of water where recreational boaters operate.

(3) There is currently an inadequate number of pumpout stations for marine sanitation devices where recreational vessels normally operate.

(4) Sewage discharged by recreational vessels because of an inadequate number of pumpout stations is a substantial contributor to the degradation of water quality in the United States.

(b) PURPOSE.—The purpose of this Act is to provide funds to coastal States for the construction, renovation, operation, and maintenance of pumpout stations for marine sanitation devices and facilities to receive wastes from portable toilets.

SEC. 3. DETERMINATION AND PLAN REGARDING STATE MARINE SANITATION DEVICE PUMPOUT STATION NEEDS.

(a) SURVEY.—

(1) IN GENERAL.—Each coastal state shall conduct a survey to determine, using guidance issued under section 4(b)(4), whether pumpout stations for marine sanitation devices and facilities to receive waste from portable toilets are adequate and reasonably available to meet recreational vessel needs within the State.

(2) FUNDING.—Amounts made available to a coastal State pursuant to the amendments made by section 4 may be used to conduct a survey under this subsection.

(b) PLAN.—Based on the survey conducted under subsection (a), each coastal State shall—

(1) develop and submit to the Administrator of the Environmental Protection Agency a plan for the construction or renovation of marine sanitation device pumpout stations and facilities to receive wastes from portable toilets, that are adequate and reasonably available to meet recreational vessel needs in the State; and

(2) submit to the Administrator with that plan a list of all such stations and facilities in the State which are operational on the date of submittal.

(c) PLAN APPROVAL.—

(1) IN GENERAL.—Not later than 60 days after a plan is submitted by a State under subsection (b), the Administrator of the Environmental Protection Agency shall approve or disapprove the plan, based on—

(A) the adequacy of the survey conducted by the State under subsection (a); and

(B) the ability of the plan to meet the construction and renovation needs identified in the survey.

(2) NOTIFICATION OF STATE; MODIFICATION.—The Administrator shall promptly notify the affected Governor of the approval or disapproval of a plan. If a plan is disapproved, the Administrator shall recommend necessary modifications and return the plan to the affected Governor.

(3) RESUBMITTAL.—Not later than 60 days after receiving a plan returned by the Administrator, the Governor shall make the appropriate changes and resubmit the plan.

(d) INDICATION OF STATIONS AND FACILITIES ON NOAA CHARTS.—

(1) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall indicate, on charts published by the National Oceanic and Atmospheric Administration for the use of operators of recreational vessels, the locations of pumpout stations for marine sanitation devices and facilities to receive waste from portable toilets.

(2) NOTIFICATION OF NOAA.—

(A) LISTS OF STATIONS AND FACILITIES.—The Administrator of the Environmental Protection Agency shall transmit to the Under Secretary of Commerce for Oceans and Atmosphere each list of operational stations and facilities submitted by a State under section 3(b)(2), by not later than 30 days after the date of receipt of that list.

(B) COMPLETION OF PROJECT.—The Director of the United States Fish and Wildlife Service shall notify the Under Secretary of the location of each station or facility at which a construction or renovation project is completed by a State with amounts made available under section 8(d)(1)(B) of the Act of August 9, 1950 (popularly known as the "Dingell-Johnson Sport Fish Restoration Act"; 16 U.S.C. 777g), as amended by this Act, by not later than 30 days after the date of the completion of the project.

SEC. 4. MARINE SANITATION DEVICE PUMPOUT STATION FUNDING.

(a) FUNDING.—Section 8 of the Act of August 9, 1950 (16 U.S.C. 777g), popularly known as the "Dingell-Johnson Sport Fish Restoration Act", is amended by adding at the end the following new subsection:

"(d) PUMPOUT STATIONS.—

"(1) USE OF FUNDS AUTHORIZED.—For each of the fiscal years 1992 through 1996, each coastal State shall use 5 percent of the amounts apportioned to it under section 4 to pay not more than 75 percent of the costs of—

"(A) conducting the survey and preparing the plan required by section 3 of the Clean Vessel Act of 1991; and

"(B) constructing, renovating, operating, or maintaining pumpout stations for marine sanitation devices and facilities to receive wastes from portable toilets, in accordance with a plan approved under section 3 of the Clean Vessel Act of 1991.

"(2) WAIVER.—The Secretary of the Interior shall, if requested by the Governor of a coastal State, waive or reduce the percentage of the State's apportionment under section 4 that is required to be used in a fiscal year in accordance with paragraph (1) by any amount which is not needed to implement the plan of the state approved under section 3 of the Clean Vessel Act of 1991.

"(3) EDUCATIONAL PROGRAM.—Notwithstanding paragraph (1), a coastal State may use not more than 20 percent of the amounts required to be used in accordance with that paragraph to conduct a program to educate recreational boaters about the problem of sewage discharges from boats and inform them of the location of pumpout stations for marine sanitation devices.

"(4) REALLOCATION.—

"(A) IN GENERAL.—The Secretary of the Interior shall reallocate any amount that is required to be used in accordance with paragraph (1), or is authorized to be used in accordance with paragraph (3), and which is not expended or obligated by a coastal State within 2 years after it is available for expenditure, among the other coastal States for use in accordance with paragraphs (1) and (3).

"(B) MANNER OF REALLOCATION.—The Secretary of the Interior shall carry out reallocations under this paragraph in the manner described in section 4 for apportioning remaining appropriations.

"(5) DEFINITIONS.—For the purposes of this subsection—

"(A) the term 'coastal State'—

"(i) means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean; the Gulf of Mexico; Long Island Sound; or one or more of the Great Lakes;

"(ii) includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

"(iii) does not include a State for which—

"(I) the ratio of the number of recreational vessels in the State numbered under chapter 123 of title 46, United States Code, to number of miles of shoreline (as that term is defined in section 926.2(d) of title 15, Code of Federal Regulations, as in effect on January 1, 1991), is less than one; and

"(II) the Governor certifies to the Secretary of the Interior that the water quality of the State is not significantly affected by sewage discharged from recreational vessels;

"(B) the term 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage; and

"(C) the term 'recreational vessel' means a vessel—

"(i) manufactured for operation, or operated, primarily for pleasure; or

"(ii) leased, rented, or chartered to another for the latter's pleasure.".

(b) NOTIFICATION.—Not later than 6 months after the date of the enactment of this Act, the Director of the United States Fish and Wildlife Service, in consultation with the Administrator of the Environmental Protection Agency, shall notify in writing the fish and game, water pollution control, and coastal zone management authorities of each coastal State of the availability of the amounts under subsection (d) of section 8 of the Act of August 9, 1950 (16 U.S.C. 777g), as amended by this Act, to finance the construction, renovation, operation, and maintenance of pumpout stations for marine sanitation devices and facilities to receive wastes from portable toilets. The notification shall include—

(1) a description of the availability of amounts in the Sport Fish Restoration Account for those purposes;

(2) a projection of the apportionments to the State under that program for each of the succeeding 5 fiscal years;

(3) guidance regarding the types of pumpout facilities that may be appropriate for construction, renovation, operation, or maintenance with those funds and appropriate location of the facilities within a marina or boatyard;

(4) guidance defining what constitutes adequate and reasonably available pumpout facilities in boating areas;

(5) guidance on appropriate methods for disposal of vessel sewage from pumpout facilities;

(6) guidance on appropriate connector fittings to facilitate the sanitary and expeditious discharge of sewage from vessels;

(7) guidance on the coastal waters most likely to be affected by the discharge of sewage from vessels; and

(8) other information that the Administrator of the Environmental Protection Agency considers necessary to promote the establishment of pumpout facilities to reduce sewage discharges from vessels and to protect coastal waters.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) the term "coastal State"' has the meaning that term has in section 8(d)(5)(A) of the Act of August 9, 1950, as amended by this Act; and

(2) the term "recreational vessel" means a vessel—

(A) manufactured for operation, or operated, primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, the purpose of the Clean Vessel Act is to encourage the construction of sewage pumpout facilities at marinas. The need for the bill stems from the fact that although boaters may leave their worries and troubles behind when they set out to sea, they tend to bring their digestive systems along. Sewage, like death and taxes is inevitable; the question is what to do with it. Dumping it directly into the ocean is—for good reason—illegal. Treating it prior to discharge is legal, but expensive. Bringing it back to shore, where it can receive the treatment it really deserves, is often impossible due to the lack of adequate pumpout facilities.

The effectiveness of Federal regulations governing the operation of what bureaucrats call marine sanitation devices has been undermined by low levels of compliance and enforcement, lack of public awareness, and lack of shoreside pumpout facilities capable of receiving waste. The result is marine pollution that is unsightly, unhealthy, and damaging to local economies. A 1988 study by the Cape Cod Planning and Economic Development Commission found that sewage from marine sanitation devices is a significant source of pollution in Cape Cod Bay and a contributing factor to the closure of shellfish beds and declining water quality.

With adequate pumpout facilities, however, strong action against unsightly and unhealthy pollution can be taken. For example, in response to pollution from pleasure boats, the town of Wareham, MA, recently proposed a ban on septic dumping within its maritime boundaries. The effect of this no-discharge zone will be that all boaters will be required to use sewage pumpout facilities which are available in this community. Without adequate pumpout facilities this no-discharge zone would not be possible.

When writing about the innovative actions taken by the town of Wareham, an editor of the Cape Cod Times asked, "Why hasn't the Federal Government actively encouraged coastal towns to qualify for no-discharge zones?" That is not only a good question, that is the point of H.R. 1297.

H.R. 1297 strongly encourages the construction of pumpout facilities by requiring that a small portion of the money that States receive from the sport fish restoration account be used to construct pumpout facilities. It requires that these facilities only be constructed in States which don't have enough and it provides States with the funds to inform boaters about the location of pumpout stations.

Mr. Speaker, this bill is strongly supported by the boaters of this country. It will contribute, albeit in a modest way, to the fight against pollution and I urge Members to support it.

The text of the article from the Cape Cod Times is as follows:

WAREHAM SCORES A FIRST

Faced with a pollution problem common to a great many coastal communities—septic waste flushed from pleasure boats' holding tanks straight into the water—Wareham has come up with a solution that should be used wherever the problem exists.

The solution: Beginning next summer, Wareham expects to impose a ban on septic dumping within its boundaries.

Sounds simple, so why isn't it being done everywhere along the coast?

Why, indeed, is it not being done anywhere else.

For one thing, such a ban requires the approval of the federal Environmental Protection Agency. And among the EPA's requirements is that a town have pumping facilities available.

Wareham has 57 miles of coastline and seven septic pumping stations, and during the summer season it also harbors an estimated 1,300 boats. And, perversely, because it's legal to empty the boats' tanks directly into a town's harbor—provided the waste is at least macerated and treated with chlorine—that's what many boaters opt to do. In fact, some boat owners don't even bother with this rudimentary treatment.

If Wareham's plan is approved by the EPA, the town will become the first on the East Coast to impose a "no-discharge zone" that could withstand a challenge in court. A couple of other communities have created these zones on their own, but did so without seeking EPA approval and so technically are without the force of law.

That Wareham thus becomes something of a trend-setter is particularly significant because this is a major town involved in the Buzzards Bay Project, the consortium of communities that has undertaken the considerable task of ridding the bay of a serious pollution problem. Boaters aren't major sources of pollution, but they do contribute.

And if Wareham does win permission for its no-discharge zone, that might jump-start the program in other coastal communities. Which leads us to wonder: Why hasn't the federal government actively encouraged coastal towns that qualify for such zones to create them? Removing any source of seawater pollution is progress.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1297, the Clean Vessel Act of 1991. This bill, introduced by the gentleman from North Carolina [Mr. JONES] authorizes coastal States to spend up to 5 percent of their Wallop-Breaux funds that they receive annually for the construction, renovation, operation, and maintenance of pumpout stations for boat toilets.

I commend the gentleman from North Carolina for moving this bill for it addresses a very real problem in some coastal areas. I am especially pleased that certain changes and modifications were made to the bill, in our committee, to exempt those States that do not have such a need. I am aware of several States who have spent considerable money providing these facilities for their boaters. Michigan is one State that comes to my mind. There are other cases where the tidal action and the exchange of water that it produces negates sewage problems along the coast. I am pleased to see that the bill's definition of "coastal State," does not include my home State of Alaska. It is my understanding, then, that the Alaska Game and Fish Department would not be mandated to spend a certain portion of their Wallop-Breaux funds for these facilities.

Mr. Speaker, I support the adoption of this bill, and ask my colleagues to join me in approving this legislation.

□ 1150

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, if the gentleman from Alaska insists that Alaska is not a coastal State, we cannot argue. Perhaps the map is deceptive.

Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, H.R. 1297, the Clean Vessel Act of 1991 proposes to earmark a portion of the money coastal States receive from the sport fish restoration account so that they can build, renovate, and maintain pumpout stations for boat toilets along their coasts.

I introduced H.R. 1297 to address problems in North Carolina with sewage illegally discharged from recreational boats because of a lack of pumpout stations where boaters can properly dispose of their wastes. Since then, I've learned that there are also problems in Chesapeake Bay, Puget Sound, Buzzards Bay, Tampa Bay, and Delaware Bay.

I am sure that there are problems in other parts of the country, but since there has never been a comprehensive national survey, we just don't know. H.R. 1297 will help States find out where problems exist, and make money available to address those problems.

H.R. 1297 directs coastal States to survey to determine their pumpout station construction and renovation needs. Using this survey, the State must develop a plan to meet these needs. The EPA must approve the plan, and then the State must use 5 percent of its sport fish restoration account moneys to implement the plan.

The 5-percent set-aside may be waived or reduced if the plan identifies no pumpout construction needs or needs which will require less money. This process will ensure that money is spent only where there are identified problems. The bill also directs the National Oceanic and Atmospheric Administration to indicate the location of pumpout stations on navigational charts. Finally, H.R. 1297 allows States to spend a portion of the set-aside to educate the boating public about the costs and consequences of boat sewage discharges.

I believe that this bill will provide important benefits to everyone who swims or fishes in coastal waters, or who eats shellfish harvested from these waters. I urge all Members to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, if a vote were gotten on this bill and it were postponed, when would that vote likely take place?

The SPEAKER pro tempore. The vote would take place following legislative business today, and the Chair at this point is unaware of how long legislative business will proceed.

Mr. WALKER. In other words, Mr. Speaker, we would complete the Flint Hills Prairie Monument bill before going to that vote, or would the vote take place before the Flint Hills bill?

The SPEAKER pro tempore. The Chair's understanding is that the vote would take place after the legislation to which the gentleman refers.

Mr. WALKER. So, Mr. Speaker, this would come at the end of the legislative day?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 1297, as amended.

The question was taken and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use of coastal States apportionments under that act for construction, renovation, operation, and maintenance of pumpout stations for marine sanitation devices."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MYRTLE FOESTER WHITMIRE NATIONAL WILDLIFE REFUGE

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2105) to designate the area in Calhoun County, TX, known as Rancho La Bahia, as the "Myrtle Foester Whitmire National Wildlife Refuge," as amended.

The Clerk read as follows:

H.R. 2105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF AREA KNOWN AS RANCHO LA BAHIA AS THE "MYRTLE FOESTER WHITMIRE DIVISION OF THE ARANSAS NATIONAL WILDLIFE REFUGE".

(a) DESIGNATION.—Upon acquisition by the United States Fish and Wildlife Service, the area in Calhoun County, Texas, commonly known as Rancho La Bahia shall be known and designated as the "Myrtle Foester Whitmire Division of the Aransas National Wildlife Refuge".

(b) LEGAL REFERENCES.—A reference in any law, map, regulation, document, or record of the United States to the area referred to in subsection (a) is deemed to be a reference to the "Myrtle Foester Whitmire Division of the Aransas National Wildlife Refuge".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2105 which was introduced by Mr. LAUGHLIN. It would designate as the "Myrtle Foester Whitmire Division of the Aransas National Wildlife Refuge" a parcel of land that the Fish and Wildlife Service is seeking to acquire in Texas. It will be a valuable addition to the refuge system, but the sale is contingent on naming the parcel after the owner's wife. This bill would do just that. It will facilitate the transaction and I support it strongly.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2105.

As the chairman of the subcommittee has mentioned, this is legislation sponsored by the gentleman from Texas [Mr. LAUGHLIN]. It simply designates an addition of land to the Aransas National Wildlife Refuge as the Myrtle Foester Whitmire Division of the Aransas National Wildlife Refuge.

Mr. Speaker, it is rare that I stand on this floor to support the addition of lands to the wildlife refuge system or the Park System because I believe that when the Government owns land, we lose a tax base. But this is a unique situation. Mr. Whitmire, because of his love for his wife and the outdoors, the whooping crane and all those wildlife species that reside on his or her land, dropped his price dramatically, and actually this has been signed over to the Fish and Wildlife Department with the one wish and the one belief that the wife he has cherished, and she has cherished him over the years of their marriage, would be honored, that this refuge would be named in her honor. There is no greater mark or no greater tribute to one's life together than to have a body of land which they cherish and have had in their family for years named for them, and this refuge is named after her.

I want to compliment Mr. Whitmire, I want to compliment the gentleman from Texas [Mr. LAUGHLIN] for his work, and I compliment the leadership on this issue. There is slight opposition, but not serious opposition, from the administration because they think it goes beyond the customary naming of refuges, but in this case I strongly support it, and I compliment Mr. Whitmire and Mrs. Whitmire for their contribution to Texas and to the United States with the addition of this land in this refuge system.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment the distinguished gentleman from Alaska [Mr. YOUNG] for supporting this addition to the National Wildlife System, and for actually defending and naming an endangered species on the floor of the House. This is quite a wonderful day. I am sure the other body is getting the bulk of the publicity today, but it should be focused right here.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, I rise in support today of H.R. 2105. This bill would designate an addition to the Aransas National Wildlife Refuge in Texas as the "Myrtle Foester Whitmire Division of the Aransas National Wildlife Refuge."

The U.S. Fish and Wildlife Service is currently in the process of acquiring land for the Aransas National Wildlife Refuge with appropriated funds. Included in this refuge is an area known as the Rancho La Bahia addition.

The Rancho La Bahia contains 5,000 acres of vital wetland habitat. It is located 10 miles southeast of Port Lavaca, TX. The area represents some of the finest remaining wetlands on the Texas midcoast. The wetland types identified on this property have been identified in the national wetlands priority conservation plan as being rare in occurrence and in a declining state. Both types of wetlands have also been assigned priority consideration for acquisition in the national wetlands priority conservation plan.

At least 300 species of birds can be found in this area. And federally listed or proposed for listing endangered species, such as the peregrine falcon, brown pelican, whooping crane, and wood stork, are among the many species that have been sighted on the property.

Myrtle and Roy Whitmire own the Rancho La Bahia. The property has been in Myrtle Foester Whitmire's family for over 100 years. The Whitmire's had received offers to develop their land for industry, but they decided about 3 years ago that they wanted to preserve their land because of its ecological value and because so much industrial development already exists in the Calhoun County area.

Knowing that the Rancho La Bahia has for the past several years been the first or second priority for the Fish and Wildlife Service to acquire in that region, Roy Whitmire offered to sell his land to the Fish and Wildlife Service so that it would be preserved as part of the Aransas National Wildlife Refuge.

After his initial asking price, Roy Whitmire came down over $5 million. Mr. Whitmire agreed that given his lower price, and more importantly, given that the land has been in his wife Myrtle's family for so long, that the addition to the refugee could be named after Myrtle Foester Whitmire.

The reason I introduced this bill is because it is against Fish and Wildlife Service policy to name any refuge or section of a refuge after a living person unless it meets one of several criteria. One of these is that the property is named for a historic occurrence or site and that this occurrence or site is one which "elicits a positive and favorable response among the general public."

Myrtle Foester Whitmire's family has kept and preserved this valuable land for over 100 years. This is certainly of historic significance. Furthermore, the people of Calhoun County know this and have expressed their overwhelming support for naming this area after Myrtle Foester Whitmire. I have received letters of support and formal resolutions expressing support for the intent of this legislation from the Calhoun County Commissioners Court, the Port Lavaca City Council, the First National Bank of Port Lavaca, and the First State Bank of Port Lavaca. Clearly, this name would elicit a positive and favorable response among the general public.

I must also mention the fact that while the Fish and Wildlife Service does not officially support naming the land after Mrs. Whitmire, the Administrator of the Fish and Wildlife Service, John Turner, recently assured me in a subcommittee hearing that he was not opposed to this legislation.

I am pleased and proud of the Whitmire's admirable decision to sell their property to the Fish and Wildlife Service. I believe Roy Whitmire's request to name this section of the Aransas National Wildlife Refuge after his wife is a noble and perfectly reasonable request. I urge my colleagues to support this legislation.

□ 1300

Mr. YOUNG of Alaska. Mr. Speaker, I rise only to say that I compliment the gentleman from Texas [Mr. LAUGHLIN] on his eloquent statement, and urge passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2105, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate an area as the 'Myrtle Foester Whitmire Division of the Aransas National Widlife Refuge'."

A motion to reconsider was laid on the table.

WESTERN NORTH CAROLINA WILDERNESS PROTECTION ACT OF 1991

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 35) to designate certain lands in the State of North Carolina as wilderness, and for other purposes, as amended.

The Clerk read as follows:

H.R. 35

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western North Carolina Wilderness Protection Act of 1991".

SEC. 2. DESIGNATION AND ADMINISTRATION.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131–1136), the following lands in the State of North Carolina are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) Certain lands in the Pisgah National Forest, which comprise approximately 5,710 acres as generally depicted on a map entitled "Lost Cover Wilderness—Proposed" dated July 1990, which shall be known as the Lost Cover Wilderness.

(2) Certain lands in the Pisgah National Forest, which comprise approximately 7,140 acres as generally depicted on a map entitled "Harper Creek Wilderness—Proposed" dated July 1990, which shall be known as the Harper Creek Wilderness.

(b) ADMINISTRATION.—Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be reference to the date of enactment of this Act.

(c) MAP AND DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 35, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 35, the Western North Carolina Wilderness Protection Act of 1991, was introduced by Mr. BALLENGER of North Carolina and would add approximately 12,850 acres of land within the Pisgah National Forest to the 110,000 acres already designated as wilderness in North Carolina. Two areas would be designated, the Lost Cove Wilderness and the Harper Creek Wilderness. These areas are Appalachian oak forests with rhododendron, mountain laurel, and blueberry and with populations of deer, bear, turkey, and grouse.

This bill has bipartisan support and is noncontroversial. The Forest Service planning process recommends both areas to become wilderness and the administration testified in favor of this bill. It is very similar to the measure that the House passed in the last Congress but that the Senate did not complete action on prior to adjournment. I urge Members to support the bill's passage.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 35, which would designate about 13,000 acres of the North Carolina's Pisgah National Forest as wilderness.

H.R. 35 would designate the Lost Cove and Harper Creek Areas in Western North Carolina as wilderness. The Forest Service has extensively studied these areas and recommends them for wilderness designation.

Although I have not been in these areas myself, Mr. BALLENGER has visited them and assured me of their outstanding qualities. They are presently managed for wilderness by the Forest Service and are popular for hiking, backpacking, hunting, and fishing.

I am also pleased to report that unlike many western wilderness bills that come before this body that are opposed by the Members from the area concerned, this bill was introduced by Mr. BALLENGER and deals exclusively with this district. Hopefully, we can use his bill as a model for future wilderness debates.

Mr. Speaker, I commend Mr. BALLENGER for his efforts on this bill as well as the cooperation of Chairman VENTO. I urge Members to support H.R. 35.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I would like to thank the gentleman from Colorado [Mr. HEFLEY] for yielding time to me, and also I thank the subcommittee chairman, Mr. VENTO for bringing this bill forward.

Mr. Speaker, I am pleased to have the opportunity today to speak on behalf of legislation I introduced to designate certain lands in North Carolina as wilderness.

Just to give a brief history, the 1984 North Carolina Wilderness Act established five wilderness study in western North Carolina, two of these, Lost Cove and Harper Creek, being located in my district. The Forest Service completed study of the areas in 1987, and recommended Lost Cove and Harper Creek for wilderness designation. In my view, it is time to heed the recommendation of the Forest Service and make the designation official. H.R. 35 would do just that.

Since being designated as study areas in 1984, the 12,850 acres in question have been managed as wilderness, prohibiting the use of motor vehicles and equipment or the use of land for timber harvesting. In fact, the Harper Creek Area has not been logged in over 15 years, and the Lost Cove Area in over 80 years.

Having been born and raised in western North Carolina, I am very familiar with the areas to be designated as wilderness. Within the area there is an abundance of trout, and such wildlife as bear, turkey, and deer. There is also a wide variety of flora, rock formations, and waterfalls. I believe it is essential that these resources be preserved for the enjoyment of generations to come.

Further, the establishment of additional wilderness would relieve the Linville Gorge Wilderness Area that is approaching the point of overuse, and would no doubt benefit the tourism industry in the 10th District. In my view, North Carolina has everything to gain and nothing to lose by passage of this legislation.

Last year, this legislation was passed by the House, and approved by the Senate Committee on Agriculture. Unfortunately, the other body did not consider the bill. I have received wide support for the proposal from constituents living in the area, as well as the local and regional chapters of the Sierra Club, the Wilderness Society, and the Governor of North Carolina. In addition, the bill has the support of most members of the North Carolina delegation.

I often say that North Carolina is the best kept secret on the east coast. Our coastline and our mountains provide recreation and beauty to residents and tourists alike. Having been born and raised in western North Carolina, I find particular beauty in the mountains. I am glad to have the opportunity as a U.S. Representative to make an effort to preserve part of this beautiful natural resource. I urge Members to support this measure.

□ 1310

Mr. HEFLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 35, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FORT NECESSITY NATIONAL BATTLEFIELD

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2436) to expand the Fort Necessity National Battlefield, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARIES OF FORT NECESSITY-NATIONAL BATTLEFIELD.

(A) JUMONVILLE GLEN UNIT.—The boundaries of the Fort Necessity National Battlefield, Pennsylvania, are hereby modified to include the area comprising approximately 190 acres as generally depicted on the map entitled "Boundary Expansion, Jumonville Glen Unit, Fort Necessity National Battlefield", numbered DSC–336–20043A, and dated July 1991, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior. The Secretary of the Interior may modify the boundaries of the Jumonville Glen Unit as depicted on such map to exclude lands (not to exceed 2 acres) on which there are located principal structures actively used by the owner thereof as of July 1, 1991. Following any such modification the Secretary shall prepare and make available for public inspection a revised map of such unit.

(b) DUNBAR'S CAMP AREA.—The Secretary of the Interior, acting through the Director of the National Park Service, shall, within 2 years after the enactment of this Act, conduct such investigations of archaeological sites in the vicinity of the Jumonville Glen Unit of Fort Necessity as may be necessary to more precisely locate and identify Dunbar's Camp and submit a report containing the results of such investigations to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate. If necessary in order to preserve and interpret historic resources associated with Dunbar's Camp, the Secretary may further modify the boundaries of the Fort Necessity National Battlefield, Jumonville Glen Unit, to include such additional lands as are needed to preserve the resources within the battlefield, but not to exceed 30 acres.

SEC. 2. ACQUISITION OF LANDS.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may acquire land or interests in land within the boundaries of the Fort Necessity National Battlefield by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. ADMINISTRATION.

The Secretary shall administer the Fort Necessity National Battlefield in accordance with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). In administering the battlefield, the Secretary shall take such action as is necessary to preserve and interpret the historic resources associated with—

(1) the social and military history of the European and Native American contests for North America;

(2) the social, political, and economic history of the westward expansion of American frontier; and

(3) the social, political, and economic history of the early National Period of the United States of America.

SEC. 4. COOPERATIVE AGREEMENTS.

The Secretary is authorized and directed to enter into cooperative agreements with those landowners in Fayette County whose activities on their properties could have a harmful effect on the Fort Necessity National Battlefield, its resources and the enjoyment of its visitors in order to prevent such effects through technical assistance, land use agreements, or such other means as mutually agreed upon. The Secretary, acting through the Director of the National Park Service, is authorized to expend Federal funds to carry out such agreements.

SEC. 5. TECHNICAL CORRECTION.

The Act of March 4, 1931, entitled "An Act to provide for the commemoration of the Battle of Fort Necessity, Pennsylvania" (46 Stat. 1522) is amended by striking "1757" and inserting "1754".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Fort Necessity played a key role in the French and Indian War, part of the much larger European struggle for supremacy on this continent. One of the first engagements in that war occurred at Jumonville Glen, 7 miles from Fort Necessity itself. Today that glen appears much as it did two centuries ago. But suburban development, timbering and gas drilling all threaten to change that historic scene. Today, the National Park Service owns only a small sliver of land at Jumonville Glen, making protection of the site quite problematic. Congressman AUSTIN MURPHY in response to this problem introduced H.R. 2436. Congressman MURPHY should be commended for his efforts to protect this park, for the personal attention he has given this, and for his efforts with the landowners involved to enlarge this portion of Fort Necessity National Battlefield to ensure its preservation. H.R. 2436 also directs that further archeological investigations be undertaken, provides for the park and authorizes the Secretary of the Interior to enter into cooperative agreements with landowners to jointly coordinate protection of the park. The National Park Service supports this legislation.

After careful review of the land in question, the Committee on Interior and Insular Affairs amended H.R. 2436 to exclude from the boundary a house, barn, and radio antenna on substantially disturbed land whose archeological value is questionable. It sought additional information from the National Park Service and the landowners to ensure that the resulting boundary would both protect key park resources and be equitable toward the landowners. I believe this bill as amended achieves this goal. Mr. Speaker, I endorse this bill and the principles in it and look forward to its passage.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2436, a bill to expand Fort Necessity National Battlefield. This bill would make an approximately 200-acre addition to the existing historic site in southwestern Pennsylvania. As subcommittee Chairman VENTO has described, this battlefield protects a site which was very important in the French and Indian War.

The bill before Members today is based on the park's general management plan which called for limited park expansion. Unfortunately, that plan was seriously flawed in several respects. First, it contained almost no mention of Dunbar's Camp which the subcommittee heard likely contains valuable archeological resources. Due to this lack of information, the bill before us is undesirably vague as to proposed park boundaries needed to protect these resources. Second, the park plan proposed a new boundary based on a viewshed analysis which unrealistically assumed clearcutting of all lands in the vicinity, including existing National Park Service lands. For that reason, the bill before us includes more lands than are necessary to protect this site.

I do not object to the bill because I know that the bill's author, Mr. MURPHY, has worked very closely with the affected private landowners to ensure that developed portions of their lands were excluded and that their interests were protected to the maximum extent possible. Similarly, I want to thank the subcommittee chairman for modifications to this bill which place appropriate limitations on potential acquisition of interests in lands outside the park boundary.

While the administration initially recommended deferral on this measure until after a land acquisition cost estimate had been developed, it is my understanding that such information has now been forwarded to the committee. For these reasons, I recommend other Members join me in supporting this measure.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURPHY], the sponsor of this measure and a member of the committee, who has worked very diligently on this matter, and I commend him for that.

Mr. MURPHY. Mr. Speaker, I would like to thank Chairman VENTO and the ranking Member, the gentleman from Colorado [Mr. HEFLEY] for the support and consideration and expediting of this matter that they have given in both subcommittee and in full committee. As both the gentleman from Colorado and the gentleman from Minnesota have pointed out, we believe that the events that occurred at Jumonville Glen, or Washington Rocks as we often call them back in Fayette County, PA, were events that set the stage for our American Revolution, and certainly set the accomplishment of who would occupy North America, the English or the French.

We often hear of the first shot at Sarajevo that started World War I, but very seldom do the people of our country hear of the first shot that started what was to be known as the French and Indian War. George Washington was not even a colonel at that time, but he was representing the Governor of Virginia and led the Virginia militia, accompanied by some Pennsylvanians, to inform the French that the Ohio country, then everything west of the Appalachian Mountains, was to be in English control by the colonies. When he delivered that message, the French rebuked it.

Washington went back and raised some additional militia, and they then commenced to march on Fort Duquesne. The very small force Washington had for such a major mission, when he arrived at the Great Meadows Glen, which is now the site of Fort Necessity and was then, he was informed that the French and their Indian allies were on their way to meet him. He walked 7 miles through the dreary rain in May 1754 and surprised the French and the Indians at Washington Rocks, and therefore opened the first volley of fire that started a 7-year war around the world. It almost could have been called World War I because it involved all of the nations in Europe, and of course many of the battles were fought here on the North American Continent.

Following the culmination of that war, it laid really the foundation for the American Revolution, because the English then thought that the colonies should have to pay for the total cost of the French and Indian wars, and they levied and imposed very heavy taxes, and consequently our Virginia militia and Pennsylvania militia then said we are going to revolt against the crown, and that laid the groundwork for our own revolutionary war.

The reason we believe that the additional ground is required for this national park is that when it was first laid out in 1933 the area was really almost in the same shape that it had been 150 years before that. However, in recent years oil and gas development, strip mining for coal, housing developments, mountain cabins, and lodges are being constructed around this entire area, thus disturbing the trail we know as the Braddock Trail leading down to where Braddock suffered his defeat a year following Fort Necessity, and traveled on to Dunbar's camp where Colonel Dunbar buried many artifacts and where he spiked his cannon in the general area we are studying for takeoffs, and we would like to explore this for the historical concept and avoid any further development.

I wish every Member here could walk down to the Jumonville Glen today and see it actually as it was 200 years ago. But there is such a small area of ground about that that we believe by acquiring this additional 180 acres surrounding it, we will have truly a fine national park.

What we have crafted is a bill that does not require the taking of 180 acres.

□ 1320

We already have negotiations pending with the Methodist Training Center which occupies about half of this land, and they are going to allow the Park Service to have it under what we call a limited-use basis. It will be very low-cost rental for the National Park System, but we will have full utilization to merge it into the national park site.

We are attempting to acquire the same thing with the landowners of the other one-half, and in order to accommodate the other landowners, we fully exempted a place where there is an old farmhouse, an old barn, old outbuildings, and an existing gas well from the site that we propose to take. They can do with it as they want. We will try to negotiate with the landowners, again, a limited usage so that what we can do is preserve the true identity of Washington Rocks with limited cost to the Federal Government.

I hope the Members will see fit to support this.

I, again, thank the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Minnesota [Mr. VENTO] for their consideration in expediting the matter.

Mr. Speaker, I would like to take this opportunity to thank Chairman VENTO and his staff for all their hard work and special efforts to see this bill through the Interior Committee and to the floor today.

Since the committee reported out the bill in September, my office has been examining the boundaries of the proposed expansion of the national battlefield.

The area surrounding Jumonville Glen is rich with the early history of our Nation. Few people realize that not many years before the Revolutionary War, the British fought with the colonists to drive the French from the area west of the Appalachian Mountains. Fort Duquesne, located in what is now downtown Pittsburgh, was one of the most famous of the many fortification which were constructed to maintain the French claims.

In the area surrounding Jumonville Glen, we have evidence of several important military battles from the French and Indian Wars, Braddock's Road, Dunbar's Camp, and George Washington's first recorded military victory on May 27, 1754.

While Pennsylvania is dotted with many important sites from the Revolutionary War and the Civil War, we have neglected to document and preserve some of the more important sites which predate the Revolution.

Fort Necessity and its related sites, which include Jumonville Glen, is the one bright exception. Unfortunately, as the population surrounding the glen continues to grow and as development in the general area increases, we are in danger of losing much of this history.

My legislation expands the boundaries of the Jumonville Glen portion of the battlefield, protecting what we believe to be the most important areas still available from encroachment. While there is still much to be discovered about the events of 1754 and 1755, I am confident that revised battlefield boundaries will reveal many of the untold secrets of that period.

I would like to say to the Department of the Interior and the National Park Service that whenever they begin to carry out the purposes of this legislation, they use the least restrictive means possible to provide adequate protection for the historical resources of the area. The participation of the property owners in and around Jumonville Glen is essential to preserve the integrity of the area. Their cooperation should be encouraged and their rights respected at all times.

I would like to conclude by thanking everyone who has helped with H.R. 2436. I would like to invite my colleagues to join me sometime for a visit to the Fort Necessity Battlefield so that they might get a batter understanding of the importance of this unique portion of our early history.

Mr. HEFLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I urge support for the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2436, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FLINT HILLS PRAIRIE NATIONAL MONUMENT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 240 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 240

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2369) to establish the Flint Hills Prairie National Monument, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only to the gentleman from Tennessee [Mr. QUILLEN]; pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 240 is an open rule providing for the consideration of H.R. 2369, the Flint Hills Prairie National Monument.

The rule provides 1 hour of general debate to be equally divided by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

The rule waives clause 2(l)(6) of rule 11 against consideration of the bill. This clause requires that the report on any measure reported by a committee must be available to Members for 3 calender days prior to consideration in the House. The waiver is included in the rule because the bill was scheduled for floor consideration last Thursday and the report became available last Wednesday. Since the report has now been available for 3 days, the waiver is no longer necessary.

The rule makes in order the Interior and Insular Affairs Committee amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment.

Finally, House Resolution 240 provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2369 authorizes the National Park Service to acquire and designate as a national monument an 11,000-acre-ranch of tallgrass prairie land in the Flint Hills of Kansas. Situated among acres of unaltered prairie land are a three-story ranch house and a one-room schoolhouse constructed in 1881 and 1882 respectively. Both structures are presently listed on the National Register of Historic Places. The ranch also contains a barn constructed of native limestone which is approximately 6,500 square feet.

The National Park Service has considered the establishment of a tallgrass prairie preserve as one of its top priorities for over 30 years. The current National Park System only contains a combined total of 3,100 acres of protected tallgrass prairie land. The Flint Hills region of Kansas is the most extensive, minimally impacted tallgrass preserve in North America.

Mr. Speaker, H.R. 2369 is the result of hard work by Chairmen MILLER and VENTO along with the bill's sponsor, Congressman DAN GLICKMAN.

House Resolution 240 is an open rule and I urge my colleagues to adopt the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Tennessee [Mr. GORDON] has stated, this is a completely open rule, and I support it.

H.R. 2369 would establish a ranch site in Kansas which consists of tallgrass prairie and several historic buildings as a unit of the National Park System.

Mr. Speaker, there is a great deal of controversy surrounding the legislation. It is opposed by Mr. NICHOLS, the Member who represents the district where the monument would be located. A survey in his district revealed that his constituents oppose this action by more than a 2-to-1 margin.

Mr. Speaker, I would like to point out that the administration is also strongly against enactment of the bill. A 1990 National Park Service study has concluded that this site does not meet its longstanding criteria for a manageable, cost-effective prairie ecosystem unit.

The administration objects to the potential costs of the bill. The National Park Service study identifies an absence of visitor services infrastructure in the surrounding area. The Park Service finds that the costs of land acquisition and development of adequate public access and visitor facilities at this site would further impact already stretched budgetary resources for the existing units of the National Park System.

The National Park Service study does indicate that the site may contain cultural resources that could be eligible for designation as a national landmark that would not be part of the National Park System. The administration would prefer that the National Park Service be allowed to complete its study process to determine if cultural resources of national significance eligible for landmark status are present.

Mr. Speaker, under this open rule, the concerns of the administration and those Members opposed to the bill can be addressed. I urge its adoption.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 240 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2369.

□ 1330

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2369) to establish the Flint Hills Prairie National Monument, with Mr. COLEMAN of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in support of H.R. 2369, legislation to establish the Flint Hills Prairie National Monument in the State of Kansas.

The monument would consist of the 10,894-acre Spring Hill Ranch and its extensive tallgrass prairie resources and historic ranch buildings. This bill was introduced by Representative DAN GLICKMAN and has the bipartisan support of two other Members from the State of Kansas, Representatives JAN MEYERS and JIM SLATTERY.

Tallgrass prairie once covered nearly 400,000 square miles of the North American continent. Today less than 1 percent of this vast prairie ecosystem remains. Although tallgrass prairie played a very significant role in the natural and social history of our Nation, this ecosystem is greatly underrepresented in the National Park System. The current National Park System only has about 3,500 acres of scattered tallgrass prairie in all national park units combined.

The legislation before us provides an excellent opportunity to preserve and interpret for present and future generations one of the few remaining expanses of the once vast tallgrass prairie. The Flint Hills region of Kansas is the most extensive remnant of tallgrass prairie remaining in North America, and the grasslands of this particular ranch are in good to excellent condition. In addition to the nationally significant natural resources of the area, the ranch contains several well-preserved historic structures including the ranch house and a one-room schoolhouse listed on the National Register of Historic Places. The National Park Service studies the ranch for 18 months at the request of the entire Kansas delegation. Professionals at the Park Service concluded after this exhaustive study that, and I quote, "The Z-Bar contains significant natural and cultural resources and is both suitable and feasible as a potential addition to the National Park System."

Members will hear that the administration is opposed to this legislation. I would tell Members to be wary of the metamorphosis of the administration's position between the time when the field professionals found the ranch to be a nationally significant and suitable addition to the System and when politics entered into the process and that position changed. While political appointees in the Department of Interior do have a perspective to lend on this issue, I hope Members will give appropriate consideration to the recommendations of the Park Service professionals in the field.

H.R. 2369 represents a unique opportunity to preserve tallgrass prairie not only because of the significance of the natural and cultural resources present but also because of the circumstances surrounding its ownership and availability. The property is wholly owned by one owner who is a willing seller. Furthermore, the property is of sufficient size necessary to carry out the purposes of the park, whether that includes the introduction of native herbivores such as bison and elk or not. The bill has a clearly defined boundary which is limited to one landowner and the bill specifically prohibits condemnation as a means of land acquisition. As Members who were involved in previous debates about prairie parks will recall, the proposals of the 1970's consisted of much higher acreages and permitted condemnation to achieve that goal.

The statement of administration policy on this bill repeats a misleading statement concerning the size of the ranch being too small to support the restoration of large populations of free-ranging herbivores such as bison and elk. I am not sure the House wants to get into an extensive discussion of the foraging behavior of large ungulates at this time so I will simply refer interested Members to the testimony given by the scientific panel at the subcommittee's field hearing in Kansas. Suffice it to say that there are plenty of examples of parks and preserves with smaller acreages which have healthy populations of bison and that if called for the park's general management plan, the reintroduction of bison would be viable operation on the site.

The administration's statement is also misleading with regards to oil and gas drilling. There are no producing oil and gas wells on the Z-Bar property and the mineral rights are held by the landowner, who is willing to negotiate their sale. This is a far cry from the last prairie park proposal in Oklahoma where oil and gas issues were very contentious.

The Interior Committee has heard extensive testimony on H.R. 2369. This measure has generated considerable public interest with many statements in strong support and opposition submitted to the committee during its two hearings held in Washington, DC, and in Kansas. The member in whose district this ranch lies is opposed to this measure, and we will hear from him and other opponents. As I mention earlier, three of the five members of the Kansas House delegation support this bill, as do the mayors, city councils, and chambers of commerce of the two largest cities in Chase County and numerous other Kansas citizen and environmental organizations including the Kansas Audubon Council, the Kansas chapter of the Wildlife Society, the Kansas Wildlife Federation, and the Travel Industry Association of Kansas. Opposition to this measure has come from individuals and organizations who do not question the natural and cultural resources values of the ranch but who oppose Government spending or fear condemnation of private lands or who prefer the ranch to be privately acquired and managed.

As I have explained, there is no condemnation allowed by this bill. As for private ownership, the Interior Committee was never presented with a viable plan for private acquisition or operation of the Spring Hill Ranch. Even if a private organization could acquire the ranch, there was concern that a private organization may not have s similar mission or purpose for the ranch nor the expertise in interpretation and preservation that the National Park Service has. Furthermore, private ownership would not guarantee that nationally significant prairie resources would be preserved and interpreted for present and future generations.

Mr. Chairman, I commend Mr. GLICKMAN and his colleagues from Kansas for putting together a nationally significant natural resource initiative which is sensitive to the concerns of the local citizens of Kansas. I urge my colleagues to support this meritorious legislation and oppose any weakening amendments.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, representing the State of Wyoming, I have a real appreciation for the preservation of important and unique lands in our national parks and monuments system. Yellowstone, Devil's Tower, and the Tetons are part of my State's legacy in parks and monuments.

And as a member of the National Parks and Public Lands Subcommittee, I have participated as we add parcel after parcel to the Parks System. But the Flint Hills Monument proposal in H.R. 2369 raises many serious questions that must be addressed.

The Interior Committee and the Congress are getting into the disturbing practice of setting aside large parcels of land completely against the wishes of the local population, and against the concerns of the Members representing the affected districts.

Do not misunderstand, Mr. Chairman. I support the designation of lands as parks and monuments when appropriate. But it's time for Congress to examine just what is going on here.

The gentleman from Kansas [Mr. NICHOLS] was elected less than a year ago to represent the voters of the Fifth District of Kansas. When 15,000 of his constituents responded to his survey about the Z-Bar Ranch, two-thirds indicated they opposed Federal acquisition of this property.

As a result, it is disappointing to me that we are seeking to move this bill through the House over the objections of Mr. NICHOLS and his neighbor, Congressman PAT ROBERTS.

Five months ago this body ran over Mr. BARRETT whose district contains a large segment of the Niobrara River. In spite of overwhelming opposition by his constituents, who are the only ones directly affected, we designated that river wild and scenic.

In July, the Subcommittee on National Parks and Public Lands marked up a bill to have the Federal Government confiscate 200,000 acres of productive timberlands in the district of another freshman, Mr. RIGGS.

Despite the strong oppostion of Mr. RIGGS, who was representing the people who would be displaced by the bill, the subcommittee opposed him on a straight party line vote.

The full committee is expected to act in a similar fashion soon.

And in this case, when Congressman NICHOLS polled his constituents on this proposal, they opposed it by 2-to-1 margin. And yet this bill is still moving forward.

We are witnessing a disregard and carelessness about private property rights and taxpayers, and ignoring legitimate concerns of Members and their constituents.

It is important to remember that we already have vast acreages of tallgrass prairie in the Flint Hills of Kansas and in the Osage Hills of Oklahoma.

According to the U.S. Department of Agriculture, over 600,000 acres of croplands have been reseeded to native tallgrasses in the eastern third of Kansas under the Conservation Reserve Program since 1986.

The gentleman from Kansas [Mr. ROBERTS] advises me that Federal rules require that producers reseed these lands only to native grasses. The U.S. Army Corps of Engineers owns 150,000 acres of land in the Flint Hills which are virtually all in native tallgrasses and other native species.

Finally, the Nature Conservancy has a 30,000-acre tract of spectacular native tallgrass prairie in the Osage Hills of Oklahoma that is open to the public. That tract is three times larger than the Z-Bar Ranch.

Because of this vast existing acreage of tallgrass prairie, it defies the imagination why we are spending the scarce funds of the National Park Service for this parcel. Where is our sense of priorities?

Mr. Chairman, our national parks are already in a state of disrepair. The National Park Service has a land acquisition backlog of $3 to $4 billion and a backlog of about $5 billion for its national construction priorities.

This includes items such as resurfacing roads that are in disrepair as well as upgrading campgrounds, visitor centers, and sanitation facilities.

Under this bill we will only worsen this problem. According to the Congressional Budget Office, we will spend $5 or $6 million to buy this ranch, another $5 million for basic visitor services, and possibly much more for road construction and restoration of ranch buildings.

After the ranch is bought, we will spend between $500,000 and $1 million per year just to maintain and operate it.

And the Park Service says that a 10,000-acre parcel is not large enough to properly manage for the purpose of preservation, so expect proposals to expand the monument almost immediately.

This bill does not have the type of local public support needed for creating a new park, it is opposed by the Member representing the affected district, and it is a budget buster.

I urge my colleagues to defeat it. However, I ask them to support the Nichols amendment which delays the effective date of this bill until Congress enacts a balanced budget.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. GLICKMAN], who has been a diligent worker in terms of this matter and has pursued it, and I commend the gentleman for it.

Mr. GLICKMAN. Mr. Chairman, I want to thank my colleague, the gentleman from Minnesota [Mr. VENTO] for his yeoman work in helping us move this bill along, and I also want to thank his staff for being so cooperative as well.

Mr. Chairman, I am pleased to come before the House today in support of legislation that three of us in the Kansas delegation have introduced, myself, my colleague, the gentleman from Kansas [Mr. SLATTERY] and my colleague, the gentlewoman from Kansas [Mrs. MEYERS], to create the First National Park in the State of Kansas, the Flint Hills Prairie National Monument.

I would say to my colleague, the gentleman from Kansas [Mr. NICHOLS], and to the gentleman from Kansas [Mr. ROBERTS], particularly, that even though we have disagreed on this issue, that I have felt we have done so in a nondisagreeable fashion and that we have been open and candid with each other in our problems, and should this bill move forward, which I think it will, we look forward to working with the gentlemen in trying to make this a reality in the best way possible.

Mr. Chairman, H.R. 2369 has bipartisan support in Congress, in Kansas, and in Chase County, where the ranch is located. The bill is supported by the National Parks and Conservation Association, the National Audubon Society, Defenders of Wildlife, the Wilderness Society, the National Wildlife Federation, Izaak Walton League of America, Friends of the Earth, the Natural Resources Defense Council, and the League of Conservation Voters.

There are over 40 organizations in Kansas supporting the bill, ranging from the Kansas Sierra Club to the chambers of commerce of the four neighboring communities of Council Grove, Cottonwood Falls, Emporia, and Strong City.

A tallgrass prairie is one of the only ecosystems missing in the entire National Park System. Today we have the opportunity to create a prairie national monument in Kansas consisting of 11,000 acres of rolling hills, bluestem grasses which grow up to 6 feet high, and historic buildings over 100 years old. The occasion does not often occur in which there is a willing seller of a single property so suitable for national recognition. The National Park Service itself has described Chase County, KS, as having some of the most dramatic landscapes of tallgrass prairie that exist anywhere. Endless miles of rolling grasslands stretch out to surround the visitor from horizon to horizon.

Mr. Chairman, I have with me some photographs of the grasslands on the site we are talking about. When standing in the middle of these hills, you can literally see forever. The land absolutely overwhelms you.

The buildings on this property are on the National Register of Historic Places. The main ranch house I like to envision as a historic museum on the prairie. The house would be restored to the decor of the late 19th century, in the grand style in which it was built.

The stone barn, which is also over 100 years old, is so large that you can drive a team of horses up this ramp, into the barn, and turn the entire team around inside the barn. We have envisioned having a working ranch, where kids and families can learn what cattle ranching was all about.

There is also a one-room schoolhouse on the ranch. You don't see too many of these anymore, especially one like this, sitting alone on a ridge in the middle of miles and miles of prairie.

It is vitally important that we bring the tallgrass prairie ecosystem into the National Park System. In the 1820's, there were 140 million acres of tallgrass prairie stretching from Ohio to Kansas and from Oklahoma to North Dakota. Today less than 1 percent of it remains. In fact, there are only 3,100 acres of prairie land preserved anywhere in the National Park System. These acres are made up of bits and pieces of land scattered among Park Service sites around the Midwest.

Every other ecosystem has been honored with inclusion in the National Park System: mountains, seashores, deserts, marshlands, ancient forests, but no tallgrass prairie. While there are over 900,000 acres of prairie in private ownership in the Kansas Flint Hills, there is no tract of prairie land where average people, not wealthy landowners, just average folks can go for hiking, horseback riding, camping, fishing, and learning about cattle ranching.

Keeping in mind controversial proposals in the past, this legislation protects adjacent landowners by prohibiting condemnation of property or forced sales of any kind. Under my bill, the land in question would be purchased from a willing seller, at fair market value determined by an independent appraisal.

The cost estimates we have received from the Park Service and the Congressional Budget Office run around $4 to $5 million for the purchase of the land itself, and $5 million for development of the park and the building of a visitors center, roads, and bringing the buildings back to their 19th century decor.

This is not an inappropriate use of tax money. It is the perfect use of public funds. In fact, the money to purchase the Flint Hills Prairie National Monument comes from the land and water conservation fund, which is the main source of Federal money to pay for new park and recreational lands.

Over 80 percent of the LWCF money has come from oil and gas leasing revenues from the Outer Continental Shelf. The rest comes from park entrance fees.

Each year, $900 million is authorized for the LWCF so we can acquire new parks. This is money that cannot be used for education, for defense, for drug programs. This is money set aside, so that while we are depleting one resource through offshore oil drilling, at least we are giving something back to the environment, with the creation of new areas to preserve for the public.

Kansas wasn't blessed with beaches or mountains, but we do have something extraordinary to offer the rest of the Nation and the rest of the world: the broad expanes of tallgrass prairie.

William Least Heat-Moon, the best-selling author of "Blue Highways," has written a new book, "PrairyErth," which relates the story of Chase County's towns and houses, its geology and floods and tornadoes, its history and heroes and legends, and its extraordinary people. "PrairyErth" is a book that captures in the tallgrass prairie the heart of what it has meant, from the beginning, to be an American.

To quote the author:

> It was tall grass that made man stand up: to be on all fours, to crouch behind a six-foot-high world of thick cellulose, is to blind and vulnerable. People may prefer the obvious beauty of the mountains and the seacoast, but we are bipedal because of savanna; man is man because of tall grass.

Mr. Chairman, not all of us has had the opportunity to see a tallgrass prairie in real life. But if any of my colleagues saw last winter's Academy Award-winning film, "Dances With Wolves," you have a good idea of what I am talking about. I am talking about vast expanses of bluestem grassland which grow so high you can tie the grasses around a horse's neck.

The movie featured stunning vistas of the South Dakota Badlands and other wide-open landscapes. Not surprisingly, tourism in the Badlands National Park increased 17 percent this past summer. Apparently, "Dances With Wolves" touched on a nerve to see our open spaces and experience some of the culture of native Americans.

Mr. Chairman, the tallgrass prairie is the most distinctively American landform, and this monument could be one of the most important preservation projects in this country. The Z-Bar Ranch is a national treasure and we should treat it as such. It has the potential to become a ranch available to every American family, 365 days a year if it becomes part of the National Park System. We must act now to save it for our children and grandchildren and for generations to follow.

Let us stand up and do what is right for Kansas and for the Nation. As the Wichita Eagle noted, the Kansas Flint Hills may soon offer refuge not just to hawks and coyotes, and eventually bison and elk, but to all Americans who are drawn back to their prairie roots.

BACKGROUND

The Z-Bar Ranch was sold by the Z-Bar Cattle Company to Boatmen's First National Bank of Kansas City in 1986. In July 1988, the National Audubon Society acquired an option to purchase the Z-Bar Ranch. The Audubon Society suggested the property be purchased and designated a unit of the National Park System. Substantial local interest was generated and in 1989 a group of Chase County citizens formed the Flint Hills National Monument Committee, which proposed the ranch be designated a national monument, and forwarded this suggestion to the Kansas Congressional delegation.

In August 1989, at the request of the entire delegation, National Park Service Director James Ridenour agreed to conduct an area feasibility study using existing NPS funding. The purpose of the Park Service study was to determine the national significance of the ranch.

When the study was finally finished in April of this year, I held a press conference, with the leader of the study team, to announce the results of the study. For 15 months, the Park Service studied the historic and natural significance of the Z-Bar Ranch, the suitability and feasibility of adding the site to the National Park System, and presented the alternatives available to the Kansas Delegation. In that report, the National Park Service has concluded the Z-Bar Ranch exhibits a high degree of national significance.

To quote that study, "While the tallgrass prairie is considered of prime significance, this ecosystem is very under represented in the National Park System." Based on the very positive review by the National Park Service, I, along with Representatives Slattery and Meyers, and other members, introduced legislation to establish the Flint Hills Prairie National Monument.

Three months after its extremely positive feasibility study, the National Park Service opposed our legislation establishing the Flint Hills Prairie National Monument. The reason for their opposition? They say the site is suddenly not large enough and there has not been a determination of its natural or cultural significance.

Mr. Chairman, this action was one of the most unusual incidents to ever come out of the National Park Service. When the feasibility study was being completed earlier this spring, I was told that all levels of the Park Service bureaucracy had signed off on it, and the reason it was taking so long to release the draft, was that it had to go to the top of the Park Service for final approval. Why the change of heart?

The Park Service, and the Administration now states that the proposed unit is not large enough to ensure successful management as a tallgrass prairie. Page 26 of the feasibility study states, "The existing boundary is of sufficient size and configuration to afford adequate resource protection and provide sites for visitor facilities with minimal intrusion on the landscape."

The Park Service also states that there has not been a determination of its degree of natural or cultural significance. Page one of the study states that, "The conclusion of this study is that the Z-Bar contains significant natural and cultural resources."

BILL DESCRIPTION

I have included provisions prohibiting the condemnation of property or eminent domain authority. I have included federal payments in lieu of taxes to make up for the loss of tax base for the county. I have included a provision establishing a local advisory commission whose purpose will be to advise the Secretary of the Interior on the management and operation of the monument. There have been some concerns voiced that the government will pay more than fair market value for the land. It is against the law for the government to pay one penny more than fair market value for land it is acquiring.

WHY WE NEED PRAIRIE IN THE NATIONAL PARK SYSTEM

In the 1820's, there were 140 million acres of tallgrass prairie stretching from Ohio to Kansas and from Oklahoma to North Dakota. Today less than one percent of it remains. No other grassland system anywhere supports the biological diversity of tallgrass prairie.

Every other ecosystem has been honored with inclusion in the National Park System: mountains, seashores, desert, marshland, ancient forests: but no tallgrass prairie. While there are over 900,000 acres of prairie in private ownership in the Kansas Flint Hills, there is no large tract of prairie land where people can go for hiking, horseback riding, camping, fishing, wildlife observation, touring of historic facilities, and viewing of farming practices or ranching operations.

The Park Service, Congress, and environmental organizations across the country have shown significant interest in creating a Prairie National Monument in our state. The establishment of a Monument would bring considerable benefits to Kansas and it is important for Kansas to become part of the National Park System.

LOCAL OPPOSITION

This proposal has been controversial in Chase County, as many landowners and ranchers remember a proposal in the late 1970's by Congressman Larry Winn to create a 63,000-acre prairie park, spanning several counties, state lines, and involving the condemnation of property and forced sales of land.

These folks have every right to be concerned. I, too, remember that proposed legislation—legislation I did not support, nor did the rest of the Kansas delegation. The opponents of the park at that time urged that we find a much smaller piece of land, purchased on a willing-seller basis. I don't believe that anyone in the Kansas delegation would ever support such a massive proposal. But today we have a contained ranch, owned by a willing seller, which has been studied and deemed nationally significant by the National Park Service. I cannot imagine a more positive scenario. I believe the Z-Bar Ranch has the extraordinary virtue of being large enough to singularly be adequate for a national monument, without the necessity for additional acquisition.

Many people are opposed to federal ownership of land on principal, and distrust any action by the federal government. There is nothing I can do to diminish the kind of opposition. Fortunately, the National Park Service is one of the best-run components of the federal government. The Park Service has a proven track record in being a good trustee of the land and making it available to the public.

ECONOMIC BENEFITS

The $10 million or so this monument will cost initially will return many times that amount in positive dividends, both economically and culturally, to our state.

Kansas is rural. Perhaps more than any other state, Kansas has the collection of small towns, self-reliant people, and agrarian heritage which people have come to associate with "rural".

The nation's population and economic power continue to concentrate in urban areas. Alarming demographic trends can be seen in our most remote rural regions. In 1990, Chase County, in which the Z-Bar Ranch is located, ranked 51 out of 105 Kansas counties in terms of a combination of wealth indicators, growth indicators and dependent population indicators. The country dropped 5 spots from the previous year.

Between 1980 and 1990, the population in Chase County has declined nine percent to 3,021 residents. In fact, the population in Chase County has declined every census period since 1950.

Rural Kansas communities like Chase County need diversified economic opportunities. The monument would enhance the local economies of Council Grove, Cottonwood Falls, Strong City and Emporia, along with areas all over the state with their own tourist attractions which would benefit from having a national park in the state.

If the Z-Bar Ranch does not become a prairie monument, it will very likely become absentee or corporate-owned and operated if it is sold on the open market. That seems to be the trend in the Kansas Flint Hills. In fact, 88% of the large ranches in Chase County now have absentee ownership, substantially limiting the local economic benefit. The problem with absentee ownership lies in that fewer people live in the rural areas of the Flint Hills and that makes it more difficult for rural communities to survive.

The Z-Bar Ranch has the potential to become a ranch available to every Kansas family and every American family, 365 days a year if it becomes part of the National Park System.

CONCLUSION

Kansas wasn't blessed with beaches or mountains, but we do have something extraordinary to offer the rest of the nation and the rest of the world: the broad expanse of tallgrass prairie. The Park Service feasibility study noted, "When traveling to the Z-Bar Ranch in Chase County, Kansas, a visitor is exposed to some of the most dramatic landscape of tallgrass prairie that exist anywhere. Seemingly endless miles of rolling grasslands stretch out to surround the visitor from horizon to horizon."

The beauty of a national park facility is that it can be utilized, but we in the state still have to call our own. The beauty and culture of the Flint Hills is a truly sustainable resource and we should take this opportunity to preserve it for generations to come. As The Wichita Eagle noted in one of its many editorials in support of the Prairie Monument, the Kansas Flint Hills may soon offer refuge not just to hawks and coyotes, and eventually bison and elk, but to all Americans who are drawn back to their prairie roots.

□ 1340

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. NICHOLS], who represents this district.

Mr. NICHOLS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am here today to discuss my opposition to H.R. 2369—the creation of the Flint Hills Prairie National Monument. Revelations of apparent inappropriate congressional banking practices and unpaid cafeteria bills have many of my constituents thinking some Members of Congress feel they are above accountability. How this House votes on the bill we have before us now, will either confirm that feeling or help restore some respect to our institution.

As I stand before you today I have no graphs, or complicated theorems to show why the Federal Government should not get involved in this endeavor. What I do have is a number of undeniable, commonsense reasons why this bill should be defeated.

Throughout my congressional campaign, I ran on a platform of bringing common sense and simple business principals to Congress. These principles, which by the way have kept me from bouncing checks at the House bank and running up unpaid cafeteria tabs, have shown me this is a project which should not involve the Federal Government.

Let us look at a few of the arguments. Common sense argument No. 1: The National Park Service does not want it. That is right, the very people who would be charged with caring for this park, conclude in their study that this site does not meet its longstanding criteria for a manageable, cost-effective, prairie ecosystem unit.

The study also states the park would not ensure the preservation and sustainability of an intact tallgrass prairie ecosystem because it's not big enough, it lacks a complete watershed system, it's bisected by a State highway, and it's adjacent to oil and natural gas fields with operations and pipelines.

Commonsense argument No. 2: The Federal Government can't afford it. As a banker, I have been involved in decisions like this at every level. Families, small businesses, and even Fortune 500 companies must hold the line on expenses. Why should the Federal Government not abide by the same commonsense guidelines? If you cannot afford it, you should not buy it.

Yes, I know there is a trust fund set up for the purchase of public lands. However, the cost of developing this park and caring for it will come out of our tax dollars. National Park Service Director James Ridenour also estimates that the service now faces a $2 billion backlog in maintenance related repairs, a $3 to $4 billion backlog in land acquisitions and a $5 billion backlog in major repairs. Yet, there is an effort to ram this park down the throats of the Park Service and the public.

Commonsense argument No. 3: The people of the Fifth District don't want it. Regardless of what some will tell you, the people of the Fifth District stand firmly behind me. Over 15,500 constituents answered a recent questionnaire mailed to every postal patron in the district. By a margin of 2 to 1, they opposed the creation of a Prairie National Monument.

In another question, these same people, by a 3 to 1 margin, named the Federal deficit as the No. 1 problem facing this country. One only needs to read the handwritten notes in the margins of the questionnaire to know my constituents believe the two matters are related.

Commonsense argument No. 4: There is no reason for the Federal Government to buy and preserve something that is not in danger. This property is in no way in danger of tillage, urban development, or neglect. There are no better stewards of the land than the farmers and ranchers of Kansas. A recent study conducted by the Park Service acknowledges that the rangeland has improved over the last 30 years, and that 80 percent of the rangeland is rated in excellent or good condition.

The Federal Government does not need to purchase this land, to preserve the tall grass prairie. There are currently 32 publicly accessible units in the National Park System that contain prairie resources. Finding tall grass prairie in the Midwest is about as difficult as finding a traffic jam here in Washington.

As you will note on the chart behind me, nearly 800,000 acres of land in Kansas exhibits characteristics of tallgrass prairie, the majority of which already falls under either the direct or indirect supervision of the Federal Government. For instance, farmers in Kansas have contracted with the Government to reseed prairie grasses in more than 600,000 acres of Kansas land.

The Konza Prairie Research Natural Area, immediately south of Manhattan, KS and administered by Kansas State University, is owned by the Nature Conservancy. They purchased it to preserve the natural diversity of the area. The Konza consists of 8,616 acres of native tallgrass prairie. It is available for research, educational outings, flora and fauna study, or simply hiking along nature trails. It is only 40 miles from the Z-Bar Ranch.

The Nature Conservancy also purchased the 30,000 acre Barnard Ranch in Oklahoma in 1989, in order to recreate a functioning tallgrass prairie ecosystem. Exactly the same goals of this legislation.

Before I conclude, let me touch on a couple of other matters. While this bill does include a provision which would prohibit future government expansion, you should know—just as surely as those who propose this legislation know—such a provision will not prevent future Congresses from expanding the park.

I say this because the National Park Service study states this is not a large enough area to meet the goals of this legislation and that future land acquisition may be desirable. In other words the very goals of this bill contradict the provision to protect area landowners from future land grabs.

Voting against this legislation is not a vote against development of the Z-Bar Ranch. I am excited about the potential opportunities that private development of this property can have for my district and the State—without Federal intervention. I am confident Kansans can and will find a way to preserve the vast expanse of the prairie without making it a vast expense to the taxpayers.

Throughout my campaign and since my election, the people of the Fifth District have sent me one message, "Cut spending, and reduce the Federal deficit." It is with that message in mind that I fundamentally oppose this legislation.

As you prepare to vote on this matter I ask you simply to use some common sense. The Park Service doesn't want it, the administration doesn't want it, the people don't even want it. Why do we want to steamroll this thing through Congress?

This vote has little to do with the environmental, and everything to do with needless porkbarrel spending. The people of the Fifth District do not want to be a part of the problem of bloated Government spending. They want to be part of the solution. I urge you to vote no on this bill.

□ 1350

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Kansas [Mrs. MEYERS], a cosponsor of the measure.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of H.R. 2369 and urge my colleagues to support this bill, which has strong bipartisan support in the State of Kansas.

For those of you who have never been to Kansas to witness the beauty of the Flint Hills, I will try to describe as best I can. The Flint Hills cover 3.7 million acres in Kansas and are unique to the United States, specifically to the Midwest. Just below and on the prairie surface is a layer of limestone and flint. This rock formation of endless plateaus and deep ravines cannot be cultivated for wheat or other feed grains. For this reason, the Flint Hills remain the most extensive remnant of virgin tallgrass prairie in North America, growing to a dramatic 6 feet in height. In his testimony before the Interior and Insular Affairs Committee, the Republican mayor of Cottonwood Falls, KS, described the Flint Hills as follows:

> One need only stand amid the tallgrasses to imagine what it must have been like 100 years ago as our pioneer fathers traveled westward on foot, on horseback, and in covered wagons.

Mr. Chairman, I think the key word here is "preservation."

In addition to its natural beauty, the Flint Hills are home to 31 different mammals and 199 species of birds, including the Meadowlark, the State bird of Kansas. There are more than 400 species of plants, including 14 species of grasses.

Mr. Chairman, I want my colleagues to know why I am supporting H.R. 2369, and why I think they should also be supporting it. H.R. 2369 is different from, and much more reasonable than, past prairie park proposals. In the 1970's, a tallgrass prairie park was proposed. It comprised over 150,000 acres, allowed condemnation, and had virtually no support in southeast Kansas. The bill before the House today is for less than 11,000 acres, prohibits condemnation, involves a willing seller, and has substantial support in southeast Kansas and throughout the State.

Second, the bill has strong bipartisan support in Chase County and throughout the State of Kansas. This legislation is not a partisan issue. In Chase County, both the chairmen of the Republican and Democratic parties strongly support H.R. 2369. The former chairman of the Chase County Republican Party, who currently serves as the chairman of the Chase County Board of Commissioners, also strongly supports the prairie park monument.

Third, the bill includes safeguards to ensure that the concerns of local ranch and farm owners will be taken into account in managing and operating the prairie park monument. H.R. 2369 establishes an advisory commission of ranch and farm owners from Chase County, local government officials, and representatives of conservation organizations that will advise the Interior Department on management and operation of the monument. The contribution of these Kansans is the best method to protect and preserve the true nature of the Kansas prairie.

□ 1400

Fourth, there is a national need to preserve some of the tallgrass prairie. The tallgrass prairie once covered nearly 400,000 square miles of the North American continent. Because not much of it is left today, it is imperative that a portion of it be preserved. Even the National Park Service, in its study of this proposal, recognized that the Flint Hills are "one of the few unaltered expanses of the once vast tallgrass prairie."

In addition to preserving 11,000 acres of tallgrass prairie, this bill preserves the Z-Bar Ranch. On the ranch, there is a magnificent old stone house and barn, as well as a one-room stone schoolhouse. All of these buildings date back to the 1880's, and the ranch and schoolhouse are already on the National Register of Historic Places.

As a supporter of this legislation, I am not inferring that the ranchers and farmers of Chase County have not been good stewards of the Flint Hills—indeed, they have been. However, it is important that a small piece of the tallgrass prairie be preserved for generations to come.

Mr. Chairman, I ask my colleagues to recognize the widespread bipartisan support in Kansas, the support from environmental, professional, and governmental groups, and I would ask that I be allowed to place on each of the desks copies of lists of committee groups in Kansas that support the tallgrass prairie. I would supply a letter from all the environmental groups that support it, and finally, I have excerpts from several newspaper editorials from the State of Kansas. I would make this available so that when our colleagues come to the floor, they can see them.

Mr. Chairman, I ask my colleagues to support this important legislation.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, my family roots go back to this area, to this part of the country. Following the Civil War, my great-grandfather, along with my grandfather and his brothers and sisters, came by wagon and horseback from Illinois to this part of southern Kansas, and when I was a boy, my father wrote a book about the experience that his father had had with this. I came to appreciate in reading that book and in going to visit my family at family reunions back in this part of the country, what this tallgrass prairie country really meant to America. It is a place that ought to be preserved, and Americans ought to experience it.

But let me say, after sitting on the committee and hearing the testimony, I came to several conclusions abut this particular project. First of all, it is not imperative that we reach out and spend this kind of money, at a time like this when we are in such terrible deficit straits, for this piece of property. It is not like Fort Necessity, which we just had on the floor just a few moments ago, where it became evident that if we do not take this additional land here, if we do not purchase this additional land, there is going to be encroachment by development and all kinds of things and we will lose it forever. There is not likely to be a change in the composition of this area regardless of whether Congress does anything or not. If it was good for wheat, they would be growing wheat on it, but it is not good for wheat. It was good for development, they would already be developing it. It is not good for development; it is good for ranching. It is good for exactly what it is being used for, and it will continue to be used for that purpose whether Congress acts or not.

This chairman of the committee mentioned a while ago that this is a unique opportunity. I would challenge that statement that it is a unique opportunity. Just a few miles away, across the border in Oklahoma, the Nature Conservancy has purchased, I believe, 30,000 acres for this very same exact purpose. When I placed this issue in committee, the chairman said, "Oh, but that is not the Federal Government."

Well, I would hope to goodness that we are not going to assume that only the Federal Government can do these kinds of projects. This ought to be a government-private cooperative effort to protect the unique heritage that we need to protect in America.

Third, there is not enough land here; 10,000 acres simply is not going to do it. So in spite of the fact that in the bill it says there is no condemnation, this particular committee that we serve on has as little respect for private property rights as any committee I have ever seen in the U.S. Congress, and the next year, when the Park Service comes in and says, "You know something? This isn't enough land," we know what our committee is going to do. It will say, "Well, we had better go out and get more land," and we will be condemning land out there to add to it.

We know that it is not enough land, so we should not take that step. I would urge my colleagues to wait on this. It is not necessary. We do not have to do it today. It does not make a lot of sense. Most of the local people do not want it, and I would encourage the Members to vote against this legislation on this particular day.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. SLATTERY], one of the major sponsors of this measure.

Mr. SLATTERY. Mr. Chairman, H.R. 2369 would provide for the acquisition of a tiny piece of tallgrass prairie, and make it publicly available for the benefit and inspiration of this and future generations.

All Kansans want to ensure that our property tax base is protected and that our property does not fall victim to so-called Federal Government land grabs. But we also want to memorialize the role of the tallgrass prairie in Kansas' history, and ensure that Kansans and all Americans will have access to it for years to come.

As has been said, the Z-Bar Ranch is a 10,894 acre cattle ranch in Chase County, KS. The ranch, owned by the trust department of Boatmen's First National Bank of Kansas City, MI, contains one of the Nation's largest expanses of tallgrass prairie as well as several buildings that are listed on the National Register of Historic Places.

As it is envisioned, the working ranch would be a tourist attraction for visitors from Kansas and around the country. The preserved prairie land could serve as a home to such native wildlife as bison, elk, and antelope. It also could be used for hiking, camping, and horseback riding.

According to the National Park Service study, a Flint Hills Prairie National Monument could attract more than $500,000 locally and $1.25 million to the region—boosting the local economy and more than offsetting any tax base loss.

I regret that the Kansas congressional delegation is split on this issue.

I believe we are all trying to do what we believe is in the best interest of our State and of our country.

We all agree that eminent domain should not be used to acquire one acre of Kansas ranch land to expand this prairie monument.

That is why we included language in this legislation which sets strict limits on government land acquisition. It specifies that, "no lands, or interests therein, may be acquired for purposes of the monument without the consent of the owner thereof."

No condemnation or eminent domain authority is granted to the Secretary under this bill.

Any future expansion of this ranch would have to be approved by the Congress of the United States.

This language provides assurances that area landowners will continue to have complete control over their own property. H.R. 2369 would prohibit the Federal Government from purchasing any additional land without the permission of landowners and without providing adequate compensation.

I know there are some area ranchers who are opposed to the Federal Government acquiring any land in their neighborhood. They are worried that the Federal Government will someday want to take more land.

I understand their concerns.

However, I think it is important to recall that in the past, affected area landowners in Kansas and landowners across this country have typically opposed land acquisition for parks, historical monuments, highways, flood control dams, schools, and other public purposes.

Thank goodness our forefathers had some vision and foresight and, yes, the willingness to take political heat to invest in our Nation's future and advance the public interest.

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This legislation has bipartisan support in Congress and throughout Kansas. Some 42 organizations in the State support H.R. 2369, including the city councils and chambers of commerce of the four associated communities of Cottonwood Falls, Strong City, Council Grove, and Emporia.

As a father with two young sons, I am especially interested in ensuring that our children and grandchildren will have opportunities to experience Kansas' history and unique beauty. I want the young people of Kansas and this country to have a place where they can go to experience life on the prairie at the turn of the century and to learn about the enormous hardships that those settling that vast expanse of prairie encountered 100 years ago. Then they will hopefully have a greater appreciation for the unique quality and value of life in rural America that I think must be preserved.

Is this worth $4 million? I believe it is. I believe it is important for us to be willing to make the kind of investment that this bill calls for in the future of our country.

For those who want to talk about the deficit, I would say to them, join me in killing the B-2 bomber and we will save the taxpayers $50 billion, not $4 million; join me in killing the super collider, and we will save the taxpayers $10 billion—not $4 million; and join me in reforming entitlements, and we will save the taxpayers billions more.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 8 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I rise in opposition to H.R. 2369 for many reasons. I cannot help but feel compelled to respond to my good friend, the gentleman from Kansas [Mr. SLATTERY], that his two sons should enjoy the prairie. Perhaps my family and his family can go knock on the door of the ranch house and talk to Arlan Dittmer, who actually runs the Z-Bar Ranch, and he can have us over for some fried chicken, or more especially beef in that country, and both families can enjoy the prairie, except it can remain in private hands.

Mr. Chairman, I understand and share the desire of Members, most especially the sponsor of the bill, the gentleman from Kansas [Mr. GLICKMAN], who is a good friend, who wish to preserve Kansas' tallgrass prairie and want to increase economic and recreational opportunities in the State. However, I would plead with Members that this legislation is not the way to achieve these goals.

Early in this debate, I think it is important to address some misconceptions that have been stated publicly on various occasions that there is an eminent need for this legislation for two reasons: One, that the historic buildings and property are not being maintained adequately, which is not correct; and, second, that the Z-Bar property and the entire Flint Hills tallgrass prairie are now suddenly facing the danger of being broken out and that some crops would be planted on these virgin plains. They are not suited to crops. This is not going to happen.

Now, some facts: First and foremost, the National Park Service study has continually recognized the excellent management and care that has and continues to be given this property. This includes the historic buildings as well as the surrounding prairie lands.

It is a working ranch. Mr. Arlan Dittmer, an old fraternity brother of mine from Kansas State, lives in the building. It is in fact and practice a working ranch. Mr. Kenny Knight leases the ground and runs cattle on the ranch. Again, it is a working ranch.

The folks who went out there and conducted the hearing went to Emporia. They did not go down on the site and knock on the door and see Arlan. They may have perhaps tipped their wings as they went over it to see the beauty of the Flint Hills, which is certainly true.

Nowhere in the report has the Park Service or others found an imminent danger to the future of the Z-Bar or surrounding prairie. In fact, the National Park Service data shows a continuing positive trend over the last 30 years on the range conditions of the land.

As well, no one should make the mistake in thinking that this is an effort to protect various plant or animal species. The national directory states that "The Z-Bar property does not provide a quality habitat for any rare, threatened or endangered species." Preservationists should be aware that nearly 800,000 acres are already held by the Federal Government, 600,000 in the Conservation Reserve Program, 150,000 in regard to the Corps of Engineers, and private owners, the Nature Conservancy, 38,600 acres.

Mr. Chairman, Members should be aware that as written, this legislation has several goals and shortcomings that are conflicting. It does not achieve the objectives as described by its proponents. If enacted, it would waste millions of dollars as explained throughout the Park Service's testimony before the Committee on the Interior. Even in the earlier report, it was recognized that the Z-Bar property is far smaller than the size needed to meet the preservationist objectives of the Park Service. As well, it noted that the additional pressures the property would face should it be opened to such recreational activities as camping, hiking, biking, and others would result in a need for even more land. That has already been pointed out by Members.

Mr. Chairman, the Park Service noted the park would need to be two or three times the size proposed in this bill to fulfill all objectives. So you cannot have it both ways. It should be clear that what we are debating today is the beginning of a park that is not 11,000 acres if you meet the objectives of the proponents of the legislation, but the beginning of a project that would not be complete until the surrounding lands are absorbed, 30,000 to 40,000 acres, again if you want to follow the objectives of the people who are sponsoring the legislation.

Mr. Chairman, I am not trying to prevent the creation of a prairie park in Kansas. But I want a workable proposal that all the people of Kansas can support. As stated earlier by my friend, the gentleman from Kansas [Mr. NICHOLS], this issue has divided his constituents. Most are opposed to it, by a 2-to-1 margin.

Mr. Chairman, I know the chambers of commerce from the surrounding communities that are not affected in terms of their land are for it for the proposed economic development. But not the people who live adjacent to this proposed park.

Mr. Chairman, this land has been fostered in such a way that it and the surrounding lands continue to radiate natural beauty. It is true, all of the remarks by the gentlemen from Kansas, Mr. GLICKMAN and Mr. SLATTERY, and my good friend, the gentlewoman from Kansas [Mrs. MEYERS], are true about the prairie. They are a resource, and they have been treated as such. They are not in jeopardy. They will continue to be preserved if we can avoid both Federal involvement and the masses of visitors that could come.

Mr. Chairman, this land has been fostered in such a way that it and the surrounding lands will continue to radiate natural beauty and provide the habitat for various wildlife, while continuing to be a productive cattle operation.

Mr. Chairman, the caring of the Z-Bar and surrounding lands has been a way of life for local residents, farmers, and ranchers. I would say to Members that if you are going to "dance with the wolves," as the gentleman from Kansas [Mr. GLICKMAN] has indicated, that I too saw the movie. I am for the prairie, I am for preserving our heritage and all of our history.

But I would say to Members that if you dance with wolves, it is going to be the Kansas one-step, because with 10,000 acres you do not have enough ground to get the job done. The bison and the elk will not roam this area in conjunction with the economic development objectives that you have listed.

Finally, by creating this park, let me stress again the facts are this: the Z-Bar property is not threatened. The National Park Service has found it not to be significant or appropriate to add to the Park System. It will cost the American taxpayer nearly $10 million to purchase, and nearly $1 million annually to operate.

Nearly 800,000 acres of tallgrass prairie are already being preserved in the Flint Hills of Kansas and Oklahoma.

The creation of this park will threaten the future of surrounding private lands. This fails to achieve all of the objectives the proponents have promised, recreational, for land and wildlife preservation, or rural economic development. The prairie park as envisioned cannot and will not be all things to all people.

Mr. Chairman, finally, I think that private options to purchase and preserve the land were not pursued or investigated as a reasonable alternative to the extent they should have been.

Mr. Chairman, with these points in mind, I continue to oppose this legislation. I am convinced that H.R. 2639 is the wrong legislation at the wrong time. I urge Members to vote "no".

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. JONTZ], a member of the committee and a sponsor of this measure.

Mr. JONTZ. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation. It seems to me that any time a proposal comes before this body with regard to creation of a national park or similar lands, we need to ask ourselves what is the compelling national interest that leads us to consider this proposal?

We have lots of parks. We have wilderness. Why do we need an additional park?

Well, I believe that one of the reasons that we have a National Park System is to set aside representative samples of a portion of our landscape in this country, to address that in a word that is now current in the scientific community, to preserve by logical diversity.

By logical diversity we mean the variety of life. Certainly what we have in this proposal is to set aside a portion of the landscape as the tall-grass prairie which is not now well represented in our Park System.

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The history of the parks of our country is certainly a fascinating story. Many of them were set aside for their great scenic beauty, for their attraction to us as places of recreation. But had we designed our Park System from the beginning from an ecosystem standpoint to make sure that we were protecting the various types of biological diversity which exists in our country, we probably would have designed it differently by including a prairie park from the beginning.

We do have a sliver of prairie here and there in our Park System. There are some means by which prairie is protected otherwise, but the suggestion from the gentleman from Kansas [Mr. ROBERTS] that by putting lands in conservation reserve, that we are preserving those for future generations is just a mistake.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would just like to point out, that is the European system of reserves for private use. That is the real point here. I commend the Nature Conservancy for setting aside 30,000 acres. That is why we have a Park System. It is not that the Federal Government has to own it; we want it for public purposes.

Mr. JONTZ. I appreciate the point the chairman makes. We need a tallgrass prairie as part of our National Park System.

I believe that part of our responsibilities in this body is the responsibility of stewardship, to leave to future generations as part of our public Park System samples of the different types of the American landscape which are important from a scientific, from an ecological standpoint, as well as the standpoint of educating the people about the resources of this Nation.

As magnificent as our Park System is, we need the addition of this Flint Hills property. Maybe it is not as big as it should be. Maybe there are not any immediate threats. Maybe there are not any endangered species there right now, but we will be doing the right thing for future generations if we establish this park and provide for the protection of the biological diversity which it contains and ensure that our children and their children will be able to use this very valuable resource.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Mr. Chairman, I rise today in strong opposition to H.R. 2369, legislation that is both contrary to the wishes of the people that it would most affect, and would further strain the resources of an already overburdened National Park Service.

The able representative from the Fifth District of Kansas and I have a lot in common. We not only come from neighboring States, but we find ourselves neighbors on Longworth's sixth floor as well. We came to Congress together in a year that has seen more than its share of controversial issues, and certainly has had more of its share of painful surprises. We represent a similar constituency, and we both face unwanted and unwarranted intrusions by the Federal Government into the interests of those constituencies. And we're getting steamrolled by the majority flexing its muscles to implement an agenda that takes little, if any, heed of the people back home.

It's not too far to the north of the Flint Hills site that we are discussing today that you'll find the Niobrara River Valley, located in my district. And it has been 154 days since this body instructed the National Park Service to begin administering this river as a component of the Wild and Scenic Rivers System.

Just 10 days ago, I visited the Niobrara with the Assistant Secretary for Wildlife and Parks, and you should know that as of yet there is no Park Service office in the area, no set boundaries, no management plan, no advisory commission nominations, not even identifying signs.

Perhaps 154 days is too soon to expect more than that. But consider that to the southwest of the Niobrara Valley, you find the Scotts Bluff and Agate Fossil Beds National Monuments, both authorized by Congress and administered by the National Park Service—Scotts Bluff National Monument since 1919, and Agate Fossil Beds since 1965.

After all these years, these sites remain underfunded, understaffed, and underequipped.

So before we assign these sites to past accomplishments, and go out looking for more additions to the System, perhaps we should see that existing parks are receiving the support that was originally envisioned.

But today we're going to tell the Park Service that we've got another one for them? Another one that can't wait? Another site that won't be safe in the hands of those who have taken such good care of it in the first place? Where are we going to get the ranger for this one?

I won't ask, where will it end? I don't think it ever will end—not until this country is coast-to-coast parkland and only Canada and Mexico stand in the way of our fencing off the entire continent. But I must ask, when will this body start allowing its Members to do the job they were sent here to do—to represent their constituents? When will this body stop spending money we don't have, and start spending wisely the money we do have? When will we start finishing one job, before starting another?

Mr. Chairman, we can start doing these things today. We can give the Park Service a break, and let it attend to the many, many tasks already assigned to it. We can save the taxpayers some of the million-dollars-here and the million-dollars-there that seems to be adding up to real money. And most importantly, we can give the people of Kansas' Fifth District, along with their Representative the respect they deserve.

We can do all of these things by voting against H.R. 2369.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. HOAGLAND], a member of the committee.

Mr. HOAGLAND. Mr. Chairman, perhaps it is appropriate that I should follow the gentleman from Nebraska [Mr. BARRETT], my colleague, inasmuch as he and I disagreed on the Niobrara legislation as well.

Let me say, in strong support of this legislation, that my family and I visited a small tract of land in northwestern Iowa this summer called Caylor Prairie, a 160-acre tract of land owned by the Iowa Department of Natural Resources which has been preserved by the State of Iowa since the mid-1950's, when title was given to the State.

Caylor Prairie has never been plowed before and has a remarkable variety of native prairie grasses. Northeastern Iowans are really proud of this little plot of land that is preserved the way it was back before even the white man settled the Midwest. Let me tell my colleagues some of the things that are in that 160-acre plot of land.

There are natural onions and potatoes that the Indians used to eat as they lived off the land. There are various plant species they used for seasoning. There are plants used for medicinal purposes. There was even a plant called snake grass that provided fruit for the dinosaurs. It is so ancient that it dates back to the dinosaur times.

When we have an opportunity elsewhere in the Midwest to set aside, in this case, 10,900 acres that are held by a bank in conservatorship that is more than willing to sell this land to the Government, there is no question we should take advantage of it.

Let us look at what we know about the property in Kansas that we are talking about here, the Z-Bar Ranch property. In the uplands, the Z-Bar Ranch is dominated by tallgrass or true prairie species, including big bluestem, little bluestem, and Indian grass. In the lowlands there is smooth brome. The forests along the stream beds have native burr oak and hackberry. Over 400 species altogether of vascular plants are estimated to occur within the Z-Bar Ranch.

It is important to preserve this, Mr. Chairman.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the bill before Members today and urge my colleagues to defeat it. My position reflects not only careful consideration of the testimony before the Parks and Public Lands Committee in July, the strong opposition which has been expressed by the local people and their elected congressional Representative, Mr. NICHOLS, the strong opposition expressed by the administration, but most importantly the overall lack of merit for this designation.

Since I began my tenure on the Parks Subcommittee some 17 years ago, I have been aware that NPS has been looking to designate a tallgrass prairie park. In fact, major studies have been conducted by the agency since at least the 1950's in an attempt to find such a site. In the mid-1980's, this goal was almost realized when a compromise bill was developed for lands in the Osage Hills region of Oklahoma. That compromise was derailed at the last minute when environmentalists attempted to expand the 80,000-acre proposal by another 25,000 acres. When that happened, other parties to the deal realized that for environmentalists the deal that was being struck was only valid until the ink was dry. In reality, there was no end in sight for how many additional concessions environmentalists would seek over time.

Indeed this has been the past history with respect to expansion of the National Park System. Of the 50 national parks in the Park System, 68 percent have expanded one or more times in their history and 32 percent have been expanded five or more times. Every Congress passes 10 to 15 park expansion bills. Bills pass without benefit of thorough study, but because of some perceived threat, because some adjacent landowner desires to sell or because of the environmentalists eternal zeal to reach their original vision of the park.

Should the adjacent landowners to this park feel threatened? Absolutely. Should those who oppose this measure feel that their concerns have been addressed in any substantive way by the cosmetic changes to this bill? Hardly.

This particular ranch meets no one's idea of the tallgrass prairie site for the National Park Service. As the NPS has stated in writing and recently at our hearing on this bill, NPS is seeking a large area to be set aside consisting of a minimum of 30,000 to 50,000 acres. The position of the environmentalists with respect to a tallgrass prairie park is also no secret, while they support this measure, they do not see it as a substitute for the larger park. Therefore, even if Congress were to pass this measure, acquire and develop this land at a cost of millions of dollars; pressure would remain to designate a large tallgrass prairie park. That pressure will manifest itself as future expansion proposals to expand this park, create a new area just down the road, or create a new area in the next county.

I guess the bottom line here is that there is no good rationale for adding this site to the National Park System. It fulfills no one's idea of a tallgrass prairie preserve, but just happens to be a nice ranch with a couple of historic buildings which is on the market. Adding this site to the Park System is like forcing someone who wants a luxury five-passenger vehicle to transport his family to buy a two-seater economy model. As soon as the luxury model is available, he will trade in his economy model, because it is unsuitable to the task. Unfortunately, there is no trading in national parks. It amazes me to see the environmentalists who express so much outrage about the lack of funding for existing parks, go out and support every park proposal which comes along regardless of how it meets their vision.

Indeed, with the Nature Conservancy ownership of a 30,000-acre tallgrass prairie preserve just down the road in northern Oklahoma, there is a very legitimate question as to whether there is still any need for such an area in the Park System. It is unrealistic to say that we should add to the National Park System every site which is feasible or suitable. There are currently almost 3,000 natural and cultural landmarks which have been determined to be nationally significant. Because of the nature of the budget within the National Park System and within this country in general we must look for every opportunity to avoid adding sites to the Park System and look toward non-Federal avenues for protection.

I hope my colleagues will consider this issue on its merit not on the rhetoric or which special interest group sends them a letter on it. If they do they will vote with me in opposition to this measure.

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Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER] chairman of the full committee and a proponent of this measure.

Mr. MILLER of California. Mr. Chairman, I rise in strong support of legislation to establish the Flint Hills Prairie National Monument. For decades, the acquisition and protection of some significant remnant of the tallgrass prairie ecosystem has been a dream of conversationists, scientists, and historians.

When our forefathers began the great westward expansion of America, the tallgrass prairie dominated their travels. It once covered more than 400,000 square miles of North America. Today, less than 1 percent of it remains. No park system that aspires to preserve and interpret America's natural and cultural history could be considered complete without a legitimate representation of the tallgrass prairie, but sadly, that is the case today.

The nearly 11,000 acres of the Spring Hill or Z-Bar Ranch provides us with perhaps our last chance to do so. The tallgrass ecosystem there remains in excellent condition. Several buildings of undisputed integrity and and value, including the ranch house, limestone barn, and one-room schoolhouse will make great places to present the history and culture of 19th century prairie society. The private owner of the property is willing to sell, and more than three dozen Kansas organizations, including chambers of commerce, cities, and civic groups, strongly support this bill.

Critics of the bill have pointed to local opposition to the acquisition and designation. Mr. Chairman, I would make one observation in addition to the widespread local support for the bill. And that is that in the past century, this country has embarked on a mission to create national parks, wildlife refuges, wilderness areas, national forests, and other conservation areas that is the envy of the world. Each and every one of them was a fight and the victories were hard won. The national forests we now take for granted had to be created by President Teddy Roosevelt by executive order over the virulent objections of an outraged Congress. Innumerable parks and wilderness areas everyone today supports were at the time of their creation opposed by people who will always think of some reason why preserving and interpreting our natural and cultural heritage is just not important enough.

So, Mr. Chairman, I am very pleased that the Interior Committee has brought this bill before the House today. I want to commend our colleague, Representative GLICKMAN, for his leadership in breaking a decades-old impasse on tallgrass prairie preservation and urge my colleagues to support this legislation.

Mr. THOMAS of Wyoming. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Wyoming [Mr. THOMAS] has 1 minute remaining and the gentleman from Minnesota [Mr. VENTO] has 1 minute remaining.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself my remaining 1 minute.

Mr. Chairman, as has been said properly in the course of this debate, what we need to do each time one of these comes before us is to look at it in terms of public interest and the value that it has. The proposal here is to acquire 10,000 acres in the Flint Hills of Kansas.

We say what is wrong with that. Let me summarize some of the things that are wrong with that.

First of all, there is no imperative, and that needs to be one of the characteristics of land we acquire, that something is going to change it. This is not an imperative to acquire.

Two, it is not favored by the local people nor the Congressman who represents that area. Increasingly we are rolling over the local Congressman and putting it in despite his protestations.

No. 3, there is substantial land in ownership and available in the proximity. By the way, here is a brochure from the conservation group that has the 30,000 acres welcoming people on to enjoy that particular land.

No. 4, it is opposed by the administration.

Finally, we are not able or willing to fund the parks that we now have in terms of keeping up the facilities.

I urge my colleagues to vote against this proposition.

Mr. VENTO. Mr. Chairman, I yield myself my remaining 1 minute.

Mr. Chairman, in prior Congresses all members of the Kansas delegation asked for the study that I have in my hand, and I will read from the summary conclusion. It says that the Z-Bar contains significant natural and cultural resources; may be eligible for either National Landmark or National Historic Landmark designation; and is suitable and feasible as a potential addition to the National Park System.

I read further from that report, Mr. Chairman, that the study land is currently in private ownership and available for purchase. The existing boundary is of significant size and configuration to afford adequate resource protection and provides a site for visitor facilities and minimal intrusion on the landscape.

Mr. Chairman, that is what the Kansas delegation requested. They received in the study the answers, and obviously today we have a different member of the delegation, but I think that the position exhibited on the floor really is a reneging on the basic effort the purpose of the study as well as being politicized by Washington, DC Park Service staff.

The professional report stands before Members. I submit that the Nature Conservancy has purchased 30,000 acres of natural grass prairie, but they are in no way opposed to this particular designation. In fact, they have given me a letter that states that they support the purchase of public lands such as the grass prairie resources, and I include that letter at this point in the RECORD.

NATURE CONSERVANCY,
October 7, 1991.

Hon. BRUCE F. VENTO,
House Committee on Interior and Insular Affairs, Washington, DC.

DEAR CONGRESSMAN VENTO: I recently learned that The Nature Conservancy's Tallgrass Prairie Preserve in Oklahoma was a topic of discussion during the Subcommittee's markup of H.R. 2369. I am writing to address the concerns which I understand were raised, and to give you some background with regard to the Tallgrass Prairie Preserve in Oklahoma and the Conservancy's activities in Kansas.

First, we trust that our acquisition of the Tallgrass Prairie Preserve in Oklahoma is not being interpreted as either a sign of support or opposition to federal acquisition of the Z-Bar Ranch. The fact that the Conservancy acquires property using private funds should not be construed to mean that the government should not be acquiring land for conservation purposes—quite the opposite is true.

Second, I understand that it has been intimated that the Nature Conservancy could become involved—perhaps even acquire—the Z-Bar Ranch as we did with the Barnard Ranch in Oklahoma. This is to clarify that the Nature Conservancy is not contemplating acquisition of the Z-Bar Ranch.

I hope this clarifies the questions raised at the markup. If the Conservancy can be of further help to you or members of the Subcommittee, please let us know.

Best regards.

Sincerely,

———.

Mr. SMITH of Oregon. Mr. Chairman, I rise in opposition to legislation to establish the Flint Hills Prairie National Monument in Chase County, KS.

First of all, let me tell you about my experience in establishing a national monument. Last year, I worked with members of the Interior Committee to establish the Newberry National Volcanic Monument in central Oregon. We spent months working to craft a proposal that had broad-based support from a wide range of interests. When this bill finally passed the Congress, it had support not only locally, but throughout the State of Oregon.

I can tell you with all honesty, if my bill had the level of support this bill has, or lack of it, it would have never received a hearing, much less pass the Congress, and that's the way it should be. If the people of my district hadn't supported the proposal, I would have never introduced it in the first place.

So it is beyond my comprehension why we are here today establishing a national monument in Chase County, KS, that is opposed by the people of Chase County, KS. It is opposed by a majority of Chase County Commissioners, the National Park Service, and Congressman DICK NICHOLS, who represents this area. They oppose it because it is unnecessary and because invariably, the environmental organizations will push for expansion of the monument.

Then there is the issue of funding. Over the decade of the 1980's, over 100 existing National Park Service units lost ground to inflation. To a large measure, this was due to reallocation of funds to cover the costs at the newly established park area. Therefore, we shouldn't create new national monuments that will cost $6 to $8 million when the people of the area are opposed to the designation.

Like many of this side of the aisle, I have had other Members of Congress try to legislate in my district against the wishes of my constituents. So I can identify with Representative NICHOLS in that respect. We talk about deferring to the wishes of the Congressman who represents the area in question, but when dealing with land management issues, we rarely do.

But in this case, let's defer to Representative NICHOLS, the Park Service, and the people of Chase County, KS. They believe we shouldn't establish a Flint Hills National Monument.

I urge my colleagues to oppose this legislation.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section is considered as read.

The Clerk will designate section 1.

The test of section 1 is as follows:

H.R. 2369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

IN GENERAL.—In order to preserve a part of the tallgrass prairie in the Flint Hills of Kansas, to protect the area's unique environmental features, and to interpret the historic, natural, and cultural characteristics of that area; including rural farming and ranching activities, there is hereby established in the State of Kansas, the Flint Hills Prairie National Monument (hereinafter in this Act referred to as the "monument").

(b) AREA INCLUDED.—The monument shall consist of the lands, waters, and interests therein comprising approximately 10,894 acres lying along Highway 177 between Interstate 70 and the Kansas Turnpike immediately north of Strong City, Kansas, known as the Spring Hill Ranch as generally depicted on the map entitled "Boundary map, Flint Hills Prairie National Monument", numbered NM-FHP-80,000, and dated September 1991. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the monument in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes". Approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). In the administration of such monument, the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act.

(b) GENERAL MANAGEMENT PLAN.—(1) After notice and opportunity for public comment, but not later than 3 years after the acquisition of the property referred to in section 1, the Secretary shall publish a general management plan for the monument. Such plan shall include (but not limited to) provisions for—

(A) the preservation of tallgrass prairie in the monument, and

(B) the interpretation of historic, natural, and cultural characteristics, including rural farming and cattle ranching in the Flint Hills.

(2) Such plan shall be developed in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)), and shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 3. ACQUISITION OF LAND

(a) GENERAL AUTHORITY.—The Secretary may acquire lands, or interests therein, within the boundaries of the monument by donation, purchase with donated or appropriated funds, or exchange, except that no lands, or interests therein, may be acquired for purposes of the monument without the consent of the owner thereof. No condemnation or eminent domain authority is granted to the Secretary under this bill.

(b) PAYMENTS IN LIEU OF TAXES.—Units of local government in which lands acquired for purposes of the monument are located shall be eligible for payments in lieu of taxes in accordance with chapter 69 of title 31 of the United States Code.

SEC. 4. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Flint Hills National Monument

Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall advise the Secretary of Interior on matters pertaining to the development of a management plan, and the management and operation of the monument.

(b) MEMBERSHIP.—The Commission shall consist of 11 members appointed by the Secretary—

(1) 5 of whom shall be residents of Chase County, Kansas, of whom 3 shall be owners or operators of farm or ranch property within the immediate vicinity of the monument;

(2) 1 of whom shall be chosen from a list submitted by the Governor of Kansas;

(3) 3 of whom shall be elected officials of affected local governments; and

(4) 2 of whom shall be representatives of conservation organizations.

The Secretary shall make the initial appointments to the commission not later than 6 months after the date of enactment of this Act, except that the appointment made pursuant to paragraph (2) shall be made not later than 6 months after the date on which the Governor of Kansas submits the list to the Secretary.

(c) TERMS.—Members shall be appointed to the Commission for a term of 3 years. A member may serve after the expiration of his term until his successor has taken office.

(d) CHAIRPERSON; VACANCIES.—The Secretary shall designate 1 of the members of the Commission who is a permanent resident of Chase County, to serve as Chairperson. Vacancies on the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation, but the Secretary is authorized to pay expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairperson.

(e) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the Commission.

(f) TERMINATION.—The Commission shall terminate on the date which is 10 years after the date of enactment of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. NICHOLS

Mr. NICHOLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 6, after line 15, insert the following:

(b) EFFECTIVE DATE.—This section shall take affect in the fiscal year following the first fiscal year after the date of enactment of this Act in which Federal revenues are equal to or greater than Federal expenditures.

Mr. NICHOLS. Mr. Chairman, let me briefly explain the nature of my amendment which was printed in the October 9, 1991, CONGRESSIONAL RECORD and my staff has distributed.

It merely places a condition on the expenditures of funds for the enactment of this act until Congress is able to balance the budget. This is not an unrelated condition because it merely addresses the issue of spending priorities, and the establishment of this National Park should be a low priority when the National Park Service has stated its opposition to the Flint Hill Prairie Monument, is working in a deficit, and cannot maintain our current National Park System.

It does not make enactment of this bill contingent upon the passage of any other piece of legislation. It does not call for a balanced budget amendment.

Under the rules of the House, rule XVI (16), section 800 states:

> * * * an amendment to an authorization bill which conditions the expenditure of funds covered by the bill by restricting their availability during months in which there is an increase in the public debt may be germane as long as the amendment does not directly affect other provisions of law or impose contingencies predicated upon unrelated actions of Congress.

Without question the authorization of funds—Congress spending tax payers money—does have a direct effect on the Federal budget.

For this reason, Mr. Chairman, the Congress must use good judgment when we consider the use of taxpayers money, and prioritize where we spend their money. This amendment has been endorsed by Citizens Against Government Waste and the National Tax Payer's Union. Therefore, I urge my distinguished colleagues to support this amendment.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, but for the fact that this amendment would deal with the effective date, it would really have little or no relevance to this bill.

What it effectively does is say we will make a decision on this legislation to designate or set aside these 11,000 acres of tallgrass prairie, but then we will postpone almost indefinitely, nearly without conclusion until such time as the first year in which there would be a balanced budget with respect to our national budget.

□ 1440

All of us would like to see, of course, the national budget balanced. The question is whether or not this priority, the designation of this park, deserves to be the last priority that we deal with on a national basis.

Mr. Chairman, I think that this type of discussion would better take place within the context of the Budget Act and the budget resolutions that we deal with in the Congress.

The appropriateness of the discussion because it is germane does not mean it makes sense to add to this particular bill. It does not make sense. It is another way, a circuitous way, to defeat the bill without, in essence, dealing with the substance of the dark issue.

In dealing with the substance of the issues before us, we have heard a lot of misstatements in the general debate about what is being accomplished or intended.

I think the gentleman from Kansas [Mr. GLICKMAN], though, touched on the most relevant point in discussion the dollars available to the National Park Service under the LWCF, the land, water, conservation fund. Under that particular program, there are over $7 billion that have been set aside from offshore oil and gas. That $7 billion is available until appropriated, as stated in the law. Those dollars are meant to provide the opportunity to preserve resources, cultural and historic and natural resources such as this Tallgrass Prairie Monument that is being proposed before us today.

At the same time we are depleting our natural resources, the Outer Continental Shelf, oil and gas, the intent of the law is that we preserve other resources such as this proposed park, that Congress has been continually borrowing from the future, borrowing from the resources that we are supposed to set aside for this purpose, taking away from our national heritage, the heritage of all Americans, such resources, gradually even losing parts of our natural heritage.

There has been a number of suggestions that this issue can wait; there is no damage occurring to it, nor threat to damage. As a matter of fact, some portions of the tallgrass prairie, the Flint Hills area, have been cultivated, not extensively, but some have, and I think it points out that that is a possibility that such activities may irreparably damage such tallgrass prairie resource.

Here, in this case, I think really that the sponsors of this amendment and the opponents of this measure are really stretching trying to find arguments against this measure, and so if they cannot beat this issue on the merits of the resource, they are trying to conjure up problems with the budget.

In other words, the park designation is portrayed as being antagonistic toward the total national effort to balance the budget. But you are not really against the issue, and they all want to save it and preserve it, but the fact is the proponents of this amendment concerns are transparent to undercut to kill the designation and preservation of our national tallgrass prairie heritage.

We are all concerned about the budget. But the fact of the matter is that this resource deserves the opportunity to compete for funds just like all the other programs that we have within the Park Service or with our national budget.

This would defeat the purpose of the bill. It is a circuitous way to do it without addressing the major issues.

I think that if we were to add this type of amendment to every measure around here, it would be a different matter, but to select this one, this particular issue, which I think is of some import and of some significance nationally, and certainly has broad support in the body and in Kansas, and I think it is unfair and inappropriate.

I would ask the membership of the committee to defeat it.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, let me make it clear that the money comes from the land and water conservation fund that is earmarked from revenues from oil and gas drilling offshore to these kinds of projects. So if the money is not spent here, it will be spent on some other land and domestic resource projects.

But I would say to my colleague, the gentleman from Kansas [Mr. NICHOLS], that while I respect his amendment, I noticed that last week in vote No. 300, the Lehman motion to recede and concur to a Senate amendment with an amendment to provide $249.1 million for 89 highway demonstration projects throughout the country, I believe unauthorized, he as well as I vote for that amendment. Now, I did not see him arguing that we should not fund those 89 highway demonstration projects, none of which were in Kansas, by the way, because the balanced-budget amendment was in effect or because the budget was not in balance.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. GLICKMAN. If the gentleman will yield further, my point is that we all use these selectively. None of us are pure on the issue of Federal spending. Some are more pure than others, as the old expression would go.

But my gracious colleague and friend from McPherson, KS, the gentleman from Kansas [Mr. NICHOLS], did not, when he voted for nearly $250 million for 89 highway demonstration projects throughout the country, unauthorized, which I did, too, because I think the country needs those kinds of things, at that point argue that we should not fund them because the budget was not in balance, and in that case, the money comes from the General Treasury.

In this case, the money comes from the allocated funds, from the land and water conservation fund, and we are authorizing the project here. We are actually spending no money here. We have to go through the appropriations process later on. We are going through the legitimate work of the House as Members have asked us for years and years, "Do not just appropriate these moneys. Come down and talk about the projects, authorize the projects."

The other body sometimes puts projects like this in without ever authorizing them. We are authorizing the project the normal way, the effective way, and so I would urge you, if you want to vote for this kind of bill, let us look back at some of our own records and histories in voting for projects around the country that were not authorized. This is an authorized project. The money comes out of the water and land conservation fund, and I urge the amendment to be rejected.

Mr. VENTO. Reclaiming my time, Mr. Chairman, the gentleman is exactly correct in terms of the assumptions. This only gives the Tallgrass Prairie Monument if there is authorization of the Flint Hills National Monument, it would only permit it to compete for dollars before the Committee on Appropriations with other measures, and it would be part of the budget process. There is no reason to exclude it. This amendment is certainly not a solution to our budget problems.

Mr. WALKER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has again expired.

(At the request of Mr. WALKER and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, how much money is typically authorized out of the fund? I know the gentleman said there is $7 billion in the fund. But my understanding is that the Committee on Appropriations is somewhat less generous than that.

Mr. VENTO. Reclaiming my time, I am happy to respond to the gentleman from Pennsylvania.

The fund has, during the early part of the 1980's, under the previous administration, no dollars were sought or few dollars were sought in the Committee on Appropriations between the House and the Senate, and our body decided to provide a couple hundred million dollars a year.

Previous to that in the 1970's, much more was appropriated, nearly $600 million or $700 million, and in recent years, it has been about $400 to $500 million, as President Bush, of course, has sought to appropriate money from the LWCF.

Mr. WALKER. Are there more than 300 projects that draw from this fund?

Mr. VENTO. Reclaiming my time, there are a large number of projects that are authorized that are inholdings within the Park Service system, a significant number.

Mr. WALKER. Can the gentleman give me an approximate number?

Mr. VENTO. About 2 billion dollars' worth of backlog inholdings within the Park Service, not all of which are sought to be purchased, but many of these are inholdings which may not be purchased out, there is a backlog of dollars that could be or should be expended in some of these areas.

These dollars, also I would advise the gentleman, cover programs within the National Forest Service, and BLM, the Fish and Wildlife Service.

Mr. WALKER. If the gentleman will yield further, my point is this, that this one project would total, according to CBO, about 1 percent of all the moneys that the committee, that the appropriating committee, is likely to come up with, so, in other words, if there are more than 300, 400, 500 projects around the country, here is one project that would usurp all of the money that would go to some of those other projects.

So we really are making a decision not about the merits of this particular project but whether this particular project is more meritorious than virtually everything else we have passed before.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has again expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. In commenting to the gentleman, I would point out that what generally happens is we go down the road, and it is important that we appropriate the dollars in a timely fashion, because the price of many of these things goes up. As a matter of fact, of course one of the crises that developed was with Manassas National Park in Virginia.

If we wait for Flint Hills Prairie National Monument to become a crisis, as an example, we would have a significant problem.

The intent here, of course, and I think that this price is very reasonable, a willing seller and a willing buyer; and nonacrimonious acquisition would be a very prudent thing to do, and, in fact, the gentleman's amendment before us would force us to wait so that we would authorize something, and the NPS at that point may not even have a willing seller, and we may very well expend tens of millions of dollars more additional dollars under the amendment of Mr. NICHOLS.

Mr. WALKER. If the gentleman will yield further, for example, how much have we added to the backlog so far this year?

Mr. VENTO. I could find out for the gentleman. I do not have that at my fingertips.

Mr. WALKER. Is it 100 million dollars' worth?

Mr. VENTO. I do not believe so.

Mr. WALKER. Is it 50 million dollars' worth?

Mr. VENTO. I think it would be less, and I think it would be less than the $50 million level that we have authorized, in law by the House.

□ 1450

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(At the request of the Mr. WALKER, and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

Mr. VENTO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The only place, Mr. Chairman, where the gentleman's amendment is extremely relevant to this bill is if we are continuing to add to the backlog and if we are continuing to build up all these obligations of the Federal Government, it seems to me all the gentleman is saying in this amendment is that somewhere along the line we ought to insure that no money is going to be spent until we get the budget in balance.

In this particular case, what the gentleman is saying is that since we have this huge backlog and since we have all these commitments, that maybe we ought to look at the future obligations of the country in terms of a balanced budget. It seems to me that it is extremely relevant to the issue before us.

Mr. VENTO. Reclaiming my time, Mr. Chairman, I just think it would be better to deal with the issue directly. If the gentleman is against the bill, I would suggest that the gentleman vote against it, rather than trying to suggest ways to complicate the issue and to mislead in a sense the Members as to what the issue is.

The issue here is whether you want to postpone indefinitely the purchase of this tall grass prairie. If this amendment taken on its face were to be followed, we would by virtue of this amendment be multiplying the cost of the particular area tens, maybe a hundred times, based on what happens, because the price of this land would go up. You would not have a willing seller. So I just think the amendment is on its face, unworkable.

I think the goal of a balanced budget, the objective, is a noble one. Unfortunately, the effect of this amendment does not help either the establishment of this proposed park unit or the National budget. It simply I think is unworkable and unreasonable and should be rejected for that reason.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. It makes sense to me. It dismays me a little bit to hear the chairman of the subcommittee predict that this would put off acquisition of this property "indefinitely". That does not give me much good feeling about the gentleman's optimism of some day balancing the budget, but I guess that is the subject for another place.

Having served on the National Parks and Public Lands Subcommittee and having seen the voracious appetite that subcommittee has for acquisitions and expansions, perhaps the gentleman's pessimism about the ability to balance the budget in the near future is well placed.

Let me speak for a moment, Mr. Chairman, to the underlying bill. Let us look at the forces that are arrayed against this bill. The people at home do not want this bill. The Member of the House who represents the people at home does not want this bill. The National Park Service does not want this bill. The National Park Service cannot afford this bill.

At least one of the local governmental units does not want this bill.

Now, with all of that arrayed against an ordinary bill in this House of Representatives, you would not give it much chance of passage at all; but for the National Parks and Public Lands Subcommittee, no task is too hard, no hurdle is too high. So here we are today and this bill is probably going to pass and proceed to an uncertain future in the Senate and an uncertain future at the White House.

One has to ask why we do this to ourselves. Why we do this to ourselves as an institution and why we do it to an individual Member and why we do it to the people whom he represents. I really do not know what the answer to that is.

Mr. Chairman, it has been mentioned many times that the National Park Service cannot handle these piecemeal additions to its holdings, cannot handle the operation and maintenance cost. It has a $2 billion backlog on deferred maintenance and rehabilitation on the units it already owns and operates; but here we are proposing to add another burden to the budget of the National Park Service.

Now, I just want to take one moment and talk about something real small. When we get down to the point where we are dealing in a six-figure dollar amount, amounts less than $1 million, many of us cannot compute. But I want to mention a real small number, $6,000; $6,000 is the amount of money that will be lost to the Chase County School Board in property taxes if this bill passes and this land is ultimately acquired.

Now, $6,000 is not much to the Congress of the United States, but to the Chase County School Board $6,000 is a lot. $6,000 is enough money to supply the gas, oil and tires for the single school bus that this school board has for carrying children with physical and learning disabilities to a special education facility in Emporia, Kansas, near this location, every day, each school year.

Now, those Members of this House who represent rural communities perhaps with declining economies which have school boards that have to scrape for every dollar they get, you know $6,000 is a lot, and by our imperious action here today we will be taking $6,000 out of the revenue stream of this school board which they will have to replace, because by another Federal law they have to provide that transportation.

So I think that we need to think beyond what we are doing in terms of impacting the National Park Service and ask ourselves, is the impact we are having on people at home really warranted, is it something we really feel we have the right to do?

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am happy to yield to my friend, the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I thank my colleague who has roots in the State of Kansas for yielding to me.

Mr. RHODES. I certainly do, and I thank the gentleman.

Mr. GLICKMAN. His distinguished father who was here was from Council Grove, if I am not mistaken.

Mr. RHODES. Both my mother and my father were born and grew up in Council Grove.

Mr. GLICKMAN. And we have great affection for the gentleman's father. I want the gentleman to know that.

I want to say a couple things.

Mr. RHODES. Here it comes, right?

Mr. GLICKMAN. One is that any loss of taxes, the local governments are held harmless for 5 years. In our judgment, it means that for 5 years there would be no loss of taxes, and in our judgment after that time period the economic development that would take place would more than offset the loss of taxes.

For that reason, most of the county-elected folks and Chamber of Commerce people support this.

Second of all, the gentleman mentioned that the Park Service is overstrapped as it was, but I recall the gentleman, if I am not mistaken, strongly supported the Saguaro National Monument near Tucson, AZ, also viewed with affection by me because my daughter goes to school at the University of Arizona.

Mr. RHODES. I hope she is paying out of State tuition.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(At the request of Mr. GLICKMAN, and by unanimous consent, Mr. RHODES was allowed to proceed for 2 additional minutes.)

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield further?

Mr. RHODES. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I believe that Saguaro National Monument, supported I believe by the gentleman and I think it was the bill of the gentleman from Arizona [Mr. KOLBE] cost four times the cost of this particular national monument, signed by the President this last summer.

I guess what I am saying is that it is all relative. You can reach agreements and people are supportive and they do not mind burdening the Park Service, but if there is some degree of controversy people then use the Park Service and burdening them as a shield to hide behind.

Mr. RHODES. Well, Mr. Chairman, if I could reclaim my time, Saguaro is in a genuine urban area. The threat to the expansion of Saguaro from urban development is real.

Pinal County in which it is located is in fact an expanding county, is in fact an expanding urban area, so that degradation of the tax base is not nearly so serious as it is in Chase County.

I believe that the economic development that the gentleman foresees for Chase County as a result of this action is ephemeral at best.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

(By unanimous consent, Mr. RHODES was allowed to proceed for 1 additional minute.)

Mr. RHODES. I believe, Mr. Chairman, that the economic development that the gentleman forecasts for Chase County as a result of this acquisition is ephemeral at best. As we all know, Chase County has been steadily declining in population over the last two or three decades.

And finally, 5 minutes in the eyes of a rural school district with a declining population based on a declining tax base is a mere wink in time.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I just want to ask the gentleman, Does that part that was supported in Arizona fall in the gentleman's district or the other gentleman from Arizona [Mr. KOLBE]?

Mr. RHODES. It is in the district of the gentleman from Arizona [Mr. KOLBE].

Mr. DELAY. Another big difference is that these two gentlemen supported that.

Mr. RHODES. That is correct.

Mr. DELAY. And in this case, we are forcing this on a Congressman in which this whole project lies within his district and we are forcing it down his throat.

In the other case, the gentleman, supported that project.

Mr. RHODES. I thank the gentleman for his observation. It is absolutely true. The Pinal County community did support this Saguaro expansion, as did all the urban delegations.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

(At the request of Mr. ROBERTS, and by unanimous consent, Mr. RHODES was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am happy to yield to the gentleman from Kansas.

Mr. ROBERTS. Well, No. 1, Mr. Chairman, I would like to point out that the grazing fees or the revenue from the grazing fees in the original bill of the gentleman from Kansas would have gone to the local communities, but that has been changed now. In the bill we have before us, that revenue will be denied to the local communities, so his school district example is most appropriate. Now those revenues will go to the Federal Government.

Now, I am not going to get in the business that my colleague, the gentleman from Kansas, mentioned in regard to who votes for spending and who does not, except to say that if I am not Ivory Soap pure, perhaps, maybe lye soap pure in regards to these appropriation bills, and no, I did not support the demonstration projects, and I still support the Gramm-Rudman-Nichols, spending plan here. I guess I can call it that.

□ 1500

Is it not true, I would ask the gentleman, that the National Park Service went out to Colorado just this past week and had a summit meeting with numerous participants there and stated generally that they do not have the revenues to operate all of the parks under their jurisdiction, that they need more personnel, that the management of the parks is in question, and really we are entering into a debate as to what we want our National Park System to be; accessible to everybody, can we afford all this, are we going to focus on preservation or what?

There was a big summit meeting out there, and yet we are now asking to authorize yet another park. Would the gentleman care to respond to that with regard to the summit?

Mr. RHODES. Yes, the gentleman is absolutely correct in the conclusions that he just stated.

Mr. ROBERTS. I thank the gentleman for his brief but sterling statement of support.

Mr. Chairman, I would say only one other thing if the gentleman would continue to yield: My predecessor, Keith Sebelius, was the ranking Republican on the National Parks Subcommittee. He worked very hard in behalf of the Indiana dunes, worked very hard in behalf of some ground out by Death Valley, and worked very hard with the Redwood preservation, and he worked with Mr. BURTON, who never met a national park he did not like. He was like Will Rogers.

I would say from this standpoint we are in a new era here. And if the Park Service does not even know where we are headed and in fact we cannot afford this within the Park Service budget, it only makes sense to support the amendment of the gentleman.

Mr. Chairman, I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I represent a large portion of the Hudson River Valley, which is the site of many of the most famous historical sites in America. In the 24th Congressional District in New York, such monuments include the Saratoga Battlefield, and I invite all of you to come up there. It really is a historical site of which we can be proud.

My district includes the home of President Martin Van Buren in Kinderhook, NY, the Hyde Park home of Franklin Roosevelt and his wife, Eleanor, and the Hyde Park mansion of the Vanderbilt family. The home of Ulysses S. Grant, which is not even a part of the National Park Service yet, is also in the district I represent.

I mention all these historical sites to point out that there is a serious shortfall of funds available for such important monuments, not just for the new initiatives but for personnel, basic maintenance, and renovation for existing sites.

I would like to invite all of you to come up there and take a look at what is happening to the Franklin Delano Roosevelt home and what is happening to the Vanderbilt mansion; they are in a state of disrepair.

According to the Congressional Budget Office, enactment of this particular bill, H.R. 2369, will cost at least $11 million over the next few years, up to $6 million of those outlays occurring in fiscal year 1992. And as the National Park Service has stated in opposing this bill, they cannot even make allocations for renovations in the areas I have just mentioned.

This additional $11 million will further impact already-stretched budgetary resources at the expense of the 358 units of the National Park Service already in existence.

Mr. Chairman, I would like to point out that when it comes to National Monuments in my district, we are not even asking to have the money put in, because the money is not there. Yet I see bills like this one come on the floor day after day after day.

You know, we have an annual deficit this year of $350 billion that will be tacked on to $3.5 trillion of debt.

Do you know how much $350 billion is? That is bigger than the entire defense budget. Yet people here yell we are spending too much money for defense. The deficit this year is greater than the defense budget.

The annual debt service on $3.5 trillion is over $200 billion.

Where is the money coming from? I do not stand up here to grandstand this, but I am going to tell you one thing: I go back home and I take flak because I have not asked for money, additional money to be added to the Federal deficit, because the money is not there.

At the right time, in a different place, it might be the time that I could support the bill, H.R. 2369.

But we have got to get off this drunken spending spree we are on. And no wonder the American people are losing faith in this institution. Please defeat this bill and support the amendment of the gentleman from Kansas [Mr. NICHOLS].

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all let me say to the distinguished chairman of the subcommittee, after listening very carefully to his arguments in rebuttal to Mr. NICHOLS' amendment, that I suppose if we had a line item veto authority for the executive branch of the Government, be it a Republican or a Democratic administration, perhaps his amendment would not be germane.

I find it to be particularly germane. But I rise now because, as the distinguished subcommittee chairman knows, I am next in line of target, unfortunately all of us being Republican freshman Members along with the gentleman from Nebraska [Mr. BARRETT] and the gentleman from Kansas [Mr. NICHOLS] for these encroachments or intrusions into our districts.

In my case, my district already includes the Redwoods National Park, the most underutilized national park in our entire National Parks System. But now the subcommittee has marked up a bill that is nothing more than a naked land grab, a congressional taking to the tune of $900 million in terms of its budget authority, of 210,000 productive acres of timberland in my district.

Unlike the bill before us, the legislation before us, it does not include a willing seller provision.

What I am really concerned about is the precedent being created in the subcommittee—let me just focus on that for a moment. One, this subcommittee seems to be embarked on an aggressive campaign to take productive land off the tax rolls of local and State government throughout our country. This increases the pressure, the already-existing pressures which are manifold on State and local government in their delivery of services.

That is No. 1. No. 2, running through this whole debate, and I saw it in the subcommittee markup, as I think the subcommittee chairman would acknowledge, is the very dangerous presumption that the Federal Government, rather than private industry or private ownership, can do a better job of managing private property for multiple uses and multiple values, including recreation and environmental values such as biological diversity.

So the irony is not lost on me. In fact, I dare say the irony is very rich in this Chamber today that when the rest of the world, including the emerging democracies of Eastern Europe and the Soviet Union, are rushing to embrace the very freedoms that we cherish, including the right of private property ownership, our country seems to be going in just the opposite direction, two ships passing in the night.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Minnesota, the chairman of the subcommittee [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned something concerning the fact that a number of Members new to the body had had issues brought before the committee that affected them that they disagreed with. Did I understand the gentleman's statement correctly?

Mr. RIGGS. That is a concern, yes.

Mr. VENTO. Of course, there are many issues which are in disagreement, but I would hasten to point out for the gentleman that, of course, the initial instance in the matter with regard to Nebraska was brought before the subcommittee in the last Congress, in which a very senior Member was opposed to it. So the very same proposal was again considered and, I think, was expected to be considered in this Congress.

So there is no agenda, as the gentleman's remarks spoke to or as much as suggested there was.

Second, I would say this proposal before us today, there was no knowledge of the gentleman from Kansas, Mr. NICHOLS' position on the matter until the day the hearing was held with respect to it, at which time he announced his position in opposition to it.

So this gentleman from Minnesota and others had no way of knowing what the gentleman from Kansas' position would ultimately be. He was not a sponsor of the measure, but this gentleman and no one else, as far as I know, knew of what the gentleman from Kansas' position was.

So I want to assure the gentleman that whatever his theories and hypotheses are with regard to this, that there is no such agenda before the committee.

Mr. RIGGS. Well, reclaiming my time from the chairman of the subcommittee, the distinguished gentleman from Minnesota, let me point out right now that we are in the process of soliciting the views of my constituents regarding the proposed legislation which, as I mentioned earlier, was marked up in his subcommittee. We are getting, as you might imagine, an overwhelming response from our constituents indicating that they are fiercely opposed to any more congressional taking, any more Federal land grabs in the First Congressional District of California, as a response almost identical to the response, the outpouring of sentiment that Mr. NICHOLS received from his constituents.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Kansas [Mr. NICHOLS].

Mr. NICHOLS. I thank the gentleman for yielding.

Mr. Chairman, in response to the inquiry about how the gentleman from Kansas stood, not known until the day of the hearing, I had a press conference the day before the hearing. My opposition to this was announced even before that time. So it was a matter of public record at that time. I have not taken a survey, a concentrated survey, as I had mentioned; but prior to that time, even before the release and recapture of all the results of the survey, I had come out publicly in opposition primarily because the people in our district are not for taking the land off the tax rolls. They are suspicious of the role of the Federal Government. They just do not feel they want this, with the law of eminent domain working, for future land acquisition.

□ 1510

Mr. RIGGS. Reclaiming my time, Mr. Chairman, I simply want to point out to my colleagues that I have been before the subcommittee of the gentleman from Minnesota [Mr. VENTO].

The CHAIRMAN. The time of the gentleman from California [Mr. RIGGS] has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 1 additional minute.)

Mr. RIGGS. Mr. Chairman, I would just like to point out that I have been before his subcommittee, and he has been gracious to empanel me as a member of the committee to participate in those proceedings, and I did hear local opposition characterized as parochial or provincial concerns, and I just want to say that, as far as I am concerned, the response that we get from our constituents at the grassroots level is a very real gut level response, and it is a response regarding concerns of jobs and the effects that our actions are having on their immediate economic future, and their families, and their stores and communities.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would just point out that the hearing was announced long before the position of the gentleman from Kansas [Mr. NICHOLS] was known. I became aware of it the morning of the hearing, but it was not. So, I just want to lay to rest the hypotheses and theories that were being speculated here as to what the gentleman from Minnesota's agenda was, because they are incorrect.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Kansas.

Mr. NICHOLS. Mr. Chairman, I would want to mention in deference also to the arguments about the congressional budget situation that the CBO, Congressional Budget Office, estimates that enactment of this bill will result in outlays of between $4½ million and $6 million in each of fiscal years 1992 and 1993, and we do not talk about cost, but there is.

The CHAIRMAN. The time of the gentleman from California [Mr. RIGGS] has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 2 additional minutes.)

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Kansas.

Mr. NICHOLS. And then, after these 2 fiscal years, 1992 and 1993, when $4½ and $6 million would go out, another $5.3 million would go out the following several years. So, it is a costly budgetary item, and that again is where the people are concerned, in addition to this Federal land grab. We must prioritize our spending.

Mr. Chairman, I held 31 town hall meetings in Kansas in August throughout my district when I was back there during the recess work period, and over and over again I heard, again from the little people on the streets, in the farms, and remarks on the main streets, "When are we going to cut spending?"

Mr. Chairman, I thank the gentleman from California [Mr. RIGGS].

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hate to take up more of the Committee's time, but I think something needs to be said. Like the gentleman who is sitting in the chair, the gentleman from Texas [Mr. COLEMAN], I first started in the Texas Legislature and learned something very meaningful in the Texas Legislature, and it kept a comity, and a courteousness, and an espirit de corps in the legislature that anticipated any problems that we may have. That thing that I learned was: "You don't mess in another member's district. You don't mess in another member's district."

Now this institution has been coming under fire for the last few weeks, tremendous fire that has denigrated the integrity of this institution, and I think that is very unfortunate, and I have not participated in that kind of denigration. In fact, I was one of those few Members that voted against the resolution shutting down the bank because I felt like it denigrated the integrity of this institution.

I think what is important here is that we are developing an elitism in this House that is very, very dangerous, and that elitism is: we know better what is good for a Member's district than the Member himself knows.

Now the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee, mentioned that they did not even know what the position of the gentleman from Kansas was on this particular project. I ask, "Isn't that interesting? Why didn't they ask?" I mean it was totally within his district, it was totally within his district, so why did they not have the courtesy to call him on the phone and say that they tried this against the gentlewoman of Kansas last year, knowing that she was retiring, and they thought they could get away with it?

And now they are going to do it to the gentleman, now that he is a freshman Member just coming into the House. I ask, "Why didn't they even notify him or ask him what his position would be on this project?"

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, does the gentleman from Texas [Mr. DELAY] want to cite a point in which somebody said that they proposed the Niobrara legislation in the district of Virginia Smith because they thought they could get away with it? What is the gentleman's source of information for that?

Mr. DELAY. I was here.

Mr. VENTO. Is the gentleman ascribing motives to Members? If so, I would like the gentleman to specifically point out——

Mr. DELAY. Reclaiming my time, Mr. Chairman, I was here. I remember the debate and remember very graphically the debate, and I am reporting on the debate as it was presented.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, it was the gentlewoman from Nebraska, Mrs. Virginia Smith, who was in question here, not Virginia Smith of Kansas.

That was the last vote we had in that session of last year where everybody was struggling with the budget agreement, to get out of town at 2:30 in the morning. This thing came back again after we had already defeated the bill because it was on suspension. That was the very last vote of the last Congress, and we not only did it once, but we did it twice.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DELAY. Mr. Chairman, let me make my point, and then the gentleman from Minnesota [Mr. VENTO] may make his.

My point is that sometime, in some way, the two parties of this House are going to have to show a little courteousness in this House and a little bit of comity in dealing with Members, and what is happening in a Member's district. Now the gentleman's voting record has been questioned because he voted for whatever reason last week against a bill to pull out some projects of the transportation appropriation bill, and the Committee on Appropriations is a committee on which I sit, and inferring the fact that he was for that pork, but he is against this pork. Well, I think that is a really sad moment.

Now, if my colleagues believe that something ought to be put into the wilderness system, if they believe that and believe, as has been touted here today, that the LWCF, the Land and Water Conservation Fund, is a very important thing and it is going to take care of all this, then they also ought to believe that they ought to be supporting ways that this fund—we have news that this fund receives, and that is revenues from development of the Outer Continental Shelf, development of ANWR. That is where we get these funds. Yet this committee has consistently on the one hand said the LWCF is just wonderful, yet, on the other hand, we do not want any revenues for it because we are not going to allow development on the OCS, in ANWR and in other places, leading one to conclude that the way we are going to get this money, if it is appropriated—and I am going to work very hard as a member of the Committee on Appropriations to stop it from being appropriated—but if it is appropriated, it will be appropriated much in the way we appropriate highways.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 2 additional minutes.)

Mr. DELAY. Mr. Chairman, if we are going to fund it this way, then the way we are going to fund it is the way we fund highway funds, and that is through the general fund, which leads to the gentleman's amendment. The gentleman is saying, "You're messing in my district, and you ought to leave me alone because my folks don't want this. I've had a survey. My people don't want this."

The gentlelady from Kansas, Virginia Smith, also reiterated that in this debate last year. "We don't want it, but, if you're going to do it to us, don't add insult to injury and do it to us on borrowed funds. At least do it when the budget is balanced."

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman from Texas [Mr. DELAY] yielding because I think, first of all, the gentleman's suggestion that the land water conservation is running on empty, I think, is not precise. The fact is that the fund has a backlog of over $7 billion that are owed to these types of projects.

Mr. DELAY. Reclaiming my time, Mr. Chairman, I never said that it was running on empty. I am saying this committee discouraged bringing in new revenues to the LWCF because they discouraged development of OCS and ANWR.

Mr. VENTO. Does the gentleman yield further?

Mr. DELAY Mr. Chairman, I will ask the gentleman: Does the gentleman support development of OCS, and ANWR, and other areas to oil and gas development?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Minnesota.

Mr. VENTO. Yes; I do not favor opening up ANWR. I do favor using the dollars that are coming right now today in our $7 billion backlog for the purposes that they were intended.

☐ 1520

Mr. Chairman, I hope the gentleman will join me in support of the use of those dollars for what they were intended.

Mr. DELAY Mr. Speaker, I might support the gentleman on that, but I certainly will not support him to do it in another Member's district if the gentleman does not support such a project.

The CHAIRMAN. The question is on the amendment offered by the gentleman form Kansas [Mr. NICHOLS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NICHOLS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 249, not voting 31, as follows:

[Roll No. 305]

AYES—153

Allard
Archer
Armey
Baker
Ballenger
Barrett
Bateman
Bentley
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cunningham
Dannemeyer
Davis
de la Garza
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Ewing
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Hobson
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Martin
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Myers
Nichols
Nussle
Olin
Orton
Oxley
Packard
Parker
Patterson
Paxon
Petri
Pursell
Quillen
Ramstad
Regula
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Walker
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOES—249

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bereuter
Bilbray
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Foglietta
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Moody
Moran
Morella
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Ridge
Rinaldo
Ritter
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Zimmer

NOT VOTING—31

Barton
Berman
Bevill
Boxer
Brown
Callahan
Chapman
Crane
Dellums
Dymally
Feighan
Flake
Ford (MI)
Ford (TN)
Herger
Holloway
Hopkins
Lehman (FL)
Levine (CA)
Lewis (CA)
Marlenee
Mineta
Mrazek
Nagle
Owens (NY)
Owens (UT)
Porter
Roe
Slaughter (VA)
Thornton
Vucanovich

☐ 1543

The Clerk announced the following pairs:

On this vote:

Mr. Herger for, with Mr. Ford of Tennessee against.

Mrs. Vucanovich for, with Mr. Dellums against.

Messrs. SMITH of Texas, MONTGOMERY, PARKER, CONDIT, and WEBER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MCNULTY] having assumed the chair, Mr. COLEMAN of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2369) to establish the Flint Hills Prairie National Monument, pursuant to House Resolution 240, he reported the bill back to the House.

The SPEAKER pro tempore. (Mr. MCNULTY). Under the rule, the previous question is ordered.

The question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 284, nays 121, not voting 28, as follows:

[Roll No. 306]

YEAS—284

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin

Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bereuter
Bilbray
Boehlert
Bonior
Borski
Boucher
Brooks
Broomfield
Browder
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Foglietta
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Gordon
Green
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Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner

Henry
Hertel
Hoagland
Hochbrueckner
Horn
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Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
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LaRocco
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Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
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Lowey (NY)
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McMillen (MD)
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Payne (NJ)
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Pease
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Penny
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Ros-Lehtinen
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Rowland
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Scheuer
Schroeder
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Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
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Stallings
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Studds
Swett
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Weldon
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Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Zimmer

NAYS—121

Allard
Armey

Baker
Ballenger

Barrett
Bateman

Bentley
Bilirakis
Bliley
Boehner
Brewster
Bunning
Burton
Camp
Chandler
Coble
Coleman (MO)
Combest
Costello
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Franks (CT)
Gallegly
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Hall (TX)
Hammerschmidt
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Johnson (CT)
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Lowery (CA)
Martin
McCandless
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Miller (OH)
Miller (WA)
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Rhodes
Riggs
Roberts
Roe
Rogers
Rohrabacher
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Santorum
Schaefer
Schiff
Schulze
Sensenbrenner
Shuster
Skeen
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vander Jagt
Walker
Weber
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOT VOTING—28

Barton
Berman
Bevill
Boxer
Brown
Callahan
Chapman
Crane
Dellums
Dymally

Feighan
Flake
Ford (MI)
Ford (TN)
Holloway
Hopkins
Lehman (FL)
Levine (CA)
Lewis (CA)
Marlenee

Mineta
Mrazek
Owens (NY)
Owens (UT)
Porter
Slaughter (VA)
Thornton
Vucanovich

☐ 1603

The Clerk announced the following pairs:

On this vote:

Mr. FORD of Tennessee for, with Mr. LEWIS of California against.

Mr. DELLUMS for, with Mrs. VUCANOVICH against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2369, the bill just passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERSONAL EXPLANATION

Mr. MINETA. Mr. Speaker, I was unavoidably detained due to business relating to the surface transportation reauthorization, and was therefore unable to record my vote on rollcall No. 306, final passage of the bill to establish the Flint Hills Prairie National Monument. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I was ill and I was unable to come to the House floor to cast votes on rollcall Nos. 305 and 306. I regret that I was absent for these important environmental votes. Had I not been ill I would have voted "no" on rollcall No. 305 and "yes" on rollcall No. 306.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3070

Mr. GRANDY. Mr. Speaker, about a week ago my name was inadvertently, mistakenly added as a cosponsor to H.R. 3070.

Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3070.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REQUEST FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION CORRECTING ENROLLMENT OF H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. SMITH of Iowa. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 221) making corrections in the enrollment of H.R. 2608, and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2608) entitled "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1992, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections, namely:

(a) In title I, under the heading "Department of Justice, Office of Justice Programs, Justice Assistance", at the end of the third paragraph, after the phrase "authorized by section 281 of Part D of title II of said Act", insert the following: ": *Provided*, That of the $76,000,000 appropriated herein, $4,000,000 shall be derived from deobligated funds previously awarded under part B and subparts I and II of part C of title II of said Act".

(b) In title I, under the heading "Federal Communications Commission, Salaries and Expenses", strike the words "total obligations", and insert "necessary expenses".

(c) In title IV, under the heading "Legal Services Corporation, Payment to the Legal

Services Corporation", after the phrase "at which such Institutes", insert ", primarily for the Corporation's grantee employees,".

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. WALKER. Mr. Speaker, reserving the right to object, if we dispense with the reading, are we going to get an explanation of what this concurrent resolution does?

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, we will provide an explanation; whatever the gentleman wants.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, just for a question, I understand there are going to be three concurrent resolutions? Is that correct?

Mr. SMITH of Iowa. If the gentleman will yield further, no. The technical changes are all in one resolution. There are three items in one resolution.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Iowa?

Mr. ROGERS. Mr. Speaker, reserving the right to object, I will not object, but under this reservation, I would yield to the gentleman from Iowa for the purposes of explaining the concurrent resolution.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, there are three technical changes here. I might say, all are consistent with the explanations in the joint explanatory statement accompanying the conference report on the bill.

One of these changes concerns inserting a provision which would take money out of unobligated balances in the Justice Department instead of providing new budget—obligational—authority. This is what was clearly intended by the conferees and the outlays were scored that way. But when the conference report was written, this provision was inadvertently omitted.

The second provision concerns the FCC. When the President's budget was sent to Congress for the FCC, a portion of it was to come from fees, but in the conference report, the conferees funded the FCC entirely from new budget authority and not from fees. Therefore, the conference report should have included the words, "necessary expenses" instead of "total obligations." This change does not increase budget authority or outlays.

The third change clarifies that when we referred in the conference report to a certain grant under the Legal Services Corporation, to whether or not a university had conducted National Trial Advocacy Institutes in 4 out of 5 years, it did not mean mere training sessions. This change does not increase either budget authority or outlays.

Mr. ROGERS. Further reserving the right to object, Mr. Speaker, may I inquire of the gentleman, on the three changes, one of the juvenile justice portion of the Justice Department appropriations bill, as I understand it, the conferees assumed in the conference report that of the $76 million for fiscal 1992 that $4 million of that would be available from current balances, from last year?

Mr. SMITH of Iowa. Right.

Mr. ROGERS. But the bill language was inadvertently omitted that allowed that to be done? Is that correct?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield further, that is correct. We intended to take these funds out of unobligated balances, not out of new budget authority.

Mr. ROGERS. Further reserving the right to object, Mr. Speaker, on the second one, the FCC change, your resolution substitutes the words "necessary expenses" in place of the bill language "total obligations"?

Mr. SMITH of Iowa. That is correct.

Mr. ROGERS. Further reserving the right to object, without that change, the FCC could not expend the $1.2 million from carryover funds in order to make them whole in the next-year budget?

Mr. SMITH of Iowa. That is correct.

Mr. ROGERS. Further reserving the right to object, the third one, the Legal Services change, is intended to reflect in the bill language the conferees' intent, as expressed in the conference report, in order for the Legal Services Corporation to be able to give preference to an experienced university when they give the money out for the training sessions for Legal Services advocates? Is that correct essentially?

Mr. SMITH of Iowa. That is true; making sure that it is clear we are talking about institutes, not mere training sessions.

Mr. ROGERS. Further reserving the right to object, Mr. Speaker, as the gentleman from Iowa [Mr. SMITH], the chairman of the subcommittee, has stated, these changes are corrections which are necessary for the proper enrollment of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial requests of the gentleman from Iowa?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to explain that the first two changes appear to me to be technical changes in reviewing it, and I do not have a problem with those two changes.

The third change, however, does appear to be more than a technical change. It is a substantive change that would have the effect of changing rules, procedures, and ultimately would direct the moneys toward one particular university under the formula.

☐ 1610

That it seems to me goes beyond what would typically be considered a technical change, and so I would have some problems with that. If we could limit the concurrent resolution to the two subject matters that are really technical changes, then I would have no problem with the resolution. I would have a problem with it if it includes that third item.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield.

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I hear the gentleman's explanation; however, in the case of the third item pertaining to the Legal Services Corporation, I do not think it makes any legal difference whatever. Somebody says the change is necessary to make it clear that training sessions are not included. The conferees intended a university that has held institutes; we are not including universities that have held training sessions. The proposed language just clarifies for the Legal Services Corporation that they will proceed the way we intended them to proceed.

Mr. WALKER. Well, as I understand, it substantially narrows the scope of universities that would be eligible for the moneys, and therefore basically would make the moneys available only to one university under this amendment. That in fact is something which would have the effect of being a substantive change in the program, and in my opinion goes well beyond the nature of what is typically a technical change.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. Surely, I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. It is clear in the report, Mr. Speaker, as I know the gentleman always reads the reports, that we did not intend to include mere training sessions, but somebody thinks it would make it clear if we just included these two or three words.

Mr. WALKER. Well, I understand what the gentleman is saying to me. On the other hand, there is language that we are dealing with that needs to be amended. There needs to be some things done in the regular methodology, rather than referring to those things as a technical change. In my view, this particular matter goes well beyond what one would regard as a mere technical change to the bill.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding to me.

These changes have, by the way, been approved by the OMB downtown. They have been OK'ed by our leadership, both on the House level on the minority side as well as by the ranking member on the Appropriations Committee, and certainly by me.

I think the language would be very, very useful, because with the few dollars we have in our bill for legal services and the few dollars that are available for training purposes, those dollars ought to be used by the most efficient method that we have, and that is by the most experienced in training grantee employees, and that is what this language essentially does.

Mr. WALKER. Well, Mr. Speaker, I understand that, but it also means that there is no competition for the money. No one is going to take a look to figure out whether or not they can offer a better program. The money is going to be singularly devoted to one university as a result of this language. That goes beyond the scope of what my understanding is of what good procedure probably should be.

As I say, in this particular case, since we are calling it a technical change, it goes beyond the scope of what we ought to be doing in a resolution designed for technical changes only.

If the committee wants to modify this at some point, that is another matter, but in this particular case it does go well beyond what this gentleman would regard as a mere technical change.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Kentucky.

Mr. ROGERS. As I understand it, Mr. Speaker, this language would not necessarily dictate one particular school.

Mr. WALKER. It effectively would.

Mr. ROGERS. The language as I read it does not dictate any particular school.

Mr. WALKER. No, the gentleman is right. There is no university named in this section. My understanding is, though, it has been very carefully drawn to ensure that only one university would be eligible, so the effective nature of the language is that it would do that.

As I say, I do not have a problem with the first two portions of the request of the two gentlemen, and I would like to have them go ahead with those maybe in another form, but I would object to this third item being in it.

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman objects, he is within his rights.

The SPEAKER pro tempore (Mr. McNULTY). Objection is heard.

WHAT DOES THE CRIME BILL ACCOMPLISH?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, very soon now this body will be faced again for the fourth or fifth consecutive term, I believe, with the debate on the comprehensive crime bill that has been offered in four different terms of Congress and by two Presidents of the United States.

Now, what does this crime bill, which we again will debate and which will bring out the emotions of the Members, contain that is so difficult to contemplate and becomes so difficult for the Congress to pass and which can do a great deal to curb the rise of crime in our country.

First of all, what does the bill do and what does the opposition to it really want to accomplish?

The bill if it will be passed, as we who are on the Judiciary Committee on the minority, as it were, if it were passed we would like to see it passed, it would call for reform of the exclusionary rule.

Now, when we tell the American public that we would like to reform the exclusionary rule, it may not be very clear, but what we are after is the following scene. We see time and again, and so do the American people, examples of criminals caught red-handed in the perpetration of a robbery or a burglary or a drug transaction of one sort or another enter the court and then in front of the judge his lawyer makes a motion having to do with the exclusionary rule to throw out the evidence because something went wrong with the search and seizure, that the warrant did not have the proper comma in the proper place or some other technicality.

And what is the result? The judge too often for our own good throws out the case on that technicality, saying that under the law on that technicality, saying that under the law the exclusionary rule says that evidence must be throw out if the police did not have the authority in a search warrant, for instance, to look for certain articles that they found in the course of their investigation.

Now, is that not silly? The American people know it is silly to have a search warrant that says we are going to go in and bust and find drugs, we believe, say the police, and then all of a sudden when they enter the premises where they find no drugs or they find drugs, but at the same time they find a cache of weapons, let us say machine guns and other kinds of deadly weapons, swooping those up in the evidence and bringing them into court the judge would have to throw that case out in some cases because of a technicality that the search warrant did not contemplate finding those machine guns or the police did not know, did not have an inkling that they might find these illegal weapons.

What we are seeking is to codify, to put into the law a good-faith exception to that exclusionary rule, meaning that if the police, the law enforcement agents whom we trust to keep the domestic security of our country, if they in good faith burst into a place armed with a search warrant for a certain type of criminal enterprise, that if they find evidence of another criminal enterprise, in good faith they stumbled on it, shall we say, they ought to be permitted to present that evidence and not have it excluded under the exclusionary rule when they finally bring that culprit to justice.

□ 1620

We want to reform the exclusionary rule. Is that so tough to take?

Yet term after term the opposition, the liberal-bent side of the Committee on the Judiciary and on the floor of the House fight the reforms, the modest reforms we seek, which by the way, Mr. Speaker, reforms which have been adjudicated and adopted by two circuits of the judicial system, the Federal judicial system in our country.

So it is not as if some courts have not already looked at it and have seen that when law enforcement officers, in good faith, obtain evidence of a crime, that they ought to be able to use it even if they did not have the authority originally to seek out and to obtain such evidence.

On the death penalty, Mr. Speaker, which gives me a great deal of chagrin, over the years, to observe the following: The President of the United States, Ronald Reagan, during his time pressed for and we accommodated his protection of a comprehensive death penalty bill that would restore of the Federal jurisdictions that type of penalty which is appropriate for treason, for espionage, and for murder committed in the first degree. We want to restore that kind of comprehensive death penalty.

What has happened is that many on the other side swoop to the defense of the criminal to try to keep him from receiving the death penalty.

Here is a man who has murdered in cold blood, who has bodies strewn all over the street because of his acts, and they want to defend him by saying that the jury should not have the opportunity, the option to inflict the death penalty.

We are going to redebate these in the next few days. I want the American people to know in advance that we are serious about adopting, at least, a comprehensive crime package.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3371, OMNIBUS CRIME CONTROL ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–253) on the resolution (H. Res. 247) providing for the consideration of the bill (H.R. 3371) to control and prevent crime, which was referred to the House Calendar and ordered to be printed.

CHANGED CRITERIA FOR USE OF THE MEMBERS' AMBULANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. I thank the Speaker.

Mr. Speaker, even as we speak, the following letter is being delivered to the Speaker of the House, the Honorable THOMAS FOLEY, the gentleman from Washington; to the House minority leader, the gentleman from Illinois [Mr. MICHEL]; the House majority leader, the gentleman from Missouri [Mr. GEPHARDT]; and the House minority whip, the gentleman from Georgia [Mr. GINGRICH]. Mr. Speaker, this letter is on the subject of ambulances and perks. It says this:

OCTOBER 15, 1991.

Hon. THOMAS FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER, one of the most criticized instances of special privilege reported by the media has been the "stand-by ambulance" for members only. In its "inhumanity," i.e., "Staffer Dies of Heart Attack as Members' Ambulance Stands Unused Across Street," Roll Call, Oct. 14, 1991. This is the 2nd news report within as many weeks of an injured person being ignored by the ambulance and this instance, a fall down the Capitol steps, literally was in view of the ambulance. There can be no defense for this perk.

We must not ever turn away the humanitarian use of the ambulance whether for a staffer or a visitor. However, I suggest that a system of mutual assistance be worked out, in conjunction with the District of Columbia, that when the Congressional ambulance is in use, D.C. immediately dispatch one of theirs to stand by until the Congressional ambulance returns. Many volunteer fire departments in Maryland operate all of their services (fire and ambulance) in this manner, and it works well. (In fact such back up of the volunteer fire departments recently prevented my husband's store from being totally destroyed.)

This demand certainly can be justified because the Capitol is one of the busiest areas in the city of Washington—many days tantamount to a major parade because of the numbers of groups which target the Congress lobbying special interest legislation. The District of Columbia not only has received increased funding this year, but the fact that the Capitol is the major attraction in the city—that our visitors also are staying at local hotels and contributing mightily to the tax base of the city—that they deserve good emergency services—should be able to be defended.

Having read the Roll Call story, it seems also that a better system for emergency calls should be set up rather than just depending upon the Attending Physician's Office for referral either to the use of the ambulance or for treatment of the injured or ailing person. Surely that is a job for the Capitol police and I would hope they would have the authority to summon the ambulance and/or the physician as needed. In the same vein, I hope that all Capitol police have received emergency medical training—and if not—this training be considered in the near future.

I appreciate your attention to this critical matter.

Sincerely,
HELEN DELICH BENTLEY,
Member of Congress.

Mr. Speaker, I have asked our leadership to give this critical matter their prompt attention.

CZECHOSLOVAKIA SEEKS PEACE AND PROGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to commend President Vaclav Havel and the people of the Czech and Slovak Federal Republic for their efforts over the past 2 years to establish democracy and to work toward economic renewal.

Although this nation still faces tremendous challenges, at least the legacy of the Soviet invasion of 1968 may now pass into history. Twenty-three years have gone by since the "Day of Shame,"—August 21, 1968—when 500,000 Soviet troops overran Czechoslovakia to snuff out the "Prague Spring" reform movement.

Under the leadership of Mr. Havel, who was reelected to the Presidency in June 1990, Czechoslovakia is continuing to move toward a market economy. Last spring his nation's Federal Assembly approved two key privatization bills as well as new rules for foreign investors.

I applaud these moves, and I also want to praise last week's decision by the Czech leadership to cancel its proposed sale of tanks to Syria. The Government acted in a gesture of support for international efforts to end the violence in the Middle East. This decision will help the people of Czechoslovakia advance the cause of world peace.

UNEMPLOYMENT COMPENSATION AND OUR ECONOMY IN GENERAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I would like to take this time to talk about the issue of unemployment compensation and also about our economy in general, because as someone pointed out to me today, we hear a lot about the budget deficit and whether or not the Bush administration is responsible for a budget deficit, a budget deficit which, I might add, is just about tripled in the last 12 years since President Reagan was first inaugurated. But there is a budget deficit. But there is another deficit they do not want you to know about, Mr. Speaker, and that is the jobs deficit. Because there is a budget deficit and, yes, there is a jobs deficit. Indeed, there are less jobs today than there were when President Bush took office; 300,000 jobs less.

Yes, Mr. Speaker, workers are being laid off each business day. USA Today reported, for instance, that 2,200 workers are being laid off each business day, and that 8.4 million Americans are unemployed.

How many other many millions are out there and have given up the search for work?

Two million Americans have exhausted their unemployment benefits during the first 7 months of this year. I think it is significant to note, because there is an assumption that all Americans, if they are unemployed, receive that pink slip, that all Americans will receive unemployment benefits. That is incorrect. Indeed, we are at the lowest point in this Nation in anyone's memory, a historic low of only 38 percent of the unemployed actually receiving benefits.

I think we need to look at the job-creation record or, perhaps better said, the job-deficit record of the Bush administration.

In 1988, President Bush promised to create 30 million jobs in 8 years, and he derided the Democratic Party's platform in concerns about the record of Mr. Bush and his party. He derided Governor Dukakis' statement when President Bush said, and I quote, "Dukakis claims that we are turning into a Nation of hamburger-flippers. I see a different America." I close the quote. But because of the President and his party's policies, it is the same America, but with more hamburger-flippers. Since, according to the Bureau of Labor Statistics, the total service jobs increased 5.8 percent while President Bush has been President, while the number of quality manufacturing jobs decreased by 1.5 percent.

There are 300,000 fewer jobs today than when George Bush became President of the United States; 300,000, not 30 million more, not even on the road to 30 million; 300,000 less.

This is the worst economic growth of any President since World War II; 0.6 percent, six-tenths of 1 percent growth. The only President, I might add, with an average annual growth national product of below 1 percent.

□ 1630

Mr. Speaker, I fear that the Bush record is going to look even worse in a few months when the gross national product, GNP, data revision, which has been made public, is adopted because then the President's economic growth record will fall from six-tenths of 1 percent to four-tenths of 1 percent, and since President Bush's first quarter in office the economy for any quarter has not grown at more than 2 percent annual rate, and yet the administration is assuming that the economy will grow at least at a 3½ percent rate in every quarter of 1992. That flies in the face of the reality we have seen.

My colleagues, this is not partisan rhetoric. Mr. Speaker, these are facts. These are facts about the economy of our Nation. It is a dull, listless economy and stagnant. The people know, the public knows, the business person knows, that this economy is not what it should be. It is not growing, and it is not vibrant.

Happily though we will be out on the floor of this House in just a few days with the highway bill, which is one area that we can be making a public investment, for the first time investing in our economy, investing in growth, doing something that will put up jobs, will put up to two million people to work, that will produce new tax revenues and will help the economy to spend. Mr. Speaker, anybody can tell you, a business person can tell you, a homeowner can tell you, that the way you build is that you invest, and you have to lay money out to get money back, and that is what this highway bill will do.

There are other infrastructure bills that need to be done, but that is a subject for another day. The fact of the matter is that this economy is not growing, and it is bumping along. The recovery that we were promised in the spring, the recovery that we were promised in the summer, the recovery that we heard about in as recently as August, when the President said that the recession is over; that recovery is simply not here, and indeed most economists are projecting the same kind of listless progress that we have seen in the past months, and they see that for a long time to come.

Once again the job deficit: Where are the 30 million new jobs? I will tell my colleagues where a bunch of them are. They are standing in the unemployment lines. They are wondering where those new jobs were. They would be happy to have their old job. That is right, just a job they had. But unfortunately that is not the case.

And so what is the response? Well, the response is to talk about capital gains for the rich, and the response is to talk about all the other proven, the proven, incentives that probably only helped get us to the situation we are in.

I think that it is also important to note the administration's response to the unemployment compensation bill, which the President vetoed for the second time last week. My colleagues probably may have missed that in all the uproar over the confirmation proceedings. But, yes, that bill was vetoed by the President, and, when he vetoed that bill, he vetoed extending unemployment benefits for millions of Americans, up to 20 weeks, as long as 20 weeks. He did say that he supported another bill, a Republican alternative, one that has been proposed in the other body, and in that bill he said that is kind of bill that we need.

Well, Mr. Speaker, let us take a look at exactly what that bill would do for America's workers because in reality it does not do very, very much. First of all I think, for instance, in the case of my State of West Virginia, which unfortunately is right now bumping along with fairly high unemployment, the Democratic bill that the President vetoed would have provided up to 20 weeks of benefits for individuals who had exhausted their benefits. That is they had already run through the first 26 weeks, and in the case of West Virginia what the Democratic bill would have; for this column, individuals who have exhausted benefits. The Democratic bill would have provided up to 20 weeks of additional benefits. The Republican bill, no weeks. That is right; no weeks. I am saying, "You exhausted your benefits, you're a working family, you're out there every day busting, trying to find work, going out and doing those interviews. You going to get any help? No, no, not at all. But support capital gains for the rich. That will help you."

Then for those individuals who are going to exhaust their benefits in the upcoming months: The Democratic bill would have provided 20 weeks of extended unemployment benefits. That is beyond the 26 weeks that they are presently receiving. The Republican bill would have provided 6 weeks of benefits. In the case of my State, once again a good example, the Democratic bill provided 20 additional weeks of benefits for the 7,442 individuals who have already exhausted benefits and would have provided an additional 14 weeks of benefits for the 13,715 individuals that are estimated to lose their benefits in the next 10 months.

So, Mr. Speaker, you can see, I think, a clear difference, and, if you go through State, after State, after State, you will find the same type results. In almost every instance, with only just a few exceptions, every State significantly lost because of the bill that the President said that he preferred.

Now I think it is important to talk for just a second about what these benefits are. Are we talking about welfare? Are we talking about a handout? Are we talking about aiding those who do not work? Are we talking about in some way discouraging people from working? We are talking about preserving working American families, families that have been working, families that want to work, families that are trying to work, and families that are going to work again. But they are in their rough time now. They have received their pink slip, and they are out of work for the time being. The present law provides for 26 weeks of unemployment benefits, and then up until July many of these families were receiving an additional 13 weeks of benefits in areas of high unemployment.

Now so that we understand what these benefits are once again, these benefits are the kind of benefits that help a working family stay a working family. Because they help them to make that mortgage payment. They help them to make that car payment or that truck payment. They help them to make out that tuition payment in August so that someone's child can stay in college, can go to the university, or to the college, or the State school, or the private school, private university or college, and so these are the benefits that helps them, keeps them where they are so that they can continue to be a taxpayer and so that they can continue to search for work.

Mr. Speaker, I resent those who would somehow suggest that these are welfare, and that remark has been made on this floor, or that there is somehow a giveaway program. These are benefits going to millions of Americans who paid taxes all their working lives and have been the backbone of this Government, who have paid taxes all their lives and who are going to pay taxes for a lot more of their lives, and right now they have reached a low point, a low point in their employment career.

Now it is interesting, the Soviet Union. We hear that we must preserve the Soviet Union's infrastructure, and the President is going to be asking, I believe, for resources to do that, to help the Soviet Union make it through the winter because it is going from one tough time in coming out of the many years of communism, and through a tough winter, and hopefully to emerge over here to another type of system, a system closer to what we know. So, help the Soviet Union.

I happen to think that it is probably a worthwhile investment for this country, given the billions of dollars that we spend on arms to protect ourselves against the Soviet Union.

Then we heard that the Kurds must be helped, and I do not think there are too many people that looked into the faces of those families and would have denied that help.

And so we heard that the Bangladesh flood victims must be helped, and so we hear that others must be helped. But all of them must be helped to make a transition from a shock that has hit them, that has rocked them body and soul, until they get back on their feet again. Fine. Let them be helped.

What happened to the American worker? What happened to one of those families, the millions of families, that have lost their jobs? Where are they in all of this? Why is it they cannot be helped?

They get 26 weeks. Is it too much to ask that they get an additional 13 to 20 weeks of extended unemployment benefits while they are going through the roughest time that they have ever had?

The greatest fear I have in my personal life, now that I have been blessed with a family, is unemployment such that I cannot pay my bills, and particularly such that I cannot have health insurance and some of the other things that are so important. What is it like to go home every night, to look at your family in the face and to know that there is nothing coming in while you are doing everything you can that society asks you to do, and so I think it is just crucial that these points be made.

□ 1640

So this is not incidental. The unemployment compensation bill is not a growth factor in the sense of what gets this society moving. The highway bill that will be up in just a few days is part of a growth package. But this is part of a package that is necessary to keep American working families together, to keep them viable, to permit them to go out and find work, to permit them to meet those kinds of what I call vital family investments that are necessary, particularly paying for the higher education of their children. Those are the types of investments I am talking about.

So while we talk about a lot of different things and we hear a lot of talk about the budget deficit, it is important to remember the Bush jobs deficit—300,000 jobs less today than when President George Bush raised his hand out here on the steps just a couple of years ago. Where are those jobs, those 300,000 less jobs? Where have they gone? At least if we do not have a policy that helps people keep their jobs, then at least we should give them the benefits necessary so they can keep struggling and go on and get another job, incidentally a job that is very likely, regrettably, to be paying less, because that is another part of these economic policies we have heard so much about, because for the first time we are seeing a decline of income, and indeed we are seeing, both in the manufacturing wage and other areas, that the average American working family today is making less in real dollars, adjusted for inflation, than it was in 1980.

So that is another part of this equation, the jobs deficit. It is something that we are seeing, and I am afraid we are going to see more of it. So that is why all this hocus pocus I have heard out here from our colleagues on the other side of the aisle, all of this, with people saying that they want a growth package inserted, a growth package which gives capital gains to the rich, that is great. That is all we need to do, give one more untargeted tax incentive to them. We have seen the upper income ranks grow in leaps and bounds. We have seen that percentage as part of total income shoot up. Yes, they are paying more taxes than they did before, but that is because their income went up so much higher. Yet at the same time we are seeing the average working family's income actually decline.

So when we talk about the economy, there is a budget deficit that has to be dealt with. President Bush needs to be held accountable on the jobs deficit as well.

Mr. Speaker, I see my colleague, the gentleman from California [Mr. FAZIO], chairman of the Democratic Congressional Campaign Committee and vice chairman of the caucus, has come in, and I would be happy to yield to him for any remarks he might wish to make. I might say also that this is the gentleman who was the instigator of this special order, and I appreciate all he has done to make it possible.

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. Speaker, I would like to thank my colleague, the gentleman from West Virginia [Mr. WISE] for beginning this special order, and I wish to associate myself with the remarks he has made up to this point.

I want to address the American people tonight on a very important issue, one that the President and our friends on the other side of the aisle seem not to want to talk about, and that is the President's veto of the unemployment insurance bill. At a time when 2,000 workers a day are being laid off by American businesses, when almost 9 million people are out of work, and with an economy that has 300,000 fewer jobs today than it did when President Bush took office, the President last Friday vetoed a measure to provide relief to the worst victims of this recession.

I want to take this time to give the American people the facts on the Democratic bill that the President vetoed, and I also want to provide some facts on the inadequate alternative that has been offered as some part of a solution in lieu of his signing the bill that he just vetoed. The issue goes to the core of the President's inability to provide a real economic program for this country.

How have we gotten to this point? Last July the Democrats in Congress passed an extension of the unemployment benefits bill and sent it to the President. The President cynically signed the bill, but then he blocked the benefits from going into effect. So the Democrats in Congress sent him another bill, and just last Friday, as Clarence Thomas took the stand and the headlines, the President chose to veto the unemployment bill in the media equivalent of the dead of the night. Now Congress is faced with the necessity of trying to enact these crisis benefits over the President's veto.

The Republicans, having heard the American people's overwhelming support for this measure, have recognized that they have to offer an alternative proposal if they are to sustain the President's position.

My remarks are an effort to document the shortcomings of the legislation being offered by my friends across the aisle. I would like to begin with my own State of California. California is the largest State in the Nation, and it has been badly hurt by unemployment. Our unemployment rate has been running higher than the national average for many months now, and yet 17 of my 19 Republican colleagues from California have voted against S. 1722, which is the bill I am here to advocate today. And our junior Republican Senator has joined them in that context.

Let us look at what distinguishes these two bills. The Republican bill which is currently being advocated by the minority leadership in this body, as well as in the other body, would provide zero benefits, no benefits to individuals who have already exhausted their benefits at this point, and only 6 weeks' benefits to those individuals who are expected to exhaust their benefits in the next couple of weeks. Our bill, on the other hand, not only provides 13 weeks, more than double the amount offered by the Republican alternative, for those who will lose their jobs and will become eligible for unemployment insurance benefits, but also retroactively reaches back with up to 13 weeks for people who have already exhausted their benefits, who have been victims of this recession over an extended period of time.

We are not talking about a few people, of course, in this State, which has over 10 percent of the population of this country; we are talking about a sizable number of people. Two hundred fifteen thousand, eight hundred sixty-nine individuals who have already exhausted their benefits would become eligible for these 13 additional weeks. Seven additional weeks of benefits would be available to 408,018 individuals who are likely to exhaust their benefits in the next 10 months.

These are not political games that we are playing here. This is not some effort, as has been indicated by our Republican colleagues, to somehow embarrass the President. This is not a debate over simply how we are going to pay for these extended benefits. This is really a benefit package that we offer that meets the need. It is not an effort to somehow squeeze under available revenues that the Republicans have identified and on which, I might add, they in my view are taking a totally inadequate approach in the funding of their bill. For example, they offer the auctioning of broadcast spectra at a point when the country is in recession, when we will get little, I am sure, from a very slack market of people who might be interested in bidding in this auction of broadcast spectra. It is a penny-wise and pound-foolish way to fund part of their inadequate package.

But beyond that, we are talking about people, the lives of individuals, as my colleague, the gentleman from West Virginia [Mr. WISE], has mentioned, who are directly affected by this legislation—many more people, thousands more, hundreds of thousands more who need this legislation that we hope we can enact into law when the Senate takes up this matter.

Let me go on to another major State in our Nation which has also been ravaged by this recession, the State of Florida. Florida, of course, one of the fastest-growing States if not the fastest-growing major State in the 50 States, has also been badly affected by this recession.

□ 1650

Under the Republican bill, very similar to California, no individual who has exhausted his or her benefits would be in a position to retroactively become eligible.

In the case of those who will exhaust their benefits, who will run out because they are currently unemployed and are using their available benefits, 6 weeks. That is all the Republicans can offer. Our bill provides 13 weeks for those who have already exhausted their benefits, and 15 weeks for those who are about to and will over the next 10 months.

Let us look at the numbers again. For those 13 weeks of retroactive coverage, 65,000 people in the State of Florida who have already exhausted them would get benefits. An additional 8½ weeks of benefits would go to people who have already qualified for unemployment and will be running out of their existing benefit package; 133,651 people who will likely exhaust those benefits will be receiving them under this particular legislation, an additional increment of 8½ weeks over what the Republicans are willing to offer.

Let us take a look at another of the major States in this country who have obviously been suffering greatly. Michigan, of course, with the tremendous problem of unemployment, a long and hard to reverse economic decline, has the benefit of 20 weeks from the Democratic bill, both in retroactive coverage and prospective coverage. The Republicans offer no weeks of retroactive coverage, and only 6 weeks of new coverage.

For so many individuals who are having a very difficult time maintaining their homes, paying the bills that they have to pay for their children's education, continuing to provide for additional health care costs, all the things that we can normally handle out of our monthly paycheck but which are denied us when we are forced to undergo an extensive period of unemployment.

There are 75,000 Michigan residents who have already exhausted benefits, will get nothing under the Republican bill, but will get 20 weeks of coverage under the Democratic alternative. We are talking about 134,000 people who will qualify for not 6 weeks, but 20 weeks, an additional 14 weeks under this legislation.

Yet there are still Members of the Republican delegation in the House of Representatives who have chosen not to support this bill but have chosen to support the unfortunate alternative that the Republicans have put together. Just as in the case of Florida, where a number of our Republican colleagues have been unable to see the benefits to their State, we have even in Michigan, a State as badly hit as any, colleagues who have been unwilling to see the reality, the needs of their constituents.

In Pennsylvania, where we again have a very serious unemployment problem, we have 144,000 individuals who are likely to exhaust their unemployment benefits, who will be given only 6 weeks by the Republicans, an additional 8 weeks by the Democrats. But, most importantly, in Pennsylvania, where we have some basic industries that have been suffering for many, many months, there is absolutely no retroactive coverage for the people of Pennsylvania who have lost their benefits. There is 13 weeks of retroactive coverage for those who have exhausted their benefits in Pennsylvania under the Democratic alternative, which three Members of the Republican delegation from Pennsylvania have still been unwilling to support.

They talk about their concern. We heard a lot about the word "concern" for the unemployed. We are not getting the kind of attention that we think these people deserve in real terms, in real dollars in their pockets, in a way that will help the recovery in the hometowns of these individuals who are unemployed.

The gentleman from West Virginia [Mr. WISE] has spoken to us about West Virginia. I am not going to take any further time to talk about that. It is a pretty clear distinction in that State as well.

In fact, what is very hard to explain to the American people is that under the legislation offered by the Democratic Members in this body and supported by Members of the other body who are in the majority, there are only three States that benefit more under the Republican plan than under the Democratic plan. Even when there are States with relatively low levels of unemployment, the Democratic bill reaches back and is of more assistance to the people in those States who have been long-term victims of unemployment.

So I would at this point be inclined to include in the RECORD all of the States, this kind of data which has been made available in detail, so that all Members of this body can take a closer look at how these two bills impact the unemployed, both the long-term unemployed and those who are about to run out of benefits over the next 10 months.

ALABAMA

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	13	13

The Democratic bill provides:

Thirteen additional weeks for the 15,815 individuals who have already exhausted benefits and, 7 additional weeks of benefits for the 31,092 individuals likely to exhaust their benefits in the next 10 months.

ARKANSAS

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	13	13

The Democratic bill provides:

Thirteen additional weeks for the 11,496 individuals who have already exhausted benefits and, 7 additional weeks of benefits for the 21,218 individuals likely to exhaust their benefits in the next 10 months.

DELAWARE

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 27,100 individuals who have already exhausted benefits and, 1 additional week of benefits for the 4,613 individuals likely to exhaust their benefits in the next 10 months.

GEORGIA

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 44,466 individuals who have already exhausted benefits and, 1 additional week of benefits for the 88,597 individuals likely to exhaust their benefits in the next 10 months.

IDAHO

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 5,626 individuals who have already exhausted benefits and, 1 additional week of benefits for the 8,527 individuals likely to exhaust their benefits in the next 10 months.

ILLINOIS

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 64,289 individuals who have already exhausted benefits and, 1 additional week of benefits for the 128,363 individuals likely to exhaust their benefits in the next 10 months.

INDIANA

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 20,319 individuals who have already exhausted benefits and, 1 additional week of benefits for the 34,800 individuals likely to exhaust their benefits in the next 10 months.

IOWA

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

One additional week for the 15,027 individuals likely to exhaust their benefits in the next 10 months.

KENTUCKY

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	13	13

The Democratic bill provides:

Thirteen additional weeks for the 14,393 individuals who have already exhausted benefits and, 7 additional weeks of benefits for the 28,249 individuals likely to exhaust their benefits in the next 10 months.

LOUISIANA

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	12

The Democratic bill provides:

Seven additional weeks for the 10,866 individuals who have already exhausted benefits and, 6.3 additional weeks of benefits for the 21,560 individuals likely to exhaust their benefits in the next 10 months.

MAINE

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	10
Democratic bill (S. 1722)	20	12

The Democratic bill provides:

Ten additional weeks for the 13,889 individuals who have already exhausted benefits and, 2.5 additional weeks of benefits for the 24,350 individuals likely to exhaust their benefits in the next 10 months.

MARYLAND

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 25,627 individuals who have already exhausted benefits and, 1 additional week of benefits for the 54,679 individuals likely to exhaust their benefits in the next 10 months.

MASSACHUSETTS

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	10	10
Democratic bill (S. 1722)	20	20

The Democratic bill provides:

Ten additional weeks for the 60,041 individuals who have already exhausted benefits and, 10 additional weeks of benefits for the 115,825 individuals likely to exhaust their benefits in the next 10 months.

MISSISSIPPI

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	16
Democratic bill (S. 1722)	20	20

The Democratic bill provides:

Twenty additional weeks for the 10,756 individuals who have already exhausted benefits and, 14 additional weeks of benefits for the 20,050 individuals likely to exhaust their benefits in the next 10 months.

MISSOURI

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 27,580 individuals who have already exhausted benefits and, 1 additional week of benefits for the 51,588 individuals likely to exhaust their benefits in the next 10 months.

MONTANA

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	13	8

The Democratic bill provides:

Thirteen additional weeks for the 3,535 individuals who have already exhausted benefits and, 1.7 additional weeks of benefits for the 5,123 individuals likely to exhaust their benefits in the next 10 months.

NEW HAMPSHIRE

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	13	10

The Democratic bill provides:

Thirteen additional weeks for the 705 individuals who have already exhausted benefits and, 3.7 additional weeks of benefits for the 44 individuals likely to exhaust their benefits in the next 10 months.

NEW MEXICO

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	13	13

The Democratic bill provides:

Thirteen additional weeks for the 4,569 individuals who have already exhausted benefits and, 7 additional weeks of benefits for the 9,176 individuals likely to exhaust their benefits in the next 10 months.

NEW YORK

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	13	10

The Democratic bill provides:

Thirteen additional weeks for the 137,938 individuals who have already exhausted benefits and, 4.4 additional weeks of benefits for the 275,128 individuals likely to exhaust their benefits in the next 10 months.

OHIO

OHIO

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 48,275 individuals who have already exhausted benefits and, 1 additional week of benefits for the 96,047 individuals likely to exhaust their benefits in the next 10 months.

OKLAHOMA

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 12,287 individuals who have already exhausted benefits and, 1 additional week of benefits for the 16,348 individuals likely to exhaust their benefits in the next 10 months.

OREGON

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 17,871 individuals who have already exhausted benefits and, 1 additional week of benefits for the 34,095 individuals likely to exhaust their benefits in the next 10 months.

RHODE ISLAND

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	10	10
Democratic bill (S. 1722)	20	20

The Democratic bill provides:

Ten additional weeks for the 13,953 individuals who have already exhausted benefits and, 9.2 additional weeks of benefits for the 26,300 individuals likely to exhaust their benefits in the next 10 months.

SOUTH CAROLINA

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 15,414 individuals who have already exhausted benefits and, 1 additional week of benefits for the 29,777 individuals likely to exhaust their benefits in the next 10 months.

TENNESSEE

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 31,801 individuals who have already exhausted benefits and, 1 additional week of benefits for the 59,026 individuals likely to exhaust their benefits in the next 10 months.

TEXAS

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 68,755 individuals who have already exhausted benefits and, 1 additional week of benefits for the 131,401 individuals likely to exhaust their benefits in the next 10 months.

VERMONT

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	13	8

The Democratic bill provides:

Thirteen additional weeks for the 2,671 individuals who have already exhausted benefits and, 1.7 additional weeks of benefits for the 6,518 individuals likely to exhaust their benefits in the next 10 months.

WASHINGTON

[In weeks]

	Individuals who have exhausted benefits	Individuals who will exhaust benefits
Republican bill	0	6
Democratic bill (S. 1722)	7	7

The Democratic bill provides:

Seven additional weeks for the 25,804 individuals who have already exhausted benefits and, 1 additional week of benefits for the 48,045 individuals likely to exhaust their benefits in the next 10 months.

Mr. WISE. Mr. Speaker, I would just think those statistics are very, very important, and would ask unanimous consent that they be included in the RECORD.

Mr. Speaker, the gentleman from California [Mr. FAZIO] has made a very important point also as he went through this State by State. There are only three States that will actually be better off under the Republican alternative. So it is quite clear that the Democratic alternative, which the President has vetoed essentially for the second time now, the Democratic alternative is the one that meets the needs of each State in a much more demonstrable way.

As the gentleman talked I was thinking that the attitude toward unemployment compensation, toward the unemployment problem, is, as the gentleman said, is to show concern, to evince concern, to weep and wail, but do nothing.

That, in many ways, is just like the economic problem. They go closely on the same track, which is to talk about all the things that the Republican Party talks about, all the things it wants to do, yet the proof is 300,000 jobs less today than when George Bush raised his hand to take the oath of office.

Mr. FAZIO. Could the gentleman from West Virginia [Mr. WISE] enlighten us as to what the President promised us in the last campaign as to how many jobs he would create?

Mr. WISE. We should be well on our way, if this promise were being met, to 30 million new jobs during the Bush administration. As I say, we are now 300,000 jobs less than when he started. This is the worst growth record of any post-World War II President.

At the same time, they are salivating. They are down at the White House right now drooling at the opportunity to build the economies of Eastern Europe, particularly that of the Soviet Union. These are all very laudable goals. But they will not turn their attention here, where this economy is rocking and bumping along.

It is interesting, following the Desert Storm operation, now following the collapse of communism in the Soviet Union, if you had a guessing game and said there is a nation where there is a job deficit, there is negative growth in the economy, where the infrastructure, I believe it is 40 percent of the roads are in some need of repair, where almost in some States 50 percent of the bridges are in some way substandard, and no major airport has been started under construction since 1972, save one right now, and air traffic control is hopelessly clogged, which nation is it? You would rush to say it is Poland, it is the Soviet Union, it is Iraq after all of the desolation there. But it is the United States of America.

Mr. FAZIO. I appreciate the points of the gentleman from West Virginia [Mr. WISE]. I particularly want to repeat the fact that this is the first President who at this point, and we are almost in his fourth year, has created no new jobs in net terms. Not only has he seen the job market decline by 300,000 jobs, he is the first President who may complete 4 years in office without having created hundreds of thousands, and in some cases millions, of jobs in the first several years of his administration.

This is an unprecedented situation the President has put this country in. Yet, at the moment he just wants to talk positively about the direction that he thinks the economy is going in, putting aside the problems of these unemployed Americans.

Only 30 percent of the people in this country who are unemployed actually receive any unemployment benefits today. That is a historic low. So not only do we have a historic low in terms of a President creating jobs, we have a historic high in regard to the number of people who have been victimized, who have not been able to find employment, but who are now eligible for even the minimal benefits that allow them to keep body, soul, and family together.

I am particularly frustrated by the fact that there seems to be so little interest in the fact that 2,200 people are being laid off each business day in this country. They are adding to the lists of these people who will soon be eligible for unemployment, and if things do not improve soon, soon will be eligible for no further benefits.

Mr. WISE. Mr. Speaker, the gentleman from California [Mr. FAZIO] is making an interesting point. It is 5 o'clock right now by the clock of the U.S. House of Representatives. That means that in this country as 5 o'clock rolls around, the traditional quitting time, 2,200 people in this country are getting their pink slips or have just received a pink slip to take home to their families.

☐ 1700

What they can look forward to is 26 basic weeks of unemployment benefits, no hope of getting anything additional from the President, if they are not fortunate enough to find work, and an economy where jobs are ceasing to expand.

Referring back to the campaign for just a minute, the campaign of 1988, I think what a lot of Americans heard very clearly was when George Bush the candidate promised no new taxes. I do not think we heard in the background the apparent promise of no new jobs.

I wonder what the feeling and response would be to that today?

Mr. FAZIO. I think this is a President who clearly stood up to his opponent in the last election and wanted to distinguish himself on the job creation issue. I think it might have been late in the campaign when it was beginning to tighten up, and he felt that he needed to speak to the people in this country who are interested in economic growth and the creation of jobs.

So he said that he wanted to create 30 million jobs in 8 years, and he derided his opponent who he said claimed that we were turning this country into a Nation of hamburger flippers. He said he saw a different America.

What we have seen is a Nation that is not even preserving the hamburger flippers. It is not even able to maintain the level of employment that we had at that time.

The total number of service jobs has increased since George Bush became President, while the number of quality manufacturing jobs has decreased by a significant amount—5.8 percent increase in hamburger flipper jobs, and yet a reduction of better paying quality manufacturing jobs of 1½ percent.

Job creation was four times as fast during the Carter years as it has been under the George Bush years. And this is, of course, something that most people will find hard to believe. They have been somehow brainwashed into thinking the economy was not moving forward during that 4-year span of time. But certainly in comparison to the period we have been through with this President, Jimmy Carter created a much larger number of jobs.

Mr. WISE. Does the gentleman remember, too, the refrain that I think candidate Reagan and then-President Reagan used successfully, "Are you better off 4 years later?" This is a refrain I hope that people are going to be asking President Bush as he turns back into candidate Bush. Are we better off?

The poor, hapless Jimmy Carter, blamed for so much, yet created 4 times the number of jobs, 4 times the rate of George Bush. And we do not see any change in that coming.

Jimmy Carter, whether or not one agreed or disagreed with him, he would come to the well of this House during his State of the Union message and put something on the table to move this country forward. What President Bush has put forward is rhetoric.

We have the education President, the environmental President. I notice we are not referring to ourselves recently as "the jobs President," but we are all kinds of things. But we did not come to put it forth.

Mr. FAZIO. Mr. Speaker, I would just put this in context. Compared to all other Presidents who had served in the post-World War II era, President Bush has the worst record on economic growth. We have seen only a 0.6 percent growth in the gross national product in those periods that he has been President. He is the only President with a record of annual growth below 1 percent; and it looks to me, as we continue to see the economic data come in through the rest of this year, it will probably mean that the average growth in this country during the various quarters since he has been President will be less than one-half of 1 percent.

This is almost a standstill economy.

Mr. WISE. I might add a little irony, I just heard on the news where Assistant Secretary of Defense Atwood is going to the Soviet Union to help them plan to make their transition from a defense economy, defense-oriented economy to a peacetime economy. He is going to be working with them to show them how to restructure their factories to go from making tools of war to engines of peace. Whatever that may be, I just find it interesting once again, a lot of effort being expended in other places. We have a lot of factories here that are shutting down and could use some of that assistance.

We have been joined by one of our more active colleagues on the floor, the gentleman from Florida, LARRY SMITH. I would ask the gentleman if there is anything he would like to contribute?

Mr. SMITH of Florida. Mr. Speaker, if the gentleman would yield, I wanted to come over and join in this discussion because I think, in addition to the time that we have spent minimally on the floor with this particular issue, there are other issues that need to be examined as to the reason why the whole of the debate still does not focus on the President and his lack of a domestic agenda for really putting America back to work and beginning to achieve the greatness that obviously he and everyone else in this country want to achieve.

The President's main engine for change, the main economic catalyst, as enunciated by him, his economic advisers, his chief of staff, and all the others, and the gentleman from California knows this well, as well as the gentleman from West Virginia, has been to reduce the capital gains tax. That has been his chief instrument.

In fact, to the point of Chinese water torture, we have been subjected to the cry from the Republicans that this is the thing that will bring the economy to an enormous new high.

If I am not mistaken, back in 1981, neither the gentleman from West Virginia nor I were here, but the gentleman from California was here. We cut taxes on everybody. We certainly cut taxes on the wealthy.

Immediately after that the gentleman will remember, because the gentleman's memory is not only institutional but it also happens to be secular and parochial in terms of California, the former Governor of California, who was then the President, screaming for this great tax rupture for the rich presided over what was then one of the biggest recessions we have had in many a year.

The years 1982 and 1983 saw some of the highest unemployment rates this country had had in many a year, and it took a number of Democratic proposals to bring this country back, to move it forward. Now in 1988, Mr. Bush runs as a man who wants to help the economy. And he wins. He becomes the President of the United States. And the economy starts to slow down. And slows down and slows down and slows down to the point where we go into a recession.

Not once during that period of time did we get a long-term economic proposal for the future of this country. The gentleman in the well knows that all we got was tax cuts for the wealthy, which created the recession that we were in last time. And it took the Democrats, by moving on the front of changing the tax policy, to try and move us out of it. This is where we are right now.

The gentleman has kindly put up a chart. While I cannot go through it all, I have just two figures here. In my own State of Florida 65,346 people less will be benefited by what the President proposes to do than what the Democrats have proposed to do. And at least $1,244 less in benefits will be paid under the Republican proposal than under the Democratic proposal, benefits which the gentleman in the well knows have already been paid for by the employers and the employees, sitting in a special Unemployment Compensation Trust Fund waiting for the very kind of recession we have today.

Knowing this, the President has refused to act. Knowing the pain, knowing the hurt, knowing the number of Americans out of work, he has refused to act—insisting instead, as both gentleman well know and the whole country well knows, that the recession is over. His economic adviser, Chairman of the Economic Advisory Council, the head of the Federal Reserve, all of his economic advisers have been saying for months, "The recession is over."

Well, the gentleman in the well can tell me, but I can also tell him, every single businessman and working person in my district that I have spoken to, including a very respected head of a bank that I saw on the plane today—a bank which is not in trouble, which is doing well, which has plenty of assets; it certainly is within the law as defined by all the regulations. It is doing very well. He is a very bright man. He said, "This is the worst thing I have seen in years. Not only is this recession not over, it is not even close to being at the bottom."

□ 1710

That is what they all say.

If the gentleman in the well would even humor me, tell me, how is it that all of those people, all of those incredibly intelligent people, Mr. Greenspan and all the other economic advisers, Mr. Boskin and all of the other people working for the President and the President himself come before us or hold press conferences and tell us the recession is over, but there are 9 million Americans out of work, and every single one that we encounter, whether a businessman, a professional, or a common laborer in our own districts tell us this is the worst thing they have ever seen and are scared about losing their job? I do not know what to think anymore, and I do not think the American public knows what to think. Maybe the gentleman in the well can help.

Mr. FAZIO. If the gentleman from West Virginia will yield, I would simply point out that the information we gleaned over the weekend from corporate leaders meeting at the Homestead discussing, as they do annually, the state of the economy was a very negative report. These are gentlemen who have seen the facts that, for example, as recently as August, factory orders in this country were down 9 percent. They do not see an end to this recession, and the public agrees with them. I think recent opinion polls taken in late September by Republican pollsters found that 60 percent of the public favors expanding Federal unemployment compensation benefits, because almost that many, well over 50 percent of them, think the worst of the recession is yet to come. They think that we are not at the bottom yet, and some who think we may be there do not see us coming up from the bottom for a long time.

Together I think we can conclude from all of this data that we have the old-fashioned rosy scenario coming out of the White House, a look at the real world with rose-colored glasses so that they can avoid any responsibility for their mistreatment of the unemployed people of Florida, California, and West Virginia. This is the only way one can rationalize not signing this bill that the Democrats have sent to the President now on several occasions. It is the only way to rationalize supporting such an inadequate alternative, which is what they are currently doing at this time.

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield?

Mr. WISE. Certainly, I yield to the gentleman from Florida.

Mr. SMITH of Florida. I think the gentleman in the well has hit a significant point. But let me offer another rational explanation.

Neither the gentleman from West Virginia, nor the gentleman from California, nor myself believe, honestly feels that the President does not care about these people. He is an American, he is the President of the United States. He must care about all of these unemployed people.

But is it not rational to think that because he has painted himself in a corner with all of these statements about the recession being over, that he cannot sign this bill because he will not admit that there is an emergency, that the emergency has to be declared before the benefits can trigger, and he will not declare that because politically it would be admitting that he has either been given to himself, which he is, and then talking about false information from others, or that he has been telling people something that is not so? It is that not a rational explanation why these benefits for 9 percent unemployed, higher than the national average, are being denied their benefits, because the President will not politically damage himself by admitting there is an emergency? Perhaps the gentleman in the well has some thoughts.

Mr. FAZIO. If the gentleman will yield, I can only conclude that the President is stubbornly refusing to face the facts, that he perhaps feels that if he somehow admits that the country is in economic decline, that somehow it will get worse.

It seems to me what we are advocating is honesty, forthrightness with the American people to recognize the dilemma we face and do something about it. I think it would be a mistake for people to conclude that these benefits flowing out into the communities where these people live do not help the recovery. These benefits have been contributed by the employer and the employee not just to help them through the tough times, but to help stimulate the economy in these pockets of economic decline and unemployment that need this sort of attention.

What do we do instead of using the trust fund that has been created, that these workers have contributed to and expected to benefit from? We talked about it a minute ago. We go to a flawed way of funding this that frankly is not even pay-as-you-go, does not even comport with the budget act, because the revenues that are to be derived from the auction of this broadcast spectrum or the savings in the student loan program do not even accrue for a while down the road. So it is a hokey approach. It is put together so that they can say that they have an alternative. The alternative is not only flawed on the face of it, in terms of what benefits it provides, but it is a flawed vehicle in terms of raising the revenues.

We have a system in place. The President has chosen not to use it, and he chooses not to do so, it seems to me, because he refuses to admit that the country that he is governing and has governed for almost 3 years now is in a terrible economic decline.

I just want to put in perspective, and then I will yield back to my friend from West Virginia, that the middle-class share of total income fell during the 20 years from 1970 to 1990 from 52.7 percent in 1970 to 49.5 percent in 1990, and a lot of that decline occurred in recent years. People who are currently unemployed in the middle class, and this is a white-collar recession in many ways, are contributing to that decline in real income.

Of course, most of us here in Washington know the President is not interested in the country knowing that the reason that piece of the pie has been taken away from the middle class is because it has been shifted to the wealthy who have seen their share go from 43.3 percent to 46.6 percent in the same 20-year period. That is not only the accumulated effect of tax cuts for the rich and tax increases for the rest, but it is the result of a recession and an unwillingness to put money back into the hands of middle-class people in this country.

Mr. WISE. And I think that is an important consideration because the American worker, whether at work or at home hoping to be working again, has a right to ask what is it that is being proposed. And so we ask where is the President's growth package? And as the gentleman from Florida [Mr. SMITH] has so aptly observed of the President's growth package, it is a mantra. I do not know whether they meditate on it or what, but it is capital gains cut, capital gains cut, capital gains cut. And it is an untargeted capital gains cut.

We are talking about if there are going to be tax incentives, making them targeted tax incentives to accomplish a specific end. If you want a capital gains cut, how about giving it to the middle class, working people and eliminate it entirely for the upper income, the rich people who have taken such great advantage of it.

We are talking about building. How about a highway bill? Happily the Democratic Party is going to have a highway bill out here, one that is a far greater one than the President has proposed a few short months ago. That goes to the infrastructure. We need to get airports built, we need sewers, water systems. Japan spends more in absolute dollars today, with half the population and half the gross national product, than the United States of America does in infrastructure. That is why they are eating our lunch in several areas.

And middle-income tax relief. The President talks about tax relief. Once again, as the gentleman from Florida says, the President talks about capital gains. We are talking about middle-income tax relief that puts dollars into the pockets of the American worker.

And research and development initiatives, education. Do not just tell me you are the education President; come out there. And yes, there are some points to the President's education package that are meritorious. But I do not think people are as concerned about having the right to choose the school that they will go to as having good schools to choose from, and knowing that their school in their neighborhood is going to be a good school.

So these are all things that need to be brought out.

We are going to hear over the next month from our colleagues, I am sure, a swirl of statistics on this floor trying to keep the drumbeat rolling, that all is going well, and what the American people I hope will keep asking, and what we need to keep pushing is how many jobs have you created. There is a job deficit in this country today, 300,000 fewer jobs than when you started, and you proposed 30 million.

Mr. FAZIO. If the gentleman will yield for just a second, I really think it is important that we emphasize the breadth of the Democratic Party's approach to this problem. We are not simply saying that you solve the recession by providing additional unemployment benefits to people, extend them for those who have run out of them. That is a minimum way of dealing with people who are in desperate need, who need to be given the insurance that they have helped pay for through their contributions during their working years. But it goes far beyond that. If we want to create jobs, we have to repair not only the infrastructure, but we have got to reinvest in the resources that are human, the children of our society who are not coming to school prepared to learn and are not being given the opportunity to learn there because it is our human resources that ultimately in the information age are going to make the distinction between an economy that is growing and producing jobs and an economy that is stagnating, as has been the case for the last 3 years.

□ 1720

So this bill is only part of that program that the Democrats offer. It is only one way of showing where our concern is. It is for 800,000 people who benefit under the bill that we have offered versus the bill that is being pursued by our Republican colleagues, the so-called Dole bill.

It is really those people that we are advocating today against the alternative Republican bill which they are telling us we should now pass, because this President has vetoed our last best effort.

I am still hopeful that we can find the votes to override that veto in the other body.

I think that people who take a fresh look at this, compare on a State-by-State basis, the distinction between these two bills, will very quickly come to the conclusion that this is one they have to separate themselves from the President on.

I appreciate the gentleman's comments.

Mr. WISE. Reclaiming my time, I just want to observe that the title of the bill that the gentleman referred to, I think what this party can do, and hopefully what this House will do in voting to override the President's veto is vote to keep American workers off the dole.

Mr. SMITH of Florida. I think we ought to take it a step further. It is not just the 800,000-plus who will be benefited under our bill who will get nothing under the President's bill.

The gentleman alluded before to the fact that this is not just for the people who are unemployed. It is for the families and the communities. The ripple effect of unemployment, high in a given city, in a given area, and, frankly, I hate to say this, but the gentleman from West Virginia will know very well, because of the unemployment rate and the problems in his own home State what I am talking about, the ripple effect is enormous.

There are towns in this country today where Main Street is deserted, not because the shopkeepers were thrown out of business by their employers. They were self-employed. They are out of business because their customers lost their jobs. There is no money in those towns to pay for the sundry shop, the grocery store, the pharmacy, the travel agency, the mom-and-pop shops that are all the other middle-class folks. These are not wealthy people who can hold off in a recession by turning to their huge pot of savings or by manufacturing more widgets and selling them somewhere, although in today's market you probably could not sell them anywhere, and you certainly cannot sell them overseas, because nobody wants to open their markets to us as much as we open it to them.

But Main Street is dying, and as the ripple effect of high unemployment, Pennsylvania, Michigan, California, Florida, Texas, you name the State, this is all over the country, and what bothers Americans is that somehow the President does not really seem to understand or know or care.

What we are attempting to do will treat only the symptoms. People will not have to lose their houses. How many banks are in trouble in this country already? Suppose they have to start foreclosing on workers' homes who have just lost their job through no fault of their own? They are already holding much more than they can. More banks will be threatened with going out of business, taking in real estate from workers who may have worked for 20 years, and now, because they were in middle-class jobs and they may have educated one or two of their children through college, which is darn expensive, and they may have paid a wedding for their child, they do not have much money. They did not have a big pot of savings.

Do we want them to lose their house if they have been working all their lives for that one thing? They had the piece of the American dream, and now they are going to lose it.

We cannot allow that to happen.

If the President does not want to sign this bill, take that veto back, and he will not, we owe an obligation to Americans to override that. I believe we can do it in this body. I hope the other body wakes up to the needs of this country and begins to understand that this is a major issue for right now, for today.

The gentleman said it is not long term. These are problems we need to address today, and I thank the gentleman for taking this special order in order to be able to allow some of us to make hopefully more people understand why we should override this veto.

Mr. WISE. Mr. Speaker, I also want to thank the gentleman from California [Mr. FAZIO], who was the instigator of this and the organizer and put together the informational materials State by State, and I greatly appreciate his contribution.

I yield to the gentleman from California [Mr. FAZIO] for any remarks he might wish to make.

Mr. FAZIO. Mr. Speaker, I appreciate my friend yielding me these closing minutes.

We are in this not just to deal with these individuals who are struggling today, and there are so many of them, many more who have exhausted their benefits even in some States and are anticipated to exhaust them in the next 10 months. I mean, it is a rolling economic decline in some regions of the country.

But I think it is really important for us to focus on the fact that even if you use the very optimistic projections that this administration uses for the growth of the economy, 3.5 percent between now and 1996, that we are going to see a very slow recovery.

This is not a recession that is going to be creating jobs. We are not going to get to our prerecession employment levels for another 5 years in this country. This is a recession where extended unemployment benefits are not only being highlighted for the short term but may be absolutely essential over the next several years.

We are going to have a difficult time coming back from this one. Every economist tells us that we are struggling along the bottom, the flatland. We are not going to get the kind of GNP growth that is going to produce the jobs that will make it possible for some of these people around the country to be able to hold on to their homes or to put their kids through school. They are going to need the help of this Government and their States when that is possible.

Mr. SMITH of Florida. Would the gentleman consider this a defining issue between the Democrats and Republicans and between Democrats and the President of the United States?

Mr. FAZIO. I could not think of a better issue to define the real level, not just of concern, because the President says he is concerned, but a real willingness to put priorities in place, to say that in fact the lives of these Americans are just as important as those overseas that we have declared emergencies in order to assist, that the lives of these Americans and their families are too important to be given the back of our hand here in Washington, that their futures are not so unimportant that we can just hope for the best and assume that the recovery will come, when we know that every economic indicator tells us that we have a long way to go.

We are absolutely convinced that this Democratic bill which has been vetoed twice now by the President is the key to defining who the Democrats are in 1992.

If this President is not overridden in the Senate, we will be back fighting once again in a new way to place another opportunity before him to show more than concern.

Mr. WISE. I thank the gentleman from Florida and I thank the gentleman from California.

Ms. SLAUGHTER of New York. Mr. Speaker, over a million Americans are currently unemployed and have exhausted their unemployment benefits. It is these Americans who have the most at stake in whether the Congress has the courage to override the veto of S. 1722, which would reform the current system of extended unemployment benefits.

For these Americans, the end of their benefits has been more than an emergency, it has been a catastrophe. As they scrape for funds to keep food in their children's mouths or to pay the heat bills as the weather grows colder, they see no hope for the future—only the loss of their homes, the end of their dreams of a secure future. And they must be wondering what this Congress is doing to help them.

If any of them have been listening to the debate on the House floor over the past week, They must be especially confused. They've heard claims made for a new bill—one which the President would sign—allowing benefits to flow immediately. They must wonder why Congress would not acquiesce and allow them to receive these benefits.

The truth is that for the vast majority of workers who have lost their benefits, this alternative bill is a cruel hoax. Under its provisions, fewer than 20 percent of those who have already exhausted their benefits would receive anything. Under the bill's restrictive "reach back" provisions, workers in only six States would qualify.

In my home State, New York, none of the 137,938 workers who still have not found a job, but whose benefits have expired, would receive any relief under this bill. None.

This is why it is essential to override the President's veto: to provide relief to these 137,938 New Yorkers and the more than 1 million other workers in similar straits across the Nation.

In contrast to the administration-backed bill, S. 1722 would give assistance to over 80 percent of those who have exhausted their benefits. In New York, the vetoed bill would provide an additional 13 weeks of benefits, allowing these displaced workers more time to find suitable and secure employment.

Mr. Speaker, our current system of extended unemployment benefits fails to provide the basic safety net our workers expect, deserve, and have received in the past. In August, fewer than 3 percent of those exhausting regular benefits were eligible for extended benefits. This is in stark contrast to past recessions in 1975, 1980, and 1982 when in the comparable month of those downturns an average of more than 82 percent of those exhausting regular benefits received extended benefits.

The bill the President vetoed will repair the safety net and return hope to more than a million American families. For their sake it is essential to override the veto. I urge my colleagues to join me in voting to override.

GENERAL LEAVE

Mr. WISE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CAPITAL PUNISHMENT NOT AN EFFECTIVE DETERRENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. COX], is recognized for 5 minutes.

Mr. COX of Illinois. Mr. Speaker, "Deterrence" is defined as "the inhibiting effect of sanctions on the criminal activity of people other than the sanctioned offender." Proponents of capital punishment often say that this is the main reason they support the use of the death penalty—that it is the strongest and most effective deterrent to serious crime.

This would seem to make sense. It seems fairly logical that the threat of death—one of the most horrible of punishments—would effectively inhibit a potential criminal from committing murder or other serious crimes. It would seem that you cannot get any tougher on crime and that implementing the death penalty is necessary to keep our society as safe as possible.

First of all, this logic is based on one main, incorrect assumption: That those who commit serious crimes do so after rationally calculating the consequences of their actions. Study after study has shown that this simply is not true. Murders are most often committed in moments of passion when extreme emotion overcomes reason. They are often committed while under the influence of drugs or alcohol or in a moment of panic when a person is caught committing another crime. Furthermore, some people who commit serious crimes are mentally ill. The fear of the death penalty is not a deterrent in any of these cases.

Mr. Speaker, a prison psychiatrist in Japan questioned 145 convicted murderers. He asked them whether or not they thought about the possibility of being sentenced to death before or at the time they committed their crimes. Every one of them said "no." According to the doctor, even though they had been aware of the existence of the death penalty, they were incapable of being inhibited by the thought of capital punishment because of their impulsiveness and their inability to live except in the present.

A British doctor, after working in the Prison Medical Service for 35 years, stated:

> Deterrence is by no means the simple affair that some people think. A high proportion of murderers are so tensed up at the time of their crime as to be impervious to the consequences to themselves.

Gabriel Tarde, the great 19th-century pioneer of criminology, originally favored the death penalty describing it as—

> The most logical, most concise, and even the most humane solution to the penal problem in so far as social monsters are concerned.

He later changed his mind, however, when, as director of the bureau of statistics in the department of justice in Paris—

> He found virtually no relationship between rates of criminal activity and the severity of punishment.

Offenders who do plan out their crime in a calculated manner most often proceed despite the risks because they believe they won't be caught. The key to deterrence in those cases is to increase the likelihood of detection, arrest, and conviction, not to implement a supposedly stronger or harsher punishment. Amnesty International has stated that they feel the death penalty may in fact be counterproductive in that—

> It diverts attention from efforts needed to bring about real improvements in combatting crime.

Second, Mr. Speaker, the deterrence argument used by supporters of capital punishment is not based on facts. If the death penalty did in fact deter potential offenders more effectively than other punishments, we should expect to find, in studies of comparable States and countries, that those who use the death penalty for a certain crime should have a lower rate of occurrence for that crime. Similarly, we should expect a rise in the crime rate in a State after it abolishes the death penalty and a decline in the crime rate after it implements the death penalty. Yet study after study has failed to establish any such link between the death penalty and crime rates.

The United Kingdom Royal Commission on Capital Punishment performed a study of jurisdictions which had abolished or ceased using the death penalty for murder. They studied seven European countries, New Zealand, and individual States within Australia and the United States. They concluded:

> There is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate or that its reintroduction has led to a fall.

The United Nations requested a report of the effects of removing various offenses from the list of capital crimes. The report stated:

> Such a removal has, in fact, never been followed by a notable rise in the incidence of the crime no longer punishable by death.

A second report, prepared in 1988, stated:

> The fact that all the evidence continues to point in the same direction is persuasive a priori evidence that countries need not fear sudden and serious changes in the curve of crime if they reduce their reliance upon the death penalty.

Third, Mr. Speaker, some research has even suggested that executions may temporarily result in more homicides. Two U.S. researchers studied monthly homicide rates in the State of New York between 1907 and 1963 using a wide range of controls. They found that—

> There had been, on average, two additional homicides in the month immediately after an execution.

They suggested that this momentary rise in homicides might be due to a "brutalizing effect of executions, similar to the effect of other violent events such as publicized suicides, mass murders, and assassinations." The same results were found in a monthly analysis of executions and murders in Chicago.

Over the last 15 years States which have and use the death penalty have continued to have extremely high murder rates while those without the death penalty have continued to have some of the lowest murder rates in the country. In 1979 John Spenkelink was executed in Florida. During the 14-day period following his execution the homicides in north Florida rose 16 percent. There was not even a short-term deterrent when the publicity of the implementation of the death penalty was most obvious.

In conclusion, I admit that these studies are not perfect. Methodological weaknesses are inherent in all such studies. But the fact that no clear evidence can be found that the death penalty inhibits criminal activity proves that it is not a uniquely effective deterrent as supporters of capital punishment would like you to believe. The death penalty is thus a moral and political question, not an empirical one.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CALLAHAN (at the request of Mr. MICHEL), for today and the balance of the week, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. KYL, for 1 hour each day, on October 15, 16, 17, and 18.

Mr. BURTON of Indiana, for 1 hour each day, on November 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, and 29.

Mr. GEKAS, for 5 minutes today.

Mrs. BENTLEY for 5 minutes today, in lieu of 60 minutes previously approved.

(The following Members (at the request of Mr. PICKETT) to revise and extend their remarks and include extraneous material:)

Mr. COX of Illinois, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BONIOR, for 60 minutes, on October 17.

Mr. ESPY, for 60 minutes, on October 16.

Mr. SLATTERY, for 60 minutes, on October 22.

(The following Member (at the request of Mr. WISE) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. BURTON of Indiana.
Mr. LEWIS of California.
Mr. GALLEGLY.

(The following Members (at the request of Mr. PICKETT) and include extraneous matter:)

Mr. ANDERSON, in 10 instances.
Mr. GONZALEZ, in 10 instances.
Mr. ANNUNZIO, in six instances.
Mr. BROWN, in 10 instances.
Mr. ROE, in two instances.
Mr. ERDREICH.
Mr. LEHMAN of Florida.
Mr. MILLER of California.
Mr. AUCOIN.
Mr. LANTOS.
Mr. HUBBARD.
Mr. COOPER.
Mr. ECKART.
Mr. VENTO, in two instances.
Mr. TOWNS.
Mr. SOLARZ.
Mr. MOODY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

> S. 291. An act to settle certain water rights claims of the San Carlos Apache Tribe; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. COX of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 16, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2202. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of October 1, 1991, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102–151); to the Committee on Appropriations and ordered to be printed.

2203. A letter from the Inspector General, Department of Energy, transmitting a copy of an audit report entitled "Superfund Costs Claimed by the Department of Energy Under Interagency Agreements With the EPA—Fiscal Year 1990," pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

2204. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 91–51, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund for unexpected urgent needs of refugees and other persons in the Middle East and the Horn of Africa, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

2205. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2206. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the sale to the Republic of Korea of obsolete ammunition from war reserve stocks; to the Committee on Foreign Affairs.

2207. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to approve the location of a memorial to George Mason; to the Committee on Interior and Insular Affairs.

2208. A letter from the Secretary of Transportation transmitting a copy of Status of the Nation's Highways and Bridges: Conditions and Performance, pursuant to 23 U.S.C. 307(f); to the Committee on Public Works and Transportation.

2209. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the FAA Aviation Research Grants Programs; to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 35. A bill to designate certain lands in the State of North Carolina as wilderness, and for other purposes; with an amendment (Rept. 102–248, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1297. A bill to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use by coastal States of apportionments under that act for construction, renovation, and maintenance of shoreside pumpout stations for marine sanitation devices; with an amendment (Rept. 102–251). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs, H.R. 2436. A bill to expand the Fort Necessity National Battlefield, and for other purposes; with an amendment (Rept. 102–252). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 247. Resolution providing for the consideration of H.R. 3371, a bill to control and prevent crime (Rept. 102–253). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUCOIN:

H.R. 3557. A bill to amend the Internal Revenue Code of 1986 to improve family child care by prescribing the formula for allocating indirect expenses to a child care service business conducted in the taxpayer's residence; to the Committee on Ways and Means.

By Mr. BEILENSON:

H.R. 3558. A bill to prohibit foreign assistance and arms sales to any country that does not recognize Israel or that maintains the primary economic boycott against Israel; to the Committee on Foreign Affairs.

By Mr. EDWARDS of Oklahoma:

H.R. 3559. A bill to amend the Communications Act of 1934 to prohibit certain practices in the use of automatic dialing devices; to the Committee on Energy and Commerce.

By Mr. ECKART (for himself, Mr. COOPER, and Mr. SHAYS):

H.R. 3560. A bill to protect the cable consumer; to the Committee on Energy and Commerce.

By Mr. GOSS:

H.R. 3561. A bill to limit the duration of payments of expenses of former Speakers of the House of Representatives; to the Committee on House Administration.

By Mr. GUARINI (for himself and Mr. STARK):

H.R. 3562. A bill relating to the use of unobligated moneys in the Customs Forfeiture Fund; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. REGULA:

H.R. 3563. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Interior and Insular Affairs.

By Mr. VENTO:

H.R. 3564. A bill to improve the management of public lands used for military purposes, to require assessments of future needs for withdrawals of public lands for such uses, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. VENTO (for himself, Mr. LEHMAN of California, Mr. LEVINE of California, and Mr. MILLER of California):

H.R. 3565. A bill to withdraw certain Federal lands in the State of California for military purposes, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. STEARNS:

H.J. Res. 349. Joint resolution designating the week of October 27–November 2, 1991, as "National Pornography Victims Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself, Mr. PORTER, Mr. ABERCROMBIE, and Mr. ROHRABACHER):

H. Con. Res. 221. Concurrent resolution commending Aung San Suu Kyi on the occasion of her receiving the Nobel Peace Prize and requesting that the Speaker of the House invite her to address a joint meeting of the Congress; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. ASPIN, Mr. CHANDLER, and Mr. ENGLISH.

H.R. 318: Mr. FRANK of Massachusetts.

H.R. 446: Mr. OLVER.

H.R. 585: Mr. ATKINS.

H.R. 722: Mr. CONYERS and Mr. MARTINEZ.

H.R. 723: Mr. FORD of Michigan, Mr. CONYERS, and Mr. MARTINEZ.

H.R. 931: Mr. SHAYS.

H.R. 988: Mr. CAMPBELL of Colorado.

H.R. 1048: Mr. QUILLEN.

H.R. 1212: Mr. SAXTON.

H.R. 1213: Mr. SAXTON and Mr. QUILLEN.

H.R. 1239: Mr. GALLO and Mr. WASHINGTON.

H.R. 1240: Mrs. COLLINS of Illinois, Mr. ANDREWS of Maine, and Mrs. UNSOELD.

H.R. 1346: Mr. HALL of Ohio.

H.R. 1460: Mr. ENGEL.

H.R. 1473: Mr. FRANKS of Connecticut, Mr. KILDEE, and Mr. WOLPE.

H.R. 1502: Mr. SAVAGE, Mr. DOOLEY, Mr. CLEMENT, Mrs. JOHNSON of Connecticut, and Mr. JACOBS.

H.R. 1546: Mrs. LLOYD, Mr. KLUG, and Mr. BOEHNER.

H.R. 1547: Mrs. LLOYD, Mr. KLUG, and Mr. BOEHNER.

H.R. 1664: Mr. EDWARDS of California.

H.R. 1691: Mr. MORAN, Mr. MYERS of Indiana, Mr. ROE, Mr. CONDIT, Ms. DELAURO, Mr. VENTO, Mr. GEJDENSON, Mrs. MEYERS of Kansas, Mr. MACHTLEY, Mr. YOUNG of Florida, Mr. HAYES of Louisiana, Mr. DWYER of New Jersey, Mr. EMERSON, and Mr. SKAGGS.

H.R. 1692: Mr. DOOLITTLE.

H.R. 1820: Mr. COX of Illinois.

H.R. 1992: Mr. MCGRATH, Ms. KAPTUR, Mr. LAUGHLIN, Mr. COSTELLO, Mr. JONTZ, Mr. SPENCE, Mr. EVANS, Mr. FROST, and Ms. NORTON.

H.R. 2070: Mr. LANCASTER and Mr. BILIRAKIS.

H.R. 2152: Mr. MORRISON.

H.R. 2248: Mr. BREWSTER, Ms. OAKAR, Mr. JOHNSON of South Dakota, Mr. ZIMMER, Mr. GILLMOR, Mr. SHAYS, Mr. LEACH, and Mr. BAKER.

H.R. 2304: Mr. RAHALL and Mr. WILLIAMS.

H.R. 2363: Mr. ENGEL, Mr. MARKEY, Mr. GILCHREST, and Mr. KOSTMAYER.

H.R. 2383: Mr. ROHRABACHER.

H.R. 2624: Mr. LANTOS.

H.R. 2756: Mr. BATEMAN, Mr. SISISKY, Mr. BOUCHER, Mr. BLILEY, Mr. PICKETT, Mr. OLIN, and Mr. PARKER.

H.R. 2773: Mrs. MORELLA.

H.R. 2784: Mr. JONTZ.

H.R. 2830: Mr. OWENS of Utah.

H.R. 2862: Mr. EWING and Mr. MACHTLEY.

H.R. 2880: Mr. LEWIS of Georgia, Mrs. MINK, Mr. LIPINSKI, and Mr. DOWNEY.

H.R. 2890: Mr. ABERCROMBIE, Mr. JOHNSON of South Dakota, Mr. SHAW, and Mr. GONZALEZ.

H.R. 2906: Mr. EVANS and Ms. KAPTUR.

H.R. 2929: Mr. SOLARZ, Mr. BENNETT, Mr. GUARINI, Mr. OWENS of New York, Mr. RINALDO, Mr. SMITH of Florida, Mr. DOWNEY, Mr. SMITH of New Jersey, Mr. MRAZEK, Mr. LIPINSKI, Mr. CLAY, Ms. OAKAR, Mr. SPRATT, Mr. FROST, and Ms. SLAUGHTER of New York.

H.R. 3082: Mr. KOLTER.

H.R. 3187: Mr. JEFFERSON, Mr. PERKINS, Mrs. LOWEY of New York, Mr. FALEOMAVAEGA, and Mr. MINETA.

H.R. 3199: Mr. KOLTER, Mr. WALSH, Mr. SKEEN, Ms. NORTON, and Mr. ECKART.

H.R. 3253: Ms. NORTON, Mr. JOHNSTON of Florida, and Ms. MOLINARI.

H.R. 3277: Mr. SIKORSKI, Mr. WEBER, Mrs. UNSOELD, and Mr. MCCOLLUM.

H.R. 3281: Mr. GEJDENSON.

H.R. 3345: Mr. ABERCROMBIE, Mr. YATES, Mr. FALEOMAVAEGA, Mr. KLECZKA, Mr. JEFFERSON, Mr. ENGEL, Mr. BLAZ, Mr. RANGEL, Mr. HORTON, Mr. MARTINEZ, Mr. BUSTAMANTE, Mr. EVANS, and Mr. MCNULTY.

H.R. 3372: Mr. FROST and Mr. JEFFERSON.

H.R. 3454: Mr. SARPALIUS, Mr. EVANS, Mr. WALSH, Ms. KAPTUR, Mr. KLUG, Mr. CAMP, Mr. THOMAS of Wyoming, Mr. HAYES of Illinois, Mr. GEJDENSON, Mr. UPTON, and Mr. HORTON

H.R. 3546: Mr. MORRISON and Mr. BARRETT.

H.J. Res. 5: Mr. SOLOMON and Mr. EWING.

H.J. Res. 22: Mr. CAMP.

H.J. Res. 125: Mr. FISH, Mr. MACHTLEY, Mr. SAWYER, Mr. SPENCE, Mr. COLEMAN of Texas, Mrs. BENTLEY, Mr. STALLINGS, Mr. STEARNS, Mr. SMITH of New Jersey, Mr. TAYLOR of North Carolina, Mr. WISE, Mr. SERRANO, Mr. GORDON, Mr. LIPINSKI, and Mr. CHANDLER.

H.J. Res. 210: Mr. SHAYS.

H.J. Res. 228: Mr. BILBRAY, Mr. SAXTON, Mr. BEVILL, Mr. SWETT, Mr. ANDERSON, Mr. MONTGOMERY, Mr. ANDREWS of Maine, Mr. PURSELL, Mr. RAVENEL, Mr. TORRICELLI, Mr. PICKLE, Mr. CHAPMAN, Mrs. MORELLA, Mr. MCEWEN, Mr. FAWELL, Mr. HYDE, Mr. OBEY, Mr. PACKARD, Mr. DOOLITTLE, Mr. FASCELL, Mr. BALLENGER, Mr. RAHALL, Mr. MCNULTY, Ms. SNOWE, Mr. LEACH, Mr. EMERSON, Mr. EVANS, and Mr. BILIRAKIS.

H.J. Res. 261: Mr. ANDREWS of Texas, Mr. BORSKI, Mr. BROWN, Mr. VALENTINE, and Mr. WASHINGTON.

H.J. Res. 274: Mr. YOUNG of Florida and Mr. GREEN of New York.

H.J. Res. 296: Mr. HOCHBRUECKNER, Mr. FROST, Mr. ECKART, Mr. EVANS, Ms. KAPTUR, Mr. MCNULTY, Mr. ZELIFF, Mr. FISH, Ms. LONG, Mr. BLILEY, Mr. HYDE, Mr. NEAL of Massachusetts, Mr. MRAZEK, Mr. JEFFERSON, Mr. COSTELLO, Mr. COYNE, Mr. HENRY, Mr. FRANK of Massachusetts, Mr. RINALDO, Ms. PELOSI, Mr. MONTGOMERY, Mr. DWYER of New Jersey, Mr. PORTER, Mr. TOWNS, Mr. RANGEL, Mr. JONTZ, Mr. MARTINEZ, Mr. ERDREICH, Mr. SAWYER, Mr. VANDER JAGT, Mr. ENGEL, Mr. QUILLEN, Mr. GALLEGLY, Mr. RICHARDSON, Ms. NORTON, Mr. KLUG, and Ms. SLAUGHTER of New York.

H.J. Res. 300: Mr. ROE, Mr. YOUNG of Alaska, Mr. CARPER, Mr. LEWIS of Florida, Mrs. UNSOELD, Mr. STAGGERS, Mr. MOODY, Mr. SOLARZ, Mr. LOWERY of California, Mr. GORDON, Mr. HAMILTON, Mr. PASTOR, Mr. EDWARDS of California, Mr. COSTELLO, Mr. DAVIS, Mr. PERKINS, Mr. VANDER JAGT, Mr. PALLONE, and Mr. LANTOS.

H.J. Res. 324: Mrs. VUCANOVICH, Mr. VANDER JAGT, Mr. STUMP, Mr. JOHNSON of South Dakota, Mr. MACHTLEY, Mr. PASTOR, Mr. CAMP, Mr. DELAY, Mr. GILCHREST, Mr. KLUG, Mr. NUSSLE, Mr. RHODES, Mr. ROHRABACHER, Mr. CARR, Mr. DOOLITTLE, and Mr. FEIGHAN.

H. Con. Res. 123: Mr. BUSTAMANTE.

H Con. Res. 211: Mr. LAROCCO, Mr. NOWAK, Mr. ECKART, Mr. OWENS of Utah, Ms. KAPTUR, Mr. JEFFERSON, Mr. PANETTA, and Mr. LAFALCE.

H. Res. 233: Mr. PENNY and Mr. THOMAS of Wyoming.

H. Res. 234: Mr. BALLENGER, Mr. JOHNSON of Texas, Mr. BARTON of Texas, Mr. GILLMOR, Mr. CRANE, and Mr. THOMAS of Wyoming.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1028: Mr. HYDE.

H.R. 3070: Mr. GRANDY.

H. Res. 194: Mr. YOUNG of Alaska.

SENATE—*Tuesday, October 15, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, gracious, loving, heavenly Father, my prayer this morning is very personal. It comes from the heavy heart of one who sees, thinks, and feels as a pastor—not as a politician. Jesus' words, "Let him who is without sin cast the first stone," have been very real. None of us is without sin. All of us, except for the Senators, however opinionated or judgmental, are free from the burden of judgment. Senators do not enjoy such a luxury. Commitment to the Constitution requires them to judge, however difficult the decision.

Thank You, Lord, for the tireless, formidable work of the Judiciary Committee who faced an impossible, but inescapable task. May Your grace and peace rest upon them. Give to the Senate righteous wisdom as it comes to the moment of judgment today.

Lord of mercy, a word from St. Paul encourages us at a time like this. "For we know that God works in everything for good to them that love God, to them who are called according to His purpose." (Romans 8:28) Difficult as it is to imagine good from the gruelling, crushing, emotional events of the past 4 days, work Your sovereign will for the good of the committee, the Senate, their families and staffs, and the whole Nation. Keep us on course for the future that Your perfect plan for us as a nation will be realized in these critical days.

"Your kingdom come, Your will be done on Earth as it is in Heaven." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 15, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

VETO MESSAGE ON S. 1722

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the President's veto message on S. 1722, the Emergency Employment Compensation Act, which was received Friday, October 11, 1991.

The clerk will read the message and it will be spread in full upon the Journal.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the message be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The veto message reads as follows:

To the Senate of the United States:

I am returning herewith without my approval S. 1722, the "Emergency Unemployment Compensation Act of 1991." I would gladly sign into law responsible legislation that does not threaten the economic recovery and its associated job creation, a fact that members of my Administration and I have repeatedly made clear. We have worked diligently with Members of Congress to encourage them to adopt a well-crafted alternative program of extended unemployment benefits that is paid for, as required under the bipartisan budget agreement. Unfortunately, the Congress has rejected this alternative and ignored my call for passage of measures that will increase the Nation's competitiveness, productivity, and growth.

The Administration is deeply concerned about the needs of the unemployed and their families. It is essential that we take responsible actions to ensure that the economic recovery continues and strengthens, creating new employment opportunities.

If a bill providing unemployment benefits in a responsible manner—financed under the budget agreement—reached my desk, it would be signed immediately so we could provide real additional benefits to the unemployed.

S. 1722 would effectively destroy the integrity of the bipartisan budget agreement and put into place a poorly designed, unnecessarily expensive program that would significantly increase the Federal deficit. Enactment of S. 1722 would signal the failure of budget discipline, which would have a negative effect on financial markets that could threaten economic recovery and lead to increased unemployment. This legislation would not well serve the unemployed or our Nation's taxpayers.

S. 1722 violates essential elements of last year's bipartisan budget agreement. It does not include offsets for costs that the Congress projects at $6.5 billion during fiscal years 1992-95. Instead, it simply adds this cost to the Federal deficit by requiring that the provisions of the bill be treated as "emergency requirements" designated by the President and the Congress under the Balanced Budget and Emergency Deficit Control Act of 1985. This breaches the budget agreement by denying me the independent authority to determine when an emergency exists, thereby removing a key safeguard for enforcing budget discipline.

In addition, S. 1722 is substantively flawed. It would establish a new, temporary Federal program providing three tiers of extended unemployment benefits. This complex, cumbersome system could slow reemployment and would result in benefit delays, payment inaccuracies, and escalating administrative costs. Moreover, the bill inappropriately abandons the measure of unemployment that has historically been used to trigger extended benefits, substituting an overly broad measure that is not based upon the target group—insured workers.

The Administration will continue to support alternative legislation that effectively addresses the needs of the unemployed while also maintaining the budget discipline that is imperative to the prospects of future employment and economic growth.

GEORGE BUSH.
THE WHITE HOUSE, *October 11, 1991.*

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is now recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the period for morning business, the Senate will return to executive session to resume consideration of the nomination of Judge Thomas. Consideration of the nomination will continue until 12:30 p.m., when the Senate will recess for the party conferences. Upon reconven-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ing at 2:15 p.m. today, the debate will resume on the Thomas nomination and continue until 6 p.m., at which time the Senate will vote on that nomination.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that the remainder of my leader time and all of the leader time of the distinguished Republican leader is reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the majority leader.

LEAKS

Mr. MITCHELL. Mr. President, at 6 o'clock tonight, the Senate will vote on the nomination of Judge Clarence Thomas to the position of Associate Justice of the Supreme Court.

That vote will end a difficult and controversial process.

Later today, I will announce how I intend to vote and give the reasons for my decision. I will also comment on several aspects of the confirmation process which I believe require our attention and concern.

But this morning I want to address just one aspect of this matter, one that is important to me and should be important to the Senate. That is the subject of leaks.

It has been alleged that confidential information was leaked to the press. I do not know what happened. But I am going to try to find out. And if I can determine the identity of the person who did it, I am going to try to see that the person is appropriately punished.

I want it to be clear on the record that leaks are very much the exception here. Most Senators have not and do not engage in such practices. The Intelligence Committee, the Armed Services Committee, and other committees regularly—indeed, on an almost daily basis—receive and maintain a great deal of classified and highly sensitive information.

We are dealing here with the exception, not the rule. But because it is so important, we must try to eliminate even the exception.

Since I became majority leader, I have repeatedly condemned leaks. I do so again, now. I condemn the unauthorized and inappropriate release of confidential information. It is an inappropriate use of a public position. It should not be and cannot be tolerated or condoned.

I want to make it clear that I am not going to just try to find out how the leak occurred in this case. I am going to try to find out how leaks occurred in other cases where other people were damaged.

That is the crux of the problem. The concern of Senators about leaks has been highly selective. This case makes the point.

There has been much outrage, many emotional words, even a Senate resolution proposed about this leak.

But late last year and early this year, when there were several leaks, the intent of which was to destroy the character and careers of some of our colleagues, those now loudly protesting this leak were silent.

When I stood here on the Senate floor to protest those leaks, those now most loudly protesting this leak were not here. They were silent.

That is why the leaking continues. It continues because most Senators only get upset when the leak harms someone they care about, or some cause they favor. When the leak harms someone they do not care about, or some cause they do not favor, they are silent.

But everyone must understand that to selectively condemn leaks is, in reality, to selectively encourage them. Most of the Senate staff are perceptive and intelligent and honorable people. If they know that their Senator only gets upset about leaks that harm someone or something the Senator favors, there is no restraint upon their leaking if it harms someone or something the Senator does not favor.

Let us be clear about that. The staff acts as the Senator acts, or as they believe the Senator wants them to act.

There is only one answer. We must condemn all unauthorized and improper disclosure of information. All, not some. Those which help our cause, not just those which hurt our cause.

For years, I have had in effect in my office a clear and simple policy. If any member of my staff improperly discloses information, that person will be discharged immediately. No ifs, ands, or buts. No mitigating circumstances. No appeal possible. If you leak, for any reason, you are out. Period.

As a result of that policy, there has never been a leak from my office. Indeed, there has never even been an allegation or suggestion of a leak from my office. I urge each of my colleagues to adopt and enforce such a policy.

Now, we must recognize that no matter how effective we may be, we are not going to stop all leaks in Government. The reality is, of course, that most leaks come out of the executive branch of Government, not the legislative. The executive branch, not the legislative, determines the classification of most Government documents and information. Simply put, in the vast majority of cases, the administration decides what is or is not secret and then is the source of those secrets which are leaked.

Just recently, for example, there was published a book entitled "The Commanders." It describes in great detail the events leading up to the gulf war. It includes much information that is highly classified and other information that is extremely sensitive, most of which obviously came from sources in the Department of the Defense. To this day, the President has not condemned those leaks and no one in his administration has even tried to investigate them. The reason is obvious. The administration is not about to investigate leaks from within the administration itself which likely involve senior executive branch officials.

But none of that excuses or justifies leaks here. We have our own responsibilities and we ought to have and maintain our own high standards, regardless of what anyone else does or does not do.

We all hope some good will come out of this controversial nomination process. One good thing might be the related recognition by all Senators that this is a matter that should and does concern them. I hope I can count on my colleagues' support in the days ahead as I attempt to deal with this matter.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for debate between 10:30 a.m. and 5:30 p.m. be equally divided and controlled in the usual form; and that the time from 5:30 p.m. to 5:45 p.m. be under the control of the Republican leader; and the time from 5:45 p.m. to 6 p.m. be under my control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEAKS

Mr. DOLE. Mr. President, if the majority leader will yield just very briefly, I know there are other speakers here. I just want to indicate I heard his statement with reference to leaks and I offer my willingness to cooperate. I do not think we are ever going to stop leaks, but we could probably make a better effort and I am certainly willing to cooperate, regardless of where they come from. I have pretty much the same policy the majority leader has in my office. And I think we can stop this if we want to, but it has to be everyone.

I thank the majority leader.

Mr. MITCHELL. Mr. President, it is my intention to meet with the distinguished Republican leader and other Senators to discuss the best way to proceed to deal with the matter. I have not made a final decision in that regard because I want to hear from other Senators. But I want to assure the Members of the Senate that I am serious about this and we are going to try to do something about it. I thank my colleague for his statement.

Mr. EXON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nebraska—Montana.

Mr. BAUCUS. Mr. President, I think the "Senator from Nebraska" was correct.

The ACTING PRESIDENT pro tempore. I am sorry, it was the Senator from Nebraska who asked recognition? And the Senator from Montana?

Mr. EXON. Mr. President, the Senator from Nebraska has remarks that will take about 12 minutes to deliver. There are other people on the floor who are obviously ready to talk. I would yield. I just advise the Chair that, upon the conclusion of what I suspect will be 5-minute remarks from those on the floor at this time, I will seek unanimous consent that I be allowed to talk for 12 minutes. But I suspect my other colleagues are not going to take that long, so I will seek recognition at an appropriate time for a 12-minute period for the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. Who seeks recognition? The Senator from Illinois.

Mr. DIXON. Mr. President, I suspect my distinguished friend from Nebraska is on the floor for the same purpose this Senator is on the floor. I had intended to indicate my position on Judge Thomas. However, I see others on the floor, and it is morning business.

I would be included to yield to others until such time as other subject matter is exhausted and we get on to the business of Judge Thomas, and then I would yield to my friend from Nebraska, who had announced he had sought recognition prior to me, if that is satisfactory.

The ACTING PRESIDENT pro tempore. Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the comments of the Senator from Illinois and the Senator from Nebraska. I do have a statement on another subject. I think it would be appropriate to speak on this matter in morning business.

Mr. DOMENICI. Mr. President, I wonder if at this time the Senator might yield 30 seconds to the Senator from New Mexico on the subject that the majority leader spoke of?

Mr. BAUCUS. Mr. President, I yield to the Senator from New Mexico 30 seconds.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

LEAKS

Mr. DOMENICI. Mr. President, the night we left the Senate for recess, I indicated that the Senate was in serious trouble if we did not find a way to go after, locate, and deal with whoever breached the confidentiality in this pending matter. I heard the majority leader today indicate that this is extremely important, and then commit to the Senate that he will use his good offices to try to get to the bottom of that issue.

I want to thank him for that. I think it is absolutely important. The breach of confidences that occurred in the pending matter cannot continue. We will have an Attorney General up here for confirmation. We just cannot retain public support and do our business in that manner.

I thank the Senator from Montana.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

CHINA SECTION 301

Mr. BAUCUS. Mr. President, I rise to congratulate the administration on its decision to initiate a section 301 investigation of China's trade barriers.

Initiating the case is one of the steps the administration pledged to take in return for Congress extending most-favored-nation [MFN] status to China.

CHINA'S TRADE BARRIERS

This action against China's trade barriers is overdue. Over the last 4 years, China has steadily raised its trade barriers.

United States exports to China today are blocked by a web of trade barriers, including import licenses, import bans, discriminatory testing requirements, import surcharges. Taken together, these barriers may be blocking as much as several billion dollars in American exports annually.

China may now be the most protectionist major country in the world.

In addition to blocking United States exports, China has systematically pirated United States intellectual property. This piracy results in the loss of hundreds of millions of dollars in U.S. exports annually.

As China's trade barriers have risen, so has the United States trade deficit with China.

In 1990, the United States trade deficit with China hit $10.4 billion—up $4.2 billion from 1989.

At a time such as this, when the United States trade deficit with all other major trading partners is shrinking, the deficit with China threatens to reach $12 to $15 billion. If these estimates prove correct, the United States bilateral deficit with China in 1991 will be second only to the deficit with Japan.

INITIATION OF SECTION 301

Though I share their outrage with Chinese trade barriers, I argued against some of my colleagues' efforts to withdraw MFN status from China in response to the trade barriers.

I opposed using MFN in this way because we have worked for many years to develop a trade law—known as section 301—tailored to respond to foreign trade barriers.

By initiating action under section 301, the administration has responded appropriately to Chinese trade barriers.

The initiation of a section 301 case today is followed by a 12-month period for negotiations. Unless China agrees to remove its trade barriers within 12 months, it would face United States trade retaliation.

The case initiated today against China is one of the largest initiated under section 301. It addresses all of the major Chinese trade barriers and could ultimately involve billions of dollars in United States exports annually.

Hopefully, this case will convince China to open its market.

CHINA'S REACTION

If it hopes to maintain a trading relationship with the United States, China must recognize that trade is a two-way street. It cannot continue to export billions of dollars in Chinese products to the United States and keep its home market tightly closed to U.S. exports. By resorting to protectionism, China undermines its case for continued MFN treatment from the United States. Every time China erects a new trade barrier or otherwise cancels a purchase from the United States, it increases the probability that the United States Congress will ultimately decide to cut-off MFN.

Particularly now, with a series of unfair trade actions pending, China must demonstrate good faith if it expects the trading relationship with the United States to continue.

THE ADMINISTRATION'S CREDIBILITY ON CHINA

By initiating section 301 action, the Bush administration has boosted the credibility of its China policy.

In addition, the United States Customs Service recently made a series of raids on illegally shipped Chinese textiles.

Belatedly, the Customs Service also began action against goods imported from China that are made by prison laborers in violation of U.S. law. I understand further steps are planned to exclude imports of goods made with prison labor.

But the administration must also demonstrate progress on other fronts.

Congress wants to see progress on issues such as respect for human rights and nuclear proliferation as well as trade.

Even on the trade front, some important steps remain to be taken. On November 26, a retaliation deadline for another unfair trade case against China will be reached. This case is directed at ending Chinese piracy of United States intellectual property. Hopefully, progress can be made with China on this issue to make retaliation unnecessary.

But unless substantial progress is made by November 26, I expect the administration to retaliate against Chinese exports as required under the law.

Further, the administration still has not fulfilled its pledge to actively support Taiwan's GATT application.

CONCLUSION

The steps the administration has taken to address Chinese trade practices demonstrate that it is willing to follow through on its policy of prodding China to reform while engaging China with MFN. For the time being, Congress should give the policy a chance to work and put legislation to condition or deny MFN to China on hold.

But China should recognize that Congress' patience is limited. Unless China undertakes reforms in a number of areas, it will eventually lose MFN.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that I may be allowed to proceed in morning business for not to exceed 12 minutes.

Mr. DIXON. Mr. President, I will not object, and I do not object, but may I observe that the request of the distinguished senior Senator from Nebraska will take us out of morning business. I have no problem at all with that. I see no other Senators on the floor, but I would like the Chair to know that thereafter, I will announce my position on the Thomas nomination. So I have no objection at all to the request of the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. EXON. Mr. President, to maybe clear up the matter right now, I ask unanimous consent that the Senator from Nebraska be recognized for not to exceed 12 minutes, and following that, the Senator from Illinois be recognized for 10 minutes, notwithstanding the other orders before the body that have been previously agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONFIRMATION OF JUDGE CLARENCE THOMAS

Mr. EXON. Mr. President, first let me express a brief history of the recent developments of this one Senator and the part that I played in a matter of the confirmation of Judge Clarence Thomas to the Supreme Court.

On Friday, October 4, before I ever heard of Prof. Anita Hill, I addressed this body in support of the nominee. At that time the Judiciary Committee had completed its hearing and forwarded its written findings on the nominee to the Senate without recommendation. My support was based upon my assessment of the facts at hand and my personal conservations with the nominee.

Three days later on Monday, October 7, after revelations of that weekend, I was back on the floor suggesting a 1-week delay in the scheduled vote, to give the committee additional time to delve into the serious charges that had been leveled against Judge Thomas by Professor Hill. That delay came to pass.

It was a wise decision from the standpoint of fairness to all, including the nominee, his accuser and the obligation of the Senate to more thoroughly investigate. Judge Thomas along with others eventually came to the same conclusion.

As a result of those extended hearings some startling but not surprising charges and countercharges were leveled. No one expected it would be a picnic but, weather notwithstanding, all were expected to attend. A good time by all was not in the offing because unpleasantness was a foregone conclusion.

There has been a legitimate cry nationwide for a revelation and determination of the facts and the truth. That is a logical and reasonable request but obviously oversimplified. Some have even gone so far to maintain that Thomas should be confirmed, because otherwise it would set a precedent that might prevent any qualified person from seeking high appointive positions in Government. Such reasoning or lack thereof, shreds the Constitution and lets King George do it as per pre-Revolutionary War days.

After carefully listening to both Thomas and Hill, this one member of the eventual jury of 100 feels both appear believable, but one seemingly is lying under oath, a criminal offense of perjury. Unfortunately, after the hearing, it is difficult, if not impossible for me to determine what the facts or truths are. I suspect that this might be the opinion of many who listened to the recently concluded hearings.

Last week during the hearing, I was disturbed about reported statements made by some of the Thomas supporters that if anyone testified against the nominee that witness would, in effect, have their heads served to them on a platter during the deliberations.

Likewise, I was disturbed by some information reaching me that some Hill supporters felt that unless Thomas was rejected, it would be the equivalent of condoning sexual harassment of women.

The President has said as recently as Sunday that the charges against the nominee are ridiculous and that the process is ridiculous. This, Mr. President, from the man who from the beginning started the process with the ridiculous statements that his nominee was selected strictly because he was the best qualified individual in all of America and that the decision was devoid of any and all political or racial considerations. I clearly referenced my views of the President in this regard in my speech to the Senate of October 4. Ridiculous statements in all of this began with the President. Is it any wonder that the Nation is embroiled in this bitter controversy over ridiculous statements and conclusions magnified by the President's latest pronouncement from the golf course? You will forgive me if I employ my constitutional right to criticize King George.

Those whom I customarily turn to for advice on such important matters are deeply divided. My constituents, my family, my closest friends and even my staff are unbelievably split. Emotions are running amuck and from every direction more so that I can recall previously from over 20 years of public service. The boat of discussion and decisionmaking has been so violently rocked that the rudder has been out of the water so often it is difficult to steer any sound course to sound determination.

Both of the principals in the controversy have been hurt and I feel deeply and personally for both. Judge Thomas was forthright in his denial and that impressed me. Professor Hill was equally forthright in what I interpreted as a difficult disclosure on her part. If her detailed statements of alleged sexual harassment are accurate, it does not take just a woman to understand her anguish. Indeed, regardless of the eventual outcome of this matter, the controversy has clearly been beneficial in its significant contributions to necessary changes and understanding in the workplace.

Unfortunately, in my view, the hearings of the past few days have not produced any overall conclusive facts or definitive truths on the charges by Hill or the firm denials by Thomas.

The key and central issue here though is not what is in the best interests of either of the two antagonists. We cannot ignore what is fair or not fair to the individuals, nor the harm to either that our eventual decision will bring. But even more important than that is how our decision will affect the future. To assail the process or attempt to punish individuals or institutions which one might conclude in retrospect should have acted differently evades and tends to place out of focus the real object of the process, as painful as it is for all.

We must concentrate now on the all-encompassing issue as to whether or not Clarence Thomas should be confirmed for a lifetime appointment to the highest court in the land. On October 4, I supported the nomination on the floor on the basis of my knowledge at that time. Among other things I stated that I felt Judge Thomas met the test of judicial temperament.

Notwithstanding my appreciation of the nominee's rage at the allegations, I was surprised and disappointed at many of his statements. They were not made in a fit of instantaneous anger but rather well thought out and premeditated remarks. He said that he would have rather felt an assassin's bullet than go through the humiliating process; that he would rather die than withdraw his nomination; that the Senate had ruined his life and reputation; that the Senate hearing had been conducted in a manner equivalent to that of a lynch mob; that the process was ridiculous and like a circus. Those were phrases well orchestrated and employed by Thomas supporters. Such comments by the nominee, even under the circumstances, were at best overstatements. On the other hand, I have not been particularly impressed with the reasons advanced by Professor Hill as to how she could have brought herself to follow Judge Thomas so faithfully and for so long in her career given the sordid remarks allegedly made to her. I can understand her reluctance to make a formal complaint at the time and her not telling any or all of the vast array of Thomas supporting witnesses who seemed to be saying in testimony she should have confided in them. It seems to me such would have likely been promptly reported to Thomas which would not have been in her interests at that time.

Yet I cannot readily understand why a person with her talents would not have conveniently found for herself a more satisfying position and superior, quietly, if that were her wishes.

But now, Mr. President, it is decisionmaking time, and we cannot punt.

In conclusion, I have deliberated over this position and studied it for hours and hours, for days. There have been swings, pro and con, as I watched the hearings for solid conclusions that never materialized. Unlike some might believe, there has been no pressure on me from any source other than my determination to do what was best and right under the circumstances.

There has developed in my mind no clear-cut correct choice, more a mixture of concerns and doubts. How best do we conclude this whole unhappy chapter?

Notwithstanding my reservations as to the nominee, I intend to vote for confirmation but without enthusiasm. It is my hope that, if confirmed, Judge Thomas will be a better Justice because of this ordeal.

It is my belief that he will not turn out to be the doctrinaire idealog on the Court, as he is projected.

We badly need some overall balance there. If confirmed, Judge Thomas has the roots and earlier experiences to provide that. Time will tell.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator from Nebraska has expired.

THE DEDICATION OF THE NATIONAL LAW ENFORCEMENT MEMORIAL

Mr. PELL. Mr. President, as honorary chairman of the National Law Enforcement Memorial Fund, it is a great pleasure for me to be able to call to the attention of the Senate today's dedication of the National Law Enforcement Memorial at Judiciary Square in downtown Washington, DC.

I became involved in this project through the efforts of my friend Ray Pezzullo and the Rhode Island Fraternal Order of Police, of which he was the President. At their urging, I introduced the original legislation, later signed into law by President Reagan, that established the memorial fund. It is a tribute to Ray and other early advocates of this project that we celebrate the dedication of this memorial today.

The dedication ceremony was attended by President Bush who has been a steady supporter of the memorial campaign from its inception.

Those of us who have watched the progress of this memorial are all truly impressed with what we saw today. It is a design that we can all be proud of and, most importantly, it is a design which will be a source of pride and comfort for the families and friends of those law enforcement officers who gave their lives in the line of duty.

We should not forget that the law enforcement community is made up of people. This memorial acknowledges the human side of law enforcement, a side that needs and deserves to be recognized and remembered. The memorial is a reminder that law enforcement depends finally on the men and women who work every day to uphold the law.

The establishment of this memorial has been aided immensely by the hard work of Craig Floyd, the chairman of the Law Enforcement Memorial Fund, along with his staff and advisers. The memorial campaign has also benefited from the participation of its board of directors, which includes the Concerns of Police Survivors, the Fraternal Order of Police, and their president, Dewey Stokes, and the International Association of Police Chiefs.

A very great debt of thanks is owed also to the various Federal law enforcement agencies that have supported this effort including the Attorney General's Office, the FBI, DEA, the U.S. Marshals Service, and the Bureau of Alcohol, Tobacco, and Firearms.

I am thankful for this opportunity to have served this cause and look forward to continued efforts on behalf of America's law enforcement community.

TRIBUTE TO RUTH TAYLOR

Mr. BURDICK. Mr. President, I note with sadness the recent passing of Ruth Taylor. I knew Ruth through her job as executive secretary to the last three directors of the AFL–CIO's committee on political education: Jim McDevitt, Al Barkan, and John Perkins. She impressed me as not only friendly and helpful, but as a committed worker for the cause of working people across America.

Ruth Taylor was an outstanding secretary with an exceptional devotion to her job. She joined the American Federation of Labor in 1948 as a secretary in its Labor League for Political Education. She joined COPE when it was formed by the merger between the CIO and AFL. She retired in 1989 after 41 years in the labor movement.

Far too often, secretaries do not get the recognition they deserve. In paying tribute of Ruth Taylor today, I pay respect to all the skilled secretaries across America.

THE BELLAGIO DECLARATION OF PRINCIPLES ON THE ENVIRONMENT

Mr. KENNEDY. Mr. President, an important conference on the environment took place at Bellagio, Italy, last August. It was cochaired by my constituent and long-time friend, Charles M. Haar, Brandeis professor of law at Harvard University on behalf of the American Academy of Arts and Sciences, and by Oleg Kolbasov of the Academy of Sciences of the U.S.S.R.

As a result of the conference, significant progress has been made toward future international collaboration in dealing with the common worldwide challenge of implementing sound environmental policies. Since the environment of our planet recognizes no political boundaries, the world community needs to join together in effective ways to address these serious concerns.

An immediate positive outcome of the conference is the Bellagio Declaration of Principles. I believe that the declaration will be of interest to all of us in Congress concerned with these issues, and I ask unanimous consent that the declaration and a list of participants in the conference may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BELLAGIO DECLARATION ON THE ENVIRONMENT

As environmental policymakers, lawyers, economists, educators, and elected and appointed officials from the U.S. and the

U.S.S.R., meeting in Bellagio, Italy from August 5 to August 9, 1991;

Reaffirming the fundamental right of people to live in a safe and healthful environment;

Recognizing that enduring prosperity requires the protection of health and safety, as well as the integrity of natural systems;

Convinced that present threats to the environment require concerted actions of different governments throughout the world;

Persuaded that informal meetings of environmental experts can contribute to the attainment of the goals of the 1992 United Nations Conference on Environment and Development,

We reached a consensus on the following principles:

1. Governments should identify and implement ways in which economic development goals can be achieved consistent with a safe and healthful environment and with sound use of natural resources.

2. Environmental protection deserves distinct representation at the highest ministerial or cabinet level of government.

3. Each level of government should perform those tasks to which it is best suited for the protection of the environment, and should formulate and implement appropriate programs to accomplish those tasks.

4. Environmental policy should be integrated with land use and natural resource planning, regulation, and implementation, as well as with the policies of other government agencies whose actions affect the environment.

5. A free market, together with government measures that address its failures through prevention, correction, and consideration of environmental problems, is well suited to provide the resources for achieving a safe and healthful environment.

6. Environmental goals should be achieved by an optimal combination of administrative controls and market mechanisms to comply with environmental standards in the most cost-effective manner and to encourage the development of environmentally superior technologies.

7. Public and private decisionmakers should recognize environmental management as among the highest priorities and establish policies for conducting operations in an environmentally sound manner.

8. Decisions over where to locate environmentally undesirable land uses should consider their impact on surrounding areas and strive for an equitable distribution of such uses throughout the region.

9. Government should require periodic public reporting on the nature and quantities of pollutants released into the environment.

10. Government should collect and maintain full and accurate environmental information necessary for the formulation and implementation of environmental policy, and citizens and public officials should have appropriate access to such information.

11. Citizens should have the right to participate in the government's environmental decisionmaking process.

12. Individual citizens and groups affected by an environmental decision and responsible government officials should be able to petition a court to interpret and enforce the environmental laws and to overturn actions taken in violation of such laws.

13. Public and private institutions should undertake educational programs designed to increase public understanding of environmental problems and to encourage public responsibility for their solution.

14. International standards should be developed and adopted for measuring and monitoring environmental quality, in order to facilitate coordination of national environmental activities.

15. To protect the environment and promote settlement of international disputes, countries should agree to resort to arbitration and, if appropriate, to an international environmental tribunal.

To advance the foregoing principles, we have agreed to meet from time to time and review progress in achieving their implementation.

BELLAGIO, ITALY, *August 8, 1991*.

U.S.–U.S.S.R. ENVIRONMENTAL PROTECTION INSTITUTIONS, AUGUST 5–9, 1991

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THE 1991 NOBEL PEACE PRIZE

Mr. KENNEDY. Mr. President, I am pleased that the Nobel Committee has selected Aung San Suu Kyi, the courageous and inspirational leader of Burma's democracy movement, to receive the 1991 Nobel Peace Prize.

Three years ago, when Aung San Suu Kyi and millions of other Burmese citizens peacefully marched in Rangoon, Mandalay, and other Burmese cities to demand an end to the 26-year military dictatorship of Gen. Ne Win, the government responded by massacring 10,000 unarmed citizens. Aung San Suu Kyi was placed under house arrest, cut off from all outside communication, including her husband and two children, and denounced by the military junta as a subversive.

In May 1990, in response to domestic and international pressure, the military held elections without releasing Aung San Suu Kyi from house arrest. To the government's surprise, she and her opposition party soundly defeated the military, and won the vast majority of legislative seats. The government promptly invalidated the election and stepped up its repression of advocates of democracy.

Although the military junta has offered to free Aung San Suu Kyi in exchange for her agreement to leave the country, she has refused to accept such an arrangement until authorities have freed all political prisoners and turned over the government to civilians. In one of her last essays before being subjected to incommunicado detention, she wrote that "[a]s long as there are governments whose authority is founded on coercion rather than the mandate of the people * * * victims of repression [will] have to draw on their own inner resources to defend their inalienable rights as members of the human family."

Aung San Suu Kyi's unwavering commitment to nonviolence as a means of achieving democracy serves as an inspiration to all people who suffer repression and the denial of basic human rights. Her selection as a Nobel Laureate is well-deserved. She is a vivid symbol of the desire for democracy and human rights in the hearts of the Burmese people.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,404th day that Terry Anderson has been held captive in Lebanon.

Yesterday, the New York Times published an article addressing the Tehran Times' report that a Western hostage held in Lebanon will soon be released. Mr. President, I ask unanimous consent that this article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 14, 1991]

IRANIANS PREDICT A HOSTAGE RELEASE

NICOSIA, CYPRUS, October 13.—An influential Iranian newspaper announced today that a Western hostage in Lebanon, possibly an American, might be freed soon. The report was published as a United Nations envoy began a new mission seeking the hostages' release.

The English-language Teheran Times did not specify which hostage might be freed by pro-Iranian extremists in Lebanon, nor did it give a date for a release.

The paper, which often reflects the positions of President Hashemi Rafsanjani of Iran, accurately predicted two earlier releases of hostages.

But it incorrectly reported that an American might be set free shortly after the release of a Briton, Jack Mann, on Sept. 24.

The article, an interview with one of the paper's Lebanon correspondents, said a fundamentalist Shiite Muslim group, the Party of God, was pushing for a release on humanitarian grounds despite what it called Israel's intransigence in releasing Arab prisoners.

"MAYBE AN AMERICAN"

"I'm more optimistic than at any time before that one Western hostage, maybe an American, will be freed," the newspaper quoted its unidentified correspondent as saying.

"Maybe one American will go home soon if no unforeseen incidents take place as happened earlier," the correspondent was quoted as saying. But he added, "The slightest mistake or provocative statement from any side" could mar efforts by the United Nations and the Iranian Government to free the hostages. The newspaper did not elaborate.

The Party of God, considered to be the umbrella group for the Shiite extremists who are believed to be holding most of the hostages, has linked freedom for the nine Western captives to Israel's release of up to 300 Lebanese Arabs held by Israel or its allied militia in southern Lebanon.

Israel has insisted on receiving information on five Israeli servicemen missing in Lebanon before it releases any more Arab prisoners.

The Iranian report was published on the same day that the special United Nations envoy in hostage negotiations, Giandomenico Picco, arrived in Cyprus on his way to Damascus, Syria.

He refused to comment on his mission, but officials at United Nations headquarters in New York said Mr. Picco was trying to further Secretary General Javier Pérez de Cuéllar's intensified efforts to obtain the release of all hostages and detainees.

NATIONAL SCHOOL LUNCH WEEK

Mr. DOLE. Mr. President, as a longtime member and former chairman of the Senate Subcommittee on Nutrition, I am pleased to join in this week's commemoration of "National School Lunch Week." The National School Lunch Program is our oldest and largest Federal Nutrition Program, serving some 24 million children balanced meals every school day. Sadly for many children, school lunches are the only nutritious meals they get during the week. For all the children who participate, the School Lunch Program helps provide the energy and nutrients they need to get the most out of their school day.

Mr. President, I'd like to use this opportunity to highlight a few of the innovative school food service projects under way in my own State of Kansas. In the Seaman School District in Topeka, Kansas, parents and students receive information on the nutrient content of the foods served in the School Lunch Program. Students in Great Bend schools help plan 95 percent of the menus served in the district as part of the Nutrition Education Program implemented by the District's School Food Service Director. Teachers, parents, and students in Salina schools are participating in a new "snack shack" program to learn about quick and easy nutritious snacks they can prepare after school and for school parties. And in the Shawnee Mission Schools, a flyer is sent to parents early in the school year advising them, among other things, of the availability of modified meals for children with special dietary needs.

I want to extend my thanks to all the food service professionals in Kansas and across the Nation who dedicate themselves to providing school meals. They make an invaluable contribution to the health and well-being of our Nation's children, and they deserve our appreciation and recognition during this special week.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session and resume consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court of the United States.

The Senate resumed consideration of the nomination.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois.

Mr. DIXON. Mr. President, on Tuesday, October 1, I announced my intention to vote for the confirmation of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court. I based my decision on a careful review of the nominee's intellectual capacity, his background and training, and his integrity and reputation.

Five days later, two days before the entire Senate was scheduled to vote on the Thomas nomination, the country was shaken by an allegation of sexual harassment that was leaked from the Judiciary Committee. Regrettably, prior to that time, no Senators outside of the Judiciary Committee, with the possible exception of the majority and minority leaders, had been informed of the allegations.

At that point, the Senate only had one real choice—to delay the vote on the nomination that had been scheduled for last Tuesday in order to provide an opportunity for a fuller investigation of the sexual harassment issue. I was among the first to call for such a delay; it would have been unconscionable for the Senate to have voted without thoroughly reviewing such a serious matter.

Last Friday, the Judiciary Committee began what became 3 long days of public hearings. For those 3 days, the Nation became riveted on the testimony of Judge Thomas, Professor Hill, and the other witnesses, and transfixed on an issue—workplace sexual harassment.

I condemn in the strongest way, as I have throughout my career, any type of sexual harassment. The last week has been a kind of national tragedy, but if the result is that the country becomes more sensitive to sexual harassment, then the dark clouds will have had a valuable silver lining.

Today's vote is not a referendum on sexual harassment; if it were, I would hope and expect the vote in the Senate to be unanimous against it. Today's vote is also not a referendum on the nomination process. If it were, I think the vote would be unanimous that the process has swung out of control, and that it reflects poorly on the Senate.

What today's vote is about is whether Judge Clarence Thomas deserves appointment to the Supreme Court. Part of that calculation now involves the question of whether Judge Thomas sexually harassed Prof. Anita Hill when they worked together at the Education Department and the Equal Employment Opportunity Commission.

The Judiciary Committee tried its best over the weekend to get to the truth of the matter. The unfortunate fact is, however, that Senate hearings are ill-suited to determine the true facts in situations like this one.

Like most Americans, I spent a lot of time watching the hearings. I spent a lot of my career as a trial lawyer. I have seen a lot of witnesses.

What I saw last weekend was two convincing witnesses. Professor Hill's testimony was moving and credible. Judge Thomas' denial was forceful and equally credible. So what should the Senate do?

Make no mistake. In the view of this Senator, at least, a charge of sexual harassment, if proven, disqualifies any nominee for a position on the U.S. Supreme Court.

If Professor Hill had been credible, and Judge Thomas had not, the Senate's decision would be simple. If Judge Thomas had been credible, and Professor Hill had not, the Senate's choice would be equally clear. Since both were credible, however, and since it is impossible to get to the bottom of this matter, I think we have to fall back on our legal system and its presumption of innocence for those accused.

Under our system, the burden falls on those making allegations. Under our system, the person being accused gets the benefit of the doubt. That is not a legal loophole; it is a basic, essential, right of every American. If we are not to become a country where being charged is equivalent to being found guilty, we must preserve and we must protect that presumption.

In this case, that means Judge Thomas is entitled to a presumption of innocence.

Since the Judiciary Committee hearings did not overcome that presumption, that means Professor Hill's allegations cannot be used to justify a vote against Judge Thomas. A decision on this nomination cannot be made on sexual harassment grounds; instead, it must be made on the issues that have been before the Senate for the past 100 days and more.

I will therefore cast my vote as I had announced on October 1 for the confirmation of Judge Clarence Thomas.

I yield the floor.

Mr. BIDEN. Mr. President, I must ask. The time is equally divided between the proponents and the opponents of this nomination. I am under the impression that the senior Republican on the floor when Senator THURMOND is not here will control the time, and the senior Democrat on the floor when I am not here will control time. Is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. BIDEN. Mr. President, I will have much more to say today——

Mr. THURMOND. Mr. President, may I propound a question to the distinguished chairman?

Mr. BIDEN. Sure.

Mr. THURMOND. Mr. President, as I understand, the time will be equally divided between the pro and con. Is that correct?

Mr. BIDEN. That is correct.

Mr. THURMOND. They can alternate if they want to, but that is not what is counted. The time each side uses is what will really be counted.

Mr. BIDEN. That is correct.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will have much to say before the discussion of this nomination passes from public debate, which will be some time from now.

Today, I expect we are going to hear a great deal about how the process does not work. There is a good deal that can be said about the process working and not working, and that is what I want to address now.

There is also the temptation—when one does not want to take a firm position on the hard subject of whether or not Anita Hill is telling the truth, or the nominee is telling the truth—and it is always safe to attack the Senate. I understand that there is refuge in that, and I understand the political motivation behind such attacks. But this is a very, very serious question as to whether, and if, the process is not working, and if so, how to fix it. And notwithstanding what I suspect I am going to hear today about the Senate and the process, I will resist responding in giving my views for two reasons. One, I think it warrants a very thorough, thoughtful, and precise discussion, which time constraints forbid; and second, I would respectfully suggest is not likely to be able to occur on the floor today and in this environment.

The issue here today is whether or not to confirm a nominee to become an Associate Justice of the Supreme Court of the United States for the rest of his life.

We will hear discussion today, I suspect, about whether or not 100 days is an inordinate amount of time to have this nomination under consideration.

I would point out that if we confirm this nominee, we are talking about 15,000 days—15,000 days—that he will be making decisions that will affect our lives.

So I hope as we discuss this issue we will have the intellectual integrity to speak to the issue at hand, and that is: Should Clarence Thomas be confirmed to be an Associate Justice of the Supreme Court?

Many of us in the committee and out of the committee have already taken positions unrelated to having anything to do with the subject, the specific subject, of the hearings this past weekend.

My view is that Clarence Thomas should not be an Associate Justice of the Supreme Court because the views which Clarence Thomas has on matters of consequence that will shape the future of this Nation are significantly different than ones that I hold, and I believe are significantly different than ones that have been espoused by the Court for the past 40 years in the areas of separation of power, in the areas of the relative weight, the relative strength, the relative protection given to property and personal rights and privacy.

I think that is the legitimate forum within which we should debate whether or not a woman or man should become an Associate Justice of the Supreme Court.

Much of what has happened in the process, Mr. President, is totally beyond the control of the U.S. Senate. We cannot affect whether a rightwing group or a leftwing group, an interest group runs ads that are not true on television; or that is something I have absolutely no impact on. I cannot affect that. The Constitution prevents the Government from affecting that. Whether or not a member of my committee or their staff engages in unethical conduct and releases a confidential memoranda addressed to me by a witness is something I cannot absolutely prevent or control.

Within the rules, one who engages in unethical conduct, must be exposed and then reprimanded, if they can be found out. I can say without any fear of contradiction that there is not a person in this body who has a stronger desire and a keener interest in unearthing the unethical individual or individuals than do I.

But that is not the process' fault, Mr. President, any more than the process of the Presidency does not function because we have had unethical Presidents.

Mr. President, so much is beyond the control of this body that, understandably, in the concern that has been evidenced by something that the public cannot—nor can I—fully fathom happening, having happened. If you picked up the paper last week, you read about how horrible it was that the Senate, the Judiciary Committee, proceeded to deal with the Hill charges in private, without a public hearing. Yet some of the same people, writing a week later, now express how horrible it is that the issue was debated under the rules in public.

Human nature is rife with hypocrisy, Mr. President. But it is understandable. Because I know of no system of Government where, when you add the kerosene of sex, the heated flame of race, and the incendiary of television lights, you are not going to have an explosion. I know of no institution that has been created by mankind that can contain that configuration.

To take another example, we are now debating in America the televising of trials that take place in the Federal court system. There is a hue and cry that the public has a right to know, and they do.

There is a strong constitutional argument that would suggest that if press is allowed in to transcribe, why should press not be allowed in to televise? But mark my words, Mr. President, the first time there is a trial about sexual abuse or rape or harassment where, as an element of the crime, the victim is required under the law to explicitly and in detail state what happened, and the television camera broadcasts that across the public medium of television, there will be a hue and cry to close such a trial, because this is a phenomenon we have yet to encounter and resolve as a nation.

It is no one's fault, Mr. President. It is the nature of technology and our fundamental commitment to our Anglo-American notion of jurisprudence, which says that people in criminal cases are innocent until proven guilty beyond a reasonable doubt. And in civil cases, the defendant is given the benefit of the doubt.

That runs head on against the notion of fairness in the context of klieg lights, because it is a truism that any woman or man accused of a crime that is televised, as opposed to it being held in private or in a Senate hearing room, where there was no accusation of a crime or of wrongdoings, even if the person is totally exonerated, their reputation will have been damaged, because a large percentage of the public will say, "Why would they have been accused if they did not do it?"

We all know that in our criminal system the mere bringing of an indictment is just an indictment, even though you and I know that it means nothing under our system of law. It has nothing to do with whether or not a man or a woman is innocent or guilty under our system. They are innocent, notwithstanding the indictment, until they are proven guilty. All the indictment says is that you must come to court and be tried.

But the mere issuing of an indictment in a criminal proceeding—unrelated to the Senate—can ruin a woman's or a man's reputation.

I think that is part of the moral dilemma we are all wrestling with here. No one liked what happened, no matter who is at fault. Assume, for the sake of discussion, that the witness was lying completely; no one still would have liked the proceeding. Assume for the moment that the nominee was lying completely; no one could have enjoyed what has taken place. And the same criticisms would pertain.

Mr. President, we have a serious task, and the task is to decide by this vote that we will cast today, not whether or not Clarence Thomas engaged in sexual harassment, or any conduct unbefitting to a Justice; not whether or not Anita Hill was victimized in any way; but whether or not taking all things into consideration, from the charge to philosophy to judicial temperament—taking everything into consideration—we as an institution, exercising our constitutional responsibility, believe that this man should sit on the Court. This is a vote about the future of America, not just about Clarence Thomas' reputation.

This vote will affect his reputation. If Clarence Thomas were to lose today with 51 votes to 49 votes, the history books would way the reason he lost was because of this. Conversely, if Clarence Thomas wins, the history books will say, I suspect, that Anita Hill was not credible or was less credible.

Mr. President, we are voting the future of the Nation, not just the character of the man. If the character impacts upon the ability of that person to perform his duties, which sexual harassment, in my view, does, so be it.

I have, as we all have, had challenging things to do in my life and I have been confronted by challenging things. And I still am not sure precisely how I am to perform my responsibilities.

On the one hand, as chairman of the committee, I feel it is my absolute obligation to be as fair as humanly possible and have rulings, questions, and statements consistent with that fairness.

But I did not run for the U.S. Senate to become a judge. There are only three things I knew I did not want to be. One was a judge, another was a police officer, and the third was a mayor, because they are all incredibly difficult jobs that I do not feel myself personally suited for based on how I think.

I became a defense attorney instead of a prosecutor because that is where I find more comfort. I am not accusatory by nature. But the job is to try to see to it that justice is done within my limited capabilities as chairman. But all the while, everybody knows, prior to any of this occurring I was against the nomination of Clarence Thomas based on philosophy. And today, I will essentially, until the end of this process, conduct myself in a former capacity as best I can to see to it that everybody has an opportunity to speak because they are all grown people in this body. All the women and men in this body had a chance now to see essentially what all of us saw. They do not need me to tell them. They do not need me to inform them. They do not need me to convince them. Their judgment about the veracity of the witnesses is equally as sound as mine. So I will speak later, much later, about the process.

I thank the Chair for his indulgence, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Chair recognizes the Senator from Iowa. Does the Senator from South Carolina yield time?

Mr. THURMOND. Mr. President, I yield 20 minutes to the distinguished Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask that you notify me when 18 minutes have passed.

Mr. President, when I embarked on a career of public service 33 years ago, I think I was then and still am motivated by a desire to be involved in public policy, to strengthen the people of Iowa and their quality of life as well as to help make their great Nation, this great Nation, an even better place to live, work, and to raise our families. Never, Mr. President, could I have imagined that I would have to sit through a spectacle such as the one that we conducted in the Judiciary Committee this weekend. If it had not been for the fairness of the chairman, it probably would have even been more of a spectacle.

This ordeal was, for me and my colleagues, as well as the participants, one of gargantuan proportions. I was troubled, disturbed, and pained going into the hearing. And I was even confused at times during the hearing. But now after it is all over, I have had the chance to observe and to question witnesses and to consider their testimony. So now I would like to deal with some of the allegations brought against Clarence Thomas and his fitness to serve on the Supreme Court.

At the outset, Mr. President, the entire Judiciary Committee operated from the premise that fairness required Anita Hill to prove her allegations. As you know, she accused Judge Thomas of sexual harassment and she had to establish the truthfulness of these charges. Judge Thomas stands accused, but he need not prove his innocence. And to the extent that any of my colleagues find the situation continued to be cloudy, murky, and unclear, Judge Thomas must be given the benefit of the doubt. It is fundamental to our system that any doubts be resolved in favor of the accused. Chairman BIDEN noted this at the beginning of the hearing and he repeated it many times during the hearing. He said that Judge Thomas was entitled to be given the benefit of the doubt. That, Mr. President, was the committee's starting point.

We must take note that this extraordinary hearing resulted from a breakdown in the confirmation process, a leak to the press of a confidential FBI report.

Had this report not become public, the Senate could have handled the matter in confidence. The leak caused irreparable harm to these two individuals, Judge Thomas, and Anita Hill.

The leak was irresponsible, in violation of the Senate rules, and possibly illegal. It was an insult to the many committee members who approached the confirmation process fairly and carefully. And, I find it particularly ironic that in a process designed to find a ninth person to protect the rule of law in this Nation—a ninth person on the Supreme Court—so much disregard for both rules and law was demonstrated. The leak should be investigated and those responsible for it should be punished.

As a result of this leak, the Judiciary Committee was asked to hold hearings to determine whether these allegations had any factual validity. The Senate Judiciary Committee is quite able to investigate legislative facts; information about societal problems and legislation proposed to address them. However, this committee is ill-suited to conduct a trial. Trials are why the judicial branch was created. The American people need to understand that we on the committee cannot make a conclusive determination as to whether or not Professor Hill's allegations are true.

Professor Hill had recourse for deciding whether these allegations were meritorious—sex harassment is a serious charge and there are remedies for it. It is offensive, intolerable conduct which requires immediate corrective action. Under title VII, a Federal employee has 30 days in which to file a charge of employment discrimination, including sexual harassment.

If Professor Hill was not satisfied with the administrative determination, she could have sued in Federal court. But make no mistake, Professor Hill had a place to go 10 years ago when the harassment she asserts took place.

So what in fact did happen? We will probably never know all the facts. But this was high drama—from the perspective of this Senator from Iowa—this, at times, resembled a soap opera about the elite and aspiring power brokers of Washington, DC. There was plenty of talk about Yale Law School, establishment law firms, and moving up on the political ladder.

But as I considered all of the testimony—much of it was extremely offensive and difficult for me to endure—I have to conclude that, in spite of her sincerity, confidence, and apparent credibility, Professor Hill's story just does not add up. Let me explain the reasons for my conclusion.

Professor Hill's testimony was filled with inconsistencies. Frankly, I was left with more questions after the hearing than before.

For example, why did she follow Judge Thomas from the Department of Education to the EEOC if he had harassed her in the horribly offensive fashion that she claims? And, why did she not even explore her options for remaining at the Department of Education? After all she was a civil service employee, not a political hire. And, why did she make at least 11 phone calls to Judge Thomas between 1983 and 1987, after she left Washington? Why did she want to, in her words, keep up a cordial and professional relationship with a man she says tormented her?

And then, there is the substance of the allegations. As I saw it, Professor Hill had three different stories about the harassment she suffered. First, there was the harassment she told her friends at the time it occurred. To these individuals—Judge Susan Hoershner, Ellen Wells, and John Carr—she described only a general claim of sexual harassment by her boss. There were no details, no specifics.

Second was the harassment Professor Hill told Senate staffers when she requested confidentiality and to the FBI when she decided she wanted the Senate, but still not the public, to know. To them, she said Judge Thomas repeatedly asked her for dates and talked about pornographic movies, but not himself. And the third version of the harassment was the lurid, graphic and offensive stories she told on Friday during her testimony. There can be little doubt, Mr. President, that Professor Hill magnified the allegations for her live testimony on TV.

But one of the most puzzling chapters in this saga was the role her friends played. Three people claiming to be close friends, and one asserting a close professional relationship, were told by Professor Hill of the ordeal she experienced. But, Mr. President, we heard none of the graphic details from them on Sunday that she told us on Friday. These people had no specifics from Professor Hill. They had no firsthand knowledge of Professor Hill's claims. And even more significantly, they offered no advice to their friend Anita Hill. They said they tried to listen and comfort her.

But, Mr. President, these were four highly intelligent, well educated lawyers, like Professor Hill herself. And they could think of nothing to say to her to help her remedy this horrible situation. What does it say about our system, if four lawyers could not recommend she pursue legal remedies against her harasser? I was particularly struck by Professor Paul, whom Professor Hill told—in 1987—she left the EEOC because she was sexually harassed by a supervisor. Professor Paul went out of his way to tell us he was not opposed to Clarence Thomas's nomination.

He repeatedly said he did not sign an anti-Thomas petition a few months ago. But if he knew Anita Hill to be a victim of harassment by Judge Thomas, then why did he not see this as a disqualifying factor? The reason has to be that he did not connect Judge Thomas to Anita Hill's predicament. Professor Hill never mentioned Clarence Thomas' name to Professor Paul. Once again, a nonspecific charge with no supporting facts, not even Judge Thomas' name, to back it up.

These were not, Mr. President, corroborating witnesses; they were collaborating witnesses—collaborating with the special interest groups that pounced on Anita Hill and her story in their effort to assassinate the character and integrity of Clarence Thomas.

And lastly, although there are many more inconsistencies in this sordid affair, is the matter of what she was told by Senate staff. Mr. President, Anita Hill believed there was a distinct possibility that Judge Thomas would withdraw from the confirmation process if she came forward to the committee with her allegations. I do not know why she wants to keep Judge Thomas off the Court—ideological differences on issues from affirmative action to abortion, and a Washington career that did not go quite according to her plan are among the possibilities.

But one thing is very clear—she thought by coming forward, in confidence before the committee she could make a difference and derail this nomination. We have some overzealous Senate staff to thank for planting that seed in her mind.

Contrast those inconsistencies and open questions with the unshakable testimony we had from Clarence Thomas, and his former colleagues and friends. He categorically denied each of these charges. He never wavered from this denial, never made inconsistent statements.

His testimony was consistent with what we learned about him in his real confirmation hearing—a testament to his strength, his character, his integrity. He came only to clear his name, something he said was virtually impossible to do—he has been tarnished with a stain that cannot be removed. The groups who oppose Clarence Thomas may lie, cheat, and steal to keep him off the Supreme Court. But he will not lie, cheat, and steal to be on it.

And finally, look at the eight former colleagues of Clarence Thomas. Women who appeared before us at 1 o'clock in the morning to tell us how Judge Thomas treated women. We were tired; some wanted to introduce their statements in the record. But these women would not hear of it. No matter what the hour, they wanted to appear in person. They knew both individuals and the way Clarence Thomas treated those who worked for him. Additionally, these women knew what was going on in the Office. When activities like this occur in an office the simple truth is—people know about it. Usually, they talk about it. That did just not happen here.

Mr. President, we have been through an astounding process, that I truly hope ends later today with Judge Thomas's confirmation for Associate Justice of the Supreme Court. If it does, he will have shaken off all the mud his opponents could throw at him. Early on, some said he was a Catholic whose religion would interfere with his judging.

Then, they tried to smear him with marijuana use, a youthful indiscretion we knew about when we confirmed him for the Appeals Court. Next, they called him anti-Semitic, when two speeches showed up with throwaway lines on Louis Farakhan. And now, they have tried to tar him with a charge of sexual harassment.

What do the liberal interest groups fear from this man? That he dares to think for himself? That he challenges the establishment? That he offers some new solutions to some old festering problems? He represents a new kind of role model, one that will not walk in lockstep with the established orthodoxy and one that challenges the prominence and the domination that the groups have maintained over the last 25 to 30 years. Clarence Thomas is a challenge to the status quo, and those special interest groups are threatened.

That is what this fight has been about—it has been about much more, for these groups, than a single nomination. And Prof. Anita Hill, tragically, got caught in the middle with her very believable and sincere charges against him.

Mr. President, who better to trust now as a guardian of our precious liberties than Clarence Thomas? Now, he brings not only his intellect, his understanding of our separate branches of Government, his values and upbringing, but also this ordeal—having his name dragged through the mud, his reputation almost ruined. This dimension is not shared by any other member of the Court, and is bound to have an impact on his sensitivity to our sacred liberties.

I hope we never have to go through an ordeal like this again. It has not been the Senate's finest hour, although I do believe the Judiciary Committee under Senator BIDEN's fine leadership did a fair and thorough job, given the constraints and limitations inherent in the way the committee works.

The PRESIDING OFFICER (Mr. ROBB). The Senator asked to be reminded when 18 minutes had elapsed. Eighteen minutes have elapsed at this time.

Mr. GRASSLEY. Mr. President, I said I never expected, in my years upon entering politics, to go through the spectacle we just went through. It now, I hope, brings Judge Thomas to be confirmed.

I hope we never have to go through an ordeal like this again. It has not been the Senate's finest hour, although I do believe the Judiciary Committee under Senator BIDEN's fine leadership did a fair and thorough job, given the constraints and limitations inherent in the committee's work.

In January we participated in the most serious and weighty matter that we are charged with, and that was on the question of taking our country to war. This weekend we discussed things on television that I am uncomfortable discussing behind closed doors. That is a far distance to travel in less than a year.

It has been asserted that this, too, was part of our democratic system. But I hope that there is a way to restore ourselves and the American people the ideals of representative democracy, ideals that brought down the Berlin Wall, that inspired the student revolt in Tiananmen Square, and that sustained Boris Yeltsin in his standoff with the coup plotters.

I believe we can do it, that we must do it, and I urge my colleagues to confirm Judge Thomas as one step in that direction.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. Mr. President, I yield as much time as the Senator from West Virginia [Mr. BYRD] needs.

The PRESIDING OFFICER. The President pro tempore, Senator BYRD, is recognized for as much time as he may consume.

Mr. BYRD. Mr. President, I ask unanimous consent that a speech which I prepared several days ago on this subject be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT IN SUPPORT OF THE CONFIRMATION OF JUDGE CLARENCE THOMAS

Mr. BYRD. Mr. President, today I rise to indicate my views on the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court of the United States.

First, let me say that I am going to vote in favor of Judge Thomas's confirmation. I do so because I support a conservative Supreme Court. I supported the confirmation of Judge Sandra Day O'Connor, a conservative judge. I supported the confirmation of William Rehnquist, a very conservative judge, although I did not support his confirmation as Chief Justice. I supported the confirmation of Judge Antonin Scalia, also a very conservative judge. I supported the confirmation of Judge David Souter, a conservative judge.

I am not comfortable with an "activist" Supreme Court, as was the Warren Court. I believe that Supreme Court justices should interpret the law in accordance with the Constitution, and not try to remake the law. That is the prerogative of the legislative branch of our government.

So, as a supporter of a conservative court, I intend to vote for Judge Thomas. But I do not do so unreservedly. And, as many of my colleagues know, I have not always voted for all conservative nominees. I did not support the confirmation of Judge Robert Bork, who was nominated by President Reagan in 1987 to be an Associate Justice of the Supreme Court. Judge Bork was not confirmed by the Senate.

In the process of making my decision about Judge Thomas, I went back and reviewed the nomination of Judge Bork. I wanted to refresh my memory as to why I had opposed Judge Bork's nomination. In doing so, I reconfirmed in my own mind the reasons I had opposed Judge Bork. The process was helpful to concluding that I would not oppose Judge Thomas. At the same time, my review of Judge Bork's nomination and subsequent rejection, and my review of Judge Thomas's nomination and the hearings thereon, have caused me to have some reservations about Judge Thomas.

I admit that I was inclined to view Judge Thomas favorably from the beginning, to a large measure because of his background and his long record of successes. He is to be admired for having overcome the poverty and deprivations of his childhood. He has struggled against adversity, he has done so with diligence and persistence, and he has achieved far more than what might have been predicted at his birth.

But my admiration for his achievements does not blind me to some reservations I have about some of his views. To put these reservations in perspective, let me briefly review why I opposed the confirmation of Judge Bork.

Judge Bork explained his views openly and extensively before a divided Judiciary Committee, of which I was a member at that time. The balance rested with four uncommitted Senators, including myself. I stated at the beginning of the Bork hearings that I favored then—as I do now—the appointment of conservative judges to the Supreme Court.

The commitment of the four Senators could just as easily have swung behind Judge Bork as against him. I was open to persuasion. So were the other three uncommitted Senators. But we were not persuaded. Indeed, all four of the uncommitted Senators swung against him.

Why? The majority of the full committee became unsettled by Judge Bork's overly narrow interpretation of the law. That feeling of unease reflected the unease of many Americans that there was no assurance that Judge Bork would protect their rights. This, I believe, was the central reason for the rejection of Judge Bork's nomination by the full Senate. Judge Bork rejected the view that unexpressed, or unenumerated rights may be protected by the general provisions of the Constitution. He did not believe that it is the responsibility of a judge to apply history, tradition, precedent, and his perception of the community's values to discern and protect those unexpressed or unenumerated rights.

As every student of history knows, the framers of our Constitution did not feel the necessity to include a Bill of Rights because they had not delegated to the soon-to-be-created National Government the authority to infringe the people's rights. But the opposition rhetoric, and the possibility that Government might through use of some delegated powers actually restrict those precious rights, brought Madison and others to the recognition that it was prudent to add a Bill of Rights. And yet, as Madison worried, listing some rights, because it was not possible to list all, might raise the implication that only the listed ones were protected, and that unlisted ones were indeed subject to the mere will of the majority.

No doubt exists as to the response to this concern. The ninth amendment was the response:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

This amendment clearly implies that there are rights in addition to those spelled out in the first eight amendments, and the fact that such additional rights are not equally spelled out there gives the Government no warrant to take them away. The implication is that these other rights must be discerned by our reasoning applied to our history, to our traditions, to the concepts of natural law, and to the consensus of the community with respect to the values we hold dear. No matter how elaborate the procedure that Government uses, there are some aspects of life, liberty, and property that Government simply may not, without due process, take away.

There were several other areas in which I disagreed with Judge Bork, including his views on the right of privacy, congressional standing, and the role of the independent counsel. Some of these are relevant to a discussion of Judge Thomas's views.

On the right of privacy, Judge Bork rejected this "powerful tradition" in our society, which forbids Government to intrude into the relationship between husband and wife, between parents and child, without a compelling reason. Judge Bork, I am sure, likes his privacy as well as the next person. He just did not think it rises to the level of a protected interest.

Now where does Judge Thomas stand on these issues that were raised during Judge Bork's confirmation hearings? I am not really sure. Since the divisive debate over Judge Bork, the White House has adopted a strategy of sending Supreme Court nominees to the Hill who have little or no record at all. Witness Justice David Souter, for whom I voted, and now Judge Thomas, for whom I intend to vote.

But it does appear that Judge Thomas does not outright reject the concept of unexpressed, or unenumerated rights—which was my chief reason for voting not to confirm Judge Bork. Judge Thomas believes, or at least he did prior to these confirmation hearings, in the concept of natural law: that there are rights residing initially in each person because of his or her humanity—God-given and antecedent to government's existence, and not dependent on government's bestowal of them.

The fact that Judge Thomas endorses natural law principles—in contrast to Judge Bork's rejection of the concept of unexpressed, or unenumerated rights—suggests that he may have a more open mind about his interpretation of the Constitution than did Judge Bork.

Certainly, Thomas is younger, and if his confirmation hearings are any indication, he is less fixed in his beliefs and judicial philosophy. Some have criticized him for being too vague in his judicial philosophy, and I admit that I have reservations about that myself.

It is my hope that the experience of the Court itself will help Judge Thomas to grow and develop as a jurist. Service on the Supreme Court is one of the highest honors in this land, and I hope that Judge Thomas will prove himself worthy of that honor.

I feel great affinity with Judge Thomas's deep personal belief in a view of life and law that places greater emphasis on individual effort, individual responsibility, and the sanctity of law above race. But I do understand the concerns of those who oppose Judge Thomas's nomination because they believe that his opposition to the traditional approach to civil rights and his opposition to affirmative action render him insensitive to those who do not have his personal reservoir of inner strength. I also understand the concerns of those who fear how he might rule on the matter of overturning *Roe* v. *Wade*—and I share this concern—and on how he might rule on other matters pertaining to the rights to privacy.

But I am prepared to give Judge Thomas the benefit of the doubt on these issues. I am prepared to hope that the experience of the Court itself will bring forth the best in him and give him the sensitivity that is needed on such divisive issues. I am even prepared to overlook the grossly intemperate remarks about the Congress that he made when he was a part of the Reagan Administration, although I admit that I find it hard to swallow his praise for Lt. Col. Oliver North.

I have reservations about the nomination of Judge Thomas to be an Associate Justice of the Supreme Court. I would have preferred a more distinguished nominee, with greater legal experience, legal practice, longer tenure as a judge. I would have preferred a nominee with a better grasp of key Court decisions. I would much have preferred a nominee who had not made intemperate remarks about the Congress, and had I remained on the Judiciary Committee, I would have given Judge Thomas the opportunity to review those remarks at some length.

But because I support a conservative Supreme Court and because I hope that the experience of the Court will help Judge Thomas to grow and develop as a jurist—and because I do not believe he poses the threat to the rights of the American people that Judge Bork did—I intend to vote in favor of the confirmation of Judge Thomas.

Mr. BYRD. Mr. President, I do not come to the floor today to debate the confirmation of the nomination of Judge Thomas. I come, rather, to state my viewpoint, believing that I have a responsibility to my constituents, a responsibility to Judge Thomas, a responsibility to my colleagues in the Senate, a responsibility to the people of the United States, and a responsibility to myself, to do so.

I have not previously spoken on this subject. I have indicated from the very beginning to the President and to one or two Senators—Senator DOLE in particular—that it was my inclination to vote for the confirmation of Judge Thomas. And my inclination was based on my support of conservative nominees to the courts.

I believe that if there is to be a liberal body it should be the legislative body. I believe that the courts should be conservative. Several days ago, I was impressed to hear Judge Thomas say, as reported in the newspapers, that he believed his role as a judge to be that of interpreting the Constitution and the laws of the United States, not that of rewriting or remaking the laws. I did not like the Warren court, and have so stated many times on this floor, because, in my view, it sought to fulfill the functions of the legislature instead.

I prepared a statement in support of the confirmation of Judge Thomas. And when I left the Hill on last Thursday evening, after working in the Interior Appropriations conferences for 2 days, I left my speech in support of Judge Thomas on my desk, prepared to state today that I was going to vote for Judge Thomas to be an Associate Justice on the U.S. Supreme Court.

Mr. President, I watched the hearings at home on my television set. I know I have previously said that if we want to improve the education of our young people, we should throw out the television sets, or at least cut down the time that our youngsters view them. But in this instance my daughter asked me what I was going to do with my television set because I sat there glued to that television set all of Friday, into the wee hours of the night Saturday, into the wee hours of the morning. I watched every minute of the hearings with the exception of 15 minutes.

On Sunday Mr. DOLE and Mr. MITCHELL were on one of the programs, and they went over 15 minutes beyond 12 noon, and that was the reason I missed 15 minutes of what was happening in the large caucus room in the Russell Building.

I taped the testimony of Anita Hill, and I taped the testimony of Judge Thomas. I taped their appearances and I have replayed them.

This is a very extraordinary case. I know of no precedents of this kind; nothing similar, certainly on all fours, or even approaching that.

Millions of eyes all over this country have been watching the hearings. Millions of ears have been listening to the hearings. And, in listening to the call-in shows, C-SPAN, I have listened to what the people are saying. They are interested. They are watching. They are listening. And they have been quick to say that they have made up their minds, in most instances, one way or the other. I have read about the polls indicating what the people out beyond the Beltway are thinking.

Mr. President, I have concluded that I shall vote against the nomination of Judge Thomas.

Before going into the reasons, let me compliment JOE BIDEN—Senator BIDEN and Senator THURMOND on the fairness which they demonstrated throughout the televised hearings to the witnesses, to the nominee, and to their colleagues. It was a very difficult position that Senator BIDEN, as chairman of the committee in particular, had to maintain: Fairness, patience under great pressure, and in some cases under provocation. And so I do want to commend the chairman and ranking member.

I was formerly a member of the Judiciary Committee for several years. I am no longer a member. I am concerned about the atrocious, abominable leak that occurred.

It was a detestable thing. I do not know who is responsible, whether it is a Senator or a staff person. That is not my province, to make a judgment in that situation. But it reflected very adversely upon the committee, and I am sorry that it has reflected on the Senate as a whole. I can understand the outrage that has been expressed by committee members and others. I can understand the embittered feelings and expressions by Judge Thomas. It was a reprehensible, underhanded thing to do. And all indications are that it came from the Democratic side. I detest it.

I can understand, as I say, the feelings of astonishment and outrage. But I want to echo what the majority leader said earlier today. If it is an outrage for a leak to occur in the Judiciary Committee; it is also an outrage for a leak to occur in the Ethics Committee. And I must echo the statements, at least as I understood them, by the majority leader. We heard no sense of outrage when they occurred in the Ethics Committee. Two wrongs do not make a right, and one wrong does not make a right. But the outrage should pervade the Chamber on both sides of the aisle and in both cases because, "He who the sword of heaven will bear should be as holy as severe."

Now as to my reasons for the conclusion that I have reached to vote against Judge Thomas. I believe Anita Hill. I believe what she said. I watched her on that screen intensely and I replayed, as I have already said, her appearance and her statement. I did not see on that face the knotted brow of satanic revenge. I did not see a face that was contorted with hate. I did not hear a voice that was tremulous with passion. I saw the face of a woman, one in thirteen in a family of southern blacks who grew up on a farm and who early in her life belonged to the church, who belongs to the church today, and who was evidently reared by religious parents. We all saw her family as they came into the hearing room—the aging father, the kind mother, hugging their daughter, giving her solace and comfort in her hour of trial.

I saw an individual who did not flinch, who showed no nervousness, who spoke calmly throughout, dispassionately and who answered difficult questions. Some thought there were inconsistencies, but a careful reading of the exact language of the questions that were put to her can, at least in one case, and perhaps in others, explain away the appearance of an inconsistency in what she was saying in response to that question—about which some loose talk was subsequently made about possible perjury.

I will not go into further details here, but it is very easy to charge inconsistencies in answering questions. But I thought that Anita Hill was thoughtful, reflective, and truthful. That was my impression. Granted, let us say, that there may have been a few seeming inconsistencies. Granted, for the sake of those who think there were inconsistencies. That does not mean that she was lying; that does not mean that her charges were not true. Perhaps longer hearings would have given her the opportunity and the committee the opportunity to clarify whatever seeming inconsistencies there may have been, to the satisfaction of all.

She was a reluctant witness. There are those who ask why did she not come forward in the previous confirmation hearings? She simply was not contacted in the previous hearings. They ask, why did she wait 10 years? The fact that she waited 10 years does not negate the truth of her assertions. She explained the reasons why she waited. She explained that she was reluctant to come forward, she explained that she did not want to go forward. She explained that she did not even want to be there in that large chamber in the Russell Building that day and at that time. She explained that she had spoken to other individuals very early on—1981, 1982, 1983, 1987—and those same persons came forward later in the hearings and corroborated the fact that she had, indeed, talked about this several years ago.

Why did she not file a claim? She stated her reasons. She said that perhaps she used poor judgment. How many in this Chamber have not used poor judgment in the past?

Who can stand in this Chamber and say, "I have never used poor judgment?" One can understand that at the age of 25, an individual might be more vulnerable toward the exercise of poor judgment.

Why, one might ask, did not Procopius write his "Secret History" while the Emperor Justinian was living? Procopius wrote about the profligacy, the dishonesty, the crimes committed by Justinian and Theodora, his harlot wife. He wrote about the same kind of profligacy and harlotry and crimes committed by Antonina, the wife of Belisarius, a great Roman general who served under Justinian. When Procopius wrote his earlier "Histories" when he wrote his work on "Buildings," giving great credit to Justinian for his work on public buildings and great edifices, why did Procopius not then reveal the sensitive secret matters which he knew about, at the very time they were occurring, he having been born around 500 A.D. and having died around 565 A.D., the same year in which both Justinian and Belisarius died.

He knew of what he spoke, but he did not dare, for his own reasons, to publish the secret history. He himself stated that, as long as those responsible for what happened were still alive, it was out of the question to tell the story in the way that it deserved. He knew that he would be subjected to torture and death and the confiscation of his property, perhaps the destruction of his family, had he published those things before Justinian died and before Theodora died and before Belisarius died. Consequently, the "Secret History" by Procopius was not published for centuries after his own death.

So there are reasons for Anita Hill's reluctance to reveal her secrets, and as far as I am concerned, without going into them in detail—everybody has heard what has been said—I will not go into them here.

There has been loose talk about fantasies. The former dean of Oral Roberts University explained that he had regretted the use of the word "fantasy." He had regretted the use of it. It was just a word that he had used on the spur of the moment.

This woman was not fantasizing. As one who has lived a long life and who has had the opportunity to see many people in my life, in all walks of life, I think I have some ability to form an opinion of another person when I listen to that person, when I look into his eyes, to determine in my own view whether he may be fantasizing, whether he is out of his mind, whether he is some kind of nut, whether he is a psychopath. It comes through. None of that came through to me in Anita Hill's statements.

There have been theories about a conspiracy, special interest groups got to her, or she invented this, just something that she made up. A woman spurned, a woman scorned. I do not believe that any reasonable man could carefully look at that woman's face, listen to what she had to say, set in the whole context of the circumstances, and believe that she was inventing her story—suddenly, at the very last moment. She had no knowledge that anyone was going to contact her about this. This came out of the blue.

Truth is a powerful thing, and sometimes it is a strange thing. To those who wish to think of a confirmation hearing as a court case, as having the surroundings and carrying the environment of trial, one may see things perhaps differently. This is not a court case. This is a confirmation hearing. They say, well, there was nobody else who said this; there was no pattern. Would it not be reasonable to believe that there would be a pattern if this man were like this? Would he not be saying this thing to others?

Well, who knows? Perhaps he did. I am not going to say he did. I do not know. But since the flights of imagination seemed to be rampant around here, one might imagine there was somebody else. And even so, if there were no others, is it not possible that this could have happened in this case, that this could have happened just this once? Of course, it is possible.

One may say, well, it was not probable. One does not know about that.

Mr. President, what are my other reasons, aside from believing Anita Hill? I was offended by Judge Thomas' stonewalling the committee. He said he wanted to come back before the committee and clear his name. That is what I heard. He wanted to "clear his name." Well, he was given the opportunity to clear his name, but he did not even listen to the principal witness, the only witness against him. He said he did not listen to her. He was "tired of lies."

What kind of judicial temperament does that demonstrate? He did not even listen to her. What Senator can imagine that, if he were the object of scrutiny in such a situation, he would not have listened to the witness so that he would know how best to respond, how to defend himself, how to clear his name? But, instead, Judge Thomas came back and said he did not even listen. He set up a wall when he did that, because it made it extremely difficult for members of the committee to ask him what he thought about this or that which she said?

He wanted to clear his name, he said. I know that hindsight is great, and I would imagine that most of the Members of that committee now wished they had asked for a week's delay. That should have been done. That opportunity is gone. Perhaps much of this travail could have been avoided with a week's delay and by calling in the two persons—principal persons here—and talking with them in private.

But again, that is water over the dam. We now have only what happened, the circumstances, to deal with. Judge Thomas asked to come back to clear his name. I was extremely disappointed and astonished, as a matter of fact, when he came back to the committee and said he had not listened—had not listened—to Anita Hill.

By refusing to watch her testimony, he put up a wall between himself and the committee. How could the committee question him? How could the committee learn the truth if the accused refused even to listen to the charges? What does this say about the conduct of a judge? He is a judge now, a circuit court of appeals judge.

What does this say about him, the conduct of a judge, a man whose primary function in his professional life is to listen to the evidence, listen to both sides, whether plaintiff or defendant in a civil case, or a prosecutor and the accused in a criminal case?

I have substantial doubts after this episode about the judicial temperament of Judge Thomas, doubts that I did not have prior to last weekend's hearings. How can we have confidence if he is confirmed that he will be an objective judge, willing to decide cases based on the evidence presented if, in the one case that will matter most to him in his lifetime, he shut his eyes and closed his ears and closed his mind, and did not even bother to watch the sworn testimony of Anita Hill?

She was testifying under oath. He professed to want nothing more than to clear his name. Yet he could not be bothered to even listen to the allegations from the person making the allegations.

Another reason why I shall vote against Judge Thomas: He not only effectively stonewalled the committee; he just, in the main, made speeches before the committee; he managed his own defense by charging that the committee proceeded to "high-tech lynchings of uppity blacks."

Mr. President, in my judgment, that was an attempt to shift ground. That was an attempt to fire the prejudices of race hatred, and shift the debate to a matter involving race.

I frankly was offended by his injection of racism into the hearings. This was a diversionary tactic intended to divert both the committee's and the American public's attention away from the issue at hand, the issue being, which one is telling the truth? I was offended. I thought we were past that stage in this country.

So instead of focusing on the charges and attempting to be helpful to the committee in clearing his name, he invoked racism. Of course, he was embittered by the leak, and he was justified to so state. But, instead, he indicted the whole committee, he indicted the Senate, and he indicted the process. Not everybody in the Senate is guilty of leaking material. I did not leak it; I did not leak anything to the press. But he impugned me. And he impugned you, Senator SASSER; you are not on the committee; he impugned you, Senator PRYOR, and you are not on the committee; and you Senator BRADLEY, and you are not on the committee. He did not make any distinctions. He did not discriminate among us. We were all guilty. He was bitter at the Senate, at the committee, at the process.

He should have been bitter at the person or persons who leaked whatever it was that was leaked, and he could have so stated in the strongest terms. But instead, he lectured the committee. He found fault with the "process." The process is a constitutional process that was determined by our forefathers in Philadelphia in 1787. That is the process.

And it is because of that process that Judge Thomas was given his day to clear his name. It is because of the process that he was able to overcome poverty. It was because of the process that he was able to stay out of prison in this country, that he was able to get that fine education. It was because of the process. It was because of the process that he was heard before the committee and given an opportunity to answer questions, given an opportunity to clear his name. That is the process.

If we are only talking about a leak, then that is something else. But one can condemn leaks without condemning the committee, without condemning the Senate, and without condemning the process.

He tried to shift ground. I think it was blatant intimidation, and, I am sorry to say, I think it worked. I sat there and I wondered: Who is going to ask him some tough questions? Are they afraid of him?

He said to Senator METZENBAUM, "God is my judge; you are not my judge, Senator." Well of course, God is also my judge. I am not God. But I do have a vote. And I have a responsibility to make a determination as to how I shall vote. That kind of talk, that kind of arrogance will never get my vote.

I do not know who—I will say it again—I have no idea, I cannot prove anything; if a particular Senator is responsible for the leak, that is one thing. But I have doubts that 14 Senators did it. I have doubts that 13 did, or that 12, or 10, or 8, 6, 5, 4, 3, or 2 did. But to condemn and to repudiate and to excoriate the committee, the Senate, and the process went too far.

Leaks are deplorable. They are reprehensible, and I know we all are going to say, let us do something about it. But human nature has never changed. It has been the same since God drove Adam and Eve from the Garden and said: In the sweat of thy brow shalt thou eat bread. And He created a serpent. He said: You will bruise the head of that serpent, and it will bruise your heel.

There will always be leaks.

We ought to do whatever we can to prevent them. And if we can find the Senator who, if, let us say, if it was a Senator, and that can be proved, I will be among the first to vote to expel him. If it was a staff member, I cannot vote to expel him. I simply think he ought to be fired.

But there will always be leaks—always. But the unfortunate way in which this information has come to light should not be enough to cause us to disregard the possible relevancy, the possible relevancy and the possible accuracy of a charge which so pertains to the character and the temperament of an individual being considered for this august and powerful position.

Let me say, Mr. President, to my colleagues, this is a powerful position to which he is being appointed, if he is appointed, and I do not have any doubt that the Senate will confirm him. I said I did not come here to debate the matter. I do not think I am going to change anyone's minds. But I am going to make my statement. Judge Thomas made his statements in no uncertain terms. So I am going to make mine.

I want to compliment the chairman. I do not think the chairman was intimidated. I watched him carefully. If a person wants to clear his name, why should the committee members be intimidated by that person? If I had previously said that I would vote for him, I would have changed my position on that committee.

But so many of the Democrats had already said they were against him. They had already voted against him. So they could not help that. They did not realize at the time that this was coming. But to an extent, their previous vote had put them in a difficult position to question because everybody knew where they were coming from. I am sure that must have been their feeling: Everybody knows where I am coming from, they probably thought; I have already said I am against him. So, to that extent, it sort of taints my question. I can suppose they reasoned thusly.

I am very sorry that the matter of race was injected, not in an effort to clear one's name, but in an effort to shift the ground. So that, instead of making an effort to clear his name in the minds of the committee members and in the minds of Senators who were not on the committee, he shifted the blame to the process and to race prejudice.

I think it is preposterous. A black American woman was making the charge against a black American male. Where is the racism? Nonsense; nonsense!

Mr. President, I will get to my final reason for voting against Judge Thomas.

(Mr. PRYOR assumed the chair.)

Mr. BYRD. Mr. President, this question of giving the benefit of the doubt, I have heard it said, well, if you have a doubt against this—and it is obvious nobody can really say with certitude as to which one is telling the truth, the whole truth, and nothing but the truth, so help him or her God—then you should give the benefit of the doubt to Judge Thomas. He is the nominee.

Mr. President, of all the excuses for voting for Judge Thomas, I think that is the weakest one that I have heard. When are Senators going to learn that this proceeding is not being made in a court of law? This is not a civil case; it is not a criminal case wherein there are various standards of doubt, beyond a reasonable doubt, so on and so on; if you have a doubt, it should be given to Thomas.

Why? This is a confirmation process, not a court case. We are talking about someone who was nominated for one of the most powerful positions in this country. Some say, he will only be one of nine men. But suppose it is a divided Court, four to four in a given case. That one man will make the difference. Suppose it is a divided Court and he does not show up for some reason, he does not vote on a matter. A tie is in essence a decision in some cases.

His decision will affect millions of Americans, black, white, minorities, the majority, women, men, children, in all aspects of living, Social Security, workmen's compensation, whatever it might be that might come to the Supreme Court of the United States. That one man in such an instance will have more power than 100 Senators, more power in that instance than the President of the United States. This is not a justice of the peace. This is a man who is being nominated to go on the highest court of the land. Give him the benefit of the doubt? He has no particular right to this seat. No individual has a particular right to a Supreme Court seat. Why give him the benefit of the doubt?

Such an honor of sitting on the Supreme Court of the United States should be reserved for only those who are most qualified and those whose temperament and character best reflect judicial and personal commitments to excellence.

A credible charge of the type that has been leveled at Judge Thomas is enough, in my view, to mandate that we ought to look for a more exemplary nominee. If we are going to give the benefit of the doubt, let us give it to the Court. Let us give it to the country. Judge Thomas professed, "You may kill me, look what you are doing to me," and "what you are doing to my country."

So, I will take that on. If Judge Thomas is rejected, he will not lose his life. He will not lose his property. He will not lose his liberty. He will go on being a judge of the appellate court, the youngest judge on the court, driving his car, mowing his grass, going to McDonalds, eating a Big Mac, and living his life, watching his son play football.

Now I do not say any of those things pejoratively, but those are his words. So why should we give the benefit of the doubt to him? He will not have to worry about a job. You cannot take his job away from him except through the impeachment process. He will be a judge for life. And his salary is inviolable. You cannot cut it.

But, he will be on that Court 30 years, if he lives out the psalmist's span of life. He will affect the lives of millions. He will make decisions which will impact on their ability to own a car or even to eat a Big Mac. Their liberty, their lives, their property, will be in his hands.

Now, if there is a cloud of doubt, this is the last chance. He is not running for the U.S. Senate, when there would be another chance in 6 years to pass judgment on him. He is not running for the House of Representatives, wherein there would be another chance in 2 years. He is not even running for office. He has been nominated to the Supreme Court of the United States, and if he is not rejected—I believe he will not be rejected; I think too many have made up their mind, I think too many have been swayed with this argument about the benefit of the doubt—this is the last clear chance, to use a bit of legal terminology, this is it. The country will live with this decision for the next 30 years.

I realize it is possible that in the process a man could have been wronged. If it were a criminal trial, it would be different. That is what it is not.

Now then this final argument that I saw in the Washington Post editorial this morning to the effect that there should be two—I do not have it in front of me, but the gist of it was, as I got it, there needs to be two witnesses or some such. I do not have it. I want to be exact.

I am reading a sentence and at the end of my statement I ask unanimous consent that the entire editorial be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. It reads:

> It goes against a tradition which holds that the unproven word of a single accuser is not enough to establish guilt.

Well, there we are in the court setting again. This is a confirmation process, not a judicial process.

Under the old English law and the law of our forefathers and our law today, in a case of treason, one witness is not enough. That is a case which, under the English law, was a criminal trial, impeachment, a criminal trial; he could lose his life, he could be banished, he could lost his liberty, he could lose his property, he could lose them all. That was a criminal trial. That was a criminal trial under the old English law.

And so that was transferred into the Statute of Treasons, I believe, in 1352 or thereabouts, and it came down to our Constitution. You have to have two witnesses to a treasonous act. The editorial continues, we have a tradition "which holds that the unproven word of a single accuser is not enough to establish guilt." And the closing sentence, "But in these circumstances history gives us too many reasons not to act on the unproven word of a single accuser." Again, the editorial is confusing a confirmation process with a court setting.

I disagree with the statement, "History does not give us any reasons not to act on the unproven word of a single accuser "in the confirmation of a nominee."

So let us not get all confused about what we are doing. This is a confirmation process. And if there is a doubt, I say resolve it in the interest of our country and its future, and in the interest of the Court. Let us not have a cloud of doubt for someone who is going to go on that court and be there for many years.

Now, Mr. President, I want to close by talking just briefly again about the "process," the process in the larger sense.

Judge Thomas sought to blame the process and to avoid the real issue. But it is my judgment that that does not clear Judge Thomas' name.

> This is the excellent foppery of the world, that when we are sick in fortune—often the surfeit of our own behavior—we make guilty of our disasters the sun, the moon, and the stars.

Shakespeare went from "King Lear" to "Julius Caesar," when Cassius said to Brutus:

> The fault, dear Brutus, is not in our stars,
> But in ourselves, that we are underlings.

Judge Thomas sought to blame his troubles on the process, but his problem was of his own making.

So, let us, as was said in the hearings from time to time, let us keep our eye on the ball. We are going to cast a very important vote today. And it is not like sin, in the sense that one may be forgiven for it. But once this vote is cast, there is no recourse for restoration.

I have tried to speak from the head. And, Mr. President, my heart tells me that I am right. I will not attempt to criticize any other Senator's vote. Every Senator has not only the right but also the duty to vote as he sees fit.

In Milton's "Paradise Lost," man is described as having a will. He has the power of the will. Nobody will stand like the Persian monarchs behind their soldiers or behind Senators and lash them into battle or dig trenches behind them to keep them from retreating. It is up to every Senator to decide, and every Senator can justify his position any way he wishes.

As I say I am not here to debate. I am not here to try to change men's minds or women's minds. I am here to state my own sound views as I see them, through my own lights, and after having carefully weighed this matter; after having gone from being a supporter of Judge Thomas for the reasons I have said—and my previously intended speech will be in the RECORD to show the reasons why I was supporting him—having gone from that position to the position I have stated today. I believe that it is my country that will be hurt in the event Judge Thomas goes on the Court.

Perhaps we need to clean up the process if we can. But the "process" is a constitutional process, and it has done us well for over two centuries. And as far as I am concerned the benefit of the doubt will go to the Court and to my children and to my grandchildren and to my country.

EXHIBIT 1

[From the Washington Post, Oct. 15, 1991]

THE THOMAS NOMINATION

One month ago in this space we said we thought Judge Clarence Thomas should be confirmed to the Supreme Court. Our endorsement was not born of enthusiasm but rather of conviction that "on the strength of what we know of his record and the testimony given so far . . . Clarence Thomas is qualified to sit on the court." That was Sept. 15. Today is Oct. 15, but it seems more as if a century had passed than a month. As seems to be true of practically everyone else, we are not satisfied that the Senate Judiciary Committee hearings over the past weekend disposed of the question they were reconvened to resolve: namely, whether Judge Thomas or Prof. Anita Hill, the woman who has accused him of sexual harassment, is telling the truth. She could not conclusively establish the validity of her charges; he could not conclusively disprove them. And there we are. The Senate is scheduled to vote today.

For us there are really only two options. One is to argue for rejection of Judge Thomas on the ground that even though the charges against him were not proven, there remains a cloud of doubt that has not been and perhaps can never be dispelled. There is some merit to this position: it protects against the worst outcome (Judge Thomas's being found at a later date to have lied about these things). And it will in retrospect be at least understandable and eminently forgivable if the outcome goes the other way. That is, if it should turn out that Prof. Hill was the guilty party and Judge Thomas the victim, well, unfair as it was, people will feel that protecting against the risk to the court was worth the unfairness to him.

We cannot accept this argument. It goes against a tradition which holds that the unproven word of a single accuser is not enough to establish guilt.

The accusation Prof. Hill made is a grave one and would clearly disqualify Clarence Thomas for the Supreme Court if it were proven. We are aware that proof in cases of this kind is very hard to come by especially after so long a time has elapsed. But to say that proof is hard to attain is not to say that it is unnecessary. After three days of extraordinary testimony and procedure, it seemed to us that the weaknesses in the account Prof. Hill set out were not dispelled and sufficient additional support for her position did not materialize. Four witnesses said Prof. Hill had told them years ago that Clarence Thomas had sexually harassed her in the sense of pursuing her against her will. None said she had told them of his alleged obscenities. None seemed to know Judge Thomas or to have ever been privy to their work-place or social relationship. Those witnesses who appeared before the committee and who had been part of Prof. Hill's and Judge Thomas's working life all testified on the other side. The lone voice accusing Judge Thomas in that hearing room remained Anita Hill's. Her accusations, in our view, did not have to be overwhelmingly demonstrated in order to be convincing. But even under this fairly loose standard by which we ourselves were judging the proceedings, they came up short.

So, if the vote is held today, after all, we can only reaffirm our position that Judge Thomas should be confirmed. We say this with the same unhappy sense that others all over the country apparently share that, at this point, no one can be 100 percent certain of which of them is telling the truth. But in these circumstances history gives us too many reasons not to act on the unproven word of a single accuser.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the recess to begin at 12:30 p.m. be vitiated and that the additional time for debate be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. We have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, before I yield to my colleague, although we have no absolute agreement that we will alternate, I think it is a good practice if we continue to alternate among those who are for and against the nomination. My calculation is probably off, but I roughly think that we have about 150 minutes left or thereabouts for those who are opposed to the judge. And roughly the same or a little more who are supportive of the process—of the process? Of Judge Thomas.

I might say to my colleagues who are interested in speaking in opposition of Judge Thomas that if I am correct, that I have roughly 150 minutes—120 minutes, I have left, then, I am just told—we already have 10 Members, 9 of whom are asking for 20 minutes to a half-an-hour. So to any Member who wishes to speak on this who is within earshot, it would be useful if they would let the Senator from Delaware know that so we can begin to make sure everyone has an opportunity to speak sometime.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I yield 25 minutes to the distinguished Senator from Pennsylvania [Mr. SPECTER].

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized for 25 minutes.

Mr. SPECTER. I thank the Chair and I thank my distinguished colleague from South Carolina, the ranking member. And I compliment him and Senator BIDEN for their outstanding work.

Mr. President, after the regular hearings concluded I stated my support for Judge Thomas because I found him to be intellectually, educationally, professionally qualified. When Professor Hill presented her statement on October 7, it seemed to me that we should proceed to the hearings which we have just conducted. I think it would have been preferable had we had Professor Hill earlier. By 20/20 hindsight I think we should have then established the hearings which have just been concluded.

Mr. President, they were on a very tight timeframe, and I have concerns about whether we have taken long enough. I was one of two dissenters on the committee when we chose to close the witness list.

But we have responded to the direction of the full Senate the best we could. We have put in long hours trying to come to a conclusion on this very, very complex matter.

Mr. President, I have said at the hearings that I did not regard them as adversarial proceedings and that I did not approach the matter as an advocate. I was asked by Senator THURMOND to do the questioning of Professor Hill and I agreed to do so, realizing that it would not be an easy matter because the underlying issue of sexual harassment is one which is of enormous importance in our country and it is plain that there are tremendous numbers of sexual harassment cases which have gone unreported and unpunished. You have in the overall hearings on Judge Thomas many people who are fervently opposed to him on grounds of philosophy and then you have many of those same people who are very much concerned about women's issues—as, frankly, am I—so that it has been a very, very difficult matter. But we were asked to make a determination as to what happened here and we have done our best to do that.

As I have said, I would have liked to have taken more time. After the hearings were concluded the issue was raised about Professor Hill's medical records, for example; as to whether they might show some information or shed some light on what she had experienced, where some statement might have been made to a physician in the course of medical treatment.

We heard later about a roommate. And there is much that, regrettably, we could not do within the timeframe. But we have to proceed today and I am prepared to do so.

In my judgment, Mr. President, the weight of the evidence supports Judge

Thomas, and I say that because of the underlying evidence that Professor Hill moved with Judge Thomas from the Department of Education to the EEOC after he had made these statements to her, after he had stated his sexual harassment, as she viewed the statements. It seemed to me that one might have expected her not to go to another job when that had occurred. She explained that she went with him because the statements had stopped, because she was interested in civil rights, and because she would not keep her job at the Department of Education.

It turned out that, in fact, she could have retained her job at the Department of Education, and even where the comments had stopped, that was a serious factor in my mind as to judging the underlying issue.

Then there were a series of calls which Professor Hill made to Judge Thomas. She initially denied having made the calls. And then when confronted with the telephone logs, she conceded that, in fact, she had made the calls.

There were 11 calls recorded which came from Professor Hill where Judge Thomas was not present. So, that is written down. There was testimony that there were more calls. Judge Thomas' secretary said five or six calls. That is not necessarily an enormous number of calls, but it is some significant contact and raises a question why, in the face of this sexual harassment, did Professor Hill continue to have this kind of contact?

One of the very difficult issues in this case has been for us to understand the attitude of a woman in this circumstance. The question has been raised that there are 14 men on the committee and we are struggling with this issue. It might have been better had we taken more time to get the woman's point of view. But, again, we operate within the time constraint.

We heard testimony that it is to be expected, that it is not unusual for Professor Hill to have continued to maintain a professional relationship with Judge Thomas because she needed him, she needed letters of recommendation. One witness, I think, said she had tied her star to him.

But then there were some factors as to a personal relationship. Professor Kothe from Oral Roberts Law School testified that they were together in a social setting and were seen laughing together and appeared to have a relationship which went far beyond the matter of just a strictly professional relationship which a woman might feel she had to have even if she had been sexually harassed.

When they were together at Professors Kothe's house one day having breakfast, Professor Hill drove Judge Thomas to the airport. All of that raises the question as to whether a woman who had been sexually harassed would maintain that kind of a relationship.

The telephone logs, Mr. President, bear some light on this issue, and Professor Hill explained that many of these calls were for professional reasons and she was calling at the request of somebody else. But there were other calls which appear to be of a personal nature. The log reported on January 30, 1984, after the sexual harassment is supposed to have occurred, in writing: "Just called to say hello. Sorry I didn't get to see you last week", which has the overtone of a personal call.

A call on August 4, 1987, 4 o'clock: "In town till 8/15" and a telephone number of a hotel again raising the inference or suggestion that there is something more than just a professional relationship.

I repeat, Mr. President, the difficulty of evaluating this from a woman's point of view and also the additional difficulty that when you have a sexual harassment charge that the emotions run high and that when you make a finding in favor of the man, in favor of Judge Thomas and against the woman, against Professor Hill, that there is an overtone of discouraging women from coming forward, and there is an overtone of discouraging women from asserting their rights by a group of 14 men who may not really understand all these ramifications.

But we searched very hard through this record in an effort to treat Professor Hill in a very polite and professional way. But it was necessary to ask questions and it was necessary to ask precise and pointed questions.

There was one exchange, Mr. President, which had significant weight in my mind, and that was an exchange which I had with Professor Hill over the story which appeared in USA Today which raised the issue as to whether Professor Hill was contacted by Senate staffers in a context that if she came forward and made these serious charges, that Judge Thomas would withdraw, and it would not be necessary for these very elaborate proceedings to be undertaken.

When I questioned Professor Hill about that, she denied that there was ever any such conversation in an extended morning question and answer session. Then in the afternoon, Professor Hill came back and flatly changed her testimony. I was very disturbed by that, Mr. President, in terms of the credibility of Professor Hill, much more so than her change of testimony that she had not received the calls and then, when confronted with the logs, admitted it and much more so than the issue of leaving the Department of Education because perhaps there she might not have known that she could have stayed on.

Overnight the transcript was prepared, and the next day I read the transcript and came to the conclusion that her change in testimony was an intentional misstatement of fact. I think it is worthwhile to take the time to go through this testimony because the central issue we have here is credibility, whether Judge Thomas was correct or whether Professor Hill was correct.

I cannot read everything in the limited time which is available, so I ask unanimous consent, Mr. President, that the full transcript from pages 79 to 85 and from 203 to 208 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator SPECTER. Professor Hill, the USA Today reported on October 9,

"Anita Hill was told by Senate staffers her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument that 'quietly' and behind the scenes' would force him to withdraw his name."

Was USA Today correct on that, attributing it to a man named Mr. Keith Henderson, a 10-year friend of Hill and former Senate Judiciary Committee staffer?

Ms. HILL. I do not recall. I guess—did I say that? I don't understand who said what in that quotation.

Senator SPECTER. Well, let me go on. He said,

"Keith Henderson, a 10-year friend of Hill and former Senate Judiciary Committee staffer, says Hill was advised by Senate staffers that her charge would be kept secret and her name kept from public scrutiny."

"They would," apparently referring again to Mr. Henderson's statement, "they would approach Judge Thomas with the information and he would withdraw and not turn this into a big story, Henderson says."

Did anybody ever tell you that, by providing the statement, that there would be a move to request Judge Thomas to withdraw his nomination?

Ms. HILL. I don't recall any story about pressing, using this to press anyone.

Senator SPECTER. Well, do you recall anything at all about anything related to that?

Ms. HILL. I think that I was told that my statement would be shown to Judge Thomas, and I agreed to that.

Senator SPECTER. But was there any suggestion, however slight, that the statement with these serious charges would result in a withdrawal so that it wouldn't have to be necessary for your identity to be known or for you to come forward under circumstances like these?

Ms. HILL. There was—no, not that I recall. I don't recall anything being said about him being pressed to resign.

Senator SPECTER. Well, this would only have happened in the course of the past month or so, because all this started just in early September.

Ms. HILL. I understand.

Senator SPECTER. So that when you say you don't recall, I would ask you to search your memory on this point, and perhaps we might begin—and this is an important subject—about the initiation of this entire matter with respect to the Senate staffers who talked to you. But that is going to be too long for the few minutes that I have left, so I would just ask you once again, and you say you don't recollect, whether there was anything at all said to you by anyone that, as USA Today reports, that just by having the allegations of sexual harassment by Clarence Thomas, that it would be the instrument that "quietly and behind the scenes" would force him to withdraw his name. Anything related to that in any way whatsoever?

Ms. HILL. The only thing that I can think of, and if you will check, there were a lot of phone conversations. We were discussing this matter very carefully, and at some point there might have been a conversation about what might happen.

Senator SPECTER. Might have been?

Ms. HILL. There might have been, but that wasn't—I don't remember this specific kind of comment about "quietly and behind the scenes" pressing him to withdraw.

Senator SPECTER. Well, aside from "quietly and behind the scenes" pressing him to withdraw, any suggestion that just the charges themselves, in writing, would result in Judge Thomas withdrawing, going away?

Ms. HILL. No, no. I don't recall that at all, no.

Senator SPECTER. Well, you started to say, that there might have been some conversation, and it seemed to me——

Ms. HILL. There might have been some conversation about what could possibly occur.

Senator SPECTER. Well, tell me about that conversation.

Ms. HILL. Well, I can't really tell you any more than what I have said. I discussed what the alternatives were, what might happen with this affidavit that I submitted. We talked about the possibility of the Senate committee coming back for more information. We talked about the possibility of the FBI, asking, going to the FBI and getting more information; some questions from individual Senators, I just, the statement that you are referring to, I really can't verify.

Senator SPECTER. Well, when you talk about the Senate coming back for more information or the FBI coming back for more information or Senators coming back for more information, that has nothing to do at all with Judge Thomas withdrawing, so that when you testified a few moments ago that there might possibly have been a conversation, in response to my question about a possible withdrawal, I would press you on that, Professor Hill, in this context: You have testified with some specificity about what happened 10 years ago. I would ask you to press your recollection as to what happened within the last month.

Ms. HILL. And I have done that, Senator, and I don't recall that comment. I do recall that there might have been some suggestion that if the FBI did the investigation, that the Senate might get involved, that there may be—that a number of things might occur, but I really, I have to be honest with you, I cannot verify the statement that you are asking me to verify. There is not really more that I can tell you on that.

Senator SPECTER. Well, when you say a number of things might occur, what sort of things?

Ms. HILL. May I just add this one thing?

Senator SPECTER. Sure.

Ms. HILL. The nature of that kind of conversation that you are talking about is very different from the nature of the conversation that I recall. The conversations that I recall were much more vivid. They were more explicit. The conversations that I have had with the staff over the last few days in particular have become much more blurry, but these are vivid events that I recall from even eight years ago when they happened, and they are going to stand out much more in my mind than a telephone conversation. They were one-on-one, personal conversations, as a matter of fact, and that adds to why they are much more easily recalled. I am sure that there are some comments that I do not recall the exact nature of from that period, as well, but these that are here are the ones that I do recall.

Senator SPECTER. Well, Professor Hill, I can understand why you say that these comments, alleged comments, would stand out in your mind, and we have gone over those. I don't want to go over them again. But when you talk about the withdrawal of a Supreme Court nominee, you are talking about something that is very, very vivid, stark, and you are talking about something that occurred within the past four or five weeks, and my question goes to a very dramatic and important event. If a mere allegation would pressure a nominee to withdraw from the Supreme Court, I would suggest to you that that is not something that wouldn't stick in a mind for four or five weeks, if it happened.

Ms. HILL. Well, Senator, I would suggest to you that for me these are more than mere allegations, so that if that comment were made—these are the truth to me, these comments are the truth to me—and if it were made, then I may not respond to it in the same way that you do.

Senator SPECTER. Well, I am not questioning your statement when I use the word "allegation" to refer to 10 years ago. I just don't want to talk about it as a fact because so far that is something we have to decide, so I am not stressing that aspect of the question. I do with respect to the time period, but the point that I would come back to for just 1 more minute would be—well, let me ask it to you this way.

Ms. HILL. OK.

Senator SPECTER. Would you not consider it a matter of real importance if someone said to you, "Professor, you won't have to go public. Your name won't have to be disclosed. You won't have to do anything. Just sign the affidavit and this," as the USA Today report, would be the instrument that "quietly and behind the scenes" would force him to withdraw his name. Now I am not asking you whether it happened. I am asking you now only, if it did happen, whether that would be the kind of a statement to you which would be important and impressed upon you, that you would remember in the course of four or five weeks.

Ms. HILL. I don't recall a specific statement, and I cannot say whether that comment would have stuck in my mind. I really cannot say that.

Senator SPECTER. The sequence with the staffers is very involved, so I am going to move to another subject now, but I want to come back to this. Over the luncheon break, I would ask you to think about it further, if there is any way you can shed any further light on that question, because I think if it is an important one.

Ms. HILL. OK. Thank you.

* * * * *

Senator SPECTER. Yes, thank you, Mr. Chairman.

When my time expired we were up to the contact you had with Mr. Brudney on September 9. If you could proceed from there to recount who called you and what those conversations consisted of as it led to your coming forward to the committee?

Ms. HILL. Well, we discussed a number of different issues. We discussed one, what he knew about the law on sexual harassment. We discussed what he knew about the process for bringing information forward to the committee. And in the course of our conversation Mr. Brudney asked me what were specifics about what it was that I had experienced.

In addition, we talked about the process for going forward. What might happen if I did bring information to the committee. That included that an investigation might take place, that I might be questioned by the committee in closed session. It even included something to the effect that the information might be presented to the candidate or to the White House. There was some indication that the candidate or, excuse me, the nominee might not wish to continue the process.

Senator SPECTER. Mr. Brudney said to you that the nominee, Judge Thomas, might not wish to continue the process if you came forward with a statement on the factors which you have testified about?

Ms. HILL. Well, I am not sure that that is exactly what he said. I think what he said was, depending on an investigation, a Senate, whether the Senate went into closed session and so forth, It might be that he might not wish to continue the process.

Senator SPECTER. So Mr. Brudney did tell you that Judge Thomas might not wish to continue to go forward with his nomination, if you came forward?

Ms. HILL. Yes.

Senator SPECTER. Isn't that somewhat different from your testimony this morning?

Ms. HILL. My testimony this morning involved my response to this USA newspaper report and the newspaper report suggested that by making the allegations that that would be enough that the candidate would quietly and somehow withdraw from the process. So, no, I do not believe that it is at variance. We talked about a number of different options. But it was never suggested that just by alleging incidents that that might, that that would cause the nominee to withdraw.

Senator SPECTER. Well, what more could you do than make allegation as to what you said occurred?

Ms. HILL. I could not do any more but this body could.

Senator SPECTER. Well, but I am now looking at you distinguishing what you have just testified to from what you testified to this morning. And this morning I had asked you about just one sentence from the USA Today news, "Anita Hill was told by Senate Staffers that her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument that quietly and behind the scenes would force him to withdraw his name."

And now you are testifying that Mr. Brudney said that if you came forward and made representations as to what you said happened between you and Judge Thomas, that Judge Thomas might withdraw his nominations?

Ms. HILL. I guess, Senator, the difference in what you are saying and what I am saying is that that quote seems to indicate that there would be no intermediate steps in the process. What we were talking about was process. What could happen along the way. What were the possibilities? Would there be a full hearing? Would there be questioning from the FBI? Would there be questioning by some individual members of the Senate?

We were not talking about or even speculating that simply alleging that would cause someone to withdraw.

Senator SPECTER. Well, if your answer now turns on process, all I can say is that it would have been much shorter had you said, at the outset, that Mr. Brudney told you that if you came forward Judge Thomas might withdraw. That is the essence as to what occurred.

Ms. HILL. No, it is not. I think we differ on our interpretation of what I said.

Senator SPECTER. Well, what am I missing here?

Senator KENNEDY. Mr. Chairman, can we let the witness speak in her own words, rather than having words put in her mouth?

Senator SPECTER. Mr. Chairman, I object to that. I object to that vociferously. I am asking questions here. If Senator Kennedy has anything to say let him participate in this hearing.

The CHAIRMAN. Now, let everybody calm down. Professor Hill, give your interpretation to what was asked by Senator Specter. And then he can ask you further questions.

Ms. HILL. My interpretation——

Senator THURMOND. Speak into the microphone, so we can hear you.

Ms. HILL [continuing]. I understood Mr. Specter's question to be what kinds of conversation did I have regarding this information. I was attempting, in talking to the staff, to understand how the information would be used, what I would have to do, what might be the outcome of such a use. We talked about a number of possibilities, but there was never any indication that, by simply making these allegations, the nominee would withdraw from the process. No one ever said that and I did not say that anyone ever said that.

We talked about the form that the statement would come in, we talked about the process that might be undertaken post-statement, and we talked about the possibilities of outcomes, and included in that possibility of outcome was that the committee could decide to review the point and that the nomination, the vote could continue, as it did.

Senator SPECTER. So that, at some point in the process, Judge Thomas might withdraw?

Ms. HILL. Again, I would have to respectfully say that is not what I said. That was one of the possibilities, but it would not come from a simple, my simply making an allegation.

Senator SPECTER. Professor Hill, is that what you meant, when you said earlier, as best I could write it down, that you would control it, so it would not get to this point?

Ms. HILL. Pardon me?

Senator SPECTER. Is that what you meant, when you responded earlier to Senator Biden, that the situation would be controlled "so that it would not get to this point in the hearings"?

Ms. HILL. Of the public hearing. In entering into these conversations with the staff members, what I was trying to do was control this information, yes, so that it would not get to this point.

Senator SPECTER. Thank you very much.

Mr. SPECTER. I thank the Chair.

At page 80, I asked, and I asked nine questions, all of which Professor Hill denied. At page 80:

Question: "Did anybody ever tell you that, by providing the statement, that there would be a move to request Judge Thomas to withdraw his nomination?"

"Ms. Hill: I don't recall any story about pressing, using this to press anyone."

Second question: "Well, do you recall anything at all about being related to that?"

Answer: "I think that I was told my statement would be shown to Judge Thomas, and I agreed to that."

Then the third question: "But was there any suggestion, however slight, that the statement with these serious charges would result in a withdrawal so that it wouldn't have to be necessary for your identity to be known or for you to come forward under circumstances like these?"

Answer: "There was—no, not that I recall. I don't recall anything being said about him being pressed to resign."

Question: "Well, this would only have happened in the course of the past month or so, because all this started just in early September."

"Ms. Hill: I understand."

"Senator Specter: So that when you say you don't recall, I would ask you to search your memory on this point, and perhaps we might begin—and this is an important subject—about the initiation of this entire matter with respect to the Senate staffers who talked to you. But that is going to be too long for the few minutes that I have left, so I would just ask you once again, and you say don't recollect, whether there was anything at all said to you by anyone that, as USA Today reports, that just by having the allegations of sexual harassment by Clarence Thomas, that it would be the instrument that 'quietly and behind the scenes' would force him to withdraw his name. Anything related to that in any way whatsoever?"

"Professor Hill: The only thing that I can think of, and if you will check that were a lot of phone conversations. We were discussing this matter very carefully, and at some point there might have been a conversation about what might happen."

Well, that registered a red light with me, Mr. President, when for the first time Professor Hill said there might have been a conversation.

Then, referring again to the transcript,

My question: "Might have been?"

"Professor Hill: There might have been, but that wasn't—I don't remember this specific kind of comment about 'quietly and behind the scenes' pressing him to withdraw."

My question: "Well, aside from 'quietly and behind the scenes' pressing him to withdraw, any suggestion that just the charges themselves, in writing, would result in Judge Thomas withdrawing, going away?"

"Professor Hill: No, no. I don't recall that at all, no."

And there I point out to you, Mr. President, the flat denial of Professor Hill that any conversation occurred.

Then again, going back to the transcript.

My question: "Well, you started to say that there might have been some conversation, and it seemed to me——"

Professor Hill interjects: "There might have been some conversations about what could possibly occur."

My question: "Well, tell me"—this is the sixth inquiry now—"Well, tell me about that conversation."

"Professor Hill: Well, I can't really tell you any more than what I have said. I discussed what the alternatives were, what might happen with this affidavit that I submitted. We talked about the possibility of the Senate committee coming back for more information. We talked about the possibility of the FBI, asking, going to the FBI and getting more information, some questions from individual Senators. I just, the statement you are referring to, I really can't verify."

Then my question: "Well, when you talked about the Senate coming back for more information or the FBI coming back for more information or Senators coming back for more information, that has nothing at all to do with Judge Thomas withdrawing, so that when you testified a few moments ago that there might possibly have been a conversation, in response to my question about a possible withdrawal, I would press you on that. Professor Hill, in this context: You have testified with some specificity about what happened 10 years ago. I would ask you to press your recollection as to what happened within the last month."

Professor Hill responds: "And I have done that, Senator, and I don't recall that comment. I do recall that there might have been some suggestion that if the FBI did the investigation, that the Senate might get involved, that there may be—that a number of things might occur, but I really, I have to be honest with you, I cannot verify the statement that you are asking me to verify. There is not really more that I can tell you on that."

My question: "Well, when you say a number of things might occur, what sort of things?"

"Professor Hill: May I just add one thing?"

"Senator Specter: Sure."

"Professor Hill: The nature of that kind of conversation you are talking about is very different from the nature of the conversation that I recall. The conversations that I recall were much more vivid. They were more explicit. The conversations that I have had with the staff over the last few days in particular have become more blurry, but these are vivid events that I recall from even 8 years ago when they happened, and they are going to stand out much more in my mind than a telephone conversation. They were one-on-one, personal conversations, as a matter of fact, and that adds to why they are much more easily recalled. I am sure that there are some comments that I do not recall the exact nature of from that period, as well, but these that are here are the ones I do recall."

Then my eighth question to her: "Well, Professor Hill, I can understand why you say these that are here are the ones I do recall."

Then my eighth question to her: "Well, Professor Hill, I can understand why you say these comments, alleged comments, would stand out in your mind, and we have gone over those. I don't want to go over them again. But when you talk about the withdrawal of a Supreme Court nominee, you are talking about something that is very, very vivid, stark, and you are talking about something that occurred within the past 4 or 5 weeks, and my question goes to a very dramatic and important event. If a mere allegation would pressure a nominee to withdraw from the Supreme Court, I would suggest to you that it is not something that wouldn't stick in your mind for 4 or 5 weeks, if it happened."

"Professor Hill: Well, Senator, I would suggest to you that for me these are more than mere allegations, so that if that comment were made—these are the truth to me, these comments are the truth to me—and if it were made, then I may not respond to it in the same way that you do."

Then my response: "Well, I am not questioning your statement when I use the word 'allegation' to refer to 10 years ago. I just don't want to talk about it as a fact because so far it is something we have to decide, so I am not stressing that aspect of the question. I do with respect to the time period, but the point that I would come back to for just 1 more minute would be—well, let me ask it to you this way."

"Professor Hill: OK."

My question—this is the ninth time: "Would you not consider it a matter of real importance if someone said to you, 'Professor, you won't have to go public. Your name won't have to be disclosed. You won't have to do anything. Just sign the affidavit, just sign the affidavit and this'; as USA Today reported, 'would be the instrument that quietly and behind the scenes would force him to withdraw his name.' Now I am not asking you whether it happened. I am asking you now only, if it did happen, whether that would be the kind of a statement to you which would be important and impressed upon you, that you would remember in the course of 4 or 5 weeks."

At that point Professor Hill consulted with her attorney, which she had every right to do. That does not appear in the transcript, but I asked my staff to go back over the tapes because I recollected the consultation occurred right there.

And then Professor Hill says: "I don't recall a specific statement, and I cannot say whether that comment would have stuck in my mind. I really cannot say that."

Well, the conversation goes on, but my time is just about to run out. I read this at some length to really show a number of things. One is that you have to get right into the specifics of the testimony to understand what she is saying, and a fair reading of nine questions Professor Hill flatly says—I think a fair reading of this is that she says she had no conversation with the Senate staffer that her coming forward might get Judge Thomas to withdraw.

Now, then back in the afternoon session I asked Professor Hill, as it shows on page 203 of the record: "If you could proceed from there to recount who called you and what those conversations consisted of as it led to your coming forward to this committee?"

"Professor Hill: Well, we discussed a number of different issues. We discussed one, what he knew about the law on sexual harassment. We discussed what he knew about the process of bringing information foreward to the committee. And in the course of our conversations Mr. Brudney asked me what were specifics about what it was that I had experienced.

"In addition, we talked about the process for going forward. What might happen if I did bring information to the committee. That included that an investigation might take place, that I might be questioned by the committee in closed session. It even included something to the effect that the information might be presented to the candidate or to the White House. There was some indication that the candidate or, excuse me, the nominee might not wish to continue the process."

Mr. President, when I heard that, I was very surprised. And then my next question is: "Mr. Brudney said to you that the nominee, Judge Thomas, might not wish to continue the process if you came forward with a statement on the factors which you have testified about?"

"Professor Hill: Well, I am not sure that that is exactly what he said. I think what he said was, depending on an investigation, the Senate, whether the Senate went into closed session and so forth, it might be that he might not wish to continue the process."

And my next question: "So Mr. Brudney did tell you that Judge Thomas might not wish to continue to go forward with his nomination, if you came forward?"

Professor Hill: "Yes." Flat out, finally, nine questions in the morning, a fair reading, a denial by Professor Hill; then she comes back to it in a way which I have read specifically, which——

Mr. SIMON. Will my colleague yield?

Mr. SPECTER. Absolutely not. I am going to finish this discussion, and then I will be glad to yield.

Mr. THURMOND. On his time.

Mr. SPECTER. I thank Senator THURMOND; on his time and not mine. But I am on an important point. I have been talking to it about 15 minutes. I really want to get to the point without interruption, and then I would like to discuss it with Senator SIMON or anybody else.

I have gone through this, Mr. President, in detail because my colleagues really ought to know the specifics. We have a question of credibility, whether Judge Thomas is correct or whether Professor Hill is correct. And it is not an easy matter, ever, to question anybody about anything. But I would suggest to my colleagues that the questioning of Professor Hill——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMOND. Mr. President, I yield 5 more minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. SPECTER. It is not an easy matter to question anybody about anything, really, at any time. But in the context of this case, this was a very important matter and very difficult, and for nine times the question was raised.

I ask my colleagues to focus on the specifics, taking the time that I am allotted, when there are many, many other important things to say. I have not really finished all of the testimony that goes on. I have asked that the record be included up to 208. I have only gone to 204.

Mr. President, I took a look at the testimony last night. I saw some of it on C-SPAN. I was interested to see the tone of it. I did my best to be polite. I think I was. The New York Times said I was painstakingly polite.

But the substance here is what did she say? In the morning, nine questions responding to the way she answered, but always seeking the critical fact as to whether a Senate staffer said Judge Thomas might withdraw, and she said no. Then in the afternoon, and it comes up in the context read, which might be interpreted to be not really responsive to the subject, but that aside, then she says in response to my question, "So Mr. Brudney did tell you that Judge Thomas might not wish to continue to go forward with his nomination if you came forward?" Professor Hill: "Yes."

My sense, Mr. President, I say this to my colleagues, who have to decide this issue, is that we have a tremendously difficult task to decide who is correct; who is telling the truth. We have a number of factors that are really hard to evaluate, but some fair indicators of credibility.

But in the context of this matter, on this kind of an important question, I went back the next morning. I did not come to any conclusions; I tried to maintain an open mind, not as an advocate, but in rereading this testimony it seemed to me that there was an intentional misstatement of fact.

I questioned Judge Thomas in a straightforward, perhaps tough manner on the issue that Senator BYRD discussed, when Judge Thomas said he had not watched the testimony of Professor Hill. I said to Judge Thomas: I think you should have watched it; I find that very disappointing. And I was concerned that Judge Thomas had not watched that testimony.

I was doing the best that I could in terms of trying to get to the facts; that is what I attempted to do. I believe that this transcript, on this change of testimony, has very significant weight on a decision as to the underlying credibility, and what happened between this man and woman. No one is ever going to know. Only two people were present.

I listened to Professor Hill's four witnesses, where she had talked to them before about the incident. I do not have time to analyze that. I found them to be sincere people. I weighed their credibility very, very carefully.

Mr. President, on the totality of this record, on the movement from Education to EEOC, where she could have stayed at Education, after these statements were supposed to have been made, on the series of telephone calls, on the testimony of Professor Kothe about their laughing and talking together, about her driving him to the airport, all in the context, which is different from where you might expect her to want to maintain a professional relationship, more on the personal level, and then especially with nine questions being asked and a denial of any conversation about trying to get him to withdraw, and that change of testimony, Mr. President, in this very, very difficult proceeding, I come to the judgment that the weight of the evidence supports Judge Thomas.

I will be glad to yield for a question.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 15 minutes.

Mr. SIMON. Mr. President, unfortunately this whole issue and the debate that we have had, not just over the last 3 days, is unnecessary if the process of advise and consent had taken place.

I pointed out last week that we had had at least eight instances in this century where a President has appointed someone of another political party. And in addition, Presidents have appointed people who have differed very substantially in terms of philosophy. I am not going to go into all of the detail, but the Republican Presidents who have done that in recent years have included Calvin Coolidge, Herbert Hoover, Richard Nixon, Dwight Eisenhower, and Gerald Ford. I have suggested that balance is needed.

In a column in Sunday's Washington Post, David Broder wrote:

> Let the Senate Democratic majority exercise its constitutional authority to "advise" the president by passing a "sense of the Senate" resolution (not subject to veto) setting forth the professional and policy criteria it will use in deciding whether to confirm future court appointees. If Simon's idea of a "balance" on the court is what the Democrats want, let them say so.

I will be submitting a resolution today, Mr. President, which I hope colleagues on both sides can join in approving, which says:

Whereas the Constitution calls on the Senate to give "advice and consent" to nominations to the United States Supreme Court, and

Whereas in recent times the "advice" portion of this phrase has not been exercised by the Senate,

Therefore, be it resolved by the Senate, that it is the sense of the Senate, that

First, that the President, in determining whom to name to any future Court vacancies, should keep philosophical balance in mind, so that the law is not like a pendulum, swinging back and forth depending upon the philosophy of the President; and,

Second, that before a name is submitted to the Senate there should be informal, bipartisan consultation with some members of the Senate on who is to be named to the Supreme Court before a name is submitted to the Senate.

I ask unanimous consent that both the David Broder column and my resolution be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 13, 1991]

A WAY OUT OF THIS MESS

(By David Broder)

"Advise and Consent" is the title of an Allen Drury novel of Washington scandal, sex and politics that occupied the best seller lists for weeks back in 1959. But nothing Drury imagined holds a candle to the real-life drama we have just seen over Judge Clarence Thomas's nomination to the Supreme Court.

Unfortunately, this is not summer escape entertainment. The furious exchange over sexual harassment charges against Thomas had embittered Senate debate and shed a harsh light on the savagery of this era's political battles.

Beyond the passions of the moment lies a constitutional quandary. Our system of government, that marvel of 18th century invention, is not well-designed to operate in the late 20th century environment of persistent divided government.

We have relatively little historical experience with protracted periods when one party controlled Congress and the other held the White House. When this happened in the 19th century, the federal role was much more limited and the stakes in the battle much smaller.

Twice in the Nixon years and three times now in the Reagan and Bush administrations, we have learned that no one's reputation is safe when the president and the Senate, the Republicans and the Democrats, lock horns for control of the Supreme Court. This is not a situation the Founding Fathers ever imagined.

When Alexander Hamilton in Federalist No. 76 justified the Constitution's language conditioning the president's appointive power on "the advice and consent of the Senate," he assumed that it was "not very probable that his nomination would often be overruled." On the contrary, he said that to require "the cooperation of the Senate . . . would be an efficacious source of stability in the administration" of government. Some cooperation! Some stability!

Is there any way to get some sanity and a degree of political accountability back into the confirmation process? Must all such battles be reduced to artful evasion by the nominee and leaks of personally scurrilous material by his opponents?

Suzanne Garment, the author of the timely new book, "Scandal," remarked the other day that "scandal has become the weapon of choice" in confirmation fights in part because it packs such a wallop and in part because it is a handy surrogate for the real issues.

Let me offer what you might call the Rehnquist-Simon alternative to the scandal-saturated battles we are seeing.

Realistically, a Senate and a president of opposite parties must be expected to joust over control of the Supreme Court. The two parties have very different policy agendas for the court, spelled out in their platforms. Abortion is the flash-point issue, but it is far from the only one.

Yet they are squeamish about admitting that it really is a policy fight. So they find other—more personal and more demeaning—grounds on which to quarrel.

Enter, first, Chief Justice William Rehnquist, conservative stalwart. Back in 1959, as a lawyer in private practice, Rehnquist wrote in the Harvard Law Record that "the Supreme Court has assumed such a powerful role as a policy-maker in the government that the Senate must necessarily be concerned with the views of the prospective justices . . . as they relate to broad issues confronting the American people, and the role of the court in dealing with those issues . . . The Senate, as representatives of the people, is entitled to consider those views, much as the voters do with regard to candidates for the presidency or . . . the U.S. Senate."

Listen, now, to Sen. Paul Simon (D-Ill.), staunch liberal. During the hearings on Judge Thomas, Simon pointed out that "at least eight times in this century, presidents have nominated justices who were of a different political party than the president." Conservatives have appointed liberals and vice versa. The Senate, said Simon, should insist on a "balance" in appointments in order to preserve "the stability of the law."

Here is my suggestion. Let the Senate Democratic majority exercise its constitutional authority to "advise" the president by passing a "sense of the Senate" resolution (not subject to veto) setting forth the professional and policy criteria it will use in deciding whether to confirm future court appointees. If Simon's idea of a "balance" on the court is what the Democrats want, let them say so. If they want only appointees that would agree with them on abortion, let them say that. And let them put the resolution to a vote, so everyone going to the polls in 1992 would know that if they retained the Democratic majority in the Senate, they would be giving it a mandate to reject appointees who did not meet those standards.

If Republicans were to win the Senate, the president presumably would face no such constraints. But if the Democrats retain the majority, they could, in good conscience, examine appointees on those "broad issues" of policy Rehnquist mentioned rather than scurrying through personal histories to find some dirt.

That offers political accountability to the voters and fulfills the intent of the Constitution, as Rehnquist sets it forth. It also gives some hope of elevating the confirmation process from the gutter into which it has fallen.

S. RES. —

Resolved,

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Therefore, be it resolved by the Senate, that it is the sense of the Senate, that

First, that the President, in determining whom to name to any future Court vacancies, should keep philosophical balance in mind, so that the law is not like a pendulum, swinging back and forth depending upon the philosophy of the President; and,

Second, that before a name is submitted to the Senate there should be informal, bipartisan consultation with some members of the Senate on who is to be named to the Supreme Court before a name is submitted to the Senate.

(Mr. DIXON assumed the chair.)

Mr. SIMON. Mr. President, I am concerned about what is being done to a witness who reluctantly came forward, and there is no better example than what my colleague suggested. And I say this while he is here, and we have discussed this on the TV program. There is no better example than to suggest that Professor Hill was committing perjury.

The reality is there is not a single prosecutor in this Nation who, reading her full testimony, would suggest there is any perjury. I think as a matter of fact for 7 hours of testimony she was remarkably consistent in what she had to say.

I agree with the distinguished President pro tempore, Senator BYRD, the "wise old lion" of the Senate, who said he found her testimony thoughtful, reflective, and truthful.

Let me just take for a moment the balance of what happened, and I respect those who come to differing conclusions, including my distinguished colleague from Illinois.

But on the side of the judge, it seems to me, are the continued contacts, 11 phone calls over 7 years, a few other things. But psychiatrists say that is not unusual for someone who has been sexually harassed or sexually abused.

What about on the other side? First of all, you have corroborating witnesses that said she talked to them about the abuses several years ago.

Second, is the question of motivation. Here is a reluctant witness, who has no motivation other than doing her duty to this country, who comes forward.

Third, you have the question of details. She provided a great many details that I do not think someone would just make up. If you were going to make up a story, you would make up a story that included physical abuse, physical contact. That was not there.

Her hospital stay, the only hospital stay she had, was caused by stress on the job, stomach pains. She, and apparently her physician, believed it was stress related.

The lie detector. Now, Mr. President, I am not a great believer in lie detectors, but you cannot have it both ways. But let me just add I do not find very many people who do not tell the truth who volunteer to the FBI that they are willing to take a lie detector test, but the FBI asked her whether she was willing to take a lie detector test. She said she was. She then took a lie detector test given by someone who works for the FBI, and then this same administration that asked her whether she would take a lie detector test attacked her for taking a lie detector test. You cannot have it both ways.

And finally—and I am neither an attorney nor a trial attorney—but Senator BYRD's comments about his failure to listen to her charges. I talked to an old trial lawyer—and I know the Presiding Officer is a former trial lawyer—an old trial lawyer who says, "I can frequently tell whether my clients are innocent or guilty because, if they do not listen to the witnesses that are spelling out details of an attack on them, they tend to be guilty."

Now, all these are straws, but I suggest the straws in the wind come down on the side of Professor Hill as to who is telling the truth.

Then, beyond that, what are the other factors? One, that we should have an African-American on the Court. I favor diversity, but let me just add the majority of African-American organizations that have taken a stand have come out on the other side. This morning I called a distinguished former colleague of the House, Barbara Jordan, and I said, "Barbara, if you were voting, how would you vote? She now teaches law at the University of Texas. And she said, "I would vote no," and she explained why. I do not have the time to go into her explanation. I said, "Can I use that on the floor?" And she said, "Of course."

The reality is this nominee's views are either extreme or unknown, and he failed to give answers where I think there is a serious question of credibility. His votes will not be for working men and women in this Nation. They will be for the privileged, who can afford the finest attorneys. That is the reality. I want someone who is going to sit on the Court who is going to speak up for Americans who cannot afford the high-priced attorneys.

Finally, Mr. President, this whole question of the benefit of the doubt that Senator BYRD referred to, I hear this over and over again. This is not a trial where someone is going to be found innocent or guilty. We are not trying anyone. In that case the benefit of the doubt should go to the accused. In this case the benefit of the doubt should go to the people of this country.

Mr. President, we have taken an oath in this body to protect and defend the Constitution. We have not taken an oath to protect our political hides. We have not taken an oath to do all kinds of other things. We have taken an oath to protect the institutions of this country. And I submit to you there is serious doubt if we approve this nominee that we are protecting the institutions of this country as we should.

Mr. President, I reserve the remainder of my time. If the Senator from South Carolina does not have someone seeking the floor, I should consult with Senator BIDEN's staff how much time does Senator KENNEDY need.

Mr. KENNEDY. Fifteen minutes.

Mr. THURMOND. The Senator has approval.

Mr. SIMON. I yield 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the question before the Senate today is not a referendum on the credibility of Judge Clarence Thomas—or of Prof. Anita Hill. The issue before us is the fate of the Supreme Court and the Constitution, now and for decades to come.

It is no secret that I oppose Judge Thomas' nomination.

The extreme views he expressed before his confirmation hearings demonstrate that he lacks a deep commitment to the fundamental constitutional values at the core of our democracy.

It is hypocritical in the extreme for supporters of Judge Thomas to bitterly criticize the conduct of certain advocacy groups in the controversy over the charges by Professor Hill, when it is clear that Judge Thomas was nominated precisely to advance the agenda of the rightwing.

I oppose any effort by this administration to pack the Supreme Court with Justices who will turn back the clock on issues of vital importance for the future of our Nation and for the kind of country we want America to be.

But over the past 9 days, the debate on this nomination has been transformed—and the Nation has been transfixed—by the charges of sexual harassment made by Prof. Anita Hill, and by the Judiciary Committee's hearings into those charges over the past weekend.

With extraordinary courage and dignity, Professor Hill expressed the pain and anguish experienced by so many women who have been victims of sexual harassment on the job.

She described the suffering and the humiliation that a woman encounters when her career and her livelihood are threatened by a supervisor who fills every workday with anxiety about when the next offensive action and the next embarrassing incident will occur.

The hearings on Professor Hill's charges were exhaustive, and they were difficult and painful for all of the participants—witnesses and Senators alike. But the hearings educated the country on an issue of great and growing significance.

Overnight, as on perhaps no other issue in our history, the entire country made a giant leap of understanding about sexual harassment. That offensive conduct will never be treated lightly again. All women—and all men too—owe Professor Hill a tremendous debt of gratitude for her willingness to discuss her experience, and for the courage and dignity with which she did so.

The most distressing aspect of the hearings was the eagerness with which many of Judge Thomas' supporters resorted to innuendos and scurrilous attacks on Professor Hill for her testimony about her charges of deeply offensive and humiliating actions by Judge Thomas.

They have charged that Professor Hill's allegations were an effort to play on racial fears and racial stereotypes. But the issue here is sexual oppression, not racial oppression.

I have spent much of my public life fighting against discrimination in all its ugly forms, and I intend to keep on making that fight.

I reject the notion that racism is relevant to this controversy. It involves an African-American man and an African-American woman—and, ultimately, it involves the character of America itself. The struggle for racial justice, in its truest sense, was meant to wipe out all forms of oppression. No one, least of all Judge Thomas, is entitled to invoke one form of oppression to excuse another.

The deliberate, provocative use of a term like lynching is not only wrong in fact; it is a gross misuse of America's most historic tragedy and pain to buy a political advantage.

The Senate today is not passing judgment solely on Judge Thomas or Professor Hill. The Senate is making a fundamental statement about our values and our conscience. Make no mistake about it. We in the Senate are also passing judgment on ourselves.

Are we an old boys' club, insensitive at best, and perhaps something worse? Will we strain to concoct any excuse, to impose any burden, to tolerate any unsubstantiated attack on a woman, in order to rationalize a vote for this nomination?

Will we refuse to heed the rights and claims of the majority of Americans who are women but who are so much a minority in this Chamber? What kind of Senate are we?

Because if we cannot listen and respond to this woman, as credible as she is and with the significant corroboration she offers, then what message are we sending to women across America? What American woman in the future will dare to come forward?

There is no proof that Anita Hill has perjured herself—and shame on anyone who suggests that she has.

There is no proof that any advocacy groups made Anita Hill say what she said or made up a story for her to repeat—and shame on anyone who suggests that this is what happened.

There is no proof, no proof at all that Anita Hill is fantasizing these charges or is mentally unbalanced—and shame on anyone desperate enough to suggest that she is.

The treatment of Anita Hill is what every women fears who thinks of lifting the veil and revealing her sexual harassment. Here in the Senate, and in the Nation, we need to establish a different, better, higher standard.

When confronted with all of the evidence that corroborates Professor Hill's charges, Judge Thomas' supporters abandoned the craven charge that she had concocted the story in recent weeks. Instead, they resorted to the meanest, and most unfounded, cut of all—that this tenured law professor, who testified with such grace and dignity, is delusional, that she somehow fantasized the entire horrible experience. That baseless charge is an insult to Professor Hill, and to the millions of American women who have been the victims of sexual harassment.

For too long, persons accused of sexual harassment have responded by charging their victims with being "sick," with "making the whole thing up," with "living in a fantasy world," or that such allegations "amount to nothing more than women taking a passing word in the wrong way."

Calculated slurs of that kind scare other women into silence.

And the greatest irony of all is that the very same people who are now making that irresponsible charge are those who have criticized Professor Hill for not making her own charges sooner.

If we allow these kinds of vicious attacks on Professor Hill to stand, if we dismiss her charges as fantasy or delusion, the message to women throughout America will be a chilling one—suffer in silence or pay a terrible price.

Sexual harassment is an intensely private offense that rarely occurs in front of witnesses. The EEOC itself ruled in 1983 that a claim of sexual harassment can be based on a woman's word alone, without further corroboration. EEOC guidelines make clear that harassment of one woman can constitute an offense, without the need to demonstrate a pattern of such conduct involving other women. Courts have ruled that in cases involving one woman, evidence of similar acts of harassment involving other women may be inadmissible.

The absence of any intent by the perpetrator to harm the victim does not mean there has been no harm. Words and actions may still turn the workplace into an ordeal for any woman who makes a conscientious decision to stick to her career and who decides that the only practical course is to deal with her harasser without recourse to the law.

And in this case, the person charged by Professor Hill with sexual harassment was not only the head of the agency where she worked, but the Federal official with the chief responsibility for enforcing the laws of the United States against sexual harassment.

Judge Thomas and his supporters have pointed with outrage to the harm that these hearings have done to him. But what about the harm that was done to Professor Hill? And I am not talking only about the Senate proceedings that she was so reluctant to set in motion. I am talking about the 2 years of harm that she endured because of this harassment. I am talking about 8 more years of harm she endured because of the silence she was forced to accept in a society that has been hostile to such claims for so long.

It has never been easy for any woman to bring a charge of sexual harassment.

Attitudes are changing in our society. Our national consciousness has been raised by the events of recent days. And the lesson of these changes should be part of the consciousness of the Supreme Court, too.

I wonder, in this day and age, whether women are prepared to sit still while the U.S. Senate puts Clarence Thomas on the Supreme Court of the United States.

The Senate shot itself in the foot last week. Let us not shoot ourselves in the other foot today. We all know what happened last Monday and Tuesday, when Anita Hill's press conference in Oklahoma launched a tidal wave of anger by women across America.

They were outraged, because the Bush administration and the Republican leadership in the Senate stubbornly persisted in trying to force a vote on the Thomas nomination, without even hearing Professor Hill's serious charges of sexual harassment.

Today, therefore, it will not be easy to vote against Anita Hill. All America has seen her face-to-face in their living rooms. Wives are talking to husbands. Daughters are talking to fathers. Sisters are talking to brothers.

They saw what we saw. They saw a courageous woman who seemed to be speaking for all women, a tenured professor of law with a successful career. She had nothing to gain and everything to lose by coming forward. Under great pressure, she testified with surpassing grace and extraordinary dignity. Her testimony was corroborated by four eloquent and persuasive witnesses. Though there is forceful testimony from Judge Thomas supporters, all of them acknowledged that they had no personal knowledge about whether Professor Hill was telling the truth or not.

I believe Professor Hill. I recognize that most of the country is left with doubts about what really happened, and so are many Senators.

There is no conclusive answer—yet. But the Senate has to vote today, and what is the Senate to do?

In my view, Senators who are unsure about who is telling the truth should vote against this nomination.

The Bush administration is urging the Senate to give the benefit of the doubt to the nominee. If this were a criminal proceeding, or even a civil lawsuit, that assertion would be correct.

But the issue before the Senate today is a proceeding of a very different kind. The question is whether Judge Clarence Thomas should be appointed to the highest court in the land, whether he should be entrusted with the solemn power to have the last word on the meaning of the Constitution and the fundamental rights of all Americans.

Throughout the two centuries of our history, many—if not all—of the most important issues of our democracy have been resolved by the Supreme Court. All Americans—men and women—must have faith in the fairness and the integrity of the members of that Court, in their ability to do justice for every citizen, and in their commitment to doing justice.

On a question of such vast and lasting significance, where the course of our future for years to come is riding on our decision, the Senate should give the benefit of the doubt to the Supreme Court and the Constitution, not to Judge Clarence Thomas.

Perhaps there are some Senators who feel that Judge Thomas has overwhelmingly succeeded in disproving Professor Hill's charges. But few Senators and few Americans who watched the hearings would come to that conclusion. America is divided.

If we make a mistake today, the Supreme Court will be living with it and the Nation will be living with it for the next 30 or 40 years. That is too high a price to pay, too great a risk to take. To give the benefit of the doubt to Judge Thomas is to say that Judge Thomas is more important than the Supreme Court.

Surely, whatever the faults and the flaws of the confirmation process, the President of the United States can find another nominee for the Supreme Court who is not under the cloud of having committed serious acts of sexual harassment.

Most Americans are not lawyers. But in their daily lives, they often make critical decisions about themselves, their families, and their futures. They weigh the risks and the consequences, the likely probabilities, and the reasonable doubts.

Few of us would buy a home in a community near a nuclear waste dump, even though the risk of radiation may be extremely small.

We do not allow cancer-causing pesticides in our food supply, even though the risk of illness is vanishingly small.

None of us would stand under a tree in a thunderstorm, because there is a reasonable doubt we might be struck by lightning.

None of us would board an airplane if we had a reasonable doubt about the competence of the pilot.

We do not take these actions, because the action is not worth the risk if we are wrong. The Senate should apply the same test to the nomination of Judge Clarence Thomas.

The Senate has a constitutional responsibility to the Supreme Court and to the American people. The risk of being wrong is too great. Judge Thomas will continue to be a judge, but he should not be confirmed as a member of the Nation's highest court.

Mr. President, I will ask unanimous consent to have printed at an appropriate place in the RECORD the portion of the hearing record that follows the segment read by the Senator from Pennsylvania, which was not read into the RECORD. I will also ask unanimous consent that an article from yesterday's New York Times be printed in the RECORD. I would urge those who have followed the Senator from Pennsylvania's reading of selected portions of that record to draw their attention to those pages, and to read carefully both the entire exchange and Judge Frankel's assessment of the perjury charge.

As I stated in the hearing itself, it is very clear what Professor Hill was saying to Senator SPECTER. She said that no one on the committee staff had suggested to her that Judge Thomas might withdraw quickly and quietly simply because she made an allegation to the committee.

Later she said that the possibility of withdrawal had come up, but in the context of a very different kind of conversation about the various things that might happen down the road. It was one of a broad range of possible outcomes if Professor Hill reported what happened. There is an obvious distinction between the two statements, and it is preposterous to call it perjury, as Judge Frankel clearly states in the Times article.

I ask unanimous consent the transcript pages and the New York Times article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator THURMOND. Senator Specter, do you want to proceed?

Senator SPECTER. Yes, thank you, Mr. Chairman.

When my time expired we were up to the contact you had with Mr. Brudney on September 9. If you could proceed from there to recount who called you and what those conversations consisted of as it led to your coming forward to the committee?

Ms. HILL. Well, we discussed a number of different issues. We discussed one, what he knew about the law on sexual harassment. We discussed what he knew about the process for bringing information forward to the committee. And in the course of our conversations. Mr. Brudney asked me what were specifics about what it was that I had experienced.

In addition, we talked about the process for going forward. What might happen if I did bring information to the committee. That included that an investigation might take place, that I might be questioned by the committee in closed session. It even included something to the effect that the information might be presented to the candidate or to the White House. There was some indication that the candidate or, excuse me, the nominee might not wish to continue the process.

Senator SPECTER. Mr. Brudney said to you that the nominee, Judge Thomas, might not wish to continue the process if you came forward with a statement on the factors which you have testified about?

Ms. HILL. Well, I am not sure that that is exactly what he said. I think what he said was, depending on an investigation, a Senate, whether the Senate went into closed session and so forth, it might be that he might not wish to continue the process.

Senator SPECTER. So Mr. Brudney did tell you that Judge Thomas might not wish to continue to go forward with his nomination, if you came forward?

Ms. HILL. Yes.

Senator SPECTER. Isn't that some what different from your testimony this morning?

Ms. HILL. My testimony this morning involved my response to this USA newspaper report and the newspaper report suggested that by making the allegations that that would be enough that the candidate would quietly and somehow withdraw from the process. So, no, I do not believe that it is at variance. We talked about a number of different options. But it was never suggested that just by alleging incidents that that might, that that would cause the nominee to withdraw.

Senator SPECTER. Well, what more could you do than make allegations as to what you said occurred?

Ms. HILL. I could not do any more but this body could.

Senator SPECTER. Well, but I am now looking at your distinguishing what you have just testified to from what you testified to this morning. And this morning, I had asked you about just one sentence from the USA Today news, "Anita Hill was told by Senate Staffers that her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument that quietly and behind the scenes would force him to withdraw his name."

And now you are testifying that Mr. Brudney said that if you came forward and made representations as to what you said happened between you and Judge Thomas, that Judge Thomas might withdraw his nomination?

Ms. HILL. I guess, Senator, the difference in what you are saying and what I am saying is that that quote seems to indicate that there would be no intermediate steps in the process. What we were talking about was process. What could happen along the way.

What were the possibilities? Would there be a full hearing? Would there be questioning from the FBI? Would there be questioning by some individual members of the Senate?

We were not talking about or even speculating that simply alleging this would cause someone to withdraw.

Senator SPECTER. Well, if your answer now turns on process, all I can say is that it would have been much shorter had you said, at the outset, that Mr. Brudney told you that if you came forward Judge Thomas might withdraw. That is the essence as to what occurred.

Ms. HILL. No, it is not. I think we differ on our interpretation of what I said.

Senator SPECTER. Well, what am I missing here?

Senator KENNEDY. Mr. Chairman, can we let the witness speak in her own words, rather than having words put in her mouth?

Senator SPECTER. Mr. Chairman, I object to that. I object to that vociferously. I am asking questions here. If Senator Kennedy has anything to say let him participate in this hearing.

The CHAIRMAN. Now, let everybody calm down. Professor Hill, give your interpretation to what was asked by Senator Specter. And then he can ask you further questions.

Ms. HILL. My interpretation——

Senator THURMOND. Speak into the microphone, so we can hear you.

Ms. HILL [continuing]. I understood Mr. Specter's question to be what kinds of conversation did I have regarding this information. I was attempting, in talking to the staff, to understand how the information would be used, what I would have to do, what might be the outcome of such a use. We talked about a number of possibilities, but there was never any indication that, by simply making these allegations, the nominee would withdraw from the process. No one ever said that and I did not say that anyone ever said that.

We talked about the form that the statement would come in, we talked about the process that might be undertaken post-statement, and we talked about the possibilities of outcomes, and included in that possibility of outcome was that the committee could decide to review the point and that the nomination, the vote could continue, as it did.

Senator SPECTER. So that, at some point in the process, Judge Thomas might withdraw?

Ms. HILL. Again, I would have to respectfully say that is not what I said. That was one of the possibilities, but it would not come from a simple, my simply making an allegation.

Senator SPECTER. Professor Hill, is that what you meant, when you said earlier, as best I would write it down, that you would control it, so it would not get to this point?

Ms. HILL. Pardon me?

Senator SPECTER. Is that what you meant, when you responded earlier to Senator Biden, that the situation would be controlled "so that it would not get to this point in the hearings"?

Ms. HILL. Of the public hearing. In entering into these conversations with the staff members, what I was trying to do was control this information, yes, so that it would not get to this point.

Senator SPECTER. Thank you very much.

The CHAIRMAN. Thank you, Senator.

[From the New York Times, Oct. 14, 1991]

WHITE HOUSE ROLE IN THOMAS DEFENSE

(By Andrew Rosenthal)

WASHINGTON, October 13.—The fierce Republican counterattack on Anita F. Hill's testimony sprang from high-level White House consultations among dispirited officials who concluded as the new hearings unfolded that the only way to save Judge Clarence Thomas's nomination was to cast doubt on Professor Hill's character and motivations.

When the hearings began Friday, the White House avoided urging the Republicans on the Senate Judiciary Committee to attack because President Bush's aides were split.

Among aides who believed Judge Thomas's account, some thought the gloves should come off and some feared the political dangers of attacking a black woman's character. There were also some aides who could not make up their minds, and a small group that believed Professor Hill, officials said today.

"NEW LEVEL OF DEPRESSION"

But by Friday afternoon, as Professor Hill's damaging testimony continued, the mood at the White House sank to what an official called "a new level of depression," and some advisers feared that the nomination was doomed. The odds on a lunch time bet between two White House aides were 5-to-1 against confirmation.

At this point, a group of Judge Thomas's friends, led by C. Boyden Gray, the White House counsel, and including J. Michael Luttig, an Assistant Attorney General who has been confirmed as a federal judge but not yet sworn in, decided their only course was to pick apart Professor Hill's case even if this involved a direct attack on her character.

President Bush approved the effort, but it was decided that he needed to stand apart from it, officials said, and the White House assembled a team of lawyers from its own counsel's office, the Justice Department and the Equal Employment Opportunity Commission to amass evidence against Professor Hill with the help of Republican Senate staff aides.

The vice chairman of the E.E.O.C., Rosalie G. Silberman, said tonight that she was part of a group that helped to organize witnesses, who had worked with or for Judge Thomas to testify on his behalf at the Senate hearings.

Recognizing Professor Hill's credibility and the impossibility of finding the unvarnished truth, the idea was simply to raise doubts about her story and her character.

WHITE HOUSE STRATEGY

Once the strategic decision to go after Professor Hill had been reached at the White House, tactics were worked out in conjunction with the two most experienced trial lawyers among the Republicans on the Judiciary Committee, Senators Orrin G. Hatch of Utah and Arlen Specter of Pennsylvania. They led Judge Thomas, the main witness on Saturday, through an assault on his accuser's words that escalated throughout the day.

The key points of their attack consisted of:

Zeroing in on references to pubic hair and the adult movie star Long Dong Silver, two small points in a broad and complex story, and arguing that if the origin of these details could be disputed, then Professor Hill's whole story must have been invented.

Pointing out that Professor Hill had given more details of her charges as the hearings progressed as a way of suggesting that she had embroidered her story, but omitting that the additional information was asked of her under cross-examination.

Accusing her of "perjury," a charge made by Senator Specter on Saturday afternoon on the basis of some variations in her answers on Friday to questions about her contacts with Judiciary Committee investigators.

An official at the Equal Employment Opportunity Commission specializing in sexual harassment cases recalled the reference to "Long Dong Silver," officials said, and the specific case was quickly found in a 10th Circuit Court of Appeals decision through an electronic search.

A lawyer at the Department of Justice mentioned that he had recently read "The Exorcist" and recalled a reference to pubic hair floating in gin.

Other officials, working with Republican Senate aides, began looking for internal inconsistencies in Professor Hill's statements that were used as the basis for Mr. Specter's charge of perjury and for the assertion that she had embroidered her story as she went along.

"All of this is not probative, and we know it," an official said. "But the other witnesses on our side will raise particular questions about her motivations and it all fits into the overall pattern we're trying to demonstrate."

Once Senators Specter and Hatch had spent several hours laying down the three main attack lines, Senator Alan K. Simpson, Republican of Wyoming, weighed in with a strongly worded broadside, saying that his office had been inundated with letters and calls from women saying, alleging that Professor Hill had a flawed character.

By Saturday night, the intensity of the Republican attack—coupled with Judge Thomas' accusation that Professor Hill used racist stereotypes against him—seemed to subdue the Democrats on the committee, and initial reviews at the White House were favorable.

MOOD IS PRETTY GOOD

"We have to see how much impact today's witnesses have, but right now the mood is pretty good in the sense that Clarence has been credible enough and there are enough at least potential difficulties with her story that we can make a strong case to Senators that if you were for Thomas before, you have no credible reason to change your view," an Administration official said today, before the committee heard witnesses who corroborated Professor Hill's statement that she had complained to friends as long as 10 years ago that Judge Thomas was harassing her with unwanted sexual discussions.

But there were also denunciations today of the Republican tactics from feminists and advocacy groups and from Democrats like Senator Edward M. Kennedy of Massachusetts, who said Senator Specter's perjury charge was so fabricated as to be dishonorable.

An expert on evidence and legal procedure, Marvin E. Frankel, a retired judge of the Federal District Court for the Southern District of New York, said the question of whether Professor Hill had elaborated her story was a legitimate area of inquiry.

But if analyzed in legal terms, other aspects of the attack by Senators Hatch and Specter represent "a fantastic, far-out approach that really has nothing to do with the issues," Judge Frankel said.

He said Senator Specter's perjury accusation "hit a low level."

"The idea of former prosecutor who said he has tried perjury cases taking a supposed difference between what somebody said in the morning and what they said in the afternoon to say they committed perjury is really below the belt. He has to know that nobody would ever begin to place a perjury charge on that sort of testimony."

The attack strategy developed slowly and out of necessity each step along the way, according to White House aides.

Administration officials said today that the White House's course was shaped at first by Judge Thomas's decision to prepare his own defense without Kenneth Duberstein, the former White House chief of staff, and Frederick McClure, the White House Congressional liaison, who had been advising him.

"The nature of the charges required that," an official said. "When Thomas responded to a personal allegation, it had to be his response."

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The senior Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. Mr. President, when the Senator from Massachusetts seeks to add additional pages to the transcript, if he heard my statement he would know it is unnecessary. I inserted all of the pages of the transcript.

If the Senator from Massachusetts has anything to say about the facts and the evidence, I suggest to him that, instead of an oration, he deal with the specifics and the evidence. Now it is up to the people who will read the evidence to make a determination about what a fair reading of that evidence is. But I suggest that when the Senator from Massachusetts talks about shame, he ought not to direct it to the argument that there was an intentional misstatement of fact.

This Senator spent virtually all of his time going over that in detail to illustrate the complexity of the matter and how you have to get right down to the syllables and the semicolons to see what was said. And I submit on the basis of what I read, and the totality of the record, that it is plain that any fair-minded person would say a fair reading of that record was that Professor Hill at first denied that there had been any statement by a staffer that Judge Thomas might be forced to withdraw, and then flatly changed that testimony.

We do not need characterizations like "shame" in this Chamber from the Senator from Massachusetts.

One other point, Mr. President, and that it that the women of America should not listen to the Senator from Massachusetts who is trying to arouse their passions on the generalized subject of sexual harassment. This Senator and every Senator decries sexual harassment. This proceeding is not a question of whether sexual harassment exists in this country, because it does. And virtually all of it is unreported and unpunished.

But the message should not go out to the women of America that the U.S. Senate is indifferent to sexual harassment and that if a woman comes forward and offers evidence, that it will be disregarded. This Senator has been at the forefront, with the Senator from Massachusetts, in trying to get a civil rights bill which is designed directly to bear on the issue of sexual harassment. I take second place to no one on that subject.

But when the Senator from Massachusetts seeks to terrify the women of America that they cannot step forward because they will not be properly treated, he is wrong. And I suggest that the only issue in this matter is who is correct, Professor Hill or Judge Thomas. Professor Hill was treated courteously, properly, politely—her corroborating witnesses were carefully examined, and the decision which is being made, at least by this Senator, is on the facts with the weight of the evidence in support of Judge Thomas. I am talking about the evidence.

The PRESIDING OFFICER. The time of the Senator has expired.

Does the distinguished senior Senator from Massachusetts ask to be recognized?

Who yields time for that purpose?

Mr. SIMON. I yield time. One minute to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I stand by my rejection of the conclusion made by the Senator from Pennsylvania that Professor Hill was guilty of perjury. I expressed my opinions about that over the course of the hearing. I am not going to take the time to do that during this debate. It is all part of the record. And I reiterate, Mr. President—I reiterate to the Senator from Pennsylvania and to others that the way that Professor Hill was treated was shameful; it was shameful.

I yield the remainder to my time.

The PRESIDING OFFICER. The distinguished senior Senator from Massachusetts yields the floor. Who yields time?

Does the distinguished senior Senator from New Jersey ask time?

The Senator from Illinois.

Mr. SIMON. Mr. President, I yield 12 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The distinguished senior Senator from New Jersey is recognized for 12 minutes.

Mr. BRADLEY. Mr. President, before Prof. Anita Hill's story became known, I declared my opposition to the nomination of Judge Clarence Thomas. I did so on the floor here nearly 2 weeks ago.

I based my opposition on his public record, his professional work, his performance before the Senate Judiciary Committee, and my disagreement with President Bush that he was, in the President's words, "the best person for this position."

Mr. President, I ask unanimous consent my full statement made at that time be printed in this RECORD.

There being no objection, the material was ordered to be printed in RECORD as follows:

FLOOR SPEECH BY SENATOR BILL BRADLEY ON THE NOMINATION OF JUDGE CLARENCE THOMAS, OCTOBER 4, 1991

A friend of mine, Clifford Alexander, told me that one day in 1967 President Lyndon Johnson summoned him to the oval office. When he arrived, LBJ told this 33-year-old, African American, White House staff member that he had decided to appoint Thurgood Marshall to the Supreme Court. LBJ asked him to sit down while he made some calls.

The President called Vice President Hubert Humphrey. He called James Eastland of Mississippi, a plantation owner and the Chairman of the Senate Judiciary Committee. He called A. Phillip Randolph of New York, visionary of the march on Washington. He called Roy Wilkins of the NAACP. He called Senators Everett Dirksen of Illinois, John McClellan of Arkansas, Sam Ervin of North Carolina.

The President told these men that Thurgood Marshall was an extremely talented man, that he was a well-known Federal Appeals Court Judge, that he'd won 14 of 19 Supreme Court cases when he was Solicitor General of the United States, that he'd won 29 of 32 Supreme Court cases when he was General Counsel of the NAACP, that he'd successfully argued *Brown vs. Board of Education* before a distinguished Supreme Court consisting of two former senators, a distinguished law school professor, a former U.S. attorney general, a former state supreme court justice, and a former governor.

He told them the times were changing, that America needed tolerance, that the days of discrimination should end, and that Marshall's appointment would signal *hope* to a generation of black Americans and *progress* to a generation of white Americans. He told them that Marshall rode the crest of a moral wave led by the courageous actions of an oppressed people, that Congress did change laws and courts did interpret those laws but that ultimately the biggest change had to be in people's hearts. He told them that by supporting Marshall people could demonstrate a change in their own hearts—a greater sense of generosity, understanding and a belief that racial barriers would continue to fall.

Johnson knew that Marshall's legal ability and individual character were equal to those Justices who sat on the *Brown vs. Board* court, but he also knew that confirmation could be difficult. He knew that the political stakes were high and that when it came to race, someone in American politics usually shouted the equivalent of "fire" in a crowded theater, even if there were no fire.

LBJ's motivation was above politics; his method was tenacious; his obligation was to a better American future.

In 1991, President George Bush nominated Clarence Thomas to the bench. He held a press conference and denied that race was even a factor in his decision. He mounted no campaign, made no major speech, and rallied no group of Americans. The President uttered only the nonsequitur that "Thomas' life is a model for all Americans, and he's earned the right to sit on this nation's highest court." Virtually, the only reason that George Bush gave in selecting Thomas was that he was "the best person for this position."

Perhaps what the President meant to say was that Thomas is the best person for President Bush's political agenda. After all, he is the President who has been uniquely insensitive to black America, who has exploited racial division to attract votes more than once in his career, and who has asserted on countless occasions that in *his* America, sensitivity to equal opportunity for women and minorities will play no role in education or job placements. His tactical use of Clarence Thomas, as with Willie Horton, depends for its effectiveness on the limited ability of all races to see beyond color and as such is a stunning example of political opportunism.

Many subtle and not so subtle messages are contained in Mr. Bush's nomination of Judge Clarence Thomas—messages that blur the meaning of a vote for or against Thomas. The messages say that Clarence Thomas didn't need government intervention, so why should help be extended to others; that white America has no responsibility for the failure of blacks; that tokenism is the only acceptable form of affirmative action; that racism didn't hold back Judge Thomas—why are other blacks always whining about its effect on their lives; and that an administration that nominates a black for the Supreme Court has answered the critics of its racial policies.

Mr. President, I have struggled with the President's words that Clarence Thomas is "the best person for the position." I have struggled with those words. I thought about the 700,000 lawyers in America; I thought about the 10,000 judges; I thought about the law professors; I thought about the 875 black judges and the 200 black law professors. I thought about the ABA's rating of Clarence Thomas. I concluded: To be truthful, I MUST disagree with the President.

But then, Clarence Thomas is as well qualified as some who now serve on the Supreme Court, and as a young man he still has room to grow—so why not give the President his man? After all, Judge Thomas has said in his confirmation hearings that he'd be an impartial judge.

But the skill of a judge is not some mechanical, computer-like, balancing act. Since the Supreme Court dispenses justice, what goes into one's conception of a just society will have an influence on decisions. So will one's reading of American history with its tensions between liberty and obligation; freedom and order; exclusion and participation; the dominant culture and the countless subcultures, and the individual and the community. Where a judge places himself in our historical narrative depends on how thoroughly he learns our past, how insightfully she reads her times, how well she knows herself, how clearly he thinks about his values.

Clarence Thomas has opposed the use of government as a remedy for anything other than individual acts of discrimination against women and minorities, never mind that the poor cannot afford a lawyer. He has asserted that natural law can be applied to cases involving the right to privacy. He has said that natural law or a higher law "provides the only firm basis for a just and wise constitutional decision." In other words, one could invoke higher law to justify virtually any position. He has said, "Economic rights are protected as much as other rights," thus putting economic rights on equal footing with the right to speak your mind freely, or practice your religious faith, or live your life free of the unnecessary government intrusion into your private affairs.

Clarence Thomas took these positions in articles and speeches over a decade of right-wing political activism. For over 10 years he was one of the right wing's star mouthpieces. For over 10 years he was forceful and he was an advocate. Then in less than 10 days before the Judiciary Committee he backtracked or denied many of his past views.

He said that these statements of political philosophy were made when he was in the executive-branch as a politician and that they would not enter into his work as a Justice. In fact, by denying much of what he had long espoused, he implied that, rather than the very fiber of his existence, his political philosophy is like a set of clothes that you can change depending on the impression you want to create.

His chameleon-like behavior before the committee poses a real set of dilemmas in considering his nomination. He presented himself to the Committee, just as President Bush introduced him to the public, by highlighting the personal. He chose to emphasize not his reading of the law or his political philosophy, not his public record, but rather his politically attractive personal journey. When questioned, he constantly referred back to the personal, as if he were a modern candidate repeating his sound bite.

When one hears his story of growing up in Pinpoint, Georgia, a possible reaction is the one the President had after he listened with others to Thomas' opening statement: "I don't think there was a dry eye in the house," he said.

The great African American novelist Richard Wright, in writing about his great book, *Native Son*, gives another view of such tears, "I found I had written a book that even the banker's daughter could read and weep over and feel good about. I swore to myself that if I ever wrote another book no one would weep over it; that it would be so hard and deep that they would have to face it without the consolation of tears." Today, 50 years after Wright penned those words, America can't afford to sentimentalize black life. Significant parts of the African American community are being devastated and are self-destructing daily. Instead, we must take Wright's "hard and deep" look. To hear Clarence Thomas' story as one of solely individual achievement is a dangerous mistake. I don't diminish his personal achievement or discipline. I admire it. But how he chose to share his story leaves out a lot.

On one level it is a story of overcoming odds, of hard work, of tremendous dedication and self-reliance. But it is also a more complex story of an authoritarian grandfather, women who sacrificed themselves for the man of the family, a dedicated group of nuns who gave guidance and inspiration, luck (as he says, "someone always came along"), historical change (Civil Rights movement) and attempts by Holy Cross and Yale at specific remedies to discrimination (affirmative action). Clarence Thomas' philosophy of the 1980's implied that only self-help was necessary, but his own life experience refutes that view. Self-help is necessary, but it is far from sufficient.

Clarence Thomas' self-help story doesn't ring true for those not lucky enough to get even the small breaks. But the conservatives love it. Who needs the state at any time in life if all of us can make it on our own? Who needs social security or college assistance or health care for the poor if everyone can make it on his own? Beneath the exclusive espousal of self-help is the bottom line of "I got mine, you get yours."

Personally, I believe through self-reliance, discipline, and determination a person can overcome virtually any obstacle—achieve any goal. But I also can imagine forces beyond your control—health, violent disaster, sudden economic trauma—that overwhelm your prospects.

Today, while conservatives preach the sufficiency of self-help, urban schools become warehouses rather than places to learn, black infant mortality rates and black unemployment rates skyrocket, and a generation is being lost to violence in the streets. Self-help is an important, individual conduct. And initiative deserves its reward, but the need for equal opportunity in economic, educational, and political matters as well as real progress against poverty and crime require a role for the state.

Above all, those who win and climb up the ladder must never forget where they came from or mock the old culture or those who fell behind. Take Clarence Thomas' story of his sister. He said, "She gets mad when the mailman is late with her welfare check. That is how dependent she is." Put candidly, Clarence Thomas seized on the welfare queen stereotype, even if it exaggerated the facts and even if it was his sister, in order to score conservative points. On one level, the event represents unfairness to a loved one, and on another, insensitivity to women generally. Is it any wonder that he says he has never discussed *Roe vs. Wade*?

As I watched the confirmation process, I became profoundly saddened by the limitations of the process itself and by what it did to Clarence Thomas.

People who have known Clarence Thomas since his college days agree on one thing. One thing stands out about him. No, not Pinpoint, Georgia—there are Pinpoint, Georgia, stories in the lives of millions of Americans, both black and white, who have struggled against the odds, against discrimination, against the deck being stacked by the majority culture or their economic superiors. No, the thing that separated Clarence Thomas from other people and marked his individuality was his point of view. He wore it like a badge—until he backtracked during the confirmation process. In doing what he perceived to be or was told to be necessary to attain one of the most important positions our country offers, he allowed himself to be manipulated into the ultimate indignity—being stripped of his point of view. The circle that began in Pinpoint closed. In the beginning his individuality was denied due to *color*. Today his individuality is denied due to a calculated refusal to assert those views that gave his identity its boldest definition in the first place.

Clarence Thomas may be a good friend with a great sense of humor and someone of high moral character. One can be all that and still not be a person, that you would want structuring the legal framework for our children's future.

For those like me who find his record troubling, his performance before the Judiciary Committee puzzling, and his life experience potentially an important influence on the present court, his nomination poses a fundamental question. Does one make the judgment on the basis of his individuality or his race? Does one vote against him because of his record or for him because, as Maya Angelou has said, "he has been poor, has been nearly suffocated by the acrid odor of racial discrimination, is intelligent, well trained, black and young enough to be won over again."

Mr. President, I believe that individuality is more determinative than race. I believe Clarence Thomas' political philosophy, his public record, his overall professional experience, and his choice of what to show and what to hide in the committee hearing process present obstacles to his confirmation.

Given the heightened and proper sensitivity to blackness in the last 25 years in America, one asks, is there something latent in Thomas' being that would blossom if he had a lifetime tenure? Would his rigidly, reactionary views, and intolerance be replaced by a more flexible, balanced perspective?

Some people argue that Thomas is a wild card who might just bite the hand of those who've advanced and promoted him for his conservative views. Blackness, they say, will prevail over individuality. By blackness they presume a set of experiences that lead to views, not necessarily liberal, but different from Thomas' stated positions. But what is the essence of blackness? A common sharing of the experience of oppression? A common network of support to nurture the spirit, mind, and body under assault? A common determination to add to the mosaic of America that which is uniquely African American? A common aspiration that all black Americans can live with dignity free from racist attacks, overt discrimination, sly innuendo, and without fundamental distrust of white Americans? Yes, all of these commonalities, and probably many others I've never even thought of, go into blackness, but can we assume that any or all of them will offset Clarence Thomas' political philosophy and his public record—both of which have run against the common currents of black life. To do so would be irrational. It would deny him the individuality—however we might disagree with its expression—which is God's gift to every human being. Qualities of mind and character attach to a person, not to a race.

Clarence Thomas' paradox is real. The individuality that allowed him survival in a world of hostile, dangerous racism is the individuality that seems to make him numb to the meaning of shared experience.

Those who call Clarence Thomas the "hope candidate" do not mean hope in the transcendent terms of "keep hope alive." Instead, they hope those qualities which have characterized his individuality up to this point can be transformed. I doubt that is possible. I doubt that he can "be won over again." Therefore, it is on the basis of his individuality, as I have been allowed to know it from his public record, his professional work, and his confirmation process, that I will cast my vote against Judge Thomas.

Mr. BRADLEY. Mr. President, has anything transpired that would change my vote or my opposition?

The Nation has watched this drama—charges and countercharges—unfold on TV. And although my perspective is limited by race and gender, the events of the last 4 days reminded me that we need more civility in public life and that those who serve deserve some privacy, some statute of limitations.

We have witnessed a distasteful and, on some levels, disgusting set of hearings in the Judiciary Committee. But what was offensive was not only the description of lurid sexual details that children should not hear, but also the way the men in the White House and their allies on the committee chose to wage the battle.

The strategy to deal with Professor Hill, designed by the men in the White House and apparently approved by President Bush, was the ultimate in sexual stereotyping and sly innuendo replete with gross and irrelevant references to the modern cliche of witchcraft, "The Exorcist." The men in the White House set out to say that Anita Hill was a liar—even though they could not prove it, even though four people corroborated her story, and even though she passed a lie detector test. The men in the White House set out to say she was unbalanced—that she had fantasized all she said—even though one person who alleged fantasy retracted the characterization and the second revealed himself as a self-promoting man with no special psychiatric knowledge. Finally, they set out to say she was part of a conspiracy of interest groups, the press, and U.S. Senate staff—all coordinating and keying off each other in a blatant smear—even though no one could explain the motive for her stepping forward or the connection between the groups and her powerful words.

After Professor Hill's credible testimony, the men in the White House decided to blame Professor Hill for stepping forward, even though she did so only at the committee's request. They looked to discredit her in surprisingly crude ways. They said she should have taken notes. She should have spoken out. She should have left her job. She should have filed a complaint. Never mind that the Supreme Court did not recognize verbal abuse alone as a cause for action until 1986. Never mind that only 7 percent of the women who report sexual harassment in surveys actually file a formal complaint. Never mind that under current law Professor Hill would have gained no damages and possibly no final resolution for up to 3 years. She would have gained only the reputation of a troublemaker, who in the workplace, would be shunned in a thousand small ways and unable to move on with a positive job recommendation. Never mind that some of the Senators who said she should have filed a compliant voted against the legislation that gave her a right to complain or have fought against efforts to allow damages for intentional sex discrimination. Never mind all that.

What the men in the White House revealed, through the strategy of attacking Professor Hill's character, was colossal insensitivity to victims of alleged sexual harassment, an insensitivity that flows from the same source that sees a battered wife and says—prove the man did it. What the men in the White House were saying is we would have spoken up, we would have left the job, we would have taken notes, we would have filed a complaint. How could anyone have a sense of vulnerability about going into the conflict of a legal proceeding? How could someone absorb the abuse Professor Hill described and not fight back? How could anyone submerge pain? Finally, what men in the White House were saying is, why can she not have been more like us—we're all gunfighters—our way, the man's way, is the best.

The treatment that the men in the White House gave to Professor Hill illustrates better than a thousand psychological studies why women are reluctant to step forward. It is dangerous. Imagine in another circumstance if she were your daughter? How would you feel? If a woman with her credibility and her courage cannot do it, how can someone else stand up?

Ironically, the man who treated Professor Hill with the greatest respect during the hearings was Clarence Thomas. He was considerate when he spoke of her amidst the anger that he spewed at the committee for his predicament. He refused to offer interpretations of why she had done it. He would not be drawn into character assassination.

On Friday night, Clarence Thomas showed his racial pain and his racial anger for the first time in the confirmation process. It was probably a truer emotion that all the intellectualizing, dodging, and denying that was part of his earlier appearances before the committee. He used his race in a way he had always refused to do. He identified with the shared experience of black suffering and black indignities at the hands of whites. He became stronger and more vulnerable, when his life and reputation were on the line.

Yet he failed to focus his anger. He was right to be outraged about the leak—and whoever is responsible should be punished—but it was Anita Hill, not the U.S. Senate, who made the charges. Should a more thorough investigation have taken place before the committee vote? Yes. Was the leak reprehensible? Yes. Should last week's full hearing have been done in executive session? Probably. But what remains are not issues of process but charges of fact—charges that remain unresolved.

On Saturday, after the Friday night when his racial anger came pouring from his heart, Clarence Thomas offered racial stereotyping as a defense against the charge of sexual harassment. But here he was on thin ice because he had not expressed outrage nor did he even criticize his President's use of the black rapist-murder, Willie Horton, to scare up some white votes in 1988, even though Horton was the ultimate stereotype. Then Clarence Thomas remained strangely silent in a clearly calculated way. "That was just politics," people say. "No big thing—to which I say, everything is politics—including relations between the races and the sexes. And embedded in all politics are moral values to which one cannot be selectively dedicated. In this case, there is the value of recognizing that each distinct human being has a right to his or her own complex individuality and there is the imperative to resist one-dimensional stereotyping as destructive of our common humanity. To be true to your values, you have to speak out wherever you are and whatever the circumstances. You do not assert the moral values only to save your own neck.

During the first confirmation process, Clarence Thomas continually referred back to his politically attractive personal journey from Pinpoint, GA, as if he were a modern candidate repeating his sound bite. President Bush's reaction after listening to the story in Thomas' opening statement was: "I don't think there was a dry eye in the house."

The great African-American novelist Richard Wright, in writing about his great book, "Native Son," gives another view of such tears, "I found I had written a book that even the banker's daughter could read and weep over and feel good about. I swore to myself that if I ever wrote another book no one would weep over it; that it would be so hard and deep that they would have to face it without the consolidation of tears." Today, 50 years after Wright penned those words, America cannot afford to sentimentalize black life. Significant parts of the African-American community are being devastated and are self-destructing daily. Instead, we must take Wright's "hard and deep" look.

Maybe now Clarence Thomas will take the hard and deep look at his potential role in American life. Maybe now he will see that if he is confirmed, it was largely because he asserted a strong racial identity and that he owes nothing to the President, who denied race was even a factor in his selection. Maybe having been tested in the crucible of an excruciatingly painful experience, he will be different. Maybe now he will come home. This is only to say that after this weekend, my doubt that in Maya Angelou's words, "Clarence Thomas is * * * young and can be won over again," is a little less but not sufficiently less to change my vote.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. LEAHY. Mr. President, I have the floor, but I will withhold if he wishes to speak on his time.

Mr. THURMOND. It does not make any difference.

Mr. LEAHY. I yield to the Senator——

Mr. THURMOND. You do not have to yield to me. I will get it on my own.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. THURMOND. Mr. President, in my nearly 37 years as a Member of the U.S. Senate, I have always taken a great deal of pride in both this institution and our duty of "advice and consent," I have thought of the Senate as an edifice of integrity, comity, and deliberation—frequently buffeted by the high winds of politics and personality—but standing firm, entrenched in the bedrock of the Constitution and buttressed by the equity of its rules and procedures.

However, as we arrived at the unprecedented decision to reopen these hearings, I have watched this edifice being profoundly shaken. Waves of base sensationalism, prurience, and vicious political mudslinging have eaten away at the very foundation of the Senate and the confirmation process.

I am outraged and ashamed by the perversion of the process which has occurred, and I am profoundly saddened by the damage that has been done to a man of impeccable character, immense courage, and deep compassion—a man many of us have come to respect and admire. If we are to salvage our constitutional role in this instance, Mr. President, we must strip away the hysteria which has surrounded this whole affair and return to the facts.

Before I go further, Mr. President, I would like to commend our distinguished chairman, Senator BIDEN, for his fairness under extremely difficult circumstances. he has a tough job, but he has done it fairly and with respect for all concerned, ensuring that everyone had an opportunity to be heard. The fact that this vote was delayed is no reflection upon him, and once the decision was made to go forward with the additional hearings, he conducted them in a fair manner.

We are here today—one long week since the original confirmation vote was to occur—because someone broke the rules, and it was not Judge Thomas. Clarence Thomas has always played by the rules—working hard and rising from a childhood of poverty in Pin Point, GA, to being chosen by the President of the United States for an appointment to the highest court in the land. Judge Thomas came before this committee believing in the American dream and trusting that he would be treated fairly and with honor and dignity. Instead, as a result of unfounded allegations, he has been subjected to the most humiliating public spectacle I can recall, and his good name has been dragged through the mud.

Mr. President, what I find most disturbing is that someone with access to confidential information who opposed this nomination generated these unfounded allegations—someone who was simply searching for dirt on Judge Thomas. Since this individual or individuals were unable to cast doubt on his ability and qualifications through the normal hearing process, they sought to find some way to besmirch his moral character.

The allegations made by Professor Hill were fully investigated by the FBI and after reviewing that report, I found the allegation to be totally lacking in merit. I say again—without merit. Ms. Hill's account was not directly corroborated by witnesses. No other credible charges of this nature were made and no evidence was found to indicate that this one was based in fact.

Next, confidential information on the allegation and the FBI investigation was intentionally leaked to the media, a clear cut and egregious violation of both privacy laws and the Senate rules. This information was made public at the 11th hour, the weekend before Judge Thomas would have been confirmed by the full Senate. As a result, all Republican members of the Judiciary Committee have asked for an FBI investigation of this incident.

I ask unanimous consent that a copy of our letter to the Acting Attorney General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 12, 1991.

Hon. WILLIAM P. BARR,
Acting Attorney General, Washington, DC.

DEAR GENERAL BARR: On September 25, 1991, the Senate Judiciary Committee received a confidential report prepared by the Federal Bureau of Investigation. The report concerned the allegations by Professor Anita Hill against Supreme Court nominee Judge Clarence Thomas. Last weekend, all or a part of the contents of this report were apparently leaked either by a member of the Committee or a member of the Senate staff. We are deeply troubled, indeed we are outraged, that the integrity of Judge Thomas has been impugned as a result of this inexcusable leak.

As you know, legislation will be introduced shortly calling for the appointment of a special counsel to the Senate to investigate whether Senate rules prohibiting the unauthorized disclosure of Senate committee reports may have been violated. We understand that the Majority Leader has given his assurance that this legislation will be brought to the Senate floor soon after the Senate votes on Judge Thomas' confirmation next Tuesday.

Unfortunately, that Senate investigation may be limited to violations of its own rules and may be too late to save the reputations of Judge Thomas and Professor Hill.

Therefore, we believe it would be appropriate for the Department to initiate a separate investigation as soon as possible to determine who is responsible for these leaks and how they occurred. In particular, there is reason to believe that these leaks were unlawful under several sections of the Privacy Act of 1974 (5 USC Sec. 552a), including Section 552a(i)(3) (obtaining confidential material under false pretenses).

In light of the foregoing, we request an expeditious investigation by the FBI to be completed as soon as possible.

Sincerely,
Orrin G. Hatch, Charles E. Grassley, Hank Brown, Strom Thurmond, Alan K. Simpson, Arlen Specter.

Mr. THURMOND. Mr. President, in addition, I believe an Ethics Committee investigation is in order.

Since these scurrilous statements were made, Judge Thomas has categorically and unequivocally denied them, as have others who have known him and worked with him throughout his career. In fact, a number of these individuals—most of them women—have spoken of his active commitment to eradicating sexual harassment in the workplace, and his intolerance for such behavior among his employees. If he was indulging in sexual harassment, why would he have risked bringing attention to it, especially since he was head of the very Federal agency responsible for dealing with offenses of this nature?

During the original confirmation hearings, several individuals mentioned their belief that Judge Thomas had been actively working toward a Supreme Court nomination for the last 10 or 20 years. If that was the case, why would he have been foolish enough to engage in the kind of conduct which has been alleged? It does not make sense.

As I have already said, this committee has heard witness after witness testify to the fact that Judge Thomas is a man of character, courage, and compassion. Even more significantly, prior to this allegation, even those who most bitterly opposed this nominee had nothing—not one thing—to say against his moral character.

Judge Thomas has been through the Senate confirmation process four times before being nominated to the Supreme Court. Nothing of this nature has ever been alleged before.

Mr. President, experts in the fields of civil rights enforcement and psychology say there is no such thing as an isolated incident of sexual harassment. That is to say, if Judge Thomas sexually harassed Professor Hill, he would have harassed others—there would have been a pattern of this kind of behavior. Yet there is no pattern, and no one has been able to establish that this allegation is based in fact. On the contrary, many women who know Judge Thomas and have worked with him have spoken of his kindness, his professionalism, and his commitment to ensuring that the workplace was comfortable and secure for all employees.

I was most impressed by the strong testimony of Judge Thomas' former employees, who spoke of his character and dignified professional conduct. Pamela Talkin, Judge Thomas' chief of staff at the EEOC, said she had never worked with an individual more committed to establishing a workplace free from discrimination and harassment than Judge Thomas. Other women who had worked closely with Thomas gave testimony which was just as compelling. These were women who worked with Judge Thomas and knew him well.

Since his nomination to the Supreme Court, the life of Clarence Thomas has once again been subjected to the most minute scrutiny. The Judiciary Committee has investigated Clarence Thomas thoroughly for over 100 days. The FBI has investigated Judge Thomas. The White House has investigated Judge Thomas, and Judge Thomas has sat through 5 full days of questioning as well as 2 days addressing this particular allegation. He has impressed us all with his intelligence, honor, and dignity. These are the facts on Clarence Thomas.

Now for the facts on Prof. Anita Hill, Mr. President. This is a woman not one of us knows personally and whose background has not been investigated for anywhere close to 100 days. The allegations she has raised are of the most serious kind, and the behavior she described was hateful and disgusting. There is no doubt in my mind that if it was true, it was sexual harassment. Yet her testimony has provided us with many more questions than answers.

If this behavior did take place, why did she wait 10 years—10 years—to bring this charge? Why did she not bring it up to investigators—or even to the media—during Judge Thomas' four previous confirmation hearings? If she was being harassed while working for Clarence Thomas at the Department of Education, why did she follow him to EEOC? Why would she continue to subject herself to these unwelcome advances? Not out of desperation for a job—for, contrary to what she told this committee, she could have kept her job at the Department of Education easily.

In addition, Professor Hill was, and is, an attorney. She must have been well aware there was legal redress available to her if she was being harassed. Especially as an employee of the agency responsible for enforcing civil rights protection, Professor Hill must have been aware of the procedures for bringing such a charge, and for keeping contemporaneous records of such treatment. Why did she not bring charges against this man if he was harassing her?

After leaving the Washington area, why did Professor Hill maintain a cordial relationship with a man who treated her so badly that she had to be hospitalized for stress? Why would she telephone Clarence Thomas "just to say hello," or, even more bizarre, to congratulate him on his marriage? Professor Hill's statements and actions are not congruent. The Judiciary Committee is not capable of discerning a clear motive for Professor Hill to tell an untruth, but I believe that is what has occurred.

It has been suggested that Ms. Hill wished for romantic involvement with Judge Thomas and felt rejected when he was not interested in her. Mr. Dogget's testimony, and that of Mrs. Phyllis Berry Myers, indicates this may be the case.

Some have said that Judge Thomas did not promote Professor Hill to a position she coveted. Perhaps she is being vindictive for what she considers to be a professional slight. In addition, after moving to the EEOC from the Department of Education, she was relegated to a position of less prominence and diminished access to Judge Thomas. Perhaps her ego was bruised.

Professor Hill also told FBI investigators that she had doubts about Judge Thomas' political philosophy, that she felt he had changed his beliefs and that he would not be "open-minded." Perhaps the root of this whole thing is a disagreement over political philosophy. I have been contacted by several psychiatrists, suggesting that it is entirely possible she is suffering from delusions. Perhaps she is living in a fantasy world. Dean Kothe, the founding dean of the school of law at Oral Roberts University, has stated his opinion that Ms. Hill's allegations are not only unbelievable but preposterous and the product of fantasy.

Mr. President, I do not believe any of us can know exactly what Anita Hill's motivation could be for impugning Judge Thomas in this manner. Furthermore, it is not our job to know. It is our job to weigh the testimony presented to us and attempt to discern the truth.

I would like to comment briefly at this point about Ms. Angela Wright, whose name was mentioned in the media after Professor Hill came forward. Ms. Wright freely chose not to appear before the committee to testify, and her statements are worthy of little or no consideration.

Ms. Wright, a former employee at the EEOC, was fired by Judge Thomas for poor work performance and use of derogatory language toward another employee. Previously, she had been fired from another job, and resigned rather than be fired from yet another. Ms. Wright is obviously a disgruntled former employee, and has alleged that another former supervisor was a racist and a fool. Her statements against Judge Thomas are inconsistent and should be totally rejected.

On the one hand, we have Judge Thomas. Many of us know him personally and have great respect for both his ability and his character. He has been exhaustively investigated on a number of occasions and for long periods of time. Prior to this week, he had never been the subject of even a breath of scandal or impropriety. He has been a faithful and energetic public servant, a conscientious and sensitive boss and a loyal friend.

On the other hand, we have Prof. Anita Hill. Professor Hill is not personally known to any of us here on this committee. She has come forward at the last minute with some very serious charges. She has not been fully investigated, and we know nothing of her personal life. Her story is fraught with contradictions. Whom are we to believe? In my view, the evidence is overwhelmingly on the side of Judge Thomas.

Mr. President, a great injustice has been committed here. The good name of a good man has been tarnished. I do not believe Judge Thomas is capable of the kind of behavior Professor Hill described to this committee, and I do not believe that Professor Hill is telling the truth.

Mr. President, the book of Ecclesiastes in the Bible says every man has three names: One his father and mother gave him, one others call him, and one he acquires himself. Clarence Thomas' parents and grandparents gave him a good strong name, a name he could be proud of. He has earned for himself an honorable name, as a man of integrity and rectitude, and up until this week, that was also the name by which others also knew him.

Now that name, the product of 43 years of hard work and striving for excellence, has been snatched from him and dragged through the mire. We cannot restore it to him in its wholeness. We cannot restore to him his peace of mind or his belief in the fairness of the system. However, we can dismiss these charges against him for what they are—baseless, incredible, inconsistent, and simply unbelievable.

Mr. President, Judge Thomas will be an outstanding member of the U.S. Supreme Court. As I have said on many occasions, his background provides him with the ability to fulfill his responsibilities in an outstanding manner, and he should be confirmed.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Illinois controls 81 minutes; the Senator from South Carolina controls 142 minutes. Who yields time?

Mr. SIMON. Mr. President, I yield 10 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. LEAHY. Mr. President, in the midst of what have been attacks, sloganeering, smears, and innuendoes, many of us during the past few days have tried to make an independent judgment rather than making speeches and waging a political campaign. We were right to do that. We were faced with two diametrically opposed stories.

I keep coming back to the question of what Anita Hill had to gain from making her story known, and the answer is nothing.

Professor Hill presented her disturbing story with dignity, courage, and intelligence, and she maintained an extraordinary grace under the pressure of a political onslaught that was orchestrated by the White House. Thomas' supporters built a case against her on a house of cards made of falsehoods, innuendo, and plain, old-fashioned political smears. She was a perjurer, they said. She might be a spurned woman; she was a bitter bureaucrat passed over for a better job; she was a tool of interest groups who wrote her testimony; her story was concocted at the 11th hour.

Thomas' supporters even did readings from "The Exorcist." They claim that she was perverted, claimed that she was self-deluded, claimed that she might belong in an asylum. The Senators who have described themselves as the defenders of family values came up with every explanation for her testimony except the most obvious—that she was telling the truth.

Professor Hill had nothing to gain in coming to Washington. What she got was a crash course in character assassination. Is it any wonder that she hesitated to come forward—8 years ago or today?

Her experience is an object lesson for women about the risk of speaking out. Her attackers cry out against her for not coming forward 8 years ago, at the same time they maul and harass her for coming forward today.

If anyone needs to know why so many women keep experiences of sexual harassment or rape locked up inside, they need look no further than Anita Hill's 72 hours in Washington.

If the Senate fails to show respect for Professor Hill's testimony, what are we telling the world? What are we telling the 19-year-old waitress who is sexually harassed or the 23-year-old secretary who is sexually harassed by the most powerful man in her company?

If Professor Hill, who is well educated and successful, is treated as though she were mentally ill, what is going to happen to the poor or uneducated victims?

The message will be clear: If you dare to challenge a powerful man, you are going to be crushed. And that is a message that the administration and its supporters should be deeply ashamed to send to this country.

I am saddened that once again race was used as a tool for short-term political gain, with no regard for the destruction that tactic will wreak on our Nation. From Willie Horton to the civil rights bill to Clarence Thomas' claim of lynching, it appears to me that the administration is willing to use race to its advantage time and time again.

Mr. President, I believe Anita Hill. And none of her opponents dared to say directly that Anita Hill was not a very moving and credible person. The corroborative witnesses who testified that Professor Hill told them at the time—at the time—about Clarence Thomas' unwanted sexual advances were unimpeachable, and were not impeached. They had not reason to lie, just as Anita Hill had no reason to lie. Their testimony demolished the White House claim that Professor Hill's story was an 11th-hour fabrication.

Professor Hill testified that Judge Thomas described X-rated movies to her in detail. Judge Thomas and his supporters denied that such conversation was imaginable for a man of his upright character. Dean Kothe, cited just a few minutes ago by the distinguished ranking member of this committee, said Judge Thomas is a man who would only read a book on religion or philosophy. That is the cite that was just used to demonstrate who Judge Thomas is.

But one of Judge Thomas' strongest supporters, Lovida Coleman, admitted to the press last week that Judge Thomas regaled her and other friends with descriptions of pornographic movies while they were students in law school. And we have been presented with no evidence that his willingness to discuss pornographic films was brought to a halt on the day he left law school. If one believes Anita Hill's testimony, as I do, Judge Thomas did not stop discussing such films when he came to Washington.

What of Clarence Thomas? Even if only 10 percent of what Anita Hill has said is true, then Clarence Thomas' categorical denial to the committee—under oath—is untrue.

Every Senator is going to vote on his nomination according to his or her own conscience. Remember, if Judge Thomas is confirmed, he will serve on the U.S. Supreme Court for decades, for life.

Why would Judge Thomas lie? Suppose for the moment that Professor Hill is telling the truth, and it all happened behind closed doors, with no witnesses.

Do men who have committed sexual harassment come out and say, "Of course, I did it"? Most men in that position would say one of two things. Either she misunderstood harmless flirting, or the woman is obviously crazy. Most men caught in sexual harassment do not admit it; they deny it.

Senator SIMPSON quoted Shakespeare the other day. Let me paraphrase from Hamlet: Judge Thomas doth protest too much.

In the battle over motives, let us recognize that Judge Thomas has a simple motive. He wants to join the highest court in the land. Senators on the other side have turned cartwheels to invent a reason why Professor Hill would sacrifice all she has just to give false testimony before this body.

The President sent us a nominee who is not prepared for a seat on the Court. He has asked us to confirm Judge Thomas on the basis of his character. This nomination was a political calculation that it would, notwithstanding the lack of his qualifications, be politically difficult to oppose him.

I disagree. I voted against Judge Thomas because, after reviewing his record and listening to his testimony, I was left with too many unanswered questions. As I have discussed in detail in my previous statements, I was troubled by his lack of expertise in constitutional issues, by his disturbing flight from his record, by his extraordinary comment that he never discussed Roe versus Wade, by his unwillingness to answer legitimate questions, and by his unwillingness to clarify a troubling record on the fundamental right to privacy. Similarly, I am troubled that Judge Thomas did not even watch his accuser's testimony.

I urge my colleagues to go back to September 10 and look at the whole record to put the harassment incident in context.

The fact that Clarence Thomas pulled himself up by his bootstraps and succeeded in a hostile world is not enough; not for elevation to the Supreme Court; not for a lifetime appointment which could last into the third decade of the next century; not to be a final arbiter of our Constitution and our Bill of Rights.

This weekend, Judge Thomas talked about his loss of privacy, of Government intruding into his private life. He said he wanted his privacy back. I only hope that if he is confirmed as a Supreme Court Justice, he remembers how important the right of privacy is to women in this country.

We have a system of checks and balances, and all Senators have a chance to exercise their role in that system today. To protect the Court, the Framers realized that neither the executive body nor the legislative body should have the power to cast the Court in its own image. We in the Senate play an integral role in this process, and we cannot abdicate our responsibility in the face of this political barrage.

Let us say as Senators, that we step aside from the polls of the moment, we step aside from those who might seek short-term political gain, and we stand up as the conscience of this Nation, for the good of the Nation, not just for today, but for the generations that follow long after each and every one of us is gone.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, this morning I picked up my mail and telegrams and looked over them. I read one that I think says it all. It is a telegram from Adriana Swanson in Houston, TX. It says in part:

> I was born in Havana, Cuba, but have been a U.S. citizen for over 20 years. The televised Thomas-Hill hearings reminded me more of a Castro show trial than anything I could imagine occurring in a democracy.

Mr. President, the tragedy of this telegram is that most Americans believe that is true. I ask my colleagues. How did it happen? How did the advise-and-consent clause in the Constitution turn into a political referendum about political philosophy?

We have elections to determine the political philosophy of the President. I submit to my colleagues that the people who voted for George Bush in 1988 had every reason to expect that, if he were elected, he would appoint conservative Justices to the Supreme Court. In voting for President Bush, the people determined the philosophy of those who would be appointed to the Supreme Court.

Now what has happened, Mr. President, is that the people who lost that election are using the advise-and-consent clause to try to win what they could not win at the ballot box.

I ask my colleagues who are now searching for ways to repair the reputation of the Senate to realize that the reputation of the Senate has been diminished because, in reality, it deserves diminishing. I say to my colleagues, we ought to be debating about qualifications and about character.

Something is wrong when hundreds of people are sent out, including staff members of Senators and of the committee, not to get a balanced picture of the person, but for no reason except to find something to derail the confirmation—not because of the evidence that is found, but in an effort to deny the President of the United States the ability to appoint people who represent his philosophy, his values, and most importantly, the values of the American people.

I submit that if we should have a Democrat elected President, and I submit that probably will not happen in the lifetime of many in this body, then I would feel the American people have spoken, and I would expect the Democrats to appoint a liberal activist who would legislate hidden beneath judicial robes, without the necessity of being elected. But I would judge that nominee on competence and integrity, not political philosophy, because the American people would have spoken.

I submit that when we get into politics and philosophy, we pervert the process.

We are not going to rebuild the reputation of the Senate until we return to the basic principles that the Founding Fathers intended. The President was elected and people knew when they elected him who he would nominate in terms of philosophy.

It is clear that this process has been perverted in an effort to derail Judge Thomas for the same reason that Judge Bork's nomination was derailed, and that is because people who lost the election do not share the fundamental political values of the President.

We are not going to set this process right until we end the political contest which confirmation has become. I am very concerned that, if Clarence Thomas is not confirmed, every controversial nomination will generate a last-minute political charge—in the best tradition of dirty political campaigns in America—and we are going to repeat this process many times and further diminish the credibility of the Senate.

We can stop this from occurring by confirming Judge Thomas. I intend to cast my vote for him. I hope and trust that he will be confirmed.

Clarence said he has not had a good day since he was nominated. I hope today is the first of many good days to come, for him, for the Senate, and for the American people.

The PRESIDING OFFICER (Mr. ADAMS). The time has expired.

Who yields time?

Mr. BIDEN. Mr. President, I yield 10 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Ms. MIKULSKI. Mr. President, a week ago I stood on this floor and called for delaying the confirmation vote on Judge Clarence Thomas to the Supreme Court. I asked for that delay so that the Senate could consider the very serious charge of sexual harassment. I said at that time, if the charges of sexual harassment could not be heard and dealt with in the U.S. Senate, there is no forum in the United States where it would be considered seriously and impartially. The majority of my colleagues agreed with me and supported the idea of an open hearing, and I thank them for that.

What we in the Senate agreed to was a hearing. What I hoped to have happen was it would be a public service, but instead it became a public spectacle. What we and the American public began to be subjected to was an orchestrated strategy to discredit and fault unfairly a citizen who came forward to tell the truth. The same people who gave us the worst of racial stereotypes in political campaigns, the Willie Horton ad, have now smeared Anita Hill.

Much is said about the ruined reputation of Clarence Thomas, but what about Anita Hill? At age 35, a professor of law, a Yale graduate goes back to what? There is much said about her mental health, that she had delusions, had fantasies. Maybe she was deluded into the fact that, if she came forth and was a good citizen, she would be protected. Maybe she had fantasies about the fairness of a process she thought she would get in the U.S. Senate. Well, Mr. President, what we saw was not a hearing, but an inquisition, and there were Republican Senators who rushed into the role of a grand inquisitor.

From the very first day of this nomination the administration and their Senators made a decision to treat the nomination of Clarence Thomas as a political campaign and not a nomination process. We watched White House handlers and spin doctors mask the convictions and obscure the beliefs of Judge Thomas. He himself refused to answer questions, or gave answers that were simply, plainly unbelievable.

That is the wrong way to decide. When I face a Supreme Court nominee I have three questions: Is he or she competent? Does she or he possess the highest personal and professional integrity? And, third, will he or she protect and defend the core constitutional values and guarantees around freedom of speech, religion, equal protection of the law, and the right of privacy.

I cannot tell if Judge Thomas met that criteria. His handlers and front people kept the true nature of the man from me and my colleagues. That was their strategy in the first set of hearings.

But in the second set of hearings, they adopted the strategy of smash and smear to obscure the facts and attack a woman who came forward. That strategy victimized not only Anita Hill, but victimized the confirmation process, black Americans everywhere, including those who came forward to testify regardless of who they were advocating for—and also victimized the women of this country. The Thomas backers and handlers of Judge Thomas, his campaign consultants, were interested in only one goal, and that was winning and winning at all costs. But in this process nobody has won, and certainly not the American people or the Supreme Court.

The very serious issue before the hearing, the issue of sexual harassment, was of little or no real concern, say the Thomas team. To them it was a problem to be disposed of, not a case to be considered. As a result, a woman was treated in a way that sends a wrong and dangerous message to all women who are subjected to sexual humiliation and want to fight back or think about taking a stand for herself. The message is: Do not accuse anybody no matter what he does or you yourself will become the accused. The message to women is: Our courage in coming forward will be met with suspicion and scorn and with unproven, unsupported charges about your being mentally unbalanced, about your being an opportunist.

Sexual harassment is real, and Professor Hill's reaction to it is typical. Studies indicate that only 1 to 7 percent of women who report sexual harassment ever file those charges. It is common for those women to maintain some contact in order to preserve their careers.

Yes, these hearings have men and women across the country talking and thinking about sexual harassment. That is important. The Nation is going through a very important teach-in on sexual harassment. But I am afraid the Senate is about to flunk the course. I am very concerned that the victim who had the courage to stand up and say, "No, this is not right," has been treated as if she were the villain. This is where the process has failed and I am quite angry and disappointed about it. If you talk to victims of abuse the way I have, they will tell you they are often doubly victimized. First, they are victimized by the event itself and then victimized by the way the system treats them.

My phone lines have been flooded by phone calls from women who suffered similar experiences and have undergone this great trauma. But, Mr. President, my phone has also been ringing off the hook, and I have been approached personally by men, who tell me what it is like to hear the sorrow of the women they love who themselves have been victimized by sexual harassment. I heard husbands talk to me about what their wives endured at work. I have had fathers share with me, swelling up with anger as they talk about how they tried to give their daughters the best education so they could compete in the world only to be battered through sexual innuendo and harassment. And what do those men tell me, Mr. President? They tell me how powerless they felt to defend the woman they loved, against her harasser, or to defend her against the very system she would have to undergo if she filed charges. Those men have told me that often they said to their wives or to their daughters, "Do not go ahead with it. It is just not worth what will happen to you."

I call upon the men of the United States of America now to speak out on the issue of sexual harassment. This is not a woman's issue; it is an issue that profoundly affects men and women. I call upon the men to claim the power that they have, even though they could not always defend the women that they love, to speak out about what it meant to hear their wives and their daughters talk about sexual humiliation and sexual tyranny. I call for the men, wherever they are, to speak up and challenge the thinking that boys will be boys, or that sexual harassment is a laughing matter. I call upon those men to speak out in the workplace, to speak out in the newspapers, to speak out on the talk shows, to speak out in the gym the way they have spoken to me, and I will say to them, "If you speak out and you speak up, it may be too late to prevent what happened to your wife or your daughter, but you will help other mothers and fathers everywhere."

To the women watching this, do not lose heart, but we will lose ground. I know how you feel the sting of all this, how you feel battered and bullied. Speak up to a friend. We have heard in this hearing the advice that, if you are harassed, take good notes, and when you speak up, make sure you are not alone because there will be few there to protect you.

Mr. President, I feel very strongly about this. And I want to conclude by saying we have an opportunity to send a message to victims everywhere that at last in the United States of America the silence is broken as well as our hearts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me say how important it is for the Senator from Maryland to just have spoken and what she said.

I just want to make one point, and it is this: Reasonable people can disagree after listening to all that was said this weekend before the committee, but there is only one thing that I find reprehensible that is going on in some quarters now and because both witnesses came across as credible, very credible and, because Professor Hill came across as so credible, people were left with only one of two choices. She is credible, therefore believe her, or she is credible, therefore say she is crazy.

There is absolutely not one shred of evidence to suggest that Professor Hill is fantasizing; not one shred of evidence to suggest that Professor Hill is not and has not been in total control of all her faculties. There is no shred of evidence for the garbage that I hear—not on the floor, but I have heard in the newscasts floating around—that somehow she thinks she is telling the truth; the only answer we can come up with is she must be fantasizing. I have even heard suggested, one of our colleagues said something to the effect, in holding a paper, saying, "Psychiatrists have a name for it. I cannot think of the name for it, but it happens. It is not unusual, an otherwise truthful woman believing that she is still being truthful engages in conduct of fantasy and it has a—psychiatrists call it something."

It is true. Some psychiatrists, not referring to Professor Hill, talk about such a disorder. But the same number of psychiatrists have written me saying—which would be equally as reprehensible for me to do—"You know, Judge Thomas seems believable, He should be very credible. But you know, people who otherwise have exemplary lives, men who otherwise have exemplary lives—I cannot think of the name of the disease, but, when they have been deprived of their mother and deprived of a father, they sometime engaged in this behavior."

It has even been suggested—I will not mention the name—a well-respected man, a President of a great university in this country, had to recently resign because he engaged in conduct that was so atypical of everything else involved in his whole life. And they say now, "See that is the disease."

No disease on anybody's part that anybody, anybody, has offered one shred of evidence either as it relates to the nominee or as it relates to Professor Hill. So I sincerely hope and pray that we do not spend much time speculating about something of which we know nothing, nothing.

The last point I will make, and I will not speak again today, but it seems appropriate to say it here: I hear and read and remember vividly the phrase of what this is all about is the "lynching of an uppity black man," and this is "a stereotypical attack on a black man."

Well, I think that is preposterous. But if that is true, Mr. President, what are we saying about a black woman, who is as well-educated as the black man in question, who has a better grounding in the law as a tenured professor of the law, what are we saying to her we all acknowledge she sounds incredibly credible? If that is not stereotypical lynching of a black woman, what is? Talk about stereotyping people. To take an incredibly well-educated black woman and conclude, notwithstanding the fact you look at her and listen to her, if you do, and say she appears credible, to say, "But there must be something wrong. She sounds credible. I cannot poke a hole in her story, so there must be something wrong." If that is not stereotypical treatment, I do not know what is. Black women have been on the short end of that for centuries. So I hope we will drop, I hope everyone will drop this stereotypical malarkey.

They are two incredibly accomplished people with significantly divergent stories. It is much more likely that one is not telling the truth than it is that either of them are crazy, or that either of them are victims of racial stereotyping.

I am anxious to hear facts, as I said, and I will yield the floor now. But I hear time and again, I know people on this floor to be reasonable women and men, and reasonable women and men can reach different views.

The American public is divided on who they believe. I am not clairvoyant. I cannot guarantee you who is telling the truth. I formed my opinion based on what I observed. But let us make it clear, Mr. President, let us form our opinion on what we observe, not ridiculous speculation about the mental condition or capacity of someone when not a shred, not a shred of such evidence has been put before the committee or any place I know.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. LOTT. Thank you Mr. President, and I thank Senator THURMOND for yielding me this time.

The hour is late, and we do have limited time now and this matter has already gone on too long. So, I must cut right to the heart of the decision I have made.

I have not spoken earlier on the floor of the Senate with regard to this nomination for a variety of reasons, one of them being that others needed to talk longer than I felt the need to. But now I feel I absolutely must make a public announcement in the Senate of my own decision, and that it that I am voting for the confirmation of Judge Clarence Thomas.

I want to go back beyond where we are today and talk a little bit about what transpired before the events of the last week. I did not stake out an early position. I wanted to see what happened in the Judiciary Committee. I wanted to hear the evidence in the hearings. And so I listened very closely. I made up my mind to vote for Judge Thomas, and made that final decision on Thursday before we were supposed to vote originally on Tuesday. I did it for these reasons.

First, I looked at the man's background. I am impressed by that because I feel that what he has experienced in his life, coming from Pin Point, GA, and what he experienced going through life and reaching the point he has achieved now, will clearly be an asset for him on the Supreme Court, and that his voice will be an important one on the Supreme Court. So on his background, I thought clearly he brought something to this nomination and to the appointment to the Supreme Court.

On education, clearly he is qualified by his educational background for this position.

And from his experience, I have watched him in this city for a number of years now and I watched him take on difficult positions with a lot of pressure both in his confirmation and the way he handled his job. I think he always handled those jobs magnificently. He has experience in the executive branch and he is a sitting Federal judge, having been confirmed by this body. So by his experience, clearly he was qualified.

And by his character, I have reached a conclusion that he had the judicial demeanor and the character to do this job and do it properly.

As I watched the hearings over the weekend, I was concerned about the allegations of sexual harassment against Judge Thomas by Prof. Anita Hill. The case has brought the issue of sexual harassment to the forefront of American politics. That may be the only positive thing to come from this episode.

I was impressed with Judge Thomas; with what he had to say; and how he said it. I believed Judge Thomas and shared his outrage about how he has been treated in this process.

Now that the hearings are over, we all must make our decisions on the nomination of Judge Clarence Thomas for the U.S. Supreme Court.

Like most of my colleagues, I have been deluged by more than 1,000 calls from the people back home in the past several days. Mississippians, like most Americans, watched these hearings with great interest. More than 90 percent of those who called my offices were convinced that Judge Thomas was telling the truth and many said that they were disgusted with the process.

I would like to quote from a letter that eloquently reflects how many of my constituents have viewed this process. It comes from John T. Larsen of Booneville, MS:

> Gone is sensibility, responsibility, decency, fair play, respect for fellow man and a number of other desirable human and democratic traits. * * * How in the world can the Senate demand standards of others that they themselves would never consider living up to * * * Please confirm Judge Thomas.

Like John Larsen, I am disappointed in the treatment that Judge Thomas has received by the Senate and I urge my colleagues to end this ordeal.

After this vote is over the Senate must review the procedures and process used in confirmation hearings. It is out of control and should be changed. For now though, I urge a "yes" vote.

The PRESIDING OFFICER. The time of the Senator, the 2 minutes, has expired.

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska [Mr. MURKOWSKI].

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 minutes.

Mr. MURKOWSKI. Mr. President, I rise today to express my strong support for the President's nomination of Judge Clarence Thomas to succeed retiring Supreme Court Justice Thurgood Marshall.

While I had previously stated my position in support of Judge Thomas, I did support the delay in the vote on his nomination scheduled for last week. The charges leveled against Judge Thomas by Professor Hill were too serious not to receive a thorough investigation by the Senate.

Mr. President, I have heard from a number of Alaskans and visited with them last week during our recess. Many have gone back and forth during the testimony, but now the hearings are concluded and they are telling me, by a substantial majority, that they favor the confirmation of Judge Thomas by this body.

There have been some positive benefits of this process. It has heightened the awareness of both men and women of the problem of sexual harassment in our society. It is my hope that as a result of these hearings those victimized by sexual harrassment will be more likely to come forward.

Sexual harassment is a serious problem in our society. I firmly believe that if the charges of sexual harassment against Judge Thomas were true that he should not be confirmed. Having carefully reviewed sworn testimony given over the weekend by Judge Thomas, Professor Hill, and their supporters, I will vote to confirm Judge Thomas for the following reasons.

BURDEN OF PROOF

A central element to our Nation's judicial system is that an accused is innocent until proven guilty. The Judiciary Committee hearings failed to resolve the inconsistencies between the testimony of Professor Hill and Judge Thomas. Under our system of justice the benefit of the doubt must belong to the accused.

I do not know who is telling the truth. The testimony was so contradictory that it seems one of the parties must be lying—fairness dictates that the substantial doubt that exists be resolved in favor of Judge Thomas.

INCONSISTENCIES IN PROFESSOR HILL'S TESTIMONY

As the Nation watched, Professor Hill provided very powerful testimony. However, this testimony could not resolve the several inconsistencies in her story. Professor Hill moved from the Department of Education to EEOC with Judge Thomas in 1983 after the alleged harassment occurred. She maintained personal contact with Judge Thomas after leaving the EEOC. Phone logs show consistent contacts over the last 7 years. Professor Hill waited almost 10 years before making her allegations public. It is also difficult to reconcile with her testimony, a comment Professor Hill made to a colleague at the 1991 American Bar Association meeting that she was pleased that Judge Thomas had been named to the Supreme Court.

JUDGE THOMAS' LIFE HISTORY

Clarence Thomas' life history, his character, and his record are not consistent with the charges made against him. Judge Thomas has had a distinguished career in public service—with the Missouri Attorney General's office, as a Senate staffer, with the Department of Education, EEOC, and on the U.S. Circuit Court of Appeals. Never has there been a hint of impropriety.

Judge Thomas has overcome tremendous obstacles in his life, rising from poverty in Pin Point, GA, to be a nominee for a seat on our Nation's highest court.

Mr. President, I think we must in conclusion recognize no small element of partisan politics is involved in this process. Why did the Democratic Committee staff not pursue this allegation when it was first presented to the committee but then wait until the 11th hour?

Mr. President, I read the FBI report. The trust and confidentiality of the Senate was breached by the committee because Anita Hill was assured her identity would remain confidential. It is my hope that because of these hearings, women who have been harassed will come forward and initiate the necessary action to bring about corrective solutions in our society.

I cannot help but contrast the Judiciary Committee's hearings with the conduct of the Intelligence Committee with regard to the Gates nomination. We have carefully reviewed every allegation of impropriety in open and closed session. No stone has been left unturned—no allegation unanswered.

Unfortunately we see more attack politics in Washington these days, particularly in the Senate confirmation process. To ignore the politics inherent in this process would be naive. However, what Judge Thomas has endured goes beyond the politicization of the process. The goal for some is not to obtain the facts necessary to make wise decisions. The goal is to win at all costs—even if it means breaking Senate rules, smearing people's reputations, and distorting the truth.

CONCLUSION

Judge Thomas has overcome many obstacles in his life—poverty, racism, bigotry. I am confident that with the love and strength of his family and his faith in God and himself, Clarence Thomas will overcome this ordeal as well. Whether or not the Senate and future nominees will be able to endure this perversion of the Senate's advice and consent process, is another question.

I urge my colleagues to support the confirmation of Clarence Thomas to be an Associate Justice of the Supreme Court.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from Colorado [Mr. BROWN].

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. BROWN. Mr. President, the founders of our country provided us with a Government which is unique in history. It is one that is suspicious of concentrations of power. It is one which looks at the nature of men and women and expresses fear about letting any one individual or any one group have too much power. Our Nation has benefitted from those limitations.

Over the last 107 days, we have been reminded why this Nation is so suspicious of concentrations of power. The quest for power can cause some men and women to do things they would never consider under normal circumstances. The mud bath of the Thomas nomination is a prime example.

Today should be a day of joy but it is a day of anguish. A day of anguish for both Anita Hill and Clarence Thomas. To some extent, it is a day of anguish for the American people. The simple fact is this has turned into a campaign of slander—not a quest for confirmation facts.

It is my belief that Professor Hill has been ill-used by this Senate. I want to be specific because that is a serious charge. Professor Hill was contacted by representatives of this Senate in the form of staffers who misrepresented important facts to her.

First, they told her there were widespread rumors about sexual harassment at the EEOC and implied to her those rumors concerned her. In effect, they implied to her that she needed to set the record straight because of what was being said about her. They characterized that situation inaccurately. Professor Hill confirms those characterizations were a fundamental factor in her coming forward.

Second, they ill-used Anita Hill by implying to her that if she would simply sign the statement, then it was likely Clarence Thomas would have his nomination withdrawn. That clearly was not correct.

Third, they pledged to Anita Hill that her statement would be held in confidence. It clearly was not. We should make sure that this never happens again to one who would bring forth information that this Senate needs and ought to consider.

The question we answer today is quite simply what kind of person is Clarence Thomas? Is he an individual who would use this kind of language and treat women with the disrespect that is implied by these charges? Each member has looked at the tapes, reviewed the transcripts and will come to their own decision. At least for this member, the last panel the committee heard from provided the greatest information. It happened around 2 a.m. Monday morning. I think their statements bore directly on the facts which are in question here.

Patricia Johnson, Director of Labor Relations at the EEOC, said:

> Then Chairman Thomas became aware I used profanity in some exuberant exchanges with union officials. Clarence Thomas made it clear to me that that was unacceptable conduct which would not be tolerated.

Mr. President, almost everyone we talked to, when they commented on Clarence Thomas, volunteered that he did not use that kind of language. He did not use it in private or public. That even when he was alone with other men, he did not use that kind of language. And that he actively discouraged others from using that kind of language.

Pamela Talkin said:

> Judge Thomas was adamant that women in his office be treated with dignity and respect and his own behavior toward women was scrupulous. There was never a hint of impropriety and I mean a hint.

She is a former chief of staff for Judge Thomas at EEOC.

A former Senate staff colleague of Judge Thomas, Janet Brown said:

> I was sexually harassed in the workplace. Other than my immediate family, the one person who was the most outraged, compassionate, caring and sensitive to me was Clarence Thomas. He helped me work through the pain and talked through the options.

For this member who found himself torn by the diversity of testimony, about this candidate, the heartfelt descriptions of the women who worked with him provided a clear answer. The alleged behavior was totally out of character for Clarence Thomas. It was totally inconsistent with the pattern of behavior he displayed, both in public and in private.

In the process of the hearing, Clarence Thomas testified before us for 7 days. The committee learned a great deal about him. After he was divorced and was a bachelor again, he sold his only car to pay for his son's tuition for school. How many bachelors do you know that would do that? It hardly speaks of a man so driven by sexual desires that he couldn't control himself. It speaks of someone, very serious, concerned more about his child and his child's education than his own convenience or perhaps even his own ability to date.

Each Member will make their own judgments about Clarence Thomas but I submit that if you look at this man, look at his life, his lifestyle and look at his history, that you will conclude he is not the kind of individual to have engaged in these activities. I believe you will conclude that the allegations against him are totally inconsistent with the kind of human being that he has been throughout his life.

Mr. President, I shall cast my vote for confirmation and I will also pray that this trial by mud bath will never be repeated.

Mr. THURMOND. I yield 15 minutes to the distinguished Senator from Washington State.

The PRESIDING OFFICER. Was that 15 minutes?

Mr. THURMOND. Fifteen minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mr. GORTON. Mr. President, this Senator, together with a majority of his colleagues, announced his support for Judge Thomas' nomination to the Supreme Court before Tuesday last. The events of the last week have presented me with as difficult a reappraisal as it has ever been my duty to make. There is no precedent for the nature and compressed intensity of the debate over the last week in front of the American people or in the minds of 100 Members of this Senate. This situation is unique in that, here, the American people know just as much as we in the Senate know—and have learned it in the same way.

As my colleagues and constituents already know, I had on three occasions spoken in favor of Judge Thomas' nomination to the Supreme Court, most recently on October 4. Professor Hill's allegations that she had been subjected to sexual harassment by Clarence Thomas on a systematic and continued basis, however, forced a thorough and agonizing review of my endorsement, and an analysis of all of the evidence in the most thoughtful and unprejudiced manner of which this Senator is capable.

Standing alone, the allegations, if believed, would almost certainly doom the nomination. The allegations, however, do not stand alone. If Professor Hill's charges are correct, and are known by Judge Thomas to be true, Judge Thomas is guilty of not only of a serious form of sexual harassment, but of perjury as well. Under those circumstances, a belief in the literal truth of the charges carries both the inevitable judgment that his nomination should be rejected, and the conclusion that he should be removed from his present position as well.

With that, let us consider the facts. Those Senators who announced their opposition to Clarence Thomas before these allegations were made had determined to vote against him on other grounds. They need not now decide whether the allegations are true in order to vote against Judge Thomas. But those of us who announced our support for Judge Thomas before these allegations became known must now pass judgment on Professor Hill's charges. The plain truth is that we must make this judgment without the absolute certainty that our judgment is correct.

Ours is an awesome responsibility.

At this point, I believe it vitally important to point out the obvious. This debate is not about the existence of sexual harassment in the workplace, or about its pivotal nature with respect to the workplace and to individual careers. Sexual harassment in the workplace exists. It has always inhibited and demeaned women, and it is perhaps more serious now than ever as women have moved into what were traditionally male occupations, are highly competitive up and down the employment chain, and justly seek to be treated as equals with equal opportunity. But the existence of harassment, in general, is not at issue.

The issue here is whether or not this incident occurred as described by Prof. Hill and, if so, what its consequences should be.

This is not a criminal proceeding; Professor Hill need not convince us as Senators of her version of the truth beyond a reasonable doubt. But neither can we charge Judge Thomas with the burden of proving his innocence beyond a reasonable doubt. Each burden would be impossible to meet, but in the case of Judge Thomas, were we to impose such a burden of proof, we would sentence ourselves never to confirm any nominee who is subjected to a charge of a personal offense which by its nature leaves no clear convincing physical effect. There will always be residual doubt in coming to a decision involving such charge, here in the Senate or in the world outside.

Now, let us consider Professor Hill. She, like Judge Thomas, has reached her present distinguished position from a deprived and segregated background. She has overcome real and difficult obstacles through hard work to become the beneficiary of a magnificent education and of a constantly more responsible and important set of positions in the private sector, government, and in the academic world. There is no easily apparent motive for her consciously to have fabricated these allegations.

Professor Hill has charged Clarence Thomas with a number of incidents of verbal sexual harassment over a fairly extended period of time in the early 1980's, while he held a position of authority over her, in meticulous detail. The language which he is alleged to have used is obscene and disgusting and would rightly have traumatized a considerable less sensitive person than Professor Hill.

She is corroborated, in part, by four friends and acquaintances to whom she related incidents of sexual harassment, either contemporaneously or upon first meeting them, in highly generalized, nonspecific terms. None of those four individuals worked with Professor Hill on Clarence Thomas' staff or knew Clarence Thomas.

I am keenly sensitive to the fact that it is hard for me to see the world through the eyes of Professor Hill. It is impossible for me as a 63-year-old male U.S. Senator to understand the professional pressures she faces. As a result, I have spent much of the last week discussing this issue in general, and Professor Hill's charges in particular, with dozens of women, but with three professional women in particular who have a special sensitivity to such harassment: One a friend, one a member of my own staff, and one my own daughter. I will tell you that I have been affected by these discussions. For example, I considered it relevant that Professor Hill, a bright, Yale lawyer would choose voluntarily to transfer with Clarence Thomas from the Department of Education to the EEOC in spite of the fact that she had apparent job security at the Department of Education. I now do not consider this to be highly relevant. Several professional women with whom I have spoken have indicated that a young woman interested in her career might well, even in the face of harassment, make such a move.

I considered it relevant that Professor Hill failed to disclose any sexual harassment charges during the course of four confirmation hearings of Clarence Thomas—two for his original appointment and reappointment to EEOC, a third when he was nominated to a position on the D.C. Circuit Court of Appeals and finally, for almost 2 months after Judge Thomas' nomination by the President to the Supreme Court of the United States. Here again my view has been changed. Many women in the work force today do not consider Professor Hill's delay strange given the personal and professional trauma inherent in her coming forward.

Clarence Thomas meets these charges with a vehement and categorical denial that any such incident or incidents ever took place.

A significant number of his closest associates, including several females who have themselves been subjected to sexual harassment expressed their unequivocal belief in his denials. They used their own knowledge and experience with Judge Thomas and Professor Hill to state that such actions are totally inconsistent with Judge Thomas' character and behavior. Several of these associates believe that Professor Hill became increasingly resentful of the fact that at the EEOC she lost her close advisory relationship with Judge Thomas, and became just one of several, perhaps not equal, advisers, and was passed over for a promotion for which she felt herself to be highly qualified.

Weighing against Judge Thomas' statement is his obvious motive to deny Professor Hill's charges, even if they were true.

What actually happened?

With the possible exception of the two principals, I doubt that any of us will ever know the truth, the whole truth and nothing but the truth.

But there is a wide range of possibilities.

It is certainly possible that Professor Hill has described what took place precisely and accurately, and that Judge Thomas has perjured himself in order to avoid rejection and humiliation.

It is also clearly possible that Judge Thomas has told the complete and absolute truth, and that Professor Hill, as a result of real or imagined slights, determined to do what she could to undercut his reputation, and then took advantage of an opportunity presented to her by certain Senate staffers, promising anonymity, to destroy a Supreme Court nomination.

It may well be, however, that the truth lies somewhere in between these two extremes. It is certainly conceivable that Clarence Thomas made comments that were taken as offensive by Professor Hill, but this conclusion does not constitute proof that the specific remarks alleged by Professor Hill were made.

In the ultimate analysis, Mr. President, I prefer to believe that both witnesses have told the truth as they perceive it. I cannot, of course, be certain of this conclusion, but, as is the case with each of my colleagues, I must act with full knowledge only that I can never be entirely certain that I am correct.

Because I believe it is more likely than not that the description of Judge Thomas' Department of Education and EEOC presented by those who knew the two parties best falls closer to the truth than does the picture painted by Professor Hill, and because I believe Judge Thomas otherwise to be well qualified for a position on the Supreme Court of the United States, and because I cannot deny him that position on suspicion alone, no matter how troubling, I reaffirm my support for Judge Thomas and will vote in favor of his confirmation.

While this decision must, of necessity, be my own, I am comforted and supported in reaching it by the fact that most thoughtful Americans and most of my constituents who have followed this affair with riveted attention over the course of the last week appear to have reached the same conclusion. Judge Thomas should be confirmed.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 15 minutes to the distinguished Senator from Arizona [Mr. DECONCINI].

The PRESIDING OFFICER. The Senator from Arizona is recognized for 15 minutes.

Mr. DECONCINI. Mr. President, my thanks to the ranking member for his allocation of time. I could take a lot more than 15 minutes because of the seriousness of this and the time that I have spent on it. We might as well get to the points here that have to be taken up.

We have serious allegations from Professor Hill; they are extremely serious for she alleges that sexual harassment occurred, and the perpetrator, was Judge Clarence Thomas. This harassment, as alleged by Professor Hill, was disgusting, and heinous comments; language that is beyond any bounds of acceptability. Regardless of whether they were said in jest or said to harass Professor Hill. There is no justification for that kind of language, if indeed it occurred.

In my opinion, after witnessing this process, after participating in this process, I believe the results are inconclusive. I do not think anybody can really feel certain, after listening to the testimony, whether one witness is more valid than the other. Claims of sexual harassment are very difficult to prove. As we know in civil law and criminal law, these allegations are extremely oppressive to the individuals, both to the victims and to the accused. They are usually committed only with the two people involved, no witnesses. As a result, its one person's word against the other.

In some sexual harassment cases there may be some physical violence which can be established immediately after the act. We are not talking about physical harassment. We are talking about allegations of verbal sexual harassment made against a judge of the U.S. Court of Appeals.

Most basic in our system is due process. I do not think due process was maintained in the process we went through, whether it was due process for Judge Thomas or due process for Professor Hill.

Professor Hill provided a very compelling and moving description with graphic sexual depictions that would raise no question in anybody's mind regarding the impropriety of the behavior. No. 1, how could somebody forget that or make it up or how could anybody actually say these things to an employee have the courage to continue in life and advance to the EEOC, to the court of appeals, and now to be nominated to the Supreme Court.

Judge Thomas, as we know, categorically denied it. He indicated on Friday and Saturday that this was not the way he ever acted. Persuasive evidence was given by friends of Professor Hill that corroborated discussions of this alleged harassment within the last 10 years.

However, witnesses for Clarence Thomas asserted his decency, his integrity, and his scrupulous standards in the workplace. Scores of former women employees came forward who had day-to-day contact with him and worked with him and said never did he utter a coarse word. As a matter of fact, if anything, they testified he was very sensitive to these issues and fired somebody in one case because a verbal slur was made by that person and inappropriate language would not be tolerated in the workplace.

So there is really contradicting evidence on both sides. Mutual accounts of relationships between friends was gone over and over but no clear picture emerged. As a result, you have to make a judgment on the basis of the evidence presented.

My judgment is based on my background as a lawyer. The burden of proof has to be on the person who is making the accusation. That is our system, and it is a fair system. It does not mean you cannot decide the other way, but you have to apply some type of burden of proof, some type of standard toward the accused.

In civil law, a preponderance of the evidence is the standard. A reasonable person, is the standard that is often applied. While this is not a court of law you still must apply a fairness standard in this situation. The burden of proof is clearly on the accuser, and the accuser in this case was Professor Hill, not Judge Thomas.

Clearly Judge Thomas' reputation—and, as he said, his whole life—was on trial. It is a basic issue of fairness that he be given benefit of the doubt, if doubt exists.

If you can conclude, that it is clear that Judge Thomas' position cannot be sustained and that Ms. Hill's position can be sustained, I will respect that. I could not come to that conclusion. And based on that, it seems to me that any doubts have to be in favor of Judge Thomas.

Some will argue, "Oh, that is fine; we believe in that individual importance and the doubts, but really the doubt has to be in favor of the public." Well, indeed, that is what the doubt is when it is in favor of an individual.

That is what makes this country so different; our system provides that each individual in our society is above the Government, is more important than any group, and this is an individual you are talking about.

The evidence presented was extensive. We had witnesses on both sides to whom I give a great amount of credibility. I was moved by their testimony, whether it was on the side of Professor Hill or on the side of Judge Thomas.

We had people who worked closely with Professor Hill at the EEOC, and we had those same people who worked closely with Judge Thomas who said it could not have happened.

Well, we know it could have happened because they were not with Judge Thomas and Professor Hill all the time. However, they were there. They would have seen a pattern. I think a pattern would have emerged here and we would not have just one accuser. Yes, there was another person, who had been fired by Judge Thomas, who came forward with an affidavit. However, she withdrew her request to testify. I will let that rest for whatever it is worth.

Professor Hill testified that she feared that the Department of Education would be abandoned, that there would be no job for her. That was clearly refuted by the fact that she knew when she left her law firm and went to the Department of Education that Ronald Reagan had already been elected. He had made those speeches so it was very clear. Ms. Berry testified that she knew when she took the job at the Department of Education in fact she had a schedule A job, which meant that she had job security. Professor Hill could not be removed without cause. So she had every reason to know—she was a lawyer—what her rights were. And yet she chose—to move on with Judge Thomas to the EEOC. But she did it after some horrendous things supposedly had taken place.

We saw the former dean of Oral Roberts Law School, Charles Kothe, come and talk to us of the high regard he had for Professor Hill and how he was employed to do a special assignment for the EEOC Chairman, then Clarence Thomas, and how he invited both of them to come to his home for dinner and breakfast and how there was a congeniality here, a friendship here, a "joy" was his actual word. He characterized it as a time of enjoyment, exchanging humor, and stories. Then Professor Hill drove him to the airport, to show off her new car. Professor Hill continued to stay in contact with Judge Thomas. She made numerous calls to him after she left the EEOC.

So these statements represent only to me that there are contradictions here that you just cannot reconcile. I cannot. I cannot reconcile them. I come back to what is a fair standard and to me a fair standard here has to be the fact that the doubt has to go in favor of Judge Thomas.

The committee did, however, hear from witness after witness, friend after friend, and I think anybody here could make a case, for one side or the other.

I questioned whether there was a dark side of Clarence Thomas. Yet, how could he work with all of these people for so many years and not be detected—it is a little unbelievable.

In talking to lawyers who prosecute and defend these cases, if there is a pattern of harassment, they settle the case. If there is not a pattern, then they are prepared to defend the accused and go all the way.

I think that is clear here—that there was no pattern. Clarence Thomas did not have a pattern of this type of language or behavior.

Many women believe that men just don't get it. I have listened to women all my life, to mothers, to daughters, to sisters, to wives, to friends, and to colleagues. I understand, I think, as best as I can—I cannot put myself in the mind of a woman and really feel how they must feel with that kind of abuse, from someone of the opposite sex.

I think it is important that we try our best to be sensitive, and I have done my best in my lifetime to do just that.

The issue here is a power in the workplace, we are told. The issue here is abuse, and the quiet desperation of the victim. If you are not a woman, you cannot fully understand this, you cannot really appreciate it. I agree that men cannot identify with this.

So what do you do? You listen to your mother when she tells you as a young boy, a young man, and as a law student about sexual abuse that occurred to her. When she was 22 years of age, she lost a job. She got a pink slip because she rejected her boss' sexual advances. Is that something you ever forget when your mother tells you that? I know that this Senator will never forget it.

I have had women tell me of these problems when I was the county attorney of Pima County. I set up one of the first national programs to counsel rape victims before, during, and after trial. I knew very well having talked to rape victims and interviewed them how distraught they were, and how difficult this process was.

On the Senate floor my record has to speak for itself. I have supported women's issues because they are right issues.

The Civil Rights Act that we will take up later is directed, I believe, primarily toward women. I challenge President Bush to veto it again.

I think for all of us our awareness of sexual harassment has been heightened. That may be the single good thing that comes out of this awful situation. At no time in our Nation have people been so focused on sexual harassment than right now. I hope we will see more hearings, I hope we will see legislation. I would like to see a process, that would include Congress, where people could file a complaint where there would be a closed, quiet review of it, and, only if absolutely necessary be made public presentation.

Let me say regarding the distinguished chairman of the Judiciary Committee. No one has stood up for the rights of individuals, in my judgment, any greater in this body than the Senator from Delaware. This allegation against Judge Thomas has been difficult to resolve.

Senator BIDEN has been criticized for not making this allegation public before. However, everyone must understand that Senator BIDEN protected a person's confidentiality, as he should have.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. DECONCINI. I ask for an additional 3 minutes.

Mr. THURMOND. Mr. President, how much time has he used?

The PRESIDING OFFICER. He has taken 15 minutes.

Mr. THURMOND. I yield 3 minutes to the distinguished Senator.

Mr. DECONCINI. I thank Senator THURMOND.

Senator BIDEN said, fine, we will take the information, but we can't investigate this without giving the accused the opportunity to respond to the charge.

The Judiciary Committee did not go out and seek Ms. Hill. She came to us. Senator BIDEN finally concluded that, if you want to give your name, if you are willing to express yourself, yes, I will take it up in a closed manner with those members. She did that. And he did that. He told us all.

We sat there on the 27th of September. Everyone of us, at least on the Democratic side, having had available, and I presume read, the FBI report, having been briefed by a thoughtful chairman who took his time—to go over it at great length with me and answering questions, and giving me his view. Then we all voted. There was not a single person who stood up and said, let us hold this over so we could discuss it in executive session.

That would have been the time to delay the vote and expand the investigation.

I must say that I accept responsibility for not requesting more time to investigate this matter. However, after extensive hearings, I maintain that the claim cannot still be substantiated. Those who opposed him sat there like I did and did nothing, let it go, indicating, I guess, that they did not find it to be that serious.

When it comes down to the final judgment here, for all of us, I believe that Judge Thomas should be confirmed. He will not have been my choice. But the man does not deserve to be punished for something that is inconclusive, and that is what we would be doing to deny this man this appointment.

I thank the Chair. I thank the Senator from South Carolina.

Mr. BIDEN. Mr. President, I thank the Senator for his nice compliments.

I now yield 7 minutes to my friend from Tennessee.

THE PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I thank the distinguished chairman.

I rise today with no expectation of shedding new light on the ultimate proof of the question that is before us.

The compelling events this past week, I think we would all agree, have reached into the deepest recesses of the human heart. In this bitterly personal matter I do not believe, frankly, that the U.S. Senate can do final justice by Clarence Thomas, and I do not believe that we can do final justice by Anita Hill. The tools and procedures of this body simply are not delicate enough, or precise enough, to resolve individual human conflict.

We are a policymaking body, established to seek the country's best interests through broad policy decisions. And I would say to my colleagues that is precisely what we must do with this nomination now before us.

Yes, the emotions have been released, but we cannot be governed by them. The Nation has been gripped by deepest passions, but these passions cannot be allowed to control what we do here today. We must decide, in the clear light of day, what is right for our country. That is the question. Then we as U.S. Senators are called upon to answer today in fulfilling our duty and our responsibility.

We are not judging a criminal case. We are not seeking to determine individual guilt or innocence. We are fulfilling our solemn obligation under the Constitution to advise and consent to a nomination to the highest court in this land, a third coequal branch of the Government of the United States.

I do not need to remind anyone that this is a lifetime appointment we are talking about. There will be no second chance in this case. The standards of judgment that we exercise, must be the very highest that we can impose.

Mr. President, concerning the lurid aspects of this nomination, I think there is little left to say. In fact, far too much has been said already. We have had what I characterize as shoot-from-the-hip charges of perjury. We have had dark allusions to unstated proclivities. We have had ventures into amateur psychology, and I say quite frankly that these are not in the Senate's finest tradition. Frankly, I am relieved to return to a plane of discourse with which we are more familiar and to which I think we are better suited.

With respect to the charges themselves, there is no decisive proof. Some are absolutely certain they knew what went on 10 years ago. Frankly, I can forthrightly say that I do not have any corner on the truth in this matter. But I do have some very profound doubts. I do have some very real fears. There is no certainty in a matter of this magnitude. If we separate out the emotion, if we are honest with ourselves, in the final analysis we simply cannot be sure. We are compelled to construct our judgment on the basis of doubts.

Before the events of last week, many of us had, frankly, serious reservations about the qualifications of Judge Thomas to serve on the Supreme Court at this point in his career. I have been concerned that Judge Thomas does not have broad legal experience, and I speak as one who practiced law for 15 years before coming to this body. I have been concerned that he did not exhibit a profound grasp of the complexities of constitutional law. The truth of the matter is that he has engaged only slightly in the private practices of law and has extremely limited courtroom trial experience. He has never taught law. He has never written extensively about the law. He has been on the bench for slightly over 1 year, the youngest member of the U.S. Court of Appeals.

Frankly, the absence of seasoned experience, coupled with an apparent lack of full legal maturity raises doubts in-and-of themselves, Mr. President, about this nominee's fitness for the highest judicial office in this country.

With respect to Judge Thomas' legal philosophy, there is little more than a thin record of contradiction and evasion. Questions were not answered during the confirmation process, I suppose, under the guidance of White House handlers. Judge Thomas backed away from any explicit statement of his previously held opinions. In fact, he distanced himself from virtually all points of view regarding the most contentious legal questions of our day.

Once again, Mr. President, the result is doubt, doubt about the quality of Judge Thomas' legal preparation, and I am sorry to say, doubt about his candor. Judge Thomas has apparently sought once more, with the assistance of the White House, to build his case on character, on his totally admirable struggle to rise from poverty—we all admire that—against great odds, to a distinguished position in this country as a judge on the court of appeals. No one, Mr. President, can take away the nobility of that achievement from Clarence Thomas. The events of last week do not, in my view, toss onto the ash heap a distinguished career in public service. But, Mr. President, when you look at the record, there are real doubts.

Mr. President, we are deciding whether to send Clarence Thomas to a lifetime appointment to the highest bar of justice in this land. There are doubts, doubts about the nominee's legal experience, doubts about his legal maturity, doubts about his legal theory, and now, sadly, doubts about his character.

I ask quite sincerely: Is it in the country's best interest to lay those accumulated doubts aside? My own conclusion is that it is not. I say to my colleagues that, as hard as the judgment is, we have to err here on the side of prudence and caution.

Deep wounds have been opened in this country. I wonder if these wounds can be healed if we allowed a cloud of doubt to hang over the highest court in this land. I simply do not think we can take that risk, and for that reason, Mr. President, I shall cast my vote against Clarence Thomas here today.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield one-half minute to the distinguished Senator from Mississippi.

Mr. COCHRAN. Mr. President, today I will vote in favor of the confirmation of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court. In earlier statements on this subject, I stated the reasons why I thought he was qualified to serve as an Associate Justice of the U.S. Supreme Court. Those reasons have not changed.

I observed some of the testimony of the witnesses at these recent hearings of the Judiciary Committee, and I reviewed the hearing record. I am not sure we will ever know all the facts that are relevant to the accusations that were made by Anita Hill.

It seemed to me that the hearings were not conducted to ascertain the facts. They were designed and managed to discredit Judge Thomas and to satisfy those who were opposed to his confirmation.

However this vote turns out, I urge the Senate to consider carefully how seriously this institution has been damaged by this episode and resolve to ensure in the future that the process of confirmation will be characterized by fairness to those nominated and to witnesses as well.

Mr. THURMOND. Mr. President, I yield 2 minutes to Senator CRAIG.

Mr. CRAIG. Mr. President, like many Americans, I spent a good number of hours last week and this past weekend monitoring the Judiciary Committee proceedings, reviewing the evidence, and trying to decide how to vote on the confirmation of Judge Thomas.

But something else fundamentally important has happened in this country: The beginning of a necessary and important debate about sexual harassment, the protection of employees, policies, if they exist or not, and how this Nation should handle them. I would have to tell you that I did not, until this morning, have a sexual harassment policy in my office here or in my offices in Idaho.

That is now being corrected today. And in the course of the last 4 days, there has been a rising of national consciousness of tremendous significance. We have learned that sexual harassment is real, that it comes in a variety of forms, and that it has happened to thousands of Americans, men and women alike.

I hope we have learned a few other things, Mr. President. I hope the American people have learned that this is indeed a serious matter, serious enough to stop the U.S. Senate dead in its tracks, to reverse, and to begin to hear again charges and to examine those who are charged and those who are accused. We did that, and for hours that occurred, Mr. President.

Today, we have an accuser who has tried to make a case against Judge Clarence Thomas. I am one of those who believe she failed.

I simply do not believe that Anita Hill proved her case against Clarence Thomas. And in this system—although it is not a court of law—our American sense of fairness requires that an accuser has the burden of proving her accusations.

This process has not revealed any new reason for me to vote against the confirmation of Judge Thomas—and so I reaffirm my previous support for him. As I have said before, Judge Thomas is an extraordinary man, highly qualified as a member of the bar and bench, and possessing the kind of temperament that will serve America well on the Supreme Court.

In short, I will vote to confirm.

Mr. President, if the Senate does not confirm this nomination, we will have failed the American people—those people who are loudly registering their support for this man.

But I think the Senate will do the right thing. I think we will confirm Clarence Thomas. And by our vote, we will be signaling to Judge Thomas and his supporters that he is vindicated of these charges and is entitled to take his seat on the highest court in the land, with all the dignity and honor that office entails.

I must also add my voice to the others who have called for an investigation of the breakdown of the judicial committee system. I commend our majority leader and Senator DOLE for pledging to follow through on this very important matter.

The PRESIDING OFFICER (Mr. SANFORD). Who yields time.

Mr. THURMOND. I yield 20 minutes to the Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I appreciate the seriousness of this particular nomination process.

Mr. President, I have been interested in comments about the White House dominating the strategy on this side. Anybody who knows Senator SPECTER knows he does his own legal work and nobody dominates what he does. Does anyone assume that all these battles I had in the past have been dominated by other people?

The fact of the matter is that for anybody who believes that, I know a bridge up in Brooklyn that I will be happy to sell to them with the help of Senator KENNEDY.

Mr. President, I also want to join in the comments of Senator DECONCINI about our chairman. Mr. President, the way these processes work—and the process would work well if there was not so much influence from the outside—is that if an allegation comes in, the chairman then notifies the ranking member. In this case they both agreed to order an FBI check—it was an extensive check, the FBI did a good job—and then they brought it back and they felt they should notify the Members. Senator BIDEN notified everybody on his side. Nobody failed to have an understanding of what was going on. And he did what was right there.

These FBI reports contain raw data. You get everything from enemies to nuts, although in this particular matter it does not appear like that FBI report had any of those factors. They make a value judgment about whether they make the matters public or call an executive session, but that would have been the way to go.

If anybody on that committee before that committee vote had wanted an executive session, they would have gotten it. If anyone who wanted or desired to put this matter over for 1 week he had an absolute right to do it. If anyone had said in that open markup that, "I have read the FBI report" or "I have heard of the FBI report" or "I have been briefed on the FBI report," "and I am concerned about this allegation of sexual harassment; I think we need public hearings," I do not think there would have been any question they would have been listened to.

But there was a judgment made, as there is in many of these things, that a sexual harassment allegation 10 years old with all the difficulties that this case had and especially where the accuser had requested confidentiality.

The value judgment was made, and any Senator could have overturned that judgment.

Senator BIDEN did everything that he should have done, and so did Senator THURMOND. I have to tell you, their decision joined in by the rest of the committee was a valid decision under the circumstances; the alleger did not want her name used.

But someone on that committee breached the rules, waited until after that vote, and then leaked these matters to the press and did great harm to two, I think, basically good people. And both of them have been smeared in the process, and all because of a political motivation—and I do not think anybody could conclude otherwise—of the person who did this in full violation of the rules of ethical responsibility and of just good basic decency and fairness.

And Clarence Thomas has been smeared. And anybody that does not believe that just has not listened to the facts. And, unfortunately, Professor Hill has not come out of it well either.

Mr. President, I just want to tell you that I am very concerned about sexual harassment and those charges. As ranking member of the Labor Committee, former chairman of the Labor Committee, I have to tell you that this issue is something that we overview and we take seriously. And it must be taken seriously. And one of the good things that has come out of this, I think, is that everybody has a heightened awareness and hopefully a heightened sensitivity to these issues.

I have 3 daughters that I love very, very much, and 3 sons, and I have 9 granddaughters and 3 grandsons—12 grandchildren. I do not want any of them to have to face the types of sexual harassment that we have heard alleged since we have started to hear these matters.

Mr. President, I am extremely concerned about them. And it is good that maybe all of us have a heightened sensitivity. I have listened to people all over this country, men and women, express their concerns about this issue.

It is easy for all of us to say that we do not like these things to occur. But, Mr. President, they are occurring. They are occurring in tremendous quantities around the country. Many people are not sensitive to them or have not been up to now.

Mr. President, I have known Clarence Thomas for 11 years or thereabouts. I have personally participated in all five of his confirmation processes before the Senate, all five of them. I presided over three of them, his nomination as Assistant Secretary in the Education Department and both of his nominations to the Equal Employment Opportunity Commission. I saw people raking over everything to try and hurt him then. And they were tough confirmations, at least the latter two.

And then I have sat in on, of course, his confirmation before the Judiciary Committee to the Circuit Court of Appeals for the District of Columbia. And I have sat in on his confirmation throughout this process.

This man's life has been thoroughly scrutinized. He has been watched over, because many people on the far left have hated having him as Chairman of the Equal Employment Opportunity Commission, even though he has done a remarkable job. A job so well done that the Washington Post itself complimented him for it. It was not perfect, but it was darn good, and better than anybody who preceded him.

I am telling you, and everybody in this country and everybody that listens or everybody who sees this or reads this, that Clarence Thomas is a honorable, decent, wonderful man. And I think if you look at the fact that at one point he was so poor he had had a divorce, or was in the midst of divorce, and he sold his only car to help keep his son in school. That does not sound like a man on the prowl, or a person who does not have good values to me.

He has tremendous values and everybody, everybody, who has worked with Clarence Thomas, or knows Clarence Thomas, or has a relationship socially with Clarence Thomas knows he is a good man, everybody, that is, except this one woman and some others, one or two, did not come forth and I think would not come forth and rightly so.

This man is a decent human being whose life has been really wronged and really hurt because of a process that broke down because of at least one dishonest person who sits in this body, the greatest deliberative body in the world of only 100 people.

And his life, though not ruined by any stretch of the imagination, has been severely harmed.

Now it seems to me that all of that lapsed time, and all of that service to the Federal Government, and all the good things he has done should not be swept away because of one unsubstantiated set of allegations that really do not stand up, that were 10 years old, more than 9 years after the statute of limitations expired. We have a statute of limitations in order to stop people from bring up charges years thereafter—so they have to bring them within a reasonable time or eat them; so that they have to live within that statute and get these charges made; so that the problems can be corrected; so that if the individual does not realize that he or she is committing sexual harassment that individual can be informed of it; and so that such actions can be stopped and recompense can be brought. And that is what we all wish had been done here.

But more than 9 years after the statute of limitations expired? Small wonder that Senator BIDEN and Senator THURMOND and virtually everybody on the Committee agreed, well, these are serious, but let us get some credibility to the process.

And they were at the last minute. She did not want her name known. The committee knew about them, and the vote was still 7 to 7. And I do not think one of the seven voted against him because of those allegations at that time.

Mr. President, I would just like to mention a few questions that I think anybody who looks at this will have to ask. I think these questions are serious and I am only mentioning a few. There are others that I think people who have watched this process and have listened to the testimony could come up with.

No. 1, why did she wait 10 years? This was a law graduate from one of the great law schools of this country working in the very area that overviewed these problems in both the Department of Education and the Equal Employment Opportunity Commission. Why did she wait 10 years? And why should it suddenly arise on the weekend before the final vote was to take place?

No. 2, why did she not raise this issue in five confirmations of Judge Thomas—five confirmations here in the Senate? These are important. Everybody knows it. Everybody knew that Clarence Thomas was on the fasttrack when he came up for the Circuit Court of Appeals for the District of Columbia—everybody knew it—the fasttrack to the Supreme Court. Everybody knew that a great Justice was getting elderly and probably would retire and that this man was a likely pick.

No. 3, if Judge Thomas was harassing her at the Department of Education and saying these vulgar, sexually explicit things to her, why did she not complain either to some official at the Department of Education or to some official at the Equal Employment Opportunity Commission, as an attorney, graduate of the Yale Law School? As I watched her comments last night where she said she thought it was her duty to come forth I could not help but ask: Why was it not her duty closer to the time when the alleged facts occurred, if they did occur?

And I am telling you, I do not believe they occurred. I believe she believes they occurred, but I do not believe that they did.

No. 4, if she felt uncomfortable going to the appropriate officials at the Department of Education or the Equal Employment Opportunity Commission, then why did she not confide in Gilbert Hardy of her old law firm who put her in touch with Clarence Thomas to begin with? Why did she not solicit his advice and his assistance?

No. 5, if Judge Thomas was harassing her at the Department of Education, why did she go to the Equal Employment Opportunity Commission with him no more than 2 or 3 months after the alleged harassment took place and possibly only 1 month after she says the last incident occurred?

No. 6, if she was uncertain about her ability to stay at the Department of Education, why did she not make any inquiry with the designated replacement of Thomas who came on board while she was still there? That would be a natural thing anybody would do: "Can I stay? Are you willing to consider me?"

No. 7, if she did not want to talk to that designated replacement, then why did she not call anyone in the personnel office or anywhere else or anyone else to find out what her rights were at the Department of Education?

No. 8, if she left the Department of Education in 1982 because she feared the Department was going to be "abolished," why did she leave a lucrative private sector job just a year earlier to work in the same Department? To the extent there was any risk at Department of Education, was going to be abolished, that risk was greater in 1981 than when she left in 1982.

No. 9, while she was with Judge Thomas at the Equal Employment Opportunity Commission, why did women, really strong, credible women who worked closely with both of them and around the Chairman's suite of offices, testify to the committee that they never saw any signs of distress or discomfort or irritation of the sort that you would expect in Professor Hill? Why did Professor Hill not suggest any concerns to any of her coworkers?

No. 10, why after leaving the Equal Employment Opportunity Commission, did Professor Hill continue to call Judge Thomas seeking assistance in obtaining research, and leaving messages that clearly show a continued interest in cordial, social professional relations with him?

No. 11, why did she call him so many times? Not only the 11 times mentioned in the logs, but 4, 5, or 6 times mentioned by Miss Holt who nobody could doubt. I have never seen a person who testified more forthrightly, and favorably to Professor Hill when she had a chance with regard to their personal friendship and relationship. She was fair to her. She just does not believe her and said basically she knew this did not go on and so did the other three witnesses on that panel. They were very powerful witnesses.

No. 12, if those lurid references to a Coke can and a pornography star, if you want to use that term, occurred, why did she not use those vivid and dramatic conversations in her September 23, 1991 statement to the Judiciary Committee or in her interview with the FBI? She did not. Why is it so circumstantially interesting that one of those references was used in a 1988 case right in the very circuit in which she was teaching law school in the very type of a case she would have been concerned about as a civil rights expert and lawyer? And why was the other quote so vividly similar to the one in the book?

No. 13, why, when Clarence Thomas years later, years later after she had her own job and was out from under his control, why when he visited Oral Roberts University did Professor Hill socialize with Judge Thomas? Why did she have breakfast with him? Why did she volunteer to take him to the airport? Why was she so friendly to him? The dean said she was tremendously friendly toward him.

I just do not think it makes sense that she would have treated somebody who she alleged treated her with such disdain that she would have treated him as a long lost friend.

No. 14, as Dean Kothe said, how could Professor Hill even think of suggesting Clarence Thomas speak to the university on the issue of sexual harassment if she believed any of her allegations to be true. How could she? Where was her professional obligation then—allow him to come to speak with these students, most of whom were in their twenties.

No. 15, how could Professor Hill, according to two witnesses at the summer ABA convention, say that it was "a good thing" that Judge Thomas was being named to the Supreme Court of the United States of America.

No. 16, why if Judge Thomas said these vile things did Professor Hill not try to distance herself from him? You saw when Professor Fitch said that there were some vile things of a similar nature said to her she got away from the person as quickly as she could. That was really credible testimony by Professor Fitch.

These persons who testified on behalf of Judge Thomas were as good as any witnesses as I have ever seen. You could not have found witnesses in central casting for a movie that were better than those. They were wonderful, honest women and they loved Clarence Thomas as a professional leader.

No. 17, why would Judge Thomas as a African-American male, acutely sensitive to black issues, why would he——

The PRESIDING OFFICER. The Senator's 20 minutes has expired.

Mr. HATCH. May I have just 2 more minutes?

Mr. THURMOND. We are mighty short of time, I say to the Senator. Go ahead.

Mr. HATCH. I will be brief.

Why would Judge Thomas, as an African-American male who was acutely sensitive to black issues, use those antiblack stereotypes, racial stereotypes? To me that was a dramatic part of his testimony. And he testified so credibly. If you read that record and watched him, you knew he did. Why would anybody of his sophistication, his intelligence, and his experience even use that type of language? I do not think it adds up.

I wish I had more time Mr. President. But let me just conclude by saying that even if some people believe that Anita Hill, or that they assume Anita Hill believes what she is now saying, I do not think anyone can ignore these questions. I just do not think they can.

Some may come up with certain explanations to respond to one or some of these questions. But all of them cannot be satisfactorily answered. And cumulatively they raise some very grave doubts about her story.

I do not know why she told this story. I know many believe that she is telling the truth. And I tend to try to understand that.

All I can say is that a very good man, whom many of us know personally, whom we have watched through these 11 years, has been seriously damaged by these allegations by one woman's unsubstantiated allegations that nobody else who worked with him on a continuing basis believes.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. THURMOND. I yield 5 minutes to Mrs. KASSEBAUM, the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, the question now pending before the Senate is, to say the least, extraordinary in the starkly conflicting points of view one can hold. I am sure I have been just as troubled as a majority of my colleagues. Even by the tumultuous standards of recent Supreme Court nominations, this nomination sets new and troubling benchmarks.

Three weeks ago, I rose here to state my support for the confirmation of Judge Clarence Thomas. We now know that at that moment, the FBI was engaged in an investigation of charges of sexual harassment against the judge by a former employee.

Nine days ago, confidential statements by that former employee, Prof. Anita Hill, were leaked to the news media without her approval or the Senate's authorization. From there, as we all know, events took on a life of their own.

Over the past weekend, the Senate Judiciary Committee has attempted to salvage what all of us must consider both a sad and tragic episode in our history. Despite the herculean efforts of the committee's chairman, the Senator from Delaware, and the ranking member, the Senator from South Carolina, and other members, we now know this was not merely a difficult assignment, it was an impossible one.

Even so, the committee's report is before us and the Senate now must vote—a straight yes or no—on whether Judge Clarence Thomas should take a seat on the Supreme Court.

Mr. President, I believe Judge Thomas—or any nominee—deserves a fair, honest, and straightforward decision from the Senate on the merits of his nomination. Judge Thomas will not get that now, regardless of whether he is confirmed or rejected. Instead, he will either advance to our Nation's highest court under a cloud of suspicion he can never fully escape. Or, he will return to the circuit court with the equivalent of a guilty verdict stamped on his resume.

Whatever you may think of Judge Thomas, whether you support or oppose his nomination, he deserved better than we now can give him.

Mr. President, there are many things about this whole affair that deeply trouble me, but none disturbs me more than the fact that not only will Judge Thomas not get a fair, honest decision, neither will Anita Hill.

I know it now is expedient for some to attack not only the charges that Professor Hill has leveled against Judge Thomas, but to vilify and demonize what they call "this woman."

Mr. President, let me make clear that I have no intention of being party to a "high-tech lynching," a phrase I flatly reject as having any validity here. But, I also have no intention of being party to an intellectual witch hunt against Professor Hill.

I see no evidence in the record before us to support any claim that Professor Hill is mentally unstable, is inclined to wild fantasy, or is part of a decade-long conspiracy to get Clarence Thomas. What I do find in this record is much less comforting than these easy and highly speculative theories.

What I find instead are serious charges from a credible witness who has no conclusive evidence to substantiate these allegations. Nothing more than that and nothing less.

Mr. President, I am not a lawyer, and I will leave to others a careful legal analysis of Professor Hill's case, but I want to briefly enumerate the difficulties I have in assessing it.

First, no one disputes that her charges are, by legal standards, ancient history. If this were a trial, which we all have said repeatedly it is not, this case would never even be seriously considered by any court in the Nation because of the time that has elapsed.

The reason for this is both simple and sound—charges of sexual harassment are difficult to prove, and they are extremely difficult to defend against. No man can or should be required to prove he is innocent, certainly not 8 to 10 years after the fact. However, that is essentially the unfair burden that Judge Thomas has faced due to the very fact that this is a political and not a legal arena.

Second, these charges come at the end of a long confirmation process and a long list of other unsubstantiated and unproven allegations against a nominee who has undergone four previous confirmations and five FBI background investigations. In this context, these charges are understandably suspect. Whatever the actual merits, they take on the appearance of a desperate, last-minute effort to destroy Judge Thomas.

While neither the age of the charges nor the context of their filing proves or disproves anything in my mind, they do create a special burden of proof that I do not believe Professor Hill has met.

Third, in the 10 years since these events are alleged to have occurred and in the multiple investigations of Judge Thomas during that time, there is no credible evidence that he has engaged in similar conduct with any other female employee. In fact, dozens of such employees have presented testimony and other affidavits praising Judge Thomas' behavior toward women on his staff. No other woman has come forward with credible, convincing evidence of sexual harassment by the Judge.

While this does not prove that Judge Thomas did not engage in such conduct toward Professor Hill, it is in my mind a gaping hole in the evidence presented against him. It is possible that the judge harassed only Anita Hill or that he harassed others who have not come forward, but there is no evidence to support either theory.

Fourth, there is little if any evidence in this record that Professor Hill's own behavior at the time of the alleged events demonstrates she was being sexually harassed by Judge Thomas. While Professor Hill has presented witnesses to testify very credibly that she complained of harassment many years ago, none of them had firsthand evidence to document the specific events the professor alleges.

In fact, there is no dispute that Professor Hill filed no charges at the time, remained on the judge's staff, and moved with him to a new position without even a cursory effort to find another job. While she told some friends of the alleged harassment, she told no one in her office, not even close friends, and no one there remembers any sign or suggestion that she was being harassed.

By Professor Hill's own account, she maintained a cordial professional relationship with Judge Thomas during and after the alleged events. None of this disproves her allegations, and none of it is necessarily inconsistent with the behavior that might be expected from a woman who faces sexual harassment by a superior. But, taken together, all of this raises reasonable doubts.

Fifth, and in some ways most troubling to me, is the way in which these charges were raised. The record before us is somewhat confused on this point, but apparently Professor Hill was approached and encouraged to come forward by Senate staffers who heard rumors about her allegations from unnamed sources.

Apparently, she agreed to provide a statement under the condition that her name would not be disclosed to the public, to the full Senate or, according to some media reports, even Judge Thomas himself. While there is some confusion on what Professor Hill authorized the committee to do, it appears that she never agreed to a full-scale investigation of these charges, which would mean that her name could be used in FBI interviews and committee inquiries with anyone who might know anything about this matter.

If this is true, I find it difficult to comprehend what was intended in the raising of these charges.

Is it possible that Professor Hill, an experienced attorney and law professor, believed that Judge Thomas' appointment could be killed in secret? Was she led to believe the mere raising of these charges could force the judge to withdraw or lead the committee to reject his nomination with no explanation to the full Senate or the public?

Mr. President, I find no evidence that Professor Hill is part of some dark conspiracy, but there are real questions now about whether she was used by others in an effort to subvert the Senate's confirmation process. I have no evidence to prove this is so, but the question now hangs in the air around us. If that question is not resolved, it may well be that the darkest cloud of all from this affair will cover the Senate itself.

Let me be clear that I intend no criticism of the Judiciary Committee, or the chairman, or any other member. In fact, I believe Senator BIDEN worked long and hard to see that this nomination was handled in a fair and honest manner.

As I understand it, that chain of events occurred in this way: Professor Hill was encouraged to make an anonymous statement, and she chose to do so. When that was not sufficient for the apparent purpose of forcing the judge's withdrawal, she was asked to agree to a limited FBI investigation, and she did so.

The FBI interviewed Professor Hill, Judge Thomas, and one other witness and provided a report to the committee. A vote was scheduled on the nomination. No member of the committee on either side of the aisle objected and asked for further investigation or a resolution of the charges. The committee then voted, and the nomination was scheduled for a floor vote under a time agreement.

At some point in this process, someone with access to Professor Hill's statement leaked it to the press—apparently without her approval and clearly without the approval of the committee. The rest, as they say, is history.

Mr. President, this evening we must answer the first of two questions that arise from this matter: Whether to confirm or reject Judge Thomas' nomination. Shortly thereafter we must resolve the other question: What the Senate will do to assure no repetition of this affair.

Three weeks ago, I spoke in support of Judge Thomas' confirmation. In all that has come to light since then, I find no compelling basis to overturn that judgment. In fact, I believe it would be manifestly unfair for the Senate to destroy a Supreme Court nominee on the basis of evidence that finally boils down to the testimony of one person, however credible, against his flat, unequivocal, and equally credible denial.

Mr. President, throughout my years here I have taken pride in the fact that I am a U.S. Senator, not a "woman Senator." When some of my male colleagues have suggested that I know nothing about national defense because I am a woman, I have been offended. In the same vein, I have to assume that many of my male colleagues are offended by the notion that they cannot begin to understand the seriousness of sexual harassment or the anguish of its victims.

On the question before us, some women suggest that I should judge this nomination not as a Senator but as a woman, one of only two women in the Senate. I reject that suggestion.

The issue before me is whether, with all of the ambiguities surrounding this matter, the allegation by Professor Hill has been substantiated to the point that I should change my previous view.

I have reached the conclusion that it has not and, therefore, I will vote to confirm Judge Thomas as an Associate Justice of the Supreme Court.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield 4 minutes to my friend from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. BIDEN. Mr. President, 30 seconds of my own time. Let me apologize. Every one of our colleagues is prepared to speak in more depth, and much longer, because they feel so strongly on this nomination for and against. Unfortunately because of the unanimous consent we cannot go beyond 6 p.m. I only have 44 minutes left to distribute, and I thank my colleague. I know he has much more to say but I appreciate his taking only 4 minutes.

Mr. GRAHAM. Thank you, Mr. President. In deferrence to the brief time, I will summarize my remarks.

I start this process with the presumption of correctness of the nominee of the President of the United States. I believe that the person elected by the people of America deserves the benefit of the doubt as to the individual whom he selects to serve on the U.S. Supreme Court. As Governor of Florida for 8 years, I had the opportunity to appoint many judges, including four members of our Florida Supreme Court.

The qualities I looked for included intellect, judicial temperament, character, and the ability to grow in the responsibility as a jurist.

I apply those same standards to our current responsibility of confirming nominees of the President.

Mr. President, the nomination of Judge Clarence Thomas to the Supreme Court received my presumption of correctness. During the initial confirmation proceedings of Judge Thomas, I found an erosion of that presumption. I was concerned with several aspects of information developed at that hearing. I was concerned about Judge Thomas' limited experience, concerned about the American Bar Association's qualified recommendation, concerned about actions at the EEOC, particularly as that reflected an insensitivity to discrimination against older Americans, concerned about some of the evasive responses.

But in spite of all of that, in spite of the erosion of the presumption, I still was prepared to vote for Clarence Thomas because I felt that he had demonstrated the ability to grow. And I was hopeful that while he might barely be across the line of acceptability today, that in his service on the U.S. Supreme Court, he would grow in wisdom and judicial quality.

The allegations raised by Professor Hill, in my mind, caused a cessation of that judgment and a turning to two fundamental questions: One, who was telling the truth? And, two, did it make any difference?

On the second question, yes, it does make a difference. The charges that were leveled by Ms. Hill are significant. They go to the issue of integrity and character. They relate not only to events that have occurred in the past, but also to a denial of those events today. In my opinion, if those charges were to be believed, then the presumption of correctness would have been erased.

Who is telling the truth? Mr. President, we will probably never know the ultimate answer to that question, but I approached this issue by asking this question: What should be Ms. Hill's motivation, other than the one she stated, that is, she was called upon, did not volunteer, and felt that it was her responsibility as a citizen to answer truthfully. That is a laudable basis for her action, and I have heard no credible alternative motivation suggested, no motivation which is consistent with the manner in which she made this information initially available.

So I must accept as essentially a factual statement of the circumstances that which was presented by Ms. Hill. With that, the presumption of correctness has evaporated and with that, I cannot vote for Clarence Thomas to be a member of the U.S. Supreme Court.

Mr. President, at a later time, with more opportunity, I wish to talk about some of the concerns that I have about this nomination process, but I would like to add just one thing in conclusion. I listened to these hearings—Mr. President, could I have 1 additional minute?

Mr. BIDEN. I really do not have any more time at all. I really do not.

Mr. GRAHAM. Mr. President, I will withhold that personal experience for a later date, but our country is hurting on this process, and I hope that we will now turn ourselves to healing. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, it is clear in the more than 13,000 phone calls my office has received in the past week that the process we have witnessed here in Washington has grabbed and held hearts and minds in every American household—in every American workplace.

And, as a Senator from Minnesota, I cannot consider this nomination without trying very hard to understand the context of fear and vulnerability that has helped make this process we are witnessing here much larger and much more important than the confirmation of one justice to the U.S. Supreme Court.

I was reminded last night by a fellow Minnesotan, Mr. President, that the charges we have heard in this matter follow an entire summer in my State of brutal murders, kidnapings, and other cases of physical abuse and criminal conduct directed by men against women and against children.

For many Minnesotans, this proceeding is about Melissa Johnson, brutally murdered just days after she had graduated from St. Cloud State University.

It is about Margaret Marquez, a young child separated briefly from her parents in a busy Minneapolis discount store, her body found at an interstate rest stop several days later.

It is about Jacob Wetterling, still missing 2 years after his gunpoint kidnaping near my hometown in rural Stearns County.

It is about Carin Streufert, sophomore at the University of Minnesota, abducted on her way to a neighborhood business place, then raped and murdered.

It is about Geraldine Steinbuck and her two daughters, Jessica and Ashley, also from St. Cloud, and also brutally murdered in the sanctity of their own home.

The calls coming into my office, Mr. President, are also telling graphic and personal stories of sexual harassment thousands of Minnesotans have seen or experienced in the workplace.

Hundreds of callers have felt the need to tell their own stories, many dredged out of distant memories and many laden with guilt and anger at not being told at the time.

And, hundreds of others—both men and women—have expressed anger that it has taken a televised national hearing to raise the consciousness—and raise the visibility of all Americans—to vulnerabilities they have felt—and indignities they have experienced—for an entire lifetime in the workplace.

Mr. President, there is no way that I can personally understand and appreciate that feeling of anger. But, it is real. It is justified. And, it must motivate each and everyone of us to commit ourselves to using this incredible experience to drive our own future actions—to effectively deal with violence against women and children and to deal with sexual harassment in the workplace—including the workplace represented by the U.S. Senate.

When the Senate last met a week ago, the decision was taken to delay the vote on this nomination while the Judiciary Committee in particular, and all of us in general, sought to get the truth. At a perilously high cost, we have learned that we did not have the means to get the truth in a situation like this.

For 250 years we have been trying to find a fair and objective way to get the truth when an accusation is made. We have developed a system of rules and procedures to prevent injustices from being done. It is called a court of law.

Unfortunately, a Senate Committee cannot act as a court. There are no rules of evidence, no impartial judge or jury. Those who render the final decision are as far from being insulated from public opinion as they can be. They are politicians. There are constant demands for play-by-play commentary, which no judge would allow. There are no advocates for the parties, except the finders of fact themselves.

As wrenching and costly as the hearings were for everyone involved, all we really heard as far as the truth was concerned was an enormous amplification of the original allegation and the categorical denial. No fair person can make a final, objective decision from what took place in the hearings.

But that is not to say that the hearings had no meaning; they were an important event for us all to go through. That is why I have received 13,000 phone calls in my office—that is right, 13,000 and I thank each and every one of these people for getting personally involved in this issue. We should not forget this event; to the contrary, we should make the most of it.

The progress of American values is not an evolutionary process, making slow steady steps forward. Especially in recent times, our values change in revolutionary ways, when we share a common experience which changes the way we see things. Guard dogs attacking civil rights marchers. The tragic death of Ryan White. Oil-coated birds in Prince William Sound. All changed our values in a radical way.

America has undergone a revolution this week in the way it views the issue of sexual harassment in our society. It has taken a spectacle of this magnitude to penetrate years of ignorance, misunderstanding, and neglect.

But today, America understands what sexual harassment means, it understands how wrong it is and it is ready, I hope, to take the necessary steps to ensure that all people, women and men, receive the respect and dignity they deserve in the workplace. We have still got a long way to go.

That begins, I say to the 97 men and 2 women I serve with, right here. This great institution has slipped a few pegs in the last month, which may be an embarrassment for us personally, but the real tragedy is constitutional.

This body has a unique role to play in this democracy, which we cannot fulfill if people do not trust us.

The American people know that we have difficult problems to solve, and they understand that. But what they cannot tolerate is hypocrisy.

That this Congress would pass a series of laws on civil rights, worker safety and yes, sexual harassment, and then exempt itself is hypocrisy, pure and simple. That was a sense that came through my phone calls, whether people were for Judge Thomas or against him.

Our colleague Senator GRASSLEY has tried to show us the way for years on this. Now we understand what he is talking about.

Let us get our own house in order. Now.

The Civil Rights of Act of 1964. The Fair Labor Standards Act. The Equal Pay Act. The National Labor Relations Act. The Americans with Disability Act. The Age Discrimination Act. The Civil Rights Restoration Act.

The Congress wrote them.

The Congress needs to obey them.

I have a sexual harassment policy in my office. What we need is to see it in the Senate rule book and see us in the Federal statute book.

This institution needs to come out of our 1950's style informal approach to these matters, and thrust us back into a leadership role. The Committees on Rules and Ethics have to address this matter immediately and show us the way. Needless to say, much is at stake.

The vote we will all cast in a few minutes is not, however a referendum on sexual harassment. There will be ample opportunity in the very near future to demonstrate where we stand and what we have learned on that subject. We have work to do right here.

When the tempers have cooled, we need to reexamine the confirmation process. Frustration over divided government, Republicans in the White House and Democrats in the congressional leadership, is inevitably going to find expression in the confirmation process. But there must be limits.

Character is a valid issue, but we cannot allow the precedent to be established that the presence of an unsubstantiated allegation is enough to disqualify a President's choice. If we do, the American people will eventually suffer, because the brightest and the best will end up making money rather than policy.

Mr. President, I will vote for Clarence Thomas because the substance of what I know about him is more compelling than the single character charge I have heard made against him. Those who have been acquainted with him and worked with him for decades, including many women coworkers, say he is a man of character, determination, and courage. The hearings certainly bolstered that impression.

His mentor is our colleague JACK DANFORTH. The strength and character of that relationship over the last 12 years has been exemplary. When put to the ultimate test, that relationship has been remarkable.

Some have argued that the experience Clarence Thomas has gone through is so damaging that he cannot hope to serve effectively after all this. Judge Thomas candidly said that he died last Saturday, and Senator DECONCINI rightly asked how he can be as good as a justice as he would have been.

My experience tells me the opposite. Pain and tragedy are part of life, and they really show what a person is made of. For people of character a confrontation with mortality makes them a stronger person than they ever were before.

The President of the United States, and not 100 Senators, is the person the Constitution entrusts with the responsibility of nominating justices to the Supreme Court. Advice and consent, in the standard I have consistently applied over 13 years, means making a judgment as to the character, qualification, and temperament of the nominee.

I come to the same judgment today that I did when I met him face to face: That he is a person America should be proud of.

This choice is difficult because of the intense heat of the politics of the moment. Whether this vote turns out to be right or wrong will be decided over three decades in Judge Thomas' votes and opinions on cases we cannot even imagine at this point in history.

I have concluded that Judge Thomas, with his work, his experience as a African-American and his life of triumph over obstacles, has earned the trust required to confirm him for a lifetime appointment to the Supreme Court of the United States.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BIDEN. I yield 4 minutes to my friend from Connecticut and apologize it is only 4 minutes.

Mr. DODD. Mr. President, let me thank the distinguished manager and the chairman of the Judiciary Committee.

Mr. President, this debate on the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court of the United States is the culmination of several months of Senate consideration. And that is how it should be, because we are talking about the confirmation of a person who would be one of only nine Justices who are the ultimate arbiters of our Constitution. That is an awesome responsibility for him and, in turn, for every Member of the Senate.

Mr. President, again, I have always felt that passing on the qualifications of a nominee to the Federal bench is one of the most important duties that I will ever undertake as a Senator. While I have always felt that Presidential nominations deserve some measure of deference and that in some cases close calls should be decided in favor of the President, I have also always felt that the Senate's constitutionally mandated role of advice and consent is considerably broader than merely rubberstamping the President's choice.

I place this level of importance on this particular decision because of the nature of judicial appointments. Nominees to the Federal bench, if confirmed, are lifetime appointees charged with the awesome responsibility of interpreting and applying the Constitution to all measure and manner of dispute. Appointees to the Supreme Court inevitably affect the course of constitutional law for decades. And so it is with President Bush's current nominee to our Nation's highest Court.

Judge Thomas, if confirmed, would be only the 106th Justice to serve on the Supreme Court of the United States. Unlike any other court, however, this Court is the supreme arbiter of disputes in our land. As such, it is of paramount importance that aspirants to this High Court be of good character, have the highest legal qualifications and possess a genuine commitment to upholding the Constitution.

Mr. President, it is no secret that as of last week I was leaning toward voting to confirm Judge Thomas based on my belief that Judge Thomas would grow into the job and turn out to be a very able member of the Supreme Court. I also believed that Judge Thomas' life experiences would bear great weight on his decisionmaking and that Judge Thomas would bring some measure of diversity to the Court. However, over the course of this past week I have had the opportunity to reread the record, as well as listen to the testimony of this past weekend's hearings. Many nagging doubts resurfaced. Doubts that I thought I had resolved.

Mr. President, three questions have guided my decision on Judge Thomas' fitness to serve on the Court. First, I asked whether or not Judge Thomas has the legal and technical ability, skill, and experience necessary to serve on the Supreme Court. I have accordingly reviewed the Judges' own writings, transcripts of the Judge's testimony before the Judiciary Committee and the testimony of other interested parties.

While Judge Thomas may not be the most or best qualified nominee for the job, the American Bar Association's assessment of Judge Thomas is qualified. In my own review of the record, I have found nothing in Judge Thomas' background which suggests any legal or technical inability to execute the duties of a Supreme Court Justice.

Second, I have considered whether or not Judge Thomas is capable of, and faithfully committed to, upholding the Constitution of the United States.

The question for me is whether or not Judge Thomas is capable of, and faithfully committed to, upholding the Constitution. Of primary concern is whether Judge Thomas has the proper temperament to decide each case on the basis of the facts presented and in the light of the law previously decided. I have concluded that while Judge Thomas is not the nominee I would have chosen either ideologically or philosophically, then again, neither would I expect the President to select such a nominee. Nevertheless, I have had nagging doubts as to whether Judge Thomas while capable is committed to upholding current constitutional case law.

In an effort to answer these doubts, I have placed great stock in the counsel of such notables as Prof. Guido Calabresi, dean of the Yale Law School, who told me that he felt that Judge Thomas would, in fact, grow into the job. Dean Calabresi expressed a sincere confidence that Judge Thomas would turn out to be a very able member of the Supreme Court.

Many of the people that I have discussed this nomination with have argued that Judge Thomas' life experiences will bear great weight and that he will bring diversity to the Court. We have all been impressed with the story of Judge Thomas and are certainly aware of Judge Thomas' rise from the poverty of Pin Point, GA, and the Jim Crow South to the doorstep of the Supreme Court.

These achievements alone, however, should not and must not be the sole reason to confirm Judge Thomas to a seat on the Supreme Court. I believe that the road that Judge Thomas has traveled and the obstacles that he has had to overcome will, over the course of his judicial career, play a very important role in the shaping and evolution of his judicial philosophy. Few, if any, Members of the Senate can boast of such experience.

Mr. President, finally, I have had to determine whether Judge Thomas has the character to serve on the Supreme Court. I have struggled for many days now trying to come to some determination on Judge Thomas' fitness to serve on the Supreme Court.

In an attempt to answer that question, I have reviewed Judge Thomas' background, listened with interest about his background, and have read the transcripts of this weekend's hearings as well as the many news accounts in an attempt to assess Judge Thomas' character and freedom from conflict.

The revelations of Prof. Anita Hill turned what I thought had been a thorough review of Judge Thomas' character on its head. Like many Americans, I, too, was riveted to the the television all weekend watching the hearings. As I watched, it became increasingly apparent that neither Judge Thomas or Professor Hill were on trial. The Senate was on trial and the issue was whether or not this institution could adequately ferret through the testimony of both the judge and Professor Hill as well as an array of witnesses and find the truth.

The committee was in a very difficult position. It is very easy with the benefit of 20/20 vision to say how the Judiciary Committee should have gone about getting to the truth. But the fact is that the Senate is ill-equipped to act as a court of law or settle disputes between persons. The events that led up to the hearings and the hearings themselves made this point readily apparent.

Mr. President, as I have just stated, hindsight is 20/20. It is easy to say how I would or would not have handled the hearings. I, therefore, do not want to blame the committee as so many others have done. I want to merely point out that the committee might have gotten more information if the committee had elicited the information in executive session. The bright lights of gavel-to-gavel coverage makes good drama but it is simply not the best way to find out the truth. Airing this dispute in public helped little to get to the truth of this matter.

My fear is that we will set a precedent for the airing of these investigations in public, where it is least unlikely that any meaningful information will be secured. The judicial confirmation process is too important to have it trivialized on television. The events of the past week must not be repeated if we are to ensure any measure of integrity in the confirmation process.

Mr. President, I was once told that the Supreme Court of the United States is the only institution of our Government that has as its sole enforcement weapon the power of moral persuasion. The Supreme Court does not have an army, nor can it enforce its decisions at gunpoint. The Court's power is that of moral persuasion. Americans must believe that a true and real understanding of the Constitution flows out of the Court. This belief in our system must never be undermined. The question today is whether Judge Thomas should be confirmed to the highest court in the land.

Over the past week I have had the opportunity to listen to the testimony of Professor Hill and her corroborating witnesses. They were very credible and compelling witnesses. After a weekend of hearings and reading hundreds of pages of material on this case, I have too many doubts as to who is telling the truth.

Mr. President, to be sure, Judge Thomas' response to the accusations were forceful, believable, and emotional. But categorical denials did not address the questions and doubts I had hoped would be resolved.

Mr. President, I must reiterate that while I have always felt that Presidential nominations deserve some measure of deference the Senate's constitutionally mandated role of advise and consent is considerably broader. As such, it is of paramount importance that aspirants to this High Court be of good character, have the highest legal qualifications and possess a genuine commitment to upholding the Constitution.

Mr. President, it has been said, "if in doubt, don't!" And the fact is that I have far too many doubts about Judge Thomas to say yes.

I am deeply concerned that placing a person on the Court with a cloud over his head undermines moral persuasiveness of the Court.

I have, therefore, concluded that based on my own review of Judge Thomas' background, legal qualifications, and character that I will vote against the confirmation of Judge Clarence Thomas to be an Associate Justice of the Supreme Court of the United States.

Mr. President, I think, like all of us and many of us here, we begin with a presumption to support Presidential nominees for whatever position, including the U.S. Supreme Court. That has been the case with this Senator over the past 10 years. I have supported all but one of President Reagan's, now President Bush's, nominations to the U.S. Supreme Court. Regretfully, Mr. President, in this case, I will not support this nominee.

If I had to paraphrase the remarks that I prepared, it comes down to the issue of doubt, serious doubt. I certainly, like everyone else, was deeply impressed with the background of Clarence Thomas. It is a compelling story.

There are very few in our generation born of the postwar period who have traveled the distance this man has in the few short years of his life.

Mr. President, I am also impressed with his intellectual and legal background as a graduate of Yale Law School in my home State of Connecticut. But, Mr. President, I was left with doubts, doubts that were reflected in the first series of hearings in which Clarence Thomas testified regarding his appreciation of case law and precedent, his unwillingness, I think now for obvious reasons, to express his own views on some of the important matters that have been before that Court. I regret that Clarence Thomas may have been overhandled by people from the White House and elsewhere to counsel him as to how to respond to questions. In a sense, Mr. President, I blame ourselves in part for that because God help anyone who comes up and expresses a definitive view on one of the hot button issues of our day. So, in a sense, we bear culpability for people unwilling to come forward to express those views or the fact that the universe or the world from which we choose these candidates has so shrunk that anyone who does have any views cannot pass muster in this body.

As were most Americans, I was riveted to the television set this weekend watching the compelling testimony before the Judiciary Committee. I have great admiration for the chairman of that committee and its members. They were put in the terrible position of having to deal with a very, very divisive, a very emotional topic and subject matter, sexual harassment.

Mr. President, I could draw no definitive conclusions from this weekend except, of course, that sexual harassment is an issue that deserves far more attention than has been given over the past number of years in this country.

But I did not leave necessarily with one clear idea of who was guilty of perjury, or guilty of the crime charged. But, Mr. President, I was left with doubts. It was not cleared up for me.

Mr. President, I happen to believe that when voting for a nominee to serve on the highest court of this land, where the only weapon the Court has is moral persuasion; they cannot point a gun at anyone's head; they cannot bring an army together to make sure that their decisions are obeyed by the people of this land; it is only moral persuasion which ultimately allows them to carry the day.

Mr. President, I would be deeply concerned that that moral persuasion, the only weapon of the Court, would somehow be eroded by this nomination. For those reasons I have my doubts. And I happen to believe if doubts are primarily what you have, it seems to me you must err on the side of caution, if erring is going to be the case.

Mr. President, if Judge Thomas is confirmed, I hope to be proven wrong about these doubts. But I cannot take that chance for as much as a four-decade appointment to a Court that will decide many of the compelling issues of our day.

I have great respect for my colleague from Missouri. I spoke with him recently before taking the floor, to tell him personally of my decision. It has not been an easy decision. In fact, I was leaning in favor of this nomination. But because I could not rid my own mind of the doubts that have been gripping me over the past number of weeks, I regretfully have taken the position I have this afternoon and with regret I will vote not to the confirm Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, when I was first elected to office, a man I admired greatly—Senator John Williams, who was known as the conscience of the Senate—taught me a lesson I will never forget. On the floor of this Senate, Senator Williams was known as Mr. Integrity. His reputation was absolute, despite the fact that he dedicated his life to exposing corruption in Government. One would think his silver character would tarnish in the process, but Senator Williams remained above reproach. And his lesson was simple.

He told me, "Bill, I will never, ever, go after a person's reputation until I am 125 percent certain that he is engaged in wrongdoing—until I have tangible evidence to support the claim. Because a man's reputation is the most sacred possession he has in life, and once it is even challenged it can never be completely restored."

I believe that after this weekend, all America understands the wisdom of John Williams. The reputation Judge Clarence Thomas—a reputation he spent 43 years to establish—was challenged by a woman who was credible, competent and articulate. The conduct she alleged is both heinous and inexcusable. Like every man and woman in America, I cannot say whether the conduct occurred. But make no mistake about it, sexual harrassment is a vile crime—a serious problem that must be dealt with in no uncertain terms. As a consequence of the allegations leveled against Judge Thomas, the reputations of both he and Professor Hill have been tarnished; they will never be the same again.

The tragedy is that these reputations were sacrificed without tangible evidence on either side that either conclusively confirmed or denied the alleged activity. So as we determine the fitness of Clarence Thomas to sit on the Supreme Court we must do so on what we know to be fact. And these are the facts:

Fact: Clarence Thomas has served our Nation well in increasingly important roles of responsibility, four of which were sustained by this very body, the U.S. Senate.

Fact: Clarence Thomas has been one of the most scrutinized nominees for the Supreme Court in history, and in 43 years of his life has done nothing to prove him unworthy to serve with the exception of this alleged misconduct which took place 10 years ago.

Fact: This alleged sexual harassment that has cast aspersions on Judge Thomas's reputation is not confirmed with persuasive, independent evidence. As the Washington Post said today, of the four witnesses who testified on behalf of Professor Hill, "None said she had told them of his alleged obscenities. None seemed to know Judge Thomas or to have been privy to their workplace or social relationship." On the other hand, "those witnesses who appeared before the committee and who had been part of Professor Hill's and Judge Thomas' working life all testified on the other side."

Mr. President, none of those who knew both Judge Thomas and Professor Hill could even imagine such misconduct was taking place. Such misconduct ran completely contrary to their daily experiences with, and observations of, Clarence Thomas. Likewise, in the 33 years before these allegations were said to take place and in the 10 years since, there has been nothing—not one indication of misconduct.

Though the proceedings over the weekend were not in a court of law, our Nation's deeply held conviction—our sense of fair play—is that individuals are innocent until shown otherwise. Because this is so fundamental to our ethics, it is the burden of the accuser to lay out the evidence. And again, the evidence was not sufficient.

Mr. President, these are the facts. It is a tragedy that the reputations of two very bright, very diligent people were put into question this weekend. It was a tragedy that Americans had to see such a vital and important process of Government being manipulated. The nomination process for the position of Associate Justice on the Supreme Court is no time for political machinations. It is a time to put an intelligent, proven and judicious individual in a most venerable position. I reaffirm my support for Judge Clarence Thomas to serve as an Associate Justice on the Supreme Court.

Unfortunately, the appointment process to the Supreme Court has become politicized because we have lost the original intent of our Government's Founders. In the last half century, people have looked upon the highest court of our land as a means of promoting their political agendas. This perception of the Supreme Court's role has opened the floodgates of political activism and special interests. Leaks are considered fair game as a means of preventing an individual of the wrong political views from receiving a lifetime appointment.

Mr. President, it is going to be difficult to reform the process of appointing and confirming Supreme Court Justices until the role of the Supreme Court is seen as it was intended to be seen—as the interpreter of the law—the Constitution, statutes and treaties—in specific cases and not as a political body to promote special interests. Mr. President, we must get the process under control. The only remedy is to return to the Constitution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. Mr. President, I yield 4 minutes to my colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. Speaker, I wish to thank the chairman of the committee for yielding time. I understand, I say on behalf of many of us, the difficult job he has in parceling out time. I had intended to make some lengthy remarks here, but in just the few short minutes that are now being allocated to the Senators to speak, I wish to make just a couple of points briefly.

No. 1, I made my decision on this nomination before all of the events of the past weekend and before the allegations those hearings explored were made. I made my decision to vote against the nomination of Judge Thomas based on the record of the first hearing, based on my analysis of what I regard as the still evolving judicial philosophy and a variety of other issues and concerns which I discussed here on the floor of the Senate last week. I have not changed the conclusion which I reached at that time. I will elaborate on my reasons for the record.

I did wish on this occasion, however, to make a very few remarks about the hearings of the last several days. First of all, I understand the perception of many in this country that Judge Thomas has been treated by the process unfairly. There are many more telephone calls being received in my offices in favor of Judge Thomas than calls being received in opposition to Judge Thomas. Many feel the leak was inherently unfair and that as a result the charges came to light at the last minute and this was unfair.

I also would like to say that I think it would be wrong to judge Clarence Thomas as an individual on the basis of one's perception of these allegations even if one concludes they are true. He is a very complex individual, as is everyone. I think the testimony of his friends and acquaintances over the years is very powerful.

But, Mr. President, we owe fairness to Prof. Anita Hill also. She did not ask to come forward. She was pulled into this process, also by the leak. She came forward and gave testimony which seemed to me to be extremely honest and credible. I know the country is pulverized now on all of these subjects, but I regret very much that at one point she was charged by a Senator with having perjured herself.

I disagree strongly with that characterization. I thought that everything she said was very logical, and I thought the four corroborating witnesses, who talked about how she had confided in them 10 years ago at the time this took place, were very believable and credible.

I also think, incidentally, that one of the things we have all been learning about on the subject on sexual harassment is what goes on inside the mind of a victim, which sometimes leads that person to keep silent about it and to continue maintaining a facade of friendship and an outward relationship so long as that secret is kept.

But, Mr. President, this discussion of the allegations was in a sense a microcosm of larger questions also involving a large change in our way of thinking about the relationship between men and women.

This Court, if Judge Thomas is confirmed, will be deciding a number of issues that bear directly upon that relationship.

Mr. President, there is no mystery about my view on the nomination of Judge Thomas. I made my opposition clear long before this weekend's hearings opened. And that opposition, based on Judge Thomas' judicial philosophy, on his record and experience, based on the evidence before the Judiciary Committee and Judge Thomas' testimony, that opposition has not been affected by this weekend's hearings. Whether you believe Professor Anita Hill or Clarence Thomas about the allegations of sexual harassment, whether you don't know who to believe about those charges, Judge Thomas' record and views—or lack of—were presented to the committee and convinced me that at this time, because of his still-evolving judicial philosophy, because of his inexperience in dealing with constitutional issues, because of his lack of judicial maturity, Judge Thomas' nomination did not warrant confirmation.

That does not mean that I watched this weekend's hearings as a disinterested observer. I don't know how anyone could have done so. For all of us here in the Senate, for our Nation as a whole, for men and women of every color and heritage it was a painful—though necessary—travail. We watched together, studying the television closeups for clues, searching the eyes of all those who spoke for signs of honesty, for an assurance of integrity and character, for some clear indication of some pristine truth. Yet, as hard as we may have looked, as much as we believed one side or the other, we had to, all of us, acknowledge human limitations. We simply cannot look inside someone's heart; we're unable to see through to the soul. Some questions are left unanswered. We are left to weight the evidence and search our own hearts.

In Judge Thomas' favor, it is significant that there was no pattern of sexual harassment evident through the testimony of women who worked with him, through extensive interviews with women who worked with him. There was no indication that this was routine or that Judge Thomas was insensitive to the women with whom he worked; women he says he promoted and helped throughout their careers.

But the Senate—and quite frankly, our Nation—owes fairness to Professor Hill as well. She stepped forward to clear her conscience; to break a silence long held because she believed so strongly that too much was at stake. She had pushed these memories away through other confirmation hearings when Clarence Thomas came before the Congress. But this time, it was a nomination to the highest court in our land, a lifetime appointment that comes with an indelible impact on our future and our society. Anita Hill felt she had to, as she said yesterday, perform her duty as a citizen. She had to speak up.

We owe her fairness, not speculation about nonexistent psychological ailments, not baseless accusations about perjury, not theories about her relationships with men, or her inability to get along with women, not a smear campaign determined to undermine rather than examine her statements. We owe Anita Hill fairness.

Consider the credibility of the witnesses who testified in her behalf during this weekend's hearings. They presented clear, corroborating evidence both of the allegations themselves and of Anita Hill's own temperament and honesty. This is not about a book deal with a movie to follow, as some have tried to paint Anita Hill as a cheap opportunist. This is about a woman already rich in courage determined to speak her mind and follow her convictions.

There are important lessons in this painful episode. To state the obvious, we have learned that sexual harassment is a much bigger issue than we—than most men—had supposed, or could have imagined. But we have also learned that men and women see and feel the meaning of events differently. Men and women have different ways of looking at the same events, different ways of understanding them, different points of outrage. It sounds simple, but its implications are not.

The revolution in thought about relationships between men and women is shaking the Senate and the country.

And there is a gradual recognition by men that women see many things differently, a gradual recognition of the unremedied complaints and unheard frustrations of women who have long fought for answers, for justice, for rights, for a place at the table, and a voice in the decisionmaking.

The hearings this weekend presented us with a microcosm of this revolution. The fact is, most women see issues before the Supreme Court differently than President Bush and his white, male, chief advisers; most women see issues differently than men. And women are stepping forward to express their point of view.

President Bush confronts this revolution in thought with indifference. The extremists in the right wing of his party demand a nominee to the Supreme Court who will try to move history in reverse, who will not just ignore but try to turn back the women seeking to be heard. Yet, the majority of women react to this extremism with angry and renewed energy, with a force that cannot be ignored or denied. President Bush knows that, too. So, he nominates a candidate likely to side with the extremists once he's on the Court but who remains enough of a mystery to keep the revolution under wraps.

Think about the evidence presented to this Senate. In the last 10 years, Judge Thomas signed documents calling for the overthrow of cases protecting women's rights. Now he tells us he didn't know what he was signing and besides, he didn't mean it anyway. This, on an issue affecting a woman's most basic, most personal right. We are asked to believe that over 18 years—18 years—this man never discussed Roe versus Wade, one of the most controversial cases ever to be decided by the Supreme Court. Over and over, he stonewalled the committee on this and other critical issues of such major importance.

Again, this weekend's hearings present a microcosm of a much larger debate where we were forced to once again address the same issues.

We don't know what happened 10 years ago. What did Clarence Thomas say and do? Was there any wrongdoing at all? What did Anita Hill do? We won't ever know for certain. What we do know now is that a man remembered and saw much differently than a woman remembered and saw.

There are those who questioned how, if anything happened, Anita Hill maintained contact with Clarence Thomas over the years and, more than that, even sought him out when she was in Washington or he was in Oklahoma. How do you explain the phone messages? The trip to the airport? The kind comments at the bar association meeting? It doesn't make sense. Until, of course, you think about different perspective.

Anita Hill was a young woman at the Education Department without high-powered friends or contacts. Clarence Thomas was her contact, clearly advancing in an administration that was offering him rewards. She was his assistant. She moved with him to the EEOC because she thought it was the only option that made sense. She wanted to stay in Government civil rights work and the Department of Education was under attack by the Reagan administration. Over the years, Thomas would remain a well-placed powerful contact who provided an entry to a world she would otherwise be prevented from entering.

Why is it so surprising that a woman would push back to the very recesses of memory such unpleasantness? Why is it so surprising that woman stayed silent rather than move to destroy her still-forming career by taking on a much more powerful and intimidating foe who was clearly a favorite of the White House? Why is it so surprising that a woman decided it made more sense to forget the injustice than try to fight it in a system that seemed weighted against her? Why do victims of other kinds of abuse stay silent for so long? There is, quite simply, a public and a personal truth. Anita Hill did not look for this most public of forums. She did not approach the Senate. She did not seek out the Judiciary Committee. But when the Judiciary Committee approached Professor Hill about her experience with Clarence Thomas, she felt she had to, finally speak out, to state that personal truth publicly, however painful it may be.

The Senate must investigate how Professor Hill's statements became public. Where or who was the source of the leak? What happened? Appropriate steps must be taken. But those statements have been made public and the firestorm they have sparked must force us to confront a new reality.

As a nation, we must begin to understand a little more about why women feel so strongly when men don't, about why there are issues that women view differently than men; about why women feel so strongly about the case law that Clarence Thomas would be making as a member of the Supreme Court.

But President Bush seems determined to do his best to overturn existing laws protecting women's rights and to make new laws restricting those rights.

President Bush, by sending to the Senate someone who might be a good person, certainly a smart and hardworking person, but a person with no clear views and a skimpy judicial record, focused this debate on questions of character. We were asked to judge Clarence Thomas not on his judicial views but on the admirable journey he has made from Pin Point, GA to a Supreme Court nomination.

President Bush wanted off the hot seat. He wanted to turn the debate away from the issues. President Bush failed to see that there are some things important to women that are not important to men.

Mr. THURMOND. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

Mr. SHELBY. Mr. President, 2 weeks ago, I stood in this Chamber in support of the nomination of Judge Clarence Thomas. I stand here today, a witness—like all of my colleagues—to one of the most public, painful, and perplexing spectacles ever to befall the U.S. Senate.

I do not think there is a Member of the Senate who was not affected by the process. And clearly both the nominee and Professor Hill suffered under the glare of these hearings.

But, we are not here today to discuss the process and its faults. We are here to decide whether there is sufficient evidence that Clarence Thomas sexually harassed Anita Hill.

I take very seriously charges of sexual harassment and discrimination in the workplace. As a member of the Senate Armed Services Committee, I have been outspoken about the problem of sexual harassment in our Armed Forces. Sexual harassment has no place in our military, in Government, or in corporate America.

I do not take Anita Hill's allegations lightly and I believe that it was not only fair, but appropriate that the Senate acted to hold hearings on this issue. In fact, these hearings will undoubtedly serve to bring an issue out into the open that has for too long been hidden in America's workplaces.

The point is not how bad sexual harassment is. We stand in agreement on this issue. We come back instead to the question that has plagued the committee, the Senate and the American public: Was Professor Hill sexually harassed by Judge Thomas?

This is a question I have been struggling with since learning of the allegations through the media last weekend.

Chairman BIDEN, in his opening remarks, reminded us that our judicial process maintains the presumption of innocence. I have read the FBI report, I have listened to the testimony presented during over 3 days of hearings. I have sifted through reams of additional information submitted during this hearing process.

As a former prosecutor, I know that the onus now is on myself and 99 of my colleagues to review the information made available during these hearings and decide if there is sufficient evidence to conclude that Judge Thomas sexually harassed Professor Hill.

Both Professor Hill and Judge Thomas were credible, forceful witnesses. But for me, doubts linger, questions remain. I am simply not certain that these allegations have been fully substantiated. I wonder for instance:

Why Professor Hill followed Judge Thomas from the Department of Education to the EEOC even though her job at Education was safe;

Why Professor Hill testified that she never saw Judge Thomas outside of the office only to have Judge Thomas state under oath that he had been to her home on a couple of occasions—testimony Professor Hill later confirmed;

Why Professor Hill, in a conversation with the Washington Post, qualified the EEOC telephone logs as "garbage" and that she had not called Judge Thomas except to return his calls, only to admit under oath that she did initiate some calls to Judge Thomas; and

Why during four previous Thomas nominations, Anita Hill never came forward with this information.

Although this was not a trial, we have no choice but to look to our established legal traditions and guidelines and decide if the burden of proof has been met.

There are inconsistencies. The testimony is inconclusive. I have weighed the evidence, studied the hearing transcript and have searched my soul during these past several days. Now, the decision is to whom you give the benefit of the doubt. I give it to the man accused—Judge Thomas.

Over the years, the tenet "innocent until proven guilty" has become a cornerstone of America's legal system and in fact, is synonymous with democratic values. To deny this right to Judge Thomas, would be to deny him the same treatment that every American is entitled to.

In announcing my support for Judge Thomas on the first of October, I recognized his life and legal experience as factors that would ultimately serve him well as a Supreme Court Justice. Those beliefs have not changed, in fact they have become even stronger.

Judge Thomas has endured this process with dignity, with courage and with grace. I have no doubt that his service on the Supreme Court will be marked by a reliance on these same characteristics that have served him so well during these past days.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

Mr. METZENBAUM. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to restate my opposition to the confirmation of Clarence Thomas to be Associate Justice of the Supreme Court.

One week ago, before the postponement of today's vote, I elaborated at length on my decision to oppose Judge Thomas—so I will not go on at length today. My opposition was based upon his record at the EEOC, his lack of concern for the rights of the elderly, his legal credentials, the views expressed in his speeches and writings, and his testimony before the committee.

Everything in Judge Thomas' record suggests that he will be an active and eager participant in the current Supreme Court's ongoing assault on established court decisions protecting civil rights, individual liberties, and the right to choose. Judge Thomas' refusal to discuss that record with the committee in a candid and straightforward manner confirms my concern that he will move the Court in the wrong direction.

Mr. President, the past several days have been some of the most difficult that I have experienced as a Member of the U.S. Senate.

The recent hearings into the charges of sexual harassment leveled against Judge Thomas were painful, exhausting, and tortuous for everyone involved in them. I think my colleagues on the committee will agree that one would have to look long and hard to find that anything good resulted from these unprecedented proceedings. This was an ordeal.

However, it is ridiculous even to attempt to compare anyone's suffering in this matter with the horrible and destructive experiences of both Professor Hill and Judge Thomas. And after listening to them both testify—both forceful, both articulate—it is almost impossible for me to fathom how one of these people could be the cause of the other's pain.

When I heard Judge Thomas speak to our committee, he was persuasive—I found myself wanting to believe him.

But when I heard Anita Hill testify to our committee, I was deeply moved. When I heard her, she was calm, sincere, very believable. I cannot imagine that she was telling us anything but the truth.

It was an outrage, Mr. President, that the committee's confidential documents were leaked to the press. In that connection, I have asked for and will support an investigation into that matter.

There is no argument that these hearings will be remembered as unfortunate, unsenatorial, and at times, just plain ugly. Inappropriate things were said and done, allegations and innuendo and malicious charges were tossed about with regard to Professor Hill, those charges were in my opinion unfair.

Issues were raised that had nothing to do with whether or not Anita Hill was telling the truth about Judge Thomas.

On a personal note, I want to say a word about the hearings. If a Senator is to fulfill his responsibility as a member of the Judiciary Committee, he ought to be judicious. At one point in the hearings, I was not. While questioning Mr. Doggett, I unfairly asked him questions about allegations lodged against him. I should not have done that—it was not fair to him—and I apologized by personal letter to him that same day.

Mr. President, I will oppose Judge Thomas for the reasons I have set forth here today, and for the reasons I have stated previously in the committee and here on the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield 3 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am going to vote for the confirmation of the nominee of the President. I want to note that Clarence Thomas is perhaps the most investigated nominee to the Supreme Court in America's history. He has had five FBI background investigations inquiring into every conceivable aspect of his life: his character, his education, and his personal behavior under almost all circumstances. He has withstood this, and he has understood the extraordinary inquiry and, in my opinion, he has emerged unscathed. How many of us could say the same, if such an investigation had been conducted of us?

Mr. President, if I were convinced that the charges by Prof. Anita Hill were true, I would vote against the nomination of Clarence Thomas for the Supreme Court. The charges were serious, in my view.

However, the Clarence Thomas described by Anita Hill is not the Clarence Thomas I watched endure the 100-day plus inquiry by the Senate Judiciary Committee. I did not recognize Anita Hill's Clarence Thomas in any aspect from what I personally saw during the hearings. Anita Hill's Clarence Thomas is not the Clarence Thomas the FBI investigated. He is not the Clarence Thomas that Senator DANFORTH had worked closely with over all these years.

Whatever Anita Hill has claimed about Clarence Thomas, no one else who has every known him supports her description, nor believes that he is capable of the actions she has alleged. No one who supported Anita Hill's allegations with any specificity or with any particularity appeared in the Judiciary Committee hearings supporting her notion of him. Even those who declared themselves supporters of Professor Hill know nothing of the alleged particulars. Indeed, no one who has spoken under oath confirms any of the allegations made by Professor Hill.

Some of my colleagues have asked why Professor Hill would make these charges 10 years after the alleged occurrence, after she transferred to a new workplace with the one who allegedly harassed her, and after she had helped the person with confirmation hearings.

I cannot answer that question. Nothing I have seen in the FBI record, and no one I have heard talk of Clarence Thomas, and nothing I saw during the last 3 days of the Judiciary Committee hearings confirms, in any way, the allegations made by Professor Hill.

Some will say that in the absence of persuasive evidence to the contrary, we should come down against Clarence Thomas. I do not think that is the case. I believe that by his demeanor during this ordeal this past week, he has positively affirmed his qualifications to be an Associate Justice of the Supreme Court. I will vote for him.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I will momentarily propound a unanimous-consent request which has been cleared by the distinguished Republican leader. I ask unanimous consent that the time consumed in my so doing not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Wednesday, October 16, at 10:15 a.m., the Senate proceed to the consideration of the veto message on S. 1722, the unemployment benefits bill, and that it be considered under the following time limitations: Two hours for debate, to be equally divided between the two leaders, or their designees, and that at 12:15 p.m., without any intervening action or debate, the Senate vote on the question of the bill's passage, the objections of the President notwithstanding.

Mr. THURMOND. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the Senator from Louisiana [Mr. BREAUX].

Mr. BREAUX. Mr. President, the process of confirmation is supposed to be one of advice and consent. In this case, very little advice was sought, which is why now so little consent is being given. This process must change.

I made an initial decision to support Judge Thomas' confirmation after meeting personally with Clarence Thomas, after hearing his testimony, and the testimony of both supporters and also his opponents. I also supported the delay in the vote because of the charges which are serious, and women, in particular, have a right to be protected against sexual harassment in their lives. It has no place in America and cannot be tolerated.

Essentially, Mr. President, we now have or are debating the character of Judge Clarence Thomas. Character, Mr. President, is not one incident, nor is it one sentence, nor is it even 1 day in the life of a person. Character is a composite; character is the totality of a person's makeup.

Here we have one person saying something very bad happened, and another saying, no, it did not. No one in this body can, with certainty, say who is right and who is wrong. To help us determine what is right, we need to talk with more than one person; we need to talk to many people who knew Clarence Thomas, who worked with Clarence Thomas, and who socialized with Clarence Thomas.

What do these people tell us? Mr. President, they tell us that Clarence Thomas was a man who treated his colleagues and his coworkers with respect and dignity—both men and women. When men committed sexual harassment, Clarence Thomas came down on them, and he came down on them very hard. He fired them. The people who knew Clarence Thomas, who worked with Clarence Thomas, say he is not the person that would insult and harass anyone.

Others who said that Clarence Thomas was a bad person basically had little or no personal knowledge or personal contact with him. They testified about what Prof. Anita Hill said about Clarence Thomas—hearsay only, no actual knowledge. It is wrong for us to seek and to search for one incident in a person's life, and when we find it, say: aha, we have determined his character, and his character is bad.

All of us have to get back to basics and to look at the total picture, the complete picture, to determine a person's character. Ralph Waldo Emerson said:

> Don't say things. What you are stands over you the while and thunders so that I cannot hear what you say to the contrary.

I now suggest, Mr. President, that years of action and years of performance by Clarence Thomas indicate that we have a man of character, a man who deserves to be confirmed by the U.S. Senate.

Mr. President, the search and destroy mission should end; the confirmation should begin.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, the Senate and the country have been considering this nomination for a long time. We would need a good deal longer to understand everything, but the schedule will not allow that. We will vote tonight. So let me share some of my thinking with you.

Three weeks ago, I voted against the confirmation of Clarence Thomas, when the Judiciary Committee considered his nomination. I will do so again today. My opposition then, and now, is based on my belief that he is not qualified, on judicial grounds, to serve on the Supreme Court.

I spelled out my concerns in a statement on the Senate floor on September 26, which I ask appear at the conclusion of these remarks. (See Exhibit 1, Mr. KOHL.)

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. In spite of the drama of the last week, we cannot forget that this is more than a vote about Clarence Thomas' guilt or innocence on the charge of sexual harassment, more than a vote about whether he was treated fairly or not. This is a vote about whether or not he is qualified to serve on the Supreme Court.

I do not think he is.

Let me tell you why I voted against him in committee.

Judge Thomas lacked a comprehensive judicial philosophy—he did not articulate a clear vision of the Constitution. After listening to him and reading his statements and speeches, I was unable to determine what views and values he would bring to the bench. I also expressed concern about his lack of legal curiosity. Judge Thomas told the committee that Roe versus Wade was one of the two most significant decisions in the last 20 years. Yet he also said that he had never discussed that decision with anyone, and had no views about it.

I also noted that Judge Thomas demonstrated a limited level of legal knowledge. When asked questions of law, many of his replies were disappointing. In contrast, Justice Souter displayed a wealth of constitutional understanding at his confirmation hearings.

Judge Thomas had a full opportunity to tell the committee, the Senate, and the country why his professional qualifications—as opposed to his personal accomplishments—justified his elevation to the Supreme Court. He failed to do that. And, as a result, he failed to win my consent to his confirmation.

But, of course, now the charge of sexual harassment has to be factored into a decision.

After 3 days of hearings, all anyone can know for sure is that someone is lying, flat out lying, lying under oath and lying in front of the American people.

And we do not know who it is.

Judge Thomas vigorously, passionately and categorically denies the charge. The witnesses who testified on his behalf all tell us that it is inconceivable for him to have done the things he is alleged to have done.

Professor Hill is also a most credible witness. Her account is tellingly detailed. Her behavior suggests that her motive was not to advance a political cause, or satisfy some personal need other than to tell the truth as she saw it. And witnesses told us that she spoke of the alleged harassment at the time it was supposed to have occurred, nearly a decade ago.

Both Judge Thomas and Professor Hill tell convincing stories. Yet neither is fully believable. And in the end, we do not know what actually happened.

But we do know that one of them lied. We do know that one committed perjury. Given that fact, I am frankly amazed that we are going to vote today at 6 p.m. Every objective person must agree that the evidence is inconclusive, the facts are murky, the truth is unknown. There is, then, at least a possibility that we may be placing a man on the Supreme Court who has committed perjury, which is a criminal act.

While we all want to get this over with, in my judgment, we should not be taking that chance.

But we will. We will, Mr. President, because politics, once again, has overcome the search for truth, because the need to win has become more important than the need to serve the best interests of our Nation, because we have a schedule to keep instead of a Nation to govern.

I think we tried to get at the truth in these hearings. But we did not get the whole story. In part, that was because Judge Thomas did not address the issue at hand. Instead, he continually tried to shift attention to complaints about a conspiracy and charges of racism.

Even if those concerns were true—and I do not for one minute believe they are—they do not respond to a charge of sexual harassment. As to conspiracy, I would simply say that, given the fact that Professor Hill told people about these allegations nearly 10 years ago, that is absurd on its face. As one witness told us, she would have to be a prophet to come up with a plan like that. And as to racism, that is without merit. Professor Hill has a commitment to conservative causes, she supported the nomination of Robert Bork to serve on the Supreme Court, and she is obviously proud of her heritage as an African-American.

So, Mr. President, here we are, not happily, not enthusiastically, but here, nevertheless, at the point when a decision must be made.

But we are also at a point when the American people will make a decision about the nature of their Government and its credibility. Based on the calls coming into my office, I am afraid of what that verdict will be.

I understand and share their anger. But I do not fully share their conclusion.

I would remind people that initially the Senate Judiciary Committee conducted a serious and dignified debate about Judge Thomas' qualifications, a debate which Judge Thomas himself said was "a very fair one."

Still, having said that, I fully recognize that there were failures in the process.

Perhaps the hearings on the sexual harassment charges should have been held in closed session—but Judge Thomas never requested that. So the hearing was public. And it was not perfect. In fact, it was often ugly. But not holding hearings would have been even worse. That would have been unfair to Judge Thomas, Professor Hill, and the American people.

But I will tell you this: politics played too big a role. The President failed to nominate the best qualified candidate in order to score political points. The candidate failed to be forthcoming during his confirmation hearings. The Senate failed to approach the nomination in a non-partisan way. A Supreme Court nomination should not be decided on a partisan basis. It should be a decision based solely on the best interests of the country.

Mr. President, a week ago, the votes were there to confirm Judge Thomas. I did not agree with that decision, but I accepted it.

But someone did not.

Someone leaked confidential information. Some person, and some groups, decided that the decision made by Professor Hill, the leadership, and the Senate was not good enough for them. Someone decided to use whatever means necessary to thwart the will of the majority and the rights of an individual, in violation of the Senate rules, in violation of the wishes of Professor Hill, in violation of any sense of decency.

The democratic process did not entirely fail here—some people failed to understand the democratic process.

They acted on a philosophy which is endemic throughout the country: a philosophy that too often fails to respect the integrity of the democratic process, which seeks to short circuit it by financial contributions from special interests, which seeks to circumvent it by seeking special privileges, which condones the notion that we can have everything we want without paying for it.

Mr. President, at some point, if this Government is to have credibility, we must conduct ourselves so that we can serve as leaders of this Nation rather than just as a mirror of its ugliest and least appealing features.

This is not directly relevant to the Thomas nomination, but it is relevant to our ability to have whatever decision we make on that nomination accepted by the American people we have been elected to represent and seek to lead.

Thank you, Mr. President. I yield the floor.

EXHIBIT I

[From Cong. Record, September 26, 1991]

NOMINATION OF CLARENCE THOMAS

Mr. KOHL. Mr. President, when a vacancy develops on the Supreme Court, there is always a flurry of talk about what standards the Senate ought to use as it discharges its advice and consent responsibilities. That theoretical discussion, however, soon submerges when the name of the nominee is announced by the President. Then we forget theory and turn to speculation about what the nominee's record tells us about his or her views and what the prospects are for confirmation.

In my opinion, Mr. President, we would be better served if we engaged in that process from the perspective of some clearly articulated standards of judgment.

The Constitution allows each Senator to apply any standard they wish. My standard is simple: judicial excellence. In my judgment, any nominee to the Supreme Court of the United States—the Court which interprets our Constitution and protects our liberty—must be exceptional.

When a President nominates someone to serve in the executive branch, we owe some deference to his desires. Absent compelling evidence to the contrary, the President is entitled to have the people of his choice serving in his administration and implementing his policies. But the Supreme Court represents a coequal and independent branch of Government. It is not an extension of the executive or the legislative branch. It serves neither; it applies the Constitution to both. Therefore, a President's nominee has no presumption operating in his or her favor; instead, the nominee accepts a burden of proof—a burden to demonstrate to the Senate that he or she ought to sit on the Supreme Court, that he or she deserves a lifetime appointment.

Over the past 43 years, Clarence Thomas has demonstrated many admirable qualities. He has demonstrated that he is a man of great character and courage. He has demonstrated that he has the strength to triumph over adversity. He has demonstrated that he has retained his sense of humor and that he deserves the respect and admiration of his many friends.

In my judgment, however, Judge Thomas has not demonstrated that he ought to sit on the Supreme Court. Let me tell you why.

First, Judge Thomas lacks a clear judicial philosophy. Less than 2 years ago, when Judge Thomas was nominated to serve on the appeals court, he told us that he did not have a fully developed constitutional philosophy. That did not disqualify him for a low court, which is required to follow precedent. But the Supreme Court creates precedent—it interprets the Constitution in which we as a people place our faith, and on which our freedoms as a nation rest. So it was my hope that during the hearings, Judge Thomas would articulate a clear vision of the Constitution—ideally, one that included full safeguards for individuals and minorities, and which also squared with his past positions. Unfortunately, after spending 5 days listening to Judge Thomas testify, I was unable to determine what views and values he would bring to the bench.

Second, Judge Thomas demonstrates selective recall. Judge Thomas asked us to heavily consider his experiences as a young man while at the same time he asked us to discount views he expressed as an adult. He told us that his musings about natural law, his endorsement of treating economic rights on par with individual rights, and his dismissal of almost all forms of affirmative action as a remedy for discrimination were not relevant. These policy positions, he asserted, would have no impact on his decisions on the Court. In fact, he suggested a judge should shed his views just as a runner sheds excess clothing before a race.

This approach troubles me. In my opinion, it is totally unrealistic to expect that a Justice will not bring his values to the Court.

Presidents nominate candidates based on their values and the Senate must consider them as well. As Chief Justice Rehnquist wrote:

> Proof that a Justice's mind at the time he joined the Court was a complete tabula rasa [blank slate] in the area of Constitutional adjudication would be evidence of lack of qualification, not lack of bias.

I agree with the Chief Justice: Either we judge Clarence Thomas on the complete record or we do not look at the record at all.

Third, Judge Thomas engages in oratorical opportunism. Judge Thomas crafted policy statements apparently tailored to win the support of specific audiences—and then later repudiated these very same positions. For example, when speaking to the Federalist Society, he said that the natural law background of the American Constitution provides the only firm basis for a just, wise, and constitutional decision. Yet during the hearings he steadfastly maintained that natural law played no role in constitutional adjudication. He told another audience that Lew Lehrman's article opposing abortion was a splendid application of natural law. Yet at the hearings he said he had only skimmed the article and never endorsed Mr. Lehrman's conclusions. I find this disturbing.

Fourth, Judge Thomas' lack of legal curiosity is troubling. Judge Thomas told the committee that Roe versus Wade was one of the two most significant decisions handed down by the Supreme Court in the last 20 years. Yet he also told the committee that he had never discussed that decision, either as a lawyer or as an individual, and had no views about it. If we accept that claim, it raises unanswered questions about the depth of his interest in legal issues.

Fifth, Judge Thomas demonstrated limited legal knowledge. When asked questions of law, many of his replies were disappointing—whether involving antitrust, the War Powers Act, freedom of speech, the right to privacy of habeas corpus. In contrast, at his confirmation hearings, Justice Souter displayed a wealth of constitutional understanding in all of these areas. Judge Thomas lacks this depth of judicial knowledge. But that is not surprising for, after all, he has been an appellate court judge for less than 2 years and prior to that he was a policymaker. While his level of expertise is acceptable for an appellate court, it is not sufficient to meet the demands that are made of a Supreme Court Justice.

Frankly, I expected Judge Thomas to resolve my concerns during the hearings. But, for whatever reasons, he was extremely guarded in his appearance before the committee. His answers were less than forthcoming and often not responsive to the questions he was asked. Judge Thomas did not—and should not—tell us how he would rule on Roe or any other case. But he could and should have told us how he would approach those cases. Judge Thomas had a full opportunity to tell the committee, the Senate, and the country why his professional qualifications—as opposed to his personal accomplishments—justified his elevation to the Supreme Court. He failed to do that. He failed to discharge his burden of proof. He failed to demonstrate the level of judicial excellence which ought to be required on the Supreme Court, and as a result, he has failed to win my consent to his confirmation.

However, I expect that he will win the approval of a majority of my colleagues. Their support for his nomination will, I suspect, be based on the hope that Judge Thomas will continue to grow as a jurist and develop as a person. I may not share their vote, but I do share their hope. Clarence Thomas is a man with the ability to inspire in even those who will not vote for him the hope that he will, if confirmed, become what we all want him to become: an outstanding Justice.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. THURMOND. I yield to the Senator from New York 2 minutes.

The PRESIDING OFFICER. The Senator from South Carolina yields to the Senator from New York 2 minutes.

Mr. D'AMATO. Mr. President, I rise to support the nomination of Clarence Thomas to the Supreme Court. Like most Americans I have tried to determine whether the very grave allegations against Clarence Thomas were true.

I believe that the burden of proof in this case, and in all cases, rests with the accuser, not the accused. And clearly that burden has not been met. It is a fundamental tenet of our system that everyone is innocent until and unless proven guilty.

Before these allegations, I supported Judge Thomas' elevation to the Supreme Court on the merits, and I continue to do so. But I would be lax if I did not take this opportunity to express my dismay with the confirmation process.

Notwithstanding Chairman BIDEN'S efforts to see to it that fairness was afforded to all, the confirmation process has run amok and all of us have become victims. Judge Thomas has been its victim, Professor Hill has been its victim, and we in the Senate have been its victim.

Judge Thomas' testimony when he told us how he lost his reputation after being a target of unsubstantiated allegations hit home with this Senator. More than most, I understand how that feels. Even raising allegations such as these puts the accused through a living hell. Justice Thomas had the opportunity to defend himself, the American public found his defense convincing, but many do not have that ability. I am afraid that we have reached a point where any allegation is deemed proof of guilt, and that is wrong and it is un-American.

I believe that Judge Thomas will be confirmed later today. And I applaud that. But I believe that we in Congress have a duty to see that this process is not repeated. When anyone becomes the victim of unsubstantiated allegations, we are all the victims.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 1 minute to the distinguished Senator from Missouri.

Mr. BOND. Mr. President, I previously have taken the floor to say that I know Clarence Thomas to be a man of integrity, character, great ability, and great intellect. However, despite the fact that we had hearings, which should not have been held in public, and information was leaked, I felt it was necessary that we have a hearing on the allegations made against him and I reviewed the FBI reports and the testimony.

I find serious inconsistencies in Professor Hill's statements and testimony. She said she was traumatized, yet she followed him from the Department of Education to the EEOC. She continued to maintain favorable comment and contact with Clarence Thomas and even, according to two sworn witnesses, spoke highly of his nomination in August.

I believe that the charges against Judge Thomas are unsubstantiated. We must not ruin his character.

Mr. President, the events of the past week have been a sad spectacle. A travesty was made of the Senate's confirmation process—one of its most important duties. Hearings and investigations that should have been handled in private, in closed session, were conducted on national television. Instead of the sober review of the facts that we deserved, we instead got a circus.

We arrived at that point—as we all know—because of a leak by someone who works in this body. That, Mr. President, is an outrage. It is an action that diminishes the public perception of this body; and the person responsible must be identified and punished. I was pleased to hear the majority leader this morning say that he intends to pursue the matter.

Despite these reservations about how the Senate got to this point, I approached the hearings, the testimony, and the evidence with an open mind. The allegations, if they were true, would be sufficient for me to oppose the nominee. It has been our duty to review them carefully and fairly. Judge Thomas, Professor Hill, the Supreme Court, and the American people deserve nothing less.

Unfortunately, the weekend hearings did little to advance a conclusive understanding of what actually happened. Still, Senators must make a judgment and they must cast their vote at 6 p.m. today.

After viewing the hearings, reviewing transcripts of the testimony, and reading the classified FBI reports and other materials, I have reached the following conclusions.

I found serious inconsistencies throughout Ms. Hill's testimony that lead me to conclude, relative to the accusations made, that we must find in favor of Judge Thomas.

Just a few examples: She said she followed Judge Thomas from the Department of Education to the EEOC because she was concerned that she would not otherwise have a job. That just does not seem credible given testimony showing that not only was her job protected under the law, but that Thomas' successor at Education assured that he would keep her on.

Ms. Hill says she was traumatized by the alleged actions of Judge Thomas, yet it is clear that she maintained contact with him over the past several years. According to the testimony of Dean Kothe of Oral Roberts Law School, she was even extremely cordial with Thomas when the three of them were together.

Also, though Ms. Hill first called the phone logs of her calls to Judge Thomas "garbage," she later admitted that they were accurate records of what actually took place.

Two witnesses testified under oath that Professor Hill had initiated favorable discussions about the Thomas nomination in August of this year; yet she testified to the contrary.

Given these inconsistencies, and given the absolute, unequivocal denial by Judge Thomas that the incidents ever took place, I believe we must give greater weight to his testimony. Judge Thomas' life has been intensely scrutinized by this body five times. He has been confirmed for high Government office four times. He is a man that I know to be of the highest integrity. It would be a travesty to destroy him with unsubstantiated charges. That is the way our system works—a person is innocent until proven guilty.

Thus, Mr. President, I intend to cast my vote to confirm Clarence Thomas. I believe he will make an excellent Associate Justice of the U.S. Supreme Court.

I remain hopeful that we will find a way to improve this process so that future nominees will not be subject to this same type of circus and so that this body can do a better job of fulfilling its critical confirmation role.

I ask that my colleagues support the nomination of Judge Clarence Thomas to be an Associate Justice.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Delaware yields 2 minutes to the Senator from Rhode Island.

Mr. PELL. I thank my colleague from Delaware.

On Tuesday, October 3, I announced my decision to oppose the confirmation of Judge Thomas to be an Associate Justice of the U.S. Supreme Court. This was prior to public hearing of Prof. Anita Hill's allegation of sexual harassment.

Today, 10 days later, and after the hearings into this matter, I see no reason to change my vote and I will oppose the confirmation of Judge Thomas when that vote is taken shortly.

Regarding the hearings on the charges of sexual harassment by Judge Thomas, I can only say that having watched the proceedings these past few days I do not know whether Anita Hill or Clarence Thomas is telling the truth. I did believe that, given the seriousness of charges involved, it was appropriate to delay the confirmation vote last Tuesday, to hold hearings. I believe, too, that these hearings were conducted in a fair, judicious manner, and I commend Senator BIDEN and the Judiciary Committee for their work.

However, my original reasons for opposing the nomination of Clarence Thomas—namely, the lack of demonstrated judicial distinction and exteremely conservative philosophy already well represented in the Court—are independent of any determination of Judge Thomas' guilt or innocence regarding this matter.

Accordingly, I see no reason to change my decision, and I speak, too, as one who voted for the confirmation as Justice of every present sitting Justice on the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from Delaware yields 4 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, I was the first Senator to rise in opposition to this nomination. I did so before I ever heard of Anita Hill.

I came out against confirmation because Judge Thomas had no clear or distinguished record on fundamental issues upon which his qualifications could be judged and because he refused to reveal his general philosophy on many of those issues to the committee.

I also came out against Judge Thomas because I doubted his veracity when he declared he never discussed Roe versus Wade with anybody.

I watched the Hill-Thomas hearings on TV and now my opposition to the nomination and my doubt about the judge's veracity are much stronger.

I differ with those who assert that the burden of proof rests on those who charge Judge Thomas with sexual harassment. This is not a criminal case where he faces jail. The burden is on Judge Thomas and his supporters to prove that he is fit to serve on the U.S. Supreme Court.

I urge my colleagues to consider, as I have, the following facts:

None of Judge Thomas' character witnesses had any personal knowledge relevant to the charges against him, but four witnesses appearing for Anita Hill did have personal knowledge relevant to the charges.

Two of them testified that Miss Hill told them about the alleged sexual harassment by Judge Thomas long ago. Two of them testified that Miss Hill told them that her supervisor made sexual advances. Her detractors suggest she was speaking about somebody else, not about Judge Thomas. But it turns out her only other supervisor was a woman, Alison Duncan.

Angela Wright, like Anita Hill, has accused Judge Thomas of making sexual remarks to her and pressing her for dates. Also like Anita Hill, Miss Wright confided about this to a friend, Rose Jourdain, according to a sworn statement by Miss Jourdain.

Lovida Coleman, Jr., stated that when Judge Thomas was at Yale he discussed with her and others X-rated films he had seen.

Another woman, Sukari Hardnett, a former special assistant to Judge Thomas, has come forward to complain about the atmosphere in his regime at EEOC, stating: "If you were young, black, and reasonably attractive, you knew full well that you were being inspected and auditioned as a female."

It is worth noting that the alleged remark by Judge Thomas about hair and coke need not have originated—as suggested by his supporters—in a book he says he never read, "The Exorcist." According to Catherine MacKinnon, an attorney who is an expert on sexual harassment, quoted in the October 4 New York Post, the alleged remark was a clear reference to scenes in pornographic films.

It's also worth noting that another article in the October 12 New York Post indicates that the source of Judge Thomas' alleged remark about one Mr. Silver may not—as has been suggested by the Judge's supporters—have come from a court case but rather could have come from a pornographic film, peep show, or magazine.

Some think that, after all this, there will be greater understanding of sexual harassment and how to cope with it.

I wonder?

The lesson may be that if you complain about sexual harassment you will be attacked as a liar, a fantasizer, or a woman scorned.

A great lack of understanding of a woman's reaction to sexual harassment is on display.

Suppose you are a woman representing a cause or corporation on Capitol Hill.

Suppose a Member of Congress sexually harasses you, as does happen.

What do you do?

You have these choices;

First, publicly complain, and get attacked, as Anita Hill was attacked when she came forward.

Second, avoid having anything to do with the harasser forever after and end your capacity to represent fully the cause or the corporation, and perhaps lose your job.

Third, seek to maintain a cordial relationship with the harasser so you can retain your job. That is the choice Anita Hill made at the time the alleged harassment was occurring. And look at the personal attack she is suffering because of that choice, now that she has come forward.

These are sorry choices for women to face.

And it is a sorry choice we Senators face today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield 4 minutes to my friend from Alabama.

The PRESIDING OFFICER. The Senator from Delaware yields 4 minutes to the Senator from Alabama.

Mr. HEFLIN. Mr. President, the tumultuous events that have just occurred since the first set of hearings were completed, culminated in the extraordinary last set of hearings before the Senate Judiciary Committee concerning the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court, are a tragic result of unauthorized and unwarranted leaks of a committee investigation.

This is not the first time leaks have occurred, and leaks are not confined to any one particular committee or party—they have occurred on both sides of the aisle. The leaks, in the case at hand should be thoroughly investigated and those found responsible should be held accountable, as well as recent past leaks in the Senate Ethics Committee.

I entered into the first set of hearings on Clarence Thomas with an open mind. I have always approached judicial confirmation hearings as a judge rather than as an advocate. I have endeavored at all times to be fair to the nominee, fair to the President, fair to the nominee's opposition, and fair to the American people. I came away from the first round of hearings with many doubts in my mind about Judge Thomas; and I stated that Judge Thomas' answers and explanation about previous speeches, articles, and positions raised thoughts—and I emphasize thoughts—not findings—of confirmation conversion, of inconsistencies, ambiguities, contradictions, as well as other thoughts.

I listed, in my speech before the Senate in which I announced that I would vote against him, many of those factors that had created doubt in my mind about whether he should be confirmed.

I stated that our Nation deserved the best on the highest court in the land, and an error of judgment could have long-lasting consequences to the American people. The doubts were too many. The Court is too important. So I said that I would follow the admonition "when in doubt—don't."

At the time that I made my speech on the floor of the Senate announcing my decision to vote against Judge Thomas, I had never heard of Anita Hill and her charges of sexual harassment. Following my speech I was informed for the first time about Anita Hill. The issue of Anita Hill and her allegations of sexual harassment did not enter into my decision on whether or not to vote against him.

Now the second set of hearings has occurred. I have now more doubts. The original doubts have been compounded by the doubts raised in the hearing. I will not attempt to enumerate all of these newly created doubts; but obviously there are doubts about who is telling the truth, doubts about motivation, doubts about psychological defects about both Professor Hill and Judge Thomas.

Throughout both sets of hearings I have tried to be a judge rather than an antagonistic advocate. I think this is the role that an independent-minded member of the Judiciary Committee should assume. I have approached every confirmation hearing that I have participated in from the position that I ought not to be partisan. I do not think I ought to rubberstamp the nominees of the President, and neither do I feel that I ought to blindly follow a partisan allegiance. It has been my position that an independent evaluation of the evidence is the appropriate approach to take. I have endeavored to do so in this case.

My job at the hearings was to get the facts and find the truth the best way I possibly could.

I simply chose to use my time effectively—to ask questions and not give political speeches. My responsibility was to judge—not be a cheerleader for or against Clarence Thomas.

As a result of the first hearing there were many clouds hovering over the process and Clarence Thomas. During the second set of hearings clouds thickened considerably over the Senate, the process, and Clarence Thomas. In addition to this, very thick clouds hover over Anita Hill. In my judgment, clouds should not hover over the Supreme Court. The clouds and doubts should not be transferred to the Supreme Court. The Supreme Court is too important. As I have said before, our Nation deserves the best on the highest court in the land. Some want to give Clarence Thomas the benefit of the doubt. I think that would be very appropriate if he was charged in a criminal setting in a court of law. This is not a criminal trial.

The doubts are many. There is an absence of clear and convincing evidence to remove these doubts. A lifetime appointment on the Supreme Court is different from other appointments. Unless those doubts are erased, eliminated, or greatly minimized, we should not gamble on the consequences. In my judgment, Clarence Thomas should not be confirmed under the clouds and doubts created. Therefore, my position has not changed. I will vote against his confirmation.

I would also like to say that I fully support a thorough and complete investigation in regard to the leaks in this matter as well as leaks that have occurred in the Senate Ethics Committee. I think the Senate cannot continue to operate under a situation in which there are constant leaks.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield 3 minutes to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator.

The serious charges made by Professor Hill are important and a vital part of this consideration. But this nomination need not rest on a determination of that matter.

The basic issue here is plain and simple legal qualification, and the suitability of this nominee to hold a lifetime appointment to one of the highest offices in our land.

These exalted and rare positions should go to men and women of all races and ethnic backgrounds on one basis and one basis alone, and that is exceptional qualification, towering legal ability and achievement, professional standing within the legal profession of the very highest rank. To settle for less trivializes the Court and threatens to turn it into a privileged sanctuary for persons who lack such qualifications and who may instead have some narrow ideological agenda of their own to pursue.

Clarence Thomas has a record of a decade of bizarre and questionable legal theories and policy positions that he has spoken numerous times, views he suddenly said at his confirmation hearing that he really did not mean or that he no longer believes.

His professional record at the EEOC was erratic and highly controversial and damaging to the rights of thousands of people who brought forth complaints of workplace discrimination. The appearance is that he stepped on the rights of others to please the higher-ups in the Reagan administration and advance himself.

I believe in affirmative action and that people of color should serve our Federal judiciary. But any nominee—regardless of race, sex, or ethnic background—must meet the absolute standard of highest professional qualification unique to the highest court in our land. At age 43, with very limited courtroom experience, Clarence Thomas does not meet this standard.

The American Bar Association has a process whereby the most distinguished lawyers in America carefully evaluate the formal legal credentials and qualifications of Supreme Court nominees. Since 1955, they have assessed now 23 different Supreme Court nominees in that process.

You know where Clarence Thomas ranks among those 23 in legal qualification? He ranks dead last. The lowest rating of any Supreme Court nominee in history. What a sad commentary.

It says volumes about the purpose of the Bush administration when selecting this nominee. The clear appearance here is that the qualification he had was political, not based on his professional qualifications. It appears he was selected despite his lack of professional qualifications because he was a black ultraconservative, young enough to apply that extreme philosophy to the Court's decisions for the next 40 years. And that is going to affect the rights and liberties of every single person in this country perhaps as long as the next four decades.

It is just as simple and as crass as that. And the nomination should be rejected on those grounds.

Mr. BURNS. Mr. President, In my short tenure as a Member of the U.S. Senate, I have never experienced a week such as this last one. I am not sure even the so-called old timers have ever witnessed such a week. I would say all of us have run the full scale of our emotional ladder.

Those of us who do not serve on the Judiciary Committee have watched every minute of the proceedings since last Friday. We have recorded those proceedings on our home VCR's, took notes, watched faces, and agonized with the members of the committee.

I want the RECORD to show how appreciative this Senator is of Senator JOE BIDEN, chairman of the Judiciary Committee. No chairman in my short tenure as a Member of the U.S. Senate has worked in a more charged atmosphere than his committee did in a situation created by unknown forces; and he was remarkable in his fairness. I commend him and thank him.

I think all would agree that the debate on whether Judge Clarence Thomas should or should not be confirmed to the highest Court in this country had been centered around rights prior to this weekend. That should not come as a surprise to anyone in this body or any American. We deal with rights everyday on every piece of legislation. Rights—personal, property and human rights—are the very heart of the Constitution.

Sensitive to rights? You bet we are, or this Senator is. Does it concern me when voting on a person nominated to the Supreme Court of the United States? Even more so.

That is why it is important to point out that as confusing and terrible as the hearings this weekend were, some good has come.

As many have said already, a heightened awareness and discussion of sexual harassment in this country is a good thing.

But it is also a good thing that after what he has gone through, Judge Thomas, if confirmed, will be even more sensitive than before to people's rights.

Let me be clear. Prior to the hearings this weekend, I supported Judge Thomas because I believed he understands the truest meaning of rights.

The belief was reaffirmed for me and for the judge himself through the course of the allegations against him and the hearings that followed. He said himself when asked what he has learned through this experience:

> The other thing that I have learned in this process are things that we discussed in the real confirmation hearing, and that is our rights being protected, what rights we have as citizens of this country, what constitutional rights, what is our relationship with our government. And as I sit here on matters such as privacy, matters such as procedures for charges against individuals in a criminal context or a civil context, this has heightened my awareness of the importance of those protections, the importance of something that we discussed in theory—privacy, due process, equal protection, fairness.

Judge Thomas clearly understands the importance of these values now.

And so in fairness to the judge, and under the context of constitutional rights, I will continue to support him.

This weekend was an emotionally charge one, but we must remember that in this country a person is innocent until proven guilty. That is paramount in our judicial system. To change it is to destroy the very foundation of our society.

In my mind, Judge Thomas has not been proven guilty. When the hearings began, the presumption was with Judge Thomas because he was the accused, and the presumption remains with him today because the hearings were inconclusive in my mind and to many Americans.

There is nothing in Judge Thomas's character to indicate that he would behave in the manner described or to indicate that he is insensitive to women in the workplace. To the contrary, he had dozens of women with whom he has worked coming forward to praise his treatment of them.

Judge Thomas will bring to the Court a wealth of what is truly American—an understanding of the opportunities and rights afforded to each of us under the constitution—and I hope that my colleagues will vote to confirm him.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. THURMOND. I yield 8 minutes to the Senator from Wyoming [Mr. SIMPSON].

The PRESIDING OFFICER. The Senator is recognized for 8 minutes.

Mr. SIMPSON. Mr. President, I want to thank Senator JOE BIDEN and Senator STROM THURMOND for their extraordinary work. This has not been an easy task. Obviously, it has not. It has not been pleasant to go through the weekend and miss the things that you miss in a weekend in the fall.

I can tell you they did it with firmness and fairness and they were very patient and extraordinarily attentive to what we were trying to do, and I want to commend them both for such splendid work.

I am very proud to be a member of the Senate Judiciary Committee. I do not make any apologies for that at all. I do not know what more we could have done with the information which was furnished to us, with the way the principal woman witness furnished it to us, and that is the way it is. You cannot do or say things to other people and then say you want to keep it in confidence. They formed this country to get away from that kind of conduct.

Let us remember how this thing got started. Ms. Anita Hill did not want to provide her name and our chairman and ranking member protected her. And then she finally came forward and said let the committee see the information which she had. She said it does not have anything to do with sexual harassment. It has to do with his "behavior". She said please let the committee see that, but do not let the public see it. And we did that. And then somebody in this place, who surely will suffer some serious penalty, leaked that to the media. And then a member of the media read it to her and said "What do you think of this, it is all over town"—which it was not. And then that person said: "You either let us go with it or we will have to go with it anyway."

What a violation of professional ethics of the craft of journalism. Let me read you from the Code of Professional Journalism. They do not like to hear me read this because they think I am a media basher. I am not. I hear them chuckling. But I tell you what I am: I am like Harry Truman. I don't give them hell, I give them the truth and they think it's hell. That is what is wrong with them.

I have been treated exceedingly fairly by the media—always—in public life. And that goes to this very moment of time. All of my wounds with them are self-inflicted. Whenever I have done anything I did it completely to myself. But let me tell you what their code says.

It says under "Fair Play", page 3:

> Journalists at all times will show respect for the dignity, privacy, rights and well-being of people encountered in the course of gathering and presenting the news.
>
> 1. The news media should not communicate unofficial charges affecting reputation or moral character without giving the accused a chance to reply.

Do not ask me where I got this. Is this not weird stuff? It is their own Code of Ethics.

I shall continue:

> 2. The news media must guard against invading a person's right to privacy.

That is their code, not mine. I have not injected it upon them.

> 3. The media should not pander to morbid curiosity about details of vice and crime.
>
> 4. It is the duty of the news media to make prompt and complete correction of their errors.
>
> 5. Journalists should be accountable to the public for their reports and the public should

be encouraged to voice its grievances against the media. Open dialog with our readers, viewers and listeners should be fostered.

Do you really believe that?

So, people can chip about this process, they can carp, they can denigrate. It has been working for 203 years. It will continue to work. It is imperfect, assuredly, because we are imperfect. But in the atmosphere of America in these times when positive things are seldom reported upon, I can assure you in this land and as a public servant I am very fortunate to be here. I am privileged. We are lucky to be able to do this work. And for all the people that take the good shots at us—and that goes with the territory, I understand that—or hang us up to dry or use venom and invective, I have finally just come to say to them, "Look, I do the very best I can. The very best I know how."

I have tried to do that here. I think the chairman and ranking member tried to do that here. And I will just keep right on doing that.

It has been a roller-coaster. The critics are out. A critic is a product of creativity not their own. We should always keep that in mind.

So I want to place some material in the RECORD, because I, frankly, have become tired of the issue that somehow I personally am not responsive to the issue of sexual harassment—it is very clear in the hearing record exactly what I said about that. So I want to have printed now in the CONGRESSIONAL RECORD pages 235, 236, and 237 of the Senate Judiciary Committee hearing record of October 11, 12 and 13, concerning the full text of my remarks with regard to sexual harassment. And it will tell you exactly how I felt about that and how the issue had gotten all out of perspective. I said there "I believe it is a terrible thing," and I do. I put in a bill to double the penalty on sexual harassment long before this nomination ever came up.

So I don't have to have that test of purity with regard to that, or take my lumps in some way. I am not involved in that. It is a time of sound bites and snippets. It is interesting to see how that comment was accepted and I ask unanimous consent to print that in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The CHAIRMAN. Senator Simpson?

Senator SIMPSON. Well, it has been a powerful presentation by a powerful person. And I have known you for several years and I have known Ginny before I knew you. I think it is very well that you were not here to hear the testimony of Ms. Hill. That was a good step, whosever idea that was that you did not, of course, you were not here, but you didn't watch it. It would have driven you——

Judge THOMAS. Thank you.

Senator SIMPSON. ——in a way I do not think would have been appropriate. And here we are. You have been before us for 105 days. We have seen everything, known everything, heard every bit of dirt, as you call it so well. And what do we know about Professor Hill? Not very much. I am waiting for 105 days of surveillance of Ms. Hill and then we will see, you know, "who ate the cabbage" as we say out in the Wild West. This is an impossible thing.

And now, I really am getting stuff over the transom about Professor Hill. I have got letters hanging out of my pockets. I have got faxes. I have got statements from her former law professors, statements from people that know her, statements from Tulsa, Oklahoma saying, "watch out for this woman." But nobody has got the guts to say that because it gets all tangled up in this sexual harassment crap.

I believe sexual harassment is a terrible thing. I had a bill in a year ago, doubling the penalties on sexual harassment. I don't need any test. Don't need anybody to give me the saliva test on whether one believes more or less about sexual harassment. It is repugnant, it is disgusting in any form. And the stuff we listened to, I mean, you know, come on—from the moon.

And it is a sexual stereotype. Just like asking you sexual stereotype questions about your personal life, any woman would be offended by that—about your divorce, you did this, you did that. Talk about in reverse. There is not a woman alive who would take the questions you have had to take, would be just repelled by it. That's where the watershed is here.

It is a good thing that this awareness goes up. It is a terrible tragic thing that it should bruise you. And if we really are going to do it right, we are all mumbling about how do you find the truth? I will tell you how you find the truth, you get into an adversarial courtroom and everybody raises their hand once more and you go at it with the rules of evidence and you really punch around in it. And we can't do that. It is impossible for us to do that in this place.

The Chairman knows it and he has been exceedingly fair. And so here we are and we will not get to the truth in this process. But there is a truth out there and that is in the judicial system, Thank God, that there is such a system. It has saved many, many a disillusioned person who was headed for the Stygian pits.

So if we had 105 days to go into Ms. Hill and find out about her character, her background, her proclivities, and all the rest I would feel a lot better about this system. And I am talking about the stuff I am getting from women in America who are sending me things and especially women in Oklahoma. That will all become public. I said, at the time it would be destructive of her and some said, well, isn't that terrible of Simpson, a menacing threat. It was not menacing. It is true.

That she would come forward and she would be destroyed. She will, just as you have been destroyed. I hope you can both be rehabilitated. I have a couple of questions, if I may, Mr. Chairman.

The CHAIRMAN. Yes.

Senator SIMPSON. I have not taken time and I will get to that. Angela Wright will soon be with us, we think, but now we are told that Angela Wright has what we used to call in the legal trade, "cold feet." Now, if Angela Wright doesn't show up to tell her tale of your horrors, what are we to determine about Angela Wright?

Did you fire her and if you did, what for?

Judge THOMAS. I indicated, Senator, I summarily dismissed her, and this is my recollection. She was hired to reinvigorate the public affairs operation at EEOC. I felt her performance was ineffective, and the office was ineffective. And the straw that broke the camel's back was a report to me from one of the members of my staff that she referred to another male member of my staff as a faggot.

Senator SIMPSON. As a faggot?

Judge THOMAS. And that is inappropriate conduct, and that is a slur, and I was not going to have it.

Senator SIMPSON. And so you just summarily discharged her?

Judge THOMAS. That is right.

Senator SIMPSON. That was enough for you?

Judge THOMAS. That was more than enough for me. That is my recollection.

Senator SIMPSON. That is kind of the way you are, isn't it?

Judge THOMAS. That is the way I am with conduct like that, whether it is sex harassment or slurs or anything else. I don't play games.

Senator SIMPSON. And so that was the end of Ms. Wright, who is now going to come and tell us perhaps about more parts of the anatomy. I am sure of that. And a totally discredited and, we had just as well get to the nub of things here, a totally discredited witness who does have "cold feet."

Well, Mr. Chairman, you know all of us have been through this stuff in life, but never to this degree. I have done my old stuff about my past, and shared those old saws.

But I will tell you, I do love Shakespeare, and Shakespeare would love this. This is all Shakespeare. This is about love and hate, and cheating and distrust, and kindness and disgust, and avarice and jealousy and envy, all those things that make that remarkable bard read today.

But boy, I will tell you, one came to my head, and I just went and got it out of the back of the book. Othello, read Othello, and don't ever forget this line: "Good name in man and woman, dear my lord"—do you remember this scene?—"is the immediate jewel of their souls. Who steals my purse, steals trash. Tis something, nothing. Twas mine, tis his, and has been slave to thousands. But he that filches from me my good name, robs me of that which not enriches him, and makes me poor indeed."

What a tragedy. What a disgusting tragedy.

Mr. SIMPSON. How much time do I have Mr. President?

The PRESIDING OFFICER. There are 2 minutes remaining.

Mr. SIMPSON. Mr. President, it is fascinating to hear some of the commentary. I have already spoken on columnists who criticized our conduct.

One person, a columnist of the Washington Post, Richard Cohen, said I have "done a pretty good imitation of Joe McCarthy. The Wyoming Republican said he had good dirt on Hill and—there was nothing there."

Mr. President, it seems to me that accusing someone else of McCarthyism is really a McCarthyist tactic itself. There were other McCarthys. There was Charlie McCarthy. He was a dummy. I remember that and I will reserve that appellation for any scribe that would label me with that one. That is disgusting.

So I want to add this. If the media is uncomfortable with what happened about Anita Hill, it is because some in the Washington media are guilty of the broadcasting and publishing to the world of her confidential statement, one she really wanted to hold back.

Finally, let me say that since some have addressed the issue of me saying that there was "stuff dumped over the transom," let me now dump it over the transom into the CONGRESSIONAL RECORD. Because of those cowardly charged headlines and baiting, I want to put it in the RECORD at this point, letters and statements which our committee received over the transom—I or staff have talked to many of these people here—and we did not hear them in person.

I ask unanimous consent that these documents from lawyers in Oklahoma and people around the country be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MATTHIES LAW FIRM, P.C.,
Tulsa, OK, October 12, 1991.

Re Anita Hill background.

SENATE JUDICIARY COMMITTEE,
U.S. Senate,
Washington, DC.

DEAR SIRS: On the afternoon of October 11, 1991, I went to the conference room of another law firm in my office building to watch a portion of the hearings during which Ms. Hill was being questioned. Also present were two or three young women lawyers who had recently graduated from the University of Oklahoma Law School, and who had Ms. Hill as an instructor during the time that they attended law school.

These young women stated that Ms. Hill was a very aggressive and ambitious woman, who was very outspoken with respect to her views. This trait was reportedly present in Ms. Hill to such excess that these women lawyers characterized her as a "bitch". Ms. Hill also reportedly was not a very good teacher, and was not considered to be a person of very high intellect. One of the women lawyers stated that Ms. Hill even had difficulty responding to questions of First Year law students, and commented that "If she could not even answer the questions of First Years, who don't know anything, this should give you a good idea of her abilities".

Ms. Hill also reportedly was considered to be overly ambitious and a vicious in-fighter by these women. They described an incident where there had been a very popular visiting professor (male) who was teaching contracts. Ms. Hill reportedly wanted to teach that course very much, and reportedly did her best to insure that this teacher was not invited to become a part of the permanent law school staff by attacking him both personally and professionally. As a result of Ms. Hill's attacks, this male professor left the University of Oklahoma law school, and Ms. Hill then took over the teaching of the Contracts course which she had wanted to teach.

I am in the process of attempting to contact these women to ascertain if they would be willing to repeat to the Committee what they told me privately yesterday. I swear under penalty of perjury that I have accurately reported their statements, to the best of my knowledge and belief.

MARY CONSTANCE T. MATTHIES.

Irving, TX, October 8, 1991.

Senator STROM THURMOND.

DEAR SENATOR THURMOND: I am currently the Associate Dean for Academic Affairs and an Associate Professor at the Dallas/Fort Worth School of Law. Prior to coming here, I was on the faculty at the University of Oklahoma College of Law. Anita Hill was a colleague of mine in Oklahoma.

My personal impression of Anita Hill was that she is a detailed, cold, and calculating person. Students commented to me that she was particularly ineffective in class and was not concerned about improving her performance. She appeared to recognize her protected position as a black woman in an era of affirmative action and to use that protected position for all it was worth—accellerated (sic) promotions, specially arranged teaching schedules, etc.

My own inclination is to view her interpretation of ten-year old events in light of the impact it will have on her personal interest.

Very truly yours,

DENNIS ALAN OLSON,
Dallas Fort Worth School of Law.

AFFIDAVIT

John L. Burke, Jr., being duly sworn, says:

1. I am the managing partner of the Washington office of the law firm of Foley, Hoag and Eliot. I have been engaged in the private practice of law in Washington, D.C. for 20 years. I live at 1403 McLean Mews Court, McLean, Virginia 22101.

2. From August 1, 1980, until June 15, 1985, I was a partner in the Washington law firm of Wald, Harkrader & Ross. To the best of my recollection, Anita Hill joined that law firm in the fall of 1980.

3. It was the practice of that law firm to evaluate the work performance of its associates approximately every six months. I recall a time, which I believe to be in the late winter or early spring of 1981, when I met with Anita Hill in my office at the law firm to discuss her work performance with her. At that time, I was the partner in charge of coordinating work assignments for the tax, general business and real estate section of that law firm. Anita Hill had performed work assignments for the lawyers practicing in that section, including several assignments for me.

4. To the best of my recollection, that performance evaluation lasted between 30 minutes and one hour. During the course of that performance evaluation, the specific details of which I am unable to reconstruct, I expressed my concerns and those of some of my partners, that her work was not at the level of her peers nor at the level we would expect from a lawyer with her credentials, even considering the fact that she was a first-year associate.

5. During the course of that performance evaluation, I suggested to Anita Hill that it would be in her best interests to consider seeking employment elsewhere because, based on the evaluations, her prospects at the firm were limited. I also discussed with Anita Hill the fact that Wald, Harkrader & Ross was not a firm which treated its lawyers harshly and would assist her, as it would any of its associates, in finding an appropriate legal position and that she should avail herself of that assistance.

6. The performance evaluation meeting was uncomfortable for both Anita Hill and me because I was conveying a very difficult message. Anita Hill discussed with me, and disputed, some of the comments about the quality of her work. Apart from that, there was nothing that I recall to be unusual about her reaction to the evaluation, given the circumstances.

7. It is my personal view that, based on Anita Hill's performance evaluations at Wald, Markrader & Ross, returning to that law firm at the time that Clarence Thomas moved from the Department of Education to the Equal Employment Opportunity Commission was not an available option.

The above statement is given by me voluntarily this 13th day of October, 1991.

JOHN L. BURKE, JR.

Sworn to before me and subscribed in my presence this 13th day of October, 1991.

JUDITH A. HOLLIS,
Notary Public,
District of Columbia.

STATEMENT OF HON. HARRY M. SINGLETON, FORMER ASSISTANT SECRETARY OF EDUCATION FOR CIVIL RIGHTS SUBMITTED TO THE U.S. SENATE COMMITTEE ON THE JUDICIARY IN THE MATTER OF THE CONFIRMATION OF HON. CLARENCE THOMAS AS ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

I immediately succeeded Judge Clarence Thomas as Assistant Secretary of Education for Civil Rights. I was brought on in the capacity of a Deputy Assistant Secretary in the Office for Civil Rights (OCR) as a means of transition to the position of Acting Assistant Secretary pending my confirmation as Assistant Secretary. During that transition period, Judge Thomas and I overlapped at OCR for approximately 4–6 weeks before his departure for the Equal Employment Opportunity Commission (EEOC). During the period of time, I met Ms. Anita Hill who was serving as an Attorney Advisor to the Assistant Secretary (Judge Thomas) and had an opportunity to observe her and her interaction with Judge Thomas. I worked closely with Judge Thomas during this period. At no time did I observe any conduct on his part remotely resembling that which has been alleged by Ms. Hill nor did I observe any behavior on her part which would have suggested that she was having problems with him, in general, or that she felt intimidated by him, in particular, as one might suspect of someone who was being sexually harassed.

More important, however, and the point upon which I specifically want to comment, is the statement made by Ms. Hill on numerous occasions that she followed Judge Thomas to the EEOC because she would have been without a job had she not done so. In fact, during a recent appearance on the Today Show program she stated, according to the transcript from that program, "[I] didn't have the option of staying at Education, so it would have meant that I would have had no job." I submit that this is not an accurate statement.

As I recall, Ms. Hill was a Schedule A attorney. As such, she had career rights. If Ms. Hill was being harassed by Judge Thomas and did not feel comfortable continuing to work with him, she could have remained at OCR. Had she approached me, and she did not, to request that she remain at OCR, she certainly would have been accommodated. In fact, I was prepared to retain her as one of my attorney advisors, but it was always made very clear that she was going on to EEOC with Judge Thomas.

HARRY M. SINGLETON.

OCTOBER 10, 1991.

ELIZABETH BRODIE, M.D., PSYCHIATRY,
Houston, TX, October 13, 1991.
Senator JOSEPH R. BIDEN, Jr.,
U.S. Senate,
Washington, DC.

DEAR SENATOR BIDEN: I have been following Judge Clarence Thomas's confirmation hearings with deep interest and concern. During the last few days, it has been painful to watch the agony of Judge Thomas and of everybody on the committee.

I am a psychiatrist, with 28 years of experience in private practice, specializing in personality and behavior problems. I would like to provide some insight into how Professor Anita Hill could be saying what she believes is true and at the same time be presenting a situation which in fact did not occur. Such insight would also lend support to the view that her testimony may not have been politically or ideologically motivated.

The insight I offer is based on the following: fragments I learned about Professor Hill's background, the testimonies concerning her behavioral reactions at work, and my careful observation of her during her testimony.

As members of the committee had the opportunity to observe, Judge Thomas is a person who is obviously well aware of his feelings and expresses them in a clear, mature, and honest way. On the other hand, Professor Hill appears impassive, sounds monotonous, and displays very little obvious feeling. When questioned about her feelings both in the past and in the present regarding her alleged harassment, she responded repetitively only that she felt embarrassed and uncomfortable. At one point she showed a sign of emotion when, attempting to answer what was, to her, a difficult question, she broke out sweating in her face. In addition, it was mentioned that, during the time of the alleged harassment, she had to be admitted to hospital for three weeks because of "stress." This piece of information was not followed up on. A person who is emotionally not well aware and for different serious reasons had to repress strong feelings, can easily develop what is called a "conversion reaction," which makes a person believe that certain emotionally loaded experiences occurred, whereas there may be no realistic foundation for them at all.

Many times in the hearings the question of lying and fantasizing came up with regard to Professor Hill. Fantasizing and lying are activities requiring conscious decision, whereas the conversion process I am referring to is an unconscious process which occurs in the brain and the person experiencing it is unable to recognize that an altered perception has occurred. Therefore, Professor Hill cannot be blamed with either fantasizing or lying, but with presenting a situation which, in her belief, actually happened. The source of the stress which she experienced could thus have come entirely from within her, regardless of her actual relationship with Judge Thomas.

This does not mean that on a professional basis she could not impress people who know her as a "strong person" or that she would not be "forthright and independent" in her apparent behavior.

Concerning the polygraph test she took, I do not wish to comment scientifically on the validity of this examination, but want to point out that unconscious repression of feelings applies to most circumstances in life, including a polygraph test, which does not record anxiety when it is not felt because the person tested has the conviction that she is right.

I would also like to point out that a number of committee members handled questioning Professor Hill with kid gloves, obviously motivated by the fear of some people's reactions. This has helped Professor Hill maintain her composure and to feel fully affirmed.

I do not have doubts concerning the honesty and integrity of Judge Thomas and hope that he will not allow this unfortunate incident to destroy his belief in humanity, but rather increase his understanding of the complexity of human nature, feelings, and behavior.

Sincerely,

ELIZABETH BRODIE, M.D.

PURDUE UNIVERSITY,
October 10, 1991.

STATEMENT OF DR. FLOYD W. HAYES III

My name is Floyd W. Hayes III, and I am an Associate Professor in the Department of Political Science and the African American Studies and Research Center at Purdue University. I am pleased to make a statement on behalf of Judge Clarence Thomas, who has been nominated by President Bush to become an Associate Justice of the United States Supreme Court. From March 1985 to July 1986, I worked as a special assistant to Judge Clarence Thomas when he was the Chairman of the United States Equal Employment Opportunity Commission.

Based on my experience at the Commission, which included attendance at some staff meetings. I viewed Mr. Thomas as an intelligent and effective administrator. He is a sensitive and kind person. Moreover, I can say unequivocally that Mr. Thomas's demeanor toward staff members was at all times professional and courteous. As to his relations with female employees, I assert that Mr. Thomas was always professional and respectful. To my knowledge and recollection, he never behaved in a dishonorable manner toward female employees. During my tenure at the Commission, I never heard any remarks or rumors about Mr. Thomas that even suggested poor conduct toward women. Moreover, in limited personal conversations with him, I never got the impression that he viewed women negatively. Therefore, I am appalled at the recent charge against him. In my judgment, he is a man of distinguished character. I have great respect for Mr. Thomas and his achievements.

On or about Monday, September 23, 1991, I received a telephone call from a man who represented himself as Senator Howard Metzenbaum's Counsel. What bothered me enormously was that he seemed to be interested in finding something negative about Mr. Thomas. Soon after he introduced himself, he asked if I knew of any relationship between Mr. Thomas and Mr. Jay Parker of the Lincoln Institute. He asked a few additional questions on this subject. After I told him that I had no knowledge of this relationship and related matters, Senator Metzenbaum's Council terminated the conversation. I felt very strongly then that the call had been part of an effort to discredit Mr. Thomas. In view of recent events as reported by the news media, I am persuaded that there is a concerted effort to dislodge Mr. Thomas's nomination by assassinating his character. In the process, his family is being humiliated. I want to urge in the strongest way that this matter be investigated.

My sincere hope and expectation is that Mr. Thomas will be cleared of the charges made against him and that he will be confirmed as the next Associate Justice of the United States Supreme Court. Clearly, the situation is a difficult one. Nevertheless, look for justice to prevail and continue to support Judge Thomas's nomination. If confirmed, he will be a great Supreme Court Justice.

FLOYD W. HAYES III, PH.D.

ROGER L. TUTTLE LAW OFFICES,
Richmond, VA, October 8, 1991.
Mr. PETER LIEBORD,
Staff Counsel, Senator Danforth's Office, U.S. Senate, Washington, DC.

To Whom It May Concern: I was a member of the Faculty Recruitment Committee when Anita Hill was first brought to the attention of the O.R.U. Law School. Because of her experience as a member of Judge Thomas' staff at EEOC, we looked on her candidacy with favor and ultimately offered her a position on the faculty.

I was subsequently named Dean of the Law School, and in that capacity I supervised Ms. Hill's work. During this period of time in which I was associated with her she had nothing but the most laudatory comments about Judge Thomas as a fine man and an excellent legal scholar.

During the three years I knew Anita Hill she never made a single derogatory comment about Judge Thomas but always praised him highly. I am now flabbergasted that she would make the allegations she had.

ROGER L. TUTTLE.

I worked for the Office for Civil Rights in the Education Department from the inception of the Department in May, 1980 through September, 1986. I was placed in the position of Executive Assistant to the Assistant Secretary for Civil Rights by Cynthia Brown, President Carter's appointee as first Assistant Secretary for Civil Rights. After Ms. Brown's resignation in January 1981, I worked for the Acting Assistant Secretary for Civil Rights, Frederick Cioffi.

Prior to Clarence Thomas' appointment as Assistant Secretary for Civil Rights, Mr. Cioffi arranged for my reassignment from the Assistant Secretary's immediate staff to the Litigation Division of the Office for Civil Rights. I was completing my law degree in May 1981 at Georgetown University Law Center (evening division) and was interested in working with the legal staff of OCR. I did not wish to remain as Executive Assistant to the Assistant Secretary for a person I did not know because of the personal nature and close working relationship necessary for the position.

When Clarence Thomas was appointed as Assistant Secretary, I was asked by Mr. Cioffi to introduce him to the Office for Civil Rights and its functions. I agreed to work with Mr. Thomas on a transition basis. I considered myself to be apolitical as a civil servant; however, I had no interest in serving as an assistant to a new political appointee.

I met Clarence Thomas in the Spring of 1981 and worked to orient him to the Office for Civil Rights. It was my intention to go to the Litigation Division following the orientation. Mr. Thomas asked me to stay on as his assistant and continue to perform the duties I had under the former Assistant Secretary.

I agreed to work for Mr. Thomas because I felt he was a good person and wanted to help the Office for Civil Rights. I continued as his assistant through his tenure with the Office for Civil Rights. I worked closely with Mr. Thomas on day to day operations of the Office.

When Mr. Thomas hired Anita Hill, I worked with the Department's personnel staff to effect her appointment. I recall that there was some question about her qualifications for appointment at the requested grade level, but the matter was resolved and I believe she was appointed to an attorney position in the Office for Civil Rights.

Ms. Hill and I had limited interaction in our work, as she worked on policy matters and I worked on management matters. Our offices were contiguous in an area adjacent to the Assistant Secretary's office, and I considered her a work acquaintance. I recall that she went to the EEOC with Mr. Thomas, and later heard that she had decided to leave Washington and had gotten a job as a law professor.

During the time Mr. Thomas was with OCR, I had no reason to believe he would sexually harass any employee. Mr. Thomas appeared to me to be a private person, devoted to his son. His dealings with me were always professional and I grew to respect him for his support of civil rights. I had no reason to believe that any sexual harassment was going on in the office, and observed no tension in his contacts with Ms. Hill nor any indication that they had anything other than a professional relationship.

Mr. Thomas initially asked me to go with him to the EEOC upon his appointment. When his successor was named in OCR, Mr. Thomas asked me to stay in OCR to assist his successor, who was a personal friend of his. I agreed to stay and worked for Mr. Thomas' successor until he left OCR in 1986.

PATRICIA HEALY.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, DC, February 12, 1985.

Ms. ANGELA WRIGHT,
Director, Office of Public Affairs, Washington, DC.

DEAR MS. WRIGHT: This is to notify you that your services with the Equal Employment Opportunity Commission are no longer needed. For this reason, your employment will be terminated close of business on March 1, 1985.

Sincerely,

CLARENCE THOMAS,
Chairman.

JANUARY 20, 1984.

Memo For: Kate Semerad.
From: Angela Wright.
Subject: My resignation.

Since your arrival in OPA, the atmosphere in this office has been charged with racial tensions. You have embarked on a course of steadily persecuting the minority members of your staff one by one. I fully realize that this springs both from your own prejudice and your total incompetency to function in your job without the lackey-like adoration of those even less competent than yourself—those who constantly massage your fractured ego. Because of what almost every member of a minority group has had to endure to achieve professional status, they are not easily fooled by your pitiful charade and therefore can not pay the slave-like obeisance you demand as the sole criteria for the performance of a job. It is perhaps because you know how much blacks have to know to get through the door, that they are so threatening to you.

I will not acquiesce to your silliness. You are a fool. I will not demean myself by the servile posture you demand. I do not need to do this I am a skilled and competent professional. You are not, and this is perhaps the reason for your thrust against those more competent, more skilled, and more knowledgeable than you. I will not be your lackey. Therefore, I am tendering my resignation, effective February 3, 1984.

QUESTIONS ON ANGELA WRIGHT

[Note: Ms. Wright was not sworn before giving statement]

1. Ms. Wright, you have alleged that Judge Thomas made some inappropriate comments to you at a banquet in 1984. Although you cannot remember exactly what Judge Thomas said, you allege that he complimented your appearance and predicted you would date him. (13.)

You also state that you did not react to this remark, and that Judge Thomas did not follow up on it (15). Is that correct?

Yesterday, when you were interviewed by Senate staffers, you refused to identify the person you allegedly discussed this incident with. Obviously that makes it difficult for us to investigate your allegations. Are you still unwilling to give us the name of that person? (42.)

2. Let's discuss the time you allege that Judge Thomas visited you at your apartment.

You do not remember precisely when that was? (44.)

You also do not remember what time it was when he arrived? (44–45.)

Can you recall why Judge Thomas allegedly said he was there? Indeed, you told the staffers yesterday that you cannot remember any "specific things" about the conversation? (17.)

You say you don't know how Judge Thomas got your address. You didn't ask him at the time, did you? (43.) You believe it is possible that you yourself told him, isn't that right? (44.)

3. You also stated that Judge Thomas once remarked on the size of your breasts at an EEOC seminar. You told the staffers yesterday that you can't remember what seminar that was, didn't you? (20.) Or where it was? (20.) You can't remember the specific subject of the seminar either, can you? (20.)

4. Ms. Wright, you say that you may have told Phyllis Berry about Judge Thomas' advances towards you in a general way. (22, 24.) You say that she replied: "Well, he's a man, you know, he's always hitting on everybody" (25.)

Are you aware that Ms. Berry has vouched for Judge Thomas' integrity and has defended him against sexual harassment charges? In fact, Ms. Berry has specifically referred to your charges as "totally ludicrous." (Charlotte Observer, 10/11/91, at 13A). Ms. Berry has said: "Nothing like that occurred." (Id.) Do you still believe you complained to Ms. Berry about Judge Thomas?

5. You reported that other women who worked at EEOC allegedly told you that Judge Thomas had asked them to date him (36). Are you aware that 17 women who have worked closely with Judge Thomas have emphatically denied that he did this sort of thing, or that he was the type of person who would or could do this sort of thing? (Washington Post, 10/11/91, at A10).

6. You said during the interview with the Committee's staff that you discussed Judge Thomas' alleged advances towards you with your closest friend at EEOC, but refused to identify that person. (62.) Are you now willing to tell us who that person is?

7. You have stated that you never felt sexually harassed by Judge Thomas, isn't that right? Never felt threatened? Never felt intimidated? (40.)

8. You told the staffers yesterday that you think Clarence Thomas should not be confirmed to the Supreme Court. (53.) But, in your interview with Committee staff, you said that this conclusion was based on certain critical remarks that you say Judge Thomas made about particular EEOC employees. Why would Judge Thomas' expression of criticism of his subordinates disable him from service on the Supreme Court?

You were fired by Judge Thomas, correct?

9. Ms. Wright, do you know Jayne G. Benz? Didn't she serve as a staff assistant for Judge Thomas while you were at EEOC? Didn't she report to you for a period of three months?

Ms. Benz says that she never observed any irregularity between you and Judge Thomas. She says that Judge Thomas fired you solely because of your poor job performance. Do you disagree with that account?

10. Isn't it true that you had received a poor job evaluation when you worked for Judge Thomas at the EEOC? An evaluation that you characterized as a "C" rating? (64.)

R. Gaull Silberman, one of the other commissioners at the EEOC, has said: "I complained about her all the time because I thought she was grossly incompetent." (Charlotte Observer, 10/11/91, at 13A). Do you recall these complaints from Mrs. Silberman?

11. You have stated that you don't believe that Judge Thomas fired you because you had refused his alleged advances, isn't that correct? In fact, you believe that he simply wanted somebody else for the job, isn't that right? (50.)

You have stated that on the day you were dismissed, Judge Thomas criticized you for not wanting to speak to him after work (30). You didn't think that related to Judge Thomas' alleged advances towards you, did you? (30.) Wasn't that comment made, as you later suggest, in the context of your responsibility to report to him (35)?

12. Ms. Wright, you worked for Congressman Charlie Rose from 1976 until 1978, is that correct?

Why did you leave Congressman Rose's staff?

Was there an official explanation for your firing? [Absence without leave from work]

Apart from the official explanation, were there any other reasons that you can think of for your firing?

13. Ms. Wright, you stated many times that you had not sought to make your allegations to the Committee; rather, you were contacted by a staffer, Mark Schwartz. (57.) Did Mr. Schwartz tell you how he had discovered your name? Were you expecting his call?

You say that Mr. Schwartz told you he had heard of a column you had written about Ms. Hill's allegations. You say this column was not going to be published. (57.) Did Mr. Schwartz tell you how he found out about this column? Do you know?

Are you still unwilling to share this column with us or tell us what you wrote? (57–58.)

When did you start thinking about writing this column? Was it before or after Professor Hill's allegations became public?

14. Has anyone claiming to represent Ms. Hill called you?

Have you ever contacted any members of the media with your story?

You stated that your desire "was never to get to this point" and that you thought you could "control" the process so that it would not get to this point. What did you think would happen after you told the Committee your allegations? What would have happened if you could have "controlled" the process? Would Judge Thomas have been forced to withdraw quietly? Would the Committee have quietly voted down his nomination?

Statement of Sandra G. Battle Submitted to the Senate Judiciary Committee in the Matter of the Confirmation of Supreme Court Nominee Clarence Thomas

I, Sandra G. Battle, attorney with the Office for Civil Rights, U.S. Department of Education, respectfully submit the following statement.

I have worked at the U.S. Department of Education since its establishment in May 1980. Judge Clarence Thomas was Assistant Secretary between the period June 30, 1981 and May 12, 1982. From October 1980 through March 1983 I was attorney advisor to Michael Middleton, the Principal Deputy Assistant Secretary for Civil Rights. The Office of the Principal Deputy Assistant Secretary reported directly to the Office of the Assistant Secretary for Civil Rights. In the position as attorney advisor to the Deputy Assistant Secretary, I worked directly with Judge Thomas and Professor Anita Hill, who was the Attorney Advisor to the Assistant Secretary, throughout the period of time that both individuals worked at the U.S. Department of Education, Office for Civil Rights.

(1) I communicated regularly with both individuals in a professional capacity.

(2) Based on my personal knowledge, I have no reason to question the integrity or credibility of either Judge Thomas or Professor Anita Hill.

(3) In my presence, Judge Thomas always acted in a professional manner and treated all employees, including Professor Hill, with the utmost respect.

(4) I observed neither conversation nor conduct directed to Professor Hill or any other employee that could be construed as sexually oriented conduct.

(5) I always observed Professor Hill as a very dedicated, serious, and cooperative employee.

(6) In the presence of Judge Thomas, Professor Hill's demeanor was always cordial and strictly professional.

(7) No conversations were ever held in my presence, between Judge Thomas and Professor Hill, that were not directly related to the mission of the Office for Civil Rights.

(8) Based on my observation there was no indication from the manner in which Professor Hill interacted with Judge Thomas, and he with her, that suggested that either one was having any problems working with each other.

(9) Based on my observation of their interactions I have no reason to believe that Professor Hill was being sexually harassed.

SANDRA G. BATTLE.

CHRISTIAN COALITION,
October 7, 1991.

Former Colleague of Anita Hill Recalls Her Praise of Thomas

A former teaching colleague of Professor Anita F. Hill at Oral Roberts University has a different recollection of her role in inviting Judge Clarence Thomas to speak at a seminar on employment discrimination in 1983–1984.

Dr. Tom Goldman, former Oral Roberts University professor and currently a professor of law at Regent University in Virginia, recalls that Professor Hill offered to contact Judge Thomas and extend the law school's invitation to address students on the subject of employment discrimination in academic year 1983–84. Professor Hill extended the invitation two years after the alleged incidents of sexual harassment.

"I was asked to put together a seminar on employment discrimination," said Professor Goldman. "In doing that, I arranged for an attorney in California who had written a book on the subject to speak. My recollection is that Professor Hill suggested Judge Thomas as a speaker. She and he appeared to be on a friendly basis while he was on campus. There is no question that she was the means by which we obtained Thomas as a speaker."

The Christian Coalition also released a statement from former Oral Roberts University Law School Dean Charles A. Kothe, who hired Professor Anita Hill to a teaching position on the recommendation of Judge Thomas in the fall of 1983. Kothe corroborated Professor Goldman's recollection of Anita Hill's relationship with Judge Thomas as friendly and professional. "I find the references to the alleged sexual harassment not only unbelievable but preposterous," said Dean Kothe. "I am convinced that such are the product of fantasy."

"We are concerned that Professor Hill's charges, coming so late in the confirmation process, are a last-ditch effort to smear Judge Thomas," said Ralph Reed, executive director of the Christian Coalition. "We question the relevance of Professor Anita Hill's charges given her previous attitude towards him, and the fact that they have been made public at the eleventh hour."

Christian Coalition is a grassroots citizen action organization that has aired nationwide television spots in support of Clarence Thomas. Its members have generated an estimated 100,000 petitions, letters, and phone calls to the Senate in support of Judge Thomas' confirmation to the Supreme Court.

CONGRESS OF RACIAL EQUALITY,
New York, NY, October 10, 1991.

Mr. CLARENCE THOMAS,
Judge, U.S. Court of Appeals, Washington, DC.

DEAR JUDGE THOMAS: On behalf of the women of the staff of the Congress of Racial Equality (CORE) please accept our continued and unshaken support of you in this most trying moment of your life.

Words cannot express the outrage at this last minute attempt to impugn your character. For Anita Hill to give testimony about alleged sexual harassment on the condition that you not be informed is one of the greatest violations of a fundamental concept of American law: that the accuser must be willing to face the accused. This is totally unacceptable from someone with the background of Ms. Hill's—a tenured law school professor.

For this exploitation of a serious problem in our society—sexual harassment—to be allowed to affect your confirmation, is a total travesty of justice.

The women of this organization, the Congress of Racial Equality (CORE) as well as the majority of level headed woman of all races are behind you 100%.

Do not hesitate to call on us if you need us.

Respectfully,

ANGELIQUE WIMBUSH,
Executive Assistant to the National Chairman.

Washington, DC, October 13, 1991.

Members of the Senate Judiciary Committee, *U.S. Senate, Washington, DC.*

DEAR SENATORS: I worked as a Special Assistant to Clarence Thomas at the EEOC from 1985 to 1986. I am writing because I am amazed and outraged at the "fatherly ambience" that he is getting away with projecting as an image of his office. Let me make it clear: I am not claiming that I was the victim of sexual harassment.

Clarence Thomas pretends that his only behavior toward those who worked as his special assistants was as a father to children, and a mentor to proteges. That simply isn't true. If you were young, black, female and reasonably attractive, you knew full well you were being inspected and auditioned as a female. You knew when you were in favor because you were always at his beck and call, being summoned constantly, tracked down wherever you were in the agency and given special deference by others because of his interest. And you knew when you had ceased to be an object of sexual interest—because you were barred from entering his office and treated as an outcast, or worse, a leper with whom contact was taboo. For my own part, I found his attention unpleasant, sought a transfer, was told one "just doesn't do that," insisted nonetheless and paid the price as an outcast for the remainder of my employment at EEOC.

I can understand why some of his special assistants are coming forward to his defense: he is the most powerful black man they know and possibly, the most influential they will ever know. They want to retain contact because they will need it to survive and to advance in a very tough world. But the atmosphere of absolute sterile propriety permeated by loving, nurturing but asexual concern is simply a lie. Women know when there are sexual dimensions to the attention they are receiving. And there was never any doubt about that dimension in Clarence Thomas' office. I have told all of this to Senate staff including the Chairman's staff in the weeks following the nomination. But in light of the importance which both ambience (in his office) and credibility have now assumed in these hearings, I felt obliged to communicate this in writing in order to put this on the record publicly.

Sincerely,

SUKARI HARDNETT.

My name is Diane Holt. I worked as Clarence Thomas' Secretary from May 1981 to September 1987.

I learned today that Sukari Hardnett is saying that if you were young and attractive you felt under scrutiny in Clarence Thomas' office. Nothing could be further from the truth.

Ms. Hardnett came to work at EEOC in 1985 as a legal intern. Legal interns are hired while in law school to give them an opportunity to gain practical experience. Once out of law school, these interns are given an opportunity to pass the Bar whereupon they are converted to "attorneys." If the individual does not pass the Bar, the appointment expires. Ms. Hardnett did not pass the Bar and was dismissed, in 1987.

Ms. Hardnett occupied a small back office with several other women. At no time did I discern from Ms. Hardnett or any of these other women that Ms. Hardnett felt under sexual scrutiny, felt uncomfortable or was in fact seeking other employment.

Furthermore, in the 6 years I worked directly for Clarence Thomas, there were many, many, very attractive women in his employ, who I'm sure would testify that they were not made uncomfortable by being or feeling under scrutiny.

DIANE HOLT.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, October 10, 1991.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: I have been the Managing Director of the Federal Communications Commission for the past two years. I had been Management Director of the Office for Civil Rights in the Department of Education with direct responsibility for personnel and EEO during the time Mr. Clarence Thomas was Assistant Secretary. I was also Financial and Resources Management Director of EEOC while Mr. Thomas was Chairman. In these capacities, I also knew and worked with Ms. Anita Hill.

I differ with Ms. Hill's statement that she followed Mr. Thomas to EEOC because she would have lost her job at OCR. At no time were any of the employees of OCR at risk of losing their jobs during this period. OCR had a separate budget earmark which was more than sufficient to avoid any staff cutbacks. Additionally, no employees were made to feel that their jobs were in jeopardy by Mr. Thomas' departure from OCR. Quite the opposite was true: after Mr. Thomas announced his departure from OCR to go to EEOC, Mr. Thomas made a special point of walking the halls of OCR to introduce Mr. Harry Singleton, his successor, to OCR staff in order to facilitate the continuity of leadership.

Any explanation of Ms. Hill's rationale for leaving OCR to go to EEOC that is founded on her allegation that she would have lost her job at OCR is without basis. Indeed, Ms. Hill told me at the time that she was flattered to be selected by Mr. Thomas to work at EEOC. In our conversation, she also expressed her admiration for Mr. Thomas.

After I moved to EEOC to be Financial and Resource Management Director, Ms. Hill again praised Mr. Thomas to me. In several conversations that were held, she expressed both her respect for him as a man and as a leader of the EEOC.

In fact, Ms. Hill and I also talked after she announced her own departure from EEOC to become a law professor. She told me that she was indebted to Clarence Thomas for the opportunities he had given her and that he had always been supportive and encouraging of her career goals.

I would also like to express that as a career civil servant in the Senior Executive Service, I can state unequivocally that Mr. Thomas repeatedly, consistently and forcefully impressed upon his senior staff our own responsibilities to act in a professional manner in which would bring credit and respect to the offices we held. In particular, he was vocally adamant that the presence of any form of discrimination—and he specifically mentioned sexual harassment—would not be tolerated. At no time during the nearly nine years I worked in organizations headed by him was there ever so much as a "hallway rumor" regarding his own conduct. He was widely viewed as the epitome of a moral and upright man by the staff he supervised.

I would like to add a personal note. I hold a doctorate from Columbia University and have authored articles and two books on sex equity issues, which I believe help to make me sensitive to the issues of sex discrimination and sexual harassment. I am also the husband of a professional woman who found she had no option but to formally charge her Ph.D. advisor of sexual harassment nearly two decades ago. I believe I am as sensitive to the issue of sexual harassment as any man can be. And I will tell you that nothing in Mr. Clarence Thomas' professional or personal demeanor, and nothing in any of my conversations with Ms. Anita Hill, have ever lead me to believe that Mr. Thomas could act in any of the ways in which Ms. Hill has charged.

If I can provide any additional information in regard to Mr. Thomas' performance or conduct at either OCR or EEOC, please let me know.

Sincerely yours,

ANDREW S. FISHEL,
Managing Director.

FACTS ABOUT ANGELA WRIGHT

Judge Thomas has testfied that he summarily dismissed Ms. Wright because she referred to a male member of his staff as a "faggot" [The Washington Post A22 (10/13/91).]

Rikki Silberman, a Commissioner at the EEOC recalls Ms. Wright's job performance as being "poor." Commissioner Silberman recalls, "I complained about her all the time because I thought she was 'grossly incompetent.'" [Quoted in Associated Press, 10/11/91, AM cycle].

Thelma Duggin recalls Ms. Wright as having been fired "because [she] had not made proper preparations for a meeting that was to be attended by various Commissioners." [Duggin FBI Interview, 10/11/91, at 2.]

Prior to her dismissal, Ms. Wright received a poor evaluation for her job performance. Ms. Wright has stated that she "wasn't satisfied" with the evaluation and that she thought that she "deserved a better evaluation." [Tr., Hill Interview, October 10, 1991, at 64.]

Ms. Wright was fired from her job with Rep. Charlie Rose (D-N.C.) in 1978. "I got fired because I got angry and walked off the job," said Ms. Wright. [Quoted in Associated Press, 10/11/91, AM cycle.]

Ms. Wright is "high strung" and "would react without thinking." [Duggin FBI Interview, 10/11/91, at 1.]

Ms. Wright is "a little shaky on the integrity side." [Id.]

Ms. Wright "always complained about her supervisors and had a problem working within a structure and keeping a job." [Id. at 2.]

Ms. Wright "could be described as a 'seductive-type person' * * * who likes to party. * * * Wright would invite sexual advances of a man and then brag about guys hitting on her. * * * Wright enjoyed the attention of men." [Id.]

Ms. Duggin recalls that Ms. Wright stated, referring to Judge Thomas, "'I want to get him back,'" and "also said she 'was pissed that she had fired her,'" [Id.] and that she stated "'she didn't know if she was going to write anything about Thomas but she was looking for a way to get him back.'" [Id. at 3.]

When Kate Semerad began working for the Agency for International Development (AID) in 1983, "she received reports from coworkers that Wright was delinquent in the performance of her job. * * * Wright was having problems with adequately performing her job responsibilities. * * * [Semerad] confronted Wright concerning major problem areas that needed to be improved: (a) Wright's confrontational attitude; (b) Wright's job skills especially in the area of writing and (c) showing up to work on time." [Semerad FBI Interview, 10/11/91, at 1.]

According to Semerad, she received information from Ms. Wright's immediate supervisor that "Wright's management and writing skills were not satisfactory." She received additional information that "Wright was not putting in a full day's work * * * [in that] she would leave work early and take long lunch hours." [Id.]

Semerad "advised Wright that she would have to fire her if her job performance did not improve. * * * [B]efore she could fire Wright she received a letter of resignation from Wright claiming race discrimination on the part of Semerad. * * * [I]f Wright had not resigned she would have been left no choice but to fire her." [Id. at 2.]

Ms. Wright herself has stated that this letter characterized Ms. Semerad as, in her own words, "unfair and racist and insecure and lots of other things." [Tr., Hill Interview, October 10, 1991, at 67.]

Ms. Wright was "overly sensitive about being a young, attractive black woman * * * [and] felt she was not being treated fairly and people were judging her on her appearance instead of her accomplishments." [Semerad FBI Interview, 10/11/91, at 2.]

Ms. Wright's personality is "vengeful, angry, and immature. * * * [Wright] took her letter of resignation claiming unfounded racial discrimination claims to Capitol Hill seeking revenge on Semerad." [Id.]

[Many of Semerad's comments are repeated in a letter from her to Sen. Thurmond, dated October 10, 1991.]

STATEMENT OF CATHERINE D. BLACKNALL

I, Catherine D. Blacknall worked in the Office of the Chairman, at the Equal Employment Opportunity Commission, as a Secretary to the Assistants from May 1983 to September, 1984, at which time I left to attend the Legal Assistant Program at Georgetown University. Chairman Thomas highly encouraged and supported me in my endeavor because he is a strong advocate for education and advancement for individuals in general.

I worked closely with Ms. Hill prior to her leaving the Office to take a position at Oral Roberts University the Summer of 1983. During the time I worked with Ms. Hill, I have never witnessed any hostility or tension between her and Chairman Thomas. Their working relationship appeared to be very professional.

Judge Thomas has never approached me nor have I heard of him approaching any other females within the Agency in a disrespectful or unprofessional manner. Judge Clarence Thomas has always been a gentleman and man of integrity from whom I respect and have high regards for.

CATHERINE D. BLACKNALL.

OCTOBER 10, 1991.

AFFIDAVIT OF BARBARA PARRIS LAWRENCE

I have been employed by the U.S. Equal Employment Opportunity Commission since August 1982. I was hired by Clarence Thomas and worked on his personal staff from August 1982 through November 1988 when I was reassigned at my request to Personnel Management Services. In August 1989 I became Director of the Planning and Evaluation Division of the Commission's Office of Equal Employment Opportunity.

I was initially hired by Judge Thomas as his administrative assistant and two years later my responsibilities expanded to include disability issues and policy/coordination with the Executive Secretariat.

Clarence Thomas was totally professional and treated me both as an individual and as a woman with the utmost respect and dignity. I worked with him on a range of matters from sensitive policy issues, personnel matters, to administrative activities including budget and finance for the Chairman's Office. On all occasions Judge Thomas treated individuals and policies affecting individuals, including all women's rights, with the utmost respect and sensitivity.

Anita Hill was an attorney advisor (special assistant) on Judge Thomas' personal staff when I joined the staff in August 1982. Because the Chairman's personal staff was primarily situated within one large suite, I had numerous occasions to work with and observe the interaction between Judge Thomas and Anita Hill. At no time did I observe any improper behavior or hear any suggestive remarks. Judge Thomas created a professional and enjoyable work environment. His hearty laughter, sense of humor and smile established a friendly place of work. However, that atmosphere could never possibly be construed as unprofessional. Clarence Thomas treated Ms. Hill with the same professionalism, respect and dignity that he has for all employees and individuals.

Since I regard Judge Thomas to be of the highest character and integrity, I find the allegations of sexual harassment by Anita Hill to be totally preposterous.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, DC, May 31, 1983.

Dean CHARLES A. KOTHE,
O.W. Coburn School of Law, Oral Roberts University, Tulsa, OK.

DEAR DEAN KOTHE: It is my pleasure to write this letter of recommendation for Anita Hill. Miss Hill has been in my employ for approximately two years. During this period, I have had an opportunity to know her work quite well first as my attorney advisor at the Department of Education where I was Assistant Secretary for Civil Rights and currently as my special assistant. When I first interviewed her for the position at the Department of Education, I recognized in her a sincere interest in civil rights and civil rights enforcement. She has maintained that interest and has combined with it the work needed to put many of our ideas in place.

Overall her work product during the past two years has been of high quality. Moreover, the improvement in her work during this period has been exceptional. These comments apply to both her written and analytical skills. Over the course of the past two years, she has written as many as 75 memorandum, articles, speeches and analytical and working papers for my review. The end product is always clear, thorough and useful. Miss Hill's analytical skills have sharpened such that she is now able to focus on the legal problems which confront this agency and fashion solutions to those problems which are legally sufficient and which promote the mission of the Commission. While we have disagreed on the positions to be taken in particular matters, she is able to support her positions and we are able to resolve the disagreements professionally.

I believe that Miss Hill would be a worthwhile addition to your teaching staff. While I would miss her contributions here, I recognize this as a fine professional opportunity for her and encourage her to explore it.

Should you need more information, I would be happy to discuss Miss Hill's work in greater detail.

Sincerely,

CLARENCE THOMAS.

STATEMENT BY JAY F. MORRIS, FORMER DEPUTY ADMINISTRATOR, AID

SUBJECT: ANGELA WRIGHT/EMPLOYMENT HISTORY

This statement is available for public use and attribution. I am willing to be interviewed under oath by any Senate Judiciary Committee member or staff as well as any agent of the FBI if it is deemed necessary.

EMPLOYMENT HISTORY

In the early 1980's as both originally Assistant Administrator for External Affairs and from mid-1982 on as Deputy Administrator for AID I was responsible for all final approvals on the hiring and firing of political appointees below the Presidential level. As I recall, after I became Deputy Administrator and Mrs. Roger Semerad (Kate) became acting head of the Office of External Affairs, it was suggested that we hire Angela Wright as a press officer in our press affairs division. The person making the recommendation was Kate Semerad. I concurred.

A number of months later, perhaps as long as a year to year and a half, Mrs. Semerad came to me and said Ms. Wright's performance was abysmal. She often failed to come to work or came in late. She was difficult to work with in the opinion of her peers and supervisors. Moreover, her work was unprofessional—that is, late, incomplete, and ungrammatical. Her immediate supervisor, Raisa Scriabine, fully endorsed this conclusion. Based on their advice and my own observations I agreed that she should be dismissed and issued the appropriate order.

POST EMPLOYMENT BEHAVIOR

Subsequent to Ms. Wright's dismissal, Mrs. Semerad was nominated by President Reagan to the post of Assistant Administrator for External Affairs. Upon her departure, Ms. Wright had written a letter to AID accusing Mrs. Semerad of racism and incompetence and threatening retaliation. The accusations were ridiculous on their face. Mrs. Semerad is one of the most fair minded people I know. She is also one of the most competent public affairs specialists I have ever met.

I did not pay any attention to the venomous and threatening tone of the note until after Mrs. Semerad had been nominated by the President. Subsequent to her hearing and favorable recommendation to the Senate by the Senate Foreign Relations Committee, however, a "hold" was put on the confirmation floor vote by a member of the Committee. I learned it was due to a staff member who had received charges of racism levelled against Mrs. Semerad by a former employee. That former employee was Ms. Angela Wright.

This staff member wanted to use office space at AID to call in employees and interrogate them. I refused on the grounds that it would be prejudicial and intimidating. I did agree, however, to provide the names and phone numbers of the remainder of Mrs. Semerad's staff so that he might question them by phone or other means if he so chose. After several days and nights of fruitless inquiry the Senator in question released his "hold" and Mrs. Semerad was confirmed, unanimously if I remember correctly. Ironically, the vote took place in a late evening in October at the very moment I was in my office in the State Department still trying to persuade the staff member in question that he was on a witch hunt.

The reason I am offering this statement is that I am struck by the startling parallels between what Ms. Wright did then and what she is doing now. She vowed vengeance on a former supervisor for dismissal on the basis of incompetence. She seemed incapable of accepting responsibility for her own shortcomings and blamed the episode on external factors. She delayed in making her charges until after the confirmation hearings were concluded. When she made her charges she did so at the 11th hour to a staff member who would be sympathetic because he was "looking for dirt." The entire process suggested a last ditch attempt to stop the advancement of someone she resented. I see the same pattern of behavior today in the case of Judge Thomas.

Respectfully submitted,

JAY F. MORRIS.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, DC, February 12, 1985.

Ms. ANGELA WRIGHT,
Director, Office of Public Affairs, 2401 E Street, N.W., Washington, DC.

DEAR MS. WRIGHT, this is to notify you that your services with the Equal Employment Opportunity Commission are no longer needed. For this reason, your employment will be terminated close of business on March 1, 1985.

Sincerely,

CLARENCE THOMAS,
Chairman.

JANUARY 20, 1984.

Memo for: Kate Semerad.
From: Angela Wright.
Subject: My resignation.

Since your arrival in OPA, the atmosphere in this office has been charged with racial tensions. You have embarked on a course of steadily persecuting the minority members of your staff one by one. I fully realize that this springs both from your own prejudice and your total incompetency to function in your job without the lackey-like adoration of those even less competent than yourself—those who constantly massage your fractured ego. Because of what almost every member of a minority group has had to endure to achieve professional status, they are not easily fooled by your pitiful charade and therefore can not pay the slave-like obeisance you demand as the sole criteria for the performance of a job. It is perhaps because you know how much blacks have to know to get through the door, that they are so threatening to you.

I will not acquiesce to your silliness. You are a fool. I will not demean myself by the servile posture you demand. I do not need to do this. I am a skilled and competent professional. You are not, and this is perhaps the reason for your thrust against those more competent, more skilled, and more knowledgeable than you. I will not be your lackey. Therefore, I am tendering my resignation, effective February 3, 1984.

The PRESIDING OFFICER. Does the Senator yield additional time?

Mr. THURMOND. Mr. President, I yield 30 seconds.

The PRESIDING OFFICER. An additional 30 seconds.

Mr. SIMPSON. Mr. President, I think it is plain that I and other committee members had a huge body of information and it did come in "over the transom," and a lot of it was signed and sworn to and did not get into the record. Here is some of it. You can chew on it and see what you think about it. It was not invented.

If some in the fourth estate will be comfortable enough to take the paper bags off their heads in their offices today, perhaps they can read the CONGRESSIONAL RECORD at this point and print some sensible comment about it all.

During the 3 days of the committee hearing on sex harassment charges against Judge Thomas, we heard hours of testimony from more than 20 witnesses.

However, the testimony—whether in support of Judge Thomas or in support of Professor Hill—was uncorroborated. No one was actually a witness to the statements that Judge Thomas was alleged to have made. There were no eyewitnesses for either Thomas or Hill on related statements, either, except for one instance.

In that one instance, two persons were present together when Professor Hill made a very important remark. Two fine lawyers, not practicing together—Stanley Grayson, a partner in a New York law firm, and Carlton Stewart, a partner in an Atlanta law firm—were both present when Professor Hill walked up to them at the American Bar Association Conference this past summer. Now remember that was in August this year in Atlanta. Mr. Stewart stated that Professor Hill told them, "* * * how great Clarence Thomas' nomination was and how much he deserved it."

Professor Hill and these two senior attorneys then conversed for about 30 minutes, the attorneys testified, discussing the EEOC and Judge Thomas and other matters. During that time, Professor Hill mentioned nothing negative whatsoever concerning Judge Thomas.

Mr. President, many allegations and statements have been made in this case—but few have been verified by eyewitnesses. Here is a rare instance where verification is available and it is reliable: Just a few weeks ago Professor Hill was speaking with clear enthusiasm about the nomination of Judge Thomas. Strange behavior indeed.

RESULT OF HEARINGS

The Senate Judiciary Committee has conducted the hearings it promised to hold for the full Senate on the allegations of sex harassment lodged against Judge Thomas by Anita Hill.

America was certainly glued to the proceedings, but the hearings produced what everyone had expected: First, Anita Hill repeated her previous allegations and added much more that she had never before mentioned; and second, Judge Thomas categorically denied he did anything that Hill alleged.

As expected, we observed one person's word against another.

There emerged no fact which substantially answered the initial questions which applied to Professor Hill's allegations: First, why did she wait for 10 years to make the allegations—given that her specialty and expertise was in employment discrimination law? Second, why did she move with him from the Department of Education to the EEOC if he had been sexually harassing her in the outrageous and disgusting manner she alleged; and third, why did she continue to call Judge Thomas and see him after she left his employ?

I believe there was a very good thing that emerged from these hearings: Judge Thomas told the world with passion, anger, and accuracy about the cynical manipulation of the nomination process by the liberal special interest groups.

Judge Thomas told us how he was being lynched for being an uppity black man who dared to defy liberal ideology and think independently.

Judge Thomas gave a personally powerful and utterly convincing denial of any improper behavior on his part. I am pleased the American public had the opportunity to hear and see all of this, I am woefully sorry that Judge Thomas and his dear wife Ginny had to endure and suffer so much personal pain and anguish before sharing the truth in such a moving way with all Americans.

TESTIMONY OF ANITA HILL

Professor Hill certainly gave the appearance of being sincere, honest, and truthfull.

She is an intelligent, articulate, and poised woman.

She herself—like Judge Thomas—has come over a long trail from a disadvantaged rural background to impressive career achievements.

However, after having spent nearly 7 hours listening to her testimony, and comparing that testimony to her earlier statements, I conclude that Professor Hill has not been forthcoming to this committee.

Her initial statement to the committee and the FBI did not contain hardly any of the lurid and obscene pornographic details that she brought forth on national television during the hearings.

Her initial statement to the FBI was truncated and unspecific even though the two FBI agents urged her to be as specific as possible, and even though one of the agents was female and offered to hear the more sexually explicit details without the presence of the male agent.

Professor Hill's "revised statement" to the committee—made before the hearings began—again did not contain the specific, personal pornographic references she made before the committee—references to "Long Dong Silver" or the comment about the pubic hair in the Coke can, or to Judge Thomas' alleged sexual prowess or physical endowment.

In short, after 18 years of practicing law, my experience leads me to seriously question the allegations presented by Professor Hill.

But let us remember: While I doubt her story, I also sympathize with Anita Hill's public predicament.

As for Judge Thomas, I strongly wish Anita Hill had never had to make these allegations public.

JUDGE THOMAS' TESTIMONY

In addition, Judge Thomas was persuasively firm, adamant and convincing in his denials.

The panel of women coworkers who testified in his favor—J.C. Alvarez, Nancy Fitch, Diane Holt and Phyllis Berry-Myers—made a very strong and telling point: There was no way that Judge Thomas could have done what he did without the rest of the Office finding out about it.

As Senator GRASSLEY put it at the hearings, "once two people know about something in Washington, DC, it is no longer a secret."

If Judge Thomas really did what Anita Hill claimed he did, we would not have the hearsay corroboration of the witness Susan Hoerchner, instead we would have the factual corroboration of women like J.C. Alvarez or Phyllis Berry—women who had longer, continual and closer personal contact with both Thomas and Professor Hill than did Hoerchner or any other of her witnesses.

Judge Thomas gave very compelling testimony that he did not sexually harass Anita Hill or anyone else, and he was properly and convincingly corroborated by those who worked with him on a daily basis.

SEX HARASSMENT

Let no one be allowed to misinterpret my position on this case to be one of hostility, of being uncaring or insensitive or cavalier about the gravely serious problem of sex harassment in the workplace.

I do know sex harassment exists, I do know it is a serious problem, and I assure you that my commitment to seeing it fully punished is second to none.

However, the fact that sex harassment is a serious problem in society does not mean surely then that every allegation of such harassment is accurate or true or fair.

I simply believe that, in this case, Anita Hill's allegations do not make rational sense.

CONCLUSION

Mr. President, I will not even pretend to know Anita Hill's motivation for saying what she said.

I believe it is possible that she truly believes what she has told us, and that she did not volitionally lie.

However, it is not up to the committee to try to discern the motivation of Professor Hill.

As Chairman BIDEN pointed out, the benefit of the doubt in these proceedings must be given to the nominee.

The opponents of Judge Thomas had the significant burden of proof of establishing the truth of allegations.

Judge Thomas has convinced me that he was not guilty of sex harassment, and Professor Hill did not convince me that he did what she alleged.

So here for us is the bottom line: Let us proceed to confirm Judge Thomas, and let us promise to never again air charges such as these in a Senate or public forum.

If allegations arise for future nominees, it is possible and proper for us to investigate them in executive session—at least in a limited manner.

Neither Judge Thomas nor Professor Hill wished these charges to be public.

These past 3 days of hearings have demonstrated two things: Such charges and counter charges should not be discussed—in this type of a process—on nationwide television ever again, and Judge Thomas deserves to be elevated to the Supreme Court. He has earned it over a lifetime, lived in a truly exemplary way.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, 2 weeks ago I announced my decision to vote against Clarence Thomas. When he came to the original confirmation hearing he said that he did not have any articulable judicial philosophy; that he was an empty vessel and that he did not have any positions on the major constitutional questions of our time.

Mr. President, as a U.S. Senator I cannot support a nominee who says he or she has no articulable judicial philosophy.

This past week serious allegations have been raised about sexual harassment by Professor Hill—allegations that Clarence Thomas, while chair of EEOC, violated the very rules and regulations he was appointed to enforce. To be fair, Mr. President, it is really impossible to reach a conclusion one way or another, but I wish to remind all of my colleagues that what has happened in the United States of America this past week amounts to a social earthquake.

The sooner we get serious about dealing with questions of sexual harassment and discrimination against women, the better.

It is with a profound sense of sadness, Mr. President, that I wish to point out on the floor of the U.S. Senate that unfortunately what happened to Professor Hill only proves how difficult it is for women to come forward and what happens to them when they do. The bottom line, Mr. President, is that even beyond this confirmation vote, the Congress must deal, must face up to problems of sexual harassment and discrimination against women, and the sooner we do it, the better. I yield the rest of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN addressed the Chair.

Mr. THURMOND. Mr. President, I yield 4 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, the further hearings on Judge Thomas this past weekend have been quite an astonishing spectacle—one I hope our country does not have to endure again anytime soon.

Before Professor Hill's allegations came to light, I had indicated that I would support the confirmation of Judge Clarence Thomas to the Supreme Court. Frankly, that decision was made with some reluctance, given my strong support for a woman's right to choose and affirmative action and civil rights legislation, subjects on which Judge Thomas' views are either noncommittal or nonsupportive. But I was persuaded that Judge Thomas is a gifted person capable of growth and moderation and openmindedness, and I also have considerable faith in the judgment of my friend and colleague Senator DANFORTH, whose strong advocacy of Judge Thomas has impressed us all.

All during this chaotic weekend, I have been wrestling with the charges and countercharges and trying to determine as best I can whether, in my judgment, Judge Thomas continues to merit my support. If the specific charges made by Professor Hill were proven to be true, then that would, in my view, clearly disqualify Judge Thomas from serving on the Supreme Court, and, indeed, threaten his present position to the U.S. Circuit Court of Appeals.

Regardless of the outcome of tonight's vote on Judge Thomas, I believe our society will ultimately be well served by a heightened awareness of the problem of sexual harassment. As the coauthor with Senator JOSEPH BIDEN of the Violence Against Women Act of 1991 and a supporter of Senator DANFORTH's civil rights compromise which expands damages available to women who are victims of sexual harassment or discrimination, I have long been active in efforts to toughen laws addressing the victimization of women. Sexual harassment has always been a firing offense within my office. If men become more sensitive to this issue and women who have been harassed are encouraged to take advantage of the legal recourses available to them, then that may be the one positive aspect of this unsavory episode.

But the Senate is not being asked to rule on the scope of sexual harassment in America today. We are being asked to make a judgment on the completely divergent testimony presented by Judge Thomas and Professor Hill. Both individuals have made impassioned statements, both appear credible, but each leaves no room for ambiguity, nuance, or an explicable interpretation of a possibly misunderstood personal or professional relationship. Accusation and denial are each branded a lie.

The hearings conducted by the Senate Judiciary Committee provided no clear-cut resolution to the fundamental dispute. The central question has been how to resolve the issue of doubt—in favor of Clarence Thomas or against him.

To resolve it in his favor immediately opens one to the charge of callous disregard of an issue of immense importance to the women of this country. To resolve it against him rejects a notion of fundamental fairness that the accuser bears the burden of proof in our society.

In trying to resolve how to tip the scales of judgment in this case, I have done my best to sift through the conflicting testimony in an effort to weigh the probabilities.

If, in fact, Judge Thomas engaged in the lewd and disgusting behavior alleged by Professor Hill, then it would seem to me to more likely indicate a chronic character flaw, not an aberrant episode of obscene behavior. If that is true, it seems improbable that his sexual aggressiveness would not have been displayed toward other women in the work environment and that his behavior would not have been reported or, at the very least, noted by others. But the overwhelming volume of testimony of those who worked closely with Judge Thomas—most of whom were women—was clear and convincing on this issue; he behaved with courtesy, kindness, generosity, and complete professionalism at all times.

Another probability to evaluate concerns Professor Hill's actions. According to the sworn and unrebutted testimony of those who worked closely with Judge Thomas and Professor Hill, there was no evidence of any tension, hostility, or dissonance between the two that might reasonably be expected given the behavior alleged by Professor Hill. To the contrary, the evidence seems clear that she sought and maintained cordial relations with Judge Thomas long after she left Washington. Again, it is possible that she buried Judge Thomas' offensive conduct deep within her soul and chose to maintain a friendly relationship in order to protect and further her professional career.

The proceedings conducted by the Judiciary Committee were said not to be a trial, but of course everyone was on trial before the court of world opinion—accuser, accused, and the Senate as well. It is clear to all that a Senate committee, limited by time, constrained by the number of members, and titled by political allegiances could not effectively resolve the doubts raised by the charge of sexual harassment. Procedural and evidentiary protections provided in a judicial proceeding were inapplicable; sharp and tough cross-examinations before the blazing lights and television cameras were neither feasible nor politically acceptable.

So we are left at the end of the hearings as we were at the time they were reopened—uncertain where the truth lies. Although there clearly is doubt, I intend to resolve that doubt in favor of Judge Thomas.

It has been argued by some, principally by Judge Thomas' opponents, that as long as a shadow of a doubt falls across a Supreme Court nominee's integrity, that nominee must be rejected. But if we allow doubt itself sown by a single individual to be a reason for rejecting an individual, we have set in motion a process which holds the potential for undermining or destroying any nominee for any public office.

There is one further concern I want to express. Judge Thomas clearly feels that he has been the victim of mob action, and he is angry. It is my fervent hope that he will allow his anger and bitterness to subside and that he will continue to open his mind and heart to the issues of privacy and civil rights and maintain a deep concern for those who are victims of harassment and discrimination in our society. By doing so, he will demonstrate that the positive qualities of grace and charity ascribed to him by his backers exist in sufficient measure to merit his ascendancy to this Nation's highest court.

Mr. President, if the phone calls in my State are any indication, the popular vote for me would be to vote against Judge Thomas. The calls are running heavily against him. So the easy thing and the popular thing for me to do would be to vote "no." History might show it might be the right thing to do. Mr. President, I do not believe it is the fair thing to do under these circumstances. For that reason, I intend to support his nomination.

Mr. President, like his predecessors, President Bush is entitled to nominate individuals to the Court who he believes share his philosophical views. It is my personal opinion that should we reject the President's nominee, the Senate must be convinced that his choice is so lacking in intelligence, personal or professional integrity, or judicial competence that the nominee's confirmation will result in a great disservice to the Court and to the Nation.

This is not to say that the Senate should simply act as a rubber stamp, deferring to the President's wishes on each and every occasion. Indeed, I think the Senate's role in the appointment of Supreme Court Justices is one of its most important and critical functions. In fulfilling its constitutional responsibility and duty of giving advice and consent, I believe the Senate does, in fact, share with the President the responsibility for shaping the quality of the Federal judiciary and thus the quality of justice in our Nation.

In order to meet the responsibility imposed by the Constitution, each one of us has an obligation to very carefully evaluate the qualifications and competence of the individuals who are nominated by the President. A considerable amount of time has been spent reviewing the background of Judge Thomas, his academic credentials as well as his years of public service.

Having carefully reviewed Judge Thomas' qualifications, his writings, and his testimony before the Judiciary Committee, I believe he should be confirmed for a seat on the U.S. Supreme Court. I say this despite the fact that I am confident that Judge Thomas does not share my views on a number of key issues and despite the uncertainty on how Judge Thomas will rule on issues of considerable importance, such as a woman's right to choose to have an abortion.

I must say that I am troubled by Judge Thomas' testimony before the Judiciary Committee that he has no personal view on this issue of abortion, that he has not discussed the issue or the decision of Roe versus Wade. I personally can think of no other decision that has generated as much controversy and ongoing public and private debate during the past decade as Roe versus Wade.

As a strong supporter of a woman's right to choose, I share the concerns of pro-choice individuals and organizations about how Judge Thomas is going to rule on challenges to Roe. But I am also convinced after hearing his testimony, and also talking to people I respect who are strongly in support of his nomination, that Judge Thomas brings no personal agenda to the Court.

I am referring specifically to Senator DANFORTH of Missouri. I do not know of any other individual in this Chamber that I have more personal regard for in terms of the high standards that he demands not only of himself but of the people who work with him.

In large measure I have turned to JACK DANFORTH to tell me about the character of Judge Thomas. He knows him well. He has worked with him. Judge Thomas, in fact, worked with Senator DANFORTH over a long period of time. I think he is in a good position to make a judgment about the character of Judge Thomas, and he has assured me that Judge Thomas has no personal or hidden agenda, and that he will be open minded on the Court.

Therefore, I feel confident that Judge Thomas will meet the responsibility imposed by the Constitution and that he will, in fact, keep a fair and open mind as the abortion issue and other difficult issues come before the Court in the months ahead.

The American Bar Association Standing Committee on the Federal Judiciary concluded that Clarence Thomas "possesses integrity, character, and general reputation of the highest order."

I think he is clearly an intelligent and thoughtful man, an independent thinker, and a competent jurist. He has overcome poverty, segregation, and deep-seated racism in this country—and there is still deep-seated racism in this country—and has achieved a position as a Federal judge, a position of great public trust and respect. I think he is going to bring to the Supreme Court a perspective and range of experience unlike that of any of the current or previous Justices.

Mr. President, I recall reading in Justice Cardoza's book, "The Nature of the Judicial Process," that "In the long run there is no guarantee of justice except for the personality of the judge." That may come as a shock to many people, but I think a truth is revealed in that particular aphorism.

I have looked long and hard at the personality of Judge Thomas and I believe a man of his experience, while not fully developed in terms of his constitutional theories, nonetheless has the capacity for growth, moderation, and flexibility. I believe that he has the same capacity that we have witnessed in Justices such as Hugo Black, Earl Warren, and others, to become a truly outstanding member of the Supreme Court. For that reason, I intend to support his nomination when we have an opportunity to vote.

The VICE PRESIDENT. Who yields time?

Mr. THURMOND. I yield 2 minutes to the distinguished Senator from Georgia.

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. FOWLER. Mr. President, I believe we must try to lower our voices and to seek understanding if anything good is going to come out of this ordeal.

First, the only clear and unmistakable wrongdoing and injustice in this case is the unauthorized leak of Professor Hill's allegations to the news media. In my opinion, this action overrode the rights of both the accuser and the accused and virtually guaranteed the dispassionate analysis of the charges would be impossible. I will support any steps to get to the bottom of this and all other leaks which have recently plagued the Senate, including the imposition of appropriate penalties on the wrongdoer.

Second, the nomination and confirmation process in this case has been flawed from the outset, and it has been thoroughly political at every step of the way. The failure to give adequate attention to Professor Hill's charges in a timely fashion is only one of the last in a series of failures, in both the executive and the legislative branches, which do no honor to any of us.

Third, unlike some of my colleagues, I found nothing in the testimony to disprove Anita Hill's allegations. I heard from too many women verification that Professor Hill's behavior in this case is entirely consistent with that of a victim of sexual harassment. However, there was nothing to prove the charges either and, therefore, on the central question of the confirmation of Clarence Thomas, the weekend hearings were inconclusive, in my opinion, and will not change my earlier decision to vote for the confirmation of Judge Thomas to the Supreme Court.

Fourth, whatever our votes on Judge Thomas, and whatever the outcome of the confirmation vote, we owe—we owe—something more to the women of America than to leave it at that.

May I have 2 more minutes?

Mr. BIDEN. I yield another 2 minutes.

The VICE PRESIDENT. The Senator is recognized for an additional 2 minutes.

Mr. FOWLER. Mr. President, we should not and must not send the message that victims of sexual harassment have good reason to fear for their reputations and their livelihoods if ever they come forward to seek redress of their grievances. The most distressing news to come out of the weekend hearings was the inadequacy of our existing systems for dealing with cases of sexual harassment. The lack of confidence that many women feel in these systems should call all American institutions, that includes the U.S. Senate, to reexamine and reform our mechanisms for handling such cases.

We will also have the opportunity in the near future to produce something more than just rhetoric in combating sex discrimination. I would hope that when the Senate takes up Senator DANFORTH's civil rights bill in the near future, we will treat sex discrimination equally with all other forms of discrimination.

Finally, Mr. President, it is my fervent hope that the U.S. Senate and the President of the United States have also learned something from this sordid affair. The continued politicization of the judicial nominating process threatens the very future of our Republic and its democratic institutions whether judicial, executive, or legislative. In order to maintain the integrity of the American judicial system, we must find a way to transcend the purely political battleground upon which Presidents and Senators appear to have become so comfortable.

I thank the Chair.

The VICE PRESIDENT. Who yields time?

Mr. BIDEN. Mr. President, I yield 2 minutes to my friend from Massachusetts, who should be yielded 30 minutes in light of his patience. I am sorry, that is all I have.

The VICE PRESIDENT. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KERRY. Mr. President, I am interested to hear my colleagues talk about the state of the evidence and the doubt. The fact is, in this case, the sum total of all the evidence on behalf of Judge Thomas is his denial, and witnesses who are friends who have offered a stubborn denial that there friend and their candidate for the Supreme Court could have done what he was accused of. But none of their statements, and none of what they saw and reported, directly contradicted the four witnesses, four credible witnesses who, under oath, testified as to what they remember Anita Hill telling them.

The one exception we have to the hearsay rule in cases of sexual transgression is called a fresh complaint, and a fresh complaint was made, Mr. President, I can remember trying rape cases in which people were sent to jail on the basis of the testimony of a victim and corroborating witnesses. People go to jail all across America on testimony such as was presented before the Judiciary Committee.

It may well be that some people cannot draw or do not want to draw a conclusion from it, but you cannot dismiss the weight of Anita Hill's testimony. You cannot dismiss the credibility of her motive or her actions. She did not seek out the FBI. She sought to keep this confidential. She has taken a lie detector test, which is a tool we use in law enforcement all the time. Each and every one of her witnesses came before the Judiciary Committee with independent memory, independent corroboration of the sexual harassment she recounts.

One cannot ignore the reality of how people behave in the case of sexual harassment. Indeed, I believe Anita Hill succumbed to ambition, and there is part of this story that is untold but that does not contradict her claim of what happened.

In the end, Mr. President, we are not called upon here to make a courtroom judgment about whether or not someone should go to jail. That is precisely the point. The standard for the Supreme Court is not whether the nominee can avoid going to jail or be found not guilty of a felony. It is whether the nominee meets the high standards demanded for the Supreme Court of the United States.

I previously have spoken in this Chamber about whether the nominee meets the highest standards. I said I did not believe so. But in the course of this weekend, I believe Judge Thomas confirmed that.

I believe that the judge's insertion of racism into these proceedings was a tragic and dangerous act. I believe his use of the word "lynching" was inflammatory, unscrupulous, and intemperate. The judge himself asked for a delay in the Senate vote so that the charges against him could be considered and the air cleared. Must we ask if that was a false request? A charge of sexual harassment by a black woman against a black man is not a lynching.

Judge Thomas knew that the chairman of the committee and the committee itself received harsh criticism for trying to keep the charge confidential as Professor Hill had insisted. Judge Thomas' efforts to have it both ways, and the callous expediency of his charge, will be felt for a long time to come. Such judgment does not belong on the Supreme Court.

The VICE PRESIDENT. Who yields time?

Mr. THURMOND. Mr. President, we are expecting Senator ROBB momentarily and Senator NUNN and Senator DANFORTH.

Mr. BIDEN. Mr. President, how much time does the Senator from Delaware still have?

The VICE PRESIDENT. The Senator from Delaware has 1 minute 46 seconds remaining.

Mr. BIDEN. I thank the Chair very much.

The VICE PRESIDENT. Who yields time?

Mr. THURMOND. How much time do we have?

The VICE PRESIDENT. The Senator from South Carolina has 25 minutes and 30 seconds.

Who yields time?

Mr. SIMPSON. Mr. President, I would yield to myself 30 seconds of the time on this side of the aisle—30 seconds.

The VICE PRESIDENT. The Senator from Wyoming is recognized for 30 seconds.

Mr. SIMPSON. Mr. President, I would place into the RECORD an article from the Boston Globe of July 28, 1991, telling us what would happen in this situation as the groups began to crank up on this particular nomination, a very remarkable relation. And then if I may enter into the RECORD a remarkable column from this morning's New York Times by A.M. Rosenthal, who has a deep affinity for the clarity and the reputation of the New York Times, entitled "Harassment by Press," which is a fascinating document that I think most Americans would be very interested in seeing.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, July 28, 1991]

WHITE HOUSE READYING CAMPAIGN FOR THOMAS

(By Walter V. Robinson)

WASHINGTON.—When some of the country's principal civil rights and civil liberties groups declare their opposition this week to Clarence Thomas, President Bush's Supreme Court nominee, his supporters will not be sitting idly by.

Instead, key members of the US Senate will receive visits from some poor black Georgians who were Thomas' neighbors during his boyhood. They will here to underscore his hardscrabble origins and plead with the senators for their votes to confirm him—with the visit recorded by television news crews and paid for by a conservative lobbying group.

To blunt any impression of strong black opposition to Thomas, his black supporters, including some dissident NAACP members, will counter with expressions of support. And last week, the White House and the Justice Department were preparing point-by-point rebuttals to the case Thomas' opponents will probably offer against his confirmation.

This is no replay of the Robert Bork nomination battle of 1987.

Then, opposition groups successfully brought all the sophistication of modern grass-roots politics and public relations to bear against Bork. President Reagan's White House, so convinced that Bork's intellect and legal scholarship made him a cinch for confirmation, did virtually nothing.

This time, the White House, using many of the techniques that Republicans used to win the presidency in five of the last six elections, is stage-managing a coordinated effort to boost Thomas' stock with the Senate and the public and turn aside attacks on his qualifications from the opposition.

"If this is going to be a political fight, there has to be an effort to defend the nominee that is at least as sophisticated as the effort that is being made to defeat him," said Gary L. Bauer, a White House veteran of the Bork battle who is president of the conservative Family Research Council.

This week, the Alliance for Justice, People for the American Way and the Women's Legal Defense Fund, are expected to announce their opposition to Thomas. The NAACP and the Leadership Conference on Civil Rights may come out as well, with all of the announcements timed to occur before Congress begins its summer recess at the end of the week.

Just in case the opposition gains any momentum from the week's events, an ad hoc group with ties to the White House, the Citizens Committee to Confirm Clarence Thomas, is already raising money from conservatives around the country to pay for pro-Thomas television ads in states whose senators are critical to Thomas' chances.

For the moment, the administration's counteroffensive has left many of Thomas' opponents dispirited.

"The White House has run a pretty successful political campaign—so far," said John Gomperts, the legislative counsel for People for the American Way, a liberal constitutional rights group that is expected to oppose Thomas.

But Gomperts said, "So far, we have been dealing with peripheral issues, like his use of marijuana and the federal tax lien against him. Once the central issues become the order of the day, issues like his commitment to civil rights, the White House will have a much more difficult time."

And while Thomas' opponents said it is obvious that the administration has learned from its mistakes in the Bork battle, so too, they say, have they.

"Learning doesn't just occur on one side," said Harrison Hickman, a Democratic consultant and pollster who was involved in the battle to defeat Bork. "We were a step ahead of the Reagan White House in the Bork fight. We know how we can be even more powerful this time—if that's what is needed. The opposition this time is smarter and swifter too."

The mastermind of the White House effort is Kenneth M. Duberstein, a lobbyist and former chief of staff to President Reagan who performed similar chores during last year's successful battle to win Senate confirmation for Justice David H. Souter.

According to White House and administration officials, Duberstein presides over almost daily strategy sessions involving officials from the White House and the Justice Department. The officials fine-tune the day's strategy. And with an eye toward the days and weeks ahead, they review polling data that has been provided by Robert Teeter, the president's pollster.

"It's very much like a presidential campaign with a message of the day. And it's worked quite well," said one White House official who was involved in the 1988 presidential campaign.

SUPPORTERS LAUNCH COUNTERATTACK

The White House strategists also try to anticipate opposition moves and seek to neutralize them, according to the officials.

Two weeks ago, for instance, the White House received advance word of a Congressional Black Caucus news conference, called to detail its reasons for opposing Thomas. The same day, Thomas made several Capitol Hill courtesy calls. His principal Senate supporter, Sen. John. C. Danforth, a Republican from Missouri, delivered a Senate floor speech on his behalf.

And to underscore a critical part of the White House strategy—to convince the public that black leaders are divided about Thomas—the one dissenting Black Caucus member, Rep. Gary Franks, a Connecticut Republican, held his own news conference to praise Thomas. And another group of black conservatives held a separate press conference to urge Thomas' confirmation.

Administration officials believe that Thomas cannot be defeated without overwhelming black opposition at the grass-roots level—one of the keys to Bork's downfall. Last week, a Gallup Poll suggested that the White House has been having some success, at least so far, in preventing black movement away from Thomas. Among blacks, the poll showed, the nomination was supported by 57 percent, with 18 percent against.

Days before the Black Caucus counterattack, when the morning Washington Post disclosed that Thomas had tried marijuana while still a student, the White House responded immediately, pointing out that he had disclosed the use when he was nominated for the US Appeals Court in 1989 and arranging to have several senators say immediately that the marijuana use was irrelevant.

PEER PRESSURE USED

The White House communications office has even prepared speech inserts praising Thomas that have been given to hundreds of administration officials and state and local Republican officials around the country for use in addresses they deliver to various groups. The office has also helped Thomas' supporters draft op-ed articles that have already appeared in hundreds of newspapers.

One senior administration official who has attended a number of meetings on the issue said Cabinet agencies are constantly reminded about instances in which other officials have praised Thomas in their speeches. "It's peer pressure," she said.

Referring to the overall effort, she added: "It's almost overkill."

What is more, she said, principal officials within the administration have been assigned "liaison" roles with important opinion leaders who are thought to be undecided about Thomas.

One principal target of this lobbying effort has been Benjamin Hooks, president of the NAACP, according to administration officials. With the NAACP's board scheduled to decide this week whether to oppose Thomas, Hooks was described last week as "wavering." According to sources, Hooks told associates that Thomas has some good qualities and that, if he is defeated, Bush will nominate a "white Genghis Khan."

WAR CHEST AMASSED

Bauer, the former White House official, formed the Citizens Committee within a week of Thomas' nomination. While much of its fund-raising will be used to amass a war chest to produce and place television and radio ads, Bauer said it will pay other costs, too. For instance, he said, "we will pay the travel costs to Washington for the humble, low-income folks who are coming up from Clarence Thomas' hometown."

Across the fence, Thomas' opponents have no Duberstein figure. But their activities may be no less coordinated.

So far, with few organizations yet recorded in opposition, much of the anti-Thomas effort has involved guerrilla warfare tactics. The formal opposition and grass-roots organizing and fund-raising have barely begun.

In the meantime, the major civil rights and civil liberties organizations, many of them led by veterans of the Bork battle, are sharing research and coordinating strategy.

"There is a lot of planning about when the various groups will come out in opposition, with a goal of achieving some continuity on message and some momentum," said an official of one of the organizations.

OPPONENTS WITHHOLD INFORMATION

"One thing we learned from the Bork battle is to keep things very quiet, not to announce or telegraph our strategy," said the director of one of the opposition groups. "We are going to be much better organized this time, more disciplined and coordinated. And there will be no leaks to the press about what we plan to do."

The official said, for instance, that opposition groups have been withholding some damaging information about Thomas' record, and will time its release to achieve maximum impact.

The White House effort itself, some think, could become an issue. Like others, Bauer sought to downplay the White House role in the outside lobbying effort, saying it had been overstated. "It shouldn't look like the White House has turned this into a political campaign," he said.

Duberstein, the architect, has been avoiding reporters, and other White House officials said they have been cautioned to downplay the extent of the White House role.

"We do not need articles about the coordinated White House campaign," one White House official, speaking on condition that he not be identified, said last week. "It looks manipulative and does not help. It leaves an impression of Clarence Thomas as a weak sister, someone who needs a campaign to put him over the top."

HARASSMENT BY PRESS

[From the New York Times, Oct. 15, 1991]

(By A. M. Rosenthal)

Every day in the newspapers and every hour on the hour on TV, the American press tells the country that not only the judge and his accuser are on trial in the harassment hearings but also the Senate, the nomination process, all men and the character of American society.

True enough, but missing from the list of defendants on the harassment charge is the institution that is shaking its finger at the nation. The American press itself belongs on that list.

So often and so casually that it hardly even notices anymore, the press now practices a wide variety of harassments—based on sex, politics, occupation, prominence, vendetta or even personal tragedy.

I am not dealing with the coverage of the story. It was the hearings, specifically the bravery of witnesses on both sides in risking attack, even their jobs, by speaking their minds and hearts, that made this column pop out of my own mind and heart.

For years I have thought of speaking plain about harassment by press. I did not because of reluctance to seem self-serving since The New York Times is not often an offender, and because of fear—of again making my family the victim of harassment based on blood or marriage.

But now, liberated by and grateful for the courage of the witnesses in the hearings—to it.

It is sexual harassment to pursue a woman's every step, leeching and leering about her, her clothes, her children, her friends and her personal relations with a husband dead almost 30 years. The press has turned Jacqueline Onassis into a harassed, everlasting profit center for factoficto TV and for newspapers, magazines and book publishers. Three decades now we pursue her because she is the widow of a murdered American—in other words, because she is a woman.

It is sexual harassment to send helicopters snooping above Elizabeth Taylor's wedding. It is sexual harassment to send reporters peering into windows of a woman charging rape, or the windows of a Presidential candidate—or to print whether a person is gay to make an "activist" point.

It is sexual harassment for the slavering "reporters" of those primetime "exposé" shows to invade schools, trying to "interview" teachers about the sex lives of other teachers. I wonder how much they have to pay a reporter to do that; maybe not much at all, maybe they just like that line of work.

I say it is loathsome political and personal harassment for detachments of reporters and camera people to camp outside the house of Judge Clarence Thomas, or anybody else trapped in the news, preventing him, his wife and children from coming and going in the peace that every non-criminal is supposed to enjoy in the name of civic decency.

Is it not loathsome harassment to stick a camera and a mike into a mother's face and ask her how she really feels about the shooting of her child, still lying in a drawer in some hospital morgue?

The harassing garbage pail journalism that once existed on the disreputable fringes, in journalism's red light districts, is now a treasured feature of many papers—the daily "dirt pages" of rumor and scandal.

A slick, respected national monthly—no names because so many publications are harassers—quotes an anonymous source as saying that a New Yorker of achievement comes from the "gutter." That is harassment with a mugger's mask, more degrading to magazine than victim.

The garbage pail publications still exist, of interest only to their victims and their publishers, who use them for social entree and profit. Some owners have become hostages of fear to their own staffs.

But what does count is that so many "mainstream" editors and publishers publicize and glamorize the garbage-sprayers. They give them unearned power by running titteringly admiring stories about them, hiring them as "contributing editors," taking them into their clubs and inviting them to parties. The Mugger Who Came to Dinner.

That sends a clear message to their own staffs—dirt and harassment are where power, money and glamour can be found, so dig.

Spare me the First Amendment lecture. I know harassment by press is within the law. I agree the Constitution is worth the price.

So we have freedom of press. Now all that journalists need is freedom of conscience.

Mr. THURMOND. Mr. President, I ask unanimous consent to place in the RECORD from USA Today a statement by Armstrong Williams.

Also from the Charleston Post and Courier "Senate should confirm Thomas."

Also a petition from the EEOC backing Clarence Thomas.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

[From The Charleston Post and Courier, Oct. 15, 1991]

SENATE SHOULD CONFORM THOMAS

A week ago, as Judge Clarence Thomas' nomination to the U.S. Supreme Court was nearing a vote on the floor of the Senate, at issue was whether he was intellectually and philosophically suited for the high court. All that has changed. When the Senate convenes late today to pass judgment, the question on the minds of most Americans will be whether Judge Thomas is morally fit to sit on *any* court in the United States, much less the nation's highest tribunal.

After five tumultuous days of stunning allegations, marathon hearings before the Senate Judiciary Committee, and impassioned denials by the accused, it all boils down to one question: Who is telling the truth? Is it Judge Thomas, the former head of the Equal Employment Opportunity Commission (EEOC) and a judge on the federal court of appeals? Or is it Anita Hill, a former employee of Judge Thomas' at two separate federal agencies?

There is no question that this has been, as a number of Judiciary Committee members from both sides of the aisle have said, a calamity for Judge Thomas and Miss Hill personally, and the confirmation process in general. It would not have come to this had not someone with access to committee documents leaked Miss Hill's confidential statement to the FBI claiming sexually explicit remarks by Judge Thomas 10 years ago. The leak was certainly unethical and likely illegal, and Sen. JOSEPH BIDEN, D-Del., the committee chairman, has vowed to find the source and deal with the person or persons responsible. He must keep that promise.

Meanwhile, some have sought to use the uproar caused by the nature of the allegations to transform the hearings into a referendum on sexual harassment in the workplace. Senators have a duty to resist such egregious tactics. The behavior that Miss Hill alleges is not only inappropriate in the workplace, it is unlawful. Federal statutes enacted in 1986 provide for redress.

Nevertheless, it raises the question of whether Judge Thomas is the kind of man who would engage in lewd and suggestive language. Nothing in the scrutiny of his professional and personal lives during the 102 days between his nomination and last Tuesday's scheduled vote, including a particularly gruelling inquiry by Democratic members of the Judiciary Committee, suggested anything of the kind. It was only at the eleventh hour that Miss Hill's statement to the FBI was leaked.

To support the claim, four persons appeared before the committee on Sunday in attempt to corroborate Miss Hill's allegations. Their testimony was less than compelling. At the most, they could say only that Miss Hill seemed disturbed at times, told them she was being sexually harassed, but offered no real details. Surprisingly, for conversations purportedly involving friends, no advice was sought and none was offered.

More persuasive in Judge Thomas' defense was an EEOC telephone log proving that Miss Hill called him a minimum of 11 times after leaving his employ. His secretary further testified that the log represented only those calls that Judge Thomas did not take immediately, including one wishing him well in his new marriage.

Equally persuasive—or damming, depending on one's vantage—was Miss Hill's decision to follow Judge Thomas from the Department of Education to the EEOC. This could not be considered a reasonable decision if one were truly a victim of grossly inappropriate behavior. And, further, there were the occasions when Miss Hill voluntarily put herself in Judge Thomas' company following her departure from government work, including driving him to the airport in Tulsa, Okla.

Even though the rules of evidence didn't apply in these unprecedented proceedings, to his credit Sen. Biden drew the line on the admission of a last-minute polygraph test. The operator concluded Miss Hill was telling the truth. Polygraph tests are not admissible in the courtroom because of their unreliability nor routinely used in the workplace. The polygraph cannot detect with any degree of certainty the clever or deluded liar or the nervous innocent.

That takes us back to the initial question of whom to believe. The charges are so sensational, and the denial so emphatic, that the only conclusion is that one of the parties is an outrageous liar.

It's important to remember that Judge Thomas is the nominee, not Miss Hill. Has he been proved so horribly flawed beyond any reasonable doubt?

Clearly, he has not. There are too many unanswered questions about Miss Hill's memory, about the charges that seem to have become more expansive and more precise as time elapsed, about the unsupported accusations that Judge Thomas was a martinet, insensitive to the problems of minorities. The list is long and the evidence is short.

Sen Biden observed throughout the hearings that in the absence of compelling evidence to the contrary, the benefit of the doubt *must* go to Judge Thomas. The Senate should vote to confirm.

[From the USA Today, Oct. 15, 1991]

ANSWER SHOULD BE "YES"

(By Armstrong Williams)

Opposing View: The nominee is eminently qualified and a person of outstanding character and integrity.

Judge Clarence Thomas has been subjected to the longest and most savage confirmation proceeding in history. Nevertheless, his qualifications and good name have stood up under the most scurrilous attacks to which any nominee for the Supreme Court has been subjected.

From the beginning, it was clear that ideology was the basis for the onslaught on Thomas. Because the Supreme Court now has a conservative majority, liberal interest groups were determined that not one additional conservative appointment would be made.

Since Thomas' opponents could not kill his nomination on the issues, they attacked him on character.

However, three panels of witnesses testified that Thomas is a decent person of integrity who showed kindness, sensitivity and caring for all his employees.

Despite his ordeal, Thomas found a positive outcome. He said he had acquired a deeper understanding of the need for privacy and due process protections for the accused.

Tragically, the attackers hoped to deprive America of one of its brightest and most inquiring minds. The unintended result, though, was to reveal the granite-like determination of a righteous man who declared under fire that only God is his judge.

Thomas emerged as a man whom Americans of all races and backgrounds have come to admire.

The U.S. Senate should confirm Thomas to the Supreme Court because he is eminently qualified and a person of outstanding character and integrity.

As his former confidential assistant, I can say without equivocation that no finer person could be found for the position than Clarence Thomas.

We the undersigned women of the United States Equal Employment Opportunity Commission's Headquarters Office would like to reiterate our strong support for Judge Clarence Thomas' confirmation as a Justice to the Supreme Court of the United States of America. We take this action in light of the recent allegations of sexual harassment.

(Willie King, financial manager and 14 others.)

WE SUPPORT JUDGE CLARENCE THOMAS

We the women of the Equal Employment Opportunity Commission feel compelled to write in response to a recurring question: Why should women support the nomination of Judge Clarence Thomas when his writings and speeches suggest he opposes the very policies which promote opportunities for women and minorities?

Each of the signatories was either hired or promoted into a position of responsibility by Clarence Thomas during his tenure as Chairman of the EEOC. He took a chance on each one of us and provided each of us with a significant career opportunity. Furthermore, we the women of EEOC represent a mosaic of ethnicity, socio-economic backgrounds, educational levels, work experiences, religious beliefs and political affiliations. We are the career women who believe that Judge Thomas' actions speak louder than his words which are so often taken out of context.

(Willie King, financial manager and 76 others.)

The VICE PRESIDENT. Who yields time?

Mr. THURMOND. Mr. President, I yield Senator DANFORTH 10 minutes.

The VICE PRESIDENT. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I ask the Chair to inform me when I have 2 minutes remaining.

Mr. President, let me start by thanking my colleagues on both sides of this debate for their tolerance during the past 3½ months. I know that I have been something of a pest hounding Republicans and Democrats alike, asking for support of Clarence Thomas, and fortunately for one and all that time is now drawing to a close until we get to the civil rights bill, of course.

Mr. President, when the President named Clarence Thomas to be his nominee for the Supreme Court, he described the nominee to be the best person in the United States for the job. Many people poked fun at that description, but this Senator believes that description was well founded.

I believe that Clarence Thomas is what America is all about. He captures in himself the American spirit, the tradition of being able to make the most of your life, and apply yourself, and to contribute something with your life.

Mr. DOMENICI. Mr. President, may we have order, please.

The VICE PRESIDENT. The Senate will come to order.

Mr. DANFORTH. I believed on July 1 that he was an outstanding choice, and I believe that even more today. During the past few weeks especially, Judge Thomas has demonstrated a strength of character which I think is extraordinary. He has endured, particularly over the last 10 days, the agonies of hell. I believe that as a result of that, Clarence Thomas is more sensitive to constitutional rights, to the necessity of legal protection of the people of this country, than most people who could conceivably be nominated for the U.S. Supreme Court.

In a way, Mr. President, this is a debate between those who know Clarence Thomas and those who do not.

What has been striking throughout the past 3½ months is the number of people who have known him very well, who are friends of Clarence Thomas, who have come forward.

Last week, a group of 18 women who had worked with him in various jobs here in Washington held a press conference and described, with tears streaming down their faces, the Clarence Thomas they knew and the concern they had with what was going on in the confirmation process.

I remember very well, Mr. President, the joy last July 1 when I was told by the White House of the Clarence Thomas nomination, and I remember talking to Judge Thomas on the night of July 1. I remember exactly where I was during that phone conversation. I was in the manager's office of the Shrine Club of Kirksville, MO, and I can remember the tremendous joy both in Clarence Thomas' voice and in my own as we visited over the telephone.

But, Mr. President, joy has long since left both Clarence Thomas and JACK DANFORTH and the many friends of Clarence Thomas. There is no joy in these proceedings and, no matter how the vote turns out, no joy is possible.

The joy that we experienced 3½ months ago has turned to pain, and the best that can be said is that in approximately another hour there will be a feeling of relief at the determination one way or another.

Clarence Thomas, especially in the last week, was liberated because he said to me that he does not need this job of being on the Supreme Court of the United States. He can survive without being an Associate Justice of the Supreme Court. Mr. President, very candidly, so can the country.

But what cannot survive, in the opinion of this Senator, is the values that we hold so dear as a country. I do not believe that our values as Americans can long survive the process that we have witnessed particularly during the last 10 days.

Mr. President, 10 days ago, this nomination had been won. The confirmation battle had been won. We believed that we had 60 to 65 votes in favor of Judge Thomas' confirmation. That was after the FBI report had been written. That was after the FBI report had been reviewed by members of the Judiciary Committee. That was after the members of the Judiciary Committee decided to a person that no further action was required, that no further study was necessary.

That was up to 10 days ago. And then, 10 days ago, the confidential document, and apparently details from the FBI report itself, were leaked to the press. And on Sunday, a week ago, this story went public. It was carried as the lead item on the network news and the headline item in the newspaper. That was the beginning of the process that culminated with the hearings before the Senate Judiciary Committee.

Mr. President, it is the position of this Senator that the process that we have just seen is clearly wrong. It is wrong for Clarence Thomas, and it is wrong for the United States. It must be stopped.

The business of interest groups fanning out through the country digging up dirt on a nominee, the business of leaks, of confidential documents, put out to members of the press, the idea that absolutely anything goes if necessary to stop a nominee from the Supreme Court of the United States, this whole process must be ended.

We in the Senate have the power to encourage the process, or we have the power to stop it. We have the power by the vote that we are about to cast to say to our country that the strategy of digging up dirt, the strategy of throwing dirt, the strategy of leaking confidential reports does not work.

Mr. President, I speak to those Senators who find the choice before us to be a difficult choice, who find it to be a close call whether to vote for or against the nomination of Clarence Thomas.

The VICE PRESIDENT. The Chair informs the Senator that he has 2 minutes remaining.

Mr. DANFORTH. I thank the Chair.

The New York Times today took the position that in the case of a close call it should be resolved against the nominee. I believe that if that is the rule that we follow, that the burden of proof shifts to the nominee where charges are made, then the result of that will be to encourage just such a situation to be replicated again and again and again in the future.

The reason the burden against the accuser must be very heavy in a case such as this is to discourage exactly the kind of process that we have seen particularly during the last 10 days.

Mr. President, Clarence Thomas can survive without confirmation by the U.S. Senate. But if we vote against Clarence Thomas we reward a process which is clearly wrong. And for that reason, not for the sake of Clarence Thomas, not for the sake of the Supreme Court, but for the sake of the basic American standard of decency and fairness, I ask Senators to vote for the confirmation of Clarence Thomas.

Mr. ADAMS addressed the Chair.

The VICE PRESIDENT. Who yields time?

Mr. ADAMS. Mr. President, the manager has asked me to yield time at this point to myself. He will shortly return.

Mr. THURMOND. Mr. President, how much time remains on each side?

The VICE PRESIDENT. The Senator from South Carolina has 15 minutes and 3 seconds.

Mr. THURMOND. How much time does the other side have?

The VICE PRESIDENT. One minute and nine seconds.

Mr. ADAMS. Mr. President, I announce my intention to oppose Clarence Thomas' nomination to the Supreme Court based on his public record, and on the Judiciary Committee's first hearings. I did this back in September, and I urged my colleagues to reject the nomination of Judge Thomas based upon his record, his mishandling of age discrimination cases at EEOC, and his failure to define his constitutional philosophy especially on the right of women to choose. The nominee was willing to express his views on the death penalty and other issues, but refused to admit even having a view on choice.

About Judge Clarence Thomas it can be clearly said there are more questions than answers. His lack of judicial experience is undeniable. His judicial philosophy remains a mystery. And his commitment to protecting the right to privacy in the most critical decisions women must be allowed to make free of Government interference is doubtful.

I heard Prof. Anita Hill's allegations to the public media at the same time it was learned by the American people. I was concerned at that time that these serious allegations had not been considered by the committee, and joined many of my colleagues in pressing for delay in the vote.

I watched this weekend's extended Judiciary Committee hearings in Seattle, along with the rest of America. And like many of my constituents who called my office to express their views, I found the experience troubling and inconclusive. I believe the procedures through which we carry out our constitutional responsibilities must be reevaluated and improved.

I would also hope that the President will look to his own selection process for Supreme Court nominees. That process, as well as ours, clearly needs improvement.

In urging my colleagues to reject the nomination of Judge Clarence Thomas, I suggest they consider the background, experience, and career of the man he is nominated to replace.

My advice to the President would be that he start sending us nominees who truly are the best, rather than well-packaged but undistinguished nominees who fill a rightwing agenda. My consent on this nominee is withheld.

Mr. THURMOND. Mr. President, I yield 12 minutes to the distinguished Senator from Virginia [Mr. ROBB] and if Senator NUNN is not on the floor at this time, I yield the rest of the time to him.

The VICE PRESIDENT. The Senator from Virginia is recognized for 12 minutes.

Mr. ROBB. Thank you, Mr. President.

Mr. President, I had tentatively concluded, prior to urging a delay in this vote, that I would vote in favor of Judge Thomas' nomination. That tentative conclusion was based on my sense of the man and my perception of his convictions, his inner strength, and his core values.

I did not and do not believe that he has any specific ideological agenda, and I do believe that he is prepared to interpret the Constitution and laws of the United States as fairly as possible.

This Supreme Court nomination has been a series of battles. The current battleground is sexual harassment. But in the hearings that preceded the Judiciary Committee's vote there were other issues. Those issues, like civil rights and choice, and their importance should not get lost in the current firestorm.

Judge Thomas and I have discussed affirmative action and quotas at some length. I found in Clarence Thomas a man who understood both the strengths and the weaknesses of the types of remedies our society has constructed to attempt to strike the right balance in improving opportunity for all of our citizens.

Judge Thomas has told me that he supports certain types of affirmative action but that he does not believe that his own son deserves preferential treatment over a poor white child from Appalachia. I find his views on the need to move to class-based remedies to help the disadvantaged of all races intriguing and thoughtful.

The other issue is choice. I have discussed choice and the women's fundamental right to choose with Judge Thomas, and he told me that he had never taken a formal position on Roe versus Wade and believed it was inappropriate to do so in the context of the confirmation process.

I take him at his word. I am concerned that too often nominees are evaluated in the light of a single issue, and I continue to caution against single-issue politics. Concerns about these specific issues have been raised passionately and effectively by individuals and organizations I have sided with much more often than I have opposed.

But I must confess I have also been equally troubled by the view, implicit in much of the articulated opposition to Judge Thomas, that he is less entitled to his own opinions because of his color; that because of his color he must advocate specific means to ends that I believe he and his detractors agree on.

I cannot countenance that restriction on individual freedom any more than I could countenance racism. This is not to say, however, that I would have handled this nomination as it has been handled.

Would I have preferred a nominee who was more forthcoming in his answers on philosophical issues? Yes.

Do I agree with all of Judge Thomas' writings and speeches? No. Would I have preferred a nominee with greater experience on the bench and at the bar? Yes. But, as Governor, I myself appointed an even younger man to the Virginia supreme court, and he conducted himself with distinction.

That was my thinking before last weekend's hearings, and those hearings did not change my instincts on who the man was and what his beliefs are. The hearings clearly challenged my instinct, but after watching all of the witnesses and struggling with their testimony, I am resolved to affirm my original judgment and vote for Judge Thomas' confirmation.

The case presented against Judge Thomas with respect to sexual harassment was compelling. Professor Hill is a credible and serious witness. But Judge Thomas' statements in his own defense were equally strong and compelling. Although some were more persuasive than others, the witnesses who appeared on behalf of both principles were credible. The absoluteness of the differences between the statements of the two principles is impossible for me to reconcile, even after watching their testimony and that of their witnesses.

I am not prepared to rule out the possibility that they both believe they are telling the truth as they remember it. I was struck that it would have been very much out of character for either of the principal witnesses to engage in, condone, or encourage sexual harassment of any kind, and equally out of character for either of them to lie. But I cannot reconcile their individual statements. In the end, I must evaluate the testimony made on their behalf. Professor Hill's witnesses corroborate the fact that they had indeed raised the issue long before Judge Thomas was nominated for either court. Judge Thomas' witnesses say that what she alleged is totally out of character for the judge. At the bottom, I am swayed by the fact that witnesses who testified on Judge Thomas' behalf know both the judge and Professor Hill, and they have sided with Judge Thomas.

There is no question in my mind that all of the individuals and groups whose knowledge of Clarence Thomas comes principally from his speeches, his writings, and the information presented during the confirmation process, those who feel most passionately about his nomination are overwhelmingly opposed, and that includes most of those with whom I have been aligned politically over the years, and they will be understandably disappointed with my vote.

On the other hand, I am equally convinced that all of those whose knowledge of Clarence Thomas is based on actually working with or for him, or on some other regular, personal, or professional basis—in other words those who know Clarence Thomas best—uniformly confirm my own impressions of the man and his capabilities. I have talked to someone in this latter category by telephone late last evening as I was concluding the agonizingly difficult process that all of my colleagues have gone through. That person that I spoke with is someone I have known and respected for over 15 years. That person happens to be a lawyer, an Afro-American, and a woman who takes allegations of sexual harassment seriously, who describes herself as a liberal, and is adamantly pro choice. She also happens to have been a law school classmate of Judge Thomas and probably knows him as well as or better than anyone who testified for or against him. And she supports him to the hilt.

She believes, as I believe, that Clarence Thomas has qualities that are not as apparent to those primarily concerned with ideology. It is with a combination of visceral instinct about his core values, an acknowledgment that those who know him best are his most ardent supporters, and hope that he will ultimately surprise many of those most concerned about his ability to fulfill the legacy of Thurgood Marshall, that I will vote for Clarence Thomas for the Supreme Court of the United States.

I yield the time remaining.

Mr. THURMOND. How much time do we have?

The VICE PRESIDENT. Six minutes, 43 seconds.

Mr. THURMOND. Mr. President, I yield a half minute to Senator SYMMS.

Mr. SYMMS. Mr. President, prior to this weekend's 3-day hearing in the Judiciary Committee, I spoke on the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court and indicated my intention to vote for Judge Thomas' confirmation. I made my decision based on the record of Judge Thomas' qualifications, as established in the Judiciary Committee hearings, and on the basis of my 10-year acquaintance with Clarence Thomas.

I will not reiterate those qualifications here but will say again the overwhelming weight of evidence indicates that Judge Clarence Thomas has the intellect, legal background and experience, and the quality of character to make a superb Associate Justice of the Supreme Court.

Since my original remarks, however, the Nation has become embroiled in the allegations brought against Judge Thomas by Anita Hill, and we have been subjected to 3 days of scandalous charges presented in lurid detail before a committee of 14 men and a viewing audience of millions. I, like thousands of my constituents in Idaho and millions of people across the country, have watched and listened to the committee proceedings with great interest and a very sad heart.

I am sad, in part, for Anita Hill. Though I found her story unconvincing and totally uncorroborated by the witnesses who appeared on her behalf, I know her life will not be the same hereafter and she will know many difficult days and months ahead.

I am also sad because of the way those hearings and this controversy have reflected on the Senate as an institution. I believe Chairman BIDEN and Senator THURMOND handled this matter properly from the beginning, given Professor Hill's insistence that her allegations be treated confidentially and made known only to the members of the Judiciary Committee.

But I think the American people perceive justifiably that these charges, coming as they did at the 11th hour, are too basely political, and the Senate has allowed itself to be caught up in the whirlwind of slander intended solely to impugn the character of the nominee.

But most of all, I am sad for my friend, Clarence Thomas, and his family, whose anguish and justifiable anger were so apparent to those who watched the proceedings. I have known Clarence Thomas for 10 years. Without doubt, he is one of the most honorable and decent men I have known in public or private life. The allegations against him are wholly out of character and beyond belief for any of us who have the privilege of knowing Clarence, and I believe the women who worked longest and most closely with him attested convincingly to that fact during the weekend hearings.

Mr. President, when the Senate last week delayed the vote on the Thomas nomination in order that these hearings might be held, Senator DOLE said, this will be a test of Judge Thomas, a test of his character. Indeed, it was just such a test; a test the likes of which most of us in this body would be hard-pressed to pass because of the demeaning, degrading slanders made against a reputation built over 40 years. In my judgment, Clarence Thomas passed that test with flying colors. His fortitude in the face of this inquisition, more than any other factor, convinces me of his fitness for service on the High Court.

I am pleased and proud to support the confirmation of Clarence Thomas, and I wish him well during his lifetime of service there.

Mr. THURMOND. Mr. President, I would like to follow up on one point that Senator SPECTER made earlier regarding Ms. Hill's credibility.

Prior to her joining Judge Thomas at the Department of Education, Ms. Hill was employed with the Washington law firm of Wald, Harkrader and Ross.

Ms. Hill testified that, "It was never suggested to [her] at the firm that [she] should leave the law firm in any way. * * *" She further stated: "Well, I left the law firm because I wanted to pursue other practice."

Ms. Hill was questioned about her employment options when Judge Thomas was to become the Chairman of the EEOC. She stated that, "She faced the realistic fact that she had no alternative job. While [she] might have gone back to private practice perhaps in [her] old firm."

Mr. President, I have received a copy of an affidavit from Mr. John L. Burke, Jr., dated October 13, 1991. Mr. Burke has stated that he was a partner with the firm of Wald, Harkrader and Ross when Ms. Hill worked there. In fact, Mr. Burke evaluated Ms. Hill's work and has stated that, "I expressed my concerns and those of some of my partners, that her work was not at the level of her peers nor at the level we would expect from a lawyer with her credentials, even considering the fact that she was a first-year associate. * * * I suggested to Anita Hill that it would be in her best interests to consider seeking employment elsewhere because, based on the evaluations, her prospects at the firm were limited * * * based on Anita Hill's performance evaluations at Wald, Harkrader and Ross, returning to that law firm at the time Clarence Thomas moved from the Department of Education to the Equal Employment Opportunity Commission was not an available option."

Mr. President, clearly the statement by Professor Hill is in direct contradiction with the statement made by Mr. Burke, a former partner of the Wald law firm who evaluated her performance. I find Professor Hill's testimony to be an inconsistency which should be pointed out.

Mr. President, I find it disturbing that Professor Hill was not straightforward with the committee about this matter. Clearly, she knew that there was dissatisfaction with her performance at the Wald law firm. Her testimony about her employment there was clearly misleading and inaccurate. This point should be made and bears on her credibility in relation to the rest of her testimony.

Mr. CRANSTON. Will the Senator yield?

Mr. THURMOND. On your own time.

Mr. CRANSTON. I would like to mention another affidavit that is contrary to what the Senator has said.

Mr. THURMOND. Mr. President, I have not yielded the floor.

The VICE PRESIDENT. The Senator has not yielded the floor.

Mr. THURMOND. Has Senator NUNN come in yet?

Mr. CRANSTON. Will the Senator yield briefly, if nobody wishes to speak?

Mr. THURMOND. I yield to Senator SIMPSON the remainder of the time.

The VICE PRESIDENT. The Senator from Wyoming is recognized.

Mr. KENNEDY addressed the Chair.

The VICE PRESIDENT. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, may we review the time situation?

The VICE PRESIDENT. The Senator from Wyoming is now recognized for 2 minutes, 30 seconds. That is the remainder of the time, and there is no time remaining on the other side, prior to 5:30.

Mr. SIMPSON. I would like to recognize my friend from California or my friend from Massachusetts, but I must yield the remainder of the time to Senator NUNN of Georgia.

Mr. KENNEDY. Will the Senator yield?

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. THURMOND. We yield the remainder of the time to Senator NUNN.

Mr. NUNN. Mr. President, I will vote to confirm Judge Thomas.

The remarkable story of Judge Thomas' rise from poverty to prominence is by now well known. A native of Georgia, a graduate of the Yale Law School, he has had a distinguished career in Government as an Assistant Secretary of Education, as Chairman of the Equal Employment Opportunity Commission, and as a judge on the prestigious U.S. Court of Appeals for the District of Columbia Circuit.

When I announced earlier this year that I would support the nomination of Judge Thomas, I did so because I was convinced that he met the tests of intellect, integrity, and openmindedness.

Now we are faced with a different set of circumstances, an allegation that in his official capacity as Assistant Secretary of Education and as Chairman of the Equal Employment Opportunity Commission, he sexually harassed a subordinate. This is a grave charge, because it goes to the integrity of the nominee.

Moreover, in light of the unprecedented proceedings of the last week, many have come to view Professor Hill as "Everywoman" who has ever suffered the injustice of sexual abuse and Judge Thomas as "Everyman" who has ever abused a subordinate.

Sexual harassment, in any form, is simply unacceptable. As chairman of the Committee on Armed Services, I have followed very closely the challenges that our military forces have faced during the period of greatly increased opportunities for women in the armed forces. I am keenly aware of the devastating impact of sexual harassment on women, the harm that it causes to the work environment, and the actions taken by the armed forces to combat sexual harassment by superiors against subordinates.

It is important to remember, however, that we are not today voting on the question of whether we should send a message to the country on the issue of sexual harassment by "convicting" Judge Thomas. Nor are we voting on the issues of whether sexual harassment exists in this country, whether we regard it as serious, or whether it should be considered as a vital factor in this or any other nomination. It does exist. It is serious. And an allegation of sexual harassment must be given the most serious consideration in the nomination of any person for high Government office.

Because this is a nomination, it is incumbent upon us to treat the issue with the degree of care and responsibility that is appropriate for a confirmation proceeding. This is not a trial. The allegations have not been restricted to the normal 30- and 180-day statutes of limitations that apply to such equal employment opportunity complaints. The issues have been developed in a forum unguided by rules of evidence or relevancy, and without the type of cross-examination by lawyers for the parties that would normally take place in a courtroom.

Our constitutional responsibility is to vote on whether the Senate will give its advice and consent to the President's nomination. There are numerous theories as to what the appropriate standard should be, but in the end, each Senator must exercise his or her own judgment. The standard which I have consistently applied has two parts: First, does the nominee have the requisite training and experience to be qualified for the position? And second, does the nominee have requisite character and integrity to demonstrate fitness for high public office? Those are the tests—qualifications and fitness.

As chairman of the Armed Services Committee, I have had the opportunity to review FBI files on hundreds of nominees, and military files on numerous military nominations. It comes as no surprise to me that after the lengthy hearings of the past week we are largely in the same position as when the week began.

Professor Hill has made her allegations, and Judge Thomas has denied them. Despite the media attention, this is not a TV show, and there is no script writer to give us the satisfying conclusion we have come to expect through many episodes of Perry Mason. Instead, we have information—the same type of information we routinely review in FBI files and closed hearings, upon which we must make a decision.

FBI files and testimony in closed hearings often closely resemble the type of information we have heard in open session in the last week. A responsible, credible citizen presents information about a nominee on a matter of personal behavior, of which there are no direct witnesses and little direct corroborating evidence. The nominee denies the allegation. But because there is no direct evidence on the matter other than the testimony of the two individuals concerned, the FBI files and the closed hearing do not definitively resolve the matter.

In such a case, I look closely at the individual's background and the FBI files to determine whether there are patterns of habits or behavior that would make it more or less likely that the individual behaved in the offending manner.

In this case, I have carefully reviewed all of the evidence that is before us regarding the allegations made by Anita Hill. In my final analysis, I believe the weight of the evidence supports Clarence Thomas, including: his unambiguous denial under oath of the charge; his credibility as a witness, his record of untarnished public service, and his reputation for truthfulness; the testimony of his fair and professional treatment of female subordinates; Anita Hill's decision to follow him to the EEOC after the alleged harassment had begun and her continued contact with him, though, according to both Hill and Thomas, for professional reasons, after she left the EEOC; and the lack of any strong evidence of a pattern of similar behavior by Clarence Thomas.

I do not, however, join those who believe that Anita Hill's testimony is incredible or even unbelievable. There is much that lends weight to her testimony and demands that her testimony be strongly considered.

I have talked to too many women who have experienced sexual harassment in silence and without complaint. I know that some of my colleagues conclude that this could not have happened the way Anita Hill has described. I believe that it could have—but I do not believe the weight of evidence sustains the conclusion that it did.

I am convinced that much weight must be given to the fact that there is, in this case, no substantial evidence of any pattern of similar behavior by Clarence Thomas. While I recognize that a pattern of similar behavior does not always accompany an incident of sexual harassment, I believe that in close cases such as this, the presence or absence of a pattern is very important.

In the record before us, I find no credible evidence of a pattern of similar behavior. On the contrary there is considerable and significant evidence of his exemplary treatment of women.

In casting my vote, I want to make a number of things clear. I believe that this whole case has underscored the need for men in this country to do some serious soul searching about their behavior toward their female colleagues in the workplace—whether it be direct sexual advances, the casual use of offensive language, or telling jokes with sexual overtones that women may find particularly offensive. Sexual harassment does exist—it is a real and continuing problem that men need to recognize and be increasingly sensitive to.

While women in this country have a right to demand that men be sensitive to this issue, they also have a corresponding obligation to make every effort to report in timely ways claims of sexual harassment. While I can understand that delay or silence may seem like a rational alternative to many women in these kinds of situations, we must recognize that timeliness is essential to a fair and accurate resolution of these types of claims. Even in cases where women choose not to file a legal claim, employers must encourage them to let their male colleagues know when their behavior, however unintentionally, is offensive.

The confirmation process we have witnessed over the last week has been a truly wrenching experience for Clarence Thomas, for Anita Hill, and, I believe, for all Americans. I hope that, if nothing else, it brings all Americans, both men and women, a little closer to understanding each other's needs for fairness, decency, and respect in the workplace.

Mr. GLENN. Mr. President, I rise to reiterate my position in opposition to the nomination of Judge Clarence Thomas to be an Associate Justice on the U.S. Supreme Court.

I would like to state first that my decision to oppose the nominee is not based on recent developments regarding allegations of sexual harassment. As much as I personally abhor harassment in the workplace, I feel that neither guilt nor innocence was, or could be, determined by last weekend's proceedings. Therefore, I have not included that in my decisionmaking process.

The advice-and-consent role of the Senate, under our constitutional system of separation of powers, is never more important than in considering a nomination to the Supreme Court. Our third branch of government is comprised of only nine persons, and those persons are appointed for life. That fact makes the Senate's role in the confirmation process a highly important duty—one with which we cannot afford to take chances.

Judge Thomas' nomination, at age 43, is particularly important since he could serve for at least the next third of a century.

Judge Thomas' rise from poverty and a disadvantaged childhood is indeed a shining example of what is possible in America, particularly in the last few decades.

But laudable as those accomplishments are, there are other considerations for a Supreme Court nominee, specific qualifications which we should expect in a nominee for the very highest court in the land.

While he is a graduate of the prestigious Yale Law School, Judge Thomas has had relatively little experience on the bench, having served only 18 months. Moreover, he had comparatively little courtroom experience before that.

Perhaps even more important than his lack of experience is Judge Thomas' absence of a clearly stated judicial philosophy.

By judicial philosophy, I mean the approach that the nominee would bring to the Court in deciding how to interpret the U.S. Constitution. Evidence of a nominee's judicial philosophy can be determined through an examination of his or her past actions and stated positions, and through a nominee's answers to direct questions from the Senate.

But during his confirmation hearings, Judge Thomas in effect asked the committee not to judge him by his earlier statements, either his own or those expressed in support of administration policies he was carrying out. At the same time, he gave the impression of either not having, or not wanting to share, his longer term views on the application of constitutional law.

That leaves little on which to base a knowledgeable opinion of his nomination. It was notable that the Judiciary Committee, after very extensive confirmation hearings, came to the same conclusion with a 7 to 7 tie vote.

The American Bar Association, following their examination of the Thomas record, gave him only its very minimal approval rating.

By nominating Judge Thomas, the President allowed Congress an opportunity to perform only one-half of its constitutional role. That is, we were allowed to consent to the President's nominee. If Congress had been permitted to also advise the President on possible nominees, then the chances are great that Judge Thomas would not have been nominated.

Congress, as a bipartisan institution, is more inclined than a President to provide for a balanced Court. I am inclined to believe that Congress would have followed the example set by President Eisenhower and would have made some attempt to balance the Court so as to make it more representative of the comprehensive views of the American public. What is wrong with a President requesting and receiving a list of possible candidates from the congressional leadership, thereby letting Congress fulfill its advice as well as its consent role?

This Nation has many experienced constitutional scholars, lawyers and jurists from among which a Supreme Court justice could have been nominated—nominations which would carry far, far less uncertainty than that of Judge Thomas. I urge the President to make such a nomination.

I regret very much that I must come to this conclusion because I am a true admirer of Judge Thomas' rise against odds. However, for the reasons stated, I cannot in clear conscience support this nominee. I will vote against confirmation.

Mr. NICKLES. Mr. President, today I rise to reaffirm my support of Judge Clarence Thomas for the U.S. Supreme Court.

Eleven days ago, I stood before the Senate and expressed my support for Judge Clarence Thomas to become an Associate Member of the U.S. Supreme Court. At that time, there were numerous reasons for which my support was given. I was impressed with Judge Thomas' demeanor under the intense scrutiny of the Senate Judiciary Committee. At that time, I believed he conducted himself extremely well as Chairman of the Equal Employment Opportunity Commission. He had been confirmed by the U.S. Senate and its Judiciary and Labor Committees four times in the past 10 years. I noted his dynamic rise to his position on the Circuit Court of Appeals for the District of Columbia. In light of the strenuous assaults on him, I questioned the motives of his opponents reminding them that less than a year and a half ago this nominee had been confirmed by an uncontested vote of this Senate. I asked, "What has changed over the last year and half to cause more opposition now than in the past." I asserted that nothing had changed during the time of what I thought was the end of his confirmation process. I had no doubts about my intention to vote to confirm Judge Thomas to the Supreme Court.

Obviously, much has happened since my first floor statement on Judge Thomas' nomination to the Supreme Court. Over the past week, like the rest of the Nation, I watched the extended hearings involving the 11th-hour allegations made by Prof. Anita Hill. During these hearings, I had resolved to listen with an openmind. This is what I did and found that Professor Hill made a good presentation of her allegations. Such allegations are serious and need to be investigated. If these charges were proven to be true, it is clear in my mind that no one guilty of sexual harassment should be seated on the highest court in the land. After reviewing approximately 30 hours of testimony, in which both sides diametrically opposed each other, I found no conclusive evidence supporting her allegations. Judge Thomas categorically denied every allegation that Professor Hill made. Further, Ms. Hill's witnesses could not corroborate the specific allegations she made as pointed out in questioning by Senator SPECTER. While these allegations intensified my scrutiny of the nominee, I remain firm in my support for Judge Clarence

Thomas. Every aspect of his life has been an openbook before our Nation for the last 100 days and most certainly in the last week.

Let me stress to my colleagues, this is not a vote for or against Anita Hill. The hearing results were inconclusive—no one came away with a clear finding. Therefore, even as some opponents of Judge Thomas have stated, that the vote today is on Judge Thomas' ability to serve on the U.S. Supreme Court and not on any perceived findings from these extended hearings.

Even though the weekend's hearings were emotional and dramatic, I must voice my concern and criticism of the handling of this matter. It is my opinion that certain members of the committee have acted outside the legal bounds, thus skewing the process for future confirmation hearings. Both Professor Hill and Judge Thomas are unfortunate victims of this process. Professor Hill called for confidentiality of her sworn FBI affidavit and it was illegally disclosed. This was a clear injustice to her and Clarence Thomas. Confidentiality of such statements is paramount in the execution for our democratic principles. For this reason, an investigation should commence, and those responsible for divulging the statement punished. Much must be done to correct our nomination process to prevent this travesty from ever happening again.

Mr. THURMOND. Mr. President, I want to first thank all of those who supported Judge Thomas for a position on the Supreme Court. I want to thank Senator BIDEN for the commendable, fair way that he handled this nomination process especially the difficult situation of the past week. I also congratulate Senator DANFORTH for the diligent, sincere efforts he undertook on behalf of Judge Thomas. I want to express my appreciation to Senator SPECTER and Senator HATCH for the role they played, especially during the last 3 days of the Judiciary Committee hearings on this matter. Additionally, I thank the other Republican members of the Senate Judiciary Committee for the long hours and effort they contributed to this difficult process.

I also want to thank members of my staff for the long hours and dedication they displayed since Judge Thomas was nominated by President Bush. I commend the diligent, able efforts of my chief of staff, Duke Short. I also want to express my gratitude to Terry Wooten, minority chief counsel and staff director of the Judiciary Committee, and Melissa Riley, chief investigator for the Judiciary Committee, for the long hours and dedicated efforts each contributed and undertook since Judge Thomas was nominated. I thank Thad Strom, general counsel for the committee, and John Grady, counsel to the committee, for their assistance in this matter.

Mr. CHAFEE. Mr. President, I would like to take a moment to discuss the upcoming vote on the nomination of Judge Thomas.

Nearly 3 weeks ago I outlined my thoughts on the judge. I noted that while his thinking may best be described as conservative, the judge, in my view, would be an independent voice on the Court. And thus I stated my support for his nomination.

Then, over the weekend, a confidential FBI report detailing allegations of sexual harassment was made public. I do not want to spend too much time on the how's, why's, or wherefore's of that public disclosure. But I will say that something is terribly wrong when that is how business is done, in the Senate or in any other body. We have in this country a deep-rooted allegiance to fairness—to a constitutional process that protects individual rights—unlike that of any other nation in the world. The leaking of the raw information of an FBI report to the media directly subverts that process in a dangerous way: it results in a trial by publicity in a court of public opinion. Leaking the report may further the cause of the public's right to know, but it is bitterly, bitterly unfair to both the alleged victim and the alleged perpetrator. I hope that this situation never occurs again in this body.

At 2 a.m. yesterday morning, the Senate Judiciary Committee concluded 3 lengthy days of hearings on the sexual harassment allegations made by Prof. Anita Hill against Judge Clarence Thomas. Testimony from 23 witnesses was heard over the course of 32 hours.

The issue of sexual harassment is a serious one, and never before has it been discussed in such a public forum. Sexual harassment of women is an ugly fact of life. It is an issue that too often is not given enough credence by too many. Certainly the attention such cases receive is less than complete, and more often than not skeptical. Cases are quite often dismissed with a comment that women are too sensitive, or that they misconstrue a friendly but harmless word or gesture. But sexual harassment need not be a pinch or a squeeze; it can be a look, a comment, or anything that creates an intimidating, hostile or offensive working environment. It is a terrible problem that I doubt many of us in this body can personally understand. We have a long way to go.

Given the general attitude toward sexual harassment, it is not surprising that many women do not report violations. A recent New York Times telephone poll revealed that more than one-third of the women interviewed have suffered some form of harassment; only a handful reported the problem. I believe this is true.

So this matter is serious, and it is one on which emotions run high. But to consider fairly the allegations that have been made we must put aside both emotions and politics, both of which are prevalent at the moment. Right now, this body is not just debating the allegation against Judge Thomas and that subject alone. Given the strong reactions to an allegation of sexual harassment, we now are debating the treatment of women in the workplace.

Such a path can be dangerous. We must give the allegation serious and careful consideration, but we also must keep in mind that it is an allegation; and that no matter how justified the anger felt about the generally cavalier attention given sexual harassment charges, we must focus on the facts and evidence as we know them in this case.

The difficulty of determining what happened in sexual harassment cases is great. There is no one single pattern of behavior for harassment cases. Thus, in some cases it is common that the concrete evidence consists solely of one person's testimony versus another's, and it quite often comes down to a question of integrity. To my view, that is what has happened here.

I have watched a substantial portion of the hearings; I have heard witnesses on both sides. But the truth in this difficult case has not become self-evident.

It is still my decision to vote in favor of Judge Thomas. I will not do so because I think the charges or the issue are frivolous. I will do so because I cannot reconcile the Judge Thomas described in the allegation with the Judge Thomas that his employees, colleagues, and friends have described. It seems inconsistent with his life, his beliefs, his actions, and indeed, with his very identity.

By all accounts Judge Thomas has spent his life fighting bias and prejudice, and he feels fiercely, intensely, and vehemently that any kind of discrimination in any shape, size, or form is wrong. While there may be considerable disagreement with the policies he might adopt to fight discrimination, I think there was no dispute about the integrity or character of the judge—until this charge.

Judge Thomas seems to have an identity that is inextricably bound up in a belief in fairness. He seems to have treated all he met on the basis of this belief. And according to several dozen women who worked with and under him at EEOC, he extended that treatment to all in the workplace, including women. It appears, too, that he brooked no violations of discrimination guidelines under his tenure at EEOC, whether the violations were based on gender, race, origin, or even sexual preference.

I come back time and time again to the life and times of Judge Thomas. It is not a matter of disbelieving one witness over another. I just cannot reconcile the man described in the allegations with the man described by friends and colleagues—both men and women.

And without more than one accuser, no matter how credible, I cannot in good faith conclude that he is guilty of this behavior.

This has been a painful time not only for the individuals involved, but for the Senate as an institution. Some say that at the very least, as a result of this public airing, the people—particularly men—in this country have become far more aware of how terrible sexual harassment is. It is important that that understanding be furthered. But in this case, the costs have been heavy for both Judge Thomas and Professor Hill. It has been a dirty unpleasant fight, with character assassinations galore, and I am truly saddened by the pain this has caused both of them.

Mr. HATFIELD. Mr. President, these past few days have been perversely riveting. Like many Americans, I spent much of last weekend immersed in the hearings on the nomination of Judge Clarence Thomas to the Supreme Court, and it is apparent to all that the Nation is now suffering through a most tragic and troubling time.

The allegations of Professor Hill and the denials by Judge Thomas have presented this body with a set of extremely complicated circumstances. Each individual has exemplary career and personal backgrounds, each individual is supported by character witnesses who speak for their veracity. And each of them took an oath before the Judiciary Committee to speak the truth. Yet, they both cannot be telling the truth.

Mr. President, 10 days ago, I came to this floor and announced my support for Judge Clarence Thomas. My support for Judge Thomas, as with other nominees, is based primarily on his character and fitness. As I stated then: Clarence Thomas is well qualified to sit as an Associate Justice on the U.S. Supreme Court. I also emphasized my opinion that the confirmation process has done precious little to enrich the image of the Senate. Little did I know then the unrivaled confirmation spectacle that would very soon be showcased on national television.

Four days after I spoke in favor of Clarence Thomas, new and disturbing allegations were made against the nominee by Professor Hill. Professor Hill's charges reflect directly upon the character and fitness of Judge Thomas, and are therefore of great concern to me.

Like many of my colleagues, I took the time to carefully review the report prepared by the Federal Bureau of Investigation. I was also thoroughly briefed on the matter by the chief investigator for the Senate Judiciary Committee. After this thorough review of all the available information, I determined that I could not support a delay. In this position, I did not prevail, and the hearings commenced.

It was clear to me that a delay and hearing for this matter would resolve very little while bringing out the very worst in the Senate's public confirmation process. And that is exactly what happened. By all accounts, virtually nothing positive has come from this spectacle. The cost of a delay for this full-blown public hearing has not been at all worth the benefits—benefits for which I continue to search.

But, Mr. President, let us talk about the costs, because the casualties of the Senate confirmation process continue to pile up like so many casualties of war. Nominees and witnesses alike wither under the white hot glare of the media spotlight and the searching beam of secret background checks. Once sterling reputations are clumsily smudged with the dingy tarnish of crude innuendo. This body must take action to stop what is now becoming commonplace in our confirmation process. We must have no more political casualties in the judicial confirmation process.

Over the last week alone, Judge Thomas, Professor Hill, and others have permanently lost part of their professional standing and dignity. And for what? For the sake of a process that has turned on them and abused them very badly. We must know that future nominees and future witnesses will certainly think long and hard before subjecting themselves to this political bloodsport.

Another cost was clearly demonstrated to me last night as I reviewed the flood of calls my office received over the weekend. An angry father took the time to call my office for a little advice. His family had watched the confirmation hearings. This father wanted to know just how he was to answer his childrens' questions about the explicit sexual matters mentioned. And what do you say?

Few would argue that this confirmation spectacle has enhanced the standing of the Senate. The many polls that have been run over the last several weeks show that Americans have been confused by many things throughout these proceedings. There is, however, nearly universal condemnation of the Senate's handling of this matter.

And, of course, no one is more disappointed in the leak of this sensitive, confidential information than am I, and I support the calls to investigate this improper conduct. Leaks of any confidential material must not be tolerated.

But process aside, the Senate is nevertheless called upon to render a decision on this nomination. To the best of my ability and using the most credible information available to me, I have made my decision to support Judge Thomas. Judging another person's character is never easy—one cannot get inside a person's mind to know every thought, nor can one follow every second of that person's life to have an idea of their behavior in all circumstances. But the Senate is charged with making a judgment and in observing what is known of Judge Clarence Thomas. I have come to the conclusion that he is fit to serve.

Yet, I am also troubled that, for many, the Senate's vote to confirm or not confirm Judge Thomas has taken on another meaning. Like it or not, some will view this vote as a national referendum on a woman's ability to stand up against harassment. A vote on whether this country is prepared to clearly signal to every woman in this country—old, young, rich, poor, educated or illiterate—that she has the right to her dignity and the right to seek redress from abuse.

I cannot fully gauge the impact these past few days have had upon our Nation, but I can tell you how they have impacted me. I now have a much greater knowledge of and appreciation for the problem of sexual harassment. Over the past days, I have heard so many painful stories from friends, from relatives, from constituents who either experienced harassment themselves or knew someone who had.

Sexual harassment is a detestable problem and it can wound women deeply. The personal pain brought on by such harassment is only compounded by an often hostile societal environment. Continued punishment is often heaped upon the victim for exhibiting the courage to demand that the harassment stop.

This is wrong. The victim—any victim—should not have to pay twice. This whole episode has shown our Nation that we need to rethink just how far we have come, or perhaps not come, in our efforts to achieve equality and fairness for everyone regardless of color, religion, or gender.

But our effort to find an end to the injustice of sexual harassment should not begin by sacrificing justice for one individual. No matter how hard some are attempting to paint this vote as a referendum on women's rights or to somehow force a kind of penance for all of the tens of thousands of cases of sexual harassment—this is still a vote to confirm an Associate Justice of the Supreme Court.

The Senate is now considering a number of bills that deal directly with the issues of violence against women, sexual harassment, and sex discrimination in the workplace. I support and am a cosponsor of legislation in each of these areas. And these are subjects upon which the Senate is expected to act very soon.

So, let us be clear: we are here to vote on the confirmation of a Supreme Court nominee. We have before us a nominee who has served ably in public service for half his life—after living the first half of his life knowing both the wretched want of poverty and the challenge of being a member of a racial minority.

Clarence Thomas, the person, is made complete by his career and personal history. This Senate has heard that history and had significant opportunity to question him on the greatest possible range of matters. What has happened to him and to his family over this past week is tragic and I do not blame him when he says that he would never again choose to endure such a callous process.

But the bottom line here is that Judge Thomas is qualified. Nothing which took place at the hearings of these past few days has convinced me otherwise. I therefore continue to support his nomination and will cast my vote to confirm him.

Mr. KASTEN. Mr. President, I support Judge Thomas for confirmation because I believe he is uniquely qualified to serve on the Supreme Court. His intellect, education, and experience in both the private and public sectors will stand him in good stead on the Court.

His personal experiences, from childhood to the present, will provide the Court with a different viewpoint. He has seen the power of Government wrongfully oppress minorities. No one else on the committee shares this life experience.

I agree with Yale Law School dean, Guido Calabresi—certainly no conservative—that Judge Thomas has not turned his back on those in need, particularly African-Americans, and his awareness of their needs keeps him open to argument as a Justice should be.

Such charges as those made by Professor Hill certainly merit concern. These allegations concerning conduct 10 years ago were in the record of the Judiciary Committee, the FBI investigated them, but they were not found to merit further consideration.

An illegal leak thrust this issue into the limelight and much of America witnessed the hearings over the weekend. It is a basic tenant of American law, based on fairness, that one is innocent until proven guilty. While anyone can make allegations, an accuser must bear the burden of proof.

I do not believe that burden has been met, and in fact believe that there is reason to doubt these allegations. Professor Hill followed Judge Thomas from the Department of Education to the EEOC, continued to stay in friendly contact, and the specifics of the allegations seem to have grown over time.

I am also greatly disturbed by the possibility that Professor Hill thought that Judge Thomas might have withdrawn if she came forward. This calls into doubt the real reason for which she came forward.

There was very convincing evidence by those familiar with the working relationship between Judge Thomas and Professor Hill that such conduct as she alleged was totally out of character with Clarence Thomas. The charges were not proven, the presumption must remain with Judge Thomas.

In arriving at my position, I am very aware that some see a white, male Senate passing judgment on the real problem of sexual harassment. But as Chairman BIDEN so aptly stated during the hearings, the hearings were not a referendum on the terrible problem of sexual harassment. They were to determine whether it occurred in this instance. I do not believe that the burden of proof was met by the accusers.

Finally, Mr. President, with the conformation of Clarence Thomas we will have a first-rate Associate Justice on the Supreme Court. Judge Thomas' accomplishments and humanity could not be denied even by an enormous political campaign to defeat him, or recent personal attacks.

The media display brought about by an illegal leak of information does mean that the process, and this leak in particular, must be investigated. But, that is for another day.

I urge my colleagues to vote for the confirmation of Clarence Thomas. He will do honor to the Court.

Mr. DASCHLE. Mr. President, I made my decision to vote against the confirmation of Judge Clarence Thomas on Friday, October 4, before it was revealed that former employees of Judge Thomas had made charges of misconduct against him involving sexual harassment. I made my decision after carefully reviewing Judge Thomas' record, his past statements and writings, and his testimony before the Judiciary Committee.

My reasons for voting against Judge Thomas' confirmation are the same today as they were on October 4. I cannot support Judge Thomas because there are people of greater distinction and more experience who are better qualified than Judge Thomas to serve on the Supreme Court. Even more important, I cannot support Judge Thomas because he has left too many unanswered questions about his judicial philosophy. Because of these unanswered questions—and because of my doubts about the sincerity of his responses to the Judiciary Committee regarding his philosophy—I cannot turn over to Judge Thomas the enormous power of a position on the Supreme Court.

The hearings over the weekend did not change my mind. Having reached the conclusion that I would vote against Judge Thomas before I learned of the serious charges of sexual harrassment against him, and after having carefully reviewed the testimony from the hearings this weekend, I must state that the hearings, including Judge Thomas' testimony, did not lead me to believe that he is any more qualified for the Court than I thought before. If anything, the hearings raise even more questions.

Because I want to present clearly the thinking that went into this important decision to vote against Judge Thomas' nomination for one of the most powerful positions in our Government, I ask that I be permitted to submit the following statement prepared October 4.

THE CONFIRMATION OF JUDGE CLARENCE THOMAS

(Prepared October 4, 1991)

Mr. DASCHLE. Mr. President, a position on the Supreme Court is one of the most powerful positions in our government. The Court's decisions affect the lives of millions of Americans. These decisions reach into the most intimate aspects of people's lives. If we vote to confirm Judge Clarence Thomas as an associate justice we are voting to hand him enormous power. This step should not be taken lightly. Because of the importance of this step, we must search deeply into the nominee's mind and heart to make sure the nominee is a fair, thoughtful and decent person.

I have used three criteria to evaluate nominees for the Supreme Court. First, I want to know that the candidate has the proper moral character to sit in judgment of others; second, I want to be sure that the nominee has demonstrated intellectual achievement and distinction that mark him as one of the leading persons in his field; and, third, I want to be sure that the nominee has developed a judicial philosophy that fits within the mainstream of American legal thinking, not a philosophy that is radical or extreme.

I have too many doubts about Judge Thomas to support his nomination. Questions have been raised by several renowned legal scholars about his intellectual achievement and distinction. There are people with greater legal standing and conservative philosophies who would be better for this job than Judge Thomas. But, for me, the most important questions concern Judge Thomas' judicial philosophy. Does he hold a judicial philosophy that is outside the mainstream?

I do not oppose Judge Thomas because he has been a called a conservative. I believe that the President has the right to nominate judges for the Supreme Court that share his philosophy. I have voted to confirm the nominations of conservative judges, including Judges Kennedy and Souter. The question is whether the nominee holds a judicial philosophy that is extreme.

The Supreme Court is not a laboratory to experiment with legal theories. I will not support a nominee who is on a crusade to rewrite the law because the nominee has found interesting new legal theories. The cases that come before the Court involve real people. The decisions in these cases reach beyond these people to affect the lives of millions of Americans. Nominees to the Supreme Court must show that they are not indifferent to the effects of their decisions.

One of the threads connecting the nominees of Presidents Reagan and Bush is the nominees' indifference to the effect of their decision on peoples' lives. Each of the nominees, in some part of their legal careers, expressed skepticism or outright hostility to the principle that the Constitution protects a persons's privacy. Each, to a greater or lesser degree, showed an eagerness to extend the state into the most intimate aspects of peoples' lives. Judge Thomas, however, has expresed views that are more extreme than most other nominees.

Judge Thomas' writings and statements prior to his nomination to the Supreme

Court show a high degree of indifference to the effect of the law on peoples' lives and an attraction to legal theories that are radical and extreme. He has made insensitive remarks in public regarding his family and people who are less fortunate. He has spoken favorably of legal theories that would strike down laws to protect public health and safety, including laws providing for federal inspection of food and meat products.

I began this process planning to vote for Judge Thomas's nomination to the Court. I hoped that Judge Thomas's background as a person who worked hard to raise himself from poverty would make him more sensitive, and less indifferent, to the problems of those people in our country who are still struggling for their fair share of the American dream. I hoped that in his past Judge Thomas had harbored more progressive views than those reflected in his writings and statements. But I was concerned, based on his writings and statements, that he had forgotten his background, or that his success had made him callous to people who have not enjoyed the same success. I had hoped that the hearings would clear up my doubts about his philosophy.

But after five days of his testimony, I am disappointed that the record is not clearer. Rather, as Senator Heflin said, the record is less clear. I am disturbed by the contradictions between his past statements and his testimony. These contradictions raise serious questions about Judge Thomas. They do not give me confidence in him. If he was attracted to radical ideas in the past, it is likely that he will be attracted to these ideas in the future. If he has been indifferent in past, it is likely that he will be indifferent on the Court.

We have seen two Clarence Thomases. The old Clarence Thomas showed insensitivity and indifference to others less fortunate than himself. The old Clarence Thomas expressed approval for radical legal theories. The new Clarence Thomas uses his personal story to shield himself from his past statement and writings. The new Clarence Thomas uses the right words, but does he mean them? We don't know.

The Judge Thomas I see is a philosophical chameleon. He spoke and wrote favorably of extreme legal theories to win the approval of the radical-conservative community in hopes of obtaining a Supreme Court nomination. Now, with the nomination in hand, he tries to jettison these past statements to win confirmation. Like a chameleon, which changes color to match the surrounding environment, Judge Thomas has changed his philosophy to gain the approval he needs. Are we voting for the old Clarence Thomas, or the new Clarence Thomas? His testimony provides no answers.

My children will live most of their lives under a Supreme Court with Judge Thomas sitting as a justice. Can I trust this man to be thoughtful and fair-minded in making decisions that will affect my children's lives, and the lives of millions of other Americans of my children's generation? I cannot. I am afraid that Judge Thomas's testimony has not overcome my doubts or earned by trust. Instead, his testimony has increased my doubts and weakened my trust.

This experience has revealed the weaknesses in the confirmation process. Negative politics—with all its cheap shots and character attacks—has spilled over to stain the process of confirming Supreme Court nominees. All the parties involved share blame for this development. The Senate, however, should make no apologies for conducting thorough hearings into Judge Thomas's background and philosophy. As one of my colleagues said, five days of hearings is a small price to pay for the right to serve on the Supreme Court for 40 years. Because of the power justices hold, their nominations deserve the highest level of scrutiny.

The President, however, has used this process in his campaign to divide the American people. Sadly, he seeks to irritate the wounds in our society rather than to heal them. The President's aides used a strategy to shield Judge Thomas from our scrutiny. I believe this strategy was unfortunate because it hurt Clarence Thomas. We were kept from knowing the real Clarence Thomas. Because we were denied the opportunity to see the real Clarence Thomas, there are lingering questions about his character and his intellect. But most important, there are too many unanswered questions about his philosophy. These unanswered questions leave too many serious doubts in mind. Because of these doubts, I cannot vote to put Judge Thomas on the Supreme Court.

Mr. PRYOR. Mr. President, my opposition to Clarence Thomas predates Ms. Hill's allegations and even predates his nomination to the Supreme Court. I was one of only two Senators to oppose Clarence Thomas' nomination to the D.C. Circuit Court of Appeals in 1990. At the conclusion of my remarks I will insert into the RECORD two statements I made in 1990, which explained my opposition to Clarence Thomas' nomination to the D.C. Circuit Court. At the time, I felt Mr. Thomas' tenure as head of the EEOC, during which as many as 13,000 age discrimination cases were allowed to lapse, raised serious questions about his qualifications for higher office. Nothing since then has changed my mind about that.

Relative to the recent allegations of harassment and misconduct by Judge Thomas, I personally found the hearings to be inconclusive. I am sorry that today's vote will be interpreted by many as a referendum on whether we believe Judge Thomas or Prof. Anita Hill. This is not the case and my decision on this nominee was made several days before the charges against Judge Thomas surfaced.

I am proud to have cast votes in recent years in favor of Justices O'Connor, Scalia, Kennedy, and Souter, all of whom were nominated by Republican Presidents and widely considered to be conservative of philosophy. In my opinion, these were individuals who unite the country rather than divide it. Such is not the case with Judge Thomas.

I ask unanimous consent that the statements to which I referred be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the Congressional Record, February 22, 1990]

NOMINATION OF CLARENCE THOMAS

Mr. PRYOR. Mr. President, on February 6, the Senate Judiciary Committee held a confirmation hearing on the nomination of Clarence Thomas as a U.S. circuit judge for the District of Columbia Circuit. During this hearing, a number of statements were made by Mr. Thomas that I find troubling.

Before I outline my concerns, I would like to acknowledge that there is much to admire and respect about Clarence Thomas. He is truly a self-made man, having advanced from very humble beginnings to Chairman of the Equal Employment Opportunity Commission [EEOC]. Along the way he attended law school at Yale University, served as assistant attorney general for the State of Missouri, and was appointed Assistant Secretary for Civil Rights at the U.S. Department of Education. These are significant achievements that should be taken into account when considering Mr. Thomas' fitness to serve on what is often described as the second most important court in the land.

What must be taken as an equally important indication of Mr. Thomas' ability to serve effectively on the District of Columbia Circuit, however, is his track record in his most recent position as Chairman of the EEOC. In that vein, I would like to take this opportunity to briefly explain my understanding of his performance in that capacity.

As chairman of the Senate Special Committee on Aging, I am particularly concerned about, and committed to, strong and effective enforcement of the Age Discrimination in Employment Act [ADEA]. With this in mind, I was dismayed to learn about several erroneous statements made by Chairman Thomas and his supporters regarding his role in enforcing ADEA.

At the hearing Mr. Thomas was praised by some for his 8-year tenure in which he took the EEOC "in shambles" and eliminated the case backlog, installed a new computer system for tracking cases, and managed the Commission's funds more wisely. Such comments give the impression that Clarence Thomas saved the EEOC from certain demise. I believe that the several thousand age discrimination claimants who, during Chairman Thomas' watch, lost their rights largely due to EEOC neglect and mismanagement would differ with this rosecolored view of the past 8 years.

According to documents obtained by the staff of the Special Committee on Aging during an investigation of the EEOC by former Chairman John Melcher, the EEOC's inventory backlog of 33,000 in 1982 rose to over 61,000 in 1987. During that same period, the number of unprocessed charges 300 days old or older increased some 2,200 percent, from 727 to 15,428. Therefore, far from eliminating its backlog, the EEOC was actually adding to it.

In addition, words of praise for Chairman Thomas for modernization of the EEOC must be taken with a grain of salt. The Aging Committee's investigation of EEOC found evidence that during Chairman Thomas' tenure the Commission spent millions of dollars in a highly unreliable computer system that eventually had to be replaced. Only recently has the EEOC's new Charge Data System begun to function properly and provide a reliable national data base.

Mr. Thomas' performance under questioning by members of the Judiciary Committee regarding EEOC's enforcement of the ADEA raised a number of concerns. Many of his responses appeared to be shaky attempts at revisionist history. Under questioning from Senator HATCH, Mr. Thomas stated that the EEOC had at one time allowed the statute of limitations for filing a case in Federal court lapse on 900 ADEA cases. He claimed, however, that the situation has been corrected and that lapses are now down to two cases a year.

These numbers are totally inaccurate and, some would say, border on misrepresentation. In fact, the EEOC's own figures indicate that the statute of limitations may have lapsed on well over 13,000 ADEA claims from 1984 to 1988. Additionally, over 1,500 charges contracted out by the EEOC to State Fair Employment Practice Agencies [FEPA's] have been allowed to expire since 1988.

In 1987 Chairman Melcher, acting on a number of complaints, began an investigation into ADEA claims that the EEOC had allowed to lapse. In early September, Chairman Melcher requested that the EEOC provide him with information on how many ADEA cases had exceeded the 2-year statute of limitations. Although an internal survey of district offices showed that the EEOC had let at least 900 ADEA charges lapse, Mr. Thomas chose to redefine cases as charges which had been recommended for litigation, and he told the Aging Committee that 70 such cases had expired.

After months of fruitless attempts to obtain additional and accurate information on this matter, the Aging Committee issued a February 1988 subpoena to Chairman Thomas to provide data on the lapsed charges. Thomas reported that form 1984 to 1987, 779 charges had exceeded the statute of limitations. Two weeks later Thomas received an internal EEOC report indicating that 1,200 charges had expired in 1987 alone.

Later in 1988, Congress passed the Age Discrimination Claims Assistance Act [ADCAA], which extended the statute of limitations 18 months for charges which were filed on or after January 1, 1984 and which expired on or before April 7, 1988. In complying with reporting requirements under ADCAA, the EEOC has admitted that it has mailed out more than 13,000 notices to older workers whose claims may have been allowed to expire during that period.

As mentioned, Mr. Thomas proclaimed to the Judiciary Committee that the problem of lapsed ADEA charges has been corrected and that lapses are now running about 2 a year. In fact, EEOC documents submitted to the Judiciary Committee show that over 1,500 ADEA charges contracted out by the Commission to State FEPA's for investigation have lapsed since ADCAA.

Mr. Thomas' response when confronted by Senator METZENBAUM with this fact was twofold. He initially stated that the EEOC has no control over the FEPA's. He further responded by stating that the ADEA statute of limitations did not matter on those charges because they were filed under State antidiscrimination laws, which have no such limitations. These statements are certainly misleading, and raise serious questions about the nominee's appropriateness for the Federal bench.

The EEOC contracts with FEPA's to investigate a range of employment discrimination cases filed at the State level. While it is true that age discrimination charges lodged with FEPA's are filed under State antidiscrimination laws, they also represent claims under the ADEA. Indeed, EEOC regulations make it clear that charges filed with FEPA's under contract are considered to be filed with the EEOC also.

As the Federal entity charged with the enforcement of the ADEA, the EEOC has an inescapable duty to protect the rights of ADEA claimants. The fact that a lapsed charge may still be valid under State law does not relieve the Commission of its fundamental responsibility.

The contracts between the EEOC and FEPA's require that a charge be investigated and sent to the EEOC within 18 months of the date the charge is filed. This is intended to give the EEOC time before the expiration of the 2 year statute of limitations to make a decision on litigating the charge or issuing a no cause letter to the claimant. If FEPA's violate this time frame, they don't get paid. In addition, the EEOC can discontinue its relationship with poorly performing FEPA's. Most importantly, with its new computer system, the EEOC has the ability to track charges filed with FEPA's, and has the contractual right to take from the State agencies those charges found to be in danger of lapsing.

In conclusion, there should be little dispute that thousands of ADEA claimants have unfairly and unacceptably lost their rights during Chairman Thomas' 8-year tenure. We all agree that the massive lapses of ADEA charges prior to 1988 should have never happened. Likewise, we must recognize the tragedy and irony that even as Congress was acting to restore the rights of those who lose claims during that period, hundreds more cases were lapsing.

Mr. President, the qualifications and experiences of any person nominated to fill such an important post as a judgeship on the D.C. Circuit must be closely scrutinized. There are few things I respect more than an individual who has made a success of him or herself in the face of hardships. Indeed, Mr. Thomas' accomplishments are to be applauded; however, the concerns I have outlined above should not be dismissed as irrelevant to the confirmation process.

I have not decided how I will vote on Mr. Thomas' nomination; however, I will make my decision based on the scope of my knowledge about the nominee and his qualifications. It is my hope that all my colleagues will do the same. I look forward to reviewing the Senate Judiciary's report and recommendation on Mr. Thomas, as well as to any discussion which may occur on the floor regarding his nomination.

[From the Congressional Record, March 5, 1990]

Mr. PRYOR. Mr. President, those who are managing this particular nomination should be on notice that my speech should not take more than about 4 minutes maximum.

Mr. President, this nominee's fate, I believe has already been determined. There is no question about that. My vote against this nominee will not change the fact, and certainly I do not expect it to, that Clarence Thomas will be confirmed by this body as U.S. circuit judge for the D.C. Circuit. Frankly, I wish him nothing but the very best as he takes on this new challenge.

On February 22, I outlined to my colleagues in the Senate not only my admiration for, but also my doubts regarding, Mr. Thomas. I see no need to repeat them at great length today. Whether through mismanagement or through disdain for the Age Discrimination in Employment Act [ADEA] Clarence Thomas, as Chairman of the Equal Employment Opportunity Commission [EEOC] for the past 8 years, has been responsible for allowing thousands of age discrimination claims to lapse the statute of limitations.

From 1984 through 1988, as many as 13,000 ADEA claimants may have lost their rights to bring suit in Federal court. Since that time over 1,500 additional age discrimination claims have been allowed to lapse. Throughout congressional investigation into these lapses, Mr. Thomas has vigorously resisted oversight, and he has consistently, whether he knew it or not, misstated his record as chairman of the EEOC.

In 1988, Mr. Thomas was very, very uncooperative to the extent that former Senate Aging Committee Chairman John Melcher was forced to issue subpoenas to the EEOC in order to discover that Mr. Thomas had substantially understated the number of lapsed ADEA claims to the committee. But chairman Melcher's experience with this nominee was not unique. On July 18, 1989, the chairperson of 12 separate House committees and subcommittees with jurisdiction over the EEOC wrote to the President expressing the same frustrations, and urging that Mr. Thomas not be nominated for this judgeship.

As I stated to my colleagues in the Senate on February 22, I feel that the nominee has once again been far less than candid with a congressional committee—in this instance the Senate Judiciary Committee—regarding his record as Chairman of the EEOC. I am also astonished by his apparent lack of knowledge regarding the EEOC's contractual relationships with State fair employment practices agencies [FEPA's]. Hundreds of ADEA charges contracted out by the EEOC to the FEPA's on the local level have lapsed since 1988, and Mr. Thomas flatly denies any responsibility for them. I hope that my colleagues will refer to my previous statement when I attempted to straighten out the record for a more thorough discussion of the FEPA issue.

After much careful consideration, Mr. President, I have determined that I have significant and unanswered concerns regarding this nominee's sensitivity to the rights of older individuals and his commitment to protecting those very particular and specific rights.

Mr. President, strong and fair enforcement of the ADEA is just as important as enforcement of any other law that protects our citizens from discrimination. As Senators, we must have confidence that the judges we confirm to fill what is often described as the second most important court in the land will uphold the laws that embody the rights of those most vulnerable in our country and in our society.

Based upon his record as the Chairman of the EEOC, I cannot say that Mr. Thomas has given me that degree of confidence that I need to vote for his confirmation. I am not trying to enlist support against his nomination. But, in my capacity as chairman of the Senate Special Committee on Aging, I cannot ignore my concerns about Mr. Thomas in this area and, as a result, I will not vote for his confirmation.

If my vote on the Thomas nomination can achieve only one outcome, Mr. President, it is my hope that it signals that enforcement of the ADEA must be a high priority. I am pleased to say that I believe that the new Chairman of the EEOC, Evan Kemp, shares my commitment in protecting the rights of older citizens. It is therefore with great hope and expectation that I look forward to an improved and productive relationship with the EEOC. It is also to my great sorrow that I cannot support the nomination of Clarence Thomas to this particular position.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized?

The Chair recognizes the Senator from Missouri [Mr. Danforth] for not more than 6 minutes.

Mr. DANFORTH. Mr. President, I agree with the Senator from Arkansas only insofar as he expresses regret for the position he has taken.

I have stated previously this afternoon that I do not know either the law or the facts relating to these cases dealing with the aging. I do know that I was present in the Judiciary Committee when Clarence Thomas assumed the responsibility personally for everything that happened on his watch, including these cases. I can say to the Senator from Arkansas that, having known Clarence Thomas for 16 years in a collegial capacity, both when I was State attorney general and as a Senator, Clarence Thomas is a totally candid person. What you see is what you get. He is not going to pull a fast one on anyone. As a matter of fact, one of the real characteristics of Clarence Thomas is that he will tell you or me or anybody else exactly what he thinks at any time. I have no doubt that there was no effort on his part to pull the wool over anybody's eyes.

It is well known, I think, that when Senator Melcher was chairman of the Aging Committee there was a very severe difference of opinion—it may have even been a difference of personality—between Senator Melcher and Clarence Thomas. I know on numerous occasions Clarence Thomas expressed concern about this to me because I consider myself to be his personal friend. But one thing he does not do, I am sure has not done, and I know will not do—I will be surprised if he does it as a Federal appellate judge—is to somehow twist or tailor the law in order to meet some personal agenda of his own. He would not do that.

If the statute of limitations ran, it was from some fault of the system. It was not some conniving trick designed to accomplish some weird personal agenda which was then covered up in some dastardly fashion by Clarence Thomas. That is just not the way the man works.

I think some people might say, well, if he is a judge he will not engage in new frontiers of social policymaking from the bench. Undoubtedly that is the case. He is a person who is a believer in the concept of restraint. But he is also a person who believes in enforcing the law. I am confident, knowing the person as well as I do, that that is exactly what he attempted to do as Chairman of the EEOC, and that is exactly what he would attempt to do on the court of appeals.

Mr. President, I yield back whatever remaining time I might have.

The PRESIDING OFFICER. Who wishes to be recognized?

Mr. PRYOR. Mr. President, I wonder if it might be permissible for me to respond to the distinguished Senator from Missouri for not to exceed 5 minutes?

The PRESIDING OFFICER. The Senator is recognized.

Mr. PRYOR. Mr. President, there is no one in this body that I have greater admiration for than the great Senator from Missouri, my friend, Mr. Danforth. And I know Senator Danforth has had an extremely personal relationship with the nominee for a number of years. I know he knows the nominee well; in fact, much better than I do.

Mr. President, I say this out of great respect to the Senator from Missouri and out of all respect to the distinguished career of the nominee in this case, Mr. Clarence Thomas. What I think happened at EEOC during the past 8 years is that rather than Clarence Thomas, the director, running the bureaucracy, the bureaucracy ran him. I think the bureaucracy ran him to a very dangerous extent, so that Clarence Thomas decided no longer to look at what was happening in that agency.

This is not the first time this has happened in a bureaucracy. It happens many times. All of us in this body have seen bureaucracies or agencies or entities of government being taken over by those who are not in command. We also see what we might call the tail wagging the dog.

Clarence Thomas is not a bad man. In fact, he is a good man. His intentions are not bad. In fact, his intentions are good. But he allowed this to happen, and it happened on his watch. As a result, for some 15,000 individual Americans who had age discrimination claims, appealing to the court of first resort, the EEOC, those claims might as well have been sent to Beijing. They might as well have been sent to Bulgaria or Romania. But they were filed in the court of first resort, EEOC.

What happened to them? The statute of limitations was allowed to run. Had it been 10 cases or 20 cases, that might have been something different. But there were 15,000 charges which may have lapsed, Mr. President. These 15,000 charges representing the rights of American citizens were denied and snuffed out, literally snuffed out, by a bureaucracy that was run by Clarence Thomas.

That is too much for me to overlook. I cannot say, well, he was a good man, but I am sorry he did not do better and I will vote for him.

In this case, the instances were too many, the warnings were too often, and the consequences were too great for me to have that degree of confidence to promote this fine man to the job for which he is being considered.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized? The Senator from Ohio has 2 minutes.

Mr. METZENBAUM. Mr. President, I commend the Senator from Arkansas for so succinctly stating the facts concerning the operation of EEOC under Chairman Thomas. I think his remarks very much indicate the reason that the National Council on Aging came out in opposition to Mr. Thomas' confirmation, and I think it is the reason that the AARP wrote a 15-page letter. They take no position, but make it very clear about their unhappiness with respect to his conduct as Chairman of the EEOC.

I think his remarks also support and make us understand better why 10 chairs of various House committees came out against confirmation of Mr. Thomas. I think his remarks help us to understand also why 19 members of the Congressional Black Caucus came out in opposition, and not one member of the Black Caucus came out in support of Mr. Thomas' confirmation.

So I think Mr. President, although I said earlier I expect that Judge Thomas will be confirmed, there are some strong and persuasive reasons why he should not be confirmed and seated as a member of the Circuit Court of Appeals.

Mr. KOHL. Mr. President, I will vote to confirm Mr. Clarence Thomas to the U.S. Court of Appeals for the D.C. Circuit. I am concerned about this nomination, however, for some of the reasons outlined by Senator Metzenbaum, and organizations representing elderly Americans—namely, that Mr. Thomas did not zealously protect the rights of a vulnerable segment of our society when he was head of the EEOC. I also have some concerns that Mr. Thomas' strong ideology could interfere with his performance as a judge.

Still, Mr. Thomas has been nominated to the bench—not to the EEOC again—so any managerial mistakes are not a bar. Moreover, he repeatedly assured us during the Judiciary Committee hearing that he would put aside his own political believes and be an impartial judge. I take him at his word. He also very clearly vowed to follow Supreme Court precedent even if he disagrees with it. This, too, was reassuring.

Consequently, Mr. President, I am going to vote in favor of Mr. Thomas. For this position on the D.C. Circuit—where he must follow Supreme Court precedent—he is qualified and deserving of confirmation.

Mr. WOFFORD. Mr. President, this has been a painful week for Judge Clarence Thomas, for Prof. Anita Hill, for their families and friends, colleagues and classmates, and also for the country. No one can be happy about the spectacle of seeing such accomplished and impressive individuals put in the hot glare of public scrutiny over the details of their private lives.

As a former aide to Dr. Martin Luther King, Jr., civil rights adviser to President Kennedy, Notre Dame law professor, and president of a leading women's college, I've had special feelings for the powerful and conflicting passions aroused by this nomination.

I want an African-American to be on the Supreme Court because issues of equal opportunity for minorities will remain a vital concern for the highest court in our land. President Bush did reach out to a black American, but he did not select someone in the tradition of Justice Thurgood Marshall. The President selected, as he has done with almost every judicial nomination, someone who reflects his own political and legal agenda.

I have been especially disappointed to witness a nomination and confirmation process which, from the very outset, elevated politics over qualifications.

After the first hearings in September, I was concerned that Judge Thomas—a man who has clearly wrestled with many legal, philosophical and moral questions—steadfastly refused to clarify and defend his views on several key issues. A Supreme Court nominee can be more forthcoming without prejudging particular cases that may come before the Court.

In addition, I remain concerned that as a person who has spent the bulk of his career in administrative and bureaucratic posts, Clarence Thomas does not have the courtroom experience and constitutional expertise that we should expect in the Justice who replaces Thurgood Marshall.

Like most Americans, I was deeply impressed by the facts of Judge Thomas' successful struggle against a legacy of racial discrimination and poverty. But as Congressman JOHN LEWIS, my colleague of many years in the field of civil rights put it in his testimony, these facts do not make a sufficient case for a lifetime appointment on the Nation's highest court.

Unlike Senators and Members of Congress who must return to the people periodically for their mandate, Supreme

Court Justices do not. Lifetime appointments demand the highest level of experience and qualifications, as Justice Marshall demonstrated so well.

Therefore, after reviewing the public record and soliciting the thoughts of my constituents in Pennsylvania, I have decided to vote against this nomination.

Mr. LAUTENBERG. Mr. President, the Senate is about to exercise one of its most important duties in voting to confirm or reject a candidate for the U.S. Supreme Court. A confirmation of a nominee can have a lasting impact on our citizens' lives, their freedoms, and their access to justice.

Shortly after the Senate Judiciary Committee vote more than 2 weeks ago to report the nomination of Judge Clarence Thomas, I stated my intention to vote against the nomination on the basis of the judge's record and views on constitutional rights.

Judge Thomas is clearly an extremely intelligent man. A man who overcame marked disadvantages to achieve significant educational and professional accomplishments. However, I did not feel that Judge Thomas would be a dependable guardian of the fundamental rights Americans have come to expect. I did not feel he viewed the Constitution as a dynamic document, that must grow with our society over time.

I have not changed my views. I believe Judge Thomas would apply a strict, cramped interpretation of our Constitution. I remain concerned that Judge Thomas would challenge, instead of support, a modern understanding of liberty. As I said then, I feared he would be two more hands on the rope pulling us backward. I still feel that way and I will vote against his confirmation.

Mr. President, to earn confirmation by the Senate, a nominee should meet the highest personal and professional standards. In judging a candidate, principal questions include: Is the person learned and experienced in the law? Will the nominee approach the interpretation and application of our laws with the appropriate dedication to our Constitution, its values, and the protection of our freedoms? Does the person have the integrity, the character, and the temperament, to serve on the highest court?

This nomination comes before the Senate at a time of major change on the Court, a change I do not welcome. Presidents Reagan and Bush have sought to impose a lasting stamp on the Court which will result in the loss of liberties and freedoms that Americans have come to take for granted. I fear the cumulative effects of these appointments will restrict our constitutional rights in a fundamental and deleterious way.

So, Mr. President, I have not changed my mind on this confirmation vote. I will vote against Judge Thomas' nomination to the Supreme Court.

However, I would like to make some observations about what was transpired in the Senate over the past days and weeks.

It has been a difficult time for the Senate and for the country. Fundamental questions about integrity, racism, sexism, character, and justice have been raised. Many of my constituents, along with many Americans, have been outraged about the manner in which this controversy developed:

Outraged that serious and credible charges of sexual harassment were not investigated earlier and that the Senate almost went to a vote on the nomination without considering them;

Outraged at the apparent inability of Members of the Senate to understand what a woman goes through who has been subjected to sexual harassment;

Outraged that Senate rules were broken and that confidential documents were leaked to the press in a manner that was unfair to both Professor Hill and Judge Thomas;

Outraged that one or both of these individuals were subjected to a public pillorying, which demeaned both of them and, some feel, the Senate and the entire confirmation process.

Mr. President, this has been an extraordinary ordeal. It was uncomfortable. It was excruciating at times. A significant segment of the public seems repulsed by it. I can understand that and it is a matter we need to review.

But, Mr. President, stepping back from the discomfort of the weekend, we must remember that the Senate had a duty to investigate a serious, credible charge that was directly relevant to Judge Thomas' fitness to serve on the Court.

How else we could have done it, I am not sure. If it had been done in private, the public would have been robbed of its ability to make a judgment about this matter, which has been of enormous interest to many Americans. Many would have charged the Senate with a cover up. So, it's a complicated question how we should have undertaken this investigation, or what we should do in the future, but review it we must to search out the culprits, if any, who were responsible for leakage of any privileged documents.

What is clear, however, Mr. President, is that the Senate had an absolute responsibility to investigate Professor Hill's charges. What is clear, is that too many women in this country suffer the searing indignity and abuse of sexual harassment, mostly in silence. What is clear is that the overwhelming majority of women who suffer sexual harassment never take action against those who harass them, much less tell their stories beyond a close circle of friends.

They suffer in silence, because they fear the ramifications to their careers, to their ability to make a living, if they try to challenge supervisors or others in a position to harm them professionally.

Mr. President, to me it is these realities of harassment in the workplace that many Senators seem unable to comprehend. In seeking to attack Professor Hill's credibility, and buttress support for the Thomas nomination, Senators have questioned her actions. They ask why she did not come forward. Why she did not leave her job. Why she did not cut off all ties to Judge Thomas. Why she did not take action. Why she waited 10 years.

To me, Mr. President, these questions are a powerful reflection of the ability of influential men to intimidate and harass women in the workplace.

Let us forget Clarence Thomas and Anita Hill for the moment. Just picture this. You are 25 years old. You are just starting your career. You are a black woman, the first in your family to earn an advanced degree. You have ambitions. You have goals. You have things you want to accomplish for yourself, your people, your country. You view your job as a major step along a career path.

Suddenly, you are faced with inappropriate and unwanted behavior by your boss, your mentor, the employer who gave you your first chance and holds your future in his hands. He expresses interest in you. You indicate you are not interested. He persists, getting more offensive. You do not want to leave your job. You do not think you can possibly challenge him publicly. All you can see are problems—problems if you try to keep your job by bringing a charge of sexual harassment and problems if you do nothing. All you want is to keep your job and for the behavior to stop.

I can understand that perfectly, Mr. President. I understand it clearly. Many men in this country are also treated in an offensive and demeaning manner by their bosses, but they do not leave their jobs, as the chairman of the Judiciary Committee pointed out. They do not insult their bosses publicly, or appeal their behavior to a higher supervisor. Why not? Because they need their job. They need their paycheck. So, they put up with it and do the best they can to perform their jobs and advance forward in their company. We all understand that. So, why the blind spot when it comes to sexual harassment?

Mr. President, I feel strongly on that issue. I think the Senate and the country received a startling education on what women have suffered through in the workplace. I hope it will make a difference in the future.

Mr. President, to me Professor Hill was persuasive. She was credible. She was dignified in the face of persistent attacks on her character and motives. And it is not implausible to me that she did not come forward before this time publicly, or that she maintained professional contacts with Judge Thomas. As one witness said, Judge Thomas was the most powerful boss Anita Hill ever had and was still in a position of power in the years after she left his employ. It would have been a costly bridge to burn. All Ms. Hill wanted, this witness stated, was for the behavior to stop.

I do not know why Professor Hill would have put herself through the pain of the last few weeks, and invite the scars she will suffer from for the rest of her life, if she were not speaking the truth. She had nothing to gain, except to provide the Senate and the public with important and relevant information about a person who seeks confirmation to the Court. But she had much to lose—her privacy, her reputation, and her peace of mind.

We should remember, Mr. President, that Professor Hill was an unwilling witness. She did not come forward until questioned by representatives of the Senate and by the FBI. At that point, she felt it was her duty as a citizen to come forward with information that was directly relevant to Judge Thomas' fitness to serve on the Supreme Court. She felt she should not lie or stay silent, having been approached by law enforcement officials.

At points during the proceedings it was suggested that Professor Hill's charges were a last minute, October surprise—an effort to derail the Thomas nomination for political reasons. But, testimony before the committee tells us otherwise.

A distinguished panel of witnesses, each of whom came forward voluntarily, recounted under oath that Professor Hill shared the painful realities of sexual harassment with them years ago, when she would have had no such motives, nor any expectation that these private conversations would become relevant to a Supreme Court nomination.

Mr. President, the Senate will vote tonight on this nomination. The rest will be for history to decide. If Judge Thomas is confirmed as a Supreme Court Justice, I hope this experience will deepen his sensitivities about issues of discrimination, race, sexism, and fairness.

Mr. McCAIN. Mr. President, the recent controversy over the allegations made against president Bush's nominee to the Supreme Court of the United States, Judge Clarence Thomas, has caused a furor over an individual who has, in every respect, demonstrated an exemplary ability to serve as an honorable, sensitive, hard-working, and fiercely independent jurist.

The allegation of sexual harassment is extremely serious. Sexual harassment in the workplace, and elsewhere, must not be tolerated under any circumstances. Such harassment is threatening, demeaning, and utterly reprehensive. For this reason, we have administrative and legal remedies available for the purposes of punishing those who are proven guilty of this transgression.

I monitored the 3 days of hearings on these allegations very closely. I paid very close attention to the witness' testimony. I also paid close attention to the testimony of the nominee, and I hope that the other Members of the Senate, and the Nation, did so as well.

Judge Thomas flatly denied the allegations made against him. His accuser repeated the allegations, but was unable to prove their veracity. I believe that the burden of proof remained with the accuser, as occurs in all other proceedings. Instead, the proceeding was conducted in such a manner that the burden of proof fell upon the accused.

That is not the premise upon which our society is based. These hearings were supposed to be neither a judicial proceeding, nor an adversarial proceeding. Yet, they were nothing short of a trial, a trial where none of the legal evidentiary standards applied, and a trial where the burden of proof fell on the nominee to disprove the charges.

The presumption of guilt is unjust, and the statements made in relation to the allegations, without proof, are unjust.

Less than 2 weeks ago, I expressed my support for the nomination of Judge Thomas to the Supreme Court before the full Senate, and I reiterate my unwavering support today.

Since his nomination, the American people have gotten to know the story of a man who was raised with little material benefits, but was rich with the love and encouragement of family, and the dedication of teachers. Above all, Judge Thomas was raised with the belief that hard work brings its own rewards. His career stands as testimony to the truth behind this principle.

I have been, and continue to be, a strong supporter of Clarence Thomas' nomination. I say this with great pride and without reluctance. The hearings over the weekend served to emphasize Judge Thomas' integrity as a jurist, and the overwhelming loyalty demonstrated by the vast majority of his colleagues and former employees.

This is the kind of jurist who will serve the people of this country with fairness, sensitivity, and intellectual fortitude. This is the jurist that I will vote to confirm to serve on the Supreme Court of the United States.

Mr. HARKIN. Mr. President, I rise to again express my opposition to the nomination of Judge Clarence Thomas to the U.S. Supreme Court.

On September 26, I stood on the floor to announce my opposition to this nomination. I oppose this nominee based on Judge Thomas's failure to affirm his unequivocal support for individual rights, especially the fundamental right to privacy. I oppose this nominee because he failed to articulate a coherent understanding of the Constitution, which we should expect from a prospective Supreme Court Justice. And I oppose this nominee because I cannot believe his statement that he never discussed Roe versus Wade in any but the most general sense, and has no opinion at all in this case.

Prof. Anita Hill's allegations and Judge Thomas' performance at the hearings over the weekend have only deepened my doubts about Judge Thomas. Enough has been said about the question of who was or was not telling the truth during the Clarence Thomas hearings. I do not intend to add to the record on that score. Many have criticized the process of confirmation of judges by this body and some of that criticism may be justified. I think that it is safe to say that most people will not regard these hearings as the Senate's finest hour.

Several points must be made before we vote. First, the issue of sexual harassment in the workplace has now been placed squarely on the American agenda as a result of these hearings. That is a very good result, although inadvertent, from the confirmation process. Sexual discrimination and sexual harassment are deeply pervasive problems in the American workplace. This is a problem that leaves over one-half of our work force feeling empty and second class. It is time that we face up to this problem forthrightly and deal with it once and for all.

Out of this dialog, challenges emerge for all of us. In the Senate, all of us, as individual employers, should reexamine our own attitudes and practices to ensure that none of what was alleged in the hearings occurs within these halls. And, further, I challenge the men of America to take time to examine their attitudes about their female coworkers to determine whether they are contributing to this serious problem.

This is 1991. It is deeply troubling that we should even have to address this problem. But it is there and we must put an end to it. All of us here assembled have mothers. Many of us have wives, daughters and sisters. Let us think about them and the kind of working world they have had to face, and the kind of working world we would want them to face. There is no place in the working world of today and beyond for sexual harassment and sexual discrimination.

The second challenge goes out to George Bush and the Republicans. I challenge you to stop playing a cynical and dishonest game with judicial appointments by sending barely or unqualified candidates to us for confirmation. Mr. Bush and the American people know that Clarence Thomas is not the best qualified candidate to be a Supreme Court Justice.

My final challenge goes to the American public. We might not be in this situation today, and not have experienced the agony of these hearings, if the Senate had more women Members, if the House of Representatives had more women Members, if there were more women judges, more women in the executive branch, more women officials at all levels of government. To more effectively handle problems like these, and hopefully end them, the views of all Americans, men and women alike, need to be better represented. And that will happen only when there are more women representatives in government.

As we vividly saw over the weekend, both the nominee and Professor Hill have their reputations in the balance. Judge Thomas has a right to vindicate his name in the courts, if he should so desire. But our duty is not to either of them; it is instead to the reputation of the Supreme Court, and to the Constitution of our country. The benefit of the doubt does not rest with either the accused or the accuser in this case; it rests instead with the Constitution. As the Senator from Alabama, Senator HEFLIN, said when he announced his opposition to Judge Thomas: "When in doubt, don't!" For the protection of the Constitution, we should vote not to consent to this nomination.

Mr. President, I will therefore vote no on this nominee.

Mr. MACK. Mr. President, Clarence Thomas' courageous struggle to excel in life has impressed many of us. His allegiance to the ideas of economic freedom, self-reliance, and self-discipline provided him the inspiration for his journey. Determination instilled in him by his grandfather and his teachers, framed a value system repeatedly tested and challenged. Thomas' grandfather honed that determination constantly encouraging him to "work hard * * * and then * * * work harder, be self-reliant * * * be faithful to your vision of personal achievement * * *." Clarence Thomas has certainly been faithful to that vision, turning once distant and seemingly unreachable goals into a series of impressive accomplishments.

Clarence Thomas has provided all of us with a unique look at the opportunities which should be afforded to all Americans. His experiences demonstrate clearly that opportunities, while sometimes elusive, must be sought after with diligence and determination.

And yet, Mr. President, everything that Clarence Thomas has strived for, everything he believed about America being the land of opportunity, is in jeopardy. His reputation, his integrity, his moral being have been challenged.

Several weeks ago, I announced my support for Clarence Thomas. My decision was based upon his exemplary legal record as a lawyer and as a judge. When allegations of sexual harassment were charged against Judge Thomas, my initial reaction was shock and dismay—shock that an individual who I believe to be so highly regarded, was the subject of such serious allegations.

Over the past week, I have had the opportunity to give a great deal of thought to the allegations brought against Clarence Thomas. Like many people in this country, I was glued to the TV all weekend watching the hearings and judging for myself the circumstances surrounding this disturbing matter. After listening to the testimony of both Clarence Thomas and Anita Hill as well as the testimony of the other witnesses, I believe the evidence supports Clarence Thomas.

In our country, the accused is presumed innocent until proven guilty. The fact remains that Anita Hill produced no firsthand witnesses or evidence to support her claims. I found her story to be replete with inconsistencies and contradictions. Anita Hill, stated that she followed Clarence Thomas to the EEOC because she needed the job and was afraid she would lose her job at the Department of Education. This was after many humiliating and repulsive statements had been allegedly made by Clarence Thomas. First, the evidence shows that Anita Hill could have retained her job at the Department of Education and, indeed, could only have lost her job for cause. Anita Hill is a lawyer and should have known her employment rights. In addition, I found her statement that she needed the EEOC job because she could get no other job to be suspect. Anita Hill was a graduate of one of the country's top law schools and she had a reputation of being very competent. I cannot believe that Ms. Hill would have had any trouble finding a great job.

It is perplexing to me that Anita Hill waited over 10 years and four confirmations to bring up these allegations. She was working for the very agency charged with the responsibility of enforcing laws against sexual harassment, racism, or other unfair treatment. As a lawyer at the EEOC, Anita Hill should have been aware of the rights of individuals who wished to bring a sexual harassment complaint.

Even after leaving the EEOC, Anita Hill remained in contact with Clarence Thomas. She called him at least 11 times—a number of these calls being personal in nature. Anita Hill continued a personal relationship with Clarence Thomas who she claims degraded her and humiliated her. It just doesn't make sense.

It is difficult for me to put myself in the shoes of one who has been sexually harassed. This is why I took a great interest in the testimony of a number of females who had either worked for or with Judge Thomas. Each described Thomas in glowing terms. A number of these women had been sexually harassed while associated with other employers. In response to their own experiences of being sexually harassed, each of them described responses completely inconsistent with those of Anita Hill. One woman stated the following: "Let me assure you that the last thing I would ever have done is follow the man who did this to a new job, call him on the phone or voluntarily share the same airspace ever again." Another woman testified she found "Anita Hill's behavior inconsistent with these charges." Instead, this woman commented that the last thing she wanted to do "was to call either of the two men who had sexually harassed her to say hello or to see if they wanted to get together."

Clarence Thomas in no uncertain terms has categorically denied the sexual harassment claims. I know Clarence Thomas and I know him to be a man of outstanding character and of the highest integrity. I believe him and I support him.

Clarence Thomas represents in all of us the belief that we can achieve great things. Everything Clarence Thomas has worked for has been under the microscope of the Senate Judiciary Committee for several days now. This deliberate scrutiny has only confirmed my belief in who Clarence Thomas is and what Clarence Thomas stands for. Clarence Thomas' belief, like that of many Americans, is that an individual should determine one's destiny in life, not family roots or government quota programs. Given opportunities and the economic freedom to seize those opportunities, we as Americans can reap many benefits from our Nation.

The message Clarence Thomas brings to all Americans is not just applicable to the downtrodden and oppressed. People from all walks of life are affected by the principles of self-reliance and personal freedom which must be at the core of the Supreme Court's reasoning. By placing the responsibility for self-improvement and economic advancement upon each individual, we will also be allowing for the greatest possible degree of individual liberty.

Through Thomas' dedication to the ideals of values, hard work and self-discipline, Clarence Thomas has accomplished many personal achievements and has compiled an outstanding professional and legal record. Clarence Thomas will represent our country well on the U.S. Supreme Court, just as he has demonstrated his abilities in the past. In recognition of Clarence's outstanding efforts as Chairman of the EEOC, his employees named the EEOC headquarters building after him, dedicating the building to him as follows:

> Clarence Thomas, Chairman of the U.S. Equal Employment Opportunity Commission, May 17, 1982–March 1990, is honored here by the Commission and its employees with this expression of our respect and profound appreciation for his dedicated leadership exemplified by his personal integrity

and unwavering commitment to freedom, justice, equality of opportunity and to the highest standards of Government service.

Clarence Thomas, in protecting our rights to achieve as individuals, will bring a breadth of experience to the Supreme Court. He will continue to stand for individual freedom and opportunity.

In closing, if these recent proceedings have done any good at all, it is that attention has been focused on the issue of sexual harassment. However, in this particular case, I believe the evidence strongly supports Judge Thomas and I remain steadfast in my support for him.

The VICE PRESIDENT. Under the previous order, the Republican leader is recognized from 5:30 to 5:45; the majority leader from 5:45 to 6.

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from California, Senator CRANSTON.

Mr. CRANSTON. Mr. President, I appreciate the minority leader's courtesy. I rose a bit ago seeking to correct the RECORD after the Senator from South Carolina had read an affidavit stating that one John Burke stated that Ms. Hill did not work at the level of her peers, nor at the level we expect, and that it would be in her best interest to seek employment elsewhere.

An attorney from the same firm has issued an affidavit stating that is not true.

> Her performance was not held to be unsatisfactory by the Wald firm. She was not asked by the partnership to leave the firm.

He said:

> I have been told that today a former partner in the Wald firm has stated that the Wald firm asked Ms. Hill to leave the firm because of her allegedly inadequate performance. This is not correct.

I will read the affidavit in full:

AFFIDAVIT OF DONALD H. GREEN

Donald H. Green, being first duly sworn, deposes and says: 1. I am a member of the bars of the District of Columbia, New York, and Florida. Upon graduation from Harvard Law School and after service in the United States Marine Corps, I served as an attorney with the United States Department of Justice. I have been a partner in the law firm of Pepper, Hamilton & Scheetz in Washington, D.C. since June 1987. For 21 years prior to that time, I was a partner in the law firm of Wald, Harkrader & Ross (the "Wald firm"), also in Washington, D.C.

2. Ms. Anita Hill was a summer associate at Wald, Harkrader & Ross in the summer of 1979. Based upon her performance that summer, she received an invitation to return to our firm as a full-time associate upon her graduation from Yale Law School in 1980. She accepted that invitation, and started with the Wald firm a few months after her graduation. Although I did not work directly with her, I knew her as an associate in the Wald firm.

3. One of my roles in the Wald firm at the time that Ms. Hill was with the firm was to serve as Chairman of the Associate Development Committee. This Committee's function, among others, was to evaluate associates' performance. The Committee monitored the professional progress of associates in the firm, prepared the evaluations of the associates for review at semi-annual partner meetings, reported on associate performance at the partner meetings, and met with associates individually to inform them of the partnership's collective evaluation after such partners' meetings. If the Wald firm partners decided that an associate should no longer be employed by the firm, or should be advised to look for a position elsewhere, it was the function of the Associate Development Committee to convey that message.

4. In the spring of 1981, the performance of Ms. Hill was routinely evaluated, along with all other associates. It is my recollection that her evaluation was typical of many of our starting associates. Her performance was not held to be unsatisfactory by the Wald firm. She was not asked by the partnership to leave the firm.

5. So far as I am aware, Ms. Hill left the Wald firm of her own volition, freely choosing an alternative professional path, which is not uncommon among young associates. I am aware of no pressure upon her to leave. I am confident that the Wald firm did not ask or press her to leave. Certainly, the Associate Development Committee, which I chaired, did not ask or press her to leave. That is my clear memory and I have recently contacted the other two members of the Committee and they confirm any recollection.

6. I have been told that today a former partner in the Wald firm has stated that the Wald firm asked Ms. Hill to leave the firm because of her allegedly inadequate performance. This is not correct. I have prepared and executed this affidavit, and submitted it to the Committee on the Judiciary of the United States Senate, because I believe it is important that the Committee and the Senate as a whole have the accurate facts about this matter.

The foregoing is true and correct to the best of my knowledge, information, and belief.

DONALD H. GREEN.

Subscribed and sworn to before me, a Notary Public of the District of Columbia, on this 14th day of October, 1991.—Deborah L. Kutch, Notary Public.

I want to add that this attorney, Donald Green, in the affidavit I am reading stated that he, not the other attorney, was the one that evaluated the work of people in that law firm.

The VICE PRESIDENT. The Republican leader is recognized.

Mr. DOLE. Mr. President, I have 14 minutes.

Mr. President, I want to indicate the Senate is not going to fall apart over this vote. There has been a lot of talk about the process, a lot of talk about the Senate, a lot of talk about perception about the Senate. Tomorrow we will be on something else. Some who were on opposite sides today will be on the same side tomorrow or next week. I wanted the RECORD to at last indicate that generally we try to accommodate one another here.

This is a very vital vote. It seems to me that we now have the votes, which I could not have said last Tuesday at this time. I indicated at that time there were about 41 "for" votes, 41 against Thomas, a pool of about 18 undecided. Some Senators said before they could vote for Thomas they would have to have a delay to check into these allegations.

I think that was the right decision from the standpoint of the future of Clarence Thomas. Had we not had the delay and had we had the vote last Tuesday, in my view his nomination would have been defeated.

It seems to me now there have been hardly any defections. So despite all the dramatic events of the weekend, as I look at my little score sheet and try to count votes, the pool we had last week is pretty much intact.

The Senator from West Virginia indicated he was voting "no," but he was not in the pool. Other Senators who indicated they were voting against Judge Thomas were not in the pool we were looking at as potential Thomas supporters.

So I would suggest that after all is said and done, all the drama and all the things that happened over the weekend—some of us watched every moment of the proceedings, except maybe 10, 15, or 20 minutes—it seems to me we are now in a position to make a judgment having had the delay, having had the additional information from Professor Hill, from Judge Thomas, and from supporting witnesses on each side.

It also seems to me it boils down to a question of credibility. This is not a referendum on sexual harassment. If it were a referendum of sexual harassment, the vote would probably be or should be 100 to 0. This is a referendum of Clarence Thomas and his nomination to the Supreme Court by President Bush.

We will have plenty of opportunities in the future to address the issue of sexual harassment in the workplace or any place else for that matter. I believe that you will find most Senators, regardless of party, regardless of philosophy, are going to be supporting the appropriate position in those cases.

We are back now where we were a week ago, when a majority of us, Republicans and Democrats, were prepared to say that Judge Thomas was qualified to be an Associate Justice of the Supreme Court. I guess the one question that I have is how much of a burden we placed on Clarence Thomas? How much of a burden will he carry for the next month, a year, 6 weeks, who knows how long, with the last-minute allegations fully aired to millions and millions and millions of Americans. And will it have a lasting impact when he reviews various kinds of cases, including cases of sexual harassment?

Mr. President, in my view this will make Judge Thomas even a better judge, a stronger judge, than earlier indicated. Having gone through another test of his strength and his character, in my view he is in a stronger position.

Let me also take time to pay tribute to my colleagues on the Senate Judiciary Committee. It was something they did not ask for. We agreed on the delay and anybody could have objected by unanimous consent. And once we agreed on the delay we had a couple of courses to follow. We could have had executive committee hearings, could have called Judge Thomas and Professor Hill before an executive committee without staff, members only, without press. That might have been the preferable route to go. But once the decision was made by the distinguished chairman of the committee and the ranking member, Senator THURMOND, the Judiciary Committee, in my view, proceeded the only way they could.

And I commend the chairman of the committee, Senator BIDEN, the ranking Republican member, the leading Republican member, Senator THURMOND; and particularly thank my colleagues, Senator SPECTER and Senator HATCH who had the lead role on the Republican side on making the case for Clarence Thomas and looking at the credibility of Professor Hill.

Having said that, let me just suggest that in the final minute I have, I want to yield the last 5 minutes I have to the Senator from Missouri, Senator DANFORTH. I particularly thank Senator DANFORTH for his steadfastness and his loyalty. Around this town loyalty means a great deal. I am prepared to say on this floor, at this time, had it not been for the steadfastness and the intensity of Senator DANFORTH's support for Clarence Thomas, there might be a different outcome after the vote today.

At noon today the Republican Members paid tribute to Senator DANFORTH with a standing ovation, because of his stalwart support of someone he knows better than anyone else in this body. I would think a number of Members are prepared to take Senator DANFORTH's word if they have any doubt at this point.

Finally, I want to make one final point. I remember the eloquent statement by the chairman, Senator BIDEN, Saturday night when he said if there is any doubt, the benefit of the doubt should go to the nominee, Clarence Thomas. I would just ask my colleagues the three or four or five still undecided out there, maybe have not made up their minds, maybe will do this on the way to the floor, keep in mind that following the chairman's advice, if there is any doubt you give the benefit of the doubt to Clarence Thomas.

A great majority of the American people do not have any doubt, according to polls. The great majority of the people calling my office do not have any doubt. People from Kansas and/or places around the country are about 3 or 4 to 1 for Clarence Thomas. There is still some doubt, not much doubt. But I think we ought to give the benefit of the doubt to the nominee Clarence Thomas who for 107 days has been hanging out there twisting in the wind while every effort conceivable, every effort ever known to man was used to discredit him and defeat his nomination.

He has withstood the test. He is a stronger person because of it, and he will prevail, and he should prevail.

I urge my colleagues—if you still have not made up your mind, you are on your way to the floor, you are having one last thought about Clarence Thomas—give him the benefit of the doubt. He deserves that much and more.

Mr. President, I yield the remainder of my time to my friend and colleague from Missouri, Senator DANFORTH.

The VICE PRESIDENT. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, how much time do I have?

The VICE PRESIDENT. Six minutes.

Mr. DANFORTH. Mr. President, in those 6 minutes, I would like to make four brief points.

First, I would like to express my appreciation to so many people who have done an extraordinary job on behalf of this nomination, particularly the members of the Senate Judiciary Committee, particularly Chairman BIDEN, who, although he is on the other side of this vote, has been most fair and most diligent in pursuing his responsibilities as chairman; Senator THURMOND our ranking member; and especially the highly professional, extraordinary job done by Senator HATCH and Senator SPECTER, who on short notice prepared the case in favor of the nominee during the weekend session of the Judiciary Committee.

My second point, Mr. President, is that this is not a vote on the issue of sexual harassment or what to do about sexual harassment; 100 Members of the Senate are concerned about it. The visibility of the issue clearly has been raised.

But the way to fix the problem of sexual harassment is not to sacrifice up Clarence Thomas. The way to fix sexual harassment is to add remedies that do not now exist in the law for women who have been harassed and abused in the workplace. That is an issue which we will be facing when the civil rights bill comes to the floor of the Senate in the very near future.

Third, Mr. President, no one, no human being ever should have to go through what Clarence Thomas has gone through for the last 100-plus days, and particularly for the last 10 days. It is not right. It is terribly, terribly wrong.

It is not true that the ends justify the means. It is not true that any strategy is permissible in order to win a political point. It is not true that in order to further a political agenda it is all right to destroy a human being. That is not what our country is all about.

We have developed a legal system in America to protect individuals. It is not worth any political objective to destroy an individual. That is what was attempted with respect to Thomas nomination.

Clarence Thomas will survive because he is an enormously strong person of very deep religious faith. But many people could not have endured this. Many people's lives literally would be in jeopardy if forced to endure the kind of thing that Clarence Thomas went through.

We must get our acts together. We, meaning the Senate and the various interest groups and the staff people here in the Senate, cannot permit ourselves to go through this again. It is wrong. And the one healthy thing that is happening is that the American people are speaking out and they are saying that it is wrong.

Fourth, and finally, Mr. President, the one really heartening thing, I think, from the standpoint of Clarence Thomas, is the number of people who have known him for a very long time who have felt so deeply about this nomination. This has been the case ever since last July. People who knew him in Missouri, who worked with him in the attorney general's office; people like his friend Larry Thompson from Atlanta, GA, who came up here and spent time helping Clarence and working with him because they had known each other working at Monsanto in St. Louis; people like Janet Brown, and Nancy Altman, and Alan Moore, and so many others who had worked with him in high office here in Washington; people at the EEOC, black, white, physically disabled, with tears in their eyes supporting Clarence Thomas. That is the heartening thing.

One thing that happens in the nomination process is that the enemies of a nominee tend to portray the nominee as some kind of a monster, and the great way to offset that is for people who know the nominee to come forward. And that is what has happened with respect to Clarence Thomas, and it is very gratifying.

Mr. President, Clarence Thomas is going to surprise many people on the U.S. Supreme Court. He is going to be a good, competent, decent, and fair Justice. He is going to be the people's Justice on the U.S. Supreme Court. In my opinion, it is a great moment for our country to confirm the nomination of Clarence Thomas.

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. MITCHELL. Mr. President, and Members of the Senate, this year marks the 200th anniversary of the Bill of Rights, the most eloquent and compelling statement of the limits on government and the rights of individuals against the power of government ever devised, adopted, or enforced.

As elected officials, Members of the Senate are sworn to uphold the Constitution, of which those rights are an integral part. Ultimately, however, in our system it is the Supreme Court which is the arbiter of the Constitution. That is why one of our most important responsibilities is to advise and consent on those nominated by the President to serve on the Supreme Court.

It has been said often in recent weeks, including today, that a high level of controversy over Supreme Court nominees is new to our history. But that is not true. Nominations to the Supreme Court have often been contentious. In June 1968, the last time a Democratic President nominated someone to the Supreme Court, President Johnson nominated Associate Justice Fortas to be Chief Justice of the Supreme Court.

On the very same day that the nomination was made, 19 Republican Senators issued the following statement:

> It is the strongly held view of the undersigned that the next Chief Justice of the United States, and any nominees for the vacancies on the Supreme Court should be selected by the newly elected President of the United States, after the people have expressed themselves in November's elections.
>
> We will, therefore, because of the above principle, and with absolutely no reflection on any individuals involved, vote against confirming any Supreme Court nominations of the incumbent President.

In the nomination now before us, our Republican colleagues have repeatedly said that 100 days to consider it is too long. But the last time the situation was reversed, they wanted a delay of 7 months to even begin consideration of the nomination.

The hearings on the Fortas nomination were stormy. Some Senators shouted at the nominee, demanding that he answer questions about specific cases decided by the Supreme Court.

Of course, the opponents did not want a delay. They wanted to defeat the nomination. And they did, even though a majority of Senators favored the nomination.

A minority of Senators defeated the nomination by a filibuster, for a reason that had nothing to do with the nominee's qualifications.

In the process, as they searched for ammunition to use against the nominee, they uncovered some financial dealings which ultimately led to his resignation from the Supreme Court.

I cite this history to put the current issue into some perspective, and to rebut the view, repeated so often in recent days, that controversy over Supreme Court nominees is a recent phenomenon. It is not.

That does not justify the process in this or any other case. Just the opposite. The fact that it has been going on for so long is more, not less, reason to review the whole process.

How can we responsibly consider those nominated by the President, and do it in a way that is both perceived as and is in fact fair—fair to our obligation under the Constitution and fair to those involved in the process? We must confront and respond to that question in a way better than we have in the past.

In 1980, the Republican National Convention adopted a platform which called for the appointment of judges committed to the pro-life position on abortion.

Since 1980, in honoring that commitment, Presidents Reagan and Bush have established as a litmus test for a potential nominee to the Supreme Court that person's position on abortion.

The President opposes a woman's right of choice. In order to have any hope of being nominated to the Supreme Court, so must any potential nominee.

The President selects nominees because of their views, not despite them. That is his privilege. It is the reward of election to the Presidency. He is answerable for the quality of his choices only to the voters and history.

By the same token, the Senate is not required to rubber stamp a nomination simply because it has been made by a President.

It is illogical and untenable to suggest that the President has the right to select someone because of that person's views and then to say the Senate has no right to reject that person because of those very same views.

President Bush has exercised his right to nominate a candidate for his views on abortion, even though the nominee refuses to discuss those views publicly.

The President's current position on the issue of abortion is the minority view in the United States. A majority of Americans disagree with the President on abortion. So do a majority of Senators. As a result, it is widely believed that a nominee who agrees with the President on abortion and is willing to say so cannot be confirmed.

So the President has sought candidates who agree with him on abortion but whose views are now known or who will deny having a view. With each nomination, the process has become more elaborate and less informative.

For that reason and others, the confirmation process has become uncomfortable and demeaning for all concerned. It has taken on the trappings of a political campaign. Indeed, in the eyes of many Americans, the process has become confused with electoral politics. It must be changed.

Recently, while I was in Maine, a woman came up to me and said, with great emotion, "please vote against Judge Thomas because, if he's confirmed, the right of choice will be lost."

I told her that the right of choice was lost when George Bush was elected President. Judge Thomas will be confirmed and will soon be sitting on the Supreme Court. There he will vote to restrict the right of choice by women.

But even if Judge Thomas were not to be confirmed by the Senate, there is no possibility that another nominee will have a different view on abortion.

In the past, despite frequent political disagreement, Presidents of both parties searched for excellence in making nominations to the Supreme Court. Not always, of course. Presidents sought nominees who combined excellence with views compatible with those of the President.

The harsh reality is that the politics of abortion now dominate the process of filling vacancies on the Supreme Court. That's sad, unfortunate, and wrong for all concerned.

Throughout the hearings, Judge Thomas repeatedly invoked his personal background of deprivation and segregation as a reason why he should be confirmed.

Personal background and personal achievement undoubtedly say a great deal about character. They should be given great weight in the confirmation process.

But while invoking his early personal life as a reason for his confirmation, Judge Thomas repeatedly asked the Committee to ignore much of what he said and wrote in the more than 10 years of his adult life in public service. He said that in preparing for service on the Court, he would be like a runner stripping down for a race.

He asks us to believe that his early experience shaped him but that much of his recent experience left him untouched.

Every nominee who comes to the Senate with a record will face questions about earlier statements and writings that may be inconsistent with more recent views.

There is nothing unusual about that. The views of anyone in public life evolve, and statements made a decade ago may not reflect a current belief.

But this is the first nominee I can recall who asks just the opposite: That we consider his early experiences but ignore his recent views. We should consider his early experiences. We should also consider his recent views.

The views of an adult cannot simply be suddenly discarded like a suit of clothing.

The views of each of us develops and talks and writes about over the course of our lives influence how we see our world and how we discharge our duties.

Indeed, Judge Thomas' supporters, who repeatedly suggest he will grow in office, are resting their case on precisely that claim. They, too, suggest that opinions cannot be put on and taken off at will.

The nominee himself suggests the opposite. And we must look to his words, not those of his supporters.

At his confirmation hearing for the court of appeals in 1990, Judge Thomas said that he did not have a well-developed philosophy of constitutional adjudication and that he saw his duty on that court as applying the precedents and the law to the cases before him. On that basis, he was confirmed by the Senate.

But today he's being considered for the Supreme Court. On the Supreme Court, precedent is a guide, but precedent does not control the outcome as it must at the appellate level.

Yet today, if the evidence of the hearings is to be taken into account, he has no more developed an understanding of the Constitution and its adjudication than he brought to the appellate court in 1990.

Before appointment to the court of appeals, Judge Thomas supported the theory of natural law in interpreting the Constitution.

He wrote that natural law or higher law is the appropriate basis for "just, wise, and constitutional" adjudication. He wrote that on the basis of natural or higher law we can find the "only firm basis" for constitutional adjudication, and that this higher law is "the only alternative to the wilfulness of both run-amok majorities and run-amok judges."

Yet, at his confirmation hearing, he denied ever having suggested that higher law should be a basis for constitutional adjudication.

It is on the issue of abortion that Judge Thomas made his least believable claim.

He declined even to indicate how he evaluates the competing right of privacy of a woman and what the legitimate interests of government are, and when they come into play.

No one asked Judge Thomas to announce in advance how he will vote on a specific case. He was asked about his general views of the issue.

Judge Thomas not only failed to explain his general views. He went much further. He asked the committee to accept his claim that he never discussed the contents of the decision in Roe versus Wade, even privately, throughout an active career of speaking and writing about civil rights, individual liberties, the interests of government, economic rights, and a host of related subjects.

This contention is the more unbelievable because he used the decision in a footnote in one of his articles.

Judge Thomas is asking us to believe that he used as a reference in an article a Supreme Court decision on which he has no view and the content of which he has never discussed. That is impossible to accept. The only reason to footnote or reference anything is to illustrate or explain a related point in the main body of a text.

It defies logic and common sense for a writer to explain a point with something on which he has no opinion.

In another instance, Judge Thomas says he made a reference during a speech to an article written to defend a pro-life viewpoint in order to ingratiate himself with a conservative audience. In the speech, he called the article "a splendid example" of applying natural law.

But at the hearing he claimed not to have read the article with any care at all, not to have endorsed its conclusion, not to agree with its content.

In summary, over and over again, Judge Thomas denied, repudiated, abandoned his thoughts, his words, his views of the past decade. Over and over again, he now says he did not mean what he said, he did not mean what he wrote in the 10 years he served the Reagan and Bush administrations.

So we are faced with a nominee who has an extensive public record but who has run from his own record; a nominee who has asked the Senate to make a leap of faith that defies common sense and reason.

Of all the things that have been said about this nominee, the least believable was President Bush's statement that race was not a factor at all in the nomination and that Judge Thomas is the best qualified person in America to be on the Supreme Court. Both statements are obviously untrue.

Race clearly was a factor in the nomination. That is no reason to reject the nomination. Diversity on the Court is desirable. And in an institution which so directly affects the lives of Americans, having someone who had to overcome racism and poverty is desirable. No, race is not the issue.

Qualification is. Specifically, the nominee's lack of qualification.

Judge Thomas is not the best qualified person in America to be on the Supreme Court, as claimed by the President.

Judge Thomas is not the best qualified African-American to be on the Supreme Court. There are many, many superbly qualified African-Americans, men and women, who could serve with distinction on the Supreme Court.

A recent analysis by the Alliance for Justice indicates that Judge Thomas received the lowest rating by the American Bar Association of the last 23 nominees to the Supreme Court, going all the way back to 1955.

The hearing revealed a nominee willing to say whatever was necessary to win confirmation. It has worked. There will be the votes to confirm him to the Supreme Court. But mine will not be among them.

In the past week attention has focused almost entirely on the issue of sexual harassment. Important as the issue is, grave as the charges are, this was not the decisive factor for me. It added to my doubts about the nominee but it was not the basis for my decision.

Sexual harassment is a serious charge. In this case it was made by a credible person. The deep, emotional, and very personal reactions of millions of American women reflect how widespread sexual harassment is and how ineffective our male-dominated society has been in responding to it.

Typical, and tragic, was the response to Professor Hill. According to yesterday's New York Times and last night's NBC News, the President approved an effort, organized and orchestrated by White House aides, to attack and discredit Professor Hill, as a way of holding support for Judge Thomas. Fantasies were concocted about her in the name of accusing her of fantasy.

Under the circumstances, it was fair and appropriate to subject Professor Hill to careful, rigorous, even skeptical questioning. But what took place went beyond that. For some it became, not a search for truth, but a search and destroy mission. No doubt Judge Thomas and his supporters would make the same argument in reverse.

But what happened to Professor Hill unfortunately sent a clear and chilling message to women everywhere: If you complain about sexual harassment, you may be doubly victimized. We must not let that message stand unchallenged. Victims of illegal sexual harassment must know that they have the force of law and the support of society behind them just as much as victims of rape or any other violation of human dignity.

What happened to Professor Hill showed that our society has a long way to go before an attack on a woman's integrity and reputation are treated as seriously as one on a man's.

Obviously, the making of a charge of sexual harassment does not by itself prove that it occurred. The rights of the accused are as important as those of the accuser and must be respected.

A Senate hearing is intended to focus on legislation and broad issues of policy. That is what they usually do. But a hearing is not a good place to protect anyone's rights, or to deal at all with matters of such sensitivity. Hearings are poorly suited to determining specific questions of fact, of truth, or falsehood.

Perhaps something good may yet come from this terrible episode if the national debate which it has generated leads to changed attitudes; leads to a process where serious charges can be evaluated in a more fair and less controversial way; to a society where the words of women have the same weight as the words of men; to a society where the workplace will finally be free of all discrimination, whether by race, by sex, or in any other form.

Mr. President, I ask the Members of the Senate to remain in their seats during the vote in accordance with the rules of the Senate. This is an important vote, and I ask that decorum be maintained.

Mr. President, I request the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. Before the question is put to the Senate, the Chair will remind the galleries that expressions of approval or disapproval are prohibited.

The question is, will the Senate advise and consent to the nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the U.S. Supreme Court?

The yeas and nays have been ordered.

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. Mr. President, I want to inform Members of the Senate that this will be the last vote this evening. Under a unanimous-consent agreement previously obtained, there will be a vote tomorrow on the veto override on the unemployment compensation bill and possibly other votes on appropriations conference reports. Those remain to be worked out.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 220 Ex.]

YEAS—52

Bond
Boren
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Fowler
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Hollings
Johnston
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Robb
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—48

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bradley
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
Dodd
Ford
Glenn
Gore
Graham
Harkin
Heflin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth
Wofford

The VICE PRESIDENT. The nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the U.S. Supreme Court is hereby confirmed.

Mr. DOLE. I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll. The Sergeant at Arms will ensure order.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

LEGISLATIVE SESSION

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that immediately following the disposition of the override vote on the President's veto of S. 1722, the unemployment compensation extension bill on tomorrow at 12:15 p.m., the Senate proceed to the consideration of the conference reports to accompany the following appropriations bills in the order listed: H.R. 2426, military construction appropriations; H.R. 2698, agriculture appropriations; H.R. 2942, transportation appropriations; that there be no amendments to any amendment in disagreement; that there be no time for floor debate on either conference reports or on disposition of amendments in disagreement; and that following the disposition of each conference report or amendment in disagreement, the Senate proceed without intervening action or debate to the disposition of the next conference report.

I further ask unanimous consent that the statements with respect to any of these conference reports may be inserted in the RECORD at the appropriate place as if read; and that it now be in order to ask for the yeas and nays on the adoption of the conference reports with one show of second.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays on the adoption of the three conference reports that I have just listed.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BRYAN. Mr. President, I ask unanimous consent that time be set aside for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 319, Arthur J. Rothkopf to be General Counsel of the Department of Transportation.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination, considered and confirmed, is as follows:

DEPARTMENT OF TRANSPORTATION

Arthur J. Rothkopf, of the District of Columbia, to be General Counsel of the Department of Transportation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

VETO OF S. 1722—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 84

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on October 11, 1991, during the recess of the Senate, received the following message from the President of the United States:

To the Senate of the United States:

I am returning herewith without my approval S. 1722, the "Emergency Unemployment Compensation Act of 1991." I would gladly sign into law responsible legislation that does not threaten the economic recovery and its associated job creation, a fact that members of my Administration and I have repeatedly made clear. We have worked diligently with Members of Congress to encourage them to adopt a well-crafted alternative program of extended unemployment benefits that is paid for, as required under the bipartisan budget agreement. Unfortunately, the Congress has rejected this alternative and ignored my call for passage of measures that will increase the Nation's competitiveness, productivity, and growth.

The Administration is deeply concerned about the needs of the unemployed and their families. It is essential that we take responsible actions to ensure that the economic recovery continues and strengthens, creating new employment opportunities.

If a bill providing unemployment benefits in a responsible manner—financed under the budget agreement—reached my desk, it would be signed immediately so we could provide real additional benefits to the unemployed.

S. 1722 would effectively destroy the integrity of the bipartisan budget agreement and put into place a poorly designed, unnecessarily expensive program that would significantly increase the Federal deficit. Enactment of S. 1722 would signal the failure of budget discipline, which would have a negative effect on financial markets that could threaten economic recovery and lead to increased unemployment. This legislation would not well serve the unemployed or our Nation's taxpayers.

S. 1722 violates essential elements of last year's bipartisan budget agreement. It does not include offsets for costs that the Congress projects at $6.5 billion during fiscal years 1992–1995. Instead, it simply adds this cost to the Federal deficit by requiring that the provisions of the bill be treated as "emergency requirements" designated by the President and the Congress under the Balanced Budget and Emergency Deficit Control Act of 1985. This breaches the budget agreement by denying me the independent authority to determine when an emergency exists, thereby removing a key safeguard for enforcing budget discipline.

In addition, S. 1722 is substantively flawed. It would establish a new, temporary Federal program providing three tiers of extended unemployment benefits. This complex, cumbersome system could slow reemployment and would result in benefit delays, payment inaccuracies, and escalating administrative costs. Moreover, the bill inappropriately abandons the measure of unemployment that has historically been used to trigger extended benefits, substituting an overly broad measure that is not based upon the target group—insured workers.

The Administration will continue to support alternative legislation that effectively addresses the needs of the unemployed while also maintaining the budget discipline that is imperative to the prospects of future employment and economic growth.

GEORGE BUSH.

THE WHITE HOUSE, *October 11, 1991.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on October 11, 1991, during the recess of the Senate, received a message from the House of Representatives, announcing that the House agrees to the report of the committee of conference on the disagreeing votes of the two House amendments to the amendments of the Senate to the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 29, 31, 32, 85, 92, 113, 156, 158, 159, 160, and 161 to the bill, and agrees thereto; and that the House recedes from its disagreement to the amendments of the Senate numbered 7, 10, 28, 64, 67, 68, 69, 70, 71, 72, 73, 84, 86, 104, 112, 114, 115, 116, 125, 128, 133, 134, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 152, 153, 154, and 157 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 107. Joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3280) to provide for a study, to be conducted by the National Academy of Science, on how the Government can improve the decennial census of population, and on related matters.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two House on the amendment of the Senate to the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes.

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1724. An act to provide for the termination of the application of title IV of the Trade Act of 1974 to Czechoslovakia and Hungary;

H.R. 2629. An act to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes;

H.R. 3350. An act to extend the United States Commission on Civil Rights;

H.J. Res. 260. Joint resolution designating October 1991 as "Italian-American Heritage and Culture Month"; and

H.J. Res. 284. Joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week."

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2519. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes; and

H.J. Res. 230. Joint resolution designating October 16, 1991, and October 16, 1992, each as "World Food Day."

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore [Mr. KOHL].

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1724. An act to provide for the termination of the application of title IV of the Trade Act of 1974 to Czechoslovakia and Hungary; to the Committee on Finance.

H.R. 2629. An act to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

H.J. Res. 260. Joint resolution designating October 1991 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

H.J. Res. 284. Joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3350. An act to extend the United States Commission on Civil Rights.

ENROLLED BILL SIGNED

The President pro tempore [Mr. BYRD] announced that on October 9, 1991, he had signed the following enrolled bill, previously signed by the Speaker of the House:

S. 1722. An act to provide emergency unemployment compensation, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 9, 1991, he had presented to the President of the United States the following enrolled bills:

S. 1722. An act to provide emergency unemployment compensation, and for other purposes; and

S. 1773. An act to extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2023. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on the Aviation Research Grant Program; to the Committee on Commerce, Science, and Transportation.

EC-2024. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide additional authority for transfer of excess wild free-roaming horses, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2025. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on national historic landmarks that have been damaged or to which damage to their integrity is anticipated for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-2026. A communication from the Director of the Office of Environmental Restoration and Waste Management, Department of Energy, transmitting, pursuant to law, notice of a delay in the submission of the annual report on progress being made by States and compacts in achieving compliance with the Low-Level Radioactive Waste Policy Amendments Act of 1985; to the Committee on Energy and Natural Resources.

EC-2027. A communication from the Inspector General, Department of Energy, transmitting, pursuant to law, the annual report on the use of the Environmental Protection Agencies Superfund monies for fiscal year 1990; to the Committee on Environment and Public Works.

EC-2028. A communication from the President of the United States, transmitting, pursuant to law, a proclamation which extends nondiscriminatory treatment to the products of the Union of Soviet Socialist Republics; to the Committee on Finance.

EC-2029. A communication from the Executive Director of the D.C. Retirement Board, transmitting, pursuant to law, financial statements of the Board Members for calendar year 1990; to the Committee on Governmental Affairs.

EC-2030. A communication from the Chairman and a Board Member of the Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act of 1974 to clarify the conditions of entitlement to certain annuity amounts, and for other purposes; to the Committee on Labor and Human Resources.

EC-2031. A communication from a Member of the Railroad Retirement Board, transmitting, for the information of the Senate, the reasons for his dissent in a recent decision of the Board; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S.J. Res. 168. A joint resolution approving the extension of nondiscriminatory treatment (most favored nation treatment) to the products of the Mongolian People's Republic (Rept. No. 102-186).

S.J. Res. 169. A joint resolution approving the extension of nondiscriminatory treatment (most favored nation treatment) to the products of the Republic of Bulgaria (Rept. No. 102-187).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1530. A bill to authorize the integration of employment, training and related services provided by Indian tribes (Rept. No. 102-188).

By Mr. BURDICK, from the Committee on Environment and Public Works, with amendments:

S. 36. A bill entitled the "New York City Zebra Mussel Monitoring Act of 1991" (Rept. No. 102-189).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 1829. A bill to expand the exclusion of service of election officials or election workers from social security coverage; to the Committee on Finance.

By Mr. WOFFORD:

S. 1830. A bill to require Senators and Members of the House of Representatives to pay for medical services provided by the Office of the Attending Physician, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROTH:

S. 1831. A bill to amend the Internal Revenue Code of 1986 to encourage investments in new manufacturing and other productive equipment by allowing an investment tax credit to taxpayers who increase the amount of such investments; to the Committee on Finance.

By Mr. INOUYE:

S. 1832. A bill to amend the Foreign Trade Zones Act to permit the deferral of payment of duty on certain production equipment; to the Committee on Finance.

By Mr. MITCHELL (for himself and Mr. DOLE) (by request):

S.J. Res. 215. A joint resolution approving the extension of nondiscriminatory treatment (most-favored nation treatment) to the products of the Union of Soviet Socialist Republics; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON:

S. Res. 194. A resolution relative to appointments to the United States Supreme Court; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. PELL, and Mr. CRANSTON):

S. Res. 195. A resolution to congratulate Daw Aung San Kyi of Burma on her award of the Nobel Peace Prize; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 1829. A bill to expand the exclusion of service of election officials or election workers from Social Security coverage; to the Committee on Finance.

FAIRNESS TO ELECTION WORKERS

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation that will correct a serious inequity included in last year's Budget Act. This inequity actually serves to penalize those who devote their time and effort to staffing our polling booths on election days. As the month of November draws near, many municipalities in this Nation will be engaged in the electoral process. It would not be fair if the dedication of these individuals was cynically rewarded by the outstretched hands of greedy tax collectors.

When Congress passed the Omnibus Budget Act of 1990, buried within was a provision that stated that all services rendered by election workers or election inspectors must be covered by Social Security and Medicare. An exemption was granted to those workers whose stipend was less than $100 in a calendar year. However, this so-called exemption is not as gratuitous as it sounds. I have heard from a number of election officials in my State who have told me that unless this exemption is raised, they will lose these dedicated workers. Many of these workers in my State exceed the $100 limit in just 2 days of election work. Few earn more than $400 or $500 a year.

Municipal election officials have conveyed to me that without adequate changes, this provision will add significant costs to employing election workers. In New York City alone, the director of the board of elections has informed me that the city faces a potential cost of approximately $1.8 million for 1992. The administrative burden of keeping payroll records for the entire year would also affect municipal finances. In New York City such recordkeeping would be extremely prohibitive as there are nearly 25,000 election workers employed each election day.

The bill that I am introducing today will end this penalty on election workers throughout our Nation. Simply put, my bill raises the exemption from $100 to $750. The Congressional Budget Office estimated the costs of similar legislation in the House and found the annual costs to be minimal. The CBO analyzed H.R. 1771, which raises the $100 exemption to $500 and found that its annual costs are $16 million. I have been informed that even though my bill will raise the exemption to $750, the costs will not increase significantly over that mark due to the generally low annual pay for these election employees. With the higher figure, my bill will simply make sure that all affected employees are covered.

Mr. President, election employees are too valuable to the maintenance of our democratic process to subject them to such a penalty. An increase in the deduction will make a difference between retaining qualified election workers or struggling to keep polling booths open. My legislation will alleviate this problem at a relatively minimal cost. I urge my colleagues to cosponsor this bill and the Senate to consider and pass this legislation quickly.

I ask unanimous consent that the text of this legislation follow my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF EXCLUSION OF SERVICE OF ELECTION OFFICIALS OR ELECTION WORKERS FROM SOCIAL SECURITY COVERAGE.

(a) LIMITATION ON MANDATORY COVERAGE OF STATE ELECTION OFFICIALS AND ELECTION WORKERS WITHOUT STATE RETIREMENT SYSTEM.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(a)(7)(F)(iv) of the Social Security Act (42 U.S.C. 410(a)(7)(F)(iv)) is amended by striking "$100" and inserting "$750".

(2) AMENDMENT TO FICA.—Section 3121(b)(7) of the Internal Revenue Code of 1986 is amended by striking "$100" and inserting "$750".

(b) CONFORMING AMENDMENTS RELATING TO MEDICARE QUALIFIED GOVERNMENT EMPLOYMENT.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(p)(2)(E) of the Social Security Act (42 U.S.C. 410(p)(2)(E)) is amended by striking $100" and inserting "$750".

(2) AMENDMENT TO FICA.—Section 3121(u)(2)(B)(ii)(V) of the Internal Revenue Code of 1986 is amended by striking "$100" and inserting "$750".

(c) AUTHORITY FOR STATES TO MODIFY COVERAGE AGREEMENTS WITH RESPECT TO ELECTION OFFICIALS AND ELECTION WORKERS.—Section 218(c)(8) of the Social Security Act (42 U.S.C. 418(c)(8)) is amended—

(1) by striking "January 1, 1968" and inserting "July 1, 1991"; and

(2) by striking "$100" and inserting "$750".

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to service performed on or after July 1, 1991.•

By Mr. WOFFORD:

S. 1830. A bill to require Senators and Members of the House of Representatives to pay for medical services provided by the Office of the Attending Physician, and for other purposes; to the Committee on Rules and Administration.

PAYMENT FOR SERVICES OF THE ATTENDING PHYSICIAN

• Mr. WOFFORD. Mr. President, when I was sworn in earlier this year, I was surprised to find out that Senators and Members of the House of Representatives pay nothing for the medical services they receive from the Office of the Attending Physician. Senators and Representatives do not pay for routine checkups. They don't pay for medical tests or medication or x rays. And we cannot forget that although these health benefits provided by the attending physician are free to Senators and Representatives, they cost the taxpayers a great deal.

I am concerned, Mr. President, that the free health care provided by the attending physician has caused Congress to be insensitive to the deep concern of most Americans regarding the increasingly unaffordable cost of their health care. I am concerned that this free health care has caused Congress to be insensitive to the fears most American families have about their health care. They rightly fear that if they lose their job they will lose their health insurance; that if they get sick their premiums will skyrocket and that just when they need it the most, an insurance company may cancel their coverage.

Congress' taxpayer-financed health care has isolated its Members from the urgent need to enact a program of national health insurance.

I rise today to introduce legislation to put my colleagues on an equal footing with other working Americans when it comes to health care. The legislation I am introducing today would require all Senators and Members of the House of Representatives to pay the full market value for all medical services, medical tests and medications provided to them by the Office of the Attending Physician.

This legislation is meant as a wakeup call to Congress. It is intended to take away the special privilege of free health care so that Members of Congress will better appreciate the need for a system of national health insurance. And I will keep pushing this legislation until such time as Congress enacts a national health insurance system that provides affordable care for all American families.

It says in our Constitution that those accused of a crime have a right to a lawyer. Yet millions of Americans aren't able to see a doctor when they're sick. If criminals have the right to a lawyer, I think working Americans should have the right to a doctor. That's why I want Congress to enact national health insurance. Because health care is a right, not a privilege.•

By Mr. ROTH:

S. 1831. A bill to amend the Internal Revenue Code of 1986 to encourage investments in new manufacturing and other productive equipment by allowing an investment tax credit to taxpayers who increase the amount of such investments; to the Committee on Finance.

INVESTMENT INCENTIVE AND RECOVERY ACT OF 1991

• Mr. ROTH. Mr. President, it is painfully obvious that the current recession is not going to go away by itself. In fact, President Bush recently conceded that although payrolls grew slightly in September, "all is not well" and he is "deeply concerned about those who are out of work." And it is without a doubt that since the days of the steam engine, the cotton gin, and the Model T Ford, America has relied upon mechanization and production equipment to fuel the creation of jobs. In our country's short income tax history since 1913, the Congress has often reenacted or reinvigorated some form of the investment tax credit—most recently in 1969 only to be repealed in the Tax Reform Act of 1986—in order to speed the growth of the economy. Today I rise to address and connect these two intertwined subjects—jobs and our investment in machinery—and introduce a new kind of investment tax credit. Indeed, a more efficient investment tax credit, designed to bring about the same kind of incentives to invest in our country at a fraction of the cost of the old program.

My approach is simple, but its effects would be dramatic on the current economy. The incremental investment tax credit that I propose would be modeled after the highly successful and proven formula that is known as the research and experimentation credit and is embodied in section 41 of the Internal Revenue Code. By using this model, I believe that the Government will get the "most bang for the buck." In short, rather than providing for a flat 10-percent credit on all property as before—an expensive proposition—this proposal provides a 10-percent credit, but only on the amount by which your business increases its investment in manufacturing and productive equipment. Thus, an incremental investment tax credit. This idea would create a tremendous incentive for American companies to invest in their future. A future that includes a bright prospect for increasing technology and productivity in our ever-increasing global economy.

The primary difference between this new credit and the research and development credit is the kind of property that it applies to. The research credit applies to research expenses while this credit applies to equipment investment. The proper question to ask is "why encourage business to invest in equipment?"

Let me turn to some important evidence. Lawrence H. Summers, former professor of political economy at Harvard University and currently the chief economist at the World Bank, together with Prof. J. Bradford De Long of Harvard, have concluded that a close relationship exists between investment and growth. More specifically, they have concluded that, for a broad cross-section of nations, every 1 percent of gross domestic product [GDP] that is invested in equipment is associated with an increase in the GDP growth rate itself of one-third of 1 percent—a very substantial rate of return. Summers and De Long conclude that investment in equipment is perhaps the single most important factor in economic growth and development. They have written that there are "at least three grounds for suspecting that equipment investment may have higher social returns than other forms of investment."

First, historical accounts of economic growth invariably assign a central role to mechanization. In other words, nations have been defined through economic history depending upon their industries' ability to seize the opportunity in manufacturing—and grow rapidly, or fail to continue to invest in manufacturing and stagnate and decline.

Second, is external economies or linkages as causes of growth. In other words, what particular nerves in the economy can be pinched in order to stir economic growth. Summers and De Long note that manufacturing accounts for 95 percent of private sector research and development in America, and within manufacturing the equipment sector accounts for more than half of research and development. Thus, these economists argue that it is plausible that equipment investment will give rise to especially important external economies.

Third, a number of countries have succeeded in growing rapidly by pursuing a government-led developmental state approach to development. In short, the argument is that countries that invest more heavily in, and enjoy, lower equipment prices should enjoy more rapid growth than those that do not.

After an extensive analysis of the correlations, Dr. Summers and J. Bradford DeLong, conclude in their paper that there is a strong association between rates of equipment investment and growth. And in the final analysis that is what is important. Without a strong and vibrant economy, that can compete on the international level, we will slip into being a country of inefficiencies and mediocrity. What the Congress should be concentrating on is creating jobs by passing legislation that will stimulate the economy. It makes no sense, to me, for the Congress to pass higher taxes, like the luxury excise taxes passed last year, only to throw hard-working Americans that want to work into the unemployment line. What we should be doing, is repealing those taxes that cost jobs and tie Americans to a Government payment program that they don't want, and instead concentrate on passing high growth tax incentives, like this one.

I would like to emphasize the important role that taxes play in investment decisions that are made. Estimates by Stanford University Prof. John B. Shoven show that taxes account for up to one-third of U.S. capital costs. The Tax Reform Act of 1986 raised effective tax rates on equipment and structures for corporate taxpayers largely through the repeal of the investment tax credit, lengthening of recovery periods and a new alternative minimum tax system. In addition, an analysis by the accounting firm Arthur Andersen shows that for equipment that is technologically innovative or crucial to U.S. economic strength, our capital cost recovery lags badly behind our major competitors. Am I alone in noting that the United States is falling seriously behind Japan in saving and investing? Comparing the period from 1985–89 Japan invested a much larger portion of its GNP, 29.2 percent, as compared with only 17.2 percent in the United States. Even worse is the fact that in Japan, where the economy is just over one-half that of the United States, they are investing more in absolute dollar amounts than is the United States. In 1990, Japan's nonresidential fixed investment equalled $675 billion, while the comparable United States figure was only $524 billion, with a gross domestic product [GDP] equal to about twice that of Japan. Worse yet, from 1973 to 1988 saving and investment as a percent of GDP was lower for the United States than for any of our major competitors with the exception of the United Kingdom.

Even more dismal statistics were developed by Dr. Charles Steindel of the Federal Reserve Bank of New York to compare U.S. investment in productive manufacturing equipment over recent decades. The results are depressing. Dr. Steindel's figures show an average increase in industrial equipment of 4 to 5 percent for the three decades ending in 1979, but falling to an abysmally low level of 1.6 percent for the decade of the eighties. This low level of productive equipment investment marks an era of slower growth and reduced U.S. competitiveness. An era that has already begun, and is demonstrated by today's release of the statistics on Japan's trade surplus with the United States. A surplus that grew by 41.7 percent in September from a year earlier, a new record.

It is time that the Congress concentrate on the real problem at hand—the creation of new jobs, rather than allowing more Americans to suffer the consequences of a Congress that is willing to stimulate only higher taxes and greater transfer payments in an effort to console those suffering from a lost job. Let's do something about the U.S. competitiveness problem that so many spend so much time talking about, but spend little time really trying to solve. I ask that my colleagues join me in my efforts to improve the U.S. ability to compete by cosponsoring this legislation. Mr. President, I ask unanimous consent that an explanation of the bill and the bill itself be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

S. 1831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INVESTMENT CREDIT FOR NEW MANUFACTURING AND OTHER PRODUCTION EQUIPMENT.

(a) ALLOWANCE OF CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(4) the manufacturing and other productive equipment credit."

"(b) AMOUNT OF CREDIT.— Section 48 of such Code is amended by adding at the end thereof the following new subsection:

"(c) MANUFACTURING AND OTHER PRODUCTIVE EQUIPMENT CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the manufacturing and other productive equipment credit for any taxable year is an amount equal to 10 percent of the excess (if any) of—

"(A) the aggregate bases of qualified manufacturing and productive equipment properties placed in service during such taxable year, over

"(B) the base amount.

"(2) QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified manufacturing and productive equipment property' means any property—

"(i) which is used as an integral part of the manufacture or production of tangible personal property,

"(ii) which is tangible property to which section 168 applies,

"(iii) which is section 1245 property (as defined in section 1245(a)(3)), and

"(iv)(I) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(II) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

"(B) SPECIAL RULE FOR COMPUTER SOFTWARE.—In the case of any computer software which is used to control or monitor a manufacturing or production process and with respect to which depreciation (or amortization in lieu of depreciation) is allowable, such software shall be treated as qualified manufacturing and productive equipment property.

"(3) BASE AMOUNT.—For purposes of paragraph (1)(B)—

"(A) IN GENERAL.—The term 'base amount' means the product of—

"(i) the fixed-base percentage, and

"(ii) the average annual gross receipts of the taxpayer for the 4 taxable years preceding the taxable year for which the credit is being determined (hereafter in this subsection referred to as the 'credit year').

"(B) MINIMUM BASE AMOUNT.—In no event shall the base amount be less than 50 percent of the amount determined under paragraph (1)(A).

"(C) FIXED-BASE PERCENTAGE.—

"(i) IN GENERAL.—The fixed-base percentage is the percentage which the aggregate amounts described in paragraph (1)(A) for taxable years beginning after December 31, 1986, and before January 1, 1992, is of the aggregate gross receipts of the taxpayer for such taxable years.

"(ii) ROUNDING.—The percentages determined under clause (i) shall be rounded to the nearest 1/100 of 1 percent.

"(D) OTHER RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 41(c) shall apply for purposes of this paragraph.

"(4) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any property to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of such credits to such property.

"(5) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection."

(c) TECHNICAL AMENDMENTS.—

(1) Clause (ii) of section 49(a)(1)(C) of such Code is amended by inserting "or qualified manufacturing and productive equipment property" after "energy property".

(2) Subparagraph (E) of section 50(a)(2) of such Code is amended by inserting "or 48(c)(5)" before the period at the end thereof.

(3) Paragraph (5) of section 50(a) of such Code is amended by adding at the end thereof the following new subparagraph:

"(D) SPECIAL RULES FOR CERTAIN PROPERTY.—In the case of any qualified manufacturing and productive equipment property which is 3-year property (within the meaning of section 168(e))—

"(i) the percentage set forth in clause (ii) of the table contained in paragraph (1)(B) shall be 66 percent,

"(ii) the percentage set forth in clause (iii) of such table shall be 33 percent, and

"(iii) clauses (iv) and (v) of such table shall not apply."

(4)(A) The section heading for section 48 of such Code is amended to read as follows:

"SEC. 48. OTHER CREDITS."

(B) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following:

"Sec. 48. Other credits."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) property acquired by the taxpayer after December 31, 1991, and

(2) property the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1991, but to the extent of the basis thereof attributable to construction, reconstruction, or erection after such date.

GENERAL EXPLANATION OF THE INCREMENTAL INVESTMENT TAX CREDIT

CURRENT LAW

The investment tax credit was repealed as part of the 1986 Tax Reform Act. Prior to that, a regular investment tax credit of ten percent was available for a taxpayer's investment in tangible personal property and certain other tangible property, but not for buildings and structural components of buildings. In the case of ACRS three year property, the amount of the credit was generally equal to six percent. In addition, a reduction of the property's depreciable basis equal to fifty percent of the regular investment tax credit applied to the property. As an alternative to the basis reduction of fifty percent, an election could be made to decrease the regular investment tax credit percentage by two points. The total cost of new eligible property qualified for the credit, while used property could not exceed $125,000 in a single taxable year. In addition special rules applied for the "at-risk limitation," leased property and recapture of the credit. The amount of tax liability that could be offset by the investment tax credit in any year could not exceed $25,000 plus 85 percent of the tax liability in excess of $25,000. Credit in excess of this limitation could be carried back three years and forward 15 years.

REASONS FOR CHANGE

Real investment in machinery and equipment has declined since repeal of the investment tax credit in 1986. The economy has experienced three consecutive quarters of decline, after having over 90 consecutive months of unprecedented peacetime growth following the tax cuts of the Roth-Kemp Tax Act in 1981. Encouraging investment in new equipment and modernization of existing equipment will improve the long-term ability of the economy to achieve economic growth consistent with past rates of growth without inflationary pressures. Also, increasing aggregate demand by increased investment incentives constitutes an important element in a balanced program of economic recovery.

EXPLANATION OF PROVISION

The short title of the bill shall be "The Investment Incentive and Recovery Act of 1991." The annual credit is equal to ten percent of the excess of "qualified manufacturing and productive equipment" property acquired and placed in service or constructed during the tax year, over the base amount. The base amount is computed by multiplying the taxpayer's "fixed based percentage" by the average amount of the taxpayer's gross receipts for the four preceding years. The "fixed base percentage" shall be equal to the ratio of the taxpayer's total aggregate qualified research expenses for taxable years beginning after December 31, 1986 and before January 1, 1992, and the aggregate gross receipts of the taxpayer for the same taxable years. But the base amount cannot be less than 50% of the qualified investment expenditures for the current year. It is expected that hearings on the subject will result in a minimum level for start-up companies which would not otherwise have a "base amount."

The investment credit is computed under Section 46 and it is claimed as one of the components of the general business credit under Section 38. Thus, it is subject to the net tax liability limitation of Section 38 and the carryback and carryforward rules Section 39. It does not apply to any property to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of these credits to such property.

Qualified manufacturing and productive equipment property means property which is used as an integral part of the manufacture or production of tangible personal property, which is tangible property to which section 168 applies, and which is section 1245 property. Additional rules require that the construction, reconstruction or erection of the property be completed by the taxpayer; or alternatively, acquired by the taxpayer if the original use of the property begins with that taxpayer. Such property would specifically include depreciable software used in the business.

There will be no reduction in the basis of the assets as a result of the credit.

No incremental investment tax credit is allowed for qualified property to the extent such property is financed with nonqualified nonrecourse borrowing.

Noncorporate lessors and S corporations are eligible for the incremental investment tax credit only if (1) the leased property has been manufactured or produced by the lessor or (2) the term of the lease is less than 50% of the ADR class life for recovery property of the leased property and the lessor's business expense deductions related to the property are more than 15% of the rental income from the property for the first year of the lease. The owner may elect to pass on the incremental investment tax credit to the lessee if the leased property is new qualified property and is qualifying property both to the owner and to the lessee. However, a special rule would deny the credit when a tax exempt sells depreciable property to pass the tax benefits to the new owners and leases back the property.●

By Mr. INOUYE:

S. 1832. A bill to amend the Foreign Trade Zones Act to permit the deferral of payment of duty on certain production equipment; to the Committee on Finance.

DEFERRAL OF DUTY ON CERTAIN PRODUCTION EQUIPMENT

● Mr. INOUYE. Mr. President, today I am introducing a bill to allow for the deferral of duty on merchandise admitted into U.S. foreign trade zone—or subzone—for use within such zone as production equipment, or parts thereof, until such merchandise is completely assembled, installed, tested and used in the production for which it was admitted. This bill does not relieve any manufacturer operating in a U.S. foreign trade zone or subzone of its obligation to pay all applicable duty on such equipment, but rather it would allow these firms to defer the payment of duty until the equipment begins commercial operations in the zone—or subzone, or enters the customs territory of the United States. The duty chargeable shall be at the same rate as would have been imposed on such production machinery and related equipment, and parts thereof—taking into account the privileged foreign or nonprivileged foreign zone status of the merchandise—had duty been imposed at the time of entry into the customs territory of the United States.

This legislation provides several practical advantages for U.S. manufacturers. Production equipment entering customs territory subject to duty often must be stored, assembled, tested, and/or reconfigured prior to beginning commercial operation for its intended purpose. Many times this equipment is found to be broken, flawed, lacking in components or materials and/or otherwise scrapped as useless. If duties have been filed, recovery of these funds through drawbacks can be burdensome and often full recovery of these financial resources is never realized. This can provide a tremendous financial strain on U.S. manufacturing firms by imposing an unnecessary economic burden.

Under current law, production and capital equipment can be produced or assembled in one foreign-trade zone, entered into the customs territory with payment of duties, and then transferred to another zone where it will be used. However, for many firms, this is not always a realistic solution. Often production and capital equipment used in a foreign trade zone, once assembled, cannot be moved.

Prior to 1988, the U.S. Customs Service allowed for the deferral of duty on foreign production equipment in U.S. foreign trade zones where it was to be used until such time the equipment was placed in commercial operation. In 1988, however, Customs overturned its own ruling without any direction from Congress.

This legislation is consistent with the intent of the Foreign Trade Zones Act of 1934—19 U.S.C. 81c—which provides for the deferral of duty on merchandise in a foreign-trade zone.

Mr. President, I realize this bill will not eliminate the U.S. trade imbalance but it will remove an unnecessary economic burden on U.S. manufacturers and will further enhance our ability to compete in the global marketplace. Further, it will help preserve the American manufacturing base and preserve American jobs. For these reasons, I urge important legislation.●

ADDITIONAL COSPONSORS

S. 140

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 239

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 284

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 359

At the request of Mr. GORTON, his name was added as a cosponsor of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 489

At the request of Mr. HATCH, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 489, a bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the provision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, and for other purposes.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 757

At the request of Mr. LEAHY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 757, a bill to amend the Food Stamp Act of 1977 to respond to the hunger emergency afflicting American families and children, to attack the causes of hunger among all Americans, to ensure an adequate diet for low-income people who are homeless or at risk of homelessness because of the shortage of affordable housing, to promote self-sufficiency among food stamp recipients, to assist families affected by adverse economic conditions, to simplify food assistance programs' administration, and for other purposes.

S. 765

At the request of Mr. BREAUX, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 840

At the request of Mr. DURENBERGER, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes.

S. 843

At the request of Mr. BREAUX, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 878

At the request of Mr. DODD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 878, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children, and for other purposes.

S. 879

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 964

At the request of Mr. MCCAIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 964, a bill to establish a Social Security Notch Fairness Investigatory Commission.

S. 972

At the request of Mr. BRADLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 972, a bill to amend the Social Security Act to add a new title under such Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

S. 1111

At the request of Mr. MITCHELL, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1111, a bill to protect the Public from Health Risks from Radiation Exposure from Low-Level Radioactive Waste, and for other purposes.

S. 1157

At the request of Mr. DASCHLE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1157, a bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax.

S. 1261

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. COATS], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1301

At the request of Mr. CRAIG, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1301, a bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children, and for other purposes.

S. 1424

At the request of Mr. CONRAD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1455

At the request of Mr. GRAHAM, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Illinois [Mr. SIMON], the Senator from North Dakota [Mr. BURDICK], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Virginia [Mr. WARNER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act."

S. 1533

At the request of Mr. BRYAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1533, a bill to establish a statute of limitations for private rights of action arising from a violation of the Securities Exchange Act of 1934.

S. 1537

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1537, a bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the Medicare program, and to expand home health services under such program.

S. 1599

At the request of Mr. BRADLEY, the names of the Senator from Illinois [Mr. DIXON], the Senator from Maryland [Ms. MIKULSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. LEVIN], the Senator from Wyoming [Mr. WALLOP], the Senator from Wisconsin [Mr. KASTEN], the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], the Senator from Utah [Mr. HATCH], the Senator from Illinois [Mr. SIMON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Washington [Mr. GORTON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Florida [Mr. GRAHAM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. GLENN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 1599, a bill to extend nondiscriminatory (most-favored-nation) treatment to Estonia, Latvia, and Lithuania.

S. 1623

At the request of Mr. DECONCINI, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1691

At the request of Mr. DIXON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1691, a bill to amend title 18, United States Code, to govern participation of Federal Prison Industries in Federal procurements, and for other purposes.

S. 1712

At the request of Mr. BROWN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1712, a bill to provide an annuity to certain surviving spouses and dependent children of Reserve members of the Armed Forces who died between September 21, 1972, and September 30, 1978.

S. 1725

At the request of Mr. DIXON, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. AKAKA], the Senator from Wisconsin [Mr. KASTEN], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. PELL], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1725, a bill to authorize the minting and issuance of coins in commemoration of the quincentenary of the first voyage to the New World by Christopher Columbus and to establish the Christopher Columbus Quincentenary Scholarship Foundation and an Endowment Fund, and for related purposes.

S. 1777

At the request of Mr. ADAMS, the names of the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. MOYNIHAN], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 1786

At the request of Mr. BAUCUS, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1786, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1789

At the request of Mr. DURENBERGER, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1789, a bill to provide emergency unemployment compensation, and for other purposes.

S. 1793

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1793, a bill to restrict United States assistance for Serbia or any part of Yugoslavia controlled by Serbia until certain conditions are met, and for other purposes.

S. 1810

At the request of Mr. DURENBERGER, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

S. 1828

At the request of Mr. KENNEDY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1828, a bill to provide extended unemployment benefits during periods of high unemployment to railroad employees who have less than 10 years of service.

SENATE JOINT RESOLUTION 147

At the request of Mr. LEAHY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 147, a joint resolution designating October 16, 1991, and October 16, 1992, as "World Food Day."

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE JOINT RESOLUTION 166

At the request of Mrs. KASSEBAUM, the names of the Senator from Missouri [Mr. BOND], the Senator from Utah [Mr. HATCH], the Senator from Tennessee [Mr. GORE], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 198

At the request of Mr. AKAKA, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 198, a joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. DECONCINI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Concurrent Resolution 45, a concurrent resolution to express the sense of the Congress that the President should consider certain factors in 1992 before recommending extension of the waiver authority under section 402(c) of the Trade Act of 1974 with respect to the Union of Soviet Socialist Republics.

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Concurrent Resolution 68, a concurrent resolution expressing the sense of the Congress relating to encouraging the use of paid leave by working parents for the purpose of attending parent-teacher conferences.

SENATE RESOLUTION 194—RELATIVE TO APPOINTMENTS TO THE UNITED STATES SUPREME COURT

Mr. SIMON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 194

Whereas the Constitution calls on the Senate to give "advice and consent" to nominations to the United States Supreme Court, and

Whereas in recent times the "advice" portion of this phrase has not been exercised by the Senate: Now, therefore, be it

Resolved by the Senate, that it is the sense of the Senate, That—

First, that the President, in determining whom to name to any future Supreme Court vacancies, should keep philosophical balance in mind, so that the law is not like a pendulum, swinging back and forth depending upon the philosophy of the President; and,

Second, that before a name is submitted to the Senate there should be informal, bipartisan consultation with some members of the Senate on who is to be named to the Supreme Court before a name is submitted to the Senate.

SENATE RESOLUTION 195—CONGRATULATING DAW AUNG SAN SUU KYI OF BURMA ON HER AWARD OF THE NOBEL PEACE PRIZE

Mr. MOYNIHAN (for himself, Mr. PELL, and Mr. CRANSTON) submitted the following resolution; which was considered and agreed to:

S. RES. 195

Whereas since 1962 the people of Burma have lived under brutal military repression;

Whereas in 1988 the people of Burma rebelled against their repression through massive peaceful demonstrations in support of democratic reform;

Whereas Daw Aung San Suu Kyi emerged as the leader of the Burmese people seeking peaceful and democratic change;

Whereas Daw Aung San Suu Kyi helped to establish the National League for Democracy in Burma which contested and overwhelmingly won the elections of May 1990;

Whereas Daw Aung San Suu Kyi has been kept under house arrest by the Burmese military junta since July 1989 and denied all visits from family and friends;

Whereas the Burmese military junta has ignored the election results of May 1990 and the Burmese people still suffer the harshest forms of repression by the junta, including arrest, torture and murder;

Whereas Daw Aung San Suu Kyi remains the symbol of hope and dignity for the Burmese people seeking peaceful and democratic change, and

Whereas on October 14, 1991 Daw Aung San Suu Kyi was awarded the Nobel Peace Price in recognition of her struggle and that of the Burmese people: Now, therefore, be it

Resolved, That in recognition of the heroism and inspiriting struggle of Daw Aung San Suu Kyi to being peace and democracy to Burma, the Senate—

(1) takes great satisfaction in the award of the Nobel Peace Prize to Daw Aung San Suu Kyi, and offers its highest congratulations to her and the Burmese people;

(2) expresses in the strongest possible terms its continued condemnation of the Burmese military junta for its repression and violations of internationally accepted human rights;

(3) voices its continued and unwavering support for Daw Aung San Suu Kyi and the people of Burma in their struggle for peaceful and democratic change;

(4) calls upon the President, the Secretary of State and the United States Permanent Representative to the United Nations to—

(i) publicly congratulate Daw Aung San Suu Kyi on her award of the Nobel Peace Prize;

(ii) take the strongest possible action, including support for international sanctions, including arms and trade embargoes, against the Burmese military junta;

(iii) encourage the restoration of democracy in Burma and condemn violations of human rights, and

(iv) advocate the immediate and unconditional release of Daw Aung San Suu Kyi from house arrest.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following hearings in 485 Russell Senate Office Building.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Thursday, October 17, 1991, 2-4 p.m. Hearing on S. 1687, the Indian Tribal Government Waste Management Act of 1991;

Tuesday, October 22, 1991, 9-11 a.m. Hearing on S. 1315, the Indian Federal Recognition Administrative Procedures Act of 1991; and

Tuesday, October 29, 1991, 9:30-11:30 a.m. Joint hearing with the House Interior committee on H.R. 1476, the San Carlos Indian Irrigation Project Divestiture Act of 1991.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research and General Legislation will hold a hearing on the viability of the U.S. grain inspection system. The hearing will be held on Tuesday, October 22, 1991, at 9 a.m. in SR-332. Senator THOMAS DASCHLE will preside.

For further information please contact Wade Fauth at 224-2321.

Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research and General Legislation will hold a hearing on reducing foreign material limits in official soybean standards. The hearing will be held on Tuesday, October 29, 1991, at 2:30 p.m. in SR-332. Senator THOMAS DASCHLE will preside.

For further information please contact Wade Fauth at 224-2321.

ADDITIONAL STATEMENTS

UNFAIR TRADE CASES

• Mr. WOFFORD. Mr. President, today the International Trade Commission is holding a hearing on unfair trade cases filed by a group of domestic steel pipe producers. These producers—three of whom are located in Pennsylvania—have been forced to sue in response to illegal dumping of standard pipe by Brazil, Korea, Mexico, Romania, Taiwan, and Venezuela. A subsidy case has also been filed against Brazil.

This case is significant because it comes at a crucial point in time. The imminent expiration of the Voluntary Restraint Agreements [VRA's] and the lack of apparent progress in the Multilateral Steel Agreement [MSA] and the GATT talks have our Nation's industries worried about the future of U.S. trade laws—and our Nation's workers worried about their jobs.

And they should be worried. Imports from these six countries are up by more than 20 percent so far this year, despite a soft market here. The market share of these nations has grown from 25 percent in 1990 to 33 percent in the first half of 1991. The effect of this import surge is unmistakable: Employment in the steel standard pipe industry, which produces equipment for plumbing, heating, and air conditioning systems and other industrial and residential uses, is down by more than 15 percent.

The case to be considered today by the ITC could very well be a preview of future U.S. trade action. If there is no multilateral framework such as the VRA's or an MSA within which to work, companies will be forced to bring suits such as this one in every case of injury. Although antidumping and countervailing duty laws do protect domestic producers, bringing such suits is complicated, expensive, and time-consuming.

Our trading partners, however, are using the MSA and the GATT talks to push for relaxation of these trade laws—laws that many of our trading partners have persistently worked to circumvent. It is clear that we have to preserve our trade laws even as we continue to negotiate larger multilateral agreements if our domestic industries are to remain competitive and the people who have spent their lives working to make our products the best in the world continue to hold secure, high-paying jobs.

Some analysts say that mature manufacturing industries such as steel production are better left to low-wage developing nations like Korea. I disagree. I am not about to write off an entire industry when our businesses and workers are the best in the world. Instead, we have to improve and strengthen the process by which U.S. companies can fight back against unfair subsidies and dumping.

I am going to be watching this ITC case, and the progress of the multilateral agreements, closely. I urge my colleagues to do the same. Support for steel products and other domestic industries should be a vital part of the economic strategy this country so desperately needs if we are to rebuild our industrial base and establish a framework for fair trade that will take us into the next century.●

TRI-CITY CAMPUS ESTABLISHED

● Mr. GORTON. Mr. President, thank you for allowing me the opportunity to commend the Tri-City community and school leaders on establishing a branch campus of Washington State University. The opening of the Tri-City campus represents the culmination of a decade of efforts to enlarge the former Joint Center for Graduate Studies.

It is especially befitting that the new library was dedicated in honor of the late Senator Max E. Benitz. Senator Benitz had always recognized the value of education and had been a stalwart supporter of the branch campus. It is largely due to his efforts that higher education will meet community needs in the Tri-City area. Senator Benitz's commitment to education has been essential to the success of the region and the State.

On behalf of the citizens of Washington State I applaud the Tri-City community and especially the outstanding service of the late Senator Benitz.●

ENERGY AND PEACE IN THE MIDDLE EAST

● Mr. JOHNSTON. Mr. President, the Senate will soon be considering S. 1220, the National Energy Security Act. Reported by a 17-to-3 vote of the Energy and Natural Resources Committee, S. 1220 is the most comprehensive energy policy bill ever before the Senate.

Amid our disagreement over energy issues, we tend to forget how much energy policy is intertwined with the prospects for peace, particularly in the Middle East.

In an October 3 editorial, the Jerusalem Post highlighted the situation with the cogent observation that—

> The largest transfer of capital in history—the payments for oil made by the West to the OPEC countries—endangers the security of the world. . . . The one country which can dramatically change the situation is the United States. But that country has yet to take meaningful steps to reduce its dependence on imported oil.

The editorial points to S. 1220 as a:

> Comprehensive proposal designed to decrease American dependence on OPEC oil to a minimum. . . . The program's scrupulous attention to environmental considerations is exemplary.

It concludes that—

> The fate of Israel and the region is closely bound to America's ability to resolve its energy dependence problem. Israel's friends must do all in their power to enhance this ability. Not least of the benefits will be that the region's dictators will find the development of weapons of mass destruction beyond their means.

Mr. President, I ask that the entire editorial be printed in the RECORD.

The editorial follows:

[From the Jerusalem Post, Oct. 3, 1991]

ENERGY AND PEACE

If the revelations about Saddam Hussein's nuclear program have done nothing else, they have reaffirmed the truth of the old saw: With enough money, virtually everything and everyone can be bought. In building his nuclear capacity, Saddam could count on the cooperation of every major industrial state. Putting profits before principle, all have openly or tacitly collaborated with him. Nor is it impossible that individual politicians in the Western world were persuaded by personal favors—some of which have been revealed in the unfolding BCCI scandal—to back Saddam despite evidence of his nuclear buildup.

Saddam has already spent at least $4 billion on his nuclear program. The total cost of this project alone is estimated at $10b. Some 20,000 people, including thousands of Western and Russian scientists and managers, are employed in it. Other large sums have been invested in chemical and biological capabilities, and of course in his huge conventional military machine. Yet there seems to be a general reluctance in the West to draw the obvious conclusion from these facts: The largest transfer of capital in history—the payments for oil made by the West to the Arab Opec countries—endangers the security of the world.

There is no equivalent in modern history to the concentration of wealth in the hands of so few. Feudal and dictatorial regimes, bound by neither moral responsibility nor political imperatives, control astronomic amounts of money. They spend relatively little of it on their people; no more than is necessary to keep them pliant. The rest is devoted to the pursuit of weapons. The Gulf war was but a benign foretaste of the havoc that can be wrought by such weapons in the hands of a certified megalomaniac like Saddam Hussein.

Unfortunately, neither governments nor business companies are prone to farsightedness. Middle East oil is the cheapest available, and the oil-exporting regimes are willing to return a sizable part of their huge profits to Western treasuries by buying arms and war technology. This seems like a perfect arrangement. This is particularly true since the myth of Opec's power to embargo oil shipments or control its price has been shattered. What is there to be afraid of, say the experts, if Opec can no longer dictate Western policies? Even monstrous losses in lives and treasure (the Gulf war casualties have amounted to hundreds of thousands, its cost is an estimated $200b.) have awakened only few to the danger of continuing to tolerate Western dependence on Middle Eastern oil.

The one country which can dramatically change the situation is the United States. But that country has yet to take meaningful steps to reduce its dependence on imported oil. In fact, the trend is towards more imports, which already account for about 50 percent of the oil used in America. Half of this oil comes from Opec countries. Correspondingly, domestic production in the U.S. has fallen 20 percent in the past five years. Without a clear, positive, energy policy, American production will diminish further, more cash will flow into the coffers of Middle East dictatorships, and larger conventional and non-conventional arsenals will be built to threaten stability in the region and in the world.

Some of the measures the U.S. can take are included in a bill now before Congress. Named the National Energy Security Act of 1991, and co-sponsored by Senators J. Bennett Johnston and Malcolm Wallop, it is a comprehensive program designed to decrease American dependence on Opec oil to a minimum. Its implementation would staunch the flow of Western money to the Middle East.

The program ranges from raising the standards of vehicular fuel efficiency and promoting the development of alternative motor fuels to mandating energy efficiency standards for industrial, commercial and residential electric equipment. It proposes developing advanced nuclear plants; making more efficient use of water, and enlarging the strategic petroleum reserve. It recommends oil and gas leasing in the Coastal Plain of the Arctic Wildlife Refuge in Alaska, where the estimate of recoverable oil is 3.6 billion barrels. The program's scrupulous attention to environmental considerations is exemplary.

Strangely, many strong supporters of Israel in Congress, who should be the bill's most avid advocates, are emerging as its fiercest opponents. Some are concerned about its impact on the environment. But only latter-day Luddites and fanatic environmentalists, concerned more with a possible slight inconvenience to caribous than with the fate of mankind, can oppose a program so meticulously designed to avoid environmental damage. Others, who represent states in the Northeast—where the cost of heating in winter is high—fear that reductions in imported oil would cause a steep increase in fuel prices. Compensating for such increases can, of course, be legislated; and no price-rise could match the cost of another war in the Middle East. But it is more likely that a wisely implemented, comprehensive program would ultimately cause a reduction, not an increase, in energy costs.

The fate of Israel and the region is closely bound to America's ability to resolve its energy dependence problem. Israel's friends must do all in their power to enhance this ability. Not least of the benefits will be that the region's dictators will find the development of weapons of mass destruction beyond their means.•

CONFERENCE REPORT—H.R. 2608

• Mr. BREAUX. Mr. President, the conference report on H.R. 2608, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies for fiscal year 1992, contains strong language expressing concern over the Federal Maritime Commission's decision not to fill the vacancy of the District Director in its New Orleans District Office. As chairman of the Merchant Marine Subcommittee, the authorizing subcommittee with jurisdiction over the FMC, I too am very concerned that the Federal Maritime Commission has not filled this vacancy.

The New Orleans District Office serves 17 States, including Louisiana, South Carolina, Mississippi, Iowa, Kentucky, Arkansas, and Ohio. The downgrading of the New Orleans office would severely impact these States and, in particular, the Port of New Orleans in my home State.

Accordingly, I strongly support the language contained in the conference report on the fiscal year 1992 Commerce, Justice, State, and Judiciary appropriations bill, which states that the conferees "expect the Commission to fill the New Orleans Director vacancy as soon as possible within the funds provided in this act." The Appropriations Committee has provided ample funds for this position to be filled. Accordingly, I fully expect that the Commission will expeditiously comply with the direction it was given by the conferees.•

THE SENATE NATIONAL GUARD CAUCUS

• Mr. LAUTENBERG. Mr. President, I rise to inform my colleagues that I have joined the Senate National Guard Caucus, a bipartisan group of Senators that seeks to focus attention on issues of importance to the National Guard.

Our Reserve Forces provide a valuable service for our Nation's defense. They are a cost-effective and efficient way of ensuring that our Nation has sufficient force to address potential threats to our national security. The role the reserves played in the gulf war demonstrated the value and importance of the Reserve structure during times of crisis. The Senate National Guard Caucus is dedicated to ensuring that those reserves remain strong and effective.

One of the primary focuses of the Senate National Guard Caucus this year is the reductions proposed by the Pentagon in the fiscal year 1992 budget. I believe those proposed reductions are excessive. As a member of the Senate Defense Appropriations Subcommittee and the Senate National Guard Caucus I have been working hard to preserve the Reserves and National Guard at fiscal year 1991 levels.

We need to ensure that we have enough Reserves to enable the United States to adequately respond during times of crisis. To cut below our current level might invite inadequate protection during national emergencies and local disasters. In light of the proposed cuts in the Active Forces as well, we may need to rely even more on our National Guard and Reserves in the event of future crises.

Cutting the Reserves could also undermine our ability to retain the expertise and experience of active duty members in the long run. Active duty members can now join the Reserves and continue making contributions to our Nation's defense. However, if we dramatically reduce the number of slots in the Reserves, there may not be enough capacity in the future to accommodate these people, ultimately preventing us from drawing on their expertise and knowledge.

Mr. President, the Senate National Guard Caucus will help make the case that the National Guard should not be disadvantaged as we downsize the military and that the Guard continues to play an important role in our Nation's defense. I am proud to be a member of the caucus and to join the other members in addressing this issue that is so important to our Nation's security.•

HONORING ONE OF ILLINOIS' VALUABLE RESOURCES

• Mr. SIMON. Mr. President, I am honored to announce a very special anniversary in the academic world. Beginning in October 1991, the University of Chicago will kick off a year-long celebration of its centennial. Representing the highest degree of quality in education and research, the university stands among the best of this Nation and the world.

Located in the Hyde Park neighborhood of Chicago, the university is home to some of today's finest minds. It is a place where, and to quote a recent article in the Chicago Tribune:

> * * * people love knowledge more than anything else. They love it so much that they measure achievement by counting their Nobel prizes instead of Heisman trophies.

The list of achievements by alumni and faculty is extraordinary. Scholars associated with the University of Chicago have affected many different areas of our society. Among its many achievements, the university boasts 61 Nobel laureates who have been faculty, students or researchers there—more than any other university. Although the list is long, let me mention a few: Enrico Fermi and his colleagues, Milton Friedman, Saul Bellow, and James Dewey Watson.

The university is also well known for its graduate level research. It has been a national leader in medical and science breakthroughs, such as those of Willard Libby, who developed Carbon 14 dating, Nathaniel Kleitman, who identified REM sleep, and Albert Michelson, whose measurements of the speed of light made him, in 1907, the first scientist from the United States to win the Nobel prize.

Undergraduates of the University of Chicago learn that knowledge comes from discovery and probing the unknown, not simply accepting what is already held to be true. And, the university also provides a strong foundation to students that gives them the skills to become leaders in whatever field they choose.

But the University of Chicago's achievements reach beyond these prominent individuals. The university seeks to challenge existing traditions and establish new ones. Foremost among them are the establishment of the Chicago Schools of Economics, of Sociology and of Literary Criticism. Many of the university's departments and programs are models for higher education throughout the United States. Through its operation of the largest university press in the Nation, the University of Chicago Press, these developments are spread throughout the world.

However, this school does not exist as an island in the city of Chicago. President Hanna Gray continues a long and strong tradition of reaching out to and interacting with the neighboring communities. The University of Chicago's outreach programs allow neighboring schools to benefit from the vast resources of the university. As President Gray said in a recent interview in the Chicago Tribune, "It is (the university's) obligation to be a good neighbor and to use its own special form of competence as a good neighbor." Whether on the policy of practical level, the university's faculty, staff and students give of their time and their expertise.

The university has had tremendous leadership from the first president, William Rainey Harper, through to its current president, Hanna Holborn Gray. Hanna Gray is leading the school into the 21st century with the spirit and enthusiasm that carried it to prominence in the last hundred years. She continues to demand excellence from both students and faculty.

I commend and congratulate the University of Chicago for the past 100 years of learning and expanding human knowledge. We are proud to have a university in the State of Illinois that has contributed so much. We appreciate your century of service to the city of Chicago, the State of Illinois, the Nation and our world. We look to a bright future for the University of Chicago and await the discoveries the university will bring to our society.●

PROCEEDINGS OF THE 50TH ANNIVERSARY COMMEMORATION OF THE MASSACRE AT BABI-YAR

● Mr. D'AMATO. Mr. President, I wish to share with my colleagues, excerpts of the 50th anniversary commemoration of the massacre at Babi-Yar. The commemoration took place at Park East Synagogue in New York City on September 15, 1991. Although I would have liked to include the entire proceedings, which I might add are being included in the parliamentary record of the Ukrainian Republic, I have chosen excerpts from each speaker on the commemoration of this atrocity that took place during the Holocaust. The event, sponsored by Rabbi Arthur Schneier, president of the Appeal of Conscience Foundation, was a remarkable assemblance of diplomats, government officials and respected community leaders. It was an honor to participate in this event.

I ask that the excerpts be printed in the RECORD.

The excerpts follow:

EXCERPTS FROM THE 50TH ANNIVERSARY COMMEMORATION OF THE MASSACRE AT BABI-YAR

(By Michael Scharf, President, Park East Synagogue, New York City)

* * * This commemoration of the fiftieth anniversary of the Babi-Yar Massacre is under the sponsorship of several organizations. I would like to name them because of their significance not only in this event but generally. The United States Commission for the Preservation of America's Heritage Abroad, the Permanent Mission of the Ukraine to the United Nations, the National Conference on Soviet Jewry, the Appeal of Conscience Foundation, and the American Gathering of Jewish Holocaust Survivors.

To honor the tragic massacre of Babi-Yar, the Foreign Minister of the Ukraine, His Excellency Anatoli Zlenko has joined us, along with Ambassador Thomas Pickering, Permanent United States Representative to the United Nations; United States Senator Alfonse M. D'Amato; Shoshana Cardin, the Chairman of the Conference of Presidents of Major American Jewish Organizations; Ambassador Yuli Vorontsov, Permanent Representative of the Soviet Union to the United Nations; Yoram Aridor, Permanent Representative from the State of Israel to the United Nations; and New York City Mayor David Dinkins.

Park East Synagogue President MICHAEL SCHARF. It gives me great pleasure at this time—and also a great deal of pride—to introduce Rabbi Arthur Schneier, the Senior Rabbi here at Park East Synagogue. He is also the Chairman of the United States Commission for the Preservation of America's Heritage Abroad and President and Founder of the Appeal of Conscience Organization. Rabbi Schneier.

Rabbi ARTHUR SCHNEIER. Thank you, Michael Scharf, President; distinguished rabbis, clergy, Your Excellencies, my dear friends. Last week was Rosh Hashanah, the Jewish New Year, known also in our tradition as Yom Hazikaron, the day of remembrance. The theme of these days, then, is "We remember." You and I are here today to remember man's inhumanity to man; we remember the slaughter of men, women and children at Babi-Yar.

* * * * *

On September 29, 1941 the Jews were herded together, marched to Babi-Yar—fifteen minutes away from the heart of the city of Kiev—and there the Einsatzkommando, 150 S.S. men, were able within forty-eight hours to destroy the lives of over thirty-three thousand Jewish men, women and children. * * *

* * * A great monument was later built there but with no acknowledgment that the first victims were Jews. * * *

How the world has now changed! On September 29, the official commemoration at Babi-Yar of the event that claimed the lives first of Jews, but also of Ukrainians, Poles, Hungarians, Rumanians, Gypsies will take place with the official support of the government of the Ukraine.

* * * Babi-Yar reminds us that anti-Semitism, when unleashed, can result in terrible consequences, leading to a holocaust. And when anti-Semitism is unleashed, it does not stop with the Jews alone. * * *

* * * We Jews have suffered too much. The Soviet people lost 27 million, and you know the losses that we in America sustained in the defense of democracy. So by being here today we say with one voice that those who abuse freedom to spread venom and plant the virus of hatred must be de-legitimized, must be written out of the human society. * * *

* * * Who would have thought, even a year ago, before Yom Kippur, the Day of Atonement, the flags of the United States, the Soviet Union, the Ukraine and the State of Israel would be standing next to one another in the presence of members of the diplomatic corps from so many different countries. * * * Who would have thought that we would be proclaiming in one voice, "Never again!"

* * * Thank you, and God bless you. It is now a great privilege to introduce Tom Pickering.

Ambassador THOMAS PICKERING. Thank you, Arthur, very much. * * *

In this special time of penitence between Rosh Hashonah and Yom Kippur we are all reminded of the frailty of human character * * * On September 28, notices were posted in Kiev ordering Jews to appear the following morning to be relocated. The next morning masses of Jews appeared at the appointed spot, where they were directed to the ravine at Babi-Yar. They were forced to disrobe and hand over all of their valuables. Then they were shot down by machine guns. According to official reports, in two days of shooting, thirty-three thousand seven hundred and seventy-one Jews were murdered. People of great promise and talent died because a madman in Berlin wanted to exterminate their kind. The Babi-Yar slaughter of innocent people stands as an historic reminder that while human beings are capable of sublime intellectual and artistic achievement, we can sink to depths of violence and destructiveness.

* * * * *

None of us will ever forget the events that occurred at Babi-Yar, and as we look to the future to educate and remember, there are some encouraging signs. * * *

* * * It is a special honor to have been invited here this morning. I thank you. * * *

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Rabbi ARTHUR SCHNEIER. There is only one Al D'Amato. He says it as it is. He is a great senator, a man of courage, a great defender of human rights, and a senator who has fought so hard on behalf of the rights of Jews and other religious groups, and a great supporter of the State of Israel, Senator Al D'Amato is a dear friend.

Senator ALFONSE D'AMATO. Rabbi Schneier, Rabbi Marc Schneier, Ambassador Pickering, and to all of our distinguished ambassadors and my colleagues in government in particular, Congressman Green. * * *

* * * The terrible killing of innocent men and women because of their religion and the killing of hundreds of thousands of others is unforgivable. It seems to me in this day and age that we have a long way to go. In a civilized society, in one of the great intellectual capitals of the world, we lack the moral courage to stand up to the forces that epitomize the evil that took place at Babi-Yar. When we do not have the courage as a community, and our elected officials, do not condemn those who preach racial hatred, and bring about violence, then we betray ourselves. We betray this great country, we betray our heritage, our religion, we betray ourselves when we said "Never again." It is about time that we get the courage to stand up and call racism what it is. The violence in our city must end * * *.

* * * * *

I must add that it is grievously inappropriate and ill-timed to put forth the spectre that somehow the United States will hold hostage humanitarian aid, such as loan guarantees to Israel, for the resettlement of Soviet emigrants. It is an ill-conceived plan that can only sow the seeds of discord and heighten the expectations of the radicals, like the PLO, who do not want peace and want to see a continuation of ferment. I pray that we can steer a course that ensures that the United States and Israel do not appear to be anything but totally united in the concept of freedom and Israel's security which must not be impaired. * * *

* * * Never again should the Jewish community take so long to react when they see the rhetoric of hatred, prejudice, and blind violence, no matter to whom it is directed. Let us who have seen and felt the tragedy of silence come together as fighters for our brothers and sisters and for justice. Every one of us is expected to be soldiers for freedom and liberty. Thank you.

Rabbi ARTHUR SCHNEIER. At this time, I would like to call on a beautiful woman of valor, Chairperson of the Conference of Presidents of Major American Jewish Organizations, and Chairperson of the National Conference of Soviet Jewry, Shoshana Cardin. * * *

SHOSHANA CARDIN. Thank you, Rabbi Schneier. Revered clergy, distinguished rabbis, distinguished dignitaries. * * * You have heard of the pronouncement of September 28, 1941. * * *

It read, in part: "Jews who fail to obey this order to appear and are found elsewhere will be shot. All who enter the apartments left by Jews and take their property will be shot." They went just fifteen minutes from the heart of the city to their slaughter. At the end 200,000 Jews were killed by the Nazis and the local militia, this must be recalled for us, as well as for those who were innocent martyrs. * * *

* * * It is our responsibility to be the individual who speaks out, to be certain that such bestiality never, never occurs again. Today we are commemorating those who were written out of history. * * * After fifty years the Ukrainian government is commemorating this horrible atrocity. For the Jews of the Soviet Union, this is their history. * * * It is important for us to stand up and be visible and remember our promise to guard. The people of the Soviet Union and the republics now themselves have an opportunity to stand up against rising anti-Semitism. We have learned that when one people suffers injustice, all people suffer injustice. That is why we're here today. * * *

May this year 5752 be a year in which understanding becomes the by-word, in which peoples who in the past have ignored or not spoken to each other or not communicated will begin to speak with each other and not at each other. * * *

Rabbi ARTHUR SCHNEIER. And now, the Foreign Minister of the Ukraine, Anatoli Zlenko. * * *

His Excellency ANATOLI ZLENKO. Shalom, Rabbi Schneier.

Ladies and Gentlemen, almost two weeks separate us from that tragic date—the fiftieth anniversary of the beginning of one of the most terrible tragedies in the history of world civilization—the tragedy of Babi-Yar. The former outskirt of Kiev occupied a special place in the mythology of Nazi crimes against humanity. The Hitlerites turned it into a dreadful testing ground on which they perfected methods both annihilating those who did not fit into the racial and ideological criteria of fascism.

* * * * *

Babi-Yar ceases to be a black spot in our history. *** The commemorative week in honor of the Babi-Yar victims will be held in Kiev at the end of September and beginning of October. Its diverse program includes an international scientific conference, art shows and book fairs, film festivals and memorial services and processions. ***

*** We do not forget that more than a quarter of the fifty-two million people of the Ukraine are non-Ukrainian. This is why the government is today consistently creating favorable for national revival and cultural and national development of not only Ukrainians but Russian, Jews, Hungarians, Poles, Bulgarians and Germans. ***

The history is Ukrainian-Jewish relations in first and foremost a history of peaceful coexistence, cooperation and common struggle against invaders. The government of the Ukraine—not in words but in deeds—promotes the creation of necessary conditions for the revival of Jewish awareness, culture, schools and the best national traditions. ***

* * * * *

Our meeting in this Temple today is eloquent proof of cardinal changes in the foreign policy of the Ukraine. And, in the Ukrainian and Jewish relations, as well as the United States of America. ***

*** Ladies and gentlemen, our common memory of the Babi-Yar tragedy appeals for a peaceful and mutual good and the co-existence of people of various nationalities. And, may Ukrainians and Jews be an example of good will, tolerance, and cooperation for other nations.

Thank you.

* * * * *

And now, the Permanent Representative of the Soviet Union, Ambassador Yuli Vorontsov. ***

Permanent Representative of the Soviet Union. Ladies and gentlemen, it is a privilege to share in the commemoration of this memorial to a very tragic occasion.

The words Babi-Yar are known to everybody in our country. They are a multi-faceted symbol. First and foremost, these words symbolize the tragedy of the Jewish people. This long historic tragedy of many centuries of persecution and injustices culminated in the Holocaust in the Thirties and Forties of this century.

* * * * *

Another facet of this symbol is that this crime, committed against innocent people engulfed the perpetrators and those who stood by and did nothing to prevent that. * * *

All people, regardless of their nationality, should act together against any crime committed against anyone. A Russian (or Polish) writer, Bruno Yusernsky, who wrote "The Complicity of the Indifferent." He wrote, "Don't be afraid of your enemies. They could only kill you. Don't be afraid of your friends, they could only betray you. But, be afraid of indifferent people." Only because of their indifference, crime is triumphing in the world.

* * * * *

We should look ahead and think, "How shall we insure that this will never happen again?" And, the answer is that we must insure democracy and freedom of speech in our country. This is now being done. I would say in this regard that this is beneficial for the removal of the national bigotry from our life, including anti-Semitism. Knowing our people, I would say that the recent announcements, the recent events, that were treated as a rise of anti-Semitism in our country might not be really the manifestation of the rising national animosities. * * * But, I think that the best way to insure the removal of this bigotry from the relations of people is to cultivate the national respect of one nation to another. I think that one of the best examples of such efforts is the activity of Rabbi Schneier, who encourages national respect and tolerance all over the world. And, I wish success to him and to all other people who are engaged in this noble activity and to insure that such tragedies will never happen again. Thank you.

* * * * *

Rabbi ARTHUR SCHNEIER. It gives me great pleasure to call upon the Permanent Representative of the State of Israel, His Excellency Yoram Aridor, who served as former Prime Minister of Israel.

His Excellency YORAM ARIDOR. Rabbi Schneier, distinguished dignitaries and guests.* * *

We come here today to remember the events half a century ago, half a world away—we remember because we dare not forget we are a people whose history is saturated with suffering. And, it has been our constant awareness of the past that has assured us of a future. It was a Babi-Yar that the hopes and dreams of a generation were violently extirpated in a fit of madness and bloodshed.

* * * * *

Babi-Yar was only one of the thousands of sites of Jewish martyrdom during those bleak and awful years. Yet, it stands out in our minds as a symbol of cruelty and barbarism. Babi-Yar is a grave. *Only one* grave of tens of thousands of human beings. It is a symbol, for us, of what the people were forced to endure in that abyss of despair known as Nazi Europe.

* * * * *

For, even in death, the victims of Babi-Yar were denied any sort of recognition of even dignity. The world simply ignored these Jews and their memory. But, those days have past. And, the family of evil is being replaced by another family—a family of truth and Democracy. Now, at last, the victims of Babi-Yar will receive the memorial, the monument, so long denied the.

* * * * *

Our mandate today is clear. For there is no better means of commemorating the dead than reaffirming life. And, by taking hundreds of thousands of Soviet-Jewish immigrants, themselves the grandchildren of the generation of Babi-Yar—the State of Israel is creating a living monument to those who perished. * * *

* * * * *

One really can not understand Israel without the Babi-Yars. And, one can not understand the world with the Babi-Yars. Israel is based upon the most noble of aspirations—namely brotherhood and concern for one's fellow man. But, a world in which Babi-Yars are allowed to take place, without the slightest protests, is a barren world, a moral wasteland.

* * * * *

Let us, therefore, commit ourselves today to never repeat that fatal mistake again. Let us commit ourselves to building a world free of Babi-Yars, free of immoral silence. We owe it, not just to the victims, but to ourselves, and to future generations.

* * * * *

Rabbi ARTHUR SCHNEIER. It is a great privilege to greet a friend, the Mayor of the City of New York, Mayor David M. Dinkins.

Mayor DAVID DINKINS. Thank you very much, good friend. Shalom everyone and shana tovah on this solemn occasion—as we commemorate the cold-blooded murder at Babi-Yar of over 200,000 Jews, Ukrainians, and other innocent victims of Nazi violence.* * *

* * * * *

After the Holocaust * * * The world understood that future generations would have to learn the truth of the concentration camps, where people were tortured and slaughtered because of their Jewish identity. After the Holocaust, the world understood that the danger to humanity, if we were ever allowed to forget, was immense and unbearable. The ugly concentration camps, then have been preserved. In 1986, I had the sobering experience of visiting the one at Dachau. It was a visit that opened vast reservoirs of sorrow in my soul—to think of the families torn asunder and of the little children cruelly murdered.* * *

* * * * *

While this is the American commemoration of the tragedy of Babi-Yar, there will also be a Ukrainian commemoration of Kiev from September 29th to October 6th.

Our world is changing rapidly, and the Republics like the Ukraine that long sought independence from the Soviet Union have now reaped the rewards of their struggle. Let me say that freedom is always a cause for rejoicing. And, I congratulate the Ukraine on its independent status.

* * * * *

The Jewish New Year has just been ushered in. This coming Wednesday is Yom Kippur, a day of fasting and reflection for the Jewish people. It is my wish that the entire city join our Jewish brothers and sisters in their reflection on that day. Let everyone of us evaluate how good a human being he or she has been during the past year. Let every one of us give an honest accounting of himself or herself, and let us resolve to improve in the upcoming months to be rigorous in what we demand of ourselves in terms of gracefully understanding and appreciating the differences that define us.

* * * * *

All efforts by the Nazis to cover up mass murder have failed, the world knows what happened at Babi-Yar, and the world mourns these innocent victims. We will always mourn them and regret the loss of their contributions to their families, to their countries, and to the world. * * * •

HONORING FALLEN FIREFIGHTERS

• Mr. McCAIN. Mr. President, I ask that we pause for a moment today to honor the 105 career and volunteer firefighters who lost their lives in the line of duty during 1990. These brave and valiant individuals deserve our respect, admiration, and eternal thanks.

Mr. President, I also ask that we express our sympathy to the families of these brave men and women of the fire service. Our prayers are with them. We share in their loss.

Throughout the history of our Nation, the men and women of the fire service have given so unselfishly of themselves to serve our communities. During this, National Fire Fighters Week, and every week, we need to demonstrate our continued thanks to our firefighters for the hard work they do.

Mr. President, in 1990 six Arizona firefighters fell in the line of duty. They are Ms. Sandra J. Bachman, Mr. Joseph L. Chacon, Mr. Alex S. Contreras, Mr. James L. Denney, Mr. James E. Ellis, and Mr. Curtis E. Springfield, all of the Arizona State Land Department. These individuals were recently honored at the National Fallen Firefighter's Memorial in Emmitsburg, MD on Sunday, October 13, 1991.

Mr. President, our hearts and prayers are with these great Arizonans and their families. These courageous men and women are heroes who command our respect and honor. We will forever owe them a debt of gratitude.•

BEST IN THE NATION

• Mr. SIMON. Mr. President, U.S. News & World Report recently surveyed more than 1,500 physicians in 15 specialties to identify the Nation's best hospitals. The 965 doctors who responded gave high ratings for those 15 specialities to 45 hospitals out of more than 6,700. I am pleased and proud to report that the hospital they ranked the best in the Nation for rehabilitation is the Rehabilitation Institute of Chicago.

Dr. Henry Betts, the medical director and chief executive officer of the Rehabilitation Institute of Chicago, has been a national leader for many years in the field of rehabilitation. He is also a champion of the rights of individuals with disabilities to live with dignity and to have equality of opportunity. It is no surprise that an institution headed by Dr. Betts would give people with disabilities the best possible chance for rehabilitation and a return to productive participation in the community.

I commend Dr. Betts and all of the staff at the Rehabilitation Institute and congratulate them for being recognized by their peers for their outstanding work. I ask to print in the RECORD the article from U.S. News & World Report, which suggests ways people can choose the rehabilitation facility that is best for them.

The article follows:

REHABILITATION

REHABILITATION INSTITUTE OF CHICAGO 54%; CRAIG HOSPITAL, ENGLEWOOD, COLO. 35.5%; MAYO CLINIC, ROCHESTER, MINN. 32.5%; UNIVERSITY OF WASHINGTON MEDICAL CENTER, SEATTLE 32%; RUSK INSTITUTE OF REHABILITATION MEDICINE, NEW YORK 27.5%; BAYLOR INSTITUTE FOR REHABILITATION, DALLAS 25.5%; INSTITUTE FOR REHABILITATION AND RESEARCH (TIRR), HOUSTON 21%

It could be a back injury, a stroke or an accident that ended in paralysis. Every year, some 300,000 people must learn how to walk, talk or move all over again. The health professionals who come to their aid work at some 135 rehabilitation hospitals and 672 rehab units in general hospitals.

Picking the best starts with seeking the opinion of an expert like the head of a major medical school's department of rehabilitative medicine. Lists of rehab programs nationwide can also be obtained from the National Association of Rehabilitation Facilities, (703) 648-9300; the National Head Injury Foundation, (202) 296-6443, and the National Spinal Cord Injury Association Member Hotline, (800) 962-9629.

"The most important question to ask is how many people with injuries similar to your own the hospital has treated in the last year or two," says Henry Betts, medical director of the Rehabilitation Institute of Chicago. While there is no magic number, if the answer is less than a dozen or so cases, says Betts, you might want to look elsewhere.

He also suggests spending a couple of hours talking to a hospital's staff and taking a thorough tour, paying close attention to the physical-therapy facilities. How modern are they? How cheerful and upbeat? Some patients spend two to four hours daily for months in these surroundings. An onsite lab that experiments with prosthetic devices and aids for the disabled signals a sensitivity to giving patients the latest care around. Accreditation by the Commission on Accreditation of Rehabilitation Facilities, (602) 748–1212, is a good sign as well.•

THE C–17

• Mr. D'AMATO. Mr. President, on October 3, as part of the hearing on the McDonnell-Douglas Corp. being conducted by the Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, Neal Curtin, Director, Planning and Reporting, National Security and International Affairs Division, General Accounting Office [GAO] submitted testimony entitled, "Defense Industry: Issues Concerning Five Weapon Systems Provided or Developed by McDonnell Douglas Corporation" [GAO/T–NSIAD–92–1]. Mr. Curtin's statement makes for interesting reading, and, while I will focus on those of his remarks that relate to the C–17, I ask unanimous consent that the full text of the report be printed in the RECORD immediately after my remarks.

For a program funded through the third production lot, there is a remarkable degree of turbulence in production. According to Mr. Curtin's statement:

> Currently, the major challenges for Douglas are improving production efficiency and quality and completing avionics software development. The work performed continues to be less than the work scheduled, and the actual cost of the work performed is greater than planned. Major problems include the amount of out-of-position work, which creates production inefficiencies, and the amount of rework and repair which indicates quality problems.

Mr. Curtin's testimony indicates that "about one-third of the production hours for each aircraft are spent on rework and repair".

Of perhaps more immediate concern, the GAO notes that:

> [O]riginally, software on the first test aircraft was intended to support all avionic functions. However, because of software development problems and schedule delays, in late 1988, the Air Force reduced software requirements for the test aircraft. Douglas delivered the test aircraft with only enough software to support the first 100 hours of the flight test program. The Air Force waived capability shortfalls in 23 avionics and flight control subsystems on this aircraft.

As of October 3, the first C–17 has already logged 11.5 hours of flight. What happens to this aircraft when it reaches the 100 hour mark? Will it be grounded? If not, how will the deficiencies in the software be corrected? Presumably, correction will require some sort of retrofit. What will this cost? Who will bear the cost? How long will it take? What effect will this have on the flight test program?

Mr. Curtin reports that:

> Douglas anticipates that most of the software deficiencies will be corrected by improvements scheduled to be included on the first production aircraft.

Is this, in fact, true? Will the deficiencies be corrected in time, even assuming yet another slip of first flight of the first production aircraft to March 1992? And if not, are we ready to continue to procure C-17's when even a rudimentary flight test program cannot be maintained?

The question remains, can McDonnell-Douglas produce the remaining 119 C-17s in a timely, competent, and affordable way? The report by the GAO casts doubt. The utmost caution appears to be in order. I look forward to a conference resolution on the C-17 along the lines of the Senate Armed Services mark both in terms of a return to event-based contracting and close scrutiny of the tradeoffs between capability and cost made by the Air Force. Defense dollars are too precious to squander on the basis of momentum.

The report follows:

ISSUES CONCERNING FIVE WEAPON SYSTEMS PROVIDED OR DEVELOPED BY MCDONNELL DOUGLAS CORP.

(By Neal P. Curtin, Director, Planning and Reporting, National Security and International Affairs Division)

Mr. Chairman and Members of the Subcommittee:

As you requested, we are here today to provide information on several weapon systems involving the McDonnell Douglas Corporation. In particular, we will discuss the A-12 Avenger medium attack aircraft, C-17 transport aircraft, T-45 Goshawk trainer aircraft, the Apache helicopter, and the Longbow Apache helicopter.

RESULTS IN BRIEF

Each of these systems has experienced significant technical or production problems and often major cost increases. In fact, problems in one system—the A-12 Avenger—were of such magnitude that the Department of Defense cancelled the program.

The problems we note with the A-12, the C-17, and the T-45 involve cost overruns in their fixed price development contracts. Once the cost has exceeded the ceiling price of a fixed price contract, the contractor must bear any additional cost. On these three contracts, the combined overrun is estimated by some analysts to reach as high as $2.7 billion. In each of these programs, we have also noted technical or production problems that have contributed to cost problems and caused schedule delays.

The contract for the A-12, which was being developed by a team from McDonnell Douglas and General Dynamics, was terminated for default. McDonnell Douglas has already recognized a loss of $350 million and acknowledges that, unless its challenge to the government's determination of termination for default is upheld, it may have to recognize an additional $850 million loss. For the C-17, estimates of overrun on the $6.7 billion full-scale engineering development contract range from a low of about $350 million by the contractor to a high of about $1.4 billion by the Office of the Secretary of Defense (OSD). OSD has also estimated that design changes, which could require contract price adjustments, could push the development contract cost to $9 billion. On the T-45, the contractor estimates that costs will exceed the $512 million ceiling by about $110 million.

It should be noted that the contractor has filed or plans to file claims against the government on each of these programs. If upheld, these claims which could cost the government hundreds of millions of dollars and could result in the Corporation at least breaking even on the A-12, C-17, and T-45 contracts.

The Apache helicopter is a mature system that has been plagued with logistical support, reliability, and other problems that have yet to be resolved even though the system has been in production since 1982. We have brought the Apache's problems to your attention several times in the past. To a large extent these problems originated in the decision to proceed to full-rate production despite known technical problems and warnings from Army test and evaluation agencies of serious logistical support problems. Lessons learned from the Apache, if properly applied to the development of the Longbow, could prevent a recurrence of those technical and logistics problems.

BACKGROUND

By almost any measure, McDonnell Douglas is the largest U.S. defense contractor, producing a wide variety of weapon systems and components for each of the military services. Besides the programs highlighted in my statement, McDonnell Douglas produces, for example, the F/A-18 Hornet, the F-15 Eagle, the KC-10 Extender, the Harrier II, and various missiles and electronic systems.

The McDonnell Douglas Corporation is a major participant in both the defense and commercial aerospace industries. The corporation along with its subsidiaries and divisions, operates principally in four industry segments to provide (1) combat aircraft, which accounted for about 36 percent of the corporation's revenues in 1990 and which have historically contributed significantly to corporation profits; (2) military and commercial transport aircraft (built by the Douglas Aircraft Company), which accounted for about 36 percent of the corporation's revenues in 1990; (3) missile, space, and electronic systems, which accounted for about 20 percent of Corporation revenues in 1990; and (4) financial services and other business, which accounted for the remaining 8 percent. In 1990, government contracts accounted for about 55 percent of McDonnell Douglas' total revenues.

McDonnell Douglas reported net earnings of $306 million in 1990, $250 million in 1989, and $350 million in 1988. However, 1990 net earnings reflect a one-time upward adjustment that resulted from a favorable pension settlement. Without this adjustment, the corporation would have reported a $105 million loss for 1990, and a third year of declining earnings. These earnings were on revenues of $16.2 billion in 1990, $14.6 billion in 1989, and $14.4 billion in 1988. The company attributes its weak earnings to significant capital investments to bring large development projects to production over the past several years.

According to the corporation's 1990 financial statement, major ongoing development efforts on the MD-11 commercial passenger plane and C-17 military transport have strained facilities and systems of the Douglas Aircraft Company and caused delays in meeting schedules. The company's transport aircraft business incurred an operating loss of $177 million in 1990, largely as a result of increased borrowing for the MD-11. The corporation has acknowledged that management problems have contributed to schedule delays at Douglas Aircraft. In an attempt to fix these problems, the company has replaced numerous managers and reduced total employment by about 15,000 in an effort to reduce costs by $700 million.

A-12 AVENGER ATTACK AIRCRAFT

In 1988, the Navy awarded a contract to a team comprised of General Dynamics and McDonnell Douglas for full-scale development of the A-12 Avenger medium attack aircraft to replace the A-6E attack aircraft. The development contract was a fixed price incentive contract with a target price of $4.38 billion and ceiling price of $4.84 billion. The contract included development and delivery of eight full-scale development aircraft and four test articles.

In April 1990, at the conclusion of the Major Aircraft Review, the Secretary of Defense informed Congress that the A-12 program would meet its flight, schedule, and performance estimates. He also testified that, due to budget constraints, the A-12 requirements would be reduced from 858 to 620 aircraft. Shortly afterward, the contractors advised the Navy that the scheduled date the first flight had slipped significantly, the full scale development effort would overrun the contract ceiling by an amount that the contract team could not absorb, and certain performance specifications of the contract could not be met.

On July 9, 1990, the Secretary of the Navy ordered an inquiry into the variance between the program's status and presentations to the OSD on behalf of the Navy, during the Major Aircraft Review. The investigation determined that the Navy and OSD had information that should have been considered, but was not, during the Major Aircraft Review. Three high-level Navy officers were removed from the project.

On January 7, 1991, the Navy terminated the contract for default. The termination was based on the fact that the contractors could not complete the work within the contract schedule and deliver an aircraft that could meet the contract requirements. The problems in developing the A-12 revolved around excess weight caused by the thickness of the composite material necessary to provide the required structural strength, according to the Navy inquiry report. The weight growth resulted in late release of engineering drawings which delayed tool design and fabrication, and continually delayed production.

At termination, just under $3 billion had been spent on the program. Research and development and miscellaneous support costs accounted for about $300 million of the amount spent. The remaining $2.7 billion was paid to the contractors for the fullscale development effort and two production options. The Navy demanded $1.35 billion be returned. That amount represented progress payments for work that had not been accepted as of the date of termination.

As you are aware, on February 5, 1991, the Navy and DOD agreed that the contractor could defer repayment of the $1.35 billion until litigation over the termination was resolved or a negotiated settlement was reached.

On June 7, 1991, the contractors filed a lawsuit asking that the court reform the contract to a cost reimbursement plus fixed fee type. The contractors have also asked that the court change the termination for default to a termination for convenience, which would mean that the contractors could be entitled to additional compensation, and that the government be barred from collecting the $1.35 billion in unliquidated progress payments.

C-17 MILITARY TRANSPORT

The C-17 is designed to airlift substantial payloads over long ranges without refueling. It is being developed under a fixed-price development contract that includes two production options for a total of 6 aircraft. In addition, a fixed-price contract for a third production lot of 4 aircraft was awarded at the end of July 1991. The ceiling price of the development contract is $6.65 billion. The Lot 3 contract has a target price of $1,026 million and a ceiling price of $1,209 million.

The Air Force originally planned to buy 210 C–17 aircraft. However, in April 1990 the Secretary of Defense reduced the program to 120 production aircraft at a currently estimated cost of $35.3 billion.

In August 1989, we reported that the C–17 program faced significant schedule, cost, and performance challenges. At that time, Douglas had missed major assembly milestones because of late engineering drawings and late delivery of tools and parts. Also, problems in the development and testing of the aircraft avionics and the company's management of subcontractors were contributing to cost, schedule, and performance problems.

As a result of these problems, the milestone of completing assembly of the first aircraft, originally scheduled for January 1990, had slipped to December 1990. Further, the date of first flight was rescheduled from August 1990 to June 1991, and first flight of a production aircraft slipped to September 1991. On September 25, 1990, the Air Force and Douglas signed a contract modification that in essence recognized the slipped schedule. However, first flight of the test aircraft, did not occur until September 15, 1991.

The Air Force and Douglas have agreed to a new delivery schedule that became effective when the Lot 3 contract was awarded. However, it does not appear that that schedule will be met, and the first flight of a production aircraft, scheduled for December 1991 under the new agreement, may not occur until about March 1992.

In June 1990, we testified before the Subcommittee on Projection Forces and Regional Defense, Senate Armed Services Committee, that the schedule delays and resulting funds buildup provided the opportunity to defer the proposed fiscal year 1991 buy of two C–17 aircraft and reduce the advance procurement funds for six aircraft in fiscal year 1992. This step would help to limit production commitments until the critical elements of a realistic and achievable flight test program were completed.

Prior to our June testimony, the C–17 Administrative Contracting Officer (ACO) had requested that Douglas submit a revised estimate of the cost at completion (EAC). The ACO was concerned because the EAC is used to determine progress payments. Although Douglas claimed that the contract would be completed at ceiling price, the ACO estimated that the actual cost to complete would be about $7.1 billion. That estimate has increased and the ACO is currently using $7.3 billion to determine the level of progress payments to provide the contractor. An EAC that exceeds the ceiling on the contract results in the application of a loss ratio on progress payments. That is, the amount of the progress payment is reduced to reflect a portion of the expected loss. As of August 1991, the company had billed about $530 million in work that the ACO has not approved for payment.

Since our 1989 report, Douglas has continued to have problems meeting schedules. Currently, the major challenges for Douglas are improving production efficiency and quality and completing avionics software development. The work performed continues to be less than the work scheduled, and the actual cost of the work performed is greater than planned. Major problems include the amount of out-of-position work, which creates production inefficiencies, and the amount of rework and repair which indicates quality problems.

The dollar value of rework and repair is decreasing on each successive aircraft. However, rework and repair costs continue to rise when measured against every 1,000 hours of labor, about one-third of the production hours for each aircraft are spent on rework and repair. The dollar decrease results from the decreasing number of hours required to build each successive aircraft.

Another major problem area has been avionics software development. Originally, software on the first test aircraft was intended to support all avionic functions. However, because software development problems and schedule delays, in late 1988, the Air Force reduced software requirements for the test aircraft. Douglas delivered the test aircraft with only enough software to support the first 100 hours of the flight test program. The Air Force waived capability shortfalls in 23 avionics and flight control subsystems on this aircraft. Douglas anticipates that most software deficiencies will be corrected by the improvements scheduled to be included on the first production aircraft.

At the direction of Douglas Aircraft and McDonnell Douglas management, an internal, independent team reviewed the C–17 program and, in June 1991, made 23 recommendations for needed improvements. These included increasing the emphasis on quality and reducing out-of-position work. The team stated that "management needs to stress immediately to the entire C–17 program team a change in focus from a schedule priority to a quality priority." In our opinion, the degree of improvement that can be expected on the C–17 program is directly tied to the success Douglas has in implementing those recommendations.

T–45 GOSHAWK TRAINER AIRCRAFT

The T–45 Goshawk aircraft is the major component of a flight training system that the McDonnell Douglas Corporation is developing for the Navy. The T–45, a derivative of the British Aerospace Hawk, will replace the T–2 and TA–4 aircraft currently used for intermediate and advanced jet flight training. Full-scale development began in October 1984 with award of a $512 million firm-fixed-price contract. Two production lots for a total of 36 aircraft, were subsequently added to the contract.

In 1988, during initial flight tests and after contracting for the first production lot of 12 aircraft, the Navy discovered that the aircraft's design was seriously flawed. The Navy concluded that the aircraft was not suitable for use in a carrier environment and could not be approved because of safety deficiencies.

After the test, OSD restricted the obligation of procurement funds for the second production lot, but this restriction was lifted in December 1989. At that time, the Defense Acquisition Board endorsed a program restructuring that stretched production of the second lot of 24 aircraft over 2 years and targeted initial operational capability for June 1991. However, that schedule became obsolete shortly after the Board's review when the contractor announced the move of its production facilities from California to Missouri.

By the end of December 1990, test results suggested that the 1988 deficiencies were being resolved, and the Navy committed to a new program schedule that moved initial operational capability to November 1992—which not only accommodated the move of the production facilities but reflected a sharp reduction in the concurrency of the program. This latest restructuring has not yet been approved by the Under Secretary of Defense for Acquisition and a comprehensive agreement on contract price adjustments remain to be worked out.

The most recent System Acquisition Report estimates T–45 costs at about $6.7 billion for 300 production aircraft and 32 simulators. However, the Navy expects that the Secretary of Defense will soon approve a scaled-down program of 268 production aircraft and 24 flight simulators. Navy officials indicate that the total acquisition cost will remain about the same.

The contractor's estimate at completion for the development effort is $622 million, $110 million over the original contract price. However, the extent to which McDonnell Douglas will have to absorb costs beyond the fixed contract price is uncertain. A number of configuration changes were developed and are to be incorporated in the production aircraft. Currently the Navy is negotiating the amount of price adjustments for configuration changes where liability is clear. Navy officials are also studying a related claim for an upward price adjustment of $281.5 million, but have not yet acknowledged any liability. The Navy has targeted the end of calendar year 1991 to resolve the pricing questions.

APACHE HELICOPTER

The Apache is the Army's primary attack helicopter, designed for high-intensity battle against armored forces. Its forte is flying at night and destroying tanks with its laser-guided Hellfire missile. Starting in 1982, the Army negotiated a series of firm-fixed-price contracts to buy 807 Apaches at a total acquisition cost of $11.6 billion, or about $14.4 million per aircraft.

As you know, we have done a considerable amount of work on the Apache in the last 3 years. In April and September 1990, we reported that the Apache experienced a fully-mission-capable rate of 50 percent from January 1989 through 1990 which was far short of the Army's goal of 70 percent. Rates were low despite favorable operating conditions, such as few flying hours, contractor support, and infrequent weapons firing.

During Operation Desert Shield, the Army reported that Apache helicopters were surpassing Army availability goals, and in September 1990, you asked us to take a firsthand look at the availability of the Apache in Saudi Arabia and actions taken to achieve high availability during Operation Desert Shield.

In February 1991, we testified that the high availability rates were attributable to (1) extensive preparations made prior to deployment, (2) the collocation of several battalions to increase the sharing of assets, (3) limitations placed on the Apache's flying hours, and (4) the overall high priority of maintenance support in theater.

Army efforts to improve the reliability of the selected hardware components have been ongoing for several years with varying degrees of success. The Army has made progress in resolving some issues on component reliability. Test results are encouraging on components such as the tail rotor swashplate. The Army is encouraged with testing results on other components such as the main rotor blades. However, problems persist on components such as the 30-mm gun, the target acquisition designation sight, and the shaft-driven compressor. The Army has numerous corrective actions underway to improve these components and has acknowledged it will be several years before all fixes are incorporated on fielded aircraft. We issued a report, today, Apache Helicopter: Reliability of Key Components Yet to be Fully Demonstrated (GAO/NSIAD-92-19, Oct. 3, 1991), on the status of several key problem components.

LONGBOW APACHE

The Army plans to modify 227 Apache helicopters to a new configuration called the Longbow Apache. The modification program, which will cost about $5.4 billion, will add a new fire control radar to detect, classify, and prioritize targets and indicate when hostile radar has locked on the Longbow Apache. In addition, the program includes a new Hellfire missile with a radio frequency "seeker" for locking on to targets. The Apache airframe will be modified to accommodate the Longbow enhancements.

A cost-plus-incentive-fee contract for full-scale development of the Longbow Apache was awarded to McDonnell Douglas Helicopter Company on August 30, 1989. The contract, which has a value of $194.7 million, is to run through June 1995. McDonnell Douglas Helicopter Company, the prime contractor of the Apache, is developing the airframe modifications and is responsible for the total integration of the airframe, fire control radar, and missile systems. The Longbow Apache Program Manager told us that the full-scale development contract is about 1 percent behind schedule, but he does not view this as a significant problem.

In September 1990,[1] we expressed reservations about the Army's plan to add the Longbow to the Apache. We recommended it defer production of the Longbow modification until clearly demonstrating that (1) it has overcome the logistical support problems with the current Apache and (2) the Longbow will not exacerbate the Apache's logistical support problems.

DOD and Congress have also expressed concern. The Defense Acquisition Board, in December 1990, concluded that planned improvements to the Apache's reliability should be verified before proceeding with the Longbow Apache modifications. Congress, in the Conference Report on the 1991 Defense Authorization Act, barred the Army from obligating more than half the $159 million in authorized Longbow funds until the Secretary of the Army developed a comprehensive modernization program for the Apache fleet. The plan for that program was delivered to the Chairman of the Senate and House Armed Services Committees on March 12, 1991.

The Army's plan for acquiring and fielding the Longbow Apache includes several features, which if adhered to, should help avoid the problems experienced in fielding the Apache helicopter. Chief among these features is the Army's plan not to begin production of the Longbow Apache until the new radar technology has been demonstrated to work. As a result, the Army will delay production of the airframe modifications until development of the fire control radar, the RF Hellfire missile, and the airframe modifications are complete.

While the acquisition plan for the Longbow Apache appears on track, the Army plans to use outdated and narrowly defined Apache standards to measure Longbow Apache system reliability. Using these standards will likely yield the same results as it did with the Apache—an enhanced helicopter that is not adequately supported. Further, the Army continues to exclude important data when calculating the man-hours that will be needed to maintain the Longbow Apache.

OVERALL OBSERVATIONS

With the exception of the Longbow Apache, which is early in development, each of the systems we have discussed has experienced technical problems and/or cost overruns. McDonnell Douglas has recently lost competitions for the new Light Helicopter and the Advanced Tactical Fighter. McDonnell Douglas is not alone in experiencing performance, cost, and schedule problems. However, to prevent the problems we have noted with these systems, the company needs to provide the kind of management that can better assure quality products within the cost constraints.

One final observation. We have been critical of DOD for several years over the tendency to have too much concurrency in its weapon systems. By this I mean the rush to produce and field systems before adequate testing has assured that the system will fulfill its identified requirement. Concurrency has exacerbated the problems caused by system technical problems and contractor management inadequacies. The easing of world tensions should allow these systems to be more fully tested before committing to production.

Mr. Chairman, that completes my statement. I would be happy to answer any questions you may have.•

THE PUBLIC SERVICE SCHOLARSHIP ACT OF 1991

• Mr. SEYMOUR. Mr. President, I rise today in support of S. 1814, the Public Service Scholarship Act of 1991, introduced by Senator STEVENS, and I on October 7. This legislation is an Administration proposal, and I commend the President for his foresight and concern in trying to improve the quality of our Federal work force.

The concept of public service and the dedication that it requires have long been acknowledged in this country. Unfortunately, to those in recent generations, it has lost some of its shine and history. No longer, it seems, do the "best and brightest" aspire to such an honorable career and many are overtly hostile to the idea.

Some prospective recruits are demoralized by the lack of prestige and public trust in a civil service career, caused in part by the incessant bureaucracy bashing rhetoric of politicians. Other young graduates are repelled by the slow and complicated application process. And perhaps most importantly, many college students do not want to accept the comparitively low pay of a Federal job.

The National Commission on the Public Service convened in 1987 to study the Federal recruitment crisis. Under the very able leadership of Paul Volcker, the distinguished former Federal Reserve Chairman, the Commission released in early 1989 a report entitled "Leadership for America: Rebuilding the Public Service."

The Volcker Commission made a variety of recommendations for this rebuilding. These recommendations centered around three themes that pervaded the entire report: the importance of leadership, the need to broaden the Government's talent base, and the necessity for a competitive pay/performance scale.

The Stevens-Seymour bill, along with the Pay Reform Act of 1990 and the President's renewed emphasis on ethics in Government, is intended to put these recommendations into action. As noted by the Volcker Commission, our legislation reflects the need to broaden the government's talent base by establishing a Public Service Scholarship Program under the guidance of the Office of Personnel Management.

Our legislation goes straight to the issue of focusing on the recruitment of younger adults by allowing agencies to select candidates for 1- to 4-year academic scholarship programs. In return, the candidates, upon graduation, would serve at the agency 18 months for each academic year of scholarship assistance provided.

This bill does not compel the participation of agencies in this program. It only authorizes them to make scholarship payments from the appropriations available for salaries and other expenses. Furthermore, if candidates fail to complete their degree or their time of government service, they must repay the entire amount of the agency's scholarship assistance.

Through this program, the truly "best and brightest" will bring their skills to public service and directly experience the rewards and honor of such a career. Even if they decide not to remain in government service, the skills and understanding that they acquire will assist their communities in making the Federal Government work for them.

The Volcker Commission report is a solid, thoughtful piece of work and its Public Service Scholarship Program deserves swift enactment. I therefore urge all my colleagues to join Senator STEVENS and me in supporting this meaningful legislation.•

CALLING FOR SUPPORT FOR THE CUBAN DEMOCRATIC CONVERGENCE MOVEMENT

• Mr. D'AMATO. Mr. President, I rise today to call for support for the Cuban Democratic Convergence, a coalition of a half-dozen human rights organizations in Cuba. These brave people are taking their lives in their hands by calling for the end to communism in Cuba, one of the last totalitarian Communist strongholds in the world. Their call for democracy is a brave act in a land deprived of freedom and one that deserves our support.

Fidel Castro, the brazen dictator of Cuba, has flagrantly violated human rights and driven thousands into exile.

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[1] Apache Helicopter: Serious Logistical Support Problems Must Be Solved to Realize Combat Potential (GAO/NSIAD-90-294, Sept. 28, 1990).

He has participated in the incitement of revolution in the Caribbean, South America, and Africa, and has played a serious role in drug trafficking throughout the hemisphere and even into the United States.

This brutal enemy of freedom has sworn to hang on, despite persistent calls for democracy. His Fourth Cuban Communist Party Congress has declared that it will only seek to modernize the economy, not the system. Castro clearly is not getting the message. The age of communism is over.

Castro's time has come. Now we must support those people who have demonstrated that Cubans have had enough of communism, enough of Castro. His stubborn refusal to surrender to the forces of freedom is unfortunate, but the wishes of the Cuban people must prevail. It is our moral obligation to support those who seek freedom and democracy and an end to Castro's Communist Cuba. We must send the message to Castro: The time for democracy in Cuba is now.●

CONGRATULATING THE NOBEL PEACE PRIZE WINNER

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 195, a resolution congratulating the latest Nobel Peace Prize winner introduced earlier today by Senator MOYNIHAN and others.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 195) to congratulate Daw Aung San Suu Kyi of Burma on her award of the Nobel Peace Prize.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

THE AWARD OF THE NOBEL PEACE PRIZE TO AUNG SAN SUU KYI

Mr. MOYNIHAN. Mr. President, it is with great joy and encouragement that I rise to acknowledge before the Senate that Daw Aung San Suu Kyi of Burma was yesterday awarded the Nobel Peace Prize.

Certainly, there has never been a more deserving recipient of this award than Aung San Suu Kyi, nor a people more in need of the spiritual support it provides than those of Burma. They have both suffered greatly, and continue to do so even as I speak. And they have suffered in relative anonymity. The world's attention has not been on Burma, the world's press has been kept away from Burma. that has all ended now.

The world's most prestigious award for peace, for human rights, for freedom, has now gone to the individual who most represents those qualities in the Burmese people. Aung San Suu Kyi's life is one of inspiriting poetry. She is the daughter of Burma's own postwar independence hero, Aung San, who was assassinated in 1947, just as Burma achieved its independence from Britain. A hero and a father who Aung San Suu Kyi never knew, being only 2 years old at the time of his death.

Some 40 years later, having returned to Burma in 1988 to care for her dying mother, Aung San Suu Kyi found herself becoming the center of a spontaneous and peaceful uprising against a brutal military dictatorship that held power since 1962. She did not seek the role of opposition leader, the opposition sought her. More, it gravitated to her as it did her father 40 years earlier.

The military junta in Burma murdered demonstrators, who were on the streets of Burma's cities by the millions, until their peaceful rebellion was crushed. Tiananmen Square happened in Burma first. But as CNN was never allowed into Burma as it had been into Beijing, there were few reporters to record the massacres and atrocities.

And as the voice of Aung San was silenced 40 years ago, the junta has sought to silence the voice of courage, dignity, and peace that his daughter, Aung San Suu Kyi, offered her struggling people. They have placed her under the strictest form of house arrest since July 1989. No family or friends may visit. Yet Aung San Suu Kyi speaks as eloquently and movingly as ever in her silence and arrest for the past more than 2 years. Her people hear her voice and feel her spirit. The junta remains terribly frightened of her.

Today the world knows much better what she has sought to say. The people of Burma live under the most terrible of repression. All sorts of atrocities: arrest, torture, murder, even genocide against minorities.

We in the Senate have followed her struggle since 1988 and pledged our support. We have withheld aid from the regime and given some, albeit modest amounts, to the refugees who have fled the regime. We have imposed an arms embargo and taken economic actions against the regime. Secretary Baker spoke eloquently of our opposition to the regime and the need to isolate it at the meeting of the ASEAN members in Kuala Lumpur last June.

The United Nations is now considering what steps to take against Burma. A resolution of condemnation has been introduced. But if the Secretary Council can impose an arms embargo on Yugoslavia, can it not do the same on Burma where civil war and violence is even greater? And the perfidy of the regime even clearer.

Would it not now be the time for the President to add his most important voice to those in the administration who have spoken out against the regime. Might the administration again insist with Thailand and China, the Burmese junta's primary benefactors, that their policy is simply unacceptable. Aung San Suu Kyi is unable to speak to us now, but we must all speak for her and the Burmese people.

And so I am very proud to be able to offer a resolution for the consideration of the Senate in congratulations to Aung San Suu Kyi on her award of the Nobel Peace Prize. Might we not have to wait much longer until we may present our support and greetings to Aung San Suu Kyi herself.

CONGRATULATING DAW AUNG SAN SUU KYI FOR THE NOBEL PEACE PRIZE

Mr. PELL. Mr. President, I strongly support the resolution submitted by Senator MOYNIHAN congratulating Daw Aung San Suu Kyi of Burma on her award of the Nobel Peace Prize.

Since July 1989, Daw Aung San Suu Kyi has been under house arrest. Her family and friends cannot visit her. Letters from her husband are not even allowed her. Living in isolation has not dimmed the lamp of liberty which she fuels in her solitary resistance to the Burmese military junta.

By honoring her with the Nobel Peace Prize, the Nobel Committee has reminded the world of the tyranny the Burmese people have labored under for decades. They have reminded the world of the tremendous outpouring of popular support for democracy in 1988, when the Burmese people rebelled against their tyrants. They have reminded the world how in May 1990, the Burmese people voted for freedom. And they have reminded the world how the Burmese people's appeal for freedom was harshly suppressed by a corrupt military eager to preserve power and wealth earned through drug trafficking and through the pillage of Burmese natural resources.

Finally, they have reminded us of our responsibility not to ignore what has happened in Burma. The Congress has already done much both to express its outrage and to enforce sanctions against the Burmese Government. Now it is up to the President to provide the leadership necessary so that the rest of the world will join us in pressuring the Burmese military to surrender power.

An important measure still to be taken is to enforce an international arms embargo on Burma so that nations, such as China, end their lethal supplies to the military junta.

Aung San Suu Kyi has written that:

> Saints, it has been said, are the sinners who go on trying. So free men are the oppressed who go on trying and who in the process make themselves fit to bear the responsibilities and to uphold the disciplines which will maintain a free society.

Today we are reminded not only of the oppressed in Burma straining to be free but our responsibilities as free men to come to the aid of the oppressed.

AUNG SAN SUU KYI: SYMBOL OF HOPE

Mr. CRANSTON. Mr. President, I rise today to congratulate Daw Aung San

Suu Kyi upon receiving the 1991 Nobel Peace Prize. It is with great pleasure that I join Senator MOYNIHAN in submitting a resolution commending her achievement.

This high honor has been bestowed upon a woman of tremendous courage and strength. Since her house arrest in July 1989, Aung San Suu Kyi has struggled to secure peace and justice for her countrymen in Burma. She has done this at great personal sacrifice. She refuses to live a life in exile from Burma, and she must endure separation from her family in order to stay there.

Aung San Suu Kyi's insistence on nonviolent principles was critical in transforming the Burmese uprising into a sustained and remarkably coordinate movement. Under detention, Auug San Suu Kyi led her party, the National League for Democracy [NLD], to a landslide victory in the May 1990 elections. In those elections, the National League for Democracy received some 60 percent of valid votes cast and won over 80 percent of parliamentary seats.

The Burmese junta has since refused to relinquish power to a civilian government. In the last year, the dictatorship has gone to great lengths to decimate the National League for Democracy by arresting its leaders, forcibly relocating and razing the residences of opposition strongholds, intimidating Buddhist monks, and circulating vicious antiopposition propaganda. The Burmese regime has become one of the world's most deplorable example of disregard for democratic principles and basic human rights.

But, through all of this, Aung San Suu Kyi's light has continued to shine. And, today, the world is taking note that a woman of peace has secured a voice for her people and a venue to meet the challenge to peace and freedom in her homeland.

Mr. President, I believe that this award will bring greater international attention to Aung San Suu Kyi's case and to the plight of the Burmese people. I hope that it will encourage the military dictators to release her, or at least improve the conditions of her detention and allow her to meet with her family.

The resolution Senator MOYNIHAN and I are offering calls upon the administration to take the strongest possible action against the Burmese junta. The administration has reiterated recently its intention to consult with other industrial democracies on the possibility of multilateral economic sanctions. This option must receive serious consideration. Conditions in Burma are deteriorating so rapidly that international condemnation is one of the only remaining vehicles to encourage reform.

Mr. President, I ask my colleagues to join in recognizing the remarkable achievements of Aung San Suu Kyi and in sending the Burmese people the message that they are not forgotten, by supporting this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 195

Whereas since 1962 the people of Burma have lived under brutal military repression;

Whereas in 1988 the people of Burma rebelled against their respression through massive peaceful demonstrations in support of democratic reform;

Whereas Daw Aung San Suu Kyi emerged as the leader of the Burmese people seeking peaceful and democratic change;

Whereas Daw Aung San Suu Kyi helped to establish the National League for Democracy in Burma which contested and overwhelmingly won the elections of May 1990;

Whereas Daw Aung San Suu Kyi has been kept under house arrest by the Burmese military junta since July 1989 and denied all visits from family and friends;

Whereas the Burmese military junta has ignored the election results of May 1990 and the Burmese people still suffer the harshest forms of repression by the junta, including arrest, torture and murder;

Whereas Daw Aung San Suu Kyi remains the symbol of hope and dignity for the Burmese people seeking peaceful and democratic change; and

Whereas on October 14, 1991, Daw Aung San Suu Kyi was awarded the Noble Peace Prize in recognition of her struggle and that of the Burmese people: Now, therefore, be it

Resolved, That in recognition of the heroism and inspiriting struggle of Daw Aung San Suu Kyi to bring peace and democracy to Burma, the Senate

(1) Takes great satisfaction in the award of the Nobel Peace Prize to Daw Aung San Suu Kyi, and offers its highest congratulations to her and the Burmese people;

(2) Expresses in the strongest possible terms its continued condemnation of the Burmese military junta for its repression and violations of internationally accepted human rights;

(3) Voices its continued and unwavering support for Daw Aung San Suu Kyi and the people of Burma in their struggle for peaceful and democratic change;

(4) Calls upon the President, the Secretary of State and the United States Permanent Representative to the United nations to—

(i) Publicly congratulate Daw Aung San Suu Kyi on her award of the Nobel Peace Prize;

(ii) Take the strongest possible action, including support for international sanctions, including arms and trade embargoes, against the Burmese military junta;

(iii) Encourage the restoration of democracy in Burma and condemn violations of human rights there; and

(iv) Advocate the immediate and unconditional release of Daw Aung San Suu Kyi from house arrest.

Mr. BRYAN. Mr. President, I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT RESOLUTION INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 191

Mr. BRYAN. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of Senate Joint Resolution 191, a joint resolution providing for the most-favored-nation status of the Soviet Union, Latvia, Estonia, and Lithuania, that it be indefinitely postponed, that the motion to reconsider this action be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, Senate Joint Resolution 191, introduced on August 2, 1991, by request, does not take into account the subsequent independence from the Soviet Union of the Baltic Republics. It is, therefore, a flawed resolution. This unanimous-consent request seeks to dispose of the flawed resolution by indefinitely postponing Senate consideration of the measure. In its place, the Senate will consider a new resolution that will be introduced today that takes into account recent events in the Soviet Union and the Baltic Republics.

ORDERS FOR TOMORROW

Mr. BRYAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m., Wednesday, October 16; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond the hour of 10:15 a.m. with Senators permitted to speak therein, and that Senator NUNN be recognized to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:45 A.M.

Mr. BRYAN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until the hour of 9:45 a.m., Wednesday, October 16.

There being no objection, the Senate, at 6:33 p.m., recessed until Wednesday, October 16, at 9:45 a.m.

NOMINATIONS

Exective nominations received by the Senate October 15, 1991:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

A. DAVID LESTER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 1994, VICE IRVING JAMES TODDY, RESIGNED.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

DAVID J. ARMOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1992, VICE VAN B. POOLE, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JAMES E. LYONS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1994, VICE DANIEL H. CERTER, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL MUSEUM SERVICES BOARD FOR THE TERMS INDICATED:

FOR TERMS EXPIRING DECEMBER 6, 1993:

ROBERT G. BREUNING, OF ARIZONA VICE PAULINE CROWE NAFTZGER, TERM EXPIRED.

RUTH K. WATANABE, OF CALIFORNIA, VICE RICHARD J. HERCZOG, TERM EXPIRED.

FOR A TERM EXPIRING DECEMBER 6, 1994:

EUNICE B. WHITTLESEY, OF NEW YORK, VICE ALICE WRIGHT ALGOOD, TERM EXPIRED:

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. WILLIAM G. T. TUTTLE, JR., [redacted] U.S. ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. JIMMY D. ROSS, [redacted] U.S. ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARVIN D. BRAILSFORD, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN WILLIAM G. PAGONIS, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. LEON E. SALOMON, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. IRA C. OWENS, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A);

To be lieutenant general

MAJ. GEN. SAMUEL N. WAKEFIELD, [redacted] U.S. ARMY.

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be captain

GERRY C. MCKIM
THOMAS W. RICHARDS
GERALD B. MILLS
RICHARD K. MULLER
DEAN R. SEIDEL
LEWIS A. LAPINE
GEORGE C. PLAYER III
WILLIAM T. TURNBULL
RUSSEL C. ARNOLD
KURT J. SCHNEBELE
DAVID B. MACFARLAND, JR.
CRAIG S. NELSON
THOMAS W. RUSZALA
DAVID W. YEAGER
EMERSON G. WOOD

To be commander

MICHAEL C. MEYER
THOMAS A. BERGNER
ROGER W. MERCER
JOHN A. WITHROW
EVELYN J. FIELDS
CRAIG P. BERG
FRANCESCA M. CAVA
KENNETH W. PERRIN
TODD A. BAXTER
TERRANCE D. JACKSON
DONALD A. DREVES
DAVID H. PETERSON
GEORGE E. LEIGH
GARY M. ALBERTSON
KATHRYN A. TIMMONS
RICHARD E. MARRINER II
ROGER A. MORRIS
JAMES D. SARB
DAVID J. TENNESEN
DAVID A. WALTZ
JOHN M. TOKAR
GARY A. VAN DEN BERG
DALE E. BRETSCHNEIDER
LAWRENCE F. SIMONEAUX
BRUCE W. DEARBAUGH
JAMES W. O'CLOCK
FRANK R. PHILIPPSBORN
MARCELLA J. BRADLEY
DAVID L. GARDNER
STANLEY R. IWAMOTO
TED I. LILLESTOLEN
STEPHEN C. JAMESON
DEAN L. SMEHIL
ALAN R. BUNN
HERBERT M. KIRCH
MAUREEN R. KENNY

To be lieutenant commander

PETER G. STANGL
BRUCE F. HILLARD
V. DALE ROSS
MARLENE MOZGALA
ERIC SECRETAN
ROBERT W. MAXSON
GARY D. PETRAE
JAMES C. GARDNER, JR.
RICHARD R. BEHN
DENNIS A. SEEM
DANIEL R. HERLIHY
GARY P. BULMER
DAVID J. KRUTH
PAUL E. PEGNATO
GEORGE E. WHITE
JONATHAN W. BAILEY
TIMOTHY B. WRIGHT
BRADFORD L. BENGGIO
RICHARD S. BROWN
MICHAEL W. WHITE
GRADY H. TUELL
PAUL T. STEELE
GARNER R. YATES, JR.
CRAIG N. MCLEAN
PHILIP M. KENUL
JOSE A. RIVERA
PAUL D. MOEN
PETER J. CELONE
FREDERICK W. ROSSMANN
RUSSELL E. BRAINARD
SUSAN D. MCKAY
STEVEN M. NOKUTIS
STEVEN R. BARNUM
JAMES R. MORRIS
ARTHUR E. FRANCIS
WILLIAM P. HINES
FRANK A. WOOD
ERIC G. HAWK
JOANNE F. FLANDERS
CRAIG L. BAILEY
JOHN A. MILLER
SEAN R. WHITE
JON E. RIX
TIMOTHY D. TISCH
PETER M. CONNORS

To be lieutenant

SCOTT E. KUESTER
DAVID A. COLE
THOMAS A. NIICHEL
MICHAEL B. BROWN
EMILY BEARD
ELIZABETH A. CROZER
MICHALE K. JEFFERS
MICHAEL S. ABBOTT
WADE J. BLAKE
TODD C. STILES
GLENN A. GIOSEFFI
CATHERINE A. NITCHMAN
BRIAN K. TAGGART
MICHAEL S. GALLAGHER
MARY T. FORAN
MICHAEL P. LYNCH
ROBERT W. POSTON
KRISTIE L. MILLER
PAUL L. SCHATTGEN
DANA S. WILKES
TIMOTHY C. O'MARA
CHRISTOPHER S. MOORE
STACY L. BIRK-RISHEIM
MICHAEL R. LEMON
ELIZABETH A. KEANE
DANIEL W. CHENG
ANGELA M. DOUTHERTY
JEFFREY A. FERGUSON
PHILIP S. HILL
WILLIAM B. KEARSE
TRACY A. DUNN
JOHN E. HERRING
MARK S. LARSEN
JAMES S. VERLAQUE
SCOTT K. SULLIVAN
MICHELE G. BULLOCK
DAVID K. ZIMMERMAN
RAYMOND C. SLAGLE
ANDREW L. BEAVER
EDWARD R. CASSANO
RAY T. HUDDLESTON, JR.
PHILIP R. KENNEDY
JOHN W. HUMPHREY
STEPHEN A. KOZAK

To be lieutenant (junior grade)

CHRISTOPHER T. MOBLEY
WILTIE A. CRESWELL III
JAMES R. MEIGS
MATTHEW H. PICKETT
CHRISTOPHER A. BEAVERSON
BRIAN J. LAKE
CARL R. GORENEVELD
GUY T. NOLL
DAVID O. NEANDER
WESLEY G. KITT
JOE A. INTERMILL III
DOUGLAS R. SCHLEIGER
TODD L. BERGGREN
RICHARD A. FLETCHER
TORSTEN DUFFY
JACK G. CLAYTON
CHERYL L. CALLAHAN
JULIA N. NEANDER
TIMOTHY S. HALSEY
PETER C. STAUFFER
JEFFREY K. BROWN
BARBARA E. SCHLEIGER
FRANCIS W. NOWADLY
ANDREA M. HRUSOVSKY-KLEIN
CHRISTIE M. JOHNSON
TIMOTHY C. TREMBLEY
DONALD W. HAINES
JAMES A. BUNN II
CHRISTIAN MEINIG
MATTHEW P. EAGLETON
DALE H. TYSOR
JULIE A. ROUTT
BJORN K. LARSEN
TAMARA J. STANLEY
MICHAEL S. DEVANY
KEVIN N. HARBISON
SCOTT S. STOLZ
ERIC P. NELSON
JULIE S. VANCE
THOMAS E. STRONG

To be ensign

CHRISTOPHER D. GAW
PATRICK V. GAJDYS
JOHN C. GEORGE
CARRIE L. HADDEN
KARL F. MANGELS
MATTHEW J. OBERLIES
JULIANA PIKULSKY
JOHN M. STANEC
KELLY G. TAGGART
STEVEN A. LEMKE
SAVID K. SIMMONS
CAROLYN J. MOODY
RANDALL J. TEBEEST
HEIDI L. JOHNSON
DAVID E. BIXBY
MARK S. HICKEY
THOMAS R. JACOBS
GRAMHAM A. STEWARD
MICHAEL S. WEAVER
ALAN D. HEROD
STEPHEN C. TOSINI
MICHAEL A. ROBINETTE
HEATHER A. PARKER
ERIC W. BERKOWITZ
STEPHEN F. BECKWITH
VICTOR B. ROSS III
DAVID A. SCORE
DOUGLAS D. BAIRD, JR.
DANTE B. MARAGNI
MARK J. BOLAND
MARK P. MORAN
KENNETH A. BALTZ
GLENN A. BRAINARD
GEORGE L. COLES
JOSEPH G. EVJEN
LAWRENCE E. GREENE
MATTHEW J. HARRISON
LISA P. HENN
JAMES A. ILLG
JONATHAN M. KLAY
ANITA L. LOPEZ
JAMES E. MARTIN
STEPHEN S. MEADOR
SABRINA A. MILLER
ANNE K. NIMERSHIEM
KURT F. SHUBERT
MARSHALL W. STUKES
STEPHEN J. THUMM
RICHARDO RAMOS

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 15, 1991:

DEPARTMENT OF TRANSPORTATION

ARTHUR J. ROTHKOPF, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SUPREME COURT OF THE UNITED STATES

CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 15, 1991, withdrawing from further Senate consideration the following nomination:

IN THE FOREIGN SERVICE

TIMOTHY C. BROWN, OF NEVADA, TO BE A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE NOVEMBER 6, 1988. THIS NOMINATION WAS SENT TO THE SENATE ON JANUARY 4, 1991.

EXTENSIONS OF REMARKS

ESSAY ON HUMAN RIGHTS BY AUNG SAN SUU KYI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. LANTOS. Mr. Speaker, yesterday the Nobel Peace Prize was awarded to Aung San Suu Kyi, the leader of the democratic opposition to Burma's ruthless military government.

In Aung San Suu Kyi, the world has a principled and inspiring spokesperson for human rights and democracy in Burma and around the world. The worthiness of her selection as a Nobel Laureate is underscored by the brilliance of her previously unpublished essay that appeared in today's Washington Post. Upon reading this essay, "Corrupted by Fear," there is little doubt as to why the brutal military leaders of Burma fear her so.

The clarity of her thought, the strength of her convictions and her immeasurable and enduring commitment to human rights and democracy in Burma are deeply inspiring. Even though she remains a prisoner of conscience of the Burmese Government, we, in Congress, must work to see that her words reverberate around the world.

Mr. Speaker, I include the Aung San Suu Kyi's essay to be printed in today's RECORD:

[From the Washington Post, Oct. 15, 1991]

CORRUPTED BY FEAR

(By Aung San Suu Kyi)

(Aung San Suu Kyi, leader of the democratic opposition to Burma's military government, was named yesterday as winner of the 1991 Nobel Peace Prize. She has been under house arrest and incommunicado since July 1989. The following is from an unpublished essay.)

It is not power that corrupts but fear. Fear of losing power corrupts those who wield it, and fear of the scourge of power corrupts those who are subject to it . . .

The effort necessary to remain uncorrupted in an environment where fear is an integral part of everyday existence is not immediately apparent to those fortunate enough to live in states governed by the rule of law. Just laws do not merely prevent corruption by meting out impartial punishment to offenders. They also help to create a society in which people can fulfill the basic requirements necessary for the preservation of human dignity without recourse to corrupt practices. Where there are no such laws, the burden of upholding the principles of justice and common decency falls on the ordinary people. It is the cumulative effect of their sustained effort and steady endurance which will change a nation where reason and conscience are warped by fear into one where legal rules exist to promote man's desire for harmony and justice while restraining the less desirable, destructive traits in his nature.

In an age when immense technological advances have created lethal weapons which could be, and are, used by the powerful and the unprincipled to dominate the weak and the helpless, there is a compelling need for a closer relationship between politics and ethnics at both the national and international levels . . . .

[A]s long as there are governments whose authority is founded on coercion rather than on the mandate of the people, and interest groups which place short-term profits above long-term peace and prosperity, concerted international action to protect and promote human rights will remain at best a partially realized struggle. There will continue to be arenas of struggle where victims of oppression have to draw on their own inner resources to defend their inalienable rights as members of the human family.

The quintessential revolution is that of the spirit, born of an intellectual conviction of the need for change in those mental attitudes and values which shape the course of a nation's development. A revolution which aims merely at changing official policies and institutions with a view of the improvement in material conditions has little chance of genuine success. Without a revolution of the spirit, the forces which had produced the iniquities of the old order would continue to be operative, posing a constant threat to the process of reform and regeneration. It is not enough merely to call for freedom, democracy and human rights. There has to be united determination to presevere in the struggle, to make sacrifices in the name of enduring truths, to resist the corrupting influences of desire, ill-will, ignorance and fear.

Saints, it has been said, are the sinners who go on trying. So free men are the oppressed who go on trying and who in the process make themselves fit to bear the responsibilities and to uphold the disciplines which will maintain a free society. Among the basic freedoms to which men aspire that their lives might be full and uncramped, freedom from fear stands out as both a means and an end. A people who would build a nation in which strong, democratic institutions are firmly established as a guarantee against state-induced power must first learn to liberate their own minds from apathy and fear. . . .

Fearlessness may be a gift but perhaps more precious is the courage acquired through endeavor, courage that comes from cultivating the habit of refusing to let fear dictate one's actions, courage that could be described as "grace under pressure"—grace which is renewed repeatedly in the face of harsh, unremitting pressure.

Within a system which denies the existence of basic human rights, fear tends to be the order of the day. Fear of imprisonment, fear of torture, fear of death, fear of losing friends, family, property or means of livelihood, fear of poverty, fear of isolation, fear of failure. A most insidious form of fear is that which masquerades as common sense or even wisdom, condemning as foolish, reckless, insignificant or futile the small daily acts of courage which help to preserve man's self-respect and inherent human dignity. It is not easy for a people conditioned by fear under the iron rule of the principle that might is right to free themselves from the enervating miasma of fear. Yet even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man.

The wellspring of courage and endurance in the face of unbridled power is generally a firm belief in the sanctity of ethical principles combined with a historical sense that despite all setbacks the condition of man is set on an ultimate course for both spiritual and material advancement. It is his capacity for self-improvement and self-redemption which most distinguishes man from the mere brute. At the root of human responsibility is the concept of perfection, the urge to achieve it, the intelligence to find a path towards it, and the will to follow that path if not to the end at least the distance needed to rise above individual limitations and environmental impediments. It is man's vision of a world fit for rational, civilized humanity which leads him to dare and to suffer to build societies free from want and fear. Concepts such as truth, justice and compassion cannot be dismissed as trite when these are often the only bulwarks which stand against ruthless power.

SAN DIEGO DISTRICT ATTORNEY STATES CONCERNS ON THE ANTICRIME BILL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. CUNNINGHAM. Mr. Speaker, this week, the House will finally take up the anticrime bill. It's about time. I am concerned, however, that H.R. 3371 as reported will do little to stem the tide of crime and insure justice.

Several weeks ago, I met with the San Diego Police Department, the San Diego County Sheriff's Department, and the San Diego County District Attorney's Office. The men and women who are in the frontlines of the war on crime realize that H.R. 3371 will not take the needed steps to address the problem of crime in the streets.

Mr. Speaker, the San Diego District Attorney, Edwin L. Miller, Jr., has set out his concerns to me in a recent letter. I am including his letter in the RECORD, because I think it is important that we in Washington not lose sight of what is going on in our districts in the war on crime.

I commend Mr. Miller's letter to my colleagues. He presents clear and concise arguments against the so-called Fairness in Death Sentencing Act. As he puts it, the measure should be renamed the Criminal Defense's Attorney's and Statisticians' Full Employment Act of 1991. He endorses needed reforms of the habeas corpus system and the exclusionary rule.

Mr. Speaker, in the debate on anticrime legislation, let us not lose sight of the goal. We must enact anticrime legislation which helps

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the cop on the beat and the district attorney who are attempting to keep the streets safe.

COUNTY OF SAN DIEGO,
San Diego, CA, August 15, 1991.
Hon. RANDY "DUKE" CUNNINGHAM,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: There are now pending before the House of Representatives a number of proposals for federal legislation which would directly impact state and local prosecutors. If I may, I would like to offer my evaluation and recommendations on a number of the more significant measures.

The first item is a bill to which I take the strongest possible exception. It is designated H.R. 2851, now known as the "Fairness in Death Sentencing Act of 1991." It is a renamed version of the "Racial Justice Act," rejected by the United States Senate and resuscitated for consideration by the House. Surely, no one opposes justice, racial or otherwise; no one opposes fairness in the imposition of the death penalty or in any other aspect of criminal law. This bill, however, is nothing more than a tool designed to thwart capital litigation in the criminal courts of our nation through the imposition of a simplistic quota system approach to prosecution.

In California, voters have repeatedly demanded that prosecutors have an effective and just death penalty statute to use in the more heinous murder cases. At the heart of that authority is what is known as prosecutorial discretion; the lawful ability of a prosecutor to make a charging decision based on the facts and circumstances of each individual case and each individual defendant, including that defendant's criminal history, rather than by the application of some mechanistic formula. Capital cases are already complex and lengthy. Certainly, both the People of the various states and the defendant are entitled to full and effective representation and litigation. The "Fairness in Death Sentencing Act," however, would not contribute to fair litigation but would detract from it by injecting into the trial process lengthy hearings centered on the conflicting testimony of self-styled experts all busily playing at statistical gamesmanship, and when those hearings are concluded, we would not be one inch closer to determination of whether capital punishment was an appropriate sanction to seek in that particular case.

That proposed legislation should be renamed the "Criminal Defense Attorneys' and Statisticians' Full Employment Act of 1991" in order to be accurate. The proposed legislation, simply put, is dangerous mischief, and I strongly urge your vote against it.

The other matters I bring to your attention are contained in the anti-crime legislation (S1241) passed by the Senate and now pending before the House. One provision, introduced by Senator Alphonse D'Amato, would have the effect of federalizing virtually all murder cases which are committed by firearm. Specifically, that provision would make it a federal crime to commit a murder with a weapon that had moved across state or national borders. State officials would have the first option to prosecute. In effect, the traditional state offense of murder is eligible for federal prosecution. The only discernible reason for this provision is Senator D'Amato's displeasure with the lack of a death penalty in the state of New York. At a time when the federal courts are groaning under real or perceived weighty case loads, it seems unreasonable to visit upon them the potential of a substantial volume of murder cases which are now handled, as they should be handled, in state courts. It seems, in other words, to offer a solution where there is no problem.

The provisions pertaining to restrictions on the use of habeas corpus petitions are, in my view, sound and are supported by the prosecutors of this nation. They provide the defendant with a very real opportunity to exercise proper use of a habeas writ while ending the abusive use of such writs which have needlessly prolonged unmeritorious proceedings, in the appellate courts, particularly in capital cases. There must be some certainty and finality to criminal litigation, and our present virtually unrestricted use of habeas corpus proceedings serves only to provide endless appellate review even on the most ethereal of issues.

Similarly, the provision providing a "good faith exception" to the Exclusionary Rule, a provision which is basically a re-statement of current case law, is sound. The stated purpose of the Exclusionary Rule, the deterrent of willful policy misconduct, is not at all furthered when officers in good faith reliance on a warrant issued by a detached and neutral magistrate, are denied use of that evidence if a later reviewing court determines that the warrant was in some fashion defective. The "good faith exception" is a bit of reality therapy for a criminal justice system which too often engages in sheer gamesmanship.

I do appreciate your consideration of these views. I take a great interest both as the District Attorney and as a former president of the National District Attorneys Association in federal criminal legislation. If my office may at any time be of assistance to you in the drafting or evaluating of federal legislation, please be assured that we are available.

Very truly yours,
EDWIN L. MILLER, Jr.,
District Attorney.

TRIBUTE TO MRS. BETTY EASTMAN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. ROHRABACHER. Mr. Speaker, in many of our cities children are routinely left by themselves after school and during the summer while their parents work. Without supervision or an appropriate place to channel their time and energy, many youths fall into a life of crime and delinquency.

Long Beach's own Betty Eastman saw the need for our youth to have a place where they could be themselves, participate in various quality programs and make friends all under the supervision of a trained staff. Instead of talking about this need, she did something about it. She raised $1.3 million and opened the doors to the Eastman-Fairfield Boys' and Girls' Club in Long Beach on May 31, 1990.

Betty Eastman dedicated the boys' and girls' club to the memory of her late husband, Dean Eastman. Dean Eastman started a small office supply company and eventually turned it into one of Long Beach's most successful businesses. An orphan, Mr. Eastman was a devoted father to his children and knew more than most the role consistent and loving parents play in the successful raising of children.

In her late husband's name and as a tribute to his love for children, Betty Eastman wanted to provide for children with working parents, or those in single-parent households, by creating a home away from home for them. The Eastman/Fairfield Club now serves between 600 to 700 youngsters per day between the ages of 7 and 17. At the club, they participate in recreational and sports programs. Low-cost dental care, homework tutoring, informal counseling, leadership skill development, and assistance in obtaining employment are among the array of opportunities available to them.

While the recreational and creative activities are what attract the young people to the club, the purpose of the club is not to entertain or babysit. Betty Eastman's goal is to enable boys and girls develop self-esteem and self-confidence.

I know my colleagues join me in saluting Mrs. Betty Eastman for her persistence in making her dream a reality for so many of our children in Long Beach. The Eastman-Fairfield Boys' and Girls' Club is a fitting tribute to one father, Dean Eastman, who sought to make a difference for his family and community and to his wife, Betty Eastman, who continues to make a difference for all of us.

TOM GRANATELL: BOYS AND GIRLS CLUB OF PATERSON MAN OF THE YEAR

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to a group in the heart of my congressional district. The Boys and Girls Club of Paterson, NJ, has given youth in the area a positive direction and an opportunity to build for a brighter future.

On Thursday, October 17, the club will hold its annual dinner at the Wayne Manor. They will celebrate the renovation of their building on the 25th anniversary of its opening. Thousands of children have benefited from their presence and thousands more will find them in the years to come.

The 1,700 members of the club will also use this occasion to honor two very special benefactors. Tom Granatell has been selected as Man of the Year and Claire Salviano has been selected for the Cundari Award.

Mr. Speaker, the 1991 Man of the Year for the Boys and Girls Club of Paterson, Thomas Granatell, is the president of Grant Industries. A native of Paterson, Mr. Granatell was selected for this honor in recognition of his longtime support of the boys and girls club and a host of other philanthropies in the metropolitan area, particularly those involving our youth.

Mr. Granatell began his rise in industry as a youthful entrepreneur selling the Star Ledger newspaper and setting pins in a local bowling alley. With the depression slow to leave his father's business, Tom left school and began work with his father in Jersey State Chemical Co. The business began to expand and diversify through 1965 when the business was sold to Syborn Inc. Within a few years Grant Chemical was founded and under Tom's management a diversified group of companies formed under the Grant Chemical umbrella most linked to the chemical, recycling, and environmental industries.

Throughout this time, Tom, at first with his father, became involved in semipro and professional athletics. The Granatell's were principals in the Granatell Giants and were also associated with the Franklin Minors of the Atlantic Coast League and the Newark Bears who eventually joined the Continental League and moved to Orlando to challenge the American Football League.

While professional athletics involved his business it was amateur athletics that involved his heart. With five sons, Charles, Mike, Dave, Joseph, and Paul, Tom spent thousands of hours at local parks cheering his sons on and encouraging excellence. He would rearrange his business commitments so that he could support his sons on the athletic fields of northern New Jersey. Tom did not forget his roots though and his companies sponsored dozens of teams and leagues over the years in baseball, basketball, and football, primarily for the youth of Paterson. As a memorial to his father, Tom built Charles Granatell Field, a beautiful 5,000 seat athletic facility at Don Boscoe High School in Ramsey.

Luckily for the boys and girls of Paterson, Tom made the boys' and girls' club a favored charity and through the years has encouraged his many friends to help the club, especially through the gold and tennis tournament held each year in June.

Mr. Granatell is active in a variety of charitable and civic activities. A longtime volunteer fireman, Tom has helped champion Boy's Town of Italy and the Italian-American Hall of Fame. Mr. Granatell is a member of the North Jersey Country Club and the Italian Circle in Paterson. Mr. Granatell resides in Franklin Lakes with his wife, Dorothy, and in addition to his five sons, he is the proud grandfather of eight young Granatells.

Mr. Speaker, it is individuals such as this and groups like the Boys' and Girls' Club of Paterson which are a beacon to us all. They illuminate for us what is possible and show us how care and concern can be translated into positive action. I am sure that you and all our colleagues here in the House join me in paying tribute to this group and these fine individuals. They are exemplary citizens.

INTRODUCTION OF MILITARY LAND REFORM AND REASSESSMENT ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. VENTO. Mr. Speaker, today I am introducing a bill to revise the existing procedures for allocating public lands for military uses.

This bill, the Military Land Reform and Reassessment Act of 1991, differs from another bill I have introduced today—addressing the status of certain specific lands in California. It is a generic measure of nationwide applicability, based on and responding to problems explored in an oversight hearing and other activities during the 101st Congress by the Interior Committee's Subcommittee on National Parks and Public Lands. Its basic purpose is to rationalize and regularize the way in which our Government makes decisions concerning how much and which lands should be placed under control of military agencies, and to increase the extent to which the natural, environmental, fish and wildlife, and other values of affected lands are taken into account in the making of those decisions.

The bill would also reduce the extent to which decisions about military use of lands are shaped by legalistic distinctions—such as those between the regular national armed services and the military agencies of the several States—and increase the extent to which more realistic consideration, such as other uses of these lands, are taken into account.

The legislation responds to problems that were identified through oversight activities during the 101st Congress by the Subcommittee on National Parks and Public Lands. Provisions addressing use of public lands by State military agencies were in fact passed by the House in the last Congress as part of a general reauthorization bill for the Bureau of Land Management, but were not acted upon by the Senate; the bill I am introducing today has similar but not identical provisions. The chief difference is that my new bill would give the Secretary of the Interior authority to withdraw administratively no more than 5,000 acres of public lands for any one State military installation—an acreage limit identical to that now imposed by the Engle Act of 1958 on peacetime administrative withdrawals for national military installations or sites.

Other parts of the bill include amendments to the Engle Act (Public Law 85–337) to expand the role of Congress in connection with certain activities; changes in existing legislation relating to transfers of certain lands to the Defense Department, so as to appropriately recognize the importance of protecting natural and environmental resources and values; and moratoria on withdrawals or acquisitions of land for military purposes until the Defense Department has completed its ongoing assessment of its requirements in light of current and projected needs.

Finally, Mr. Speaker, the bill I am introducing today would clarify the status of lands previously allocated to military uses when they are no longer used for those purposes, and to spell out the duty of the Defense Department to understate needed cleanup and decontamination of those lands so they may be used for other purposes.

Mr. Speaker, the Nation is beginning the process of rethinking all aspects of our national defense policies, in response to the dramatic changes in the world situation that have accompanied the end of the cold war. One important part of that process, I believe, is a reexamination of how decisions are to be made about military uses of public lands. The bill I am introducing today is intended to begin that reexamination, and to lay the foundation for new policies for a new era.

TRIBUTE TO REAR ADM. WILLIAM H. HAUENSTEIN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. BURTON of Indiana. Mr. Speaker, Rear Adm. William H. Hauenstein, Supply Corps, U.S. Navy, will be retiring on November 1, 1991. He does so after completing 33 years of faithful naval service. I want to take this opportunity to recognize him and his accomplishments. Culminating a distinguished naval career, Bill recently served as the Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition for Acquisition Policy, Integrity and Accountability and also as the competition advocate general of the Navy. He is now serving as the special assistant to the Assistant Secretary for Research, Development and Acquisition.

Hailing from Lancaster, OH, Bill graduated from Ohio State University in 1958 with a bachelor of science degree in business administration and economics. In addition, he received a master's degree in procurement—with distinction—from the University of Michigan at Ann Arbor in 1968.

Throughout Bill's career, his assignments have reflected a strong procurement background. Tours include the Navy Aviation Supply Office, Philadelphia, PA, the Naval Supply Center, Puget Sound, WA, and the Contract Administration Services Office, Bridgeport, CT, where he commanded 190 military and civilian employees and administered over $600 million in defense contracts. In addition, Bill's extensive experience in major systems acquisition and procurement policy is reflected by his assignments as head of the field liaison branch and head of the management and policy staff at the Naval Sea Systems Command; director of the acquisition policy and plans division of the Naval Material Command; director of the Acquisition and Contract Policy Office for the Assistant Secretary of the Navy—Shipbuilding and Logistics—and Deputy Commander for Contracts at the Naval Sea Systems Command. Additionally, Bill served as the supply officer aboard the amphibious assault ship, U.S.S. *Guadalcanal* (LPH–7).

As competition advocate general, Bill made major contributions to the Navy's competition program. During his tenure, over 87 percent of contract actions were awarded competitively. His initiatives have resulted in savings of billions of dollars, increased quality, and the expansion of our industrial base. Bill has unquestionably been the stabilizing force behind the Navy's Procurement Competition Program.

Bill's establishment and implementation of the Navy's Acquisition Ombudsman Program has led to significant improvements in relations with industry. Because of his exceptional management and leadership, Bill was appointed by the Secretary of the Navy to cochair a multiservice, multiagency automated data processing [ADP] acquisition assessment panel to review and improve ADP hardware and software acquisition practices. His insight and sound recommendations led to major policy changes and significant improvements in ADP acquisition.

Bill's expertise was heavily relied upon while serving as the Navy's representative on the defense management review task force on advocacy reduction. In this role, he conducted a thorough review of the genesis of all advocacies within the Department of Defense acquisition process, reviewed and analyzed more than 140 acquisition directives and drafted the final report. A recognized expert in the acquisition process, Bill recommended significant changes which were adopted by the Under Secretary of Defense for Acquisition. This outstanding contribution will have lasting impact on the acquisition process.

Bill's contributions in his role as Deputy to the Assistant Secretary of the Navy have also been substantial. As the principal adviser for Acquisition Policy and Oversight, Bill resolved a myriad of complex and sensitive issues having significant impact on major weapons programs, information systems, and the Navy's acquisition process as a whole. No matter how difficult the issue, he provided sound advice and outstanding assistance to the Assistant Secretary, program executive officers, direct reporting program managers and to the systems commands.

In the last several years, Bill has shared his unique and unmatched knowledge of defense acquisition by personally participating in numerous congressionally sponsored procurement seminars.

Bill's personal decorations include the Legion of Merit with three gold stars in lieu of fourth award, the Meritorious Service Medal, the Joint Service Commendation Medal and the National Defense Service Medal. He is qualified as a Surface Warfare Supply Corps Officer. He was also awarded the Secretary of Defense Superior Management Award in recognition of his efforts in planning and implementing congressional, Department of Defense, and Department of the Navy initiatives in fiscal year 1984.

No Naval officer could ever achieve so much without the support of his family. Bill has been fortunate to have at his side for 33 years, his wife, Vi, and his daughter, Wendy, who is currently serving in the Peace Corps in Kenya.

A man of Rear Adm. William H. Hauenstein's talent and integrity is a rare find, indeed. Although his service to the U.S. Navy will be genuinely missed, it gives me great pleasure today to recognize his accomplishments for my colleagues. I know they as well as I wish him fair winds and following seas as he brings to a close a long and distinguished naval career.

THE 25TH ANNIVERSARY OF THE NATIONAL HISTORIC PRESERVATION PROGRAM

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. ANDREWS of Texas. Mr. Speaker, I rise today to join with several of my colleagues in celebrating the 25th anniversary of the National Historic Preservation Program. This program was created by the National Historic Preservation Act of 1966.

As a Texan, I take special pride in noting that it was on October 15, 1966, that President Lyndon Baines Johnson signed into law this landmark legislation, legislation that set, as its ambitious goal, the preservation of the Nation's historic places "as a living part of our community life and development in order to give a sense of orientation to the American people."

This law was but one of many bold initiatives of President Johnson to maintain our Nation's physical beauty and conserve its irreplaceable natural and cultural resources.

President Johnson's commitment to historic preservation was also shared by Lady Bird Johnson. Her passion for keeping America beautiful helped inspired the President's 1965 message to Congress in which he declared the need for a new conservation. The President envisioned "a creative conservation of restoration and innovation. Its concern is not with nature alone, but with the total relation between man and the world around him. Its object is not just man's welfare, but the dignity of man's spirit."

Mr. Speaker, over the past 25 years, much has been accomplished in the area of historic preservation. Yet, we have much more to do if we are to reach President Johnson's goal of a new conservation, and I congratulate all those Americans who, today, continue this pledge of defending and preserving our great heritage.

THE AMERICAN SOCIETY FOR QUALITY CONTROL

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. RAY. Mr. Speaker, I rise today to pay tribute to the American Society for Quality Control in central Georgia. I spoke with them last night at their monthly meeting on the very important issue of quality in our Nation's manufacturing and service industries. This meeting was very timely due to the fact that October is "National Quality Month."

The central Georgia chapter of the American Society for Quality Control is 4 years old. Its parent group was founded in 1946 and has a membership of 60,000. ASQC certification is recognized worldwide for its commitment to quality.

Mr. Speaker, the lead that the United States once held in technology is being reduced and, in some instances, it has been lost. The only way that we will maintain our leadership is to gain and retain the edge in the quality of our goods and services.

Some of this edge will be gained through proper management. Some of it will come from a properly educated work force. The American Society for Quality Control offers assistance to management and sponsors educational programs which are very important in this process.

I thank Chairman Phil Peterson, Vice Chairman Claud Westbrook, Treasurer Jim Hartley, Secretary Al Huff, and the entire membership of the American Society for Quality Control in central Georgia for their fine work in this area.

INTRODUCTION OF CALIFORNIA MILITARY WITHDRAWAL BILL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. VENTO. Mr. Speaker, I am today introducing the California Military Lands Withdrawal and Overflights Act of 1991.

This bill would withdraw for military purposes two areas in California, China Lake and the Chocolate Mountains, totaling more than 1.3 million acres of public lands. These areas have long been used by the U.S. Navy for various military purposes.

Under the Engle Act, peacetime withdrawals of public lands exceeding 5,000 acres can be made only by an act of Congress, and must be periodically renewed. Prior withdrawals for these two areas have expired. In 1987, the House passed a bill renewing their withdrawal, but the Senate didn't act on it.

My new bill includes provisions identical to the withdrawal provisions of the House-passed bill of 1987. It also addresses the use of airspace in the California desert region, and particularly the relationship between the California Desert Protection Act—currently pending before the Committee on Interior and Insular Affairs—and the established patterns of military low-level flights over Federal lands in the California desert. It would make it clear that the California Desert Protection Act would not prevent the Armed Forces from continuing established overflight patterns. Similar provisions were included in legislation on which the Subcommittee on National Parks and Public Lands held extensive hearings during the 101st Congress.

I will seek to expedite consideration of the California Military Lands Withdrawal and Overflights Act, in order to coordinate with action on the California Desert Protection Act, which I expect to be reported to the House in the next few weeks.

POST-MODERN POLITICS: THE SEARCH FOR A NEW PARADIGM

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. ROHRABACHER. Mr. Speaker, James Pinkerton is President Bush's idea man, the fellow at the White House who has given time to think and to look at the big picture.

Mr. Pinkerton is one of America's best and brightest; his insights are extraordinary.

I am submitting for the record his remarks to the Indianapolis Corporate Community Council. In this speech he presents us a unique and fascinating review of our changing society.

POST-MODERN POLITICS: THE SEARCH FOR A NEW PARADIGM

(Remarks by James P. Pinkerton)

I'm here to talk about politics, but only indirectly. Aristotle said "Let me write a nation's songs, and I care not for its laws." It wasn't that Aristotle didn't care about law—

he did. but he recognized that a nation's culture determines its politics.

As politically involved as we all are, words like "husband," or " wife," or "parent," or "executive," or "environmentalist," or "jock" or "couch potato" may mean more to you than "Republican" or "Democrat." Maybe those cleavages are part of the problem. Nationwide, only half of Americans even vote. In his best-selling book, Parliament of Whores, P.J. O'Rourke cites a good government study decrying the public's "glacial indifference" to elections. As O'Rourke puts it, "This is an insult to glaciers. An Ice Age would be fascinating compared with government."

Boring as it may be, we should all be interested in something that consumes more than a third of our national wealth. Its ability—or inability—to insure domestic tranquility, provide for the common defense, and promote the general welfare has profound impact on your lives, today and tomorrow.

Another new book says it all in the title: Why Americans Hate Politics. What's gone wrong? Why did the system once work better than it does now?

One thing we know for sure: the problem is not lack of money. The Federal government alone spends $150 billion a year fighting poverty. That's $5000 for every poor person in this country. Someone suggested we just give them the money and let them start their own war on poverty! But of course that wouldn't work; we've learned from bitter experience that you cannot simply throw money at problems. Of course, most spending has nothing to do with poverty. Overall, federal, state, and local governments will spend $1.5 trillion here at home this year, excluding defense, foreign aid, and interest on the debt. One-and-a-half trillion dollars—does anyone think we're getting our money's worth? Crime is worse, homelessness is worse, our cities are worse. The real issue is not quantity of money we're spending, it's the quality of the results we're getting. Consider education: why is it that we spend $400 billion a year, $5600 per student, up more than 35% per pupil, adjusted for inflation just in the last decade, more than any other country in the world, yet we're 14th in achievement? Because the bureaucratic monopoly system we have now doesn't work, that's why. Last month we learned that S.A.T. scores went down for the fourth year in a row.

The German philosopher Hegel said: "The Owl of Minerva takes flight only in the gathering darkness." Forgive the Romantics for getting carried away, but he's right: new wisdom arrives when there is a crisis of the old order. This was Thomas Kuhn's insight about paradigm shifts. The terminal crisis of the Old Paradigm is a siren in the night. Not everyone hears it, but we do. Even if we don't agree on first steps, we know that in the long run what comes will be different. Agreeing that tweaking the system isn't good enough, that we need to transform it, is a start.

Remember the brain teaser in which you have to connect the nine dots with four lines without taking the pencil off the page? Today, we need to do more than just get outside the nine dots of the existing Old Paradigm, or model, of government. As public and private organizations scattered across the country are already doing:

For example:

Parochial schools can teach all of us something about educating children. In New York City, the Catholic schools do a better job for less than one-fourth the cost of the public schools. The reason is simple: they have less than a tenth of the proportionate administrative overhead, and they never forgot about rigor and discipline.

Vince Lane, the Chairman of the Chicago Housing Authority, is transforming one of the most corrupt bureaucracies in the nation, surviving brickbats from special interests and death threats and drug-pushing street gangs.

Ford makes as many cars today as it did a decade ago, with half as many employees. This has been a difficult, wrenching process, but it beats the alternative to streamlining and restructuring: which is bankruptcy.

And John Mutz and the Lilly Endowment are working to restructure education and welfare here in Indiana.

Our ancestors had a great new idea 100 years ago—modern bureaucracy—to solve social problems. Modern bureaucracy worked well in the era of heavy industry. Of course it did! Both industry and bureaucracy were created at about the same time. Bureaucracy has the rhythm of mass production—assembly lines, interchangeable parts, standardized work rules. The Federal Government as we know it today was largely constructed between 1883—the beginning of Civil Service—and the New Deal. Let's give credit where credit is due: modern bureaucracy helped make our lives less nasty, brutish, and short. That was then. Now the question is: what structure, what paradigm will preserve the progress of the past and enable all of us to move ahead?

The government has gotten bigger since the 30s, but not better. That the old system doesn't work to solve new problems is not the fault of the old system's designers, it's our fault, for not continuously improving the system. So today, it's our problem. Good intentions yield unintended bad consequences. This explains the phenomenon we've all noticed—that the average government employee is a well-meaning, hardworking, competent person, trapped in the same obsolete system that ensnares us all.

Victory abroad gives us the chance to take a long hard look at ourselves here at home. We must explore alternatives. After all, the only power we have in this world is the power of an alternative. Mindful of lessons learned, we shouldn't hesitate to let go of the dark past.

"Modernism" itself was the movement in art and culture beginning in the late 19th century through the middle of this century. Woody Allen said that modernism began when Nietzsche declared "God is dead" and ended when the Beatles sang "I wanna hold Your Hand." So "modern" refers to a specific period, as we indicate when we say "modern art." "Modern" is not to be confused with "contemporary." Picasso, Martha Graham, Mies van der Rohe, T.S. Elliot, and Freud were, each in his or her own way, modern. Modernism was inspired and provoked by the Industrial Revolution. Henry Adams, the famous Gilded Age writer, went to the 1900 Paris Exposition—at the dawn of the modern age—and was so overcome by the machines he saw that he compared the Dynamo to the Virgin Mary. Modernism sought to re-examine our place in the universe: it extended Romanticism, but it was also a movement toward the abstract, rejecting history and tradition. Whereas the Pre-Moderns, from Plato to Coleridge, thought that art was divinely inspired, Andre Malraux perfectly expressed the secular modern view that, "All art is a rebellion against man's fate."

I realize that most Americans rarely visit museums, or even look very long at coffee table art books by Rizzoli. However, everyone sees the residue of modern art when they walk down the street or watch TV. Furthermore, you don't need to be a Jungian to realize that there is a collective unconscious of signs and symbols that patterns out thinking. Thus, modernism is just another in a long series of cultural and political archetypes that have been encoded into our brains. Modern politics is a reflected artifact of modern art.

If the story of the 18th and 19th century is the mostly successful effort of science to impose order on nature, than the story of the 20th century is the disastrous follow-up attempt to impose pseudo-scientific order on human nature. C.S. Lewis, echoing Dickens, observed that this modern century has been the best of times and the worst of times. Human nature doesn't change very fast, but technology does. We have vastly more power to give life or bring death to millions.

Modern social science gave birth to modern bureaucracy. Bureaucracy was the chosen instrument of modernization. In the brave new world of central planning, the theory was that social engineers would give orders to social workers, who would descend on the masses proclaiming "we're from the government and we're here to help you." Communism is modernism on steroids.

I can put it bluntly. If we want to continue to be #1, we need to transcend the legacy of modernism—modern thought and modern institutions, including bureaucracy. You know how different American society is today compared to 1960 or even 1970. We're different; we're post-modern. Yet the government has not kept up. People sense it intuitively: modern government is trying to run a post-modern society, and it is failing.

Every human institution goes through a life cycle of youthful enthusiasm, maturity, and finally obsolescence, incompetence, and death. So it is with modernism. So it is with bureaucracy. Something different came before it. Something different will come after. To repeat: the dilemmas we face result from an aging bureaucratic system confronting diverse, post-modern people. What do I mean by post-modern?

American culture today is "post-modern." Artists as diverse as David Hockney, Allen Ginsberg, Michael Graves, Umberto Eco, and even Andy Warhol are post-modern. MTV is post-modern. Post-modernism is open to new influences, but also respectful of history in a way that the moderns were not. A good example of post-modern architecture is Philip Johnson's AT&T building in New York City, a sleek skyscraper topped with an ornamental 18th century Chippendale pediment. This eclectic combination exemplifies post-modernism. When we speak of these things, we aren't describing what we're for or against. We're describing what is.

And if our culture is post-modern, then it follows that everything else will be affected. Remember what Artistotle said about the subservient relationship of politics to culture? Or, as Barry Manilow might sing: "I write the songs, I write the laws."

Two years ago, Senator Daniel Patrick Moynihan wrote that the underclass is a "post-industrial"—another name for post-modern—social problem. The poverty of the underclass is qualitatively different from what we have seen before. The new problems are violence, teen pregnancy, and drugs. Hundreds of billions of dollars later, we have figured out that these kinds of problems can not be remedied by the same old bureaucratic approaches. With apologies to Mrs. Fletcher, the old lady in the Life-Alert commercial, modernism has fallen, and it can't get up!

Network TV is modern—you watch what they put on. Cable is post-modern—you have a choice.

The Postal Service is modern. Faxing and E-mailing are post-modern.

Plastic surgery is modern. Staying out of the sun is post-modern.

Structures and categories are modern. Organic communities and fuzzy logic are post-modern.

Keeping the Dead Sea Scrolls secret for more than 40 years is modern. Using a computer to reaggregate the concordance to reverse engineer and then publish the text so that everyone can read it is post-modern.

"Groupthink" is modern. "Just Do It" is post-modern. In a fast-changing world, you can't wait for decisions to go up and down the ladder. New organizations are required. At the moment an airplane takes off from an aircraft carrier, the most important person on the ship is the sailor on deck waving the flag. The person who encounters the problem is the expert on the problem. If the system prevents that individual from acting to solve the problem, then it's a bad system.

Going to business school is modern. *The One Minute Manager* is post-modern.

"Coke Is It"—modern. It focuses on the product—suggesting that Coca-Cola is the unitary totality that will solve your problems. Pepsi's "You got the right one baby—uh huh" is post-modern, because it shifts the focus from the product to the person, acknowledging that the sovereign consumer, not the giant company, is the ultimate arbiter of what is and what is not "it."

PC—political correctness—is modern dogmatism. The PC—the personal computer—is post-modern because it expands choice and freedom.

Searching for the one theory of race or class that explains everything is modern. It's been called "the synoptic aspiration." You all know the first three books of the New Testament are the Synoptic gospels, so called because they offer a unified, all-encompassing vision. The secular synoptic aspiration manifests the hubris of the moderns on the left or the right that they could become new men, or supermen. Post-modernists embrace the metaphor of the market because they know that one size does not fit all: there is no one solution, only solutions, plural.

The effort of the Left to defeat Clarence Thomas for the Supreme Court is a modern effort to impose monolithic conformity; the Left is terrified that Thomas's post-modern thinking on empowerment and individual achievement will threaten their monopoly on the Black agenda.

The Soviet Union was relentlessly modern. It was a reasonably functional evil empire in a less complex world. Russia was pre-modern. Now it is becoming post-modern.

Johnny Carson—modern. David Letterman—post-modern. "Stupid Pet Tricks" anticipated "America's Funniest Home Videos"—the ultimate post-modern show.

Paul Simon, the liberal senator, is modern. Paul Simon, the gatherer of Third World music, is post-modern.

Bureaucratic utopianism is modern. Points of Light are post-modern.

Austere high rises and empty downtowns at night are modern. That's the way modern architects wanted it. One of the most famous, Corbusier, wanted to flatten historic Paris and build skyscrapers. He said that the cafes of Paris were the "fungus of the streets," which should have no pedestrians; they should be "machines for cars." Post-moderns want buildings to be loose and lively, mindful of history, and above all, mindful of the people who live and work in them.

The idea that the government can take care of us is modern. Term limits are post-modern.

A majority of Americans think like this. They are post-modern. They just don't know it yet.

Some professors might claim that post-modernism is associated, like them, with the Old Paradigm political left. But this has more to do with the left's ability to assign labels than the essence of post-modernism. Indeed, since the contemporary post-modern era has seen the death of collectivism and the renaissance of free market economies, one could certainly draw the opposite conclusion!

History is a feast of ironies. E.J. Dionne observed that the new left and the counterculture prepared the way for Ronald Reagan with its anti-bureaucratic, libertarian themes. It was students at Berkeley who shouted "do not fold, spindle, or mutilate." Dionne points to the 1971 protest song in which Crosby, Stills, Nash and Young declared: "Rules and regulations, who needs them? Throw them out the door!" Thus spoke these unlikely prophets of the Reagan Revolution.

Post-modernism has evolved from modernism, but it's got its troubles. Consider the post-modern family. I've already mentioned the tragedy of the underclass. But the middle class faces great difficulty: latchkey kids, no moral guidance, declining achievement. Parents have their own problems with the two-worker, long-commute, no-quality-time family grind. We now know "Supermom" was mostly myth. And, as Robert Bly wrote in the best-seller *Iron John*, or as Billy Crystal discovered when he spoke to his son's third grade class in "City Slickers," modern life separates the professional from the domestic, frequently marginalizing the man to the status of the silly fathers in situation comedies.

The moderns had a simple vision of the future. A look back reminds us how far we've come.

The TV cartoon "The Jetsons" had a cute premise—fast-forwarding the comic strip "Blondie" up about five centuries. Hanna-Barbera drew a straight line from 1962 into the future, projecting that the 24th century would be merely more of the same—the modern world with a pseudo-futuristic gloss—people wearing uniforms instead of expressing themselves, eating pills instead of enjoying their food. In this gee-whiz tomorrowland view of the future, the focus was on gadgets—socks that would wash themselves—not the more profound ways in which people would change. Thus George Jetson is the literal reincarnation of Dagwood Bumstead, an archetypal modern man: a nice, slightly goofy husband and father to his wife, two children, and dog. Dagwood/George commutes to work to sit in an office and does an ill-defined private sector bureaucratic-type job that mostly seems to consist of sleeping. Mr. Dithers/Mr. Spacely discovers him and blows his stack, with comic consequences. Dagwood and George are proof of the modern aphorism that 90% of life is just showing up!

But in the real world, we're not going to be competitive with the Japanese, the Europeans and everyone else in the 21st century with that kind of performance. Once both the public and private sector were bureaucratic; that was state-of-the-art organization in 1900, or even 1950. The private sector is changing, not necessarily because it wants to, but because it has to. The economist Joseph Schumpeter called it "creative destruction." A quarter of the white collar jobs in the private sector were restructured out of existence in the 1980s; while the government mindlessly grew fatter and larger and more out of touch. Meanwhile, the private sector continues to develop, creating 40 million net new jobs—a 50% increase—in the past 20 years.

If "The Jetsons" are modern, the movie "Star Wars" is post-modern. Darth Vader flies around in the gargantuan death star, surrounded by Nazi-like stormtroopers. Compare them to the post-modern good guys—Luke Skywalker, Princess Leia, Chewie—an ad hoc, multucultural team improvising their way to victory, using spiritual power (The Force) to overcome evil technology. Bad modernism confronts good post-modernism and loses, foreshadowing Operation Desert Storm.

I think we'd all like to know more about how people who do post-modernism for a living would define the future. Take Bill Gates, the billionaire, 35-year-old founder of Microsoft. He once said that all software is a point of view. He's building a 30,000 square foot house in Seattle—underground. He's developing a virtual reality of the world's great art, so visiting his house will be like visiting every museum in the world.

People like Gates—or like you—can help us think through the post-modern experience, and hopefully invent better ways to adjust. The message I'm giving you today is this: you're right. The American people are a lot further along in adapting to post-modernism than the government. We're not the experts; our sorry record shows that. You're the experts. What can you tell us? How can we catch up? How can this government again be of, by, and for the people?

The government used to work, why doesn't it work as well anymore?

The first 500 times I heard someone older than I talk about how the schools used to work, how the Post Office was a model of efficiency, delivering mail four times a day in big cities, how case workers once helped people up from dependency, I dismissed them as sentimental nostalgics. Sure, I knew that the crime rate was much lower in the past, but I couldn't imagine that the antique, encrusted bureaucratic structures of today could ever have been responsive and efficient. But as I learned more, I came to see that institutions that are now bankrupt and decadent and controlled by special interests once worked pretty well. The moral of the following studies is that government does not have to be slow and incompetent. Government can work, if it moves with the times.

For example: The New Deal was a modern success. When Franklin Roosevelt came into office in 1933, unemployment was 25%. Many people had given up on the American system, and were looking overseas, to Italy, Germany, and the Soviet Union for a "more modern" alternative. Fortunately, Roosevelt had new ideas, and the willingness to be bold. As Michael Barone has described so ably, Roosevelt put Harry Hopkins in charge of the Civil Works Administration. On November 2, FDR approved Hopkins' plan for putting people back to work. Not welfare—Roosevelt despised welfare—but rather public jobs. Working in an unheated office, Hopkins met the challenge. By November 23, he had 800,000 people working. Two weeks later, the total had grown to 2 million. The CWA wasn't burdened with red tape because Hopkins didn't let it accumulate. He kept his workers too busy doing real work repairing streets, digging sewers, building playgrounds. By January 1934, just two months after he started, Hopkins had 4.25 million Americans on the job—8% of the U.S. labor force!.

On other occasions, when the need was urgent, Americans have risen to the challenge:

In September, 1939, when Hitler started World War II, the U.S. Army had 174,000 men—ahead of Portugal, but behind Bulgaria. President Roosevelt knew we had to prepare for war. As Eric Larrabee recounts, he didn't waste time with procedure and protocol; he wanted the best officers he could get. He picked George C. Marshall to be Army Chief of Staff over 34 more senior officers. Marshall developed the U.S. military into a force that could defeat the Axis powers, expanding the army more than 50-fold, to 8.3 million men. When Marshall needed help, he displayed the same willingness to ignore standard operating procedure and reach out for the best that Roosevelt had displayed in picking him. In December 1941, Dwight Eisenhower was just a temporary brigadier general at Fort Sam Houston in Texas. Marshall brought him to headquarters to run Army War Planning, leapfrogging 350 more senior officers. Soon, Ike was commending the Allied forces in Europe.

The Pentagon itself is proof that leaders can make the system respond. Started in 1941, the building covers 29 acres, with 3.7 million feet of office space. It was finished in just 16 months.

The military's World War II paradigm—huge draftee armies, massive bombing, overwhelming logistics—worked well against Hitler and Tojo. But we made the mistake of using the same modern approach in Vietnam, which was a more subtle post-modern war, where hearts and minds and television mattered more than military firepower. We failed.

The Pentagon did indeed learn its lessons. The military showed a professional desire to improve, not just a bureaucratic desire to survive. The brass updated doctrine, strategy, and tactics.

Today's military is leaner and faster, composed of smart volunteers using smart weapons instead of blind avalanches of materiel. Defense Secretary Cheney showed leadership and imagination when he promoted Colin Powell over the heads of many more senior four stars to the top job, because, like Roosevelt and Marshall a generation before, he wanted the best.

American's post-modern soldiers made short work of the enemy: Iraq's military was the mother of modernism. Norman Schwarzkopf's ideas about surprise and maneuver were not new: they are timeless, but eternal truths must be relearned and adapted to new circumstances. Robert E. Lee would feel right at home in Schwarzkopf's army.

On the ground—on the sand—in the Persian Gulf, our soldiers demonstrated the ingenuity and the flexibility that wins. They redesigned their jeeps, in complete violation of regulations. They built practically overnight a special bomb they were told would take two years. They used condoms to keep sand out of their rifle barrels.

When soldiers told Schwarzkopf that their boots weren't suitable for the desert, Stormin' Norman got them Hushpuppies. The men and women of Desert Storm—average age, 26—lived up to the WW II motto: "The difficult we do immediately; the impossible takes a little longer."

Our failure to learn led to defeat in Vietnam, when the U.S. military had 3 million men and spent over 9% of our gross national product. Learning the lessons of Vietnam enabled us to defeat Iraq with a military of 2 million men and women, spending 5.3% of GNP. With forward-looking thinking, less can be more.

The rise and fall and renaissance of the U.S. military indicates the potential of all public institutions to regenerate, degenerate, and regenerate again.

In their own ways, Hopkins, Marshall, and Schwarzkopf are perfect illustrations of Roosevelt's dictum that "new conditions impose new requirements on government, and upon those who conduct government." They were public servants who made the system work for the public, not the other way around. Visionary public sector entrepreneurs, like Bob Woodson, Polly Williams, and Kimi Gray still exist, in spite of the obstructions of the old, bureaucratic paradigm.

The challenge for the rest of us is to study these past examples of excellence and apply them to what we do and how we vote. Until we bring in new blood, the government will remain mired in modernism, doing things the same old way. Don't take my word for it: visit a government agency and look around. Ask yourself the question that organizational guru Peter Drucker suggests: "If we weren't doing it now, would we start?"

In any system, there's always a tension between those who want to get things done and the rules. You need both. But when people always lose and red tape and regulation always win, it's time to reinvent the system.

Private sector bureaucracies can be just as bad, Ross Perot built Electronic Data Systems up from nothing into a billion dollar company and then sold it to General Motors. Comparing the two very different corporate cultures, Perot said that if an EDS employee sees a snake, he kills it. If a GM employee sees a snake, he immediately runs to ask for instructions, and his boss forms a task force to study snakes. Perot said that it took GM seven years to design a new car, while we won World War II in three and a half! Fortunately, in the free market, companies face the ultimate test of the market, where stupidity and inefficiency are punished, and innovation and customer satisfaction are rewarded. Thus IBM, one of the greatest American companies a few years ago, is still trying to sell Big Brother to people who want to be their own Gutenberg.

Whether an institution is public or private, military or civilian, certain principles of effectiveness always hold true:

(1) a *clear sense of mission*, and a supportive internal environment that reinforces that sense of mission;

(2) a system of *rewards and incentives*, not necessarily monetary, but always tangible;

(3) *flexibility:* an organizational suppleness that encourages experimentation and risk-taking;

(4) a sense of *empowerment*, where authority matches responsibility, so that people at each level know they can get something done; and

(5) *accountability*.

Unfortunately, the parallel process for renovating government has broken down. Our politics are in a rut, locked into a mindset, or paradigm, that tolerates the slow deterioration of government, even as it costs more and more. It's time to think about the nature of modern bureaucracy in the post-modern age. As Chesterton said, there can be no talk of *reform* without talk of *form*.

The Old Paradigm rested on old technology. The limits of that technology required uniform, top-down mainframe administration. Why can't we use new technology to create a citizen-driven desk-top, user friendly, 800-number government?

The "New Paradigm" is an attempt to define an appropriate politics for post-modern America. Here are the elements I see:

First, global markets—free trade is reality. If we don't deal with reality, other people will! The President's promotion of a North American Free Trade Agreement is an acknowledgment of the interdependent world economy. Vice President Quayle's initiative to reduce the costs of litigation is based on the realization that the U.S. has 25 times as many lawyers per capita as Japan, costing our economy $300 billion a year. International competition is a race with no finish line. We can't afford to cripple ourselves with 18 million lawsuits a year.

Second and *third, choice* and *empowerment*—vouchers, as advocated so strongly by Education Secretary Lamar Alexander and Housing Secretary Jack Kemp, are the quintessential post-modern idea, combining pre-modern emphasis on traditional values with the modern desire for universal education with the post-modern commitment to fully realizing human potential. Some people aren't waiting for government. Pat Rooney, of Golden Rule Insurance, is spending his own money to give poor students scholarships to let them choose their own school and get the education they need to join the productive mainstream of American life.

Fourth, decentralization—Information Age technologies have eroded the basis for centralized geographic locations as well as centralized hierarchies. These days, wherever there's a phone, there's a job. So the jobs of the future can be at the other end of a fiber optic cable, almost anyplace. The President supports "telecommuting," the option of working from home. Will telecommuters miss office camaraderie? Maybe, but today's commuters miss their children and family life, and 85% of our air pollution comes from cars and trucks. Furthermore, nobody is saying that telecommuters must never go to the office, only that jobs should be flexible. Post-modern work should accommodate the post-modern worker.

Fifth, what works—Americans should say to politicians: "Don't tell us how much money you spent, tell us what you got for our taxes!" Some of you may have seen a recent segment on the "Today Show," in which Eric Ransom, a graduate of Milwaukee's North Division High School took a hidden camera back to his inner city alma mater. He filmed teachers doing nothing, while their students slept or otherwise did nothing, except maybe play dice. No wonder more than 50% of North Division students drop out! The superintendent said that no teacher could ever be fired, because the principals have no power over the teachers union. Milwaukee already spends more than $6100 per pupil per year, well above the national average—almost as much as it costs to send a student to Park Tudor! Does anyone think that simply spending more money without changing the bureaucratic paradigm is going to make a difference?

As Bob Samuelson says, the American people are not stingy, but they are skeptical. We will invest in what works. Most Americans have no more desire to further invest in failing schools than they have in failing corporations. They are looking to us to come up with new ideas. Maybe we should look to them—or at least to Eric Ransom. I hope that Eric's sleuthing will have the same effect on schools that Rodney King's videotaped beating had on police procedure in Los Angeles. Get a videocamera—become an agent of reform.

President Bush sees the limits of bureaucracy. Here at home, he's combining a commitment to the traditional family with the modern desire to guarantee protection and compassion to forge a post-modern New Paradigm agenda. I call it "principled eclecticism"—a kinder, gentler strategy of drawing upon the best ideas of the past, present, and future.

The New World Order is also post-modern because it is based, not on brinkmanship, throw-weights, or kitchen debates, but rather at core values like international law, human rights, and peaceful democratic change. The President is promoting trade, investment, and efficiency, while prepared, when absolutely necessary, to use sanctions and even force to defend our national interests and values.

Remember the nine dots puzzle? They tell you to connect the dots with four lines without taking your pencil off the page. Some of you know how to do it. You've got big smiles on your faces. Congratulations: you're good modernists. Those of you who had your own ideas: erasing all the dots and putting them all in a row so you can connect them all with one line instead of four; piling the dots on top of each other so you don't need any lines at all, or ignoring the puzzle completely—*that's* post-modern thinking. That's the sort of conceptual leap, or paradigm shift, that yields the silicon chip, not just better vacuum tubes.

America's future depends on our ability to encourage the free thinkers and iconoclasts who are the engine of progress. But we are all being buried in a morass of bureaucratic mediocrity that chokes upward mobility for everyone. As James Fallows argues, we will never be able to compete with the Japanese or the Germans if the game is discipline and following orders. America's future can't depend on becoming more like them. Our future depends on becoming *More Like Us*—reclaiming the tradition of creativity and common sense that is the common heritage of all Americans.

I began by talking about why we are frustrated by the Old Paradigm. I've tried to offer some thoughts about how the government fell behind the people, and I've suggested some ways that government can catch up.

Some say that Americans are too apathetic to care about their future. That's wrong—but Americans have been burned so many times by phony political rhetoric that they've become cynical about government. But they're not cynical about themselves and their communities. Today, more Americans recycle than vote. Our history demonstrates, over and over again, that Americans will act when they believe they can make a difference.

Today, we are seeing something new in post-modern America—the search for a New Paradigm. I think it will make a difference. I would love to know what you think. Thank you.

INCENTIVES FOR QUALITY EDUCATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mrs. MINK. Mr. Speaker, on October 10, 1991 I introduced a bold and aggressive initiative H.R. 3548, a bill to improve the quality of education in every school, neighborhood and community across this Nation. Our children deserve a first-rate education and America deserves a skilled and educated work force.

Over the last 10 years, we have seen our local school districts struggle with declining budgets, lack of teachers, deteriorating facilities and equipment, and drugs and other social problems in the schoolyard. Throughout this period, as these problems have mounted, our schools have been increasingly neglected by the Federal Government.

Just last week the President's National Education Goals Panel revealed somber statistics on the academic achievement of our students. The report stated that this nation "must travel a tremendous distance" to meet international academic standards and to meet the goals set by the Panel over 2 years ago.

An imaginative, visionary education program is essential if we are to meet the challenges facing this Nation. This is no time for half-measures. Now is when we must improve and elevate our country's schools. We must seize the initiative with an education agenda that America is serious about being second to none.

An investment in education is an investment in America's future.

The bill H.R. 3548 introduced seeks to build our education system from the ground up, starting with early childhood education. Title I of the bill, provides an additional $2 billion a year for the next 5 years to fully fund the HeadStart Program, to expand its half-day services to a full day and to include 2 year-olds in the program.

Since 1964 HeadStart has been the most successful early childhood education program in the country; providing education, health, social for needy children and their families. Studies show that participation in a quality preschool program, such as HeadStart improves scholastic achievement, elevates high school graduation rates, increases enrollment in post-secondary programs, and enhances employment prospectives; moreover, it decreases youth delinquency rates and use of welfare assistance.

Title II of my bill also builds upon another program that has proven successful in providing the needed resources to schools with disadvantaged children, chapter I. This will give help where help is needed by providing incentive grants for those chapter I schools which have made the most progress in improving the quality of education in their local school districts. Chapter I currently serves approximately 5 million children in 75 percent of all elementary schools and 35 percent of all secondary schools across the country.

The third title of my bill seeks to bring education back to the classroom by giving teachers the training and resources they need to motivate students to learn, and to achieve academic excellence. It would accomplish this goal through grants to local school districts that adopt plans to reduce class-size, lengthen the school year, reduce school dropout rates, increase teacher training, and create skill centers where students can learn the application of education to the workplace.

Mr. Speaker, this plan would increase current Federal spending levels on elementary and secondary education by $5 billion each year over the next 5 years; $25 billion dollars over the next 5 years is a small investment which will reap great returns.

We cannot continue to nickel and dime our education system. We must make education a priority in this Nation, and we must provide adequate funds. With the decreasing needs in our Nation's defense budget, now is the time to redirect our resources to what will truly build a stronger and better America—our children.

Mr. Speaker, 25 of my colleagues have joined me in supporting this initiative including the principal cosponsor BARBARA BOXER, and many members of the Education and Labor Committee: JOSEPH M. GAYDOS, WILLIAM CLAY, GEORGE MILLER, PAT WILLIAMS, MATTHEW G. MARTINEZ, MAJOR R. OWENS, CHARLES A. HAYES, CARL C. PERKINS, DONALD M. PAYNE, JOLENE UNSOELD, CRAIG A. WASHINGTON, JOSÉ E. SERRANO, WILLIAM J. JEFFERSON, AND JACK REED. Others supporting the bill include NEIL ABERCROMBIE, NANCY PELOSI, BARBARA-ROSE COLLINS, RON DELLUMS, BERNARD SANDERS, MERVYN DYMALLY, JOHN CONYERS, TED WEISS, KWEISI MFUME, and DON EDWARDS.

Mr. Speaker, now is the time to set our priorities straight in this contrary. And it is the responsibility of this Congress to provide the leadership and resources to ensure that every child in America has the opportunity to receive a quality education. I hope many more of my colleagues will join me in supporting this initiative.

CONGRESSIONAL TRIBUTE TO BRENDA S. YOUNG

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. DYMALLY. Mr. Speaker, I would like to take this opportunity to make a tribute to Brenda Young, and her husband Redell, for their long, faithful service to the Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, Inc., Prince Hall affiliation. I am doubly proud of Brenda because she is a long-time member of my staff.

Aeaonms, led by imperial potentate Roy Moore, recently held its annual convention at the Los Angeles California Sports Arena both husband and wife—Redell and Brenda—performed their specialties. Brenda brilliantly captained the drill team of Mecca Court No. 2, Daughters of Isis, representing the District of Columbia. The precision, poise, and technique of the D.C. unit was the highlight among a number of other brilliant drill teams from throughout the Nation. These teams were all well prepared, experienced, and they all excelled, but Brenda Young's leadership qualities shined brightly to distinguish the D.C. team from the others. Therefore, I highly commend her for these efforts. It was obvious that many hours of hard work had led to this performance.

The Ancient Egyptian Arabic Order Nobles of the Mystic Shrine is primarily a benevolent, charitable, and fraternal organization. Its membership is dedicated to the principle of fostering civic, economic, and educational development programs throughout the world. Beneficiaries of the philanthropy of this organization are too long to mention. The fraternal order has fostered programs such as grants to its Prince Hall Health and Medical Research Foundation, grants to institutions of higher learning, and to hospitals throughout the land for medical and other research projects, grants for young ladies between the ages of 17 and 24, to attend colleges and universities, grants to colleges for economically deprived youth, programs of financial aid to youth in their fight against drugs, crimes, and delinquency, strong endorsement of the Assault on Illiteracy Program [AOIP] and many other worthy and beneficial programs.

Mr. Speaker, today I take pride in commenting about this man and woman who have dedicated a major part of their lives to the concept of assisting others in need through the Prince Hall affiliation. They are obligated to strive to cure the ills of poverty and education by encouraging youth and the disadvantaged to pursue the highest social, religious, business, and political ideals. Brenda Young lives by that credo and by doing so, is making Aeaonms, Daughters of Isis, a much better organization. Redell Young is equally committed to the Imperial Council.

CONGRESSIONAL SALUTE TO THE PEOPLE OF PATERSON

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. ROE. Mr. Speaker, on Saturday, October 19, residents of my congressional district, and the State of New Jersey, as well as former residents of Paterson, NJ, who now live throughout this country, will join together at the fifth annual reunion of the Paterson Alumni Association to pay tribute to eight Patersonians, who have demonstrated a continuing history of significant service to the people of Paterson, far beyond the call of duty and whose lives bring honor and pride to the city of Paterson.

Mr. Speaker, I know that you and our colleagues will want to join with me in extending our warmest greetings and felicitations to Cecile Dickey, Grace M. George, Nancy Martinez, Rev. Miguel Mena, Alonzo Moody, Jane and Herbert Van Denend, and Sarah Yucht; and on this most joyous occasion join with their friends and families as they honor their achievements and their contributions to the city of Paterson.

Mr. Speaker, it must be known that Paterson is a remarkable city with a very rich history, including hundreds of residents who have had outstanding careers in business, science, sports, literature, politics, and the arts and have brought honor and pride to this city. The eight Patersonians named above clearly are part of that wonderful tradition and history.

Mr. Speaker, it should also be noted that the eight honorees are in fact a reflection of the melting pot which Paterson has been since its beginning, and continues to be for immigrants from many lands, for these honorees come from African, Hispanic, German, Jewish, Dutch, and Italian families, which emigrated to this city to seek their fortunes. And all of the honorees share warm, close feelings about this hometown which helped to nurture them and develop their careers.

Cecile Dickey is president of both Paterson's nationally recognized Head Start and New Jersey Head Start. Ms. Dickey first joined the organization 25 years ago as a single parent. As she rose to the top, she spearheaded programs that have made the Paterson program one of the most highly respected models in the Nation. Both she and the program have been honored repeatedly, including a U.S. Presidential citation.

Grace George is the "Voice of Paterson" to thousands of tourists who visit the Great Falls Historic District each year. Ms. George has utilized the skills that made her an outstanding Paterson school teacher to create an educational tour program at the district. She has trained a dedicated cadre of teenagers to bring the story of Paterson's industrial preeminence to grammar school children.

Nancy Martinez devotes much of her time to the business she owns and operates in Paterson, and has achieved a remarkable record of contributions to her community. She is a board member of Paterson Interfaith Communities Organization [PICO], one of the key organizers of Pass Plan which guarantees an entry level job or college scholarship to graduating high school seniors, and a leader in establishing Paterson YES, an after school recreational program. She has been instrumental in neighborhood efforts to reduce crime, beautify areas, and reduce substance abuse.

Rev. Miguel Mena established the first Spanish-speaking congregation in the city back in the mid-1950's, has served as chaplain at the county jail, established the Latin Day Care Center, the Good Samaritan Drug Rehabilitation Center, and founded Paterson's only radio station, "Radio Vision Cristiana", [WWRV]. He has long served as president of the Hispanic Pastor's Association. Through the efforts of his Paterson Church, religious centers have been established in a variety of Latin American countries.

Alonzo Moody is more than just the executive director of Paterson's Youth Services Bureau. He has dedicated the past 11 years of his life to helping troubled youngsters. Working day and night, he instills in them a feeling of self-esteem and teaches them to be responsible and active members of society. Under Mr. Moody's careful guidance, many young lives have been turned around.

Jane and Herbert Van Denend are a dedicated couple who moved their business to Paterson, and have sought to train Paterson residents in the technical skills their company, Glenro, demands. They have purchased and refurbished two adjacent mill buildings in the historic district, sponsored the Dawn Treader School, and taken an active role in the Paterson Education Foundation, a volunteer organization created to support the Paterson school system.

Sarah Yucht has devoted much of her lifetime of 83 years as a community activist. She has served as a PTA president and a Scout leader. She spent many years with Planned Parenthood, and served as their president. She is on the board of the YMHA and the advisory board of trustees at Barnert Hospital, and has served as past president of Hadassah.

Mr. Speaker, I want to point out that the foundation which is honoring these eight Patersonians, the Paterson Alumni Association, is very likely a unique organization in the United States. It was founded by a group of childhood friends who shared the feeling that they wanted to give something back to the city which had contributed to their own development and success. And over the past 5 years, they have awarded 79 grants totaling $299,665 to 40 Paterson community organizations for programs which seek to improve the quality of life in this city.

Mr. Speaker, it is a privilege and an honor to seek this national recognition of these eight outstanding Patersonians. I ask my colleagues here in the Congress to join with me in expressing our most sincere appreciation to these people for their remarkable achievements and the pride and honor they bring to Paterson, NJ.

NEVADACARE MEDICARE PROGRAM

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to tell my colleagues about a health program which is being successfully operated by physicians in my home State of Nevada. Despite facing increasing regulation from Federal and State programs across the Nation, many doctors in Nevada have voluntarily joined together in a private program to provide assistance for Nevada's elderly in keeping their health care costs down.

In Nevadacare, physicians agree to bill their Medicare patients only what Medicare allows for that visit, with the patient owing only the required deductible and copayment. Through this program, senior citizens are spared the additional charges above what Medicare covers. To be part of the program, any senior with Medicare part B who earns less than $25,000 a year for singles and less than $32,000 for couples simply asks for their free Nevadacare card and present it to their physician during their visit. The program is entirely free to seniors. To date over 5,000 senior citizens have joined the Nevadacare Program and nearly 1,000 physicians have stepped forward to provide this service.

Generous Nevada physicians who care about adequate access to health care for the elderly and who have volunteered for the program absorb the costs of only charging what Medicare pays. With the cloud of Medicare physician payment reform looming overhead and pushing physicians away from Medicare, these charitable doctors have turned the other cheek and established an invaluable service to Nevada's senior citizens. I urge my colleagues to encourage their State's physicians to consider establishing a similar program so that low-income seniors in every State can receive quality, low-cost health care.

CONGRESSIONAL SALUTE TO RACHEL CARSON AND THE NATIONAL HISTORIC PRESERVATION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mrs. MORELLA. Mr. Speaker, I rise to commemorate the 25th anniversary of the passage of the National Historic Preservation Act. This act encourages our communities to celebrate those events and individuals that made significant historical breakthroughs.

Under this piece of legislation, Government and private organizations in the 8th District of Maryland established the Rachel Carson House in Silver Spring, MD. The preserved property, with its spruce, hemlock, and white pine trees, embodies Rachel Carson's environmental spirit.

Rachel Carson—biologist, naturalist, writer, and poet—ignited the modern environmental movement with "Silent Spring." This book exposed the harmful ecological effects of indiscriminate use of chemical pesticides and herbicides. Her research influenced Government officials to create the Environmental Protection Agency and ban the pesticide DDT.

Rachel Carson House exemplifies the way in which the National Preservation Act has provided rich historical nourishment to our generation and will continue to do so for generations to come. I urge my fellow colleagues to join me in saluting Rachel Carson and the National Historic Preservation Act.

TRIBUTE TO RABBI SAMUEL BERGER IN COMMEMORATION OF 25 YEARS OF SERVICE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. SOLARZ. Mr. Speaker, only on a rare occasion do I rise to pay tribute to any one individual. But in regard to Rabbi Samuel Berger, I do so proudly and without hesitation.

Rabbi Berger, the spiritual leader of Temple Beth Abraham, has been a leader of the West Brighton community for 25 years. Truly an unsung hero, he has used his pulpit and strength of character as a force for harmony and cohesiveness in the West Brighton area. Through his strong religious belief and devotion he has been a moral and spiritual inspiration to three generations and through his actions he has set an example for layman and leader alike. Rabbi Berger has done so with a spirit of openness and acceptance that has made Temple Beth Abraham a true "House of Abraham", where all members of a community are welcome to enter. The crowd of hundreds of recent Russian immigrants gathered outside Temple Beth Abraham, waiting to enter for a special Yizkor service on Yom Kippur, was only one recent testimony to the atmosphere Rabbi Berger has created within.

Rabbi Berger has not hesitated to spread the warm, religious atmosphere within Temple Beth Abraham throughout the entire community. Whether delivering the opening benediction at a community concert, or offering words of faith at an annual dinner, he has been the voice of Judaism for all who sought its inspiration.

Rabbi Berger has also developed a legendary reputation for "Bikur Cholim", the mitzvah of visiting the sick. There is hardly anyone in our community that has been seriously ill who has not received a visit and wishes for a "Refuah Shelayma" from our devoted rabbi.

I am proud to honor Rabbi Samuel Berger on this milestone occasion commemorating 25 years of service.

COLUMBUS DAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. BILIRAKIS. Mr. Speaker, I am extremely proud to rise today to honor the great Italian voyager, Christopher Columbus. Italian-Americans and all Americans should be proud of the courage and spirit that led Christopher Columbus to discover the New World.

We can all agree that his decision to voyage half way around the world was remarkable in its courage and wisdom. Columbus was also a practical man. Columbus planned for potential catastrophes during the voyage such as one of the ships sinking or wrecking on the high seas and it is said that this is why he sailed to the New World in the *Santa Maria, Pinta* and the *Nina*. On Christmas Eve, 1492, the *Santa Maria* crashed into a reef and while the ship was lost, the men and provisions were saved. Instead of viewing this development as a catastrophe, he saw it as a blessing enabling those crew members who wanted to stay in the New World to remain ashore. Columbus wrote in his diary: "Our Lord has caused the ship to run aground there in order that he might have a settlement there."

Land appeared at approximately 2 a.m. on October 12, 1492, the 71st day of the voyage. While Columbus had not discovered China as he had thought, he found himself in a land of incredible beauty and the world would never be the same. Columbus was correct on one important point: despite the fact that while most geographers of the 15th century believed that 10,000 miles separated Europe and the West Indies, Columbus strongly believed that only 2,400 miles separated the two continents and as we all know his view was much closer to the truth. In the middle of the night, in October Christopher Columbus' persistence paid off, land was sighted, the voyage was a remarkable success, and history was made.

Mr. Speaker, Christopher Columbus is today the subject of controversy. Whether he "discovered" America is a point of contention. I understand that some do not like the term "discovered" because their ancestors were already living in America. I also understand that other countries claim to have stepped foot on the American continent first. For instance, some believe that Leif Eriksson and the Norsemen may have been the first to actually arrive in the New World. It remains that none of these points take away from the fact that Christopher Columbus made a significant difference in world events.

As Kenneth Auchincloss wrote in his article entitled, "When Worlds Collide" which appears in the Columbus Special Issue of Newsweek, even if others had reached the American continent "none of them made a big deal about it—which Christopher Columbus, in 1492, emphatically did. He left European settlers and animals behind, he brought native people and odd vegetables back. He told tales of rich lands and potential treasure. He inspired a wave of explorers and adventurers to head west. In short, he had consequences."

There has been much controversy about Columbus Day this year. Mr. Speaker, let's not tear apart the legacy of this restless, courageous, and great man—this man who sailed into uncertain, and mysterious waters.

As Mr. Auchincloss said:

> There is a danger * * * that this 100th anniversary of the East-West encounter will be just as distorted as past ones—though in a different way. That will surely happen if it becomes an occasion for pursuing modern political agendas. * * * don't look for heroes and villains, look at the vast changes that were wrought. Because of what happened in 1492, life in much of the world has never been quite the same. Not everyone will find this an occasion to celebrate. But it was indisputably one of the great divides in human history, an event to marvel at and to learn from.

When I think about the contributions of Italian-Americans, I feel a sense of pride. As the son of Greek immigrants, I am well aware of the hardships that faced those early immigrants who arrived at Ellis Island often with little money but with courage, grit and the determination to make a better life for themselves. The Italian-American experience is full, it is colored with strife and victory, pride and honor, hardship and achievement. Above all, there is an abiding sense of patriotism.

Mr. Speaker, the spirit of Columbus was one of imagination, courage, vision and faith. The spirit of Columbus has led this country to greatness. As President Reagan said, this country is a "shining city upon a hill" and this shining city is helping to light the way for those who are striving for freedom, prosperity and a better way of life. I applaud Columbus and I applaud the Italian-Americans who came to this country and inspired us with their zest for living, courage and hard work.

NORTH MIAMI BEACH POLICE CHIEF BILL BERGER: REVITALIZING THE DEPARTMENT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I am delighted to bring to my colleagues' attention North Miami Beach Police Chief Bill Berger.

At the start of his career in law enforcement, the Miami Beach Police Department recognized his leadership potential immediately and Bill went on to become the department's youngest captain at age 31.

Since the beginning of his career in North Miami Beach in 1989, Berger successfully revitalized the North Miami Beach Police Department by modernizing the local criminal justice system. In just 3 short years, Chief Berger has made many improvements in the department including laptop computer terminals, uniform safety changes, an innovative Jet-Ski marine patrol program, a computerized records program, and a reorganization program that enabled the department to put 20 more police officers on the street each day.

Chief of Police Bill Berger is a leader committed to public and community service. North Miami Beach has long been the home of many remarkable leaders, and certainly Chief Bill Berger is one of them.

RECOGNITION OF THE 25TH ANNIVERSARY OF THE NATIONAL HISTORIC PRESERVATION ACT

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. MOODY. Mr. Speaker, I rise today to recognize the 25th anniversary of the National Historic Preservation Act. This act has made an important impact on our Nation's heritage and culture.

The National Historic Preservation Act created the Advisory Council on Historic Preservation and authorized the provision of grants-in-aid to the States and to the National Trust for Historic Preservation to assist them with historic preservation projects. These agencies have played a crucial role during the last 25 years in saving and preserving our Nation's historic buildings.

I've been fortunate to live in several historic cities abroad: Athens, Shanghai, Belgrade. The deepest impressions I've taken with me from these places is of the people and the expressions of their culture, the physical expression—often embedded in their architecture and their structures. Their buildings, their design, their form, and their workmanship—reflect the culture and history of a society. With the National Historic Preservation Act we are better able to leave these impressions about our diverse communities across the country.

Historic preservation gives our society a sense of continuity between generations; it conserves and recycles existing resources; it improves the aesthetics of our neighborhoods and cities. Most of all, it shows the appreciation we have of our culture and our past.

The National Preservation Act has been significant in preserving our past and we must continue to support and strengthen this act. Our culture and an appreciation for it is one of the best things we can bequeath to future generations. So much of what the Government does is ephemeral. This investment we make in preserving our past benefits everyone and will have a lasting effect.

BIRMINGHAM, JAPAN SHARE SAMUEL ULLMAN LEGACY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. ERDREICH. Mr. Speaker, as our economy becomes a true global marketplace, I think we all agree we need to move toward developing stronger working and cultural relationships with our trading nations.

An article in the October 8 edition of the New York Times recently highlighted an example of such an economic/cultural partnership in my home county. It is a partnership dedicated to preserving our past and improving our future; it is a partnership of which I am extremely proud.

It is the cultural half of this equation that first attracted the attention of the Japanese, when a poem written by turn-of-the-century Birmingham businessman Samuel Ullman captured the hearts of Japanese officials visiting Gen. Douglas MacArthur, who had three items hanging in his Tokyo office * * * pictures of George Washington, Abraham Lincoln, and a copy of Ullman's poem, "Youth."

The poem so moved Yasuzaemon Matsunaga, one of the architects of postwar Japan, that he had it translated into Japanese. Konosuke Matsushita, the founder of Japan's largest electronics company, adopted the first stanza as his company's motto and distributed it to 20,000 of his executives.

Ullman's poem is often cited as a motivating factor in Japanese productivity after World War II.

But the Japanese interest in Ullman does not stop with the poem. The Japanese also have a deep appreciation for Ullman's many civic contributions. Ullman, a German immigrant, was a member of the Birmingham school board for 15 years, a founder of Temple Emanu-El, and receives credit from historians for expanding educational opportunities for blacks and providing a high school for black children.

Ullman did not begin to write poetry until his 70's and on his 80th birthday his family had his poems printed in a volume. The Japanese have since published Ullman's book, and each year donate a portion of the royalties to the Ullman scholarship at the University of Alabama in Birmingham.

Mr. Speaker, I would like to invite our friends in Japan to continue exploring the path laid by our philosopher-poet-civic leader, Samuel Ullman. Come discover Alabama, and rediscover your youth.

I have attached a copy of the poem, along with a copy of the New York Times article of October 8, 1991:

YOUTH

(By Samuel Ullman)

Youth is not a time of life, it is a state of mind; it is not a matter of rosy cheeks, red lips and supple knees; it is a matter of the will, a quality of the imagination, a vigor of the emotions; it is the freshness of the deep springs of life.

Youth means the tempermental predominance of courage over timidity of the appetite, for adventure over the love of ease. This often exists in a man of sixty more than a boy of twenty. Nobody grows old merely by a number of years. We grow old by deserting our ideals.

Years may wrinkle the skin, but to give up enthusiasm wrinkles the soul. Worry, fear, self-distrust bows the heart and turns the spirit back to dust.

Whether sixty or sixteen, there is in every human being's heart the lure of wonder, the unfailing child-like appetite of what's next, and the joy of the game of living. In the center of your heart and my heart there is a wireless station; so long as it receives messages of beauty, hope, cheer, courage and power from men and from the Infinite, so long are you young.

When the aerials are down, and your spirit is cored with snows of cynicism and the ice of pessimism, then you are grown old, even at twenty, but as long as your aerials are up, to catch waves of optimism, there is hope you may die young at eighty.

WORK OF OBSCURE POET BONDS A CITY AND JAPAN

(By Karen De Witt)

BIRMINGHAM, Ala.—A professor came out of his office in the Samuel Ullman Building at the University of Alabama campus here a decade ago and was struck by a tableau of Japanese men standing solemnly in front of a portrait of the building's moustachioed namesake.

"They were all silent and looking at the portrait," recalled Tennant McWilliams, dean of social and behavioral sciences at the university. "We have many internationals on the campus, but never a concentration of folk in front of that portrait. I thought, there's something in this."

Since then, finding Japanese businessmen in front of the portrait has become a fairly common sight. Now Japanese businesses help subsidize a scholarship Mr. Ullman's family established in his name at the school, and there is a growing bond between Japanese corporate leadership, the Ullman family and the university.

Samuel Ullman, a businessman and lay rabbi who lived in Birmingham at the turn of the century, is revered by many of Japan's top corporate executives for his poem "Youth." Some even credit the poem for galvanizing Japanese productivity after World War II.

The late Konosuke Matsushita, the founder of the Matsushita Electric Industrial Company, Japan's largest electronics concern, was so moved by the poem that he selected the first stanza as a motto:

Youth is not a time of life; it is a state of mind,
It is not a matter of rosy cheeks, red lips and supple knees;

It is a matter of the will,
A quality of the imagination, a vigor of the emotions;
It is the freshness of deep springs of life.

Mr. Matsushita had it translated and distributed to 20,000 of his executives in Japan. But this only partly accounts for the poet's popularity there.

Samuel Ullman was born in the German state of Württemberg in 1840 and soon afterward his family moved to France, then to the United States, arriving in 1850 in New Orleans. The family settled in Port Gibson, Miss., and he fought in the Civil War.

After the war, Mr. Ullman moved to Birmingham, then a new town, and opened a hardware store. He helped organize a synagogue, Temple Emanu-El, where he was elected lay-rabbi in the late 1890's, and served on the school board for 15 years.

"He was most noted for expanding and broadening opportunities for blacks in education," said Margaret E. Armbrester, a history lecturer who has just finished writing a book on Mr. Ullman. "By 1900, blacks in Birmingham had their own high school because of Mr. Ullman."

In his 70's, Mr. Ullman took to writing poetry. On his 80th birthday, family members collected his poems and had them printed in a volume entitled, "From the Summit of Years—Four Score." He died in 1924. And there the saga might have ended, except someone gave Gen. Douglas MacArthur a copy of "Youth."

In World War II, General MacArthur hung up three things in his offices: pictures of George Washington and Abraham Lincoln and a copy of "Youth." Presumably Japanese officials who visited his office in Tokyo to discuss the postwar reconstruction saw the poem.

One of its early admirers was Yasuzaemon Matsunaga, one of the architects of postwar Japan. Mr. Matsunaga was 70 at the end of World War II. Perhaps the poem's emphasis on youth's not being related to age appealed to him and others who were starting over at an age when many think of retiring.

In any event, Mr. Matsunaga translated the poem into Japanese. Others adopted the poem, among them many prominent businessmen.

A writer, Munehisa Sakuyama, was so moved that he visited Birmingham to find out about the author.

Mayer Newfield, a grandson of Mr. Ullman, recalled getting a call from Mr. Sakuyama, who wanted to meet him in downtown Birmingham. "He knew all about Grandpa," Mr. Newfield said.

Mr. Sakuyama wrote a book about Samuel Ullman and his poem and sent copies to the Ullman relatives.

The Japanese publisher of the Ullman book shares a bit of its profits from the book with the school.

Claude McCann, director of student financial aid at the university, said the book was apparently doing well. "Each year they send a portion of the royalties for the Ullman scholarship," he said.

B-1 BOMBER PERFORMANCE AND B-2 BOMBER LESSONS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. PEASE. Mr. Speaker, I don't support wholesale, dramatic cuts in the U.S. Defense budget. But dramatic changes in the world in recent months and budget constraints dictate a thoughtful, top-to-bottom review of U.S. national security interests around the world and corresponding defense commitments. Furthermore, our country no longer needs all of the strategic weapons systems on the Pentagon drawing boards.

I remember when President Carter sought to cancel these B–1 bomber program more than a decade ago. I agreed with his judgment at that time that procurement of a fleet of B–1 bombers would be both wasteful and ill advised. Following is a recent Christian Science Monitor article I wrote to call attention to why some of our experiences with the B–1 bomber program are instructive to all of us before we proceed pellmell to full-scale procurement of the B–2 bomber.

[From the Christian Science Monitor]

PAST FAILURES SHOULD SOUND ALARMS ON STEALTH FUNDING

(By Don J. Pease)

B–2 or no B–2—that is the question. As Congress continues to debate further funding for the B–2 "Stealth" bomber, legislators should remember the 97 "stealth" bombers we've bought but have yet to see in action. It's the B–1B bomber that has proven to be the true Stealth—so stealthy that it could not be located anywhere near the Persian gulf during Operation Desert Storm.

The B–1B, it may be remembered, was last decade's darling of the military-industrial establishment. The B–1B's conspicuous absence from the Persian Gulf is a prime argument for skepticism about future multibillion-dollar weapons systems like this decade's darling, the B–2.

The stealthiness of the B–1B in Desert Storm was not due to it's much-touted, radar-jamming, defensive avionics system, but to the latest in a seemingly endless series of accidents, mechanical failures, and technical problems that have plagued the $27 billion fleet since the first B–1B's were produced in 1985.

Of course, the Air Force position is that the B–1B was absent from the Persian Gulf because it was not requested and was better off in the United States serving as a deterrent to a (presumably Soviet) nuclear attack. But there is probably more than a slight correlation between the decision not to send the bomber and the fact that bombs aimed at Baghdad might have blown up the B–1B itself.

Two problems made the B–1B unsafe for Operation Desert Storm. The first was a defective fuse (FMU 139), responsible for detonating the 500-pound bombs that are the plane's main conventional armament. The fuse had a tendency to arm too early and once caused a bomb dropped by an F–16 to detonate under the plane's fuselage. This defect, which was first noticed in 1989, was not corrected in time for the B–1B to safely take part in the war.

The other problem, which actually caused the grounding of the entire B–1B fleet last December, is with the plane's engine itself. The firststage fan blades. The defect has twice caused catastrophic engine failure, once involving the separation of the engine from the plane. Only after the Gulf war was a stronger retainer ring installed and peacetime flying reinstated. The Air Force is considering spending up to $12 million to redesign the front fan system.

These very serious problems were the immediate causes of the B–1B's absence from the Gulf, but account was probably taken of the long-term deficiencies that have continuously plagued the plane. Since Congress bowed to the Reagan administration's 1981 proposal to resurrect the B–1, following three years of debate after President Carter's termination of the B–1A, the aircraft has consistently failed to meet even the most modest expectations. Hailed as a multi-purpose bomber that would be able to perform nuclear and non-nuclear missions, fire cruise missiles, and successfully penetrate Soviet airspace using its electronic countermeasures (ECM) system, the B–1B showed serious defects from the very beginning.

The gravest long-term problem is with the ECM system, designed to detect and confuse enemy defenses. Early on, it was discovered that this ECM system could not come close to its promised capabilities due to a number of serious technical problems. Chances of achieving those capabilities are now practically nonexistent, so the Air Force has resorted to scaling down and "standardizing" the ECM system at capabilities far below what was planned. In the meantime, as a panel from the House Armed Services Committee put it, the B–1B's effectiveness and survivability as a manned penetrating bomber are seriously "degraded."

Other problems in the B–1B's history have ranged from fires, fuel leaks, engine icing, and the downing of a plane by a pelican to longer-term problems with the flight control system that seriously limit the B–1B's range. Some of these problems have yet to be corrected, and new ones keep appearing. Recently, one-fifth of the fleet was grounded due to cracks near the wing. A version of Murphy's law applies here. If something can go wrong with the B–1B, it probably already did.

The failures attributed to the B–1B, along with its absence from Operation Desert Storm, have dampened the Air Force's enthusiasm for the aircraft. No longer the "mother of all bombers", the B–1B is now referred to as a "transition" bomber to the B–2 Stealth, which will supposedly do all the things the B–1B failed to accomplish.

If the B–1B fiasco has taught us anything, it is that this "transition" must be met with a healthy dose of skepticism. The problems that kept the B–1B out of the Gulf have shown, 10 years and $27 billion after production began, that the aircraft is still incapable of being effective for any period of time. Before billions of taxpayers' dollars are spent on another highly ambitious new weapons system like the B–2 bomber, we must look beyond the administration's lavish praise for the plane to ensure we do not buy another dud like the B–1B—the original "Stealth."

DEATH OF ADM. JACK WILLIAMS

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. DICKS. Mr. Speaker, last Friday we lost a great American, a great naval officer, and a great friend with the death of Adm. Jack Williams of Long Beach, WA. I wanted to take a few moments today to share with my colleagues in the House of Representatives some of my reflections about a man who spent more than 40 years in naval service and then shifted gears and immersed himself in community affairs in southwest Washington State.

Adm. Jack Williams was appointed to the U.S. Naval Academy following his graduation from Ilwaco, WA, High School in 1942. As a young submarine officer he quickly rose up through the ranks, serving first on a destroyer and later as commander of three of the Navy's nuclear submarines. He became a squadron commander, was promoted to rear admiral in 1972, vice admiral in 1980, and was made full admiral in 1982. He concluded his naval career as Deputy CNO for Submarine Warfare and Chief of Naval Materiel, and Jack clearly represented the finest tradition of service to the Nation throughout his Navy years.

He was a "take charge" person who brought his characteristic positive attitude and spirit home to Washington State after retirement, and quickly channeled his determination and energy into service to the community. He was president of the Long Beach School Board, a member of the board of the Columbia River Maritime Museum, and a member of the board of the Naval Undersea Warfare Museum at Keyport. In addition, he spent countless hours working with the Boy Scouts organization on the Long Beach Peninsula—a commitment that made this community a better place to live for many young people.

Mr. Speaker, I believe it is appropriate for us to recognize this great man and to reflect upon the type of American who gives so much of himself to his country and to his community. His funeral will be Saturday, October 12, in Seaview, WA, and I join his wife, Dorothy, his five children, and nine grandchildren in mourning his passing and in recalling the many contributions he made throughout his career and in retirement.

A TRIBUTE TO ST. BERNARDINE HOSPITAL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine achievements and outstanding community service of a very special medical facility in San Bernardino, CA. The St. Bernardine Hospital will be honored on the occasion of its Diamond Jubilee in early November.

St. Bernardine's long and cherished history goes back to 1925 when concerns first arose about the lack of adequate hospital facilities in San Bernardino. Dr. Philip Savage, inspired by the work of St. Mary's Hospital in Rochester, MN, saw no reason that San Bernardino could not have a similar facility operated by a community of dedicated religious women like the Franciscan Sisters. He joined with other local spiritual leaders, as well as a group of local businessmen, and launched the ambitious project.

After an extensive fundraising effort and a hospital site was located, ground was broken for the new hospital in August, 1930. The very elaborate ceremony included community and spiritual leaders from all over southern California. The completed St. Bernardine Hospital was dedicated on October 10, 1931, with California Gov. James J. Rolph, Jr. laying the cornerstone. The 6-story structure had 125 beds, 5 surgery rooms, well-equipped clinical labs and special rooms for treatment and X-ray work.

The Depression years were hard on St. Bernardine Hospital and many bills were paid with walnuts, oranges, and poultry. Still, by World War II, the hospital was self-sufficient and heavily utilized by both civilians and military personnel in the area.

By the early 1950's, it was apparent that hospital expansion was necessary to meet the growing needs of the community. After a successful community fundraising effort, the south wing was dedicated in 1960. The south wing enabled the hospital to establish the Inland Heart Center in 1961 providing facilities for treating patients with congenital and acquired heart diseases. Other south wing expansions included a new department of respiratory therapy, an intensive care unit, a post-operative recovery room, a family prenatal clinic, and a pacemaker clinic for patients with pacemakers.

Over the years, hospital growth has continued to keep pace with modern technology and the growing needs of the Inland Empire. Today, a professional and dedicated staff of 1,200, including 250 physicians, practitioners and specialists, serves the needs of over 18,000 patients every year from all areas of the Inland Empire.

Mr. Speaker, I ask that you join me and our colleagues in praising 60 years of outstanding service St. Bernardine has provided. This medical facility, rich in history and community service, is most worthy of recognition by the House today.

LEESBURG'S BILL CUSTER HITS A GRAND SLAM FOR EDUCATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. STEARNS. Mr. Speaker, in this era of failing test scores and a shortage of school funding, our children already have two strikes against them. We are at the bottom of the ninth with two out, and we are losing. But like the mythical Casey of the Mudville Nine, Bill Custer, a teacher at Dabney Elementary School in Leesburg, FL, is standing proudly at the plate.

Bill has taken the humble baseball card and has found a unique way to turn his students' interest in sports into increased interest in math, social studies, English, and economics. This is a simple, but effective way to teach fifth graders crucial education skills.

"Baseball cards provide infinite possibilities for introducing and reinforcing virtually any skill in mathematics. They're great motivators for the students, plus they capture the interest of the parents as well," Bill Custer said.

The baseball cards are used the entire school year. The students use the cards by double-checking the statistics in which they learn about fractions and percentages. The cards also teach basic concepts of geometry by showing perimeter and area.

Each year the school sponsors a baseball card show where the cards can be bought and sold. This is an outstanding introduction to the American system of free enterprise. It is an effective way of teaching the value of money and its purchasing power.

English skills are also improved by the use of baseball cards because one of the assignments that is required is for each student to write letters to baseball stars and request autographed cards.

With the World Series on the horizon, it is the bottom of the ninth with two out and the bases loaded. Bill Custer comes to the plate and, unlike the mythical Casey, hits a grand slam for education.

NATIONAL BUSINESS WOMEN'S WEEK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. MILLER of California. Mr. Speaker, during the week of October 20–26, 53 million working women throughout the United States will be celebrating National Business Women's Week. This celebration is to show what business and professional women are doing, their contributions to businesses and professions, and how business training helps every woman.

The National Federation of Business and Professional Women unites over 140,000 working individuals in more than 60 countries for the promotion of their common interests in education and industrial, scientific and vocational activities.

Since 1919, business and professional women have been instrumental in numerous reforms, among them a bill requiring equal pay for equal work, revision of State inheritance tax laws, the establishment of status of women commissions, a bill outlawing sex discrimination in employment and support for an equal rights amendment to the Constitution. Business and professional women have been instrumental in elevating the standards for women in business and the professions.

Mr. Speaker, I would like to take a moment to recognize the business and professional women groups in my district in California. The Central Contra Costa, Martinez, and Todos Santos Business and Professional Women groups are associated with the National and California Federations of Business and Professional Women and have helped to promote betterment of our community and its residents. I know my colleagues in the House of Representatives join me in appreciation of the service given to the community by business and professional women throughout the United States.

WOOD COUNTY PARTICIPATES IN RED RIBBON WEEK

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. GILLMOR. Mr. Speaker, I want to call attention to a community in my district that is doing its part in the fight against drug abuse.

The Wood County Council on Alcohol and Drug Abuse, in conjunction with the office of Bowling Green Mayor Ed Miller and a coalition of concerned citizens, is participating in Red Ribbon Week, an opportunity to spread the word about creating a drug-free America. Through well organized activities and events, Wood Countians will proclaim, "good neighbors get involved."

I can think of no better message to send when it comes to drug abuse prevention. I have often said that the best way to stop alcohol and drug abuse is through education. When all of our children get the message about the evil of drugs, America's future will be safer.

President Bush uses the term "points of light" to describe citizens who volunteer their time and energy for a valiant cause. As it makes its contribution to a drug-free America, I would say that Wood County will be shining bright from October 19 through 26.

INTRODUCTION OF BILL TO SUPPORT FAMILY CHILD CARE PROVIDERS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. AUCOIN. Mr. Speaker, if the IRS has its way, the foundation of our Nation's child care system will crumble. Oregon's 31,000 family child care providers are facing a choice. Do they spend their time filling out forms and keeping meaningless records of how often a child uses the bathroom, plays in the playroom, or has milk and cookies at the kitchen table? Or, do our child care providers spend their time caring for our children?

During the past 6 months the IRS has issued conflicting and confusing instructions to family child care providers. First, it releases a "Technical Advice Memorandum" that would require providers to keep a detailed hour-by-hour accounting of how each room in the home is used for business. Then, it reverses itself by issuing a new draft tax form that reflects the status quo. Family child care providers are in an uproar across this country—they don't know how to meet the ever changing IRS rules and regulations. So what did the IRS do? They postponed making a decision and are now "evaluating the policy."

If the administration can't—or won't—give these providers direction, Congress can and must. In the past few months, I've received letters from family child care providers and parents who are concerned that if the IRS has its way, many providers will go out of business, or go underground and refuse to pay any tax! Ultimately, it's America's families who'll pay.

Mr. Speaker, my bill, the Family Child Care Improvement Act of 1991, codifies the widely accepted interpretation of the law by family child care providers, tax preparers, and IRS auditors. My legislation resolves any conflict in the Internal Revenue Service and should not have a revenue impact.

For years, family child care providers have used a simple "time-space" formula to calculate the business use of their homes. Specifically, the deduction is computed by using a percentage of the taxpayer's home used to provide child care and the percentage of the time the child care has been provided. In practical terms this means that a full-time family child care provider using 1,900 square feet of the home for child care out of a 2,000-square-foot home and working 12 hours a day, 50 weeks a year, would be entitled to deduct 32 percent of currently allowable expenses.

Federal policy should support our child care providers, not invent insurmountable burdens. When this Congress passed the Child Care and Development Block Grant last year, it was our intent to make the legislation flexible, provide support to parents, and increase the supply of child care providers. The IRS memorandum flies in the face of that effort. What will we have gained if we allow the IRS to mandate bookkeeping nightmares for family child care providers, thereby putting them underground or, worse yet, out of business?

Mr. Speaker, I urge my colleagues to stand up for common sense by cosponsoring the Family Child Care Improvement Act of 1991. Let's tell the children, parents, and hard working family child care providers that this Congress cares more about the quality of time spent with a child, than it does about how much time the child spends in each room of the house!

TRIBUTE TO ROGER ALLAN HERNDON

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to Roger Allan Herndon, age 21, who lost this life in a tragic airplane crash near New Platz, NY, on August 2, 1991.

Roger Herndon was a cadet in his senior year at the U.S. Military Academy at West Point, NY. He was working toward a degree in aerospace engineering and was enrolled in a summer flight training program at the time of the accident. His flight instructor also perished in the crash.

I had the distinct honor of nominating Roger to the Academy. He was a bright and intelligent young man. He was the valedictorian of the 1988 graduating class of Calloway County High School, where he had been active in the school's ROTC program.

He is survived by his parents, Mr. and Mrs. Woody Herndon, Jr., his sister, Melissa Graves, and his grandparents, Mr. and Mrs. Clarence Woodrow Herndon, Sr. and Mrs. Virgil Grogan, all of Murray.

My wife Carol joins me in extending our sympathy to the family of this exceptional young man, Roger Allan Herndon.

LEGISLATION CONCERNING YUGOSLAVIA: IT'S TIME TO STOP THE FIGHTING

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. BROOMFIELD. Mr. Speaker, Congressmen Chris Smith, Doug Bereuter, Frank Wolf, and I yesterday introduced House Concurrent Resolution 217, calling upon all parties in Yugoslavia to strictly comply with the most recent cease-fire agreement in Croatia.

Our concurrent resolution calls for a halt to the fighting in Yugoslavia, criticizes the Yugoslav national army, and urges that differences between the Croatians and Serbians be resolved through negotiations. It is clear to all of us that Yugoslavia's internal borders must not be changed by the use of force.

House Concurrent Resolution 217 also addresses the immediate need for U.N. involvement in backing the EC-brokered peace efforts in Croatia and in finding a just resolution to the dispute. It is a modern day tragedy that the ongoing conflict is destroying Croatia by killing freedom-loving people, and displacing over 200,000 innocent victims.

The resolution further urges the Bush administration to become more involved in stopping the fighting, using this country's significant political and economic influence.

Near civil war conditions exist in Yugoslavia, and it is time to put a stop to the efforts of the Serbian leadership to create a "Greater Serbia" at the expense of all other groups in the country.

I urge my colleagues in the Congress to cosponsor this timely legislation initiative.

SALUTE TO GLEN McADOO

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a friend and dedicated public servant as he stands down from the city council of my hometown of Simi Valley, CA.

Glen McAdoo, with whom I was privileged to serve for 2 years before I was elected to Congress, will be retiring on November 11 because of a major job relocation. Although we don't always agree on every issue, nobody can doubt Glen's commitment to the community.

Glen has been deeply involved in civic affairs for years, as a community activist, a planning commission member and for the past 7 years as a city council member, despite the heavy demands placed on his time by his career with Coca-Cola USA.

During his tenure on the council, Glen earned a reputation as an advocate for affordable housing for older Americans, and also as an expert in planning and development issues. He also has a well-earned reputation for calling issues as he sees them. That, too, is a quality that will be missed.

Now, however, he has been promoted to branch manager, and with the company moving from Los Angeles to Riverside County, he and his family will have to leave their longtime home.

Mr. Speaker, I ask my colleagues to join me in saluting Glen McAdoo for his dedicated service to the people of Simi Valley, and in wishing him and his family well.

WILLIE GARY: THE MULTI-MILLION-DOLLAR LITIGATOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1991

Mr. TOWNS. Mr. Speaker, today I want to familiarize my House colleagues with the multimillion-dollar litigator, Willie Gary. Mr. Gary rose from humble origins in Florida to become a giant in the legal field. He has established a well-deserved reputation for being the "David" of the legal field who slays the corporate "Goliath."

His preparation for defying the odds and his reputation for beating the odds is rooted in his upbringing. The son of migrant farmers, he acquired his work ethic by laboring in the fields of Florida. Those lessons prepared him for the rigors of college life at Shaw University, where he graduated in 1971, and from North Carolina Central University Law School in 1974.

After graduating from law school, Willie Gary returned to southern Florida to open a private law practice. He became known for winning seemingly impossible cases and subsequently generating record damage awards for his clients. He is legendary for winning one law suit which netted his clients in excess of $100 million. The case involved a family of seven who were electrocuted due to the negligence of a utility company. Another of his cases involved the disfigurement of an infant circumcised with the wrong equipment. Mr. Gary's professional portfolio is replete with successful defenses for clients who have suffered traumatic injuries and/or death. However, the legacy of this man is that he is dedicated and inspired in everything he does.

Willie Gary is the chairman of the board at Shaw University. His leadership, counsel, and financial assistance has proven to be invaluable to the president of Shaw University, Dr. Talbert Shaw. Willie Gary is a religious and devoted family man. He has four sons and is married to his childhood sweetheart, Gloria Royal. His legal prowess is exceeded only by his generosity. He gives selflessly by donating money, and volunteering his time, to community groups and efforts. He subscribes to the philosophy of positive thinking and constructive action. I am proud to introduce my colleagues to the multimillion-dollar litigator, Willie Gary.

SENATE—*Wednesday, October 16, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain Rabbi Moshe Feller, director, Lubavitch Movement, Upper Midwest Region, St. Paul, MN.

PRAYER

Rabbi Moshe Feller, director, Lubavitch Movement, Upper Midwest Region, St. Paul, MN, offered the following prayer:

Let us pray:

O Heavenly Father, Creator and Master of the universe, the Members of this august body, the U.S. Senate, are assembled here in fulfillment of Your command that every society govern by just laws. At the dawn of civilization You commanded the survivors of the great flood—Noah and his family—the Seven Commandments which have come to be known as the Seven Noahide Laws. Your first commandment, to recognize You and You alone as Creator, Master, and Sovereign Ruler of the universe, was followed by Your commandments prohibiting blasphemy, murder, theft, illicit sexual relationships, cruelty to animals, and the command to establish systems of government which implement fulfillment of these commandments and punish their infraction.

You have bestowed both a magnificent privilege and an awesome responsibility on those who are chosen to govern. They are constantly called upon to judge their fellow man. Al-Mighty God, grant those who are chosen to govern and judge the wisdom to do so wisely and correctly. Grant them the awareness of Your majestic presence and the awareness that as they are making judgments they are being judged by You—O Supreme Judge of the universe unto whom we are all accountable.

O Heavenly Creator, grant that the Members of this august governing body, the U.S. Senate, consider every human being as an entire world, as Your servants the Sages of the Talmud have taught "Why did God create the world in the beginning with but one single individual, Adam? (He could have with His infinite power just as easily created masses of humans.) He did so to teach mankind that every individual is indeed an entire world."

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 16, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a time for morning business not to extend beyond the hour of 10:15 this morning, with Senators permitted to speak therein.

The Senator from Minnesota.

THE GUEST CHAPLAIN

Mr. WELLSTONE. Mr. President, I rise to thank Rabbi Feller from St. Paul, MN, for coming today and honoring all of us here in the Senate.

"Lubavitch" means "City of Love" in Russian, and I cannot help but think of my father—and the Rabbi and I spoke about this before the opening of the session—Leon Wellstone, who was from Russia. My father passed away in 1983, but I believe that he is today well aware of what is happening in his native country, and I hope that the Soviet Union will become the city of love and I hope that this will be a new world for all of God's children and that we will be able finally to spend less money on weapons of death and destruction and more money in supporting men and women throughout the world.

I also want to say to the Rabbi that my favorite quote is a quote from Albert Einstein where he said "the pursuit of knowledge for its own sake, the almost passionate love for justice, and the strong desire for personal independence, these are the features of the Jewish tradition that make me thank my lucky stars that I belong to it." That is the way I feel on the floor of the U.S. Senate today, because of the presence of Rabbi Feller.

REGISTRATION OF MASS MAILINGS

The filing date for 1991 third quarter mass mailings is October 25, 1991. If your office did no mass mailings during this period, please submit a letter to that effect.

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

ORDER OF PROCEDURE

The PRESIDING OFFICER (Mr. KOHL). Under the previous order, the senior Senator from Georgia is now permitted to speak for up to 20 minutes.

The Senator from Georgia is recognized.

Mr. NUNN. I thank the Chair.

PROCEEDINGS CONCERNING THE NOMINATION OF JUDGE CLARENCE THOMAS TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. NUNN. Mr. President, it is not unusual in our debates here in the U.S. Senate for Senators to refer to the Founding Fathers in order to bolster a point of view, particularly in terms of issues that divide the executive and legislative branches of Government. We do that to bolster a point of view we may have had or have. There are times, however, when we should refer to the Founders not simply to support the prerogatives of the Senate, vis-a-vis the executive branch or the judicial branch, but also to guide us in the conduct of our own affairs.

This is such a time. In the Federalist, No. 27, Alexander Hamilton wrote of this institution, the U.S. Senate:

> [T]his branch will * * * be less apt to be tainted by the spirit of faction, and more out of reach of those occasional ill-humors, or temporary prejudices and propensities, which, in smaller societies, frequently contaminate the public councils, beget injustice

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> and oppression of a part of the community, and engender schemes which, though they gratify a momentary inclination or desire, terminate in general distress, dissatisfaction, and disgust.

The Senate in recent weeks has not met Hamilton's high expectations.

Last week, there was an inexcusable leak of a confidential affidavit submitted to the Judiciary Committee by Prof. Anita Hill concerning the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court. The affidavit contained serious allegations of sexual harassment of a highly personal nature—information which Senator BIDEN, Senator THURMOND, and the Judiciary Committee had properly treated as confidential.

In the days that followed, the Senate succumbed to a momentary desire to accommodate the public's right to know and held a public hearing on the confidential allegations submitted by Professor Hill. The result of indulging this momentary desire has—in Hamilton's prophetic phrase—terminated "in general distress, dissatisfaction, and disgust."

I believe that we must review very carefully the events of the past few weeks to take whatever steps are required to ensure the integrity of the confirmation process, particularly with respect to the treatment of confidential information.

Confidentiality does not start with the U.S. Senate. Most people who have followed this procedure would have thought it did. It starts with the President, who receives a report from the FBI on each prospective nominee. Before he makes his choice, he receives an FBI report.

The information in such a report is required to be held in the strictest confidence to protect the privacy of both nominees and of persons providing information to the FBI.

I have discussed the issue of confidentiality with President Bush and I have discussed it in the past, though not as intently, with other Presidents, and I discussed it with members of the White House staff on numerous occasions. I think it is safe to say that they regard it as absolutely critical that confidentiality be a part of the appointment process.

I believe that the view—that confidentiality is essential—would be the strong feeling of all Presidents, whether Democratic Presidents or Republican Presidents.

The White House has advised me that in the most recent 2 years, over 25 potential nominees were eliminated by the White House prior to nomination because of adverse information in the FBI files. These were people who were going to be nominated, but were not nominated, never sent to the Senate, because of information developed by the FBI on a confidential basis. That is quite a large number, considering the fact that these people had been extensively screened prior to referral of their names to the FBI. The executive branch understandably feels that if the FBI investigation process were to be so compromised by public disclosure that they could not get people to cooperate with the FBI in determining background. And the appointment process itself would be severely damaged and that is before it ever gets to the U.S. Senate for confirmation.

Mr. President, in my view, this should not be a confrontational issue between the White House and the Senate. It is a matter in which we have a mutual interest in making sure that the President has the best information possible prior to submitting a nomination to the Senate, and that the Senate can also properly evaluate nominees for high public office.

A further concern is the procedure for granting security clearances. Many people do not stop and think about it. And I have heard Senators in the last few days, in all sincerity, say that ought to all be open, that no one ought to give their information about a nominee unless they are willing to go public with it.

Of course, in the courts and the judicial branch, in essence, that is the general rule. But this is a different procedure. And when you think about security clearances—and we have thousands of them; we have thousands of security clearances—this security clearance procedure is based on the same process of FBI confidentiality.

Confidentiality for persons interviewed by the FBI and agency investigators is absolutely essential for the development of information concerning the thousands of Government employees and contractor personnel reviewed for security clearances every year to handle our Nation's most sensitive classified information.

None of us are strangers to allegations of impropriety made against nominees. There are well established procedures for reviewing and disposing of such allegations. Access to FBI reports is normally limited to the chairman and ranking Republican Senator of the committee. Access to other sensitive information and nomination material is limited to committee members and designated staff unless the chairman and ranking member decide everybody on the committee needs to see the information, and in some cases unless the committee itself determines that the entire Senate needs to review the information.

And we have done that. We did that on a very important nomination just a couple years ago.

The Senate rules expressly provide for committee sessions to be closed when information "will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual."

The Senate's confidential treatment of nomination information is designed to serve two important goals:

First, to ensure that the Members receive the information necessary to review the qualification and fitness for nominees to leadership positions in the Government. The committees of the Senate have an obligation to the Senate, and to the Nation, to ensure that persons entrusted with high public office have the requisite character, integrity, and qualifications.

The second goal is to protect the legitimate privacy interests of nominees and persons providing information on nominees. In the Thomas nomination, Professor Hill, prior to the leak, requested that the committee keep her name confidential. She was thus in the same position as hundreds of individuals are in when they communicate with the FBI when it is gathering information on behalf of the President.

Professor Hill was not in a unique situation, except to the extent the confidentiality request went to the committee rather than to the FBI on behalf of the President. We have hundreds of people who are in the same position as Professor Hill, hundreds of them that I reviewed myself in the last 2 years. So we would not treat this as if it is the first time it ever happened or the last time it will happen.

The only difference was she made her request to the committee, which she had a right to do. They acceded to her request. The FBI does that on occasion after occasion, every single day, every day, not only on nominations of prospective people to be in high positions, but also in thousands of security clearances and review of those security clearances that are updated.

It is vital that information bearing on the private lives of individuals be considered in closed session insofar as is possible. It is not always possible, but insofar as possible that should be the driving rule. Public airing of every allegation about a nominee can cause long-term damage to a nominee's reputation, even if it is totally refuted. Even if totally refuted, the damage is very serious.

Moreover, the publicity given to such proceedings can have an extremely negative impact on the willingness of other private citizens to serve in high Government positions.

In addition, if the names of persons providing confidential information are disclosed—either to the public or the nominee—there could be a serious chilling effect on the willingness of persons having important information about nominees to come forward.

Everybody who has dealt with this process knows that to be the case.

In summary, Mr. President, if we decide that the public right to know is more important than confidentiality, there must be a total change of procedures for nominations starting with the White House and FBI and then, of course, working its way to the Senate. I recognize that it is impossible to deal with all personal information in a confidential setting. Since the beginning of the Republic, the integrity of nominees has been a matter of fair game for both political parties and for the news media. We cannot, under the first amendment, control the news media. None of us want to. If the media receives the information from private individuals or the executive branch about a nominee, there is very little we can do about it. But we can, and frequently do, resolve the matter in closed session.

There are instances in which public disclosure from outside the Senate greatly complicates our task. I have been through those procedures. Even in those matters, however, it is my view that it is incumbent upon the Senate to address the details in closed session, even after there has been a leak. We cannot establish a precedent of requiring full public disclosure of confidential information every time there is a leak or when a confidential witness or an FBI informant goes to the news media. There is nothing more frustrating as chairman of a committee than to be reading a confidential FBI report and finding at the same time the witnesses who talked to the FBI and requested confidentiality are now talking to the news media and not requesting that confidentiality or just being "sources."

That puts the chairman of the committee in an impossible situation, but it has to be tolerated because it is part of the process—an impossible situation of protecting information as confidential that is appearing in the news media on a daily basis, and at the same time being accused by some—who know better, in many cases—of having the committee itself doing the leaking.

But, if we do not have a policy, if every time there is a leak we then decide to go public, we are going to end up with a totally unmanageable process. This would lead to a policy that our procedures are confidential until there is a leak, and then we go public. Strong objections have been raised to closed proceedings. Perhaps it is time to have a big, meaningful, constructive debate about closed proceedings and confidentiality. Maybe I am not right on this subject. I am going to give my full views today. There will not be any mystery about what I think. But there are other views, and I would like to hear them.

Such proceedings, based on confidence, are said to violate the public's right to know. That is a very important principle in America. Others argue that such proceedings violate a nominee's ability to confront his or her accuser in a trial-type setting in a public forum. That is also a very important principle. Certainly in our judicial system the rights to confront your accuser is a very important principle when someone's life is in jeopardy, when they are in jeopardy of being put in prison, or even in many civil cases when they are in jeopardy of property.

But let us understand that is not what we are doing here in confirmation. We are going to end up having a process that gets worse and worse and worse. We are not taking away anybody's life. We are not putting them in prison. We are not taking their property. But what we are doing, unless we have confidentiality, we are going to rob many people of their reputations. That is what we are going to be doing.

So I think we have to understand this is fundamentally different. This is not the judicial branch of Government. This is the legislative branch. Confirmation proceedings are not trials. Senator BYRD said that very loud and clear, and I thought with a great deal of impact yesterday in his, I thought, marvelous analysis of the process as well as the particular case.

I understand the objections of those who feel differently and who want this to go public and who want the nominees to face the accusers, just as they would if their lives were in jeopardy in a criminal case. I know they raised these issues in good faith. It is time to debate them. It is time to debate these issues because the Senate of the United States cannot continue down the line we are going now.

As a lawyer I very much appreciate the fundamental conflicts between the public's right to know and the confidential process. I also appreciate the right of an accused to face an accuser. And I know that there is a fundamental conflict between that right and the need for the FBI, on behalf of the President, to assure persons providing information that their names will be kept confidential. The problem, Mr. President, is there are a lot of people who want everything. They want the public to have the full right to know, they want the nominee to have the full right to face the accuser, and they also want to respect the confidence of the process. You cannot do it all—impossible. Until we recognize that, we are not going to be able to have a process that is respected by the public, by the nominees, and by those who want to give confidential information and by the Senate itself.

I well remember—a little history in this respect.

The Thomas nomination is not the first time that we have had to decide how to proceed when there have been stories in the media containing allegations of personal improprieties about nominees. I well recall a very detailed debate on that subject several years ago, when the media was filled with allegations concerning a nominee pending before the Armed Services Committee.

And the newspapers and television reports were all over the place on that one quoting people with all sorts of detrimental information before the FBI reports ever got to the Senate and before the nomination was ever sent from the White House. Yet, somehow in the public mind all that cumulative information became identified with the Senate proceedings because there were a lot of people who did not make a very careful distinction between what had been leaked and what had already been put in the newspapers. I well remember the cries from the press and from some of the Members of this body. I remember the demands that we should do a few things differently.

First, the demand was made that we make public the information in the FBI files and the committee's confidential records. And second, the demand was made that we have a public-type hearing, trial-type hearing, where the nominee could confront the persons who had provided information against him in confidence. We did not do that and we were severely criticized for not doing it. We were criticized in good faith by some; criticized by others who knew better, who knew exactly what we were going through when we were going through it.

The Armed Services Committee reviews civilian nominations for more than 70 positions—these are civilian positions—and we review tens of thousands of military nominations each year. Senator WARNER and I, on a bipartisan basis, respect the confidentiality of the FBI materials and the committee's confidential records. We conduct our proceedings on personal matters, including allegations of behavior that is now widely described as sexual harassment, in closed session. We have had a number of those cases, a number of them. This is not the first time there has been a sexual harassment charge made in the U.S. Senate. We have handled many of them and we have a number of nominations that were stopped, that did not go forward, because of misconduct, including sexual misconduct by military officers and by others.

Even when the leaks come from sources outside the committee we refuse to engage in public disclosure or to break faith with those who request confidentiality. If that has ever been done, it has not been done with my knowledge or with my permission.

In the Thomas proceedings the Senate chose a different route.

Now we have seen the consequences of fulfilling the momentary desire to accommodate the public's right to know and providing for resolution of allegations in a trial-type public hearing. The advocates of public disclosure have now had their wishes fulfilled through the leak and the full public hearing which followed. Like Midas, we must be careful what we wish for—particularly when we wish for those things that shine brightly—for we may be unfortunate enough to see our wishes come true.

That is what has happened in the last week. The appetites that we have struggled to control in the past were not suppressed, and the Senate now faces public revulsion, rather than accolades for our indulgence.

Interestingly enough, some of the same people who have opined about the public's right to know and the right to face your accuser are tearing the Senate apart now because the public disclosure they had so long demanded probably will not be taken into account. There are usually not rebuttal articles on editorials, but nevertheless there are some of us who remember.

If anyone thought that giving a nominee the right to confront his accusers in public would be in the nominee's best interest, ask Judge Thomas. As he said, this experience, for him, has been "a living hell."

It has been no better for Professor Hill, who exhibited great courage, first in coming forward, and second in going public when required to do so.

Mr. President, I do not believe that the Senate should find it necessary to conduct public proceedings on sensitive personal matters in order to fulfill our constitutional obligations. Pleas that we have been goaded into this process by the news media and by advocacy groups cannot justify such proceedings. The Senate is responsible for its own conduct and for its own procedures.

The confidential process is not perfect. I can point out all sorts of problems with the way we have handled things in the past. We must rely on FBI files that do not usually provide a definite resolution of allegations. These are not FBI investigations the way the public thinks of them, where the evidence is presented to the grand jury, or prosecutors appointed and the FBI and prosecutor's work together to establish beyond a reasonable doubt someone's guilt. That is not what this is at all. The FBI reports are an accumulation of what everybody says, one side or the other, so that the policymakers can evaluate it or send the FBI back for further resolution.

We must rely on the White House. Another problem. And this is one that the White House itself has to do some soul searching about. We, in the Senate, must rely on the White House to follow up when additional investigations are required, a process that often creates a conflict of interest in the White House between the obligation to ensure a thorough investigation when matters come up after the nomination has left the White House and is sent to the Senate, and the President's understandable desire to support his nominee. The White House has not figured out how to handle that one yet and, frankly, they do not handle it very well. But if they expect the Senate of the United States to respect confidentiality and to use the FBI as they use the FBI, then we also have to have cooperation from the White House, even after the President has made his judgment.

We must apply our own judgment. We do not have a judge to rule on what is admissible. The media constantly pressure us for information, and that is their job. I do not criticize them for it. As we have learned from these proceedings, as if we did not already know, a public congressional hearing will not necessarily resolve these matters either. We are not the judicial branch of Government. It is not our responsibility to resolve private complaints. Only the courts can do that. Our duty is to review nominations and to give the President our advice and, if warranted, our consent to the nomination.

If this had been a criminal trial involving sexual harassment, the procedure would have been far different. There would have been months of preparation and weeks of testimony. A great deal of evidence that was not considered, such as the prior sexual behavior and interest of the parties both in a public and private setting, would have been relevant and admissible. And any lawyer that did not bring it up would have been subject to severe criticism.

It is my view that these questions, some of which might have shed more light on the conflicts in testimony between Judge Thomas and Professor Hill, would have been much more likely asked in a closed hearing. A great deal of evidence that was considered, such as opinion lacking any foundation, expert testimony from individuals lacking expertise, and hearsay outside the boundaries of the rules of evidence, would not have even been considered.

So it was not a trial. Each party in a trial would have been represented by an attorney devoted exclusively to that party's cause. As those of us who have tried many cases know, the cross-examination we observed in the hearings was very different from the type of cross-examination that would have taken place in a court room on such charges. I say that not in criticism of our colleagues on the committee but, rather, to emphasize that this was not conducted as a judicial proceeding, and I do not think in the future we should regard it as such.

Regardless of the divisions on this nomination, I hope we will reach a consensus in dealing with the results of these proceedings.

First, the Senate and the President will have to decide whether we are going to conduct trials to determine guilt or innocence, or whether we are going to conduct confirmation proceedings that encourage the type of confidential information that assists the President and the Senate in appointing and reviewing persons qualified for positions of trust.

If we are going to have trial-type proceedings, then we are going to have to cross-examine all the witnesses who provide information to the FBI, both pro and con.

We cannot do both. We cannot respect confidentiality and at the same time allow the free flow of raw information to the public. A compromise has to be made.

What we must avoid is the process that has the worst of both worlds, a confirmation process without confidentiality, and a trial-type hearing without the rules of evidence.

In my view, we must take steps to ensure that these matters are considered in the future where there should be a thorough review of FBI reports and discussions in closed session. We will have to work very hard in the Senate to restore public confidence in the process, particularly the confidences of those distinguished private citizens who might contribute so much to public service but who would not be willing to undergo the ordeal of Judge Thomas, and also, just as importantly, the confidence of those who, like Professor Hill, might provide confidential information about potential nominees but now may be discouraged from doing so.

Second, we must conduct a relentless investigation to determine who breached the trust of the U.S. Senate and leaked Professor Hill's confidential material to the news media. That type of behavior is abhorrent to me and I believe to the entire Senate.

Those who leaked this information, and leak sensitive information in other matters, disgrace the Senate. If Senate employees were involved, they should face dismissal and appropriate criminal proceedings, including jail. If lawyers were involved, they should face disbarment proceedings.

I would like to emphasize, however, that the problem of leaks is not simply a matter and a problem internal to the Senate. The primary source of leaks in our Government is the executive branch. There have been leaks of confidential information on nominees long before FBI reports have been submitted to the Senate.

The executive branch can set an example by diligently investigating their own leaks, particularly when they involve senior officials. And very seldom do they do this. The Armed Services Committee, for example, has been concerned about the leaks of highly classified matters, some of the most classified matters we have in our overall defense arena reflected in Bob Woodward's book, "The Commanders."

Senator WARNER and I have jointly called for an investigation of these leaks, but so far there has been only silence from the executive branch.

Third, we must recognize that these proceedings have focused attention, in every workplace and every home, about the very serious problem of sexual harassment.

The men of our Nation have an obligation to become more sensitive about the effects, both intended and unintended, of improper sexual comments and behavior toward and about their fellow workers. Such actions are wrong and, as I hope we all understand now, in this country sexual harassment is illegal.

Women also have an obligation. Women have an obligation to make timely complaints about sexual harassment in order to enhance the potential for developing corroborating evidence, to deter the offending person from committing similar actions in the future, and to comply with the relatively short statute of limitations applicable to such complaints.

So there is an obligation on men and women.

The employers also have an obligation to smooth the way by making it clear that harassment will not be tolerated and that victims of harassment will not suffer publicly or privately from coming forth as soon as their behavior begins.

Finally, Mr. President, I express my appreciation to Senator BIDEN and Senator THURMOND and members of the Judiciary Committee for the diligence and the stamina they exhibited over the last week. None of us envied their position.

In that regard, I would like to echo the remarks made by Senator BYRD yesterday, in which he criticized the notion that the hearings were in any way structured by the Judiciary Committee or the Senate for partisan purposes. As I noted at the outset, the decision to treat Professor Hill's affidavit as confidential was made on a bipartisan basis by the leadership of the Judiciary Committee. The decision to postpone the vote last Tuesday was based upon the unanimous consent of all 100 Senators. Any Senator—including any Republican Senator—could have objected. The decision of the Judiciary Committee to hold open hearings was a bipartisan decision. Any member of that committee—including any Republican member or any Democratic member—could have moved for the session to be closed. None did.

It is now time to learn from the proceedings and improve our process. The Senate must provide its committees with a more detailed set of guidelines for the conduct of proceedings involving confidential information. Confidentiality begins in the executive branch, and is based on the premise that confidentiality is essential to the free flow of candid information to the President about prospective nominees. The Senate traditionally has respected that confidentiality, but the pressure from advocacy groups and the media for access to all details of confirmation proceedings is in conflict with our traditional practices in the Senate. If we expect our committees to conduct proceedings in public, while at the same time relying on a confidential process to develop information about nominees, we have given our committee a mission impossible.

We have to make a choice as to which is more important—confidentiality or public disclosure. The President and the Senate leadership need to get together to discuss the future of the nomination and confirmation process.

We need to strengthen the advice, as well as the consent process. When Senators have legitimate concerns about nominees, the President must take those concerns seriously, not simply take the position that each nominee warrants unqualified support for political reasons.

The President cannot take the position that I have sent it up there, I have read the FBI reports and no matter what your concerns are, do not bother me with them. It is now a matter where all the people who object are partisan. That cannot continue.

The President cannot have it both ways. If he wants to rely on confidential information, then he must be willing to engage in serious discussions with the Senate when serious, legitimate questions are raised about the qualifications of nominees based on FBI reports, even if the nomination has already been sent to the Senate.

The Thomas nomination will not be the last controversial nomination before the Senate; nor will it be the last one in which there is a disagreement about the significance of confidential allegations. But it should be the last one in which we deal with such allegations without a clear understanding of the consequences.

NOBEL PEACE PRIZE AWARD

Mr. DURENBERGER. Mr. President, I rise to congratulate Mrs. Aung San Suu Kyi of Burma on the occasion of her being awarded the Nobel Peace Prize. The Nobel Committee honored the daughter of Burma's modern-day founder, commending her for her nonviolent struggle for democracy and human rights.

Although Mrs. Aung San Suu Kyi has been under house arrest since July 1989, she remains the inspirational leader of the democratic, nonviolent opposition to Burma's military rule. The Nobel Committee indicated that it wanted to honor her by showing its support for the many people throughout the world who are striving to attain democracy, human rights and ethnic conciliation by peaceful means.

The committee further notes that Mrs. Aung San Suu Kyi's struggle is one of the most extraordinary examples of civil courage in Asia in recent decades.

Mr. President, Suu Kyi's commitment to democratic ideals and nonviolent principles is an inspiration to all people who do not yet live freely and who continue to struggle to achieve democracy, individual liberties, and respect for human rights. She reminds us of the value of freedom and democracy, and the high price that is often paid by proponents as they strive for a just and decent government.

I commend Mrs. Aung San Suu Kyi's commitment and her courage. She has earned the world's praise and support. We should all encourage her to continue her efforts to bring about a just and representative government in her native Burma.

Thank you, Mr. President. I yield the floor.

SCHOOL LUNCH PROGRAM

Mr. LEAHY. Mr. President, the School Lunch Program is one of the most important Federal nutrition programs. Each day, it supplies millions of young children with the food they need to live, to learn and to grow. Healthy children are the foundation of a healthy nation.

I have said time and time again that a hungry child cannot learn. Children that do not learn cannot compete later in life.

In today's global economy, nations that cannot compete effectively are left behind.

The School Lunch Program is vital to fighting hunger and investing in the future of our children and our country.

Let me read you a government report on the School Lunch Program.

"School lunch programs are aimed at contributing to the sound mental and physical development of children—they have taken root as an integral part of school life."

However, that government report is from the Ministry of Education of Japan.

In my lifetime Japan has gone from a war-destroyed island to a commercial and economic powerhouse.

There is a major reason for that—they know what America once knew so well—children are a nation's most precious resource.

And Japan takes care of its children—Japan nurtures its children. Its universal school lunch program in elementary schools assures the health and education of future generations.

I want to congratulate the American School Food Service Association for their role in working to bring the best meals possible to America's children.

Their members work very hard to get the job done correctly. I look forward to continuing to work with them, work to improve our School Lunch Programs.

Today I am honored to welcome to Washington a distinguished member of the Vermont school lunch program, Mr. Dale Conoscenti. Mr. Conoscenti is a graduate of the New England Culinary Institute—a trained chef.

Mr. Conoscenti could be a chef for any number of renowned restaurants or hotels. Instead, he has dedicated his talents to the School Lunch Program at the Barre Town Elementary School in Vermont.

Mr. Conoscenti turns conventional school lunch commodities into innovative and nutritional hot lunches that appeal to children.

You won't find mystery meat on Dale's menu. Rather a typical day includes a variety of dishes—from antipasto salad and roasted potatoes with herbs to baked—not fried—chicken nuggets and chilled raspberry soup.

Mr. Conoscenti is one of the finest examples of the commitment that our local school lunch programs have to our children. As he says, "What this is all about is kids—kids deserve to eat well."

The School Lunch Program has a responsibility to improve the diets of our children. The Department of Agriculture has a responsibility to ensure that our children are served meals that serve that purpose. I also agree with Dale that USDA should provide better nutritional labeling for commodities they supply.

Two years ago I introduced legislation, which Congress passed, that requires the USDA to establish new nutritional guidelines for school lunch meals.

It is my hope that these new guidelines, when they are released by USDA, will reflect Mr. Conoscenti's commitment to serve our children the quality of food they need and deserve.

Recently, President Bush visited a local junior high school and said we needed to reinvent our schools. Today we should commit ourselves to reinventing school lunches.

Here in America the School Lunch Program is in trouble:

The amount of commodities available to the program has fallen sharply;

The cost of the School Lunch Program to our schools has risen; and

Schools across the country are dropping out of the School Lunch Program.

For many children, the only meals they get are served in their school. Each school that leaves the program—leaves more children hungry.

Children must be prepared for the classroom to be prepared for the boardroom. As the United States forges a new role in the world order, let us ensure that our children have a place in our future.

A VERDICT IN THE JESUITS' CASE

Mr. LEAHY. Mr. President, 2 years ago six Jesuit priests and their housekeeper and her daughter were brutally murdered at the University of Central America in San Salvador. We all know the gruesome details of that crime, how members of an elite army battalion, El Salvador's best soldiers trained and outfitted by the United States, stole into the university at night and executed their defenseless victims. How the high command of the Armed Forces, long after they knew who was responsible, publicly lied and blamed the FMLN for the crime. And how the army continued to lie and destroy evidence and obstruct justice at every step of the investigation.

I know of no one familiar with the case who believes that the individuals who ordered the murders were among the eight men who were prosecuted.

On September 28 the jury announced its verdict. Colonel Benavides was convicted of eight counts of murder. A lieutenant from the Military School was also convicted of one count of murder. The others, including a lieutenant and enlisted men of the elite Atlacatl battalion who had admitted to pulling the triggers that killed the priests, were acquitted.

Mr. President, I welcome the first conviction of a colonel in a human rights case in El Salvador's history. After thousands of cases of torture and murder attributed to the Salvadoran security forces that have gone unpunished, this verdict is long overdue. Without incessant pressure from the United States, instigated by Congress, I do not believe this verdict would have been reached. All would have gone free.

On learning of the convictions of these two officers, my first instinct was to call President Cristiani to offer congratulations. But as I thought more about it, I did not do so. Much as I want to believe this is a real victory for President Cristiani, there is just too much about this verdict that puzzles me to hail it as an historic victory for human rights and civilian control of the military in El Salvador.

How do we explain the not guilty verdict for the Atlacatl battalion members, the ones who confessed to actually doing the killings? Some say it was a "Calley" verdict where the jury was willing to forgive the enlisted men for carrying out the illegal orders of their superiors. But if that is the explanation, why did the jury acquit the Atlacatl lieutenant? What is the explanation for convicting Colonel Benavides and an obscure lieutenant, while those who pulled the triggers go free?

Let us examine this verdict from another angle. Let us suppose that contrary to all the reforms of the past decade, the army still rules in El Salvador, and that they, not President Cristiani, or a judge, or a jury, still make the crucial decisions. That suggests the army dictated this verdict, and an obedient, fearful judicial system complied.

In this hypothesis, why this verdict and not some other?

From the beginning the Jesuits' case put the future of United States aid to El Salvador in doubt. The State Department said it was a test case for the Salvadoran justice system and of President Cristiani's control over the military. A great deal was at stake. We in Congress made it abundantly clear that failure to get convictions in the Jesuits' case would mean the end of aid to El Salvador.

When Colonel Benavides was charged the State Department called it proof of the Cristiani government's commitment to justice. Had Benavides escaped indictment—the normal course of events in El Salvador, even the administration would have had little choice but to cutoff all military aid. Therefore, the Salvadoran Government and the high command of the armed forces could not afford to see him walk.

But they made sure the colonel knew he had not been abandoned. During his incarceration they paid his salary and his legal fees and took care of his family. His confinement was comfortable, not the usual squalor of Salvadoran jails. There is much talk in El Salvador now of a general amnesty as part of a peace settlement, widely expected within weeks or months at most. Army leaders, and doubtless, Colonel Benavides himself, probably assume that Benavides will be included in an amnesty, a matter over which they will have a great deal of say.

The conviction of the military school lieutenant is the most inexplicable. He was present when the priests were killed but there was no evidence he planned the murders, gave any orders, or even fired a weapon. Yet he was convicted of killing the housekeeper's daughter. Why? A clue may be that he was not a member of the elite Atlacatl battalion. Nor did he have any political connections. Doubtless, as a junior officer at the military school, hardly an assignment for an up and comer, the lieutenant knew nothing to incriminate his superiors. He was expendable.

The lieutenant who was acquitted is a tough, well-connected combat officer, highly educated, an Atlacatl professional, a future leader. And, there are persistent reports that he knew a good deal about how the Jesuit operation came about and let it be known that he was not going to take the fall for it. But, he was not convicted and he will remain silent.

Who were the enlisted men who got off? These were not young, faceless draftees. They were hardened, career soldiers, the army's best trained professionals. They have spent years fighting and are angry at the prospect of a peace agreement that gives the FMLN a say in who stays in the army and the right to hold onto territory. Sending these soldiers to jail could cause serious problems in the combat units of the army.

Mr. President, this verdict may be, as some claim, simply a case of the jury doing its best under extreme stress. But there are also those who are convinced the verdict was cooked. They believe the Salvadoran Army got word to the jury about what it wanted them to do, and the jury took the safest way out. They could hear the demonstration outside the courtroom by over a 100 family members of army officers, including at least one senior military officer and the wife of the Minister of Defense. The crowd shouted that the Jesuits were terrorists, while a military aircraft buzzed the courtroom.

Inside the courtroom, the defense lawyers warned that all would have to live with the consequences of their actions after they left the courtroom. The jurors knew only too well that they could end up like the dead priests. So they convicted the one man they had to convict and another who was expendable. And they acquitted the six men who had the strongest claim to army protection.

Mr. President, that is one way to understand this puzzling verdict.

The State Department has been remarkably quiet. Perhaps they too question whether the Salvadoran Government has fulfilled its commitment to justice when six of the killers go free and the ones who gave the orders are not even charged. Or perhaps they are just hoping Benavides' conviction will satisfy Congress and this will blow over.

The State Department should take a look at its own role and responsibility in this case. When I think of the hundreds of millions of dollars in aid that it has at its disposal to leverage reforms within the Salvadoran Armed Forces, I cannot help but wonder whether our own Government has done all it could to obtain justice.

Mr. President, I think the verdict in this case is a message from the army that it is still in control. That is a message that must be answered forcefully by the Congress when it next takes up the question of aid for El Salvador.

UNITED STATES MILITARY AID TO PERU

Mr. LEAHY. Mr. President, few countries have reason to be more proud of their past then Peru, where the Incas built a civilization that rivaled that of the Egyptians. And few countries can boast of more spectacular geography, or a culture richer in traditions. The majestic Andes are the Western Hemisphere's Himalayas. The Incas' descendants still plant their potatoes and herd alpacas on the steep hillsides of those jagged peaks.

Yet today, Peru is a country in turmoil, plagued by grinding poverty and bloodcurdling violence, and the world's largest producer of coca from which most of the cocaine sold in the United States is made.

President Fujimori, who took office last July, inherited a legacy of government incompetence and greed, an economic free fall that has brought the country to the brink of catastrophe, and a brutal guerrilla insurgency, Sendero Luminoso, that the army swore it would eliminate 10 years ago but which since then has grown a hundred times worse. In its zealousness to defeat Sendero, the army has carried out a scorched earth campaign in the countryside that has left thousands of civilians disappeared, tortured, and killed. That policy has only led to greater support for Sendero over the years.

The election of President Fujimori was unexpected. He was an unknown, with no prior political experience, and yet he has shown a seriousness in confronting the country's economic crisis. In little more than a year, this economic program has cut inflation from 3,000 percent to 9 percent.

He condemned the drug traffickers, but he argued that the way to stop the production of coca was through economic development—by giving coca farmers another way to earn a living, rather than through a military strategy. And he pledged to reestablish the rule of law in Peru, and to punish those who abuse human rights.

In recent years, the United States has not provided any significant military aid to Peru. The administration signaled a change last year, however, when it requested $34.9 million for the Peruvian military and police as part of its Andean drug initiative, a program of hundreds of millions of dollars of economic and military aid for the Andean countries.

For the better part of this year the administration delayed release to this aid. It took that long to reach agreement with the Peruvian Government on the terms of a counternarcotics program. The administration told the Peruvians that unless they agreed to the military aid, including the training of Peruvian military personnel by United States Special Forces, they would not get the economic aid they desperately need to pay their arrears to the IMF and the Inter-American Development Bank and obtain new loans.

There was another problem. United States law requires that in order to provide this aid the administration must first determine that the Peruvian Government "has made significant progress in * * * ensuring that torture, cruel, inhuman, or degrading treatment or punishment, incommunicado detention or detention without charges and trial, disappearances, and other flagrant denials of the right to life, liberty or security or the person are not practiced."

According to the State Department's February 1991 Human Rights Report, in Peru—

> [s]ecurity forces personnel were responsible for widespread and egregious human rights violations. * * * There were widespread credible reports of summary executions, arbitrary detentions, and torture and rape by the military. * * * Credible reports of rape by elements of the security forces in the emergency zones were so numerous that such abuse can be considered a common practice condoned—or at least ignored—by the military leadership.

More recently, according to Americas Watch:

> In the first year of Fujimori's term, 3,106 Peruvians died in political violence. The armed forces were responsible for approximately half these killings. * * * During the first 6 months of this year the government appointed, independent investigative body recorded 214 disappearances of persons who had been seen in custody."

Amnesty International reports that—

> A pattern of gross violations in Peru has been documented by Amnesty since early 1983. Since the new government took over in July 1990, this pattern has continued.

According to the Peruvian National Human Rights Coordinating Committee:

> The Peruvian security forces systematically violate the most fundamental human rights * * * the situation has gotten no better over the past year.

Despite this dismal record, on July 30 the administration issued a determination that Peru should receive United States economic and military aid, a determination which I believe made a mockery of our human rights law. It ignored the pattern of human rights atrocities by the Peruvian security forces that has persisted for over 4 years, and the failure of the Fugimori government to take strong action to stop these abuses. As chairman of the Foreign Operations Subcommittee, I joined three other congressional committees in objecting to release of this aid.

During the subsequent 2 weeks, I met with President Fujimori and his advisers who stressed the urgent need for economic aid. President Fujimori gave me his personal assurance that he is committed to protect human rights. I also met with Deputy Secretary Eagleburger and Assistant Secretaries Shifter and Aronson about the situation in Peru.

They informed me of certain steps the Fujimori government is taking to protect human rights, including that a central registry of detainees will be established, that commanding officers will be held accountable for the actions of their subordinates, and a recommendation that the International Committee of the Red Cross [ICRC] have access to military detention facilities.

While these steps are welcome, it is too early to say what impact they will have. To date, access by the ICRC has not been tested. A central registry of detainees does not yet exist. No military officer has been imprisoned despite abundant evidence of military culpability for human rights abuses. And Peruvian human rights monitors continue to report disappearances and extrajudicial killings by the Peruvian Army.

On September 24, 1991, I sent a letter, in which I was jointed by Senator DODD, chairman of the Western Hemisphere Subcommittee, describing the terms under which we would lift our holds on a portion of the aid. I ask unanimous consent that our letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Our letter indicated that because of the serious economic crisis facing Peru and President Fujimori's stated commitment to human rights, we were removing our holds on all of the $60 million in economic aid effective immediately.

We also agreed to remove our holds on all but $10.05 million of the military aid, if the administration agreed in writing to the conditions for disbursal of that aid. Put another way, we agreed to release $84 million of the $94 million in aid the administration wanted to give. We even agreed that $3.7 million of aid for the army, despite its reputation as the worst human rights abuser of all the services, intended for road building and other civic action programs, could go forward. The $10.05 million we withheld was intended for counterinsurgency training and weapons for three Peruvian Army battalions.

The conditions, which require only the most elementary steps to protect human rights, are set forth in our letter and if met would amount to significant progress in the protection of human rights.

Mr. President, the State Department argued strongly against any conditions on the aid. They said the steps President Fujimori has already taken show that he is serious about human rights. I do not doubt his seriousness. But I have not forgotten how a United States-trained army battalion murdered six Jesuit priests in El Salvador and then lied about it and destroyed evidenced, despite the State Department's assurances that the army had been reformed.

Nor can I ignore the recent reports of human rights abuses, or accept on faith that President Fujimori can reform the army as the State Department would have us believe. Today, over 40 percent of Peru is designated emergency zones where the army has virtually unfettered authority. There is no doubt that some of this aid particularly the funds intended for the army, would be used to combat the guerrilla insurgency which has led to such abuses.

My doubts about the Peruvian Army are only reinforced by a February 21, 1991, resolution of the Peruvian Council of Ministers and signed by an official of the Ministry of Defense, which states that "the experience gained in the struggle against subversion in the Republic of Argentina determines the suitability of a study and an analysis of the countersubversive doctrine used in that country," and appoints a special military attaché to engage in such a study. It is no secret that the Argentina Army's countersubversive doctrine was a dirty war in which thousands of suspected subversives were disappeared, tortured, and murdered.

Nor am I willing to ignore our law, which if it means anything requires at the very least that military aid should not go to Peru until these elementary steps are taken.

On September 27, the administration accepted the terms of our letter. I ask unanimous consent that a copy of the administration's response appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. I want to address briefly several points raised by the administration in its reply.

The administration, noting that it had received three different proposals from Congress regarding aid to Peru, expressed disappointment that "Congress has been unable to address this issue in a unified manner." I too regret that the Congress did not adopt a single position. But that is predictable when the administration, rather than consult with us before defining its own position, simply presents us with a fait accompli and leaves us to react. Prior consultation with Congress on an issue of such predictable controversy might have resulted in the far better result of both the Congress and the administration speaking with one voice.

The administration also reiterated its strong support for military aid and stated that "eliminating major elements of security assistance will seriously damage our counternarcotics program in the Andean region." It warned that the "lack of appropriate security assistance may unintentionally endanger the lives of those dedicated individuals involved in our counternarcotics and humanitarian programs."

Mr. President, if this is meant as a warning that the administration may blame the Congress for the failure of its counternarcotics program or for any harm that comes to U.S. personnel involved in that program, it is regrettable and insupportable.

The Appropriations Committee's concern about the militarization of the Andean drug strategy is a matter of record. Since 1989, the Congress has approved $362 million in narcotics-related aid for Peru, Bolivia, and Colombia, of which $145 million is military and other law enforcement aid for 1991 alone. That is in addition to $400 million in other aid for that region during those same years. Congress will probably approve another $250 million in counternarcotics aid for 1992.

Despite all this money, the net reduction in the amount of coca cultivated has hardly changed—from 220,125 to 217,800 hectares, according to the administration's own numbers.

By withholding $10.05 million in aid the Congress can hardly be said to have eliminated "major elements of security assistance" as the administration claims. This amount is largely symbolic of our repudiation of the terrible human rights record of the Peruvian Army.

Moreover, our letter specifically urges the administration to seriously consider training Peruvian military personnel in the United States, rather than sending United States trainers to Peru precisely because of concerns about exposing United States personnel to unnecessary danger. It is only too clear that part of this aid would be used to fight the guerrilla insurgency.

Mr. President, the Congress has provided hundreds of millions of dollars to combat drugs in the Andes, and that support will continue. We all want to stop the flow of drugs into our cities and towns. But that does not mean we can ignore our own laws or turn our backs on human rights abuses by the very individuals who would receive our aid. Nor will we remain silent if the administration's drug strategy fails to produce results. And finally, we will not stand by as the United States risks entangling itself in a guerrilla war in the jungles of Peru.

Finally, Mr. President, I ask unanimous consent that a September 26, 1991, letter from the Andean Commission of Jurists be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMISION ANDINA DE JURISTAS,
Lima, September 26, 1991.

Hon. Ambassador RICHARD SCHIFTER,
Assistant Secretary of State,
Washington, DC.

DEAR AMBASSADOR SCHIFTER: I have been informed of the existence of a document prepared by the State Department that, apparently, is circulating in Congress entitled "Peru: Human Rights Update" dated September 23.

In the above-mentioned document I am specifically mentioned as saying that (in Peru) "the human rights situation has improved, probably due to US pressure, and military aid should be delivered to keep the pressure on for human rights progress."

The reference mixes an approach that I share with things I don't think and couldn't have said. Some things have improved due to

US pressure; this can be seen mainly in certain steps taken by the Government of Peru (i.e., authorizing the public prosecutors to visit military barracks) and the decrease in enforced disappearances during the month of August. All of these measures and new developments, obviously, are connected to US pressure. Yet these measures, along with the limited improvements are not enough and could be reversed if they are not closely and strictly monitored.

It is because of this that I have never thought nor said that "military aid should be delivered". What I do think—and have said—is that military aid could be delivered gradually, subject to very specific conditions and improvements that should take place in the future and be closely monitored.

I could take up more space in order to express my views on this subject, but on this occasion, I wanted only to rectify the errors which could lead to misinterpretations.

Regards,

DIEGO GARCÍA-SAYÁN.

EXHIBIT 1

U.S. SENATE,
Washington, DC, September 24, 1991.

Hon. LAWRENCE S. EAGLEBURGER,
Acting Secretary of State,
Washington, DC.

DEAR LARRY: In recent years the Administration has requested and the Congress has recommended large increases in foreign aid to combat narcotics in the Andean countries. However, in its report on the fiscal 1991 foreign aid appropriations bill, the Senate Appropriations Committee noted with concern "the Administration's evident intention to continue a growing emphasis on the military component in U.S. counternarcotics efforts in the Andean region." The Committee made particular reference to the Administration's proposal to increase dramatically military aid to Peru, despite reports by reputable human rights organizations of widespread human rights atrocities by Peruvian security forces. The Committee recommended that:

"At a minimum, no military assistance be provided to Peru until the Peruvian Government commits itself to strong measures to bring the military under civilian control and to enforce respect for basic human rights.

"Concrete steps the new Peruvian Government should be asked to undertake include (1) accounting for persons detained and disappeared in 1989 and 1990; (2) establishing a registry of all detentions so family members can be notified promptly of the arrest of a relative; (3) granting access to the International Committee of the Red Cross to all places of detention; (4) taking steps to bring to justice military officers responsible for human rights abuses, including the 1988 Cayara massacre; (5) purging from the military those directly involved in past abuses."

More recently, in its February 1991 Human Rights Report on Peru, the State Department concluded that:

"Security forces personnel were responsible for widespread and egregious human rights violations. . . . There were widespread credible reports of summary executions, arbitrary detentions, and torture and rape by the military. . . . Credible reports of rape by elements of the security forces in the emergency zones were so numerous that such abuse can be considered a common practice condoned—or at least ignored—by the military leadership."

It was in this context that we placed holds on the Administration's proposal to obligate $34.9 million in military aid and $60 million in Economic Support Fund assistance for Peru during this fiscal year. We did not believe that a fair assessment of the human rights situation in Peru could conclude, as US law requires, that the Peruvian Government "has made significant progress in . . . ensuring that torture, cruel, inhuman, or degrading treatment or punishment, incommunicado detention or detention without charges and trial, disappearances, and other flagrant denials of the right to life, liberty or security of the person are not practiced." On the contrary, the State Department's report and recent reports of Amnesty International, Americas Watch and Peruvian human rights organizations all indicate that the Peruvian military has engaged and continues to engage in these very abuses with impunity.

We are aware of recent actions by the Fujimori Government to address some of these problems. However, while we welcome these actions it is too early to say what impact they will have. Without concrete proof that the requirements in our law have been met and that military personnel who commit abuses will be promptly brought to justice, we cannot in good conscience agree to the unconditional release of the military assistance funds.

At the same time, we recognize that Peru is facing a severe economic crisis. we understand that the majority of the Economic Support Funds currently on hold will be used to leverage contributions from other donors to enable Peru to obtain urgently needed assistance from the international financial institutions. We believe the United States has a strong interest in helping Peru overcome this economic crisis. We are convinced that without economic development, particularly in the impoverished rural areas where coca is cultivated, no amount of military assistance will win the war against drugs.

We have discussed our concerns personally with President Fujimori and he has assured us of his strong personal commitment to protect human rights. It is in recognition of those assurances, and for the reasons mentioned above, that we remove our holds on the ESF.

With respect to the $34.9 million in military aid programmed as described in a letter of July 31, 1991 from General Teddy G. Allen, we will agree to the obligation, but not the disbursement, of all except $10.05 million proposed for the Peruvian Army, the most notorious abuser of human rights among the security forces. These funds for the Army are primarily for counterinsurgency training and weapons. However, at the urging of President Fujimori, we are prepared to agree to the obligation of $3.7 million of the funds intended for the Army for road building and other construction equipment for civic action programs only.

Our agreement to obligation of the portion of the military assistance funds described above is contingent on the understanding that prior to disbursement of the military assistance, the Administration will inform the appropriate committees of Congress that the following steps have been taken by the Peruvian authorities:

Arrangements that the military assistance will be provided directly to President Fujimori and made available to the Peruvian military services by him;

Creation and publication of a central registry of all detainees of any of the Peruvian security forces within three months;

Access to all places of detention by the International Committee of the Red Cross and Peruvian justice personnel, immediately following arrest.

Failure to publish the central registry of all detainees within three months will be taken into account when we receive notifications for release of any additional military assistance for Peru that may be approved for fiscal 1992.

In addition, our agreement to obligation of the military assistance is contingent on Administration agreement to consultations with Congress prior to disbursement concerning specific actions the Peruvian Government is taking to discipline and prosecute those responsible for the following cases:

November 1988 murder of Jugo Bustios;

June 1989 murder of Fernando Mejia Egocheaga;

September 1990 murders of Zacarias Pasca Huamani and Marcelino Valencia Alvaro;

August 1990 massacre at Iquicha, Ayacucho;

September 1990 murders at Vilcashuaman, Ayacucho;

July 1991 massacre at Santa Barbara, Huancavelica;

March 1991 murders at Chuschi, Ayacucho;

June 1991 murders of medical student and two minors.

Further, these consultations should include discussion of actions the Peruvian Government is taking to appoint special prosecutors in each province with a public mandate from the national government and sufficient resources to investigate and prosecute human rights violators.

Finally, we would urge the Administration to seriously consider training Peruvian military personnel in the United States rather than sending US trainers to Peru. Both US and Peruvian citizens have serious concerns about sending US military advisers to that country.

Upon receipt of a letter from you entering into the understanding described in this letter, our holds on obligation of the military assistance with the exception of $10.05 million for the Peruvian Army are removed.

Sincerely,

PATRICK LEAHY,
Chairman,
Foreign Operations Subcommittee.
CHRIS DODD,
Chairman,
Western Hemisphere Subcommittee.

EXHIBIT 2

DEPARTMENT OF STATE,
Washington, September 27, 1991.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: I am replying to your letter and to the letters of Chairmen Obey and Fascell regarding congressional opposition to full funding of the Administration's proposal to reduce the flow of cocaine coming from Peru. The Administration has received three separate proposals and sets of conditions from Congress regarding aid to Peru. I am disappointed that Congress has been unable to address this issue in a unified manner.

We believe that security assistance is essential to an integrated program of alternative development in the Upper Huallaga Valley, the source of sixty percent of the world's coca leaf. Without adequate security, Peruvian and other aid workers, including Americans, are at risk. Nor can essential road-building and civic action operations proceed if workers cannot be protected. If a development infrastructure is not in place, alternative crops cannot become economically viable.

We believe that eliminating major elements of security assistance will seriously damage our counternarcotics program in the Andean region. Moreover, a program of security assistance which included the Army would assist President Fujimori in improving that organization's human rights performance. During his recent visit to Washington, President Fujimori clearly indicated his commitment to proceed with interdiction efforts and to improve Peru's human rights record.

ONDCP Director Martinez and I are extremely concerned that these congressionally imposed conditions may have a detrimental impact on the effectiveness of the program. We are also deeply troubled that the lack of appropriate security assistance may unintentionally endanger the lives of those dedicated individuals involved in our counternarcotics and humanitarian programs.

Nevertheless, the impasse that currently exists between the Administration and Congress must be bridged. The urgency of reducing the flow of cocaine to the United States requires us to begin this program as soon as possible. The Administration therefore reluctantly accepts the congressionally imposed conditions for release of the economic and military assistance as set forth by you and by Chairman Leahy and Obey. To do otherwise would be an abrogation of responsibility to make every effort to reduce the flow of narcotics into the United States.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. KERREY. Mr. President, the nomination of Judge Thomas to the Supreme Court has been characterized by cynicism from beginning to end. There is plenty of blame to pass around, but the one with whom the real responsibility rests, the one who has taken the lead in infusing cynicism into the entire nomination process, is the President.

This nomination was not made with an eye to our children and our future. It was not made with an eye to building a great Supreme Court. Rather, it was made with a cynical eye toward achieving a political objective—maintaining the President's political popularity.

Does anyone in this Chamber believe that this nominee is, as the President asserts, the most qualified person in America for appointment to that position? Does anyone believe that he is the most qualified member of the bar or the most qualified member of the judicial branch? Does anyone in this Chamber believe that the President's selection of Judge Thomas was, as the President asserts, made without regard to racial considerations?

This cynicism was turned on full force once Professor Hill's allegations of sexual harassment became public. Instead of making a genuine effort to determine whether there was any validity to the serious charges levied by Professor Hill, the goal became to discredit her by impugning her character. Instead of trying to determine the truth, the President and his men drove toward their objective of political victory by discrediting Professor Hill.

Through their efforts, they have trivialized the charge of sexual harassment. They have said to any defense attorney representing a client charged with sexual harassment that your best bet is to go after the woman bringing the complaint, attack her credibility, her mental stability, her morals. Assault her personal dignity. If that strategy suits the President of the United States, why should it not be acceptable for others preparing a defense against the charge of sexual harassment?

I believe that the President of the United States should promote higher values and principles. The objective of the President should not be to achieve a political victory. I believe the objective should be to appoint a truly great Supreme Court Justice, one who will contribute to the deliberations of that body as it grapples with issues that, in the absence of great leadership, have the potential to sharply divide this country. I am sorry to say I do not believe that this is what we have seen with the nomination of Judge Thomas.

IN MEMORY OF LLOYD K. GARRISON

Mr. WIRTH. Mr. President, with great sadness I speak of the passing of Lloyd K. Garrison. A man of significant accomplishment and remarkable modesty, Lloyd was one of the kindest men I have ever known. He represented a combination of excellence, commitment, and humanity unmatched by almost anyone I have ever known, and to which we can all aspire. His example will always be with me, and I thank him. We shall all miss this wonderful man.

I ask unanimous consent that the text of an article from the New York Times on Lloyd be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LLOYD K. GARRISON, LAWYER DIES; LEADER IN SOCIAL CAUSES WAS 92

(By Lee A. Daniels)

Lloyd K. Garrison, a lawyer from a distinguished family who built an extraordinary record of individual achievement and public service, died at his home in Manhattan. He was 92 years old.

He died of heart failure, his family said.

Mr. Garrison was the great-grandson of William Lloyd Garrison, the abolitionist, and the grandson of Wendell Phillips Garrison, the literary editor of The Nation. His father, Lloyd McKim Garrison, a lawyer, and his mother, Alice Kirkham Garrison, were pillars of New York society.

Mr. Garrison was schooled at St. Paul's and at Harvard and Harvard Law School, where his brilliance and social connections brought an offer from the law firm of Elihu Root, one of the leading figures of the country's elite establishment.

LEADING SOCIAL CAUSES

But Mr. Garrison's interests, seemingly indefatigable energy and commitment to progressive social causes took him far beyond the life of the Wall Street lawyer.

Mr. Garrison, a partner at Paul, Weiss, Rifkind, Wharton & Garrison, was a very successful Wall Street lawyer. But he was also at various times a law school dean, a crusading and innovative Federal investigator and administrator, a civil rights and civil liberties advocate, a close adviser to a Democratic Party standard-bearer, and a political reformer who took on and bested the Democratic Party machine in New York City.

Mr. Garrison was a friend of some of the most powerful establishment figures in 20th century America—Root, Judges Augustus and Learned Hand, Adlai Stevenson. He was called to government service several times by Presidents Franklin Delano Roosevelt and his successor, Harry S. Truman. He served on numerous Federal agencies and commissions.

Yet, Mr. Garrison was a stalwart champion of working people and the poor. He joined the National Urban League in 1924, an act of which he said "My eyes were opened to the realities" of racial discrimination in America, and was its president from 1947 to 1952.

That commitment remained through the decades.

In 1968 after the assassination of Dr. Martin Luther King Jr., Mr. Garrison wrote a letter to The New York times in which he stated that Dr. King "in the last years of his life realized that "civil rights legislation and court decisions were not enough to wipe out discrimination and inequality, that the ravages of poverty had to be dealt with on a massive scale; (and) that the cleansing and transformation of our inner cities was the first order of business and the establishment of peace was indissolubly linked with these objectives."

DEFENDING THE UNFAVORED

In the early 1950's, having compiled a considerable record of Federal service, Mr. Garrison defended the poet Langston Hughes and the playwright Arthur Miller when they were summoned by Senator Joseph McCarthy before the House un-American Activities Committee. And he defended J. Robert Oppenheimer when the Atomic Energy Commission—for whom Mr. Garrison had been a special consultant on the 1940's—sought to remove Mr. Oppenheimer's security clearance.

Mr. Garrison lived a super-charged life. But his friends invariably described him as a somewhat shy man with a self-effacing manner.

"I've never planned my life," he said in the early 1960's. "I've taken things as they've come along. For me life has been a series of accidents."

"I like to be of use," he went on, "but I don't consciously go out to serve."

Others recognized what Mr. Garrison, in his modesty, would not acknowledge, and he was constantly called upon to be "of use."

The calls began early in his career. After college, interrupted for service in the Navy, law school and his settling on Wall Street. Mr. Garrison was asked by the City Bar Association in New York to investigate incidents of "ambulance chasing" and bankruptcy fraud by lawyers.

BANKRUPTCY-FRAUD INQUIRY

His work gained such prominence that President Herbert Hoover appointed him to a special Federal commission investigating bankruptcy-fraud across the county.

That began a career of Federal service in the 1930's—including a hand in the formation and administration of the National Labor Relations Board. His work so impressed Washington officials that some in the Roosevelt Administration pushed him for a seat on the Supreme Court.

Mr. Garrison at the time was actually employed outside the Government, as dean of the University of Wisconsin Law School, where his efforts at improving the school's standing drew widespread praise. During that period he served as president of the Association of American Law Schools, but remained on call as a special Federal mediator and arbitrator in thorny labor disputes.

Among his many activities, Mr. Garrison was a former member of the Board of Overseers of Harvard University, and a trustee of Sarah Lawrence College, and Howard University, and a member of the Council of Foreign Relations and the City Bar Association.

He is survived by his wife, Ellen; two daughters, Clarinda Garrison and Ellen Shaw Kean, and a son, Lloyd McKim Garrison, all of Manhattan, and 11 grandchildren.

A memorial service will be held on Monday at 12:30 P.M. at All Souls Unitarian Church, at 80th Street and Lexington Avenue in Manhattan.

APPRECIATION FOR THE SERVICE OF RICK PIERCE

Mr. HATFIELD. Mr. President, earlier today the Senate adopted the conference report on the fiscal year 1992 military construction appropriations bill, clearing that measure for the president. The occasion marks the last time the Committee on Appropriations will benefit from the assistance of Mr. Rick Pierce, one of our professional staff members, and I want to take a moment to express my appreciation and that of others for his years of service.

Mr. Pierce was first appointed to the staff of the committee in the position of clerical assistant in 1975 by former Senator Milt Young of North Dakota, who was ranking minority member of the committee at the time. Two years later Mr. Pierce was promoted to the position of professional staff member and has continued to serve the committee in that capacity in the 14 years since.

For most of that time Rick served as the clerk of the military construction subcommittee, assisting Senators Laxalt, Mattingly, GRASSLEY, and GRAMM in the past 10 years in those Senators' roles as chairman or ranking minority member of the subcommittee. Senator SASSER, as the current chairman of the subcommittee, Senator BYRD, as our full committee chairman, and other members of the committee on both sides of the aisle have also benefited from his work and his counsel.

A few years ago, I asked Rick to take on additional responsibility as the professional staff member for our District of Columbia Subcommittee, and he has ably assisted in those endeavors as well. I am sure Senators NICKLES, GRAMM, and BOND, who have served as the ranking minority member of that subcommittee in recent years, join me in expressing appreciation for his work on that subcommittee.

Mr. President, the Committee on Appropriations has 13 subcommittees, each handling 1 of the 13 regular appropriations bills. Subcommittee membership ranges from 5 to 17 Senators, staffs range from 2 to 15 people, appropriations considered from $700 million to $275 billion. Some of our bills are consistently more controversial than others, requiring more debate time here on the Senator floor and attracting more attention in the press. The military construction and the District of Columbia appropriations bills may be viewed by some as relatively minor measures. But they require of the staffs who work on them the same competence, the same attention to detail, and the same professionalism that the members of the committee have come to expect, and are fortunate enough to enjoy, from all the committee staff.

Rick Pierce has met that high standard in his 16 years with the Committee on Appropriations, and I want to express to him my deep appreciation for his service to the committee, the Senate, and the Nation. I wish him and his family only the best in all their future endeavors.

CONGRESSIONAL BUDGET OFFICE REPORT—H.R. 355

Mr. JOHNSTON. Mr. President, on October 8, 1991, the Committee on Energy and Natural Resources filed the report to accompany H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991.

At the time this report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 9, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991, as ordered reported by the Senate Committee on Energy and Natural Resources on September 26, 1991.

Enactment of H.R. 355 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT F. HALE
(for Robert D. Reischauer).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 355.

2. Bill title: The Reclamation States Emergency Drought Relief Act of 1991.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on September 26, 1991.

4. Bill purpose: H.R. 355 would authorize the Department of the Interior, acting through the Bureau of Reclamation (BOR), to carry out a variety of activities—primarily in the western United States—to ease the effects of drought and to study and develop drought contingency plans. Authorized activities include establishing water banks, providing loans, and deferring certain water charges owed to the United States government by water purchasers. The bill would authorize appropriations of up to $90 million over the 1992-1996 period to carry out these activities. In addition, up to $12 million would be authorized to design and construct water-temperature control facilities at Shasta Dam in California.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated authorization level	30	18	18	18	18
Estimated outlays	15	19	28	18	18

The costs of this bill fall within budget function 300.

Basis of estimate: For the purpose of preparing this estimate, CBO assumed that H.R. 355 would be enacted and that the full amounts authorized would be appropriated beginning in fiscal year 1992. Additional costs to complete construction of temperature control facilities at Shasta Dam were estimated based on information from BOR. Outlays were estimated based on information from BOR and on historical outlay patterns for similar programs.

Section 104 would authorize BOR to defer, without penalty or additional interest, any portion of the annual operation and maintenance (O&M) charges owed by irrigators that BOR determines cannot be made as a result of economic hardship during a drought. Amounts deferred would have to be repaid later and could, in certain circumstances, be recovered by extending the repayment period of the irrigator's water contract.

This deferral authority could result in a loss of receipts over the next five years. However, based on information from BOR and from the committee staff, CBO believes that these provisions are unlikely to result in significant changes to current BOR practices relating to deferrals of payments during drought conditions. We estimate, therefore, that enactment of this section would not result in additional costs or lost receipts to the federal government.

Section 301 limits to $90 million appropriations for activities related to easing impacts of the drought. CBO estimates that such an appropriation would likely be provided over a number of years and would result in additional outlays totaling about $14 million in 1992 and $86 million over the 1992-1996 period.

The costs incurred to deliver water purchased under this bill and provided under temporary contracts for irrigation and municipal and industrial purposes would have to be repaid with interest, by certain recipients. While these repayments could increase federal receipts in the future, CBO has no way of estimating at this time how much of the water purchased would be provided to such users and thus repaid.

Assuming appropriation of the $12 million authorized in section 303, we estimate that BOR would spend about $0.7 million in 1992 and the full $12 million over the 1992–1994 period to complete environmental studies and to begin initial design and foundation work on temperature control facilities at Shasta Dam. Additional funds totaling about $40 million would be necessary to complete construction of the facilities.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of H.R. 355 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On March 15, 1991, CBO prepared an estimate for H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991, as ordered reported by the House Committee on Interior and Insular Affairs on March 13, 1991. That version of H.R. 355 is similar to this one except that the House version authorized the appropriation of $30 million in fiscal year 1991 to carry out certain temporary drought activities. Unlike the Senate version of the bill, the House version of H.R. 355 did not authorize the deferral of O&M charges or a loan program for the purposes of mitigating loss or damage due to drought.

10. Estimate prepared by: Theresa Gullo.

11. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,405th day that Terry Anderson has been held captive in Lebanon.

ANOTHER TRAGEDY WITH 9-MILLIMETER BULLETS

Mr. MOYNIHAN. Mr. President, I rise today to draw my colleagues' attention to another tragedy. I have remarked before upon the plague of children killing children in the drug wars. Today it is something altogether different and at least as tragic. A man in Killeen, TX, drove his truck through the window of a restaurant and opened fire on its patrons with a Glock 9-millimeter semiautomatic handgun. For 10 minutes he fired that gun, and after emptying one 17-round clip he loaded his gun with another. He killed 23 people and injured 18 others before turning the gun on himself. The worst mass shooting in American history.

In the coming days, we will hear of who this murderer was, and conjecture why he did those deeds. But let us not forget those 23 deaths and the 9-millimeter bullets that caused them. As the House considers its crime bill, we ought to rethink the violent crime epidemic as epidemiologists study diseases: Fight it at its source. After all, guns do not kill people—bullets do.

On January 14, I introduced S. 51, the Violent Crime Prevention Act of 1991, to ban the import, manufacture, and transfer of .25 caliber, .32 caliber, and 9-millimeter ammunition. I urge my colleagues to cosponsor this legislation.

I ask unanimous consent that an article by Reuters about the shooting be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

23 DIE IN TEXAS SHOOTING RAMPAGE

KILLEEN, TX October 16.—In the worst mass shooting in U.S. history, a man armed with an automatic pistol killed 22 people in a Texas cafeteria on Wednesday turning his gun on himself, authorities said.

The man, described as a white male in his 30s, slammed his pickup truck through the window of the cafeteria and mowed down people waiting in line for lunch.

It was the worst death toll from a shooting rampage in U.S. history, topping the 21 people killed in a McDonald's restaurant in California in 1984. Authorities reported 18 people were injured.

The gunman killed himself after he was hit by gunfire from Texas Department of Safety officers and Killeen police, said Frank Waller, chief of staff services for the Texas Department of Public Safety.

The gunman died in a rest room at Luby's cafeteria, one of the Luby's chain of cafeterias where people serve themselves using trays.

Many of the wounded were in very critical condition, Waller told Reuters. They were taken by helicopter to Darnell Hospital at the nearby Fort Hood military base.

A hospital spokeswoman said 12 wounded were admitted to Darnell and six others to Metroplex Hospital in Killeen.

The gunman used a 9mm Austrian-made Glock, a 17-shot semi-automatic pistol, Waller said. Radio reports said the shootings went on for about 10 minutes, starting at 12:41 p.m.

An employee at the cafeteria told reporters the gunman broke through the plate glass front of the cafeteria with his truck and said, "This is what Bell County done to me," before he started shooting. Killeen is located in Bell County. The meaning of the remark was not immediately clear.

"As fast as he could pull the trigger, he was shooting people. He was just shooting randomly," said another survivor.

The employee said the gunman first shot a man who was stuck under his truck, then began killing those in the cafeteria.

"He pointed toward the line where the service was. Everybody ran to the back, then he just started firing all the way through Luby's," the employee said in a radio interview.

One report said the man only stopped firing long enough to reload his gun.

Witnesses said people huddled under tables to escape the gunfire. One report said some survivors escaped through the window broken by the man's truck.

Glen Renfro, an employee at a vehicle parts store next to the cafeteria, said that he heard no shooting, but that people who escaped came running into his shop, shouting for him to call the police.

"They said the cafeteria was packed, but they couldn't describe what happened because they were all in hysterics," he said.

Killeen police called in officers and ambulances from towns near this small city, located 60 miles north of Austin.

THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991—VETO

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the President's veto message on S. 1722, which the clerk will report.

The bill clerk read as follows:

Veto Message on S. 1722, the Emergency Unemployment Compensation Act of 1991.

The Senate proceeded to consider the veto message.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President I was disappointed when the President chose to veto S. 1722, the Emergency Unemployment Compensation Act of 1991, after having seen it approved overwhelmingly by both Houses of Congress.

Mr. President, this recession is not over. We have a record number of people out of work. We have the highest number of people who have run out of their unemployment benefits that we have had in this country in 40 years. We are seeing the claims continuing to creep up as additional people are running out of their benefits.

The system we have is archaic and it does not work because it uses the insured unemployment rate rather than using the total unemployment rate, which is a much more correct criterion. Let me give an example for those Members who might be watching their consoles back in their offices or their staff members.

There is no State today, when we have millions of unemployed, that would qualify for extended unemployment benefits. The last one we had was 5,500 people in Rhode Island.

Let me give you another example of how the insured unemployment criteria works. In my State, the State of Texas, we would have to reach total unemployment of 15 percent to qualify. This is outrageous.

We passed this bill by big majorities in both Houses. We were 2 votes short insofar as being sufficient to override the veto. So we have a tough hill to climb today. Two or three Members could make the difference and answer the serious problem facing the American people. We have a lot of folks just hanging on hoping and waiting for this economy to turn around. But that has not happened.

One of the problems you run into in unemployment when you are talking about the recession, traditionally you see unemployment continue to increase for 6, 7, and 8 months beyond the time that the recession turns around and you start to come out of it.

Even if we begin to start coming out of the recession, all of the economists I have seen are talking about a moderate recovery, a slow recovery. The problem is not going to evaporate overnight. You are not going to see the kind of traditional recovery you saw in the last two recessions when you saw the economy come out at 6, 6½, 7 percent increases in GNP, bouncing out. Not this time.

I will give you another reason why recovery is going to be slow and why it is going to be difficult. Personal savings in this country are less than 4 percent. That means the consumers do not have money in their pockets to spend, and they are not spending. That is why this recession will continue.

Mr. President, I think the Members of this Congress have an obligation to the working men and women of this country. They are out of work because of the third longest recession since World War II. These are not casual workers. These are long-term workers, men and women in the labor force of this country who are trying to provide for their families, and they are without work through no fault of their own.

This economy is in trouble, with 8.4 million people out of a job, and hundreds of thousands have just given up and quit working. Each month that goes by more than 300,000 Americans exhaust their regular State unemployment benefits.

Those are the kinds of people that in normal economic times are taxpayers in this country. They want to become taxpayers again. But these are not normal times.

Last Thursday we learned that initial claims for unemployment benefits were up again, with a recession level of 435,000. That is an increase of 5,000 from the previous week.

This thing has not turned around. These numbers show that the unemployment increase is a slow, upward curve. According to the Department of Labor, the seasonally adjusted number of claims over the most recent 4-week period was 427,000. That is up, not down, from the previous 4-week period.

Real disposable income is lower than it was a year ago. The drop in savings I was talking about, coupled with no real income growth, means that the consumers do not have the cash in their pockets to sustain a strong recovery of the economy.

All you have to do is look at the retail sales; they are flat. Look at the net worth of America's housing. It dropped this year for the first time in two generations.

People have always said that their home was part of their savings, and that that equity would continue to increase in value. Even though their bank account did not show more money, there was equity in that house, and some day, if they had to, they could sell. But that is not the case now. That equity has gone down.

At the same time, when unemployed workers turn to the extended benefit program, we see a complete state of paralysis. Despite unemployment as high as 8, 9, and 10 percent, no State now qualifies for those extended benefits. While that is happening, every day millions of employers in this country are paying money into the unemployment trust fund. That trust fund is for this specific purpose: to be paid out at times of high unemployment. Money is paid in there by the employers themselves, and we now have over $8 billion in that fund.

The piece of legislation that I have talked about, that this body overwhelmingly approved, if you utilize every benefit—every benefit—you would still have money left in that trust fund, and then it would start to build up again and build up again.

So it is not a question of draining it out; it is a question of utilizing it for the purpose for which it was intended when that money was put there. We are not talking about paying for it twice. The employers have already paid for it. But what we are seeing more and more is that trust funds, whether they are airport or entitlement trust funds or unemployment trust funds, are used to mask a deficit in the budget.

We are talking about it being an emergency for people here at home. Not the Kurds, nor the Turks, not people overseas who have emergencies. We granted that. When the President asked for that emergency authority, I went along with it, and most of the Members of the Senate and the House did, because we thought it was justified. But now here at home, let us take care of our folks.

I noticed that the President says he would support a bill offered by the minority. Well, I do not think that bill—with all due respect to my distinguished colleague, the Republican leader—is a viable substitute for S. 1722. According to the CBO, the Congressional Budget Office, a bipartisan office, if that bill was enacted, workers would get less than half the number of weeks of benefits that they would get under S. 1722.

Furthermore, the minority bill denies benefits to most of those workers who have been unemployed the longest. It is estimated that under the minority bill, only 136,000 workers in six States would be eligible for so-called "reach back" benefits, while under the bill we passed, S. 1722, nearly 1 million workers in 36 States qualify for "reach back" benefits.

The President says he will support the minority bill because new fees are levied and benefits are cut to pay for it. Well, let us look at how it is paid for.

It starts by taking a half billion dollars away from the heroes of Desert Storm/Desert Shield, who came back to this country with an honorable discharge. It says to those people: When you come back and do not find a job, because you went away to serve your country and served honorably, you are not going to get benefits that we give to the civilians who stayed home and lost their jobs.

Where is the equity in that? How can you take that half billion dollars away from them? The Congressional Budget Office says the minority bill is going to cut the unemployment benefits over the next 5 years for those people by 65 percent. I have to wonder whether the minority and the President really understand what they are proposing. A cut of that magnitude to these veterans who served their country well is just not right.

The President objects to the fact that S. 1722 invokes the emergency authority agreed to by both sides in last fall's budget agreement. But, as I have cited, he has invoked it time and time again for people in desperate straits in foreign lands. We need it for the folks here at home.

This recession is not a gentle crisis. There are 2 million more people unemployed today than there were just a year ago.

The vote is going to be close. We need two more. Whoever those two are, I hope they will recognize the tragedy of hundreds of thousands of Americans who are exhausting their benefits each month. I hope they will join to try to override the President's veto and see that these benefits are paid out into the hands of jobless Americans who are having a tough time of it today.

Mr. President, I withhold the remainder of our time.

I yield to Senator SASSER.

The PRESIDING OFFICER. Senator SASSER is recognized.

Mr. SASSER. Mr. President, I commend the distinguished chairman of the Finance Committee for the leadership he has shown now over many weeks in trying to bring some relief to the long-term unemployed in this country, in trying to fashion a program that will not only bring to these Americans who suffer from long-term unemployment the unemployment insurance that they have paid for but also to provide some modicum of economic stimulus to this sagging economy by doing what every other administration has done since the Second World War at a time of recession; that is, extending unemployment compensation benefits for the long-term unemployed.

I commend the chairman of the Finance Committee for his leadership in this whole effort. I hope my colleagues listened very carefully to the statements made by the chairman of the Finance Committee this morning.

I think he laid out very ably, very precisely, very logically, and very persuasively the issue that faces the country here this morning.

The President claims to care very deeply about the plight of unemployed

Americans, and I do not question his concern about the millions of our fellow countrymen who are unemployed and who have exhausted their unemployment benefits.

At the present time, Mr. President, if we add up the number of Americans who are classified as officially unemployed on the unemployment rolls, add to that number those who have become so discouraged they quit looking for work and are no longer carried on the unemployment statistics, and add to that number those who had full-time jobs prior to the inception of this recession and who are now reduced to part-time work, we find that the actual unemployment or part-time unemployment in this country stands at 10 percent.

Ten percent of the work force of this country, as I address my colleagues here this morning, is either unemployed, having exhausted their long-term unemployed benefits, or been reduced to working part-time jobs because they lost their regular jobs as a result of the economic times that we now live in.

That is the alarm that the distinguished chairman of the Finance Committee is sounding this morning, sounding for our colleagues here in the Senate, and sounding for the country.

I think the veto that the President of the United States exercised to attempt to defeat this extension of unemployment benefits to millions of desperate Americans speaks for itself. And the timing of the veto I think speaks doubly loud.

With the loss of the State of Rhode Island from the extended unemployment benefits program this week, not one of the 50 States in the Nation currently qualifies for extended benefits; not one American citizen who is unemployed and has exhausted his or her unemployment benefits in all the 50 States stands to receive extended protection.

This is a moment without precedent in the history of unemployment insurance in this country. And it is a devastating moment for the 5 million Americans who have lost or will soon lose their insurance protections.

Preventing this disaster, this personal disaster to millions of families all across this Nation, was in the President's hands this past week. If he had signed the responsible and effective Senate bill fashioned by the chairman of the Finance Committee and sent to him with overwhelming bipartisan approval, relief would be flowing to these citizens in all 50 States.

But, instead, the President chose to veto this bill. And this is the only recession since the Second World War in which extended unemployment benefits have not been offered to the long-term unemployed.

In this recession, when the signs of recovery are fading, when some economists are talking about the double-dip recession, we see the unemployment insurance fund actually increasing its balance. The unemployment insurance fund, the trust fund is actually increasing its balance in a time of severe unemployment, and that is without precedent and operates entirely contrary to the theory of unemployment insurance.

It is tragic, I submit, really it is disgraceful.

The strategy of this administration has been to use the budget agreement as a fig leaf and to talk about other alternatives, something over the horizon.

My respect and affection for the minority leader is well known in this body, and I do not mean to minimize his concern. But if you scrutinize the package that he has offered on behalf of this administration, it is obvious that the President's alternative is a simple sham.

Mr. President, I call my colleagues' attention to a New York Times editorial that appeared just this morning, and I quote from that editorial. "The Republican proposals that he prefers are a sham." So says the New York Times. "They help too few people and depend on gimmicks that waste future revenues," from the New York Times editorial of just today.

The plan that is being offered on behalf of the administration is defective precisely in the area where the need is the greatest.

It offers absolutely nothing to the vast majority of unemployed Americans who have already lost their unemployment insurance protections.

The bill that is offered here by the minority leader ignores 86 percent of the American people who have run out of benefit checks since March.

What kind of program is that when you extend long-term unemployment benefits to 14 percent of the long-term unemployed but say to the other 86 percent, "You are not entitled"? It provides not one penny to 1.2 million Americans who have been out of work the longest and need assistance the most.

Two hundred sixty-eight thousand Californians, a quarter of a million people, have lost their unemployment protection since March. They would not receive one red cent under the proposal that is advanced by the minority leader on behalf of the administration.

Thirty-five thousand citizens of Missouri who want to work but cannot find jobs, who paid into the unemployment benefit fund, as have their employers, and should be eligible for additional benefits and would be under the proposal offered by the distinguished chairman of the Finance Committee, are wholly ignored in the proposal advanced by the minority leader on behalf of the administration.

In all, the proposal that the minority leader advances fails to protect the citizens of 44 of the 50 States of this Union who have lost their unemployment benefits in the last 7 months.

By comparison, the bill that the President saw fit to veto extends immediate protection to 89 percent of the 1.4 million Americans who have lost their unemployment benefits and are still without jobs.

The deficiencies of the alternative offered by my friend, the minority leader, do not stop there.

Contrary to what has been advertised, the plan that has been offered by the minority leader does not pay for itself.

The Congressional Budget Office analysis shows that there is no assurance whatsoever that the proposal offered by the minority leader would generate enough receipts in 1992 to pay for the plan's benefits.

That is perhaps a technical point. There is, however, a more simple and direct indictment of the proposal offered by the minority leader. It is exactly the reverse of what is fiscally responsible.

In the unlikely event that the proposal offered by the minority leader were ever enacted, that proposal would be a raid on the Treasury.

At my request, the nonpartisan Congressional Budget Office, analyzed the payment mechanism of the plan offered by the minority leader in some detail. The Congressional Budget Office has concluded that this is a speedy auction, a fire sale, if you wish, of the electromagnetic spectrum on the timetable suggested in the proposal offered by the minority leader. In order to generate $1 to $2 billion in receipts in fiscal year 1992, that massive fire sale would result in a loss to the Treasury of as much as $2.5 billion.

Mr. President, again alluding to the New York Times editorial of this morning, the editorial writers understand what is going on. Quoting from that editorial:

> The Congressional Budget Office estimates a quick selloff would yield as much as $2 billion, but a properly managed sale later would yield up to $4½ billion.

So this fire sale in which we will try to force the sale of these electromagnetic spectrum frequencies would cost us $2½ billion. Quite the reverse of paying for itself, the proposal advocated by the minority leader is a giveaway of a valuable asset owned by the American people.

This sloppy rush to market is really unnecessary.

The insurance extension proposal that the chairman of the Finance Committee has fashioned here in this body, that has been passed by an overwhelming bipartisan majority, has been paid for. It has been paid for by the same working men and women who now are out of work and need help.

As I said earlier, while the unemployed are suffering, the trust fund established to help them is growing—what an irony—growing to $8 billion by the latest count, a fact that is completely lost on this administration.

In his veto message to the Senate, the President made the following statement:

> Enactment of S. 1722 would signal the failure of budget discipline, which would have a negative effect on financial markets that could threaten economic recovery and lead to increased unemployment.

Mr. President, this is a classic example of tortured and desperate logic. It is symptomatic of this administration's skewed view of what is happening in the American economy right now. There is simply a blind spot for the distress and suffering of Americans who want work and cannot find it, and who are in desperate need.

This administration seems to have a sun-will-come-out-tomorrow approach, and everything will be all right. But I would submit that the sun-will-come-out-tomorrow approach does not put food on the table today. It does not keep the wolf away from the door today.

The President's hope that this economy will do an abrupt about-face simply does not square with economic reality. But do not take my word for it. Listen to the chief executive officers of our Nation's largest corporations.

Following a meeting of the Business Council last week, the chief executive officers of this Nation's top corporations, that employ millions of Americans, released this statement:

> There is as yet no feeling among many consumers and business managers that economic recovery truly is underway, despite the gains reported in various statistical measures.

So says the Business Council, made up of the top chief executive officers of corporations in this country.

The President speaks of this economy with the glibness of an auctioneer, I would submit, about statistical measures being up a blip, up a shade, up a point. But my colleagues in this body know better because they go back home. They listen to the leading business people. They listen to the bankers. They listen to the small business people. They listen to the jobless workers. They listen to the consumers. Ask them if they see signs of recovery in their businesses, in their economic lives, and they will tell you that this recession has teeth like they have never seen before, and it is ripping to the marrow of our economy.

Mr. President, the gross national product growth record of this administration is the worst of any administration since that of Herbert Hoover. This President in the White House now is the first President since World War II to preside over a decline in the living standards of the people of this country as measured by an annual rate of per capita GNP of negative 0.4 percent since taking office.

The people paying for the failures of this President's economic record are the very people punished once again by last week's veto—working Americans who have been laid off through no fault of their own and who cannot find jobs in this unforgiving economy.

The President did not turn a blind eye to the people of Egypt when they needed debt relief on an emergency basis. He did not turn his back on Kenya, Malawi, Nicaragua, and 14 other nations when he forgave loans totaling nearly $2 billion at the beginning of this month.

Helping the poor in foreign lands is a just and decent course for a wealthy nation to pursue. But it is a mockery when that nation will not help its own citizens in New York, Alabama, Oregon, and Tennessee.

The U.S. Senate has made its priorities clear: Americans in distress also count. Those are the priorities of the Bentsen bill. We urged the President to make them his own, and he did not.

It is time for this body to do what our President should have taken the lead in doing. Now that the last American has been refused extended unemployment protection, it's time to act.

Mr. President, the people of this country need help. It is time for the unemployed Americans who paid their dues to start getting the insurance protection they paid for, the insurance protection they deserve.

I urge this Senate to heed the advice and counsel given to us this morning by the distinguished chairman of the Finance Committee, the senior Senator from Texas, and override the President's veto.

Mr. BENTSEN. Mr. President, how much time has been utilized by the majority and minority at this time? How much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator has 22 minutes and 40 seconds remaining.

Mr. BENTSEN. And the other side?

The PRESIDING OFFICER. The other side has 55 minutes 35 seconds.

Mr. BENTSEN. I yield 5 minutes to the distinguished senior Senator from the State of Massachusetts.

Mr. KENNEDY. Thank you very much, Mr. President.

I want to once again commend the chairman of the Finance Committee, Senator BENTSEN, and our colleague, Senator SARBANES, who is chairman of the Joint Economic Committee, and the chairman of the Budget Committee, Senator SASSER, as well as Senator RIEGLE and our majority leader, who have really fashioned this legislation and brought it to the Senate again, because it is extremely important to the people in my State and across this country. I think they deserve recognition for the work they have done.

The Senate is about to vote once again on an issue of critical concern to the economy and to hundreds of thousands of unemployed workers across the country whose unemployment benefits have run out in the midst of this recession. The President has shown that he is out of touch with their needs, and it is up to us to override his veto.

In Massachusetts, 3,000 men and women lose their regular unemployment benefits each week—12,000 every month. They know the recession has not ended, and they know these benefits are needed.

We all know that the best cure for unemployment is a strong economic recovery and a sound program for America's long-term economic future. Both that takes time, and these benefits are needed now.

Too many families are hurting. They should not be told to wait any longer for a recovery that never comes. Why does the White House not understand the simple justice of these benefits?

Unemployment benefits also have a solid economic purpose. They stimulate the economy, and the effect begins immediately. Unemployed workers cannot afford to save. They spend every dollar they have. Unemployment benefits mean more dollars in the American economy, and a greater likelihood that the long-awaited recovery will finally begin.

Why does the White House not understand this simple economic truth?

In Massachusetts, 140,000 men and women have exhausted their benefits since March. In the coming year, these extended benefits could put around $400 million into the State's economy, providing a much-needed shot in the arm for our communities.

By contrast, the alternative proposed by Senator DOLE would cover fewer workers, and the benefits would last only half as long.

Across the country, the bill vetoed by the President will help nearly 1 million workers whose benefits have run out. It will help nearly 90 percent of all Americans who have exhausted their benefits since last March. The Dole bill would cover only 14 percent of those workers.

In California, nearly 170,000 workers would get additional assistance under the vetoed bill. None would get benefits under the Dole alternative.

In New York, 106,000 workers could get extended benefits under the vetoed bill. None would get benefits under the Dole bill.

In many other States—including Florida, Michigan, Pennsylvania, Texas, and Illinois—tens of thousands of workers would get benefits under the vetoed bill. None would get benefits under the Dole bill.

As with many other domestic issues, the Bush administration knows it has a problem. But instead of working with Congress to resolve the issue, the administration launched a public relations strategy, claiming that they are offering a real policy alternative.

Let us be clear. The administration is well aware that they cannot look totally insensitive to the plight of the unemployed. They cannot beat something with nothing. So they have come up with something next to nothing.

The Dole alternative, supported by the President, is an inadequate alternative. It is only a pale imitation of what this Nation needs. It would leave hundreds of thousands of unemployed workers and their families without the benefits they deserve.

I urge my colleagues to provide these benefits, to give the economy some stimulus, and to tell these working men and women that we see their plight, we hear their pleas, and we care about their families. "Let them eat cake" is not sensible economic policy, and it is unacceptable social policy. I urge the Senate to override this misguided veto.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas for 10 minutes.

Mr. GRAMM. Mr. President, let me simply review the facts as to how we came to be here and what this issue is really all about. The President told the Congress that if we raised the deficit, busted the budget, violated the budget agreement, and in the words of Alan Greenspan, the Chairman of the Federal Reserve Bank, almost certainly driving up long-term interest rates and putting more people out of work, that he would veto this bill. All 100 Members of the Senate knew with certainty that the President would veto this legislation. There was never doubt about that.

The President made it clear that he would sign a bill extending unemployment benefits if we were willing to pay for it. To this point, we have not.

I submit also, Mr. President, that every Member of the Senate knew that the President would not only veto this bill, but that his veto would be sustained. So what are we doing here? Why all these flowery speeches about "helping working people"? Will any action taken in this bill help one single working person? The answer is, no. This is another in a long line of political exercises that stand as a shadow of real economic policy and an imitation of real legislative action.

I have heard for 2 weeks how the Senate has an image problem. Mr. President, the Senate does not have an image problem. The Senate has a reality problem. The American people understand exactly what is going on here, and they do not like it.

I have listened to my colleagues pound their chests and talk about how we can show we care about working people. Let me just add a few facts.

Over the next 5 years we will spend, under our current budget agreement, $7.678 trillion. We are here today voting as to whether to override the President's veto to send the deficit up by $6.5 billion; $6.5 billion we do not have because we have already spent it, $6.5 billion we will have to borrow by going out and competing to take money away from people who would like to build new homes, new farms, new factories to generate new economic growth.

We say this is an emergency, but our deeds do not indicate that we take it as one. It is an emergency, but it seems not to be big enough that we might consider paying for it.

Let me outline what that means. Given what we would spend over the 5 years this bill would be in effect, we are talking about 84 cents out of every $1,000 spent by the Federal Government. I submit if this is an emergency, if we are so concerned about the unemployed, why cannot we find 84 cents out of every $1,000 we are spending to pay for it? I submit that we have not made an effort to find it because we do not want to find it.

What we are seeing here is an effort to create a political issue, not an effort to help the unemployed. If we wanted to help the unemployed, we would end this charade now. We would have a group of congressional leaders go down to the White House, meet with the President, work out a compromise, come up with a way of paying for this bill, come back this afternoon, pass it, and have the President sign it into law tomorrow. We are not doing that because we are engaged in a political exercise aimed at achieving partisan advantage, not help for American workers.

And I do not believe the people of this country are confused. I think they understand perfectly what we are doing.

Let me also say that we are going to have Members here who will hold up a chart that shows all this money that we are supposed to have in this unemployment trust fund. But let me note that we have already spent that money on something else and now we want to spend it again. All the President is saying is, if you want to spend it out of the trust fund, go back and take 84 cents out of every $1,000 you spent on something else and apply it to this high and noble purpose.

Finally, let me remind my colleagues of an idea that I know sounds revolutionary here in the Senate, but which is plain, common sense in every household, in every business, and on Main Street of every town of America. Unemployment insurance extension is not an economic policy. There is only one solution for unemployment, and that solution is employment. We had an opportunity on the floor of the Senate the other night to vote on an economic policy. I believe it is critically important that we provide incentives for people who work, save, and invest. I believe we are at the crossroads where we will soon choose between building on the economic progress that we achieved between 1982 and 1990 or returning to the stagnation of the 1970's. I think if we bust the budget and drive up the deficit today, an if next week we do it for another reason and the following week for another, pretty soon we are going to be back in the 1960's and 1970's in terms of economic policy.

So, I urge my colleagues to do what I know they are going to do: Sustain the President's veto. Do not bust the budget. Do not drive up the deficit. Do not drive up interest rates. Do not destroy jobs in the middle of a recession.

And when we have rejected this job-destroying proposal, let us adopt an economic program to create jobs. We are having a debate about whether the economy has turned the corner. If it did, it didn't leave any skidmarks. It is vitally important that we have sound policies to create jobs. That is what we ought to be debating here, not spreading the misery by driving interest rates up and putting more people out of work, but eliminating the misery by creating jobs.

Let us sustain the veto, adopt an economic growth policy, and let us get together on a bipartisan basis and extend unemployment benefits. But let us do something that every household in America has to do every day. Let us pay for it. If we are not willing to pay for it, if we are not willing to find 84 cents out of every $1,000 we spend to finance this program, let's quit kidding ourselves and the American people by calling it an emergency and by claiming that we care something about the working people of this country. This bill shows we care only about gaining political advantage and not working people.

I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, it should not come as a surprise anymore to anyone that we continue to wring our hands and gnash our teeth over the issue of extended benefits for the Nation's unemployed. Nor was it any surprise when last Friday the President of the United States vetoed the conference report on S. 1722 because that is what he promised to do.

In the meantime, the Congress is in the position of holding the Nation's unemployed hostage to what appears to many of us as a political game.

When the President refused to sign the first extended benefits bill before the August recess, he did not reject the needs of the unemployed. Rather, he tried to hold the Congress to its word and to the rules of the bipartisan budget agreement. That budget agreement has been used here by Democrats and Republicans alike to defeat needed increases in health, education, welfare, and a variety of other spending.

The President indicated that he would sign without delay the self-financing bill offered by the distinguished Republican leader. Instead of sending a bill which was guaranteed to deliver benefits to those out of work, the Congress sent a bill which would increase the deficit by $5.8 billion.

Mr. President, I supported the original bill reported from the Finance Committee by our chairman, the distinguished senior Senator from Texas, Senator BENTSEN. I believed that while that legislation was far from perfect, it met some of the real needs of the real unemployed in the State of Minnesota which ought to be addressed. The Finance Committee bill did address those needs, and it also adhered to the budget agreement by maintaining the President's authority to address the problem by declaring an emergency.

Three weeks ago I also supported a similar bill.

Mr. President, this Senator could not and did not support the Democratic conference report. The bill which emerged from the conference committee not only eliminated the discretionary role given to the President under the Budget Enforcement Act, but it was even more expensive than the first bill. Instead of increasing the deficit by $5.8 billion, the conference bill cost $6.4 billion, and it eliminated the Presidential authority to which the Congress had agreed under the budget agreement of less than a year ago.

Mr. President, I do not believe that the Budget Enforcement Act is an inflexible agreement. When it was negotiated, the ability of the Congress and the President to address unforeseen circumstances as they arise was included as part of the agreement. There are some, however, who would reject this agreement less than a year after the ink has dried.

And because there always seems to be more needs and wants than there are resources, we have to make choices. Oftentimes, these choices are difficult and painful, but as every American knows from trying to finance their own lives, budgets are about compromise.

I supported the alternative offered by the Republican leader. I thought it was the best compromise between the needs of the unemployed and the realities of our budget, because it played by the rules of the budget agreement. But when all sense of compromise and adherence to the rules of the budget disappeared in the conference committee, I could no longer support that approach.

Still, Mr. President, I am deeply concerned about those workers whose unemployment benefits have run out. I am saddened and disturbed that my colleagues on the other side of the aisle have refused to send the President a bill which he has promised to sign. All he asked of the Congress was to pay for the benefits as we had agreed to do less than a year ago under the budget agreement. And that to me is a fair request. What makes the request fair is that we do not try to solve the problems of families today by heaping the burden of more debt on our children.

As the junior Senator from Texas said, we have a problem in this body. It is not an image problem; it is a reality problem. The people of this country do not want us to promise what we will not pay for. And they do not want us to spend what we already concluded we cannot pay for. So the result of the Congress' political posturing is that the unemployed of this country have been held hostage as political pawns for the 1992 election. That, Mr. President, is just wrong.

Despite the fact that I was averaging, during the Clarence Thomas debate on the weekend of the Judiciary Committee, something close to 2,000 telephone calls and people were finding it almost impossible to get through, several hundred Minnesotans who wanted to see the President sign an unemployment bill got through on that telephone to say we had to pass a bill on extended benefits.

So, Mr. President, I have introduced S. 1789, the Deficit Neutral Unemployment Compensation Act. It is a bill which adheres to the Budget Enforcement Act and does not increase the budget deficit over the 5-year life of the agreement.

Like the compromise bill which was offered by the Republican leader, S. 1789 uses the traditional two-tiered approach to extended benefits. The triggering mechanism is the insured unemployment rate which is adjusted to include those who have exhausted their benefits. Unlike the bills which have been sent to the President which he has sent back to the Congress, S. 1789 does not increase the deficit, nor cast a blind eye to the other responsibilities we have.

Most importantly, Mr. President, unemployed persons in 32 States, including the people of my State of Minnesota, will receive greater benefits under this compromise that I have proposed than they would under the Democratic conference bill just vetoed by the President.

While my State of Minnesota experienced an increase in its unemployment rate in September, which is not unusual for this time of year, the bill offered by the conference committee would require dire circumstances in my state before Minnesota's benefits would surpass those offered under my substitute proposal. Moreover, Mr. President, S. 1789 would offer a means to address the pockets of unemployment which exist in Minnesota and in many other States. S. 1789 would direct the Secretary of Labor to develop a program for the long term unemployed, similar to the Job Training Partnership Act. This is another way in which S. 1789 delivers more meaningful benefits to a majority of the States than the bill vetoed by the President.

Rather than continuing down the road to nowhere, I hope that my colleagues on both sides of the aisle would join me in breaking the impasse and delivering benefits to unemployed Americans.

We have the means through a bill offered by my colleague from Montana, Senator CONRAD BURNS, who has very similar problems with extending benefits to the unemployed, and in S. 1789 to pay for our promises today, our commitments today, and the needs of today rather than adding to the financial burdens over the next generation. It can be done without casting fiscal discipline to the wind and Congress going back on its word. Mr. President, it can be done today. It can be done early this afternoon, so that checks can be issued without further delay.

If the President's veto is sustained, and I believe it will be, I intend to ask unanimous consent for the Senate to consider S. 1789 so that we can finally end the political gridlock over this issue and get unemployment insurance checks in the mail.

Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. What is the time situation?

The PRESIDING OFFICER. The Senator from Texas [Mr. BENTSEN] controls some 18 minutes remaining and the Senator from Minnesota has 43 minutes.

Mr. SARBANES. Eighteen minutes?

The PRESIDING OFFICER. Eighteen minutes remaining to the Senator from Texas.

Mr. SARBANES. By delegation from the Senator from Texas, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 4 minutes.

Mr. SARBANES. Mr. President, I do not know whether to take out my handkerchief here this morning and wipe away the tears as I listen to the protestations of my colleagues on the other side of the aisle, my Republican colleagues on the other side of the aisle, my Republican colleagues, who have it within their power in an hour from now to provide unemployment benefits for millions of Americans who need them.

I have heard a lot of efforts to obfuscate the issue this morning, and I think the best thing to do is to quote from the words of the unemployed themselves who have written to me, who perceive exactly what is happening.

> DEAR SENATOR SARBANES: I am writing this letter to you after watching the hearing on television on the problems of the unemployed people in AMERICA. The reason I put that in capital letters is because we would be better off if we were from a foreign country so that President Bush would see it in his heart to help us out. He does nothing for the Americans that are suffering.

Now, that is the first point. The Republicans constantly allude to the budget agreement. The budget agreement provided that you could go outside the budget to address an emergency.

The President went outside of the budget, and he expanded the deficit in order to send assistance overseas, but he cannot perceive an emergency at home with the millions of unemployed who are now facing what may well be the longest recession in the postwar period. It now is approaching the two longest recessions that we have experienced in the post-World War II period.

This correspondent went on to say:

> I only hope that you will be able to get through to Bush and make him realize that we are in an emergency situation in our own country.

The President has recognized emergencies overseas. The President came to the Congress this very year and asked for emergency declarations in order to send assistance overseas without regard to the budget agreement, but the President cannot see an emergency here at home in order to help Americans.

This correspondence goes on to say,

> What we as unemployed people want is to be able to rebuild our self-esteem, pay our bills and contribute to this country. We are not looking for a handout but right now we need more help. It is sad to know the funds are there but the President will not release them.

Well, she is exactly right. The funds are there. This is the surplus in the extended benefit trust fund. We now have over $8 billion in the trust fund. Employers pay specifically into this fund for the purpose of paying unemployment insurance benefits. The premise of the system is that you build it up when the unemployment level is low, and pay it out when the unemployment level rises. We are taking more money into the trust fund each year than we are paying out, right in the middle of a recession.

The fact that the money is not being used for the purpose for which it is intended is an absolute abuse of the principle of the trust fund. As this correspondence said, "It is sad to know the funds are there but the President will not release them."

Finally, another person wrote to me and said, "What constitutes an emergency? Whenever the unemployment rates have been this devastating in the past the Federal Government has automatically stepped in." That is true.

We have increased the extended benefits to the unemployed in each recession since World War II. Rhode Island is now triggered off and is no longer paying extended benefits. No State in the Union is now paying extended benefits even though they have unemployment rates of 8, 8½, and 9 percent.

This administration has denied consistently that there is a recession. From the very beginning, back in February, the President said the current recession is expected to be mild and brief by historical standards. In July Darman and Boskin said the economic recovery appears to be underway. It has not happened. There are millions of unemployed, Mr. President, who need these benefits. The money has been paid into the trust fund. The benefits ought to be paid.

I urge my colleagues to override this veto.

Mr. BENTSEN. I congratulate my friend, the Senator from Maryland, for his statement and his action and his concern.

I yield 4 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I thank the manager.

Mr. President, the need for extended unemployment benefits for Americans who cannot find work is obvious. What we are concerned about is we are still in a recessionary period. This recessionary period will continue with unemployment beyond the period of time when even the indicators come up, and they have not.

But we are dealing with a human factor here. Families are barely hanging on. They have mortgages to pay, children need school clothes, in Aberdeen, Hoquiam, and elsewhere in my State of Washington. Their household bills are stacking up. They look to us for some sense that we understand their situation, that we care enough to do something.

How does the President respond? With yet another veto, claiming the good times are just around the corner. That corner is a long ways away.

Last August President Bush stood on the porch of his family estate in Kennebunkport to deliver a veto message in an earlier version of this bill. "What is the emergency?" he asked.

Even as he spoke, the State of Maine—where he goes to vacation—was suffering one of the highest unemployment rates in the country. While he frolicked on his speedboat, hundreds of workers in Maine watched from the sidelines as their unemployment benefits expired without extension. There was not any vacation for them last August, only the growing possibility of foreclosure and economic ruin.

What is really making us outraged is the fact that we have an unemployment trust fund of over $8 billion. Employers have been taxed for this. Yet the demand is being made by the President that we tax again. This trust fund was set-aside as part of the payroll taxes to assist unemployed workers in time of emergency and in time of recession.

This is the time to vote for this. I hope my Republican colleagues will remember. This is not welfare. This is not some special new program. This is a program especially set up to deal with a recession, which everyone agrees we are in, and to help the people who are working people who need that boost over to the next job.

It is with very special and perhaps a bit parochial pride that I want to thank particularly the chairman of the committee and the others in this sense of overriding this veto. We will try to help some of the timber-dependent States and communities in Washington and Oregon that were affected by Federal policy changes. These people are out of work.

We walked these communities. I was out there last weekend. As you walk through these communities, these people want enough assistance so they can get back to their jobs.

The people in the Pacific Northwest as elsewhere are hurting, Mr. President. They are hurting in those communities that are resource dependent. With this veto the President just plain turned his back on them.

So I plead with my colleagues on the Republican side, because we will need your assistance. The men and women of this country are looking to us for help.

George Bush once called these "voodoo economics." They are "voodoo economics." And this latest veto is another example that the administration is not pursuing a domestic policy.

This country fought to get rid of King George, who taxed the colonies without giving them representation. What is happening here is that other taxes are being proposed to the people who have already paid them. I hope we will override this veto.

Mr. BENTSEN. How much time remains?

The PRESIDING OFFICER. The Senator from Texas controls 7 minutes 20 seconds.

Mr. BENTSEN. I yield half of that time to the distinguished Senator from Rhode Island, 3½ minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3½ minutes.

Mr. CHAFEE. I thank the distinguished floor manager of the bill.

Mr. President, my home State is experiencing extremely severe economic difficulties. In 1990, Rhode Island was the only State to provide extended unemployment benefits to its workers, a signal that we are experiencing the serious shortage of jobs.

Then at the beginning of this year Rhode Island was further crippled by a credit union crisis which dealt another blow to our floundering economy. Our boat building industry has been extremely hard hit by the onerous luxury tax. Business failures have increased steadily.

Unemployment rates already high in New England are continuing to climb. Our State government has really been on the brink of bankruptcy and, indeed, was forced to shutdown for several days this year.

The year 1991 has been a tough one for builders in our State. Indicators of our State's economy, whether it is new construction, employment, consumer confidence, or manufacturing jobs, each of these reveals the State is in the midst of a very troublesome recession.

Our small businesses which have been the engine that drove our prosperity in the seventies and eighties are now being hard hit by the current downturn. Until this week Rhode Island was the only State which was triggered on to the current extended benefits program.

As of this coming October 19, Rhode Island will trigger off the program, despite the fact that our total unemployment rate is 9.1 percent, one of the highest in the Nation.

It seems to me, Mr. President, something is wrong with our current system if we cannot get the extra benefits with an unemployment rate as high as 9.1 percent. I believe we should do all we can to help those who are trying to help themselves.

The measure before us would do that. It would provide needed benefits to a targeted population for a limited amount of time. We are not talking about permanent changes of an extended benefit program, but rather a short-term extension to help the long-term unemployed.

I think this is necessary and fair. I support that. I will vote today to override the veto on S. 1722.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. We retain the remainder of our time.

Mr. SEYMOUR. Mr. President, I yield myself 7 minutes of our time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, I rise today to express my opposition to the veto override and call on my colleagues to begin a constructive bipartisan dialog on how best to deliver extended unemployment benefits to thousands of Americans and, equally as important, how to bring economic growth, create jobs, and put people back to work.

Let there be no mistake and no misunderstanding on the vote we are about to cast. This is not a vote for extending unemployment benefits. This is purely and simply a vote of hard ball, petty, partisan politics. We all know the outcome before the vote is going to be called.

Therefore, I hope that once this veto override vote and political rhetoric settles in this august body, we begin to address the real problem; for what we must decide is whether we intend to extend benefits responsibly or foolishly. We must decide whether we intend to live up to our budget agreement made just a short year ago to control Government spending, or whether we are going to continue to resort to political budget gimmickery that will only lead to an increase in the size of our deficit, this year alone projected to grow approximately another $300 billion; next year, even higher.

I have heard some of my distinguished colleagues use this idea and this word "emergency." "In an emergency, it is OK to go outside of the budget agreement."

Well, let us strike the word "emergency." Of course, it is an emergency. It is an emergency when any American is unemployed. And particularly for that person who is unemployed, it is a real emergency, I assure you. But the way we are using that word, we are trying to imply or suggest that this emergency is a way to fund it. Why don't we just be blatantly honest and say: look, what we want to do is violate last year's budget agreement. We want to further add to the deficit. What we want to do on this vote is play hardball partisan politics, rather than truly help the unemployed.

Just as important, we must decide to do more than just extend unemployment benefits. We must also give all Americans reason to be confident, that this body, the U.S. Senate, will lead to the effort to rejuvenate America's economy.

We have another proposal, and it will be interesting to see how my distinguished colleagues on the opposite side of the aisle vote on that proposal, because that will be up next—the Dole proposal. That proposal pays for itself and will not add to the deficit. It may not be quite as fancy and have all the bells and whistles, but I can tell you, from my State, the State of California, the State Economic Development Department, which is responsible for coming up with programs to support and help the unemployed and help them find work, tells me that either the Dole proposal or this proposal we are about to vote on, the override, will provide approximately the same benefits to the unemployed.

So what is the argument about? Again, it is an argument of the 1992 election nearing. I am hopeful that when this vote goes down, my colleagues on the opposite side of the aisle will say: Look, we throw down our swords. Let us work together in a bipartisan fashion to try to ensure help for the unemployed and, equally as important, join in the program of economic growth and job creation.

It was more than 80 days ago that I joined with the distinguished Senator from Texas [Mr. BENTSEN] and several of my colleagues, Republican and Democrat, to introduce legislation to extend unemployment benefits to, at that time, a lot less numbers of unemployed. Some time between that day in July and this morning, the best of congressional goodwill became the worst of policy and, unfortunately, partisan political intention.

I cosponsored that original proposal, because it offered the best hope for extended benefits to my fellow Californians that have been hit hardest by the recession. Once the engine of American economic growth, the California economy has stagnated in the midst of the recession, as well as a December freeze, and a fifth year of drought. But since that proposal contained no funding, no way to pay for it, last year's budget agreement would require the administration to make this emergency declaration to in fact bottom line increase the deficit in order to fund it.

When that proposal was first introduced, I said then that I would hope we would find a way to pay for this bill, rather than play the budget gimmickery games that we are playing today.

Well, we did not find a way. So the price is laying on the table. Now over $6 billion can either be paid for in a responsible way, as we would under the Dole proposal, or could be added further to increase the deficit, increase the interest cost to our taxpayers, and further drive us, in my opinion, into recession.

Last month, when the Senate revisited this issue, I supported the Dole proposal, and it was defeated out of hand by my colleagues on the opposite side of the aisle. When I joined with Senator GRAMM and others to offer our economic incentive program to try and create jobs—through such components as a reduction in the capital gains tax, an elimination of taxes to be paid on IRA accounts, taxes to be paid on savings accounts, and tax reductions to try to stimulate some capital growth that would be invested in new businesses and new jobs—that also was soundly defeated out of hand.

So the Democrats left us with no choice but to send the original Bentsen proposal to a House-Senate conference committee. I hoped then that when it went to the conference committee, they would find a way to pay for this bill.

But, no. Out it came with a $6 billion-plus price tag to be added to the deficit. Of course, that is why I voted no on the bill then and that is why I am going to vote no on a veto override attempt later today.

The Democrats not only failed to find a method to pay for the extended benefits, but they also included a provision that literally strips the President of his independent authority to declare a budget emergency. It may be an emergency today on this bill, but it will be an emergency tomorrow on another bill, once this budget agreement is broken. And there are a lot of needy reasons. There are a lot of emergencies out there.

I have a crying need in my State, an emergency created by the worse plague on society, substance abuse. We have a 6-month waiting period for somebody to receive drug treatment in my State. That is an emergency, too. We have kids who need more money for education, reduced class sizes, to give them a higher quality education. That is an emergency, too.

So I would predict that if this vote was successful—and it will not be—this would be but the first of a whole series of emergencies.

So I find that Congress is up to its old tricks again, violating the budget agreement even further, and I am hopeful that once this vote goes down and we sustain the President's veto, then perhaps, as I said earlier, we can lay down our partisan swords and address the real issue. And the real issue is, No. 1, to provide meaningful extensions of unemployment benefits and pay for it as we provide them, and two, to adopt an economic growth package that will create jobs and offer a permanent solution to those millions who are unemployed.

Mr. President, I yield to the Senator from New Mexico [Mr. DOMENICI].

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will certainly yield to the majority leader who is indicating to me he desires some time, and I yield 2 minutes. And I would like to follow with about 7 minutes and then I think we will be reserving the remainder of the time to Senator DOLE.

Mr. MITCHELL. I am not going to ask the Senator to yield to me on his time. I will take some time from this side.

Mr. DOMENICI. I thought we were short of time.

Mr. MITCHELL. I think it is enough for me.

Mr. RIEGLE. I yield 2 minutes to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, on Friday, as we all know, the President vetoed the unemployment bill. He implied that the bill was irresponsible and he said that the bill "violates essential elements of last year's bipartisan budget agreement."

With regard to both allegations, I disagree.

Over 8 million Americans are unemployed. These families are out of work through no fault of their own. Millions of Americans have exhausted their unemployment benefits, but cannot find jobs. While these families struggle to pay their bills and put food on the table for their children, a trust fund established to pay extended unemployment compensation is collecting a surplus which is now about $8 billion.

As millions of Americans continue to struggle each month, it is not right or fair that a trust fund created for the specific and sole purpose of providing such insurance during times of economic distress is not used for the purpose for which it was created and is simply permitted to accumulate funds to create an accounting gimmick for the administration.

This year the trust fund will take in 10 times the amount of money that is paid out. This trust fund was created for the specific purpose of providing extended benefits, taxes were paid for this specific purpose, and the benefits should be paid.

I do not believe that it is irresponsible to use the trust fund for the purpose for which it was created. I do not believe that it is irresponsible to assist the unemployed, who have exhausted their compensation but who have not yet found jobs.

The President says that Americans out of work, with deep running tragedy in their lives, do not represent an emergency. He says that it will bust the budget to use the trust fund for the purpose for which the trust fund was created.

But he has had no problem requesting emergency funds to help those overseas—those for whom we have not established a trust fund.

When the Kurds needed help, the President said it is an emergency, let us help them. Do not worry about the budget. When the Turks needed help, the President said it is an emergency, let us help them. Do not worry about the budget. When the Israelis needed help, the President said it is an emergency, let us help them. Do not worry about the budget.

But when Americans need help, the President says no, even though there is an $8 billion surplus in the trust fund created for the purpose of helping the unemployed.

The President says that he would support an alternative unemployment bill, one introduced by my colleague, Senator DOLE. But that bill does not take care of those Americans who have already exhausted their unemployment benefits. That legislation contains only a tiny reachback provision, a provision to extend compensation to those who have exhausted their benefits since March of this year.

While the reachback provision under the legislation that the President vetoed would assist nearly 1 million jobless Americans, the legislation introduced by Senator DOLE would assist only 135,000.

That means that under the Dole bill, jobless Americans in States like California, Missouri, and Montana would receive no assistance for those who have already exhausted their benefits.

There are 168,966 individuals in California who have exhausted their unemployment compensation since March 1. There are 21,649 individuals in Missouri who have exhausted their unemployment compensation since March 1. There are 2,941 individuals in Montana that have exhausted their unemployment compensation since March 1.

In all, there are some 31 States plus the District of Columbia where individuals have exhausted their unemployment compensation and would receive the benefit of reachback unemployment benefits under the bill the President vetoed, but who would receive nothing under the alternative bill introduced by Senator DOLE and supported by the President.

The President says he cares deeply about the unemployed. But he does not seem to care about those families who have exhausted their benefits in the last 7 months. I believe that those who have already exhausted their compensation are the most in need of an extension of unemployment compensation. Those are the individuals who have been struggling the most and who are most at danger of losing their homes, their cars, and their dignity.

The President does not care about the $8 billion surplus growing in the unemployment trust fund. While taxes have been paid once in order to build up the surplus, he says, in effect, that he wants taxes to be raised again. I think taxes have been collected and we ought to spend the trust fund for the purpose for which it was created.

I see no reason to pretend that the trust fund does not exist. The trust fund does exist. It contains $8 billion. And, that $8 billion was collected for the sole purpose of providing extended benefits in times of economic distress.

The President is wrong in saying that this legislation is irresponsible. The President is wrong in believing that those individuals who have already exhausted their unemployment compensation should be ignored. The President is wrong in believing that the trust fund should be ignored.

The legislation that the President vetoed is fair. It provides reachback benefits to nearly 1 million Americans who have exhausted their unemployment compensation since March. It targets extended compensation in a manner so that those States with the highest unemployment rates would receive the longest extension of benefits.

The alternative bill introduced by Senator DOLE would not so target compensation. Six States would receive 10 weeks of extended benefits and 44 States would receive 6 weeks. Under the Dole bill, States like Michigan with an unemployment rate of 9.6 percent, Mississippi with an unemployment rate of 9 percent, and West Virginia with an unemployment rate of 9.8 percent would receive only 6 weeks of extended benefits, while some States with lower unemployment rates receive a 10-week extension.

You do not need to be an economist to figure out that the higher a State's unemployment rate, the harder it probably is to find a job. That is why in our bill, we have provided extended benefits on a scale that increases as the State's unemployment rate increases.

Under our bill, we have targeted extended unemployment compensation in a manner that takes into consideration the State's employment situation. But the President calls this "complex" and "cumbersome." I disagree. Targeting the extension of benefits to a State's unemployment rate is common sense.

The legislation we are considering today is fair. It is responsible. It contains a strong reachback for those who have already exhausted their compensation. It provides a targeted extension of benefits pegged to a State's unemployment rate.

I urge my colleagues to join in overriding this unwise and unfair veto. The President was willing to go outside the budget agreement to help people in other countries. What is wrong with helping Americans in need, especially when there exists a trust fund created precisely for this purpose?

I hope my colleagues will join in overriding the veto.

Mr. RIEGLE. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me ask how much time we have.

The PRESIDING OFFICER. The Senator has 28 minutes.

Mr. DOMENICI. I yield myself 7 minutes of this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I open by answering the distinguished majority leader, who posed the question why would we not use the trust fund which has accumulated over the years. The answer is very simple: 75 U.S. Senators said "no." That is why. Not 1, not 10, not 51; 75 U.S. Senators said "no." They said "no" on that day that they voted for the enforcement mechanism of fiscal policy for this Nation for the next 5 years. They said "no." They said "no" to all the trust funds. They said you start with them as a base and you do not spend them unless in spending them you hit the budget targets that are required.

I regret to say this, but it is absolutely unfair to talk about the trust fund is there and the President should spend it. Seventy-five U.S. Senators from both sides of the aisle voted "no." So one can now come to the floor and say there is a trust fund for highways, it has money in it, spend it, and the same argument to be made: It has been collected in gasoline tax, it is in the trust fund, spend it on highway programs. The answer is "no."

Why no? Because the Senate said "no." And the U.S. House said "no." They said this will be enforced in this way and in deciding which way you cannot spend trust funds below the baseline because to do that is to raise the deficit as we have defined the deficit.

In other words, Mr. President, for those who are interested in why, because some may say that is really not so smart, it seems kind of ludicrous. Some say, well, if you spend trust funds down you increase the deficit. The way the deficit was defined by whom? By this Congress, who voted for it. So that one really makes no sense. It will never help get one nickel to the unemployed of this country for those on the other side or this side, for those to stand up and say this is a trust fund, spend it. So what we agreed to, we agreed that anything that was going to be spent that would break the budget was out of order unless it was an emergency.

An emergency is defined not by the President, not by this Senator. Let me suggest it was defined by 75 U.S. Senators who said what an emergency is. They voted "aye," and in that law that they voted "aye" on, it said the emergency must be declared by the Congress and the President.

So I do not believe we ought to be talking about emergencies unless we are prepared to say an emergency by our own definition is something that is untoward and immediate and both the President and the Congress agree that it is.

So in this bill, one of the reasons that we who are worried about fiscal policy, about the deficit and about enforcing this 5-year agreement so we do not spend ourselves even into more economic ruin than we have today with lack of production and investment capital, what we are saying is do not redefine an emergency and leave the President out. He is supposed to be a partner. So what did we do? We sent him a bill and it said this bill, by your signing it, Mr. President, you have declared an emergency.

Is that not interesting? On every other emergency he has agreed in advance with us that he would join us in declaring it an emergency. So obviously he would like to discuss emergencies with us for the reason the junior Senator from California said awhile ago.

If we do not have both doing it, we can take the 5-year agreement and throw it out the window because every time there is a need—and there are many needs—we will write a bill and self-declare in the Congress this is an emergency and send it to the President.

So why would we have a budget? We finish a budget and every time we had a new need we would put this in as an emergency and send it to him and say, when you sign it, it is an emergency. He would have to veto it if for nothing else we are dictating an emergency in the statute instead of asking him to say that it is.

That should, I think, perhaps dispel the notion that this is a trust fund which should be used for this. Yes, it should. If Congress does it the right way, and what the right way is, it is the way we agreed to about 13 months ago, and 75 Senators voted for it. The House agreed to it.

So on that score we have heard some eloquent arguments. We have seen some brilliant graphs. They are very visible because they are in red and white. But the truth of the matter is that they are irrelevant. Other than there is money there that, if you want to declare an emergency to spend it, you can spend it, or if you want to fit it in the annual budget amount that we have set as our own targets, then you can spend it instead of some other money. Point No. 1.

Point No. 2, we are not going to get help for the many unemployed in our country by sending bills like this to the President, and everyone should know it. Those who are now engineering, leading, an effort to get unemployment extended in the United States, if 3 or 4 weeks ago they did not learn then, maybe they will learn today that it is not going to be done by declaring an emergency in the U.S. Congress and spending money. It is going to get done when we agree with the President to spend money on unemployment that we do not add to the deficit but rather pay for it in some way by changing tax law or canceling programs.

And the law is very clear. Lacking an emergency, you do not change a program like this, an entitlement like this, unless you pay for it.

I will close by saying I am sure that the distinguished minority leader, Senator DOLE, will once again today follow up on my last remarks that you are not going to get any unemployment extension by unilaterally declaring an emergency. You are not going to get it.

You are going to have to do it by paying for it. He is going to suggest, if we quit arguing, quit trying to win this issue, quit trying to make it an issue that the President is trying to hurt people and others are trying to help them, quit trying to do that and produce a bill that pays for itself, like the Dole-Domenici bill, we will get some unemployment compensation extension.

There will be, when that measure is offered, those who will say it is not enough. I submit if we would have adopted it when we first offered it, many, many hundreds of thousands of Americans would have been getting extended unemployment benefits under it, and they are not going to get them now because we are still deciding who wins this political battle.

Now I would like to have printed in the RECORD two things. First, in the Washington Post this morning, it suggests that we should support the President's veto and suggests very, very succinctly that the extensions are needed, but we ought not break the budget; we ought to pay for it.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 16, 1991]

VETO NO. 23

The Senate is scheduled to vote today on the president's veto of a bill extending unemployment benefits to hundreds of thousands of workers who have exhausted the basic 26 weeks. The benefits are needed, but the veto ought to be upheld. The Democrats approved the extension without a tax, asking instead for a declaration of emergency that would bypass the budget agreement and add the estimated $6.4 billion cost to the deficit.

That's wrong. The deficit will already be more than a third of a trillion dollars next year. The borrowing (much of it from abroad) is a dangerous drain on the economy. The empty Treasury threatens the ability to govern. If only for the sake of the Democrats' own agenda, the deficit has to be brought down. The Democrats see a political risk in voting for tax increases, but if they cared as much as they claim about the the unemployed they'd have taken the negligible risk—as they still should—and voted to finance this legislation.

The law already provides for extended benefits in certain circumstances. The bill would reverse a Reagan-era budget cut and make those circumstances easier; it would take a lower unemployment rate to put the extended benefits in play. The administration's objections are not fiscal only. The bill involves an admission that the recession has been more serious than the administration would like the public to believe. It says the recession was relatively shallow and makes the good point that the Democrats didn't act until it was nearly over.

But the Democrats make the equally good point that when recessions end, the increased unemployment that they cause does not. It lingers. The rate continues to be close to 7 percent or one willing worker out of 14. There are 2 million more unemployed than there were a year ago, and the weak recovery in prospect is unlikely to reduce either of these numbers soon. The unemployment insurance system has been much weakened in recent years. It covers less of the work force than it used to, and covered workers exhaust their benefits more quickly. They are doing so now at a rate of several hundred thousand a month.

Yes, a bill should be enacted, but it should be fiscally responsible. Strip the president of his reasons. Uphold the veto, then pass the bill again as House Ways and Means Committee Chairman Dan Rosentkowski proposed, with a tax increase to pay for it.

Mr. DOMENICI. Second, Mr. President, there is an interesting article about the latest Nobel Prize winner in economics, Ronald H. Coase. I only introduce this article because one of the economic studies that he did and one of the suggestions that he made on changing the way we do business answered the following question: What is the best way for the Federal Communications Commission to allocate radio frequencies to broadcasters?

Interestingly enough, he, after much study, indicated the best way is to auction them, as is provided as part of the method for paying in the Dole-Domenici bill, which extends unemployment compensation.

I ask unanimous consent that this article in the Washington Post regarding this Nobel winner be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOBEL PRIZE IN ECONOMICS GOES TO UNIVERSITY OF CHICAGO PROFESSOR

(By Anne Swardson)

Ronald H. Coase, an economist at the University of Chicago's law school, yesterday won the Nobel Prize for economics for decades of work explaining the relationship between laws and economic behavior.

While groundbreaking when he formulated them beginning in the 1930s, Coase's theories have become so fundamental a part of both law and economics, experts said, that by now they seem to be virtually common knowledge. They can be applied to a wide array of questions:

How can companies that pollute the atmosphere be charged for the cost to society of their pollution?

What is the best way for the Federal Communications Commission to allocate radio frequencies to broadcasters?

Why are taxi fares higher in New York than in Washington?

"Basically, he altered both lawyers' and economists' way of thinking about the interaction between legal rules and the economic welfare of a society," said Richard F. Fielding, director of George Mason University's Law and Economics Center in Arlington.

Coase, 80, was said to be in the south of France and could not be reached for formal notification that he had been granted the $1 million award. British-born, Coase received his education at the London School of Economics. He still does research at the University of Chicago, where he went in 1964 after teaching at the University of Virginia for six years.

The Royal Swedish Academy of Sciences, which chooses Nobel winners, said Coase's theories are "among the most dynamic forces behind research in economic science and jurisprudence today."

"He is the most unassuming person you can imagine," said Douglas G. Baird, Coase's successor as director of the Chicago program in law and economics. "He has a wonderful dry wit, a charming English accent. He is a great man."

Today, when Congress considers tax legislation or environmental bills, it seems only natural to ask how people might respond—whether investors could try to find loopholes in the tax laws, or businesses might hire lobbyists to defeat a regulation. But when Coase began writing in the 1930s, law and economics were considered two entirely separate disciplines.

In a scholarly article, Coase used a simple analogy to postulate his theories that the two were connected. Say a farmer and a rancher each wanted to use the same land, one to grow corn and the other to graze cattle, he wrote. Under the way of thinking prevalent at the time Coase began his research, the government would come up with a plan for the farmer to get payment for his trampled corn or the rancher to be paid for losing grazing space.

Coase showed that society as a whole is better off if the two simply negotiate their own compensation. He did this by emphasizing what economists call transaction costs, the expense of paying lobbyists or negotiating contracts or trying a case in court. The lower the transaction costs, the better off society was.

So, for instance, the FCC should auction broadcast rights rather than require applicants to prove—through expensive procedures—that they are the best-qualified for the license. New York should freely grant taxi licenses rather than limit the number of medallions so each one acquires its own value. Polluters should be allowed to "buy" the right to pollute, at the appropriate price, rather than have to meet arbitrary standards set by the government after lengthy wrangling.

Law and economics, as the field is called, "recognizes the market as a complement to human behavior. Behavior will be affected as much by economics as by the rules. So what then is the most efficient and cheapest way of bringing about the desired end?" said Steven M. Crafton, also of the George Mason law and economics center.

As the growth of the George Mason center shows—it moved here from the University of Miami and Emory University in 1986, and now hosts numerous seminars for practicing attorneys and sitting judges, among other things—Coase's ideas have caught on.

Federal appeals judges Richard A. Posner and Frank H. Easterbrook are two adherents of the law-and-economics approach, although the application of economic principles remains controversial in some legal circles.

Mr. DOMENICI. How much time do we have remaining on this side?

The PRESIDING OFFICER. The proponents have 19 minutes.

Mr. DOMENICI. I yield the floor and reserve the remainder of our time.

Mr. RIEGLE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. RIEGLE. Mr. President, it is essential that this veto be overridden, because it is an emergency issue. People out there are in desperate need. They need help. The Senator from California spoke on this.

In the bill that we have here, that we have already passed and the President vetoed, there are 200,000 unemployed workers in California who will receive benefits under our proposal who would receive nothing, not one dime, under the Dole proposal. The Dole bill is a sham bill. And I can illustrate it with respect to two points.

First of all, there is already over $8 billion sitting there in the extended unemployment benefits trust fund. That money has been collected over a period of time precisely to pay out benefits to unemployed workers and their families in circumstances like this.

Let me tell you about Michigan. Unemployment in Michigan has just gone up to 9.7 percent. I have 170,000 unemployed workers out there who have exhausted their unemployment benefits, or will over the next year, and cannot find work. They need to be able to feed their families. They need to be able to keep a roof over their heads. They need this help. The money is in the fund. The money ought to go to them.

Under the Dole bill, a third of those 170,000 would not get one dime and the rest, instead of receiving 20 weeks extension in a job market where there are no jobs to be had, where unemployment is rising, would only get 6 weeks. The Dole bill is not an answer to this problem.

This bill was passed here in this Senate by 65 votes. Now, 65 votes ought to be a sufficient majority, but the President wants to be a majority of one, because he does not think it is necessary, and he does not think these people are important. He thinks the people in Mexico are important, because he has a jobs program for Mexico. He has a jobs program for Kuwait. The Bush administration has a jobs programs for China, for Russia, for every country around the world except this one.

We need a jobs program for America. Until we get one, the unemployed workers deserve to receive the $8.4 billion in that trust fund that has been collected to help them keep their lives together in a situation like this. It is necessary, it is vital, and it is time that this Government acts and does what is right for our people for a change.

I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, I understand that Senator RIEGLE has no time remaining.

The PRESIDING OFFICER. Senator RIEGLE has half a minute.

Mr. DOMENICI. May I just take 1 minute, and then I will yield to the Senator from Montana.

Let me suggest, with reference to a jobs program, it is interesting that the other side—in particular, usually, the Senator from Michigan, who just spoke—talks about the President and foreigners and Republicans. But I submit the American people are not fools. Where is the Democratic plan for jobs? I will tell you.

If it is what we have been voting on for the past 18 months, the agenda, it will not produce one job. Motor voter, how do you get more people registered, leads the show. The Hatch Act reform, and about four more like it. I submit it will not produce 10 jobs, unless it is more public jobs that have to implement the likes of what is being suggested.

So I think it would be nice for those who criticize to suggest something of their own, rather than to carp, as has been done.

I am pleased to yield 5 minutes to the Senator from Montana.

Mr. BURNS. I thank my colleagues from New Mexico.

Mr. President, as we look at the economic conditions around the United States, it would be fair to say that we are in a regulatory recession created somewhat by the economic policies of Government.

There is hurt. There is hurt in Montana; there is hurt in California; all over this Nation. If anything should teach us anything over the last 4 or 5 days, it is that it is time that this body becomes fiscally responsible and passes a piece of legislation that does, yes, extend unemployment benefits to our unemployed, maybe looking at a retroactive provision, and extend them out to where these people can go back to work.

What is the biggest job creator that is being held up in Congress now? I would say it is the highway bill. The Senate passed a good highway bill. It puts people to work. It builds infrastructure in the United States. No need even for unemployment benefits when everybody is working. But no matter how good the times, we are always going to have about 5 percent unemployed. We are always going to have that, no matter how good the times.

So it is time that we take on the real purpose of the U.S. Senate and develop some statesmanship and some leadership, and do it in a fiscally responsible way. Why put another tier of debt on our children and grandchildren to pay off?

The No. 1 concern in America is the national debt and deficit spending. We will be paying a lot more in interest on the national debt than we are paying for this piece of legislation here. And we keep adding to it.

There are alternatives, and they will be offered here, after the veto is sustained by this body. We must be fiscally responsible. There are ways to pay for it, almost painless ways to pay for what this piece of legislation will really cost.

I can hear in my State, "There they go again, passing another bill that does not have enough money to cover it." I can remember, it was a little over a year ago when the budget agreement was agreed to. Now who is trying to break those provisions that were fiscally responsible? Done in the name of politics? I do not want to say that. But could it be? I think so.

So, let us take a look and see what it really does. The leadership in the Senate passed a good highway bill. It got to the House of Representatives. They have not passed one yet. Just now they are in the process of considering it. Let us do some progrowth things. If you want to get money in the marketplace, if you want to provide jobs, what about investment credit? What about lowering the tax on the transfer of assets? The only way you put people to work is if there is commercial activity, not long lines at an unemployment office. What do we want to do? Jerk the work ethic out of the American worker, the best worker there is in the world, a worker who understands productivity? He wants to work to retain his pride, feed his family, contribute to a community. Basically that is what we are talking about here.

Those who need help we want to help, the President wants to help, and we can pay for it in a fiscally responsible manner. We will offer legislation after the vote that will do just that. The President will sign it.

The PRESIDING OFFICER (Mr. GORE). The Senator has used the 5 minutes yielded to him.

Mr. BURNS. Mr. President, I hate to go over my time. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, the President wants responsible extended benefits legislation. In vetoing S. 1722, the Emergency Unemployment Compensation Act of 1991, President Bush said:

> If a bill providing unemployment benefits in a responsible manner—financed under the budget agreement—reached my desk, it would be signed immediately so we could provide real additional benefits to the unemployed.

I do not think that the message could be clearer, that the President wants legislation that will provide unemployed Americans with extended benefits. He has been saying so for months.

But he will not do so at the cost of the budget agreement. Sending the message that Washington does not care about increasing the deficit—that Washington has no fiscal control—puts all Americans at jeopardy.

S. 1722 jeopardizes all Americans. It puts employed and out-of-work Americans at risk because it jeopardizes the economic recovery we have just started to see.

It puts future generations at risk because they will have to pay that money back with interest to the Germans or the Japanese or whoever is funding the United States Government at that time. And this, Mr. President, is really the bottom line of S. 1722 and why the Senate should sustain that veto.

If this debate were just a matter of who could provide the most generous package, then I would have offered a package of 25 or 30 weeks of extended benefits with a reachback covering everyone. But if that is the approach that Congress is going to take, what will be the economic future of this country?

I know my colleagues on the other side of the aisle have lots more programs—probably some good ones—that will hike the deficit up billions more. But if we were to do all that, "Economics 101" says that you will see higher interest rates, lower business activity, and higher unemployment.

In short, Mr. President, the deception of S. 1722 is that it gives extended benefits with one hand, while taking away jobs and economic growth with the other.

This debate has only been about politics. If my colleagues on the other side of the aisle were truly serious about getting benefits to unemployed Americans, they would have sat down with the President and congressional Republicans a long time ago to craft a bill that does not bust the budget agreement and run up the deficit. Certainly, as we all know, the invitation to do so has been there.

But I honestly do not think, Mr. President, that my colleagues on the other side of the aisle want an unemployment bill. At least the record so far would seem to indicate that they are more interested in political benefits than extended benefits.

Twice a bill that we all knew from the beginning was unacceptable has gone to the President. I wonder how many more times we will continue to send the President the same budget-busting legislation, that produces political showdowns but no extended benefit checks in the mail.

AMERICAN PEOPLE ARE TIRED OF POLITICAL GAMES

I think Americans are tired of political games for they only benefit the politicians. We all want extended benefits legislation. There has been no controversy on that issue.

The difference, however, between this side of the aisle and the other is that we believe it should be paid for. I truly believe the American people want legislation that is paid for. I truly believe the American people are tired of Congress turning a blind eye to the deficit and further mortgaging this Nation's future.

DOLE ET AL. ALTERNATIVE

After this vote, I shall seek unanimous consent to have the bill offered by myself, along with Senators DOMENICI, ROTH, LUGAR, SIMPSON, DANFORTH, BOND, SEYMOUR, and others—S. 1791, the deficit-neutral Unemployment Compensation Act of 1991—discharged from the Finance Committee for immediate consideration.

It is now 46 days and counting since benefits could have started under the proposal offered by myself and others back in August. Let us not continue to let the days needlessly tick by.

I have heard a lot of criticisms of the bill saying that it does not go far enough. We would all like to offer more but not like S. 1722, which takes away from the American people much more than it gives.

If there are acceptable ways to finance more benefits under our alternative, I am more than happy to discuss them as possible modifications. But let us start talking rather than sending the President irresponsible legislation that should never become law.

I urge my colleagues to vote to sustain the veto so that a serious debate on extended benefits for unemployed Americans can begin. That way, checks can be put in the mail and food can be put on the table.

Let us not go through this exercise again. I hope this is the last time. I hope now we will have some action on the other side to figure out some responsible, fiscal way to pay for unemployment benefits. It is one thing to talk about benefits; it is another thing to pay for benefits.

What we want is a bill that the President will sign. We have a couple of alternatives on this side. One, called the Dole bill, is not quite as generous as the Durenberger bill but at least we pay for it. As someone said earlier, there may be no precedent for that in the U.S. Senate, but why not start some? Why continue to run up the deficit, to add $6.2 billion to the deficit, charge it up to our grandchildren, have an adverse impact on those who are even unemployed now and call this a benefit?

We are prepared to move. In fact, I will ask unanimous consent after the veto is sustained to have immediate consideration of my proposal. I want to serve notice on my colleagues on the other side, if we have immediate consideration, I will move to pass it by voice vote.

I think the Senator from Minnesota is going to make the same request in the rare event mine should be objected to. But if there is an objection, we certainly will be hopeful to entertain Senator DURENBERGER's and Senator BURNS' suggestion.

What the Democrats have in mind is more spending, violating the budget agreement—even putting unemployed people at more risk because the Democratic proposal jeopardizes the economic recovery we have just started to see. I must say it is not bounding out of sight. It is pretty flat. But this would be another nail in it. It puts future generations at risk because they would have to pay that money back with interest to the Germans or Japanese or whoever is funding the United States Government at this time.

Mr. President, the bottom line is the President would sign our proposal just as he has vetoed this proposal. Really, it is the same proposal except with one change. This would be the second rejection. I do not know how long we can play this game with the unemployed workers of America. As I have said before, I am not certain unemployed Americans are sitting around with a score card saying: Let us see, this is the Democratic plan and this is the Republican plan and this is the better plan. What they want are benefits. They want the money to start flowing. And it can start flowing very quickly if we adopt one of our proposals. It is paid for. And we have letters on the Dole proposal from both OMB, the Office of Management and Budget, and CBO, the Congressional Budget Office. Our proposal is in accord with the budget agreement.

The proposal on the other side is not. I have heard all the speeches about the trust fund, but all that was considered in the budget summit. Many of us each held our nose and voted for the budget agreement. Now, some of those who voted for it and some who voted against it already want to violate it, and the ink is barely dry.

Mr. President, I do not know how many times this bill will go to the White House. It seems to me there ought to be some responsible action that can be taken. We are prepared to discuss legislation, extended benefits, helping unemployed workers all across America, in my State, in every other State. But let us pay for it. Let us not come up with some gimmick. Let us pay for it. So I would be surprised if the veto is not sustained. And, as I have indicated, after the vote I will seek unanimous consent to have the bill offered by myself, Senators DOMENICI, ROTH, LUGAR, SIMPSON, DANFORTH, BOND, SEYMOUR, and others—I will ask it be immediately considered.

I just close by saying it has now been 46 days and counting since benefits could have started. We could have had benefits out there for 46 days, 7 weeks almost, if we had adopted the proposal of myself and others back in August. Let us not continue to let these days needlessly tick by. We are ready to go. We are ready to help the unemployed workers of America. We are not willing to engage in politics as usual, spending as usual, run up the deficit as usual. The American people have had enough of that. The Democrats' plan will put more people out of work in the long run. So let us be responsible for once. We ought to be responsible at least once a week. Come to think of it we were responsible last night. Let us be responsible twice this week.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DURENBERGER. I yield myself as much time as I might need.

Mr. President, I just want to reinforce the comments of the Republican leader to the effect that those of us on this side, some of whom, like me, have voted for the original Bentsen plan, have now determined that having abandoned the principle of revenue neutrality and pay for your promises on the Democratic side of the aisle, we have come up with an alternative that will be even a better proposition for extended benefits than was in the original Bentsen bill that went to the President in the beginning of August.

The major difference between the Dole proposal, which I trust no one will object to, and mine, which is there just in case somebody will object to it, is that in the Dole proposal the extended benefits on the two-tier approach are 6 weeks and 10 weeks whereas in my bill it is 8 weeks and 15 weeks.

I would just like to reiterate, for those of my colleagues who will talk to whoever is responsible for objecting on the other side, that under the provision in my bill, the 8-week/15-week bill, and particularly the difference between the 8 weeks and the 7 weeks in the Democratic conference report is the unemployed in 32 States in this country—including Minnesota, I hope Tennessee—will do better under the Durenberger approach than under the Democratic proposal. Six months from now, an additional eight States will do better under this approach than under the Democratic approach.

So, if you are from any one of those 40 States, I would certainly recommend you think twice about the different approaches here, the value, of course, of the Republican approach, whether it is the Dole approach or the Durenberger-Burns approach. This one is paid for. This one is not the one that sends the bill to the children.

As I indicated earlier, too, Mr. President, in the event that someone objects to consideration of the Dole-Domenici et al. proposal, that Senator BURNS and I are prepared to ask unanimous consent of this same body to take up our proposal, S. 1789.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 1 minute for the purpose of asking a question of the distinguished senior Senator from Minnesota.

The Dole-Domenici bill pays for itself in each of the years. Do I understand that the expanded benefits that my colleague propose differ but they are budget neutral over the life of the budget agreement, over the 4½ years or 4 years remaining of the budget agreement; is that correct?

Mr. DURENBERGER. Mr. President, the Senator from New Mexico is absolutely correct. S. 1789, our proposal, is paid for in each of the years. We just do it differently from the Dole proposal.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Republican leader has 3 minutes remaining. The manager of the bill has 30 seconds remaining.

Mr. RIEGLE. Mr. President, I yield myself what time is left.

The benefits would be flowing right now to the unemployed workers if the President had not vetoed this bill twice. Those were really inexcusable vetoes. The bill has been passed by an overwhelming vote in both the House and Senate. What the Republicans are saying is that people ought to pay twice. There is already $8 billion in this trust fund, there is no doubt about that. Their bill would provide a tiny fraction of the benefits needed than would be paid out under our bill.

Frankly, it is a sham bill and designed only for politics and not to meet the problem. It does not come close to what we have done in previous recessions. It is politics through and through. If these folks would go out and meet with the people in the unemployment lines who are desperately trying to hold their lives together, they would override the veto and get the benefits to them today in the amount that is needed.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the word "sham" was used. I do not like the word very much, but let me suggest the arguments about the trust fund are a sham. They are being argued as if the President has something to do with the trust fund issue. We, let me repeat, 75 U.S. Senators, voted that trust funds could not be used in violation of the budget numbers. They were all frozen and used as part of the starting line for budgets. So if we were going to spend them, we had to spend them under emergency powers. Point No. 1.

Point No. 2, it is not to be questioned. It is unequivocal that had the Dole-Domenici bill been passed, unemployed people in the United States would have already received 46 days of benefits—the same size benefits, the same amount of benefits. For 46 days they would already have received them. Who is responsible for that?

The third point. The distinguished Senator from Michigan continues to talk about emergencies and accuse the President of declaring emergencies for all kinds of things but not for this.

That is patently, absolutely wrong. The only emergency involving foreign use of money overseas was immediately after the war when everyone in this body, and the President, agreed to some immediate aid to Israel and Turkey. All the others, the litany of programs that they have spoken of in foreign aid, all came out of the war fund, not out of our budget; the war fund from our allies accumulated the money and the interest which was used to pay every one of the foreign assistance items that have been mentioned by the distinguished Senator from Michigan and others. Everyone should know that. They can check it out, and that is the truth of it. There was no emergency waived as to domestic programs. No domestic dollars where waived to be used as an emergency. They were from the war fund set up by the foreign countries who helped us in the war.

Mr. President, after this vote, and when we sustain the President's veto, Senator DOLE will ask that the bill that he and I have been putting before the Senate regularly be considered so that the Senate can take it up and vote on it. I believe it is the right thing to do. But if the Senate is not so disposed, I believe they should seriously consider the measure offered by Senator DURENBERGER and Senator BURNS. I do not think there is any objection to it. I do not know that the President would sign it, but it seems to me that he should. It is neutral over the 5 years. It is paid for, and I believe that is better than sitting around here arguing who is doing more for the unemployed in this country. I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today to express my outrage at the veto by President Bush of the Emergency Unemployment Compensation Act of 1991.

Last Friday, George Bush dashed the hopes of many unemployed workers and their families by vetoing the Emergency Unemployment Compensation Act. The President doesn't feel that extended benefits are needed. President Bush thinks that we are coming out of a mild recession and we are on our way to economic recovery. I say tell that to the people in Maryland who have been out of a job for over 6 months and can no longer buy groceries or pay next months house note.

President Bush talks about how the economy is on a rebound; that economic recovery is just around the corner. He tells us not to bust the budget agreement by passing this bill. He says that the economy cannot afford to extend unemployment benefits.

I say, we cannot afford not to extend the unemployment benefits. In my own State of Maryland we have 150 workers who were laid off just last week from the Schmidt Baking Co. in Cumberland. Soon 1,200 folks will be laid off at Westinghouse's Electronic Systems Group. I don't think that they feel we are coming into economic good times. Ask the Maryland State troopers who were scheduled to lose their jobs last week because the State has no money to pay them. Ask the hundreds of workers at Bethlehem Steel who have been laid off over the past year.

The unemployment bill that President Bush vetoed is already paid for. We have an unemployment trust fund that contains $8 billion in surplus money created just for this kind of situation. It's there for economic emergencies. Mr. President, this is an emergency.

The promise of economic recovery will not put workers back on the job and won't pay the family bills. Thousands of Marylanders are looking for work now. Thousands more are losing their jobs and losing their benefits. We need to immediately extend unemployment benefits for those States with the worst unemployment rates. The long-term unemployed can't wait for trickle down economics to take effect.

Mr. President, they aren't looking for a handout. They just need a hand.

The following article which appeared in the Baltimore Sun on Sunday, October 13, 1991, might give the President a view of the economy that the American people are facing right now.

When my name is called this afternoon, I will vote for America's workers. I will vote to override President Bush's veto.

I ask unanimous consent to include the Baltimore Sun article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Oct. 13, 1991]

UNEMPLOYED FOR 2 YEARS, MECHANIC STILL HAS HOPE

(By Michael Pollick)

In his gray Davidson College sweat shirt and jeans, Mike Pugh might be mistaken for a construction worker taking a break as he sits on a concrete stoop at the corner of Broadway and Aliceanna Street in Fells Point.

But while he has considerable job skills as a mechanic, Mr. Pugh, 39, has not had a steady job in more than two years.

Occasional jobs as a day laborer have brought some money, but he says. "They pay you $25. By the time you come back, buy dinner, wash your clothes and buy some cigarettes, you're right back where you started."

Mr. Pugh—and millions of Americans like him—illustrate the tremendous human cost hidden behind the nation's unemployment statistics.

While the Bush administration downplays the recession, noting that the unemployment rate is well below the rate of previous recessions, millions of jobless or underemployed Americans are going uncounted.

They include so-called "discouraged" workers, who say they'd like to work but have given up looking, and part-timers who want to work full-time. Both groups are excluded from the Bureau of Labor Statistics' "official" jobless rate—6.7 percent in September.

The official rate, buoyed by positive assumptions, seriously underestimates the extent of the nation's unemployment problem, some economists say.

The bureau acknowledges the issue—buried deep in its monthly press release is another jobless rate that may come closer to reality: 10.1 percent.

But some think that even 10.1 percent understates the problem.

"My number is 12.5 percent." said Lawrence Mishel, an economist with the Economic Policy Institute in Washington.

If Mr. Pugh is reflected in the Bureau of Labor Statistics' figures, it is not clear how. Is he a part-timer, and therefore considered part of the employed labor force? Or is he counted as one of the 1.1 million discouraged workers—a group that, like the 6.4 million part-timers who would rather work full-time, is tallied by the bureau but excluded from the "official" rate?

Or, is he overlooked completely, since he has no permanent address?

Jack Bregger, the bureau's assistant commissioner for current employment analysis, said it would take an interview by an enumerator to determine Mike Pugh's status on any given day.

"If he has done any work at all in a given week, he wouldn't be counted as unemployed," said Mr. Bregger. The homeless, he added, are covered in surveys if they are living in a shelter.

Whatever the case, Mr. Pugh seems to be functioning with no safety net. And he has that in common with many other essentially jobless people.

"Far fewer of the unemployed are getting any benefits now versus in the mid '70s or early '80s recessions. That's why there's a big political fight about extended benefits," said Mr. Mishel, who has devised his own rate to show "the portion of the labor force that is under stress." One major difference: Although the government's 10.1 percent rate counts part-timers as half a person each, he includes them all, figuring that they are definitely "under stress."

September's jobless rate fell from the 6.8 percent level of the prior two months and of the second quarter. The Bush administration pointed to the figures as further proof the economy was recovering.

But the number of discouraged workers, which the bureau defines as "people who want to work but are not looking for jobs because they could not find any," increased by 100,000 in the latest three-month period, to 1.1 million. That put the total at its highest level since 1987.

Meanwhile, ranks of those who are being forced to work part-time because they can't find a full-time job rose by 669,000 in the last three months to reach 6.4 million.

THE UNRECOGNIZED

Angelique Dedmon, who at age 19 has already served a year in the National Guard, falls into this category, which BLS says is often referred to as "the partially unemployed." When she came off active duty in the Guard a month ago, she began looking for a full-time retailing job in Baltimore, her hometown. But she has yet to find a position, even at the lowest wage levels.

Prior to joining the Guard, she made $5.25 an hour as a full-time supermarket cashier, but she is now forced to accept a series of temporary jobs. Her latest job, hanging clothes and unloading trucks for the Limited Express at Towson Town Center, started this week and ends Tuesday. She is paid $4.50 an hour.

"You've got to get what you can."

Accurately counting the nation's unemployed isn't easy. Even officials at the Bureau of Labor Statistics, while defending the official jobless rate as a way of measuring change over time, acknowledge that their 60,000-household sample has its shortcomings.

"The under-counted population may be a bigger problem than the homeless," said Mr. Bregger of the bureau.

"Even though they live somewhere, they don't want their existence to be known to enumerators for a variety of reasons," he said. He listed a few: illegal aliens, men who prefer not be be counted because a household can only receive Aid to Families with Dependent Children if the man of the house is missing, and people who are so crammed into living quarters that their occupancy itself is illegal.

If discouraged workers and part-timers are under-recognized in the statistics on the federal level, they are nearly non-existent on the state level.

"In the state of Maryland, if you are an individual not pursuing employment in some kind of way—and that includes registering for the Maryland Job Service, collecting unemployment insurance benefits, all those kinds of things—then for the most part you are not recognized," said Curtis Kane, assistant director of public information for the state's Department of Economic and Employment development.

Regarding discouraged workers, Mr. Kane said, "We have no methodology to determine who they are, where they are, or how many there are." But improperly measuring unemployment could have serious consequences.

"If you don't have an accurate measure of the problem, or you have one that shows the problem being too small, then you don't develop programs to address it," said Debra Silimeo, press secretary for Congress' Joint Economic committee, which is chaired by Sen. Paul S. Sarbanes, D-Md.

The debate over the jobless rate, until now largely academic and partisan, may gain added importance if Congress pushes through its new extended unemployment benefits package over President Bush's veto.

Today, extended benefits are tied to each state's actual jobless insurance claims. Under a proposal that has passed the Senate, extended benefits would be triggered by the Bureau of Labor Statistics' jobless rate, which is broken down for each state by complex computer programs.

Meanwhile, the Bureau of Labor Statistics has yet to implement one of the most significant recommendation of a 1979 presidential commission on job statistics—that at least some of the nation's discouraged workers be counted among the unemployed.

A POLITICAL FOOTBALL

We are "completely ignoring the discouraged workers the way they are reported now," said Sar Levitan, a veteran Washington economist who headed that 1979 commission to improve labor statistics.

He thinks one-third to one-half of the so-called discouraged workers, or 400,000 to 500,000 people, really belong in the ranks of the jobless. The higher figure would raise the unemployment rate to 7.2 percent.

"Can you imagine any administration just agreeing to increasing the unemployment by such a magnitude?" he asks.

Mr. Pugh isn't sure which category he fits in, and doesn't care. He just wants a job. "I'm an unemployed, trying-to-find-a-job, discouraged worker," he said.

He said that in November 1989, he quit his job at a food-processing plant near Lynchburg, Va., where he learned to maintain hydraulic, pneumatic and refrigeration equipment. He expected to make bigger money in Baltimore, in style.

When he cannot get a day-laborer job, he says, he might spend the day sitting around. "Sometimes I just walk from soup kitchen to soup kitchen."

At this point, he can't even afford a room, and he either sleeps in a homeless shelter or an abandoned building.

When he applies for a job, he gives as his address the soup kitchen around the corner from his perch, Beans & Bread at 1621 Aliceanna St.

"I had these big dreams," he said "I was going to come back and build a nice house."

Mr. CRAIG. Mr. President, I rise today to express my continued support for the President and to voice my opposition to S. 1722, the Emergency Unemployment Compensation Act of 1991.

Let me say that I am deeply concerned about the needs of the unemployed and their families. In my own State of Idaho, the unemployment rate in some areas is alarming. It is not as bad as in past years and it may not be the chronic and pervasive problem faced by other regions of our Nation, but it does exist. As a result, I believe we must take steps to ensure that the economic recovery continues and grows stronger each day, creating new jobs along the way.

Nevertheless, S. 1722 is not the answer, and I will vote to sustain the President's veto for three reasons:

First: There is a better alternative. As we all know, the Republican leader has crafted an unemployment compensation bill that is acceptable to the President. It would provide benefits, similar to the bill before us, but with one major difference—the benefits would be paid for, not tacked onto the burgeoning Federal deficit. Unfortunately, this fiscally responsible alternative was rejected by a majority of my colleagues.

As a result, we are confronted by a bill that could cost as much as $6.5 billion during fiscal years 1992-95, without being subject to the pay-as-you-go requirement of last year's budget agreement. Make no mistake, S. 1722 would bust the budget and hamper any economic recovery.

Second: This legislation does not address the real problem. Extended benefits may give short-term help, but will not provide the long-term stability of a job. S. 1722 does nothing to spur economic growth and create solid, good-paying jobs. What the Nation needs are progrowth initiatives that will create jobs and put people back to work.

Third: This is politics, pure and simple. The Presidential campaign season has begun and the Democrats are looking for an issue, any issue, to try and make the President look bad. But it won't work. The Republicans have crafted a viable alternative and President Bush supports it. He would sign it today, if the Democrats would just agree that it is the more responsible unemployment legislation. Likewise, the President supports progrowth initiatives, designed to kick-start our economy. But the Democrats won't sign off on those either. Unfortunately, they are more interested in politics than policy. As a result, the problem will remain unresolved. People in Idaho understand that. The American people understand that.

Mr. President, I urge my colleagues to join me in voting to sustain the President's veto of S. 1722.

Mr. COHEN. Mr. President, today the Senate has the opportunity to give America's long-term unemployed workers a desperately needed extension of their unemployment benefits.

While unemployment is a nationwide problem, it has been particularly acute in my own State of Maine. Maine has been one of only eight States that has previously qualified for the Federal-State extended benefits program. This benefit cutoff occurred in August, when the State's unemployment rate was 7.6 percent, nearly twice what it was a year ago.

Congress attempted, with my support, to extend unemployment benefits before the August recess with the passage of the Emergency Unemployment Compensation Act. To be implemented, the bill required the declaration of an economic emergency. When an emergency was not declared, an alternative plan offered by Senator DOLE was introduced. Although I endorsed this alternative as fiscally responsible, it did not gather enough votes for adoption. With the defeat of this alternative, the Senate passed once again with my support a similar version of the Emergency Unemployment Compensation Act.

This legislation has now been vetoed, and we are faced with a dire situation. Americans need help. We are at a point where many unemployed who have exhausted their initial benefits, are desperately in need of the means for keeping food on the table of their families and a roof over their heads for the oncoming winter.

There are now 26,000 fewer jobs available in Maine than 1 year ago at this time. In a matter of 2 years we have gone from the situation of a worker shortage to one in which it is not uncommon for over 200 applicants to apply for one minimum wage position. A company that is one of the largest employers in Maine has told me that it is receiving 500-600 unsolicited job applications each month. As unemployed workers' benefits run out, many are becoming desperate and are coming back to reapply.

Some will argue that the economy is improving and the unemployment rate will be steadily declining. This does not ring true to the thousands of Mainers fruitlessly searching for employment. For example, I recently received a letter from a young man who has exhausted his initial benefits and, due to his inability to find work, has been forced to apply to the town where he lives for public assistance. The town—his neighbors and friends—helps him pay for his rent and gives him $24 a week for food. He is proud and wants to be self-supporting but, without a job, he must rely on others for his support. In these fiscally difficult times, when small towns in Maine are barely able to maintain needed services, a new burden has been added: They must help feed, clothe, and house citizens who want to work and help themselves.

I have also heard from many businesses in Maine who have urged me to support the extension of unemployment benefits. One small family business in Maine employed 40 workers last year and, as a result of the recession, has been forced to lay off all but a few. The owner described his situation as desperate, and he is saddened to see their employees run out of their much needed assistance.

Mr. President, this situation is indeed an emergency. There are 8.5 million Americans without jobs and millions who will have soon exhausted their benefits, and are in desperate need of assistance. These are not just statistics, they are human beings whose livelihoods and self-esteem have been ravaged by the recession. These are proud individuals who have previously worked toward the growth and economic advancement of our country. They have been employed by businesses that have contributed to the unemployment trust fund on their behalf.

We, as an elected body of the people, have an obligation to work to support these people with funds that have been established for this very purpose. For these reasons, and for the people of Maine who desperately need this assistance, I am voting to override the President's veto.

Mr. PELL. Mr. President, I urge my colleagues to override the President's veto of extended unemployment benefits legislation. The time has come for both the Congress and the Bush administration to recognize that we are in a prolonged recession.

I do not not believe we can simply tell jobless Americans that the economy is turning around and if they wait another 6 months there may be jobs available.

During every deep recession in my memory, the Federal Government has provided extended unemployment benefits for those who need this help. This commitment to helping the unemployed seems to have disappeared in some quarters.

I do not know what has changed. People still need to buy food, pay for heat, and send in the rent check. The human side to unemployment is still there. The only thing that has changed is the ability of those in power to see the problem and act to resolve it.

In Rhode Island, there are 5,500 people receiving extended unemployment benefits. These benefits will be cut off unless the Senate is able to override the President's veto. Last month, 8,000 Rhode Islanders waited in line in the rain to receive surplus Government food. This is what it has come to in my State. And the only safety net offered by the Federal Government is surplus cheese, rice, beans, and flour.

I cannot believe this is what Government has come to mean in this country—surplus food and a promise that things may get better. I am asking my colleagues today to look closely at the suffering caused by this recession and vote to override the President's veto.

Mr. KERRY. Mr. President, yet once again, the Senate of the United States has been forced by the inexplicable callousness of President Bush to reconfirm our insistence that steps be taken to provide badly needed assistance to the long-term unemployed workers who are the victims of the recession that has gripped our Nation for months.

First, in August, we passed a bill that would have provided additional benefits to those who had been unemployed for so long that they had exhausted the regular unemployment benefits for which they had been eligible. We sent that bill to the President with great hope that he would sign it into law and that the benefits the bill would have made available would have begun flowing to those who so much needed them by the beginning of September.

But in one of the most cynical political exercises I have witnessed in a long time, President Bush, indeed, signed the bill into law, but announced on the very same day that he would not take the step necessary—acknowledging that an economic emergency existed warranting such action—to release funds to pay for the benefits.

I can only surmise, Mr. President, that President Bush and his advisors have not spoken to the thousands of unemployed workers in my State of Massachusetts who lost their jobs because of the recession, and, despite their continued efforts, have been unable to find other work. The families of these long-term unemployed workers have struggled against heavy odds to keep food on their tables, to keep their homes from being lost to foreclosure, to pay for essential medical care, and to protect some vestige of their hard-earned savings intended to be used to educate their children, provide for their retirement, or care for other essential expenses.

If President Bush had spoken to those Massachusetts citizens, Mr. President, or any of the others among the 8 million U.S. workers who are in similar straits from one corner of our Nation to the other, I do not see how he could have done that. Their stories are too gripping, too desperate.

When we returned to session in September, however, Mr. President, the Democrats in the Congress set about to rectify this situation. A second bill was prepared, passed—with 65 Senators of both parties voting for it, and sent to the President—with a provision that, if the President signed it into law, the funds for its benefits would flow automatically without need for a separate declaration of economic emergency.

We took this step, once again, with some hope the President would recognize that, for these families, there is no question about the current circumstances being an emergency. We also fervently hoped he would recognize that there is nearly $8 billion of unemployment insurance taxes sitting in a trust fund dedicated for use only for paying unemployment benefits—and that this legislation would not result in using even all of those funds for additional benefits.

And what did President Bush do with this bill? He vetoed it!

So here we are, Mr. President, on the Senate floor once again—this time to seek to override President Bush's veto and finally transform this legislation into law.

I am truly hopeful this Chamber will act precisely to that end.

Our Republican colleagues, in an attempt to justify and support President Bush's actions, have devised what they like to refer to as an alternative unemployment insurance extension bill. But its provisions are sadly inadequate—indeed, stingy—compared to the bill President Bush vetoed. Tens of thousands of long-term unemployed workers who have exhausted their benefits would not receive a penny under its provisions. It looks a great deal like a thin candy coating; it cannot possibly withstand critical scrutiny.

In Massachusetts, the Dole Republican alternative bill—would provide a maximum of 10 additional weeks of benefits; the vetoed bill would provide up to 20 additional weeks. In the prevailing economic climate in Massachusetts, that is a critical difference.

Mr. President, I previously have spoken at some length in this Chamber—each time the President's actions have forced the issue back to the Congress—concerning the economic circumstances that exist in Massachusetts, and the tremendous need for the benefits we have been trying to provide for several months. Today, rather than repeat those remarks, I will ask unanimous consent when I complete this statement, that a white paper titled "Reaching Back To Help the Unemployed," prepared by Isaac Shapiro of the highly regarded Center on Budget and Policy Priorities, be entered in the RECORD. That white paper painstakingly analyzes the differences between the bill vetoed by the President, whose veto we will be voting to override in just a few minutes, and the so-called Dole alternative bill. In summary, it finds that nearly 1 million jobless workers who have exhausted their state benefits since March 1 of this year would be eligible for assistance under the vetoed bill, while, under the Dole bill's provisions, only 135,000 such workers would be eligible for assistance.

I can see only one acceptable course for the Senate today, Mr. President. We have been rebounding from President Bush's intransigence on this matter long enough. He simply will not recognize that the severity and extent of need across this country in all respects warrant declaration of an emergency. We have sent him legislation twice.

It's time now to do what he will not do, and vote to make this legislation law—to start the additional benefits flowing. I will vote to override President Bush's veto, and urge my colleagues to join me in taking a concrete step to use the unemployment insurance trust fund to provide extended benefits to those who so badly need them.

Mr. President, I ask unanimous consent that the white paper I previously referenced from the Center on Budget and Policy Priorities be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

[From the Center on Budget and Policy Priorities, Oct. 14, 1991]

REACHING BACK TO HELP THE UNEMPLOYED

(By Isaac Shapiro)

Last Friday, President Bush vetoed legislation that would have provided additional unemployment benefits to workers who exhaust their state benefits. The President has indicated he prefers unemployment insurance legislation similar to that introduced by Senator Robert Dole.

Some of the more widely-discussed differences between the bill vetoed by the President, S. 1722, and the Dole legislation include the controversy over the emergency waiver in S. 1722 as well as differences regarding the number of weeks of additional benefits that would be provided to workers exhausting their benefits during the next several months.

Another key difference, however, has received less discussion than it merits—the difference in the amount of assistance provided to workers who have exhausted their unemployment benefits over the past half year and are still out of work.

This difference is very substantial. This report finds that nearly one million jobless workers who have exhausted their state benefits since March 1 would be eligible for assistance under the bill vetoed by the President, while just 135,000 such workers would be eligible for assistance under the Dole bill.

Those affected are among the jobless workers whose needs are likely to be greatest since they have been out of work and without benefits the longest.

COMPARING THE "REACHBACK PROVISIONS"

Both bills provide benefits to two groups of jobless workers. The first group consists of those workers whose state unemployment benefits run out during the nine-month period after the bill is enacted. All such workers will be eligible for assistance under both bills, with S. 1722 providing a maximum of seven to 20 weeks of assistance to these workers, depending on the state where the worker lives. The Dole bill would provide these workers a maximum of six to ten weeks of assistance.

The second group of workers affected by these bills consists of workers whose benefits ran out between March 1, 1991 and the present and who are still out of work and looking for a job. The provisions covering workers whose benefits ran out between March 1 and early October are known as "reachback provisions" and are the focus of this analysis.

The reachback provisions of the two bills differ greatly. The provisions of the vetoed bill cover the vast majority of workers who have exhausted unemployment benefits in recent months. The Dole bill covers only a small fraction of these workers.

In 36 states and the District of Columbia, workers who exhausted their state unemployment insurance benefits between March and early October—and who are still unemployed—would be eligible for additional aid under S. 1722. Nearly nine of every ten workers who exhausted their state benefits in recent months—89 percent—live in these 36 states.

By contrast, under the Dole proposal, workers who have exhausted their benefits since March 1 would be eligible for benefits in only six states. Just 14 percent of workers who exhausted their state benefits in recent months live in these six states.[1]

The difference in the number of jobless workers who are assisted under the reachback provisions of the two bills is similarly stark. (See the Appendix for an explanation of how these figures were calculated. As explained there, this analysis is likely to underestimate the number of workers affected by the reachback provisions under both bills, particularly in large states. The understatement of the number of workers affected is larger for S. 1722 than for the Dole proposal.)

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[1] Both bills would provide reachback benefits to Puerto Rico.

An estimated 980,000 workers who exhausted their benefits between March 1 and October 5 would be eligible for additional benefits under S. 1722's reachback provision.

By contrast, an estimated 135,000 workers who exhausted their benefits during this period would be eligible for additional benefits under the Dole reachback provision.

S. 1722's reachback provision assists 845,000 more jobless workers—seven times as many people—than the reachback provision in the Dole bill.

STATE ANALYSIS

As Table I indicates, in 31 states and the District of Columbia, workers whose benefits expired between March and early October would be eligible for benefits under S. 1722's reachback provision but would not be eligible for benefits under the Dole bill. These states include most of the states with the highest unemployment rates in the nation.

West Virginia's unemployment rate of 10.5 percent is the highest of any state in the nation. Michigan's rate of 9.7 percent is second highest. Mississippi's rate of 8.7 percent is fourth highest. None of these states would qualify for reachback help under the Dole bill. All would qualify for reachback help under S. 1722.

Seven other states that have unemployment rates above seven percent would be eligible for reachback assistance under S. 1722 but not under the Dole bill. These states are Alabama, Arkansas, California, Florida, Kentucky, Louisiana, and New Hampshire.

The differences between the two bills would affect particularly large numbers of people in various states.

In California, nearly 170,000 jobless workers whose benefits ran out between March and early October would be eligible for additional assistance under the vetoed bill. None of these workers would be helped by the Dole bill.

In New York, 106,000 workers would be eligible to be helped by the reachback provision under the vetoed bill; none would receive assistance under the Dole bill.

In Florida, Michigan, Pennsylvania, and Texas, 50,000 to 60,000 workers in each state would be eligible to be assisted by the reachback provision under the vetoed bill but would not be assisted under the Dole bill. Just under 50,000 workers in Illinois would benefit from S. 1722's reachback; none of them would receive help under the Dole bill.

In addition, in four of the six states that do qualify for reachback assistance under the Dole bill, fewer weeks of assistance would be provided—and fewer workers would be helped—than under S. 1722. These states are Alaska, Maine, Massachusetts, and Rhode Island. (See Table II for the maximum number of weeks of additional assistance that workers in each states would receive under the reachback provisions of the two bills.)

In New Jersey, the same number of workers would qualify for reachback assistance under both bills. In this state, however, the Dole bill would provide more weeks of benefits.

In one state—Connecticut—workers would qualify for reachback assistance under the Dole bill but would not qualify for this assistance under S. 1722.

A final point should be mentioned about the reachback provisions of the Dole bill. Under the Dole proposal, a state's eligibility for reachback coverage is not directly tied to a state's unemployment rate. Consequently, most states with unemployment rates above seven percent would not qualify for reachback assistance, while some states with unemployment rates below seven percent would qualify. New Jersey's unemployment rate is 6.2 percent—below the national average of 6.7 percent—while Alaska and Connecticut both have unemployment rates under seven percent. These are three of the six states that do qualify for reachback help under the Dole bill.[2]

This anomalous situation—of workers living in states with the highest unemployment rates in the nation not qualifying for additional assistance while other workers in states with stronger labor markets do qualify for this aid—would not occur under S. 1722. Reachback eligibility under S. 1722 is tied to a state's average unemployment rate over recent months. All States with average unemployment rates of six percent or more would qualify for assistance.[3]

RECENT EXHAUSTEES ARE IN NEED OF AID

The reachback provisions are important because they are designed to help a group of workers likely to find themselves in an especially precarious position. The family of a worker who exhausted state unemployment benefits between March and September—and who is still looking for a new job—is likely to be in more difficult economic straits than the family of a worker who exhausts state unemployment benefits this month or next. The family that exhausted its benefits earlier in the year is more likely to have partly of fully depleted any other resources on which it could draw.

My families whose workers exhausted their benefits since March may already have fallen into poverty. A Congressional Budget Office study issued last year compared the poverty rate among jobless workers during the period three months after their benefits ran out. The study found their monthly poverty rate was twice as high after they exhausted their benefits. Nearly one in three who had exhausted their benefits were poor.[4]

It should be noted that if the federal government had responded earlier in the recession to address the problem of workers exhausting their unemployment benefits, workers who exhausted their benefits in recent months would have received or would be receiving this additional aid. It seems ironic, as well as inequitable, to deny additional benefits to such workers simply because the federal government took so many months to act—and consequently, their benefits ran out before the unemployment legislation was enacted.

Since March, from 240,000 to 334,000 workers have exhausted their state benefits each month without being eligible for additional aid. In July and August, more than 300,000 workers exhausted their unemployment benefits each month without being able to receive any extended benefits. Levels this high are unprecedented in the recorded history of the unemployment insurance program.

Both the greater need among those whose benefits have already run out and the principle of providing equal assistance to jobless workers placed in similar circumstances suggest that unemployment insurance legislation should include strong reachback provisions

TABLE I.—NUMBER OF JOBLESS WORKERS WHOSE BENEFITS HAVE RUN OUT SINCE MARCH AND WHO WOULD QUALIFY FOR ADDITIONAL AID UNDER THE TWO BILLS

	Under Dole bill	Under S. 1722
Alabama	0	12,239
Alaska*	3,248	4,052
Arizona	0	0
Arkansas	0	9,051
California	0	168,966
Colorado	0	0
Connecticut	22,339	0
Delaware	0	1,828
District of Columbia	0	5,469
Florida	0	50,002
Georgia	0	34,262
Hawaii	0	0
Idaho	0	4,636
Illinois	0	49,517
Indiana	0	16,341
Iowa	0	0
Kansas	0	0
Kentucky	0	11,130
Louisiana	0	8,384
Maine*	7,407	11,077
Maryland	0	19,343
Massachusetts*	40,482	46,725
Michigan[1]	0	59,796
Minnesota	0	0
Mississippi	0	8,441
Missouri	0	21,649
Montana	0	2,941
Nebraska	0	0
Nevada	0	6,590
New Hampshire	0	706
New Jersey	58,246	58,246
New Mexico	0	3,513
New York	0	106,314
North Carolina	0	23,462
North Dakota	0	0
Ohio	0	37,233
Oklahoma	0	6,457
Oregon*	0	10,356
Pennsylvania	0	55,343
Rhode Island*	3,958	10,919
South Carolina	0	11,986
South Dakota	0	0
Tennessee	0	24,996
Texas	0	53,634
Utah	0	0
Vermont*	0	1,803
Virgina	0	0
Washington	0	20,273
West Virginia*	0	5,850
Wisconsin	0	0
Wyoming	0	0
United States	135,861	983,5330

*See "Note on Tables."

Source: Center on Budget and Policy Priorities calculations based on information from the U.S. Department of Labor, the Congressional Research Service, and Mathematica, Inc.

TABLE II.—MAXIMUM NUMBER OF WEEKS OF BENEFITS THAT ELIGIBLE INDIVIDUALS COULD RECEIVE UNDER THE REACHBACK PROVISIONS OF THE TWO BILLS

	Under Dole bill	Under S. 1722
Alabama	0	13
Alaska*	0–10	0–13
Arizona	0	0
Arkansas	0	13
California	0	13
Colorado	0	0
Connecticut	10	0
Delaware	0	7
District of Columbia	0	13
Florida	0	13
Georgia	0	7
Hawaii	0	0
Idaho	0	7
Illinois	0	7
Indiana	0	7
Iowa	0	0
Kansas	0	0
Kentucky	0	13
Louisiana	0	13
Maine*	0–10	7–20

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[2] Under the Dole bill, a state's eligibility for additional benefits is determined by the number of people claiming state unemployment benefits as well as the number of people exhausting state benefits in the most recent three months. As a result, some states with restrictive unemployment insurance programs that make it harder for unemployed people to qualify for state benefits—such as Mississippi and West Virginia—are less likely to qualify for reachback help under the Dole bill than are states with less restrictive unemployment insurance programs.

[3] Specifically, a state would be eligible for reachback benefits under S. 1722 if its unemployment rate either from February to July or from January to June averaged six percent or more.

[4] Ralph E. Smith and Bruce Vavrichek, the Congressional Budget Office, "Family Incomes of Unemployment Insurance Recipients and the Implications for Extending Benefits," February 1990.

TABLE II.—MAXIMUM NUMBER OF WEEKS OF BENEFITS THAT ELIGIBLE INDIVIDUALS COULD RECEIVE UNDER THE REACHBACK PROVISIONS OF THE TWO BILLS—Continued

	Under Dole bill	Under S. 1722
Maryland	0	7
Massachusetts*	0–10	7–20
Michigan*	0	7–20
Minnesota	0	0
Mississippi	0	20
Missouri	0	7
Montana	0	13
Nebraska	0	0
Nevada	0	7
New Hampshire	0	13
New Jersey	10	7
New Mexico	0	13
New York	0	13
North Carolina	0	7
North Dakota	0	0
Ohio	0	7
Oklahoma	0	7
Oregon*	0	7
Pennsylvania	0	13
Rhode Island*	0–10	7–20
South Carolina	0	7
South Dakota	0	0
Tennessee	0	7
Texas	0	7
Utah	0	0
Vermont*	0	0–13
Virginia	0	0
Washington	0	7
West Virginia*	0	7–20
Wisconsin	0	0
Wyoming	0	0

*See "Note on Tables."

Source: Center on Budget and Policy Priorities based on information from the U.S. Department of Labor and the Congressional Research Service.

NOTE ON TABLES

States marked with an asterisk are states that were eligible for the federal extended benefits program, which provides up to 13 additional week of extended benefits, during all or parts of the period between March 1 and early October. Under both bills, any weeks of benefits a worker received under the extended benefits program would count against any potential reachback benefits the worker could receive.

For example, Alaska was eligible for the extended benefits program from February through the beginning of September. Workers in Alaska who received the full 13 weeks of extended benefits during this period would not be eligible for any additional assistance under S. 1722. The 13 weeks of extended benefits assistance would fully offset the maximum number of weeks of reachback benefits that S. 1722 would provide in Alaska, which is also 13 weeks.

Such workers in Alaska would also be ineligible for any reachback benefits under the Dole bill. Workers in Alaska who received between 10 and 13 weeks of extended benefits during this period would also fail to qualify for reachback benefits under the Dole proposal. This is because the Dole bill provides a maximum of 10 weeks of reachback benefits in Alaska. (An Alaskan worker could have received fewer than 13 weeks of extended benefits in recent months if, for example, the worker was one of those jobless individuals who had collected less than the full 13 weeks of extended benefits when the state became ineligible for the extended benefits program in early September.)

An Alaskan worker who received five weeks of extended benefits before Alaska became ineligible for the program could receive up to eight additional weeks of benefits under S. 1722 and up to five additional weeks of benefits under the Dole bill.

The data reflected in Table I on the number of workers eligible for benefits under the reachback provisions of the two bills take into account the fact that some exhaustees in states marked with an asterisk would not qualify for additional benefits.

APPENDIX.—ESTIMATING THE NUMBER OF PREVIOUS EXHAUSTEES WHO MAY STILL BE ELIGIBLE FOR ADDITIONAL BENEFITS

Many workers who have exhausted their unemployment benefits since last March have found new jobs and would no longer qualify for or need additional unemployment aid. Many others, however, have not. They have exhausted their unemployment benefits, continue to look for work, but have not found a job.

No ongoing government survey exists of the number of workers that fall into these different categories. As a result, it was necessary to estimate the number of workers who have exhausted their unemployment benefits since March and would be eligible for additional benefits under the two bills.

The estimates are based on *actual* data on the number of workers exhausting their benefits each month and an *estimate* of how many of these workers potentially remain eligible for new aid because they have not been reemployed. The estimate is based on a study conducted by Mathematica, Inc. for the U.S. Department of Labor. (Walter Corson and Mark Dynarski, Mathematica Policy Research, Inc., *A Study of Unemployment Insurance Recipients and Exhaustees: Findings From a National Survey*, September 1990.) This study estimated the length of time it took workers who exhausted their unemployment benefits to find a new job. Similarly, the study estimated the percentage of workers who exhausted their unemployment benefits who then found new jobs after various periods of time. For example, the study found that 10 weeks after workers exhausted their benefits, 40 percent had found a new job.

The study covered 1988, when the unemployment rate was 5.5 percent. The unemployment rate is higher today, having averaged 6.8 percent since March. In today's weaker labor market, it is likely to take longer to find new employment than in 1988. Consequently, using the results of the Mathematica study is likely to understate the number of workers who exhausted their benefits since March 1991 and who remain without a job today. The estimates derived here therefore tend to understate the number of workers eligible for the reachback provisions of the two bills. Since S. 1722 provides reachback benefits in six times as many states as Dole, the understatement is greater for S. 1722.

For purposes of this analysis, the results of the 1988 study were applied universally across states. Since most state labor markets are weaker than they were in 1988, this is likely to understate the number of workers affected by the reachback provisions in most states. The understatement would be largest in those states whose unemployment rates are now highest and where it consequently is most difficult to find a new job.

Mr. LEVIN. Mr. President, President Bush says that he is concerned about unemployment, but as he sees things, we are not facing an emergency. And, I guess when you live in Washington and are surrounded by advisors who tell you that everything is coming up roses, that's the easiest thing to believe.

But, Mr. President, out in the country, there are still a lot more thorns than roses to this so-called economic recovery. On the same day that the President vetoed the legislation to provide additional weeks of unemployment to people who have exhausted their unemployment benefits, I was in Michigan, where the unemployment rate is 9.7 percent and almost 13,000 people exhausted their employment benefits in September alone. But statistics only go so far. While I was in Michigan on the same day that the President found no emergency, I heard real stories of pain and suffering. Let me take a moment to tell the Senate a couple of those stories.

Lenny Ketelhut of Hazel Park is a mold maker who was laid off in January. He said, "I don't think that the people in the White House understand how bad it is out there." He has sent out more than 100 résumés, but when he hears about a decent job prospect and goes to check it out, to use his words, "there's a line twice around the building."

Joe Chronowski of Roseville worked in a food processing plant until it was closed down in December of last year. Since then, he has sent out 5 to 7 résumés a week. The President might not think that there's an emergency, but for Joe Chronowski, finding the money to pay the bills is an emergency.

Now, the President says that all we have to do is pass his unemployment bill, and those suffering from unemployment will be taken care of. He says that the bill which was passed by the Congress, with bipartisan support is poorly designed and unnecessarily expensive. That's ironic criticism in light of the fact that the bill that the President is supporting would provide Michigan—which has the highest rate of unemployment among the most populous States—with fewer weeks of benefits than it would provide some States which have lower unemployment rates. Also, under the bill that the President is supporting, long-term unemployed in Michigan who have already exhausted their benefits at the time of enactment would not qualify for any additional unemployment benefits.

Under the legislation which the President vetoed, Michigan, with its high unemployment rate, would qualify for the maximum number of weeks of benefits and these long-term unemployed who have already exhausted their benefits would qualify for additional weeks of benefits. The next time that the President says that he wants to help the unemployed, I want to hear him give a reason why help shouldn't reach out to these long-term unemployed in my State of Michigan and those similarly facing the same emergency throughout the country.

If this veto is not overridden, it will add to the President's successful streak of sustaining vetoes. It may bring smiles to the faces of his political advisers, but there will be no smiles on the faces of Joe Chronowski, Lenny Ketelhut, and hundreds of thousands like them throughout the country.

That is why, in face of the odds, this veto should be overridden.

Mr. LAUTENBERG. Mr. President, I rise in support of overriding the President's veto of S. 1722, the Emergency Unemployment Compensation Act of 1991.

Mr. President, the current recession has forced millions of Americans out of work in what the administration promised would be a brief economic downturn. People in this country are suffering. Nearly 9 million people are out of work in our country. This is an increase of more than 2 million in the past 2 years. In New Jersey, 269,000 people are unemployed. To those who have been laid off the longest, extended unemployment benefits will mean the difference between meeting the house payments and losing the house, between putting food on the table and going hungry.

Mr. President, the Federal unemployment insurance system is not meeting the needs of New Jerseyites. Presently, approximately 15,000 New Jersey residents are exhausting their unemployment benefits each month. While the need for relief for these people has grown, so has the surplus in the unemployment insurance trust fund. This makes no sense. The trust fund moneys are there for these people. The administration wants to hoard this money that was collected for just the kind of emergency that unemployed workers face today.

It is time the Federal Government took action to help needy families. Without the emergency unemployment compensation bill, millions more Americans will exhaust their unemployment benefits and be forced into poverty.

The administration says we are in a recovery. But every day I hear stories of companies laying off thousands of people. Yesterday, IBM announced that it will lay off 3,000 people, on top of the 17,000 it has already planned. The problem here is that people do not understand the difference between the recession and the recovery. People continue to lose their jobs at an alarming rate.

This bill will also provide benefits to unemployed service men and women who have recently returned from the Persian Gulf. This bill allows exservice members to be treated the same way other Americans are under the unemployment insurance system. The bill would change the waiting period for benefits to 1 week, and benefits payable for up to 26 weeks instead of the 4-week waiting period and 13-week benefit limits in present law.

The President says that this bill will break the budget. I say, his veto breaks faith with American workers. Here is a President who would spend to bail out the S&L's, but not to bail out Americans. He would lend a hand in an emergency to the Kurds, but shows the back of his hand to jobless Americans. It is time to put Americans first on the agenda. I urge my colleagues to override the President's veto.

Mr. DODD. Mr. President, I rise today to express my deepest dismay at the President's veto of the bill to extend much-needed unemployment benefits to over 2 million long-term unemployed in our Nation.

President Bush knew that his leadership was needed to ensure the jobless of our support. Unfortunately, he chose to turn this serious matter into a political battle and turn his back on families grappling with the pressures of this recession.

As long as I have served in the Congress, I have not seen the extension of unemployment benefits turned into a partisan debate. The events of the last few months are unprecedented. Reagan, Carter, and Ford all supported similar extensions during previous recessions. Why is this recession any different?

Despite the insignificant drop in the national unemployment rate to 6.7 percent, workers continue to lose their jobs each week. In some regions of this Nation, the recession still ravages communities, families, and businesses. In my own State of Connecticut the unemployment rate has risen over the last 3 months to an all-time high since March 1989. Connecticut is also 1 of 10 States with the highest number of unemployed who have exhausted their benefits—over 60,000.

We collect revenues from businesses for the sole purpose of building up reserves to be used during prolonged periods of high unemployment. The unemployment trust fund is now worth $8 billion. Unfortunately, the President would rather have this investment mask the deficit than help victims of these hard economic times. The President has been willing to deficit spend for the people of other nations. He provided emergency funding to the victims of the Bangladeshi flood and to the Kurdish refugees. Why won't he do the same for families and the unemployed here at home?

During this recession, our deficit has already worsened as a result of a decline in revenues collected by Treasury. A slumping economy is just as harmful to our deficit as is emergency spending beyond the limitations of our budget agreement. Extended benefits would provide families much-needed revenues to pay their bills and to be consumers—which would only help to stimulate the economy. If the Federal Government does not work to turn this economy around, millions of Americans will continue to suffer and the deficit will continue to grow.

We made promises to businesses and workers to use the trust fund to provide unemployment benefits. If we fail to override the President's veto, he will have blocked us from delivering on those promises. For this reason, I urge my colleagues, who voted against the conference report, to rethink the consequences of their vote. We owe it to the victims of this recession to override the President's veto. Our constituents deserve better than to be victims of the President's political agenda.

Mr. ROTH. Mr. President, I rise today in support of President Bush's veto. I decided to sustain the President because the Bentsen bill is substantively flawed and contains no means to pay for itself. Passing it would add $6.1 billion to our already huge deficit, further weakening the economy.

I am a sponsor of an alternative bill which the President has said he will sign—a bill that is paid for, a bill that will actually put money in the hands of those who desperately need it. Unfortunately, Members of this body rejected that proposal.

If the President's veto is sustained, I urge my colleagues on both sides of the aisle to come together and agree on a proposal that aids the unemployed in a way that is financially sound, not by raising taxes or violating the budget agreement.

It is essential that we not turn our backs on families who have exhausted their unemployment benefits and are having a hard time making ends meet through no fault of their own. We must not leave the unemployed stranded while we argue over how best to assist them.

They need our help. Let's come together with a plan that works.

Mr. BAUCUS. Mr. President, I have supported this unemployment benefits extension bill since it was first introduced in the Senate this summer.

I supported it the first time we passed it. The President signed that one. But it helped no one because President Bush refused to release the funds needed to pay the benefits by declaring an emergency.

I supported this legislation the second time we passed it but we are considering that bill again today, because the President vetoed it.

This game has gone on much too long. People who are out of work and desperate, trying to hold their families together, are being hurt by these delays.

We have already passed this bill several times, decisively, and with a bipartisan vote. The conference report was approved by the Senate 65–35. The House passed the same conference report 300–118.

President Bush said in his veto message that enacting this bill would bust last year's budget agreement. I respectfully disagree.

The funds to pay for these benefits are available in the unemployment compensation trust fund which was established to accommodate emergencies just such as this. The trust fund currently has a surplus of $8 billion to pay for these kinds of benefits.

It is unconscionable to sit on a huge trust fund surplus which was established for this purpose—and just 10 days ago 65 Senators said it should be used—when the long-term unemployed have run out of options. They've run out of hope. They need these benefits, and we can provide them.

There are 8.5 million workers in this country who cannot find jobs. The unemployment rate in Montana is 6.5 percent. As far as I'm concerned, that's too many people out of work. We need to adopt policies that will create more jobs. But we also need to help the jobless in the meantime.

Therefore, I will vote to override the President's veto of this needed legislation.

Mr. WELLSTONE. Mr. President, I rise to urge the override of the President's veto of the unemployment bill.

I rise to urge support for the long-term unemployed, who have waited too long, pawns in a game of political chess played by the Bush administration. This is an administration which shows more concern for helping people overseas than for out-of-work Americans here at home.

This bill is an important step toward enactment of a series of recession relief measures designed to counter the painful effects of the economic downturn which continues to batter American workers and our economy.

There are no indications that the current recession has bottomed out. Indeed, there are several indicators that suggest it is worsening.

In my own State of Minnesota, 4.8 percent are unemployed. That is below the national average. But for the men and women who are out of work and for their children, statistical averages are not important. At last count, there were 119,000 unemployed in Minnesota. Some 30,000 unemployed Minnesotans have exhausted their benefits during the first 7 months of this year. That is an 18-percent increase over the same period of 1990. Those benefits amount to a maximum of $265 a week to pay the mortgage, food, transportation, clothes for the children—the basics of life.

Wherever I go in my State, on the Iron Range in northern Minnesota, in rural communities in western and southern Minnesota, in parts of the Twin Cities, I am stunned by the impact of the recession and unemployment on the people of my State. This recession is different. It is not confined to specific geographic areas. It has affected Minnesotans and Americans across the board: factory workers and computer programmers, professionals and government workers.

My offices in Minnesota get calls every day from workers in their 40's and 50's who are unable, through no fault of their own, to find meaningful work in this economy.

A recent profile in the St. Paul Pioneer Press quoted one unemployed man:

> After you look for so long and get turned down enough, you don't have the ambition to go out every day and beat the pavement. You lose hope.

In the calls we get every day at our Minnesota offices, many are from long-time workers who have contributed to the economy for years. Now they are looking for a little help through the rough times.

A computer engineer, 29 years old, called. Four of the five firms he has worked for no longer exist. He has been out of work for almost a year. A man in the prime of life unable to find work. His benefits have run out.

Other callers and letter writers face a rising level of desperation. A mother writes to describe her son who has been laid off from his plant after 17 years. He has applied at over 200 places for jobs. He has a wife and three children. His benefits have run out. He is destitute. He is depressed. They are talking about getting divorced so she can go on AFDC to support their three kids. The mother wrote, "What has happened to this country?"

How can we turn our backs on cries like that? How can we be so callous?

While this bill addresses, temporarily, the emergency needs of unemployed American workers, the underlying unemployment insurance system must be thoroughly reformed. During this recession only 40 percent of the unemployed have received unemployment insurance benefits. The system is not working.

We can make one part of the system work better by voting to override the veto on extended benefits. With more than $8 billion sitting in the Federal extended benefits account, paid by American employers for precisely this purpose, this is the time to act.

The bill would extend Federal unemployment compensation benefits from 7 to 20 weeks past the current 26 weeks, depending on the unemployment level in each State. For Minnesota, the extension would be 7 weeks.

According to the Department of Labor, over 3 million workers will exhaust their benefits this year, with an additional 3.4 million exhausting benefits next year.

I find it difficult to believe that the President could turn his back on these millions of unemployed American workers who have run out of unemployment benefits.

I would find it harder to believe if this Senate would also turn its back.

Now is the time when these unemployed workers most need our help.

The PRESIDING OFFICER. All time has expired.

Mr. RIEGLE. Mr. President, I ask unanimous consent to print in the RECORD an editorial from today's New York Times where they specifically refer to the Republican proposal as a sham.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 16, 1991]

STRANDING THE JOBLESS

President Bush vetoed the Democrats' bill to aid the long-term jobless because it wouldn't pay for itself. Yet the Republican proposals he perfers are a sham. They help too few people and depend on gimmicks that waste future revenue.

More than three million of the nation's eight million jobless are collecting unemployment insurance. New claims have mounted slowly but steadily. Mr. Bush has made much of his measures to boost the economy by easing credit. But he ignores the depressing effects of job insecurity. People don't spend when they fear being laid off.

The vetoed bill and two Republican bills all offer added benefits to workers who exhaust, or have exhausted, the basic 26-week maximum. The Democrats' $6.5 billion bill offered up to 20 weeks more. The Republicans propose a maximum of 10 more weeks in one bill, for $3.5 billion, or up to 15 more in the other, for $3.9 billion.

All three bills would aid workers whose benefits expire in months to come, if they work in states where the unemployment rate exceeds a specified level. But Democrats and Republicans are far apart on helping idle workers who have already exhausted the basic entitlement. The Democrats would have helped more than a million in 34 states; the Republicans, with a much tighter formula, would help only 200,000 in six states and Puerto Rico.

The other big difference is financing. The Democrats' bill has none; it would add to the deficit and to the Federal debt. That's forbidden by last year's budget pact between Congress and Mr. Bush, except in undefined emergencies.

The Democrats argue that the distress of the long-term unemployed warrants emergency treatment, no less than the emergency aid that went to Iraq's Kurds. Mr. Bush says he wants to help the unemployed but must also protect all taxpayers. Thus he rejects new deficit spending. But he's wrong to think the Republican approach protects taxpayers. It avoids new taxes or more borrowing now, but it robs the future.

Some of the Republican financing comes from student loan delinquencies. Washington already duns delinquents by deducting their debt if they claim tax refunds. Authority for this expires in 1994. The Republicans want the authority renewed now, so that future collections can be counted on the 1992 books. Federal budget accounting may tolerate such trickery, but it's still trickery.

The bulk of the Republicans' revenue scheme rests on a fire sale of unused radio frequencies. Mr. Bush has proposed an auction starting in 1994. To rush it through in the next 12 months is throwing money away. The Congressional Budget Office estimates a quick selloff could yield as much as $2 billion but that a properly managed sale later could yield up to $4.5 billion.

The Democrats are rightly concerned. But even though Communism's collapse has invalidated last year's assumptions, the budget pact still stands, giving Mr. Bush a reason to veto.

Voting to override the veto is expected today. If the president prevails, the wisest, most honest course would be to pay for extended benefit with a higher tax on employers. But given that 1992 is an election year, that's not likely. What is likely is that the losers will be America's jobless.

The PRESIDING OFFICER. All time having expired, the question is, shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 65, nays 35, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—65

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—35

Bond
Brown
Burns
Coats
Cochran
Craig
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Kassebaum
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

The PRESIDING OFFICER. On this vote, the yeas are 65, and the nays are 35. Two-thirds of the Senators present and voting, a quorum being present, not having voted in the affirmative, the bill, on reconsideration, fails to pass over the President's veto.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1992—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report on H.R. 2426, which the clerk will now report.

The assistant bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

(The conference report is printed in the House proceedings of the RECORD of October 3, 1991.)

Mr. SASSER. Mr. President, I am pleased to bring before the Senate the conference report on the military construction appropriations bill for fiscal year 1992.

Mr. President, the conference report is within the 602(b) budget allocation for both budget authority and outlays. The conference agreement is also below the President's budget request.

Mr. President, I would like to briefly mention two provisions of the conference agreement.

First, the conferees agreed with the Senate and approved an extension of the legislative prohibition on the use of funds appropriated for fiscal year 1992 for construction of a new Air Force base at Crotone, Italy. This legislative prohibition is identical to the provision signed into law last year which prohibited the use of fiscal year 1991 funds for Crotone.

Mr. President, the world has changed. Europe has changed. And NATO is changing. We simply do not need to build a new full service air base in southern Italy when we will be closing bases all over Europe and inside the United States.

Mr. President, with regard to the second issue, the Senate was unable to hold its position in conference to provide additional funds above the budget request for environmental cleanup at bases selected for closure. The additional funds could not be accommodated within the very limited 602(b) budget allocation the conferees has to meet.

The conferees did agree to earmark funds for environmental cleanup; $220,000,000 of the amount provided for base closure I activities is set aside specifically for this purpose. In addition, the conferees noted that $69,000,000 has been programmed from defense environmental restoration account for use at base closure II locations. The conferees regret that the budget allocation did not provide sufficient room to increase the amounts directed toward environmental cleanup. Environmental cleanup is a very important aspect of base closure activities. The conferees strongly support making closed bases available for alternative uses in an expeditious manner. The Department must request sufficient funds in future years to accelerate the environmental cleanup of closed bases.

Mr. LAUTENBERG. Mr. President, I rise in support of the conference agreement on the military construction appropriations bill for fiscal year 1992. The conference agreement includes funding for a number of projects that are important to New Jersey. As a member of the Senate Appropriations Committee, I supported providing funding for these projects and am pleased that they were included in the final version of the bill.

The conference agreement includes $20 million for a sewage treatment plant at Fort Dix and $22.5 million for a sewage treatment plant at McGuire Air Force Base. A waste water treatment facility is needed to meet the stringent requirements of the Clean Water Act. The existing waste water treatment plant has violated the terms of State pollution discharge permits, as well as limits contained in a Federal facilities compliance agreement. A single waste water treatment plant is required to provide treatment of the wastes generated by Fort Dix and McGuire Air Force Base, and to meet the standards in an economical manner.

The conference agreement includes $5.2 million to upgrade two existing dormitories at McGuire Air Force Base. The majority of assigned unaccompanied enlisted personnel live in dormitories which do not meet current Air Force standards. This funding would be for the fifth phase of a seven-phase program to upgrade base dorms to meet current Air Force standards.

It also includes $3.8 million to construct a child development center annex at McGuire Air Force Base. The existing child development center provides only 35 percent of space needed to support eligible military and civilian children at McGuire. The capacity of the existing facility is limited to 210 children, yet the current waiting list for full-time day care exceeds 275 children. Without this funding, lack of quality and affordable child care would continue to persist at McGuire Air Force Base.

The conference agreement includes $340,000 for a housing office at Lakehurst Naval Engineering Center. The funding will be used to construct a single 3,000 square foot housing office at the Naval Air Engineering Center. The present family housing office is located on the second story of an administrative office building. Existing space does not meet criteria specified in the military's own handbook and does not provide adequate space. Without this funding, incoming military personnel and families will not be adequately served, and housing personnel will continue to work in a poor environment.

It includes $3.981 million for the Edison area maintenance support activity facility. This funding will be used to construct a maintenance shop for organizational and area maintenance support activities. The existing maintenance building is in poor condition. It is very expensive to maintain and operate because of inefficient heating systems and substandard construction compared with current construction standards.

It includes $359,000 for the Mount Freedom dining facility addition. The existing kitchen facility is substandard and is a very small residential type kitchen. Because the area for washing pots and pans is insufficient, for example, initial washing has to be performed with a garden hose. Without this funding, meals will continue to be prepared under substandard conditions, and storage and scullery areas will continue to risk poor sanitation.

The conference agreement includes $1.25 million for a child development center at Earle Naval Weapons Center. The funding will be used to construct a child development center for school and preschool age children of military families. The station provides support to about 1,000 military families, but it has no adequate child care facilities. Children are presently cared for in unlicensed, informal private home arrangements where the child's safety and the quality of care being provided cannot be assured.

It also includes $3.65 million for road improvements at Earle Naval Weapons Center. The funding would be used to provide signal light systems at road intersections, automatic gate and light systems at grade crossings of public roads with the Navy railroad, and a vehicle parking lot in the waterfront area for ships crews.

Additionally, it includes $11.4 million for a trestle replacement at Earl Naval Weapons Center. The existing trestle is 47 years old and shows signs of severe structural deterioration. It needs to be replaced to ensure safety.

I'm proud of the role these New Jersey installations play in our Nation's defense. The funding included in this conference agreement is needed to improve and upgrade facilities for our service men and women in New Jersey.

I urge my colleagues to support the conference agreement.

YAKIMA FIRING CENTER COMPROMISE

Mr. ADAMS. Mr. President, I rise today to speak about the compromise reached on the expansion of the Yakima firing center in Washington State. I cannot say that I am completely pleased with this compromise. I continue to have serious questions, questions substantiated in two recent reports by the General Accounting Office, about whether additional land is even needed to conduct brigade level training exercises.

Despite my concerns, the compromise does an excellent job of tying in local government and citizens in administering all firing center lands. It is important to note that this is true not only before the Army can ever set foot on the newly acquired lands, but for all firing center lands for as long as the facility remains in use. Given the acrimonious debate over land administration and environmental mitigation before the expansion was approved, this participation is both necessary and warranted. I am also pleased with the respect this compromise accords the rights of the Yakima and Wanapum Indians to protect their graves and sacred sites. These people deserve a central role in this process, today and for the future.

Finally, and perhaps most importantly, the compromise eliminates the Columbia River crossing from the expansion plan. The river crossing troubled me from the outset, particularly in light of the tremendous regional concern about northwest salmon, and its elimination is a victory for the environment as well as the people who live on the eastern side of the Columbia.

Mr. President, I hold out the hope that the Army will decide not to use this land for training exercises. Thankfully, this language leaves the door open for achieving that objective.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Pennsylvania [Mr. WOFFORD], is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—1

Wofford

So the conference report was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate concur en bloc with the amendments of the House to the amendments of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) entitled "An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 10, 28, and 29.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$880,820,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$172,083,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 128. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101–519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is within the boundaries of the Fort Douglas National Historic Landmark, the Secretary—In lieu of the sum stricken and inserted by said amendment, insert "$883,859,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$1,005,954,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$9,700,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$198,440,000".

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property (but only to the extent that structural repairs are necessary) in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the next two votes be for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2698 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 3, 1991.)

Mr. BURDICK. Mr. President, today we take up the conference report on the 1992 appropriations bill for agriculture, rural development, and related agencies—H.R. 2698.

In overall numbers, this bill contains $52.5 billion. Well over half of that—$32.7 billion—is for nutrition programs such as Food Stamps, Child Nutrition, and WIC. Most of this amount is considered mandatory spending. In addition, the bill contains $9.8 billion for other mandatory programs such as reimbursements to the Commodity Credit Corporation, the Conservation Reserve Program, and payments to the Farm Credit System Financial Assistance Corporation. My point is that of the total money in the bill, very little of it is for truly discretionary programs over which the committee can exercise control.

Mr. President, the conference report provides funding within the subcommittee's 602(b) allocation for both budget authority and budget outlays.

SPECIAL SUPPLEMENTAL FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Mr. President, I know of the widespread interest in the WIC Program. And I share that interest. My colleagues will be pleased to know that the conference report recommends providing $2.6 billion for WIC—an increase of $26.6 million over the original Senate level.

FOOD AND DRUG ADMINISTRATION

The conference committee was also able to provide more funding for the Food and Drug Administration than the Senate had recommended. The conference report includes $726 million for salaries and expenses of the Food and Drug Administration. This amount is $189 million more than the President requested.

CREDIT PROGRAMS

The conference report provides adequate funding for Farmers Home Administration and Rural Electrification Administration programs. The conferees provided the best levels possible for rural housing loans, farm loans, rural development loans and rural development loans and grants. Several of these programs were reduced in 1991 by last year's reconciliation act and they are substantially restored in this bill.

RURAL DEVELOPMENT

The question of funding for the Rural Development Administration was not at issue in the conference committee. Neither the House nor the Senate provided funding to establish this new agency, and none is included in the conference report. The Senate report is clear, and it is confirmed by this conference report, that the Secretary is directed not to establish the Rural Development Administration, but is to use the existing programs that are funded through the Farmers Home Administration, the Rural Electrification Administration, the Extension Service, and other agencies to maximize the development activities in rural areas.

NEW PROGRAMS

Mr. President, I would like to highlight several new programs that are funded in this bill. First, the Wetlands Reserve Program is funded at $46.4 million to enroll up to $50,000 acres in five States. Also funded is an Agricultural Water Quality Incentive Program at $6.7 million, new agricultural telecommunications programs at $6.2 million and the alternative agricultural research and commercialization at $4.5 million.

With that brief summary, Mr. President, I commend the conference report to my colleagues and I ask for their support.

REA—DISTANCE LEARNING AND MEDICAL LINK PROGRAM

Mr. LEAHY. Mr. President, I rise to request a clarification regarding the conference report language regarding H.R. 2698 and specifically concerning the REA's Distance Learning and Medical Link Program which is funded at $5 million in the bill. This program is a rural development program aimed at enhancing the telecommunications capabilities of local schools in rural areas, rural medical facilities and rural communities. The legislative history is clear that Congress expects that partnerships will be formed between local institutions—end users—and entities providing telecommunications capabilities. Entities providing educational technical assistance would be the primary recipients. Entities, such as local schools, universities, rural medical facilities, telecommunication providers, regional educational laboratories and public television stations would all be expected to participate.

Now, I see in the conference report, language which encourages REA to work closely with the Extension Service and to participate with the Satellite Education Resources Consortium and the Agricultural Satellite Corporation. I also see that these programs will receive separately $1.2 million in funding in the Extension Service title of this bill for entirely different purposes.

I would appreciate an assurance from my colleague, the Senator from North Dakota, that the $5 million provided in this bill for the Distance Learning and Medical Link Program is to be allocated in a competitive process and that REA is to administer the program in accordance with the authorizing legislation and the House Appropriations Committee report language. The entities I mentioned earlier would be eligible to participate in this program if their applications are approved by REA. Is that correct?

Mr. BURDICK. Yes, the Senator from Vermont is correct. The organizations he mentioned would be eligible to apply for funding, and it is intended that other organizations may also apply and receive funding consistent with the program's authorization.

Mr. LEAHY. Mr. President, I thank my friend and colleague for all his hard work and assistance. At this point, I ask unanimous consent to have printed in the RECORD, language from the statement of managers on pages 1195 and 1196 of the conference report on the

1990 farm bill which authorized this program.

Additionally, I would like to insert language from the House Appropriations Committee Report on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, page 106, relative to funding the Distance Learning and Medical Link Program and a joint letter from organizations supporting this program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Conference Report on the Food, Agriculture, Conservation and Trade Act of 1990]

(16) Secs. 2335–2337. Rural communications access to advanced telecommunications

The House amendment allows business partnerships to apply for loans to the Secretary for the communications terminal equipment. There are authorized to be appropriated $15 million for each of fiscal years 1991 through 1995.

The Senate bill contains no comparable provisions.

The Conference substitute adopts the House provision with an amendment to not require that the State review panels analyze these applications except for the up to 5 States which have such panels.

The Managers wish to point out that rural development has been an issue of importance to both Committees during the 101st Congress. Dozens of public hearings gave Members the opportunity to hear from hundreds of witnesses. One of the major lessons learned from this process was that a vast number of diverse businesses, groups and organizations are anxious, able and willing to participate in the rural economic development effort. In this regard, the managers instruct the Secretary of Agriculture to make the broadest possible interpretation of eligibility to receive grants under the Department's rural development programs.

The Managers are concerned that the Federal resources provided in this Act not only act as a catalyst in the economic revitalization of rural areas through the activation of the broadest range of participants, but that the funds be used prudently and to their best advantage. End users should be encouraged to avail themselves of the vast array of services of already existing federally sponsored institutions providing technical assistance and research and development of proven approaches and programs. Partnerships between end users and the myriad of Federal and State sponsored technical and research organizations are to be encouraged.

In strengthening the capabilities of the rural labor force, the Secretary should make every effort to coordinate with other Federal and State programs already authorized, such as those operated under the Rural Electrification Administration, the Jobs Training Partnership Act, the Vocational Education Act, land grant and community colleges, regional education laboratories and vocational/technical schools.

The Enhancing Human Resources subtitle is designed to provide access to advanced telecommunications to improve rural opportunities, particularly for rural schools, rural health care providers and rural businesses. This subtitle establishes new grants and low-interest loan programs which will be administered by the REA and the Secretary, for rural areas to accomplish this purpose. The grants and low-interest loans are for up to 100 percent of the cost for an approved project and grants and low-interest loans are awarded to approved end users.

The program is intended to be "technology neutral" so that rural communities may determine the appropriate technology delivery system for their particular area. This is consistent with recommendations by the Office of Technology Assessment. The program also allows grantees to either lease or purchase telecommunications equipment.

The REA will establish and implement this program, as well as publicize and promote it in rural areas. In addition, the REA will assist grant and loan applications by developing qualifying technical standards that these telecommunications systems should meet to be eligible for funding.

[From the Committee Report 102–119 on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill 1992]

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

1991 appropriation	
1992 budget estimate	
Provided in the bill	$5,000,000
Comparison:	
1991 appropriation	+5,000,000
1992 budget estimate	+5,000,000

This program is authorized in the Food, Agriculture, Conservation, and Trade Act of 1990 to provide incentives for local telephone exchange carriers, rural community facilities and rural residents to improve the quality of phone service, to provide access to advanced telecommunications services and computer networks, and to improve rural opportunities.

COMMITTEE PROVISIONS

For the distance learning and medical link programs the Committee provides an appropriation of $5,000,000, an increase of $5,000,000 above the budget request. There were no similar programs in fiscal year 1991.

In developing regulations for this program that Secretary shall take care to include appropriate organizations which have talents and capabilities in areas of rural economic development, technical assistance to schools and telecommunications technology and programming, such as regional education laboratories, land grant and community colleges and nonprofit public telecommunications entities.

SEPTEMBER 6, 1991.

DEAR CONFEREE: We are writing to you as a member of the Agriculture Appropriations Conference Committee regarding an important rural economic development issue.

The 1990 Farm Bill provided new authority (Title XXIII, Subtitle D, Enhancing Human Resources) for grants to rural schools and medical facilities for the purchase or lease of distance learning and medical telecommunications facilities, equipment or programming. The program will be administered by the Rural Electrification Administration (REA).

We believe it is imperative that this program be adequately funded. This program has an authorization level in FY 1992 of $50 million. The Senate bill does not provide funding. We strongly encourage you to adopt the House position of $5 million—without reduction.

This program follows the recommendations found in the Office of Technology Assessment's Report to Congress, Linking for Learning. Modern information links are a critical ingredient to the future economic prosperity of rural communities. No where is the link between telecommunications and economic development more apparent than in education and medical applications.

Distance learning technology has dramatic implications in rural settings where inherent geographic constraints can be reduced or eliminated. With this program we can transport ideas and information instead of people, as well as significantly reduce the educational inequities that exist between rural and urban schools.

Likewise, telecommunications systems can provide access for rural health care facilities to share training, diagnostic services, test results, x-rays and emergency procedures.

While fiscal constraints on the federal government are tight, we believe this program will spur further economic development in rural areas.

Thank you for your consideration. If you have questions, please contact Keith Krueger at (202) 342–5565.

Sincerely,

American Federation of Teachers.
America's Public Television Stations.
American Agricultural Movement.
American Family Farm Foundation.
Council for Educational Development and Research.
National Association of Counties.
National Education Association.
National Farmers Union.
National Grange.
National Rural Education Association.
National Rural Electric Cooperative Association.
National Rural Telecommunications Cooperative.
US WEST Communications.

Mr. COCHRAN. Mr. President, we have before us the conference report on H.R. 2698, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 1992. This agreement was reached Thursday, October 3, and the House passed it on Tuesday, October 8.

H.R. 2698 makes funds available for the many programs administered by the Department of Agriculture, such as research and extension; conservation; rural housing and farm loans, and farm income and prices support programs.

Total obligational authority in this conference agreement is $52.5 billion, which is $57.3 million below the President's budget request and $1.6 billion below the fiscal year 1991 level. Also, it is within the Agriculture Subcommittee's adjusted 602(b) allocation.

A major part of this bill—62 percent of the total amount appropriated—consists of funding for the various domestic food programs administered by the U.S. Department of Agriculture. These include the food stamp program; the child nutrition programs—school lunch, school breakfast, summer feeding programs and child and adult day care, and so forth; the Emergency Food Assistance Program; and the feeding program for Women, Infants, and Children [WIC]. I believe that adequate funding levels are provided for these very beneficial nutrition programs.

Mr. President, I am pleased to report that this conference agreement supports continuation of the existing conservation programs administered by the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, including the Conservation Reserve Program. In addition, this report includes funding to establish a pilot Wetlands Reserve Program in five States and $6.75 million for a new Water Quality Incentives Program. These Department of Agriculture conservation activities are critical to improving and conserving our soil and water resources.

An important element in the success of agriculture in the United States is the support it has enjoyed from both private and public research. I believe this agreement provides a comprehensive, geographically broadbased, well-funded research program for agriculture, and technology transfer needs.

This conference agreement places increased emphasis on rural development. In fact, almost one-fourth of the bill total is available for programs that assist rural areas. Specifically, the agreement provides slight increase for rural water and waste disposal loans and grants, solid waste management grants, and low-income housing loans. Many of these programs have been very beneficial and have improved the lives of those who live in our Nation's small towns and rural communities.

Through various programs, the conference agreement also attempts to strengthen U.S. agriculture's potential in world markets. Continued efforts to expand agricultural markets overseas are critical to a healthy domestic farm economy. Reflected in this agreement are continued support of the intermediate and short-term export credit guarantee programs, export credit guarantees to emerging democracies, the Public Law 480 or Food for Peace Program, the Export Enhancement Program, and the Market Promotion Program.

In addition, adequate funding is provided for the Commodity Futures Trading Commission and for the Department of the Treasury for interest expenses incurred by the Farm Credit System Financial Assistance Corporation, and a limitation is established on the administrative expenses of the Farm Credit Administration.

The committee of conference on H.R. 2698 considered 241 amendments in disagreement between the two Houses. Although the conferees were faced with some major challenges due to the current fiscal conditions that we face, I believe those challenges were met and the differences were resolved to make this an agreement that is fiscally responsible and reflective of true agricultural needs.

Finally, Mr. President, I urge my colleagues to approve this conference report today. We are already in the new fiscal year, and the current continuing resolution is due to expire October 29.

Mr. CHAFEE. Mr. President, I would like to express my appreciation to the members of the Appropriations Committee for the record funding allocation they have provided in this bill for a very important program: the Special Supplemental Food Program for Women, Infants, and Children [WIC].

WIC is one of the Federal Government's best and most cost-effective programs. The WIC Program provides food vouchers to low-income mothers and their children who are at risk of serious nutritional deficiencies. This special, nutritious food includes milk, infant formula, orange and other juices, cheese, fruit, and cereals.

This simple idea—making sure that mothers and children receive good, basic, nutritious foods, and avoid nutritional deficiencies—is remarkably effective. Study after study has shown that every $1 invested in WIC saves approximately $3 in long-term health care costs and developmental problems. One USDA study revealed that for every pregnant woman who participated in WIC, the Government saved between $277 and $598 in Medicaid costs in the first 60 days after birth than for a pregnant woman who did not participate.

But WIC is not just a successful moneysaver. Just as important is the fact that WIC reaches infants and children at what is considered to be the most important stage in their physical and mental development—early on. At that critical stage, lack of crucial nourishment can mean impairment of cognitive functions. That kind of disadvantage is extremely heavy for a child who hasn't even started preschool yet. Participation in WIC has been proven not only to help reduce the risk of childhood anemia, low birthweight, and infant mortality, but to actually make a difference in a child's ability to perform well in school.

WIC also helps mothers. It helps them understand more about good nutrition, and it eases their entry into the health care system. A mother, who is used to going by the community health center to pick up the WIC foods, feels more comfortable going back to the center for medical care, or for referrals to other agencies that can help her.

I might also note that all this—better nutrition, better preventative health care, lower financial costs, and an end result of better-prepared youngsters for school and life beyond—is exactly what is important to corporate America. That is why last year, five chief executive officers heartily endorsed increased WIC funding before the House Budget Committee.

Sadly, however, this worthwhile program serves only about half of the eligible population. This gap in coverage represents a considerable missed opportunity, considering WIC's proven effectiveness for an especially vulnerable population.

There is much to be gained by expanding WIC to reach more low-income mothers and children, and over the years Senator DECONCINI and I have spearheaded efforts to gain steady increases in WIC Program funding.

This year, I am pleased to say that there has been a particularly strong convergence of support for WIC: the corporate sector and children's and health organizations have pressed for increased WIC funding. Both the President and Congress urged substantially increased funding for WIC—in fact, 86 of our colleagues joined Senator DECONCINI and me in requesting a full $2.7 billion for WIC in fiscal year 1992. This remarkable support comes from the fact that we all recognize that being pro-WIC is being both pro-children and pro-business; and that is pro-America.

Mr. President, the conference report before us contains a record $2.6 billion for WIC. That is an increase of $250 million over last year—nearly everything we requested, and the single largest increase in funding in WIC history. This money will go a long way toward ensuring that mothers receive vital health care, and children grow up healthy.

I am delighted by the committee's actions and again thank them for their strong support, both this year and in past years.

PROVISIONS AFFECTING WYOMING

Mr. SIMPSON. Mr. President, I rise to sincerely thank the members of the Agriculture Appropriations Subcommittee for including provisions in this bill which are so very important to my fine State of Wyoming.

An important provision which I am very pleased about is bill language which provides funds for the planning and design of an environmental simulation facility at the University of Wyoming. The proposed facility is very important to the State of Wyoming, to various Federal agencies, and to the private sector. I am pleased that the Senate has taken this important step toward making research in such an innovative facility a reality.

This computer controlled environmental facility is designed to use biological, technical, and modeling approaches to determine the most appropriate and efficient methods for vital environmental cleanup operations. By duplicating a particular ecosystem, this one-of-a-kind prototype laboratory has the potential to save precious time and money by proving the merits of various cleanup technologies.

The use of an environmental simulation laboratory will enable us to make better decisions on ways to protect and cleanup our environment and while we work toward resolving critical global environmental issues such as acid rain, contaminated surface and ground water, and the cleanup of hazardous waste.

I am also delighted to see a provision for joint research with the States of

Texas and Montana in order to investigate the problems facing the U.S. wool industry. Woolgrowers in this country are faced with declining world prices for their product and are finding it hard to compete. By researching the quality aspects of wool, producers may gain insightful information about the necessary quality standards their wool must pass.

In another vein, a provision was included in the bill which provides for a comprehensive study of the red meat packing industry. A chief concern of mine is concentration in the lamb industry, an important element of the overall red meat industry. The sheep industry is currently in a true economic crisis. Producers have watched their returns steadily decline over the last 4 years, while at the same time they have witnessed the price of lamb in the retail sector of the market peak at historical levels. I believe the study will provide needed information to both producers, packers, and retailers, and also the Government agencies which oversee the workings of the lamb industry.

My special thanks to friends and colleagues, Senator QUENTIN BURDICK, the chairman of the Committee on Environment and Public Works, and THAD COCHRAN, who so graciously assisted me and supported me in this matter. I also sincerely thank Senator THAD COCHRAN's fine and able staff who took the time to listen and understand the importance of the projects. I do look forward to working with the committee members and staff in the future.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2698, the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill and has found that the bill is under its 602(b) budget authority allocation by less than $50 million. It is also under its outlay allocation by less than $50 million.

I compliment the distinguished manager of the bill, Senator BURDICK, and the distinguished ranking member of the Agriculture Subcommittee, Senator COCHRAN on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the agriculture bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2698—AGRICULTURE SUBCOMMITTEE SPENDING TOTALS

[Conference, in billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2698:		
New BA and outlays	51.2	36.4
Enacted to date	0.4	4.3
Adjustment to conform mandatory programs to resolution assumptions	−1.5	(*)
Scorekeeing adjustments	0.0	0.0
Bill total	50.2	40.7
Senate 602(b) allocation	50.2	40.7
Total difference	−(*)	−(*)
Discretionary:		
Domestic	10.8	9.9
Senate 602(b)	10.8	9.9
Difference	−(*)	−(*)
International	1.5	1.3
Senate 602(b)	1.5	1.3
Difference	0.0	−(*)
Defense	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Total discretionary spending	12.3	11.2
Mandatory spending	37.9	29.5
Mandatory allocation	37.9	29.5
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	0.6	0.3
Senate-passed bill	0.2	0.3
House-passed bill	−0.1	−(*)

Mr. LAUTENBERG. Mr. President, I rise to highlight several items important to my State that are included in the conference agreement on the fiscal year 1992 Agriculture appropriations bill, and to commend the distinguished subcommittee chairman, Senator BURDICK, and the distinguished chairman, Senator BYRD, for their efforts.

RUTGERS PLANT BIOSCIENCE CENTER

At my request, and the request of my good friend and colleague Representative DWYER, $3.044 million is included for the construction of a Plant Bioscience Center at Rutgers University to be located on the Cook College of Agriculture campus. The Bioscience Center will integrate the latest technologies with traditional scientific approaches to solve problems facing modern production agriculture and the environment.

Construction will begin soon on this center which will house facilities for plant biotechnology research and genetic engineering of plants and microorganisms. The 280,000 square foot facility will be home to the Center for Agricultural Molecular Biology. This center will include state-of-the-art laboratories, a research library, teaching classrooms, and attached greenhouses. The complex will replace obsolete facilities and equipment and will provide first-class facilities for undergraduate and graduate training. The center will integrate basic and applied research with extension activities to ensure that agriculture in the region remains profitable and environmentally sound.

The funds included in the bill will supplement funds committed by Rutgers University and the State of New Jersey totaling $27 million. I am pleased that this funding will allow Rutgers to begin construction in the fall on this important new research facility which will enhance its reputation for excellence and innovation in agricultural research.

To meet environmental concerns and to grow crops more efficiently, I believe that we need to invest in innovative research which combines cutting-edge technology with basic science. The Bioscience Center will develop technologies to increase agricultural productivity in New Jersey, while training the next generation of plant biologists and researchers. I wish to thank the chairman for including these funds for this new facility.

CRANBERRY AND BLUEBERRY RESEARCH

As I have in previous years, I sought funding for Rutgers' blueberry and cranberry research facility at Chatsworth, NJ. I am pleased that the conferees have provided $260,000 in research funds to support the development of insect and disease-resistant varieties of berries.

Another important focus of cranberry and blueberry research is the development of alternative pest management technologies compatible for use in the environmentally sensitive wetlands where blueberries and cranberries are grown.

IR-4

The Agriculture appropriations conference agreement also includes $3.5 million in funding for the Interregional Research Program No. 4 [IR-4] program. This national research program, headquartered at Rutgers University, is a cooperative effort of the State agricultural experiment stations and the USDA working in concert with the agricultural chemical companies and the EPA to pursue registration of minor use pesticides. Minor use pesticides are used by many of the Nation's farmers of vegetables and nursery crops. Many farmers in my State rely on minor use pesticides for growing the fruit and vegetable crops which compromise almost 80 percent of New Jersey's farm production. This research provides data on the safety and effectiveness of minor use pesticides, which will ensure the continued availability of these products for farmers of so-called minor crops around the country.

APHIS LAB

Mr. President, I want to express my appreciation to the conferees for the inclusion of language in the conference report which expresses the support of the conferees for the continued operation of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service Methods Development Center in New Jersey. The Senate bill included an amendment I requested prohibiting the relocation of this facility to any other State before September 30, 1992. Following the Senate passage of that amendment, APHIS agreed to maintain this facility in New Jersey at the Port of Elizabeth. Consequently, bill language was no longer deemed necessary by the conferees, who did, however, include in the statement of managers a clear statement of their intent that the center remain in New Jersey.

The Methods Development Center provides important fumigation and quarantine services and consultation to the ports and related businesses in the North Atlantic region. The proximity of this research laboratory to the ports makes it a valuable resource to the mid-Atlantic region which ultimately benefits the consumers served by the ports. The inspection and fumigation of the large volume of fresh fruits and food products which enter the ports at New York, New Jersey, and Philadelphia are handled quickly with the assistance and expertise of the Methods Development Center. The continued operation of this valuable research and consultation facility is vital to the ports it serves, and I thank the chairman for his able assistance on this matter.

Mr. President, to amplify the record on this, I ask unanimous consent that a letter from USDA regarding the APHIS lab be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 4, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This is in further response to your letter of July 18, 1991, concerning our Animal and Plant Health Inspection Service's (APHIS) plans to move the Hoboken Methods Development Center from its present site. This same information is being provided to the other Members of Congress who signed the letter.

We recognize your interest in keeping the services provided by the Hoboken Methods Development Center in the New Jersey area. You may be pleased to learn that we have decided to keep the current staff of five specialists and two secretaries in New Jersey. They will continue to provide services and technical assistance to the Northeastern ports as a part of their national and international responsibilities.

The city of Hoboken has been pursuing an urban renewal project that includes the land on which our current building is standing. As a result, in 1989, APHIS agreed to vacate the building as soon as a new site could be secured. At this time, our facility is underutilized and in need of extensive repair. Moreover, the costs for utilities and maintenance are not commensurate with the number of employees remaining at that location. Consequently, most of APHIS' Plant Protection and Quarantine (PPQ) staff have already relocated to a facility at Port Elizabeth, New Jersey, and we plan to move the current methods development staff and the remaining PPQ staff to Port Elizabeth as well.

We appreciate your interest in this matter.

Sincerely,

JO ANN R. SMITH,
Assistant Secretary,
Marketing and Inspection Services.

Mr. WELLSTONE. Mr. President, I want to commend the work of the agricultural appropriations committee of both Houses and the conference committee for their dificult work in funding programs and projects under trying budgetary constraints. Many programs of great merit will unfortunately be inadequately funded or unfunded in 1992. Still, the committees have performed admirably in balancing their selection among deserving funding requests.

The basic conservation and commodity price support provisions of the 1990 farm bill, funded in this appropriations measure, are the most important component of current American agriculture policy. I was not present for the debate or vote on that landmark omnibus bill, and so take this opportunity to remark that it only reinforced the extremely damaging trend in farm policy of the last decade. The low prices and budget cuts imposed on American farmers by that legislation already are having the disastrous effects that family farmers predicted it would. A noted economist, based in Minnesota at a major Midwestern bank, has projected that farm income in our region will be down by about 10 percent this year. The welcome, but partial, upturn in the U.S. farm economy at the end of the 1980's, a decade in which farm suicides reached record levels, has not restored vitality to this country's rural communities and economy. And I fear that the policies and philosophy enshrined in the 1990 farm bill will bring more hard times to the agricultural community in my State.

Again, however, I want to commend the conference committee for this appropriation bill, which funds a number of programs and projects that will assist agriculture in my State, and will contribute to the welfare of the country. I would especially like to note that the important research station expansion at the Federal North Central Soil and Water Research Station at Morris, MN, received $825,000, and Minnesota's very successful wolf control program, operated by USDA's APHIS Program, received $250,000. The Red River Trade Corridor, a project involving both Minnesota and North Dakota, received $200,000. I am also heartened by the restoration of full funding to REA lending and by the generous, and much needed, appropriation for programs aimed at eradicating pseudorabies. Other important research and assistance programs operating at the University of Minnesota and elsewhere in my State, such as swine research and Project Future, also received funding in this bill.

Mr. President, I am disappointed at our inability to fund the expansion of low-input and sustainable agriculture programs authorized in the 1990 farm bill. We must move forward in this area. Maintaining a healthy agricultural economy must be combined in this country with protecting the environment. We need to promote proper land stewardship practices in our agricultural policy and spending. In this respect, I am glad we are able to fund important wetlands provisions, but wish we could do much better for the environment overall.

I urge my colleagues to pass this appropriations bill.

Mr. SPECTER. Mr. President, the Subcommittee on Agriculture Appropriations has once again produced a bill of which Congress can be proud. After a disappointing allocation of funds from the Senate appropriations full committee, the subcommittee was still able to report a bill which was within its 602(b) allocation. Upon a reconciliation with the House of Representatives, a balanced conference report has been obtained to maintain vital agriculture and rural development programs.

I am particularly pleased with the bill's inclusion of several programs which are of significant importance to the Commonwealth of Pennsylvania, specifically, with Pennsylvania the fourth largest producer of dairy products in the United States and the Pennsylvania State University as a recognized leader in research concerning the production of safe and wholesome dairy products, Penn State will again be the recipient of funds to continue research into the understanding of the microbiology of the listeria organism and to make progress in determining the process and handling parameters that will help to ensure a safe milk supply.

Further, I am pleased that funds have been provided to begin research in the areas of pesticide use and postharvest technologies in apple production. This research will assist apple producers who have demonstrated a need to reduce the use of chemicals while retaining fruit quality and reducing the cost of production.

In addition, I applaud efforts to restore funds to the Rural Electric Administration's insured loan program. In the past, loss of funding has severely exacerbated the impact of the already large backlog of insured electric loan applications at REA. With Pennsylvania having the Nation's largest rural population, the activities by rural electric cooperatives are vital to provide basic services to this population.

Lastly, the nutrition and health programs that are funded in the bill are several steps forward in improving the diets of our Nation's low-income families, the elderly and our children. In particular, the Special Supplemental Food Program for Women, Infants and Children [WIC] contains an increase above last year's level to help pregnant, postpartum, and breast-feeding women, infants, and young children who are at a nutritional risk. This program has been found to provide an important contribution to reducing infant mortality and the health of our Nation's children.

We are all aware of the review currently being conducted by the Department of Agriculture of the Department's policy. regarding cereal contained in the WIC food package. Under the WIC Program, the Department approves foods which are healthy and nutritious. The statute requires that the foods available under the WIC Program must contain appropriate levels of fat, salt, and sugar. Under the Department's current guidelines, the program excludes cereals which contain more than six grams of sugar per ounce. While the Department attempts to limit the amount of sugar available to WIC recipients, the Department recommends raisins as a nutritional snack. Raisins are high in iron and potassium, are a good source of fiber, and have virtually no fat. Raisins, however, like other fruits, contain sugar. In the case of a cereal manufacturer seeking to market a cereal under the WIC Program, the Department has ruled that if the cereal contains raisins it is disqualified if the raisins increase the product's sugar content above the WIC limit of 6 grams per ounce.

This matter deserves reviewing by the Department to best represent the nutritious guidelines of the WIC Program. I am pleased with the agreement reached by the conferees that the Department should complete its review of the issue of cereals containing fruit as expeditiously as possible, with the expectation that the Department will report on the matter by December 31, 1991. I am hopeful that the Department's conclusion on the issue will be sensible and explicable to WIC mothers, so as to ensure continued access to nutritious foods by recipients of this highly recognized and effective program.

Mr. President, I am pleased with the agriculture appropriations bill for fiscal year 1992 and urge my colleagues to join me in passage of this conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—88

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wellstone

NAYS—10

Brown
Dixon
Garn
Helms
Pell
Roth
Rudman
Smith
Wallop
Wirth

NOT VOTING—2

Pryor
Wofford

So the conference report was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the amendments of the House to the amendment of the Senate that are reported in disagreement be considered and concurred in en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 28, 31, 61, 68, 75, 94, 111, 116, 125, 127, 138, 162, 178, 202, 209, 212, 213, 214, 215, 219, 222, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 239, and 240 for the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$73,979,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$97,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$20,795,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$430,711,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$75,270,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$11,347,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$17,715,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 50 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$462,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 52 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$430,939,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

In fiscal years 1992 and 1993, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert:

For expenses necessary to recapitalize Dairy Graders, $1,250,000, and to capitalize the Laboratory Accreditation Program, $600,000, making a total of $1,850,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

Notwithstanding the foregoing provisions of this Act, the reimbursement to the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, in fiscal year 1992 shall not exceed $7,250,000,000.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1992, CCC shall not expend more than $3,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That not to exceed $6,750,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $46,357,000, to remain available until expended: *Provided*, That none of the funds made available by this Act shall be used to enter in excess of 50,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 103 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$319,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 107 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert "$488,750,000".

Resolved, That the House recede from its disagreement to the amendment to the Senate numbered 108 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$2,832,140,000, of which $1,800,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 156 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That no funds appropriated in this Act may be used to implement any other criteria, ratio, or test to deny or reduce loans or loan advances".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 176 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$500,000 nor more than $1,000,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 177 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "and whose full-time responsibilities are to administer such community and economic development programs".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 184 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$3,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 205 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided*, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 214 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 743. The Secretary shall ensure that no funds made available to carry out section 515 of the Housing Act of 1949, as amended, shall be used in a manner that differs from the Department's policies or practices in effect on July 1, 1991.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1991—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2942 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 7, 1991.)

Mr. LAUTENBERG. Mr. President, I bring before the Senate the conference report on H.R. 2942, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1992.

Mr. President, I would like to take a moment to summarize the funding levels in this appropriations measure.

The conference agreement contains a total of $14,302 million in new budget authority and $20,852 million in obligation limitations. The conference report is within the subcommittee's 602(b) domestic discretionary allocation and is consistent with the budget summit agreement.

The major increases over fiscal year 1991 are for the Federal Highway Administration, an increase of 16 percent over the 1991 enacted level; the Federal Aviation Administration, an increase of 11.8 percent; and the Coast Guard, an increase of 8.6 percent. Funding for mass transit, so important to urban areas across the country, is increased by 15 percent.

Overall, the spending provided in this bill, through a combination of new budget authority and limitations on obligations, totals $35.2 billion.

I believe that this bill marks a real watershed in transportation spending. This bill makes the investments the Nation needs to ensure the safe, efficient, and environmentally sound movement of people and goods. The bill invests in new technologies to increase the productivity, safety, and efficiency of our transportation network. The bill supports a balanced transportation system that relies on all the modes to meet the Nation's needs. The conference agreement calls for the historically high spending level of $16.8 billion for the Federal-Aid Highway Program, which is necessary if we want to get about the business of fixing the functionally obsolete and structurally unsound highways and bridges in this country, while at the same time adding needed capacity.

Citing a deteriorating infrastructure, many people have been calling for more highway spending. I note that our subcommittee has increased highway funding by 37 percent over the last 2 years. We are committed to rebuilding our infrastructure, I think it is especially appropriate that we will achieve this historic high-water mark in obligations from the highway trust fund at the time when both the Senate and the House are considering a new Surface Transportation Act that will provide States with much-needed flexibility to use a portion of their formula grants for mass transit or intercity rail projects if it best suits their needs.

This bill recognizes that congestion is not a problem we can just build our way out of with more pavement. The conference report provides $3.76 billion for transit, a 15-percent increase over last year. The bill recognizes that we must also apply our technological know-how to solve congestion problems, whether they occur in the air or on the land. The conference agreement calls for spending $2.4 billion in 1992 for the facilities and equipment account of the Federal Aviation Administration. This is a 14-percent increase over the 1991 enacted level and will provide the latest state-of-the-art equipment for a more efficient and safer national aviation system.

This bill not only spends for the traditional bricks and mortar, but also makes investments in the most advanced technology available. We have discovered, at times, in most painful ways, that neither our air space nor ground space are limitless. The challenge before us is to use the physical space in the most efficient, safe, economic and environmentally sound way possible. I believe that this bill meets that challenge.

The bill makes a major pledge to advance the use of technology to solve our surface transportation problems by providing almost $140 million for the Intelligent Vehicle-Highway Program. These systems will help us achieve improved efficiency out of our existing highways as well as aid on the development of new, more efficient roadways utilizing a wide variety of innovative technologies such as electronic toll collection, traffic control signalization, and real-time traffic incidence management.

This bill also continues the committee's policy of encouraging passenger rail transportation—which remains the Nation's cleanest and safest transportation option. As in last year's Transportation Appropriations Act, the committee has reduced appropriations for operating subsidies for Amtrak, and accompanied this cut with increased support for Amtrak's capital acquisitions. Growing levels of congestion as well as the requirements in the Clean Air Act have greatly renewed interest across the country in rail passenger transportation. The appropriations subcommittee has heard a growing drumbeat from our fellow Senators as well as many Governors for more frequent and varied Amtrak service.

The $175 million provided in this bill for Amtrak's capital program will be pooled with Amtrak's own borrowings to address its most critical shortages of locomotives and passenger cars. Only through a very extensive capital investment program will Amtrak be able to maintain its current level of service and eventually expand the national route system. Amtrak's efforts to achieve operating self sufficiency by the end of this decade will surely fail if it cannot acquire the basic infrastructure of a modern passenger railroad.

Toward that end, the conference report includes $205 million for the Northeast Corridor Improvement Program [NECIP]. The Northeast corridor is the only major segment of track owned by Amtrak. High-speed operations over the corridor represent by far and away the most profitable of Amtrak's routes. Over $150 million of the amount provided for the NECIP Program will continue the electrification program intended to provide the same high-speed, 3-hour service between New York and Boston as is now available between Washington and New York. The Coalition of Northeastern Governors has estimated that 3-hour service between New York and Boston can divert almost 3 million passengers a year from some of the most congested airspace and highways in the Nation to Amtrak. These passengers from every State along the corridor will decide to take the train instead of flying or driving. The project will increase the convenience and transportation options, not just of the people of New York and New England, but the people of my State and others who want to travel throughout the eastern seaboard. The project promises to save 24.5 million gallons of gasoline and jet fuel annually, enhancing the environment of our region by reducing the emissions of carbon monoxide, hydrocarbons, and nitrogen oxides by more than 600 tons every year.

This project will also greatly reduce if not eliminate the need for sizable expenditures by the Appropriations Committee to expand airport capacity in the Boston area. Unlike other proposed route enhancements for the Amtrak system, this project will reduce maintenance costs to Amtrak and greatly increase ticket revenue, aiding Amtrak in achieving self-sufficiency. This project truly exemplifies all the factors of our transportation priorities—improving mobility, enhancing safety, minimizing pollution, and avoiding unnecessary costs associated with other less-efficient transportation options.

For the Coast Guard, the bill provides more than $3.3 billion in new budget authority, to be supplemented by transfers between the Coast Guard and the Defense Department, yielding a total program level of more than $3.5 billion. These transfers from DOD are similar to those executed in previous years to further the Coast Guard's national defense mission, including drug interdiction. After all transfers are accounted for, Coast Guard operating expenses will receive a funding increase well in excess of inflation in order to allow the Coast Guard to fully implement the Oil Pollution Act of 1990, as well as execute its many other missions, including drug interdiction, search and rescue, vessel and shore facilities inspections, and boating safety. Funding for Coast Guard acquisitions will be $390 million, well over the House-passed level to help the Coast Guard restore its deteriorating shore facilities and replace aging vessels and aircraft. For too long, Mr. President, we have asked the Coast Guard to do more with less, but this bill continues our efforts to adequately compensate the Coast Guard for its ever-growing list of responsibilities.

In keeping with the committee's position on the need for improved safety in all modes of transportation, I am very proud that the conference agreement before you includes the commitment that Congress will do everything it can to ensure that transportation employees who are in safety-sensitive positions are drug and alcohol free when performing their duties.

The Omnibus Transportation Employee Testing Act is included as title V of this bill and requires drug and alcohol testing of safety-sensitive employees in the aviation, rail, truck, bus, and mass transit sectors. It allows four types of testing: postaccident, preemployment, random, and reasonable suspicion testing. It is important to point out that the testing would be conducted according to Department of Health and Human Services guidelines to protect employees' rights and to ensure the accuracy of tests—and that initial screening tests must be followed up by highway reliable confirmatory tests at laboratories that meet rigorous certification standards.

Title V of this bill is identical to S. 676, which was passed by the Senate on May 20, and was also included as an amendment to S. 1204, the Surface Transportation Efficiency Act which passed the Senate. I believe that agencies seeking the legislative intent of these provisions should refer to Senate Report 102-54, issued by the Committee on Commerce, Science, and Transportation.

I am happy to report that, after 11 previous attempts going back to 1987, the Senate, by agreeing to the conference agreement before it, can—finally—send to the President legislation that will go a long way to ensure the traveling public that all transportation employees in safety-sensitive positions are drug and alcohol free, while at the same time protecting the rights of those employees.

In addition, the agreement before us calls upon the Secretary of Transportation to undertake a process for determining whether or not radar detectors should be banned from trucks involved in interstate commerce. This rulemaking process, I am hopeful, will make our highways even more safe by prohibiting devices that allow certain drivers to exceed the posted speed limits. Given the types of cargoes that are carried by motor carriers, we must do all we can to ensure that those cargoes are transported safely.

Mr. President, we had 163 amendments in conference. The conferees have agreed to a resolution of all of these amendments. The result is a package that I believe preserves a balanced transportation program for the Nation.

Mr. President, I believe this accurately and fairly summarizes the overall contents of our agreement. Before I yield, however, I want to thank my friend and ranking member, Senator D'AMATO from New York for his help in getting this bill through the committee, the floor, and the conference with the House. Given the many hurdles we faced, the many needs that exist, and the number of Members' requests, it was at times difficult to develop and fully fund all the programs that we wished. Without Senator D'AMATO's assistance and cooperation, it would have been impossible.

I also want to pay tribute to my House counterparts, Chairman BILL LEHMAN and the subcommittee's ranking member, LARRY COUGHLIN. They and their colleagues worked hard to produce a good, solid transportation program and were unfailingly courteous and cooperative in working out reasonable accommodations between the two Houses.

I am also indebted to my colleagues who serve with me on the Transportation Subcommittee. Senators BYRD, HARKIN, SASSER, MIKULSKI, D'AMATO, KASTEN, DOMENICI, and HATFIELD, have been a constant source of sensible counsel and steadfast support.

Mr. President, I believe Senator D'AMATO has some remarks he would like to offer at this time, and I yield the floor.

Mr. D'AMATO. Mr. President, I join with Chairman LAUTENBERG in urging the Senate to approve the conference report accompanying H.R. 2942, the fiscal year 1992 appropriations bill for the Department of Transportation and related agencies.

This final conference agreement contains $14,301,797,569 in new budget authority for DOT during fiscal year 1992. This amount is $1.3 billion over the fiscal year 1991 level.

There are many important aspects of this legislation. Chairman LAUTENBERG has included an excellent summary of them in his remarks, so I will not repeat them here. However I would like to touch on one aspect of the drug- and alcohol-testing legislation that is included in our bill.

H.R. 2942 includes vital provisions to enable DOT to issue drug- and alcohol-testing rules. With respect to mass transit operators, I believe it is important to clarify that these provisions apply to all those involved in providing transit services to the public. Drug- and alcohol-testing requirements must not be circumvented through contracting out of transit work.

Safety-sensitive employees of recipients of the Federal transit grant money identified in the bill, and those safety-sensitive employees working for contractors of such recipients must be covered exactly to the same extent and in the same fashion. I know that I speak for all conferees when I say that we will not tolerate a situation where employees performing substantially the same safety-sensitive function are covered or not covered depending on whether they work directly for a public authority or an outside contractor.

Mr. President, I urge my colleagues to adopt this conference report.

MANDATING DRUG AND ALCOHOL TESTING OF TRANSPORTATION WORKERS

Mr. HOLLINGS. Mr. President, this is a historic moment, and one toward which I, and I know many others, have worked for many years. Finally, we will be enacting drug and alcohol testing for transportation workers. This is an important milestone in our efforts to make America's transportation system as safe as possible.

I thank my colleagues on the Transportation Appropriations Subcommittee, including the chairman, Senator LAUTENBERG, and the ranking member, Senator D'AMATO, for their support in the conference on H.R. 2942, the Department of Transportation and Related Agencies Appropriations Act, particularly with respect to the alcohol- and drug-testing provisions. During the Senate Appropriations Committee markup on September 12, 1991, I offered an amendment to H.R. 2942 that would mandate alcohol and drug testing for transportation workers. It was approved by the committee and the Senate. The conferees for the transportation appropriations bill have agreed to retain these provisions, and I very much appreciate their efforts.

I also must recognize the efforts of the many other groups and individuals who worked so hard to bring this legislation where it is today, including my colleague and ranking member on the Commerce Committee, Senator DANFORTH; my colleague and chairman of the Surface Transportation Subcommittee, Senator EXON; Mr. Art Johnson and Mr. Roger Horn of Safe Travel America; as well as Ms. Micky Sadoff and all of the members of Mothers Against Drunk Driving. Without the persistent efforts of these and others, we would not be where we are today.

I have spoken many times about the need for passage of mandatory random alcohol and drug testing for transportation workers. I have worked with my colleague Senator DANFORTH to obtain enactment of such legislation ever since the 1987 Chase, MD, Amtrak accident in which 16 people were killed, and the National Transportation Safety Board found that the use of marijuana by crew members was a probable cause of the accident. It now appears that we finally will achieve our goal.

It is often true that out of tragedy comes good, and the passage of this legislation is a good example of this truism. It is unfortunate that the lives of Cerise Horn and Christie Johnson had to be lost in the Chase accident, and Richard Lee Limehouse, Jr., a native of Moncks Corner, SC, in the New York subway accident, for stronger action to be taken against drug and alcohol abuse in the transportation sector. It is terrible to have watched families suffer such tragedies in senseless and needless accidents. Cerise Horn was 16, Christie Johnson was 20, both with full and promising lives ahead of them. Richard Limehouse, Jr., was 41. He left a wife and three children. Today, as we approve, for the final time, this important testing legislation, we must honor Christie, Cerise, and Richard, and their families for what they have contributed to making our transportation system safer.

I particularly extend my sincere appreciation to Art Johnson and Roger Horn, who turned their tragedy into hope for a better future. Without their tireless efforts toward enactment of this legislation, we would not be here today. They clearly have contributed much to making our transportation system safer.

The amendment, which the conferees have agreed to include in the appropriations bill, tells the American people that Congress is doing what it can to ensure that the transportation system is the safest and best possible. The clear need for this legislation was reinforced recently by the tragic New York City subway accident on August 28, 1991. I will not cite here today the many other tragedies that call out for this legislation to be passed. The Commerce Committee report on S. 676, virtually identical to the drug- and alcohol-testing provisions in H.R. 2942, chronicles the history of, and the need for, this legislation.

We know that many transportation workers are professional, responsible individuals. Yet the public needs to be reassured that we are doing all we can to make the system as safe as possible. Drug- and alcohol-testing legislation accomplishes that. At the same time, these testing provisions require all possible precautions are taken to ensure the accuracy of test results and to protect innocent employees. These safeguards include a requirement that testing follow Department of Health and Human Services [HHS] guidelines; that initial screening tests be followed up by confirmatory tests by laboratories that meet rigorous certification standards; and that the confidentiality of the results and medical histories be protected. The HHS guidelines also refer to the need for medical review officers go meet certain qualifications so that experts review test results, thereby further protecting workers.

Concerning random alcohol testing, the testing provisions in H.R. 2942 give the Department of Transportation [DOT] sufficient authority to develop rules to determine when testing will occur. This authority will allow DOT to require random tests centered around the time of employee performance. This legislation gives DOT ample authority to focus the rules and procedures appropriately and the ability to avail itself of the latest techniques, such as breathalyzers, to carry out the testing. The alcohol-testing requirements will ensure that transportation employees do not drink alcohol and operate within the transportation system.

Mr. President, I have stated many times before my belief that those who drink alcohol or use illegal drugs have no business operating a train, plane, truck, or bus. I know the vast majority of transportation workers do not abuse the trust we place in them. However, accidents caused by alcohol or drugs cannot be tolerated. Drug and alcohol testing is a small price to pay to ensure that the Nation's transportation system is as safe as possible for all involved.

Mr. President, I urge my colleagues to join in supporting this legislation.

Mr. LAUTENBERG. Mr. President, language was adopted by the conference on H.R. 2942 under payments to air carriers governing the expenditure of $38.6 million appropriated for essential air service.

> *Provided further*, That none of the funds in the Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport.

Mr. SIMON. Does the language included under the payments to air carriers account prohibit payments for service to points such as those in Illinois which were eligible for subsidized service in fiscal year 1991 and for which the necessary orders authorizing that service were also issued by DOT in fiscal year 1991?

Mr. LAUTENBERG. No; the language in question does not prohibit or restrict payments to such eligible points. If DOT issued orders authorizing essential air service prior to fiscal year 1992, this amendment does not affect such points and the Department may pay for such service in fiscal 1992.

Mr. STEVENS. May I engage the manager of the bill in a short colloquy concerning a Hovercraft demonstration project. The committee has provided $75,000 for a search and rescue demonstration project at the Upper Cook Inlet near Anchorage, AK. I want to clarify exactly how this Hovercraft project will be managed. The Department would issue a grant to the municipality of Anchorage which is arranging for the Hovercraft and managing the project. The $75,000 would be utilized by the municipality to fund the Hovercraft demonstration including necessary rental, transportation, and personnel expenses for the demonstration. Do I understand this correctly?

Mr. LAUTENBERG. That is correct. This money would be made available to the municipality of Anchorage as a grant for the use and necessary expenses for the Hovercraft demonstration project.

Mr. D'AMATO. I applaud the Senator from Alaska for his efforts. This technology could also have applications to upstate New York where water and cold weather are also a problem. The use of a Hovercraft on the St. Lawrence River is something in which I am very interested. I look forward to the results of this study.

Mr. LAUTENBERG. Mr. President, I would like to note that this conference report contains many items that benefit my State, New Jersey.

As I have noted, the bill sets an obligation ceiling for the highway program of $16.8 billion. Under this level, which is 16 percent higher than the fiscal year 1991 level, New Jersey would expect to receive approximately $700 million in formula highway and transit funds. That represents a tremendous infusion of funds to help meet our State's pressing transportation needs.

Additionally, the conference report provides $199 million in specific highway and transit earmarks for New Jersey. The committee and conference reports detail these earmarks, but I would like to briefly outline them.

First, $45 million is earmarked in the area of intelligent vehicle-highway systems. This program is an important one in our efforts to address the problems of congestion, air pollution, and poor productivity. Today, too many New Jerseyites are spending too much time in their cars, stuck in traffic, and away from family or work. IVHS can help change that, by making our roads, bridges, and tunnels more efficient.

For IVHS, the bill earmarks: $1 million for research and development at the New Jersey Institute of Technology: $3 million for the continuing traffic management efforts of Transcom; $4 million for a traffic management plan in an eight-county area of New Jersey, through the MAGIC Program; $25 million to help install electronic toll collection on the State's three major toll roads; $6 million to establish a comprehensive traffic management agency in southern New Jersey and Philadelphia; and $6 million for traffic signal computerization.

There are a number of highway projects funded under this bill. These projects are all worthy, and greatly needed. They will help ease congestion and improve safety in areas throughout the State, such as Newark, Bergen County, central New Jersey, and the fast-growing Camden-Burlington Counties area. Those projects are: Route 21 widening in Newark, $5 million; I-280 Downtown Connector improvement in Newark, $3 million; I-78 Downtown Connector in Newark, $4 million; Raymond Plaza (Penn Station, Newark) access improvements, $1.5 million; Route 21 Viaduct, Newark, $2.7 million; Route 4 bridge replacement in Bergen County, $2 million; Route 4/208 interchange in Bergen County, $4 million; Route 4/17 interchange in Bergen County, $4 million; and Routes 70/38 capacity expansion in Camden County, $6 million. The bill also earmarks $15 million, out of the funds provided for the parkways and park highways program, to build a new pedestrian bridge connecting Liberty State Park to Ellis Island, to make that historic place more accessible to the many Americans who want to visit it. The conference report also includes $3.5 million for an interstate emergency callbox system. It also provides $500,000 for trauma research on passenger compartment intrusions at a trauma center staffed by a research professional with extensive experience in this area. Important work in this area is being done by researchers at the University of Medicine and Dentistry in Newark, NJ. The report also directs NHTSA to conduct a study on the theft-resistance of automobiles, to explore ways to fight auto theft that plagues New Jerseyites.

In the aviation area, there are important provisions, including bill language that would allow Atlantic City to use revenues from the sale of Atlantic City Airport for nonaviation purposes, clearing the way for the sale of the airport to the State. I've worked hard for years to try to see this tremendous aviation resource developed. With the cooperative efforts of the State and Mayor Whelan of Atlantic City, we're now at a point where real progress can be made, and the development of the airport into a first-class facility can proceed. This provision will ensure that that progress won't be impeded by a technical problem.

The bill also prioritizes applications for Airport Improvement Program funds to make improvements at Atlantic City International Airport; contains bill language allowing parochial schools near airports to qualify for soundproofing funds; includes language prioritizing funds for further study of the proposed joint civilian use of McGuire Air Force Base; and provides $1.5 million for Rutgers University and the Georgia Institute of Technology for a joint center of excellence for aviation research.

In addition, 10 New Jersey airports are slated to receive grants for safety improvements. These airports make up a network that serves the varied aviation needs of our State, from scheduled commercial service to general aviation. These airports are: Newark Airport, Lincoln Park Airport, Somerset Airport in Somerville, NJ, Morristown Airport, Gibbsboro Airport, FAA Technical Center in Pomona, NJ, Cross Keys Airport, South Jersey Regional Airport in Mount Holly, NJ, Trenton-Robbinsville Airport in Robbinsville, NJ, and the Atlantic City Airport. Specific dollars amounts will be determined by the Federal Aviation Administration.

One way New Jersey is going to help improve its air quality and our ability to move people and goods is through improved mass transit. For transit to become a real alternative to the single passenger car, it must be more affordable, reliable, and convenient. The bill before us includes funding for projects that would help meet those goals. In mass transit, the conference report contains: for the Hamilton Transportation facility (train, bus, highway), $3 million; for a new Atlantic City bus facility, $3 million; $21 million to New Jersey Transit for bus acquisition; $6.18 million to begin an upgrade of the New York, Susquehanna & Western freight rail line to provide needed commuter service in northern New Jersey; and $5.3 million for Central Electric Train Control to improve safety on New Jersey's rail lines between Trenton and Philadelphia. The bill also contains $500,000 for inner city youth job training, to help bring those youth into the transportation field.

A major new transit improvement, the Urban Core, would significantly improve transit in New Jersey by linking the State's rail lines into a coordinated network. This project would truly make transit more convenient for commuters now using rail, and open up new opportunities for thousands of new commuters. In the new start category, the conference report provides $70 million for the Urban Core.

The Urban Core project will consist of seven elements: the Secaucus Transfer—a new train station in Secaucus will link the Bergen and Main lines to the Northwest Corridor (Amtrak lines), providing access to Newark and midtown Manhattan for Bergen County residents; Newark-Elizabeth Rail Line—a new rail line to link Newark International Airport with major downtown centers in the Newark-Elizabeth corridor with connections to the regional rail network; Hudson Waterfront Transportation System—will establish a mass transit system along the Hudson waterfront and link it to the existing commuter rail system; Waterfront Connection—recently opened line links Newark Penn Station to Hoboken Terminal, providing access to the Hoboken and Hudson waterfront area and improved access to lower Manhattan for passengers traveling through Penn Station; Kearny Connection—will link the Morris and Essex rail lines to the Northeast corridor, significantly improving rail access to Manhattan; Northeast Corridor Signal System—improvements to the Northeast corridor signal system from Trenton to New York and to the Penn Station New York concourse will ensure reliability on the Northeast corridor and passenger safety and convenience at Penn Station New York; Rolling Stock—new rail cars will be purchased to meet the new demands under the Urban Core project.

Under the Coast Guard, the bill contains $4.3 million for phase III of the New York Vessel Traffic Service, a project that I have worked over the last 3 years to fund and get in place. New York harbor is one of the busiest harbors in the country; this VTS will help protect against accidents that could have disastrous effects on our precious coastal resources. The bill also contains: $3.4 million to build a new patrol boat pier at Ft. Hancock in Sandy Hook; $300,000 to the New Jersey marine sciences consortium to develop an instructional curriculum and educational materials on fishing vessel safety; and $5 million for an applied training facility at the recruit training center at Cape May.

Finally, I would like to note that the bill contains $250,000 for the Department of Transportation to study the feasibility of using dyes to label different gasoline octane levels to prevent consumer fraud. This is an issue that is of serious concern to many in New Jersey, and I hope that the study can be of some benefit in addressing the situation.

Mr. President, as chairman of the Transportation Appropriations Subcommittee, I work hard to see that the transportation problems of New Jersey and the Nation are addressed. These projects are important ones that will provide significant benefit to the people of New Jersey, and to those who travel to and through our State.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined the conference report on H.R. 2942, the Transportation appropriations bill, and has determined that the report is under its 602(b) budget authority allocation by $3 million and under its 602(b) outlay allocation by $7 million.

I compliment the distinguished manager of the bill, Senator LAUTENBERG, and the distinguished ranking member of the Transportation Subcommittee, Senator D'AMATO, for all of their hard work.

Mr. President I have a table prepared by the Budget Committee which shows the official scoring of the Transportation appropriations bill and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2942—TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE

[In billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2942:		
New BA and outlays	14.3	12.2
Enacted to date	0.0	20.1
Adjustment to conform mandatory programs to resolution assumptions	−(*)	(*)
Scorekeeping adjustments/PLRs	0.0	0.0
Bill total	14.3	32.3
Senate 602(b) allocation	14.3	32.3
Total difference	−(*)	−(*)
Discretionary:		
Domestic	13.8	31.8
Senate 602(b)	13.8	31.8
Difference	−(*)	−(*)
International	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Defense	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Total discretionary spending	13.8	31.8
Mandatory spending	0.5	0.5
Mandatory allocation	0.5	0.5
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	−0.8	0.6
House-passed bill	0.1	−(*)
Senate-passed bill	−0.1	−(*)

Mr. ADAMS. Mr. President, this appropriations bill holds major significance for the State of Washington. As I mentioned when the Senate passed its version of the transportation appropriations bill, rapid population growth in the Pacific Northwest is putting enormous pressure on the transportation infrastructure. This legislation contains a number of projects that will ease the strain on our transportation systems and infrastructure.

Of critical importance to Central Puget Sound is a provision to allocate $10 million to a commuter rail project between Seattle and Tacoma. The traffic on the I-5 corridor between these two cities gridlocks every day during the rushhours, and the rushhours continue to grow longer and longer. The railroad alone won't solve the whole traffic problem, but it will help a great deal. This funding will allow Seattle's metropolitan transit authority, Metro, to go forward with its environmental impact statement and negotiations with a private carrier to operate the trains.

Local communities, the transit districts and private businesses all favor the proposed commuter railroad. I want to emphasize that they will provide the lion's share of the funding. It is my hope that train service will begin as quickly as possible. When it proves successful—I hope it eventually will be extended to communities north of Seattle, too.

The bill also contains $800,000 for the construction of HOV lanes/park and ride lots in Snohomish County, WA. These funds will help link the northern section of the Seattle metropolitan area, located in Snohomish County, to the I-5 and I-405 HOV lanes in King County. Industrial development is occurring in this region and more HOV funding is desperately needed. The bill also provides $2.72 million for an I-5 Marysville interchange to relieve congestion on the ramps in this area and to facilitate the flow of traffic into a major industrial center.

The bill also includes funding to finish the Puget Sound Vessel Transit System [VTS]. Recently, a collision between two foreign ships in international waters damaged a large section of the pristine coastline along

Washington State. The VTS would help guard against similar collisions and spills in Puget Sound, which current technology is incapable of adequately cleaning.

Another provision, which the junior Senator from Washington State and I sponsored, would allow Washington State to use Federal emergency relief funds to repair a sunken portion of the I-90 bridge. The bridge section sunk during a major flood in Washington State last fall. The bridge is a vital link in Seattle's commuter highway network. Its expedited repair will be good news for the Seattle metropolitan area. Without this, commuters in the Seattle metropolitan area may have had to wait for years of civil litigation before repair work could begin. If cause for the sinking was human error, then the State will reimburse the Federal Government.

There is $480,000 in funding for a study of the Tacoma Narrows Bridge. Important engineering questions need to be resolved. This earmark, which will allow all the alternatives to be evaluated, will be money well spent.

Washington is a large and economically diverse State. It has pressing urban and rural transportation needs. I want to thank the conferees for acknowledging and funding many of our priorities. These projects include $1 million for the Pangborn Memorial Airport. A level I control tower is seriously needed for safety concerns at this airport in Wenatchee. There is also $270,000 for the Highway 101 tristate feasibility study. Part of these funds will go to the communities in southwestern Washington that have been heavily affected by the downturn in the timber industry. Among the UMTA bus and bus facility projects, $4.2 million has been designated to an intermodel facility in Spokane. These funds will be used to create a central transit depot for all the mass transit systems which includes space for commercial development. Also in western Washington, the bill designates $3.6 million for road access to the Bryden Canyon Bridge in Clarkston. Better access is necessary for both safety and economic reasons in this primarily rural region along the Washington-Idaho border.

Finally, I would like to thank Senator LAUTENBERG and the conferees in both chambers for the excellent work they have done in crafting this bill. I urge the President to sign this important legislation into law.

Mr. DANFORTH. Mr. President, I would like to ask Senator HOLLINGS to confirm and clarify, for the record, the intent of certain aspects of the drug and alcohol testing provisions contained in title V of the conference report.

Mr. HOLLINGS. I would be pleased to clarify certain provisions of title V.

Mr. DANFORTH. I thank the Senator. The drug and alcohol testing provisions contained in title V of the conference report to accompany H.R. 2942 are the same as those contained in S. 676, the Omnibus Transportation Employees Testing Act of 1991, which was reported by the Committee on Commerce, Science and Transportation (S. Rept. 102–54) and passed by the Senate as free-standing legislation earlier this year. Therefore, I assume that questions with regard to the background and intent of these provisions generally are addressed by that report.

Mr. HOLLINGS. The Senator's assumption is correct.

Mr. DANFORTH. Also, I understand that the enactment of this legislation is not intended to disturb the work already done by the Department of Transportation [DOT], both with regard to drug testing and also related to the use of alcohol in transportation.

Mr. HOLLINGS. The Senate language expressly was drafted to avoid upsetting the requirements that already are in place, whether or not they are addressed directly by the new mandates. DOT has done a great deal of work in the drug testing area, and the Senate language does not threaten the validity or the scope of the current regulations.

For example, under this legislation, new section 614(e)(2) of the Federal Aviation Act of 1958 would reaffirm the validity and scope of current regulations governing the use of alcohol and controlled substances by aviation personnel in safety-sensitive positions. New section 614(b)(3) would bar a safety-sensitive worker from the position he or she occupied at the time of a positive drug test until rehabilitation is completed successfully. The new 614(e)(2) language specifically is intended to allow FAA to continue to apply existing regulatory requirements, based on DOT's existing statutes which provide extremely broad authority to regulate safety in the various transportation modes, and to supplement them. Comparable language in the legislation applies to the other modes.

Similarly, the term "controlled substance" has been defined in this legislation as a substance listed in the Controlled Substances Act. However, at least one chemical already being tested for under DOT programs, PCP, is not listed in that act, although it has been designated a Schedule I controlled substance under Drug Enforcement Administration regulations. Again, because its intent is to allow DOT to build upon existing regulations and authority, the legislation would not affect DOT's ability to test for the five chemicals, including PCP, that the Secretary already has determined constitute a risk to transportation safety. Also, the legislation would not require another determination of such risk.

Mr. DANFORTH. Also, I ask to clarify the effect of the Senate language on the existing Federal Railroad Administration's drug and alcohol testing program.

Mr. HOLLINGS. I would be glad to do so.

The Federal Railroad Administration's [FRA] alcohol and drug testing regulations have been in effect since 1985. This legislation provides for the continuation of FRA's program, which includes preemployment, reasonable cause, random and postaccident testing, the latter of which has been recommended by the National Transportation Safety Board [NTSB] as a model for postaccident toxicology in the transportation industry. In fact, in the case of postaccident testing in all modes, it is intended that DOT retain its full authority to conduct full toxicological analysis related to accident investigations, and to use the results in accident investigation reports. The legislation would not disrupt FRA's approach to employee assistance through voluntary referral and coworker reporting, which is highly regarded by both railroad labor and management. Also, this legislation allows the Secretary to determine which positions, in addition to those who perform covered service subject to the Hours of Service Act—45 U.S.C. 61–64b)—should be considered safety-sensitive for purposes of testing. However, it does not require FRA to change its current level of coverage. Finally, this legislation would not prohibit FRA from continuing class exclusions for very small railroads.

Mr. DANFORTH. Let me ask about the existing DOT drug and alcohol testing regulations and court decisions concerning those rules. It is my understanding that the Senate language contained in new section 614(e)(2), and parallel language addressing other modes, is significant in regard to the judicial rulings that have been rendered concerning drug testing authority under the Federal Aviation Act of 1958, the Railroad Safety Act of 1970, the Commercial Motor Vehicle Safety Act of 1986, and drug testing for FAA employees with responsibility for safety-sensitive functions pursuant to Executive Order 12564.

A consistent series of rulings, including several by the Supreme Court, has upheld random drug testing of transportation workers and Federal employees where justified on the basis of assignment to safety-related tasks or security positions. Enactment of this legislation would not disturb these favorable holdings, and should not be read to give litigants a new bite at the apple in terms of challenging the meaning and content of what constitutes permissible random drug testing.

This legislation assumes that the meaning of "random drug testing" is settled. Therefore, the use of the phrase throughout title V refers to the type of testing that has been upheld by the courts. However, as made clear in the conference report, DOT appropriately could limit the time during which random alcohol testing is conducted to ensure that it is closely related in time to the actual performance of safety-sensitive functions.

Mr. HOLLINGS. The Senator's understanding is correct.

Mr. DANFORTH. Title V of the conference report states that DOT must issue regulations for the various modes, providing for the opportunity for treatment of employees in need of assistance in resolving problems with alcohol or drug use. My understanding is that this does not mandate that rehabilitation be provided but does encourage companies to make such programs available. The legislation does not discuss who pays for treatment, wages during this period, or rights of reinstatement.

Mr. HOLLINGS. The Senator's understanding is correct. Such arrangement could be left to negotiation between the employer and employee, either through individual arrangement or collective bargaining, as appropriate, except for a number of limitations specifically included in title V.

Mr. DANFORTH. Mr. President, I want to ask my colleague from South Carolina his views concerning random testing required under the Senate language. I realize, as he does, that random testing is critical to this program and, in fact, has proven itself effective in the existing DOT drug testing rules.

Mr. HOLLINGS. I agree that it is an effective and necessary tool. For example, in the airline industry the number of positive drug tests has been less than one-half of 1 percent. That is good. The deterrence value of random testing must be maintained. DOT, under title V, has the authority to establish the random testing rate, which currently is 50 percent. It is the intent of the legislation that the rate be set to accomplish its goal—deterrence. DOT, of course, has the authority to choose a different rate, based on safety and efficiency. In addition, if DOT chooses to set different rates for different categories of workers, title V does not prohibit such action. Title V is not intended to heap unnecessary costs on the affected industries, but to ensure that the transportation system is as safe as possible. Finally, let me also state that if DOT chooses to combine the drug and alcohol test programs, and establish a single random testing rate, which may prove to be effective, title V does not prohibit such action.

Mr. DANFORTH. I appreciate this clarification. I would note that questions have arisen as to whether mandatory procedures for testing, included for each of the transportation modes, apply to both drug and alcohol testing in all cases.

Mr. HOLLINGS. In fact, the report accompanying S. 676 specifically addresses the procedures. For example, individual privacy obviously is of great concern, and must be promoted to the maximum extent possible.

In addition, confirmation of alcohol and drug tests must be by a scientifically recognized method capable of providing quantitative data. This clearly applies to both drug and alcohol tests. DOT already provides this for drug testing. However, in the case of alcohol testing, DOT will need to explore through rulemaking the actual means of implementing this requirement.

There are also requirements for split samples, primarily included in the legislation to allow urine samples to be retested. DOT would have the authority to determine that blood samples should be similarly handled. This specific requirement is not relevant in the case of breath testing for alcohol, but DOT is directed by this legislation to provide necessary safeguards in this area to ensure the validity of test results.

The report also emphasizes that the selection of employees for testing must be by nondiscriminatory and impartial methods. This applies to random testing for both alcohol and drugs.

Mr. DANFORTH. The legislation states that regulations must be "consistent with international obligations of the United States," and that the Federal Aviation Administrator must take into consideration any applicable law and regulations of foreign countries. Is this language intended to imply that the Secretary would have the authority to grant exemptions or waivers from U.S. rules where such action is justified, and to make allowances in regulations where necessary?

Mr. HOLLINGS. The legislation intends to strike a balance between the need to ensure that foreign transportation workers who affect public transportation in this country are not substance abusers, and the need to observe fundamental principles of international law.

Mr. DANFORTH. I thank the Senator for providing clarification with regard to these important drug and alcohol testing provisions.

Mr. D'AMATO. I appreciate this further clarification of the intent of this legislation as well. I would ask Senator HOLLINGS to comment on two additional issues. First, I note that mass transit operators clearly must establish a conforming testing program in order to receive Federal mass transit grants. I trust that this means that a program must be both established and implemented in order to continue to qualify for grants?

Second, it is my understanding that this legislation is intended to broadly cover all those involved in providing transit services to the public, and that drug and alcohol testing not be circumvented through contracting out of work. Safety-sensitive employees of recipients of the Federal grant money identified in the bill, and those safety-sensitive employees working for contracts of such recipients must be covered exactly to the same extent and in the same fashion. I know I speak for all conferees when I say that we will not tolerate a situation where employees performing substantially the same safety-sensitive function are covered or not covered depending on whether they work directly for a public authority or an outside contractor.

Mr. HOLLINGS. The Senator is correct. Enactment of this legislation is intended to ensure that effective drug and alcohol testing programs are in place for all providers of mass transportation services, whether they are employed by the transit authority directly, or are under contract to them. It was the intent of conferees to prevent tragedies like the one that occurred recently in the New York City subway.

I appreciate this opportunity to discuss with my colleagues this important legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—95

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NAYS—3

Helms
Roth
Smith

NOT VOTING—2

Pryor
Wofford

So the conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate concur, en bloc, in the amendment of the House to the amendments of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to, en bloc, are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2942) entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 24, 29, 31, 32, 85, 92, 113, 156, 158, 159, 160, and 161 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further*, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport: *Provided further*, That none of the funds in this Act shall be available to increase the service levels to communities receiving service unless the Secretary of Transportation certifies in writing that such increased service levels are estimated to result in self-sufficiency within three years of initiation of the increased level of service".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "; *Provided further*, That none of the funds provided in this Act shall be available for the operation, maintenance or manning of land-based and sea-based aerostationary balloons, or E2C aircraft".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "$2,394,000,000, including $2,244,052,000 to remain available until September 30, 1994, and including $149,948,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "$249,146,000, together with $4,628,000 to be derived by transfer from the "Nuclear Waste Transportation Safety Demonstration project" ".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 67 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental, and preliminary engineering studies, $18,448,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 68 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$148,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$12,600,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$2,700,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$7,200,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 72 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$4,800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 73 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act, $78,528,000, to remain available until September 30, 1994.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: "$22,331,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Of the funds provided under this head, $2,500,000 is available until expended for grants to specific states to conduct detailed market analysis of potential maglev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/or high speed rail use: *Provided*, That any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 104 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

DISCRETIONARY GRANTS

None of the funds provided in fiscal year 1992 to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) shall be used for the study, design, engineering, construction or other activities related to the monorail segment of the Houston metro program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 112 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first named in said amendment, insert: "$12,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 114 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: "$927,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 115 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: "$1,516,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 116 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: "$5,428,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 125 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: ", the strategic highway research program, the intelligent vehicle-highway systems program".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 325. Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by February 14, 1992, enter into a full funding grant agreement with the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) for the construction of the locally preferred alternative for the Westside Light Rail Project, including systems related costs, as defined in Public Law 101–516. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit

Center in the city of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District of Oregon to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon and S.W. 185th Avenue.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 133 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provisions of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

(a) issue a letter of no prejudice, effective as of or retroactive to October 1, 1991, for preliminary engineering and final design, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway Project between South Station and the portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 134 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "328", insert: "331".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 138 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "332", insert: "334".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 139 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 335. Notwithstanding any other provisions of laws, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purposes of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2201, et seq.)

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 140 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "334", insert: "336".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 141 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 337. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft that (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committees on Appropriations of the Senate and House of Representatives. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to prevent a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 142 to the aforesaid bill, and concur therein with amendments as follows:

In lieu of the section number "336", insert: "338".

In lieu of "et cet", insert: "et seq.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 143 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "337", insert: "339".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 144 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "338", insert: "340".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 145 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "339", insert: "341".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 146 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "340", insert: "342".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 147 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 343. Section 402 of Public Law 97-102 is amended by inserting immediately before the colon a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations after the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 1992, shall not apply toward such 350-mile limit".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 148 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "342", insert: "344".

Resolved, That the House recede from its disagreement to the amendment the Senate numbered 149 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "343", insert "345".

Resolved, That the house recede from its disagreement to the amendment of the Senate numbered 150 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "344", insert: "346".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 152 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 347. none of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate flight service stations (including changes in flight service station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 9-month period following the date of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101-516; 104 Stat. 2184). This section shall not apply to flight service stations in Laramie, Rawlins, and Rock Springs, Wyoming .

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 153 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "347", insert: "348".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 154 of the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 349. (a) Section 9308(d) of Public Law 101-508 is amended by striking the word "This" at the beginning of the first sentence thereof and inserting in lieu thereof the following—"Except for Hawaiian operations described in and provided for in subsection (i), this"

(b) Section 9308 of Public Law 101-508 is amended by adding a new subsection (i), to read as follows—

"(i) HAWAIIAN OPERATIONS—

"(1)(A) An air carrier or foreign air carrier may not operate within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous states a greater number of Stage 2 aircraft having a maximum weight of more than 75,000 pounds than it operated within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous states on November 5, 1990.

"(B) An air carrier that provided turnaround service within the State of Hawaii on November 5, 1990, using Stage 2 aircraft having a maximum weight of more than 75,000 pounds may include within the number of aircraft authorized under subparagraph (A) all such aircraft owned or leased by that carrier on such date, whether or not such aircraft were then operated by that carrier.

"(2) An air carrier may not provide turnaround service within the State of Hawaii using Stage 2 aircraft having a maximum weight of more than 75,000 pounds unless that carrier provided such service on November 5, 1990.

"(3) For the purpose of this subsection, 'turnaround service' means the operation of a flight between two or more points, all of which are within the State of Hawaii.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 157 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 351. (a) Notwithstanding any other law, the Secretary of Transportation shall construe all references in this Act to Title 23, the Urban Mass Transportation Assistance Act of 1964 as amended, and the Federal-Aid Highway Acts in a manner which continues to apply such references to the appropriate programs as may be authorized by a subsequent surface transportation assistance act.

(b) Section 329(a) of the Department of Transportation and Related Agencies Appropriations Act, 1988, Public Law 100–102, is amended by striking "and 1991" and inserting "1991, and 1992".

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader.

Mr. LAUTENBERG. Mr. President, I believe that concludes the work of the Senate on the Transportation Appropriations bill for fiscal year 1992.

I would like to thank all the Senators for their cooperation, and in particular I would like to express my appreciation to the ranking member on our subcommittee, Senator D'AMATO, as well as to the chairman of the full committee, the President pro tempore, Senator BYRD, whose commitment to investing in our Nation's infrastructure is second to none, and to the ranking member of the full committee and distinguished member of the subcommittee, Senator HATFIELD, whose advice and assistance is always appreciated.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT REQUEST—S. 1791

Mr. DOLE. Mr. President, as I indicated earlier, I will make a unanimous-consent request, and I think Senator DURENBERGER may do the same. I ask unanimous consent that the Senate Committee on Finance be discharged from further consideration of S. 1791, a bill to provide emergency unemployment compensation, and for other purposes, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

UNANIMOUS-CONSENT REQUEST—S. 1789

Mr. DURENBERGER. Mr. President, both the Republican leader and I had indicated that at the conclusion of this vote we would move to consider the amendments which both of us had circulated. So at this time, I ask unanimous consent that the Senate Committee on Finance be discharged from further consideration of S. 1789, a bill to provide emergency unemployment compensation, and for other purposes, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?.

Mr. MITCHELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

A TRIBUTE TO CERES MILLICENT HORN AND CHRISTINE BROOKS JOHNSON

Mr. DANFORTH. Mr. President, the Department of Transportation appropriations conference report, which the Senate approved today and sent to the President, contains provisions which will require random alcohol and drug testing for safety sensitive personnel in the aviation, rail, mass transit, and motor carrier industries. This legislation is a tribute to two exceptional young women by their fathers—fathers who loved them very much.

Sixteen-year-old Ceres Millicent Horn was a freshman honors student at Princeton. Her high school English teacher described her as "a spritely Ariel who beautifully balanced the cerebral and the corporeal." She was an athlete, an actress, a special, special person. Energetic. Ceres was enthusiastic about everything: about life, about learning. She was a loving young woman with a wonderful sense of humor and a way with words. Ceres dreamed of being an astronaut. She said that she could not think of a better way to reach out to God.

Twenty-year-old Christine Brooks Johnson was vibrant and vivacious, an avid and accomplished equestrian, an excellent student. She was compassionate and friendly, at ease with people of all ages. A junior honors student at Stanford, Christy was looking forward to a career in adolescent psychology. She found purpose in counseling troubled teenagers. She was a certified emergency medical technician. She wanted to help others, to make a difference in the world.

Friends and family agree. Ceres, Christy, these bright and shining young women. They were so very alive.

Early on the afternoon of Sunday, January 4, 1987, both Ceres and Christy were aboard the Amtrak Colonial bound from Washington, DC, to Boston. At the same time, a Conrail train made up of three locomotives was headed out of Baltimore's Bayview Yard toward Harrisburg. Ricky Gates and Butch Cromwell, the engineer and brakeman of the Conrail train, shared a marijuana cigarette as they began their work shift. About 15 minutes later, Gates and Cromwell ignored a series of warning signals. By the time they realized their mistake, they were already in the path of the Amtrak train.

Traveling at 120 miles per hour, the Amtrak engineer applied the emergency brakes as soon as he saw the Conrail locomotive. Fourteen seconds later, at the Gunpowder switch near Chase, MD, the Amtrak Colonial slammed into the Conrail locomotives. Ceres, Christy, and 14 others were killed, 170 were injured.

Tragedy destroys some families. Unable to cope with the finality of death, with the loss, with the pain, some individuals, some families take out their hurt and anger on each other. But Ceres Horn and Christy Johnson were not only very special young women, they had very special families. Ceres Horn and Christy Johnson sought through their lives to make the world a better place, and their dedication to others did not die on that cold winter day. For the love of their children, Roger Horn and Art Johnson vowed to carry on. They decided to change the world. Today, after countless obstacles and setbacks, they have done just that. They have forced the Congress and forced the country to face squarely the problem of alcohol and drug abuse in public transportation. They have overcome special interests, inertia, and delay. They have given to their girls a tribute like none other. Because of Ceres Horn and Christy Johnson, because of the dreams they dreamed, because of the families they inspired, others will live.

Mr. President, we know that today there are in heaven two young women looking down on this body, proud of their fathers and proud of their families, with one thought in their hearts: "Thanks, Dad."

Mr. President, today the Senate is sending legislation to the President which requires random drug and alcohol testing for safety-sensitive employees in the aviation, rail, motor carrier, and mass transit industries. This is landmark legislation that will save lives, and it would not have happened but for the work of Gerri Hall, Alan Maness, and Mary Pat Bierle of the Senate Commerce Committee minority staff. They have worked on this legislation for nearly 5 years and have been instrumental in 13 successful Senate votes on random testing. I want to recognize and thank them for their outstanding service.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I join in the statements made by my colleague, the Senator from Missouri. I thank him for his advocacy on this issue of drug testing in safety positions in public transportation.

The terrible tragedy that my colleague from Missouri, Senator DANFORTH, outlined occurred in my own home State of Maryland. Mr. President, I will never forget it because it was the weekend before I was to be sworn in to the U.S. Senate. It was a very happy weekend. I had gathered with family visiting an old friend. It was a foggy day in Maryland. And I will tell you, when we heard of the terrible crash, the mist never lifted. That night I was in the emergency room in Baltimore talking to the medical personnel because they were flooded with the injured from that terrible tragedy. It is seared forever in the minds of Marylanders about that event, and we often say when an event occurs, let us do something about it, let us make reforms. The world will never forget.

Sometimes, Mr. President, when all is said and done, more gets said than done. However, thanks to the Senator from Missouri and his colleague, Senator HOLLINGS, of South Carolina, of the Commerce Committee, they steadfastly pursued this drug-testing legislation. As a member of the Appropriations Committee on Transportation, I advocated it in the conference. Why? Because we never want that to happen again.

One of the advocates in Maryland was a family by the name of Horn, Roger and Susan Horn, parents of a young lady who was admitted to a prestigious Ivy League school and herself was going to attend college at the age of 16.

Now, 5 years have passed. This young lady would have been 21 years old, a graduate of Princeton, and probably would have been now working here on Capitol Hill. She was one of the best and brightest young woman coming out of Maryland and now she lies dead on a grassy knoll somewhere, and buried with her are the dreams that her own family had for her. We can never bring back Ms. Horn or the other people who were killed, but we can make sure that will never happen again.

I am pleased that we will now ensure that our people involved in transportation will be drug free, and in that we have also set up procedures that look out for their civil liberties as we are trying to look out for public safety.

Mr. President, it has been a long time in coming to pass this legislation, but now we know that the highways and byways, the rail lines and the subway lines will be a lot safer because of the transportation legislation we have passed and that hopefully will then have contributed significantly to the public good.

Mr. President, I yield back my time, and once again I thank all of my colleagues who have been so persistent in passing this legislation.

I thank the Chair.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FACILITY COMPLIANCE ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at noon tomorrow, the Senate proceed to Calendar No. 99, S. 596, the Federal facilities bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. There is an objection heard.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I move to proceed to Calendar No. 99, S. 596, the Federal facilities bill, and I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m., Thursday, October 17; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein, with Senator WOFFORD recognized to speak for up to 20 mintues; that on Thursday, at 12 noon, the Senate proceed to vote on the motion to invoke cloture, which I now send to the desk, on the motion to proceed to Calendar No. 99, S. 596, and that the mandatory live quorum be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will read the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 596, Federal Facility Compliance Act of 1991:

> George Mitchell, Daniel Patrick Moynihan, Quentin Burdick, Paul Simon, John D. Rockefeller IV, Terry Sanford, Max Baucus, Howard M. Metzenbaum, Edward M. Kennedy, Don Riegle, Frank R. Lautenberg, Alan Cranston, John F. Kerry, Albert Gore, Jr., Pat Leahy, Wendell Ford.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992

Mr. BOREN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1539, the Intelligence authorization bill that, with the exception of the amendments reported by the Armed Services Committee, the only amendment in order to the bill be one offered by Senator GLENN to require Senate confirmation for the general counsel and five Deputy Directors of the CIA; that there be 4 hours of debate on the Glenn amendment, equally divided and controlled in the usual form; that there be 30 minutes of debate on the bill, including the committee amendments, equally divided and controlled between the chairman and ranking members of the Intelligence and Armed Services Committees;

That, after all debate has been completed on the bill and the Glenn amendment, and the committee amendments have been disposed of, the Senate vote on, or in relation to, the Glenn amendment, to be followed immediately by third reading and final passage of the bill, and that the preceding all occur without any intervening action or debate.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

The clerk will now report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1539) to authorize appropriations for fiscal year 1992 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services, with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italics.)

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1992".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1992 for the conduct of the intelligence activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1992, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany S. 1539 of the One Hundred Second Congress.

(b) AVAILABILITY OF THE SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and the House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers for such personnel authorized for fiscal year 1992 under sections 102 and 202 of this Act whenever he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such section for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. PRESIDENTIAL BUDGET SUBMISSION.

Section 1105(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(29) a separate, unclassified statement of the aggregate amount of expenditures for the previous fiscal year, and the aggregate amount of funds requested to be appropriated for the fiscal year for which the budget is submitted, for intelligence and intelligence-related activities.".

SEC. 105. FUNDING OF INTELLIGENCE ACTIVITIES.

Section 502 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Any bill reported by a committee of conference of the Congress which authorizes funds to be appropriated for *all* intelligence and intelligence-related activities of the United States shall contain an unclassified statement of the aggregate amount of such funds authorized to be appropriated.".

SEC. 106. EFFECTIVE DATE OF SECTIONS 104 AND 105.

The amendments made by sections 104 and 105 shall take effect on the date of the enactment of an Act authorizing appropriations for fiscal year 1993 for the conduct of intelligence activities of all of the elements of the United States Government referred to in section 101.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Intelligence Community Staff for fiscal year 1992 $28,832,000, of which amount $6,566,000 shall be available for the Security Evaluation Office.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1992, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1992, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) REIMBURSEMENT.—During fiscal year 1992, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1992, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency are subject to those provisions.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $164,100,000 for fiscal year 1992.

SEC. 302. SURVIVOR BENEFITS FOR CHILDREN WHO HAVE A SURVIVING PARENT.

(a) COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES.—Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (c)(1), by striking out "wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of that surviving";

(2) in subsection (c)(2), by striking out "wife or husband but by a child or children, each surviving child shall be paid" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of that surviving child";

(3) by amending subsection (d) to read as follows:

"(d) On the death of the surviving spouse or former spouse or termination of the annuity of a child, the annuity of any remaining child or children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the participant. If the annuity to a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children were then being initiated.";

(4) by adding at the end thereof the following new subsection:

"(q) For purposes of this section—

"(1) the term 'former spouse' includes any former wife or husband of the participant, regardless of the length of marriage or the amount of creditable service completed by the participant; and

"(2) the term 'spouse' has the same meaning given the terms 'widow' and 'widower' in section 204(b)."; and

(5) in subsection (e), by striking out "under paragraph (c) or (d) of this section, or (c) or (d)" and inserting in lieu thereof "under subsection (c) of this section, or subsection (c) or (d)".

(b) DEATH IN SERVICE.—Section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (c)—

(A) by striking out "wife or a husband and a child or children, each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the participant, that";

(B) by striking out "section 221(c)(1)" and inserting in lieu thereof "subsections (c)(1) and (d) of section 221"; and

(C) by striking out the last sentence;

(2) in subsection (d)—

(A) by striking out "wife or husband, but by a child or children, each" and inserting in lieu thereof "spouse or a former spouse who is the nature or adoptive parent of a surviving child of the participant, that";

(B) by striking out "section 221(c)(2)" and inserting in lieu thereof "subsections (c)(2) and (d) of section 221"; and

(C) by striking out the last sentence; and

(3) by adding at the end thereof the following new subsection:

"(e) For purposes of subsections (c) and (d)—

"(1) the term 'former spouse' includes any former wife or husband of the participant, regardless of the length of marriage or the amount of creditable service completed by the participant; and

"(2) the term 'spouse' has the same meaning given the terms 'widow' and 'widower' in section 204(b).".

SEC. 303. 18-MONTH PERIOD TO ELECT A SURVIVOR ANNUITY.

(a) Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) by redesignating subsection (q) (as added by subsection (a)) as subsection (r); and

(2) by inserting after subsection (p) the following new subsection:

"(q)(1)(A) A participant or former participant—

"(i) who, at the time of retirement, is married, and

"(ii) who elects at such time (in accordance with subsection (b)) to waive a survivor annuity for the spouse, may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a reduction under subsection (b) of this section made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for such spouse of the participant.

"(B) A participant or former participant—

"(i) who, at the time of retirement, is married, and

"(ii) who, at such time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity, may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

"(2)(A) An election under subparagraph (A) or (B) of paragraph (1) of this subsection shall not be considered effective unless the amount specified in subparagraph (B) is deposited into the fund before the expiration of the applicable 18-month period under paragraph (1).

"(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

"(i) the additional cost to the system which is associated with providing a survivor annuity under subsection (b) and results from such election, taking into account (I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing for the later election; and

"(ii) interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

"(3) An election by a participant or former participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

"(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

"(5) Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations which would have resulted had the participant involved elected such annuity at the time of retiring.

"(6) The Director shall, on an annual basis, inform each participant who is eligible to make an election under this subsection of the right to make such election and the procedures and deadlines applicable to such election.".

(b)(1) The amendments made by subsection (a) shall take effect three months after the date of enactment of this Act.

(2)(A) Except as provided in subparagraph (B), the amendment made by subsection (a)(2) shall apply with respect to participants and former participants who retire before, on, or after such amendment first takes effect.

(B) The provisions of paragraph (1)(B) of section 221(q) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (as added by subsection (a)(2) of this section) shall apply to participants and former participants who retire before the date on which the amendments made by subsection (a) first takes effect. For the purpose of applying such provisions to these annuitants—

(i) the 18-month period referred to in section 221(q)(1)(B) of such Act shall be considered to begin on the date on which the amendments made by subsection (a) first becomes effective; and

(ii) the amount referred to in paragraph (2) of section 221(q) of such Act shall be computed without regard to the provisions of subparagraph (B)(ii) of such paragraph (relating to interest).

SEC. 304. WAIVER OF THIRTY-MONTH APPLICATION REQUIREMENT.

(a) WAIVER.—Section 224(c)(2)(A) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new sentence: "The Director may waive the 30-month application requirement under this subparagraph in any case in which the Director determines that the circumstances so warrant.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of October 1, 1986.

SEC. 305. REIMBURSEMENT FOR DISABILITY EXAMS—DIRECTOR'S DISCRETION.

Section 231(b)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), is amended in the sixth sentence by striking "shall" and inserting in lieu thereof "may".

SEC. 306. TECHNICAL CORRECTIONS TO SECTION ON PREVIOUS SPOUSES OF CIARDS PARTICIPANTS.

(a) SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (a)—

(A) by striking out "whose retirement or disability or FECA (chapter 81 of title 5, United States Code) annuity commences after the effective date of this section";

(B) by striking out "applicable to spouses" and inserting in lieu thereof "applicable to former spouses (as defined in section 8331(23) of title 5, United States Code)"; and

(C) by striking out "married for at least nine months with service creditable under section 8332 of title 5, United States Code" and inserting in lieu thereof "as prescribed by the Civil Service Retirement Spouse Equity Act of 1984"; and

(2) in subsections (a) and (b), by striking out "the effective date of this section" each place it appears and inserting in lieu thereof "September 29, 1988".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) The amendments made by subparagraphs (B) and (C) of subsection (a)(1) shall be deemed to have become effective as of September 29, 1988.

(3) The amendment made by subparagraph (A) of subsection (a)(1) shall be deemed to have become effective as of September 30, 1990, and shall apply in the case of annuitants whose divorce occurs on or after such date.

SEC. 307. TECHNICAL CORRECTION TO MANDATORY RETIREMENT PROVISION UNDER CIARDS.

Section 235(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in the first sentence, by striking "grade GS-18 or above" and inserting in lieu thereof "of level 4 or above of the Senior Intelligence Service pay schedule"; and

(2) in the second sentence, by striking "less than GS-18" and inserting in lieu thereof "that of level 4 of the Senior Intelligence Service pay schedule".

SEC. 308. EXCLUSION OF CIA FOREIGN NATIONAL EMPLOYEES FROM CERTAIN CSRS PROVISIONS AND FROM FERS.

(a) DEFINITION OF "EMPLOYEE".—Section 8331(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of clause (xii);

(2) by striking the period at the end of clause (xii) and inserting in lieu thereof "; or"; and

(3) by adding after clause (xii) the following: "(xiii) a foreign national employee of the Central Intelligence Agency whose services are performed outside the United States and who is appointed after December 31, 1989.".

(b) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Section 8351 of title 5, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) A foreign national employee of the Central Intelligence Agency whose services are performed outside the United States shall be ineligible to make an election under this section.".

(c) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8402(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Director of Central Intelligence may exclude from the operation of this chapter a Central Intelligence Agency foreign national employee who is a permanent resident alien.".

(d) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall be effective as of January 1, 1990.

(2) The amendments made by subsections (b) and (c) shall be effective as of January 1, 1987.

(3) Any refund which becomes payable as a result of the effective dates made by this subsection shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

SEC. 309. CORRECTIONS AND CLARIFICATIONS TO QUALIFIED FORMER SPOUSE PROVISIONS UNDER FERS.

(a) SPECIAL RULES FOR FORMER SPOUSES.—Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended to read as follows:

"SPECIAL RULES FOR FORMER SPOUSES

"SEC. 304. (a) Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5, United States Code, including subsections (d) and (e) of section 8435 of such title, shall apply in the case of an officer or employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 8401(12) of title 5, United States Code) or a qualified former spouse.

"(b) For purposes of this section—

"(1) the term 'employee' means an officer or employee of the Agency who is subject to chapter 84 of title 5, United States Code, including one referred to in section 302(a) of this Act;

"(2) the term 'qualified former spouse' means a former spouse of an employee who was divorced from the employee after November 15, 1982 and who was married to the employee for at least 10 years during periods of service by the employee which are creditable under section 8411 of title 5, at least five years of which were spent outside the United States by both the employee and the former spouse during the employee's service with the Central Intelligence Agency;

"(3) the term 'pro rata share' means the percentage that is equal to (A) the number of days of the marriage of the qualified former spouse to the employee during the employee's periods of creditable service under chapter 84 of title 5 divided by (B) the total number of days of the employee's creditable service;

"(4) the term 'spousal agreement' means any written agreement (properly authenticated as determined by the Director) between an employee and the employee's spouse or qualified former spouse that has not been modified by court order; and

"(5) the term 'court order' means any court decree of divorce, annulment or legal separation, or any court order or court-approved property settlement agreement incident to such court decree of divorce, annulment or legal separation.

"(c)(1)(A) Unless otherwise expressly provided by any spousal agreement or court order governing disposition of benefits payable under subchapter II or subchapter V of chapter 84 of title 5, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of all benefits otherwise payable to such employee under subchapter II or subchapter V of chapter 84 of title 5.

"(B) The share referred to in subparagraph (A) equals—

"(i) 50 percent, if the qualified former spouse was married to the employee throughout the entire period of the employees service which is creditable under chapter 84 of title 5; or

"(ii) a pro rata share of 50 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) The benefits payable to an employee under subchapter II of chapter 84 of title 5 shall include, for purposes of this subsection, any annuity supplement payable to such employee under sections 8421 and 8421a of title 5.

"(3) A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4)(A) the benefits of a qualified former spouse under this subsection commence on—

"(i) the day the employee upon whose service the benefits are based becomes entitled to the benefits; or

"(ii) the first day of the second month beginning after the date on which the Director receives written notice of the court order of spousal agreement, together with such additional information or documentation as the Director may prescribe;

whichever is later.

"(B) The benefits of such former spouse and the right thereto terminate on—

"(i) the last day of the month before the qualified former spouse remarries before 55 years of age or dies; or

"(ii) the date the retired employee's benefits terminate (except in the case of benefits subject to paragraph (5)(B)).

"(5)(A) Any reduction in payments to a retired employee as a result of payments to a qualified former spouse under this subsection shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse (qualified or otherwise), or other survivor under chapter 84 of title 5, and

"(ii) any reduction in the annuity of the retired employee to provide survivor benefits under subsection (d) of this section or under sections 8442 or 8445 of title 5.

"(B) If a retired employee whose annuity is reduced under subparagraph (A) is recalled to service under section 302(c) of this Act, the salary of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(6) Notwithstanding paragraphs (1) and (4), in the case of any qualified former spouse of a disability annuitant—

"(A) the annuity of such former spouse shall commence on the date the employee would qualify, on the basis of his or her creditable service, for benefits under subchapter II of chapter 84 of title 5, or on the date the disability annuity begins, whichever is later; and

"(B) the amount of the annuity of the qualified former spouse shall be calculated on the basis of the benefits for which the employee would otherwise qualify under subchapter II of chapter 84 of title 5.

"(7) Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of the employee's benefits under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(8) For purposes of the Internal Revenue Code of 1986, payments to a qualified former spouse under this subsection shall be treated as income to the qualified former spouse and not to the employee.

"(d)(1)(A) Subject to an election under section 8416(a) of title 5, United States Code, and unless otherwise expressly provided by any spousal agreement or court order governing survivor benefits payable under this subsection to a qualified former spouse, such former spouse is entitled to a share, determined under subparagraph (B), of all survivor benefits that would otherwise be payable under subchapter IV of chapter 84 of title 5, to an eligible surviving spouse of the employee.

"(B) The share referred to in subparagraph (A) equals—

"(i) 100 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 5; or

"(ii) a pro rata share of 100 percent, if the qualified former spouse was not married to the employee throughout such creditable services.

"(2)(A) The survivor benefits payable under this subsection to a qualified former spouse shall include the amount payable under section 8442(b)(1)(A) of title 5, and any supplementary annuity under section 8442(f) of title 5, that would be payable if such former spouse were a widow or widower entitled to an annuity under such section of title 5.

"(B) Any calculation under section 8442(f) of title 5, United States Code, of the supplementary annuity payable to a widow or widower of an employee referred to in section 302(a) of this Act shall be based on an 'assumed CIARDS annuity' rather than an 'assumed CSRS annuity' as stated in section 8442(f) of such title. For the purpose of this subparagraph, the term 'assumed CIARDS annuity' means the amount of the survivor annuity to which the widow or widower would be entitled under title II of this Act based on the service of the deceased annuitant determined under section 8442(f)(5) of such title.

"(3) A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) If the survivor annuity payable under this subsection to a surviving qualified former spouse is terminated because of remarriage before becoming age 55, the annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, divorce, or annulment, if—

"(A) such former spouse elects to receive this survivor annuity instead of any other survivor benefit to which such former spouse may be entitled under subchapter IV of chapter 84 of title 5, or under another retirement system for Government employees by reason of the remarriage; and

"(B) any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

"(5)(A) Except as provided in subparagraph (B), a modification in a court order or spousal agreement to adjust a qualified former spouse's share of the survivor benefits shall not be effective if issued after the retirement or death of the employee, former employee, or annuitant, whichever occurs first.

"(B) In the case of a post-retirement divorce or annulment, a modification referred to in subparagraph (A) shall not be effective if issued—

"(i) more than a year after the date the decree of divorce or annulment becomes final, or

"(ii) after the death of the annuitant,

whichever occurs first.

"(C) To the extent a modification under subparagraph (B) increases a qualified former spouse's share of the survivor benefits, the annuitant shall pay a deposit computed in accordance with the provisions of section 8418 of title 5, United States Code.

"(6) After a qualified former spouse of a retired employee remarries before becoming age 55 or dies, the reduction in the retired employee's annuity for the purpose of providing a survivor annuity for such former spouse shall be terminated. The annuitant may elect, in a signed writing received by the Director within two years after the qualified former spouse's remarriage or death, to continue the reduction in order to provide or increase the survivor annuity for such annuitant's spouse. The annuitant making such election shall pay a deposit in accordance with the provisions of section 8418 of title 5, United States Code.

"(7) Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse to survivor benefits shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5 or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of—

"(i) the employee's annuity under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), plus

"(ii) the survivor benefits referred to in subsection (d)(2)(A), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(e) An employee may not make any election or modification of election under section 8417 or 8418 of title 5, United States Code, or any other section relating to the employee's annuity under subchapter II of chapter 84 of title 5, United States Code, that would diminish the entitlement of a qualified former spouse to any benefit granted to such former spouse by this section or by court order or spousal agreement.

"(f) Whenever an employee or former employee becomes entitled to receive the lump-sum credit under section 8424(a) of title 5, United States Code, a share (determined under subsection (c)(1)(B) of this section) of that lump-sum credit shall be paid to any qualified former spouse of such employee, unless otherwise expressly provided by any spousal agreement or court order governing disposition of the lump-sum credit involved.

"(g)(1) Except as provided in paragraph (2) in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 of this Act shall apply to such employees former spouse (as defined in section 204(b)(4) of this Act) who would otherwise be eligible for benefits under such sections 224 and 225 but for the employee having elected to become subject to such chapter.

"(2) For the purpose of computing such former spouse's benefits under sections 224 and 225 of this Act—

"(A) the retirement benefits shall be equal to the amount determined under subsection (c)(7)(A) of this section; and

"(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act.

"(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.".

(b) Effective Date.—(1) Except as provided in paragraph (2) of this subsection, the amendments made by this section shall be deemed to have become effective as of January 1, 1987.

(2) Subsection (g) of section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by this section, shall be deemed to have become effective as of December 7, 1987.

SEC. 310. ELIMINATION OF OVERSEAS SERVICE REQUIREMENT FOR FORMER SPOUSES.

(a) Eligibility.—Section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (60 U.S.C. 403 note) is amended by striking out "at least five years of which were spent outside the United States by both the participant and the former spouse" and inserting in lieu thereof "at least five years of which were spent by the participant outside the United States or otherwise in a position whose duties qualified him or her for designation by the Director as a participant pursuant to section 203 of this Act".

(b) Applicability.—The amendment made by subsection (a) shall apply only to a former husband or wife of a participant or former participant whose divorce from the participant or former participant became final after the date of enactment of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

TITLE V—FEDERAL BUREAU OF INVESTIGATION PROVISIONS

SEC. 501. FBI CRITICAL SKILLS SCHOLARSHIP PROGRAM.

(a) Study.—The Director of the Federal Bureau of Investigation shall conduct a study relative to the establishment of an undergraduate training program with respect to employees of the Federal Bureau of Investigation that is similar in purpose, conditions, content, and administration to undergraduate training programs administered by the Central Intelligence Agency (under section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j)), the National Security Agency (under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 (note)), and the Defense Intelligence Agency (under 10 U.S.C. 1608).

(b) Implementation.—Any program proposed under subsection (a) may be implemented only after the Department of Justice and the Office of Management and Budget review and approve the implementation of such program.

(c) Availability of Funds.—Any payment made by the Director of the Federal Bureau of Investigation to carry out any program proposed to be established under subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.

TITLE VI—CENTRAL INTELLIGENCE AGENCY PROVISIONS

SEC. 601. AMENDMENT TO TITLE 5.

Section 5315 of title 5, United States Code, is amended to insert at the end thereof the following:

"Inspector General, Central Intelligence Agency".

TITLE VII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

SEC. 701. AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 is amended by adding at the end thereof the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS"

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. FINDINGS.

"The Congress finds that—

"(1) the security of the United States is and will continue to depend on our Nation's international leadership;

"(2) United States leadership is and will increasingly be based on our Nation's political, economic, as well as military strength around the world;

"(3) recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased;

"(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries;

"(5) the Federal Government has a vested interest to ensure that the employees within its national security agencies are prepared to meet the challenges of this changing international environment;

"(6) the Federal Government also must address the fact that American undergraduate and graduate students are inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

"(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, regional studies, and international studies to help meet such challenges.

"SEC. 803. PURPOSES.

"It is the purpose of this title—

"(1) to establish the National Security Education Trust Fund to—

"(A) provide the necessary resources, accountability, and flexibility to meet the Nation's security needs, especially as such needs change over time;

"(B) increase the quantity, diversity, and quality of teaching and learning of subjects in the fields of international studies, area studies, and foreign languages deemed to be critical to the Nation's interest;

"(C) enhance the pool of possible applicants to work in the national security agencies of the United States Government; and

"(D) in conjunction with other Federal programs, expand the international experience, knowledge base, and the perspectives on which the United States citizenry, government employees, and leaders shall rely; and

"(2) to permit the Federal Government to advocate the cause of international education;

"SEC. 804. PROGRAM AUTHORIZED.

"(a) Program Authorized.—

"(1) In general.—The National Security Education Board shall conduct a program of—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens to enable such students to study abroad, for at least 1 semester, in countries identified by the Board as critical countries pursuant to section 805(c)(2);

"(B) awarding fellowships to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of international studies, area studies, and foreign languages, that the Board determines pursuant to section 805(c)(3) to be critical areas of such disciplines; and

"(ii) agree to work for the Federal Government or in the field of education, in the area of study for which the scholarship was awarded, in accordance with the agreement described in paragraph (3); and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in international studies, area studies, and foreign languages that the Board determines pursuant to section 805(c)(4) to be critical areas of such disciplines.

"(2) RESERVATIONS.—The Board shall have as a goal reserving—

"(A) ⅓ of the amount available for obligation under section 806(f)(1) to award scholarships pursuant to paragraph (1)(A);

"(B) ⅓ of such amount to award fellowships pursuant to paragraph (1)(B); and

"(C) ⅓ of such amount to award grants pursuant to paragraph (1)(C).

"(3) AGREEMENT.—Each individual receiving a fellowship pursuant to paragraph (1)(B) shall enter into an agreement with the Board which shall provide assurances that each such individual—

"(A) shall maintain satisfactory academic progress; and

"(B) shall agree to work for the Federal Government or in the field of education, in the area of study for which the fellowship was awarded, for a period determined by the Board which shall at least be equal to the period that fellowship assistance was provided under this title and shall not exceed 3 times such period, upon completion of such individual's education.

"(b) CRITERIA AND INFORMATION.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title; and

"(2) provide for the wide disbursement of information regarding the activities assisted under this title.

"(c) DISTRIBUTION OF ASSISTANCE.—The Board shall take into consideration providing an equitable geographic distribution of scholarships, fellowships, and grants awarded under this title among the various regions of the United States.

"(d) MERIT REVIEW.—The Board shall utilize a merit review process in awarding scholarships, fellowships, and grants under this title.

"(e) INFLATION.—The amount of scholarships, fellowships, and grants awarded under this title shall be annually adjusted for inflation.

"SEC. 805. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairperson of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) The Director of the Central Intelligence Agency.

"(F) The Director of the United States Information Agency.

"(G) 4 individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) SPECIAL RULE.—Individuals appointed to the Board pursuant to paragraph (1)(G) shall be appointed for a period not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(2) identify as the critical countries described in section 804(a)(1)(A) those countries that are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying;

"(3) identify as the critical areas within the disciplines described in section 804(a)(1)(B) those areas that the Board determines to be critical areas of study in which United States students are deficient in learning;

"(4) identify as critical areas those areas of study described in section 804(a)(1)(C) in which United States students, educators, and government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training; and

"(5) review the administration of the program assisted under this title.

"SEC. 806. NATIONAL SECURITY EDUCATION TRUST FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'. The Fund shall consist of amounts transferred to it pursuant to subsection (b) of this section and amounts credited to the Fund under subsection (d) of this section.

"(b) TRANSFER OF AMOUNTS.—

"(1) TRANSFER.—The Secretary of Defense is authorized to transfer to the Trust Fund $180,000,000 from funds appropriated for fiscal year 1992 pursuant to section 101 of the Intelligence Authorization Act, Fiscal Year 1992.

"(2) RESERVATIONS.—From the amounts transferred pursuant to paragraph (1) for fiscal year 1992, the Board shall reserve—

"(A) $15,000,000 to award scholarships pursuant to section 804(a)(1)(A);

"(B) $10,000,000 to award fellowships pursuant to section 804(a)(1)(B); and

"(C) $10,000,000 to award grants pursuant to section 804(a)(1)(C).

"(c) INVESTMENT OF FUND ASSETS.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts transferred to the Fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(f) OBLIGATIONS FROM THE ACCOUNT.—The Board is authorized to obligate such sums as are available in the Fund (including any amounts not obligated in previous fiscal years) for—

"(1) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(2) properly allocable administrative costs of the Federal Government for the activities described in this title.

"SEC. 807. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—In order to carry out this title, the Board may—

"(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case may an employee other than the Executive Secretary be compensated at a rate to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule;

"(2) prescribe such regulations as the Board considers necessary governing the manner in which its functions shall be carried out;

"(3) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Board, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

"(4) accept and use the services of voluntary and noncompensated personnel;

"(5) enter into contracts or other arrangements, or make grants, to carry out the provisions of this title, and enter into such contracts or other arrangements, or make such grants, with the concurrence of two-thirds of the members of the Board, without performance or other bonds and without regard to section 5 of title 41, United States Code;

"(6) rent office space in the District of Columbia; and

"(7) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Board shall submit to the President and to the Congress an annual report of its operations under this title. Such report shall contain—

"(1) an analysis of the mobility of students to participate in study abroad programs;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas the Board determines are receiving inadequate attention;

"(3) the impact of the Board's activities on such trends; and

"(4) an evaluation of the impediments to improving such trends.

"SEC. 808. EXECUTIVE SECRETARY.

"(a) APPOINTMENT BY BOARD.—There shall be an Executive Secretary of the Board who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Board and shall carry out the functions of the Board subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this title as the Board shall prescribe.

"(b) COMPENSATION.—The Executive Secretary of the Board shall be compensated at the rate of basic pay payable for employees at level III of the Executive Schedule.

"SEC. 809. AUDITS.

"The activities of the Board under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Board pertaining to such activities and necessary to facilitate the audit.

"SEC. 810. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 806;

"(2) the term 'Board' means the National Security Education Board established pursuant to section 805; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.".

TITLE VIII—MISCELLANEOUS MATTERS

SEC. 801. TRANSPORTATION OF REMAINS OF CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section.

"SEC. 17. (a) The Director of the National Security Agency may pay the expenses referred to in section 5742(b) of title 5, United States Code, in the case of any employee of the National Security Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty.

"(b) For the purposes of this section, the term 'rotational tour of duty', with respect to an employee, means a permanent change of station involving the transfer of the employee from the National Security Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters.".

SEC. 802. MINOR TRANSFERS OF INTELLIGENCE APPROPRIATIONS FOR OPERATIONAL EMERGENCIES.

(a) AUTHORITY TO TRANSFER.—Title V of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 503 the following new section:

"MINOR TRANSFERS FOR OPERATIONAL EMERGENCIES

"SEC. 504. (a) In addition to any other transfer authority provided in this or any other Act, the Director of Central Intelligence may transfer funds appropriated for the Department of Defense for an intelligence agency or program within the National Foreign Intelligence Program to another such agency or program in order to respond to unforeseen foreign intelligence operational emergencies.

"(b) Funds transferred under this section shall remain available for the same purposes, and for the same period, as the appropriation to which transferred.

"(c) The total amount that may be transferred under this section in any fiscal year may not exceed $10,000,000.

"(d) Funds transferred under this section may not be used to support any covert action of the United States.

"(e)(1) A transfer may not be made under the authority of this section until the fifth day after the Director of Central Intelligence submits a report on the proposed transfer to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) The report shall include a determination by the Director of Central Intelligence that the proposed transfer is necessary to meet a foreign intelligence operational emergency. Each determination shall contain all necessary programmatic data, a full description of the emergency, and a discussion of the consequences of not responding to the emergency.

"(3) The Director of Central Intelligence may not submit a transfer report under this subsection until the Director has consulted with and obtained the concurrence of the head of each department and agency affected by the transfer.

"(f) Not later than 90 days after the date on which a transfer report is submitted pursuant to subsection (e), the Director of Central Intelligence shall report in a timely fashion to the committees referred to in that subsection regarding the results of each foreign intelligence operational emergency for which funds were transferred as described in that transfer report.".

(b) TABLE OF CONTENTS.—The table of contents at the end of the first section of such Act is amended by inserting the following after the item relating to section 503:

"Sec. 504. Minor transfers for operational emergencies.".

SEC. 803. CLARIFICATION OF EXCEPTION FOR CERTAIN NATIONAL SECURITY INFORMATION FROM CERCLA DISCLOSURE REQUIREMENTS.

Section 120(j)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(j)(2)) is amended—

(1) by striking out "Atomic Energy Act and" and inserting in lieu thereof "Atomic Energy Act,";

(2) by inserting after "information," the following: "and all statutes or Executive orders that authorize the protection of specified types of unclassified information from disclosure,"; and

(3) by striking out "classified information" and inserting in lieu thereof "such information".

The PRESIDING OFFICER. The Senator from Oklahoma, the chairman of the committee.

Mr. BOREN. Madam President, the unanimous-consent request, which I just propounded a few moments ago and which was agreed to, had been previously cleared by the leadership on the other side of the aisle.

Madam President, it is an honor for me to present to the Senate today the intelligence authorization bill for fiscal year 1992. This is the 15th consecutive year, dating back to the creation of the Select Committee on Intelligence in 1976, where the Senate will have considered a separate authorization bill for U.S. intelligence activities.

I might add it has been my pleasure now to have presented at least five of these authorization bills.

Joining me in offering this bill is the distinguished Senator from Alaska, the vice chairman of the committee, Senator MURKOWSKI. This is his first year as vice chairman, and I want to express to him my appreciation for the cooperative spirit that he has brought to our work together on the committee.

In many ways, this has been a momentous year for both of us.

The committee began the year with intensive review of organizational arrangements for the intelligence communty, looking toward possible legislation on this subject later in this Congress. Indeed, the events that have taken place in the Soviet Union just since August have provided an even greater impetus for the review that we are already undertaking.

This summer, we enacted a comprehensive overhaul of the statutory framework for congressional oversight of covert actions, which addressed the key weaknesses in the current system revealed in the Iran-Contra affair some 5 years before. After literally years of negotiations, with the administration, with the executive branch, with two Presidents, we were finally able to arrive at a compromise, which I believe respects the institutional prerogatives of both the legislative and executive branches of Government.

It is good for this country that we were able to place those reforms, those lessons learned from the Iran-Contra affair into the statutory law of the United States so that they will be binding not only on this administration, but future administrations and Congresses as well.

Of course, we have only recently completed a series of hearings on the nomination of Robert Gates, to be Director of Central Intelligence, which are unprecedented really in the history of the committee. Never before have the American people had such a glimpse into the internal workings of the Central Intelligence Agency. While they have seen the tensions and the frustrations that exist within that community, they have been able to also see what the CIA contributes to the security of this country. I think these hearings may have done more to educate the American people about the role that the CIA has played and can continue to play than anything ever before made a matter of public record, and we are proud of that hearing record. As members or our committee, we are proud of the thoroughness and the fairness with which we attempted to proceed.

It is a timely point in evolution of the CIA that this should have been done. With the dramatic events unfolding in the Soviet Union and Eastern Europe, the future role and the utility of the CIA is being called into question. The resources previously allocated to intelligence are being challenged not only by those on the outside but those on the inside as well, including the oversight committees of Congress. Indeed, the committee has recommended in this year's authorization bill a substantial cut in terms of the administration's request originally made to us.

Because of the sensitivity of the matters dealt with by the bill, we cannot, unfortunately, discuss in detail the nature of the specific reductions we are recommending. However, the committee's recommendations are set forth in a classified supplement to the committee's report on the bill, which has been available to all Members of the Senate since July 24, under the provisions of Senate Resolution 400.

But if cuts are in order, certainly the events of the past year have tempered our rush to slash away at budgets too precipitously without thinking where we are headed and without thinking through the ultimate framework that should be established. We must be prepared to anticipate events like the invasion of Kuwait, and we must have the intelligence capabilities needed to support military commanders in the field, wherever they might be deployed around the world.

The world of the 1990's is a hopeful, but uncertain place. Will the reforms in the Soviet Union succeed? What will be their implications for the United States? How will they effect other countries such as China, Cuba, or North Korea and others? Will we be able to detect and control threats to our security: nuclear, chemical and biological weapons, and the missile technology needed to deliver them? Can we detect and counter terrorist acts or narcotics trafficking?

The United States must be prepared to deal with these problems, to cope as best we can, with events around the world. While U.S. intelligence does not and cannot provide all of the answers, it does provide a capability, a resource, that the United States must preserve if we are to maintain our place of leadership in the world.

With that, Madam President, let me turn to the bill itself.

As we do annually, the committee has conducted a detailed, thorough review of the administration's budget request for the National Foreign Intelligence Program for fiscal year 1992, as well as a review of the tactical intelligence and related activities of the Department of Defense for the same period. This entailed document reviews, staff visits and briefings, and a series of formal hearings with witnesses from the intelligence community, as well as policy officials from the Departments of Defense and State. It also included an intensive look at the performance of intelligence agencies at both the national and tactical levels during Desert Shield/Desert Storm.

On the basis of this comprehensive review, we have arrived at our recommendations to the Senate, the budgetary portions of which, are, as I previously mentioned, contained in the classified annex of the committee's report. With respect to the public portions of the bill:

Title I authorizes the funds for the intelligence activities of the U.S. Government, incorporating by reference the classified schedule of authorizations. This title also contains two sections dealing with the public disclosure of certain information relating to the intelligence budget.

Section 104 provides that the President's annual budget submission to the Congress must include a separate, unclassified statement of the aggregate expenditures for the previous fiscal year, and the aggregate amount of funds requested for the fiscal year for which the budget is submitted, for intelligence and intelligence-related activities. Put another way, this section would require the President to disclose the total amount spent the previous year, and the total amount being requested for the next fiscal year, for both the National Foreign Intelligence Program and for DOD tactical and related intelligence activities.

This would mark the first time that this information would be put forward in a public forum and shared with the American people.

Section 105 is a companion to section 104. It would require any bill reported by a committee of Congress which authorizes funds to be appropriated for intelligence and intelligence-related activities to contain an unclassified statement of the aggregate amount authorized to be appropriated. It was intended that the annual intelligence authorization bill be the only bill that would meet the criteria of this section. Moreover, if enacted as written, this section would require such a disclosure in the next intelligence authorization bill, the intelligence authorization for fiscal year 1993.

So this would be prospective in its application. It would be 1 year before this particular provision, if enacted into law, takes affect.

Title II of the bill authorizes appropriations for the intelligence community staff for fiscal year 1992 in the amount of $28,832,000 and provides that $6,566,000 of this amount shall be allocated to the security evaluation office at CIA. This title also authorizes 240 full-time personnel for the intelligence community staff.

Title III of the bill authorizes appropriations for the CIA retirement and disability fund in the amount of $164,100,000 for fiscal year 1992, and contains a number of provisions pertaining to the CIA retirement and disability programs. Most of these provisions are technical in nature, conforming to changes in other federal retirement programs or to clarify elements within existing provisions. I highlight only section 310 which drops the requirement contained in existing law that in order for a former spouse of a CIA employee to qualify for a portion of the employee's retirement benefits, the divorced spouse must have been married to the employee for 10 years, 5 of which were spent outside the United States. As revised by section 10, the divorced spouse must have been married to the employee for 10 years, but only the employee must have served 5 years outside the United States. This change conforms to similar provisions in the Foreign Service Retirement System Act.

Title IV authorizes increases in personnel benefits where such increases have otherwise been authorized by law.

Title V provides that the Director of the FBI will undertake a study with respect to the establishment of an undergraduate training program to meet critical needs of the FBI, similar to other programs in effect at CIA, NSA, and DIA.

Title VI provides that the statutory inspector general at the CIA will be compensated at the same level as inspector generals at other departments and agencies of the Government.

The last title of the bill, title VII, amends the National Security Act of 1947 to create a new National Security Education Program.

I want to pause on this one, Madam President, and give my colleagues some additional background.

Several weeks ago, on September 26, 1991, I offered an amendment to the Defense appropriations bill to provide funding for a program that I do want to mention specifically, and that is a program to create a national security education program. it passed the Senate on a voice vote. The language in the intelligence authorization bill would specifically authorize the funds which have already been appropriated under the Department of Defense authorization bill. While I will later offer an amendment to conform the wording in the intelligence authorization bill to that contained in the amendment to the Defense bill, the basic thrust of these provisions remains, for the most part, unchanged.

I will not repeat today all of the justification I provided at the time my amendment was offered to the Defense bill. If any of my colleagues wish to refer to it, it can be found at pages 24301-24302 of the CONGRESSIONAL RECORD of September 26, 1991.

Suffice it to say, this title of the bill would specifically authorize the use of $180 million of the intelligence budget to create an international education trust fund to help the United States and its national security agencies meet the challenges of the postcold war period.

It provides funding for graduate fellowships and grants to universities for foreign language studies and area studies programs. It also provides undergraduate scholarships for study abroad, programs in countries that are now under-represented in terms of American studies at this time.

It is tragic indeed that while we have 386,000 foreign college undergraduate students studying in the United States, coming here to learn about our language, to learn about our culture, to learn about our economic system and our markets, that we have only about 50,000 American students studying in the rest of the world, and most of those are concentrated in only three countries.

It is a sad thing that we are about the only leading country in the world that provides no Government help to allow our students to gain the skills they need by studying abroad, learning other languages and other cultures firsthand. Only those from affluent families or those that receive special kinds of scholarship help from nongovernmental sources are able to have that opportunity to study abroad today, Madam President. It is time that the United States filled that gap and provided that opportunity for all of our young people, so that we can begin to build the kinds of international skills that are going to be so necessary in a world environment in which we are getting ready to move in the next century.

So this bill would do that. After the launching of Sputnik, we had the National Defense Education Act. We all remember the good that it did to prepare our country in the fields of math and science and many other fields. Many talented people who later came into Government services were educated through the aid provided by the National Defense Education Act.

We again face a new world, a new challenge, a new situation, that is going to demand that the next generation of Americans speak the languages of the world, understand how people think, understand their cultures, are able to relate to them. We cannot begin to compete in the world's markets, for example, if we do not speak the world's languages.

Gone is the time in which we could sit back, smug in our knowledge that others would have to come to us, learn our language, and learn about our culture without us having to bother ourselves to know about them. The private sector, the Government itself, in sensitive agencies like the Defense Department, the State Department, the Central Intelligence Agency, is having a harder and harder time finding those people with the skills and the education and the training necessary in these particular areas.

So it is time, as we passed the National Defense Education Act in an earlier period, to now pass the National Education Security Act, as we propose in this particular piece of legislation.

It is the first major national security education initiative undertaken in this country since the passage of the National Defense Education Act, and it is included in this bill.

It will provide out of the trust fund in the first year $35 million in fiscal year 1992. That will be broken down as follows: $15 million for study abroad for undergraduate students; $10 million for grants to colleges and universities to strengthen and improve their courses of study and curriculum in foreign languages, area studies and international studies; and $10 million for graduate fellowships.

A board of trustees is established by the bill to advise the Secretary of Defense with respect to the administration of the trust fund, and to develop specific criteria and guidelines for the distribution of grants, fellowships, and scholarships. The Secretary of Defense or his designee will chair the board, which will also include the Secretaries of State, Education, and Commerce, and the Director of Central Intelligence, and the Director of the U.S. Information Agency, or their respective designees. The program would be administered through the defense intelligence college.

Madam President, at the committee's recent hearing on the Gates nomination, I had the opportunity to ask a number of our witnesses for their opinion of this proposed program.

The PRESIDING OFFICER. The Senator has spoken for 15 minutes.

Mr. BOREN. Madam President, I ask unanimous consent I might be able to complete my remarks without it counting against the time to run on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. These included not only the nominee himself, but also Adm. Bobby Inman, the former Deputy DCI and Director of the National Security Agency, and Richard Kerr, now currently serving as Acting Director of Central Intelligence. All testified that it would meet a clear need of the intelligence community, a need that was likely to grow in the future.

It is my hope that with the significant degree of cooperation we have had to date in developing this proposal and bringing it to fruition in the Senate—particularly from the Committee on Armed Services and the Committee on Appropriations—we will be able to reach agreement in conference to make this program a reality. I am convinced that in the long run, it will make a difference, in terms of both the quality and quantity of those who serve the Government in the area of national security.

So, Madam President, I urge my colleagues to act favorably on the legislation which we present with great pride, a product of the bipartisan work of all of the members of our committee and staff.

I will conclude my remarks and yield the floor to the vice chairman for his opening remarks, the distinguished Senator from Alaska [Mr. MURKOWSKI]. But before I yield the floor, I ask unanimous consent that a letter from the Congressional Budget Office on cost estimates for S. 1539 be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows,

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 12, 1991.

Hon. DAVID L. BOREN,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate of S. 1539 except for Titles I and IV, the Intelligence Authorization Act for Fiscal Year 1992, as reported by the Senate Select Committee on Intelligence on July 24, 1991.

The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. Should the Committee so desire, we would be pleased to provide additional information on the estimate.

Sincerely,

ROBERT D. REISCHAUER.

COST ESTIMATE

1. Bill number: S. 1539 (Except for Titles I and IV).

2. Bill title: Intelligence Authorization Act for Fiscal Year 1992.

3. Bill status: As reported by the Senate Select Committee on Intelligence on July 24, 1991.

4. Bill purpose: To authorize appropriations for fiscal year 1992 for the intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

5. Estimated cost to the Federal Government of S. 1539 except for titles I and IV:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Direct spending:					
Estimated budget authority	–(1)	–(1)	–(1)	–(1)	–(1)
Estimated outlays	–(1)	–(1)	–(1)	–(1)	–(1)

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Amount subject to appropriations:					
Stated Authorizations:					
Authorization level	193	0	0	0	0
Estimated outlays	183	8	1	*	0
National Security scholarship fund:					
Estimated authorizations	9	12	10	7	5
Estimated outlays	−107	6	34	37	41
Total:					
Estimated budget authority authorizations	202	12	10	7	5
Estimated outlays	77	13	35	37	41

[1] Less than $500,000.

BASIS FOR ESTIMATE

The CBO was unable to obtain the necessary information to estimate the costs for Titles I and IV of this bill because of the classified nature of the material. The estimated costs in the table above, therefore, reflect only the costs of Titles II, III, and V through VII of the bill. The information about the budget functions in which some of these costs would fall also is classified. Therefore, a functional distribution of these costs has been excluded from this estimate.

Direct Spending

Title III contains several provisions that could directly change federal spending by altering entitlement of federal government employees or their survivors. Most of these provisions would not increase the spending of the federal government because they either put into law current practices of the Central Intelligence Agency (CIA), or distribute current retirement payments between divorced spouses. Two sections would bring about savings to the federal government. Section 302 would reduce the survivor benefits paid to children of deceased participants in the CIA Retirement and Disability System (CIARDS) if they have another surviving parent. Under current law these children are paid as if both parents are deceased. This provision is expected to save approximately $700 per year per child; total savings would not exceed $10,000 in any year of the estimate period.

Section 305 would remove the requirement that the CIA pay the full cost for disability exams at the retirement of a CIARDS employee. If enacted, some portion of the costs of these exams could be paid by the employees' health insurance providers. The CIA estimates that savings associated with this provision would not be significant.

Title VII of the bill contains the National Security Education Act of 1991, which would establish a National Security Education Board to oversee a program of scholarship, fellowship and grant awards for foreign language studies. The administrative provisions of the Act would allow the Board to accept gifts and to use or sell these gifts to carry out its functions. This would grant direct spending authority for the Board, though the CBO estimates that the net outlay effect would be zero since over time the spending cannot exceed the receipts.

The administrative provisions in Title VII also would provide the Board with the authority to enter into contracts to carry out the provisions of the title. This is similar to the authority regularly granted to new agencies, commissions, and boards as part of their administrative provisions. These new entities normally do not use this contract authority to enter into obligations in advance of receiving appropriations, thus the CBO does not expect this to increase outlays.

Amounts Subject to Appropriations

This estimate assumes that funds will be appropriated for the full amount of the authorization and that all resources will be available for obligation by October 1, 1991. Outlays are estimated based on historical outlays rates.

Titles II and III of the bill state fiscal year 1992 authorizations for appropriations for the Intelligence Community Staff of $28.8 million and for the required contribution to the Central Intelligence Agency Retirement and Disability Fund of $164.1 million.

The National Security Education Act in Title VII would create a National Security Education Trust Fund and would authorize the transfer of $180 million from intelligence activities funding for fiscal year 1992 to the fund. The amounts in this fund are to be invested in Treasury securities and the balances would be available for scholarships, fellowships and grants for foreign language studies, and for the administrative expenses of the fund. The fund is to disburse $35 million in fiscal year 1992 for the foreign language studies. In the future, these scholarships, fellowships and grants are to be adjusted for inflation. This estimate assumes inflation rates and interest rates that are consistent with rates in the CBO summer baseline, and that the timing of interest payments would be the same as that for similar trust funds. The net change to federal outlays from this transfer were calculated as the difference between spending for intelligence activities (using the outlay rate for operations and maintenance for the Defense Department) and spending from the fund.

6. Pay-as-you-go-considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The direct spending costs of this bill for provisions that are known to CBO and that are subject to the pay-as-you-go procedures are shown in the following table. CBO was unable to obtain the necessary information to review the full text of the bill and the reports accompanying it because they are classified at a level above the clearances now held by CBO employees. Consequently, CBO does not know if the bill contains additional provisions with pay-as-you-go implications.

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	*	*	*	*
Change in receipts	....	(1)	....	....

[1] Not applicable.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO cost estimate: None.

10. Estimate prepared by: Barbara Hollinshead (226-2840) Kent Christensen (226-2840).

11. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Mr. BOREN. Madam President, I now ask unanimous consent the distinguished vice chairman be recognized following a brief motion that I will make on another matter, and that whatever time is used by the vice chairman for his opening remarks not be counted against the time to run on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, this bill was reported last July 24 as an original bill by the Select Committee on Intelligence. It was subsequently referred to the Committee on Armed Services for a period of 30 days for matters within the jurisdiction of that committee.

The Committee on Armed Services reported out this bill on October 3, 1991, Senate Report No. 102-172, with several amendments.

It is my understanding that all of these amendments are acceptable to both sides of the aisle, and I therefore ask unanimous consent that they be considered en bloc.

The first of these amends section 105 of the bill which provides that any bill reported by a conference committee which authorizes funds to be appropriated for intelligence and intelligence-related activities of the United States shall contain an unclassified statement of the aggregate amount of the funds to be appropriated. The Armed Services amendment inserts the word "all" before "intelligence and intelligence-related activities," making it clear that only the annual intelligence authorization bill is subject to the disclosure requirement contained in section 105. This is agreeable to us.

The second amendment also relates to the disclosure of the aggregate number for the intelligence and intelligence-related budget, and would delay the effective date of the disclosure requirements until the enactment of next year's intelligence authorization. Thus, it would delay the effective date of the budget disclosure provisions for approximately a year. This amendment is also agreeable to the committee.

Finally, the Armed Services Committee added three new provisions to the bill.

The first, found in section 801, would provide authority for the Director of the National Security Agency to pay the costs of transporting the remains of employees who had died while on rotational assignment within the United States to their home for burial.

The second, set forth in section 802, would permit the Director of Central Intelligence to transfer funds between accounts in the National Foreign Intelligence Program to meet operational emergencies. Such transfers would be permitted, however, only for amounts less than $10 million, and only where prior notice had been provided the relevant congressional committees, and where the head of the department or agency concerned had provided concurrence to the transfer.

The third provision, set forth in section 803 of the amended bill, would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide that where unclassified information is protected from public disclosure by law or Executive order, that any such information furnished under the act will be handled in accordance with such laws or Executive orders.

Madam President, it is my understanding that these amendments are acceptable to both sides of the aisle.

I therefore ask unanimous consent that the amendments reported by the Committee on Armed Services be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

AMENDMENT NO. 1256

(Purpose: To require the establishment of a national security scholarships, fellowships, and grants program)

Mr. BOREN. Madam President, I now send to the desk an amendment in the nature of a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to considering the amendment? Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 1256.

Mr. BOREN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Title VII of S. 1539 is amended by striking section 701 in its entirety and inserting in lieu thereof the following:

SEC. 701. (a) The Congress finds that—

(1) the security of the United States is and will continue to depend on the ability of the United States to exercise international leadership;

(2) United States leadership is and will increasingly be based on the political and economic strength of the United States, as well as United States military strength around the world;

(3) recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased;

(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries;

(5) the Federal Government has a vested interest in ensuring that the employees of its national security agencies are prepared to meet the challenges of this changing international environment;

(6) the Federal Government also has a vested interest in taking actions to alleviate the problem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, and other international fields to help meet such challenges.

(b) The purposes of this section are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign languages, area studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the national security agencies of the United States Government.

(4) To expand, in conjunction with other Federal programs, the international experience, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

(c)(1) The National Security Act of 1947 (47 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. PROGRAM REQUIRED.

"(a) PROGRAM REQUIRED.—

"(1) IN GENERAL.—The Secretary of Defense; in consultation with the National Security Education Board established by section 803, shall carry out a program for—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens in order to enable such students to study, for at least 1 semester, in foreign countries;

"(B) awarding fellowships to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of foreign languages, area studies, and other international fields that are critical areas of such disciplines; and

"(ii) pursuant to subsection (c)(1), enter into an agreement to work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded; and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in foreign languages, area studies, and other international fields that are critical areas of such disciplines.

"(2) RESERVATIONS.—The Secretary shall have a goal of reserving for each fiscal year—

"(A) for the awarding of scholarships pursuant to paragraph (1)(A), ⅓ of the amount available for obligation out of the National Security Education Trust Fund for such fiscal year;

"(B) ⅓ of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

"(C) ⅓ of such amount to provide for the awarding of grants pursuant to paragraph (1)(C).

"(b) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in subsection (a) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures.

"(c) SERVICE AGREEMENT.—In awarding a fellowship under the program, the Secretary or contract organization referred to in subsection (b), as the case may be, shall require the recipient of the fellowship to enter into an agreement that contains the assurances of such recipient that the recipient—

"(1) will maintain satisfactory academic progress; and

"(2) upon completion of such recipient's education, will work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded for a period specified by the Secretary, which period shall be equal to not less than one and not more than three times the period for which the fellowship assistance was provided.

"(d) DISTRIBUTION OF ASSISTANCE.—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (b), as the case may be, shall take into consideration the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States.

"(e) MERIT REVIEW.—A merit review process shall be used in awarding scholarships, fellowships, or grants under the program.

"(f) INFLATION.—The amounts of scholarships, fellowships, and grants awarded under the program shall be adjusted for inflation annually.

"(g) ADMINISTRATION OF PROGRAM THROUGH THE DEFENSE INTELLIGENCE COLLEGE.—The Secretary shall administer the program through the Defense Intelligence College.

"SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairman of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) The Director of Central Intelligence.

"(F) The Director of the United States Information Agency.

"(G) Four individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) TERM OF APPOINTEES.—Each individual appointed to the Board pursuant to paragraph (1)(G) shall be appointed for a period specified by the President at the time of the appointment but not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title;

"(2) provide for wide dissemination of information regarding the activities assisted under this title;

"(3) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(4) make recommendations to the Secretary regarding which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

"(5) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(B) are areas of study in which United States students are deficient in learning and are, therefore, critical areas within such disciplines for the purposes of such section;

"(6) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training and are, therefore, critical areas within such disciplines for the purposes of such section; and

"(7) review the administration of the program required under this title.

"SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'.

"(b) AVAILABILITY OF SUMS IN THE FUND.—(1) To the extent provided in appropriations Acts, sums in the Fund shall be available for—

"(A) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(B) properly allocable administrative costs of the Federal Government for the program under this title.

"(2) Any unobligated balance in the Fund at the end of a fiscal year shall remain in the Fund and may be appropriated for subsequent fiscal years.

"(c) INVESTMENT OF FUND ASSETS.—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately necessary for obligation. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"SEC. 805. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—In order to conduct the program required by this title, the Secretary may—

"(1) prescribe regulations to carry out the program;

"(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purpose of conducting the program required by this title, and to use, sell, or otherwise dispose of such property for that purpose;

"(3) accept and use the services of voluntary and noncompensated personnel; and

"(4) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Secretary shall submit to the President and to the Congress an annual report of the conduct of the program required by this title. The report shall contain—

"(1) an analysis of the mobility of students to participate in programs of study in foreign countries;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas as the Secretary determines are receiving inadequate attention;

"(3) the impact of the program activities on such trends; and

"(4) an evaluation of the impediments to improving such trends.

"SEC. 806. AUDITS.

"The conduct of the program required by this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property of the Department of Defense pertaining to such activities and necessary to facilitate the audit.

"SEC. 807. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Board' means the National Security Education Board established pursuant to section 803;

"(2) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 804; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.".

(2) The table of contents for such Act is amended by inserting at the end the following:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"Sec. 801. Short title.
"Sec. 802. Program required.
"Sec. 803. National Security Education Board.
"Sec. 804. National Security Education Trust Fund.
"Sec. 805. Administrative provisions.
"Sec. 806. Audits.
"Sec. 807. Definitions.".

(d) Of the amounts made available in the National Security Education Trust Fund for fiscal year 1992 for the scholarships, fellowships, and grants program provided for in title VIII of the National Security Act of 1947, as added by subsection (c), the Secretary shall reserve—

(1) $15,000,000 for awarding scholarships pursuant to section 802(a)(1)(A) of such Act;

(2) $10,000,000 for awarding fellowships pursuant to section 802(a)(1)(B) of such Act; and

(3) $10,000,000 for awarding grants pursuant to section 802(a)(1)(C) of such Act.

Mr. BOREN. Madam President, this amendment amends title VII of the bill by substituting the language that was passed by the Senate on September 26, 1991, as an amendment to the Defense appropriations bill. As my colleagues will recall, this amendment established a national security education fund to provide for scholarships, fellowships, and grants to educational institutions to encourage and develop scholarship in language studies, foreign area studies, and international studies.

As I explained in my opening statement and when this amendment was considered as part of the debate on the Defense appropriations bill, I believe there is a critical need for this type of educational assistance program in the national security area.

The purpose of this amendment is simply to conform the language in the intelligence bill with the language which has already passed the Senate in the Defense bill. The basic purposes and framework of the proposal remain the same.

We have also been advised by the Office of Management and Budget that if this legislation is enacted, the appropriation would be scored within the 0-50 account, consistent with the budget agreement.

I, therefore, urge the adoption of this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1256) was agreed to.

Mr. BOREN. Madam President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Madam President, I move to reconsider the amendments adopted en bloc as part of the conforming amendments earlier to the Armed Services Committee.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1257

(Purpose: To provide for the consolidation of certain airborne reconnaissance programs within the General Defense Intelligence Program)

Mr. BOREN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to considering the amendment? Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 1257.

Mr. BOREN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the appropriate place in the bill the following new subsection:

( ) The Secretary of Defense shall take appropriate action to ensure that included within the budget submitted to Congress for the General Defense Intelligence Program for fiscal year 1993, and for every fiscal year thereafter, shall be the amounts requested to be authorized and appropriated for the (1) the TR-1 airborne reconnaissance platform and related sensor programs; and (2) the Airborne Reconnaissance Support Program. The Secretary of Defense is further directed to consolidate management during fiscal year 1992 of the TR-1, U-2, and Airborne Reconnaissance Support Programs within the General Defense Intelligence Program.

Mr. BOREN. Madam President, this year, in their reports on the Department of Defense authorization and appropriations bills, both the Senate Armed Services Committee and the Senate Appropriations Committee recommended the transfer of funds for the TR-1 airborne reconnaissance platform and related sensor programs from the Tactical Intelligence and Related Activities Program [TIARA] to the General Defense Intelligence Program [GDIP]. The committees further directed the consolidation of the TR-1 and U-2 programs within the GDIP, and recommended that advanced sensor, data-link and ground station resources from another TIARA program—the Airborne Reconnaissance Support Program—also be transferred and managed as part of a consolidated U-2/TR-1 program.

The Select Committee on Intelligence endorses these recommendations. Indeed, the committee had previously recommended this course of action to the Senate Armed Services Committee as part of our independent review of the fiscal year 1992 TIARA request, both to improve program management and achieve savings in a period of declining defense resources. Because the Intelligence Committee does not have jurisdiction over TIARA, however, we could not direct the transfer of the appropriate funds to the GDIP in our own authorization bill without the agreement of the Armed Services Committee.

As I have indicated, that agreement, as well as the agreement of the Senate Appropriations Committee, is now a matter of record. Accordingly, the committee now wishes to offer an amendment to the fiscal year 1992 Intelligence authorization bill to mirror the actions already taken by the Senate Armed Services and Appropriations Committees in their reports on the Defense authorization and appropriation bills, respectively.

Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 1257) was agreed to.

Mr. BOREN. Madam President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Madam President, this concludes the opening comments that I have to make and also the housekeeping business that it is necessary for us to undertake.

I have been joined on the floor by my distinguished colleague, the vice chairman of the committee, the Senator from Alaska. As I have indicated, it is my privilege to work with him. We have carried forward a tradition in this year that was begun by Senator COHEN and myself, when we served together in previous years, of a bipartisan approach to the sensitive issues we must face on the Intelligence Committee, a common commitment to be truly trustees for the rest of the Senate and the American people in overseeing these very sensitive activities.

I again want to express my appreciation to him for the spirit that he has brought to this process, for the bipartisan spirit with which he has approached these challenges, for his diligence in trying to ensure that the oversight which our committee provides will be as thorough as possible and as efficient and effective as possible for the American people. I, again, want to express my appreciation to him. We have already obtained unanimous consent that his opening remarks not count against the time on the bill.

I happily yield the floor at this time so that the vice chairman can make his opening remarks.

The PRESIDING OFFICER. The Senator from Alaska, the vice chairman of the committee.

Mr. MURKOWSKI. Madam President, if I may just for a moment embellish the extraordinary relationship that exists with the chairman and, as a consequence of this relationship, I think that we have worked together in a manner that I think reflects professionalism on behalf of an extraordinary staff on both sides and have been able to fashion harmoniously, for the most part, an agenda that represents a consensus of the committee. As we look forward to the increasing responsibility associated with this oversight by the Intelligence Committee and look to new challenges ahead, I think we both agree that the efforts to achieve accountability within the agencies is something that both the chairman and I are dedicated to achieve in a greater degree, as well as the staff.

So I am very pleased to join with the distinguished chairman of the Select Committee on Intelligence and the other Members on our side as a cosponsor of the fiscal year 1992 intelligence authorization bill.

As we all know, Madam President, the world has changed more dramatically in the last year than any time probably since the Second World War. Nowhere are the effects and challenges of these changes felt more acutely than within the intelligence agencies. We have seen that in the hearings held in the committee for Mr. Gates.

Almost overnight, the great adversary against which we built the CIA and other components of the intelligence community seems to have disappeared. Threats to our national security that were acute just 2 or 3 years ago have now faded to the point where they might be considered invisible. As a result, questions that were unthinkable a short time ago are now asked seriously, including whether or not we even need a Central Intelligence Agency any more in this Nation.

Madam President, I and my colleagues on the committee will not hesitate to answer: Of course, we need the continuity, the commitment, and the capabilities of the Central Intelligence Agency to serve this country.

The world remains a very dangerous place, as our recent military involvement in Iraq makes clear. The threat from the Third World countries is a very real one and the world is aware of it. New perils are emerging as the alarming revelations about the Iraq nuclear program indicate. Each day we are hearing more and more about what their capability was at a crucial time of that conflict. Whether the challenge is the proliferation of weapons of mass destruction or terrorism or economic competitiveness or monitoring of arms control, information, accurate information, is vital. We cannot act to forestall dangers we are unaware of or do not understand.

The criticism has been laid to the agency from time to time about the adequacy of information. But as the chairman and I, and members and staff of the Intelligence Committee are well aware of, if you begin to disclose the extent of your information, you also begin to disclose the sources, and if you disclose the sources, why, more often than not, it is quite likely that you can lose those sources, or even a worse set of circumstances.

Having said this, I think it is also clear that ways will have to be found to conduct the Nation's intelligence business at less cost. Basically, Madam President, we should be able to get better intelligence for less money through the process of consolidation, and I think this is a pledge that has been made in the hearings that we have had so far by the President's nominee, Dr. Gates.

The bill before this body has made major cuts in the budget request of the President. The committee made some very, very hard choices and some of the cuts will clearly hurt, but the committee, I think, did a responsible job in a time of increasing budget constraints.

I think it important to point out that we had a discussion on the floor with the Armed Services Committee. I, as one, regret, and I regret deeply, that the committee was unsuccessful in persuading the Armed Services Committee to pass on all of the savings directly to the Treasury, and these were savings that were made within the committee. I think it is a matter that we are going to have to revisit next year with the Armed Services Committee in a more diligent and forceful manner because it is appropriate that if these savings are made by the committee, they be passed on for the benefit of the bottom line and not necessarily incorporated in some aspects of the budget in the Armed Services Committee.

Further, Madam President, in addition to budget cuts, the new environment requires us to reexamine the whole structure of the intelligence community, look for opportunities to reorganize and streamline these agencies. The staff of the Intelligence Committee has already undertaken a major effort to identify the available options.

Chairman BOREN and myself have conducted lengthy conversations with Senator NUNN and Senator WARNER, and because of the complexity of the issue and the time that was unavoidably lost in the dealing of the confirmation of the new DCI, we have agreed, somewhat reluctantly, certainly on my part, to defer most of the reorganization initiatives to the fiscal year 1993 authorization bill. My feeling is the longer we put things off, the less likely we are to complete them with diligence. But my staff assures me otherwise. So I am going to hold my staff to that. I trust that the chairman will, as well.

It is also important that the committee hear from the new DCI before it acts, and we hope to have that opportunity in the not-too-distant future, assuming that we can wind up our confirmation process in an expeditious manner, not follow the most recent pattern we have seen here in this body. But let me emphasize that we have already done much of the spadework needed for the initiatives with regard to increasing the efficiency of the agency.

The bill before us contains many, many provisions, some of which will be discussed at great length on the floor this afternoon. We anticipate a number of amendments with regard to the increased number of confirmations that should be made within the agency. It is my understanding that there was some talk of an FBI amendment being offered relative to the Thomas case concerning leaks. It is my understanding that has been dropped and will be pursued on other legislation at a more appropriate time.

Clearly, it is an obligation of the committee to address matters of intelligence, and the FBI is certainly under our oversight. But as we reflect on the significance of the charge of those leaks, why, I think it references a responsibility that we all have, particularly on the Intelligence Committee, to have the assurance from our staffs that leaks will not occur and we certainly should be setting an example for all committees. Of course, there is absolutely no excuse for leaks of any kind.

So I think the point is well taken. But clearly it is going to get more attention by this body as a consequence of what happened with the Thomas and the Professor Hill incident.

Madam President, the bill before us, as I have said, contains many of the provisions that I think are important, and I know the chairman believes they are important. The chairman already spoke of the educational program which is designed to put significant resources into international education to better prepare our population, as he indicated, to cope with the kind of changes that are occurring in the world. And I mentioned this in the previous part of my opening statement.

The committee has crafted this program under an endowment concept. It is a departure from the normal activities of the committee. Yet, the merits of reaching out and meeting the obligation, of having trained people, I think, is certainly meritorious and deserves the support of the committee.

The idea of a self-sustaining source of income in the years ahead under the endowment concept certainly has an application.

I understand that there has been general thought and some acceptance to require recipients of graduate fellowships to work for the Government in the area of study at least for which the fellowships were awarded. The chairman and I have had some conversations about this. I would like to see this at further levels. I believe the chairman still has somewhat of an open mind to it. But I think it is fair to say that since we no longer have a mandatory draft type of an arrangement—yet we have the ROTC, NROTC, all of which requires some kind of contribution back to the Government for the educational opportunities—I think some type of service commitment is an appropriate responsibility for the recipient of these types of grants or scholarships, as the case may be. I urge my colleagues to give that consideration.

But overall it is an important initiative. It is worthy of careful consideration.

I encourage that consideration also be given that these scholarships and basic opportunities for higher education in the sense of an international opportunity be extended to regional institutions throughout the country as opposed to the more traditional recognition that the larger, more well-established Eastern schools more traditionally are favored with this type of endowment.

I think consideration should be given to those educational institutions which interact more directly with some of the new and exciting regions of the world that are opening up as a consequence of may changes which have occurred in Eastern Europe and the Soviet Union. I refer specifically to the Pacific rim activities associated with the situation as it unfolds in Vietnam, Cambodia. Clearly we are going to want people who have an expertise and an interest in that part of the world; Eastern Siberia, where in my State of Alaska, through the University of Alaska, we have exchange programs set up; we have probably 40 students from Siberia in residence in Fairbanks, AK; Alaska Pacific University specializing in the Pacific rim countries.

We need to see that these endowment scholarships are spread out to areas for regional coverage and provide these educational institutions with opportunities to provide even more and better programs in serving, if you will, the needs of communication between our two peoples. I have talked with these students who have been over in Siberia, Alaskans, young people from the State of California who have gone to our schools. When they live in a Soviet home in Siberia, they have a different appreciation and understanding not only of Western values but an appreciation of the trials and tribulations of our Soviet neighbors and have a tremendous contribution that they can make in the sense of easing tensions and establishing a better world understanding.

So I hope that I can appeal to my good friend, the chairman, the senior Senator from Oklahoma, to encourage universities in regional areas that have an expertise to step up and become involved in this program.

Finally, Madam President, I would also stress that the existence of this body of anticipated trained intelligence specialists will not only benefit the Government agencies, including the intelligence community, but also the business community as well.

I think it is critical to our national future that American business become more equipped to compete in the international marketplace. Oftentimes, this is difficult because of antitrust regulations. One only has to follow the effectiveness of a Japanese trading corporation and the interlock, the linkage between their ability not only to manufacture raw materials but produce, advertise, finance, transport, you name it. We are precluded from those kinds of things, so how are we going to be competitive in an international marketplace?

We have to have people who are versed in business as well as diplomacy representing us in our missions overseas. This will require more skilled managers, analysts, knowledgeable people about foreign countries and international conditions and, most of all, fluent in language.

It is a terrible thing to observe, Madam President, but you know and I know it is so easy to do business overseas because your hosts understand English and the American person doing business overseas being conversant certainly pays off.

Another difficulty we have, and it has been expressed by a number of colleagues on the committee, is the question of just how we handle information that is gathered from an intelligence source and made available to our private sector when more often than not we have two or three competing businesses and how do you share the information. It is a very difficult thing to do. But it is commonplace. And we are aware that the other countries are very much involved in their intelligence-gathering process in determining advantages in the U.S. marketplace and they share that with firms in their country. Unfortunately, more often than not, many of these firms are partially owned by the Government or participated in substantially through financial commitments by that Government. It is easier for them to provide the intelligence.

But this is a world of survival, Madam President, and if we are going to survive in the international marketplace we must have the capability of playing on a level field, and that means competing in an international marketplace in a different manner than we compete domestically. And this is going to put not only a challenge on the committee and the staff but all Members of the Senate to recognize that we must maintain an international competitiveness if we are to prosper as a nation.

I thank the Chair. I thank my colleague and good friend, the chairman of the committee, for his diligence in proceeding to get our bill up today, and I look forward to the process ahead.

Madam President, I yield the floor.

Mr. BOREN. Madam President, I thank my colleague for his generous remarks. As I have said, it is, indeed, a pleasure to work with him in these constructive endeavors.

We have talked a lot in our opening remarks about the new educational initiative proposed by the committee, one already acted upon in the appropriations bill on the floor earlier. It is an exciting proposal.

As I have indicated, it is the first major educational initiative of this type understanding that the national security interests of the United States cannot be defined in very narrow terms, technical terms, dealing only with items of military hardware, for example. But the national security interests of the United States, especially in these changing times, must be viewed broadly and making certain that we have the human resources we need, that we have the well-trained people coming out of the next generation in the field of foreign languages, the understanding of various religions and cultures and other communities around the world is absolutely essential and vital to our national security in the broadest sense of that term and in the most meaningful sense of that term.

We are, indeed, proud of the National Security Education Act and the initiative our committee has taken.

I should also indicate that while we have not been able to discuss in detail the cuts we have made in the original administration request in the intelligence bill and have not been able to describe, because of reasons of classification, the detailed nature of the shifts of priorities we have undertaken also in the intelligence bill, this bill does reflect a greater emphasis on improving our human intelligence source capability.

As many of us have said, with all the changes in the world, we are going to be facing a situation where we will have fewer troops stationed around the world in forward positions.

This means that we will need to have earlier warning of the intentions of those that might inflict danger on the world, that might cause regional conflicts. We learned very painfully with the situation in the Middle East, with the Iraqi invasion of Kuwait, that by the time we can learn through national technical means of the movement of forces on the ground that it is often too late to give the policymakers a whole range of actions that they might take to avoid a conflict.

Had the President of the United States had good human source intelligence about the intentions of Saddam Hussein, for example, 6 months before the invasion of Kuwait, he could have considered a whole range of policy options that might have enabled us to avoid that war, that conflict—perhaps joint exercises with Saudi Arabia in the forward positionings of aircraft and supplies, sending a signal a Saddam Hussein, a very clear signal that any attempt at aggression would be resisted.

These are the kinds of actions that, had we had intelligence warning from human sources early enough, might have enabled us to avoid the Persian Gulf conflict, costly as it was both in material goods, and even more important, in terms of the cost of precious lives. Perhaps it could have been avoided with earlier warning.

In this kind of early warning, this kind of understanding of the intentions of potential adversaries, direct inside information from human sources becomes even more important. The nature of the threat also changes. We cannot, from satellite photography, have a good idea of what is going on in some tiny garage behind some residence where a terrorist group might be putting together a very potent but small explosive or chemical device to be used by the terrorist organizations.

This kind of information basically must come from human sources through development of the expertise, both in terms of language and ethnic understanding and background, to make it possible to have very legitimate and credible human source intelligence in various areas of the world given the nature of the challenges we face.

So the committee has undertaken in this bill to shift some priorities to continue the very strong emphasis on improvement of our human source intelligence, the human resources available, into the intelligence community that we began over 2 years ago.

This bill continues to reflect that shift of priorities. It makes some initial changes that reflect the changes that have gone on in the Soviet Union. More will remain to be done on this score. It does also reflect the fiscal environment, the very difficult fiscal environment in which we are now living and trying to get the most to the American taxpayers for the dollars spent in the intelligence field.

It does represent not only a major new educational initiative, but also some substantial adjustments of priorities within the intelligence budget that we provide in this bill.

Madam President, I see the distinguished Senator from Ohio is on the floor. Under the previous unanimous-consent request entered into, he will be offering an amendment on which the time limitation has been set.

I will yield the floor so the Senator from Ohio might have an opportunity to offer his amendment.

Mr. MURKOWSKI. Madam President, if I may just make an inquiry from the standpoint of the agreement, would the Chair state the agreement on time that remains between the two sides?

The PRESIDING OFFICER. The time on the Glenn amendment is limited to 4 hours, equally divided, under control.

Mr. MURKOWSKI. Madam President, it is my understanding it is limited just to the Glenn amendment. And is there any time agreement pending on the bill?

The PRESIDING OFFICER. There is a time agreement. The Senator from Alaska controls the remaining time, which is 15 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1258

(Purpose: To provide for appointment by the President, by and with the advice and consent of the Senate, of certain officials of the Central Intelligence Agency)

Mr. GLENN. Madam President, I send an amendment to the desk on behalf of myself, Senator SPECTER, Senator HARKIN, Senator BYRD, Senator AKAKA, Senator BRYAN, Senator CRANSTON, and Senator ADAMS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, and Mr. SPECTER, Mr. HARKIN, Mr. BYRD, Mr. AKAKA, Mr. BRYAN, Mr. CRANSTON, and Mr. ADAMS, proposes an amendment numbered 1258.

On page 34, between lines 18 and 19, insert the following new section:

SEC. 602. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by inserting at the end thereof the following new section:

"SEC. 18. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

"(a) PRESIDENTIAL APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, the following officers of the United States who shall serve within the Central Intelligence Agency:

"(1) the Deputy Director for Operations.

"(2) the Deputy Director for Intelligence.

"(3) the General Counsel.

"(b) BASIS FOR REMOVAL.—Notwithstanding section 102(c) of the National Security Act of 1947 (50 U.S.C. 403(c)), any individual appointed pursuant to this section shall serve at the pleasure of the President and may be removed from office only by the President.".

Mr. GLENN. Madam President, the amendment I am offering today is a modified version of S. 1003, legislation which would require Presidential nomination and Senate confirmation of certain senior officials at CIA.

Currently, there are only three CIA officials, the Director of Central Intelligence, the DCI; the Deputy Director of Central Intelligence, DDCI; and the Inspector General, the IG; that are confirmed by the Senate.

Madam President, I ask unanimous consent that, at the conclusion of my remarks, the following documents be entered into the RECORD: A July 2 letter from Judge Webster; September 6 letter from former Secretary of State Cyrus Vance in support of this legislation; and the prepared statements of Dr. Richard Betts of Columbia University, Gen. William Odom of the Hudson Institute, and Dr. Allan Goodman of Georgetown University, as well as several press clippings.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. I note that this amendment is the same as S. 1003, but with several modifications.

First, the original legislation, S. 1003, called for Senate confirmation of six senior officials, CIA's General Counsel, and the five Deputy Directors of CIA: the Deputy Director for Operations; the Deputy Director for Intelligence; the Deputy Director for Science and Technology; the Deputy Director for Administration; and the Deputy Director for Planning and Coordination.

I modified this amendment so that it requires Senate confirmation of only three of these senior CIA officials: the General Counsel, the Deputy Director for Operations, and the Deputy Director for Intelligence. Clearly, these positions are the most important of the second-tier management positions at CIA.

Second, I have deleted subsection (b) of the legislation, which specifies that appointments for these positions:

> * * * shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence.

This provision was originally placed in the legislation because of the concern that appointing nonprofessionals could cast doubt on the objectivity of intelligence judgments and the independence of intelligence leadership.

Some have argued that this provision does not permit sufficient flexibility to bring in qualified individuals from the outside of the intelligence community. So I have been persuaded by this argument, and therefore have deleted the subsection (b) provision from the amendment that I am offering today.

In striking this provision, I note that the confirmation process merely provides a Senate check on the President's judgment in selecting a nominee. It cannot compel the President to nominate a particular individual. Assuring that the nominee is qualified for a position is the primary objective of the confirmation process.

If the individuals holding top positions at CIA are subject to confirmation, the Senate will make the determination whether the individual nominee is sufficiently qualified for the position in question. Ultimately, such a determination must be made on a case-by-case basis.

If a majority of this body is convinced that a nominee for a particular position must be a career intelligence professional, such a view can be enforced whenever a confirmation vote comes before the Senate Select Committee on Intelligence or before the full Senate.

It is important to note that on the infrequent occasion when a Presidential nominee is rejected, it is often because the nominee is considered to lack the requisite professionalism for the position. Hence, the confirmation process tends to support professionals against administration efforts to place unqualified nonprofessionals into senior positions in the Federal Government.

Also on occasion, there may well be a legitimate reason to have a well-qualified outsider in one of these three positions.

As Robert Gates recently responded to a question by me:

> I would obviously prefer to have senior CIA positions filled with individuals with substantial prior experience and demonstrated ability in the intelligence field. However, I do believe that the DCI should have some flexibility in this respect, recalling that DCI Turner appointed a very distinguished scholar as head of the analytical directorate [Robert Bowie of Harvard University]. * * * Also, several fine CIA general counsels have had little or no direct intelligence experience. I would not consider, under any circumstances, appointing someone as Deputy Director for Operations without substantial prior experience and demonstrated ability in the intelligence field.

Undoubtedly, it would be more the exception rather than the rule for the President to nominate an intelligence outsider for one of these positions. Traditionally, DCI's have relied on intelligence professionals for the senior positions at the CIA. As Judge Webster conceded in his July 2, 1991, letter to me, of "CIA's 47 Deputy Directors, spanning more than 40 years, only 7 did not have extensive intelligence experience. Of those seven, only three were appointed within the last 14 years." Clearly, intelligence professionals are preferred for these key senior positions.

Nevertheless, should the President make a mistake in appointing an outsider to one of these positions, it is the purpose of the confirmation process to reveal that mistake.

Madam President, the amendment I offer today will help ensure that only well-qualified individuals serve in these posts and prevent the possibility of appointments made by DCI's which might be based on political factors or personal and business ties. Such appointments could ultimately be damaging to the CIA, its mission, and most of all, the confidence of the American people and the Congress in this important agency.

For example, shortly after he assumed his position as DCI, William Casey appointed Max Hugel as Deputy Director for Operations—one of the most-sensitive positions in American intelligence. Mr. Hugel, a friend of Mr. Casey's who had no experience in covert action or clandestine human intelligence, was ultimately forced to resign after 2 months as DDO amid allegations of business-related improprieties. While the allegations against Mr. Hugel were apparently baseless, many believe his brief tenure at the CIA was damaging to that vitally important directorate's effectiveness and morale.

I believe such an appointment would have never been confirmed by the Senate, and a President knowing this would have been highly unlikely to submit such a nomination to the Senate in the first place. In other words, one of our very prime purposes with this is to cut the chance of politicizing the CIA.

Confirmation can also serve to protect career professionals from political leaders in the executive branch who may be tempted to corrupt intelligence processes, and could make senior CIA personnel think twice about circumventing congressional oversight when they are pressured to do so from the executive branch.

For instance, during the Iran-Contra affair, CIA general counsel, Stanley Sporkin, provided a highly dubious legal rationale for the administration's ill-conceived arms-for-hostages policy by drafting a retroactive finding for President Reagan's signature that directed: "The Director of Central Intelligence not to brief the Congress of the United States * * * until such time as I may direct otherwise." The final version of this finding was not reported to the Congress for almost a year.

Had the general counsel and other senior agency officials gone through the Senate confirmation process, they would have undoubtedly been more sensitive than they apparently were to the fact that Congress shares both the power and the responsibility for our Nation's foreign policy. And they would have been much less inclined to look the other way while laws requiring notification to the intelligence committees were deliberately ignored.

(Mr. LIEBERMAN assumed the chair.)

Mr. GLENN. Mr. President, Senate confirmation is a constructive means of enhancing public and congressional confidence in the senior leadership of the CIA. That is the reason we do it for all of the other agencies of Government where it is required. This is accomplished not only by ensuring that the nominee has the necessary qualifications for the job, but that the nominee is also firmly committed to the intelligence oversight laws and will be truthful, candid, and forthcoming in dealing with Congress.

In the course of his confirmation hearings, Mr. Gates has declined to either endorse or oppose S. 1003, but he has stated that:

> * * * It is hard for me in principle to quarrel with the idea of senior officials of a Government agency not being subject to the confirmation process.

Senator SPECTER and I sponsored this legislation because we are convinced that the confirmation process has become an increasingly important means to insure the accountability of senior level executive branch officials to the American people through their duly elected representatives in the Congress. This is particularly true of the CIA, which plays a special role in our Government.

Indeed, the CIA is unique among all Federal agencies in the level of trust it demands from the American public and the Congress. And the CIA is unique from other intelligence agencies such as the Defense Intelligence Agency [DIA], the National Security Agency [NSA], and the FBI.

Although the CIA is not charged primarily with policymaking, it plays a significant role in the formulation of national security policy. The close relationship between the CIA and policymakers is recognized in the legislation that established the CIA. The National Security Act of 1947 specifically places the CIA under the National Security Council. The first two duties of the CIA under this Act specify that the Agency is:

> First, to advise the National Security Council in matters concerning such intelligence activities of the Government Department and Agencies as relate to national security; and second, to make recommendations to the National Security Council for the coordination of such intelligence activities of the Departments and Agencies of the Government as relate to the national security.

Among the duties assigned to the CIA by section 102(d) of the National Security Act of 1947 is "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." This broad provision has been interpreted to include, among other things, the CIA's role in planning and implementing various types of sensitive activities overseas—including covert action, which is, need I remind my colleagues, operational U.S. policy.

As the CIA has grown over the years, its support for U.S. national security policies has broadened into many different areas. The individuals who hold these three positions advise the DCI and the DDCI about policy. The DCI and the DDCI are in turn responsible for providing leadership and direction not only to the CIA, but the entire U.S. intelligence community as well. Thus, the Deputy Director for Operations, the Deputy Director for Intelligence, and the CIA general counsel play a significant role supporting the entire national security infrastructure of our Nation.

For example, the CIA's general counsel is responsibile for providing legal advice to the DCI and the Agency as a whole on all matters and is responsibile for determining the legality of CIA activities and for guarding against any illegal or improper activity, and that is an enormous responsibility.

The Deputy Director for Operations has responsibility for clandestine human source intelligence collection and is responsible for extraordinarily sensitive and highly classified operations such as covert action.

The Deputy Director for Intelligence has responsibility for producing intelligence assessments in support of U.S. policymakers. These intelligence estimates form the foundation of our foreign policy and define the threat to U.S. national security that is the basis of our defense spending.

Unlike other intelligence agencies such as NSA, DIA, or the FBI, the CIA is not organizationally subordinate to another department of the Federal Government—by statute, it directly supports the National Security Council. NSA and DIA are Agencies of the Department of Defense, and the FBI is subordinate to the Department of Justice. In addition, the CIA, unlike the NSA, DIA, FBI, and all other components of the intelligence community, is the only intelligence agency—and indeed the only Federal agency—that is not subject to GAO audits.

Former DCI William Colby has stated that the CIA "was supposed to be above the other departmental intelligence centers. It wasn't coequal. It is a Central Intelligence Agency and not something off by itself." This organizational centrality places the CIA in a different category from other components of the intelligence community and argues for a greater degree of scrutiny of high-level agency officials.

Mr. President, in view of their responsibilities in supporting the National Security Council in sensitive areas of policy formulation, I believe that Senate confirmation of these three senior CIA officials will ultimately serve to create confidence and rapport between the nominees and the legislative branch. Through the record established during confirmation, the nominee and the Senate Select Committee on Intelligence could clarify and establish a common understanding of the position's role and responsibilities, develop a constructive working relationship, and define the appropriate constraints on CIA activities. This process will go a long way toward avoiding problems as a result of misunderstandings, which in turn could lead to abuses of authority.

Senate confirmation could also bring greater stability to the CIA-congressional relationship by avoiding the adversarial oversight which replaces normal oversight after abuses of authority occur such as after the Iran-Contra affair. Such adversarial oversight is damaging to the intelligence process.

In addition, the Senate confirmation process provides a second forum to assess the competence of an individual for a high-ranking post in the Federal Government—serving as a check against possible executive branch politicization of these positions. And that is basically the purpose of this legislation today.

As Dr. Richard Betts of Columbia University has stated in expressing his support for this legislation, confirmation "should do more to prevent politicization than to promote it." This is because:

> * * * The confirmation process can * * * only block the Executive from appointing a given individual, it cannot force the appointment of anyone with a particular viewpoint or loyalty preferred by Congress. * * * Under current practice, nothing at all stands in the way of politicization of these offices by the administration. Considering the difference between the power to appoint and the power to review the appointment, politicization comes from the Executive more readily than from Congress. If a President or * * * DCI wish to put unqualified political cronies in sensitive CIA positions, they can do so, as of now, without challenge.

And that is really at the heart and soul of what we are talking about here. I repeat the last sentence. "If a President or * * * DCI wish to put unqualified political cronies in sensitive CIA positions, they can do so, as of now, without challenge."

It should also be noted that the confirmation of senior officials in Government has traditionally worked to protect against the politicization of these positions, while failure to confirm has worked to protect politicization. For example, senior Government officials who are not confirmed, such as the White House Chief of Staff and the Assistant to the President for National Security Affairs, have been exempted from the confirmation process precisely to prevent Congress from interfering with the President's political control of these positions.

Mr. President, there have been various criticisms made about this legislation which I would like to address.

It has been argued that Senate and White House involvement in the selection of these senior CIA officials would somehow compromise the CIA's ability to provide objective intelligence to policymakers. Nothing could be further from the truth.

The CIA and its top officials give policy advice to the President and others, and conduct operations and activities that give them important roles and responsibilities in the field of policy development. Confirmation of three additional officials at the CIA would be no more likely to politicize the organization or impede the objectivity of its analyses than would the longstanding requirement to confirm the DCI, the DDCI, and the inspector general.

Indeed, Senate confirmation will help prevent politicizing these posts by raising the standards of these important deputy directorships. Because they must appear before the Senate Select Committee on Intelligence [SSCI], the nominees are more likely to be scrutinized carefully—by both the executive branch and the Congress—than otherwise. This process would help preclude a hasty or ill-considered appointment by a single individual—the DCI.

Mr. President, it has also been argued that this proposal could somehow adversely affect the DIC's managerial control over these senior officials and have a negative impact on CIA relationships abroad. Once again, I see absolutely no foundation for these concerns.

We should remember that ultimately all employees of the executive departments and agencies are under the authority of the President—whether or not they are directly appointed by the President. Commissioned officers of the armed services, even at lower ranks, are appointed by the President and confirmed by the Senate. As a 23-year veteran of the U.S. Marine Corps, and as chairman of the Senate Armed Services' Subcommittee on Manpower and Personnel, I feel confident in stating that there appears to be no evidence that this formal selection process has ever hindered commissioned officers' ability or willingness to respond to their immediate superiors.

Furthermore, it is extremely doubtful that the distinction between Presidential appointment and more routine methods of selecting senior intelligence officials is apparent to representatives of foreign governments. This is particularly true in the Third World, where much of America's intelligence activity will be focused in the years ahead. In Third World nations, control over intelligence agencies by the chief of state is pervasive. It would not be unusual, for example, for a chief of state to personally approve the appointment of comparatively junior intelligence officials.

In addition, it is quite likely that many foreign intelligence representatives already assume that senior U.S. intelligence officials are Presidential appointees. Indeed, foreign officials may even regard Presidential appointment and Senate confirmation as a mark of prestige and heightened status.

Mr. President, it is also argued that this legislation would somehow preempt the DCI from reorganizing the agency to meet future, unknown changes. I just find that concern as being baseless.

I would simply note that this amendment does not call for any specific organization within the agency, it simply establishes three statutory positions in addition to the three that already exist. It does not prevent the director from appointing other senior officials to serve in the agency in other capacities that the DCI may wish to designate.

I stress to my colleagues that this legislation merely recognizes positions that already exist—it does not create any new positions. These directorates have existed for at least 40 years: The First Deputy Director for Operations was appointed in 1951 and the First Deputy Director for Intelligence was appointed in 1952. The General counsel position was in existence when the agency was established in 1947.

Thus, the basic CIA organizational structure of the Directorate of Operations, the Directorate of Intelligence, and the general counsel's office implied in this measure has stood the test of time, and it is unlikely that a future DCI would choose to alter the broad organizational scheme which has been essentially in place virtually since the inception of the CIA. In any event, within this general framework, the DCI would be free to make numerous modifications as he or she may see fit.

If the DCI decided to eliminate these two directorates or the general counsel's office—and I think that would be extremely unlikely—the director would request the appropriate legislative authorization from the two intelligence committees. And this is precisely as it should be. Congress should be involved in approving the elimination or consolidation of any of these vitally important offices.

An additional concern has been raised about conducting public confirmation hearings for these officials which could harm the sensitive missions of these directorates.

Mr. President, I am sympathetic to this concern, and I would anticipate that these hearings would, for the most part, be conducted in the committee's secure hearing room in the Hart Building. If any Senator who does not serve on our committee wishes to review the nominee's background and the hearing transcript, they may review this material at our committee's secure spaces. Mr. President, this very procedure is followed at present when any Senator wishes to review the lengthy classified annex of our markup of the intelligence authorization bill before it reaches the Senate floor every year.

Finally, opponents of this amendment argue that this legislation is premature in light of the Senate Intelligence committee's reorganization effort.

Mr. President, I would only note that the prospect for reorganization is a constant fact of life in modern American Government. If the possibility of reorganization is an excuse for failure to address the issue of Senate confirmation of these senior CIA positions, it could easily become a permanent excuse.

Over 1 year ago, the SSCI announced its effort to begin a review of intelligence organizations internal to the Department of Defense. Between that time and this year's markup of the fiscal year 1992 intelligence authorization bill, the committee held precisely two hearings on intelligence reorganization. In its markup of the fiscal year 1992 intelligence authorization bill, the SSCI overwhelmingly voted to create a brandnew position at the CIA—an assistant deputy director for operations. This was done without any hearing. This amendment, however, does not go as far as to create new positions. No new organizations or positions are created by this legislation. This legislation merely mandates that three existing positions are appointed by the President and confirmed by the Senate.

Furthermore, the confirmation of these three senior CIA officials can hardly be considered a major or dramatic change as opponents assert. In fact, this is an extremely simple and straightforward proposal.

I would note that the precedent for White House and Senate involvement in the selection of senior CIA officials was established at the inception of the present-day U.S. intelligence establishment. The National Security Act of 1947 provided for Presidential nomination and Senate confirmation of the DCI, and the same procedure for selection of the deputy director of central intelligence [DDCI] was established in 1953. In 1989, President Bush signed legislation into law which created a statutory inspector general [IG] for the CIA with a requirement that the nominee be confirmed by the Senate.

Confirmation of the CIA general counsel has also been proposed over the years. As early as 1976, the church committee recommended Senate confirmation of the general counsel, and a similar recommendation was made by the congressional committees investigating the Iran-contra affair in 1987.

I want to repeat that. The Iran-Contra committee in 1987 made a similar recommendation with regard to confirmation of the General Counsel at CIA.

Several distinguished past and current members of our Intelligence Committee served on the Iran-Contra Committee—such as Senator **BOREN**, Senator **RUDMAN**, and Senator **COHEN**. And I would also note that 17 general counsel positions, or the equivalent in other departments and agencies are confirmed by the Senate.

Mr. President, it is important to note that there are over 1,000 positions in the Federal Government requiring Senate confirmation, and that of that more than 1,000 positions in the Federal Government requiring confirmation, these three officials at the CIA are at least as high in rank and as high in importance of their position as officials in similar roles in other Federal agencies and departments.

Here are just a few of them: State has 187 positions that require confirmation. Many of those are Ambassadors, of course. But just for regular administrative purposes within these agencies, Energy has 20 confirmed positions, Commerce has 30 confirmed positions, Defense has 53 confirmed positions plus all the general officers in addition to that number. I believe the Governmental Affairs Committee I chair is responsible for over 30 confirmed positions that we oversee.

So confirmation is not an unusual thing that we are asking for in Government. Quite the opposite. Confirmation is very common, with the over 1,000 positions requiring Senate confirmation. Requiring Presidential appointment and Senate confirmation of these positions would merely validate this standing.

As Cyrus Vance has stated in endorsing this measure:

> I have served for many years in various positions in the Federal Government requiring Senate confirmation. I have worked with officials of the CIA serving in the . . . designated positions during my tenure as Secretary of the Army, Deputy Secretary of Defense, and Secretary of State. On the basis of my experience, I can see no harm and only good coming from the proposed legislation.

Mr. President, in his response to the Senate Select Committee on Intelligence [SSCI] questionnaire for his current confirmation hearings to become DCI, Robert Gates stated:

> Accountability—with respect to adherence to the law, relevant executive orders, guidelines, and regulations, as well as effective management and preformance—is in my judgment, the fundamental purpose of congressional review of intelligence activities.

I strongly agree with that statement.

Intelligence oversight imposes a unique burden on the two congressional intelligence committees which serve as surrogates, not only for the Congress as a whole, but the American people. because Congressional oversight of the CIA and the rest of the intelligence community must necessarily be conducted in the black box of secrecy, the committees must demand accountability and possess the will to conduct thorough oversight. I would also point out to my colleagues that the CIA is the only intelligence agency over which the Senate Select Committee on Intelligence has sole and exclusive jurisdiction.

Before the two intelligence oversight committees were created in the mid-1970's, Congress conducted what I refer to as "oversight by oversight" of U.S. intelligence—preferring to know little more than it was told by the CIA. As one Senator stated some years ago:

> It is not a question of reluctance on the part of CIA officials to speak to us. Instead, it is a question of our reluctance, if you will, to seek information and knowledge on subjects which I personally * * * would rather not have * * *.

Mr. President, this is an attitude that this body can ill afford, particularly in the post-cold war era.

I am second to no one in my support for a strong, effective, and responsible CIA. Nevertheless, the Central Intelligence Agency, like any large bureaucracy, is capable of waste, abuse, mismanagement, and incompetence. Because the CIA is such a vast and secretive organization, it is essential that it be made fully accountable for its actions.

Intelligence activities are consistent with democratic principles only when they are conducted in accordance with the law and in an accountable manner to the American people through their duly elected representatives. I am convinced that the confirmation process is a constructive means of demanding accountability, thereby enhancing public and congressional confidence in the senior leadership of the CIA.

Senate confirmation of the CIA's general counsel, the deputy director for operations, and the deputy director for intelligence will serve to strengthen the accountability of the CIA—and ultimately enhance the effectiveness of this important agency.

Mr. President, I urge my colleagues to support this amendment and I reserve the remainder of my time.

EXHIBIT 1

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, July 2, 1991.

Hon. JOHN GLENN,
Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: I am writing in response to your letter of 17 June 1991 in which you requested my assistance in obtaining information about past and current CIA Deputy Directors and General Counsels. Enclosed are a chronology of CIA's senior management structure since the beginning of the Agency and a separate list of those individuals (along with biographic data) who were appointed to senior Agency management positions and who did not possess substantial intelligence-related experience prior to attaining those positions.

Of CIA's 47 deputy directors, spanning more than 40 years, only seven did not have extensive intelligence experience. Of those seven, only three were appointed within the last 14 years.

I hope this information responds to your questions. I appreciate the candid way in which we have been able to communicate on some difficult issues during my tenure as Director of Central Intelligence. I would hope that you will accord my successor the same channel of communication on this issue following my departure from this office.

I am forwarding a copy of this letter and the enclosures to the Chairman and Vice

Chairman because I believe this topic is also of interest to them.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

CHRONOLOGY OF CIA'S SENIOR MANAGEMENT STRUCTURE

General Walter Bedell Smith, in his tenure as DCI (1950–1953), first organized the Agency into deputy directorates: the first Deputy Director for Administration (DDA) was appointed on 1 December 1950; the first Deputy Director for Operations (DDO—then titled Deputy Director for Plans) was appointed on 4 January 1951; and the first Deputy Director for Intelligence (DDI) was appointed on 1 January 1952. John McCone appointed the first Deputy Director for Science and Technology (DDS&T—then titled Deputy Director for Research) on 19 February 1962; and on 5 September 1989, I appointed the first Deputy Director for Planning and Coordination (DDP&C). The General Counsel position was transferred to the CIA from the Central Intelligence Group when the Agency was established in September 1947.

DEPUTY DIRECTOR FOR ADMINISTRATION

DDA, established effective 1 Dec 50.

Title change from Deputy Director for Administration to Deputy Director for Support was effective 3 February 1955.

Title change for Deputy Director for Support to Deputy Director for Management and Services was effective 22 March 1973.

Title change from Deputy Director for Management and Services to Deputy Director for Administration was effective 19 August 1974.

Murray McConnel, 1 Dec 50–30 Mar 51.

Walter Reid Wolf, 1 Apr 51–30 Jun 53.

Lawrence K. White (Col., USA Retired) Acting DDA, 1 Jul 53–21 May 54.

DDA, 21 May 54–5 Jul 65.

Robert L. Bannerman, 5 Jul 65–31 Dec 70.

John W. Coffey, 1 Jan 71–17 Mar 73.

Harold L. Brownman, 17 Mar 73–3 Aug 74.

John F. Blake, 3 Aug 74–12 Jan 79.

Don I. Wortman, 13 Jan 79–16 Jan 81.

Max Hugel, 13 Feb 81–11 May 81.

Harry Fitzwater, 11 May 81–31 Dec 84.

Richard J. Kerr, 1 Jan 86–21 Apr 86.

William F. Donnelly, 21 Apr 86–18 Jan 88.

R. M. Huffstutler, 25 Jan 88.

DEPUTY DIRECTOR FOR OPERATIONS

DDO, established effective 1 Dec 50.

Although the Office of the Deputy Director for Operations was established 1 December 1950, by the time Allen Dulles was appointed as the first incumbent the title was changed to Deputy Director for Plans.

Title change from Deputy Director for Operations to Deputy Director for Plans was effective 4 Jan 51.

Title change from Deputy Director for Plans to Deputy Director for Operations was effective 1 Mar 73.

Allen W. Dulles, 4 Jan 51–23 Aug 51.

Frank G. Wisner, 23 Aug 51–1 Jan 59.

Richard M. Bissell, Jr., 1 Jan 59–17 Feb 62.

Richard M. Helms, 17 Feb 62–28 Apr 65.

Desmond FitzGerald, 28 Jun 65–23 Jul 67.

Thomas H. Karamessines, 31 Jul 67–27 Feb 73.

William E. Colby, 2 Mar 73–24 Aug 73.

William E. Nelson, 24 Aug 73–14 May 76.

William W. Wells, 15 May 76–31 Dec 77.

John N. McMahon, 11 Jan 78–12 Apr 81.

Max Hugel, 11 May 81–14 Jul 81.

John H. Stein, 14 Jul 81–1 Jul 84.

Clair E. George, 1 Jul 84–1 Dec 87.

Richard F. Stolz, 4 Jan 88–31 Dec 90.

Thomas A. Twetten, 1 Jan 91.

DEPUTY DIRECTOR FOR INTELLIGENCE

DDI, established effective 1 Jan 52.

Title change from Deputy Director for Intelligence to Director, National Foreign Assessment Center (NFAC) was effective 11 Oct 77.

Title change from Director, National Foreign Assessment Center to Deputy Director for Intelligence was effective 4 Jan 82.

Loftus Becker, 1 Jan 52–30 Apr 53.

Robert Amory, Jr., 1 May 53–30 Mar 62.

Ray S. Cline, 23 Apr 62–17 Jan 66.

R. Jack Smith, 17 Jan 66–15 May 71.

Edward W. Proctor, 15 May 71–1 Jun 76.

Sayre Stevens, 1 Jun 76–11 Oct 77.

Robert R. Bowie, 11 Oct 77–17Aug 79.

Bruce C. Clarke, Jr., 18 Aug 79–12 Apr 81.

John N. McMahon, 12 Apr 81–4 Jan 82.

Robert M. Gates, 4 Jan 82–21 Apr 86.

Richard J. Kerr, 21 Apr 86–13 Mar 89.

John L. Helgerson, Acting DDI: 13 Mar 89–20 Mar 89.

DDI: 20 Mar 89.

DEPUTY DIRECTOR FOR RESEARCH

DDR, established effective 19 Feb 62.

Herbert (Pete) Scoville, 19 Feb 62–15 Jun 63.

DEPUTY DIRECTOR FOR SCIENCE AND TECHNOLOGY

DDS&T, established effective 5 Aug 63.

Title change from Deputy Director for Research to Deputy Director for Science and Technology was effective 5 Aug 63

Albert D. (Bud) Wheelon, 5 Aug 63–26 Sep 66.

Carl E. Duckett, Acting DDS&T: 26 Sep 66–20 Apr 67.

DDS&T: 20 Apr 67-1 Jun 76.

Leslie Dirks, 1 Jun 76—3 Jul 82.

R. Evans Hineman, 3 Jul 82—5 Sep 89.

James V. Hirsch, 5 Sep 89.

DEPUTY DIRECTOR FOR PLANNING AND COORDINATION

DDP&C, established 5 Sep 89.

Gary E. Foster, 5 Sep 89.

GENERAL COUNSEL

CIG, 1947; CIA/DS, 1955, established effective 27 Jan 49.

The functions of the General Counsel were transferred from the Personnel and Administrative Branch to the Office of the Director, Central Intelligence Group, effective 1 Jul 47.

The General Counsel was placed under the Office of the Deputy Director for Support, effective 3 Feb 55.

The General Counsel left the Directorate of Support and came under the Office of the DCI, effective 1 Jul 62.

Lawrence R. Houston, 27 Jan 49–29 Jun 73.

John S. Warner, Acting: 30 Jun 73–14 Jan 74

GC: 14 Jan 74–1 Apr 76

Anthony A. Lapham, 1 Jun 76–9 May 79

Daniel B. Silver, 27 May 79–30 Apr 81

Stanley Sporkin, 18 May 81–10 Feb 86

David P. Doherty, 10 Feb 86–16 Jan 88

Russell J. Bruemmer, 16 Jan 88–16 Apr 90

Elizabeth R. Rindskopf, 16 Apr 90.

CURRICULUM VITAE OF CIA DEPUTY DIRECTORS AND GENERAL COUNSELS WHO DID NOT HAVE SUBSTANTIAL PRIOR INTELLIGENCE-RELATED EXPERIENCE

A. DEPUTY DIRECTOR FOR ADMINISTRATION

Murray McConnel (1 December 1950–30 March 1951): McConnel was a businessman brought in by DCI Walter Bedell Smith and his DDCI, William Jackson, first as CIA Executive, 16 October 1950, and then appointed as first DDA on 1 December 1950. Remaining only until the spring of 1951, he left CIA to return to private business.

Walter Reid Wolf (1 April 1951–30 June 1953): Wolf, another businessman, joined CIA on 16 February 1951 as a Special Assistant to DCI Smith, who a few weeks later appointed him as the second DDA, to succeed Murray McConnel. Wolf also returned to private business when he resigned as DDA in mid-1953.

Don I. Wortman (12 January 1979–16 January 1981): Wortman was proposed as DDA by Frank Carlucci, Stansfield Turner's DDCI. In 1972–1974 Carlucci had been Under Secretary of the Department of Health, Education and Welfare where Wortman had been a career civil servant. At the time appointed DDA, Wortman was Deputy Commissioner of Social Security, and Acting Commissioner. Resigning as DDA at the end of the Carter Administration, he left CIA to become head of the national United Fund in Alexandria, Virginia.

Max Hugel (13 February 1981–11 May 1981): Hugel served in the U.S. Army in World War II, and in 1954 founded Brother International Corporation, an importing and distributing firm, which he headed until selling his interest in 1975. He was Executive Vice President of the Centronics Data Computer Corporation in New Hampshire before taking leave to join the Reagan campaign in April 1980. On his appointment as DCI in January 1981, William Casey brought Max Hugel into CIA as Special Assistant to the DCI, and two weeks later appointed him DDA. As noted below, on 11 May 1981 DCI Casey appointed Hugel DDO.

B. DEPUTY DIRECTOR FOR OPERATIONS

Max Hugel (11 May–1 July 1981): Having joined CIA in January 1981, and served (as noted above) as DDA from February to May 1981, Hugel was then appointed DDO by DCI Casey. After a series of press reports of alleged improper stock-trading practices, Hugel resigned from CIA on 1 July 1981. Hugel subsequently won a libel judgment against the individuals who had made the accusations against him.

C. DEPUTY DIRECTOR FOR INTELLIGENCE

Loftus Becker (1 January 1952–30 April 1953): Becker, a lawyer who had served as a military adviser at the Nuremberg War Trials, was brought into CIA on 29 November 1951 by DDCI William Jackson. Before becoming CIA's first DDI he served a month as Assistant to the DCI and in the Office of the Deputy Director for Plans (the 1951–1973 title for the DDO). When Becker resigned in February 1953 he was replaced as DDI by *Robert Amory*, anothr Harvard-educatted lawyer whom Becker had recruited into the Agency in 1952 with such a role in mind. On leaving CIA, Becker became a Washington partner of the law firm of Cahill, Gordon, Reindel & Ohl, and later served as a legal adviser to the Department of State, 1957–1959.

Robert R. Bowie (11 October 1977–17 August 1979): Robert Bowie was a graduate of Princeton and Harvard Law School who after serving in the Army in World War II, had been a Harvard Law professor, General Counsel to the U.S. High Commissioner for Germany, Director of the Policy Planning Staff and Assistant Secretary of State, as well as founder and director of Harvard's Center for International Affairs. He was a Professor of Government and International Affairs at Harvard when Stansfield Turner appointed him Director, National Foreign Assessment Center (D/NFAC—the title for the DDI, 1977–1982) in October 1977. He resigned as D/NFAC and left CIA to return to Harvard in August 1979.

D. GENERAL COUNSEL

Anthony A. Lapham (1 June 1976–9 May 1979): Lapham did his enlisted service in an Army intelligence detachment (doing photo interpretation). This brief Army exposure probably would not be considered to be "substantial" intelligence-related experience. Before joining CIA as General Counsel, Lapham practiced law with the Washington litigation firm of Shea & Gardner, where he returned after CIA and remains today. Lapham was selected as a result of a systematic search in early 1976 by then-DCI George Bush to find a new General Counsel from outside of the intelligence world. This presumably had its roots in Bush's efforts to restore congressional and public confidence in CIA, in the wake of the Church and Pike Committee investigations.

Stanley Sporkin (18 May 1981–10 February 1986): After graduating from Penn State in 1953 and Yale Law School in 1957, Sporkin clerked for the presiding judge of the U.S. District Court for Delaware and had a solo practice in Washington, D.C. before joining the Securities and Exchange Commission (SEC) in 1961 as a Staff Attorney. Sporkin became Deputy Director of SEC's Division of Enforcement while William Casey was SEC Chairman, 1971–1973, then served as Director of that division from 1974 until DCI Casey appointed him CIA General Counsel in May 1981. He left CIA in 1986 on his appointment as a judge in the U.S. District Court for the District of Columbia.

Russell J. Bruemmer (16 January 1988–16 April 1990): After graduating from the University of Michigan Law School in 1977, Bruemmer served as law clerk to the Honorable William H. Webster, United States Court of Appeals for the Eighth Circuit. In February 1978, after Judge Webster became Director of the FBI, Bruemmer was appointed as his Special Assistant until June 1980, when he became the FBI's Chief Counsel for Congressional Affairs. In 1981 he went into private practice with the Washington firm of Wilmer, Cutler & Pickering, where he worked primarily in corporate and commercial areas (including federal regulation of financial institutions and commercial financing transactions). Bruemmer joined CIA in September 1987 as Special Counsel to DCI Webster, to investigate allegations of misconduct by CIA employees in the Iran-Contra affair. Judge Webster then appointed him General Counsel in January 1988. Resigning as General Counsel in April 1990, Bruemmer returned to Wilmer, Cutler & Pickering.

New York, NY, September 6, 1991.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR JOHN: I am very sorry that I will not be able to appear before the Intelligence Committee at the scheduled hearings. I am pleased, however, to express my views with respect to the proposed legislation contained in S. 1003.

I concur with the view expressed in your "Dear Colleague" letter dated May 21, 1991, to the effect that the Senate confirmation process provides an important forum to assess the competence of individuals for high-ranking posts in the Federal Government, and to serve "as a check against possible executive Branch politicization of these posts." I support wholeheartedly the provisions of S. 1003 requiring presidential appointment by the President, with the advice and consent of the Senate, of the six officials of the Central Intelligence Agency specified in the bill. These officials not only advise the Director of Central Intelligence about critical elements of policy, but also play a significant role supporting the entire national security infrastructure. The roles they play in the national security system are of signal importance. Moreover, as you state in your letter of May 21st, Senate confirmation of these positions will also serve to create confidence and improved understanding between the nominees and the Legislative Branch. Contrary to the argument advanced by some, the Senate confirmation process will help to prevent politicization of these positions.

As you know, I have served for many years in various positions in the Federal Government requiring Senate confirmation. I have worked with officials of the CIA serving in the six designated positions during my tenure as Secretary of the Army, Deputy Secretary of Defense, and Secretary of State. On the basis of my experience, I can see no harm and only good coming from the proposed legislation.

Sincerely yours,

CY VANCE.

BIOGRAPHICAL INFORMATION RICHARD K. BETTS

Richard K. Betts is Professor of Political Science and member of the Institute of War and Peace Studies at Columbia University. Born in 1947, he received his B.A., and Ph.D. in Government from Harvard University. He was a Senior Fellow at the Brookings Institution (1976–90) and adjunct Lecturer at the Johns Hopkins University's Nitze School of Advanced International Studies (1978–85 and 1988–90). He also served on the Harvard faculty as Lecturer (1975–76) and Visiting Professor of Government (1985–88).

Betts' first book, "Soldiers, Statesmen, and Cold War Crises" (first edition, Harvard University Press, 1977; second edition, Columbia University Press, 1991) won the Harold D. Lasswell Award for the best book on civil-military relations. He is also the author of "Surprise Attack" (Brookings Institution, 1982) and "Nuclear Blackmail and Nuclear Balance" (Brookings 1987); coauthor of "The Irony of Vietnam" (Brookings, 1979), which won the Woodrow Wilson Prize for the best book in political science, and "Nonproliferation and U.S. Foreign Policy" (Brookings, 1980); and editor of "Cruise Missiles: Technology, Strategy, Politics" (Brookings, 1991). His next book, to be published by Brookings in 1992, is on military readiness and U.S. strategy.

Betts has also published numerous articles on foreign policy, intelligence operations, conventional forces and strategy, nuclear weapons, arms trade, security issues in Asia, and other subjects in professional journals and edited volumes. He serves on the editorial boards of International Security, Orbis, The Journal of Strategic Studies, and Intelligence and National Security.

A former staff member of the Senate Select Committee on Intelligence, the National Security Council, and the Mondale Presidential Campaign, and consultant to the National Intelligence council and Central Intelligence Agency, Betts has lectured frequently at schools such as the National War College, Foreign Service Institute, and U.S. Military Academy. He is a member of the Council on Foreign Relations, International Institute for Strategic Studies, International Studies Association, and several other professional organizations. He is married to Adela M. Bolet, has two children, and lives in Teaneck, New Jersey.

AUGUST 1991.

STATEMENT OF VIEWS ON S. 1003

(By Richard K. Betts, Professor of Political Science, Columbia University)

(Prepared for Testimony to the U.S. Senate Select Committee on Intelligence, September 11, 1991)

Thank you for the invitation to testify. I favor the provision of S. 1003 that would mandate Senate confirmation of principal officials in the Central Intelligence Agency (CIA), but I do not favor the provision in the current version that would limit appointments for those positions to individuals "with substantial prior experience and demonstrated ability" in intelligence work. My remarks will focus primarily on the issue of confirmation.

Senate confirmation is the norm for high-level positions in executive branch agencies. This reflects the essence of the American Constitution, its emphasis on checks and balances and shared powers between separated branches of government. Unless we are to question this most basic aspect of our political system, therefore, the reasoning in favor of S. 1003 does not need justification as much as do the arguments against confirmation of high CIA officials. The burden of proof should lie on the opposition to this measure.

I will discuss in turn three general arguments that might be cited in opposition to S. 1003:

(1) The special need to maintain secrecy means that intelligence is not one of the functions of government that should be subjected to open scrutiny in the manner that we normally expect; special standards must apply. Especially in regard to the position of CIA's Deputy Director for Operations (DDO), publicity and open discussion of the role itself should be minimized.

(2) Because of the unique sensitivity of intelligence functions, extraordinary measures should be taken to prevent the "politicization" of CIA; normal confirmation proceedings would encourage politicization.

(3) Legislating the requirement of confirmation prejudices current reconsideration of the basic organizational structure of CIA.

SECRECY AND PUBLICITY

The first of these objections, in my view, has been met and settled over the past fifteen years by the development of the institutionalized oversight process. It is possible to argue that we should not have moved in this direction, but most of the water is over the dam. For better or worse, the existence and functions of CIA's Operations Directorate have already been admitted in official government documents. Requiring confirmation of the Deputy Director would add nothing to the problem, if there is one. If we can assume that confirmation hearings would be in executive session, and that transcripts of hearings on the Director of Operations need not be published, the confirmation process itself should not aggravate the long-standing tensions between secrecy and democracy.

POLITICIZATION

The second objection deserves the most careful consideration, and I will devote most of my remarks to it. By the term "politicization" I mean the imposition of partisan or ideological criteria on intelligence work. To argue that a process of confirmation would politicize the positions in question, it seems to me, has the point backwards. Confirmation should do more to prevent politicization than to promote it, for two reasons.

First, the confirmation process can only check, not compel. That is, it can only block the executive from appointing a given individual, it cannot force the appointment of anyone with a particular viewpoint or loyalty preferred by Congress. And in practice, the legislative check is not used frivolously. While many may get an uncomfortable grilling before committees such as this one, it is extremely unusual for a presidential appointee in the executive branch to be rejected, and then rarely if ever on ideological grounds alone. (The situation may be tougher for judicial appointees, but probably because of the lifetime tenure attached to such positions.)

The second reason is that, under current practice, nothing at all stands in the way of politicization of these offices by the administration. Considering the difference between the power to appoint and the power to review the appointment, politicization comes from the executive more readily than from Congress. If a President or Director of Central Intelligence (DCI) wish to put unqualified political cronies in sensitive CIA positions, they can do so, as of now, without challenge. This has not happened often, but it has happened. The unfortunate case of Max Hugel's brief tenure as DDO in 1981 is the unavoidable example. How much more politicized could we get than to have as the person in charge of covert action a man whose principal qualification was campaign work for the President?

If the confirmation process has any political effect, it is usually to give appointees who rise from career services some protection from being muscled politically by the leaders of the administration. Consider the example of chiefs of staff of the military services. While the confirmation of these Generals and Admirals is usually perfunctory, Senators in the past have sometimes used the occasion to get the service chiefs' agreement that they would testify frankly about their own views if they conflicted with those of the Secretary of Defense. This may not have made Presidents or their civilian lieutenants in the Pentagon happy, but that was because it limited their ability to force a career professional to compromise his professional judgment according to the partisan agenda of the administration. If any of the chiefs do not serve the administration effectively the President can get rid of them, but he cannot use them easily for his own political purposes. The process of confirming members of the Joint Chiefs of Staff and establishing their accountability to Congress, in short, helps safeguard the military against politicization.

In contrast, there are some important positions in the executive branch that are not subject to confirmation, because they are not expected to be accountable to Congress. These, however, are usually the officials most politically identified with the administration's program, such as the White House Chief of Staff and Special Assistants. It is assumed that they are intimate political confidants of the President, involved in advising him on policy goals and political strategy for achieving them, so having them accountable to Congress would compromise their ability to serve the administration. At the same time, since they are essentially personal advisers or assistants, in principle, and are not responsible for administering large agencies or supervising the performance of expensive legislated programs, there is less need to subject them to oversight. The Assistant to the President for National Security Affairs has been exempt from confirmation on such grounds. Other positions which began in that mold, such as the Director of the Bureau of the Budget or the Chairman of the Council of Economic Advisers, later were made subject to confirmation when their roles had evolved beyond personal advice and staff assistance.

The point in short is that the high-level positions exempted from confirmation have usually been exempted so that Congress could not interfere with the President's political control of those appointments, because it was recognized that those positions are and should be politicized, and the President's discretion in dealing with them should not be compromised. Conceivably one could argue in opposition to S. 1003 that high CIA positions should fall in that category, but that would hardly be a persuasive or popular position in the wake of the Iran-Contra scandal. (Moreover, the positions named in S. 1003 are major administrative ones rather than purely advisory.) If the argument against politicization is on grounds that professionalism in intelligence should be safeguarded and loyalty to the law rather than to a political group should be the norm, then confirmation is the solution, not the problem. Which should be the model for the principal positions in CIA—the military service chiefs, or the White House Chief of Staff?

On the other hand, we should also recognize that in reality several of the CIA positions in question are inevitably entangled in policy, whether we prefer the principle of rigid separation of intelligence and policymaking or not. The Directorate of Intelligence produces estimates that are not policy documents, yet cannot help but have implications for policy and cannot help but be criticized politically if their conclusions are unwelcome. The Directorate of Operations, in turn, embodies the most sensitive and controversial instruments of U.S. policy abroad, most notably the capacity to execute missions that are illegal in the countries in which they are carried out, and for which the United States would not wish to admit responsibility in public.

With luck, the supervision of these units will never be contaminated by partisan political manipulation. But as the Founders understood, we would be foolish to trust in luck, and would do better to rely on institutional checks and balances. Past controversies over allegations of improper politicization of DDI analyses or DDO covert action projects did not occur because questioning or pressure from the legislative branch corrupted the objectivity or wisdom of these units' activities. They occurred because there appeared to be insufficient control of these activities by the executive, or too much of the wrong kind of control. Second-guessing by Congress may not always help, but it is more likely to limit political pressure on intelligence agencies than to cause it.

REORGANIZATION

This could be the most practical immediate reason to defer requirements for confirmation, if it is really probable that the positions named in S. 1003 might be abolished and replaced by others. The units in question, however, are the most basic organizational entities in CIA, and most of them have existed for decades. Moreover, the main issue should take precedence—the issue of whether the high-level positions in CIA that are comparable to Under or Assistant secretaries in the State and Defense departments or chiefs of staff in the military services should be subject to confirmation. If that issue is settled by passage of S. 1003, it should not have to be a major legislative matter to approve a reorganization and redesignation of positions requiring confirmation if the reorganization goes so far as to change the identities of the principal directorates. The possibility of reorganization, in fact, is virtually constant in modern American government (indeed, one of the crosses the intelligence community had to bear from the late 1960s to the early '80s was the rash of major reorganizations that kept disrupting the pace of work). If the possibility of reorganization is an excuse for avoiding the issue of legislative confirmation of executive appointments, it could be a permanent excuse.

LIMITATION OF QUALIFICATIONS FOR APPOINTMENT

In its current form, S. 1003 stipulates that the appointments in question "shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence. * * *" This is not a good idea. First, it is not necessary in order to prevent abuses of appointment power; second, it would be a step backward by precluding the occasional choice of first-rate candidates who would be the best for the job.

On the first point, the logic of the confirmation process is that it provides a check on executive judgment, not that it threatens to substitute legislative appointment power for the authority of the executive. If appointees are subject to confirmation, then the Senate can assure itself that any nominee has satisfactory professional qualifications. That judgment can and should be made individually. If a majority of senators believe that only career professionals in the intelligence business should fill these positions, they can enforce that view anytime the question comes to a vote. There is no need to chisel the requirement in stone.

There is, on the other hand, a good reason not to chisel it in stone. Once in awhile there may be legitimate grounds for having a well-qualified outsider in one of these positions. The best example I can think of is Robert R. Bowie, who in the late 1970s was Director of the National Foreign Assessment Center (the temporary redesignation of the Deputy Director for Intelligence in that period). Bowie was not an intelligence professional, but he was superbly qualified for the job. He had wide-ranging high-level experience at the policy level during the occupation of Germany, as Director of Policy Planning in Eisenhower's State Department, and as State Department Counselor under Dean Rusk. That background enhanced his ability to understand how the policy level deals with intelligence analyses, and to make policymakers aware of critical analyses that they otherwise often ignore.

In addition Bowie was a law professor and director of the Center for International Affairs at Harvard, academic credentials quite relevant to the problems of marshalling good analysis in the service of government policymaking. (A similar example in a Republican administration would be Henry Rowen, a chairman of the National Intelligence Council under DCI Casey, after a distinguished career in the Defense Department, as President of the Rand Corporation, and at Stanford Business School. Chairman of the NIC, it is true, would not be subject to the provisions of S. 1003, but the principle I am getting at is the same.)

Cases like these would not be common, but in the uncommon instances when such an individual is available, he or she should not be barred by legislation from serving. If the President or DCI makes a bad call in appointing an outsider, let the confirmation process itself reveal the mistake. To sum up, the solution is not to prevent the nomination of anyone by statute, but to prevent unchecked appointments—to give the Senate a chance to review the nominations of both the Hugels and the Bowies, not to keep the executive from nominating either sort.

I would delete the section in S. 1003 on "Qualifications for Appointment." If it is felt that the presumption in favor of appointing career professionals needs to be reinforced, perhaps a compromise would be to insert the word "normally" or some other such qualifier in the phrase "shall be limited" in section (b). The principle would be underlined, but a loophole would be left for special cases that might warrant it.

The reason to approve S. 1003's provision regarding confirmation and to disapprove the one stipulating professional qualifications is not that we should treat CIA just like any other agency. In important respects, obviously, the delicacy of CIA's missions is extraordinary and requires the greatest care in administration and oversight. Such sensitivity, however, does not mean either that the executive should be given more autonomy or less flexibility in staffing sensitive positions than it has with other bureaucracies. It is precisely because intelligence is an important and sensitive business that the classic rationales for checks and balances should apply. Loopholes can be left for special circumstances (such as appointment of non-professionals) if the legislative branch is guaranteed the chance to review the circumstances; loopholes are dangerous only where the executive could exploit them without the knowledge of Congress. By affirming the checks, it is more reasonable to preserve the flexibility, since the executive flexibility is harder to abuse than it is when the legislative check is absent.

LT. GENERAL WILLIAM E. ODOM, DIRECTOR OF NATIONAL SECURITY STUDIES

Lt. Gen. William E. Odom, USA (Ret.) is Director of National Security Studies for Hudson Institute and an adjunct professor at Yale University. He is stationed in the Washington office of the Indianapolis-based Institute.

As Director of the National Security Agency from 1985 to 1988, General Odom was responsible for the nation's signals intelligence and communications security.

From 1981 to 1985, General Odom served as Assistant Chief of Staff for Intelligence, the Army's senior intelligence officer.

During the Carter administration, from 1977 to 1981, General Odom was a senior member of the National Security Council Staff and military assistant to the President's Assistant for National Security Affairs, Zbigniew Brzezinski. At the NSC, General Odom worked on strategic planning, Soviet affairs, nuclear strategy, telecommunications policy, terrorism, and Persian Gulf security issues.

General Odom graduated from the U.S. Military Academy in 1954. He received an M.A. in Political Science from Columbia University in 1962, and a Ph.D. in 1970. He also attended the Army Language School and the U.S. Army Russian Institute. His military education includes the Armor Officer's Advanced Course, Airborne School, Ranger School, and the Command and General Staff College.

After troop duty in Germany, General Odom completed the Army's 4-year Russian Area Specialty Program, which included his master's work at Columbia. He served as a member of the U.S. Military Liaison Committee to Soviet Forces in Germany and as Assistant Army Attache in Moscow. General Odom also taught Soviet Studies at the U.S. Military Academy and served as a Senior Research Associate at Columbia University's Research Institute on International Change.

General Odom has written widely on Soviet political and military affairs. His book, "The Soviet Volunteers," was published by the Princeton University Press, and his articles have appeared in such journals as World Politics, Foreign Affairs, The National Interest, Foreign Policy, Problems of Communism, The Washington, Quarterly ORBIS, Military Review, and others.

General Odom is a member of the Council of Foreign Relations, the International Institute for Strategic Studies, The American Political Science Association, and the American Association for the Advancement of Slavic Studies. He holds an honorary degree from Middlebury College.

TESTIMONY FOR THE SENATE SELECT COMMITTEE ON INTELLIGENCE

(By Lt. Gen. (ret.) Wm. E. Odom)

SEPTEMBER 11, 1991

Good afternoon Mr. Chairman and members of the committee. It is always an honor and a challenge to appear before this committee. Today is no exception in your tradition of asking hard questions.

You have asked me to comment on the draft legislation, S. 1003, which would require Senate confirmation of several additional officials of the Central Intelligence Agency. Is it desirable that they be added to the long list of executive branch officials already requiring confirmation? Would it strengthen the committee's oversight of the CIA? Would it help avert irregular behavior by these officials? Would it tend to politicize or professionalize those positions?

My first reaction to the proposed legislation is ambivalent. While I do have enthusiasm for it, I cannot say that it will inevitably be harmful. I can understand the motivation for it in light of the Iran-Contra affair. If it is your judgment that public perceptions make it imperative for confidence in the CIA, I am in no position to challenge that view. Being invited to testify, however, has forced me to think through some of the likely consequences and dynamics if the bill becomes law. I propose to share those thoughts with you, not as a strong advocate either for or against legislation.

On the positive side, the bill does make it appear that the Senate is pursuing oversight of the CIA more aggressively. That in turn, should allow the Senate to defend CIA activities more effective to the public. Perceptions are important. That should be acknowledged.

It can also be argued that confirmation would prevent the appointment of nonprofessional outsiders whose claim to the posts owes more to their political ties than their competence. That has not been a big problem in the past, but in principle it could become one.

Finally, it can be claimed that Senate scrutiny of appointees will identify potential weaknesses in competence and character, making it less likely that the incumbents will violate either policies or laws.

On the negative side, I first see a number of problems. First, Senate confirmation is no assurance against deviant behavior by officials. The committee has occasionally been unhappy with incumbents whom it confirmed.

Second, while Senate confirmation can be used to insure high standards of professional competence in an appointee, confirmation also inherently politicizes a post, making it possible for the President to treat it as justly part of the political spoils that go to the winner of an election. In that event, political loyalty is likely to stand above professional competence as a criterion for appointment. Furthermore, a confirmed official is generally expected to serve only as long as the President, leaving when the President leaves.

I seriously doubt that the committee intends this kind of outcome. The Deputy Directors of Intelligence, Operations, and Science and Technology are positions that would be greatly damaged by that kind of practice. Continuity between administrations, not change, is more appropriate. Moreover, the possibility that political criteria could undermine the professional criteria now attached to these posts would, I am sure, disturb the members of this committee.

As I am sure you have noticed, this argument is precisely opposite to the one I made for favoring the bill; that is, the Senate could insure that the President or the DCI does not undercut professional standards in making these appointments. Here you find the basis for some of my ambivalence. I believe both arguments have merit. Yet they are incompatible arguments. As you force me to think about the problem, I see it as a matter of choosing between two kinds of risks and two kinds of advantages. In making a choice, one ought to be mindful that the Senate now confirms the DCI and the DDCI.

The Senate already has a lot of leverage with those two. Extending the list could be seen as a sign that the confirmation process has not worked well with the DCI and DDCI. You confirm appointees whose judgment in making lower level appointments you do not respect or trust. The remedy would seem to be better standards in their confirmation or resort to impeachment, not the expansion of a procedure that failed to prevent the source of the problem.

I do not, however, believe the arguments against the bill apply to all six of the positions proposed for confirmation. The general counsel seems to me to fall in a different category and involve a different set of competences. In fact, I do not see good arguments against confirmation of that position. The case I am making applies to the other five.

A third argument is that the CIA is not like other agencies, and the personal and professional lives of its officials are necessarily kept out of the public eye to the extent possible. If the confirmation process involved looking back into the behavior of an official while he served in a clandestine post, this could present a security problem, not just in the revelation of activities but also in providing foreign intelligence services with a better idea of the personality and experience of the nominee. That information can be of value to them.

Fourth, I am concerned about the possible adverse incentive structure Senate confirmation could create for CIA officials who aspire to these posts. They must not only perform well in the eyes of their superiors; they are also likely to believe they must cultivate a political constituency among members of the Senate and their staffs. The leadership of an intelligence organization is difficult in its own right. It is different from most other executive branch agencies. Its personnel are required to live out of the public view, even keeping their families uninformed of their professional lives and achievements. Among the more senior officials, who believe they could be candidates for these posts that would require Senate confirmation, there would be more than the normal incentive to become publicly known. I do not see how this could fail to make the job of the Director of the CIA more difficult.

It can be instructive to realize that a similar kind of problem exists for the military services. Institutional discipline would be undercut if ambitious officers believed their political standing in the Senate were a critical factor in their careers. You now have a way of handling that problem with commissioned officers. There is a formal process for approving promotions for all ranks up to major general. And a similar process is followed for position appointments to three- and four-star posts.

I would find a similar process for CIA personnel far more acceptable than the one proposed in S. 1003. Until the National Security Act of 1947 and the creation of the CIA, of course, the OSS personnel were military, and they fell under the military promotion confirmation system.

A case for re-militarization of the CIA could be made. Intelligence is a kind of combat, a part of warfare. The appropriate discipline and professional standards of personal honor have always appeared to me to be the same as for the military. There is, however, no military-like ethos for such standards among civilian employees of the intelligence community, and there is no formal institutionalization of it with ranks and formal responsibilities. Nor, insofar as I know, are intelligence operatives of the CIA under anything like the Uniformed Code of Military Justice. Lacking both the instruments of the military for positive incentives and the UCMJ for negative incentives, the leaders of civilian intelligence agencies have an especially difficult task. Certainly the Director of the CIA has more special sanctions over personnel matters than the Postmaster General or the Secretary of Agriculture, but the personnel management system there is closer to those departments than it is to the armed services in most ways except for security clearances. The security standards may be very high, but they relate to loyalties to foreign states, not to loyalties to informal groups and values within an intelligence agency that conflict with organizational values. The very essence of the professional military ethos is that an officer subordinate his loyalties to informal small groups to the larger institutional values. The service academies, ROTC programs, and officer candidate schools strive to inculcate the ethos from the day a young person is sworn in. The academies, but they nonetheless seek to recover from those setbacks, and they institutionalize and sustain that ethos. There is no equivalent formalized and institutionalized ethos for the intelligence agencies.

I am not proposing this solution. I am only pointing out that there are alternatives to S.1003 that might promise far greater substantive results for the ends your committee seeks.

Now I would like to step back from the particular case we are discussing and reflect on the larger trend in congressional-executive relations concerning confirmation of senior officials. The numbers, I believe, have grown, and they probably will continue to grow. What are the larger implications of such a trend? It seems to me to have invited a higher degree of politicization of appointments and to have left the President with a weakened ability to implement both the laws the Congress passes and the policies he pursues.

The popular view is often expressed that the executive branch has grown much stronger vis-a-vis the Congress. Admittedly, where one stands on such issues depends on where one sits. As a serving military officer deeply engaged in the interaction between the two branches, I was always impressed by the greater strength of the Congress. Both continuous and periodic monitoring of program development and policy implementation cause a diffusion of power in that process, not only in the administration but also within the Congress, a diffusion that has weakened the Senate and House leadership and the chairman of several of the committees. Where this diffusion is reflected in the growing number of positions requiring Senate confirmation, the impact has not always been the appointment of more effective officials. It has been paralysis on occasions, leaving positions unfilled, or confusion about Presidential policy because the incumbent must satisfy two sources of policy direction, one from the President and one from the Congress, or sometimes several conflicting ones from the Congress.

Perhaps this kind of effect will not result from S. 1003, but I am inclined to believe it could. Let me explain. Last spring I testified before this committee on intelligence community organization. I noted that unlike other intelligence organizations, which are institutionally within the major users of the intelligence product, the CIA is not. That separate status inherently gives it more discretion than any other intelligence agency in responding to users of its products. One of the major consequences of the emergence of the congressional intelligence committees has been to encourage the CIA to use that discretion for serving congressional intelligence interests, sometimes above executive, branch interests. Making additional CIA officials subject to Senate confirmation certainly will not retard that tendency, and it could increase it.

I am not suggesting that the CIA should not provide the Congress with intelligence products it may demand. But I am suggesting that the first purpose of intelligence is in support of executive branch operations. And when those operations are not successful because of apparent intelligence failures, the Congress is among the first to condemn the intelligence community for poor performance. Thus it is clear that Congress sees the priority of the intelligence community's services as first to the executive branch. I do not believe, however, that the intelligence committees in Congress are always aware of the negative impact they sometimes have in the incentives they create for the CIA to shift those priorities. This is not to blame the CIA for the shift. It is to identify the incentive structure that almost insures it no matter who the incumbents are at the CIA. Their lot in this regard is not enviable. They face strong cross-pressures.

Let me offer another line of thinking about the wisdom of adding positions at the CIA to the list for Senate confirmation. I have long been puzzled by the legal concept of oversight. In principle I strongly support checks that make irregular behavior in all parts of the intelligence community difficult and sure to be discovered if they occur. I deeply share James Madison's view of human nature and the necessity for checks and balances. In principle, congressional oversight of the intelligence community should provide that kind of balance.

In practice, however, it seems to me to have failed at times and also to have generated a lot of activity that has little to do with achieving the real intent of oversight. To elaborate, is oversight really presight or aftersight? It has moved strongly toward presight. Yet aftersight within a reasonable period of a few week or months is certainly adequate to prevent any intelligence agency from subverting the constitution in an irreparable way.

When it is presight, it can easily become sharing in and approving executive branch decisions and directions. Not only does such a practice seem to violate the spirit of the separation of powers, but it also makes the Congress politically responsible if a directive it has approved goes awry and produces an untoward outcome. One can, of course, cite the Legislative Reorganization Act of 1946 which tells the standing committees to "exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject of which is within the jurisdiction of such committee." That guidance essentially calls for fairly close involvement in policy formulation and implementation.

In the domestic agencies, I see little argument against this kind of a competitive process. In national security, particularly military and intelligence affairs, it seems to me to need limits. Intelligence is a type of military operation. I do not believe that anyone wanted congressional presight of General Schwarzkopf's war plans or second guessing in his operations center as he conducted the war. Nor would anyone want Senate confirmation of his J-3, that is, his chief of operations, if he decided to change the incumbent. There is a point, therefore, beyond which congressional participation is quite different from domestic policymaking and implementation, even different from many aspects of foreign policymaking. In these operations, it makes better sense to take our chances while they are in progress. We can resort to political and professional accounting after we are sure of the outcomes.

In observing members of the intelligence committees over time, it has been apparent to me that some of them soon realize the dangers of encumbering themselves with presight and the political responsibility that inherently goes with it. They become comfortable with aftersight especially because its discovery of irregularities and bad outcomes puts them in a strong position to criticize the executive branch. At the same time, some members have been adamant that they share in the executive decisionmaking process. In a few instances, they have indeed had to take some of the public blame for poor executive branch decisions.

A former high-level legal counsel in the government, upon hearing me make this point, said that the Justice Department had looked at the legal origins and status of the concept of oversight. It is not explicitly in the Constitution. There one finds the power of purse for the Congress and the power to impeach. Oversight is a term of fairly recent use and ambiguous legal status in congressional-executive relations. Now this is only one legal opinion, but I believe it is useful in making us reflect. Moreover, a student of the Congress, writing about oversight in 1976, notes that scholars ". . . assess oversight differently at times because they are not talking about the same thing." He also observes that "the Joint Committee on Organization of the Congress worried at some length about appropriate terminology to describe the oversight function. . . . Their choice of 'review' to replace 'oversight' clarified very little."[1]

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[1] Morris S. Ogul, Congress Oversees the Bureaucracy (Pittsburgh: The University of Pittsburgh Press, 1976), pp. 5-7.

Oversight, whatever its origins and definitions, is here to stay. I do not see how we could go ahead without it because it seems to inhere in our constitutional structure. The question I raise is how best to define it and make it effective for the intelligence community. If it only amounts to increasing congressional infringement on executive prerogatives and an accumulation of small laws and practices created incrementally without reflection on their overall direction and consequences, it has fewer prospects of being effective. I do not pretend to have the answers from a reflection on the overall direction it has taken, but I do want to suggest that "aftersight" deserves your consideration in such a reflection.

This committee's oversight of the intelligence community is not unlike the relation of a corporate board to a business's management personnel or a university board to its president and administration. Its major tasks are to raise money and change the management when it fails to produce the desired outcomes. When boards drift into micromanagement of institutions, involving themselves in the day-to-day business of decisions, siding with different factions within the management, they soon find themselves with two unhappy circumstances. First, they are part of the management problem that disturbs them. Second, they lack the independence to impeach the management. Boards, to be sure, cannot sit back and simply wait to see what happens. They must stay informed and involved in selected ways. They must find a proper balance between the extremes of excessive passivity and excessive involvement.

Against this larger picture of the Congress's relations with the executive branch in general and the intelligence community in particular, I believe you can see why I have a mixed reaction to S. 1003 except where it concerns the general counsel at the CIA. At the same time, I admit that it is not easy to apply.

The great virtue I see in the proposed legislation is not in its details or in whether or not it becomes law. Rather it is in the set of critical questions it forces one to think about and to struggle to answer. The bill's author, Senator Glenn, has performed a great public service in causing us to address them. Perhaps others who are wiser can find unambiguous answers. I cannot. The questions keep forcing me to see the difficult search for balance between power and possibility, between political trust and professional integrity, and between institutional exigencies and the public good.

Thank you for the honor of appearing before you in such important deliberations, and I have the highest confidence that you will bring them to a sound conclusion.

ALLAN E. GOODMAN, WASHINGTON, DC

Allan E. Goodman is Associate Dean of the School of Foreign Service at Georgetown University, Director of the Master of Science in Foreign Service Program and Professor of International Affairs. He teaches courses on the theory and practice of international negotiation and the future of the international system. In addition, he conducts specialized research on intelligence problems and systems and their influence on U.S. foreign relations and policy development.

Since assuming the position of Director of the Master of Science in Foreign Service Program at Georgetown in 1980, Dr. Goodman has built the course into one of the premier institutions for professional, graduate-level training in diplomacy and international relations. He also founded the "Women in Foreign Service Program" designed to enhance the operational effectiveness of women in international service careers, and the Georgetown Leadership Seminar which annually brings to the School of Foreign Service key younger leaders from the public and private sectors to discuss the forces and trends likely to shape the international system in the 21st century. To date, some 260 leaders, representing 74 countries have participated in the seminar. Dr. Goodman is also a guest lecturer at the Foreign Service Institute of the Department of State and is Co-Chair of the IBM International Personnel Institute and the IBM Educational Symposium, hosted by Georgetown University.

Prior to joining the Georgetown faculty in 1980, Dr. Goodman served as Presidential Briefing Coordinator for the Director of Central Intelligence and as Special Assistant to the Director of the National Foreign Assessment Center. Dr. Goodman was Chairman of the Department of Government and International Relations at Clark University (1971–74) and a National Fellow at Stanford University's Hoover Institution (1974–75). He received his Ph.D. in Government from Harvard University in 1971, and is the author of ten books and over fifty articles on international affairs. He was awarded a Doctor of Laws Degree, honoris causa, from Mount Ida College in May of 1991.

From 1972–74 Dr. Goodman was also a guest columnist for the Christian Science Monitor, a consultant to the Department of State, and a witness on WGBH–TV's "The Advocates." He has also served as an advisor to the U.S. Information Agency, to the WGBH–TV Vietnam History Project, and as commentator on NBC Radio. He is a frequent guest on the Voice of America's "Encounter" program which is broadcast to 120 million listeners worldwide, and contributes columns on intelligence and foreign policy problems to the Los Angeles Times and its syndicate.

Dr. Goodman's publications include: The Lost Peace: America's Search for A Negotiated Settlement of the Vietnam War (called by Stanley Karnow in his Vietnam: A History, "an excellent correction to [Henry] Kissinger's own account of the Vietnam Negotiations" and cited as major "Book of Reference" in The Statesman's Yearbook) and Negotiating While Fighting: The Diary of Admiral C. Turner Joy at the Korean Armistice Conference. He is co-author of Strategic Intelligence and American National Security, published by the Princeton University Press in January 1989, (now in its third printing), and co-editor of the recently declassified The Central Intelligence Agency: An Instrument of Government, to 1950, by Arthur B. Darling, and General Walter Bedell Smith as Director of Central Intelligence, October 1950–February 1953, by Ludwell Lee Montague.

JUNE 1991.

[Statement Before the Select Committee on Intelligence, U.S. Senate, September 11, 1991]

THE CASE FOR S. 1003

(By Dr. Allan E. Goodman, Associate Dean, School of Foreign Service, Georgetown University)

Mr. Chairman, I greatly appreciate the chance to testify in support of S. 1003. I know this legislation is opposed by the top management of the intelligence community and that some members of this committee have doubts about enacting it until a major review can be completed of how U.S. intelligence should be funded and organized in the wake of Iran/Contra, and until more is known about the significance of the end of the Cold War and the breakup of the Soviet system and empire. But this bill is one immediate step to take that would substantially improve and benefit the management of the intelligence community, however such a review comes out.

As the attached will substantiate, I have been in favor of Senate confirmation of the top managers at the CIA since 1981. The reasons I advanced at that time are no less valid today. It is an anomaly that the DDO, DDI, and DD S and T, particularly, are not subject to Senate confirmation. They have far more power over and impact on American foreign policy, and expenditure of government resources, and relationships with other countries and their leaders than most of the Assistant Secretaries at the Departments of State and Defense and virtually every serving ambassador. Few outsiders appreciate the extent of the relationships that the top intelligence officers maintain with key officials in other countries, the degree to which such officials view our intelligence leaders as representatives of the highest echelons of the U.S. government, or the impact that their actions can have on the foreign policy and national security of the United States. Appointment to positions requiring the advice and consent of the Senate means that the executive will take those extra and careful steps to ascertain that the nominee—regardless of his or her politics—is fully qualified for the job and can withstand independent scrutiny. Furthermore, the privilege of appearing before a Committee of this body to assure the members that the appointment is proper and appropriate reinforces in the nominee a recognition of the constitutional role of Congress as an integral part of the U.S. governmental process. The top leaders of the CIA—unlike those at DIA and NSA who, as serving military general officers are at least theoretically subject to Senate review—need to come in from the cold and fully embrace our democratic process. S. 1003 in my view is, thus, long overdue.

What I want to focus on today is why intelligence professionals—the most likely pool of candidates from which such appointments will be made—should actually want to be confirmed.

Congress is rapidly becoming a major consumer of the intelligence product. It makes good sense to know these customers and to start out by winning their confidence. Numerous laws now require that Congress be kept informed of all anticipated intelligence activities in a timely fashion. This creates a clear requirement for the top management of the CIA to be candid with this committee. Nothing helps more to reinforce this notion than starting in the job with an appearance before Congress and assuring them that the appointed individual will consider it a part of his or her personal responsibility to make sure that such communication will take place and that the truth will be told. Congress funds the CIA. The ups and downs of the intelligence budget reflect both the real needs that the intelligence community has for resources and also the confidence that Congress has in the Agency's agenda. And that confidence can best be fostered by the relationships that are developed between the oversight committees and top Agency officials. Too often, in the past, these relationships have been adversarial, and far too often the top echelon of the Agency's management have felt that they owed their jobs and loyalties exclusively to officials in the executive branch.

I feel quite strongly that we should not have DDOs and DDIs who enter office with these presuppositions. But the present system creates the impression that the CIA should be exempted from the process of checks and balances by which our nation is governed.

I can foresee no downside to S. 1003. The legislation will not result in politicizing the corps of professionals who collect and produce the intelligence product. Most intelligence officers today realize that the thrust of this Committee's studies and those conducted by the HPSCI is to alert policy makers to and caution them against any practice that would breach the line between intelligence and partisan policy advocacy. So, the argument that S. 1003 would suddenly reverse this trend—or cause the executive to appoint only persons who were known to hold particular political views on national security questions—is unconvincing to me.

Equally unconvincing is the argument that enacting this legislation should be postponed until such time as the intelligence community has completed its own review of how it should be organized in a post Cold War environment. Short of disestablishing the CIA, the collection and analysis of information will remain at the core of CIA functions. There will always be a head of operations and of intelligence analysis, no matter how greatly the scope or nature of such work varies.

Finally, S. 1003 makes sense because it proposes a safeguard against the abuse of the resources and power of the intelligence community. Such safeguards are always timely. There have been far too many abuses of intelligence in recent years to assume that even the aftermath of and penalties associated with a scandal as egregious as the Iran/Contra Affair will prevent others from happening. At the core of most of these scandals have been individuals who have thought they were at liberty to set themselves above laws made by Congress. In part, I think this happened because they were not required to come before this committee in order to get their job in the first place. I hesitate to speculate whether the passage S. 1003 would have prevented Iran/Contra. But I am certain that without S. 1003 we invite future trouble that the nation, and especially the CIA, can ill afford.

[From the Baltimore Sun, August 26, 1981]

M Is Not for Max

(By Allan E. Goodman)

WASHINGTON.—Americans probably know more about "M," Ian Fleming's fictional British spymaster, than they do about any man who has served in that capacity in the United States. As he appears in the James Bond movies, "M" is a man whose business practices and language are above reproach. In the Fleming novels, "M" is portrayed as a senior civil servant with a strong political base in Parliament and close relations to key Cabinet ministers.

America has not had a spymaster with such political influence since Benjamin Franklin! In 1775, Franklin masterminded a plan to steal gunpowder from the British arsenal in Bermuda and was the chief U.S. operative in Europe in 1776 (under orders of the Committee of Secret Correspondence). Lincoln, in contrast, hired the Pinkertons to conduct his intelligence operations, preferring to keep clandestine operations at arm's length from his government.

General William Donovan, head of the wartime Office of Strategic Services, appointed close personal associates from both his law practice and his service at the Justice Department to lead the first U.S. efforts at intelligence operations on the eve of World War II. All had political connections and influence with key European leaders that served General Donovan and the OSS well. But since the creation of the Central Intelligence Agency in 1947, the clandestine service has been headed by professionals brought up through the ranks.

The emphasis on professionalism in the choice of DDO (Deputy Director for Operations) has produced uneven results. The Bay of Pigs fiasco was hatched under the leadership of the DDO. Some DDOs have also been quite public and controversial. For example, Thomas Karamessines figured prominently in Church Committee revelations of CIA involvement in planning the coup against the government of President Salvador Allende in Chile and of the agency's failure to destroy snake venom poisons despite presidential orders. Two DDOs have graduated to become director of central intelligence, or head of the CIA: Richard Helms and William Colby. Both were more controversial after their tenure than during it. Mr. Helms were severely criticized by congressional investigations for keeping too many secrets; Mr. Colby by his associates for keeping too few.

Judged by any standard, Max Hugel, a New England businessman, was singularly miscast as head of operations. He lacked relevant or recent experience in a very complex and sophisticated craft. He apparently was not a discreet person to do business with, as the published excerpts of his telephone calls and corrspondence suggest. If Mr. Hugel had a close personal relationship with CIA Director William Casey, it proved insufficient to win his initial acceptance by the rank and file in the agency or, later, to shield him from essentially the same type of "investigation" that Richard Allen, the president's national security adviser, survived in 1980 during the campaign. Mr. Hugel resigned.

What should the president and the public now learn from the Hugel Affair?

The most fundamental lesson is that head of operations at CIA is too sensitive an appointment to be left entirely to the discretion of either the head of the CIA or the professionals in operations. The person in this position has far more of an impact on national security and the conduct of foreign relations than most assistant secretaries (who require Senate confirmation) at the State or Defense departments. The deputy director for operations should, therefore, also be subject to Senate confirmation.

Why hasn't this been considered before? With the end of World War II, the Congress (and President Truman) couldn't wait to get out of the wartime spy business and the ranks of the OSS were severely pruned as a new "Central Intelligence Group" was formed. When the CIA was created in 1947, the clandestine operations section was a relatively small unit, and Congress was much more concerned with such issues as whether the director of central intelligence would be a military man or a civilian, and how he would relate to the departmental intelligence units that served the secretaries of State and Defense. My review of the congressional hearings surrounding the establishment of the CIA, moreover, suggests that in 1946 and 1947 Congress had little conception of how large the operations part of the agency would become or what impact its activities could have on the conduct of foreign relations. For almost three decades thereafter, Congress regarded the head of operations as a preserve for careerists rather than as a political appointment.

But the Hugel Affair suggests that Congress cannot count on this always being the case. In addition, the Congress and the public, too, require more accountability than ever before from the leaders of the intelligence community, among whom the spymaster is a key figure.

The experience of the past several years of congressional oversight suggests that such accountability can be had without jeopardizing national secrets. The Senate Select Committee on Intelligence—the committee which would logically hold hearings on a prospective DDO appointment—has effective and well respected security procedures. By going into executive session when appropriate, this committee could keep secret the things that need to be kept secret (e.g., the nominee's past involvement in missions and projects, the details of which are still classified).

Congressional scrutiny over such a key appointment would also help to assure that the person who occupied the post was known by the president and had his confidence. In Mr. Hugel's case, the confirmation process would have had a greater chance of uncovering the questionable activities that led to his resignation.

The Hugel Affair also raises questions about the thoroughness of the CIA background investigation and security clearance process. These are significant questions because of the serious damage that could be done to U.S. security if the CIA were penetrated by the KGB (or any other intelligence service, for that matter). It would be a mistake, however, to put too much emphasis on this particular episode. There was precious little time for professionals to conduct their investigations. There is a saying at CIA headquarters in Langley that "If the boss wants it real bad, he will get it real bad." This, apparently, was what happened in Mr. Hugel's case.

The Hugel Affair, in sum, gives the president a further chance to shape directly the development of U.S. intelligence services. Part of his interest is already evident in drafts of a new executive order governing intelligence activities and in the soon-to-be reconstituted President's Foreign Intelligence Advisory Board. President Reagan should now take a long overdue look at not only how the nation's clandestine services are run, but who is running them.

[From the Washington Post, Sept. 7, 1991]

Ex-CIA Covert Chief Indicted

(By George Lardner Jr. and Walter Pincus)

Clair E. George, former chief of the CIA's covert operations directorate, was indicted yesterday on 10 felony counts accusing him of lying and obstructing congressional as well as grand jury investigations of the Iran-contra scandal.

A federal grand jury returned the indictment after a closed session with prosecutors from Independent Counsel Lawrence E. Walsh's office that lasted almost six hours. The charges were leveled little more than a month before a five-year statute of limitations would have started to come into play, barring prosecution of most of them. Each of the counts carries a maximum penalty of five years in prison and fines of $250,000.

George, 60, is the highest-ranking CIA veteran to be indicted in Walsh's re-energized investigation into the involvement of agency officials in efforts to cover up the Iran-contra scandal.

In a statement issued by his lawyer, George, now a security consultant after 32 years at the CIA, vowed to contest the charges vigorously. Later, he appeared on the front lawn of his Bethesda house and called himself "a pawn in a continuous drama of political exploitation."

A major portion of the indictment rests on the testimony of Alan D. Fiers, former chief of the CIA's Central American task force and a one-time top deputy of George. In July, Fiers surprised prosecutors when he agreed to plead guilty to two counts of illegally withholding information from Congress and pledged to cooperate fully in winding up Walsh's 4½ year investigation.

Prosecutors had hoped, in turn, to be able to get George's cooperation in moving against higher-ups who might have been involved in illegally covering up the Reagan administration's worst scandal. According to informed sources, George notified Walsh's office Thursday that he would not cooperate.

George's lawyer, Richard Hibey, said yesterday, "this prosecution should never have been brought" and went on to describe George's past contributions to the nation's security. Hinting at the kind of defense he plans to make, Hibey said George has "risked his life" and "has not profited one iota" from his service with the CIA. Echoing a theme that has been raised before on behalf of other Iran-contra defendants, the lawyer asserted that George was a victim of "complex and tortuous policy differences between Congress and the Executive Branch."

Eight of the 10 charges against George stem from allegedly false testimony he gave to three congressional committees that were investigating early elements of what turned out to be the Iran-contra scandal. The last two counts charge that George lied again in an appearance last April before the federal grand jury and thus attempted to obstruct justice.

As deputy director for operations, George was one of the agency's top four officials and had charge of the CIA's worldwide activities in covert action, intelligence collection and counterintelligence. A favorite of the late CIA director William J. Casey, he held the post from 1984 until December 1987 when he was allowed to resign following criticism of his Iran-contra role by House and Senate investigating committees.

The first three counts against George involve a Senate Foreign Relations Committee hearing on Oct. 10, 1986, which inquired about the CIA's knowledge of the shootdown five days earlier of an aircraft carrying military supplies for contra rebels operating in Nicaragua.

According to the indictment, George ordered Fiers the day before that hearing to make changes in a draft of George's opening statement in order to prevent disclosure of the role that then-White House aide Oliver L. North was playing in the contra resupply effort.

The grand jury also accused George of lying about his knowledge of other Americans involved in the resupply effort, including retired Air Force Maj. Gen. Richard V. Secord, who played a role in both the resupply effort and the covert sale of U.S. arms to Iran.

Asked about U.S. citizens who were supporting the resupply flights for the contras, George told senators at the closed hearing that "we were not aware of their identities." But according to yesterday's indictment, George had met Secord in a high-level staff meeting in the White House Situation Room on Jan. 20, 1986, and knew that Secord was involved with North "in efforts on behalf of the contras."

The next three counts deal with George's appearance on Oct. 14, 1986, before the House intelligence committee which was also investigating the Oct. 5 shootdown. The indictment accused George again of obstructing a congressional inquiry and making two false statements about his knowledge of individuals involved in the resupply effort.

The third congressional hearing cited in the indictment was held Dec. 3, 1986, by the Senate intelligence committee. There, George was questioned specifically about Secord and said he could not tell the committee what role the general played in the resupply operation.

But the indictment said George had complained about Secord's involvement in the "Iran initiative" to both Casey and to then-White House national security adviser John M. Poindexter shortly after the Jan. 20 meeting with the general.

George is also charged with impeding the investigation by not disclosing that he knew of the diversion of Iranian arms sales profits to the contra cause before the diversion was publicly disclosed on Nov. 25, 1986. Fiers, in pleading guilty last July, said that he told George of the diversion in the late summer of 1986 after being told about it by North.

Another two counts against George involve his repeating to the grand jury some of the alleged false statements he first made at the Oct. 10, 1986, Senate hearing.

[From the Washington Post, Oct. 10, 1990]

CIA DEPUTY DIRECTOR LINKED TO IRAN ARMS, TESTIMONY SHOWS

(By Walter Pincus)

Thomas A. Twetton, recently named as the Central Intelligence Agency's deputy director for operations, was deeply involved in the secret arms-for-hostages dealing with Iran, according to testimony before the congressional Iran-contra committees and former CIA officials.

Twetton, who in 1985 and 1986 was deputy and then chief of covert activities for the CIA's Near East division, dealt regularly with former White House aide Oliver L. North as the agency "case officer," handling the logistics and funds for the initial transfer of U.S. arms to Iran.

Twetton's 1987 testimony before congressional Iran-contra investigators was released to the public in 1988, but his name was deleted from the published version because he held a covert operations position. He was identified only by the abbreviation "C/NE," representing his job at the time as chief of the Near East division.

In his testimony Twetton outlined how he:

Worked to try to prevent then-CIA director William J. Casey from getting involved in an arms-for-hostages scheme using Iranian middleman Manucher Ghorbanifar in the summer of 1985.

Informed North in September 1985 of Ghorbanifar's questionable record in CIA's files.

At North's direction, set up with the Pentagon in January 1986 the first shipments of U.S. TOW antitank missiles that were to gain release of U.S. hostages held in Beirut.

Carried North's message to the Defense Department that the price for each weapon should come down from $6,000 to $3,000 apiece.

Was with North and others when they met with Iranian middlemen in February 1986 in Frankfurt, March 1986 in Paris and April 1986 in Washington.

Briefed former White House national security adviser Robert C. McFarlane prior to McFarlane's secret trip to Tehran in May 1986.

Knew of the overlap that North created by using retired Maj. Gen. Richard V. Secord and businessman Albert Hakim in both the Iran arms sales and aid to the Nicaraguan rebels in Central America.

Twetton testified that although he was aware that excess money was being generated by the arms sales, "it never occurred to me . . . that North was raking it off [for the contras]. That was beyond the pale."

Twetton's promotion, announced last month and effective Jan. 1, is not subject to Senate approval.

Robert M. Gates, who was Casey's deputy at the CIA for most of the Iran-contra affair, failed to get Senate approval to the Casey's successor, but was named by Bush as deputy national security adviser in the White House.

A handful of other CIA officials, linked to questioned contra activities, took early retirement or were penalized with reprimands or forced retirement when William H. Webster took over as CIA director.

Twetton's Iran-contra committee testimony includes several instances where he could not recall events that are still subject to dispute.

He could not, for example, remember a memo written by a CIA colleague in March 1986 that described how Ghorbanifar told North that the Iranian arms sales could be used in Central America for the Nicaraguan rebels.

"Well," Twetton said upon being shown the memo. "I don't know whether I saw that or not. If I had, I assure you that I would have regarded it like everything else that Ghorbanifar said."

Twetton also testified that he never tried to find out what caused the wide difference in the price charged the Iranians, about $20.5 million for weapons that had cost the CIA $6.5 million.

In the CIA announcement of Twetton's appointment, Webster said he was "very pleased that Tom has accepted this appointment. He has a very distinguished record of service, and I'm fully confident that he will do an outstanding job in leading the operations directorate."

[From the Washington Post, Jan. 8, 1987]

CIA SOUGHT RETROACTIVE APPROVAL

(By Dan Morgan and Bob Woodward)

In late November 1985, CIA Director William J. Casey and his general counsel, Stanley Sporkin, proposed to the White House an intelligence authorization that would retroactively legalize any "prior actions taken by government officials" in the secret sale of weapons to Iran, according to two sources who have read the document.

When asked by the Senate Select Committee on Intelligence in a recent closed hearing about the legal reasoning behind the Central Intelligence Agency's proposal, Sporkin testified that the president has constitutional powers to grant pardons and therefore could declare an action legal after the fact.

Sporkin, now a U.S. District Court judge here, confirmed last night in a telephone interview that he had written such a draft intelligence order. "I was given fragmentary information at the time which led me to the conclusion that we needed a presidential finding to authorize the agency's activity, and ratify all action that had been carried out," he said.

Sources said Sporkin testified before the Senate intelligence committee that it was not unusual in the corporate world for someone in authority to bless an activity retroactively. The alternative, Sporkin told the committee, would be to back date documents, which Sporkin said he would consider improper.

The proposed "finding," as a presidential authorization for an intelligence action is officially known, was sent by Casey to Vice Adm. John M. Poindexter, who was then deputy national security adviser.

President Reagan never signed this draft; a revised version dated Jan. 17, 1986, was signed by the president, secretly authorizing the sale of U.S. weapons to Iran and ordering the CIA not to disclose the operation to Congress, which didn't learn of it until last November.

Retroactive approval was not included in the Jan. 17 finding that Reagan signed, sources said.

Sporkin's draft finding regarding Iranian arms transactions was a one-page order dated Nov. 25, 1985, which said that "prior actions taken by government officials are hereby ratified." The document was drafted after then-CIA Deputy Director John N. McMahon discovered that the agency had provided assistance to Lt. Col. Oliver L. North, then a staff aide of the National Security Council, in shipping missile parts to Iran as part of an attempt to free American hostages held in Lebanon.

U.S.-made missiles had first been shipped to Iran by Israel with secret White House approval in September 1985. Subsequent shipments of more than 2,000 TOW antitank missiles were made in 1986 until the operation was publicly disclosed last November.

The draft order written by Sporkin—which is documented in a lengthy but still unreleased report of the Senate intelligence committee—was indicative of what one former CIA official yesterday described as "bad legal advice" provided to Casey by Sporkin and the CIA general counsel's office during the early months of the Iran operation.

Sporkin testified that he wanted to ensure that the CIA was properly protected legally because he understood that the assistance provided North had been authorized by the White House and conformed with Reagan's wishes, according to informed sources. It is unclear whether Casey, who is recuperating from recent brain tumor surgery, was questioned about the document when he appeared before the Senate committee.

It was also learned yesterday that CIA officials at the operational level had "clues" earlier than has been publicly acknowledged that money generated from U.S. arms sales to Iran was moving into nonagency accounts abroad.

A former CIA official who has seen the stacks of documents and testimony provided to the Senate committee, said, however, that there was no indication in this record that the CIA was involved in the diversion of the funds or that intelligence officials knew that the money was being diverted to aid the contra rebels fighting the government of Nicaragua, as Attorney General Edwin Meese III said in November.

"Every so often there would be a glimpse of money moving into accounts other than CIA accounts," the former agency official said. "They knew that outside the government, money was going somewhere."

Information available up to now has suggested that the CIA's first knowledge that funds were being diverted abroad through the arms sales to Iran came early last October. Casey said last month that his first tip about this occurred at that time, when a Canadian business acquaintance, Roy Furmark, told him some of the profits earned by middlemen involved in the arms sales may have been diverted to aid the contras.

The CIA's role in the secret shipment of U.S. arms to Iran in 1985 and 1986 is detailed in the Senate committee's declassified report. On Monday, the report was caught up in partisan wrangling in the Senate, when Republicans on the intelligence committee were unable to muster enough votes to force its release, despite a plea from the White House.

Overall, according to the source, the report depicts the CIA, as too passive in not maintaining control of U.S. covert operations and relinquishing some of that responsibility to the National Security Council staff. Once Casey gave his backing to the Iranian initiative, the agency began to play an active supporting role.

The Senate report portrays the agency as providing logistical backup, such as setting up bank accounts into which money to reimburse the U.S. government could be paid, but apparently not raising serious questions about the NSC's covert program until at least the middle of 1986.

The agency's role in the covert Iranian program will be a prime focus of the coming House and Senate special inquiries into the Iran arms sales-contra aid affair. Under the 1989 law that gives Congress oversight of covert actions, the CIA is supposed to provide timely notification of all such clandestine operations; there has been bipartisan criticism of the administration in this episode for at least 10 minutes.

Accordingly to one source familiar with the Senate committee's report, the panel did not determine what happened to the funds raised privately on behalf of the contras. One reason was that the CIA was cut out of this knowledge under the system of middlemen through which the NSC carried out the arms sales to Iran.

[From the Washington Post, June 25, 1987]

THE TAKEOVER OF STANLEY SPORKIN

(By Mary McGrory)

Fans of Stanley Sporkin during his time as the Securities and Exchange Commission's chief enforcer often wondered what happened to him after he followed William J. Casey over the river to Langley and became general counsel for the CIA.

Now, thanks to the Iran-contra hearings, they know more. Among other things in his days with the spooks, he took orders from Ollie North. Sporkin didn't blink an eye when in January 1986 North called him up and told him to stitch up an "expanded finding" on the arms sales to Iran.

Sporkin, a voluble and assertive man, whose name struck terror into malefactors in Wall Street, was cordially hated as a meddler, a stickler and a menace. His tenacity and zest for hounding people who jiggled their accounts and bribed their customers made him an ogre in the takeover set.

But Sporkin, who left the Central Intelligence Agency last year to become a federal judge, seems to have loosened up considerably at Langley. When he was leaving the SEC, there was much speculation that a man who had spent 20 years training bright lights on dark corners of American business would be out of sync with an agency that operates in secrecy.

Known as a liberal Democrat with a strict Republican view of law and order, Sporkin once said that "morality was going the way of detente."

But he fitted in with the spooks better than anyone could have thought.

When, for instance, he was told on Nov. 25, 1985, that the Reagan administration was covertly selling arms to the ayatollah—and, in fact, had sent two batches—the only thing he thought of was that "this kind of activity . . . should have a finding by the president."

A finding, he explained to the committees, "is a determination by the president of the U.S. that a certain activity in a foreign country, which is undisclosed, is necessary in the interest of national security."

Not everyone in his then-new circle felt that a finding was necessary. There was no argument, of course, on not notifying Congress.

"It was stiff legal advice, believe me," said Sporkin. He added with some complacency, "It's not the everyday legal advice I gave."

It certainly wasn't the kind of advice he gave when he was reading the riot act to greedy brokers. But by Langley standards, apparently, it was tough stuff, and Sporkin saw himself at the barricades. "Some people think I might have pulled the trigger too soon."

The committee lawyer who questioned him, Tim Woodcock, pointed out that the Hughes-Ryan law, which even spies are supposed to observe, calls for presidential approval of a covert action before it actually occurs.

Sporkin, who spoke in the loudest voice yet heard in the hearing room, obviously thought that the counsel was being picky and just a little bit unrealistic: "Well, I think it is important, obviously, in the perfect world. . . . to have the president authorize it, everything, in writing beforehand."

But he didn't "flyspeck" it, and he retroactively authorized the third shipment, which had occurred within hours of his decision on the finding.

Sen. William S. Cohen (R-Maine) said that he had backdated the ratification of something that occurred without a presidential finding.

Said Sporkin, showing the cavalier spirit that informed the North-Casey orbit: "You can't straitjacket the president. . . . Someone can go out and do it, and later on you can do the paperwork." Strains of Fawn Hall's seminal declaration that "sometimes you have to go above the written law."

Sporkin gave the committee its second glimpse of backdating in 48 hours. The day before, another ex-official of the CIA had been on the stand telling how he had backdated two bills for North's security system.

The bill had already been paid by sorcerer North's apprentice, Richard V. Secord, but Glenn A. Robinette, a veteran of 20 years' service at Langley, didn't quibble. Without hesitating, he sent out two bills dated at appropriate intervals and got in return two fanciful missives from North, one typed on a machine that had its letters filed down to show the passing of time.

Robinette, who has an aureole of white hair and watery blue eyes, is the antithesis of Sporkin, being small, meek in manner and almost inaudible.

In the end, though, they sounded much the same. There was the same rueful, limited, situational contrition.

Asked if he did the right thing, Robinette said, "In sending the bills to Col. North? No, I wouldn't be sitting here. . . ." His voice trailed off.

Invited to voice second thoughts, Sporkin replied with a nervous laugh, "If this is what it has caused, obviously that is an easy decision."

There must be something in the air at Langley.

[From the New York Times, July 19, 1981]

A DEPARTURE LEAVES FEW REGRETS AT THE C.I.A.

(By Philip Taubman)

WASHINGTON.—At the end of June, expressing confidence that his stewardship of the

Central Intelligence Agency was progressing smoothly, Director William J. Casey sent a memorandum to all employees, notifying them that the agency was lowering its public profile. "The difficulties of the past decade are behind us," Mr. Casey said.

He had spoken too soon. In a sudden upheaval last week, the director of clandestine operations, Max C. Hugel, was forced to resign amid charges that he had participated in fraudulent securities transactions when he managed an electronics business in the 1970's. Mr. Hugel called the allegations "unfounded, unproven and untrue."

To many, the sudden departure of Mr. Hugel was a relief of sorts. By most accounts, he had disrupted the agency since arriving there in January as a special assistant to Mr. Casey. For some C.I.A. officials, Mr. Hugel's appointment, after his stint as a lieutenant in Mr. Regan's election campaign, raised questions about political directions the agency might be taking. Mr. Casey, before being named Director of Central Intelligence, managed Mr. Reagan's presidential campaign.

Even before his resignation, Mr. Hugel had been blamed for damaging the agency's relations with Congress and with foreign intelligence services. "Max Hugel was the wrong man for the job," said one member of the Senate Intelligence Committee. "Every time he came up here for executive sessions, he seemed to lack a grasp of his business." Consequently, Mr. Hugel won't be missed by many within the agency and on Capitol Hill.

The securities fraud charges, made by two former business associates of Mr. Hugel, did not involve any wrongdoing while he was at the intelligence agency. But there was some concern about the combination of the Hugel affair and disclosures last week that a Federal judge, ruling on an old lawsuit, had found that Mr. Casey had once knowingly misled investors in a business that went bankrupt in 1981. "If Casey's effectiveness is hurt," said one official, "and he loses influence at the White House and on the Hill, then it's clearly a serious setback to the rebuilding of the agency."

THE CRISIS WITH A SILVER LINING

With the exception of Watergate-related abuses, including President Nixon's use of the C.I.A. to thwart Federal investigations of the original burglary at Democratic National Committee headquarters, the agency has remained relatively aloof from domestic politics. When Mr. Casey named Mr. Hugel Deputy Director for Operations, making him responsible for managing clandestine and covert operations, it appeared to some officials that the political contamination had spread to the agency's uppermost sanctum.

The timing could not have been worse. After taking over the C.I.A., Mr. Casey made the rebuilding of its clandestine services his highest priority. All the collection of intelligence by human agents, including American "moles" inside enemy governments, and covert actions by American agents, fall within the purview of the operations division.

The division has been drawn down over the years by budget cuts and has been plagued by a continual crisis of confidence that began in the mid-1970's with Congressional investigations that disclosed the use of violent and bizarre operations, including the assassination of foreign leaders.

Mr. Casey apparently thought that Mr. Hugel, a brash, hard-driving dealmaker, possessed the right qualities to inject efficiency and imagination into the clandestine services. Moreover, Mr. Hugel was unswervingly loyal to Mr. Casey. Colleagues described their relationship as much like that between a father and son.

Privately and publicly, Mr. Casey was an enthusiastic supporter of Mr. Hugel, repeatedly praising his deputy's abilities. "Bill thought Max would be great at developing and running covert operations," said an intelligence official. "He forgot that half of Max's duties would involve dealing with Congress and foreign services. In the latter, his personal style couldn't have been less helpful."

Mr. Hugel's tenure coupled with the manner of his departure, probably set back the operations division, officials at the agency said. Morale may be bucked up, however, by the rapid appointment last week of John H. Stein, a well-regarded agency veteran, as Mr. Hugel's replacement.

Liaison with foreign services has also suffered. Long distrustful of the C.I.A. because of uneven leadership and seemingly constant leaks of information, foreign intelligence agencies were apparently appalled at Mr. Hugel's lack of experience and finesse. Several Israeli officials were so shaken by their first encounter with Mr. Hugel, officials said, that they refused to provide him with the identities of colleagues in Israeli intelligence.

For some members of Congress, the Hugel affair has reawakened concerns about the management of the C.I.A. and prompted discussion about reasserting Congressional oversight. In recent years, the Senate Intelligence Committee has backed away from the kind of intense oversight favored in the period following the disclosure of C.I.A. abuses.

The departure of Mr. Hugel, once the controversy subsides, could ultimately work in Mr. Casey's favor. Assuming he survives the fallout, and recovers any influence lost at the White House and Congress, Mr. Casey may be better able to advance the agency's interests without the distraction and irritation generated by Mr. Hugel.

For example, Mr. Casey and Admiral Bobby R. Inman, the Deputy Director of Central Intelligence, have struggled for several months to gain agreement from other agencies and the White House on a new executive order to govern the activities of United States intelligence services. The issue, officials said, has often pitted C.I.A. leadership against the White House's National Security Council staff, with the C.I.A. generally favoring continuation of prohibitions against domestic spying, according to White House aides.

Mr. Casey has also attempted to improve the quality of intelligence analysis after discovering that many of his agency's analysts neither know the languages of the countries they watch nor have traveled to those countries.

For the moment, however, the main concern for officials at the agency's headquarters in Langley, Va., is to get the Hugel affair behind them. "Everybody, especially Bill Casey, is a little dazed," said one official.

[From the New York Times, July 15, 1981]

EX-C.I.A. DEPUTY IS VIEWED AS LACKING PROFESSIONALISM

(By Robert Pear)

WASHINGTON, July 14.—Before his resignation today, Max C. Hugel was in charge of the largest directorate in the Central Intelligence Agency, the branch responsible for covert action and clandestine counterintelligence overseas.

Mr. Hugel did not fit the mold for that job in two respects: He had not had a career in professional intelligence work; instead, he had been a businessman in New Hampshire and worked on the Reagan campaign staff in last year's Presidential election. And, unlike most of his predecessors, he did not come from an Ivy league-style "gentleman's club" background.

Mr. Hugel's title was Deputy Director for Operations. Before March 1973, the job bore the title of Deputy Director for plans. William E. Colby, who held the position in 1973 before he became Director of Central Intelligence, said in an interview today that he had asked James R. Schlessinger, then Director of Central Intelligence, to change the name because "plans" was a euphemism for what that part of the agency really did.

Besides Mr. Colby, two other men who had previously been in charge of the directorate for plans, or operations, were promoted from within the agency to Directors of Central Intelligence. They were Allen W. Dulles and Richard Helms. Mr. Dulles and Mr. Colby were graduates of Princeton, and Mr. Helms was a graduate of Williams College, an old liberal arts college in northwestern Massachusetts.

THE HEART OF THE AGENCY

"It would be very unusual to have a nonprofessional, a businessman, an ordinary civilian running the directorate for operations," said Thomas Powers, author of a recent biography of Mr. Helms. "That's certainly never happened before. That's one position where you want a professional. That's where the heart of the agency always was, and that's the office in which Presidents were always most interested."

Presidents took an interest in the office because its covert agents could, at the President's behest, foment unrest in foreign countries. In addition, the Deputy Director for Operations supervised the recruitment of spies overseas, collecting minutely detailed information about low-level clerks in Soviet embassies abroad.

The Deputy Director also had authority over counterintelligence operations designed to learn about Soviet activities in general, and supervised all forms of psychological warfare conducted and information disseminated by the agency overseas.

Officials in the Reagan Administration said that William J. Casey, the Director of Central Intelligence, had recruited Mr. Hugel because Mr. Casey thought his rough-and-tumble style was exactly what was needed to rebuild the clandestine service. Some agency officials had become extremely cautious about conducting covert operations after years of Congressional investigations exposing unsuccessful and aborted projects, including plans to assassinate foreign leaders.

ADEPT AT COMMERCIAL COVERS

In addition, Mr. Casey was said by agency officials to have believed that Mr. Hugel would be adept at helping develop commercial covers for American intelligence agents operating overseas.

Mr. Hugel, according to a biography distributed by the intelligence agency, specialized in Japanese economics at the University of Michigan, from which he was graduated in 1953. Earlier, he established a company, Brother International, to sell Japanese-made sewing machines in the United States.

Former intelligence agencies have criticized Mr. Hugel's appointment, saying he was an amateur in a job held in the past by seasoned professionals. Their animosity was so strong that a White House official suggested today that former intelligence officials might have encouraged disclosure of the information about Mr Hugel's stock dealings, which forced him to resign.

All of Mr. Hugel's predecessors had experience in intelligence work before they took charge of clandestine operations. Those who have held the position since Mr. Dulles are Frank G. Wiener, from 1952 to 1958; Richard M. Biseal Jr., 1958 to 1962; Mr. Helms, 1962 to 1965; Desmond FitzGerald, 1965 to 1967; Thomas Karameesines, 1967 to 1973; Mr. Colby, 1973; William E. Nelson, 1973 to 1976; William Wells, 1976 to 1977, and John McMann, 1977 to 1980.

[From the New York Times, May 22, 1981]

THE COMPANY MR. CASEY KEEPS

A certain skepticism is in order when the intelligence brotherhood complains that amateurs are taking over the Central Intelligence Agency. The Bay of Pigs wasn't exactly an amateur production, save in its humiliating outcome. Nor were the abortive attempts to assassinate Fidel Castro in the 1960's. But in the matter of Max Hugel, a New Hampshire businessman now turned spymaster, the consternation among old C.I.A. hands is surely understandable.

Mr. Hugel's most visible qualification is has long-time friendship with the C.I.A.'s Director, William Casey. According to his official biography, Mr. Hugel served as a junior Army intelligence officer during World War II. He has had three months' experience as a middle-echelon administrator at the agency's Langley headquarters, a.k.a. The Company. With only this background, he has now been promoted to head the agency's directorate of operations, which controls covert actions and clandestine intelligence overseas.

Plainly, Mr. Casey wants a loyal associate in this peculiarly sensitive post, which has been described as the most difficult and dangerous in the Government after that of the President. And Mr. Hugel earned that confidence when he resigned as an electronics company executive to help win the crucial New Hampshire primary victory just as Mr. Casey assumed command of the Reagan campaign. Mr. Hugel's political skills impressed old hands in that state, though they otherwise know little about him.

Still, winning votes in New Hampshire is one thing. Knowing the national security byways of Washington is quite another. And presiding over spy networks requires even more sophisticated knowledge and experience. Mr. Hugel's appointment is not subject to Senate confirmation, unlike the positions of C.I.A. Director and Deputy Director. So as a matter of law, Mr. Casey has every right to appoint a chum as spymaster. As a matter of policy, the appointment is questionable.

The C.I.A. is unlike any other agency in the degree of trust it demands from Congress and the public. That trust was grievously abused in a period not long ended. Who can be surprised if there are fears of a replay in an Administration that talks loosely about "unleashing" the C.I.A.? These fears are fanned when an outsider with tenuous credentials is given command of The Company's most free-wheeling division.

For security reasons, the Senate Intelligence Subcommittee has been reluctant to delve too deeply into the agency's secret operations. But the command structure is a different matter. Mr. Casey—even the President—have an obligation to explain what prompted the Hugel appointment, and to spell out the constraints on covert operations. That much light won't compromise the agency and would allay justifiable fears. In a double sense, The Company that Mr. Casey keeps is the public's business.

[From the Washington Post, July 15, 1991]

THE HUGEL FILE

The Max Hugel file, it turned out, was a little thicker than the CIA realized when it signed up the erstwhile New Hampshire businessman and Reagan campaign aide as deputy director of operations in May. The check that the agency ran on Mr. Hugel failed to pick up the tangled skein of certain of his business affairs that this newspaper brought to light yesterday morning. In the story, two former associates, tapes in hand, accused the nation's chief spymaster of engaging in improper or illegal "insider" stock market practices. Mr. Hugel denied all charges and, within hours, resigned.

The episode is a pie in the face of the CIA and its director, William J. Casey, who had rocked the agency's old-boy network, and raised eyebrows elsewhere, by choosing as his aide for covert operations and clandestine intelligence-gathering someone with no previous experience in those fields. The CIA is not the first organization to hire a bit hastily. Still, it has better reason and resources than most to proceed carefully. It is not hard to imagine scenarios—several novelists are probably at it already—with far graver endings than the resignation of an official whose difficulties lay entirely in his business past. That these difficulties were of a sort unquestionably familiar to Mr. Casey, a former chairman of the Securities and Exchange Commission, sharpens the question of how Mr. Hugel passed through the CIA screen.

In some quarters, Mr. Hugel's departure is being taken, and even celebrated, as vindication of the folly of bringing in an outsider to run the country's agents and spies. But, the tinge of social snobbism aside, this is a narrow view. His trouble came not in intelligence, in which he was an outsider, but in business, in which he was an insider. It has to be put down as a moot question whether the street-smart, free-wheeling Mr. Hugel would have done better or worse as a spymaster than those intelligence insiders whose shortcomings had made it seem sensible enough to install an outsider in the first place.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I listened closely to the statement of my friend, Senator GLENN. I am sorry to say I must rise in opposition to the pending amendment which requires the Senate to confirm an additional three officials to the Central Intelligence Agency, those three described as the Deputy Director for Operations, the Deputy Director for Intelligence, and the general counsel.

As has been noted, currently the Senate only confirms the Director, Deputy Director, and inspector general. I think the points raised by my colleague from Ohio are good ones. He clearly is interested in good, efficient government. We all have that in mind. And when he argues that the Senate confirmation process will ensure that high officials in the Agency will not be swayed by political consideration in doing their job, I know he has that intent. And it is certainly a noble goal and objective. But I seriously question whether the amendment itself is going to achieve that goal.

I think the amendment very well may inject political considerations in the process. It would, in the opinion of the Senator from Alaska, vice chairman of the Intelligence Committee, force three more persons to go through a political process when they are nominated by the President, and I think we have to recognize the process of nominating and confirming takes two steps.

The first is for the nominee to pass muster downtown at the White House. At times this involves, frankly, political considerations. I do not think there is any secret about it and every Member of this body would be naive to think otherwise.

The second step of the process involves the Senate confirming the nominee. Rarely do nominees fail to gain Senate confirmation. Sometimes, as noted yesterday, votes are quite close.

However, Mr. President, if the process starts with a political consideration at the White House, which it certainly does, these considerations will not necessarily be eliminated merely because the nominee comes before the Senate Intelligence Committee for confirmation.

What this means in reality is that career CIA employees, some of whom deal in the Nation's most sensitive intelligence collection activities in the Directorate of Operations, will have to be sensitive to political matters in attaining the highest position in the Central Intelligence Agency.

In other words, we are going to have to see they are elevated or they are going to have to be elevated or they are going to consciously be elevated to that political sensitivity. Otherwise, they are simply not going to be able to have, if you will, the visibility to be included in the selection process. They will have to understand that their career goals in reaching the top position in the Agency will not be realized unless, somehow, they get themselves enough attention so there is some political connection with the White House.

I fear for that. I think that in itself is the very issue here and the very concern we have.

So I do not simply understand how the argument of my friend from Ohio eliminates the political consideration from this appointment process.

Some would argue that confirming these three people will make them more accountable. Clearly, we all want accountability. It is so frustrating to see in the Agency the lack of accountability. One only has to look at the Soviet Moscow Embassy fiasco to wonder where the accountability went. Where did it go to the point where we allowed pouring of concrete forms offsite so the foundation could basically be bugged? You go in today and neither the Agency nor the State Department can address the issue of responsibility.

So, clearly, the question of accountability is important. But the problem is that there will be accountability to the White House and not necessarily to the oversight committee, because the White House is nominating the individual. I fail to see what we are attempting to fix here.

Senator GLENN has argued, strongly and very well, that one prior appointment in the early days of the Reagan administration was unfortunate. We would acknowledge that. While others may agree with the assessment, I have not discovered that there is any pattern of similar appointments made in the Central Intelligence Agency, and I think that was one of the arguments used yesterday on the floor in the Thomas matter—Was there a pattern?

To get back to the point, I see a pattern in this case of high-quality appointments in the Central Intelligence Agency in the top positions. For example, if we look at the current cadre of personnel, the current general counsel, Elizabeth Rindskopf, an outstanding civil servant who has provided enormous assistance to our committee on some of the most difficult legal questions that we face.

Tom Twetten, the present Director of Operations is a career professional who literally rose from the ranks of the most secret of all our services. It is no offense to Tom Twetten to wonder whether the personnel office in the White House, including those who are concerned with the issue, and that is politics, would even recognize his name let alone his accomplishments as an operations officer overseas.

I think we are unlikely to get people who have had a depth of training in senior positions to simply come in and take those positions as a consequence of the appointment process. It is more likely that the special nature of this type of intelligence gathering addresses the theory of coming from within the Agency; knowing the Agency; understanding its uniqueness, and, as a consequence, moving up.

Finally, Mr. President, the issue of micromanaging bothers me a great deal.

So, overall, I do not understand the problem we are trying to solve here. By and large, the quality of the deputies at the CIA has been, I think, very, very high. They appear to me at least to be professionals in their fields of endeavor. Persons who head the various directorates at the Agency should not be wondering whether they are pleasing somebody down at the White House who helped them get their jobs. And I think that is an important point to recognize. They should not have to have allegiance, otherwise they lose some of their objectivity.

There is another reason to oppose the measure. It weakens the DCI's ability, the Director of Central Intelligence, to manage the Agency itself. Under this proposal the Director of Central Intelligence would not be able to select or remove his subordinates.

I, having spent a lifetime in senior management, cannot imagine working under conditions of that nature. Those he wanted to promote would have to pass muster through the White House Personnel Office and the political process. In addition, this proposal would restrict his or her ability to remove those who are not doing their jobs.

I grant you the provision is in other agencies. But, let us face it, our Agency is different. It is structured to be different. Its budget is different. It is handled here on the floor in a different manner, and it warrants, I think, a different type of structure within. We only have to go back to the Agency's organizational chart to recognize that there are appropriate actions that have been taken relative to the confirmation process, by adding the inspector general, which was done a short time ago.

The appropriateness of that was questioned by some of my colleagues. But, clearly, if you are going to have an inspector general, you better have him independent of the DCI. That is a good argument. It is an argument that I accepted. But you just simply cannot accept the same application of principle in the case pending before us on the amendment.

So, as a consequence, at this time, the Intelligence Committee is trying to develop proposals to strengthen the authority of the Director of the Central Intelligence Agency to enable him to better manage the community.

I think the proposal before us, in contrast, would weaken the authority of the Director of Central Intelligence. It would not allow him or her to select the most important deputies of the agency. This seems to fly in the face of what our committee is trying to accomplish in our reorganization initiatives.

However, Mr. President, our committee, as many of my colleagues know, is in the midst of trying to determine the best structure and the best organization for the Central Intelligence Agency and the community in general to meet the challenges of the 1990's and beyond. We have not completed that process. As far as I am concerned, we are not far enough along in that process, but it is fair to say we have initiated collectively the determination to begin.

But the reason we have not is primarily because we have been involved in confirmation hearings. The chairman and I intend to redirect our energies after we vote on the Gates nomination and move to the reorganization initiative priority. But it seems to me that we should certainly include the proposal of my colleague from Ohio, the Glenn proposal, as one of several matters to consider in terms of the management structure at the CIA. However, I think it is inappropriate to adopt it now, at a time when we are talking about a new head of the organization. Adopting it in piecemeal fashion I think will defeat the objective of our committee to take a comprehensive look at all aspects of the intelligence community and to make sure that whatever changes we propose will make sense in the overall structure.

Mr. President, the chairman and I have been in discussion with our counterparts in the House and with Senator NUNN, Senator WARNER, and others on the reorganization initiatives. Our goals on many of the proposals are the same. But the means of attaining these goals is where I think we sometimes differ, and I think we do today. It is for this reason we tentatively agreed to delay the implementation of the reorganization initiatives until next year. This will provide us time with our hearings to think through in an orderly fashion those proposals that will have long-term impacts on the intelligence communities.

In addition, Mr. President, I am anxious to have the next Director of the Central Intelligence Agency confirmed and to then confer with him to get his views on reorganization initiatives. After all, Mr. President, we are going to hold him responsible and he should certainly have the opportunity to comment on the proposed reorganization initiative.

Finally, Mr. President, I believe that the Senate has to act to defeat this measure now and not wait to see the change that the Glenn proposal would provide. Simply put, Mr. President, the House of Representatives has no stake in the question of confirmation. Confirmation is our responsibility. I believe the Senate must act now to defeat the proposal.

Mr. President, I ask unanimous consent that the position of the President by letter dated October 16, which I intend to read in the RECORD, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, October 16, 1991.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: The Intelligence Authorization Act (S. 1539) will shortly be considered by the Senate. I understand that an amendment will be offered that would require Presidential appointment and Senate confirmation of six senior positions at CIA. Before the Senate takes action on the legislation, you should be aware of my strong opposition to this proposal.

The proposed amendment is unnecessary and would create the opportunity for the politicization of the intelligence process. Politicization of intelligence is unacceptable, and I am pleased that the intelligence provided by CIA to me and my predecessors has been straight and objective. CIA has been able to provide objective intelligence by being insulated from political pressure. The Director's ability to appoint his immediate subordinates has been critical in insulating CIA from political pressure. As a former DCI, I know how critical it is that these positions be filled with qualified individuals irrespective of their political associations or beliefs. My concern is that the confirmation process itself will inevitably create pressure on qualified candidates—either real or imagined—to conform their views to correspond to those that are perceived to be necessary to win confirmation.

My objectives to this amendment are shared on a bipartisan basis. I agree with Senators Hollings and Chafee that it is "premature to enact such legislation at a time when the Senate Intelligence Committee has just begun a comprehensive review of the structure and organization of the U.S. Intelligence Community." At the very minimum, the Senate Intelligence Committee should closely examine the need for this proposal and its possible unintended adverse consequences before action is taken by Congress.

I hope that I can count on your support to defeat this amendment when the Intelligence Authorization Act comes to the floor.

Sincerely,

GEORGE BUSH.

Mr. MURKOWSKI. Mr. President, this is a letter to the Senate majority leader dated October 16:

DEAR SENATOR MITCHELL: The Intelligence Authorization Act (S. 1539) will shortly be considered by the Senate. I understand that an amendment will be offered that would require Presidential appointment and Senate confirmation of six senior positions at CIA.

I will reference here that this is three as proposed in the Glenn amendment.

I continue the letter:

Before the Senate takes action on the legislation, you should be aware of my strong opposition to this proposal.

The proposed amendment is unnecessary and would create the opportunity for the politicization—

Or close to it—

of the intelligence process. Politicization of intelligence is unacceptable, and I am pleased that the intelligence provided by CIA to me and my predecessors has been straight and objective. CIA has been able to provide objective intelligence by being insulated from political pressure. The Director's ability to appoint his immediate subordinates has been critical in insulating CIA from political pressure. As a former DCI, I know how critical it is that these positions be filled with qualified individuals irrespective of their political associations or beliefs. My concern is that the confirmation process itself will inevitably create pressure on qualified candidates—either real or imagined—to conform their views to correspond to those that are perceived to be necessary to win confirmation.

My objections to this amendment are shared on a bipartisan basis. I agree with Senators Hollings and Chafee that it is "premature to enact such legislation at a time when the Senate Intelligence Committee has just begun a comprehensive review of the structure and organization of the U.S. Intelligence Community." At the very minimum, the Senate Intelligence Committee should closely examine the need for this proposal and its possible unintended adverse consequences before action is taken by Congress.

I hope that I can count on your support to defeat this amendment when the Intelligence Authorization Act comes to the floor.

Sincerely,

George Bush, President of the United States, with copies to the Honorable DAVID BOREN and the Honorable FRANK MURKOWSKI.

So, in conclusion, Mr. President, I think our obligation is to have a management structure for the Director of the Central Intelligence that provides for accountability, not one to micromanage the agency within the dictates of this body.

I see a number of Senators on the floor. It is my understanding that Senator DANFORTH would like to address the pending amendment.

I ask how much time remains on both sides Mr. President? It is my understanding we had 4 hours equally divided. Can you give us some idea of where we are?

The PRESIDING OFFICER. The time in opposition is 103 minutes. The time in favor is 85 minutes.

Mr. MURKOWSKI. I thank the Chair. I ask my colleague about how much time he might require.

Mr. DANFORTH. Maybe 10 minutes.

Mr. MURKOWSKI. I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, it is one of those rare ironies in the Senate that less than 24 hours after voting on the Thomas nomination, we are now debating whether to add three more positions in the Federal Government where the Senate is going to be involved in confirming the people who have been appointed to those offices.

We have just concluded yesterday a very tense debate in the U.S. Senate. Two strongly held views were expressed, but one thing that was held in common on both sides of the aisle is that something has gone very wrong with our confirmation process. I think all of us, Republicans and Democrats, believe that something was seriously wrong with the Thomas confirmation process and, as we reflect on what it was that was wrong, it included the participation of interest groups who were scouring the country for information, the use of confidential information by Senate staff, and the releasing of that information to members of the press.

Unfortunately, what happened with the Thomas confirmation was not unique in the recent history of the U.S. Senate. It has become something of an art form. If you want to accomplish your political objective, you leak confidential material, get it out to the press, and the press is very good at protecting confidential sources. That is what a free press does, and I understand that.

The fact of the matter is the method works. It brings results. To leak information to the press and to build a public uproar as a result changes votes in the U.S. Senate. It is a tried-and-true method of accomplishing political results. It has happened as recently as within the past 2 weeks. At the same time that the Judiciary Committee was considering the Thomas nomination, the Intelligence Committee was considering the Gates nomination. As part of that consideration, a closed meeting was held one night in the Intelligence Committee's room in the Hart Building, and it is my understanding from talking to the chairman of the Intelligence Committee that no sooner did we have that meeting, a confidential, closed meeting of the Intelligence Committee, than the contents of that meeting were leaked to the press. Where confirmations are concerned, the Senate leaks like a sieve.

A year or two ago, we had the confirmation of Mr. Ryan to be the Chairman of the Resolution Trust Corporation, and during the process of that confirmation the contents of his FBI report were leaked to the press at great embarrassment to Mr. Ryan and to his family. It was a violation of Senate rules, but Senate rules mean nothing, apparently, in protecting confidentiality. A complaint is made to the Ethics Committee. The Ethics Committee does its best, does not find out what happened, and that is the end of it.

I do not know; maybe there is some time in the Senate history when the leaking of confidential information has caused some sanction to occur, but it has not been in my time.

So we now have a situation where the method of operation among some of our people, either staff or Members—who knows who they are—is to get confidential information out in the public, get it in the public domain in order to accomplish the destruction of a nominee. And it has happened several times.

How ironic it is that less than 24 hours after voting on the Thomas nomination, we now have a matter on the floor of the Senate which would add three new positions for confirmation. I thought that what we were saying yesterday, Republicans and Democrats alike, was something has gone terribly wrong with our confirmation process. I thought that what we were saying was that we had to clean up our act in the Senate.

And now without cleaning up anything at all, without even getting out a dustpan, we have a proposition on the floor of the Senate to add three more people to the list of those who are to be confirmed, as though we are saying the present situation is not only just fine but it does not go far enough; we need more people to confirm.

Mr. President, these are not just any old souls who would be confirmed by the Senate. We are not talking about some Commission or some Assistant

Secretary of Labor, for example. We are talking about the Central Intelligence Agency and three of the most sensitive positions that there are in the Federal Government.

As a matter of fact, the Director of Operations is the most sensitive person in the Federal Government. The Director of Operations is a person who almost certainly has spent his or her entire career in the operations half of the CIA. This is a person who has spent an entire career not in the public eye but avoiding the public eye, as a matter of fact. And now we are supposed to have confirmation hearings on the Director of Operations.

I suppose someone would say, well, they do not have to be public hearings.

I must say, Mr. President, that in the real world of the Senate, the difference between public hearings and closed hearings has begun to escape all of us. The object is, apparently, to leave a closed hearing and blurt it out to the press. If you have gone to a closed hearing, it increases the value of the information you are going to leak. It is the law of supply and demand. The supply of information is limited, the demand is infinite, and the value of what you are spilling increases.

Mr. President, I hope before we start adding to the list of confirmable positions, and particularly before we add these three very sensitive positions to the list of those that are confirmable, we will in fact cleanup our own act. I think the time has come for a very close look at how we conduct our own business in the Senate. I think the time has come for a very careful analysis of how we conduct the confirmation process.

I believe that we, not only we in the Senate but the country at large, should focus on the process of confirmation. I believe that we should ask ourselves whether in the confirmation process anything goes, whether in the confirmation process there should be any limit at all on what we are willing to do to destroy a nominee. I believe we should focus on how we conduct ourselves here in the Senate before we exacerbate the problem and add to the list of positions in which we muck around.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS and Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. HOLLINGS. Mr. President, will the Senator yield 15 minutes?

Mr. MURKOWSKI. I will be happy to yield 15 minutes. Might I ask how much time remains on the opposing side?

The PRESIDING OFFICER. The Senator has 92 minutes remaining.

Mr. MURKOWSKI. I thank the Chair. I yield to my friend from South Carolina.

Mr. HOLLINGS. I thank the distinguished ranking member of our Intelligence Committee. Let me add in the same breath, under his leadership, under the leadership of our chairman, Senator BOREN, and the former ranking member, Senator COHEN of Maine, as the ranking member on the Intelligence Committee, we have had a very tight, operative ship.

And when I had been on the committee before their particular leadership, when there were some leaks, I deplored them. I tried to insist, but unsuccessfully, that we would take lie detector tests. There has been a lot of discussion about lie detector tests. They do not tell us necessarily whether you tell the truth or not. But it gives an indication from the responses whether a further probing is required and desired, and we use it with respect to the CIA, the FBI, the National Security Agency, and the Secret Service.

You cannot get that job right out there at the door, on the Capitol Police force, if you do not take a polygraph. I went down and took one myself. I do not want, ever, to ask the troops to do something I do not do. I flunked, I say to the Senator from Rhode Island. The very first question I started to answer, "In my humble opinion," and the needle just went right off the chart.

But in all candor and seriousness, I have been in this field 35 or more years as a member of the Hoover Commission task force. Can you imagine me appointed by a Republican President?—President Herbert Hoover. Gen. Mark Clark was the chairman of the commission; Capt. Eddie Rickenbacker, and others also served. We worked together in the McCarthy days. We got McCarthy's papers in 1954 and 1955. We had Richard Helms, Sherman Kemp, Bob Avery, Allen Dulles, and others in it at that time.

Now, I look advisedly at that era and at security today, and say, yes, we are doing well. But there is a point to be made that the Senator from Missouri has pointed out. That is, when these things become partisan, the leaks start. I have an outstanding staffer, and it is invariably a foot race, if I have missed an Intelligence Committee session, when I have had to be at another committee event—to see if he briefs me or if I brief him—because I have read the New York Times. Just 3 weeks ago we had such an occurrence. I quote from the New York Times of September 26, 1991: The headline reads, "Ex-CIA Official Is Said To Testify***Gates Cut Dissent." The very first paragraph reads.

> A former Central Intelligence Agency official asserted in Senate hearings today that Robert M. Gates actively suppressed dissent, slanted intelligence conclusions, and intimidated analysts who disagreed with his views in his years as a senior intelligence official, according to people familiar with testimony he presented before a closed session of the Senate Select Committee on Intelligence.

We are getting leaks like this all over now. It is just unfortunate. When we have nonpartisan private matters, we have not had that particular problem. But I note it now has surfaced with respect to the partisanship of the Thomas hearings before the Judiciary Committee, and the partisanship in the Gates hearings before our Intelligence Committee, which we will vote on in the committee on Friday.

I am shocked in the sense that, heavens above, do we never learn? I am like the Senator from Missouri. I believe that public hearings, confirmation hearings for the three top officials, under the Director of Central Intelligence, should be totally unheard of. This is not a policy body, the Central Intelligence Agency. As its title denotes, "intelligence" and factual findings are its mission, never, never, policy. That is one of the faults we find at this particular time—in the Robert Gates confirmation process—because there is no question in anybody's mind around here, 100 Members, that Bill Casey fashioned his intelligence to the policy, to the preconceived policy. That is counter to intelligence work. It never should happen, it never should be allowed. It violates the professional ethics of intelligence work.

What happens if we have confirmation proceedings for these officials? Try it on for size, Mr. President. Here I am, I come into clandestine service, and I operate there 10, 20 years, working my way up to the top, doing a good job, wherever they send me. I can be selected by a Director without the politicization, without the public hearings, and know I will not be barred. But if we had confirmation proceedings on these officals, I can tell you categorically that a top man in the clandestine service could not be appointed under this particular amendment. I happen to know the present top man in that service. He is outstanding, with years in this particular work. But I doubt if he could pass political muster because he has too much clandestine knowledge. He is bound to be examined.

Do not tell me about handling these confirmations in closed hearings because I just read a news story from the closed hearings. The closed hearings are sieves, as the Senator from Missouri said. Information goes out like gangbusters. You have to race your staffer and brief him for the New York Times and the Washington Post before he can brief you.

It is ludicrous to bring forth such a proposal for intelligence work. It is not as if the President would appoint a Secretary of Agriculture for farm policy or Secretary of Commerce or Deputy Secretary of Commerce for business policy. This particular agency is for naught policy, nonpolicy, no policy. Politicization of intelligence is our problem right at the moment. Why did we flunk in Afghanistan, Iran, Angola, Ethiopia, Iraq, Kuwait, the fall of the wall, the Soviet Union? Why do you think we have that sorry track record? Because of Casey. He was adamant in his view of the Soviets, and you had to play his game at the expense of your ethics.

Suppose I want to come along as a career man. I am aware that the Presidential appointment has to have senatorial confirmation. Why, I must start watching my P's and Q's politically because we have seen what can happen with a particular nominee here on national TV all over the weekend. So there is an old political adage: When in doubt, do nothing, and stay in doubt all the time. As a result you have, as a nominee one of these brilliant fools that smile, condescend, and obsequiously go along. You get nothing out of them. You certainly get nothing meaningful out of them. I think in essence that is what Schwarzkopf was saying to us from the gulf. He could not depend on the CIA intelligence. If he had waited for CIA to give the word, he would never have gone forward. They took the sharp edges of factual intelligence, shaved here smoothed here, and produced, in his words, "mush."

Now you want to institutionalize mush with this amendment.

Mr. President, there are letters here. The Senator from Rhode Island, Senator CHAFEE, yielded to me, because I have to get back in this conference on appropriations. But he has letters from the President, and the former Directors and others, that are very, very significant on this score.

But let us not, for Heaven's sake, go along with an amendment of this kind and really politicize the Central Intelligence Agency. It is bound to happen if we pass this amendment. We are not going to be able to really clean it up at CIA as we proposed to do.

I can be categorical in this sense because I publicly said I am worried about my friend, Bob Gates, because I do not think he is the proper man at this time. Too many, not just in the Soviet section, but in many analytical sections, say that he, to put it crudely, "cooked the books", adopted the intelligence, pressured that intelligence to conform to the Casey policy. So to go in there, he would have a tough time for 2 or 3 years to get things straightened out.

But I will bet this: I bet he will get a majority vote of our committee on Friday. I will bet also this, that he will probably get a majority vote in this Senate.

So I do my job conscientiously. I am not the mother superior around here on the mistakes we make. But I will back Bob Gates to the hilt on appointing his team. I do not want to be brought up here next year at this time and say, "Bob, what about so and so?" And he said, "Well, you know, you gave me some political appointments for Deputy Director for Intelligence, Deputy Director for Operations, and general counsel. I had to take them and put them through those hearings, and I am having a problem."

I want him to have a strong directorship. I can tell you, if you really want to weaken him, go along with this amendment. It is totally out of order and never should be brought up, particularly at this time with the track record of the confirmation process over the weekend.

I thank the distinguished Senator from Alaska. I yield the floor.

Mr. MURKOWSKI. I thank my friend from South Carolina and the Senator from Rhode Island.

I yield as much time as I think the Senator from Rhode Island might need.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. If I could be reminded at 20 minutes, I would appreciate it.

Mr. President, I have the greatest respect for the intelligence, integrity, and judgment of the distinguished Senator from Ohio. When he comes up with an amendment like this, Mr. President, I just say to myself, what can he be thinking of?

If I have ever seen an amendment that was the wrong amendment at the wrong time, this is it. Mr. President, I am not just talking about the wrong time being what Senator DANFORTH was referring to earlier—the bitter experiences we have been through in this Chamber and in this body, the whole U.S. Senate, over the Thomas confirmation. But it is the wrong time for a series of other reasons.

I want to point out to my colleagues in the Senate that right now in the Intelligence Committee we are contemplating a total reorganization of the intelligence community. Already we have held three hearings on this issue, and many more are expected this year. You might say: Oh, three hearings, what is that? You folks cannot be very serious. After all, why can't you finish by the end of this year?

Well, I want to point out that the most comprehensive and intelligent review of the reorganization of the Defense Department was the so-called Goldwater-Nichols Act. That took 3 years, 25 hearings, 10 markup sessions, and when it was done, it was done right. It is one of the finest things we have done in the Senate and the Congress for the benefit of the Defense Department.

So to say at this time that we are going to step in, we are going to have three more positions over there, setup in law, appointed by the President, sent up to the Senate for confirmation—the general counsel, the Deputy Director of Intelligence, and the Deputy Director of Operations—at the time while we are reviewing the whole agency, in my judgment makes no sense.

On another point, when you put somebody in charge, you want them in charge, and you want to hold them responsible. It is what we call "accountability." So we have, over there in the intelligence community, the Director of Central Intelligence. We confirm him. He is appointed by the President, subject to confirmation, and he is held responsible for what takes place.

Now we are saying: Oh, by the way, the President is going to appoint not only a general counsel, the person you have to turn to for advice on legal matters, but also two of the most important deputy directors you have, namely those for operations and intelligence. These are going to be political appointments.

You might say, well, we really do not intend them to be political appointments. Of course, they are going to be political appointments. What is the White House all about? They are going to send up political appointees for these positions. If I am correct, there have been some revisions. I would like the sponsor to tell me if I am correct—has the Senator altered his bill as originally presented? Am I correct that the individual appointed pursuant to this section shall serve at the pleasure of the President, and may be removed from office only by the President; is that the language still present?

Mr. GLENN. That is correct.

Mr. CHAFEE. I thank the Senator very much. So, furthermore, we end up with a situation where not only can the director not appoint his subordinates, he cannot even get rid of them. They serve at the pleasure of the President. Only the President can get rid of them. This includes the person the OCI is relying on for legal advice and counsel, and there is plenty of that which comes up in that agency. What is legal? How do I observe the Boland amendment? How do I not? What does it provide. When do I have to have a finding? When do I not need a finding? All of these are very important. He gets somebody in there whom he did not want to begin with and, once more, he cannot get rid of him.

Mr. President, we are in the process of selecting a new Director of that Agency. If all goes well, Mr. Gates will be confirmed very shortly. Or, if he is not, another name will come up and, presumably, that individual will be confirmed before too long. I certainly think we ought to let that individual get into the department, into the Agency, give us his views, come up with his thoughts, and let us hear them.

Now we are in a peculiar situation. For some reason, the CIA is singled out for these additional confirmations. There are no such confirmations in the National Security Agency, or in the FBI, or in the Defense Intelligence Agency. I do not know why in the Central Intelligence Agency we have this, without the others. There is only one thing we can assume: That hard on the heels of the approval of these three additional politically appointed positions we will start doing the same thing with the other agencies—the FBI, NSA, and the DIA.

One of the arguments that was made by the distinguished Senator from Ohio—and I will say this: Any time he is supporting an amendment on the floor, there is something to be heeded. He is a Senator who has been here a good deal of time, and who has given this some thought, so his views carry weight. He has just pointed out that in all the other departments, the Department of State, the Department of Defense, the Department of Treasury, the Department of Transportation, the Department of Housing and Urban Affairs, you name it, they are appointed positions.

So what is the matter with doing the same thing in the CIA?

Well, there is a world of difference. I served as a political appointee of the President in the Department of Defense. I was the Secretary of the Navy for 3½ years. Why was I appointed to that position? I was appointed to that position by the President in order that the President's policies could be carried out in the Navy Department. I got my orders from my boss, the Secretary of Defense—the Deputy Secretary of Defense, David Packard, and Secretary of Defense, Melvin Laird. They got their orders from the President of the United States.

Those orders came to me, and we would meet every Monday morning at 8:30 in the office of the Secretary of Defense. There we got our marching orders for the week. "You are going to reduce the size of the Navy." That is what I was told. "We have to get rid of a lot of those old ships. We have to cut the budget, and you ought to do it." I was carrying this out. I was a policymaker. Those were my instructions. I was a political appointee carrying out the orders of the elected official of the United States of America, the President.

That is exactly what we do not want in the CIA. We do not want somebody who is carrying out Presidential policy in the CIA, in the director of operations and in the director of intelligence. What is the director of intelligence? That is a fancy name. That means somebody who is head of all the analysts.

And the analysts are given a chore: Analyze what is going to happen in the Soviet Union, or do you see a breakup of the Soviet Union coming? Or, let us look into the future. Analyze what is going to happen in these Republics. Are they going to fly off by themselves and remain independent? Will they come back together in a confederation? Are they going to have problems with minorities within the various Republics? Are they liable to go to war with each other?

That is an order that is issued to the analysts, and they are to come up with a dispassionate, objective appraisal of what is going to happen.

They are not meant to be carrying the water for the administration and say that the President has come out very strongly that these Republics are going to be off on there own as independent entities, he has said that in a speech, and so forth, therefore you should come up with a justification for that speech. That is not what we want from those serving in the intelligence directorate. That is what we call politicization.

Mr. President, we have been through stormy hearings on the confirmation of Bob Gates, and what have been the charges? The charges have been Mr. Gates has politicized, the term is "cooked the books." There is no way in the world if this amendment is enacted, that a political appointment down in the next echelon below would not be liable to be charged, and probably accurately, of politicizing what came up.

Worse than that, Mr. President, if we have this confirmation process and the political appointment of those top jobs, anybody who wants to get ahead in the CIA in the lower echelon is going to know how to get ahead, and the way you get ahead is make points with the administration, tell them what they want to hear. They do not want to hear bad news, nobody wants to hear bad news. Tell them good news. Tell them what they want to hear, and they will think you are pretty good.

By golly, if you keep that handle on the front door polished up, pretty soon you will be appointed to one of these positions by the President. That is the danger of this amendment.

Mr. President, I feel very strongly, as you can gather, that what we would be doing if we adopt this amendment is fostering politicization within the very agency where we do not want it. There is a world of difference between the CIA, where you are seeking objective analysis, and policy making organizations. Indeed, Mr. President, I would point out that for many years the Director of CIA, that is the head of the CIA, was not a position that changed with administrations. Dick Helms stayed there. So did McCone. So did Bedel Smith. So did Alan Dulles. The whole purpose of the agency was not to have turmoil when a new administration came in.

The reason you have turmoil in the other departments is because you want policy carried out. If a new President comes in he does not want somebody that he is not acquainted with heading the Treasury Department, or heading the Defense Department, or the State Department. He wants his policy carried out.

But the CIA is an entirely different agency. I think it is more akin to the Federal Reserve. There you want the Federal Reserve to be an objective agency, not one that is jumping and leaping to the whims of the President, whoever the President might be, or change when the head of the party in power changes.

Now, for some reason the distinguished Senator from Ohio cut back his original bill. Originally he had six positions confirmed, and now he has cut it back to three. I do not know why three. If you are going to do it, do it. If you are going to have political appointees, have them right through. There are in effect six Deputy Director positions, and for some reason he cut it back to three. Why he cut the others I do not know.

Maybe he felt it would be a little more palatable, take it in small bites. But the principle is the same.

Mr. President, these are just my thoughts.

Yes, I am serving in my second term in the Intelligence Committee. I served 8 years before, and I have served about a year now.

I have here, Mr. President, letters of opposition to this proposal of the distinguished Senator from Ohio from three former Directors, Admiral Turner, Bill Colby, and the President of the United States, George Bush, who was a Director, as we know.

I also have letters of opposition from the current acting Director Richard Kerr, who was Deputy Director, and two other former Deputy Directors, who stand in tremendous esteem not only before this Senate but especially before the Intelligence Committee. I am referring to Adm. Bobby Inman and to John McMahon.

Mr. President, I would just briefly like to read to you from several of these letters.

Admiral Stansfield Turner, October 14, 1991:

DEAR SENATOR CHAFEE:—

And I will put this letter in the RECORD. I shall point out several things.

> With this bill, the DCI would feel inhibited in changing subordinates. He might even be pressured by the White House or the committee to appoint particular people. And, he will be prohibited from appointing someone who had no prior experience in intelligence.

I believe that that provision has been changed by the distinguished Senator from Ohio.

> Two of the deputy directors I appointed would have been excluded by that rule.

Now, Mr. President, I next read from a letter dated October 8, 1991, from William Colby.

> You very kindly solicited my opinion. * * * In brief, I oppose it.

Referring to the Glenn amendment.

> These positions traditionally have been the pinnacles of the career services of the Agency, operations, analysis, technology, and ad-

ministration. While I understand that the amendment would require the nominees have some intelligence experience, I think both familiarity with the duties and the morale of the services would be adversely affected by such a requirement, since the practice would probably grow filling these posts with a number of individuals who have not served in the services involved.

If congressional committees disapproved of an individual assuming such a post—or continuing in it—there are a variety of channels—

Meaning if you do not like who is in there, if the director has appointed someone you do not approve of, you do not need the Presidential appointment system, the confirmation system.

there are a variety of channels through which they—

Meaning the Senate or the committees—

could indicate their opinion, and even enforce it.

Mr. Colby disapproved.

A letter from the White House, the President of the United States: Most of this letter has been read by our distinguished vice chairman of the committee, in which he concludes:

I hope I can count on your support to defeat this amendment when the Intelligence Authorization Act comes to the floor.

I read now from Adm. Bobby Inman. All of us who served in that committee and many who have not know Admiral Inman. He served as the Deputy Director of Central Intelligence.

I do not believe it would be wise to enact such proposed legislation.

This is dated today.

A. The temptation to politicize the process would be high.

And then he deals with the experience factor.

Am I correct, I would like to ask the distinguished Senator from Ohio, that he has eliminated the experience section that the Senator had in there—the requirement for experience?

Mr. GLENN. Yes, we did, because there was some objection. It was thought that it might eliminate experienced outsiders who would be of value to the Agency. And rather than trying to defend a claim that we were doing that, we eliminated that particular provision.

And in response to the comment made a few moments ago by my distinguished colleague, the reason we cut back on the numbers of positions affected by this bill was because these three positions were the most sensitive and important, and so we thought it was better to tailor it down to just those three.

Mr. CHAFFEE. So, Mr. President, Admiral Inman. He concludes:

If I had more time I would write a better memo. In summary I accept that legislation has been proposed with the best of intentions, but I believe it would prove counterproductive over time.

Mr. President, the next letter is from John McMahon, dated October 15, 1991. This is what John McMahon says.

I fear enactment would create the very condition the Senate is trying to avoid, namely the politicization of intelligence.

Bear in mind that it would be the White House that would be making the nominations—thus giving the White House the opportunity to infiltrate the Agency at several levels across the spectrum of Agency activities.

It further runs the risk that the change of administrations would sweep the top leadership out thus denying the Agency the top professionals presently on board.

Carrying this thought forward, the amendment provides the framework for not only politicizing intelligence—

That is what I was talking about with regard to analysis, but Mr. McMahon refers to the operations side as well.

it also establishes the threat of a short-term outlook, namely the duration of the administration not what is in the best interest of the Agency in the long run. Would the Agency really be in position to make long-term trade-offs? Beyond administrations?

The Agency, under the amendment, would run the risk of becoming just another policy organization, stripped of its independence, objectivity and "tell it like it is."

In sum, the downside far outweighs what might be gained. Political appointees make policy along administration desires.

This is a very, very important point that John McMahon makes. "Political appointees make policy along administration desires." Of course they do. That is why they are there.

They are not there to go against the administration. They are not appointed to get in there and throw a monkey wrench into the gears of the administration. They are there to carry out the administration's desires.

Do you think I would have lasted long as Secretary of the Navy when my orders were to cut the size and number of ships in the Navy if I said no and went out and gave a speech saying no we are not going to cut it, we are going to increase it? I would not have had time to clean out my desk; I would have been gone.

Political appointees make policy according to Administration desires and party platforms. You don't want intelligence so constrained or so directed.

Finally, a letter from the Acting Director, Mr. Kerr. This is what Mr. Kerr says in a letter of which I have a copy directed to the chairman of our committee dated October 10.

And they keep getting back to this point which we cannot avoid.

First and foremost, I am concerned that Senate confirmation of the CIA Deputy Directors and General Counsel would increase the risk of politicization of the intelligence process. CIA is not a policymaking agency.

And then he touches again on the experience factor which the distinguished Senator has removed. And then he touches on a final point.

My final concern is that the Presidential appointment and Senate confirmation of our senior managers could have adverse consequences on foreign intelligence liaison relationships. If a perception develops that our managers are beholden to political interests, foreign intelligence liaison services could be less willing to share information with us. Public hearings in which details about individual Directorates are disclosed would also be inconsistent with secret intelligence service, and would have negative effects on our ability to persuade other nations that we can keep their information confidential.

So, Mr. President, I find very, very strong arguments against proceeding with the amendment proposed by the distinguished Senator from Ohio. I hope very much for a whole variety of reasons, one of which we never even had any hearings on this. Now I am not blaming the Senator for that. He attempted to have hearings. Due to the Gates hearings, it was not possible. But the fact is that we have had no hearings on this particular measure.

So for all the reasons I have listed—the politicization, the fact that this is unlike what we have in any of our other intelligence agencies, be it the FBI, be it the Defense Intelligence Agency, be it in the National Security Agency—this would be absolutely unique. We are not trying to carry out policy there. And, furthermore, the fact is that we are in the midst of a study and I believe a well-motivated and thorough study and it will take us time to decide where we are going with the intelligence community.

For all those reasons, I think it is inappropriate to act on this amendment at the present time, and I do most sincerely hope that it will be defeated.

Mr. President, I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 14, 1991.

Hon. JOHN CHAFEE,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAFEE: I have recently studied the draft bill before your Select committee on Intelligence which requires Senate confirmation of an additional six officials of the CIA. I would like to offer some comments.

In the wake of exposures of the CIA's role in Iran-Contra, the Fiers' case and the recent allegations before your committee of politicization of the CIA's analysis, I can readily understand why the committee wants to establish more firm oversight of the CIA. Too tight a control could discourage risk taking in both the collection and the analysis of intelligence, however. I suggest that you will want to be quite careful that any additional controls are likely to enhance oversight sufficiently to be worth it.

You already have a good check on the appointment of DCIs (I would not have been DCI had your committee not balked at President Carter's first nominee for the position.) That, I believe, must be your principal control over the CIA's personnel. If a DCI is going to ensure that the CIA is administered legally and within ethical bounds, he must have personal confidence and the loyalty of his immediate subordinates. Because of the secrecy involved, there is more weight on the DCI's shoulders as to the performance of his subordinates than in almost any other agency of our government. He should be able to appoint or dismiss them on the basis of his instincts as to their ethical standards and their respect for law. It would be unfair for your committee to hold his feet to the fire, as it should, for the ethics and legality of the CIA if he must place trust in people he does not quite trust.

With this bill, the DCI would feel inhibited in changing subordinates. He might even be pressured by the White House or the committee to appoint particular people. And, he would be prohibited from appointing someone who had no prior experience in intelligence. Two of the deputy directors I appointed would have been excluded by that rule and both did excellent jobs. There are times, in my opinion, when it is highly desirable to bring in outside blood with new, open viewpoints. Three of the deputy directors operate in areas where their required skills are interchangeable with people from outside: Research and Development, Analysis, and Administration.

As a case in point, I did not support much of what Mr. Casey did, but I did publicly back his appointment of Max Hugel. It was an appropriate time for an outsider to be the DDO. It just turned out that Casey's judgment of character was poor; not his decision to reach outside the agency.

The issue here is one face of how the congressional committees go about the process of oversight. I believe the practices of select committees on intelligence need to differ from those of standing committees more than they presently do, as in this instance. I hope we can discuss the broader issue also some day.

With warmest regards.

Yours,

ADM. STANSFIELD TURNER,
U.S. Navy (retired).

LAW OFFICES OF DONOVAN LEISURE,
ROGOVIN, HUGE & SCHILLER,
Washington, DC, October 8, 1991.
Hon. JOHN H. CHAFEE
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: You very kindly solicited my opinion on the amendment suggested by Senator John Glenn, for whom I have the greatest respect, which would require that the Deputy Directors for Operations, Intelligence, Science and Technology, Administration and Planning of the Central Intelligence Agency be confirmed by the Senate.

In brief, I oppose it. These positions traditionally have been the pinnacles of the career services of the Agency, operations, analysis, technology, and administration (I am not informed on the make up of the Planning Directorate). While I understand that the amendment would require that nominees have some intelligence experience, I think both familiarity with the duties and the morale of the services would be adversely affected by such a requirement, since the practice would probably grow of filling these posts with a number of individuals who have not served in the services involved (as I think can be seen in the Department of State, where many Assistant Secretaries—and Ambassadors—come from outside the Foreign Service). There was one experiment along this line under Director William Casey, and I understand the results were not positive. Certainly if the Congressional Committees disapproved of an individual assuming such a post—or continuing in it—there are a variety of channels through which they could indicate their opinion, and even enforce it, without a confirmation process.

Thank you for the opportunity to express my views.

Respectfully,

WILLIAM E. COLBY.

THE WHITE HOUSE,
Washington DC, October 16, 1991.
Hon. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: The Intelligence Authorization Act (S. 1539) will shortly be considered by the Senate. I understand that an amendment will be offered that would require Presidential appointment and Senate confirmation of six senior positions at CIA. Before the Senate takes action on the legislation, you should be aware of my strong opposition to this proposal.

The proposed amendment is unnecessary and would create the opportunity for the politicization of the intelligence process. Politicization of intelligence is unacceptable, and I am pleased that the intelligence provided by CIA to me and my predecessors has been straight and objective. CIA has been able to provide objective intelligence by being insulated from political pressure. The Director's ability to appoint his immediate subordinates has been critical in insulating CIA from political pressure. As a former DCI, I know how critical it is that these positions be filled with qualified individuals irrespective of their political associations or beliefs. My concern is that the confirmation process itself will inevitably create pressure on qualified candidates—either real or imagined—to conform their views to correspond to those that are perceived to be necessary to win confirmation.

My objections to this amendment are shared on a bipartisan basis. I agree with Senators Hollings and Chafee that it is "premature to enact such legislation at a time when the Senate Intelligence Committee has just begun a comprehensive review of the structure and organization of the U.S. Intelligence Community." At the very minimum, the Senate Intelligence Committee should closely examine the need for this proposal and its possible unintended adverse consequences before action is taken by Congress.

I hope that I can count on your support to defeat this amendment when the Intelligence Authorization Act comes to the floor.

Sincerely,

GEORGE BUSH.

OCTOBER 16, 1991.

For: Senator John Chafee.
From: Admiral B.R. Inman, USN (Ret).
Subject: Proposal to require Senate confirmation of six CIA officials.

1. On reflection of your notification of a proposal to require Senate confirmation of CIA DDO, DDS&T, DDI, DDA, DDP&C, AND GC, I have concluded that I do not believe it would be wise to enact such proposed legislation. My quick reaction is based on the following thoughts:

A. The temptation to politicize the process would be high. I can remember clearly the 1980 transition process when members of the transition team for CIA wanted to replace most if not all of the individuals in those jobs with persons considered "politically reliable." Some of their candidates had long experience in intelligence, but they had moved beyond the spirit of the Hatch Act. I was able to head off this effort with the threat to publicly charge politicization. If the billets had been expected to change and had been part of the confirmation process, I doubt that I would have prevailed.

B. The DCI and DDCI have responsibilities that extend beyond CIA, and their being subject to confirmation is entirely appropriate. It is my view that CIA should not be considered to rank above DIA and NSA, but should be seen as coequal. Requiring six CIA officials to be confirmed will be used inside the community to assert congressionally mandated superior status. Either plan to confirm like billets at DIA and NSA, or don't do it at CIA.

C. The level of experience varies with the experience level of the DCI and DDCI, and of the immediate requirements of the job. Several of those assigned as General Counsel have come with little past experience and have done a superb job—Dan Silver immediately comes to mind. Similarly, depth of knowledge in science and technology is more important than past time in the intelligence community for DDS&T. The other four need very competent individuals with substantial experience in the intelligence community, and the DDO should always be a career DDO officer. But for reasons of cover I would not want a public confirmation process when I think about getting the best talent in place as DDO.

2. If I had more time I would write a better memo. In summary I accept that legislation has been proposed with the best of intentions, but I believe it would prove counterproductive over time.

B.R. INMAN.

OCTOBER 15, 1991.

My comments on Senator Glenn's amendment—

I fear enactment would create the very condition the Senate is trying to avoid, namely the politicization of intelligence.

Bear in mind that it would be the White House that would be making the nominations—thus giving the White House the opportunity to infiltrate the Agency at several levels across the spectrum of Agency activities.

It further runs the risk that change of Administrations would sweep the top leadership out thus denying the Agency the top professionals presently on board.

It also runs the risk of not only politicizing the intelligence product but also Agency operations; to wit, Agency DDO division chiefs interact with Asst Secretaries in State, DOD, and the NSC staff. Any Division Chief aspiring to be the DOD might be torn in running operations along pure professional lines versus slanting them to carry political support from the other political appointees.

Carrying this thought forward, the amendment provides the framework for not only politicizing intelligence but OPS as well.

It also establishes the threat of a short term outlook, namely the duration of the Administration and not what is in the best interest of the Agency in the long run. Would the Agency really be in the position to make long term trade-offs? Beyond Administration?

The Agency, under the amendment, would run the risk of becoming just another policy organization, stripped of its independence, objectively, and "tell it like it is."

In sum, the downside far outweighs what might be gained. Political appointees make policy along Administration desires and party platforms. You don't want intelligence so constrained or so directed.

JOHN MCMAHON.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, October 10, 1991.
The Hon. DAVID L. BOREN,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate will take up the Fiscal Year 1992 Intelligence Authorization Act in the near future. I understand Senator Glenn intends to offer as an amendment to that Act his Bill, S. 1003, that would require Senate confirmation of officials appointed to six senior positions at CIA. I had hoped that I would be able to provide my views directly to the Committee in a hearing that was scheduled on this Bill. However, because of the press of other business, the Committee was not able to conduct such a hearing. I am, therefore, providing my views directly to you and other members of the Intelligence Committee.

I have the highest regard for Senator Glenn and for the goals that he seeks to further—the accountability of CIA and the nonpoliticization of those appointed to guide it. It saddens me to say that I do not believe enactment of S. 1003 would contribute to the realization of these goals. I am convinced that this legislation would lead to unintended negative consequences that would far outweigh any benefits it might otherwise achieve. By far, the most damaging is the increased risk of politicization of the intelligence process. I am also concerned that the proposal would diminish the DCI's authority to manage CIA, and have an adverse impact on our foreign intelligence liaison relationships. Below I have described each of these concerns in more detail.

POLITICIZATION OF INTELLIGENCE

First and foremost, I am concerned that Senate confirmation of the CIA Deputy Directors and General Counsel would increase the risk of politicization of the intelligence process. CIA is not a policymaking agency. We support the policymakers by providing them intelligence that is as accurate and objective as possible. Right or wrong, we call them as we see them. As you know well, this wins us some praise and some criticism from all sides. To ensure that our intelligence remains objective, we have been insulated from institutionalized political pressure.

One way we have minimized political pressure is by giving the DCI direct authority to appoint his immediate subordinates. Fourteen DCI's have had the freedom of appointing their senior managers of operations, analysis, technical collection and administration. These officers have been chosen, with practically no exceptions, irrespective of their political associations or beliefs. I do not believe a future DCI would be as free to choose a Deputy Director without consideration of his political association or beliefs, or his position on international issues, if this proposal is enacted.

I know that the proposed attempts to limit this problem by requiring that "appointments shall be made without regard to political affiliation and shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence." Despite this provision, it is my view that the confirmation process itself, no matter how well handled, creates an opportunity for politicization that does not now exist. I fear that qualified candidates will perceive themselves to be under pressure—either real or imagined—to conform their views to correspond to those that are perceived to be necessary to win confirmation. The potential for politicization of intelligence thus increases enormously, an no requirement regarding appointment qualifications can alleviate this risk. Among similarly qualified potential nominees, politically acceptable views could take on overriding importance if this proposal becomes law.

LIMITATION ON DCI ABILITY TO MANAGE CIA

I am also concerned that the proposal limits the flexibility and authority of the DCI in managing the CIA. When CIA was created over 40 years ago, the Director was given authority to pick the senior leadership of CIA because it was presumed that the Director would be in the best position to know the qualities needed for senior Agency positions. I know of no reason why this judgment should be altered today.

I am also worried that the bill could impede the Director's authority to create or alter senior positions within CIA. For example, if this proposal had been enacted into law several years ago, some may have argued that the Director would have had to seek legislation before establishing the position of Deputy Director for Planning and Coordination. During a period where we are facing unprecedented changes in the world situation, I do not think it wise to limit the DCI's flexibility to change our organizational structure. We will need to adapt to a radically changed world, and the process has already begun through studies underway to reorganize the Intelligence Community. Now is not the time to limit the DCI's flexibility to make necessary changes that might be called for in the near future.

The proposal also could have a significant adverse effect on the continuity of CIA management. If the proposal is enacted, it is possible—and I believe would come to be expected—that our senior managers would be asked to step down with the coming of a new Administration. The resulting loss of experience and knowledge from such a wholesale change of our top leadership would be profound. Changing CIA management with a new Administration would also contribute to the danger of politicizing the intelligence process. Certainly the perception of politics would be there.

Finally, I object to the proposal's requirement that appointments as Deputy Director or General Counsel "shall be made without regard to political affiliation and shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence." I understand that this requirement is of dubious constitutionality; under the Appointments Clause, the only qualifications that the Congress may require of persons appointed with the advice and consent of the Senate are those that the Senate considers appropriate in the context of considering individual nominations. Congress may not be law require the President to nominate only those persons with congressionally-specified qualifications.

Further, this requirement may have the effect of making it more difficult to assemble the most qualified management team for CIA because there may be instances in which the requirement purports to prevent the appointment of highly qualified individuals from the outside. While in most instances individuals selected to fill the position of a Deputy Director or General Counsel will have substantial prior experience in the field of intelligence or counterintelligence, or related area of law, there have been instances where highly capable and talented individuals who have not had such experience have been selected for these positions and served with distinction.

FOREIGN INTELLIGENCE LIAISON RELATIONSHIPS

My final concern is that Presidential appointment and Senate confirmation of our senior managers could have adverse consequences on foreign intelligence liaison relationships. If a perception develops that our managers are beholden to political interests, foreign intelligence liaison services could be less willing to share information with us. Public hearings in which details about the individual Directorates are disclosed would also be inconsistent with a secret intelligence service, and would have negative effects on our ability to persuade other nations that we can keep their information confidential.

THE NEED FOR LEGISLATION

Given the potential for harm posed by this proposal, it should not be adopted unless compelling reasons are established to show that it is actually needed. I am not convinced that such a need has been demonstrated.

It has been argued that Senate confirmation is necessary to ensure accountability of senior CIA officials to the American people. The need for accountability is indisputable. It is essential to our health as an American institution, and our success as an intelligence agency. But the provision under consideration is neither the only way, nor the best way, to achieve this objective. One effective means of ensuring accountability exists through the exercise of vigorous oversight by the Intelligence Committees. If members of the Committee believe that there needs to be further communication with the CIA Deputy Directors on the role and functions of their respective positions, they can use the existing oversight mechanism to obtain this information rather than requiring Senate confirmation for these positions.

It has also been suggested that the confirmation process will help ensure that only the most qualified individuals will be selected to fill senior positions at CIA. To the contrary, I believe that requiring CIA senior managers to be confirmed will have at best a marginal impact on their overall quality, and in fact, has the potential to backfire if politicization fears are borne out. To be sure, any candidate totally unqualified for CIA management positions would be identified and, hopefully, eliminated through the process of confirmation. But this is not an Agency problem requiring a solution. The record demonstrates that during the last 40 years, the vast majority of individuals appointed to senior management positions have had extensive intelligence experience and were well qualified to assume their duties. There exist by any standard only isolated examples of individuals so lacking in qualification that they might have been excluded through confirmation. In short, the problem addressed by the proposal appears far less serious than the problems created by the proposed solution.

Finally, it is argued by analogy that CIA Deputy Directors should be confirmed because comparable positions in DoD and State require confirmation. This comparison misses the mark. The Departments of State and Defense are policy-making Departments, central to the political process. In contrast, CIA operates outside the policy realm. Indeed, as I stated earlier, it is critical to the intelligence function of CIA that it be outside the policy arena and free from political "taint". A more appropriate comparison, in this regard, would be to agencies like NSA or FBI. This bill would treat CIA as a policy agency.

In summary, I do not believe the proposal is necessary and I am very concerned about the unintended consequences that could result from its enactment. At the very least, I would hope that the Senate would not approve this proposal without the Committee first conducting a careful examination of the need for the legislation and the effect of the legislation on CIA.

Sincerely,

RICHARD J. KERR,
Acting Director of Central Intelligence.

Mr. CHAFEE. I thank the Chair and thank the floor manager on this side.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There are 57 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may reserve the remainder of our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I yield myself such time as I may need.

Mr. President, when I listened to some of the things being charged against this very simple and straightforward amendment, I must say I have trouble recognizing my own amendment.

What we are trying to do really is increase accountability. Bill Casey's name was brought into this debate by the distinguished Senator from South Carolina, and I think very properly so. He was worried about what would happen under Bill Casey at the CIA. And I too was worried about that.

In retrospect, I wonder if we did not come closer to a disaster in the intelligence community during his tenure perhaps than we realized. And we saw the impact of Iran-Contra on the CIA's credibility with Congress and the American people who were not being told what was being done. This was done because one person, the DCI, made political appointments to some extent at the CIA. That was not the cause of Iran-Contra. I do not mean to imply that. But there were political appointments made at that time that were disturbing.

We are trying to protect against that happening. We are trying to make sure that qualified people are out there.

We are also trying to make certain that there is not any politicization to tailor things just to suit a preconceived administration policy. In every other department of Government and most agencies, we require confirmation.

Let me point out one thing to my colleagues who are so unhappy with the confirmation process. And I join them in being unhappy with the confirmation process. But how do you carry out one balance of powers responsibility? Our President is not omnipotent; nor is the single head of the CIA an omnipotent person whose judgment we trust in all matters. The President of the United States is not a prime minister, I would point out. And that galls a lot of Presidents of the United States.

But we operate in this country with a separation of powers, and a balance in which the Congress has some of that balance of power and part of that is the confirmation process. Is it perfect? No. And of all times for this to come up, adding people to confirmation, there probably could not have been a worse time in the history of the Nation than bringing it up today after the Thomas vote.

Is the confirmation process very popular at the moment? I would say it is about as unpopular as anything I can think of at the moment because of all the trauma and drama of this past weekend.

But we have a balance of powers in this country. We have a separation of powers in this country. We try our level best, imperfect though it is, to go through this confirmation process and to make certain that neither a President nor a head of CIA has the authority to do irreparable damage to this country and making solely political appointments.

Bill Casey's name was brought up by another Senator here this afternoon. He made a political appointment out there to the DOD, something that was remedied in a short period of time.

But was it right that that could happen? Could we have been able to prevent that had we had the confirmation process? I think it would have been far less likely to happen had we had this confirmation process. It was pointed out by my distinguished colleague, the floor manager of the bill on the other side, that they say there was some difficulties with one case in the last administration, and he sort of dismisses it. I believe that example shows what can happen. This is what we are trying to protect against. This is anything but politicizing the CIA. It is exactly the opposite.

Now, considerable comment was made about the ability of the DCI to manage. Well, why does that not apply then to every other agency in the Government?

Every other agency of Government that has anywhere from 15 to 100 positions seems to be able to be managed by the person on top.

It is true, as my distinguished colleague from Rhode Island says, that maybe all of those persons are in there to carry out political functions, and that is their purpose. And he met at the Pentagon every Monday morning, he said, at 8:30, and they got their marching orders politically during that time.

I was a little surprised at that, but let us accept that and say that is the way things work at DOD. But here we have CIA that is not subordinated to another agency of Government. That is the reason why it is unique. Yet at the same time we have the responsibility here to perform an oversight function of that most unique agency.

NSA and DIA report to the Department of Defense. FBI reports to the Department of Justice. So there are people there who are responsible to the Congress and whom we confirm in their nomination and approval process.

It is different at CIA. They have no one overlooking them. Their oversight does not flow through any other organization to us. We do not appoint. We do not confirm the head of NSC that they report to.

What we are saying here is there should be a process by which we exercise our advice and consent role.

Let me run through some of these issues very briefly. Would this proposal undermine the management role? No more so than it does for any other branch of Government, as I see it.

Would this politicize the CIA? Absolutely not. What we are trying to do is exactly the opposite.

Could it adversely affect DCI control and CIA relationships abroad? I would not be surprised, if you polled some of these foreign intelligence agencies or their governments or their Departments of State, that they already think that all these positions are already confirmed, having observed our Nation for many years.

Another charge being made: This measure does not allow the DCI to bring in highly qualified individuals from outside. This is just not true. The DCI could bring in whomever he or she wanted from outside. But we hope they would be qualified people.

But at least in these areas where we have had, in the Gates nomination process and in the hearings, so much concern about intelligence being politically slanted out there—and the jury is still out on that as far as I am concerned—but when we have that as one of the main concerns, certainly we should be concerned about it to conduct our oversight function. We must make sure that the CIA has qualified people for the job.

Another charge made against us: the bill effectively legislates the organization of the agency. It does this no more than it does to any other agency of Government. Certainly no one is proposing to change the general counsel role or doing away with the general counsel at the agency. Nor is anyone proposing that we do away with the directorate of operations or of intelligence. Those have been in existence for many years and those are the only ones we are addressing with this provision.

Another criticism was that this is premature action in light of the Senate Select Committee on Intelligence reorganization effort. I would say with regard to that, if we wait all those years, we will not get much action. We have had two hearings in the last year or so. It is going to be a long, long time before we get around to an overhaul of the whole intelligence community.

I can understand the concern of my distinguished colleague from Missouri, Senator DANFORTH, about the confirmation process. This is not a Thomas-type situation that we are talking about. And much was made of leaks by my distinguished colleagues, Senator DANFORTH and Senator HOLLINGS. I do not see what that really has to do with leaks.

I do not think anyone, including those who oppose this amendment, would say that the alternative should be no oversight whatsoever of the CIA, and no advice and consent role. I do not think anyone would say that. So I just do not see that those arguments about leaks are relevant in this case.

I am just as concerned about leaks out of the Intelligence Committee and out of the classified sessions we have just as much as anyone here. I have spent a good part of my life in the military. I have a very great appreciation of what happens when you have leaks like this. I am for investigating these leaks as aggressively as possible, just as the majority leader stated on the floor yesterday afternoon before our vote. And I will support whatever investigation he wants to make into where these leaks come from and how they occurred.

But this amendment was also talked about as institutionalizing mush. That is ridiculous. It will simply mean that we will be performing our oversight role, our role in making sure there are qualified people, and there are people there who are fully qualified to carry out their duties, and that they are going to do that without fear or favor to what the administration's views may be.

This would not result in checking in every morning to get political marching orders.

My distinguished colleague from Rhode Island also said, as far as putting one person in charge, that we could not effectively operate unless a person in charge had full authority—or I believe there were words to that effect. Yet, the President of the United States does not have that kind of complete authority. The President does not operate solely as a prime minister does in a parliamentary system where the Prime Minister operates with pretty much complete authority, and is tossed out of office if his party or the people do not like what he or she has done.

We, have a system of separation of powers, advice and consent. That is our end of the avenue. The President makes his nominations. It is up to us to see that we feel that we have the right person at the right time for a particular job. And I do not believe anybody would propose that we change that balance. That is a continual tug and haul, back and forth on Pennsylvania Avenue as to who has the most power in Government. Does the legislative branch or the executive branch have the most power at any particular given moment? And I am not proposing that we upset that.

But I think the arguments made on the other side of how we have to have one person in charge, and we cannot exercise any review of the people that might be put in under that person, just does not fit in with how all the rest of the Government operates.

I would say there is not a single department head in Government who does not hate the confirmation process, because it limits what he or she can do. But it is the Congress, exercising its role of advice and consent in the confirmation process. This is as it should be.

I do not think most people realize how much we do in the confirmation process. Do they realize that there are 1,065 positions that we confirm in our monitoring of appointments that are going to run Government? That does not prevent them from being good people. It does not mean we tell the President who goes into a certain job. Quite the opposite. We never do that.

There has never been a person voted on here, and proposed that the President then should nominate that particular person. The President has full choice of making his nominations.

But the Senate, under the Constitution of the United States, has a role to play in this process. And in one of the most critical agencies of Government, the CIA, I see no reason why we should not have this confirmation process. We have 1,065 confirmed positions. The CIA has only three of those. The Department of Agriculture—16; U.S. Trade Representative—4; Office of Science and Technology Policy—3; OMB—4; Department of Commerce—30 positions that have to come before us for confirmation. Are we proposing we do away with all those positions? At the Department of Defense—53; Department of Education—32 positions come before us for confirmation; the Department of Energy—20; Health and Human Services—17; Department of Housing and Urban Development—13; and the Department of Justice—159.

I think that it is necessary that we carry out our role under this separation of powers. All we are trying to do is make certain that we not politicize the CIA. I think it came closer than maybe many of us realized in the recent past. I do not want to take that chance again. The CIA is too important.

We have gone through a long series of hearings on the Senate Select Committee on Intelligence to determine in our own minds—and each person has to make up his own mind on that committee—as to whether there was politicization going on out there, tailoring views at the top echelons of the CIA to reflect what they knew the President wanted to hear.

I do not know how the confirmation process would tend to make this a more leaky Government. We have hearings on the very most sensitive pieces of information in this Government. We have them in committee, and I think the committee has done a pretty good job of keeping secrets secret.

The distinguished Senator from South Carolina mentioned there had been leaks back some time ago. There had, indeed. But there are occasionally leaks out of the Pentagon, leaks out of one place and the other, and I think this committee, by and large, has been very responsible in keeping secrets.

Mr. President, those are a few comments with regard to statements made regarding this amendment. I urge my colleagues to vote for this amendment. I think it is the right thing to do, in spite of coming the day after we went through such unpleasantries with regard to the Thomas nomination.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I yield the distinguished Senator from Maine such time as he desires.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I find myself in a somewhat unique position. I have the pleasure of serving with the Senator from Ohio on the Armed Services Committee and the Governmental Affairs Committee. When I was a member of the Intelligence Oversight Committee, I had the privilege of serving with him on that as well. I usually find myself in agreement with him. I regret to say that today I do not.

First, I would suggest to the Senator from Ohio he is absolutely right. This is not about leaks. There is, in my judgment, no suggestion or substantiation of the fact that any confirmation proceedings for any of the deputies that have been designated in this amendment would lead to leaks coming out of the Intelligence Committee.

Senator BOREN—Chairman BOREN—myself, Senator MURKOWSKI, and others have worked during recent years to adopt procedures which I believe have stemmed the possibility of leaks coming out of that committee. We have done a very good job, so this is not a matter of whether we would enhance the possibility of leaks coming out of the Intelligence Committee.

It does have to do with the question of balance of power. I do not think there is any question about that. Mr. President, when I first came to Congress, we talked a great deal at that time about balance of power, checks and balances.

We have a Government of checks and balances. We have the House that checks the Senate; we have the Senate that checks the House; we have the Congress that checks the President; we have the President who checks the Congress with his veto power; and we have the U.S. Supreme Court that checks all of us.

The problem has become for me that everyone is in check, but no one is in charge. And that is one of the reasons today why the wheel of Government seems to be cracked, why the axle is broken. The wheel of Government is not turning very smoothly any longer. We seem to be bogged down, almost paralyzed, incapable of dealing with the great issues of the day. And the American people sit back in wonderment as to what has happened to this great institution; why is it we are not dealing with issues; why is it we are squabbling; why is it there is so much conflict?

It seems to me that something happened back when I first came to Congress, just before the Watergate incident. There used to be a time when the chairman of the various committees could hold their hearings, conduct their deliberations, listen to all of the evidence, make a judgment in the committee, and then come to the House or Senate floor and have that legislation considered rather expeditiously.

Today, that no longer applies. Today, the Senate Armed Services Committee, under the leadership of Senator NUNN, a recognized expert in the field of defense matters with, I think, quite a competent committee, can deliberate for days and weeks and months and come to the floor, and the minute the bill hits the floor, we have 200 amendments pending. Everybody has become an expert. Everyone knows as much as any member of any other committee. As a result, it now takes not hours or days to debate a bill, but weeks, and possible even longer. That is true not only of the Armed Services Committee, but virtually every other committee in the Senate, and indeed in the House of Representatives. Every Member now has become an expert. Every Member has his or her own little fiefdom. And so, as a result, we no longer delegate any responsibility to our superiors, those who serve as chair men and women. They no longer can control the vote; they are simply another member of the committee.

It seems to me that this is taking place more and more, and what we are seeing is that the leaders can no longer lead because they do not have any followers.

That is what I am referring to in terms of the balance of power. Here we have a situation where it is almost glasnost run amok. We have shown this in the confirmation of more and more CIA personnel.

I remember reading one time a statement about a river, the definition of a river. A river has to have banks. A river without a bank is not a river; it is a flood. What we are witnessing is a floodtide of authority resulting in a diffusion of accountability.

When I run for office, the people of Maine elect me, and they expect me to set up my office in a way that will make me responsive to their particular needs, hopefully to reflect what I think will be the prevailing philosophy, if one can do so with the people of Maine. I do not want them, I do not want BOB DOLE, I do not want President Bush, I do not want the Republican National Committee to tell me who my legislative assistants should be or who my administrative assistant should be. I want to determine that.

I think I am capable of deciding who the top policy people within my office are going to be, what their qualifications are, what their philosophies might be, and, indeed, whether or not I have the right to hire or fire them or whether they serve at the pleasure of the people of my State. I want that responsibility. I want that accountability.

If I hire good people, if I hire bright, intelligent, hardworking people who are accountable to me, and if they do a good job, I will do a good job and the people of my State will be satisfied with my performance. And if I do not, they will know that, and they will seek to remove me from office at my next election cycle.

Maybe that is not entirely applicable here. There are some obvious distinctions, but it does come back to a question: Are we diffusing accountability in our system by insisting on more and more—and I hate to use this word because it is thrown so often in my face—micromanagement? Every time we start to look at an executive branch department or organizational setup, we are accused of micromanaging executive affairs.

Sometimes we have done good things. The Senator from Rhode Island pointed out something that is very important. We went through an extensive examination of the reorganization of the Department of Defense. It took 3 years, as the Senator from Rhode Island pointed out. There were many, many hearings.

Even prior to that time, and to me equally as important, was the fact that we had a study group that was set up well in advance of this. Senator TOWER, who was then the chairman of the committee, recommended the staff conduct an analysis of a reorganizational scheme for the Department of Defense, reorganizing the Joint Chiefs of Staff.

And concomitant with that particular study we had an outside group, the CSIS group, that consisted of a number of Members of the Senate and the House. Senator NUNN was on it, I was on it; Congressman Les ASPIN was on it. We were members of the Center for Strategic Studies at the time. But, more important, former members of the Joint Chiefs of Staff, former chairmen were also on the committee, and a year prior to that we started our analysis of what needed to be done.

What was interesting about that particular study is the expertise of those people who had been in the executive branch, who had been in the Department of Defense, who had been members of the Joint Chiefs, who had been chairmen of the Joint Chiefs of Staff, and that is quite different than what we are saying here.

Here we are attempting in a fashion to intervene in this reorganization process at a time when it has not really been undertaken, when every former Member that we have respect for has voiced his opinion in opposition to this—unlike the reorganization of DOD where the significant expertise that was brought to us said, yes, we need change. We have seen the flaws. We need change. And this is what has to be done. We have to give the chairman of the Joint Chiefs of Staff more power. We have to get more accountability out into the field. And they strongly supported these changes.

Just the contrary has taken place here where those former experts, those who have served in the field, who have no vested interest in this legislation or in the Agency as such have said it is a bad idea, it is an absolutely bad idea. Whether it is Colby or Helms or Turner, McMahon, or Bobby Inman, to a person, they say do not do this.

The question about experience was raised earlier today. That has been dropped apparently from the legislation because initially it was thought we should have some criteria that would at least include experience. Well, it has been dropped, and I think it was good it was dropped because some people think that if Bob Gates is not the man to be confirmed as the Director of the CIA, we need some kind of outside executive, some top CEO, someone who has managed a large corporation—bring him in or bring her in and take an outside look at this particular Agency. That may or may not be a good idea.

I happen to think Bob Gates will bring the experience necessary to that position, but there is some division, obviously, within the Senate about that. How about philosophy? Should we look at the nominee's philosophy? Should they be Republicans, Democrats? Should we try to get a balance? Should we be concerned about what their political philosophy is? Are they hawkish? Are they dovish? Are they agnostic pigeons? What exactly is the lens through which they look at the world? Do they see a Soviet Union in the advanced stages of disintegration or of rebirth? Exactly what is their world view? Do we want to strike a balance among those who have a much harsher view perhaps, less benign view of the Soviet Union or China or all of those other countries on the world scene, or someone who has a moderate view? Indeed, balance, is that something we want to look at during this confirmation process?

What I suggest, Mr. President, is there something inherently pernicious involved in this legislation in the sense that if the DCI cannot remove his top aides, his top subordinates, his DDI, his DDO, then it seems to me we are inviting the emasculation of the DCI himself. If he is not in a position to say to his director of intelligence or director of operations, "You are fired, I disagree with what you are doing," because that person serves only at the pleasure of the President, then what we have set in motion is some sort of a division of power within the directorate itself. He no longer can make the decisions about the quality of the work, the quality of the intelligence, the integrity of the intelligence, the integrity of the operations. That individual can then perhaps even go around the DCI, make a little visit not only to Capitol Hill to talk with the oversight committee but to talk to the National Security Adviser, saying, "Mr. National Security Adviser, I don't think the President is getting the information straight. I think there might be a little shading here on the intelligence. I think he is not fully aware of what is going on in the operation field. I think we have to get around the DCI, let this be known to the security adviser and maybe the President and let him know what is really going on in the operation of the agency."

That, to me, is one of the most potentially destructive situations that I can imagine, where the DCI, in effect, does not have control over his top subordinates. In this amendment they are relegated to a position which, if not coequal, nonetheless insulates them against the type of direction he may want to give them.

The accountability belongs to the President of the United States. His direct subordinate is the DCI. That direct subordinate also is accountable to us in a very real sense, and that is the person we should exercise oversight upon.

I rise in strong opposition to the legislation that will be offered by my friend from Ohio because I believe that we have not achieved more accountability. In fact, this amendment would undermine the accountability of the top intelligence official within the executive branch, and that is the DCI. For that reason I urge my colleagues to vote against the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 66 minutes and 3 seconds.

Mr. GLENN. I yield such time as the Senator from Pennsylvania might require.

Mr. SPECTER. I thank my distinguished colleague from Ohio.

Mr. President, I support this legislation, and in fact am an original cosponsor of it, because I believe that the additional oversight which would be provided by confirmation would be desirable.

I could not be present for much of the debate today because we have a conference on the Labor, Health and Human Services, Education appropriations bill. I have just heard the comments by the distinguished Senator from Maine, and I must say that I am impressed by the quality of his argument, but I ultimately disagree on drawing a judgment as to what oversight is desirable and what independence is desirable.

I support this legislation because I am not satisfied with the oversight which the Congress has on the intelligence operations in this country. Since the Iran-Contra affair had come to light, it seemed to this Senator that more by way of oversight was necessary.

While the Senator from Maine is still on the floor, I would recollect his strenuous efforts, joined in by many of us on the Intelligence Committee at that time, to try to provide a statutory requirement for notice of covert activities. The Senator from Maine had introduced legislation calling for 48 hours' notice. This Senator had introduced legislation calling for 24 hours' notice. Neither legislation was never enacted. One bill did come out on the inspector general, which this Senator introduced after some very fine staff work by my liaison, Charles Battaglia. After considerable deliberation by the Intelligence Committee and considerable analysis at the White House, we do have confirmed by the Senate an inspector general at CIA who can provide some independent oversight. That is a step forward but only a small step forward. I think more is necessary.

The arguments which have been advanced here against the legislation do have some merit, and earlier today when I talked to the distinguished Senator from Rhode Island [Mr. CHAFEE], who raised the issue of concern about politicizing the appointees since they would be Presidential appointees, it seems to me that they could still be selected as they are now, as the Director of Central Intelligence may choose, with the significant change being that they would be confirmed by the Senate.

When the Senator from Maine raises the concern that the Director of Central Intelligence cannot fire them because they would have to be fired by the President, I respond that as a practical matter they can be fired by the Director because he runs the operation much like the Secretary of Defense. If he is dissatisfied with one of his subordinates who has been appointed by the President, confirmed by the Senate, he can in fact have that official fired.

So the situation, I suggest, would be about the same as it is now with the one additional factor that there would be confirmation.

This is a bad day to talk about the confirmation process. I think my colleague from Ohio could have picked a better day to bring this to the floor than the day after the proceedings on Judge Thomas were concluded, given the last weekend that we all went through, or at least those of us on the Judiciary Committee went through. This is not the best of all days to urge expansion of the confirmation process. But we have the confirmation process, and I think it ought to be extended here.

I add, Mr. President, that I believe that a comprehensive analysis of the intelligence community is necessary, and toward that end, again with the assistance of my liaison in the Intelligence Committee, Charles Battaglia, I introduced Senate bill 175 in the 101st Congress, now Senate bill 421 in this, the 102d Congress, which would provide for a separation of authority between the Director of the CIA and a new director of national intelligence.

Right now the Director of CIA also functions as the Director of Central Intelligence. And, as Director of Central Intelligence he directs all the other intelligence agencies of the Government. It is a responsibility that is too vast for any one man. In addition, this dual-matter position has led to the problems of cooking the intelligence which we have heard so much about during the nomination proceedings of Mr. Robert Gates.

I shall not discuss that issue at any length today except to note that former Secretary of State Shultz testified very emphatically on the point. The Secretary of State was very much involved in the use of intelligence information and was concerned that the intelligence gatherers were also the policymakers; there was an inclination to have the intelligence correspond to the policy which they wanted.

I have written to the chairman and the ranking member of the Intelligence Committee asking that we have a hearing on S. 421. We had a date earlier this year which had to be postponed, I do think that kind of an analysis of the DCI responsibilities is very, very important.

As for today, I commend the Senator from Ohio for this legislation. I think it is an important step forward, and therefore I support it.

Mr. President, I am an original cosponsor of S. 1003, a bill which would require Presidential appointment and Senate confirmation of three senior positions in the Central Intelligence Agency. Currently, the total number of Presidential appointments, by and with the advice of the Senate is 1,065. Three of these appointments are for positions in the CIA. They are the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the inspector general.

If the hearings on the nomination of Mr. Robert Gates to be the Director of Central Intelligence have demonstrated anything, they have shown the need for an extension of intelligence oversight through the advise-and-consent process of confirmation. Therefore, in S. 1003, we are seeking confirmation of the following additional senior CIA positions: Deputy Director for Operations, Deputy Director for Intelligence, and general counsel.

The Iran-Contra hearings and both Gates confirmation hearings have done much to elucidate and educate the American public and the Congress on the capabilities, contributions, limitations, and deficiencies of intelligence and our intelligence agencies. They have also served as a reminder that we still have a great deal more to learn about these institutions if we are to assure the American public that their tax dollars are being spent wisely and that the intelligence arm of Government is functioning within the parameters of American law and regulation.

When the Senate established the Senate Select Committee on Intelligence it did so because of a public outcry of abuses of authority, of illegalities and violations of basic civil liberties by intelligence agencies. In 1975, not only the public but also the Congress of the United States knew very little about the world of intelligence, especially the Central Intelligence Agency. Over the past 15 years, we have increased our institutional knowledge and we are still learning. The Iran-Contra and Gates confirmation hearings have borne out this learning process. But equally, confirmation hearings have served two important roles. First, they help ensure that individuals nominated are qualified. Second, they serve as a means of transmitting a very important public message. The message is that their failure to conform to laws and regulations will jeopardize not only the effectiveness of their position, but also will raise a cloud of doubt over the credibility of their institution. In short, they will be harming national security. In my view, this is the principal message emanating from the confirmation hearings of CIA officials including those of Robert Gates.

The senior managers of the CIA constitute a common denominator in that they represent the strengths and weaknesses of that institution. In confirming them, we oversee intelligence law, regulations, policy, budget, and programs of clandestine intelligence collection, covert actions, and analyses. In confirming them, we are able to assess in advance their qualifications, their understanding of laws and regulations governing intelligence activity, and their commitment to intelligence oversight. While the confirmation process cannot guarantee the truth of their responses, it does serve as a very important baseline upon which to assess future performance. This has certainly been the case with Directors of Central Intelligence.

Now, however, Senate confirmation of the senior management positions at the CIA is especially needed. The CIA is a large, independent organization. Unlike other intelligence agencies, there is little external oversight. For example, the General Accounting Office cannot inspect or investigate the CIA. The intelligence oversight committees are not large enough nor do they have sufficient resources to do other than selected inspections and investigations. I am hopeful that the new inspector general position at the CIA will help fill this void.

As the agency responsible for a policy implementing arm of national security; namely, covert action, such oversight is especially important. But there is another reason.

Fifteen years of congressional oversight have confirmed the view that the CIA consists of four semiautonomous directorates—for operations, for analysis, for science and technology, and for administration. The fifth directorate for planning and coordination is relatively new and not large. Each directorate is headed by a Deputy Director of the Central Intelligence Agency who, by tradition, functions somewhat independently. On this basis alone, it is surprising that Senate confirmation of these positions was not instituted long ago.

Second, hearings before the Senate Select Committee on Intelligence have indicated that senior CIA intelligence officials are not as well versed in intelligence law and regulations as they should. The failure of senior officials in the CIA's Directorate of Operations to recognize that it should have first sought a Presidential finding before providing propriety aircraft assistance to Lieutenant Colonel North to ship arms to Iran is a case in point. Therefore, it would seem to me to be in the best interest of the CIA if the Congress were assured that future appointees to these senior CIA positions had a clear understanding of the laws and regulations governing their activity.

The American public and the Congress are often caught up in the necessary secretiveness and wonderment of spying and as a result, we raise the art to the near occult and supernatural. Spying is the stuff made glamorous by novelists. But, analysis, I would submit, is a world without glamor. Nonetheless, it is the essence or substance of intelligence; it is what intelligence is really about. The primary purpose of analyzed intelligence is to provide the President and his policymakers and military leaders clear and objective information upon which to base policy and planning. If the process of spying or the very information collected is faulty, analysis may be inaccurate.

However, if the basis of intelligence analysis rests in the preconceived judgments or perceptions and fears of a senior official or an analyst, no amount of information will matter and objectivity will be lost. As Senator **BOREN** indicated during the recent Gates confirmation hearings, if such is the case, the intelligence community will have wasted billions of taxpayer dollars over the years in collection systems.

A third problem has long existed. It lies in getting the finished analysis to policymakers in a timely manner and in a useful form.

There is a fourth problem. In essence, it is akin to taking a horse to water. If the horse is not going to drink, there isn't much you can do. The same holds true in getting policymakers to read and respond to intelligence reports. But, if the horse believes the water is foul, he may have good reason for not wanting to drink.

During the Iran-Contra hearings, former Secretary of State George Shultz testified about foul intelligence, in his distrust of some of the analytical reporting he was receiving from the CIA on Iran because of the CIA's involvement with the policy affecting that analysis.

The Gates confirmation hearings have raised many questions on the objectivity of analysis and the responsibility for such objectivenness. One question raised in my mind is why we have not subjected the position of authority which, by design, shapes national security and foreign policy, to confirmation?

Similar arguments can be made for the other CIA directorate positions.

In regard to confirmation of the position of the general counsel, I would remind my colleagues that this recommendation is not new. In its final report of April 26, 1976, the select committee to study operations with respect to intelligence activities recommended that the general counsel of each intelligence agency be nominated by the President and confirmed by the Senate. That committee cited the extraordinary responsibility of that position, the fact that senatorial confirmation would increase the stature of the office and protect the independence of its judgment.

Today, we have solid reasons for wanting to increase the stature and independence of that office. During the Iran-Contra affair, CIA's general counsel provided a highly dubious legal rationale for the administration's ill-conceived arms-for-hostages policy in drafting a retroactive finding.

Senate confirmation is a fundamental element in the oversight process of ensuring public and congressional confidence in the CIA. Indeed, during his recent confirmation hearings, Mr. Gates stated that—

> It is hard for me in principle to quarrel with the idea of senior officials of a government agency not being subject to the confirmation process.

In addition, I would argue that total responsibility and accountability to the American public for the effectiveness and credibility of the CIA cannot rest solely with the CIA if the Congress neglects to review each senior official through the nomination and confirmation process.

Congress shares a constitutional responsibility for national security; it reviews the CIA budget in advance. It reviews CIA programs in advance. It should assess in advance prospective CIA officials who will be responsible for these budgets and programs.

Some will charge that to require Senate confirmation of the senior CIA officials outlined in S. 1003 is to politicize intelligence. If that is the case, then we should consider not subjecting CIA Directors and Deputy Directors to confirmation. Are there a majority of Senators prepared to recommend this? The confirmation process will do more to prevent the politicization of intelligence than to promote it. Further, as we all know, the confirmation process can only block the President from appointing a given individual; it cannot force the appointment of an individual with a particular viewpoint or loyalty preferred by the Congress.

The criticism is that the legislation, if enacted, would preempt the DCI from reorganizing to meet the future structural changes. S. 1003 does not establish new positions nor does it prevent the DCI from reorganizing and creating new positions. Today, over 40 positions at the Defense Department and 30 positions at the State Department require Senate confirmation. Their ability to reorganize has not been barred by the confirmation process.

As Senator GLENN and I have stated in our "Dear Colleague" of October 2, 1991, intelligence activities are consistent with democratic principles only when they are conducted in accordance with the law and in an accountable manner to the American people through congressional oversight. We are convinced that the confirmation process is a constructive means of demanding accountability and enhancing public confidence in the senior leadership of the CIA.

In closing, I wish to give public thanks to Senator GLENN for the yeoman work he has conducted on this legislation. He has worked hard and tenaciously to bring it to the fore.

I urge support for its passage.

I thank the Chair. I yield the floor.

Mr. CHAFEE. Mr. President, I note that the distinguished floor leader on this side is absent and I would suggest a brief quorum call perhaps to be equally divided, and we will try to move this right along shortly. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll, and without objection, it will be charged equally to both sides.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I think the Senator from Rhode Island would like 2 minutes on the subject. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 41 minutes, 29 seconds.

The Senator from Rhode Island is recognized for 2 minutes.

Mr. CHAFEE. Mr. President, I think this is a very, very serious amendment. I think those who have listened have gotten an indication of the concern with which I view this amendment.

The principal problem I have with this amendment, Mr. President, is that I am absolutely convinced it will lead to politicization of the agency. It will mean that those who wish to get ahead within the agency—I am talking down in the lower levels, and let us particularly concentrate on what we call the intelligence section; namely, the analysts—those individuals who seek to get ahead are going to make certain that they trim their sails to the views of those who subsequently will have the political power to make the appointments; because to get ahead in the agency, it is going to require that an individual ingratiate himself with the powers that be on the political side, with the security advisers to the President, or with the President himself, or with those individuals in the White House who are going to control appointments.

To me this is a very, very dangerous proposition.

So, Mr. President, I believe the basic question before us this evening is what kind of an agency do we want? Do we want an agency that is subordinate to the wishes of the administration and will carry out the policies of the political leaders?

If that is what we want, then vote yes on the amendment.

But, Mr. President, if we want an intelligence agency that is independent and objective, that is going to give us the hard facts, tell it as it is, if we want an agency that is indeed faithful to its motto, "Ye shall seek the truth," then, Mr. President, we should vote against this amendment.

Then, Mr. President, we should vote against this amendment. To me, it is that simple. For the amendment encourages politicization. To oppose the amendment is to encourage independence, objectivity, and the ability to tell it as it is. To me, it is that simple.

I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I was interested in the remarks of Senator COHEN, who talked about our system of government, the way people view it from all over this country as being sort of bogged down, that we need people with authority, and we have a situation where leaders cannot lead. I am sure that Senator COHEN would not propose doing away with the advise-and-consent role that the Constitution gives to the Congress.

This is not like Goldwater-Nichols that he mentioned. This is not a reorganization of the CIA. It is very simple. What we have seen during the hearings with the Gates nomination are charges that perhaps there was "cooking of the books," the worst sin in all of the intelligence community. That has been the charge.

Yet, we have a case where in the recent past, where a head of the CIA may have appointed people that were not qualified for either personal reasons, the friendship reasons, for political reasons, or whatever. That is all this is supposed to prevent. It is to make sure that under our separation of powers, our balance of powers, we have a role in this, as the Constitution provides.

Much was made out of the fact that every former Director of the CIA, or a number of the former Directors of the CIA, said they would not like this. They did not want to see this go in.

I repeat what I said a little while ago on the floor: Have you ever seen a manager, or the head of any department, that wanted any oversight over that person's authority and ability to do something? Yet, if that person is misguided, if that person has his own agenda, of his own ideological bent that he is trying to carry out, then great and grievous damage can be done to the United States of America.

All this does is try and say that we have our role to play in this, and the DO, DI, and the general counsel are extremely important positions, far more important than many that are in the confirmation process in other agencies or departments of Government.

It was mentioned that this might politicize people. We have such notables as Mr. McMahon and Bobby Inman, who have done such a superb job out there at the Agency. They went through the confirmation process and did not find themselves politicized. They did not find themselves being forced to carry out some preconceived administration position. Nor do I believe this amendment would force anyone to do that either.

I want to say one other word before we wind down here and go to our vote today. I have been cast in a light here today as perhaps someone who could be construed as being anti-CIA. Nothing could be further from the truth. I wanted to make that very clear before I yield the floor and yield back the time before the distinguished chairman of the committee has time to make his remarks.

I have been one of those on the committee who, when proposals were made to cut back on the CIA budget, was the one that was fighting to keep the budget up there, because I believe we need the strongest intelligence community in the world, and we need it more now even than before. Before the demise of the Soviet Union, before we had the Persian Gulf situation, and before we started a pulldown of our military strength. We are reducing, over the next 4 years—we already started the process—494,000 people out of a 1.2 million person military. That is the regulars. I do not have any doubt that, in years hence, the Congress will require more pull down than that.

I submit that that is the time you need better intelligence, not less. I have fought in the committee to keep that intelligence budget up there, and I might have to admit that I lost, also. I wanted the budget this year to be higher than it is.

History is replete with examples of where we have pulled down the military and had to rebuild them again, and I pray along with everybody else that is not the case this time out; but if that is the case, and we have to rebuild, we had better do it from the best intelligence base and the best information we can have on what is going on around the world. We better do it with the most advanced warning system, which means good intelligence of who is developing what weapons, whether chemical, biological, nuclear, missiles, who is doing what around the world that we may not know, unless we have a strong intelligence community.

So I wanted to make sure that was on the record and stated very clearly, because I favor a stronger CIA, particularly when we are pulling down much of our military strength.

I believe this amendment strengthens the CIA, because it helps the Congress and the people to have a confidence that we do not have a rogue Director of the CIA, or a rogue top group out there. There are people that we will have had through the confirmation process that gives us more confidence in our ability to work with them. I did not want someone out there who is off running as a single entity, directing the Agency to that person's own ideology, nor do I want someone that is overly subordinate and supportive of the President, which has been the charge in the Gates hearings, that there was too much slanting of the intelligence information to support an administration's preconceived view.

What I am talking about is accountability for these three very important positions. That is the issue here. Our confirmation process says, as we follow it under the advise and consent of the Constitution, we follow it under all the separation of powers, that the confirmation process is about accountability. It is that simple.

That is the reason for this amendment. It is nothing else. It is not to weaken the CIA. It is to strengthen the CIA, in my view, because the CIA, with something like this in place, will have more believeability in their objectivity than would otherwise be the case. That is what this is all about.

I know the distinguished chairman desires some time to speak on this, and I am glad to yield.

Mr. BOREN. Mr. President, I thank my colleague from Ohio, and I apologize for being absent from the floor during some of the debate.

When the Senator from Ohio first described his amendment to me, I must confess that I was not totally enthusiastic about it. My first reaction to it was that we do not want to get into the micromanagement of the Agency. We do not want to confirm too many people that we will deprive the Director of the Agency of the authority and the responsibility for picking good subordinates to carry out the key positions, the work of the key positions of the Agency, in a way that he will not be able to run it, since the Director ultimately is held accountable for the quality of the product.

Certainly, the experience that we have been through in other confirmation processes has not always been a happy one, as we have seen this past week. No one has been more outraged than I by what we have viewed in terms of the lack of responsibility of those who are part of the system. We do not yet know their identities, but whether it was a staff member, or a Senator, or whether it was someone associated with this institution who leaked information in the recent confirmation process of Judge Thomas, it must be determined.

We will not have met our responsibility to the American people until the identity of those parties is determined and until those people are held accountable, and to my way of thinking, if they are employees of this institution until their employment with this institution is terminated.

I am one of those who feels very strongly that the integrity of the confirmation process is so important that even if it takes outside help in terms of conducting an investigation to determine the parties responsible, it should be done. We felt very strongly about that in our committee. We adopted strong committee rules and made it clear we would dismiss staff members or ask members of the committee to step down if they were found responsible for leaking sensitive information without authorization of our committee.

So I understand that in some ways this perhaps is not the best moment of timing for the Senator from Ohio to present this amendment since all of us have just been through a process that did not work very well because at least in part of the irresponsibility apparently of someone associated with this institution that we all love and cherish and this institution which belongs to the American people. It would be easy, I suppose, having come through this experience, atypical as it is, to then take the point of view that we should start reducing rather than increasing the numbers of positions subject to Senate confirmation.

I think that would be a mistaken lesson from this process. This lesson is that the Senate should not have a part in advice and consenting to the nomination of people nominated for important posts—like membership on the Supreme Court of the United States, a lifetime appointment, or appointment to the directorship of the Central Intelligence Agency, sensitive as it is, operating very often in secret beyond the knowledge of most people in this country, subject only to scrutiny of a small number of people, primarily members of the two Intelligence Committees.

The lesson to be drawn from what we have been through is that not that we should do away with the advice-and-consent role set forth in the Constitution for the Senate of the United States. The lesson we should learn is we should do it much more effectively, much more carefully, and much more responsibly. Another lesson we should perhaps learn is that we need to take a look at reform of Congress as a whole as an institution.

And I think when we have committees with over 100 employees and staff members, that probably much of the work of committees, even offices, sometimes in an individual office, is turned over to those who have not been elected by the people and not directly accountable to them, that it is the mistake.

We need to look at the whole process. Whether or not we should have a good confirmation is not the issue here. Whether or not we wanted to give the Director of Central Intelligence Agency enough authority to run his agency or her agency as the case may be is not the issue here. The question is whether or not the positions that are described in the Glenn amendment are sensitive enough and important enough to merit the requirement that confirmation should be required.

When I first became chairman of the Senate Intelligence Committee, I would have answered that question probably in the negative. It is enough for the Intelligence Committee to be involved and the Senate to be involved in the process of confirming the Director and the Deputy Director.

Over the years, because of problems that arose during the Iran-Contra affair, we all learned from our experience. We came to understand the importance of oversight, in terms of preventing the politicization of the intelligence community, in terms of even making certain that laws were not violated and that is why this body wisely decided to pass a statute which the President signed which set up an independent inspector general for the Central Intelligence Agency.

We decided that for that particular position to be assured of independence and objectivity it was important that the Senate act to confirm the person named as inspector general.

Over the last few months, and perhaps even more importantly, over the last few weeks, as we have dealt with the confirmation process as it relates to the nomination of Robert Gates to be Director of Central Intelligence, we have become even more sensitive to the fact that other positions within the agency are extremely important. If we spent billions and billions of dollars in the area of providing the equipment and personnel and other tools for the intelligence community only to have the intelligence product politicized or skewed to tell the policymakers what they want to hear, the integrity of the whole process is undermined. It does not take an expenditure of billions of dollars to simply write down on a sheet of paper what the policymakers already want to hear. We could certainly have saved a lot of money in the budget if that is all that was to that.

So the person who holds the position of Deputy Director for Intelligence holds the post of tremendous importance and sensitivity in terms of ensuring the integrity of the intelligence product.

Likewise, the Deputy Director for Operations, often called the spy master in the popular press, is also a position of immense responsibility.

When you look at the history of the Central Intelligence Agency and look at those moments that have been most embarrassing to the agency, most damaging to the United States, and our national security interests in terms of mistakes that have been made, most of them had to do with operations.

Whether we are talking about the mining of harbors in Nicaragua or other instances that have occurred in terms of mistakes being made in the past that have embarrassed this country, most of them related to operations.

There have also been a tremendous number of successes, and that always has been my frustration as chairman of the Intelligence Committee that by their very nature successes never become public and there are probably a hundred successes for every failure we know about that eventually finds its way into the media.

So I cite the failures not to show the importance of this position but I also could cite the successes as well to show the importance of the position of Director of Operations. It is absolutely essential that we have a good person in that position.

In 1981, that position was not a confirmable position, and we all remember that Mr. Casey at that time appointed a man Max Hugel at that position who was clearly disqualified for it and to his credit the then Deputy, one step below the Director of Operations, at that time Mr. Dick Stolz, decided to retire from the agency rather than continue to work in those circumstance. To the credit of Judge William Webster when he became the Director he asked Stolz to come out of retirement, a man who demonstrated tremendous personal integrity, a man later recognized to receive the National Intelligence Medal from the hand of the President of the United States agreed to come out of retirement and become Director of Operations again.

I can tell you that as chairman of the Senate Intelligence Committee, knowing that a man of the character and ability of Mr. Stolz was the Director of Operations for the agency made me sleep a lot better at night and made me much more certain that I could look to the American people and tell them I thought all was well in that particular highly sensitive, very important division of the Central Intelligence Agency.

If the Director had been a different kind of person than Judge Webster and the President had been a different kind of man, if we had another situation where there was an attempt made to appoint someone like Mr. Casey's choice of Mr. Hugel there is simply no legal remedy to prevent such an appointment in the future short of confirmation by the Senate of the United States and scrutiny by the Intelligence Committees of the Congress.

Therefore, I have come to the conclusion, just as one individual—the other members of our committee who feel quite strongly to the contrary, and this is certainly not a matter that ought to be politicized. It is not a matter on which I would attempt to sway the vote of any other Senator. Senator CHAFEE has spoken on this issue. Senator COHEN who served as vice chairman for 4 years of our committee has spoken on this issue as have other members of the committee, people for whose judgment I have immense respect.

This is a very close question. There are very strong arguments on both sides and my only hope is that Members would think about it before they vote and will carefully weigh the arguments before they vote, and I think again it is not the kind of thing that I can say with great force and vehemence that I am sure that it is absolutely right and essential that this amendment be adopted.

But having thought about it, having lived with the experience of being chairman of the Senate Intelligence Committee, and having been responsible for the effectiveness of the oversight process, and having realized how sensitive these positions are and what abuse can occur and what damage can be done to the interests of the United States if the wrong person occupies the position of being Deputy Director for Operation or Deputy Director for Intelligence of the CIA or general counsel because the general counsel often gives advice to the leaders of the agency about what the law is in terms of what is legal and illegal for the CIA to do, oftentimes out of public view, another very important position, I simply believe I would be more comfortable in the long run knowing that the committee and the Senate had an opportunity to at least make a judgment about the quality of the persons appointed to these three positions. It ought to be done with great care. The confirmation process should never be a circus. It should not be politicized.

Most Members of the Senate will not even recall that we had a public hearing on the confirmation of the inspector general or the current Deputy Director of the Central Intelligence Agency, and that is the way most confirmation processes go on. There are over 60 key positions in the defense establishment that are confirmed by the Armed Services Committee, and when you consider the size of the intelligence operations in this country and you consider the budget of this operation, and the sensitivity of it, I do not believe it would be out of line to say that we should have six positions in the Central Intelligence Agency subject to Senate confirmation.

As I say, Mr. President, this is a matter upon which honest men and women may differ in their opinions. It is certainly a matter of which there is a difference of opinion between people I respect, people who have every bit as much experience in this field as I have. They come down on the other side.

But I intend to vote for the Glenn amendment because I think it is an important protection for the American people in an agency that has to operate out of the public view. And I think if we are to error on one side or the other of strengthening the oversight process, strengthening a check and balance system, since we are dealing with an agency whose budget is not out in the open, whose operations are not out in the open, who mainly act in secret, even with the kind of hearing we have had on the confirmation of Robert Gates, extraordinary hearings that have done more to educate the American public about the intelligence community than any other set of public hearings probably in the history of this country, still even with that kind of process and that kind of determination to have effective oversight that is shared in a very bipartisan way by the members of our committee, most of what the CIA does is still secret and will probably continue to be. And that is why if we are to error on one side or the other, let us error on the side of accountability, let us error on the side of making sure that we have enough checks in the system as opposed to too few.

I think that the Glenn amendment, as it has been modified to include only three positions, strikes that balance. I intend to vote for it myself. I do not intend to try to twist arms or influence the outcome of the vote on this amendment. It is something each Member should weigh very carefully. I just urge my colleagues to think about it in a very serious way—it is a substantial issue of importance—before they cast their votes.

I thank my colleague from Ohio for yielding to me and giving me the opportunity to share these brief thoughts about the amendment which he has put forward.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

I thank the distinguished chairman of the committee for his remarks and for his support for this amendment. I concur wholeheartedly with the remarks he made and the rationale behind them. I think they were very good.

Mr. D'AMATO. Mr. President, I rise today in strong opposition to the amendment by my distinguished colleague from Ohio to make additional Central Intelligence Agency positions subject to Presidential nomination and Senate confirmation. I share my colleague's concerns about the operation of the CIA, but I believe that his amendment will cause more trouble than it will cure.

I understand that the committee has received a communication from the White House indicating that the President will be advised to veto S. 1539 if this amendment should become a part of this bill. In addition, the Acting Director of Central Intelligence, Mr. Richard J. Kerr, has written a letter to the chairman dated October 10, 1991, opposing this amendment.

As we are about to finish the committee's action on the nomination of Mr. Robert M. Gates to be Director of Central Intelligence, we have fresh in our minds the problems associated with the confirmation process. This amendment would add the CIA's general counsel, Deputy Director for Operations, and Deputy Director for Intelligence to the three positions which are already subject to the confirmation process—the DCI, DDCI, and inspector general.

Having just completed a most thorough and painful review of internal Directorate of Intelligence disputes in the course of the Gates hearings, it is clear that the people of the United States, the U.S. Government as a whole, and the CIA would have little or nothing to gain from this amendment. In fact, this amendment would invite initiation of more internal disputes throughout the Agency, and would provide aid, comfort, and encouragement to the inception and growth of factions within the Agency.

Rather than curing the problems we found, I believe extending the confirmation process further will increase the risk of politicization of the organization and increase the chances that CIA analysis will be regarded as untrustworthy by policymakers. I want to make clear, in this regard, that politicization does not always come from the top. Sometimes, it grows from within when a particular faction resists, for whatever reason, legitimate management direction of its activities.

If a new DDI comes before the committee for confirmation, we will likely be faced with officers coming forward to attack the nominee. Extending the confirmation process to the DDI will just encourage the growth and entrenchment of factions in the CIA's analytic community in particular. If that happens, the effect on the CIA's written intelligence product will be strikingly negative.

Publicly airing the Directorate of Intelligence's internal disputes was troubling. The proposal to subject the Deputy Director of Operations to confirmation is simply impossible. It is impossible because of our responsibilities to conduct a fair and open confirmation process.

I believe we have an obligation to conduct as much of our government in public as possible. Accordingly, we should hold as much of our confirmation hearings in public as possible. I do not know how we do that with the DDO.

Mr. President, let me remind my colleagues that the Deputy Director of Operations at the CIA is in charge of the most sensitive U.S. intelligence activities. Human lives literally hang in the balance on many decisions he has to make. Our most sensitive intelligence sources and methods are directly involved in the activities for which he is responsible.

I do not think we can meet our constitutional obligations to the people of the United States if too much of the confirmation process must be held behind closed doors. I want to remind my colleagues and the citizens who may be watching this floor debate on C-SPAN that the vast majority of the Gates hearings were held in public. I think that is very important.

I do not believe we could hold public hearings on the DDO, at least not in any meaningful way. Any serious, substantive questions would have to be asked and answered behind closed doors. Otherwise, the CIA would not be able to conduct its legal, authorized, and necessary activities.

Mr. President, let me turn for a moment to institutional considerations. Because of the necessarily secret nature of intelligence, the Senate Select Committee on Intelligence and our counterpart, the House Permanent Select Committee on Intelligence, have a more significant role in oversight of activities under their jurisdiction than have other committees of matters within their respective jurisdictions. Let me explain why.

In matters that are not secret, interested parties, the media, and citizens at large are able, if they choose to spend the time and effort to do so, to become very well informed on the facts and circumstances surrounding any public policy issue. They are then free to form conclusions and to advocate specific policy directions and choices. This large community of interested and informed people is a key element of successful oversight by other committees of activities under their respective jurisdictions.

This community of informed people is necessarily largely absent in secret intelligence matters. The two committees and their staffs must do what other committees do, but they must do it better. They must find out in detail what is going on and they must be able to form sound judgments on the information they gather, without much aid from public policy debates in the public arena that form the environment in which other oversight committees operate.

This situation has very strong implications for the way we do our business. It is essential that we sustain the trust and confidence of the people in the intelligence community in our oversight process.

If we extend the confirmation process to the DDO, the DDI, and the general counsel, we risk having partisan confirmation battles on an annual basis. Then, the President may choose to nominate people more on the basis of how their nominations will play with the committee and the Senate than on the basis of how well they will perform in the positions to which they have been nominated.

I believe that passage of this amendment would so seriously complicate our oversight process as to put it in danger of becoming ineffective. Nominees chosen to suit the confirmation process could alienate and factionalize the various professional communities within the CIA. Repeated partisan confirmation hearings run the clear risk of undermining and even destroying the cooperative nature of the intelligence oversight process on the committee itself. If that happens, we can anticipate even sharper conflicts between the executive and legislative branches over intelligence policy and operations, with potentially serious negative effects on our national security.

Mr. President, I hope my colleagues will agree with me that now is not the time to enact this amendment. I ask that they join with me in opposing this amendment.

Mr. GLENN. Mr. President, we have no one else on this side waiting to speak. I am prepared to yield back all time and go to a vote on this if the other side is willing to yield back time.

Mr. MURKOWSKI. Mr. President, I concur with my friend from Ohio. We are willing to yield back the remainder of our time.

I would just like to reiterate the opposition that this side has to the Glenn amendment. We have heard the statements by Senator DANFORTH, Senator HOLLINGS, Senator CHAFEE, Senator COHEN. I think I can best, in summary, say, "If it's not broke, don't fix it."

With that, I, too, yield back the remainder of my time.

Mr. GLENN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. GLENN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There is time remaining on the bill under the control of the ranking member, as I understand it.

Mr. BOREN. Mr. President, I know I have no time remaining. I might suggest to my colleague that he could yield back the remainder of his time on the bill, so that, immediately after the vote on the amendment—I do not anticipate that there will be a rollcall on final passage unless someone makes that request.

Mr. CHAFEE. Mr. President, I do not think we should at this time suggest that there will not be a rollcall on final passage. I would prefer to hold back on that if we might.

Mr. BOREN. Perhaps I might ask my colleague to just reserve his time on the bill until after the vote occurs on this amendment. Because if indeed there is a request for a rollcall vote, there might be a need for final debate before the passage of the bill.

Mr. MURKOWSKI. The Senator from Alaska would concur.

The PRESIDING OFFICER. Without objection, the time on the bill will be reserved until after the vote on this amendment.

The question is on agreeing to the amendment of the Senator from Ohio [Mr. GLENN]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Arkansas [Mr. PRYOR], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—38

Adams
Akaka
Baucus
Biden
Bingaman
Boren
Bryan
Bumpers
Burdick
Byrd
Cranston
Daschle
DeConcini
Glenn
Gore
Graham
Harkin
Johnston
Kennedy
Kerrey
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Moynihan
Nunn
Pell
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Wellstone

NAYS—59

Bentsen
Bond
Bradley
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hollings
Jeffords
Kassebaum
Kasten
Kerry
Kohl
Lott
Lugar
Mack
McCain
McConnell
Mitchell
Murkowski
Nickles
Packwood
Pressler
Reid
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—3

Inouye
Pryor
Wofford

So the amendment (No. 1258) was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I am advised by the managers that no Senator has requested a rollcall vote on final passage. If that is the case, then I am advised by the managers that they can proceed promptly to complete action on the bill by voice vote. Therefore, the vote just having occurred will have been the last roll call vote of the day. I take the current lack of response to mean that no Senator does request a rollcall vote.

Accordingly, Mr. President, unless someone does so at the last moment, the managers can now proceed to complete action on the bill by voice vote, and there will be no further rollcall votes this evening.

Mr. MURKOWSKI. Mr. President, the majority leader is correct. I know of no one asking for a rollcall vote at this time.

The PRESIDING OFFICER. The ranking member of the committee has 15 minutes left on the bill.

Mr. MURKOWSKI. Mr. President, we on this side yield back the remainder of our time.

The PRESIDING OFFICER. All time on the bill has been yielded back. The question is on the engrossment and the third reading of the bill.

The bill (S. 1539) was ordered to be engrossed for a third reading and was read the third time.

Mr. BOREN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be discharged from further consideration of H.R. 2038 and that the Senate proceed to the immediate consideration of H.R. 2038, the companion bill to S. 1539; that all after the enacting clause be stricken, and that the text of S. 1539, as amended, be inserted in lieu thereof and that the bill be considered read three times.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been deemed read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2038), as amended, was passed.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, I ask unanimous consent that the Senate insist on its amendments, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer [Mr. WELLSTONE] appointed Mr. BOREN, Mr. NUNN, Mr. HOLLINGS, Mr. BRADLEY, Mr. CRANSTON, Mr. DECONCINI, Mr. METZENBAUM, Mr. GLENN, Mr. MURKOWSKI, Mr. WARNER, Mr. D'Amato, Mr. DANFORTH, Mr. RUDMAN, Mr. GORTON, Mr. CHAFEE, and from the Committee on Armed Services, Mr. EXON, and Mr. THURMOND, conferees on the part of the Senate.

Mr. BOREN. Mr. President, I ask unanimous consent that S. 1539 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I thank all of my colleagues for their interest in this piece of legislation. I particularly thank the members of the Intelligence Committee who have labored long and hard to produce this legislation.

As I have indicated, in many ways it is a landmark piece of legislation. It includes in it the first major new national security education initiative for more than two decades, since the passage and implementation of the National Defense Education Act, following the launching of Sputnik by the Soviet Union. It will provide for the first time grants for college undergraduates to study overseas to learn about other cultures, to learn other languages. It will provide grants to colleges and universities to increase courses and improve curriculum in international studies, area studies, foreign studies. It will also provide grants in these fields to those who agree to spend some time in Government service after they receive those graduate degrees.

It helps enhance the human source base and talent of this country in fields that are critical to the national interest, not only to our security, as most broadly and realistically defined, but also for the economic and social strength of this country as well, as we enter a new and very much more international environment, as we approach the next century.

It is also a bill that begins the process, which will rapidly accelerate by next year, to change the budgetary priorities within the intelligence field. It continues the initiative of our committee commenced over 2 years ago to rebuild the human source intelligence capability in the intelligence community, the kind of strengths that are going to be badly needed in a new world environment in which regional conflicts rank high as a risk to this country, where we will need earlier warning of the intentions of potential adversaries so that we will not only have the ability of forceful intervention such as after the invasion of Kuwait, but we can have early knowledge of possible intentions such as those of Saddam Hussein who might threaten our interests, and be able to take other actions short of war to deter aggression in advance, also to penetrate terrorist cells and those trafficking in narcotics and those responsible for the proliferation of weapons, nuclear, chemical, and biological. All of these kinds of challenges.

In addition, the challenge of economic information to combat theft of our economic secrets in the counterintelligence field and to make sure we have a level playing field in terms of the actions of other governments, so that we can compete in the international economy on a fair basis.

All of these areas will demand an improvement in our human source intelligence capability, and this legislation moves us in the right direction in terms of putting more emphasis, a greater budgetary priority on that kind of skill and on that kind of resource.

I thank my colleague, the vice chairman, especially for his leadership in assisting the committee and preparing this legislation. I thank the majority staff director, Mr. George Tenet and the minority staff director, Mr. John Moseman. As I have said many times, these are the only two persons of our committee staff designated as majority and minority. We have a totally unified staff. We do not have a majority and a minority staff. Uniquely, as a committee, we have an American staff. I do not even know the political affiliation of most of the staff members. It is an example I hope perhaps will be taken up by others in the Senate in other areas of jurisdiction because we must find ways to work together more closely and the members of our committee try to do that. As chairman and vice chairman, Senator MURKOWSKI and I try do that. Mr. Tenet and Mr. Moseman set an admirable example to the rest of staff in terms of their own cooperative, bipartisan approach.

Among the other members of the staff I particularly want to thank our general counsel, Mr. Britt Snider; Regina Genton, Gary Sojka, Terry Ryan, Mary Sturtevant, Jim Martin, John Eliff, Chris Straub, Chris Mellon, David Garman, Don Mitchell, Ed Levine, Mr. Keith Hall, who for many years was the budget director of our staff, who is now serving as deputy secretary for intelligence at the Department of Defense, and many other members of the staff that I could mention on this occasion who have given important support to us in preparing this legislation. They have my deep appreciation and they have made a real contribution to their country in the process of working on this legislation.

I also thank my colleagues on the Armed Services Committee and on the Appropriations Committee. Senator BYRD and his committee have been extremely cooperative with us in terms of tracking the anticipated language in our authorization bill and their appropriations bill. They have been fully supportive, enthusiastically supportive of the new directions we are taking in intelligence, of this important education initiative, and I thank my colleague from West Virginia and those who serve with him on the Appropriations Committee.

I also thank my colleagues, Senator NUNN and the ranking member, Senator WARNER, on the Armed Services Committee likewise for their cooperation with us. The work on this bill has been a model of cooperation, not only between the two parties, as we have been virtually unanimous in our deliberations in the intelligence committee, Democrats and Republicans alike, it has also been a model of cooperation between committees of the Senate, especially the Intelligence Committee, the Appropriations Committee, and the Armed Services Committee. I thank all of my colleagues who have been an important part of this process and who have contributed so much to it.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair. I will not duplicate the remarks of the chairman other than to add in the case of one of the staff members, Mr. Keith Hall, who has moved to the Department of Defense. He was our budget officer. We wish him well in his new responsibility.

I think the chairman has adequately recognized all of the fine work of our staff on both sides and, needless to say, we expect that caliber of work to continue and perhaps even excel, and with a little more praise, why, perhaps that would be accomplished.

But seriously speaking, Mr. President, it has been a pleasure to work with the chairman and the members of the committee as well. I think that we function in a responsible manner and with dispatch, and with that last word I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is my pleasure to serve as a member of this committee with our distinguished chairman and distinguished ranking member. As the chairman and the ranking member pointed out, we have a very close working relationship with the Senate Armed Services Committee, on which I am also privileged to serve.

I am confident that the work of our committee reflects not only the charter that we have but also the goals that we have set under the new leadership in this committee. I pay my respects to our chairman and distinguished ranking member for seeing us through some troubled waters this past year, in laying the foundation for what I hope will be a very effective and, I think, Mr. President, necessary reorganization of the Central Intelligence Agency and other aspects of our overall intelligence network.

I look forward to the coming year and working with my distinguished chairman and ranking member.

Mr. BOREN. Mr. President, I want to thank my colleague from Virginia, Senator WARNER, and of course my colleague, Senator MURKOWSKI, the vice chairman, for the kind remarks which they have made.

As I indicated a moment ago I really believe that the cooperation not only in a bipartisan sense within our committee but the special cooperation that we have had with the Armed Services Committee, the leadership of Senator WARNER and Senator NUNN, has really been to the benefit of this country and will enable us I think in the years ahead to make the changes that are going to be necessary.

We built the foundation, as the Senator from Virginia has said. We have already charted a new course. We have set new priorities. We are beginning to move in that direction. We made important progress on this bill, and it really is the building block upon which we can make truly major changes in a constructive way next year. I want to thank him for his words, and certainly for the immense contribution that he has made to this process personally.

Mr. SEYMOUR. Mr. President, in the wake of the way that the U.S. Senate has handled—or I should say mishandled—the nomination of Judge Clarence Thomas, one of the tasks we have before us is how we repair the confirmation process that has clearly broken down.

Mr. President, today, I am proposing the first step in bringing some sense of order and fairness into the way the Senate conducts itself on the confirmation of nominees. I am submitting for the record the text of an amendment that calls on the FBI to undertake an investigation of the leak of the FBI report from the Senate Judiciary Committee concerning Prof. Anita Hill's allegations.

If states that the FBI will have authority to subpoena the attendance of witnesses and all relevant documentation pertaining to this leak. It also requires the FBI to submit its report to Congress no later than 30 days after the enactment of this act. It is simple. It is straightforward. And it is intended to clean out the stench that today hangs over this highest elected body in our country.

I want to put my colleagues on notice that I intend to offer this amendment to bills that the Senate will be considering in the coming days. And I sincerely hope that when that happens, we will have support on both sides of the aisle. Because it is not just the reputation and credibility of my Democrat colleagues that has been tarnished by this episode. It is not just the reputation and credibility of my Republican colleagues either. It is the credibility of this institution—the U.S. Senate—that has suffered as a result of this national disgrace.

Mr. President, I am circulating a letter to all Senators today on this matter, and I urge them to review it and join with us in supporting this amendment.

One of the things that the American people have complained about in this whole ordeal is that the process is out of order. And they have a clear understanding of what the new rules of the game appear to be. If a nominee can't be challenged on his or her views or opinions, then he or she can be torpedoed, can be defamed, can have their character besmirched and dragged through the public sewer. And all of this by the deliberate and calculated leaking of information, with the clear intent of creating an ethical cloud that's sufficient to sway some votes.

Now, there's been a lot of talk around this town that "well, everyone leaks." "It's just the way things are done." "You can't stop people from leaking." 'It's normal." But what happened over the past week and a half is anything but normal.

We've heard it a lot these past few days, but it bears repeating today: FBI reports contain raw, unsubstantiated, confidential allegations. Without investigation, the charges are inconclusive. Left unsubstantiated, they can be damning. Leaked, they are damning, and they can permanently destroy a person's reputation.

As Senator DANFORTH reminded us last week and again today, leaking an FBI file is not a trivial matter. It is an extremely serious violation of Senate rules. It subjects a Member of the Senate to expulsion from this body. It subjects a staff member of the Senate to termination.

It's one of the main reasons why the American people are so outraged with what has gone on here the past 10 days. If you doubt it, just look at the polls that are in the newspapers and the news magazines. The vast majority believe that we are incapable of conducting the business of confirming nominees in a fair and responsible manner.

That is what we witnessed when the FBI report containing Professor Hill's allegations was leaked. It has caused severe and lasting damage to Judge Thomas, to Professor Hill, and to the Senate. Everybody looks bad because of the reckless action that was taken when this document was leaked. It is unfair, it is unjust, it is unconscionable, and it cannot be permitted to go on. We must do all that we can to ensure that in the future, no human being again goes through what Professor Hill and Judge Thomas were forced to endure.

That's why I will be offering this amendment in the coming days. It begins the process of repairing the damage that this entire episode has created. And it will send a message to the American people that we take this matter, very, very seriously, and that we will not tolerate it in the future.

Now that the vote has been taken on Judge Thomas' nomination, the question people are now asking is: What can we do to get our house back in order. This FBI investigation is the first step in that process, and I hope that my colleagues will join with me in working for its swift approval.

Mr. COATS. Mr. President, I want to join my colleague from California in his efforts to raise what I think is a very important question before this body. The long ordeal which we have just been through here with the Thomas nomination is over, I think much of the relief of the Senate, and certainly to the relief of the American people.

It is not my intention to rehash that debate this evening, but I want to join my colleague from California in raising an issue that I think is unresolved. It is very troubling, and that deserves the Senate's attention.

What we have just completed can only be described as a cheap melodrama. We have conducted our constitutional duties with a decorum of a Phil Donahue Show or Oprah Winfrey Show. We have been trading in allegation and innuendo, and we have decisively and unfortunately rejected the long history of careful deliberation in the nomination process.

There is going to be a great tendency around here to think that is behind us, that is done, let us just put it aside, and everybody will forget about it.

The Members of the Senate may forget about it, or at least want to forget about it, but the American public will not and has not. The process is broken. And our continued participation in it dignifies what I think many consider a sham.

So we are presented with a pretty stark choice. We can either pursue change, pursue reform, or we can further allow further damage to what has been a very badly damaged body.

Mr. President, from discussions with Senators on both sides of the aisle, I know that this is a frustration that is just not reserved to one party, but I think it is essential that our discontent be transformed into a constructive reform effort. I am not exactly sure what final shape this reform effort should take but I think we have some ideas about the direction it ought to go.

First, I think we need to establish clearly a process where the standards of our judgment are clear before we reach conclusions. We have to have some procedural firewalls that prevent lurid allegations from becoming media events and dominating our deliberations. In the case of Clarence Thomas the accusations were both very late and very public, and smelled of obvious political manipulation.

Surely there is some middle ground here, a middle ground where the charges come early enough to be examined, where a committee is trusted to determine which charges are serious enough to merit sustained attention, and where the ploys of ideologs are banished and fair rules of evidence are applied. Without a context for our deliberations with set procedures the nomination process can quickly degenerate from hearing, to inquisition, to character assassination.

Second, we can no longer allow Senate staff to destroy the credibility of this process with unethical and illegal leaks. Staff are not paid by the public to serve a personal political agenda at the expense of this institution and its deliberations or as opposed to what the American people expect of us. In the case of Clarence Thomas it is clear to me that staff has exhibited an exaggerated sense of power and a very deficient sense of mission. It is unvarnished arrogance. And I am convinced that those who are responsible have to be held accountable.

So I support the efforts of my colleague from California to request an FBI investigation into what has taken place, and then the Senate after reviewing that can determine what action we ought to take.

Why do we need a fair, predictable, regular process? Because reputations are valued and allegations are cheap. Something is badly wrong when it becomes this easy to discredit or ruin a nominee, and when it becomes this difficult to find out the truth.

When Senate decisions or nominations are made on the weight of allegations and not on the weight of evidence, the potential for abuse is enormous, and the sifting of evidence requires a process with predictable standards of judgment. We demand it in the Court, and we should expect it in a confirmation. Without this, the Senate is going to be subjected to continuing tyranny, the tyranny of scheming staffers, of last-minute allegations, tyranny of being driven by every media tempest, the tyranny of self-doubt, knowing in the end that we have not been fair, or just, or true to the standards that we ought to be exercising.

So I hope the Senate will join Senator SEYMOUR and I and others in reexamining the process that is deeply flawed. We owe it to good men and good women who seek to serve this Nation. We owe it to the future of this institution.

In the final analysis, we must make changes so that posterity may know we have not loosely through silence permitted the things to pass away as in a dream."

That was a statement by Richard Hooker, and I think it is a statement that this Senate ought to take very, very seriously.

Mr. President, I yield the floor.

Mr. GRAMM. Mr. President, tomorrow when the distinguished Senator from California offers his amendment demanding an FBI investigation of those factors surrounding the Clarence Thomas nomination that had to do with the breach of Senate rules and breach of confidence, I am going to be proud to join him in that process.

I want to make it clear that there is a problem. We have had speculation now around here for several weeks as to what all this has done to the reputation of Clarence Thomas or Anita Hill. My guess is if you did a poll tonight on reputations, and you included the Senate, that they would both outpoll us. We have an opportunity to do something about it.

What the distinguished Senator from California is going to do is offer an amendment calling for an independent investigation centered outside the Senate by the FBI to gather the facts as to what happened, how Senate rules were violated, and how we had a breach of trust and confidence.

I think it is vitally important that we adopt that amendment. Let me make it clear that the amendment is going to be offered on the first bill that comes along, and it is going to be offered over and over and over again until, finally, we have an opportunity to vote on it.

I know the American people are for it. I hope the majority of the Members of the Senate are for it.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I will join my colleague from California in this effort. I think one of the untold stories is how Anita Hill was mistreated by the U.S. Senate. The simple facts are these:

First of all, she was assured by Senate staff that there were rumors circulating about sexual harassment at the EEOC and an implication was made that they involved her. In effect, they urged her to make a statement to protect against the rumors that they said were circulating. The tragedy of this is that the story they told her was untrue.

Second, there is a report that those staffers, who the committee declined to question, assured Anita Hill that if she would simply sign the affidavit, it was quite likely that Judge Thomas would withdraw his nomination, and the matter would be settled. That was obviously untrue, as well.

Third, Anita Hill was assured by those people that her affidavit and her statement would be treated in confidence. The simple fact is that that was untrue, as well. A witness came forward to provide the U.S. Senate with vitally needed information, whether you favored Clarence Thomas or opposed him, and the simple fact is that this was relative information, and it was significant information. That witness, who put her faith in the U.S. Senate, was let down by this body in a direct violation of our rules.

The simple fact is that we, as a body, cannot afford to simply ignore the rules that we have passed. We either ought to amend the rules, or we ought to abandon the commitment to keep some communications in confidence, or we ought to enforce them. I see this as an essential ingredient in saying to the American people that we intend to stand by the rules we passed. It is a commitment of honor.

I believe and hope this body will stand behind the initiative of the Senator from California.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, on Tuesday last, as the Senate went in recess, pending the final hearings on the Supreme Court nominee's case, I was here on the floor, because by then we were aware of the fact that the rules of the U.S. Senate had been violated and that a breach of confidence had occurred. I said then—and I do not repeat in exact words—that we cannot let this happen if we expect our rules to mean anything. Frankly, if you have U.S. Senate rules that do not mean anything, you probably do not have much of a Senate.

So that night, as forcibly as I could, I suggested that while the proceedings might go on, the U.S. Senate ought to undertake some way to find out who breached the confidence. It had to be a Senator, or a staff person either of the committee, or of one of the committees that a staffer might have shared it with.

Frankly, I compliment the Senator from California, and I will be on his amendment. If it were a bill, I would be on it, because it probably is a simple and, if properly worded, ingenious way to get reliable, trustworthy third parties who do not breach their confidences but have the authority, if the U.S. Senate says, by law, we want you to do this, then they will have all of their authority. And I believe there is a reasonable chance that they will succeed.

On the other hand, if there is not a reasonable chance, it is better by anything we have by way of our committee structure, because it has never worked with this kind of a breach of confidence.

So I say that the Senator from California may be new to the Senate, but he has more than a new idea here tonight. He has one that will work. It is simple, straightforward, and to the point. Once a few words are added to it to make sure everybody understands what they are doing, I think it can have a timeframe to it and get done rather quickly. Frankly, there are a lot of ways to make sure that every single staff person is subjected to the inquiries and subjected in such a way that they would be vulnerable to our rules if, in fact, it is ascertained that they do not cooperate, or that they were the culprit in these breaches of confidential information.

I agree with the Senator from Colorado that the thing that is lost in all of this is that Anita Hill was given some very, very strong what I consider confidential information assurances that I believe might have been part of her reasons for giving her statement. She found shortly thereafter that it meant almost nothing. I just do not believe that is the way the U.S. Senate ought to leave this matter. We ought to at least try, even if we do not succeed, to get to the bottom of it. If nothing else, tonight's words might suggest to somebody around here—if not in this building, maybe in one of the three where we house people, or to the ones that did it—that they ought to be careful, because this time the Senate is going to try to find out who they are.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I commend the Senator from California for the amendment which has been described here on the floor of the Senate in the last few moments and indicate my wholehearted support for that, and I will ask that I be added as a cosponsor when it is subsequently added.

I might say, Mr. President, that the Senator from California is right on the mark. The first problem before us is to figure out what happened in the case of the leak of the information provided by Anita Hill.

Beyond that, Mr. President, it is a question of the future. What the Congress has done so often in the past is exempted itself from legislation applying to everybody else. There are two pieces of legislation, Mr. President, that makes it a crime to leak FBI reports—the Privacy Act and another piece of legislation. What Congress has essentially done is exempt itself from the operation of this statute so that for anybody else in the Federal Government to leak an FBI report is a crime. For a Member of the Senate or a Senate staffer to do, it is not a crime, apparently, but simply a violation of Senate rules.

So, at the appropriate time, I will be offering an amendment on some vehicle dealing with the broader problems of how we deal with this in the future. It seems to me that it is quite simple. The Congress and Members of Congress, all staff, should not be exempt from the criminal laws of this country. It is a crime for an FBI agent to leak an FBI report to the press, and it ought to be a crime for a Senator, or a Senate staffer, to do it.

So I commend the Senator from California for his approach to getting at the problem that has already occurred. But in addition to that, Mr. President, we need to deal with the problem as it may occur in the future, because this is not the first time we have had an FBI report leak out of this body. The Congress should not be treated any differently from any other person in America when it comes to the criminal laws of this country. So there are two ways of getting at the problem.

As I said, I commend the Senator from California for his approach. I, too, will be offering an amendment along the lines I just suggested to legislation coming down the pike in the next few weeks.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I will join my colleague from California as a cosponsor of his amendment. The Senator from Alaska came back for the proposed vote a week ago Tuesday, and prior to that vote, after about 10 hours on the airplane, I went in and read the FBI report, and the accompanying report that Professor Hill had provided that was attached to it. And after reading the periodicals, the newspapers, watching television, and so forth, on the way down, I was struck by the reality that the trust of the Senate had been broken, and certainly the rights of Anita Hill had been violated by this body directly and indirectly through its agents.

I was struck by the significance of that because I felt it was a credibility, if you will, of the Senate itself that had been violated.

I think that, in the last 11 years the Senator from Alaska has been here, we have had leaks in this body before. There has been talk about manner of redress but we have not followed up on it for reasons that I am still a bit perplexed about. So I think there is a frustration now. We have seen this leak of the FBI report.

This is a body that operates under rules, otherwise we will have chaos and, as a consequence, the American public will show its frustration, as it should.

So I think that we are approaching this in a responsible manner. I would hope that we would approach it in a bipartisan manner. I think that we certainly owe it to people who come forward, whether they are asked or come forward voluntarily, and have the assurance from this body or its agents that they will remain confidential. When, through leaks in this body, that confidentiality is broken, it is clearly a case of their rights being violated.

I would only offer one bit of advice to my colleague from California, that I would hope that the special investigator, if indeed it goes that route, does not follow the course of the special investigator in the Iran-Contra affair which has been going on since 1987; and I know my colleague, the chairman of the Intelligence Committee, could wish that as well.

So with that observation, Mr. President, I think we are about ready to go into wrap-up.

I will defer to my colleague, the Senator from Oklahoma, and my good friend, the chairman of the Intelligence Committee.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I have been listening with great interest to my colleagues who have been discussing the problem of leaks during the Thomas confirmation process and, as I have indicated earlier, it is a matter about which I have very strong feelings. I also believe we must have a complete investigation of this matter. It strikes at the heart of the integrity of this institution and the confirmation process.

Many people have been damaged as a result, including both Judge Thomas and Professor Hill. I think we have a responsibility not to rest until those who have been responsible for this leak are determined and are held accountable for it and held responsible for it. As I said, if I had my way, the very smallest amount of accountability that would occur would be that they would be immediately terminated as employees of this institution. I think that is the least that should be done. I could not feel about it more strongly.

I also indicated we followed this kind of process in our committee. I am proud of the fact that in the Intelligence Committee we have established I believe over the past 5 years a very good record in terms of stopping the leaking of sensitive information. We do not even allow Members to take sensitive reports and classified information out of our space.

Most recently, in terms of the Gates confirmation process, we have not allowed staff members to look at FBI reports; Members only will have looked at those reports. And they have never been able to look at those reports except in the presence of agents of the FBI who have been instructed to stay with the documents, the phone calls, or any other matter in the reports, the reading of the reports; the agent has maintained custody of the reports at all times, and also custody of any notes or records that Members might take as they are reading the reports.

So I feel very, very strongly, as do my colleagues on the other side of the aisle who have spoken about it. I talked with the distinguished majority leader, Senator MITCHELL, about it. He made comments on the floor about his view. And he shares that strong determination to bring those responsible for this act to justice. He also shares the determination that we build discipline back into this institution and to all the operations of all the committees of this institution. And so I think it would be only appropriate, as he suggested, that we not simply investigate this one matter, but that we also adopt a systematic approach, generic approach, establishing a right framework of rules and right enforcement procedures that will assure that we have some accountability and this discipline built back into the entire process.

There is no difference of opinion on the two sides of the aisle about that matter, and I commend my distinguished colleague, the Senator from Maine, the majority leader, for the leadership which he has already taken.

We have had a very tragic affair, one that has tarnished the reputation of this institution and I think quite probably tarnished the reputation of many.

I am not one of those who cannot understand why the public is angry about what they have seen. I understand why they are angry. I think they have every right to be angry. I think Professor Hill has every right to be angry. I think Judge Thomas had every right to make the comments that he made about the way he had been treated by the Senate of the United States—or more appropriately, not by the Senate of the United States, but by whomever was responsible for that leak. He was victimized. The members of the committee themselves were victimized, and this institution has been victimized and suffered as a result.

But I think we should view this not as one incident to be dealt with but as a general problem that must be dealt with, a cancer eating away at the reputation of this institution.

The use of leaks—and it occurs, I might sadly say, in the legislative branch; it occurs in the executive branch as well, for those who lose internal debates within the executive branch also leak information as a way of getting their way if they cannot prevail in terms of internal arguments. That happens all too often in this city. It is a matter that needs to be addressed by those in public office and addressed by members of the media who need to set professional standards for themselves as well, and to think long and hard about whether or not it is appropriate for them to be used by people with their own political agendas to distort the integrity of a process.

I do not say that to point the blame at the media. All I say is that we have a problem that is a real serious problem and involves individuals and interest groups with their own agendas. It involves the Congress of the United States and involves the journalistic community. It involves many of us in this country, and we have to do something about it.

Senator DANFORTH once said in the course of this debate that we had gotten into a political climate in this country where it is not enough to beat someone, it is enough to beat them on an issue, it is not enough to have a political triumph; we have the kind of mean-spirited politics now developing where the destruction of the individual is now the accepted means of getting a desired political result.

Nothing is worse than that. Nothing will do more to undermine the public confidence in our Government. Nothing will do more to undermine the moral authority of our Government, or to undermine and tear apart the social fabric of this country than that kind of mean-spirited action that any means is justified by the ends, even the destruction of individuals who are entitled to respect and the treatment of dignity that should be accorded to any individual, the presumption of innocence of individuals, the right of privacy of individuals.

A terrible thing has happened. It has affected many individuals, in fact, on both sides of this issue involved in the Thomas confirmation. It is a sad day. But hopefully from what has happened we will learn some lessons and we will, all of us together, without regard to partisan difference, all of us together will decide to do something to start curing this sickness in our system and in our society, and work together to do it.

Another discouraging element of the division and divisiveness which has occurred is that we have divided people along party lines—some agreed we have been divided by race, divided by gender—at the very time in which our country faces immense challenge. And the only way that we are going to rise to these challenges, the only way we are going to get the country ready for the next century to rebuild the spirit of community in this country is when we stop thinking of ourselves as Democrat or Republican, male or female, members of one racial group or another and start to understand we are part of one American family and that each person in this American family is entitled to respect and fair treatment, and that no one political agenda, no one political agenda on the right or the left justifies inhuman treatment of people, of individuals. We have too much of that in this community.

As I said when we began the confirmation process related to Mr. Gates to be Director of CIA, I was determined that process would be one aimed at weighing the qualifications of an individual person, a human being, with children and parents and a spouse and neighbors and friends, whose reputation, whose respect for his own personal reputation he values. Every person who comes into a confirmation process or involves himself or herself in the political process is entitled to that respect and entitled not to be treated as a pawn in a political chess game as some symbol for some political issue. And that is sadly what we have seen again and again and again; people, whether they are on the right or the left, Democrats or Republicans, male or female, not being treated as individuals but being treated as pawns in a political chess game that has become more and more mean-spirited with lower and lower standards of personal integrity and less and less responsibility being exercised by those who are part of the process, even some of those in this institution and employees of this institution.

And it has to stop. It should be stopped and it should be dealt with in a systematic way, not isolated to this issue alone and this case alone.

But let us work together in a bipartisan way to find a system of appropriate rules and appropriate enforcement, an investigative mechanism to deal not only with the Thomas affair but also with other leaks that have occurred in the past or those that might occur in the future, so that we will create a climate in the entire Senate, as we have tried to create in the Intelligence Committee, with some level of success; not perfect success by any means, because I still find myself very frustrated by some of the things that happen even in the course of our progress. But at least we have made some progress in changing the climate. We must try to do that across the board in this institution.

I join in expressing my concern with my colleagues across the aisles. I want to assure them that I now have spoken with the majority leader, having heard his words on the floor that it is a concern that he shares. It is a matter of deep conviction with him and absolute sincerity with him. I know that he, along with the distinguished Republican leader and others, will be getting together to work for a solution, not to score a political point on this matter, not to score some partisan advantage on this matter, but to find a constructive solution to a very, very real problem.

Mr. President, one of these days we are going to have to get on to the broader tasks of reforming this institution. The distinguished Senator from New Mexico [Mr. DOMENICI] and I have joined with Congressman HAMILTON and Congressman GRADISON on the House side in calling for a new commission along the line of the Monroney-LaFollette Commission, which helped to organize Congress in 1947.

There is so much work to be done. We have gone from 38 committees to 310 committees and subcommittees. Staff has mushroomed all out of control. Procedures have become unmanageable. We have campaigns that are tainted in a way, giving aid and advantage to incumbents.

One of these days, and it is not going to be far off, the American people in utter frustration are going to say: Those people are never going to reform themselves. Those people are never going to reform their institution. We will have to turn to the radical solutions of term limitations to do it.

That is going to happen. There is not going to be a long pause before this movement really takes off. We are going to be voting on it in the State of Washington in just another month. That will be the next sign of the outrage of the American people.

And I might say I felt it myself. I have never felt such disappointment in this institution as I have felt during the last week. And on leaving this city over the weekend, I got on the airplane and someone turned to me and said, "Aren't you a Member of the Senate?"

And looking at the reaction of the other people sitting on the airplane looking at me, you would have thought

I had just been accused of a criminal act. It brought home to me the deep feelings of alienation that exist in the country. And what a tragedy, what a tragedy it is, not just for the Senate but for the country, because something is badly wrong if the people cannot believe in their own Government.

Let me say I think we roundly deserve a lot of criticism that we are now getting as an institution. Let us not wait. The time is now to have hearings on our proposal to reassert a Monroney-LaFollette type effort as we had in 1947, not only to look at the problem of the confirmation process, not only to look at leaks in this institution, but again to look at restoring the basic health and functioning of this institution.

It needs to be done. The public is ready for it. The time is right for it. And we should begin with it.

Mr. President, I do not want to keep my colleagues here any longer. I know that all of us share the same frustration. I know all of us feel the same disappointment and personal hurt from what has happened during this past week. And now we just all have to go to work in a very positive and constructive way and set things right. That is the challenge that is before us.

It is now time to stop the gnashing of teeth. It is the time for healing, but more than anything else, it is the time to start in a constructive way to regain—and merit regaining—the confidence of the American people in this institution and in our political process.

MORNING BUSINESS

Mr. BOREN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, announces the appointment of the following Senators to be members of the official Senate delegation to attend the 50th Anniversary Commemoration of the Attack on Pearl Harbor: The Senator from Hawaii [Mr. INOUYE], chairman; the Senator from Nebraska [Mr. EXON]; the Senator from Alabama [Mr. HEFLIN]; the Senator from New Jersey [Mr. LAUTENBERG]; and the Senator from Hawaii [Mr. AKAKA].

KANSAS EDITORIALS SUPPORT CLARENCE THOMAS

Mr. DOLE. Mr. President, although Clarence Thomas has now been confirmed by the full Senate as the newest member of the U.S. Supreme Court, there is no doubt the Thomas nomination and the subsequent hearings on Capitol Hill will be studied and debated for many years to come.

It was not an easy vote, nor was it an easy call for editorial writers all across America. I closely followed editorial opinion in Kansas, and it was clear my homestate newspapers were just as gripped as anyone else by the drama surrounding the Thomas nomination.

Mr. President, that is why I would like to share with my colleagues three editorials from Kansas newspapers that are thoughtful, compelling opinion pieces.

I highlight these editorials because they not only reflect the tough issues and choices that confronted the Senate and the American people during the long confirmation process, but because they also make a convincing case why Clarence Thomas deserved confirmation.

These editorials, from the Wichita Eagle, the Hutchinson News and the Manhattan Mercury, should be available not only to my Senate colleagues, but also to future generations of Americans who want to study this dramatic chapter in our Nation's history.

Mr. President, I ask unanimous consent that these editorials be included in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Wichita Eagle, Oct. 15, 1991]

NO PROOF—THOMAS ALLEGATIONS AIRED: HE SHOULD BE CONFIRMED

Americans have been mesmerized by the Senate Judiciary Committee's hearings into allegations that Supreme Court nominee Clarence Thomas sexually harassed a former colleague.

Most Americans wanted to see a clear-cut resolution, some unequivocal evidence to prove or disprove Professor Anita Hill's allegations. None was forthcoming.

In the Thomas case, there was no third-party witness to support Professor Hill's charges. There was no pattern of harassment shown. That doesn't mean Judge Thomas is guilty or innocent. It means only that the Senate proceedings did not resolve the issue conclusively. It boiled down to his word against hers.

By any measure of fairness it is wrong to destroy Judge Thomas' career and ruin his reputation based on unsubstantiated accusations. In previous appearances before the Senate Judiciary Committee, Judge Thomas proved to be a man of strong moral beliefs, a man who had overcome poverty and racial discrimination, a competent jurist who was qualified to sit on the Supreme Court. It would be tragic for the Senate to refuse to confim him based solely on unproven sexual harassment allegations.

However, it would also be tragic if the Thomas case were used to disparage the very real problem of sexual harassment in the workplace. Likewise, it would be tragic if women interpreted the Thomas case as evidence that Americans don't take the problem of sexual harassment seriously.

Indeed, Judge Thomas' confirmation process may prove a greater value in making America a more just nation than any decision he may render on the Supreme Court. Reaction to the case has raised the nation's consciousness about sexual harassment. For the past week, the issue has been the No. 1 topic across the country. It's safe to say that the Thomas case has educated millions of Americans about sexual harassment.

Out of that should come a greater awareness of sexual politics in the workplace—of the potential for abuse and unequal power relationships between male bosses and female employees, of the varying senses of propriety men and women bring to the job.

The ultimate goal is mutual respect among professional colleagues, and a work environment where no one faces sexual humiliation, where each person is free from unwanted sexual advances.

Each American has his or her own theory as to why Anita Hill stepped forward and whether Clarence Thomas was convincing. Yet, based on the Senate Judiciary Committee hearing, all is conjecture and personal opinion.

The issue of sexual harassment will continue long past today when the Senate makes its decision on Judge Thomas. There simply was not compelling evidence to disqualify him from the Supreme Court.

[From the Manhattan Mercury, Oct. 14, 1991]

THOMAS SHOULD BE CONFIRMED

If the gut-wrenching, emotion-packed Clarence Thomas nomination hearings were a trial, a jury could deadlock and go home. But it's not a trial, the senators will have to weigh Anita Hill's harassment allegations against Judge Thomas' denial and against all the positive traits in his record and character. Then they will have to vote on his nomination to the U.S. Supreme Court.

Too many no doubt have been checking with their pollsters to find out how their vote will sit with female and black constituents, with conservatives and liberals, with those who think Anita Hill's a hero and Clarence Thomas is a snake, with those who think Ms. Hill is part of some conspiracy or a pathological liar and Mr. Thomas a wronged man.

It would be nice if this vote were about conscience and not about politics. For the conscience tell us that the burden of proof has to be on Ms. Hill, and as expected, there is now no way to say for sure who has been telling the truth. One of the two is a great actor, has committed the crime of perjury, and has done the country and the other a horrible injustice. The other is as courageous a person as has ever appeared in a Senate hearing. Which is which? We can't tell, and have no way of knowing if in the months and years ahead some evidence will be found to determine the truth.

Public opinion polls are showing that a majority of the people believe Judge Thomas, but polls are volatile and can switch back if something new were to surface. But tomorrow is the time for the vote, and the senators have to go on what has been presented so far.

Because there is a reasonable doubt as to who is telling the truth, Judge Thomas should be confirmed. And if he's been telling the truth, the passion he showed in the last three days will help make him a fine justice, despite some of his views, which are not to our liking.

What had been missing in the part of Judge Thomas' testimony orchestrated by handlers and carefully rehearsed was passion. A justice lacking passion cannot serve as a protector of the rights of the accused, of the poor and the powerless. A justice lacking passion lacks the part of jurisprudence not found in a textbook: humanity. During the last few anguishing days, Judge Thomas showed that he has plenty of humanity.

[From the Hutchinson News, Oct. 15, 1991]

PLASTIC FEMINISTS DON'T SPEAK FOR ME

(By Mary Rintoul)

I feel as if I'm a traitor to my own sex.

But I do not believe Anita Hill's allegations against Clarence Thomas.

Barring unforeseen circumstances, the Senate will vote at 5 p.m. today whether to allow or deny Thomas a spot on the nation's highest court. If he is denied the title of Supreme Court Justice, the Senate will have pulled off one of the greatest travesties of all time.

During the three days of testimony leading up to today's vote, my heart ached for Thomas during his impassioned speeches to the Senate Judiciary Committee.

My heart ached for his wife, Virginia, who cried as Republican Sen. Orrin Hatch recounted Ms. Hill's damaging allegations.

My heart ached for Virginia Thomas' sister who lives in Hutchinson, and must be going through a private hell.

The only thought that went through my mind when Ms. Hill was testifying Friday was that she was lying. I can't base that on anything but a gut feeling.

I am sure that in 1981 and 1982 she did indeed tell friends and associates that she was being sexually harassed by Clarence Thomas. I do not dispute that testimony offered by her friends Sunday to the committee. But I believe Ms. Hill was lying then as she is lying now because Clarence Thomas did not give her the job promotions she thought she deserved. A woman scorned, if you will.

There are other troubling aspects. Clarence Thomas has been confirmed by the Senate four times for other government positions. Four times. Yet, where was Ms. Hill during those four confirmation hearings? It seems in her mind it was OK for Thomas to be a sexual harasser and a federal appeals judge. But elevate him to the Supreme Court and it's a different story. That makes no sense.

And the Senate Judiciary Committee—

Who on that committee leaked the FBI report on Anita Hill to the media? Others have pointed the finger at Democratic Sens. Ted Kennedy and Howard Metzenbaum. That probably isn't too far from the truth. Their motivations may never be known. But their partisan politics stink.

And the media—

One could go on forever about their role in this mess. But I am troubled most by the so-called experts that print journalists and television reporters chose to interview during the breaks in the hearings.

Let's get it straight. Do not think for one minute that the National Organization for Women speaks for me. Not on the Thomas hearings, not on any subject.

Why on earth do journalists typically run to this organization every time they seek a woman's viewpoint on some issue? Why don't they interview real women. Not those plasticized feminists who think they speak for all women? They do not speak for me. And I resent the media for thinking they do.

I am a woman. I support Clarence Thomas. He should be confirmed.

NOMINATION REFERRED TO COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BOREN. Mr. President, as if in executive session, I ask unanimous consent that the nomination of Ms. Jill Kent to be Chief Financial Officer of the U.S. Department of State, Executive Calendar 324, be referred to the Committee on Governmental Affairs for not to exceed 20 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' HOSPICE CARE ACT OF 1991

Mr. BOREN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 239, S. 1358, regarding Veterans' Hospice Care.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1358) to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1261

(Purpose: To expand the category of veterans who are eligible for hospice care services and to make technical corrections)

Mr. BOREN. Mr. President, on behalf of Senator CRANSTON, I send a series of modifying amendments to the desk on behalf of the committee and ask that they be considered en bloc as one amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for Mr. CRANSTON, proposes an amendment en bloc numbered 1261.

Mr. BOREN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 2, line 11, strike out "671." and insert in lieu thereof "1771."

On page 2, beginning on line 15, strike out "'(A) who is" and all that follows through line 19 and insert in lieu thereof the following—

"'(A) who is—

"'(i)(I) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, or (ii) eligible for hospital and nursing home care in such facility and receiving such care;

"'(ii) receiving nursing home care at a non-Department of Veterans Affairs nursing home under section 1720(a)(1)(A) of this title; or

"'(iii) receiving domiciliary care, nursing home care, or hospital care for which the Department is paying a State per diem under section 1741 of this title; and'"

On page 3, line 9, strike out "601(4)(A)" and insert in lieu thereof "1701(4)(A)".

On page 3, line 15, strike out "672(b)(1)(D)" and insert in lieu thereof "1772(b)(1)(D)".

On page 4, line 1, strike out "672" and insert in lieu thereof "1772.".

On page 7, line 15, strike out "(B) of" and insert in lieu thereof "(B) or".

On page 7, line 25, strike out "is" and insert in lieu thereof "if".

On page 8, line 5, insert ", supplies, and medications" after "services".

On page 8, line 6, insert "that' after "exceeds".

On page 8, line 6, strike out "673." and insert in lieu thereof "1773.".

On page 8, line 18, strike out "672(a)(1)" and insert in lieu thereof "1772(a)(1)".

On page 9, line 8, strike out "674." and insert in lieu thereof "1774.".

On page 9, line 18, strike out "675." and insert in lieu thereof "1775.".

On page 9, line 23, strike out "672" and insert in lieu thereof "1772".

On page 9, line 24, strike out "673" and insert in lieu thereof "1773".

On page 10, line 6, strike out "673" and insert in lieu thereof "1773".

On page 10, line 24, strike out "672" and insert in lieu thereof "1772".

On page 10, line 25, strike out "673" and insert in lieu thereof "1773".

On page 11, line 17, strike out "672(b)(3)" and insert in lieu thereof "1772(b)(3)".

On page 12, line 25, strike out "672(c)(1)(C)" and insert in lieu thereof "1772(c)(1)(C)".

On page 13, line 18, strike out "673(a)" and insert in lieu thereof "1773(a)".

On page 13, line 25, strike out "672" and insert in lieu thereof "1772".

On page 14, line 1, strike out "673" and insert in lieu thereof "1773".

On page 15, in the matter below line 5, strike out "'671." and insert in lieu thereof "'1771.".

On page 15, in the matter below line 5, strike out "'672." and insert in lieu thereof "'1772.".

On page 15, in the matter below line 5, strike out "'673." and insert in lieu thereof "'1773.".

On page 15, in the matter below line 5, strike out "'674." and insert in lieu thereof "'1774.".

On page 15, in the matter below line 5, strike out "'675." and insert in lieu thereof "'1775.".

Mr. BOREN. I ask unanimous consent that the amendment be considered and deemed to have been agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1261) was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I rise to urge my colleagues to give their unanimous approval to the pending measure, S. 1358, the proposed Veterans' Hospice Services Act of 1991 as it will be modified by a committee amendment that I am proposing. I worked closely with committee members BOB GRAHAM and JOHN D. ROCKEFELLER IV in the development of this measure, which Senator GRAHAM introduced on June 24, 1991. Joining with us as original cosponsors were committee members DANIEL K. AKAKA, DENNIS DECONCINI, and THOMAS A. DASCHLE and Senators JOHN MCCAIN, CONNIE MACK, and KENT CONRAD. The committee's ranking minority member, ARLEN SPECTER, and Senators QUENTIN BURDICK, CHRISTOPHER DODD, JOSEPH LIEBERMAN, ERNEST HOLLINGS, DALE BUMPERS, RICHARD BRYAN, DANIEL INOUYE, JOHN GLENN, JOHN KERRY, JAMES SASSER, WENDELL FORD, MARK HATFIELD, and ALFONSE D'AMATO have become additional cosponsors.

On June 12, 1991, the committee held a hearing to receive testimony on, among other matters, a draft of the legislation that was subsequently introduced as S. 1358. On June 26, 1991, the committee met and voted unanimously to report S. 1358 as introduced. The committee report on S. 1358 (S. Rept. No. 102-160) was filed on September 24, 1991.

As the impressive list of cosponsors indicates, S. 1358 enjoys broad bipartisan support. It also earned the endorsement of the six veterans service organizations whose representatives testified at the June 12 hearing—the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, Amvets, the Paralyzed Veterans of America, and the Vietnam Veterans of America. Supporters in the hospice-care community include the National Hospice Organization, Hospice Care, Inc., and the Hospice Association of America.

Mr. President, before I continue my remarks, I will yield to my colleagues, Senator GRAHAM and Senator ROCKEFELLER, for their remarks on the bill. Senator GRAHAM has been a strong advocate of hospice care ever since his days as governor of Florida when he signed into law the first State standards for hospice care. His expertise and concern for the expansion of hospice-care opportunities for veterans contributed significantly to the development of S. 1358. This measure also benefited from the involvement of Senator ROCKEFELLER who brought to the bill a wealth of knowledge about the place of hospice care within the broader continuum of health-care services. I congratulate my colleagues for their work on this measure and look forward to further collaborative efforts with them to improve VA health-care services.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs and as a cosponsor, I am pleased to support passage of S. 1358, the Veterans' Hospice Services Act of 1991. This bill represents a bipartisan effort by committee members to craft a pilot program that will enhance the Department of Veterans Affairs' [VA] ability to provide more comprehensive, compassionate health care. I believe the final product, which incorporates three different models by which VA may furnish hospice care, provides the appropriate balance of services and will allow VA to determine which model of care, or combination of models, best suits the veteran population.

The primary goal of hospice is to make the remaining weeks or months of a patient's life as comfortable and peaceful as possible through pain control and counseling provided by doctors, nurses, home health aides, social workers, clergy, and volunteers. Hospice is more than palliative care for the terminally ill; it is an evolving philosophy of care that is holistic in nature, treating the physical, mental, spiritual, and emotional needs of both patient and family.

The hospice philosophy of care stresses patient rights. Thus, because hospice is an alternative to curative care, patients must choose it as an option. The terminally ill have the right to die in a nurturing environment, among people who love and care for them, and with dignity. Accordingly, the home is the ideal setting for most patients. Nevertheless, there are times when inpatient or nursing-home care is necessary.

We have learned at committee hearings, Mr. President, that hospice services have become a more accepted and respected part of the continuum of care for much of the medical community. Hospice is also a more frequently chosen option for the terminally ill. It seems only appropriate, then, that VA, as the health care provider for our Nation's veterans, explore the feasibility and desirability of establishing a formal hospice benefit.

The Senate bill would establish a pilot program for a duration of 5 years at not less than 15 but not more than 30 VA medical facilities for veterans who are entitled to VA hospital care or eligible for VA hospital or nursing-home care. VA would use the definition of hospice services set forth in the Medicare statute (section 1861(dd)(1) of the Social Security Act, 42 U.S.C. 1395 et seq.). All the services that are provided under Medicare—such as physical therapy, inpatient and respite care, and 24-hour home care when necessary—would be made available to veterans participating in the program. Under the bill, hospice care could be provided in three ways: solely by VA; through a contractual agreement with a community hospice with any necessary inpatient services to be furnished by VA; or through a contractual agreement with a community hospice with inpatient services provided at a non-VA facility.

The Secretary must also designate five VA facilities that presently offer palliative care for the purposes of comparing this care to the three means described above. The amount paid to a non-VA hospice program may not exceed the amount that would be paid to that program under Medicare, but may exceed the Medicare reimbursement rate, on a case-by-case basis, if the Secretary determines this rate to be inadequate for the services being provided. VA would be required to submit annual reports and a final report to the congressional committees, assessing and evaluating the program.

This is a well-written, balanced piece of legislation. I would like to thank staff who worked so hard on this measure, particularly Ann Hardison of Senator BOB GRAHAM's staff; Janet Coffman, Susan Thaul, Bill Brew, and Ed Scott of the committee's majority staff; and Carrie Gavora, Yvonne Santa Anna, and Tom Roberts of my staff.

Mr. President, no one should be denied the right to die a peaceful, dignified death, especially our Nation's veterans. I understand that some VA medical facilities do offer palliative care for terminally ill veterans who choose it. Recently, I received a letter from a family member of a veteran who received such care in the Wilkes Barre, PA, VA Medical Center, and he had nothing but praise and thanks for the care his father received in Wilkes Barre's hospice program.

It is that kind of compassion that veterans deserve, Mr. President. This bill is an important step toward ensuring its availability to all veterans.

I urge my colleagues to support this important measure.

Mr. GRAHAM. Mr. President, I am pleased that today the Senate is considering long overdue legislation extending to the Secretary of Veterans Affairs the authority to begin offering hospice-care services to terminally ill veterans.

Under current law, Medicare-eligible patients have access to hospice care, as do Medicaid patients at State's option. This bill will take us toward allowing all veterans to receive equitable access to the hospice benefit offered Medicare and most Medicaid patients.

Hospice programs are designed to meet the needs of terminally ill patients with a short prognosis for life. Trained teams of physicians, nurses, social workers, volunteers, and chaplains provide pain relief, symptom management, and supportive services to the patients and caregivers.

Although there are numerous types of hospice programs around the country, all have two shared goals. First, hospice seeks to make the final days of the patient's life as comfortable and enjoyable as possible. Second, hospice programs reduce the overwhelming financial burden facing the terminally ill patients and caregiver.

Traditionally, hospice patients are served at home where family and friends become an essential element providing the basic care. The hospice team instructs caregivers in the daily routine of assisting the terminally ill individual. Through this instruction and special counseling, the hospice team helps make the adjustment to new circumstances.

For those individuals who, for whatever reason, do not chose to remain at home, hospice programs can also arrange for care in medical facilities.

This legislation authorizes the Secretary of Veterans Affairs to select 15–30 VA medical facilities to experiment with offering hospice services to veterans through a variety of methods, including in-house programs staffed by VA personnel and contracting out to private, profit or nonprofit hospice programs.

The bill requires the VA to annually report on the level of veteran participation and satisfaction with the program and to estimate the cost effectiveness of providing terminally ill patients with this type of care.

Mr. President, I am confident that the VA will find real interest in the veterans community for this service. The independent budget offered earlier this year by a number of veterans service organizations specifically called for the activation of hospice programs in the VA.

Second, I am confident that VA reports will show that hospice programs result in substantial savings for both the VA and the individual, as well as freeing-up much-needed beds for other veterans.

The costs involved in caring for a terminally-ill patient in the last 180 days is staggering. A recent study by the Health Care Financing Administration indicated that 46 percent of all costs of care spent in the last year of a patient's life are consumed in the last 60 days. At least a third of those days the patient spends in an acute hospital bed.

A 1985 VA survey showed that there were 5,322 terminally ill patients housed in VA hospitals on most days. Ninety-two percent of those veterans died in the hospital, rather than in their own home.

It is not the intent of this legislation to take away health care services or hospital benefits from our terminally-ill veterans. The terminally ill veteran will be free to elect or reject hospice benefits.

Our brave veterans deserve the right to die with dignity. Extending the hospice-care option in the VA gives them this opportunity.

The legislation has broad bipartisan cosponsorship and was unanimously endorsed by the Veterans' Affairs Committee. I encourage my colleagues to support the bill.

Mr. ROCKEFELLER. Mr. President, I have been proud to work closely with Senator GRAHAM, Senator CRANSTON, the chairman of the Veterans' Affairs Committee, and other Senate colleagues in an effort to extend hospice care to terminally ill veterans. Our veterans and their families would like to have the option of receiving hospice care, and they certainly deserve it.

Hospice care is a compassionate alternative for terminally ill patients who prefer to remain at home during their illness. Under a comprehensive hospice program, patients receive specialized care to control and minimize pain, and their families receive support and counseling.

Hospice care was first introduced into the United States in 1974, with the establishment of the first hospice in Connecticut. In just 17 years, over 1,450 hospice programs have been established and hundreds more are being developed. In West Virginia, we have 12 hospices and 8 other groups are working to develop a comprehensive hospice program.

The need for hospice care for veterans was illustrated during the Senate Veterans' Affairs hearing in June. I was proud to introduce Charlene Farrell, exectuve director of the Hospice of Huntington, to the committee. During her testimony, Charlene shared her personal insights on hospice care. She told a story about a veteran who was in the local VA hospital for 3 months. While in the hospital, suffering from cancer of the tongue, this depressed veteran asked that the door and drapes be closed so he would be in darkness. Eventually, his daughters decided to take him home and turned to the private care of the hospice of Huntington.

Thanks to hospice, this veteran enjoyed several weeks of living with his family before he passed away in July. He had the opportunity to sit outside on his terrace balcony, watch old movies on television, and spend time with his daughters. It was a struggle for his daughters to care for him at home, but with the support of the hospice they had that chance. But, this veteran had to leave the VA health-care system to receive hospice care. Not all veterans and their families can afford to leave the VA for private health care.

Our bill would establish a much-needed pilot program to evaluate the benefits of hospice care for veterans, and determine the best ways to implement hospice care by exploring various ways to provide hospice care within the VA system.

Over 230,000 terminally ill patients and their families are expected to receive hospice care this year.

Many of these individuals will use Medicare benefits to pay for hospice services. The Federal Government approved hospice benefits for eligible Medicare patients in 1983, and some States reimburse for hospice care under Medicaid. Seniors and other Americans eligible for Medicare can chose the hospice program, but unfortunately many veterans do not have such a choice.

We can, and should, change this.

Our country has established a unique VA health-care system with 172 hospitals to provide care to veterans. Because of our enormous Federal budget deficits and funding concerns, the VA health-care system faces serious challenges. I believe we can respond to the challenge of providing veterans with quality health care, despite limited budgets, by trying creative approaches like hospice care. Data from the Health Care Finance Administration [HCFA] indicates that Medicare spends less for patients in the last 90 days of life on the hospice program than Medicare patients who are not involved in hospice.

Clearly, the VA health-care system is quite different from Medicare. This is why we need a demonstration program on hospice within the VA to determine how effective it is, how it can be implemented, and if it is cost-effective.

Hospice care is compassionate. It provides terminally ill veterans and their families with a choice. We should pass this legislation to push the VA to move forward in offering hospice care to veterans.

Mr. CRANSTON. Mr. President, at this point, I will summarize the bill and then speak briefly regarding certain aspects of the legislation.

SUMMARY OF PROVISIONS

Mr. President, S. 1358 as reported, which I will refer to as "the Committee bill," contains amendments to title 38 which would:

First, require the Secretary of Veterans Affairs, during the period beginning on October 1, 1991, and ending on December 31, 1996, to conduct a pilot program in order to assess the feasibility and desirability of furnishing palliative care to veterans having a medical prognosis, as certified by a VA physician, of a life expectancy of 6 months or less, and to determine the most efficient and effective means of furnishing such care.

Second, provide eligibility for services under the program to terminally ill veterans who are entitled to VA hospital care or eligible for VA hospital or nursing home care and receiving such care. This eligibility will be extended by the committee amendment to include veterans who are eligible for and receiving nursing home care in a community facility under VA contract and veterans for whom VA makes per diem payments for care furnished in State veterans homes.

Third, provide that the hospice care services to be furnished under the pilot program are to have the same scope as hospice care services under Medicare and that, in addition, VA would be authorized to provide personal care services as necessary to maintain a veteran's health and safety within the home or nursing home in which the veteran resides, including care or services related to dressing, personal hygiene, feeding, and nutrition.

Fourth, require the Secretary to (a) establish hospice care demonstration projects at not less than 15 but not more than 30 VA medical facilities, and (b) conduct these demonstration projects and allocate resources in a manner that facilitates the evaluation of the furnishing of care to terminally ill veterans by a variety of means and in a variety of circumstances.

Fifth, require the Secretary to ensure, to the maximum extent feasible, that the medical facilities selected to conduct the demonstration projects under the pilot program include facilities that (a) are located at sites in both urban and rural areas, (b) have the full range of affiliations between VA medical facilities and medical schools, including no affiliation, minimal affiliation, and extensive affiliation, (c) operate and maintain various numbers of beds, and (d) meet any additional criteria or standards that the Secretary may deem relevant or necessary to conduct and evaluate the pilot program.

Sixth, require that under a demonstration project care to terminally ill veterans be furnished by (a) the personnel of a VA medical facility providing hospice care services pursuant to a hospice care program at that facility, (b) a non-VA hospice program providing hospice care services by contract with VA and with any inpatient services furnished at a VA facility, or (c) a non-VA hospice program providing hospice care services by contract with VA and with any inpatient services furnished at a non-VA facility.

Seventh, require that each of these three means of providing care be used at not less than five VA medical facilities.

Eighth, provide that the amount paid to a non-VA hospice program for care provided to a terminally ill veteran generally may not exceed the amount that would be paid to that program if the care were provided under Medicare, but authorize VA to pay more than the Medicare rate if the Secretary determines, on a case-by-case basis, that the Medicare rate would not adequately compensate the hospice program for the cost of furnishing care that is necessary and appropriate.

Ninth, require VA to designate at least five VA medical facilities without a hospice care program at which palliative care for terminally ill veterans is provided by VA personnel for purposes of comparing the furnishing of care at these VA facilities with hospice care provided by the three means described above.

Tenth, require the Secretary, to the extent practicable, to ensure that VA patients who are diagnosed as terminally ill receive information concerning their eligibility, if any, for hospice care and services under Medicare.

Eleventh, require the Secretary, by September 30, 1992, and on an annual basis for the next 5 years thereafter, to submit periodic written reports on the pilot program to the Congressional Committees on Veterans' Affairs.

Twelfth, require the Secretary, not later than August 1, 1995, to submit to the Veterans' Affairs Committees a report evaluating and assessing the pilot program to that point, including (a) an evaluation and assessment of the feasibility and desirability of furnishing palliative care to terminally ill veterans, (b) an assessment of the optimal means of furnishing such care, including such considerations as cost, satisfaction of the veteran, family members, and other persons having close relationships with the veteran, use of acute, inpatient facilities and other VA health care services, and (c) any recommendations for additional legislation regarding such care.

HOSPICE CARE IN THE UNITED STATES

Mr. President, hospice care is an alternative to customary, curative medical treatment of terminally ill persons which has found wide acceptance throughout the United States since the early 1970's. Hospice care neither prolongs life nor hastens death, but instead seeks to enable terminally ill persons to live their final days as happily and comfortably as possible. Acknowledging that death is an inevitable, impending reality for terminally ill persons, hospice programs provide services to assist terminally ill persons, as well as their families and friends, in coping with this reality. Hospices provide a coordinated program of palliative care, encompassing noncurative care focusing on relieving pain and other symptoms, as well as psychological, social, and spiritual support services in home and inpatient settings.

Hospice care also differs significantly from customary, curative medical care in emphasizing the use of family members and volunteers to provide personal-care and basic health-care services.

PURPOSE OF THE COMMITTEE BILL

Mr. President, the committee's main goals in developing this legislation are to make hospice services available to greater numbers of veterans and develop information about how VA might best provide such services. In light of the reported success of the hospice programs currently operated by VA, as well as of the Medicare and Medicaid hospice benefit programs, the question is not whether VA ought to provide palliative care for terminally ill veterans. That question has already been answered in the affirmative. Indeed, VA's own testimony at the committee's hearing indicated as much. As Deputy Secretary Anthony J. Principi stated at the committee's hearing, "Hospice is a proven concept; it is compassionate, it is cost effective, and the VA should be moving more forcefully and aggressively in this direction." VA must now address the more difficult question of the best manner in which to provide palliative care to greater numbers of terminally ill veterans and to ensure that such services are accessible to eligible veterans.

EVALUATION REQUIREMENT

Mr. President, proposed new section 1775 of title 38 would establish criteria for the Secretary to follow in selecting demonstration sites for the hospice pilot program. These include geographic location, urban and rural, size of hospital, measured by numbers of operating beds, level of medical school affiliation, as well as model of care. The committee intends that the Secretary apply these criteria in a manner which enhances both the amount of hospice services available to veterans and the validity of the evaluation component of the pilot.

The emphasis that the committee bill places on the examination of various models of furnishing care is not meant as a criticism of the designated hospice programs currently operated by VA facilities. These programs generally appear to provide good care to the veterans they serve. However, the few existing programs can serve only a small fraction of the terminally ill veterans who wish to receive hospice care services through the VA health-care system.

At the same time, it does not seem necessary that such programs be created in-house at all VA facilities. For example, some VA medical centers may not have sufficient numbers of patients desiring hospice care to justify the establishment of an on-site hospice program. It may well be more appropriate for those VAMC's to contract with Medicare-certified hospices in the local communities where terminally ill veterans live or to offer hospice-type services without establishing a designated hospice program. Other VAMC's might choose to provide case-management services for Medicare eligible veterans who elect to use the Medicare hospice benefit.

Mr. President, the committee expects that there will be no one systemwide method for furnishing hospice care. An organizational arrangement in a densely populated urban area may be inappropriate in a setting where veterans reside in areas which are geographically remote from the nearest VAMC. Similarly, VAMC's with strong training and research affiliations with medical schools or other health professions schools may derive different benefits from certain hospice care models than would those VAMC's which function with minimal or no involvement with professional schools.

Moreover, some within VA have suggested that Medicare standards for hospice care services may not be appropriate for treating veterans under VA auspices. The committee bill would allow VA to test this hypothesis by providing for the evaluation of hospice services furnished by five VA medical centers that furnish some hospice services but do not operate hospice programs that furnish the full range of hospice services as defined in the Medicare statute. These five sites could include, but would not be limited to, those VA medical centers—described by Dr. Thomas Yoshikawa, VA Assistant Chief Medical Director for Geriatrics and Extended Care, in his testimony—that furnish components of hospice care within the standard organizational divisions of the medical center. By comparing existing VA programs and the 15 to 30 hospice care demonstration projects, the pilot program would provide the opportunity to answer many questions about the organization, care, cost, and usefulness of different models of hospice-like care, including whether, for VA, alternatives to Medicare-defined standards might be better. The committee bill would require the evaluation and report to provide data comparing the care provided by VA's palliative care programs and the care provided by the demonstration projects in terms of clinical, economic, and social outcomes.

Based on hearing testimony and followup responses of VA, it appears that extensive data regarding the clinical and social outcomes of VA palliative care programs for terminally ill patients do not exist. The evaluation requirement proposed in the committee bill would require VA to collect extensive data on VA palliative care programs and hospice care programs which would assist VA and the Congress in developing policies for expansion of veterans' access to hospice care services.

The committee recognizes that, in light of the large scope and the variety of the questions the evaluation of this pilot program will pose, the development of statistically valid data will be very difficult. What the evaluation should provide at a minimum is the opportunity to explore, if not answer definitively, many relevant questions. No one study, no matter how well done, can provide a definitive answer. The committee intends for VA to learn as much as possible through this pilot program about different ways of providing, paying for, and assessing hospice services to terminally ill veterans.

EXPANDING VETERANS' ACCESS TO HOSPICE SERVICES

Mr. President, expansion of VA hospice services would be an important addition to the continuum of health services VA furnishes to terminally ill veterans. Hospice may not be the appropriate choice for all terminally ill veterans, but, for those whose illnesses have progressed to a stage beyond which curative care can improve their physical condition, it represents a compassionate alternative to customary, curative care. Veterans furnished hospice care would have the opportunity to receive medical, nursing, psychological, social, and spiritual assistance which would enable them to live their last days as happily and as comfortably as possible, while preparing themselves and their families for impending death. We owe nothing less to the dedicated individuals who have served their Nation with honor, courage, and commitment.

Mr. President, a few VA medical centers currently provide the sorts of hospice services that enable terminally ill veterans to remain at home. Out of 172 VA medical centers, only 9 operate designated hospice programs and only 31 furnish some hospice services within the standard organizational divisions of the medical center. These programs can serve only a fraction of the terminally ill veterans who wish to receive hospice care services through VA. Most terminally ill veterans and their families and friends face the agonizing choice of either institutionalizing the veteran or providing care in the veteran's home with little or no assistance from VA. Some terminally ill veterans live in communities that have extensive networks of hospices and home-health agencies, but others live in rural areas in which few community services are available.

Expansion of access to hospice care programs would provide terminally ill veterans using VA health-care services with an option that is already widely available to Medicare and Medicaid beneficiaries. Coverage for hospice care is also widely available to persons holding commercial health insurance policies.

Some may question the need for VA to provide services already available to veteran Medicare and Medicaid beneficiaries. That choice may not be ideal for some veterans who require specialized services, such as spinal cord injury care, which are not readily available outside the VA health-care system, or who have used VA facilities for many years and prefer to be furnished hospice care in the VA system with which they are familiar. In addition, once a terminally ill veteran elects to use the Medicare or Medicaid hospice benefit, the veteran often loses access to VA health-care professionals who have furnished the veteran's care in the past. Provision of hospice care services at VA facilities or through contract arrangements with community facilities would enhance the quality of hospice services terminally ill veterans receive, because it would permit greater coordination and exchange of information between hospice and acute-care providers responsible for the veteran's care.

Moreover, a significant number of terminally ill veterans qualify for neither Medicare nor Medicaid. According to VA's Annual Report for Fiscal Year 1990, 73 percent of all veterans receiving care in VA facilities were under age 65; therefore, the vast majority are likely to be ineligible for the Medicare hospice benefit. Some of these veterans may hold insurance policies providing coverage for hospice care, but many do not. This is especially true of younger veterans with AIDS or incurable cancers or other terminal illnesses. Many of these veterans have little opportunity to receive hospice care unless VA provides it.

COMMITTEE AMENDMENT

Mr. President, the proposed committee amendment to S. 1358 would modify two of the bill's provisions and make several technical corrections. First, the committee amendment would extend eligibility for hospice care services to terminally ill veterans who are eligible for and receiving care in community nursing homes at VA expense and veterans for whom VA is making per diem payments for care furnished by State veterans homes. Expansion of eligibility to these two additional groups would ensure that all terminally ill veterans who are being furnished long-term care at VA expense would be eligible to receive hospice care services.

Second, the committee amendment would modify the provision in the committee bill which authorizes VA, under certain conditions, to provide reimbursement to a contract hospice in excess of the Medicare reimbursement rate or to furnish in-kind services the value of which exceeds the Medicare reimbursement rate or a combination of the two. As I noted earlier in my remarks, this provision was incorporated into the committee bill in order to ensure that veterans whose conditions require extraordinarily expensive care are not excluded from the pilot program. The committee amendment would authorize VA to furnish in-kind supplies and medications, in addition to in-kind services. For example, VA could provide a contract hospice with AZT for treatment of a veteran patient who has AIDS. Because VA purchases pharmaceuticals in bulk, whereas most hospices are small entities that purchase drugs in small quantities, it might be less expensive for VA to provide AZT to the contract hospice for distribution to an AIDS patient than to pay charges that cover the costs incurred by the hospice for purchase of AZT.

CONCLUSION

Mr. President, in closing I express my deep appreciation to Senator GRAHAM and Senator ROCKEFELLER for their efforts in the development of this measure, and I thank the ranking minority member of the Committee on Veterans' Affairs, Senator SPECTER, and the other members of the committee for their cooperation and support.

I also note the contributions of the committee staff members who have worked on this legislation—on the minority staff, Carrie Cavora, Yvonne Santa Anna, and Tom Roberts, and on the majority staff, Janet Coffman, Susan Thaul, Bill Brew, and Ed Scott.

In addition, I thank Ann Hardison of Senator GRAHAM'S staff and Barbara

Pryor of Senator ROCKEFELLER'S staff for their superb work on this measure.

Finally, the committee is deeply indebted to Charlie Armstrong of the Senate Legislative Counsel's Office for his excellent assistance.

Mr. President, I urge the Senate to give its unanimous approval of the pending measure.

Mr. GRAHAM. I do want to highlight one component of this bill that the committee report does not address—the issue of providing services to veterans in non-VA nursing homes. The amendment offered by the committee clarifies our intent that all veterans receiving long-term care at VA expense in non-VA nursing homes shall be included in the hospice pilot projects.

In the reconciliation bills of both 1986 and 1988, Congress clarified that there is little, if any, duplication of services between the nursing facility and hospice programs. By receiving hospice care while residing in a nursing facility, the terminally ill veteran is furnished additional types of care specifically related to terminal illness.

In responding to questions posed by the committee, Hospice Care Inc. Vice-Chairman Donald Gaetz submitted information demonstrating how the provision of hospice care in nursing facilities dramatically increases access to hospice services for patients without standard home environments and substantially breaks the cycle of repetitive trips from the nursing facility to the acute care hospital.

It is my understanding that this demonstration project will show the comparative effect on hospitalizations by terminally ill veterans who reside in nursing homes and receive hospice care as distinguished from those terminally ill veterans whose nursing home services are not supplemented by hospice care.

In cases where hospice services are provided by contract for care of veterans living in a non-VA nursing home, the VA should use the Social Security Act reimbursement methodology whereby the hospice program is paid the rate that would otherwise have been paid to the nursing home plus the hospice per diem. The hospice program is then responsible for reimbursing the non-VA nursing home for its services.

The PRESIDING OFFICER. If there are no further amendments, without objection, the bill is deemed read a third time and passed.

So the bill (S. 1358), as amended, was passed as follows:

S. 1358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Hospice Services Act of 1991".

SEC. 2. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Title 38, United States Code, is amended by adding at the end of chapter 17 the following new subchapter:

"SUBCHAPTER VIII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"§ 1771. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is—

"(i)(I) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, or (II) eligible for hospital or nursing home care in such facility and receiving such care;

"(ii) receiving nursing home care at a non-Department of Veterans Affairs nursing home under section 1720(a)(1)(A) of this title; or

"(iii) receiving domiciliary care, nursing home care, or hospital care for which the Department is paying a State per diem under section 1741 of this title; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means (A) the care, items, and services referred to in subclauses (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and (B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1772(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

"§ 1772. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1991, and ending on December 31, 1996, the Secretary shall conduct a pilot program in order—

"(A) to assess the feasibility and desirability of furnishing hospice care to terminally ill veterans; and

"(B) to determine the most efficient and effective means of furnishing such care to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with the provisions of this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care demonstration projects;

"(B) designate the means by which care to terminally ill veterans shall be provided under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that care to terminally ill veterans is provided in the designated manner under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such care in the designated manner under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall ensure, to the maximum extent feasible, that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall designate the means of furnishing care to terminally ill veterans under paragraph (1) so that such care is furnished—

"(i) in the case of the means described in paragraph (1)(A), at not less than five medical facilities of the Department; and

"(ii) in the case of each of the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five medical facilities of the Department for each such means.

"(B) The Secretary shall provide in any contract under clause (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish in-kind services, supplies, and medications whose value, together with any payment by the Secretary, exceeds that amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

"§ 1773. Care for terminally ill veterans

"(a) During the period referred to in section 1772(a)(1) of this title, the Secretary shall designate not less than five medical facilities of the Department at which hospital care is being furnished to terminally ill veterans to furnish the care referred to in subsection (b).

"(b) Palliative care to terminally ill veterans shall be furnished by the facilities referred to in subsection (a) by one or more of the following means designated by the Secretary:

"(1) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(2) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"§ 1774. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of the medical prognosis receive information relating to the eligibility of such persons (if any) to hospice care and services under under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). A terminally ill veteran may not be advised of his or her prognosis and receive information under this section during the same medical counseling session.

"§ 1775. Evaluation and reports

"(a)(1) Not later than September 30, 1992, and on an annual basis thereafter until October 1, 1997, the Secretary shall submit a written report to the Committees referred to in paragraph (2) relating to the conduct of the pilot program under section 1772 of this title and the furnishing of hospice care services under section 1773 of this title. Such report shall include the following information:

"(A) The location of the sites of the demonstration projects provided for under the pilot program.

"(B) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1773 of this title.

"(C) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(D) The number of veterans being furnished such care under each such project and at or through each such facility.

"(E) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(2) The Secretary shall submit the report referred to in paragraph (1) to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"(b) Not later than August 1, 1995, the Secretary shall submit to the committees referred to in subsection (a)(2) a report containing the Secretary's evaluation and assessment of the hospice care pilot program under section 1772 of this title and the furnishing of hospice care services under section 1773 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the feasibility and desirability of furnishing palliative care to terminally ill veterans.

"(c) The report shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, clauses (A) through (D) of section 1772(b)(3) of this title;

"(C) the means by which care to terminally ill veterans is being furnished under the demonstration project;

"(D) the personnel used to furnish such care under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such care, including (i) the number of veterans being furnished such care, (ii) the number of inpatient admissions (if any) for each veteran being furnished such care and the length of stay for each such admission, (iii) the number of outpatient visits (if any) for each such veteran, and (iv) the number of home-care visits (if any) provided to each such veteran;

"(F) the direct costs (if any) incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs (if any) of the demonstration project that are attributable to (i) furnishing such care in facilities of the Department, (ii) furnishing such care in non-Department facilities, and (iii) administering the furnishing of such care; and

"(H) the unreimbursed costs (if any) incurred by any other entity in furnishing care to terminally ill veterans under the project pursuant to section 1772(c)(1)(C) of this title.

"(3) An analysis (by personnel of the Department or other individuals having a relevant expertise) of the level of the following persons' satisfaction with care to terminally ill veterans furnished under each demonstration project:

"(A) Terminally ill veterans who receive such care, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such care under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such care under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1773(a) of this title.

"(5) With respect to each such means, the information referred to in clauses (A) through (H) of paragraph (2) and paragraph (3).

"(6) A comparative analysis by the Secretary of the care furnished to terminally ill veterans under the various demonstration projects referred to in section 1772 of this title and at or through the designated facilities referred to in section 1773 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Secretary of the feasibility and desirability of furnishing various means of palliative care to terminally ill veterans, including an assessment by the Secretary of the optimal means of furnishing such care to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER VIII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1771. Definitions.
"1772. Hospice care: pilot program requirements.
"1773. Care for terminally ill veterans.
"1774. Information relating to hospice care services.
"1775. Evaluation and reports.".

Mr. BOREN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR TESTIMONY AND REPRESENTATION OF FORMER SENATE EMPLOYEE

Mr. BOREN. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on authorization for a former Senate employee to provide testimony and representation by the Senate legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 197) to authorize testimony by and representation of former Senate employee.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, a Federal agency has requested the testimony of Jack Blum, a former special counsel to the Committee on Foreign Relations, in relation to information obtained by the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations concerning the Bank of Credit and Commerce International and other financial institutions.

Mr. Blum was employed as special counsel to the Committee on Foreign Relations between February 1987 to April 1989. During that period, Mr. Blum assisted the Subcommittee on Terrorism, Narcotics, and International Operations with its investigation into the adequacy of the U.S. Government's response to the threat to national security posed by the operation of international drug cartels. The investigation focused, in part, on allegations that law enforcement efforts to combat drug trafficking had been sacrificed to competing United States foreign policy objectives in Honduras, Nicaragua, the Bahamas, and Panama. A component of the subcommittee's investigation concerned the role of money laundering in drug trafficking, including allegations about the money laundering activities of BCCI and other financial institutions. In August of this year, Mr. Blum appeared as a witness before the subcommittee to testify concerning what he had learned about BCCI in the course of his work for the subcommittee.

This resolution would authorize Mr. Blum to provide testimony to the agency and to other Federal or State agencies and officials that may seek his testimony on the same or related subjects. It would also authorize the Senate Legal Counsel to provide representation to Mr. Blum in connection with such testimony.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

The resolution (S. Res. 197) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 197

Whereas, a Federal agency has requested the testimony of Jack Blum, a former special counsel to the Committee on Foreign Relations, about information relating to the Bank of Credit and Commerce International and other financial institutions obtained by the Subcommittee on Terrorism, Narcotics and International Operations during the course of its investigation into the nature of the threat to the national security of the United States from the operation of international drug cartels and the adequacy of the United States Government's response to that threat;

Whereas, by the privileges of the Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to provide testimony to Federal and state agencies or officials about information, relating to the Bank of Credit and Commerce International and other financial institutions, obtained by the Subcommittee on Terrorism, Narcotics and International Operations during the course of its investigation, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANIMAL RESEARCH FACILITIES PROTECTION ACT OF 1991

Mr. BOREN. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 544, a bill relating to animal research facilities, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 544) to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

AMENDMENT NO. 1262

Mr. BOREN. On behalf of Senator HEFLIN, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for Mr. HEFLIN, proposes an amendment numbered 1262.

Mr. BOREN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Research Facilities Protection Act of 1991".

SEC. 2. PROTECTION OF ANIMAL RESEARCH FACILITIES.

The Food Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended by adding at the end of the following new title:

"TITLE XXVI—ANIMAL RESEARCH FACILITIES

"SEC. 2601. SHORT TITLE.

"This title may be cited as the 'Animal Research Facilities Protection Act of 1991'.

"SEC. 2602. FINDINGS.

"Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"SEC. 2603. PROHIBITED ACTS.

"(a) IN GENERAL.—It shall be unlawful for any person—

"(1) to steal, cause the unauthorized release or the intentional loss of any animal from research facility;

"(2) to damage, vandalize, or steal any property in or on a research facility;

"(3) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(4) to enter, obtain access, or remain on a research facility with the intent to commit an act described in paragraph (1) OR (2);

"(5) to aid, abet, counsel, command, induce, or procure the commission of an act described in paragraph (1), (2), (3), or (4); or

"(6) knowing an offense described in paragraph (1) has occurred, to receive, relieve, comfort, or assist the offender in order to prevent the offender's apprehension, trial, or punishment.

"(b) SCOPE OF AUTHORITY DEFENSE.—It shall be a defense to any provision under this section that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their official duties, or the person is acting under the authorization of a law enforcement official and the action is within the scope of the law enforcement official.

"SEC. 2604. PENALTIES.

"(a) IN GENERAL.—

"(1) GENERAL VIOLATIONS.—Any person who violates any provision of section 2603 shall be subject to fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation.

"(2) WILLFUL VIOLATIONS CAUSING HARM.—If the violation causes harm to person or property and is willful and malicious, the person shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both, for each such violation.

"(3) LIFE-THREATENING VIOLATIONS.—If as a result of the violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b) REASONABLE COSTS.—

"(1) DETERMINATION.—The United States District Court or the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment, or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 2603.

"(2) LIABILITY.—Any persons convicted of a violation described in paragraph (1) shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"SEC. 2605. COURT JURISDICTION.

"The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this title, and shall have jurisdiction in all other kinds of cases arising under this title.

"SEC. 2606. PRIVATE RIGHT OF ACTION.

"(a) IN GENERAL.—Any research facility injured in its business or property by reason of a violation of this title shall have a private right of action to recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provision of this title.

"(b) CONSTRUCTION.—Nothing in this title shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this title. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of this title.

"SEC. 2607. STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES.

"(a) CONDUCT OF STUDY.—The Secretary of Agriculture and the Attorney General shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a), together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"SEC. 2608. EFFECT ON FEDERAL AND STATE LAWS.

"Nothing in this title shall be construed to affect or preempt any Federal or State law or regulation.".

Mr. HEFLIN. Mr. President, I rise today to ask unanimous consent for S. 544 as substituted by the Senate Agriculture Committee to be read for the third time and considered passed. This bill is designed to deter crimes against the great research institutions of this country. The fact that the United States is the preeminent leader in contributing life-saving cures and life-improving treatment for the diseases which plague the world, should be a source of pride for our citizens. Most of us are grateful that research has eradicated polio and other childhood diseases and provided relief from the suffering caused by heart disease, stroke, diabetes and countless other illnesses. We are grateful, too, that scientists continue to seek solutions to the maladies which still beset us, like Alzheimer's disease, AIDS, cancer, mental illness, spinal cord and head injuries.

Unfortunately, there are some people so opposed to the use of animals in this essential research that they are setting fire to research facilities or breaking into laboratories to steal animals and destroy equipment, records and research data. There are dozens of recent examples. In fact, six major break-ins and thefts at research laboratories have been reported across the country since I introduced this legislation in the last Congress. These crimes were not limited to any one region; they took place in California, Florida, Illinois, New York, Pennsylvania, and Texas. An underground group which calls itself the Animal Liberation Front took credit for all of them. None of these cases have been solved. No one responsible for them has been brought to justice.

In the most egregious of these incidents, a Texas researcher's federally-supported project sustained immediate damages costing $70,000. His basic research that could benefit victims of Sudden Infant Death Syndrome and those suffering from sleep disorders was halted for more than a year. That researcher has been the subject of a second break-in attempt, death threats and a hate campaign which continues to this day.

The victims of the illegal acts of animal liberation supporters are not only research institutions and staff but all of us. The immediate cost to crimes against research facilities is severe, but the ultimate cost to society as a whole is inestimable. Lost research time and information means the delay or loss of the products of that research. The real price of the crime my legislation seeks to prevent is paid by all those who are waiting for cures and treatment for their afflictions. Human beings, of course, will pay the price, but so will all animal life, for animals as well as people benefit from research.

Extremists who perpetrate crimes in the name of animal rights ignore not only the rights of others, but also their own rights of free speech. Responsible dissent is protected by law—none of us would have it any other way. But ideological terrorists and vigilantes who take the law into their own hands must be stopped. Everyone can agree that we owe an enormous debt to research animals. Laboratory animals should be utilized only when necessary and must be well cared for and respected for humane as well as scientific reasons. But no one can condone lawless and senselessly destructive acts for whatever reason they are motivated.

The Animal Research Facilities Protection Act is needed to support law enforcement efforts around the country. Crimes against the Nation's research facilities should be Federal offenses. The fact that 12 States have already enacted laws increasing penalties for crimes against research facilities is convincing evidence that this is an extremely serious problem. No individual State, however, can protect its research facilities from interstate or international saboteurs. We must provide that protection on the Federal level. The Federal investigative capability and legal system must be brought to bear against research sabotage that threatens the future health of the Nation. Mr. President, I urge passage of S. 544, the Animal Research Facilities Protection Act.

The PRESIDING OFFICER. Are there further amendments to the substitute amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1262) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Research Facilities Protection Act of 1991".

SEC. 2. PROTECTION OF ANIMAL RESEARCH FACILITIES.

The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended by adding at the end the following new title:

"TITLE XXVI—ANIMAL RESEARCH FACILITIES

"SEC. 2601. SHORT TITLE.

"This title may be cited as the 'Animal Research Facilities Protection Act of 1991'.

"SEC. 2602. FINDINGS.

"Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"SEC. 2603. PROHIBITED ACTS.

"(a) IN GENERAL.—It shall be unlawful for any person—

"(1) to steal, cause the unauthorized release or the intentional loss of any animal from a research facility;

"(2) to damage, vandalize, or steal any property in or on a research facility;

"(3) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(4) to enter, obtain access, or remain on a research facility with the intent to commit an act described in paragraph (1) or (2);

"(5) to aid, abet, counsel, command, induce, or procure the commission of an act described in paragraph (1), (2), (3), or (4); or

"(6) knowing an offense described in paragraph (1) has occurred, to receive, relieve, comfort, or assist the offender in order to prevent the offender's apprehension, trial, or punishment.

"(b) SCOPE OF AUTHORITY DEFENSE.—It shall be a defense to any provision under this section that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their official duties, or the person is acting under the authorization of a law enforcement official and the action is within the scope of the law enforcement official.

"SEC. 2604. PENALTIES.

"(a) IN GENERAL.—

"(1) GENERAL VIOLATIONS.—Any person who violates any provision of section 2603 shall be subject to a fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation.

"(2) WILLFUL VIOLATIONS CAUSING HARM.—If the violation causes harm to person or property and is willful and malicious, the person shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both, for each such violation.

"(3) LIFE-THREATENING VIOLATIONS.—If as a result of the violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b) REASONABLE COSTS.—

"(1) DETERMINATION.—The United States District Court or the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment, or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 2603.

"(2) LIABILITY.—Any persons convicted of a violation described in paragraph (1) shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"SEC. 2605. COURT JURISDICTION.

"The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this title, and shall have jurisdiction in all other kinds of cases arising under this title.

"SEC. 2606. PRIVATE RIGHT OF ACTION.

"(a) IN GENERAL.—Any research facility injured in its business or property by reason of a violation of this title shall have a private right of action to recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provision of this title.

"(b) CONSTRUCTION.—Nothing in this title shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this title. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of this title.

"SEC. 2607. STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES.

"(a) CONDUCT OF STUDY.—The Secretary of Agriculture and the Attorney General shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a), together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"SEC. 2608. EFFECT ON FEDERAL AND STATE LAWS.

"Nothing in this title shall be construed to affect or preempt any Federal or State law or regulation.".

Mr. BOREN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTING RESOLUTION—HOUSE CONCURRENT RESOLUTION 219

Mr. BOREN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 219, a technical correction resolution just received from the House, that the concurrent resolution be agreed to, that the motion to reconsider be laid on the table, that the preamble be agreed to, and further that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, House Concurrent Resolution 219, the concurrent resolution now pending, instructs the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 2622, an act making appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for fiscal year 1992. Mr. President, this correction is necessary because an error was contained in the motion agreed to by the House and subsequently by the Senate, when the conference report was considered. This is a technical correction in that the accurate language was included in the statement of managers accompanying the conference report on H.R. 2622 but incorrectly displayed in the House motion in reference to amendment No. 43. This concurrent resolution would simply ensure that the enrolled bill properly reflects the language agreed to by the conferees on H.R. 2622.

I ask for its adoption.

The concurrent resolution (H. Con. Res. 219) was agreed to.

The preamble was agreed to.

DISTRICT OF COLUMBIA MENTAL HEALTH PROGRAM ASSISTANCE ACT OF 1991

Mr. BOREN. Mr. President, I ask unanimous consent the Governmental Affairs Committee be discharged from further consideration of H.R. 1720, the District of Columbia Mental Health Assistance Act of 1991, that the Senate then proceed to its immediate consideration; that the bill be deemed read a third time and passed and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (H.R. 1720) was deemed read the third time and passed.

Mr. BOREN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar numbers 265, 266, 268, en bloc; that committee amendments and substitute amendments where indicated be agreed to, en bloc; that the several bills each be deemed read for the third time, passed, and the motion to reconsider the passage of each bill be laid upon the table; that consideration of each bill be included separately in the RECORD; and that statements with respect to passage of each bill be included in the RECORD where appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHACOAN OUTLIERS PROTECTION ACT OF 1991

The Senate proceeded to consider the bill (S. 772) to amend title V of Public Law 96-550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1991".

SEC. 2. CONFORMING AMENDMENT.

(a) Section 501 of Public Law 96-550 (16 U.S.C. 410ii) is amended in the title by striking "Congressional findings" and inserting in lieu thereof "Congressional findings and purpose".

(b) Section 501(b) of Public Law 96-550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof, "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES.

Subsection 502(b) of Public Law 96-550 (16 U.S.C. 410ii-1(b)) is amended to read as follows:

"(b)(1) Thirty-eight outlying sites as generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033-B and dated September 1991, are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-eight archeological protection sites totalling approximately 14,287 acres identified as follows:

Name:	Acres
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jacques	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60

"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".

SEC. 4. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96-550 (16 U.S.C. 410ii-5) is amending by adding the following new subsection at the end thereof;

"(f) The Secretary is directed, subject to appropriations, to assist the Navajo Nation in the protection and management of those Chaco Culture Archaeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACQUISITION OF LAND FOR GOLDEN GATE NATIONAL RECREATION AREA

The Senate proceeded to consider the bill (S. 870) to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 2, line 1, strike "bearing", through and including "lands" on line 5, and insert the following: "as generally depicted on a map entitled 'Phleger Estate Addition—Golden Gate National Recreation Area' and dated September 1991".

So as to make the bill read:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire by donation approximately one thousand three hundred acres of land in San Mateo County, California, known generally as the Phleger property and as generally depicted on a map entitled "Phleger Estate Addition—Golden Gate National Recreation Area" and dated September, 1991. Upon acquisition of the property and publication of notice in the Federal Register, the Secretary shall revise the boundary of the Golden Gate National Recreation Area to reflect the inclusion of such property within the area and prepare and make available a map displaying such boundary revision in accordance with section 460bb-1(b) of title 16, United States Code.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONS TO ASSATEAGUE ISLAND NATIONAL SEASHORE

The Senate proceeded to consider the bill (S. 1254) to increase the authorized acreage limit for the Assateague Island National Seashore on the Maryland mainland, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all the enacting clause, and inserting in lieu thereof the following:

SECTION 1. INCREASE IN ACREAGE LIMITATION.

Section 2 of the Act entitled "An Act to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes", Public Law 89-195, as amended (16 U.S.C. 459f-1), is amended—

(a) in subsections (a) and (b) by striking "sixteen acres" "ten acres" each place that they appear and insert in lieu the thereof, '112 acres"; and

(b) in subsection (a) by striking "Maryland," through the end of the sentence and inserting in lieu thereof, "Maryland.".

Mr. SARBANES. Mr. President, Assateague Island is a 37-mile undeveloped barrier island, famous for its solitude, natural beauty, free roaming wild ponies, and pristine beaches. The Congress recognized Assateague as an important national and natural resource worthy of protection by authorizing the establishment of the Assateague Island National Seashore in 1965. The legislation before the Senate would provide additional protection for the seashore and adjacent lands. I want to commend the distinguished chairman of the Public Lands, National Parks and Forests Subcommittee, Senator BUMPERS, and the chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, for moving this bill to the floor so expeditiously.

Mr. President, this year marks the 75th anniversary of the National Park System, and last month I had the opportunity to participate in ceremonies at Assateague celebrating the Park Service's anniversary and the 26th birthday of Assateague. Seventy-five years ago, on August 25, 1916, President Woodrow Wilson signed into law the act establishing the National Park Service. Its fundamental mission: "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." The creation of the National Park System has been called, "The best idea America ever had," and I think we can all agree with this sentiment.

Some 50 years later, on September 21, 1965, the Congress authorized the establishment of Assateague Island National Seashore, creating in my view one of the real treasures of our National Park System. As all who visit here quickly discover, Assateague is a very special place—a natural preserve, a refuge for people and for wildlife, and one of the largest remaining undeveloped seashore areas on the east coast and in the country.

A great deal of foresight was shown in establishing our National Park System and Assateague Island National Seashore. It is this same foresight that I hope we will demonstrate today by approving this measure.

Assateague National Seashore is increasingly faced with external threats from adjacent land use and development. The Route 611 corridor which leads into Assateague from west Ocean City has been experiencing explosive growth in commercial and residential development. Shopping malls, new housing developments, and other commercial developments are springing up all along this route.

Of immediate concern to the national seashore is a 320-acre tract of private land adjacent to the southern boundary of the Park where the park headquarters is located. The land was once part of Synepuxent, an old family estate dating back to 1524, when the Italian navigator Giovanni De Varrazano landed at this point.

Since the national seashore was established, this land has been farmed—a use regarded as compatible with the needs of the national park. However, the current landowner's personal circumstances may force the sale of the property.

This property is highly desirable for development. It includes approximately 1 mile of frontage on Sinepuxent Bay with panoramic views of the Bay and Assateague Island and parallels Route 611. It is also the nearest location to Assateague for motel and restaurant development. It is the only remaining large privately held tract along the gateway to Assateague.

Portions of the property are presently zoned for hotel, motel, and restaurant development and other portions are zoned for 1 acre residential housing. Although Worcester County officials are currently working to adopt a new land use plan for the county, even the most favorable zoning regulations could be subject to modification in the future and offer no firm guarantees of protection to the park.

The Park Service has stated that protection of this property from development is important to the integrity of the National Seashore area. The concern is twofold: should the property be sold and developed, it could result in a serious visual intrusion for the seashore and the planned Barrier Island Visitor Center. Recently, the State of Maryland donated 6 acres to the Park Service for this center. This is, after all, the "gateway" to Assateague and the visitor's first impression of the park. Second, development along the water could also seriously threaten the water quality of Sinepuxent Bay.

This legislation would expand the Park Service's boundary to include approximately 96 acres of the 320-acre tract. It encompasses the shore frontage immediately adjacent to and south of the National Seashore headquarters and planned Barrier Island Visitor Center. This is the area that would pose the most severe threat to the seashore. A number of options are currently being explored for acquisition, including purchase by a nonprofit organization and donation to the Service. However, the boundary change is absolutely essential for this to occur.

Mr. President, the legislation before us provides additional protection for the seashore and adjacent lands. It is supported by the Committee to Preserve Assateague Island, the State of Maryland, and local elected officials. I urge my colleagues to join in supporting this legislation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES AND SUPPLEMENTAL AUTHORITY OF THE SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. BOREN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 248, Senate Resolution 185, that the committee substitute be agreed to, the resolution as amended by agreed to, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolution (S. Res. 185) to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs, which had been reported from the Committee on Rules and Administration, with an amendment to strike all after the resolving clause and inserting in lieu thereof other language.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The resolution, as amended, is as follows:

That (a) in carrying out its powers, duties, and functions under Senate Resolution 82, agreed to August 2, 1991 (102nd Congress, 1st Session), and under this resolution, from August 2, 1991 through February 29, 1992, and from March 1, 1992 until the end of the One Hundred Second Congress, through January 2, 1993, the Select Committee on POW/MIA Affairs (referred to in this resolution as the "select committee") is authorized in its discretion to—

(1) make expenditures from the contingent fund of the Senate; and

(2) appoint and fix compensation of personnel.

(b)(1) The expenses of the select committee for the period from August 2, 1991, through February 29, 1992, shall not exceed $540,300 of which amount not to exceed $53,000 may be expended for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(2) The expenses of the select committee for the period from March 1, 1992 through January 2, 1993, shall not exceed $1,360,200 of which amount not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(c) Expenditures from the contingent fund shall be paid out of the appropriations account for Expenses of Inquiries and Investigations upon vouchers approved by the chairman, except that vouchers shall not be required for—

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) the payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; or

(5) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the select committee to be paid from the appropriations account for Expenses of Inquiries and Investigations, in like manner as for the standing and permanent select committees of the Senate.

(e) Of the funds authorized by this resolution for the funding period ending on the last day of February 1992, any unexpended balance remaining after such last day shall be transferred to a special reserve for this committee, which reserve shall be available to this committee for the period commencing March 1, 1992, and ending with the close of September 30, 1992, for the purpose of—

(1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1992; and

(2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1992.

SEC. 2. (a) In addition to all powers, duties, and functions vested in the Select Committee of POW/MIA Affairs by Senate Resolution 82, agreed to August 2, 1991 (102nd Congress, 1st Session), the select committee is authorized to do the following:

(1) To delegate to the chairman the power, with the consent of the vice chairman, to authorize subpoenas for the attendance of witnesses and the production of correspondence, books, papers, documents, and other records.

(2) To (A) authorize staff to conduct depositions of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony and receiving correspondence, books, papers, documents, and other records, and (B) require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, documents, and other records at such staff depositions.

(3) To make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement, which the select committee may consider appropriate with respect to (A) the failure or refusal of any person to appear at a hearing or deposition or to produce records, in obedience to a subpoena or order, or (B) the failure or refusal of any person to answer questions during his or her appearance as a witness at a hearing or deposition.

(4) To procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such service under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(5) To (A) use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate, the facilities of any other Senate committees or the services of any members of the staff of them whenever the select committee or its chairman considers that such action is necessary or appropriate to enable the select committee to carry out its powers, duties, and functions, and (B) pay the official travel expenses for staff members of other committee used pursuant to this resolution.

(b) Any foreign travel by Members and employees required for the select committee shall be deemed to be on behalf of the Senate for purpose of Senate Resolution 179, agreed to may 25, 1977 (95th Congress, 1st Session).

(c) The Majority Leader and the Minority Leader may each select one investigator to serve on the staff of the select committee.

(d) The Majority Leader and the Minority Leader shall serve as ex officio members of the select committee but shall have no vote in the select committee and shall not be counted for purposes of determining a quorum.

SEC. 3. The disclosure of any classified information obtained by the select committee either directly from the Executive branch of the United States Government, through the Selection Committee on Intelligence, or by other means, shall be governed by the provision of section 8 of Senate Resolution 400, agreed to May 19, 1976 (94th Congress, 2nd Session), except that reference to the Select Committee on Intelligence in such section shall be deemed to be references to the select committee.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 429) to amend the Sherman Act regarding retail competition, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BROOKS, Mr. EDWARDS of California, Mr. SYNAR, Mr. FISH, and Mr. CAMPBELL of California as managers of the conference on the part of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3033. An act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 219. A concurrent resolution making corrections in the enrollment of H.R. 2622.

At 6:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 35. An act to designate certain lands in the State of North Carolina as wilderness, and for other purposes;

H.R. 1297. An act to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use by coastal States of apportionments under that act for construction, renovation, operation, and maintenance of pumpout stations for marine sanitation devices;

H.R. 2105. An act to designate an area as the "Myrtle Foester Whitmire Division of the Arkansas National Wilderness Refuge";

H.R. 2369. An act to establish the Flint Hills Prairie National monument; and

H.R. 2436. An act to expand the Fort Necessity National Battlefield, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 35. An act to designate certain lands in the State of North Carolina as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1297. An act to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use by coastal States of apportionments under that Act for construction, renovation, operation, and maintenance of pumpout stations for marine sanitation devices; to the Committee on Commerce, Science, and Transportation.

H.R. 2105. An act to designate an area as the "Myrtle Foester Whitmire Division of the Arkansas National Wilderness Refuge"; to the Committee on Environment and Public Works.

H.R. 2369. An act to establish the Flint Hills Prairie National monument; to the Committee on Energy and Natural Resources.

H.R. 2436. An act to expand the Fort Necessity National Battlefield, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1579. A bill to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes (Rept. No. 102–190).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

The following-named persons to be members of the Federal Energy Regulatory Commission:

Elizabeth Anne Moler, of Virginia, for the term expiring June 30, 1994. (Reappointment)

Branko Terzic, of Wisconsin, for the term expiring June 30, 1995. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102–9. Convention for a North Pacific Marine Science Convention (Exec. Rept. No. 102–18).

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention for a North Pacific Marine Science Organization (PICES), which was done at Ottawa on December 12, 1990, and signed by the United States on May 28, 1991.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER (for himself, Mr. D'AMATO, Mr. KASTEN and Mr. HELMS):

S. 1833. A bill extending nondiscriminatory treatment (most-favored-nation treatment) to the products of Estonia, Latvia, and Lithuania, and for other purposes; to the Committee on Finance.

By Mr. LOTT:

S. 1834. A bill to amend the Social Security Act to clarify the medicare geographic classification adjacency requirements; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1835. A bill to amend the Consolidated Farm and Rural Development Act to provide credit assistance to qualified beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. BRADLEY, Mr. DECONCINI, Mr. MCCAIN, Mr. GRASSLEY, Mr. DOLE, Mr. KASTEN, Mr. PRESSLER, Mr. D'AMATO, Mr. LUGAR and Mr. GARN):

S. Res. 196. A resolution expressing the sense of the Senate that the Soviet Union should immediately begin a prompt withdrawal of Soviet armed forces from the Baltic states and undertake discussions with the governments of Lithuania, Latvia, and Estonia appropriate to facilitate that withdrawal; to the Committee on Foreign Relations.

Mr. BOREN (for Mr. MITCHELL) (for himself and Mr. DOLE):

S. Res. 197. A resolution to authorize testimony by and representation of a former Senate employee; considered and agreed to.

Mr. SANFORD (for himself, Mr. JEFFORDS and Mr. MITCHELL):

S. Res. 198. A resolution amending Senate Resolution 62 of the One Hundred Second Congress to authorize the Committee on Foreign Relations to exercise certain investigatory powers in connection with its inquiry into the release of the United States hostages in Iran; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER (for himself, Mr. D'AMATO, Mr. KASTEN, and Mr. HELMS):

S. 1833. A bill extending nondiscriminatory treatment (most-favored-nation treatment) to the products of Estonia, Latvia, and Lithuania, and for other purposes; to the Committee on Finance.

NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA

Mr. PRESSLER. Mr. President, today I send to the desk a bill removing legislative obstacles to the granting of nondiscriminatory trade treatment—most-favored-nation status—to the products of Estonia, Latvia, and Lithuania.

The bill I am introducing with Senators D'AMATO and KASTEN is the same as H.R. 3313, introduced by Congressman SAM GIBBONS. I commend Mr. GIBBONS for his leadership on this matter in the other body.

I also commend President Bush for recognizing the democratic Governments of Estonia, Latvia, and Lithuania on September 2. Today these nations are working hard to rejoin the international community of which they were once a vital part. The swift provision of nondiscriminatory trade status to their goods will hasten the revitalization of their economies.

Mr. President, I also would like to commend Senator HELMS for his leadership in recognizing the importance of granting most-favored-nation [MFN] status to Estonia, Latvia, and Lithuania in June 1990, following the initialing of the United States-Soviet Trade Agreement. At that time, Senator HELMS asked for the extension of MFN to the Baltic States on the basis of trade agreements they signed with the United States in 1925 and 1926. His plea for full implementation of the longstanding United States non-recognition of the annexation of these nations by the Soviet Union can now be realized. Now that the United States formally has recognized the Baltic governments, the "effective control of borders" criterion cited as an obstacle to the Senator's request has disappeared as an issue.

Mr. President, I ask unanimous consent that a copy of a letter sent to the President by Senator HELMS and 22 other Senators on June 18, 1990, be included in the RECORD at the conclusion of my remarks.

The bill I am introducing now gives the administration the legislative flexibility it needs and wants to grant most-favored-nation trade status to Estonia, Latvia, and Lithuania. The Trade Act of 1974 placed these states in the rate of duty column 2, specifically excluding them from receiving favorable tariff rates. Title IV of the Trade Act requires all states that did not have MFN in 1974, to fulfill emigration law criteria.

It is, indeed, unfortunate that these obstacles stand in the way of the swift provision of MFN to Estonia, Latvia, and Lithuania through the renegotiation of agreements these nations signed with the United States in 1925 and 1926. When MFN status was terminated with the Soviet Union in 1951, President Truman announced the suspension of MFN for Estonia, Latvia, and Lithuania for the duration of Soviet domination and control of their territory. I note the careful choice of the word "suspension" rather than termination. In no way did President Truman want to give legitimacy to Soviet military occupation, as expressed in the Roman maxim, "Ex iniuria ius non oritur," which means "legal rights will not arise out of wrongdoing."

According to this policy, in 1974, Estonia, Latvia, and Lithuania should have been placed in the rate of duty column 1 with a note regarding their suspended trade status. They should have been excluded from title IV restrictions at that time.

Mr. President, I would like to note that in addition to granting Estonia, Latvia, and Lithuania MFN, the United States Government should correct other legal anachronisms adversely affecting Estonia, Latvia, and Lithuania. Specifically, the United States State Department should review and renegotiate, if necessary, with the representatives of Estonia, Latvia, and Lithuania, all agreements and treaties signed by the United States and those countries from 1922 to 1940, as well as all agreements and treaties between the United States and the Soviet Union that relate to the territorial integrity of Estonia, Latvia, and Lithuania.

I cite as an example the United States-Soviet Civil Aviation and Maritime Agreements that incorrectly refer to the cities of Riga, Tallinn, Pyarnu (Parnu in Estonian), Klaipeda, Liepaja, and Ventspils as "Soviet" cities.

Additionally, the United States should support the inclusion of Estonia, Latvia, and Lithuania in the multilateral CFE treaty, which directly affects Soviet military equipment on their sovereign territory. I hope that the CFE agreement will expedite the prompt withdrawal of the over 100,000 Soviet troops who are stationed in Estonia, Latvia, and Lithuania.

Mr. President, I ask unanimous consent that a list of all agreements signed by the United States and the Republics of Lithuania, Latvia, and Estonia as contained in the State Department publication "Treaties in Force" be included in the RECORD at the conclusion of my remarks.

I hope that both the Gibbons bill and my bill will pass expeditiously through the House Ways and Means and Senate Finance Committees. This bill will put an end to 50 years of suspended legal animation for the Baltic States. There is no good reason to delay any longer. Most certainly, MFN must not be held hostage to or be postponed until the United States-Soviet Trade Agreement is considered by the Senate. Indeed, the United States Senate would do final justice to our longstanding nonrecognition policy by granting MFN to Estonia, Latvia, and Lithuania before granting it to the Soviet Union.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, June 18, 1990.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This past weekend the citizens of Lithuania, Latvia, and Estonia observed the fifty-year mark of the illegal annexation of their sovereign states by the Soviet Union. Yet, the renewed Soviet military presence in the Baltic States and the economic blockade of Lithuania continue to violate the human rights of the Baltic people and endanger Soviet efforts at perestroika.

As you know, the Senate, by a vote of 73–24, recently adopted a resolution urging you not to submit the U.S.-Soviet trade agreement to the Senate for approval until the Soviet Union has lifted its economic embargo against Lithuania and has entered into negotiations with the duly elected representatives of the Lithuanian people, with the intended result the Soviet recognition of the independence of the government of the Republic of Lithuania. We again urge you not to send the trade agreement to the Congress until these conditions are met.

Fifty years ago, President Franklin Delano Roosevelt complied with generally recognized principles of international law, and publicly declared that the United States would not recognize the forcible seizure of the Republics of Lithuania, Latvia, and Estonia by the USSR. Since 1940, all United States administrations have affirmed the legal right of the Baltic people to self-determination.

We are very concerned that, unless certain precautions are taken, the recently proposed US-Soviet trade, maritime, aviation and student exchange agreements may violate the long-standing US non-recognition policy. Specifically, these agreements may imply de facto and possibly de jure recognition of the Soviet incorporation of Lithuania, Latvia, and Estonia.

We therefore urge you to issue, as an appendix to the agreements, a statement that any such agreements do not affect the de jure independence of the Baltic States, nor do these agreements imply any Soviet right to speak in international forums or conclude international agreements on behalf of the Baltic States. Moreover, any such statement should clearly object to any implied right of the USSR to exercise any form of authority over the Republics of Lithuania, Latvia, and Estonia.

It should be noted that there are precedents for such an approach. The U.S.-Israeli trade agreement of 1985 clearly states that the United States has not recognized Israel's authority over the West Bank. Furthermore, the U.S. Senate's reservation to the Japanese Peace Treaty of 1953 includes a proviso that the United States does not recognize Soviet claims to Southern Sakhalin, the Kurile Islands, the Habemai Islands or the island of Shikotan and the 1947 decision of the Nurnberg Tribunal specifically notes that any Soviet claims to the Baltic States are not accepted by the United States.

Our government continues to recognize the validity of all bilateral agreements signed between the Republics of Lithuania, Latvia, and Estonia and the United States, including the trade agreements of 1926 granting each Most-Favored-Nation trading status. When the United States decided to revoke MFN status for the Soviet Union in 1952, the Truman Administration placed controls on trade with the Baltic States in order to prevent the exploitation of their separate MFN status. These controls were acquiesced in by the Charges d'Affaires of the Baltic States in Washington, for the duration of the period of occupation.

Today, the Republics of Lithuania, Latvia, and Estonia have elected democratic governments which are no longer politically under the domination of the Soviet Union. In pursuing the restoration of Baltic independence, these governments have consistently strived to avoid threatening the overall stability of the Soviet Union, by denouncing all forms of violence and provocation, calling for peaceful negotiations with Moscow, and agreeing to suspend all independence-enabling legislation until a negotiated settlement can be reached.

Furthermore, these governments, which have demonstrated a strong commitment to human rights, democratic pluralism, and free-market economies, offer a unique economic and political channel between the Soviet Union and the West. Thus, strong US support for the independent Baltic governments would encourage, rather than threaten, Soviet stability and efforts at perestroika.

As you know, on May 26 the Foreign Ministers of the Republics of Lithuania, Latvia, and Estonia jointly declared that any agreements signed between the United States and the Soviet Union will not be binding upon the Baltic States. Previously, the Baltic leaders have asked Western nations to conclude bilateral agreements with their governments at the earliest possible time.

We urge you to consider taking steps to normalize US economic relations with the Baltic States. Such actions could include initiating bilateral discussions with the three Baltic governments regarding trade, aviation, and maritime concerns at the earliest possible time. We believe that such actions would enhance our fifty-year policy of supporting independence for the people of Lithuania, Latvia, and Estonia.

Sincerely,

Robert Byrd, Alfonse D'Amato, Alan Dixon, Pete Wilson, Dan Coats, Arlen Specter, Jesse Helms, Donald W. Riegle, Jr., Dennis DeConcini, Gordon Humphrey, Conrad Burns, Carl Levin, Barbara Mikulski, Malcolm Wallop, Connie Mack, Steve Symms, Frank Lautenberg, Robert Kasten, Bill Armstrong, Paul Simon, James McClure, John McCain, Joseph Lieberman.

ESTONIA

The United States has not recognized the incorporation of Estonia, Latvia, and Lithuania into the Union of Soviet Socialist Republics. The Department of State regards treaties between the United States and those countries as continuing in force.

COMMERCE

Treaty of friendship, commerce, and consular rights, and protocol. Signed at Washington December 23, 1925; entered into force May 22, 1926. 44 Stat. 2379; TS 736; 7 Bevans 620; 50 LNTS 13.

CONSULS (SEE COMMERCE)

EXTRADITION

Treaty for extradition of fugitives from justice. Signed at Tallinn November 8, 1923; entered into force November 15, 1924. 43 Stat. 1849; TS 703; 7 Bevans 602; 43 LNTS 277.

Supplementary extradition treaty. Signed at Washington October 10, 1934; entered into force May 7, 1935. 49 Stat. 3190; TS 888; 7 Bevans 645; 159 LNTS 149.

FINANCE

Debt funding agreement signed at Washington October 28, 1925; operative December 15, 1922. Treasury Department print; 7 Bevans 613.

Agreement modifying the debt funding agreement of October 28, 1925. Signed at Washington June 11, 1932; operative July 1, 1931. Treasury Department print; 7 Bevans 642.

MARITIME MATTERS

Agreement relating to mutual recognition of ship measurement certificates. Exchange of notes at Washington August 21, 1926 and at New York November 30, 1926; entered into force November 30, 1926. 47 Stat. 2597; EAS 9; 7 Bevans 635; 62 LNTS 313.

PACIFIC SETTLEMENT OF DISPUTES

Treaty of arbitration. Signed at Tallinn August 27, 1929; entered into force June 18, 1930. 46 Stat. 2757; TS 816; 7 Bevans 637; 102 LNTS 233.

Treaty of conciliation. Signed at Tallinn August 27, 1929; entered into force June 18, 1930. 46 Stat. 2760; TS 817; 7 Bevans 639; 102 LNTS 239.

PUBLICATIONS

Agreement relating to the exchange of official publications. Exchange of notes at Tallinn December 6, 1938; entered into force July 15, 1939. 53 Stat. 2059; EAS 138; 7 Bevans 647.

TRADE (SEE ALSO COMMERCE)[1]

Agreement according mutual unconditional most-favored-nation treatment in customs matters. Exchange of notes at Washington March 2, 1925; entered into force August 1, 1925. TS 722; 7 Bevans 608; 43 LNTS 289.

VISAS

Agreement for the reciprocal waiver of passport visa fees for nonimmigrants. Exchange of notes at Riga and Tallinn April 8, and July 28, 1925; entered into force July 28, 1925. 7 Bevans 611.

LATVIA

The United States has not recognized the incorporation of Estonia, Latvia, and Lithuania into the Union of Soviet Socialist Republics. The Department of State regards treaties between the United States and those countries as continuing in force.

COMMERCE[2]

Provisional commercial agreement according mutual unconditional most-favored-nation treatment in customs matters. Signed at Riga February 1, 1926; entered into force April 30, 1926. TS 740; 9 Bevans 528; LNTS 33.

Treaty of friendship, commerce, and consular rights. Signed at Riga April 20, 1928; entered into force July 25, 1928. 45 Stat. 2641; TS 765; 9 Bevans 531; 80 LNTS 35.

EXTRADITION

Treaty of extradition. Signed at Riga October 16, 1923; entered into force March 1, 1924. 43 Stat. 1738; TS 677; 9 Bevans 515; 27 LNTS 371.

Supplementary extradition treaty. Signed at Washington October 10, 1934; entered into force March 29, 1935. 49 Stat. 3131; TS 884; 9 Bevans 554; 158 LNTS 263.

FINANCE

Agreement relating to the funding of the indebtedness of Latvia to the United States. Signed at Washington September 24, 1925; operative December 15, 1922. Treasury Department print; 9 Bevans 521.

Agreement modifying the debt funding agreement of September 24, 1925. Signed at Washington June 11, 1932; operative July 1, 1931. Treasury Department print; 9 Bevans 551.

PACIFIC SETTLEMENT OF DISPUTES

Treaty of arbitration. Signed at Riga January 14, 1930; entered into force July 10, 1930. 46 Stat. 2763; TS 818; 9 Bevans 546; 105 LNTS 307.

Treaty of conciliation. Signed at Riga January 14, 1930; entered into force July 10, 1930. 46 Stat. 2766; TS 819; 9 Bevans 548; 105 LNTS 301.

POSTAL MATTERS

Convention for the exchange of money orders. Signed at Washington October 21 and at Riga November 14, 1922; effective January 2, 1923. 38 LNTS 331.

VISAS

Agreement for the reciprocal waiver of passport visa fees for nonimmigrants. Exchange of notes at Riga February 18 and March 27, 1935; entered into March 27, 1935; operative April 1, 1935. 9 Bevans 556.

LITHUANIA

The United States has not recognized the incorporation of Estonia, Latvia, and Lithuania into the Union of Soviet Socialist Republics. The Department of State regards treaties between the United States and those countries as continuing in force.

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[1] Application of controls to trade between the United States and Estonia while that country is under Soviet domination or control was acquiesced in by the Acting Consul General of Estonia in Charge of the Estonian Legation in New York in a note dated July 16, 1951 to the Secretary of State.

[2] Application of controls to trade between the United States and Latvia while that country is under Soviet domination or control was acquiesced in by the Charge d'Affaires of Latvia in Washington in a note dated July 11, 1951, to the Secretary of State.

CUSTOMS

Arrangement regarding reciprocal privileges for consular officers to import articles free of duty for their personal use. Exchanges of notes at Washington July 28, September 17 and 19, and October 4, 1934; operative October 15, 1934, 9 Bevans 685.

EXTRADITION

Treaty of extradition. Signed at Kaunas April 9, 1924; entered into force August 23, 1924, 43 Stat. 1835; TS 699; 9 Bevans 655; 51 LNTS 191.

Supplementary extradition treaty. Signed at Washington May 17, 1934; entered into force January 8, 1935. 49 Stat. 3077; TS 879; 9 Bevans 683; 157 LNTS 441.

FINANCE

Agreement for the funding of the debt of Lithuania to the United States. Signed at Washington September 22, 1924; operative June 15, 1924. Treasury Department print; 9 Bevans 661.

Amendment: June 9, 1932 (Treasury Department print; 9 Bevans 681).

PACIFIC SETTLEMENT OF DISPUTES

Arbitration treaty. Signed at Washington November 14, 1928; entered into force January 20, 1930. 46 Stat. 2457; TS 809; 9 Bevans 671; 100 LNTS 111.

Treaty of conciliation. Signed at Washington November 14, 1928; entered into force January 20, 1930. 46 Stat. 2459; TS 810; 9 Bevans 673; 100 LNTS 117.

POSTAL MATTERS

Convention for the exchange of money orders. Signed at Washington April 10 and at Kaunas July 30, 1923; operative October 15, 1923.

Amendments: May 26 and June 13, 1934. June 11 and 28, 1934.

Parcel post agreement. Signed at Kaunas December 4 and at Washington December 28, 1939; operative February 1, 1940. 54 Stat. 2021; Post Office Department print; 202 LNTS 381.

TRADE AND COMMERCE[3]

Agreement according mutual unconditional most-favored-nation treatment in customs matters. Exchange of notes at Washington December 23, 1925; entered into force July 10, 1926. TS 742; 9 Bevans 668; 54 LNTS 377.

TRADE-MARKS

Agreement relating to the registration of trade-marks. Exchange of notes at Riga September 14, 1929 and at Kaunas October 11, 1929; entered into force October 11, 1929. 9 Bevans 675.

VISAS

Arrangement for the reciprocal waiver of passport visa fees for nonimmigrants. Exchange of notes at Washington April 17, 1937; entered into force April 17, 1937; operative May 1, 1937. 9 Bevans 688.

By Mr. GRASSLEY:

S. 1835. A bill to amend the Consolidated Farm and Rural Development Act to provide credit assistance to qualified beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

BEGINNING FARMER AND RANCHER CREDIT ACT

• Mr. GRASSLEY. Mr. President, today I want to talk about the future of American agriculture. No, I am not going to talk about bioengineering, remote sensing satellites, or using animals to produce medical products. I am also not going to talk about economic competition with the European Community or the prospects for new agricultural crops or products. I am going to talk about the future of farming as it relates to the alarming dropoff in the number of young people entering farming.

Mr. President, new blood is essential to the survival of any organization. Without new blood, industries and countries begin to show the characteristics of aging entities. New blood ensures that the organization is renewed by new entrants with their physical and mental energy.

American agriculture is as dependent on new technology, new thinking, and new people as any organization. But, as I will show you in a minute, new farmers are not entering farming, either on a part-time or full-time basis. The result is, the average age of farmers is rising and our rural communities are struggling. This is occurring even as we have spent billions of dollars during the eighties to stabilize the farm economy. To a large extent, we were finally able to do just that. In 1990, farmers enjoyed record income and debt to asset ratios fell to more manageable levels.

However, a couple of reports released this last year show that these benefits have all accrued to existing farmers and have done little to increase the number of new and beginning farmers and ranchers. The first report was published by the U.S. Department of Agriculture's Economic Research Service. It is rather dryly entitled "Estimating Entry and Exit of U.S. Farms." Among other items of interest, the report shows that during the time period of 1978–82, nearly 101,000 farmers entered farming each year, while in the period of 1982–87, only 75,000 entered annually. That is a drop of 29 percent in the number of beginning farmers.

Among age groups, the drop in new farmers is even more alarming. For instance, the drop in new farmers 25 years old or less—that is, those just out of college or high school—was down 50 percent. Entry of farmers in the 25 to 34 cohort—frequently people who have spent time working for established farmers while saving up money in order to start their own operation—dropped 30 percent.

Clearly, young people during the mid-1980's were making a fairly rational choice. Faced with high credit and startup costs, they could see that the barriers to entry were too high in many cases. As a consequence of having fewer young farmers, the average farmer's age increased. Iowa State University's "1991 Iowa Farm and Rural Life Poll" shows how the demographics will begin to look in the near future. The survey found the average Iowa farmer to be 53 years old and with nearly 40 percent of them over the age of 55. Worse yet, only 5 percent of the farmers surveyed were under 30. I want to note these figures are in line with the 1987 Census of Agriculture numbers.

Also, roughly 20 percent of the surveyed farmers are contemplating retiring in the next 5 years. What this means is that a significant change in the form of the family farm will occur in the nineties, feeding on the trend to bigger operations with fewer workers and families.

Mr. President, I think it is possible for us to change some of these demographic trends. That is why I am today introducing the Beginning Farmer and Rancher Credit Act. This bill is designed to give starting farmers the financial help they need to begin farming. It does this by helping beginning farmers make the downpayment through a loan coming from within FmHA's farm ownership loan program. FmHA would loan up to 30 percent of the purchase price, with the farmer kicking in 10 percent. It would also establish a Federal-State partnership with qualified State beginning farmer programs. Finally, 80 percent of direct farm ownership funds would be used for the downpayment loan program.

Mr. President, this is just one effort to make it possible for interested young people to enter farming. Many other steps are needed. Surely the future nature of agriculture will be affected by the demographics of our farmers as by the technology used.•

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 549

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 549, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

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[3] Application of controls to trade between the United States and Lithuania while that country is under Soviet domination or control was acquiesced in by the Minister of Lithuania in Washington in a note dated July 11, 1951 to the Secretary of State.

S. 810

At the request of Mr. HARKIN, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 810, a bill to improve counseling services for elementary schoolchildren.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 1120

At the request of Mr. RIEGLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1120, a bill to provide for a demonstration project to examine whether having a respiratory care practitioner available to provide assistance in a home setting would reduce the overall costs under Medicare of providing care to pulmonary disease patients by decreasing hospitalization rates for such patients.

S. 1175

At the request of Mr. KERRY of Massachusetts, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1175, a bill to make eligibility standards for the award of the Purple Heart currently in effect applicable to members of the Armed Forces of the United States who were taken prisoners or taken captive by a hostile foreign government or its agents or a hostile force before April 25, 1962, and for other purposes.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1493

At the request of Mr. GRAHAM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1493, a bill to establish the High Speed Surface Transportation Development Corporation; to provide for high speed surface transportation infrastructure development; and for other purposes.

S. 1599

At the request of Mr. BRADLEY, the names of the Senator from Delaware [Mr. BIDEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CRAIG], the Senator from Maryland [Mr. SARBANES], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1599, a bill to extend nondiscriminatory (most-favored-nation) treatment to Estonia, Latvia, and Lithuania.

S. 1603

At the request of Mr. GRAMM, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1603, a bill to provide incentives for work, savings, and investments in order to stimulate economic growth, job creation, and opportunity.

S. 1623

At the request of Mr. DECONCINI, the names of the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1653

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1653, a bill to amend the Internal Revenue Code of 1986 to remove United States tax barriers inhibiting competitiveness of United States owned businesses operating in the European Community.

S. 1711

At the request of Mr. DOLE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1711, a bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes.

S. 1726

At the request of Mr. DIXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1726, a bill to amend the Immigration and Nationality Act to restore authority in courts to naturalize persons as citizens.

S. 1729

At the request of Mr. KENNEDY, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1729, a bill to amend the Public Health Service Act to require drug manufacturers to provide affordable prices for drugs purchased by certain entities funded under the Public Health Service Act, and for other purposes.

S. 1791

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1791, a bill to provide emergency unemployment compensation, and for other purposes.

S. 1810

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. AKAKA], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

At the request of Mr. DURENBERGER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1810, supra.

S. 1817

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1817, a bill to amend the Trade Act of 1974 to require the National Trade Estimate include information regarding the impact of Arab boycotts on certain United States businesses.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from Tennessee [Mr. GORE], the Senator from Kentucky [Mr. FORD], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 6, a joint resolution to designate the year 1992 as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 100

At the request of Mr. KOHL, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 100, a joint resolution designating January 5, 1992 through January 11, 1992 as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 113

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating the oak as the national arboreal emblem.

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. CRAIG], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week."

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from New Jersey

[Mr. BRADLEY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Kansas [Mr. DOLE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Colorado [Mr. BROWN], the Senator from North Dakota [Mr. BURDICK], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991 as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 190

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to designate January 1, 1992, as "National Ellis Island Day."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 206

At the request of Mr. RIEGLE, the names of the Senator from Montana [Mr. BURNS], the Senator from Georgia [Mr. NUNN], the Senator from Washington [Mr. ADAMS], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. CRANSTON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution concerning freedom of emigration and travel for Syrian Jews.

SENATE RESOLUTION 196—RELATIVE TO SOVIET WITHDRAWAL FROM THE BALTIC STATES

Mr. HATCH (for himself, Mr. BRADLEY, Mr. DECONCINI, Mr. MCCAIN, Mr. GRASSLEY, Mr. DOLE, Mr. KASTEN, Mr. PRESSLER, Mr. D'AMATO, Mr. LUGAR, and Mr. GARN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 196

Whereas the rightful independence of the Baltic states of Lithuania, Latvia, and Estonia from the Union of Soviet Socialist Republics has been recognized;

Whereas more than 100,000 Soviet military personnel continue to maintain a presence in the Baltic states; and

Whereas the continued presence of Soviet troops threatens the peace and independence of the Baltic states: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should call upon the President of the Union of Soviet Socialist Republics to begin immediately a prompt withdrawal of Soviet armed forces from the Baltic states and to undertake discussions with governments of Lithuania, Latvia, and Estonia appropriate to facilitate that withdrawal.

Mr. HATCH. Mr. President, I rise today to submit a sense-of-the-Senate resolution that explicitly calls for the Soviet Government to immediately begin a withdrawal of Soviet armed forces from the Baltic States and undertake discussions with the Governments of Lithuania, Latvia, and Estonia appropriate to facilitate that withdrawal. I am joined in this effort by Senators BRADLEY, DECONCINI, MCCAIN, GRASSLEY, DOLE, KASTEN, PRESSLER, D'AMATO, LUGAR, and GARN.

Despite the recent independence of these states, the Soviets continue to maintain approximately 45,000 troops in each of the three Baltic States. The continued stationing of roughly 135,000 troops in the Baltic States remains a flagrant violation of their territorial integrity and political sovereignty. The continuing imposition of Soviet forces in these countries was recently characterized by Lithuanian President Landsberlgis as an act of violence, of coercion. The Baltic leadership has a right to be concerned. Some elements of the Soviet navy are reluctant to abandon their strategically located Baltic seaports, and the large presence of Soviet ground troops in these countries remains a highly destabilizing influence.

Mr. President, I hope that the Soviet Government takes notice of this resolution, and realizes how seriously Members of this Chamber view the continuing presence of Soviet forces in the Baltics.

SENATE RESOLUTION 197—AUTHORIZING TESTIMONY BY AND REPRESENTATION OF A FORMER SENATE EMPLOYEE

Mr. BOREN (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas, a Federal agency has requested the testimony of Jack Blum, a former special counsel to the Committee on Foreign Relations, about information relating to the Bank of Credit and Commerce International and other financial institutions obtained by the Subcommittee on Terrorism, Narcotics and International Operations during the course of its investigation into the nature of the threat to the national security of the United States from the operation of international drug cartels and the adequacy of the United States Government's response to that threat;

Whereas, by the privileges of the Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to provide testimony to federal and state agencies or officials about information, relating to the Bank of Credit and Commerce International and other financial institutions, obtained by the Subcommittee on Terrorism, Narcotics and International Operations during the course of its investigation, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

SENATE RESOLUTION 198—RELATIVE TO AN INVESTIGATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. SANFORD (for himself, Mr. JEFFORDS, and Mr. MITCHELL) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 198

Resolved, That Senate Resolution 62 of the One Hundred Second Congress (agreed to February 28, 1991) is amended—

(1) in section 2(a), by striking "$55,873,148" and inserting "$56,469,148"; and

(2) in section 12(b)—

(A) by striking "$2,774,561" and inserting "$3,370,561"; and

(B) by striking "$45,000" and inserting "$117,000"; and

(2) by adding at the end of section 12 the following new subsection:

"(d)(1) For purposes of the expeditious conduct at any time or place by the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations of its duly authorized inquiry into allegations that private United States citizens acted to delay the release of United States hostages in Iran until after the 1980 presidential election, the Subcommittee may—

"(A) authorize staff to conduct depositions of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony, and to receive books, tapes, papers, documents, and other records in connection with such testimony,

"(B) require, by subpoena or order, the attendance of witnesses and the production of books, tapes, papers, documents, and other records at such staff depositions; and

"(C) adopt and publish in the Congressional Record rules (not inconsistent with the Standing Rules of the Senate) which shall govern for all purposes the Subcommittee's conduct of this inquiry.

"(2) The powers authorized by this section shall be supplementary to such other powers as are lawfully authorized for the Subcommittee.".

AMENDMENTS SUBMITTED

ETHICS IN GOVERNMENT ACT AMENDMENTS

DOLE AMENDMENT NO. 1255

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 242) to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees, and for other purposes, as follows:

At the appropriate place insert the following:

SEC. . POST-EMPLOYMENT RESTRICTIONS TECHNICAL CORRECTION.

(a) LIMITATION ON POST-EMPLOYMENT RESTRICTIONS.—Section 207(j) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(7) POLITICAL PARTIES AND CAMPAIGN COMMITTEES.—(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate, in his capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

"(B) Subparagraph (A) shall not apply to—

"(i) any communication to, or appearance before, the Federal Election Commission by a former officer or employee of the Federal Election Commission;

"(ii) any communication or appearance referred to in subparagraph (A) that is made by a person on any matter in which that person also represents, as agent or attorney or otherwise, anyone other than a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party; and

"(iii) any communication to, or appearance before, an employee (as defined in section 2105 of title 5) of an Executive agency (as defined in section 105 of title 5), unless the employee is—

"(I) a noncareer employee of the Executive Office of the President;

"(II) the head or assistant head of an Executive department or a military department (as such terms are defined in sections 101 and 102 of title 5); or

"(III) an employee appointed by the President by and with the advice and consent of the Senate.

"(C) For purposes of this paragraph—

"(i) the term 'candidate' means any person who seeks nomination for election, or election, to Federal or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Federal or State office;

"(ii) the term 'authorized committee' means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election, of such candidate, except that a political committee that receives contributions or makes expenditures to promote more than one candidate may not be designated as an authorized committee for purposes of subparagraph (A);

"(iii) the term 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level;

"(iv) the term 'national Federal campaign committee' means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to the Congress;

"(v) the term 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level;

"(vi) the term 'political party' means an association, committee, or organization that nominates a candidate for election to any Federal or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

"(vii) the term 'State' means a State of the United States, or the District of Columbia.".

(b) APPLICABILITY.—A former officer or employee who is subject to the prohibitions contained in section 207(c) of title 18, United States Code, as in effect before January 1, 1991, shall, notwithstanding such prohibitions, be permitted to make communications and appearances solely on behalf of a candidate, in his capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party, as though the provisions of section 207 of title 18, United States Code, in effect on or after January 1, 1991, as amended by this section, were applicable to such former officer or employee.

INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992

BOREN AMENDMENT NOS. 1256 AND 1257

Mr. BOREN proposed two amendments to the bill (S. 1539) to authorize appropriations for fiscal year 1992 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, as follows:

AMENDMENT NO. 1256

Title VII of S. 1539 is amended by striking section 701 in its entirely and inserting in lieu thereof the following:

SEC. 701. (a) The Congress finds that—

(1) the security of the United States is and will continue to depend on the ability of the United States to exercise international leadership;

(2) United States leadership is and will increasingly be based on the political and economic strength of the United States, as well as United States military strength around the world;

(3) recent changes in the world pose threats of a new kind of international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapons proliferation have dramatically increased;

(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries.

(5) the Federal Government has a vested interest in ensuring that the employees of its national security agencies are prepared to meet the challenges of this changing international environment;

(6) the Federal Government also has a vested interest in taking actions to alleviate the problem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, and other international fields to help meet such challenges.

(b) The purposes of this section are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign language, area studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the national security agencies of the United States Government.

(4) To expand, in conjunction with other Federal programs, the international experiences, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

(c)(1) The National Security Act 1947 (47 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. PROGRAM REQUIRED.

"(a) PROGRAM REQUIRED.—

"(1) IN GENERAL.—The Secretary of Defense, in consultation with the National Security Education Board established by section 803, shall carry out a program for—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens in order to enable such students to study, for at least 1 semester, in foreign countries;

"(B) awarding fellowship to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of foreign languages, area studies, and other international fields that are critical areas of such disciplines; and

"(ii) pursuant to subsection (c)(1), enter into an agreement to work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded; and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in foreign languages, area studies, and other international fields that are critical areas of such disciplines.

"(2) RESERVATIONS.—The Secretary shall have a goal of reserving for each fiscal year—

"(A) for the awarding of scholarships pursuant to paragraph (1)(A), ⅓ of the amount available for obligation out of the National Security Education Trust Fund for such fiscal year;

"(B) ⅓ of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

"(C) ⅓ of such amount to provide for the awarding of grants pursuant to paragraph (1)(C).

"(b) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in subsection (a) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures.

"(c) SERVICE AGREEMENT.—In awarding a fellowship under the program, the Secretary or contract organization referred to in subsection (b), as the case may be, shall require the recipient of the fellowship to enter into an agreement that contains the assurances of such recipient that the recipient—

"(1) will maintain satisfactory academic progress; and

"(2) upon completion of such recipient's education, will work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded for a period specified by the Secretary, which period shall be equal to not less than one and not more than three times the period for which the fellowship assistance was provided.

"(d) DISTRIBUTION OF ASSISTANCE.—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (b), as the case may be, shall take into consideration the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States.

"(e) MERIT REVIEW.—A merit review process shall be used in awarding scholarships, fellowships, or grants under the program.

"(f) INFLATION.—The amounts of scholarships, fellowships, and grants awarded under the program shall be adjusted for inflation annually.

"(g) ADMINISTRATION OF PROGRAM THROUGH THE DEFENSE INTELLIGENCE COLLEGE.—The Secretary shall administer the program through the Defense Intelligence College.

"SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairman of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) The Director of Central Intelligence.

"(F) The Director of the United States Information Agency.

"(G) Four individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) TERM OF APPOINTEES.—Each individual appointed to the Board pursuant to paragraph (1)(G) shall be appointed for a period specified by the President at the time of the appointment but not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title;

"(2) provide for wide dissemination of information regarding the activities assisted under this title;

"(3) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(4) make recommendations to the Secretary regarding which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

"(5) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(B) are areas of study in which United States students are deficient in learning and are, therefore, critical areas within such disciplines for the purposes of such section;

"(6) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training and are, therefore, critical areas within such disciplines for the purposes of such section; and

"(7) review the administration of the program required under this title.

"SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'.

"(b) AVAILABILITY OF SUMS IN THE FUND.—To the extent provided in appropriations Acts, sums in the Fund shall be available for—

"(A) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(B) properly allocable administrative costs of the Federal Government for the program under this title.

"(2) Any unobligated balance in the Fund at the end of a fiscal year shall remain in the Fund and may be appropriated for subsequent fiscal years.

"(c) INVESTMENT OF FUND ASSETS.—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately necessary for obligation. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale of redemption of, any obligations held in the Fun shall be credited to and form a part of the Fund.

"SEC. 805. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—In order to conduct the program required by this title, the Secretary may—

"(1) prescribe regulations to carry out the program;

"(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purpose of conducting the program required by this title, and to use, sell, or otherwise dispose of such property for that purpose;

"(3) accept and use the services of voluntary and noncompensated personnel; and

"(4) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Secretary shall submit to the President and the Congress an annual report of the conduct of the program required by this title. The report shall contain—

"(1) an analysis of the mobility of students to participate in programs of study of foreign countries;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas as the Secretary determines are receiving inadequate attention;

"(3) the impact of the program activities on such trends; and

"(4) an evaluation of the impediments to improving such trends;

"SEC. 806. AUDITS.

"The conduct of the program required by this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property of the Department of Defense pertaining to such activities and necessary to facilitate the audit.

"SEC. 807. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Board' means the National Security Education Board established pursuant to section 803;

"(2) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 804; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.".

(2) The table of contents for such Act is amended by inserting at the end the following:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"Sec. 801. Short title.
"Sec. 802. Program required.
"Sec. 803. National Security Education Board.
"Sec. 804. National Security Education Trust Fund.
"Sec. 805. Administrative provisions.
"Sec. 806. Audits.
"Sec. 807. Definitions.".

(d) Of the amounts made available in the National Security Education Trust Fund for fiscal year 1992 for the scholarships, fellowships, and grants program provided for in title VIII of the National Security Act of 1947, as added by subsection (c), the Secretary shall reserve—

(1) $15,000,000 for awarding scholarships pursuant to section 802(a)(1)(A) of such Act;

(2) $10,000,000 for awarding fellowships pursuant to section 802(a)(1)(B) of such Act; and

(3) $10,000,000 for awarding grants pursuant to section 802(a)(1)(C) of such Act.

AMENDMENT No. 1257

Add at the appropriate place in the bill the following new subsection:

( ) The Secretary of Defense shall take appropriate action to ensure that included within the budget submitted to Congress for the General Defense Intelligence Program for fiscal year 1993, and for every fiscal year thereafter, shall be the amounts requested to be authorized and appropriated for the (1) the TR-1 airborne reconnaissance platform and related sensor programs; and (2) the Airborne Reconnaissance Support Program. The Secretary of Defense is further directed to the consolidate management during Fiscal Year 1992 of the TR-1, U-2, and Airborne Reconnaissance Support Programs within the General Defense Intelligence Program.

GLENN (AND OTHERS) AMENDMENT NO. 1258

Mr. GLENN (for himself, Mr. SPECTER, Mr. HARKIN, Mr. BYRD, Mr. AKAKA, Mr. BRYAN, Mr. CRANSTON, and Mr. ADAMS) proposed an amendment to the bill S. 1539, supra, as follows:

On page 34, between lines 18 and 19, insert the following new section:

SEC. 602. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by inserting at the end thereof the following new section:

"SEC. 18. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

"(a) PRESIDENTIAL APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, the following officers of the United States who shall serve within the Central Intelligence Agency:

"(1) the Deputy Director for Operations.

"(2) the Deputy Director for Intelligence.

"(3) the General Counsel.

"(b) BASIS FOR REMOVAL.—Notwithstanding section 102(c) of the National Security Act of 1947 (50 U.S.C. 403(c)), any individual appointed pursuant to this section shall serve at the pleasure of the President and may be removed from office only by the President.".

FEDERAL FACILITY COMPLIANCE ACT

McCONNELL AMENDMENT NO. 1259

Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill (S. 596) to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements, as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) This section may be cited as the "Federal Recycling Incentive Act".

(b) Subtitle F of the Solid Waste Disposal Act is amended by adding at the end thereof the following:

"FEDERAL GOVERNMENT REQUIREMENTS

"SEC. 6005. (a) FEDERAL AGENCIES.—Prior to the expiration of the 180-day period following the date of the enactment of this section, the Administrator of General Services, in consultation with the Administrator of the Environmental Protection Agency, by regulation, shall establish, and from time to time modify, a program pursuant to which each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be required to separate all high grade paper, newspapers, aluminum, and glass bottles and containers comprising solid waste generated by such department, agency, or instrumentality, and to collect and make such paper, aluminum, bottles, and containers available for recycling, by sale or otherwise.

"(b) PUBLICATION IN FEDERAL REGISTER.—Within 60 days following the establishment or modification of a program pursuant to subsection (a) the Administrator of General Services shall submit a copy of such program or modification to the Congress and publish a copy thereof in the Federal Register.

"(c) EFFECTIVE DATE.—Effective 180 days following such publication in the Federal Register, each department, agency, and instrumentality of the executive, legislative, and judicial branches shall take such action as may be necessary to carry out the program established pursuant to subsection (a) as published in the Federal Register.

"(d) PROCEEDS FROM SALE.—Any moneys received by any such department, agency, or instrumentality from the sale of such paper, aluminum, bottles, and containers may be retained by it and shall be available for use by it in carrying out its functions.

"(e) ENFORCEMENT.—The Administrator of General Services, in consultation with the Administrator of the Environmental Protection Agency, shall, by regulation, establish and implement a system for monitoring and enforcing the provisions of this section.

"(f) REPORT.—Prior to the expiration of the 15-month period following the date on which such program takes effect and annually thereafter the Administrator of General Services shall report to the Congress with respect to the extent of compliance by each department, agency, and instrumentality of the executive, legislative, and judicial branches with the program established pursuant to this Act for the preceding 12-month period. Such report shall identify any such department, agency, and instrumentality which fails to comply, in whole or in part, with such program. A copy of the report shall be published in the Federal Register.

"(g) AUTHORIZATION.—For the purpose of enabling the Administrator of General Services to carry out his section, there are authorized to be appropriated such sums as may be necessary.

"(h) DEFINITION.—As used in this section, the term 'high grade paper' means letterhead, dry copy papers, miscellaneous business forms, stationery, typing paper, tablet sheets, and computer printout paper and cards, commonly sold as 'white ledger', 'computer printout', and 'tab card' grade by the wastepaper industry."

SEYMOUR (AND OTHERS) AMENDMENT NO. 1260

Mr. SEYMOUR (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill S. 596, supra, as follows:

At the appropriate place, add the following:

The Federal Bureau of Investigation is hereby authorized and directed to require by subpoena the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such sworn testimony and to make such expenditures out of any funds appropriated and not otherwise obligated to make an investigation into the matter of releasing of confidential documents transmitted to the Senate Committee on the Judiciary regarding Professor Anita Hill of the University of Oklahoma and to report to the Congress the results of this investigation not later than 30 days after the date of enactment of this Act.

VETERANS' HOSPICE SERVICES ACT OF 1991

CRANSTON AMENDMENT NO. 1261

Mr. BOREN (for Mr. CRANSTON) proposed an amendment to the bill (S. 1358) to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans, as follows:

On page 2, line 11, strike out "671." and insert in lieu thereof "1771."

On page 2, beginning on line 15, strike out "'(A) who is" and all that follows through line 19 and insert in lieu thereof the following—

"'(A) who is—

"'(i)(I) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, or (ii) eligible for hospital and nursing home care in such facility and receiving such care;

"'(ii) receiving nursing home care at a non-Department of Veterans Affairs nursing home under section 1720(a)(1)(A) of this title; or "'(iii) receiving domiciliary care, nursing home care, or hospital care for which the Department is paying a State per diem under section 1741 of this title; and'"

On page 3, line 9, strike out "601(4)(A)" and insert in lieu thereof "1701(4)(A)".

On page 3, line 15, strike out "672(b)(1)(D)" and insert in lieu thereof "1772(b)(1)(D)".

On page 4, line 1, strike out "672" and insert in lieu thereof "1772.".

On page 7, line 15, strike out "(B) of" and insert in lieu thereof "(B) or".

On page 7, line 25, strike out "is" and insert in lieu thereof "if".

On page 8, line 5, insert ", supplies, and medications" after "services".

On page 8, line 6, insert "that' after "exceeds".

On page 8, line 16, strike out "673." and insert in lieu thereof "1773.".

On page 8, line 18, strike out "672(a)(1)" and insert in lieu thereof "1772(a)(1)".

On page 9, line 8, strike out "674." and insert in lieu thereof "1774.".

On page 9, line 18, strike out "675." and insert in lieu thereof "1775.".

On page 9, line 23, strike out "672" and insert in lieu thereof "1772".

On page 9, line 24, strike out "673" and insert in lieu thereof "1773".

On page 10, line 6, strike out "673" and insert in lieu thereof "1773".

On page 10, line 24, strike out "672" and insert in lieu thereof "1772".

On page 10, line 25, strike out "673" and insert in lieu thereof "1773".

On page 11, line 17, strike out "672(b)(3)" and insert in lieu thereof "1772(b)(3)".

On page 12, line 25, strike out "672(c)(1)(C)" and insert in lieu thereof "1772(c)(1)(C)".

On page 13, line 18, strike out "673(a)" and insert in lieu thereof "1773(a)".

On page 13, line 25, strike out "672" and insert in lieu thereof "1772".

On page 14, line 1, strike out "673" and insert in lieu thereof "1773".

On page 15, in the matter below line 5, strike out "'671." and insert in lieu thereof "'1771.".

On page 15, in the matter below line 5, strike out "'672." and insert in lieu thereof "'1772.".

On page 15, in the matter below line 5, strike out "'673." and insert in lieu thereof "'1773.".

On page 15, in the matter below line 5, strike out "'674." and insert in lieu thereof "'1774.".

On page 15, in the matter below line 5, strike out "'675." and insert in lieu thereof "'1775.".

ANIMAL RESEARCH FACILITIES PROTECTION ACT OF 1991

HEFLIN AMENDMENT NO. 1262

Mr. BOREN (for Mr. HEFLIN) proposed an amendment to the bill (S. 544) to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Research Facilities Protection Act of 1991".

SEC. 2. PROTECTION OF ANIMAL RESEARCH FACILITIES.

The Food Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended by adding at the end of the following new title:

"TITLE XXVI—ANIMAL RESEARCH FACILITIES

"SEC. 2601. SHORT TITLE.

"This title may be cited as the 'Animal Research Facilities Protection Act of 1991'.

"SEC. 2602. FINDINGS.

"Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"SEC. 2603. PROHIBITED ACTS.

"(a) IN GENERAL.—It shall be unlawful for any person—

"(1) to steal, cause the unauthorized release or the intentional loss of any animal from research facility;

"(2) to damage, vandalize, or steal any property in or on a research facility;

"(3) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(4) to enter, obtain access, or remain on a research facility with the intent to commit an act described in paragraph (1) or (2);

"(5) to aid, abet, counsel, command, induce, or procure the commission of an act described in paragraph (1), (2), (3), or (4); or

"(6) knowing an offense described in paragraph (1) has occurred, to receive, relieve, comfort, or assist the offender in order to prevent the offender's apprehension, trial, or punishment.

"(b) SCOPE OF AUTHORITY DEFENSE.—It shall be a defense to any provision under this section that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their official duties, or the person is acting under the authorization of a law enforcement official and the action is within the scope of the law enforcement official.

"SEC. 2604. PENALTIES.

"(a) IN GENERAL.—

"(1) GENERAL VIOLATIONS.—Any person who violates any provision of section 2603 shall be subject to fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation.

"(2) WILLFUL VIOLATIONS CAUSING HARM.—If the violation causes harm to person or property and is willful and malicious, the person shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both, for each such violation.

"(3) LIFE-THREATENING VIOLATIONS.—If as a result of the violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b) REASONABLE COSTS.—

"(1) DETERMINATION.—The United States District Court or the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment, or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 2603.

"(2) LIABILITY.—Any persons convicted of a violation described in paragraph (1) shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"SEC. 2605. COURT JURISDICTION.

"The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this title, and shall have jurisdiction in all other kinds of cases arising under this title.

"SEC. 2606. PRIVATE RIGHT OF ACTION.

"(a) IN GENERAL.—Any research facility injured in its business or property by reason of a violation of this title shall have a private right of action to recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provision of this title.

"(b) CONSTRUCTION.—Nothing in this title shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this title. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of this title.

"SEC. 2607. STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES.

"(a) CONDUCT OF STUDY.—The Secretary of Agriculture and the Attorney General shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a), together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"SEC. 2608. EFFECT ON FEDERAL AND STATE LAWS.

"Nothing in this title shall be construed to affect or preempt any Federal or State law or regulation.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, at 10 a.m. to hold a hearing on S. 1793, sanctions legislation relating to the Yugoslav civil war.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, at 2 p.m. to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, at 3:30 p.m. to hold a nomination hearing for Mr. Richard Houseworth, to be U.S. alternate Executive Director of the Inter-American Development Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, October 16, 1991, at 9:30 a.m. for a hearing on drug price increases and the public health.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., October 16, 1991, to consider S. 484, S. 106, S. 140, H.R. 543, the nomination of Elizabeth Moler, the nomination of Branko Terzic, S. 1671, S. 549, S.J. Res. 23, S. 1179, S. 1187, and S. 1528.

Agenda	*Date put on agenda*
1. S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, CA, a Bureau of Reclamation facility, and for other purposes	7-19-91
2. S. 106, to amend the Federal Power Act	9-20-91
3. S. 140, to increase Federal payments in lieu of taxes to units of general local government, and for other purposes	9-20-91
4. H.R. 543, to establish the Manzanar National Historic Site in the State of California, and for other purposes	9-20-91
5. Nomination Agenda of Elizabeth Moler to be a Member of the Federal Energy Regulatory Commission	10-10-91
6. Nomination of Branko Terzic to be a Member of the Federal Energy Regulatory Commission	10-10-91
7. S. 1671, to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, NM, and for other purposes	10-10-91
8. S. 549, to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System	10-10-91
9. S.J. Res. 23, to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920	10-10-91
10. S. 1179, to stimulate the production of geologic map information in the United States through the cooperation of Federal, State, and academic participants	10-10-91
11. S. 1187, to amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands, and for other purposes	10-10-91
12. S. 1528, to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes	10-10-91

1. FROM THE SUBCOMMITTEE ON WATER AND POWER

S. 484 (Bradley and Cranston). The Central Valley Project Improvement Act.

Purpose: The purposes of S. 484 are to promote and expand the authorized purposes of the Central Valley Project, California, by establishing conditions which must be satisfied before the Secretary of the Interior may sell or deliver water from the Central Valley Project under contract or other agreement, and for other purposes.

Legislative History: S. 484 was introduced by Senators Bradley and Cranston on February 26, 1991. The Subcommittee on Water and Power conducted hearings on S. 484 in Los Angeles, California, on March 18; in Washington, D.C. on May 8; and in Sacramento California on May 30, 1991.

At the May 8 Subcommittee hearing, representatives from the Bureau of Reclamation testified in opposition to S. 484 as unnecessary at this time. Representatives from the U.S. Fish and Wildlife Service and Bureau of Indian Affairs supported certain provisions of S. 484, while opposing others as unnecessary. Representatives from the Environmental Protection Agency supported the bill. A representative of the Department of Agriculture expressed concern over certain provisions of the bill, while supporting others.

Amendments: Senator Bradley may offer amendments. Other amendments are expected.

2. FROM THE SUBCOMMITTEE ON WATER AND POWER

S. 106 (Craig, Symms & Seymour). A bill to amend the Federal Power Act.

Purposes: The purpose of S. 106 is to reverse the U.S. Supreme Court's 1990 opinion in the case of California v. FERC (generally known as the "Rock Creek" case). The bill amends the Federal Power Act to prohibit the granting of a Federal license for a hydroelectric project unless the applicant complies with all substantive and procedural requirements of the affected State in which the project is located with respect to water acquisition and use.

Legislative History: S. 106 was introduced on January 14, 1991. The Subcommittee on Water and Power conducted a hearing on S. 106 on June 5, 1991. The Administration and staff of the Federal Energy Regulatory Commission testified in opposition to the measure.

Amendments: Amendments are expected.

3. FROM THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

S. 140 (Wirth and Brown). To increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

Purposes: The purpose of S. 140 is to increase Federal payments in lieu of taxes (PILT) to units of local government and to provide for an annual adjustment of the PILT payments for inflation.

Legislative History: S. 140 was introduced by Senator Wirth on January 14, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the measure on July 23, 1991. An identical bill, S. 3128, was introduced by Senator Wirth on September 27, 1990 but no action was taken.

At the Subcommittee hearing, witnesses from the Forest Service and the Bureau of Land Management testified in opposition to the bill.

Amendments: Senator Garn is expected to offer an amendment.

4. FROM THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

H.R. 543. To establish the Manzanar National Historic Site in the State of California, and for other purposes.

Purpose: The purpose of title I of H.R. 543 is to establish the 500-acre Manzanar National Historic Site in California. Title II of H.R. 543 directs the Secretary of the Interior to conduct a National Historic Landmark theme study on Japanese-American history.

Legislative History: H.R. 543 passed the House of Representatives by a voice vote on June 24, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 543 on July 25, 1991. The Subcommittee also held a hearing on S. 621, sponsored by Senators Cranston and Akaka, which would establish the Manzanar National Historic Site, and S. 1344, introduced by Senators Akaka, Cranston and Adams, pertaining to the Japanese-American history theme study.

At the Subcommittee hearing, the Associate Director of the National Park Service testified in support of title I and in opposition to title II of H.R. 543.

Amendments: Amendments are likely.

5. FROM THE FULL COMMITTEE

To consider the nomination of Elizabeth Moler to be a Member of the Federal Energy Regulatory Commission.

Legislative History: The Full Committee conducted a hearing on October 2, 1991. Commissioner Moler has submitted all required information under the Committee Rules.

6. FROM THE FULL COMMITTEE

To consider the nomination of Branko Terzic to be a Member of the Federal Energy Regulatory Commission.

Legislative History: The Full Committee conducted a hearing on October 2, 1991. Commissioner Terzic has submitted all required information under the Committee Rules.

7. FROM THE FULL COMMITTEE

S. 1671 (Domenici and Bingaman). To withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other purposes.

Purpose: S. 1671 would permanently withdraw the public lands surrounding the Waste

Isolation Pilot Plant and transfer the jurisdiction over these lands to the Department of Energy. S. 1671 authorizes the Secretary of Energy to carry out an experimental program at the WIPP and contains limitations and restrictions on the operation of the WIPP during the period.

Legislative History: S. 1671 was introduced on August 2, 1991. The full Committee held a field hearing on S. 1671 in Albuquerque, New Mexico on September 21, 1991. In April 1991, the Administration submitted to the Congress legislation dealing with the same subject matter (S. 1007), which was introduced by request by Senator Johnston on May 8, 1991.

Amendments: A joint staff substitute will be circulated. Further amendments are possible.

8. FROM THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

S. 549 (Cranston). To amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

Purpose: The purpose of S. 549 is to designate approximately 8 miles of the lower Merced River in California as a component of the National Wild and Scenic Rivers System.

Legislative History: S. 549 was introduced by Senator Cranston and on March 5, 1991, the Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on March 21, 1991. The House and Senate passed similar legislation last Congress, although because of non-germane amendments, the bill was not enacted.

At the Subcommittee hearing, the Assistant Director of the Bureau of Land Management testified in support of the bill, if amended.

Amendments: Amendments are likely.

9. FROM THE FULL COMMITTEE

S.J. Res. 23 (Mr. Inouye). To consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

Purpose: The purpose of Senate Joint Resolution 23 is to provide Congressional consent to amendments to the Hawaiian Homes Commission Act. In 1959, the Hawaii Admission Act transferred authority over the Hawaiian Homes Commission Act to the State of Hawaii, but at the same time required Congressional consent to certain amendments to the Act proposed by the State.

Legislative History: Senate Joint Resolutions 23 through 34 were introduced by Senator Inouye on January 14, 1991. A hearing was held on July 23, 1991. Testimony was heard from representatives of the Department of the Interior, the Office of the Governor, the Department of Hawaiian Home Lands, and the Office of Hawaiian Affairs.

Amendments: Amendments are anticipated.

10. FROM THE SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

S. 1179 (Johnston, Bingaman, Craig, Jeffords, Ford, Bentsen, Shelby, Burdick, Murkowski, Burns, Heflin, Boren, Pryor, Kerry, DECONCINI, Symms, Hatfield, and Wirth). The Geologic Mapping Act of 1991.

Purpose: The purpose of the bill is to stimulate the production of geologic map information in the United States through the cooperation of Federal, State, and academic participants.

Legislative History: S. 1179 was introduced on May 23, 1991. The Subcommittee on Mineral Resources Development and Production held a hearing on July 26, 1991.

At the Subcommittee hearing, the U.S. Geological Survey (USGS) testified that the Administration could not support S. 1179 because it duplicated authorities contained in the USGS's Organic Act of 1879, and that the funding levels run counter the Administration's.

Amendments: Amendments are likely.

11. FROM THE SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

S. 1187 (Bingaman and Wallop). To amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands; and for other purposes.

Purpose: The purpose of S. 1187 is to establish additional procedures for entry for mineral prospecting, exploration, development and production on Stock Raising Homestead Act lands where the mineral estate is owned by the federal government and the surface has been patented for stock raising purposes.

Legislative History: S. 1187 was introduced by Senators Bingaman and Wallop on May 24, 1991. The Subcommittee on Mineral Resources Development and Production held a hearing on the bill on July 30, 1991.

At the Subcommittee hearing, the Bureau of Land Management supported the bill, with some recommendations for amendments.

In the 101st Congress, similar legislation, S. 1908, was introduced by Senator Bingaman and a hearing was held on March 9, 1990, but no action was taken.

Amendments: Amendments are likely.

12. FROM THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

S. 1528 (Bingaman and Domenici). To establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes.

Purpose: The purpose of S. 1528 is to establish the Mimbres Culture National Monument in southwestern New Mexico and to establish an archeological protection system for Mimbres sites.

Legislative History: S. 1528 was introduced by Senators Bingaman and Domenici on July 23, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1528 on September 26, 1991. Last Congress, the Subcommittee held a hearing on similar legislation, S. 2429, introduced by Senator Bingaman.

At the Subcommittee hearing, the Associate Director of the National Park Service testified in support of the bill.

Amendments: Amendments are possible.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 16, 1991, at 10 a.m. to hold a hearing on Japanese Keiretsu practices and their impact on United States-Japan economic relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agricultural Taxation of the Committee on Finance be authorized to meet during the session of the Senate on October 16, 1991, at 2 p.m. to hold a hearing on S. 1826, the Crop-Sharing Hunger-Relief Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

KRUTULIS' 40TH ANNIVERSARY OF COMMITMENT TO EDUCATION

•Mr. GRAHAM. Mr. President, today I rise to honor Marian Krutulis for her 40 years of love and dedication as an educator and as owner of the prestigious Gulliver Schools. Marian Krutulis is a humble and dedicated individual who has used her talents, time and love toward benefiting students from kindergarten to the university level in education.

As founder of the Florida Kindergarten Council, Florida Association of Academic Non-Public Schools, and cofounder of the Florida Council, she has dedicated her life to the improvement of education—the foundation of our country's future and progress. In addition, Marian has served and chaired several committees, earning her a distinguished reputation in the Miami area as well as an invitation from the U.S. Secretary of Education to serve as a consultant.

When Marian and her husband, Joseph, took students into their home, fed them, and offered them their love and understanding, she went beyond her duties as an educator. She taught her students that education goes beyond the textbooks and the classroom. Marian was not afraid to instill values in her students. As an educator, she has served as an example to the community as she helped students of all ages to realize their potential and enriched their lives with the never-ending joy of learning.

It is with great honor, Mr. President, that I ask my colleagues to join me in saluting the spirit and enthusiasm that Marian Krutulis has demonstrated as an outstanding educator and as a member of the Greater Miami community.•

MONHEGAN ISLAND—MAINE'S ESSENCE

• Mr. COHEN. Mr. President, Monhegan Island, a small lobstering community in my home State of Maine, has for years attracted artists, poets, birdwatchers, and vacationers to its shores.

The untamed beauty of this island—nearly 10 miles from the mainland—embraces visitors with its majestic cliffs, turbulent sea, thriving forests, brisk sea air, and countless species of wildlife, including a family of American bald eagles.

In a recent article for the Boston Globe, Ellen Bartlett captures well the essence of Monhegan Island as she describes the rich, distinctive experience of an autumn repose there.

Mr. President, I ask that the text of the article be printed in the RECORD.

The article follows:

[From the Boston Globe, Sept. 22, 1991]

MONHEGAN—MAINE'S ESSENCE

(By Ellen Bartlett)

One of the first things you are likely to see when you emerge from the pine woods at Lobster Cove is the wreck of the D.T. Sheridan.

The tugboat has been laying on its side on the southern tip of the island since 1948, hull ripped open like some flimsy envelope, parts scattered and rusting. To the uninitiated, such a find—by a dark crashing sea, with a foghorn sounding a lonely low note in the distance—can be an easy metaphor for the ruthless power of the sea.

(Except that accounts say the D.T. Sheridan was abandoned offshore because of a fire and kind of drifted to its doom, or, alternatively, the captain wasn't paying attention and ran aground.)

If you don't get out to Lobster Cove, the Visitor's Guide to Monhegan Island, Maine—a 12-page guide booklet sold at island stores (both of them) for 10 cents—has some pretty graphic imagery of it own.

Upon describing the cove as "an excellent area for bird watching," it then warns in bold letters: Don't try to swim or wade there (or anywhere else on the back of the island).

"Undertows there are unpredictable and dangerous, and high surf can sweep you away," it says.

"No one has been saved who has gone overboard from Green Point to Lobster Cove."

Then there is Gull Cove, which the guide recommends as a place to watch the sea up close—just not too close.

"An almost invisible moss grows on rocks wet by the surf. * * * People venturing onto such rocks have slipped, falling into the sea, and been lost," it says. Huge waves (called combers) "come without warning and sweep away anything in their path."

It is enough to make the faint of heart retreat to their rooms. Except rooms on Monhegan are not places where guests would want to spend a lot of time. Nothing wrong with them. They're just rooms, clean, utilitarian, plain, unheated, often unlit.

Monhegan in autumn is the essence of Maine: it can be harsh, unpredictable, cold; it also can sweep you off your feet.

No sooner does Labor Day pass than Maine is emptied of its summer millions. Those who ignore the ebb tide of visitors and go downeast in autumn will find themselves pleasantly surprised by how little they have missed (even on the hottest July day, only the hardiest can bear to swim here anyway) and how much they have gained, in insight into the real Maine, without traffic and noise and crowds, not to speak of shorter lines at L.L. Bean.

Autumn is the long slow slide into winter, the summer residents pack, the migrant workers finish the blueberry harvest, the days grow shorter but the winter storms only threaten. It is a brief window of opportunity on Monhegan, only a matter of weeks between the time the summer residents leave and the hotels and guesthouses close.

By the end of October, the island's 80 year-rounders have Monhegan to themselves again. They are not likely to be interrupted much, with weather unpredictable, boats less frequent, the journey less and less pleasant.

If the truth be known about the seas off Maine, they can be unpleasant any time of the year. Just a day after Labor Day, the mailboat Laura B was maneuvering rough waters en route to Monhegan. Those passengers who had chosen to ride it out in the bow may have been soaked and freezing, but they were happier than those who had thought themselves so smart to grab seats in the stern cabin.

It could have been worse. Balmy Days II, the badly-misnamed dayboat out of Boothbay Harbor, was halfway to Monhegan when it was forced to turn back. By the time they got back to the dock, passengers were so ill most declined the offer to bus them to Port Clyde for the afternoon mailboat.

Out on the island, the wind was up, the whistle buoys gave out their faint haunting boots, the bell buoys clanged, black-backed gulls fought the winds and lost.

Barely more than a square mile in area, Monhegan lies just beyond Penobscot Bay, 10 miles offshore from Port Clyde, the nearest point of land. Monhegan was described by a mariner in 1590 as "beached like a whale," with high headlands sloping down to a flat tail.

The back side of the island faces the open Atlantic from dramatic cliffs that rise 160 feet above the sea; where the land is low and gentle, there are seals swimming, cormorants diving for fish then, looking poised and vain, drying their black wings from perches on the rocks.

For birdwatchers, Monhegan is mecca, directly under the path and therefore a favorite stopping place for migrating birds heading north along the Atlantic coast. Hundreds of species of birds, from predator hawks to geese, are sighted in fall and spring.

Perhaps the island's best feature is its 17 miles of walking trails, leading over cliffs and into valleys, under virgin spruce and fir, rambling through raspberries and tracing the shore.

Theodore Edison, son of the inventor, receives much of the credit for the unspoiled nature of Monhegan; he has amassed many of the island's 600 acres, and in 1954 he founded Monhegan Associates, a nonprofit group dedicated to preserving the wild beauty of the island. Development has been confined to a community of 125 dwellings clustered around the harbor.

It is noted with irony that one descended from Thomas Edison, the inventor of the electric light, would be linked with a place where electricity is still a luxury; there are a few private generators, but many islanders still make do with gas appliances and kerosene lamps.

Amenities may be lacking, but the island is far from primitive. It supports a thriving community of artists, primarily painters, following the example of Rockwell Kent, James Fitzgerald and others. Jamie Wyeth is probably the best-known resident, but there are many more working artists in studios scattered throughout the community; hours when they are open to the public are posted on one of the community bulletin boards. (Along with such intriguing notices as "Lost on trails—women's jean shorts. Please return.")

The island also has produced a number of poets.

Creased with years huge elephant-hided rocks slumber by the sea.
Herring gulls crack shells against them, breaking sea urchins, waves brake and turn away.
Year after year, barnacle shells mark tide on the rocks . . .

Frances Downing Vaughan wrote about more than Monhegan; a collection of her work is on sale at the Island Spa.

It is easy to see the attraction of writers and artists to such a place. Monhegan, wrote Ruth Lothrop, a Maine author whose fifth book was dedicated to the island, "has retained its unique essence down to the present day—unchanging, majestic and magical, it still remains one of the last bastions of unspoiled nature in an increasingly chaotic world."

Lothrop incidentally, lives on Monhegan in a house of "her own unique design and specializes today in 6-foot murals of her original Monhegan scenes in acrylic on wood." Or so it was reported in a review of her work posted on one of the bulletin boards.

The bulletin boards seem to be the primary means of communication on Monhegan; they are democratic, inclusive and nondiscriminatory between visitors, artists and local fishermen, a forum for everything, from selling gas heaters to announcing the recent "pukamani" for Rueben Tam, an artist and poet. (A pukamani, the poster explained, is a "ceremony practiced by Tiwi Aborigines of Australia when a loved one dies." Reuben Tam had passed away earlier in the year.)

The invitation for the late-summer event was still posted though the time had passed. "Please come," it said, "Bring flowers, wreaths, words, stories, songs, offerings to taste, touch, smell and listen to. Come and show affection for Monhegan's memorable artist, poet, gardener, gatherer, cook, punster, rockhounder, star-gazer and moonwatcher."

But turn from the bulletin board, walk a few yards, and you find yourself on the harbor, watching the lobster boats riding to their anchors. Lest there be any mistake, Monhegan is still essentially a lobstering community. Art may be the expression of it, but fishing is the soul of the community.

The island's year-round residents are fishing people; indeed, the lobstering on the island takes place in the harshest months. Monhegan is the only Maine island with a closed legal lobster season, from Jan. 1 to June 25.

As wonderful as autumn is to visit as Monhegan, it surely must be a difficult time for those who have to leave.

Consider the following conservation, overheard by the pay telephone on the porch of the Monhegan House, a plain but charming old Victorian hotel:

"I know I should be thinking about returning and all.

"But to what?

I had passed by and entered the lobby, but stayed by the screen door wondering, to what would he be returning?

"I can't handle the day-to-day drudgery of medicine," he said. "The bills, the computers.

"I just can't. Not anymore."

Those who do not wish to make the autumn passage offshore will find that mainland Maine is not dissimilar, there are many possibilities.

On my way to Monhegan, I stayed at the Mill Pond Inn in Damariscotta Mills, which is located, appropriately enough, on a round mill pond, which is connected to Damariscotta Lake, which features, among other things, a family of bald eagles.

There are many such places, in small villages, off the beaten tourist track, not much to do, except to walk, sleep in, eat well.

The Mill Pond Inn has a canoe for guests to take out on the lake. Directions to the eagles were, roughly: Go under the bridge by the old ice house and turn left, paddle a hundred yards or so around a point and along the shore, and there, midway up a second point, in the crook of a tall white pine, is the nest.

I paddled the canoe past the point, let it drift to a stop in a mat of lily pads. I sat with the sun on my back and watched. The sun sank, I watched, fish surfaced at the side of the canoe with little plops, a great blue heron passed by, a graceful dart. Dragon flies made purple circles in the air.

Sunk into peaceful contemplation, I was heaving a contended sigh, when there was an agonizing endless screeching squeal of brakes. I braced for the crash, watched a mustard-colored pickup truck fishtail to a stop in the middle of the road along the lake. It made a wild U-turn and raced off back in the direction from which it came.

Had the eagles been anywhere near, they certainly would be gone now. This too, is Maine. I headed the canoe back to the inn.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Stuart Feldman, a member of the staff of Senator ORRIN G. HATCH, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from October 19–30, 1991.

The committee has determined that participation by Mr. Fieldman in the program in Japan, at the expense of the Japanese Ministry of Foreign Affairs, is in the interest of the Senate and the United States.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign county paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Gerald Sinclair, a member of the staff of Senator SIMON, to participate in a program in Germany sponsored by the German Government from October 12–23, 1991.

The committee has determined that participation by Mr. Sinclair in this program, at the expense of the German Government is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Michael J. Cook, a member of the staff of Senator CHAFEE, to participate in a program in Australia, sponsored by the Australian Government, in early January 1991.

The committee has determined that participation by Mr. Cook in the program in Australia, at the expense of the Australian Government, is in the interest of the Senate and the United States.•

COSPONSORSHIP OF S. 1653

• Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 1653, the European Community Competitiveness Tax Act of 1991, introduced by my distinguished colleague from New York, Senator MOYNIHAN. This legislation amends the Internal Revenue Code of 1986 to remove U.S. tax barriers to U.S.-owned businesses operating in the European Community.

S. 1653 amends subpart F so that U.S. businesses operating in the EC will not be subject to subpart F taxation on their undistributed earnings if they pay an effective foreign tax rate of at least 80 percent rather than the current 90 percent. This provision makes subpart F rules more flexible as they relate to sales and services income of U.S. foreign subsidiaries located and operating in the EC.

This legislation will allow U.S. multinational corporations greater freedom to consolidate and streamline their EC operations. This will enhance efficiency and increase the competitive position of U.S. companies in the EC markets.

Current tax law encourages U.S. businesses to establish or maintain subsidiaries in each European country, thereby increasing operating costs. Subpart F is counterproductive to position in the EC market. At a time when we are rapidly trying to establish and maintain competitive positions worldwide, it seems appropriate to correct the identifiable deficiencies within our own system as quickly as possible. Increased competitiveness abroad will increase exports and create more jobs here at home. We know, on average, that for every $1 billion in merchandise exported approximately 22,000 jobs are created. Also, about 1 in 6 manufacturing jobs results from merchandise exports showing just how important exports are to our overall economy.

Mr. President, I join my colleague Senator MOYNIHAN in supporting this as an interim measure to increase competitiveness for U.S. companies in the EC. I look forward to supporting continued efforts to assist New York companies competing abroad.•

THE MINNESOTA TWINS

• Mr. DURENBERGER. Mr. President, this past Sunday the Minnesota Twins earned the 1991 American League championship as a result of their 8 to 5 victory over the Toronto Blue Jays. They now await the winner of the National League championship between the Atlanta Braves and Pittsburg Pirates.

Perhaps the most impressive aspect of this series was the fact that the Twins were able to sweep the Blue Jays in their own ballpark after having won only two games there during the regular season. In doing so, they became the first team to win three playoff games on the road. In addition to the outstanding team effort which was played out in front in the entire sports community, there were also many stories of individual achievement.

Once again the Minnesota pitching staff came through with flying colors. Beginning with the pitching of veteran Jack Morris (2–0, 4.05 ERA) and ending with strong performances by Carl Willis, Mark Guthrie, and Rick Aguilera out of the bullpen, Toronto was limited to a .249 batting average during the ALCS.

Timely hitting and aggressive baserunning once again became the benchmark of an offense which came to life when the series was on the line. Led by championship series MVP Kirby Puckett (.429 average, 2 home runs, and 6 RBI's), the Minnesota bats came alive during the final games in SkyDome. As a result, the Hubert H. Humphrey Metrodome will once again play host to baseball's finest when the first game of the 88th World Series is played there this coming Saturday.

Mr. President, perhaps Jack Morris said it best when he stated, "This is what you live for. This is the culmination of a lot of work, of people pulling hard all year long." This expression of teamwork has again brought the Twins organization to the doorstep of another world championship. I congratulate the Toronto Blue Jays on an excellent season and thank them for their effort in a most memorable championship series. I congratulate the Twins on a job well done and I am confident the citizens of my home State of Minnesota will once again be celebrating as baseball's world champions in the very near future.•

WORLD FOOD DAY

• Mr. LEAHY. Mr. President, today is World Food Day. By bringing the plight of hunger to national and international attention, World Food Day helps to search for and bring about solutions to end hunger in developing countries.

I first introduced a resolution marking this day in 1981. This year, nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances. This day also serves as a focal point for year-round hunger programs.

The member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day to increase public awareness of world hunger problems.

Hunger and malnutrition remain daily facts of life for hundreds of millions of people in this country and throughout the world. The children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease. Many other children suffer permanent physical or mental impairment because of vitamin or protein deficiencies.

The people of the United States have a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world. The enormous food production capacity of the United States is valuable tool in efforts to alleviate world hunger and encourage peace.

Let us also remember that millions of Americans are hungry every day, too. As chairman of the Committee on Agriculture, Nutrition, and Forestry, I urge every Senator to join me in the search for both national and global solutions to hunger.•

200TH ANNIVERSARY OF THE FOUNDING OF GEORGETOWN, DE

• Mr. BIDEN. Mr. President, it is with great pleasure that I speak today about a very special occasion, the bicentennial anniversary of the founding of Georgetown, DE. All Delawareans are proud of such an historic achievement, but we also believe this is a celebration whose meaning has resonance for all Americans.

Georgetown is a town that embodies the spirit of America. Tradition lives side by side with progress, the sense of community is strong and valued, neighbors care for and help one another, and visitors are welcome and made to feel at home. It is a center of education, commerce, and government, located literally and by design in the center of Sussex County. Since October 26, 1791, Georgetown has been the "Seat of Justice."

For the citizens of Delaware, Georgetown also serves as a center of unity through the tradition of Return Day. Beginning in 1792, when election outcomes were not announced until 2 days after the votes were cast, people gathered in Georgetown to hear the results announced.

It has been suggested that, with modern election methods, Return Day is no longer necessary, but Delawareans know better. The other purpose of Return Day—bringing together candidates and citizens who had been on opposite sides in the election in a spirit of reconciliation and unity—remains as effective and essential as it ever was.

It may seem improbable to those who have never been in Georgetown 2 days after an election, but it is a powerful event. You can feel the change from the fight of the campaign to cooperation of representative government and close community; you can feel people setting aside past differences and agreeing to work together to make life in Delaware better. That's the spirit of Return Day, and that's the spirit and character of Georgetown.

It is with deep pride that I speak about Georgetown and the tradition of Return Day. All citizens of our State honor those who laid the town's foundation, built its traditions, and have maintained its heritage and its heart. Georgetown's bicentennial reminds us all of what is best and most meaningful in our tradition of community. I congratulate Georgetown's citizens and join them in celebration, as do all Delawareans, with enthusiasm and thanks.•

THANKING SUPREME COURT NOMINATION TASK FORCE MEMBERS

• Mr. KOHL. Mr. President, I rise today to thank 14 of the best and the brightest legal minds in the United States. During the recent nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court, and also during the deliberation of Justice Souter's nomination, I sought the assistance of those whom I consider to be among the most qualified attorneys—both legal scholars and practitioners—in my home State. Although every member may not agree with my vote, their efforts in analyzing Judge Thomas' opinions, writings, and speeches contributed greatly to my making a well-informed decision.

This nonpartisan task force was chaired by the deans of my State's two law schools, and included private practitioners, public practitioners, and law school professors. They devoted many hours of their own time, pro bono, for the good of the citizens of their community, Wisconsin, and the country. This unselfish giving of hard work is one example of what makes Wisconsin special, and why I am proud to represent that State.

Mr. President, the members of my Supreme Court Nomination Task Force are as follows:

TASK FORCE MEMBERS

Dean Dan Bernstine (co-Chair), University of Wisconsin Law School.

Professor Gordon Baldwin, Marquette University Law School.

Greg Conway, Esq., Liebmann, Conway, Olejniczak, Jerry, S.C., Green Bay, Wisconsin.

Ray Dall'osto, Esq., Gimbel, Reilly, Guerin & Brown, Milwaukee, Wisconsin.

Professor Marc Galanter, University of Wisconsin Law School.

Patricia Gorence, Deputy Attorney General, Department of Justice, State of Wisconsin.

Professor James Jones, University of Wisconsin Law School.

Dean Frank DeGuire (Co-Chair), Marquette University Law School.

Professor Linda Greene, University of Wisconsin Law School.

Professor Peter Rofes, Marquette University Law School.

Thomas P. Schneider, Deputy District Attorney, Milwaukee, Wisconsin.

Professor Frank Tuerkheimer, University of Wisconsin Law School.

Professor Phoebe Williams, Marquette University Law School.

Brady Williamson, Esq., LaFollette & Sinykin, Madison, Wisconsin.•

COMMENDING CHIEF M. SGT. MELVIN E. KERR, SR.

• Mr. LUGAR. Mr. President, on October 5 of this year, Chief M. Sgt. Melvin E. Kerr, Sr., retired from the 906th Tactical Fighter Group at Wright-Patterson Air Force Base in Ohio after 39 years of service to the military. This occasion provides me with the opportunity to recognize a native Hoosier for his exceptional service to our country.

A graduate of Lincoln High School in Evansville, IN, Melvin joined the Air Force and relocated to Alaska. After 4 years of service, he joined the Active Reserves. During his tenure, his units provided support for the conflicts in Korea, Vietnam, and the Middle East. Melvin has received numerous citations and awards. The Good Conduct Medal, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, and the Air Force Longevity Service Award.

Paula Kerr, his wife, worked for me during my mayoral tenure with the Indianapolis Housing Development Authority. Together, they have raised 8 children and 14 grandchildren. His civilian positions include managing security for the Merchants National Bank Co. and military intelligence for Fort Benjamin Harrison in Indiana.

Melvin embodies the rare qualities of courage, devotion, strength, and patience that has made our military the greatest in the world.

I ask my colleagues to join me in congratulating Melvin E. Kerr for his many contributions to our country and to his family.•

COMMENDING NYNEX INFORMATION RESOURCES CO.

• Mr. D'AMATO. Mr. President, as everyone knows, when a telephone company like AT&T messes up, I'm at least as ready as the next person to criticize it and demand that the situation be corrected. At the same time, when a phone company behaves like a responsible corporate citizen—setting an example I would like to see more companies follow—I also think it deserves some mention.

That is why I would like to call my colleagues' attention to a recent incident involving the NYNEX Information Resources Co.—publisher of yellow pages and phone books throughout New York State—that demonstrates an attitude worthy of public recognition, and, hopefully, emulation.

It seems that, somehow, an ad in questionable taste for one of these socalled escort services got into one edition of the Yellow Pages and was printed in all 600,000 copies. I think everyone knows that when you deal with hundreds of thousands of entries, mistakes occasionally happen.

Anyway, when NYNEX found out that this ad had slipped through 50,000 Yellow Pages that had already been distributed, it immediately went out and collected all the directories it could, carefully sliced out the pages of both the collected and undistributed directories with the offensive ad, and replaced them with new pages. This cost NYNEX hundreds of thousands of dollars.

Personally, I wish we did not even have to tolerate these escort services. But as long as we do, I and the parents of New York State are grateful to NYNEX for making sure that its Yellow Pages—which are in everyone's homes—are free of the offensive ad.

I think this shows that some telephone companies—while not perfect—still try to show the type of civic responsibility that we all applaud. I only wish that more businesses would pay the same kind of attention to decency and good taste, and I complement the NYNEX Information Resources Co. on its conduct.●

U.S. HONG KONG POLICY ACT

● Mr. SIMON. Mr. President, I am pleased to cosponsor S. 1731, the U.S.-Hong Kong Policy Act of 1991, introduced by my friend Senator MITCH MCCONNELL. I look forward to working with Senator MCCONNELL on the Foreign Relations Committee markup of the bill, especially with regard to provisions in which I am particularly interested and have discussed with him. I am grateful to Senator MCCONNELL for crafting a bill which addresses a serious omission in our foreign policy. This is an important bill for United States policy in Asia, and I urge Members to give it serious consideration. I hope that this bill will find strong support not only in the Senate, but among all interested parties.

Hong Kong is already in the throes of transition. The purpose of this bill is to establish a legal framework for our relations with Hong Kong after June 30, 1997, and to encourage additional official and private contacts before and after that time. It is important that we take this action now, to demonstrate a serious U.S. interest in the future of Hong Kong and its people.

Hong Kong is a unique legal entity and requires and deserves a comprehensive U.S. policy which takes that fact into account. We have already taken some partial steps, including the provisions of the 1990 Immigration and Nationality Act relating to Hong Kong. On September 27, the Senate also adopted Senate Resolution 182, introduced by Senator MCCONNELL and me which commended Hong Kong on the holding of its first-ever direct elections.

I would like to take a moment to address this point. S. 1731 accepts the provisions of the joint declaration as the basis for the transfer of sovereignty in 1997. Its relevance therefore depends on both the United Kingdom and the People's Republic of China fulfilling their obligations under that document. Specifically, China declares in the joint declaration that Hong Kong will enjoy "a high degree of autonomy," and be "vested with executive, legislative and independent judicial power."

All parties share an interest in seeing Hong Kong continue to flourish under the economic system which has brought it such prosperity and prominence. But as I said in this Chamber on May 20 of this year after returning from Hong Kong, "political freedom and economic growth in Hong Kong go together, and if one is diminished, the other will be diminished." The goose that lays the golden egg cannot survive if it is throttled by repression. It is abundantly clear that the people of Hong Kong value the future of their civil liberties as much, if not more than, their social and economic freedoms.

I do not seek confrontation with the PRC over the provisions of this bill. I hope the Chinese will welcome it as a way of ensuring maintenance and growth in the mutually beneficial relations enjoyed by the United States and Hong Kong today. Formalization of relations established by this bill can contribute to a process of confidence building in Hong Kong as 1997 approaches.

But I feel compelled to say that a series of recent Chinese statements and decisions have made me increasingly doubtful about Beijing's future actions. China reacted very negatively to the outcome of the September 15 elections to Hong Kong's Legislative Council. A recent statement by a senior Chinese official in Hong Kong which called into question whether the Legislative Council even constitutes a legislative organ is even more disturbing.

Hong Kong is an intricate marvel that spins in its own orbit of tradition, technological prowess and sheer determination of the human spirit. The people of Hong Kong deserve the full scope and range of freedoms that will allow them to expand the horizon of their aspirations and their success. I hope this bill can assist them in that endeavor.●

ORDERS FOR TOMORROW

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the Senate's convening tomorrow be changed to 11 a.m.; that the following Senators be recognized to speak during morning business in the following order: Senator WOFFORD for up to 20 minutes; Senator DURENBERGER for up to 20 minutes; Senator GORE for up to 10 minutes; Senator BREAUX for up to 10 minutes; and Senator WALLOP for up to 15 minutes; that the cloture vote occur at 12:30 p.m.; and that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BOREN. Mr. President, if there be no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess until 11 a.m., Thursday.

There being no objection, the Senate, at 7:02 p.m., recessed until Thursday, October 17, 1991, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 16, 1991:

DEPARTMENT OF STATE

GEORGE FLEMING JONES, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

JOHN GIFFEN WEINMANN, OF LOUISIANA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF OF PROTOCOL FOR THE WHITE HOUSE.

U.S. INFORMATION AGENCY

JOHN CONDAYAN, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY, VICE HENRY E. HOCKEIMER.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOHN W. CRAWFORD, JR., OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 1996. (REAPPOINTMENT)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

CAROL K. DIPRETE, OF RHODE ISLAND, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1996. (REAPPOINTMENT).

HOUSE OF REPRESENTATIVES—*Wednesday, October 16, 1991*

The House met at 10 a.m.

Chaplain Jonathan A. Panitz, Office of the Chief of Chaplains, U.S. Navy, Washington, DC, offered the following prayer:

O great and immutable Lord, we ask that Your beneficent presence fill these Chambers. Cause the essence of wisdom, knowledge, and discernment to fill the hearts and minds of our Nation's chosen representatives. Enable them to discharge their awesome responsibilities with courage and foresight. Bless them with equal measures of justice and mercy. May their sense of wit be tempered by true compassion. May their desire for effective change be met with patience and forbearance. Bless them, O Lord, as they steer this Nation's democratic course through sometimes troubled and turbulent waters. When ill winds blow, create for them a haven of safety and security. Enfold them securely in the comforting web of Your grace. Bring to fruition all their noble and worthy plans. Allow them, O Lord, to reflect honor and glory upon our great democracy so that all who know us will call us truly blessed. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida, [Ms. ROS-LEHTINEN] please come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF LT. COMDR. JONATHAN A. PANITZ

(Mr. ROE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE. Mr. Speaker, it is my pleasure to have Lt. Comdr. Jonathan A. Panitz, a former constituent, as the guest chaplain for today. Chaplain Panitz, who is currently the head of the policy branch in the Office of the Chief of Chaplains at the Pentagon, is the son of a dear friend, the late Rabbi David H. Panitz.

Chaplain Panitz received his B.S. degree from New York University in 1968 and his rabbinic ordination in 1975 from the Leo Baeck College of London, England. He also received a masters degree in biomedical ethics and moral theology from Catholic University in 1988, and a masters degree in guidance and counseling from Providence College in 1991. He is married and has three children.

Chaplain Panitz has served congregations in Salisbury, MD, and Fall River, MA. As a Navy chaplain, he has held positions in Yokosuka, Japan; Norfolk, VA; and Newport, RI. He is a member of the Rabbinical Assembly, the American Mensa Society, the American Association of Counseling Therapists—specialty in hypnotherapy, and the Jewish War Veterans. As I mentioned above, he is currently the head of the policy branch of the Office of the Chief of Chaplains. I am very pleased to have him here today, Mr. Speaker.

THE CRIME BILL

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, the delay in bringing up the crime bill is not a case of haste makes waste. Last March the President challenged us to pass a crime bill within 100 days. We failed to do that.

Last Thursday the Rules Committee reported out a rule so that we could bring up the crime bill yesterday and start debate on it, but lo and behold, the liberals on the House Judiciary Committee did not like the rule because it did not stack the deck so much in their favor. So the crime bill did not come up yesterday, and the Rules Committee reconvened and reported out a rule that will make it much more difficult for the gentleman from Illinois [Mr. HYDE] to get the liberals' habeas corpus provision stricken from the bill and replaced with the President's habeas corpus reform.

Let there be no mistake about it, the rule which we will be voting on shortly is one that is designed to protect criminals, not to protect society, and for that reason alone the rule ought to be voted down.

BENEFIT OF THE DOUBT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Judge Souter got the benefit of the doubt. Nancy Reagan got the benefit of the doubt. Clark Clifford got the benefit of the doubt. Edwin Meese got the benefit of the doubt, and now Judge Thomas gets the benefit of the doubt. And that is good, because the Constitution says you are innocent until proven guilty.

Not quite so. Check the laws of the Internal Revenue Service. An American taxpayer is guilty and must prove himself innocent in a court of law.

The bottom line here in the Congress is very simple. If you are a big shot and you have political clout in America, you get the benefit of the doubt and you are innocent until proven guilty. But if you are a plain old American taxpayer, you just simply get screwed, and that is the fact of it.

GET TOUGH ON CRIME, NOT SOFT ON CRIMINALS

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, in my home State of California, the reported incidents of violent crimes have been increasing at an alarming rate. Reports of violent crimes in California have increased by over 35 percent in the past 5 years, while reports of willful homicides have increased almost 10 percent in 1990 alone. Let's not get too caught up in these percentages, though, these numbers represent almost 312,000 violent crime victims and 3,562 murder victims, not to mention the families and friends, who are also victimized by these horrific crimes.

Now, at a time when many Americans have lost the right to feel safe in their own communities, the House is considering so-called crime control legislation which, as reported, would help criminals feel safer on our streets.

I strongly support the President in his desire to see Congress pass tough, comprehensive anticrime legislation that ensures the certainty of apprehension, prosecution, and punishment of violent criminals. The message to criminals should be simple: If you commit a crime, you will be caught. If you are guilty, you will be punished.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TERM LIMITATION BIG WINNER IN THOMAS CONTROVERSY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, who is the big winner after the Thomas controversy? Term limits for the Congress.

This is unfortunate because this movement is a Republican scheme to gain control of the Congress. If we had term limits, the Government would be run by bureaucrats, staff, and lobbyists, because all elected officials would be too busy getting their feet wet.

Very few know that since 1980 close to 70 percent of the Congress has changed. Understandably, there is frustration with our process out there.

One constituent told me this weekend that while she thought I was a good Congressman and supported me, that after 9 years she thinks I am part of the process that needs to be changed. I asked her why, and she said, "Because you guys, especially the President, aren't dealing with problems like the economy."

Mr. Speaker, the time has come to deal with problems like the economy. The President needs to lead. He is too preoccupied with foreign affairs, negatively using the quota issue, vetoing unemployment bills. We need to deal with important problems like health care, education, and the economy. Unless we do that, this term limit movement will gain more ground.

□ 1010

SUPPORT THE VOLKMER-SENSENBRENNER AMENDMENT TO H.R. 3371

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, every 10 seconds in America, a criminal breaks into a home or business. Will eliminating 22 semiautomatic weapons do anything to reduce criminal activity?

Eliminating guns or the ability to legally own guns has never prevented criminals from arming themselves with the weapons of their choice. For years, gun control advocates argued that the Saturday night special was the choice of criminals, now, it is semiautomatic assault weapons.

Washington, DC, is the best example of gun control's absolute and total failure. Murder occurs on a daily basis in our Nation's Capital where it is illegal to own a handgun, much less the weapons in H.R. 3371.

Banning the weapons contained in H.R. 3371 will do nothing to reduce the alarming number of break-ins and violent crimes occurring in America.

I urge my colleagues to reject gun control as crime control. Support the Volkmer-Sensenbrenner amendment to H.R. 3371.

DELETE GUN CONTROL FROM CRIME CONTROL BILL

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, again, I want to inform my colleagues that I will be offering amendments striking the bans on so-called assault weapons and magazines with a capacity of more than seven rounds when we debate the crime bill this week.

We will hear heated debate, and some will argue that these assault weapons are the weapons of choice for the criminals. I seem to remember a few years ago when we had the Volkmer-McClure bill up that the weapon of choice was an automatic weapon, and we banned that. Then they said that the "Saturday night special" was the weapon of choice for the criminals, and when we did the Brady bill, the handgun was the weapon of choice for the criminal.

You know, they have no data to support the allegations, and their provisions are based upon erroneous assumptions.

These two provisions I am seeking to strike will not affect criminals, but will affect the law-abiding citizen. It is a longstanding position of mine that gun control measures do not equal crime control.

The committee did include significant penalties for illicit firearms use. I support those provisions, because they focus where the problem is: the criminal.

I cannot support gun control under the guise of crime control. I ask support of my efforts to delete gun control from a crime control bill.

PEOPLE NEED ANSWERS, NOT BACKDOOR VETOES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I recently received a letter from a constituent of mine who wrote: "For the people like myself who aren't earning big money * * * how do we make it? Why do we have to be hammered like this? The old American dream of a home, a family, a job seems to have been replaced * * * I feel I speak for many when I say we need some answers."

Mr. Speaker, I spend every weekend at home, usually at shopping centers, listening to my constituents. People are scared about the future. The American dream no longer seems to be within reach of average working families; they want some answers.

And I do, too. Why do our highest leaders not seem to be listening? The gross national product is down for the third straight quarter, poverty is up, income for middle class families is down, corporate profits are down, yet the President still insists that a recovery is under way and that the economy is in no need of attention.

There are 9 million Americans presently unemployed, and they are far from realizing the American dream.

The White House listens to the cries of the Kurds and the cries of Bangladeshi. Why can not the White House acknowledge the cry for attention from hard-working people in need. Unemployment benefits are being exhausted and the President looks for yet new ways to put off and ignore the problem. The people need answers, not backdoor vetoes.

HABEAS CORPUS REFORM

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today we debate the Judiciary Committee's version of the President's crime bill, a bill that weakens many of the most important crime control measures the President seeks, and which many in the House have sought for years.

We have an opportunity today to show the American people that this House has the will to regain control of the towns and cities of this Nation and get the criminals off the streets and behind bars.

The President and some of our colleagues in the House have come up with a plan to do this. We need tough but fair standards that will show the criminals of this Nation that the Congress is serious about controling crime.

While we have a duty to protect the constitutional rights of those who are charged with crimes and find themselves going through our justice system, we also have a responsibility to protect the innocent victims of crime whose own lives and the lives of their families are forever changed.

Guilty people should go to jail. Innocent people should be exonerated. And victims should be protected by laws that work.

Let us pass tough language, like the President recommended, and get serious about controlling crime in this Nation.

THE POLICE CORPS

(Mr. MCCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCURDY. Mr. Speaker, my colleagues, in spite of all the rhetoric, it is perfectly clear that the Federal Government does not have much jurisdiction over the crimes that affect most Americans today. Most of those are governed by local communities and the States.

However, there is something the Federal Government can do. This week I am offering an amendment along with the majority leader, the gentleman from Missouri [Mr. GEPHARDT], the minority leader, the gentleman from Illinois [Mr. MICHEL], the gentleman from California [Mr. DORNAN], the gentleman from Nebraska [Mr. HOAGLAND], and 65 other cosponsors called the Police Corps.

This is something the Federal Government can help local communities with by increasing the number of cops on the beat, putting cops on the street where they belong. It is similar to the GI bill where we offer educational opportunities for young people who want to spend 4 years in a local police department. It expands the pool of available applicants. It raises the qualifications of our police, and it frees police to deal with crime in the most volatile areas.

Again, it puts police on the street where they belong.

I urge your acceptance and support of this amendment.

THE EXCLUSIONARY RULE

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, as you know, there are many things that the Federal Government can do in the area of crime, not the least of which is to define when a criminal is not a criminal.

When the proof of the criminal's guilt may be a gun or burglary tools or stolen merchandise which are found by a police officer who thought she was conducting a proper search but later found that someone had made a technical mistake, as an example.

The Constitution of the United States through the Bill of Rights protects people from unreasonable searches and seizures. In some countries, we all know police forces run rampant over the rights of individuals. Our fourth amendment protects that from happening in the United States.

To help enforce the fourth amendment, our courts have adopted the policy of not allowing evidence into a trial if the evidence came to light as the result of an imperfect action by the police such as an improper entry into the home, or finding evidence unexpected in a search.

But what about the officer who followed the law? What if she felt that she did everything right, and the court finds that this was only an insignificant mistake like maybe not double checking a well-executed warrant when it later turned out to be mistyped before conducting the search? Should that evidence be thrown out then, too? Is setting murderers and rapists and assaulters free the price that Americans must continue to pay until all police officers achieve human perfection?

The President's crime bill makes reasonable concessions for minor police human errors that would otherwise put known criminals, people directly implicated in serious crimes, on the street.

The Democrats' crime bill dilutes this commonsense provision. When police officers act in good faith in the interests of justice, we need to exclude the exclusionary rule.

EQUALITY FOR WOMEN

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, we have just witnessed how sexual harassment can affect a woman in this country.

Mr. Speaker, in this country, if a woman is sexually harassed, the maximum award that she can receive in the courts is her job back, which she does not want, attorneys' fees paid for, and backpay. And that is it.

□ 1020

This body addressed that issue. Today in this country, there is no real equality for women, but when we passed the civil rights bill, a big percentage of that bill addressed equality for women, I thought we had taken a giant step. After we passed that bill, the President said that he would veto it.

Mr. Speaker I challenge our President to open his eyes, to reexamine the civil rights bill, look at what it does for equality for women in this country.

WHAT IS UP AND WHAT IS DOWN

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, there are just 21 days left until the first anniversary of the 1990 budget agreement, and after that 1-year time period has elapsed I think it is a good opportunity to evaluate the effect of that budget agreement on this country.

Let us look at what is up and let us look at what is down. What is up, taxes are up, Federal spending is up, the deficit and the debt of this Nation are up higher than ever before; the result, unemployment at its highest levels ever with at least 2 million American families feeling the sting of unemployment in the last year, 2 million more.

What is down is economic growth, job creation, business and economic indicators; most of all hope and opportunity for every American family is down as a result of what we have seen over the past year.

Mr. Speaker, the American people know how to change all this. Let us bring taxes down, seriously down. Let us control runaway government spending and government redtape.

Most of all, most importantly, Mr. Speaker, as we approach this 1-year anniversary of that budget agreement, let us make economic growth this Nation's No. 1 national priority on a bipartisan basis.

ECOTERRORISM IN THE PERSIAN GULF

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, I rise today to remind this House of the worst, the cruelest form of ecoterrorism that has ever been inflicted on this planet. The memories of the victory of the war in the Persian Gulf are still fresh and so is the oil.

I show pictures today that were taken just 2 weeks ago of the oil damage that still remains in the Arabian Gulf, oil damage that now kills and destroys mangrove swamps, sensitive environmental areas that are breeding grounds for fish and wildlife, for sea turtles, oil that continues to coat hundreds of miles of beaches and sensitive environmental areas in the Arabian Gulf.

Saddam Hussein's act of ecoterrorism still has gone unanswered. Tomorrow, the Committee on Merchant Marine and Fisheries will begin its inquiry into this mess and we will begin demanding that the United Nations take steps to encourage our friends in Saudi Arabia and Kuwait to begin the cleanup. They are victims of this mess. They are not the cause of it, but we need to encourage them to begin the efforts of cleaning it up.

We need to demand that the United Nations take steps to require that Saddam Hussein pay for the almost one-half billion dollars that Saudi Arabia has estimated it will cost to clean up the gulf.

Very little is being done today. The new world order witnessed the victory when we won the war in the Persian Gulf, but we also witnessed the loss of the gulf.

Mr. Speaker, it is time now that we begin to clean it up and win it back.

LET US TAKE A FRESH LOOK AT AMERICA'S POSTAL SYSTEM

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

Mr. BROOMFIELD. Mr. Speaker, yesterday, a fellow Member came up to me and said, "BILL, I'm a cosponsor of your resolution for a commission to study the Postal Service, but I've got to take my name off."

"The Postal Committee and the postal unions are putting a full court press on me," he said. "They say your bill is for privatizing the Postal Service."

Privatize, I say, baloney. Nothing in the resolution calls for privatization, and I showed him the resolution to prove it.

What are they afraid of?

It has been 20 years since the Federal Postal Service became a quasi-independent agency. Americans are up in arms about the lousy service.

It is time for some fresh thinking about how to manage America's postal system.

We need a bipartisan commission including representatives of postal unions and management, as well as Congress and the general public, to review the process.

INTRODUCTION OF FOREIGN AID REPORTING REFORM ACT OF 1991

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, this morning I introduced the Foreign Aid Reporting Reform Act of 1991. This bill would require the President to submit to the Congress an annual report on the entire American foreign aid program containing detailed information about costs, justification, and proposed termination dates for U.S. foreign assistance programs.

I believe we need to understand just what it is we're going to spend our constituent's money on before we make decisions that will affect their economic future by affecting the economic health of our country.

As we find new ways to juggle increasingly limited resources and the world changes around us, we must realize that this one facet of our foreign policy has remained untouched. This legislation will finally allow us to see the inner workings of the giant machine that is our foreign aid program.

Mr. Speaker, I urge all of my colleagues to join me in supporting this bipartisan effort. Bring accountability back to the foreign aid program. Support the Foreign Aid Reporting Reform Act of 1991.

RESTORE THE DREAM OF FAMILY FARMERS

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, the dream of many family farmers and ranchers has been to pass along the farm to their children or relatives.

Unfortunately, that vision today is being plowed under by our Federal Tax Code. Currently, if a husband and wife have died, the Federal Government places a special-value tax on the children or relatives that inherit the farm or ranch.

Constituents have told me some heart-wrenching accounts of how this tax killed any possibility of keeping the farm in the family because of the inheritance taxes they had to pay. Many times the family had to sell the land just to pay the taxes.

That is why today I am introducing the Farm Estate Fairness Act that will amend the Internal Revenue Code to allow any qualified heir to be free from the special-value tax.

The hope of family farmers for more than 200 years has been to pass the place along to the son or daughter. I urge my colleagues to cosponsor the Farm Estate Fairness Act, and allow the dream to become reality.

LISTEN TO THE PEOPLE ON THE ECONOMY

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the real crime that we have in this country is the economy of the country, and until we get that economy straightened around, crime in this country is going to run rampant.

I think I know how the people feel, and just in the event that you did not read the CBS poll on Bush and the economy, it says that there is an approval rating of 30 percent against a 62-percent disapproval rating.

And is President Bush paying attention to the economy, paying enough? Eighteen percent, he should pay more by 78 percent.

Bush's weakness on the economy: Given the importance of both foreign and domestic policy, does the President spend too much of his policy on foreign policy? Fifty-nine percent.

Does he spend too much time on domestic? Two percent, that is all.

And the sad part about it is the way people feel, the future for the next generation of American's will be, and this is how they feel, it is going to be better, only 20 percent; but 52 percent of the people feel that it is going to be worse.

I think the American people, by these polls, are sending a very strong message to those of you who sit in this body. It will have some say over how the economy is going to ultimately end up. You had better get the message. The people are saying something, and if you do not listen to what they are saying, they are going to throw you out of office next year.

NEXT SATURDAY IS TAXPAYER'S ACTION DAY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I agree with the gentleman who just spoke in the well. Congress does not have to wait for the President. It can act on its own. Instead of destroying the economy, it can help the economy.

Mr. Speaker, all over America, taxpayers are angry and fed up. Everywhere they turn, some politician is going on and on about the need for new taxes. Well, as Ronald Reagan said so long ago, the problem isn't that the people are taxed too little, it's that Government spends too much. But there is something the taxpayers can do.

This coming Saturday, October 19, the Council for Citizens Against Government Waste is sponsoring Taxpayers' Action Day—a day of nationwide protests against tax hikes, Government waste, corruption, and mismanagement.

Mr. Speaker, to join the tens of thousands of angry taxpayers already coming out on the 19th and to find where the nearest demonstration is you can call 1-800-BE-ANGRY—that is 1-800-232-6478.

□ 1030

S&L BAILOUT SHOULD BE ON A PAY-AS-YOU-GO BASIS

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, the last thing my colleagues want to hear is more funds are needed for the savings-and-loan bailout. The President has asked for another $80 billion to pay off the depositors of failed thrifts, double the money that has been spent so far.

The President proposes to borrow these funds and have the average taxpayers pay them back with interest over the next 30 years. That is a huge ball and chain around the necks of the next century's working families.

Instead of building better roads and schools or fighting crime and budget deficits, they will be paying off our bailout bill just because we lack the courage to pay it ourselves. Last week members of a banking subcommittee said, "No more business-as-usual inside the beltway." They voted to replace Bush's budget-busting borrow-and-spend bailout with a pay-as-you-go plan. It was a vote to cut the budget deficit by up to $200 billion. It was a vote to end the budgetary double standards by treating the bailout just like we treat other programs for housing, for education, and for health care.

Most importantly, it was a vote to keep, not break, the budget's summit agreement as well as to keep faith with future generations of Americans.

They expect us to lead them with a stronger America than the one we inherited. Mr. Speaker, if we can stop writing hot checks on the House bank, then we can surely stop the President from writing them on the people's bank.

It is time we start paying our bills as they come due, not sending them to our children and to our grandchildren.

CONGRESS MUST NOT GO HOME AND LEAVE SMALL BUSINESS WITH A PROMISE OF "TRUST US"

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, I rise in support of the Small Business Jobs and Tax Benefits Act of 1991, introduced by Mr. FRANKS of Connecticut. This bill would extend five critically important small-business tax credits that are scheduled to expire at the end of this year.

If we fail to extend them before we adjourn, small businesses will be faced with an impossible choice: Gamble on the hope that we will approve them retroactively; or stop doing the research, stop providing the training, and simply discontinue the other activities that these credits are designed to encourage.

Smaller firms simply cannot afford to do business the way that Congress does—in fits and starts, with little regard for the future.

Mr. Speaker, I say to my colleagues this is no time for us to close up shop and go home, leaving small businesses and their employees with little more than a promise of "Trust Me" from Uncle Sam.

I urge Members to join me in cosponsoring H.R. 3487. Remember—it's easy to say that you're all for small business. But it is how you vote that really counts.

LET US PROHIBIT SUBMACHINEGUN SALES, TAKE THEM OFF THE MARKET

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker and my colleagues, we have a lot of hard and difficult work to accomplish in the remaining months of this year. I would like to call on all of you to support the ban on semiautomatic weapons that is contained in the crime bill that we are going to begin debating today. The crime bill prohibits 13 categories, 22 specific kinds of semiautomatic assault weapons. Now, these weapons have no purpose whatever for the average citizen, no reason for the average citizen to own. They have no hunting purpose. The only purpose is to provide firepower for criminals against police officers who carry handguns that really have virtually no defense against these submachineguns.

So I would ask all of you to support the ban on submachineguns. It does not include the popular M-1 carbine many of us are familiar with from our service in the armed services. It does not prohibit semiautomatic rifles that people like to use for hunting. It prohibits submachineguns. Let us take those off the market.

THE CRIME BILL: VOTE FOR GEKAS, HYDE, AND McCOLLUM AMENDMENTS

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, in early March, the President challenged Congress to enact a tough crime bill within 100 days; 233 days later, the Democratic leadership is finally moving on what they call a crime bill.

However, their bill is a facade. It will not curb crime, but rather will offer criminals greater protection from the law.

Despite law enforcement officials' efforts to protect innocent victims, crime runs rampant in this country.

Nearly 50 percent of all violent crimes are committed by repeat offenders.

The lipservice and demonstration programs offered in the Democrats' bill will not save the lives of innocent people. We need a tough crime bill that will effectively put criminals behind bars and give Americans back their communities.

The President's crime bill, H.R. 1400, includes key provisions that were passed in the previous Congress and, unlike the Democrats' crime bill, it would be tough on criminals.

Critical amendments that will be voted on today and tomorrow can salvage the Democrats' crime bill. If amended to include several of the President's proposals, this crime bill could put criminals in jail where they belong, provide law enforcement officials with the help they need, and give Americans the protection they deserve.

I urge my colleagues to vote for the Gekas, Hyde, and McCollum amendments and for their constituents' lives and safety.

SUPER SAVINGS BONDS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise today as cochair of the congressional competitiveness caucus to introduce the Super Savings Bond Act, sponsored by the leadership of the congressional competitiveness caucus and Cochairman JIM KOLBE, and Vice Chairmen NORM MINETA and AMO HOUGHTON, and several members of the Ways and Means Committee.

This legislation will increase national savings. It will reduce our Nation's debt currently owed to foreign creditors. In 1990, the United States paid $206 billion in interest on our Federal debt. Of this, 20 percent was paid out to foreign creditors. The amount of foreign funds that flood into America to compensate for the lack of savings here at home among individuals, corporations, and government impacts directly on our economic health and competitiveness. Today 62 cents of every U.S. individual tax dollar goes to pay interest on the national debt, and of that 8 cents flows offshore, amount to $37.4 billion in 1990 and $172.3 billion between 1985 and 1990. Why shouldn't we pay that money to our own citizens?

I once asked a renowned economist if we could hold the Federal deficit constant but substantially increase the purchase of U.S. savings bonds by U.S. citizens whether we would see an increase in savings in America and a decrease in interest rates. His reply was yes. But it would take concerted Presidential and congressional leadership to achieve.

The Super Savings Bond Act will be attractive investments for U.S. households while at the same time it will reduce our Nation's dependence on foreign financing. Our bill creates super savings bonds [SSB's] to encourage saving among working men and women so each American has the chance to make a contribution to a healthy America. SSB's will be sold through a payroll deduction system to encourage a regular pattern of saving. SSB's will be sold in small denominations ranging from $50 to $500 in face value.

The U.S. savings rate has dropped from over 7 percent of national income in the 1970's to barely 1.5 percent of national income in 1990. The United States saves less than any other Western nation. The United States savings rate is less than one-quarter of Japan's saving rate and less than half of the savings rates of Canada, the United Kingdom, France, and most other European nations.

Only one-quarter of all U.S. households currently own U.S. savings bonds. The savings bond market is not a saturated market. The SSB's higher rate of return should appeal to all potential households, helping more people to save. Since it is fundamentally a good investment, SSB's can also unleash a new category of savers among households of moderate means who will be able to buy bonds in small denominations.

National dissavings is manifested in America's large, nonsustainable budget and trade deficits. The economic independence of America is being eroded as individuals, corporations, and the Federal Government live beyond their means.

SSB's will yield 95 percent of the 5-year Treasury bond rate after being held for 5 years, an increase over the rate currently offered on savings bonds, which is the greater of 6 percent or 85 percent of the 5-year Treasury constant maturity yield.

Importantly, SSB's introduce fairness in savings for all income ranges. As it stands now, savings bond purchases through payroll deductions yield only 85 percent of the 5-year Treasury bond rate. This means foreign investors who can afford to purchase U.S. Treasury bonds in large denominations get a much larger return on their investment. SSB's will correct this inequity by allowing the small investor to purchase bonds in small denominations with a 95-percent yield and encourage a whole new group of savers who would otherwise not be able to save or purchase bonds.

It is vitally important to enlist ordinary Americans in the reclaiming of America. Currently, the economy is fueled by institutional investors. Control of the economy has effectively been transferred from Main Street to Wall Street. This legislation sends a clear message to individuals that the Nation puts individual investors on par with institutional investors.

As savings among individuals increase, the purchasing of the Nation's debt by foreign investors will decrease. Currently, U.S. savings bond holders own 3.7 percent of the Federal debt while foreign investors own 12.4 percent of the Federal debt. This legislation will put the Nation's bond purchases back into domestic hands. As the cochair of the congressional competitiveness caucus, I know that it is critical to increase our savings and reduce our debt service to generate domestic investment for education, research, technology, and infrastructure.

I am pleased that the Super Savings Bond Act is a bipartisan, competitiveness caucus initiative. I hope the Congress will move quickly to pass this legislation and make it one part of a national campaign to increase personal, corporate, and government savings. SSB's can go a long way toward instilling a savings ethic among individuals and help our Nation regain its economic independence.

AMERICAN PEOPLE DO NOT WANT MORE LAWS; THEY WANT BETTER AND STRONGER ENFORCEMENT OF THE LAWS ALREADY ON THE BOOKS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I served for 7½ years as a criminal court judge before coming to Congress. I tried primarily felony cases, the most serious cases.

The most basic civil right of all is the right for a person to be safe in his home and on the streets. Protection from crime is the most basic, the most fundamental of governmental functions. The people of this Nation want us to be tougher on convicted criminals.

While I support many things in the crime bill we will take up today, to be honest I do not believe the people of this Nation really want more laws. They want better and stronger enforcement of the laws already on the books. They want tougher judges. They want less lenient parole. If a criminal is convicted, they want him to serve his sentence and not be back out on the streets after 60 or 90 days.

They want to stop endless, frivolous, expensive appeals. They believe in the right to appeal, but not over, and over, and over again.

Especially, I believe, they want prosecutors who will go after real criminals, violent criminals, and not just seek headlines and publicity, spending all their time trying to advance their own careers by prosecuting only the high-profile defendants like Oliver North and others.

LEGISLATION TO CONSOLIDATE GOVERNMENT'S REAL ESTATE INVENTORY

(Mr. MCMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCMILLEN of Maryland. Mr. Speaker, the savings and loan fiasco, HUD mismanagement, and other debacles of the administration have resulted in the Federal Government becoming the reluctant owner of between $25 and $35 billion in repossessed real estate. No one really knows the exact amount—and there are 15 different agencies conducting uncoordinated liquidations throughout the country. I rise today to introduce legislation to remedy the situation. It will: consolidate the inventory, develop a governmentwide policy, and speed up the disposition process. Most of the agencies holding the properties were established to carry out some very important social programs and, at best, are ill-equipped to dispose of the vast inventory of Government-owned real estate. The result has been an ever-increasing inventory and escalating costs. The Government has an obligation to the taxpayers to dispose of these properties in the most efficient manner possible—not to remain a landlord with the bill for holding the real estate going to the taxpayers. I urge my colleagues to cosponsor this important legislation.

□ 1040

TAXPAYERS' ACTION

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, some say if we stacked enough dollar bills on top of each other to equal the national debt, mankind would achieve the dream of reaching Mars. At the rate we're going, even Saturn doesn't seem far away. The fiscal chaos this represents is tearing our country apart. Not a day goes by that I don't hear from my constituents who are fed up. This weekend, at over 300 rallies across the country, the American people will take to the streets in honor of taxpayers action day. Their outrage is legitimate, and it's time Congress paid attention. Look at the numbers:

For every dollar raised in tax revenue, Congress spends $1.58.

The Tax Foundation estimates that Americans work an average of 125 days to pay his or her total tax bill.

Today, a median income family of four pays 24 percent of its annual gross earnings to the Federal Government—32 percent when you figure in State and local taxes.

And for what? Our Federal deficit has risen from $200 to $350 billion. No wonder the American people are angry. It is time to stop wasteful spending in Congress.

REFORM THE SUPREME COURT CONFIRMATION PROCESS

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, Judge Clarence Thomas has been confirmed to serve as an Associate Justice on the Supreme Court after what undoubtedly was the ugliest confirmation battle in the history of the Republic. Instead of a judicious and deliberate examination of the merits of the nominee, the American people were confronted with a 107-day-long media sideshow of rumor, innuendo, and falsehoods.

While part of this sorry spectacle was the product of pure politics, much more of it was the product of relentless and ruthless campaigns by well-heeled special interest groups whose activities were hidden by current law, which casts a legal veil over their activities.

Grassroots participation in any political process in our democracy is desirable. But does the political activity that blocked Judge Robert Bork's nomination, and which attempted to do the same to Judge Clarence Thomas, represent public participation or manipulation of the judicial process by special interest groups.

Mr. Speaker, the blatantly political motives of these special interests, and their gutter tactics, have degraded the confirmation process and the Court's very independent stature.

Even the Senators who have the constitutional responsibility to confirm judicial nominations do not know who is contributing to and staging these campaigns for or against Supreme Court nominees. Unlike those who support and finance other public officials in the executive and legislative branches, there is no requirement that those financing elaborate campaigns to block the nomination of a Supreme Court justice disclose their identity.

While blatant political lobbying for or against a Supreme Court nominee is not prohibited, it has never been an accepted part of the confirmation process until recently, and it has degraded the Court's independent stature.

Mr. Speaker, I have introduced legislation H.R. 3226 that would require all individuals and organizations spending money to support or oppose a Supreme Court nominee, to file Federal financial disclosure forms similar to those required of congressional and Presidential campaigns. Failure to disclose financial sources would carry severe penalties, including a fine up to $5,000 and/or a prison sentence up to 1 year. Repeat offenders would be fined up to $10,000 and/or imprisoned for up to 5 years.

This legislation will allow both the public and the Senate to know precisely who the special interests embroiled in the confirmation process are and where they get their money to wage costly public relations campaigns.

Mr. Speaker, I urge my colleagues to support this bill to take an important step toward ending the lobbying frenzy that has so degraded the confirmation process for nominees to the Supreme Court.

CRIME BILL OFFERS MORE PROTECTION FOR CRIMINALS THAN LAW-ABIDING CITIZENS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, America has more crimes per capita than any other developed country. Police, prosecutors, and the courts need a tough, practical crime bill.

Despite the pleas of the President on March 6 for Congress to enact his tough crime bill within 100 days—we are now at day 224—finally a crime bill is in sight, but it's not the tough, substantive anticrime bill that citizens want.

This bill contains more protections for the criminal than for the law-abiding citizen.

Many of the so-called anticrime bill provisions represent grants that duplicate programs that are already funded. More studies are not what our police and law-abiding citizens need or want.

We need to reduce crime and guarantee punishment of criminals. Instead, we have a bill that increases grants and ignores victims.

CRIME IN AMERICA

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, what we will be debating here on the floor today is fear. We will be considering the Omnibus Crime Control Act, but fear is the issue.

That is the way America's citizens look at it. They don't want to fear walking the streets of their neighborhoods. They don't want to fear for their children's safety. They don't want to fear losing their communities' identity to ruthless drug lords and criminal gangs.

In the United States, someone is murdered every 24 minutes, a woman is raped every 6 minutes, someone is robbed every 55 seconds, and someone is assaulted every 33 seconds. It is incredible that this can go on in our country; America's citizens want, and expect, help from us today.

When we finish with this legislation, Mr. Speaker, we must be able to look these people in the eye and say, "here is help." We must make this a tough, anticrime bill—it's time to give our constituents what they want and expect.

It's time to take away the fear.

TWO THINGS THAT NEED TO BE CHANGED IN THIS COUNTRY

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL of California. Mr. Speaker, today we have the chance to do something right for the American people on the crime bill. We have the chance to change two things that really are in need of changing in this country.

No. 1, when a police officer gathers evidence of a crime, and that police officer has done nothing wrong, it is crazy that frequently we find that evidence excluded, and a criminal goes free, because, through no fault of the police officer, some legal technicality was not followed.

Now we recently had an example of that where 1,200 pounds of cocaine were collected, but the police officer called in the wrong license plate. If it had not been for that particular law in that particular circuit, if it had been a different part of the country, that criminal would have gone free to sell more cocaine on the street.

Mr. Speaker, I think today we have a chance to stand up for what is right, and that is for the police officers who gather information; it should be available to be used and not thrown out for a technicality.

No. 2: the death penalty. It is appropriate, it should be enforced, and it should be certain. Right now one never knows if it is going to be applied or not. Appeals go on endlessly.

Today stand up for what is right, and send a message: Serious criminals will have to face the most serious punishment.

Mr. Speaker, those are two things we can do today to improve fairness to the law enforcement officers for whom we all have so much respect and to protect those of us who find ourselves the victims of crime.

CRIME BILL AMENDMENTS TO ALLOW A JURY TO IMPOSE THE DEATH PENALTY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, the Democratic crime bill that will come before us is a slap in the face to the America people. The American people for a long time have expressed their willingness to accept the death penalty in those serious, and vicious and heinous cases that we read about too often, yet the Democratic crime bill that will come before us makes it almost impossible for the jury to have the option to impose such a death penalty, and so it is a bill that wraps its arms around a convicted murderer.

Mr. Speaker, this convicted murderer has just shot someone, killed someone. It destroyed an American citizen, a fellow American citizen. He receives a murder in the first degree verdict from a jury, and then this bill says we are going to protect him from a jury that might want to impose the death penalty.

We want to change that with our amendments to make sure that the jury has the full option in those tragic, violent, murderous cases to allow that jury to bring in the death penalty.

Further, this Democratic bill says that even if he is convicted, even if he does receive the death penalty, we are going to make sure through this bill that with endless appeals that individual will stay on for a lifetime on death row failing appeal after appeal.

Mr. Speaker, we want to try to curtail those appeals and bring swift and certain judgment to the convicted cold-blooded killer where a jury has already found him guilty of murder in the first degree, and he deserves no more consideration than the option on the jury's part on whether or not to impose the death penalty.

ABORTION—THE MOTIVATOR OF VOTES IN THE OTHER CHAMBER LAST NIGHT

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, last night on national television I said that the unseen specter at the entire ghastly banquet of character assassinations that went on over the last week was the specter of abortion. It was the main driving issue during all of the hearings, spoken and unspoken, and it was the main motivator behind most, certainly not all, most of the votes in the other distinguished Chamber last night.

□ 1050

Mr. Speaker, 132 years ago this very October 16 John Brown captured the Federal Armory up in Harper's Ferry, VA, later to be West Virginia because of the Civil War that followed. It cost him his life and the lives of all of his sons, and he was the motivation for an army hymn, the Battle Hyman of the Republic. It begins, "Mine eyes have seen the glory of the coming of the Lord."

This abortion issue is not going to go away any more than slavery did 75 years ago. On this same day Margaret Sanger started the first Planned Parenthood clinic in Boston. She was an unashamed, loathsome racist who said that all people of color should be controlled by birth control, that they were subhuman. Adoph Hitler later quoted Margaret Sanger.

It is fascinating that today an intelligent, distinguished black lady, Faye Wattleton, heads up this group founded 75 years ago by a racist, a clear-out, evil racist, Margaret Sanger.

Mr. Speaker, this abortion issue tears this country apart and will until we resolve it, hopefully in favor of the sanctity of human life.

SADDAM HUSSEIN SAYS SANCTIONS WON'T WORK

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we have all read with horror how Saddam Hussein was closer than any of us imagined to building a nuclear bomb.

Before the gulf war, U.S. intelligence set the estimate at 5 to 10 years. Now that has been revised down 2. In short, the gulf crisis may have been closer and better timed than any of us imagined.

Just last weekend Saddam Hussein was quoted saying his country can survive economic sanctions for at least 20 years. That says something about the effectiveness of economic sanctions that so many Members of this body argued passionately for.

Let me take this opportunity to once again praise President Bush for his superb leadership and handling of the gulf war. Let me also commend those Members of Congress who had the courage and foresight to vote for the use of force resolution last January. They realized that economic sanctions would not work.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 210

Mr. SARPALIUS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 210.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2521, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1992

Mr. MURTHA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2521), making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. McDADE

Mr. McDADE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. McDADE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2521 be instructed to insist on the House position on the amendment of the Senate numbered 46.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we head to the conference with the Senate, there is a very substantial issue involving the question of environmental restoration. As we speak today, because of years of not just neglect but also indeed ignorance about how to shepherd the resources of the Nation, some 17,000 sites at 1,800 bases across this Nation contain some form of hazardous material, some of it very toxic waste.

Under the leadership of my friend, the gentleman from Pennsylvania, we have been working very hard to rid those bases of those sites, particularly as we begin to sequence into a system whereby more bases are being made available for public usage in one form or another. Obviously those sites cannot be turned over until that problem is addressed. That is why the House conferees have unanimously agreed to attack this problem more aggressively than the Senate. Indeed we are $1 billion above the Senate figure, and we are offering this motion in order to further support the decision of the House that what we need to do is to stick with the House position. It is an overall problem of probably $13 or $14 billion. If we continue to treat it as a minor problem, we will be solving it for years.

Mr. Speaker, we want to get at the problem and get this done properly, so I urge the House to adopt the motion I have offered.

Mr. MURTHA. Mr. Speaker, I reserve the balance of my time.

Mr. McDADE. Mr. Speaker, for purposes of debate only, I yield 10 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding this time to me. I am out of breath running over here. I wanted to make a couple of comments and perhaps ask the chairman of the subcommittee a question or two.

It is important for this body to know and for the American public to know that in this bill from the Senate side there is $32 million put in for an unauthorized project—and I stress the words, "unauthorized project"—contravening and going against the Select Committee on Intelligence of the House, which would begin a downpayment for the most expensive Government relocation in the history of the country. This would be done for $1.2 billion. That is billion, b-i-l-l-i-o-n dollars to begin the relocation of the CIA, portions of it, to West Virginia.

The body should know that the CIA retained Legg Mason as a consultant to look at the relocation of the CIA. Legg Mason looked at over 200 sites. Then they narrowed it down to 65 recommendations, and not 1 site was in West Virginia. Then I will tell the Members of this body they narrowed it down to 10, and not 1 site of those 10 was in West Virgina. Then they narrowed it down to four, and the CIA, with a handshake and a nod, bypassing the entire House of Representatives, neglecting the Select Committee on Intelligence of the House, and neglecting the Republican leadership and the Democratic leadership, made a decision and told Legg Mason to put West Virginia back in. Legg Mason, being retained by the CIA, did that.

Then when they put it back in, Legg Mason determined that this was not in the best interest of the employees nor was it in the best interest of the agency, and recommended against it. So now we have Legg Mason, with thousands of dollars of Federal money, recommending against this site, and lo and behold, with a handshake and a nod, one night the CIA, in conjunction with a Member of the other body, decides that it will go there.

Now, I want to be sure about this, and I wanted to ask the chairman of the subcommittee if my rights would be protected in the House so that we could be sure that we will get a rollcall vote ont this issue. I have an article from yesterday's Newsweek by George Will, where he says:

> The argument about consolidating 3,000 Washington area jobs in Byrd's State may seem like merely a parochial fact, but it exemplifies what is done day in and day out in Washington in your name and with your money.

He goes on to say that—

> Considering the hijacking of the CIA jobs, the consulting firm hired to advise the CIA did not include the West Virginia site among the top 10 sites, or the top 65, or the top 200.
>
> But suddenly the CIA, tugging at its forelock and bowing deeply to the chairman, asked that the site be included in the final four. Wonder of wonders, it won.

□ 1100

When the House Committee on Intelligence held hearings on this matter, 4 hours of hearings, Judge Webster and the people testifying could not answer any of the questions. Literally every member, from the chairman, Mr. MCCURDY, the gentleman from California [Mr. DORNAN], the gentleman from Pennsylvania [Mr. SHUSTER], and the gentleman from California [Mr. DELLUMS], across the board, raised serious concerns. Since this is not authorized by the House Committee on Intelligence and contravenes the laws of the House and the rules of the House, and since our conferees are going to conference with the Senate, I would hope and ask the gentleman from Pennsylvania [Mr. MURTHA], if he would protect my rights to make sure that we can have an up-or-down vote on this issue, whereby the House can work its will?

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, we always try to be fair, and we certainly will take a close look at the recommendations of the gentleman from Virginia [Mr. WOLF] when we go to conference. As the gentleman knows, there are a lot of issues, and this is one of the issues we are going to take a close look at. We appreciate the recommendations and advice of the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I appreciate the statement of the gentleman from Pennsylvania [Mr. MURTHA], but I really want to urge that the rights of the House be protected.

Mr. Speaker, I want to choose my words very carefully. The project will not get an award for procurement integrity. I want to stress again, this CIA relocation will not receive an award for integrity in procurement.

Mr. Speaker, this body, time after time has spoken out about defense procurement fraud and many other things like that. It is absolutely incumbent that every Member of this body, whether they are for or against it, deserves and has an obligation to get a vote, because what we have basically seen is that the process of locating an agency has been, I believe, corrupted. The process has been corrupted.

Mr. Speaker, the General Services Administration has been set up by the Congress to go in and to search and find out the best deal for the Federal Government, the best arrangement, what is best for the Central Intelligence Agency and other agencies.

I would also say the name of the Central Intelligence Agency is the Central Intelligence Agency. It is not the Decentralized Intelligence Agency.

Mr. Speaker, Members should know that this is the most expensive relocation in the history of the entire country, $1.2 billion.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. MURTHA] for the opportunity to have a vote, and strongly urge Members, when this issue comes before Congress, that they read the material. I will furnish all the material. No longer can we have decisions that are going to cost the taxpayer $1.2 billion made with a handshake and a nod, contravening and neglecting the entire House of Representatives.

Mr. Speaker, when this issue comes up for a vote, I would urge Members to look at these issues and then say no to the CIA and no to the other body. That we believe in procurement integrity and we believe that this should go back to the General Services Administration, that they should bid it out, postpone this for a year, and do what is in the best interest of the entire country, and not just one or two individuals.

Mr. MORAN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Speaker, I would like to underscore the remarks of the gentleman from Virginia [Mr. WOLF]. What we are talking about here is a decision that was not made on any grounds but political grounds. There is no justification for the CIA moving to West Virginia as has been recommended by the Senate.

Mr. Speaker, there has been an objective analysis done of every possible alternative site, and the site that was chosen was not included in any of the acceptable alternative sites.

We are talking about the most expensive Federal building ever built. We are talking about breaking up an agency that of all agencies it would seem ought to be able to work together.

Mr. Speaker, there are no programmatic grounds, there are no fiscal grounds, there are no rational grounds for the CIA to move. Yet they are moving because of politics.

This is where we have to take our stand. I know we will get the support of this side of the aisle and the side of the aisle of the gentleman from Virginia [Mr. WOLF]. We strongly urge that this be represented as an issue on which the House is prepared to and will take a stand.

Mr. Speaker, I know that our chairman is going to represent those issues. I have complete confidence that we will have the opportunity to take a vote on this issue when it comes back to us.

Mr. WOLF. Mr. Speaker, reclaiming my time, I thank the gentleman from Virginia [Mr. MORAN]. I will not take the time of Members, but I will make available the transcripts of the hearings.

Mr. Speaker, the gentleman from Pennsylvania [Mr. SHUSTER] called this activity outrageous, disgraceful, and scandalous.

The gentleman from New York [Mr. MARTIN] said:

> It seems to me that if this were not so pathetic, it would probably be funny. It would be like when the Baltimore Colts snuck out of town on the back of a truck years ago.

The gentlewoman from Connecticut [Mrs. KENNELLY] said:

> I am really looking at the situation and seeing what has developed. I think what has happened makes a mockery of our traditional process and system that has kept this whole legislative body going forward in the profession in over 200 years.

The Chairman [Mr. MCCURDY] said:

> We are not talking about a covert action here; we are talking about a $1.3 billion—$1.2 billion, whatever the numbers are—consolidation of real estate that obviously is not an emergency. It is not—it may be urgent in your mind, but as far as having an effective policy in order to get the most—the wisest decision. This decision is going to affect the future of the agency, perhaps as no other construction decision made, because you are going to affect the lives and well-being of your personnel.

Mr. MCDADE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Pennsylvania [Mr. MCDADE].

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. MURTHA. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. MURTHA moves, pursuant to rule XXVIII, clause 6(a) of the House Rules, that

the conference committee meetings between the House and the Senate on H.R. 2521, the Department of Defense appropriations bill for the fiscal year ending September 30, 1992, and for other purposes, be closed to the public at such times as classified national security information is under consideration; *Provided, however*, That any sitting Member of Congress shall have a right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 307]

YEAS—422

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—11

Boxer
Callahan
Edwards (OK)
Ford (TN)
Holloway
Hopkins
Lewis (CA)
Michel
Russo
Savage
Slaughter (VA)

□ 1128

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. McNULTY). The Speaker will appoint conferees upon his return to the chair.

□ 1130

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. FISH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. NAGLE. Mr. Speaker, on Thursday, October 3, 1991, I was unable to participate in the vote because of illness.

Had I been able to vote, I would have voted "aye" on rollcall No. 291.

MOTION TO INSTRUCT CONFEREES ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. DANNEMEYER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DANNEMEYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2686, be instructed to agree to the provisions contained in amendment numbered 212 of the Senate amendments.

MOTION TO TABLE OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion to table.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. YATES moves to lay on the table the motion offered by the gentleman from California.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, nays 243, not voting 9, as follows:

[Roll No. 308]

AYES—181

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Berman
Boehlert
Bonior
Borski
Boucher
Boxer
Brown
Bustamante
Campbell (CO)
Cardin
Carr
Clay

Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Grandy
Green
Hall (OH)
Hatcher
Hayes (IL)
Hertel
Horn
Horton
Houghton
Hoyer
Hughes
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (CA)
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Lowey (NY)
Machtley
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McHugh
McNulty
Mfume
Miller (CA)
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Moakley
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickle
Rangel
Reed
Richardson
Roe
Rostenkowski
Russo
Sabo
Sanders
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOES—243

Allard
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Byron
Camp
Campbell (CA)
Carper
Chandler
Chapman
Clement
Coble
Coleman (MO)
Combest
Condit
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Dickinson
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodling
Goss
Gradison
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (SD)
Johnson (TX)
Kasich
Kleczka
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Marlenee
Martin
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison
Murphy
Myers
Neal (NC)
Nichols
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Callahan
de la Garza
Edwards (OK)
Holloway
Hopkins
Lewis (CA)
Roybal
Savage
Slaughter (VA)

☐ 1152

Messrs. DORGAN of North Dakota, WILSON, HOAGLAND, KLECZKA, MOODY, TRAFICANT, FROST, McCURDY, SISISKY, BROOKS, and McCLOSKEY changed their vote from "aye" to "no."

Messrs. JONES of North Carolina, HALL of Ohio, and ABERCROMBIE changed their vote from "no" to "aye."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from California [Mr. DANNEMEYER] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, the Nation has just witnessed an intense debate in the Senate on the confirmation of Justice Thomas to the U.S. Supreme Court. My congratulations to him. The controversy between Professor Hill and Mr. Thomas was between those two people. Claims were made that certain statements were made, and the American people, I doubt, will ever know with certainty who said what to whom.

However, Mr. Speaker, on this issue today that I bring before the House we know precisely what has been written, what has been said and, in this instance, has been done with taxpayers' money. There is no question about the contents of the material that we will discuss today on the floor of the House.

This body considered this matter about 3 weeks ago, but at that time it was on a motion to defeat the previous question, which was procedural in nature, so we did not get a clear up or down vote on the substance. Today we are going to have a clear up or down vote on the substance as to whether or not the House is going to adopt language that was approved in the Senate by a vote of 66 to 28 that I believe is necessary in order to get the attention of the people running the National Endowment for the Arts. There are standards that exist in this country that the American taxpayer is going to insist be followed as a means of our providing proper stewardship over what we do with taxpayers' money.

Mr. Speaker, in 1989, language was placed into the interior appropriations bill that said that none of the funds authorized to be appropriated for the National Endowment for the Arts or the National Endowment for the Humanities may be used to promote, disseminate or produce materials which in the judgment of either of them may be considered obscene, including, but not limited to, depictions of sadomasochism, homoeroticism, the sexual exploitation of children or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific value.

Notwithstanding that language, Mr. Speaker, these are some of the projects that were funded with taxpayers' money:

The NEA gave $8,000 to help produce a show about homosexuality titled "Tongue United." The NEA also provides $250,000 of the $1.1 million budget for PBS's "Point of View" which aired the show. The program includes scenes of two men sodomizing each other in bed and a narration that included the expletive: "motherf——— ———," and the phrase, "anoint me with coconut oil and cum." In a reference to AIDS, the narrator repeats the refrain, "now we think * * * as we f———."

Second, the NEA gave a $15,000 grant to Illinois State University Gallery in Normal, IL, for an exhibit titled "David Wojnarowice: Tongues of Flame." The exhibit contained photographs of men performing oral sex, anal sex, oral-anal sex, and masturbation.

The third item funded with that restriction is that NEA is a regulator contributor to LACE, the Los Angeles Contemporary Exhibitions Center. Here is how a homosexual magazine describes one of LACE's more interesting pieces of art:

"The bleeding naked man leapt into the audience as the drag queen speed-metal band backing him thrashed to disjointed climax," and so on.

The fourth, is the NEA gave an unspecific amount of money to Chicago film makers which put on a militant feminist show called "Rattle Your Cage," featuring the display "Sister Serpents * * *" and so on.

Mr. Speaker, currently there is language in the NEA authorization which is the law today that says that artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

Now some of the projects that have been funded by the NEA under these guidelines included a $15,000 grant to Ms. Holly Hughes, a self-described lesbian performer, to produce a show titled "No Trace of the Blond," The production revolves around two pubescent girls around 12 years old who, as the application reads, investigate the gothic image of vampires as an expression of irrepressible sexuality.

Second, a group named "Frameline" received $12,000 to help defray the costs of the 1991 San Francisco International Lesbian and Gay Film Festival. Featured films include "Queers Bash Back," "S&M Sex and Music," "Multiple Orgasm," "Yearning for Sodom," and "Portraits of Lesbian and Gay Youth."

Third, the NEA funded the Maryland Art Place that recently sponsored a performance of Annie Sprinkle. The performance is the same as usual, "Nurse Annie's Sex Education Class."

And fourth, on March 8, 1991, the NEA sponsored a forum on art and AIDS. Only after inquiries of a local think tank was this invitation-only, closed-door meeting opened to one individual outside the arts community or selected press. According to the Washington Post, the forum included slide and video presentations that showed members of the same sex together in various stages of undress. Additionally, the Post reports one presentation contained homoerotic photographs and political messages aimed at the President using explicit language.

Well, if these projects can be funded under the existing law, I think it points up very clearly the need for the language that is involved in this motion to instruct conferees now pending before the House. It very simply says that notwithstanding any other provision of law none of the funds made available to the National Endowment for the Arts under this act may be used to promote, disseminate or produce materials that depict or describe in a patently offensive way sexual or excretory activities or organs.

I ask for your "aye" vote.

□ 1200

Mr. YATES. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, let me say at the outset that the gentleman has cited a list of grants that he says were made by NEA. Several of those have not been funded by NEA. Several are from years gone by. A few of them have been funded by NEA, and of those few, several have received critical acclaim.

But what this dispute is all about today is language. What kind of language can be drafted to give the artists a chance to express themselves and still protect those who say that the work the artist is coming out with is depraved?

We have tried for years to find the appropriate language. The gentleman from California has sought to do that. A few years ago the gentleman from Texas [Mr. ARMEY] came to see me. He was offended by the Mapplethorpe show, he was offended by the Serrano show, by the Serrano photograph, and he came to see me because of the fact that I was chairman of the Subcommittee on the Department of the Interior and related agencies of the Appropriations Committee, and he wondered whether appropriate language could be written that would prevent such artifacts from being shown to the public with NEA grants.

I said to him, "You draw the language. Let me see it. Let's see if it is good enough to put into the bill."

He said, "I can't do it." He said, "It's too difficult a job to find that kind of language." He said, "Why don't you do it, Congressman YATES?"

I said, "I can't do it because it is so difficult. I can't do it."

Both of us asked the then-director of the NEA to draft the appropriate language that would serve this purpose. He came back with language that neither the gentleman from Texas [Mr. ARMEY] nor I thought was appropriate for the bill.

I see my friend, the gentleman from Montana [Mr. WILLIAMS] is on the House floor. Last year he was chairman of the subcommittee that worked 3 years on appropriate language, and that language was finally agreed upon. The House voted for it, and the Senate voted for it. That language is now the law. We knew that the language would never have pleased everyone involved. We knew the language would not appeal to those who wanted total freedom for the artists who were getting grants from NEA. We knew it would not be approved by those who wanted greater restrictions. But it was a compromise we all accepted as being appropriate at the time.

We now have the same kind of a fight taking place over language that has been offered by the Senator from North Carolina [Mr. HELMS]. His language has the effect of vitiating or wiping out for a period of 1 year the work of the legislative committee last year. That will happen because his amendment begins like this:

> Notwithstanding any other provision of law, none of the funds in this act may be used by NEA to depict sexual activity or excretory organs in a patently offensive way.

But the language of the gentleman from North Carolina is not necessary. We can compare his language, the language of the Helms amendment, with what is already in the law, and let me read to the Members what is already in the law. In the law that we enacted last year and which became the law, it says this:

> The term obscene for this purpose, means that * * * the average person, applying contemporary community standards, would find that such project, production, workshop, or program, when taken as a whole, appeals to the prurient interest;
>
> (2) such project, production, workshop, or program depicts or describes sexual conduct in a patently offensive way;

How does that differ from the language that the gentleman from California wants this House to instruct this committee? It does not differ in any material way. As a matter of fact, the Senator from North Carolina uses the phrase, "patently offensive way," in the language that was accepted by the other body.

I continue with item No. 3—

> Such project, production, workshop, or program, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

The language that was used last year also says this: It recognizes no grant shall be made that does not—

> Recognize that obscenity is without artistic merit, is not protected speech, and shall not be funded; and * * * ensure that projects, workshops, productions, and programs that are determined to be obscene shall receive no funds under this act.

What else can we say that is not included under that language that will achieve the goal that the gentleman from California wants? How many times must Congress consider amendments to the National Endowment for the Arts to try to surround obscenity and pornography in such a way that no grants will be given to any artifact that is obscene?

What happens is that every time there is a senatorial campaign there is an attack on pornography. It has a long history that goes back to the famous or infamous Smoot-Hawley tariff of the 1920's. The "Smoot" of that tariff was Senator Reed Smoot of Utah. His tariff had an antipornography amendment in it that said nothing obscene could be imported into this country, like James Joyce's "Ulysses." That was banned by Customs officials and was only permitted to come into this country when a Federal judge ruled that it was not obscene. Customs officials held up art; Customs officials held up tremendous numbers of other items that they said were obscene.

Indeed at that time Ogden Nash composed a poem directed at Senator Smoot. This is the way it went:

> Smite smut, Smoot, rough and tough.
> Smut when smitten is first-page stuff.

So we have an amendment in the Senate which the gentleman from California [Mr. DANNEMEYER] wants the House to accept. The Smoot smut amendment was the law 70 years ago, and now we have the gentleman from California [Mr. DANNEMEYER] offering the same kind of language again.

Mr. Speaker, I hope the House will not vote for this language. I hope the House will sustain the authorizing committee, which last year, after 3 years of hard work on finding appropriate language, submitted a law that was approved by both the House and the Senate and is now the law of the land. I hope the House will not instruct conferees and wipe out for 1 year the language that was accepted last year.

□ 1210

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Illinois [Mr. YATES] for reading the current law of the land into the RECORD. I want to emphasize the words of the gentleman by assuring Members in the House that when the House and the Senate changed the law affecting the National Endowment of the Arts in the last Congress, we did so in a very significant and major way. We found, correctly, that pornography is not free speech and is not protected by the Constitution of the United States, and we reaffirmed the congressional position that the funding of pornography through the use of taxpayer money was illegal. Today, it remains illegal.

The question is should the courts decide through the normal process what is pornography, or should this House decide it? The gentleman from California [Mr. DANNEMEYER] would have this House determine what is pornography. The gentleman from Illinois [Mr. YATES] would prefer to stick with the language which Congress adopted in the last Congress, language which requires that pornography is not protected speech, is illegal, and that Federal money cannot be used for it, but allows the courts to determine on a case-by-case basis that which is pornography.

Mr. Speaker, the position of the gentleman from Illinois [Mr. YATES] is precisely correct, and I commend the gentleman for it.

Mr. YATES. Mr. Speaker, reclaiming my time, I thank the gentleman from Montana [Mr. WILLIAMS] for his contribution.

Mr. Speaker, I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Illinois [Mr. YATES] has stated that they worked hard with the language, that there is a law, and that it took 3 years of hard work to establish that language. But what we are talking about here is accountability.

Mr. Speaker, the captain of a ship has got accountability, Members of Congress have got accountability, and I think the NEA needs to have accountability. When it does not, it needs to be punished.

We still have pornography being released at taxpayer dollars. The courts, it is very difficult to get anything through. The House does need to state a position to stop it, if that is what it takes.

Mr. Speaker, I supported the original NEA vote. We have things like the Old Globe in San Diego that is supported by the NEA. We have the symphony. We have a lot of very good things. We have the university play which was put on, Brigadoon, and West Side Story, and those are good.

Mr. Speaker, in the military budget we have bad items and we try to take those things out. The agriculture budget, we try to take bad things out. I think this House owes it to the American people to take out bad things from NEA, when they exist, whatever language we have to draft, even if it takes 3 more years.

Mr. Speaker, this Nation was mesmerized when a quiet, intelligent young woman alleged verbal pornography against a judge. Mr. Speaker, our Government is sponsoring and paying for pornography 10 times worse than was ever uttered by Ms. Hill. We need to stop that, whatever it takes.

Mr. Speaker, many Members want to support the NEA, for the good that it does in the field of education and the humanities, but we need to stop some of the things that are going on. I would ask conservative Members on the other side of the aisle, I would ask liberal Members on the other side of the aisle, to support the gentleman from California [Mr. DANNEMEYER].

Mr. Speaker, the gentleman from Illinois [Mr. YATES] comes from the Jewish faith. I come from the Christian faith. I think both of our value systems in the church, the Judeo-Christian values, do not support pornography. I do not think the gentleman does either. I do believe that additional language would help send the message that we do not support such things in the Congress.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentleman from California [Mr. CUNNINGHAM] is, of course, aware of the Helms language in the Senate. How does that differ, may I ask the gentleman, from the language which is now in the law that says that the term "obscene" means such project, production, workshop or program that depicts or describes sexual conduct in a patently offensive way?

Mr. CUNNINGHAM. Mr. Speaker, whatever message it sends, if we have to send the same thing 100 times, the question is right now pornography is being committed over and over and over again. If the House has to send the same exact message again, then that is what we should do, whatever it takes to stop it.

Mr. YATES. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, let me read the Helms language. May I say to the gentleman from California [Mr. CUNNINGHAM], it says "Notwithstanding any other provision of law."

Mr. Speaker, do you know the effect of that phrase? The effect of that phrase, which is the beginning of the Helms amendment, is to wipe out the language of last year's bill that the House and Senate enacted.

If the gentleman from California [Mr. DANNEMEYER] prevails, the Helms language will not become the standard. None of the other standards that are in the law would apply. It becomes the sole, single standard for judging what the basis for granting applications are for the National Endowment for the Arts.

Mr. Speaker, is that what the gentleman wants? Does the gentleman want to erase from the books for the period of this appropriations bill, which is 1 year, that standard? Is that what the gentleman wants?

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I would say again to my friend from Illinois [Mr. YATES], whatever it takes. I do not think that the gentleman believes that such things as "Queers Bash Back," "S&M Sex," and "Yearning Sodom," are appropriate. Would the gentleman from Illinois [Mr. YATES] work with us to stop obscene art?

Mr. YATES. Mr. Speaker, reclaiming my time, I would ask, did the gentleman hear my statement?

Mr. CUNNINGHAM. Yes, sir.

Mr. YATES. Mr. Speaker, I tried 3 years ago to work with the gentleman from Texas [Mr. ARMEY] and the gentleman from Texas [Mr. DELAY] to find appropriate language. I said I could not write it, the gentleman from Texas [Mr. ARMEY] said he could not write it, and the gentleman from Texas is a talented guy.

We turned it over to the then Director, the then Chairman of the NEA. He came back with language that neither of us wanted.

The House committee last year worked for 3 years trying to find that language. It is a very, very tough thing. I do not think that the Helms language does it. That is why I am opposed to it. I think that the language and the sections of the law that were approved last year go much closer toward achieving what the gentleman wants and what I want.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield further, we know some of the things that have been sponsored by the NEA at taxpayer expense are considered obscene. Would the gentleman from Illinois [Mr. YATES] move to restrict the funding of those particular films, art work, and plays?

Mr. YATES. Mr. Speaker, reclaiming my time, what the gentleman from California [Mr. CUNNINGHAM] is saying is that he does not approve of the way John Frohnmayer, the Chairman of the Endowment, is doing his job. If I understand correctly, what the gentleman is saying is Frohnmayer has approved those grants. They are bad grants. Therefore, Frohnmayer is not doing a correct job.

If I understand what the gentleman from California [Mr. CUNNINGHAM] wants, he wants Frohnmayer replaced, rather than changing the law. That is the only way you will get your complaint remedied or rectified.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield further, does the gentleman from Illinois [Mr. YATES] think that such things as "Queers Bash Back" is not pornography? Does the gentleman think some of the plays and films that I just mentioned should be presented to the American public at taxpayer dollars? If Mr. Frohnmayer is making those judgments, and evidently the same type of pornography is coming out, then we need to remove that.

☐ 1220

Mr. YATES. Mr. Speaker, if the gentleman would permit me to reclaim my time, I do not know the particular artifacts the gentleman mentioned, the dramas. I do know that when I made inquiry of NEA concerning the eight artifacts that the gentleman from California [Mr. DANNEMEYER] listed last time, two of then had not yet been written. Three of them were done before 1991, and before Mr. Frohnmayer took the job.

Two of them, they said, were approved by the NEA and both of them had received critical acclaim.

So that when the gentleman asks me, and I do not know what is in them, when the gentleman asks me do I approve of that, I am only repeating to the gentleman what Mr. Frohnmayer told me.

Mr. DANNEMEYER. Mr. Speaker, I yield 9 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, if we run from this, we are engaged in a cowardly exercise in this great legislative body. I say to my colleagues on both sides of the aisle, in the best spirit of healing, the kind of healing that soon to be sworn in Associate Justice Clarence Thomas was talking about last night, the kind of healing that I am sure Prof. Anita Hill is talking about in Norman, OK today, my colleagues, "Don't you get it, why the American people hold us in such low esteem?"

Do we not get it in this House that the American people would not care a bit about floated checks in our soon to be closed cooperative bank or the tabs down in the restaurant. They would not care about those things if they thought we really represented their interests across this country.

But when they see us fund with their tax dollars this type of depraved, filthy gutter material and call it art, they get utterly disgusted with this Chamber and the other house.

The American people have had it up to here. They used to put us down with garbage men, an honorable profession, because we all put out garbage. They used to say we were below used car salesmen. I had that job for a while when my wife and I had five children under 10. There is nothing to compare us to now. There is not a profession in this country that does not rate miles above the Congress of the United States.

It is because of issues like this. I am not going to stand in this well and read what was funded, as the gentleman from Illinois [Mr. YATES] my good friend says is old stuff. Last year and the year before is not that old.

Under the language that we tried to come up with in this House, Mr. Frohnmayer, who should be replaced tomorrow by the President of the United States and, brace yourselves, I mean this suggestion of his replacement with all seriousness, he ought to be replaced with Prof. Anita Hill. There is a healing move.

If the President wants to consider it. I read in the White House that my friend, Chief of Staff John Sununu, and the President himself have had it with Frohnmayer, but nobody seems to have the guts to take the action to remove this man who sat in the office of the gentleman from Illinois, PHIL CRANE, our colleague, a few weeks before he was confirmed and said he was going to stop this gutter nonsense. He lied to us.

There were about 10 Republican Members in the office of the gentleman from Illinois [Mr. CRANE] and John Frohnmayer lied.

Then after he started this nonsense, his brother lost a race for Governor, I think in Oregon, a part of the fallout of his brother who lied to the country and then proceeded to fund this garbage under the old language here of 2 years ago, which came out of this House.

Then we came up with new language a year later. Here are the words of the new language:

> Artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

Diverse beliefs, of course, includes sadomasochists, child pedophiles, child abusers, bondage discipline, all the garbage that is out there across America. That is diverse. So what does John Frohnmayer do at the National Endowment for the Arts? He funds Holly Hughes again, on a stage inviting people to come up with a flashlight and probe all of her body cavities. I am cleaning up the language here. No. 2, Frameline, another $12,000 for the film titles that Mr. CUNNINGHAM was trying to get across to the gentleman from Illinois [Mr. YATES]. Portraits of lesbian and gay youth. There is that word "youth" again; queers bash back, sadism and masochism sex and music.

Here is another one, Maryland Art Palace, Annie Sprinkle lying on a stage with a flashlight, again inviting the audience up. Here is one on March 8, NEA sponsored a forum on art and AIDS. It was, of course, invitation only, closed door meeting, what we call around here executive session.

They let one outside person in and he writes, here is all the homophobic erotic photographs again, people on the stage, various stages of undress.

Here is what gets me, Mr. Speaker. We cannot address anybody in the executive branch through this microphone, or from this floor, but I think it is clear what I am saying. Here is President Bush in filthy so-called art on all the walls being derided with explicit language, and it is paid for by NEA money under John Frohnmayer to attack the President of the United States. It is not just Cardinal O'Connor that has taken these blows and strikes now. This is not what American taxpayers want to fund.

I, like the gentleman from California [Mr. CUNNINGHAM], have had worthy projects in my southern California district, native art projects, little school projects, Shakespearean little theater taking over a closed movie theater. I would like to support this.

I tell my colleagues what this nonsense debate has done to me on this floor. It has made a libertarian out of this conservative. I do not see why I should send a nickel to public broadcasting to go through an NEA grant to watch a bunch of what Gov. Pete Wilson would call them now our fascist demonstrators desecrating St. Patricks Cathedral where my parents were married and I was baptized. That was my parish church for the first 10 years of my life.

I am to the point now where I cannot determine why any money for the most worthy project, which is 95 percent of them, should go to any artistic endeavor in this country when people ought to have a right as taxpayers to say, "I don't care how minuscule the garbage is."

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentleman said 95 percent of the projects of the NEA.

Mr. DORNAN of California. Mr. Speaker, I will up it to 99.

Mr. YATES. If the gentleman will continue to yield, it is 99¾.

Mr. DORNAN of California. I will up it to that.

Mr. YATES. Ninety-nine and forty-four one-hundredths.

Mr. DORNAN of California. I will go with that, pure as Ivory soap. But the American taxpayers, I say to the gentleman again, the check scandal brings about an anger based on us funding one-millionth of 1 percent of child abuse, so-called erotic garbage with their tax dollars, mine and decent American people all across this country, one-millionth of 1 percent is an insult to the people of this country, and it causes them to hold the gentleman and me and 433 other Members in low repute.

Did we not hear Anita Hill? Did we not hear the verbal—relating in her mind—her allegations of what pornography is?

The gentleman says we cannot come up with a definition in this House. I may not be able to. And JESSE HELMS did not write that language. It was written by legal scholars like the great Alexander Bickel.

Mr. YATES. If the gentleman will continue to yield, why has he not written it?

Mr. DORNAN of California. Mr. Speaker, I already have the language written. For 3½ years I traveled throughout this country.

Mr. YATES. Mr. Speaker, where is that language? Did the gentleman submit that language?

Mr. DORNAN of California. I only missed Alaska. I traveled around this country from 1973 to when I was elected in 1976, and I am not a lawyer. But I became a good guardhouse lawyer based on the eight Milner decisions. I was able to take that definition. I had it memorized then, and I was able to explain to people all across this country why no Supreme Court in the history of our land, Potter Stewart notwithstanding, has ever said pornography was constitutionally protected free speech.

I alone in this Chamber, with unanimous consent, got the Post Office Service an amendment that declared pornography contraband.

Do my colleagues know what was happening up to then, to the ACLU? The one issue where Michael Dukakis, during the presidential race, separated himself from the ACLU. He said, "I don't think child pornography once produced is protected by free speech."

□ 1230

Do you know the power that the Dornan amendment gave the Postal Service? It was to go to a child pornographer and say, "Where did you develop this film? Where did you transport this from?"

"In my home or my car."

Good, then we own your car and we own your home, and the U.S. Postal Service is taking all of this contraband from one unanimous-consent amendment on this House floor.

We are gutless in this Chamber about pornography, and that is why no Senator had the guts to bring that up to Clarence Thomas, because the liberals on the right side facing them, they knew that the liberal philosophy, and the gentleman from Illinois can wave his hand all he wants to, the liberal philosophy has drenched, soaked our country in child pornography along the lines of Long John Silver and other street names for the male genitalia inserted, and that is why Congressman and Senators are held down in the gutter by the American people, because of the innate stupidity of blocking good language like this to protect the young of our country and to protect the mothers, the grandmothers, the sisters, the daughters. I do not care what people who do not want children feel about that. But that is what Americans want.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Members should avoid such references to the other body.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Florida, [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think the crux of the argument here which can be brought to bear on a comment that the gentleman from Illinois [Mr. YATES] said "why not let the courts decide." I would say to the gentleman from Illinois, that is what he said. The language is there, "why not let the courts decide."

Mr. YATES. If the gentleman will yield, it is not what I said, but it is what I believe.

Mr. STEARNS. It is what you believe, and I think implied in your conversation, that we should let the courts decide.

I think on this side of the aisle what we are trying to say is this: let us make a strong attempt to define it and not have the courts decide, because if we can get a decision by Mr. Frohnmayer on the NEA granting a project early on to not fund the kind of projects that are embarrassing the Members of Congress, then we can prioritize our money and we will not be funding these things. Better than going to the courts later, because once we go to the courts that is going to tie up the decision forever and a day. It can go on and on and on. This way the American people are sure their dollars are going for something that is in the mainstream of what they all believe.

So I think the crux of our argument here today on this side is that we do not want the courts to decide. We want to be able to have Mr. Frohnmayer feel comfortable in granting something that mainstream America will accept, and for that reason we do not want to have all of this money tied up in court cases. Their comes a point when we in Congress have to prioritize the money that is being spent. All of us feel that the NEA has certain very commendable projects. But there are those few projects that even you, Mr. YATES, admit we do not want to see go to the courts. Therefore, we want to see use of this language to stop that funding which end up in the courts.

Mr. YATES. If the gentleman will yield, I will tell the gentleman that if he is supporting Mr. DANNEMEYER, he is going contra to the purposes that he says he wants, because what will happen as a result of the adoption of the Dannemeyer language, the gentleman's language is that you will have the Helms language as a single standard for the grants.

Let me read what the law is now that would be vitiated by Helms.

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. STEARNS] has expired.

Mr. YATES. Mr. Speaker, I yield myself 1 minute.

The gentleman wanted the average person's wishes considered, and this is what the law says:

> The term obscene means that the average person applying contemporary community standards would find that such project, production, workshop, program, when taken as a whole appealed to the purient interests.

Is that not what the gentleman wants?

Mr. STEARNS. If the gentleman will yield, I like the Helms language better. That is why I am supporting the amendment.

Mr. YATES. There is no use talking to a closed mind.

Mr. STEARNS. If the gentleman will yield, will he not say though that the intent, what we are trying to do is to not have it go to litigation?

Mr. YATES. Who does the gentleman want to judge it then?

Mr. STEARNS. I think we should make the guidelines specific enough so that it does not go to litigation.

Mr. YATES. You do not do that with Helms.

Mr. STEARNS. I think over on this side we feel that it would stop those projects that are debatable, and we would prioritize taxpayers' money.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I am sure that the people who observe the business of this Chamber note that on a semiannual basis the House of Representatives engages in a debate which has gone on for decades if not centuries as to what is obscene. I think it is fair to say that regardless of your partisan stripe on the floor, most if not every Member of Congress objects to the Federal funding, taxpayer funding of obscene material. Whether you are a Democrat or a Republican, you agree with that conclusion.

Second, though one might note that we have some differences of opinion as to what obscenity really is, I would suggest that people in good faith have tried to define this term for many years, including justices of the Supreme Court, with limited success. But the House of Representatives is never daunted in their approach to trying to come up with a new definition, one that is so inclusive, as the previous speaker said, that there can be no doubt in anyone's mind that if something is put before them it is either obscene or it is not obscene. So each year we engage in this debate, redefining the term, trying to get so specific there will never, ever possibly be an exception.

I think everyone realizes that this is a futile effort. Obscenity still is going to be in the eyes of the beholder, and ultimately the decision will have to be made on funding this material when some human takes a look at the work of another human and decides whether or not it fits the definition.

The gentleman from California [Mr. DANNEMEYER] thinks he has a better definition this year. Let me say what I think this gets down to. It is not a question of a definition; it is a question of who is making the judgment. The judgment in this case by the NEA is being made by Mr. Frohnmayer, who I have not met and do not know personally, and those other people who work for the National Endowment for the Arts.

Make no mistake, these people are not appointed by Congress. These people are appointed to this task by the President of the United States, George Bush. They are political appointees of the President. These men and women who decide what is obscene and what will be funded are the choices of the President or their surrogates. They are not the choices of the Democratic leaders in Congress, nor are they the choices of the House of Representatives or the other body. These are in fact the President's appointees who take the language and apply it, and I would suggest that the current language in the authorizing bill is as comprehensive as we can make it. It makes it clear that they are not to approve projects which describe sexual conduct in a patently offensive way. It makes it clear they are not to approve obscenity, but ultimately Mr. Frohnmayer and the other Bush appointees will take this language and apply it to a play, to a book, to a film, to some stage production or whatever it happens to be, and then and there is where the process has broken down. We do not agree with their judgment.

But frankly, let us not try to sit here and redefine obscenity every 6 months or every year. Let us say that the buck must stop in the White House where the appointments are made and the people actually make the decision as to what is obscene and what is not.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Montana, [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, there are a number of questions that have been raised here, and one of the questions that I have is why should I and our wage earners have to pay for offensive material produced with taxpayers' dollars? Why should I have to go to court in order to stop them from using my taxpayer dollars?

With the argument and the attitude that they have, that is Frohnmayer and the, "So sue me", crowd, it looks like it is going to cost our taxpayers more money, and it will come out of their own pockets.

And who decides? Who is going to decide what is obscene material?

In an attempt to service my constituents I thought perhaps a certain number of them would like to see the Mapplethorpe photographs. But before I sent them out, I was wise enough to contact the Postmaster General. I asked him if I could send these materials through the U.S. mail without being brought up for litigation because I was distributing pornographic, obscene material. The response from William Johnson was:

> I would recommend that you contact the Department of Justice for an opinion on whether that agency believes the photographs might constitute a violation of Federal or postal laws.

In other words, the U.S. Postal Department would not tell me if I could send the Mapplethorpe photographs that were funded by taxpayers' dollars through the U.S. mail.

So I contacted the Attorney General. I contacted that Department of Justice. Could they give me an answer? Could they make the decision? Could they clear the way, pave the way for me to send this material through the U.S. mail?

□ 1240

I was seeking an answer so I could serve my constituents. "The Department of Justice cannot provide private legal advice." I did not know that my advice was private legal advice, although I did seek to abide by the law and not violate it, and I did not want to be charged, "While the Department of Justice cannot provide private legal advice of the type you request, that is, advising you of the legality of such a mailing—the Federal codes—criminalize the knowing use of the mails to send or receive obscene materials and child pornography, respectively."

In other words, they could not tell me that I had the clearance to mail this material through the U.S. mail.

Mr. Speaker, the legacy of shame will continue until someday the decent family-oriented people of the United States of America will rip the plaque of liberalism from the walls of the U.S. Congress. They will say, "Stop the doubletalk and our sponsorship of the obscene."

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, this fight really is not just about content restriction of works of art sponsored or subsidized by the NEA. What this really is all about is the elimination of the NEA.

There are small-minded people in and out of Congress who cannot and will not see the benefits that art and culture provide to this great Nation of ours and want to eliminate Federal support of it by eliminating the NEA.

The people of this country know what the NEA has done in its some 25 years of existence; art in every aspect, dance, opera, theater, you name it, has burgeoned in communities large and small throughout this country, but the opponents of the NEA, for reasons small minded at best, want to eliminate it. They fly in the face of the very freedom of expression guaranteed by the first amendment to the Constitution.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield before I take a point of personal privilege?

Mr. WEISS. I am pleased to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I know that small minded is not that heavy a word or an insult. I guess my brain is 3 pounds like yours. Victor Hugo and Lord Byron are the only people I know with 5-pound brains. Einstein was a 3-pounder. So I am about 48 ounces.

Mr. WEISS. Is this coming out of your time or mine?

Mr. DORNAN of California. I know what you meant was view and scope, but I will tell you, I do not think you are small minded, and I think you missed my point. Find out why America hates this Congress. It is because of issues like this, Mr. WEISS. I still like you.

Mr. WEISS. Mr. Speaker, let me get to the point where this legislation differs from last year's. The authorization bill adopted last year had the saving grace of vesting in the courts the power to determine that the material is pornographic.

But in this instance, you would be required to create art content police under JESSE HELMS or WILLIAM DANNEMEYER or somebody, because ultimately somebody has to make a judgment as to what is or is not pornographic. For me, I would rather the courts do it than Mr. HELMS or Mr. DANNEMEYER. The fact is that our society's standards of what is pornographic, what is obscene have changed regularly throughout the years.

In my lifetime and yours, "Ulysses" was banned. It is now accepted classic literature. Obscenity and pornography should not be determined by the politicians.

Stick with the courts.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, this is an agonizing issue. Everybody in this body supports the Constitution.

When you look at these issues, you basically have to interpret the Constitution and the purpose of the Constitution. There is no question that the Constitution assures the rights of freedom of expression and freedom of speech, but one thing for sure the Constitution does not mandate is that the Government should subsidize and pay for one individual's freedom of speech perspective.

Now, we have come down to some issues: Pictures of a crucifix submerged in urine, photographs of women naked spread-eagle, homosexuals engaged in explicit sexual acts, children photographed in erotic sex positions.

What does it come to, folks? The American people are saying maybe we have gone overboard.

Now, we can still debate the fine line of what is the constitutional right of free speech, assembly, and expression, but you cannot deny the issue here, that the taxpayers do not have to pay for this garbage. Very simple to me.

I think I have been all over this issue, and I think I have finally settled in my mind, at least, what my vote from here on out will be. I will continue to abide by and preserve those rights of Americans to have free speech and free expression, but I will be damned if I am going to commit one more penny from my district to pay for this garbage.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am puzzled when Members say that the controversial or objectionable activities that have been funded reflect on the Congress.

I do not think any Member of this body has ever voted on a grant. No Member of this body, to my knowledge, has been responsible for any funding decision. The National Endowment for the Arts, since many years ago, was controlled first by appointees of Ronald Reagan and now by appointees of George Bush, so the issue before us is not whether or not the Endowment has a perfect record.

The gentleman from California and the gentleman from Illinois, in a colloquy, agreed it has about a 99.5 percent perfect record.

There is agreement that some of what they do is inappropriate. I agree with part of what the gentleman from Ohio said. Free speech is one thing, but you do not have a right to have funded everything that you have a right to say.

The question we have is not whether the National Endowment for the Arts is perfect but whether or not the best way to handle it is for Congress to intervene in its day-to-day affairs.

Some of us feel that these difficult decisions are best left to George Bush's appointees, and that is who makes the decision.

People said they are angry at Congress because of these grants. No one in Congress has made a grant. Ronald Reagan appointed people, and they made grants. Then George Bush appointed people, and they made grants. This is a wholly executive decision.

My colleagues on the other side are very angry at the President of their party in this particular instance, and I congratulate them on their nonpartisanship. I think it is admirable that they are prepared to use such harsh language about decisions made by appointees of their Presidents. Mr. Speaker, I caution them in their anger at the decisions made by these Reagan and Bush appointees, in the scorn which they pour on the disregard the Reagan and Bush appointees have shown for their sensibilities in this instance, they should not deviate from good administrative practice.

They have often been the ones who warn us against micromanaging. The issue here is not whether this or that grant is correct, but whether or not Congress must seize control from the Bush administration of this agency, and I do not think they have done that bad a job.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I hope that the conferees are not instructed.

This amendment is an amendment that would be impossible to enforce. It suggests the National Endowment for the Arts cannot fund anything that depicts anything in a patently offensive way. It is an absolutely absurd and unconstitutional standard.

The real question is the National Endowment for the Arts which has functioned so well, has been such an important part of our economy, such an important part of the enormous export of American arts and American leadership in the arts, whether decisions about grants will be made by 535 Members of Congress or whether they will be made by a panel of experts appointed by the President of the United States.

If I were to suggest a group of people who were perhaps the most unsuited by temperament, by training to make decisions about what is art and what is not and what is pornography and what is not and what is artistic expression and what is not, it would be the Members of the Congress.

☐ 1250

We have a lot of important things to do. Making these determinations is not one of them. It is time to stop the nonsense, to leave the decisions in the hands of the National Endowment for the Arts and in the President's appointees and to get on to the real issues that face us, the real concerns about education, about getting our economy started again, but doing the things to make sure that America is preeminent in the world, in our economy and in our standard of living.

This debate is a waste of time. This effort is an effort to have us meddle in an area where we have no ability to make judgments.

Mr. YATES. Mr. Speaker, in the time remaining I should only like to point out to those who have declaimed against the NEA for grants that it has made and have indicated they propose to support the gentleman from California because they think that he offers greater hope that there will no longer be any approval of obscene materials, let me point out what the effect of the Helms language is again.

Let me first say that like the gentleman from Ohio [Mr. TRAFICANT], I despise the obscene works that occasionally crop up in the theater, in the museums and in the paintings and in the photographs.

The question we have to look at, I say to the gentleman from Ohio [Mr. TRAFICANT], is language, as I pointed out before. Which language will reach the result that the gentleman wants and that I want. Will it be the Helms language or will it be last year's language that the authorizing committee submitted to the Congress and which the Congress approved.

Let me read the Helms language. This vitiates the language of last year because it says: "Notwithstanding any other provision of law," it does away with the laws that are on the books. It may even do away with the laws on child pornography. I am not sure of that. But it does away with last year's language.

It says:

> Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, or produce materials that depict or describe, in a patently offensive way, sexual or excretory activities or organs.

Is there anything else that is offensive, other than sexual or excretory activities? If there are, the Helms language does not stop them from being the subject of grants by the NEA. It is a very limited field.

Contrast that with the language that is in the law now. It says:

> We recognize that obscenity is without artistic merit, is not protected speech and shall not be funded.

That is done away with.

> Insure that projects, workshop productions and programs which are determined to be obscene shall receive no funds under this Act.

That is done away with. That is in the present law.

It goes on and says:

> The term obscenity means that the average person applying contemporary community standards would find that such project, production, workshop or program when taken as a whole appeals to prurient interests.

That is done away with.

> 2. Such project, production, workshop or program depicts or describes sexual conduct in a patently offensive way.

I do not know how Helms is different than that, but that is done away with, too. That is what the effect of the Helms language is.

So that if you want what you said you want, you are not going to support Dannemeyer. You are going to support Yates.

Mr. DANNEMEYER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, the problem that we have with the necessity of revisiting this issue again today is because the existing law, although it defines obscenity in the classic Miller definition, also then goes on to provide what the NEA shall use by way of a standard when it acts upon grants that come to it.

The language that is the wiggle room that authorizes those running the NEA is what will be repealed by this motion to instruct that is now pending before the body, and I will read it to be specific.

> Artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

This language that I have just read is the wiggle room whereby under the existing standard the NEA feels they are justified in authorizing and funding the projects that have been able to slip through the prohibition existing in the current law. That is the reason for the necessity of putting this language in the law.

And may I add to my colleague that the phrase, "patently offensive" has been used by the Supreme Court in every major obscenity case decided since 1966. The phrase is in full accord with whatever legal precedent on issues of obscenity and indecency for more than a quarter of a century.

This specific language has been sustained by the U.S. Supreme Court in the case of FCC versus Pacifica, upholding the power of the FCC to enforce its definition of indecency.

I think we should understand where we are. It is one thing for a citizen in this country to produce written material and seek to distribute it on their own nickel, and if they do and if it is obscene they must meet the definition that would be faced in a criminal prosecution; but in the FCC versus Pacifica case that we were talking about, the ability of the Government to regulate indecent language when it is over the radio network that is regulated by the Federal Government, and here we are talking about expending taxpayers' money.

Now, Mr. Frohnmayer, in my judgment, has committed serious errors of judgment heading the NEA, and he ought to be fired; but in our system, even though he is an appointee of President Bush, the buck stops here. We are the stewards of the taxpayers' money in this country. We decide what is to be funded, and I admit there are many serious problems facing this country that we should be debating, but this matter of what is decent in our society is just as important as any other issue facing the American people.

I believe that we will come back to this issue and come back to it until we get it right, namely, that none of the taxpayers' money is going to be used to fund this trash. That is what this whole debate is all about. We are going to have a vote up or down on whether or not we are going to use the language that was adopted in the Senate. It significantly narrows the definition so that hopefully the people running the NEA are going to get the message to cut it out.

So, Mr. Speaker, I ask for an aye vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 135, not voting 12, as follows:

[Roll No. 309]

YEAS—286

Alexander
Allard
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CO)
Carper
Chandler
Chapman
Clement
Coble
Coleman (TX)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Cunningham
Dannemeyer
Darden
Davis
DeLay
Dickinson
Dicks
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Dwyer
Early
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fawell
Fields
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Horn
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kleczka
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Lehman (CA)
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Marlenee
Martin
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison
Murphy
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Olin
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—135

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Aspin
Atkins
AuCoin
Bacchus

Beilenson
Berman
Boehlert
Bonior
Boxer
Brown
Campbell (CA)
Cardin
Carr
Clay
Clinger
Coleman (MO)
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Downey
Durbin
Dymally
Eckart
Edwards (CA)
Engel
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gilman
Gonzalez
Grandy
Green
Hayes (IL)
Hertel
Horton
Houghton
Hoyer
Hughes
Jefferson
Johnston
Jones (GA)
Kildee
Kopetski
Kostmayer
LaFalce
LaRocco
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Machtley
Manton
Markey
Martinez
Matsui
Mazzoli
McDermott
McHugh
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Mrazek
Murtha
Nagle
Nowak
Oakar
Oberstar
Olver
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Rangel
Reed
Richardson
Roybal
Sabo
Sanders
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Stark
Stokes
Studds
Swift
Synar
Torres
Towns
Unsoeld
Vento
Washington
Waters
Waxman
Weiss
Williams
Wolpe
Wyden
Yates

NOT VOTING—12

Callahan
Crane
de la Garza
Edwards (OK)
Hatcher
Holloway
Hopkins
Lewis (CA)
Obey
Pickett
Savage
Slaughter (VA)

□ 1319

Messrs. PAYNE of New Jersey, MARKEY, and DERRICK changed their vote from "yea" to "nay."

Messrs. ESPY, JONTZ, and DICKS changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1320

PARLIAMENTARY INQUIRY

Mr. GINGRICH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Georgia will state his parliamentary inquiry.

Mr. GINGRICH. Mr. Speaker, I wanted to report to the Chair that at 12:36 p.m. the other body sustained the President's veto on unemployment, and I wanted to inquire of the Chair if it would be willing to ask the Rules Committee today to meet and make in order a signable unemployment bill which we would be able to pass this week.

The SPEAKER pro tempore. The Chair will state that that is not a parliamentary inquiry.

REQUEST FOR CONSIDERATION OF THE DOLE-MICHEL UNEMPLOYMENT BILL

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent to bring up the Dole-Michel unemployment bill at this time.

The SPEAKER pro tempore. Under the Speaker's announced guidelines, the Chair will not entertain that request.

PROVIDING FOR CONSIDERATION OF H.R. 3371, OMNIBUS CRIME CONTROL ACT OF 1991

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 247 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 247

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3371) to control and prevent crime, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment recommended by the Committee on the Judiciary, as modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution, as an original bill for the purpose of amendment under the five-minute rule, said substitute, as modified, shall be considered as having been read, and all points of order against said substitute, as modified, are hereby waived. No amendment to said substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report of the Committee on Rules. Where the report specifies consideration of amendments en bloc, then said amendments shall be so considered, and such amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. It shall be in order at any time for the chairman of the Committee on the Judiciary to offer amendments en bloc consisting of amendments, and modifications in the text of any amendment which are germane thereto, printed in part 2 of the report of the Committee on Rules. Such amendments en block shall be considered as having been read and shall be debatable for not to exceed twenty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. All points of order against the amendments en bloc are hereby waived. The original proponents of the amendments en bloc shall have permission to insert statements in the Congressional Record immediately before disposition of the amendments en bloc. Such amendments en bloc shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments in the report of the Committee on Rules are hereby waived. If both amendments numbered 9 and 10 are adopted, only the latter amendment which is adopted shall be considered as finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. In the preparation of the engrossment of H.R. 3371, the Clerk of the House of Representatives is authorized and directed to insert as a new title at the end thereof the text of H.R. 7 as passed by the House on May 8, 1991.

SEC. 3. Upon adoption of this resolution, House Resolution 246 is hereby laid on the table.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During the consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 247 is a modified open rule providing for the consideration of the Omnibus Crime Control Act of 1991.

The rule waives all points of order against consideration of the bill and provides for 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order the Judiciary Committee amendment in the nature of a substitute, as modified by the Ways and Means Committee amendments printed in part 1 of the report of the Committee on Rules, as an original bill for the purposes of amendment under the 5-minute rule. The substitute, as modified, shall be considered as read and all points of order against the substitute, as modified, are waived.

The rule makes in order only the amendments printed in part 2 of the report of the Committee on Rules. The amendments are to be considered only in the order and the manner specified in the report and are considered as read. All points of order against the amendments in the report are waived.

The amendments printed in part 2 of the report are debatable for the period specified in the report, equally divided and controlled by the proponent and opponent. These amendments are not subject to amendment except as specified in the report.

The rule further specifies that amendments numbered 9 and 10, the amendments to be offered by Representatives HYDE and BRYANT relating to funding for habeas corpus litigation, will be considered under king-of-the-hill procedures. Under the king-of-the-hill procedure provided in this rule, both amendments may be considered. If both amendments are adopted, only the last amendment adopted will be reported back to the House.

The rule also makes in order amendments en bloc, if offered by Chairman BROOKS, consisting of amendments printed in part 2 of the report and germane modifications. The en bloc amendments shall be considered as read and are debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. All points of order against the amendments en bloc are waived and the original proponents of the amendments included in an en bloc amendment may insert statements in the CONGRESSIONAL RECORD to appear immediately before the vote on the en bloc amendments. In addition, the en bloc amendments shall not be subject to amendment or to a demand for a division.

At the conclusion of the bill, any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The rule also provides one motion to recommit with or without instructions.

The rule also authorizes and directs the Clerk of the House to insert a new title, during the engrossment of H.R. 3371, consisting of the text of House-passed H.R. 7.

Finally, section 3 of the rule lays on the table House Resolution 246, the rule we reported out last Thursday night.

Mr. Speaker, the Omnibus Crime Control Act of 1991 authorizes $1.2 billion in funding for programs aimed at curbing crime. The bill covers a wide range of anticrime initiatives, with emphasis on drug treatment in prisons, community police patrols, and other provisions that deal with harsher penalties and programs aimed at stopping crimes before they occur.

The bill prohibits the possession or transfer of 13 assault-style semiautomatic weapons and large capacity ammunition feeding devices. In addition, the bill authorizes $100.5 million for the Drug Enforcement Agency as well as $45 million for Border Patrol personnel and $25 million for domestic violence grants.

The bill also reforms Federal habeas corpus and responds to criticisms voiced with respect to the habeas corpus proposals considered in the 101st Congress.

Specifically, the bill establishes a 1-year deadline within which death row petitioners must file habeas corpus petitions in Federal court. The bill also provides for an automatic stay of execution to permit the Federal courts to consider claims in capital cases and to avoid 11-hour petitions to stay executions. In addition, the bill prohibits virtually all second and successive habeas corpus applications in capital cases and removes the current requirement that prisoners under sentence of death obtain a certificate of probable cause in order to appeal from an unfavorable judgement.

Finally, the bill specifies the law to be applied in habeas corpus cases and requires the States to provide competent counsel to indigent prisoners at all stages of capital litigation in State courts.

The habeas corpus language in the bill reflects various recommendations made by the Judicial Conference of the United States, the Powell Committee, the American Bar Association, the National District Attorneys Association, the National Association of Attorneys General, as well as distinguished Federal and State judges.

Mr. Speaker, House Resolution 247 is a fair rule that will expedite consideration of this very important legislation. I urge my colleagues to support the rule and the bill.

□ 1330

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it is with some reluctance that I must forcefully oppose this rule.

I say that because I think the chairman of the Rules Committee, in his dealings with me, and the leadership on both sides, made a good-faith effort to negotiate a fair rule.

But while that effort made significant progress, it came up short. This rule is less than fair.

And that is extremely unfortunate because I would rather avoid these procedural confrontations.

Mr. Speaker, our Republican leader and I both wrote to the chairman of the Rules Committee, and we both submitted statements to the committee urging an open rule.

I moved such a rule and it was predictably rejected on a party line vote.

But we both realized our chances for an open rule were dim given the Rules Committee's request that amendments be filed in advance of our hearing.

And so, as a fallback position, we asked that, at a minimum, amendments be allowed on all the major issues considered in the Judiciary Committee, and beyond that, that Republicans be treated equitably with Democrats, with regard to other amendments made in order.

How did the Rules Committee measure up on these minimal standards? They flunked.

First, on the 10 top priority amendments we submitted to the Rules Committee—an 11th having been taken care of by a Ways and Means Committee amendment—the committee made in order 6 amendments, only 6 of the 11 major issue amendments requested by the President of the United States.

These include the amendments—by Representative HYDE on habeas corpus reform; by Representative GEKAS on the death penalty; three by Representative MCCOLLUM on the exclusionary rule, an Equal Justice Act, and the death penalty for drug kingpins; and one by myself on drug testing in State criminal justice systems.

But even then, the committee decided once again this year, to give unequal treatment to the Hyde habeas corpus reform amendment. My colleagues may recall that last year on the crime bill, this House defeated the first rule on an overwhelming vote of 166 to 258.

That was because the rule was too restrictive, and among other things, denied a vote on the Hyde habeas corpus reform amendment.

The Rules Committee came back with a new rule that finally included the Hyde amendment and the rule easily passed by voice vote. The Hyde amendment went on to pass the House by a resounding margin of 285 to 146, and the House worked its will, as it should.

This year the Rules Committee did not make the same mistake in attempting to torpedo the Hyde habeas corpus reform amendment.

No, this year it made a new and different mistake by first trying to divide the question on the Hyde amendment and thereby force two separate votes.

But not satisfied with that, the Rules Committee went back into session yesterday to report a new rule that would split the Hyde amendment into three separate amendments, offered at different parts of the bill, subject to three separate votes.

The Rules Committee has moved from last year's failed tactic of deny and delete, to this year's tactic of divide and defeat. Well, my colleagues, this kind of subterfuge should not be allowed to stand.

Oh, our colleagues on the majority side will try to tell us that this triple-split ploy was done because the Hyde amendment goes to different parts of the bill.

But that kind of rationalization just doesn't hold water when you look closely at this rule. The fact is that there are seven other amendments which also go to different parts of the bill, and they are not subject to a division of the question.

And not too surprisingly, six of those indivisible amendments are by Democrats, namely, Representatives WAXMAN, STAGGERS, DINGELL, FORD of Michigan, and VOLKMER in two instances.

But then the majority counters that the Hyde amendment is objectionable because it goes to more than one title of the bill.

Well, the same is true of the en bloc amendments of Representatives WAXMAN, STAGGERS and FORD, and GEKAS. So that objection has no validity either.

No, Mr. Speaker, there is no rational or objective reason for denying the Hyde amendment which deals solely with the subject of habeas corpus, from being indivisible. There remains only one explanation, and that is blatant partisan politics.

Mr. Speaker, this rule is also unfair because it does not permit the offering of 4 of our top 10 priority amendments.

All four of those amendments were offered in the Judiciary Committee.

And conservative and moderate Democrats should listen carefully.

These include the McCollum-Schiff amendment on coerced confessions; the gallegly amendment on drug sales to minors; the Gekas Anti-Corruption Act amendment; and the Molinari prior history amendment relating to evidence in sexual assault and child molestation cases.

These are all major issue areas, all important amendments considered in the Judiciary Committee. And yet all are denied consideration under this rule for no apparent reason.

Again, Mr. Speaker, this kind of treatment of the minority and of the President is unfair. These 4 additional amendments from our top 10 priority list, must be included in a new rule.

Finally, Mr. Speaker, we asked that the minority be treated equitably on other amendments compared to the majority.

By that, we did not mean we should have an equal number of amendments, but, that they should be roughly proportionate to the number of amendments offered by both sides of the aisle, but, Mr. Speaker, we were not treated equitably.

This rule makes in order 46 amendments, only 13 or 28 percent by Republicans. The other 33 amendments made in order, or 72 percent, are by Democrats.

This is hard to swallow from a party that is trying to wrap itself in the mantle of fairness in its national political campaigns.

Mr. Speaker, I indicated at the outset that the chairman of the Rules Committee, my good friend for whom I have the greatest of admiration and respect, did make a good-faith effort to negotiate a fair rule with us on the Republican side.

I again want to commend him on making an honorable effort in that direction. But I can only conclude that the effort has fallen far short of anyone's definition of fairness.

And it is on that basis that I must respectfully, yet forcefully, urge the defeat of this rule so that we can come back today with one that makes at least 5 changes—and again, conservative and moderate Democrats should listen carefully—first: The Hyde habeas corpus reform amendment must be restored as one, indivisible amendment, as the 7 other en bloc amendments in this rule are; and second, we must make in order the 4 remaining amendments from our top 10 priority list: McCollum on coerced confessions; Gallegly on drug sales of minors; Gekas on anticorruption; and Molinari on prior history evidence in sexual assault and child molestation cases.

In conclusion, Mr. Speaker, this rule and this bill have been a long time coming. It would be a crime at this point if we did not get things right by failing to provide a fair amendment process on this floor.

The President challenged us back on March 6, to send his violent crime control bill to his desk in 100 days. That was 223 days ago.

And instead of the tough bill the President recommended, we have been presented with something of a wet noodle without full opportunity to change the bill from a pro criminal bill to an effective anti criminal bill that protects the victims of violent crime.

Last year we managed to get a good bill through the House after the first rule was defeated and additional amendments were made in order. But that measure was sent to conference as a tiger shark and came back as an anemic guppy.

That's why we are back here today, just 1 year later, trying to get things right this time. Let's not repeat the failings of the past. Vote down this rule, so that we can learn and build on those mistakes, and send the President that tough antiviolent crime bill he has asked for and which the American people demand.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank our distinguished minority leader on the Committee on Rules for his analysis of this rule. I just want to ask him a question because the gentleman from Illinois [Mr. HYDE] is not here today because of pressing personal matters to advance his amendment. But I think that amendment, as the gentleman said, is very important to every neighborhood in America because its habeas corpus reform is going to keep the jail doors from swinging open and spewing robbers, rapists, and murderers back into the community.

I just want to ask the gentleman if what I heard, if what I think I heard is correct, in that what we have done with the very popular Hyde amendment that the American people want to reform habeas corpus is, the Democratic leadership has divided it now into three parts that are found in three separate sections of the bill, so that they have the habeas corpus itself, the habeas corpus provisions in one section. They have funding for prosecutors in another one, and they have the striking of the Berman language in yet another section, so that they have divided this very, very important provision up in a way that it cannot be coherently debated and voted on with a single vote.

I ask the gentleman, is that right?

Mr. SOLOMON. Mr. Speaker, not only that, but the third part that the gentleman mentioned is subject to a king-of-the-hill operation which means the third part of the Hyde amendment could pass with 300 votes and yet be followed by a Bryant amendment that would supersede it with only 218 votes. That is how bad this rule is.

Mr. HUNTER. Mr. Speaker, if the gentleman would continue to yield, I am reminded of what Scoop Jackson once said with respect to foreign policy, "The best policy in foreign policy is no politics."

I want to remind my friends on the Democratic side of the aisle that while we had young people fighting in the Persian Gulf, we were losing more young people in America, in fact in this city, struck down by gunfire and by criminal acts. It is absolutely imperative to the American people that we have no politics in this bill.

The only way we can achieve a fair bill that is fairly developed and fairly debated is to beat this rule.

I think the gentleman from New York has stated it excellently.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New York is certainly correct in that the Hyde amendment was split up three ways. But the sum of the totals still goes back to the sum of the whole. It is the same amendment. It is only split up in three parts, as it properly should be, to give the Members of this body an opportunity to concentrate as they vote and as they speak on one issue at a time, and not to bog the whole thing down with three different issues.

Mr. Speaker, I yield 5 minutes and 30 seconds to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in opposition to the rule.

There are a number of features of the bill that I find unsatisfactory, unfair, and not in the interest of producing the best product for the House to move into conference with the other body on this all-important legislation.

Among these bad features of the rule are the fact that it does not permit us to debate and vote on one of the most critical issues in contemporary Federal criminal justice. That issue is mandatory minimum sentences.

The Federal judiciary strongly feels that mandatory minimums are fundamentally inconsistent with the sentencing guideline system which we adopted with much fanfare and acclaim just a few years ago, and which is still being fine tuned. The Sentencing Commission, which the Congress established to carry out the new system, agrees.

Many experts, in all three branches of Government, believe we should declare a moratorium on all new mandatory minimums until a fuller study and analysis can be done of the value and effectiveness of the many mandatory minimum sentences which we have enacted in the past few years. The rule does not make in order amendments I offered to let us make a judgment on such a moratorium.

Similarly, the rule does not allow us to offer amendments to improve the habeas corpus reform provisions in the bill. Our only choices is an up-or-down, head-to-head, choice between the provisions of the bill as reported and a radical substitute which would destroy habeas corpus as a redress for Federal constitutional violations in the course of State criminal proceedings.

Important as these issues are, these provisions of the rule, standing alone, would not lead me to vote against the rule.

The matter that does, though far less important from a substantive viewpoint, represents such an outrageous violation of normal rules of parliamentary procedure, not to mention fundamental fairness, that I cannot support the rule.

While the crime bill was being developed in committee, I successfully offered an amendment designed to address the problem of illegal diversion of licit narcotic material into illicit drug traffic.

Under a current Department of Justice [DEA] administrative regulation, U.S. drug-manufacturing firms must acquire 80 percent of their opiate raw materials from either India or Turkey. According to United States State Department and DEA reports, India continues to leak like a sieve—anywhere from 10 to 50 percent of their legal opium production is being diverted to illegal drug traffic, some no doubt bound for our borders.

India refuses to deal with the problem, and our DEA refuses to even begin a formal examination which might lead to eliminating or reducing this reward to India for conduct which should be criticized, not rewarded.

The provision which our committee included in the bill addresses this inaction by directing the Attorney General to reduce the guaranteed share for India. It does not—I repeat, does not—change in any manner or degree the amount of raw materials being imported—this is dictated by demand for the finished product.

An amendment was offered to the Rules Committee by a member of the Committee on Foreign Affairs to strike this provision of our bill. We would have no problem with this amendment being made in order, and I would concede that the Committee on Foreign Affairs shares jurisdiction with us on this matter.

However, the rule does not make in order an amendment to strike.

The rule adopts a self-executing amendment by the Ways and Means Committee to strike our provision. Our provision is stricken by the rule itself, with no opportunity to vote against the amendment to strike, or to offer an amendment to restore the provision in some form.

Under the rule, the Ways and Means Committee not only exercises joint jurisdiction over an internal rule of the Drug Enforcement Administration of the Department of Justice, but exclusive jurisdiction. Even in the case of provisions of a reported bill which are within the exclusive jurisdiction of another committee, the normal and fair practice is to allow an amendment to strike, not a dictatorial, self-executing unilateral elimination of the provision by the rule itself.

For these reasons, I will vote to reject the rule.

Mr. DERRICK. Mr. Speaker, let me just say in response to the gentleman in the well that the Ways and Means provision struck all revenue provisions, and the amendment of the gentleman from New Jersey [Mr. HUGHES] was a revenue provision, and that is why it was struck.

Mr. HUGHES. If the gentleman will yield just briefly, I talked to the Parliamentarian and he tells me that that was remote, that was remote.

Mr. DERRICK. The Senate Finance Committee flagged it as well as the Ways and Means Committee. That is all I can tell the gentleman.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I rise in opposition to the rule for consideration of H.R. 3371, the omnibus crime bill.

This bill is a budget buster. It disregards the need to be conscious of Government spending. Fighting crime is important, but throwing money at our problems doesn't solve them.

There are ways to devise effective programs at lesser costs. We know the problems. We don't need to create any more commissions, conduct any more studies, or devise grant programs where existing programs already fit the need.

I had offered an amendment to the Rules Committee which would have allowed States and localities to use closed military bases and surplus equipment for prison boot camps. It would have provided needed assistance to States at very little cost to the Federal Government.

Instead of this cost-effective program, the bill provides $200 million in grants in 1992, $200 million in 1993, and another $200 million in 1994 for correctional grants to States to establish boot camps. That's $600 million for what could be accomplished for a few million.

I sit on the Appropriations Subcommittee with jurisdiction over the Department of Justice. With the programs authorized in this bill, I see no way that we will be able to fund them next year.

We are making promises to the American people in this bill which we cannot fulfill. We are creating new programs and raising authorization levels for existing programs which we cannot fund. I urge my colleagues to vote against the rule.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I rise in strong opposition to the rule and urge my colleagues to vote against it. We have just gotten some very good ammunition as to parts of this bill, and I assure my friend from New Jersey that we are in the process of drafting amendments to be made in order by the rule to be offered by the minority.

Mr. Speaker, the rule before us today fails to allow some very important amendments offered by Republicans during the consideration of H.R. 3371 by the Committee on the Judiciary.

Crime legislation is a top priority for all of us. It is also, understandably, a matter of great concern to all of our constituents.

Crime legislation is always, by its very nature, controversial. This year's crime bill is no exception. Among those issues which are controversial are habeas corpus, coerced confessions, racial fairness in the imposition of the death penalty, death penalty procedures, new death penalty crimes, and firearms bans. These issues are important to us, to our constituents, to law enforcement officers, to prosecutors and defense attorneys and to President Bush.

Mr. Speaker, controversy is not settled by prohibiting the opportunity to vote for alternative provisions. As you will remember, the modified closed rule for last year's crime bill was defeated on the House floor by a vote of 166 to 258 due to its omission of several key amendments.

This House should be permitted to work its will on this important legislation. To do so requires a new rule, a rule making in order amendments offered by Republicans during consideration in the Committee on the Judiciary. The Members who labored in subcommittee and full committee to bring this bill before us.

The rule before us fails to provide for a single vote on my colleague, Mr.

HYDE's amendment on habeas corpus and instead divides it into three parts—the divide and conquer approach. Also, it did not allow the McCollum-Schiff amendment which seeks a study by the Attorney General on the effect of the Arizona versus Fulminante case involving the erroneous admission of an involuntary statement by the defendant.

The amendment submitted by Mr. GALLEGLY, originally offered by Mr. RAMSTAD before the Judiciary Committee, increases the prison sentences for drug sales to minors, should be made in order, as should be Mr. RAMSTAD's amendment which requires a mandatory life imprisonment sentence for criminals who are convicted for a third time of a violent crime.

Other important, yet omitted, amendments include Mr. GEKAS' amendment expanding Federal jurisdiction over State and local political corruption and voter fraud; Mr. MOORHEAD's amendment treating State drug offenses as qualifying for the Federal armed career criminal statute if that offense would have been punishable by 10 years or more had it been federally prosecuted; Mr. SCHIFF's two funding amendments, one permitting the Bureau of Judicial Assistance to provide grants to Federal agencies and one requiring that at least 25 percent of the special forfeiture fund moneys be dedicated to community-based drug treatment programs. Mr. Speaker, these are provisions that the majority of Americans support.

Mr. Speaker, while the rule does include some key Republican amendments, it does not go far enough. The rule before the body provides for 33 amendments by the majority and only 13 by the minority.

I urge my colleagues to vote to defeat this rule and to require a new rule making in order all Republican amendments previously offered at the Judiciary Committee.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I thank the distinguished gentleman from South Carolina for yielding time to me.

Mr. Speaker, I rise in support of the rule and of the Volkmer amendment.

There is no question, Mr. Speaker, we have a serious crime problem. Banning certain types of guns, however, not only will not solve that problem, but restricting civilian access to certain firearms might actually impede our own police officers' ability to fight crime.

Our domestic firearms manufacturers invest millions of dollars into research and development for example to create accurate weapons that have the lowest potential to harm innocent bystanders. Olympic Firearms developed a special AR-15 which uses .11 caliber bullets that will not penetrate walls, thus protecting individuals in adjacent rooms during a drug raid. The innocent deserve the best protection our American ingenuity can provide. Without a healthy domestic market, Olympic Firearms would not have had the capital to make that investment.

Does this House really want to make our military and law enforcement dependent upon foreign manufacturers?

Ultimately, to curb the scourge of violence, we will have to address the breakdown of the American family, our value system, and how we educate our young. We must fight crime by recognizing that our society has undergone profound economic and demographic change, and that our social and educational institutions haven't kept pace. Unless we act swiftly, we jeopardize America's place as a free and prosperous society and condemn much of a new generation to lives of poverty, despair, and violence.

In this year that we celebrate the 200th anniversary of the signing of the Bill of Rights, let us not dismiss this Nation's freedoms, including the right of law abiding citizens to keep and bear firearms. If we weaken one of the amendments, the whole package is in jeopardy. Passing feel-good legislation at the expense of our Bill of Rights is not something I can do—even in the name of fighting crime.

Mr. Speaker, I urge support of the rule and Mr. VOLKMER'S amendment.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, sometimes Members of this body wonder why the American people become nauseated when they watch Congress at work. This is a good example of why they are worried about what is happening in their Congress.

They are concerned about crime and Congress is trying to figure out ways in which to protect criminals. And this is a good example of it. What we have before us today is a bill and a rule crafted by the liberal antigun, soft-on-crime crowd that has already made it unsafe to walk America's streets. Let me give an example of what is going on here.

I hear, and I will say that it is strictly rumor at this point, but I hear, and the gentleman from New York I think is aware of this, that in order to pass this rule a deal was cut with the liberals that would have somehow a process that will assure that language now in the bill will be stripped out, language which now says that police and military would be limited to seven rounds in their clips. And somehow that language is going to be stripped out so that the Volkmer amendment will have less of a chance of passing. Is that something the gentleman has also heard?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am just hearing that rumor right now, and if that happens, that means that the Volkmer amendment has no chance of passing the House. That means that any Member who represents gunowners, like I do in the Adirondack and the Catskill Mountains, are going to get stuck today if they vote for this rule. That rumor is going around.

Mr. WALKER. What I am a little bit confused by is just exactly how they are going to do that too. When I read through the rule, the only way they can do that is probably with the consent of the chairman of the Judiciary Committee who would have to include it in his en bloc amendments. So I assume that this deal has been cut with the Speaker, that it has been cut with the liberals, that it has been cut with the people who are supposedly carrying the gunowners' position on the floor, and what we are going to have here is a sellout that was a deal cut behind closed doors but now is going to be endorsed under this rule. Is that the gentleman's impression?

Mr. SOLOMON. I will say to the gentleman that is absolutely correct. And the worst part is the Speaker and the chairman of the Rules Committee gave their word that there would be no chicanery in playing around with this issue. It is terribly upsetting to this Member of Congress, I will tell the gentleman.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume just to make a remark before I yield to the next speaker. I remember when I practiced law that folks would come to me that got in trouble and say they fell in with the wrong crowd. It was always that. It kind of reminds me of the way we hear "liberal" thrown around. If they cannot think of anything to blame it on, they blame it on the "liberals." It is kind of running around with the wrong crowd.

□ 1400

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, one other thing, I might say that I have been authorized to say that the gentleman from Missouri [Mr. VOLKMER] is going to support the rule in case there is some question about that.

Mr. SCHUMER. Mr. Speaker, I rise in support of the rule.

Doing a crime bill is a very difficult thing to do, particularly when we seem to have a situation where everything is politicized. The issue to many on that side of the aisle is not making the streets safer but is, rather, having a political issue. We found that on every single issue that we have dealt with.

I think the Committee on Rules has tried to deal fairly with the rule by and large. It is a difficult job, no question about it, and not everyone's amendments are in order, but basically they have tried their best, and I think at least to this Member's satisfaction.

I would like to just talk about the situation brought up by the gentleman from New York and the gentleman from Pennsylvania. Very simply, does anyone in this body believe that clips ought to be limited? No. I do not, to the military and to the police. I do not. I do not think there is a Member on this side of the aisle that does, and I do not think there is a Member on that side of the aisle that does.

And so because the committee and the chairman of this committee want to make ironclad sure, and I think it was sure before, but they want to make sure in an ironclad way that our police are protected, that our armed services are protected, what do the gentleman from Pennsylvania and the gentleman from New York say? They say they should not do it. That is not debating the issues on the merits.

If I have ever seen a situation where politics has prevailed, this is the situation.

Again, does anyone in this body believe that we should limit the military in terms of the number of clips that they have, that we should limit the number of police in terms of the clips they have? No. They have an amendment to make that crystal clear, which is now opposed by the other side.

If we want to debate these issues on the merits, we should. If we care about preventing the little old lady from being hit over the head, then we should have a rule that allows a clear debate on the rule.

My point is simply that there is a great debate in this Chamber over whether we should ban 13 assault weapons or not. That deserves to be heard on the merits. That deserves to be heard so that people who are for banning these assault weapons can vote yes, and people who are against banning assault weapons should vote no.

What the gentleman from New York and the gentleman from Pennsylvania are saying is they do not want a clear vote on that, that they rather want to let the police and military be pawns in their game so that they will not have an up-or-down vote.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, my reading of the bill where you wrote the assault weapons provision indicates that your bill does provide the limitation on the clips to the police and the military.

Does the gentleman not think he should admit he made a mistake?

Mr. SCHUMER. Reclaiming my time, the way I read the bill, it does not limit police and does not limit the military. But some on the other side claim that it did and, therefore, all we are doing is making it crystal clear. Stop using the police, stop using the military, stop using our law enforcement as a pawn in your very Machiavellian game.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, we have just heard a tirade from someone who is running full-speed reverse from provisions that he wrote in his own bill, and because his own bill will not withstand the scrutiny of what it covers and who it applies to, now, he is trying to wiggle out of what he did by blaming us for his support of the modification.

If that is not twisted logic and twisted reasoning, I do not know what it is, and it is beneath the dignity of the House of Representatives.

All too often, a vote on procedure dictates the outcome of substance, and this is clearly true in the case of this rule. If this rule is adopted, as it has been submitted by the Committee on Rules, there will not be clear up-or-down votes on the issue of whether the police and the military are exempt from the assault-weapons clip ban, on habeas corpus, on the exclusionary rule, on the use of prior confessions and all of the other major issues.

All we are asking for is to give us a clear up-or-down vote so that we can debate the issue, make a reasoned judgment, and stand on our voting records to the American people.

An "aye" vote on this rule prevents those kinds of votes from taking place. That is why this rule ought to be defeated.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say once again that the gentleman from Missouri [Mr. VOLKMER] is going to vote for the rule, in case anyone did not hear me the first time.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to command the gentleman from South Carolina. He is now one of the leaders of the Democrat Party. I think that he offers a ray of hope with his stand on tax and trade, but he also shows something as a leader when he gives a Democrat who opposes the rule an opportunity to say why.

I was told earlier here that as a sheriff, even though I had some amendments, does not necessarily mean that a sheriff should be writing the crime bill.

Let me say this to the Members: One of the problems in America is we have had crime bills written by lawyers, with lawyers, of lawyers, for lawyers, and that is one of the reasons the country is going to hell.

The gentleman from Illinois [Mr. HYDE], whether we agree with him or not, has been a leader on a very important issue in this Congress. The wisdom should have been to let the gentleman from Illinois [Mr. HYDE] come forward, place his issue before the American people, debate that issue, and vote on it up or down, not play around.

I am upset with this bill because this bill supposedly deals with the death penalty, capital punishment. But there is not one provision in here to help mom and dad at home.

This bill leaves it up to the States once again, leaves it in the hands of bleeding-heart liberals who have basically passed open season on innocent victims in many of our States.

I had an amendment that said. "Look, let us reduce some of those law enforcement funds to those States that do not enact the death penalty for first-degree murder," protecting mom and dad, but, no, we cannot do that. I said, "Well, let us make it a capital offense, a Federal crime, and expand the statute for first-degree murder, put a new division in in each district court with a prosecutor to handle capital cases, a judge to handle capital cases," but no.

Then we have another element in this bill that is sickening to me as a sheriff. Many of these felons are being released from prison, and when they get convicted, they look right at a witness and say, "When I get out of here, I am going to kill you," and when they are released, they go and kill them.

I wanted a provision that would cause for a notice to be made to interested parties, witnesses, people who testified against these felons. "Cannot do that."

Mr. Speaker, the bottom line is we have got a hell of a mess on our hands.

□ 1410

In my opinion, the Congress cannot pass a bill because the Congress is not dealing yet with the issues, and the American people are fed up with us. They are not worried about the bank. They are not worried about the restaurant. They do not know what they are worried about. They are just upset with the way we are governing.

Let me say this as far as the gentleman from Illinois [Mr. HYDE] is concerned, the way I feel today Congress cannot govern by suppression. This should be word to the wise around here.

When you have Democrats as well as Republicans question the way this place is run, important bills of the House should be brought out under an open rule.

Let me say one thing. I have great respect for all the chairmen, then when I offered my Buy American bill with a criminal penalty for affixing a fraudulent label on an import, I was told, "That's Ways and Means."

Well, damn it, if the gentleman from Florida [Mr. GIBBONS] and the gentleman from Illinois [Mr. ROSTENKOWSKI] are going to write all the laws, you are going to support it, I am not.

I am tired of saying that it is Ways and Means jurisdiction. Then when I go to Ways and Means, they say, "It's the crime committee's jurisdiction."

This is a Democrat that is upset, damn it. I am opposed to the rule. I want the rule defeated. I would like to see it go back and be brought back out on the floor and get everybody's initiative a chance to be voted on.

Mr. SOLOMON. Mr. Speaker, we have heard from a number of irate Democrats who were gagged by this rule. Let me yield to another irate Democrat who was gagged by this rule.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, this is the first time in 9 years I have ever risen to speak against a rule in this House. I do it because I offered an amendment to this crime bill which I considered to be very important, to make it a Federal crime to possess or discharge an illegal firearm in a Federal housing project.

Why did I offer this amendment? Because the mayor of Chicago came to meet with the Illinois delegation and said, and I quote him, "The worst slums in the city of Chicago are owned by the Federal Government."

Let me tell you what the statistics are. In the city of Chicago in Federal public housing projects, one innocent person is shot at every day. One innocent person is injured by a firearm every week, and one innocent person is killed by a firearm every month, and it is not just a big-city problem. It is not just New York and Chicago. It is Evergreen Terrace in Springfield, IL, and it is a problem across the Nation.

If we do not rid our Federal housing projects of these gun-wielding gangs, we condemn the innocent people living there to a life of terror and violence.

Now, I do not know who decided this amendment was not important enough to be debated, whether it was the Rules Committee, the Judiciary Committee, or the gun lobby, but I will tell you this: If Congress does not have the time or the inclination to clean up crime in Federal housing projects that we own, we have no reason to believe we can pass a law which will reduce crime across the Nation.

Mr. DERRICK. Let me say, Mr. Speaker, the reason, although the amendment of the gentleman from Illinois [Mr. DURBIN] is certainly very meritorious, this is a crime bill. It is not a gun bill. The Rules Committee tried its best not to load it down with all these amendments; not to say that it is not meritorious, but that is why it was not made in order.

Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, it is customary when speaking on a rule bringing a major bill to the floor to thank the Committee on Rules for taking this action. In the case of this rule, however, the Committee on Rules and its chairman, Mr. MOAKLEY, deserve special credit. H.R. 3371, the Omnibus Crime Control Act of 1991, is a complex and multifaceted piece of legislation which embodies some of the most emotional—and yet most essential—issues to come before this body during this session of Congress for this reason, it is not surprising that over 100 proposed amendments were presented to the Committee on Rules for its consideration.

Mr. Speaker, I am particularly grateful to the Rules Committee for bringing forward this rule because it skillfully balances two goals: First, it provides the Members ample opportunity to debate and work their will on all of the major issues contained within this legislation. Nobody is being foreclosed from being heard on a major point of contention, and nobody's rights on these major issues are being violated. There will be votes on these issues; and in some cases there will be multiple opportunities for the Members to shape the final product by making their collective judgment known.

At the same time, the rule before us also serves the goal of allowing us to proceed through consideration of H.R. 3371 expeditiously. It incorporates authority for the consideration of minor or noncontroversial amendments en bloc. This provision, coupled with a collective agreement by the Members to move at a steady pace through this bill's many provisions, will enable us to advance this worthwhile piece of legislation and get on with other pressing issues coming before this body.

I commend the committee for their hard and judicious work, and urge support for the rule.

Mr. SOLOMON. Mr. Speaker, the gentleman from South Carolina just said this is not a gun bill. Here are 20 pages of this bill dealing with firearms, with 22 sections, and the gentleman himself is amending 1 section of this gun bill.

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a former district attorney.

Mr. SCHIFF. Mr. Speaker, it is with some reluctance, certainly, that I say I oppose the rule.

I have an amendment allowed under the rule which permits me to address the Bureau of Justice Assistance grants to State and local governments. Under the bill, the Federal Government would be locked in forever at a 75-percent share of all seed-money grants. My bill would keep 75 percent, but under the current law, which is a temporary measure so Congress could look at whether it can afford to grant 75 percent.

I offered two other amendments which deal with the Justice Department which were not accepted by the Rules Committee, and although I think they are important I would not oppose the rule simply because my proposed amendments were not accepted by the Rules Committee. I do understand they cannot accept everything.

Nevertheless, I introduced a fourth amendment which will not be debated on the House floor during this bill, which I think should be.

Specifically, the bill, as written, overrules the U.S. Supreme Court in the Fulminante decision. The U.S. Supreme Court recently ruled that if a statement by a defendant was admitted in error, that the same rule of law would apply to that error as applies to all other errors; that is, a review would be made to determine whether a new trial had to be ordered or whether evidence was so overwhelming of guilt that there was no reason to order a new trial. That is the same standard as every other error that I know of.

Now, the point is that the bill sets another standard. The bill chooses a different standard for a new trial than has been determined by the U.S. Supreme Court.

Mr. Speaker, in my judgment, overruling the U.S. Supreme Court is such a grave and important matter, that the House of Representatives should examine that individually, to determine if the House thinks it knows more about criminal procedure than the U.S. Supreme Court knows.

Because that is not allowed, Mr. Speaker, I urge the rule be rejected.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the rule on H.R. 3371, the Omnibus Crime Control Act. I do so because many, many anticrime amendments were not made in order, including the one I had offered. The Barton amendment would have required every Member of the House of Representatives to be randomly tested for illegal drugs.

More and more Americans are being tested for illegal drugs in their workplace. In fact, the last Congress passed drug-free workplace legislation that mandates every company contracting with the Federal Government to establish a drug-free workplace environment.

It is my opinion that the U.S. House of Representatives should set a positive example in the area of drug testing. Every Member will agree that this Congress needs to reestablish some credibility with the American people, and a drug testing program for the House would be a fair step in that direction.

To my knowledge, I am the only Member of the House that currently has a mandatory drug testing program in place for myself and my staff. It has been in place for over a year, and is paid for out of my personal funds. I might add that no check of mine has bounced in paying for the program. The program has been very successful; I can state without reservation that my office and my staff is totally drug free.

The Barton amendment would require that 10 percent of the House each month be randomly tested for illegal drugs. The test results would be made available to the Member tested and the House Committee on Standards of Official Conduct. Once each Congress, in October of the second session, a public report would be released detailing the results of all tests during that Congress.

Every opinion poll I have seen supports drug testing. Specific polls I have conducted in my district support drug testing for Members of Congress by over 90 percent. The Houston Post conducted a poll of their readers on the Barton amendment, and it was supported by 94 percent of the respondents.

This Congress has voted to require drug testing for millions of American workers. Recently, the House voted to require drug and alcohol tests for an additional 6 million transportation workers. I believe it is time for the House of Representatives to practice what it preaches, and also test overselves.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I also rise to oppose this rule—because I, like many others, am being gagged, not being able to offer an amendment which is very important.

□ 1420

And I must oppose this not only because my amendment is not being offered but also other amendments that have been mentioned before.

In Texas we have a revolving-door prison system caused, in large part, by a Federal judge who is micromanaging our prison system. He dictates how many prisoners per cell, how many feet per cell, cable TV, how many TV sets, temperatures, quality of food, exercise facilities, and so forth and so on. In fact, it is so good in Texas that Henry Lee Lucas, a mass murderer, said in a Houston Chronicle story on October 10 of this year, "It is nice to be in Texas."

Now I would like to come to this floor today and offer several amendments. I would like to offer an amendment that puts prisoners in tents just like our soldiers, or at least allow us to use abandoned Army barracks. But I did not do that. I came with a simple amendment that does a simple thing; that is, it requires States to impose a mandatory work requirement for able-bodied prisoners, otherwise lose Federal funds if they do not impose that type of an amendment.

Correctional officers report that the No. 1 problem they must combat is idleness, which gives inmates time to construct plans of mischief.

The Bureau of Prisons reports that their No. 1 management tool, the best way to combat idleness, is the requirement to work.

If you look at some of the precedents, criminal history records, implemented in 1988 and enforced in 1992, States must be computerizing records of criminal histories by 1992; HIV tests for arrestees, administrative revocation of licenses and so forth and so on.

So there are plenty of precedents. But I say to my colleagues this rule should be defeated. I say particularly to my colleagues from Texas, if you vote for this rule you are voting against a mandatory work requirement that begins to put common sense back into the Texas prison system.

Mr. SOLOMON. Mr. Speaker, the next speaker is a young woman who was denied one of the most important amendments to be offered on this floor, the gentlewoman from New York, Ms. SUSAN MOLINARI, from Staten Island. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York.

Ms. MOLINARI. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, we were in a courtroom in New York when the following evidence was presented: In the case of People versus Sanchez, the defendant began taking photos of his first victim. When she refused to permit him to photo her in the nude, he forced her into a bathtub where he raped her and where he sodomized her.

Then he forced her to sign a consent form used by professional photographers.

It was also considered relevant, in that courtroom in New York, to explain that the defendant was also charged with approaching a second victim on the street, telling her that he was a professional photographer. He accompanied her to her house, ordered her to disrobe in the bathroom, threatening to kill her if she did not succumb to rape and sodomy.

She threw rubbing alcohol in his face and she got away. The defendant's conviction of rape and sodomy, in the first case, was reversed because of the introduction of evidence of the second attempted rape, considered prejudicial by the appellate court.

The court, functioning under current statute, ruled that the cases were not similar enough to allow for the introduction of the second charge.

Current statute has served to place criminals back on the streets to rape again, in the name of protecting the criminal, not the rights of the victims, not the rights of the future victims. Under current statute, many of these victims are children because this statute also applies to child molestation.

My amendment would change the presumption for Federal rules of evidence so that when a defendant is on trial for sexual assault or child molestation, evidence that the defendants may have committed other offenses with similar circumstances would be admissible.

Why not, my colleagues? It would still be up to a judge to rule that it would be relevant.

Why not, my colleagues? Only in these two charges would we extend these Federal rules of evidence, two charges, where there are no witnesses and no corroboration and where there is a record of repeat offending.

The National Institute of Mental Health says child molesters molest children 117 times in their lifetime. How could you not?

This Nation has been riveted to their TV's as the other Chamber deliberated the charges of sexual harassment. My colleagues were appropriately concerned that this issue had not been aired enough.

Mr. Speaker, how do you then come before this floor and say that the issues of sexual abuse and child molestation are not even important enough to debate in this well?

Mr. SOLOMON. Mr. Speaker, I yield the remaining time to the gentleman most hurt by this rule, a man who would make a great Supreme Court justice himself, the gentleman from Illinois, the Honorable HENRY HYDE.

The SPEAKER Pro tempore (Mr. MCNULTY). The gentleman from Illinois [Mr. HYDE] is recognized for up to 2½ minutes.

Mr. HYDE. I thank the Speaker, and I thank my dear friend from New York. Mr. Speaker, the prospect of going through a confirmation hearing is chilling, I must say, I decline the honor, but I thank you for nominating me.

My friends, if you were to ask your folks back home what are the two or three biggest issues confronting them, crime would surely be one. It is really appealling, and I say this more in sorrow than in anger, that we are capsulizing into such a short time discussions, debate, and determinations of so many important issues.

Habeas corpus reform, something that I am interested in, under this rule they have generously given us 30 minutes. That is 15 minutes per side to talk about Teague versus Lane, the Batson case, deference to State judgments, the whole process of habeas corpus up and down the State system, direct appeal, collateral appeal, Federal appeal; 15 minutes to discuss a major reform on the issue of crime.

I cannot escape the notion that Mr. TRAFICANT had it exactly right. I identify and relate to what Mr. TRAFICANT said and the way he said it. I think this is really outrageous. This is a seminal, critical issue, and it is being trivialized by being encapsulated into just 15 minutes. I am just speaking about habeas corpus.

There are other issues; the Berman amendment, really, would take half a day to discuss properly. The Racial Justice Act, or whatever this week's title is for that, the notion that you can apportion the death penalty by statistics. We cannot do that in a few minutes. And yet the chairman wants to finish by tomorrow evening for some reason or other. Well, whatever it is, I am sure it is a good one. But this subject takes time to discuss properly, and we should not deal with this as a triviality, as something we can just race through and hope that we have solved the problems.

Let me just say, finally, what happens on the floor is important, but, folks, watch the conference committee, where the real action will be.

Last year we passed a strong crime bill. When it got to the conference, it came back eviscerated, emasculated. It was, as I said, that it left here as Arnold Schwarzenegger and came back as Woody Allen. I am trying to think of some other names to use this year when it happens again, but, watch the conference committee.

Mr. SOLOMON. Mr. Speaker, in yielding back the balance of my time, let me note that we are going to be here until Christmas; let us vote down the rule and we will have plenty of time to debate these important issues.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for up to 3½ minutes.

Mr. DERRICK. Mr. Speaker, I was interested in the gentleman from Illinois' [Mr. HYDE] comment about Arnold Schwarzenegger. I think that that is possibly part of what the problem is here today, that there are a lot of people out there who think they are Arnold Schwarzenegger, think they are Terminator No. 1, 2, or 3. You know, most of the streets in this country today make the "Gun Fight at O.K. Corral" or Dodge City back in the last century look rather tame.

What I cannot figure out is why we think people, the average guy in this country, needs an assault weapon. You know, I, like everyone, just about, in this House, support the ownership of firearms for protection, the ownership for sporting purposes, but why we need assault weapons is beyond me.

We are the most violent country in the world. Assault weapons have become almost the weapon of choice in this country for committing crimes. They overpower our police officers. They have better equipment than our police officers do.

One of the former speakers was certainly correct when they said there were some 20 pages in the bill dealing with firearms. But I might suggest to you that about 90 percent of those 20 pages came directly from the White House on the arms business.

□ 1430

But anyway, be that as it may, habeas corpus is one thing that I have heard, and I say to the gentleman from Illinois [Mr. HYDE], "I'm sure you have, Mr. HYDE, for most of your career," that people are disgusted with the length of time that appeals take; as my colleagues know, 8 or 10 years. I mean it is ridiculous, and what we have done, tried to do, in the bill that is before the House is to limit that time substantially by putting provisions in, the limitation of the number of petitions, and the time the statute runs, and so forth and so on, and I think it is very positive. And I think that this bill that is before the House is not everything I want. Obviously it is not everything my colleagues want. But it is certainly a good middle course to start in the direction that we both would like.

Now, as to the matter of this rule and to the fairness of it, let me tell my colleagues that the Committee on Rules made 46 amendments in order. We had presented to us 110 amendments, and we made 48 amendments in order.

I regret to tell the gentleman from Texas [Mr. BROOKS] that I doubt very seriously we are going to get through with this bill tomorrow night because in this rule there are 13 hours of voting time—13 hours of voting time. That is how much time we are going to be on this floor just to accommodate the amount of time needed for votes.

Mr. Speaker, as far as I am concerned, and there may be those who disagree, I think that most major amendments to this bill were made in order by the Committee on Rules. I understand that maybe there are a few in the House that do not think it was proper that we split up the amendment of the gentleman from Illinois [Mr. HYDE], but our position on that and my position on that is that we really define the issues much closer by splitting that up on the Hyde amendment than we would have done if we had just left it in one large amendment to go, and we would not have given the Members of this body an opportunity to focus on the three different issues that came forth in the Hyde amendment.

Mr. Speaker, this is a good rule. There is no one that is going to ever agree with a rule completely or a bill completely that is this controversial and covers this wide a range of subjects, but I want to remind my colleagues, when they say this rule is unfair, that we had 48 amendments that were made in order by the Committee on Rules, and I ask my colleagues to support this rule.

Mr. MICHEL. Mr. Speaker, I rise in opposition of the rule on the crime bill.

I do so on behalf of the millions of American citizens who desire tough efficient action on crime, not tender, loving care for criminals.

If Republicans were in control of this body, the crime bill would be considered under an open rule with days of debate instead of hours.

We wouldn't have self-executing rules.

We wouldn't protect all amendments from divisions save the most important, the Hyde amendment.

This rule is too clever by half. It is the latest in a long line of rules to protect the majority party from tough votes but leave the American public with a weak bill.

The power to craft a rule is the legislative power to destroy free and open debate. The majority has clearly abused that power in this case.

A Republican crime bill rule would allow all amendments: the McCollum-Schiff amendment on coerced confessions; the Gekas amendment on anticorruption; the Molinari amendment on prior history of sexual abuse or child molestation; the Barton amendment on drug testing for Members; and the Gallegly amendment on drug sales to minors.

Mr. Speaker, fraud is defined as "intentional perversion of truth" in order to gain a desired end.

Under such a definition, any crime bill that lacks some of these Republican provisions is a fraud.

A weak crime bill will be like sending law enforcement officials into the mean streets with blanks in their weapon, broken handcuffs, and fancy liberal rhetoric to combat hardened criminals.

A weak crime bill will turn its back on the victims of crimes and their families.

Mr. Speaker, the American people are dialing 911—let's answer the call.

I urge defeat of this rule.

Mr. RAMSTAD. Mr. Speaker, I rise in opposition to the rule.

Last week, I testified before the Rules Committee in support of the three time loser amendment, which would target repeat offenders of violent crimes—the 6 percent of criminals who commit 70 percent of all crimes in America. I was sorely disappointed that this committee of 13 individuals did not see the need for my amendment.

Mr. Speaker, as a result of lenient sentencing, American prisons are becoming temporary way stations for violent criminals. A study by the Bureau of Justice Statistics reveals that, of 108,580 persons released from prisons in 1983, 63 percent were rearrested for a felony or serious misdemeanor, 47 percent were reconvicted, and 41 percent were returned to prison within a period of 3 years.

What's worse is the fact that these repeat offenders are among the most violent and dangerous criminals around. For example, released rapists were 11 times more likely than other offenders to be rearrested for rape, and released murderers were 5 times more likely than other offenders to be rearrested for homicide.

These statistics make one thing clear: Our criminal justice system needs to target violent recidivist offenders. Currently, the U.S. Code provides the sentence—life imprisonment without release—for those who are convicted three times for a serious drug offense. Surprisingly, however, there is no such sentence for those who commit crimes of violence.

That is where my amendment came in. It would have included crimes of violence, which we narrowly defined as those crimes which use, attempt to use, or threaten to use physical force against another person, or involve a substantial risk that physical force against another person may be used. In addition, such crimes would have to carry a term of imprisonment of 10 years or more under Federal or State law. So, you can see this amendment would have applied only to the most serious crimes of violence by three-time repeat offenders.

Because of the urgent need for my amendment, I was disappointed that the rules committee would not allow me to offer it on the floor. After all, I did offer the amendment in committee and revised it to meet the concerns of some committee members, a similar amendment with language vaguer than mine was included in the Senate crime bill, and, as we speak, rapists, murderers, and other violent criminals are committing more and more serious offenses.

I have found that I am not alone. The rule omits a number of vital amendments offered by Republicans, including a study on the impact of coerced confession decisions, increased prison sentences for drug sales to minors, the use of prior history into evidence in sexual assault and child molestation cases, and others.

Crime affects all Americans, and it shouldn't be made into a partisan issue. But that is what the majority on the rules committee has done, and for that reason, I will vote against the rule and urge my colleagues to do the same.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 193, not voting 7, as follows:

[Roll No. 310]

YEAS—233

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Berman
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sarpalius
Sawyer
Scheuer
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—193

Allard
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Browder
Bunning
Burton
Byron
Camp
Campbell (CA)
Campbell (CO)
Carr
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Durbin
Edwards (OK)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Horton
Houghton
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Murphy
Myers
Nichols
Nussle
Oxley
Packard
Parker
Patterson
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Callahan
Goodling
Holloway
Hopkins
Lewis (CA)
Savage
Slaughter (VA)

□ 1452

Mr. HAYES of Louisiana and Mrs. BYRON changed their vote from "yea" to "nay."

Mr. YATES changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Resolution 247.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

OMNIBUS CRIME CONTROL ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 247 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3371.

□ 1455

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3371) to control and prevent crime, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 1 hour, and the gentleman from Illinois [Mr. HYDE] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, no duty of government is more fundamental to the preservation of a civilized society than is the criminal justice system. Just as it is a primary responsibility of government to protect us from foreign aggressors, it is no less essential for government to assure our citizens that they will be safe in their communities, homes, schools, and their streets.

Historically, the role of the Federal Government has been to deal directly with those aspects of criminal activity interstate or international in character, and to provide a support role in those matters that were local in character. This we have done in 1984, 1986, 1988, and 1990. This is the fifth major crime bill in 7 years. In turn, the front line troops in combating day-to-day crime have traditionally been the criminal justice units of our State and local governments—law enforcement officers, the judiciary, and corrections officials. This division of responsibility is as appropriate as it is practical, for the units of government best able to respond to criminal activity are those closest to the people.

Mr. Chairman, H.R. 3371, the Omnibus Crime Control Act of 1991, remains faithful to the federalist principle developed over the years while ushering in a new era of developing innovative responses to the criminal activities that plague our Nation.

During this Congress alone, the committee's subcommittees held 20 days of hearings on matters which eventually were incorporated as provisions of H.R. 3371. At markup, some 106 amendments were considered; and of those, 60 were adopted.

A great deal of the credit for this bill belongs to the chairman of the Crime and Criminal Justice Subcommittee, the gentleman from New York [Mr. SCHUMER], who has looked for responsive and innovative solutions to make a new and real beginning in stemming crime. Other valuable contributions have been made by the Subcommittee on Civil and Constitutional Rights, chaired by the gentleman from California, [Mr. EDWARDS] and the Subcommittee on Intellectual Property and Judicial Administration, chaired by the gentleman from New Jersey, [Mr. HUGHES]. My subcommittee also considered matters which were included in this bill. This bill also has been shaped by the spirited debate and substantive contributions of all the members of the committee.

H.R. 3371 contains major new initiatives both to fight and prevent the kinds of crime that most directly affect our constituents in their daily lives. This is what Americans are clamoring for—and not just the biennial rhetoric coming from the Congress that we are being "tougher on crime." I would like briefly to mention several of those initiatives:

The bill would authorize Federal support we need to put more policemen back on the beat, where they can serve as a link to the community and a visible demonstration of the community's law enforcement effort.

The bill provides assistance to local school districts that are most severly impacted by crime and violence, in order to make those schools real environments for learning, and to reduce drug- and gang-related activities in the schools.

The bill also strikes out at the plague of new crimes by repeat offenders by developing mandatory drug treatment for prisoners. It will assure that by 1995 every Federal prisoner with a substance abuse problem will have the opportunity to receive treatment.

The bill also takes steps to assist the victims of crime, and rightly so. It amends the Victims of Crime Act of 1984 to, among other things, more efficiently distribute resources to crime victims and provide for steady increases in the amounts available to crime victim compensation programs.

The bill makes a multipronged attack on white collar crime and includes a comprehensive insurance fraud provision.

In addition to these new steps—which do not appear in either the President's bill or the Senate-Passed bill—H.R. 3371 also makes several other fundamental changes: The bill significantly expands the number of Federal crimes punishable by death. The bill makes sure that the longstanding rule against coerced confessions will not be subverted. The bill includes the Habeas Corpus Revision Act of 1991, streamlining, reforming, and limiting current habeas corpus procedures in order to eliminate unnecessary delay between the imposition of a sentence of death and the administration of that sentence.

Mr. Chairman, all of us in this body are united in our desire to seek the most effective Federal response to the onslaught of crime that afflicts our streets and neighborhoods, no less than our corporate boardrooms. As this debate continues, it is my hope that the Members will proceed with confidence in the good faith and sincerity of those who hold views different from their own. If we can achieve that, we will, in the end, fashion a crime bill that will serve our citizens well.

Mr. Chairman, I reserve the balance of my time.

□ 1500

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, according to a majority of the chief legal and law enforcement officers of this country, any crime reform effort will be incomplete unless it includes meaningful reform of the Federal habeas corpus process. The reform that is endorsed by a majority of the State Attorneys General of the United States is the habeas corpus amendment that I will offer in due course.

The unnecessary delay and repetitious litigation that is permitted under current law and the need for meaningful Federal habeas corpus reform is best illustrated by examining the case of Robert Alton Harris and the effect that the bill of the Committee on the Judiciary would have on his situation.

The facts of the case are as follows: On July 5, 1978, as part of a planned bank robbery in California, Robert Alton Harris and his brother commandeered a green Ford LTD in which two high school sophomores, John Mayeski, age 15, and Michael Baker, age 16, were eating hamburgers in a parking lot. They were going to use this car in a planned robbery. Harris forced the boys to drive to a deserted canyon and then he brutally shot both teenagers several times. He purposely chased one of the boys down, shooting him four times as the teenager crouched and screamed.

After leaving the scene of the murder, Harris finished devouring the boys' half-eaten hamburgers and laughed at his brother for not having the nerve to join him in the murders.

In 1979 Alton was convicted and sentenced to death for the brutal murders of two California teenagers. His conviction and sentence became final October 5, 1981.

Under current law—current law—despite the fact that Harris has confessed seven times, filed eight State habeas petitions, three Federal habeas petitions, he is still able to challenge his conviction and sentence through Federal habeas petitions. And under the Judiciary bill, the one that is offered by the majority party and chairman, here is what Alton would be entitled to.

First, he is entitled to bring one or more claims under the Berman amendment, whether or not any of the claims have been previously raised or litigated in State court. For example, although Harris have never raised a claim under Batson versus Kentucky, concerning the exclusion of jurors, he would be given 1 year to raise a new challenge or challenges to his sentence.

In order to rebut a Batson type claim, the prosecutor would be forced to remember 12 years after the fact why he struck certain members of the jury for racial or for invidious reasons. Any not only the jury, the grand jury too, before that, were there any invidious racial motives in striking certain members of the jury?

Needless to say with the passage of time and the absence or decay of evidence, it is more than likely that Harris and other convicted murderers on death row would have their sentences vacated, not because they could prevail on the merits but because the evidence to rebut the claim is not available anymore.

Second, he would be entitled to bring an additional claim under the Fairness in Death Sentencing Act. Even though Harris already brought this claim and lost, he would be able to raise it again under the act. The last time this issue was litigated in California, it took 3 years, cost over $1 million. The issue was resolved by the Supreme Court's ruling in McCleskey versus Kemp, that statistical studies are incapable of proving race bias due to the infinite number of important variables in the capital sentencing process. But the bill presented to us by the Committee on the Judiciary reverses this and says in effect. "You can prove race bias by statistics alone."

Third, Mr. Alton Harris would be entitled to bring an additional claim for the application of judicially created new rules to his case. The Edwards habeas proposal overturns the Supreme Court case of Teague versus Lane, which is currently the law of the land.

I repeat, the bill that we are being offered by the majority party reverses the case of Teague versus Lane, which is currently the law to allow a person like Harris to get additional rounds of Federal litigation based on rules that would not be applied under current law and were not even in existence at the time he originally litigated his case.

If habeas reform means shorten the delays, we are going in the other direction with the majority bill.

Fourth, he would be entitled to bring new claims based on the failure of his attorneys to adequately represent him in his case, even though he had two of the finest criminal defense lawyers in California. Under the majority proposal, which I call the Edwards proposal, he would still be entitled to litigate the issue of competency of counsel. If he argued that the attorneys representing him failed to meet standards established by statute in the criminal defense bar, the State court findings would be thrown out and the entire process started anew in the Federal court.

I am not through under the majority bill. Fifth, he would be entitled to bring new claims to challenge the validity of the sentence. He could repeatedly raise any new claim to challenge the validity of his sentence which rejects the central reform of the Powell committee, set up by the Justices to study this problem that successive petitions be limited to the guilt or innocence of the defendant.

The Committee on the Judiciary bill would entitle this convicted murderer to a minimum of five new claims, probably more, to challenge his conviction and sentence. The Committee on the Judiciary bill which includes the Edwards habeas title, the Berman amendment, and the Fairness in Death Sentencing Act is weaker than current law. It is simply antideath penalty legislation masquerading as habeas reform.

□ 1510

One has to ask who is the real victim here, is it Robert Alton Harris, the convicted murderer sitting on death row and eagerly awaiting the passage of this bill, or is it the families and the victims of his brutal murders? How long do we have to keep the families of the victims waiting for justice to be done? Thirteen years after this ruthless crime was committed, there is still no end in sight, and if the majority bill becomes law, there is no telling how much longer these abuses are going to continue.

With every additional round of added litigation, the families of the victims of these inhuman killings relive their suffering and their loss.

There is another part of the amendment that I am going to offer which is real habeas corpus reform and which is supported by the attorneys general and most of the States attorneys in a bipartisan fashion around the country. That is the full and fair adjudication standard of review. This provision has been the subject of all kinds of disinformation and misinformation. It is very simply a rule of deference. It merely avoids relitigation where a State court has reasonably and fairly determined the matter.

When the State has not done so, for example, a disregard of Supreme Court precedent, the Federal court can set the State court ruling aside. This is absolutely not a standard to foreclose Federal review, although all of the "Dear Colleague" letters say so. But it is carefully crafted to preserve Federal review.

My amendment, which will be offered in due course, and for which we have 15 minutes to discuss, provides for deference in Federal habeas corpus proceedings to State court adjudications of prisoners' claims where the Federal habeas court determined that the State court used both constitutionally adequate procedures and reached a substantively reasonable resolution of the crime.

Language was added to the amendment as it passed the Senate to clearly define the full and fair adjudication standard as including a determination of procedural fairness as well as requiring determination on the merits. That is a reasonable application of Federal constitutional law, and this decision, this ruling is made by the Federal court. So we do not foreclose Federal jurisdiction. You bring your habeas petition to the Federal court, but the Federal court decides whether to give deference to the State court's findings of law and fact and procedure, if they were full and fair. The Federal judge makes that decision.

There are so many other things that I could say about the bill and really there is not time. The majority bill allows convicted murderers on death row to delay for a full year the time for applying for Federal habeas corpus, double the 6 months or 180-day limit approved by this House last year in H.R. 5269. It also allows prisoners in noncapital cases to apply for Federal habeas corpus without any limitation of time. The retroactivity is set aside. The majority bill, the Brooks bill, the Edwards bill is a step backward from existing law. It adds further delay, further confusion, and compounds an already dangerously absurd situation.

Real habeas reform will be found in the Hyde amendment supported by the overwhelming majority of the law enforcement and attorneys general and State attorneys in this country, and I am sure you have heard from them, and I hope Members will give it their full consideration.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. EDWARDS], chairman of the subcommittee.

Mr. EDWARDS of California. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, the gentleman from Illinois, the ranking minority member of my subcommittee, and a very cooperative member, failed to point out that very few responsible organizations or people support the concept of "full and fair adjudication," which is the heart of the Hyde proposal for habeas corpus.

He also failed to say that the real purpose of the Hyde amendment is to destroy habeas corpus, to take away this venerable right of America that was in English law long before the Magna Carta, and which is embedded in our Constitution.

The heart of the Hyde amendment is "full and fair adjudication," and there is no precedent for saying that it means anything but procedural compliance. A Federal judge cannot accept under the Hyde amendment a petition in habeas corpus if the State proceeding was "full and fair." But full and fair means only procedural fairness.

More importantly, and we are going to debate all three of these important items and vote on each one, I do not quite understand why the gentleman from Illinois [Mr. HYDE], wants to lump them all together. But the only right way is the way the Rules Committee arranged it so that we are going to have a debate and a vote on each of the three controversial issues that the gentleman from Illinois [Mr. HYDE] describes.

However, he sort of slipped over one thing. He said this Hyde amendment has so much support. It does not have any support to speak of, except the Department of Justice and a few prosecutors back home who really do not want to have their work reviewed by anybody. A recent study indicates that 40 percent of these appeals to a Federal court from a State court in habeas corpus are found faulty, and they have to go back for reexamination.

Last, the gentleman from Illinois said that this amendment of his has so much support. The Judicial Conference of the United States, and that is a pretty distinguished group of people, already voted against full and fair, which is the heart of the Hyde amendment. Justice Rehnquist, and there is a kneejerk liberal for you, he made it very clear in his May 1990 speech that full and fair is something that he does not want any part of. Current and former State court justices and State bar associations have come out for what the gentleman from Illinois describes as the Edwards proposal, the American Bar Association proposal, actually, and State bars in California, Colorado, Florida, Illinois, Mr. HYDE, your own State bar, rejects the Hyde proposal, rejects it, as do numerous other State bar associations as well.

Mr. HYDE. Mr. Chairman, I yield myself 1½ minutes just to respond to my friend from California, and he is my friend, but he just says so many things that are not so.

It is true that the Judicial Conference was unhappy with the full and fair standard until we offered an amendment which covers more than just procedural reasonableness, as the gentleman said. I am surprised he does not know that the amendment that we are offering not only includes a procedural requirement that the Federal law was constitutionally applied, but the law cannot be arbitrarily or unreasonably interpreted or applied, and the facts cannot be arbitrarily or unreasonably determined, as well as the procedure must be reasonable. So the gentleman is wrong in that regard.

He made another categorical statement, and I am surprised again at my friend. I have in my hand, famous last words, a letter in support of my amendment signed by 30 attorneys general across our country. So when the gentleman says nobody supports it, he has just obliterated the legal departments of 30 States.

I agree that my own attorney general does not, but he is a liberal Democrat. He is on your side, and more is the pity. But do not say nobody supports it when the majority of attorneys general across our country do.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, the bill that the Judiciary Committee fashioned through its overleaning majority bears no resemblance to the work that has been done by the last several Congresses.

For example, the Senate of the United States recently passed a comprehensive crime bill which included substantially those provisions which the President offered with respect to habeas corpus, the death penalty and other salient provisions of such a comprehensive bill.

□ 1520

But the bill that was fashioned by the Democratic majority in the Committee on the Judiciary leans heavily toward the protection of the individual who is convicted of murder.

Let me give the Members some examples: First of all, the original bill, as fashioned by the President and which we want to bring back to the consciousness of the House through the amendments that we want to offer, is totally different than the substantive notions upon which the death penalty can be set.

For instance, the bill that is before us says that the death penalty by and large must be relegated to only those killings which come about with an intent to kill, but we say, of course, an intent to kill should give the jury the right to impose the death penalty.

But we also say that when an actor, a defendant, acts with reckless disregard or with reckless indifference to life in the actions that he takes like a drive-by killing where an automobile zooms by a particular corner and somebody starts shooting out the window of that car pellmell into a crowd standing on that corner and one or more persons are killed, we believe even though that defendant can say, "I did not intend to kill anybody; I just shot into a crowd. I did not intend to kill anyone"; we believe that that should be dismissed by a jury and if he acted in reckless disregard of life, then that individual should be just as subject to the possibility of the death penalty than one who pointed the gun at a specific target and shot to kill.

That is an outstanding difference that we have between the bill as it is presented and the notion that we want to carry with the amendments that we are going to offer at a later point.

Why is that substantial? Because last year's bill rested on that very same point, and the majority then, the same Democratic liberally controlled majority and the Committee on the Judiciary, put up a bill without this reckless disregard quotient about which I speak. We then fought the entire battle last year on that point. We prevailed.

The majority of the House, as did the Senate, felt that the age-old concept of reckless behavior that amounts practically to intentional killing should be included as an option for a jury when they are determining whether or not to apply the death penalty.

Here we are again, but here is a significant difference that proves our point by the exception that the majority put in their bill. They knew that we on our side last year stressed this drive-by killing which I just described to you. So what did they do?

As a sop to us, to say that they are thinking the same way we are, they put in a provision that says a drive-by killing that results in a death should be considered by a jury as to whether or not the death penalty should be inflicted.

What does that mean? It means they drew it so narrowly in order to say, "See, we are thinking like you are," that if the individual who is driving that car steps out of that car, parks the car, steps a few feet from the car and then fires into this crowd, he would not be subject to the death penalty under the provisions that the majority Democrats in the Committee on the Judiciary imposed on this bill.

So the answer is to impose our standard. Our standard is that when an individual does act in reckless disregard of life and shoots indiscriminately or does other things in reckless disregard of life, then the jury shall have the option under the proper guidelines for bringing in the death penalty in those cases. That is a substantial difference.

If for any reason you feel that the majority bill is adequate, you should reject it on that basis alone. That is an important element of what we are trying to demonstrate should be included in any capital punishment legislation.

I ask the Members to support, when the time comes, the Gekas amendment which will make that abundantly clear and bring justice to the death penalty in Federal prosecutions.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER], the chairman of the Subcommittee on Crime.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding me this time.

First, Mr. Chairman, I want to salute the chairman of our full committee and my colleague, the gentleman from California [Mr. EDWARDS], as well as the gentleman from New Jersey [Mr. HUGHES] and so many others who worked so hard on this bill.

It is a bill we can be proud of. It is a tough bill. It is a strong bill. It is a bill that really tries to deal with the issue of crime rather than the issue of political posturing.

For a long time, Mr. Chairman, we have focused on punishing the criminal, and that is correct. We now have very tough penalties on the books.

This bill augments some of them, but we have not focused on preventing the crime from happening, not way back in the sociological depths, but preventing that little old lady from being hit over the head, preventing the kid from being assaulted, preventing the automobile from being stolen. We have done very little of that, and the public knows it.

We have had a tough Republican administration for now since 1980. The crime rate has risen up and up and up, so there must be something wrong with what we are doing. What we are trying to do in this bill is reverse Federal policy to some extent, a process that I hope will continue over the future years.

Because, Mr. Chairman, I feel, we all feel, the anguish of our constituents about crime. They are crying out to us, "Do something. Do something real." They are tired of the ideological debates.

They know that exclusionary rule, habeas corpus, and Federal death penalty affect only 3 percent of Federal crimes and do nothing at the State and local levels where the vast majority of crimes occur. They know that the idea of whether an appeal can be limited to 1 year or 90 days, it has some merit way up there in the heavens, but it does not make a darn bit of difference to making our streets safer. They know that there are real things that can be done. Perhaps they are not ideological. Perhaps they do not make a good 30-second commercial in a Presidential campaign, but they do the real job.

In our bill we have numerous provisions for the first time that do that. We are going to aid localities to put the cop back on the street where he and she belong, get them out of those patrol cars, and let them walk the beat or go on the beats in scooters so they can really prevent crime.

We are going to mandate drug treatment in the prisons so that, indeed, when prisoners get out of prison they do not commit another crime again because, finally, they are drug-free.

We had good programs that do this in little corners of America. This bill spreads them around and lets them work.

We are going to deal with intermediate sanctions so that juveniles who destroy property and hurt people are not just brushed off by the criminal justice system because it is too busy with the adult criminals, but, instead, are given real punishment so that they know that the system has teeth.

These are measures, my colleagues, that prevent crime. We are not going to hear much debate on them today. They are not those hot-button issues that we hear about in all the debates, but they will do a lot more than habeas corpus, death penalty, and exclusionary rule, the three pillars of the President's bill.

On those provisions, I would say that we have crafted a tough bill. We have written death-penalty provisions. I am for the death penalty. So are a majority of our committee. We think certainly we want to make sure you do not want to make a mistake in this, the ultimate punishment, but we have a very tough and strong death-penalty provision.

Again, we go through the game of one-up-manship. "Well, you have this, so we have that." That is not the real issue here. You know it, and I know it, my colleagues.

The issue is: Are we doing something real to end crime? The issue is: Are we going to allow people to have a campaign statement, or are we finally going to reduce the anguish of our citizens in doing something that Democrats and Republicans feel alike is government's legitimate purpose?

This bill goes a long way to doing that. Members can vote for this crime bill and have the opportunity to say that they voted for a tough anticrime package for politics' sake, but that they also voted for a tough anticrime package on substance's sake so that they can sincerely answer that anguish of their constituents about the spiraling crime rate.

Mr. Chairman, this is a good bill. It is a tough, tough bill. It is a strong bill that any Member can be proud of.

Please, let us forget the politics right now and finally roll up our sleeves and get on to the business of actually making our citizens safer instead of scoring political points for the 1992 campaign.

□ 1520

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, yesterday I had the opportunity to attend a ceremony in which President Bush dedicated the National Law Enforcement Officers Memorial just a few short blocks from here where 12,561 names appear on the wall of granite honoring those fallen officers, both male and female, since the inception of this country who paid the ultimate price in protecting us against felons throughout this country.

I was moved, as I think all of us were, with the words that President Bush said when he talked to the survivors of those police officers, the children, the widows, the parents of those who had lost their lives. He made the point about a strong crime bill, not a procrime bill of the kind that came out of the Judiciary Committee, but a strong crime bill that included habeas corpus reform, included a strong death penalty provision, included the exclusionary rule exception for good faith searches.

He asked those survivors and those police officers who came from 50 States to dedicate that fine memorial, to talk to the Members of Congress who he knew would be debating and voting on this important bill to emphasize how important the memory of these fallen officers is to a strong provision dealing with the crime bill.

I am disappointed, as I think most of us at least on this side of the aisle are, with the product of the Judiciary Committee. Many of these issues have been before this House, many of them have been adopted at one time or another, including the amendment of the gentleman from Illinois [Mr. HYDE] on habeas corpus and that somehow found their way into the trash basket after a conference committee report.

I think we can do better. We can do better with the amendments that are going to be offered. I ask for support of those amendments and for a strong crime bill.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I thank the distinguished gentleman from Texas for yielding this time to me, and congratulate him on his, I think, very substantial contributions, making this a very good initiative, as well as my colleague, the gentleman from New York [Mr. SCHUMER], the chairman of the combined Crime and Criminal Justice Subcommittee, my colleague, the gentleman from California [Mr. EDWARDS], and the gentleman from Michigan [Mr. CONYERS] and others who contributed much to this bill.

The Omnibus Crime Control Act of 1991 deals comprehensively with our crime and drug problem in the United States. It has tough penalty provisions that will deter and punish criminal offenders. It will also provide necessary resources to the law enforcement community and for programs that offer the hope of breaking the vicious cycle of crime. I am confident that the Omnibus Crime Control Act of 1991 will fortify us in our fight against crime and I rise today in support of this legislation which contains many important features.

First, the death penalty will again be available in the federal system to combat crime. The bill expands the use of capital punishment for 48 serious Federal crimes including espionage, treason, contract murder, the slaying of protected witnesses, and for murder of the President, among other offenses.

Because the death penalty is an important deterrent, we must be certain that only those who intend to kill are sentenced to death. I have an amendment to assure that the death penalty serves this intended purpose.

Second, we make major improvements in our habeas corpus procedures. The bill limits the appeals which State prisoners on death row can file and streamlines the habeas corpus process. At the same time, the bill preserves, as we must, the fundamental right to file a writ of habeas corpus. By contrast, the Hyde amendment substitute would destroy the essential right of death row inmates to have their convictions reviewed by a Federal court, the so-called fair, full, but wrong determination by courts in the State system.

Let me pause here, Mr. Chairman. I do not think there is any provision of the bill more important than habeas corpus, and we need to reform it. It is disgraceful that these appeals go up time and again for 14 or 15 years. You can reform it without destroying it, and that is what we are trying to do in the bill.

Third, the bill provides needed funding for boot camps, intermediate sanctions, drug treatment, antidrug anticrime education, and other programs that will help lead our youth away from a life of crime, drugs, violence, and squander. We face a budget crisis and Federal moneys are scarce. Consequently, I have a proposal to use criminal forfeiture funds to support these important programs.

Fourth, the Judiciary Committee rejected, and thus the bill does not contain, numerous unreasonable mandatory minimum sentences without regard to the Federal sentencing guidelines. A more effective approach is to work within the guidelines. When we find that the guidelines are too low for a particular offense or circumstance, we should legislatively direct the sentencing commission to increase the guidelines, and they will follow our direction.

Finally, the bill respects the critical role of the States in fighting crime. The Federal Government is not all-powerful. It does not prosecute street crime. We can not and should not attempt to take over the crime control functions of the States.

We have all been terrorized by criminals in our society. The Omnibus Crime Control Act will help us take back the streets. I urge my colleagues to support this vital effort.

Mr. Chairman, let me just say something else. Like my colleague, the gentleman from Ohio, I was there yesterday when we dedicated the Law Enforcement Memorial, and let me tell you, I also heard some of the statements that were made about the crime bill. One of the things that was suggested was that the President indicated that we should in fact make it a Federal offense to kill police officers in the line of duty. That is the law of the land when police officers are killed in the line of duty.

The President also indicated to the police officers and the victims and the witnesses who were assembled that we should make a mandatory 10-year prison term for using a semiautomatic weapon, an assault weapon, in the commission of a violent offense or drug-related offense. It is in the bill.

Now, I wish my colleagues would lower the rhetoric and talk about the substance of the bill. Much of what is in this bill came right from the President's crime package, and it is reasonable for us to debate the differences on habeas corpus and the exclusionary rule and all the other hot button items as has been suggested, capital punishment and the rest; but the fact remains that that is not where the battle is going to be won. The provisions in this bill that deal with intermediate sanctions that try to reach young people coming into the system with minor offenses the first time, instead of the fifth time, when they were serious offenses, will make all the difference in the world. I do not ever remember losing a case in the 10 years that I prosecuted cases involving the exclusionary rule.

The bill addresses those provisions. It will make a difference.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. Chairman, will the gentleman yield briefly to me?

Mr. MOORHEAD. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend for yielding to me.

Mr. Chairman, in response to the distinguished gentleman from New Jersey who just spoke, for whom I have the highest admiration, he said something that I really must take issue with. He talked about the deference on full and fair adjudication which is in my bill and certainly not in the bill that the gentleman supports.

I would just like to read from a letter signed by the attorney general of the gentleman's State of New Jersey. It says:

> (a) a standard of federal court review which defers to full and fair adjudication by state courts and respects the integrity of state court processes.

This is something we support.

> Importantly, the full and fair standard would not bar federal habeas review but would merely avoid federal relitigation of those issues already reasonably and fairly resolved in state court.

So I do not want to emasculate this. We want to keep Federal habeas corpus viable. We want to make it work. We want to reform it, not ruin it, and I thank the gentleman for yielding to me.

Mr. HUGHES. Mr. Chairman, will the gentleman from California yield to me?

Mr. MOORHEAD. I really do not have too much time, if the gentleman will yield further time to me.

Mr. HYDE. Mr. Chairman, I yield another minute and a half to the gentleman from California, if the gentleman will yield to the gentleman from New Jersey.

□ 1540

Mr. HUGHES. Mr. Chairman, I have the greatest respect, let me just say that I have the greatest respect for Bob Del Tufo our attorney general, but he is absolutely wrong. Now let me just tell you that I have a letter from the chief justice.

Mr. HYDE. And the other 29 attorneys general?

Mr. HUGHES. Mr. Chairman, I have a letter from the former chief justice of our court, Richard Hughes, who tells me just diametrically the opposite of what our attorney general suggests. And Chief Justice Hughes indicated to me, and I will be happy to supply it for the record, that a fair and full adjudication would destroy the habeas corpus process.

Mr. MOORHEAD. Mr. Chairman, on a recent weekend there were seven murders right here in the city of Washington, DC. In the paper yesterday it told about a woman less than a mile from the Capitol executed in the street.

In my own district, every time a crack house is closed up, it seems to move only a few doors away and opens up again. As the debate over the crime bill moves forward in this Chamber, it is abundantly clear that we need to enact tough Federal laws to punish more effectively violent criminals and drug traffickers. So far the Congress has not been able to hit the point.

We have passed a law to build, but we have not done anything that effectively stops the drug traffic and crime running rampant in our streets.

I was pleased to be one of the original cosponsors of H.R. 1400, which addresses issues of great significance; habeas corpus procedures, death penalty litigation, alternatives to the exclusionary rule, obstruction of justice, gangs and juvenile offenders, increased penalties for firearms use, sexual violence and child abuse, equal justice for victims rights, deportation proceedings of illegal aliens, increased penalties for immigration document fraud.

Mr. Chairman, the President's crime bill is a reasonable approach.

Now I know the bill that is before us has some of the recommendations of the President's crime bill. But unfortunately it has been watered down too much, so that its effectiveness will just not be there.

There are many amendments that should have been able to be brought up during the debate on this bill that have been closed out, that cannot be, and for that reason we are going to still be continuing with this same problem.

Our prison systems are overburdened, and Federal inmate populations are expected to increase even more. Today the bureau's population is approximately 27 percent non-U.S. citizens, a 600-percent increase since 1980. We have to streamline the deportation process of illegal aliens convicted of felonies, while still retaining procedural due process.

Street gangs are widely recognized as a major element in our Nation's pattern of violent crime. The gang problem in Los Angeles is exacerbated by a loophole. There have been 561 gang-related homicides reported throughout Los Angeles in the past 9 months. In the majority of these instances, the gang members who pulled the trigger had an extensive criminal history record. I wanted an amendment to be adopted here that was supported by the Federal Department of Justice which would make an habitual criminal any person who has had a penalty of three consecutive felony convictions where the penalty in any area could have been 10 years, would give him an extra 30 years and keep him off the streets.

Unfortunately that amendment was not adopted.

Some are saying that that 10-year period is already in the law. But in some States, like California, it will give a 5-year sentence where other places have it at 10. Let us be fair, let us get the law fixed up so that we could take care of the crime problem.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS], a distinguished member of the Committee on the Judiciary and also chairman of the Committee on Government Operations.

Mr. CONYERS. I thank the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], and commend the subcommittee chairman for the work that they have done on a very important and controversial bill.

Mr. Chairman, I come to the well feeling that there is one part of this bill that, if we can preserve and get into the Federal law, that we will be doing as much as we can in 1991 to have an important contribution made, and it is called fairness in death sentencing.

Only yesterday I was able to meet and talk with relatives of a person who was executed 2 weeks ago, Warren McCluskey. His sisters, two of them, were here on Capitol Hill. They were here because he was executed because he is one of the persons that the death sentence was imposed because of the race of the defendant.

Mr. Chairman, we can all agree that no one should be executed under a death sentence imposed because of race. Unfortunately recent studies have confirmed, that in some jurisdictions the single most important factor in determining whether a person receives a death sentence is either the race of the victim or the race of defendant. We cannot allow this situation to continue.

The fairness in death sentencing provision of this crime bill is one of the most important civil rights issues that you will have an opportunity to support in this Congress. This provision would make it unlawful to execute someone whose death sentence is the product of racial discrimination. Contrary to what you will hear during debate on a substitute amendment, it will not end the death penalty.

The fairness in death sentencing provision would merely allow courts to consider statistics of a consistent pattern of racial discriminatory death sentencing in determining whether a defendant's death sentence is influenced by racial factors. This is based on the same premise we have work on in virtually all civil rights bills, that is that discrimination is now sophisticated. Rarely, will prosecutors, judges, and jurors admit purposeful discrimination. Therefore we allow the use of comprehensive statistics to establish a prima facie case of racial discrimination, just as we have done in title VII of the Civil Rights Act of 1964 and in the Voting Rights Act.

If a defendant can meet the heavy burden of demonstrating that at the time the death sentence was imposed, race was statistically a significant factor in imposing the death sentence, than an inference that a sentence was based on race is established. The State then has the opportunity to show that the sentence was the product of nonracial aggravating factors, or that the statistics on pattern to apply to this particular case.

You will hear a number of specious argument by opponents of this provision. The one used most often is that once an inference of racial discrimination has been established, it is virtually impossible for a prosecutor to rebut the inference of discrimination. This is wrong. A State merely has to rebut the evidence by a preponderance of the evidence—as opposed to clear and convincing. Second, the bill does not limit the grounds on which the State may rebut a statistical inference of race discrimination:

First, the State can show that the sentence does not fall within the statistical pattern because of the existence of nonracial factors aggravating factors or prior records of the offenders.

Second, the State could show that the evidence of statewide pattern is irrelevant and that the evidence in the local jurisdiction where the sentence was imposed shows no pattern of racial bias in that locality.

The other argument opponents like to use is that the real aim of this bill is to stop the implementation of all death sentences. In reality this provision does not affect the lawfulness of any sentence of death which does not show racial bias. It prohibits only the execution of those specific death sentences that are the product of racial bias. There are jurisdictions where there is no racial pattern to death sentencing. No death sentence in those jurisdictions would be subject to challenge under the act.

Finally, is opponents use same old race-baiting argument that we heard in the debate on the Civil Rights Act of 1991, that act would encourage death sentencing by quotas. This is simply wrong. This provision requires the comparison of similar cases. This means that an overall balance or imbalance in death sentencing is irrelevant. Achieving a certain number or percentage of white death sentences and a certain number or percentage of black death sentences will not bring a State in compliance with the act; instead, such a charging and sentencing process would violate the provision, since the decision would be based on race and not on legitimate factors.

The fairness in death sentencing provision is strongly supported by every major civil rights organization in this country, as well as the American Bar Association.

Mr. MCCOLLUM will offer amendment No. 14 to replace the fairness and death sentencing provision. This is a mischievous amendment that is misleadingly called the Equal Justice Act. It does not seriously address the problem of racial bias in death penalty sentencing that has been documented in numerous studies, several congressional hearings and an independent evaluation by the General Accounting Office.

Frankly, because no hearings have been held on this proposal. I am not sure that anybody knows what this amendment does or how it would work. None of us on the Judiciary Committee have had an opportunity to hear from any witnesses or to ask questions about how this proposal would respond to the problem of racial bias in the criminal justice system.

We can only speculate about the prohibition in the bill on using statistical tests to achieve a specified racial proportion or racial quotas in executions. Nobody in the civil rights community has argued in favor of racial quotas nor has there been any testimony that such a problem exists. I urge you to vote against this amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from California [Mr. PACKARD].

Mr. PACKARD. I thank the gentleman for yielding time to me.

Mr. Chairman, today the House takes up the crime bill. H.R. 3371 is a comprehensive piece of legislation, one which proposes many needed reforms. However, the bill does not go far enough. We need to strengthen Federal criminal law, not weaken it; we must eliminate delays which clog the court system; we must strengthen the punishment so that it fits the increasingly violent wave of crime which threatens this Nation.

Americans are tired of living in fear. They will no longer tolerate a system which gives criminals more rights than the victims of crime. As each day passes, our neighborhoods become more and more like communities under siege. In a struggle for drugs and territory, gangs indiscriminately gun down the innocent caught in their crossfire. Rapists do far too little time in prison for their inexcusable violence against women. Criminals are set free on technicalities that totally ignore the substantive evidence which could convict them.

The judicial system of the United States should assure people that they are protected against those elements of society which choose to disregard the law. Americans should feel safe in their neighborhoods, their homes, and their businesses. They should feel that they have adequate recourse against criminals when they are victimized. Our judicial system must provide them with this protection. Americans should feel that the system is just.

Several key amendments to this legislation will seek to reform the process by which we seek a just remedy when we are wronged. I support efforts to include the Senate-passed restrictions of habeas corpus petitions, in order to decrease the delay in carrying out death sentences as well as to decrease prolonged litigation.

I advocate broadening the existing law with regard to the exclusionary rule. Presently, a conviction can be thrown out for something as simple as a mistake on a search warrant. Criminals are going free because of a loophole exploited by lawyers. I believe the courts should allow admission of evidence by officers if it was obtained in reasonable reliance of a search warrant.

I also support capital punishment for the most serious crimes. During consideration of the 1990 Crime Control Act, I supported a measure to sentence drive-by killers and drug kingpins who are responsible for gangland-style murders to death. As my colleagues know, this is an issue which strikes close to home in California, where these types of crime are on the rise.

I ask that my colleagues support these reforms to strengthen the system and reaffirm American's faith in their judicial process. The Congress must act responsibly to present President Bush with a tough anticrime bill that Americans want and the President will sign.

□ 1550

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman and colleagues, I would like to begin by congratulating the chairmen of the full committee and the subcommittee, and the gentleman from New Jersey [Mr. HUGHES], who was earlier chairman of the subcommittee, in bringing to the committee and to the floor what is truly an excellent and a comprehensive bill, and I hope in the debate on the bill that begins today that people will be fair to this bill and will argue its various provisions with at least some modicum of intellectual integrity. I mean to call this a procrime bill is ridiculous. This is a very tough bill.

Now I recognize that the death penalty and the habeas corpus provisions are going to get most of the attention. With respect to the death penalty let me remind my colleagues that this legislation adds 52 new Federal death penalty offenses, 52, and, with respect to the habeas corpus provisions, this is a major reform in habeas corpus. What the bill provides basically is that a 1-year statute of limitations in which to file a habeas petition begins to run from the time that the State conviction is finalized, with a couple of exceptions, and it also basically limits one to one habeas corpus petition.

Now this is a major, major improvement over current law, and I recognize the gentleman from Illinois [Mr. HYDE] provides a different approach. But let us keep in perspective the fact that we are talking about differences in degree, that this bill, this legislation, contains a major habeas corpus reform.

But most important let us talk about the things that are really going to affect street crime in communities like Omaha and other commnities around the Nation. We understand that 97 percent of street crime is prosecuted in local court, and it is limited with respect to what we here at the Federal level can do. But, as the gentleman from New York [Mr. SCHUMER] and the gentleman from New Jersey [Mr. HUGHES] have indicated, there are a lot of very constructive provisions about this bill that are going to lost, lost in the sound and fury over death penalty and habeas reform, if we are not careful, and let me just mention a couple of those.

One of those provisions is allowing communities to develop programs to test people for drugs upon arrest. Now many, many communities in America, including Omaha, have no program for testing somebody for drugs upon arrest, no program for requiring that abstinence from drug use is a condition of release pending trial, no requirement for making abstinence from drug use a condition of probation. We need test facilities right there in the local court so, when somebody is arrested, we can find out right away if they have a drug problem. The way it works in Omaha right now is somebody can go through the entire system, 5 years, including a year waiting for trial, and 4 years on probation without anyone ever knowing whether they have a drug problem. That does not make sense.

So, there is that and several other very constructive provisions in this bill that are going to help the problem of crime on the streets.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. RIGGS.]

Mr. RIGGS. Mr. Chairman, to my colleagues I rise as one of the few former police officers and a deputy sheriff in this body, having worked the mean streets of California for 6, going on 7, years, having married a female police officer, and having seen my share of violent crime during that time period, and I want to just at the outset say from that perspective, unless we adopt the Hyde and McCollum amendments to H.R. 3371, what we have gotten again is a convoluted, watered-down crime package out of the House Committee on the Judiciary. Allow me, first of all, to share with my colleagues an infamous case from my home State of California and why it establishes the need for sweeping habeas corpus reform.

On July 5, 1978, Robert Alton Harris and his crime partner abducted and brutally murdered two teenagers on the outskirts of San Diego, and then, after accomplishing that crime, proceeded to finish the remainder of the meal that they had purchased at a fast food restaurant, a truly awful crime. Mr. Harris was convicted and sentenced to death in the following year. His conviction on first degree premeditated murder, a capital offense in California, became final in 1981. Yet despite having confessed at least four times to the gruesome murders he committed, Mr. Harris is still able today to challenge his final conviction more than 10 years later, already having filed eight State and three Federal habeas corpus provisions.

Quite simply, the habeas corpus provisions in H.R. 3371 are weak, to say the least. For example, the statute of limitations to file an appeal is twice as long as that contained in the Hyde amendment. H.R. 3371 yields a 12-month period, as opposed to 6. The so-called Fairness in Death Sentencing Act is very misleading. The more one learns about the act, the more one discovers that it is truly one of the greatest possible impediments to meaningful capital punishment reform, and I want to remind my colleagues on the other side of the aisle that once again we stand poised to thwart the will of the American people. Mr. Chairman, over and over national polls have shown us; this is particularly true in California, that the American people support the death penalty. They support the death sentence penalty for a wide variety of capital offenses. In fact, if enacted, this bill would effectively abolish the death penalty because it imposes a burden on the prosecution that is too onerous and places an expense on the taxpayers of this Nation that is too great. Moreover, the Berman amendment to H.R. 3371 would enable death row prisoners to reopen otherwise settled cases by allowing race bias claims to be raised in Federal court.

Mr. Chairman, law-abiding citizens do not care to hear about fairness for murderers coming from this body. What about fairness for victims and the families of crime victims?

I urge my colleagues to support the Hyde and McCollum amendments. I urge my colleagues to show that indeed they are not captives of the liberal special interest groups and stooges for the soft-on-crime crowd.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished subcommittee chairman, the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I appeciate the gentleman from Texas [Mr. BROOKS] yielding this time to me, and let me commend him and the gentleman from New York [Mr. SCHUMER], the gentleman from New Jersey [Mr. HUGHES], the gentleman from California [Mr. MOORHEAD], the gentleman from Illinois [Mr. HYDE], as well as the gentleman from New York [Mr. FISH], who have helped fashion this legislation. I think it is a good piece of work, and I hope that it passes. Let me just try to briefly describe some aspects of it.

Mr. Chairman, this bill helps us fight crime before the crimes are committed. It restricts the availability of assault weapons, and for those of us who live in Louisville and Jefferson County, KY, we well remember just a year ago when an individual using an AK-47 fired upon his former employees at Standard Gravure, killing eight persons and injuring many more. This bill would restrict the access to those weapons.

In addition, it provides safe school zones. It also puts more cops on the beat in a $150 million program so that they could deter crime.

In addition to stopping crime before crime happens, this bill will help us apprehend criminals. We have DNA research in there. We have more drug assistance administration agents, more immigration agents at the border trained in drug apprehension.

Furthermore, in addition to stopping crime before it happens and in apprehending the criminals who commit crimes, the bill also helps punish crimes sternly.

□ 1600

We penalize those who traffic in drugs or are involved in drug-related offenses. It limits habeas corpus appeals. I could limit them more, but this bill does limit them.

It does provide death penalties. I could go further, but it does have additional death penalties. It does ease the exclusionary rule. I could ease it further. But, the bill does ease the rule.

So essentially we have a balanced, multi-faceted bill which I think would add to our arsenal in the war against crime. Later in the day or perhaps tomorrow there will be an amendment offered by my friend, the gentleman from New Mexico [Mr. SCHIFF], to the committee bill. I hope that the House supports the committee bill which makes permanent the 75-25 percent Federal-local match on law enforcement assistance grants.

Mr. HYDE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I just want to explain again what full and fair means so we get this clear. It seems to me one of the problems with habeas corpus, if we want to make it work, is to avoid relitigating the same questions again and again and again.

Now, how do we do that? Well, how we do it is to give deference to the Federal courts to do what the State courts have done if the State courts—and those are the trial court, the appellate court, and the State supreme court—have dealt with the law, with the facts, and with procedure in a full and a fair way. So if the State courts have handled it properly, fully and fairly, then the Federal court, when it moves over on Federal habeas, gives deference to courts' rulings rather than relitigating them.

The people who oppose full and fair want to relitigate the issues again and again and again. That is wrong. That is not reform. The Federal court looks at full and fair. The Federal court makes the determination whether the State court has fully and fairly dealt with the law, the facts, and the procedure, so they do not emasculate Federal habeas corpus, but they let the State courts have credit for what they have done fairly and fully. That is sensible reform of habeas corpus. If you eschew that and you want to relitigate those issues, you may do so, but do not go home and say you are for reform of the criminal process; you are helping the criminals, not the victims.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I rise in support of the passage of the 1991 omnibus crime bill.

We have a crisis in this country and we have an opportunity today to solve this problem.

H.R. 3371 is a tough anticrime bill. It provides for increased penalties for the use of a firearm in commission of a drug-related crime, and tougher, fairer, and more timely sentencing procedures.

The bill also authorizes funds for a variety of crime prevention programs at the State and local levels. The bill further seeks increased oversight of our police forces to stop patterns of unconstitutional conduct or police brutality. Make no mistake, it is tough.

The crime bill includes sections dealing with crimes committed against children, and doubles the penalties for recurring sex offenders.

One of the provisions of the 1991 omnibus crime bill that is especially important to me and to the people I represent is the section relating to criminal street gang activity. I worked very closely with Congressman MEL LEVINE and Chairman CHARLES SCHUMER of the Judiciary Committee to come up with a bill that will send a clear message to criminal street gang members: "You do the crime, you'll do the time!" We have to show these young people that criminal gang activity leads to one of two places, either you end up in jail or you end up in the morgue.

Each year more and more lives are being lost in gang warfare. Even more tragic are the many innocent lives sacrificed in this no-win situation. Every day I pick up the paper or read a letter from one of my constituents, detailing the death of another bystander caught in the crossfire between gangs. So far this year, in Los Angeles County, there have been over 840 drive-by shootings according to the Los Angeles Police Department.

Just in the past month, in my district in California, a schoolbus was rifled with bullets from a drive-by shooting and two girls inside the bus were injured. In other gang-related shootings, 12-year-old Ricardo Escobar died while riding his bike near his home after being shot in the head by a gang member with an assault rifle, and 13-year-old Marco Velasquez was killed after being shot in the back while trying to run away from gang members.

In June of this year another constituent of mine, 19-year-old Army Pvt. Cesar Gardea, who had just come home from serving his country in the Persian Gulf, was killed in a gang-related, drive-by shooting. He was shot at his own homecoming party. It was his first night home, and his last night home. Cesar survived a foreign war, but was killed by the one here, on the home front.

Mr. Chairman, gang violence is not limited to California or New York. You can pick up any paper and read about gang-related crimes in your own state.

The University of Chicago concluded that criminal youth gangs are found in almost all 50 states, including Alaska and Hawaii, and in the District of Columbia and Puerto Rico. Two of the more powerful street gangs, the Crips and Bloods, have spread gang life and violence to other parts of the country in search of fresh drug trafficking markets.

Gangs have turned our neighborhoods and streets into war zones. Before the gulf war, the U.S. Army would send its surgeons and medical teams to train in hospital emergency rooms in Los Angeles, because there the doctors could get 24-hour-a-day experience treating the kind of gunshot wounds normally seen only in battle.

The streets of America should not have to be the training ground for combat doctors. I am tired, and so are my constituents, of these killings. Private Gardea, Ricardo Escobar, and Marco Velasquez all had meaningful lives, but died meaningless deaths.

I know law enforcement is not the complete answer in detering crime, that is why the passage of this crime bill is so crucial. The bill authorizes additional funds for a variety of grant programs that are targeted especially for high-at-risk youth.

Successful grant programs such as DARE, the safe school project, and the Midnight Basketball League would receive additional money under this bill.

But for the tough, hardened gang members, who could care less about whatever innocent individual got in the way, they must be shown, that they are going to pay for their crimes. State and local law enforcement are swamped, overcome by the sheer numbers of the situation.

Mr. Chairman, I urge my fellow colleagues to pass the Omnibus Crime Act of 1991.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I think the best description of this bill is that it is a feel-good bill, a feel-good bill full of empty promises and little if any real reform of the criminal justice system to put teeth in our law and get criminals in jail.

Within the text of this bill, there is $1.2 billion of authorizations for various kinds of criminal justice programs, some good, some not so good. But we all know that under the budget agreement that was passed, to fund these programs we will have to take money out of other discretionary spending, and that is not going to happen in a month of Sundays.

So those who support this piece of legislation will go around the country saying that we have taken care of this problem and taken care of that problem, but they know full well that when the vote comes on the budget next year, there will not be the money to actually send to the communities for things like safe schools, cops on the beat, and what have you. I think that is dishonest because it seems to me that if we are going to be making these promises in the context of this bill, we ought to be prepared to back it up with money, and we know we do not have the money under the budget agreement and the Deficit Reduction Act.

Second, there are very few provisions in this bill that actually improve our criminal justice system, to represent the interests of society rather than the interests of criminal defendants.

We have talked at some lengths and we will talk at greater lengths on issues such as habeas corpus, the exclusionary rule, and the death penalty and the Fulminante decision. In each of these cases the committee bill does not provide the teeth in the system to earn the support of the criminal justice community, our district attorneys, our State attorneys general, our police officers out on the beat, and our deputy sheriffs. I think that is the most ringing indictment, that this bill is really nothing more than a fraud. There are provisions in this bill that attempt to tie the hands of the Supreme Court, something about which my friends on the majority side of the aisle are in increasing disagreement.

On the exclusionary rule, for the first time there will be a move to try to statutorily define what the exclusionary rule is. My friends on the other side of the aisle are against that. The death penalty procedures, as explained by the gentleman from Pennsylvania [Mr. GEKAS] really make it more difficult to execute someone who deserves execution than leaving the law alone, and that is wrong, too.

□ 1610

That is wrong, too. In summation, this bill is merely a continuation of the failed congressional programs since the Omnibus Crime and Safe Streets Act was passed in 1968. It attempts to deal with the problem of crime by throwing money at it rather than changing our criminal justice system so that there is more balance between the rights of criminal defendants and the rights of society and victims on the other side.

We have a chance during the amending process to make this bill a good bill. If we fail to take that chance, to grasp that opportunity, then we will perpetrate another fraud on the American people, just like we did in 1990.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], the assistant majority whip, recently elected and widely acclaimed.

Mrs. KENNELLY. Mr. Chairman, I rise in support of H.R. 3371, the Omnibus Crime Control Act of 1991. I want to draw the attention of my colleagues to section 1706 of the bill which concerns a matter within the jurisdiction of both the Committee on the Judiciary and the Permanent Select Committee on Intelligence.

Section 1706 represents a very narrow and carefully drawn expansion of the Federal Bureau of Investigation's authority to utilize the "national security letter" under the Electronic Communications Privacy Act [ECPA].

ECPA was enacted in 1986 to provide privacy protection to telephone subscriber information and toll billing records. In general, government entities may only have access to this information, without the subscriber's consent, pursuant to a subpoena, court order or search warrant, and only if the information is relevant to a legitimate law enforcement inquiry. ECPA provides an exception for counterintelligence cases, however, which allows the FBI to obtain subscriber information and toll billing records where the FBI certifies in writing to the telephone company that the information sought is relevant to an authorized foreign counterintelligence investigation and the subscriber is believed to be a foreign power or agent of a foreign power.

A national security letter is an extraordinary device which allows the FBI to compel the production of information without the judicial review and association with a criminal investigation normally required by law. Expansion of the reach of the national security letter is not to be undertaken lightly.

Nevertheless, the FBI has made a compelling case to the Judiciarly Subcommittee on Civil and Constitutional Law and to the Intelligence Subcommittee on Legislation which I chair, that the national security letter should be available in cases in which individuals contact suspected foreign intelligence officers or suspected terrorists, or where the substance of the conversation concerns international terrorism or clandestine intelligence activities that may involve spying or an offer of sensitive information protected by law. These conservations in which individuals volunteer to commit espionage are not now covered by the national security letter exception. In fact, the FBI argues it might have been able to prevent the compromise of highly sensitive information given to the Soviets by Ronald Pelton, a former employee of the National Security Agency, if it had had this expanded authority.

The Subcommittee on Legislation has held hearings for the past 2 years on this issue. The FBI did not, however, make a persuasive case that its proposed legislative solution, which would have required phone companies to identify all persons who had been in touch with foreign powers or suspected agents of foreign powers, should be adopted. In my judgment, the FBI's language was too broad and not narrowly focused on its demonstrable needs.

We have worked closely with the Subcommittee on Civil and Constitutional Law to fashion an amendment to ECPA that would addess the legitimate concerns of the FBI in a way that is sensitive to the dangers inherent in the national security letter exception. Chairman EDWARDS and his staff are to be congratulated on their leadership on this issue and their persistence through protracted negotiations over several years.

Section 1706 amends ECPA to allow the FBI to request the name, address, and length of service of a telephone subscriber where the FBI certifies in writing to the telephone company that the telephone service has been used to contact a suspected foreign intelligence officer or suspected terrorist or the circumstances surrounding the conversation indicated that the conversation involved international terrorism or an offer to spy.

Section 1706 is a delicate balance between our desire to give the FBI the means to fight terrorism and espionage and our responsibility to protect individuals from unreasonable intrusion by the government. I assure my colleagues that the Intelligence Committee will continue vigorous oversight of the FBI's use of national security letters.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, while I am pleased that we are finally considering a bill dealing with violent crime, unfortunately, H.R. 3371 will do little to prevent violence, and may, in fact, cause considerable problems for those on the front lines of the war on crime.

I recently contacted the U.S. district attorney of Arizona, Linda Akers, to ask her opinion of the impact of H.R. 3371 on prosecution of cases in the district of Arizona. Besides the normal Federal jurisdiction, the U.S. attorney in Arizona is also responsible for prosecuting offenses occurring on 17 Indian reservations and crimes occurring along the international border between the United States and Mexico. I am including her response to me in the RECORD, because I believe it is especially important that we consider the impact of so-called crime legislation on the real life efforts of law enforcement officials to fight crime where it occurs in our districts.

I recommend Ms. Akers' letter to my colleagues. She presents very compelling arguments against three provisions of H.R. 3371, including title IX, coerced confessions; title XI, habeas corpus; and title XVII, exclusionary rule. For example, instead of the provisions recommended in H.R. 3371 regarding coerced confessions, she supports the Supreme Court's decision in Arizona versus Fulminante, which holds that a conviction should not be reversed on the basis of a constitutional error if it appears beyond a reasonable doubt that the error had no effect on the outcome of the proceedings.

Ms. Akers also endorses much needed reform of the use of the writ of habeas corpus—reform that would limit delay and abuse of the judicial process by convicted felons. I quote from her letter as follows:

> Section 1104 of Title XI adopts a new retroactivity standard in both state and federal cases. As you correctly point out, this new standard would allow offenders to challenge convictions imposed in full conformity with existing law. It will essentially eliminate finality of decisions. This potential for endless litigation will, I believe unduly undermine confidence in our judicial system.

And I will include her entire letter for the RECORD.

Finally, she supports the amendments offered by Mr. MCCOLLUM which would establish a good faith exception to the exclusionary rule, under which a court would admit evidence if it determined that the conduct of law enforcement officers obtaining the evidence was objectively reasonable. As Ms. Akers points out in her letter, describing circumstances involving border agents:

> Agents are required in a split second to make a decision that may be debated through the courts for years. If the agents act in objectively reasonable good faith, what more can we ask of him or her?

Mr. Chairman, in the debate on anticrime legislation, let us not lose sight of the ultimate goal, stopping crime. We must enact legislation which helps, not hinders, our local law enforcement officials in their work towards this goal. I urge my colleagues to support the amendments offered by Mr. HYDE, Mr. MCCOLLUM, and Mr. GEKAS and oppose the amendment of Mr. BERMAN.

U.S. ATTORNEY,
DISTRICT OF ARIZONA,
Phoenix, AZ, October 16, 1991.

HON. JON KYL,
U.S. Representative, Washington, DC.

DEAR CONGRESSMAN KYL: This letter is in response to your request for the impact of three particular provisions of the Crime Bill on cases in the District of Arizona. I will address each issue in the order of your letter.

As you know, the U.S. Attorney in the District of Arizona prosecutes felony offenses occurring on the 17 Indian Reservations within the state as well as crimes occurring along the international border. In this respect, our case load resembles that of a typical county or district attorney's office rather than a typical U.S. Attorney's office. I make this distinction only to emphasize the impact of the Crime Bill provisions on the work of this District.

First, the Crime Bill reported by the House Judiciary Committee contains a provision that admission of a coerced confession shall not be considered harmless error, where a "coerced" confession is defined as any confession elicited in violation of the Fifth or Fourteenth Amendments. As you correctly point out, this provision effectively overturns the Supreme Court's decision in *Arizona v. Fulminante* and applies a different standard of harmless error to involuntary statements than that applied to other claims of constitutional error. Under normal harmless error standards, a conviction is not reversed on the basis of constitutional error if it appears beyond a reasonable doubt that the error has no effect on the outcome of the proceedings. There is no rational reason why a different rule should apply to claims relating to involuntary statements by the defendant.

The practical effect of this "automatic reversal rule" is to overturn the convictions of murderers, child molesters, and drug dealers, among others, even where the independent evidence of guilt is overwhelming, and the Government shows beyond a reasonable doubt that the offender would still have been convicted if the improper admission had not occurred. (Notably, the improper admission is with the approval of the trial judge.) This outcome denies justice to the victims of crime and the innocent public.

In the District of Arizona, our victims and public, include the Indians on our many reservations. Cultural and language differences and a lack of familiarity with the criminal justice system make it difficult for them to understand appellate court reversals. They will be especially perplexed by the idea that the defendant would get a new trial even when the evidence establishes guilt beyond a reasonable doubt and any error could not have affected the outcome. The victim believes that if it is proven that the defendant committed the crime, then a second trial to reestablish guilt is (in their opinion) is a denial of justice. I agree.

You also inquire about the provision in Title XI which would weaken Supreme Court decisions that currently limit delay and abuse of the judicial process by prisoners. Specifically, Section 1102 sets a one-year time limitation for filing habeas corpus petitions in capital cases. As you accurately point out this time frame is more than twice the 180-day period proposed by the Powell Commission and many times greater than that provided for seeking review of criminal judgments in other contexts.

We currently do not have any federal death penalty cases in this District so the impact of these provisions would be felt in Arizona primarily on the state level. I can, however, tell you from personal experience that post conviction review of death penalty cases in the State of Arizona routinely goes on for years and years. During this time, the victim's or victims' surviving family members come to understand the old adage that "justice delayed is justice denied" with painful clarity. Time is jealously considered by survivors as the one thing the defendant by his or her actions denied the victim: time to grow up, time to realize their dreams, time to live and share with their loved ones. As recognized by the Powell Commission, there is no legal reason why errors claimed to have occurred in the trial can not be ferreted out in a much shorter time frame.

Section 1104 of Title XI adopts a new retroactivity standard in both state and federal cases. As you correctly point out, this new standard would allow offenders to challenge convictions imposed in full conformity with existing law. It will essentially eliminate finality of decisions. This potential for endless litigation will, I believe unduly undermine confidence in our judicial system.

The final provision of the Crime Bill that you mention concerns the exclusionary rule in Title XVII. This provision would draw the line at searches involving warrants. As such it would provide a basis for defense arguments that it is impermissible to go any further and that existing decisions recognizing the "good faith" exception in non-warrant cases should accordingly be reconsidered, leading to a narrowing of the admissibility of evidence as compared to current law.

Any narrowing of federal law respecting the exclusionary rule would have a tremendous impact on this District. Motions to exclude evidence are routinely filed in practically every drug case that we prosecute. Many of these cases do not include a warrant, but may include other constitutionally recognized exceptions to the warrant requirement, such as hot pursuit and plain view. If the officer's conduct is objectively reasonable, it should not matter whether he acted pursuant to a warrant or one of the exceptions to the warrant requirement. The rationale expressed in *United States v. Leon*, 468 U.S. 897, 918–20 (1984) applies equally to either situation. Excluding evidence where the officer's conduct is objectively reasonable, "will not further the ends of the exclusionary rule in any appreciable way; for it is painfully apparent that . . . the officer is acting as a reasonable officer would and should act in similar circumstances. Excluding the evidence can in no way affect his future conduct unless it is to make him less willing to do his duty."

An amendment offered by Representative McCollum would establish a general "good faith" exception to the exclusionary rule, under which a Court would admit evidence if it determined that the conduct of officers in carrying out a search and seizure was objectively reasonable. Limiting the "good faith" exception to searches involving warrants will arbitrarily exclude evidence that is currently admissible. We encourage you to support the amendment.

In this District, we work with local agencies to train border agents to ensure that they are familiar with all developments in the law relating to the Fourth Amendment. Nonetheless, circumstances still occur that are not covered by any prior interpretation of the law. Agents are required in a split second to make a decision that may be debated through the courts for years. If the agent acts in objectively reasonable good faith, what more can we ask of him or her?

Sincerely,

LINDA A. AKERS,
U.S. Attorney, District of Arizona.

Mr. Chairman, I rise today in strong support of the Hyde amendment which strikes the weak habeas corpus provisions of H.R. 3371 and inserts instead the strong habeas reform provisions proposed by the President and recently adopted by the Senate.

Both the attorney general of Arizona and the U.S. district attorney of Arizona have told me that the current provisions of the House bill would promote unnecessary delay in the habeas corpus process and result in repetitious litigation of previously settled claims in Federal court. Additionally, these provisions would cause the repeated raising of disputable new claims, especially in death penalty cases. Allowing the reopening of settled or never-raised claims by habeas corpus writs could reopen virtually all of the 103 cases currently on death row in Arizona.

The Hyde amendment would provide real and effective reform to the habeas corpus process, including a full and fair adjudication standard, which would avoid needless relitigation of issues properly resolved at trial, but would not bar Federal habeas review when there was clear disregard for Federal precedent. Additionally, this amendment would establish time limits for filing habeas petitions. This limit would still allow defendants ample time to seek review following the conclusion of proceedings, but would avoid the acute difficulties of proof that currently arise when habeas corpus is sought by a prisoner years or decades after a trial.

I ask my colleagues here today to join me in supporting the only real reform of the Federal habeas corpus process, the Hyde amendment.

Mr. Chairman, I rise today in strong support of the Volkmer-Sensenbrenner amendment to strike needless and ineffective gun control provisions from H.R. 3371.

This bill, which in its current form can be more accurately described as a criminal protection act rather than a crime control act, would ban the sale and manufacture of 13 categories of firearms defined as assault weapons, and would prohibit the possession or transfer of ammunition feeding devices with a capacity of greater than 7 rounds. This isn't crime control, it's gun control, plain and simple. Such measures will not keep criminals from acquiring guns, legally or illegally, but instead will infringe upon the right of law-abiding citizens to own and use such firearms for legitimate sporting purposes as well as self and family protection.

We need to attack the real problem, criminals who use guns in violent offenses. The best approach to the abuse of weapons is stricter penalties for their criminal use. This is why I support tougher penalties for criminals who use guns illegally, such as those contained in the President's crime bill. Mandatory prison terms for violent crimes committed with firearms will deter future criminal activity and help keep our homes and streets safe.

We don't need to control guns of law abiding citizens; we need to deter violent crime and criminals. Let us pass the Volkmer-Sensenbrenner amendment.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. FEIGHAN], a member of the Committee on the Judiciary.

Mr. FEIGHAN. Mr. Chairman, I am proud to stand up today on behalf of the anticrime bill before us. Crafting a crime bill on the eve of a Presidential election year is always a treacherous and thankless task, and I want to commend Mr. SCHUMER, the chairman of the Crime Subcommittee, and Mr. BROOKS, the distinguished Judiciary Committee chairman.

One of the bill's best provisions is perhaps one of the least known—the Anti-Terrorism Act of 1991. Finally, American victims of terrorism will be able to bring civil suits in American Federal courts. The need for this provision was clearly and dramatically demonstrated by the case of the Klinghoffer family. They are currently pursuing a civil judgment against the PLO for the execution of Leon Klinghoffer, a passenger on the ill-fated *Achille Lauro* cruiseliner.

Because this crime violated certain admiralty laws, a Federal court in New York was able to establish jurisdiction. But for the vast majority of such crimes, no civil cause of action exists for American victims of terrorism. With this provision, we offer the opportunities to other American families—like those who lost loved ones in the attack on Pan Am Flight 103—to pursue claims in U.S. courts.

Terrorism against Americans—bombings, hijackings, and taking of hostages—continues to threaten our interests. On the eve of a potential Middle East peace conference, it is essential that we not forget these American families and the continued terrorist acts that threaten any long-term peace.

I want to address three other issues that seem to be causing some controversy. The first has to do with a ban on assault weapons. I cannot for the life of me understand why any single member of this body could rise in opposition to a ban on 13 of the most dangerous weapons in America. Do they really want some one in their neighborhood to carry an AK-47 or a Streetsweeper/Striker 12? Should drug dealers be permitted to walk the streets with guns like the TEC-9, which can fire dozens of rounds a minute?

H.R. 3371 would simply fortify the President's own ban on the importation of assault weapons, and strengthen it by adding several other killing machines. Every hunting rifle in America—including every semi-automatic hunting rifle—is exempt from this bill. If we can again summon the courage to defy the screams and shouts of the National Rifle Association—as we did on May 8 when we passed the Brady bill—we might be able to reduce the blood that is spilled each year at the hands of criminals with assault weapons.

I also want to express my support for the bill's habeas corpus reform procedures, and my opposition to the Hyde habeas amendment. H.R. 3371 strikes a rare balance: It insures that capital defendants are treated fairly while preventing wasteful, repetitive, and frivolous appeals. But the Hyde amendment shoves the Bill of Rights to one side, and fiddles perilously with what our Founding Fathers called the great writ—the writ of habeas corpus. By extending the pale full and fair standard to our entire system, by unnecessarily cutting off habeas petitions after half a year, and by denying death row inmates a right to competent counsel at each stage of the judicial process, the Hyde amendment would weaken our Bill of Rights—even as liberated peoples all across Eastern Europe and the Soviet Union are discovering theirs.

Finally, I hope my colleagues will avoid any temptation to weaken the exclusionary rule, which has deterred improper police conduct for more than a generation. Its never satisfying to hear that a defendant escaped justice on a technicality, but the rule is in fact rarely invoked—a clear sign that the exclusionary rule has been successful in preventing police misconduct before it can happen. Police can work with it, the courts know how to apply it can happen. Police can work with it, the courts know how to apply it sensibly, and it essential to the proposition that the American fight against crime will adhere to the American creed of fairness.

I would like to take a moment to address one more issue—improving the lives and livelihoods of our law enforcement officers. As the original sponsor of the Law Enforcement Scholarships Act, I am pleased to see that it is part of today's bill. Officer education pays for itself several times over: better-educated officers communicate better with the public, are better decisionmakers, and are the subject to fewer complaints. New technologies, the drug war, and a more complicated society all demand more sophisticated, well-educated police officers. By allocating a modest amount of money to State-run law enforcement scholarships, we are making an investment in the future of our police officers—and the safety of our streets.

Mr. Chairman, the bill before us is a good one—it takes the fight against crime to the streets, while honoring the greatest liberties our Constitution's framers guaranteed us. I hope that the Members of this body will think twice before they rush to amend it, and support its final passage.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Hyde amendment for meaningful habeas corpus reform. My good friend, the freshman Member from California [Mr. RIGGS], was a police officer for 6 years and has seen duty on the frontline. He talked about a case, the Harris case, in San Diego, CA.

□ 1620

I am very familiar with that case. Those boys lived right down the street from me.

Those boys' killer, Harris, killed them not too far from Mira Mesa, CA. After they were dead, Harris sat over on the side of a bank and continued eating their hamburgers out of a McDonald's bag.

Harris has seven times on seven separate occasions testified that he was guilty, that he committed these crimes. He was sentenced to death, but yet, 13 years later, Harris is still on death row.

The facts of the case are clear. Harris did brutally murder the two boys. He admits it. Yet his lawyers filed eight State habeas corpus petitions and three Federal.

This is a travesty in itself. The Hyde amendment would end this kind of travesty. The families of the Harris murder victims have been denied justice. The appeals process is out of control, Mr. Chairman.

The Hyde amendment adopts the recommendations of the blue-ribbon Powell Commission. It protects the rights of defendants, but ensures that justice will be done.

Mr. Chairman, the California attorney general, Dan Lungren, has repeatedly called on Congress to enact meaningful habeas corpus. He strongly supports the Hyde amendment. All 58 California district attorneys, Republicans and Democrats alike, have called on Congress to enact meaningful habeas corpus.

Let us listen to the men and women who are in the trenches and let us not be so worried about police misconduct but misconduct of the criminals.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, our large cities, our small communities, every part of America is crying out for relief, real relief from crime. Members should decide their vote on this crime bill by the standard I believe most of our constituents expect. Is it likely to deliver real relief from crime? Some sections of this bill provide real relief. Others deliver false promises, and worse, undermine fairness and offer a needless false trade-off between liberty and real relief from crime.

Surely no real relief from crime should be achieved at the cost of one of the great guide posts of American liberty. Yet that is what the Senate crime bill attempts in its provisions for habeas corpus reform. Though the concern has been for capital cases, the Senate included the administration's proposal, which essentially eliminates the review of the constitutional claims of all State prisoners in Federal court, not just defendants in capital cases. Serious constitutional violations would be immunized from Federal review if a Federal judge were restricted to procedural aspects of State cases.

The bill before us now takes a more reasoned and targeted approach to habeas reform. Title XI directly and more narrowly attacks the problem which the American Bar Association has found to be the primary cause of habeas petitions—costly errors made by inadequate counsel in capital cases. The committee's bill ensures that States provide competent counsel in such cases from trial through the appellate process.

Habeas corpus is one of the great hallmarks of American justice. It would be a perversion of the traditions we have maintained throughout our constitutional history to use this crime bill to destroy the great habeas corpus remedy.

Mr. Chairman, no provisions in this bill demand a real relief standard more than the death penalty provisions that assume, in spite of all the evidence, that the State, by taking a life, can deter those who would take the lives of others. This bill thoughtlessly and aimlessly takes the death penalty, now permissible at the Federal level in two instances—airline hijacking where death results, and homicides ordered by drug kingpins—and expands its use to over 50 additional Federal crimes, including some where no homicide has occurred.

This leap to attach death to as many Federal crimes as possible makes a mockery of the real relief standard I have suggested. In leading death sentence States, for example Florida, Louisiana, and Texas, murders and violent crimes continue to increase. In States with similar population demographics, but no death penalty—for example, Massachusetts, New York, and Minnesota—murder and violent crime rates are comparable or lower. Imposing death at the Federal level will no more meet a real relief standard than it has in these States. Replacing Federal death penalties with mandatory life sentences without possibility of release achieves the necessary relief.

However, the problems with the death penalty in this country are far deeper. We must not avoid them in this bill. One of the reasons so few countries allow the death penalty is that it is almost always used politically, which is to say, against powerless groups. That is why almost invariably when countries overturn totalitarianism, one of their first acts is to abolish the death penalty, as was done most recently in the Eastern bloc nations.

One of the great racist stains still left in our country is the racial imposition of the death penalty. Mountains of studies have shown that the race of the victim and of the defendant continue to significantly guide prosecutor's decisions to seek the death penalty. The reliability of this substantial body of data was validated last year by the General Accounting Office. Bay County, FL is an example of this awful racism. There, 40 percent of the murder victims are black, but in all of the cases where the death penalty was sought, the victims were white between 1975 and 1987. Yet the statistical evidence that would almost surely show racial use of the death sentence cannot be introduced today because the Supreme Court says legislative authority is required. We should give the courts that authority by passing the Fairness in Death Sentencing Act of 1991. This body simply cannot allow itself to expand the use of capital punishment before racism as an ingredient in the discretion to impose it is removed.

The bill's vital provisions which ban the sale and possession of 13 types of assault weapons, do pass the real relief test. The law enforcement community says that such measures are essential to its efforts to curb the proliferation of drug and gang related violence. We in the District of Columbia have seen how these weapons make city streets into battlefields. The overwhelming majority of Americans know the difference between sporting goods and military hardware. And the framers would have been astonished at the constitutional claims opponents make against the Government's legitimate and compelling public safety obligations.

Perhaps no section of this bill fails the real relief standard more than provisions for increased uses of mandatory minimum sentences. What a pretense at getting tough on crime it is to fill jails and prisons, now so overcrowded that they sometimes must be run by judges because of constitutional violations. What a diversion of public money wasted in bricks and mortar that turn back on the streets criminals educated in finer points of crime than those that brought them there. We already need 250 new cells a day to keep up with the current rate of incarceration. That comes to $12.5 million per day. We spend on the average $29,600 a year on a juvenile offender. We could send him to Harvard for $18,000 a year. We do much too little to divert criminals using mandatory house arrest, restitution, and other alternatives to incarceration clearly appropriate for significant numbers. And we use incarceration often when we should be using drug treatment.

There is a better way. Just 2 months ago, the U.S. Sentencing Commission issued a special report to the Congress which concluded that:

> The most efficient and effective way for Congress to exercise its powers to direct sentencing policy is through the established process of sentencing guidelines * * * rather than through mandatory minimums.

The Judicial Conference of the United States, which represents the judges of every Federal judicial circuit, concurred. Just 7 years ago, the Congress passed the Sentencing Reform Act to correct past patterns of undue leniency—and disparity—for certain categories of serious offenses. Why not give our new sentencing guidelines, which became law only in 1987, an opportunity to work before undermining them with mandatory minimum sentences.

These are not the only problems I have with this bill, Mr. Chairman. It enacts into law a judicially created good faith exception to the exclusionary rule. This will permit courts to consider evidence obtained by police who relied in good faith on a warrant later determined to be invalid.

Finally Mr. Chairman, it is important for me to point to provisions in this bill that do meet the real relief test. I commend the bill's provision for substance abuse treatment in Federal and State prisons, for alternatives to incarceration for youthful offenders, Federal funding assistance to States and localities which have been designated drug emergency areas, grants to local police departments for community policing programs, and funds to hire 350 additional DEA agents. These are provisions sure to have a beneficial effect. So are proven crime prevention tools such as safe schools and midnight basketball leagues.

In the District of Columbia there have been 378 murders this year compared to 374 this time last year. Our need for real relief is desperate. Our Nation's need is desperate. We owe the people of the United States a bill that will give them real relief.

Mr. SENSENBRENNER. Mr. Chairman, I yield 6 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I rise in support of several amendments that will be offered to correct the flaws in H.R. 3371. In particular, I strongly encourage my colleagues to support Mr. HYDE's amendments on habeas corpus, Mr. GEKAS' amendment on the death penalty, Mr. VOKLMER's amendment to strike the assault weapons provisions, and my amendments on the Equal Justice Act and the exclusionary rule.

I will offer an amendment to replace title XVI, the Fairness in Sentencing Act, with the Equal Justice Act. Don't be misled by the title given to the Fairness in Sentencing Act; it would more appropriately be called the Death Penalty Repeal Act or the Death Sentence Quota Act.

This act creates an inference of racial bias if a defendant can show a statistical variation in the racial composition of those who have committed murders and willful homicides compared to those who are sentenced to death in a given jurisdiction, State or Federal. The inference would also be created by statistical evidence indicating that killers of victims of one racial group are less likely to receive the death penalty than killers of victims of another racial group.

There are several problems with this approach. First, 90 percent of murders are intraracial, so if the prosecutor tries to lower the percentage of minority capital defendants, the percentage of death penalty cases involving minority victims will automatically be lowered. But this is an impermissible result because it automatically will mean that killers of minority victims are less likely to receive a death sentence. A catch-22 situation is created, making it difficult if not impossible for a prosecutor to seek a death sentence regardless of the race of either the victim or murderer and no matter how heinous the crime.

Second, such a statistical approach inaccurately assumes that crime rates in various racial groups are substantially the same. For example, about one-half of all murder victims are black. The Fairness in Sentencing Act would ensure that the death penalty is not available to punish their murderers.

Third, the Fairness in Sentencing Act does not take into account the facts of the individual case at hand, nor does it go beyond the general statistics to determine why death sentences were given in various cases—it does not consider the atrocity of the crime, the weight of evidence, or, ironically, the actual presence or absence of racial bias.

This quota sentencing act ostensibly allows the prosecution to attempt to rebut such a falsely based statistical inference, but then proceeds to tie its hands. It expressly prohibits the Government from relying on assertions that there was no intent to discriminate or that the cases used to create the inference were cases that fit the statutory criteria—which include aggravating circumstances—for imposition of the death penalty.

The result is the creation of an inference based on unsound methods, the near impossibility of rebutting the inference, and, therefore, the abolition of the death penalty.

I want to make it very clear that this provision is retroactive. The more than 2,450 existing capital sentences would all be open to challenge under this unequal and unjust approach, regardless of the facts of the case or the guilt of the convicted killer.

Far from contributing to a colorblind justice system, the Fairness in Sentencing Act would require prosecutors to carefully consider the race of both the defendant and victim. This act is also a deeply disturbing departure from our tradition of individual justice. It is a move toward a system of group justice based on statistical quotes.

I will be offering an alternative. The Equal Justice Act would replace the Fairness in Sentencing Act with a system that ensures that each defendant receives a fair trail based on the facts of the case and without racial bias or prejudice. It codifies and preserves rules against racial bias at the front end of the litigation process, were defendants are charged and tried.

My alternative prohibits any rule that requires or authorizes the imposition of penalties to achieve specified racial proportions, or that requires or authorizes the invalidation of penalties if specified racial proportions are not achieved. It does not bar the defendant from offering any evidence in support of a claim that he has actually been discriminated against, including statistical evidence. It does reject the notion that statistical disparities in themselves are racial discrimination requiring the invalidation of capital sentences.

The Equal Justice Act also lays out evenhanded rules to guard against racial bias, regardless of whether it would operate to the advantage of the defense or the prosecution, In cases where there is a substantial likelihood that the jury may be influenced by racial bias or prejudice, the risk of bias will be examined through inquiry on voir dire; the venue may be changed on motion by either the prosecutor or the defense attorney if an impartial jury cannot be obtained because of racial bias; and the prosecutor and defense attorney are prohibited from appealing to racial bias in front of the jury.

I will also offer an amendment to replace the language in section 1720 on the exclusionary rule with the more effective language that this House adopted last year and in the two Congresses before that.

My amendment would provide for the admissibility of evidence obtained as the result of a search and seizure that was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. It would extend the "good faith" exception to the exclusionary rule stated by the Supreme Court in *United States* v. *Leon*, 468 U.S. 897, 918–20 (1984) to both warrant and nonwarrant cases.

As long as law enforcement officers are working under an objectively reasonable belief that they are conforming to the fourth amendment protection against unreasonable searches and seizures, there is no deterrent value in excluding evidence. This rational was cogently stated by the Supreme Court for cases involving search warrants. The Federal courts in the fifth and eleventh circuits have already applied a fully general good faith exception—in both warrant and nonwarrant cases. This proposal would make the benefits of this reform available on a national basis.

I also have an amendment on the drug kingpin death penalty. This amendment is part of the Gekas death penalty amendment, a vitally important amendment to the improvement of this bill. My language is the same language adopted by the House last year and that I introduced in this Congress. It would extend the *mens rea* requirement for imposition of the death penalty in drug cases to include reckless disregard for human life. Under this provision, the death penalty would be available for the drug dealer who burned down a rival crack house and killed a woman and her child whom he did not know were in the house.

My language would also allow the death penalty for a drug kingpin who attempts or orders an attempt to kill a public officer, juror, witness, or member of their family in order to obstruct justice.

These amendments represent a reasonable and effective approach to improving our judicial system by ensuring that racial bias plays no role in it and by making sure that criminals can be effectively prosecuted without jeopardizing the rights of defendants. I strongly encourage the support of the colleagues for each of them.

□ 1630

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], a member of the committee.

Mrs. SCHROEDER. Mr. Speaker, I thank my chairman for yielding time to me.

Mr. Chairman, I rise today in strong support of two provisions of the Omnibus Crime Control Act of 1991 that constitute "prevention" in anyone's lexicon. Americans know a bargain when they see one—they know that prevention saves lives and money. No wonder, then, that these initiatives had bipartisan support when they were introduced as H.R. 3101 and H.R. 3102. I want to thank Chairman BROOKS and my colleagues on the committee for including these important provisions in the omnibus bill.

Many of today's police officers first learned about law enforcement through television dramas such as "Dragnet," in which stiffly professional officers calmly asked witnesses for just the facts. These television images typified the police ideal of the officer who places duty ahead of caring for family and self. Echoing police dramas, real-life law enforcement communities in the 1960's rarely recognized the internal stresses that eat away at officers and their families, and almost never provided officer or family support.

Yet Sgt. Joe Friday would certainly be horrified to hear just the facts on police officer and family well-being. Each day, Federal, State, and local law enforcement officers risk their lives to protect our communities in an increasingly dangerous Nation. In 1989, almost 22,000 law enforcement officers were injured as a result of line-of-duty assaults. Fear of impending injury or death caused untold stress for countless officers and family members.

In a recent hearing on police officer and family stress, the Select Committee on Children, Youth, and Families heard testimony that the pressures can lead to serious family problems, including emotional numbness, officer burnout, alcoholism, marital tension, and high rates of family violence. According to one witness, 40 percent of officers surveyed reported that, in the previous 6-month period, they had behaved violently toward their spouse or children. Another study found that 41 percent of male officers and 34 percent of female officers reported violent assaults in their marital relationships, compared with 16 percent of civilians.

The select committee also heard that few police departments offer assistance to help police officers and families cope with stress. A recent national survey of large municipal and State police departments found that 53 percent provided counseling to officers for personal and family problems, and that 42 percent counseled officers' spouses and family members. Rural and suburban departments provide far fewer services.

Yet officers today, unlike those in "Dragnet" days, understand the need to reduce their serious stress levels. In a nationwide survey of State and local law enforcement officers, personal stress management was ranked as the No. 1 training need.

Furthermore, police administrators and psychologists testified at the hearing that stress reduction and family support programs are cost-effective—they reduce the incidence of disability compensation claims and legal costs associated with a range of problems.

The law enforcement family support provision authorizes grants to State and local police departments to fund family support services for law enforcement personnel. Services may include family counseling, 24-hour child care, marital and adolescent support groups, stress reduction and education, counseling for officers exposed to the AIDS virus, postshooting debriefing for officers and their spouses, and counseling for families of officers killed in the line of duty.

The Director of the Bureau of Justice Assistance will administer the program and will also oversee the implementation of family-friendly policies for law enforcement personnel within the Department of Justice. The provision also charges the Bureau to provide training to law enforcement agencies, and serve as a clearinghouse for information regarding police family stress.

We usually hear about police when a crime is committed on the street. In order to ensure a healthy and effective police force, the everyday needs of officers and their families warrant attention. This provision addresses the special needs of police officers and their families.

If you haven't been a Washington-based elected official too long to remember what late night life is like for an unemployed, high school dropout, you can understand the need for midnight basketball leagues. You can remember that energy is high, and nights are endless, but there is nowhere to go after the mall closes.

The accuracy of my perceptions of that bleak, risky reality has been confirmed by dozens of inquiries about midnight basketball from every region of this country. People who work with youth are so enthusiastic about a positive recreational alternative to late night crime that they want their communities to be first in line for these small but potent program grants.

I first learned of midnight basketball leagues when Mr. Gil Walker, commissioner of midnight basketball in the Chicago Housing Authority, gave striking testimony at a hearing held by the Select Committee on Children, Youth and Families. The hearing was entitled: "The Risky Business of Adolescence: How to Help Teens Stay Safe." Witnesses made the point that, regardless of what teen problems you are trying to prevent, programs need certain active ingredients to ignite motivation and to sustain safe behavior over time. The midnight basketball league incorporates all of these elements: 1-on-1 individual attention from concerned adults, the involvement of parents, a focus on acquisition of basic academic and social skills, and broad community involvement.

Juvenile crime is high between 10 p.m. and 2 a.m. but players in the midnight basketball league are shooting hoops, and then attending required job skills training, GED classes, AIDS prevention workshops, and other educational seminars. In addition to coaches and seminar leaders, players have team owners for role models—businessmen from the community who contribute financially and personally to make this program a successful public/private partnership.

Parents attend games, and some parents say that midnight basketball has allowed them to cheer for what their sons are doing for the very first time. Gang activity is reduced because rival gang members play on the same teams in the midnight basketball league. Official uniforms and high-tech sneakers and other paraphernalia provided by the team owners' contributions are a hook but, beginning to see a successful future maintains the interest of players.

An independent, university-based evaluation has shown that none of the players in the 3-year-old Chicago league has gotten into trouble with the law since joining, and almost 50 percent of the players are now either employed full time or have completed GED degrees. The model works in the suburbs as well as in the inner city. Mr. Van Standerfer from suburban Maryland, the president of the National Association of Midnight Basketball Leagues, has received a point of light award from President Bush because he knows that kids in the suburbs do drugs too, and he knows what to do about it.

This modest proposal authorizes $2.5 million to fund approximately 35 leagues at $100,000 each, and requires that local contributions from potential owners be pledged prior to grant approval. In addition, to ensure that maximum benefit is derived from the experience of current providers, one urban center and one suburban/rural technical assistance center will receive technical assistance grants of $50,000 per year. Finally, a formal, coordinated, multisite study of the effectiveness of this approach is commissioned and funded at the level of $250,000.

Our most recent statistics show that about 17 percent of all arrests in the United States are of people under the age of 18, and that 78 percent of juveniles arrested are males. Four out of five 11- to 17-year-olds report delinquent behavior at some time or other, but arrest rates show striking racial differences that self reports omit. While black youngsters make up 15 percent of the juvenile population, 15 percent of those under 18 arrested for juvenile crimes are black. While the absolute number of juvenile crimes has decreased over the last 10 years, the case rate increased about one-half of 1 percent. Over 1.7 million arrests of 10 to 17-year-olds were made in 1986, and incarceration of a single juvenile for a year is $30,000.

I am delighted to extend the opportunity to support something that is so cost-effective and makes so much sense.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, as a member of the Judiciary Committee, it is with tremendous disappointment that I rise to speak on this bill.

The first right of any citizen is to feel safe in their home and neighborhoods. But the reality today is that violent crime has reached outrageous levels in this country. Things are so bad that the average citizen is now more likely to be the victim of violent crime than of an auto accident.

The American people want protection from violent crime. They need protection from violent crime. And they deserve protection from violent crime. The bill before the House, however, is not the anticrime legislation that the American people want, need, or deserve.

The American people deserve a law enforcement system that ensures swift and certain punishment of violent criminals and seeks to protect honest citizens, not the criminals. They deserve a system that prevents death row criminals from appealing their cases for years on end. They deserve a system that keeps violent criminals from going free on technicalities when law enforcement officers act in good faith.

Instead, Mr. Chairman, we got a billion dollar wish list of programs that will never be funded. We promised them money, when they wanted tougher drug laws and stiffer sentencing. We gave them an endless appeals process when they wanted a comprehensive death penalty for the most heinous criminals.

There are some bright points. For example, the Jacobs Wetterling Crimes Against Children Registration Act, which I offered during subcommittee markup, will prove to be an invaluable tool for local law enforcement to prevent child sex offenders from committing such crimes again.

Studies show that 74 percent of incarcerated child molesters had one or more prior convictions for a sex offense against a child and that a typical offender molests an average of 117 children, most of whom never report the offense. My amendment would help put an end to these statistics by requiring persons convicted of certain crimes against children to register their name and address with local law enforcement for 10 years after their release from prison.

There is also an important provision on the problem of sexual assaults on college campuses. The incidence of rape on campus has reached truly epidemic levels. Every 21 hours, a young woman is reported raped on college campuses. Estimates are as many as 1 in 4 women will be the victim of rape or attempted rape during their college career. This crisis deserves immediate attention. That's why I am pleased that this bill includes my call for the attorney general to study this issue and report on this national problem.

But even these provisions cannot outweigh the shortcomings of this bill. The habeas corpus reforms in this bill will only lengthen the appeals process for convicted criminals. We need to pass the Hyde amendment to give one opportunity for appeal within a reasonable timeframe and prevent the guilty from delaying their sentences while preserving their constitutional rights.

In addition, the committee provision on the exclusionary rule will allow criminals to get off on technicalities. We need the McCollum amendment to allow officers to obtain evidence in good faith with the fourth amendment and bring these outlaws to justice.

Finally, the bill's capital punishment provisions will allow those who show a reckless disregard for human life and drug kingpins to evade the death penalty. It will allow murderers to use statistics to avoid their just sentences. We need a real, workable death penalty to ensure that justice is guaranteed, not denied, to the victims of crime and their families.

In closing, Mr. Chairman, let us make the necessary changes to this bill and give the American people the crime bill they want and deserve.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I think that we ought to make it clear that there seems to be a misunderstanding on the other side of the aisle. Both the amendment of the gentleman from Illinois [Mr. HYDE] and our bill provide for one appeal with a statute of limitations at 1 year. The Members on the other side of the aisle should not be standing up here and saying there are going to be multiple appeals, because there are not. There will not be multiple appeals under our bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from California [Mr. EDWARDS] unfortunately is in error. The statute of limitations in the Hyde habeas corpus amendment is 6 months and in the Democratic provision it is 1 year.

Second, the biggest difference is the full and fair standard which is designed to preserve Federal review. That will be discussed at greater length, but there are big differences between the Hyde approach and the approach that is coming from the other side of the aisle.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding time to me and congratulate the chairman and the members of the Judiciary Committee on bringing to this floor a tough crime bill.

Crime is rampant in America. At no other time in our history has crime been as great a problem as it is today. Criminal gangs are terrorizing our streets. There is a daily body count of murders in the evening news. The people simply want something done about it.

Where there is room for debate on most subjects in Congress, there is no debate on the question of putting an end to the terrorizing of our streets by rampant crime in America today. If it takes tougher laws, we should pass them; more police, we should provide them; more prosecutors, we must have them; more courts if necessary in order to try the cases; more jails in order to provide a place to confine the criminals. And by all means, we must put an end to the endless and frivolous appeals that go on and on after a conviction occurs.

The committee has wisely set time limits on the appeals process. Everyone is guaranteed an appeal within a year but we must stop the costly multiple appeal practice that delays justice. I want to congratulate this committee for putting an end to this frivolous appeals practice that has cost the American taxpayers millions of dollars and permits these criminals to go unpunished.

Mr. Chairman, I congratulate you again for the leadership that you have provided.

□1640

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to H.R. 3371, the so-called anticrime bill reported to the floor by the Judiciary Committee.

According to FBI statistics, in 1989 a violent crime was committed in this country every 19 seconds, and every 24 minutes someone was murdered. In 1990, a violent crime was committed every 17 seconds and someone was murdered every 22 minutes. We are running out of time in our fight against crime!

I remain firmly convinced that the certainty of swift apprehension, just prosecution, and severe punishment would serve as a strong deterrent to violent criminals. However, while I believe that our current laws provide both convicted and suspected criminals with too many loopholes that allow them to beat the system, the committee-reported anticrime bill further weakens several laws regarding prisoner appeals, and criminal prosecutions.

As a member of the House Republican Task Force on Crime, I joined many of my colleagues in supporting H.R. 1400, the Comprehensive Violent Crime Control Act, which was introduced in the House at the request of President Bush. This legislation closed the loopholes, including endless habeas corpus appeals and technicalities involving evidence obtained in good faith. Unfortunately, instead of acting on the President's bill, the House is considering this legislation which makes the loopholes even bigger.

In all of my time as a public servant, I have consistently supported the death penalty as both a punishment for heinous crimes and an effective deterrent to future violence. The bill now being considered before the House further weakens the Federal laws surrounding the death penalty, making it even more unlikely in the minds of criminals that the sentence would ever be imposed.

I am also opposed to the provisions of this legislation that would effectively establish racial quotas in sentencing convicted murderers. Our Nation's criminal justice system is founded on the ability of judges and juries to render decisions based on the facts of a particular case rather than the race of a particular criminal.

I urge my colleagues to take note of the time. The crime clock is ticking away, and Congress must take a tough stand against crime. We must send this simple message to criminals: If you commit a crime, you will be caught. if you are guilty, you will be punished.

I strongly support the strengthening amendments concerning the death penalty, exclusionary rule, habeas corpus, and others.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, there are many important provisions in this anticrime legislation. However, I want to take this time to address the issue of fairness, the issue of race, and the death penalty. I rise to state my support for the fairness in death sentencing provisions of the crime bill.

I support the death penalty. But I believe that we must make absolutely certain that race plays no part in determining who is sentenced to die.

Frankly, around here lately, especially in regard to recent hearings conducted in the other body, we've heard a lot about race. My opinion is that some people play the race card when their hand is otherwise bare.

But this issue is different. In 82 percent of the studies documented by the GAO, the race of the victim was found to influence the likelihood of being charged with capital murder, or receiving the death penalty. Three-fourths of the studies found that black defendants were more likely to receive the death penalty than whites. The race of the victim was found to influence death penalty decisions at all stages of the criminal justice system.

Mr. Chairman, when it comes to someone's life, we must be absolutely sure that race plays no part in determining who is sentenced to die.

The substitute which will be offered by Mr. MCCOLLUM outlaws racial bias in words, but provides no means of determining when it exists in practice. It claims to be an antidiscrimination provision, but outlaws the introduction of evidence that is vital to proving discrimination.

However, consistent with other areas of law, the committee bill would allow a defendant to prove a pattern of racially biased results. Contrary to its critics' assertions, that won't end the death penalty. But it will end the influence of race in decisions about who is to live and who is to die.

Mr. Chairman, we need to outlaw discrimination in words, but also provide the tools that will give defendants and their attorneys a chance to outlaw it in practice. Otherwise, the sentence of death in America will continue to be determined all too often by the color of a person's skin, and not by the severity of the crime.

I urge my colleagues to support the Fairness in Death Sentencing Act, and to oppose the McCollum amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, first of all, I want to say that I am going to introduce an amendment that was referred to earlier dealing with Bureau of Justice grants to State and local agencies to help local law enforcement.

In a nutshell, that ratio is 75 percent Federal money. The crime bill would make that permanent 75 percent Federal money for all time. My amendment would make that temporary so Congress can review in the future if it can still afford to pay 75 percent of the grants. That is the only difference, Mr. Chairman.

Mr. Chairman, I would like to address the question of assault weapons as found in the bill. I think the major problem with the assault-weapons provision over and above anything else is the weapons identified in this bill that are going to be banned if passed under the name of assault weapons are not assault weapons. The only credible definition of assault weapons that we heard in the Crime Subcommittee of the Committee on the Judiciary is that an assault weapon is an actual military weapon made with a selector so that it can fire automatically, that is, with one pull of the trigger fire until the clip is empty.

None of the weapons on this list are, in fact, automatic weapons. Therefore, they are not assault weapons. In my judgment, the term "assault weapons" has been used solely to confuse the issue, and it sure has worked. I have heard these weapons referred to as anything one could think of out here including, by one of my colleagues, submachine guns. They fire one shot with each pull of the trigger just like virtually any other firearm, certainly any other semiautomatic.

The sponsors of the bill or of this provision have now retreated. They now no longer always refer to these weapons as assault weapons. They refer to them as semiautomatic assault weapons. That is a contradiction of terms. Since an assault weapon means a fully automatic weapon, there is no such thing as a semiautomatic assault weapon.

Mr. Chairman, I think all of this is done to confuse the issue. It is not necessary. We can have a legitimate debate over whether there is, in fact, any benefit to law enforcement in trying to ban these weapons without misnaming them in the bill.

We should not be passing a bill or a portion of a bill that would violate our own truth-in-labeling laws.

Finally, on this point, Mr. Chairman, I would point out that this bill does not take a weapon away from anyone. We are told that these weapons are only used by criminals, and yet not one criminal will have to give up a weapon even if this bill passes, and even if criminals obey the law. That is because this bill grandfathers in present owners. Anyone who owns a so-called assault weapon gets to keep it under this bill.

Good, honest citizens do not own these weapons. Why does the bill let them keep them?

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 3 minutes, the remainder of my time.

Mr. Chairman, one of the most important amendments that we will be debating when we get to the amendment process is the Hyde habeas corpus reform amendment which embodies the proposals of the President which have been endorsed by most of the law enforcement community. The Hyde amendment is simply designed to prevent endless litigation through petitions on habeas corpus following the exhaustion of direct appeals from a criminal conviction.

It is designed to get on with finality of sentencing which is something that we do not have under the present system.

The major difference between the Hyde amendment and what has been proposed by the Committee on the Judiciary is the so-called full and fair standard which says that if there has been full and fair review in State courts, in a habeas corpus petition, then that issue cannot be relitigated in a subsequent Federal habeas corpus proceeding. That means that you have got one kick at the cat, one day in court. If you lose your day in court after a full and fair review, then you cannot go running to the courthouse on the other side of the street presided over by a Federal district judge and go through the same arguments before a different forum.

The only time when there would be a second review in Federal court was when three conditions were not met, and that is that the State court proceeding was conducted in a manner inconsistent with the procedural safeguards of Federal law applicable to the State proceeding; second, that the State proceeding was contrary to or involved an arbitrary or unreasonable interpretation of clearly established Federal law, or the State proceeding involved an arbitrary or unreasonable determination of the facts in light of the evidence that was presented.

Now, if one of those three exceptions is met, then the Federal judge can review the State court proceeding.

□ 1650

However, if none of the exceptions are met, then there is finality of decision in the habeas corpus proceeding and the criminal defendant cannot go into federal court, having lost his case in the state court. That is fair and that is reasonable.

To defeat the Hyde amendment through the convoluted parliamentary rules that have been adopted will allow a continuation of the endless petitions for habeas corpus and those that have been convicted will never face the music, particularly those who have been convicted of a capital offense and sentenced to die by the jury.

Passing the Hyde amendment is important. Defeating the other amendments under the King of the Hill procedure dictated by the Rules Committee is also important.

Mr. Speaker, I would hope that the Members would have that in mind when they come to vote on this subject.

Mr. BROOKS. Mr. Chairman, I would like at this time to yield myself a couple minutes to refer to a letter from the former attorney general of the State of Texas, Jim Mattox. He was the attorney general of Texas for 8 years and is known as a tough enforcement officer. He was a strong advocate of the death penalty.

He says, "I believe that the criminal justice system should function efficiently; nevertheless, I feel that the Hyde amendment is not an appropriate solution to the problems with the process. In a word, this legislation"—the Hyde proposal—"would not reform habeas corpus; it would end it."

Now, the letter goes on, but he points out:

> Because of these concerns, I have joined with more than 90 others, many of whom who are present or former prosecutors like myself, in forming the Emergency Committee to Save Habeas Corpus. I think I can safely say that all of us want to fight crime. We all agree that we, and our elective Representatives, must not squander our precious constitutional rights in our zeal to appear "tough on crime."

Mr. Chairman, I will submit that letter for the RECORD at this point. The letter is as follows:

OCTOBER 12, 1991.

Hon. JACK BROOKS,
Chairman, House Judiciary Committee, 2449 Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my opposition to the Hyde Amendment, which will be offered on the floor as an amendment to H.R. 3371, and which, I believe, will virtually eliminate the right to hadeas corpus review of state criminal convictions.

As you well know, I was the Attorney General of the State of Texas for eight years. I was known as a tough law enforcement officer. I was a strong advocate of the death penalty. I believe that the criminal justice system should function efficiently; nevertheless, I feel that the Hyde Amendment is not an appropriate solution to the problems, with the process. In a word, this legislation would not reform habeas corpus; it would end it.

There is clearly a need for reform, especially with respect to capital cases; but I believe that the Judiciary Committee's bill, not the Hyde Amendment, addresses the real problems with the present system: inadequate representation by trial counsel, no time limits on petitions, successive petitions, and retroactive applications of new rules of law. This reform can and must be accomplished without sacrificing the right to hadeas corpus review, which is one of our most basic protections against the imprisonment or execution of innocent persons.

Because of these concerns, I have joined with more than 90 others, many of whom are present or former prosecutors like myself, in forming the Emergency Committee to Save Habeas Corpus. I think I can safely say that all of us want to fight crime. We all agree that we, and our elected representatives, must not squander our precious constitutional rights in our zeal to appear "tough on crime."

Sincerely,

JIM MATTOX.

Mr. CONYERS. Mr. Chairman, we can all agree that no one should be executed under a death sentence imposed because of race. Unfortunately recent studies have confirmed, that is some jurisdictions the single most important factor in determining whether a person receives a death sentence is either the race of the victim or the race of defendant. We cannot allow this situation to continue.

The fairness in death sentencing provision of this crime bill is one of the most important civil rights issues that you will have an opportunity to support in this Congress. This provision would make it unlawful to execute someone whose death sentence is the product of racial discrimination. Contrary to what you will hear during debate on a substitute amendment, it will not end the death penalty.

The fairness in death sentencing provision would merely allow courts to consider statistics of a consistent pattern of racial discriminatory death sentencing in determining whether a defendant's death sentence is influenced by racial factors. This is based on the same premise we have worked on in virtually all civil rights bills, that is that discrimination is now sophisticated. Rarely, will prosecutors, judges and jurors admit purposeful discrimination. Therefore we allow the use of comprehensive statistics to establish a prima facie case of racial discrimination, just as we have done in title VII of the Civil Rights Act of 1964 and in the Voting Rights Act.

If a defendant can meet the heavy burden of demonstrating that at the time the death sentence was imposed, race was statistically a significant factor in imposing the death sentence, than an inference that a sentence was based on race is established. The State then has the opportunity to show that the sentence was the product of nonracial aggravating factors, or that the statistics on pattern to apply to this particular case.

You will hear a number of specious arguments by opponents of this provision. The one used most often is that once an inference of racial discrimination has been established, it is virtually impossible for a prosecutor to rebut the inference of discrimination. This is wrong. A State merely has to rebut the evidence by a preponderance of the evidence—as opposed to clear and convincing. Second, the bill does not limit the grounds on which the State may rebut the statistical showing. There are several ways in which the State may rebut a statistical inference of race discrimination:

First, the State can show that the sentence does not fall within the statistical pattern because of the existence of nonracial factors aggravating factors or prior records of the offenders.

Second, the state could show that the evidence of statewide patterns is irrelevant and that the evidence in the local jurisdiction where the sentence was imposed shows no pattern of racial bias in that locality.

The other argument opponents like to use is that the real aim of this bill is to stop the implementation of all death sentences. In reality this provision does not affect the lawfulness of any sentence of death which does not show racial bias. It prohibits only the execution of those specific death sentences that are the product of racial bias. There are jurisdictions where there is no racial pattern to death sentencing. No death sentence in those jurisdictions would be subject to challenge under the act.

Finally, opponents use the same old race-baiting argument that we heard in the debate on the Civil Rights Act of 1991, that act would encourage death sentencing by quotas. This is simply wrong. This provision requires the comparison of similar cases. This means that an overall balance or imbalance in death sentencing is irrelevant. Achieving a certain number or percentage of white death sentences and a certain number of percentage of black death sentences will not bring a State in compliance with the act; instead, such a charging and sentencing process would violate the provision, since the decision would be based on race and not on legitimate factors.

The fairness in death sentencing provision is strongly supported by every major civil rights organization in this country, as well as the American Bar Association.

Mr. McCOLLUM will offer amendment No. 14 to replace the fairness and death sentencing provision. This is a mischievous amendment that is misleadingly called the Equal Justice Act. It does not seriously address the problem of racial bias in death penalty sentencing that has been documented in numerous studies, several congressional hearings, and an independent evaluation by the General Accounting Office.

Frankly, because no hearings have been held on this proposal. I am not sure that anybody knows what this amendment does or how it would work. None of us on the Judiciary Committee have had an opportunity to hear from any witnesses or to ask questions about how this proposal would respond to the problem of racial bias in the criminal justice system.

We can only speculate about the prohibition in the bill on using statistical tests to achieve a specified racial proportion or racial quotas in executions. Noboby in the civil rights community has argued in favor of racial quotas, nor has there been any testimony that such a problem exists. I urge you to vote against this amendment.

The other important issue in the crime bill I would like to discuss in habeas corpus reform. This bill is a vast improvement over the administration-backed bill which passed the Senate in July. There are over 2,300 inmates on death row who have been prosecuted in State courts. Under our system of justice, the State's case should be based on three factors: First, weighed by a fair and impartial jury; second, before an unbiased judge and third, after a competent and vigorous defense.

Tragically, these basic constitutional guarantees are seldom met. In fact, an American Bar Association study found that 40 percent of death row inmates were sentenced to death in violation of their constitutional rights.

There are several reasons for such a large number of constitutional violations. First is because prosecutors exclude blacks from juries. For example: Jesse Morrison of Alabama was sentenced to death even though the prosecutor struck 20 of 21 blacks from the jury pool; Albert Jefferson, also of Alabama, was also sentenced to death even though all 26 blacks were excluded from jury service.

The record also indicates that unqualified counsel is a serious problem. In Kentucky, one-fourth of death row inmates were represented by counsel who have since been debarred or suspended. In Alabama, one witness told the Judiciary Committee that lawyers often file briefs that are less than 10 pages in length and do not cite constitutional authorities. In at least four capital cases in Georgia, defense counsel referred to his client in court as "nigger" and said the only cases with which he is familiar are Miranda and Dred Scott. All four defendants were sentenced to death.

There is also a problem of the lack of funding for counsel. In six States—Texas, Georgia, Alabama, Mississippi, Virginia, and Louisiana—which account for nearly 70 percent of the executions since 1972, there is no statewide public defender system. In Alabama, lawyers who represent death row inmates are paid only $20 per hour up to a maximum of $1,000. In South Carolina, the rate is $15 per hour.

The habeas provisions in H.R. 3371 would set minimum standards to ensure that those who commit capital offenses are represented by counsel who are knowledgeable about the complicated laws surrounding the death sentence. It is supported by the NAACP Legal Defense Fund, the American Bar Association and the ACLU.

Mr. HYDE's substitute bill would block habeas appeals if the State courts have fully and fairly adjudicated the issue, even if they wrongly decided the constitutional issues. In reality, this gives the State courts free rein to dismiss cases on technical and procedural grounds without ever deciding the merits of defendants claims.

It is understandable that Congress is frustrated by the epidemic of violent crime, but it is unfortunate and tragic that there are many in Congress who believe the solution is to limit habeas corpus rights which have been a cherished doctrine in American constitutional law for more than 200 years.

Even if everyone on death row were executed tomorrow, the streets of America would not be safer. Many people think of those on death row as the most despised, hated and rejected members of our society. What none of us can deny is that people who are hated and rejected often become the targets of an abuse of power by those in authority.

It does not seem unreasonable to demand that before any society takes a life, it first ensures that justice is served. The Federal judiciary is the best hope and the last bastion for protecting the rights of the least among us. We must not take that hope away from those who need it the most.

Mr. RICHARDSON. Mr. Chairman, I rise today to express my strong support for the Omnibus Crime Control Act of 1991. The Judiciary Committee is to be commended for their endeavors in designing a bill which targets crime on every front, while at the same time reflecting a sensitivity to the concerns of minorities and an even-handed approach to constitutional reform.

This bill seeks to stop crime at the source: In our schools and in our communities. Being a resident of both Washington, DC, and northern New Mexico, I recognize that different communities benefit from a variety of crime prevention programs. This bill authorizes grants to create neighborhood policing programs, to develop education and training programs for the prevention of crime in our schools, and to implement substance abuse treatment program. By allowing States to strike hard in their schools and communities, I believe we improve the chances of controlling the onslaught of violence in our communities.

This bill includes measures designed to put an end to the drug-related violence which is choking our Nation. The crime bill authorizes funds for States or localities which are designated as drug emergency areas. These provisions have been established to benefit not only urban centers with high rates of crime but also rural areas plagued by drug activity which is uncontrollable by local police.

As you may know, last year I pushed for an opt-in provision for Indian tribes which allows tribes who reside on Federal land to determine whether the death penalty shall apply for first-degree murder on their lands. I am pleased to see that the Judiciary Committee has included this important protection in this year's crime bill. I also wish to commend the committee for including the racial justice provision which allows the use of statistical evidence to reveal racial discrimination in imposing the death penalty. Both of these provisions exhibit an admirable sensitivity to the rights of minorities.

By focusing on safety in our communities and in our schools, I feel that this legislation will be tremendously beneficial to the quality of life in our country as a whole. I am proud to lend my support to this important legislation and I urge my colleagues to do the same.

Mr. KOLBE. Mr. Chairman, here we go again. Hardly a year goes by that Congress does not pass an omnibus crime bill and pat itself on the back all the way to the ballot box. If we are so good at tackling crime, then why do we continually have these bills before us?

Obviously we are not getting it right, so we have to undertake this exercise over and over again.

But we can get it right today. We have several amendments that, if passed, would provide real teeth for our criminal justice system. If passed, these amendments would help provide relief from the relentless crimewave that has gripped our Nation and terrified its citizens.

Essentially, these amendments, taken together, the President's Comprehensive Crime Control Act of 1991. Why do I support the President's bill? The answer is simple.

President Bush took office with a mandate to do something about the scourge of drugs and drug addiction in our country. Illegal narcotics was the chief crime problem of the day. Tough enforcement action taken by the President and endorsed by this Congress makes it possible to cite real progress in the war on drugs today.

Between 1988 and 1990, overall drug use dropped by 11 percent, surpassing the 10-percent goal set by the President in his strategy. Student attitudes have changed and continue to do so. Their approval of drug use has dropped by 28 percent. Adolescent cocaine use plunged by 49 percent. The President's strategy, relying on both increased law enforcement and demand reduction efforts, appears to be working. In fact, the No. 1 goal of the President is to reduce the number of people using drugs and prevent others from trying drugs for the first time. We are making progress toward this goal, but we concede there is still a long way to go.

Today, the larger problem in the minds of the American public is violent crime. Americans are terrified of the bloodshed that plagues our Nation's inner cities, our suburbs, and our rural small towns. Of course, drugs play a major role in this wave of violent crime. But one fact remains clear. Even as we make progress in the war on drugs, violent crime is skyrocketing at an alarming pace—11 percent annually.

How can this be? The answer, I think, is that criminals are not deterred by our criminal justice system. That fact stands in sharp contrast to the casual drug user of the 1980's who, under the zero-tolerance standard, decided the risk of continued drug use was not worth the potential cost of being caught, convicted, and incarcerated, or fined steeply.

Mr. Chairman, we need a zero-tolerance standard for violent crime in this country. That means criminals must be made aware that the risks are too great, the costs too high, to continue to victimize law-abiding citizens. And, since the consequences of violent crimes are higher than for the casual drug user, so too must the risks and costs be higher for the perpetrator.

Violent criminals must understand that zero tolerance means longer prison sentences, restrictions on endless appeals based on technicalities and not the merits of a defense, and wider latitude for law enforcement officials to act in good faith while developing cases. And yes, Mr. Speaker, a violent criminal should know that if his actions take the life of another, especially the life of an innocent bystander—a schoolchild, a pregnant woman, a motorist going to work—then his life will be forfeited. Period.

These are tough words. But violent times demand tough action. And the American people have spoken on this subject, and their message is crystal clear. They want real action from this Congress. Not the milquetoast bill presented here today that is designed to expand even further the rights of the accused, at the expense of victims' rights.

Let me cite just one example; here's how these rights are working today in a case in Utah. Three criminals robbed a retail store and in the process forced five innocent people to drink Drano with the clear intention of killing them. But the Drano didn't work, so William Andrews, one of the criminals shot each of them in the head.

Three died.

Andrews was convicted of three counts of first-degree murder and two counts of aggravated robbery. He was sentenced to death by firing squad in 1974. However, since that time he has filed 11 State actions and 15 Federal actions. In addition, he has filed three State habeas petitions and six Federal habeas petitions. He has had four petitions before the Supreme Court. Sixty-five judges have been involved.

William Andrews remains alive even while three have been dead—murdered in the most heinous fashion—for almost 20 years. I cannot believe this is what anyone intended when they drafted the Bill of Rights.

Our Constitution embodies rights for the accused. But our Founding Fathers would never condone the travesty of their intentions that is perpetrated in the name of our criminal justice system today.

That is why we must take steps to change the criminal justice system. We need reform that simply brings into balance the rights of the accused and the rights of victims.

The President's crime bill offers that reform in five steps, each of which will be offered today on the House floor.

The President has called for reasonable limits on appeals in capital cases. Today, we will vote on an amendment offered by my colleague, Representative HENRY HYDE, that offers such limits.

The Hyde amendment mirrors the habeas corpus reforms passed by the Senate earlier this year. The amendment would allow an appeal to the Supreme Court—provided it occurs in a timely fashion. It would fulfill the accused's rights to competent counsel. Finally, it would give back to the States the ability to adjudicate capital cases without the additional complication of Federal review if the State adjudication was carried out fully and fairly.

In contrast, the Judiciary Committee bill would cause further unnecessary delays in carrying out capital sentences by allowing appeals on alleged technical defects of the sentence—without regard to the guilt or innocence of the prisoner. This is inconsistent with the recommendations of the Powell Commission which supported appeal of capital cases based on questions of guilt or innocence, and only supported second and successive habeas corpus petitions in extraordinary cases. In addition, the Judiciary Committee bill allows much longer time limits for filing habeas corpus appeals, and would not only mandate competent counsel, but dictates the qualifications and standards that the counsel must meet.

On March 4 of this year, Supreme Court Justice Sandra Day O'Connor gave a speech at the Attorney General's Crime Summit in which she gave her views on death penalty appeals. I believe they are worth noting. Justice O'Connor said:

> Surely it is not too much to ask that state petitioners ask for federal review (of state court adjudications) in a reasonable time and in a single petition. Consideration should also be given to altering the legal standard of review in all federal habeas corpus cases. I suggest the federal courts should ensure that the state proceedings in which the prisoner was convicted, and in which his federal claims were addressed, were fundamentally fair; they should not necessarily reexamine and decide anew every legal issue already addressed by the state courts. Under our federal system, the federal government owes this respect to the states.

The President's crime bill calls for colorblind sentencing. I agree. Race should not be an issue when determining whether or not a person deserves the death penalty. My colleague, Representative BILL MCCOLLUM will offer an amendment today to do just that in the form of the Equal Justice Act of 1991. This act would ensure that racial bias could not be used in sentencing proceedings and would prevent quota justice.

The Judiciary Committee bill seeks to prohibit the imposition of the death penalty based on race. I agree with this goal. However, I suspect the underlying purpose of the committee's provision is to abolish the death penalty by allowing the admission of statistical evidence to demonstrate a racial bias. The State would then be left with the nearly impossible task of refuting general statistical analysis on a case-by-case basis. To make matters worse, it would apply it retroactivly to all death-row cases, thus wiping out hundreds of convictions.

It is disingenuous for advocates of quota-based justice to claim they are protecting minorities in this country from race-based sentencing. Bureau of Justice statistics demonstrate that white homicide defendants are more likely to be sentenced to death than black homicide defendants. Simply stated, this bill is a cynical attempt to use the guise of racial fairness to abolish the death penalty.

The President's crime bill calls for increased sentences for firearm violence. The Judiciary Committee bill accomplishes this task in a number of ways. But then it goes too far by restricting ownership on certain types of firearms.

The facts on firearms restrictions are clear: With few exceptions, gun restrictions affect law-abiding citizens, not criminals. Only one out of six felon purchases their firearm from a legal source. The rest, the five out of six, obtain their weapons illegally on black markets or through theft.

In addition, the weapons that would be banned in this bill are not the weapons of choice of criminals. My colleague, Representative STALLINGS, has circulated a letter that provides convincing evidence that these weapons are not the choice of felons. In Washington, DC, only one assault weapon was confiscated during 1988 and the first quarter of 1989. In Los Angeles, ground-zero for gang activity, only 3 percent of all weapons confiscated in 1988 were assault weapons. In New York City, there was no report of an assault weapon being used in a crime in 1990.

The bottom line is, if you want to prevent the criminal use of firearms, you must arrest, convict, incarcerate and—if necessary—sentence to death those who would use firearms on another.

An amendment will be offered today by Representative VOLKMER striking the gun ownership restriction provisions. I would urge my colleagues to support it.

The President's bill calls for a good-faith exception to the exclusionary rule. Where a police officer acts on good faith to either execute a warrant, or to conduct a search without a warrant in extraordinary circumstances, the evidence obtained should be allowed in court. It is that simple. In those cases where an officer did not act in a lawful manner, then that evidence should not be allowed. Representative McCOLLUM will offer an amendment today to do just that, and it should be supported by all who recognize the difficult constraints and complicated rules our law enforcement officers operate under today.

The Supreme Court in United States versus Leon has already validated a good-faith exception. While the Judiciary Committee bill portrays itself as codifying Leon, it would really have the opposite effect by narrowing the exceptions to the exclusionary rule. The McCollum amendment does the opposite by codifying the natural extension of Leon to searches without a warrant if a court believes the officer submitting the evidence acted in good faith.

Finally, the President's bill calls for an expansion of the death penalty to cover more crimes including unintentional but indiscriminate killing. The committee bill only allows the death penalty for intentional killings.

This standard would effectively allow a criminal, who unintentionally kills an innocent bystander during a drive-by shooting, to avoid a potential death-penalty sentence. I can think of countless cases in which criminal action resulted in possibly unintentional death; I do not for a minute believe that these acts should be held to a lesser standard than acts of intentional killing.

Representative GEKAS will offer an amendment to the committee bill today to change the standard for giving the death penalty. In addition to intentional killing, the Gekas amendment would include criminal elements who show a reckless disregard for human life. In effect, if you unintentionally take an innocent life while committing a criminal act you will be held to the same standard as if you intentionally killed a person.

It is an affront to justice to think that the killing of an innocent bystander for some reason is not as heinous, not as shocking, as the intentional killing of another human being. Both are equally reprehensible and both must be held to the same strict standard.

Finally, Mr. Speaker, I would like to make some comments on the cost of this bill. There are a number of budget-busting programs in this bill. This bill would authorize $150 million for community policing programs. $100 million for a safe-schools program, $200 million more for States for youthful offenders, and up to $3 million for midnight basketball programs.

I am not in a position to debate the merits of these programs. In fact, I am more than willing to say that each of the programs authorized in the Judiciary Committee bill has merit and may reap benefits in our crime-plagued society.

What I am not willing to do, however, is allow the same majority in Congress who supported drastic cuts in the function 750 category during debate on the fiscal year 1992 budget resolution to now support new spending for the very same category.

In May of this year, this body registered its support for a budget resolution that recommended $13.7 billion in budget authority for the administration of justice, or function 750, category. In contrast, the President requested $14.8 billion for function 750 programs. The conference committee agreement on the fiscal year 1992 budget resolution passed this body by a vote of 239–181. Of the "yea" votes, 231 were cast by members of the majority party. The majority cannot have it both ways.

Today's bill advocates nearly $1.2 billion a year for each of the next 3 years in new spending on law enforcement programs.

Mr. Chairman, I am a member of both the Budget Committee and the Appropriations Committee, including the subcommittee that funds the Department of Justice accounts. For fiscal year 1992, for the Department of Justice, we approved $9.9 billion, more than $400 million less than requested by the President.

We had to reduce the President's request for the Nation's chief law enforcement agency; our allocation was too low to do otherwise.

If this Congress stays within last year's budget agreement, which I hope it will, our allocation for Department of Justice accounts will again be low for fiscal year 1993. We will be forced to cut increases for existing programs. There will be no room to fund $1.2 billion in new programs.

The supporters of this new spending know this to be the case.

It is disingenuous for this body to vote 5 months ago for drastic reductions in the justice accounts, and then today to vote to boost spending by $1.2 billion.

Mr. Chairman, 23,000 people were killed in criminal violence last year. Six million Americans were subjected to a violent crime. This is more than the number of people injured in automobile accidents.

It is unbelievable to me that this Nation was able to fight a war against the fourth largest army in the world and lose only 298 service personnel while at the same time losing more than 12,000 at home to murder and mindless violence.

The people in my State, Arizona, are sick of violence and of senseless killing. A recent poll in the Phoenix area put crime near the top of the list of concerns facing society. Earlier this year, nine members of a Buddhist Temple were murdered in cold blood in my State. This was a disgusting, senseless act that left my State shocked and outraged. Those who are responsible for this act should face the death penalty.

It is not enough to say the death penalty is not a deterrent so it should not be used. The American people want a sense of justice, and the bill reported by the committee is out of touch with that sense.

We have a choice today. We can choose to vote for the Judiciary Committee bill, which goes well beyond protecting the legitimate rights of the accused. Or we can vote for a slate of amendments that begins the process of true reform. These amendments put criminals on notice that their violent behavior will no longer be tolerated, but punished severely.

Finally, these amendments offer a sense of justice to the 6 million victims per year of violent crime in this country. Some may say we are being too tough on criminals. Ask the mother of a schoolchild who attends an inner-city school if we are being too tough on criminals. Ask the husband of a woman killed by an indiscriminate spray of bullets if we are being too tough.

Mr. Chairman, by voting for the Gekas amendment on the death penalty, the McCollum amendment on equal justice in death sentences, the Hyde amendment on habeas corpus reform, the McCollum amendment on the exclusionary rule, and the Volkmer amendment on firearm restrictions, we can send a real message to the American people that we agree with them that violent crime in this Nation deserves zero tolerance.

Mr. CUNNINGHAM. Mr. Chairman, I rise today to bring to the attention of the House a resolution I recently received from the California District Attorneys Association on the issue of the Equal Justice Act. As the House finally begins to take up the crime bill, I feel it is critical that we heed the advice of the men and women who are on the frontlines of the war on crime.

This resolution is significant, in that the organization representing all 58 California district attorneys, Republican and Democrat alike, has endorsed the Equal Justice Act, which will be offered as an amendment by Representative BILL McCOLLUM. They specifically point out that the text of H.R. 3371, in its current form, would rely on statistical evidence to deny justice to convicted criminals.

Mr. Chairman, the issue is not one of guilt or innocence. Rather, the issue behind the so-called fairness in death sentencing provisions in H.R. 3371 is one of statistics. It would dangerously move our judicial system away from the basic precept that the trial and sentencing of a particular case should deal with the facts of that particular case.

I commend the efforts of the California District Attorneys Association, and in particular, its president, Edward R. Jagels, the Kern

County district attorney. We cannot afford to tie the hands of the prosecutors who are attempting to keep the criminals off the streets. I urge my colleagues to review the resolution and to support Representative MCCOLLUM's Equal Justice Act amendment.

RESOLUTION OF THE CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION CONCERNING THE EQUAL JUSTICE ACT AND THE FAIRNESS IN DEATH SENTENCING ACT

Whereas, the California District Attorneys Association is an organization composed of the elected District Attorneys of California's fifty-eight counties and 3,000 deputy district attorneys and city prosecutors;

Whereas, the Congress is considering legislation, such as the Equal Justice Act, H.R. 1400, Title X, and the Fairness in Death Sentencing Act, H.R. 3371, Title XVI, or H.R. 2851, (formerly titled The Racial Justice Act), which involves protections against racial bias in capital cases;

Whereas, the Equal Justice Act would codify U.S. Supreme Court case law establishing protections against bias in criminal cases and adopt other safeguards to prohibit bias in criminal cases;

Whereas, the Fairness in Death Sentencing Act would, first, permit a capital case defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and second, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, on June 20, 1991, the U.S. Senate voted to strike a similar measure entitled the Racial Justice Act out of the omnibus crime measures, S. 1241, by a bipartisan vote of 55 to 41 (this is the third successive Congress in which the U.S. Senate has rejected the Racial Justice Act);

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McCleskey v. Kemp*, 481 U.S. 279 (1987): Now therefore, be it

Resolved That the California District Attorneys Association by unanimous vote of the Board of Directors:

(1) Opposes *any version* of the Fairness in Death Sentencing Act (or any version of the Racial Justice Act), for the following reasons:

(a) the Fairness in Death Sentencing Act would result in the effective abolition of capital punishment because of the inherent evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for any of the prosecutor's, jury's, or judge's decisions;

(b) as to adjudicated cases, the retroactive application of the Fairness in Death Sentencing Act would permit convicted capital defendants to reopen their cases by presenting discrimination claims (regardless of whether such claims had previously been rejected);

(c) the statistical premise of any version of the Fairness in Death Sentencing Act (or the Racial Justice Act) is unsound, for several reasons, including:

(i) it disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) it overturns the U.S. Supreme Court's rejection of such a statistical premise, where the Court noted with regard to the Baldus study: "Even Professor Baldus does not contend that his statistics *prove* that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions." *McCleskey v. Kemp*, 481 U.S. 279, 308 (1987) (italic in original); and

(iii) its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias; and

(d) the Fairness in Death Sentencing Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) the Fairness in Death Sentencing Act eliminates the traditional deference to state-court findings of fact, 28 U.S.C. §2254(d); *Sumner v. Mata*, 449 U.S. 539 (1981), if the state fails to satisfy the requirements under the Act, and causes the individual conviction, though lawfully and justifiably imposed, to be unduly placed in jeopardy;

(f) the potential cost of compliance on states and local entities would be exorbitant, as demonstrated by one California case which took three years to prepare for an evidentiary hearing and cost more than $1,000,000. The evidentiary hearing was never held, after the *McCleskey v. Kemp* ruling was rendered;

(g) The Fairness in Death Sentencing Act encourages a quota system for capital punishment cases by in effect introducing "race consciousness" into capital case decisions.

(2) Opposes any legislation which would undermine or otherwise modify the holding in *McCleskey v. Kemp*, 481 U.S. 279 (1987);

(3) Concludes that the Fairness in Death Sentencing Act is inconsistent with the objective of meaningful federal habeas corpus reform, and, therefore, calls upon the U.S. House of Representatives to follow the lead of the U.S. Senate on June 20, 1991 and reject any version of the Fairness in Death Sentencing Act (or any version of the Racial Justice Act) as part of any package of federal habeas corpus reform;

(4) Strongly supports the Equal Justice Act, which:

(a) expressly provides that capital punishment "shall be administered . . . without regard to the race or color of the defendant or victim" and explicitly prohibits "any racial quota or statistical test" for the imposition of capital punishment;

(b) codifies U.S. Supreme Court precedent which establishes safeguards against racial prejudice in criminal cases;

(c) establishes protections against any racial prejudice in the examination of possible jurors and the venue of the trial and prohibits appeals to racial bias by the prosecutor of defense counsel;

(d) specifies a federal funding objective to provide "adequate resources and expertise" for death penalty cases, which is consistent with other proposals calling for equal funding for state prosecutors for those states which have capital resource litigation centers devoted to the defense in capital punishment cases: Be it further

Resolved by the California District Attorneys Association that its Executive Director shall transmit a copy of this resolution to the U.S. Senators and Representatives in the California delegation and to members of the Senate and House Committees on the Judiciary.

Mr. HOYER. Mr. Chairman, today I rise in strong support of H.R. 3371, the Omnibus Crime Control Act of 1991. I would like to commend the chairman of the Judiciary Committee, JACK BROOKS and subcommittee chairmen, DON EDWARDS and CHUCK SCHUMER for their diligence and hard work in crafting a bill that takes a serious approach to fighting crime in our communities.

In the past few years crime has taken on new more violent demeanor. Just recently, the District of Columbia's Police Chief acknowledged that organized gangs are operating in the Washington Metropolitan area and are responsible for a number of homicides and robberies resulting in death. The bill before us today seeks to return an element of safety and security back to us by waging a fast and furious war against crime. This crime bill intends not only to prosecute criminals to the fullest extent of the law but will also work to prevent some crimes before they happen.

Mr. Chairman, I am particularly pleased about the provisions of the bill that attempts to thwart crime before it is able to take place. We are going back to the old way of community policing by increasing the number of cops who are foot patrols. It has been proven that serious crime decreases when police become visible members of the neighborhoods in which they work. We will be providing the necessary funds to develop community based crime prevention programs and streamline the technology that will release cops overburdened with paperwork to patrol the streets.

During the first few weeks of school this year in the District of Columbia, Virginia, and my own State of Maryland, shots were fired on or near the campuses of our schools. A recent Centers for Disease Control study revealed that 1 in 3 high school males sometimes carried a gun, knife or other weapon with the intention of using it if necessary. Twenty percent of the respondents indicated that they carried a weapon at least once in the preceding month. It has become increasingly clear that young people are becoming more inclined to using weapons than their fists. This bill addresses the increasing violence in our schools by funding safety measures such as metal detectors and video-surveillance. In addition, it provides the resources necessary to train teachers to prevent crime and violence in schools as well as to counsel students who have been victimized by crime in schools. Each year there are approximately 3 million crimes or attempted crimes in the vicinity of our Nation's schools. We owe our children the opportunity to study in an environment conducive to learning, free from the fear of violence. The safe schools provisions of this bill will address these concerns.

For some time now I have been in support of programs that are alternatives to incarceration and probation for some of our younger offenders. One program in particular is the military-styled boot camps. Although there is evidence that this program has been successful in reducing the recidivism rate among juvenile and youthful offenders, most States have had difficulties with implementation as a result of a lack of funds. H.R. 3371 provides $200 million in grants to the States to assist with this and other alternatives to the traditional methods of incarceration. I strongly believe that the boot camps offer a severe form of punishment while deterring younger offenders from returning to the system after committing a more serious crime.

In an effort to compensate victims of crime who are sometimes lost in the process, the bill eliminates the limits on deposits to crime victims' fund, requires that State crime victim assistance focus on children who are victims or violent street crime and expands reimbursement to victims in court ordered restitution to include cost associated with child care and transportation. I attempted to have language inserted in the bill which would have made it possible for victims of crime to have an offenders tax refunds intercepted in court ordered restitution cases when restitution payments were in arrears. Unfortunately my amendment was ruled out of order in the committee of jurisdiction but I still contend that victims of crime are being neglected in our judicial system. I will continue to press this issue.

I am deeply saddened and outraged by the mass murder that occurred in the cafeteria in Texas. Unfortunately, this is a classic example of why assault weapons which have no other useful purpose in our society other than to create mass destruction should be banned. Although I too have gun enthusiasts in my district, I cannot justify or rationalize the need for these types of weapons. I have always believed that law-abiding citizens should have the right to protect themselves in their homes and that hunters should have the right to hunt. However, I do not feel that banning weapons capable of exacting such a high human toll in a matter of seconds or minutes is a violation of anyone's constitutional rights. It is my hope that the amendment striking the bill's prohibition on owning or transferring the 13 named assault weapons will be soundly defeated.

As pleased as I am with the committee-passed bill, I am just as displeased with some of the amendments that will be offered here today and tomorrow. While trying to improve the judicial system, some very basic and fundamental constitutional rights would be jeopardized if the amendments were to prevail. I am in strong opposition to the amendment that would strike the bill's provisions regarding habeas corpus reform. The "full and fairly" adjudicated language would prohibit a Federal court from hearing a claim in a habeas appeal that was "fully and fairly" adjudicated in State court. This amendment would make it virtually impossible for a State prisoner to have his case federally reviewed. It has been determined that after Federal review, judgments could be reversed in over 40 percent of the cases. Yes, indeed there will be some prisoners who will tie up the courts for years by using the Federal appeals process but in cases where grave mistakes have been made and justice not served, the great writ of habeas can be used to restore fairness and constitutionality.

Mr. Chairman, last year we had an opportunity to debate the Racial Justice Act as part of the crime bill. Once again the issue of race as it related to capital cases in being raised. Members on the other side of the aisle would like to be able to eliminate the bill's provisions that would prohibit a prisoner from being executed because of racial discrimination. There is no doubt that if one is black or if the victim is white, the chances of receiving the death penalty is substantially higher. In fact, a very small percentage of executions have been carried out in cases where the victims were African-Americans and in all of those cases the defendants were African-Americans. This issue is not about the death penalty, but it is about how the death penalty is applied, and the fact of the matter is that the death penalty if it is to be applied, should be applied impartially without regard to race.

Mr. Chairman, this bill is not going to eradicate crime in our society but it is a step in the right direction. The committee-passed bill seeks to fight drugs, beef up law enforcement, and mete out tough punishments for those who have little regard for the law. It also recognizes that urban crime is spreading to rural America and provides additional funds for rural drug enforcement. Amendments that seek to undermine the constitutional rights of prisoners, permit the use of evidence illegally obtained by the police and sentence others to death with total disregard for discrimination should be soundly defeated and I urge my colleagues to support the committee bill and amendments that further the cause of justice and fairness in our judicial process.

Mr. GRADISON. Mr. Chairman, H.R. 3371 sadly needs a reality check. Although much of the debate surrounds constitutional issues, the measure also includes $1.2 billion in new program authorizations for each of fiscal years 1992, 1993, and 1994 with no indication of how or whether funding for this program will materialize. No one who knows anything about the way Congress makes spending decisions could have even the slightest expectation that money for these programs will ever be spent.

Few of these authorizations were included in the President's budget request or in this crime bill; they are Democrat initiatives designed to portray the Democrats "getting tough on crime." As the debate unfolds, I invite my colleagues and the American public to note the following points:

If House Democrats are so tough on crime, why did they agree three separate times in the process of adopting the budget resolution to cut the President's request for budget function 750, administration of justice? First, the House Budget Committee reported a budget resolution cutting $500 million from his request. Next, on the House floor, Members adopted the Ford amendment, which cut function 750 another $100 million. Finally, the conference agreement took yet another $400 million from function 750. When it was all over, the Democratic Congress had adopted a budget for fighting crime that fell short of the President's request by more than $1 billion in budget authority.

Fiscal year 1992 discretionary appropriations are nearly complete and function 750 is $600 million in budget authority and almost $700 million in outlays below the President's request. If Democrats are really concerned about crime, why aren't they funding more of the President's request or even funding the proposals being authorized for fiscal year 1992 in this crime bill?

There is even less likelihood that $1.2 billion will be provided next fiscal year to pay for these initiatives than it will this year. Under the budget agreement, the domestic discretionary cap will be tighter. For fiscal year 1993 than for fiscal year 1992, yet no one is saying what domestic program cuts would make room to fund these initiatives. If Democrats are serious about funding these initiatives, why don't they identify discretionary program cuts to pay for them as they garner political credit for authorizing them?

Mr. Chairman, Budget Act points of order are not in order here because this is an authorization, but reality checks are. "Getting tough on crime" should be evaluated on policy grounds, actual spending versus budget requests, and program results. New Democratic anticrime initiatives with little hope of funding can only add to the lack of credibility the Democratic Party holds on this issue. Promises that the Federal Government will find $1.2 billion per year to pay for predominately State and local anticrime efforts are not reality: They are just political pretense.

Mr. GOSS. Mr. Chairman, when will we realize that the mounting crime statistics are not just numbers, numbers that can be corrected by mere words and empty legislation? The number of arrests rose by 14.2 percent over a 5-year period and from 10,440,569 in 1989 to 11,250,083 in 1990. As frightening as those statistics are, it's even more terrifying to remember that there is a very real victim behind each of those numbers. We must not forget the painful part these individuals and their families, past, present and future, play in the continuing war on crime.

It is for this reason, the people behind the numbers, that I must express my frustration and dismay with regard to H.R. 3371, the Omnibus Crime Control Act we are considering today. This legislation effectively aggravates the bureaucratic nightmare our criminal justice system has become, adding delay and red tape to everything from the death penalty to Federal/State cost sharing. This bill seems less an attempt at reform, and more a coverup for our inadequate and overburdened penal system.

The partisan politics that prohibited extremely important amendments from even being considered on the floor of the House today, continue to hold real reform at bay. Will we continue to pass ineffective legislation under the guise of a yearly crime bill? There are effective options and we can pass a crime bill with teeth, if we have the courage to address the real issues and close the loopholes that will allow the release of criminals on legal technicalities.

More than 215 days ago, the President challenged Congress to provide real protection against crime for the American people and he outlined substantive methods to effectively accomplish this task. These much needed proposals include real habeas corpus reform that prevents repetitive filings and expedites petitions; allowing the facts of a case to be presented by establishing a good faith exemption to the exclusionary rule; and important extensions of the death penalty.

The American people have given Congress a mandate to stop the legal persecution of victims. Our constituents are not asking for racial quotas for the death penalty. They want to know that justice will be swift and sure for all violent criminals. They are demanding that we pay attention to the growing ranks of individuals violated by criminal activity and give law enforcement the tools they need to do their jobs. Only then will we turn the frightening numbers of violent crime around.

Mr. FRANKS of Connecticut. Mr. Chairman, each day American families mourn the loss or injury of a victim of crime. The national statistics are troubling and very real, touching those who live the hard life of the inner city or the quiet of the suburbs.

Every 17 seconds an American falls victim to a violent crime, every 5 minutes a woman is raped, and every 22 minutes a person is murdered. In my State of Connecticut alone, crime has risen almost 4 percent in the last year.

One reads in newspapers and watches on television, images of senseless violence, spurned on by the savage effects of drugs.

We ask ourselves why those who kill or steal for cocaine are not arrested, prosecuted and imprisoned. When we see an arrest, often those found guilty are freed after serving a small portion of their sentence.

It seems the legal system now works for those who break the rules, rather than those who abide by the rule of law.

The American people are getting sick and tired of it.

It is time to stand up for the victim and send a strong message to the criminals in this country that we will not tolerate it anymore. It's time to declare war on the drug pushers and the criminals before we lose control of our streets and our neighborhoods.

Unfortunately H.R. 3371 does not go far enough in our common goals of turning the tide on waves of violence and despair.

This bill is a real crime in its present form. It does not go far enough in attempting to address the real issues and root causes of what is at stake for all Americans.

Several amendments will be introduced which will strengthen this legislation and allow this bill to become law. I urge my colleagues to vote for these amendments and vote to send a strong signal to the American people that we intend to set the rules in this crime game.

Once again this bill lacks teeth. It leaves out important provisions which would reform an already abused habeas corpus system. Currently, many death row inmates petition again and again for habeas corpus in the Federal court system without restriction as to number or time of appeals. Too often, convicted criminals take advantage of the appeals process in order to forestall their punishment. This impedes the judicial system and costs the honest taxpayer millions of dollars a year.

Another key provision which is inadequately addressed in this bill is the problem which arises when a known criminal is released because of a minor technicality. In the past many strong cases were thrown out because of a technicality and the criminal was right back on the street.

An amendment by Mr. McCOLLUM would address this problem. The amendment establishes a good faith exception to the exclusionary rule so that evidence could be admitted if the conduct of the officers was objectively reasonable.

Finally Mr. Chairman, we must address the violent crime offender. The person who takes the life of another must face the ultimate consequences.

I support an amendment offered by Mr. GEKAS which will establish procedures required for the constitutional imposition of the death penalty and to extend it to specific Federal crimes.

We are at a crossroads. One path leads to surrendering the rule of law to those who have no sense of right and wrong, who think nothing of killing innocent people in search of blood money.

The other path is one where our society stands united in purpose and deed to say to the criminals, "Enough is enough."

There have been countless stories of neighborhoods coming together. They are forming block watches, civilian patrols, and school escorts. They are looking to us to stand with them in their fight to make their lives safer. Are we going to do that, or turn tail and run from our responsibilities?

Crime is no longer isolated in urban areas. It touches suburbs, small cities, and little towns—it touches every American.

Let's adopt a crime bill which will permit every citizen to walk our streets without fear, which will allow our children to look to the future with hope, and which will protect the rights of every victim of crime.

Mr. McMILLAN of North Carolina. Mr. Chairman, today I rise in support of section 1303 of H.R. 3371, which makes it a Federal criminal offense to defraud, loot, or plunder an insurance company or to defraud insurance regulations.

It has been my good fortune to have served as a member of the Oversight and Investigations Subcommittee which conducted numerous case studies, including three of the largest property-casualty insurance insolvencies. As documented in our failed promises report, we learned that insurance industry is vulnerable to the same types of mismanagement and fraud that led to the savings and loan crisis. While serving on the Banking Committee, I became all too familiar with these sorts of problems.

As the ranking Republican on the Commerce, Consumer Protection, and Competitiveness Subcommittee, I see this Federal insurance fraud legislation as a necessary first step in addressing the growing problem of insurance insolvency and restoring public confidence in the overall health of our Nation's insurance industry. While our committee will be dealing with the insurance solvency issue in the coming months. Americans everywhere should rest assured that those who seek to pillage our Nation's insurance companies will not go unpunished.

I encourage my colleagues to support this provision of the crime bill.

Mrs. LOWEY of New York. Mr. Chairman, there is no question that what we are addressing today is one of the vital issues that will affect the future of this Nation. Successfully dealing with the crime that is threatening the law-abiding people of this Nation is central to our quest for a better life for all Americans. If we cannot guarantee our citizens the basic freedom to walk down the street without fear, we will never be able to build the kind of society that we all want to see. We must adopt tough-minded, commonsense solutions to the plague of violence.

For more than 20 years, as reported crimes have increased dramatically across this Nation, how to address the crime problem has been a focal point of debate and controversy across this country. Yet for all the bombast, all of the rhetoric, and all the political posturing, there has been regrettably little meaningful action. Very few steps have been taken to prevent crime or to protect its victims.

Every day, more lives are ruined and families are ripped apart because of the tragedy of violent crimes. Every month, we see statistics more sobering than those of the month before about how many people are being victimized. Every year, we lose more and more ground—more streets that are not safe to walk on, more neighborhoods where fear is a constant presence, and more young lives caught up in the tragic swirl of drugs and lawlessness.

Today, however, we can take the first step on the long road back to safety. Today we can finally begin an offensive that will turn the tide on crime. While I do not agree with every provision of it, the bill that we have before us puts the focus rights where it belongs—on preventing crime, punishing criminals, and protecting victims. I congratulate the Judiciary Committee for doing an outstanding job in facing this difficult challenge. They have not allowed themselves to be overtaken by hysteria, but instead they have created a bill that will enact meaningly policies to move forcefully and effectively to turn back the wave of crime.

This bill will toughen Federal sentences and make clear that we will not tolerate violent crime any longer. It will make funds available to communities to put tens of thousands of new police officers on the beat. That is, after all the front line against crime.

It will help States move toward the goal of punishing every youthful offender. It will provide funds to educational authorities to provide safe learning environments for our children. And it will put into place effective new programs for fighting car theft, keeping high-risk youths off the streets and out of gangs, and using the most up-to-date technology to catch and prosecute criminals.

That is not all that this crime bill does. It also gives much needed aid to the victims, who all too frequently have been lost in the shuffle. Too many times in the past, our Government has overlooked the needs and the rights of crime victims. I have worked hard to correct that oversight, and it is good news that this bill will increase the funds available for restitution and assistance to victims. We cannot allow those who have been victimized by the tryanny of crime to be victimized again by withering inattention.

The victims compensation title of this bill is a noteworthy achievement that finally recognizes those who suffer directly from crimes in our society.

A great deal will remain to be done, Mr. Chairman, after this legislation is enacted. There will be many obstacles in our path, and many times when our commitment and our fortitude will be tested. But it is a road that we must travel. For the sake of our children, we must reclaim the streets of America. H.R. 3371 is a good bill, a tough bill, that moves us in the right direction. I urge my colleagues to join me in passing this historic legislation, so that we can work together for an America where people can be secure in their homes, safe on our streets, and able to fulfill their dreams for themselves and their families without living in fear.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of H.R. 3371, the Omnibus Crime Control Act of 1991. It is imperative that this body act today to reclaim our cities from the control of drug pushers, rapists, thieves, and street gangs, and return it to law-abiding Americans.

H.R. 3371 is a comprehensive package of crime-fighting proposals designed to win back our streets and neighborhoods from the criminal filth which has so violently touched every American's life in some manner. For too long, Mr. Chairman, mothers have been afraid to let their children walk to school for fear of having them accosted by drug pushers or savaged by rapists. For too long, our police forces have been outgunned by criminals using weapons with names such as the "Street Sweeper" and "Striker." And for too long, we have seen criminals walk free on a technicality, even though the evidence is overwhelmingly incriminating. We must halt the further descent of our Nation into a constant state of fear. This bill will give law enforcement officials and community groups the tools necessary to assess, control, and begin to turn back, the rising tide of crime gripping our streets.

Among the most important provisions in the legislation is a ban on domestically made semiautomatic assault rifles. The role of semiautomatic and assault weapons in America's drug crisis and other crimes has been well documented. The front pages of our newspapers seem to regularly report the latest occurrences of drug-related drive-by shootings, disgruntled employees returning to the worksite to seek revenge, and madmen on meaningless rampages. We must rid our streets of these weapons which have no legitimate purpose except to kill other human beings.

This proposal has been met with widespread support by the Nation's police forces and law enforcement organizations. Furthermore, public opinion polls have shown an overwhelming support for initiatives designed to halt further proliferation of semiautomatic weapons. We cannot allow ourselves to be fooled by those who claim their second amendment rights will be violated by this ban. I have to question the intentions of any sportsman who would use such weapons of death to hunt animals. The fact is that only 13 very specific types of weapons will be banned by this provision, and no semiautomatic weapons already legally owned will be affected. No government stormtroopers will be knocking on the doors of law-abiding gun owners to confiscate weapons. Such a notion is pure and simple NRA generated poppycock. In addition to banning these destructive weapons, this bill lengthens the mandatory sentences for numerous crimes involving firearms, as well as establishes new firearms crimes.

H.R. 3371 also includes important provisions to codify an already existing good faith exception to the exclusionary rule. This rule, which prohibits the introduction of illegally obtained evidence into a trial, would be circumvented under H.R. 3371 if the evidence was obtained with the good faith knowledge of officials that their search and seizure was valid. All to often, Mr. Chairman, we have seen criminals walk free because incriminating evidence was disallowed due to technicalities in the issuing of a search warrant. These criminals are then free to commit other crimes and hurt other law-abiding citizens. This provision would insure that if those law enforcement officers who obtained evidence believed that they were indeed acting in "good faith," and believed that all legal guidelines for obtaining evidence had been followed, that evidence would then be admissible in a court of law.

This legislation also seeks to protect our society's most vulnerable members; namely our children, by requiring States to register the names and current addresses of all persons who have committed crimes against children. Furthermore, it will create a national system which will be administered by the FBI for identifying child abusers. We must do everything possible to prevent the horrible scourge of child abuse and molestation from ruining the lives of our Nation's young people, and these provisions will do much to help prevent this ugliness.

I do have concerns over one section of this bill, Mr. Chairman, specifically that which greatly expands the list of crimes punishable by the death penalty. How are we to become a "kinder and gentler" Nation, as the President has set out as his goal, if we continually attempt to reform America's criminals by killing them? Study upon study has shown that the death penalty does not deter criminal behavior, and simply increasing the number of crimes punishable by death will accomplish nothing, except perhaps increasing the chances that a wrongfully convicted individual will be put to death.

However, if we must have the death penalty, Mr. Chairman, I am pleased to see that this bill includes language to insure that the death penalty is instituted fairly to all, regardless of race. Past inequities in the frequency of sentencing the death penalty to African-Americans over whites are well documented. H.R. 3371 would allow those sentenced to death to appeal the decisions if they can cite evidence showing a pattern of racial discrimination in the sentencing of the death penalty.

Furthermore, this legislation provides a fair reform to current Federal habeas corpus procedures. The public has grown weary of convicted criminals continually logjamming the judicial system with appeal after appeal. These reforms will place reasonable limits on the number of appeals criminals convicted in State courts can file with Federal courts. Some of my colleagues would like to virtually eliminate this procedure altogether. However, even prisoners are protected under the Constitution and the Judiciary Committee's habeas corpus measure provides for thoughtful reform without restricting the right of the accused to due process under the law.

Finally, Mr. Chairman, and perhaps most importantly, this legislation provides funding for many crucial programs at both the Federal and local level. Among these are the expansion of DNA analysis labs, scholarships for future law enforcement officers, grants for community policing initiatives, school violence grants, block grants for local antidrug initiatives, and midnight basketball league funding, an idea with a proven track record of putting vulnerable youth in the gyms for healthy competition and getting them off the streets in the late hours of the night. Such local initiatives are often the most successful methods of fighting crime and drug abuse, Mr. Chairman, as only those who must live day to day with crime at their doorstep can truly assess their own unique local needs.

It is time to act and reaffirm to the American people that this body is indeed ready to tackle the true problems that are afflicting our Nation. The confidence of the public in our ability to direct the Nation is at a record low. We must not allow this important legislation to become mired in unproductive partisanship and bickering. The country is counting on us to act and I urge my colleagues to support H.R. 3371.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary, as modified by the amendments printed in part 1 of House Report 102-253, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 3371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Crime Control Act of 1991".

(b) TABLE OF CONTENTS.—The following is the table of contents for this Act:

TITLE I—COMMUNITY POLICING; COP ON THE BEAT

TITLE II—DRUG TREATMENT IN FEDERAL PRISONS

TITLE III—SUBSTANCE ABUSE TREATMENT IN STATE PRISONS

TITLE IV—SAFE SCHOOLS

TITLE V—VICTIMS OF CRIME

Subtitle A—Crime Victims Fund

Subtitle B—Restitution

Subtitle C—HIV Testing

TITLE VI—CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS

TITLE VII—DRUG TESTING OF ARRESTED INDIVIDUALS

TITLE VIII—DRUG EMERGENCY AREAS ACT OF 1991

TITLE IX—COERCED CONFESSIONS

TITLE X—DNA IDENTIFICATION

TITLE XI—HABEAS CORPUS

TITLE XII—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A—Police Accountability

Subtitle B—Retired Public Safety Officer Death Benefit

Subtitle C—Study on Police Officers' Rights

Subtitle D—Law Enforcement Scholarships

Subtitle E—Law Enforcement Family Support

TITLE XIII—FRAUD

TITLE XIV—PROTECTION OF YOUTH

Subtitle A—Crimes Against Children

Subtitle B—Parental Kidnapping

Subtitle C—Sexual Abuse Amendments

Subtitle D—Reporting of Crimes Against

Children
TITLE XV—MISCELLANEOUS DRUG CONTROL
TITLE XVI—FAIRNESS IN DEATH SENTENCING ACT OF 1991
TITLE XVII—MISCELLANEOUS CRIME CONTROL
Subtitle A—General
Subtitle B—Motor Vehicle Theft Prevention
Subtitle C—Terrorism: Civil Remedy
Subtitle D—Commission on Crime and Violence
TITLE XVIII—MISCELLANEOUS FUNDING PROVISIONS
Subtitle A—General
Subtitle B—Midnight Basketball
TITLE XIX—MISCELLANEOUS CRIMINAL PROCEDURE AND CORRECTIONS
Subtitle A—Revocation of Probation and Supervised Release
Subtitle B—List of Veniremen
Subtitle C—Immunity
Subtitle D—Clarification of 18 U.S.C. 5032's Requirement That Any Prior Record of a Juvenile Be Produced Before the Commencement of Juvenile Proceedings
Subtitle E—Petty Offenses
Subtitle F—Optional Venue for Espionage and Related Offenses
Subtitle G—General
TITLE XX—FIREARMS AND RELATED AMENDMENTS
Subtitle A—Firearms and Related Amendments
Subtitle B—Assault Weapons
Subtitle C—Large Capacity Ammunition Feeding Devices
TITLE XXI—SPORTS GAMBLING
TITLE XXII—TECHNICAL CORRECTIONS
TITLE XXIII—DEATH PENALTY PROCEDURES
TITLE XXIV—DEATH PENALTY

TITLE I—COMMUNITY POLICING; COP ON THE BEAT

SEC. 101. SHORT TITLE.

This title may be cited as "The Community Policing; Cop on the Beat Act of 1991".

SEC. 102. COMMUNITY POLICING; COP ON THE BEAT.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following:

"PART P—COMMUNITY POLICING; COP ON THE BEAT GRANTS

"SEC. 1601. GRANT AUTHORIZATION.

"(a) Grant Projects.—The Director of the Bureau of Justice Assistance may make grants to units of general local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

"(6) providing training and problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities which have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) Model Project.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in such community.

"SEC. 1602. APPLICATION.

"(a) In General.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In such application, one office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) General Contents.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1601;

"(2) a description of the areas and populations to be served by the grant; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) Comprehensive Plan.—Each application shall include a comprehensive plan which contains—

"(1) a description of the crime problems within the areas targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant shall be used to fill those gaps;

"(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

"(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

"SEC. 1603. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) Allocation.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

"(b) Administrative Cost Limitation.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(c) Renewal of Grants.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1602(c).

"(d) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1602 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1604. AWARD OF GRANTS.

"(a) Selection of Recipients.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

"(1) Need and ability.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1602(c).

"(2) Community-wide response.—Evidence of the ability to coordinate community-wide response to crime.

"(3) Maintain program.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

"(b) Geographic Distribution.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 1605. REPORTS.

"(a) Report to Director.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1602(c).

"(b) Report to Congress.—The Director shall submit to the Congress a report by October 1 of each year that shall contain a detailed statement regarding grant awards, activities of grant recipients, and an evaluation of projects established under this part.

"SEC. 1606. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term 'Director' means the Director of the Bureau of Justice Assistance.".

(b) Conforming Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

"Part P—Community Policing; Cop on the Beat Grants

"Sec. 1601. Grant authorization.
"Sec. 1602. Application.
"Sec. 1603. Allocation of funds; limitation on grants.
"Sec. 1604. Award of grants.
"Sec. 1605. Reports.
"Sec. 1606. Definitions.

"Part Q—Transition; Effective Date; Repealer

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) by redesignating the last 3 paragraphs as paragraphs (7), (8), and (9); and

(2) by adding after paragraph (9) the following:

"(10) There are authorized to be appropriated $150,000,000 to carry out this part for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part P.".

TITLE II—DRUG TREATMENT IN FEDERAL PRISONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Drug Treatment in Federal Prisons Act of 1991".

SEC. 202. DEFINITIONS.

As used in this title—

(1) the term "residential substance abuse treatment" means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

(2) the term "eligible prisoner" means a prisoner who is—

(A) determined by the Bureau of Prisons to have a substance abuse problem; and

(B) willing to participate in a residential substance abuse treatment program.

SEC. 203. IMPLEMENTATION OF SUBSTANCE ABUSE TREATMENT REQUIREMENT.

(a) In General.—In order to carry out the requirement of the last sentence of section 3621(b) of title 18, United States Code, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide residential substance abuse treatment—

(1) for not less than 50 percent of eligible prisoners by the end of fiscal year 1993;

(2) for not less than 75 percent of eligible prisoners by the end of fiscal year 1994; and

(3) for all eligible prisoners by the end of fiscal year 1995 and thereafter.

(b) Incentive for Prisoners' Successful Completion of Treatment Program.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

"(e) Incentive for Prisoners' Successful Completion of Treatment Program.—

"(1) Generally.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under subsection (b) of this section, shall remain in the custody of the Bureau for such time (as limited by paragraph (2) of this subsection) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for drug abuse and discontinue such conditions on determining that drug abuse has recurred.

"(2) Period of Custody.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.".

SEC. 204. REPORT.

The Bureau of Prisons shall transmit to the Congress on January 1, 1993, and on January 1 of each year thereafter, a report. Such report shall contain—

(1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(2) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(3) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this Act.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1991 and each fiscal year thereafter such sums as may be necessary to carry out this title.

TITLE III—SUBSTANCE ABUSE TREATMENT IN STATE PRISONS

SEC. 301. SHORT TITLE.

This title may be cited as the "Substance Abuse Treatment in State Prisons Act of 1991".

SEC. 302. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 102, is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

"PART Q—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 1701. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 1702. STATE APPLICATIONS.

"(a) In General.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency.

"(b) Drug Testing Requirement.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) Eligibility for Preference With After Care Component.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, halfway house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) State Office.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1703. REVIEW OF STATE APPLICATIONS.

"(a) In General.—The Bureau shall make a grant under section 1701 to carry out the projects described in the application submitted under section 1702(a) upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) Approval.—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) Disapproval Notice and Reconsideration.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1704. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) Allocation.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1705. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) Conforming Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 102 of this Act, is amended by striking the matter relating to part Q and inserting the following:

"PART Q—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 1701. Grant authorization.
"Sec. 1702. State applications.
"Sec. 1703. Review of State applications.
"Sec. 1704. Allocation and distribution of funds.
"Sec. 1705. Evaluation.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

SEC. 303. DEFINITIONS.

Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding after paragraph (23) the following:

"(24) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part Q.".

TITLE IV—SAFE SCHOOLS

SEC. 401. SHORT TITLE.

This title may be cited as the "Safe Schools Act of 1991".

SEC. 402. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 302, is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following:

"PART R—SAFE SCHOOLS ASSISTANCE

"SEC. 1801. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director shall develop a written safe schools model in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 1802. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 1803. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 1802;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within the schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce crime problems.

"SEC. 1804. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 1803(c).

"SEC. 1805. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1803(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 1803(c).

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 1806. REPORTS.

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 1803(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under 1803(b)(4), and an evaluation of programs established under this part.

"SEC. 1807. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 302 of this Act, is amended by striking the matter relating to part R and inserting the following:

"PART R—SAFE SCHOOLS ASSISTANCE

"Sec. 1801. Grant authorization.
"Sec. 1802. Use of funds.
"Sec. 1803. Applications.
"Sec. 1804. Allocation of funds; limitations on grants.
"Sec. 1805. Award of grants.
"Sec. 1806. Reports.
"Sec. 1807. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 304 of this Act, is amended by adding after paragraph (11) the following:

"(12) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part R.".

TITLE V—VICTIMS OF CRIME

Subtitle A—Crime Victims Fund

SEC. 501. CRIME VICTIMS FUND.

(a) ELIMINATION OF FUND CEILINGS AND SUNSET PROVISION.—Subsection (c) of section 1402 (42 U.S.C. 10601) of the Victims of Crime Act of 1984 is repealed.

(b) ALLOCATIONS.—

(1) GENERALLY.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended to read as follows:

"(2) The Fund shall be available as follows:

"(A) Of the total deposited in the Fund during a particular fiscal year—

"(i) the first $10,000,000 shall be available for grants under section 1404A of this title;

"(ii) the next sums deposited, up to the reserved portion (as described in subparagraph (C)), shall be made available to the judicial branch for administrative costs to carry out the functions of that branch under sections 3611 and 3612 of title 18, United States Code;

"(iii) and of the sums remaining after the allocations under clauses (i) and (ii)—

"(I) 4 percent shall be available for grants under section 1404(c)(1); and

"(II) 96 percent shall be available in equal amounts for grants under section 1403 and 1404(a) of this title.

"(B) The Director may retain any portion of the Fund that was deposited during a fiscal *year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000.*

"(C) The reserved portion referred to in subparagraph (A) is $6,200,000 in each of fiscal years 1992 through 1995 and $3,000,000 in each fiscal year thereafter.".

(2) CONFORMING CROSS-REFERENCE.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1)) is amended by striking "(iv)" and inserting "(i)" in lieu thereof.

(c) AMOUNTS AWARDED AND UNSPENT.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Except as provided in paragraph (2), any" and inserting "Any";

(B) by striking "succeeding fiscal year" and inserting "two succeeding fiscal years";

(C) by striking "which year" and inserting "which period"; and

(D) by striking "the general fund of the Treasury" and inserting "the Fund"; and

(2) by striking paragraph (2).

SEC. 502. PERCENTAGE CHANGE IN CRIME VICTIM COMPENSATION FORMULA.

Section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "40 percent" and inserting "45 percent".

SEC. 503. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The final sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting "Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following:

"(3) The Director may permit not more than 5 percent of a grant made under this section to be used for the administration of the crime victim compensation program receiving the grant.".

SEC. 504. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 505. USE OF UNSPENT SECTION 1403 MONEY.

Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by striking "or for the purpose of grants under section 1403 but not used for that purpose,"; and

(2) by adding at the end the following:

"The Director, in the Director's discretion, may use amounts made available under section 1402(d)(2) for the purposes of grants under section 1403 but not used for that purpose, for grants under this subsection, either in the year such amounts are not so used, or the next year.".

SEC. 506. UNDERSERVED VICTIMS.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) In making the certification required by paragraph (2)(B), the chief executive shall give particular attention to children who are victims of violent street crime.".

SEC. 507. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 508. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

(a) Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(A)) is amended—

(1) in paragraph (1) by inserting ", except as provided in paragraph (7)" after "programs", and

(2) by adding after the paragraph added by section 506 of this Act the following:

"(7) The Director may permit not more than 5 percent of sums provided under this subsection to be used by the chief executive of each State for the administration of such sums.".

SEC. 509. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended—

(1) by striking "December 31, 1990", and inserting "May 31, 1993"; and

(2) by striking "December 31" the second place it appears and inserting "May 31" in lieu thereof.

SEC. 510. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

SEC. 511. DELAYED EFFECTIVE DATE FOR CERTAIN PROVISIONS.

Sections 102(b), 103, 104, and 109, and the amendments made by those sections, shall take effect with respect to the first fiscal year that begins after the date of the enactment of this Act for which the Director certifies there are sufficient sums in the Victim Assistance Fund and the Victims Compensation Fund, as of the end of the previous fiscal year, to make the allocations required under such sections and amendments without reducing the then current funding levels of programs supported by such Funds.

Subtitle B—Restitution

SEC. 521. RESTITUTION AMENDMENTS.

(a) EXPANSION OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended by striking "and" following the semicolon in paragraph (3), redesignating paragraph (4) as paragraph (5), and adding after paragraph (3) the following:

"(4) in any case, reimburse the victim for necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

(b) SUSPENSION OF FEDERAL BENEFITS.—Subsections (g) and (h) of section 3663 of title 18, United States Code, are redesignated as subsections (h) and (i), respectively, and a new subsection (g) is inserted as follows:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments established under subsection (f)(1) of this section, or any requirement of immediate payment under subsection (f)(3) of this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) For purposes of this subsection—

"(A) the term 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

"(B) the term 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

(c) RESTITUTION FOR VICTIMS OF SEX OFFENSES.—Section 3663(b)(2) of title 18, United States Code, is amended by inserting "or an offense under chapter 109A or chapter 110 of this title" after "an offense resulting in bodily injury to a victim".

Subtitle C—HIV Testing

SEC. 531. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES.

(a) Chapter 109A of title 18, United States Code, is amended by inserting at the end thereof the following new section:

"§2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

"(a) TESTING AT TIME OF PRETRIAL RELEASE DETERMINATION.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) of this title shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that followup tests for the virus be performed 6 months and 12 months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as feasible. The person shall not be released from custody until the test is performed.

"(b) TESTING AT LATER TIME.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed 6 months and 12 months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

"(c) TERMINATION OF TESTING REQUIREMENT.—A requirement of follow-up testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) DISCLOSURE OF TEST RESULTS.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

"(e) EFFECT ON PENALTY.—The United States Sentencing Commission shall amend existing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender

knew or had reason to know that he was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.".

(b) CLERICAL AMENDMENT.—The section analysis for chapter 109A of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.".

SEC. 532. PAYMENT OF COST OF HIV TESTING FOR VICTIM.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 is amended by inserting before the period at the end thereof the following: ", and the cost of up to two tests of the victim for the human immunodeficiency virus during the 12 months following the assault".

TITLE VI—CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS

SEC. 601. SHORT TITLE.

This title may be cited as the "Certainty of Punishment for Young Offenders Act of 1991".

SEC. 602. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 402 of this Act, is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as section 2001; and

(3) by inserting after part R the following:

"PART S—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1901. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

"SEC. 1902. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1903. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1901(a) to carry out the projects described in the application submitted by such applicant under section 1902(a) upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1902 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1901(b) for young offenders.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1904. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1902(b).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1901 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1905. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 1901 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1901.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1901, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1902(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1906. EVALUATION.

"(a) IN GENERAL.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 402 of this Act, is amended by striking the matter relating to part S and inserting the following:

"PART S—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1901. Grant authorization.
"Sec. 1902. State applications.
"Sec. 1903. Review of State applications.
"Sec. 1904. Local applications.
"Sec. 1905. Allocation and distribution of funds.
"Sec. 1906. Evaluation.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2001. Continuation of rules, authorities, and proceedings.".

SEC. 603. DEFINITION.

Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), *as amended by section 303 of this Act, is amended by adding after paragraph (24) the following:*

"(25) The term 'young offender' means an individual 28 years of age or younger.".

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (12) the following:

"(13) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part S.".

TITLE VII—DRUG TESTING OF ARRESTED INDIVIDUALS

SEC. 701. DRUG TESTING UPON ARREST.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 602 of this Act, is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following:

"PART T—GRANTS FOR DRUG TESTING UPON ARREST

"SEC. 2001. GRANT AUTHORIZATION.

The Director of the Bureau of Justice Assistance is authorized to make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 2002. STATE APPLICATIONS.

"(a) General Requirements.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) Mandatory Assurances.—To be eligible to receive funds under this part, a State must agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) Central Office.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. LOCAL APPLICATIONS.

"(a) In General.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 2002(c).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) Distribution to Units of Local Government.—A State that receives funds under section 2001 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Distribution.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in such State bears to the number of individuals arrested in all the participating States.

"(b) Local Distribution.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified in such State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 2001, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2002 for the fiscal year for which the projects receive assistance under this part.

"(d) Geographic Distribution.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 2005. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year that funds are received under this part regarding the effectiveness of the drug testing project.".

(b) Conforming Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 602 of this Act, is amended by striking the matter relating to part T and inserting the following:

"Part T—Drug Testing for Individuals Arrested
"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Local applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Report.

"Part U—Transition; Effective Date; Repealer
"Sec. 2101. Continuation of rules, authorities, and proceedings.".

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 604 of this Act, is amended by adding after paragraph (13) the following:

"(14) There are authorized to be appropriated $100,000,000 for the fiscal years 1992, 1993, and 1994 to carry out the projects under part T.".

TITLE VIII—DRUG EMERGENCY AREAS ACT OF 1991

SEC. 801. SHORT TITLE.

This title may be cited as the "Drug Emergency Areas Act of 1991".

SEC. 802. DRUG EMERGENCY AREAS.

Subsection (c) of section 1005 of the National Narcotics Leadership Act of 1988 is amended to read as follows:

"(c) Declaration of Drug Emergency Areas.—

"(1) Presidential declaration.—(A) In the event that a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare such State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or otherwise authorized by law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

"(2) Procedure for declaration.—(A) All requests for a declaration by the President designating an area to be a drug emergency area shall be made, in writing, by the Governor or chief executive officer of any affected State or local government, respectively, and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) Any request made under subparagraph (A) of this paragraph shall be based on a written finding that the major drug-related emergency is of such severity and magnitude, that Federal assistance is necessary to assure an effective response to save lives, and to protect property and public health and safety.

"(C) The President shall not limit declarations made under this subsection to highly-populated centers of drug trafficking, drug use or drug-related violence, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor(s) or chief executive officer(s) shall—

"(i) take appropriate action under State or local law and furnish such information on the nature and amount of State and local resources which have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining that government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (where possible quantitative goals) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review any request submitted pursuant to this subsection and for-

ward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving such application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President is authorized to make grants to State or local governments of up to, in the aggregate for any single major drug-related emergency, $50,000,000.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year. In any case where Federal assistance is provided under this Act, the Governor(s) or chief executive officer(s) may apply to the President, through the Director, for an extension of assistance beyond 1 year. The President, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) Any State or local government receiving Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of the enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as may be necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—Assistance under this subsection shall be subject to annual audit by the Comptroller General.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, and 1994, $300,000,000 to carry out this subsection.".

TITLE IX—COERCED CONFESSIONS

SEC. 901. COERCED CONFESSIONS.

The admission into evidence of a coerced confession shall not be considered harmless error. For the purposes of this section, a confession is coerced if it is elicited in violation of the fifth or fourteenth articles of amendment to the Constitution of the United States.

TITLE X—DNA IDENTIFICATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "DNA Identification Act of 1991".

SEC. 1002. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) in paragraph (20) by striking "and" at the end,

(2) in paragraph (21) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.".

(b) Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1003 of the DNA Identification Act of 1991;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iii) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1003 of the DNA Identification Act of 1991.".

(c) For each of the fiscal years 1992 through 1996, there are authorized to be appropriated $10 million for grants to the states for DNA analysis.

SEC. 1003. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from state and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5. U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 1004. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION

(a) The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1003 of the DNA Identification Act of 1991;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1003 of the DNA Identification Act of 1991; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(C) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 1005. FEDERAL BUREAU OF INVESTIGATION

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1003(b). Within one year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For five years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1992 through 1996 to carry out sections 1003, 1004, and 1005 of this Act.

TITLE XI—HABEAS CORPUS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1991".

SEC. 1102. STATUTE OF LIMITATIONS.

Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(g)(1) In the case of an applicant under sentence of death, any application for habeas corpus relief under this section must be filed in the appropriate district court not later than one year after—

"(A) the date of denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal or unitary review of the conviction and sentence is filed, within the time limits established by law, in the Supreme Court;

"(B) the date of issuance of the mandate of the highest court of the State on direct appeal or unitary review of the conviction and sentence, if a petition for a writ of certiorari is not filed, within the time limits established by law, in the Supreme Court; or

"(C) the date of issuance of the mandate of the Supreme Court, if on a petition for a writ of certiorari the Supreme Court grants the writ, and disposes of the case in a manner that leaves the capital sentence undisturbed.

"(2) The time requirements established by this section shall be tolled—

"(A) during any period in which the State has failed to provide counsel as required in section 2257 of this chapter;

"(B) during the period from the date the applicant files an application for State postconviction relief until final disposition of the application by the State appellate courts, if all filing deadlines are met; and

"(C) during an additional period not to exceed 90 days, if counsel moves for an extension in the district court that would have jurisdiction of a habeas corpus application and makes a showing of good cause.".

SEC. 1103. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before the first paragraph;

(2) by inserting "(2)" before the second paragraph; and

(3) by adding at the end the following:

"(b) In the case of an individual under sentence of death, a warrant or order setting an execution shall be stayed upon application to any court that would have jurisdiction over an application for habeas corpus under this chapter. The stay shall be contingent upon reasonable diligence by the individual in pursuing relief with respect to such sentence and shall expire if—

"(1) the individual fails to apply for relief under this chapter within the time requirements established by section 2254(g) of this chapter;

"(2) upon completion of district court and court of appeals review under section 2254 of this chapter, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition; or

"(C) a timely petition for certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel qualified under section 2257 of this chapter and after being advised of the consequences of the decision, an individual waives the right to pursue relief under this chapter.".

SEC. 1104. LAW APPLICABLE.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2256. Law applicable

"In an action filed under this chapter, the court shall not apply a new rule. For purposes of this section, the term 'new rule' means a clear break from precedent, announced by the Supreme Court of the United States, that could not reasonably have been anticipated at the time the claimant's sentence became final in State court.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2256. Law applicable.".

SEC. 1105. COUNSEL IN CAPITAL CASES; STATE COURT.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2257. Counsel in capital cases; State court

"(a) A State in which capital punishment may be imposed shall provide legal services to—

"(1) indigents charged with offenses for which capital punishment is sought;

"(2) indigents who have been sentenced to death and who seek appellate, collateral, or unitary review in State court; and

"(3) indigents who have been sentenced to death and who seek certiorari review of State court judgments in the United States Supreme Court.

"(b) The State shall establish an appointing authority, which shall be—

"(1) a statewide defender organization;

"(2) a resource center; or

"(3) a committee appointed by the highest State court, comprised of members of the bar with substantial experience in, or commitment to, criminal justice.

"(c) The appointing authority shall—

"(1) publish a roster of attorneys qualified to be appointed in capital cases, procedures by which attorneys are appointed, and standards governing qualifications and performance of counsel, which shall include—

"(A) knowledge and understanding of pertinent legal authorities regarding issues in capital cases;

"(B) skills in the conduct of negotiations and litigation in capital cases, the investigation of capital cases and the psychiatric history and current condition of capital clients, and the preparation and writing of legal papers in capital cases;

"(C) in the case of counsel appointed for the trial or sentencing stages, 5 years of experience in the representation of criminal clients in felony cases and experience in at least one case in which the death penalty was sought; and

"(D) in the case of counsel appointed for the appellate, postconviction, or unitary review stages, 5 years of experience in the representation of criminal clients in felony cases at the appellate, postconviction, unitary review, or certiorari stages and experience in at least one case in which the client had been sentenced to death;

"(2) monitor the performance of attorneys appointed and delete from the roster any attorney who fails to meet qualification and performance standards; and

"(3) appoint a defense team, which shall include at least 2 attorneys, to represent a client at the relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant State court.

"(d) An attorney who is not listed on the roster shall be appointed only on the request of the client concerned and in circumstances in which the attorney requested is able to provide the client with quality legal representation.

"(e) No counsel appointed pursuant to this section to represent a prisoner in State postconviction proceedings shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made, unless the prisoner and counsel expressly request continued representation.

"(f) The ineffectiveness or incompetence of counsel appointed pursuant to this section during State or Federal postconviction proceedings shall not be a ground for relief in a proceeding arising under section 2254 of this title. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal postconviction proceedings.

"(g) Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline the appointment, and whether the individual has knowingly and intelligently declined it.

"(h) Attorneys appointed from the private bar shall be compensated on an hourly basis and at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases and shall be reimbursed for expenses reasonably incurred in representing the client, including the costs of law clerks, paralegals, investigators, experts, or other support services.

"(i) Support services for staff attorneys of a defender organization or resource center shall be equal to the services listed in subsection (h).

"(j) If a State fails to provide counsel in a proceeding specified in subsection (a), or counsel appointed for such a proceeding fails substantially to meet the qualification standards specified in subsections (c)(1) or (d), or the performance standards established by the appointing authority, the court, in an action under this chapter, shall neither presume findings of fact made in such proceeding to be correct nor decline to consider a claim on the ground that it was not raised in such proceeding at the time or in the manner prescribed by State law.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2257. Counsel in capital cases; State court.".

SEC 1106. SUCCESSIVE FEDERAL PETITIONS.

Section 2244(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting ", in the case of an applicant not under sentence of death," after "When"; and

(3) by adding at the end the following:

"(2) In the case of an applicant under sentence of death, a claim presented in a second or successive application, that was not presented in a prior application under this chapter, shall be dismissed unless—

"(A) the applicant shows that—

"(i) the basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant filed the prior application; or

"(ii) the failure to raise the claim in the prior application was due to action by State officials in violation of the Constitution of the United States; and

"(B) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the applicant's guilt of the offense or offenses for which the capital sentence was imposed, or in the validity of that sentence under Federal law.".

SEC. 1107. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253, title 28, United States Code, is amended to read as follows:

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause. However, an applicant under sentence of death shall have a right of appeal without a certification of probable cause, except after denial of a second or successive application.".

TITLE XII—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A—Police Accountability

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the "Police Accountability Act of 1991".

SEC. 1202. PATTERN OR PRACTICE CASES.

(a) Cause of Action.—

(1) Unlawful conduct.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities, secured or protected by the Constitution or laws of the United States.

(2) Civil action by attorney general.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(3) Civil action by injured person.—Any person injured by a violation of paragraph (1) may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice. In any civil action under this paragraph, the court may allow the prevailing plaintiff reasonable attorneys' fees and other litigation fees and costs (including expert's fees). A governmental body shall be liable for such fees and costs to the same extent as a private individual.

(b) Definition.—As used in this section, the term "law enforcement officer" means an official empowered by law to conduct investigations of, to make arrests for, or to detain individuals suspected or convicted of, criminal offenses.

SEC. 1203. DATA ON USE OF EXCESSIVE FORCE.

(a) Attorney General To Collect.—The Attorney General shall, through the victimization surveys conducted by the Bureau of Justice Statistics, acquire data about the use of excessive force by law enforcement officers.

(b) Limitation on Use of Data.—Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

(c) Annual Summary.—The Attorney General shall publish an annual summary of the data acquired under this section.

Subtitle B—Retired Public Safety Officer Death Benefit

SEC. 1211. RETIRED PUBLIC SAFETY OFFICER DEATH BENEFIT.

(a) Payments.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a) by inserting after "line of duty" the following "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency";

(2) in subsection (b) by inserting after "line of duty" the following "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency"; and

(3) in subsections (c), (i), and (j) by inserting after "public safety officer" every place it occurs the following "or a retired public safety officer".

(b) Limitations.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) National Program.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) Definitions.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "and" after paragraph (6);

(2) by inserting "; and" at the end of paragraph (7); and

(3) by adding at the end the following:

"(8) 'retired public safety officer' means a former public safety officer, as defined in paragraph (7), who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency with which the officer was employed and who retired from such agency in good standing.".

(e) Effective Date.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of the enactment of this section.

Subtitle C—Study on Police Officers' Rights

SEC. 1221. STUDY ON POLICE OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than one year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

Subtitle D—Law Enforcement Scholarships

SECTION 1231. SHORT TITLE.

This subtitle may be cited as the "Law Enforcement Scholarship Act of 1991".

SEC. 1232. STATEMENT OF PURPOSE.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 791 of this Act, is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as 2201; and

(3) by inserting after part T the following:

"PART U—LAW ENFORCEMENT SCHOLARSHIPS

"SEC. 2101. PURPOSES.

"It is the purpose of this part to assist States to establish scholarship programs which—

"(1) enhance the recruitment of young individuals to careers in law enforcement;

"(2) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel; and

"(3) provide educational assistance to law enforcement personnel seeking further education.

"SEC. 2102. DEFINITIONS.

"For purposes of this part—

"(1) the term 'Director' means the Director of the Bureau of Justice Assistance;

"(2) the term 'educational expenses' means expenses that are directly attributable to—

"(A) a course of education leading to the award of an associate degree;

"(B) a course of education leading to the award of a baccalaureate degree; or

"(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies and related expenses;

"(3) the term 'institution of higher education' has the same meaning given such term in section 1401(a) of the Higher Education Act of 1965;

"(4) the term 'law enforcement position' means employment as an officer in a State or local police force, or correctional institution; and

"(5) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

"SEC. 2103. ALLOTMENT.

"From amounts appropriated under section 2111, the Director shall allocate—

"(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State; and

"(2) 20 percent of such funds to States on the basis of the State's shortage of law enforcement personnel and the need for assistance under this part.

"SEC. 2104. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—From amounts available pursuant to section 2103 each State shall pay the Federal share of the cost of awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education.

"(b) FEDERAL SHARE.—(1) The Federal share of the cost of scholarships under this part shall not exceed 60 percent.

"(2) The non-Federal share of the cost of scholarships under this part shall be supplied from sources other than the Federal Government.

"(c) LEAD AGENCY.—Each State receiving an allotment under section 2103 to conduct a scholarship program in the State in accordance with the provisions of this part shall designate an appropriate State agency to serve as the lead agency in carrying out the provisions of this part.

"(d) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the program conducted pursuant to this part and shall, in consultation with the Assistant Secretary for Postsecondary Education, promulgate regulations to implement this part.

"(e) ADMINISTRATIVE EXPENSES.—Each State receiving an allotment under section 2103 may reserve not more than 8 percent of such allotment for administrative expenses.

"(f) SPECIAL RULE.—Each State receiving an allotment under section 2103 shall ensure that each scholarship recipient under this part be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

"(g) SUPPLEMENTATION OF FUNDING.—Funds received under this part shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

"SEC. 2105. SCHOLARSHIPS.

"(a) PERIOD OF AWARD.—Scholarships awarded under this part shall be for a period of one academic year.

"(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this may use such scholarship for educational expenses at any accredited institution of higher education.

"SEC. 2106. ELIGIBILITY.

"An individual shall be eligible to receive a scholarship under this part if such individual has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

"SEC. 2107. STATE APPLICATION.

"Each State desiring an allotment under section 2103 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the provisions of this part;

"(2) contain assurances that the State shall advertise the scholarship assistance provided under this part;

"(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the scholarship program under this part;

"(4) contain assurances that the State shall make scholarship payments to institutions of higher education on behalf of individuals receiving financial assistance under this part;

"(5) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

"(6) contain assurances that the State shall promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in high schools and community colleges.

"SEC. 2108. LOCAL APPLICATION.

"(a) IN GENERAL.—Each individual desiring a scholarship under this part shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require. Each such application shall describe the academic courses for which financial assistance is sought.

"(b) PRIORITY.—In awarding scholarships under this part, each State shall give priority to applications from individuals who are—

"(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State; and

"(2) pursuing an undergraduate degree.

"SEC. 2109. SCHOLARSHIP AGREEMENT.

"(a) IN GENERAL.—Each individual receiving a scholarship under this part shall enter into an agreement with the Director.

"(b) CONTENTS.—Each agreement described in subsection (a) shall—

"(1) provide assurances that the individual shall work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

"(2) provide assurances that the individual will repay all of the scholarship assistance awarded under this title in accordance with such terms and conditions as the Director shall prescribe, in the event that the requirements of the agreement under paragraph (1) are not complied with except where the individual—

"(A) dies;

"(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

"(C) has been discharged in bankruptcy; and

"(3) set forth the terms and conditions under which an individual receiving a scholarship under this part may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this part.

"(c) SERVICE OBLIGATION.—(1) Except as provided in paragraph (2), each individual awarded a scholarship under this part shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which financial assistance is received under this part.

"(2) For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this part shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than 6 months nor more than 2 years.

"SEC. 2110. REPORTS TO CONGRESS.

"Not later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

"(1) state the number of present and past scholarship recipients under this part, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have serve law enforcement;

"(2) describe the geographic, racial, and gender dispersion of scholarship recipients; and

"(3) describe the progress of the program and make recommendations for changes in the program.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 701 of this Act, is amended by striking the matter relating to part U and inserting the following:

"Part U—Law Enforcement Scholarships

"Sec. 2101. Purposes.
"Sec. 2102. Definitions.
"Sec. 2103. Allotment.
"Sec. 2104. Program Established.
"Sec. 2105. Scholarships.
"Sec. 2106. Eligibility.
"Sec. 2107. State Application.
"Sec. 2108. Local Application.
"Sec. 2109. Scholarship Agreement.
"Sec. 2110. Reports to Congress.

"Part V—Transition; Effective Date; Repealer

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

SEC. 1233. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 702 of this Act, is amended by adding after paragraph (14) the following:

"(15) There are authorized to be appropriated $30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out the provisions of part U.".

Subtitle E—Law Enforcement Family Support

SEC. 1241. LAW ENFORCEMENT FAMILY SUPPORT.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1232 of this Act is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as 2301; and

(3) by inserting after part V the following:

"PART V—FAMILY SUPPORT

"SEC. 2201. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 2202. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement agencies to *provide family support services to law enforcement personnel.*

"SEC. 2203. USES OF FUNDS.

"(a) In General.—A State or local law enforcement agency that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) Required Activities.—A law enforcement agency that receives funds under this Act shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) Optional Activities.—A law enforcement agency that receives funds under this Act may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 2204. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this Act.

"SEC. 2205. AWARD OF GRANTS; LIMITATION.

"(a) Grant Distribution.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) Duration.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) Limitation.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 2206. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 2207. REPORTS.

"(a) Report from Grant Recipients.—A State or local law enforcement agency that receives a grant under this Act shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) Report From Director.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) Such report shall contain—

"(A) a description of the types of projects developed or improved through funds received under this Act;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) the number of individuals served in each location and throughout the country.

"SEC. 2208. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) Conforming Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1232 of this Act, is amended by striking the matter relating to part V and inserting the following:

"PART V—FAMILY SUPPORT

"Sec. 2201. Duties of director.
"Sec. 2202. General authorization.
"Sec. 2203. Uses of funds.
"Sec. 2204. Applications.
"Sec. 2205. Award of grants; limitation.
"Sec. 2206. Discretionary research grants.
"Sec. 2207. Reports.
"Sec. 2208. Definitions.

"PART W—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2301. Continuation of rules, authorities, and privileges.".

SEC. 1242. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1233 of this Act, is amended by adding after paragraph (15) the following:

"(16) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996. Not more than 20 percent of such funds may be used to accomplish the duties of the Director under section 2201 in part V of this Act, including administrative costs, research, and training programs.".

TITLE XIII—FRAUD

SEC. 1301. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 1302. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

(a) In General.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly, and with intent to defraud, effects transactions, with one or more access devices issued to another person, to receive anything of value aggregating $1,000 or more during any one-year period;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, one or more evidences or records of transactions made by an access device;".

(b) Technical Amendments for Section 1029.—Section 1029 of title 18, United States Code, as amended by subsection (a), is amended—

(1) in subsection (a) by striking "or" at the end of paragraph (3);

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 1303. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully overvalues any land, property or security—

"(A) in connection with reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

"(b)(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a trans-

action relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the embezzlement, abstraction, purloining, or willful misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years. If the amount or value embezzled, abstracted, purloined, or willfully misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

"(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

"(A) deceive any person about the financial condition or solvency of such business, or

"(B) to deceive any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years.

"(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

"(e)(1)(A) Whoever has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(B) Whoever is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance, or

"(B) the reinsuring of risks underwritten by insurance companies,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'insurer' means a business which is organized as an insurance company under the laws of any State, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance official or agency of a State; or any receiver or similar official or any liquidating agent for such a company, in his or her capacity as such, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

"(3) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia, or any territory or possession of the United States;

"(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) all commerce between points within the same State through any place outside such State; or

"(D) all other commerce over which the United States has jurisdiction; and

"(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"§ 1034. Civil penalties and injunctions for violations of section 1033

"(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the insolvency of an insurer which has been placed under the control of a State insurance regulatory agency or official, such penalty shall be remitted to the regulatory official of the insurer's State of domicile for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of such title is amended by adding at the end the following new item:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

(C) by adding at the end thereof the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;".

(2) LIMITATIONS.—Section 3293 of such title is amended by inserting "1033," after "1014,".

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding directly or indirectly, notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.".

TITLE XIV—PROTECTION OF YOUTH

Subtitle A—Crimes Against Children

SEC. 1401. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 1402. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from

prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE F.B.I.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 1403. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement the provisions of this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

Subtitle B—Parental Kidnapping

SEC. 1421. SHORT TITLE.

This title may be cited as the "International Parental Kidnapping Crime Act of 1991".

SEC. 1422. TITLE 18 AMENDMENT.

(a) IN GENERAL.—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following:

"§ 1204. International parental kidnapping

"(a) Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 18, United States Code, is amended by adding at the end the following:

"1204. International parental kidnapping.".

SEC. 1423. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701–10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

Subtitle C—Sexual Abuse Amendments

SEC. 1431. SEXUAL ABUSE AMENDMENTS.

(a) DEFINITIONS OF SEXUAL ACT AND SEXUAL CONTACT FOR VICTIMS UNDER THE AGE OF 16.—Paragraph (2) of section 2245 of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C) by striking "; and" and inserting in lieu thereof "; or"; and

(3) by inserting a new subparagraph (D) as follows:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

Subtitle D—Reporting of Crimes Against Children

SEC. 1441. SHORT TITLE.

This subtitle may be cited as the "National Child Abuser Identification Act of 1991".

SEC. 1442. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "child" means a person who is a child for the purposes of the criminal child abuse law of a State;

(2) the term "child abuse" means the physical, psychological, or emotional injuring, sexual abuse or exploitation, neglectful treatment, or maltreatment of a child by any person in violation of the criminal child abuse law of a State;

(3) the term "child abuser information" means the following facts concerning a person who has violated the criminal child abuse laws of a State—

(A) name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, and a brief description of the crime or crimes committed by the offender; and

(B) any other information that the Federal Bureau of Investigation determines may be useful in identifying child abusers;

(4) the term "criminal child abuse law of a State" means the law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(5) the term "State" means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific; and

(6) the term "State criminal history information repository" means a division or office of a State that acts as a central repository for criminal child abuse information.

SEC. 1443. PURPOSES.

The purposes of this subtitle are—

(1) to establish a national system through which current, accurate information concerning persons who have committed crimes of child abuse can be obtained from a centralized source;

(2) to assist in the prevention of second incidents of child abuse by providing information about persons who have been convicted of a crime of child abuse to governmental agencies authorized to receive criminal history information; and

(3) to understand the problem of child abuse in the United States by providing statistical data to the Department of Justice, the National Center on Child Abuse and Neglect, the Congress, and other interested parties.

SEC. 1444. REPORTING BY THE STATES.

(a) IN GENERAL.—A State criminal history information repository shall report child abuser information to the Federal Bureau of Investigation.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for the reporting of child abuser information, including procedures for carrying out the purposes of this subtitle.

(2) The guidelines established under paragraph (1) shall require that the State shall ensure that reports of all convictions under the criminal child abuse law of the State are maintained by a State criminal history information repository and reported to the Federal Bureau of Investigation.

(c) ANNUAL SUMMARY.—The Attorney General shall publish an annual statistical summary of the child abuser information reported under this subtitle.

SEC. 1445. CONDITION ON GRANTS.

Compliance with section 1444 shall be a condition to the receipt by a State of any grant, cooperative agreement, or other assistance under—

(1) section 1404 of the Victims of Crime Act (42 U.S.C. 10603); and

(2) the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

TITLE XV—MISCELLANEOUS DRUG CONTROL

SEC. 1501. ANABOLIC STEROIDS PENALTIES.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following:

"(b)(1) Whoever, being a physical trainer or adviser to an individual, endeavors to persuade or induce that individual to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both. If such individual has not attained the age of 18

years, the maximum imprisonment shall be 5 years.

"(2) As used in this subsection, the term 'physical trainer or adviser' means any professional or amateur coach, manager, trainer, instructor, or other such person, who provides any athletic or physical instruction, training, advice, assistance, or other such service to any person.".

SEC. 1502. DRUG-FREE PUBLIC HOUSING.

(a) PUBLIC HOUSING.—

(1) IN GENERAL.—Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(A) so that the heading reads as follows "DISTRIBUTION OR MANUFACTURING IN OR NEAR SCHOOLS AND COLLEGES, OR PUBLIC HOUSING"; and

(B) by striking "or a playground" each place it appears and inserting "a playground, or a public housing project".

(2) The item relating to section 419 in the table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting ", or public housing" after "colleges".

(b) DETERMINATION OF BOUNDARIES AND POSTING OF SIGNS.—Section 5124 of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11903) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) with respect only to public housing, the determination by the public housing agency (in consultation with appropriate officials of the applicable local government and law enforcement agencies) of the geographical boundaries of the real property comprising public housing projects of the agency and the posting of signs identifying the property of the projects as drug-free zones.".

(c) NOTIFICATION.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall require each public housing agency to post notices regarding the penalty imposed by the amendment made by subsection (a)(1) in common areas and at other appropriate locations in public housing projects of the agency. The notices shall contain statements—

(A) of the offenses to which the treble penalty (under the amendment made by subsection (a)(1)) applies;

(B) of the date on which the treble penalty takes effect; and

(C) that the treble penalty applies to offenses committed on the property comprising the public housing projects of the agency.

(2) DEFINITIONS.—For purposes of this subsection, the terms "project", "public housing", and "public housing agency" have the meaning given the terms in section 3(b) of the United States Housing Act of 1937.

SEC. 1503. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such controlled substance.";

(2) in subsection (d)(1)(A), by inserting after "a firearm or destructive device" the words "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

(3) in subsection (d)(1)(B), by inserting before "ammunition," the following: "marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,";

(4) in subsection (d)(1)(C), by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,"; and

(5) in subsection (d)(1)(D), by inserting "(A), (B), or" before "(C)".

SEC. 1504. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"§3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title.".

(2) The table of sections at the beginning of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"3608. Drug testing of Federal offenders on post-conviction release.".

(b) DRUG TESTING CONDITION FOR PROBATION.—

(1) Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2), by striking out "and";

(B) in paragraph (3), by striking out the period and inserting "; and"; and

(C) by adding after paragraph (3) the following:

"(4) for a felony, an offense involving a firearm as defined in section 921 of this title, a drug or narcotic offense as defined in section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)), or a crime of violence as defined in section 16 of this title, that the defendant refrain from any unlawful use of the controlled substance and submit to periodic drug tests (as determined by the court) for use of a controlled substance. This latter condition may be suspended or ameliorated upon request of the Director of the Administrative Office of the United States Courts, or the Director's designee. In addition, the Court may decline to impose this condition for any individual defendant, if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant. A defendant who tests positive may be detained pending verification of a drug test result.".

(2) DRUG TESTING FOR SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "For a defendant convicted of a felony or other offense described in section 3563(a)(4) of this title, the court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the court), for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4) of this title.".

(3) DRUG TESTING IN CONNECTION WITH PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "If the parolee has been convicted of a felony or other offense described in section 3563(a)(4) of this title, the Commission shall also impose as a condition of parole that the parolee refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the Commission) for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4) of this title.".

(c) REVOCATION OF PAROLE.—Section 4214(f) of title 18, United States Code, is amended by inserting after "substance" the following: ", or who unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of parole,".

SEC. 1505. DRUG DISTRIBUTION TO PREGNANT WOMEN.

Section 418 of the Controlled Substances Act is amended by inserting ", or to a woman while she is pregnant," after "to a person under twenty-one years of age" in subsection (a) and subsection (b).

TITLE XVI—FAIRNESS IN DEATH SENTENCING ACT OF 1991

SEC. 1601. SHORT TITLE.

This Act may be cited as the "Fairness in Death Sentencing Act of 1991".

SEC. 1602. AMENDMENT TO TITLE 28.

(a) PROCEDURE.—Part VI of title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 177—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

"Sec.
"3501. Prohibition against the execution of a sentence of death imposed on the basis of race.
"3502. Data on death penalty cases.
"3503. Enforcement of the chapter.
"3504. Construction of chapter.

"§3501. Prohibition against the execution of a sentence of death imposed on the basis of race

"(a) IN GENERAL.—No person shall be put to death under color of State or Federal law in the execution of a sentence that was imposed based on race.

"(b) INFERENCE OF RACE AS THE BASIS OF DEATH SENTENCE.—An inference that race was the basis of a death sentence is established if valid evidence is presented demonstrating that, at the time the death sentence was imposed, race was a statistically significant factor in decisions to seek or to impose the sentence of death in the jurisdiction in question.

"(c) RELEVANT EVIDENCE.—Evidence relevant to establish an inference that race was the basis of a death sentence may include evidence that death sentences were, at the time pertinent under subsection (b), being imposed significantly more frequently in the jurisdiction in question—

"(1) upon persons of one race than upon persons of another race; or

"(2) as punishment for capital offenses against persons of one race than as punishment for capital offenses against persons of another race.

"(d) VALIDITY OF EVIDENCE PRESENTED TO ESTABLISH AN INFERENCE.—If statistical evidence is presented to establish an inference that race was the basis of a sentence of death, the court shall determine the validity of the evidence and if it provides a basis for the inference. Such evidence must take into account, to the extent it is compiled and publicly made available, evidence of the statutory aggravating factors of the crimes involved, and shall include comparisons of similar cases involving persons of different races.

"(e) REBUTTAL.—If an inference that race was the basis of a death sentence is established under subsection (b), the death sentence may not be carried out unless the government rebuts the inference by a preponderance of the evidence. The government cannot rely on mere assertions that it did not intend to discriminate or that the cases fit the statutory criteria for imposition of the death penalty.

"§3502. Access to data on death eligible cases

"Data collected by public officials concerning factors relevant to the imposition of the death sentence shall be made publicly available.

"§3503. Enforcement of the chapter

"In any proceeding brought under section 2254, the evidence of a prima facie case supporting a claim under this chapter may be presented in an evidentiary hearing and need not be set forth in the petition. Notwithstanding section 2254, no determination on the merits of a factual issue made by a State court pertinent to any claim under section 2921 shall be presumed to be correct unless—

"(1) the State is in compliance with section 2922;

"(2) the determination was made in a proceeding in a State court in which the person asserting the claim was afforded rights to the appointment of counsel and to the furnishing of investigative, expert and other services necessary for the adequate development of the claim; and

"(3) the determination is one which is otherwise entitled to be presumed to be correct under the criteria specified in section 2254.

"§3504. Construction of chapter

"Nothing contained in this chapter shall be construed to affect in one way or the other the lawfulness of any sentence of death that does not violate section 3501 of this title.".

(b) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters of part VI of title 28, United States Code, is amended by adding at the end thereof the following new item:

"177. Racially Discriminatory Capital Sentencing .... 3501.".

SEC. 1603. ACTIONS BEFORE ENACTMENT.

No person shall be barred from raising any claim under section 3501 of title 28, United States Code, as added by this Act, on the ground of having failed to raise or to prosecute the same or a similar claim before the enactment of the Act, nor by reason of any adjudication rendered before that enactment.

TITLE XVII—MISCELLANEOUS CRIME CONTROL

Subtitle A—General

SEC. 1701. RECEIVING THE PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) CHAPTER 41 AMENDMENT.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following:

"§880. Receiving the proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property which was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than one year, knowing the same to have been unlawfully obtained, shall be fined under this title or imprisoned not more than three years, or both."; and

(2) in the table of sections, by adding at the end the following item:

"880. Receiving the proceeds of extortion.".

(b) SECTION 1202 AMENDMENT.—Section 1202 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection "(a)"; and

(2) by adding at the end the following:

"(b) Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than one year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be fined under this title or imprisoned not more than ten years, or both.

"(c) For purposes of this section, the term 'State' has the meaning set forth in section 245(d) of this title.".

SEC. 1702. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection (a); and

(2) by adding at the end the following:

"(b) Whoever receives, possesses, conceals, or disposes of any money or other property which has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be fined under this title or imprisoned not more than ten years, or both.".

SEC. 1703. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 25 the following:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.

"521. Criminal street gangs.

"§521. Criminal street gangs

"(a) Whoever, under the circumstances described in subsection (c) of this section, commits an offense described in subsection (b) of this section, shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. Such sentence of imprisonment shall run consecutively to any other sentence imposed.

"(b) The offenses referred to in subsection (a) of this section are—

"(1) any Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act);

"(2) any Federal felony crime of violence;

"(3) any felony violation of the Controlled Substances Act, the Controlled Substances Import and Export Act or the Maritime Drug Law Enforcement Act; or

"(4) a conspiracy to commit any of the offenses described in paragraphs (1) through (3) of this subsection.

"(c) The circumstances referred to in subsection (a) of this section are that the offense described in subsection (b) was committed as a member of, on behalf of, or in association with a criminal street gang and that person has been convicted, within the past 5 years for—

"(1) any offense listed in subsection (b) of this section;

"(2) any State offense—

"(A) involving a controlled substance (as defined in section 102 of the Controlled Substances Act); or

"(B) that is a crime of violence;

for which the maximum penalty is more than 1 year's imprisonment; or

"(3) any Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(4) a conspiracy to commit any of the offenses described in paragraphs (1) through (3) of this subsection.

"(d) For purposes of this section—

"(1) the term 'criminal street gang' means any group, club, organization, or association of 5 or more persons—

"(A) whose members engage or have engaged within the past 5 years, in a continuing series of violations of any offense treated in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following:

"26. Criminal street gangs .... 521".

SEC. 1704. UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"§21. Stolen or counterfeit nature of property for certain crimes defined

"(a) Wherever in this title it is an element of an offense that—

"(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

"(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) For purposes of this section, the term 'official representation' means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"21. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 1705. INCREASED PENALTIES FOR DRUG-DEALING IN "DRUG-FREE" ZONES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place it appears and inserting "5 years".

SEC. 1706. F.B.I. ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

SEC. 1707. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242.—Section 242 of title 18, United States Code, is amended—

(1) by striking "inhabitant of" and inserting "person in"; and

(2) by striking "such inhabitant" and inserting "such person".

SEC. 1708. INCREASED PENALTY FOR TRAVEL ACT CRIMES INVOLVING VIOLENCE.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both" and inserting in lieu thereof "and thereafter performs or attempts to perform (1) any of the acts specified in paragraphs (1) and (3) shall be fined under this title or imprisoned for not more than five years, or both, or (2) any of the acts specified in paragraph (2) shall be fined under this title or imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life".

SEC. 1709. MISUSE OF INITIALS "DEA".

Section 709 of title 18, United States Code, is amended by inserting the following before the paragraph beginning "Shall be punished": "Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;".

SEC. 1710. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following:

"(h) As used in this section, the term 'savings and loan association' means (1) any Federal savings association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)), having accounts insured by the Federal Deposit Insurance Corporation, and (2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) which is operating under the laws of the United States.".

SEC. 1711. CONFORMING DEFINITION OF "1-YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "the term"; and

(2) by inserting before the period the following: " and (2) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666 of this title.".

SEC. 1712. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph relating to the definition of "cattle" the following:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, or the carcasses thereof;".

SEC. 1713. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1118. Foreign murder of United States nationals

"(a) Whoever, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113 of this title.

"(b) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same act or omission.

"(c) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the act or omission took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) In the course of the enforcement of this section and notwithstanding any other provision of law, the Attorney General may request assistance from any Federal, State, local, or foreign agency, including the Army, Navy, and Air Force.

"(e) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) CONFORMING AMENDMENT.—Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1118".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Foreign Murder of United States Nationals.".

SEC. 1714. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) IN GENERAL.—The Attorney General shall, by contract with an appropriate entity, provide for a national base study to research the incidence of campus sexual assault and explore the adequacy of college and university policies and practices in protecting victims' legal rights, as well as the public interest in prosecuting criminals and preventing future crimes.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include an analysis of—

(1) the number of reported (and estimated number of unreported) allegations of sexual assault occurring on college and university campuses, and to whom the allegations are reported—campus authorities, sexual assault victim service entities, or local criminal authorities;

(2) the number of campus sexual assault allegations reported to campus authorities which are reported to criminal authorities;

(3) the percentage of campus sexual assault allegations compared to noncampus sexual assault allegations which result in eventual criminal prosecution;

(4) State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of campus policies and practices in protecting the legal rights and interests of sexual assault victims and the accused, including consideration of—

(A) practices which might discourage the reporting of sexual assaults to local criminal authorities, or result in any form of obstruction of justice, and thus undermine the public interest in prosecuting perpetrators of sexual assault; and

(B) the ability of campus disciplinary hearings to properly address allegations of sexual assault;

(6) whether colleges and universities take adequate measures to ensure victims are free of unwanted contact with alleged assailants;

(7) why colleges and universities are sued in civil court regarding sexual assaults, the resolution of these cases, and measures that can be taken to prevent future lawsuits;

(8) the different ways in which colleges and universities respond to allegations of sexual assault, including an assessment of which programs work the best;

(9) recommendations to redress concerns raised in this report; and

(10) any other issues or questions the Attorney General deems appropriate to this study.

(c) AUTHORIZATION.—There shall be authorized $200,000 to fund the competitive grant or grants to conduct this study, which shall be awarded to persons or organizations with expertise in the legal aspects of campus violence.

SEC. 1715. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) COORDINATION.—The Attorney General (or his designee), in consultation with the Secretary of the Treasury (or his designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) DATA COLLECTION.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) REPORT.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by July 1, 1992.

(d) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated for fiscal year 1992 such sums as may be necessary to carry out this section.

SEC. 1716. TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress hereby declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States *wherever that term is used in title 18, United States Code.*

SEC. 1717. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended by inserting after "title" in subsection (a) the phrase "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District", and by inserting the following new subsection (c) at the end thereof:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 1718. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code (relating to the special maritime and territorial jurisdiction of the United States), is amended by inserting at the end thereof the following new paragraph:

"(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 1719. CRIMINAL PENALTY FOR FAILURE TO OBEY ORDER TO LAND.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following new section:

"§2237. Order to land

"(a)(1) A pilot or operator of an aircraft that has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, who intentionally fails to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act, or section 1956 or 1957 of this title (relating to money laundering), shall be fined under this title, or imprisoned not more than three years, or both.

"(2) The Secretary of the Treasury and the Secretary of Transportation, in consultation with the Attorney General, shall make rules governing the means by which a Federal law enforcement officer may communicate an order to land to a pilot or operator of an aircraft.

"(3) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 or another law the Customs Service enforces or administers, or the authority of a Federal law enforcement officer under a law of the United States to order an aircraft to land.

"(b) A foreign nation may consent or waive objection to the United States enforcing the laws of the United States by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(c) For purposes of this section—

"(1) the term 'aircraft subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, when that nation consents to United States enforcement of United States law; and

"(C) over the high seas, an aircraft without nationality, an aircraft of the United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the United States enforcement of United States law; and

"(2) the term 'Federal law enforcement officer' has the same meaning that term has in section 115 of this title.

"(d) An aircraft that is used in violation of this section is liable in rem for a fine imposed under this section.

"(e) An aircraft that is used in violation of this section may be seized and forfeited. The laws relating to seizure and forfeiture for violation of the customs laws, including available defenses such as innocent owner provisions, apply to aircraft seized or forfeited under this section.

"(f) The Secretary of the Treasury and the Secretary of Transportation may delegate Federal law enforcement officer seizure and forfeiture responsibilities under this section to other law enforcement officers.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Order to land.".

SEC. 1720. CODIFICATION OF EXCEPTION TO EXCLUSIONARY RULE.

Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States if the evidence was obtained in reasonable reliance on a search warrant issued by a detached and neutral magistrate even though the warrant is ultimately determined to be invalid, unless—

(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

(2) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

(3) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.

SEC. 1721. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a)(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d)(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 1722. CLARIFYING AMENDMENT REGARDING SCOPE OF PROHIBITION AGAINST GAMBLING ON SHIPS IN INTERNATIONAL WATERS.

The first paragraph of section 1081 of title 18, United States Code, is amended by adding at the end the following: "Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986).".

SEC. 1723. BINDOVER SYSTEM FOR CERTAIN VIOLENT JUVENILES.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 1002, is amended—

(1) in paragraph (21) by striking "and" at the end;

(2) in paragraph (22) by striking the period at the end and inserting "; and"; and

(3) inserting after paragraph (22) the following:

"(23) programs which address the need for effective bindover systems for the prosecution of violent 16- and 17-year olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 922(u) of title 18, United States Code.".

SEC. 1724. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) Section 2245 of title 18, United States Code, is redesignated section 2246.

(b) Chapter 109A of title 18, United States Code, is amended by inserting the following new section after section 2244:

"§2245. Penalties for subsequent offenses

"Any person who violates a provision of this chapter after a prior conviction under a provision of this chapter or the law of a State (as defined in section 513 of this title) for conduct proscribed by this chapter has become final is punishable by a term of imprisonment up to twice that otherwise authorized.".

(c) The table of sections for chapter 109A of title 18, United States Code, is amended by—

(1) striking "2245" and inserting in lieu thereof "2246"; and

(2) inserting the following after the item relating to section 2244:

"2245. Penalties for subsequent offenses.".

Subtitle B—Motor Vehicle Theft Prevention

SEC. 1731. SHORT TITLE.

This title may be cited as the "Motor Vehicle Theft Prevention Act".

SEC. 1732. MOTOR VEHICLE THEFT PREVENTION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 160. Motor vehicle theft prevention program

"(a) In General.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the 'program') under which—

"(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

"(A) states that the vehicle is not normally operated under certain specified conditions; and

"(B) agrees to—

"(i) display program decals or devices on the owner's vehicle; and

"(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

"(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

"(b) Uniform Decal or Device Designs.—

"(1) In general.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

"(2) Type of design.—The uniform design shall—

"(A) be highly visible; and

"(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

"(c) Voluntary Consent Form.—The voluntary consent form used to enroll in the program shall—

"(1) clearly state that participation in the program is voluntary;

"(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

"(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

"(4) include any additional information that the Attorney General may reasonably require.

"(d) Specified Conditions Under Which Stops May Be Authorized.—

"(1) In general.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may include—

"(A) the operation of the vehicle during certain hours of the day; or

"(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

"(2) More than one set of conditions.—The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

"(3) No new conditions without consent.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

"(4) Limited participation by States and localities.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

"(e) Motor Vehicles for Hire.—

"(1) Notification to lessees.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

"(2) Type of notice.—The notice required by this subsection shall—

"(A) be in writing;

"(B) be in a prominent format to be determined by the Attorney General; and

"(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

"(3) Fine for failure to provide notice.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

"(f) Participating State or Locality.—A State or locality may participate in the program by filing an agreement to comply with the terms and conditions of the program with the Attorney General.

"(g) Notification of Police.—As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

"(h) Regulations.—The Attorney General shall promulgate regulations to implement this section.

"(i) Authorization of Appropriations.—There are authorized such sums as are necessary to carry out this section.".

(b) Amendment to Chapter Analysis.—The analysis for chapter 1 of title 23, United States Code, is amended by adding after the item for section 159 the following:

"160. Motor vehicle theft prevention program.".

SEC. 1733. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

(a) Basic Offense.—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

"(a) Whoever, with intent to further the theft of a vehicle, knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, shall be fined under this title or imprisoned not more than five years, or both.".

(b) Excepted Persons.—Paragraph (2) of section 511(b) of title 18, United States Code, is amended by—

(1) striking "and" after the semicolon in subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) adding at the end thereof the following:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or his authorized agent;

"(ii) applicable State or local law; or

"(iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.".

(c) Definition.—Section 511 of title 18, United States Code, is amended by adding at the end thereof the following:

"(d) For purposes of subsection (a) of this section, the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act for the purpose of obstructing its visibility.".

(d) Unauthorized Application of a Decal or Device.—

(1) In general.—Chapter 25 of title 18, United States Code, is amended by adding after section 511 the following new section:

"§ 511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft Prevention Act, shall be punished by a fine not to exceed $1,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 25 of title 18, United States Code, is amended by adding immediately after the item for section 511 the following:

"511A. Unauthorized application of theft prevention decal or device.".

Subtitle C—Terrorism: Civil Remedy

SEC. 1734. SHORT TITLE.

This subtitle may be cited as the "Antiterrorism Act of 1991".

SEC. 1735. TERRORISM.

(a) Terrorism.—Chapter 113A of title 18, United States Code, as amended by subsection (d) of this section, is amended—

(1) in section 2331 by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 as 2332, and striking the heading for section 2332 as so redesignated and inserting the following:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332 as so redesignated the following:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(2) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

"(3) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property; and

"(4) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin.";

(4) by adding immediately after section 2332 as redesignated the following new sections:

"§2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his person, property, or business by reason of an act of international terrorism, or his estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPED UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 1472 (i), (k), (l), (n), or (r) of title 49 App. shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPED UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 of this title may be served in any other district where the defendant resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

"§2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 4 years from the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of his whereabouts, shall not be reckoned within this period of limitation.

"§2336. Other limitations

"No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

"§2337. Suits against Government officials

"No action shall be maintained under section 2333 of this title against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his official capacity or under color of legal authority.

"§2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter."; and

(5) by amending the table of sections at the beginning of the chapter to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(b) TABLE OF CONTENTS.—The table of chapters at the beginning of part 1, title 18, United States Code, is amended by striking:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals .... 2331"

and inserting in lieu thereof:

"113A. Terrorism .... 2331".

(c) EFFECTIVE DATE.—This title and the amendments made by this title shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

(d) CONFORMING REPEAL OF PRIOR CHAPTER 113A.—The amendments made by section 132 of Public Law 101-519, the Military Construction Appropriations Act, 1991, are repealed, effective April 10, 1991.

Subtitle D—Commission on Crime and Violence

SEC. 1741. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

There is established a commission to be known as the "National Commission on Crime and Violence in America". The Commission shall be composed of 22 members, appointed as follows:

(1) 6 persons by the President;

(2) 8 persons by the Speaker of the House of Representatives, two of whom shall be appointed on the recommendation of the minority leader; and

(3) 8 persons by the President pro tempore of the Senate, six of whom shall be appointed on the recommendation of the majority leader of the Senate and two of whom shall be appointed on the recommendation of the minority leader of the Senate.

SEC. 1742. PURPOSE.

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a "blueprint" for action in the 1990's. The report shall include an estimated cost for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State, Federal, and international border crime control efforts.

(5) To make a comprehensive study of the economic and social factors lending to or contributing to crime and specific proposals for legislative and administrative actions to reduce crime and the elements that contribute to it.

(6) To recommend means of targeting finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective possible crime control and protection of the community and public safety, with particular emphasis on examining the issue of possible disproportionate incarceration rates among black males and any other minority group disproportionately represented in State and Federal correctional populations, and to consider increased use of alternatives to incarceration which offer a reasonable prospect of equal or better crime control at equal or less cost.

SEC. 1743. COMMISSION MEMBERS.

(a) CHAIRPERSON.—The President shall designate a chairperson from among the members of the Commission.

(b) COMPOSITION OF MEMBERSHIP.—The Commission members will represent a cross section of professions that include law enforcement, prosecution, criminal defense, judges, corrections, education, medicine, welfare and social services, victims of crime, elected officials from State, local and Federal Government that equally represent both political parties, and representatives of any other discipline with professional expertise in drug or crime reduction.

SEC. 1744. ADMINISTRATIVE PROVISIONS.

(a) FEDERAL AGENCY SUPPORT.—All Federal agencies shall provide such support and assistance as may be necessary for the Commission to carry out its functions.

(b) EXECUTIVE DIRECTOR AND STAFF.—The President is authorized to appoint and compensate an executive director. Subject to such regulations as the Commission may prescribe, staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive services and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(c) DETAILED FEDERAL EMPLOYEES.—Upon the request of the chairperson, the heads of executive and military departments are authorized to detail employees to work with the executive director without regard to the provisions of section 3341 of title 5, United States Code.

(d) TEMPORARY AND INTERMITTENT EMPLOYEES.—Subject to rules prescribed by the Commission, the chairperson may procure temporary and intermittent services under section 3108(b)

of title 5, United States Code, but at a rate of base pay not to exceed the annual rate of base pay for GS-18 of the General Schedule.

SEC. 1745. REPORT.

The Commission shall submit a final report to the President and the Congress not later than one year after the appointment of the Chairperson. The report shall include the findings and recommendations of the Commission as well as proposals for any legislative action necessary to implement such recommendations.

SEC. 1746. TERMINATION.

The Commission shall terminate 30 days after submitting the report required under section 1745.

TITLE XVIII—MISCELLANEOUS FUNDING PROVISIONS

Subtitle A—General

SEC. 1801. AUTHORIZATION FOR DRUG ENFORCEMENT AGENCY.

There is authorized to be appropriated for fiscal year 1992, for the Drug Enforcement Administration, $100,500,000, which shall include—

(1) not to exceed $45,000,000 to hire, equip and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas; and

(2) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of state and local overtime, equipment and personnel costs; and

(3) not to exceed $5,000,000 to hire, equip and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) as redesignated by section 103 of this Act and inserting the following:

"(7) There are authorized to be appropriated such sums as may be necessary for fiscal year 1991 and $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out chapter B of subpart 2 of part E of this title.".

SEC. 1803. AVAILABILITY OF THE DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND FOR CERTAIN BLOCK GRANTS.

Section 524(c) of title 28, United States Code is amended by adding at the end the following:

"(12)(A) In addition to the purposes otherwise provided for in this subsection, the Fund shall be available for the purpose of providing additional amounts for block grants under subpart I of part B of title XIX of the Public Health Service Act.

"(B) Amounts made available under subparagraph (A)—

"(i) may be transferred only from excess unobligated amounts in the Fund and only to the extent that, as determined by the Attorney General, such transfers will not impair the future availability of amounts for the purposes under paragraph (1); and

"(ii) shall, with respect to each fiscal year, equal 25 percent of the total of such excess amounts for that fiscal year.

"(C) Amounts made available under this paragraph for block grants referred to subparagraph (A) shall be used to supplement, rather than replace, amounts that would be otherwise available for such block grants.".

SEC. 1804. LIMITATION ON GRANT DISTRIBUTION.

(a) AMENDMENT.—Section 510(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(b)) is amended by inserting "non-Federal" after "with".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1991.

SEC. 1805. AUTHORIZATION FOR BORDER PATROL PERSONNEL.

There are authorized to be appropriated for fiscal year 1992 for the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(1) $25,000,000 to hire, train, and equip no fewer than 500 full-time equivalent border patrol officer positions.

(2) $20,000,000 to hire, train, and equip no fewer than 400 full-time equivalent Immigration and Naturalization Service criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

SEC. 1806. FEDERAL SHARE.

Section 504(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)) is amended by striking "not---" and all that follows through "per centum;" the last place it appears, and inserting the following: "not for any fiscal year be expended for more than 75 percent".

SEC. 1807. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Subsection (c) of section 5122 of the Drug-Free Schools and Communities Act of 1986, as amended by section 1504(3) of Public Law 101-647, is amended by inserting "or local governments that work cooperatively with local educational agencies" after "for grants to local educational agencies".

SEC. 1821. DOMESTIC VIOLENCE GRANTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1241, is amended—

(1) by redesignating part W as part X;

(2) by redesignating section 2301 as section 2401; and

(3) by inserting after part Y the following:

"PART W—DOMESTIC VIOLENCE INTERVENTION

"SEC. 2301. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance may make grants to 10 States for the purpose of assisting States in implementing a civil and criminal response to domestic violence.

"SEC. 2302. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to encourage increased prosecutions for domestic violence crimes;

"(2) to report more accurately the incidences of domestic violence;

"(3) to facilitate arrests and aggressive prosecution policies; and

"(4) to provide legal advocacy services for victims of domestic violence.

"SEC. 2303. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2302;

"(2) a description of the programs already in place to combat domestic violence;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information, if available, in such form and containing such information that the Director may require regarding domestic violence within that State.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that shall contain—

"(1) a description of the domestic violence problem within the State targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the State to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce domestic violence.

"SEC. 2304. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) STATE MAXIMUM.—No State shall receive more than $2,500,000 under this part for any fiscal year.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2303(c).

"SEC. 2305. AWARD OF GRANTS.

"The Director shall consider the following factors in awarding grants to States and shall give preference to those State which have—

"(1) a law or policy that requires the arrest of a person who police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated a civil protection order;

"(2) a law or policy that discourages dual arrests;

"(3) laws or statewide prosecution policies that authorize and encourage prosecutors to pursue domestic violence cases in which a criminal case can be proved, including proceeding without the active involvement of the victim if necessary;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

"(B) require any history of abuse against a child or against a parent to be considered when making child custody determinations; and

"(C) require judicial training on domestic violence and related civil and criminal court issues;

"(5) policies that provide for the coordination of court and legal victim advocacy services; and

"(6) policies that make existing remedies to domestic violence easily available to victims of domestic violence, including elimination of court fees, and the provision for simple court forms.

"SEC. 2306. REPORTS.

"(a) REPORT TO DIRECTOR.—Each State that receives funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2103(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under 2103(b)(4), and an evaluation of programs established under this part.

"SEC. 2307. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'domestic violence' means any act or threatened act of violence, including any forceful detention of an individual, which—

"(A) results or threatens to result in physical injury; and

"(B) is committed by an individual against another individual (including an elderly individual) to whom such individual is or was related by blood or marriage or otherwise legally related or with whom such individual is or was lawfully residing.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1241 of this Act, is amended by striking the matter relating to part W and inserting the following:

"part w—domestic violence intervention

"Sec. 2301. Grant authorization.

"Sec. 2302. Use of funds.

"Sec. 2303. Applications.

"Sec. 2304. Allocation of funds; limitations on grants.

"Sec. 2305. Award of grants.

"Sec. 2306. Reports.

"Sec. 2307. Definitions.

"part x—transition; effective date; repealer

"Sec. 2401. Continuation of rules, authorities, and proceedings.".

SEC. 1822. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1242 of this Act, is amended by adding after paragraph (16) the following:

"(17) There are authorized to be appropriated $25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out the projects under part U.".

Subtitle B—Midnight Basketball

SEC. 1831. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE ANTICRIME PROGRAMS.

(a) AUTHORITY.—The Attorney General of the United States, in consultation with the Secretary of Housing and Urban Development, shall make grants, to the extent that amounts are approved in appropriations Acts under subsection (m) to—

(1) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of subsection (d); and

(2) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—Subject to paragraph (2), grants under subsection (a)(1) may be made only to the following eligible entities:

(A) Entities eligible under section 520(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(b)) for a grant under section 520(a) of such Act.

(B) Nonprofit organizations providing crime prevention, employment counseling, job training, or other educational services.

(C) Nonprofit organizations providing federally-assisted low-income housing.

(2) PROHIBITION ON SECOND GRANTS.—A grant under subsection (a)(1) may not be made to an eligible entity if the entity has previously received a grant under such subsection, except that the Attorney General may exempt an eligible advisory entity from the prohibition under this paragraph in extraordinary circumstances.

(c) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under subsection (a)(1) may use such amounts only—

(1) to establish or carry out a midnight basketball league program under subsection (d);

(2) for salaries for administrators and staff of the program;

(3) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

(4) for costs of training and assistance provided under subsection (d)(9).

(d) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under subsection (a)(1) shall establish a midnight basketball league program as follows:

(1) The program shall establish a basketball league of not less than 8 teams having 10 players each.

(2) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing.

(3) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

(A) A substantial problem regarding use or sale of illegal drugs.

(B) A high incidence of crimes committed by youths or young adults.

(C) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

(D) A high incidence of pregnancy or a high birth rate, among adolescents.

(E) A high unemployment rate for youths and young adults.

(F) A high rate of high school drop-outs.

(4) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games.

(5) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Attorney General in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee.

(6) Basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

(7) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

(8) The program shall comply with any criteria established by the Attorney General in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee established under subsection (i).

(9) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under subsection (h).

(e) GRANT AMOUNT LIMITATIONS.—

(1) PRIVATE CONTRIBUTIONS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, may not make a grant under subsection (a)(1) to an eligible entity that applies for a grant under subsection (f) unless the applicant entity certifies to the Attorney General and the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

(A) In each of the first 2 years that amounts from the grant are disbursed (under paragraph (4)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

(B) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term "funds from non-Federal sources" includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under subsection (a)(1)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

(3) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under subsection (a)(1) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

(4) MAXIMUM AND MINIMUM GRANT AMOUNTS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, may not make a grant under subsection (a)(1) to any single eligible entity in an amount less than $50,000 or exceeding $125,000.

(5) DISBURSEMENT.—Amounts provided under a grant under subsection (a)(1) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

(A) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

(B) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

(f) APPLICATIONS.—To be eligible to receive a grant under subsection (a)(1), an eligible entity shall submit to the Attorney General an application in the form and manner required by the Attorney General (after consultation the Secretary of Housing and Urban Development and with the Advisory Committee), which shall include—

(1) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

(2) letters of agreement from service providers to provide training and counseling services required under subsection (d) and a description of such service providers;

(3) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under subsection (d) and a description of the facilities;

(4) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

(5) evidence that the neighborhood or community served by the program meets the requirements of subsection (d)(3).

(g) SELECTION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development and the with Advisory Committee, shall select eligible entities that have submitted applications under subsection (f) to

receive grants under subsection (a)(1). The Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

(h) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under subsection (a)(2) shall be made as follows:

(1) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

(A) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under subsection (d); and

(B) have provided technical assistance to other entities regarding establishment and operation of such programs.

(2) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under subsection (a)(1) of this section and section 520(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(a)) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection.

(3) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under subsection (m)(2) in each fiscal year, the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make technical assistance grants under subsection (a)(2). In each fiscal year that such amounts are available the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make 2 such grants, as follows:

(A) One grant shall be made to an eligible advisory entity for development of midnight basketball league programs in public housing projects.

(B) One grant shall be made to an eligible advisory entity for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $50,000.

(i) ADVISORY COMMITTEE.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall appoint an Advisory Committee to assist in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

(1) Not fewer than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under subsection (a)(2).

(2) A representative of the Office for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa–8), who shall be selected by the Secretary of Health and Human Services.

(3) A representative of the Department of Education, who shall be selected by the Secretary of Education.

(4) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

(j) REPORTS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall require each eligible entity receiving a grant under subsection (a)(1) and each eligible advisory entity receiving a grant under subsection (a)(2) to submit for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

(k) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to subsection (m)(3), the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make a grant to one entity qualified to carry out a study under this subsection. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under subsection (d) of eligible entities receiving grants under subsection (a)(1). The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Attorney General and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this subsection is made.

(l) DEFINITIONS.—For purposes of this section:

(1) The term "Advisory Committee" means the Advisory Committee established under subsection (i).

(2) The term "eligible advisory entity" means an entity meeting the requirements under subsection (h)(1).

(3) The term "eligible entity" means an entity described under subsection (b)(1).

(4) The term "federally assisted low-income housing" has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for grants under subsection (a)(1), $2,500,000 in each of fiscal years 1992 and 1993;

(2) for technical assistance grants under subsection (a)(2), $100,000 in each of fiscal years 1992 and 1993; and

(2) for a study grant under subsection (k), $250,000 in fiscal year 1992.

TITLE XIX—MISCELLANEOUS CRIMINAL PROCEDURE AND CORRECTIONS

Subtitle A—Revocation of Probation and Supervised Release

SEC. 1901. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 1902. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 1903. REVOCATION OF PROBATION.

(a) IN GENERAL.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO COOPERATE IN DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4);

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 1904. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place such term appears in such subsection and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by striking subsection (g) and inserting the following:

"(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing imposed as a condition of supervised release;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

Subtitle B—List of Veniremen

SEC. 1911. LIST OF VENIREMEN.

Section 3432 of title 18, United States Code, is amended to read as follows:

"§3432. Indictment and list of jurors and witnesses for prisoner in capital cases

"(a) A person charged with treason or other capital offense shall, a reasonable time before commencement of trial, be furnished with—

"(1) a copy of the indictment;

"(2) a list of the veniremen, and of the witnesses to be produced on the trial for proving the indictment and at the sentencing hearing, stating the place of abode of each venireman and witness;

"(3) the relevant written or recorded statements of such witnesses, relevant portions of memoranda containing reports of their statements, and copies of documents and opportunity to examine tangible objects that the government intends to use in the trial or sentencing hearing; and

"(4) such other reports, statements, or information as the court may order.

"(b) The list of veniremen and the name and address of a witness or other information identifying a witness need not be furnished under this section if the court finds by the preponderance of the evidence that providing the list or the name or address may jeopardize the life or safety of any person.".

Subtitle C—Immunity

SEC. 1921. IMMUNITY.

Section 6003(b) of title 18, United States Code, is amended—

(1) by striking "or" before "Deputy Assistant Attorney General" and inserting a comma; and

(2) by inserting "or one other officer or employee of the Criminal Division designated by the Attorney General" after "Deputy Assistant Attorney General".

Subtitle D—Clarification of 18 U.S.C. 5032's Requirement That Any Prior Record of a Juvenile Be Produced Before the Commencement of Juvenile Proceedings

SEC. 1931. CLARIFICATION OF 18 U.S.C. 5032's REQUIREMENT THAT ANY PRIOR RECORD OF A JUVENILE BE PRODUCED BEFORE THE COMMENCEMENT OF JUVENILE PROCEEDINGS.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

Subtitle E—Petty Offenses

SEC. 1941. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561(a)(3) of title 18, United States Code, is amended by adding at the end: "However, this paragraph does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.".

SEC. 1942. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended in subsection (b) by adding "other than a petty offense" after "misdemeanor".

SEC. 1943. CONFORMING AUTHORITY FOR MAGISTRATES TO REVOKE SUPERVISED RELEASE IN ADDITION TO PROBATION IN MISDEMEANOR CASES IN WHICH THE MAGISTRATE IMPOSED SENTENCE.

Section 3401(d) of title 18, United States Code, is amended by adding at the end the following: "A magistrate judge who has sentenced a person to a term of supervised release shall also have power to revoke or modify the term or conditions of such supervised release.".

Subtitle F—Optional Venue for Espionage and Related Offenses

SEC. 1944. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting:

"§3239. Optional venue for espionage and related offenses.

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b) or (c));

may be in the District of Columbia or in any other district authorized by law.".

(b) CLERICAL AMENDMENT.—The item relating to section 3239 in the table of sections at the beginning of chapter 211 of title 18, United States Code, is amended to read as follows:

"3239. Optional venue for espionage and related offense.".

Subtitle G—General

SEC. 1951. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) SECTION 1705(b).—Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) SECTION 1705(a).—Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(c) SECTION 1541.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "five years".

(d) CHAPTER 75.—Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "ten years".

(e) Section 1545.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "ten years".

SEC. 1952. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an increase of not less than three levels in the base offense level for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 1953. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following:

"§3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding the provisions of section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)), unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 is amended by inserting below the item for:

"3285. Criminal contempt."

the following:

"3286. Extension of statute of limitations for certain terrorism offenses.".

SEC. 1954. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof "; and";

(3) inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the second to last sentence of subdivision (a)(1), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) inserting "the victim," before "or the attorney for the Government."; and

(6) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

SEC. 1955. CRIMINAL HISTORY RECORD INFORMATION FOR THE ENFORCEMENT OF LAWS RELATING TO GAMING.

A State gaming enforcement office located within a State Attorney General's office may obtain from the Interstate Identification Index of the FBI criminal history record information for licensing purposes through an authorized criminal justice agency.

SEC. 1956. PRISON IMPACT ASSESSMENTS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§4047. Prison impact assessments

"(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated or in Federal penal institutions shall be accompanied by a prison impact statement, as defined in subsection (b) of this section.

"(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact assessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defendants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 7 days of any request. A prison impact assessment shall include—

"(1) projections of the impact on prison, probation, and post prison supervision populations;

"(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

"(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

"(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

"(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 is amended by adding at the end the following new item:

"4047. Prison impact assessments.".

SEC. 1957. INTERSTATE ENFORCEMENT OF PROTECTION ORDERS.

(a) FULL FAITH AND CREDIT GIVEN TO PROTECTION ORDERS.—Any protection order issued consistent with the terms of subsection (b) by the court of one State (the issuing State) shall be accorded full faith and credit by the court of another State (the enforcing State) and enforced as if it were the order of the enforcing State.

(b) PROTECTION ORDER.—A protection order issued by a State court is consistent with the terms of this section if—

(1) such court has jurisdiction over the parties and matter under the law of such State; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) CROSS OR COUNTER PETITION.—A protection order issued by a State court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

(2) if a cross or counter petition has been filed, if the court did not make specific findings that each party was entitled to such an order.

(d) DEFINITIONS.— As used in this section—

(1) the term "spouse or intimate partner" includes—

(A) a present or former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

(B) any other person similarly situated to a spouse, other than a child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

(2) the term "protection order" includes any injunction or other order issued for the purpose of preventing violent or threatening acts by one spouse against his or her spouse or intimate partner, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion of an abused spouse or intimate partner; and

(3) the term "State" includes a State of the United States, the District of Columbia, and any Indian tribe, commonwealth, territory, or possession of the United States.

SEC. 1958. SPECIAL RULE FOR CERTAIN HABEAS CORPUS PETITIONS RELATING TO DEATH SENTENCES.

(a) IN GENERAL.—Any existing race bias claim, whether or not previously raised or determined, unless determined on the merits in a Federal habeas corpus proceeding, may be raised in a proceeding commenced under chapter 153 of title 28, United States Code, not later than 1 year after the date of the enactment of this Act and shall be determined on the merits. In determining the merits of that claim, the law in effect at the time of the determination shall apply.

(b) DEFINITION.—As used in this subsection, the term "existing race bias claim" means a claim of race discrimination, or bias on the basis of race—

(1) made by a person seeking relief with respect to a sentence of death imposed before the date of the enactment of this Act; and

(2) based on a Supreme Court decision announced before such date of enactment.

SEC. 1959. NATIONAL INSTITUTE OF JUSTICE STUDY.

(a) FEASIBILITY STUDY.—The National Institute of Justice shall study the feasibility of establishing a clearinghouse to provide information to interested persons to facilitate the transfer of prisoners in State correctional institutions to other such correctional institutions, pursuant to the Interstate Corrections Compact or other applicable interstate compact, for the purpose of allowing prisoners to serve their prison sentences at correctional institutions in close proximity to their families.

(b) REPORT TO CONGRESS.—The National Institute of Justice shall, not later than 1 year after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (a), together with any recommendations the Institute may have on establishing a clearinghouse described in such subsection.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia and any territory or possession of the United States.

SEC. 1960. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges"and inserting "each side is entitled to 6 peremptory challenges".

TITLE XX—FIREARMS AND RELATED AMENDMENTS

Subtitle A—Firearms and Related Amendments

SEC. 2001. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c)(1) of title 18, United States Code, is amended by striking "and if the firearm is a short-barreled rifle, short-barreled shotgun" and inserting "if the firearm is a semiautomatic firearm, a short-barreled rifle, or a short-barreled shotgun,".

(b) SEMIAUTOMATIC FIREARM.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'semiautomatic firearm' means any repeating firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.".

SEC. 2002. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Section 844(h) of title 18, United States Code, is amended by striking "ten" and inserting "twenty".

SEC. 2003. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(i) Whoever, with the intent to engage in or to promote conduct which—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3) of this section);

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than ten years, fined under this title, or both.".

SEC. 2004. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsection added by section 2003 of this Act the following:

"(j) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned not less than two nor more than ten years, fined in accordance with this title, or both.".

(b) EXPLOSIVES.—Section 844 of such title is amended by adding at the end the following:

"(k) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce

shall be imprisoned not less than two nor more than ten years, fined in accordance with this title, or both.".

SEC. 2005. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking "(a)(6),"; and

(2) in paragraph (2), by inserting "(a)(6)," after "subsection".

SEC. 2006. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended by redesignating subsection (c) as subsection (c)(1) and by inserting after and below the end the following:

"(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within sixty days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 2007. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1), by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."; and

(2) in subsection (e)(1), by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

SEC. 2008. ENHANCED PENALTIES FOR USE OF A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, is amended by inserting "or during and in relation to any felony punishable under chapter 25" after "United States,".

SEC. 2009. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) 1 PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony or a serious drug offense (as defined in subsections (e)(2)(A) and (B) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than five years" before the period.

(b) 2 PRIOR CONVICTIONS.—Section 924 of such title is amended by adding after the subsections added by sections 2003 and 2004(a) of this Act the following:

"(k)(1) Notwithstanding subsection (a)(2) of this section, any person who violates section 922(g) and has 2 previous convictions by any court referred to in section 922(g)(1) for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section) committed on occasions different from one another shall be fined as provided in this title, imprisoned not less than 10 years and not more than 20 years, or both.

"(2) Notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).".

SEC. 2010. REPORTING OF MULTIPLE FIREARMS SALES.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) by striking "five consecutive business" and inserting "thirty consecutive"; and

(2) by adding at the end the following: "Each licensee shall forward a copy of the report to the chief law enforcement officer of the place of residence of the unlicensed person not later than the close of business on the date that the multiple sale or disposition occurs.".

SEC. 2011. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)(C), by striking "and";

(2) in paragraph (8)(C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms.".

SEC. 2012. PROHIBITION AGAINST CONSPIRACY TO VIOLATE FEDERAL FIREARMS OR EXPLOSIVES LAWS.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 2003, 2004(a), and 2009(b) of this Act the following:

"(l) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) EXPLOSIVES.—Section 844 of such title is amended by adding after the subsection added by section 2004(b) of this Act the following:

"(l) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 2013. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 2003, 2004(a), 2009(b), and 2012(a) of this Act the following:

"(m) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined in accordance with this title, imprisoned not more than ten years, or both.".

(b) EXPLOSIVES.—Section 844 of such title is amended by adding after the subsections added by sections 2004(b) and 2012(b) of this Act the following:

"(m) Whoever steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined in accordance with this title, imprisoned not more than ten years, or both.".

SEC. 2014. PROHIBITION AGAINST DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 2015. COMPLIANCE WITH STATE AND LOCAL FIREARMS LICENSING LAWS REQUIRED BEFORE ISSUANCE OF FEDERAL LICENSE TO DEAL IN FIREARMS.

(a) IN GENERAL.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) in the case of an application for a license to engage in the business of dealing in firearms—

"(i) the applicant has complied with all requirements imposed on persons desiring to engage in such a business by the State and political subdivision thereof in which the applicant conducts or intends to conduct such business; and

"(ii) the application includes a written statement which—

"(I) is signed by the chief of police of the locality, or the sheriff of the county, in which the applicant conducts or intends to conduct such business, the head of the State police of such State, or any official designated by the Secretary; and

"(II) certifies that the information available to the signer of the statement does not indicate that the applicant is ineligible to obtain such a license under the law of such State and locality.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applications for a license that is issued on or after the date of the enactment of this Act.

SEC. 2016. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 2003, 2004(a), 2009(b), 2012(a), and 2013(a) of this Act the following:

"(n) Whoever, with the intent to engage in conduct which constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

SEC. 2017. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".

SEC. 2018. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

Subtitle B—Assault Weapons

SEC. 2021. PROHIBITION AGAINST POSSESSION AND TRANSFER OF ASSAULT WEAPONS.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) It shall be unlawful for any person to possess an assault weapon, unless—

"(A) the weapon was lawfully and continuously possessed by the person since before the

date the weapon is included in the list set forth in section 921(a)(30); or

"(B) the weapon was lawfully transferred to the person after the effective date of this subsection.

"(2) It shall be unlawful for any person to transfer an assault weapon, unless—

"(A) the weapon was lawfully and continuously possessed by the person since before the date the weapon is included in the list set forth in section 921(a)(30); and

"(B) the transfer is in accordance with regulations prescribed by the Secretary.".

(b) ASSAULT WEAPON DEFINED.—Section 921(a) of such title is amended by adding after the paragraph added by section 2001(b) of this Act the following:

"(30)(A) The term 'assault weapon' means any of the following weapons, or a copy thereof:

"(i) Action Arms Israeli Military Industries UZI and Galil.

"(ii) Auto Ordnance 27A1 Thompson, 27A5 Thompson, and M1 Thompson.

"(iii) Beretta AR–70 (SC–70).

"(iv) Colt AR–15 and CAR–15.

"(v) Fabrique Nationale FN/FAL, FN/LAR, and FNC.

"(vi) INTRATEC TEC–9.

"(vii) MAC 10 and 11.

"(viii) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs.

"(ix) Springfield BM59, SAR48, and G3SA.

"(x) Steyr AUG.

"(xi) Street Sweeper and Striker 12.

"(xii) All Ruger Mini-14 models with folding stocks.

"(xiii) Armscorp FAL.

"(B) The term 'copy' means, with respect to a weapon specified in subparagraph (A), a weapon, by whatever name known, which embodies the same basic configuration as the weapon so specified.".

(c) AUTHORITY OF THE SECRETARY OF THE TREASURY TO RECOMMEND MODIFICATIONS TO THE LIST OF ASSAULT WEAPONS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Recommendation of modifications to the list of assault weapons

"From time to time, the Secretary, in consultation with the Attorney General, may recommend to the Congress that certain weapons be added to, or removed from, the list set forth in section 921(a)(30).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 44 of such title is amended by adding at the end the following:

"931. Recommendation of modifications to the list of assault weapons.".

(d) PENALTIES.—

(1) UNLAWFUL POSSESSION OR TRANSFER OF ASSAULT WEAPON.—Section 924(a)(1)(B) of such title is amended by striking "or (q)" and inserting "(r), or (s)".

(2) ENHANCED PENALTY FOR POSSESSION OR USE OF ASSAULT WEAPON DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of such title, as amended by section 2001(a) of this Act, is amended by inserting "an assault weapon," after "semiautomatic firearm,".

(e) REGULATIONS GOVERNING TRANSFER OF ASSAULT WEAPONS.—

(1) REGULATIONS.—Section 926 of such title is amended by adding at the end the following:

"(d) Within 60 days after the date of the enactment of this subsection, the Secretary shall prescribe regulations governing the transfer of assault weapons, which shall allow such a transfer to proceed within 30 days after the Secretary receives such documentation as the Secretary may require to be submitted with respect to the transfer, and shall include provisions for determining whether the transferee is a person described in section 922(g).".

(2) PENALTY FOR VIOLATION OF REGULATIONS.—Section 924(a) of such title is amended—

(A) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(B) by adding at the end the following:

"(5) Whoever, in violation of a regulation issued under section 926(d), transfers an assault weapon that has been lawfully and continuously possessed by the person since before the date the weapon is included in the list set forth in section 921(a)(30) shall be fined not more than $500.".

Subtitle C—Large Capacity Ammunition Feeding Devices

SEC. 2031. PROHIBITION AGAINST POSSESSION OR TRANSFER OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by adding after the subsection added by section 2021(a) of this Act the following:

"(t)(1) It shall be unlawful for any person to possess or transfer any large capacity ammunition feeding device.

"(2) Paragraph (1) shall not apply to any otherwise lawful possession or otherwise lawful transfer of a large capacity ammunition feeding device that was lawfully possessed before the date of the enactment of this subsection.".

(b) LARGE CAPACITY AMMUNITION FEEDING DEVICE DEFINED.—Section 921(a) of such title is amended by adding after the paragraphs added by sections 2001(b) and 2021(b) of this Act the following:

"(31)(A) Except as provided in subparagraph (B), the term 'large capacity ammunition feeding device' means—

"(i) a detachable magazine, belt, drum, feed strip, or similar device which has, or which can be readily restored or converted to have, a capacity of more than 7 rounds of ammunition; and

"(ii) any part or combination of parts, designed or intended to convert a detachable magazine, belt, drum, feed strip, or similar device into a device described in clause (i).

"(B) The term 'large capacity ammunition feeding device' does not include any attached tubular device designed to accept and capable of operating with only .22 rimfire caliber ammunition.".

(c) PENALTY.—Section 924(a)(1)(B) of such title, as amended by section 2021(d)(1) of this Act, is amended by striking "or (s)" and inserting "(s), or (t)".

(d) REGULATIONS.—Section 926 of such title is amended by adding after the subsection added by section 2021(e)(1) of this Act the following:

"(e) The Secretary shall promulgate regulations requiring manufacturers of large capacity ammunition feeding devices to stamp each such device manufactured after the date of the enactment of this subsection with a permanent distinguishing mark selected in accordance with regulations.".

TITLE XXI—SPORTS GAMBLING

SEC. 2101. SHORT TITLE.

This title may be referred to as the "Professional and Amateur Sports Protection Act".

SEC. 2102. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization that has governmental authority over a geographical area that is under the authority of the Government of the United States,

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§3704. Applicability

"Section 3702 shall not apply to—

"(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a governmental entity, to the extent that the particular scheme was in operation in the period beginning September 1, 1989, and ending August 31, 1990, in such governmental entity pursuant to the law of any governmental entity;

"(2) a commercial casino gaming scheme in operation in a gambling establishment (as defined in section 1081 of title 18), to the extent that the particular commercial casino gaming scheme is—

"(A) described in paragraph (1) with respect to a governmental entity, and

"(B) in operation not later than 2 years after the effective date of this chapter, in a governmental entity in which commercial casino gaming was in operation in such an establishment throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State regulation, or

"(3) parimutuel animal racing.".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001",

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection .... 3701".

TITLE XXII—TECHNICAL CORRECTIONS

SEC. 2201. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) TESTING CERTAIN SEX OFFENDERS FOR HUMAN IMMUNE DEFICIENCY VIRUS.—(1) Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of",

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)",

(3) in subsection (e) by striking "or (e)" and inserting "or (f)",

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but", and

(ii) by striking "this subsection," and inserting "this subsection", and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking "subsection (a) (1) and (2)" and inserting "paragraphs (1) and (2) of subsection (a)", and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section", and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "paragraph (1) or (3) of section 515(a)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended in paragraph (3) by striking "and N" and inserting "N, O, P, Q, R, S, T, U, V, and W".

(f) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in section 1201—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),", and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)",

(ii) by striking "personal", and

(iii) in the first proviso by striking "section" and inserting "subsection", and

(2) in section 1204(3) by striking "who was responding to a fire, rescue or police emergency".

(g) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant",

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications", and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking "crime,," and inserting "crime,",

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon,

(3) in section 602(a)(1) by striking "chapter 315" and inserting "chapter 319",

(4) in section 603(a)(6) by striking "605" and inserting "606",

(5) in section 605 by striking "this section" and inserting "this part",

(6) in section 606(b) by striking "and Statistics" and inserting "Statistics",

(7) in section 801(b)—

(A) by striking "parts D," and inserting "parts",

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E",

(C) by striking "403(a)" and inserting "501", and

(D) by striking "403" and inserting "503",

(8) in the first sentence of section 802(b) by striking "part D," and inserting "subpart 1 of part E or under part",

(9) in the second sentence of section 804(b) by striking "Prevention or" and inserting "Prevention, or",

(10) in section 808 by striking "408, 1308," and inserting "507",

(11) in section 809(c)(2)(H) by striking "805" and inserting "804",

(12) in section 811(e) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance",

(13) in section 901(a)(3) by striking "and," and inserting ", and",

(14) in section 1001(c) by striking "parts" and inserting "part".

(j) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 2202. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions" in lieu thereof.

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma which follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293 of title 18, United States Code, is amended by striking "1008,".

(f) ELIMINATION OF DUPLICATE SUBSECTION DESIGNATION.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) CLERICAL AMENDMENT TO PART I TABLE OF CHAPTERS.—The item relating to chapter 33 in the table of chapters for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

SEC. 2203. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) Section 1791(b) of title 18, United States Code, is amended by striking "(c)" wherever it appears and inserting in lieu thereof "(d)".

(b) Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting in lieu thereof "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting in lieu thereof "section 3127(2)(A)".

(d) Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the 4th paragraph relating to the definition of the term "State" as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting in lieu thereof "subsection (e) of section 4241, 4244, 4245, or 4246, or subsection (f) of section 4243,".

(f) Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting in lieu thereof "subsection (c)(1)".

(g)(1) Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting in lieu thereof "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(2) Section 924(e) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting in lieu thereof "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking "951(c)(1)" and inserting in lieu thereof "951(c)(2)".

SEC. 2204. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212, by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213, by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709, by striking the seventh and thirteenth paragraphs;

(4) in section 711, by striking the second paragraph;

(5) by striking section 754, and amending the table of sections for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006, by striking "Reconstruction Finance Corporation,", and by striking "Farmers' Home Corporation,";

(7) in section 658, by striking "Farmers' Home Corporation,";

(8) in section 1013, by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160, by striking "white person" and inserting "non-Indian";

(10) in section 1698, by striking the second paragraph;

(11) by striking sections 1904 and 1908, and amending the table of sections for chapter 93 by striking the items relating to such sections;

(12) in section 1909, by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391, and amending the table of sections for chapters 105 and 115, respectively, by striking the items relating to such sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100-690;

(15) in section 3113, by striking the third paragraph; and

(16) in section 3281, by striking "except for offenses barred by the provisions of law existing on August 4, 1939".

SEC. 2205. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) is amended, in subsection (a)(3), by striking "issuer" and inserting in lieu thereof "domestic concern".

SEC. 2206. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.

Section 1116(a) of title 18, United States Code, is amended by striking ", and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

SEC. 2207. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting in lieu thereof "(b)(5)".

SEC. 2208. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4), by striking "association or persons" and inserting in lieu thereof "association of persons";

(2) in section 1956(e), by striking "Evironmental" and inserting in lieu thereof "Environmental";

(3) in section 3125, by striking the quotation marks in paragraph (a)(2), and by striking "provider for" and inserting in lieu thereof "provider of" in subsection (d); and

(4) in section 3731, by striking "order of a district courts" and inserting in lieu thereof "order of a district court" in the second undesignated paragraph.

TITLE XXIII—DEATH PENALTY PROCEDURES

SEC. 2301. DEATH PENALTY PROCEDURES.

(a) TITLE 18 AMENDMENT.—Title 18, United States Code, is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3596A. Special provisions for Indian country.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.

"§3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) an offense described in section 1751(c)(2) of this title;

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act, committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) of that section or twice the gross receipts described in subsection (b)(2)(B) of that section;

"(4) an offense constituting a felony violation of the Controlled Substances Act, the Controlled Substances Import and Export Act, or the Maritime Drug Law Enforcement Act where the defendant knowingly or intentionally causes the death of another individual in the course of the violation or from the use of the controlled substance involved in the violation;

"(5) an offense under section 922(u) of this title (relating to drive-by shooting);

"(6) an offense under section 36, 2280, 2281, 2332, 2339, or 2340A of this title, or section 902(i) or 902(n) of the Federal Aviation Act of 1958 in which the defendant, as determined beyond a reasonable doubt at a sentencing proceeding under this chapter, intentionally, knowingly, or with reckless disregard for human life, caused the death of another individual; or

"(7) any other offense—

"(A) for which a sentence of death is provided by law; and

"(B) in which the defendant, as determined beyond a reasonable doubt at a sentencing proceeding under this chapter, intentionally or knowingly caused the death of another individual,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified. However, no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) FORESEEABILITY.—The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"(5) YOUTH.—The defendant was youthful, although not under the age of 18.

"(6) PRIOR RECORD.—The defendant did not have a significant prior criminal record.

"(7) MENTAL OR EMOTIONAL DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(8) PUNISHMENT OF OTHERS EQUALLY CULPABLE.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(9) CONSENT OF VICTIM.—The victim consented to the criminal conduct that resulted in the victim's death.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591(2) or (5) through (7), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) CONDUCT OCCURRED DURING COMMISSION OF SPECIFIED CRIMES.—The conduct resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 1203 (hostage taking), section 1751 (violence against the President or Presidential staff), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following insanity acquittal), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)), unless the above-listed offense is the offense for which the death penalty is being sought.

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to es-

cape apprehension used a firearm as defined in section 921 of this title; or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value, unless this is an element of the offense.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value, unless this is an element of the offense.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity, and the defendant was or should have been aware of that old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there was no Vice President, the officer next in order of succession to the office of the President of the United States, or any person acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if that official was in the United States on official business; or

"(D) a Federal public servant who was outside of the United States or who was a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant was engaged in the performance of his official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591 (3) or (4), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist—

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court shall permit the attorney for the Government to amend the notice upon a showing of good cause a reasonable time before the sentencing phase of the trial begins.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

The information presented may include the trial transcript and exhibits. Any other information *relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.*

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist;

"(2) an offense described in section 3591 (2) or (5)-(7), an aggravating factor required to be considered under section 3592(c) is found to exist; or

"(3) an offense described in section 3591 (3) or (4), an aggravating factor required to be considered under section 3592(d) is found to exist;

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it is never required to impose a death sentence and that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

"§3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

"§3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for appeal or reflected in the record;

it shall affirm the sentence, provided that if any reviewing court determines that any aggravating factor was not supported by the evidence or is not a proper aggravating factor, the sentence shall be affirmed if the court finds that a remaining aggravating factor found to exist is one allowed under section 3592 and that the remaining aggravating factor or factors found to exist substantially outweigh any mitigating factors found to exist.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) SPECIAL BARS TO EXECUTION.—A sentence of death shall not be carried out upon a woman while she is pregnant, or upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(1) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

"(2) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful, or lacks the ability to convey such information to counsel or to the court.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, the United States Marshals Service, or the United States Department of Justice, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section or to participate in the prosecution or appeal of any capital case if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§3596A. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.

"§3597. Use of State facilities

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§3598. Appointment of counsel

"(a) REPRESENTATION OF INDIGENT DEFENDANTS.—Notwithstanding any other provision of law, this section shall govern the appointment of counsel for any defendant or applicant against whom a sentence of death may be sought, or on whom a sentence of death has been imposed, for an offense against the United States, and for any defendant or applicant seeking to vacate or set aside a death sentence in a proceeding under section 2254 or 2255 of title 28, United States Code, where the defendant or applicant is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services. Such a defendant or applicant shall be entitled

to appointment of counsel and the furnishing of such other services in accordance with subsections (b) through (g).

"(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant or applicant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005 of this title. Each counsel so appointed shall continue to represent the defendant or applicant through every subsequent stage of available judicial proceedings, unless replaced by the court with similarly qualified counsel.

"(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment of a Federal court imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within ten days of receipt of such notice, the district court shall proceed to make a determination whether the defendant or applicant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(1) appointing one or more counsel to represent the defendant or applicant upon a finding that the defendant or applicant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(2) finding, after a hearing if necessary, that the defendant or applicant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant or applicant is financially able to obtain adequate representation.

"(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant or applicant who is entitled to appointment of counsel under this section, at least one counsel appointed for trial representation must have been admitted to the bar for at least five years and have at least three years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to practice in the court of appeals for at least five years and have at least three years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant or applicant, with due consideration of the seriousness of the penalty and the unique and complex nature of the litigation.

"(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(f) ANCILLARY SERVICES.—Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonably necessary for the representation of the defendant or applicant, whether in connection with issues relating to guilt or sentence, the court shall authorize the defendant's or applicant's attorneys to obtain such services on behalf of the defendant or applicant and shall order the payment of fees and expenses therefore, under subsection (g). Upon a finding that timely procurement of such services could not practicably await prior authorization, the court may authorize the provision of and payment for such services nunc pro tunc.

"(g) RATE OF COMPENSATION.—Notwithstanding the rates and maximum limits generally applicable to criminal cases and any other provision of law to the contrary, the court shall fix the compensation to be paid to attorneys appointed under this subsection and the fees and expenses to be paid for investigative, expert, and other reasonably necessary services authorized under subsection (f), at such rates or amounts as the court determines to be reasonably necessary to carry out the requirements of subsections (b) through (f).

"(h) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"§3599. Collateral Attack on Judgment Imposing Sentence of Death

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which sentence of death has been imposed, and the judgment has become final as described in section 3598(c) of this title, a motion in the case under section 2255 of title 28, United States Code, must be filed within one year of the issuance of the order relating to appointment of counsel under section 3598(c) of this title. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding sixty days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such motion by a district court; or

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(c) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was (A) the result of governmental action in violation of the Constitution of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the applicant's guilt of the offense or offenses for which the capital sentence was imposed or in the validity of the sentence under Federal law.".

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death penalty procedures .... 3591.".

(c) VOIR DIRE.—Rule 24(a) of the Federal Rules of Criminal Procedure is amended by adding at the end thereof the following: "In death penalty cases, the court shall permit the defendant or his attorney and the attorney for the Government to conduct direct, oral examination of any of the prospective jurors.".

TITLE XXIV—DEATH PENALTY

SEC. 2401. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1991".

SEC. 2402. DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18, United States Code, is amended by striking "to the death penalty" and all that follows through the end of the section, and inserting "to imprisonment for life. If the death results from an intentional killing, the defendant may be sentenced to the death penalty.".

SEC. 2403. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 of this title that the offense directly concerned nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; sources or methods of intelligence or counterintelligence operations; or any other major weapons system or major element of defense strategy.".

SEC. 2404. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 2405. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.

Section 844(f) of title 18 of the United States Code is amended by striking "as provided in section 34 of this title".

SEC. 2406. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.

Section 844(i) of title 18 of the United States Code is amended by striking "as provided in section 34 of this title".

SEC. 2407. CONFORMING AMENDMENT RELATING TO MURDER.

The second paragraph of section 1111(b) of title 18 of the United States Code is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

SEC. 2408. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

Section 1116(a) of title 18 of the United States Code is amended by striking "any such person *who is found guilty of murder in the first degree shall be sentenced to imprisonment for life".*

SEC. 2409. MURDER BY FEDERAL PRISONER.

Chapter 51 of title 18 of the United States Code, as amended by section 1713 of this Act, is amended—

(1) by adding at the end thereof the following:

"§1119. Murder by a Federal prisoner

"(a) Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release.

"(b) For purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government;

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death."; and

(2) by adding at the end of the table of sections at the beginning of such chapter the following:

"1119. Murder by a Federal prisoner.".

SEC. 2410. CONFORMING AMENDMENT RELATING TO KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 2411. CONFORMING AMENDMENT RELATING TO HOSTAGE TAKING.

Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 2412. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows to the period at the end of the paragraph.

SEC. 2413. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Subsection (c) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) of this section shall be punished—

"(1) by imprisonment for any term of years or for life, or

"(2) by death or imprisonment for any term of years or for life, if the conduct constitutes an attempt to murder the President of the United States and results in serious bodily injury to the President (as defined in section 1365 of this title) or comes dangerously close to causing the death of the President.".

SEC. 2414. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined in accordance with this title, or both".

SEC. 2415. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;".

SEC. 2416. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

The second to the last paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows before the period at the end of that second to last paragraph.

SEC. 2417. CONFORMING AMENDMENT RELATING TO BANK ROBBERY.

Section 2113(e) of title 18 of the United States Code is amended by striking the words "or punished by death if the verdict of the jury shall so direct" and inserting in lieu thereof "or if death results shall be punished by death or life imprisonment".

SEC. 2418. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

Section 2332(a)(1) of title 18, United States Code, as so redesignated by section 1735 of this Act, is amended to read as follows:

"(1) if the killing is murder as defined in section 1111(a) of this title, or if the killing is the result of conduct that constitutes a reckless disregard of human life, be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 2419. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

(a) In General.—Section 903 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1473), is amended by striking subsection (c).

(b) Clerical Amendment.—The table of contents for the Federal Aviation Act of 1958 is amended by striking the item relating to subsection (c) of section 903.

SEC. 2420. CONFORMING AMENDMENT RELATING TO GENOCIDE.

Section 1091(b)(1) of title 18 of the United States Code is amended by striking "a fine of not more than $1,000,000 and imprisonment for life;" and inserting in lieu thereof "by death or imprisonment for life, or a fine of not more than $1,000,000, or both;".

SEC. 2421. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by designating the current text as subsection (a);

(2) by striking "fined not more than $5,000 or imprisoned not more than five years, or both." and inserting in lieu thereof "punished as provided in subsection (b).";

(3) by adding at the end the following:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than twenty years; and

"(3) in any other case, imprisonment for not more than ten years."; and

(4) in subsection (a), as designated by this section, by striking "commissioner" each place it appears and inserting in lieu thereof "magistrate judge".

SEC. 2422. PROHIBITION OF KILLINGS IN RETALIATION AGAINST WITNESSES, VICTIMS, AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting a new subsection (a) as follows:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole or release pending judicial proceedings given by a person to a law enforcement officer; shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than twenty years.".

SEC. 2423. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114 of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111 of this title, or, in the case of manslaughter, a sentence as provided under section 1112 of this title,".

SEC. 2424. DEATH PENALTY FOR THE MURDER OF PERSONS AIDING FEDERAL LAW ENFORCEMENT OFFICIALS.

(a) In General.—Chapter 51 of title 18, United States Code, as amended by section 2409 of this Act, is amended by adding at the end the following:

"§1120. Killing persons aiding Federal investigations

"Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any person assisting a Federal criminal investigation, while the assistance is being rendered and because of it,

shall be punished as provided in sections 1111 and 1112 of title 18, United States Code. Whoever attempts to commit such a killing shall be punished as provided in section 1113.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1120. Killing persons aiding Federal investigations.".

SEC. 2425. AMENDMENT TO FEDERAL AVIATION ACT.

Section 902(n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(n)) is amended by—

(1) striking paragraph (3); and

(2) redesignating paragraph (4) as paragraph (3).

SEC. 2426. TORTURE.

(a) In General.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"§2340. Definitions

''As used in this chapter—

''(1) the term 'torture' means an act committed by a person, acting under color of law, specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within the custody or physical control of the actor;

''(2) the term 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

''(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

''(B) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

''(C) the threat of imminent death; or

''(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

''(3) the term 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958.

"§2340A. Torture

''(a) Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

''(b) There is jurisdiction over the prohibited activity in subsection (a) if—

''(1) the alleged offender is a national of the United States; or

''(2) the alleged offender is present in the United States, without regard to the nationality of the victim or the alleged offender.

"§2340B. Exclusive remedies

''Nothing in this chapter precludes the application of State or local laws on the same subject, nor shall anything in this chapter create any substantive or procedural right enforceable by law by any party in any civil proceeding.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113B the following new item:

"113B. Torture .... 2340".

SEC. 2427. WEAPONS OF MASS DESTRUCTION.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following:

"§2339. Use of weapons of mass destruction

''(a) Whoever uses, or attempts or conspires to use, a weapon of mass destruction against—

''(1) a national of the United States while such national is outside of the United States;

''(2) any person within the United States; or

''(3) any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

''(b) For purposes of this section—

''(1) 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(2) 'weapon of mass destruction' means—

''(A) any destructive device as defined in section 921 of this title;

''(B) poison gas;

''(C) any weapon involving a disease organism; or

''(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by adding at the end the following:

''2339. Use of weapons of mass destruction.''.

SEC. 2428. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f) and (g) as subsections (d), (e), (f), (g), and (h) respectively;

(2) in subsection (a), by striking ''(c)'' and inserting ''(d)''; and

(3) inserting after subsection (b) the following:

''(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

''(1) in the case of a killing constituting murder as defined in section 1111(a) of this title, be punished by death or imprisoned for any term of years or for life; and

''(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113 of this title.''.

SEC. 2429. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting '', or may be sentenced to death.''.

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting '', or may be sentenced to death.''.

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting '', or may be sentenced to death'' after ''or for life''.

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting '', or may be sentenced to death'' after ''or both''.

SEC. 2430. INTENTIONALLY KILLING A FEDERAL WITNESS IN THE WITNESS PROTECTION PROGRAM.

Section 1512 of title 18, United States Code, is amended—

(1) by inserting after subsection (c) the following:

''(d) Whoever violates this section by intentionally killing an individual provided protection under section 3521 of this title shall be subject to the death penalty.''; and

(2) by redesignating subsections (d) through (h) as subsections (e) through (i).

SEC. 2431. DRIVE-BY SHOOTINGS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding after the subsections added by sections 2021(a) and 2031(a) of this Act the following:

''(u) It shall be unlawful for any person knowingly—

''(1) to discharge a firearm from within a motor vehicle; and

''(2) thereby create a grave risk to human life.''.

(b) PENALTY.—Section 924(a) of such title is amended by adding after the paragraph added by section 2021(e)(2)(B) of this Act the following:

''(6) Whoever knowingly violates section 922(u) shall be fined under this title or imprisoned not more than 25 years, or both, and if death results from conduct prohibited by that section, shall be punished by death or imprisonment for life or any term of years.''.

SEC. 2432. INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

The CHAIRMAN. No amendment to said substitute, as modified, is in order except those amendments printed in part 2 of House Report 102–253. Said amendments shall be considered in the order and manner specified in said report and shall be considered as read. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Said amendments shall not be subject to amendment, except as specified in House Report 102–253. Where House Report 102–253 specifies consideration of amendments en bloc, said amendments shall be so considered and shall not be subject to a demand for a division of the question.

It is in order at any time for the chairman of the Committee on the Judiciary to offer amendments en bloc consisting of amendments, and modifications in the text of any amendments which are germane thereto, printed in part 2 of House Report 102–253. Said amendments en bloc shall be considered as read and shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The original proponents of the amendments en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc. Said amendments en bloc shall not be subject to amendment or to a demand for a division of the question.

If amendments numbered 9 and 10 printed in part 2 of House Report 102–253 are both adopted, only the latter amendment which is adopted shall be considered as finally adopted and reported back to the House.

The Chair will announce the number of the amendment made in order by House Resolution 247 in order to give notice to the Committee of the Whole as to the order of recognition.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 102–253.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. Mr. Chairman, with respect to the amendments en bloc made in order if offered by the chairman of the committee, the gentleman from Texas [Mr. BROOKS], would a reservation of a point of order against germaneness lie at the time the gentleman offered that amendment?

The CHAIRMAN. The gentleman is correct.

Mr. SENSENBRENNER. I thank the Chair.

AMENDMENTS EN BLOC OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer amendments en bloc made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments en bloc offered by Mr. STAGGERS: Page 251, strike line 17 and all that follows through line 19 on page 282.

Page 283, line 7, strike "the death penalty" and insert "life imprisonment without the possibility of release".

Page 283, strike line 8 and all that follows through line 22 and insert the following:

SEC. 2403. ESPIONAGE.

Section 794(a) of title 18 is amended by adding at the end the following: "Such person shall be punished by life in prison without the possibility of release if the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 of this title that the offense directly concerned nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; sources or methods of intelligence or counterintelligence operations; or any other major weapons system or major element of defense strategy.".

Page 284, line 23, strike "death or by imprisonment for life" and insert "imprisonment for life without the possibility of release".

Page 285, line 15, strike "death or".

Page 286, beginning in line 9, strike "death or life imprisonment" and insert "imprisonment for life without the possibility of release".

Page 286, beginning in line 15, strike "death or life imprisonment" and insert "imprisonment for life without the possibility of release".

Page 287, line 10, strike "death or imprisonment for any term of years or for life" and insert "imprisonment for life without the possibility of release".

Page 287, beginning in line 22, strike "death or life imprisonment" and insert "imprisonment for life without the possibility of release".

Page 288, line 6, strike "death or life imprisonment" and insert "imprisonment for life without the possibility of release".

Page 288, beginning in line 22, strike "death or life imprisonment" and insert "imprisonment for life without the possibility of release".

Page 289, beginning on line 9, strike "death or imprisonment for any term of years or for life" and insert "imprisonment for life without the possibility of release".

Page 289, line 25, strike "death or imprisonment for life" and insert "imprisonment for life without the possibility of release".

Page 292, line 6, strike "death or life imprisonment".

Page 295, beginning in line 11, strike "death or imprisoned for any term of years or for life" and insert "imprisonment for life without the possibility of release".

Page 296, beginning in line 18, strike "death or imprisoned for any term of years or for life" and insert "imprisonment for life without the possibility of release".

Page 298, beginning in line 3, strike "death or imprisoned for any term of years or for life" and insert "imprisonment for life without the possibility of release".

Page 298, in each of lines 14, 18, and 22, and on page 299, line 2, strike "death" each place it appears and insert "imprisonment for life without the possibility of release".

Page 299, line 11, strike "the death penalty" and insert "imprisonment for life without the possibility of release".

Page 300, beginning in line 4, strike "death or imprisoned for life or any term of years" and insert "imprisonment for life without the possibility of release".

Page 300, after line 11, insert the following:

SEC. 2433. RESTITUTION.

Section 3663 of title 18, United States Code, is amended by adding at the end the following:

"(i) Notwithstanding any other provision of law, any defendant sentenced to life imprisonment with possibility of release shall be ordered to pay restitution, which shall include not less than 50 percent of any income received, directly or indirectly, during imprisonment, and which shall be paid to the family or the estate of the victim of the crime for which the defendant is sentenced, unless the victim was engaged in criminal activity at the time of the crime for which the defendant is sentenced. In the event that a defendant is sentenced for the death of more than one victim, the amounts paid to the families or the estates of the victims shall be apportioned by the court.".

The CHAIRMAN. Under the rule, the gentleman from West Virginia [Mr. STAGGERS] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I am opposed to the Staggers amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 10 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, my amendment is an alternative to the death penalty. My amendment is life without release. It is not a simple life sentence. It is life without release. Mine is mandatory, where the death sentence is often or is an option, and it is in an arbitrary manner.

Mine would call for restitution to the victim's family by the criminal who would perpetrate that crime.

I oppose the death penalty, and that is why I am offering what I think is a tough, fair and cost-effective alternative to capital punishment. I oppose capital punishment for a variety of reasons. It does not deter crime. Studies have shown that the critical factor in deterring crime is certainty of punishment, not severity of punishment. Mine is mandatory, so mine is certain.

Capital punishment is imposed, as I said, in an arbitrary manner. The same crime, two different individuals, and you have two different sentences. It is not a consistent type of punishment, so there is always that chance in the criminal's mind that he will get off.

Life imprisonment, as I said earlier, also is a cost-effective alternative. It is less expensive because of the super due process requirement in capital trials to keep a prisoner in prison for his life, as opposed to executing him.

Also there will be those who say that public opinion demands that we have capital punishment, but actually if you ask the public which they would prefer, capital punishment or life without release with the assurance that the criminal would not get out, they would opt for the latter as opposed to the former, so I present an alternative.

The concern in the public mind is protection from the criminal. Mine provides that protection.

Life without release constitutes death by incarceration. In fact if you look at what the criminal mind is thinking, there was a survey of the inmates on death row in Tennessee. Half of those awaiting death responded that a sentence of life without release would be worse in their minds than the death penalty.

Mine is an alternative. I would hope that people will take it seriously and look at being a tough, certain penalty, as opposed to an arbitrary uncertain penalty.

If you want to be tough on crime, vote to protect society through incarceration, not execution, and support my amendment.

Mr. Chairman, my colleagues, today you will have the opportunity to vote for a tough, fair, and cost-effective alternative to capital punishment.

In every instance where the bill now would call for the death penalty as an option, my amendment would provide for a mandatory life sentence without release. Moreover, my amendment would require that the offender pay restitution to the victim's family.

Let me make it clear that this amendment would provide for mandatory life imprisonment without release, where the criminal would spend the rest of his or her life incarcerated. It is not simply a life sentence which we all know allows for possible release. Society would be just as protected as if the death penalty were imposed, because the criminal would remain behind bars and off the streets.

I am an opponent of capital punishment for a variety of reasons, but I do believe in tough and certain penalties for criminals. Studies show that the critical factor in deterring crime is certainty of punishment, not severity. My amendment offers this certainty of punishment through its mandatory feature. The death penalty in the bill is only an option and therefore is by no means certain.

Capital punishment is imposed in an arbitrary manner. For the same crime, one person is sentenced to death, while another is not. In such a system, there can be no consistency nor fairness.

The fallibility of human judgment is one of the most compelling reasons to oppose the death penalty. It simply does not allow for human error. The history of capital punishment in this country is replete with executions and near-executions of the innocent. The irrevocability and finality of the death penalty stands in stark contrast to any other form of punishment.

Life imprisonment is the cost-efficient alternative to capital punishment. It is less expensive to impose a sentence of life without release than to sentence someone to death. Studies have shown that the super due process required in a capital trial is more costly than a trial where life imprisonment is imposed.

While much has been made of public support for the death penalty, several recent surveys show that this support is fleeting when respondents are presented an option of long-term imprisonment. Surveys conducted in West Virginia, California, New York, Nebraska, and Virginia all revealed a public preference for life without parole, plus restitution over the death penalty.

All of these surveys point to the real concern of Americans over violent crime—protection. Life imprisonment without release provides this protection to society by keeping the criminals behind bars and off the streets without any of the problems inherent in capital punishment.

I would also argue that a sentence of life without release is a worse sentence than death because it is tantamount to death by incarceration. Indeed, in a recent survey of Tennessee death row inmates, half of those awaiting death responded that a sentence of life without release would be worse.

I believe the mass execution of criminals by the State is morally wrong, it cheapens the sanctity of life which our Nation should preserve, not destroy. If you want to be tough on crime, vote to protect society through incarceration not execution vote in favor of the Staggers amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from West Virginia, as he usually is, is accurate in describing his amendment. His amendment is one that is philosophically opposed to the death penalty in all circumstances, including the assassination of the President, airline hijacking where a death results, acts of political terrorism, drug kingpins, who murder people, and the like. It goes directly against the thrust of both the democratic version of the bill, as well as the amendments to be offered by my colleague, the gentleman from Pennsylvania [Mr. GEKAS] relative to the death penalty.

□ 1700

Let me make this perfectly clear: If you are opposed to the death penalty under any and all circumstances, vote in favor of the Staggers amendment because that is the intellectually honest position for those who are opposed to the death penalty, in any case, to take.

However, if you believe that the death penalty does have a use in certain circumstances where not only a terrible crime has been committed but the jury that sat in judgment of the defendant reaches the conclusion based upon his demeanor and listening to all of the evidence in court that the death penalty is warranted, it would allow them to vote in favor of putting that defendant, whom they have convicted to death.

So I would very strongly encourage people to vote "no" because the death penalty, in my opinion, serves as a useful deterrent.

Mr. Chairman, when we debated an identical amendment last year in the context of the crime bill, it was defeated in the House by a vote of 103 to 322. I would urge my colleagues to be consistent with that vote and to vote down the Staggers amendment.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from West Virginia for yielding to me this time.

I compliment the gentleman on his excellent amendment and I hope it is overwhelmingly approved.

Mr. Chairman, there are 36 States that have the death penalty in America and 14 which do not. And, believe it or not, the 36 who have the death penalty have generally a higher murder rate than the 14 who do not have the death penalty, which is a very good proof or strong evidence that the death penalty is not a deterrent.

Now, the amendment of the gentleman from West Virginia provides not at all that the murderer is on the street; the sentence must be life imprisonment without the possibility of parole. And he adds in the amendment restitution for the victim's family, provision for that, which is really very important.

As the gentleman from West Virginia [Mr. STAGGERS] pointed out, Mr. Chairman, all of the polls indicate that although people might very well be for the death penalty, if offered the alternative of life imprisonment without possibility of parole instead of the death penalty, a sizable majority would select life imprisonment without the possibility of release.

So, Mr. Chairman, I again congratulate the gentleman from West Virginia on his amendment and hope that it is approved.

Mr. SENSENBRENNER. Mr. Chairman, in the spirit of bipartisan cooperation, I yield such time as he may consume to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, that is just because the gentleman from Wisconsin knows that I am against this amendment.

Mr. Chairman, I accept the generosity of my distinguished friend, the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. Chairman, I must rise in opposition to the amendment offered by the gentleman from West Virginia.

This amendment would strike the death penalty provisions of the bill reported by the committee and substitute provisions requiring mandatory life imprisonment without possibility of release. The amendment also includes provisions requiring defendants so sentenced to pay restitution to the families or estates of their victims.

I want to emphasize that I have tremendous respect for my friend from West Virginia, as I did for his distinguished father. He is a hard-working and conscientious member of the Judiciary Committee whom we all greatly admire. I know this proposal reflects his deeply held personal views on this most sensitive of public policy questions. Nevertheless, I must oppose this amendment.

As I have stated in the past, certain crimes are so despicable—so heinous—that those who commit them must rightly pay with their lives. A society cannot send out mixed or ambiguous signals about how certain despicable acts will be treated. The committee bill reflects this philosophy, and I believe it should be preserved. I urge my colleagues on both sides of the aisle to oppose this amendment.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. SERRANO].

Mr. SERRANO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Staggers amendment. I believe that it is a fair and honest approach to deal with a very serious problem. I represent south Bronx in New York, and this is an issue that is discussed on a daily basis. Yet nothing in the community has shown yet that a death penalty would be a deterrent to crime, that a death penalty would be in fact something that would deter people from committing these crimes that they commit all the time.

The Staggers amendment, however, speaks to something that those who support the death penalty refuse to deal with, and that is: mandatory imprisonment, life imprisonment without release, without parole.

Mr. Chairman, I submit to you that if we really took the time to study this issue, if we really took the time to really look at what makes people rethink their attitude, the possibility of spending the rest of your natural life in prison would be, for many people, a true deterrent.

Some of the people, unfortunately, that I grew up with were not troubled by the thought of dying; that is how they live in some of these communities. They live with death as part of their daily existence. And yet the thought of spending their natural life in prison would, I think, in my opinion, be a justified, a proper and a dignified way of dealing with this problem.

After all, is not the idea to try to show society that we are better than a person who commits a crime? Yet how do we answer? "You kill someone, we are going to lower ourselves to your level, we are going to kill you."

Mr. Chairman, I submit to you that the Staggers amendment really affects this.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], the distinguished chairman of the Committee on Government Operations.

Mr. CONYERS. Mr. Chairman, I rise in strong support of the Staggers amendment. It would substitute life in prison without possibility of release for the death penalties included in the bill.

I support this substitute amendment, and strongly oppose the death penalty provisions included in the bill. Once again, it looks like we are playing the game of who can be tougher. How many death penalty offenses can we dream up so that our death penalty is bigger than their death penalty.

Many of these offenses will never happen—attempting to kidnap the President, assassination of a Supreme Court Justice. Others, however, are more troubling. The bill includes the death penalty for drive-by shootings. I cannot imagine a Federal interest in these shootings, except to make us look tougher than the other guys.

Drug kingpins? There doesn't even have to be a body, let alone a direct connection to a homicide. This provision is counterproductive. It will tie up cases for years on constitutional grounds and will block the extradition of criminals to stand trial here. And as anyone watching the Noriega trial knows, drug kingpins don't get tough sentences—they get witness fees and protection in exchange for testimony.

In short, Mr. Chairman, these death penalty provisions have no place in this bill. By including them we are playing politics with crime in the worst way.

Let me just make clear what all of us already know about the death penalty.

The death penalty does not deter crime. Anyone who argues that those involved in drive-by shootings would be dissuaded by the death penalty ignores the constant threat of death and violence that these people live under every day.

The death penalty is imposed in an arbitrary manner, dependent on the prosecutor and frequently with racial disparity.

It does not allow for error.

It is expensive and time consuming.

There are not rational arguments in favor of the death penalty.

In sum, the death penalty is unacceptable in a civilized society. I urge my colleagues to reject the death penalty provisions in this bill and to support the Staggers amendment.

□ 1710

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the usually brilliant gentleman from New York [Mr. SCHUMER]. On this issue I think it may be wrong thinking.

Mr. SCHUMER. Mr. Chairman, I rise in opposition to my friend from West Virginia's amendment to strike the authorization for the death sentence and replace it with mandatory terms of life imprisonment. Although I respect the principles and convictions that are motivating him, I must disagree with him.

I support the death penalty. I do believe that for some of the very worst offenses the death penalty is an appropriate form of retributive punishment and may indeed be necessary to ensure that justice is done. In some cases it may also act as a deterrent.

I have looked carefully at this issue since becoming chairman of the Subcommittee on Crime and Criminal Justice, held hearings, and crafted a bill that I think covers those very worst Federal crimes while not mindlessly and needlessly expanding the scope across the board to every conceivable offense. The death penalty is not a panacea—standing alone it certainly will not solve the crime problem—but in certain cases it is totally justified.

So, although I understand that reasonable, well-intentioned people who support law enforcement and are anticrime can and do disagree, I am in favor of the death penalty and therefore must oppose the amendment.

Mr. STAGGERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, once again let me tell my colleagues that this is an alternative. I believe it is a tough, fair, cost-effective alternative. It is mandatory, as opposed to the arbitrary option that the death penalty is. It is not simply life sentence; it is life without release. There is restitution to the victim's family. It does protect society; that is what society wants.

Mr. Chairman, this is an alternative we need, and I would urge a "yes" vote.

Mr. WEISS. Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from West Virginia. In my more than 25 years of public service as a district attorney, city councilman, and Member of Congress I have witnessed, firsthand, the devastating spread of crime. I understand the need to deal aggressively with crime, and I understand the need to provide tough law enforcement protection.

The death penalty, however, is not the answer. It does nothing to reduce crime; what it does do, is enable its supporters to sound tough on crime while avoiding action on the causes of crime. If we are serious about reducing crime, then we must address the varied social and economic problems that are at its root. By supporting the Staggers amendment we can act tough while still showing compassion and respect for the dignity of human life.

At a time when the United States stands nearly alone in the Western World in its use of the death penalty, I am amazed that our debate is not over the elimination of the death penalty, but rather over its expansion. H.R. 3371 would expand the death penalty to 50 additional offenses. Do any of my colleagues really believe that by expanding the number of offenses punishable by death, crime will be reduced? By focusing so intensely on the death penalty, our attention is diverted from the important issues which we must address.

The Staggers amendment replaces the death penalty with a mandatory life sentence without parole. In addition, it provides for financial restitution for the families of the victims. This amendment is tough on criminals. It allows us to put aside the death penalty rhetoric and show our respect for the dignity of human life.

Mr. Chairman, it is my strong belief that there is no place for capital punishment in a democratic society. I urge my colleagues to show respect for human life and support the Staggers amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from West Virginia [Mr. STAGGERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 322, not voting 10, as follows:

[Roll No. 311]

AYES—101

Abercrombie
Ackerman
Andrews (ME)
AuCoin
Berman
Bonior
Brown
Clay
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
DeFazio
Dellums
Dixon
Dorgan (ND)
Downey
Edwards (CA)
Engel
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Goodling
Hamilton
Hayes (IL)
Hertel
Hochbrueckner
Hoyer
Jacobs
Jefferson
Jontz
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lehman (FL)
Levin (MI)
Lewis (GA)
Lowey (NY)
Markey
McCloskey
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moody
Mrazek
Nagle
Neal (MA)
Oberstar
Obey
Olin
Olver
Owens (NY)
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Rahall
Rangel
Roybal
Sabo
Sanders
Sawyer
Scheuer
Serrano
Sharp
Shays
Skaggs
Slaughter (NY)
Smith (IA)
Smith (NJ)
Staggers
Stark
Stokes
Studds
Swift
Towns
Unsoeld
Vento
Visclosky
Washington
Waters
Weber
Weiss
Wheat
Wise
Wolpe
Yates

NOES—322

Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fascell
Fawell
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Horn
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Nichols
Nowak
Nussle
Oakar
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pease
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Shaw
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Callahan
Carr
Dymally
Holloway
Hopkins
Lewis (CA)
Neal (NC)
Savage
Slaughter (VA)
Waxman

□ 1733

The Clerk announced the following pair:

On this vote:

Mr. Waxman for, with Mr. Lewis of California against.

Mr. DWYER of New Jersey and Mr. LENT changed their vote from "aye" to "no."

Mrs. COLLINS of Illinois, Messrs. HAYES of Illinois, TOWNS, and JEFFERSON, and Ms. PELOSI changed their vote from "no" to "aye".

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will announce its intention to adhere as closely as possible to a 15-minute minimum for votes. The committee has a great deal of business to complete on this bill, and asks for the cooperation of all Members so that we may complete our business as efficiently as possible.

It is now in order to consider amendment 2 printed in part 2 of House Report 101-253.

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUGHES: Page 253, strike line 1 and all that follows through line 10.

Redesignate succeeding paragraphs accordingly.

Page 252, line 22, insert "or" after the semicolon.

The CHAIRMAN. Under the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

Mr. GEKAS. Mr. Chairman, I ask that the Chair recognize me in opposition to this amendment and grant me the requisite time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] will control 7½ minutes in opposition.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, my amendment is to the death penalty provision of the bill. I support the death penalty in select instances of the most egregious of offenses. My amendment would eliminate recklessness as a basis for imposing the Federal death penalty for homicide. The amendment instead provides that the general rule under the bill, "intentionally or knowingly causing the death of another individual," will be the uniform standard.

Overall, the death penalty provisions of the bill are good provisions. They not only restore the Federal death penalty, which has been gradually unavailable for almost 20 years, but expand it considerably.

Under this expansion, which I support, the death penalty extends to many offenses which it did not previously reach.

Under this expansion, the key question is not what is the underlying Federal offense and does it warrant the death penalty. Instead, the question is what is the conduct, and does it justify the death penalty.

The bill appropriately provides the death penalty for virtually any Federal homicide offense if the required circumstances exist.

□ 1740

These circumstances are, No. 1, that Federal jurisdiction is established and, No. 2, that sufficient culpability exists to justify the death penalty.

My amendment relates to the second of these considerations, the degree of culpability.

I commend my colleague, the gentleman from New York [Mr. SCHUMER] the chairman of the Subcommittee on Crime and Criminal Justice, for developing a proper standard of culpability for the imposition of the Federal death penalty. This standard, which applies to all but a few of the death penalty offenses included in the bill, is that the defendant must have "intentionally or knowingly caused the death of another individual."

This standard is applied to the vast majority of the some 50 offenses for which the death penalty is provided in the bill. However, for a few offenses, most of which are offenses created by the bill, not just the extension of the death penalty to already existing offenses, the death penalty can be imposed based on reckless conduct.

Many of my fellow Members are lawyers. Most are not. However, one does not have to be a trained lawyer to know that in any society, any legal system, the death penalty is the ultimate penalty. It is imposed only for the gravest of offenses and based on the highest level of individual culpability.

Our existing Federal murder statute, though currently unenforceable on procedural grounds, unrelated to the policy expressed in the statute, is instructive in this regard.

The Federal murder statute presently on the books begins by stating that "murder is the unlawful killing of a human being with malice aforethought." That law draws a line between first-degree and second-degree murders, the line that separates death penalty offenses from non-death penalty offenses. Death penalty offenses are described as those perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing.

Those of us in law school remember the debate over how much time is required for premeditation. From 1981 until this year, I chaired the Subcommittee on Crime which developed the forerunner of the death penalty provisions we are considering today. We wrote many of the provisions in the bill today.

Last year in hearings on that legislation we held an extremely valuable hearing in which our witnesses were constitutional scholars who are experts on the death penalty. Of the four that we had on one panel who were constitutional scholars, two were selected by me and two were selected by my colleague, the gentleman from Florida [Mr. McCOLLUM] to make sure we had a bipartisan, objective panel on the question of what kind of death penalty statute we should draft.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, what about a situation where we have a drive-by shooting, someone drives by?

Mr. HUGHES. Mr. Chairman, I am going to get to that.

We had a long hearing with lots of controversy and exchange of strong, divergent opinion. In reviewing that hearing, I noted that near the end of the day, I remarked to our four witnesses that, in regard to one question, "I think that is the only thing all four of you have agreed upon so far." The question was the standard that we should apply in death penalty cases. They all agreed, all four experts, that we should develop a knowing standard.

One of our constitutional scholars was a man by the name of Fein, Bruce Fein, a former Reagan administration official of the Justice Department who is recognized as a constitutional scholar throughout the country. Mr. Fein stated:

> As a matter of prudence, I generally would be inclined to oppose extending the death penalty to the reckless disregard standard at the Federal level. I think the deterrent effect is, we know that the evidence is inclusive. The importance, in my judgment, of the death penalty as an option is a moral statement which is accomplished whether or not you have the reckless disregard standard.
>
> Moreover, we have already got too much litigation, too many endless 8-, 9-, 10-year appeals trying to flesh out the particular ramifications of the Tison case,—
>
> *Tison* v. *Arizona, which is the heart of this argument,*
>
> which was limited to the situation where the participant involved in a conspiracy that itself led to the intentional killing of someone.

The bottom line is that what we are doing by extending this to reckless indifference is expanding it in a fashion that was never intended. Those that believe we can do this constitutionally under *Tison* v. *Arizona are mistaken. We cannot do that. And to expand the death penalty to those instances where there was a reckless disregard as opposed to an intent to commit the act which one committed, I am afraid is the wrong way for us to go.*

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I think this is an important amendment and one that my colleagues should take seriously. I, like the gentleman in the well, support the death penalty. But I also support hundreds of years of western jurisprudence which says that one has to intentionally and knowingly kill somebody before the ultimate punishment can happen, death. And what the bill is moving into the area of is punishing people by death who did not intentionally and knowingly kill somebody. That lowers the standard for the ultimate penalty of all, and I think it is extremely imprudent.

I applaud the gentleman for his statement.

Mr. HUGHES. Mr. Chairman, there is so much misunderstanding about this so-called drive-by killing.

People do not express an intent to kill or to steal or do anything else. That knowing standard is gleaned from the circumstances. We can have a drive-by killing and from the circumstances glean an intent to kill, but to expand that to recklessness, I do not think meets constitutional muster, No. 1. And No. 2, it is a path that we should not chart.

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as that great philosopher said, this was Yogi Berra who said, "This is deja vu all over again." This is the very same argument we had last term and the term before on the workability of a proper death and capital punishment statute.

The gentleman from New Jersey insists now, as he did last term, that the only kind of death penalty that our society can muster grit enough to use is one where an intentional killing is part of the scene.

We argued last year, as we argue now, I said, "What about the drive-in killing, the drive-by killing?"

The gentleman argued against my point at that time, when I said that when someone drives by a crowd on a corner and indiscriminately shoots out the window and someone dies at his hands, that individual should be able to go before a jury to have that jury determine whether or not the death penalty ought to apply.

Reckless disregard for life is recognized by the same hundred years of western law that the gentleman from Kansas refers to as being part of a death sentence case. Reckless indifference for life, if it causes death of our fellow human beings, in an indiscriminate shooting case or a rape case or a burglary case, should give the jury the right to bring back the death penalty.

What about a case where a rape, a brutal rape occurs and the rapist, in his own mind, or he can say that he did choke his victim on top of that to keep her quiet? And the lady dies at his hands. Should he be heard to say, pursuant to what the gentleman from New Jersey says, "I didn't intend to kill, I only intended to keep her quiet?"

I say to my colleagues that his action, reckless disregard, indifference for the life of that individual should raise this killing that I just described, this rape killing to a point where a proper jury in a proper case can deliberate as to whether or not to impose the death penalty.

If one is against the death penalty, vote for the Hughes amendment. It eviscerates it. It takes the teeth right out of it.

If one is for the death penalty in proper, reasonable cases, as our society demands, as 80 percent of the American people time and time again in every kind of recorded poll possible indicate in favor of the death penalty, then vote against this element that the gentleman from New Jersey is talking about.

If I may further state one thing, in our amendment, the one that we will have a chance to debate and upon which to vote tomorrow, we have a general standard that is adopted in most of the States that have the death penalty. And that standard says that if indeed a death occurs at the hands of a criminal who utilized a reckless disregard for human life or such aggravated recklessness that the death should be elevated to a point where the jury should decide on death or life as the ultimate punishment, then that standard should be applied.

□ 1750

What the gentleman from New York and the gentleman from New Jersey have done in their bill is to acknowledge that we are right, because they have put into their bill a smathering, a sop to us that indeed the drive-by killer they say, who from within the confines of the automobile shoots indiscriminately should be punishable by death, but if he steps out of the car and walks a few paces, parks the car, walks out and then shoots indiscriminately, under their bill the death penalty would not apply. Under ours, however, it would.

One further statement. Today's killing, did Members read about or hear about today's killing, the mass killing I believe in Texas. Ladies and gentlemen, this is the perfect example of why Members should support the Gekas amendment tomorrow or tonight and reject the Hughes amendment. In this case an individual drove a vehicle into a restaurant, stepped out of the vehicle and then began to shoot indiscriminately and killed 22 people, and he himself died either at his own hand or else somehow or other. Ladies and gentlemen, this is a stark example of why Members should reject the Hughes amendment and adopt the Gekas amendment tomorrow, because under the Hughes doctrine that is being offered here today it is possible that the jury would never be able to deliberate as to this case if this fellow were ever brought to trial, and he cannot now of course be, as to whether or not he should receive the death penalty for that heinous act. Our amendment, trust me, would cover that situation.

We were successful in convincing Members last term and the term before. This is no time to abandon the toughness that we require in capital punishment cases, in cases involving murder, and all of those serious crimes about which we hear so often.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding and also rise in opposition to the amendment.

While I certainly do not believe, as the gentleman from Pennsylvania does, that a reckless standard should be applied across the board, I think there are some instances where recklessness is the appropriate standard. One of them would be terrorism. An example is a terrorist hijacks an airplane, tells everyone, to get off the plane and then blows it up, not realizing someone is in the bathroom and they die. That is a standard where I think intent does not work.

I have a great deal of respect for my colleague from New Jersey, but I think that the Tison case, at least in my reading, can allow in certain instances a recklessness standard to prevail.

So I urge opposition to the amendment.

Mr. GEKAS. Reclaiming my time, I thank the gentleman for his support. It is astounding to receive his support, but I do so gladly. I think the argument has been made.

Mr. SCHUMER. If the gentleman will yield further, he received that support from subcommittee through to full committee, if the gentleman will recall.

Mr. GEKAS. Yes, and that is what I am saying. I am astounded that we have come this far together. It is wonderful.

At any rate, there is no need to argue the case any more. Most of the States have this standard. The common law incorporated it, and 100 years, as the gentleman from Kansas said, of Western law is incorporated into this standard of reckless disregard of rights.

Reject the Hughes amendment and support the Gekas amendment when it appears on the docket.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] has 30 seconds remaining and the gentleman from Pennsylvania [Mr. GEKAS] has 30 seconds remaining.

Mr. GEKAS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding this time.

In 30 seconds I rise to point out in *Tison* v. *Arizona* 481 U.S. 137 at 157 the court holds:

> * * * reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death represents a highly culpable mental state, a mental state that may be taken into account in making * * * a capital sentencing judgment.

And the court reference is precedent going back to 1547, for the proposition that you do not need intent to kill to impose the death penalty.

Mr. HUGHES. Mr. Chairman, I yield myself my remaining 30 seconds.

Mr. Chairman, I just love the rhetoric in this Chamber anymore. Intent to kill is gleaned from circumstances. You can have a drive-by killing and have it an intent to kill. People do not express an intent to kill verbally. You glean it from the circumstances.

The gentleman from Pennsylvania [Mr. GEKAS] would have the death penalty reserved for a situation where a couple of kids on New Year's Eve are out driving along and shoot a gun up in the air, and they kill somebody in a tenement building. Is that what Members want to reserve the death penalty for? That is ridiculous.

The CHAIRMAN. All time has expired.

The quesiton is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part 2 of the House Report 102-253.

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUGHES: Page 252, strike lines 7 through 14.

Redesignate succeeding paragraphs accordingly.

The CHAIRMAN. Under the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 7½ minutes and a Member opposed will be recognized for 7½ minutes.

Mr. MCCOLLUM. Mr. Chairman, I rise to claim the 7½ minutes in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 7½ minutes in opposition.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, the purpose of this amendment is to strike the provisions of the bill that provide the dealth penalty for dealing in large amounts of illegal drugs, even when no death results.

I support the death penalty. I was a State prosecutor for 10 years before I came to the Congress. In one of the last cases I tried, I successfully sought the death penalty. The so-called drug kingpin provision which is the subject of this amendment should not be confused with the provisions of the same name which we enacted as part of the 1988 Drug Act.

That provision—which we identify as the Gekas amendment after our friend and colleague from Pennsylvania—was limited to major drug offenders who intentionally killed. I supported that provision.

Today, however, we are asked to extend the death penalty to drug cases where no one died, not even by accident.

There's not much point in drawing out the debate on this question. Each Member has probably already made up his or her mind whether he or she thinks we should execute people simply because they deal in drugs.

The fact is, however, there is no reason to believe that the courts would uphold such a provision.

In previous crime and drug bills, we have debated whether we can, and should, provide the death penalty when a person supplies another with drugs and an accidental death results from taking the drugs.

That's not what this provision is about. Deaths which occur in the course of drug crimes are in the bill, but this amendment does not alter those provisions.

Earlier we debated the question whether a reckless killing—as opposed to an intentional one—could form the basis of a valid death penalty. That's not what is involved here either.

This goes much further. No death need occur. The Supreme Court has drawn few bright lines in death penalty cases, but it has drawn one here. For example, the Court has thrown out the death penalty for rape, despite the fact that is unquestionably one of the most violent and reprehensible crimes.

In determining what is and what is not cruel and unusual punishment within the constitutional prohibition, the Court is guided by whether a substantial number of States have enacted such a death penalty.

No State has the death penalty for simply being a drug dealer, another fact which indicates that the Supreme Court would reject it.

I'm not alone in this view. Less than 2 years ago, the head of the Criminal Division of the Department of Justice, in testimony before the Senate, expressed doubts whether such a provision would be constitutional.

Similar concerns were expressed by constitutional scholars in hearings last year by the Subcommittee on Crime, which I then chaired on a proposal substantially the same as that we are considering in my amendment to strike.

Perhaps because of this doubt, no such provision was in the President's crime bill as it was sent to us in the last Congress. The President's bill was developed, as it should be, by the Department of Justice. Later, the death penalty for drug trafficking without a resulting death was proposed by the drug czar, Mr. Bennett. It was only after Mr. Bennett proposed it that the Department of Justice, no doubt feeling the political winds that blow on such hot button issues, began to defend and support the proposal.

Apart from the questionable constitutionality of the measure, it may prove to be counterproductive. If we really are going after the true superdrug kingpins, we are talking about the Escobars and Ochoas in Colombia and the Kun Sahs in the Golden Triangle of Southeast Asia.

In Colombia's on-again, off-again agonizing over international extradition, we are now in an off-again stage. The surest way to make this repudiation of extradition permannent is to impose a death penalty provision.

Is that what we really want? If my amendment is successful, these kingpins will still face a mandatory life sentence without possibility of release. That's already in our laws. Do we want to give up the prospect of locking up Pablo Escobar or Jorge Ochoa for life in the Marion penitentiary? Do we want to, in exchange for an empty gesture of putting an unenforceable death penalty on the books, leave Escobar and other kingpins in Colombia, living in the lap of luxury in so-called prisons which they design, construct, staff, and control?

The death penalty must be used as a measured response. We must not, no matter how great our frustration over our drug problem use the death penalty in situations where it is not justified and appropriate. Under our system of justice, punishment must be, both morally and constitutionally, proportionate to the crime. The death penalty for selling illegal drugs, even in large amounts, does not meet that standard.

□ 1800

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, I understand and support the gentleman's argument. It is a very correct argument.

I would like to ask the gentleman a question. Is it correct that there is no death penalty for kidnaping currently?

Mr. HUGHES. That is correct.

Mr. SMITH of Florida. Is it correct that there is no death penalty for rape currently in the United States on the Federal level?

Mr. HUGHES. The gentleman is correct.

Mr. SMITH of Florida. Therefore, if there were to pass this provision of the bill allowing a deathless penalty where no death occurs to create a capital punishment, we would have an imbalance to the extent, if I am correct, that a woman might be kidnaped and raped, taken halfway across the country, brutally beaten, viciously assaulted, raped repeatedly, and when the person is caught would not be subject to the death penalty, but somebody who may have trafficked in some drugs at some point where no death occurs would be subject to the death penalty? Is that correct?

Mr. HUGHES. The gentleman is right. I do not have any sympathy for drug traffickers. We ought to put them in the slammer for a long time. That is not at issue.

It is trying to develop something that makes sense that provides a culpability that will pass constitutional muster.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I would like to make it very clear that what this vote is all about that we are discussing here.

The gentleman from New Jersey, for whom I have the utmost respect, my former chairman of the Crime Subcommittee when I served on it with him for a number of years, wants to strike from this bill the drug kingpin death penalty that this body passed overwhelmingly in the last Congress, but which did not become law for various reasons of the conference committee that we had with the other body. We put this into the bill this time not in the same form as it was last time when I offered it, but essentially the basic provision and drift is there.

I would hope that we would keep that drug kingpin death penalty and allow the opportunity for it to be perfected to put it back in its form from the last Congress once again in a few amendments down the road.

But what this amendment, what it does now, is provide for the death penalty simply when there is drug dealing in such large quantities as to constitute twice the amount of narcotics necessary presently under present law to get a life sentence. That is a huge quantity of narcotics. That is many kilos of cocaine; that is a whole lot of heroin; that is an enormous amount. It is so much that I cannot imagine how anyone could come to the conclusion other than that if you traffic in this large quantity of narcotics that the deaths not only of one or two people will result but the deaths of many people will result.

There is a precedent clearly for this sort of thing. There is also a precedent for the death penalty when there is no death that results, but that is not what we are expecting here. The precedent when no death results, the clearest one, is espionage, treason. We have had that death penalty and it has been constitutional for years. We have a death penalty, and we think it is perfectly constitutional, where there are terrorist acts that are concerned. We just discussed some of those.

But here is a case where a narcotics dealer is trafficking in huge quantities of narcotics, and nobody could deny the fact that that is the case, that death does result from this sizable transaction that would be involved in something like this.

So I urge my colleagues to strongly support the provision in the bill. Let us enhance it later, but let us support this provision and keep this drug kingpin death penalty and defeat the Hughes amendment.

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am happy to yield to the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like at this stage to engage in a colloquy with my colleague. Before doing so, I would like just to establish the predicate for the inquiry I will be making.

The issue is a fair one to ask, whether the death penalty may constitutionally be imposed for a crime when there is no proven individual killing, and I grant that the Supreme Court has held the death penalty inappropriate in the case of simple rape in Coker versus Georgia, and in that case the Supreme Court said that horrible as rape was there was no nexus to a death. Nevertheless, when the court revisited the issue in Tison versus Arizona, which has been referred to previously in the debate, in the Supreme Court in 1987, the Supreme Court held, and I quote, "The apparent consensus that substantial participation in a violent felony under circumstances likely to result in the loss of innocent human life may justify the death penalty even absent an intent to kill," and then in the holding part of the case said, "We hold," and this is at page 157, "We hold that the reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death represents a highly culpable mental state, a mental state that may be taken into account in making a capital sentencing judgment." So the reference to a highly culpable mental state engaged in conduct which carries a grave risk of death appears from the Supreme Court's opinion in Tison versus Arizona to be an adequate predicate for the imposition of the death penalty even though you may not be able to prove any single individual died.

I present this to my colleague, the gentleman from Florida, because I know, and all Members of this House know that it was he who originally authored this language and who has been the pioneer of this provision in the law, for which he deserves more credit than he has been given. It is my purpose in engaging the gentleman in this discussion to ask whether it is his belief, as the author of this provision, that to deal in drugs of the amount specified in the bill at this point does indicate a grave risk of death.

Mr. McCOLLUM. Absolutely. No question about it.

Mr. CAMPBELL of California. And the sources of death, I take it, that would be brought about from this kind of drug-dealing would include death from an overdose, death from habit, death from the kind of criminal activity engaged in the sale of this drug?

Mr. McCOLLUM. Yes. The gentleman is correct.

Mr. CAMPBELL of California. In conclusion, is it an acceptable statement to the best of the gentleman's interpretation of the evidence the gentleman has heard in his Crime Subcommittee and in the Committee on the Judiciary that engaging in the sale of drugs of the amount provided in this part of the statute carries with it, "a grave risk of death"?

Mr. McCOLLUM. Yes. The gentleman is correct.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. McCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. HUGHES. Mr. Chairman, I yielded 30 seconds to our colleague, the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Ms. Chairman, in the Tison case which was pointed out by our law professor friend, Justice was pointed out by our law professor friend, Justice Campbell, a death did result. There was killings.

What the amendment by the gentleman from New Jersey is trying to do is to make sure that in the case of a drug kingpin there has to be a killing. There has to be a death. That seems to be, again, consistent with American jurisprudence that death results. Otherwise, we are going down a never-never land of potentially putting in the death penalty for all sorts of crimes in our society we do not like where death does not result, and that is a very dangerous trend to go down.

□ 1810

Mr. McCOLLUM. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank my colleague for yielding me this time.

Once again, Mr. Chairman, I rise in opposition to the amendment, although I understand how deeply the author feels about it.

Again, I think in this crime bill we have tried to craft a carefully done death penalty. I think there will be some people on the one side who say it goes too far. Some people on the other will say it does not go far enough. I think if the Members read it carefully, they will agree that it is carefully done, but a very tough bill.

I would say on the kingpins, we do indeed occasionally feel that the death penalty is appropriate because of society's approprium against certain people. Treason and espionage do not have to result in death and they have a long part of American and Anglo-Saxon jurisprudence in terms of the death penalty.

So I say to my colleagues that those who deal in huge amounts of drugs, the Ochoas and the Escobars, know that they are killing people. We all know that they are killing people. We also know that they probably more than anybody else, perhaps more than a poor mule on the street who gets involved in a shooting incident, deserve society's ultimate punishment.

So I feel again the amounts here are double those of the administration bill aimed simply at those who are at the very top of these drug enterprises. They are selling death on our streets and they do indeed deserve society's ultimate approprium, the death penalty.

Mr. McCOLLUM. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me just say this. Some situations are so horrible that they demand the extreme penalty. One of them is espionage. That is death to the country potentially, and dealing in huge amounts of narcotics is death on the installment plan to an awful lot of people. Either we get serious about drug kingpins and dealing with this tidal wave of narcotics, or we do not. It seems to me the death penalty is getting very serious about it. I think that is what the American people want, and it is what I want.

Mr. HUGHES. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, the Hughes amendment is clearly correct. The death penalty for drug trafficking is clearly unconstitutional.

No one has been executed in the United States for a nonhomicidal offense in nearly a quarter century.

Some 38 States have the death penalty; none has it for drug trafficking.

Every single one of the 2,400 persons on death row in the United States is there for murder.

Just 2 years ago, when this administration sent up its first crime bill, it did not even ask for the death penalty for drug trafficking. In 1989, the Justice Department's chief anticrime spokesperson testified that the death penalty for drug trafficking where no death resulted was of "questionable" constitutionality.

Well, it is worse than questionable. In 1977, the Supreme Court held that the death penalty for rape of an adult woman was unconstitutional. The Court specifically noted that rape was probably the most serious offense short of homicide, yet no life is taken in rape and that was controlling.

Chief Justice Rehnquist, just this past June, said that if a crime does not result in death, the death penalty may not be imposed.

It is all easy to get into a bidding war over the death penalty and that is what we are in today. But we have a responsibility to get beyond symbolism. The Hughes amendment is correct. The Government cannot kill somebody who did not kill.

Mr. HUGHES. Mr. Chairman, I yield myself the balance of the time.

Look, we all want to get the Ochoas and the Escobars. If you think you are going to get them by creating a death penalty, you are kidding yourselves. Countries do not extradite to this country because of that. We can beat our chests and suggest that we are doing something tough, but what we are doing is self-defeating.

Put aside the constitutional question. If you want to do something tough about the Escobars, and the Ochoas, you put them in the slammer for life, and that is what what the law provides.

What you are going to do is you are going to make it impossible for us to extradite them to this country and prosecute them for their offenses.

Now, on the constitutional issue, the Tison case was a horrendous homicide. You know, read Tison. There was a death and Sandra Day O'Connor in her opinion read an intent to kill from all the circumstances, because the Tison brothers when they broke their father out of jail knew he was going to kill, and it was the totality of circumstances that meant that was so.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 317, answered "present" 1, not voting 9, as follows:

[Roll No. 312]

AYES—106

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
AuCoin
Berman
Bonior
Boucher
Cardin
Clay
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
Dellums
Dixon
Dorgan (ND)
Downey
Edwards (CA)
Engel
Evans
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Glickman
Gonzalez
Green
Hamilton
Hertel
Hoyer
Hughes
Jacobs
Jones (GA)
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Markey
McCloskey
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moody
Mrazek
Nagle
Neal (MA)
Oberstar
Obey
Olver
Owens (NY)
Owens (UT)
Payne (NJ)
Pease
Pelosi
Penny
Peterson (MN)
Rangel
Roybal
Sabo
Sanders
Sawyer
Scheuer
Schroeder
Serrano
Sharp
Skaggs
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Towns
Unsoeld
Vento
Visclosky
Washington
Waters
Weber
Weiss
Wheat
Wise
Wolpe
Yates

NOES—317

Alexander
Allard
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fascell
Fawell
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Olin
Ortiz
Orton
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Schumer
Sensenbrenner
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—9

Callahan
Dymally
Fazio
Holloway
Hopkins
Savage
Slaughter (VA)
Waxman
Whitten

□ 1832

Messrs. PETERSON of Florida, JONTZ, SIKORSKI, and RINALDO changed their vote from "aye" to "no."

Mr. ABERCROMBIE, Mrs. SCHROEDER, and Mr. SWIFT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part 2 of House Report 102-253.

AMENDMENTS EN BLOC OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments is en bloc as follows:

Amendments en bloc offered by Mr. GEKAS: Page 251, strike line 17 and all that follow through the end of the bill, and insert the following:

TITLE XXIII—DEATH PENALTY

SEC. 2301. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1991".

SEC. 2302. DEATH PENALTY PROCEDURES.

TITLE 18 OF THE UNITED STATES CODE IS AMENDED.—

(1) by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.
"3600. Application in Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(a) an offense described in section 794 or section 2381 of this title;

"(b) an offense described in section 1751(c) of this title if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President;

"(c) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

"(d) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

"(e) an offense constituting a felony violation of the Controlled Substances Act (21

U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or

"(f) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593, caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified: *Provided*, That no person may be sentenced to death who was less than eighteen years of age at the time of the offense or who is mentally retarded.

"§3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) NO SIGNIFICANT CRIMINAL HISTORY.—The defendant did not have a significant history of other criminal conduct.

"(5) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(6) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(a), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (b) or (f), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) CONDUCT OCCURRED DURING COMMISSION OF SPECIFIED CRIMES.—The conduct resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 1203 (hostage taking), section 1751 (violence against the President or Presidential staff), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2332 (use of weapons of mass destruction), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following insanity acquittal), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm as defined in section 921 of this title; or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use of attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there was no Vice President, the officer next in order of succession to the office of the President of the United States, or any person acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if that official was in the United States on official business; or

"(D) a Federal public servant who was outside of the United States or who was a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant was engaged in the performance of his official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge. The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591(c)-(e), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist—

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591 (a), an aggravating factor required to be considered under section 3592(b) is found to exist;

"(2) an offense described in section 3591 (b) or (f), an aggravating factor required to be considered under section 3592(c) is found to exist; or

"(3) an offense described in section 3591(c)-(e), an aggravating factor required to be considered under section 3592(d) is found to exist;

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

"§3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

"§3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal;

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) SPECIAL BARS TO EXECUTION.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§3597. Use of State facilities

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§3598. Appointment of counsel

"(a) REPRESENTATION OF INDIGENT DEFENDANTS.—Notwithstanding any other provision of law, this section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) of this title has occurred.

"(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005 of this title. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within ten days of receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order: (1) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel; (2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this section, at least one counsel appointed for trial representation must have been admitted to the bar for at least five years and have at least three years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least five years and have at least three years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"§3599. Collateral attack on judgment imposing sentence of death

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which sentence of death has been imposed, and the judgment has become final as described in section 3598(c) of this title, a motion in the case under section 2255 of title 28, United States Code, must be filed within ninety days of the issuance of the order relating to appointment of counsel under section 3598(c) of this title. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding sixty days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such motion by a district court; or

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(c) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was (A) the result of governmental action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§3600. Application in Indian country

"Notwithstanding sections 1152 and 1153 of this title, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has made an election that this chapter have effect over land and persons subject to its criminal jurisdiction."; and

(2) in the table of chapters at the beginning of part II, by adding the following new item after the item relating to chapter 227:

"228. Death penalty procedures .... 3591.".

SEC. 103. CONFORMING AMENDMENT RELATING TO DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the section.

SEC. 104. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

Section 794(a) of title 18 of the United States Code is amended by changing the period at the end of the section to a comma and by adding immediately thereafter the words "except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 of this title that the offense directly concerned nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; sources or methods of intelligence or counterintelligence operations; or any other major weapons system or major element of defense strategy.".

SEC. 105. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

Section 844(d) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 106. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.

Section 844(f) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 107. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.

Section 844(i) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 108. CONFORMING AMENDMENT RELATING TO MURDER.

The second paragraph of section 1111(b) of title 18 of the United States Code is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

SEC. 109. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

Subsection (a) of section 1116 of title 18 of the United States Code is amended by inserting a period after "title" and striking the remainder of the subsection.

SEC. 110. MURDER BY FEDERAL PRISONER.

Chapter 51 of title 18 of the United States Code is amended—

(a) by adding at the end thereof the following:

"§1118. Murder by a Federal prisoner

"(a) Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release.

"(b) For purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government;

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death."; and

(b) by amending the section analysis to add:

"1118. Murder by a Federal prisoner.".

SEC. 111. CONFORMING AMENDMENT RELATING TO KIDNAPPING.

Section 1201 of title 18 of the United States Code is amended by inserting after the words "or for life" in subsection (a) the words "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 112. CONFORMING AMENDMENT RELATING TO HOSTAGE TAKING.

Section 1203 of title 18 of the United States Code is amended by inserting after the words "or for life" in subsection (a) the words "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 113. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the paragraph.

SEC. 114. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Subsection (c) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life if the conduct constitutes an attempt to murder the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President.".

SEC. 115. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

Subsection (a) of section 1958 of title 18 of the United States Code is amended by deleting the words "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting in lieu thereof "and if death results, shall be punished by death or life imprisonment, or shall be fined in accordance with this title, or both".

SEC. 116. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Paragraph (1) of subsection (a) of section 1959 of title 18 of the United States Code is amended to read as follows: "for murder, by death or life imprisonment, or a fine in accordance with this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both";

SEC. 117. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

The second to the last paragraph of section 1992 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the section.

SEC. 118. CONFORMING AMENDMENT RELATING TO BANK ROBBERY.

Section 2113(e) of title 18 of the United States Code is amended by striking the words "or punished by death if the verdict of the jury shall so direct" and inserting in lieu thereof "or if death results shall be punished by death or life imprisonment".

SEC. 119. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

Section 2331(a)(1) of title 18 of the United States Code is amended to read as follows:

"(1)(A) if the killing is murder as defined in section 1111(a) of this title, be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 120. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

Section 903 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1473), is amended by striking subsection (c).

SEC. 121. CONFORMING AMENDMENT TO CONTROLLED SUBSTANCES ACT.

Section 408 of the Controlled Substances Act is amended by striking subsections (g)-(r).

SEC. 122. CONFORMING AMENDMENT RELATING TO GENOCIDE.

Section 1091(b)(1) of title 18 of the United States Code is amended by striking "a fine of not more than $1,000,000 and imprisonment for life;" and inserting in lieu thereof "death or imprisonment for life and a fine of not more than $1,000,000;".

SEC. 123. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by designating the current text as subsection (a);

(2) by striking the words "fined not more than $5,000 or imprisoned not more than five years, or both." and inserting in lieu thereof "punished as provided in subsection (b).";

(3) by adding at the end thereof a new subsection (b) as follows:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than twenty years; and

"(3) in any other case, imprisonment for not more than ten years."; and

"(4) in subsection (a), as designated by this section, by striking "commissioner" each place it appears and inserting in lieu thereof "magistrate judge".

SEC. 124. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting a new subsection (a) as follows:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole or release pending judicial proceedings given by a person to a law enforcement officer;

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than twenty years.".

SEC. 125. DEATH PENALTY FOR MURDER OF FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114(a) of title 18, United States Code, is amended by striking "be punished as provided under sections 1111 and 1112 of this title, except that" and inserting ", in the case of murder as defined in section 1111 of this title, be punished by death or imprisonment for life, and, in the case of manslaughter as defined in section 1112 of this title, be punished as provided in that section, and".

SEC. 126. DEATH PENALTY FOR MURDER OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS ASSISTING FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by inserting ", or any State or local law enforcement officer while assisting, or on account of his or her assistance of, any Federal officer or employee covered by this section in the performance of duties," before "shall be punished".

SEC. 127. IMPLEMENTATION OF THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon,—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport;

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and the offender is later found in the United States.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of the enactment of this subtitle; or

(2) the date the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 128. AMENDMENT TO FEDERAL AVIATION ACT.

Section 902(n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(n)) is amended by—

(1) striking out paragraph (3); and

(2) renumbering paragraph (4) as paragraph (3).

SEC. 129. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSE.—Chapter 111 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 2280. Violence against maritime navigation

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) to (6); or

"(8) attempts to do any act prohibited under paragraphs (1)-(7);

shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do any act prohibited under paragraphs (2), (3) or (5) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States; or

"(iii) by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he has on board his ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action he should take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of his intention to deliver such person and the reason therefor. If the master delivers such person, he shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

"(e) As used in this section, the term—

"(1) 'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft: *Provided*, That the term does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

"(2) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.

"§2281. Violence against maritime fixed platforms

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) to (4); or

"(6) attempts to do anything prohibited under paragraphs (1)-(5);

shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do anything prohibited under paragraphs (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) As used in this section, the term—

"(1) 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 111 of title 18, United States Code, is amended by adding at the end thereof the following:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

(c) EFFECTIVE DATES.—This section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 130. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
2340. Definitions.
2340A. Torture.
2340B. Exclusive remedies.

"§2340. Definitions

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from: (a) the intentional infliction or threatened infliction of severe physical pain or suffering; (b) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (c) the threat of imminent death; or (d) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301(38)).

"§2340A. Torture

"(a) Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if: (1) the alleged offender is a national of the United States; or (2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

"113B. Torture .... 2340.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of enactment of this section; or

(2) the date the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 131. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction, as defined in the statute enacted by subsection (b) of this section, gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

"§2332. Use of weapons of mass destruction

"(a) Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) For purposes of this section—

"(1) 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) 'weapon of mass destruction' means—

"(a) any destructive device as defined in section 921 of this title;

"(b) poison gas;

"(c) any weapon involving a disease organism; or

"(d) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 113A of title 18, United States Code, is amended by adding the following:

"2332. Use of weapons of mass destruction.".

SEC. 132. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended by—

(a) redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g) respectively;

(b) in subsection (a), deleting "(c)" and inserting in lieu thereof "(d)"; and

(c) inserting after subsection (b) the following:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

"(1) in the case of a killing constituting murder as defined in section 1111(a) of this title, be punished by death or imprisoned for any term of years or for life; and

"(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113 of this title.".

SEC. 133. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting in lieu thereof "shall be punished by death or imprisonment for any term of years or for life".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting in lieu thereof "shall be punished by death or imprisonment for any term of years or for life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting in lieu thereof "shall be punished by death or imprisonment for any term of years or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting "the death penalty or" before "imprisonment".

SEC. 134. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder as defined in section 1111 of this title, the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112 of this title;".

SEC. 135. DRIVE-BY SHOOTINGS.

(a) OFFENSE.—Chapter 44 of title 18, United States Code, is amended by adding the following new section:

"§931. Drive-by shootings

"(a) Whoever knowingly discharges a firearm at a person—

"(1) in the course of or in furtherance of drug trafficking activity; or

"(2) from a motor vehicle;

shall be punished by imprisonment for up to 25 years, and if death results shall be punished by death or by imprisonment for any term of years or for life.

"(b) For purposes of this section, "drug trafficking activity" means a drug trafficking crime as defined in section 929(a)(2) of this title, or a pattern or series of acts involving one or more drug trafficking crimes.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 45 of title 18, United States Code, is amended by adding the following:

"931. Drive-by shootings.".

SEC. 136. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) Whoever, in the course of a violation of subsection (c) of this section, causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder as defined in section 1111 of this title, be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter as defined in section 1112 of this title, be punished as provided in that section.".

SEC. 137. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended by redesignating section 2245 as section 2246, and by adding the following new section:

"§2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and adding the following

"2245. Sexual abuse resulting in death.

"2246. Definitions for chapter.".

SEC. 138. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: ", except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person".

SEC. 139. INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

Strike subtitle B (relating to list of veniremen) of title XIX.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendments.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will control the 10 minutes in opposition.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a point of parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. GEKAS. Mr. Chairman, we have an indication under the rule that there are 20 minutes allocated to this issue. Does that mean 10 and 10? We read it one way, and then another, on another sheet.

The CHAIRMAN. The Chair will advise the gentleman from Pennsylvania [Mr. GEKAS] that there are 20 minutes allowed under the rule for his amendment, equally divided and controlled.

The rule also provides for a perfecting amendment that the Chair anticipates the gentleman from Texas [Mr. BROOKS] will offer, which will be separately debatable for 10 minutes, equally divided and controlled.

Mr. GEKAS. We understand, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] is recognized.

Mr. GEKAS. Mr. Chairman, the amendment which we now offer to the Members is the same one substantially as was approved by this body last term by an overwhelming margin, 271 to 159. It is one that contains a workmanlike, workable, satisfactory, judicially proper death penalty to apply evenhandedly in those vicious cases where it is warranted. To my colleagues I say, "Mind you, it is important to note that on this occasion, and any other occasion we have ever argued about the applicability of the death penalty, it was never a statute where we imposed the death penalty, but rather one in which we want to give a jury that is deliberating on a capital case the option as to whether or not to impose the death penalty."

Mr. Chairman, the irony of all that we are discussing is this: that we are at a stage of the proceedings in discussing the death penalty where a jury has already convicted an individual of murder in the first degree. They have already found that this individual has in cold blood killed a fellow American citizen, has destroyed a human life. Now we are at a proceeding where they, the jury, should or should not be given the right to determine whether the death penalty should be applied.

Mr. Chairman, that is where our amendment comes in. We are saying now that the jury has found this individual guilty of murder in the first degree, has destroyed that life. Maybe it is that kind of a serious case which should allow them to impose the ultimate penalty of death. Our amendment covers those Federal statutes like bank robberies, and aircraft hijackings, and kidnaping, and even rape for the first time where a death occurs as a result of that rape and permits a jury, even in a child molestation case where a death occurs and is so recklessly indifferent to the life of that victim that the jury should be given the right to impose the death penalty. Those kinds of cases are given full implementation in our amendment as an option to the jury for the imposition of the death penalty in a proper case.

Mr. Chairman, that is an important element for the Members to consider as they vote on this amendment.

□ 1880

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Missouri

Mr. SKELTON. Mr. Chairman, let me ask the gentleman this: Is this really not and extension of what we used to know in the previous case law as the felony murder rule?

Mr. GEKAS. Yes; the gentleman is correct. The felony murder rule, which has always been a part of our jurisprudence, is embodied in what we are talking about in those serious cases like bank robbery, rape, and kidnaping, where a death occurred. Even if a defendant in his wildest dreams is going to be able to say, "I didn't intend to kill," if the circumstances are those where the jury is satisfied that a reckless indifference to life has occurred, the death penalty should be an option for the jury.

Mr. SKELTON. Mr. Chairman, let me give the gentleman a hypothetical.

Mr. GEKAS. I yield again to the gentleman from Missouri.

Mr. SKELTON. Suppose a defendant is attempting a rape and in the process there is a struggle, the victim falls and hits her head on the fireplace, for instance, and a death results. Certainly it is not intended, but it comes about as a result of the felony that the defendant is attempting. Would the death penalty be a choice for a jury in a situation such as that?

Mr. GEKAS. I would be a question of fact for the jury to determine. My position is that in those kinds of cases the jury should be given that choice under proper direction by the judge. I am certain that a judge in a case like I described, where the rapist begins to choke the victim to keep her quiet, in his own words, but kills her, there I would be ready to say that in that type of hypothetical every judge in the country would direct that the jury would have the option of the death penalty. In the gentleman's case it is less certain, but we still have those kinds of facts which should give the judge the discretion as to whether or not to give directions in that regard.

Mr. SKELTON. Let me give another hypothetical, if the gentleman would yield again. Suppose a defendant holds up a bank and on the way out the door his gun drops, discharging accidentally and killing a bystander. Would it apply there?

Mr. GEKAS. In my judgment again this would be a question of fact for the jury. The judge under proper previous Supreme Court cases where remoteness of the action might be so severe that he could not include it in the felon murder kind of example that you had elicited here, might not include that, but I would consider that is still a question of fact for the jury under proper guidance by the court. What we want to do is to include those where there is an intentional shooting, an intentional firing of a gun, even if there is no intentional killing.

Mr. SKELTON. Such as, as I raised the question a moment ago, of a drive-by killing?

Mr. GEKAS. Yes, that is correct.

Mr. SKELTON. Mr. Chairman, I thank the gentleman very much.

Mr. GEKAS. Mr. Chairman, the other important difference which the Members must consider as they look at the present bill and determine whether or not they want to adopt and vote for the Gekas amendment is this: As we know, this second proceeding in which the jury has to deliberate to determine whether or not the death penalty should be applied in this bifurcated hearing, in the second hearing under strict instructions by the judge the jury must find aggravating circumstances and/or mitigating circumstances, and if the aggravating circumstances outweigh the mitigating circumstances, they would be empowered to find the death penalty.

Now, here is where the bill that is before us unamended, the one I am trying to perfect or trying to make workable, this bill that is before us now, says that in a rape-murder case like the kind I described, or a bank robbery case, the kind I described, or a kidnaping-murder case of the kind I described, under the working of the bill, that jury that is deliberating must find that the aggravating circumstances on top of the circumstances under which they have already found a kidnaping occurred or a burglary occurred or a rape occurred or a robbery occurred.

That is too much to ask of a jury that is acting on behalf of society, and the Supreme Court has said in the Phelps that it is sufficient in an aggravated circumstance if the jury in looking at this case seizes upon that very act of which they found him guilty of murder in the first degree in the first place, the underlying crime of kidnaping, rape, or robbery. That should be enough.

The Gekas amendment takes into consideration the Phelps case and says that that jury which has found this individual guilty of murder in the first degree, which has already determined that it is a heinous and violent crime, rape/murder or a kidnaping/murder, now in this second case they are permitted under our amendment to say that underlying circumstance of kidnaping or rape was so aggravating that they feel it outweights the mitigating circumstances that may be present and they find the death penalty.

That is an important salient difference between the bill and the amendment we offer. I repeat that what I offer is what we approved in the last term and the term before, and the bill that comes up before us today without the Gekas amendment is weak in that regard and is flawed in that regard and in other regards.

Mr. Chairman, I ask the Members for adoption of the Gekas amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes and 30 seconds to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

There are several differences between the committee bill, which I have maintained has a tough, strong death penalty provision, and the amendment offered by the gentleman from Pennsylvania, and I think it is worth looking at a bunch of them.

First and most important, the amendment offered by the gentleman from Pennsylvania takes every death penalty count in the bill—there are 50 or 52—and moves it to a standard of recklessness for everything. While, as I have stated before, recklessness is occasionally an appropriate standard, it is not always an appropriate standard.

The gentleman mentioned earlier that the terrible tragedy that occurred in Texas today made it the reckless standard. That is untrue. Any prosecutor worth his salt could show that madman who did the terrible killing in Killeen, TX, was intentionally killing people. I would say to the gentleman from Pennsylvania and my colleagues that if we want to do something about preventing the kind of killing that went on today in Texas, then we should vote for an assault weapons ban which limits the number of clips in the gun which could be used. The madman today by reports had 14 gun clips and was able to spray and spray and spray and kill. That is our chance to do something about that tomorrow. But today the recklessness standard is not disposative.

Let me give my colleagues an example of a recklessness standard where the death penalty would be allowed under the amendment offered by the gentleman from Pennsylvania. A person is driving recklessly in his car, goes through a red light, crashes into another car, and kills an IRS agent or any other Federal agent. The death penalty? How many of us think that in that instance there should be a death penalty?

Let us say kids on a Saturday night joy ride shoot a gun in the air and unfortunately it kills somebody on the ground a mile away. Should those kids get the death penalty? I do not think so.

To go to a recklessness standard across the board is not right. By voting for this proposal in the bill, I say to my colleagues, we have a tough death penalty standard, one we can be proud of, but we do not have to go so far as to include instances that, if this should become law, we would rue the day we would do something like that.

There are procedural problems in the amendment offered by the gentleman from Pennsylvania as well. If a lawyer in the case made reversible error in a capital case, the judge could not reverse it if the defendant's lawyer brought it up. Let us say the judge sees glaring reversible error in the courtroom, unless the defendant's lawyer brought it up, capital punishment could ensue. That is wrong.

In our desire to be tough, as we should be, let us not work ourselves into a frenzy where we will be doing things that will be unconstitutional and unconscionable.

Mr. Chairman, I urge that the gentleman's amendment be defeated.

Mr. BROOKS. Mr. Chairman, I have an amendment at the desk made in order under the rule.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry.

Mr. BROOKS. Mr. Chairman, I reserve the balance of my time on this amendment, of course.

Mr. GEKAS. Mr. Chairman, I understand that we on this side have some time left. Is it the intent of the Chair that that time should be totally consumed before we go into the perfecting amendment, or is that necessary?

The CHAIRMAN. We will essentially suspend action on the amendment offered by the gentleman from Pennsylvania and take up the amendment to the amendment offered by the gentleman from Texas. We will then return to the gentleman's amendment for the time remaining.

Mr. GEKAS. I thank the Chair.

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AMENDMENTS EN BLOC OFFERED BY MR. BROOKS OF THE AMENDMENTS EN BLOC OFFERED BY MR. GEKAS

Mr. BROOKS. Mr. Chairman, I offer amendments en bloc to the amendments en bloc offered by the gentleman from Pennsylvania [Mr. GEKAS].

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. BROOKS to the amendments en bloc offered by Mr. GEKAS:

(1) in section 102 of the Gekas amendment, strike from subsection (a) of section 3598 "Notwithstanding any other provision of law," and capitalize "this";

(2) add at the end of subsection (a) of section 3598: "This section shall not effect the appointment of counsel and the provision of ancillary legal services under sections 848(q) (4) through (10) of title 21, United States Code."; and

(3) in section 121 of the Gekas amendment, strike "(g)-(r)" and substitute "(g)-(p), (q)(1)-(3), and (r)".

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes, and a Member opposed to this perfecting amendment will be recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Brooks perfecting amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] will control the time in opposition.

The chair recognizes the gentleman from Texas [Mr. BROOKS].

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEKAS. Mr. Chairman, is the time allocation here 10 minutes for the Brooks amendment for the gentleman from Texas [Mr. BROOKS], and 10 minutes for our side?

The CHAIRMAN. Under the rule, 10 minutes total is allowed, to be divided 5 and 5.

Mr. GEKAS. Mr. Chairman, is the 5 minutes now allocated to the gentleman from Wisconsin [Mr. SENSENBRENNER]?

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] rose to state his opposition and to request the time. That is correct.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1988, as part of the Anti-Drug Abuse Act, the House passed and President Reagan signed legislation providing competent counsel in all Federal death penalty, Federal collateral review, and Federal habeas corpus cases. These straightforward provisions gave counsel necessary resources and reasonable compensation. Since they became effective, the 1988 provisions have begun to mitigate the widely reported problems of inadequate counsel in capital cases—at least at the Federal habeas stage—which result only in additional litigation and delay.

Mr. Chairman, I think it should be noted that the author of that sensible and moderate 1988 measure was none other than the gentleman from Pennsylvania [Mr. GEKAS]. Now he is on the floor attempting, in effect, to kill his own legislative child.

In its broad weep, this year's Gekas amendment would repeal the counsel provisions in the 1988 law that this body adopted only just a few years ago. More specifically, while current law provides competent counsel in Federal habeas corpus proceedings, the amendment does away with it completely—and creates nothing but a vacuum in its place.

My amendment does only one thing—it preserves the 1988 language providing counsel at all Federal stages of death penalty litigation. It does not change the 1988 language, nor does it affect any other aspect of the gentleman's lengthy amendment to H.R. 3371. Providing competent counsel at any stage of the death penalty process insures that fewer mistakes will be made. As errors are minimized, so is delay—and the process of capital punishment as authorized in the law can be carried out more quickly. My amendment moves us toward these goals, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, an amendment to the Gekas death penalty provisions submitted by Mr. BROOKS seeks to keep in effect the capital counsel standards under the Anti-Drug Abuse Act [ADAA] of 1988—in 21 U.S.C. 848. These would be repealed in the Gekas provision as part of a general repealer for the separate ADAA death penalty procedures, which is designed to ensure that the same standards and procedures will apply to all Federal capital offenses.

The Brooks amendment will result in inconsistent counsel standards for Federal capital cases, which will be impossible for the courts to apply, since there are significant differences between the Gekas provisions and the ADAA standards.

For example, the Gekas provisions give the defendant a right to two lawyers at trial—by cross-referencing 18 U.S.C. 3005—and give the defendant a right to a new lawyer at the start of collateral proceedings. There are no comparable rights for the defendant under the ADAA provisions. The Gekas provisions apply the counsel compensation standards that Congress has provided for all Federal proceedings under the Criminal Justice Act, 18 U.S.C.

3006A, which give courts legislative guidelines concerning appropriate compensation levels, while also providing procedures for authorizing any greater amount of compensation that may be needed to ensure a fair defense in a case. The ADAA provisions waive these legislative guidelines and leave the compensation decision to the unguided determinations of individual judges. Under the Brooks amendment, there would be no way for a court to determine which of these contradictory provisions apply.

The Brooks amendment may be motivated by a misrepresentation that a defense lawyer made at a subcommittee hearing, which claimed that capital defendants would not be entitled to ancillary services, such as expert witnesses and investigative costs, under the Gekas proposal. However, this representation was simply false. The general standards of the Criminal Justice Act 18 U.S.C. 3006A, apply under the Gekas provisions, including the rule of 18 U.S.C. 3006A(e) requiring courts to provide necessary expert, investigative, and other ancillary services in all Federal proceedings, both capital and noncapital. Keeping a separate provision that reiterates this requirement for capital cases only is pointless and unnecessary.

Similarly, keeping the ADAA provisions is unnecessary to ensure representation of Federal capital defendants in collateral proceedings. The Gekas provisions explicitly extend the right to appointed counsel for Federal capital defendants to collateral—section 2255 motion—proceedings, and also set counsel experience standards at all stages of litigation which are comparable to those of the ADAA provisions.

An alternative purpose of the Brooks amendment may be to retain the ADAA counsel provisions for application to State capital cases. However, this is simply out of place in a Federal death penalty title. Both the Edwards habeas proposal reported by the Judiciary Committee and the Hyde substitute contain extensive provisions governing provision of counsel in State cases. Any issues relating to counsel in State cases should be addressed in the context of those proposals.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to my friend, the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, with the assertion to my good friend, the gentleman from Texas [Mr. BROOKS], that I fully expect this particular issue with so many different colorations to it will appear in our conference later on, I would like to suggest to the Chair that I want to accept this amendment at this juncture.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time on the perfecting amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. BROOKS] to the amendments en bloc offered by the gentleman from Pennsylvania [Mr. GEKAS].

The amendments en bloc to the amendments en bloc were agreed to.

The CHAIRMAN. We will now return to the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The gentleman from Pennsylvania [Mr. GEKAS] has 1 minute remaining, and the gentleman from Texas [Mr. BROOKS] has 6½ minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we close this debate exactly as we opened it. The Gekas amendment, which has been tested in the test tube of the Chamber of the House of Representatives on several occasions before and which has been approved overwhelmingly, is up for consideration again. I ask for the same kind of response. We owe it to the American people. We feel that, together with the Senate, who have passed a similar version, we are well on our way for the first time in a long time in the application of a proper death penalty to those serious murderers about which we read every day.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

□ 1900

Mr. CHAPMAN. Mr. Chairman, may I inquire of the gentleman if he is aware, because I do not know, if the provisions of the gentleman's amendment as would be incorporated in this bill and become a part of the Federal statute, if this culpability requirement exists in any State criminal laws anywhere in the country? Is there a reckless-disregard, a gross-negligence standard that results in the death penalty under any State statutes anywhere in the country?

Mr. GEKAS. Mr. Chairman, yes, in most of the States that have the death penalty, the standard which we spoke about, the reckless disregard appears in those statutes.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, even with the Brooks amendment, I would say, and I know that the good chairman of the committee agrees with me, that this amendment, the Gekas amendment, is not acceptable.

Again, the recklessness standard is the main difference between the Gekas bill and the universal recklessness standard as opposed to the committee bill which has reckless in some instances but not all.

I do want to reiterate to my colleagues that a recklessness standard goes too far in more instances than one would like. Recklessness, driving, killing a Federal worker, death penalty. Do we want that?

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, it seems to me that if under Gekas, if a person is out drinking, robs a bank, leaves the bank and kills a pedestrian who runs in front of him as he is leaving the scene, Gekas would preserve the death penalty. What does that do to the other death penalty statutes that we have created for the most egregious of offenses?

Mr. SCHUMER. Mr. Chairman, reclaiming my time, not only would I agree with the gentleman, but while I disagree with the gentleman from New Jersey on all the applications of Tison, I would say to my colleagues, and this is a point I was not able to make before, that if we pass the Gekas amendment, the likelihood of this death penalty provision being declared unconstitutional is very hard.

Therefore, I would say to my colleagues that while the Supreme Court has certainly loosened up in terms of the death penalty and when it is allowed and when it is not cruel and unusual and what the procedures ought to be, I doubt they would go this far and we will be back here next year and the public would still be saying, "Why haven't you done anything like this?"

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, under the Gekas amendment, the present law which is that the prosecution must advise the defense before the trial that they are going to ask for a death penalty, under the Gekas proposal, the trial can be over and the person found guilty and then the prosecution springs it on the defense that the death penalty was asked for. That is very unfair.

The defense might have handled the case entirely differently.

Mr. BROOKS. Mr. Chairman, I want to thank the gentleman from Pennsylvania [Mr. GEKAS] for graciously accepting the perfecting amendment, but that is just a small part of the bill.

The gentleman from New Jersey [Mr. HUGHES], and the gentleman from New York [Mr. SCHUMER], and the gentleman from California [Mr. EDWARDS], all chairmen worked long and hard, brought a lot of wisdom, expertise, time, study, and effort to work out this common ground on appropriate procedures for carrying out the death penalty.

I believe that the amendment of the gentleman will upset the balance that they have tried to reach to further the goal of fair and certain application of the death penalty.

I would hope that we would not pass the Gekas amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. GEKAS], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 206, answered "present" 1, not voting 13, as follows:

[Roll No. 313]

AYES—213

Alexander
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Broomfield
Browder
Bruce
Bunning
Burton
Byron
Camp
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Dingell
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
English
Erdreich
Espy
Ewing
Fawell
Fields
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Manton
Marlenee
Martin
Martinez
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Peterson (FL)
Petri
Porter
Poshard
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—206

Abercrombie
Ackerman
Anderson
Andrews (ME)
Annunzio
Anthony
Atkins
AuCoin
Barnard
Beilenson
Bennett
Berman
Bonior
Boucher
Boxer
Brewster
Brooks
Brown
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (TX)
Engel
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickett
Pickle
Price
Rahall
Rangel
Reed
Roe
Roemer
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Thornton
Torres
Torricelli
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Weber
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Yates

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—13

Callahan
Dymally
Holloway
Hopkins
Jones (NC)
Moody
Murphy
Roberts
Savage
Slaughter (VA)
Towns
Waxman
Whitten

□ 1922

The Clerk announced the following pair:

On this vote:

Mr. Roberts for, with Mr. Waxman against.

Messrs. REGULA, EWING, GUARINI, and BILBRAY changed their vote from "no" to "aye."

So the amendments en bloc, as amended, were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MC COLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCOLLUM:

Page 252, beginning in line 19, strike out "knowingly or intentionally causes the death of another individual" and insert ", intending to cause death or acting with reckless disregard for human live, engages in such a violation, and the death of another person results".

Page 252, after line 14, insert the following:

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act, committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise, or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or member of the family or household of such a person.

Redesignate succeeding paragraphs accordingly.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. MCCOLLUM) will be recognized for 7½ minutes, and a Member in opposition will be recognized for 7½ minutes.

Mr. BROOKS. Mr. Chairman, I am opposed to the amendment. I rise in opposition.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be recognized for 7½ minutes.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore. (Mr. HATCHER) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3371) to control and prevent crime, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO SIT ON THURSDAY, OCTOBER 17, 1991, DURING THE 5-MINUTE RULE

Mr. GEJDENSON. Mr. Speaker, having checked with the minority, the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from Wisconsin [Mr. ROTH], I ask unanimous consent that, during tomorrow's business while the committee is under the 5-minute rule, the Committee on Foreign Affairs be granted permission to mark up the Export Administration Act.

The SPEAKER pro tempore (Mr. HATCHER). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ANNOUNCEMENT OF MOTION TO INSTRUCT ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, according to House rule XXVIII, clause 1, as amended on January 3, 1989, in the 101st Congress, I serve notice to the House that tomorrow, October 17, I will offer a privileged motion to instruct conferees to H.R. 2686, the Interior appropriations for fiscal year 1992, that: the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2686, be instructed to agree to the provisions contained in amendment numbered 212 of the Senate amendments.

ANNOUNCEMENT OF TRAGEDY IN KILLEEN, TX

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of Texas. Mr. Speaker, I am deeply saddened by the tragic news that comes from my district today, that at 12:40 p.m., Texas time, a lone gunman killed at least 22 citizens in Killeen, TX. The innocent victims were having lunch in a family restaurant when the gunman crashed a pickup truck through the front of the restaurant and began firing indiscriminately.

This is a deep human tragedy, and my thoughts and prayers go out to the victims, their families and loved ones.

In this one incident, less than a half an hour, more citizens lost their lives than in the month the 25,000 soldiers from Killeen fought for their country in Desert Storm.

Each Member of this House must search his or her own conscience as to how to respond to this incident. For myself, I will only ask that each and every one of you extend your thoughts and your prayers with those who were victims of this tragic, senseless crime.

APPOINTMENT OF CONFEREES ON H.R. 2521, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1992

The SPEAKER. The Chair appoints the following conferees on the bill, H.R. 2521, and without objection, the Chair reserves the right to appoint additional conferees: Messrs. MURTHA, DICKS, WILSON, HEFNER, AUCOIN, SABO, DIXON, DWYER of New Jersey, WHITTEN, MCDADE, YOUNG of Florida, MILLER of Ohio, LIVINGSTON, and LEWIS of California.

There was no objection.

THE WATERED-DOWN CRIME BILL

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, 7 months ago President Bush sent Congress a crime bill that was tough on crime, fair to crime victims, and reasonable in protecting Americans' individual rights.

But the crime bill we are debating today is so watered down that the President will not sign it in its current form. I know I will not vote for it unless we make some major changes.

We need real exclusionary rule and habeas corpus reforms that will free the justice system to do its job—put criminals behind bars and protect the rights of law-abiding Americans.

Mr. Speaker, we have real crime problems in this country. Drug-related mayhem continues to plague our cities.

The State's attorney in my district Michael Satz, in Florida has written me and urged me to vote against this bill because he knows it will hinder, not help those who want to make our streets safe. Let us get to work and put together a crime bill that will achieve that important goal.

Mr. Speaker, crime should not be a partisan issue. Let us work together to craft an anticrime bill. This is not such a bill.

Mr. Speaker, I am including in the RECORD a copy of Mr. Satz's letter, as follows:

FORT LAUDERDALE, FL,
October 11, 1991.

Hon. E. CLAY SHAW,
Congressman, 2338 Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN SHAW: I am writing to you to express my strong concerns with regard to the Crime Bill that was recently reported out of the House Judiciary Committee.

That portion of the Bill referred to as the Fairness in Death Sentencing Act would effectively require a racial quota system for capital punishment. Under this provision, if a capital defendant can show that a disproportionate number of persons of one race or national origin have been sentenced to death, or that a disproportionate number of murderers of victims of a certain race of national origin have been sentenced to death, then a prima facie case of racial discrimination has been established and the State must prove by clear and convincing evidence that identifiable, non-racial factors explain the statistical disparities. This provision places an unreasonable and impossible burden of proof upon the State and would adversely effect capital punishment litigation. Further, because it is fully retroactive, this provision will inure to the benefit of the more than 2,500 capital defendants now on death row in the United States, 324 of which are in Florida prisons. Passage of this provision will not further racial equality in capital sentencing, but will improperly inject race into capital charging and sentencing decisions in a constitutionally impermissible manner. Furthermore, our already overburdened courts will be further greatly burdened by post-conviction pleadings claiming racial discrimination in sentencing. The Fairness in Death Sentencing Act is a legislative attempt to overturn the United States Supreme Court's decision in *McClosky v. Kemp*, 481 U.S. 279 (1987), which explicitly *rejected* the use of statistical analysis as a sole basis for measuring racial equality in death penalty cases, and I would urge you to vote against it.

Equally troublesome is the Berman Amendment which would eliminate all procedural default, retroactivity, and exhaustion-of-state remedies limitations on raising race-related claims in federal habeas petitions attacking capital sentences that are brought within a year of the bill's enactment. This would have devastating consequences for the integrity of the capital sentences that are now in effect. Specifically, current procedural default rules would have *no* applicability to capital defendants who could deliberately withhold a timely race-related claim with the intention of asserting it in Federal Court years after a State Court has reviewed a conviction and sentence. Title XXII would also overturn the United States Supreme Court's decision in *Allen v. Hardy*, 478 U.S. 255 (1986). In *Allen* the Supreme Court refused to apply retroactively the rule established in *Batson v. Kentucky*, 476 U.S. 79 (1986), which provided that prosecutors may be required to explain and provide a non-invidious reason for the use of peremptory challenges to strike potential jurors from a particular racial group. Thus, prosecutors would be forced to explain and defend peremptory challenges exercised in cases tried years ago. Unless defeated, the Berman Amendment may well thwart the orderly and rational administration of justice as envisioned by the Supreme Court and will provide capital defendants under sentence of death with yet another means of avoiding the execution of their lawfully imposed sentences.

Furthermore, the habeas corpus reform proposal which was reported out of the House Judiciary Committee would provide greatly increased opportunity for delay, abuse and repetitive litigation in both capital and non-capital cases. Indeed, the purpose of this provision is to overturn the United States Supreme Court's decision in *Teague v. Lane*, 489 U.S. 288 (1988). This would enable a defendant to file successive habeas corpus petitions raising new claims even where those new claims have no bearing on the defendant's guilt. This provision would also set a general one-year time limit for filing a federal habeas corpus petition and includes an automatic stay provision where execution dates are set, therefore causing more delay. Furthermore, this provision would allow re-litigation of claims that have been rejected in earlier habeas corpus petitions.

It is for these reasons that I would respectfully urge you to vote against the Crime Bill reported out of the House Judiciary Committee.

Yours very truly,
MICHAEL J. SATZ,
State Attorney.

□ 1930

CRIME BILL ANALYSIS

The SPEAKER pro tempore (Mr. HATCHER). Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I thank the Chair for the opportunity to address the House for 5 minutes this evening about the crime bill that is under consideration right now.

We are going to be in a series of very crucial amendments tomorrow and perhaps continued into next week on this bill. We discussed a lot today about the death penalty, but the most critical amendments that are not related to that are coming up right away.

I think it is important for us to spend a moment or two tonight before we go out reflecting on what we are about to engage in on the debates that are coming up for the next couple days.

One debate that is going to occur right off the bat tomorrow is on habeas corpus reform. The issue before us in this instance is going to be one of whether or not we clearly pass a provision that the law enforcement community of this Nation wants and say is absolutely necessary to stop these endless appeals or we are not going to do that.

There is no reason why we should not adopt the Hyde amendment which essentially incorporates what we have been debating in this body for a number of years now, but never have gotten it finally to the President for signature. It is a good solid amendment that is supported by all the law enforcement associations around the Nation that I am familiar with; the Attorneys' General Association, the Association of District Attorneys, the association of all kinds of police organizations. The reason why they support this particular version is because they understand that what is in the bill that is there now, if we do not take it out and adopt the Hyde proposal, will actually in the name of doing good do harm, will actually provide more hoops that will have to be followed, will provide more opportunities for delay in the carrying out of the death penalty sentences in particular, and do the things that we need to do in order to balance this program effectively. So that is No. 1, a very crucial amendment, up early in the session tomorrow and the one I urge my colleagues to support strongly because it is what we did before. It is what we should do again in this body.

The second amendment I think of very grave importance that is going to be up tomorrow is one I will offer on the exclusionary rule. It passed this body overwhelmingly in the last Congress. It has failed to pass the Senate a number of times, and I do not know why it has not passed the other body, but in our House what we are going to be considering is a very simple thing. The present law that the Supreme Court has laid out, and it is really a rule of evidence, it is not a law in a sense, says that evidence that is seized by police officers in a violation of your constitutional rights against search and seizure may not be admitted into court unless there are certain exceptions to that, unless this, that, or the other. The basic thrust of it is that in cases where there is a search warrant, the court has ruled that if you have a search warrant and there is a reasonably objective belief by the police officer that he is performing his duties not in violation, but in conformity with the constitutional requirements, then the evidence should be allowed in for the very simple reason, the only reason the rule is there, is to deter police from unconstitutional searches and seizures.

Now, two circuit courts, the Supreme Court has never had a chance to rule on this, but two circuit courts, the 5th and the 11th, have already ruled the same standard ought to be applied to searches where there are no warrants, which we normally allow to happen, like consent searches where you knock on someone's door and you ask them to come in and search because you have probable cause or you believe that something has happened on their premises and that sort of thing.

There is no reason why the standard should be different between the two types of otherwise legal searches. We do not need to have evidence thrown out in technicalities, as it is now being thrown out, when we have so much violent crime and drug-related crime in America.

So I urge my colleagues to adopt the McCollum exclusionary rule amendment, as we did in the last Congress last year, tomorrow when we debate it and put the uniformity in throughout the Nation between the jurisdictions of the Federal circuits and with the Supreme Court for both normally legal searches with and without warrants, make the same basic rules apply.

Now, the third and I think very critical amendment I would like to call to your attention is one which I also will offer tomorrow striking a provision from this bill known as the Fairness In Sentencing Act, or in the last Congress known as the Racial Justice Act, and substituting what we call the Equal Justice Act.

Nobody believes in race bias in sentencing, especially in the death penalty area. We all oppose that, and what my amendment does is offer the kind of restraints that will keep us before the fact from having courts sentence on the basis of race in any way, shape, or form. It will be against the law. The amendment provides protection on voir dire questioning, in being able to change venue and providing the basis for certification by jurors after the court has given them instructions not to consider racial matters, that they did not and will not consider them. It goes through a whole litany to make sure that race is not included in any way, shape, or form, in death penalty sentencing matters.

But what it also does is to strike a provision in this bill that is there in the name of fairness in race matters, but which instead is a sneaky backdoor way to end the death penalty, because what it does in the present form unamended is set up a structure whereby you create an inference through statistics that you have racial bias without considering any individual case, without considering whether it was discrimination or not in that case, and just on the basis of a State or Federal jurisdiction having a statistical imbalance between those who are eligible to receive the death penalty and those who historically have received it, that inference can only be rebutted by other statistics.

Now, I do not know how you do that, nor do the prosecutors around the country.

The bottom line is that there is no way to rebut it, because you cannot rebut it by aggravating circumstances or otherwise.

So I urge the adoption of the McCollum equal justice amendment in lieu of the amendment in the bill called fair sentencing tomorrow. If we adopt those three amendments, we will have gone a long way to making a truly tough criminal violent crime bill that we can be proud of and have adopted what the President has proposed in his proposals to us for several years and get on with the debate with the Senate and get on with what we need to do to have a tough criminal law.

FAIR TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, 3 weeks ago today the fair trade caucus met with Ms. Carla Hills, America's representative on the Mexican Free-Trade Agreement and the GATT talks. At that time I must admit I was disturbed by Ms. Hill's remarks, in particular when she failed to answer the question of how much it was going to cost the United States of America if free trade was enacted. Only after being informed by a staffer did she actually realize that we were going to lose $1 billion in revenues that are coming from tariffs, revenues that will have to be made up at the expense of the American taxpayer, even to cut vital programs like Medicaid and veterans' benefits or new taxes on the American taxpayer.

But something I find equally disturbing is at that time I asked Ms. Hills to supply the names of herself and her staff members involved in these talks and made a very simple request, and that is I wanted to know if any of these people involved in the negotiations had a family member, an immediate family member who was on the payroll of a foreign nation, a foreign corporation, or foreign financial interest.

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You see, my constituents are often disturbed at some of the negotiations that take place on some of the tradeoffs that have been made and often question why these things are taking place.

Again, it has been 3 weeks since I made this request of Ms. Hills. If there is no one on her staff who has a family member who is on the payroll of one of these corporations, I think that is sufficient time for her to write me and tell me so.

We have the frank, that is one of the privileges of this office. Rather than just buying stamps and having it float through our budgets, we are able to send letters by just signing our name in the top right-hand corner.

I would like to put Ms. Hills on notice, since I have the frank and since I have what I feel is a very efficient staff, that she will be getting a letter from me every day until I get a response and that she could save the taxpayers a great deal of money and certainly us a great deal of time if she would respond to my inquiry.

DISCUSSION ON MOTION TO INSTRUCT CONFEREES ON H.R. 2686, INTERIOR APPROPRIATIONS, FISCAL YEAR 1992

The SPEAKER pro tempore (Mr. HATCHER). Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 5 minutes.

Mr. DANNEMEYER. Mr. Speaker and Members, today the House voted 286 to 135 to instruct conferees on H.R. 2686, the Interior appropriations for fiscal year 1992. This was the instruction to adopt the Helms language that the Senate adopted overwhelmingly earlier this year. And in effect it was designed to give instructions to the National Endowment for the Arts that Congress means business, that American taxpayers no longer want to see our tax dollars used to produce pornographic literature.

Mr. Speaker, I take this time to advise my colleagues that even though within the past few hours the House voted overwhelmingly to adopt the language that I have described, I am advised in the last half hour or so the conferees have met and they have struck out this language to which I am referring.

Now, this is arrogance of the worst order. I do not know what is going on in the minds of these conferees. I do not know how we can get their attention any more, because candidly a vote of 286 to 135 is better than a 2-to-1 margin.

How much more indication do we need to give to these people?

I think what is going on here is just another example of the arrogance of this institution, which can only be defined as an imperial Congress. It has almost reached the point where Congress, as an institution, says to the people of this country, "Don't call us, we'll call you. Just send your tax dollars here. By the way, make sure that when the IRS calls, you be courteous to them because if you are not courteous you might find yourself on the short end of the stick."

This arrogance by liberal Democrats who control this place has just got to stop. How much longer are the American public going to be faced with a reality that when the House votes up or down to instruct conferees, that they do what they have done now?

I am advised my colleague from Oklahoma, Mr. SYNAR, is also a little bit displeased with the work of the conferees because, if I understand correctly, he got the House to adopt an amendment relating to adjusting grazing fees. So there were people in the conference committee who wanted to get rid of that increase on grazing fees and also in this instance on the use of taxpayers' money to fund pornographic material, and so I guess there was a swap here of some accommodation of corn for porn. I am not sure of the relationship, but that seems to be the relation between those two interesting coexisting ideas.

Mr. Speaker, I have taken the time earlier today in this proceeding to advise the House that tomorrow I will again seek recognition under a privileged motion to instruct conferees on the same motion that the House voted on today. It is my hope and desire that the House will vote consistently tomorrow on this same motion. Under the rules of the House, I am required to give notice of my intention to make this motion to instruct conferees. And perhaps somewhere along the line the conferees will get the idea that the House is serious about wanting to make sure, as we can, that taxpayers' money is not going to produce pornographic material under the aegis of the National Endowment for the Arts.

I might also add that we will have another chance at the conference report itself when it comes to the floor of the House. But no one knows when that event will take place. We are about a month away from adjournment for the year. Those of us who have been here for a while know the game that is played very well; the managers of the bill, the conferees, may very well decide that they will wait to bring the conference report to the floor of the House until the closing hours of the session prior to adjournment, when Members want to go home to be with members of their families and are no longer interested in listening to those of us who claim that there is something in the conference report that should be there that is not there. I do not know when they will bring this conference report to the floor of the House. The past pattern is what I have observed around here over the past few years, and it seems that is the way the railroad is run.

I am saying to my liberal Democrat friends, "Cut it out," the American people have had enough of this use of taxpayers' funds to produce pornographic material, and I hope to get the attention of the body tomorrow and, hopefully, by the same margin of 286 to 135 we can again get the attention of the conferees as to how they should proceed with this issue.

THE 1992 YEAR OF THE WETLANDS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. JEFFERSON] is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I rise today to introduce legislation to proclaim the year 1992, "Year of the Wetlands."

Lately, the issue of wetlands conservation has become so politically charged that even attempts to define the term "wetlands" generate considerable controversy. Vice President DAN QUAYLE offers the following wetlands test: "When it's wet, it's wet."

But amidst the debate and confusion, there remain two overriding facts: First, wetlands are an invaluable economic and environmental resource of this country—a part of every American's national heritage. And second, this Nation's wetlands have disappeared and continue to disappear at an alarming rate.

The year of the wetlands resolution, I am introducing today aims to promote the conservation of our Nation's wetlands by heightening public awareness of wetlands' great value and diversity and fostering public and private involvement in conservation initiatives.

Wetlands are truly a national resource; they can be found in every county of every State in the Union. Depending on where you are from, they are variously called swamps, marshes, bogs, fens, peatlands, bottomlands, wet meadows, sloughs, and potholes.

And wetlands' functions and values are as diverse as their names: They are critical habitat to fish and wildlife, including many rare and endangered species; they convey flood waters, thereby reducing flood damage to nearby communities, they filter out pollutants and help prevent soil erosion; and they provide recreational, educational, and research opportunities for millions of Americans.

However, wetlands are not solely an environmental resource, but an important economic resource as well. In fact, our Nation's fishing and shellfishing industries depend, too large degree, on the harvest of wetlands-dependents species. In the Southeast, for example 96 percent of the commercial catch and over 50 percent of the recreational harvest are fish and shellfish that depend on the estuary-coastal wetlands system. The U.S. commercial fisheries harvest alone is valued at more than $10 billion per year. In addition, waterfowl hunters spend over $300 million annually to harvest wetlands-dependent birds. Wetlands also sustain furbearers like muskrat, beaver, and mink, supporting a fur harvest worth $300 to $400 million per year. Finally, they provide fertile ground for the cultivation of timber and food products.

Yet for many years, wetlands were viewed as wastelands: fetid, insect-infested swamps that should be eliminated. And eliminated they were: more than one-half of America's original wetlands have been destroyed—over 100 million acres. They have been drained and converted for agricultural uses, filled for residential and industrial development, and used as dumping grounds for household and industrial wastes.

Even with out present knowledge of wetlands' economic and environmental importance, wetlands continue to disappear steadily. According to the U.S. Fish and Wildlife Service's most recent national survey, the Nation lost an average of 460,000 million acres of wetlands annually during the period between 1954–74.

The loss of wetlands means not only foregone benefits, but actual economic and environmental costs. In my State of Louisiana, wetlands serve as the incubator for 90 percent of the commercial fish and 42 percent of the recreational fish that are landed in the Gulf of Mexico. Yet we are losing between 40 and 70 square miles of our State's coastal wetlands each year, a loss that jeopardizes a multibillion-dollar fishery. Wetlands loss has also meant the destruction of an important flood conveyance mechanism in our State; a significant loss given the degree of flooding we have experienced in recent years.

The destruction of this important economic and natural resource can be stopped. But public education and outreach is essential. This conclusion was borne out by the National Wetlands Policy Forum in its final 1988 report, "Protecting America's Wetlands: An Action Agenda." The forum found that much of the public, including many landowners, lacked information and understanding of the functions and values of wetlands and the appropriate techniques for protecting and managing them. The report recommended substantial research and outreach by both the public and private sectors to fill these information gaps.

Given the fact that three-fourths of wetlands in the continental United States are privately owned, public outreach and public-private involvement in wetlands conservation is essential.

One outstanding example of this kind of public-private initiative is the Society for Environmental Education formerly known as the Louisiana Nature and Science Center. The Society for Environmental Education is proposing the establishment of a Natural Center for Wetlands Education: A center for environmental education and research located adjacent to the Bayou Sauvage Urban National Wildlife Refuge. In partnership with government, business, universities, and citizens organizations, the National Center for Wetlands Education will serve as a leader and a model for public-private initiatives to foster public awareness stewardship of this important natural resource.

I believe that the year of the wetlands resolution will provide a propitious context for the growth of such public-private initiatives and will serve as a spark to galvanize public awareness and heighten involvement in wetlands conservation.

But let us not delay. Even as I speak, this Nation continues to lose valuable wetlands. In fact, since the beginning of this 102d Congress, nearly 225,000 acres of wetlands have disappeared. We must act now to enlist the support and participation of the American people to stem this tragic loss and to truly conserve this vital national resource.

SOVIETS ARE READY TO AMEND THE ABM TREATY TO ALLOW SDI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 5 minutes.

Mr. KYL. Mr. Speaker, in the October 14 to 20 issue of Space News there is a very interesting headline that reads: "Soviets Warm to Joint Missile Defenses." It is a very important story because up to now one of the primary objections to the United States proceeding with the strategic defense initiative has been the possibility that the Soviets and the United States could not agree upon changes to the ABM Treaty of 1972, with the result that if the United States intended to proceed with the SDI Program, we would have to unilaterally leave the ABM Treaty in order to deploy those defenses, and we have wanted to negotiate with the Soviets over the issue rather than take unilateral action, if possible.

Mr. Speaker, the Space News article points out the fact that the Soviets have warmed to the idea of negotiating treaty changes, or even a new treaty with the United States, to permit the deployment by both countries of a strategic defense kind of system including both ground-based and space-based assets. This is primarily as a result of the invitation of President Bush to the Soviets to begin such negotiations and the response by President Gorbachev, who said—and I am quoting now—that "the Soviet Union is prepared to consider proposals from the United States on nonnuclear antimissile defense systems," the first time that the Soviet Union has taken the position that they are prepared to talk with us about amending the ABM Treaty to allow the deployment of antimissile defenses.

Gorbachev's statement, incidentally, was reiterated by the Deputy Chairman of the State Committee on Defense of the Russian Federation, Maj. Gen. Viktor Samoilov, who said recently—and again I am quoting:

> I think this ABM project is realistic. This is a practical proposal; it is not nearly a political theoretical one whereby we can creatively work together. An integration of joint efforts towards an ABM agreement is both full of promise and full of interest for us.

Mr. Speaker, I recently received a briefing from the officials, the U.S. officials, that made up the Bartholomew trip to Moscow. They confirmed to me that the leader of the Central Government of the Soviet Union, as well as key republics, are very interested in strategic defense, and I may add not just ground-based defenses, but space-based as well. As I said, this is very important because it represents the first time that the Soviets have expressed a willingness to renegotiate the ABM Treaty to allow a strategic defense system, but it comes at a very important time for the U.S. Congress because, Mr. Speaker, as you are aware, we are currently in conference on the defense authorization bill.

One of the critical issues for us to determine is how much we are going to fund the SDI Program of the President this year. The President has requested a program of over $5 billion. The Senate has indicated that they are willing to fund the program at a level of about $4.6 billion, and the House conferees have responded to the Senate's offer with a fair proposal, except in one regard, which I think can get us to an agreement in the conference, and, therefore, present the President with a bill on SDI that he can sign. The only thing that is short in this agreement right now is a provision for adequate funding for Brilliant Pebbles.

Mr. Speaker, as my colleagues know, brilliant pebbles is the spaced-based component, the space-based interceptor component of our SDI Program, and I take just a moment to note that the President's program is now called by the acronym of GPALS, which stands for global protection against limited strikes. The idea of global protection requires a series of satellites, these space-based interceptors, in order to make the SDI system work. So, with the exception of providing adequate funding for the space-based interceptor part of the program, I believe that we are almost together on the appropriate kind of language and funding for the United States to go forward with the SDI Program this year.

Given the fact that the Soviets have now indicated a willingness to negotiate, the United States has already put a program on the table in Geneva in the last week; it was in the papers this morning, a program which would provide limits on the time, and the space, and the type of development of such a program. It would clearly provide the Soviets with protection against their deterrent. In other words, this system is not robust enough to prevent the Soviets from succeeding should they decide to throw everything they have at us.

That is not the idea of GPALS. GPALS is there primarily to protect against accidental launch or the launch, for example, of a Third World country such as Iraq.

Mr. Speaker, I would close by noting that the Soviets recognize the threat from Third World countries just as much as the United States does. Again quoting from Maj. Gen. Viktor Samoilov when he recently said, and I quote:

> We realistically appraise that by the year 2000, about 15 to 20 more governments and states will have missiles with more than a 5,000, or up to a 5,000-mile range. I think this is a very serious source of threat in the future.

Mr. Speaker, I might add that Secretary Cheney and the President agree with that assessment, as does CIA Director Webster. Those Third World countries are going to pose a threat to the United States in the future, and that is why it is important for us this year to proceed with the development of the strategic defense initiative.

DOBROSLAV PARAGA: PARAGON OF VIRTUE IN THE NEW CROATIA?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the conflict in Yugoslavia now has dragged beyond the 100th days and 1,000th death mark, and as optimistic as one wishes to be, the light at the end of the tunnel is very dim and threatened by nationalistic winds that now are reaching gale force levels.

The Republics involved are becoming more alienated, and extremist splinter groups in both the Republic of Croatia and the Republic of Serbia are on the upsurge as a rational end to the bloodshed seems less and less attainable.

Mr. Speaker, I rise before you today to speak of one such splinter group that has garnered more than its fair share of press over the last few months, the Croatian Party of Rights [HSP], and its leader, Dobroslav Paraga.

As you can recall, Mr. Speaker, Dobroslav Paraga was honored for his human rights initiatives in Yugoslavia in the 101st Congress via Senate Resolution 169.

What I find of interest, Mr. Speaker, though, are his current activities as the head of the HSP, an ultranationalist movement in Croatia which claims to have more than 10,000 soldiers in its paramilitary wing, the Croatian Defense Force [HOS], and which boasts that it models itself after the Ustachi movement in the Second World War.

The Ustachi were responsible for the deaths of hundreds of thousands of Serbians, Jews, and gypsies, and were even viewed in disgust by Hitler's SS forces as being too savage in the carrying out of their duties. In fact, Mr. Speaker, more people were killed per capita population in Yugoslavia through the genocidal actions of the Ustachi than in any other area during the Second World War, even Germany and Poland.

I have seen many articles in the several newspapers that I read every day of the reemergence of nazism in various areas of the world.

The newly united Germany is experiencing a larger and larger problem with its skinhead neo-Nazi movement, which as recent articles state, is showing a growing intolerance for foreign workers—or Gast Arbeiters. This extremism has included attacks on foreigners, and the provision of emergency sanctuary by the German Government in order to provide full protection for these people in this growing environment of intolerance.

I have also read of the rise of the neo-Nazi movement in South Africa. The forces who support the continuation of apartheid have embraced the neo-Nazi movement as the vehicle by which they physically and verbally express their views. Once again, the insidious history of the Nazi menace has, as in Germany, led to attacks and physical harassment of not just blacks, but also South African Government forces.

The neo-Nazi movement in the United States is also of great concern. The actions of these groups within our own country, while protected under the Constitution, have also led to human rights violations on other citizens of our great Nation.

Mr. Speaker, these are serious problems. However, I believe that given the history of genocide in Yugoslavia, and given the current state of instability in that country, the neo-Nazi movement in Croatia poses the greatest threat of all.

The HSP maintains the view that the President of the Republic of Croatia, Franjo Tudjman, a verdant nationalist himself, and his government are corrupt and incompetent. In addition, the HSP believes that the current regime in Croatia has not done enough to press Croatia's demands for independence, and has branded Tudjman a traitor.

This in and of itself does not seem to be that great a threat, but since Croatia's attempt at independence has become stalled in the current conflict, Paraga's party is gaining more and more converts, and more than one source has indicated that the HSP poses a very real threat to Tudjman. Whether this is done legally through an electoral process, or more than likely through an assassination and coup attempt, it only would serve to exacerbate the already serious situation in Yugoslavia, and, in addition, virtually guarantee the violation of the human rights of the Serbian minority within Croatia.

Last Thursday, Blaine Harden, of the Washington Post, wrote of Mr. Paraga's party, and of its policies and rise of popularity within Croatia. While I will be quoting from this article, Mr. Speaker, I also ask that the entire article be included in the RECORD at the end of my text, and also that all subsequent material that I use be included in the same manner.

Mr. Paraga denies that the neo-Nazi HSP is a reincarnation of the Nazi-backed Ustachi of the Second World War. I beg to differ and quote from Harden's article.

At the beginning of the article, Mr. Harden writes of the HSP:

> On the wooden stocks of their automatic weapons, some fighters have carved out the U symbol of Croatia's notorious government, that in 1941–45 collaborated with Adolf Hitler and forcibly converted Eastern Orthodox Serbs to Catholicism. Hundreds of thousands of Serbs not converted were expelled from the fascist state or murdered in death camps.

Mr. Harden continues a few paragraphs later:

> As the war intensified, the initials of the wartime Ustachi regime were scrawled on more and more buildings across Zagreb.
>
> At a posh hotel wedding reception here on Saturday night, at about the time Croatia's president was ordering a mobilization of all Croats to fight the "Serbo-Communist hordes, two young men stood at a large table and raised their stiff right arms in the "Sieg Heil" salute of Nazi Germany.

But, Mr. Speaker, perhaps the most enlightening probe into the psyche of the Serbian minority within Croatia comes in Mr. Harden's final paragraph:

> The symbols, rhetoric and territorial ambitions of the Party of Rights provide ample reasons for Serbian concern.

Mr. Speaker, the second article from which I will quote was run on the Reuters newswire last Friday. The reporter, Andrej Gustincic, reports from Zagreb regarding Paraga's party:

> His Party wants an independent state of Croatia whose borders would include the neighboring republic of Bosnia-Herzegovina.
>
> Its borders would coincide with those of a nazi-puppet state during World War II run by fanatical Croatian fascists called "Ustache," who killed hundreds of thousands of Serbs, Jews, and gypsies.

Mr. Gustincic then quotes Mr. Paraga:

> We recognize the validity of the wartime Croatian state but reject its regime. We are not Ustache. We do not have the Ustache ideology and we don't sing Ustashe songs.

Gustincic continues:

> But HOS uniforms bear the Ustashe motto "Za Dom Spremni" (Ready to Serve the Homeland) and some of the soldiers wear badges saying "Ustashe renaissance."

I will add, Mr. Speaker, that "Za Dom Spremni" is the Serbo-Croatian equivalent of "Sieg Heil."

The next article from which I quote was written by Paul Koring in the September 25 Toronto Globe and Mail:

> Although the Party of Rights rejects allegations that it is a reincarnation of the Nazi-backed Croatian nationalist movement known as Ustasha, at least some of its red bereted members—festooned with grenades and wielding submachineguns outside the party headquarters—freely, and with apparent pride, claim to be Ustashe.
>
> They also wear, and the party has as its emblem, a version of the red and white checkerboard crest used by the Ustasha, which killed thousands of Jews and Serbs during the Second World War.

In an October 7 article in the Chicago Tribune, reporter Ray Moseley also reports on Mr. Paraga's Croatian Party of Rights:

> Western Diplomats and the Croatian Government view his activities with distaste. Diplomats said his army, which he calls the Croatian Defense Forces, sabotaged a ceasefire more than a week ago by capturing an army barracks at Bjelovar. That prompted the army to renew its offensive against Croatia.
>
> The Defense Forces sometimes fight alongside the Croatian National Guard, Paraga said. But diplomats said that they also pursue objectives contrary to government policy.

Mr. Moseley continues:

> Paraga says President Tudjman is guilty of "high treason" for having agreed to ceasefires. He says there can be no truce until all of Croatia is liberated.
>
> Despite such statements, the government tolerates his activities. It would appear to have little choice, because any attempt to bring the Defense Forces under government control probably would touch off a war among Croatians.

Mr. Speaker, this alone is of great concern, but as the article continues, Mr. Moseley helps put the HSP in context to other neo-Nazi movements on an international scale:

> He [Paraga] said there are party branches in several U.S. cities, including Chicago, and in Canada and Australia. In Croatia itself, he said, the party has more than 100,000 members.
>
> Critics say the party is descended from the fascist Ustashi movement that governed Croatia as a Nazi-puppet state in World War II. The party's last prewar secretary, Ante Pavelic, founded the Ustashi and served as Croatian president during the war.
>
> Paraga denies that the Ustashi were fascists or even under the control of Nazi Germany. He does admit that the Ustashi espoused racial policies and sent many Jews to their deaths, but says his party does not share such racial views, nor does it consider itself as a successor movement.

Mr. Speaker, the rise of a neo-Nazi movement on this scale, and in a country as unstable as Yugoslavia can only spell trouble. Is it any wonder that the Serbian minority within Croatia is fighting for its rights? Given the past history of the Ustashi, the specter of a popular movement on this scale is more than enough motivation for the Serbian minority in Croatia to demand its autonomy.

Just as a comparison, Mr. Speaker, if you took the claimed size of Mr. Paraga's party, it makes up about 2 percent of the Croatian population, and is growing. In a country the size of the United States, this would be a party of over 5 million people.

On another scale, I doubt any other neo-Nazi movement in the world can claim the size of Mr. Paraga's.

Mr. Speaker, back in September, the Croatian Government was accused of assassinating the HSP's second in command, Ante Paradzik. This served to exacerbate the tensions between the current regime and Mr. Paraga's Party of Rights.

Last week, there was an alleged bombing attempt on President Tudjman's palace. Having heard this, I contacted various members of the administration, and asked that a United States military investigative group determine on whose shoulders the blame fell, whether it was a Serbian, federal army, or Croatian attempt at Mr. Tudjman's life.

Mr. Speaker, the rise of Mr. Paraga's party adds another element to the already complicated situation in Yugoslavia. If such a party were to gain more power, and as I have stated, this is not an impossibility, I shudder to think of the deaths and destruction that would occur.

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I would like to think that we, in this day and age, have left the heinous legacy of the Second World War and of the Nazi Party behind. However, this legacy appears to be alive and thriving in the Republic of Croatia under the leadership of Dobroslav Paraga, once champion of human rights, now champion of the neo-Nazi Ustache movement in Croatia, and a man who was recognized and honored by Senate Resolution 169 of the 101st Congress.

Mr. Speaker, we need to look at this whole picture with a great deal of real concern.

MICROENTERPRISE, SELF-EMPLOYMENT AND ASSETS ACCUMULATION AS A POLICY OPTION

The SPEAKER pro tempore. (Mr. HATCHER). Under a previous order of the House, the gentleman from Mississippi [Mr. ESPY], is recognized for 60 minutes.

Mr. ESPY. Mr. Speaker, I have come to the floor today to talk about a much needed new direction in social welfare policy. In particular, I want to talk about microenterprise development, self-employment programs, individual development accounts, employee stock ownership plans, HOPE 1, and other initiatives which represent a new approach to helping those who are still left out of our Nation's economic mainstream.

In these days of legitimate budget constraints, in these days of stressful economic situations, in these days of growing demands on current programs, new initiatives tend to be buried before they are born—they are left on the cutting room floor before the movie ever comes to the screen for a preview showing.

New initiatives do not have an advocacy group ready at a moments notice to spring into action in support of the effort; new initiatives do not have a constituency forming a solid base of support; new initiatives must struggle to be heard over the hue and cry of existing programs that are desperately underfunded, underutilized or undermined by opponents.

I have taken the time for this special order to speak on issues about which I have very strong feelings. I come to the floor to speak on issues close to my heart. I strongly believe that we need new approaches to helping those who are poor in our country because the old ways simply don't work.

Despite the billions of dollars we spend, more Americans than ever remain stuck on welfare. Despite the billions that we spend on food stamps—one in eight American children are hungry. Despite the money we spend on antipoverty programs—33 million Americans remain in poverty. One in every five children in America is in poverty.

Generation after generation of Americans live permanently on welfare—given up on by our society, and many giving up on themselves. Mr. Speaker, I say again, it's time we looked seriously at new approaches to our welfare policies, because the current policies don't work.

A few days ago, the State of Michigan announced that it was ending its general assistance welfare program to poor, able bodied adults without children. The State of Maryland is eliminating 24,000 adults from its general assistance program. And other States are doing the same thing. The recipients are usually too young for social security, and too healthy to receive disability.

But most of them are able-bodied, men and women. Most of them could work, and would work, if given the opportunity. But in this economy, work is hard to find. So what are they going to do? What are we going to do?

I believe it's time we adopted policies which help the poor move from dependency—to independence. It's time we adopted programs which help them move from subsistence—to self-sufficiency. It's time we stopped merely giving people fish, and taught them how to fish, and helped them get a rod and a reel. And that's what I want to talk about during this special order.

BUDGET COMMITTEE/HUNGER COMMITTEE

I come to the floor as a member of the Budget Committee and as a member of the Select Committee on Hunger. The Budget Committee expends considerable energy reviewing, analyzing, debating, and projecting Federal spending—or nonspending—options. We are all looking for options that will reduce the Federal deficit, strengthen the U.S. economy, enhance U.S. competitiveness abroad, and improve the quality of life at home.

The Hunger Committee is involved in reviewing all aspects of food and financial assistance programs for low-income persons in our society. As Chairman of the Domestic Task Force of the Select Committee on Hunger, I have held hearings on various social policies issues. In those hearings we have heard numerous proposals for reforming the current welfare programs.

Recently, in both the Budget Committee and Hunger Committee settings, I have heard testimony about microenterprise development, self-employment programs, and asset-accumulation policy. What excites me greatly about the testimony on these concepts, besides the sincerity and dedication of the persons testifying, is the way in which these concepts combine economic and social issues.

From a social policy standpoint, microenterprise development has been recognized and supported for some time by the Select Committee on Hunger, of which I am also a member. Representative TONY HALL, chairman of the Select Committee on Hunger, is the primary sponsor of the microenterprise provisions in H.R. 2850, the Freedom From Want Act. In addition, Representative HALL, Representative FRED GRANDY, Representative BILL EMERSON, and myself are sponsoring H.R. 3450, a bill to help microenterprise development.

From an economic standpoint, I became convinced during Budget Committee hearings that microenterprises have a significant role to play any future economic development strategy for small towns and urban neighborhoods throughout America. During this past summer, as chairman of the Budget Committee Task Force on Economic Development and Natural Resources, I have conducted a series of hearings on "Investments in America's Hometowns." Testimony received by my task force covered all aspects of economic development—infrastructure investments, capital budgeting, revolving loan funds, and microbusiness or microenterprise programs.

MICROENTERPRISES

Microenterprise development or self-employment programs struck me as some of the most exciting proposals. Yet, microenterprise or self-employment proposals seemed to be the economic development proposals that were least well-known among my congressional colleagues.

So, what are we talking about? Why am I excited?

When we talk about microenterprises, self-employment projects, or assets accumulation welfare policies, we are talking about promoting self-sufficiency, building self-esteem, and encouraging the work ethic.

We are talking about bringing economic strength to the lower income levels of the population.

We are talking about encouraging the very American entrepreneurial culture.

We are talking about breaking the cycle of poverty that is growing ever wider, is acting as a drag on the whole economy, and is drawing into its grips more and more of America's productive capacity.

To be specific, we are talking about giving low-income persons a chance to start their own business to be self-employed.

That's just common sense. Yet, current policies in income maintenance programs work just the opposite. Current programs prohibit the accumulation of assets above very limited levels—such as $1,000. Current programs do not recognize self-employment, nor do they encourage self-employment as an employment option that will allow compliance with job requirements. Current programs do not offer business training or technical assistance as a part the jobs programs offered to recipients.

It is time we realize—that while income assistance is essential to maintain a family, we must provide families with more than maintenance. America has long been known as the land of opportunity—we must make as many opportunities as possible available to all Americans.

Microenterprise development is one opportunity, one option that should be made available to all Americans who want to pull themselves up by their own bootstraps. But first, we have to make sure that everyone has some boots.

What is a microenterprise? The definition of a microenterprise is not set in concrete, the term is evolving as groups begin to implement projects, conduct research on the topic, perform evaluations of programs, and propose legislative amendments to support microenterprise efforts. Generally speaking the term "microenterprise" refers to a business which employees five or less persons—one of whom is the owner. Further, the business is usually capitalized with less than $5,000.

What kind of businesses make successful microenterprises? Microenterprises are primarily retail or service businesses. For example, a microenterprise may be involved in dressmaking, auto repair, auto detailing, word processing, computerized billing services, messenger service, shoe repair, cleaning, or maintenance operations.

What is involved in microenterprise development programs? Over 100 community based organizations began developing microenterprise projects during the 1980's. In most cases, the projects involve entrepreneurship training, the provision of technical assistance in the development of business plans, and the establishment of a revolving loan fund to provide capital for business startup.

What sources of funding are available for microprograms? Currently operating microenterprise development of self-employment programs are funded or supported through a variety of sources. Foundation grants, nonprofit organization funding, State funds, and local community funds support current programs.

The Community Reinvestment Act requirements of the banking legislation has led to bank investments in microenterprise programs. Although there is not a specific Federal program funded a microenterprise development, funding from a number of Federal programs can be used to implement and operate a microenterprise or self-employment programs. Federal sources of funding include community development block grant moneys, Job Training Partnership Act moneys, and rural development loan fund moneys.

But these Federal efforts are not nearly enough—and they are often offset by regulations in current programs which penalize the poor for the very activities we need to encourage.

Asset limitations in the current income maintenance programs are a prime example of policies which discourages participant initiative to move out of poverty.

By now, many of my colleagues have heard the story about an unmarried 36-year-old Milwaukee mother who managed to put aside enough nickels, dimes, and dollars from her monthly welfare checks to accumulate more than $3,000 in savings over 4 years. She wanted to send her daughter to college. Because welfare rules prohibit continued receipt of assistance if the family has assets in excess of $1,000, the Milwaukee mother was convicted of welfare fraud and was asked to repay the Government $15,000.

That is ridiculous. It is backward. And it is wrong. That's a perfect example of why our welfare policies work to keep people on welfare, rather than help to get them off—and this Congress needs to do something about it.

Why is asset-accumulation policy important? As Dr. Michael Sherraden so eloquently stated in his book "Assets and the Poor": "* * * income only maintains consumption, but assets change the way people think and interact with the world." An example, of changing the way a person "interacts with the world" was has been reported by Ms. Kathryn Keeley, president of WomenVenture—an organization that administers a microenterprise program. In testimony before a Joint Budget Committee and Hunger Committee hearing, which I was chairing, Ms. Keely said, "* * * when you get a welfare Mom to go into a school and say I am a business owner, as opposed to I am a welfare Mom, it changes everybody's headset about her."

In my district, I recently met a young woman named Robbie Rabun. She is a perfect example of what can be accomplished with microenterprise programs. One year ago, Ms. Rabun was a welfare mother struggling to raise two sons on $441 per month. Today, because of a microenterprise program which gave her $5,000 seed capital, technical assistance, and a raised level of self-esteem, Ms. Rabun is off welfare. She owns her own car detailing business and earns about $1,800 per month. She is proud, and most of all she is independent. Her business is an asset, and now she has something to leave her children.

There are many more potential Robbie Rabuns in our society. But, the microenterprise program which helped Robbie Rabun was operating under waivers from current welfare program policies. A permanent change in policy is needed to foster more Robbie Rabuns.

On October 9, 1991, at a Select Committee on Hunger hearing, I heard the testimony of two women who are ready to begin their own businesses but are being held back because of current welfare program policies. Both women have been involved in a self-employment investment demonstration [SEID] project. Both have completed a business training program, have developed approved business plans and have arranged for loan financing to start their business.

One of the women that testified, Melody Boatner—a recipient of welfare for 1½ years—plans to start an upholstery business. She needs to acquire a $1,500 sewing machine and a reliable truck; but, these items would place her above the $1,000 asset limit in AFDC. Although she clearly expects her business to be successful and to provide enough profits to support her and her child, she cannot afford to start up the business without welfare assistance during some transition period.

Mary Johnson, the other witness at the Hunger Committee hearing—a welfare recipient for 2 years—testified about her plans to start a computerized medical billing service. The acquisition of the computer equipment and a reliable automobile necessary to operate her business would place her above the $1,000 asset limit in AFDC. Because she has three children and an aged mother for which to care, Ms. Johnson cannot afford to start up her business without welfare assistance during some transition period.

MICROENTERPRISE LEGISLATIVE PROPOSALS

As I mentioned earlier, two major pieces of legislation pending are H.R. 2258, the Freedom from Want Act and H.R. 3450, a bill to amend current AFDC law to help microenterprises. These bills, and others, would change Federal policy so that Mary Johnson, Melody Boatner, and thousands like them will be helped, rather than held back.

Among other things, these bills propose that up to $10,000 in net worth of a microenterprise be excluded for asset eligibility determinations. The bills also propose that only the net profits of a microenterprise be counted as household income. Further, the bills would encourage or, in some cases, require States to include microenterprise training as a part of its JOBS Program.

Another important piece of legislation, H.R. 288, the Act for Microenterprise introduced by Representative CARDISS COLLINS, would create a Micro-Enterprise Technical and Operations Office in Federal banking agencies to serve as a clearinghouse and to encourage banks to lend to microenterprises. Representative COLLINS' legislation would also ensure that a microenterprise loan recipient may remain in either the welfare or unemployment insurance programs for a 1-year transition period, instead of being terminated from the programs immediately.

Thanks to the leadership of Chairman TONY HALL of the Hunger Committee, some important microenterprise provisions were incorporated in the recently passed job training reform amendments—H.R. 3033. In addition, microenterprise or self-employment opportunity amendments to the Food Stamp Program were a part of the Mickey Leland amendments enacted in the Food, Agriculture, Conservation and Trade Act of 1990.

CONCLUSION ON MICROENTERPRISES

Microenterprises or self-employment programs have positive social policy implications—they encourage the work ethic; they help reduce welfare dependency; and they help individuals who participate improve their self-esteem.

Microenterprises or self-employment programs also have positive economic policy implications—they stimulate economic activity, help produce a better educated and more productive workforce, and have the potential of helping to reduce welfare program costs. While we may risk spending $5,000 or $10,000 to help a welfare recipient start a microenterprise, we will spend many times that keeping them, and their children, on welfare.

Evaluations of the current microenterprise demonstration projects indicate persons which choose to participate in the programs generally have a higher than average education level and have been on welfare for more than 2 years. This tells me we are dealing with a select group of persons; but, also we are dealing with a group whose departure from the welfare rolls could have an effect on the reduction of welfare costs which is greater than the portion of welfare rolls which they represent.

Moreover, the influence of this small group of microenterprise program participants will have an ever-widening influence as the participants become models for their dependents and/or other welfare recipients.

From an economic standpoint, it has been documented often that small businesses—microenterprises have a positive affect in stimulating the economy. A study between 1981 and 1986 conducted by small business consultant, David Birch, found that firms with fewer than 20 employees created 88 percent of the new jobs in the United States Rural or inner city urban neighborhoods which have few formal job opportunities are prime areas for microenterprise development.

Self-employment can be an attractive option for low-paid workers, unemployed individuals, welfare recipients, persons suffering job displacement because of base-closings and other defense force or production reductions and persons caught up in the transition of the Nation's agriculture economy.

I am convinced that microenterprises can be a key component of a new welfare strategy in this country—and we will measure its success by how many people are helped off of welfare.

HOPE 1

There are other kinds of assets that the poor need to escape poverty.

That is especially true now, at a time when the disparity between the rich and poor is growing wider each year. Data compiled for Budget Committee members indicates the real income of low income single mothers with children declined substantially between 1979 and 1989 while the real income levels of families in the top 1 percent of the Nation's income levels increased by 95.3 percent.

But wealth is more accurately measured in terms of assets. In the area of assets the disparity between rich and poor is even worse. According to a Federal Reserve report, the top 20 percent of Americans—based on assets accumulation—own almost 80 percent of the wealth in the Nation. At the same time the bottom 40 percent own almost no wealth. They have income but no assets.

And among those Americans with assets, most of them have assets in their home.

That's why I strongly support HOPE 1 [Housing Opportunities for People Everywhere] and why I hope many more of my colleagues, especially on the Democratic side, will take a second look at this program.

HOPE 1 is designed to help low-income residents of public housing become home owners. It's designed to help them accumulate some housing assets of their own—rather than simply live in a house owned by the Government.

I'm from Mississippi. On the New York Times best seller list, there is a book that chronicles the movement of African-American people from Mississippi and other Southern States in the 1940's and 1950's. During that time, African-Americans began to move off the plantation and into other areas across this country.

Bitter experience taught them that the person who controls where you live, controls your life. They knew that new hardships would come with leaving the plantation—but the hardships of staying were worse.

I support HOPE 1, because I believe that many low-income Americans who live in public housing are worse off than people who were stuck on the plantation. They are effectively trapped into transitional housing, which in many cases is not fit for human beings to live in. But most of all, they are trapped in a cycle of poverty.

The HOPE Program, which we have debated here before, is not for every tenant of public housing. It is not for every public housing project.

But for those who are willing and able to own their own homes, shouldn't we provide some assistance to help them repair the units? Shouldn't we provide some economic development assistance? Shouldn't we teach residents of public housing how to own and manage their own units, rather than just continuing to try and do it for them?

I believe that we should—and I believe that we should give HOPE 1 a chance.

This year, we will provide $60 billion in tax deductions to help middle-income and upper-income homeowners own their own homes. I support that policy, because it helps them accumulate assets. And we need to do the exact same thing for residents of public housing. We need to help them become homeowners as well—and accumulate some housing assets.

INDIVIDUAL DEVELOPMENT ACCOUNTS

Mr. Speaker, we also spend $40 billion a year helping middle income and working Americans accumulate retirement assets. We give special tax benefits to individual retirement accounts, pension plans, and other vehicles to help Americans accumulate the assets they will need for retirement.

So I want to call my colleagues' attention to provisions in the Freedom From Want Act, introduced by my colleague TONY HALL which will do the same thing for the poor.

Like we have individual retirement accounts [IRA's] to help middle-income Americans accumulate assets—we need individual development accounts [IDA's] to help low-income Americans accumulate assets.

IDA's work the same way as IRA's. They would allow the poor to save money for designated purposes—for housing, for education, to start a small business, or for retirement. The government would provide matching grants as incentives to the poor to save—and we will start to help the poor accumulate the assets they need to escape poverty.

With IDA's, the Milwaukee mother who is now convicted of welfare fraud for saving for her child's education will be given a matching grant and encouraged to save even more. That way, she can accumulate funds for her child's education, so that the likelihood of her child living on welfare is decreased. That way, we break the cycle of dependency.

With IDA's the welfare recipient who is now encouraged to spend every dime she receives on consumption today will be encouraged to save for the future. With IDA's, our policy will recognize that economic well-being does not come through spending, but rather that it is achieved through saving, through investment, and through accumulation of assets.

IDA's would be optional, interest-bearing accounts in the name of one person. They would be held in federally insured financial institutions. Money could be withdrawn only for specific purposes.

Most of all, persons would receive matching grants, based on their overall income, to encourage them to save.

For example, under the IDA demonstration project in the Freedom From Want Act, persons whose income is less than half of the poverty level would receive a 9-to-1 match. For every $100 they managed to save, the Federal Government would match it with $900—up to a maximum of $1,800.

Just as we now encourage Federal employees to save by providing matching contributions, we should do the same thing for those Americans who need to save the most.

That's what IDA's will do. Like microenterprises, and HOPE 1, IDA's will help the poor accumulate the assets they need to break the cycle of poverty.

ESOP'S AND GUARANTEED WORKING WAGE

Mr. Speaker, I want to mention just one more asset based initiative which I believe we need to seriously look at in this Congress—one to help those Americans who are already at work—who work hard—but who still don't have enough income to save and accumulate the assets they need to build a firmer economic foundation.

The first idea is for a guaranteed working wage. The guaranteed working wage is based on a simple, but profound principle—Americans who work, and who work hard, should be rewarded with an income that allows them to live above the poverty level.

Currently, the work ethic doesn't work for nearly 11 million Americans who live in families where someone works during the year—but where they don't earn enough to escape poverty. The guaranteed working wage would redesign and expand a tax credit which is already very popular in the Congress—the earned income tax credit.

A guaranteed working wage would guarantee every full time, year round worker a working wage sufficient, along with existing benefits under the food stamp program, to support his or her family above the poverty line.

A guaranteed working wage would benefit those Americans who work hard every day, who earn too much to qualify them for assistance programs, but not enough to get their families out of poverty.

A guaranteed working wage would end the perversity where some people are actually better off by not working. It would end the idea many people have, which is true, that it's often more beneficial to stay on welfare than to go to work.

Like the present earned income tax credit, a guaranteed working wage would provide a wage supplement for every hour a poor person works—but the size of the supplement should also increase with the size of the family being supported. The maximum supplement should be enough to close the gap between the poverty level and what the family could earn by working full-time, all year at the minimum wage, plus food stamp benefits.

By ensuring that every American who works full-time has an income sufficient to pull his or her family out of poverty, we will be making real the promise that America is a country where hard work leads to success. By implementing a guaranteed working wage, we will help millions of working Americans move above more subsistence, and we will help them be more able to accumulate the assets they need to move up the economic ladder.

ESOP'S

The last initiative I want to talk about is also for those Americans who work. It's also about promoting the work ethic, and about helping more people in our country accumulate assets so that they can have a real piece of the economic pie. I'm referring to an idea which has been around for a few years, but whose promise and potential we have yet to realize—employee stock ownership plans.

Today I added my name to the list of cosponsors of H.R. 2410, an important bill introduced by my colleagues BERYL ANTHONY, CASS BALLENGER, and DANA ROHRABACHER.

This legislation would enhance ESOP's in our country, by opening up the possibility of employee ownership to employees of one-third of the corporations in America that are now unable to participate because they are subchapter S corporations. It would eliminate the tax on early distributions from ESOP's; allow double contributions to accounts of low-paid ESOP participants; and encourage the transfer of closely held small company stock to an ESOP from an estate. It would also allow American workers the opportunity to bid equally with foreign interests trying to acquire U.S. corporations.

I'm proud to add my name as a cosponsor of this legislation. More workers need to own stock in the companies where they work.

When they own stock, workers have a greater stake in the future of the company.

When they own stock, workers work harder, and pay more attention to quality.

When they own stock, workers realize that they, too, will share more in the fruits of their labor. There is more in it for them than just a paycheck.

When they own stock, workers start to think more like owners, and the result is often more efficient companies, with better motivated workers, and a more equitable distribution of profits.

There is a growing list of companies which have compiled impressive records of growth since implementing ESOP's, partly due to encouragement by the Congress in the mid-1980's. But I believe that now is the time for Congress to do more.

Last year, there were 9,000 ESOP's in the country. In many, employees are involved in the decision making of the company. By purchasing stock in their companies, workers have assumed more of the risk—and they are entitled to receive more of the reward.

With ESOP's, workers acquire business assets. They don't just work for a weekly income, they work for the long term growth of the company, and their own assets.

In conclusion, with ESOP's, with the guaranteed working wage with IDA's, Microenterprises, and HOPE 1, working and low income Americans can accumulate assets.

With asset based programs, they can join the ranks of the haves, and leave the ranks of the have-nots.

With asset based programs—those who are often left out and stuck on the river bottom are given the opportunities they need to realize their own potential, and move into the economic mainstream.

With asset based programs, the poor and low-income Americans are not a permanent drain on the financial resources of middle income Americans—rather they are helped to join the ranks of middle income Americans. With asset based programs, those who are stuck on the river bottom are not just given an inadequate, meager, and stigmatized hand out—they are given a hand up.

So I want to urge the Congress to offer equal economic opportunity to all Americans. I want to urge all of my colleagues to take a fresh look at asset based welfare policies, where success is not measured by how many people we feed—but by how many people we help acquire the means to feed themselves.

It is time for the United States to rebuild its economic strength at home. And I believe we can best do that by promoting what makes America great—the work ethic, savings, investments, and the accumulation of assets.

In the end, I believe that we need to realize that Americans who are in poverty, who are on welfare, who work hard but still can't make ends meet are just like other Americans. They don't deserve our scorn, they deserve our assistance.

We spend billions of dollars each year helping better off Americans accumulate assets. Now it is time we turned our attention to helping those on the bottom accumulate the assets they need to pick themselves up. It's time we stopped just giving poor people fish—but start teaching them how to fish and help them to acquire a rod and a reel.

Nobody can ever spend their way out of poverty. Just like our country can never borrow its way out of debt. To get out of poverty, the poor need savings, they need investments, they need assets. But most of all, they need a government willing to rethink old policies, throw out those that don't work, and try something new.

I am convinced that we can solve the problems facing our country. We can rebuild our economy. We can significantly reduce the number of Americans who live in poverty. But we have to be willing to change our attitudes towards those who need help. Americans don't want a hand out. They want a hand up. Asset based welfare policies are the way to go. I look forward to working with all of my colleagues on these programs in the days and months to come.

☐ 2050

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHNER) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes each day, on October 29, 30, 31, and November 5, 6, 7, 12, 13, and 14.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. DANNEMEYER, for 5 minutes, today.

(The following Members (at the request of Mr. SCHUMER) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 60 minutes each day, on November 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, and 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BOEHNER) and to include extraneous matter:)

Mr. BROOMFIELD in two instances.

Mr. DICKINSON.

Mr. DUNCAN in two instances.

Ms. SNOWE.

Mr. MCEWEN.

Mr. BURTON of Indiana.

Mr. MACHTLEY.

Mr. GEKAS.

Mr. KYL in two instances.

Ms. ROS-LEHTINEN.

Mr. GREEN of New York.

(The following Members (at the request of Mr. SCHUMER) and to include extraneous matter:)

Mr. MCMILLEN of Maryland.

Mr. PEASE.

Mr. MILLER of California.

Mr. MURTHA.

Mr. LANTOS.

Mr. LEHMAN of Florida.

Mr. AUCOIN.

Mr. KOSTMAYER.

Mr. HAMILTON.

Mr. KOLTER.

Mr. SISISKY.

Mr. ROWLAND.

Mr. FEIGHAN.

Mr. SERRANO in two instances.

Mr. DINGELL.

Mr. ROSTENKOWSKI.

Mr. ECKART.

Mr. TORRES in three instances.

Mrs. SCHROEDER in two instances.

Mr. TOWNS.

Mr. TORRICELLI.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1415. An act to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes;

H.R. 2608. An act making appropriations for the Departments of Commerce, Justice, and State, the judicary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 3280. An act to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 107. Joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

A BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

H.J. Res. 230. Joint resolution designating October 16, 1991, and October 16, 1992, each as "World Food Day";

H.J. Res. 303. Joint resolution to designate October 1991 as "Crime Prevention Month"; and

H.R. 2519. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, et cetera, for the fiscal year ending September 30, 1992, and for other purposes.

ADJOURNMENT

Mr. ESPY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, October 17, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the speaker's table and referred as follows:

2210. A letter from the Comptroller General, the General Accounting Office, transmitting the status of budget authority that was proposed for rescission by the President in his fifth special impoundment message for fiscal year 1991, dated June 28, 1991, pursuant to 2 U.S.C. 685 (H. Doc. No. 102–152); to the Committee on Appropriations and ordered to be printed.

2211. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report on the status and accomplishments of the runaway and homeless youth centers for fiscal year 1990, pursuant to 42 U.S.C. 5715(a); to the Committee on Education and Labor.

2212. A letter from the Administrator, General Services Administration, transmitting the annual report of personal property furnished to non-Federal recipients for fiscal year 1990, pursuant to 40 U.S.C. 483(c); to the Committee on Government Operations.

2213. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2214. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2215. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2216. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2217. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2218. A letter from the Secretary of the Interior, transmitting a report entitled "Wetlands: Status and Trends"; to the Committee on Merchant Marine and Fisheries.

2219. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend sections 5315 and 5316 of title 5, United States Code, to raise the position of Chief Counsel for the Internal Revenue Service, Department of the Treasury, from Level V to Level IV of the Executive Schedule; to the Committee on Post Office and Civil Service.

2220. A letter from the Director, Office of Personnel Management, transmitting the Agency's annual report on drug and alcohol abuse prevention, treatment, and rehabilitation programs and services for Federal civilian employees covering fiscal year 1990, pursuant to 5 U.S.C. 7363; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1885. A bill to amend the Securities and Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes; with an amendment (Rept. 102–254). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MINETA (for himself, Mr. Roe, Mr. Hammerschmidt, and Mr. Shuster):

H.R. 3566. A bill to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. ERDREICH:

H.R. 3567. A bill to amend the Public Health Service Act to provide grants for the purpose of funding certain biomedical training and research exchange programs; to the Committee on Energy and Commerce.

By Mr. HOCHBRUECKNER:

H.R. 3568. A bill to amend title 38, United States Code, to revise the formula for payments to States for care furnished to veterans in State homes; to the Committee on Veterans' Affairs.

By Mrs. JOHNSON of Connecticut:

H.R. 3569. A bill to amend the Federal Election Campaign Act of 1971 to reduce multicandidate political committee contributions to congressional candidates, and for other purposes; to the Committee on House Administration.

By Ms. KAPTUR (for herself, Mr. Kolbe, Mr. Houghton, Mr. Mineta, Mrs. Johnson of Connecticut, Mr. Guarini, Mr. Moody, and Mr. Grandy):

H.R. 3570. A bill to provide for the issuance of super savings bonds to increase national savings and reduce Federal debt owed to foreign creditors; to the Committee on Ways and Means.

By Mr. VALENTINE (for himself, Mr. Applegate, Mr. Bilbray, Mr. Costello, Mr. Guarini, Mr. Hubbard, Mr. Huckaby, Mr. Hutto, Mr. Jacobs, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Kolter, Mr. Lancaster, Mr. Laughlin, Mr. Lewis of Florida, Mrs. Lloyd, Mr. McMillan of North Carolina, Ms. Norton, Mr. Perkins, Mr. Rahall, Mr. Rose, Mr. Solomon, Mr. Stenholm, and Mr. Traficant):

H.R. 3571. A bill to require the President to submit to the Congress each year an integrated justification for U.S. foreign assistance programs, and for other purposes; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Agriculture, and Rules.

By Mr. BLILEY:

H.R. 3572. A bill to amend chapter 110 of title 18, United States Code, with respect to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. McMILLAN of North Carolina:

H.R. 3573. A bill to suspend for a 3-year period the duty on DNCB; to the Committee on Ways and Means.

By Mr. McMILLEN of Maryland (for himself and Mr. Barnard):

H.R. 3574. A bill to establish a Real Property Asset Disposition Council, and for other purposes; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

By Mr. MANTON:

H.J. Res. 350. Joint resolution designating March 1992 as "Irish-American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.J. Res. 351. Joint resolution requiring a report under the Nuclear Non-Proliferation Act of 1978 on United States efforts to strengthen safeguards of the International Atomic Energy Agency; to the Committee on Foreign Affairs.

By Mr. JEFFERSON (for himself, Ms. Norton, Mr. Ravenel, Mr. Living-

STON, Mr. TOWNS, Mr. RANGEL, Mr. HUGHES, Mr. DWYER of New Jersey, Mrs. MINK, Mr. THOMAS of Georgia, Mr. NEAL of Massachusetts, Mr. SCHEUER, Mr. HUTTO, Mr. LAUGHLIN, and Mr. FOGLIETTA):

H.J. Res. 352. Joint resolution to designate 1992 as the "Year of the Wetlands"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE:

H. Con. Res. 222. Concurrent resolution establishing a commission to study compensation and other personnel policies and practices in the legislative branch; to the Committee on House Administration.

By Mrs. BENTLEY:

H. Res. 248. Resolution expressing the sense of the House of Representatives regarding the use of an ambulance maintained by the government of the District of Columbia for use in life threatening situations at the U.S. Capitol; jointly, to the Committees on House Administration and the District of Columbia.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. KLUG.

H.R. 127: Mr. CAMP, Mr. KOLTER, and Mr. PARKER.

H.R. 179: Mr. ATKINS.

H.R. 187: Mr. MACHTLEY, Mr. CARR, and Mr. PALLONE.

H.R. 303: Mr. FEIGHAN.

H.R. 413: Mrs. BENTLEY, Mr. CUNNINGHAM, Mr. BOUCHER, Mr. RUSSO, Mr. DOOLITTLE, Mr. McDERMOTT, Ms. DeLAURO, and Mr. DUNCAN.

H.R. 423: Mr. STENHOLM.

H.R. 489: Mr. KYL.

H.R. 565: Mr. KOLBE, Mr. BOEHLERT, Mr. PURSELL, Mr. JONTZ, and Ms. LONG.

H.R. 744: Mr. DIXON and Mr. MARKEY.

H.R. 786: Mr. CARPER and Mr. OWENS of Utah.

H.R. 1063: Mr. NOWAK, Mr. NEAL of Massachusetts, Mr. TRAFICANT, Ms. NORTON, and Mr. HORTON.

H.R. 1161: Mr. MINETA, Mr. OLVER, and Mr. DE LUGO.

H.R. 1241: Mr. EVANS, Mr. ENGEL, Mr. SANTORUM, and Mr. DOWNEY.

H.R. 1251: Mr. OWENS of Utah and Mr. MINETA.

H.R. 1252: Mr. OWENS of Utah, Mr. MINETA, and Mr. CONYERS.

H.R. 1253: Mr. OWENS of Utah and Mr. MINETA.

H.R. 1269: Mr. CARPER.

H.R. 1310: Mr. HUTTO and Mr. RIGGS.

H.R. 1311: Mr. DELLUMS, Mrs. LOWEY of New York, Mr. NUSSLE, Mr. LAFALCE, Mr. MFUME, Ms. PELOSI, Mrs. JOHNSON of Connecticut, Mr. McNULTY, Mr. RIGGS, and Mr. LANCASTER.

H.R. 1312: Mr. DELLUMS, Mr. NUSSLE, Mr. JONTZ, Mr. LAFALCE, Mr. MFUME, Ms. PELOSI, Mr. SANGMEISTER, Mrs. JOHNSON of Connecticut, Mr. McNULTY, Mr. RIGGS, and Mr. LANCASTER.

H.R. 1322: Mr. MINETA.

H.R. 1527: Mr. WASHINGTON.

H.R. 1628: Mr. GINGRICH, Mr. EMERSON, Mr. TORRICELLI, Mr. HALL of Texas, Mr. WEBER, Mr. GILCHREST, Mr. PALLONE, Mr. DE LUGO, Mr. THOMAS of California, Mr. DICKINSON, and Mr. LIVINGSTON.

H.R. 1675: Mr. DIXON.

H.R. 2083: Mr. MATSUI.

H.R. 2238: Mr. SOLOMON.

H.R. 2303: Mr. JEFFERSON, Ms. PELOSI, and Mr. McCLOSKEY.

H.R. 2382: Mr. GEPHARDT.

H.R. 2385: Mr. CLINGER, Mr. HYDE, Mr. FISH, Mr. STUMP, and Mr. KYL.

H.R. 2415: Mr. JOHNSTON of Florida.

H.R. 2419: Mr. DeFAZIO.

H.R. 2570: Ms. MOLINARI, Mrs. ROUKEMA, Ms. LONG, Mrs. MINK, Ms. WATERS, Mr. AuCOIN, Mr. HAYES of Illinois, Mr. FAZIO, Mr. McCLOSKEY, and Mrs. BYRON.

H.R. 2632: Mr. VISCLOSKY, Mr. EVANS, and Mr. HENRY.

H.R. 2727: Mr. DeLAY.

H.R. 2766: Mr. HANCOCK.

H.R. 2768: Mr. PACKARD, Mr. GORDON, and Mr. DOOLITTLE.

H.R. 2848: Mrs. JOHNSON of Connecticut.

H.R. 2854: Mr. RANGEL.

H.R. 2867: Mr. KYL.

H.R. 2872: Mr. ZELIFF and Mr. SHAYS.

H.R. 2902: Mr. LAGOMARSINO.

H.R. 2903: Mr. LAGOMARSINO.

H.R. 2904: Mr. LAGOMARSINO.

H.R. 2966: Mr. COBLE, Mr. MONTGOMERY, Mr. STENHOLM, Mr. EMERSON, Mr. COX of Illinois, and Mr. VOLKMER.

H.R. 3070: Mr. VANDER JAGT, Mr. McCOLLUM, Mr. WILSON, Mr. HEFNER, Mr. ABERCROMBIE, Mr. ALEXANDER, Mr. BACCHUS, Mr. BENNETT, Mr. BOEHNER, Mr. BORSKI, Mr. BROWDER, Mr. DOWNEY, Mr. SKELTON, Mr. ORTON, Mr. NEAL of Massachusetts, Mr. MOLLOHAN, Mr. HAYES of Illinois, Mr. HAMILTON, Mr. POSHARD, Mr. SARPALIUS, Mr. WYDEN, Mr. MILLER of Washington, Mr. BARTON of Texas, Mr. BAKER, and Mr. PRICE.

H.R. 3104: Mr. ENGEL.

H.R. 3133: Mr. DELLUMS, Mr. JONTZ, Mr. JEFFERSON, Ms. NORTON, Mrs. UNSOELD, Mr. SANDERS, Mr. EVANS, and Mr. LIPINSKI.

H.R. 3147: Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Ms. NORTON, Mr. SANDERS, Mr. TOWNS, and Mr. LAFALCE.

H.R. 3164: Ms. SNOWE, Mr. SANDERS, and Mr. JAMES.

H.R. 3172: Mr. LAGOMARSINO and Mr. ECKART.

H.R. 3176: Mr. PETERSON of Minnesota.

H.R. 3209: Mr. FROST, Ms. NORTON, and Mrs. JOHNSON of Connecticut.

H.R. 3221: Mr. HAMILTON, Mr. HOPKINS, Mr. RIGGS, Mr. SHAW, Mr. BUNNING, Mr. GEKAS, Mr. DICKS, and Mr. TORRICELLI.

H.R. 3256: Mr. DELLUMS, Mr. ENGEL, Mr. MRAZEK, Mr. MFUME, Mr. FROST, and Mr. SHAYS.

H.R. 3312: Mr. SMITH of Florida, Mr. McCRERY, and Mr. BACCHUS.

H.R. 3344: Mr. GILMAN.

H.R. 3354: Mr. FISH and Mr. DYMALLY.

H.R. 3409: Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. WOLPE, Mr. GEJDENSON, Mr. LANTOS, Mr. TORRICELLI, Mr. LEVINE of California, Mr. FEIGHAN, Mr. ACKERMAN, Mr. WEISS, Mr. FUSTER, Mr. JOHNSTON of Florida, Mr. FALEOMAVAEGA, Mr. STUDDS, Mr. MURPHY, Mr. KOSTMAYER, Mr. FOGLIETTA, Mr. McCLOSKEY, Mr. SAWYER, Mr. ORTON, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEACH, Ms. SNOWE, Mr. HYDE, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. BLAZ, Mr. GALLEGLY, Mr. HOUGHTON, Mr. GOSS, and Ms. ROS-LEHTINEN.

H.R. 3462: Ms. PELOSI, Mr. BARNARD, Mr. FASCELL, Mr. GUARINI, Mr. MAZZOLI, Mr. BEREUTER, Mr. CLEMENT, Ms. HORN, Mr. MARKEY, Mr. GORDON, Mr. JONTZ, Ms. KAPTUR, Mr. JEFFERSON, and Mr. OLIVER.

H.R. 3488: Mr. RINALDO.

H.R. 3516: Mr. GUNDERSON.

H.J. Res. 177: Mr. LEHMAN of Florida, Mr. HOCHBRUECKNER, Mr. COLEMAN of Texas, Mr. MAZZOLI, Mr. HAYES of Illinois, Mr. GRANDY, Mr. McDERMOTT, and Mr. GUNDERSON.

H.J. Res. 198: Mr. TOWNS, Mr. LIVINGSTON, Mr. JENKINS, Mrs. COLLINS of Illinois, Mr. HAYES of Illinois, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. PRICE, Mr. HUCKABY, Ms. SNOWE, and Ms. NORTON.

H.J. Res. 228: Mr. VENTO, Mr. HOUGHTON, Mr. OBERSTAR, Mr. GORDON, Mr. SABO, Mr. FALEOMAVAEGA, Mr. SPRATT, Mr. BREWSTER, Mr. DOWNEY, Mr. SCHEUER, and Mr. MANTON.

H.J. Res. 242: Mr. GILCHREST, Mr. MAVROULES, Mr. SUNDQUIST, Mr. RAHALL, Mr. COLEMAN of Texas, Mr. FORD of Tennessee, Mr. SLATTERY, and Mr. MOORHEAD.

H.J. Res. 261: Mr. FRANKS of Connecticut, Mr. HAMMERSCHMIDT, Mr. OLVER, Mr. OWENS of New York, Mr. NEAL of Massachusetts, Mr. REED, Mr. REGULA, Mr. SAWYER, Mr. SKEEN, Mr. WALSH, and Mr. WHEAT.

H.J. Res. 271: Mr. KLECZKA, Mr. SENSENBRENNER, and Mr. ASPIN.

H.J. Res. 283: Mr. DOWNEY and Mr. KOPETSKI.

H.J. Res. 291: Mr. ASPIN, Mr. ANDREWS of New Jersey, Mr. ANNUNZIO, Mr. ARCHER, Mr. BATEMAN, Mr. BENNETT, Mr. BEVILL, Mr. BLILEY, Mr. BOUCHER, Mrs. BOXER, Mr. BROWN, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CLEMENT, Mr. CLINGER, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. DARDEN, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DIXON, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EMERSON, Mr. ENGEL, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. FROST, Mr. FUSTER, Mr. GAYDOS, Mr. GEPHARDT, Mr. GILMAN, Mr. GONZALEZ, Mr. GRANDY, Mr. GREEN of New York, Mr. GUARINI, Mr. GUNDERSON, Mr. HAMILTON, Mr. HARRIS, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HORTON, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JEFFERSON, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. KASICH, Mr. KILDEE, Mr. KOLTER, Mr. LAFALCE, Mr. LANCASTER, Mr. LEHMAN of California, Mr. LEWIS of Florida, Mr. LIPINSKI, Ms. LONG, Mr. McCLOSKEY, Mr. McDERMOTT, Mr. McEWEN, Mr. McHUGH, Mr. McMILLAN of North Carolina, Mr. McNULTY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MFUME, Mr. MILLER of Ohio, Mr. MINETA, Mrs. MINK, Mr. MOAKLEY, Mrs. MORELLA, Mr. MRAZEK, Mr. MURPHY, Mr. NATCHER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NOWAK, Ms. OAKAR, Mr. OLVER, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PAXON, Mr. PAYNE of New Jersey, Mr. POSHARD, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. ROE, Mr. ROGERS, Mr. ROYBAL, Mr. SAWYER, Mr. SCHEUER, Mr. SERRANO, Mr. SHAYS, Mr. SKEEN, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. SPRATT, Mr. STAGGERS, Mr. STALLINGS, Mr. STOKES, Mr. TALLON, Mr. TAUZIN, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mrs. UNSOELD, Mr. VALENTINE, Mr. VENTO, Mr. WALSH, Mr. WILSON, Mr. WOLPE, Mr. WYLIE, AND Mr. YATRON.

H.J. Res. 326: Mr. DYMALLY, Mr. FROST, Mr. HEFNER, Mrs. PATTERSON, Ms. PELOSI, Mr. PERKINS, Mr. TALLON, Mr. TORRES, Mr. LAGOMARSINO, Mr. ROSE, Mr. NATCHER, and Mr. BROWDER.

H.J. Res. 340: Mr. BRUCE, Mr. JONTZ, Mr. TAUZIN, Mr. PASTOR, Mr. GORDON, Mr. LAGOMARSINO, Mr. McDADE, Mr. CARPER, Mr. COSTELLO, Mr. SAVAGE, Mr. DORNAN of California, Mr. WYDEN, Mr. SMITH of Florida, Mr. ARCHER, Mr. LANTOS, Mr. MURPHY, Mr. GILMAN, Mr. MOAKLEY, Mrs. MEYERS of Kansas, Mr. MATSUI, Mr. BORSKI, Mr. GALLO, Mr. HUNTER, Mr. MILLER of Washington, Mr. SISISKY, Mr. NATCHER, Mr. CONYERS, Mr. HAYES of Illinois, Mr. APPLEGATE, Mr. YOUNG of Florida, Mr. ANDERSON, Ms. KAPTUR, Mr. HUGHES, Mr. CALLAHAN, Mr. MCMILLEN of Maryland, Mr. MCEWEN, Mr. DYMALLY, and Mr. BUSTAMANTE.

H. Con. Res. 89: Mr. SANTORUM, Mr. OWENS of Utah, Mr. MINETA, and Mr. CONYERS.

H. Con. Res. 188: Ms. SLAUGHTER of New York, Mr. LEVIN of Michigan, Mr. GEJDENSON, and Mr. FROST.

H. Con. Res. 202: Mr. LEWIS of Florida and Mr. SMITH of Florida.

H. Con. Res. 208: Mr. SANDERS, Mr. STOKES, Mr. PAYNE of Virginia, Ms. KAPTUR, Mr. RAHALL, Mr. EVANS, Mrs. VUCANOVICH, Mr. BORSKI, and Mr. RAMSTAD.

H. Con. Res. 216: Mr. SOLARZ.

H. Res. 233: Mr. PORTER and Mr. STENHOLM.

H. Res. 244: Mr. MACHTLEY, Mr. SHAYS, Ms. MOLINARI, Mr. FRANK of Massachusetts, Mr. GOSS, Mr. PAYNE of Virginia, and Mr. WELDON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 210: Mr. SARPALIUS.

H. Res. 194: Mr. FISH.

PETITIONS, ETC.

Under clause 1 of rule XXII.

125. The SPEAKER presented a petition of the Board of Education, Honolulu, Hawaii, relative to rights of children; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

REPORT OF THE SECRETARY GENERAL ON HIS MISSION OF GOOD OFFICES IN CYPRUS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. FEIGHAN. Mr. Speaker, I would like to share with my colleagues the most recent report of U.N. Secretary-General Javier Perez de Cuellar regarding his good offices mission in Cyprus.

On October 8, 1991, the Secretary-General reported to the Security Council on the progress in preparing for a high-level meeting between the leaders of the two Cypriot communities, as well as leaders of Greece and Turkey, to reach an overall agreement on an outline for a settlement.

I was encouraged by the Secretary-General's report, especially his description of the positive attitudes demonstrated by the leadership of Greece and Turkey and the Republic of Cyprus. I was disturbed, however, by the observations about the reactions of Turkish-Cypriot leader, Rauf Denktash. According to the Secretary-General, Mr. Denktash renewed the claim that each community will possess sovereignty after the establishment of a federation, including the right of secession and that Mr. Denktash sought extensive changes in the text of the ideas that were discussed.

These positions, in the Secretary-General's words:

> Would in this context fundamentally alter the nature of the solution . . . which the Security Council has consistently foreseen, most recently in Resolution 649 (1990).

The United States and the United Nations have repeatedly stated their full support for a solution that preserves the independence, sovereignty and territorial integrity of a Federal Republic of Cyprus. That solution should contain adequate guarantees to protect the rights of all Cypriots.

This scenario brings to mind the similar outcome of the ill-fated March 1990 meeting between Mr. Denktash and President George Vassiliou of Cyprus. After over 100 hours of meetings and preparation on a draft outline during the previous year, Mr. Denktash came to New York, rejected the outline and introduced new terms and approaches that ran counter to the 1977 and 1979 agreements between the communities, and outside the mandate of the good offices mission of the Secretary-General.

While the Secretary-General now reports that there was insufficient progress on which to arrange a high-level meeting, he believes that the ideas advanced by his representatives hold the formula for an overall settlement to the Cyprus issue. The question is whether the parties themselves—but particularly Mr. Denktash—are prepared to work for a comprehensive solution to the Cyprus problem.

The Secretary-General's report follows:

REPORT OF THE SECRETARY-GENERAL ON HIS MISSION OF GOOD OFFICE IN CYPRUS

1. The present report on my mission of good offices concerning Cyprus is being submitted pursuant to the request by the members of the Security Council to provide a full report by the end of August on the substance of the ideas that were discussed and the responses of all concerned, and to provide my assessment of the situation, particularly with regard to whether the conditions are conducive to a successful outcome of a high-level international meeting (S/22744). As the members of the Council are aware, I postponed by presentation of this report until the completion of the two rounds of talks between my representatives and the two parties in Cyprus and Greece and Turkey.

2. In my oral statement of 27 June 1991 to the Security Council. I referred to the discussions which had taken place since the latter part of 1990 with the leaders of the two communities as well as with a senior official of the Turkish Ministry of Foreign Affairs. I recalled that the purpose of these discussions had been to explore ideas that could bring the two sides within agreement range on each of the eight headings of the outline of an overall agreement. I expressed the view that as a result of these discussions clarifications had emerged which should make it possible to advance under a number of headings, notably overall objectives of the agreement, guiding principles of the federation and security and guarantee. I also noted that several headings remained to be dealt with, notable territorial adjustments and displaced persons. I concluded that if it was possible to move forward on the outstanding headings an agreed outline should be within reach.

3. As I informed the Council, as part of my effort to find a way to move forward, I had a telephone conversation with President Ozal of Turkey toward the end of May. He told me that after reviewing the outcome of recent talks he was of the view that a meeting of the leaders of the two communities, Greece and Turkey under my chairmanship could give new and strong impetus to my efforts and help the two sides reach agreement on an outline of an overall agreement. In my statement of 27 June, I informed the Council that I was attracted by the idea of a high-level international meeting that would result in an agreed outline provided it was thoroughly prepared to ensure its success. To this end, I proposed that my representatives undertake two rounds of discussions with all concerned in July and August to work out a set of ideas that would bring the two sides within agreement range on all of the headings. I proposed to review the situation at the conclusion of the second round at the end of August to assess whether the conditions were ripe to proceed to a high-level meeting and to consult the Security Council accordingly. This approach was endorsed by the members of the Council in the Statement issued by its President on 28 June 1991 (S/22744).

4. During my visit to Turkey in early July, I discussed the Cyprus problem and my approach for proceeding with Prime Minister Yilmaz and President Ozal on 7 and 8 July respectively. Both the President and the Prime Minister agreed that it was important to make a strong and renewed effort during the remainder of my mandate and they assured me of their desire to help me in this endeavour.

5. During a visit to Greece and Turkey in mid-July, President Bush of the United States of America spoke with Prime Minister Mitsotakis, President Ozal and Prime Minister Yilmaz in support of my mission of good offices on Cyprus. On 2 August, it was announced that Greece and Turkey had agreed to attend a well-prepared meeting concerning Cyprus chaired by the Secretary-General and that the Greek and Turkish leaders would work in support of the Secretary General's efforts to narrow the differences in advance of such a meeting which was planned for September provided adequate progress was made. On 5 August, I made a public statement welcoming the personal effort by President Bush in support of my mission of good offices and the commitment of the Greek and Turkish leaders to help me make progress in advance of a high-level meeting.

6. As the members of the Council will recall, during the second half of 1990 and the first quarter of 1991 my representatives had a number of separate meetings with the leaders of the two communities and their representatives to explore elements of an outline of an overall agreement. In addition, between October 1990 and February 1991, one of my representatives had a series of discussions with a senior official of the Turkish Ministry of Foreign Affairs. This process proved helpful in putting together an initial set of ideas and provided the starting point for the discussions during the summer.

7. During the first round, my representatives met with senior Turkish and Greek officials in Ankara from 23 to 26 July and in Athens on 27 and 28 July respectively, and separately with the two leaders in Nicosia from 29 July to 3 August. They presented ideas for each of the headings (except transitional arrangements) taking into account the above mentioned previous discussions and attempting to respond to the legitimate interests and reasonable concerns of both parties. In areas where during the previous discussions the two sides appeared to be relatively close, the ideas were elaborated fully. This was particularly the case for the overall objectives of an agreement, the guiding principles of the federation, the powers and functions of the federal government, the federal legislature, the federal judiciary, and security and guarantee. In areas which had not yet been adequately discussed, a variety of options were presented to stimulate discussion. I am referring in particular to displaced persons, the federal executive and territorial adjustments.

8. During the first round, the complete text of the idea was discussed fully in Ankara, Athens and separately with the two sides in Cyprus. In Nicosia, my representatives also informed the two sides of their respective actions to the various ideas. The objective of this process was not to obtain their approval but to seek their reactions and suggestions on the basis of which these ideas would be

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

further elaborated and amended for the second round of talks.

9. During the first half of August, the ideas were revised in the light of the previous discussions. Concrete ideas were elaborated in the areas which previously contained options (displaced persons, territorial adjustments and the federal executive). In addition, ideas on transitional arrangements and goodwill measures that would be implemented during the transitional period were also prepared.

10. The objective of the second round of talks was to seek broad agreement of the two sides to a set of ideas that would bring them within agreement range and thereby make possible a high-level international meeting.

11. My representatives began the second round in Athens on 17 August where they reviewed the outcome of the July talks and the most recent text of ideas with Foreign Minister Samaras and other senior officials of the ministry. The Minister indicated that he was encouraged with the way the talks were proceeding and expressed the hope that the high-level meeting could be held in September as tentatively planned.

12. They then had meetings in Ankara from 21 to 24 August. In addition to reviewing the situation with Foreign Minister Giray, they had intensive discussions with Senior Foreign Ministry officials during which they considered in detail the text of the ideas covering each of the eight headings of the agreement. The Turkish officials reiterated their desire to work in support of my effort and their wish that the high-level meeting take place in September. These discussions proved most helpful in refining the text of the ideas. At the conclusion of these talks, it was apparent that, although the two sides in Cyprus remained apart on some issues and the territorial adjustments still had to be further defined, the revised text of ideas which had emerged from the talks in Ankara represented an important step forward which should provide the basis on which an agreement could be worked out.

13. On 26 August, my representatives stopped over in Athens to meet Prime Minister Mitsotakis with whom they reviewed the ideas that would be discussed with the two sides in Cyprus. The Prime Minister conveyed his full support of my effort.

14. My representatives had separate meetings with the leaders of the two communities in Cyprus from 26 to 29 August and again from 7 to 14 September during which they presented to the two leaders the full text of the ideas on each of the eight headings and accompanying goodwill measures and elicited their views.

15. Both leaders agreed that in view of the comprehensive manner in which the ideas had been elaborated it would be possible to omit the preparation of an outline of an agreement and to proceed directly to completing an overall framework agreement. In addition, it was agreed that the preparation of the agreement should be essentially completed to the satisfaction of both sides before convening the high-level meeting. These understandings had also been endorsed by Greece and Turkey.

16. President Vasailiou's reaction to the ideas revealed that although differences remained to be resolved on a number of issues, the set of ideas as a whole provided the basis for working out an overall framework agreement.

17. In the course of the discussions with His Excellency Mr. Denktash, he stated that each side possessed sovereignty which it would retain after the establishment of a federation, including the right of secession, and sought extensive changes in the text of the ideas that were discussed.

OBSERVATIONS

18. As I had reminded the two leaders in my statement of 2 March 1990 (see S/21183, annex II), in operative paragraph 1 of resolution 367 (1975) the Security Council had called on all States and the parties concerned to refrain from any action which might prejudice the sovereignty, independence, and territorial integrity of the Republic of Cyprus, as well as from any attempt at partition of the island or its unification with any other country. In drawing up the mandate of the Secretary-General's mission of good offices on Cyprus, the Security Council thus posited a solution based on the existence of one State of Cyprus comprising two communities.

19. Consequently, the introduction of the concept referred to in paragraph 17 would in this context fundamentally alter the nature of the solution provided for in the 1977 and 1979 high-level agreements and which the Security Council has consistently foreseen, most recently in resolution 649 (1990).

20. Deriving from the position of the Security Council which it reiterated in successive resolutions in 1977 and 1979 high-level agreements between the two parties in Cyprus, and the understandings accepted by both sides (see S/21393, para. 12), the objective of my mission of good offices has been to preserve the sovereignty, independence and territorial integrity of the State of Cyprus; and to establish a new constitutional arrangement for the State of Cyprus that will regulate the relations of the Greek Cypriot and Turkish Cypriot communities on a federal, bi-communal and bi-zonal basis. Each community has been participating in this process on an equal footing and will have the opportunity to express separately its consent to the arrangements reached.

21. The developments of the past few months had raised justifiable expectations that significant progress would be made and that a high-level meeting would take place in September to conclude an overall framework agreement. The set of ideas which my representatives brought to Cyprus at the end of August represent an important step forward which must be preserved and used as the basis for completing the overall framework agreement.

22. It is important that the expectations that were raised over the past few months not be lost. This requires that we proceed without delay to conclude the preparatory work and to convene the high-level meeting. I will therefore request my representatives to resume in early November their discussions with the two sides in Cyprus and Greece and Turkey to finalize the set of ideas. If this effort can proceed in keeping with the basic principles adopted by the Council and accepted by the two sides in the 1977 and 1979 high-level agreements, I am confident that it will be possible to convene the high-level meeting before the end of this year.

23. At the same time, I must again appeal to both sides to refrain from making statements or taking actions that are counterproductive and only make our efforts to find a solution more difficult.

RULE ON H.R. 2950, THE INTERMODAL SURFACE TRANSPORTATION INFRASTRUCTURE ACT OF 1991

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic Caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of title VII of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

TRIBUTE TO DR. NANCY L. NOBLE, PH.D.

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. LEHMAN of Florida. Mr. Speaker, Dr. Nancy Noble is the associate dean of the University of Miami's School of Medicine, one of the Nation's most outstanding health professions training institutions.

Because of national significance of her work in this important position and the contributions she has made to her field, Dr. Noble is being honored by her alma mater, the University of Tennessee, as the "1991 Distinguished Alumna of the Year."

Because of this recognition, and also because of the importance of her work to our community, Dr. Noble is being honored on October 20 by the members of Saint Philip's Episcopal Church in Coral Gables, FL.

Mr. Speaker, I want to join with her many friends in offering Dr. Nancy Noble my warmest congratulations for a job well done. Our community appreciates her efforts.

HONORING THE BRONX COUNCIL FOR ENVIRONMENTAL QUALITY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. ENGEL. Mr. Speaker, I rise today to recognize the 20th anniversary of the Bronx Council for Environmental Quality, a group that has dedicated two decades of service to the community.

It is fitting that the Bronx Council chose the word "quality" to describe its mission. From restoring local waterways to fighting for a greenway of protected open space, the council has been at the forefront of issues that impact on the quality of the environment, and in turn the quality of life of our citizens. Weak or ineffective programs do not satisfy the council members; they fight for quality programs that produce quality results.

Under the leadership of its founder, Theresa Lato, the Bronx Council for Environmental

Quality has raised the awareness our citizens and showed us that it is possible to live in an urban environment that is clean and healthy. It is a valuable lesson that I know will be taught to more and more people as the council embarks on its third decade of service and beyond.

NIGHT COURTS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mrs. SCHROEDER. Mr. Speaker, in my statement earlier I made Members aware of the midnight basketball provision in the crime bill, of its bipartisan support, and of its power to prevent delinquency and to build skills in high-risk youth. I would like to submit for the RECORD the following article because it illustrates another strength of this approach—its flexibility in terms of target population. "Night Courts," by Teri Thompson, originally appeared in the Westword newspaper on October 16, and pointed out that in Aurora, CO, an evening sports program has kept children as young as middle school age off the streets and out of trouble. Hats off to councilwoman Barb Cleland and Allan Horton, Aurora Parks and Recs supervisor of sports programs, for adapting this model to their local need.

The article follows:

[From Westword, October 16, 1991]

NIGHT COURTS

(By Teri Thompson)

In a classic confrontation between liberal and conservative, pro-business and pro-humanity, U.S. Representative Pat Schroeder and syndicated columnist George Will went to the mat last week over a somewhat surprising issue:

Midnight basketball.

Not Thomas vs. Hill, not Gates vs. reality, not even Pirates vs. Braves—midnight basketball.

Seems Will, a professional conservative, was provoked to make a vitriolic attack on the liberal Schroeder in his column Sunday by the legislator's proposal to spend $3 million in federal funds on "midnight basketball leagues" designed to keep young people off the streets and in the gyms, where they can receive drug counseling and job training after their games.

Now unless you are Michael Jordan, $3 million is nothing to sneeze at. But anybody who's voted in a public election in the last two decades knows that John Sununu can wipe out three mil in a couple of junkets to Aspen.

In other words, Schroeder's plan hardly destroys the federal budget, as Will seemed to suggest, and in fact gives badly needed support to a program that has worked in among other places, Chicago, Washington, D.C., Minneapolis, New York City—and Aurora.

Acting on a suggestion by Aurora City councilwoman Barb Cleland, who heard about the big-city programs during a National League of Cities conference in Houston, the Aurora Parks and Recreation department added weekly basketball games to its existing "Teen Scene" program this past summer and is in the process of putting together an expanded program for next summer.

According to Alan Horton, Aurora Parks and Rec's supervisor of sports programs, the fledgling basketball program was a bright light in a summer darkened by violence among kids with no place to go.

After Cleland recommended that Teen Scene sponsor the games, Horton and his staff took the $6,700 put aside for the program (which they called "Summer Heat") and began setting up a staff and reserving space at three of the city's public gyms.

The games were played one weekend night a week, although they weren't held at midnight, as Schroeder has proposed. "We targeted middle school kids, so we ran it earlier in the evening," says Horton. "We got about 25 kids a night, which wasn't as many as we'd hoped for, but we were encouraged, especially since we hadn't had a lot of promotion. We think it can turn into something really important."

Instead of organized games, the drop-in, no-charge program centered on skill development and traditional contests like "Horse" and "Out."

The biggest surprise for Horton was watching the kids develop a rapport with two of the seven Aurora cops who were hired to keep a check on the activities.

Officers Dwight Lott and Nancy Wilson did much more than keep the peace: They also ran the floor. "They were in uniform out there shooting 1 hoops and playing games with the kids," says Horton. They got a different view of each other. It was something to see."

Both boys and girls were allowed to participate in Summer Heat, although expanding the project would probably allow for separate programs with league-type formats and regulation games.

Cleland says she plans to contact Schroeder's office in the next few days to inquire about tapping into the $3 million in federal funds ticketed by the House Judiciary Committee for midnight basketball, and Horton has met with officials from Denver's Parks and Recreation department to discuss the possibility of running a joint operation between the two cities, as well as enlarging the program to include midnight games for older teenagers.

"There've been no promises or anything like that," he says, "but it could grow into something really worthwhile."

Of course, that would require more money, something Horton's department doesn't have in abundance. Although George Will would surely be shocked to hear of a public official actually saving money, Horton didn't even spend all of the $6,700 originally allotted—he came in at $5,000. (Horton did get some help from sponsors like Dairy Queen and Pizza Hut, who chipped in for coupons and t-shirts to give to the kids who won the contests.)

In his attack on Schroeder, Will offers the conservative's typical knee-jerk reaction to public aid—he says long-time lawmakers like Schroeder are too quick to throw money at society's problems—and implies that if these problems deserve to exist at all they should be privately funded.

Cleland and Horton say they will indeed try to secure some private funding and that they welcome help from all sources. They got their first underwriter this weekend—the Denver Nuggets, who agreed to kick in $20,000 to sponsor leagues that may start as soon as this fall.

Meanwhile, if Will is so concerned about taxpayers' money going toward what he thinks should be private endeavors, he might do well to look into the programs that have soaked and will continue to soak the citizens for a good deal more than a mere $3 million—the public subsidy of privately owned sports teams.

He need turn his sharp gaze no further than the Colorado Rockies and their thieving ownership group to find an outrageous example of how the taxpayers are being cheated. Talk about throwing public money at a high-risk project, talk about fraud, talk about underhanded dealings, talk about subsidizing rich people's incomes—you've got all that and more with the Rockies.

True to her style, Schroeder has by no means quietly dismissed Will's attack. In a statement inserted into the Congressional Record last week, she described Will as having entered "the ranks of those peculiar American conservatives who, to paraphrase H.L. Mencken, lie awake at night worrying that somewhere, somehow, an impoverished kid might get a leg up on the world."

In places like Chicago and Washington and New York and, yes even in Aurora, they're giving kids a chance to do just that—somewhere 'round midnight.

U.S. THIRD IN EXECUTION OF CHILDREN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. SERRANO. Mr. Speaker, Amnesty International reported last week that the United States has put more people under the age of 18 to death in the last decade than any other country except Iraq and Iran. Imagine that: We are third only to the "Butcher of Baghdad" and his neighbors in Tehran in the execution of children. Only seven countries worldwide apply the ultimate penalty to youthful offenders.

This astounding revelation is profoundly tragic both on its face, and for what it says about a society that produces children guilty of attrocious crimes. Cannot, instead, we be known for our humanitarian efforts to preserve and protect life, even the life of children who have committed crimes?

Let me be clear about one point, Mr. Speaker: I do not believe that execution is an appropriate punishment for anyone under any circumstances. But the thought that we have so utterly failed to create a great and just society particularly with respect to our children leaves me angered and ashamed.

CAMPAIGN FOR OUR COMMON LANGUAGE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. DICKINSON. Mr. Speaker, on September 17, 1991, several Members of Congress addressed a large and determined group of official English supporters at a rally on the East Capitol steps with the purpose of promoting English as the official language of the United States. My speech is as follows:

REMARKS OF HON. WILLIAM L. DICKINSON AT ENGLISH RALLY

I am proud to join you in the opening of this "Campaign for Our Common Language."

Nothing is more crucial to the future of our country than maintaining and strengthening our tie of a national language.

A common language is more than a matter of national etiquette, it is also a "pocket book" issue—and a subject of grave economic importance to our country.

Just look at Canada to witness a nation torn apart by official bilingualism. English speakers are stomping on the flag of French-speaking Quebec, and Quebec has outlawed signs in English and has even threatened independence from Canada.

As a result official bilingualism is costing Canada more than half a billion dollars a year!

Here in America, language differences figured prominently in the rioting in a Hispanic neighborhood of Washington, DC last spring. Language minorities are demanding Government services in their native tongues.

Instead of spending our scarce funds on multiple language services, we must redirect our energies to teaching English.

An estimated 25 million Americans cannot read or write at all. That figure is growing by 2 million each year. Already poor reading and writing competence has cost American industry more than 20 billion dollars in lost wages, profits and productivity.

Do you think the Japanese are facing these staggering costs? No, of course not. The rate of illiteracy in Japan is less than one percent. The Japanese realize the value of their language to the economic well-being of their nation.

Setting a clear language policy for this country is not an act of discrimination against anyone. It is common sense for a nation to protect its national language under law, and more than half the nations of the world do just that.

As a matter of fact, it is through a common language that we in this diverse land can ensure equal social, economic and political opportunities for all.

In a country that does not share a common race, ethnic heritage, or religion, we must preserve and protect the most important thing we do share—our common language.

I support official English legislation and have introduced this year the English language amendment to the U.S. Constitution.

By maintaining our common language, we will remain the United States of America, a land of equal opportunity for all.

HONORING FAMILY PRIDE DAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. ENGEL. Mr. Speaker, an event of special significance is taking place in my district on Saturday, October 19. It is called Family Pride Day and it is being sponsored by the Youth Services Planning Committee of Bronx Community Board No. 10.

In these times of rampant crime and drug abuse, the temptations that confront our young people are astounding. It is more important than ever that our children know they can count on the support and dedication of their family members. That is what Family Pride Day is all about—an affirmation in our community's belief that the strength of our families can overcome any obstacles our young people confront. Family Pride Day goes beyond speeches and rallies to provide families with the tools and knowledge needed to preserve their quality of life.

I congratulate the staff at Community Board No. 10 for conceiving and carrying out the idea of Family Pride Day. I urge my colleagues in Congress to recognize the need to raise awareness about the importance of family values, so that one day we may celebrate a national feeling of family pride.

A CONGRESSIONAL SALUTE TO BETTY MATTOX IN HONOR OF HER SELECTION AS THE 1991 WOMAN OF ACHIEVEMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding woman whom I greatly admire, Ms. Betty Mattox. Ms. Mattox, in recognition of her tireless efforts on behalf of the community has been selected by the San Pedro Business and Professional Women's Organization as its 1991 Woman of Achievement.

Betty, who has been involved in the food service industry her entire adult life, is the president of B & H Foods which owns and operates the Green Burrito Restaurant in Rancho Palos Verdes. She began her food service career by managing the two restaurants she and her husband owned. Later, she went to work for the Los Angeles Board of Education. During an impressive tenure, 22 years spent with Carson High School as first cook and assistant manager, Betty has always assisted and encouraged those working for her. Many were women with no readily marketable skills or formal education, but with Betty's guidance and tutelage, they went on to establish successful careers in their own right.

In addition to these accomplishments, Betty has contributed greatly to her community. She is a 50-year member of the Daughters of Penelope, a national Greek organization, and served as president of the San Pedro chapter. Currently, she offers both her time and her energy volunteering at the San Pedro Peninsula Hospital's gift shop and serving as the treasurer of the San Pedro Business and Professional Women's Organization. She is also a member of the board of directors of the San Pedro Chamber of Commerce auxiliary.

My wife, Lee, joins me in extending our thanks to Betty Mattox in recognition of her contributions to our community. She is truly a very special individual who has devoted her talents and energies to make our State and community a better place. We wish Betty all the best in the years to come.

MISMANAGEMENT OF THE NATIONAL FORESTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. MILLER of California. Mr. Speaker, I urge my colleagues to read the article "The Mismanagement of the National Forests" which appears in the October issue of the Atlantic Monthly. It paints a sobering picture of the condition of our Nation's forests and a very disturbing picture of how Federal Government actions have created the present crisis.

The article describes a Forest Service where promotions are tied to meeting timber quotas—you move up if you mow trees down and are ignored if you try to manage the forests for true multiple use.

The article describes a taxpayer-financed roadbuilding program in the forests so ambitious that the Forest Service has actually built 360,000 miles of roads, eight times the length of the Interstate Highway System. The sole purpose of this orgy of roadbuilding is to make otherwise uneconomic timber profitable to private timber interests.

It describes clearcuts and overcutting. It describes a series of blunders and mistakes.

It cites the dissatisfaction for forest service personnel with the management—or more accurately the mismanagement—of our national forests. Many of these people are speaking up and calling for change so that we may preserve our forests for our future needs and for the generations to follow.

The author documents a Forest Service that has lost its way. In the Pacific Northwest, our national forests no longer are managed to meet the multiple use mandate that by law is supposed to guide the Forest Service. Instead, the agency has been captured by a single special interest group—the timber industry. Together they have perverted the purposes of the public forests and treated them as if they are private tree farms. The public interest in wildlife, fisheries, watershed protection, recreation, science, and America's natural heritage has been ignored whenever it inconveniences timber production.

The author also challenges our assumptions about the economic and fiscal impact of these misguided policies, and whether the timber market even needs the volume generated by Federal forests. She argues that the timber-first philosophy drains the Federal Treasury of millions and costs local economies jobs and tax revenues. Those who believe that true multiple-use management would devastate timber communities should consider his arguments carefully.

The Interior Committee will deal with some of these issues when we consider legislation to protect old growth areas in Washington, Oregon, and California. We will begin to solve one serious problem, but it is clear that there are major issues throughout our whole national forest system.

I commend this article to you. It is food for thought and a call to action.

THE MISMANAGEMENT OF THE NATIONAL FORESTS

(By Perri Knize)

There once was a time when if a tree was felled in the forest, nobody saw, and business went on as usual. But now a tree can't be felled anywhere in the national forests without causing violent tremors all the way to Washington, D.C. There the bureaucrats at the once-proud and formerly revered U.S. Forest Service, the administrators of the national forests, are losing credibility as forty years of forest devastation come to light.

While our government supporters schemes to trade Third World debt for intact Third

World rain forests and dispatches American foresters to Ecuador and Honduras to aid those countries in proper forest management, the Forest Service is deforesting our national timberlands at a rate that rivals Brazil's. What remains of America's original virgin forests is being clipped away daily on our public lands, lands that contain the most biomass per acre of any forests on the planet. We are losing intact ecosystems, watersheds, fish habitat, wildlife habitat, recreation lands, and native-species diversity to a degree that may be irreparable.

Once, the land could accommodate this "management" without attracting much notice. The national forests, unlike national parks, have traditionally provided wood, grass, and minerals to the private sector. But population growth, shifting demographics, and reduced resources mean that foresters are increasingly hard-pressed to find forest areas where nobody will see the clear-cuts.

When I joined the U.S. Forest Service as a volunteer wilderness guard, in the summer of 1983, I, like most Americans, thought the Forest Service was a conservation organization dedicated to preserving the nation's wild lands. I was vaguely aware that the Forest Service sold trees, but was unprepared for the extensive logging roads and cutting I saw on the Beaverhead and Bitterroot national forests, in southwest Montana. Entire mountainsides were shorn of cover, and rough roads crisscrossed their faces, creating terraces that bled topsoil into the rivers when the snows melted in spring. Since that summer I've traveled to national forests all over the United States, from the Carolinas to Alaska, and seen the same and worse: Entire mountain ranges have their faces shaved in swaths of forty to a hundred acres which from the air resemble mange. From the ground these forests, charred and smoking from slash burning, look like battlefields.

I was shocked: the Forest Service seemed more concerned about selling trees than about the vitality of the public's forests. Yet I met many dedicated Forest Service employees at all levels of the agency who were terribly unhappy about the emphasis on timber, and I felt compelled to learn as much as I could about why the Forest Service was pursuing such an apparently destructive policy.

After all, the national forests supply only about 15 percent of the nation's wood, and Forest Service research shows that if that timber were removed from the market, half of the loss would be replaced by wood from private industrial tree farms and half by wood substitutes that are already on the market. Seventy-two percent of all the timberland in the United States is privately owned. This land is far better suited to tree farming than federal land—it is fertile, low-elevation, accessible, and for the most part does not have the intact ecosystems found on public land. Our national forests, although they are richer in biological diversity, have comparatively little value as tree farms. They are for the most part thin-soiled, steep, high-elevation, less accessible lands that produce low-quality timber. They are the lands nobody would take, even for nothing, when the government was divvying up the West.

Despite the abundance of merchantable private timber and the relative low value of public timber, no one has seriously considered ending national-forest logging. With the exception of a tiny minority of passionate nature lovers who are considered extremist, virtually everyone I've interviewed over the past eight years says that ending national-forest logging is impractical if not impossible.

A thoughtful look at the condition of our forests, the needs of our communities, and the national demand for wood products reveals that ending national-forest logging is not only possible but also highly pragmatic. In fact, we can end logging on the national forests and at the same time improve the future economic stability of small communities now dependent on timber dollars, stabilize our wood supply, save and spend more wisely the billions now pouring out of the federal Treasury, and preserve the health of our virgin forests—if we decide to. We can do it because, contrary to conventional wisdom, we don't need national-forest timber—not for jobs, certainly not for the income, and not for the nation's wood supply. Most commercial-timber owners would actually benefit if the government were no longer competing with them: as prices rose, long-term forest planning would become more feasible and profitable. The Forest Service itself would benefit, as it escaped the endless and expensive forest-management planning with an emphasis on timber which inevitably lands it in court. Forest Service employees could begin to inventory and study the national forests, as they were mandated to do in the National Forest Management Act of 1976, though without adequate funding for the job. They could begin repairing the damage of the past forty years, instead of trying to produce board feet that can no longer be cut in an environmentally responsible fashion.

TIMBER MYTHOLOGY

In view of these benefits, why isn't the Forest Service eager to end national-forest logging? Why is it adamant that that cannot or should not be done? The Forest Service rebuffs all such suggestions with three arguments that I call collectively the Great Federal Timber Mythology.

Myth No. 1: Federal timber is needed to meet an ever-escalating demand for wood fiber.

Myth No. 2: Timber sales overall make a profit for the federal Treasury.

Myth No. 3: Federal timber, even if sold at a loss, aids timber-dependent communities.

Last year the Forest Service once again predicted, as it has since its founding, in 1905, that demand for national-forest timber would continue to rise and that timber would remain in short supply. In fact the demand for timber has declined since the invention of the internal-combustion engine and since we began using electricity and fuel oil instead of wood for our energy needs. Many privately held forests logged in the nineteenth century are now regrown. Horse pasture and farmland have returned to forest. We actually have more standing trees today than we did ninety years ago. So whereas the old-growth trees that provide the softwood lumber used for products like fine furniture and musical instruments are indeed in short supply, particularly in the Pacific Northwest, we have plenty of wood fiber that can be made into less-refined products. Most of our ancient trees are not made into pianos and armoires anyway, but are ground into pulp to make disposable diapers and cellophane for cigarette packs. Obviously, small-diameter trees from tree farms would serve that purpose just as well. As for building materials, we can also create them from small-diameter trees. Oriented-strand board, chipboard, finger-joint board, and particle board—made from chips or small pieces of wood—are already available; they are stronger than regular wood and can be made from very young trees grown in rows like a corn crop.

"Crop forests are where our timber supply really comes from," says a former logging manager at Weyerhauser Corporation, who asked not to be named. He explains that the industry wants the old timber on the national forests only because with minimal processing these logs bring a premium price overseas. "As to old growth, everyone has gored that fatted calf long enough. Weyerhauser made a fortune from old growth, but you can't cut the last one and say, 'Gee, that was nice. What do we do now?'"

One sign that we have a glut of wood fiber in the United States is that although we exported 4.2 billion board feet of raw logs last year, we can still find plentiful, cheap toilet paper in the supermarket. Timber has such a low market value in this country that owners of private timberland often find that growing trees doesn't pay—the rate of return isn't high enough. Many are selling off their forests and using the profits to reduce their debt. If timber were scarce—and valuable—this would be a poor business practice.

The Forest Service exacerbates the situation by flooding the market with cheap national-forest timber, driving prices down. One could argue reasonably that the national-forest timber program, by competing with the private sector, is destroying the environmental quality of our private timberlands as well.

It also empties the federal purse. "If we simply gave the loggers fourteen thousand dollars a year not to cut the trees, we'd be a lot better off," says K.J. Metcalf, a retired Forest Service planner in Alaska, about his review of the Tongass forest plan in 1978. He echoed the sentiments of many of the agency's critics. The Forest Service has long claimed that the government makes money on timber sales, but an analysis performed at the request of the House Government Operations Subcommittee on the Environment, Energy, and Natural Resources shows that the Forest Service timber program has lost $5.6 billion over the past decade. Robert Wolf, a retired staffer at the Congressional Research Service, a forester, and a road engineer, analyzed the Forest Service's timber-income accounting system at the request of Representative Mike Synar, the chairman of the subcommittee. At the time this was written, Wolf expected to submit his testimony in September. He says his original intention was to show that sales of national-forest timber were profitable and beneficial. Instead, he found that most of the 122 national forests have never earned a dime on timber, and only fifteen showed a profit last year. The Forest Service claims that it made $630 million on its timber program last year; that claim, Wolf says, stems from inflated revenues and discounted costs.

The "net" revenue figure doesn't make allowances for the 25 percent of gross receipts ($327 million last year) that must be paid to counties from which timber has been removed, as compensation for property taxes lost because those lands aren't privately owned. Nor does it take into consideration road-maintenance expenses—another $80 million. Land-line location (surveying to confirm national-forest boundaries) cost another $24 million. The Forest Service also overlooked some $60 million spent on protection against insects and disease, maintenance of staff buildings, map-making, and fire protection.

Another $575 million—funds earmarked for reforestation, brush disposal, timber salvage sales, roads built to accommodate timber buyers, and other programs—was depreciated over more years than appropriate for accounting purposes. The Forest Service has used a number of creative accounting gimmicks, including amortizing roads over 240 years. (One year roads on the Chugach National Forest, in Alaska, were amortized over 1,800 years.) The typical life of a logging road, however, is twenty-five years; that's why 60 percent of each year's road-building budget is earmarked for reconstruction. Last year the Forest Service received appropriations of $700 million for the timber program from the federal Treasury, yet spent more than $1 billion. According to Wolf's calculations, after a realistic amortization of costs, the timber program actually generated a net loss to the federal Treasury of $186 million last year.

One reason timber sales don't make money is that most national-forest timber is virtually worthless. Short growing seasons and poor, unstable soils mean that a national-forest tree may need 120 years to reach maturity. "No one in his right mind would pay what it costs to grow it," says Wolf, who now calls the Forest Service timber program "a fraud." Since the Forest Service was founded on the promise that the timber program would make money, to admit losses after so many years of false claims would threaten not only the agency's timber program, and therefore about a third of its 45,000 jobs, but quite probably the existence of the Forest Service itself.

Even in the face of evidence that the timber market is glutted, and that its operations run at a net loss, the Forest Service will justify selling trees as a way to provide small communities with jobs. But national-forest timber isn't keeping people employed; although timber production and logging on federal lands have increased, industry employment has declined. Automation, exports of raw lumber, and competition for foreign labor are the causes. As for small community sawmills wholly dependent on old-growth national-forest timber, their timber supply is limited. The small family mill is destined to go the way of the small family farm, and leveling the national forests won't save it.

The loggers and mill workers who depend on national-forest timber are, like the forests, victims of federal policy. Since the end of the Second World War the Forest Service has fostered in their communities an expectation that federal timber would be available indefinitely, and a way of life has evolved around that expectation. If the Forest Service and the loggers' elected representatives had been honest with their constituents even ten years ago, and warned them that the supply of trees could not support their industry forever, mill owners and loggers might not have invested further in lumber operations that are doomed, national-forest timber or no. These communities were misled, and they deserve aid in adjusting to what is for them a catastrophe.

But aiding those affected by an end to national-forest logging is less problematic than it seems. The jobs that would be lost are not irreplaceable, nor are they as numerous as claimed by the timber industry, which wants to maintain the flow of cheap national-forest old-growth lumber. A study funded by the timber industry predicted that 100,000 jobs would be lost in the Pacific Northwest as a consequence of restrictions to protect the spotted owl. But according to a Forest Service assessment written for other purposes, the true number is closer to 6,000. The industry study counted jobs projected for the year 2000 if logging continued to increase as was once planned, and it included a loss of secondary jobs, such as pumping gas and waiting tables, though the relatively healthy economy of the Pacific Northwest is creating new jobs in many other sectors.

The Forest Service says that only 106,000 jobs nationwide—including approximately 15,000 in the agency itself—are related to national-forest timber. An agency report speculated that these jobs would be replaced in part by new logging jobs when wood production shifted to private industrial lands. And in communities without nearby industrial timberland new jobs could be created, including jobs rehabilitating the national forests, with federal funds saved when national-forest timber was no longer being sold at a loss.

Inevitably, the small communities dependent on national-forest logging must diversify their economies or die. But if we do not end logging before their timber supply is exhausted, the clear-cuts that surround these communities will bankrupt their future. Once the forests are gone, they will have neither the timber industry nor property values nor the recreation potential that could help them build a stable economic future. Logging the national forests results in the loss, rather than the strengthening, of community stability.

So if jobs are being lost despite increased logging, and the U.S. government loses millions a year on that logging, and we don't even need the lumber, why does the Forest Service persist in logging the national forests? When environmentalists, economists, forest planners, and policy-makers say it is not practical to end national-forest logging, they mean it is not practical politically.

POLITICAL REALITIES

The National Forest Management Act of 1976 stipulates that those who are most intimate with the national forests—the public and the local Forest Service team—should work together to decide how they are to be managed. But in practice the forests are ruled by competing and complementary agendas in Washington, D.C. Forest Service administrators are concerned with maximizing their budgets, holding on to their jobs, and preserving the status quo. Congressmen want jobs in their districts and continued timber-industry support for their re-election campaigns. And the White House wants to take care of its friends. All use national-forest timber as a means to achieve their aims.

More than a quarter of the money the Forest Service spends comes from selling timber—whether the sales make money or not—through a little-known law called the Knutson-Vandenberg Act of 1930. The K–V Act allows the Forest Service to retain virtually all its gross timber receipts in order to fund projects like tree-planting, wildlife-habitat improvement, and trail-building, and to buy equipment like computers, refrigerators, and so on. It is a back-door way of funding the agency without going through the appropriations process. Last year K–V money and similar timber funds added $475 million to the Forest Service budget, above and beyond congressional appropriations. Because Congress has limited its funding to timber-sales development, fire fighting, and road-building on the national forests, and has resisted the agency's requests for support of other programs, K–V money is often the only resource on which the Forest Service can rely to finance many of its non-timber activities. Erosion control, campground improvements, and plant and animal inventory, for example, are all funded by timber sales.

HBO TURNS "BABY-SITTERS CLUB" INTO A SERIES OF SPECIALS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mrs. SCHROEDER. Mr. Speaker, wake up, America. Our children are being badly malnourished by the popular culture that so completely engulfs them. Neilson ratings estimate that the average child spends at least 23 hours a week watching television. It is critical that children's programming provide substantial food for thought, not just overly processed pablum.

One of the most obvious causes for concern is that toy manufacturers have, with product-linked programming, transformed Saturday morning cartoons into commercials for ever-expanding lines of toys and accessories. This exploits families who can afford to buy toys constantly, and creates conflict for everyone else.

Last year, Congress passed its first piece of legislation dealing with the regulation of children's television. The Children's Television Act limited the number of commercial minutes in children's TV shows. In addition, and perhaps more important in the long run, parents and other local advocates were given the power to stop FCC relicensure of stations that fail to offer kids' shows with adequate educational value.

Over the next several weeks, I propose that we examine the current television fare for children from a number of perspectives so that we can aid our constituents in assuming this important new responsibility. The following article describes the prevalent practice of restricting children's programming to what networks think boys want to see. Hats off to HBO for its willingness to speak to the interests of girls.

[From the New York Times, Sept. 10, 1991]

HBO TURNS "BABY-SITTERS CLUB" INTO A SERIES OF SPECIALS

(By Bill Carter)

About three years ago, the editors from Scholastic Inc. checked the astonishing monthly sales totals for one of their book series, "The Baby-Sitters Club," and began to ask themselves a question:

"Why isn't our phone ringing?"

Deborah Forte, a vice president of Scholastic, couldn't understand it. Here Scholastic had a series of stories shaping up as the biggest-selling series of children books in at least a generation—if not of all time—and no one was looking to turn the stories into a Saturday morning children's show. The stories, for readers between the ages of 6 and 12, deal with a group of pre- and early-teen-age girls who form their own business as professional baby sitters.

A TARDY MARKETPLACE

"It was curious, because it seems that the marketplace always responds to things that are big hits," Ms. Forte said.

And nobody could question the hit status of "The Baby-Sitters Club." The paperback series, written by Ann M. Martin, has become a national phenomenon, with sales totals now past 46 million.

Still, no calls.

Ms. Forte and Scholastic decided to take the first step. They went to the children's programmers at the broadcast networks and offered them a television version of a children's series with a built-in national following. "We were on a crusade," Ms. Forte said. "We wanted to get 'The Baby-Sitters Club' on film."

After many meetings and much discussion the crusade eventually did turn "The Baby-Sitters Club" into a television show. But not for a network. "The Baby-Sitters Club" is now a series of specials on HBO, the pay-cable service.

THE STIGMA: MAINLY FOR GIRLS

HBO stepped forward after Scholastic took the unusual step of turning two original "Baby-Sitters Club" stories into first-run home videos, where they proved to be the same kind of unexpected success, together selling about one million cassettes at $12.95 each.

"We finally decided we had to go to home video because the networks turned us down," Ms. Forte said. The reason, she said, was that the show carried a stigma that network programmers cannot get past: "They said the show was targeted too much to girls."

Ms. Forte also noted that another extremely popular series of books for children, "Where's Waldo?" by Martin Handford, begins a run next Saturday morning at 11:30 as a weekly series on CBS.

"Isn't it just amazing that the Waldo books are a series and we aren't?" Ms. Forte said. "The Waldo books sell mainly to boys."

WHY GIRLS ARE THE KISS OF DEATH

It is a pattern that has become familiar to educators, feminists and parents of girls: Children's shows on network television always steer clear of properties they believe will be of special interest to girls.

Why? Not because the network programmers hate girls. "It's because we're broadcasters," said Jenny Trias, the vice president for children's programs at ABC. "A show like this can work HBO because cable is narrowcasting. A show that appeals only to girls, even if it is enormously popular among girls, is less broad than we need."

Ms. Trias said ABC considered "The Baby-Sitters Club," but could think of no way to make it work on Saturday morning. Ms. Trias, and other network children's programmers—many of whom are, indeed, women—have reached what they say is a painful but inevitable conclusion: Girls will watch shows aimed mainly at boys but boys will not watch shows aimed mainly at girls.

The networks who discussed adapting "The Baby-Sitters Club" for Saturday morning took the usual approach: they suggested reworking the premise to include a lot more boy characters.

STEADFASTNESS PREVAILS

Ms. Trias said: "We thought about giving one of the girls a pesky little brother. But anytime you make a translation of popular characters you have to be careful about not being true to the original."

Indeed, Ms. Forte said Scholastic and Ms. Martin were committed all along to being steadfastly true to the themes and format of Ms. Martin's books. "The networks wanted a boys club of some sort," Ms. Martin said. "Boys doing odd jobs or something. And they wanted to change the fact that the club holds its meetings in one of the girl's bedrooms. They didn't see boys watching that. It's not that these were bad ideas; it just would have changed things too much."

Ms. Forte added: "One of the reasons girls are as obsessed as they are with 'Baby-Sitters Club' is because it's a thing they can call their own. There are very few new, exciting things out there for girls in this age group, 7 to 12. These are real girl girls. They've outgrown Barbie dolls. They're looking for something else."

Ms. Martin has tailored the stories to this age group, emphasizing the innocence of the girls without shying away from a certain level of social relevance: many of the girls, for example, have divorced parents, step-siblings and other contemporary living situations. "Basically they're all very sweet, very appealing girls with nice morals," Ms. Martin said.

ENTHUSIASM AT HBO

For HBO, the series is ideal. Sheila Nevins, the vice president for family programming at HBO, said: "We scooped it right up. We're different from the networks. We don't have to try to sell cereal to both boys and girls. If we have one girl who tells her mother there was this great show on HBO, that's enough for us."

The networks obviously need more than one satisfied customer. But there was another reason why the networks were more interested in Waldo than the baby sitters, and it has nothing to do with sexism, said Judy Price, the vice president for children's programs at CBS.

The editors from Scholastic and Ms. Martin all believed that "The Baby-Sitters Club" should not be turned into an animated show. "These books succeed because they are so relatable for the girls," Ms. Forte said. "When real girls are animated they're not real girls anymore."

So they pressed for the series to be live action. Ms. Price said that creates other problems for a network: "live-action shows don't hold up nearly as well in repeats." That is a concern for a network because Saturday morning shows traditionally make 13 episodes and repeat each of them 3 times a year. "Cartoons go on and on," Ms. Price said. "Some animation is timeless."

WHY WALDO IS WHERE HE IS

That explains the preference for a book series like that about Waldo, who is a cartoon character to begin with. CBS will attempt to capture the magic of the Waldo books, which are made up of hugely complicated drawings in which children are asked to pick out Waldo and his friends from the colorful backgrounds.

The series will rely on the books to provide the "lands" Waldo will journey to and will include "time outs" from the stories for children to search for a hidden Waldo.

Ms. Price believes "Where's Waldo" can be a big hit with both boys and girls. But as popular as Waldo is, the books have sold only a fraction of the total racked up the "The Baby-Sitters Club."

That statistic is evidence of an opposite sort of sexism, as Ms. Martin, who began her career as a children's book editor, noted. "Book series are almost always for girls," she said. "Parents are always saying, couldn't you come up with a series for boys? They just don't do as well. Boys don't read as much."

READING AND A LACK OF TV

That leaves open the question of whether girls read more because they like to or because there is nothing on television for them. Ms. Trias said, "I tend to believe they just like reading."

Indeed, Ms. Martin said one of the greatest pleasures she derives from the success of her books is that so many parents tell her they have helped their daughters improve their reading skills.

Despite the failure to interest the networks, Ms. Forte said, "The story has a happy ending for us." Scholastic is pleased with the success of the videos and the relationship with HBO and intends to produce five more stories this year.

And the books will keep on coming. Ms. Martin said she would continue to write one new edition of "The Baby-Sitters Club" each month, in addition to a monthly book in a new, related series, "Little Sisters," which is aimed at younger readers.

Ms. Martin writes one book a month for each series—in longhand on a yellow legal pad—in her New York apartment. She also supervises each script for the video versions. Combined with the hard-cover books for children she has written and some longer special editions, she has now published 86 children's books since 1983.

"I'm getting the writer's version of tennis elbow," she said.

DON'T LET THE CYPRUS PEACE PROCESS FAIL, MR. PRESIDENT!

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. BROOMFIELD. Mr. Speaker, the Cyprus peace talks may be on the rocks, and I want to encourage the administration to do everything possible to reinvigorate the peace process. In building a new world order, President Bush needs to place the longstanding Cyprus dispute at the top of his foreign policy priority list. Although there is a possibility that the talks could be held later this year, I have serious concerns that the chances for peace on the divided island may be slipping away.

It is regrettable that the planned U.N.-sponsored international conference on Cyprus could not be held in September. Secretary General Perez de Cuellar had directed his efforts toward bringing together Prime Minister Mitsotakis of Greece, President Ozal of Turkey, Mr. Rauf Denktash of northern Cyprus, and President Vassiliou of the Republic of Cyprus for high-level discussions concerning the island's future. However, the march toward the international conference appears to have halted in Paris in September at a meeting between Prime Minister Mitsotakis of Greece and his Turkish counterpart, Mesut Yilmaz. During that meeting, the Turkish Prime Minister claimed that his Government had not made certain commitments on a number of outstanding issues in the dispute, and both parties blamed the U.N. mediator for failing to pass the relative positions of one side to the other.

It has often been said that Ankara holds the key to solving the Cyprus problem. Turkey invaded the island in 1974 and still maintains 30,000 well-armed troops there. It sent 60,000 settlers to northern Cyprus and annually gives Mr. Denktash $200 million in economic assistance. Internationally, Turkey is seen as Mr. Denktash's economic and political protector. Although President Ozal has appeared to be sincerely trying to resolve the Cyprus dispute and personally assured President Bush and Secretary Baker that he would do everything possible, he apparently toughened his government's stand, backing away from crucial agreements that had been reached this summer. The upcoming elections were obviously a factor in the Turkish Government's decision to reconsider its commitments.

It also appears that Rauf Denktash, the intransigent leader of the Turkish-Cypriot community, continues to pose an obstacle to peace. He has suggested that the planning for a future peace conference stop until Greece recognizes the northern part of Cyprus, a breakaway state that only Turkey officially recognizes, as an independent state. In doing so, Mr. Denktash is contradicting longstanding Security Council resolutions requiring the world body to preserve the sovereignty, independence, and territorial integrity of the Republic of Cyprus. Turkey obviously must do more to convince Mr. Denktash that a unified Cyprus will bring peace and economic prosperity to that troubled island.

If peace is ever to come to Cyprus, the time for action is now. Let us hope that President Ozal rededicates himself to the search for peace after the Turkish elections. I strongly encourage him to apply maximum pressure on the leader of the Turkish-Cypriot community, urging him to walk down the road to peace. Mr. Denktash should abandon his efforts to scuttle the current U.N.-backed initiative. It is also time for the White House to exert pressure on the parties to the dispute. The administration must be willing to put pressure on a close ally and hold President Ozal to his solemn promise to work for peace on Cyprus.

In 1989, the Berlin Wall came down and a divided Germany was unified. It is time to eliminate the "Green Line" that divides Cyprus and reunify that island. Putting the troubling Cyprus problem behind us would be an impressive way for our Government to start building the new world order with justice as its guiding principle.

CONGRESSIONAL PERKS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 16, 1991, into the CONGRESSIONAL RECORD:

CONGRESSIONAL PERKS

In recent weeks Americans have been up in arms over congressional perks. The uproar started over special privileges Members receive at the House bank. A General Accounting Office study reported that during a 12-month period ending June 1990, more than 8300 bad checks were written by Members. The House bank covered the checks without penalty by temporarily using funds that other Members had on deposit. Many Members of Congress, including myself, were not aware that this practice was going on.

Next it was revealed that several Members had large unpaid bills at House restaurants. Much of the debt involved events of outside groups arranged through Members, but under the rules the sponsoring Members were liable for the bills. The outstanding funds totalled more than $300,000. Now Members are being queried about congressional perks ranging from parking privileges to haircuts to in-house medical care.

How Serious Is The Problem? Some observers dismiss the entire episode as yet another example of the media blowing something out of proportion and our country's preoccupation with less important matters. Members visiting their districts have been pummelled with hundreds of questions about their checkwriting, while far less attention is given to major national issues such as the President's historic speech on nuclear arms reductions. Many people are amazed that a political turmoil could develop out of what were once considered garden-variety mistakes, such as bouncing a check.

Yet my sense is that such issues resonate with the public because they reinforce their basic suspicion that government is run by insiders for their own personal convenience and benefit. Americans perceive a double standard—Members with perks that no one else has, living in luxury while many Americans are struggling just to get by. Members are viewed as corrupt and arrogant about their power, looking out for themselves while failing to address issues like health care and crime that Americans really care about.

The result is widespread cynicism and a further decline in public confidence in Congress. The legitimacy of individuals attempting to make national policy and run the government is undermined. And that is far from a trivial matter. If Congress does not enjoy public support, it cannot get on with the nation's business.

Solutions: Positive steps have been taken to address specific abuses. The House voted to close the bank and to instruct the ethics committee to review its operations. Members can no longer sign for their meals, and outside groups will have to pay for restaurant services in advance.

Many congressional perks are relics of bygone days, when traveling across town to a bank or barber through the muddy streets of Washington was difficult. But times have changed. I believe that there should be a systematic review of congressional perks to see if they have outlived their usefulness. My general view is that Members of Congress should pay the same as everyone else for meals and haircuts, and should not enjoy special banking privileges and the like.

But I also believe a broader look at Congress is needed. In a word, we in Congress need to try harder. We need to show that we are able to improve the workings of Congress and deal with the issues that people really care about.

In recent years unwieldy congressional procedures have often resulted in frustration and institutional gridlock. We have 200-member conference committees trying to sort out differences between House and Senate versions of a bill, and 2000-page omnibus bills that must be digested and voted on by Members within a number of hours. An increasing array of issues before Congress—global warming, terrorism, and drug trafficking—involve both international and domestic components, and no longer cut neatly across organizational lines. Almost 40 subcommittees in the House and Senate would be involved in crafting a national energy policy. Congress is swamped by technical information, on every thing from the Superconducting Super Collider to arms control verification. Moreover, while the nation faces major long-term challenges such as lagging productivity and declining student achievement, the focus of Congress is primarily short-term, driven by budget numbers and concerns about the next election. There is little systematic debate on broad national spending priorities and how they should be gradually shifted to meet future needs and challenges.

I have introduced a measure to set up a temporary House-Senate committee to study and report recommendations on how Congress can improve its effectiveness and efficiency. The committee would be bipartisan and have equal numbers of Senators and Representatives. Whenever possible, it would draw upon existing staff and unpaid volunteers to minimize costs. The committee would make its recommendations after a few months of study and then go out of existence. It would be composed primarily of sitting Members so they can help move the recommendations through Congress.

The committee is modeled upon the 1945 and 1965 temporary joint committees on congressional organization. Their work has been widely recognized as significant and beneficial, resulting in changes such as streamlining the committee structure, developing a legislative budget, and expanding the research capabilities of legislative support agencies.

I believe that it is important for Congress as an institution to step back periodically to see what steps should be taken to make it work better. Yet with the last major House-Senate overhaul along these lines taking place more than two decades ago, another comprehensive look is overdue. The furor of recent weeks only reinforces that now is the time to put our own house in order.

I do not overestimate the importance of structural reform in Congress; we also need the political will to tackle the tough issues. But I do not underestimate it either. Certainly congressional procedures at times can stymie effective action on national issues as legislation is subjected to numerous obstacles and hurdles. Simply putting all the blame on political will is a prescription to do nothing to try to improve the workings of Congress.

The best way for Congress to enjoy public trust is to earn it. A systematic and thorough review of the operations of Congress can demonstrate that we are serious about improving its effectiveness. I do not take the view that Congress is in shambles or is collapsing, but we can do better.

LEAD POISONING OF CHILDREN IN NEW YORK CITY AND ELSEWHERE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. SERRANO. Mr. Speaker, the children of this Nation are again being besieged with a threat to their health. This time it is lead poisoning, a threat that we thought was gone. According to reports from the U.S. Centers for Disease Control [CDC] and the U.S. Department of Housing and Urban Development [HUD], the Federal Government had never fully addressed the lead problem in public and private housing across the Nation.

Seventy-five percent of all private housing built before 1980 has some lead paint in them. In public housing, HUD has regulated only peeling paint, while studies have shown that children can get lead poisoning from fine lead dust on window sills and floors.

The CDC lowered the definition of lead poisoning from 30 micrograms of lead per deciliter of blood established in the 1970's, to 25 micrograms of lead per deciliter of blood in the 1980's where it remains. Recently the CDC saw a need to further lower the definition level for lead poisoning because of recent studies indicating young children exposed to levels of lead once thought insignificant were six times more likely to suffer from reading and learning disabilities.

The question becomes; why is lead poisoning a threat again? It has always been a threat in the dilapidated public housing of the poor because peeling paint could be found everywhere. Now, however, studies show that children in middle class homes where renovations are being done are just as likely to get lead poisoning as children living in public housing.

Lead poisoning leads to aggressive behavior, learning disabilities and hyperactivity. Lead poisoning is most common among low-income African-Americans. Mr. Speaker, as many as 180,000 children in New York City alone are at risk of lead poisoning. Many individuals in the Federal Government and the education community wrongly assumed that children of lower-income, non-white households were naturally slower learners. Because of these antiquated racist and elitist ideas about the learning capabilities of different races, this Government has dropped the ball on an environmental and health crisis that threatens one out of every two children living in the inner city.

HONORING IRWIN GOLDFARB

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to Mr. Irwin Goldfarb on the occasion of his retirement from the New York City Board of Education.

During his 33 years of service, Mr. Goldfarb served as a teacher, school psychologist, and supervisor of psychologists for special education students. He also served as an adjunct professor at City University of New York for 10 years.

Through all his professional endeavors, Mr. Goldfarb has demonstrated a combination of sensitivity and expertise that has enriched the lives of many young people. His caring is apparent in the fact that since last July he has taken time to work with pre-school children at the Western Queens Child Development Center.

Knowing that his contributions are far from finished, I nonetheless join his colleagues and friends in wishing Irwin Goldfarb a healthy and happy retirement.

A CONGRESSIONAL SALUTE TO NATALIE D. SALAZAR IN HONOR OF HER SELECTION AS THE 1991 WOMAN OF ACHIEVEMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding woman and a remarkable achiever whom I greatly admire, Ms. Natalie D. Salazar. Ms. Salazar, in recognition of her distinguished career and her tireless efforts on behalf of the community and the surrounding area has been chosen by the Wilmington Business and Professional Women's Organization as its "1991 Woman of Achievement".

Natalie, a native of Pasadena, CA, holds a masters degree in criminal justice from the California State University at Los Angeles, and has long been involved in the field of juvenile criminal justice and delinquency prevention. In 1986, she was appointed by the Hon. George Deukmejian, Governor of California to serve as the executive assistant to the director of the Governor's Office of Criminal Justice Planning in Sacramento. She spent her last year in Sacramento staffing the California Council on Criminal Justice State Task Force on Gangs and Drugs. Prior to these posts, Natalie served as the executive assistant to the director for the Los Angeles Community Youth Gang Services Project. She is an acknowledged expert in her field and has rendered valuable assistance to my office whenever expert opinion has been needed.

Actively involved as a member of the Mexican-American Correctional Association, Natalie has always recognized that children are our greatest assets and she works diligent to ensure their future. She is proud of her roots and is prominent amongst the Mexican-American women of California.

My wife, Lee, joins me in extending our thanks to Natalie D. Salazar and to her contributions to our community. She is truly an inspirational individual who has devoted her time and energies to make our community and State a better, safer place. We wish Natalie all the best in the years to come.

TRIBUTE TO DR. RONALD N. LEVINSON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. MILLER of California. Mr. Speaker, on November 2, 1991, the Graduate School of Professional Psychology of John F. Kennedy University will pay tribute to Dr. Ronald N. Levinson for his contributions to Contra Costa County, CA. It gives me great pleasure to join them by offering this special recognition.

Dr. Levinson has had a distinguished career in the field of clinical psychology, including a number of achievements both in private clinical practice and in sharing his knowledge with others.

As dean of the Graduate School of Professional Psychology at John F. Kennedy University for the past 18 years, Dr. Levinson has created a highly acclaimed program for the purpose of teaching and training therapists and other mental health practitioners. The graduate school has grown under Dr. Levinson's direction from a student body of 30 to more than 500 students on two campuses. Today more than 1,200 alumni from this program work in mental health and community service agencies.

Dr. Levinson began his career in community service with the Economic Youth Opportunity Agency of Los Angeles in the 1960's. He continued his service oriented work with the Peace Corps in the West Indies, the Lane County Community Action Agency in Eugene, OR, the Group Health Cooperative of Puget Sound in Seattle, and as the director of Continuing Care Services for Contra Costs County Mental Health in California. In 1976, Dr. Levinson established the Community Council Center in Pleasant Hill, CA, which is now the largest low-fee mental health clinic in the San Francisco Bay area.

Dr. Levinson is currently a consultant to the Phoenix Programs of Concord, Sunrise House of Concord, and Allied Fellowship in Oakland. He also serves on the advisory board of New Connections in Concord, CA. In addition, Dr. Levinson maintains a private practice and serves as clinical supervisor to master's degree and doctoral students from various Bay area universities such as California State University, Hayward, St. Mary's College, the Wright Institute, and Saybrook Institute.

In recognition of his years of hard work and many accomplishments, Dr. Levinson has been the recipient of several awards, the most recent being the prestigious Koret Foundation Israel Prize.

Mr. Speaker, I am proud to join his family and colleagues in honoring the many achievements that dominate his career. Dr. Levinson has earned our deepest respect and admiration for his service to his community.

HONORING 1991 HALL OF FAME RECIPIENTS OF THE EL RANCHO UNIFIED SCHOOL DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. TORRES. Mr. Speaker, I rise today to recognize three special individuals from my congressional district, Dr. Pedro De La Rosa, Ms. Sylvia Ann Mendoza, and Ms. Judith Burnett Lehman. On Sunday, October 20, 1991, these three individuals will be inducted into the El Rancho Unified School District's Hall of Fame.

PEDRO DE LA ROSA, M.D., CLASS OF 1967

Pedro De La Rosa is the oldest of the six children of Gil and Irene De La Rosa and the eldest of the eleven children of Gil and Sil De La Rosa. He was born in Los Angeles, raised in Pico Rivera and attended Pio Pico Elementary, North Ranchito Elementary, North Park Junior High and graduated from El Rancho High School in 1967.

After graduation and while attending Rio Hondo Community College, he was drafted into the United States Army and was sent to Fort Sam Houston, where he trained as an Army Medic. He was assigned to Valley Forge General Hospital and provided medical aid to our soldiers wounded in Vietnam. When Pedro returned to Pico Rivera, he had a high desire to continue his education and he decided to become a physician. During his pre-medical studies at U.C. Berkeley, he volunteered many hours at La Clinica De La Raza in Oakland. In the summer of 1973, he learned of a summer school program whose purpose was to encourage minority students to enter into the health professions. He applied and was accepted at Harvard University where he completed his pre-med requirements. In September 1976, he entered the University of Minnesota. While there, he helped to organize the National Chicano Health Organization, a union of latino students whose purpose was the recruitment of more latinos to professional schools. Pedro also volunteered his services to the native American community via his involvement in the Native American Health Clinic designed to help indigent Sioux, Chippewa, and other tribes.

In June 1983, sixteen years after his high school graduation, he received his M.D. degree, returned to Los Angeles and completed his medical internship and residency at Los Angeles County U.S.C. Medical Center. Pedro felt a need to return to the community and joined the Barrio Free Clinic, where as Director of the clinic, he supervised the work of four staff physicians and directed the teaching of physician assistants rotating through the clinic from both Stanford and USC Medical Schools. Now in private practice, Dr. De La Rosa has two offices, one in Montebello and one in Bellflower. He serves as the Chief of Medicine at Bellflower Doctor's Hospital and is on the medical staff at Beverly Hospital.

Dr. De La Rosa's commitment to his community continues by serving in the following organizations: Member, Board, of Directors of the Southern California Family Medical Group; Member, Board of Directors of ADMER (Association of Spanish speaking physicians); and Member of the Bellflower Chamber of Commerce. Dr. De La Rosa resides in Whittier with his wife, Roberta and their three children.

SYLVIA ANN MENDOZA, M.A., C.C.C., CLASS OF 1976

Sylvia Ann Mendoza is the daughter of Ramon and Lupe V. Mendoza, who moved to Pico Rivera in 1954. Mr. Mendoza, a veteran of World War II, received a Purple Heart and has retired from the Southern California Gas Company, while his wife, Lupe had been active in El Rancho P.T.A. and costume shop. Sylvia was born in Pico Rivera and attended South Rancho Elementary, Meller Junior High, and graduated from El Rancho High School in 1976. While at El Rancho, she was involved with the following activities: CSF, Honor Roll, International Club, Pep Commission, Academic Affairs, MGM Program, and Drill Team.

After graduation, Sylvia attended and received her B.A. in Psychology/Communications Arts/Sciences at the University of Southern California, College of Letters, Arts/Sciences. She continued her education at Whittier College receiving her M.A. in Speech Pathology in 1982. Since graduating from Whittier College, her professional experience consists of the following:

1982–1984: Almansor Education Center; Speech and Language Pathologist. Provided speech and language evaluation/remediation of severely emotionally disturbed and learning disabled children and young adults.

1982–1987: La Habra Rehab Associates; Bilingual Speech/Language Consultant for monolingual clinicians. Provided services to the Spanish speaking population.

1984–1988: Ingleside Mental Health Hospital; Consultant. Provided speech and language services on an on-call basis.

1984–1989: Cedars Sinai Medical Center; Staff Speech and Language Pathologist. Treatment of patients who have speech, language and cognitive deficits.

1989–1990: Meadowbrook Neurological Hospital; Director of Speech/Language Pathology. Responsible for the coordination of services, quality assurance, program development, marketing and education.

1990–Present: Simi Valley Hospital; Director of Communicative Disorders. Responsible for the daily operations of the Communicative Disorders Department.

Her outstanding achievements consist of: 1982, Getty Oil Scholarship; 1986–1990, ACE Award of Continuing Education, National Speech/Language Hearing Association; 1989–1990, Top 5 Local Individual Development Vice Presidents, California Jaycees Gold Medallion/Presidential Medallion; 1990–1991, Outstanding Program Manager, California State Speak-Up Chairman, California Jaycees, Gold Nugget/Presidential Medallion; 1990–91, Who's Who in the West; 1991–92, Outstanding Young Women in America; and 1991–92, Who's Who Among Young Professionals.

JUDITH (BURNETT) LEHMAN, CLASS OF 1959

Judith Ann was born in Whittier to Grover and Valta Burnett and attended Whittier Christian Elementary from the 1st to 8th grade and graduated from El Rancho High School in 1959.

When she graduated, she received an academic scholarship to attend Los Angeles Pacific College (now known as Azusa Pacific University). Judith participated in the A Cappella Touring Choir, was a member of the Forensics Society Debate Team and Copy Editor for the Yucca Yearbook. She continued her education at California State University, Los Angeles and graduated with a B.A., General Elementary Credential.

From 1980–1982, Judith served as an Administrator for the American Cancer Society in North San Diego County. Her responsibilities included development and implementation of special events, fund raising programs; planning, implementation and supervision of all public education and patient service programs. Her duties also included recruitment, training and supervision of volunteers, and coordination of all fund raising/program services for Metropolitan San Diego. In 1982–86, Judith joined the staff of the American Diabetes Association as Executive Director and was responsible for administration, fund raising and public relations for San Diego and Imperial Counties.

In 1986, as Western Regional Director for the American Diabetes Association, she acted as liaison between the National organization and the fourteen Affiliates in (13) states of the Western Region. Special assignments included an in-depth Management Study, staffing an Affiliate merger and assuming the role of Acting Vice President for the Southern California Affiliate during the time of the merger. She presently serves as Vice President and oversees all administrative functions of the Affiliate including personnel, payroll, benefits, purchasing, liability insurance, inventory control, and lease/purchase of real estate. She has also facilitated many workshops, particularly in the areas of planning and volunteer development. Judith manages to combine her career with a busy schedule of church and community work, sings in the choir, entertains large groups for both church and work in her home and regularly appears in productions of the Sacramento Covenant Players.

Her professional affiliations and community involvement include: Member, United Way/CHAD Campaign Cabinet; Secretary, National Voluntary Health Agencies; Member National Society of Fund Raising Executives; Member Sacramento Covenant Players and Chair, CHAD Agency Executives Committee. Judith resides in Sacramento and is married to Abram Lehman, a Realtor. They have four children: Brian, Bruce, Brent and Carrie.

Mr. Speaker, I ask my colleagues to join with me in saluting these outstanding individuals who have achieved local, statewide, and national recognition in their various endeavors as alumnus of El Rancho High School.

H.R. 3560, THE CABLE CONSUMER PROTECTION ACT

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. ECKART. Mr. Speaker, yesterday I introduced with Representative COOPER and Representative SHAYS H.R. 3560, the Cable Consumer Protection Act of 1991. This legislation is designed to protect consumers from monopolistic practices by the cable industry and actively encourage the growth of competitive alternatives to cable television.

The cable industry has changed enormously over the past few years. But rapid growth has brought its share of problems. Customer complaints against the cable television industry have multiplied in recent years, including complaints about high rates, poor service, and increasing monopolization. What used to be a hat-in-the-hand, give-me-a-break industry has now become an 800-pound gorilla that has only recently, and only with the threat of congressional action, begun to mend its ways.

For years, the cable industry has had the best of both worlds—little regulation and virtually no competition. It is no surprise that cable rates have skyrocketed. Rates are up 56 percent over the past 4 years for the most basic service and 61 percent for the most popular service, according to the General Accounting Office. Average monthly revenue per subscriber is now close to $30, or over $350 per year. That is a substantial amount to pay for any household but especially for those on fixed incomes, limited income, or even the unemployed.

Our legislation combines two different, yet complementary approaches to solve these problems: Interim reregulation to protect consumers from unwarranted rate increases and procompetitive measures to foster viable alternatives to cable. H.R. 3560 contains provisions designed to sharply curtail abuses within the cable television industry, including rate regulation, tough nationwide customer service standards, a limitation on cities' liability and new rules on franchise renewals. The rate regulation would lapse as soon as effective competition—the only true protection against price gouging—arose to keep prices down. The bill's procompetitive provisions include mandated access to programs, new authority for cities to award competing franchises, leased access to cable channels by independent programmers, and horizontal and vertical restraints.

Our legislation is supported by a number of cities organizations and consumer groups many of whom worked with us to draft this bill. These groups include the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties and the Consumer Federation of America. These groups and their members are often on the front line with regard to consumer complaints and problems in the cable television industry.

Elements of the current administration have also recognized some of the problems within the cable industry. Just last month, the Justice Department released a study suggesting that 45 to 50 percent of the price increases in the cable industry over the past 4 years were due to cable's market power. Furthermore, the Federal Communications Commission stated in findings in a recent proceeding, "there is currently insufficient competition to provide a check on the quality of service offered by cable operators and responsive measures thus are necessary * * *."

I invite you to support H.R. 3560 and urge swift consideration of it as a part of a comprehensive congressional response to the problems of the cable industry.

SUMMARY OF H.R. 3560, THE CABLE CONSUMER PROTECTION ACT

CONSUMER PROTECTIONS

Rate regulation.—Gives local authorities power to regulate rates where there is no effective competition. Local authorities certify to the FCC that their regulations provide uniform standards and ensure consistent application. Cable operators appeal unreasonable regulation to the FCC.

Effective competition.—No rate regulation where there is effective competition. Effective competition defined as a multi-channel competitor who offers service to at least 80% of the community and actually serves 30%.

Retiering.—Short circuits retiering efforts by cable systems by expanding definition of programming services.

Customer service.—Requires FCC to set tough nationwide customer service standards. Allows cities to enact tougher standards.

Limits liability.—Limits local authorities' liability for acts arising out of their regulation.

Franchise renewal.—Restructures renewal negotiations to give cities a fairer bargaining position.

Equipment compatibility.—Requires that all cable signals be compatible with cable ready television sets and VCRs so that customers are not forced to lease unnecessary equipment. Promotes commercial availability of converters and remotes.

COMPETITIVE PROVISIONS

Access to programming.—Cable programmers barred from unreasonably refusing to deal with any competing video technologies (i.e. wireless cable, home satellite dishes, direct broadcast satellite, etc.) or discriminating in prices, terms and conditions.

Multiple franchises.—Encourages local authorities to award more than one franchise. Communities that have more than one provider of video programming have significantly lower rates.

Leased access.—Requiring cable operators to make channel space available to other programmers at reasonable rates.

Horizontal concentration/vertical integration.—Requires FCC to set reasonable limits on the number of subscribers a cable operator can reach and the number of cable channels a cable operator can own an interest in.

HAPPY 100TH BIRTHDAY TO DR. EDWARD L. BERNAYS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, on November 21 a group of citizens will be commemorating a wonderful, memorable event: The 100th birthday of Dr. Edward L. Bernays.

This 100th birthday will be celebrated at Northeastern University, and it is wholly appropriate that Dr. Bernays birthday be celebrated at a major American University because of the extraordinary contributions he has made to the intellectual and cultural life of our country.

Dr. Bernays is one of the founders of the discipline of public relations, and he has since he first began work in this field been one of those who has labored long and hard to make it the honorable profession it should be in a democracy, where information about public events and issues is essential if we are to have the sort of informed citizenry we need.

During World War I, Dr. Bernays was a pioneer in the use of information by our Government to counter the use of information as a weapon by Germany and its allies. He went on to be one of the first to teach public relations in an academic setting—at New York University—and wrote one of the earliest and most important books in this field, "Crystallizing Public Opinion," in 1923.

Among, those whom he helped to publicize were his uncle, Sigmund Freud, and the great ballet dancer, Nijinsky. In a move that has a very obvious relevance in today's world, he worked hard for the independence of Lithuania in 1919. Few who joined him in that effort are still around today to rejoice in the renewed independence of that nation.

His commitment to social justice was manifest in his serving as counsel to the NAACP 7 years ago and he has continued his commitment in this area throughout his long life. More than 50 years ago he was one of those who assisted Eleanor Roosevelt in her courageous decision to bring Marian Anderson to sing on the steps of the Lincoln Memorial after she had been denied the right to sing at Constitution Hall by the DAR.

I have known Mr. Bernays myself for the past 15 years or so in his capacity as a leader in organizations dedicated to fair treatment for older people. He was a close collaborator of the late Frank Manning, a pioneer in organizational efforts by the elderly to advance their own legitimate interests and I am very proud to say that he has continued to work closely with Mr. Manning's successor as president of the Massachusetts Association of Older Americans, who in her spare time serves myself, my siblings and my nieces and nephew in the capacity of mother and grandmother.

Edward Bernays is a remarkable man and his 100th birthday is an ideal event for multiple celebrations—of his own long and productive life; of the spirit of older people who are increasingly an important part of our cultural, political, and economic life in this country; of the role of public relations properly construed as a contributor to informed debate in this country; and of a great urban university, Northeastern University, which is making its contributions in so many of these fields. Mr. Speaker, since the rules of the House prevent Members from addressing anyone other than the Chair in making remarks of this sort, I express to you my wish that Edward Bernays 100th birthday will be as happy and fulfilling as he is entitled to enjoy.

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. AuCOIN. Mr. Speaker, throughout our Capital City of Washington, DC, there are monuments to commemorate Americans who have served our country in wars against foreign enemies. Our Nation is now in the midst of another war—a war against violent criminals. It is, therefore, fitting that yesterday we dedicated the National Law Enforcement Officers Memorial in Washington, DC's Judiciary Square. I would like to take this occasion to express my gratitude and appreciation to police officers in my home State or Oregon and throughout our country.

Every parent knows the importance of the early lessons that you teach your kids—the basic rules about crossing the street, steering clear of strangers, and taking care of themselves when they first go out on their own. Nothing is more reassuring than that simple bit of tried and true advice: If you're ever lost or in trouble, a police officer will be your friend. It means a lot that we can still count on this during these uncertain times.

There are 12,561 names on the marble walls of this monument. These men and women put their lives on the line for us. Today and every day, police officers risk their lives to protect us, our children, and the very fabric of our society. The National Law Enforcement Officers Memorial is an expression of our Nation's appreciation for these valiant efforts. To the loved ones and comrades of these men and women, let me extend my grateful thanks on this occasion.

ENDING INTERNATIONAL TRAFFICKING IN EXPLOITED CHILDREN

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. BLILEY. Mr. Speaker, I rise to introduce a bill that will provide law enforcement authorities with an important new tool in ending international trafficking in exploited children. The bill is simple and direct: It would prohibit the overseas production and distribution of child pornography where the defendant intended, knew, or had reason to know that the materials were to be imported into the United States. In short, it would extend jurisdiction to overseas producers of child pornography the same way that we extend jurisdiction to overseas drug traffickers.

Offenses involving the production and distribution of child pornography are particularly heinous, because such offenses by definition involve the sexual exploitation and degradation of a young child. Time and again, experts and blue-ribbon commissions have documented the deep and long-lasting emotional and psychological scars that are inflicted on the victims of these offenses. As Justice Byron White has written, child pornography constitutes a "permanent record" of sexual abuse that can haunt the child-victim well into adulthood.

Moreover, child pornography is often used by child molesters as a tool to help lower the inhibitions of intended victims. Thus, a cycle of victimization is created where the photographic or videotape record of the crime against one child is used to assist in the commission of similar crimes against many other children.

The child pornography statutes that we currently have on the books have been tremendously effective in halting the commercial production of child pornography in this country. Almost all of the commercially produced videotapes, magazines, and photographs arrive on our shores from overseas. Even so, the United States remains the world's most lucrative market for child pornography.

Defense for children International estimates that child pornography is at least a $2.5 billion a year industry involving millions of children internationally. According to a 1988 report published by the National Center for Missing and Exploited Children, the child pornography market is part of a larger world of international sexual trafficking in children that relies upon phoney adoption schemes and other scams that cross international boundaries.

Most commercial child pornography is imported into this country from Western Europe and Southeast Asia. Foreign producers often advertise in their own magazines for amateur photographs which appear in future issues of these magazines. There are documented cases of child molesters in this country sending explicit photographs of their victims to foreign magazines which publish and import those photographs back into this country.

It is wrong for child pornography, which is easily used as a tool in the molestation of children here, to enter our borders from overseas. It is also wrong for the United States, by operating as a marketplace for child pornography, to serve as an economic engine for the sexual abuse of children around the globe. Finally, it is wrong that our laws do not directly address the situation where foreign producers publish photographs of American children taken by molesters here.

Mr. Speaker, my bill is simple. It expressly invokes the jurisdiction of the United States to prosecute overseas production and distribution of child pornography where the defendant intended, knew, or had reason to know that such materials were to be imported into the United States. This language of the amendment is modeled upon section 959 of title 21, United States Code, where the United States has claimed such extraterritorial jurisdiction in the area of drug control.

Extraterritorial jurisdiction to prosecute overseas production and distribution of child pornography has been upheld by the Ninth Circuit Court of Appeals in situations where the defendant is an American national[1] or where the use of U.S. mails is involved.[2] The bill builds upon these cases, making their holdings applicable throughout the United States, and claims for the United States the full breadth of jurisdiction available to it under the effects doctrine in international law, also known as objective territorial jurisdiction.

Under the effects doctrine, a State may extend criminal jurisdiction over persons, including foreign nationals, committing criminal acts outside of its borders where the effects of the crime are felt within its borders.[3]

The first section of the bill creates a new section 2258 to title 18, United States Code, prohibiting the production of sexually explicit depictions of a minor for importation into the United States.

New section 2258(a) would prohibit the overseas production of child pornography for importation into the United States. The offense set forth here closely parallels the production offense set forth in section 2251 of title 18, United States Code. Specifically, subsection (a) prohibits the employment, use, persuasion, inducement, enticement, or coercion of any minor to participate in sexually explicit conduct for the purpose of producing a visual depiction with the intent or knowledge that such visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States. The transportation of a minor for such purposes is also prohibited. Actual knowledge is not required for conviction so long as the defendant had reason to know that the materials were to be imported into the United States.

New section 2258(b) prohibits the knowing receipt, transportation, shipment, distribution, sale, or possession with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct with the intent or knowledge that such visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States. The offense as set forth in subsection (b) closely parallels the child pornography trafficking offenses set forth in section 2252, title 18, United States Code.

New section 2258(c) provides that persons who violate subsections (a) or (b) are subject to fines under title 18, United States Code, imprisonment of no more than 10 years, or both. Persons convicted of a second or subsequent child pornography offense or who have a prior conviction for a sex offense are subject to a fine under title 18, United States Code, no less than 5-years imprisonment and no more than 15-years imprisonment, or both. These penalties are identical to those penalties provided for the production and trafficking in child pornography under sections 2251 and 2252 of title 18, United States Code. Subsection (c) also provides the same penalties for attempts and conspiracies to violate subsections (a) and (b).

The second and third sections of the bill make technical changes to chapter 110 of title 18—concerning child pornography—with no substantive impact.

The fourth section amends 18 U.S.C. 2251(d) and 2252(b)(1) to increase the class of prior offenses that will qualify the offender for an enhanced penalty. Currently, the statutes provide enhanced penalties only where the defendant was convicted of prior child pornography trafficking under that specific statute. The bill would broaden the class of prior offenses to include all child pornography offenses and sex offenses.

The fifth section amends 18 U.S.C. 2251(d) and 2252(b) to provide penalties for conspiracies and attempts as well as completed offenses. The bill would provide the court with full sentencing discretion in cases where the defendant is unable to complete the offense for reasons beyond his control, such as apprehension by law enforcement authorities.

Finally, the sixth section would amend 18 U.S.C. 1961(l) to include the new child pornography statute as a RICO predicate offense. Currently, child pornography offenses set forth in 18 U.S.C. 2251 and 2252 are RICO predicate offenses.

Mr. Speaker, I believe that my bill will provide an important new tool for American authorities to crack down on the producers of child pornography.

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[1] *U.S.* v. *Thomas*, 893 F.2d 1066 (9th Cir. 1990).

[2] *United States* v. *Moncini*, 882 F.2d 401 (9th Cir. 1989).

[3] Zagaris & Rosenthal, "United States Jurisdictional Considerations in International Criminal Law," 15 Cal. W. Int'l L.J. 303, 307 (1985); Brierly, "The Law of Nations," 300 (1980) ("An obvious illustration would be that of a man who fires a gun across a frontier and kills another man in a neighboring state; in such a case the jurisdiction of the country from which the gun is fired has been called 'subjective,' and that of the country in which the shot takes effect 'objective territorial jurisdiction.'").

NEA FUNDING IN THE INTERIOR APPROPRIATIONS BILL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Ms. PELOSI. Mr. Speaker, the ugly issue of content restriction on art is back. As you know, last year this Congress worked hard to reach an agreement on the difficult issue of restrictions on funding for the National Endowment for the Arts [NEA]. Today, Mr. DANNEMEYER is trying to undo what we worked so hard to accomplish last year. He wants this body to tell the Interior appropriations conferees to support Senator HELMS' restrictive amendment.

I rise to oppose any content restrictions being placed on projects funded by the NEA. I particularly object to the Helms language adopted by the Senate in the Interior appropriations bill. This language again attempts to list forbidden subject matter. Clearly, the determination of "obscene" should be made by the courts—not by a list written by Senator HELMS. Artistic excellence—not content—should be the criteria for Federal funding.

As I have said before, I believe that we must encourage creative expression, not suppress it. Outside regulation of the arts is an infringement on every artist's freedom of expression. In a free and open society, artists have been known to take a new approach when dealing with strong, provocative, controversial issues. We do not always agree with the statement made by a particular artist, nonetheless we all benefit from a new perspective.

I commend chairmen YATES for his thoughtful position on this issue and urge my colleagues to reject Mr. DANNEMEYER'S motion to instruct the conferees to agree to the Helms language.

EQUITY IN THE STATE VETERANS HOME PROGRAM

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to introduce legislation that will promote regional fairness in the Department of Veterans Affairs State Home Program by increasing the per diem reimbursement rate to State veterans nursing homes and domiciliaries in high cost-of-living areas. The bill affirms our commitment to the century-long partnership between the States and the Federal Government in providing care for those who have served our Nation in military service.

The DVA provides funds to States for the construction and operation of long-term care facilities through the State Home Program. Under this program, States can compete for grants that provide up to 65 percent of the cost of construction, provided DVA standards are followed. In addition, the DVA provides a per diem for each veteran under care in a designated State home. The per diem rate for 1991 is $22.44 for nursing home care and $9.59 for domiciliary care. The purpose of the per diem is to equitably distribute the financial burden of veterans' health care between the State and Federal Governments.

The per diem payments to State homes began before the turn of the century. Historically, the payments represented a meaningful share of the cost of care. However, in the recent past, as medical care cost inflation has skyrocketed, per diem rates have increased slowly. The per diem rate is set by Congress and is a fixed amount nationally. While the DVA intended for the State Veterans Home Program to finance 25 percent of the operating costs nationally, the effect of current DVA policy has been the shift of more of the cost of veterans' long-term care to the States. However, not all of the States have been equally affected. In some States, where the salaries of health care professionals, the cost of medical supplies, electricity, construction costs, and other components of the total cost of care have increased most rapidly, the per diem payment covers a smaller share of costs, than in low cost States.

New York, which currently has one State home in Oxford, and one that is scheduled to open in October of 1991 in Stony Brook, Long Island, has the second largest veterans' population in the country. While the State would like to build two to three more State veterans' homes to have additional nursing home beds available to veterans, the State is hesitant to do so since it picks up a larger share of the Federal obligation compared to other States. For example, according to the DVA's 1990 third quarter statistics, the DVA per diem reimbursement for domiciliary care in the Oxford home represented 7.6 percent of the cost of care and 14.5 percent of the cost of nursing home care. This State home is located in upstate New York where medical care and electricity costs are much lower than on Long Island and in New York City, Therefore, the per diems from the DVA will represent an even lower percentage of the cost of caring for these veterans in State homes in these areas. Moreover, these areas have the highest concentration of veterans in the State and consequently the greatest need for such facilities.

My bill would reimburse individual State homes 30 percent of the cost of caring for veterans in these facilities or the current national per diem rate which ever is greater. At the same time, my bill would not adversely affect State home facilities to which the current national per diem rate equals more than 30 percent of the cost of caring for the veterans therein. However, the current requirement that these payments not exceed 50 percent of the total cost of care would remain in effect.

Currently, there are 60 State homes in 37 States. These facilities provide cost-effective quality care and are increasingly relied upon by the DVA to meet the long-term care needs of our aging veterans. The DVA would like to have 30 percent of the long-term care beds provided by the State homes. This increased reliance on State homes cannot be met without an increase in per diem rates. Increasing the per diem rate would encourage more States to build State homes, thereby reducing the strain on the DVA to provide this care. While the DVA pays more money initially, 65 percent of the construction costs, in the long run it is the State that ends up paying the lion's share of the costs because the operational costs of a long-term care facility are much greater than the cost of its construction.

Furthermore, most States pass on the cost of unreimbursed care to the veteran. This means that a veteran in a high cost State would pay more for care in a State facility than in a State with low operational costs. Adding insult to injury, many of these veterans would be entitled to receive medical care at a DVA facility at no cost to them if such care were available.

With the aging of America's veterans population, the DVA will be faced with an even greater need for long-term care facilities in the very near future. I will urge the Veterans' Affairs Committee to look at the issue of long-term care to determine if additional funds should be added to the State Home Program to promote regional fairness and encourage the construction and operation of new State-run facilities. A reasonable per diem payment must come closer to the actual cost of care, if the DVA wishes to encourage the States to build and operate State homes in an era of spiraling health care costs, higher per diems are needed. This is the very least that can be accomplished at the Federal level to ensure that veterans receive the most compassionate and appropriate care possible considering that veterans' health care is a Federal, not a State, responsibility.

Mr. Speaker, our veterans fought for the United States, not individual States, and they deserve our Nation's fullest attention and respect. I urge my colleagues to join me in support of this legislation.

DICK BOLTON TO RETIRE AFTER YEARS OF SERVICE TO HAGUE, NY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. SOLOMON. Mr. Speaker, on December 8, my good friend Dick Bolton will be retiring as supervisor of the town of Hague, NY.

If you can imagine Washington without its monuments, you can imagine Hague without the presence, inspiration, and steady hand of Dick Bolton.

I measure a man by how much he gives to his neighbors and to his community. By that measure, Dick Bolton has been a giant.

Consider that he was a busy employee of International Paper Co. for 29 years, retiring as a department superintendent. He still found time to serve seven terms as Hague town supervisor, seven terms on the Warren County board of supervisors, and two terms as that board's chairman. His committee assignments including budget, data processing, public works, Lake George affairs, parks and recreations, planning and community development, solid waste, sheriff and communications, tourism and industrial promotion, and veterans services.

He was on the board of directors of the Supervisors and County Legislators Association and third vice president of that association in 1991. He also served as a member of the Lake George Park Commission and chairman of the Glens Falls Transportation Council.

But that's not all. He was also active in his community, serving as past commander of the Hague American Legion, past president of the Hague Fish and Game Club, Warren County Conservation Council, New York State Region 5 of the Fish and Wildlife Management Board, and the Hague Chamber of Commerce. He is a past vestryman of the Episcopal Church of the Cross and a charter member of the Hague Fire Department.

I could go on and on about Dick Bolton. So could everyone else who knows him. They will be having a farewell gathering for him on December 8, but let us pay our tribute today.

Mr. Speaker, I ask you and other members to join me in saluting a model public servant, great American, and close friend, Dick Bolton of Hague, NY.

A TRIBUTE TO THE UPPER BEAVER VALLEY JAYCEES

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. KOLTER. Mr. Speaker, I rise today to pay tribute to a very special organization in my congressional district. This month the Upper Beaver Valley Jaycees are celebrating their 45th anniversary of providing community service and leadership training for young adults.

Originally founded on October 26, 1946, as the Beaver Falls Junior Board of Trade, the Upper Beaver Valley Jaycees have been recognized for their outstanding contributions as an affiliate of the Pennsylvania Jaycees and the U.S. Junior Chamber of Commerce.

Since its inception, this chapter has identified the needs of its local towns and addressed them through a variety of community development projects. Haunted houses, benefit dances, and pro/am golf tournaments are just some of the thousands of noteworthy projects the Upper Beaver Valley Jaycees have conducted to raise funds for children, the elderly, and the handicapped. Providing scholarships, food and other support for the needy is just part of this organization's enriched tradition.

However, what is unique about the Upper Beaver Valley Jaycees is the valuable service it provides for its members. Through the promotion of individual and management development, chapter members have acquired knowledge in planning, personal and financial management, spiritual and family development, and public relations. Past and current members of the Upper Beaver Valley Jaycees have gone on to utilize this leadership skills training in their jobs, churches, government and families.

Therefore, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in saluting this remarkable organization for its 45 years of service to humanity. The Upper Beaver Valley Jaycees are a shining example of young men and women who give of themselves to make their community and America a better place to live.

A TRIBUTE TO THE PARKSIDE STAY-IN-SCHOOL PROGRAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. DUNCAN. Mr. Speaker, President Bush has placed education as a priority concern of his administration. Certainly, it is the key to the future of our country. That is why I am proud to salute Bill Judkins and Parkside Housing, in Blount County, for providing innovative programs to provide incentives for education within my district.

Last year, Bill Judkins, the Maryville Housing Authority executive director, began the Parkside Stay-In-School Program. He started by offering McDonald's gift certificates to children with perfect attendance. Now, Joe Bruce, president of Citizens Bank, has agreed to donate bonds and money to the program. Children with perfect attendance receive $50 U.S. savings bonds and students who missed only 1 day receive $10. Furthermore, the family of each child with a perfect attendance record receives a month's worth of rent for free.

The successful results of this program include eight children from five families, in Blount County, who missed no school. Two of these were brothers who went from a combined number of 76 days of absence to perfect attendance and raised their grades from F's to A's in only 1 year. Also, it has inspired the school and community at large to begin other educational development programs. Future goals include: Setting up a scholarship program of the authority's own, and getting Bonner scholarships for students trying to enter Maryville College, providing caps and gowns for underprivileged students, targeting the program to the older students as well as the young children, and obtaining a video system to help people get the equivalent of a high school diploma who might otherwise not have the chance.

Last year, the community spent $900 in rewards for the Parkside Stay-In-School Program. However, this amount was offset by the $523 in State funds that the children put to use through their perfect attendance. This program proves that good ideas can be cost-effective. An important lesson to remember in the face of today's overwhelming deficit.

I want to thank Bill Judkins, Joe Bruce, and the Parkside community for their leadership in an issue of high priority.

I ask that two articles that appeared in the Blount County Daily Times be printed in the RECORD.

PARKSIDE STAY-IN-SCHOOL PROGRAM—INCENTIVES PROVE VERY SUCCESSFUL, ORGANIZERS SAY

(By Iva Butler)

Bill Judkins began with a modest goal of providing McDonald's gift certificates to children with perfect attendance in the Parkside Stay-In-School program.

The program progressed so well in one short year he was able to provide the children with $50 U.S. Savings Bonds for perfect attendance and $10 for nearly perfect attendance (one day missed.)

Eleven proud and beaming Parkside students received their bounty Wednesday at a reception for them and their families.

They also received a formal congratulatory certificate at the ceremony from the Department of Housing and Urban Development and a personal letter from Judkins, who is Maryville Housing Authority executive director.

The families of those with perfect attendance all got a month's free rent.

The free rent, which cost the authority $900 last school year, is offset by the $523 in state funds those children brought to the schools through the daily attendance in state funds, Judkins said.

"Everybody is a winner but the biggest winner is the child," he added.

"It takes everybody—the parents and the Kids," said Joe Bruce, president of Citizens Bank, the bank that donated the bonds and money. "You don't mind contributing the money when you see somebody with this kind of initiative. It's an excellent program."

Omaha, Neb., has a similar Stay-In-School program and, out of approximately 8,000 public housing units, 15 children had perfect attendance. Maryville had 66 units and they had eight who missed no school. "Omaha is a community of about one-half million people and Blount County has a population of 85,000-90,000," said Authority Chairman J.N. Badgett.

"The percentage difference there looks really good for Maryville," said Joyce Baker, resident initiative coordinator for HUD in East Tennessee.

"We have four other schools similar to this in East Tennessee, but this is the only one I know of that's put together, staffed and equipped by the community," Baker said.

"We're not getting any tax dollars," Judkins said. "We're just using the available resources in this community. We've harnessed them and got them all pulling in the same direction."

Goals for the next school year are ambitious. They are:

Having a scholarship program of the authority's own and getting Bonner Scholarships for Parkside students to Maryville College.

Getting Maryville College interns to help with the Parkside Learning Center through the Bonner Scholarship program, which requires community service.

Extend the program to children living in Section 8 (private housing that the government subsidizes and Maryville Housing Authority operates).

Getting Boys and Girls Inc. and Girl Scouts involved more.

Possibly providing caps and gowns and maybe yearbooks for children who can't afford them. "I'd hate to think of any kid not having a cap and gown for graduation or a school annual," Judkins said.

Getting another VISTA volunteer to work with the authority, to work with the Bonner interns and with the residents.

Meeting with Maryville College and planning some activities for the older (probably 13 years and older) kids whom the program is missing—possibly a special weeks activities, including letting them stay in the dorms next summer.

Obtaining a video system to help people seek high school equivalency diplomas; to practice doing interviews; for the little kids to give them confidence in giving reports; and to document the Stay-in-School Program. "We're constantly hearing from other people interested in emulating this program," Judkins said. In fact, Baker said the Rogerville program is named the Bill Judkins Stay-in-School Program.

ENCOURAGEMENT PAYS FOR PARKSIDE PUPILS, PARENTS, COMMUNITY

Education is a lot like religion in that it has to apply every day to achieve the desired results.

And it is doing just that for some of the residents in Maryville Housing Authority's units where education has been tied directly to every day living. "Superintendent" of the education program is Housing Authority Executive Director Bill Judkins.

A key part of the program has been to encourage pupils and parents to make certain those enrolled in school attend regularly.

This past year there were eight children—five families—who had children with perfect attendance in public schools and to boost the new program of school attendance, each family was given a free month's rent.

In addition, Citizens Bank of Blunt County gave each of the eight students a $50 U.S. Savings Bond. An added prize was a $10 bill to the five students who missed only one day.

Using resources in the community, the program is producing results. Two brothers went from a combined 76 days of absences a year earlier to perfect attendance and from F's to A's, a 180-degree turn attributed to the Stay-in-School program. While the free rent cost the housing authority $900 last year, the school systems netted $523 in state monies the children brought the system based on average daily attendance.

There were eight with perfect attendance from the 66 Maryville units, a much higher percentage than was recorded in Omaha, Neb., for example, where there were 15 children from 8,000 public housing units.

Such use of initiative and local resources and the outstanding beginning results are encouraging. And the results have already encouraged new ideas for new efforts to expand the program next year.

Some of the most practical and helpful projects are not the most expensive. They do not require massive budgets. They do require the serious concern of parents, pupils, and community. Caring is the secret to success of many such programs.

That concern may not cost much in dollars but it is worth far more than throwing a pile of dollars at the problem.

WORLD FOOD DAY

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. UPTON. Mr. Speaker, I would like to call attention to House Joint Resolution 230, which highlights the tragedy of national and international hunger by designating October 16, 1991 and 1992 as "World Food Day." This important resolution was introduced by my fellow Hunger Committee colleague, Congressman BEN GILMAN of New York. I am pleased to cosponsor this bill which was passed by Congress and will be signed into law shortly by President Bush.

I encourage all Americans to join the fight against hunger and malnutrition by volunteering to help groups in their local communities dedicated to erasing hunger at home and abroad. It is the combined efforts of dedicated individuals that will ensure people do not go hungry.

Hunger knows no boundaries: It is a problem in Third World countries and also in our own backyards. Even though the farm families in my district make up part of "America's breadbasket" and supply food around the world, we still have neighbors who go to bed hungry at night.

I am proud to represent southwestern Michigan in Congress. There are many fine examples of private groups and organizations, companies, clubs, and schools that work hard to combat hunger. They volunteer their time, donate their money, and dedicate their efforts to ease the pain of many who are less fortunate.

Let's use World Hunger Day as the first step in strengthening our commitment to end world hunger by accepting the challenge to help make a difference in the lives of people who struggle simply to put food on their tables.

25TH ANNIVERSARY OF THE DUNDEE SENIOR CITIZENS CENTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. DINGELL. Mr. Speaker, it is my privilege to recognize the silver anniversary of a very special organization in the 16th Congressional District of Michigan, the Dundee Senior Citizens Center. For 2½ decades, the center has assisted seniors in their efforts to be self-sufficient, active, and contributing members of their community by providing a full range of recreational, educational, and health services to their membership.

Constantly striving to reach out and assist others, the center provides benefits to seniors in five communities in the Dundee area. A brief glance at the range of services offered reveals the depth and breadth of the center's commitment and success. The center provides legal services, health screening, bingo, monthly pancake breakfasts, senior Olympics, health screening, and exercise and ceramics classes. Additionally, center volunteers deliver meals to more than 50 seniors who are unable to prepare them for themselves.

From its humble beginnings 25 years ago, the center has grown from 15 seniors to a membership 1,200 strong. Presiding from the start, the center's devoted and dedicated leader, Helen Hovizi, has spent countless hours, endured flood and financial trials, and sustained the center through rapid growth. Her tireless spirit and enthusiasm has spread joy throughout the community.

I salute Helen Hovizi's tireless efforts, and those of the numerous volunteers, and active members of the Dundee Senior Citizens Center. And, I wish them many more years of distinguished service to the Dundee community.

TRIBUTE TO BERTHA EMIN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Bertha C. Andrews Emin, who will be celebrating her 100th birthday on October 21, 1991.

Bertha Emin was born in Providence, RI, to Anna Maria Kane Andrews and Philip Robinson Andrews. She attended Almy Street School, Stillwater Grammar School, and English High School. In February 1912, she graduated from Rhode Island Normal School majoring in elementary education with a teaching certificate for grades 1 through 8.

Her distinguished teaching career began weeks after she graduated, as a teaching principal of 16 students in a 1-room school. It continued over a period of six decades as a teaching principal, a substitute teacher, and a full-time teacher in the Georgiaville Public School District. She had continued that same high standard of excellence until her retirement on June 23, 1961, at the age of 70.

On November 12, 1917, she was married to Leander Francis Emin of Stillwater, RI. She remained in Stillwater as a substitute teacher in the local school system where she remained until June 1919. After that time, she continued to teach at home as she raised her family. Among the many students who have benefited from her talents, she educated her five daughters, four granddaughters, and two grandsons so that each of them skipped one or two grades.

Mrs. Emin has been involved as a member of St. Michael's Church and its ladies guild since 1920. She had spent 10 years on the Rhode Island Institute of Instruction Policy Committee. Today, she travels as much as possible and enjoys the company of her great-grandchildren. In addition, she continues to teach to her family the importance of the effect of home, church, and school on the individual. To date, her basic philosophy can be summed up in this proverb:

All that you do
Do with your might
For things done by halves
Are never done right.

Please join me today in recognizing Bertha Emin for her outstanding educational achievements and in wishing her health and happiness on her 100th birthday celebration.

THE 200TH ANNIVERSARY OF THE MACLAY MANSION IN HARRISBURG, PA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. GEKAS. Mr. Speaker, I rise today to commemorate the 200th anniversary of the Maclay Mansion in Harrisburg, PA. This historical landmark was built by William Maclay, the famed lawyer and first U.S. Senator from Pennsylvania.

In 1791, Senator Maclay built his three-story limestone house with 18-inch-thick walls not long after he retired from the U.S. Senate. This year was the same year that the Bill of Rights took effect. Senator Maclay, as history shows, was a strong champion of these Bill of Rights.

Senator Maclay was a self-proclaimed man of republican respectability, a statesman who happily left the U.S. Senate and returned to Pennsylvania to become a county judge and, once again, a State legislator. He did not care to accept privileges and perquisites, a trait that is all too rare in Congress today. It is also of some significance to note that when he served in the U.S. Senate, William Maclay fought for the confirmation process that is part of the Senate's advise-and-consent duties in approving or rejecting Presidential nominees.

Senator Maclay helped found the Democratic Party, which was known in his day as the Anti-Federalists or Republicans. He is also the only Pennsylvanian to help form two counties: Northumberland in 1772, and Dauphin in 1785, and he helped lay out their respective county seats, Sunbury and Harrisburg. In writing the will of his father-in-law, John Harris II, William Maclay set aside four free acres for the State capitol. As a State lawmaker, he helped set the process in motion to make Harrisburg the capital city. After his death, Maclay's family sold the Commonwealth the 10 acres where today's State capitol stands.

The great legacy that Senator Maclay left us is represented in the magnificent structure known as the Maclay Mansion, today owned by the Pennsylvania Bar Association. The bar has owned the building since 1948, and it celebrated the full restoration of the completed structure in 1975. The PBA has done a magnificent job in maintaining this historical site, which is a showcase for the organization, and serves as a meeting place for thousands of law practitioners around the State.

Mr. Speaker, I ask all of my colleagues to join me in paying tribute to the memory of Senator William Maclay and the legacy that he has left Pennsylvania and the Nation. We salute the Pennsylvania Bar Association in maintaining the Maclay Mansion, which has stood for 200 years, and hopefully will stand for many more.

SADDAM HUSSEIN IS STILL A SERIOUS THREAT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. LANTOS. Mr. Speaker, the administration now admits that it totally misjudged Iraq's military capabilities and Saddam Hussein's intentions before the Persian Gulf war. Once again it is misreading the realities of that region and is allowing Saddam Hussein to continue plotting a new war.

I strongly recommend to my congressional colleagues Jim Hoagland's excellent article in today's Washington Post, "Act Now Against Saddam," which outlines Saddam Hussein's intolerable scheming and calls for forceful action. I ask that it be placed in the RECORD.

[From the Washington Post, Oct. 16, 1991]

ACT NOW AGAINST SADDAM

(Jim Hoagland)

This much is now beyond dispute: Saddam Hussein's scientists were years closer to building an atomic bomb than the world's most knowledgeable experts believed. And Saddam is still trying.

That stark reality, and the Iraqi dictator's continuing disdain for the welfare of his starving citizenry, should strip away the complacency that surrounds U.S. postwar policy toward Iraq. These developments demand immediate steps to replace Saddam's regime with a new Iraqi government.

The peculiar pattern of Iraq's behavior in recent confrontations over United Nation's inspection rights suggests to intelligence experts that Saddam's nuclear effort continues in some secret cavern deep in Iraq.

For those in range of Saddam's hidden missiles, each day counts.

New reports from Baghdad show that while Iraq's civilian population, put in harm's way by American bombs, desperately forages for food and medicine, Saddam's cronies amass small fortunes from smuggling. Saddam's clansmen grow fat by creating a black market out of the sanctions that are supposed to bring them down.

The streets of Baghdad are filled with Mercedes limousines stolen from Kuwait or smuggled in more recently by people such as Ali Hassam Hamadi, one of the new sanctions millionaires described in detail in the Paris daily Le Figaro on Oct. 3. But ordinary citizens lack money to pay the skyrocketing prices for food.

For those who are starving in Iraq, each day counts.

The revelations about Saddam's nuclear effort and the extent of sanctions-breaking show conclusively how wrong President Bush's critics were in arguing a year ago that time was on America's side and that sanctions would work against Saddam if given a chance.

Disclosures of how close Saddam has come to a doomsday weapon also show how mistaken Bush was to adopt the positions of his opponents after the war ended. The need for urgency should also be clear by now. But the president pursues a strategy of slow attrition.

For those who took on the responsibility of establishing regional security and stability through Operation Desert Storm, each day counts.

At least it should. But Bush has taken as the pillars of his postwar policy the notions his opponents preached to try to avoid Operation Desert Storm. Time is on America's side, the president's men now say. Sanctions will work against Saddam.

Saddam delights in proving otherwise. The administration assumed sanctions would force Saddam to agree to United Nations sale of $1.6 billion of Iraqi oil on world markets to buy food and medicine that U.N. personnel would distribute inside Iraq.

He refused. In a defiant speech in Baghdad on Sunday, Saddam said Iraq would endure sanctions for 20 years rather than accept the U.N. plan, which is spelled out in Security Council Resolution 706.

The Bush administration, which should have learned better, weakly explains away such statements by Saddam as vain boasting that he will have to abandon soon. But Saddam has no interest in protecting or feeding his people. "He would prefer to see people starve than to see his authority eroded by having a foreign organization distribute food to Iraqi citizens," says a member of the opposition International Committee to Free Iraq.

Israel's unilateral decision to send reconnaissance aircraft over Iraq is a concrete expression of doubt about time being on America's side. Israel would not have taken the risks involved in the surveillance flights unless it was seriously considering sending in commando units to clean out the rocket launching sites and depots in western Iraq that are within range of Israel.

Astonishingly, the United States has criticized these flights of self-protection, claiming they jeopardize the Middle East peace process.

The administration has it exactly backward. The peace process, as conceived and implemented at the State Department, jeopardizes the more urgent task of finishing with Saddam. Concern over convening a ceremonial peace conference causes the United States to turn a blind eye to the active aid Jordan gives Saddam in breaking sanctions and money laundering.

Several immediate steps need to be taken. The Iraqi opposition is on the verge of forming a broad-based provisional government in Iraqi territory now under United Nations protection. Recognition by Washington and other Western capitals would provide a basis for an aggressive international pursuit of the secret bank accounts owned by Saddam and his family in Jordan, Switzerland and elsewhere.

Those funds could be used to buy food and medicine for Iraq. The international coalition, led by the United States, should offer the military protection the U.N. teams need to distribute humanitarian relief, just as Washington was ready to use force to protect the U.N. atomic inspection team.

For those willing to save even one Iraqi child's life or to reduce Saddam's chance to send an atomic or chemical warhead to Israel or Saudi Arabia by even a fraction of one percent, each day counts.

A TRIBUTE TO THE FORD-UAW APPRENTICESHIP PROGRAM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. FORD of Michigan. Mr. Speaker, I want to pay tribute to—and call the Nation's attention to—the Ford-UAW Apprenticeship Program on the occasion of its 50th anniversary.

The U.S. Department of Labor, the American business community, educators, and the Congress are all searching for ways to upgrade the skills of our work force. All agree that the abilities of American working men and women will determine whether our Nation can compete in the global marketplace.

Ironically, a proven, world-class system to provide and sharpen the technical skills of our industrial work force—joint labor-management apprenticeship programs—has been overlooked by most of those who claim to be looking for a solution. Apprenticeship training programs have been turning out skilled tradesmen for hundreds of years, both in the construction trades and in industry.

No training program anywhere has been more successful than the Ford-UAW Apprenticeship Program.

This world-class apprentice training program produces some of America's finest skilled trades personnel. It has now graduated 22,000 men and women—as electricians, tool and die makers, machine repairers, plumber-pipefitters, millwrights, and other trades personnel so critical to the efficient manufacture and assembly of quality cars and trucks.

The program has been designed to meet exceptionally demanding standards. It generally requires 4 years and 8,000 hours of training for every apprentice. This training combines supervised shop floor experience with guidance by experienced journeymen and related classroom instruction delivered primarily by community colleges.

The program is also noteworthy because it was one of the earliest joint management-union efforts in American industry. For 50 years, apprenticeship training at Ford has been in the hands of a National Joint Apprenticeship Committee and plant subcommittees consisting of equal numbers of management and union representatives. The success enjoyed by the program is due in large part to the common vision of doing what is best for the apprentice's learning experience.

Throughout its history, the National Committee has stayed alert to the future by providing a strong foundation in trade knowledge, plus the ability to learn and adapt, always aware that tomorrow's skilled trades personnel will need new skills. The apprentices who are in the program now—and there are almost 1,100 of them—will be building, maintaining, troubleshooting, and contributing to the design of Ford equipment and machines well into the next century.

In peacetime and wartime, the Ford-UAW Apprenticeship Program has played a vital role in developing skilled trades expertise in the company, and sharing it with the auto industry, as well as with the Nation. Many graduates have gone on to leadership positions in the company, the UAW, and their communities. I am fortunate to have one such graduate as my administrative assistant.

At a time when our country is in a fierce struggle to preserve its industrial base, the Ford-UAW Apprenticeship Program is making major contributions to our ability to compete. I salute the program itself, all those who are giving it life, and all of its graduates—past, present, and future.

ROBERT FERNANDEZ; REALIZING HIS DREAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. TOWNS. Mr. Speaker, I rise to salute the accomplishments of Mr. Robert Fernandez. Mr. Fernandez was born in Camaguey, Cuba. As a child he was an adventurer. He had a burning desire to come to America. At the age of 16 his ambition was realized and he arrived in the United States. He joined the merchant marine and traveled extensively.

Mr. Fernandez began his professional career by working for the Cumberland Packing Co. He rose through the organization to become a foreman and subsequently became vice president. He worked for that company for 30 years.

After retiring from his job of 30 years, he and his wife Rosalina started their own printing business. That business is the realization of his dream to be independent. Mr. Fernandez has realized his American dream. He is the father of four children, Roberto, Elizabeth, Ricardo, and Roshell. I am proud to salute the accomplishments of Mr. Fernandez.

TRIBUTE TO MAJ. GEN. GEORGE EVANS BARKER

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to honor my constituent Maj. Gen. George Evans Barker, who recently retired from his position as Deputy Chief of Staff, Personnel Department of the U.S. Army. Major General Barker is being honored in Manhattan on October 18, 1991.

General Barker's long and illustrious Army career began at Arkansas State University as a Reserve Officer Training Corp cadet. He was promoted to second lieutenant in the Field Artillery on August 12, 1955. Later that year, General Barker served on active duty in Germany with the Second Armored Division Artillery. General Barker held such positions as battery commander and executive officer early in his career.

In January 1979, he became the Deputy Chief of Staff for personnel administration at the 77th ARCOM. Soon after, General Barker was appointed Chief of Staff of the 77th ARCOM. In 1983, he was named commander of the 353d Civil Affairs Command. He was commissioned to brigadier general on February 29, 1984, and commander of the 77th ARCOM on December 15, 1984. General Barker served as Deputy Chief of Staff of the Army's Personnel Department from June 4, 1989 until his retirement on August 15, 1991.

As a result of General Barker's dedication to military and civilian service he received such honors as the Meritorious Service Medal with Second Oak Leaf Cluster, Army Commendation Medal, Army Achievement Medal, National Defense Service Medal, and Armed Forces Reserve Medal with a 10-year device.

Not only is General Barker a 36-year veteran of military service, but he is an exemplary U.S. citizen as well. He is highly visible throughout New York City as a community leader. As executive vice president for the New York City division of the American Cancer Society, General Barker has proven his dedication to humanitarian causes.

I am delighted to take this opportunity to pay my respects to General Barker.

REPUBLIC OF TURKEY TO HOLD NATIONWIDE ELECTIONS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. BURTON of Indiana. Mr. Speaker, following months of campaigning the Republic of Turkey will hold nationwide elections on October 20 to choose the 450 Members of Parliament who will lead their country for the next 5 years. Six major political parties representing a wide range of political views, are participating in the elections. Following the election, the President will appoint a Prime Minister, usually the leader of the majority party in Parliament, who will assume his duties following a vote of confidence from the legislature.

Mr. Speaker, the Republic of Turkey, founded in 1923 from the ashes of the Ottoman Empire by Mustafa Kemal Ataturk, is a representative democracy. It is the only predominantly Muslim country in the region which is a pro-Western, secular democracy and has a market-oriented economy. Turkey's strategic importance is enhanced by the emergence of independent Muslim Republics in what used to be the Soviet Union. Turkey can serve as a strong role model not only for the Soviet Republics, many of which have Turkish-speaking populations and feel culturally and ethnically tied to the Turks, but also for neighboring countries in the Middle East.

Ataturk believed that Turkey's future lay in the West rather than in the East. In 39 years of membership in NATO, Turkey has proven itself a reliable partner to the alliance and to the West. During the cold war, it defended an extensive border with the Soviet Union and maintained an outstanding record of burden sharing within NATO. The gulf crisis further demonstrated Turkey's enduring strategic value and the courage of its leadership. Sharing a border with Iraq and controlling major oil pipelines from that country, Turkey played a crucial role in the effort to contain Iraqi aggression. Participation in the international embargo has cost Turkey roughly $10 billion. During the war, Turkish troops stationed along the border with Iraq diverted more than 10 of Saddam Hussein's divisions from the front lines in southern Iraq and Kuwait. The Turkish Government also permitted coalition use of airbases in Turkey.

Mr. Speaker, the free elections taking place in Turkey this month underscore our shared commitment to democratic values and institutions. I congratulate the Turkish people on the occasion of these elections.

ADMINISTRATION COMPLETES GOVERNMENTWIDE STUDY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, the administration completed a Governmentwide study, conducted by the Credit Administration Division of the Treasury Department, released January 18, 1991, of the asset management and disposition functions of the various Federal agencies. The report indicates that there is no consistent Governmentwide policy, no coordination of efforts, and no consolidated inventory of the Governmentwide holdings scheduled for disposal. The time has come to address the total problem of asset disposition in the Federal Government and to end the ad hoc policymaking approach that has developed over the past 50 years. To that end, Representative BARNARD and I have developed a plan and proposing legislation to: develop a consistent Governmentwide asset disposition policy; centralize the implementation of the policy; involve the private sector in the process; and develop a highly skilled and well trained Federal work force.

BACKGROUND

Weaknesses, not only in the banking industry, but in other facets of the economy have resulted in the Federal Government taking possession of an enormous amount of real estate, loans, securities, and other assets which must be disposed of in a manner best fashioned to serve the national interest. The responsibilities of Federal agencies disposing of Government assets include:

Disposal of the real estate, loans, securities, and other assets of failed federally insured financial institutions—the Resolution Trust Corporation [RTC], the National Credit Union Administration [NCUA], and the Federal Deposit Insurance Corporation [FDIC];

Disposal of real estate assets acquired as a result of loan defaults—the Federal Housing Administration [FHA], the Department of Veterans Affairs [VA], the Farmers Home Administration [FmHA], the Small Business Administration [SBA], and the Farm Credit System;

Disposal of forfeited assets—the Department of the Treasury, the Department of Justice, and the Department of Transportation;

Disposal of land in the public domain—the Department of Agriculture and the Department of the Interior; and

Disposal of real estate determined to be excess to the Government's needs—the General Services Administration [GSA] and the Department of Defense [DOD]. GSA also disposes of properties for other Federal agencies as a result of various interagency agreements.

In addition to these 15 agencies there are subordinate organizations within the departments that have established real estate sales operations. This fragmentation of responsibility is inefficient and costly to the taxpayers.

The enabling legislation of the agencies assigned them a primary mission of carrying out loan and insurance programs, managing public lands, assisting small business, and law enforcement. Naturally, the bulk of the resources and management attention is devoted to the accomplishment of the programs, with the disposal of acquired assets, primarily real estate, becoming a necessary evil and detracting from the primary mission. The administration's study of the real estate disposition activities revealed that a consistent weakness of the organizational structures of the Federal agencies was that they "have traditional hierarchical structures, extensive service-oriented field office networks * * * primarily staffed to provide benefits and services to their constituents" * * * rather than * * * "the management and disposition of real estate". In fact, of the 15 Federal agencies disposing of real estate assets, only 2 were established with the primary mission of real estate asset disposition. As a result of the Hoover Commission report, GSA was established in 1949, to centralize the property management functions of the Federal Government, including the authority to dispose of surplus Government real estate. As a result of the savings and loan crisis the RTC was established in 1989, to centralize the management and disposition of failed savings and loan associations assets.

The lack of central role for the real estate function had led to nonresponsiveness in adjusting staffing levels to meet current needs. Hiring staff in any of the thousands of field offices in response to an increase in workload takes from 8 to 18 months. And there are thousands of them; FHA, FmHA, and VA alone have over 2,000 field offices. Outdated real property procedures and inadequate training contribute to the problem, with many of the property disposition manuals dating back to the 1970's. Yet, I view the weakness of organizational structure in the real estate management and disposal area as an indication of many of the agencies' strengths. The fact that the agencies are organized to support the programs that the Congress mandated is a credit to management's recognition of the organizations missions. To cast the real estate management and disposition function in a central role would detract from the congressionally mandated programs.

We should not establish agencies to provide benefits and services to their constituents and then ask them to sell real estate. Besides, the chances of a social services agency being successful at that task is no better than real estate companies' chances of succeeding at social work.

Times were much different when the agencies acquiring real estate assets assumed responsibility for the disposition of these assets; the volume was much smaller and the American economy was much different. The well-documented increases in the inventories of the Federal banking agencies is but one example of the gravity of the current situation. The FHA single-family house inventory doubled between 1985 and 1989, and increases were reported by VA and FmHA. The current recession will certainly contribute to the problem of a bloated Federal real estate inventory. The value of the inventory is not known, but estimates range from $30 to $50 billion. Can we afford to delay in recovering as much as 10 to 15 percent of this year's deficit?

The recession and a military base closing in a rural area with a failed savings and loan association, offers the prospect of a dozen Federal agencies attempting an uncoordinated liquidation of an entire community.

THE COUNCIL

The objective is to have one agency with the responsibility of liquidating Federal real estate assets. To begin the task I am proposing the establishment of the Asset Disposition Council which, if successful in establishing sound policies and procedures, would become that agency. The Council will consist of the: Chairman of the Federal Deposit Insurance Corporation, Commissioner of Federal Housing, Administrator of General Services, Administrator of Farm Homes, and Chief Benefits Director, Veterans Benefits Administration.

In addition, the Secretaries of the Departments of Defense, Interior, and Agriculture will appoint nonvoting members to assure their interests are protected. The Chairman of the Council will be selected by the President from among the members. The Council will be authorized for 5 years, will establish Governmentwide asset disposition policy, conduct demonstration projects, submit an annual report to Congress on progress, and make recommendations for a permanent solution. Staff will be assigned by the member agencies from the member agencies competitively appointed work force to work for the Council, with office space provided by the General Services Administration in a location proximate to the member agencies' headquarters. Funds for furnishings, supplies, and other costs will be provided by the member agencies and reimbursed from the proceeds of sales that are generated by demonstration projects. The Council will meet as often as necessary to accomplish its mission, but will meet in open session at least four times per year and when considering major policy changes and demonstration projects.

DEMONSTRATION PROJECT

The Council will be authorized to conduct demonstration projects to evaluate the feasibility of establishing a central servicing agency. The first demonstration project will include the properties currently in the inventory of the Departments of Treasury, Justice, Defense, and Transportation and the properties in the SBA and GSA inventory and the multifamily inventory of FHA and FmHA. These properties and all similar properties subsequently acquired by the forgoing agencies will be transferred to the authority of the Council for disposition. One year from enactment, the Council will take responsibility for the single-family inventories of FHA, VA, and FmHA; 2 years from enactment the Council will be substituted for the Board of Directors of the RTC, bringing those properties under the authority of the council; and 3 years from enactment the properties of the FDIC will be transferred.

The responsibility of the Council is the sale of the real estate assets after all other legal requirements are met. Screening of excess property for use by other Federal agencies or State and local governments would be done as prescribed by current law. The same would hold true for forbearance requirements in the loan programs. Likewise, the proceeds from the sale of the assets would be distributed as provided by current law. There is no intention to change the programs of the agencies, only to establish a central authority to take physical control and, at the appropriate time, sell the real estate asset.

PRIVATE SECTOR CONTRACTORS

The Council will establish asset management and disposition contracts with private sector contractors for the management and disposition of the assets. The contracts will be multiple awards, centrally administered, and with the contractor responsible for securing, managing, appraising, and disposing of the property. Besides the advantage of efficiency, this would provide an additional mechanism for getting a handle on the properties in the Government inventory. The use of private sector contractors will provide better response to change and solve many of the problems discovered during the administration's study of real estate disposition.

CONSOLIDATED INVENTORY

Until now little attention has been paid to a governmentwide inventory of real estate scheduled for disposal. However, the lack of a consolidated inventory makes it difficult to determine the magnitude of the Government's holdings or to predict the expected revenues. The Council will develop and maintain a central governmentwide inventory of all real estate holdings slated for disposal. The Council will look to existing Government computer systems and the private sector to maintain the inventory.

REAL ESTATE INSTITUTE

One of the most important elements in protecting the public interest is a staff that is as highly skilled and as well trained as the private sector contractors. A real estate training institute, under the auspices of the Federal Credit Management Institute, will be established to develop Government employees' real estate management, appraisal, and disposal skills, as well as developing the necessary contracting skills. The institute is intended to develop the skills of the Government employees so they are better able to administer the asset management contracts, but not replace the contractors. The Council will be authorized to negotiate directly with nonprofit professional and industry associations and universities to provide high-quality training at reasonable prices. The institute and its training facilities will be located proximate to the headquarters of the member agencies; will be self-supporting, recovering costs from tuition charges; and will be authorized and encouraged to participate with professional associations in offering courses for accreditation and certification.

A SALUTE TO A FORGOTTEN GENERATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. DUNCAN. Mr. Speaker, heritage and tradition have always pervaded the cultural style of my home district in east Tennessee. This truth becomes most apparent when one speaks with long-time members of my district. This is why I would like to salute the Coulter family descendants. They are a living legacy of what east Tennessee is all about.

Between the ages of 80 and 92, the seven surviving daughters of Andrew Morton Coulter and Leah Gamble Coulter have been upstanding members of the community for nearly a century. These sisters—Edith Marshall, 92 Rose Creech, 90, Jane Whitehead, 88, Florence Headrick, 87, Maude McNelly, 85, Sue Roberts, 83, and Louise Davis, 80—with the exception of Mrs. Davis all currently live in the county in which they were born, Blount County. Mrs. Davis now lives in Knoxville, TN.

These ladies represent the spirit and nature of the Tennessee Valley. Their strong beliefs in hard work, family, religion, and a simplistic lifestyle are reflected in the enthusiasm with which they live their lives.

Sense of family and commitment are among many traits that the Coulter sisters share. Whitehead and Roberts have each been married for 62 years while McNelly has been faithfuly married to her husband Fred for 63 years. The three remaining sisters are widows. The strength of family is also noticeable when considering that the Coulter sisters have 17 children, 38 grandchildren, 45 great-grandchildren, and 6 great-great-grandchildren between them.

It is reassuring to know that we still have people among us who can remember first hand the great tradition and heritage of our country. These ladies have seen this country, and east Tennessee in particular, grow strong through the years. They realize the simple virtues which have made this a great nation. Their strength of character is a tribute to us all.

I ask that an article that appeared in the Daily Times be printed in the RECORD.

SEVEN SISTERS: COULTER SIBLINGS ATTRIBUTE LONG LIVES TO HARD WORK

(By Melanie Tucker)

The seven surviving daughters of Andrew Morton Coulter and Leah Gamble Coulter have enough memories of their lives on the farm near Little River to fill an encyclopedia. They would be listed under "togetherness."

All of these sisters—Edith Marshall, 92, Rose Creech, 90, Jane Whitehead, 88, Florence Headrick, 87, Maude McNelly, 85, Sue Roberts, 83 and Louise Roberts, 80—still live in Blount County with the exception of Davis who resides in Knoxville. The cohesiveness of this family goes much further.

These women grew up with three brothers (the late Abe, Andy and Mose Coulter) and one other sister (the late Grace Phillips) in an era when the words of mother and father meant something, when six days work in the fields were required and Sunday was a day of rest and worship. They each had the same answer when it came to why they thought they had been able to grow old together. It was the hard work that made them strong.

"Work has been a part of me ever since I can remember," Davis said. "Ever since I was big enough to carry a hoe."

Because there were only three Coulter boys, the girls had to pitch in, Davis said. "There was nothing we couldn't do," she said.

The best sight in those days was the rain coming over the mountains, Creech said. She said they would sit on the front porch and wish for the rain to fall on their farm because that meant no field work that day.

But even the rain wasn't a sure sign of a day of rest. If the children got too noisy, their mother would threaten to send them to the "rock field" to pick up rocks. McNelly, Creech and Davis vividly recalled that strenous chore.

Free afternoons were spent either swimming or fishing in Little River and playing on Coulter bridge. Creech remembers a near-drowning experience where one of her brothers had to pull her out, ripping her clothes. Needless to say, Creech has never returned to that spot.

According to the sisters, they all stuck together, never tattling on each other. Creech said one of her fondest memories is when all the girls used to get together and cook a big meal when their parents would go into town on Saturday.

They would kill a chicken, make chicken and dumplings and prepare whatever else they wanted that day. "We had Sunday dinner on Saturday," Davis said. And their parents never knew.

Each of these women still enjoys cooking, and some also garden, like Whitehead, who grows corn, beans, sweet potatoes, cabbage, onions, tomatoes with her husband of 62 years, Charles. They have six living children and one who is deceased, along with 18 grandchildren and 26 great-grandchildren. She said the hard work required of her as a child prepared her for marriage and adulthood. She and her sisters have much respect for their late parents.

"There wasn't any better," Whitehead said.

Headrick said she learned from her parents to respect others, adding, "I like to treat everybody like I want to be treated."

Headrick's husband Paul died several years ago. They have two sons, six grandchildren and three great-grandchildren.

Davis and her husband John have one daughter, two grandchildren and four great-grandchildren. Three of the great-grandchildren are triplets, two boys and one girl.

Creech and her husband, the late Steve Creech, had no children. They married late in life.

The Coulter family attended Pleasant Grove Baptist Church and some of the daughters still do. Four were baptized in Little River.

"We had a Christian upbringing," McNelly said. "We knew what Sunday meant. It was the Lord's day. I still know."

Because Marshall was one of the oldest Coulter children, she was assigned to look after the little ones. She said she remembers some of the spats and arguments that went on between brothers and sisters, but they were still a close family. Marshall's health has been pretty good over the years, and she believes it isn't just coincidence that she and her six sisters have enjoyed long lives.

"God has a purpose for us," she said. She and her husband, Olin, who died 10 years ago, are the parents of five children. There are 12 grandchildren, 11 or 12 great-grandchildren and six great-great-grandchildren.

Another common thread of the Coulter family is their devotion to their mates. The three boys, Abe, Andy and Mose all celebrated their 50th wedding anniversaries before their deaths, and most of the Coulter girls also passed that golden anniversary.

Roberts and her husband James have celebrated 62 years together. She has stayed by his side these past weeks as he recovers from surgery at Blount Memorial Hospital. She said she is proud of the fact she and her sisters have lived as long as they have and also proud of how they have all remained faithful to their spouses.

The couple has one daughter and one son. McNelly and her husband, Fred, have been married 63 years.

Growing up in a large family definitely had its advantages, Headrick said. They didn't have to travel down the road to a neighbor's house whenever they wanted to get a game going. "We had a ball team at home," she said.

HAZARDOUS WASTE: PREVENTION IS THE KEY

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. KOSTMAYER. Mr. Speaker, on August 2, I was joined by 15 of my colleagues in introducing the Pollution Prevention, Community Recycling, Incinerator Control Act, H.R. 3253. As I mentioned in a statement in the RECORD that day, this bill will amend the Resource Conservation and Recovery Act [RCRA] to move the Nation toward pollution prevention and away from the hazards associated with incineration. The bipartisan list of cosponsors has now grown to 37 Members from every section of the country.

Our Nation today is practically drowning in the generation of 500 million tons of hazardous waste each year. About 1 percent of this is now burned in a network of more than 1,100 incinerators, kilns, and industrial boilers and furnaces across the country.

Because hazardous waste incinerators do not completely destroy the waste they receive, their activity poses serious risks to the environment. For example, they release millions of pounds of toxic air emissions that include dioxins, furans, and products of incomplete combustion [PIC's]. According to a 1990 EPA report, "Real-world combustion systems * * * virtually always produce PICs, some of which have been determined to be highly toxic."

Emissions from hazardous waste incinerators also contain millions of pounds of toxic heavy metals such as arsenic, lead, mercury, and 16 other metals identified to date. A 1990 EPA study concluded,

> Risks from the burning of metal-bearing hazardous wastes in incinerators can be unacceptable. Clearly, metals can pose significant health risks.

Yet incinerator permits routinely allow millions of pounds of metals to be legally emitted each year. As much as 50 percent of metals such as lead and mercury are emitted in stack gases.

Hazardous waste incinerators also produce large amounts of toxic ash—EPA estimated 148 million pounds in 1987. The ash represents 9 to 29 percent of the original weight of wastes burned. This ash will be landfilled, ultimately threatening future drinking water supplies with concentrated and volatized heavy metals, PIC's and other highly toxic contaminants.

And according to U.S. census data, these facilities are usually sited in low-income, minority, and rural communities. It is unconscionable to allow communities with the least political clout to shoulder the bulk of the risks posed by these hazardous facilities.

Yet the quantity of hazardous waste that is burned is growing by 20 percent a year, making it the fastest growing method of disposing of hazardous wastes. This growth is no accident. While waste generators seek relatively cheap, liability-free disposal methods, the Environmental Protection Agency [EPA] makes matters worse by encouraging incineration rather than exploring true pollution prevention programs that eliminate the need for the expansion of this dangerous technology.

The EPA's August 21 proposed rules governing boilers and industrial furnaces [BIF's] are an excellent example of the Agency designating extremely weak regulations to allow the expanded use of hazardous waste as a fuel at previously unregulated boilers, kilns, and furnaces. EPA calls BIF's recyclers of hazardous wastes. Others call them what they are—sham recyclers. These facilities were not even designed to burn hazardous waste, yet the cement kiln industry was able to convince the EPA to propose loophole ridden regulations that will legitimize a lucrative and growing business.

Even the so-called high technology commercial hazardous waste incinerators have a poor track record. In May of this year the EPA completed a joint survey with the Occupational Safety and Health Administration [OSHA] of 29 hazardous waste incinerators. They found that 26 out of 29 facilities were cited for EPA violations. One of these facilities, the Chicago Chemical Waste Management incinerator, was temporarily shut down by an explosion in February when an unanticipated mix of hazardous wastes entered the unit.

The EPA claims to be able to monitor incinerator emissions. However, a 1989 EPA report stated,

> It is at present impractical to design a monitoring scheme to identify and quantify the individual toxic compounds in incinerator stack emissions.

Instead, the Agency uses surrogate indicators to monitor incinerator emissions even though the EPA's Science Advisory Board found them unreliable.

It is clear that the rush to burn hazardous waste is having a negative effect on our Nation's ability to come to grips with the volume of wastes generated each year. By insuring unlimited capacity to burn we merely ensure the unlimited capacity to generate waste.

H.R. 3253 would reverse this trend by prohibiting any new hazardous waste incinerators until strict environmental and public health criteria were met and serious efforts were undertaken to reduce the amount of toxic waste that is produced through a program of toxics use reduction [TUR] already underway in several States. For example, in California citizen groups have successfully halted every new commercial incinerator proposed in the last 5 years. As a result, State officials, citing limited incineration capacity, announced an agreement with more than a dozen major firms to reduce their generation of incinerable hazardous waste by 50 percent within 2 years.

The conditions for the permitting of new hazardous waste incinerator capacity outlined in H.R. 3253 include: an establishment of a TUR program with 2- and 5-year goals designed to achieve 50-percent reduction in the amount of toxic or hazardous substances entering the waste stream; proposed incinerators shall not interfere with the implementation of the TUR program; proposed incinerators will not adversely affect the environment or human health; proposed incinerators will not adversely affect the local economy; incinerator applicants shall demonstrate that there is no safer disposal technology; incinerator applicants shall demonstrate that they are in compliance with all Federal and State environmental laws and regulations and must conduct an environmental impact statement consistent with those required by the National Environmental Policy Act.

Mr. Speaker, it is vital that Congress address the twin threats posed by the unbridled growth in the generations of hazardous waste and the enabling growth of dangerous disposal technologies such as incineration. I think H.R. 3253 is a giant step away from flawed waste management policies that perpetuate pollution and end-of-the-pipe solutions. It is time to embrace truly strong pollution prevention strategies. I look forward to working with Mr. SWIFT and members of his subcommittee on reauthorization of RCRA.

LINKING TRADE AND RESPECT FOR FUNDAMENTAL WORKER RIGHTS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. PEASE. Mr. Speaker, the principal U.S. negotiating objectives regarding worker rights and the General Agreement on Tariffs and Trade [GATT] are threefold:

First, to promote respect for worker rights;

Second, to secure a review of the relationship of worker rights to GATT articles, objectives, and related instruments with a view to ensuring that the benefits of the trading system are available to all workers; and

Third, to adopt, as a principle of the GATT, that the denial of worker rights should not be a means for a country or its industries to gain competitive advantage in international trade.

So far, U.S. trade negotiators have not secured any tangible results. I remain hopeful that they can still win approval of substantive progress on this front through their continuing efforts. Following is a recent article I wrote for the Christian Science Monitor that spells out why a breakthrough is urgently needed before this GATT round is concluded.

[From the Christian Science Monitor, Sept. 20, 1991]

GATT SHOULD EMBRACE THE RIGHTS OF WORKERS

(By Don. J. Pease)

The more things change, the more they stay the same. Despite astonishing geopolitical changes in Eastern Europe and the Soviet Union, and despite drastic shifts in world trade patterns, the status quo remains entrenched on labor rights in the multilateral trade negotiations on the General Agreement on Tariffs and Trade (GATT) in Geneva.

More precisely, I refer to the stalled United States proposal for a multilateral GATT working party to examine the relationship of fundamental internationally recognized worker rights (i.e., freedom of association, the right to organize and bargain collectively, and the prohibition of forced and compulsory labor) to the conduct of world trade.

The current GATT negotiations are coming to a head with a package of trade liberalization measures to be embraced or rejected by the U.S. and nearly 100 other trading nations during 1992. American trade negotiators are ready to go to the mat to achieve new rules governing trade in services and farm products and better protecting intellectual property rights. Sadly, the rights of working people who make the products and render the services are being ignored.

Promoting worker rights in international trade is not a new or radical concept. In the past, international agreements and U.S. policy have stated that worker rights and fair labor standards are necessary to an equitable trading system. Still, GATT negotiators persist in spelling out careful rules with regard to capital subsidies, dumping, and property rights to promote fair competition in world trade, but not for workers.

The GATT should renounce and effectively discourage systematic labor repression. Fair competition in world trade should be structured by rules to lift the living standards of workers as well as financiers, corporate managers, entrepreneurs, and consumers.

Accordingly, the GATT should establish a working party to thoroughly review the relationship of fundamental internationally recognized worker rights to GATT articles, objectives, and related instruments for the purpose of fulfilling the GATT preamble, which recognizes that international trade "should be conducted with a view of raising standards of living, ensuring full employment and a steadily growing volume of real income and effective demand."

This working party would try to clearly establish that it is unjustifiable for any country or any of its industries to seek competitive advantage in international trade through the systematic denial of internationally recognized worker rights. The working party's purview would not include consideration of the comparative advantage that many developing countries, with sizable numbers of unemployed workers, derive from lower unit labor costs in different modes of production.

Evidence shows that trade distorted by the systematic denial of basic worker rights is a serious problem for the international community. While many countries—developing, newly industrialized, and developed—are bound by international and national laws to protect such worker rights, the correspondence between law and practice varies greatly.

The GATT, which provides a framework of rules for international trade, is the appropriate forum to deal with the economic impact of competition based on distortions caused by the systematic denial of internationally recognized worker rights. Furthermore, only the GATT has an effective dispute settlement mechanism to uphold respect for fundamental worker rights in the conduct of international trade.

It would be premature for the U.S. or any other country to fashion a detailed proposal on worker rights and trade. That is why we seek a thoughtful working party to develop more information on the incidence and effects of worker-rights violations and what can be done about them. Consideration should be given to making technical assistance available, especially for developing countries, to enhance respect for worker rights in the conduct of trade. The International Labor Organization also could have an expanded role in providing such assistance, in addition to conducting investigations and compiling factual reports that would serve as a basis for GATT consultations and actions.

LEGISLATIVE PAY EQUITY STUDY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to establish a Commission on Employment Discrimination in the legislative branch. This proposal, which I first introduced in the 99th Congress, would direct the Commission to identify and work toward eliminating wage discrimination in the legislative branch.

The wage gap existing between women's and men's earnings and between the earnings of whites and people of color has remained constant for many years. In 1946, women earned 66 percent of men's wages. Today, almost 50 years later, women earn only 68 cents for every dollar earned by men. People of color on average earn less than 75 percent of white males' earnings.

Wage disparities between white men, women, and people of color cannot adequately be explained by lack of education, work experience, or skills. When women are equally qualified for a job, they are still three times more likely to earn lower wages than white men. Wage setting practices are affected by historical sex and race biases resulting in an undervaluation of work and low pay for women and people of color.

Wage discrimination exists despite the passage of the 1963 Equal Pay Act, which made it illegal to pay women less than men for performing equal work. And it exists despite the 1964 Civil Rights Act, which outlaws discrimination in employment and wages on the basis of sex, race, color, religion, and national origin.

It is important to understand the relationship between these two laws. The Equal Pay Act [EPA] guarantees equal pay for identical work. However, the EPA cannot begin to address the wage discrimination facing most women since the majority of women do not work in the same jobs as men. Most women remain segregated in a small number of low-paying, dead-end jobs.Therefore, only the Civil Rights Act's broader prohibition of discrimination in employment and wages can reach these women.

In 1981, the Supreme Court clearly outlined the rights guaranteed by title VII of the Civil Rights Act. Title VII requires that equal pay be extended beyond identical work to include work of equal value—work requiring similar skill, effort, responsibility, and working conditions. If title VII did not encompass this broader scope, the Court stated,

> A woman who is discriminatorily underpaid could obtain no relief—no matter how egregious the discrimination might be—unless her employer also employed a man in an equal job in the same establishment, at a higher rate of pay.

The concept of pay equity, or equal pay for work of equal value, requires that wages be based on the responsibility, skill, effort, and working conditions required for a job, not on the basis of the sex or race of the individual who performs the job. Pay equity studies similar to the one in my legislation have been enacted in 23 States, with 20 States having made some pay equity adjustments, and six States having fully implemented a pay equity plan.

The purpose of my legislation is twofold: first, to identify the existence of discriminatory wage-setting and personnel practices within the legislative branch as a whole, and the Library of Congress specifically; and, second, to develop a comprehensive plan for eliminating any inequities revealed.

My legislation would establish a 13-member, bipartisan Commission comprised of Members of Congress and representatives of labor and management in the Library of Congress. The Commission would hire an independent consultant to conduct a pilot study of compensation paid within and between job classifications in the Library of Congress, and analyze relevant personnel policies and practices. After that, the Commission would make specific recommendations for ensuring compliance with title VII of the Civil Rights Act and the policy objectives of the resolution. Following completion of the Library of Congress study, the Commission would develop a comprehensive plan for pay equity within the legislative branch. The Commission would have 18 months to complete the study and pay equity plan.

Earning a day's pay for a day's work is every person's right. Congress must guarantee its own employees this same right by ensuring a compensation system not riddled with race or sex based discrimination. Please join me in this effort by cosponsoring this legislation to create a Commission on Employment Discrimination in the legislative branch.

CONGRATULATIONS TO THE AMERICA'S KIDS OUTREACH PROGRAM

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. ROWLAND. Mr. Speaker, I have the distinct pleasure of recognizing and congratulating the America's Kids Outreach Program and its director Rev. James R. Cotton of Macon, GA, in my congressional district. America's Kids Outreach Program has not only honored the people of our State but they have also come to our Nation's Capital to perform their special song, "America Don't Let Us Down." This song is an outstanding example of a patriotic kids anthem and should be appreciated by all of those who hear it.

This inspirational song tells of the importance of a safe, beautiful, and free country for our children to grow. It is a cry from America's children to our great Nation for their future. I hope that this song will be spread around the country for the youth of America.

America's Kids Outeach's main purpose is to train a child to choose the right path, and when he is older he will remain upon it. The program teaches our kids to help themselves cope with the peer pressures of today, to become more politically active, and to realize the importance of a good education and self-esteem. The program has workshops, training programs, rap sessions, and field trips to accomplish their admirable goals for the youth of our country.

America's most valuable resource is our children and I am proud to commend America's Kids Outreach Program and extend my best wishes for continued successes.

MIAMI DADE CHAMBER OF COMMERCE HONORS TOP 10 BLACK BUSINESSES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize the top 10 black businesses in Dade County which were honored by the Miami Dade Chamber of Commerce at a corporate business leaders luncheon on October 11 at the Port of Miami.

The luncheon gives recognition to those businesses who have contributed to the development of the communities served by the Miami Dade Chamber of Commerce. The chamber's main service area has been Miami's Liberty City, but it has recently opened branch offices in West Perrine/Richmond Heights in South Dade, and Opa-Locka/Carol City in North Dade.

The chamber lists as its main objectives being a focal point of contact for black businesses, promoting minority networking and encouraging the development of business and economic enterprises. Among the activities the chamber has promoted during the past year included an awards luncheon for Miami Edison High School students, two international receptions for Caribbean and Latin American delegates, and technical assistance to countless businesses and individuals.

The chamber's top 10 black businesses and their owners for 1991 included Basil Bernard of Apricot Office Supplies & Stationery; Gladstone Hunter, Jr., of Arco Drugs, Inc.; Bobby Mumford of B. Mumford & Co.; Dr. Rudolph Moise of Comprehensive Health Center, Inc.; Stephanie Darring of Darring Enterprises, Inc.; Clifton Vaughan of EPS Communications and Electric Power & Services, Inc.; Keith Jennings of Miami Non-Destructive Testing, Inc., R.J. Head of R.J. Construction of Miami, Inc.; Dr. Barbara Gothard of the Gothard Group; and Pamela Watson of Watson & Co., P.A.

I extend my sincere hope for the chamber's continued success, and special thanks to its president, Dorothy Baker. I would also like to take this opportunity to thank all those individuals who contributed so much to the corporate business leaders luncheon including the luncheon chairperson Clive Bridges, and Antonia Junior who chaired the committee which selected the top 10 black businesses.

HONORING COMMANDER BOB LAW, SUPPLY CORPS, U.S. NAVY

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. SISISKY. Mr. Speaker, I rise today to recognize and honor Comdr. Bob Law, U.S. Navy as he retires upon the completion of 20 years of service to the Navy and the Nation.

A distinguished professional, Bob is currently serving as the Military deputy to the Director for Foreign Contracting in the Office of the Under Secretary of Defense for Acquisition. He was chosen for this demanding and important assignment based on his outstanding record as a naval officer and acquisition professional. He is a graduate of Florida State University and the Navy's Acquisition Contracting Officer Development Program. He also holds a masters degree in procurement from the Naval Postgraduate School. In addition to his afloat service deployed overseas as a fully qualified Submarine Supply Corps Officer in USS *Vallejo* (SSBN–658) and USS *Hawley* (AS–31), Commander Law served in acquisition and contracting officer assignments at the Naval Supply Center, Charleston, as well as Naval Regional Contracting Center and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition in Washington, DC.

Many of you remember Bob for his service as the Navy's Liaison for Acquisition and Contracts when he served with the Office of Legislative Affairs here in the Rayburn Building from 1983–87. During that time Commander Law was of service to many in this body by assisting and advising our staffs and constituents concerning the most effective and proper means of conducting business with the Navy. Of particular note was Commander Law's program of congressionally sponsored procurement seminars which has been conducted on behalf of over 100 Members of Congress and have benefited tens of thousands of our constituents.

A man of Commander Law's talent and integrity is rare indeed and while his honorable service will be genuinely missed, it gives me great pleasure today to recognize him before my colleagues and to wish him "Fair Winds and Following Seas" as he brings to a close a long and distinguished career in the U.S. Naval Service.

AFFORDING A COLLEGE EDUCATION

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. TORRICELLI. Mr. Speaker, while most of the news in today's papers focused on Clarence Thomas, I was struck by a headline appearing on page 3 of the Washington Post.

"Tuition at Public Colleges Up 14 Percent This Fall" was the headline. The story went on to say that the increase is the largest since 1982, when the country was mired in its last recession. The average tuition at public 4-year colleges now stands at $2,137 per year.

The story also contained some good news, if you can call it that. Tuition increases at private colleges only increased by 7 percent, which is 1 percentage point lower than last year. However, that percentage still exceeds the rate of inflation by several points. Furthermore, money market funds, short-term Treasury bills and other safe investments are only returning a little over 5 percent. As a result, a 7-percent rate of increase still poses enormous problems for young families striving desperately to put away enough money for their children's college education.

Mr. Speaker, young working families in my district and across the country face obstacles that previous generations never faced. The cost of housing has skyrocketed out of control, the cost of college tuition continues to greatly exceed the rate of inflation, the cost of health care eats up large chunks of their paychecks, and the cost of child care is prohibitive. On top of these rising costs, the average family has suffered as increases in Federal, State, local, and Social Security taxes have combined to take even more money out of their pockets over the past decade.

We cannot delay helping these working families any longer. We must provide them with a mechanism for sending their children to college so that the dream of a college education will be accessible to everyone, and not just the wealthy. We must do so not only in the name of fairness, and in support of the time-honored American principle that demands that every citizen be given the chance to obtain the education and skills he or she will need to succeed, but also to ensure that a well-educated and well-trained work force is available to meet the needs of an increasingly complex and competitive industrial workplace.

Unfortunately, many working families have incomes that are high enough to render them ineligible for Federal higher education grant money, but low enough so that they cannot reasonably be expected to afford to send their children to college on their own. This is especially true in districts like the one I represent in northern New Jersey, where the high cost of living makes current income ceilings grossly unfair.

For example, the present ceiling for Pell grants—the main Federal college grants program—is $30,000 per year. It is simply ludicrous to deny those grants to a family of four making $35,000 per year in the New York City suburbs. That family needs help sending its children to college just as badly as the family making $20,000 per year in a rural, low-cost area of the country, but it is being denied such help because the present Pell grant ceiling has not been adjusted to meet the realities of the 1990's.

The Postsecondary Education Subcommittee recently approved legislation containing an increase in the family income ceiling for the Pell grant program from $30,000 to $50,000. The bill also boosts the maximum grant to $4,500 from the current $2,400. These are sensible reforms that will help our Nation's beleaguered middle-class families provide their children with a college education.

The cost of college is already too high, and annual double-digit tuition increases simply cannot be absorbed by the vast majority of families with children. It's time to give these families a badly needed break, and an excellent start would be swift enactment of these crucial Pell grant reforms.

OVERRIDE THE PRESIDENT'S VETO OF THE EXTENDED UNEMPLOYMENT BENEFITS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. MURTHA. Mr. Speaker, it's easy to understand why the individual citizen doesn't think his voice is being heard in Washington when a President vetoes a much-needed extension of unemployment benefits.

The President's veto defies common sense; denies the reality of the economy in this country; and flies in the face of overwhelming support for the extension in Congress.

Some 368 Members of Congress said the people they represent want extended benefits. The President's hopes of stopping that will depends on him keeping 2 more Senators from agreeing that the extension is needed. That's the margin between the President's veto, and overriding that veto.

Those aren't the only numbers that don't add up. Let's take a look at the numbers in the economic news at the end of last week:

First, retailers said their September sales were even weaker than expected, up about 1 percent over last year by the Merrill Lynch index.

Second, new jobless claims rose in September by another 435,000 continuing a trend that sees no major boost at all in job creation.

Third, and a reflection on military numbers showed that Pentagon plans were to cut over 1 million jobs from the military over the next 5 years—and beginning next year—taking another major force for employment out of the economy.

How in the face of those numbers can the President veto this bill?

In traveling throughout Pennsylvania's 12th Congressional District for the past 4 days, I can tell you that the hundreds of people I talked to don't understand it. And not just the unemployed. Those lucky enough to be working sympathize, businessmen see the problem because they know they don't have room to expand and add jobs. I visited hospitals where personnel are more and more concerned about families putting off health care needs because they don't have insurance or fear the cost of medical care.

It simply can't continue. I'm submitting these remarks to be printed in the CONGRESSIONAL RECORD prior to our override veto in order to bring back to this body the message of the people I talked with this past weekend—approve the extension in unemployment benefits, Congress, because it's needed, it's right, and it's the will of the people.

TRIBUTE TO GERALD T. DAVIS ON THE OCCASION OF HIS RETIREMENT AS DIRECTOR OF MEAD CENTRAL RESEARCH LABORATORY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. McEWEN. Mr. Speaker, I rise today to pay tribute to Gerald T. Davis, who will retire as director of Mead Central Research Laboratories in Chillicothe, OH, at the end of this year.

Jerry's contributions and service to Mead Central Research and the corporation are truly noteworthy. He joined Mead in 1958 as a coating scientist. In the following years, as an investigating scientist and technology manager, Jerry was involved in significant discoveries in such key areas as paper and board coating and finishing, ink jet imaging, carbonless and other encapsulated imaging systems.

He received 17 U.S. patents and several foreign patents during this time as an investigating scientist. Equally important, Jerry has cultivated professional and personal relationships with many individuals in the paper industries and associated support services.

In 1982, Jerry was named director of the Central Research Laboratory. His tenure in this position has been marked by the same skill, dedication, and professionalism that he has demonstrated throughout his distinguished career. He leaves a legacy of excellence, and he leaves a company which is much richer for the contributions he has made.

I wish him the best in his retirement.

HOUSE BANK FULL DISCLOSURE URGED

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 1991

Mr. SMITH of Texas. Mr. Speaker, how is the House going to take up critical bank reform legislation? At this point, it does not have the credibility to do so.

Citizens blame Congress for the savings and loan crisis.

Partly as a result, the Speaker of the House was forced to step down. The third ranking majority party leader resigned. And the chairman of the House Banking Committee was convicted on criminal charges.

But today, American families continue to pay the price.

They pay through devalued real estate, lost family assets, lost businesses, and lost credit.

In part, they pay with lost jobs and uncertain employment.

And now, when citizens should be looking to their elected Representatives to enact a credible, fair banking reform bill to restore confidence and strength in the Nation's financial system, the so-called House Bank is exposed.

Revelations of the scope and kinds of activities of the bank left many Members of the House as dumbfounded and shocked as were citizens.

Up until 2 weeks ago, my perception of the bank was that it disbursed Member's pay checks and provided a way to have a petty cash account for personal use during the legislative day. I always have had my payroll check forwarded to my regular bank and only kept a few hundred dollars in the House bank for petty cash.

When the General Accounting Office [GAO] audit of the House Bank was made public on September 18, I—like many of my colleagues—felt that had not made any overdrafts. I later confirmed that verbally with the bank and then asked for written confirmation.

This review discovered an overdraft 2 years ago on a check for $60. Like many of my colleagues who believe that representative government starts with being accountable, I immediately disclosed the overdraft.

For that one overdraft on a $60 check, I and many of my forthright colleagues continue to be included on every list of Members who have had an overdraft, including those who have been flagrant and repeated abusers of the House Bank.

Most of the 134 Members GAO reported having had overdrafts of $1,000 or more remain silent and anonymous. Likewise, the 24 Members who reportedly had overdrafts of $1,000 or more for 6 months in a row in 1990 have failed to be exposed.

Nevertheless, I continue to believe that full disclosure is the best policy. I am confident that citizens will understand that an individual might have an occasional overdraft.

But citizens do not understand 24 Members having overdrafts of $1,000 or more for 6 months in a row, or how a Member could write a check for more than $10,000 on an empty account and incur no penalty.

Not just accountants and bankers but business persons, professionals, doctors, teachers, husbands, and wives know that what has emerged out of secret is a bank like no bank they know.

The bank Americans know is chartered.

It is regulated by Federal and State banking laws.

It is subject to reporting requirements, inspections, and audits.

A deposit or withdrawal of $10,000 or more is required to be reported to the Internal Revenue Service [IRS].

Yet this extra-legal bank apparently has provided services most chartered banks provide.

It is reported to have distributed more than $40 million last year.

It wired and transferred moneys, bought foreign currency and savings bonds, and issued travelers and cashier's checks.

And it was as a matter of practice providing interest free loans.

Americans know that they cannot receive such services in their community without falling under Federal and State regulation.

They also recognize that the secrecy with which the bank operated even within the House is conducive to wrongdoing.

There are also questions of possible tax evasion.

The 24 Members who the GAO says had overdrafts of $1,000 or more for each of 6 months in early 1990 should have reported free interest as income to the IRS and paid taxes on it.

Did Members overdraw their account and invest the money in interest-bearing accounts? That is a natural question for a citizen to ask.

And, of course, it is crime to intentionally write a check for which there are insufficient funds.

Will citizens trust the leadership of an institution that has harbored such an extra-legal bank to write major new bank reform legislation, legislation critical both to American families, and to national competitiveness?

The answer is, they will not.

They will not so long as Members of the House continue to refuse to accept responsibility for their own actions.

Sending these matters to the House Committee on Official Standards—the Ethics Committee—is seen by most citizens for what it is, an attempt at a coverup.

On October 8, I wrote the chairman of the Ethics Committee and urged that full disclosure begin with the members of his committee. At least four are reported to have refused to disclose whether they had overdrafts at the bank. A copy of my letter follows.

When the committee met, the chairman recused himself. A subcommittee was formed, made up, the chairman said, of "squeaky clean" Members.

But the squeaky clean subcommittee reports to less than forthright members of the full committee. That committee meets unannounced and in secret. It still looks like an attempted coverup, a sham.

Unfortunately, Members did not have an opportunity to adequately study the resolution to close the bank and refer the matter to the Ethics Committee. It was rushed to the House floor by the leadership.

Upon close reading, it says an inquiry should be considered, but is not required. No outside audit is provided for, and the bank records are not ordered impounded. Even the scope of the review is limited to the two most recent GAO audit periods.

That is not good enough for the American people. Only full disclosure of the facts will suffice.

Otherwise, how will they be able to understand and trust the outcome of House-passed banking reform legislation?

Members of the U.S. House of Representatives are sworn to uphold the laws of the land

and the most representative institution of our Government, the House, where "'* * * the people govern."

The present situation is a clear and direct challenge to our Nation's ability to govern itself by law. The economic and political costs of failing to rise to this challenge are unacceptable.

It is inconceivable to me that we are at a point where the American people and a majority of their elected Representatives in the House will not rise to the occasion.

We have no choice.

Full disclosure is required.

Full disclosure of overdrafts, names, number of overdrafts, and amounts.

Full disclosure of the operations of the House bank.

And after full disclosure, appropriate action.

Once done, Americans will again be able to recognize their House, the place where "'* * * the people govern."

They will be able to trust that their elected Representatives are acting in their best interests.

They will have confidence that the Nation's banking institutions will have a reformed legal structure within which to serve the financial needs of American families and the Nation.

All this is possible but only if a high ethical standard is upheld and full disclosure made.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
October 8, 1991.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct, HT2 Capitol, Washington, DC.

DEAR MR. CHAIRMAN: You are respectfully urged to initiate a full and independently verified disclosure of any overdrafts they may have been incurred in the Office of the Sergeant at Arms by any member of the Committee on Official Standards.

The credibility of your committee's House-mandated inquiry into possible abuses at the so-called House bank depends on it.

Published media surveys have disclosed that at least four Committee members have declined to disclose whether they had overdrafts. Of those who said that they had no overdrafts, it is unclear how many were provided verification by the Office of the Sergeant at Arms.

Such independently verified full disclosure is essential.

Committee members may be among the reported 134 House members who had overdrafts of $1,000 or more in a given month. So the possibility exists that a Committee member who has had an overdraft of $1,000 or more may be recommending action on another member who had an overdraft of $1,000 or more.

My constituents and all Americans have a right to know if that is the situation.

Last week, according to The Washington Post, the Speaker stated that ". . . bank secrecy laws . . . would be respected." But citizens' right to full disclosure of House Bank activities is not superceded by the bank secrecy laws.

Since the Speaker and others have invoked bank secrecy laws as a basis for non-disclosure, I am compelled to point out that it is my understanding that neither federal banking laws nor any so-called bank secrecy laws apply to the activities of the Office of the Sergeant at Arms or the members who maintained accounts there.

Members with accounts in chartered banks regulated by federal or state government may appropriately claim a right to personal privacy under the banking laws.

But the Office of the Sergeant at Arms is an institution of the House. It is not a chartered bank. Beneficiaries of its services do not have a claim to privacy under federal banking laws.

Rather, as an institution of the House, its activities and practices must remain open to public inspection.

Where individual member's conduct may draw into question the integrity of the U.S. House of Representatives, the requirement to preserve the integrity of the House as the place where ". . . the people govern" must take precedence over claims of "privacy."

By honoring the House first, we begin the work of putting the House back in order.

Sworn to uphold the institutions of representative government, it is unseemly in the eyes of citizens for members to claim rights of personal privacy when what they really are attempting to assert is a personal prerogative.

Full disclosure of individual member's abuses is the only appropriate and expedient way to resolve the disgrace and disrepute that the House has been put in.

Such full disclosure ought to begin with the members of the Committee on Standards of Official Conduct.

Once done, I urge the Committee to expeditiously provide full disclosure for all members of the House.

The truth will be embarrassing to some, painful to others. But these individual consequences will be nothing compared to the havoc that the continued silence is wrecking on the House.

Representative government begins with accountability.

We have an opportunity now to be accountable.

Sincerely,

LAMAR SMITH,
Member of Congress.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 17, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 18

9:30 a.m.
Veterans' Affairs
To hold hearings on the nominations of Allen B. Clark, Jr., of Texas, to be Director of the National Cemetery System, James A. Endicott, Jr., of Texas, to be General Counsel, Sylvia Chavez Long, of New Mexico, to be Assistant Secretary for Congressional Affairs, and Jo Ann K. Webb, of Virginia, to be Assistant Secretary for Policy and Planning, all of the Department of Veterans Affairs.
SR-418

Select on Intelligence
Business meeting, to consider the nomination of Robert M. Gates, of Virginia, to be Director of Central Intelligence.
SH-216

10:00 a.m.
Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to examine medical malpractice liability issues.
SD-215

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To resume hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.
SD-419

OCTOBER 22

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings to examine the viability of the United States grain inspection system.
SR-332

Select on Indian Affairs
To hold hearings on S. 1315, to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission.
SR-485

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1696, to designate certain national forest lands in the State of Montana as wilderness, and to release other national forest lands in the State of Montana for multiple use management.
SD-366

1:00 p.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To resume hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.
SH-216

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1825, to authorize the sale of Bureau of Reclamation loans to the Redwood Valley County Water District, California, and titles X, XI, XXIV, XXVII, XXIX, and XXX of H.R. 429, Reclamation Projects Authorization and Adjustment Act.
SD-366

2:30 p.m.
Finance
Taxation Subcommittee
To hold hearings on S. 1787, to encourage the sale of real property held by the Resolution Trust Corporation by allowing a credit against income tax to purchasers of such property.
SD–215

OCTOBER 23

9:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.
SH–216

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.
334 Cannon Building

9:30 a.m.
Governmental Affairs
To resume hearings to examine the employment and promotion opportunities in the Federal Government for women and minorities.
SD–342

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on miscellaneous energy and water development bills, including S. 1618, S. 724, S. 1370, S. 1806, S. 1812, and titles XII, XXI, XXII, XXVI, and XXVIII of H.R. 429.
SD–366

OCTOBER 24

8:45 a.m.
Office of Technology Assessment Board meeting, to consider pending business.
EF–100, Capitol

9:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.
SH–216

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings to review Federal shipchartering practices.
SR–253

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 144, to authorize funds to protect the natural and cultural resources of the Grand Canyon and Glen Canyon, and to continue hearings on H.R. 429, to authorize funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles XVI, XV, XVIII, and XXV.
SD–366

OCTOBER 25

10:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.
SH–216

OCTOBER 29

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1622, to revise the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees.
SD–430

Select on Indian Affairs
To hold joint hearings with the House Committee on the Interior on H.R. 1476, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona.
SR–485

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on reducing foreign material limits in official soybean standards.
SR–332

OCTOBER 30

10:00 a.m.
Environment and Public Works
To hold hearings on the nominations of E. Gail de Planque, of New Jersey, to be a Member of the Nuclear Regulatory Commission, and Herbert Holmes Tate, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency for Enforcement and Compliance Monitoring.
SD–406

POSTPONEMENTS

OCTOBER 17

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider pending calendar business.
SR–332

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on implementation of the Department of Energy's joint venture program for renewable energy.
SD–366